

### Wānaka-Upper Clutha Community Board

16 December 2025

#### Report for Agenda Item | Rīpoata moto e Rāraki take [7]

**Department:** Property & Infrastructure

**Title | Taitara:** Request for a Temporary Easement over a Recreation Reserve Located on the Hopkins Street Recreation Reserve/Luggate Community Hall, Luggate

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

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The purpose of this report is to consider granting a temporary wastewater (sewer) easement over Recreation Reserve (legally described as Lot 12 DP 9232), and named the Hopkins Street Recreation Reserve, Luggate (or Luggate Community Hall site). In addition to accommodating the Luggate Community Hall, the reserve includes open greenspace, playground, and a formed parking area for the reserve users. The easement area is approximately 38m<sup>2</sup>.

Packhorse Holdings Ltd owns land adjacent to the Reserve (55 and 59 Main Road, Lots 1 & 2 DP 9232) and seeks to connect (via a 50mm pipe) to the Council wastewater services within the reserve, to enable a commercial development of their site. This connection is only required until dedicated reticulated wastewater services are ultimately extended along State Highway 6, Main Road, Luggate. The timing of such reticulated services becoming available is estimated as being two years. It is proposed that the easement is cancelled upon a required connection to reticulated services ultimately occurring, and the 50mm pipe capped and decommissioned.

#### Recommendation | Kā Tūtohu

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That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Recommend to Council** that subject to section 48(1) of the Reserves Act 1977, that approval is given for the following:
  - a. **Approve** a temporary wastewater easement to accommodate an underground pipe, over reserve Lot 12 DP 9232, in favour of Packhorse Trading Limited as the owner of Lots 1 & 2 DP 9232; and
  - b. **Direct** that associated works shall address the following:
    - i. Be in accordance with RM250047 and associated QLDC engineering approvals.

- ii. A \$2,000 bond payable to the Queenstown Lakes District Council, prior to any excavation of the areas of Recreation Reserve, or as per Council's Connection to Services requirements.
  - iii. Require that the easement shall only remain in place until such time as reticulated wastewater services become available to Lots 1 & 2 DP 9232. When a connection to reticulated services becomes feasible, that the owner of Lots 1 & 2 DP 9232 must connect to those services and the easement shall be surrendered and the pipe decommissioned to Council's requirements.
  - iv. Require that easement fees are charged under the Easement Policy 2008.
3. **Recommend to Council** that notification to grant the easement is not required, as a statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report; and
  4. **Recommend to Council** that 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, is approved.
  5. **Recommend to Council** that authority to approve final terms and conditions, and execution authority, is delegated to the General Manager Community Services.

**Prepared by:**



**Name:** Roger Davidson  
**Title:** Property Director

26 November 2025

**Reviewed and Authorised by:**



**Name:** Tony Avery  
**Title:** General Manager Property & Infrastructure  
26 November 2025

### Context | Horopaki

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1. Council administers the Recreation Reserve described as Lot 12 DP 9232, referred to as the Hopkins Street Recreation Reserve, Luggate (or Luggate Community Hall site). The area of reserve subject to this easement request, contains the formed carparking area for the Community Hall, and existing in-ground sewer infrastructure to support the function of the Community Hall. A detailed plan of the location and proposed easement is included as Attachment A.
2. Only minor disturbances have been noted in the easement proposal, being the installation of the 50mm pipe, which is identified in the attached easement plan. Digger access is required to this area, to lay the pipe and make the connection. Thereafter, the area will be reinstated.

### Analysis and Advice | Tatāritaka me kā Tohutohu

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3. The Reserves Act 1977 requires that proposed easements are notified, unless it can be shown that the easement will not materially alter or permanently damage a reserve, or that the rights of the public in respect of the reserve are permanently affected.
4. The reserve does not have a Reserve Management Plan.
5. Council's Parks & Reserves Team has considered the proposed easement, and its potential for effects upon the values of the reserve area. The advice confirms that whilst there will be a temporary disruption whilst the pipe connection is laid, the infrastructure/easement will not affect the public's rights in respect of the reserve, or materially damage or permanently alter the reserve. Any associated works will be temporary, and thereafter the reserve land will function as before, according to its recreation purpose. Additionally, the easement will be temporary in nature and surrendered when reticulated services are available.
6. 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:	\$265,000
Property Area:	7712m <sup>2</sup>
Easement Area A:	36m <sup>2</sup>
Easement Area A (right to drain wastewater)	
\$265,000/ 7,712	= \$34.36
30% of \$34.36	= \$10.30
\$10.30 x 36m <sup>2</sup>	= <b>\$371.10 + GST</b>

12. 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.

13. **Option 1** To grant the easement

*Advantages:*

- Granting the easement will enable the applicants to progress with the development.
- The infrastructure and easement have been assessed as not affecting the public's use and enjoyment of the reserve.
- Council engineers have assessed the connection to Council's sewer infrastructure as appropriate, under Resource Consent RM250047. A Connection to Council Services has also been submitted, and assessed by engineers as being appropriate, subject to an easement being agreed.
- Council officers support the easement now sought, as impact on the reserve will not be significant.

*Disadvantages:*

- An area of reserve will be encumbered by an easement, that will provide property rights to the applicant. However, the easement area is located in an area that will not adversely affect public use of the reserve, and the 50mm pipe will be below ground.
- There will be a temporary disruption to users of the reserve/carpark as the pipe is laid and connected to the Council infrastructure.
- When the easement is ultimately terminated, the 50mm pipe will be capped and left in situ.

14. **Option 2** To reject the easement

*Advantages:*

- The reserve will not be encumbered by an easement that will provide property rights to the applicant.
- There will be no temporary disruption to users of the reserve or its carpark.

*Disadvantages:*

- Council would not receive easement fees, although the value is negligible.

15. 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

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#### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

16. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because it involves Council Reserve.
17. The persons who are affected by or interested in this matter are residents, ratepayers and visitors in the Wānaka-Upper Clutha area, and Queenstown Lakes District.

#### Māori Consultation | Iwi Rūnaka

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

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

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19. 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.
20. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by a new easement to be installed and ensuring that the infrastructure is installed in accordance with Council's connection to services requirements, with the oversight of Council engineers.

### Financial Implications | Kā Riteka ā-Pūtea

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

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

- Council Easement Policy 2008
- Significance & Engagement Policy 2024
- Reserves Act 1977

24. The recommended option is consistent with the principles set out in the named policies.

25. This matter is not included in the Long Term Plan/Annual Plan

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

26. 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

27. 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.

28. 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 & Area
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LOCATION



EASEMENT AREA

