

STATEMENT OF PROPOSAL

**IN ACCORDANCE WITH THE SPECIAL CONSULTATIVE
PROCEDURE of the LOCAL GOVERNMENT ACT 2002**

**Partial Review of the Queenstown Bay Foreshore Reserves
Management Plan 2016, to Include a New Commercial Area
in the St Omer Park Recreation Reserve**

PROPOSAL

Hydro Attack Limited seek to establish a new commercial wharf and associated facilities within Queenstown Bay in Lake Whakatipu (generally opposite Brunswick Street). Hydro Attack require access over the St Omer Park Recreation Reserve, should resource consent (RM200053) be approved for their development.

The Queenstown Bay Foreshore Reserves Management Plan 2016, does not allow commercial activities in this location, and instead seeks to manage the area of the St Omer Park Recreation Reserve for passive recreation activities and enjoyment of the lakes edge, free of commercial activities.

The Community and Services Committee has recommended to Full Council that the Reserve Management Plan be partially reviewed, to consider commercial activities in a defined area of the St Omer Park Recreation Reserve.

On consideration of a recommendation by the Community and Services Committee, on 3 June 2021 the QLDC Full Council approved the following actions:

Recommendation from Community & Services Committee, 20 May 2021: Request from Hydro Attack Limited to review the Queenstown Bay Foreshore Reserve Management Plan 2016

- a) Agree a partial review of the Queenstown Bay Foreshore Reserve Management Plan 2016 (RMP) and amend zone 1 policies and map to include a new commercial activity area; the amended RMP will be prepared and publicly notified using the special consultative procedure under the LGA 2002 with a one-month notification period and a hearing, if submissions are received;*
- b) Agree that subject to the partial review being approved for public consultation, the hearing panel recommendations shall be brought to the full Council on or before the end of the calendar year 2021; and*
- c) Appoint Councillors Copland, Miller and Shaw to a hearings panel to hear and consider submissions received.*

CONSULTATION

The proposal to amend the RMP either must follow the extensive consultation process in the Reserves Act 1977 or special consultation procedure in the Local Government Act 2002 (LGA). The extensive consultation procedure in section 41 of the Reserves Act 1977 is required for a review of a reserve management plan that Council considers is a “comprehensive review”. This proposed partial review seeks to include a new policy, specific to a defined area of the St Omer Park Recreation Reserve.

Council must give consideration to the views and preferences of persons affected by the proposal in accordance with section 78 of the LGA 2002. Commercial activities in Recreation

Reserves, particularly when the Reserve Management Plan for the area was recently approved in 2016 and specifically excludes the commercial activity sought to be enabled by the amendment, are a matter of high public interest to the community, and the community expect an opportunity to put forward their views. Council therefore considers that it is appropriate to use the special consultative procedure outlined in section 83 of the LGA 2002.

This statement of proposal has been prepared in accordance with the requirements of the LGA 2002.

REASON FOR PROPOSAL

To allow for public consultation associated with the proposal to partially review the Queenstown Bay Foreshore Reserves Management Plan 2016, to enable a new commercial area in the St Omer Park Recreation Reserve, requested by Hydro Attack Limited.

PROPOSED PARTIAL REVIEW AND AMENDMENT TO THE QUEENSTOWN BAY FORESHORE RESERVES MANAGEMENT PLAN 2016

The Reserve Management Plan is proposed to be amended by including the following potential policy:

Accommodate a licence for a single formed access across St Omer Park for commercial purposes, immediately west of the Brunswick Street stormwater outflow, provided there is an associated benefit to public users of the reserve.

The potential change to the Reserve Management Plan would mean that an area of the St Omer Park Recreation Reserve, currently managed free of commercial activities for passive recreation and enjoyment of the lakes edge, would instead allow commercial activities, notably associated with a potentially new commercial wharf and access to associated facilities.

An amended version of the Queenstown Bay Foreshore Reserves Management Plan, to include the new specific policy is included on Page 5 of Appendix 1.

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation program:

9 August 2021	Council resolves to undertake public consultation regarding the proposed partial review of the Reserve Management Plan. This will involve a Public Notice in the Mountain Scene, Council's Website, and comms to inform the community. A submission period of not less than one month will be provided
10 September 2021	Submissions close

September-October 2021	Submissions heard by a hearings panel of Councillors (Copland, Miller and Shaw), at a location to be confirmed. An opportunity will be provided to persons seeking to present their views via audio or audiovisual link.
October - November 2021	Council considers outcome of consultation process and hearing, and determines if or not the Reserve Management Plan will be revised, and the potential nature of any such revision.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal, an associated report with plans, recommendations and the Queenstown Bay Foreshore Reserves Management Plan 2016, may be inspected, and a copy obtained (at no cost) from:

- Either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka
- The Council website www.qldc.govt.nz via the 'Lets Talk' section.

RIGHT TO MAKE A SUBMISSION AND BE HEARD

Any person or organisation has a right to be heard in regard to this Proposal and the Council encourages everyone with an interest to do so. Submissions should be directed toward matters that are within the scope of the Proposal.

The Council would prefer that all parties intending to make a submission:

- Go to the Queenstown Lakes District Council Website: www.qldc.govt.nz and use the 'Lets Talk' opportunity.
- Provide an online submission in accordance with the instructions provided, and specifically identify if you want to speak in support of your submission at any hearing.

Submissions must be received by **10 September 2021**. The Council will thereafter convene a hearing, at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

The Council will only permit any late submission, where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public. Every submission will be heard in a meeting that is open to the public.

Section 82 of the LGA 2002 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

An effective submission references the Queenstown Bay Foreshore Reserves Management Plan 2016 and the potential amendment to that Reserve Management Plan you wish to submit on, states why the amendment is supported or not supported, and states what change to the clause is sought. The purpose and principles of the Reserves Act 1977 are applicable.

Submissions on matters outside the scope of the partial review of Queenstown Bay Foreshore Reserves Management Plan 2016, cannot be considered by the Hearings Panel.

APPENDIX 1: Proposed Amended Queenstown Bay Foreshore Reserves Management Plan, to Include a New Specific Policy and Associated Plan to Zone 1, to Accommodate Commercial Activities on the St Omer Park Recreation Reserve.



