

Wānaka-Upper Clutha Community Board

12 October 2023

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

Department: Planning & Development

Title | Taitara: Licence to Occupy road reserve- Mt Barker Road, Wānaka Irrigation Pipe

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to assess granting a Licence to Occupy Road Reserve to enable Bovett Pipe Limited to put an irrigation pipe under Mount Barker Road, Wānaka at a location approximately 150 metres east of Smith Road, Wānaka to service indefinitely Lot 2 DP 21379 with irrigation supply.

Recommendation | Kā Tūtohuka

That Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report; and
2. **Grant** a Licence to Occupy Road Reserve to enable Bovett Pipe Limited to put an irrigation pipe under Mount Barker Road, Wānaka at a location approximately 150 metres east of Smith Road, Wānaka to service Lot 2 DP 21379 with irrigation indefinitely. 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 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 Worksafe New Zealand’s standards for the work environment.
 - e. The applicant shall contact relevant utility companies regarding possible telecommunication, power and any other reticulated services located within the road reserve.
 - f. The pipe must not compromise roading or services maintenance activities.

- g. The appropriate Otago Regional Council permits are obtained for the water take if required.
- h. The appropriate easements for the right to convey water are obtained for where the pipe crosses private land.
- i. Ongoing maintenance of the occupation is to be the responsibility of the Licensee.
- j. Any damage as a result of any maintenance works is to be resolved to the satisfaction of Council engineers at the cost of the applicant.
- k. Any works within the road reserve are to be undertaken to the specification and approval of Council's engineers and shall include an engineering plan with a trench profile plan.
- l. Council will require an 'as-built' plan of the new water pipe that is compatible with QLDC's GIS system be submitted to Engineeringapprovals@qldc.govt.nz
- m. 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.
- n. The applicant consents to a Covenant in Gross being recorded against the title to ensure the recommended terms and conditions of the Licence continue in perpetuity for all future owners of the property.

Prepared by:



Name: Leonie Stapleton
Title: Licence To Occupy Administrator

10 August 2023

Reviewed and Authorised by:



Name: David Wallace
Title: Planning & Development General
Manager

18 September 2023

Context | Horopaki

1. Criffel Water Limited supplies several properties with irrigation water from Luggate Creek. It is currently working through piping the existing water race to provide water through to shareholding properties on the north side of Mt Barker Road, Wānaka.
2. A licence to occupy approval is required for installation of a proposed irrigation pipeline to service Lot 2 DP 21379 which is owned by David Allen. The pipe is proposed to be put under Mt Barker Road at a location approximately 150 metres east of Smith Road, Wānaka.
3. The proposed water pipe is 280mm and will be thrust within a 310mm steel sleeve. It is anticipated that it will take approximately one and a half days to undertake the works. Any services situated in the vicinity will be located prior to undertaking the pipe installation. The pipe will be located within the road reserve indefinitely while it provides irrigation supply to Lot 2 DP 21379.

Analysis and Advice | Tatāritaka me kā Tohutohu

4. Option 1 The Board grants the Licence to Occupy Road Reserve subject to the proposed conditions.

Advantages:

- The applicant will be able to complete the irrigation work to service Lot 2 DP 21379 with irrigation supply.

Disadvantages:

- The occupation will be under the road so it will not cause any restriction on the use of the road reserve therefore there will be no disadvantage.

5. Option 2 The Board declines the Licence to Occupy Road Reserve application.

Advantages:

- The area under the road occupied by the pipe will be unencumbered.

Disadvantages:

- The applicant will not have an irrigation supply for the property and may have to find an alternative supply.

6. 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

7. 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.
8. The persons who are affected by or interested in this matter are the applicants and the owner of Lot 2 DP 21379 who will use the irrigation supply.
9. Council engineers have been consulted about this application and have no concerns with this proposal.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

10. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10009 Strategy for growth fails to meet objectives within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating. This matter relates to this risk because a property right contained in the road reserve does carry risk to Council for any future works.
11. The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk.
12. The risk has been mitigated by retaining the licence at Council's pleasure.

Financial Implications | Kā Riteka ā-Pūtea

17. The applicant has paid a fee for the application to be processed which includes the preparation of the licence document, if successful.
18. Should 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

19. The following Council policies, strategies and bylaws were considered:
 - a. *Significance and Engagement Policy 2021 (rev. 2022)* – 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.
20. The recommended option is consistent with the principles set out in the named policies.

21. 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-Kiaka

22. 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 option is consistent with these objectives as it will encourage development of an irrigation supply at no cost to the community.

