

**Wanaka Community Board
3 August 2017**

Report for Agenda Item: 2

Department: Property & Infrastructure

Licence to Occupy Road Reserve – Lot 8 (Business Subzone), Three Parks, Wanaka

Purpose

The purpose of this report is to consider granting a Licence to Occupy to Linda Montgomery & Robert Fraser, the owners of Lot 8 (Business Subzone), Three Parks, Wanaka to occupy the road reserve for the purposes of providing bicycle parking and for an encroachment of an architectural eave and wing wall.

Recommendation

That the Wanaka Community Board

1. **Note** the contents of this report;
2. **Approve** granting a Licence to Occupy to Linda Montgomery & Robert Fraser to occupy the road reserve adjacent to Lot 8 (Business Subzone), Three Parks, Wanaka for the purposes of providing bicycle parking and for an encroachment of an architectural eave and wing wall subject to the following conditions;
 - a. Any works within the road reserve to be undertaken to the specification and approval of Council's Engineers.
 - b. Building and Resource Consent to be obtained prior to works commencing.
 - c. Any damage as a result of the works within the road reserve to be resolved to the satisfaction of Council Engineers at the cost of the applicant.
 - d. The structures must not compromise roading or services maintenance activities.
 - e. Ongoing maintenance of the structures are to be the responsibility of the Licensee along with any damage that may occur to the road reserve as a result of the structures.
 - f. The applicant consents to the Licence being encumbered against their title to ensure the terms and conditions continue in perpetuity for all future owners of the property.

- g. The use of the bicycle park shall not be limited to occupants of the applicant's building.
- h. The bicycle park area shall remain at Council's pleasure.

Prepared by:



Property Advisor
APL Property Limited

23/06/2017

Reviewed and Authorised by:



David Wallace
Manager – Resource
Management Engineering
Queenstown Lakes District
Council

20/07/2017

Background

- 1 The owners of Lot 8 (Business Subzone), Three Parks, Wanaka are seeking a Licence to Occupy Road Reserve to provide bicycle parking and for an encroachment of an architectural eave and wing wall.
- 2 The bicycle park will be 10.75m² (3.5m x 3.07m) in size, formed with exposed aggregate concrete and will be fitted with moveable bicycle stands. The bicycle park has been proposed by the applicant to encourage staff working at the property to ride to work.
- 3 The proposed eave and wing wall are architectural features for aesthetic purposes in order to enhance the urban design. The resultant alcove will extend into the road reserve up to 0.788m for a length of 8.64m taking up a maximum area of 6.8m².
- 4 Both uses of the road reserve are proposed to continue indefinitely for the life of the building.

Comment

- 5 Council Engineers have confirmed that the proposal will have no impact to existing Council infrastructure.
- 6 The provision of bicycle parking promotes a healthy lifestyle and reduces traffic on our roads. The land would otherwise be used for landscaping which requires a financial contribution from Council to provide and maintain. The recommended conditions below places the maintenance of this area back on the applicant.
- 7 The eave and wing wall will arguably enhance the aesthetical appeal of the building and urban design of the area however are still required to meet the design requirements of the District Plan. Any approval of this proposal will be conditional upon Resource and Building Consent being granted.

- 8 While the eave and wing wall will be a permanent encroachment for the life of the building, the bicycle park could possibly be used for other purposes and it is recommended that the use of this land remains at Council's pleasure.
- 9 It is not recommended to charge rent or a fee for the use of the road reserve on this occasion. The wing wall is simply to improve the visual appeal of the building and make a more attractive environment. It does not increase the floorspace of the building, and therefore generates no return.
- 10 Similarly, the council is seeking to promote use of bicycles creating cycle pathways throughout the development. The applicants intend to provide a shower and lockers in the building and will provide the bicycle stand themselves. There is no return generated by the applicant.
- 11 Should Council be interested in charging a fee for the use of the land, the value of such land is approximately \$350.00 per square meter. Any fee charged by Council remains at its discretion. As a guide, Council's Easement Policy sets a fee of 30% of the underlying land value for a right of way easement.
- 12 Following discussions with Council Engineers it is recommended that any approval is subject to the following conditions:
 - a. Any works within the road reserve to be undertaken to the specification and approval of Council's Engineers.
 - b. Building and Resource Consent to be obtained prior to works commencing.
 - c. Any damage as a result of the works within the road reserve to be resolved to the satisfaction of Council Engineers at the cost of the applicant.
 - d. The structures must not compromise roading or services maintenance activities.
 - e. Ongoing maintenance of the structures are to be the responsibility of the Licensee along with any damage that may occur to the road reserve as a result of the structures.
 - f. The applicant consents to the Licence being encumbered against their title to ensure the terms and conditions continue in perpetuity for all future owners of the property.
 - g. The use of the bicycle park shall not be limited to occupants of the applicant's building.
 - h. The bicycle park area shall remain at Council's pleasure.

