

**Wanaka Community Board
1 February 2018**

Report for Agenda Item 1

Department: Community Services

Right of Way Easement – 17 Plantation Road, Wanaka

Purpose

To consider granting a Right of Way Easement over Local Purpose Reserve in order to provide pedestrian access to the first floor of a building at 17 Plantation Road, Wanaka.

Recommendations

That the Wanaka Community Board:

1. **Note** the contents of this report.
2. **Approve** notification of the intention to grant a Right of Way Easement over Council administered Local Purpose (Beautification) Reserve (Lot 18 DP 300804) in favour of the proprietors of 17 Plantation Road, Wanaka (Lot 10 DP 300804).
3. **Appoint** three Wanaka Community Board Members (any two of which can form a hearing panel) to hear any submissions and make a recommendation to Council.

Prepared by:

Reviewed and Authorised by:



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Property Advisor
APL Property Limited

10/01/2018



Aaron Burt
Senior Planner: Parks
& Reserves

15/01/2018



Thunes Cloete
General Manager
Community Services

18/01/2018

Background

- 1 The owners of 17 Plantation Road, Wanaka 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 Road. The ramp leads to parking and pedestrian access to the building.

- 2 PWL wish 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. Access to the first floor is currently via internal stairs. Access to the office is through the gym floor. PWL's preference is for a separate, external, pedestrian access to be formed via Plantation Road.
- 3 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.
- 4 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 boundaries of the applicant's property.
- 5 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 attached.

Comment

- 6 The landscaping in the Reserve was required under resource consent (RM000168) to mitigate the effects of the built form. It is expected that the effects of installing a path through the landscaping, approximately 2m wide, will be minimal and would not affect the original intention of the Resource Consent condition.
- 7 The proposed new easement will allow direct access the apartment, without otherwise walking through the gym. Wheelchair access will also be possible, whereas the current internal stairway to the first floor prevents such access.
- 8 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 Land Information New Zealand.
- 9 An intention to grant an easement must first be publicly notified unless it can be shown that people's ability to enjoy the reserve is not affected and that there is no long term effect on the land. In this instance, the underlying reserve will be permanently affected and, as such, notification is appropriate.
- 10 Eventual approval for the Right of Way (ROW) will be conditional upon the applicants obtaining any necessary Resource and Building Consents for the proposed pathway and ramp. Further conditions will be recommended with respect to the reinstatement of the reserve following the installation of the pathway and ramp. All works will be undertaken to the satisfaction of Council officers.
- 11 Should an easement be granted by Council following public notification, an easement fee will be applicable in accordance with QLDC's Easement Policy of 2008. The applicant has obtained an assessment of the fee prepared by Colliers International in the amount of \$1,650.00.

Options

- 12 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.

- 13 Option 1: The Wanaka Community Board can approve notification of an intention to grant a ROW Easement.

Advantages:

- 14 Will allow the public to provide comment with respect to the use of the reserve.

- 15 If eventually approved;

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

Disadvantages:

- 16 Public notification will delay Council's decision on whether to grant an Easement.

- 17 If eventually approved;

- a. an area of Local Purpose Reserve will be encumbered for private use.
- b. there will be minor vegetation loss.

- 18 Option 2: The Wanaka Community Board can refer the matter to Council without notification.

Advantages:

- 19 A decision on the matter can be made quickly.

Disadvantages:

- 20 Members of the public may feel aggrieved that they have not been given the opportunity to provide comment on the matter.

- 21 Option 3: The Wanaka Community Board can decline notification of the ROW Easement.

Advantages:

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

Disadvantages:

- 23 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.

- 24 This report recommends Option 1 for addressing the matter as it will enable Council to receive public submissions, assess any concerns, and gauge the public's interest in the matter. Council will then be in a better position to make an informed decision as to whether to grant the ROW Easement or not.

