

**QLDC Council**  
**11 August 2022**

**Report for Agenda Item | Rīpoata moto e Rāraki take [4]**

**Department: Community Services**

**Title | Taitara: New Reserve Lease to the Queenstown Kayak Club for a Recreation Storage Facility on Jubilee Park, Queenstown**

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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- 1 The purpose of this report is to consider granting a lease pursuant to Section 54(1) of the Reserves Act 1977, to the Queenstown Kayak Club (QKC). The Queenstown Kayak Club seeks to establish a 30m<sup>2</sup> recreation storage facility on Jubilee Park, Park Street, Queenstown.
- 2 A hearing was held on 28 June 2022 to allow submitters and objectors to appear and speak in support of their written submission or objection. Upon consideration of all submissions and objections, the Hearing Panel of Councillor Ferguson and Councillor Lewers has sought revisions and conditions on the proposed lease, and makes the recommendation below.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Notes** the contents of this report;
2. **Approves** under Section 54(1)(b) and (c) of the Reserves Act 1977, a new lease to the Queenstown Kayak Club over the Jubilee Park Recreation Reserve, for the purpose of a recreation storage facility, subject (but not limited to) to the following conditions:

Commencement	TBC
Term	5 years
Renewal	One further term of 5 years by agreement of both parties, and subject to Council being satisfied that the QKC has appropriately managed their activity during the course of the term.
Rent	Subject to the Community Facility Funding Policy (\$1 per annum at commencement).
Permitted use	Recreation storage facility for kayaks and associated equipment for the water-based activities of the club. All equipment and articles associated with the club's

activities must be stored inside the shed, and the location kept in a clean and tidy state. The facility and lease is for storage only, to assist the club to access the lake for their activities, and no social functions, BBQs or gatherings are permitted on the reserve. No electricity can be provided to the facility.

Insurance	Lessee to hold Public Liability Insurance of at least \$2,000,000.
Tree Management	The lessee will be responsible for implementing a tree management plan for the licence area and immediate vicinity. Council will require the planting of vegetation to assist the screening of the facility from western views, and this will likely compromise of two or three pittosporiums (or other vegetation) on the west elevation of the facility.
Termination	Council can give 2-years cancellation notice.

3. **Approve** the exercise of the Minister’s consent (under delegation from the Minister of Conservation) to the granting of a new lease to the Queenstown Kayak Club, over Lot 2 DP 316049.
4. **Delegate** final lease terms and conditions and signing authority to the General Manager Community Services.

Prepared by:



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19/07/2022

Reviewed and Authorised  
by:



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Approved by:



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Acting General  
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21/07/2022

## CONTEXT | HORPOAKI

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- 4 The Queenstown Kayak Club (QKC) seeks to establish a recreation storage facility on Jubilee Park, located on Park Street, Queenstown. The QKC has approximately 40 members. The intent of the facility is to store kayaks and other equipment associated with the clubs' recreational activities, for the enjoyment of its members. Plans to illustrate the facilities dimensions and location are included in **ATTACHMENT A** of this report. The facility dimensions are 7.5m x 4m, with a height of 2.5m. The walls will be clad in wood panels, and the roof will be a combination of painted roofing iron and clear panels to allow light. The colours are intended to be recessive so that the facility will rest comfortably within its context and not detract from the character of the surrounds.
- 5 The QKC has been granted Resource Consent RM210589 for the facility. The assessment under the Resource Management Act 1991 (RMA) addressed potential effects on the environment, and persons. The Hearing Panel acknowledges the consideration of effects on persons and the environment, and requirements of the RMA.
- 6 The consideration under the Reserves Act 1977 is more aligned to the use of the reserve itself, and how the reserve can fulfil its purpose to accommodate recreation activities and provide for the enjoyment of users of the reserve.
- 7 The Jubilee Park recreation reserve has an area of 4,545m<sup>2</sup>, and its legal description is Lot 2 DP 316049. The reserve is not covered by a Reserve Management Plan (RMP).
- 8 The proposal was initially publically notified on 11 November 2021, with the closing date for submissions/objections being 10 December 2021. That notification period did not fulfil the term requirements of Section 120(1)(b) of the Reserves Act 1977, so the proposal was again notified on 31 March 2022, with submissions closing on 6 May 2022. The second notification further clarified the proposed activity and identified that a lease is proposed. Overall, forty two submissions were received.
- 9 A new permission pursuant to Section 54(1) of the Reserves Act 1977 has been proposed to enable the facility. Whilst a term of 10 years was initially proposed, the Hearing Panel recommends a five year term, with a five year right of renewal subject to the clubs activities being appropriate during the term.
- 10 The location identified for the facility within Jubilee Park, is in the western corner of the reserve, adjacent to the conifer hedge planted along the Park Street boundary. Aside from the proposed recreation facility, the balance of the reserve will still be available for public use and recreation.
- 11 As a matter of greater context, it is not uncommon for clubs and community service groups to have facilities on reserves, such as:
  - Wakatipu Rowing Club building, Lake Hayes, Recreation Reserve
  - Wānaka Watersports Facility, Roys Bay Recreation Reserve
  - Wānaka Coastguard Marine Rescue Centre, Eely Point Recreation Reserve