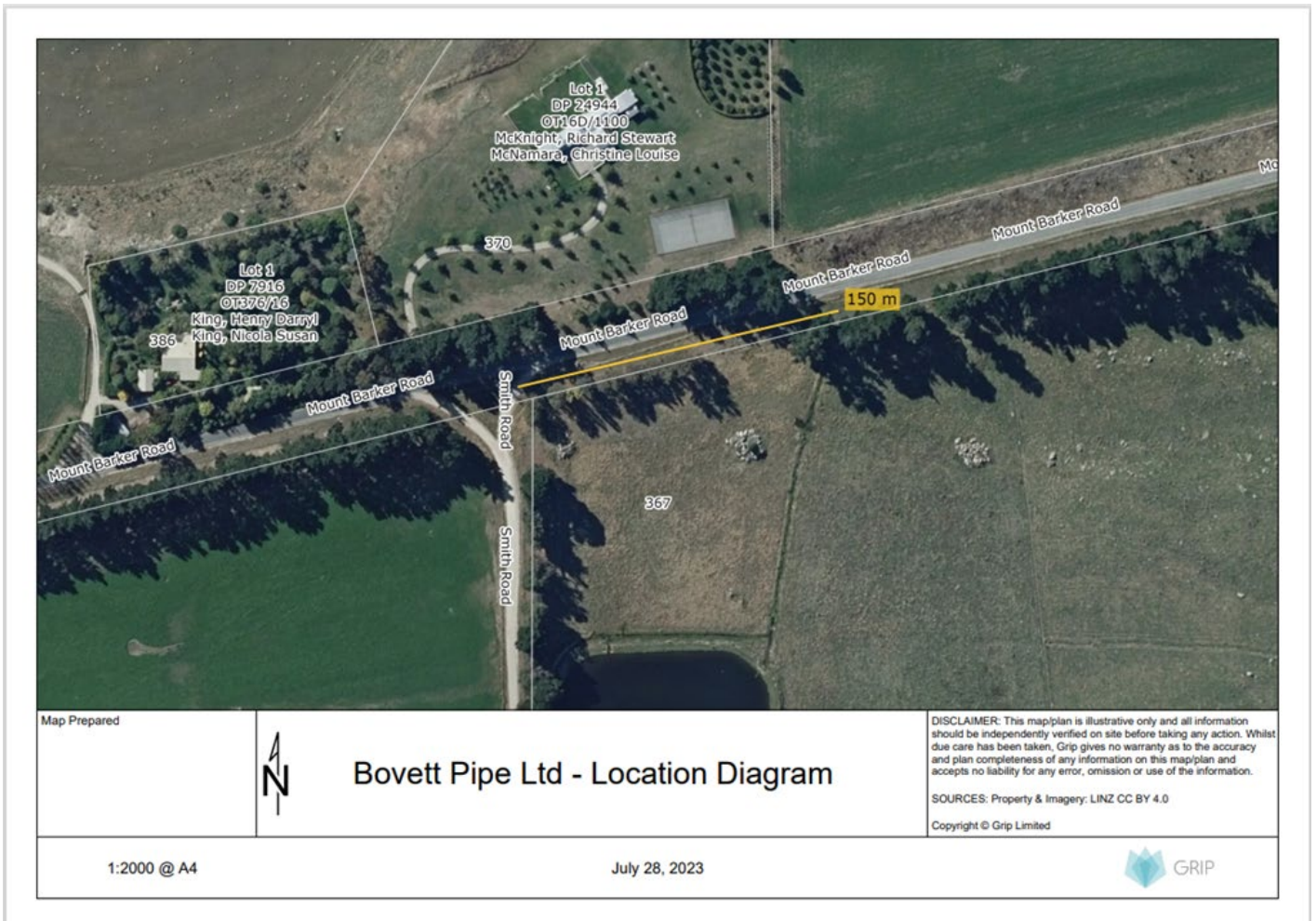
23. The recommended option:

- 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.