Significance and Engagement

- 25 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

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

Financial Implications

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

Council Policies, Strategies and Bylaws

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

Local Government Act 2002 Purpose Provisions

- 31 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

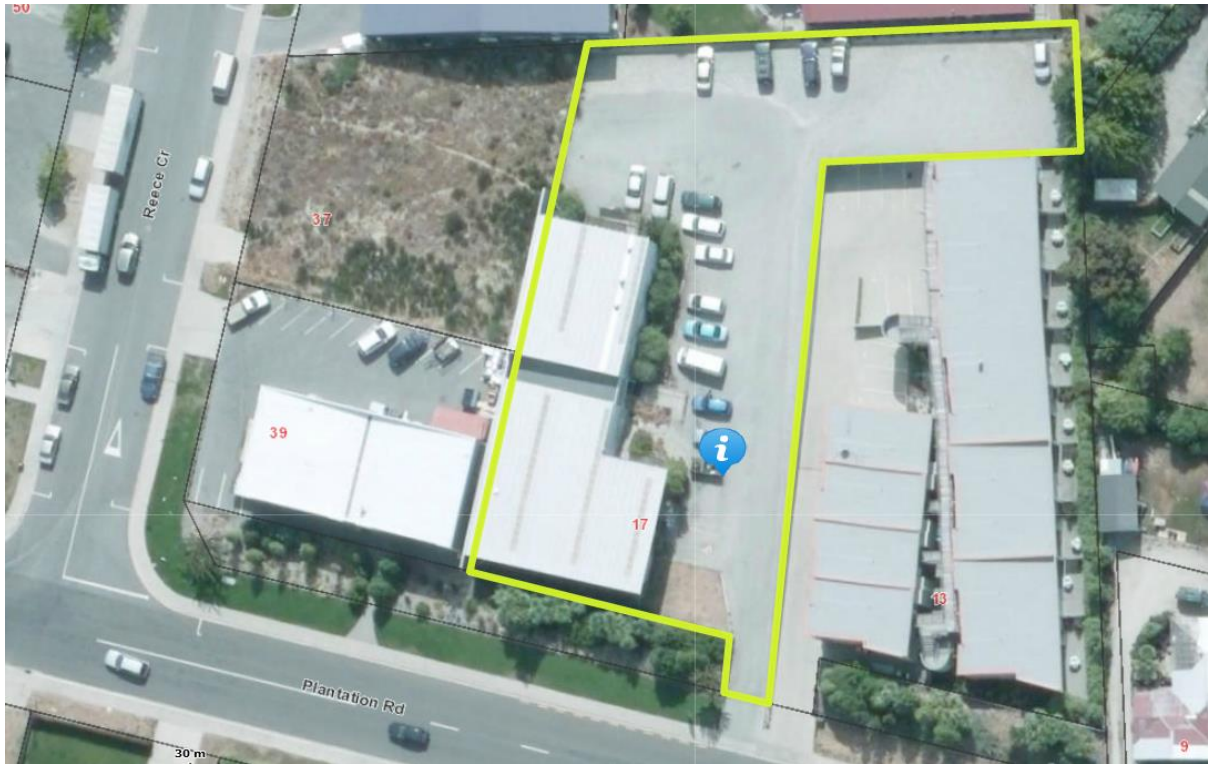
- 32 The persons who are affected by or interested in this matter are general members of the public.

- 33 We recommend that the intention to grant an easement be publicly notified in accordance with Section 48 (2) of the Reserves Act

Attachments

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

ROW Easement – 17 Plantation Rd
Attachment A



Right of Way proposed at southern boundary

ROW Easement – 17 Plantation Rd

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



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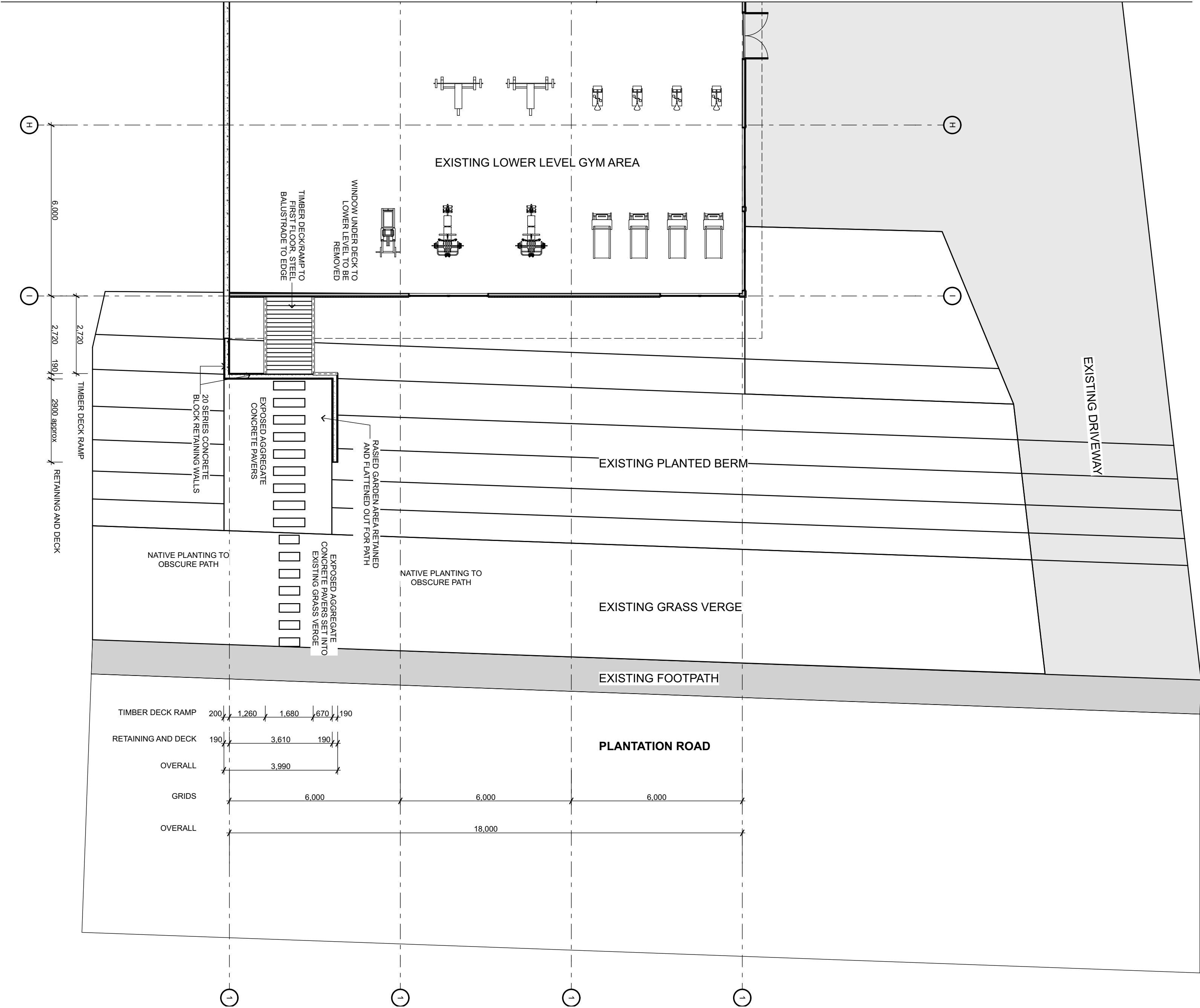


