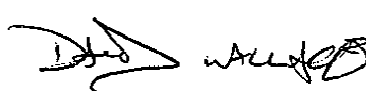



**QLDC Council****24 March 2015****Report for Agenda Item: 10****Department:****Operations****Proposed Glenorchy Local Purpose Reserve land exchange****Purpose**

- 1 To consider a land exchange for 75 square metres of local purpose reserve in Glenorchy being Lot 1 DP 434815.

**Recommendation***2 That Council*

- a. **Agree** to the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) for the exchange 75 square metres of Lot 1 DP 434815 (local purpose beautification reserve) for 75 square metres of Lot 14 DP 434815 subject to section 15 of the Reserves Act 1977.

Report prepared by:	Reviewed and Authorised by:
 David Wallace	
Senior Parks and Reserves Planner	General Manager - Infrastructure
9/03/2015	9/03/2015

**Background**

- 3 Lots 1 DP 434815 and 3 DP 435250 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 with some exotic trees. The reserves were vested on subdivision and were not derived from the Crown.
- 4 Pounamu Holdings 2014 Limited (Pounamu) has purchased the old camping ground in Glenorchy, and also 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 described in paragraph 3 above. Pounamu is seeking to create a new access point from Oban Street into its land south of the current access, to better utilize their site. The proposed new access is the same size as the old one, being a total area of 75m<sup>2</sup>.

- 5 Council considered this matter at its meeting of 27 November 2014 and passed the following resolution:

**On the motion of Councillors Lawton and Forbes it was resolved that the 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. Appoint Councillors Cocks, Forbes and Perkins as a hearings panel, of which two are required 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.**

- 6 The intention to undertake this land exchange was notified 3 December 2014 calling for submissions on or before 30 January 2015. Three submissions were received; one from the Glenorchy Community Association in support and one from a resident who did not oppose the proposal but was concerned with the loss of a pedestrian access shown highlighted blue on the attached plan. The development as presented will not enable that walkway to proceed, and the submitter is seeking the ability for Glenorchy residents to be consulted about it. This matter is beyond the consideration of the land exchange and will be considered as part of the consent process by the QLDC planners.
- 7 A third submission received opposed to the proposal was subsequently withdrawn.
- 8 As no opposing submissions were received no hearing was necessary.
- 9 The process to complete the exchange will be for the applicant to seek resource consent, survey, and registration. It may take some time and therefore an agreement as outlined in part (c) of the November resolution will be drafted and signed by the parties. Note that the Overseas Investment Office is still investigating the land purchase.

### **Comment**

- 10 Council can choose to include any conditions in giving its approval for the land exchange.
- 11 While the land exchange does not affect whether or not the pedestrian walkway can be formed between Old Dairy Close and Oban Street, the applicants have advised that they will apply for it to be uplifted as part of their resource consent application. Council can choose to include a condition relating to the walkway in giving its approval for the land exchange, but it does raise questions about the appropriateness of a pedestrian walkway through what will be a commercial site occupied by increased numbers of vehicles and large camper vans. In considering the resource consent, the planners will be able to take these factors into account and if necessary impose conditions to address them.
- 12 There is a formed walkway from the Old Dairy Close development to the boundary of the subject property, and a footpath to both Coll Street in the north and Shiel Street to the South but no footpath formed on either of those streets to Oban Street. If the development proposed for the old camp site (north of Coll Street) is approved, then a footpath will be constructed on Coll Street, but there will be also off street parking on that street, increasing the vehicle movements. There is an option for a footpath to be formed on Shiel

Street so that pedestrians from Old Dairy Close can safely access Oban Street using that route and this could also be a condition of approval for the land exchange.

### **Options**

- 13     a. To approve a land exchange 75 square metres of Lot 1 DP 434815 for 75 square metres of Lot 14 DP 434815 with terms as detailed in the November resolution ; or
- b. To approve notification of the intention to exchange 75 square metres of Lot 1 DP 434815 for 75 square metres of Lot 14 DP 434815 subject to other terms and conditions; or
- c. Not to approve the proposal.

### **Option a**

- 14     The advantage of this option is that the proposal would assist private developer's utilisation of their 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 the 2015 summer period. It will increase economic activity in Glenorchy.
- 15     The disadvantage of the proposal is the potential loss of a walkway easement linking Old Dairy Close and Oban Street if the Planners consider that it is not required as part of the resource consent considerations. However there is no direct effect on Council or the public.
- 16     There will be no reduction in the area of Local Purpose Reserve acting as a beautification strip so there are no advantages or disadvantages in this regard.

### **Option b**

- 17     Advantages as above, but the inclusion of a condition relating to the requirement to retain or replace the walkway might address concerns raised by the public.
- 18     Disadvantages of including a condition relating to the walkway is that it does not take into account the full proposal meaning that such a condition may not address other issues around practicality or safety.

