

## **Community & Environment Committee**

**12 March 2026**

### **Report for Agenda Item | Rīpoata moto e Rāraki take [1]**

**Department: Community Services**

**Title | Taitara: Request for stormwater easements over two recreation reserves located between Peninsula Road, Kelvin Heights, and the lakefront.**

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

The purpose of this report is to consider recommending to Council to grant two (right to drain) stormwater easements, over two parcels of recreation reserve, legally described as Lot 14 DP 15297 and Section 21 Block I Coneburn SD. The easements are proposed to be in favour of Queenstown Lakes District Council.

#### Recommendation | Kā Tūtohuka

That the Community & Environment Committee:

1. **Note** the contents of this report;
2. **Recommend to Council** to approve a right to drain stormwater easement (Easement A) to accommodate an underground pipe, over Lot 14 DP 15297 in favour of Queenstown Lakes District Council, as required to enable the development of land under subdivision consent RM230519;
3. **Recommend to Council** to approve a right to drain stormwater easement (Easement B) to accommodate an underground pipe, over Section 21 Blk I Coneburn SD in favour of Queenstown Lakes District Council, as required to enable the development of land under subdivision consent RM230519;
4. **Recommend to Council** that the associated works shall address the following:
  - a. Be in accordance with RM230519 and RM230598, and associated QLDC engineering approvals;
  - b. A \$2,000 bond payable to the Queenstown Lakes District Council, prior to any excavation of the areas of recreation reserve;
  - c. Prior to any works on the reserve, the applicant shall submit a methodology to the QLDC Parks and Reserves team to manage public access to the trail and ensure users can safely pass the works. This must be first agreed in writing by the Parks and

Reserves team, prior to any onsite works occurring. Any conditions identified as necessary by Parks and Reserves to provide for public safety and the rehabilitation of the site, shall be met by the applicant;

5. **Recommend to Council** that public notification to grant the easements is not required, as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report;
6. **Recommend to Council** that easement fees are charged under the Easement Policy 2008;
7. **Recommend to Council** to exercise the Minister's consent (under delegation from the Minister of Conservation) to the granting of the identified easements over Council reserve land; and
8. **Recommend to Council** to delegate authority to approve final terms and conditions and execution authority, to the General Manager of Community Services, provided all relevant requirements of the Easement Policy 2008 are addressed.

