

Wānaka-Upper Clutha Community Board

12 February 2026

Report for Agenda Item | Rīpoata moto e Rāraki take [1]

Department: Planning & Development

Title | Taitara: Licence to Occupy 31 Manuka Crescent, Wānaka (LO250046)

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider an application for a Licence to Occupy road reserve at 31 Manuka Crescent, Wānaka. The licence is proposed to enable the applicant, to construct a permanent vehicle ramp and associated retaining infrastructure to access a carport.

Recommendation | Kā Tūtohuka

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report and in particular;
2. **Decline** a Licence to Occupy Manuka Crescent road reserve to enable the applicant to construct a permanent vehicle ramp and associated retaining infrastructure at 31 Manuka Crescent, Wānaka, intended to provide access to a carport; and
3. **Authorise** this report and resolution to be made available to the public as part of the next CE's report to Council.

Prepared by:



Name: Kim Anderson

Title: LTO & TRC
Administrator
22 December 2025

Reviewed by:



Name: Craig Hughes

Title: Team Leader - Acceptance,
Development Engineering
14 January 2026

Approved by:



Name: Dave Wallace

Title: General Manager -
Planning and Development
21 January 2026

Context | Horopaki

1. Karen & Richard Justice (herein referred to as the “the Applicant”) have applied for a Licence to Occupy (LTO) a Manuka Crescent road reserve.
2. The purpose of this application is to enable the Applicant to construct a vehicle ramp and associated retaining infrastructure that will encroach onto the road reserve. The ramp is intended to provide access to a proposed carport on the property.
3. The Applicant has emphasised a low-impact design to maintain the character of the surrounding streetscape and avoid heavy earthworks.
4. Under Proposed District Plan Rule 7.5.8, a minimum setback of 4.5 metres from the road boundary is required. The proposed plan does not comply with this standard and therefore requires a resource consent.
5. The Applicant has not lodged a resource consent for the proposed construction at 31 Manuka Crescent, Wānaka, as the plans provided were contingent on the outcome of the LTO application.
6. The Applicant stated a preference to retain flat land on the property for outdoor activities, which influenced the proposed ramp design.
7. The Applicant stated that the encroachment is necessary due to the site’s topography and the steep drop from the road level.
8. The proposed ramp is designed to occupy an area measuring 6.6 metres by 7 metres within the designated road reserve. The associated retaining structures will extend approximately 3.5 metres into the Manuka Crescent road reserve.
9. The proposed occupation, as indicated on the plans, will not impede the existing formed road carriageway nor interfere with the adjacent footpath on the opposite side of Manuka Crescent.
10. The proposed application would be for an indefinite period, commencing subject to the issue of an LTO.

Analysis and Advice | Tatāritaka me kā Tohutohu

11. An LTO is not considered appropriate for this type of occupation. Council’s general position is to decline applications for permanent/irremovable structures within the road reserve; however, each proposal is assessed on its own merits.

12. Licences to Occupy road reserves are issued at Council's discretion. If Council were to revoke the licence in the future, the vehicle ramp and associated infrastructure could not be removed without significant inconvenience to the Applicant.
13. This proposed occupation does not comply with Council's Temporary Use of Public Space for Construction Purposes Policy, as the policy only permits short-term, reversible activities within the road reserve. In contrast, this application seeks permanent encroachment through a fixed structure that cannot be readily removed.
14. Council officers were consulted, and their analysis and advice are as follows:

Roading Operations and Contracts Manager

- Council should not support a permanent structure such as this within the road reserve. The Applicant should be forming a standard grade access.

Parks and Reserve Planner

- No comments from a parks planning perspective.

Monitoring, Enforcement and Environmental Officer

- No comments from Monitoring and Enforcement perspective.

Property and Infrastructure Planning Advisor

- Acknowledged the advice from the Roothing Operations and Contracts Manager and no further comments from a property perspective (as the affected land isn't freehold Queenstown Lakes District Council (QLDC) property.)

Three Waters Engineer

- Does not support the proposed occupation, as this location has a rider water main within the road reserve. Any future repairs or upgrades to Council's infrastructure would be very expensive.

15. Due to the above internal stakeholder feedback and discussions, it is recommended the Applicant amend the proposed development plans so that the vehicle ramp and associated retaining infrastructure is contained entirely within the boundaries of the property or a standard grade access is designed.
16. 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.

17. Option 1 The Wānaka-Upper Clutha Community Board (WUCCB) **grant** the LTO Road Reserve application subject to conditions

Advantages:

- Gives the Applicant their preferred access design, minimising earthworks and preserving flat land.
- May reduce immediate construction complexity and cost for the Applicant.

Disadvantages:

- Creates a permanent and difficult to remove structure within the road reserve, contrary to Council's policy and standard practice.
- Limits Council's ability to manage and maintain the road reserve in the future.
- May have impact on cost and complexity of future Council Three Waters infrastructure work due to the existence of a rider main in the area proposed for occupation.
- If the licence is revoked, removal of the structure would cause significant inconvenience and cost to the Applicant.
- Sets a precedent for similar applications, potentially increasing pressure for permanent encroachments into public land.

18. Option 2 WUCCB **decline** the LTO road reserve application

Advantages:

- Maintains the integrity of the road reserve and aligns with Council's Temporary Use of Public Space for Construction Purposes Policy.
- Avoids future liability and complications associated with permanent structures on public land.
- Ensures consistency with the Council's standard access design expectations.
- Preserves Council's ability to manage and maintain the roading network and Three Waters infrastructure without encumbrances.

Disadvantages:

- Requires the Applicant to redesign access, which may involve additional cost and loss of usable flat land on the property.

- May result in additional earthworks, which the Applicant sought to avoid for environmental and aesthetic reasons.

19. This report recommends **Option 2** for addressing the matter as deemed appropriate by Council officers. If Option 1 is decided upon the occupation will be subject to conditions - please refer to Attachment D.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

20. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024. As it relates to Council's roading network is identified as a strategic and significant asset. Any decision affecting its integrity or long-term management elevates the level of significance. While the application primarily impacts the applicant, granting an LTO for a permanent structure within the road reserve introduces difficult to reverse change and creates precedent for similar requests, which the policy considers when determining significance. The decision also carries operational implications for Council's ability to maintain and upgrade infrastructure efficiently.

21. There are no persons, other than the Applicant, identified who are adversely affected by or would be significantly interested in this matter.

22. Council officers have been consulted about this application, and their comments are contained within this report.

Māori Consultation | Iwi Rūnaka

23. The Council has not consulted Iwi as part of this application.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

24. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10029 Ineffective compliance management practices within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating. This matter relates to this risk because the proposed occupation does not comply with Council policies and granting could create precedent and compliance risk.

25. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10020 Ineffective communication within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating. This matter relates to this risk because clear communication with applicant and stakeholder is essential to avoid misunderstanding about Council's position and requirements.

