

**Wanaka Community Board  
27 September 2018**

**Report for Agenda Item: 3**

**Department: Property & Infrastructure**

**Title: Licence to Occupy Road Reserve – 22 Lismore Street, Wanaka**

**Purpose**

The purpose of this report is to consider granting a Licence to Occupy Road Reserve to enable the owners of 22 Lismore Street to install concrete block retaining walls and a concrete driveway with retained fill and a walkway with timber decking.

**Recommendation**

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Grant** a Licence to Occupy to enable the owners of 22 Lismore Street to install concrete block retaining walls, a concrete driveway with retained fill and a walkway with timber decking 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 Connection to Council Services (CCS) 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. All services including phone, power and gas within the road reserve and any water, sewer and storm water services must be identified and catered for and no compromise shall be made to Council Infrastructure or access to same.
  - f. The existing walkway / footpath along Lismore Street not to be compromised.
  - g. Structures must not compromise roading or services maintenance activities.
  - h. Ongoing maintenance of the structures are to be the responsibility of the Licensee.

- i. The applicant consents to the Licence being encumbered against the title of Lot 3 DP 21105 to ensure the recommended terms and conditions continue in perpetuity for all future owners of the property.
- j. The licence shall remain at Council's pleasure

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31/08/2018

Reviewed and Authorised by:



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14/09/2018

## Background

- 1 Ian Farrant, the owner of 22 Lismore Street, Wanaka, legally described as Lot 3 DP 21105 (herein referred to as "the applicant") intends to construct a new 3 storey dwelling on the property.
- 2 The site slopes steeply down from the road to a level platform approximately 3m below road level.
- 3 It is proposed to construct a dwelling consisting of three levels with the floor level of level 3 (second floor) to be a similar height to the road.
- 4 The garage on this level is proposed to be located within the road setback at the same level as Lismore Street. Direct vehicle access to the property at road level is to be provided via concrete driveway slab over retained fill the majority of which falls within the road reserve.
- 5 Proposed to be adjacent to the driveway is a timber decking walkway which will lead to the main entry to the dwelling. A portion of the walkway will be within road reserve.
- 6 It is proposed to retain the existing vehicle access across the frontage of the adjacent property at 20 Lismore Street to provide access to a separate single garage on the first floor under the main garage. The proposed access is a concrete driveway, part of which is across road reserve.
- 7 The driveway is to consist of a new cast in-situ concrete driveway backfilled with a pre-cast concrete retaining wall with appropriate waterproofing and sub-soil drainage all to Structural Engineer's design.

- 8 Producer Statements for retaining wall design will be completed at the detailed design stage and submitted as part of the building consent process. Specific engineering design will occur once the project moves from the feasibility phase through to the detailed design phase and onto building consent drawings. During this process the Council will still have control over the design and engineering aspects of the retaining walls.
- 9 An existing retaining wall in the road reserve will be removed as the new wall is installed.

### **Comment**

- 10 Council's Engineers have been consulted and note that the impact on maintenance and operations within the transport network will be minimal.
- 11 The application is supported by Council on the condition that the existing footpath / walkway and existing services are not compromised.
- 12 It is noted that if the driveway exceeds 6 metres at the property boundary, being the maximum within the District Plan, resource consent will be required. The applicant has advised that the 6 metre maximum width would be one of the project components that would be assessed through the resource consent process and a Connection to Council Services will duly be applied for as part of that process.
- 13 It is recommended that the licence be encumbered upon the title of Lot 3 DP 21105 to ensure all conditions are adhered to in perpetuity should the land be sold in future.
- 14 It is further recommended that the licence remain at Council's pleasure, subject to termination should future road works require the removal of the private structures.
- 15 Council granted a licence to the owners of 26 Lismore Street in 2015 for a very similar application.

### **Options**

- 16 Option 1 Council can grant a Licence to Occupy subject to the recommended conditions.

#### *Advantages:*

- 17 The applicants can proceed in their process of constructing a new dwelling.
- 18 Council will be consistent in their decision making.
- 19 An area of unmaintained road berm becomes the responsibility of an adjoining property owner.
- 20 The proposed driveway access will allow the owner and visitors to the site safe and practical access to the property.

*Disadvantages:*

21 Public road will be encumbered with private infrastructure.

22 Option 2 Council can decline a Licence to Occupy.

*Advantages:*

23 The public road will not be encumbered by private infrastructure.

*Disadvantages:*

24 The applicant will need to reassess their site access in the context of a new dwelling.

25 Council may be seen to inconsistent in their decision making.

26 This report recommends **Option 1** for addressing the matter as the applicant will be able to proceed with the construction of their new dwelling as proposed while the conditions will ensure there is no significant impact to either the public or Council.

**Significance and Engagement**

27 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.

**Risk**

28 This matter relates to the strategic risk SR3 Management Practice - working within legislation, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because a variety of operational risks (such as meeting levels of service, regulatory compliance and the health and safety risks associated with parties using roads) are triggered when the Council considers whether or not to grant the licence to occupy.

29 This matter also relates to strategic risk SR6a – assets critical to service delivery (infrastructure assets) with the risk classified as low. This is because the impact of the occupation is minimal for the public and does not have a significant permanent impact on Council's infrastructure.

30 This matter also relates to operational risk SR27 levels of service, as documented in the Council's risk register. This risk is classed as moderate. This matter relates to this risk as it requires a decision from Council for a private activity.

31 The recommended option treats the risks by ensuring conditions of approval are established and included within the licence.

### **Financial Implications**

32 The applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.

33 Should legal review of the licence be required, Council's legal costs will be recovered from the applicant.

34 Council's legal costs to have the licence encumbered upon the applicant's title will be recovered from the applicant.

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

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

- *Significance and Engagement Policy 2014* – 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.
- *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.

36 The recommended option is consistent with the principles set out in the named policies.

37 This matter is not included in the 10-Year Plan/Annual Plan as the cost of the licence will be met by the applicant.

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

38 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 enabling the applicant to gain access to their property; and
- 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**

39 Council Engineers have been consulted about this application and their comments are contained within this report.

### **Attachments**

- A Locality Plan
- B Site Survey Plan
- C Architectural Plans / Elevations