



Notice to Wanganui District Council

Notice of Requirement for an Alteration to Existing Designation

Phoenix Car park service lane





OPUS

Notice to Wanganui District Council

Notice of Requirement for an Alteration to Existing Designation

Prepared By

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Part A Notice of requirement for an alteration to an existing designation under section 181(3) and clause 4(6) of the First Schedule of the Resource Management Act 1991

To: The Principal Planner
Wanganui District Council
PO Box 637
Wanganui 4540

From: Rui Leitao
Senior Roading Engineer
Wanganui District Council Infrastructure
PO Box 637
Wanganui 4540

1. Wanganui District Council Infrastructure gives notice of a notice of requirement for an alteration to an existing designation for:

A service lane

2. The site to which the requirement applies is as follows:

Address: 35B Drews Avenue & 40 Victoria Avenue, Wanganui

Legal Description: Lot 2 DP 382182 & Lot 3 DP 15187 (respectively)

Total Site Area: 743m² (combined properties)

Area of Designation: Approximately 2.675m² on 35B Drews Avenue & approximately 7m² on 40 Victoria Avenue, Wanganui. Combined area of approximately 9.675m².

Zoning: Central Commercial Zone in the Wanganui District Plan

3. The nature of the proposed public work is:

To provide for an extension to the existing service lane from the Phoenix car park to the rear of 40 Victoria Avenue. Buildings currently occupy the site to be designated; however the proposed designation will secure this land for the future use as a service lane.

4. The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

Part B provides an assessment of the actual and potential effects that the proposed public work may have on the environment, and the measures proposed to be implemented to provide mitigation of these effects.

5. The actual and potential adverse effects have been assessed in section 4 of this notice, and are summarised as:

- (i) Effects on amenity values;
- (ii) Effects on built fabric & heritage;
- (iii) Effects on safety; and
- (iv) Positive effects

6. Alternative sites, routes, and methods have been considered to the following extent:

The proposal is site specific in that it is not a development proposal that can be accommodated on a different site. Alternative methods are restricted to outright land purchase, and negotiations with landowners at the time of building demolition on either site. Negotiations have already taken place for 35b Drews Avenue, however the extension to the existing designation makes a clear statement from Council that it wishes this land to be used in future for a service lane.

7. The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The Council is required under Part 2 Section 10 of the Local Government Act 2002 to: “...promote the social, economic, environmental and cultural well-being of communities, in the present and for the future”. The Local Government Act confers upon the territorial authority the responsibility of undertaking such works as are necessary to ensure a well-planned network of service lanes to provide ongoing access to the rear of commercial properties within the CBD of Wanganui.

The existing designation extends toward Victoria Avenue along the existing pedestrian walkway adjacent to the cinema complex. However it is not a sufficient width for a vehicle to access the rear of 40 Victoria Avenue. At present, buildings located on the area currently designated on 35B Drews Avenue, and on 40 Victoria Avenue (not currently designated) prevent this from being developed as a service lane. Redevelopment of these sites would provide the opportunity for a service lane to be established along the length of the designated service lane, and beyond into the rear of 40 Victoria Avenue.

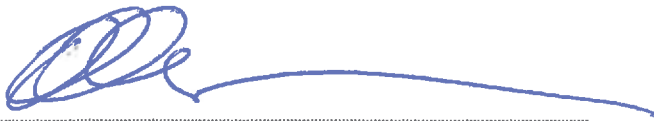
The extension of the existing designation will ensure a uniform width along the entire length of the service lane, enabling vehicles to access the rear of 40 Victoria Avenue in the future.

8. The following consultation has been undertaken with parties likely to be affected:

As further detailed in section 7 of this notice, contact has been made with landowners Ridgway Properties Ltd, and G & E Matsis. Neither party objects to the proposed alteration to designation.