26. This matter relates to the Strategic/Political/Reputation 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 very high residual risk rating. This matter relates to this risk because granting a permanent structure within the road reserve would compromise Council's ability to maintain roading and water infrastructure.
27. The approval of the recommended option will allow Council to retain the risks at their current level. This will be achieved by declining the LTO application, which ensures compliance with Council policies, prevents precedent-setting for permanent encroachments, and preserves Council's ability to manage and maintain roading and water infrastructure without obstruction. This approach mitigates regulatory, operational and reputational risks by maintaining the integrity of public assets and avoiding future liabilities associated with permanent structures in the road reserve.

Financial Implications | Kā Riteka ā-Pūtea

28. The Applicant has paid a fee for their application to be processed which includes the preparation of the licence document if successful.
29. Should a legal review of the licence be required, Council's legal costs will be recovered from the applicant.
30. Should Council's instead consider approval of the licence then legal costs to have the licence recorded against the applicant's title by a Covenant in Gross will be recovered from the Applicant if successful.

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

31. The following Council policies, strategies and bylaws were considered:
- **Significance and Engagement Policy 2024:** 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 an LTO is considered part of Council's 'Regulatory Services' outlined in the Long Term Plan.
 - **Asset Management Policy 2016 & Infrastructure Asset Management Strategy (2018-2048):** Emphasise maintaining Council's ability to manage and upgrade infrastructure, which permanent encroachments compromise.
 - **Temporary Use of Public Space for Construction Purposes Policy (Adopted 2003):** The policy addresses use of public space for temporary construction purposes.

- **Council’s Urban Verge Mowing Policy 2007:** Assumes most verges are grassed and places the civic responsibility of maintaining grassed verges on the adjacent property owner.
- **Draft Open Space Strategy 2021:** Guides protection and use of public spaces, reinforcing the need to keep road reserves free of permanent private structures.
- **Traffic and Parking Bylaw 2018:** Provides legal controls on structures or obstructions within road reserves.

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

33. This matter is not included in the Long Term Plan/Annual Plan as the cost of the licence, if required, will be met by the applicant.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

34. The decision on whether to grant or decline an LTO road reserve must comply with the following statutory and legal frameworks:

- **Local Government Act 2002:** Sections 76–78 require Council to follow proper decision-making processes, including consideration of reasonably practicable options and the views of affected persons. Section 10 sets out the purpose of local government: to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Declining this application aligns with these provisions by protecting public assets and ensuring cost-effective infrastructure management.
- **Proposed District Plan (Rule 7.5.8):** Requires a minimum setback of 4.5 metres from the road boundary. The proposed occupation does not comply and would require resource consent if pursued.
- **Traffic and Parking Bylaw 2018:** Provides legal controls on structures or obstructions within road reserves. Permanent encroachments such as ramps and retaining walls are inconsistent with the intent of this bylaw.
- **Temporary Use of Public Space for Construction Purposes Policy (2003):** Limits occupation of road reserves to short-term, reversible activities. The proposed permanent structure does not comply with this policy.
- **Asset Management Obligations:** Council has a statutory responsibility to maintain and upgrade roading infrastructure. Granting permanent occupation would compromise Council’s ability to meet these obligations.

35. Council has not sought legal advice for this specific application, as the recommendation to decline is consistent with Council's policies, bylaws, and statutory responsibilities.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

36. 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.

37. The recommended option of declining this application aligns with these requirements by protecting public assets, maintaining the integrity of the roading network, and ensuring cost-effective infrastructure management for current and future community needs. The recommended option:

- Is consistent with the Council's plans and policies; 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	Cover Letter
B	Plans - Updated
C	Site Photos
D	Conditions

Attachment A: Cover Letter

Karen and Richard Justice

[REDACTED]

[REDACTED]

New Zealand



[REDACTED]



[REDACTED]

31 August 2025

Infrastructure Services
Queenstown Lakes District Council
10 Gorge Road
Queenstown 9300
New Zealand

**Re: Application for Licence to Occupy Road Reserve – 31 Manuka Crescent,
Wanaka**

Dear Sir/Madam,

I am writing to apply for a Licence to Occupy the road reserve adjacent to our property at 31 Manuka Crescent, Wanaka. The purpose of this application is to seek approval for the construction and ongoing use of a vehicle ramp that would connect Manuka Crescent to the proposed carport on our property.

The ramp is a critical component of our access design given the steep drop from road level. It is not possible to construct a ramp onto the property via earthworks, as the grades required would result in the loss of most of the available flat land, which we would strongly prefer to keep in grass for outdoor activities. In addition, we want to construct a house that has a low impact on the existing landscape, which is not achieved with heavy earthworks solutions.

We have taken care via our local architects, Chaney & Norman, to ensure the proposed structure is not at odds with the character of the surrounding streetscape and does not impede pedestrian or vehicle movement along Manuka Crescent.

We understand the importance of protecting public assets and maintaining the integrity of the road reserve. As such, we are committed to meeting all conditions set out by the Council, including any requirements for reinstatement, indemnity, or ongoing maintenance.

Please find enclosed the necessary documentation to support our application, including site plans, engineering drawings, and other relevant details. Should

you require further information or clarification, I would be happy to provide it promptly.

Thank you for considering our request. We look forward to working collaboratively with the Council to ensure a smooth and compliant outcome.

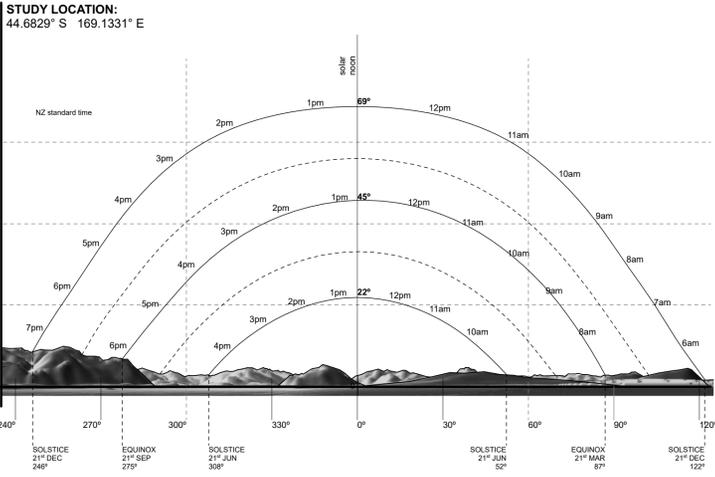
Yours faithfully,

Richard Justice

Attachments

SITE INFORMATION	
PROJECT ADDRESS:	31 Manuka Crescent, Wanaka
LEGAL DESCRIPTION:	Lot: 16 DP: 10220
CERTIFICATE OF TITLE:	OT7B/1100
SITE AREA:	809m ² more or less
TERRITORIAL AUTHORITY:	QLDC
DISTRICT PLAN ZONE:	Lower Density Suburban Residential
ELEVATION ABOVE SEA:	315m
WIND ZONE:	Very High
EARTHQUAKE ZONE:	3
SNOW LOADING:	Region NS AS/NZS 1170, Zone 5 NZS 3604
CORROSION ZONE:	Zone 3
CLIMATE ZONE:	Zone 6
RAINFALL INTENSITY:	24 mm/hr 1hr AEP 10% (NIWA HIRDS)

