

**Wanaka Community Board**  
**26 September 2019**

**Report for Agenda Item | Rīpoata moto e Rāraki take 3**

**Department: Planning & Development**

**Title | Taitara Licence to Occupy Road Reserve – 12 & 18 Highfield Ridge, Wanaka**

**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 the property owners at 12 & 18 Highfield Ridge, Wanaka for landscaping and irrigation within road reserve.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Grant** a licence to occupy Highfield Ridge road reserve to the property owners of 12 & 18 Highfield Ridge, Wanaka for landscaping and irrigation subject to the following conditions;
  - a. The licence shall remain at Council's pleasure who reserves the right to remove or prune some or all of the trees should it be found that they are causing an undue nuisance or damaging infrastructure.
  - b. 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. In particular, the wastewater line in the road reserve is to be identified and the 4m spacing of the trees is to be positioned such that the wastewater line is positioned in the middle i.e. 2m from each tree.
  - c. The trees are to be maintained in good order by the Licensee.
  - d. Council takes no responsibility for rectifying the landscaping in the event it requires access to its infrastructure.
  - e. The Licensees consents to a Covenant in Gross being recorded against the titles of Lots 36 & 37 DP 464291 to ensure the recommended terms and conditions of the Licence continue in perpetuity for all future owners of the property.

Prepared by:



Blake Hoger  
Property Advisor  
APL Property

31/07/2019

Reviewed and Authorised by:



David Wallace  
Manager for Resource  
Management Engineering

11/09/2019

## CONTEXT | HORPOAKI

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- 1 The owners of 12 & 18 Highfield Ridge, Wanaka, legally described as Lots 36 & 37 DP 464291 (herein referred to as “the Applicants”), maintain a vineyard on their respective properties which front Highfield Ridge and are bordered at the rear by Hidden Hills Drive.
- 2 The Applicants have applied to QLDC for a Licence to Occupy the Road Reserve to plant a row of 20 olive trees in the berm of Hidden Hills Drive, adjacent to their properties.
- 3 The Applicants propose to plant the trees approximately 7m from the roadside curb channelling. The trees will be spaced 4m apart and serviced by a drip line irrigation system controlled by a timer.
- 4 The Applicants accept the responsibility for the acquisition, planting, irrigation and maintenance of the trees.
- 5 A water main runs through the berm, parallel to the proposed trees. The line of trees will be planted 3m from the water main. A wastewater line runs perpendicular to the line of trees.
- 6 In making their application, the Applicants note that; “the Hidden Hills Residents Assn have QLDC approval for the planting of Liquid Amber trees in the extensive roadside berms in Hidden Hills Drive. This is entirely appropriate for the sections on this street where there is no surrounding native vegetation however, the upper areas of Hidden Hills Drive are surrounded by Kanuka trees and our permitted and established vineyard. We are of the view, as are our neighbours in the area, that olive trees are more compatible and complementary to the surrounding vegetation, and particularly so adjacent to our vineyard, than Liquid Amber trees would be”.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 7 Council’s Engineers have been consulted in respect to the landscaping and have expressed no significant concern other than to request the following conditions for approval;
  - a. The Council reserves the right to remove or prune some or all of the trees should it be found that they are causing an undue nuisance or damaging infrastructure.

- b. The wastewater line in the road reserve is to be identified and the 4m spacing of the trees is to be positioned such that the wastewater line is positioned in the middle i.e. 2m from each tree.
- 8 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.
- 9 The positioning of the trees does not affect sightlines for vehicles travelling along Hidden Hills Drive.
- 10 QLDC doesn't currently have a policy in place for Licences to Occupy Road Reserve. QLDC have however granted licences for landscaping in the past under similar conditions proposed in this report.
- 11 Option 1 Grant the Licence to Occupy Road Reserve application subject to the conditions proposed above.

*Advantages:*

- 12 The applicants will be able to install their landscaping as desired.

*Disadvantages:*

- 13 Council may need to expend resources in enforcing the terms and conditions of the licence if not adhered to.
- 14 An area of public road will be encumbered for private purposes.
- 15 Option 2 Decline the Licence to Occupy Road Reserve application.

*Advantages:*

- 16 Private use of the road reserve will be removed.
- 17 Council will not need to monitor the licence area to ensure adherence with the terms and conditions.