9. Wanganui District Council attaches the following information required to be included in this notice by the District Plan, Regional Plan, or any other regulations made under the Resource Management Act 1991:

- (i) Planning Report and Assessment of Environmental Effects
- (ii) Land Requirement Plan
- (iii) Evidence of Consultation
- (iv) Certificates of Title



Rui Leitao
Senior Roading Engineer
Wanganui District Council

PART B Planning Report and Assessment of Environmental Effects

1 Introduction

This report and assessment of environmental effects provides background and supporting information to the Notice of Requirement. It has been prepared in such detail as to correspond to the scale and significance of the actual and potential effects of the environment.

The Wanganui District Council has a responsibility under the Local Government Act 2002 to promote the social, economic, environmental and cultural wellbeing of its communities within the Wanganui district. This includes responsibility for a well-functioning service lane network within the commercial heart of Wanganui.

2 Existing Environments and Site

The land to be designated consists of portions from two separately-owned properties; 35B Drews Avenue (approximately 2.676m²) and 40 Victoria Avenue (approximately 7m²). The sites to be designated are both located at a rear corner of each property, and are an extension into an existing designation for a service lane along the boundary of 35B Drews Avenue, and a short section of the pedestrian walkway from Phoenix car park to Victoria Avenue.

The property at 35B Drews Avenue is currently occupied by a large, brick, unoccupied building. The area of land proposed to be designated on 40 Victoria Avenue is occupied by an outbuilding of the main commercial activity at this address. Access to the designated area is from an existing service lane and car park known as the Phoenix car park.

3 Description of Work

No works are proposed at this stage in relation to the alteration to designation.

The owner of 35B Drews Avenue plans to demolish the existing building on this property and replace it with a car park consisting of 15 spaces that will serve a new commercial building to be constructed on nearby 45 Ridgway Street. The landowner is proposing to swap the land occupied by the designation (including his portion of the amendment to designation) for a small triangle of land on the corner of 45 Ridgway Street, currently owned by Wanganui District Council and used as a reserve. Negotiations between the landowner and Council are continuing in this regard. Should this proposal go ahead, the car park will not occupy the area designated for a service lane.

If the service lane was to be established in the future, the only works required would be pavement sealing.

4 Assessment of Environmental Effects

This assessment accompanies and addresses those actual and potential effects on the environment of the proposed works.

The following effects on the environment are addressed:

- (i) Effects on amenity values;
- (ii) Effects on built fabric and heritage;
- (iii) Effects on safety; and
- (iv) Positive effects.

The level of assessment for each actual or potential effect corresponds to the scale of that effect.

4.2 Amenity Values

The proposed alteration to designation will not, on its own accord, affect amenity values. It is only when the opportunity arises to establish the service lane that the visual appearance of this site will alter. Once established, the service lane will be an open, hard-surfaced area, of sufficient width for a vehicle to travel through.

The site will not be clearly visible from Victoria Avenue or Ridgway Street, and will only be viewed when walking along the pedestrian walkway beside the cinema complex or when in the Phoenix car park.

The majority of these effects relate to the existing designation and are therefore disregarded. The extension of the designated area will have negligible effects on amenity values.

4.3 Effects on Built Fabric & Heritage

Both properties where the alteration to designation is proposed, is occupied by buildings.

As previously outlined, the building at 35B Drews Avenue is a large brick building that has been unoccupied for a number of years, and has been deemed earthquake prone. The landowner proposes to demolish this building and replace it with a car park to service a nearby new commercial building in Ridgway Street. The building has no identified heritage value worthy of protection.

The building located on the rear of 40 Victoria Avenue is an outbuilding of the primary activity on this site. It too holds no identified significant heritage value. The landowner has no plans to demolish this building, and as the service lane will serve only the rear of this property, there is no benefit to enforced demolition of this building.

The alteration to designation will not change the character of the built fabric on either Victoria Avenue or Ridgway Street, as the service lane will not be visible from these streets.

4.4 Effects on Safety

Currently, the pedestrian walkway between Victoria Avenue and the Phoenix car park is narrow, dark, and an area of concern in relation to pedestrian safety (UCOL and environs

CPTED assessment, 2007). Although the alteration to the designation will not immediately improve pedestrian safety in this area, once established the service lane will widen the corridor through which pedestrians can walk before entering the walkway. This will improve visibility of pedestrians in this area, in turn improving their safety.

