

**Wānaka-Upper Clutha Community Board**

**21 November 2024**

**Report for Agenda Item | Rīpoata moto e Rāraki take [5]**

**Department: Planning & Development**

**Title | Taitara: Licence to Occupy – 122 Kings Drive, Wānaka (LO240032)**

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

---

The purpose of this report is to consider granting a Licence to Occupy ('LTO') Road Reserve to enable Montessori Children's House Wānaka Trust, located at 122 Kings Drive, Wānaka to construct a 25m<sup>2</sup> hard stand area for the purpose of allowing parents a safe and usable area in all weather conditions to park their bicycles while dropping off their children near the gate entrance.

**Recommendation | Kā Tūtohuka**

---

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Grant** a Licence to Occupy 122 Kings Drive, Wānaka road reserve to Montessori Children's House Wānaka Trust 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 2004 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 the Health and Safety at Work Act 2015;
  - e. Any works within the road reserve to be undertaken to the specification (including Code of Practice – 3.4.14.3 Concrete Pavers) and approval of Council's engineers;
  - f. Any reinstatement works within the road reserve, if required, to be undertaken in accordance with the Council's Code of Practice and to the satisfaction of Council's engineers;
  - g. The adjacent berm is to be reinstated to good condition and grass seeded post construction, if required;

- h. All services including three-waters, telephone, 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 and Council reserves the right to charge a reasonable rate for any damage done to infrastructure;
- i. Prior to works commencing, photographic evidence or a Council inspection is to be carried out of the pre-existing condition of the area to be occupied, and then again once the proposed occupation works are complete; photographs can be sent to [adam.geekie@qldc.govt.nz](mailto:adam.geekie@qldc.govt.nz); Council's engineer inspection to be arranged with Rich Gurnell ([rich.gurnell@qldc.govt.nz](mailto:rich.gurnell@qldc.govt.nz)); should any reinstatement works be required of this area, a further inspection is to be completed, with area to be of current or better condition;
- j. 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 (e.g. reinstatement of footpaths, road markings etc); if photographic evidence is not provided, any damage to the area following the occupation shall be remedied by the LTO holder.
- k. In the event that Council requires access to any Council services in or in proximity to the agreed location (including responding to a failure of the water main), Council will not be liable for damage to, or reinstatement of the occupation;
- l. Occupation must not compromise roading or services maintenance activities;
- m. The licence area is not to be used for vehicle parking or as a construction material storage or staging area at any time;
- n. The licenced area must be always kept orderly and tidy;
- o. The construction of the hard stand area is to be as proposed with the berm to be dug out to a depth of 150mm, boxed and builder's mix installed and compacted prior to pavers being installed that are to be of same or similar style as adjacent footpath pavers;
- p. Ongoing maintenance of the occupation is to be the responsibility of the licensee;
- q. Care shall be taken to ensure no damage to surrounding paved area, street trees/garden area or infrastructure during construction with any damage to be repaired by the LTO holder; if light pole infrastructure and gardens/trees are at risk of damage (including paint), protection shall be installed to ensure no damage and surrounding pavers shall be protected by covering them with rubber matting thick enough to prevent paver damage, should use of larger construction equipment be required.
- r. If the applicant sells the property to any other purchaser, other than another childcare centre / preschool, then the licenced area must be reinstated to its original condition to the satisfaction of Council;

- s. The applicant is to design, supply and install a suitable sign on the nearby property fence and a permanently installed bike stand rack signalling the intended use of the licensed area; the type of rack and signage proposed must be approved by Council before installation and a photograph of the installed sign and rack is to be provided to Council ([adam.geekie@qldc.govt.nz](mailto:adam.geekie@qldc.govt.nz)); and
- t. The applicant must register a Covenant in Gross against the titles of both Lot 95 DP 310207 and Lot 94 DP 310207 to ensure the recommended terms and conditions of the licence continue in perpetuity for all future owners of the property, with evidence of the registration to be provided to QLDC ([adam.geekie@qldc.govt.nz](mailto:adam.geekie@qldc.govt.nz)) prior to works commencing; failure to register the covenant will result in the licence being null and void.

**Prepared by:**



**Name:** Adam Geekie

**Title:** LTO & TRC  
Administrator  
3 October 2024

**Reviewed by:**



**Name:** Craig Hughes

**Title:** Team Leader – Acceptance,  
Development Engineering  
8 October 2024

**Approved by:**



**Name:** Dave Wallace

**Title:** General Manager –  
Planning and Development  
30 October 2024

## Context | Horopaki

---

1. Montessori Children’s House Wānaka Trust (hereafter referred to as the “the applicant”) has applied to install a hard stand area, approximately 25m<sup>2</sup>, outside 122 Kings Drive, Wānaka for the purposes of allowing parents a safe and usable area away from the parking lot in all weather conditions to park their bicycles while dropping off their children near the gate, subject to the approval of this Licence to Occupy application.
2. Many of the parents drop their children off at the childcare centre on their bicycles and currently park on the grass berm beside the gate. The grass area is uneven and unsuitable in any bad weather with heavy bicycles loaded with children.
3. The proposed hard stand area near the gate, in the legal road reserve (approximately 25m<sup>2</sup>) will provide a more stable loading/unloading area for parents dropping their children off by bicycle.
4. The applicant proposes to dig out 150mm of the existing berm, box the area and then use builder’s mix that is made of blend of sands and aggregates which will be imported and compacted. The applicant proposes the hard stand area would be finished with pavers similar to the sidewalk paver used on the adjacent footpath.

