



Order Paper for the

HEARING OF SUBMISSIONS AND DELIBERATIONS:

Proposed easement for right of way and right to drain water easement over part of the Wānaka Golf Course Recreation Reserve

to be held on

Wednesday, 13 August

commencing at 10.00am

in the

Meeting Room, Wānaka Recreation Centre,
Wānaka

QUEENSTOWN LAKES DISTRICT COUNCIL

HEARING OF SUBMISSIONS AND DELIBERATIONS ON:

**Proposed easement for right of way and right to drain water easement
over part of the Wānaka Golf Course Recreation Reserve**

PANEL MEMBERS

Councillor B Bruce

Councillor N Gladding

Councillor Q Smith

Chair of hearing panel to be determined at beginning of hearing.

**HEARING OF SUBMISSIONS AND DELIBERATIONS:
Proposed right of way and right to drain water easement over
part of the Wānaka Golf Course Recreation Reserve**



Agenda for a hearing of submissions and deliberations on the proposed right of way and right to drain water easement over part of the Wānaka Golf Course Recreation Reserve to be held on Thursday, 13 August 2025 beginning at 10.00am held in the Meeting Room at the Wānaka Recreation Centre, Wānaka

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Hearing Panel

13 August 2025

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

Department: Community Services

Title | Taitara: Hearing report for proposed easement for right of way and right to drain water easement over part of the Wānaka Golf Course Recreation Reserve

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to present the submissions received on the proposed easement over the Wānaka Golf Course Recreation Reserve (the Reserve). The Wānaka Upper Clutha Community Board approved the proposed easement for public notification at the meeting on 27 March 2025. Council approved the members of the hearing panel at their 26 June 2025 meeting.

This report also provides an analysis of the submissions on the proposed easement. The submission pack (Attachment B) contains all submissions received and officers' comments. This report is intended to support a Hearings Panel (the Panel) of Councillors who conduct a hearing of submissions received. The hearing provides members of the public who have made a submission the opportunity to speak to their submission.

Recommendation | Kā Tūtohuka

That the Hearing Panel:

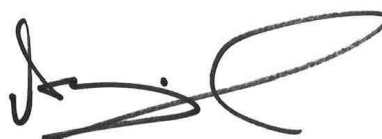
1. **Note** the contents of this report;
2. **Note** all submissions received on the proposed easement and hear any submitters who wish to speak to their submission; and
3. **Recommend** to Council (following the hearing) whether to recommend approval of the easement (and any conditions) following the public consultation process.

Prepared by:



Name: Kat Banyard
Title: Senior Parks Advisor
24 July 2025

Reviewed and Authorised by:



Name: Ken Bailey
Title: GM Community Services
31 July 2025

Context | Horopaki

1. The property owners of 91, 93 and 99 Youghal Street, Wānaka, access their properties via a private driveway (chip sealed, of variable width) from the top of Youghal Street. The driveway is located across multiple properties. It crosses the Wānaka Golf Course Recreation Reserve (the Reserve), the adjoining private property at 89 Youghal Street, and 91 and 93 Youghal Street (see map in Attachment A). The property owners believe the driveway may have been built by a previous owner, but the origin of the driveway is unknown.
2. A legal right of way exists to access the three properties from Youghal Street (the public road) but is a limited width (purple area in the map in Attachment A – parts A, F and E). 85-87 Youghal Street also has access to part of the existing right of way (Part A in Attachment A).
3. The driveway is only partly located in the existing right of way. It is encroaching into reserve land and private land without approval. The section of the Reserve being encroached on is legally described as Part Section 11 Block XLIX TN OF Wānaka.
4. The Reserve is recreation reserve subject to the Reserves Act 1977 (the Act) and is leased from Council by the Wānaka Golf Club (Golf Club) for the purpose of a golf course. There are also trails used for walking and biking through parts of this reserve land.
5. The construction of the driveway was not undertaken in accordance with proper construction standards, and there are concerns that stormwater is not being appropriately managed resulting in uncontrolled silt and sediment flow into Bullock Creek.
6. To address the unauthorised driveway encroachment, the property owners of 91, 93 and 99 Youghal Street have applied to Council for a new easement and have proposed a realignment of the right of way along with a legal right to drain water easement over the Reserve (red area in the map in Attachment B – parts B, C and D). The easement would be adjacent to the existing right of way and will realign and legalise the existing driveway encroachment.
7. If the easement is approved, the property owners' intention is to relocate and formalise the driveway that is currently encroaching onto the private property at 89 Youghal Street into the proposed easement corridor. The total area comprising the existing and new easement will need to allow for a driveway of a width that enables larger vehicle or emergency service access. It must be constructed in accordance with Council's relevant codes of practice. The property owners will be responsible for the works and associated costs, which will need to be completed to Council's satisfaction and in accordance with the district plan and any resource consent if required.
8. The area of reserve land (410m²) identified as the proposed footprint for the new easement is along the edge of the reserve. An easement would not impact the existing walking and biking trail or access into the Reserve from the top of Youghal Street.

9. Council generally discourages easements across its reserves as it has a responsibility to protect reserves for current and future use, and not to provide a private benefit, which is what a right of way would do. However, in this situation the existing easement is misaligned and there are no practical alternative options.
10. The Reserve Management Plan for the Reserve from the 1990s does not anticipate these easements, and they are not for the purpose of the activity on the Reserve.
11. In accordance with Section 48(1)(f) of the Act, and a delegation from the Minister of Conservation, Council has authority to grant right of way and other easements.
12. A right of way essentially grants the specific property owners the right to pass and repass over the easement area. A right to drain water allows water (such as rainwater, springs etc.) to be conveyed in any quantity over the easement area.

