

QLDC Council

15 February 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [5]

Department: Chief Executive

Title | Taitara : Chief Executive's Report

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to summarise items from a recent meeting of the Wānaka-Upper Clutha Community Board, to detail two occasions where I have acted under delegated authority and to seek a Council resolution to replace a member on the Project Manawa hearing panel.

Recommendation | Kā Tūtohu

That the Council:

1. **Note** the contents of this report;
2. **Note** the purchase of 189 Ballantyne Road in recognition of the operational and strategic opportunities presented by the site;
3. **Appoint** Councillor Ferguson to the hearing panel convened as part of the Project Manawa consultation process to hear submissions and make a recommendation on the:
 - a. proposed land strategy for the Stanley Street site; and
 - b. proposal of joint ownership (with Ngāi Tahu Property Limited) and governance arrangements;

Wānaka-Upper Clutha Community Board

4. **Approve** the vesting of the following reserves:
 - a. Orchard Road Holdings RM230716 as a variation to RM200259 – Recreation Reserve. Lot 132, being 2.21 hectares.

Subject to the following works being undertaken at the applicant's expense.

- i) Compliance with the conditions of Resource Consent RM200259 as varied by RM230716 (and any subsequent variations) which include:
 - The formation of a sealed pathway on the Lot 132 reserve to meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);
 - Provision of a potable water supply point to be provided at the boundary of the reserve lot;

- 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;
 - 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 be greater than 1.2m in height, and be 50% visually permeable;
 - A two-year maintenance period by the consent holder commencing from vesting of the reserve; and
 - A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserve 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; and
- iii) Presentation of the reserve in accordance with Council's policies.
- b. Mount Iron Junction RM230506 – Local Purpose (Connection) Reserve. Lot 5 being 60m².

Subject to the following works being undertaken at the applicant's expense.

- i) Compliance with the conditions of Resource Consent RM200259 as varied by RM230716 (and any subsequent variations) which include:
- The formation of a sealed pathway within Lot 5 to meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2018);
 - Provision of a potable water supply point to be provided at the boundary of the reserve lot;
 - 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;
 - 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;
 - A three-year maintenance period by the consent holder commencing from vesting of the reserve; and
 - A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserve 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; and
 - iii) Presentation of the reserve in accordance with Council's policies.
5. **Approve** the following easement, subject to section 48(1) of the Reserves Act 1977:
 - a. The trenching and placement of the following services under two Local Purpose reserves Lot 2 DP 325889 and Lot 117 DP 27003 between Beacon Point and Penrith Park Roads, in Wānaka in favour of John Wyatt, Kristen Metzger and Philip O'Brien:
 - The installation of a 40mm diameter pressure Wastewater main.
 - The installation of a 32mm water pipe.
 - The installation of a 3 phase electrical cables to convey electricity and telecommunications services.
 - b. The time frame of the easement should be approximately 6 months – 1 year.
6. **Agree** that approval for the easement is subject to the following conditions:
 - a. The applicant shall notify and liaise with QLDC Property and Infrastructure Department in advance of any onsite works, so that, if necessary, they can oversee and provide input relating to any works.
 - b. For any disruptions noted, necessary detours to be provided throughout the duration of the installation process.
 - c. Any necessary resource consent, including all earthworks, and any relevant variations, are first obtained for the proposal.
 - d. Easement fees to be determined and paid in accordance with Council's Easement Policy 2008.
 - e. All activities are to be undertaken in accordance with WorkSafe New Zealand's standards for the work environment.
 - f. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment.
 - g. The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant to the QLDC Property Team.
 - h. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property Team.
7. **Agree** that notification to grant the easement is not required as a statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report; and

8. **Agree** that authority to approve final terms and conditions, and execution authority, is delegated to the QLDC Property Team in consultation with the General Manager Community Services who should also have regard to whether remediation of the area should be to an improved state.

Prepared by:



Name: Mike Theelen
Title: Chief Executive
24 January 2024

Context | Horopaki

1. Paragraphs 3-8 and 9-15 set out two occasions when decisions have been made under delegated authority. The first details a property purchase in Ballantyne Road, Wānaka that was approved by myself and the Mayor in December 2023. The purchase price of \$3.36M is less than the \$4M capex investment limit permitted under delegated authority and the purchase is presented for the Council to note. The second describes the reasons for agreeing to the temporary closure of Mt Iron Reserve in January 2024.
2. The Project Manawa hearing is scheduled to take place on 19 February 2024 and the panel was originally appointed at the Council meeting held on 31 August 2023. One of the members has subsequently identified a conflict of interest and has stepped aside, meaning that a replacement member needs to be appointed before the hearing takes place. This is covered in paragraphs 17 and 18.
3. The only meeting to have been held so far in 2024 is a meeting of the Wānaka-Upper Clutha Community Board held on 8 February. There are two recommendations for approval in relation to the vesting of reserves and these are detailed and illustrated in paragraphs 19-22. There is also approval of a recommended easement and this is covered in paragraphs 23-24.

