

**Community & Services Committee
31 May 2018**

Report for Agenda Item 3

Department: Community Services

Proposal to Vest Land as Reserve and to Offset Reserve Land Contributions as per the Development Contributions Policy as Applicable

Purpose

To consider recommending to Council, the approval for two proposed reserves identified within two separate subdivision developments, being Shotover Country Ltd and Glenorchy Trustee Ltd, and to offset reserve land contributions as per the Development Contributions Policy as Applicable.

Recommendation

That the Community & Services Committee:

1. **Recommend to Council that** the vesting of the two proposed reserves be approved;

Glenorchy Trustee Ltd – RM171428

- a. Lot 200 (a, b &c): Local Purpose (Beautification Strip) Reserve, Oban St.

Shotover Country Ltd - RM171487

- b. Lot 1001: Local Purpose (Flood Protection) Reserve, Hicks Road, Shotover Country

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

- i. Consent being granted (as necessary) for any subdivision required to formally create the reserve;
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of a landscape and planting plan for the reserve.
- iv. The formation of any sealed pathways to a minimum 2 metre wide width, and also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);
- v. A potable water supply point to be provided at the boundary of the reserve lot;

- vi. 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;
- vii. The registration of a Consent Notice on any land adjoining the reserve to ensure any fences on land adjoining the reserve are no more than 1.2 metres in height with a visual permeability of at least 50%;
- viii. A three year maintenance period by the current landowner commencing from vesting of the reserve
- ix. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
- x. Vesting of reserve to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

2. **Recommend to Council** that any reserve land contributions (if applicable) are offset in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation three above.

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16 May 2018

Reviewed and Authorised by:

Thunes Cloete
General Manager Community Services
17 May 2018

Background

- 1 Two proposed reserves within two separate subdivision developments are addressed by this report.
- 2 Developer: Glenorchy Trustee Ltd (GTL), for subdivision consent to include the creation of 60 residential allotments upon land adjoining Shiel St and Oban St in Glenorchy. No subdivision consent has yet been approved, and the proposal is being processed by Council Planners (Planning & Development) under the reference (RM171428). The applicant proposes to vest Lot 200 as a Local Purpose (Beautification Strip) Reserve. Proposed Lot 200 is (potentially) comprised of three sub-allotments, being 200a, 200b and 200c, with an aggregate total area of 1,970m². It is expected that the three (a, b & c) allotments will be amalgamated and held together as a single lot. The reserve is illustrated in **Attachment A**.
- 3 The premise for the proposed Lot 200 reserve is aligned to District Plan, Policy 1.5 of the Township zone, which states:
 - 1.5 *The provision of a 5 metre wide Local Purpose Reserve (for beautification purposes) along the frontage of Oban Street, Glenorchy*

1.5.1 On both sides of Oban Street south of Mull Street , the Council shall require that such land be taken as Local Purpose Reserve at the time of subdivision or development, except that: Where a Local Purpose Reserve has already been taken from sites as part of a previous subdivision, no further land shall be taken from those sites as a part of any further subdivision or development

1.5.2 Where a beautification strip is provided within the Glenorchy Township Zone at the time of subdivision or development, the Council shall offset the value of this land against the Development contribution payable under the Local Government Act 2002.

- 4 Such beautification strips are common in Glenorchy, and they can provide for roadside amenity planting.
- 5 Developer: Shotover Country Ltd (SCL), for subdivision consent to include the creation of a Local Purpose (Flood Protection) Reserve, identified as Lot 1001 with an area of 1,494m². No subdivision consent has yet been approved, and the proposal is being processed by Council Planners (Planning & Development) under the reference (RM171487). The proposed reserve is to include a revetment, which is a structural formation necessary to provide for flood protection. It is appropriate that the revetment is contained within a reserve, as its maintenance and integrity is the responsibility of Council, and as such should be located within Council controlled land. An area of the revetment will however be located on private land, with an easement to assure Council access. There are no development contribution land or improvement offsets applicable to this scenario. The reserve is illustrated in **Attachment B**.

Comment

- 6 Reserve land contributions (if appropriate) can be offset in accordance with the Development Contributions Policy current at the time of contributions payment.

Options

- 7 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:
- 8 Option 1 Accept the proposal for the vesting of the reserves and to offset reserve land contributions (if appropriate) as per the Development Contributions Policy.

Advantages:

- 9 The land is proposed to be vested to Council at no cost at the time of vesting, and it will be the developer's responsibility to meet the standards prescribed in the recommended conditions as a pre-requisite to vesting.

Disadvantages:

- 10 Council will have to maintain or manage the reserve at a cost to the ratepayer after three years.
- 11 Option 2 Reject or modify the proposal for the vesting of the reserve.

Advantages:

- 12 Council will not have to maintain/manage the reserves at a cost to the ratepayer (after three years, if applicable).

Disadvantages:

- 13 Council will refuse areas of land being offered at no cost.
- 14 This report recommends Option 1 for addressing the matter.

Significance and Engagement

- 15 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

- 16 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.
- 17 This matter relates to this risk because accepting the land will 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

- 18 The applicants will be required to maintain the reserves for the first three 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

- 19 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

- 20 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 community for good

quality local public services in a way that is most cost effective for households and businesses.

Consultation: Community Views and Preferences

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

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

Attachments

A Glenorchy Trustee Ltd – Lot 200 (a, b &c)

B Shotover Country Ltd – Lot 1001