- Coastguard Queenstown, Frankton Marina Reserve
- Queenstown Scout Group, Frankton Marina Reserve

12 Councillors Lewers and Ferguson formed the hearing panel, and considered the submissions and objections received.

### **ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU**

13 The consideration process follows that required by the Reserves Act 1977.

14 Section 54(1)(b) of the Reserves Act 1977 provides that Council may grant a lease with the prior consent of the Minister to a voluntary organisation over part of the reserve to erect buildings and structures associated with, and necessary for, the use of the reserve for recreational activities. The QKC is a voluntary organisation that provides services that enable the reserve to be used for recreational activities, associated with kayaking upon Lake Whakatipu.

15 Section 54(1)(b) also provides that buildings or other structures may be built for public recreation that is not directly associated with outdoor recreation, if the Minister provides consent and considers it to be in the public interest. This consent has been delegated to Council, and it is considered that the provision of a recreation facility to meet the needs of an established recreational club is in the public interest.

16 Under section 54(1)(c) the Council may grant a lease with prior consent of the Minister to a voluntary organisation over part of the reserve for recreational activities where the preparation and maintenance of the area for such recreational activity requires the voluntary organisation to spend a sum of money that in the opinion of Council is substantial. As above, the QKC is a voluntary organisation and seeks to provide services that enable the reserve to be used for recreational activities. It is considered that the sum of money the QKC will spend on construction of the building is reasonably substantial for a club activity funded by its limited members.

17 Under both sections 54(1)(b) and 54(1)(c) of the Reserves Act 1977, Ministerial consent is required before a lease can be granted over a reserve. This consent has been delegated to Council.

18 As a potential lease to the QKC is not contemplated by a Reserve Management Plan, section 54(2) of the Reserves Act 1977 required that any lease must be publically notified in accordance with section 119. The hearing of the resultant submissions and objections was in accordance with section 120.

19 Forty two (42) public submissions were received. Two submitters spoke at 28 June 2022 the online hearing, being:

- Mr Graeme Todd on behalf of Sir John Stratton Davies, Ernest Henshaw and Lynda Hensman.
- Mr Bryce Irving on behalf of the QKC.

20 The submissions have been formatted and incorporated into a table for ease of reference (**ATTACHMENT B**).

21 Of the submissions, the positions and associated number are as follows:

Number	Position
3	Oppose
39	Support

22 The following general themes summarise the submissions and objections

#### Oppose

- The club will expand their activities over a greater area of the park, and this could affect public usage and diminish green space.
- Traffic effects on the adjacent road network and grass verges, such as parking and sight lines. There is a hazard for persons crossing and using the road.
- A 10 year term is too long, and a licence is not applicable as a permission.
- Potential effects to adjacent residential amenity.
- Alternative locations should be considered.
- There are no toilet facilities for club members.

