

**Wanaka Community Board
30 November 2017**

Report for Agenda Item: 3

Department: Community Services

Proposal to Vest Land in Peninsula Bay North as Reserve and to Offset Reserve Land Contributions as per the Development Contributions Policy

Purpose

To consider recommending to Council that it approve the vesting of land in Peninsula Bay North as reserve, and accept offsetting reserve land development contributions for that reserve land.

Recommendation

That the Wanaka Community Board:

- 1 **Recommend to Council** the vesting of the proposed reserve land (identified as Lot 925 comprising 12.23ha) be approved, subject to the following works being undertaken at the applicant's expense:
 - i. Consent being granted (as necessary) for any subdivision required to formally create the reserve land;
 - ii. The removal of the Existing Spoil from the land and the rehabilitation of any land disturbed as a consequence.
 - iii. Presentation of the reserve land in accordance with Council's standards for reserves;
 - iv. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of any landscape and planting plan if required by Plan Change 51.
 - v. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of a weed management and wilding tree removal plan;
 - vi. A potable water supply point to be provided at the boundary of the reserve lot;
 - vii. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve land 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;
 - viii. A three year maintenance period by the current landowner commencing from vesting of the reserve, to include weed control and the removal of wilding trees;
 - ix. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

- 2 **Recommend to Council** that any applicable reserve land contributions are offset in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation three above.

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Reviewed and Authorised by:



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15/11/2017



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15/11/2017



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Background

- 1 In 2004 the applicant sought to rezone land at Peninsula Bay to allow for residential development. This was rejected by the Environment Court for a variety of reasons, including the landscape and amenity effects.
- 2 The Council then notified an amended variation to the District Plan which zoned 13.8 hectares as open space (Open Space Zone Landscape Protection Chapter) and enabled more density within the balance of the zone. This plan change was approved by the Council and resulted in the zoning that exists today.
- 3 The 13.8 hectares were set aside the subject site is within an Outstanding Natural Landscape ("ONL"), and that the site contains a range of indigenous vegetation, including large areas of kanuka shrubland and tussock grassland. The subdivision consent at the time required this land parcel to be vested in Queenstown Lakes District Council (QLDC) as recreation reserve once the final stages of subdivision were complete. The land has remained in private ownership while the subdivision was created in stages.
- 4 Peninsula Bay Joint Venture (being Peninsula Village Ltd and Wanaka Bay Ltd) subsequently requested Plan Change 51 for the rezoning of 6.11 hectares of Open Space Zone land at Peninsula Bay, Wanaka, to provide for subdivision and the construction of 26 residential dwellings.
- 5 The Council accepted the request and notified Plan Change 51 under clause 26 of Schedule 1 of the RMA. After hearing from submitters, and considering amendments made by Peninsula Bay Joint Venture, the Council declined Plan Change 51 in full.
- 6 Peninsula Bay Joint Venture appealed the Council's decision on 13 February 2017.

- 7 Bike Wanaka Incorporated and Upper Clutha Environmental Protection Society Incorporated joined the Appeal as section 274 parties.
- 8 The parties have negotiated an agreement as to the settlement of the Appeal. The agreed outcome includes that Plan Change 51 will be granted to provide for the development of the Peninsula Bay North Subdivision subject to specific controls, and that Peninsula Bay Joint Venture will vest the Balance Open Space Land in the Council as reserve and first remove the Existing Spoil from the Balance Open Space Land and rehabilitate that site. That reserve land and the recommendation to vest such is the purpose of this report. The reserve land is identified as Lot 925 comprising 12.23ha and is identified in **Attachment A** of this report.
- 9 Plan Change 51 is operative as of 16 November 2017.

Comment

- 10 Reserve land contributions will be offset in accordance with the Development Contributions Policy current at the time of contributions payment.
- 11 It is appropriate that a weed management and wilding species removal plan is undertaken by the developer and that a three year maintenance period follows to ensure fulfilment of such a plan. This will ensure that the reserve land provided is not encumbered by noxious species, and that any consequent liability for removal of such does not become an unreasonable burden on Council.

Options

- 12 Option 1 Accept the proposal for the vesting of the reserve land and to offset reserve land and reserve improvement contributions as per the Development Contributions Policy.

Advantages:

- 13 The land is proposed to be vested in Council at no cost.
- 14 The vesting of the reserve land will confirm what is envisaged and in accordance with the relevant Plan Change.

Disadvantages:

- 15 Council will have to maintain or manage the reserve land at a cost to the ratepayer after three years.

- 16 Option 2 Reject or modify the proposal for the vesting of the reserve land and to offset reserve land contributions as per the Development Contributions Policy.

Advantages:

- 17 Council will not have to maintain/manage the reserve at a cost to the ratepayer.

Disadvantages:

- 18 Council will refuse areas of land being offered at no cost.
- 19 The areas of reserve have been identified through Plan Change 51 and not vesting such could create conflicts with the conditions of Plan Change 51.
- 20 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

- 21 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

- 22 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.
- 23 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

- 24 The applicants will be required to maintain the reserve land for the first three years, including undertaking a weed control and wilding species removal programme. 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

- 25 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

- 26 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 Queenstown community for good quality local public services in a way that is most cost effective for households and businesses.

Consultation: Community Views and Preferences


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

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

Attachments

A Proposed Reserve



<div><div><div>PATERSONPITTSGROUP</div><div>Your Land Professionals</div><div>www.ppgroup.co.nz</div><div>0800 PPGROUP</div></div><div></div></div>		<div>Client & Location:</div> <div>WANAKA BRANCH</div> <div>19 Reece Crescent</div> <div>or P.O. Box 283</div> <div>Wanaka 9343</div> <div>T 03 443 0110</div> <div>E wanaka@ppgroup.co.nz</div>		<div>Purpose & Drawing Title:</div> <div>Scheme Plan</div> <div>Lots 343 - 346 & 925 Being</div> <div>Subdivision of Lot 924 RM160422</div>		<div>© COPYRIGHT: This drawing, content and design remains the property of Paterson Pitts Limited Partnership and may not be reproduced in part or full or altered without the written permission of Paterson Pitts Limited Partnership. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Pitts Limited Partnership for its unauthorized use.</div>		<div>Surveyed by:</div> <div>Designed by:</div> <div>Drawn by:</div> <div>Checked by:</div> <div>Approved by:</div> <div>Job No:</div>	<div>-</div> <div>MJB</div> <div>PGS</div> <div>MJB</div> <div>MJB</div> <div>W4667</div>	<div>Original Size:</div> <div>A3</div> <div>Sheet No:</div> <div>101</div>	<div>Scale:</div> <div>1:3000 @ A3</div> <div>DO NOT SCALE</div> <div>Revision No:</div> <div>A</div> <div>Date Created:</div> <div>30/10/2017</div>
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