

**QLDC Council
27 November 2014**

Report for Agenda Item: 7

Department:
Operations

7: Proposed Glenorchy Local Purpose Reserve land exchange

Purpose


- 1 To consider a land exchange for 75 square metres of local purpose reserve in Glenorchy.

Recommendation

- 2 *That Council*
 - a. **Authorise** pursuant to section 15 of the Reserves Act 1977, the exchange of 75 square metres of Lot 1 DP 434815 (local purpose beautification reserve) for 75 square metres of Lot 14 DP 434815
 - b. **Authorise** the Chief Executive to undertake all steps necessary to effect the exchange of 75 square metres of Lot 1 DP 434815 (local purpose beautification reserve) for 75 square metres of Lot 14 DP 434815, including but not limited to, public notification
 - c. **Authorise** the Chief Executive to enter into an agreement to record the exchange of 75 square metres of Lot 1 DP 434815 (local purpose beautification reserve) for 75 square metres of Lot 14 DP 434815 on the following terms:
 - i. Council's final approval
 - ii. The exchange be at least equivalent in terms of a combination of factors such as size, locality, financial value and amenity value
 - iii. The proponent of the exchange to pay all costs associated with the exchange
 - iv. Conditional upon the proponent of the exchange achieving Overseas Investment Office approval and consent for any boundary adjustments required
 - v. And all other terms and conditions acceptable to the Chief Executive.
 - d. **Direct** the Chief Executive, provided that the exchange of 75 square metres of Lot 1 DP 434815 (local purpose beautification reserve) for 75

square metres of Lot 14 DP 434815 is agreed, to apply for a resource consent to complete the exchange.

- e. **Agree** the appointment of three Councillors to a panel to hear submissions, should this be required as a result of the public notification of the exchange of 75 square metres of Lot 1 DP 434815 (local purpose beautification reserve) for 75 square metres of Lot 14 DP 434815

Advice Prepared by:	Report Advice Reviewed and Recommended by:	Reviewed and Authorised by:
		
Joanne Conroy Property Manager 12/11/2014	Mike Weaver Manager, Parks & Operations 12/11/2014	General Manager, Operations 12/11/2014

Background

- 3 Lots 1 and 3 DP 434815 are local purpose (beautification) reserves (LPR) that run parallel with Oban Street, the main road into Glenorchy. The reserves restrict the number of road crossings on that road from private property and ensure that the entrance to Glenorchy is visually attractive. At the present time the beautification reserve is grassed. The reserves were vested on subdivision and were not derived from the Crown.
- 4 Pounamu Holdings 2014 Limited (Pounamu), a registered Company incorporated in February 2014, has purchased the old camping ground in Glenorchy, Lots 1 and 2 DP 435250 and Lot 14 DP 434815, which adjoin the local purpose reserves described above. The vehicle access from Oban Street to the Pounamu land is presently via an access point between Lots 1 and 3.
- 5 Pounamu is seeking to create a new access point from Oban Street into its land south of the current access, to better use the site. The proposed new access is the same size as the old one, being a total area of 75m².
- 6 Pounamu intends to use the old camping ground site for other commercial activities and to develop the site adjacent to the reserve as a new camping ground. The development will be subject to obtaining a number of resource consents. The Overseas Investment Office must also approve the sale of the properties to Pounamu as the land next to the old camping ground is conservation land. That process is pending and if the sale is not approved, the land exchange proposed in this paper will not proceed.
- 7 The intention to exchange the land with Pounamu will need to be publicly notified calling for submissions. A hearing will need to be held if objections are

received and Council must exercise the delegated authority of the Minister of Conservation, pursuant to section 15 of the Reserves Act 1977.

- 8 Resource consent will be required to formalise the exchange if Council gives it final approval.