Analysis and Advice | Tatāritaka me kā Tohutohu

13. Six submissions were received on the proposed easement over the Wānaka Golf Course Recreation Reserve via email to QLDC between 17 April and 21 May 2025.
14. Five submitters indicated they wanted to speak at a public hearing. The schedule of submitters is attached as Attachment C.
15. Officers' comments responding to each submission in alphabetical order are outlined in Attachment B.
16. Of the six submissions received:
 - 2 - Support with conditions
 - 1 - Neutral with conditions
 - 3 - Opposed
17. Key themes that arose through the submissions were:

Setting a precedent

Concerns were raised that supporting this easement would set a precedent for future applications from neighbours of the Reserve for easements which could impact on the use of the Reserve.

Ball strike risk

Concerns were raised that if this easement is approved, it will lead to parking in the right of way and therefore increase the risk of ball strike. Submitters don't believe this should be the responsibility of the Golf Club or its users.

Stormwater management

Concerns were raised that a decision is being made without the stormwater needs of the whole catchment being assessed and that there are issues with the current run off in relation to a private property outside the proposed easement area.

18. Some of the issues raised through submissions are outside the scope of the decision on the proposed easement.
19. This report recommends that the hearing panel receives the submissions and recommends to Council whether the easement should be approved. No options have been considered as this report supports a process set out in the Act for consultation on a proposed easement.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

20. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because holding a public hearing aligns with the Act which has a robust process following public notification.
21. The persons who are affected by or interested in this matter are users of the Reserve, the applicants, and the Golf Club. The public could be affected to the extent that it is public reserve. However, the easement does not provide exclusive rights to the property owners to exclude the public from this part of the Reserve. The easement merely enables right of way for the property owners across public land.
22. The Council has publicly notified this proposed easement in accordance with the Act. The Wānaka Golf Club who hold a lease over the existing Reserve have also been directly consulted regarding this easement application.

Māori Consultation | Iwi Rūnaka

23. The Council has not specifically consulted with iwi regarding this matter. It is considered low risk as it relates to the realignment of an existing easement.

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 high residual risk rating.
25. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by continuing the process set out in the Act to process an easement application regarding reserve land. This will aid planning for the future of this area of the Reserve.

Financial Implications | Kā Riteka ā-Pūtea

26. The applicants will be responsible for Council's legal fees for preparing, negotiating and finalising the easement agreement.

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

27. The following Council policies, strategies and bylaws were considered:
- Significance and Engagement Policy 2024
 - Easement Policy 2008
 - Reserve Management Plan for the Wānaka Golf Course Recreation Reserve
28. The recommended option is consistent with the principles set out in the named policies with more detail set out in section 9. It is not anticipated in the Reserve Management Plan.
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

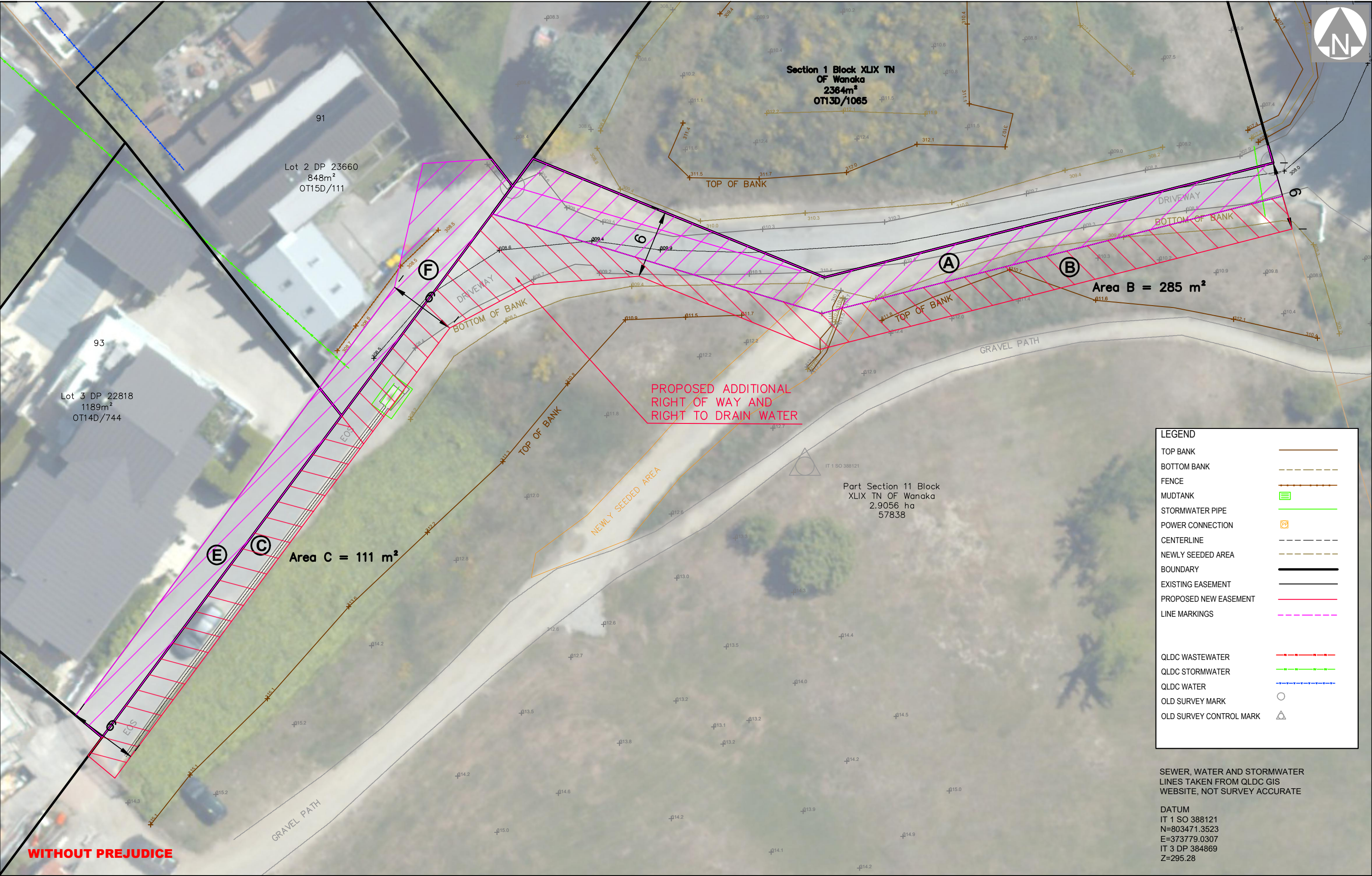
30. Council must follow the provisions of the Reserves Act 1977 when granting easements over reserve land.

