

**Wānaka Community Board
23 September 2021**

Report for Agenda Item | Rīpoata moto e Rāraki take 1

Department: Planning & Development

Title | Taitara Licence to Occupy Road reserve – 137 Lakeside Road, 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 enable Mark & Robyn Petch, the owners of 137 Lakeside Road Wānaka, to upgrade of existing access to 137 Lakeside Road within the Lakeside Road Legal Road Reserve, including associated retaining.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Wānaka Community Board;

1. **Notes** the contents of this report;
2. **Grants** a licence to occupy Lakeside Road, road reserve to enable Mark & Robyn Petch to upgrade the existing vehicle access including retaining walls subject to the following conditions;
 - a. The licence shall remain at Council's pleasure.
 - b. Building and Resource Consent to be obtained prior to works commencing if required.
 - c. Approval of a Traffic Management Plan (TMP) and Corridor Access Request (CAR) by Council Engineers before work commences.
 - d. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - e. Any works within the road reserve to be undertaken to the specification and approval of Council's Engineers.
 - f. The retaining wall is to be designed by a Chartered Professional Engineer to accept full construction and vehicular traffic loading immediately adjacent/above the wall and to accommodate future development of the neighbouring access. A Produce Statement (PS1) is to be provided by the Engineer with such works not to proceed until QLDC's Engineers are satisfied with the design. A producer Statement (PS4) is then to be provided to QLDC within 3 months of earthworks completion.

- g. All services including 3-waters, phone, 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.
- h. Any damage as a result of the connection to be resolved to the satisfaction of Council Engineers at the cost of the applicant.
- i. Structures must not compromise roading or services maintenance activities.
- j. The Licensee will be responsible for ongoing maintenance of the retaining structures along with any damage that may occur to the road reserve or the adjoining property as the result of the structures. Rectification of any damage is to occur within a timeframe deemed reasonable by the Licensor.
- k. The applicant consents to a Covenant in Gross being recorded against the title of OT376/53 to ensure the recommended terms and conditions of the Licence continue in perpetuity for all future owners of the property.

Prepared by:

Reviewed and Authorised by:




Brooke Allan
Subdivision Officer

David Wallace
Manager for Resource Management Engineering

2/09/2021

9/09/2021

CONTEXT | HORPOAKI

- 1 Mark & Robyn Petch, (hereafter referred to as the “the applicants”) own 137 Lakeside Road Wānaka, legally known as Section 7 Block X TN OF Wānaka. They are currently seeking Resource Consent (RM210703) to redevelop the property to construct an additional residential dwelling and a 2 lot fee-simple subdivision.
- 2 Part of this development involves upgrading the existing driveway access, surfacing the driveway and installing a retaining wall within the road reserve. The existing vehicle access occupies a considerable portion of the legal road reserve, given the topography of the area.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 3 A traffic report has been provided as part of the Licence to Occupy application. The report concludes that the proposed access is appropriate for a two dwelling site and will operate safely.
- 4 Council Engineers have been consulted with respect to the application and raised concerns regarding the non-frangible nature of the retaining wall, its proximity to the road carriageway and the potential to hinder any future plans to extend the footpath along Lakeside Road. As such the applicants provided re-designed plans with the retaining wall offset at least two metres from the channel to allow for a new footpath. Council Road Engineering Engineers are now satisfied.
- 5 Option 1 The Board agree to grant the Licence to Occupy Road Reserve application subject to the conditions proposed above.

Advantages:

- 6 The resource consent application for the proposed development and subdivision may proceed.

Disadvantages:

- 7 A part of the road reserve will be encumbered by a private driveway and a retaining wall.

- 8 Option 2 The Board decline the Licence to Occupy Road Reserve application.

Advantages:

- 9 The reserve will not be encumbered by private structures.

Disadvantages:

- 10 The applicant will need to consider alternative means to provide access to their development while meeting Council’s Engineering Code of Practice.

- 11 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

- 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 | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 15 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.
- 16 This matter relates to this risk because a property right contained in the road reserve does carry risk to the Council for any future works. The risk has been mitigated by retaining the licence at Council's pleasure.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 17 The applicants have 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 applicants.

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

- 20 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.

