
REPORT 2
(1215/52/IM)

SOUTH STEBBINGS VALLEY RESERVES AGREEMENT

1. Purpose of Report

The purpose of this paper is to present relevant background and information to enable the Committee to recommend to Council the approval of a Reserves Agreement for land in the South Stebbings Valley.

2. Executive Summary

Best Farms Limited (BFL) owns approximately 161 ha of land in South Stebbings Valley between Churton Park and Tawa (refer to Appendix A). Plans have been developed for an 800 lot (more or less) subdivision. BFL have been negotiating with Council to form a reserves agreement for this area as part of the subdivision development.

Agreement in principal has been reached for the provision of approximately 38.5 hectares of reserves to be progressively developed in partnership with Council. The agreement enables a comprehensive approach to reserve planning in the area, in the absence of a structure plan and is consistent with the Northern Growth Management Framework (NGMF) and the Northern Reserves Management Plan (NRMP).

The agreement successfully recognizes and integrates the special landscape, ecological, and recreation values of importance to the area into a fair, transparent and manageable reserves agreement between the parties.

The agreement provides details of eight reserves of between 1 and 16.6 hectares in area (refer to Appendix B). Each reserve is mapped and described in terms of a series of statements of 'Values' outlining purpose and anticipated use. 'Reserve development plan criteria' are then listed and mapped where appropriate, detailing re-vegetation, track building, footbridges, car parking and play ground development. The agreement in full is attached as Appendix C.

BFL will vest a series of reserves that require no further development by Council. Reserve land set aside and work carried out on the reserves by Best Farms will be in lieu of reserves related development contributions. Long term maintenance will be the responsibility of the Council as landowner as each reserve is vested.

3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Recommend that the Council approve the reserves agreement as presented in Appendix C as a private agreement under Section 2.5.6 of the Development Contributions Policy.*

4. Background

BFL has agreed to vest certain areas of their land in Council for reserve purposes as part of a subdivision of South Stebbings Valley. BFL has also agreed to undertake certain works within the proposed reserve areas before vesting those reserves in Council. It is noted that residential development of this area including the proposed reserves is consistent with the NGMF.

4.1 Park Development Framework

The development of the reserve network for this area is consistent with current Council policies and strategies including the Subdivision Design Guide, Biodiversity Action Plan and the Playgrounds Policy. In addition the following documents specifically refer to this area:

Capital Spaces – Open Space Strategy for Wellington (1998). Inner Green Belts (p36) states: “*With ongoing subdivision occurring within the Johnsonville – Tawa Valley, the key elements of the proposed green belt need to be protected before opportunities are lost*”

Open Space Access Plan – Identifies a key recreational link between Westchester Drive, and Stebbings Stream via Marshall Ridge and on to Tawa (p27 map). This route follows the Marshall’s Ridge reserve cluster.

Northern Reserves Management Plan (NRMP) – The NRMP outlines a framework for day to day management and decision making for Council owned reserves and open spaces. The primary objective of the NRMP is to “*ensure that the local and wider connections, recreational and ecological, are well integrated as development proceeds*”.

The NRMP also states: *Policy 8.8.2.1 – Acquire a network of reserves in Stebbings Valley that enhances the quality and integrity of the stream, protects remnants of indigenous vegetation and, where possible, provides buffers and linkages across steeper slopes and down to Stebbings stream. In particular the ecological remnants of Upper Stebbings valley.*

Protect the open space character of Marshall’s Ridge, and the steeper ridges and spurs falling to Stebbings Valley and Middleton Road and the significant

ecological remnants, through the provisions of this plan and other mechanisms.

4.2 Residential and Open Space Re-Zoning - Stebbings Valley

As subdivision progresses across the BFL land the planned reserve areas will be vested in Council as reserve. The land holding is currently a mix of Outer Residential and Rural zoning therefore minor amendment plan changes will be required as subdivision progresses to change zoning to reflect what is happening on the ground.