Comment

- 9 RM060985 created an allotment (Lot 10) that was to be vested as legal road. Lot 10 was a cul-de-sac that branched off Oban Street. The cul-de-sac was to provide legal access to the proposed residential allotments within Stage 3 of RM080069 (not created) and Lots 1 and 2 DP 435250. The cul-de-sac has not been physically formed. A map of the area and affected parcels is appended as Attachment A.
- 10 A Consent Notice (8406563.2) created pursuant to Section 221 of the Resource Management Act 1991 restricts access to Oban Street for Lots 1 and 2 to the cul-de-sac. Easements in favour of Lots 1 and 2 over Lot 14 exist to allow this access arrangement to occur. Access to Coll Street for Lots 1 and 2 can occur.
- 11 The Consent Notice 8406563.2 also requires that the access easements in favour of 1 and 2 over Lot 14 are to be cancelled when the cul-de-sac is vested in Council ownership as legal road. Pounamu does not intend to construct the cul-de-sac as previously approved by the Council, as this access arrangement was based on serving a residential subdivision.
- 12 As part of the resource consent application to develop Camp Glenorchy, Pounamu will seek permission from the Council to delete the requirement to construct the cul-de-sac in its present position.
- 13 Pounamu will also seek permission to vary and/or delete the applicable easements that relate to the cul-de-sac between Lots 1, 2 and 14.
- 14 The new access point has been assessed by a traffic engineer, and no issues have been identified. The exchange is also considered to not adversely affect the overall integrity of the LPR.
- 15 In order that the agreement between Council and Pounamu Holdings is clear, the parties will sign an agreement to record the proposal outlined above, subject to Council's final approval, Pounamu having the land purchase approved by the overseas investment office, and consent being given for the new boundaries and uplifting the consent notices as outlined above.

Options

- 16 Council has the following options, to approve the exchange as proposed, to approve the exchange on other terms and conditions, to decline the exchange.

Assessment

- 17 The proposal is being considered to assist a private developer's maximise the use of its property. The Glenorchy Community is concerned about the loss of

camping facilities in the town and this proposal will facilitate the construction of a new camping ground, intended to be completed in time for next summer.

- 18 If the proposal is declined, the developers will need to redesign the camping ground and it will likely delay construction until after summer 2015.
- 19 The land exchange is swapping like for like, simply moving the access to the private land. Pounamu also intends to remove the consent notice that provides cul-de-sac access to lots 1, 2 and 14 as this access was on the basis of those lots being residential sections and it will not be required for a camping ground.
- 20 As the land areas to be exchanged are considered to be of equivalent value in terms of size, location, financial and amenity value, officers recommend Council approve the exchange proposal.

Financial Implications

- 21 Council will not incur any costs from this process as the applicant will meet all costs incurred.

Local Government Act 2002 Purpose Provisions

- 22 The exchange is consistent with ss10 of the Local Government Act as it supports local involvement in decisions on the administration of local public services and results in a cost-effective solution for ratepayers.

