



*Notice to Wanganui District Council*

# **Notice of Requirement for an Alteration to Existing Designation**

**St Hill Street service lane**





*Notice to Wanganui District Council*

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# Notice of Requirement for an Alteration to Existing Designation

Prepared By

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Status: FINAL

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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 Rooding 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:                To the NE of 136 St Hill Street, Wanganui

Legal Description:    Pt Sections 206 and 207, Town of Wanganui

Site Area:              0.0129ha

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 St Hill Street to the rear of 136 St Hill Street. The site to be designated is currently used as a service lane and the proposed designation will secure the future use of this land 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 from the affected landowners. The extension to the existing designation makes a clear statement from Council that it wishes for this land to continue to be used in the future as 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 on-going access to the rear of commercial properties within the CBD of Wanganui.

The existing designation extends from St Hill Street between the Grand Hotel and Heritage House and finishes at the end of that straight lane. Council wishes to extend the designation over the rest of the service lane which currently curves round behind Heritage House and ends by the Farmers Building. This will ensure that access is available for those adjacent properties on St Hill Street and from 133 to 139 Victoria Avenue.

**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-Dobwood Properties. The Trust has not objected to the proposed alteration to designation.

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**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) Certificates of Title



Rui Leitao  
Senior Rooding Engineer  
Wanganui District Council

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# **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 of two properties which are both owned by the same Trust; Dobwood Trust. The sites to be designated are both located at the rear of Heritage House and are an extension into an existing designation (D77) for a service lane which runs between Heritage House and the Grand Hotel.

The sites are currently used for vehicle access in the form of a service lane.

## **3      Description of Work**

No works are proposed in relation to the alteration to designation as the vehicle access is already in existence.

## **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 affect amenity values as the sealed vehicle access is already in existence and used as such. There will be no physical changes as a result of the alteration to designation.

## 4.3 Effects on Built Fabric & Heritage

Both properties where the alteration to designation is proposed are currently occupied by the sealed vehicle access.

Therefore the alteration to designation will not change the character of the built fabric and heritage of the area.

## 4.4 Effects on Safety

By ensuring the long term usage of the area as vehicle access, it will ensure that service vehicles can continue to safely load and unload 'off the street', reducing the risk of accidents with moving vehicles which travel along St Hill Street.

## 4.5 Positive Effects

The purpose of this alteration to designation is to secure the future of an existing service lane to ensure that goods access continues for users of the buildings that back onto the lane. This in turn will help with their business efficiency and will ensure large vehicles don't have to park on the side of the busy town centre roads.

# 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. The 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;
- 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.
- 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 O25** 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 designation will ensure that an existing service lane to service the rear of properties 133-139 Victoria Avenue, 136 Heritage House and The Grand Hotel will be protected for the future. As previously noted in the Assessment of Effects section of this report, the service lane will likely ensure that service vehicles can safely load and unload 'off street', 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 do any work on the service lane at this time, if the service lane was not designated, maintenance 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

Initially it was proposed that the designation for the extension to the service lane would extend right along the back of the Heritage House Property and through the back of the 'Farmers' Building at 126 St Hill Street and down through the existing service lane which extends from St Hill Street to the rear of the 'Farmers' building (this lane is not currently designated). However after consultation with the 'Farmers' property owner, Brian Green Commercial, this proposal was dropped as the land owner did not support the designation through the existing building.

The Council then opted to just designate the existing service lane area which runs along the back of Heritage House to support the service lane area currently designated. A letter confirming what was proposed was sent to the land owner-Sydney Dobbin. He indicated that he had no objections to the proposal but Council should send the letter to Dobwood Trust as they managed those properties. A letter was sent to the Trust c/o Ruth Horsley (who is a Trustee) and Council has not received any objections from the Trust.