SHEET TITLE Site Plan	LAYOUT ID 101	Fit For Wanaka Limited 17 Plantation Road 9305
	REVISION RC	



RevID	ChID	Revision	Date

1
Ground Floor Plan
1:100



SHEET TITLE Ground Floor Plan	LAYOUT ID 102	Pro_Active Gym Fit For Wanaka Limited 17 Plantation Road Wanaka 9305	DESIGNER Jason Kerr 7 Old Racecourse Road Wanaka 9305	BLACK PEAK DESIGN • DRAFTING SERVICES • 3D RENDERERS Jason Kerr 7 Old Racecourse Road Wanaka 9305 M: 021 1886 7148 E: jase@blackpeak.net.nz
	REVISION RC		CAD TECH J Kerr DATE OF ISSUE 6/11/17	PROJECT NO. 17-26

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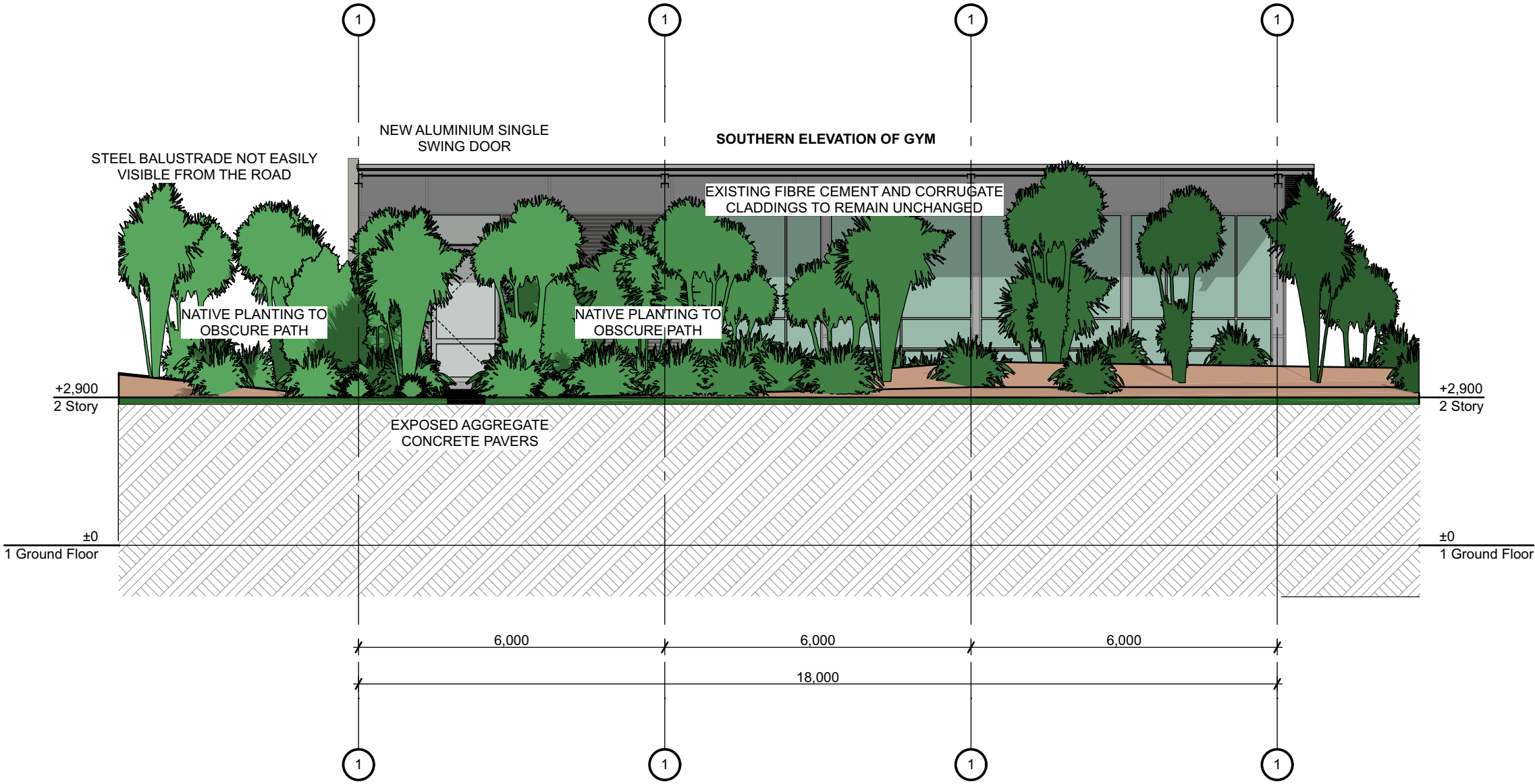