PROJECT INFORMATION	
PROJECT NAME:	Manuka House
CLIENT:	Karen & Richard Justice
SITE AREA:	809m ²
PROJECT AREAS	
LOWER FLOOR AREA:	64.8 m ²
GROUND FLOOR AREA:	78.4 m ²
WORKSHOP FLOOR AREA:	38.3 m ²
GROSS FLOOR AREA:	181.5 m ²
BUILDING COVERAGE:	279.5 m ²
SITE COVERAGE (70% max):	34.5 %



COPYRIGHT: Copyright in all drawings, specifications and other documents and in the work executed from them remains the property of Chaney & Norman Architects Ltd.
© Chaney & Norman Architects Limited 2025.
DIMENSIONS: All dimensions to be checked on site.

CONCEPT - OPTION 2

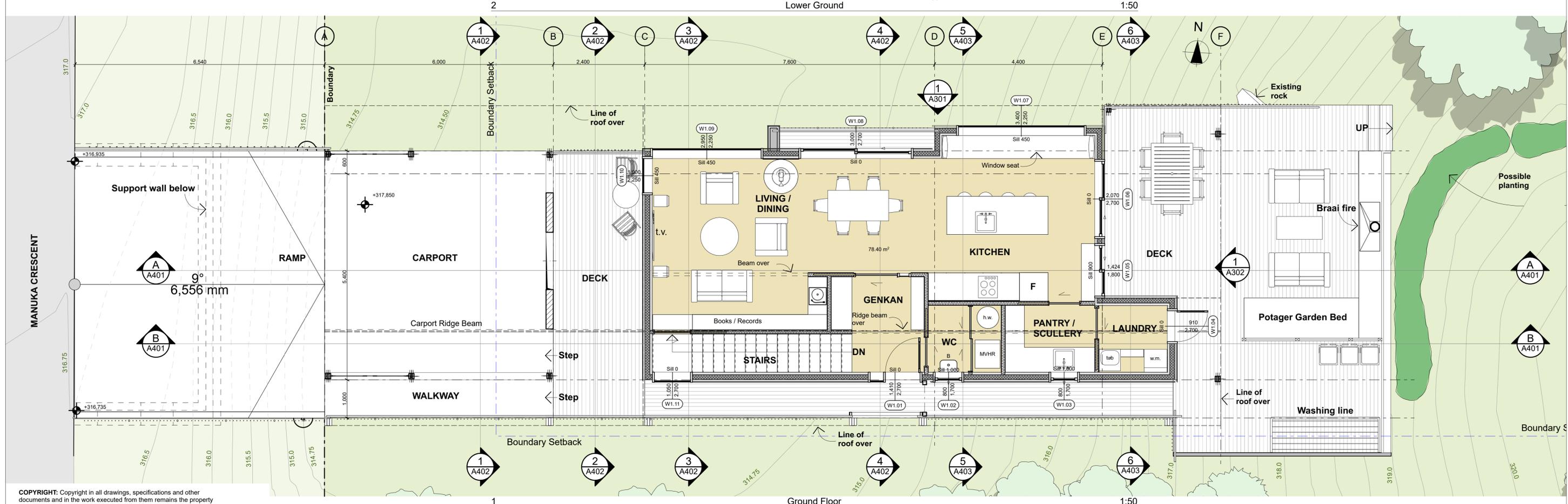
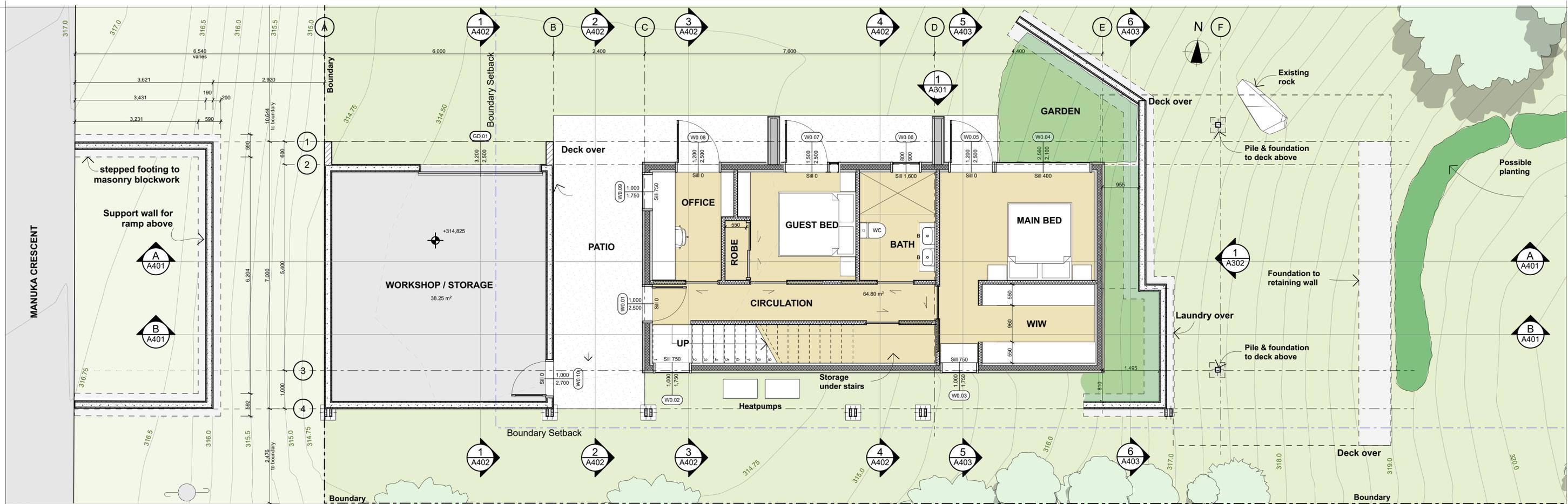


