

Wānaka-Upper Clutha Community Board

12 February 2026

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

Department: Planning & Development

Title | Taitara: Licence to Occupy 57 West Meadows Drive, Wānaka (LO250055)

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 Niche Design and Construction to place one 20ft container and one 10ft container and temporary site fencing within the road reserve to carry out residential building construction works related to RM250466, at 57 West Meadows Drive, Wānaka.

Recommendation | Kā Tūtohuka

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report and in particular;
2. **Grant** a Licence to Occupy West Meadows Drive road reserve to enable Niche Design and Construction to locate two site containers and temporary fencing within the road reserve adjacent to 57 West Meadows Drive, Wānaka 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 within the road reserve 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 within the road reserve.*
 - d. *All activities are to be undertaken in accordance with the Health and Safety at Work Act 2015.*
 - e. *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 recover costs for any damage to infrastructure.

- f. Before works begin, provide photographic evidence of the existing condition of the area to be occupied, and again after reinstatement is complete. Reinstatement must return the area to its original or better condition. Photos should be emailed to engineeringapprovals@qldc.govt.nz. If a Council inspection is preferred, arrange this with Rich Gurnell (rich.gurnell@qldc.govt.nz).*
 - g. The Applicant is liable for any damages and/or costs of reinstatement of Council's or any other person's property that may arise from the proposed activity (i.e. reinstatement of kerb). If photographic evidence is not provided, any damage to the area following the occupation shall be remedied by the LTO holder.*
 - h. Any reinstatement works within the road reserve, if required, must be undertaken in accordance with the Council's Land Development and Subdivision Code of Practice (2025) and/or to the satisfaction of Council's Engineers.*
 - i. The licence holder must communicate with the surrounding residents to notify and address any reasonable concerns raised regarding any impact that occurs during the installation works. Notification of these works should occur within ten days from approval of this application. A copy of this notification must be provided to Council at LTO TRC Applications LTO-TRC-applications@qldc.govt.nz.*
 - j. In the event that Council requires access to any Council services in or in close proximity to the agreed location, Council will not be liable for damage to, reinstatement of, or costs associated with the occupation removal. In an emergency Council's team may arrange removal of the occupation and recover costs from Applicant.*
 - k. The licence area is not to be used for parking or staging area at any time.*
 - l. Ongoing maintenance of the container and temporary fencing are to be the responsibility of the Licensee and be always set back at least two meters from the road edge.*
 - m. Pedestrian access must be maintained to a safe usable standard for all users.*
 - n. Minor changes to the Licence term can be at the discretion of and can be endorsed by the Manager of Development Engineering; 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

17/12/2025

Reviewed by:



Name: Hayden Bed
Title: Manager
Development
Engineering

12/01/2026

Endorsed for Approval by:



Name: Dave Wallace
Title: General Manager
Planning & Development

21/01/2026

Context | Horopaki

1. Adam Ellis (herein referred to as “the Applicant”) has applied for a Licence to Occupy (LTO) the West Meadows Drive road reserve.
2. The application seeks approval to place two temporary site containers and temporary fencing within the road reserve to facilitate residential building works related to RM250466.
3. The Applicant has a pending Building Consent, and the containers currently sit within the property boundary of 57 West Meadows Drive where they were used for the construction of an adjacent property at 59 West Meadows Drive.
4. The two temporary site containers will be relocated to road reserve adjacent to 57 West Meadows Drive, Wānaka, set back at least two meters from the road edge. No footpath is present on this side of the road.
5. The applicant states that there is limited space to place the containers on site due to the significant earthworks required to prepare the site for the residential build. The applicant predicts that the proposed location is the safest for both onsite workers and other road reserve users.
6. The containers measure approximately 2.4m wide by 6m long (20ft) and 2.4m wide by 3m long (10ft) and will store tools and equipment related to the construction works.
7. The Applicant proposes to install temporary fencing around the containers for security and safety.
8. The proposed occupation period is approximately 15 months, from January 2026 (or when approved) to April 2027 subject to the LTO and Building Consent approval.
9. The containers would be placed at least 6m away from the nearby right-of-way (ROW) Cochrane Close which provides secondary access for two properties, to limit vehicle site visibility risk.
10. Once the occupation is removed via hiab, the Applicant will remediate any impact on the berm by applying hydroseed to restore the area at no cost to Council.

Analysis and Advice | Tatāritaka me kā Tohutohu

11. Council’s Temporary Use of Public Space for Construction Purposes Policy considers such applications. The Policy states;
 - That the Queenstown Lakes District Council (QLDC) has a statutory duty to ensure the safe and efficient operation of the road network and outlines the requirements to have an LTO 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

- That the works require an approved Traffic Management Plan (TMP) before any work commences; and
- 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
- 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. West Meadows Drive is not deemed to be an arterial road.

