

**QLDC Council  
14 June 2018****Report for Agenda Item: 7****Department: Community Services****Right of Way Easement – 17 Plantation Road, Wanaka****Purpose**

To consider granting a Right of Way Easement over Local Purpose Reserve, to enable access to the first floor level of 17 Plantation Road, Wanaka.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Grant** a Right of Way Easement over Council administered Local Purpose Reserve (Lot 18 DP 300804) in favour of the proprietors of 17 Plantation Rd, Wanaka (Lot 10 DP 300804) subject to the following conditions;
  - a. Building and Resource Consent is obtained prior to construction, if required.
  - b. All activities to be undertaken in accordance with the relevant Worksafe New Zealand, standards for the work environment.
  - c. The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant;
  - d. Reinstatement of the area to be completed immediately following installation of the structures (ramp and walkway) to the satisfaction of the Parks and Reserves Planning Manager.
  - e. Ongoing maintenance of structures within the easement area to be the responsibility of the applicant.
  - f. Within three months of completion of the work, the applicant to provide QLDC with a surveyed easement and signed Deed of Easement.
3. **Delegate** authority to approve final terms and conditions, including location, and execution authority to the General Manager Community Services; and
4. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to the proprietors of 17 Plantation Rd, Wanaka over Lot 18 DP 300804.

Prepared by:

Reviewed and Authorised by:



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Property Advisor  
APL Property  
Limited

24/05/2018



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Senior Planner: Parks  
& Reserves

28/05/2018



Thunes Cloete  
General Manager  
Community Services

30/05/2018

## Background

- 1 The owners of 17 Plantation Road are Proactive in Wanaka Limited (PWL), who operate a gym from the property. Access to the building is currently via a vehicular ramp from Plantation Rd. The ramp leads to parking and pedestrian access to the building. A site plan is included as ATTACHMENT A
- 2 PWL seek to establish a residence for an onsite manager in the south western corner of the first floor. The area is currently used as an office.
- 3 Access to the first floor is currently via internal stairs. Access to the office is across the gym floor. PWL's preference is for a separate, external, pedestrian access to be formed via Plantation Road.
- 4 The new access is proposed from an existing concrete footpath within the road reserve and will lead through Local Purpose Reserve. The path will be formed with exposed aggregate concrete pavers. The Local Purpose Reserve is currently landscaped and will need to be cleared to the width of the path, being approximately 2m. Photographs of the reserve are included as ATTACHMENT B
- 5 As the height of the road is similar to the height of the first floor, a ramp is to be installed to connect the path to the building over a void of approximately 2-3m in height. The ramp will be largely located within the boundary of the applicant's property.
- 6 The ramp will be constructed using timber and will incorporate metal balustrades for safety. It will be supported by a concrete block retaining wall. Plans prepared by their designer, Black Peak, are included as ATTACHMENT C.

## Comment

- 7 The applicant is seeking a Right of Way Easement to formalise and secure access over the Local Purpose Reserve. The purpose of Lot 18 DP 30804 is a Beautification Reserve.

- 8 The landscaping in the reserve was required under an underlying resource consent (RM000168) to mitigate the effects of built form.
- 9 The proposed new access will allow a future resident to access the apartment without walking through the gym. Wheelchair access will also be possible whereas the current internal stairway to the first floor prevents such access.
- 10 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. Consent is delegated to Council and must be granted prior to the Easement being lodged with LINZ.
- 11 Following a resolution of the Wanaka Community Board on 1 February 2018, Council's intention to grant an easement was publicly notified. No submissions were received either for or against the proposal.
- 12 Should an easement be granted by Council, an easement fee will be applicable in accordance with QLDC's Easement Policy of 2008. The applicant has obtained an assessment of the easement fee prepared by Colliers International in the amount of \$1,650.00.

### Options

- 13 Option 1 Council can grant a Right of Way Easement subject to the recommended conditions.

