

Wānaka-Upper Clutha Community Board

14 March 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [2]

Department: Planning & Development

Title | Taitara: LO230049 – Licence to Occupy Application 20 Sir Tim Wallis Drive

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider granting a Licence to Occupy Road Reserve to enable Southern Lakes Property Trust, the owners of 20 Sir Tim Wallis Drive, Wānaka, to install solar panels which will overhang the airspace above the footpath and to plant a specimen tree within the northern corner of the road reserve.

Recommendation | Kā Tūtohuka

That Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report; and
2. **Grant** a licence to occupy Sir Tim Wallis Drive, Wānaka to enable Southern Lakes Property Trust to install solar panels overhanging the footpath and to plant a specimen tree within the northern corner of the road reserve. Subject to the following conditions:
 - a) Building and resource consent to be obtained prior to works commencing if required.
 - b) Approval of a Traffic Management Plan (TMP) and Corridor Access Request (CAR) by Council engineers before work commences.
 - c) All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - d) Any works within the road reserve to be undertaken to the specification and approval of Council's engineers.
 - e) Structures and planting must not compromise roading or services maintenance activities.
 - f) Ongoing maintenance of the tree and the solar panels are to be the responsibility of the licensee. Maintenance should include any required checks, determined by a suitably qualified professional, of how solar panels are fixed to the building, and any

maintenance and replacement regime to these fixings and the panels to ensure none falls to the footpath below.

- g) In the event that Council, or any approved agent thereof such as utility or maintenance companies etc, require access to the berm or any Council services in or in close proximity to the agreed location (including responding to a failure of the main), Council or their agent(s) will not be liable for damage to, or reinstatement of, the solar panels and/or tree.
- h) The specimen tree must be the Acer x freemanii 'Jeffersred' variety and a stratavault tree pit must be used.
- i) The specimen tree is to be maintained by the licensee to ensure it is kept in neat order and does not represent any fire risk, impede on sightlines or the safe use of the road. Any dead or dying planting is to be replaced and/or removed.
- j) The applicant consents to the licence being encumbered against the title of **Lot 48 DP 567411** to ensure the recommended terms and conditions continue in perpetuity for all future owners of the property.

Prepared by:



Name: Brooke Allan
Title: Subdivision Officer
18 January 2024

Reviewed and Authorised by:



Name: Dave Wallace
Title: GM Planning and Development
18 January 2024

Context | Horopaki

1. Southern Lakes Property Trust (hereafter referred to as the “applicant”) owns 20 Sir Tim Wallis Drive, legally described as Lot 48 DP 567411. Resource Consent (RM230893) is being sought to construct a four-storey office building.
2. At the time of writing this report a decision has not been made regarding RM230893.
3. The proposed building is designed to achieve an international standard of carbon-zero certification. This will require the installation and use of solar panels.
4. The solar panels will be positioned on the third and fourth stories of the building overhang the footpath below by 750 mm on Deering Street and 1000 mm on Sir Tim Wallis Drive.
5. The applicant is also proposing the planting of two specimen trees one of which will occupy the northern corner of the road reserve. The other tree will be within private boundaries.

Analysis and Advice | Tatāritaka me kā Tohutohu

6. 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.
7. Council’s engineers and arborist have been consulted who have confirmed support for the proposal subject to the following:
 - A tree species that does not have a root system that encroaches into the street to impact infrastructure and avoid branch spread over footpaths
 - The specimen tree being a Acer x freemanii 'Jeffersred'
 - The use of a stratavault tree pit
 - Council services and sightlines are not impeded
 - The ongoing maintenance and servicing of the tree and solar panels are the sole responsibility of the applicant
8. No concerns were raised regarding the occupation of the airspace by the solar panels and it is considered similar to other licences for signage, facades and balconies albeit with an increased benefit to the environment.
9. Option 1 The Board agree to grant the Licence to Occupy Road Reserve application, subject to the conditions proposed above.

Advantages:

- The applicant can progress with their proposed development as planned.
- The addition of a carbon neutral building is considered to be a benefit to the community.
- All items are removable if deemed necessary Council in future.

Disadvantages:

- The road reserve will be encumbered with private landscaping.
- Council airspace will be occupied with private infrastructure

10. Option 2 The Board declines the Licence to Occupy Road Reserve application.

Advantages:

- The road reserve will not be encumbered with private landscaping.
- Council airspace will be free of private infrastructure

Disadvantages:

- The applicant cannot progress with their proposed development as planned.
- The addition of a carbon-neutral building is considered to be a benefit to the community.

11. This report recommends **Option 1** for addressing the matter because the solar panels and specimen tree can be installed under terms and conditions deemed appropriate by Council's engineers.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

12. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as it relates to Council's roading network which is identified as a significant asset.
13. There are no persons, other than the applicants, identified who are adversely affected by or would be significantly interested in this matter.
14. Council engineers have been consulted about this application and their comments are contained within this report.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

15. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10021 Ineffective operations and maintenance of property or infrastructure assets within the QLDC Risk Register. This risk has been assessed as having a low residual risk rating.
16. The approval of the recommended option will support the Council by allowing additional controls to be implemented to manage this risk. This shall be achieved by the conditions imposed by the Licence to Occupy.

Financial Implications | Kā Riteka ā-Pūtea

17. The applicant has paid a fee for their application to be processed which includes the preparation of the licence document if successful.
18. Should legal review of the licence be required, Council's legal costs will be recovered from the applicant.
19. The costs of having the licence recorded against the applicant's title by a Covenant in Gross will be the applicant's.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

20. The following Council policies, strategies and bylaws were considered:
 - a. *Significance and Engagement Policy 2021* – providing clarity on Council's decision-making processes and assessing the extent to which individuals, organisations, groups and sectors in the community are affected by the Council's decisions.
 - b. *Long Term Plan* – the consideration to grant or otherwise a Licence to Occupy is considered part of the Council's 'Regulatory Services' outlined in the Plan.
 - c. *Charging Policy for Licences to Occupy Air Space* – the policy is applicable in circumstances when commercial buildings are built to the boundary of the developer's property and building infrastructure protrudes past the boundary into Queenstown Lakes District Council's air space. In this case the addition of solar panels is positive and no usable commercial space is proposed within the airspace so no fees are proposed.
21. The recommended option is consistent with the principles set out in the named policies.
22. This matter is not included in the Long Term Plan/Annual Plan as the cost of the licence will be met by the applicant.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

23. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b)

to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Approval of the report's recommendation will support economic wellbeing by allowing a development to proceed at no cost to the community.

24. The recommended option:

- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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.

Attachments | Kā Tāpirihaka

A	LO230049 - PLANS
---	------------------