

QLDC Council
23 July 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 1

Department: Community Services

Title | Taitara Request to Exchange Recreation Reserve Land in Lake Hayes Estate

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to seek Council's authority to exchange 45m² of recreation reserve land for 45m² of other freehold land in private ownership, and then to vest as recreation reserve.

EXECUTIVE SUMMARY | WHAKARĀPOPOPOTANGA MATUA

- 2 This report and recommendation address a need to transfer an area of recreation reserve land, currently occupied by a formed road constructed by Queenstown Commercial Ltd (QCL) for their development at Lake Hayes Estate. The intention is that the formed road will vest in Council as legal road, and enable a logical and useable road network and connections. The means to achieve this requires that the land is first transferred/swapped with a different area of freehold land owned by QCL, so that the reserve status can be revoked. The land associated with the formed road can then be vested as legal road, to be owned and managed by Council for the benefit of the community.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Authorise** that 45m² of recreation reserve on Lot 321 DP 37403 (Area A) is exchanged with 45m² of freehold land on Lot 403 DP 379403 (Area B), and that land is vested as recreation reserve.
3. **Agree** that any transfer is conditional that notified Resource Consent RM200276 is granted, any appeals to such have otherwise been determined.

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7/07/2020

Reviewed and Authorised by:



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CONTEXT | HOROPAKI

- 1 Council administers the recreation reserve known as Widgeon Place Recreation Reserve, legally described as Lot 321 DP 379403 (the reserve). The greater reserve comprises a number of lots, with a cumulative area of approximately 230,132m², located to the southeast of Lake Hayes Estate, extending towards the Kawarau River.
- 2 QCL are developing their Stage 7 residential subdivision adjacent to the recreation reserve. Thirteen sections (lots) within that greater development are for the Queenstown Housing Trust.
- 3 The subdivision design incorporates a loop road, called Alps View Place to enable continuous access through the Stage 7 residential development and a connection with Alpine Avenue (legal road). Alps View Place will ultimately vest in Council as legal road, and be owned and managed thereafter by Council as an asset for the use and benefit of the community.
- 4 A small part of Alps View Place traverses land that is recreation reserve. This report addresses that formed road, and what is now necessary to enable a reserve land exchange to allow the road to vest ultimately with Council. The formed road cannot vest with Council unless the reserve status is firstly revoked. The most practical means to achieve such is by a transfer (or swap) of reserve land. The location of the areas of land to swap are shown in **ATTACHMENT A**. The simplified process is that the recreation reserve land is swapped with an equitable parcel of QCL land, the reserve containing the road becomes freehold land owned by QCL, and then QCL vest that land/road in Council to manage and operate as a legal road.
- 5 In addition to Council seeking ultimately to vest the reserve as legal road, QCL also require the reserve status for Area A to be revoked, so that they can obtain Certificates of Title for the various lots in their Stage 7 subdivision. If the reserve transfer does not progress, QCL will need to redesign their subdivision to create a turning head (to allow vehicles to change direction), remove the formed road from the reserve, and re-grass the recreation reserve area. This will create an issue for Council because the road network that it will eventually control will be inefficient and not follow a logical path.
- 6 QCL requires an area of 45m² of recreation reserve on Lot 321 DP 37403 (Area A) to accommodate the road, and in return is offering 45m² of QCL freehold land on Lot 403 DP 379403 (Area B). Plans included as **ATTACHMENT B** identify two parcels of land to transfer.
- 7 The transfer of recreation reserve land requires a process under Section 15AA of the Reserves Act 1977, and the authorisation of the administering body, being Council. The process requires that land to be transferred must first be identified in a publicly notified resource consent. QCL have applied for such a resource consent (referenced as RM0200276), and it has been publicly notified with no submissions being received. At the time of writing this report, no decision has been made on that consent application, so the recommendation of this report is conditional upon such a decision. Should the consent be granted, and if Council supports the recommendation of this report, the authorised

reserve transfer will be included in a Gazette notice (published by the Department of Internal Affairs).

