

6. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 57 CLIFTON TERRACE

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council for the construction of a double garage and storage area partially on legal road as shown on the attached plan, and to initiate road stopping procedure approximately 12.5m² of legal road outside 57 Clifton Terrace on completion of the foundation of the garage. This is the area where the garage encroaches onto legal road.

EXECUTIVE SUMMARY

2. The property at 57 Clifton Terrace is below the roadway and has no garage on site. Currently there is one car parking space along the edge of the private right of way which serves two properties.
3. The proposed structure will be well below the carriageway and with the existing vegetation on top of the bank the environmental impact to road users will be minimal.
4. Alternative garage sites entirely on the applicants site will present car manoeuvring difficulties to the applicant and to the neighbours sharing the driveway. It will also involve high platform structures if it is on the same side of the dwelling.
5. The road space below the carriageway is surplus to roading requirements and disposal of road land or permitting the proposed structure will have little effect to the road environment.
6. This proposal has the support of neighbours who have rights over the driveway.

FINANCIAL AND LEGAL CONSIDERATIONS

7. The Board has the power to approve garages, parking platforms and structures related to vehicular access wholly or partly on the road. However, this application is for a garage with storage space and hence approval requires the Board's recommendation to Council.
8. The intended life of a building is normally 50 years and it is not unreasonable to request the disposal of approximately 12.5m² of redundant road land enabling the proposal to proceed.
9. The disposal of this small parcel of road land is insignificant and will have no effect to road users and hence it is appropriate to commence the road stopping procedure pursuant to the Public Works Act 1987.
10. There will be a financial return to the Council for the disposal of Surplus road land.

OPTIONS

11. Decline the road encroachment for the garage to be built outside the current property.
Comment: This will present vehicle manoeuvring difficulties to the owners and neighbours.
12. (a) Approve the garage outside current property as an encroachment with storage space contrary to current policy and outside the Board's delegation and Council manage the use of road space by way of a Deed of Licence.
(b) Approve the garage only and Council manages the use of road space by way of Deed of Licence.
13. The area for which the garage encroaches on is surplus to road requirements and Council to initiate the road stopping procedure and dispose of the road land.
Comment: This process will take some time and will delay the construction.
14. Approve the garage on legal road and follow up with road stopping.
Comment: This will enable owner to construct garage without delay and work towards land disposal.

STAFF RECOMMENDATIONS

That the Board recommend to the Council:

- (a) That it approve the construction of the proposed garage and storage area partially on legal road as shown on the attached plan.
- (b) That the Council declare this parcel or road land approximately 12.5m² as surplus to roading needs and commence road stopping pursuant to the Public Works Act 1987, on completion of the foundation of the garage.

CHAIRPERSON'S RECOMMENDATION

For discussion.