Options

- 13 Option 1 Council can approve the Licence to Occupy Road Reserve application subject to the conditions proposed above.

Advantages:

- 14 Council are seen to be consistent in the promotion of bicycle use in the district.
- 15 A bicycle parking facility is provided at no cost to the community.
- 16 The visual appeal of the building is improved.
- 17 The extent of landscaping and landscaping maintenance required by QLDC is reduced.

Disadvantages:

- 18 The road reserve will become encumbered by private structures.

- 19 Option 2 Council can approve the Licence to Occupy Road Reserve application subject to conditions alternative to those proposed above, such as the inclusion of a fee.

Advantages:

- 20 Similar to Option 1 however Council may wish to add, amend or remove certain conditions.

Disadvantages:

- 21 Similar to Option 1.

- 22 Option 3 Council can decline the Licence to Occupy Road Reserve application.

Advantages:

- 23 The road reserve will remain unencumbered.

Disadvantages:

- 24 Council may be seen to be inconsistent in their promotion of bicycle use in the district.
- 25 A bicycle parking facility will not be provided for the community's benefit.
- 26 The design of the building will need to re-assessed.
- 27 QLDC will be required to maintain the area proposed to be occupied.

- 28 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

- 29 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.

Risk

- 30 This matter relates to the strategic risk SR3 Management Practise - working within legislation, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because a variety of operational risks (such as meeting levels of service, regulatory compliance and the health and safety risks associated with parties using roads) are triggered when the Council considers whether or not to grant the licence to occupy.
- 31 This matter also relates to strategic risk SR6a – assets critical to service delivery (infrastructure assets) with the risk classified as low. This is because the impact of the occupation is minimal for the public and does not have a significant permanent impact on Council's infrastructure.
- 32 This matter also relates to operational risk SR27 levels of service, as documented in the Council's risk register. This risk is classed as moderate. This matter relates to this risk as it requires a decision from Council for a private activity.
- 33 The recommended option treats the risks by ensuring conditions are included in any licence which address the risks.

Financial Implications

- 34 There are no cost implications resulting from the decision. The Applicants have paid a fee for their application to be processed and the cost of the licence document will be met by the applicant.

Council Policies, Strategies and Bylaws

- 35 The following Council policies, strategies and bylaws were considered:
- *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.
 - *Long Term Plan* – this consideration to grant or otherwise a Licence to Occupy in line with the terms of reference of the Property Subcommittee is considered part of the Council's 'Regulatory Services' outlined in the Plan.
- 36 The recommended option is consistent with the principles set out in the named policies.
- 37 This matter is not included in the 10-Year Plan/Annual Plan as the cost of the licence will be met by the applicant.

Local Government Act 2002 Purpose Provisions

38 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 a bicycle park facility to be installed at no cost to the community;
- 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.