#### Support

- The recreation storage facility is necessary to support the club, who must vacate their current location and have sought to find alternate locations, with Jubilee Park being the most tenable option.
- The location of the facility is low impact and mostly screened by existing vegetation, and is also on an active travel network that facilitates access.
- The reserve and proposed lease location are very close to the lake and suited to the nature of lease sought.
- The facility will provide for the wellbeing of the club and kayak community, and will be an asset to support recreational activities.

23 Councillors Lewers and Ferguson conducted a site visit on the morning 29 June 2022, as part of the consideration of the submissions/objections, and to fully consider the matters raised at the hearing. Whilst the site visit was initially scheduled for the morning of 28 June 2022, it was delayed due to unforeseen circumstances. However, the benefit of conducting the site visit on 29 June 2022, was that the Hearing Panel was better informed

of the concerns of objectors in particular, and was therefore able to afford particular attention to the matters raised in the hearing. Deliberations occurred following the site visit.

- 24 The Hearings Panel has given full consideration to the submissions/objections received and determined the extent to which the submissions/objections have been allowed or accepted, or disallowed or not accepted. The hearing panel has decided to recommend the approval of a lease subject to revised conditions to address the concerns of objectors who reside in the area. These relate to a more precise description of the permitted activity, vegetative screening, and reducing the proposed term from 10 years, to five years with a right of renewal of five years provided the club undertakes its activities upon the reserve in a responsible manner.
- 25 The Hearing Panel acknowledges that resource consent RM210589 has been approved, and that matters relating to effects on persons and the environment, including neighbours have been addressed.
- 26 All submitters and submissions have been considered equally, and this included equal consideration of written and oral submissions.
- 27 Option 1 Approve the lease.

*Advantages:*

- 28 The Council would support a recreational club by providing the ability for them to establish a recreation storage facility, subject to terms and conditions.
- 29 Resource Consent RM210589 has been approved for the activity, and the relevant assessments required under the RMA have been conducted.

*Disadvantages:*

- 30 Would restrict the use of the reserve land occupied by the lease for other activities, albeit that the reserve is a large size and the location chosen will not significantly impact upon recreational use.
- 31 Nearby residents are not supportive of the facility.

- 32 Option 2 To decline the Lease.

*Advantages:*

- 33 Would not restrict the use of the reserve for other recreational activities.
- 34 Nearby residents may prefer the reserve is not used for the recreational storage facility.

*Disadvantages:*

35 The QKC would need to look at other locations, and in all likelihood obtain a new resource consent.

36 This report recommends **Option 1** for addressing the matter because the lease is of a limited term, and conditions are recommended to ensure the activity is appropriately managed.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

37 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a high level of community interest for the public and users of Jubilee Park.

38 The persons who are affected by, or interested in this matter, are the residents/ratepayers of the Queenstown Lakes District and visitors to, and users of, Jubilee Park.

39 The proposal has been notified in accordance with S119 of the Reserves Act 1977.

40 The hearing was undertaken in accordance with S120 of the Reserves Act 1977.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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41 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a High inherent risk rating, because it is associated with the management of community assets. It is however recognised that the lease being sought, has gone through a public process to ensure it is supported, prior to being considered by full Council.

42 This matter relates to this risk because it is dealing with issuing a lease over land that is a community asset. The risk is mitigated by only considering a lease for a five year term, with a conditional right of renewal for five years.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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43 If a lease is approved, any rental would be at \$1 per annum, under the Community Facility and Funding Policy.

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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44 The following Council policies, strategies and bylaws were considered:

- Reserves Act 1977.
- Community and Funding Policy.
- Local Government Act 2002.
- Parks & Open Spaces Strategy 2021.

- Proposed and Operative District Plan.

45 The recommended option is consistent with the principles set out in the named policies.

46 This matter is not included in the Ten Year Plan/Annual Plan, and will not have any impact on it.

#### **LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE**

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47 The consideration process follows that required by the Reserves Act 1977.

#### **LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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48 Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act because it will support a community activity.

49 The recommended option:

- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

#### **ATTACHMENTS | NGĀ TĀPIRIHANGA**

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A	Plans
B	Public Submissions