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. The continuation of the public notification process through a public hearing supports democratic local decision making. 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.

Attachments | Kā Tāpirihaka

A	Map of proposed additional right of way and right to drain water easement
B	Submissions pack
C	Schedule of submitters



WITHOUT PREJUDICE

LEGEND	
TOP BANK	
BOTTOM BANK	
FENCE	
MUDTANK	
STORMWATER PIPE	
POWER CONNECTION	
CENTERLINE	
NEWLY SEEDD AREA	
BOUNDARY	
EXISTING EASEMENT	
PROPOSED NEW EASEMENT	
LINE MARKINGS	
QLDC WASTEWATER	
QLDC STORMWATER	
QLDC WATER	
OLD SURVEY MARK	
OLD SURVEY CONTROL MARK	

SEWER, WATER AND STORMWATER
LINES TAKEN FROM QLDC GIS
WEBSITE, NOT SURVEY ACCURATE

DATUM
IT 1 SO 388121
N=803471.3523
E=373779.0307
IT 3 DP 384869
Z=295.28

CLARK FORTUNE McDONALD
LAND SURVEYORS - LAND DEVELOPMENT - PLANNING CONSULTANTS
QUEENSTOWN | DUNEDIN | CHRISTCHURCH | GORE

Rev.	Date	Revision Details	By

PROPOSED ADDITIONAL ROW AREA
89 YOUGHAL STREET, WANAKA

Attachment A

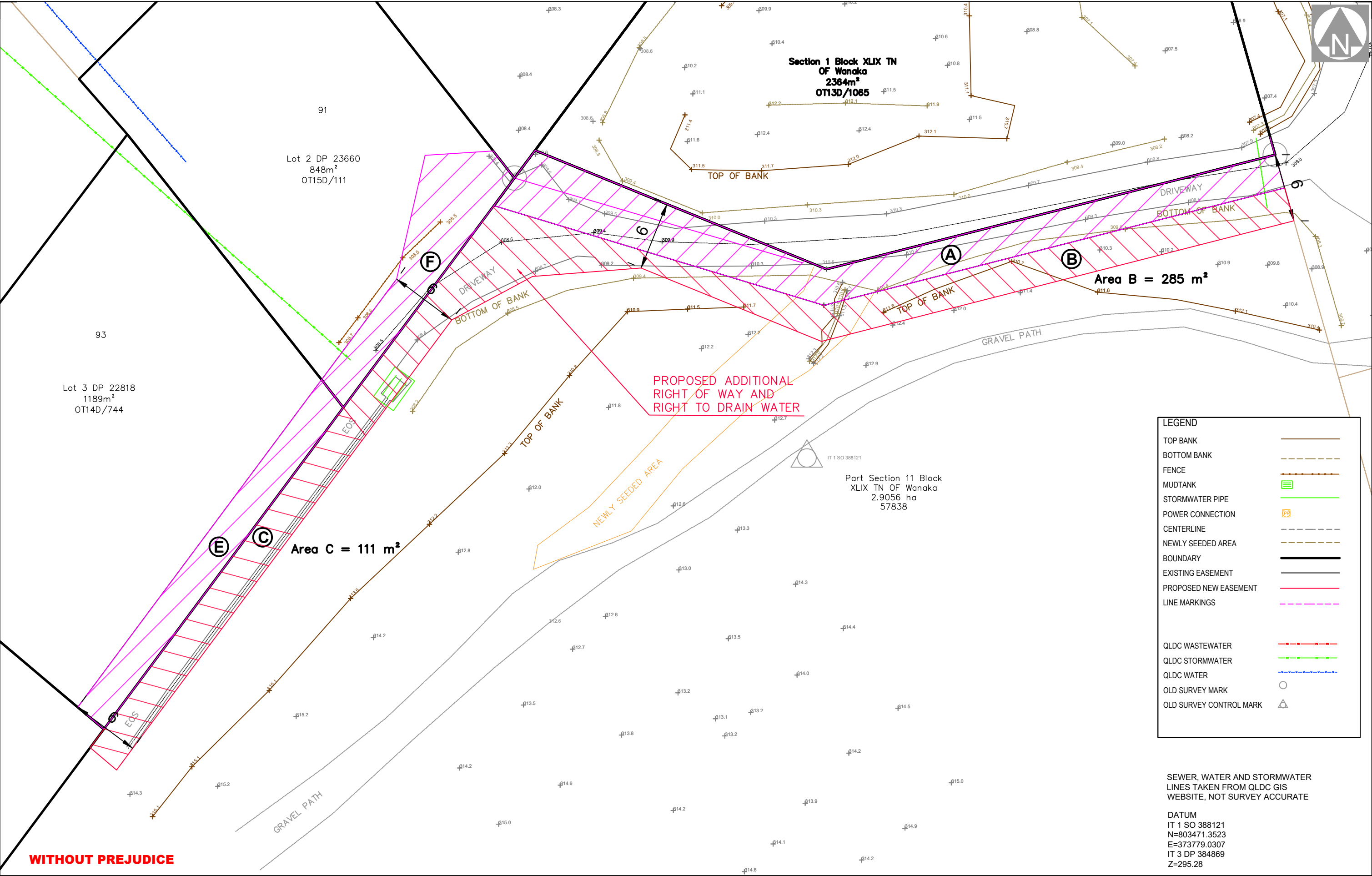
Client: Crawford, Graham

SURVEYED	GH	02.07.24	Job No. 16639	Drawing No. -
DESIGNED	-	-	Scale 1:150 @ A1	SHEET 001
DRAWN	GH	07.04.25	1:300 @ A3	
CHECKED	-	-	Datum Level	Rev. B
APPROVED	-	-	Lindis 2000 NZDV2016	

NOTES:
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WITHOUT PREJUDICE

LEGEND

TOP BANK

BOTTOM BANK

FENCE

MUDTANK

STORMWATER PIPE

POWER CONNECTION

CENTERLINE

NEWLY SEEDD AREA

BOUNDARY

EXISTING EASEMENT

PROPOSED NEW EASEMENT

LINE MARKINGS

QLDC WASTEWATER

QLDC STORMWATER


QLDC WATER

OLD SURVEY MARK

OLD SURVEY CONTROL MARK

SEWER, WATER AND STORMWATER
LINES TAKEN FROM QLDC GIS
WEBSITE, NOT SURVEY ACCURATE

DATUM
IT 1 SO 388121
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E=373779.0307
IT 3 DP 384869
Z=295.28



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LAND SURVEYORS - LAND DEVELOPMENT - PLANNING CONSULTANTS
QUEENSTOWN | DUNEDIN | CHRISTCHURCH | GORE

Rev.	Date	Revision Details	By

PROPOSED ADDITIONAL ROW AREA
89 YOUGHAL STREET, WANAKA

10

Client
Crawford, Graham

SURVEYED	GH	02.07.24	Job No. 16639	Drawing No. -
DESIGNED	-	-	Scale 1:150 @ A1 1:300 @ A3	SHEET 002
DRAWN	GH	07.04.25	Datum & Level Lindis 2000 NZDV2016	Rev. B
CHECKED	-	-		
APPROVED	-	-		

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Submissions Received - Proposed easement over the Wānaka Golf Course Recreation Reserve

July 2025

Note: The term applicants is used in the officer comment column to refer to the 3 properties who have applied for the easement (91, 93 and 99 Youghal Street, Wānaka).

Submission Number	Name	Organisation	Speak at hearing	Position	Submission on the proposed easement	Officer comment
