

**Community & Services Committee
11 October 2018**

Report for Agenda Item 1

Department: Community Services

Proposal to Vest Land as Two Local Purpose Reserves

Purpose

- 1 To consider recommending to Council, an approval for two proposed Local Purpose reserves.

Recommendation

That the Community & Services Committee:

1. **Recommend to Council** that the vesting of the two proposed Local Purpose Reserves be approved;

Moreteon Investments Ltd – RM170870

- a. Lot 300 (7,250m²): Local Purpose (Stormwater) Reserve, Kent St, Kingston.

RCL Henley Downs Ltd - RM180631

- b. Lot 94 (223m²): Local Purpose (Utility) Reserve, Jack Hanley Drive, Hanley Farm.

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

- i. Consent being granted (and subject to any variations) for subdivision required to formally create the reserves and to level out topography (if advised necessary by the Parks & Reserves Planning Manager);
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. Areas of reserve shall exclude areas of road;
- iv. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks & Reserves Planning Manager;
- v. All areas of Lot 94 RM180631 shall be mowable, and not have a gradient steeper than 1:5;
- vi. A potable water supply point to be provided at the boundary of the reserve lots;

2. **Recommend to Council** that the vesting of the two proposed Local Purpose Reserves be approved;

Moreteon Investments Ltd – RM170870

- c. Lot 300 (7,250m²): Local Purpose (Stormwater) Reserve, Kent St, Kingston.

RCL Henley Downs Ltd - RM180631

- d. Lot 94 (223m²): Local Purpose (Utility) Reserve, Jack Hanley Drive, Hanley Farm.

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- i. Consent being granted (and subject to any variations) for subdivision required to formally create the reserves and to level out topography (if advised necessary by the Parks & Reserves Planning Manager);
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. Areas of reserve shall exclude areas of road;
- iv. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks & Reserves Planning Manager;
- v. All areas of Lot 94 RM180631 shall be mowable, and not have a gradient steeper than 1:5;
- vi. A potable water supply point to be provided at the boundary of the reserve lots;
- vii. 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 the reserve vested in or administered by the Council, and any adjoining land;
- viii. The registration of a Consent Notice on any land (being Lots created by RM180631) adjoining the Lot 94 RM180631 reserve, to ensure any fences on land adjoining, or boundaries along the reserve, shall be 50% visually permeable and no higher than 1.2 metres;
- ix. A three year maintenance period by the current landowner commencing from vesting of the reserves;
- x. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
- xi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

Prepared by:

Reviewed and Authorised by:



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24/09/2018



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Background

- 2 Two proposed reserves within two separate subdivision developments are addressed by this report.
- 3 Developer: Moreteon Investments Ltd, for subdivision to create 32 residential allotments, and one Local Purpose (Stormwater) Reserve, identified as Lot 300 (7,250m²) in plans included as Attachment A. The development is located adjacent to Kent St, Kingston, and subdivision consent RM170870 was approved on 23 February 2018 to create the residential allotments, and provide for the Local Purpose Reserve.
- 4 The Lot 300 reserve is subject to a flooding/alluvial hazard, and conditions of Resource Consent RM170870 require that a Management Organisation is formed by the Consent Holder to undertake any ongoing hazard mitigation works (such as deflection bunds/channel maintenance/culvert) associated with the subdivision. This is because Council would otherwise be taking on a potentially significant liability. The ongoing responsibilities of the Management Organisation will ensure that Council is not responsible for matters associated with the flooding/alluvial hazard.
- 5 A formed pathway is also proposed through the reserve, and this will require crossing of the stream (via culvert), although the maintenance of such will similarly be the responsibility of the Management Organisation. This is because such a pathway could be damaged by the flood hazard, and Council is similarly not prepared to take on a potential maintenance liability.
- 6 Developer: RCL Henley Downs Ltd, for subdivision consent to create 170 allotments for residential purposes, 7 lots to vest as road, 1 lot to vest as Local Purpose (utility) Reserve, identified as Lot 94 (223m²) in plans included as ATTACHMENT B. The application for resource consent is currently being considered, and is referenced as RM180631.
- 7 The Lot 94 reserve is required to accommodate a booster pump station. Advice is that water modelling has confirmed sufficient capacity within the QLDC water supply network to cater for the residential development, however this modelling

identified that sufficient pressure (300kpa) could only be achieved to an elevation of 353 metres. Areas within the development have an elevation greater than this, hence the requirement for the booster pump station to ensure that adequate water pressure and flow rates can be achieved to service future residential units throughout the development.

- 8 The resource consent planner advises that conditions on any grant of RM180631 will ensure that, prior to works commencing on the site, Engineering Acceptance (EA) is required to be obtained. The EA is to include all necessary specifications and design plans. A further condition will require that Design Certificates for all engineering infrastructure be provided (including for the booster pump station) in accordance with QLDC's Code of Practice.
- 9 There are no development contribution land or improvement offsets deemed applicable to the proposed reserves.

Comment

- 10 The proposed Moreteon Investments Ltd Lot 300 Local Purpose (Stormwater) Reserve has already been anticipated by approved resource consent RM170870.
- 11 The consideration of RM170870 noted that with respect to *Natural and Other Hazards*, the Council was concerned with respect to potential flood hazards and the effects upon, and protection of infrastructure (particularly paths, stream crossings), minimum floor levels, and ongoing responsibility and liability for maintaining rock armouring. These matters were discussed with the applicant's surveyor and concluded in the preparation of a 'Summary Memorandum' by Hadley Consultants Limited (30 November 2017) and the submission of indicative stream protection and associated earthworks plans.
- 12 Council is satisfied that the matters raised with respect to flood hazards can be addressed by conditions of the subdivision consent and confirmation that the Lakefield Estate Residents Society Incorporated ('LERSI') will take responsibility for the ongoing structural integrity of the stream protection infrastructure.
- 13 Whilst the Lot 300 reserve is of marginal value to Council, it is acknowledged that the potential liabilities associated with the flood hazard are the responsibility of a separate entity, and will not be a burden on the greater community.
- 14 The Lot 300 reserve will contain the stream and margins, areas of flood mitigation (rock armouring), a culvert and pathway. The area will not be formally landscaped and contains a variety of wilding flora, as one might expect along a rural stream area and pastoral margin.
- 15 The proposed RCL Henley Downs Ltd Lot 94 (223m²) Local Purpose (Utility) Reserve, is identified as being necessary to contain utility infrastructure.

Options

- 16 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:

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

Advantages:

- 18 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.
- 19 The Lot 300 RM170870 reserve will have a Management Organisation in place to undertake any flood hazard mitigation works (such as deflection bunds/channel maintenance) and to maintain the pathway.

Disadvantages:

- 20 Council will have to maintain or manage the reserves at a cost to the ratepayer after three years, although in the case of Lot 300 RM170870, this will not include flood hazard mitigation works or maintenance of the pathway.

21 Option 2 Reject or modify the proposal for the vesting of the reserves.

Advantages:

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

Disadvantages:

- 23 Council will refuse areas of land being offered at no cost.
- 24 Resource consent has already been granted for Lot 300 RM170870, and to not accept the reserve could impact upon the development and any agreements in place associated with prospective purchasers of the residential lots.
- 25 This report recommends Option 1 for addressing the matter.

Significance and Engagement

- 26 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

- 27 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.
- 28 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.

Financial Implications

29 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

30 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

31 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

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

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

Attachments

- A Moreteon Investments Ltd (RM170870) Plans
- B RCL Henley Downs Ltd (RM180631) Plans