

Wānaka Community Board
23 September 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 2

Department: Planning & Development

Title | Taitara Licence to Occupy the road reserve adjacent to 227 Aubrey Road

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 The Wylie Family Trust, the owners of 227 Aubrey Road Wānaka, to install provision for private parking on public road reserve.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Wānaka Community Board;

1. **Notes** the contents of this report; and
2. **Declines** a licence to occupy Aubrey Road reserve to enable The Wylie Family Trust to install provision for off street parking.

Prepared by:



Brooke Allan
Subdivision Officer

6/09/2021

Reviewed and Authorised by:



David Wallace
Manager for Resource Management Engineering

9/09/2021

CONTEXT | HORPOAKI

- 1 The Wylie Family Trust (herein referred to as the “the applicants”) own 227 Aubrey Road Wānaka, legally known as Lot 150 DP 529482. The applicants have replaced the grassed berm adjacent to their property with a concrete base in order to provide off street parking to their occupants and guests.
- 2 This work was done prior to the Licence to Occupy application and without consultation or permission from Council. The applicant had been instructed by Council’s monitoring and enforcement team to return the area to the original condition. This is consistent with Council’s approach to other car parking formed in the public road reserve in recent times where areas of road side berm that were converted to hard surfaces have had to be reinstated to grass after unsuccessful Licence to Occupy applications. The applicants were not satisfied with this option and were advised that the Licence to Occupy could be considered.
- 3 That said, the Council Traffic and Parking Bylaw states that an activity such as this is not permitted. Under clause 21.1 - *A person must not stop, stand or park a motor vehicle on that part of a road which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or a shrubbery.*
- 4 The area is intended to be grass however as the work has been completed it is not known whether there was grass in this location previously. It is highly likely there was.
- 5 The applicants have been granted resource consent for Visitor Accommodation for up to 90 days (RM200847).
- 6 See **Attachment B** for a site plan of the completed works related to this proposed LTO area.
- 7 See **Attachment C** for photo evidence of the works and the use as a car park.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 8 The Assessment of Environmental Effects provided for the Visitor Accommodation consent (RM200847) advises that that there is sufficient car parking allocated to the residential dwelling, being a single car garage and the driveway leading to the garage. This means that guests staying at the residential dwelling should have no need to park on Aubrey Road as the car parking on site meets District Plan requirements.
- 9 Council’s Roding Engineers have been consulted and they do not support this application and are of the opinion that the area should be reinstated back to grass.
- 10 These works can have adverse impacts on amenity (one of the purposes of the road side grassed berm) and safety. It is considered that approving this use of Council reserve would set an undesirable precedent.
- 11 Option 1 That the Board agree to grant the Licence to Occupy Road Reserve application, subject to conditions.

Advantages:

- 12 The applicant will not need to return the road reserve to its original state and not incur the costs of reinstatement.
- 13 The applicant will have the advantage of additional parking.

Disadvantages:

- 14 The use of the road reserve is likely to contradict Council policy.
 - 15 Approval sets an undesirable precedent regarding the use of road reserve for parking.
 - 16 Reduces the expected amenity of the road reserve.
 - 17 There may be unsafe outcomes from the use of the road reserve for car parking.
- 18 Option 2 The Board decline the Licence to Occupy Road Reserve application.

Advantages:

- 19 This stance is in line with Council policy.
- 20 It does not set a precedent for future applications.
- 21 Maintains expected amenity requirements.
- 22 Will ensure unsafe use of the road reserve for parking is not provided for.

Disadvantages:

- 23 The applicant will be required to reinstate the road reserve to its original state at their own cost.
- 24 This report recommends **Option 2** for addressing the matter.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 25 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.
- 26 There are no persons, other than the applicants, identified who are adversely affected by or would be significantly interested in this matter.
- 27 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

- 28 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.
- 29 If this LTO is approved 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 may be mitigated by retaining the licence at Council's pleasure.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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

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

- 32 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 Traffic and Parking Bylaw 2018 - States a person must not stop, stand or park a motor vehicle on that part of a road which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or a shrubbery.
- 33 The recommended option is consistent with the principles set out in the named policy/policies.
- 34 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

