

QLDC Council  
8 August 2019

### Report for Agenda Item | Rīpoata moto e Rāraki take: 5

**Department: Community Services**

**Title | Taitara Commonage Easement – Queenstown Hill Recreation Reserve**

#### **PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to consider approving right of way and in-ground infrastructure easements over recreation reserves on Queenstown Hill in favour of the Commonage development block.

#### **RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report;
2. **Approve** granting a right of way in gross and in-ground infrastructure easement (water, sewage, stormwater, electricity, telecommunications) along the approximate alignment shown on attachments A and B over recreation reserves with legal descriptions Lot 2 DP 496901 and Lot 4 DP 447835 in favour of the Commonage block with legal descriptions Lot 1 DP 496901, Section 2 SO 503041 and Part Lot 1 DP 21763 (Commonage Block), subject to the following conditions:
  - a. Final alignment of the easement to be agreed with Council.
  - b. Cost of felling trees, forming the access, installing infrastructure and registering the easement to be the developers/owners of the Commonage Block.
  - c. No fee will be charged for the easement by Council.
  - d. QLDC Parks and Reserves and Infrastructure Departments to be consulted prior to any works commencing.
  - e. Council to retain the right to form part of the right of way easement, to benefit the public prior to the development of the Commonage Block commencing.
  - f. Council retain the right to use the easement for forestry purposes.

- g. Final conditions of the easement to be agreed between Council and the developer/owner of the Commonage Block.
  - h. Ability to register the easement limited to a period of 10 years from the date of full Council approval
3. **Delegate** authority to approve final terms and conditions of the easement and execution authority to the Chief Executive; and
4. **Delegate** to exercise the Minister’s consent (under delegation from the Minister of Conservation) to granting of a right of way in gross and in-ground infrastructure easement (water, sewage, stormwater, electricity, telecommunications) to Queenstown Lakes District Council, along the approximate alignment shown on attachments A and B over recreation reserves with legal descriptions Lot 2 DP 496901 and Lot 4 DP 447835 in favour of the Commonage block with legal descriptions Lot 1 DP 496901, Section 2 SO 503041 and Part Lot 1 DP 21763 (Commonage Block).

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1/07/2019

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## CONTEXT | HORPOAKI

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- 1 Lot 2 DP 496901 and Lot 4 DP 447835 are Recreation Reserves (the reserves) on Queenstown Hill, located off Kerry Drive. Adjacent to the reserves is the Commonage Development Block with legal descriptions Lot 1 DP 496901, Section 2 SO 503041 and Part Lot 1 DP 21763.
- 2 During 2018 Council marketed the Commonage Development Block for sale. A sale was not concluded at the time, however some feedback from potential buyers during the sales process was that the block would benefit from having a second vehicle access for residents. The only legal access to the block is currently from Vancouver Drive and this would remain the primary access and road frontage for the subdivision.
- 3 Through the district plan review, the Commonage Development Block zoning has been appealed. This appeal is currently being negotiated between the Council and the Appellant, with access to the block being a point of consideration to this process.
- 4 Queenstown Hill also has a growing problem with insufficient parking for the popular Queenstown Hill walking track, with currently only half a dozen parks being available on Kerry Drive at the bottom of the track.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 5 This report considers the dual opportunity to enhance access and parking to the reserves and the Queenstown Hill walking track, and then improve the desirability of a key land holding prior to taking the property back to the market.
- 6 The proposed new access would benefit the public by providing access to 2-3 new viewing vantage points on Queenstown Hill and could provide additional parking within the reserve area at the point of the current formed road for approximately 20+ cars. The Council is investigating whether to form the car park directly off Kerry Drive in the short term and/or to construct a new link track to the existing walking trail as a means of providing immediate additional car parking capacity for walkers.
- 7 The proposed new access has been designed with a gradient of between 1:5 and 1:6. This once formed, is likely to become a popular alternative to the start of the existing Queenstown Hill walking track due to its even grade and spectacular views of the Queenstown Bay and the Lake Wakatipu basin.
- 8 A new access road has been designed from the current terminus of Kerry Drive, up through the reserves and into the Commonage development site. The access road would accommodate a new walking trail and would be for public use up to the point where the access reconnects with the existing walking track.
- 9 Beyond this point it is intended to make the ROW for commonage vehicle traffic only. This is shown on attachments A&B. As currently designed, the easement takes an alternative and scenic route to Vancouver Drive and would service the properties on the western side of the development. It could be registered for up to twenty residential lots in accordance

with Council's subdivision standards and could potentially be extended further to more lots if the road was updated to a higher standards (width/gradient).

