

Full Council

26 June 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [13]

Department: Chief Executive

Title | Taitara : Chief Executive's Report

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to report on items of general interest that do not require a full officer report and to summarise recent meetings of Queenstown Lakes District Council's (QLDC) Standing Committees and the Wānaka-Upper Clutha Community Board.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;

Proposed right of way and right to drain easement over part of the Wānaka Golf Course Recreation Reserve – Appointment of Hearings Panel

2. **Appoint** three members of the Council [to be named] to form a hearing panel to hear submissions and make a recommendation to Council.

Creation of New Infringement Offences and Fines under Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025

3. **Direct** Council officers to engage with central government to develop infringement regulations to effectively enforce the proposed Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025.

Recommendation from Wānaka-Upper Clutha Community Board

WFH Properties Limited – RM220913: Pembroke Heights, Wānaka

4. **Approve** the vesting of the following reserves:

Local Purpose Reserve (Public Amenity) – Lot 104 being 4614m² in area

Subject to the following works being undertaken at the applicant's expense:

- a. Compliance with the conditions of resource consent RM220913 (and any subsequent variations) which include:

- i. The provision of a water supply to the Local Purpose Reserve;
- ii. The submission of a detailed landscape plan (including design specifications) including the street trees, verges and Local Purpose Reserve (Lot 104 to vest) prepared by a suitably qualified Landscape Architect to be certified by the Queenstown Lakes District Council (QLDC) Parks & Open Spaces Planning Manager;
- iii. The consent holder shall obtain a full Council decision confirming that all areas of the reserve have been formally agreed to be vested;
- iv. The consent holder shall fully implement all road/street landscaping and planting as shown on the detailed landscape plan;
- v. The consent holder shall enter into a maintenance agreement prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserves will be maintained during the three year maintenance period;
- vi. Prior to certification under section 224 of the Resource Management Act 1991 (RMA), all new reserve and road reserve asset information shall be submitted electronically with spatial attributes as outlined in Schedule 1D of the QLDC Land Development and Subdivision Code of Practice (LDSC) 2020;
- vii. The consent holder shall ensure that a fencing covenant, required under section 6 of the Fencing Act 1978, is registered on all land adjacent to reserves, to ensure that any reserves to vest in QLDC are protected and that Council has no liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;

Pembroke Terrace Limited – RM230065: Orchard Road, Wānaka

5. Approve the vesting of the following reserves:

Local Purpose Reserve (Access) – Lot 202 being 1085m² in area

Subject to the following works being undertaken at the applicant's expense:

- b. Compliance with the conditions of resource consent RM230065 (and any subsequent variations) which include:
 - i. The provision of a water supply to the Local Purpose Reserve;
 - ii. Details of lighting of the pedestrian route within Lot 202 that demonstrates compliance with Crime Prevention Through Environmental Design (CPTED) principals and in accordance with Category P4 QLDCs Southern Light Strategy: Part Two – Technical Specifications; and

- iii. The Consent Holder shall ensure that a Fencing Covenant, required under section 6 of the Fencing Act 1978, is registered on all land to ensure that any reserves to vest in QLDC are protected and that Council has no liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land.

Prepared by:



Name: Mike Theelen

Title: Chief Executive

5 June 2025

Proposed right of way and right to drain easement over part of the Wānaka Golf Course Recreation Reserve – Appointment of Hearings Panel

1. The property owners of 91, 93 and 99 Youghal Street, Wānaka, access their properties via a driveway from the top of Youghal Street. The driveway is located across multiple properties including the Wānaka Golf Course Recreation Reserve (the Reserve). The driveway is only partly located in the existing right of way and is encroaching into the Reserve without approval.
2. 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. The easement would be adjacent to the existing right of way and would realign and legalise the existing driveway encroachment.
3. The Wānaka-Upper Clutha Community Board approved the proposed easement to be publicly notified in line with the Reserves Act 1977 at their 27 March 2025 meeting. The full detail of the proposed easement can be found in the report from that meeting: 27 March 2025 Wānaka-Upper Clutha Community Board Meeting.
4. Following public notification, six submissions were received via email to Queenstown Lakes District Council (QLDC) between 17 April and 21 May 2025. Five submitters wish to speak at a public hearing.
5. Legal advice has been received that to align with the QLDC Delegations Register and the Reserves Act 1977, the hearing panel needs to be formed by Council (not by the Wānaka-Upper Clutha Community Board).

Creation of New Infringement Offences and Fines under Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025

6. At its 20 March 2025 meeting, Council adopted the Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 (2025 bylaw). The report to Council noted at paragraph 70 that the next steps would be to create new infringement offences and fines pursuant to section 330 of the Maritime Transport Act 1994, to replace the Maritime Transport (Infringement Fees for Offences—Queenstown Lakes District Council Navigation Safety Bylaw 2018) Regulations 2019. Regulations made under section 330 are secondary legislation that must be made by parliament.
7. There are several steps in this process, including (1) development of the infringement offences and applicable fees for the 2025 bylaw (completed internally); (2) seek approval to engage with the Ministry of Transport on the draft infringement offences and applicable fees for the 2025 bylaw (current step); (3) seek approval from the Associate Minister of Transport; (4) proposal referred to Parliamentary Counsels Office; (5) adoption/gazetting of infringement regulations. The adoption of infringement regulations is a parliamentary process, which means that providing accurate guidance on timeframes is difficult.