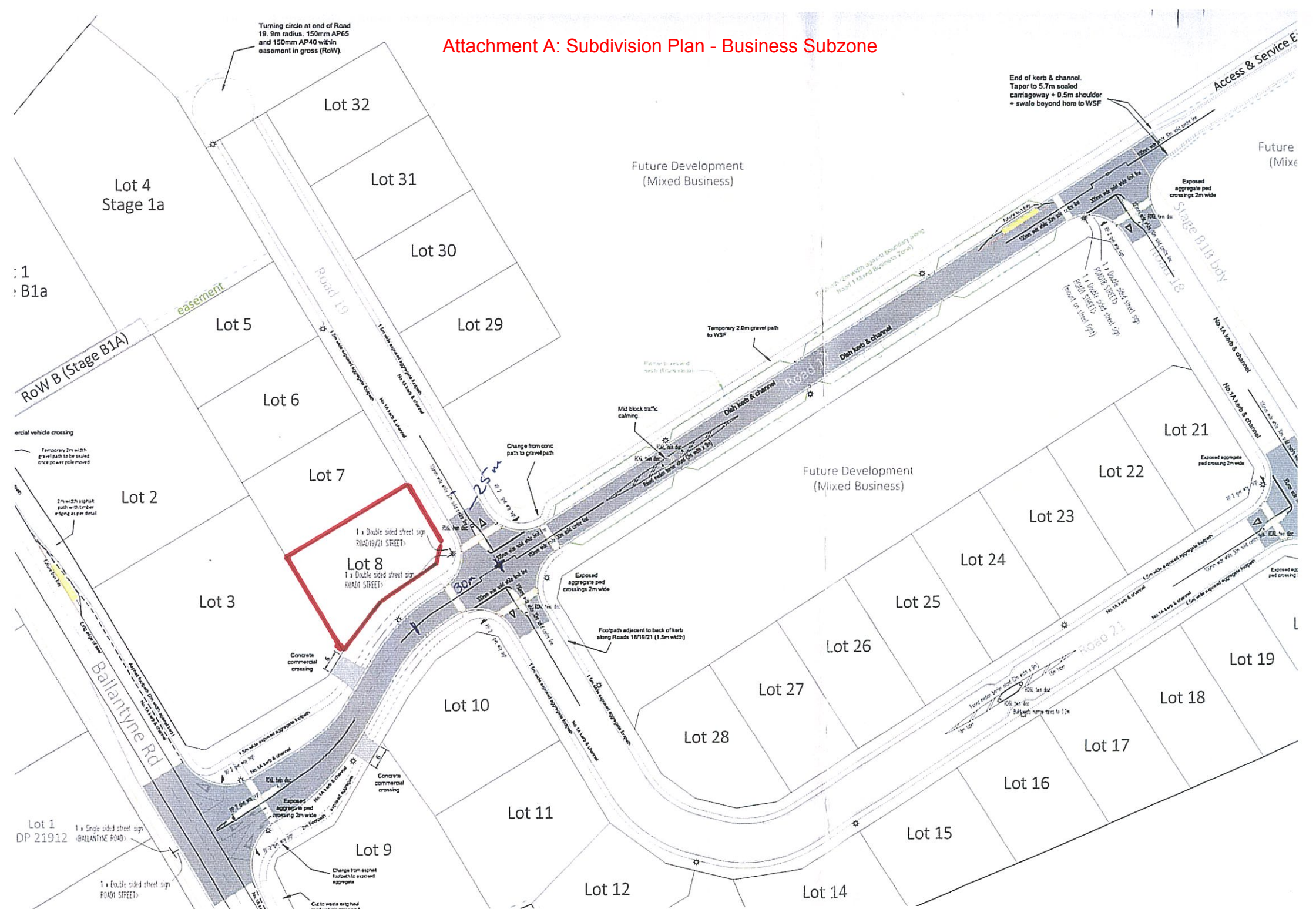
Consultation: Community Views and Preferences

