

Wānaka Community Board
17 February 2022

Report for Agenda Item | Rīpoata moto e Rāraki take : 1

Department: Planning and Development

Title | Taitara Licence to occupy application for 54a Hunter Crescent Wānaka (LO210027)

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 enable Barry and Wendy Biggs, to complete landscaping within the reserve in front of the property.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Wānaka Community Board;

1. **Notes** the contents of this report;
2. **Grants** a licence to occupy Hunter Crescent road reserve to enable Barry and Wendy Biggs to landscape the reserve in front of the property subject to the following conditions;
 - a. The licence shall remain at Council's pleasure.
 - b. If the licence agreement is ended the licensee shall be responsible for reinstating all licence areas to Councils satisfaction.
 - c. Building and Resource Consent to be obtained prior to works commencing if required.
 - d. All activities are to be undertaken in accordance with Worksafe New Zealand standards for the work environment.
 - e. All services including three-waters, telecommunication, power and gas within the road reserve must be identified and catered for and no compromise shall be made to Council Infrastructure or access to same.
 - f. All Landscaping is to be maintained by the Licensee to ensure it is kept in neat order and does not represent any fire risk or impede on sightlines or the safe use of the road. Any dead or dying planting is to be replaced and/or removed.
 - g. Council may require at their discretion, the planting to be trimmed or removed at any time upon request, and this shall be done at the licensees cost within one month of any request.
 - h. The Applicant consents to a Covenant in Gross being recorded against the title of LINZ ID 8216008 to ensure the recommended terms and conditions of the Licence continue in perpetuity for all future owners of the property.

- i. Should Council disturb the area at any time any reinstatement shall be the responsibility and cost of the licensee.

| Prepared by: | Reviewed and Authorised by: |
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|  |  |
| <p>Brooke Allan Subdivision Officer 17/12/2021</p> | <p>David Wallace Manager for Resource Management Engineering 14/01/2022</p> |

CONTEXT | HORPOAKI

- 1 Barry and Wendy Biggs (hereafter referred to as the "the Applicant/s") have applied for a licence to occupy the road reserve adjacent to 54a Hunter Crescent, Wānaka legally known as Lot 1 DP 562206 for the purpose of landscaping.
- 2 A landscaping plan has been drawn by a landscape gardener and can be found as Attachment A.
- 3 The plan includes an array of native planting, quality top soil and time controlled irrigation.
- 4 Council services are not impacted by the proposal.
- 5 The Applicant has advised that nothing proposed in the landscaping plan cannot be removed in the future if Council required the use of the road reserve.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 6 Council's Property and Infrastructure department vision for road berms and frontages is for a consistent low maintenance grass verge. However it is noted that Licences have been granted in past for landscaping and have not been considered a negative, provided it is clear that the licensee maintains the area to Council's satisfaction.
- 7 Licences for private landscaping ensure the maintenance of the planting is the responsibility of the licence holder and do not result in any additional responsibilities for Council.
- 8 Council's Engineers and Arborist have been consulted and they have confirmed their support for the proposal subject to the following:
 - a. The planting can be removed if Council requires the use of the reserve in the future.
 - b. A legal mechanism is put in place to ensure the on-going maintenance of the landscaping is the responsibility of the property owners.
 - c. Conditions are imposed to ensure that the planting does not impact on the sightlines and safe use of the road or present a fire risk.
- 9 Conditions have been imposed to address matters raised.
- 10 Option 1 The Board grants the Licence to Occupy Road Reserve application subject to the conditions proposed above.

Advantages:

- 11 The Applicant can proceed with their proposed planting.
- 12 The road reserve will benefit from the native planting and an area of grass is being maintained to allow pedestrians to use the area unencumbered.

Disadvantages:

- 13 A portion of the road reserve will be encumbered by private landscaping.
- 14 Option 2 Council can decline the Licence to Occupy Road Reserve application.

Advantages:

- 15 The road reserve will remain unburdened by private landscaping

Disadvantages:

- 16 The Applicant will be unable to continue the landscaping in the front of the property.
- 17 This report recommends **Option 1** for addressing the matter as the works can be undertaken and completed under terms and conditions deemed appropriate by Council's engineers.

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 There are no persons, other than the Applicants, identified who are adversely affected by or would be significantly interested in this matter.
- 20 Council Engineers have been consulted about this application and their comments are contained within this report.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 21 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.
- 22 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 licence at Council's pleasure.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 23 The Applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.
- 24 Should legal review of the licence be required, Council's legal costs will be recovered from the Applicant.

25 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

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

- a. *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.
- 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. Council’s Urban Verge Mowing Policy 2007 - places the civic responsibility of maintaining grassed verges on the adjacent property owner.

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

28 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

29 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. 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 allowing the proposed landscaping to proceed at no cost to the community.

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

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| A | Location Plan |
| B | Landscaping Drawing |
| C | Photos of the site |