

QLDC Council
29 July 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 8

Department: Community Services

Title | Taitara Statement of Proposal for a Partial Review of the Queenstown Bay Foreshore Reserves Management Plan 2016, to Include a New Commercial Area in the St Omer Park Recreation Reserve.

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO


The purpose of this report is to consider approving a Statement of Proposal in accordance with the Special Consultative Procedure of the Local Government Act 2002, for a partial review of the Queenstown Bay Foreshore Reserves Management Plan 2016. The purpose of the review is to consider a new commercial area in the St Omer Park Recreation Reserve, opposite Brunswick Street.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** the Statement of Proposal for the Special Consultative Procedure, under the Local Government Act 2002, for a partial review of the Queenstown Bay Foreshore Reserves Management Plan 2016; and
3. **Agree** that changes to the Statement of Proposal can be made by the Parks Manager, if necessary to better convey accurate information to the community.

Prepared by:



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13/07/2021

Reviewed and Authorised by:



Briana Pringle
Parks & Open Spaces Planning
Manager
14/07/2021

Approved by:



Thunes Cloete
General Manager
Community Services
14/07/2021

CONTEXT | HOROPAKI

- 1 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 Ltd require access over the St Omer Park Recreation Reserve, should resource consent (RM200053) be approved for their development.
- 2 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 Reserve for passive recreation activities and enjoyment of the lakes edge, free of commercial activities.
- 3 The Community and Services Committee 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.
- 4 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.*
- 7 The LGA Special Consultative Procedure (SCP) mentioned in 6(a) above, requires that a Statement of Proposal (SOP) is prepared, to set out an issue or decision to be made. The SOP is a document which provides the basis for consultation with the community under the SCP, and this particular case sets out Council's proposal to review the Reserve Management Plan. The SCP for this report is included as **ATTACHMENT A** and the delegation to approve an SOP rests with Full Council.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

8 Council has already agreed to undertake a partial review of the Queenstown Bay Foreshore Reserves Management Plan 2016, and the recommendation of this report to approve the necessary SOP will allow for notification and the review process to progress.

9 Option 1 To approve the SOP.

Advantages:

10 The Special Consultative Procedure can occur without delay, with a target date for notification being 5 August 2021, with a close date being one month plus the days necessary to end on the immediate following Friday.

Disadvantages:

11 None.

12 Option 2 To decline the SOP.

Advantages:

13 None

Disadvantages:

14 The partial review of the Reserve Management Plan 2016 will not progress.

15 Option 3 To request changes to the SOP.

Advantages:

16 The SOP could be amended if necessary.

Disadvantages:

17 None.

18 This report recommends **Option 1** for addressing the matter because it advances the Special Consultative Procedure process already agreed by Council.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

19 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy, as the potential commercial activity in St Omer Park is contrary to the policies in the Reserve Management Plan. Undertaking a Special Consultative Procedure associated with a partial review of the Queenstown Bay Foreshore Reserves Management Plan 2016, will ensure public input into the consideration process.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

20 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 an ineffective management of community assets (previously addressed in the initial report to the Community and Services Committee). However, the special consultative procedure will involve community input into the consideration process.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

21 The cost to carry out a partial review of the Reserve Management Plan will be approximately \$20,000 to Council.

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

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

- a. Significance and Engagement Policy, 2014
- b. Queenstown Bay Foreshore Reserves Management Plan 2016
- c. Reserves Act 1977
- d. Local Government Act 2002

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

24 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

25 The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Annual Plan; 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

A	Statement of Proposal
B	Amended Reserve Management Plan

ATTACHMENT A



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:

Consider 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:

5 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 to Zone 1, to Enable Commercial Activities on the St Omer Park Recreation Reserve.