

**Wanaka Community Board
15 November 2018**

Report for Agenda Item: 2

Department: Property & Infrastructure

Title: Licence to Occupy Road Reserve – 28 Helwick Street, Wanaka

Purpose

The purpose of this report is to consider granting a Licence to Occupy Road Reserve to Gem Lake Limited, owners of 28 Helwick Street, for temporary construction purposes.

Recommendation

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Grant** a licence to occupy Helwick Street road reserve to enable Gem Lake Limited owners of 28 Helwick Street to undertake construction works subject to the following conditions;
 - a. Building/Resource Consent to be obtained prior to works commencing if required.
 - b. Approval of a Traffic Management Plan (TMP) by Council Engineers before work commences.
 - c. All activities are to be undertaken in accordance with Worksafe New Zealand standards for the work environment.
 - d. The scaffold/gantry structure is to be designed by a Chartered Professional Engineer. A Producer Statement (PS1) is to be provided by the Engineer with works not to proceed until QLDC's Engineers are satisfied with the design. A Producer Statement (PS4) is then to be provided to QLDC within 7 days of the structure being erected.
 - e. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the subject site.
 - f. The pavers and surrounding infrastructure are to be correctly protected and reinstated to the satisfaction of QLDC Engineers.
 - g. The applicant to be liable for any damage 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 marks etc). This will need to be evidenced by before and after photographs / video or similar

- h. The applicant to be liable for any damage 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 marks etc). This will need to be evidenced by before and after photographs / video or similar.
- i. The licence area to be publicly available during the following times of the year in accordance with the Temporary Use of Public Space for Construction Purposes policy;
 - i. 24 December – 6 January
 - ii. Easter Break and week following
 - iii. July School Holidays
 - iv. Labour Weekend

Prepared by:



Blake Hoger
APL Property

4/10/2018

Reviewed and Authorised by:



David Wallace
Manager of Resource
Management Engineering
QLDC

25/10/2018

Background

- 1 Gem Lake Limited (herein referred to as the applicants) is the owner of 28 Helwick Street, Wanaka, legally described as Pt Sec 17 Blk XII Wanaka TN.
- 2 The applicants intend to develop the property and construct 2 new commercial buildings to be known as NoLa and SoLa. A non-complying Resource Consent has been granted (RM 180374).
- 3 A licence to occupy the adjacent footpath for hoardings/gantry has been sought to enable the construction to be undertaken while providing protection for passing pedestrians.
- 4 A detailed site plan has been provided and is attached to this report.

Comment

- 5 In order to allow pedestrians to pass the construction site along Helwick Street while ensuring their protection from construction hazards, it is proposed that a gantry walkway be established on the existing footpath to the kerb edge.
- 6 The gantry will be 2.4m wide and run the width of the site i.e. 17.5m. A minimum head clearance of 2.4m will be maintained.
- 7 A section of footpath closest to the property boundary 0.7m in depth will be enclosed by hoarding for the width of the site. This is due to the existing paved footpath being in an uneven state which presents a tripping hazard.
- 8 At completion of the building envelope construction, an expected period of 12 months, the gantry and hoarding will be removed and the paving made good.
- 9 Site deliveries and access for the duration of the construction will be made via the neighbouring property at 38-46 Helwick Street.
- 10 Council's Temporary Use of Public Space for Construction Purposes Policy considers such applications:
 - a. The Policy states that the Queenstown Lakes District Council 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.
 - b. The Policy states that the works require an approved Traffic Management Plan before any work commences.
 - c. The Policy states 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.
 - d. The Policy states that no work shall be carried out on an arterial road and the developer must make good any work in progress during certain times of the year such as Christmas and Easter holidays. Helwick Street is deemed to be an arterial road.
- 11 Council's Engineers have been consulted who have assisted in formulating the recommended conditions for approval.

Options

- 12 Option 1 Wanaka Community Board can grant the Licence to Occupy Road Reserve application subject to the conditions proposed above.

Advantages:

- 13 The construction works can proceed as planned, in a timely manner, while protecting the public from associated hazards on site.

Disadvantages:

- 14 Any occupation of public space for construction purposes could be considered a disruption and an interference to free public access and use of public space.
- 15 Option 2 Wanaka Community Board can decline the Licence to Occupy Road Reserve application.

Advantages:

- 16 There will be no disruption to public access of the road reserve.