- 8 In addition to the transfer of land, and as an additional proposed betterment, QCL is upgrading identified pedestrian/cycle trails in the area, and granting easements to Council to extend some lengths of trail. The trail upgrades are required under a separate agreement, and it is not proposed that any reserve land is exchanged unless the trail upgrades are undertaken. The purpose of the trail upgrades are to ensure that the community obtains additional benefits beyond the reserve swap. It is the position of Council officers that the trail upgrades are a desirable benefit. Images included as **ATTACHMENT C** illustrate the trail improvements, which are two easement areas to widen/extend an existing trail corridor and enable a direct route (refer Attachment C Plan Sheet Numbers 3 and 4), and the trail surface upgrade of two other lengths of trail, shaded pink in Plan Sheet No. 5.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 9 The Area A recreation reserve to be transferred to QCL currently contains a formed road and is flat land. The parcel shape is that of a triangle and the area is small, meaning that it would otherwise be grassed if it did not contain a road. Given the small area of the parcel, it would be unlikely that if viewed in isolation, it could provide a significant recreational benefit. Its purpose would more likely be access as an ‘entrance’ to the balance of the remainder of the recreation reserve, which is large and has a substantial recreational potential.
- 10 The Area A parcel needs to have its reserve status revoked, so that it can ultimately be vested as a legal road with Council. This would allow a logical loop road function, and continuous vehicle travel through the adjoining development. The alternative would be to stop the road within the development, and create a turning head so that vehicles can change direction. The creation of a turning head would require the loss of a residential lot to allow sufficient area to form the turning head. The consequent road design and function would not be desirable compared to the current loop road.
- 11 The Area B land proposed to transfer to Council in return is sloping and contains recent native planting. It is unlikely that persons would seek to access this land directly, and it would instead provide a landscaped backdrop to the public trail located to the immediate southwest. Area B would be landscaped regardless of its tenure changing to reserve, and it has been chosen for the swap on the basis of it being an equitable area to that sought. The land parcels of areas A and B are quite small, and the associated values and benefits of transfer are minor. The reason for the transfer is to facilitate a functional road network that will ultimately be vested in Council.
- 12 If the reserve transfer does not occur, Alps View Place will stop at the recreation reserve, and have a turning head. This will be metres from Alpine Avenue, which would be separated by a strip of grass. The likelihood is that Council will ultimately seek to create the logical connection with the roads. This would require a process to revoke the reserve status, and the construction of the connecting road at Council’s expense. However, the

outcome recommended by this report is the quickest and easiest to achieve, with the costs being borne by QCL.

- 13 In order to increase the benefits of the reserve transfer for the local community, Council Officers and QCL have sought to create additional public trail easements, and the upgrade of some areas of trail. QCL will undertake these works at their expense.
- 14 Option 1 Council approves the reserve transfer.

Advantages:

- 15 QCL can progress their subdivision and seek titles, which includes 13 lots for the Housing Trust.
- 16 The process of obtaining titles is likely faster and less expensive for QCL. The Housing Trust will not be delayed in constructing their dwellings.
- 17 QCL do not need to sacrifice a residential lot to instead create a turning head, as the road network will otherwise connect and be continuous. Council will ultimately take ownership of a useful and functional road network.
- 18 The local community benefits by having upgraded trails in the vicinity.
- 19 QCL are required to meet all costs associated with any reserve transfer and the trail upgrades.
- 20 The area of land to become reserve is planted in natives and will contribute to the amenity of the area.

Disadvantages:

- 21 Council will need to undertake actions to enable the reserve transfer, which will take time, albeit that the land will return to Council ownership as a legal road.
- 22 Council will need to maintain the native planting on the land that is proposed to become reserve. However, the maintenance level will be low and simple to achieve.

- 23 Option 2 Council declines the reserve transfer.

Advantages:

- 24 Council will not need to spend time progressing the transfer.
- 25 Council will not need to maintain the native plantings on the land that is suggested to become reserve.

Disadvantages:

- 26 QCL will be unable to progress their current subdivision, and will need to redesign part of the development.

- 27 The process of obtaining titles will incur increased costs for QCL.
- 28 The Housing Trust will experience delays in development of their 13 lots.
- 29 Council will ultimately own and manage a less functional road network, and in time will likely need to revoke the reserve status and construct a replacement road at its expense.
- 30 The local community will not have upgraded trails in the vicinity.
- 31 This report recommends **Option 1** for addressing the matter because it aligns with the approach of Council officers thus far, enables the development to progress, assists the Housing Trust and results in some upgrades to the local trail network.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHİ I KĀ WHAKAARO HIRAKA

- 32 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a public recreation reserve.
- 33 The persons who are affected by or interested in this matter are the general public and users of the recreation reserve.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 34 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. This matter relates to this risk because transferring an area of reserve to private ownership does mean that the area of reserve would not have public access thereafter. However, because the ultimate outcome is to vest that land as a public road, public access will be assured, and the road will return to Council ownership under a different tenure.
- 35 This risk is mitigated because the reserve land to transfer will ultimately become public road.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 36 QCL are required to meet Council's costs associated with the reserve transfer process, and trail upgrades.

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

- 37 The following Council policies, strategies and bylaws were considered:
 - Significance and Engagement Policy.
 - Easement Policy 2008.
 - 10-Year Plan/Annual Plan

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

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

39 The request for the reserve transfer will be considered in accordance with Section 15AA of the Reserves Act 1977.

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

40 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 enabling trail upgrades, and assisting the Housing Trust;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- 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 TĀPIRHANGA

A	Location Plan
B	Reserve Transfer Areas
C	Trail Upgrades