8. It is considered that the Chief Executive has the delegation to engage with the Minister on this issue via the general delegation from Council to the Chief Executive that states that “the Council delegates to the Chief Executive Officer ... any and all of its responsibilities, duties and powers to act on any matter, subject to the limits and conditions below and excluding those matters in respect of which delegation is prohibited by any Act or Regulation.” The limits and conditions set out following this delegation are not applicable to this issue, nor does the Maritime Transport Act 1994 require the Council to make this decision. However, consistent with the process followed for the Navigation Safety Bylaw 2018, formal direction is being sought from Council for the Chief Executive to engage in this process.
9. It is noted that in the intervening period between the making of the 2025 bylaw and the development of new regulations, QLDC may issue infringement notices under section 423 of the Maritime Transport Act 1994 that mirror some but not all of the provisions in the 2025 bylaw. In the absence of infringement regulations, QLDC may continue to enforce the 2025 bylaw using remedies under the Local Government Act 2002 and/or the Maritime Transport Act 1994, including prosecuting breaches of the bylaw.

Recommendation from Wānaka-Upper Clutha Community Board

Vesting of Reserves in the Upper Clutha

WFH Properties Limited – RM220913: Pembroke Heights, Wānaka

1. A subdivision consent application RM220913 by WFH Properties Limited has been granted to create 74 residential lots, one Local Purpose Reserve (Public amenity), one Local Purpose Reserve (Stormwater), and a balance lot intended for future development, as shown in the figure below. This represents stages 1 and 2 of the Allenby Farms development.
2. Lot 104 will provide increased protection of the Tree Protection Area ensuring the retention of the remnant Kānuka vegetation that plays an important role in maintaining and enhancing biodiversity values within the district, whilst also allowing for the integrated use of this space by the community for passive and active recreation.
3. Conditions of consent require a detailed landscape plan to be submitted and approved for all areas of reserve to be vested. This will ensure appropriate design of the reserve is implemented that increases the public’s ability to use the reserve as well as ensuring that the species, location and density of any proposed planting is appropriate for this locality and does not lead to overly onerous ongoing maintenance. Conditions of consent will also require a three year maintenance agreement is entered into for all reserve areas to be vested, to ensure the reserves are well presented and plantings are well established before Council takes over their maintenance.

