

QLDC Council  
30 October 2014

Report for Agenda Item:3

**Department:**  
**Operations**

**3. Proposed Land Exchange at Youghal Street, Wanaka**

**Purpose**

- 1 That Council approve the proposal of the Wanaka Community Board to relocate a pedestrian access way at Youghal Street in Wanaka, by way of a land exchange.

**Recommendation**

- 2 *That Council:*
  - a. **Approve** the relocation by land exchange of Council's pedestrian access way registered as Section 1 SO 435510 Town of Wanaka with the current location of Section 3 SO 453310 Town of Wanaka.
  - b. **Approve** the relocation by land exchange of Section 3 SO 435510 Town of Wanaka with the current location of Council's pedestrian access way registered as Section 1 SO 453310 Town of Wanaka.
  - c. **Note** the owner of Section 3 SO 453310 Town of Wanaka will fund all of Council's costs, including the construction of a new fence in a style to be agreed by the Manager Parks, and forming a new path of the same quality as the current path, to connect Warren and Youghal Streets.

Prepared by:



Myles Lind  
Commercial Manager

15/10/2014

Reviewed and Authorised by:



Ruth Stokes  
General Manager, Operations

15/10/2014

**Background**

- 3 Council owns a pedestrian access way connecting Youghal Street and Warren Street in Wanaka.

- 4 The legal description of this land is Section 1 SO 453310, Town of Wanaka.
- 5 A private party has purchased the adjacent land parcels identified as Section 2 and Section 3 SO 453310, Town of Wanaka.
- 6 The access way is located in between, and separates Section 2 and Section 3.
- 7 The new owner of Section 2 and Section 3 has requested of the Wanaka Community Board that the Council access way be relocated to the northwest boundary on Section 3, enabling Section 2 and Section 3 to be developed as a single land area.
- 8 The Wanaka Community Board at its 9 July 2013 meeting passed a resolution in favour of this land exchange:

**On the motion of Councillor Battson and Mr Kane the Community Board resolved that the relocation of Section 1 SO 435510 be approved conditional upon the owner of sections 2 and 3 SO 453310 paying all of Council's costs, constructing a new fence in a style to be agreed by the Parks Technical Officer and forming a new path of the same quality as the current path to connect Warren and Youghal Streets.**

### **Discussion**

- 9 There are no technical or physical reasons that the Council access way (and underlying land) cannot be relocated.
- 10 All in-ground service easements would remain in the current locations and are not affected by the relocation of the public access way.
- 11 The Council access way is not classified as reserve and as there are no material disadvantages to Council or the public of the proposed relocation of the access way.
- 12 This proposal was considered and approved by the Wanaka Community Board (WCB) on 9 July 2013.
- 13 The WCB is not delegated to approve this matter and as such requires a Council resolution.

### **Financial Implications**

- 14 All costs will be met by the owner of Section 2 and Section 3, including Council's costs in relation to the relocation of Section 1.
- 15 The owner will also fund the construction of a new public path and fence adjacent to the path, to the satisfaction of Council's Parks Manager.

## **Local Government Act 2002 Purpose Provisions**

- 16 The author has given consideration to the LGA purpose provisions (ss10, 11, 10A). This matter gives effect to the purpose of local government because:
- The activity in question relates to the provision of local infrastructure (property).
  - The proposed relocation of the public path gives effect to present and future circumstances by providing improved privacy and improved land development options for the dwelling.

## **Council Policies**

- 17 The following Council Policies were considered:
- Property Sale and Acquisition Policy: To confirm that the decision requested was not inconsistent with the principles of the policy. The decision is not inconsistent with the principles set out in the policy.
  - Policy on Significance: To confirm that the matters being reported on do not meet the thresholds for affecting the public, levels of public interest, levels of expenditure or a strategic Council asset and as such are not significant.

## **Consultation**

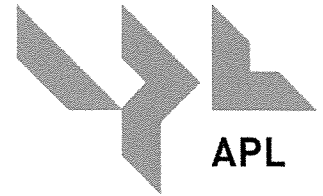
- 18 There has been no direct public consultation, however the matter has been discussed in open meeting by the Wanaka Community Board.

## **Publicity**

- 19 There is no requirement for a media statement or public communication to support this decision at this time.

## **Attachments**

- A Report from Property Manager, APL
- B Maps of Section 1, 2 and 3 SO 453310, Town of Wanaka.