- 21 The recommended option is consistent with the principles set out in the named policy/policies.
- 22 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

- 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 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 development to proceed with no cost to the community whilst allowing any future plans to extend the footpath.
- 24 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	Cover Letter
B	Plans
C	Traffic Report

Attachment A: Cover letter



Mike Theelen
Chief Executive
Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

12 August 2021,

Dear Mike,

Application for Licence to Occupy the Lakeside Road Reserve for Upgraded Access & Associated Retaining

1.0 Executive Summary

A LTO from Council is sought to upgrade an existing vehicle crossing/access to 137 Lakeside Road in central Wanaka. The LTO sought is to cover the upgrade of the access along with associated earthworks and retaining. The design and location of the upgraded access will be similar to the existing entry, but will be widened, sealed, and formed to Council's standards.

2.0 Background

A redevelopment of the property at 137 Lakeside Road is planned. A resource consent application (QLDC reference RM210703) has recently been lodged with the Council, for the construction of a new residential unit and two-lot fee simple subdivision. As part of this resource consent application, consent is also sought for earthworks and District Plan transport standard non-compliances associated with the upgrade of the existing access/vehicle crossing into the site off Lakeside Road.

As seen in Figures 1 and 2, the existing vehicle crossing/access occupies a considerable portion of the legal road reserve, given the topography of the area.



Figures 1 and 2 – Existing Vehicle Crossing / Access to 137 Lakeside Road

3.0 Alternatives Considered

Given the topography of the area and in particular the difference in ground level at the edge of the Lakeside Road carriageway to the legal boundary of the site, no other alternatives are considered feasible without substantial engineering work. The existing access works effectively for the existing single residential unit; however, an upgrade/widening is required to serve an additional future residential unit once the property is subdivided.

4.0 The Proposal

The proposed upgraded vehicle crossing/entry to the site is as shown in Figure 3 below (area within the legal road reserve outlined in red), and will be similar to the existing situation:

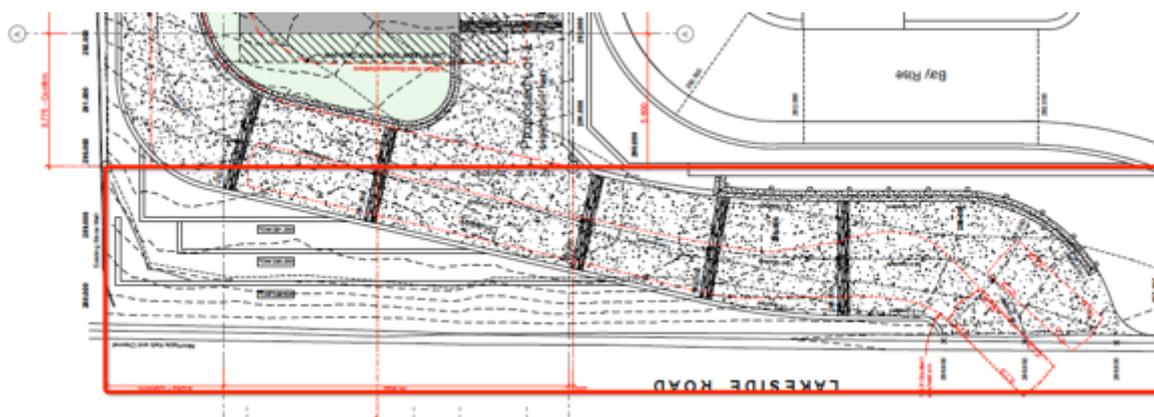


Figure 3 – Proposed Upgraded Vehicle Crossing/Access and Associated Retaining

The lower portion of the crossing will be widened to allow for two-way access, and new retaining will be constructed to support the widened access. These works will require both earthwork cut and fill. It is noted that a similar entry/access design, including retaining within the road reserve, has been constructed to serve the adjacent residential development at Bay Rise to the south-east.

A Traffic Engineering report has been commissioned by the Applicant, and is attached to this application. This report concludes that the proposed access arrangements for a two-house development on the site, are appropriate and will operate safely with negligible impact on the safe and efficient operation on Lakeside Road.

5.0 Licence Sought

The applicant seeks a licence from the Council to occupy the Lakeside Road Reserve to accommodate an upgrade to the existing vehicle crossing and access to 137 Lakeside Road. The licence is also sought to cover associated earthworks and retaining.

Thank you for your consideration and please do let me know if you have any questions.

