

Community & Services Committee

27 June 2024

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

Department: Community Services

Title | Tantara: Proposed Reserves to Vest in the Whakatipu

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider recommending to Council the vesting of three reserves in the Whakatipu.

Recommendation | Kā Tūtohuka

That the Community & Services Committee:

1. **Note** the contents of this report and;
2. **Recommend to Council** that the vesting of the following reserves be approved:

RCL Henley Downs Limited RM230485

- i. Local Purpose (Walkway and Services) Reserve – Lot 78 being 1,400m² in area.

Subject to the following works being undertaken at the Applicant's expense:

- i) Compliance with the conditions of resource consent RM230485 (and any subsequent variations) which include:
 - a. The submission of landscape plans to Council for certification by the Parks and Open Spaces Planning Manager;
 - b. The formation of an off-road trail within Lot 78 and the existing Lot 98 DP 519609 to meet the Grade 2 standard of the Queenstown Lakes District Council (QLDC) Cycle Trail and Track Design Standards & Specifications (2016);
 - c. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence

- between any public reserve vested in or administered by the Council and any adjoining land;
- d. The registration of a Consent Notice (or alternative encumbrance) on any land within the development adjoining the reserve, to ensure any fences on land adjoining, or boundaries along any reserve, shall no greater than 1.2m in height, and be 50% visually permeable;
 - e. A three-year maintenance period by the consent holder commencing from vesting of the reserve; and
 - f. A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserves will be maintained during the maintenance period.
- ii) Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy 2016; and
- iii) Presentation of the reserve in accordance with Council's policies.

Hayes Creek Development Limited RM220821

- ii. Esplanade Reserve - Lots 101 and 102, being 11,113m² and 3,180m² in area.

Subject to the following works being undertaken at the Applicant's expense:

- i) Compliance with the conditions of resource consent RM220821 (and any subsequent variations) which include:
 - a. The submission of a pedestrian easement layout plan detailing the southern connection from the western boundary of Lot 101 with Lot 307 DP 505513 to Alec Robins Road to Council for approval;
 - b. A draft pedestrian easement instrument;
 - c. The submission of detailed design of mounding within the site adjacent to the public access easement to Council for certification by the Parks and Open Spaces Planning Manager;
 - d. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between any public reserve vested in or administered by the Council and any adjoining land;

- e. Formation of all the trails within the public access easements connecting Alec Robins Road to the Esplanade Reserves (and in the case of the southern easement, across the Esplanade Reserve).
 - f. A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserves will be maintained during the maintenance period; and
 - g. A three-year maintenance period by the consent holder commencing from vesting of the reserve; and
 - h. The registration of a Consent Notice (or alternative encumbrance) on any land within the development adjoining the reserve, to ensure Council is not responsible to contribute to work on any fence between a public reserve vested in or administered by Council and any adjoining land.
- ii) Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy 2016; and
- iii) Presentation of the reserve in accordance with Council's policies.
3. **Recommend to Council** that any reserve improvement contributions are offset against those payable in accordance with the Developments Contributions Policy current at the time of contributions payment, subject to:
- i) Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks & Open Spaces Planning Manager.
 - ii) Final approval of any reserve improvement costs to be delegated to the Parks & Open Spaces Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
 - iii) If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the Applicant's expense.

Prepared by:



Name: Sophie Craig
Title: Parks and Reserves Planner
Date: 4 July 2024

Reviewed and Authorised by:



Name: Simon Battrick
Title: Acting GM Community Services
Date: 4 July 2024

Context | Horopaki

1. Three reserves are proposed to be vested within two separate subdivisions in Queenstown.
2. Lot 78 within Stage DP2 of the Hanley's Farm subdivision is proposed to be vested. This is to be a Local Purpose (Walkway and Services) Reserve which will provide a pedestrian walkway through and along Woolshed Creek. This reserve is to be adjacent to the existing Local Purpose (Drainage) Reserve (Lot 98 DP 519609).
3. Lots 101 and 102 within a subdivision at 64 Alec Robins Road are proposed to be vested. These reserves will contain trails that serve as a connection to/from Lake Hayes/Bridesdale and connect into the existing Lake Hayes Track and the Twin Rivers Trail.
4. The reserves have been identified through the approved subdivision consents and conditions of consent apply to their development and vesting.

