

**Wānaka-Upper Clutha Community Board**

**30 November 2023**

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

**Department: Planning & Development**

**Title | Taitara: Licence to Occupy Road Reserve - Dublin Bay Road, Wānaka - Domestic water pipe**

**Purpose of the Report | Te Take mō te Pūroko**

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The purpose of this report is to consider granting a Licence to Occupy Road Reserve to enable F K Mackenzie to install a water pipe beneath Dublin Bay Road, Wānaka at a location approximately 75 metres north of the intersection with Dublin Bay Access Road, Wānaka to supply Lot 4 DP 24317 with water indefinitely.

**Recommendation | Kā Tūtohuka**

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That Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Grant** a Licence to Occupy Road Reserve to enable F K Mackenzie to install a water pipe beneath Dublin Bay Road, Wānaka at a location approximately 75 metres north of the intersection with Dublin Bay Access Road, to supply Lot 4 DP 24317 with domestic water supply indefinitely.
  - 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](mailto: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. A License to Occupy does not qualify or assess the suitability of the water supply in meeting the requirements of the Water Services Act 2021, Water Services (Drinking Water Standards for New Zealand) Regulations 2022, or Aesthetic Values for Drinking Water Notice 2022 (or superseding legislation, standards, and notices).
- o. The applicant consents to a Covenant in Gross being recorded against the title of Lot 4 DP 24317 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

31 October 2023



**Name:** Mike Wardill  
**Title:** Engineering Reporting Team Leader/ Manager, Development Engineering and Subdivision (Acting)

31 October 2023

**Reviewed and Authorised by:**



**Name:** Dave Wallace  
**Title:** General Manager, Planning and Development

1 November 2023

## Context | Horopaki

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1. A licence to occupy has been sought by F K Mackenzie for the installation of a water pipe to service Lot 4 DP 24317. The pipe is proposed to be placed under Dublin Bay Road at a location approximately 75 metres north of Dublin Bay Road and Dublin Bay Access Road intersection, Wānaka indefinitely.
2. The proposed water supply to Lot 4 DP 24317 is from an existing spring, which is located on Lot 3 DP 24317 which is also owned by the applicant.

## Analysis and Advice | Tatāritaka me kā Tohutohu

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3. 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.
4. The Council Engineers have been consulted about this application and have no concerns with this proposal.

Option 1 Council can grant the Licence to Occupy Road Reserve subject to the conditions proposed above.

### *Advantages:*

- The applicant will be able to complete the work to service Lot 4 DP 24317 with domestic water supply.
- The applicant will be able to meet conditions of consent for RM150829, which requires the provision of water to the building platform on Lot 4 DP 24317.

### *Disadvantages:*

- A portion of Council Road is encumbered with private infrastructure.

Option 2 Council can decline the Licence to Occupy Road Reserve application.

### *Advantages:*

- A portion of the Council Road will not be encumbered with private infrastructure.

### *Disadvantages:*

- The applicant will not have a domestic water supply to the property and may have to find an alternative supply.
- The applicant will not meet conditions of consent for RM150829.

5. 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**

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#### **Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka**

6. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to Council's roading network which is identified as a significant asset.
7. The persons who are affected by or interested in this matter are the applicants as they own both the water supply and Lot 4 DP 24317 that it will service.
8. The Council Engineers have been consulted about this application and have no concerns with this proposal.

#### **Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka**

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9. 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.
10. The approval of the recommended option will support the Council by allowing implementation of additional controls for this risk.
11. The risk has been mitigated by retaining the licence at Council's pleasure.

#### **Financial Implications | Kā Riteka ā-Pūtea**

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12. The Applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.
13. 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**

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14. The following Council policies, strategies and bylaws were considered:
  - a. *Significance and Engagement Policy 2021*– 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.

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

16. 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**

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17. 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 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 providing an extension to private infrastructure at no cost to the community.

18. 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**

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A	Location Plan
B	Cover letter

**Attachment A: Location Plan**



Map Prepared		<h3>Mackenzie Water Pipe Location Diagram</h3>	DISCLAIMER: This map/plan is illustrative only and all information should be independently verified on site before taking any action. Whilst due care has been taken, Grip gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.  SOURCES: Property & Imagery: LINZ CC BY 4.0 Copyright © Grip Limited
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Attachment B: Cover letter

**PATERSONPITTS**GROUP

**1.0 APPLICATION DETAILS**

**Applicant(s):** F K Mackenzie  
**Site Address:** 258 Dublin Bay Road Wanaka  
**Legal Description:** Located between Lots 3 & 4 DP 24317  
**Record of Title:** Lots 3 & 4 DP 24317 – RT OT16B/545  
**Locality Map:**



**2.0 APPENDICES**

Appendix A – Application Form  
Appendix B - Mackenzie Water Pipe Location Diagram

**3.0 PROPOSAL**

The applicant has an approved resource consent (RM1508209) for a building platform on Lot 4 DP 24317 and a condition of the resource consent requires the provision of water to the platform. Note- RM1508209 has been granted an extension and currently working through the application for engineering approval.

The proposed water supply to Lot 4 DP 24317 is from an existing spring which is located on Lot 3 DP 24317. The approximate position of the spring has been marked on the attached Location Diagram.

A licence to occupy approval is required for installation of a proposed water pipe for domestic supply. The pipe is proposed to be installed near the end of Dublin Bay Road approx. 75 north of the intersection with the Dublin Bay Access Road as shown on the Location Diagram.

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 domestic supply to Lot 4 DP 24317.