

**Wanaka Community Board  
16 February 2017**

**Report for Agenda Item: 3**

**Department: Property & Infrastructure**

**Title: Licence to Occupy Road Reserve – 42 to 50 Brownston Street, Wanaka**

**Purpose**

The purpose of this report is to consider a licence to occupy road reserve application from the N & B Teat Family Trust for the placement of 3 stone walls and landscaping in conjunction with the proposed commercial development of 42 to 50 Brownston Street, Wanaka.

**Recommendation**

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Approve** the licence to occupy Brownston Street Road road reserve for the placement of 3 stone walls and landscaping in conjunction with the proposed commercial development of 42 to 50 Brownston Street, Wanaka 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. The existing barrier by Bullock Creek is not to be removed or replaced until building consent has been granted.
  - d. 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.
  - e. The structures must not compromise roading or services maintenance activities.
  - f. Ongoing maintenance of the structures is to be the responsibility of the Licensee along with any damage that may occur to the road reserve as a result of the structures.
  - g. The applicant consents to the Licence being encumbered against Lot 1 DP 12117 to ensure the recommended terms and conditions continue in perpetuity for all future owners of the property.

- h. All services including phone, power and gas within the road reserve and any water, sewer and storm water services must be identified and catered for and no compromise shall be made to Council Infrastructure or access to same. No building over the Council services shall be undertaken without approval from the Manager of RM Engineering at QLDC.
- i. The licence shall remain at Council's pleasure.

Prepared by:



Blake Hoger  
Property Advisor

12/01/2017

Reviewed and Authorised by:



David Wallace  
Manager – Resource  
Management Engineering  
23/01/2017

## Background

- 1 The applicant, N & B Teat Family Trust, intends to develop 42, 46-50 Brownston Street, Wanaka for commercial purposes including medical care and retail space and is in the process of seeking resource consent.
- 2 The development site, legally known as Section 6 BLK XXV Wanaka and Lot 1 DP 12117, is privately owned and is currently occupied by a residential 4 bedroom dwelling in the south east corner with the remaining land being used as a park, open for public use.
- 3 Bullock Creek runs through the property and is proposed to be featured in the redevelopment of the site. Council has erected a wooden fence in the adjacent road reserve to prevent the fall risk for pedestrians into the waterway.
- 4 It is the applicant's desire to use a 1.3m strip of road reserve along Brownston Street for landscaping improvements to compliment their development including 3 stone walls, some plantings and grass as shown in Attachment B. The strip would otherwise be gravelled and effectively add to the width of the existing footpath which is approximately 1.5m wide. The existing street lights in the reserve will remain.
- 5 It is proposed that the strip of road reserve shall be cleared of the existing landscaping, including the Council installed fence, and then levelled and resurfaced prior to the improvements listed above being undertaking.

## Comment

- 6 The proposed improvements are minor in nature and would not detract from the road reserve.

- 7 Council's Roading Engineers have been consulted on the proposal with their main consideration being a further stone wall which is intended to replace the existing timber fence. While this fourth wall will not be located within the road reserve and, as such, is not subject to this application, the existing fence, which is within the road reserve, is proposed to be removed. Council's Engineers wish to ensure the replacement wall is constructed in accordance with relevant building standards and have requested appropriate conditions be provided within any approved Licence to Occupy to ensure this is the case before the fence is removed.
- 8 Further discussions with Council's Engineers have assisted in formulating the following recommended conditions for approval:
  - 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. The existing barrier by Bullock Creek is not to be removed or replaced until building consent has been granted.
  - d. 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.
  - e. The structures must not compromise roading or services maintenance activities.
  - f. Ongoing maintenance of the structures is to be the responsibility of the Licensee along with any damage that may occur to the road reserve as a result of the structures.
  - g. The applicant consents to the Licence being encumbered against Lot 1 DP 12117 to ensure the recommended terms and conditions continue in perpetuity for all future owners of the property.
  - h. All services including phone, power and gas within the road reserve and any water, sewer and storm water services must be identified and catered for and no compromise shall be made to Council Infrastructure or access to same. No building over the Council services shall be undertaken without Approval from the Manager of RM Engineering at QLDC.
  - i. The licence shall remain at Council's pleasure.
- 9 The improvements will be permanent in nature and as such it is proposed that the licence be encumbered against the applicant's title to ensure the terms of the licence, including ongoing maintenance responsibility, continue in perpetuity.

## Options

10 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.

11 Option 1 The Wanaka Community Board can approve the Licence to Occupy Road Reserve application subject to the conditions proposed above.