Disadvantages:

- 17 The applicant may need to consider alternative means to undertake the proposed works which may lead to delays and additional expense for the applicant.
- 18 This report recommends **Option 1** for addressing the matter as the applicant will be able to proceed with their construction works in a safe manner under terms and conditions deemed appropriate by the Roading Engineers.

Significance and Engagement

- 19 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

- 20 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 whether or not to grant a licence to occupy is considered.
- 21 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.
- 22 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 the Wanaka Community Board for a private activity.

23 The recommended option treats the risks by ensuring conditions of approval are established and included within the licence.

Financial Implications

24 The applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.

25 Should legal review of the licence be required, Council's legal costs will be recovered from the applicant.

26 Council's legal costs to have the Licence encumbered upon the applicant's title will be recovered from the applicant.

Council Policies, Strategies and Bylaws

27 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* – the consideration to grant or otherwise a Licence to Occupy is considered part of the Council's 'Regulatory Services' outlined in the Plan.
- *Temporary Use of Public Space for Construction Purposes Policy (Adopted 2003)* – the policy addresses use of public space for temporary construction purposes.

28 The recommended option is consistent with the principles set out in the named policies.

29 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

30 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 construction works to occur in a safe manner with no cost to the community; and
- 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.

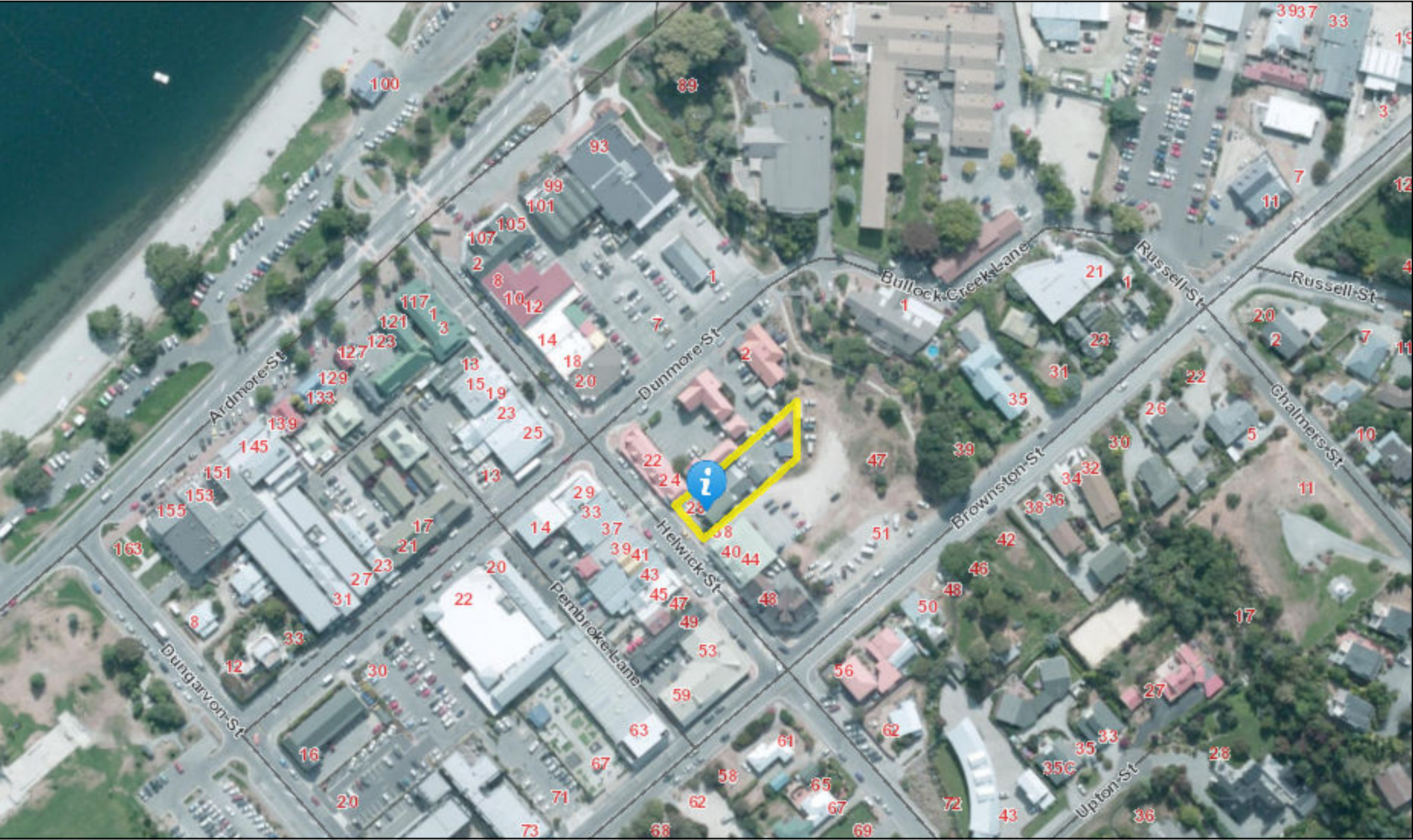
Consultation: Community Views and Preferences

