

QLDC Council
10 December 2020

Report for Agenda Item | Rīpoata moto e Rāraki take : 6

Department: Community Services

Title | Taitara New reserve licence to the Queenstown Mountain Bike Club for BMX jump park at Kerry Drive, Queenstown Hill

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider granting a licence over recreation reserve to the Queenstown Mountain Bike Club Incorporated, over Lot 4 DP 447835, Kerry Drive

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Grant** a new licence over recreation reserve under section 54(1)(c) of the Reserves Act to The Queenstown Mountain Bike Club Inc, for use of the site as a BMX Jump Park located at Kerry Drive, Queenstown Hill with legal description Lot 4 DP 447835, subject to the following conditions:

Commencement	TBC
Term	10 years
Renewal	One further term of 10 years by agreement of both parties
Rent	Subject to the Community Facility Funding Policy (\$1 per annum at commencement)
Permitted use	As a BMX Jump Park.
Operating hours	Limited to between 10am and 9pm in summer and 10am and 5pm in winter, with daylight hours clause during autumn and spring.
Insurance	Lessee to hold Public Liability Insurance of at least \$2,000,000
Safety/Suspension	Council to retain ability to suspend or vary the licence for safety or other purposes
Tree Management	The lessee will be responsible for implementing a tree and fire management plan for the licence area and immediate vicinity

Termination	Council can give 2-years cancellation notice
Other	Track design/placement must be approved by Council's Parks team
	All events must be approved by Council

Prepared by:



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18/11/2020

Reviewed and Authorised by:



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Manager

26/11/2020

Approved by:



Thunes Cloete
General Manager
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26/11/2020

CONTEXT | HOROPAKI**ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU**

- 1 The Queenstown Mountain Bike Club have a licence for the Gorge Road jump park until June 2021.
- 2 The current site occupied by the club is proposed to be converted into a parking area over coming years, with room for buses and other vehicles at peak times. The site may also have other future uses still to be identified, as it is mostly freehold non reserve land with a portion of road reserve.
- 3 Council has been working with the club to identify a suitable long-term location for the Jump Park, looking at a number of sites from Lake Hayes to Frankton and around the Queenstown Town Centre. Of these sites, the Club's preference is to occupy land at Kerry Drive, where it is close to the Town Centre and has manageable contours for shaping and forming the jump park.
- 4 This reserve land would benefit from closer management with clearing of broom and wilding pines. The area is adjacent to the Queenstown Hill walking track and the proposed easement to the Commonage Development Block and there is an opportunity for enhanced parking and new access route up to the Queenstown Hill walking track.
- 5 The reserve is covered by the Ben Lomond and Queenstown Hill Reserve Management Plan. The plan sets an object for Queenstown Hill for *'low impact recreation activities that rely on and are complementary to Queenstown Hill's natural quiet'*. The Council considers that this activity meets the objective of the plan but acknowledges that any events will need specific management on a case by case basis to minimise disruption to adjacent residents and other reserve users.
- 6 In order to clear the site, design and form the jump park in the new location, the club will need to contribute considerable labour and in-kind support which is hard to quantify into a monetary figure. On this basis it is proposed to provide a licence term of 10 years with a renewal of 10 years by agreement.
- 7 Car parking is proposed to be formed onsite for users of the jump park, and walkers up Queenstown Hill. However, the club anticipates that due to its central location most users will bike to the site and not travel by car. The Club has proposed a link trail at the bottom of the licence area to link users back to town without using the roads. The exact location of the trail is still to be determined.
- 8 It should be noted that power lines run above the licence area. Initial notice has been provided to both Delta and Aurora relating to the proposed licence and use, with no objections raised. It was noted that there will need to be trees removed during the site clearing stage of the work and these would need to be felled by Aurora contractors.
- 9 Council has an informal arrangement with a local cat rescue group to have feeding stations onsite. These will need to be reconsidered should the proposal proceed.