4.5 Positive Effects

The purpose of this notice of requirement is to improve accessibility for service vehicles to 40 Victoria Avenue (which currently has no rear access). As previously outlined, the establishment of this service lane will also improve pedestrian safety along the walkway through to Victoria Avenue.

5 Statutory Framework

5.1 Resource Management Act 1991

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources.

In terms of meeting the purpose and principles of the RMA, it is considered that the proposed designation will have negligible adverse effects on natural and physical resources, and will not endanger the life-supporting capacity of air, soil and ecosystems. The proposed designation will in fact provide for the economic and safety needs of the community.

There are no section 6 Matters of National Importance that are relevant to this proposal.

The section 7 Other Matters of the RMA that are relevant to this proposal is limited to one matter, being:

c) *The maintenance and enhancement of amenity values*

As outlined in section 4.2 above, adverse effects on amenity values are likely to be negligible.

Section 8 of the RMA provides for the Council to take into account the principles of the Treaty of Waitangi. There are no specific Treaty issues arising from the proposed alteration to designation.

Notification

This notice has been prepared and lodged with Council in accordance with Schedule 1 clause 4(6), and section 181(3) of the RMA. As such, this notice will be notified alongside the rest of the changes proposed as part of the District Plan Review.

5.2 Wanganui District Plan

5.2.1 Objectives and Policies

The Wanganui District Plan sets out a number of objectives and policies that direct how the Plan will manage development for the district. Those objectives and policies that are relevant to this proposal are:

Objective O2 To Manage the Effects of Different Urban Activities to Ensure that High Quality Urban Amenities are Sustained

Policy P11 To define commercial areas where the following characteristics are maintained:

- a. a predominance of pedestrian oriented retail and office activities, with continuous verandah and retail frontage at ground level, in a compact central commercial area;
- b. a predominance of lower density and vehicle-oriented commercial activities, generally with off-street parking, in the outer commercial area which surrounds the central area;
- c. a predominance of low-rise *commercial activities** which serve the local community in the neighbourhood commercial areas which are located throughout the city;
- d. protection for the amenity values of neighbouring residential areas;
- e. safe urban design (including pedestrian and vehicle safety);
- f. retention of natural and cultural heritage features;
- g. vibrant commercial areas.

Policy P12 To maintain and enhance amenity values in identified parts of the Central Commercial Zone by:

- a. re-inforcing the character of the existing built form with regard to height, proportion, mass, rhythm, building detail, scale, materials, and overall character;
- b. providing for new developments, alterations and additions that take account of the role the *structure** will play with respect to its overall form, street façade and detail;
- c. Encouraging new and innovative design where the design is sympathetic with and complimentary to streetscape values.

- Objective O17** Infrastructure Development Which is Co-ordinated, Effective and Efficient in the Use of Natural and Physical Resources to Meet Present and Foreseeable Future Needs of the District.
- Policy P74** Optimise the use of existing infrastructure and ensure the provision of additional infrastructure is timely, logical, affordable and cost-effective.
- Policy P80** Protect infrastructure resources in the District from the adverse effects of other land use activities.
- Objective O20** To ensure that development and activities in the Central City area contribute to the social, cultural, economic and environmental wellbeing of the Wanganui community.
- Policy P91** Encourage pedestrian movement in the central city area.
- Policy P94** Incorporate Crime Prevention Through Environmental Design principles in all development.
- Objective O21** To ensure that any adverse effects on the environment arising from development or activities in the Central City area are managed effectively.
- Objective O23** To ensure that development and activities in the central city area maintain or enhance the high quality amenity of the area.
- Objective O2** To ensure that development and activities in the Central City area contribute to the overall safety of the area.

Assessment

The proposed alteration to an existing designation is, in my opinion, consistent with the above objectives and policies.