Pro_Active Gym
Fit For Wanaka Limited
17 Plantation Road Wanaka
9305

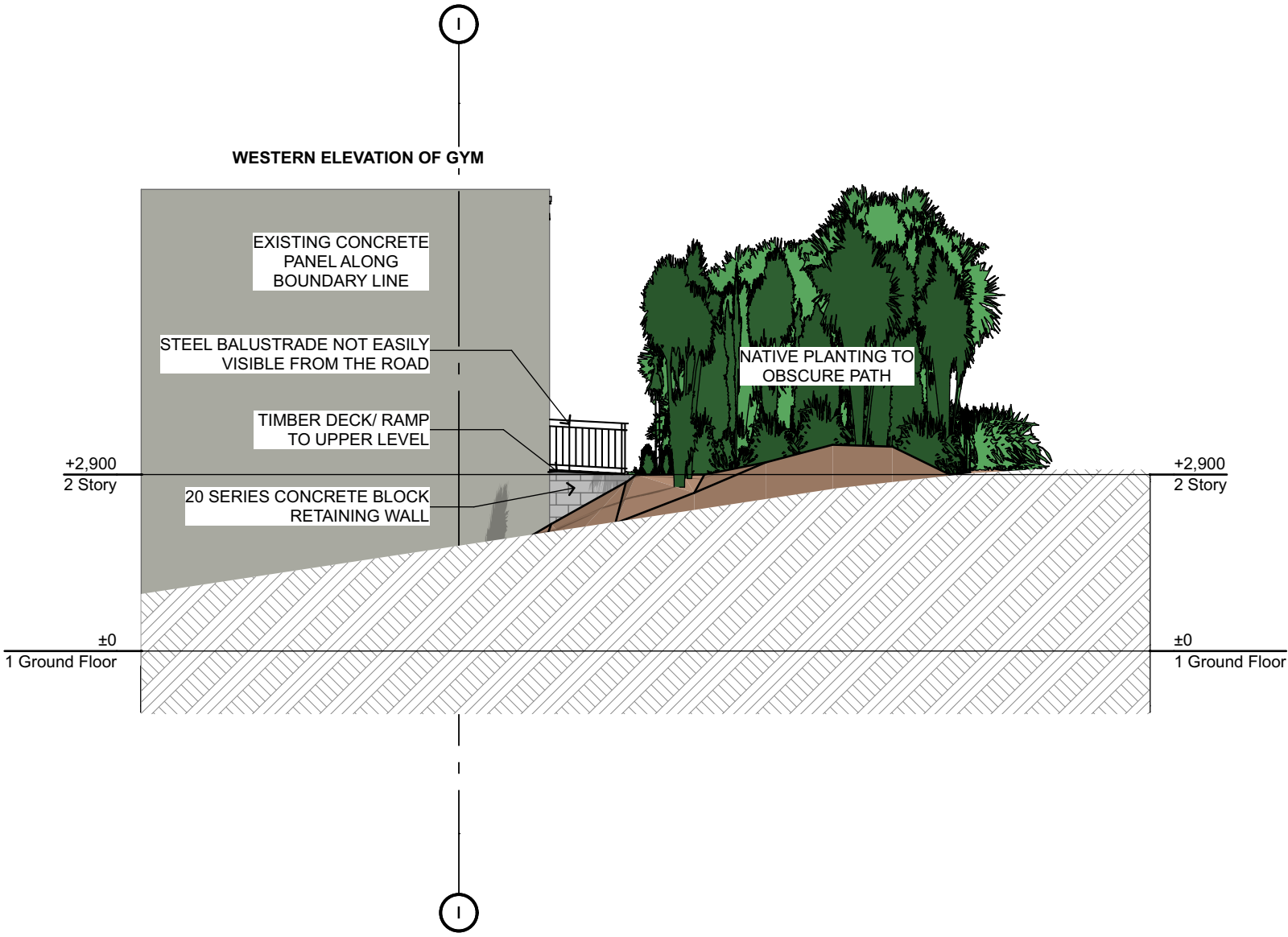
SHEET TITLE First Floor Plan	LAYOUT