1	Kim Badger	Wānaka Golf Club PART 1	Yes	Neutral with conditions (as land occupier we recommend some conditions to this application)	<p>The Wanaka Golf Course, being on public recreation reserve zoned for the purpose of golf may have to surrender nearly 400m2 of the golf course/reserve in order to change access to 4 properties which border the 5th hole fairway.</p> <p>The change is proposed because of two aspects to the application: The first one relates to the adequacy of the access provided by an easement created in 1985. It is implicit in the application that the applicants regard the access as inadequate because they are seeking an extension of the area affected by the easement. The second aspect of the application is the apparently unapproved construction of a carriageway outside the bounds of the existing easement created in 1985. The existing registered easement does not affect the property at 89 Youghal Street, either as a burden or a benefit. What appears to be a makeshift carriageway has been constructed across 89 Youghal Street. The applicants have, presumably, been required by the proprietor of 89 Youghal Street to cease using its land for access. This necessitates, firstly, the removal of the carriageway and restoration of the land, and, secondly, construction of a new carriageway in the area defined by the original easement document supplemented by a new easement extending (doubling) the width of the currently defined area.</p> <p>The initial easement was granted by the Crown in favour of the then Lake County Council for the benefit of the land in title 9A/61 (Section 13 Block XLV Town of Wanaka). Section 13 was subdivided in 1992 with three blocks now utilising the access. In 1995, the Minister of Conservation agreed to grant further easements over the same area in favour of the land in title 9A/62 (section 14 Block XL V town of Wanaka). Lot 14 was subsequently subdivided into two lots, both having the benefit of a right-of-way easement over the original area.</p> <p>As a matter of principle, the golf club is concerned about the creation of further rights-of-way over golf course land. The plan by the applicants in support of the application identifies areas A, B, C, D, E and F all of which are existing or proposed rights-of-way areas. Area marked A would appear to correspond with the plan on the original easement transfer. The carriageway does not sit neatly within the identified easement area. To relocate the current carriageway to the area marked A will involve significant earthworks and land development not yet specified. The area marked B is new and will be the subject of a new easement altogether. The golf club has real concerns about this development.</p> <p>The area marked C is a new right-of-way presumably because of limitations on the existing right-of-way. The golf club activities that do not extend to that area but it has the potential to generate vehicular access to golf course land. That is evident from the aerial photograph produced by the applicant where three motor vehicles can be identified on land currently occupied by the golf club. (See below)</p>	<p>Noted concern about the creation of rights of way over the recreation reserve. This is a specific case where the existing easement is misaligned and there are no other practical options. Applications for easements on reserve land are considered on a case by case basis in accordance with the Reserves Act 1977.</p> <p>If the easement is approved, the land will not be surrendered from the lease. The land remains reserve land and part of the lease area.</p>