The existing designation will provide for a service lane to service the rear of 40 Victoria Avenue once redevelopment of 35B Drews Avenue takes place. The alteration to this designation will merely provide for a uniform width of designation, such that a vehicle can access this site. As previously noted in the Assessment of Effects section of this report, the service lane will likely improve pedestrian safety, provide appropriate connections within the central city, and will not impact on amenity values or built fabric characteristics.

5.2.2 Rules Assessment

Although it is not proposed to construct the service lane at this time, if the service lane was not designated, its establishment would be subject to the following rule:

R15 General Rule – Utilities

1. Permitted activities

- g. Road, bridge, culvert and drain construction, upgrading and maintenance, traffic management and control structures, street lighting and street furniture, provided that the above is undertaken within road reserve or, if outside road reserve, that it is in accordance with an approved designation, subdivision* or resource consent.

Given that this service lane would be contained within a designation for this purpose, it would be considered a permitted activity.

6 Consultation

The two affected landowners, Ridgway Properties Ltd and G and E Matsis have been consulted. Mr and Mrs Matsis were represented by their daughter, who provided their approval by way of an email (attached in Appendix 2). The proposal was also discussed with David Corney of Ridgway Properties who advised of his plans to demolish the building on 35B Drews Avenue and replace it with car parking. He wished to re-enter negotiations with Council to swap land currently occupied (and including the extended area to be designated) by the service lane designation with Council-owned property on the corner of 45 Ridgway Street. He did not object to the proposed extension of the service lane designation but wished to receive certainty that Council would agree to this land swap that would enable his proposed development to take place (subject to any resource consent requirements).

7 Alternatives

As outlined in Part A of this report, the alteration of this designation is site specific and it is not possible to identify and target alternative sites for designation. Alternative methods are restricted to outright purchase or landowner negotiations. Designation is seen as the most effective method of identifying the intended future purpose of an area of land, and securing the protection of it from development.