Analysis and Advice | Tatāritaka me kā Tohutohu

RCL Henley Downs Limited RM230485

- Stage DP2 of the Hanley’s Farm subdivision adjoins State Highway 6 to the east, Jack Hanley Drive is located to the south and a Local Purpose (Drainage) Reserve that has already vested in Council adjoins DP2 to the west and southwest, as shown in Figure 1 below.

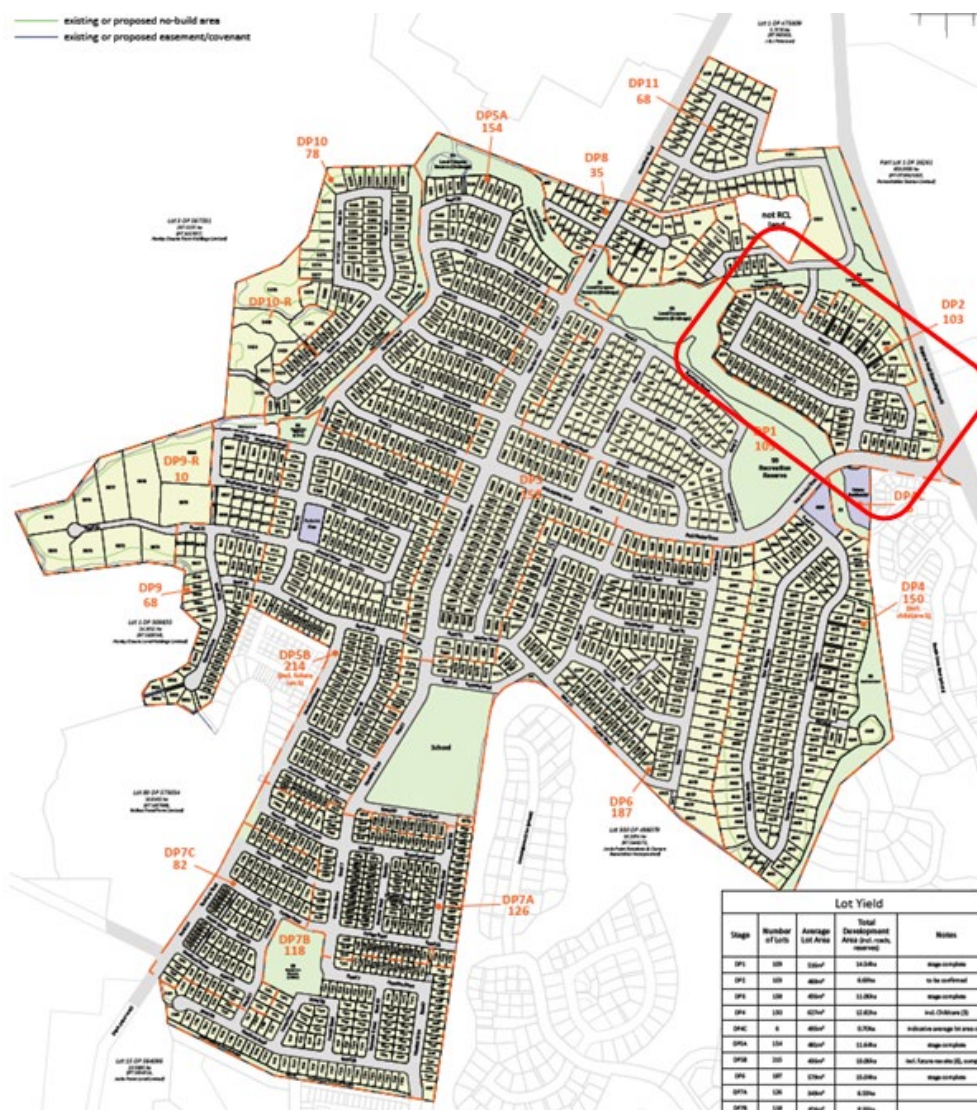


Figure 1: Overview of location of Stage DP2 of the Hanley’s Farm subdivision

- Stage DP2 has been approved via subdivision and land use consent RM230485 which approved the creation of 103 residential lots, five roading lots, one reserve lot (Walkway and Services) and two balance lots. The approved subdivision plans are attached as **Attachment A** and an extract is provided in Figure 2 below.