#### *Advantages:*

- 14 The applicants will be able to establish a private access to the property, in particular to a proposed manager's apartment.
- 15 QLDC will receive an easement fee of approximately \$1,650.00.

#### *Disadvantages:*

- 16 An area of Local Purpose Reserve will be encumbered for private use.
- 17 There will be minor vegetation loss.

- 18 Option 2 Council can decline granting a ROW Easement.

#### *Advantages:*

- 19 The Local Purpose Reserve will remain unencumbered and there will be no vegetation loss.

#### *Disadvantages:*

- 20 The applicant will not be able to form a separate, external, pedestrian access to the first floor and may be restricted in establishing a manager's apartment.
- 21 This report recommends **Option 1** for addressing the matter as it will enable the applicant to establish an alternative accessway to their property with minimal impact to the Local Purpose Reserve.

## **Significance and Engagement**

- 22 This matter is of low significance, as determined by reference to the Council's Significance and Engagement policy as it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is not of great interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

## **Risk**

- 23 This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate.

## **Financial Implications**

- 24 The applicant has paid an application fee and has agreed to pay for all legal and surveying costs to establish the easement.
- 25 Council will receive an easement fee in accordance with the Easement Policy 2008.

## **Council Policies, Strategies and Bylaws**

- 26 The following Council policies, strategies and bylaws were considered:
- Significance & Engagement Policy 2014
  - Easement Policy 2008
- 27 The recommended option is consistent with the principles set out in the named policies.

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

- 28 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 establishing an additional, private access way to a building.
  - 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.

## **Consultation: Community Views and Preferences**

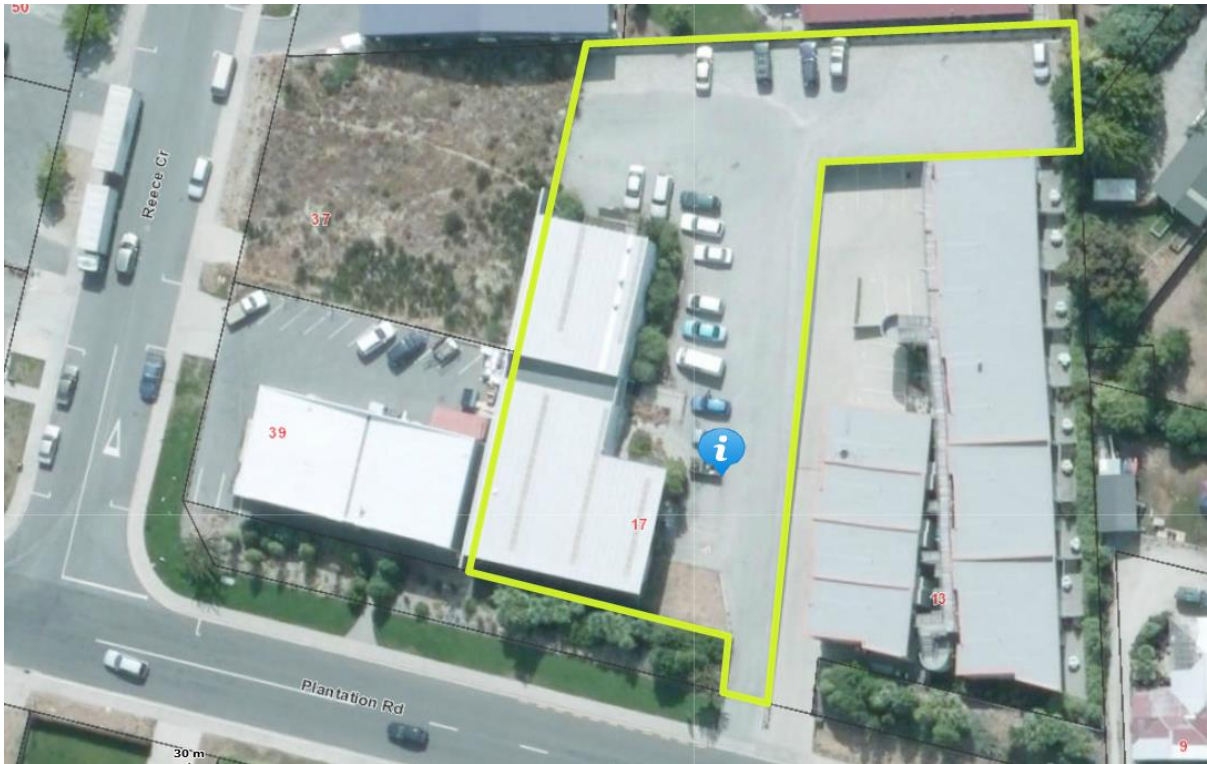
- 29 The persons who are affected by or interested in this matter are general members of the public. The matter has been publicly notified with no submissions received.