APPENDIX 1: Proposed Amended Queenstown Bay Foreshore Reserves Management Plan, to Include a New Specific Policy and Associated Plan to Zone 1 (refer page 5), to Accommodate Commercial Activity on the St Omer Park Recreation Reserve.

Queenstown Bay Foreshore Reserves Management Plan 2016



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EXECUTIVE SUMMARY

The foreshore reserves of Queenstown Bay connect Queenstown to Lake Wakatipu. The reserves are highly used for recreation. This Management Plan seeks to provide appropriate objectives and policies to strike a balance between preserving the area for future recreation use by residents and visitors and allowing a low level of innovative commercial activity that is characteristic of the Queenstown environment.

This Management Plan has been prepared in accordance with the Reserves Act 1977.

MANAGEMENT PLAN DEVELOPMENT PROCESS

Action	Date
QLDC notified its intention to prepare a management plan.	April 2015
Feedback received and Workshops held with Council.	July 2015
Resolution made by QLDC to publicly notify Draft Queenstown Bay RMP.	Aug 2015

NEXT STEPS

Action	Date
Receive public submissions	Sep -Oct 2015
Hearings of public submissions as required.	11 Dec 2015
Hearings Panel to make recommendation to Council for the adoption of the final version of the Reserve Management Plan.	11 Dec 2015
QLDC adopt the Reserve Management Plan via Council resolution.	18 Feb 2016

In summary, the Management Plan provides the following:

- Protection or enhancement of amenity values of Queenstown Bay's key reserve areas
- Promotion of the principle purpose of the foreshore reserve areas which is non-commercial recreation
- Consideration of commercial activities in defined areas provided they do not give rise to inappropriate adverse effects
- Preservation of natural character of the transition between the reserve areas and Lake Wakatipu
- Protection of natural and ecological properties of the Lake from inappropriate activities on reserves



Queenstown Bay

INTRODUCTION

The Reserves Act 1977 requires Queenstown Lakes District Council (QLDC / Council) to prepare reserve management plans for all land classified as 'Recreation Reserves' under council management or control.

This Reserve Management Plan (management plan) provides a vision for the Queenstown Bay Foreshore Reserves. It describes the general intentions for the use, maintenance, protection, preservation and development of the foreshore reserves through a series of objectives and policies. The objectives and policies assist with decision making regarding maintenance, development and use of the reserves.

The principal purpose of the Queenstown Bay Foreshore Reserves is to provide for public recreation opportunities and enjoyment of the reserves along the lake shore for the community and visitors. The emphasis will be on non-commercial activities, with limited commercial activities allowed in specified areas.

SITE DESCRIPTION

Queenstown, situated on the edge of Lake Wakatipu, is the premier tourist centre of New Zealand. Lake Wakatipu and the surrounding mountains have an international reputation for their great beauty. Queenstown derives a

significant part of its attraction from its outlook over Queenstown Bay and its foreshore reserve areas. It is against this background that the Reserve Management Plan for the Queenstown Bay Foreshore Reserves has been prepared.

Queenstown Bay is a small U-shaped bay off the main body of Lake Wakatipu. The shores of this bay are the foreshore areas that are subject of this Management Plan. The majority, if not all, of Queenstown's resident population and one million plus visitors per year visit and spend time on the foreshore reserves of Queenstown Bay. These reserves are the jewel in the crown of Queenstown reserves.

DESCRIPTION OF FORESHORE AND ACTIVITIES

OVERVIEW

The Queenstown Bay foreshore reserves are in most part occupied by open space used for passive recreation. Commercial activity is currently focussed in an area adjoining Earnslaw Park. For the purposes of this plan the foreshore areas have been broken into four distinct zones as follows (and shown on a map in Appendix 1):

Zone 1: One Mile roundabout to the boat ramp adjoining St Omer Park. This area is occupied by St Omer Park. This is a vegetated lake shore park used primarily for passive recreation, with a low level of

commercial activity operating mainly from the beach area close to One Mile roundabout.

Zone 2: Boat ramp adjoining St Omer Park to the Main Town Pier. This is the area of Queenstown Bay foreshore where most commercial activity exists, however the majority of this commercial activity is conducted from wharves and jetties that are not covered by this plan. The area is characterised by a pedestrian promenade along the lake edge and a mix of park areas, including Earnslaw Park, and several wharf areas adjoining the foreshore reserves. Several table and chair licences have been granted for occupation of parts of this reserve area.

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

Zone 4: Horne Creek to the Head of the Queenstown Gardens. This is the area from Horne Creek to the Lighthouse powerline and includes the trail. This is a relatively undeveloped foreshore area adjoining Queenstown Gardens. There is a public walking track on the lake's edge and no other form of land based development. One privately owned jetty exists in this zone. The area is used exclusively for passive recreation. A number

of trees in this area act as important shelter for the Queenstown Gardens.

Past, Present and Future

Maori undertook expeditions to Queenstown until the mid 1800s in search of food, fibre and poumamu. William Gilbert Rees settled in what is now Queenstown Bay in 1860. After gold was discovered in 1862 Rees moved away and the town sprang to life in the site of Rees' original Homestead.

St Omer Park was named after an early Queenstown settler and mayor, Francois St Omer. The park began life in the 1860s with St Omer, his son Frank and others planting willows along the lakefront in the park, which was a barren piece of land.

The early 21st Century has seen the Queenstown Bay area used for a mix of passive recreation and innovative commercial water based activity. With growth in population and visitors, reserve areas have been under increased pressure from commercial activity requests that go hand-in-hand with the growth of such a tourist centre.

19th Century

20th Century

21st Century

A local merchant, Bendix Hallenstein, gave the area of the Queenstown Gardens peninsula to the public in 1866. In the same year the newly created Queenstown Borough Council applied successfully to Government for the area to be declared a reserve for public purposes and it remains reserved for that purpose today.

In 1900 after the gold rush the population of Queenstown was 190. The second half of the 20th century saw Queenstown grow as a tourist destination with the promotion of adventure activities and tourist attractions in Queenstown Bay and surrounds.

The vision for the future of the Queenstown Bay foreshore reserve areas is to promote use of these reserves for non-commercial recreation. The Management Plan will be used to manage the future pressure of increased demand for various commercial recreation activities and to protect the natural and recreational qualities of the foreshore to protect these areas for future generations to enjoy.