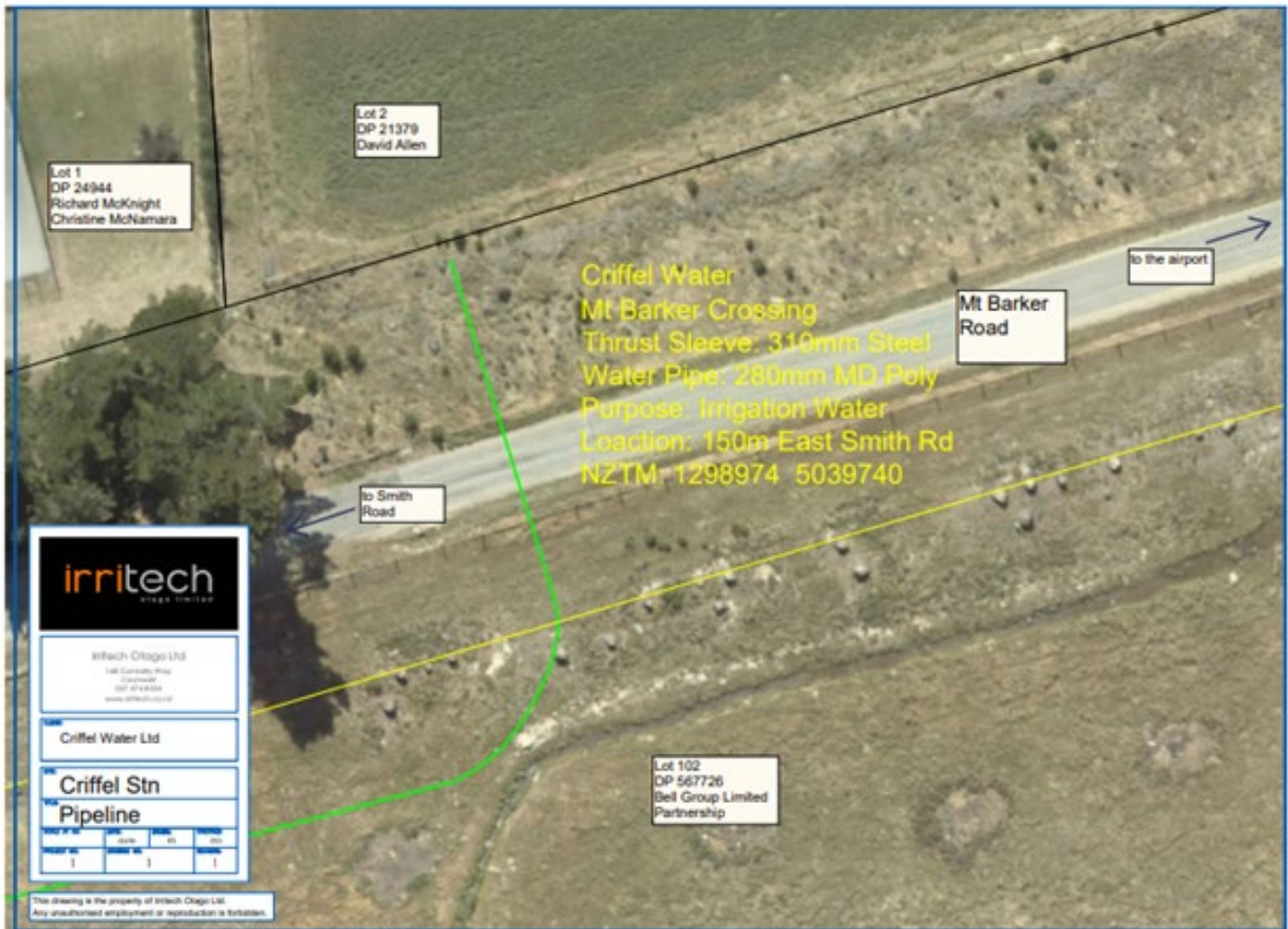
Attachments | Kā Tāpirihaka

A	Location plan
B	Diagram of pipe crossing Mt Barker Road
C	Cover Letter

Attachment A: Location Plan



Attachment B: Diagram of pipe crossing Mt Barker Road



Attachment C: Cover letter

PATERSONPITTSGROUP

3.0 BACKGROUND

Criffel Water Limited supplies several properties with irrigation water from Luggate Creek. They are currently working through piping the existing water race to provide water through to shareholding properties (Bovett Pipe Limited) on the north side of Mt Barker Road.

4.0 PROPOSAL

A licence to occupy approval is required for installation of a proposed irrigation pipeline to service Lot 2 DP 21379 which is owned by David Allen. The pipe is proposed to be thrust under Mt Barker Road at a location approx. 150 east of Smith Road. This is shown on the attached Location Diagram and Crossing detail.

The proposed water pipe is 280mm MD Poly and will be thrust within a 310mm steel sleeve. It is anticipated that it will take approximately one and a half days to undertake the works.

Any services situated in the vicinity will be located prior to undertaking the pipe installation.

The pipe will be located within the road reserve indefinitely while it provides irrigation supply to Lot 2 DP 21379.