Council Policies

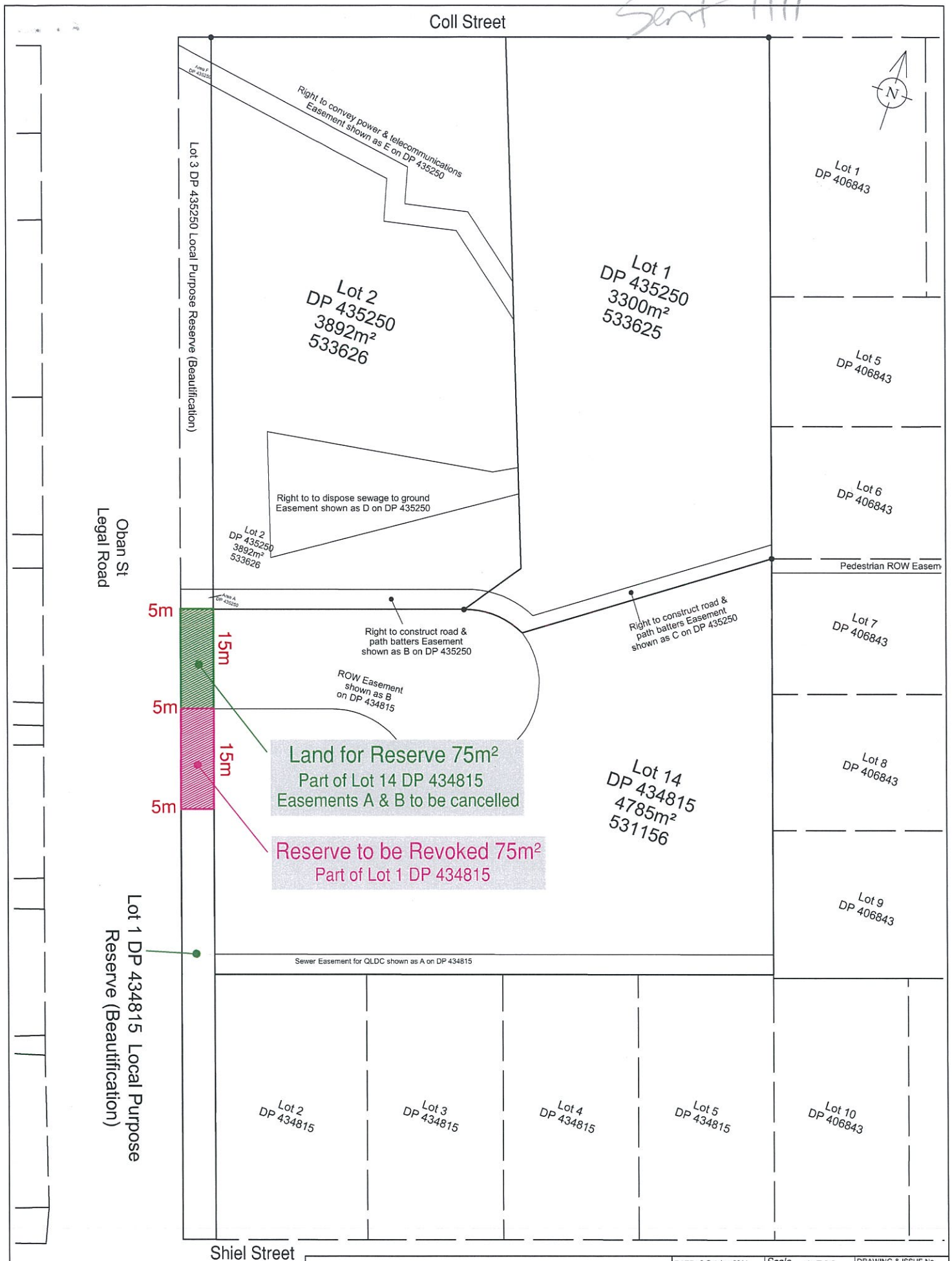
- 23 The following Council Policies were considered:
 1. Property Sale and Acquisition Policy – clause 4.1 (3c) – property can be sold or reinvented if part of a site is attractive to an interested party.
 2. Policy on Significance 2013 – this proposal is not significant as it does not impact Council assets, or affect a large number of residents and ratepayers to a moderate extent

Consultation

- 24 The intention to revoke the reserve classification and transfer the land to Pounamu Holdings limited will be publicly notified.
- 25 Officers have not identified any parties that would be directly affected by the proposal as the LPR is bordered by land owned by the applicant and by Oban Street on the West.

Attachments

- A Plan showing the private sites (Lots 1 and 2 DP 435250 and Lot 14 DP 434815, the two local purpose reserves being Lots 1 and 3 DP 434815, the proposed cul-de-sac (to be removed), the area to become reserve in green and the area of reserve to transfer to Pounamu Holdings in pink.



Areas and dimensions are subject to confirmation by survey

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**PROPOSED RESERVE EXCHANGE
(ADJUSTMENT OF ACCESS POSITION)**
34 OBAN STREET
GLENORCHY

DATE: 2 October 2014
BY: B McLeod

Scale 1:500
Original Plan A3

DRAWING & ISSUE No.
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