

Community & Environment Committee

21 July 2026

Report for Agenda Item | Rīpoata moto e Rāraki take [2]

Department: Community Services

Title | Taitara: Access easement over Lot 3 DP 345184 in favour of Canterbury Westland Kindergartens Charitable Trust

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider recommending to Council to grant an access easement in favour of Canterbury Westland Kindergartens Charitable Trust across recreation reserve described as Lot 3 DP 345184.

Recommendation | Kā Tūtohuka

That the Community & Environment Committee:

1. **Note** the contents of this report;
2. **Recommend to Council** to grant an easement in favour of Canterbury Westland Kindergartens Charitable Trust across recreation reserve described as Lot 3 DP 345184, acting in its role as Minister of Conservation under delegated authority; and
3. **Delegate** final terms and conditions of the easement to the General Manager Community Services.

Prepared by:



Name: Matthew Judd
Title: Parks Property Planner

26 June 2026

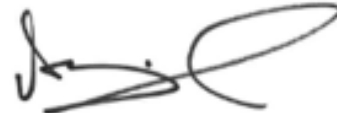
Endorsed by:



Name: Dave Winterburn
Title: Parks Manager

26 May 2026

Reviewed and Authorised by:



Name: Kenneth Bailey
Title: General Manager -
Community Services
30 June 2026

Context | Horopaki

1. Canterbury Westland Kindergarten Association Incorporated (trading as Kids First Wakatipu) lease the property at 45 Brecon Street from Queenstown Lakes District Council (QLDC). The lease was renewed for 33 years on 1 April 2022 expiring 31 March 2055. There are no further rights of renewal.
2. The premises at 45 Brecon Street is a rear lot with no direct street access. Vehicle access to the lease area is only possible across the adjoining recreation reserve, Lot 3 DP 345184.
3. The current lease contains a right of access across areas A & B of Lot 3. There is no right of access over area F of Lot 3 (see *figure 1*).
4. The lessee is in the process of transferring the ownership of its assets to a new entity; Canterbury Westland Kindergartens Charitable Trust. Through this transfer process, it has been identified that the access right contained within the lease fails to adequately provide for vehicle access to the lease area.
5. Canterbury Westland Kindergartens Charitable Trust has requested that the right of access be corrected and formalised enabling legal access to the lease area. They have applied for a non-exclusive access easement over the entirety of Lot 3 DP 345184, shown dashed below in figure 1.