- 35 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 help to keep the road reserve free of private occupation and assets.
- 36 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 | Cover Letter |
| B | Plans |
| C | Photos of site and complete work |

Attachment A: Cover letter

Our intention was to provide off street parking for our guests, as parking is not permitted in front of our place on either side of Aubrey Road. We believed this to be a safety issue as well as a convenience issue as during the time we have been living here we had experienced difficulty exiting onto Aubrey Road. At the beginning of this project, it was not our intention to concrete the bearm, but once the digger operator started to remove the bank, we quickly discovered that due to the location of the storm water retention tank, it was not possible to remove as much of the bank as we had first planned.

We thought that as there were often going to be vehicles driving on the bearm, that it was going to become difficult to keep tidy, and that the best option would be to remove the bearm and make it look like a continuation of the foot path, and our driveway.

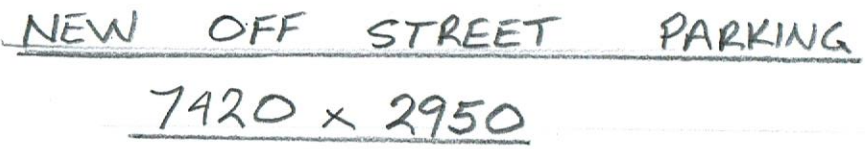
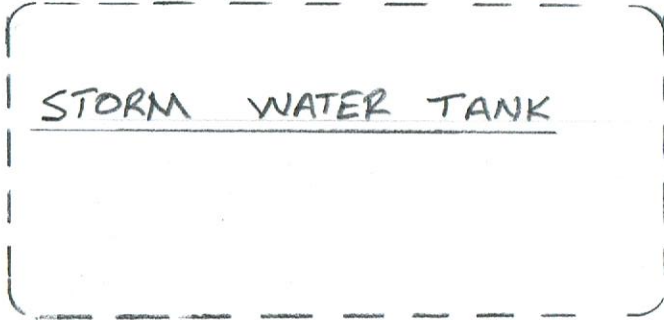
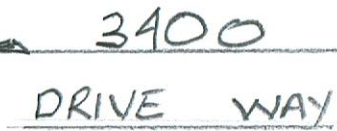
We were not aware that a Licence to Occupy was required, now that we know the process we are making this application.

Can I add, that since the work has been completed, the existing layout is working extremely well, even to the point that the Tradies presently building on the section next door to us at 223 Aubrey Road have asked if they could park in this area. In addition to this, during Level 4 lockdown, as we have been working on the front of our property as people have been walking past many have complimented us on providing the off street parking.

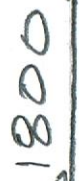
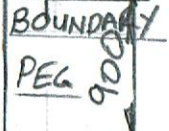
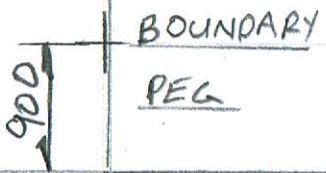
The property is used by us over the winter months as I work at the Cardrona Ski field, in addition to this we plus friends and family use the property for about another 30 nights per year. As we have a Residential Visitor Permit permit for occupation up to 90 days we have our property listed with Bachcare. The additional off street parking will be of great use during these times as often guests are arriving with multiple vehicles and with no parking allowed on either side of Aubrey, road they have nowhere to park their vehicles.