**Attachments**

- A Site Plan
- B Photographs of Existing Reserve
- C Design Plans

## ROW Easement – 17 Plantation Road

## Attachment A



Right of Way proposed at southern boundary



ROW Easement – 17 Plantation Road  
Attachment B

Existing view of Local Purpose Reserve through which the path is proposed



Existing view of Local Purpose Reserve below the proposed ramp

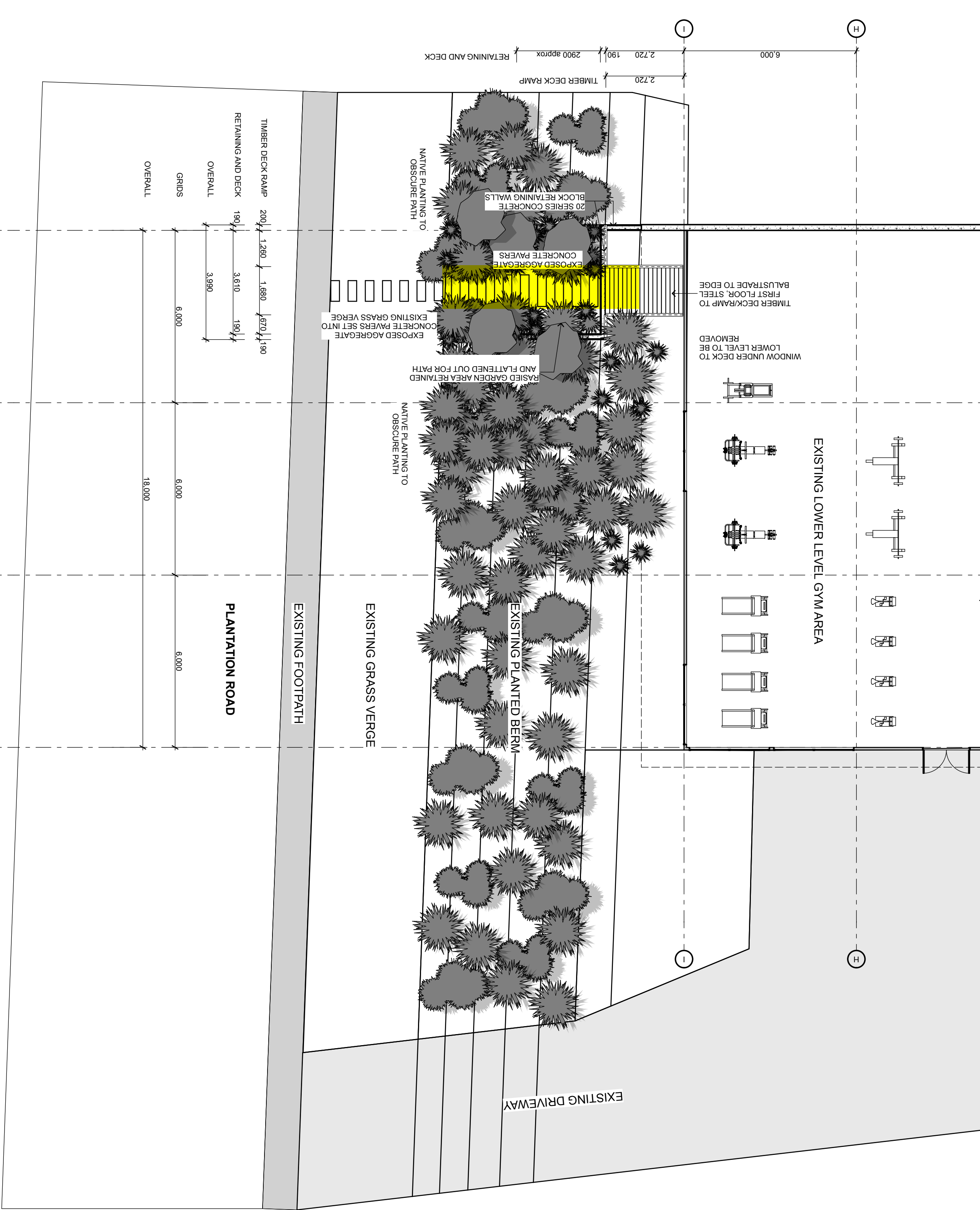


Location of proposed ramp – access will be formed through window on first floor





Rev'd	CHD	Revision	Date

