

**QLDC Council
28 June 2018**

Report for Agenda Item: 4

Department: Community Services

Proposal to Vest Land as Local Purpose (Stormwater Detention) Reserve associated with the Luggate Park Residential Development

Purpose

To consider approving a Local Purpose (Stormwater Detention) Reserve in the Luggate Park Development.

Recommendation

That Council:

- 1 **Approve** the vesting of the proposed reserve:

Willowridge Developments Ltd – RM171385

- a. Lot 400: Local Purpose (Stormwater) Reserve, Luggate Park.

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

- i. Presentation of the reserve in accordance with Council's standards for reserves;
- ii. The detention pond is fenced in accordance with any necessary legislative requirements to ensure that any water does not pose a hazard to persons.
- 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 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;
- v. A three year maintenance period by the current landowner commencing from vesting of the reserve
- vi. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
- vii. Vesting of reserve to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

Prepared by:

Reviewed and Authorised by:



Aaron Burt
Senior Planner: Parks &
Reserves

14/06/2018



Thunes Cloete
General Manager Community
Services
14/06/2018

Background

- 1 Willowridge Developments Ltd (WDL) seek to vest a Local Purpose (Stormwater Detention) Reserve, to be located within Stage 2A of the Luggate Park residential development. The reserve has an area of 986m².
- 2 Resource Consent RM171385 was granted on 4 May 2018, for WDL to undertake a subdivision to create 40 residential allotments, two lots to vest as road, one lot to vest as a reserve for stormwater purposes, and one balance lot. This report relates to the stormwater (local) purpose reserve, which is illustrated in **ATTACHMENT A**.
- 3 Whilst the subdivision is being progressed under RM171385, the subdivision proposed was initially approved under an earlier consent RM060392. The RM060392 consent expired late last year, and WDL were therefore required to seek RM171385 as an urgent 'replacement' consent.
- 4 Whilst the typical process to vest reserves first requires that the Wanaka Community Board (WCB) considers such proposals and communicates their support (as appropriate) to Council, this current request/process is outside of that norm. This is because WDL are in an advanced process of ultimately seeking Title (224(c) approval), and it has been discovered that the reserve has not been endorsed by the WCB, or approved by Council. Being mindful that a number of (potential) lot owners are awaiting Title so that they can commence construction, Council Officers have sought to take this request direct to Council at this earliest opportunity. Council Officers have nonetheless kept the Chair of the WCB informed, and have sought permission to now take this report directly to this Council for a decision.

Comment

- 5 Council's engineers have accepted the design and function of the stormwater detention pond to be located within the proposed reserve. It is unclear at this time if the pond area needs to be fenced, hence it is a recommendation of this report that if such fencing is required by legislation, then the developer shall ensure that such a fence is established prior to formal vesting.

Options

- 6 Option 1 Accept the proposal for the vesting of the reserve.

Advantages:

- 7 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.
- 8 The vesting will be consistent with the requirements of Resource Consent RM171385.

Disadvantages:

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

Advantages:

- 11 Council will not have to maintain/manage the reserve at a cost to the ratepayer after three years.

Disadvantages:

- 12 Council has granted a resource consent to include the reserve, and the progress of the subdivision development is bound to Council vesting the reserve.
- 13 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

- 14 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

- 15 This matter relates to the operational risks 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.
- 16 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

- 17 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

- 18 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

- 19 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

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

Attachments

Statement of Intent, Queenstown Airport Corporation 2018/19

ATTACHMENT A

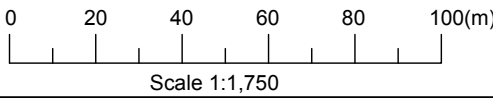
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM171385

Monday, 30 April 2018

RURAL RESIDENTIAL

RURAL GENERAL



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Notes

Warning

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APPLICANT

Willowridge Developments Limited.

COMPRISED IN

CFR 788778 (LT 507844)

TERRITORIAL AUTHORITY

Queenstown Lakes District Council

LAND DISTRICT

Otago

TOTAL AREA	29.9817 ha	DATE	14/06/17
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Drawing Title

LOTS 90 - 104, 107 - 131, 400, 500 - 501 & 601.
BEING A PROPOSED SUBDIVISION OF LOT 600 LT 507844.

