

Hearing of Submissions - Intention to Grant Long-term Lease over New Lakeview Recreation Reserve

19 February 2018

Department: Corporate Services

Intention to Grant Long-term Lease over New Lakeview Recreation Reserve

Purpose

- 1 To hear submissions received on the proposed reserves lease to Ngāi Tahu Tourism over new Lakeview reserve land.

Recommendation

That the hearings panel:

1. **Consider** the submissions to the proposed reserves lease to Ngāi Tahu Tourism over the new Lakeview recreation reserve land together with advice from officers;
2. **Recommend to Council** whether or not a long term lease is to be granted;
3. **Instruct** the Chief Executive to (depending on its recommendation under (2) above);
 - a. report to Council the recommendation not to grant a long-term lease, and advise the Council on options for use of the reserve land; or
 - b. negotiate the terms and conditions of a long-term lease, and direct the Chief Executive to recommend to the Council proposed terms and conditions for the granting of a long-term lease.

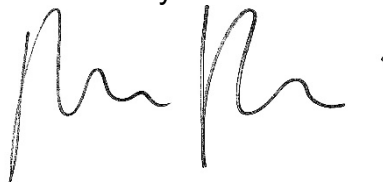
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7/02/2018

Reviewed by:



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8/02/2018

Background

- 2 On 26 October 2017 the Queenstown Lakes District Council (the Council) resolved to set apart part of new Lakeview reserve land (the Land) as baths under section 53(1)(h) of the Reserves Act 1977 (the Act) and in accordance with sections 54(2), 119 and 120 of the Act, first publicly notify and consult on the proposal to grant a long-term lease to Ngāi Tahu Tourism over the Land.
- 3 Public consultation on the proposed intention to grant a long-term lease over the Land opened on 22 November 2017, and closed on 22 December 2017 (a four week period). The Council appointed a hearings panel to hear public submissions and recommend whether or not a long-term lease is to be granted.

Comment

- 4 Fourteen public submissions (Attachment A) have been received within the notified submission period. One submitter, Ken Gousmett (Queenstown) wishes to be heard in support of his submission.
- 5 The hearings panel are to give full consideration to every submission received and determine the extent to which each submission will be accepted or disallowed.

Comment

- 6 The table in Attachment B sets out the points raised by submitters and officer comments on each point of submission.

Reserves Act 1977 Requirements

- 7 A reserves lease must meet certain requirements for recreation reserves under the Act. It has been considered that a decision to grant a long-term lease to a private operator for the purpose of developing and operating the proposed hot pools facility, provides for these principles where by the reserves intended use (baths) is consistent with the requirements of the Act.
- 8 The lease terms and conditions which are yet to be determined will be subject to schedule 1 of the Act. General terms and conditions of the proposed lease have been made publicly available within the consultation period (Attachment C).
- 9 The lessee will have the right to restrict access to the lease area however only as is necessary for the protection and general well-being of the reserve and for the protection and control of the public using it.

Options

- 10 The hearings panel are to recommend whether or not a long-term lease is to be granted. A recommendation not to grant a lease to Ngāi Tahu Tourism may reduce the direct impact of the proposed development (at least temporarily) on existing occupiers of the land ie cabin tenants.

- 11 Residential activity on reserve land is however unlawful under the Act. In this instance (i.e. not granting the lease) the Council would be required to consider an alternative use for the Land which is consistent with requirements of the Act.
- 12 This report recommends granting a long-term lease to Ngāi Tahu Tourism because the proposed activity will ensure prudent stewardship and the efficient and effective use of the Council's resources in the interests of the District, including by planning effectively for the future management of the Council's assets.

Significance and Engagement

- 13 The 27 October Council report established that the lease proposal did not meet any determining factors or exceed any thresholds under the Council's Significance and Engagement Policy other than those requirements delegated¹ to the Council as administering body of the reserve. The panel will need to reconsider the issue of whether the decision concerns a significant activity or strategic asset having heard all of the submissions.

Consultation: Community Views and Preferences

- 14 The consultation that has been carried out is consistent with relevant provisions within the Act and Local Government Act considering the determination regarding significance. This includes public notification in both local and regional newspapers (Attachment D).
- 15 Consultation has been undertaken in accordance with established protocols between the Council and local Iwi representation Kai Tahu Ki Otago (Aukaha) and Te Ao Marama (Attachment E).

Legal Considerations and Statutory Responsibilities

- 16 Legal advice has been taken on this matter and the recommended option is consistent with that advice.

Attachments

- A Submissions
- B Submission Points
- C Reserve Lease (Commercial Terms) Summary
- D Public Notice (ODT)
- E Example Consultation Letter (Kai Tahu Ki Otago – Aukaha)
- F Reserves Act (1977) Provisions
- G Local Government Act (2002) Provisions
- H Proposal Summary
- I Proposed Lease Area

¹ By the Crown.