

**QLDC Council**  
**29 October 2020**

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

**Department: Community Services**

**Title | Taitara Creative Queenstown Markets - Earnslaw Park – New Reserve Licence**

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

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The purpose of this report is to consider granting a new licence to the Creative Queenstown Markets over reserve land at the Earnslaw Park in Queenstown, legally described as Sections 6-18, 27, Block XV, Queenstown.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report;
2. **Approve** a new licence under Section 54(1)(d) of the Reserves Act 1977 to the Creative Queenstown Markets for the purpose of holding the Arts & Craft Market on Recreation Reserve known as Earnslaw Park (refer to Attachment A), with legal description Sections 6-18, 27, Block XV, Queenstown, subject to the following terms and conditions:

Commencement	TBC
Term	Five (5) Years
Rent	\$1 per annum pursuant to Community Facility Funding Policy
Reviews	At renewal or when Community Facility Funding Policy is reviewed
Renewals	One renewal by agreement for a further five (5) years
Use	Community Arts & Crafts Market
Duration	To be held each Saturday during the year with the option to include 9 extra Fridays (to be approved by Council annually)
Insurance	\$2 million public liability insurance cover

Termination	Either party able to terminate the license by giving the other party 12 months' notice in writing
Special Conditions	<p>Licensee must ensure they hold any required resource consents for the activity.</p> <p>Licensee shall not be entitled to sell machine manufactured or imported goods.</p> <p>Licensee shall not erect any buildings, structures or other improvements other than temporary stalls, stands and displays.</p> <p>No vehicles are to be driven or parked on the reserve.</p> <p>Council to retain the ability to nominate revised operational requirements to manage effects from the activity.</p> <p>Council to retain the ability to suspend the license should works be required to the reserve or for town development and infrastructure purposes.</p>

3. **Approve** subject to Land Information New Zealand consent, that a sublease be granted to the Creative Queenstown Markets to occupy the Crown lakefront being Part Section 74 Block XX Shotover Survey District [as indicated on Attachment A.]
4. **Agree** to the exercise of the Minister's consent under delegation from the Minister of Conservation to the granting of a licence to the Creative Queenstown Markets over Section 6-18, 27, Block XV, Queenstown.
5. **Delegate** final licence terms and conditions and signing authority to the General Manager Community Services.

Prepared by:



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9/10/2020

Reviewed and Authorised by:



Aaron Burt  
Senior Parks and Reserves  
Planner

13/10/2020

Approved by:



Thunes Cloete  
General Manager  
Community Services

13/10/2020

## CONTEXT | HORPOAKI

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- 1 Creative Queenstown currently holds a licence pursuant to Section 54(1)(d) of the Reserves Act 1977 to operate an Arts and Crafts Market on Saturdays and nine Friday's throughout the year, upon Earnslaw Park. The land has the legal descriptions Sections 6-18, 27, Block XV, Queenstown and is classified Recreation Reserve.
- 2 The original licence was granted in 2008 for a period of three years with one right of renewal and was subject to a public notification process and consent of the Minister of Conservation due to the Recreation Reserve status of the land. This licence allowed the market to operate on Saturdays throughout the year.
- 3 This licence was subsequently extended for a further six years which is now complete. During the extended term, Creative Queenstown were permitted to operate additional weekday markets on four Wednesdays and five Fridays each year, as approved by Council.
- 4 A further new licence term is now being sought to operate on nine Fridays each year in addition to the existing Saturday market. Wednesday markets are no longer undertaken or envisaged under the proposed term.
- 5 Creative Queenstown Markets has operated successfully during the previous licence terms, and collaboratively manages their effects on the reserve with the Council for the benefit of the public.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 6 Creative Queenstown has, during past terms, proven to be a well-managed, considerate and cooperative community group occupying reserve land, and provides vibrancy to the Queenstown Town Centre and will likely act to bring people into the Town Centre helping to mitigate some effects created in the short term from the impact of COVID-19.
- 7 Their criteria for the goods sold at the market continues to be that the goods must be made by the individual stallholder and not be manufactured or imported items.
- 8 Considering the limited disruption from previous markets and the vibrancy the market adds to Queenstown, we suggest it is appropriate to notify the licence for a new term of five years with a further five years right of renewal.
- 9 The Council is also conscious that the town centre is likely to undergo considerable development works during the first term of the licence. The proposed clauses include an ability to suspend the market by Council, should that be required for development works or parks improvements to take place.
- 10 Recreation reserve licences typically require public notification under the Reserves Act 1977 but this legislation specifies that it is not required where it is "in conformity with and contemplated by the approved management plan". Policy – Zone 2 of the Queenstown Bay Foreshore Reserves Management Plan allows "consideration of commercial and community activities of a temporary nature that are of public benefit e.g. Markets". Therefore, notification of a new licence for the markets is not required.

11 As the markets intend to also occupy a part of the Crown lakefront leased by the Council from Land Information New Zealand, part of the occupation will be legalised via a sublease in this area as indicated in Attachment A.

12 Option 1 To approve a new licence to the Creative Queenstown Markets over Sections 6-18, 27, Block XV, Queenstown subject to the recommended terms and conditions.

*Advantages:*

13 The licence is likely to increase the use of the reserve by both locals and visitors alike.

14 Approval of a new lease will enable the Creative Queenstown Market to operate on the reserve, increasing the vibrancy to the town centre and will act to bring people into the town centre.

*Disadvantages:*

15 The market may create disruption to surrounding residents and businesses due to increased activity on the reserve.

16 The market may increase the likelihood of damage to the reserves grass areas and trees.

17 Option 2 To decline the licence request by the Creative Queenstown Markets.

*Advantages:*

18 Will not create disruption to surrounding residents and businesses due to increased activity on the reserve.

19 Will not increase the likelihood of damage to the reserves grass areas and trees.

*Disadvantages:*

20 Would not increase the use of the reserve by both locals and visitors alike.

21 Would not increase the vibrancy to the town centre or act to bring people into the Town Centre.

22 This report recommends **Option 1** for addressing the matter because it allows a local market to operate on the reserve and support local producers and the wider community.

## **CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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

23 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as the land it relates to is not identified as a significant asset, and the proposal will modify the character of the reserve to facilitate a recreational use.

- 24 The persons who are affected by or interested in this matter are local businesses and residents/taxpayers of the Queenstown Lakes District with an interest in the reserves.
- 25 As the Council is proposing a reserve licence for management and use of reserve land, the licence must be notified in accordance with section 119 of the Reserves Act 1977. This will provide for public notification of proposal, seeking any public feedback. In addition to this notification, it is proposed to re-inform Delta and Aurora seeking any final feedback from them.

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

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- 26 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. It is however recognised that the licence being sought goes through a public process to ensure it is supported, prior to being considered by full Council.
- 27 This matter relates to this risk because it is dealing with issuing a licence over land that is a community asset.

### **FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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- 28 The Queenstown Creative Market is a not for profit organisation with the proceeds being attributed to the operational costs. Accordingly, the proposed rent charge is \$1.00 (if demanded)

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

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- 29 The following Council policies, strategies and bylaws were considered:
- Queenstown Bay Foreshore Reserves Management Plan, 2016
  - Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan, 1991
- 30 The recommended option is consistent with the principles set out in the named plans.
- 31 This matter is not included in the Ten Year Plan/Annual Plan and will not have any impact on it.

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

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- 32 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by permitting and event that supports the local community and town centre vibrancy: and
  - 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	Site Plan
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# Earnslaw Park



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Scale: 1:1,128

Map Date:  
25/09/2020



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