

**Wanaka Community Board
24 May 2018**

Report for Agenda Item 3

Department: Community Services

Proposal to Vest Land in Wanaka as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy

Purpose

To consider recommending to Council, the approval for four proposed reserves identified within two separate subdivision developments, being the Bright Sky Special Housing Area (SHA) and Northlake, and to offset reserve land and reserve improvement development contributions for the reserves.

Recommendation

That the Wanaka Community Board:

- 1 **Recommend to Council** that the vesting of the four proposed reserves be approved;

Bright Sky Ltd SHA - PA170131

- a. Reserve 1: Recreation Reserve, Frederick St.
- b. Reserve 2: Local Purpose Reserve (access), Frederick St.
- c. Reserve 3: Local Purpose Reserve (access), Frederick St.

Northlake Investments Ltd - RM180581

- d. Lot 4: Recreation Reserve, Northlake Drive.

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 and to level out undulations (as advised necessary by the Parks and Reserves Planning Manager);
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of a landscape and planting plan for the reserve.
- iv. The formation of any sealed pathways to a minimum 2 metre wide width, and also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);

- v. A potable water supply point to be provided at the boundary of the reserve lot;
 - vi. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve 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;
 - vii. The registration of a Consent Notice on any land adjoining the reserve to ensure any fences on land adjoining the reserve are no more than 1.2 metres in height;
 - viii. A three year maintenance period by the current landowner commencing from vesting of the reserve
 - ix. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
 - x. Vesting of reserve to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
- 2 **Recommend to Council** that reserve land contributions are offset in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation three above.
- 3 **Recommend to Council** that 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 Four proposed reserves within two separate subdivision developments are addressed by this report.

- 2 Developer: Bright Sky Ltd (BSL), for the proposed Special Housing Area located near Frederick St, and approved in principle by Council on 23 March 2018 (referenced as PA170131). BSL propose to vest one Recreation Reserve and two Local Purpose (access) reserves.
- 3 Reserve 1 is proposed by BSL to be a Recreation Reserve. It will have an area of 3,059m² and is located upon potentially usable topography. The area of the proposed reserve 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 park cannot fully contain a 30x30m square, although this only slightly not attained, and not considered to be detrimental to the overall function and use of the reserve. The land associated with proposed Reserve 1 contains some variances in topography, and it should be a condition of the approval that Council seeks to assure the land will be further levelled and enhanced by the developer, to the satisfaction of council. The reserve can provide a pleasant space for community use and informal recreation. The reserve is illustrated in **Attachment A**.
- 4 The two Local Purpose (access) reserves proposed by BSL are referred to as Reserve 2 (with an area up to 890m²) and Reserve 3 (with an area up to 1490m²). These reserves will facilitate pedestrian and cycle access between the landscape buffer areas to the north and south of the proposed development. As such, a continual pedestrian/cycle access throughout these areas is facilitated. 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). The reserves are illustrated in **Attachment B**.
- 5 Developer: Northlake Investment Ltd, for a proposed subdivision referenced as RM180581, to create five lots (including one Recreation Reserve), being within the greater Northlake development. The proposed Recreation Reserve is identified as Lot 4 (with an area of 450m²) and currently contains playground equipment. The Recreation Reserve is too small to be considered a Local Park, but could have some value as it contains a playground and is located in a position that is accessible to the surrounding community. This park has been subject to negotiations with Council officers, and it is determined that there is merit in it being vested as a reserve. The reserve is illustrated in **Attachment C**.

Comment

- 6 The potential BSL 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.
- 7 The potential BSL Local Purpose (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.

- 8 The Northlake Investments Ltd reserve will contain a playground and use by the community is anticipated.
- 9 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

- 10 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:
- 11 Option 1 Accept the proposal for the vesting of the reserves and to offset reserve land and reserve improvement contributions as per the Development Contributions Policy.

Advantages:

- 12 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:

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

Advantages:

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

Disadvantages:

- 16 Council will refuse areas of land being offered at no cost.
- 17 This report recommends Option 1 for addressing the matter.

Significance and Engagement

- 18 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

- 19 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.
- 20 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

- 21 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

- 22 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

- 23 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

- 24 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community.
- 25 No specific media statement or public communication is considered necessary.

Attachments

- A Bright Sky Limited Recreation Reserve (Local Park)
- B Bright Sky Limited Local Purpose (access) reserves
- C Northlake Investments Ltd Recreation Reserve Lot 4