### *Advantages:*

12 The applicant will be able to continue with the resource consent application for this commercial development.

13 Pedestrian safety around the creek from the road reserve will be preserved, if not enhanced.

14 An area of road reserve will be improved aesthetically for public benefit.

### *Disadvantages:*

15 The road reserve will become encumbered by a licence to occupy.

16 Option 2 The Wanaka Community Board can approve the Licence to Occupy Road Reserve application subject to conditions alternative to those proposed above.

### *Advantages:*

17 Similar to Option 1 however the Board may wish to add, amend or remove certain conditions.

### *Disadvantages:*

18 Similar to Option 1.

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

### *Advantages:*

20 The strip of road reserve will remain unencumbered.

### *Disadvantages:*

21 The applicant will need to reconsider the development plans.

22 This report recommends Option 1 for addressing the matter as there is no detriment to Council or the public in improving the reserve while safety around the creek can be enhanced.

## **Significance and Engagement**

- 23 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**

- 24 This matter relates to the strategic risk SR3 Management Practice - 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.
- 25 This matter is 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.
- 26 This matter is 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 the Wanaka Community Board for a private activity.
- 27 The recommended option treats the risks by ensuring conditions are included in any licence which address the risks.

## **Financial Implications**

- 28 There are no cost implications resulting from the decision. The applicant has paid a fee for this application to be processed and the cost of the licence document will be met by the applicant also.
- 29 Proposed Condition G allows for the Council to charge a fee for the occupation should a policy be developed which provides for such a charge.

## **Council Policies, Strategies and Bylaws**

- 30 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 Wanaka Community Board and is considered part of the Council's 'Regulatory Services' outlined in the Plan.

- 31 The recommended option is consistent with the principles set out in the named policies.
- 32 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**

33 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 improving an area of road reserve and enhancing safety 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**

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

### **Attachments**

- A Site Plan
- B LTO Proposal



Attachment A: Site Plan



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED

ROAD RESERVE AT  
42, 46 - 50 BROWNSTON STREET, WANAKA

---

LICENCE TO  
OCCUPY ROAD RESERVE





ROAD RESERVE:  
42, 46 - 50 BROWNSTON STREET, WANAKA

#### LOCATION MAP

##### KEY:

-  APPLICANT PROPERTY
-  BULLOCK CREEK
-  COUNCIL ROAD RESERVE

##### CURRENT STATUS OF ROAD RESERVE:

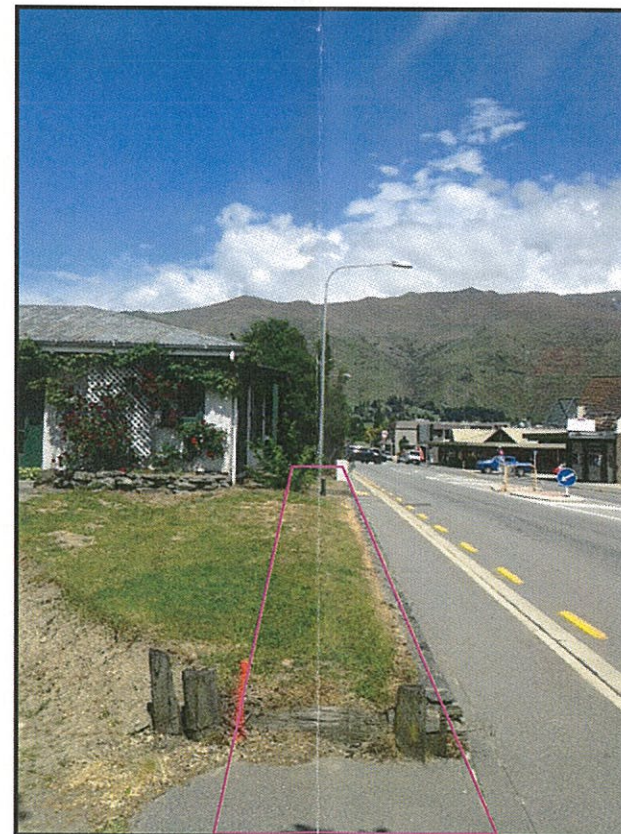
- THE APPLICANT HISTORICALLY/CURRENTLY OCCUPIES THE LAND RESERVE.

