

**Wānaka Community Board  
17 February 2022****Report for Agenda Item | Rīpoata moto e Rāraki take : 2****Department: Planning and Development****Title | Taitara Licence to Occupy application for 67 Brownston Street****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 Fortis Holdings Limited, the developers of 67 Brownston Street Wānaka, to occupy the road reserve for construction purposes including, scaffolding, hoarding, material storage and the placement of shipping containers.

**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 67 Brownston Street road reserve to enable Fortis Holdings Limited to occupy the road reserve for construction purposes including scaffolding, gantry, site cabins and storage yard subject to the following conditions;
  - a. The licence shall remain at Council's pleasure.
  - b. All works to be suspended and the road reserve cleared during the Christmas and New Year period if works are not already completed.
  - c. The licence may be terminated or suspended should council require use of the road reserve for infrastructure works.
  - d. The licence area is not to be used for parking by the licensee or their contractors.
  - e. Building and Resource Consent to be obtained prior to works commencing if required.
  - f. Approval of a Traffic Management Plan (TMP) by Council Engineers before work commences which compliments any other existing TMPs in the vicinity.
  - g. Deliveries to site to be undertaken before 8:00am where possible in order to minimise disruption.
  - 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, phone, 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. The licensee shall liaise with the affected adjacent businesses regarding possible impacts.
- k. The licensee shall communicate with business via flyers detailing closure dates and times.
- l. No hazardous chemicals or materials shall be stored or used on the area of occupation at any time.
- m. The area of occupation must be kept clean with any waste material spillage cleaned immediately.
- n. Any damage to Council property as a result of the works is to be resolved to the satisfaction of Council Engineers at the cost of the applicant. This is to be evidenced by before and after photos or similar.
- o. Any requests for an extension of the licence to occupy term are to be submitted to [Engineeringapprovals@qldc.govt.nz](mailto:Engineeringapprovals@qldc.govt.nz) for review and too approved in writing by the Manager for Resource Management Engineering.

Prepared by:	Reviewed and Authorised by:
	
Brooke Allan Subdivision Officer  11/01/2022	David Wallace Manager for Resource Management Engineering  14/01/2022

## CONTEXT | HORPOAKI

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- 1 Fortis Holding limited (hereafter referred to as the “the Applicant/s”) has been engaged by the owners of 67 Brownston Street, Wānaka legally known as Section 13 Block IV TN OF Wānaka to construct the Kitea Hotel granted under BC211469.
- 2 The hotel’s footprint encompasses the full extent of the property, leaving little space within the property’s boundary for the placement of the required scaffolding, site cabins and storage.
- 3 The applicant has proposed to use the footpath adjacent to the property for the purpose of erecting scaffolding, creating a storage yard and the placement of four shipping containers which will be used as site cabins. The area of occupation will be fully fenced.
- 4 A gantry will be created using open ended containers to provide a walk through for pedestrians. Please see Attachment A for plans.
- 5 An alternative pedestrian route will also be provided via a diversion to the opposite side of the road. A Traffic Management Plan (TMP) will be in place at all time to ensure the safety of the public.
- 6 The proposed occupation is anticipated to take 52 weeks and the applicants wish to begin works as soon as possible.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 7 Council’s Temporary Use of Public Space for Construction Purposes Policy considers such applications. The Policy states;
  - a. that the Queenstown Lakes District Council has a statutory duty to ensure the safe and efficient operation of the road network and outlines the requirements to have a Licence to Occupy 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; and
  - b. that the works require an approved Traffic Management Plan before any work commences; and
  - c. that 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
  - d. that 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. Brownston Street is not deemed to be an arterial road.
- 8 Council’s Engineers have been consulted who have confirmed support for the proposal subject to the following;
  - a. *A walk through gantry is created to allow pedestrians to access the footpath.*

b. *Pedestrian safety is managed by minimising the need to cross the busy intersection.*

- 9 This has been done via the usage of open-ended contain to create the walkthrough gantry.
- 10 Option 1 Council can grant the Licence to Occupy Road Reserve application subject to the conditions proposed above.

*Advantages:*

- 11 The works can proceed as planned, in a timely manner, while protecting the public from associated hazards.

*Disadvantages:*

- 12 Any occupation of public space for construction purposes can be considered a disruption and an interference to free public access and use of public space

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

*Advantages:*

- 14 There will be no disruption to public access of the road reserve.

*Disadvantages:*

- 15 The applicant will need to consider alternative means to complete their refurbishment works which will result in delays.

- 16 The works may not be able to be completed in a timely manner and may result in increased safety risk for the public.

- 17 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

- 18 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.
- 19 There are no persons, other than the applicants, identified who are adversely affected by or would be significantly interested in this matter.
- 20 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

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- 21 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 potentially High inherent risk rating.
- 22 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

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- 23 The Applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.
- 24 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

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- 25 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.
  - Temporary Use of Public Space for Construction Purposes Policy (Adopted 2003)* – the policy addresses use of public space for temporary construction purposes.
- 26 The recommended option is consistent with the principles set out in the named policy/policies.
- 27 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

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- 28 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 allowing the construction of the

hotel as granted by BC211469 to proceed as planned at no cost to the community whilst ensuring the safety of the public.

29 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**

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A	Location Plan
B	Application Cover Letter
C	Traffic Management Plan