

Wānaka-Upper Clutha Community Board

12 February 2026

Report for Agenda Item | Rīpoata moto e Rāraki take [3]

Department: Planning & Development

Title | Taitara: Licence to Occupy Road Reserve - 386 Mount Barker Road, Wānaka (LO250052)

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider granting a Licence to Occupy Mount Barker Road Reserve to Barry and Charlene Condone and CNW Trustees Limited, for the purpose of formalising pre-existing accessory structures situated within the Road Reserve adjacent to 386 Mount Barker Road, Wānaka.

Recommendation | Kā Tūtohu

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report and in particular;
2. **Decline** a Licence to Occupy for additional new structures proposed in the application, as well as;
3. **Grant** Licence to Occupy Mount Barker Road Reserve to enable Barry and Charlene Condone and CNW Trustees Limited to formalise a number of pre-existing accessory structures adjacent to 386 Mount Barker Road subject to the following conditions;
 - a. *The licence shall remain at Council's pleasure and removal of the licenced occupation may be requested at any time by Council and Council accepts no liability for costs of removing structures occupying the public road reserve.*
 - b. *The licence applies solely to formalisation of the following pre-existing structures located within the Mount Barker Road Reserve:*
 - *Lean-to*
 - *Two water tanks*
 - *Gas and bin enclosure*
 - *Small shed*
 - *Greenhouse*
 - *Fencing and gates*
 - *Hedging and vegetation*

- c. Prior to issue of the Licence, the Licensee must provide Council with a photographic survey of all structures and associated vegetation within the Road Reserve, accurately identifying their dimensions, location, and condition. The photographic record will form part of the Licence documentation and will be relied upon to confirm future compliance.*
- d. No additional structures beyond those listed above are permitted under this licence. No modifications or renewals to the structures provided with a licence to occupy shall be made. In particular, the proposed new water tanks and any associated infrastructure are expressly excluded from this licence approval.*
- e. All vegetation within the Road Reserve that provides screening of the authorised structures must be maintained by the Licensee for the duration of the Licence to ensure the structures remain visually screened from the trafficable portion of Mount Barker Road. Removal or significant reduction of screening vegetation is not permitted unless otherwise required by Council. For clarity, minor trimming, or removal necessary to maintain the required sight lines for the approved vehicle access, as required by any applicable resource consent conditions, is permitted. Such trimming must be limited to the minimum extent required to achieve safe sight distances and must not materially reduce the overall screening effect.*
- f. 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.*
- g. Structures must not compromise road or services maintenance activities.*
- h. Any future Council infrastructure projects, including but not limited to road widening or service installation, shall take precedence over the Licence. The Licensee must comply with any relocation or removal requirements imposed by Council.*
- i. The Licence may be revoked at any time, without compensation, should the occupation conflict with Council's roading or infrastructure requirements.*
- j. Ongoing maintenance of the structures are to be the responsibility of the Licensee. All activities, including inspection, maintenance, repair, or removal of the structures within the Road Reserve, must be undertaken in full compliance with the Health and Safety at Work Act 2015 and all associated regulations. The Licensee is solely responsible for ensuring safe work practices and for any health and safety obligations arising from works undertaken on, within, or around the structures.*

- k. *Should any of the authorised structures become unstable, unsafe, dilapidated, or otherwise unusable, the Licensee must remove the structure from the Road Reserve at their cost. No replacement, reconstruction, renewal, or enlargement of any structure is permitted under this Licence.*
 - l. *The Applicant must register a Covenant in Gross being recorded against the title Lot 1 DP 7916 to ensure the recommended terms and conditions of the Licence continue in perpetuity for all future owners of the property. Evidence of registration must be provided to QLDC (engineeringapprovals@qldc.govt.nz) before works commence. Failure to register the covenant will result in the licence being null and void. All costs, including that relate to the checking of the legal instrument by Council’s solicitors and registration of the document, shall be borne by the Applicant; and*
4. **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
28 November 2025

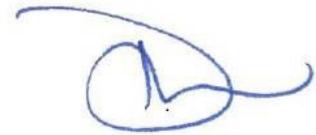
Reviewed by:



Name: Hayden Bed

Title: Manager, Development
Engineering
22 January 2026

Approved by:



Name: Dave Wallace

Title: General Manager
Planning and Development
22 January 2026

Context | Horopaki

1. Barry and Charlene Condone and CNW Trustees Limited (herein referred to as “the Applicant”) have applied for a Licence to Occupy (LTO) the Mount Barker Road Reserve adjacent to 386 Mount Barker Road, Wānaka.
2. The purpose of this application is to formalise the retention of existing accessory structures within the Road Reserve and apply for further new structures in relation to issued resource consent RM250888 for a new residential dwelling.
3. The following structures have been located within the Road Reserve since approximately 1997:
 - A 69 m² lean-to
 - Two 25,000-litre water tanks
 - 14 m² bin enclosure
 - 13.5 m² shed
 - 24.5 m² greenhouse
 - Fencing and gates
 - Hedging and vegetation
4. Along with these existing structures, the Applicant has requested to include within this application, four additional 25,000-litre water tanks of either plastic or concrete to be installed within the Road Reserve. The plans for resource consent decision RM250888 show these proposed tanks within the private property.
5. Council officers do not support the inclusion of additional infrastructure within the Road Reserve.
6. For context, the resource consent decision RM250888 excluded considering these LTO matters. Only a new access off Mt Barker Rd and a hardstand area for firefighting was granted within the road corridor.
7. The Road Reserve at this address is 40 metres wide with the portion of occupation being approximately 20m wide.
8. The subject site is 8,376 m² in area, heavily vegetated, and undulating, with flatter terraces on the northern and southern portions. The vegetation provides screening to the existing structures from the road.
9. An existing dwelling and garage are located on the highest terrace, approximately 3.4m from the Mt Barker Road Boundary.
10. The surrounding area consists of rural and rural living properties ranging in size from 1ha to 800ha. With the Mount Barker Outstanding Natural Feature (ONF) located to the west of the site and the Criffel Range lying to the south, on the opposite side of Mount Barker Road.

11. The Applicant has proposed formalisation in response to the resource consent for construction of a residential dwelling, associated parking, access and servicing.
12. The retention of these existing structures is not expected to inhibit the ongoing use or maintenance of the road and is visually screened from the road by vegetation.
13. For context, the resource consent decision includes an engineering condition to trim back some of the vegetation around the new entrance for site distance to the eastern side of the new entry.
14. The existing dwelling has connections to telecommunications as well as electricity. Water is obtained from a bore within the eastern portion of the property. Wastewater and stormwater are disposed on site.

Analysis and Advice | Tatāritaka me kā Tohutohu

15. Council officer advice is to decline the proposal for additional water tanks to be installed within the Road Reserve.
16. The Applicant has supplied a revised copy of the development plans as part of their application (Attachment B).
17. Council's Temporary Use of Public Space for Construction Purposes Policy considers such applications. The Policy states:
 - a. 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 a 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;
 - b. That the works require an approved Traffic Management Plan (TMP) before any work commences;
 - 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
 - d. 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. Mount Barker is not deemed to be an arterial road.
18. Council's officers were consulted, and their analysis and advice are as follows:

Roading Operations and Contracts Manager

- This is clear privatisation of the Road Reserve and formalising the unauthorised encroachment of these structures under a LTO is not appropriate from a Property and Infrastructure perspective.

Parks and Reserve Planner

- No comments or objections from a parks planning perspective.

Monitoring, Enforcement and Environmental Officer

- Monitoring and Enforcement remain neutral to this application.

Three Waters Engineer

- No comment from a Three Waters perspective as Council has no infrastructure within Mount Barker Road.

Manager Development Engineering

- If existing structures were retained, consider the ongoing health and safety compliance while working in the road corridor. Also, condition for no replacement should structures be removed and visual screening should be retained.

19. While the concerns about privatisation raised by the Roothing Operations and Contracts Manager are accepted, we propose adding the following special conditions to ensure no further proliferation and also recommend the licence is retained at Councils pleasure, and structures will need to be removed if requested by QLDC:

- *Condition (c) Prior to issue of the Licence, the Licensee must provide Council with a photographic survey of all structures and associated vegetation within the Road Reserve, accurately identifying their dimensions, location, and condition. The photographic record will form part of the Licence documentation and will be relied upon to confirm future compliance.*
- *Condition (d) No additional structures beyond those listed above are permitted under this licence. No modifications or renewals to the structures provided with a licence to occupy shall be made. In particular, the proposed new water tanks and any associated infrastructure are expressly excluded from this licence approval.*
- *Condition (h) Any future Council infrastructure projects, including but not limited to road widening or service installation, shall take precedence over the Licence. The Licensee must comply with any relocation or removal requirements imposed by Council.*

