

**QLDC Council
30 July 2015**

Report for Agenda Item: 6

Department: Operations

Proposal to Vest Reserve Land – Shotover Country Stage1F

Purpose

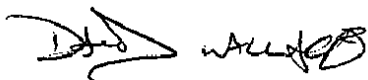
- 1 To consider the vesting to Council reserve land as part of the proposed subdivision Shotover Country – Stage 1F, Stalkers Road, Ladies Mile.

Recommendation

That Council:

- a. **Approve** the vesting of proposed Lots 1205 and 1208 as Recreation Reserve, Lot 1206 as Local Purpose Reserve (Pedestrian, Cycle, Bridal & Stormwater) and Lot 1207 as Scenic Reserve with the following works be undertaken at the applicant's expense:
 - i. Consent being granted for the subdivision of Shotover Country, Activity Areas 1F;
 - ii. Presentation of the reserve in accordance with Council's standards for reserves;
 - iii. A potable water supply point to be provided at the boundary of each reserve lot;
 - iv. The registrations of a fencing covenant under section 6 of the Fencing Act 1978 on the reserves to protect the Council from liability to contribute towards any work on a fence between a public reserve and any adjoining land owner;
 - v. Construction of stock fencing to isolate stock (if stock is proposed in the area) from the walkway while the land in the zone is being developed;
 - vi. A five year maintenance period by the current landowner commencing from vesting of the reserves.

Prepared by:



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Parks and Reserves
7/07/2015

Reviewed and Authorised by:



Myles Lind
General Manager Infrastructure
(Acting)
8/07/2015

Background

- 2 Council has previously vested reserves at Shotover Country associated with Stages 1-10 of development. Attachment A identifies reserves proposed to be vested under this agenda item.

Comment

Stage 1F

- 3 Lots 1205 and 1208 are proposed to be vested as Recreation Reserve, Lot 1206 as Local Purpose Reserve (Pedestrian, Cycle, Bridal & Stormwater) and Lot 1207 as Scenic Reserve. The total area of land proposed to be vested is 27.02ha.
- 4 Lot 1205 and 1208 are intended to provide for various reserve components, Lot 1206 contains pedestrian, cycle, bridal paths with a stormwater network and Lot 1207 contains a wetland area.

Lots 1205 - 1208

- 5 The developer of Shotover Country is proposing to gift 27 hectares of land to Council to facilitate the creation of community recreation resources.
- 6 Lots 1205 - 1208 will not be used to offset reserve land contributions.
- 7 The size and topography of the proposed reserve will lend itself to development for multiple recreation uses.
- 8 The Shotover Country Structure Plan shown in Attachment B and approved by Council identifies the majority of the areas proposed to be vested as "Open Space" therefore the retention of these areas for reserve purposes is anticipated.
- 9 The area proposed to be vested lies on an identified flood plain that floods when the Shotover River floods due to very high rainfall. This flooding has occurred five times in the last sixty-five years; on average once every thirteen years.
- 10 The works undertaken over the past five years on Shotover Country land, including within the identified flood plain area, include earthworks to build up land adjacent to the Shotover River within the identified flood plain area to allow for residential development above the flooding level in accordance with Councils protection of Habitable Floors standard.
- 11 It is not considered that this flooding hazard on open space and associated effects should impact the decision to vest land in the first instance however it will be important to understand the hazard prior to agreeing to any reserve improvements proposed in the future.
- 12 The risk and effect of flooding hasn't been assessed as yet because it is considered the effect of the hazard will not be realised until any potential future improvements are proposed/in place. As such it is proposed to vest the land without improvements.

13 Any potential future reserve improvement development contribution offsets will be proposed in a separate report when more detail is available.

Options

14 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:

15 Option 1 Accept the proposal for the vesting of the reserves.

Advantages:

16 Vesting of the proposed reserve will confirm a large part of what was envisaged by the Shotover Country Structure Plan previously approved by Council.

17 The land is proposed to be vested in Council at no cost.

Disadvantages:

18 Council will have to maintain or manage the reserve at a cost to the ratepayer after five years.

19 Option 2 Reject the proposal for the vesting of the reserves.

Advantages:

20 Council will not have to maintain/manage the reserve at a cost to the ratepayer.

Disadvantages:

21 What is approved in the Structure Plan that forms part of the District Plan may not materialise.

22 Council will refuse a significant area of land being offered at no capital cost.

23 Option 3 Modify the proposal for the vesting of the reserves.

Advantages:

24 Council will avoid taking responsibility for land with a history of flooding.

Disadvantages:

25 What is approved in the Structure Plan that forms part of the District Plan may not materialise.

26 Recommended Option

27 This report recommends Option 1 for addressing the matter.

Significance and Engagement

28 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because there will be little impact on Council's function if the recommended option is taken and land proposed as open space is envisaged in this location by the Shotover Country Structure Plan.

Risk

29 This matter related to the operational risk OR002 and OR010b. OR002 relates to an 'Increase in Expenditure' and OR010b relates to 'Damage or loss to third party asset or property' as documented in the Council's risk register. The risks are classed as moderate.

30 This matter relates to this risk because accepting the land may increase Council's expenditure on maintenance after the initial land owner maintenance period. The recommended option ensures conditions are required to be met in terms of Reserve specifications prior to handover to Council which should ensure expenditure on maintenance is at anticipated levels. The vesting is also in accordance with the Parks Strategy further reducing risk of judicial review of any decision to accept the land.

31 The OR010b risk is due to the fact that the land being vested is prone to flooding. The land has historically flooded in very high rainfall events and it is likely to flood again. Assessing the risk on any future assets built on the land prior to any development of the land should assist in mitigating the potential risk to Council.

Financial Implications

32 The applicant will be required to maintain the reserves for the first five years. Following this point provision will need to be made available within Council's maintenance budgets dependent on the proposed use of the area.

Council Policies, Strategies and Bylaws

33 The following Council policies were considered:

- Policy on Significance, this decision is not considered significant.
- Parks Strategy 2002
- Corporate Risk Management Schedule

34 The vesting of the proposed reserves will contribute to the provision of a range of recreational opportunities. Therefore, contributing to the vision expressed in the Strategy.

Local Government Act 2002 Purpose Provisions

35 In relation to section 10(1)(b) of the Local Government Act 2002 the proposed activity involves meeting the current and future needs of the Queenstown community for good quality local public services in a way that is most cost effective for households and businesses.

Consultation: Community Views and Preferences

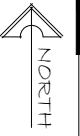
36 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community.

37 No specific consultation has been undertaken however the plan change that established the requirement for open space that this vesting will facilitate was publicly notified giving the community the opportunity to submit on the proposal.

38 No specific media statement or public communication is considered necessary

Attachments

- A Plans showing proposed subdivision and land to be vested
- B Shotover Country Structure Plan showing Open Space facilitated by this land vesting



CLIENT REVIEW 26.06.12

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Rev.	Date	Revision Details	By
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SHOTOVER COUNTRY ACTIVITY AREA 1F PROPOSED RESERVES TO VEST

Client	Shotover Country LTD	Surveyed	Signed	Date	Job No.	Drawing No.
		-	-	-	11876	09
		Drawn	Signed	Date	Scale	Sheet
		RWB	-	26.06.15	1:2000 @ A1	001
		Designed	Signed	Date	Datum & Level	Rev.
		-	-	-	Mt Nic 2000 & MSL	-

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Structure Plan

