

Wānaka Community Board
17 February 2022

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

Department: Community Services

Title | Taitara: Proposed Reserves to Vest in Wānaka

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to consider recommending to Council, approval for two Local Purpose (Access) Reserves, one Local Purpose (Connection and Services) Reserve, and one Recreation Reserve (Local Park).
- 2 The reserves are located within three separate subdivision developments, and this report seeks to bundle their consideration. The reserves, their location, and respective development are illustrated in **ATTACHMENTS A, B and C** of this report.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Wānaka Community Board:

1. **Note** the contents of this report;
2. **Recommend to Council** that the vesting of the following reserves, be approved:

Studholme Developments Limited: Subdivision Consent RM191033

- a) Local Purpose (Access) Reserve. Lot 10, being 1145m².
- b) Local Purpose (Access) Reserve. Lot 11, being 305m².

Orchard Road Holdings Limited: Subdivision Consent RM200259

- c) Local Purpose (Connection and Services) Reserve. Lot 901, being 255m².

Pembroke Terrace Limited: Subdivision Consent RM210412

- d) Recreation Reserve (Local Park). Lot 200, being 4237m².

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 for reserves (if advised necessary by the Parks and Open Spaces Planning Manager);
- ii) Presentation of the reserves in accordance with Council's policies;

- iii) The submission of 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.
 - iv) The formation of sealed pathways on reserves to a minimum two-metre wide width, and to also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards and Specifications (2016);
 - v) A potable water supply point to be provided at the boundary of the reserve lots;
 - vi) 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;
 - vii) 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;
 - viii) A three-year maintenance period by the current landowner commencing from vesting of the reserves;
 - ix) A maintenance agreement for reserves being prepared and signed by the Parks and Open Spaces Planning Manager specifying how the reserves will be maintained during the maintenance period; and
 - x) Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
 - xi) For Pembroke Terrace Limited, any lot to vest as recreation reserve, including the completion of pedestrian and cycle connections in Easement Area A, shall vest as part of the first, second or third stage of this development, but not the last.
- 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 and Open Spaces Planning Manager.
 - b. Final approval of any reserve improvement costs to be delegated to the Parks and 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.

Prepared by:



Aaron Burt
Senior Parks and
Reserves Planner
26/01/2022

Reviewed and Authorised by:



Briana Pringle
Parks and Open Spaces
Planning Manager
27/01/2022

Approved by:



Thunes Cloete
Community Services
General Manager
2/02/2022

CONTEXT | HORPOAKI

- 4 Four reserves are proposed in three separate residential developments, and these have been combined into a single report for consideration by the Wānaka Community Board (WCB). Three of the reserves are to facilitate public access/connectivity, and one of the reserves is to accommodate a Local Park to meet the recreational open space needs of that subdivision's resident community.
- 5 The WCB is being asked to recommend to Full Council that the reserves be accepted.
- 6 All the reserves have been identified and assessed in approved subdivision consents, and conditions within those consents dictate the standards and requirements to be met prior to any vesting.
- 7 It is also requested that consideration and final approval of any Reserve Improvement Development Contributions is delegated to the Parks and Open Spaces Planning Manager, and this recommendation is standard practice.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Studholme Developments Limited – ATTACHMENT A

- 8 The RM191033 subdivision consent grants approval for eight residential allotments and two Local Purpose (access) reserves. There is a chance that the subdivision might be revised, and the reserves might not actually progress.
- 9 The access reserves have been planned to have the potential to facilitate useful connections, provided that the formed pathway is to a minimum Grade 2 standard. The reserves follow the path of an historic water race.
- 10 The expectation is that should further residential subdivisions be proposed in the greater locality, or adjoining the access reserves, then those developments should provide similar access connections to contribute to a greater access network. This can be achieved either by easements or Local Purpose reserves. The provision of such connections are a matter for control under subdivision assessments, and Council supports the expectations of the WCB that pedestrian/cycle connectivity is a vital component of good subdivision design. The District Plan also makes provision to ensure connectivity.
- 11 Such scenarios are often a join-the-dots approach over time as new subdivisions are proposed, with Council seeking to extend useable connection networks to meet the needs of the community.
- 12 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.

Orchard Road Holdings Limited – ATTACHMENT B

- 13 The RM200259 subdivision consent grants approval for 93 residential lots. One dedicated connection is proposed under this subdivision consent, being Lot 901, Local Purpose (Connection and Services) Reserve. It should be noted that there will be other stages to this greater development, which is referred to as Alpine Meadows. This analysis only addresses the Lot 901 access/connection reserve in the stage of the development consented under RM200259.
- 14 Whilst another pathway connection in this particular subdivision development is identified in Lot 902 of the attached plans, the purpose of that land is for stormwater, hence such a reserve is aside from the approval process now put to the WCB. Regardless, all such connection pathways irrespective of being in a stormwater reserve or access/connection reserve, need to be to a Grade 2 standard.
- 15 It is considered that Lot 901 can facilitate a useful connection purpose, and incorporate in-ground infrastructure (if necessary), provided that any formed pathway is to a minimum Grade 2 standard, and any infrastructure will not interfere with the function of the pathway.
- 16 As with all such reserves, the requirement is that all fencing along the reserve will not be greater than 1.2m in height, and will be at least 50% visually permeable.
- 17 No Recreation Reserves that align with the criteria of a Local Park are proposed by the development in the consented stage. If the Alpine Meadows development were to suggest reserve land for recreation to provide for the needs of residents, at a minimum this would have to be a useable 3000m² Local Park, that fulfils the requirements of the Parks and Open Spaces Strategy 2021 to qualify for any Reserve Land Development Contribution credits.