### **Option c**

- 19     We have not identified any advantages in declining the application.
- 20     The disadvantage of declining the application is that it would require the applicant to alter their plans or might even result in them cancelling their development.

## **Financial Implications**

21 There are no financial implications of this decision.

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

21 The revocation of the reserve classification over this portion of land is consistent with Section 10 of the Local Government Act as it supports local involvement in decisions on the administration of local public services. I

## **Council Policies**

The following Council Policies were considered:

23 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.

24 Policy on Significance and Engagement 2014 – 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

25 Reserves Act 1977 – land exchanges are permitted pursuant to section 15.

## **Consultation**

26 The intention to revoke the reserve classification was publicly notified.

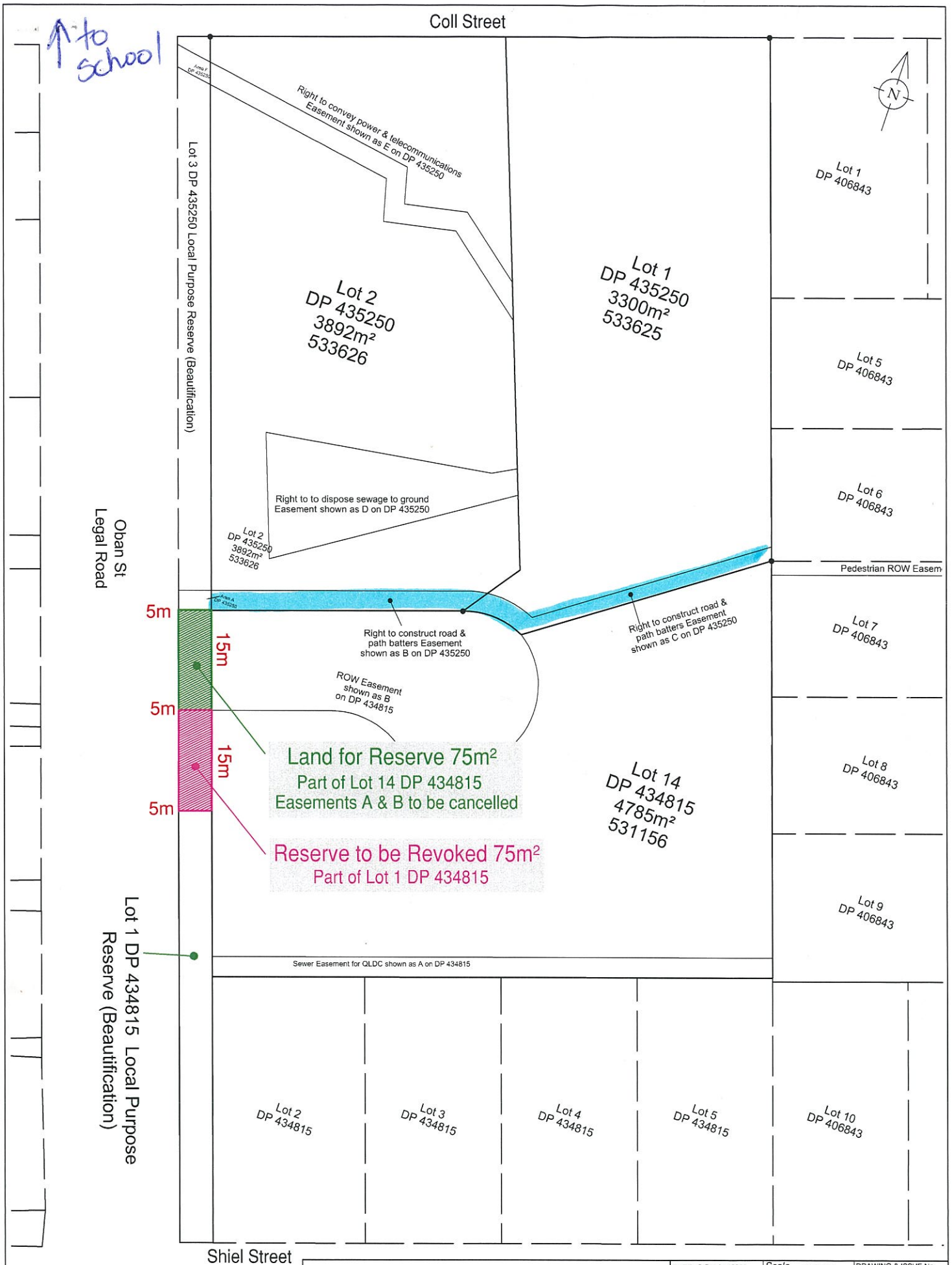
## **Publicity**

27 There is no requirement for a media statement or public communication to support this decision at this time.

## **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 434815 and 3 DP 435250, 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 with the walkway easement shown in blue.

B Aerial photograph showing the subject site and its relationship to the surrounding roads and Old Dairy Close.



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.  
3680-3R-3B



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