Prepared for

WILLOWRIDGE DEVELOPMENTS LTD

Plan Revisions

REV.	DESCRIPTION	DATE
A	ORIGINAL ISSUE	15/02/17
B	FORMER LEGAL ROAD BOUNDARY ADDED	12/04/17
C	CULDESAC & ROW ADDED FOR FUTURE STAGES	02/05/17
D	BOUNDARIES ADJUSTED FOR LOTS 105, 106 & 159	08/05/17
E	BUILDING PLATFORMS ADDED	30/05/17
F	BP's AND EASEMENT SCHEDULE AMENDED	01/06/17
G	ROAD/FOOTPATH EDGE ADDED TO SHEETS 3 & 4	14/06/17
H	RESERVE LABELLING	07/02/18

SCALE

1:1,750 @ A3

DATUM & LEVEL

Lindis Peak 2000

REVISION	DRAWING REFERENCE	SHEET
H	S4174_S1	02 of 06

SURVEYED	DATE	CHECKED	DATE
X.X.	X.X.	A.H.	14/06/17

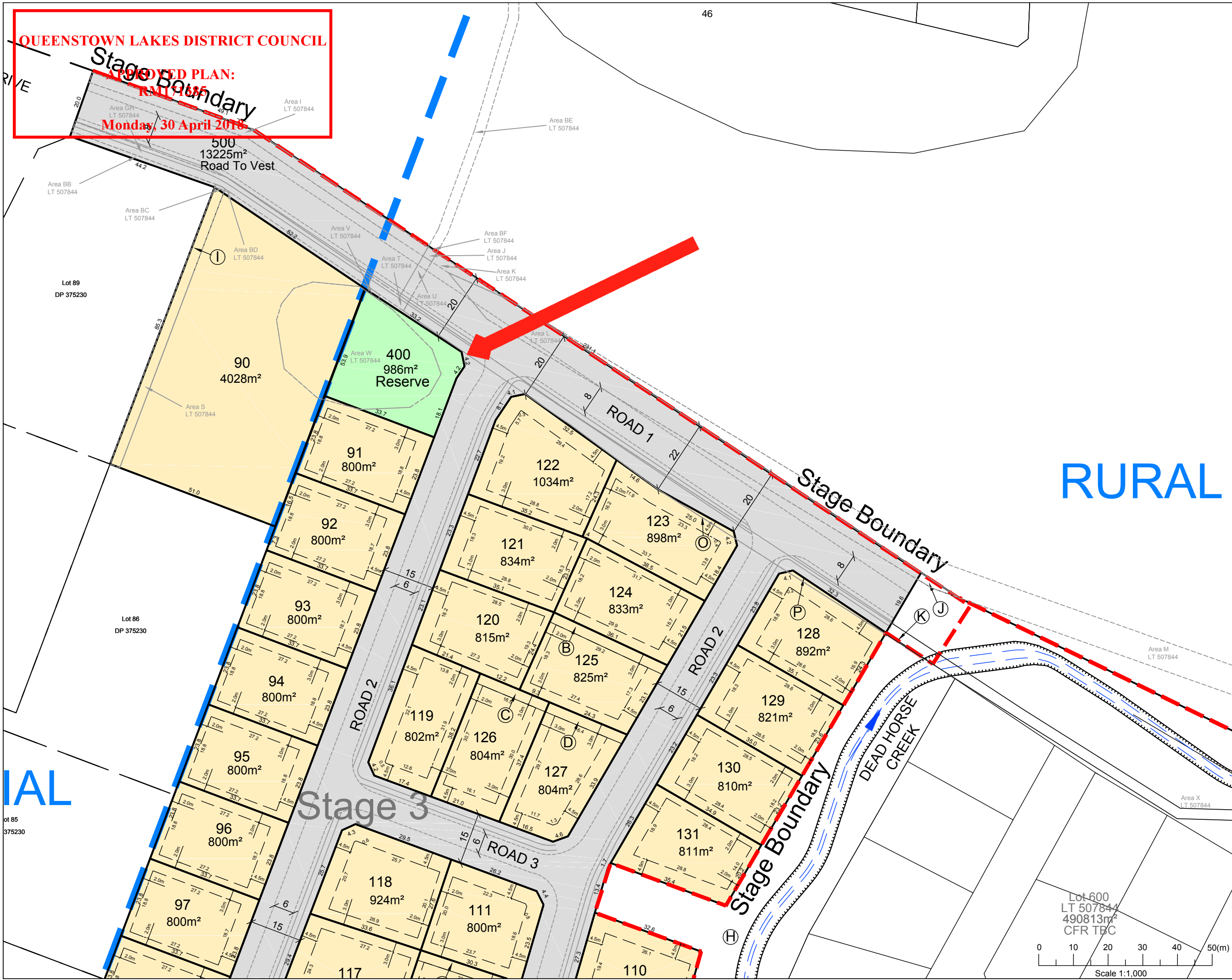
DRAWN	DATE	APPROVED	DATE
A.F.	14/06/17	V.W.	14/06/17

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

RML 14185

Monday, 30 April 2018



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LEVEL IN TERMS OF XXXX	ORIGIN OIT XI DP XXXXX RL = XXXX.XX
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