##### SIGNIFICANT FEATURES WITH IN ROAD RESERVE:

- AN OLD WOODEN FENCE STANDS ON THE VERGE OF THE PAVEMENT, ORIGINALLY ERECTED BY THE COUNCIL TO STOP THE FALL HAZARD INTO BULLOCK CREEK.
- A STONE WALL STANDS ON THE VERGE OF THE PAVEMENT AS A MEANS TO RETAIN LAND THAT WAS EXCAVATED DURING THE WIDENING OF BROWNSTON STREET.
- 2 STREET LIGHTS



BROWNSTON STREET BOUNDARY,  
SOUTH WEST VIEW

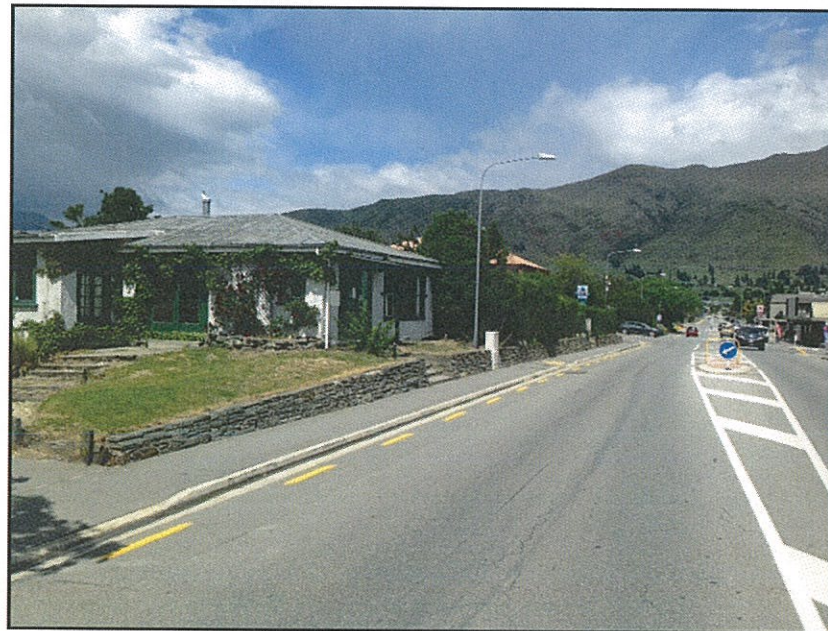


BROWNSTON STREET BOUNDARY,  
SOUTH WEST VIEW

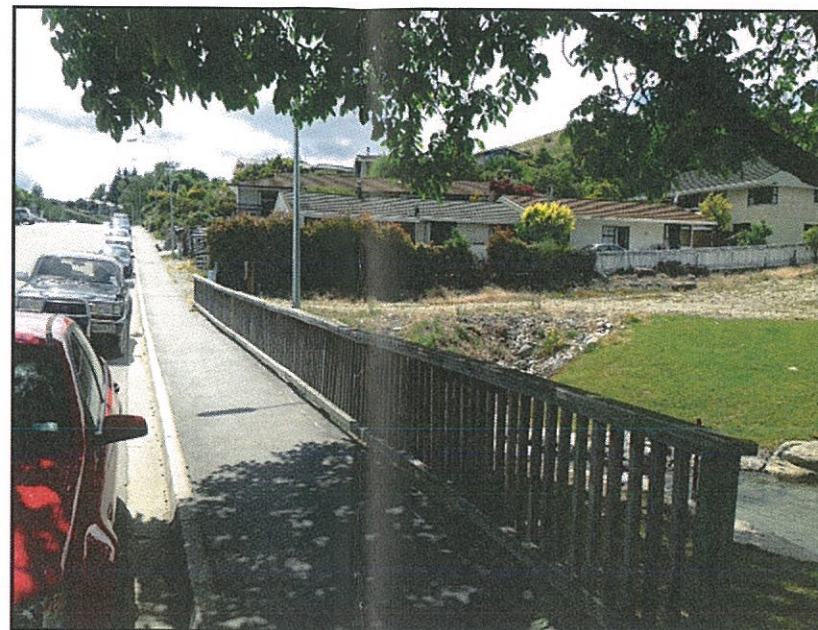


BROWNSTON STREET BOUNDARY,  
NORTH EAST VIEW





BROWNSTON STREET BOUNDARY,  
SOUTH WEST VIEW



BROWNSTON STREET BOUNDARY,  
NORTH EAST VIEW

#### PROPOSAL:

- REMOVE EXISTING STONE WORK AND SOIL
- REMOVE EXISTING WOODEN FENCE
- LEVEL AND RESURFACE LAND
- CONSTRUCT WALLS AND PLANT AS INDICATED ON PLANS