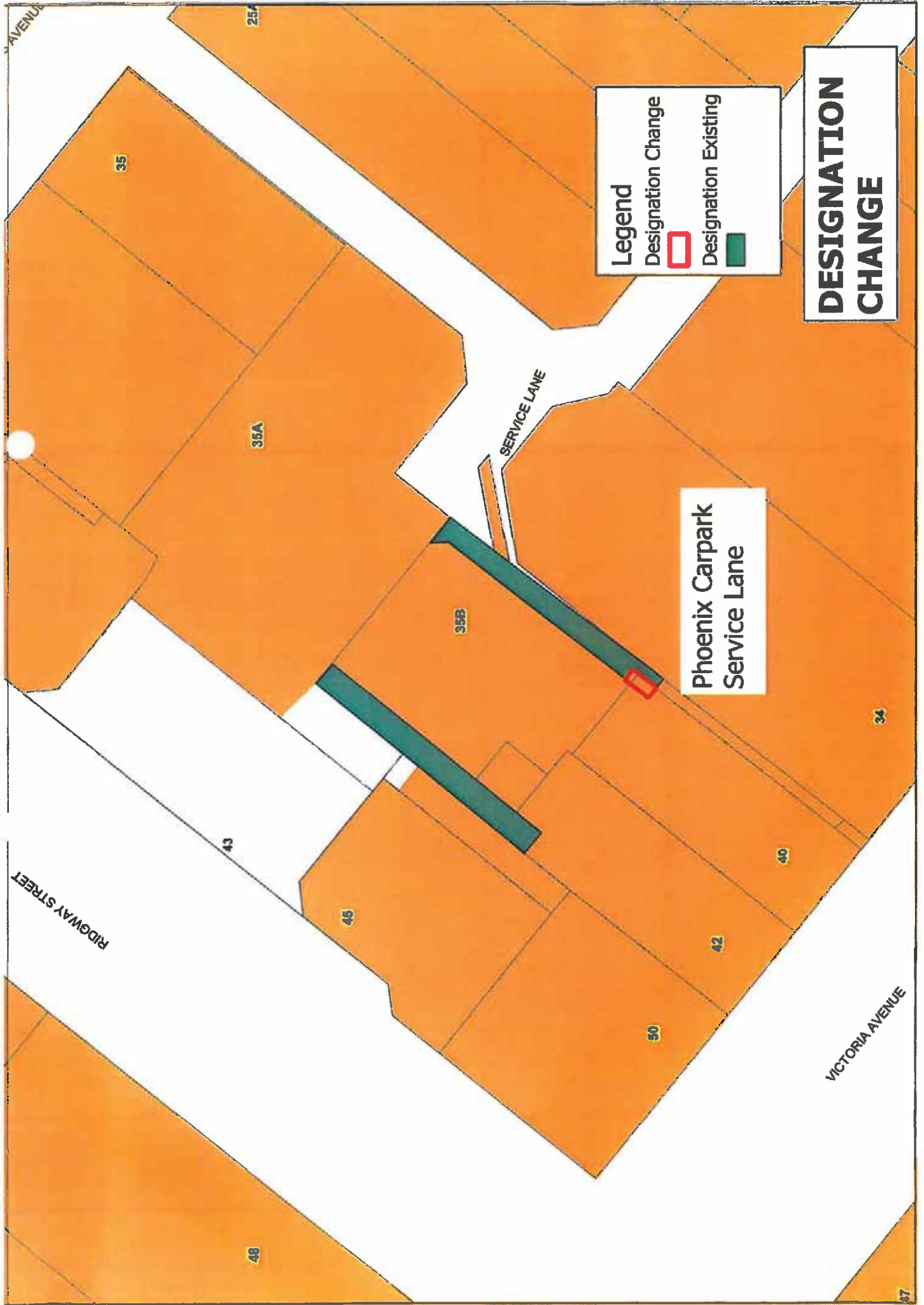
8 Conclusion

Wanganui District Council Infrastructure Group's proposal to alter the existing designation of a service lane off the Phoenix car park to incorporate an additional 9.675m² of land, will have negligible adverse effects on the surrounding environment, and will provide positive outcomes for the owners of 40 Victoria Avenue, who may in the future have secured vehicle access to the rear of their property.

The proposal is consistent with the objectives and policies of the Wanganui District Plan. Both affected landowners have provided comment on this proposal and neither party object to the proposal. Ongoing negotiations between Ridgway Properties and Wanganui District Council with regards to land ownership technically sit outside of the designation process, but should be recognised as being integral to Ridgway Properties agreement to this alteration to designation.

Appendix 1

Land Requirement Plan



DESIGNATION CHANGE

Legend
Designation Change 
Designation Existing 

Phoenix Carpark
Service Lane

SERVICE LANE

RIDGEWAY STREET

VICTORIA AVENUE

35

25A

35A

35B

34

43

40

46

42

50

48

37

Appendix 2

Evidence of Consultation

20 September 2012

G & E Matsis
141 Great North Road
Wanganui 4501

Dear G & E Matsis,

Review of Rooding Designations – Wanganui District Plan Review

As part of the District Plan review, Wanganui District Council Infrastructure are considering the existing designations they hold in relation to roading, including car parks, services lane and road widening, and identifying where changes are needed or new ones included.

Council holds an existing designation for a service lane off the Phoenix car park, which serves the rear of 40 Victoria Avenue. To ensure that vehicle access can be achieved to within this site, it is proposed to extend this designation as shown on the attached plan to ensure the width is of use to vehicles. As you can see, this affects land that you have interest in.

So what does this mean for my land?

A designation over private land interests introduces some restrictions on how you can use this land in the future. As such, I am particularly interested to hear if you have any future plans for this land, and whether you would be willing to enter into an agreement with Council on the future use of this land. I am keen to meet with you to discuss what these restrictions are, and what your options are.

Please contact me on 06 349 001, or our consultant Fleur Lincoln on 06 349 6612 if you wish to arrange a meeting. Alternatively, Fleur would be happy to speak with you about what this might mean for you via telephone, or via email at fleur.lincoln@opus.co.nz.

If I do not hear from you by 28 September 2012, I will provide you with additional information on the designation process, and whether Council are looking to proceed via mail.