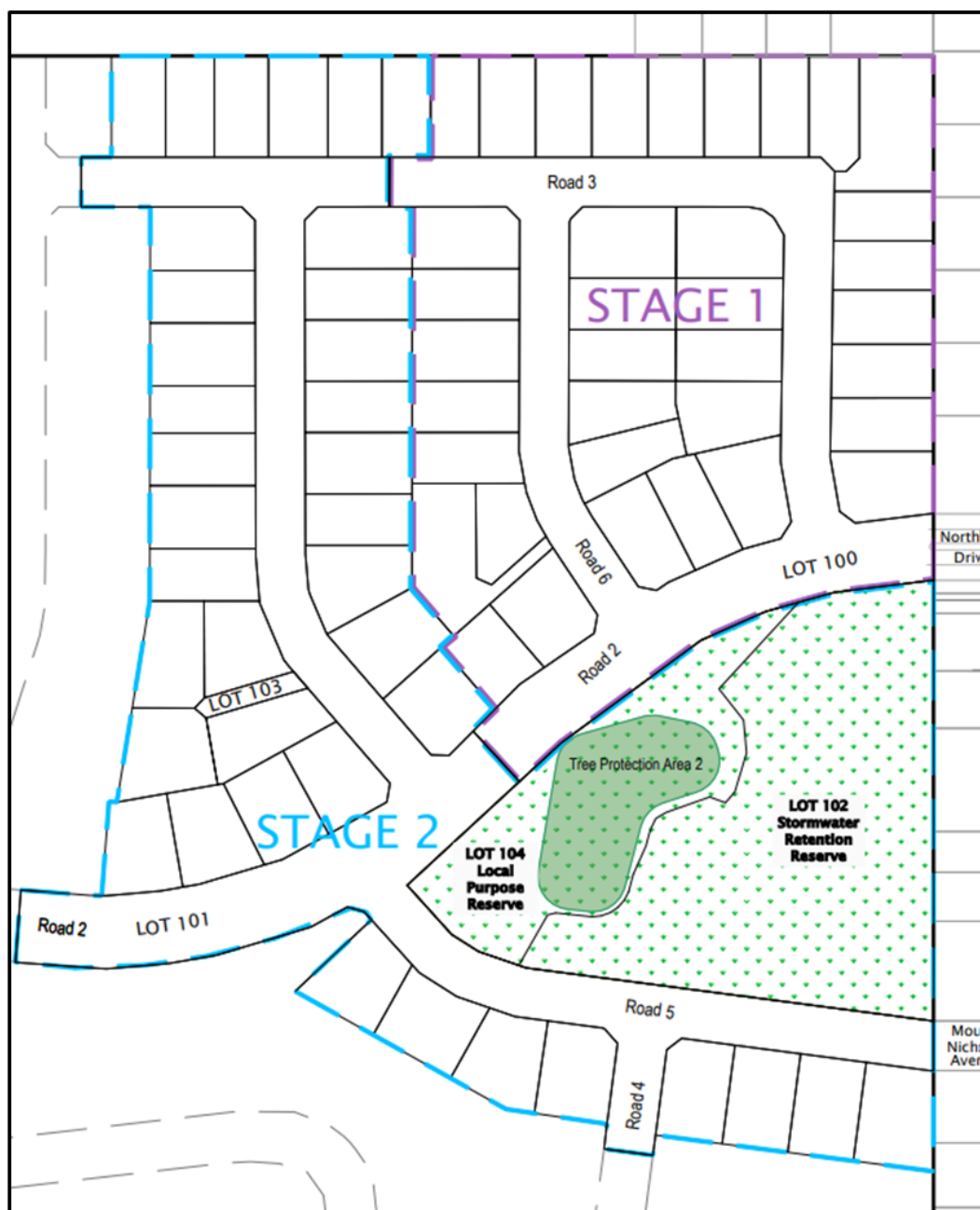


Figure 1: Subdivision scheme plan

Pembroke Terrace Limited – RM230065: Orchard Road, Wānaka

4. Subdivision consent RM230065 by Pembroke Terrace Limited has been granted to create eight residential lots, one access lot and one Local Purpose Reserve (Access) as shown in figure 2 below. This represents Stage 5 of the wider Pembroke Terrace development.



Figure 2: Subdivision scheme plan for RM230065, Stage 5 of the Pembroke Terrace development.

5. Lot 202 will provide important connectivity between the Pembroke Terrace development to Frederick Street to the east and then connects through to Ballantyne Road. It will also create easier access to the adjoining reserve to the south for residents located in the north and west of the development. Additionally, it provides the opportunity for connections to be made in future if the adjoining land to the east at Connell Terrace (as can be seen in Figure 3 below) is developed. Lot 202 is a logical connection reserve that will provide for active recreation as well as serve as an important link for active transport.



Figure 3: Aerial image of the land parcel being subdivided for RM230065 (Pembroke Terrace)

6. Lot 303 is not to be vested as reserve, however, a Right of Way (ROW) in favour of QLDC will exist over this piece of land providing access from the road to Lot 202 (reserve lot). This will ensure Lot 202 is connected back to the roading network.
7. The Pembroke Terrace development currently has 6 consented stages in total. The recreation reserve to the south of Lot 202 was created and vested as part of a previous stage. The Local Purpose Reserve, Lot 202, was created and proposed to be vested as part of Stage 5. A detailed landscape plan has been provided and approved for all reserve lots within the Pembroke Terrace development.
8. A single maintenance agreement for all stages (1-6) of the Pembroke Terrace development will be entered into. This will be a three-year maintenance period commencing from when section 224(c) (RMA) is issued for the final stage of the development, as agreed to by the developer. This approach will result in a single landscape plan and a single maintenance agreement instead of multiple documents for each stage/consent of the development.
9. The conditions of the relevant consents will ensure appropriate landscaping is implemented on Lot 202 and maintained for a sufficient (three year) period to ensure the planting becomes well established and does not become financially onerous for Council.

Committee Meetings of the Previous Round

Infrastructure Committee – Councillor Bartlett (Chair) (5 June 2025)

Information:

1. Retrospective approval of submission to Otago Regional Council on the Otago Regional Public Transport Plan

Planning & Strategy Committee – Councillor Cocks (Chair) (10 June 2025)

Information:

1. Te Tapuae Southern Corridor Structure Plan
2. Update on Progress on the Proposed District Plan and Other Key Projects
3. Changes to the Operative and Proposed District Plans required to implement the National Environmental Standards for Commercial Forestry, 2023
4. Hāwea Mapping Variation to the Proposed District Plan
5. Interactive Housing and Business and Feasibility Model (Lying on the Table)
6. Delegations for Mediation: Malaghans Investments Limited*

*This item was considered with the public excluded.

Wānaka-Upper Clutha Community Board – Mr Simon Telfer (Chair) (19 June 2025)

Information:

2. Chair's Report

Recommendation

1. Proposed reserves to vest in the Upper Clutha

Planning & Strategy Committee (Extraordinary meeting) – Councillor Cocks (Chair) (23 June 2025)

Information:

1. The Hills Private Plan Change
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