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## **YUGALL STREET ACCESS – LAND EXCHANGE**

**Report to: Myles Lind**

**From: Joanne Conroy, APL Property**

**Date: 30 August 2014**

### **Attachments**

- Plan B showing the proposed location of the Council access shown hatched in green
- Plan A showing the current situation with the access shown hatched in red.
- An aerial photograph showing the location of the dwelling in relation to the access strip.

### **Background**

Council has an access site through what was the old primary school site linking Youghal and Warren Streets. It is shown on the attached plan A hatched in red, and is legally known as section 1 SO 453310. A private party has purchased Sections 2 and 3 (the balance of the site) and is intending to change the old classroom into a residential dwelling.

The new owner wants to relocate the Council access so that it runs against the northwest boundary as shown on the attached plan B hatched in green. The reason is that the existing path runs very close to the building and relocating it would result in better privacy for the dwelling.

There is no obvious reason that the path cannot be relocated because the gradient is the same and access from either end would not be affected

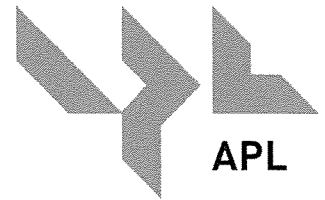
The owner has offered to pay all of Council's costs in relation to the relocation including legal and survey and installing a new fence adjacent to the path. He has offered to build a new path from Warren Street to join up with the path as currently formed within the land that will become section 1, as shown on the attached aerial. The path does not currently run through to Youghal street and the applicant has not offered to form it that far.

All other in-ground service easements would remain in their current locations and the applicant will be reminded not to build over the easements.

This proposal was considered by the Wanaka Community Board in July 2013 and approved, but the WCB is not delegated to approve this matter and so it requires a resolution of Council. The resolution they passed was as follows:

***The Wanaka Community Board approved the relocation of Section 1 SO 435510 as shown on attachment B, conditional upon the owner of sections 2 and 3 SO 453310 paying all of Council's costs, constructing a new fence in a style to be agreed by the***

***Parks Technical Officer, and forming a new path of the same quality as the current path, to connect Warren and Youghal Streets.***



The legal transfer is ready to take place, after which the new path can be formed and the fence constructed.

### **Discussion**

The land is not reserve and as there is no obvious affect on the public, there is no intention to notify this exchange. The resulting access is more desirable for the adjacent land owner and allows him to better enjoy his property.

### **Options**

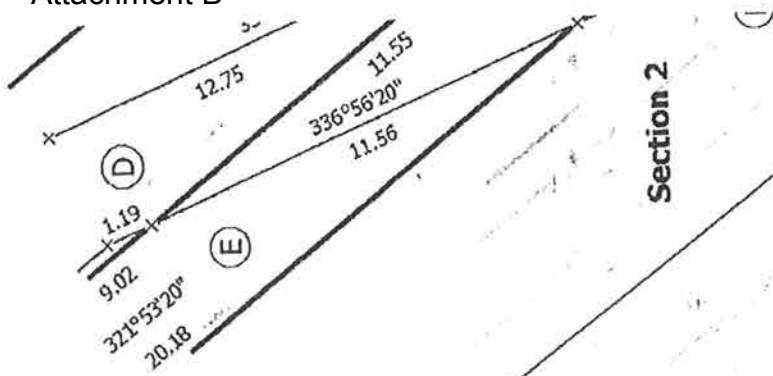
1. *To approve the relocation of Section 1 SO 435510 as shown on Plan B, conditional upon the owner of sections 2 and 3 SO 453310 paying all of Council's costs, constructing a new fence in a style to be agreed by the Parks and Commercial Manager and forming a new path of the same quality as the current path, to connect Warren and Youghal Streets; or*
2. *To approve the relocation of Section 1 SO 435510 as shown on plan B, subject to some other conditions; or*
3. Not to approve the relocation of section 1 SO 435510.

### **Financial**

Council will not incur any costs in relation to this matter as all costs are being met by the applicant.