*Disadvantages:*

- 18 Council may be seen to be inconsistent in its decision making, given approval has been given to allow trees planted by the Hidden Hills Resident's Association.
- 19 This report recommends Option 1 for addressing the matter as approval can be granted under terms and conditions deemed appropriate by Council's roading engineers and it will avoid the expense of replacing the landscaping.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

## > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 20 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.
- 21 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the [Local Government Act 2002](#). A higher level of compliance must be achieved for a significant decision.
- 22 There are no persons, other than the applicants, identified who are adversely affected by or would be significantly interested in this matter.
- 23 The Council has not consulted members of the public or any other groups on this matter.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 24 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.
- 25 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 right to terminate the licence at short notice.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 26 The Applicants have paid a fee for their application to be processed which includes the preparation of the licence document if successful.
- 27 Should legal review of the licence be required, Council's legal costs will be recovered from the applicant.
- 28 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 | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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- 29 The following Council policies, strategies and bylaws were considered:
  - Significance and Engagement Policy 2014
  - Council's Urban Verge Mowing Policy 2007
- 30 The recommended option is consistent with the principles set out in the named policy/policies.
- 31 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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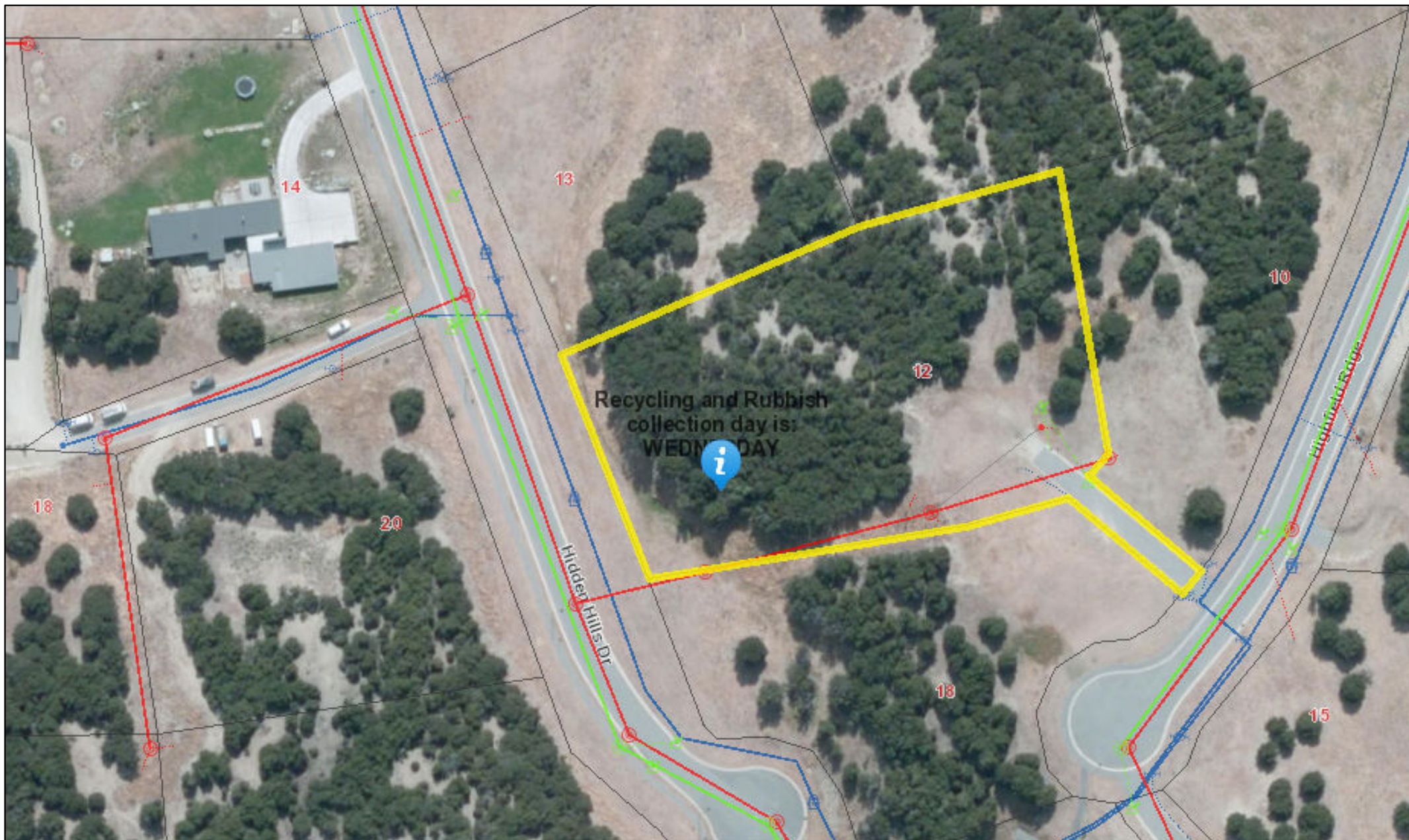
32 The recommended option:

- 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	Site Aerials
C	Photograph vacant berm



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Approximate position of Olive Trees = •

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Lot 36.

Lot 37