- *Condition (i) The Licence may be revoked at any time, without compensation, should the occupation conflict with Council's roading or infrastructure requirements.*
20. To specifically address concerns about privatisation raised by the Roading Operations and Contracts Manager, Council added the above special conditions and declined the request for additional water tanks.
21. To address concerns regarding the ongoing visual screening from the road, and the maintenance of structures we propose adding the following special condition:
- *Condition (e) All vegetation within the Road Reserve that provides screening of the authorised structures must be maintained by the Licensee for the duration of the Licence to ensure the structures remain visually screened from the trafficable portion of Mount Barker Road. Removal or significant reduction of screening vegetation is not permitted unless otherwise required by Council. For clarity, minor trimming, or removal necessary to maintain the required sight lines for the approved vehicle access, as required by any applicable resource consent conditions, is permitted. Such trimming must be limited to the minimum extent required to achieve safe sight distances and must not materially reduce the overall screening effect.*
 - Condition (j) Ongoing maintenance of the structures are to be the responsibility of the Licensee. All activities, including inspection, maintenance, repair, or removal of the structures within the Road Reserve, must be undertaken in full compliance with the Health and Safety at Work Act 2015 and all associated regulations. The Licensee is solely responsible for ensuring safe work practices and for any health and safety obligations arising from works undertaken on, within, or around the structures.
 - Condition (k) Should any of the authorised structures become unstable, unsafe, dilapidated, or otherwise unusable, the Licensee must remove the structure from the Road Reserve at their cost. No replacement, reconstruction, renewal, or enlargement of any structure is permitted under this Licence.
22. 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.
23. Option 1 Wānaka-Upper Clutha Community Board (WUCCB) **grant** the LTO Road Reserve application, in part, subject to the conditions proposed above.

Advantages:

- Formalises existing structures that have been in place since 1997, ensuring compliance with Council requirements.

- Pragmatic solution to not burden new property owners (as of 2024) with removal of existing illegal occupation at this time that does not affect maintenance of the road reserve and is not visible to the public, while also providing clear licence conditions to allow removal should it be needed in future.
- Provides legal clarity and accountability through a Covenant in Gross registered on the property title.
- Allows the Applicant to proceed with their development plans with the legal clarity of the conditions proposed for this licence. Ensures ongoing maintenance responsibility lies with the Applicant, mitigating Council's burden.
- Conditions imposed (TMP, CAR, compliance with Building Act and RMA) mitigate risks to roading and public safety.

Disadvantages:

- Potentially encourages similar applications, for private encroachments on road reserve. However, this is mitigated by declining the new structures.
- Could be perceived as privatisation of public land, which may attract criticism from stakeholders concerned about public space integrity.

24. Option 2 WUCCB **decline** the LTO Road Reserve application in full.

Advantages:

- Maintains the integrity of the Road Reserve as public land, consistent with Council's Asset Management and Open Space strategies.
- Avoids approving private structures within Road Reserves.
- Preserves Council's future ability to manage and upgrade infrastructure without restrictions or additional costs.
- Aligns with feedback from the Roading Operations and Contracts Manager, who opposed formalising encroachments.

Disadvantages:

- Burdens new owners with removal of existing structures that have been in place for decades, for no immediate benefit to Council at this time, which may lead to conflict and legal challenges.
- May be perceived as inflexible or punitive given the long-standing nature of the encroachments.

25. 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 officers.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

26. 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.
27. There are no persons, other than the Applicants, identified who are adversely affected by or would be significantly interested in this matter.
28. Council officers have been consulted about this application, and their comments are contained within this report.

Māori Consultation | Iwi Rūnaka

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

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

30. This matter relates to the Regulatory/Legal/Compliance risk 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 the structures must not compromise roading or services maintenance, and future infrastructure projects (e.g. road widening or service installation) take precedence.
31. This matter relates to the Community & Wellbeing risk associated with RISK10006 Ineffective planning for property and infrastructure within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating. This matter relates to this risk because formalising long-standing structures within the Road Reserve and adding new water tanks affects long-term planning for road corridor use and future works.
32. This matter relates to the Community & Wellbeing risk associated with RISK10022 Ineffective operations and maintenance of community services or facilities 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 Road Reserve is a community asset. Encroachments and any ongoing maintenance obligations can affect service accessibility and Council's operational flexibility.
33. The approval of the recommended option will allow Council to retain the risks at their current level. This shall be achieved by formalising existing structures under conditions that ensure compliance

with the Building Act, Resource Management Act, and Council's Code of Practice for Working in the Road. Operational flexibility is maintained through conditions that give precedence to future infrastructure projects and allow revocation of the licence without compensation if conflicts arise. A Covenant in Gross will be registered on the property title, ensuring obligations persist for future owners.

Financial Implications | Kā Riteka ā-Pūtea

34. The Applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.
35. Should a legal review of the licence be required, Council's legal costs will be recovered from the Applicant.
36. Council's legal costs to have the Licence recorded against the Applicant's title by a Covenant in Gross will be recovered from the Applicant.

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

37. 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.
- **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:** Provide legal controls on structures or obstructions within Road Reserves.

