

**Community & Services Committee
6 April 2017**

Report for Agenda Item 3

Department: Property & Infrastructure

Proposal to Vest Various Lands as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy

Purpose

- 1 To consider recommending to Council the approval to vest six proposed reserves identified within four developments, and to offset reserve land and reserve improvement development contributions.

Recommendation

- 2 That the Community & Services Committee:

1. **Recommend to Council** the vesting of the six identified proposed reserves be approved;
 - a. Lots 110 and 111, Bullendale, Arthurs Point
 - b. Lot 1003, Shotover Country
 - c. Lot 22, Queenstown Country Club
 - d. Lots 803 and 804, 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. A potable water supply point to be provided at the boundary of the reserve lot;
- iv. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves 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;
- v. A three year maintenance period by the current landowner commencing from vesting of the reserve;

2. **Recommend to Council** that reserve land contributions are offset in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation one above.
3. **Recommend to Council** that reserve improvement contributions are offset against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:
 - a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks and Reserves Planning Manager.
 - b. Final approval of reserve improvement costs to be delegated to the Parks and Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
 - c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

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22/03/2017

Reviewed and Authorised by:



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22/03/2017

Background

- 3 Six proposed reserves associated with four unrelated developments (Please note that three reserves are being created by the same developer via two separate consents) are addressed by this report. The following identifies the separate developments and their associated proposed reserves.
- 4 Developer: Riverton Queenstown Limited

Special Housing Area Consent SH160143 granted subdivision and land use consent on 23 December 2016 to develop 153 Arthurs Point Road. The consent identifies two proposed Local Purpose Reserves (lots 110 and 111) which are illustrated in Attachment A. Lot 110 has an area of 2,200m² and will contain a proposed 'linear park'. Lot 111 will have an area of 170m², and will be to the west of the development access, fronting Arthurs Point Road. The proposed reserves are intended to enable public pedestrian/cycle access along the frontage of the development site and to provide such a linkage adjacent to Arthurs Point Road.

5 Developer: Shotover Country Limited

Resource Consent RM160543 granted on 2 August 2016 for a subdivision including the creation of a Local Purpose Reserve (Lot 1003) as illustrated in Attachment B. However, a variation to that consent is anticipated which will seek to transfer the creation of the proposed reserve from RM160543 to RM160269 instead. Hence, the proposed reserve will be formally created by one of the two Resource Consents, with RM160269 being the anticipated option. The area of the proposed reserve is unspecified, but the relevant Attachment illustrates its size and scale sufficient to provide an access linkage to the considerably larger adjacent land parcel that has previously been agreed by Council to be vested as reserve.

6 Developer: Sanderson Group Limited (aka Queenstown Country Club)

Special Housing Area Consent SH160140. At the time of writing this report the Commissioners have not granted consent, although they have communicated an undertaking to do so should the applicant address a list of stated concerns. The subdivision proposes the creation of Lot 22 (150m²) to vest as Local Purpose Reserve for pedestrian access. This will facilitate access to/from the development and link with the existing adjacent Recreation Reserve legally described as Lot 321 DP 379403. The reserve is illustrated in Attachment C.

7 Developer: Shotover Country Limited

Resource Consent RM161023 granted on 23 December 2016 for subdivision to create 61 residential allotments, including the creation of two reserve lots (Lot 803 and Lot 804). Lot 803 will be a 145m² recreation reserve and serve as a pedestrian link between Silver Street and the adjoining recreation reserve off Jones Avenue. Lot 804 will be a 19m² local purpose reserve and will serve as a pedestrian link between George Drive and Risinghurst Terrace. The reserves are illustrated in Attachment D.

- 8 The above reserves proposed have been previously identified to Council Officers and their inclusion in the various developments is the result of discussions concerning their suitability. Where appropriate, conditions to ensure the usefulness of the proposed reserves have been required under the consent process so that the anticipated reserves 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

- 9 The various proposed reserves will enable the community to access other reserves and to provide linkages that will assist with pedestrian and cycle movement. The proposed reserves are consistent with the 'Connections' parks and open space typology as identified in the Draft Parks and Open Space Strategy 2017.

- 10 Reserve land and reserve improvement contributions will be offset in accordance with the Development Contributions Policy current at the time of contributions payment. The recommended option ensures that reserve improvement contributions will only be offset against improvements agreed by the Parks and Reserves Planning Manager, that the offsets will reflect the actual cost of the works and that Council will not meet any costs of work that exceed the value of contributions required.

Options

- 11 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:

- 12 Option 1 Accept the proposal for the vesting of the reserves and to offset reserve land and reserve improvement contributions as per the Development Contributions Policy.

Advantages:

- 13 The land is proposed to be vested in Council at no cost.
- 14 The vesting of the reserves will confirm what is envisaged and in accordance with the Resource Consents and applicable applications for the developments.

Disadvantages:

- 15 Council will have to maintain or manage the reserves at a cost to the ratepayer after three years.
- 16 Option 2 Reject or modify the proposal for the vesting of the reserves and to offset reserve land and reserve improvement contributions as per the Development Contributions Policy.

Advantages:

- 17 Council will not have to maintain/manage the reserves at a cost to the ratepayer.

Disadvantages:

- 18 Council will refuse areas of land being offered at no cost.
- 19 The areas of reserve have been identified through the respective consent process and not vesting them could create conflicts with any associated grant of Resource Consent.
- 20 This report recommends Option 1 for addressing the matter.

Significance and Engagement

- 21 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

- 22 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.
- 23 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 Draft Parks and Open Space Strategy 2017 further reducing risk of judicial review of any decision to accept the land.

Financial Implications

- 24 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

- 25 The following Council policies were considered:
- Significance and Engagement Policy
 - Draft Parks and Open Space Strategy 2017
 - Development Contributions Policy

Local Government Act 2002 Purpose Provisions

- 26 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

- 27 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community.
- 28 No specific media statement or public communication is considered necessary.

Attachments

- A Riverton Queenstown Limited: Reserves

- B Shotover Country Limited: Reserve
- C Sanderson Group Limited: Reserve
- D Shotover Country Limited: Reserves