Karen & Richard

Justice House
31 Manuka Crescent, Wanaka

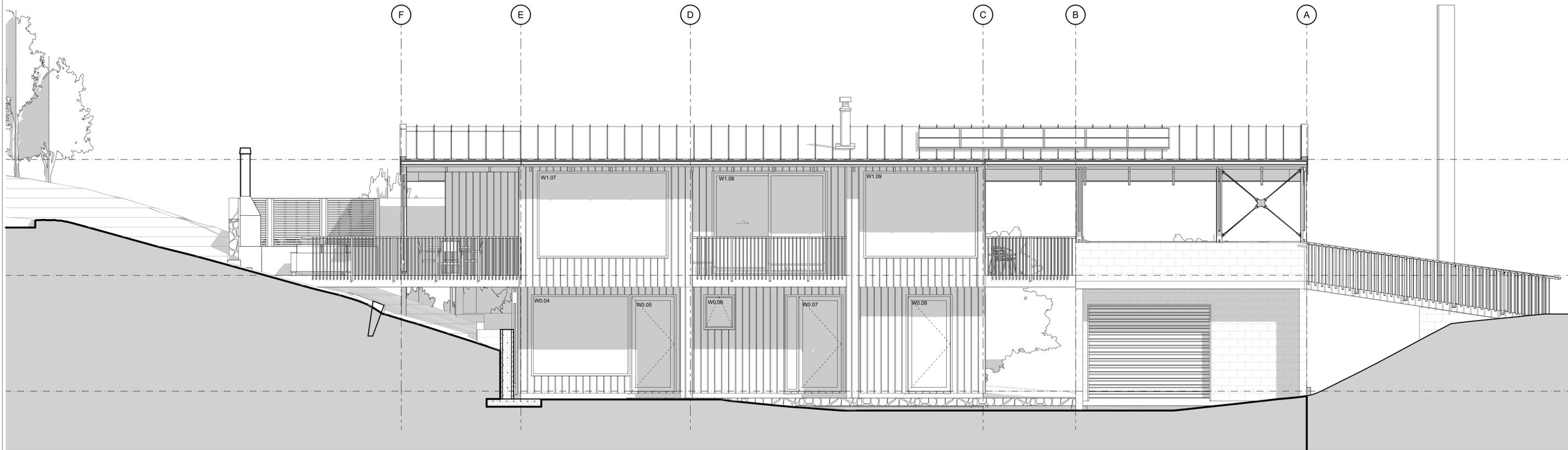
Site Plan

JOB No.	24-163
SCALE:	1:100 @ A3
REV:	Preliminary Design
DATE:	28/11/2025



COPYRIGHT: Copyright in all drawings, specifications and other documents and in the work executed from them remains the property of Chaney & Norman Architects Ltd.
 © Chaney & Norman Architects Limited 2025.
 DIMENSIONS: All dimensions to be checked on site.

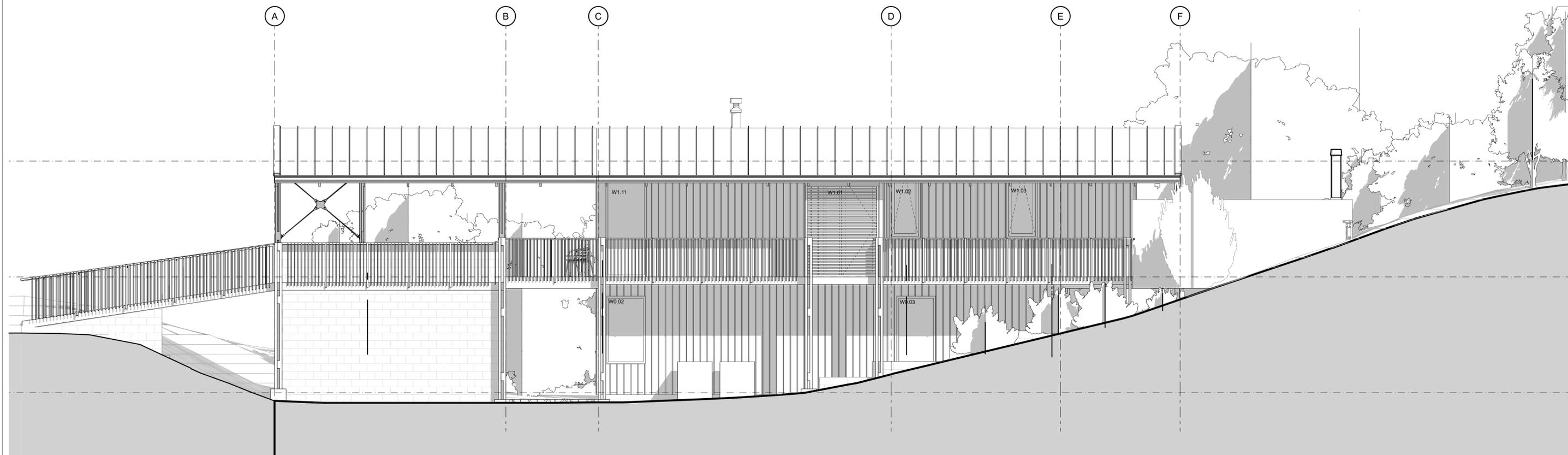
CONCEPT - OPTION 2



North Elevation

1:50

1



South Elevation

1:50

2

COPYRIGHT: Copyright in all drawings, specifications and other documents and in the work executed from them remains the property of Chaney & Norman Architects Ltd.
© Chaney & Norman Architects Limited 2025.
DIMENSIONS: All dimensions to be checked on site.

