

**Wanaka Community Board
13 April 2016**

Report for Agenda Item: 5

Department: Property & Infrastructure

Luggate Park: Proposal to Vest Reserve Land for Stage 2B

Purpose

- 1 To consider approving the vesting of reserve land as part of the subdivision of Stage 2B of Luggate Park in lieu of reserve land contributions. The land is identified as proposed Lot 300 of the subdivision consent RM060393, which was granted by a decision of the Environment Court on 29 April 2010.
- 2 To consider approving the implementation of new tracks on this reserve land (to vest) in lieu of reserve improvement contributions payable for Stage 2B, and to delegate authority to the Parks and Reserves Planning Manager, to approve the cost of new tracks to offset reserve improvement contributions.
- 3 To note that the approval of reserve land as part of the subdivision consent RM060392 for Stage 2A in lieu of reserve land contributions and any improvements on these reserves in lieu of reserve contributions will be subject to a future report.

Recommendation

That the Wanaka Community Board recommend that Council:

1. **Approve** the vesting of proposed Lot 300 as Recreation Reserve in lieu of reserve land contributions for Stage 2B, with the following conditions fulfilled, and works to be undertaken at the applicant's expense:
 - a. Presentation of the reserve in accordance with Council's standards for reserves, with particular reference to (b), (c) and (d) below;
 - b. Prior to 224c, the land shall be in accordance with standards in the Landscape section (Part 7) of the QLDC Land Development and Subdivision Code of Practice.
 - c. Prior to 224c, the land shall be planted in accordance with the Luggate Park Planting Plan Stage 2B – 30 March 2016.
 - d. Prior to 224c, tracks shall be implemented in accordance with track designs shown on the Luggate Park Stage 2B Roding and Stormwater Plan – 29 January 2016.
 - e. Prior to 224c, the applicant shall form a Developer's Agreement to maintain the reserve for a period of three years from the time of 224c in accordance with the Luggate Park Management Plan – 4 April 2016. The Developer's Agreement shall ensure that the reserve is in the standard required by the Management Plan prior to handover to QLDC.

- f. A potable water supply point to be provided at the boundary of the reserve lot in a location to be endorsed as appropriate by the Parks and Reserves Planning Manager;
 - g. The registrations 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;
2. **Approve** the implementation of new tracks on Lot 300 in lieu of reserve improvement contributions payable for Stage 2B, and to delegate authority to the Parks and Reserves Planning Manager, to approve the cost of these new tracks to offset reserve improvement contributions.
3. **Note** that the approval of reserve land as part of the subdivision consent RM060392 for Stage 2A in lieu of reserve land contributions and any improvements on these reserves in lieu of reserve contributions will be subject to a future report

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4/04/2016

Reviewed and Authorised by:



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5/04/2016

Background

- 4 Subdivision consent RM060392 for Stage 2A and Stage 2B in 2007 included areas to vest as reserve as per the approved subdivision plan dated 6/11/2007 (Attachment A). The plan for Stage 2B was modified and given subdivision consent in 2010 by the Environment Court as per the subdivision plan dated 24/10/2008 (Attachment B). This plan includes Lot 300, which is an area of 15.76 hectares. The Environment Court left the decision to Council as to whether to accept Lot 300 as public reserve. The decision has conditions for the management of Lot 300 in the case that Council does not accept it as reserve.
- 5 A Luggate Park Masterplan (Attachment C) demonstrates how the entire site could be developed based on the existing resource consents. The recommendations of this report are to approve the vesting of Lot 300 and new tracks on the reserve (to vest) in lieu of reserve land and reserve improvement contributions for Stage 2B. This report notes that the approval to offset any reserve land and reserve improvement contributions for Stage 2A will be subject to a future report.

