

**QLDC Council**  
**28 September 2017**

**Report for Agenda Item: 16**

**Department: Property & Infrastructure**

**Suburban Estates Ltd, Proposal to Vest Land as Reserve**

**Purpose**

To seek Council approval to vest a proposed reserve.

**Recommendation**

That Council:

1 **Approve** the vesting of the proposed reserve;

a. Lot 201 Recreation Reserve.

subject to the following works being undertaken at the applicant's expense:

- i. Presentation of the reserve in accordance with Council's standards for reserves;
- ii. A potable water supply point to be provided at the boundary of the reserve lot;
- iii. 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 a public reserve vested in or administered by the Council and any adjoining land;
- iv. A three year maintenance period by the current landowner commencing from vesting of the reserve in accordance with the relevant consent, and subject to consent conditions being imposed under variation RM170060 to ensure such;
- v. A landscape plan to be provided to the Parks Planning Manager to identify removal/replacement trees to be established prior to the commencement of the maintenance period;
- vi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

2 **Approve** reserve land contributions are offset in accordance with the Development Contributions Policy current at the time of contributions payment and the Parks and Open Space Strategy 2017, subject to recommendation (iii) above.

Prepared by:



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11/09/2017

Reviewed and Authorised by:



Stephen Quin  
Parks and Reserves Planning  
Manager

11/09/2017

## Background

- 1 One recreation reserve is proposed in association with a development being undertaken by Suburban Estates Ltd. The reserve is described as Lot 201 (602m<sup>2</sup>), and is illustrated in Attachment A of this report.
- 2 A different recreation reserve (also referenced as Lot 201) was initially consented under resource consent RM150887, and its vesting was endorsed by Council officers in 2015, as being consistent with an earlier reserve (Lot 300) approved by Resource Consent RM070943, and endorsed by Council on 31 March 2009.
- 3 Lot 201 RM150887 had an area of 390m<sup>2</sup> and was located in a different westward position within the subdivision, than the reserve currently proposed.
- 4 However, RM150887 was varied under RM160492 on 14 July 2016, and the resource consent decision approved a change to Lot 201, to make it larger at 602m<sup>2</sup>, in a different eastward location, and to contain mature trees.
- 5 Given the substantial changes to Lot 201 as consented in 2016, Council now cannot rely on the previous endorsement of the different initial reserve accepted in 2015. Hence, this report seeks Council approval for the new Lot 201. This is necessary to facilitate the process toward release of titles associated with the residential lots proposed by the Suburban Estates Ltd Development, as Section 224(c) approval is currently being sought.
- 6 The new Lot 201 reserve has recently been identified to Council Officers in the Parks Planning Department, and the recommendation of this report is the result of discussions concerning its suitability. Potential conditions of an undecided current variation application to RM150887 (being RM170060) can ensure the usefulness of the proposed reserve will be required under the consent process. This can ensure that the reserve will not place any undue financial burden upon Council. Such conditions include requiring maintenance periods prior to acceptance, fencing covenants, and meeting Council's standards for reserves.

## Comment

- 7 The reserve will provide a linkage that will assist with pedestrian and cycle movement. Lot 201 will link the internal road for the subdivision with Manse

Road. The proposed reserve is consistent with the 'Connections' parks and open space typology as identified in the Parks and Open Space Strategy 2017.

## Options

- 8 Option 1 Accept the proposal for the vesting of the reserve as per the Parks and Open Space Strategy 2017.

### *Advantages:*

- 9 The land is proposed to be vested in Council at no cost.
- 10 The vesting of the reserve will confirm what is envisaged and in accordance with the Resource Consent for the development.

### *Disadvantages:*

- 11 Council will have to maintain or manage the reserve at a cost to the ratepayer after the maintenance period.
- 12 Option 2 Reject or modify the proposal for the vesting of the reserve as per the Parks and Open Space Strategy 2017.

### *Advantages:*

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

### *Disadvantages:*

- 14 Council will refuse areas of land being offered at no cost.
- 15 The reserve has been consented through the consent process, and not vesting it will create conflicts with the grant of Resource Consent and the timing associated with the potential release of residential titles.
- 16 This report recommends **Option 1** for addressing the matter.

## Significance and Engagement

- 17 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.

## Risk

- 18 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.
- 19 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 and Open Space Strategy 2017 further reducing risk of judicial review of any decision to accept the land.

### **Financial Implications**

20 The applicants will be required to maintain the reserve for the first 3 years. Following this point provision will need to be made available within Council's maintenance budgets dependent on the facilities in the reserves and the level of service they will be maintained to.

### **Council Policies, Strategies and Bylaws**

21 The following Council policies were considered:

- Significance and Engagement Policy
- Parks and Open Space Strategy 2017
- Development Contributions Policy
- Vesting of Roads and Reserves Policy

