

**Wanaka Community Board**  
**10 August 2016**

**Report for Agenda Item: 5**

**Department: Property and Infrastructure**

**Affected Person's Approval – Upper Clutha Sawmill & Wanaka Firewood Limited**

**Purpose**

The purpose of this report is to consider an Affected Person's Approval (APA) to the Upper Clutha Sawmill & Wanaka Firewood, for a resource consent application to enable the land to be used for the storage and sale of firewood.

**Recommendation**

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Execute** affected person's approval for resource consent application RM150777 plans at Section 37 Part 38 Block III Lower Wanaka for the purpose of operating a firewood storage and supply business.
3. **Delegate** execution of the affected person's approval to the General Manager of Property & Infrastructure.

Prepared by:



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APL Property Limited

20/07/2016

Reviewed and Authorised by:



Aaron Burt  
Planner: Parks & Reserves

21/07/2016

**Background**

- 1 Council administers Section 37 Block III Lower Wanaka Survey district. The land is designated under the district plan as Local Purpose Gravel Reserve. In 2015, approval was granted to reclassify the land to Local Purpose Depot Reserve to enable a lease to be granted to the applicant.
- 2 This land is essentially a vacant site, being approximately 5200 square metres, situated on Riverbank Road. An abandoned car lot is located in the southwest corner of the site, and Wanaka Landfill Limited owns the rear part of the

section which is currently used for hardfill. The land to the southwest is occupied by the transfer station and recycling depot and ORC occupy the land to the north. The site has been vacant for many years, since the old Wanaka landfill closed.

- 3 A tender application process was advertised in 2014 to lease the site and the best proposal was received by Upper Clutha Sawmill & Wanaka Firewood Limited (the “applicant”) who would propose to operate a business selling firewood to the public.
- 4 The applicant is seeking resource consent to undertake the storage and sale of firewood. As landowner, Council has been asked to provide affected person’s approval to resource consent application RM150777. It should be noted that in March 2015, approval was given to grant a lease to the applicant for a period of five years. This was approved by both the Wanaka Community Board and Council.

### **Comment**

- 5 Hours of operation for the proposed business will be 8:00am – 5:00pm Monday – Friday and 8:00am – 12:00pm on Saturdays. Sites to the north and south of the site operate similar business hours. There is no need to use power tools onsite, as the wood will be cut elsewhere and then moved to the site for storage and sale only. Therefore, there are unlikely to be any ongoing nuisance effects (i.e. noise, dust, smell) caused by the proposed activity to surrounding businesses.
- 6 The area proposed is on the upper terrace of the site (refer to Attachment A), and is mostly level with the exception of a steep drop at the eastern edge. Access is by an existing formed driveway off Riverbank Road and by a preformed unsealed access ways on the site itself. Part of the site has been identified as potentially hazardous due to its former use as a landfill. Remedial works (including a capping layer) and monitoring have been undertaken and are fully reported in the Wanaka Closure Plan Part 6 Site Investigations and Landfill Post Closure Management.
- 7 The proposed activity does not necessitate any superficial disturbance of the land, nor are any earthworks being undertaken onsite. The landform itself will not be altered or affected in any way and there will be no buildings constructed onsite. Wood piles will be set upon the land and will fluctuate in size according to season and supply, but the land itself will remain unchanged. If in the future, the activities were to cease and the wood was removed, the site would look exactly as it does now.
- 8 The entrance to the site (including full-height lockable gates) and the existing fencing along Riverbank Road will remain unchanged, with the exception of adding identifying signage. Scrubby trees along the western boundary provide screening and will be left untouched. The applicant will fence the rest of the boundary using deer fencing (2m high with square wire netting and wooden posts) as has been done on the neighbouring land. The applicant will negotiate with the relevant neighbours to share the cost of this.

- 9 The number of firewood piles and their location will be changed according to the season and supply. In busy periods, a staff member will be onsite but in the quieter months, customers may be required to phone in advance to make a time to meet at the site and purchase wood. It is likely that wood purchased will be transported in small trucks, utes and domestic trailers.
- 10 Access off Riverbank Road is sealed and already formed, with a large shoulder and wide turn-in. The proposed activity would require no changes to existing road. The site offers ample scope for parking and there is an area in the southwest corner that has been used for parking in the past. Given that the site will most often be attended by a single staff member and customer visits will be sporadic, little parking will be required.

### ***Options***

- 11 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.
- 12 Option 1 To agree to an affected person's approval to the Upper Clutha Sawmill & Wanaka Firewood Limited in relation to RM150777.

#### *Advantages:*

- 13 It will enable a local operator to sell firewood at a site reasonably close to town, therefore providing an effective heating source for residents.
- 14 It would generate funds for Council and ensure that a vacant site is maintained at no cost to Council.
- 15 It is consistent with previous decisions made by Council.

#### *Disadvantages:*

- 16 An area of Council land will be reserved for commercial use for a period of five years (and a further five if both parties agree).
- 17 Other commercial ventures may expect similar approvals for the use of Council land under lease.
- 18 Option 2 To decline an affected person's approval to the Upper Clutha Sawmill & Wanaka Firewood in relation to RM150777.

#### *Advantages:*

- 19 This area of Council land will be free of any commercial activity.

#### *Disadvantages:*

- 20 Council would need to bear the cost of maintaining the site.
- 21 Council will not receive any income from the site.

22 The proposed development may be unable to proceed as planned and the applicant may have to consider a different location.

23 This report recommends Option 1 for addressing the matter for the reasons provided in paragraphs 13-15 above.

### ***Significance and Engagement***

24 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy, as it involves Council's significant asset, however is not of interest to the general community, is not inconsistent with policy and strategy and will not impact on Council's capability and capacity.

### ***Risk***

25 This matter relates to the strategic risk SR1 – Current and future development needs of the community as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the airport is listed as a strategic asset. Option 1 recommended above mitigates the risk by providing the applicant with a decision in a timely manner.

26 This matter also relates to operational risk OR11 decision making – working within legislation. The risk is classed as low. The matter relates to this risk because the options highlighted require the Council to follow a regulatory process in order to grant affected persons approval. A variety of operational risks (such as meeting levels of service, regulatory compliance and the health and safety risks associated with parties using reserves land) are triggered when the Council considers whether or not to grant this APA. This report therefore recommends that risk OR11 is tolerated. Deferring consideration of operational risks will not affect Council's ability to manage those risks in this case.

### **Financial Implications**

27 On approval of the resource consent and subsequent commencement of the lease, Council will receive \$5,200+ GST per annum from the applicant.

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

28 The following Council policies, strategies and bylaws were considered:

- District Plan Rules

29 This matter is included in the 10-Year Plan/Annual Plan

- Administration associated with overseeing this approval will be covered in existing property budget provisions.

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

30 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 providing a timely decision to a member of the public;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- 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**

- 31 The persons who are affected by or interested in this matter are primarily ratepayers and visitors to the reserve.
- 32 Council has undergone a public notification process prior to issuing the lease to the applicant. As part of the resource consent, effects associated with this application will be assessed at that time. It is not considered necessary to conduct further consultation relating to the affected persons approval.

### **Attachments**

- A Wanaka Firewood Limited – Site Map

# Affected Persons Approval – Upper Clutha Sawmill & Wanaka Firewood Limited

## Attachment A