VISION, OBJECTIVES AND POLICIES

VISION

The vision for Queenstown Bay Foreshore Reserves Management Plan is to manage and maintain the Queenstown Bay Foreshore Reserves to:

- *Encourage their use for recreation,*
- *Enhance amenity values of foreshore park areas.*
- *Preserve the natural character of the transition between the reserve areas and the lake.*
- *Advocate that surrounding activities and land use do not adversely affect the amenity and values of the reserves or the lake.*

GENERAL OBJECTIVES AND POLICIES FOR ALL RESERVES

OBJECTIVES

- To manage the foreshore reserves to achieve compatibility between conservation of natural qualities and the development of public facilities.
- Development, management and maintenance of the reserves is undertaken so as to promote public recreation.

- To accommodate appropriate commercial activity in defined areas that enhance public use, safety, access to and enjoyment of the foreshore and adjoining waters provided it does not inappropriately impact on the area's natural qualities or where passive recreation is promoted.
- To promote integrated decision making to ensure land based and water based activities in the Queenstown Bay are sympathetic to the natural and scenic values and amenity of the area
- To conserve, and enhance where appropriate, the natural and ecological qualities of the foreshore and adjoining waters.
- To ensure reserves are maintained and developed in a planned manner to provide and maintain high quality reserves in this high use area.
- To recognise the importance of the role of lakefront reserves in flood protection for central Queenstown.
- To promote interpretive information relating to historical, cultural and ecological values of reserve areas.
- To promote directional signage where necessary.
- Ensure retention and protection of the public walking track around the lake shore.

- Ensure scenic views from within reserve areas are protected when considering any reserve development options.
- Ensure pollution risk to the foreshore and lake from chemical or effluent contamination is minimised.
- To allow appropriate table and chair occupation of reserves.

POLICIES

- Manage the foreshore reserves in a manner that promotes opportunities for non-commercial recreational activity and permits commercial activity in defined areas only when that activity does not detract from free public use of reserves or conservation of natural qualities.
- Prepare development plans including concept designs for all the reserve areas, when funding permits, to ensure a sustainable planned approach to development of these key reserve areas of the District.
- Permit access over reserves where it does not lead to activities that have inappropriate detrimental effects on the public's use, access or enjoyment of reserves.
- Only consider permitting commercial use of reserves outside defined commercial activity areas for low impact guided tours (potentially walking or on personal transporters) or in extraordinary circumstances.

- Ensure any adverse visual effects arising from commercial activities are temporary and minimised so they do not detract from the amenity of reserves.
- Prohibit unauthorised use of non-Council vehicles in all reserve areas.
- Special care and attention be paid to all protected trees noted in the District Plan within reserves.
- Manage all existing trees in reserves to maintain or enhance amenity experienced within the foreshore reserves and provide for appropriate succession planting, including for the purposes of Queenstown Gardens wind shelter.
- Cater for future reserve requirements in terms of shade provision, seating provision and removal of highly allergenic trees.
- Foreshore protection works will be maintained and undertaken where erosion is evident and if left unchecked will have an adverse impact on public use and enjoyment of the reserve.
- Ensure any future protection works will consider visual amenity and ease of pedestrian access to the foreshore.
- Permit flood protection works to be undertaken to protect Central Queenstown if flood warnings are issued.

- Ensure any activity permitted meets relevant Health and Safety standards
- To facilitate the development of directional signage where necessary and interpretive information relating to historical, cultural and ecological values of reserve areas

SPECIFIC POLICY - ZONE 1 – ONE MILE TO BOAT RAMP ADJOINING ST OMER PARK



OBJECTIVES

- To promote an appropriate planned mix of non-commercial passive recreation and commercial activities within a defined area.

POLICIES

- Manage the reserves to promote passive recreation activities and enjoyment of the lakes edge in St Omer Park.
- Allow for consideration of commercial activities only in a defined reserve area 200m in length from One Mile towards the town centre (see Appendix 1).
- Do not permit commercial activities in the defined area that require exclusive use of public reserve land or the adjoining lake where that use could impact on public use of reserve or lake areas.
- One Mile Point to be managed for scenic and activity viewing.

ADDITION: Accommodate a licence for a single formed access across St Omer Park for commercial purposes, immediately west of the Brunswick St stormwater outflow, provided there is an associated benefit to public users of the reserve.



SPECIFIC POLICY - ZONE 2 - BOAT RAMP ADJOINING ST OMER PARK TO TOWN PIER



OBJECTIVES

- To promote use of this area for passive recreation and events of benefit to the community and District.
- To allow consideration of temporary commercial and community activities compatible with the passive recreation use of the reserves.

POLICIES

- Manage the reserves to promote passive recreation activities within recreation reserves and enjoyment of the lakes edge.

- Allow consideration of commercial and community activities of a temporary nature that are of public benefit (e.g. markets).
- Permit the use of areas of reserves for temporary events, such as Winter Festival, that provide significant benefit and interest to the community and District.
- Allow consideration of award ceremonies on the reserves relating to events in the District.
- Establish an effective and efficient methodology for maintaining the highly used Earnslaw Park area.

SPECIFIC POLICY - ZONE 3 - TOWN PIER TO HORNE CREEK



OBJECTIVES

- To promote an appropriate planned mix of non-commercial passive recreation and non-motorised commercial activities within defined areas
- To allow consideration of temporary events of benefit to the community.

POLICIES

- Manage the reserves to promote passive and active recreation activities (e.g. walking, swimming and picnicking) within recreation reserves and enjoyment of the lake's edge.
- Allow for consideration of the possibility of up to two operators offering low impact non-motorised commercial activities only within an area measuring 15m by 15m per operator adjoining the lake edge and opposite the junction of Earl Street and Marine Parade.
- Permit the use of areas of reserves for temporary events, such as Winter Festival, that provide significant benefit and interest to the community and District.
- Establish an effective and efficient methodology for maintaining the highly used Marine Parade area.
- Support expansion or integration of the reserve areas to widen pedestrian/cycle access along Marine Parade, where any such proposal meets other management plan objectives.
- Consider replacement of Silver Birch memorial trees on Marine Parade with more appropriate non-allergenic long living urban tree species.
- Maintain or enhance Horne Creek in its present natural state and any flood protection works should preserve the natural character of the stream and preserve the freshwater fisheries habitat.

- Maintain existing foreshore protection works.