Yours sincerely,

Rui Leitao
Rooding Manager
Wanganui District Council Infrastructure

20 September 2012

Ridgway Properties Limited
PO Box 7802
Wanganui 4541

Dear Sir/Madam,

Review of Roothing Designations – Wanganui District Plan Review

As part of the District Plan review, Wanganui District Council Infrastructure are considering the existing designations they hold in relation to roading, including car parks, services lane and road widening, and identifying where changes are needed or new ones included.

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Please contact me on 06 349 001, or our consultant Fleur Lincoln on 06 349 6612 if you wish to arrange a meeting. Alternatively, Fleur would be happy to speak with you about what this might mean for you via telephone, or via email at fleur.lincoln@opus.co.nz.

If I do not hear from you by 28 September 2012, I will provide you with additional information on the designation process, and whether Council are looking to proceed via mail.

Yours sincerely,

Rui Leitao
Roading Manager
Wanganui District Council Infrastructure

Susan Jones

From: Neil Forlong <neil.maria@xtra.co.nz>
Sent: Thursday, 27 September 2012 7:38 p.m.
To: fleur.lincoln@opus.co.nz
Cc: George Matsis
Subject: Review of reading designations

Re 40 Victoria Ave

Further to my call earlier this week we are happy to go ahead as discussed. We also understand there will be no cost to the landowner. It is very important to us to ensure that vehicle access is available to the property.

Regards
Maria Forlong for George and Eleni Matsis

Appendix 3

Certificates of Title



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R.W. Muir
Registrar-General
of Land

Identifier 328770
Land Registration District Wellington
Date Issued 04 June 2009

Prior References
WN12C/1422

State Fee Simple
Area 283 square metres more or less
Legal Description Lot 1 Deposited Plan 382182

Proprietors
Assal Enterprises Limited

Interests

7973080.1 Mortgage to Bank of New Zealand - 26.11.2008 at 12:17 pm
Appurtenant hereto is a right of way and a right to stormwater drainage created by Easement Instrument 8183939.6 - 4.6.2009 at 9:00 am
The easements created by Easement Instrument 8183939.6 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Easement Instrument 8183939.6 - 4.6.2009 at 9:00 am
8612160.9 Mortgage to FM Custodians Limited - 1.12.2010 at 10:42 am



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



R.W. Muir
Registrar-General
of Land

Search Copy

Identifier **328771**
Land Registration District **Wellington**
Date Issued 04 June 2009