The Strategy and Policy Committee (SPC) was presented with a report outlining District Plan Change 71 on August 6th 2009. Part 4.3 of the Plan Change paper relates to part of the site subject to the proposed reserves agreement. The 7.7 hectares of reserve land discussed includes proposed reserve number 2 ('Knoll and Reservoir') and 3 ('Western Tributaries').

The August 6th SPC report outlines that Rural zoned land to be re-zoned Open Space B is to give effect to the draft 'South Stebbings Reserves Agreement'. Approval of the Reserves Agreement is therefore necessary for Part 4.3 of Plan Change 71 to be appropriate in terms of anticipating reserve location and necessity of Open Space B zoning. SPC recognized this and agreed to notify Plan Change 71 subject to finalising the Reserves Agreement.

Progressing with Plan Change 71 will result in two of eight of the proposed reserves being appropriately zoned within the District Plan, while the remaining six proposed reserves will be subject to minor amendment plan changes as they become necessary.

4.3 Reserves Agreement

The Reserves Agreement will enable a comprehensive approach to planning for approximately 38.5 hectares of open space within the BFL land holding, in the absence of any structure plan. Planning for areas to be excluded from residential development prior to any staged residential subdivision applications provides a greater level of certainty to Council and the developer in regard to quantity, location and quality of reserves anticipated across the BFL land.

5. Discussion

5.1 Reserves Agreement Objectives

Should all the land be developed as currently proposed by BFL, the Council will receive approximately 38.5 ha of 'finished' reserves. The objective is to enable comprehensive development, in a similar way to structure planning, to provide a good range of well planned and designed, connected open space throughout the future residential development.

Ecological, recreation and landscape values form the basis for the identification of each of the reserves. These values are summarised on the map attached as Appendix B and within the Reserves Agreement Document at Appendix C. The wider landscape context and potential connectivity of bush remnants, natural landscape features and walking tracks forms an important component of the reserve allocation within the BFL land.

The agreement provides details of eight reserves of between 1 and 16.6 hectares in area. Each reserve is mapped and described in terms of a series of statements of 'Values' outlining purpose and anticipated use. These values reflect landscape, ecological and recreation values and tie into the existing qualities of each site and potential for enhancement.

'Reserve development plan criteria' are then listed and mapped where appropriate, detailing re-vegetation, track building, footbridges, car parking and play ground development. Detailed specifications are included to ensure work that will come into Council ownership (after a specified maintenance period) is carried out to the appropriate standard.

BFL and the Council will progressively prepare a Reserve Development Plan for each reserve as they become necessary in relation to staged subdivision on the adjacent land. The mapping, values statements and reserve development plan criteria will be refined and implemented. The development plans will outline in greater detail the work to be carried out by BFL before the relevant reserve can be vested in Council as part of the subdivision process.

BFL will vest a series of essentially 'finished' reserves that require no further development by the Council. Reserve land set aside and work carried out on the reserves by BFL will be in lieu of reserves related development contributions. Long term maintenance will be the responsibility of Council as landowner as each reserve is vested.

5.2 Reserves Agreement - Obligations of the Parties

Council obligations

The agreement is in lieu of standard development contributions for reserves (development of the land normally being subject to Greenfield and Citywide Reserves Contributions). This agreement does not affect Best Farms obligations to pay development contributions in relation to any other category other than reserves.

Ongoing monitoring of the agreement will be needed in terms of timing, work done and co-ordination with other Council departments to achieve the best results from the agreement.

Best Farms Limited obligations

BFL have 15 years from the date of this agreement to complete the development of their land and the associated vesting of reserves in accordance with the reserves agreement. Should development of the reserves not have finished

and/or there be any outstanding reserves yet to be developed and vested in Council, there is the ability for both parties to re-negotiate the agreement. Council will be able to negotiate appropriate payment in lieu of any partially complete or undeveloped reserves at the end of the 15 year period.

Each of the eight proposed reserves will be subject to agreement of a Reserve Development Plan with Parks and Gardens as discussed above. This will be submitted to and agreed by Parks and Gardens prior to any Resource Consent application which may affect a reserve area and prior to any other work that may affect the reserve areas.