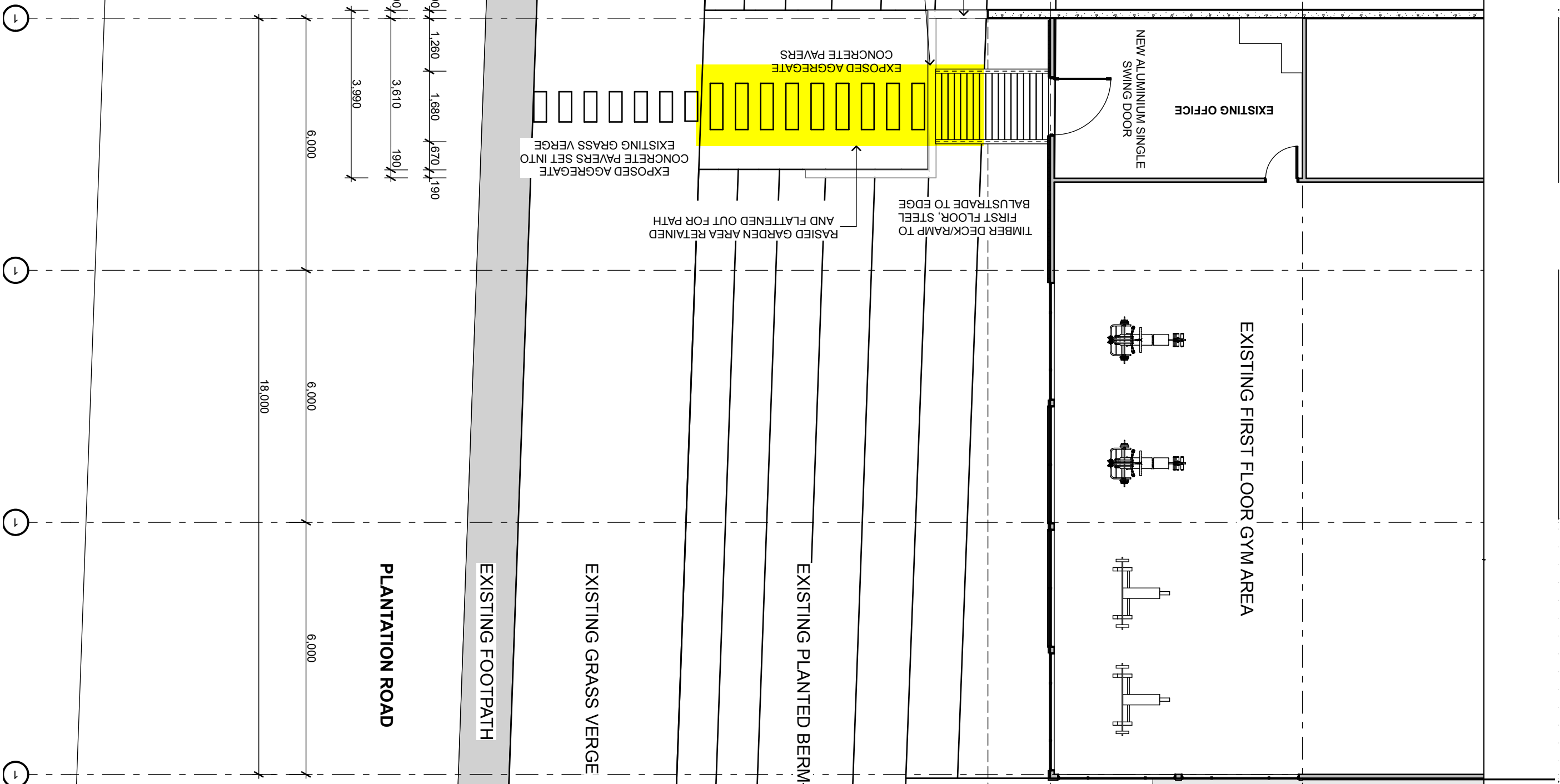



Site Landscaping

1:100

SHEET TITLE Site Plan	LAYOUT ID 101	<b>Pro_Active Gym</b>	<b>DESIGNER</b> Jason Kerr 7 Old Racecourse Road Wanaka 9305	 <b>BLACK PEAK</b> DESIGN • DRAUGHTING SERVICES • 3D RENDERG Jason Kerr LBP, Carpentry, Site, Design M: 021 685 748 E: jase@blackpeak.net.nz 7 Old Racecourse Road Wanaka 9305 T: 03 443 8868 W: blackpeak.net.nz
	REVISION RC	Fit For Wanaka Limited	<b>CAD TECH</b> J Kerr <b>PROJECT NO.</b> 17-26 <b>DATE OF ISSUE</b> 6/11/17	
		17 Plantation Road Wanaka 9305		

