

**Wānaka Community Board
15 August 2019****Report for Agenda Item | Rīpoata moto e Rāraki take: 3****Department: Planning & Development****Title | Taitara Licence to Occupy Road Reserve – 1 Highfield Ridge, Wānaka****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

The purpose of this report is to consider granting a Licence to Occupy Road Reserve to the property owners at 1 Highfield Ridge, Wānaka for landscaping within road reserve.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Wānaka Community Board:

1. **Note** the contents of this report;
2. **Grant** a licence to occupy Highfield Ridge road reserve to the property owners of 1 Highfield Ridge, Wānaka for landscaping subject to the following conditions;
 - a. The licence shall remain at 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 and no compromise shall be made to Council Infrastructure or access to same.
 - c. Council takes no responsibility for rectifying the landscaping in the event it requires access to its infrastructure.
 - d. Landscaping is to be maintained by the Licensee so that it remains in good appearance and at a height of no more than 1.1m above the access driveway to ensure no safety hazard is created from overgrowth blocking sight lines from the residential property access.
 - e. The Licensee consents to a Covenant in Gross being recorded against the title of Lot 26 DP 412843 to ensure the recommended terms and conditions of the Licence continue in perpetuity for all future owners of the property.

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25/07/2019

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6/08/2019

CONTEXT | HORPOAKI

- 1 The owners of 1 Highfield Ridge, Wānaka, legally described as Lot 26 DP 412843 purchased the property in August 2016. Since construction of the dwelling on site, landscaping has been undertaken which has encroached on 2 areas of legal road reserve totalling approximately 270m².
- 2 This activity was noted by QLDC's Monitoring and Enforcement team who alerted the owners that such use of the road reserve was not permissible without Council's approval.
- 3 The owners, (herein referred to as "the Applicants"), have subsequently applied to QLDC for a Licence to Occupy the Road Reserve for their landscaping and, as part of that application, undertaken to maintain the landscaping going forward.
- 4 The area is planted with a number of shrubs, native grasses and covered with small rocks to act as a deterrent to the local rabbit population. The owners have commented that the landscaping looks aesthetically much better than the roadside verges in the vicinity which are inundated with rabbits.
- 5 A water main runs below the landscaping.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 6 Council's Engineers have been consulted in respect to the landscaping and have expressed no significant concern other than to request that a condition of approval be included which limits QLDCs responsibility for rectifying the landscaping if servicing / repair is required to the water main and restriction in height of landscaping to ensure sight lines from the access are not impeded.
- 7 Council's Urban Verge Mowing Policy 2007 assumes most verges are grassed and places the civic responsibility of maintaining grassed verges on the adjacent property owner.
- 8 QLDC does not currently have a policy in place for Licences to Occupy Road Reserve. QLDC have however granted licences for landscaping in the past under similar conditions proposed in this report.
- 9 Option 1 Grant the Licence to Occupy Road Reserve application subject to the conditions proposed above.

Advantages:

- 10 The applicants will be able to retain their landscaping which will avoid the expense of removing it and replanting with grass.

Disadvantages:

- 11 Council may need to expend resources in enforcing the terms and conditions of the licence if not adhered to.
- 12 An area of public road will be encumbered for private purposes.

13 Option 2 Decline the Licence to Occupy Road Reserve application.

Advantages:

14 Private use of the road reserve will be removed.

15 Council will not need to monitor the licence area to ensure adherence with the terms and conditions.

Disadvantages:

16 A member of the public will need to go to the expense of reverting their landscaping to grass.

17 This report recommends **Option 1** for addressing the matter as approval can be granted under terms and conditions deemed appropriate by Council's roading engineers and it will avoid the expense of replacing the landscaping.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> **SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

18 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.

19 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the [Local Government Act 2002](#). A higher level of compliance must be achieved for a significant decision.

20 There are no persons, other than the applicants, identified who are adversely affected by or would be significantly interested in this matter.

21 The Council has not consulted members of the public or any other groups on this matter.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

22 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the [QLDC Risk Register](#). This risk has been assessed as having a High inherent risk rating.

23 This matter relates to this risk because a property right contained in the road reserve does carry risk to Council for any future works. The risk has been mitigated by retaining the right to terminate the licence at short notice.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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

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

26 Council's legal costs to have the Licence recorded against the applicant's title by a Covenant in Gross will be recovered from the applicant.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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

- Significance and Engagement Policy 2014
- Council's Urban Verge Mowing Policy 2007

28 The recommended option is consistent with the principles set out in the named policy/policies.

29 This matter is not included in the Ten Year 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-KĀIKA

30 The recommended option:

- 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.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Location Plan
B	Site Aerials
C	Photographs of landscaping