

Full Council

4 September 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [11]

Department: Property & Infrastructure

Title | Taitara: Request for stormwater easements over a Recreation Reserve located either side of the Glenorchy – Queenstown Road, Fernhill, Queenstown

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider granting two (right to drain) stormwater easements, over a Recreation Reserve, legally described as Part Reserve B Block I Mid Wakatipu Survey District, Queenstown. The reserve comprises two parcels, bisected by the Glenorchy – Queenstown Road, in the vicinity of Fernhill/Sunshine Bay. There is an existing stormwater culvert under the formed road and reserve, which will connect the two easement areas to an overland flow path. A second small culvert is located beneath a public trail. The proposal seeks access to an existing stormwater disposal pathway.

Marama Hill Ltd & Pine Lane Ltd seeks the easements to enable a 15-lot residential subdivision, approved by Subdivision Consent RM220993, by providing a formalised downstream ability to dispose of stormwater to Lake Whakatipu.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** a right to drain stormwater Easement (Easement A) to accommodate an underground pipe, over Part Reserve B Block I Mid Wakatipu Survey District, in favour of Marama Hill Limited & Pine Lane Limited, as required to enable the development of land under Subdivision Consent RM220993;
3. **Approve** a right to drain stormwater water Easement (Easement B) to utilise an existing overland flow path and to use/upgrade two culverts, over Part Reserve B Block I Mid Wakatipu Survey District Marama Hill Limited & Pine Lane Limited, as required to enable the development of land under Subdivision Consent RM220993;
4. **Direct** that associated works shall address the following:
 - a. Be in accordance with RM220993 and associated QLDC engineering approvals;

- b. A \$2000 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 to manage public access to the trail and ensure users can safely pass the works. This must be first agreed in writing by Parks and Reserves, 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. **Agree** 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. **Require** that easement fees are charged under the Easement Policy 2008;
 7. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of the identified easements over Council Reserve Land; and
 8. **Delegate** authority to approve final terms and conditions and execution authority, to the General Manager Community Services, provided all relevant requirements of the Easement Policy 2008 are addressed.

Prepared by:



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29 July 2025

Reviewed and Authorised by:



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Title: General Manager Property &
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11 August 2025

Context | Horopaki

1. Council administers the Recreation Reserve described as Part Reserve B Block I Mid Wakatipu Survey District, referred to as the Sunshine Bay Reserve (the reserve). The area of reserve subject to this easement request, is bisected by the Glenorchy – Queenstown Road. The image below (Figure 1) shows the location of the reserve areas subject to this report as shaded blue, in context with the greater area. The applicant's development land is shaded red, and the locality of the easements sought is circled red. A detailed plan of the easements is included as **ATTACHMENT A**.



Figure 1: Site Location and Context

2. The areas of reserve in the easement locality are not well used for recreation purposes, aside from a public trail on the downhill/lake side of the Glenorchy – Queenstown Road. Apart from that path, the reserve area is quite overgrown in exotic species and does not encourage public access off the formed trail. Figure 2 below shows the trail and an upgraded culvert (to 750mm) would be required under that trail to carry stormwater to the existing downstream overland flow path. It is important to note that this area of reserve already conveys stormwater from the upslope areas to the lake, and the easement request seeks to improve the capacity of that system to accommodate the proposed new development. This will also require increasing the capacity of the existing 300mm culvert under the Glenorchy – Queenstown Road (that also carries on into part of the reserve) to a 750mm pipe and establishing a 600mm pipe through the Easement A area (discussed below).



Figure 2: Public Trail

3. On 31 January 2025, Marama Hill Limited & Pine Lane Limited were granted consent RM220993 to undertake a 15-lot residential subdivision with two roads to vest, four private access lots, and two balance lots, with associated earthworks and transport breaches. The subdivision site comprises five existing separate Records of Title.
4. The Subdivision Consent assessed the proposal and added conditions for two different stormwater disposal options. The option preferred by Council engineers, involves upgrading the existing culverts to handle an increased downstream flow, including along the existing overland flow path. The easements which are the subject of this report are required to progress the consent in accordance with its conditions, to enable that option.
5. The alternative stormwater option under RM220993 requires that a stormwater attenuation device (incorporating energy compensating chamber) and dispersal trench, is established within the development area to reduce peak flows and velocities to levels where the existing downstream culverts can handle the load. This option is not as desirable given the ongoing maintenance needs would be higher, and the system is more complex. Although whilst still discharging over the reserve, the need for easements is not specifically required under the subdivision consent.