Kind Regards

Richard Kemp
Planning Consultant



Legend

- Site Boundary
- Boundary Setback
- Existing Contours
- Proposed Contours
- Proposed Site Levels
- 100mm Exposed Aggregate Concrete Driveway/ Terraces
- Landscaped Permeable Surface Area

General Notes

1. All dimensions are to the face of the concrete foundations
2. Install temporary work site fencing or other site security features as required to comply with NZBC F5/AS1 for site security and protection of the public and in accordance with the main Contractors health and safety plan

Sediment Control Notes

1. **General:** All erosion and sediment control measures to be installed prior to any major earth works on site.
2. **Sediment Control Fences:** Sediment control fences shall be installed as required to ensure any silt runoff from the site is prevented from reaching council stormwater drains or waterways.
3. **Earthworks:** All earthworks shall be kept to a minimum as required to complete building and landscaping work and shall only commence immediately prior to building.
4. **Excavated Material:** All excavated material not suitable for fill shall be removed from the site.
5. **Maintenance:** All erosion and sediment control structures shall be inspected each day and maintained in good working order.
6. **Downpipes:** All downpipes shall be temporarily connected to the stormwater drainage system as soon as the roof is installed and shall be left in place until the permanent downpipes are fitted.

Site Details

Wind Zone: **High**
 Earthquake Zone: **3**
 Snow Zone: **N5**
 Corrosion Zone: **B**

House A - Site Coverage

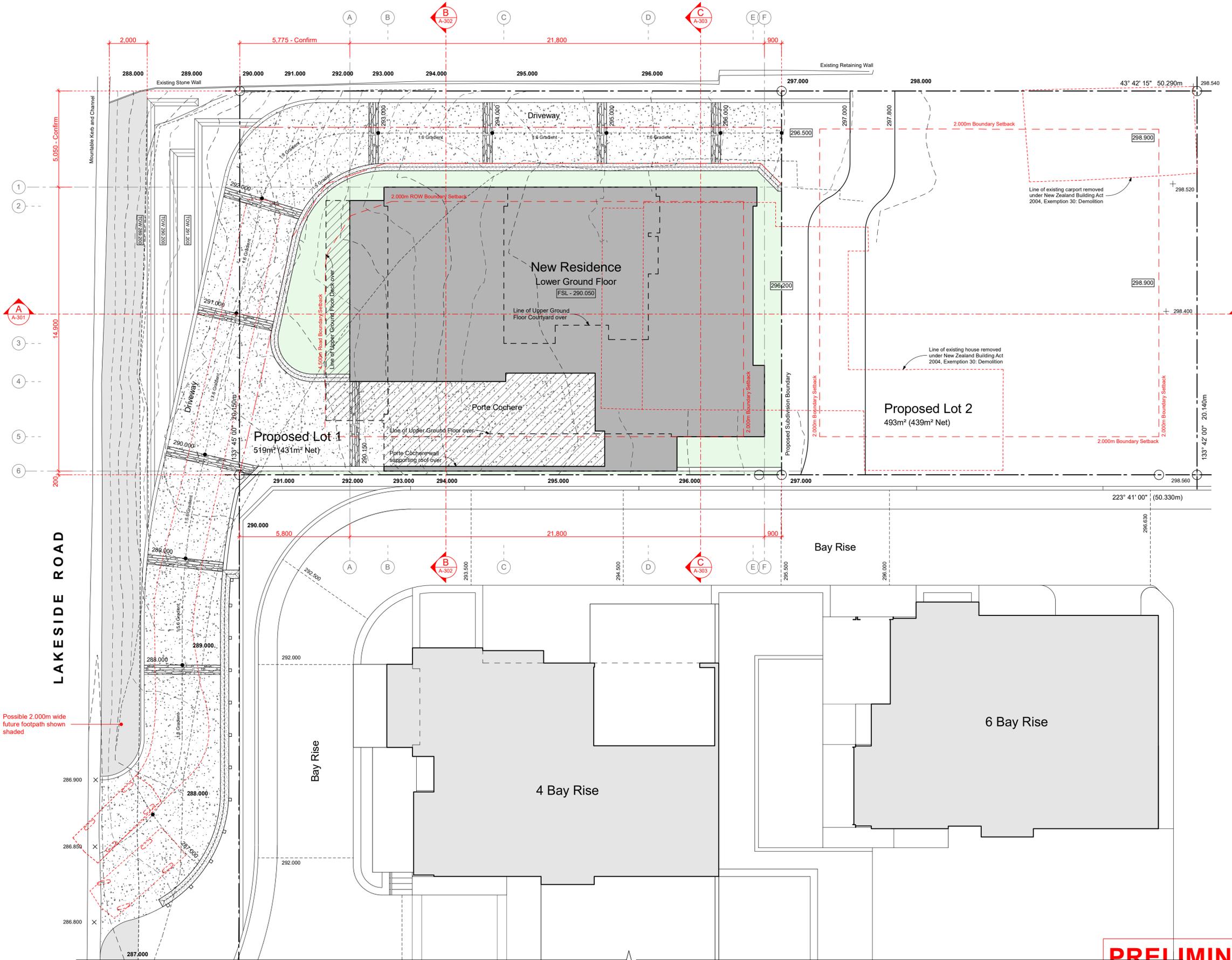
Lower Ground Floor Area	245.9m ²
Ground Floor Area	188.9m ²
First Floor Area	182.5m ²
Total Floor Area	617.3m²
Porte Cochere	20.9m ²
Decks over 0.8m	18.1m ²
Eaves over 600mm	8.2m ²
Building Footprint	295.4m²
Proposed Lot 1 Gross Site Area	519m ²
Proposed Lot 1 Net Site Area	431m ²
House A Site Coverage	68.5%
Permeable Surface Area	80.2m ²
House A Permeable Surface	18.6%