## Analysis and Advice | Tatāritaka me kā Tohutohu

---

5. The hard stand area proposed will give parents and their children a fit-for-purpose area to park bicycles during pick up and drop off. The area is away from the centre’s carpark, the road and off the footpath so as not to interfere with pedestrians.
6. The centre’s carpark area is not a suitable pick up and drop off location or appropriate for storage of bicycles due to vehicle movements in and around that area. There is a risk of vehicles hitting bicycles or other pedestrians.
7. Parents currently use the proposed space all year round and have found that the area deteriorates in bad weather due to the bicycle traffic and the ground becomes soft and uneven. Parents and their children could become unsteady and/or fall off their bicycles as a result. Without the hard stand area, during bad weather there is a risk that the footpath will become a storage area, resulting in pedestrians having to go around the bicycles which could involve going on the road.
8. There is a water mains pipe running under the proposed area. The site will be finished with pavers instead of concrete. This is to mitigate risk to the infrastructure and allow easier access under the area if needed by Council and/or contractors. Also from an aesthetics perspective, the proposed area will blend in with the surroundings, including the adjacent footpath.
9. There is a water main toby located on the edge of the boundary near the driveway into the centre’s carpark. This will remain grassed and will not be included within this licence approval. This will allow easy access to the water main if needed by Council and/or contractors and reduce the risk of any damage occurring.

10. Council's engineers have been consulted who have confirmed support for the proposal subject to the following;
- a. Three Waters Contracts Engineer:
    - Asked for confirmation that the lateral and fittings for the toby have been replaced prior to paving. Lateral and toby fittings have a high failure rate and most have been replaced. A Request for Service (RFS) has been raised with QLDC Customer Services to ensure the Three Water Engineer concerns are addressed.
  - b. Road Corridor Engineer:
    - Noted that the LTO is only applicable to the current use/operation. Should this change (i.e. the property is sold to any purchaser other than a childcare centre or preschool) then the applicant is required to reinstate the licence area at the applicant's cost to the current grassed berm conditions.
  - c. Roading Operations and Contracts Manager:
    - Queried the difference between people wanting to pave areas to park their cars and this application, especially as the applicant has a large, paved asphalt carpark they could use. However, the officer agreed that there is more public benefit to having a safe area for bike parking and was able to endorse the application.
    - The officer agreed with the Road Corridor Engineer regarding removal of the area if no longer being used for the required purpose.
    - A request was made for the applicant to provide a sign on the gate and bike racking to be installed to eliminate the licence area becoming an extra carpark.
11. The following special conditions have been included due to the above internal stakeholder feedback / discussions:
- a. Condition 'p' states that if the property is sold to any other entity, other than an early childhood centre / pre-school then the area is to be reinstated back to original condition to the satisfaction of Council.
  - b. Condition 'q' requires the applicant to supply and install a suitable sign and permanent bike stand rack for the licenced area stating its intended purpose.
12. 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.
13. Option 1 The Board **grants** the Licence to Occupy Road Reserve application subject to the conditions proposed above.

*Advantages:*

- The parents will have a more stable, fit-for-purpose loading/unloading area for when parents are dropping off/picking up their children by bicycle.
- Having the hard stand area will ensure it is an all-year round option, without the potential of being uneven and muddy on wet days and in the winter.

- From a health and safety perspective, the children and their parents will have their own dedicated pick up/drop off area away from the carpark. This will minimise the risk of injury or harm having separate areas for persons and vehicles.

*Disadvantages:*

- The legal road reserve will be encumbered with private infrastructure.
- If Council is responding to or requires access to Council services (water main) contained within the road reserve, Council would need to remove the paving, potentially causing a delay to Council.

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

*Advantages:*

- The legal road reserve will not be encumbered with private infrastructure.
- There will be no additional risk of any damage to any of the Council's infrastructure contained within the road reserve.

*Disadvantages:*

- The applicant will not have a safe dedicated pick up/drop off, bicycle parking area away from moving vehicles.
- There is the risk of injury to children and their parents if they are forced onto another hard standing area (i.e. the carpark or roadside) if the grassed verge is too wet or uneven.

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 high 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.



### **Māori Consultation | Iwi Rūnanga**

19. No Māori consultation is required for this occupation.

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

---

20. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10021 Ineffective operations, maintenance or renewal of property or infrastructure assets within the QLDC Risk Register. This risk has been assessed as having a very high residual risk rating. Approval of the recommended option will allow the Council to implement additional controls for this risk, achieved by approving the recommended conditions for the Licence to Occupy.

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

---

21. The applicant has paid a fee for this 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.

23. Council's legal costs to have the licence recorded against the applicant's title by a Covenant in Gross will be recovered from the applicant

### **Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera**

---

24. The following Council policies, strategies and bylaws were considered:

- a. **Significance and Engagement Policy 2024** – 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.
- c. **Council's Urban Verge Mowing Policy 2007** – assumes most verges are grassed and places the civic responsibility of maintaining grassed verges on the adjacent property owner.

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

26. 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**

---

27. 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. Approval of this report's recommendation will support these objectives by allowing a community organisation to construct a paved area for bicycle parking to support caregivers who take children to school by bicycle (active travel). As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

28. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- 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	Covering letter from applicant
---	--------------------------------