

**Wanaka Community Board  
21 February 2019**

**Report for Agenda Item: 3**

**Department: Community Services**

**Proposal to Vest Land in Wanaka as One Recreation Reserve and Seven Local Purpose Reserves and to Offset Reserve Improvement Contributions as per the Development Contributions Policy**

**Purpose**

To consider recommending to Council, an approval for one Recreation Reserve and Seven Local Purpose Reserves, and to offset reserve improvement development contributions as applicable.

**Recommendation**

That the Wanaka Community Board:

- 1 **Recommend to Council** that the vesting of the one Recreation Reserve and seven Local Purpose reserves be approved;

Northlake Investments Ltd, Northlake Road, Wanaka – RM181451

- a. One Recreation Reserve (11,200m<sup>2</sup>): Road 1 Northlake Drive.
- b. Three Local Purpose (Connection) reserves, referenced as A (231m<sup>2</sup>), B (420m<sup>2</sup>) & C (420m<sup>2</sup>).

Exclusive Developments Ltd, Hikuwai development, Aubrey Road & Outlet Road, Wanaka – RM170797

- c. Lot 500 (185m<sup>2</sup>): Local Purpose (Connection) Reserve.
- d. Lot 501 (185m<sup>2</sup>): Local Purpose (Connection & Stormwater) Reserve.
- e. Lot 502 (635m<sup>2</sup>): Local Purpose (Connection & Stormwater) Reserve.
- f. Lot 503 (260m<sup>2</sup>): Local Purpose (Connection) Reserve.

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

- i. Consent being granted (as necessary and subject to any subsequent variations) for any subdivision required to formally create the reserves, and to also level out topography (if advised necessary by the Parks & Reserves Planning Manager);
- ii. Such a consent for any Recreation Reserves shall ensure that in any staged development, the creation of a Recreation Reserve is bound to the first

stage to seek title, or subject to alternate timing requirements deemed necessary by the Parks & Reserves Planning Manager;

- iii. Presentation of the reserve in accordance with Council's standards for reserves;
- iv. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks and Reserves Planning Manager.
- v. The formation of sealed pathways on the reserves to a minimum 2 metre wide width, and to also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);
- vi. A potable water supply point to be provided at the boundary of the reserve lots;
- vii. The registration 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;
- viii. The registration of a Consent Notice on any land within the development adjoining the reserves, to ensure any fences on land adjoining, or boundaries along any reserve, shall no greater than 1.2m in height, and be 50% visually permeable;
- ix. A three year maintenance period by the current landowner commencing from vesting of the reserves;
- x. A maintenance agreement being prepared and signed by the Parks and Reserves Planning Manager specifying how the reserves will be maintained during the maintenance period; and
- xi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

**2 Recommend to Council** that any reserve improvement contributions are offset against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:

- a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks and Reserves Planning Manager.
- b. Final approval of reserve improvement costs to be delegated to the Parks and Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
- c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

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## Background

- 1 One Recreation Reserve and seven Local Purpose Reserves, proposed within two separate subdivision developments are addressed by this report. The following identifies the separate developments and their associated proposed reserves.
- 2 Developer: Northlake Investments Limited (NIL), have applied to QLDC for an Outline Development Plan (ODP) for part of Activity Areas D1, B3, C2 and E1 of the Northlake Zone to allow for 175 allotments, with associated roading and reserves. The ODP is currently being considered under Resource Consent application reference RM181451. One Recreation Reserve and three Local Purpose (Connection) Reserves are identified in this development, plans associated with the proposal are included as **ATTACHMENT A**.
- 3 The proposed Recreation Reserve (11,200m<sup>2</sup>) is consistent with the definition of a 'Local Park' as identified in the Parks and Open Space Strategy (2017). Such parks require a minimum of 0.3ha of open space in greenfield developments and should be of a configuration that provides a transition/buffer space from adjacent roads. Such parks should also accommodate a flat kick-around space of approximately 30x30m and be accessible to a residential catchment.
- 4 At this stage there is no commitment to any improvements from Council's Parks team, as it is considered appropriate to facilitate mixed use, and the needs of the community need to be established prior to committing to any specific reserve improvements. The nature of any subsequent reserve improvements can be ascertained at a later date, and at this stage the reserve is being considered as an identified extent of land.
- 5 An increasing concern is that proposed Recreation Reserves in (potential) multiple staged developments need to be vested in the initial stage to seek title. This is because when reserves are included in the potentially last stage, a residential development might be mostly developed and then the final stage might be deferred indefinitely, or not transpire. This means that a reserve that might otherwise be expected or relied upon, might not eventuate. It is a recommendation that the creation of the Recreation Reserve should be bound to the first stage of any development to seek title, unless otherwise agreed by the Parks & Reserves Planning Manager.