Comment

- 6 Lot 300 is a large area of 15.76 hectares that covers the western end of an elevated terrace and its embankments. The eastern end of the terrace has subdivision consent for 22 residential lots (Stage 2B). The area is covered in grasses and weed species, and there are numerous rabbit burrows present.
- 7 The embankments of Lot 300 are relatively steep and are stony. Some of the embankments will be planted for landscape mitigation and enhancement and ecological restoration, as required by the conditions of consent and as shown on the Luggate Park Planting Plan Stage 2B, 30 March 2016 (Attachment D).
- 8 It is proposed that tracks be implemented in Lot 300 to link Pisa Road up the southern embankment to the Stage B subdivision and down the northern embankment to the wider track network. The track designs are shown on the Luggate Park Stage 2B Roding and Stormwater Plan, 29 January 2016 (Attachment E). The tracks have been designed in accordance with Grade 2 tracks as per QLDC's Trail and Track Design Standards and Specifications.
- 9 If Council approve Lot 300 to be vested as reserve it is intended that the applicant, Willowridge Developments Limited, will maintain the reserve for a minimum period of three years after the date of s224c certificate after which time such responsibilities will transfer to the Council. The applicant has developed a Landscape Management Plan, 4 April 2016 (Attachment F) to demonstrate how they will manage the reserve during their three year maintenance period. It is intended that the terrace area will be mown twice a year and at the end of the maintenance period will be in a semi-manicured lawn condition. The escarpments outside of the planted areas will be left in their current condition. A rabbit control programme will be undertaken. A condition of Council approval to have a Developer's Agreement will ensure the reserve is in an acceptable condition prior to being handed over to Council for maintenance. It is intended that Council maintenance will continue mowing the terrace twice a year.
- 10 The applicant is also in the process of progressing Stage 2A of the development, which includes 138 residential lots. The applicant has stated that they will seek that the excess land from Lot 300 be credited against the reserve contributions for Stage 2A. Although the size of Lot 300 means that there would be excess area to credit against reserve land contributions for Stage 2A, it has not been determined whether Lot 300 is sufficient in terms of its accessibility and potential for recreational facilities to offset the reserve land contributions for a subdivision of another 138 lots. The subdivision consent for Stage 2A includes other reserve areas to be vested that on the Luggate Park Masterplan are shown as a sports field and two reserve areas along creeks. Council may determine that some or all of these reserve areas are more appropriate to credit against reserve land contributions for Stage 2A. These considerations will be subject to a future report.
- 11 It is considered that the land proposed to be vested (Lot 300) as part of Stage 2B would be a valuable asset for the Council. On completion of the planting and new tracks, maintenance would be minimal and the reserve is centrally located to provide a scenic natural landscape for the overall Luggate Park development

and existing Luggate township to enjoy public access over. Vesting the reserve with Council would also enable future linkages with the Clutha River esplanade strip and tracks, and help to make the river directly accessible for the community via these tracks.

Options

- 12 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.

- 13 Option 1 Accept the proposal for the vesting of Lot 300 as reserve and the implementation of new tracks on the reserve (to vest) in lieu of reserve land and reserve improvement contributions payable for Stage 2B of Luggate Park.

Advantages:

- 14 The increase in reserve land and new tracks will provide for the use and enjoyment of the community.

Disadvantages:

- 15 Council will have to maintain the reserve and new tracks at a cost to the ratepayer after three years.

- 16 Option 2 Reject or modify the proposal.

Advantages:

- 17 Council will not have to maintain the reserve and new tracks at a cost to the ratepayer.

Disadvantages:

- 18 There will not be an increase in reserve land or new tracks to provide for the use and enjoyment of the community.

Recommended Option

- 19 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

- 20 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

- 21 This matter related to the operational risk OR002, Increase in Expenditure as documented in the Council's risk register. The risk is classed as moderate.

- 22 This matter relates to this risk because accepting the land will increase Council's expenditure on maintenance after the applicant's maintenance period. The recommended option ensures conditions are required to be met in terms of reserve standards prior to handover to Council, which should ensure expenditure on maintenance is at anticipated levels. The vesting is also in accordance with the Parks Strategy further reducing risk of judicial review of any decision to accept the land.

Financial Implications

- 23 The applicant will be required to maintain the reserve for the first three years. Following this point, provision will need to be made available within Council's maintenance budgets at an estimated cost \$15,000 per annum.

Council Policies, Strategies and Bylaws

- 24 The following Council policies were considered:
- Significance and Engagement Policy – this decision is not considered significant.
 - Parks Strategy 2002 – the vesting of the proposed reserve will contribute to the provision of recreational opportunities, thereby contributing to the vision expressed in the Strategy.
 - QLDC Trail and Tracks Design Standards and Specifications

Local Government Act 2002 Purpose Provisions

- 25 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

- 26 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community.
- 27 No specific consultation has been undertaken however the subdivision consents that established the requirement for Lot 300 was publicly notified giving the community the opportunity to submit on the proposal.
- 28 No specific media statement or public communication is considered necessary.

Attachments

Attachment A: Subdivision plan for Stages 2A and 2B, 6/11/2007
Attachment B: Subdivision plan for Stage 2B, 24/10/2008
Attachment C: Luggate Park Masterplan, 2010
Attachment D: Luggate Park Planting Plan Stage 2B, 30/03/2016
Attachment E: Luggate Park Stage 2B Roding and Stormwater Plan, 29/01/2016
Attachment F: Landscape Management Plan, 4/04/2016