### **Local Government Act 2002 Purpose Provisions**

22 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**

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

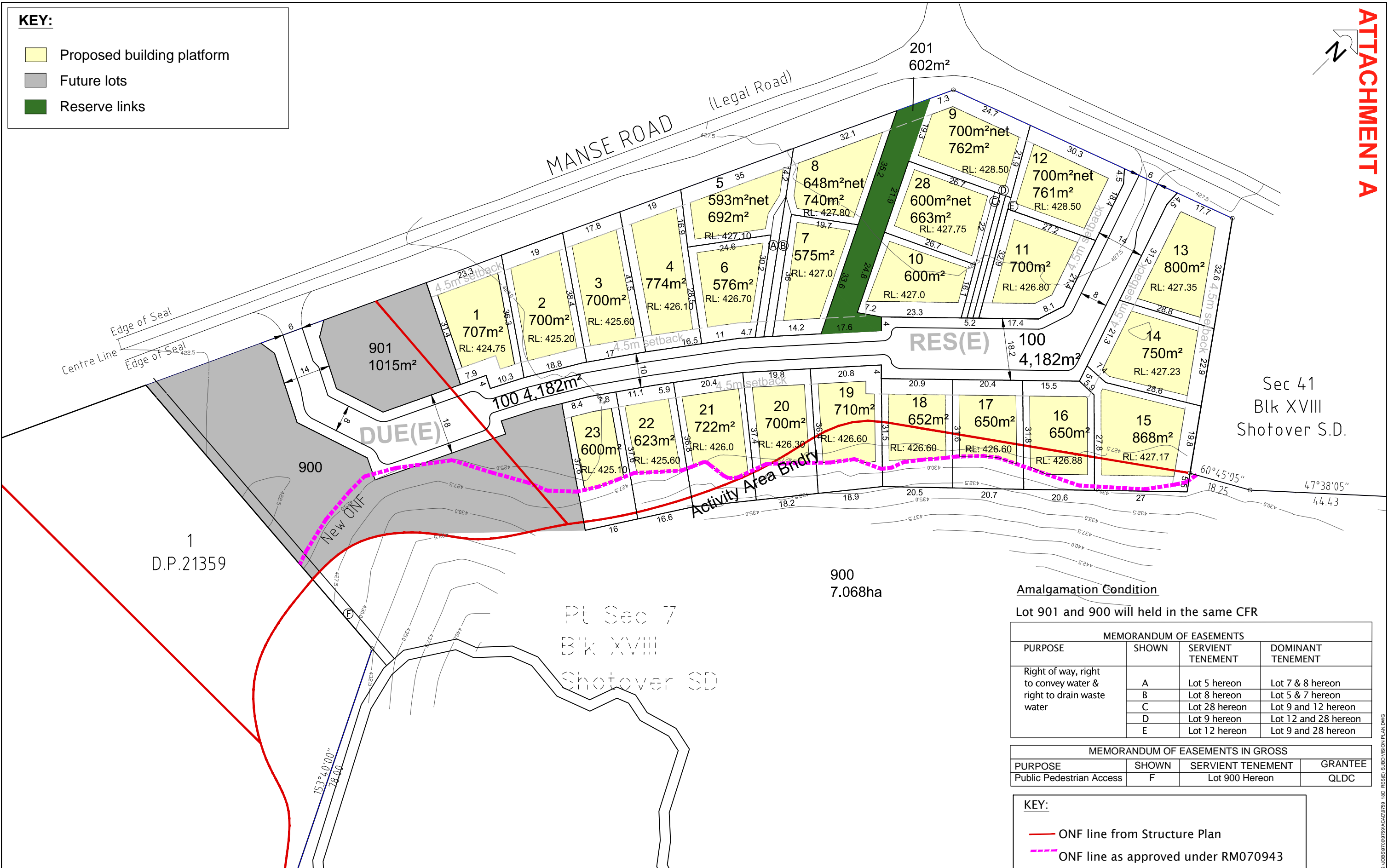
24 No specific media statement or public communication is considered necessary.

### **Attachment**

A Suburban Estates Limited: Recreation Reserve Lot 201

**KEY:**

- Proposed building platform
- Future lots
- Reserve links



Sec 41  
Blk XVIII  
Shotover S.D.

**Amalgamation Condition**

Lot 901 and 900 will held in the same CFR

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of way, right to convey water & right to drain waste water	A	Lot 5 hereon	Lot 7 & 8 hereon
	B	Lot 8 hereon	Lot 5 & 7 hereon
	C	Lot 28 hereon	Lot 9 and 12 hereon
	D	Lot 9 hereon	Lot 12 and 28 hereon
	E	Lot 12 hereon	Lot 9 and 28 hereon

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Public Pedestrian Access	F	Lot 900 Hereon	QLDC

**KEY:**

- ONF line from Structure Plan
- ONF line as approved under RM070943

**CLARK FORTUNE McDONALD & ASSOCIATES**  
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Rev	Date	Revision Details	By	Ver.	App.
E	19.0.17	Add Public Pedestrian Access	JC		
D	13.7.16	Add Lot 7 as Dominant Tenement	CRW		
C	11.7.16	Add amalgamation text	CRW		
B	5.7.16	Revise Lot numbers	CRW		
A	17.5.16	Revise Lot layout	CRW		

**Notes:**  
1. All dimensions shown are in meters unless shown otherwise.  
2. Please note that the services that are depicted on this plan are from the field survey. For confirmation of the type and position of each service please refer to the As Built plan.

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Project: **MANSE ROAD SUBDIVISION**

Client: **SUBURBAN ESTATES Ltd**

Surveyed	Signed	Date
CH		
ED		26.1.16
Designed		
Approved		

Drawing Title: **LOTS 1-23 & 28 BEING A PROPOSED SUBDIVISION OF THE RES(E) ACTIVITY AREA & LOT 900 & 901 BEING A BALANCE LOT IN OS-HL(E)**

Job No.	9759	Sheet No.	18
Scale	1:500 @ A1 1:1000 @ A3	Datum & Level	NZGD 2000 M.S.L.
Rev.			F

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