

**Wānaka Community Board  
26 September 2019****Report for Agenda Item | Rīpoata mot e Rāraki take 4****Department: Community Services****Title | Taitara Proposal to Vest Land in Wānaka, as one Recreation Reserve, and four Local Purpose Reserves, and to Offset Reserve Improvement Contributions as Appropriate, per the Development Contributions Policy.****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to consider recommending to Council, an approval for one Recreation Reserve, three Local Purpose (Connection) Reserves, and one Local Purpose (Stormwater/Drainage) Reserve, and to offset reserve improvement development contributions as applicable.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That the Wānaka Community Board:

1. **Note** the contents of this report;
2. **Recommend to Council** that the vesting of the one Recreation Reserve, three Local Purpose (Connection) Reserves, and one Local Purpose (Stormwater/Drainage) Reserve, be approved;

**Bright Sky Ltd Special Housing Area, Wānaka –SH190490**

- a) Lot 2000 (3,769m<sup>2</sup>) as Recreation Reserve
- b) Lot 2001 (251m<sup>2</sup>) as Local Purpose (Connection) Reserve
- c) Lot 2002 (371m<sup>2</sup>) as Local Purpose (Connection) Reserve
- d) Lot 2003 (5,601m<sup>2</sup>) as Local Purpose (Stormwater/Drainage) Reserve.
- e) Lot 2004 (478m<sup>2</sup>) as 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 & Open Spaces Planning Manager);
- ii. Such a consent for any reserves shall ensure that in any staged development, the creation of any reserve is bound to the first stage to seek title, or subject to alternate timing requirements deemed necessary by the the Parks & Open

Spaces Planning Manager. It is acknowledged that Lot 2000 is instead proposed in Stage 3, and provided that stage 3 is within the first three, of the four stages to seek title (and not the last), then this can be accommodated. Vesting of the Local Purpose reserves can also align with the respective stages, and the the Parks & Open Spaces Planning Manager can determine how such can be best achieved in discussion with the developer;

- iii. Presentation of the reserve in accordance with Council's standards for reserves;
- iv. Any proposed easements within any reserve shall be first agreed and authorised by the the Parks & Open Spaces Planning Manager prior to any reserve being vested;
- v. 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 plan as it relates to Lot 2004 shall identify low maintenance landscaping, dictated as appropriate by the the Parks & Open Spaces Planning Manager. The certification of such a plan shall be by the the Parks & Open Spaces Planning Manager.
- vi. 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), and unless otherwise agreed by the the Parks & Open Spaces Planning Manager as it relates to reserve Lot 2004;
- vii. A potable water supply point to be provided at the boundary of the reserve lots;
- viii. Any car parking on the stated reserve area must be for users of the reserve only, and not intended to provide parking to support surrounding residential units;
- ix. 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 (Lots 2000 to 2004 inclusive) vested in or administered by the Council and any adjoining land;
- x. 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 be no greater than 1.2m in height, and be 50% visually permeable;
- xi. A three year maintenance period by the current landowner commencing from vesting of the reserves;
- xii. A maintenance agreement being prepared and signed by the the Parks & Open Spaces Planning Manager specifying how the reserves will be maintained during the maintenance period; and
- xiii. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

3. **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 the Parks & Open Spaces Planning Manager.
  - b. Final approval of reserve improvement costs to be delegated to the the Parks & Open Spaces 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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10/09/2019



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## CONTEXT | HORPOAKI

1. This report addresses a number of reserves associated with the Bright Sky Ltd (BSH) Special Housing Area (SHA) development (resource consent reference SH190490), located near Frederick Street. It is noted that the Wānaka Community Board previously considered (and endorsed) reserves proposed by BSL for their SHA at the 24 May 2018 meeting. Since that time, BSL has redesigned their SHA development/subdivision, and the reserves now suggested are entirely new, as is the subdivision layout. It is the view of this report that the Recreation Reserve in particular, is more appropriate in comparison to that previously considered by the Board.
2. This report address one Recreation Reserve, three Local Purpose (Connection) Reserves, and one Local Purpose (Stormwater/Drainage) Reserve. The location of the development site is illustrated in **ATTACHMENT A**. Plans associated with the proposal are included as **ATTACHMENT B**.
3. Lot 2000 has an area of 3,769m<sup>2</sup>, and is proposed by BSL to be a Recreation Reserve. It is located upon usable topography, and 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. The proposed reserve can meet these requirements. To ensure that the reserve can be fully utilised throughout its area, it is a common condition of approval that Council seeks to assure the land will be levelled and enhanced by the developer if Council deems such to be necessary, to the satisfaction of Council.