- 6 The three Local Purpose (Connection) Reserves are referenced as A, B & C respectively. Because they are associated with an ODP application, as opposed to an actual subdivision application (which typically follow an ODP), lot numbers and areas have not been prescribed. However, there is sufficient information and recommended conditions to anticipate a reasonably certain outcome and allow for consideration of the proposed reserves at this stage. It should however be noted that an approval of the ODP will be a pre-requisite to enable the ultimate creation of the Local Purpose (Connection) Reserves, and that consideration of principles of Urban Design will be assessed under RM181451.
- 7 These Local Purpose Reserves may facilitate pedestrian and cycle access, although because of the density of surrounding development, it is of pivotal importance that passive surveillance is afforded throughout the extent of the Local Purpose (Connection) Reserves. Without such, the suggested reserves could instead be potentially unsafe for users. The expectation is that built form will not extend up to the reserve boundaries, and that all fencing along the reserves will not be greater than 1.2m in height, and will be at least 50% visually permeable. This is to ensure that the pedestrian/cycle connections are open, visible and not walled in by adjacent development to the extent that they might otherwise become hidden from view and unsafe.
- 8 It should be a condition of the acceptance that sealed pathways shall be a minimum of two metres in width, and meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016). It should also be a condition that any suggested landscaping be first endorsed by the Parks and Reserves Planning Manager.
- 9 Developer: Exclusive Developments Ltd (EDL) Hikuwai development, Aubrey Road and Outlet Road. Resource Consent (RM170797) has been granted, to create approximately 191 residential allotments and one reserve to vest with Council, identified as proposed Lot 1000 (3.06ha). Lot 1000 was previously considered by the Wanaka Community Board on 11 May 2017, and is proposed as a Recreation Reserve and a Local Purpose Reserve (containing a stormwater pond).
- 10 The developer did not seek approval for the four Local Purpose (Connection) Reserves at that time, and approval is now sought. It is noted that the term “accessway” has been shown on the plans to illustrate the purpose of the reserves, although this report instead refers to the purpose as “connection” because this is more consistently applied to such reserves.
- 11 Proposed Lots 500 and 503 are intended to provide access connections, and will contain a formed pedestrian/cycle path. Proposed Lots 501 and 502 are to provide dual access connection and stormwater functions, and will contain a formed path and an in-ground stormwater pipeline (requiring an easement) which carries the stormwater from Northlake. These would also function as an overland flow path should the pipeline ever block. There will be Chorus cables laid under 501 and power cables in 502 (requiring easements). The proposed reserves are identified in **ATTACHMENT B**.

- 12 It is considered that standard conditions typically required on connection reserves will be sufficient to ensure that any pedestrian/cycle use of the reserves can be undertaken appropriately.
- 13 Any reserves that might be required for stormwater functions, will not be eligible for an offset of reserve contributions.

### **Comment**

- 14 The potential NIL Recreation Reserve will fulfil the purpose of a Local Park and is of a suitable size and location, such that it will provide a useful reserve area to benefit the community.
- 15 The potential NIL Local Purpose (Connection) Reserves, and the EDL Local Purpose (Connection/Connection & Stormwater) Reserves will provide linkages that will assist with pedestrian and cycle movement. The proposed reserves are consistent with the 'connections' parks and open space typology as identified in the Parks and Open Space Strategy 2017.
- 16 Reserve land and reserve improvement contributions will be offset in accordance with the Development Contributions Policy current at the time of contributions payment. The recommended option ensures that reserve improvement contributions will only be offset against improvements agreed by the Parks and Reserves Planning Manager, that the offsets will reflect the actual cost of the works and that Council will not meet any costs of work that exceed the value of contributions required.

### **Options**

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

#### *Advantages:*

- 18 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.

#### *Disadvantages:*

- 19 Council will have to maintain or manage the respective reserves at a cost to the ratepayer, after three years.
- 20 Option 2 Reject or modify the proposal for the vesting of the reserves and to offset reserve improvement contributions as per the Development Contributions Policy.

#### *Advantages:*

- 21 Council will not have to maintain/manage the reserves at a cost to the ratepayer.

#### *Disadvantages:*

- 22 Council will refuse areas of land being offered at no cost.

23 This report recommends **Option 1** for addressing the matter.

### ***Significance and Engagement***

24 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***

25 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 low.

26 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**

27 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**

28 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**

29 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**

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

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

**Attachments**

- A Northlake Incestments Limited
- B Exclusive Developments Limited