Submission Number	Name	Organisation	Speak at hearing	Position	Submission on the proposed easement	Officer comment
		Wānaka Golf Club PART 2			<p>Council may only grant easements over reserve land “for any public purpose” therefore this proposal to extend onto recreation reserve by an increased easement area we view as a private purpose on golf course land. Council has now the opportunity to limit future development given that what is proposed is the privatisation of Recreation Reserve Land.</p> <p>QLDC’s role as trustee and protector for the Crown Recreation Reserve is to ensure it is retained for Recreation, not let this sort of encroachment onto Reserve occur. The proposal is to legalise the existing driveway in sections C and F which are already located on Reserve Land. This part of the proposal we have limited concern with but we would like access to the golf course blocked to vehicles at the entrance to 99 Youghal St.</p> <p><u>The part of the proposal we have an issue with is at A and B in front of 89 Youghal St.</u> The proposal is to widen or add to the current legal ROW, but the existing driveway that is on Recreation Reserve and 89 Youghal property, if that were to remain on the ground plus add the new legal ROW it will make the old driveway combined with a new constructed ROW double in width in some places, likening it to a wide road, not an easement. Naturally such a construction will lead to vehicles being parked on the edge of it. These cars could be parked on land that has been designed as a golf hole in which currently stray golf balls are entitled to land. This is a safety risk to people and property. This is putting the Wanaka Golf Club and its users at risk of liability.</p> <p>In the future the Wanaka Golf Club (WGC) should not have the expense imposed of having to re-align a hole layout or move trees or a green because of a safety issue of ball strike damage on land that was once part of the golf course.</p> <p>The Wanaka Golf Club was gifted part of the land specifically for golf. It is Crown owned Land Zoned Recreation Reserve and only ‘administered’ by QLDC, under the terms and conditions of the lease in order to secure it as a golf course into the future. The so called ‘administers of the land’ have in the past proposed to put a road through 2 holes reducing the course to a 16 hole course. Other neighbours have also asked for part of the recreation reserve to be used for their own private use. Some neighbours want more trees to protect their houses from ball strike but neighbouring developers want our trees removed in order to improve the land value of their developments. The requests and pressure from neighbours is relenting, therefore we are sensitive and protective of our lease and mindful to keep all parts of the golf course in order to future proof it as development closes in all around the golf course.</p> <p>This highlights the importance of the peripheral areas near the boundary to the golf course, as these are the buffer zones where wayward golf balls land. If we didn’t have these areas and instead had infrastructure in closer proximity to fairways, the outside of the golf course is less protected from golf ball strike.</p> <p>The leased land area is small for an 18 hole course in that it’s only a par 70 for the standard start tees and short in 5475m when most other courses are par 72 and length usually 200m longer than ours. We also don’t have a par 5 on the front 9 holes like most courses do. Therefore taking part of our boundary away, specifically in area A and B and near F in the proposal, limits the WGC’s ability to develop this hole in the future because we still need the same area of buffer zone to take the wayward golf balls.</p>	<p>Section 48(1) of the reserves act sets out the purposes in which easements can be granted. Clause (f) allows Council in its capacity as administering body, to grant easements for "<u>providing or facilitating access</u> or the supply of water to or the drainage of any other land not forming part of the reserve or for any other purpose connected with any such land."</p> <p>A right of way does not confer rights to applicants to use the easement area for parking. A right of way provides the right to pass through the easement area to access their properties.</p> <p>Potential for easement to require signage to indicate private accessway and no parking. Enforcement for inappropriate public use would be through the Reserves Act 1977.</p> <p>The Reserve is vested in QLDC and QLDC are the administering body in accordance with the Reserves Act 1977.</p> <p>In regard to buffer areas, there is an existing walking and biking trail closer to the existing golf holes than the proposed easement area.</p>
		Wānaka Golf Club PART 3			<p>We are looking at ways to add a par 5 to the front 9 holes to come up to a similar course length as other 18 hole courses. Hole 5, in this location, bordering this easement was possibly going to be key to that. This part of the golf course may change in the future, which means encroachment onto the Recreation Reserve is going to make it more difficult for us to make improvements to the golf course in the future.</p> <p>We are not averse to allowing the ROW for the neighbours at 99, 93, 91 Youghal Street. But we would <u>ask the Panel to consider the following conditions in this application</u>: Refer to amended plan diagram below:</p> <p>1. The legal ROW is extended onto Golf Reserve where specified in the current proposal but the existing Driveway in section A only, on the land of 89 Youghal Street <u>is removed completely</u> i.e. chip seal ripped up, removed and fenced off above the current white painted line on the current driveway, because this driveway isn’t a legal access and if this existing driveway (carriageway) on the ground were to remain in place with the additional legal ROW being constructed beside it, this opens up an area that could be used for parking, on either side of it, which the WGC is against. On the WGC amended plan below this is the area highlighted in Yellow we wish to be ripped up and removed as a driveway as part of any easement construction application.</p> <p>2. The new constructed carriageway to comply with current council standards, to be no wider than 6 meters (or less, given this allows access for emergency services and for the new water drains).</p> <p>3. Significant earthworks will be necessary to restore 89 Youghal St and create the new and extended carriageway. The applicant should be asked to produce an earthworks plan before any work commences. WGC will request in the earthworks plan that the new carriageway design does not allow for any parking on it or on a verge beside it. There is to be strictly <u>no parking</u> of vehicles or obstacles on the new <u>or old</u> carriageway, or on Recreation Reserve.</p> <p>4. Signage such as ‘No Stopping’ ‘No Parking’ to be erected with Council to issue fines.</p> <p>5. Some form of barrier such as a simple rabbit wire fencing, planting or a raised bank is added at the applicant’s expense along the golf course side of the new carriageway to stop vehicles from driving onto the Reserve. This does not need to be the whole boundary, but in areas specified by WGC. Highlighted in Blue in amended plan below.</p> <p>6. The WGC and its public users are issued full indemnity for any damage to people or property that may be accidentally struck by golf balls on this recreation reserve land that is proposed to be developed into an easement, or any vehicles parked on or beside the ROW (carriageway). A reminder that the land is still part of the Wanaka Golf Club lease and only those with approval to use the ROW are entitled to drive over it, therefore the Wanaka Golf Club is indemnified for any damage in this location caused by ball strike. Signage to this effect.</p>	<p>Noted request to require removal of driveway encroaching on 89 Youghal Street. Out of scope of this application and decision. Civil matter to be resolved between applicants and property owner.</p> <p>Design of the future driveway (including any earthworks) is the responsibility of the applicants meeting any requirements in QLDC's district plan and any consenting requirements if required.</p> <p>Potential for easement to require signage to indicate private accessway and no parking. Enforcement for inappropriate public use would be through the Reserves Act 1977.</p> <p>Suggested barriers in point 5 are outside the easement area. Out of scope of the easement and application.</p> <p>Noted request for indemnity for any damage from golf ball strike. Out of scope of the easement application and decision.</p>