SPECIFIC POLICIES - ZONE 4 - HORNE CREEK TO HEAD OF THE QUEENSTOWN GARDENS



OBJECTIVES

- To promote use of the area for passive recreation.
- To ensure inappropriate commercial activities do not operate on or from this reserve area.

- To enhance the ecological and biodiversity values of the area.
- To phase out inappropriate planting and replace with appropriate species.

POLICIES

- Manage the reserves to promote passive recreation activities and enjoyment of the lakes edge, while retaining the natural and predominantly undeveloped character of the area.
- Apart from a limited number of low impact guided tours do not permit commercial activities to operate on or from the reserve area.
- Manage the reserves to provide opportunities for ecological restoration
- Formulate a long term succession revegetation plan to ensure the removal of inappropriate planting and replacement with appropriate species while ensuring recreational use and existing specimen trees and garden areas within the Queenstown Gardens are not adversely affected.

APPENDIX ONE – QUEENSTOWN BAY FORESHORE RESERVES



Community & Services Committee
20 May 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 1

Department: Community Services

Title | Taitara Request from Hydro Attack Limited to review the Queenstown Bay Foreshore Reserve Management Plan 2016

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to consider the request from Hydro Attack Limited to review the Queenstown Bay Foreshore Reserve Management Plan 2016, to establish a private commercial jetty and wharf across St Omer Park.

RECOMMENDATION | NGĀ TŪTOHUNGA

- 2 That the Community & Services Committee:
 1. **Note** the contents of this report; and
 2. **Agree** that there will be no changes made to the Queenstown Bay Foreshore Reserve Management Plan 2016.

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10/05/2021

Reviewed and Authorised by:



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General Manager
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11/05/2021

CONTEXT | HOROPAKI

- 3 Hydro Attack Limited (HAL) is a private commercial operator proposing to establish and use a commercial jetty and wharf within Queenstown Bay immediately west of St Omer Wharf adjoining Lake Esplanade. HAL currently operate Hydro Attack Vessels and Queenstown Jet Ski Tours from the Lapsley-Butson Wharf in Queenstown Bay.
- 4 The HAL proposed design is shown in Figure 1 below. The full plans are available at this link:

https://edocs.qldc.govt.nz/Documents/e755d64qE_sdXgQZ2RtxbUFIHrwTmyuYQXGje2wP8SZYPljySK1aXbUwQen2evXG1cpgSkViEcy9VQns_dTtUkY8THhAo8hGrevuKsKTWM/C%20-%20Plans%20updated%206%203%202020.

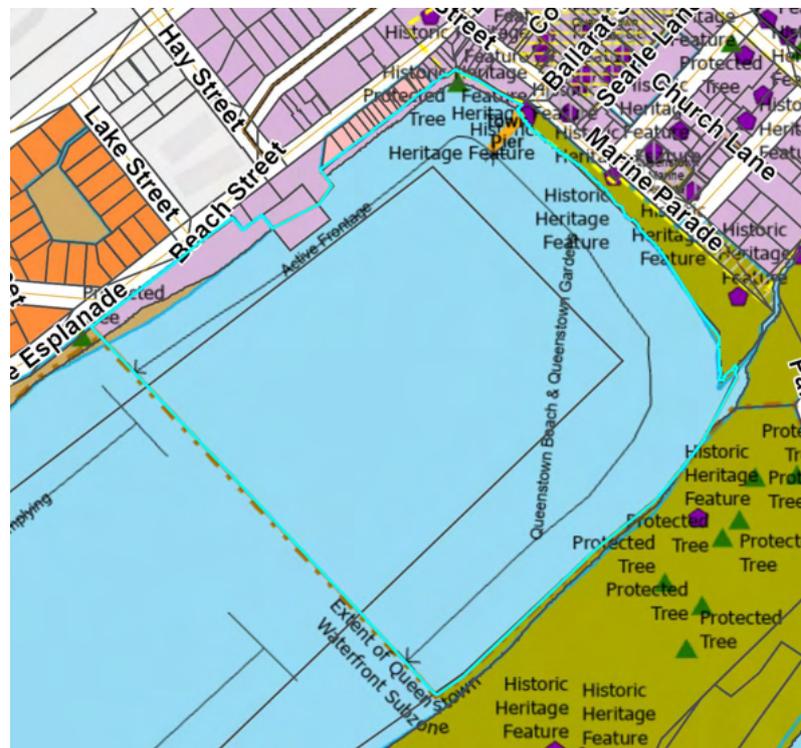
Figure 1: Proposed HAL Jetty and Wharf with Kiosk on St Omer Park



- 5 A kiosk for commercial sales is also proposed with three alternative locations – one within St Omer Park and two on the proposed wharf. Figure 1 above shows the kiosk located on St Omer Park and plans are included at Attachment 1 which show the alternative locations on the proposed wharf.
- 6 HAL has made an application for resource consent (RM200053) to the Queenstown Lakes District Council (QLDC) to erect and use a proposed jetty and wharf. The application was publicly notified and has received submissions. The application is currently on hold. The location of the jetty and wharf sits across the Proposed District Plan Town Centre Zone, the Queenstown Bay Waterfront Subzone, Open Space and Recreation Zone (Informal Recreation) and the Rural Zone – refer Figure 2. The majority of the wharf structure is within the Rural Zone and is also within the Outstanding Natural Landscape area. As such

it is either a discretionary or a non-complying activity under the Proposed District Plan (it is unclear from the consent application exactly what rules are triggered).

Figure 2: Proposed District Plan Decisions Version (blue line is extent of Queenstown Waterfront Subzone)



- 7 HAL would also require land owner approval from the Parks Department as the administrator of the recreation reserve, for the part of the structure located within St Omer Park. A lease under the Reserves Act 1977 (Reserves Act) would be required and approval under s176 of the Resource Management Act (RMA) is also required as the reserve land is subject to a designation under the Queenstown Lakes Operative and Proposed District Plans (#217). It is important to note that the boundary of Designation #217 and the RMP does not extend into the lake, and therefore a licence from LINZ is also required for the jetties and wharf structures.
- 8 In order for HAL to give effect to its proposal, both the resource consent and lease must be approved by the Council and a lease obtained from LINZ.