12. Council officers were consulted, and their analysis and advice are as follows:

Monitoring and Enforcement Officer

- Monitoring & Enforcement remains neutral to this application.

Roading Operations and Contracts Manager

- No concerns raised with the proposed, provided the users of the ROW, and sight distances are unaffected.

Three Waters Contracts Engineer

- There is a PE 50mm rider main located within the proposed road reserve the Applicant will need to be careful of.

Road Corridor Engineer

- Provided conditions suggested are imposed no other concerns raised.

13. No additional special conditions have been included due to the above internal stakeholder feedback.

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 Wānaka-Upper Clutha Community Board **grant** the LTO Road Reserve application subject to the conditions proposed above.

Advantages:

- Enables construction works to proceed efficiently without disruption to the project timeline.

- Provides a controlled and regulated occupation under Council-approved conditions, ensuring compliance with safety and legal requirements.
- Supports local development and economic activity by facilitating building works.

Disadvantages:

- Temporary occupation of the road reserve may inconvenience nearby residents and other road users.
- Potential risk of damage to Council infrastructure, requiring reinstatement.

16. Option 2 Wānaka-Upper Clutha Community Board **decline** the LTO Road Reserve application.

Advantages:

- Maintains full public access to the road reserve without any obstruction.
- Eliminates potential risks to Council infrastructure and reduces monitoring requirements.
- Avoids any complaints or concerns from the community about disruption.

Disadvantages:

- Potentially increases costs for the Applicant.
- May require alternative arrangements that could be less safe or practical.
- Could negatively impact on the local development progress.

17. This report recommends **Option 1** for addressing the matter because works can be undertaken and completed under terms and conditions deemed appropriate by Council officers.

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 2024. As it relates to Council's roading network which is identified as a strategic and significant asset. Any decision affecting its integrity or long-term management elevates the level of significance.

19. The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the Local Government Act 2002.

20. There are no persons, identified by the Applicant who are adversely affected.
21. The Cochrane ROW users may be significantly interested in this matter and a condition for notification has been included.
22. Following consultation with Council officers, their comments and concerns have been considered in this assessment. The positive feedback received has informed the preparation of this report and will guide any further engagement following the Council's decision.

Māori Consultation | Iwi Rūnaka

23. Iwi have not been consulted as part of this application.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

24. This matter relates to the Regulatory/Legal/Compliance associated with RISK10027 Inadequate construction management causing failure of infrastructure service or property damage within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating. This matter relates to this risk because the occupation is adjacent to Council assets (berm, kerb) and underground services.
25. This matter relates to the Community & Wellbeing risk associated with RISK10048 Health, safety or wellbeing incident affecting member of the public within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating. This matter relates to this risk because containers and fencing within the road reserve for an extended period create potential hazards for pedestrians and road-reserve users; sight lines near the ROW must be protected, and safe access maintained at all times.
26. This matter relates to the Regulatory/Legal/Compliance risk associated with RISK10029 Ineffective compliance management practices within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating. This matter relates to this risk because the occupation depends on strict compliance with TMP/Corridor Access Request, plus obligations under the Resource Management Act/Building Act and Traffic and Parking Bylaw.
27. The approval of the recommended option will allow Council to retain the risks at their current level by imposing strict conditions, including:
 - **Traffic Management & Access:** Prior approval of a TMP and CAR.
 - **Health & Safety Compliance:** All works must comply with the Health and Safety at Work Act 2015.
 - **Protection of Existing Services:** Identification and protection of all existing services within the road reserve.

- **Liability for Damage:** Licensee is responsible for any damage to Council or third-party infrastructure.
- **Reinstatement Requirements:** Pre and post-works photographic evidence or Council inspection to confirm reinstatement to current or better condition.
- **Consultation:** Timely communication with surrounding residents to address concerns.

Financial Implications | Kā Riteka ā-Pūtea

28. The Applicants have 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.

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

30. 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 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.
 - **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.
 - **Traffic and Parking Bylaw 2018:** Regulates parking and the use of vehicles or other traffic on roads and other public places in the Queenstown Lakes District.
31. The recommended option is consistent with the principles set out in the named policy/policies.
- This matter is not included in the Long Term Plan/Annual Plan as the cost of the licence will be met by the Applicant.

