

Council Report

Te Rīpoata Kaunihera ā-rohe

Wanaka Community Board 4 July 2019

Report for Agenda Item | Rīpoata moto e Rāraki take: 1

Department: Community Services

Title | Taitara : Proposal to Vest Land Accessed off Mount Iron Drive in Wanaka, as two Local Purpose (Connection) Reserves and to Offset Reserve Improvement Contributions as 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 two Local Purpose (Connection) Reserves, and to offset reserve improvement development contributions as applicable.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Recommend to Council** that the vesting of the two Local Purpose (Connection) reserves be approved;

Alice & Imelda Ltd, Mount Iron Drive, Wanaka – RM181491

- a) Lot 200 (330m²)
- b) Lot 201 (215m²)

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 & Reserves Planning Manager);
- ii. Such a consent for any reserves shall ensure that in any staged development, the creation of a reserve is bound to the first stage to seek title, or subject to alternate timing requirements deemed necessary by the Parks & Reserves Planning Manager;
- iii. Presentation of the reserve in accordance with Council's standards for reserves;

- 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 and Reserves Planning Manager.
 - v. 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);
 - vi. A potable water supply point to be provided at the boundary of the reserve lots;
 - vii. 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;
 - viii. 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;
 - ix. A three year maintenance period by the current landowner commencing from vesting of the reserves;
 - x. A maintenance agreement being prepared and signed by the Parks and Reserves Planning Manager specifying how the reserves will be maintained during the maintenance period; and
 - xi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
- 1 **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 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.
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:



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29/04/2019

Reviewed and Authorised by:



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Parks & Reserves Planning
Manager (Acting)
2/05/2019



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General Manager
Community Services
2/05/2019

CONTEXT | HORPOAKI

- 1 Two Local Purpose (Connection) Reserves, proposed within one subdivision development are addressed by this report. Plans associated with the proposal are included as **ATTACHMENT A**. The location of the development site is illustrated in **ATTACHMENT B**, with the entrance to the development site being between 85 and 69 Mount Iron Drive.
- 2 The developer is Alice & Imelda Ltd, and subdivision consent RM181491 was granted on 7 May 2019 to create eleven residential allotments, and the two Local Purpose (Connection) Reserves.
- 3 The two Local Purpose (Connection) Reserves are referenced Lot 200 and Lot 201 respectively. The reserves will facilitate pedestrian and cycle access through the proposed development, and they will connect with existing pedestrian/cycle routes from Mercury Place in the north, leading to Mount Iron Drive, Glenfinnon Place, and Rob Roy Lane.
- 4 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.
- 5 It should be a condition of the acceptance that sealed pathways shall be a minimum of two metres in width, and meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016). It should also be a condition that any suggested landscaping be first endorsed by the Parks and Reserves Planning Manager.
- 6 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 recommendation that the creation of the reserves should be bound to the first stage of any development to seek title, unless otherwise agreed by the Parks & Reserves Planning Manager. It is however understood that this development is not staged, but as such matters can change and consents can be varied, it is nonetheless appropriate to highlight the position above.
- 7 It is considered that standard conditions typically required on connection reserves will be sufficient to ensure that any pedestrian/cycle use of the reserves can be undertaken appropriately.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 8 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.

- 9 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 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.
- 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 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.
- 13 The reserves will facilitate pedestrian and cycle access through the proposed development.

Disadvantages:

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

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

Disadvantages:

- 17 Council will refuse areas of land being offered at no cost.
- 18 There will be no pedestrian and cycle access through the development.
- 19 This report recommends **Option 1** for addressing the matter.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 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 AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 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 low.
- 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 | NGĀ RITENGA Ā-PŪTEA