Submission Number	Name	Organisation	Speak at hearing	Position	Submission on the proposed easement	Officer comment
		Wānaka Golf Club PART 4			<p>7. The WGC requires this to be the limit on access to the ROW. Only the properties that have legal access now should retain access. This means we request that no approval be issued for access to the ROW in the future from any part of 89 Youghal Street. This Lot of 89 Youghal will need to use the formal Youghal Street entrance for future development. This is required in order to limit traffic on the recreation reserve. 89 Youghal does not have the benefit of the right-of-way as it currently exists. There should not be a carriageway running parallel with the existing right-of-way and across 89 Youghal. That could lead to a 10m + wide access in an area where vehicles should be actively discouraged.</p> <p>8. The WGC is reimbursed for any expenses incurred relating to this application.</p> <p>It is important to highlight that the Wanaka Golf Club has a 33 year lease with right of renewal which is in effect a lease in perpetuity or freehold, therefore the recreation reserve will always be a golf course, it will never be anything else, provided the Wanaka Golf Club Incorporated remains a viable entity.</p> <p>Therefore we would like the hearing panel to reflect the needs for the land as a <u>golf course</u>, not gardens, not a public park, but as a GOLF COURSE. A golf course that serves its community as the largest sporting provider with nearly 1600 members (one of the highest membership clubs in NZ) as well as being used by the public extensively.</p> <p>It must be noted that people that develop on the Golf Course boundaries are well aware of the consequences of ball strike and the like, and should not expect to gain access to the Golf Course for their own personal use or make applications via QLDC ‘administrators’ for their own personal benefit.</p> <p>Under the Reserves Act 1977 QLDC will have to submit an application to the Minister for Conservation responsible for the management of Crown Recreation Reserve as part of this application. It would be more likely to be approved if the land occupier is not opposed to the application. Therefore, our support or opposition hinges solely on the above conditions being met.</p> <p>To conclude, the WGC would like QLDC to be more careful and slow for any applications to encroach onto Recreation Reserve. This application sets a precedent for other encroachments onto reserve land or requests from neighbours. Do the errors of the past in the current driveway’s construction justify the change in use of this public land for private use? If it is decided so, we would like the above numbered conditions addressed and ensure they are followed through from start to finish between QLDC and their applicant to ‘re-align’ rather than extend or widen the carriageway. The Wanaka Golf Club must be included in the decisions on the design and construction of the new carriageway and outcomes for the old carriageway. If this is agreed we may be more accepting of the proposal to encroach on more Recreation Reserve for this ROW redesign project.</p>	<p>89 Youghal Street is not a party to the easement application and will therefore have no right to use the easement area if approved. Future access is out of scope for this application.</p> <p>Any request for reimbursement of submitter costs is between the submitter and the applicants. Out of scope of the easement application and decision.</p> <p>The Minister for Conservation has delegated certain powers and functions under the Reserves Act 1977 to Territorial Authorities. Included in this delegation is section 48(1): <i>Consent or refuse to consent to administering body granting rights of way and other easements over any part of a vested reserve for any of the purposes specified in section 48(1). Impose such conditions as it thinks fit in giving consent.</i></p> <p>Minister's consent is not delegated within QLDC, meaning full Council holds the authority to grant Minister's consent under clause 48(1) of the Reserves Act 1977 in this situation.</p> <p>Noted request to be included in decisions on design and construction of a future driveway. Future driveway design is the responsibility of the applicants meeting any requirements in QLDC's District Plan. If consent is required it will be a matter between the applicants and Council as the consenting authority. Out of scope of this application and decision.</p>
		Wānaka Golf Club PART 5				<p>Officer comment on map considerations addressed in earlier sections of the submission.</p>