Exercise of delegation: Temporary Closure of Mt Iron Reserve

4. With the threat of wildfire, the Council has developed 'Wildfire Reserve Closure and Activity Management Procedures' to guide management of Council reserves in extreme fire conditions. Closing reserves (under Sections 17 and 53 of the Reserves Act 1977) mitigates the Council's wildfire risk by removing people (and their activities) from the reserve, and also removes people from harm's way if a fire were to occur. Three reserves have been identified as having extreme risk – Mount Iron, Ben Lomond, and Queenstown Hill. The Otago fire risk as shown on the NIWA fire weather maps is being used to monitor these areas.
5. On Monday 8 January 2024, it was identified that the fire indices were rising in Wānaka and were likely to reach levels that would trigger the closure of the Mount Iron Reserve later in the week. Information was sent out to community and stakeholders to make people aware that a closure was likely.
6. On Wednesday 10 January 2024, Parks staff reviewed the fire indices for the following 3-4 days. The indices for Wānaka (specifically Hāwea Flat weather station, which is the closest weather station to the site) were forecast to reach the levels at which a reserve closure would be triggered. A recommendation to the Chief Executive was approved which resulted in the reserve being closed from Thursday 11 January to Saturday 13 January 2024 from 12PM-6AM each day.
7. Between Thursday 11 January 2024 and Saturday 13 January 2024 reserve closure signs were put up at eight locations around the Mount Iron Reserve and information went out to the community via messaging to local news outlets, on social media, community text alert and the QLDC website asking people to avoid the reserve.
8. However, by Saturday 13 January 2024 forecasts indicated that the fire indices were predicted to drop from the following day, and that an extension to the closure was not needed. Reserve closures signs were removed and the community was informed.

9. QLDC Parks staff will continue to monitor weather conditions and future reserve closures may be needed if fire indices predict an extreme risk of wildfire.

Purchase of 189 Ballantyne Road, Wānaka under delegation

10. 8.3ha of land adjacent to the Wānaka Refuse Transfer Station (RTS) was listed for sale late last year, with a deadline sale closing 7 December 2023. The site offered operational and strategic opportunities to enhance and consolidate the Council's solid waste facilities. Property and valuation advice was subsequently sought to be able to be consider whether an offer should be made for the site.
11. The existing RTS on the corner of Ballantyne and Riverbank Roads requires upgrading to meet future demand as well as to maximise diversion opportunities as it is no longer fit for purpose. Ownership of 189 Ballantyne Road would allow the design and build of a new facility while keeping the existing facility going, rather than potentially having to close the existing RTS while trying to upgrade on a very congested site. Removing the current space constraints also enables improved diversion opportunities.
12. QLDC needs to build a new Materials Recovery Facility (MRF) for the district. The existing MRF is located in Queenstown and is at end of life. All preferred sites identified in the Queenstown basin that were identified in the Business Case have been demonstrated to be unsuitable. Purchasing 189 Ballantyne Road would provide a land opportunity for consideration of the district's future MRF site.
13. Part of 189 Ballantyne Road is a closed landfill for which Council holds the consent with ORC. Owning this land provides better control for activities undertaken on the closed landfill.
14. With Central Government signalling organic waste may soon be banned from being landfilled, Council Officers are already considering options for organic waste diversion. If organic material is collected for diversion, a consolidated area will be required prior to transport to a processing facility which is likely to be located out of district.
15. Following an investigation into the site, obtaining property and valuation advice, it was recommended that the Council proceed with the purchase of 189 Ballantyne Road, reflecting the operational and strategic potential that the site provided for enhancing the Council's waste facilities.
16. As a result, Council, under the delegation of the Chief Executive and the Mayor presented an unconditional offer of \$3.36M prior to the deadline, that was later accepted by the vendor.

Change to Membership of Hearing Panel for Project Manawa

17. At the Council meeting held on 31 August 2023, the Council appointed Councillors Cocks, White and Wong to the panel for hear submissions and make a recommendation on the proposed land strategy for the Stanley Street site and proposal of joint ownership (with Ngāi Tahu Property Limited) and governance arrangements.
18. Councillor Wong has identified a conflict of interest as he is a member of the Queenstown Chamber of Commerce Board of Directors and the Chamber has made a submission on Project Manawa. He has therefore stood aside from membership of the panel which leaves a vacancy on

the panel of three. The hearing is scheduled to take place on 19 February 2024 and Councillor Ferguson has agreed to being appointed as a member of the hearing panel.

Proposed reserves to vest in Wānaka

Orchard Road Holdings Subdivision

19. In early 2022 the Board and Council considered the vesting of Lot 901 within the Orchard Road Holdings subdivision at Ballantyne Road for the purpose of a Local Purpose Reserve (Access). Since this time, the Developer has applied to vary the subdivision consent to incorporate an additional reserve (Lot 132) into the subdivision.