## 7 Alternatives

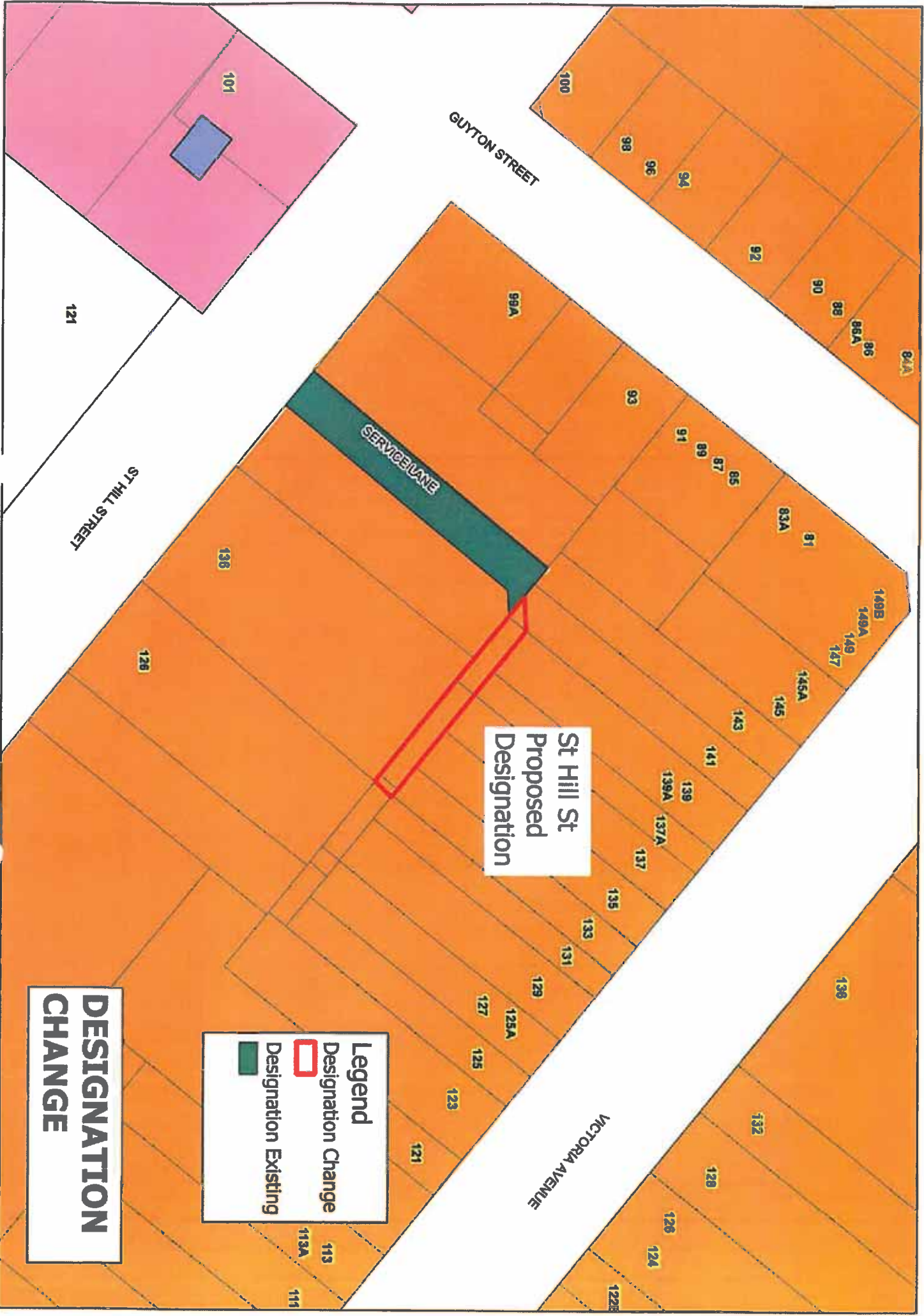
No alternatives were considered for the site as the service lane is already in existence and this application only seeks to extend the existing designation (D77) over the rest of the current access.

## 8 Conclusion

This application for an alteration to designation outlines the area of additional land Council wishes to add to its existing service lane designation (D77) on St Hill Street, Wanganui. Consultation has been undertaken with the affected landowners and they have indicated that they are happy for the proposal to proceed.