Figure 2: Extract of approved subdivision plan showing Lot 78 to vest (identified with blue arrows)

7. The Local Purpose (Walkway and Services) Reserve is Lot 78, being 1,400m² in area.
8. A walkway is required to be formed within Lot 78 and Lot 98 DP519609 that is 1.5m wide and 400m long, with informal gravel formation, an average gradient of approximately 3%, and no steep sections. The creation of Lot 78 and formation of the walkway will provide connections from the subdivision to Woolshed Creek as well as along the dam network.
9. A concept plan for the landscaping design of Lot 78 and areas of the adjoining Local Purpose (Drainage) Reserve (Lot 98 DP 519609) was lodged with the subdivision consent application (see **Attachment A**). A condition of consent requires that detailed design of this planting be submitted for approval prior to works commencing.

Hayes Creek Development Limited RM220821

10. A rural living subdivision of 64 Alec Robins Road has been approved under resource consent RM220821. This property is located east of the existing Lake Hayes Estate and Bridesdale Farm subdivisions and adjoins State Highway 6 to the north, Hayes Creek to the west and Alec Robins Road to the east. The location of the subdivision is shown in Figure 3 below.



Figure 3: Map showing location of Alec Robins Road subdivision

11. The subdivision has been approved via RM220821 which approved the creation of 24 residential lots, two access lots and two esplanade reserve lots. The site consists of an area of 1.743ha. The approved subdivision plans are attached as **Attachment B** and an extract is provided in Figure 4 below.

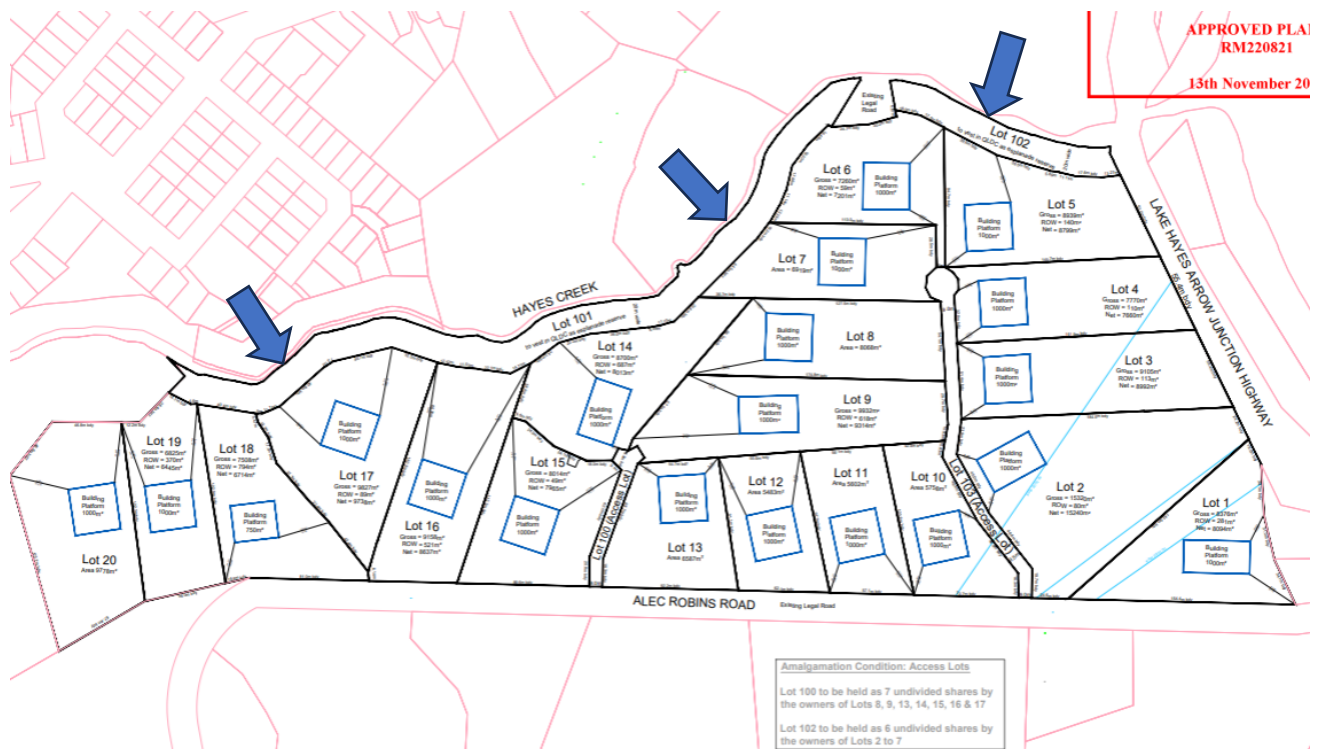


Figure 4: Extract of the approved subdivision scheme plan showing Lots 101 and Lot 102 to vest (identified with blue arrows)