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2	The Burnside Trust	Represented by Gallaway Cook Allan PART 1	Yes	Opposed in part	<p>The Burnside Trust owns 89 Youghal Street, Section 1 Block XLIX TN of Wanaka, record of Title OT13D/1065.</p> <p>As the owner of 89 Youghal Street, The Burnside Trust does not object in principle to the grant of easements in favour of 91, 93, and 99 Youghal Street over Recreation Reserve vested in the Council provided it is done in a way that protects and restores 89 Youghal Street.</p> <p>The background to this is that there is an existing unlawful encroachment upon 89 Youghal Street that was built without permission by one or other of the owners of 91, 93, or 99 Youghal Street. That works has resulted in damage to 89 Youghal Street and the unlawful placement of a stormwater culvert discharging water from the Council’s reserve onto 89 Youghal Street. The Burnside Trust has suffered considerable cost and frustration trying to defend itself from pressure from the QLDC and the ORC to remediate the stormwater discharge when that is not of its own making.</p> <p>The Burnside Trust's support for the grant of that easement is limited and expressly on the following basis: (a) That the existing formed access across 89 Youghal Street be removed and the ground level be restored to its original state and revegetated. (b) That the existing illegal culvert draining stormwater from Council’s reserve onto 89 Youghal Street be removed and the stormwater redirected to Council road reserve and that appropriate stormwater facilities that meet Council’s roading standards must be formed within the road reserve to ensure that the stormwater does not enter 89 Youghal Street. (c) The easement is also for the benefit of OT 14B/728. OT14B/728 has the benefit of the existing easement area. To be clear, Burnside Trust has no responsibility for sharing in the cost of registration and forming the new easement area.</p> <p>The easement proposal refers to "part section 11, Block XLIX TN of Wanaka". That appellation describes the golf course reserve. It is not clear why an easement to discharge water onto that reserve would be required. If that legal description is a mistake, and what is intended is to refer to draining water from the easement area to 89 Youghal Street which is section 1, Block XLIX TN of Wanaka (which is what is shown as a green line on the plan Attachment A to the proposal), then the Trust objects to that.</p>	<p>Noted request to require removal of driveway encroaching on 89 Youghal Street. Out of scope of this easement application and decision. Matter to be resolved between applicants and property owner.</p> <p>Property title OT 14B/728 (not 89 Youghal Street) has the benefit of the existing easement (marked A on the easement plan). OT 14B/728 is not a party to the easement application and will therefore have no right to access the new proposed easement area if approved. If the property owner wants to join the easement application this would be a matter between the relevant property owner and the easement applicants.</p>
		Represented by Gallaway Cook Allan PART 2			<p>An easement to discharge stormwater to 89 Youghal Street is inappropriate and impermissible. There is no power under the Reserves Act for the Council to grant to itself a right to discharge stormwater onto 89 Youghal Street.</p> <p>Prior to the construction of the stormwater culvert that discharges to 89 Youghal Street, stormwater from the Council's reserve (the golf course) did not enter 89 Youghal Street and remained entirely within road reserve until it reached the formed channel that continues to exist. That situation needs to be restored. The Council does not have any common law right to require 89 Youghal Street to receive the reserves water runoff.</p> <p>It is the submission of The Burnside Trust that any right-of-way easement in favour of 91, 93, and 99 Youghal Street be conditional upon rectification of the prior illegal works and ensuring that no stormwater from the reserve is allowed to discharge onto 89 Youghal Street.</p>	<p>If approved, the right to drain water would allow water to be conveyed through the easement area. It is not a right to drain water to 89 Youghal Street.</p>
3	Huw Davies	N/A	Yes	Opposed	<p>I am opposed to this easement based on the grounds that the Wanaka golf course recreation reserve has many neighbours. If the easement is approved, it then sets a precedent for others to seek easements to their properties which may affect the use of the Wanaka Golf course reserve.</p>	<p>Noted opposition due to precedent being set. This is a specific case where the existing easement is misaligned and there are no other practical options. Applications for easements on reserve land are considered on a case by case basis in accordance with the Reserves Act 1977.</p>