Queenstown Bay Foreshore Reserve Management Plan 2016

- 9 Section 41 of the Reserves Act requires the Council to prepare a management plan for any recreation reserve under its control, management or administration.
- 10 The use of the Queenstown Bay Foreshore Reserves is governed by the Queenstown Bay Foreshore Reserve Management Plan 2016 (RMP).
- 11 The proposed HAL wharf is located in Zone 1 of the Queenstown Bay Foreshore Reserve Management Plan (RMP).

12 Figure 3 below is the RMP Map.

Figure 3: Queenstown Bay Foreshore RMP 2016 Map



13 Within Zone 1, in addition to the general objectives and policies, the following specific objectives and policies apply:

Objectives

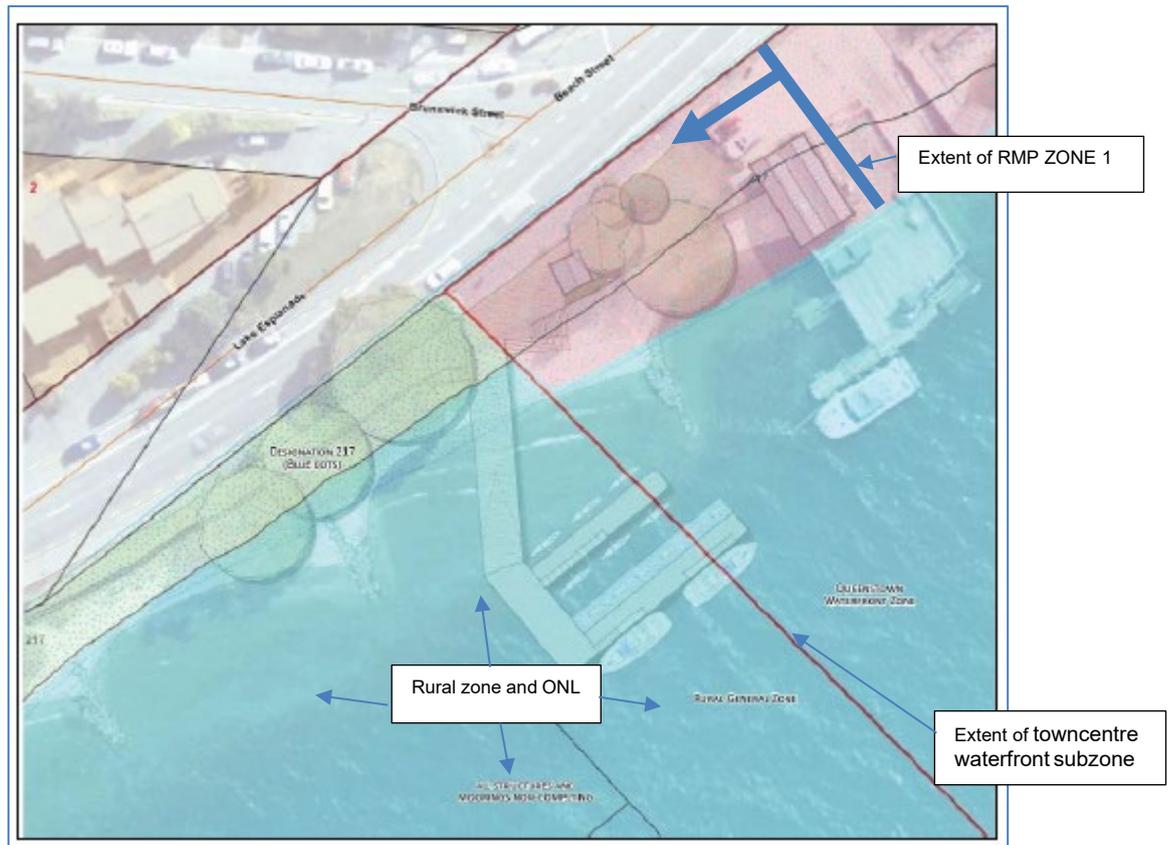
14 To promote an appropriate planned mix of non-commercial passive recreation and commercial activities within a defined area.

Policies

- Manage the reserves to promote passive recreation activities and enjoyment of the lakes edge in St Omer Park.
- Allow for consideration of commercial activities only in a defined reserve area 200m in length from One Mile towards the town centre (see Appendix 1).
- Do not permit commercial activities in the defined area that require exclusive use of public reserve land or the adjoining lake where that use could impact on public use of reserve or lake areas.
- One Mile Point to be managed for scenic and activity viewing.

15 The RMP identifies St Omer’s Park as Zone 1. The policies of the RMP seek to limit commercial activities to 200 metres of One Mile towards the town centre. Therefore, the RMP seeks to preclude commercial activities from the location of the proposed jetty. Figure 4 below shows the proposed wharf in relation to the RMP Zone 1 boundary, the extent of the QLDC Towncentre Waterfront Subzone and the Rural Zone/ONL.

Figure 4: HAL Wharf proposal context map



ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 16 Council updated the RMP relatively recently (2016) and the general intent of the RMP is to limit commercial development to certain areas within the reserves.
- 17 This RMP was prepared as the first variation to the Sunshine Bay to Kelvin Heights Reserve Management Plan 1991 to address the increasing requests for commercial activity on public land. QLDC prioritised the section of Queenstown Bay from the head of the gardens to the One Mile roundabout because this is where there was the most pressure to increase commercial activity on public recreation land.
- 18 The review was intended to address increasing pressures from commercial activity and to enable the community and the council to determine what is an appropriate balance of commercial and non-commercial use of the reserves.
- 19 Under the Reserves Act reserve management plans should be reviewed every 10 years but can be reviewed sooner to ensure they remain relevant.
- 20 At the beginning of the HLA resource consent process, HAL were advised by the Parks Department that landowner approval cannot be given for the proposal as the RMP does not support commercial activity in the proposed location. A review of the RMP, that would agree to amend provide for extended commercial activity (or to expressly provide for HLA proposal), is required before landowner approval could be given and a lease under the Reserves Act is processed. As the outcome of the resource consent is not yet known,

the Parks Department's preference has been not to embark on a review of the RMP until resource consent approval was confirmed. HAL have requested that the RMP is reviewed prior to the resource consent being granted.