12. The Esplanade Reserves are Lots 101 and 102, which are 11,113m² and 3,180m² in area respectively.
13. A condition of resource consent is for the consent holder to form all trails to link the Esplanade Reserves with Alec Robins Road to a minimum of Grade 2 (QLDC Trail Design Standards & Specifications) for the southern portion of the trail and Grade 3 for the northern portion. The formed trails in the public access easements linking to the Esplanade Reserves will connect with several existing pedestrian easements. These will create a connected trail network to the Twin Rivers Trail and Alec Robins Road utilising an existing culvert crossing across Hayes Creek.
14. A condition of consent requires that a hazard/geotechnical assessment prepared by a Suitably Qualified Person must be provided at the end of the three-year maintenance period that specifically assesses the risk posed by instability of the embankment within the esplanade reserves. This report will assess the likelihood of slope failure reaching the location where the proposed pedestrian track will be located and to identify specific mitigation measures that could reduce this risk.

Options

15. 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.

16. Option 1 Accept the proposal to vest the reserves and to offset reserve improvement contributions (if applicable) as per the QLDC Finance and Development Contributions Policy (DC Policy).

Advantages:

- The land is proposed to be vested to Council at no cost at the time of vesting, and it will be the respective developer's responsibility to meet the standards prescribed in the recommended conditions as a pre-requisite to vesting.
- The Local Purpose (Walkway and Services) Reserve within Hanley Farm and the two Esplanade Reserves within the Alec Robins Road subdivision will provide important pedestrian/cycle connections and provide recreational benefits.
- The reserves are identified in the approved subdivision consents and accepting the reserves will facilitate the s224(c) process to advance the subdivisions and allow for the creation of residential allotments.

Disadvantages:

- Council will have to maintain or manage the reserves at a cost to the ratepayer, after three years, albeit this is an accepted outcome, and any disadvantage is minimal given Council seeks to attain quality reserves to benefit the community.

17. Option 2 Reject or modify the proposal for the vesting of the reserves and to offset reserve improvement contributions (if applicable) as per the DC Policy.

Advantages:

- Council will not have to maintain/manage the reserves at a cost to the ratepayer.

Disadvantages:

- The useful pedestrian/cycle connections might be lost and therefore people will have to travel a longer distance to access their destination. This may increase traffic generation which has both greenhouse gas and health implications.
- The consented subdivisions will need to be formally varied and this could create issues and delays in creating titles to accommodate residential dwellings.
- Council will refuse reserve land being offered to the community at no cost.

18. This report recommends Option 1 for addressing the matter because it will result in reserve land vesting in Council at the respective developer's responsibility and cost and will result in walking and cycling connections and provide recreational benefits.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi i kā Whakaaro Hiraka

19. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because there will be little impact on Council's function if the recommended option is taken, and it is accepted that the creation of a reserve that can meet community needs, is a good outcome.
20. The persons who are affected by or interested in this matter are the subdivision developer and residents/ratepayers of the District.
21. The Council has not undertaken any consultation in relation to the proposal.

Māori Consultation | Iwi Rūnaka

22. The Council has not undertaken any consultation with iwi due to the matter relating to the vesting of land to Council.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

23. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10009 Strategy for growth fails to meet objectives within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating.
24. The approval of the recommended option includes conditions that are required to be met in terms of reserve specifications prior to handover to Council which should ensure expenditure on maintenance is at anticipated levels, and the land is managed effectively. The vesting is also in accordance with the Parks and Open Space Strategy 2021.

Financial Implications | Kā Riteka ā-Pūtea

25. The developers are required to maintain the reserves for the first three years. Following this time, provision will need to be made available within Council's future maintenance budgets dependent on the facilities in the reserves and the level of service they will be maintained to.

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

26. The following Council policies, strategies and bylaws were considered:
 - Significance and Engagement Policy 2021
 - Parks and Open Space Strategy 2021
 - Development Contributions Policy
 - Vesting of Roads and Reserves Policy
 - QLDC Tracks and Trails Specifications

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

28. This matter is not included in the Long Term Plan/Annual Plan and has no effect upon it.

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

29. 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. The connectivity being provided by all the reserves, being the Local Purpose (Drainage) Reserve and both of the Esplanade Reserves, will promote social and environmental wellbeing. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act;

30. 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	Approved subdivision plans RM230485
B	Approved subdivision plans RM220821