**Prepared by:**



**Name:** Alex Jamieson  
**Title:** Parks and Reserves  
Planner  
17 December 2026

**Endorsed by:**



**Name:** Dave Winterburn  
**Title:** Parks Manager  
12 February 2026

**Reviewed and Authorised by:**



**Name:** Ken Bailey  
**Title:** Community Services  
General Manager  
16 February 2026

Context | Horopaki

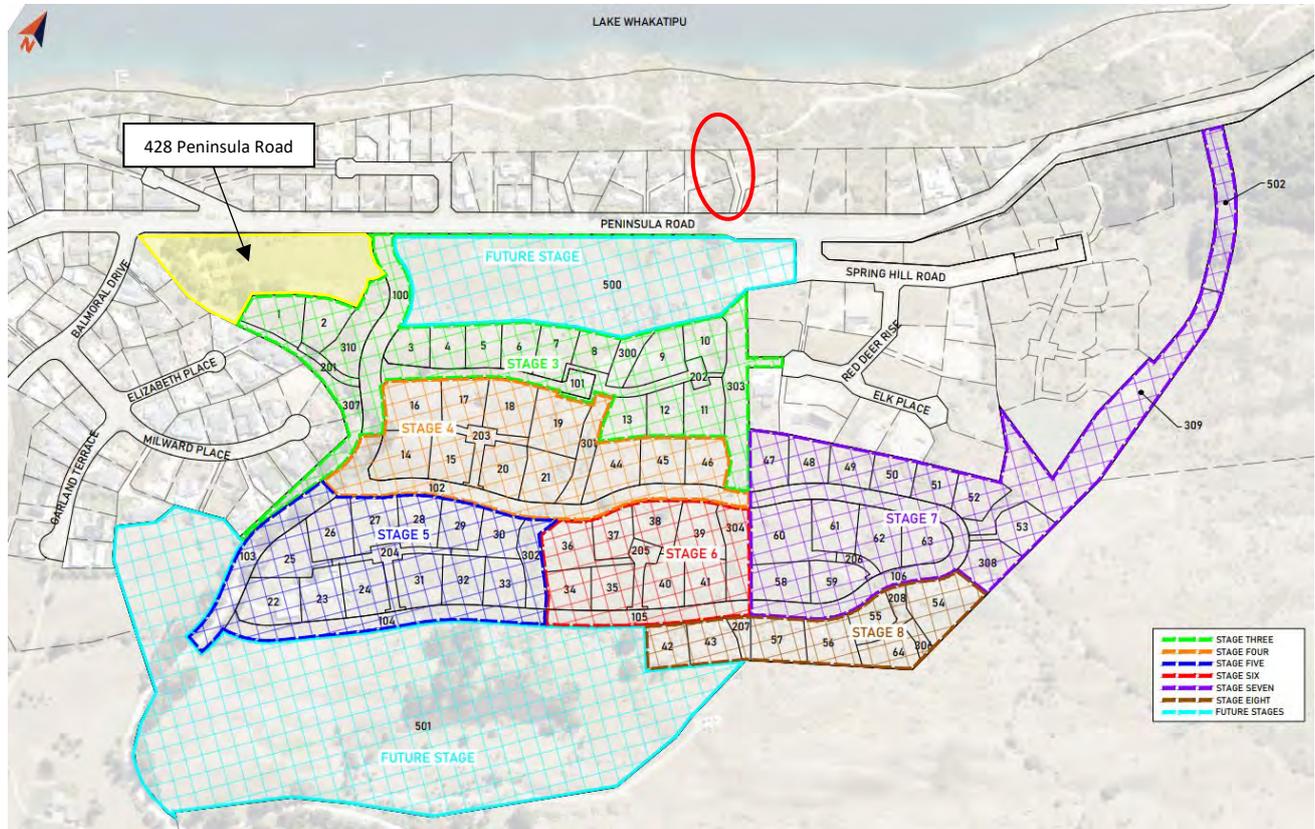
1. Section 21 Block I Coneburn Survey District (SD) is a large recreation reserve that extends along the foreshore of Lake Whakatipu, from Kelvin Heights Golf Course Road to Willow Place, referred to as the Kelvin Heights Lakeside Reserve (the reserve). This reserve contains the Kelvin Heights Trail. Lot 14 DP 15297 connects this reserve and the trail to Peninsula Road, enabling pedestrian access.
2. Section 21 is subject to the Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991.
3. The area of reserve subject to this easement request is located between Peninsula Road and Lake Whakatipu, as illustrated in Figure 1 below. A detailed plan of the easements is included as ATTACHMENT A.



**Figure 1:** Site context and approximate easement location 

4. Peninsula Hill Limited seeks the easements in favour of Queenstown Lakes District Council (QLDC) to enable a 64-lot residential subdivision with associated infrastructure and roads to vest, approved by subdivision consent RM230519 (Stages 3 – 7 of the Peninsula Hill development) and RM230598. It is a requirement of RM230519 to obtain Full Council approval for the easements as part of this subdivision.

- Stage 1 (RM211230), and Stages 1A and 2 (RM220337) of the Peninsula Hill development have been completed. Stages 3 – 8 of the Peninsula Hill development were approved by RM230519 on 25 March 2025. Figure 2 below illustrates the staging of this subdivision.



