

**Wānaka Community Board
31 March 2022****Report for Agenda Item | Rīpoata moto e Rāraki take : 2****Department: Property and Infrastructure****Title | Taitara Licence to Occupy application for Irrigation Race – LO220004****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

The purpose of this report is to consider granting a Licence to Occupy Road Reserve to enable Luggate Irrigation Company Limited and Lake McKay Limited Partnership, the owners of 24 Atkins Road, Luggate, to run an irrigation race within proposed future road reserves.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Wānaka Community Board;

1. **Notes** the contents of this report;
2. **Grants** a licence to occupy the future road reserves at 24 Atkins Road Luggate to enable Luggate Irrigation Company Limited and Lake McKay Limited Partnership to run an irrigation race and related infrastructure subject to the following conditions:
 - a. The licence shall remain at Council's pleasure.
 - b. Building, Resource Consent and Engineering Acceptance to be obtained prior to works commencing.
 - c. Final design and location of the water race is to be submitted and approved by Council's Engineers. The final design shall ensure that the clear zone is free of hazards at road crossings.
 - d. All infrastructure is to be in accordance with the Queenstown Lakes District Council's policies and standards.
 - e. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - f. All services including three-waters, telecommunications, power and gas within the road reserve must be identified and catered for and no compromise shall be made to Council's infrastructure or access to same.
 - g. Ongoing maintenance of the infrastructure is to be the responsibility of the Licensee or a management company set up for that purpose. If a management company is set up the licence should be reassigned to that company.
 - h. Any damage as a result of the maintenance works or as a result of the occupation (i.e. failure of the culvert or damage to Council infrastructure arising from the presence of the irrigation race within the road reserve) to be resolved to the satisfaction of Council Engineers at the cost of the applicant.

- i. As-builts are to be submitted to Engineeringapprovals@qldc.govt.nz in a format compatible with QLDC's GIS system.

Prepared by:



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2/03/2022

Reviewed and Authorised by:



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Manager for Resource
Management Engineering

16/03/2022

Approved by



Tony Avery
GM, Planning and Development

16/03/2022

CONTEXT | HOROPAKI

- 1 Lake Mckay Limited Partnership (herein referred to as the “the Applicant”) own 24 Atkins Road Luggate legally known as Lot 1 DP 543396. Luggate Irrigation Company Limited (herein referred to as the “the Applicant”) have irrigation infrastructure and services within the property.
- 2 RM210779 has been submitted to Council to seek consent to create an 83 lot subdivision including roads to be vested.
- 3 It is proposed that the existing irrigation race will occupy the future vested roads. The water race will be piped under both area B and G as indicated in the scheme plans (attachment A). The pipes will be 450mmØOD. The scheme plan identifies the approximate alignment of the race. The exact location will detailed at the time of engineering acceptance, which will identify the final dimensions and location prior to vesting of the road.
- 4 As resource consent is yet to be granted and engineering design for the roads has not been reviewed there is a requirement for some flexibility with what is granted by the LTO. The applicants will work with the Council to establish the precise locations of the occupation and will ensure the race will follow an alignment which will comply with Council’s standards for clearance to other services and pipe cover.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 5 Licences for private irrigation infrastructure have been granted in the past, with no issues being raised. Such licences ensure the ongoing maintenance of the infrastructure is the responsibility of the licence holder, that the irrigation infrastructure does not interfere with the road network and do not result in any additional responsibilities for Council.
- 6 Council’s Engineers have been consulted who have confirmed support for the proposal subject to the following:
 - a. Final design and location of the water race is to be submitted and accepted by Council’s Engineers. The final design shall ensure that the clear zone is free of hazards at road crossings.
 - b. All infrastructure is to be in accordance with the Queenstown Lakes District Council’s policies and standards.
 - c. As-builts are to be submitted to Engineeringapprovals@qldc.govt.nz in a format compatible with QLDC’s GIS system.
- 7 Option 1 The Board can approve the Licence to Occupy Road Reserve application subject to the conditions proposed above.

Advantages:

8 The proposed subdivision can proceed once resource consent is granted with no interruption to the irrigation services provided by Luggate Irrigation Company Limited

9 There will be an opportunity to review the design and location of the irrigation race.

Disadvantages:

10 No disadvantages identified

11 Option 2 The Board can decline the Licence to Occupy Road Reserve application.

Advantages:

12 No advantages identified.

Disadvantages:

13 The application may be unable to proceed with their development as planned.

14 The irrigation race and services may be disrupted or unable to continue as planned

15 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 engineers.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

16 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.

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

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

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

19 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating.

20 This matter relates to this risk because a property right contained in the road reserve does carry risk to Council for any future works. The risk has been mitigated by retaining the licence at Council's pleasure and adding conditions to ensure any damage to Council's assets as a result of this licence are remedied by the licence holder.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 21 The Applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.
- 22 Should legal review of the licence be required, Council’s legal costs will be recovered from the applicant.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

- 23 The following Council policies, strategies and bylaws were considered:
 - a. *Significance and Engagement Policy 2014* – providing clarity on Council’s decision making processes and assessing the extent to which individuals, organisations, groups and sectors in the community are affected by the Council’s decisions.
 - b. *Long Term Plan* – the consideration to grant or otherwise a Licence to Occupy is considered part of the Council’s ‘Regulatory Services’ outlined in the Plan.
- 24 The recommended option is consistent with the principles set out in the named policy/policies.
- 25 This matter is not included in the Ten Year 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-KĀIKA

- 26 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. The recommended course of action in this report is consistent with these objects by allowing the proposed occupation of the future roads to proceed at no cost to the community and ensuring the ongoing maintenance and responsibility of the infrastructure sits with the applicant.
- 27 The recommended option:
 - Is consistent with the Council's plans and policies; and
 - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Subdivision Scheme Plans marked up
B	Cover Letter