

**Wānaka-Upper Clutha Community Board**

**21 November 2024**

**Report for Agenda Item | Rīpoata moto e Rāraki take [4]**

**Department: Planning & Development**

**Title | Taitara: Licence to Occupy – Rifleman Street, Wānaka (LO240030)**

**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 ('LTO') Road Reserve to Otago Regional Council ('ORC') to enable the installation of a temporary mobile air quality monitoring station on the Rifleman Street Road Reserve adjacent to the Riverside Wetland Reserve.

**Recommendation | Kā Tūtohuka**

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That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Grant** a Licence to Occupy Rifleman Street legal road reserve to Otago Regional Council (ORC) to install a temporary mobile air quality monitoring station subject to the following conditions:
  - a. The licence shall remain at the 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 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. Prior to works commencing, photographic evidence is to be supplied to [Adam.Geekie@qldc.govt.nz](mailto:Adam.Geekie@qldc.govt.nz) of the pre-existing condition of the area to be occupied, and then again once the occupation or reinstatement is complete;
- h. 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;
- i. In the event that Council requires access to any Council services in or in close proximity to the agreed location (including responding to a failure of the main), Council will not be liable for damage to, or reinstatement of the facility that is the subject of the occupation;
- j. Structures and/or occupation must not compromise roading or services maintenance activities;
- k. Ongoing maintenance of the structures and/or occupation are to be the responsibility of the Licensee however at the behest of Council's Parks Planning Team, the mowing of the grass verge under the occupation will be completed by QLDC Parks Maintenance Team;
- l. Minor changes to the LTO timeframes can be at the discretion of and can be endorsed by the Manager of Development Engineering;
- m. The occupation of the Riverside Wetland Reserve is not authorised by this Licence to Occupy; and
- n. The applicant is to use the grassed berm within the road reserve between the two carparks adjacent to the Riverside Wetland Reserve [as shown in Attachment A]; and
- o. Applicant is to advise the Parks Development team ([parksdevelopment@qldc.govt.nz](mailto:parksdevelopment@qldc.govt.nz)) once the trailer unit is on site and if there are any issues with the maintenance of the grass verge during the occupation.

**Prepared by:**



**Name:** Adam Geekie

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

**Reviewed by:**



**Name:** Craig Hughes

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

**Approved by:**



**Name:** Dave Wallace

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

## Context | Horopaki

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1. The Otago Regional Council (hereafter referred to as the “the applicant”) has applied to install a temporary mobile air quality monitoring station mounted on a small self-contained single axle trailer unit on the Rifleman Street road reserve adjacent to the Riverside Wetland Reserve to monitor air quality. The period of occupation will be from 1 March 2025 to 31 October 2025, subject to the approval of this Licence to Occupy application.
2. The mobile monitoring station is in the format of a small self-contained trailer that contains all the necessary instrumentation and power supplies. The trailer has a removable mast mounted on the drawbar that is used for mounting the instruments.
3. The equipment that the applicant plans to install includes an instrument for monitoring PM2.5 (particulate matter less than 2.5 micrometres in diameter), an air pollutant emitted by the combustion of fuels. Other equipment includes meteorological instruments to measure ambient temperature, wind direction, wind speed and relative humidity. These measures help analyse the PM2.5 concentrations.
4. All the instruments will be powered by a solar power system and connected to telemetry for the transfer of near real-time data into ORC’s environmental database.
5. The PM2.5 instrument operates by drawing air into an inlet, so there will be minimal noise levels, that will only be noticeable within one metre of the instrument.
6. There will be no other instruments or devices installed at this proposed site.
7. Once installed, the applicant’s field technicians will visit the station monthly to carry out site maintenance.
8. The trailer containing the air quality station will have a graphical wrap with information on what the trailer is for and where to find more information. This will be similar to what has been applied to the Arrowtown permanent Air Quality station.
9. The applicant provided two options for placement of the trailer on Rifleman Street, either in a carpark or the grass verge. Council’s preference is for the trailer to be parked on the grass verge between the two carparks adjacent to the Riverside Wetland Reserve.

## Analysis and Advice | Tatāritaka me kā Tohutohu

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10. The proposed mobile air quality monitoring station by ORC is a well-planned initiative aimed at enhancing air quality monitoring capabilities. The use of advanced instrumentation, sustainable power solutions, and real-time data transfer underscores the project’s commitment to environmental monitoring and public awareness. The careful consideration of site placement and operational logistics further supports the feasibility and effectiveness of this initiative.
11. Concerns of Council’s engineers and parks officers, who were consulted about the proposal, are noted below. Council officers have confirmed support for the proposal subject to the following;

- The Parks and Reserves Planner:
    - Noted that occupation of the Riverside Wetland Reserve is not authorised.
  - The Roding Operations and Contracts Manager:
    - Noted that the preferred option for occupation was the grass verge so as not to lose a carpark space for users of the nearby wetland reserve. There are only 13 carpark spaces available adjacent to the Riverside Wetland Reserve.
12. Officers support the grass verge option for occupation due to the small number of carpark spaces available for the adjacent Riverside Wetland Reserve.
13. QLDC Parks Development team have requested they continue the maintenance of the grass verge themselves during the applicant's occupation to ensure continuity to the road reserve in line with the QLDC parks maintenance roster of mowing and maintenance.
14. The following special conditions have been included to manage officers' concerns:
- Condition 'k' ensures the responsibility of the mowing of the grass verge remains with QLDC Parks Maintenance Team.
  - Condition 'm' prohibits the occupation of the Riverside Wetland Reserve.
  - Condition 'n' states the location for occupation being the grass verge between the two carparks adjacent to Riverside Wetland Reserve.
  - Condition 'o' states the applicant must advise QLDC Parks Development team when the trailer is on site and if there are any maintenance issues with the grass verge during occupation.
15. 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.
16. Option 1 The Board **grants** the Licence to Occupy Road Reserve application subject to the conditions proposed above.
- Advantages:*
- The applicant will be able to effectively and efficiently monitor air quality over the winter monitoring seasons within the specified timeframe of the Licence.
- Disadvantages:*
- Having the mobile unit on the grassed verge beside the carpark could encourage others to park on the grass verge if all carparks are full, resulting in potential damage to the grassed area.
  - There will be a private occupation contained within the council road reserve.
17. Option 2 The Board **declines** the Licence to Occupy Road Reserve application.

*Advantages:*

- There will be no public perception that the grass verge is a carpark, avoiding potential damage to the grassed verge area.
- There will be no private occupation contained within the council road reserve.

*Disadvantages:*

- The applicant will not be able to effectively and efficiently monitor the air quality in this area, which may result in the applicant being unable to achieve the outcomes in their Air Quality Strategy.

18. 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 officers.

### Consultation Process | Hātepe Matapaki

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#### Significance and Engagement | Te Whakamahi | Kā Whakaaro Hiraka

19. 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.
20. There are no persons identified, other than the applicants, who are adversely affected by or would be significantly interested in this matter.
21. Council engineers have been consulted about this application and their comments are contained within this report.

#### Māori Consultation | Iwi Rūnanga

22. No Māori consultation is required with this application.

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

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23. 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

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24. The applicant has paid a fee for the application to be processed which includes the preparation of the licence document if successful. 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

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

- **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.
- **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.

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

27. 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

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. Approval of this report’s recommendation will ensure that a private development is undertaken in accordance with the Code of Practice and with minimal impact upon the wider community. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

29. 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
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