

**Wanaka Community Board  
27 September 2018**

**Report for Agenda Item: 2**

**Department: Community Services**

**Title: Proposal to Vest Land in Wanaka as Two Local Purpose Reserves and to Offset Reserve Improvement Contributions as per the Development Contributions Policy**

**Purpose**

To consider recommending to Council, an approval for two proposed 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 two proposed Local Purpose reserves be approved:

Orchard Road Holdings Ltd – RM171177

- a. Lot 997 (0.936 hectares): Local Purpose (Stormwater) Reserve, Ballantyne Road.
- b. Lot 998 (2.162 hectares): Local Purpose (Connection) Reserve, Ballantyne Road.

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

- i. Consent being granted (and subject to any variations to RM171177) for the subdivision required to formally create the reserves and to level out topography (if advised necessary by the Parks & Reserves Planning Manager);
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. Areas of reserve shall exclude areas of road;
- 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 & Reserves Planning Manager.
- v. All areas of mounding shall be mowable, and not have a gradient steeper than 1:5;
- vi. Final locations of all specimen tree planting and the tree planting methodology should be determined on site with the QLDC Arborist Officer prior to planting;
- vii. The formation of sealed pathways within Lot 998 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). Pathways

shall connect Ballantyne Road with Lot 1 DP 477622, and Road 2 via pathway linkages between lots 37/38 and 45/46;

- viii. Confirmation that the pathways on Lot 998 will connect and align with any corresponding pathways proposed in association with the potential Special Housing Area on Lot 1 DP 477622. The Parks & Reserves Planning Manager shall approve the location of such connections.
- ix. A potable water supply point to be provided at the boundary of the reserve lots;
- x. 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;
- xi. The registration of a Consent Notice on any land (being Lots created by RM171177) adjoining the reserves, to ensure any fences on land adjoining, or boundaries along the reserve, shall be 50% visually permeable;
- xii. A three year maintenance period by the current landowner commencing from vesting of the reserves;
- xiii. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
- xiv. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

2 **Recommend to Council** that reserve improvement contributions for the Local Purpose (Connection) Reserve (Lot 998) 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 & Reserves Planning Manager.
- b. Final approval of reserve improvement costs to be delegated to the Parks & 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 Two proposed Local Purpose reserves within one subdivision development are addressed by this report. The reserves are identified as Lot 997 and Lot 998 in the plans included in **ATTACHMENT A**.
- 2 The developer associated with the proposed reserves is Orchard Road Holdings Ltd (ORHL).
- 3 Resource Consent RM171177 was granted to ORHL on 12 March 2018 (re-issued on 16 April 2018) for the subdivision development that includes the Local Purpose reserves identified as lots 997 and 998. That consent is for subdivision to create 44 lots within the Industrial B zone, in the Ballantyne Road Precinct. Whilst not approved by RM171177, it is anticipated that the area of land between lots 997 and 998 will ultimately be a road. The creation of such a road will be subject to a future application for resource consent to address the balance land identified as Lot 999.
- 4 Included in this report is **ATTACHMENT B**, which is a landscape plan for the site approved under resource consent RM181017, to enable changes to earthworks and landscaping. This plan is helpful to demonstrate the likely outcome of the reserves, although the final result will be subject to discussions and input from the Parks & Reserves Planning Manager.
- 5 The Local Purpose (Stormwater) Reserve identified as Lot 997, will have an area of approximately 0.936 hectares. The reserve will contain a stormwater detention area. The requirement for a Landscape Plan to be certified by the Parks & Reserves Planning Manager can ensure that the reserve is appropriately landscaped, so that there will not be an unnecessary maintenance burden upon Council.
- 6 The Local Purpose (Connection) Reserve identified as Lot 998 will have an area of approximately 2.162 hectares. Note, whilst not included in the Attachments, the Resource Consent plans for the RM171177 decision refer to the Lot 998 reserve as a 'Recreation Reserve'. However, it is the position of Council Officers that the reserve should instead be considered as being a Local Purpose (Connection) Reserve, given that the reserve does not fulfil the requirements for a Recreation Reserve under the Parks and Open Space Strategy 2017.
- 7 The Lot 998 reserve will contain pedestrian/cycle pathways that will connect areas of surrounding road and open space. It is a recommendation of any acceptance that all such pathways are formed to Council's Grade 2 standard. It is also identified that a Special Housing Area (Bright Sky) is suggested on adjoining Lot 1 DP 477622 to the north of Lot 998. It is a recommendation of this report that any pathway on Lot 998 connects with the corresponding pathway on Lot 1 DP 477622 in the same location. It is noted that the Wanaka Community Board considered the Bright Sky Local Purpose (access) Reserve that may adjoin with Lot 998, on 24 May 2018. To demonstrate such a location, a plan associated with the Bright Sky proposal is included as **ATTACHMENT C**.

- 8 The requirement for a Landscape Plan to be certified by the Parks Planning Manager can ensure that the reserve is appropriately landscaped. It is suggested that the Lot 998 pathways will provide useful connections and the formation of those pathways might be considered for reserve improvement offsets.
- 9 It is a recommendation that fences adjoining the reserves are 50% visually permeable. This is to ensure that the reserves are not 'walled in' and so that there might be passive surveillance from adjacent land to assist with the safety of reserve users.

### **Comment**

- 10 The potential Local Purpose (Connection) Reserve will provide linkages that will assist with pedestrian and cycle movement. The proposed reserve is consistent with the 'connections' parks and open space typology as identified in the Parks and Open Space Strategy 2017. It is appropriate to consider the formed pathways when determining the value of any reserve improvement contributions.
- 11 The potential Lot 997 Local Purpose (Stormwater) Reserve will not have any material recreational use, and will only fulfil the purpose of stormwater detention and drainage. No reserve improvement offsets are determined to be applicable to Lot 997.
- 12 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**

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

#### *Advantages:*

- 14 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:*

- 15 Council will have to maintain or manage the reserve 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 that are being offered at no cost.

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

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

20 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***

21 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.

22 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**

23 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**

24 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**

25 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**

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

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

**Attachments**

- A Subdivision Plan
- B Indicative Landscape Plan
- C Bright Sky Connection