39 Council Engineers have been consulted about this application and their comments are contained within this report.

Attachments

- A Subdivision Plan - Business Subzone
- B Site Plan
- C Architectural Drawings

Attachment A: Subdivision Plan - Business Subzone

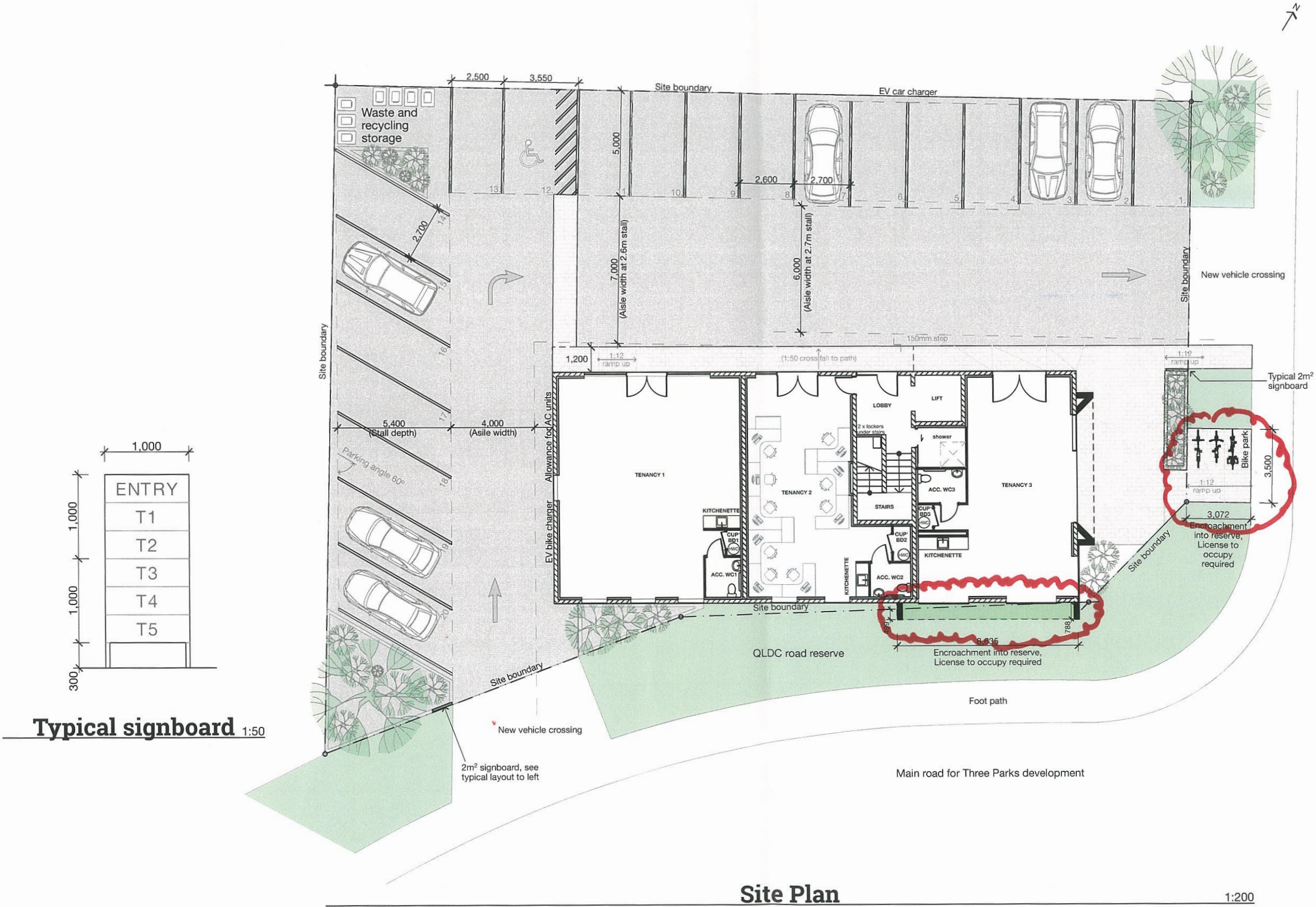


AREAS (m ²)	Percentage
Site area	1,051.48
Building footprint	275.01
Permeable area	42.89
Site coverage	26.15%

CAR PARKING	Stall width (m)	Stall depth (m)	Aisle width (m)
Position			
Parks at 90° (#1 - 13)	2.5	5.0	8.0 min.
	2.7	5.0	6.0 min.
	2.6	5.0	7.0 min.
Parks at 60° (#14 - 20)	2.7	5.0	
Accessible parks (#12)	3.5	5.0	

SIGNAGE AREA MAXIMUMS (On building)	
GROUND FLOOR SIGNAGE	
Floor areas (m ²)	max sign area m ² (15% of FL)
T1 = 91.27	13.6
T2 = 61.48	9.2
T3 = 67.54	10.1
T4 & T5	2.0 (Sign beside entry lobby on GFL)
FIRST FLOOR SIGNAGE	
T4 & T5	2.0 Sign for both tenancies

STREET FRONTAGE GLAZING AREAS	
EAST ELEVATION	
Wall area	= 80.4m ²
Glazed area	= 27.2m ²
Percentage	= 33.84%
SOUTH ELEVATION	
Wall area	= 180.1m ²
Glazed area	= 58.8m ²
Percentage	= 32.10%



Site Plan

1:200