20. Lot 132 is 2.21 hectares in size, is to be used as open space and is to be vested as a Recreation Reserve. A pedestrian/cycle trail is also proposed within Lot 132 as shown in the illustration below. This will provide an active travel connection between the Pembroke Terrace subdivision to the northwest, two connections to the industrial area to the north and to Ballantyne Road to the northeast. A path must be formed within the reserve that meets Council’s Grade 2 standard.



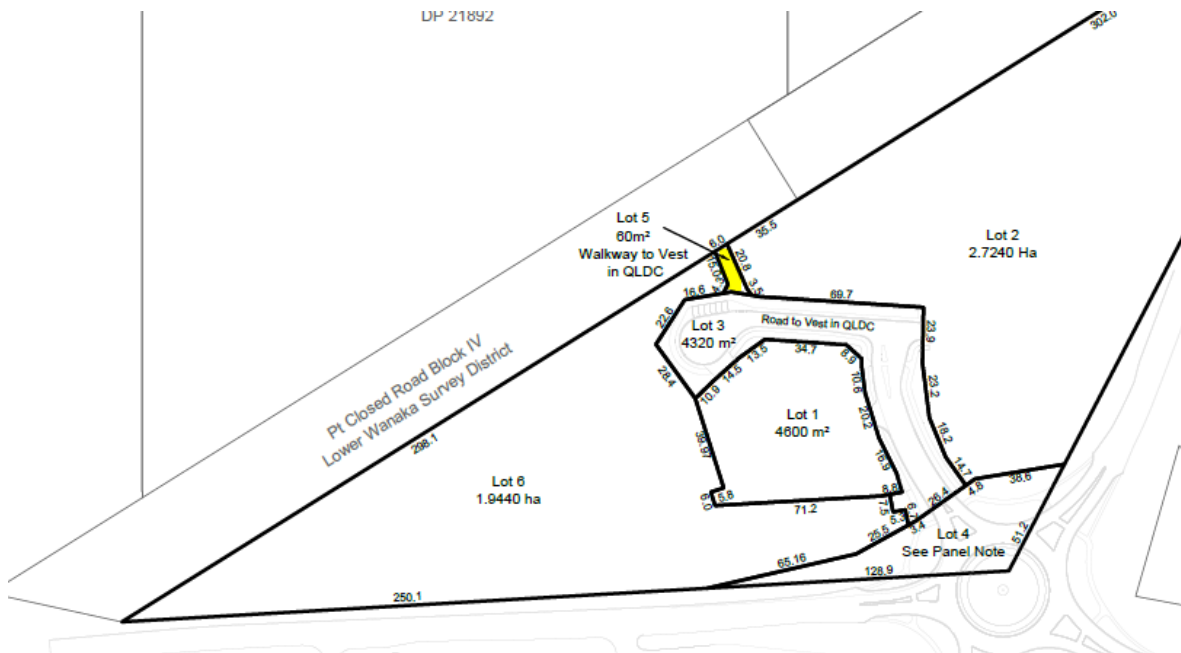
Excerpt of approved subdivision plan RM200259 as varied by RM230716 with proposed reserve circled in red

Mount Iron Junction Limited

21. Mt Iron Junction Limited has received subdivision consent RM230506 for a three lot subdivision. One lot is proposed to be vested in Council as a Local Purpose (Connection) Reserve.

22. The proposed connection reserve will provide access to the adjoining Department of Conservation (DoC) land at the base of Mt Iron (Pt Closed road Block IV, Lower Wānaka Survey District). The DoC land includes an existing informal trail which provides a link to the existing trail within Mt Iron.

Location of proposed connection reserve highlighted in yellow (on page following)



New underground services easement over two Local Purpose Reserves at Penrith Park, Wānaka

23. The report assessed an application for a new easement for underground services to provide connections to Council's reticulated water and wastewater networks, as well as telecommunications and electricity connections in favour of John Wyatt, Kristen Metzger and Philip O'Brien, over two Local Purpose Reserves at Penrith Park, Wānaka.

24. The Board recommended to Council that the easement be approved subject to standard conditions. The Board however, slightly amended one of the recommendations, directing that the QLDC Property Team, shall approve the final terms and conditions, and execution authority, in consultation with the General Manager Community Services *who shall also have regard to whether remediation of the area is to an improved standard.*

Committee Meetings of the Previous Round

Wānaka-Upper Clutha Community Board – Mr Simon Telfer (Chair) (8 February 2024)

Information:

1. Temporary Road Closure Application for Wānaka A&P 2024
2. Adoption of Lismore Park and Peninsula Bay Reserve Development Plans
3. Tree Policy 2023
6. Chair's Report

Recommendation

4. Proposed reserves to vest in Wānaka
5. New underground services easement over two Local Purpose Reserves at Penrith Park, Wānaka