

Full Council

24 October 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [8]

Department: Community Services

Title | Taitara: Proposed Reserve to vest in Remarkables Park, Frankton

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider the vesting of a Local Purpose reserve near Remarkables Park, in Frankton, Queenstown.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** the vesting of the following reserve:

Remarkables Park Limited RM240026

- i. Local Purpose Reserve (Tree Planting) – Lot 301 being 1851m² in area.

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

- i) Compliance with the conditions of resource consent RM240026 (and any subsequent variations) which include:
 - a. All new reserve asset information shall be submitted electronically with spatial attributes as outlined in Schedule 1D of the QLDC LDSC 2020.
 - b. An updated Developers Agreement (original dated 19 January 2016) that requires the vesting of the remaining 1,786m² of the reserve land, once the construction of the wastewater infrastructure proposed on this land is complete.
 - c. The registration of a consent notice to ensure all boundary fences along or adjoining any areas of reserve shall be no greater than 1.2m in height and be no less than 50% visually permeable. This does not apply to construction fences during construction work.
 - d. The registration of a fencing covenant on all lots adjoining a reserve to ensure that Council has no liability to contribute toward any work on a 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; and
- iii) Presentation of the reserve in accordance with Council's policies.

Prepared by:



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2 October 2024

Reviewed and Authorised by:



Name: Ken Bailey
Title: GM Community Services
2 October 2024

Context | Horopaki

1. One Local Purpose Reserve, being Lot 301 as shown in Attachment A shaded dark green, is proposed to be vested within an approved subdivision in Remarkables Park in Queenstown.
2. Remarkables Park Limited (RPL) is required to vest the strip of land to the north of Riverside Road as Local Purpose Reserve (Tree Planting), as required by a planning tribunal decision in January 1993. The decision stated that the future vesting of this land would partly satisfy Queenstown Lakes District Council's (QLDC's) reserve contribution requirements. Lot 301 in Attachment A represents a portion of this land.
3. A 2015 subdivision consent within the Remarkables Park Zone (RPZ), required RPL to enter into a Developer's Agreement (DA) with QLDC. The DA, dated 19 January 2016, reflects the planning tribunal decision.
4. The DA noted that some of the land had already been vested in QLDC as a result of previous subdivisions. The DA also stated that the vesting of the remaining land on a subdivision-by-subdivision basis was impractical due to the small size of some of the lots.
5. The DA allowed RPL to set aside the areas of reserve land for each subsequent subdivision, which would be vested in QLDC based on what came first; the total accumulation of remaining reserve land reaching 600m², or, five years from the date of the DA.
6. As five years has passed, QLDC has asked RPL to vest the remaining land as part of the processing of RPL's most recent subdivision consent.

Analysis and Advice | Tatāritaka me kā Tohutohu

7. Subdivision consent RM240026 was granted for a four-lot subdivision including the vesting of Lot 301 as a Local Purpose Reserve (Tree Planting).
8. Lot 301 is 1,851m² in area and is shown in Attachment A. This lot is adjacent to the existing reserve land that has already been vested as a result of previous subdivisions. It represents approximately 50% of the remaining reserve land to be vested by RPL to satisfy reserve contributions as per the 1993 Planning Tribunal decision and outlined in the DA.
9. The classification of the reserve as outlined in the Planning Tribunal Decision is Local Purpose Reserve (Tree Planting). Once the land has been vested, Council will have the opportunity to implement tree planting and beautification as appropriate and in conjunction with the entire strip of land vested as reserve, located to the north of Riverside Road.
10. RPL has advised of the intention to vest the remaining area of reserve land (1,786m²) once an underground wastewater storage tank and pump is constructed on part of the land. An addendum to the DA has been drafted to ensure this occurs as required by the Resource Consent conditions. This area adjoins Lot 301 to the east, as shown as the last piece of land highlighted blue in Attachment A to the north of Riverside Road.

11. Vesting reserve lot 301 and the future additional 1,786m² lot will result in a continuous length of reserve along the northern side of the Kawarau River. The Twin Rivers Trail extends through this reserve area, providing greater access opportunities for recreation and protection.

Options:

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: Accept the proposal to vest the reserve.

Advantages:

- The land is proposed to be vested in Council at no cost at the time of vesting and it will be the developer's responsibility to meet the standards prescribed in the conditions as a pre-requisite to vesting.
- The Local Purpose Reserve (Tree Planting) will provide an additional parcel of reserve land that will provide a logical extension to the existing reserve along the northern bank of the Kawarau River adjacent to Frankton.
- The land to be vested contains a section of the Twin Rivers Trail. The vesting will ensure the trail remains accessible to the public on Council administered reserve.
- The reserve is identified in the approved subdivision consent and accepting the reserve will facilitate the s224(c) process to advance the subdivision.

Disadvantages:

- Council will have to maintain or manage the reserve at a cost to the ratepayer, including any tree planting and beautification Council decides to undertake. However, the costs required for maintenance are minimal and will be provided for within the existing maintenance budget.

14. Option 2: Reject or modify the proposal for the vesting of the reserve.

Advantages:

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

Disadvantages:

- The consented subdivision will need to be formally varied and this could create issues and delays in creating titles and providing the development that is anticipated within the zone.
- The existing reserve will remain fragmented and not form a contiguous area resulting in a less desirable neighbourhood for residents and visitors.

- A section of the Twin Rivers Trail will be held on private land instead of reserve land.
- Council will refuse reserve land being offered to the community at no cost.

15. This report recommends **Option 1** for addressing the matter because it will result in reserve land vesting in Council at the developer's responsibility and cost. It will result in a logical continuation of existing reserve land and provide for the ongoing recreation benefits of access to the Twin Rivers Trail. Additionally, Council will have the opportunity to undertake tree planting and beautification of this area adjacent to the Kawarau River as is deemed appropriate.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

16. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024 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.
17. The persons who are affected by or interested in this matter are the subdivision developer, users of the adjacent reserves and Twin Rivers Trail, and the residents/ratepayers of the district.
18. The Council has not undertaken any consultation in relation to the proposal.

Māori Consultation | Iwi Rūnaka

19. 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

20. 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. The approval of the recommended option will reduce the risk as it provides the community with access to a well-connected open space. Additionally, the vesting is in accordance with the DA and the Parks and Open Space Strategy 2021 which ensures that the land is protected and managed as open space network.

Financial Implications | Kā Riteka ā-Pūtea

21. Maintenance of this reserve will be funded from Council's existing maintenance budgets.

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

22. 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

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

24. 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

25. 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 vesting of this reserve will provide a logical extension of the existing reserve that will facilitate social and environmental wellbeing. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

26. 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	Subdivision Scheme Plan
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