### **Recommendation**

***That the relocation of Section 1 SO 435510 as shown on plan B be approved, conditional upon the owner of sections 2 and 3 SO 453310 paying all of Council's costs, constructing a new fence in a style to be agreed by the Parks and Commercial Manager, and forming a new path of the same quality as the current path, to connect Warren and Youghal Streets.***



Section 2

Section 1 Block XL TN OF Wanaka

Section 1  
(50.31)

Section 2

861 m<sup>2</sup>

Section 1 Block XXXIX TN OF Wanaka

$141^{\circ}53'20''$   
50.31

Plan B

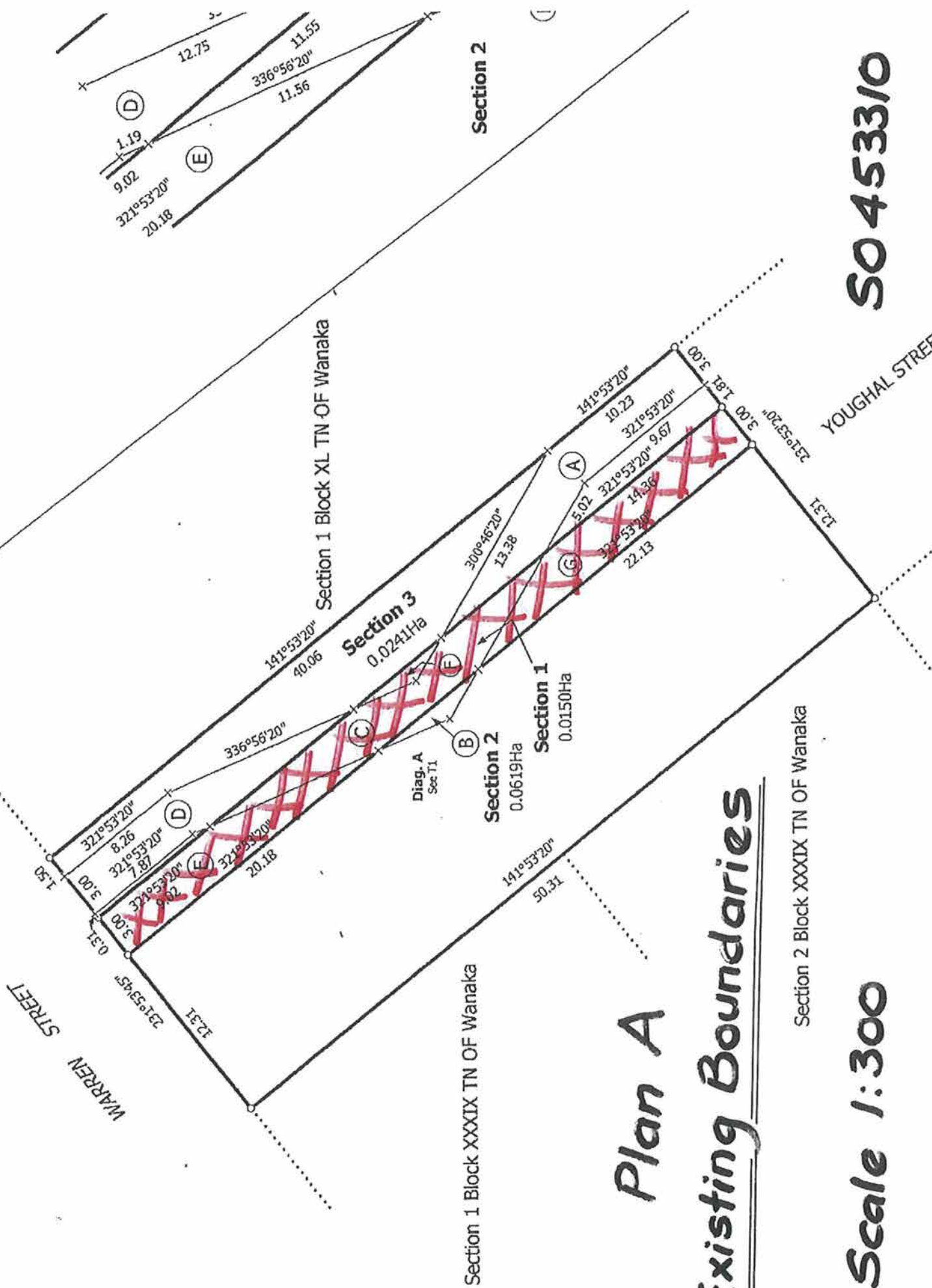
**Proposed Boundaries**

Section 2 Block XXXIX TN OF Wanaka

Scale 1:300

YOUGHAL STREF

WARREN STREET



# Plan A

## Existing Boundaries

SO 453310

Scale 1:300

Section 2 Block XXXIX TN OF Wanaka

Section 1 Block XXXIX TN OF Wanaka

Section 1 Block XL TN OF Wanaka

Section 2

Diag. A  
Sec T1