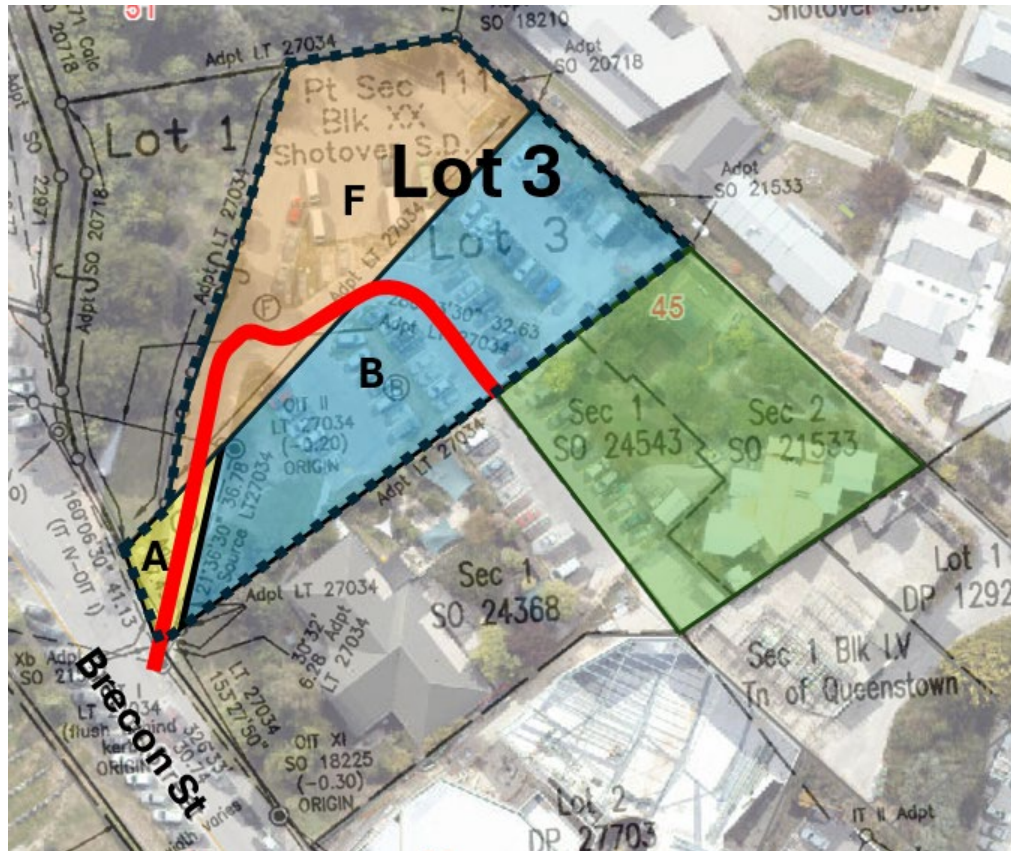


Figure 1: Lease and easement plan. Green: Kids First Kindergarten Lease Area; Yellow (area A) & Blue (area B): Current access right area; Red line: Vehicle access route to lease area

6. Figure 1 above shows that a vehicle cannot access the lease area without driving through part of area F. The lessee, their staff and users currently access via the red line in Figure 1.
7. The property adjoining the northwest of Lot 3 is leased to Kiwi Birdlife Park. They have a non-exclusive access and parking right over area A & F of Lot 3.
8. Lot 3 is included within Te-Taumata-o-Hakitekura Ben Lomond and Te Tapunui Queenstown Hill Reserves Management Plan 2025. This plan did not specifically contemplate access easements across this portion of the reserves and thus requires approval from Full Council.

Analysis and Advice | Tatāritaka me kā Tohutohu

9. Lot 3 DP 345184 is recreation reserve and accordingly subject to the Reserves Act 1977 (The Act).
10. Section 48(1)(b) of The Act allows the administering body (QLDC), with the consent of the Minister (of Conservation), to grant a right of way for; *“providing access to any area included in an agreement, lease, or licence granted under the powers conferred by this Act”*.
11. The Minister of Conservation’s power has been delegated to Council via the ‘Reserves Act 1977 Instrument of Delegation for Territorial Authorities’ dated 12 June 2013. This authority is not further delegated. As such, only Full Council can grant consent of the Minister.
12. An easement requires public notification under section 48(2) of The Act unless:
 - (a) *the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and*
 - (b) *the rights of the public in respect of the reserve are not likely to be permanently affected*
13. The proposed non-exclusive access easement meets the proviso of (a) and (b) above meaning public notification is not required.
14. The proposed easement would be tied to the lease agreement, if the lease were to terminate the access easement would also cease.
15. The proposed easement would result in no physical changes to the reserve or change any rights of other parties using the reserve.
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 Council to grant a non-exclusive access easement over Lot 3 DP 345184 in favour of Canterbury Westland Kindergartens Charitable Trust

Advantages:

- Provides legal access to the lease area.
- Resolves and formalises a historic oversight.

Disadvantages:

- Encumbers recreation reserve land.

18. Option 2 recommend to Council to decline to grant a non-exclusive access easement over Lot 3 DP 345184 in favour of Canterbury Westland Kindergartens Charitable Trust

Advantages:

- Keeps the reserve land free from additional encumbrances.

Disadvantages:

- Leaves the lessee with uncertainty over legal access to the lease area.

19. This report recommends **Option 1** for addressing the matter because this will provide the QLDC lessee with legal access to the lease area.

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 2024 because it involves granting a right over reserve land, a strategic asset.

21. The persons who are affected by or interested in this matter are the lease holder, Canterbury Westland Kindergartens Charitable Trust.

22. The Council has not consulted on this matter as it did not require notification under The Act.

Māori Consultation | Iwi Rūnaka

23. The Council has not consulted with Iwi on this matter.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

24. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10005 Ineffective planning for community services or facilities within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
25. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by providing legal access to the community tenancy.

Financial Implications | Kā Riteka ā-Pūtea

26. The applicant will cover the costs associated with the preparation and processing of the easement. QLDC will not be charging an easement fee as the access right already exists within the lease agreement.

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

27. The following Council policies, strategies and bylaws were considered:
- The Vision Beyond 2050: specifically the community outcome of ‘thriving people’
 - Te-Taumata-o-Hakitekura Ben Lomond and Te Tapunui Queenstown Hill Reserves Management Plan 2025
 - The Reserves Act 1977
 - The QLDC Disability Policy
 - The Easement Policy 2008
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. All associated costs will be borne by the applicant.

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

30. QLDC are required to follow the provisions of the Reserves Act 1977, as the administering body of the reserve and under delegated authority of the Minister of Conservation.

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. This item will help facilitate the operation of the early childhood education kindergarten. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

32. 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.