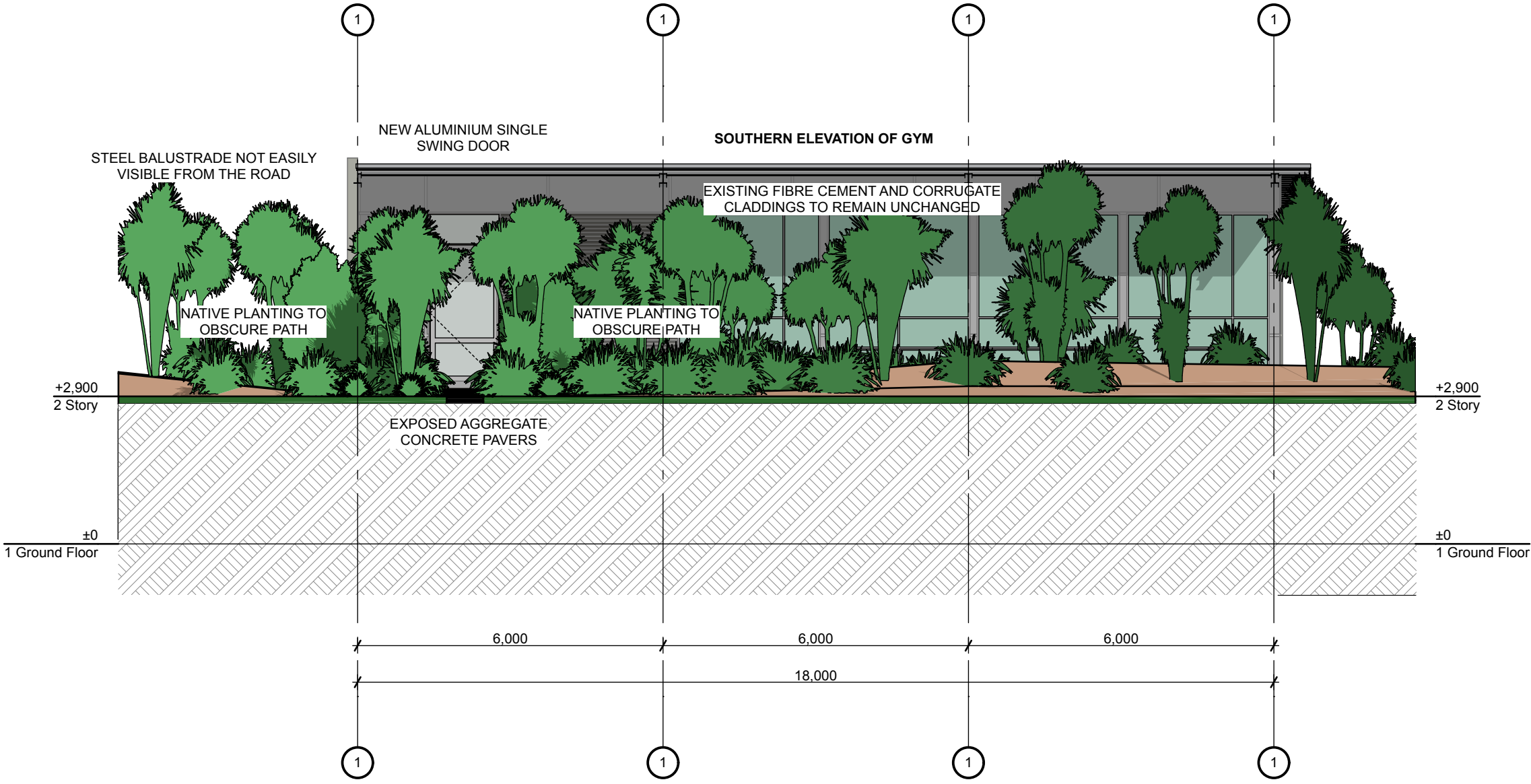




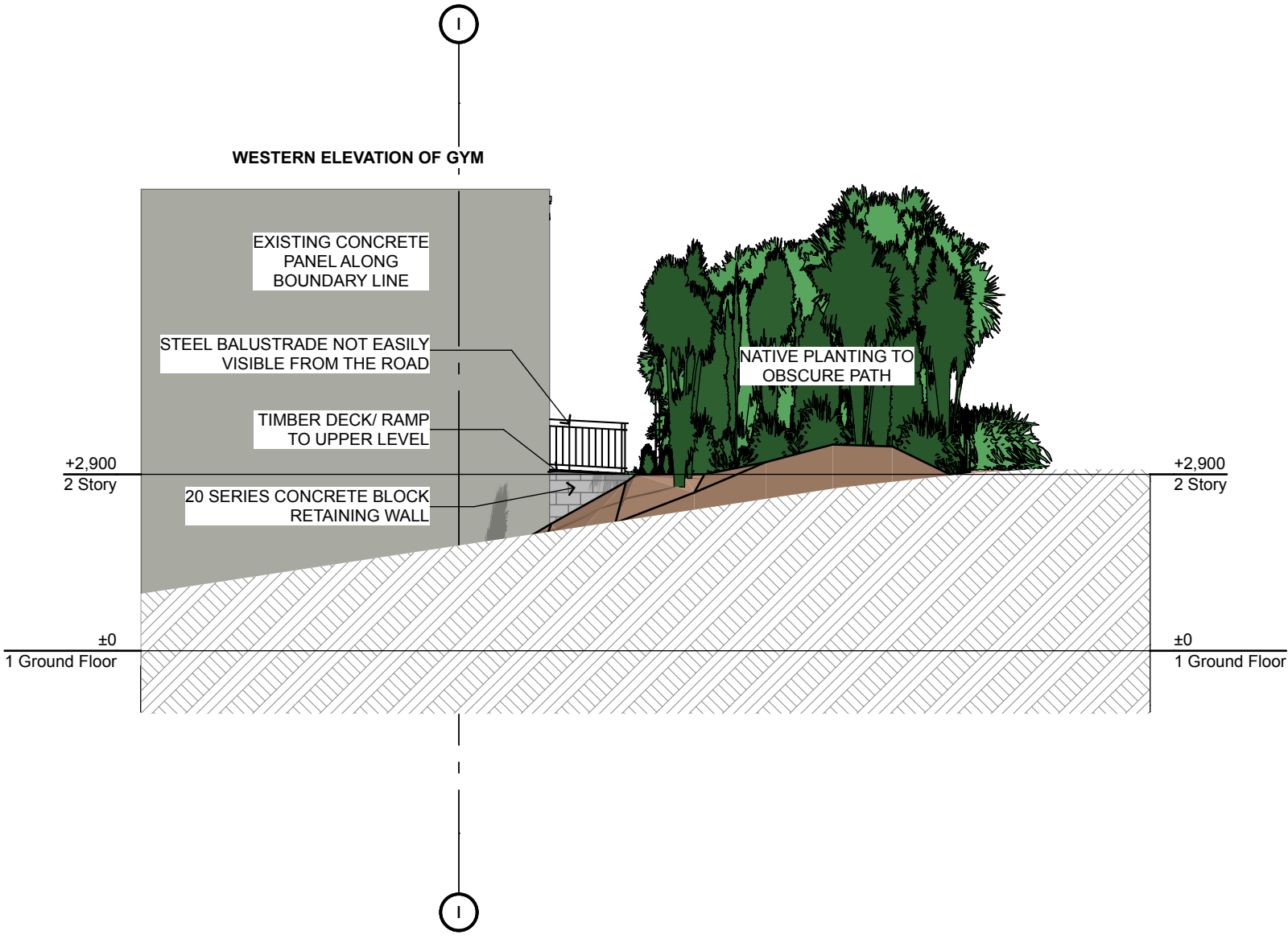
SHEET TITLE First Floor Plan		LAYOUT ID 103	Pro_Active Gym  Fit For Wanaka Limited  17 Plantation Road Wanaka 9305	DESIGNER Jason Kerr 7 Old Racecourse Road Wanaka 9305	 <b>BLACK PEAK</b> DESIGN · DRAFTING SERVICES · 3D RENDERERS
REVISION	RC			CAD TECH J Kerr PROJECT NO. 17-26	
			DATE OF ISSUE	6/11/17	



