

QLDC Council
23 July 2020

Report for Agenda Item | Rīpoata mot e Rāraki take 2

Department: Community Services

Title | Taitara: Above Ground Electricity Easement - Queenstown Commercial Limited Stage 7 Subdivision, Lake Hayes Estate

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider an application for a notified above-ground electrical service easement over recreation reserve.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** an above ground electricity easement over recreation reserve Lot 321 DP 379403, for the benefit of Queenstown Commercial Limited, with the location of that development identified in **ATTACHMENT A**, for the right to convey electricity and right to transform electricity in favour of Electricity Southland Limited, shown on **ATTACHMENT B** as 'Area I'.
3. **Require** that easement fees be charged; and
4. **Delegate** signing authority to the General Manager Community Services.

Prepared by:



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4/06/2020

Reviewed and Authorised by:



Aaron Burt
Senior Parks and Reserves
Planner

7/07/2020

Approved by:



Thunes Cloete
General Manager
Community Services

9/07/2020

CONTEXT | HORPOAKI

- 1 Council administers the Widgeon Place Recreation Reserve, which includes land legally described as Lot 321 DP 379403 (the reserve). The reserve is located to the southeast of Lake Hayes Estate, and extends towards the Kawarau River.
- 2 Queenstown Commercial Ltd (QCL) have constructed their Stage 7 subdivision adjacent to the reserve. The subdivision includes 13 lots (sections) for the Housing Trust.
- 3 As part of the subdivision, QCL needs to install infrastructure through the reserve to connect to other infrastructure. Council is currently processing the easements necessary to allow access to the infrastructure in perpetuity. The above ground electricity infrastructure now being considered under this report was not established on the reserve by QCL, but QCL needs to obtain easements to include and connect to same, so that their subdivision development can progress.
- 4 The electricity easement currently sought is necessary for the applicant to seek titles for their subdivision. The electricity easement is shown on **ATTACHMENT B**. The above ground infrastructure is an electricity substation and transformer. Such devices are commonplace around the district, and are typically established upon the roadside verge, and sometimes within reserve areas.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 5 Approval for the easement is required to connect the Stage 7 subdivision with existing electricity service network. This will allow titles to issue for the associated subdivision, which includes residential development associated with the Queenstown Housing Trust.
- 6 The route chosen for the electricity infrastructure is practical, given the location of infrastructure within the development. The substation and transformer have been upon the reserve for a number of years, and it is understood that they were put in place to connect the Bridesdale Special Housing Area with the electricity network. It has been discovered as part of the QCL Stage 7 development that easements are not in place for the existing infrastructure, and QCL need to remedy this to allow their own development to progress.
- 7 Council will charge an easement fee if the easement is approved. This fee will be set in accordance with Council's Easement Policy 2008.
- 8 The Reserves Act 1977 requires that easements be 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. As the substation and transformer are permanently in place upon the reserve (as opposed to being below ground and otherwise hidden) there is a consideration that this has a degree of impact upon the reserve.

9 The easement has therefore been notified, calling for submissions/objections. The notification period closed on 20 June 2020, and no submissions/objections were received.

10 Option 1 To grant the above ground electricity easement.

Advantages:

11 The easement will assist titles to be issued for the QCL subdivision, particularly those associated with the Housing Trust.

Disadvantages:

12 A small part of the reserve may be inaccessible to the public for a short time if maintenance to the transformer is required. This is expected to be infrequent and minimal. The area occupied by the infrastructure will also be inaccessible, but given the small size of that area, the disadvantage is minimal.

13 Option 2 To decline the easement.

Advantages:

14 The reserve will not be encumbered by an easement.

Disadvantages:

15 The applicant would be required to amend their resource consent and relocate infrastructure that is already in place, which could result in disruption to the reserve, and the need to relocate the infrastructure onto Council road reserve.

16 Titles for the associated subdivision will not be issued, and lots within that subdivision are set aside for the Housing Trust.

17 Council would not receive the easement fee.

18 This report recommends **Option 1** for addressing the matter, because it will allow the applicant to progress their subdivision and will consequently not create any delays for the Housing Trust.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

19 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council recreation reserve.

20 The persons who are affected by or interested in this matter are the general public and users of the recreation reserve.

21 The Council has provided a mechanism for community consultation of the above ground easement through the public notification of the intention to grant an easement, required

by the Reserves Act 1977. No submissions/objections were received, and this report recommends approval of the easement.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

22 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating. This matter is related to this risk because a perpetual property right contained in the reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving an easement.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

23 The cost of notifying and registering the easement against the reserve will be met by the applicant, and easement fees will be required under the Easement Policy 2008.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

24 The following Council policies, strategies and bylaws were considered:

- Council's Easement Policy, 2008
- Significance and Engagement Policy, 2017

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

26 This matter is not included in the Ten Year Plan/Annual Plan, but has no effect upon it.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

27 In order to grant an easement over reserve land, Council must follow the required process set out under the Reserves Act.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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 enabling infrastructure installation at no cost to Council or disruption to the community;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly 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 | NGĀ TĀPIRIHANGA

A	General Location Plan
B	Easement Plan