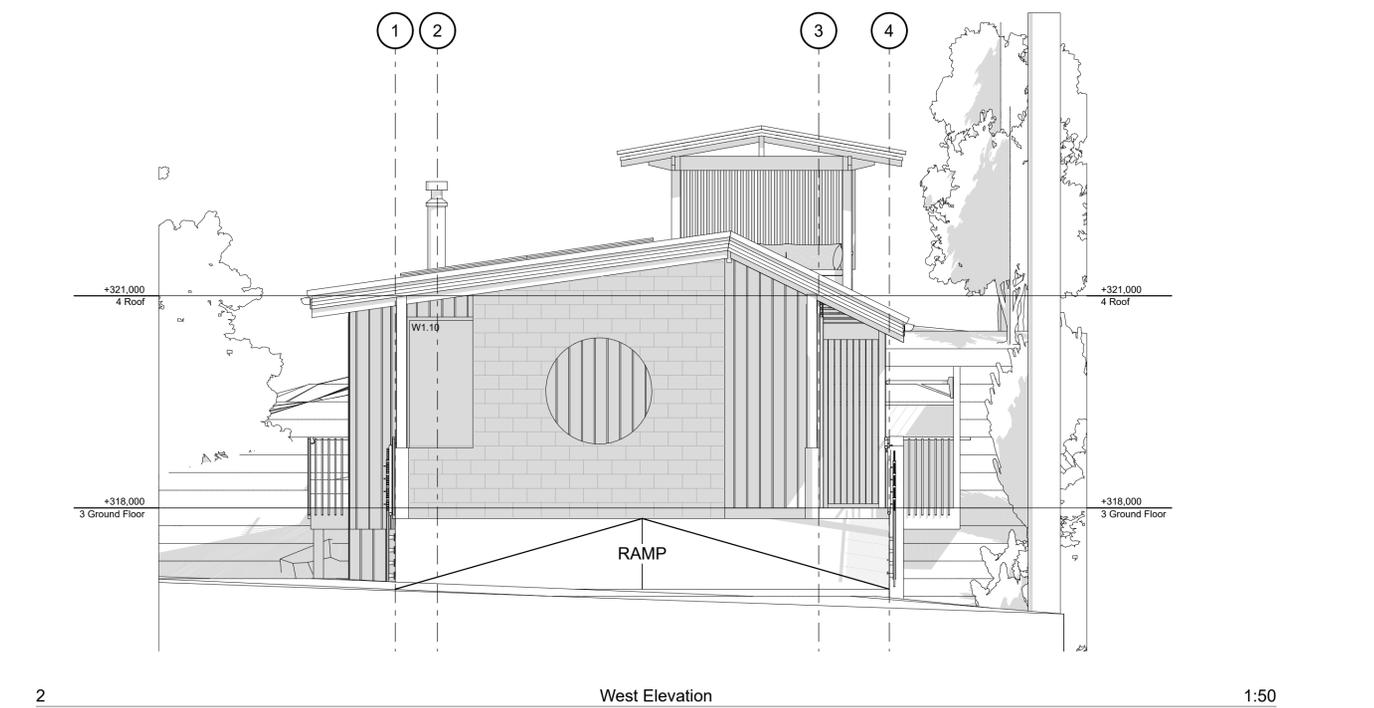
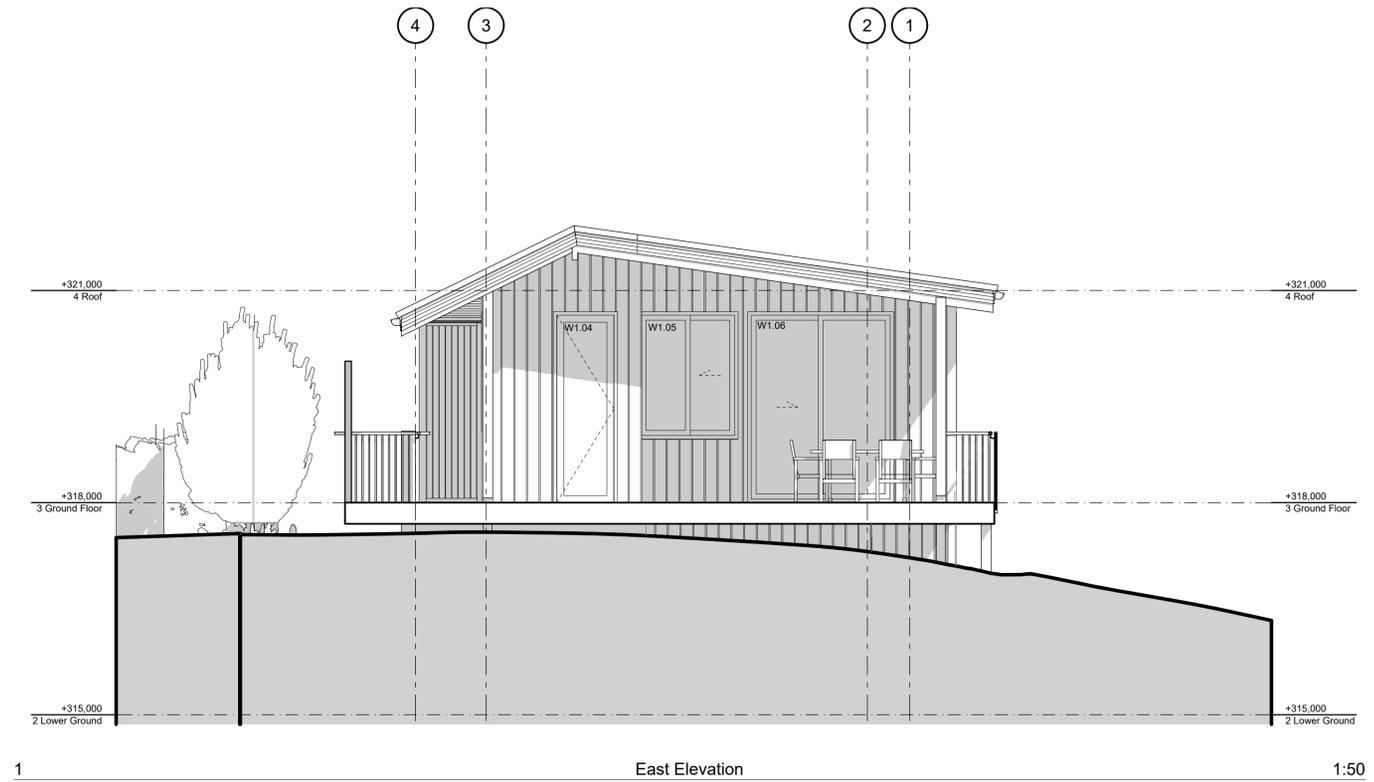
0

5

10

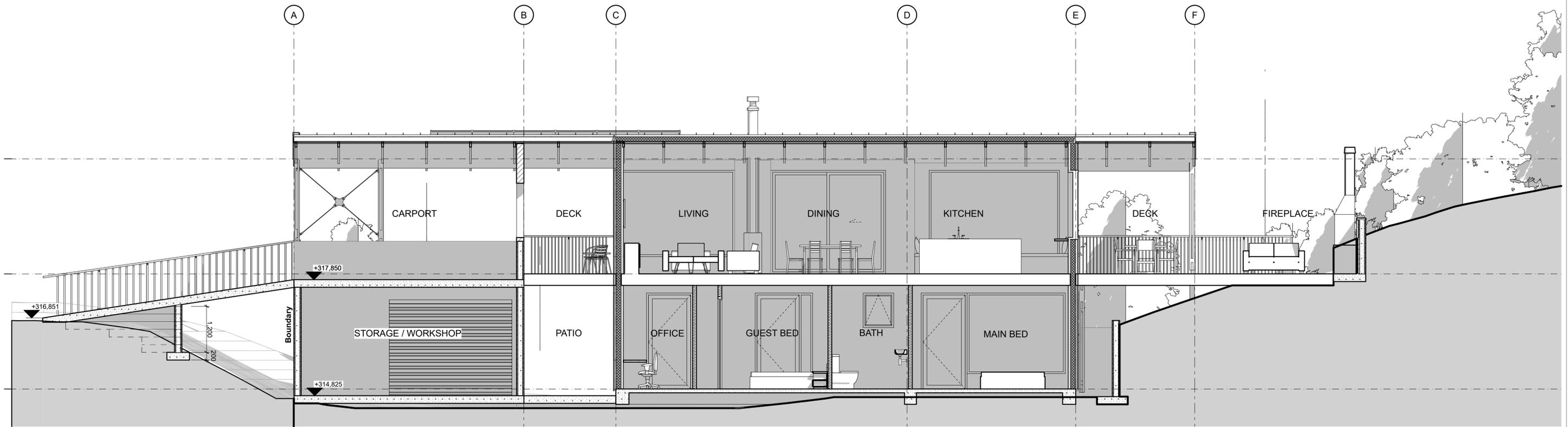
20

CONCEPT - OPTION 2



COPYRIGHT: Copyright in all drawings, specifications and other documents and in the work executed from them remains the property of Chaney & Norman Architects Ltd.
 © Chaney & Norman Architects Limited 2025.
 DIMENSIONS: All dimensions to be checked on site.