**Figure 2:** RM230519 Development Staging Plan, and the approximate easement location 

- Stormwater from the development is currently conveyed via a culvert under Peninsula Road and is fed to Lake Whakatipu via various culverts and a channel that bisects two private properties (347 and 351 Peninsula Road) as well as the Council administered reserve.
- The Peninsula Hill development will dispose of stormwater via a new pipe, before utilising the existing channel and outlet within the reserve that they are required to upgrade. These works will ensure there is capacity for stormwater as a result of the approved subdivision. The approved stormwater design is shown in ATTACHMENT A.
- This area of the reserve already conveys stormwater from the upslope areas to Lake Whakatipu. The easement request seeks to improve the capacity of the existing system to accommodate for the approved Peninsula Hill development.
- The two easements A and B sought, are described as follows:

- a) An easement for the right to drain water (stormwater) comprises of an approximate area of 278m<sup>2</sup>, shown as 'A' on ATTACHMENT A. The easement will allow for an underground pipe (900mm) to convey stormwater from the Peninsula Hill development.
  - b) An easement for the right to drain water (stormwater) comprises of an approximate area of 196m<sup>2</sup>, shown as 'B' on ATTACHMENT A. The easement will allow for the 900mm pipe to outlet into the open channel to the lake. It will also contain a culvert (600mm) to convey stormwater from 347 and 351 Peninsula Road under the existing trail.
10. The existing pedestrian bridge that forms part of the Kelvin Heights trail will be replaced by the developer as it will need to accommodate the increased stormwater channel width. The bridge will be upgraded to accommodate a 1.5 metre trafficable width and will have a full loading capacity, which will increase ease of access for the public. Pedestrians using the Kelvin Heights trail will be diverted over a temporary bridge which will bypass the construction works. This will ensure public access will not be restricted.
  11. Six (6) trees will be removed as part of the approved stormwater upgrades. These include two small mountain beech, a wineberry, a sycamore weed species and an existing dead tree. Four (4) existing mature trees within the vicinity will be protected during works and retained. Twelve (12) trees will be replanted on the same site, in accordance with the QLDC Tree Policy 2024. Due to the shaded nature of the site, replanting will be from a native plant species list that includes wineberry, putaputaweta, lancewood, kowhai, tree daisy, lemonwood, harakeke and tree fuchsia.
  12. The disturbance to the areas of reserve will be associated with the installation of the pipes, culverts, bridge, channel and outlet that are identified in the attached easement plan. Once the works have been completed, the reserve will function exactly as it did prior to the upgrade of the stormwater pipes, outlet and channel. The bridge upgrades and temporary bridge during works will ensure that public access is not restricted. Once the planting is established, there will be no visible changes to the purpose and function of this area of the reserve.

#### Analysis and Advice | Tatāritaka me kā Tohutohu

13. The Reserves Act 1977 requires that proposed easements are notified, unless it can be shown that the easements will not materially alter or permanently damage a reserve, or that the rights of the public in respect of the reserve are not permanently affected.
14. The easements are for improved stormwater management for an approved development and will not affect the public's rights in respect of the reserves, or materially damage or permanently alter the reserves. Any associated works will be temporary, and thereafter the reserve land will function as before, according to its recreation purpose. Stormwater volumes flowing through the reserve will increase beyond current levels. These effects are appropriately mitigated by the upgraded stormwater channel and new bridge.

15. Council will charge easement fees for all easements, set in accordance with the Easement Policy 2008. Calculations are as follows:
- a) Application fee of \$600 + GST, and
  - b) Estimated right to drain water easement fee \$13,267.98 plus GST (subject to final measurement).
16. 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.
17. Option 1 Recommend to grant the right to drain stormwater easements over Council reserve, in favour of QLDC

*Advantages:*

- The infrastructure and easements have been assessed as not affecting the public's use and enjoyment of the reserves. Public access will be improved as part of the subdivision, as the existing pedestrian bridge will be widened and upgraded.
- Existing stormwater infrastructure already exists in the Council administered reserves, and there is an opportunity to legally secure this in perpetuity by an easement.
- Granting the easements will enable the applicant to progress with the development at Peninsula Hill, without requiring a variation to their resource consents.
- Council engineers have assessed the stormwater disposal option as appropriate, under resource consents RM230519 and RM230598.
- Effects of the easements on the reserve and reserve users will be minimal and appropriately mitigated.

