

Wānaka-Upper Clutha Community Board

22 August 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [5]

Department: Planning & Development

Title | Taitara: Licence to Occupy at Wānaka-Mt Aspiring Road

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider granting a Licence to Occupy Road Reserve to enable Glendhu Bay Trustees Limited, the owners of Lot 10 & Lot 11 DP568480, to construct a pedestrian underpass for users of the Golf Course to access the holes between these lots as per the approved resource consent (RM070044).

Recommendation | Kā Tūtohuka

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Grant** a licence to occupy Wānaka-Mt Aspiring Road legal road reserve to enable Glendhu Bay Trustees Limited to install and maintain a pedestrian underpass under Wānaka-Mt Aspiring road to facilitate direct access between Lot 11 & Lot 10 DP 568480 subject to the following conditions:
 - a. The licence shall remain at Council's pleasure.
 - b. It is the responsibility of the Applicant to ensure that all works on the road reserve comply with both the Building Act, and the Resource Management Act 1991. Resource Consent and Building consents are to be obtained prior to works commencing, if required.
 - c. All works must comply with both a Traffic Management Plan (TMP) and Corridor Access Request (CAR). The TMP and CAR must be approved by Council Engineers before any work commences on the road reserve. The duration of any road closures and diversions must be kept to a minimum. The licensee shall provide to Council a timetable for the work and a fixed timeframe for the proposed diversion that demonstrates resources being employed to minimise the road diversion to the satisfaction of Council. Work shall not commence until Council is satisfied that the period of diversion is minimised.
 - d. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - e. Engineering acceptance of the design must be issued prior to any works within the road reserve being undertaken.
 - f. Any post construction reinstatement works within the road reserve, is to be undertaken in accordance with the Council's Code of Practice and to the satisfaction of Council's Engineers.

- g. All services including three-waters, phone, power and gas within the road reserve must be identified prior to any works being undertaken on the road reserve. There shall be no damage to Council Infrastructure nor shall access to the road reserve by Council be fettered before, during, or after the works are completed. Council reserves the right to charge a reasonable rate for any damage done to infrastructure.
- h. Structures and/or occupation must not compromise the maintenance activities of Council roading or services.
- i. Prior to works commencing, photographic evidence is to be supplied to Council (kim.anderson@qldc.govt.nz) of the pre-existing condition of the area to be occupied including the location of the entry and exit of temporary haul road.
- j. The applicant is liable for any damages and/or reinstatement of Council's, or any other person's, property that may arise from the proposed activity (i.e., reinstatement of road reserves, swale, footpaths, road markings and landscaping etc). Any damage to the road reserve area shall be remedied within 30 days of construction completion.
- k. Ongoing maintenance of the structures and/or occupation are to be the responsibility of the Licensee. In the event of an earthquake the licensee shall ensure engineering inspections are undertaken by a suitably qualified person immediately after the event and the licensee is required to notify Council without delay of any damage that could affect the integrity of the Wānaka -Mt Aspiring Road.
- l. Council will not be liable for damage to, or reinstatement of the occupation, in the event that Council requires access to any current or future Council services that are in close proximity to the agreed location.
- m. The licence area is not to be used for parking or as a construction material storage or staging area at any time.
- n. At the completion of the installation Asbuilts are to be submitted to Engineeringapprovals@qldc.govt.nz in a format compatible with QLDC's GIS system.
- o. Prior to works commencing, the applicant must register a Covenant in Gross being recorded against the title of Lot 10 & Lot 11 DP568480 to ensure the recommended terms and conditions of the Licence continue in perpetuity for all future owners of the property. Evidence of the registration is to be provided to QLDC (kim.anderson@qldc.govt.nz). Failure to register the covenant will result in the licence being null and void.

Prepared by:



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29 July 2024

Reviewed by:



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1 August 2024

Approved by:



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Title: Planning & Development
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2 August 2024

Context | Horopaki

- 1 Glendhu Bay Trustees Limited (hereafter referred to as the “the Applicant”) has applied for a licence to occupy of Wānaka-Mount Aspiring Road to install and maintain an underpass under the road reserve to facilitate direct access between Lots 11 and 10 DP 568480.
- 2 The purpose of this underpass is to ensure a safe and protected crossing point across a main carriageway for future Golf Course users under the approved resource consent (RM070044) as condition 18e.
- 3 An engineering acceptance application (EA070044.07) related to condition 18e of the original resource consent for the underpass design has been submitted and is currently being reviewed by Council officers.
- 4 All earthworks associated with the construction of the underpass shall be in accordance with Queenstown Lakes District Council (QLDC) subdivision code of practice, with no works commencing prior to Council approval.
- 5 The applicant has proposed to strip approximately 491m³ of earth in the underpass construction, ensuring that any topsoil removed and cut stockpile locations are agreed upon with the site engineer and Council prior to construction.
- 6 The applicant will remain responsible for ensuring the underpass construction contractor has located and protected any underground services or drainage paths prior to construction.
- 7 The applicant has stated that a Hynds Underpass System will be used for constructing the underpass, which will include a guard rail along a portion of the road reserve as per Manual of Traffic Signs and Markings (MOTSAM) specifications.
- 8 The applicant has provided plans showing a 210m temporary haul road around the occupation area to allow traffic to bypass the construction site during the underpass construction. The design details of this temporary haul road, including the safety during its operation and reinstatement on removal, are being reviewed by Council Engineers as part of the TMP application.