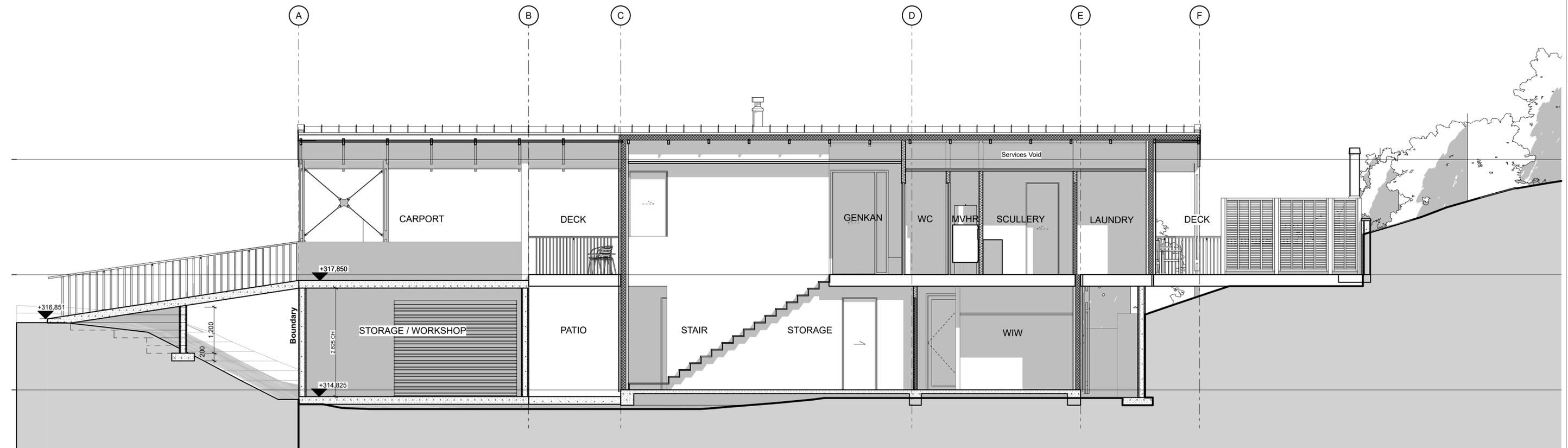
CONCEPT - OPTION 2



A

Section A

1:50



B

Section B

1:50

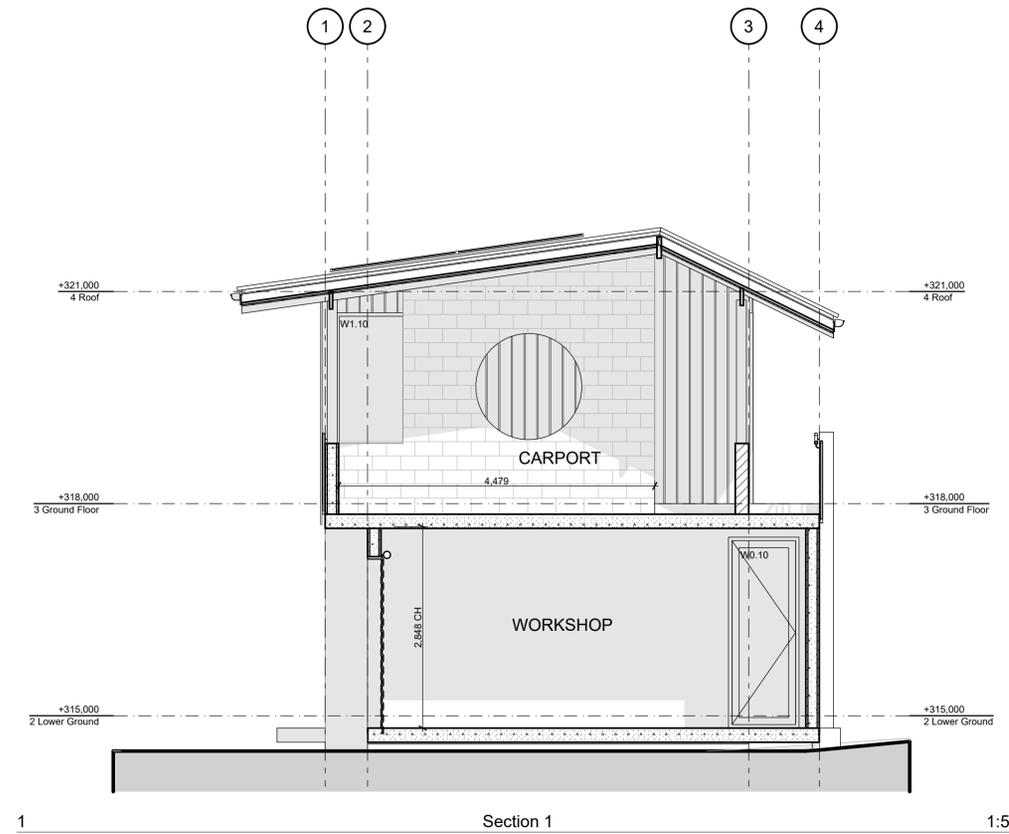
COPYRIGHT: Copyright in all drawings, specifications and other documents and in the work executed from them remains the property of Chaney & Norman Architects Ltd.
 © Chaney & Norman Architects Limited 2025.
 DIMENSIONS: All dimensions to be checked on site.



