

**Wānaka Community Board
20 February 2020**

Report for Agenda Item | Rīpoata mot e Rāraki take : 3

Department: Community Services

Title | Taitara Proposal to Vest Land in Hāwea associated with the Universal Developments Special Housing Area proposal, as Seven Local Purpose Reserves, and to Offset Reserve Improvement Contributions if Appropriate, per the Development Contributions Policy.

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider recommending to Council, an approval for five Local Purpose (Stormwater & Access) Reserves, and two Local Purpose (Stormwater & Recreation) Reserves, and to offset reserve improvement development contributions as applicable.

RECOMMENDATION | NGĀ TŪTOHUNGA

2 That the Wānaka Community Board:

1. **Note** the contents of this report;
2. **Recommend to Council** that the vesting of the five Local Purpose (Stormwater & Connection) Reserves, and two Local Purpose (Stormwater & Recreation) Reserves, be approved;

Universal Developments Hāwea Ltd, Wānaka – SH190005

- a) Lot 700 – 704, Local Purpose (Stormwater & Access) Reserves. Areas 256m², 141m², 112m², 201m² and 201m² respectively.
- b) Lot 705 Local Purpose (Stormwater & Recreation) Reserve. Area of 3,942m².
- c) Lot 706 Local Purpose (Stormwater & Recreation) Reserve. Area of 3,190m²

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

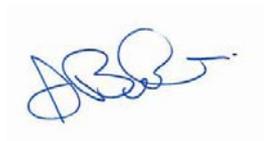
- i) Consent being granted (as necessary and subject to any subsequent variations) for any subdivision required to formally create the reserves, and to also level out topography (if advised necessary by the Parks & Open Spaces Planning Manager);
- ii) All stormwater infrastructure on the Local Purpose (Stormwater & Recreation) reserves shall be in ground, and have no impact whatsoever on the recreation function and values of the flat grassed land above. That flat land shall be able to accommodate recreational uses year round, and the

ground standards shall be the same as for any Recreation Reserve not otherwise containing stormwater infrastructure.

- iii) Such a consent for any reserves with a recreation purpose shall ensure that in any staged development, the creation of such reserves is bound to the first stage to seek title, or subject to alternate timing requirements deemed necessary by the Parks & Open Spaces Planning Manager;
 - iv) Presentation of the reserve in accordance with Council's standards for reserves;
 - v) The submission of a Landscape Plans 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 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);
 - vii) A potable water supply point to be provided at the boundary of the reserve lots;
 - viii) 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 any public reserve vested in or administered by the Council and any adjoining land;
 - ix) The registration of a Consent Notice (or alternative encumbrance) 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;
 - x) A three-year maintenance period by the current landowner commencing from vesting of the reserves;
 - xi) A maintenance agreement being prepared and signed by the Parks and Open Spaces Planning Manager specifying how the reserves will be maintained during the maintenance period; and
 - xii) 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.
3. 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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31/01/2020

Reviewed and Authorised by:



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6/02/2020

CONTEXT | HORPOAKI

- 1 This report addresses a number of reserves associated with the Universal Developments Hāwea Ltd (UDHL) Special Housing Area (SHA) development (resource consent reference SH190005), located near Cemetery Road in Hāwea.
- 2 The location of the development site is illustrated in **ATTACHMENT A**. Plans associated with the proposal are included as **ATTACHMENT B**.
- 3 Seven Local Purpose reserves are proposed under the development, being:
 - a) Lots 700 – 704, Local Purpose (Stormwater & Access) Reserves. Areas 256m², 141m², 112m², 201m² and 201m² respectively.
 - b) Lot 705 Local Purpose (Stormwater & Recreation) Reserve. Area of 3,942m².
 - c) Lot 706 Local Purpose (Stormwater & Recreation) Reserve. Area of 3,190m².
- 4 No Recreation Reserves are proposed, given that the purpose of the reserves is instead aligned with alternate functions such as stormwater and access.
- 5 It is considered that Lots 700 – 704 can provide adequate connections, and incorporate infrastructure, provided that any formed pathway is to a minimum Grade 2 standard, and any infrastructure will not interfere with the function of the pathway. The expectation is that built form will not extend up to the reserve boundaries, and that all fencing along the reserve 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.
- 6 Reserves 705 and 706 are to contain a stormwater function, and an ability to accommodate recreation uses. If this function had otherwise required areas of stormwater holding or attenuation such as swales or temporary ponding, then this would not have been appropriate, and the reserves could not have been accepted in their entirety as providing an adequate recreation function. However, the applicant's solution is to ensure that the stormwater function is entirely accommodated by engineered in ground infrastructure, does at least ensure that the overall reserve area will be available for recreational uses, and in this specific context, a dual use is possible. As above, it is considered that all fencing along the reserves should be no greater than 1.2m in height, and will be at least 50% visually permeable.
- 7 The proposed Local Purpose (Stormwater & Recreation) reserves (proposed Lots 705 and 706) can align with the function 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. However, this position is wholly dependent upon all stormwater infrastructure being in ground and otherwise imperceptible, or having no impact whatsoever on the recreation function and

values of the flat grassed land above. It is also necessary that the reserves can accommodate improvements such as playgrounds, pump tracks, community gathering locations, BBQs, etc.

- 8 At this time, 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 reserves are being considered as an identified extent of land. However, it is expected that reserves are designed to accommodate improvements (such as playgrounds, furniture, BBQ areas etc.) and that any stormwater functions should not impinge upon the ability for such improvements to be reasonably accommodated within the reserve areas.
- 9 An increasing concern is that proposed reserves intended to fulfil recreation functions 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. Also, reserves very often gain subdivision consent, and are then removed from the development by variations to the consent. This means that a reserve that might otherwise be expected or relied upon, might not eventuate. It is a typical requirement of Full Council decisions, that the creation of reserves to fulfil a recreation function should be bound to the first stage of any development to seek title, unless otherwise agreed by the Parks & Open Spaces Planning Manager. It is however acknowledged that the stormwater function of lots 705 and 706 will ensure the creation of at least the stormwater component of the reserve area, and reserve lot 706 is in suggested Stage 1. However, the concern remains that the recreation function of the reserves is not entirely assured because there is a potential for their removal under subsequent variations.
- 10 Council's reserve acceptance process requires that the Wānaka Community Board agrees to any reserves, and the decision to accept reserves falls to Full Council. This process is separate and distinct from any RMA processes, and contains its own conditions that must be fulfilled. It is also noted that the RMA hearing is scheduled for 24 and 25 February 2020.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 11 The proposed Local Purpose (Stormwater & Recreation) reserves (proposed Lots 705 and 706) can align with the purpose of a Local Park, and are of a suitable size and location, such that it will provide useful reserve areas to benefit the community.
- 12 The potential Local Purpose (Stormwater & Access) 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.
- 13 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.

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

Advantages:

- 15 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.
- 16 The reserves will facilitate recreational use, in addition to pedestrian and cycle access through the proposed development.

Disadvantages:

- 17 Council will have to maintain or manage the respective reserves at a cost to the ratepayer, after three years.
- 18 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:

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

Disadvantages:

- 20 Council will refuse areas of land being offered at no cost.
- 21 There will be no land identified for recreation use, or pedestrian and cycle access through the development.
- 22 This report recommends **Option 1** for addressing the matter.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 23 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

- 24 This matter related to the operational risk 00009 Ineffective management of community assets, which is identified as a high risk.

25 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

26 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 EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

27 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

28 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

29 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

- A LOCATION PLAN
- B DEVELOPMENT PLAN