4. The three Local Purpose (connection) reserves proposed by BSL are referred to as Lot 2001 (251m<sup>2</sup>), Lot 2002 (371m<sup>2</sup>) and Lot 2004 (478m<sup>2</sup>). These reserves will facilitate pedestrian and cycle access within the proposed development, and to connections beyond via the road network (Refer to ATTACHMENT B plan 'Proposed Reserves and Pedestrian Linkages'). It is identified that Lot 2004 is likely to be steeper than Councils Grade 2 standards, but it nonetheless could provide a useful linkage or shortcut. It is recommended that any landscaping associated with Lot 2004 is low maintenance given the gradient, and that signage can direct users who might find the gradient too potentially challenging toward the end of Road G, as this will also connect to trails beyond the development site. Put simply, Lot 2004 can offer a connection choice/shortcut dependent upon the ability of the user. As with connection reserves, it should be a condition of the acceptance that sealed pathways shall be a minimum of 2 metres in width, and meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016), noting that this standard may not be entirely fulfilled for Lot 2004.
5. Lot 2003 (5,601m<sup>2</sup>) is intended as Local Purpose (Stormwater/Drainage) Reserve, and will not be eligible for any offsets for Development Contributions, or Reserve Improvements. Such reserves and their function are addressed through the subdivision process, and this will require landscaping and the fulfilment of engineering standards. The conditions of this reports recommendation will ensure that if vested, the reserve will be to an appropriate standard, and not constitute a burden on Council.
6. The expectation is that built form will not extend up to any 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 open space areas are open, visible and not walled in by adjacent development to the extent that they might otherwise become hidden from view and unsafe. This requirement is consistently applied to all new reserves.
7. An increasing concern is that proposed 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 typical recommendation that the creation of any reserves should be bound to the first stage of any development to seek title, unless otherwise agreed by the the Parks & Open Spaces Planning Manager. The proposed development is staged, with four stages being identified. The applicant informs that the staging is driven by the infrastructure build out, with the substantial pipes/stormwater etc. being put in first along the natural gully, and all other lots being serviced from that. This has driven the roughly anti-clockwise staging plan, which is shown in the ATTACHMENT C 'Staging Plan'. This

approach is understandable, and accepted. In recognition of this, and to ensure that the Recreation Reserve in particular is ultimately vested, it is suggested that the reserves be bound to their identified stages, but that Recreation Reserve Lot 2000 cannot be included in any of the identified stages that might be the last to seek 224(c) approval (being a penultimate requirement to seeking a Certificate of Title/Computer Freehold Register).

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

8. The Lot 2000 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.
9. The potential Local Purpose (Connection) 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. It is noted that Lot 2004 will be steeper than the Grade 2 standard, and is intended as an alternative or shortcut to the pedestrian/cycle trail to the north of the site.
10. The Local Purpose (Stormwater/drainage) reserve can be designed to meet the infrastructure requirements of the development, and this will be considered under the SH190490 process associated with the SHA.
11. Reserve land and reserve improvement contributions may 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 the Parks & Open Spaces 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.
12. Option 1 Accept the proposal for the vesting of the reserves and to offset reserve improvement contributions as per the Development Contributions Policy.

### *Advantages:*

13. 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.
14. The reserves will facilitate recreational use, in addition to pedestrian and cycle access through the proposed development.

### *Disadvantages:*

15. Council will have to maintain or manage the respective reserves at a cost to the ratepayer, after three years.
16. 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:*

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

*Disadvantages:*

18. Council will refuse areas of land being offered at no cost.
19. There will be no land identified for recreation use, or pedestrian and cycle access through the development.

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

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

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 AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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22. This matter related to the operational risk 00009 Ineffective management of community assets, which is identified as a high risk.
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, and the land is managed effectively. 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 | NGĀ RITENGA Ā-PŪTEA

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24. 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 to which they will be maintained.

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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25. The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy
- Parks and Open Space Strategy 2017

- Development Contributions Policy
- Vesting of Roads and Reserves Policy

26. The recommended option is consistent with the principles set out in the named policies.

#### **LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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27. The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by improving pedestrian connectivity;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

#### **ATTACHMENTS | NGĀ TĀPIRIHANGA**

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| A | LOCATION PLAN     |
| B | DEVELOPMENT PLANS |
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