- 21 Under the QLDC delegations, the delegation for deciding to review a reserve management plan sits with Full Council.
- 22 There are two main options available to Council:
 - a. Comprehensive Review - requires Council to follow the public process outlined in sections 41(5) and (6) of the Reserves Act as if the review were a new Reserve Management Plan. This is typically a 2 month notification period of the draft, with hearing of submissions.
 - b. Change that is not a comprehensive review - Council may, if it thinks fit, follow the process outlined in sections 41(5) and (6) of the Reserves Act but it is not mandatory to do so. In this case, the Council must still consider whether some form of consultation is required to make the change. The special consultative procedure under the LGA allows for a one month consultation period, with hearing of submissions.
- 23 There are three main ways to change the RMP to enable the Hydro Attack wharf (if that is what Council chooses to do):
 - a. Amend Zone 1 provisions and policy to include a new permitted commercial activity area (similar to that at One Mile) - minor changes to policy framework and RMP map required:
 - i. *Allow for consideration of commercial activities only in a defined reserve area 200m in length from One Mile towards the town centre and in the defined area immediately to the west of the boat ramp adjacent to St Omer Park (see Appendix 1);*
 - ii. Amend the map in Appendix One of the management plan to show this area in Zone 1.
 - b. Extend Zone 2 of the RMP map to cover the proposed wharf and change the policy framework to specifically allow for the proposed commercial activity. This requires changes to zone boundaries and to the policy framework which may constitute a comprehensive review.

(Zone 2 Objectives: To promote use of this area for passive recreation and events of benefit to the community and District. To allow consideration of temporary commercial and community activities compatible with the passive recreation use of the reserves.)
 - c. Conduct a more comprehensive review to consider the entire RMP and whether provisions relating to commercial activities are appropriate or should be amended.

- 24 Given the process that Council went through (relatively recently) to implement this RMP and that the general intent of the RMP is to limit commercial development to certain areas within the reserves, it is recommended that any amendment to the RMP should be publicly notified and a hearing held to hear public submissions.
- 25 The policies of the RMP are a relevant matter for the processing of a consent and would generally be given material weight.
- 26 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:
- 27 **Option 1** Agree to a comprehensive review the RMP, which would consider whether the RMP provisions relating to commercial activities are appropriate or should be amended.

Advantages:

- 28 The whole RMP is reviewed with full public consultation.
- 29 This ensures the RMP is relevant.
- 30 The public has the opportunity to submit and be heard.

Disadvantages:

- 31 Comprehensive review of the RMP may take up to 12 months to complete.
- 32 If Council does decide to review the RMP in response to the request from HAL for the private commercial wharf, this does create a precedence that other commercial operators can seek changes to RMP's in response to commercial drivers.
- 33 Council went through the process to update the RMP recently (5 years) and the general intent of the RMP was to limit commercial development to certain areas within the reserves.
- 34 This RMP review will be prioritised over other reserve management plan's and parks planning projects, while private commercial interests are progressed.
- 35 There will be budgetary implications for Council if a RMP review is required.
- 36 The outcome of the Resource Consent process is uncertain, a review may not be required.
- 37 **Option 2** Agree to partially review the RMP and amend RMP Zone 1 policies and map to include a new permitted commercial activity area. The amended RMP will be prepared and publicly notified under s 41 (4) and (5) with a submissions period of 2 months minimum and a hearing if submissions are received.

Advantages:

- 38 As above, and;

39 Less time and cost.

Disadvantages:

40 As above.

- 41 **Option 3** As above but choose to do the review using the special consultative procedure under the LGA 2002 with a one month notification period minimum and a hearing if submissions are received.

Advantages:

42 As above, and;

43 Less time and cost.

Disadvantages:

44 As above.

- 45 **Option 4** Agree to a minor review of the RMP and do not undertake full public consultation.

Advantages:

46 Less time and cost.

47 Less risk to HAL.

Disadvantages:

48 As above, and:

49 Public do not get to participate. There are submissions in opposition to the resource consent application that reference the RMP policies that do not provide for commercial activity in the proposed area.

- 50 **Option 5** Council to notify an intention to grant lease pursuant to s 54(2) of the Act;

Advantages:

51 Less time and cost for HAL

52 A lease would be publicly notified

Disadvantages:

53 There are precedent risks associated with providing landowner approval for an activity that is fundamentally inconsistent with an RMP unless if there is a unique situation to distinguish the requests from other similar request that might be made. In this case the RMP is very clear that it does not allow commercial activities in this

particular area. The Council went through the process to update the RMP recently (five years) and the general intent that of the RMP was to limit commercial development to certain areas within the reserves.

- 54 There are a number of operators who would likely wish to establish jetties in the town centre. If we recommend a lease is approved that is not in accordance with the RMP this would set an undesirable precedent.
 - 55 The outcome for HAL is still uncertain as the notified lease process may not result in the outcome they are seeking.
 - 56 The lease, if approved, may differ from the resource consent decision.
- 57 **Option 6** Do nothing, no change to the RMP (i.e. no review); let the consent run its course.

Advantages:

- 58 Efficient use of Council staff time.
- 59 No undesirable precedent set.
- 60 Public expectations of RMP intent is upheld
- 61 No cost to QLDC
- 62 No further time delays on the HLA resource consent.

Disadvantages:

- 63 If the HLA resource consent is approved there will be a time delay while the RMP is reviewed (if that is what Council chooses to do).
- 64 This report recommends **Option 6** for addressing the matter because this does not set an undesirable precedent, it upholds the integrity of the Reserve Management Plan, which was publicly consulted on, and is efficient use of staff time and ratepayer funding.
- 65 If Option 6 is not agreed, **Option 3** is recommended as this ensures a robust public process is undertaken, integrity of the RMP is maintained and the public have an opportunity to submit.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 66 This matter is of medium significance, as determined by reference to the Council's [Significance and Engagement Policy](#) because it involves a potentially high level of Community interest for the public and users of the St Omer and Queenstown Bay reserves and the commercial operators in Queenstown Bay.

67 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, the St Omer and Queenstown Bay Reserves.

68 The Council has not consulted on this matter.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

69 This matter relates to the Community & Wellbeing risk category. It is associated with RISK000009 Ineffective management of community assets within the [QLDC Risk Register](#). This risk has been assessed as having a high inherent risk rating.