38. The recommended option is consistent with the principles set out in the named policy/policies.
39. 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

40. 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 Traffic Management Plan and Corridor Access Request before any work begins.
41. 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

42. 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.
43. 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	Revised Plans
C	Streetview of Vegetation Screening



Engineering Approvals
Queenstown Lakes District Council
Wanaka

Edgar Planning Ltd
PO Box 716
Wanaka 9343

28 October 2025

To Whom it May Concern;

Residential Accessory Buildings – 386 Mount Barker Road, Wānaka

1.0 INTRODUCTION

1.1 Please find enclosed our application to occupy Council Road Reserve at 386 Mount Barker Road, Wānaka.

2.0 SITE DESCRIPTION

2.1 The site is located at 386 Mount Barker Road, Wānaka. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

2.2 The application site is rectangular in shape and 8,376m² in area. The site is heavily vegetated and undulating, with flatter terraces on the northern and southern portions of the site. An

existing dwelling and garage are located on the highest terrace 3.4m from the boundary with Mount Barker Road. The dwelling looks to have been constructed in the early 1960s and the garage in the mid 1990s.

- 2.3 In addition to the dwelling and garage, there are number of structures located within the road reserve, including a lean-to, water tank, gas and bin storage area, a shed and a greenhouse. Files on the QLDC edocs system indicates that the structures within the road reserve were there as early as 1997.
- 2.4 Water is obtained from a bore within the eastern portion of the property. Wastewater and stormwater are disposed of to ground. The existing dwelling has connections to telecommunications as well as electricity.
- 2.5 The surrounding environment is comprised of rural and rural living sized properties ranging in size from 1ha to 800ha. The Mount Barker ONF is located to the west of the site, with the Criffel Range to the south on the opposite side of Mount Barker Road.

3.0 PROPOSAL

- 3.1 Resource consent will be applied for to construct a residential dwelling with associated parking, access and servicing. A copy of the plans is included as **Appendix B**.
- 3.2 There are a number of accessory buildings located within the Mount Barker Road reserve. These buildings appear to have been in this location for nearly 30 years. The buildings include:

- A lean to – 11.5m by 6m (69m²);
- Three 25,000litre water tanks, either plastic or concrete (one of which is existing);
- A bin enclosure area 3.5m by 4m (14m²);
- A shed 4.5m by 3m (13.5m²);
- A greenhouse 7m by 3.5m (24.5m²)



- 3.3 The buildings have been in this location for since 1997 and are not visible from the carriageway. The road verge is 20m wide in this location. Therefore the retention of the buildings would not inhibit the ongoing use and maintenance of the road.
- 3.4 Please let us know if you need any further information, or have any questions regarding the application.

Yours faithfully,
Edgar Planning Ltd,

A handwritten signature in black ink, appearing to read 'Erin Stagg', written over a light blue horizontal line.

Erin Stagg
Planner

A handwritten signature in black ink, appearing to read 'Scott Edgar', written over a light blue horizontal line.

Scott Edgar
Planner



Location Plan

Scale 1:3000



Existing Site Plan

Scale 1:500



Proposed Site Plan

Scale 1:500

Resource Consent General Notes
 01. The information must be solely and only used for the coordination and/or construction of the current project by the client or commissioning party. Third parties cannot rely on or use the data contained here in.
 02. This Plan has been prepared for the purpose of Bulk & location &/or Resource Consent Application only. As areas and dimensions are likely to vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.

RevID	CHD	Revision	Date

Consultants:


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New Residence
 386 Mount Barker Road,
 Wanaka
 © Condon Scott Architects Ltd.

Drawing Title: Site Plan		Resource Consent Issue		
Client: Constro Trust		Scale: A1 = as indicated A3 = 50% reduction		
Project: 25.14	Design: CSA	Drawn: CSA	Checked: CSA	Revision:
Print Date: 13/01/2026	Drawing Number: A100			



Proposed Site Plan - Enlarged
Scale 1:200

Resource Consent General Notes	RevID	CHD	Revision	Date	Consultants:
01. The information must be solely and only be used for the coordination and/or construction of the current project by the client or commissioning party. Third parties cannot rely on or use the data contained here in.					
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New Residence
386 Mount Barker Road,
Wanaka

© Condon Scott Architects Ltd.

Drawing Title:		Site Plan		
Client:		Resource Consent Issue		
Project:		Scale: A1 = as indicated A3 = 50% reduction		
Constro Trust	25.14	Design: CSA	Drawn: CSA	Checked: CSA
		Print Date: 13/01/2026	Drawing Number: A101	Revision:

Attachment C: Streetview of Vegetation Screening

386 Mount Barker Rd

Wānaka, Otago Region

 Google Street View

Oct 2023 [See more dates](#)