An assessment was made against the relevant objectives and policies of the District Plan and it was found that the proposal meets those requirements. As the service lane is already physically in existence, this designation is required to ensure that the access is protected into the future and no physical works is required.

APPENDIX I  
LAND REQUIREMENT PLAN



St Hill St  
Proposed  
Designation

**Legend**

- Designation Change
- Designation Existing

**DESIGNATION  
CHANGE**

**APPENDIX II**  
**EVIDENCE OF CONSULTATION**

20 September 2012

Mr Sydney Dobbin  
Dobwood Properties Ltd  
PO Box 46  
Wanganui 4540

Dear Mr Dobbin,

### **Review of Roading 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 adjacent to the service lane between the Grand and Heritage House (see attached plan). Ideally, a service lane would enable large delivery vehicles to enter a site in a forward direction and exit in a forward direction, serving a number of businesses at the rear. As you can see on the plan attached, the service lane designation as it exists, does not serve this purpose.

It is proposed to extend this designated area so that it forms a U-shaped service lane entering and exiting onto St Hill Street. 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 about what this might mean for you via telephone, or via email at [fleur.lincoln@opus.co.nz](mailto: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

9 October 2012

Ruth Horsley  
Trustee  
Dobwood Properties  
18A Coyle Road  
Sandringham  
Auckland 1025

Dear Ruth

**Review of Roading Designations - Wanganui District Plan Review**

Mr Sydney Dobbin has requested that I contact you as a trustee of Dobwood Properties to advise if Wanganui District Council's proposal to designate a strip of land currently used as private access, as a service lane in the Wanganui District Plan.

The subject property is located between Victoria Avenue and St Hill Street, behind 136 St Hill Street, and will form an extension of the existing service land, securing long-term access to the rear of these properties. The designation will not result in any transfer of ownership at this stage, however should Council wish to secure this service lane and carry out maintenance or upgrade works in the future, then land purchase may eventuate at some time in the future.

The proposal has been discussed with Mr Sydney Dobbin and he has provided his approval. If you have any questions, please do not hesitate to contact me on 06 349 6612. The application to designate (notice of requirement) will be lodged with Wanganui District Council in a few weeks' time, and you will be given an opportunity to formally comment on the proposal in the coming months.

Regards

Fleur Lincoln  
Work Group Leader - Planning, Associate



**APPENDIX III**  
**CERTIFICATES OF TITLE**



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



**Search Copy**

  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **WN568/55**  
**Land Registration District** **Wellington**  
**Date Issued** 09 March 1951

**Prior References**  
WN379/37

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<b>Estate</b>	Fee Simple
<b>Area</b>	121 square metres more or less
<b>Legal Description</b>	Part Section 202-203, 206 Town of Wanganui

