

**Wānaka Community Board  
4 November 2021****Report for Agenda Item | Rīpoata moto e Rāraki take : 3****Department: Community Services****Title | Taitara: Underground Electrical Services Easements over Council reserves adjoining 1 Frederick Street, and the Wānaka Recreation Reserve, off Brownston Street in Wānaka****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to consider two applications for underground electrical services easements over Council reserve adjoining 1 Frederick Street, and the Wānaka Recreation Reserve, off Brownston Street, in Wānaka.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That the Wānaka 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 easements:
  - a. Underground electrical services easement over Local Purpose Reserve (Lot 36 DP 332078), in favour of 1 Frederick Street (Lot 2 DP 369014).
  - b. Underground electrical services easement over the Wānaka Recreation Reserve (Section 12 Block XV TN of Wānaka) accessed from Brownston Street, in favour of Aurora Energy Limited.
3. **Recommend to Council** that approval for the easements is subject to the following conditions:
  - a. Easement Fees to be determined and paid in accordance with Council's Easement Policy 2008.
  - b. For the easement over Section 12 Block XV TN of Wānaka, that Aurora Energy Limited liaise with the campground lessee to ensure associated works do not unduly disrupt the operation of the campground.
  - c. The applicant shall notify and liaise with QLDC Infrastructure Department in advance of any onsite works, so that they can oversee and provide input relating to any existing in-ground infrastructure;
  - d. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment;

- e. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the sites;
  - f. The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant to the QLDC Property Team;
  - g. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property Team.
4. **Recommend to Council** that notification to grant the easements 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
  5. **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.
  6. **Recommend to Council** that authority to approve final terms and conditions, and execution authority, is delegated to the General Manager Community Services.

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## CONTEXT | HORPOAKI

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### **Underground Electrical Services Easement over Reserve Lot 36 DP 332078, in favour of 1 Frederick Street**

- 1 Electrical services to a private property at 1 Frederick Street have been established across a two-metre wide beautification reserve that borders that property. The length of the required easement is two metres, and the width approximately one metre. The easement location is shown in **ATTACHMENT A**.

### **Underground Electrical Services Easement over Wānaka Recreation Reserve, Section 12 Block XV TN of Wānaka, for Aurora Energy Ltd**

- 2 Aurora Energy Limited seek to connect to existing electrical services infrastructure, in the Wānaka Recreation Reserve, on land leased to the campground. The easement will be adjacent to the campground access, and will be 41.9 metres long and three metres wide, and also include an additional area around an existing transformer of four metres by six metres. The easement location is shown in **ATTACHMENT B**.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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### **Electrical Services Easement over Reserve Lot 36 DP 332078 in favour of 1 Frederick Street**

- 3 The easement is necessary in this location, because it is the direct route to existing electrical infrastructure located in the adjacent road reserve.
- 4 The Council reserve contains some landscape planting, and the services have already been trenched and installed between two exotic Fastigate Oaks.
- 5 Advice from Council's Arborist is that the oaks are young and able to handle works associated with establishing the electrical cable.

### **Underground Electrical Services Easement over Wānaka Recreation Reserve, Section 12 Block XV TN of Wānaka, for Aurora Energy Ltd**

- 6 Aurora Energy Limited require an easement to connect underground services to an existing transformer, and to also encompass that transformer. The existing infrastructure is the only location that the proposed services can connect to. Associated works will be temporary, and the site can be remedied and rehabilitated thereafter.
- 7 Whilst Council officers understand that the campground leaseholder is aware of the works, it is a recommended condition that Aurora Energy Ltd liaise with the campground operator to ensure that the works do not result in any disruption. The works are anticipated to be scheduled urgently to avoid the busy camping season.
- 8 The Reserves Act 1977 requires that easements be notified unless it can be shown that the easements will not have a permanent effect on the reserve, or the public's ability to enjoy the reserve.

9 The easements are for new underground services and will not permanently affect the public's rights in respect of the reserves, or materially damage or permanently alter the reserves. Any associated works will be temporary, and thereafter the reserve land will as functional as before.

10 Council will charge easement fees for all easements, set in accordance with the Easement Policy 2008.

11 Option 1 To grant the easements.

*Advantages:*

12 Council Officers support the easements now sought, and the easements have been assessed as not affecting the public's use and enjoyment of the reserves.

*Disadvantages:*

13 Areas of reserve will be encumbered by easements that provide property rights to the applicants. However, because underground easements are proposed and any associated works will be of a short duration, the infrastructure will not affect public use.

14 Option 2 To decline the easements.

*Advantages:*

15 The reserves will not be encumbered by easements that provide property rights to the applicants.

*Disadvantages:*

16 New locations for the infrastructure and associated easements would need to be determined and reassessed, when the existing locations are the most direct and logical easement route.

17 Council would not receive easement fees.

18 This report recommends **Option 1** for addressing the matter, because it will allow the applicants to progress their works and not redesign associated aspects of their development. The easement routes proposed have the least effect because they are a direct connection to existing infrastructure.

## **CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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### **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 reserves. The impact of the decision however is minor, as infrastructure is below ground.

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

### **RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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21 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 reserves does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving an easement. This is mitigated by the areas of reserve either not be affected by infrastructure, or not having high public values.

### **FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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22 The cost of registering the easements will be met by the applicants.

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

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

- Council's Easement Policy, 2008
- Significance and Engagement Policy, 2021

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

25 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 TAKOHA KA WAETURE**

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26 In order to grant an easement of 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**

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27 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

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A	Underground Electrical Services Easement over Reserve Lot 36 DP 332078, in favour of 1 Frederick Street
B	Underground Electrical Services Easement over Wānaka Recreation Reserve, Section 12 Block XV TN of Wānaka, for Aurora Energy Ltd