

**Wānaka Community Board  
9 December 2021****Report for Agenda Item | Rīpoata moto e Rāraki take : 3****Department: Planning & Development****Title | Taitara LO210030 - Licence to Occupy – Wānaka Golf Club****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to consider granting a Licence to Occupy Road Reserve to enable the Wānaka Golf Club Incorporated, the tenants of Wānaka Golf Club Ballantyne Road RD 2, to install a stacked stone wall including drainage for the purpose of signage at the entrance of the club.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That the Wānaka Community Board;

1. **Notes** the contents of this report;
2. **Grants** a licence to occupy the Ballantyne Road road reserve to enable the Wānaka Golf Club Incorporated to install a stacked stone wall for future signage, subject to the following conditions;
  - a. The licence shall remain at Council's pleasure.
  - b. Building Consent to be obtained prior to works commencing if required.
  - c. Resource Consent is required for signage in the Road Reserve and this shall be obtained prior to erecting the structure in the road reserve.
  - d. Prior to any works the licensee shall demonstrate to the Monitoring and Enforcement team that no resource consent is required to breach the QLDC District Plan rules regarding sight lines to ensure that the structure does not represent a safety hazard to pedestrians or vehicles from a lack of appropriate sight lines.
  - e. The applicant confirm in writing to Marcus Warren of QLDC that a uniform 2% gradient from the edge of existing path to the base of the wall can be achieved without having to amend the wall construction to allow for a future footpath adjoining the structure.
  - f. If the licence agreement is ended the licensee shall be responsible for reinstating all licence areas to Council's satisfaction.
  - g. Approval of a Traffic Management Plan (TMP) and Corridor Access Request (CAR) by Council Engineers before work commences.

- h. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
- i. All services including 3-waters, telecommunication, power and gas within the road reserve must be identified and catered for and no compromise shall be made to Council Infrastructure or access to same.
- j. Any damage as a result of the work to be resolved to the satisfaction of Council Engineers at the cost of the applicant. If damage is not remediated promptly Council reserves the right to remediate and charge all costs to the Licensee.
- k. Structures must not compromise roading or services maintenance activities.
- l. Ongoing maintenance of the structures and landscaping are to be the responsibility of the Licensee.
- m. In the event that Council requires access to any Council services in or in close proximity to the agreed location or the wall is required to be partially removed to facilitate Council works, Council will not be liable for damage to, or reinstatement of, the wall and/or sign.
- n. In the event the footpath within the road reserve is widened or improved, the licensee shall accommodate any works required and removal or moving of the wall and sign if required.

Prepared by:



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6/12/2021

Reviewed and Authorised by:



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Engineering

6/12/2021

## CONTEXT | HORPOAKI

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- 1 Wānaka Golf Club Incorporated (herein referred to as the "the Applicants") operate the Wānaka Golf Club at Ballantyne Road RD 2, legally known as Lot 1 DP 11284. A Licence to Occupy the road reserve for the purpose of sealing part of the road reserve for car parking purposes (Attachment A) is currently in place.
- 2 The applicants have begun works to upgrade the entrance to the club which sits within the road reserve. The work includes the removal of an existing sign and an established lavender and rock garden (See Attachment B). The applicant has begun the installation of a dry stacked stone wall and a new metal sign on the assumption that that their current licence to occupy allowed them to upgrade the road berm.
- 3 Council's monitoring and enforcement team received a query asking if the applicants had consent to undertake the works. On review of the current licence it was established that it does not cover the area of the works and does not allow for any additional signage, structures or landscaping. As there is no consent for the work a stop work notice was issued.
- 4 To gain consent to continue with the works the Applicants have lodged a new Licence to Occupy application to allow for the installation of the wall and signage.
- 5 Resource consent will be required for any signage such as that proposed in the road reserve. This consent should be gained prior to erecting the structure proposed that the signage is proposed to be attached to.
- 6 The proposed wall is anticipated to be a curved design, 1 metre high and 10 metres long. See attachment C for design plans. The wall will finish 2.2 metres from the edge of the footpath and will include a Nova Drain pipe behind the wall for drainage purposes.
- 7 The applicant has not demonstrated that the location of the structure is safe. In that regard no assessment of traffic safety or sightlines has been provided with the application to show it does not represent a hazard to those on the road when vehicles are leaving the golf club.
- 8 The design the sign is has not been submitted, but it is understood it is intended to be the same size as the existing sign.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 9 Council's Roading Engineers have been consulted and conducted a site inspection of the works and support the proposal subject to the following matters.
- 10 Prior to any works the applicants confirm the District Plan requirements for sight lines are met and the wall does not represent a safety hazard regarding lack of sight of pedestrians or vehicles.
- 11 All services are identified and no compromise shall be made to Council Infrastructure or access to same

- 12 Structures must not compromise roading or services maintenance activities
- 13 Future widening and enhancement of the footpath is not hindered or obstructed in anyway,
- 14 Damage that has been made to the berm including the removal of grassing and topsoil is to be remedied.
- 15 Conditions have been proposed to manage these concerns.
- 16 Council is currently in the process of working through a footpath widening and alignment project through the area. An active travel route is proposed along Ballantyne Road and it is anticipated that it will run along the road reserve adjacent to the Golf Club. The engineers working on this project have been consulted and conditions have been suggested to manage their concerns.
- 17 The District Plan has rules relating to the use of signs to manage the number, type, location, appearance and design of signs to minimise adverse effects and maintain a quality environment. A resource consent is required for the installation of the proposed sign.
- 18 Conditions have been proposed to manage any potential traffic safety matters including confirmation of appropriate sightlines.
- 19 Option 1 Wānaka Community Board can grant the Licence to Occupy Road Reserve application subject to the conditions proposed above.

*Advantages:*

- 20 The applicant will be able to continue with their works to erect the proposed stacked stone wall and sign.

*Disadvantages:*

- 21 Private structures in road reserve can affect ongoing maintenance activities.
- 22 Future widening of the footpath and active travel routes may be more difficult to construct with private structures in the road reserve.
- 23 District Plan rules regarding signage could potentially be breached.
- 24 Option 2 Wānaka Community Board can decline the Licence to Occupy Road Reserve application.

*Advantages:*

- 25 Ongoing maintenance activities for services will be uncompromised.
- 26 Future plans to widen the footpath and create active travel routes can proceed unobstructed.

27 District Plan rules will be adhered to.

*Disadvantages:*

28 The applicants will be unable erect the proposed stacked stone wall and sign.

29 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:

### SIGNIFIANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

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30 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.

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

32 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

33 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.

34 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.

### FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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

36 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

37 The following Council policies, strategies and bylaws were considered:

- *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.

- *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.

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

39 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**

40 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 allowing the applicant to enhance the entrance to their facility safely whilst ensuring access to services is maintained and the future development of active travel routes & footpath widening can proceed unobstructed at no cost to the community;
- 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	Licence to Occupy – Car Parking
B	Lavender and Rock Garden
C	Plans, Photos and Measurements of Wall
D	Cover Letter