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

32. The decision on whether to grant or decline a Licence to Occupy road reserve must comply with the following statutory and legal frameworks:

- **Local Government Act 2002:** Section 10 outlines the purpose of local government, which includes enabling democratic local decision-making and promoting the social, economic, environmental, and cultural well-being of communities now and in the future. The recommended option is consistent with these provisions and does not alter the intended level of service or transfer ownership/control of a strategic asset.
- **Resource Management Act 1991 and Building Act 2004:** The Applicant must ensure compliance with these Acts, obtaining any necessary resource and building consents prior to additional works commencing.
- **Health and Safety at Work Act 2015:** All activities within the road reserve must be undertaken in accordance with this Act to ensure safety standards are met.
- **Traffic and Parking Bylaw 2018 and Council's Temporary Use of Public Space for Construction Purposes Policy:** These provide legal controls and requirements for occupying road reserves, including the need for an approved TMP & CAR before any work begins.

33. Council has not sought legal advice for this specific application as the recommended option aligns with Council policies, bylaws and statutory obligations.

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

33. 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.

34. 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

Attachment A: Cover Letter

From: [REDACTED]
To: [Engineering Approval Applications](#)
Cc: [Sam Connell](#); [Niche Design & Construction](#); [Kim Anderson](#)
Subject: Fw: 57 West Meadows Drive, Wanaka - road corridor
Date: Friday, 14 November 2025 10:03:37 AM
Attachments: [LTO 57 WMD.pdf](#)
[image005.png](#)
[image004.png](#)

Hi Kim - please send through the invoice for the initial application fee

Hi **QDLC Engineering** - per the original email below, I've just completed a building project at 59 West Meadows Drive, Wanaka and I am hoping to start a similar building project on **57 West Meadows Drive, Wanaka** (BC pending; RC granted RM250466) around Jan/Feb 2026 pending on the BC submission/timing.

Whereas on the 59 West Meadows project, I was able to utilize 57 West Meadows to place the builders containers, the build commencing on 57 itself will require access to as much of the site as possible to ensure any building supplies can be stored on the elevated site, away from the public. As such, I was hoping to gain LTO for the placement of 2 relocatable container/s (20ft and 10ft) on the road corridor directly in front of the site. The intention would also be to place a temporary fence around any used road corridor to limit public access, this would be 2m in from the road edge so there would be plenty of room for pedestrians to pass and the containers would be at least 6m from the entrance to the ROW to ensure visibility is not hindered. The containers would be removable by hiab and we would remediate any impact on grass by spraying hydro seed

I've tried to mimic what I mean on the attached so it makes sense.

Regards
Adam Ellis
[REDACTED]

----- Forwarded message -----

From: Kim Anderson <kim.anderson@qldc.govt.nz>
To: adam ellis [REDACTED]
Cc: Niche Design & Construction <office@niche.kiwi.nz>; Tony Francis <tony.francis@qldc.govt.nz>
Sent: Wednesday, 12 November 2025 at 10:06:17 am NZDT
Subject: RE: 57 West Meadows Drive, Wanaka - road corridor

Morning Adam,

Please find attached the Licence to Occupy Application. Which can also be [found here](#) will need to be completed and submitted to Engineering Approvals - Engineeringapprovals@qldc.govt.nz along with your supporting documentation.

In order to fully assess the application, we required the following:

- Completed application form
- Cover letter containing a detailed description of the activity which is proposed to take place on council land
- The duration of the occupation
- Location Map - highlighting the properties boundaries and the area of the road reserve in question.
- Plans of the proposal and any TMP details

A brief outline of the LTO process - Council assesses the proposed occupation and how it will impact on the community and surrounding business, consider council policies, strategies and bylaws. Once a recommendation is made a council report is presented to the Chief Executive or the Wanaka Community Board for a formal decision to be made. If the LTO is granted a specific set of conditions will be imposed which need to be adhered to throughout the occupation. A fee may also be charged/ required depending on the nature of the occupation. LTO's take a minimum of 6-8 weeks to process.

There is a **\$739.00 initial application fee**, this is to cover the initial costs of reviewing the application and doing our due diligence to ensure what is proposed is appropriate and there is no adverse effect on council property or the community. It is not a fee for a licence or a lease it is to cover administration charges.

If you have any further questions, please let me know.

Kind regards,

Kim

Kim Anderson | License to Occupy & Temporary Road Closures
Administrator | Planning & Development Technical Support |
Queenstown Lakes District Council



From: Tony Francis <tony.francis@qldc.govt.nz>
Sent: Wednesday, 12 November 2025 8:12 AM
To: adam ellis [REDACTED]; Kim Anderson <kim.anderson@qldc.govt.nz>
Cc: Niche Design & Construction <office@niche.kiwi.nz>
Subject: RE: 57 West Meadows Drive, Wanaka - road corridor

Hi Adam,

You will need to apply for a Licence to Occupy for this.