*Disadvantages:*

- Areas of reserve will be encumbered by QLDC easements.
- There will be a temporary disruption to users of the trail as the pipe, culvert, channel and outlet is upgraded, and they will need to be directed around the works by a temporary bridge.

18. Option 2 Recommend to reject the right to drain stormwater easements over Council reserve, in favour of QLDC

*Advantages:*

- The reserves will not be encumbered by easements.
- There will be no temporary disruption to users of the trail.

*Disadvantages:*

- Existing stormwater infrastructure already exists in the Council administered reserves, and is not secured in perpetuity by an easement.
- Council has agreed to accept the infrastructure to vest as part of the subdivision. Any changes to this would require an alternative solution.
- Council has considered the effects of the activity and granted a resource consent, subject to conditions. An alternative system would require a resource consent variation.
- Council would not receive easement fees, although the value is negligible.

19. This report recommends **Option 1** for addressing the matter because the approved infrastructure and proposed easements will not affect the practical use and function of the reserve, and any impacts will be temporary.

Consultation Process | Hātepe Matapaki

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**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 2024 because it involves a Council administered reserve.

21. The persons who are affected by or interested in this matter are residents, ratepayers and visitors in the Queenstown Lakes District.

**Māori Consultation | Iwi Rūnaka**

22. The Council has not consulted with Iwi in this instance as the land affected by the proposed easements is administered by QLDC.

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

23. This matter relates to the Financial risk category. It is associated with RISK10009 Strategy for growth fails to meet objectives within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating.
24. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by new easements to be established and ensuring that the infrastructure is installed in accordance with RM230519 and RM230598.

### Financial Implications | Kā Riteka ā-Pūtea

25. There are no operational and capital expenditure requirements or other budget or cost implications resulting from the decision.
26. Council will receive an easement fee, and associated costs relating to this easement.

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

27. The following Council policies, strategies and bylaws were considered:
- Council Easement Policy 2008
  - Significance & Engagement Policy 2024
  - Reserves Act 1977
  - Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991
28. The recommended option is consistent with the principles set out in the named policies.
29. This matter is not included in the Long Term Plan/Annual Plan.

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

30. In order to grant an easement over reserve land, Council must follow the required process set out under the Reserves Act 1977.

### Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

31. 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. Adoption of the report’s recommendation will encourage environmental well-being, so it is therefore consistent with Section 10.

32. The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure and local public services; and
- 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](#)

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A	Proposed Easement Areas A and B
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Attachment A: Proposed Easement Areas A and B

LAKE WHAKATIPU

SCHEDULE OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	GRANTEE
RIGHT TO DRAIN WATER	Ⓐ	LOT 14 DP 15297 (Recreation Reserve)	QUEENSTOWN LAKES DISTRICT COUNCIL
	Ⓑ	SEC 21 BLK I CONEBURN SD (RT 904546)	



CLIENT:	PROJECT:	PENINSULA HILL KELVIN HEIGHTS QUEENSTOWN		SHEET TITLE:	PROPOSED EASEMENTS	REV	REVISION DETAILS	DATE	SURVEYED:	JOB NUMBER	SCALE (@ A1)
						A	FOR APPROVAL	9/09/2024	DESIGNED:	4947	1:250
						B	ADDED PROPOSED WORKS	5/09/2025	DRAWN:	BMS 9/09/2024	REVISION
									DRAWING CHECK:		B
									DESIGN CHECK:		1 of 1
									APPROVED:	BTW 9/09/2024	REVISION DATE
											5/09/2025