- 10 The proposed new access will increase traffic movements in this area of the Queenstown Hill Reserve, however as it proposed to be a secondary alternative access for 20 lots at this stage and a private right of way, it is not anticipated the increase will be significant.
- 11 The proposed new access will also be advantageous for Council forestry operations. The Queenstown Hill forest is owned and administered by Council and is designated in the District Plan for Forestry Purposes. There are currently limited access/egress options to facilitate harvest in this particular area.
- 12 Council wishes to maximise the return it receives from the Commonage block, to assist in funding infrastructure projects over coming years. Providing an additional access point to the block will assist in this aspect.
- 13 The Reserves Act 1977 requires that easements be notified unless it can be shown that the easement will not have a permanent effect on the reserve or the public's ability to enjoy the reserve. The proposed access is intended to be permanent so will have a permanent effect on the reserve, and therefore must be notified calling for submissions. The intention to grant the easement was publicly notified on the 18 April 2019 in the Mountain Scene, with no submissions being received.
- 14 Whilst there is a possible effect on the landscape amenity of the reserve, the area is currently overgrown with noxious weeds and the proposal provides more access to an under-utilised reserve area and a new walking route, which is likely to become a popular attraction for tourists and locals alike.
- 15 The proposal would result in both a private benefit (alternative residential access to the Commonage Development Block) and a public benefit, with better access and increased parking for the Queenstown Hill walking track.
- 16 Options for other alternative accesses to the Commonage Development Block have been investigated with no other immediate options being found. The access may be vested as legal road at some point in the future, if the design changes to allow it to meet legal road vesting standard.
- 17 If approved, it is not intended to form the access or register the easement immediately, although Council may choose to form the car park to provide more parking in the short term for the existing track. The easement would be made available to the future developer of the Commonage Development Block but would need to be formed and registered within a period of 10 years from the date of Council's resolution.
- 18 Maintenance of the access road once developed is likely to be shared between the Council and the future developer or subdivision owners in the Commonage Development Block, due to the joint benefit between public/private interests.
- 19 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:

- 20 Option 1 Approve the granting of easements over Lot 4 DP 447835 and Lot 2 DP 496901 in favour of the Commonage Development block.

*Advantages:*

- 21 Provides better access and parking for the Queenstown Hill walking track.
- 22 Creates a number of new viewing points on Queenstown Hill and is likely to increase the use of an area of the reserve that is currently underutilised, for recreational activities.
- 23 Provides vehicle access to the higher parts of the Commonage Development Block making it more attractive to potential purchasers/developers.

*Disadvantages:*

- 24 There could be some loss of landscape amenity on the reserves during and post construction due to the increased use of the reserve.
- 25 Is likely to increase traffic to this area of Queenstown Hill.
- 26 The access may need to be maintained in partnership between the Council and the developer due to the joint benefit.
- 27 Option 2 Decline granting the proposed easements to the Commonage Development Block.

*Advantages:*

- 28 There would not be any loss of landscape amenity on the reserves during construction.
- 29 Is unlikely to increase traffic to this area of Queenstown Hill.
- 30 Would not require maintenance by the Council.

*Disadvantages:*

- 31 Would not provide better access and parking for the Queenstown Hill walking track.
- 32 Would not create a number of new viewing points on Queenstown Hill and increase use of the reserve for recreational activities.
- 33 Would not provide vehicle access to the higher parts of the Commonage Development block making it more attractive to potential purchasers/developers.
- 34 This report recommends **Option 1** for addressing the matter because it results in improved access, parking and viewing on Queenstown Hill and facilitates access to the Commonage Development Block.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 35 This matter is of [medium] significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to the permanent effects on a recreation reserve but the reserve is not a Council strategic property.
- 36 The persons who are affected by or interested in this matter are predominantly the users of the reserve and the residents and ratepayers of the Queenstown Lakes District community.
- 37 The Council has provided a mechanism for community consultation through the public notification of the intention to grant a lease required by the Reserves Act 1977. Public notification did not result in any submissions being received.
- 38 The Queenstown Mountain Bike Club have also been consulted on this proposal and are supportive.

### > MĀORI CONSULTATION | IWI RŪNANGA

- 39 The Council has undertaken consultation with wider community via the public notification of the intention to grant easements over the reserves. No further consultation is envisaged.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 40 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 a perpetual property right contained in the recreational reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving any easement.
- 41 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved through the conditions recommended for adoption as part of this resolution.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 42 There are no operational and capital expenditure requirements required as a result of this approval, as all development and registration costs will sit with the developer of the Commonage Development Block.

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

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- 43 The following Council policies, strategies and bylaws were considered:

- Ben Lomond and Queenstown Hill Reserve Management Plan: The proposal is consistent with the plan in that it will provide more car parking, viewing areas and promotion of the reserve which are all actions identified in the management plan. The objective of the plan is that the reserves will provide low impact recreational use.
- Significance & Engagement Policy 2014: The proposal is a matter with medium significance in terms of this policy as it does not impact Council's strategic assets, but may affect a number of residents, ratepayers and the environment and is expected to create some community interest in the matter.
- Easement Policy 2008. Requires a payment to Council for the reserve easements, however this is recommended to be waived, given the benefit the easement is likely to create for Council when selling the Commonage Block.

44 The recommended option is otherwise consistent with the principles set out in the named policy/policies.

45 This matter is not included in the Ten Year Plan/Annual Plan, however the Commonage Development Block is included in the Ten Year Plan as a potential sale, and this easement supports the future disposal of this block.

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

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46 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 improving the saleability of the Commonage Development block and providing additional access and parking for the Queenstown Hill track;
- 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 TĀPIRIHANGA**

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A	Easement Plan
B	Concept Plan