Best Farms will carry out all work on the reserves as required in the reserves agreement and detailed in the Reserve Development Plans so that Council receives fully developed parks. The reserves agreement stipulates that BFL will incorporate their obligations under this agreement into all Resource Consent applications.

Section 3.2 of the reserves agreement specifically states that development of lands adjacent to but outside the agreed reserves areas will be undertaken “in a manner designed to minimise any effects on the identified landscape, ecological, and recreation values for each Proposed Reserve”. Best Farms will be required to ensure the surrounding residential development and associated infrastructure is undertaken so that it complements and does not inadvertently impact the proposed reserves (i.e earthworks, infrastructure, footpath connections, built development locations etc).

Vesting of the reserves will be tied in to the section 224(c) approval under the Resource Management Act 1991, however Best Farms are required to keep Council up to date with the timing of proposed vesting. This will be critical to the anticipated progressive development and timely vesting of the reserves in association with the surrounding residential development. Reserves vesting will also need to be timed to ensure appropriate hand over of maintenance, in particular in regard to any new planting.

5.3 LTCCP Implications

There are no financial implications under the current LTCCP. However once land is vested and maintenance is transferred to Council, additional operating funding will be required.

The Reserves Agreement is a private agreement as allowed under section 2.5.6 of the Development Contributions Policy. The land value of the Reserves is \$2,470,000 with development costs of \$3,733,522. This total cost to BFL of \$6,203,522 will be in lieu of development contributions calculated at \$6,364,800.

The development contribution figure comprises both city wide and local purpose green field contributions of \$446 and \$7510 respectively per EHU over 800 units anticipated within the Lower Stebbings Valley. These values were

negotiated and agreed to as per the July 2007 Development Contributions Policy.

6. Conclusion

In the absence of a Structure Plan, the proposed reserves agreement represents an opportunity to achieve a well considered reserves network within a large area of anticipated green field development in the northern suburbs of Wellington. The Agreement provides for well planned reserves with landscape, ecological and recreation values maintained and enhanced in response to existing and potential values of the land.

The proposal provides fully developed reserves (38.5ha in total) to be vested in Council as residential subdivision progresses across the land holding. The agreement sets out clear requirements in terms of balance of reserve land and associated works with standard reserves related development contribution requirements.

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Supporting Information

1) Strategic Fit / Strategic Outcome

This paper supports the Council's strategic direction for managing growth in the northern suburbs as set out in the Northern Growth Management Framework through provision of adequate reserves. The agreement will also support the Northern Reserves Management Plan to ensure that the local and wider connections, recreational and ecological, are well integrated as development proceeds within the northern growth area.

2) LTCCP/Annual Plan reference and long term financial impact

There are no financial implications under the current LTCCP. However once land is vested and maintenance is transferred to Council, additional operating funding will be required.

The Reserves Agreement is a private agreement as allowed under section 2.5.6 of the Development Contributions Policy.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-Making

As the draft Reserves Agreement is for a significant part of the City's Greenfield development which was initiated prior to structure planning, the approval has been delegated to Council.

The Stebbings Land Exchange and road stopping and the notification of Plan Change 71 (general amendments to text and maps) are awaiting approval of the reserves agreement before they can progress.

The report sets out the agreement reasoning and content in general terms and reflects the views and preferences of those with an interest in this matter who have been consulted with.

5) Consultation

a) General Consultation

GWRC have been consulted in relation to the location of parts of the proposed reserves areas being situated within their flood management designation along Stebbings Stream up stream of their dam. Agreement in principle has been reached that the proposed works will not impact the management and ongoing operation of the designated ponding areas.

b) Consultation with Maori

Iwi have been consulted in relation to the agreement. In particular the Tenth's Trust have expressed an interest in naming some of the reserves. This is in accordance with Council's Open Space Naming Policy Kaupapa Whakaingoa Whenua Māhorahora.

6) Legal Implications

The proposed agreement will be a legal agreement between Council and Best farms Limited. The agreement has been prepared in consultation with Council Solicitors.

7) Consistency with existing policy

There are no inconsistencies with existing policy.