

## 7. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 219 TAYLOR'S MISTAKE ROAD

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Weng Kei Chen, Asset Policy Engineer, DDI 941-8655

### PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval for the construction of a double garage partially on legal road. The area of encroachment is approximately 9.0m<sup>2</sup> as indicated on the attached plan.
2. To seek the Board's recommendation to the Council to commence road stopping procedures to the parcel of surplus land approximately 77m<sup>2</sup> which is a 3.0m wide strip along the property's frontage.

### EXECUTIVE SUMMARY

3. The owner of the property at 219 Taylor's Mistake Road has requested the use of 9.0m<sup>2</sup> of road land enabling the construction of a double garage.
4. This is considered a reasonable request due to the topography of the site being steep and to locate the structure totally on site will incur substantially more earthwork.
5. The encroachment is minor and will not compromise road users movement along the frontage. In addition this section of roadway was only upgraded five years ago and any other upgrade is likely to be some time away.
6. The proposal for the garage has the support of the neighbours.
7. There is also an existing long single garage along the property frontage and it is entirely on legal road approximately 3.5m from the kerb. This land is surplus to road requirements.
8. The existing garage also acts as support to the bank and removal of this structure will incur building a new retaining wall.

### FINANCIAL AND LEGAL CONSIDERATIONS

9. The Board has the delegated power to approve the building of this garage on road.
10. The disposal of this parcel of redundant land is insignificant and will have no effect to road users and hence it is appropriate to commence the road stopping procedures pursuant to the Public Works Act 1987.
11. There will be financial return to the Council following the disposal of surplus road land.

### OPTIONS

12. Status Quo:

Comment - The disapproval of the structure will likely result in added pressure to the street parking facilities.

13. Approve the garage and enter into a Deed of Licence to occupy legal road.

Comment - Not a good long term solution because land is surplus to Council requirements.

14. Stop road and sell to owner.

Comment - This process will take some time and will delay the construction.

15. Approve the garage on legal road and follow up with road stopping.

Comment - Enables owner to construct garage without delay and works toward land disposal.

**STAFF RECOMMENDATIONS**

- (a) That the Board approve a double garage partially on legal road outside 219 Taylor's Mistake Road as shown on the attached plan.
- (b) That the Board recommend to the Council that it commence road stopping procedures to the 3.0m strip of road land along the frontage of 219 Taylor's Mistake Road pursuant to the Public Works Act 1987 on completion of the foundation of the garage.

**CHAIRPERSON'S RECOMMENDATION**

For discussion.