70 The approval of the recommended option will support the Council by allowing us to retain the risk at its current level. This shall be achieved by continuing to administer the reserve under the current RMP policies.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

71 The cost to carry out a partial notified review of the RMP will be approximately \$20,000 to Council.

72 There is no budget in the Ten Year Plan to review this RMP. It's estimated a partial review would cost approximately \$25, 000. The Community Services work programme would need to be reviewed and work on other reserve management plans deprioritised. HLA could be required to meet these costs as the review is for private gain. The risk of HLA paying for the review is that this could predetermine the granting of a lease to HLA and the use of the reserve land.

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

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

- Queenstown Bay Foreshore Reserve Management Plan 2016
- The Reserves Act 1977.
- Local Government Act 2002.
- Parks & Open Spaces Strategy 2017 and Draft Parks and Open Spaces Strategy 2021.
- Proposed and Operative District Plan.

74 The recommended option is consistent with the principles set out in the named policy/policies.

75 This matter is not included in the Ten Year Plan.

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

76 Queenstown Bay Foreshore Reserve Management Plan 2016 was prepared in accordance with the Reserves Act 1977. RMP states it does not allow commercial activities in this

particular area. Legal advice was taken when assessing the options, and the recommended option is consistent with that advice.

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

77 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

A	HAL proposed kiosk alternative locations on wharf
B	Queenstown Bay Foreshores Reserve Management Plan.



PROPOSED WHARF, QUEENSTOWN BAY, QUEENSTOWN

INDIVIDUATIVE KIOSK LOCATIONS

Prepared by Rough and Milne Landscape Architects Ltd | 20 March 2020.

DOCUMENT INFORMATION

project

Proposed Wharf, Queenstown Bay, Queenstown

project no.

19192

address

Queenstown Bay, Queenstown

client

Hydro Attack Limited

status

FOR RESOURCE CONSENT

revision

0 FOR RESOURCE CONSENT

reviewed by

AUTHOR:	BB
CHECKED BY:	PS
PEER REVIEW:	NS

document

DOCUMENT TO ACCOMPANY ASSESSMENT OF LANDSCAPE AND VISUAL AMENITY EFFECT REPORT
(A4 WRITTEN REPORT)

prepared by

ROUGH & MILNE LANDSCAPE ARCHITECTS LTD.

disclaimer

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plans

SHEET

04 Indicative Location for Kiosk Outside of Reserve Option 1

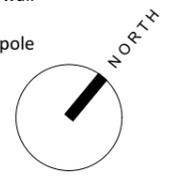
05 Indicative Location for Kiosk Outside of Reserve Option 2

NB: This document is intended to be printed A3 Landscape format

REV	DATE	NOTES
0	20/03/20	FOR RESOURCE CONSENT

KEY

- ① Proposed access and viewing platform
- ② Proposed wharfs 'primary arm' with ramp down to docking arms
- ③ Proposed wharfs 'north docking arm' to float above the water surface
- ④ Proposed wharfs 'south docking arm'
- ⑤ Proposed wharf stairs
- ⑥ Proposed pontoon for docking jetskis accessed via ladders
- ⑦ Docked Seabreaches
- ⑧ Proposed Kiosk. Kiosk will be 3.1 wide, 3.1m long and 3.4m tall, similar appearance to SD building
- ⑨ Existing Tilia x Europara - Lime Tree (protected by the District Plan)
- ⑩ Existing concrete block and rock water breaks
- ⑪ Existing gabion retaining wall
- ⑫ Relocated pathway light pole
- ⑬ Existing bench seat to be removed