Legal Description

Section 7
 Block X
 TN of Wanaka
 137 Lakeside Road
 Wanaka

Site Setout Plan

Scale 1:100 @ A1, 1:200 @ A3



PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT NUMBER:	1128
DESIGN:	R Johnston
DRAWN:	J Leech
DATE:	26th August 2021
SCALE AT A1:	1:100
SCALE AT A3:	1:200

18 May 2021

Johnston Architects
 10 Wakefield Avenue
 Sumner
 CHRISTCHURCH

Attention: **John Leech**
 Architectural Consultant

Dear John

137 Lakeside Road, Wanaka, Vehicle Access

Introduction

A two-lot residential development is proposed at 137 Lakeside Road in Wanaka (outlined in **Figure 1**).



Figure 1: 137 Lakeside Road (Aerial Image Source: QLDC District Imagery)

Lakeside Road is classified as a collector road in the Queenstown Lakes Proposed District Plan (PDP), which it is understood is to be treated as operative for transport provisions. It has a 50km/h speed limit and an approximately 7.5m

wide carriageway past the site, with no kerbside car parking permitted. The site is zoned for high density residential development.

As shown in **Figure 2**, a single vehicle crossing and a shared driveway are proposed to provide access to the two residential units (House A and House B).

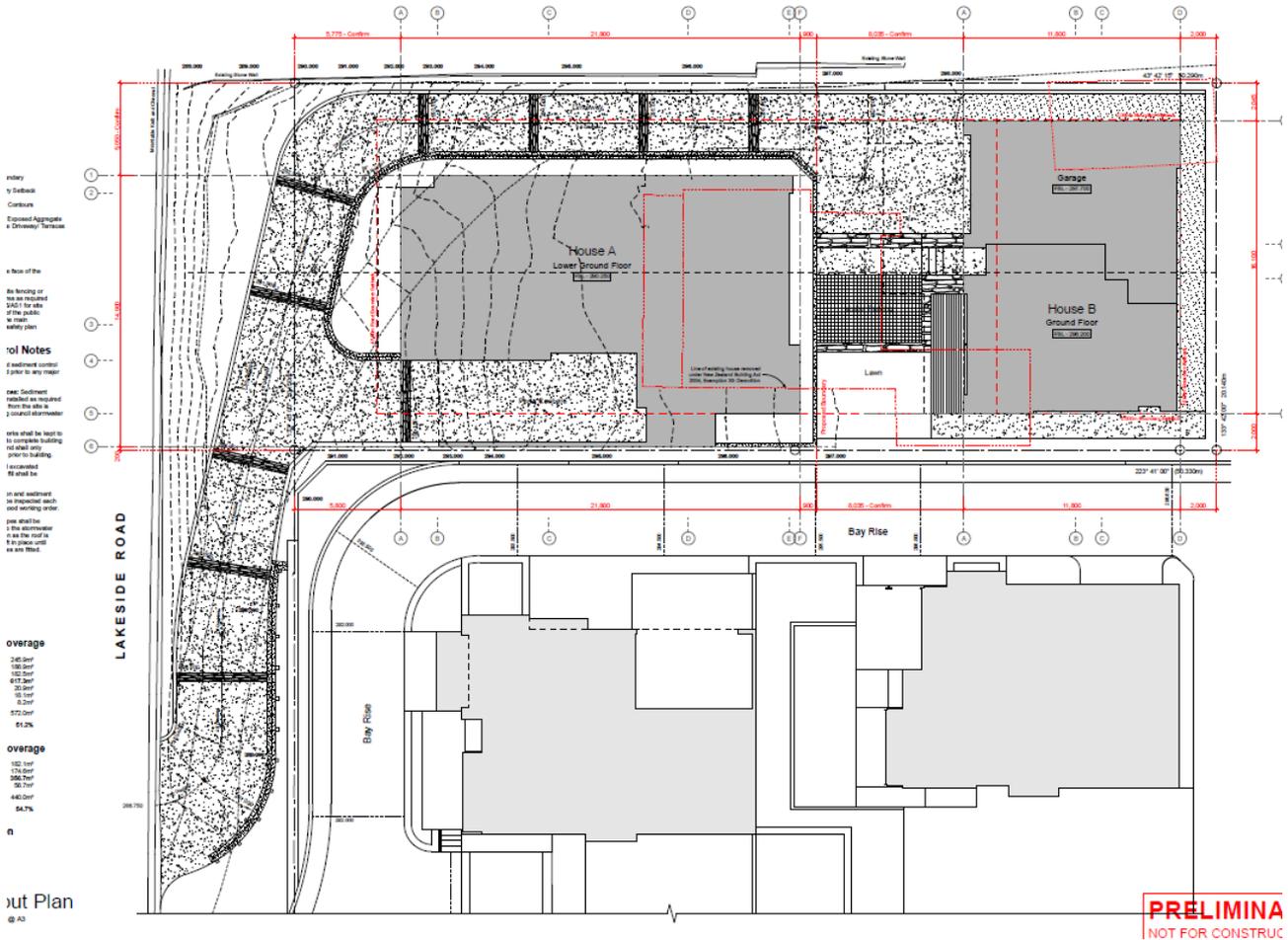


Figure 2: Proposed Site Layout (Johnston Architects)

The proposed driveway is angled to the Lakeside Road carriageway due to the topography, similar to the existing driveway into the site. **Figure 3** shows the existing site access and the access for the neighbouring Bay Rise residential development.