- 10 Separately it should be noted that an outline plan approval process using the reserve designation is being undertaken by the Council to ensure compliance with the District Plan.
- 11 From a Reserves Act perspective, the request must notified for public consultation. This requires publication of a notice to the public and a period of one calendar month to receive any objections or submissions. If opposing submissions are received, Council is required to consider those submissions/objections through a reserve hearing process, and then make a recommendation back to full Council as to whether to proceed with the granting of a licence.
- 12 The proposed licence was notified on 21 May 2020, with two (2) submissions being received. The submissions were generally positive but requested consideration of user conflict at Malaghan Street and parking at the reserve. These requests were considered by the club who responded to the submitters with the following feedback:

“We've taken on board the feedback around the bike rider and pedestrian conflict occurring on Malaghan Street. As part of this biking development we will look to divert this bike traffic to a more suitable link, with a focus on reducing speed and minimising any rider-pedestrian conflict.

With regard to parking, QMTBC are planning on developing a dedicated parking area within the licence area. We are working with QLDC on this. We will work to ensure our riding community is informed of the most appropriate parking locations, and are hopeful that this dedicated parking, together with appropriate link trails out of the reserve will serve to manage parking concerns on adjacent streets.”

- 13 This feedback resolved the submitters concern to their satisfaction. A hearing is only required when an objection is received, however the submissions received did not object to the proposal, but instead sought consideration of certain matters, which were resolved. Accordingly, it was not necessary to convene a hearings panel to consider the matter further.

- 14 Option 1 Grant a new the licence to the Queenstown Mountain Bike Club Inc.

Advantages:

- 15 Will provide a recreational activity for a large community group upon the reserve.
- 16 Will provide for the better long-term management of the reserve, through clearing of wilding pines and broom.
- 17 Will potentially provide synergies with other Council activities in the area aimed at improving access to adjoining reserve land by the public for recreation.

Disadvantages:

- 18 Would restrict the use of the reserve for other activities during the term of the licence.

19 Option 2 To decline the request.

Advantages:

- 20 Would not restrict the use of the reserve for other activities during the term of the licence.

Disadvantages:

- 21 Would not provide a recreational activity for a large community group upon the reserve.
- 22 Would not provide for the better long-term management of the reserve, through clearing of wilding pines and broom.
- 23 Would not provide synergies with other Council activities in the area aimed at improving access to adjoining reserve land by the public for recreation.
- 24 This report recommends **Option 1** for addressing the matter because the licence will provide on balance a better community recreational outcome for the reserve and minimise council ongoing maintenance costs.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as the land it relates to is not identified as a significant asset, and the proposal will modify the character of the reserve to facilitate a recreational use.
- 26 The Council notified the intention to grant a reserve licence in accordance with section 119 of the Reserves Act 1977. Two submission were received, which were subsequently resolved.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 27 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. It is however recognised that the licence being sought has gone through a public process to ensure it is consulted on, prior to being considered by full Council.
- 28 This matter relates to this risk because it is dealing with issuing a licence over land that is a community asset.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

29 It is anticipated that Council will cover the costs associated with notifying the proposed licence and drafting any final legal agreement for the licence, estimated at total cost of \$1000.

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

30 The following Council policies, strategies and bylaws were considered:

- a. *Significance and Engagement Policy, 2014*
- b. *Ben Lomond and Queenstown Hill Reserve Management Plan, 2005*

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

32 This matter is not included in the Ten Year Plan/Annual Plan and will not have any impact on it.

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

33 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 providing for a well-used community activity; and
- Can be implemented through current funding under the Ten Year Plan and Annual Plan; and
- 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

A	Proposed licence area and trail development plan
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EARTHWORKS VOLUMES

TOTAL CUT =	-5260m ²
TOTAL FILL =	5250m ²
MAXIMUM FILL =	5.0m
MAXIMUM CUT =	6.0m

LEGEND:

	POWER POLE
	FILL BATTER
	CUT BATTER
	WALKING TRACK
	OVERHEAD PWR LINES
	SEALED AREAS

ROAD 1		
Project: PROPOSED QMTBC LICENCE AREA for APL		
ISSUE DATE: Aug 2018	ISSUE: A - Original Issue	PREPARED BY: Bruce Grant
		Scale 1:1000 @ A1 1:2000 @ A3
		DRAWING & ISSUE No. 3811.30.1B

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