ID 103	REVISION RC
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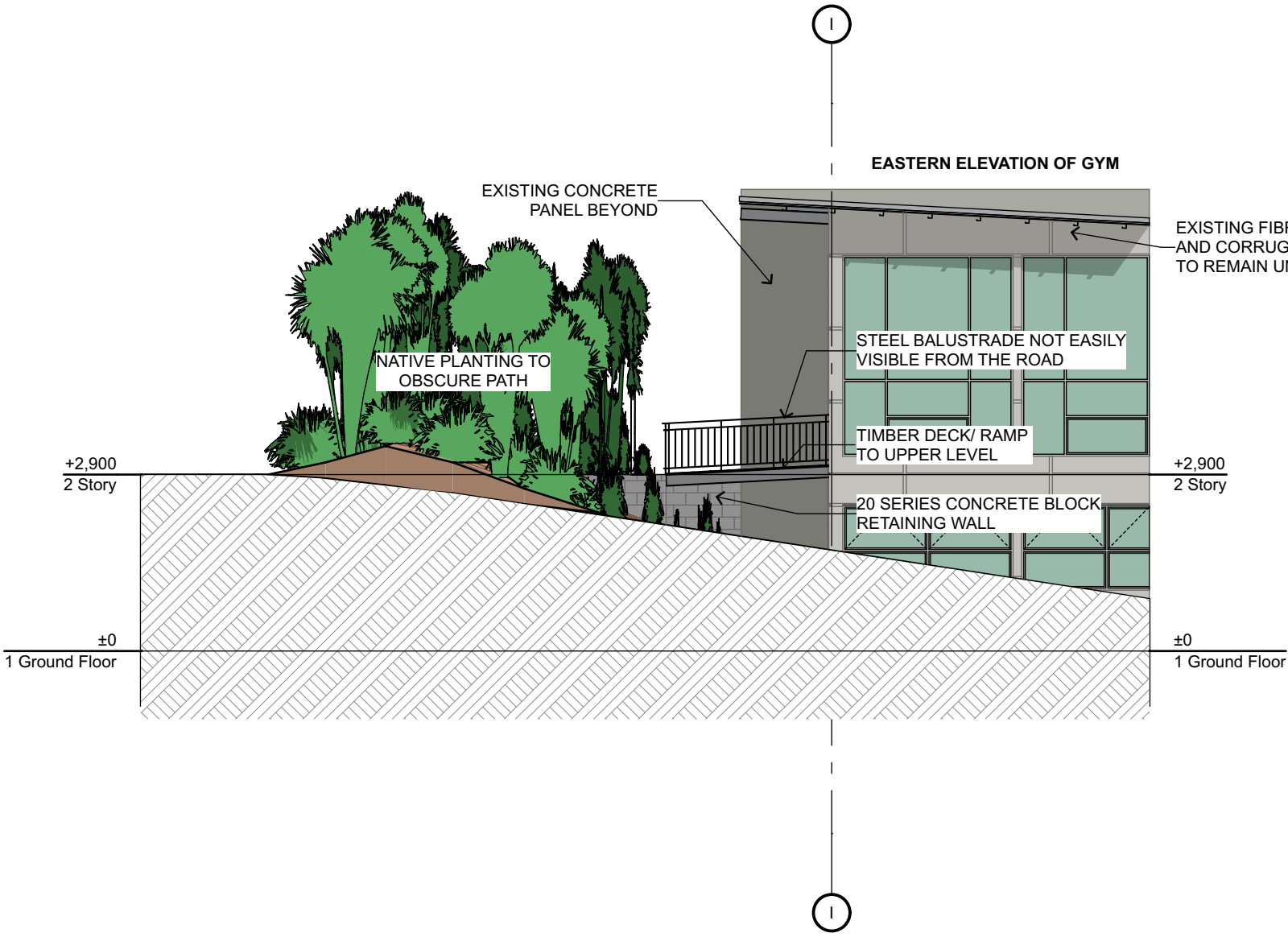
RevID	ChID	Revision	Date