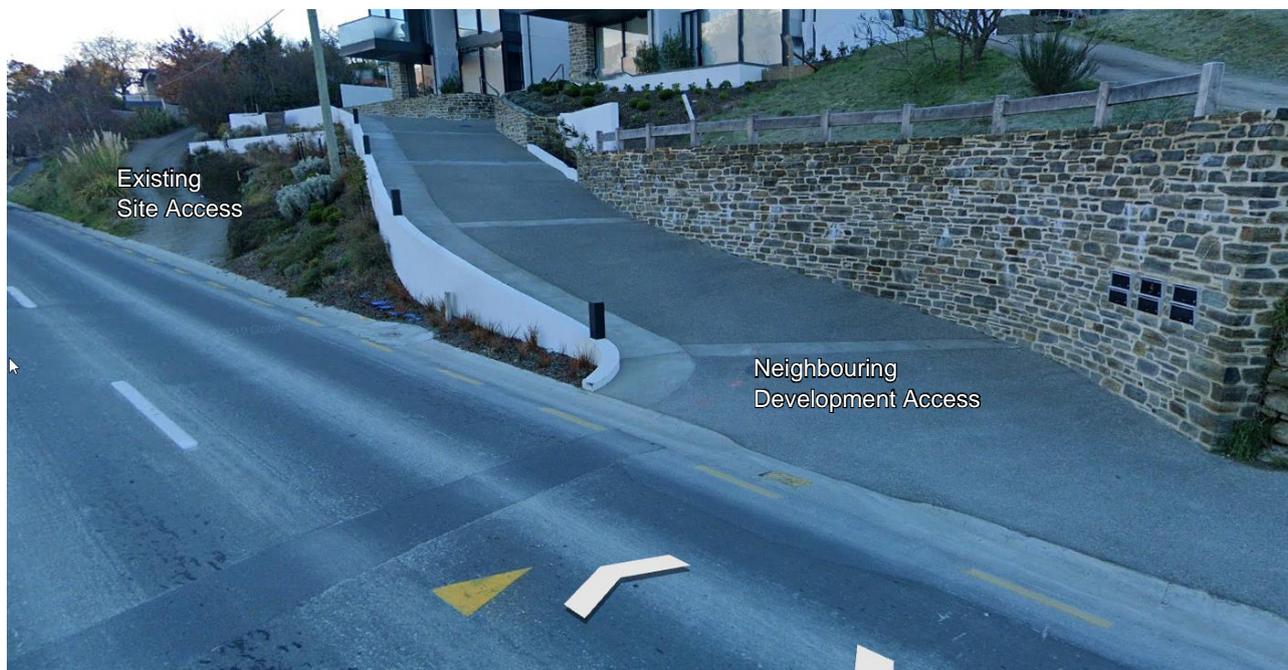


Figure 3: Existing Site Access (Image Source: Google Earth)

Stantec has been requested by Johnston Architects to carry out vehicle tracking for the vehicle crossing and the initial length of the shared driveway past House A, which is presented below. This statement also assesses the proposed vehicle crossing and access arrangements against the relevant rules in the PDP. The scope of this statement does not cover residential car parking arrangements and associated vehicle manoeuvring.

Vehicle Tracking

Vehicle tracking has been carried out to confirm that a car will be able to turn right into the driveway from Lakeside Road while a vehicle is waiting to turn out. The two tracking diagrams attached to this letter confirm this will be able to occur, showing a 99-percentile car exiting the site and an 85-percentile car entering the site.

Left turns into the driveway will not be convenient however most traffic movements would be expected to be from the Wanaka township direction to the south and thus right turns into the site. It would not be practicable to provide for convenient left turns into the site given the topography. A similar driveway arrangement serving the neighbouring development which consists of four residential units was consented and the proposed access arrangement is considered acceptable for the proposed development.

The rest of the driveway has not been designed for two-way vehicle movement. The House A driveway will be able to be used for passing if required. It is a short distance of approximately 20m from the Lakeside Road carriageway to the House A driveway and there will be clear visibility up the main driveway. This will allow any occasional conflicts to be managed and it is considered that this arrangement is appropriate.

District Plan Compliance

The proposal has been assessed against the relevant vehicle access related rules of the PDP. The relevant rule requirements and assessment of compliance are reported below. Assessment is provided for any matters of non-compliance identified.

Access Width

The PDP requires that shared vehicular accesses serving 1 to 6 residential lots in the High Density Residential zone have a formed width of 2.75-3m and a legal width of 4m. Much of the driveway sits within the road reserve given the

topography. Within the site, the driveway is 4.5m wide which is wider than the PDP requirement which is considered acceptable and there is adequate clearance to the boundary and House A.

The PDP requires that where the shared vehicle access adjoins an arterial or collector road, it shall have a 5.5m-5.7m formed width and at least a 6.7m legal width for a minimum length of 6m as measured from the legal road boundary. This requirement is so that two-way vehicle movement is possible over the initial length. Given the driveway almost runs parallel to the road for some distance within the road reserve, it is not considered relevant. The vehicle tracking presented above shows that two vehicles will be able to pass over the initial length of the driveway.

The PDP requires that formed accesses for 1 to 6 units shall provide passing bays at intervals no greater than 25m along the length of the access way. There is only approximately 20m from the Lakeside Road carriageway to the House A driveway. There will be visibility between this point and Lakeside Road, meaning that any infrequent conflicts will be able to be managed at the House A driveway area. It is considered that this provision meets the intent of this rule. It is considered that there is no need for widening beyond House A as this section of the driveway is only serving House B and is only approximately 35m long, meaning any conflicts would be infrequent.

The PDP requires that a private shared vehicle accesses have legally enforceable arrangements for maintenance put in place at the time they are created. It is understood that this will be ensured.