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

- 24 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

- 25 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

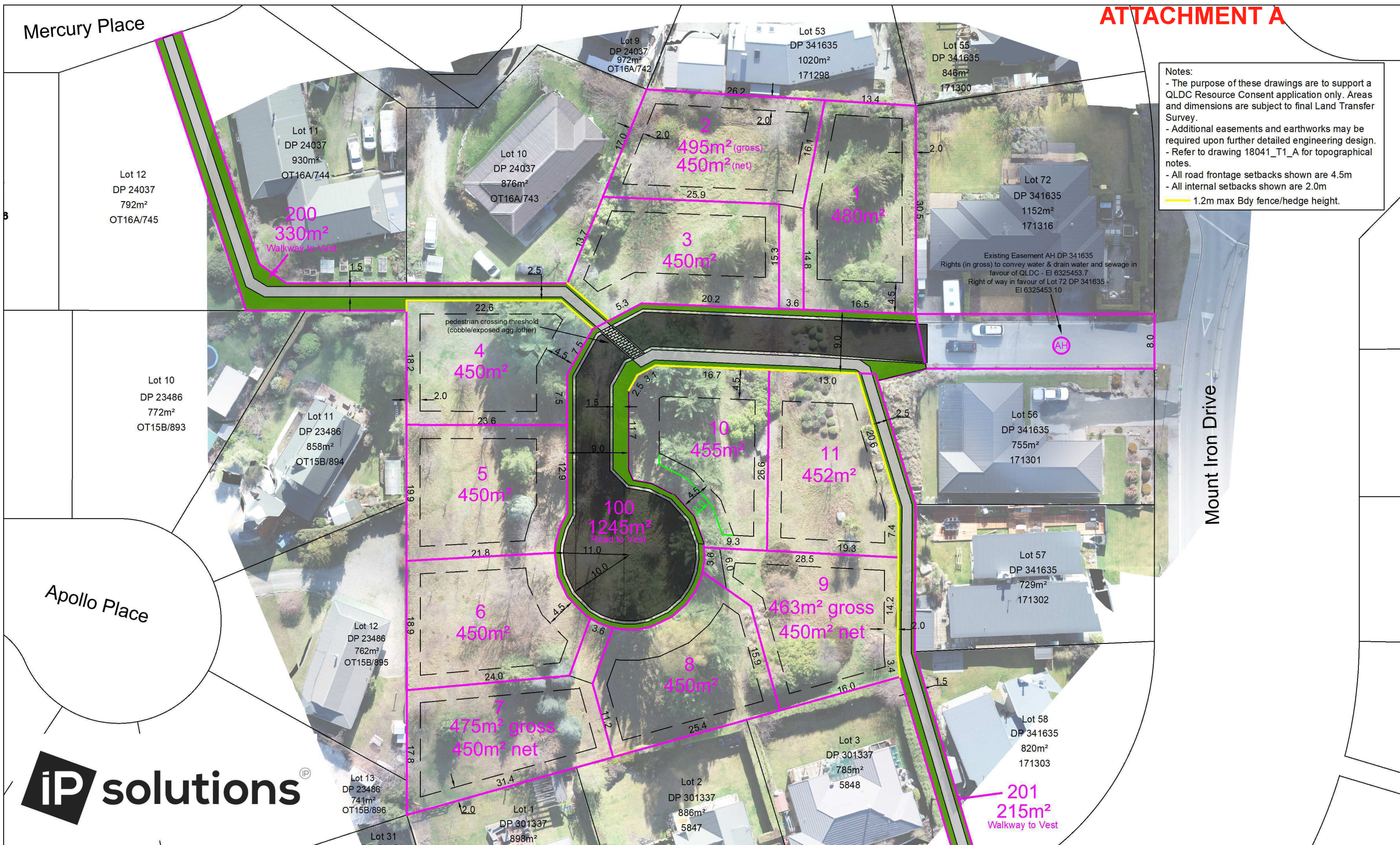
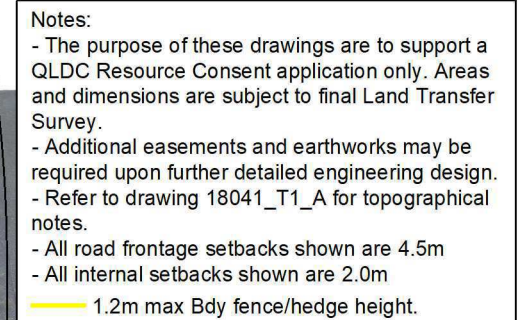
- 26 The recommended option:

- 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	DEVELOPMENT PLANS
B	LOCATION PLAN



Rev	Description	Date
A	ORIGINAL	05/02/19
B	SETBACKS, BDY EDITS	05/03/19
C	SETBACKS, BDY EDITS	11/03/19
D	CROSS SECTION, 1.2M BDYS	18/03/19
E	BDY EDITS	28/03/19
F	BDY EDITS LOTS 9/10/11	01/04/19

**Lots 1 to 11 being a proposed
Subdivision of
Lot 103 DP 341635
(CFR 171318)
(Mount Iron ²² Drive, Wanaka)**

Client:

Alice & Imelda Limited

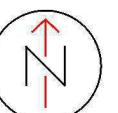
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Surveyed:	Drawn: ST 01/04/19
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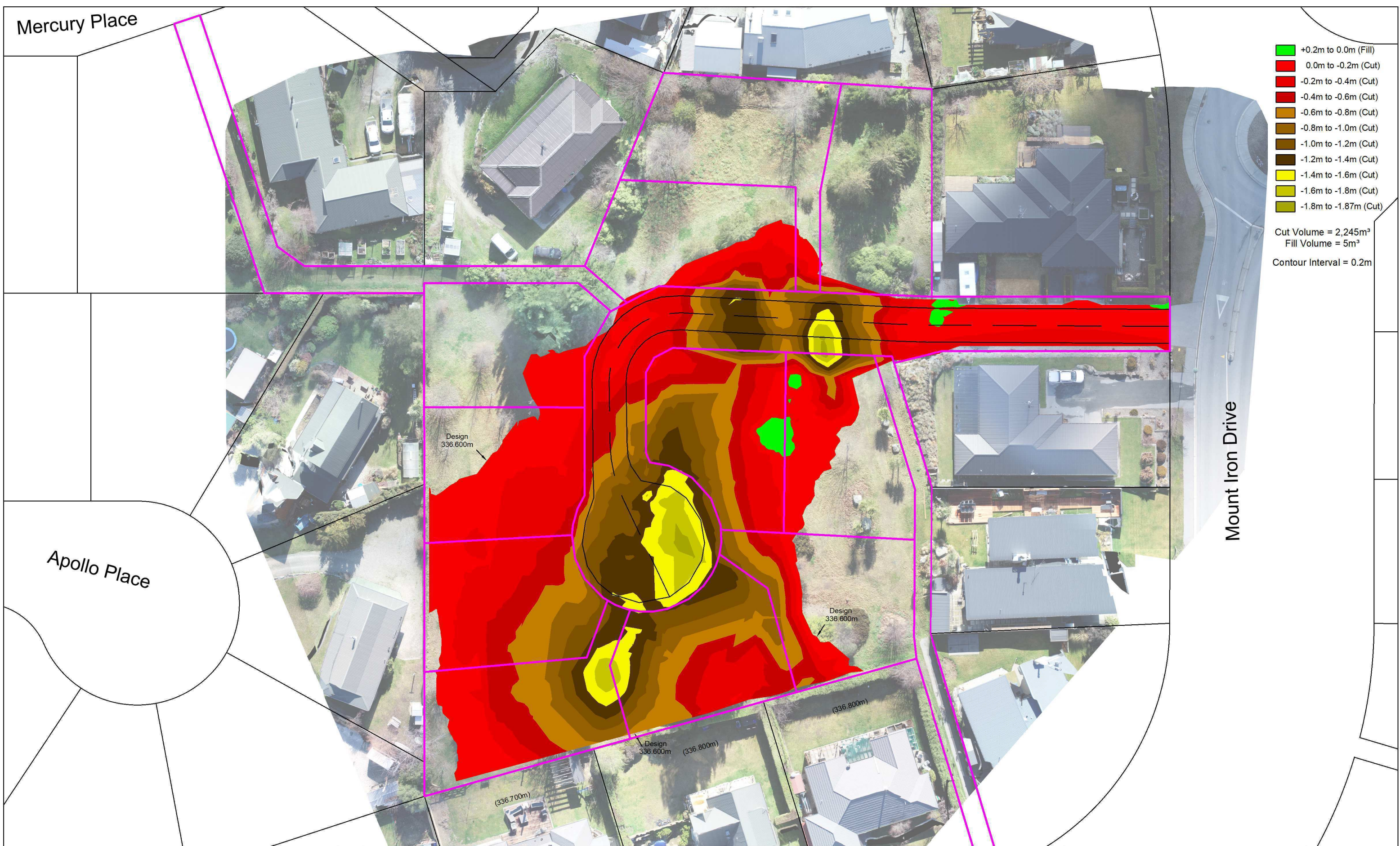
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Sheet: 1 of 3

Job #:	Rev:
8041_S3	F



- +0.2m to 0.0m (Fill)
- 0.0m to -0.2m (Cut)
- 0.2m to -0.4m (Cut)
- 0.4m to -0.6m (Cut)
- 0.6m to -0.8m (Cut)
- 0.8m to -1.0m (Cut)
- 1.0m to -1.2m (Cut)
- 1.2m to -1.4m (Cut)
- 1.4m to -1.6m (Cut)
- 1.6m to -1.8m (Cut)
- 1.8m to -1.87m (Cut)

Cut Volume = 2,245m³
Fill Volume = 5m³
Contour Interval = 0.2m



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Rev	Description	Date
A	ORIGINAL	07/09/18
B	ADDITIONAL RC DETAILS	30/09/18
C	RL 336.600m DESIGN CUT	09/10/18
D	REVISED LOT LAYOUT	05/03/19
E	BDY EDITS	28/03/19
F	BDY EDITS LOTS 9/10/11	01/04/19

Lots 1 to 12 being a proposed Subdivision of Lot 103 DP 341635

(Mount Iron Drive, Wanaka)

Client: Alice & Imelda Limited

Scale: 1 : 500 @ A3

Surveyed: Drawn: ST 01/04/19

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Sheet: 2 of 3

Job #: 18041_S1 Rev: F