1 Southern Elevation 1:100



3 Western Elevation 1:100



2 Eastern Elevation 1:100

BLACK PEAK

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17-26

DATE OF ISSUE

6/11/17

Pro_Active Gym

Fit For Wanaka Limited

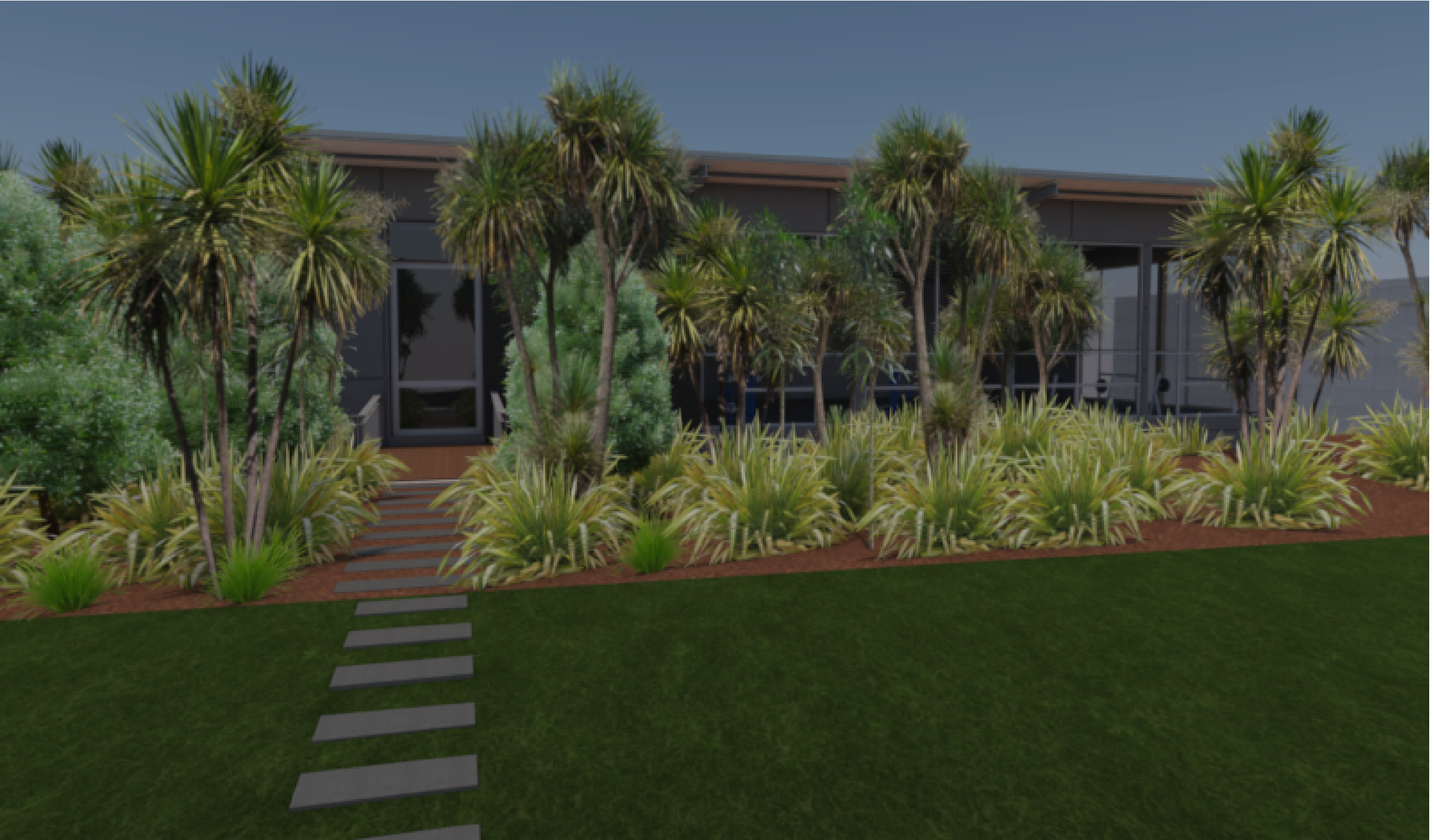
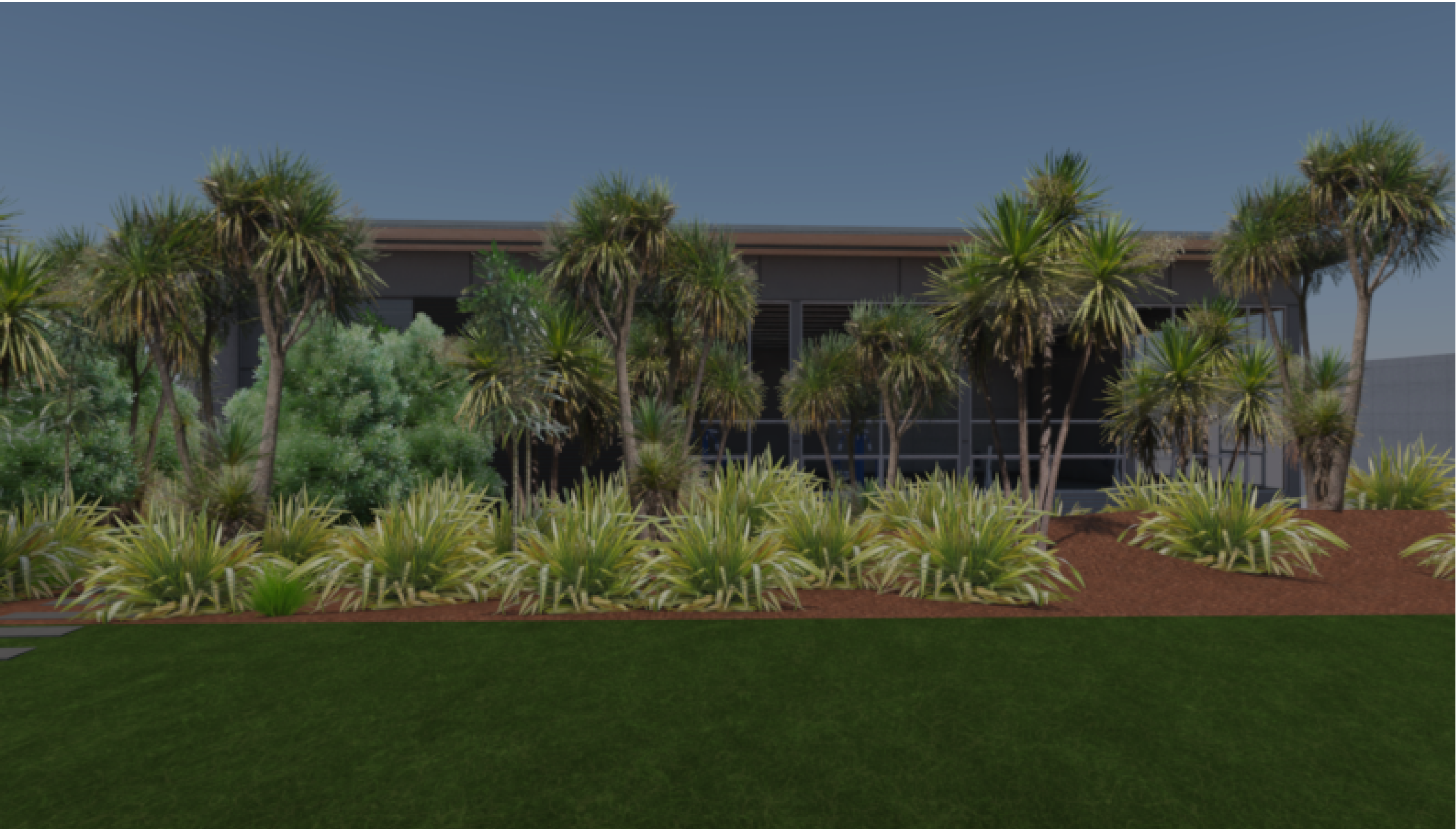
17 Plantation Road Wanaka 9305