6. The two easements A and B sought, are described as follows:
- a. An easement for the right to drain water (stormwater) comprises of an area of 4m², shown as 'A' on ATTACHMENT A. The easement will allow for an underground pipe (600mm) on the northwest side of Glenorchy – Queenstown Road.
 - b. An easement for the right to drain water (stormwater) comprises of an area of 935m², shown as 'B' on ATTACHMENT A. The easement will allow an existing overland flow path including upgrade of two culverts (to 750mm) on the land located between Glenorchy – Queenstown Road and Lake Wakatipu.
7. The disturbance to the areas of reserve will be associated with the installation of the pipes and culverts, which are identified in the attached easement plan. Digger access is required to these areas, and there will be additional works to ensure the overland flow path is unobstructed.

Analysis and Advice | Tatāritaka me kā Tohutohu

8. 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 permanently affected.
9. The reserve is subject to the Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991.
10. Council's Parks & Reserves Team has considered the proposed easements, and their potential for effects upon the values of the reserve areas. Officers concluded that the easements are for new right to drain water services 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, albeit the volume of stormwater will increase beyond current levels.
11. Such stormwater easements are not unusual, and the disposal of stormwater over areas of reserve to the lake beyond are commonplace. There are 17 culverts along the Glenorchy – Queenstown Road, which convey stormwater from the upslope areas of Sunshine Bay and Fernhill to Lake Whakatipu.
12. 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:

(subject to final measurement). Breakdown as follows:

Land Value:	\$3,580,000
Property Area:	209,344
Easement Area A:	4m ²
Easement Area B:	935m ²

Easement Area A (right to drain water)	
\$3,580,000 / 209,344	= \$17.10
30% of \$17.10	= \$5.13
\$5.13 x 4m ²	= \$20.52 + GST

Easement Area B (right to drain water)	
\$3,580,000 / 209,344	= \$17.10
30% of \$17.10	= \$5.13
\$5.13 x 935m ²	= \$4,796.55 + GST.

13. 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.
14. Option 1 Grant the easements

Advantages:

- Granting the easements will enable the applicants to progress with the development;
- The infrastructure and easements have been assessed as not affecting the public's use and enjoyment of the reserves;
- Council engineers have assessed the stormwater disposal option as appropriate, under Subdivision Consent RM220993;
- Council officers support the easements now sought, as impact on the reserve will be minimal.

Disadvantages:

- Areas of reserve will be encumbered by easements that provide property rights to the applicant, although those areas do not have a particularly beneficial recreational use, or where underground easements are proposed, the infrastructure will not affect recreational use;
- There will be a temporary disruption to users of the trail as the culvert is upgraded, and they may need to be directed around the works.

15. Option 2 Reject the easements

Advantages:

- The reserves will not be encumbered by easements that provide property rights to the applicant;
- There will be no temporary disruption to users of the trail.

Disadvantages:

- Council would not receive easement fees, although the value is negligible;
- Council has considered the effects of the activity and granted a resource consent, subject to conditions. The stormwater disposal mechanism proposed is preferred by Council Engineers and has the support of Council's Parks & Reserves team, who inputted into the consent. An alternative system would be more complex as a whole, albeit not require reserve easements as a condition of Subdivision Consent.

16. This report recommends **Option 1** for addressing the matter because the proposed infrastructure and easements will not affect the practical use and function of the reserve.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi i kā Whakaaro Hiraka

17. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because it involves a Council Reserve.
18. 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

19. The Council has not consulted with Iwi in this instance.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

20. 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.
21. Approval of the recommended option will allow Council to avoid the risk. This will be achieved by new easements to be installed and ensuring that the infrastructure is installed in accordance with the conditions of Subdivision Consent RM220993.

Financial Implications | Kā Riteka ā-Pūtea

22. There are no operational and capital expenditure requirements or other budget or cost implications resulting from the decision.
23. 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

24. 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
25. The recommended option is consistent with the principles set out in the named policies.
26. This matter is not included in the Long Term Plan/Annual Plan.

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

27. In order to grant an easement of 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

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. Adoption of the report's recommendations will encourage environmental well-being, so is therefore within the ambit of Section 10.
29. 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 resolving an existing building issue affecting multiple residents and ratepayers of the district; 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

A	Easement Location and Areas A & B
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ATTACHMENT A – EASEMENT LOCATION AND AREAS A & B

LOCATION



EASEMENT AREAS 'A' and 'B'