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

Attachments

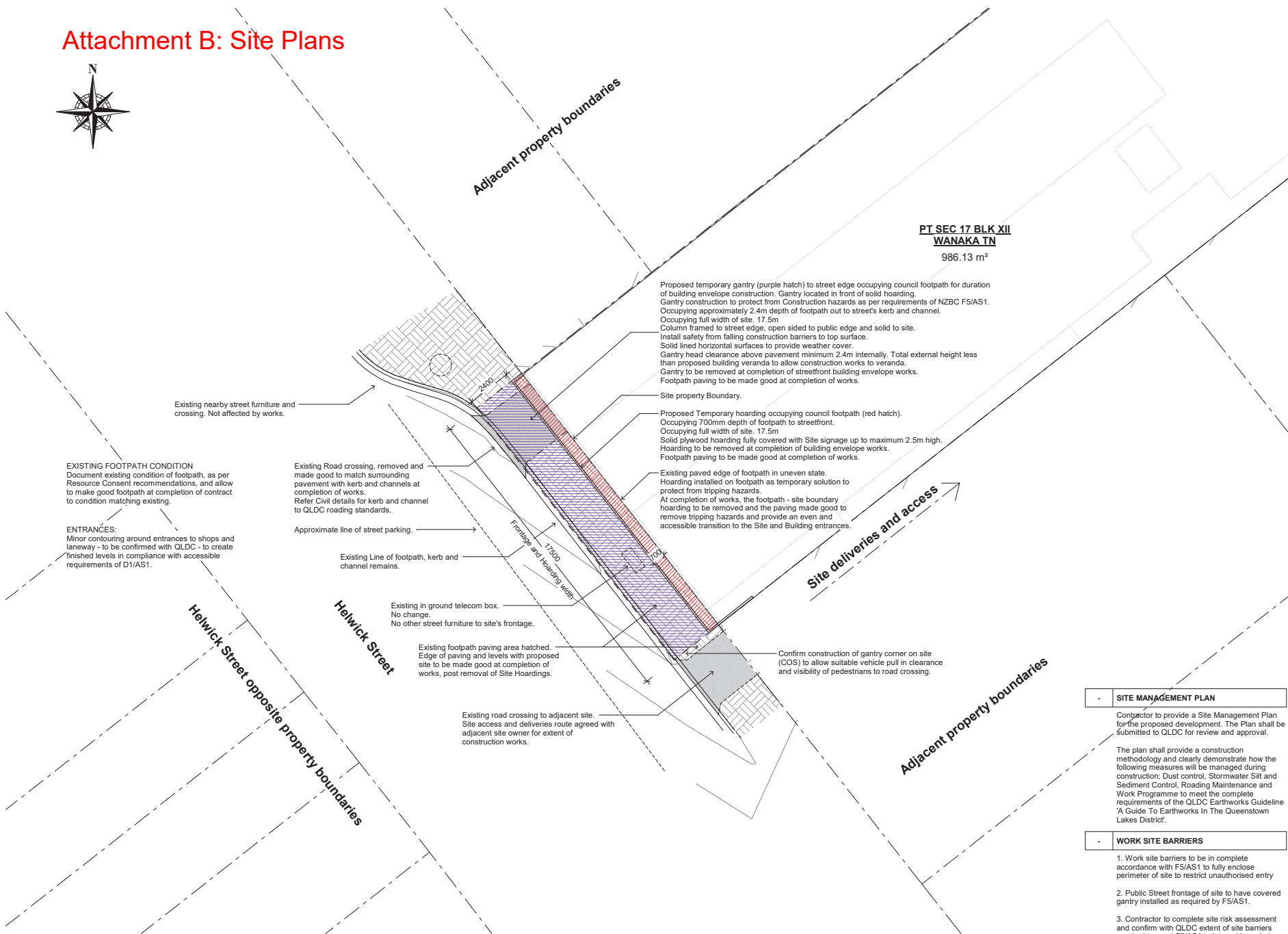
- A Locality Plan
- B Site Plans

Attachment A: Locality 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

Attachment B: Site Plans



GENERAL NOTES:

1. Do not scale off the drawings, use figured dimensions only.
2. Any discrepancies in the drawings shall be referred to the Architect for confirmation before proceeding work.
3. Scheduled quantity measures are indicative only. Assembly Architects take no responsibility for the accuracy of these measures.
4. All Carpentry work to comply generally with Site specific NZS3604 Zones. Refer Site Plan drawing.

- SITE INFORMATION

SITE ADDRESS: 28 Helwick Street, Wanaka 9305
LEGAL DESCRIPTION:
PT SEC 17 BLK XII WANAKA TN
AREA: 986m²
VALUATION #: 2905307101
PLANNING ZONE: Wanaka Town Centre
SITE ACCESS: Helwick Street

- BUILDING USE

CLASSIFIED USE: Commercial (Mixed Use)
RISK GROUP:
CA - Public access and educational facilities
WB - Business, commercial and low level storage
IMPORTANCE LEVEL: 2

The proposed buildings are presented as a mixed use commercial development, containing an overall mix of retail, commercial office spaces and potentially Hospitality trade.
Refer to RC20.00 for titles of internal building spaces.

- SURVEY NOTE

The proposed site plan is based upon survey information provided by PATTERSON PITTS GROUP. Drawing name 'Site Survey Part Section 17 Blk XII TN of Wanaka', Job No. W4576, Plan No. 1, Dated 27/01/15.

1. Contours shown at 0.2m intervals.
2. All items to be confirmed on site prior to construction.
3. Invert Levels (I.L.) based on PP survey information

- PLANNING NOTE

A Resource Consent approval has been granted for the proposed project.

Refer to separate Resource Consent documentation as per RM 180374.
Refer to resource consent documentation for all requirements and conditions of consent.

Resource Consent applications completed by Southern Planning Ltd.

- GEOTECHNICAL ENGINEER

Project Geotechnical Engineer: Geosolve Ltd

The proposed earthworks shall be undertaken in accordance with the requirements of the Geotechnical report. Refer to the report for all temporary works and excavation requirements.

Geotechnical Report prepared by GeoSolve Ltd. Reference No: 170568, dated September 2017.

- EARTHWORKS NOTE

The existing site is relatively level to boundaries, raising to max height at centre.

Entire site scope of earthworks requires cut excavations to match Helwick Street pedestrian levels to create level and accessible site platform for construction and completed building. Entire site allowed to be exposed to earthworks.

Refer to Approved Resource Consent RM 180374 for approved earthworks drawings, excavations and extent of all temporary and/or permanent retaining works to boundary. Excavation Works to be completed in accordance with conditions set out in the approved resource consent.

Cut batters to be as per geotechnical report. 1V : 2H
Design of any excavation which exceeds the geotechnical reports max cut batter of 1V:2H to be retained.
Design of retaining structures, temporary or permanent, and excavation procedure by others.

- SITE MANAGEMENT PLAN

Contractor to provide a Site Management Plan for the proposed development. The Plan shall be submitted to QLDC for review and approval.

The plan shall provide a construction methodology and clearly demonstrate how the following measures will be managed during construction; Dust control, Stormwater Silt and Sediment Control, Roading Maintenance and Work Programme to meet the complete requirements of the QLDC Earthworks Guideline 'A Guide To Earthworks In The Queenstown Lakes District'.

- WORK SITE BARRIERS

1. Work site barriers to be in complete accordance with F5/AS1 to fully enclose perimeter of site to restrict unauthorised entry
2. Public Street frontage of site to have covered gantry installed as required by F5/AS1.
3. Contractor to complete site risk assessment and confirm with QLDC extent of site barriers required to meet F5/AS1 to internal boundaries.
4. Include any additional work site safety barrier items to requirements of F5/AS1, such as toeboards and safety barrier, and in general accordance with recommendations of Site Safe.

1 Plan - Site - Temporary Streetfront Works
1 : 100 @ A1