

Wānaka-Upper Clutha Community Board

7 August 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [2]

Department: Planning & Development

Title | Taitara: Licence to Occupy – 89 Sir Tim Wallis Drive, Wanaka (LO250022)

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider granting a Licence to Occupy (LTO) Road Reserve to enable the applicant to gain retrospective approval for existing scaffolding and hoarding in place for the purpose of carrying out building construction.

Recommendation | Kā Tūtohuka

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Grant** a Licence to Occupy 89 Sir Tim Wallis Drive road reserve to enable Cook Brothers Construction to formalise existing scaffolding and hoarding in place for the purpose of carrying out building construction until 30 November 2025, 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 2004, and the Resource Management Act 1991. Resource and building consents are to be obtained, if required;
 - c. A Corridor Access Request must be approved, which includes a Traffic Management Plan;
 - 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 are to be undertaken to the specification and approval of Council's engineers;
 - f. Any reinstatement works within the road reserve, if required, are 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. 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 persons property that may arise from the proposed activity (i.e. reinstatement of footpaths, road markings etc);
- i. In the event that Council requires access to any Council services in or in close proximity to the agreed location (including responding to a failure of the main), Council will not be liable for damages to, or reinstatement of the occupation;
- j. Structures and/or occupation must not compromise roading or services maintenance activities;
- k. Ongoing maintenance of the structures and/or occupation are to be the responsibility of the Licensee;
- l. Minor changes to the LTO time frames can be at the discretion of and can be endorsed by the Manager of Development Engineering;
- m. Scaffolding and hoarding must be appropriately installed and secured by a suitably qualified and experienced professional to ensure the stability in high wind & extreme weather events; 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: Adam Geekie

Title: Licence to Occupy and
Temporary Road Closure
5 June 2025

Reviewed by:



Name: Craig Hughes

Title: Team Leader Acceptance,
Development Engineering
6 June 2025

Approved by:



Name: Dave Wallace

Title: General Manager
Planning and Development
17 July 2025

Context | Horopaki

1. Cook Brothers Construction (herein referred to as the “the applicant”) have applied to occupy a section of road reserve adjacent 89 Sir Tim Wallis Drive, Wānaka.
2. The purpose of the application is to gain retrospective approval for existing scaffolding and hoarding that currently occupies Council’s road reserve.
3. The existing scaffolding dimensions are 1.6m depth, 3m high and 45m in length.
4. The existing hoarding dimensions are 1.9m depth, 2.4m high and 45m in length.
5. The purpose of the scaffolding and hoarding is to enable the applicant to undertake building construction works.
6. The building works are covered under Building Consent (BC240792).
7. The footpath being occupied will remain open and trafficable for use throughout the occupation.
8. Cones will be installed along the scaffolding posts as a visual warning. Scrim will be used for the top section of scaffolding to ensure site and materials remain secure.
9. The adjacent buildings and carpark spaces will remain unaffected by the scaffolding.
10. The majority of deliveries will occur within the Three Parks carpark. Any deliveries impacting the Queenstown Lakes District Council (QLDC) road reserve will be covered under the Traffic Management Plan.
11. All rubbish will be collected internally via the private carpark behind the building.
12. The scaffolding and hoarding will be in place for the duration of the building project until 30 November 2025.

Analysis and Advice | Tatāritaka me kā Tohutohu

13. Council’s Temporary Use of Public Space for Construction Purposes Policy considers such applications and states that:
 - 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;
 - The works require an approved Traffic Management Plan before any work commences;

- 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
- 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. Sir Tim Wallis Drive is not deemed to be an arterial road.

14. Council's officers have been consulted who have confirmed support for the proposal subject to the following:

- Road Corridor Engineer:
 - Any issues will be dealt with via the Traffic Management Plan application.
- Three Waters Contracts Engineer:
 - The isolation toby is to be accessible during the occupation.
- The following special condition have been included due to the above internal stakeholder feedback/discussions:
 - Condition (g) ensures the applicant does not restrict Council's access to any services within the road reserve.

15. 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 (LGA).

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

Advantages:

- The applicant will be able to continue the consented building works.

Disadvantages:

- Council's road reserve will be encumbered with private infrastructure.
- The usable footpath space will be reduced.

17. Option 2 The WUCCB decline the LTO Road Reserve application.

Advantages:

- Council's road reserve will not be encumbered with private infrastructure.

Disadvantages:

- The building works will not be able to continue.
- The applicant will need to find an alternative solution to undertake the consented building works.

18. 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

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.
20. The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the LGA. A higher level of compliance must be achieved for a significant decision.
21. Pedestrians who utilise the adjacent footpath are identified as being adversely affected by or would be significantly interested in this matter. The safety precautions implemented by the applicant along with the remaining usable footpath space should minimise the impact on those who utilise the footpath.
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 with Māori as part of this application.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

24. This matter relates to the Community & Wellbeing 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.

25. The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by the conditions imposed by the LTO.

Financial Implications | Kā Riteka ā-Pūtea

26. The applicant has paid a fee for their application to be processed which includes the preparation of the licence document if successful.

27. 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

28. 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;
- 2024-34 Long Term Plan – the consideration to grant or otherwise a LTO is considered part of the Council's 'Regulatory Services' outlined in the Plan; and
- Temporary Use of Public Space for Construction Purposes Policy (Adopted 2003) – the policy addresses use of public space for temporary construction purposes.

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

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

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

31. Section 10 of the LGA 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. Adopting the recommendation 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 them to complete the consented building works at no risk to the community.

32. 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 & Plans
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RE: Cook Brothers, Three Parks

This application seeks retrospective permission to occupy a section of Sir Tim Wallis Drive footpath for new building site.

A section of the footpath will be occupied with hoarding and scaffolding for project duration (estimated completion end of November 2025).

Hoarding dimensions along footpath are 2.4m height, 45m length, 1.9m depth (from boundary to hoarding)

Scaffolding dimensions along footpath are 1.6m depth, 3m height, 45m length.

The footpath will remain open and trafficable for use throughout. Cones to be installed along the scaffolding posts as visual warning. Scrim will be used for top section of scaffolding to ensure site and materials remain secure.

Adjacent buildings and carpark spaces will remain unaffected by the scaffolding.

Majority of deliveries will occur within Three Parks carpark with no TTM required. Any deliveries impacting the QLDC road reserve will be covered under the Traffic Management Plan.

All rubbish will be collected internally via Three Parks carpark.

Please see the attached maps and LTO application.

Cheers,
Kelsey

Kelsey Brownrigg
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PARKING BAYS REMAIN OPERATIONAL

3 m

45 m