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4	Roger Gardiner	Friends of Bullock Creek Trust	Yes	Opposed subject to conditions and further inspections	<p>Extracts from Council report re: Easement Application Context. Part 3: There are concerns that stormwater is not being appropriately managed resulting in uncontrolled silt and sediment flowing into Bullock Creek.</p> <p>Part 12: This provides an opportunity to ensure stormwater is appropriately managed from this area and is not adding to any existing catchment stormwater issues. We refer above to extracts taken from the Application with particular reference to management of storm water (SW).</p> <p>FOBC submits that the application should note much more clearly that SW is already a documented problem in this roadway vicinity. There is also no mention of the protracted dispute and apparent QLDC legal action against a property owner adjoining Youghal Street and the proposed easement site. Note this dispute (re the illegal dumping of fill on road reserve land) remains unresolved after more than 3 years.</p> <p>FOBC understands this application is for the granting of an easement. If granted it is proposed that a subsequent application will be made to QLDC covering the engineering (roadway surface, kerbing, SW treatment/reticulation etc.)</p> <p>FOCB submits that there should be some preliminary expert assessment as to whether the receiving environment re: stormwater, can handle the additional loading from hard surface roadway expansion, before any easement is granted.</p> <p>The proposed road easement joins up to an unformed and unsealed lower roadway. This roadway and adjacent roadway reserve land has for over 3 years been the subject of dispute regarding the dumping of illegal fill on Council land. This dumping resulted in the channeling of SW run off into Bullock Creek. Subsequent to the dumping temporary plastic sheeting was installed. This is still in place and is breaking down resulting in plastic also entering Bullock Creek.</p> <p>FOBC submits that QLDC resolve the outstanding legal matters regarding SW control and stormwater flows on the lower part of Youghal (Roadway above Bullock Creek), before any easement is granted. How this dispute is resolved will have a significant bearing on the capacity of the lower roadway to handle SW. Prior to the illegal dumping of fill on the roadside reserve, SW did not enter Bullock Creek but soaked into ground.</p> <p>FOBC submits that this easement application cannot be decided in isolation. The overall catchment of Upper Youghal needs to be accessed and expert advice obtained as to the capacity of the area to handle additional SW runoff in various levels of weather event. This should happen before any granting of easement. Our concern is the downstream impact on the waters of Bullock Creek. Our interests are also what treatment if any, will the SW be subject to, and in what locations.</p>	<p>Future driveway design will be developed by the applicants meeting any requirements in QLDC's District Plan and any consenting requirements (if required) in relation to stormwater management.</p> <p>Noted request for a preliminary expert stormwater assessment. Out of scope for easement application and decision.</p> <p>Noted request that legal issue relating to dumping of illegal fill on Council land is resolved prior to consideration of this easement. This is outside the area of the proposed easement and is in the road reserve. Out of scope of this application and decision.</p>
5	Graeme Gibbons	N/A	No	N/A	<p>I am a nearby resident (Botting Place) and also a golf club member.</p> <p>I agree that the easement over part of the recreation golf course reserve should be granted to properties at 91, 93 and 99 Youghal Street to repair any errors of history.</p> <p>From a golf club member perspective I consider that the encroachment onto the golf course reserve reserve land should be granted but only provided all the conditions set out by the golf course are accepted and delivered upon. In particular the nature and usage of the right of way and the acceptance by the property owners of 91, 93 and 99 Youghal Street of all and any risks associated with 'ball strike'.</p> <p>All costs to put the easement right of way should be met by the applicants.</p>	<p>Noted support conditional on the golf club conditions being met.</p> <p>Costs will be bourne by the applicant as outlined in the QLDC Easement Policy 2008.</p> <p>Any request for reimbursement of submitter costs is between the submitter and the applicants. Out of scope of the easement application and decision.</p>

Submission Number	Name	Organisation	Speak at hearing	Position	Submission on the proposed easement	Officer comment
6	Neville Harris	N/A	Yes	Support with conditions	<p>I present this submission as a long term member of the Wanaka Golf Club (The Club) having been a member for nearly 70 years during which time have held many executive positions within the Club.</p> <p>My Grandparents were foundation members of the Club, my mother was associated with much of the administration of Club during her life, along with myself all being made life Members of the Club, so I can speak with some background knowledge and certainty on how the Club has operated very successfully over many years.</p> <p>The Club occupies the present land under long term lease from the Crown, being 33years with several rights of renewal and is administered by Queenstown Lakes District Council on behalf of the crown as set out in the terms and conditions of the lease. It is a concern to me as time goes by and change of Council staff, comments are often made that the land the Golf Club occupies belongs to Council, which can be quite misleading, to be clear the land belongs to the Crown.</p> <p>It is quite clear to me that legalizing the present easements is the only practicable and common sense solution to something that appears to have just happened over time, option 1 is close to resolving the issue with the proviso that the present easement fronting 99,93,91 remain, as this section has recently been upgraded and appears to comply to Council's standards the only upgrade this section would require would be some mounding and planting to restrict traffic from parking on the golf course. From 91 to Youghal street the easement be completely reconstructed to Councils standards with only 99,93,91 having access over the entire easement, no further lots be granted over this easement. You will note that lots 85-87-89 have access direct to Youghal Street.</p> <p>I reluctantly support legalizing as such but Council (as administer of the land) must ensure that this does not set a precedent for further applications from neighbours who requests access onto Golf Course Reserve land, or complain about activities or development on the golf course, it has to be said people who build next to a course should be aware of the consequences of living next to a golf course.</p> <p>I note that it is recommended that the applicants are to bear the costs of the new easement assuming it is approved, and would expect the Golf Club to be reimbursed for their costs as well for preparing their submission and appearing before the Council Panel.</p>	<p>Noted request to restrict traffic from parking on the golf course and that no further proprties are granted easement rights beyond 91, 93 and 99 Youghal Street.</p> <p>Noted request that this application doesn't set a precedent for other neighbours. This is a specific case where the existing easement is misaligned and there are no other practical options. Applications for easements on reserve land are considered on a case by case basis in accordance with the Reserves Act 1977.</p> <p>Noted request that applicants bear golf course costs. Any request for reimbursement of submitter costs is between the submitter and the applicants. Out of scope of the easement application and decision.</p>

Attachment C

Schedule of submitters speaking

Schedule for the Hearing be held in the Meeting Room at the Wānaka Recreation Centre
on Wednesday, 13 August beginning at 10.00am

Time	Name	Organisation	Confirmation
10.05am	Rosie Hill	Todd and Walker on behalf of the easement applicants	Confirmed in person attendance
10.20am	Neville Harris	Personal submission	Not available to attend. Mr Harris will delegate someone to speak on his behalf.
10.30am	Phil Page	Galloway Cook Allan on behalf of the Burnside Trust	Confirmed in person attendance. Seeking a total of 15 minutes to present.
10.40am	Huw Davies	Personal submission	Confirmed in person attendance
10.50am	Roger Gardiner	Friends of Bullock Creek Trust	Confirmed in person attendance
11.00am	Kim Badger	Wānaka Golf Course	Confirmed in person attendance

Note that all times are approximate.

All participants in the hearing are encouraged to attend the hearing from the beginning.