Prior References

WN12C/1422 WN571/107

Estate Fee Simple
Area 468 square metres more or less

Legal Description Lot 2 Deposited Plan 382182

Proprietors

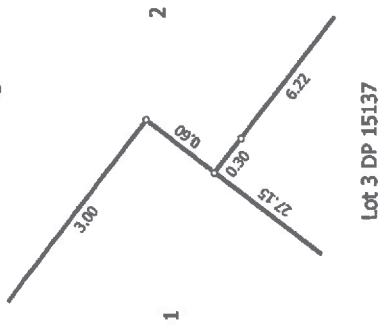
Ridgway Properties Limited

Interests

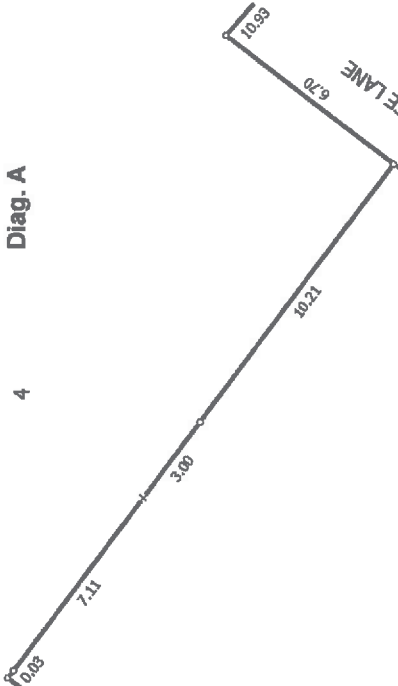
Appurtenant to part formerly Lot 3 DP 33313 is a right of way (on footway only) created by Transfer 340318
The rights created by Transfer 340318 is subject to the Council's conditions of consent (see DP 33313)
Appurtenant to part formerly Lot 3 DP 33313 are rights of way and a right to access created by Transfer 261185
The rights created by Transfer 261185 are subject to the Council's conditions of consent (see DP 33313)
Appurtenant to part formerly Lot 3 DP 33313 is a right of way and rights of access light and air created by
Transfer 340319
The rights created by Transfer 340319 is subject to the Council's conditions of consent (see DP 33313)
584783.11 Transfer and Surrender of rights of way over Lots 6 and 7 DP 12174 marked A on DP 51639 - 30.9.1983
at 2.11 pm
Subject to a right of way over parts marked B, C and D and a right to stormwater drainage over parts marked B
and C all on DP 382182 created by Easement Instrument 8183939.6 - 4.6.2009 at 9:00 am
The easements created by Easement Instrument 8183939.6 are subject to Section 243 (a) Resource Management
Act 1991
Land Covenant in Easement Instrument 8183939.6 - 4.6.2009 at 9:00 am
9108749.2 Mortgage to ANZ National Bank Limited - 29.6.2012 at 1:25 pm



Diag. BA



Diag. A



2
0.0468Ha

Lot 5 DP 83666

3
0.0059Ha

5.00

6.95

7.19

7.19

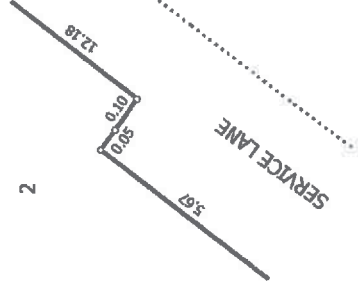
7.19

7.19

7.19

7.19

Diag. BC



2

12.18

5.67

0.10

0.03

12.18

5.67

12.18

5.67

Diag. BA
See T2

Diag. BC
see T2

Diag. BC
see T2

Diag. BC
see T2

Diag. BC
see T2

Diag. BC
see T2

Lot 2 DP 8238

19.16

2.02

6.65

7.19

3.00

6.22

6.22

6.22

6.22

6.22

Lot 3 DP 15137

27.15

6.22

6.22

6.22

6.22

6.22

Part Lot 1 DP 12174

3.86

3.86

3.86

3.86

3.86

T 2/3

Land District: Wellington

Lots 1-4 being Subdivision of Lot 2 DP 15137, Lots 3, 4 & 5 DP 33313, Lot 2 DP 50561 & Lot 4 DP 83666

Surveyor: Michael Robert O'Sullivan
Firm: Harrison & O'Sullivan

Digital Title Plan
DP 362182

Deposited on: 4/06/2009

Digitally Generated Plan
Generated on: 28/06/2009 10:43am Page 4 of 5



Diag. B
Non Primary

Lot 3 DP 83666

4

Areas marked B and D to be subject to Land Covenants

Lot 5 DP 83666

3

Marked D

(B)

Lot 2 DP 8238

1

Lot 3 DP 15137

Diag. BA
See T2

Diag. BC
See T2

Part Lot 1 DP 12174

Lots 1-4 being Subdivision of Lot 2 DP 15137, Lots 3, 4 & 5 DP 33313, Lot 2 DP 50561 & Lot 4 DP 83666

SERVICE LANE

SERVICE LANE

Lot 7 DP 12174

T 3/3

Land District: Wellington

Digitally Generated Plan
Generated on: 28/08/2009 10:45am Page 5 of 5

Surveyor: Michael Robert O'Sullivan
Firm: Harrison & O'Sullivan

Digital Title Plan
DP 382182

Deposited on: 4/06/2009

Digitally Generated Plan, Harrison & O'Sullivan, Wellington, New Zealand. This plan is subject to the provisions of the Land Transfer Act 1952 and the Land Transfer Regulations 1985. It is not to be used as a title document without the consent of the Registrar-General of Land.