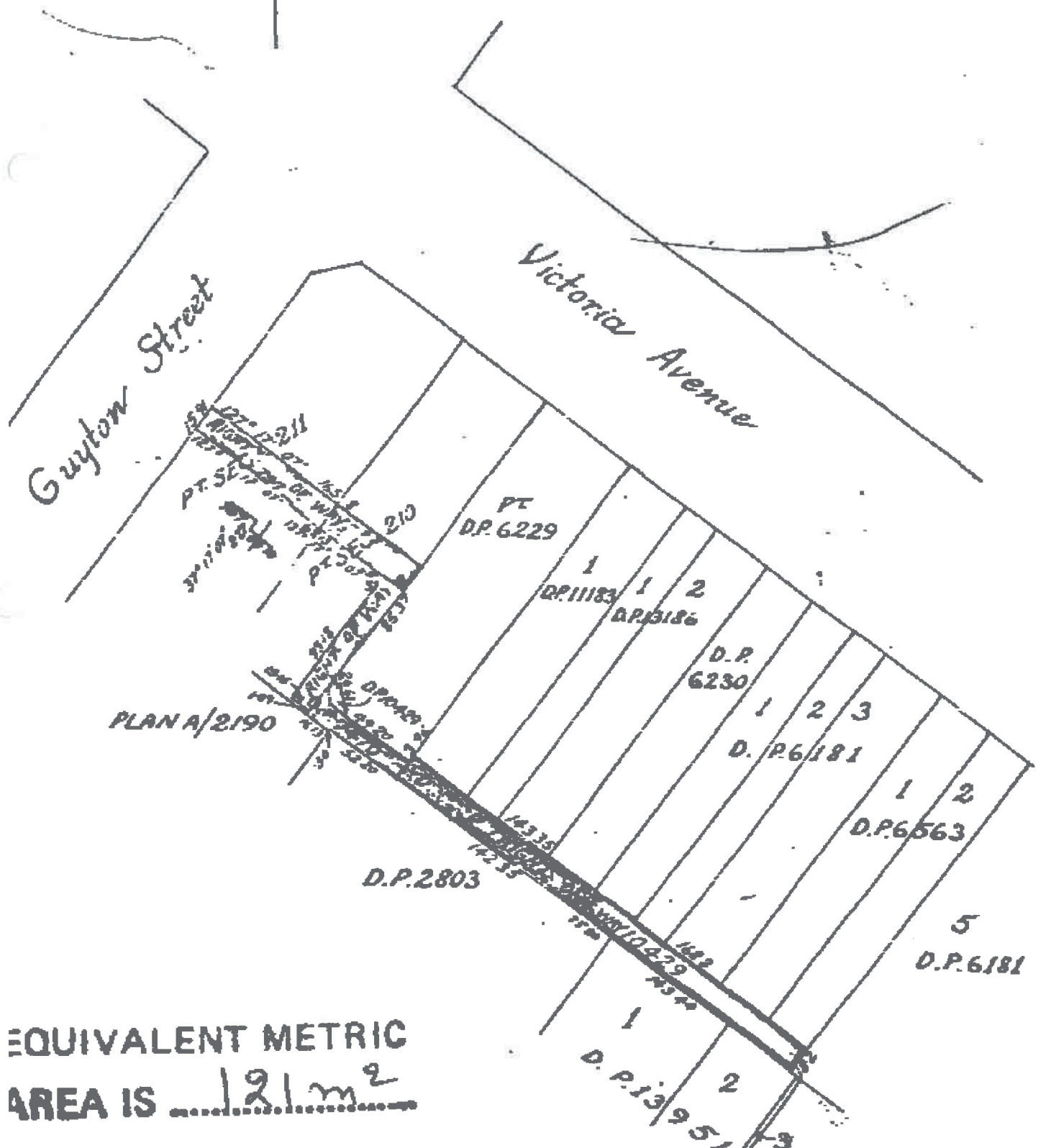
**Proprietors**  
Brian Green Commercial Properties (PN) Limited

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**Interests**

Subject to a right of way created by Transfer 290968  
Appurtenant hereto are rights of way created by Transfer 216406  
The right of way created by Transfer 216406 is subject to the Council's conditions of consent  
For road frontage see Certificate of Title WN331/87 and WN534/189  
Appurtenant hereto are rights of way created by Transfer 337082 - 9.3.1951  
Subject to a right of way over part created by Transfer 405723 - 9.7.1957 at 2.45 pm  
406397 Surrender of the right of way appurtenant to CT WN572/243 created by Transfer 233534 - 31.7.1957 at 2.18 pm  
407408 Surrender of the right of way appurtenant to CT WN572/244 created by Transfer 122424 - 30.8.1957 at 2.56 pm  
Subject to a right (in gross) to drain water over part Sections 203 and 203 Town of Wanganui marked C on DP 403827 in favour of Wanganui District Council created by Easement Instrument 7841210.2 - 10.6.2008 at 9:00 am  
Subject to a right (in gross) to drain water over part Section 203 Town of Wanganui marked F on DP 404201 in favour of Wanganui District Council created by Easement Instrument 7841210.3 - 10.6.2008 at 9:00 am  
8148262.8 Mortgage to ANZ National Bank Limited - 1.5.2009 at 9:12 am

Image Quality due  
to Condition  
of Original



EQUIVALENT METRIC  
AREA IS .....121m<sup>2</sup>.....



# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir  
Registrar-General  
of Land

## Search Copy

**Identifier** **WND1/1005**  
**Land Registration District** **Wellington**  
**Date Issued** 01 March 1965

### Prior References

WN456/93

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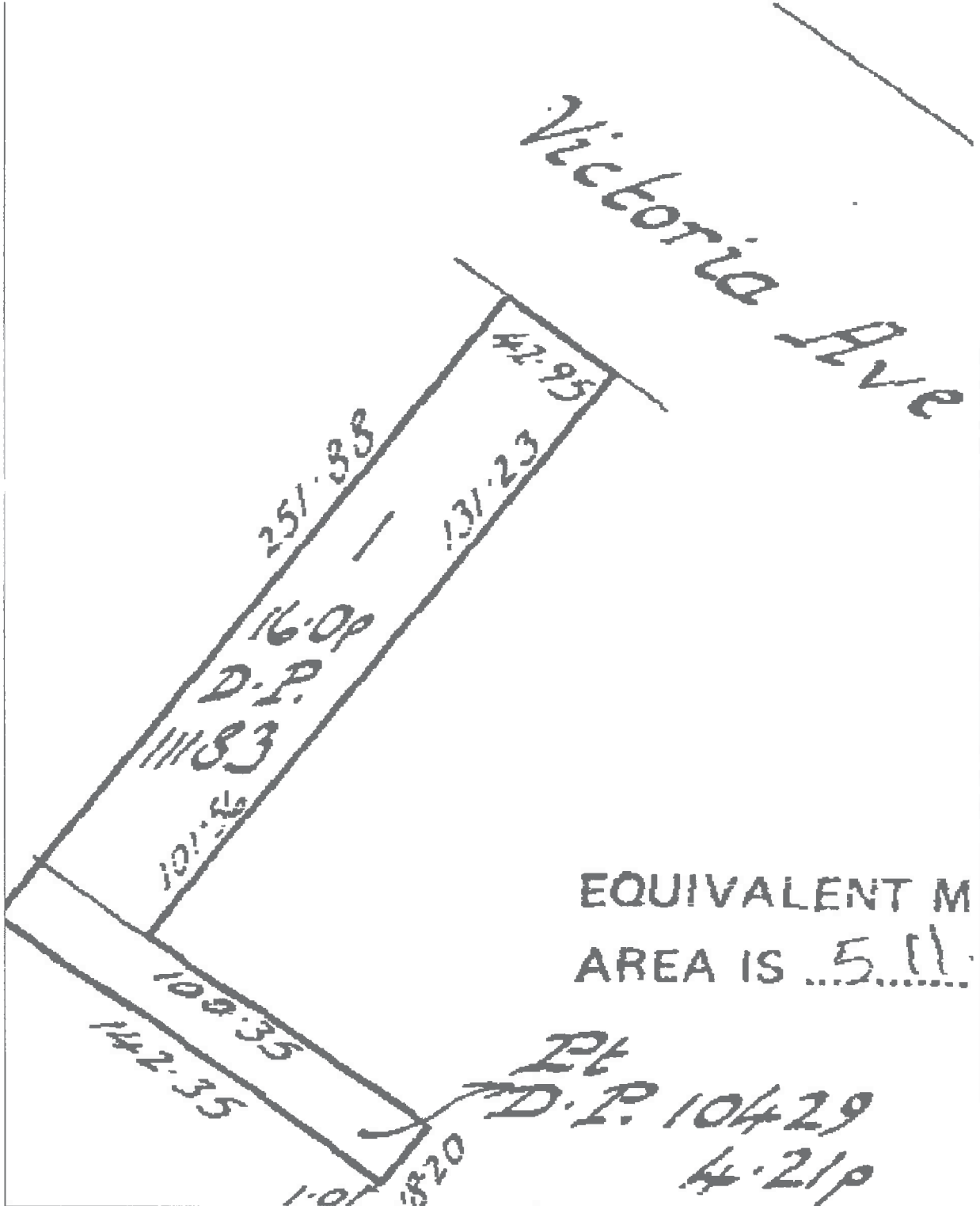
<b>Estate</b>	Fee Simple
<b>Area</b>	511 square metres more or less
<b>Legal Description</b>	Lot 1 Deposited Plan 11183 and Part Deposited Plan 10429

