

Full Council

13 February 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [4]

Department: Property & Infrastructure

**Title | Taitara: Stabilisation Easement for Heritage Heights Body Corporate on Queenstown Hill
Recreation Reserve at Heritage Heights, Queenstown Hill**

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider a stabilisation easement for earthworks and retaining walls over recreation reserve, Lot 2 DP 496901 and Lot 4 DP 447835 behind Heritage Heights, Anderson Heights, Queenstown Hill.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** a stabilisation easement being granted to Heritage Heights Body Corporate over Recreation Reserve being Lot 2 DP 496901 and Lot 4 DP 447835; and
3. **Delegate** authority to approve final terms and conditions, including commencement, location, extent, fees and execution authority to the General Manager Community Services, provided all relevant requirements of the Easement Policy 2008 are addressed; and
4. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of the identified easements over Council Reserve Land

Prepared by:



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18 December 2024

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Context | Horopaki

1. Heritage Heights is an apartment complex constructed in the early 2000s and is located at the top of Anderson Heights, Queenstown Hill. The site is adjacent to Queenstown Hill Recreation Reserve administered by Council.
2. The construction of the apartment complex required excavation into the boundary slope. Currently, the land behind the buildings is subject to continued land slips which has resulted in watertightness issues through the buildings. As a result, the building owners are unable to obtain insurance cover.
3. There was no obvious solution for the property because the building has been constructed very close to the boundary and the hill gradient behind is very steep.
4. RM220918 was granted on 11 April 2024 for earthworks to regrade the slope behind the Heritage Heights apartments. Any matters associated with effects, stability and vehicle movements, are addressed under the Resource Consent.
5. The applicants are seeking an easement over the reserve land (being Lot 2 DP 496901 and Lot 4 DP 447835). The purpose of the easement is to provide for ongoing and future maintenance of the earthworked area.
6. The earthworks will include the re-grading of the boundary slope to prevent further slipping and for drainage and retaining walls. The exact height of the retaining walls will not be known until the final engineering design is completed during construction.
7. Geotechnical engineers Geosolve were engaged to design a solution to the stability issue and Fluent Solutions were engaged for a solution on drainage. The solution will require earthworks of approximately 3,500m³.
8. Some vegetation will need to be removed but it is limited to exotic scrub. The completed earthworks will be covered with anchor mats. Brushed soil and seed mix will be established on top of the mat. Some low retaining may be required at the top of the slope, with higher retaining behind two of the units. The applicants will need to access the site for maintenance from time to time.

Analysis and Advice | Tatāritaka me kā Tohutohu

9. The land is recreation reserve, and an easement is proposed to be granted pursuant to section 48 of the Reserves Act 1977. The intention to grant the easement was notified on 26 September 2024 calling for submissions. No submissions or objections were received during the submission period.

10. The proposal has been assessed against the provisions of the Reserve Management Plan and is consistent with the purpose and outcomes anticipated by the Plan. It is noted that the site is steep and covered in weeds. The outcome is that the slope will be stabilised and any planting by the applicants will be under the guidance of the Parks Team. This outcome is beneficial to the amenity and character of the location and will have a positive effect on the reserve and its values.
11. The Reserves Act 1977 requires that easements be notified unless it can be shown that the easements will not have permanent effect on the reserve or the public's ability to enjoy the reserve.
12. 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.

13. Option 1 To grant the easement

Advantages:

- This will enable the applicants to progress the proposed weathertightness remediation for the benefit of residents and property owners within the complex.

Disadvantages:

- The proposal will give private persons rights over that part of the reserve for the lifetime of the building.

14. Option 2 To decline the easement

Advantages:

- The reserves would remain unencumbered and in their current state.

Disadvantages:

- Will not enable the applicants to progress the proposed weathertightness remediation for the benefit of residents and property owners within the complex.

15. This report recommends **Option 1** for addressing the matter because reforming the slope is the only practical solution to the slipping and consequent water ingress at this property.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

16. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because it involves a Council reserve.

17. The persons who are affected by or interested in this matter are residents, ratepayers and visitors in the Queenstown Lakes district.
18. The Council has notified the intention to grant the easement with no submissions being received.

Māori Consultation | Iwi Rūnaka

19. The Council has not consulted with iwi in this instance.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

20. This matter relates to the Environmental risk category as documented in QLDC Risk Register. It is associated with Risk 10007 ineffective planning associated with natural hazards. This risk has been assessed as having a high residual risk rating.
21. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by enabling a stabilisation easement for earthworks and retaining walls over recreation reserve.

Financial Implications | Kā Riteka ā-Pūtea

22. There are no operational and capital expenditure requirements or other budget or cost implications resulting from the decision.
23. Council will receive an easement fee, and associated costs relating to this easement, including but not limited to notification, survey and registration.

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

24. The following Council policies, strategies and bylaws were considered:
- Council's Easement Policy, 2008
 - Significance and Engagement Policy, 2024
 - Ben Lomond and Queenstown Hill Reserve Management Plan 2005
 - Reserves Act 1977
25. The recommended option is consistent with the principles set out in the named policies.
26. This matter is not included in the Long Term Plan/Annual Plan

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

27. Granting of an easement on reserve land must be undertaken pursuant to sections 48, 119 and 120 of the Reserves Act 1977.

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

28. 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.

29. 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 resolving an existing building issue affecting multiple residents and ratepayers of the district; and
- 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	Location Plan
B	Site Plan showing extent of works
C	Site Photos