Analysis and Advice | Tatāritaka me kā Tohutohu

- 9 Council’s Temporary Use of Public Space for Construction Purposes Policy considers such applications. The Policy states:
 - a. that the QLDC has a statutory duty to ensure the safe and efficient operation of the road network and outlines the requirements to have a Licence to Occupy Road Reserve. The policy states that a licence is required for the use of a road, footpath or any other public space as a platform for offices, sheds, jumbo bins, mini skips and containers, any structure such as a hoarding or gantry and for any activity that will affect regular pedestrian and/or vehicle traffic flows; and
 - b. that the works require an approved Traffic Management Plan before any work commences; and
 - c. that the applicant is liable for any damages and/or reinstatement of Council’s or any other person’s property that may arise from the proposed activity (i.e. reinstatement of footpaths, road markings etc) and a bond may be taken for that purpose, and

- 10 Council's Engineers have been consulted regarding this underpass proposal and have confirmed support for the proposal, subject to the following:
- Submission of a TMP and CAR for the physical works and to ensure the temporary road will be safe during operation and reinstatement.
 - Planning & Development Engineers review and approve the underpass through an Engineering Acceptance application, to ensure the applicant is provided with appropriate conditions for the works to be undertaken safely and without permanent adverse effect on the road network.
 - Any and all reinstatement works are completed within 30 days of constructions completion and any damage identified by Council to be rectified by the licensee holder at licensee holder's expense.
- 11 Conditions have been proposed to ensure the safety of workers and the community when this work is undertaken and for the future. The corridor access request and traffic management plan process will ensure the proposed diversion is appropriate and safe. The applicant is also required to demonstrate for Council what efforts they are making to minimise the time for which the diversion is required.
- 12 The underpass is required by conditions of resource consent and the conditions on the LTO will ensure the work is undertaken appropriately and rapidly.
- 13 The underpass is considered the only practicable unobtrusive option for ensuring people can cross the road safely without disrupting traffic.
- 14 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 15 Option 1 The Board **grants** the Licence to Occupy Road Reserve application subject to the conditions proposed above.

Advantages:

- The applicant can proceed with fulfilling the requirements approved under their Resource Consent (RM070044).
- Provides a safe and effective system to aid future Lot 10 & 11 Golf Course users access across a main carriageway.

Disadvantages:

- The road reserve will be encumbered with private infrastructure.

- 16 Option 2 The Board **declines** the Licence to Occupy Road Reserve application.

Advantages:

- The road reserve will not be encumbered with private infrastructure.

Disadvantages:

- The applicant will need to use an alternate measure to complete the crossing access from their Lots 10 & 11.

17 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 without permanently adversely affecting, the road reserve and providing a safe crossing in accordance with resource consent conditions.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

- 18 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.
- 19 There are no persons, other than the applicants, identified who are adversely affected by or would be significantly interested in this matter.
- 20 Council engineers have been consulted about this application and their comments are contained within this report.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

- 21 This matter relates to the Community & Wellbeing risk category. It is associated with RISK10021 Ineffective operations and maintenance of property or infrastructure assets within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
- 22 The approval of the recommended option will support the Council by allowing implementation of additional controls to manage the risk. This shall be achieved by the conditions imposed by the Licence to Occupy.

Financial Implications | Kā Riteka ā-Pūtea

- 23 The Applicant has paid a fee for the application to be processed which includes the preparation of the licence document, if successful.
- 24 Should legal review of the licence be required, Council's legal costs will be recovered from the applicant.
- 25 In the event costs arise for Council from any legal requirement of this Licence, they will be fully recovered from the applicant.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

- 26 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’ as outlined in the Plan.

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

28 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-Kiaka

29 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 this report’s recommendation will promote community well-being by providing a safe crossing point for users of the Golf Course. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

30 The recommended option:

- Is consistent with the Council's plans and policies; and
- 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 enabling the owners of Lot 10 & 11 DP 568480 to construct a safe crossing point for future golf course users across a main carriageway; and
- Would not significantly alter 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 | Kā Tāpirihaka

A	Location Plans
B	Applicant’s letter of application