#### LAND DEVELOPMENT PLAN

- COMMERCIAL DEVELOPMENT INCLUDING HOSPITALITY/RETAIL ENVIRONMENT
- STATUS: CURRENTLY IN RESOURCE CONSENT STAGE

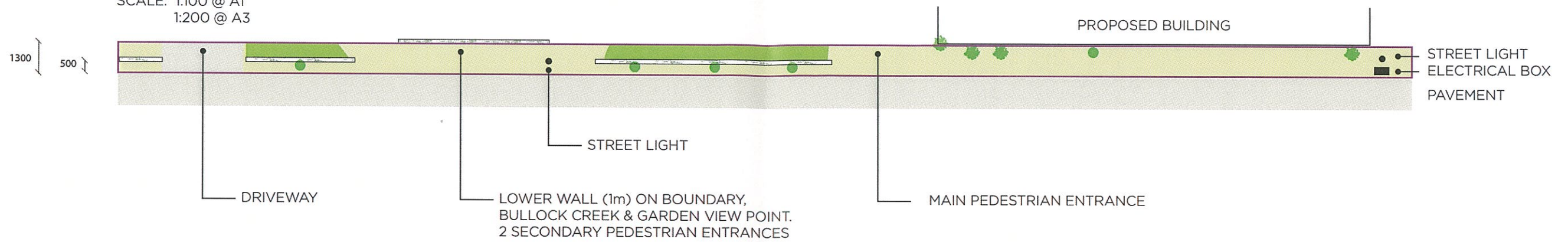
#### KEY:

- COUNCIL ROAD RESERVE
- BROWNSTON STREET PAVEMENT



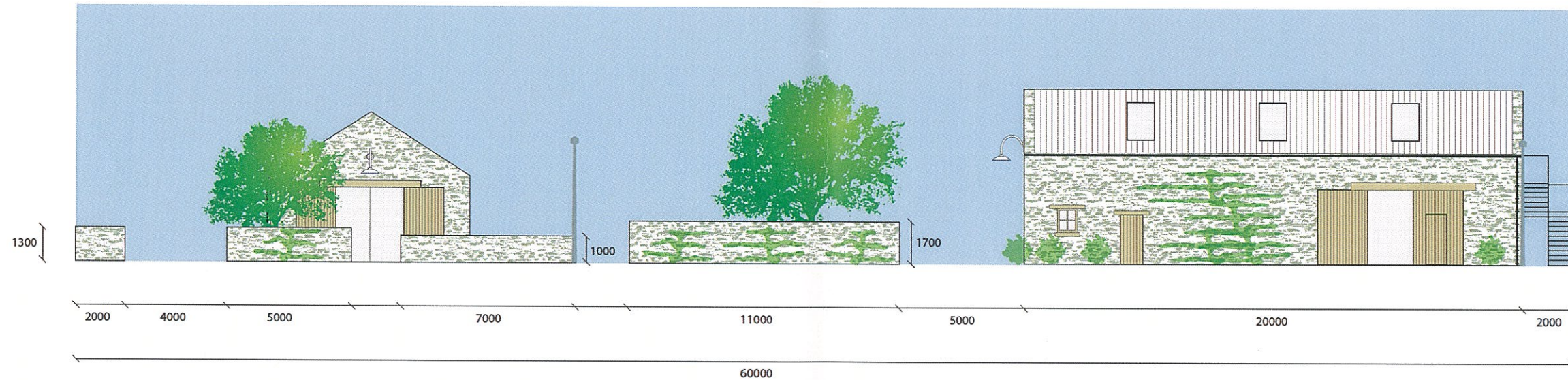
## PLAN VIEW, ROAD RESERVE SETBACK

SCALE: 1:100 @ A1  
1:200 @ A3



## BROWNSTON STREET ELEVATION

SCALE: 1:100 @ A1  
1:200 @ A3



ROAD RESERVE: 1300mm SETBACK, PAVEMENT TO PROPERTY BOUNDARY

SETBACK: 500mm PAVEMENT TO WALL

MATERIAL: PLANTED WITH CRUSHED GRAVEL

WALLS: WIDTH: 200MM  
HEIGHT: RANGING FROM 1000mm - 1700mm

MATERIAL: STONE AND PLASTER

GATES CLOSE OFF ENTRANCES: 11:30PM - 7AM

### KEY:

- GRASS
- WALL
- ESPALIERED THORNLESS ROSES AND TRACHELOSPERMUM
- CRUSHED GRAVEL
- PAVEMENT AND DRIVEWAY
- ROADSIDE RESERVE