Pembroke Terrace Limited – ATTACHMENT C

- 18 The RM210412 subdivision consent grants approval for 117 residential allotments.
- 19 A Recreation Reserve is identified as Lot 200, with an area of 4237m². Part of Lot 200 can align with the function of a 'Local Park' as identified in the Parks and Open Space Strategy 2021. Such parks require a minimum of 3000m² 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, and not contain any stormwater functions that might affect usability in any way. It is also necessary that the reserve can accommodate improvements such as playgrounds, pump tracks, community gathering locations, BBQs, etc.
- 20 At this time, there is no commitment to any improvements from Council's Parks team, as it is 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. However, it is expected

that Local Park reserves are designed to accommodate improvements (such as playgrounds, furniture, BBQ areas etc.).

- 21 A concern is that proposed reserves intended to fulfil recreation functions in staged developments need to be vested in the initial stage to seek title. This is because when reserves are included in the last stage, a residential development might be mostly developed and then there is the potential that the final stage might be deferred indefinitely, or not transpire. Also, reserves 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 and Open Spaces Planning Manager. In this case, it is accepted that the reserve may be created in the second or third stage to seek title, but not the last.
- 22 Aside from the Lot 200 analysis above, it is important to explain the historic context of this land and highlight how Council Officers are seeking to provide for a greater connectivity network. The underlying land that is being developed, was previously the (now defunct) Bright Sky SHA proposal, which went to the WCB twice for approval of a different Local Park. Whilst that SHA has been surpassed, Council Officers are mindful of the strong position of the WCB to facilitate connectivity and community needs as a component of good subdivision design. Consequently, the RM210412 decision makes provision for pedestrian connections, and a balance parcel is to contain an important easement (Area E) to enable public access, and connectivity both through and beyond the application site.
- 23 The Area E easement must accommodate an important formed cycle/pedestrian path to the adjoining land to the north (Lot 2 DP 477622), which includes a 'no build' area, where a continuation of the connectivity can be achieved and extended beyond.
- 24 Option 1 Accept the proposal for the vesting of the reserves and to offset reserve improvement contributions (if applicable) as per the Development Contributions Policy.

Advantages:

- 25 The land is proposed to be vested to Council at no cost at the time of vesting, and it will be the respective developer's responsibility to meet the standards prescribed in the recommended conditions as a pre-requisite to vesting.
- 26 The access reserves will facilitate pedestrian and cycle movement through the proposed developments, to areas of potential future development.
- 27 The Recreation Reserve to accommodate a Local Park will provide for the recreation and open space needs of the community that will reside in the development.
- 28 The reserves are identified in approved subdivision consents, and accepting the reserves will facilitate the 224(c) process to advance the subdivisions, and allow for the creation of residential allotments.

Disadvantages:

- 29 Council will have to maintain or manage the respective reserves at a cost to the ratepayer, after three years, albeit this is an accepted outcome and any disadvantage is minimal.
- 30 Where access reserves are created, there is a risk that a connection beyond might never transpire, and Council would need to maintain a trail to nowhere.
- 31 Option 2 Reject or modify the proposal for the vesting of the reserves and to offset reserve improvement contributions (if applicable) as per the Development Contributions Policy.

Advantages:

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

Disadvantages:

- 33 Useful connections might be lost and Council might only get one opportunity to seek their creation.
- 34 For the Pembroke Terrace development, it is preferable to assure a local park as opposed to seeking Development Contributions to acquire/purchase reserve land.
- 35 The consented subdivisions will need to be formally varied, and this could create issues and delays in creating titles to accommodate residential dwellings.
- 36 Council will refuse areas of land being offered to the community at no cost.
- 37 This report recommends **Option 1** for addressing the matter.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 38 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, and it is accepted that the creation of reserves that can meet community needs, are a good outcome.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 39 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a High inherent risk rating. 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 and 2021.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

40 The developers 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

41 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy, 2021
- Significance and Engagement Policy
- Parks and Open Space Strategy 2017
- Parks and Open Space Strategy 2021
- Development Contributions Policy
- Vesting of Roads and Reserves Policy

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

43 This matter is not included in the Ten Year Plan/Annual Plan, but has no effect upon it as budgets anticipate Council acquiring new areas of reserve over time.

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

44 Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. 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 and providing for Recreation Reserves to meet open space needs;

45 The recommended option:

- 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	Studholme Developments Limited
B	Orchard Road Holdings Limited
C	Pembroke Terrace Limited