### Proprietors

Sydney Warwick Dobbin, Peter Dennis Brown, Ruth Noreen Diana Horsley and Gordon Robert Horsley

### Interests

Appurtenant hereto are rights of way created by Transfer 290968  
Subject to a right of way over part created by Transfer 216593 (affects the part DP 10429)  
Subject to a right of way over part created by Transfer 233534 (affects the part DP 10429)  
Subject to a right of way over part created by Transfer 336954 (affects the part DP 10429)  
Appurtenant hereto are rights of way created by Transfer 216406  
Subject to a right of way over part created by Transfer 216406 (affects the part DP 10429)  
Some rights of way created by Transfer 216406 are subject to the Council's conditions of consent of The Wanganui City Council  
Subject to drainage rights over part created by Transfer 97498  
Subject to a right of way over part created by Transfer 337082 (affects the part DP 10429)  
Subject to a right (in gross) to drain water over part marked E on DP 404201 in favour of Wanganui District Council created by Easement Instrument 8124083.2 - 6.4.2009 at 9:00 am





# Digital Title Plan - DP 404201

**Survey Number** DP 404201  
**Surveyor Reference** Z1619900 WDC 139 Vic Ave.nzt  
**Surveyor** Robert Hugh Browse Gilbert  
**Survey Firm** MWH NZ Ltd (Wanganui)  
**Surveyor Declaration** I Robert Hugh Browse Gilbert, being a person entitled to practise as a licensed cadastral surveyor, certify that -  
 (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/2;  
 (b) This dataset is accurate, and has been created in accordance with that Act and those Rules.  
 Declared on 04/04/2008.

## Survey Details

**Dataset Description** Plan of Easements Over Lot 2 DP 15795, Lots 1 and 2 DP 16849, Pt Secs 203, 206, 207, and 210 Town of Wanganui  
**Status** Deposited  
**Land District** Wellington **Survey Class** Class I Cadastral Survey  
**Submitted Date** 04/04/2008 **Survey Approval Date** 15/04/2008  
**Deposit Date** 10/06/2008

