

**QLDC Council  
18 December 2014**

**Report for Agenda Item: 14**

***Department:***

**Planning & Development**

**14: Licence to Occupy Road Reserve – B & J Steenson, 30 Lismore Street, Lot 2 DP 332102, Wanaka**

**Purpose**

- 1 To consider a licence to occupy application for access steps, an entry bridge and some landscaping within Lismore Street road reserve adjacent to 30 Lismore Street, Lot 2 DP 332107, Wanaka.

**Recommendation**

- 2 That Council:

**Approve** a licence to occupy application for access steps, an entry bridge and some landscaping within Lismore Street road reserve adjacent to 30 Lismore Street, Lot 2 DP 332107, Wanaka subject to the following conditions:

- a The planting, bridges and steps are to remain at the Council's pleasure.
- b 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.

Prepared by:



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5/12/2014

Reviewed and Authorised by:



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8/12/2014

**Background**

- 3 The applicant is seeking to construct a new dwelling at 30 Lismore Street, Wanaka. The Planning Department has reviewed their resource consent application and directed them to contact the Infrastructure Department about the occupation of the road reserve with private structures and landscaping.

- 4 The applicant advises that the site topography is very steep and largely constrains the design of the building, in particular vehicle access and garaging. The garage is located directly adjoining the road boundary, with access steps and entry pathway located in the road reserve for practical access reasons. The planting has been included to improve the visual effects of the design on the streetscape. There is already existing landscaping within the Council road reserve along the site frontage and both neighbouring site frontages. There is an existing footpath.
- 5 Given the steep slope of the road reserve and the existing access to neighbouring properties the applicant suggests that it is unlikely that future road widening would be likely along this part of Lismore Street. They advise that several other properties along Lismore Street have this same design approach due to the steep nature of the lots, with landscaping, retaining and access structures in the road reserve.
- 6 The stairs are intended to provide a pedestrian access from the adjoining vehicle access road down to the lower levels of the dwelling. The entry bridge which abuts the proposed driveway will lead to the entry of the upper level of the dwelling above the courtyard on the lower level. The bridge will be made of steel beams and hardwood decking.

### **Comment**

- 7 The application has been reviewed by the Roading Corridor Engineer who has confirmed that he has no concerns with the proposal and everything is well away from the road, footpath and clear of the existing water main.
- 8 He notes that some cut/fill works associated with the development of this property will encroach into road reserve. The maximum cut will be 3.2m deep at the site boundary tapering back to original ground level 1.6 m into the road reserve and this is well clear of any Council services, i.e. there is a water main 8 metres from the property boundary with the footpath being 10 metres away.
- 9 He also notes that the driveway will involve some retaining works within the road reserve but has no concerns with this. Due to the steep nature of the sites along Lismore Street, many driveways are retained, some to a large degree. There are no plans for the Council to wider Lismore Street in the future.
- 10 There is a resource consent being processed which addresses earthworks including a soils report assessment by Geoconsulting Limited from which engineering design for the development is based. Monitoring of the earthworks has been identified as part of this which will address any earthworks over the entire site, including the portion in the road reserve.
- 11 In addition to this, the dwelling will require building consent and the pedestrian bridge in particular will need to comply with the Building Act.
- 12 The recommendation includes standard conditions applied to similar licence to occupy approvals, reiterating that the planting and structures remain at the

Council pleasure and noting a requirement for any existing services in the berm to be catered for.

## Options

- 13 Option 1 – The Council could decline the application. The advantage of this is that the road reserve remains unencumbered with any occupation.
- 14 The disadvantage to this option is that this would be inconsistent with other decisions made on prior occasions, particularly concerning the landscaping of the road berm. The berm will be unoccupied but the maintenance of the berm, could default to the Council (a licence would make it explicit that the maintenance was private). The berm is publicly available, whether it is occupied or not and there is a footpath in front of the site which the wider public can use at any point.
- 15 Option 2 – The Council can grant the application. The advantage of this is that an area of unmaintained road berm becomes the responsibility of an adjoining property owner. The proposed planting will provide amenity to the berm and the structures will allow visitors to the site to access the dwelling practically.
- 16 Structures that provide access can be considered in keeping with the purposes of road reserve and specifically, the stairs seem fit for this purpose. The comments from the Roding Corridor Engineer suggest that the Council has no plans to widen Lismore Street and the structures do not unreasonably interfere with existing or possible future uses of the road. Option 2 is the recommended option as there are no infrastructure impacts with the proposal.
- 17 The disadvantage to granting the licence is the structures and landscaping can be viewed as solely for the benefit of the private property owner. The applicant has stated the stairs and entry-bridge are for practical access reasons due to the site constraints and the typography of the site.
- 18 Option 3 – The Council can approve the application in part. For example, the Subcommittee could chose to issue a licence for parts of the proposal but not for all of it.
- 19 The Council has in the past, issued licences for the following:
  - For landscaping within road reserves which have involved sloping road berms where the applicant is seeking to alleviate a maintenance burden and to improve amenity.
  - For retaining structures associated with driveways, often substantial in nature and on occasion where works on the adjoining site have necessitated it or the typography of the road reserve is steep.
  - For a pedestrian bridge, on the corner of Stanley Street and Memorial Street for a proposed commercial development on the adjacent site. This was for a pedestrian bridge crossing Horne Creek, which was located in the road reserve.

- For a portion of pedestrian bridge located in road reserve associated with a wider on site landscaping proposal for a hotel development adjacent to Hobart Street.
- For access steps, located in Aspen Grove
- For an entry feature located on Speargrass Flat Road (this was not subject to any fee)
- For an overhanging bridge feature structure over road reserve on Church Street (this was subject to a one off fee).

20 In the absence of policy or criteria around what structures need a licence and what structures do not, the Council has traditionally made the determination on a case by case basis as applications are put before them for consideration.

### **Financial Implications**

21 There are no budget or cost implications resulting from the decision.

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

22 Section 10 (2) of the Local Government Act 2002 has been considered in the submission of this report to the Council.

23 The approval of a licence to occupy road reserve for this stairs, entry bridge and landscaping is a regulatory function and the recommendation noted in this report is efficient, effective and appropriate to present and anticipated future circumstances.

### **Council Policies**

24 The following Council Policies were considered:

- The Council's Significance and Engagement Policy 2014

The decision associated with this report is not considered significant as:

- It will not have a large impact on the environment, culture and people of the district.
- Individuals, organisations, groups and sectors in community are not affected by this decision.
- There are no inconsistencies with existing policies or strategies associated with this request for a licence to occupy road reserve, as such applications are considered on a case by case basis.
- There is no impact on the Council's capability and capacity in respect to the objectives set out in the Financial Strategy, Ten Year Plan and the Annual Plan.
- The decision does not relate to the sale or transfer of shareholding of any of the Council's strategic assets.

### **Consultation**

25 The Roading Corridor Engineer has been consulted about this application and his comments are contained within this report.

**Publicity**

26 No media statements or public communications are required in association with this report.

**Attachments**

- A Location Map
- B Plans showing the proposed landscaping, pedestrian bridge and stairs within the road reserve
- C Concept image showing bridge and planting in the road reserve
- D Site Photos