

Community & Services Committee

2 April 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [1]

Department: Community Services

Title | Taitara: Queenstown Bay Foreshore Reserve Management Plan Amendment

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider a minor amendment to the existing Queenstown Bay Foreshore Reserve Management Plan 2016 to clearly align with the Queenstown Lakes District Council (QLDC) Outdoor Dining on Public Space Policy 2024.

Recommendation | Kā Tūtohuka

That the Community & Services Committee:

1. **Note** the contents of this report;
2. **Recommend** that the Council amend the Queenstown Bay Foreshore Reserves Management Plan 2016 to include a new policy that allows for Outdoor Dining Licences in areas where they are already occurring, specifically around Earnslaw Park and at The Bathhouse.

*“Specific Policy – Zone 2 – Boat ramp adjoining St Omer Park to Town Pier; and
Specific Policy – Zone 3 – Town Pier to Horne Creek*

Allow Table and Chair Licences/Outdoor Dining Licences directly associated with immediately adjoining Restaurant, Café or Licenced Premises, where appropriate.”

- Page 6 - Specific Policy – Zone 2 – Boat Ramp Adjoining St Omer Park to Town Pier Policies - *“Allow Table and Chair Licences/Outdoor Dining Licences directly associated with immediately adjoining Restaurant, Cafe and Licenced Premises, where appropriate”.*
- Page 7 - Specific Policy – Zone 3 – Town Pier to Horne Creek Policies - *“Allow Table and Chair Licences/Outdoor Dining Licences directly associated with immediately adjoining Restaurant, Cafe and Licenced Premises, where appropriate”.*

Prepared by:



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5 March 2024

Reviewed and Authorised by:



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Title: GM Community Services
7 March 2024

Context | Horopaki

1. The Queenstown Bay Foreshore Reserves Management Plan (RMP) was adopted in 2016. The RMP is a high-level plan that sets out policies and objectives for the management and protection of Queenstown Bay's key reserve areas, broken into four distinct zones. Two of these zones have cafe and/or restaurant premises that have tables and chairs on the recreation reserve land.
2. Council has a Tables and Chairs in Public Space Policy 2020 that places controls over Table and Chair/Outdoor Dining Licences in public space to ensure that pedestrian flow is maintained and that visual amenities are not compromised. A Table and Chair Area or Outdoor Dining Area is defined as a public space used for the consumption of food and beverages in association with a lawfully existing licenced premises, restaurant and/or café.
3. A review of this policy commenced in 2023 and it's been renamed the Outdoor Dining on Public Places Policy. The draft was publicly notified in February 2024. The review is still underway, but the intent is the same as the previous policy. Licenses issued under the new policy will be called Outdoor Dining Licences.

Analysis and Advice | Tatāritaka me kā Tohutohu

4. All of the district's existing Table and Chair Licences on public reserve land, with the exception of one in Wānaka, are in Queenstown Bay. A minor amendment to the RMP is proposed to ensure alignment with the new Outdoor Dining on Public Places Policy (the Policy). There is no change in activity on reserve land resulting from this amendment.
5. Without this change it may not be clear that this commercial activity is specifically anticipated in Zones 2 and 3 of the RMP, therefore a separate process could be required under the Reserves Act when licences for outdoor dining are being created, renewed, or transferred. This causes confusion and inefficiencies in process by requiring two sets of approvals for the same commercial activity. The review of the Policy has highlighted this issue.

6. The RMP outlines general policies and objectives, and four zones with specific policies and objectives.
7. Zone 2 is the boat ramp adjoining St Omer Park to the Town Pier. It is the area where most commercial activity exists. The area is characterised by a pedestrian promenade along the lake edge and a mix of open space areas, including Earnslaw Park, and several commercial wharves adjoining the foreshore reserves. Several Table and Chair Licences for adjoining Restaurant and Café premises have been granted for occupation of parts of this reserve area.



Figure 1: Zone 2 of the Queenstown Bay Foreshore RMP

8. Zone 3 – Town Pier to Horne Creek includes the main beach in Queenstown, the Town Pier, Marine Parade promenade, Memorial Gates, Marine Parade Park, and Horne Creek. The area is used for passive and active recreation with a low level of commercial activity, catering mainly for non-motorised commercial activity and an existing restaurant, The Bathhouse.