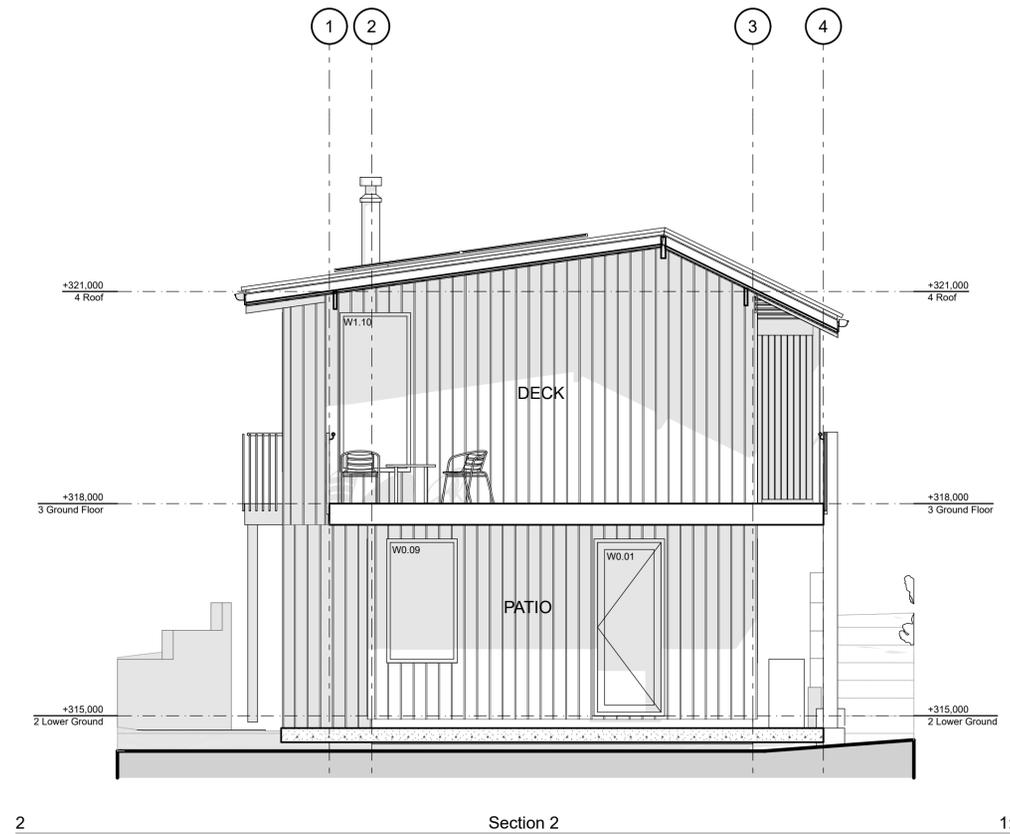
Karen & Richard

Justice House
 31 Manuka Crescent, Wanaka

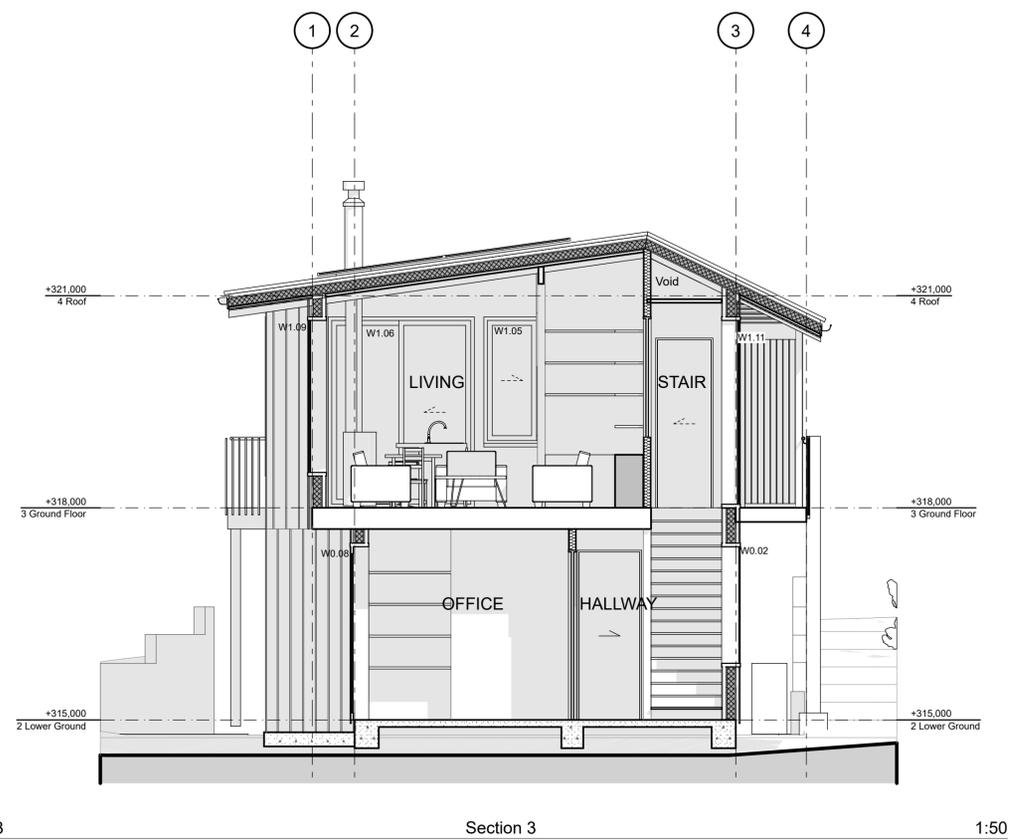
Sections		CONCEPT - OPTION 2	
		JOB No. 24-163	SCALE: 1:50 @ A3
REV.	Preliminary Design	A401	
DATE:	28/11/2025		