Queuing

The PDP requires 6m queuing space for entering vehicles where 3-20 car parking spaces are provided. Queuing space is measured from the road boundary to the first vehicle control point or conflict point. This requirement is not considered relevant given the driveway crosses the boundary approximately 20m from the carriageway. The intent of the rule is that an entering vehicle does not have to stop and impact the safe and efficient operation of the frontage road. As outlined, an entering vehicle will be able to pass a vehicle waiting to exit and conflicts on the driveway will be able to be managed at the House A driveway. This arrangement is considered appropriate given the topography and the fact that the driveway will only serve two houses.

Vehicle Crossing Length

The PDP has a minimum vehicle crossing length of 3m and a maximum vehicle crossing length of 6m in a residential zone, measured at the boundary. This is not considered relevant given the angle of the driveway to the boundary where it crosses it given the topography. At the edge of the Lakeside Road carriageway, the driveway is proposed approximately 9m wide. This width will allow two vehicles to pass, as demonstrated above, which is considered the appropriate standard of design.

Design of Vehicle Crossing

The following relevant vehicle crossing design requirements from PDP apply:

- Access crosses the property boundary at an angle of 90 degrees plus or minus 15 degrees;
- The vehicle crossing intersects with the carriageway at an angle of between 45 degrees and 90 degrees;
- Roading drainage shall be continuous across the length of the crossing;
- The width of the vehicle crossing at the kerb shall be 1m wider than at the boundary; and
- Vehicle crossings shall be located at least 500mm from any internal property boundary.

The access is constrained by the topography and it is not practicable for it to cross the boundary at or close to 90-degrees. Vehicles leaving the site will be able to be parked at approximately 45-degrees or more depending on the size of the vehicle. It is understood that roading drainage will be continuous as it is for the neighbouring Bay Rise driveway. The width of the vehicle crossing at the kerb compared to that at the boundary is not relevant given the angle that the driveway needs to cross the boundary at. The driveway is separated from the internal boundary to the north but an agreement may be necessary where the driveway cuts across the adjacent Bay Rise boundary.

Maximum Gradient for Vehicle Access

The PDP states that, in residential zones, where a private way serves no more than 2 residential units, the maximum gradient may be 1 in 5 provided:

- The average gradient over the full length of the private way does not exceed 1 in 6; and
- The maximum gradient is no more than 1 in 6 within 6m of the road boundary; and
- The private way is sealed with a non-slip surfacing.

It appears that the gradient requirements apply across the whole width of the vehicle access.

Vehicle break-over angles shall not be exceeded over any part of the width of the vehicle crossing.

Gradients up to 1 in 5 are proposed on the insides of the curves near where the driveway meets Lakeside Road and at the north-western corner of House A. Generally, centreline gradients are approximately 1 in 6 along the straight sections of the driveway. The gradients are considered acceptable given the topography of the site. Appropriate grade transitions will need to be ensured where there are steep grade changes through the detailed design and construction phases.

Sight Distance

The PDP requires at least a 45m sightline for residential activities on a road with a 50km/h posted speed limit. This is to be measured 3.5m back from the edge of the nearest traffic lane. This sightline will be available in both directions from the driveway, in front of the Bay Rise driveway retaining wall to the south-east and over the top of the proposed driveway retaining wall to the north-west. Vegetation in front of the retaining wall will need to be planned so that the driver sightline is maintained.

Maximum Number of Vehicle Crossings

The ODP would allow a site with an approximately 20m long frontage on an arterial road to have one vehicle crossing. The PDP will allow a site with an approximately 20m long frontage on a collector road to have one vehicle crossing. Only one vehicle crossing is proposed and hence compliance is achieved.

Distance of Vehicle Crossings from Intersections

The PDP requires a vehicle crossing on a collector road to be at least 30m from any intersection. The proposed vehicle crossing will be approximately 120m from the Beacon Point Road / Lakeside Road intersection and 140m from the marina access which is formed as an intersection. Compliance is achieved.

To summarise, it is considered that provided appropriate grade transitions are achieved through design and construction where steep grade changes occur, the proposed access arrangements for the two-house development are appropriate and will operate safely with negligible impact on the safe and efficient operation on Lakeside Road. We trust that our assessment is clear but would be happy to discuss.

Yours sincerely



Andrew Leckie
Senior Transportation Engineer
Stantec New Zealand