Attachment B: Plans

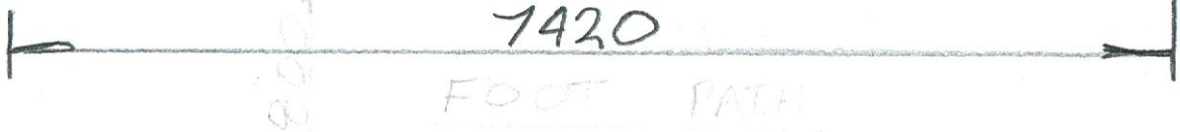
227 AUBREY ROAD



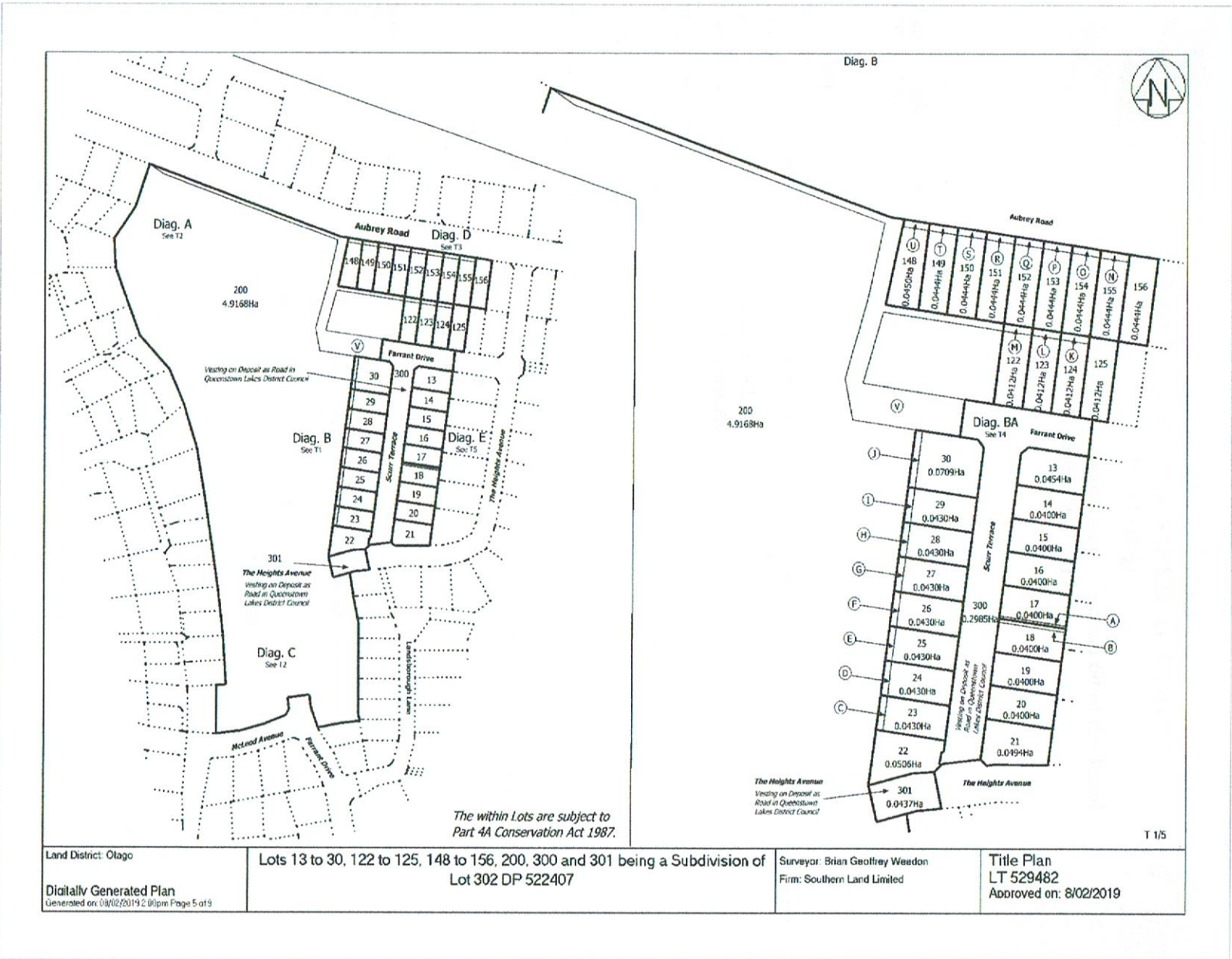
EASTERN BOUNDARY



FOOT PATH



AUBREY ROAD



Land District: Otago
 Digitally Generated Plan
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Lots 13 to 30, 122 to 125, 148 to 156, 200, 300 and 301 being a Subdivision of
 Lot 302 DP 522407

Surveyor: Brian Geoffrey Weedon
 Firm: Southern Land Limited

Title Plan
 LT 529482
 Approved on: 8/02/2019





227