## Territorial Authorities

Wanganui District

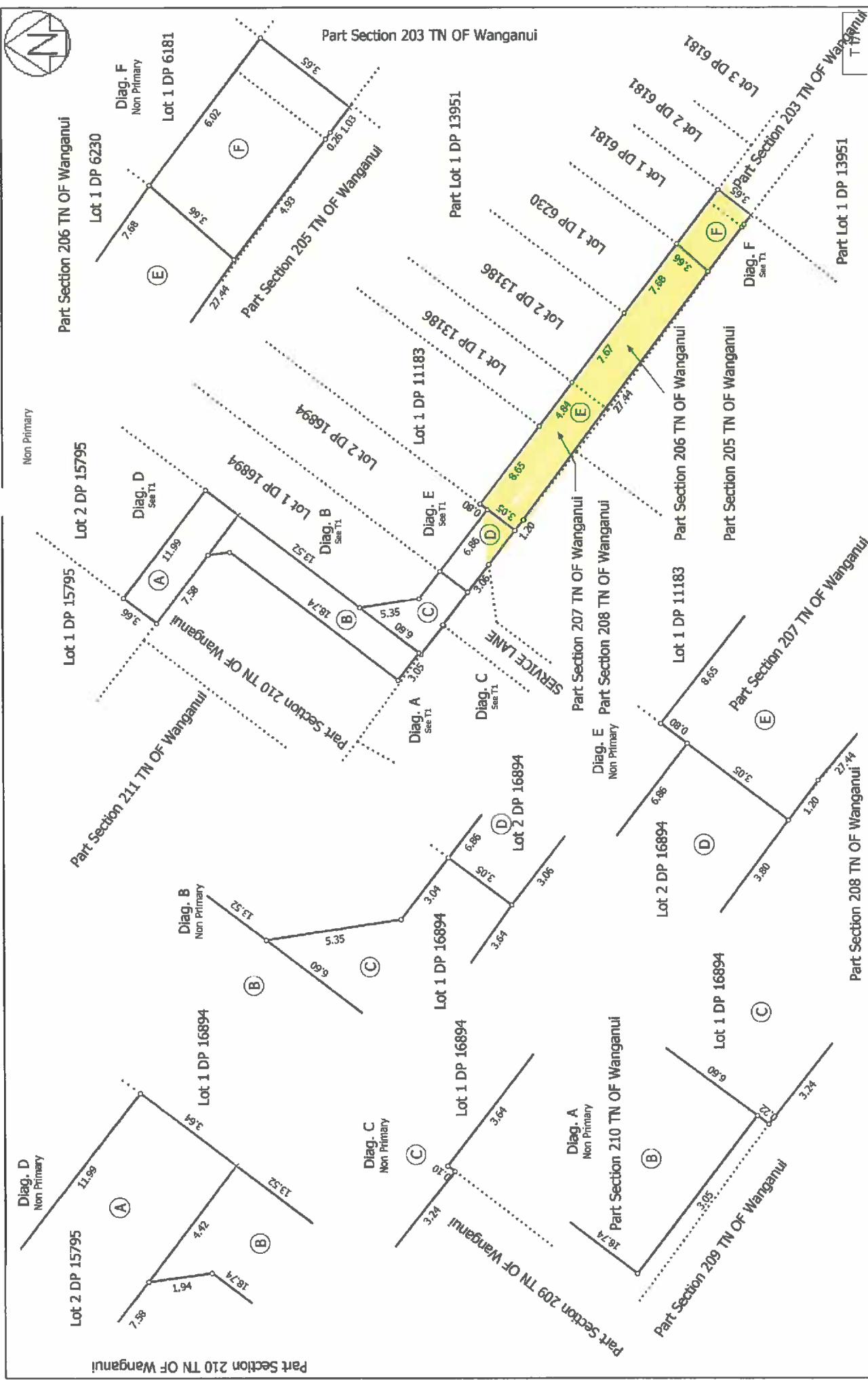
## Comprised In

CT WN750/67  
 CT WN605/71  
 CT WND1/1005  
 CT WN568/55

## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Marked A Deposited Plan 404201	Easement		
Marked B Deposited Plan 404201	Easement		
Marked C Deposited Plan 404201	Easement		
Marked D Deposited Plan 404201	Easement		
Marked E Deposited Plan 404201	Easement		
Marked F Deposited Plan 404201	Easement		
<b>Total Area</b>		0.0000 Ha	

Schedule of Easements in Gross			
Purpose/Interest	Shown/Document Number	Servient Tenement	Grantee
Drain Water	A	Lot 2 DP 15795	Wanganui District Council
	B	Pt Sec 210 Tn of Wanganui	
	C	Lot 1 DP 16894	
	D	Lot 2 DP 16894	
	E	Pt Secs 206 and 207 Tn of Wanganui	
	F	Pt Sec 203 Tn of Wanganui	



Land District: Wellington Digitally Generated Plan Generated on: 13/09/2008 5:08pm Page 3 of 3	Plan of Easements Over Lot 2 DP 15795, Lots 1 and 2 DP 16849, Pt Secs 203, 206, 207, and 210 Town of Wanganui	Surveyor: Robert Hugh Browse Gilbert Firm: MWH NZ Ltd (Wanganui)	Digital Title Plan DP 404201 Deposited on: 10/06/2008
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*Area to be designated*