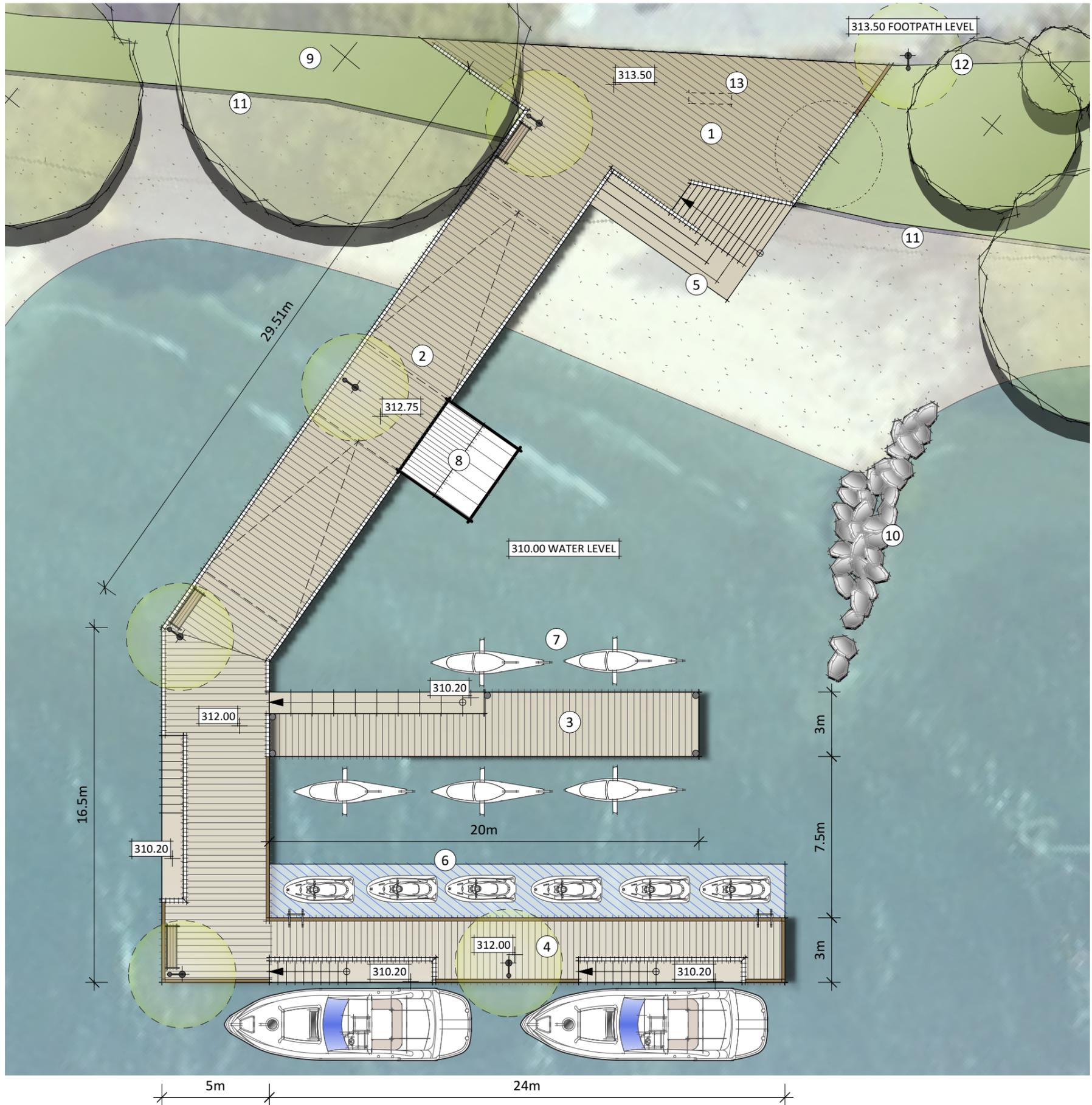


LEGEND

- Existing trees within public land
- Existing Pittosporum to be removed
- Existing grass bank
- Existing beach
- Proposed hedge to approx. 2.0m high
- Hardwood timber
- Balustrade
- Kickrail
- Light pole
- Bench Seat
- Proposed Levels

NOTES

- 1. All dimensions and levels are subject to survey and final building consent design.
- 2. Boat sizes and locations are indicative.



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**INDICATIVE LOCATION FOR KIOSK
 OUTSIDE OF RESERVE OPTION 1
 PROPOSED WHARF, QUEENSTOWN BAY
 QUEENSTOWN**

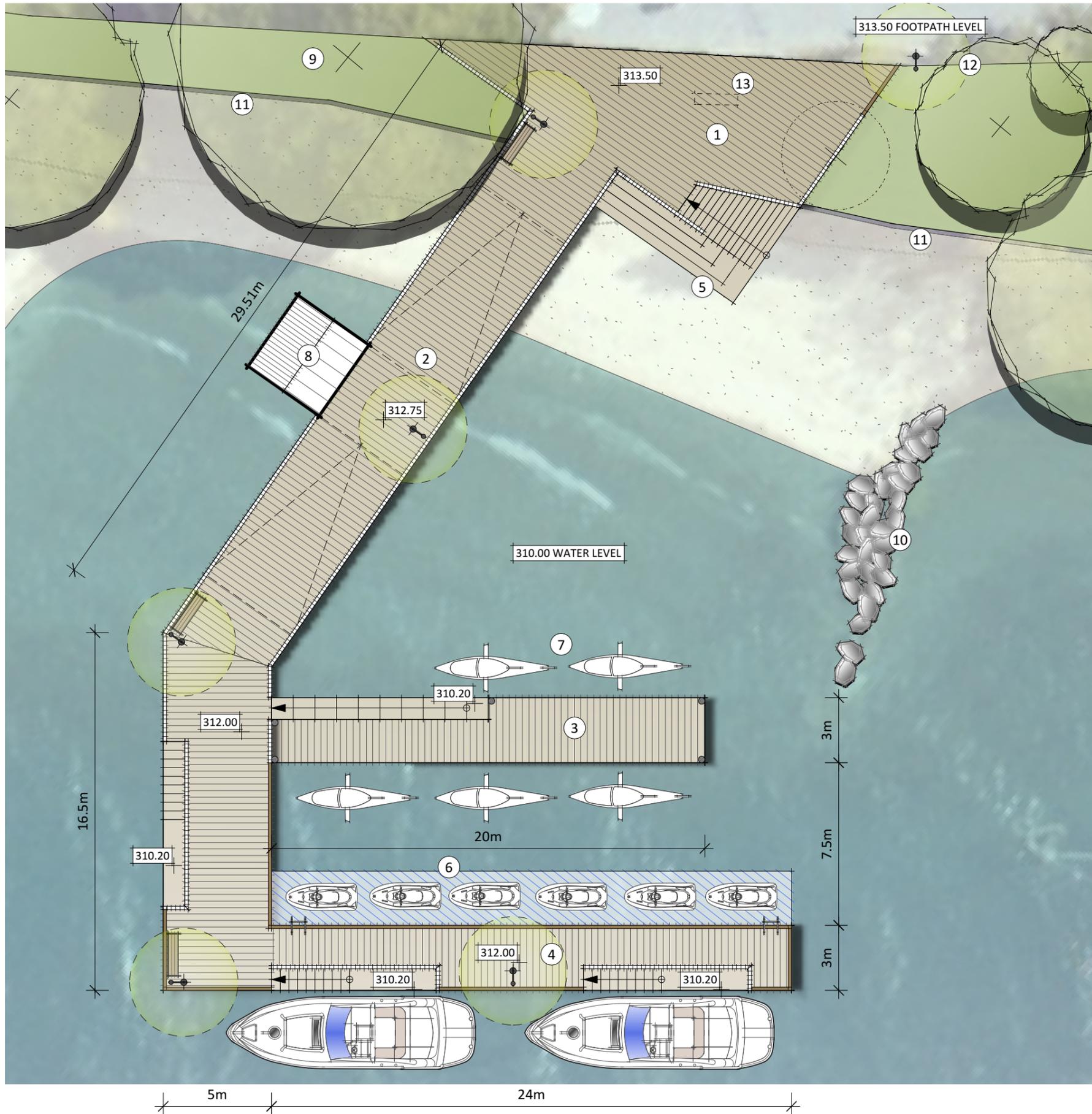
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DATE	20/03/2019
DESIGNED	PS/BM
DRAWN	BB
CHECKED	PS
STATUS	FOR RESOURCE CONSENT
DRAWING No.	REVISION
RCL 1.6	0
SERIES	
1 of 2	

LEGEND

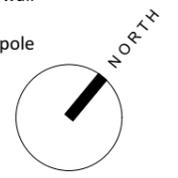
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**INDICATIVE LOCATION FOR KIOSK
 OUTSIDE OF RESERVE OPTION 2
 PROPOSED WHARF, QUEENSTOWN BAY
 QUEENSTOWN**

JOB No.	19192
SCALE	1:200 @ A3
DATE	20/03/2020
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DRAWN	BB
CHECKED	PS
STATUS	FOR RESOURCE CONSENT
DRAWING No.	REVISION
RCL 1.7	0
SERIES	
2 of 2	