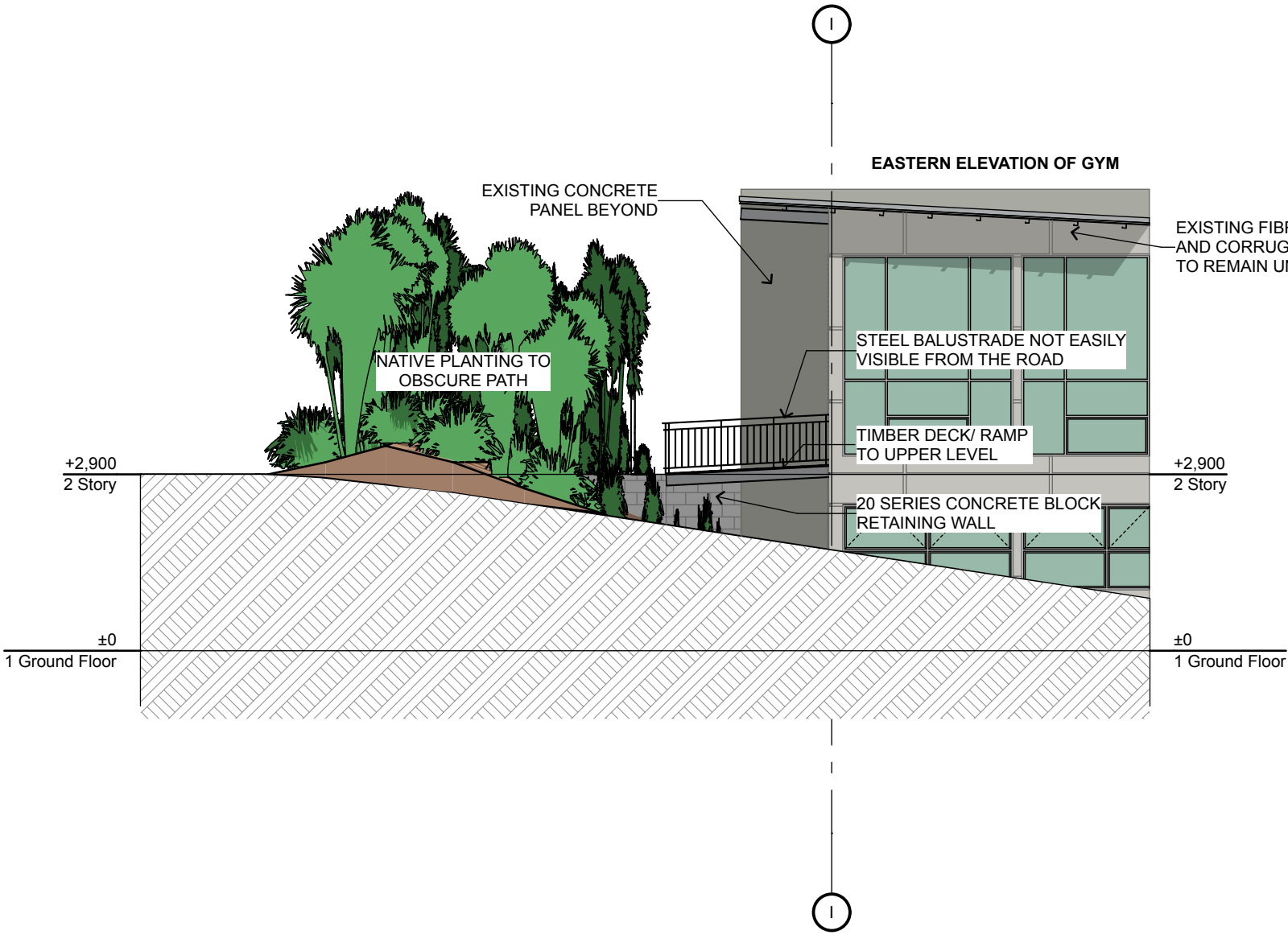
RevID	ChID	Revision	Date



1 Southern Elevation 1:100



3 Western Elevation 1:100



2 Eastern Elevation 1:100

BLACK PEAK

DESIGN • DRAFTING SERVICES • 3D RENDERING

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DATE OF ISSUE

6/11/17

Pro\_Active Gym

Fit For Wanaka Limited

17 Plantation Road Wanaka 9305

LAYOUT ID

301

REVISION

RC


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SHEET TITLE Renders	LAYOUT ID	Pro_Active Gym	DESIGNER Jason Kerr 7 Old Racecourse Road Wanaka 9305	PROJECT NO. 17-26	DATE OF ISSUE 6/11/17
	501				
REVISION	RC	Fit For Wanaka Limited	CAD TECH J Kerr		
		17 Plantation Road Wanaka 9305			



RevID	ChID	Revision	Date



SHEET TITLE Renders	LAYOUT ID 502	Pro_Active Gym	DESIGNER Jason Kerr 7 Old Racecourse Road Wanaka 9305	<div> DESIGN • DRAUGHTING SERVICES • 3D RENDERS</div> <div>Jason Kerr LBP, Carpentry, Site, Design M: 021 688 748 E: jason@blackpeak.net.nz</div> <div>7 Old Racecourse Road Wanaka 9305 T: 03 443 8888 W: blackpeak.net.nz</div>
REVISION	RC	Fit For Wanaka Limited	CAD TECH J Kerr	
		17 Plantation Road Wanaka 9305	PROJECT NO. 17-26 DATE OF ISSUE 6/11/17	