Kim can you please send the application and requirements to Adam.

Thanks

Tony

Tony Francis | Road Corridor Engineer | Planning & Development

Queenstown Lakes District Council

[REDACTED]
E: tony.francis@qldc.govt.nz



From: adam ellis [REDACTED]
Sent: Tuesday, 11 November 2025 5:38 PM
To: Tony Francis <tony.francis@qldc.govt.nz>

Cc: Niche Design & Construction <office@niche.kiwi.nz>
Subject: 57 West Meadows Drive, Wanaka - road corridor

Hi Tony,

I was given your email and contact details by the Wanaka QLDC drop in crew.

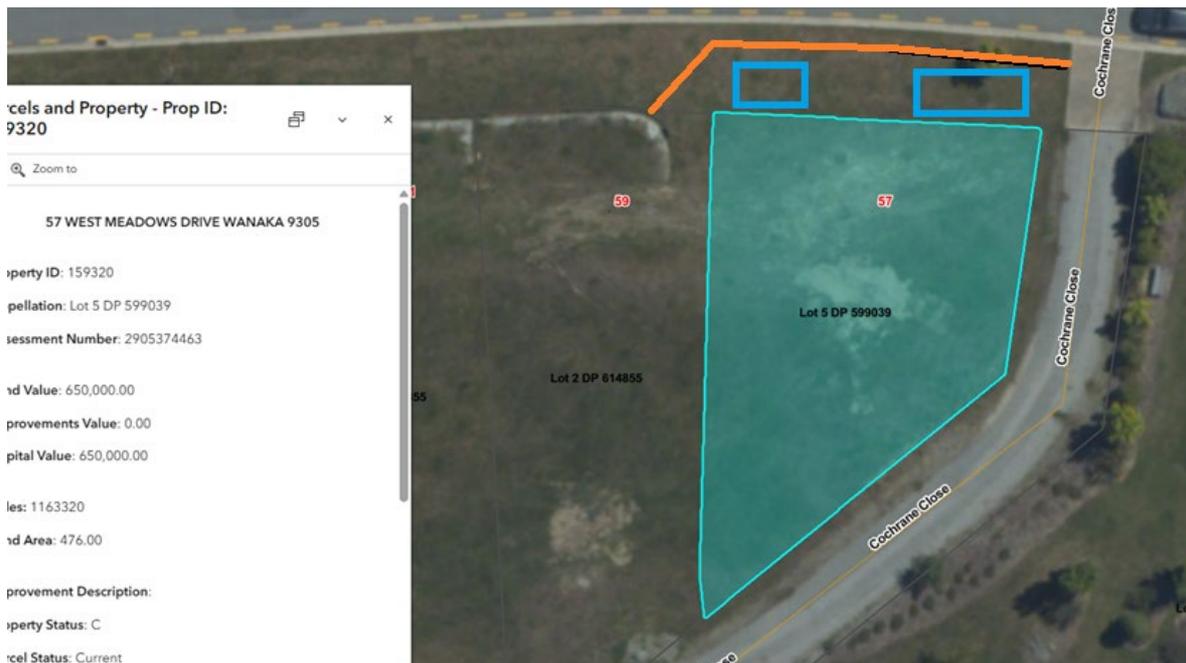
I've just completed a building project at 59 West Meadows Drive, Wanaka and I am hoping to start a similar building project (BC pending; RC granted RM250466) on **57 West Meadows Drive, Wanaka** around Jan/Feb 2026 pending on the BC submission/timing.

Whereas on the 59 West Meadows project, I was able to utilize 57 West Meadows to place the builders containers as the old owner permitted it, the build on 57 will require access as much of the site as possible to ensure any building supplies can be stored on the elevated site, away from the public. As such, I was hoping to gain approval for the placement of a relocatable container/s (20ft and 10ft) on the road corridor directly in front of the site. The intention would also be to place a temporary fence around any used road corridor to manage/limit public access, this would be 2m in from the road edge. Can you confirm if that's possible, and the route to take to get that granted.

As above the containers would be 100% removable by hiab and we would remediate any impact on grass by spraying hydro seed.

I've tried to mimic what I mean so it makes sense. Orange would be the perimeter fence, blue the containers

If there are concerns about visibility into Cochrane Close then both containers could be moved West in accordance with requirements, and a temporary mirror installed on the right hand entry to the ROW.



Kind Regards
Adam Ellis

Attachment B: Location Plans