Figure 2: Zone 3 of the Queenstown Bay Foreshore RMP

9. Table and Chair Licences are mentioned in the existing RMP in the following places:
 - Page 2 – Description of Zone 2 – “Several table and chair licences have been granted for occupation of parts of this reserve area”.

- Page 4 – General Objectives and Policies for All Reserves – “To allow appropriate table and chair occupation of reserves”.

10. A minor amendment to the RMP, to clearly identify where this commercial activity is already occurring in Zone 2 and 3, is proposed. This change will also ensure the RMP and the new Outdoor Dining Policy are aligned. Additional policies for Zone 2 and Zone 3 should be inserted as follows:

- Page 6 - Specific Policy – Zone 2 – Boat Ramp Adjoining St Omer Park to Town Pier Policies - “Allow Table and Chair Licences/Outdoor Dining Licences directly associated with immediately adjoining Restaurant, Cafe and Licenced Premises, where appropriate”.
- Page 7 - Specific Policy – Zone 3 – Town Pier to Horne Creek Policies - “Allow Table and Chair Licences/Outdoor Dining Licences directly associated with immediately adjoining Restaurant, Cafe and Licenced Premises, where appropriate”.

11. A version of the RMP that includes this amendment is included as **ATTACHMENT A**.

12. S41(9) of the Reserves Act 1977 provides for Council to undertake a minor amendment to a RMP, provided it determines that the review prompting the amendment is not “comprehensive”. As this is an administrative change, that will not change the use or activity on the reserve, it is not considered comprehensive. Therefore, neither full public notification nor a hearing is required.

13. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

14. Option 1 Adopt the amendment to the RMP.

Advantages:

- Adopting the amended RMP will recognise and allow for Outdoor Dining/Table and Chair Licences around Earnslaw Park and The Bathhouse where they are already occurring.
- It will enable clear and efficient implementation of the new Outdoor Dining on Public Places Policy 2024.

Disadvantages:

- None.

15. Option 2 Do not adopt the amendment to the RMP.

Advantages:

- None.

Disadvantages:

- Without this change it may not be clear that this commercial activity is specifically anticipated in Zones 2 and 3 of the RMP, therefore a separate process could be required under the Reserves Act when licences for outdoor dining are being created, renewed, or transferred. This causes confusion and inefficiencies in process by requiring two sets of approvals for the same commercial activity.
- The implementation of the new Outdoor Dining on Public Places Policy 2024 may not be implemented clearly and efficiently in an area where the commercial activity is already occurring.

16. This report recommends **Option 1** for addressing the matter as it will ensure a clear policy that allows for Outdoor Dining Licences where they are already occurring, specifically around Earnslaw Park and at The Bathhouse, and avoid the duplication of approval processes.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

17. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because it is predominantly an administration change.
18. The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes District, visitors to the Queenstown Bay Foreshore and businesses who have a Table and Chair Licence.
19. The Council has not undertaken any consultation on the RMP because it is a minor amendment that will not change the use of the reserve, as outlined under s41(9) of the Reserves Act 1977. The Outdoor Dining Policy was publicly notified in February 2024 and is open for public feedback until 24 March 2024.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

20. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10035 Ineffective business processes within the QLDC Risk Register. This risk has been assessed as having a low residual risk rating.
21. The approval of the recommended option will allow Council to manage the risk. This will be achieved by ensuring efficient and aligned Council processes.

Financial Implications | Kā Ritēka ā-Pūtea

22. There will not be any additional operational or capital expenditure requirements.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

23. The following Council policies, strategies and bylaws were considered:

- Vision Beyond 2050: Our Vision and Mission – QLDC
- Queenstown Bay Foreshore Reserves Management Plan 2016
- Reserves Act 1977

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

25. This matter is not included in the Long Term Plan/Annual Plan and will not have any impact on it.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

26. 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 because it provides support for a community activity. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

27. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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 | Kā Tāpirihaka

A	Amended Queenstown Bay Foreshore Reserve Management Plan
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