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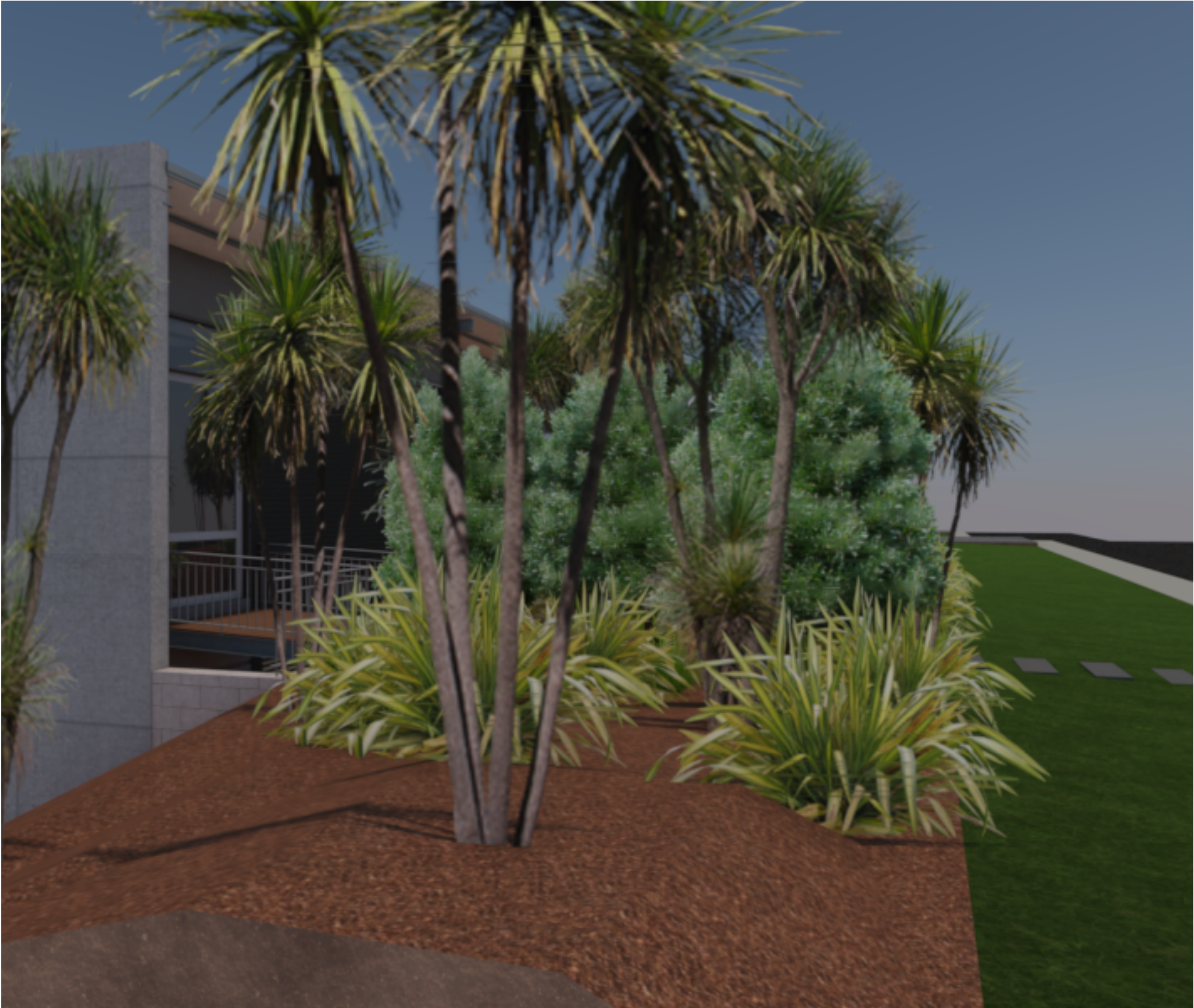
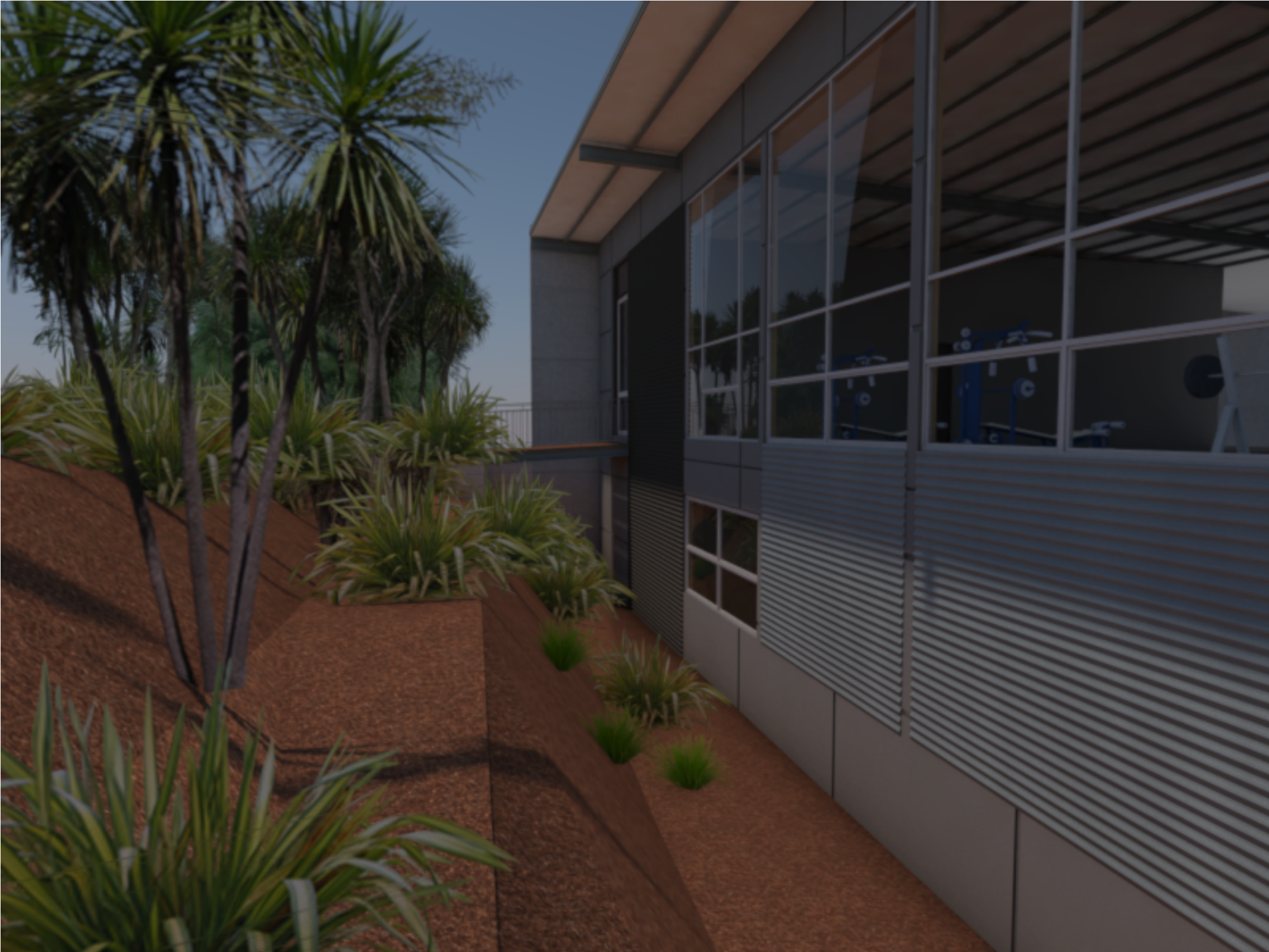
REVISION


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	Fit For Wanaka Limited				
REVISION	RC	17 Plantation Road Wanaka 9305		CAD TECH J Kerr		

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: jose@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	