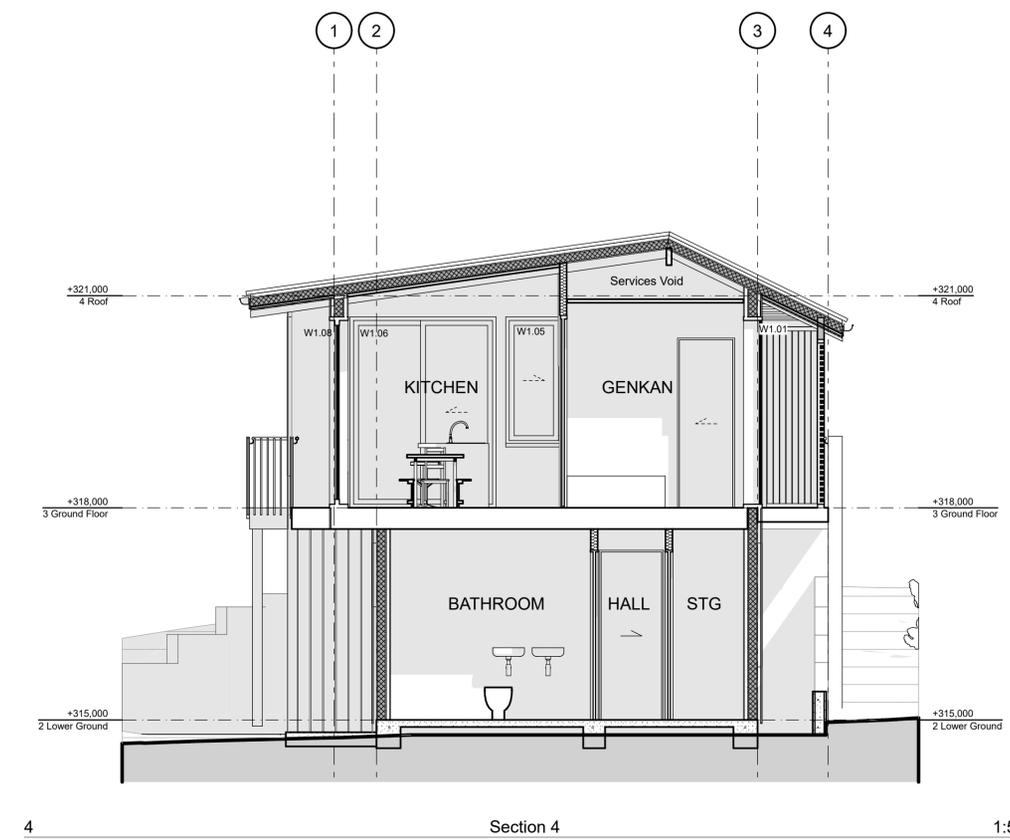
1 Section 1 1:50



2 Section 2 1:50



3 Section 3 1:50



4 Section 4 1:50

COPYRIGHT: Copyright in all drawings, specifications and other documents and in the work executed from them remains the property of Chaney & Norman Architects Ltd.
 © Chaney & Norman Architects Limited 2025.
 DIMENSIONS: All dimensions to be checked on site.



1 3D VIEW 1



2 3D VIEW 2



3 3D VIEW 3



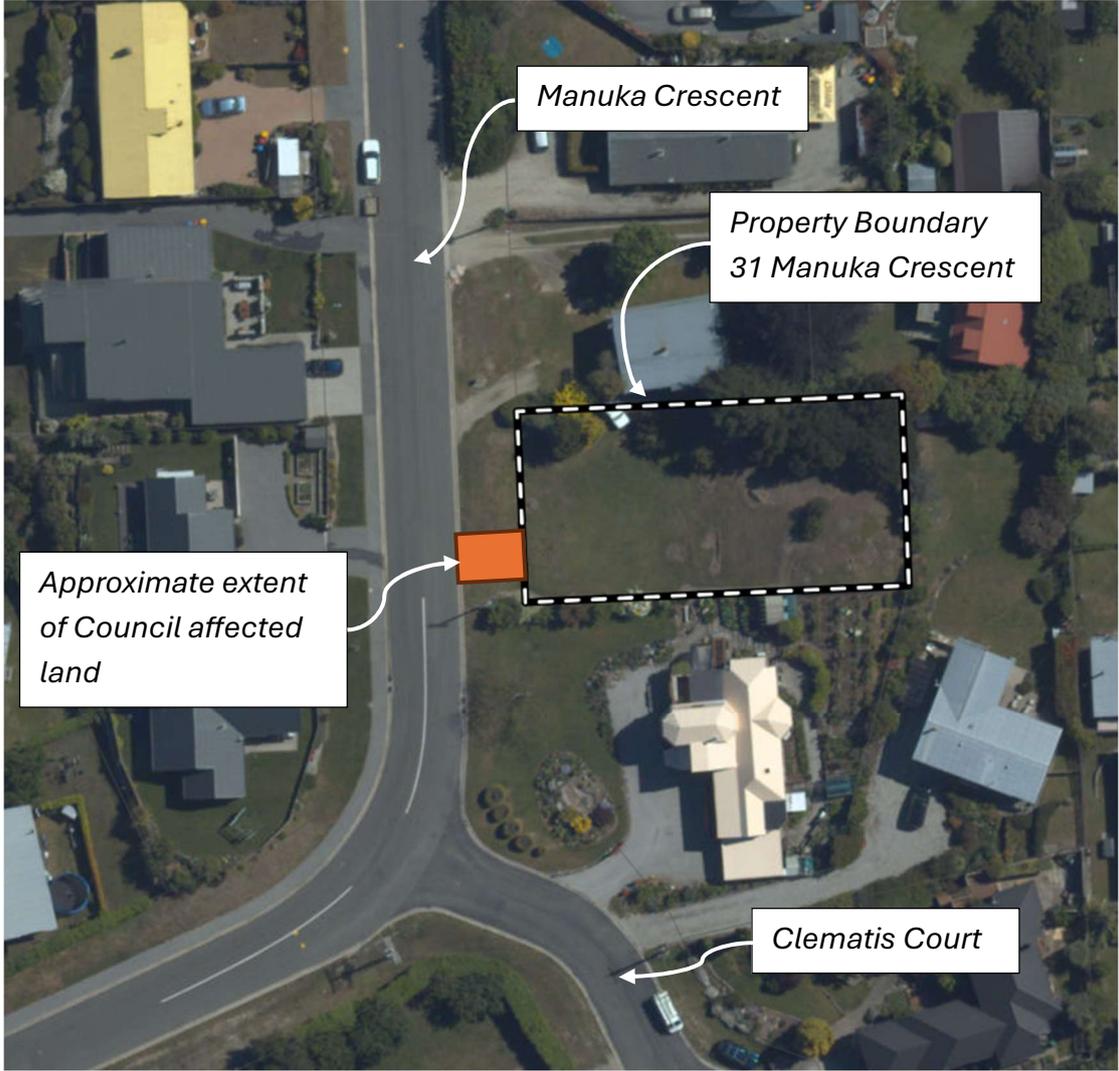
4 3D VIEW 4 1:182.25

COPYRIGHT: Copyright in all drawings, specifications and other documents and in the work executed from them remains the property of Chaney & Norman Architects Ltd.
© Chaney & Norman Architects Limited 2025.
DIMENSIONS: All dimensions to be checked on site.

CONCEPT - OPTION 2

Attachment C: Site Photos

Figure 1. Location Map



Site Photographs



Attachment D: Conditions

LO250045 (31 Manuka Crescent) – Proposed conditions

The following conditions are recommended in the event that the Licence to Occupy is granted.

These conditions are provided in draft form and may be amended as deemed appropriate.

- 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 2004. 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.
- d. All activities are to be undertaken in accordance with the Health and Safety at Work Act 2015.
- e. Any works within the road reserve to be undertaken to the specification and approval of Council's Engineers.
- f. Any reinstatement works within the road reserve, if required, 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. 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, kerb and channel and carriageway etc). In the event that Council requires access any Council services in or in close proximity to the agreed location (including responding to a failure of the main).
- i. Structures and/or occupation must not compromise roading or services maintenance activities.
- j. Ongoing maintenance of the structures and/or occupation are to be the responsibility of the Licensee.
- k. Pedestrian access is maintained to a safe usable standard for all users under Council's Temporary Use of Public Space for Construction Purposes policy which has a high pedestrian use.
- l. The licence area is not to be used for parking or as a construction material storage or staging area at any time.
- m. Minor changes to the LTO time frames can be at the discretion of and can be endorsed by the Manager of Development Engineering.

- n. The applicant must register a Covenant in Gross being recorded against Lot 7 DP 611093 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 (LTO-TRC-applications@qldc.govt.nz) prior to works commencing. Failure to register the covenant will result in the licence being null and void.

All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.