

Full Council

4 April 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [6]

Department: Community Services

Title | Taitara: Electrical services easement for Aurora Energy, at the Frankton Marina Local Purpose (Marina) Reserve

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider approving an electrical services easement in favour of Aurora Energy, over Local Purpose (Marina) reserve, Section 53 Block XXI Shotover SD, at the Frankton Marina.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** an electrical services easement to Aurora Energy Limited, over Section 53 Block XXI Shotover SD, subject to Section 48 of the Reserves Act;
3. **Agree** that public notification of the intention to grant the electrical services easement is not required, as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report;
4. **Require** that easement fees are charged, in accordance with Council's Easement Policy 2008, payable before the registration of the easement;
5. **Require** that the construction methodology is first provided to the General Manager, Property & Infrastructure for consideration and approval as appropriate, prior to any works occurring on the reserve; this shall acknowledge the presence of Council infrastructure in the same location;
4. **Delegate** authority to approve final terms and conditions of the easement and execution authority, to the General Manager Community Services; and
5. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to grant a service easement to Aurora Energy Limited over Local Purpose (Marina) reserve, legal description Section 53 Block XXI Shotover SD.

Prepared by:



Name: Quintin Howard
Title: Property Director
Date: 8 March 2024

Reviewed and Authorised by:



Name: Tony Avery
Title: GM of Property & Infrastructure
Date: 8 March 2024

Context | Horopaki

1. Council administers the area of Local Purpose (Marina) reserve that is mostly occupied by the Frankton Marina, and subject to a commercial lease to Lakes Marina Projects Limited. The reserve location is illustrated in **ATTACHMENT A** of this report, with the proposed easement locality circled red.
2. In 2016, Council approved an easement to Aurora Energy Ltd upon the same reserve. This is illustrated (shaded green) in the plan included as **ATTACHMENT B** to this report.
3. Aurora Energy Ltd, now seek to upgrade their electrical services in the locality, to enable electric vessels to ultimately operate from the marina. This upgrade requires both below and above ground infrastructure, in the proposed easement area specifically identified in **ATTACHMENT B**. Images have been included in **ATTACHMENT C** to better illustrate the above ground infrastructure, and to more clearly show the easement area in the context of aerial imagery.
4. The proposal can be described as continuation of the already existing easement/services, to enable underground services, and another easement component to accommodate above ground infrastructure, being a transformer within a green cabinet, and switchgear contained in green cabinets.

Analysis and Advice | Tatāritaka me kā Tohutohu

5. The Reserves Act 1977 requires that easements be notified unless it can be shown that the easements will not have permanent effect on the reserve or the public's ability to enjoy the reserve.
6. The underground electrical services will not affect the public's ability to use or enjoy the reserve, as infrastructure will be below ground.
7. The transformer and switchgear will be above ground and contained within a fenced area. Given the purpose of the reserve is for a marina, a transformer and switchgear to support that marina purpose is not considered to detract from the reserve or affect the public's ability to enjoy the marina reserve. Whilst there will be a loss of grassed area, this is a component of the marina landscaping that acts as a separation of the public pathway from the carpark. Plantings already established in the locality will mitigate the appearance of the increased fenced area.
8. A Council stormwater drain is in the same location as the easement, and input from Council's Infrastructure/Civil Engineering team is necessary. This is to ensure that the construction methodology and site works are appropriate. The stormwater infrastructure is expected to be at a greater depth than required for the electricity services.
9. As the easement will be a perpetual property right to Aurora Energy Ltd, the Council will charge an easement fee if the easement is approved. This fee will be set in accordance with Council's Easement Policy 2008.

10. 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.

11. Option 1 To grant the easement.

Advantages:

- Council officers support the easement now sought, as infrastructure that is below ground has no affect. The transformer and switchgear that would be above ground, does not diminish or adversely affect the use and function of the marina reserve, and instead better enables the purpose if the reserve to accommodate marina facilities.
- The ability to encourage electric vessels is a positive outcome, and aligns with Council's climate change goals.

Disadvantages:

- An additional area of the reserve will be encumbered by an easement that provides property rights to the applicant.

12. Option 2 To decline the easement.

Advantages:

- The reserve will not be encumbered by an easement, which will provide property rights to the applicant.

Disadvantages:

- New locations for the infrastructure and associated easements would need to be determined and reassessed.
- There would not be an ability for electric vessels to use the marina.
- Council would not receive easement fees.

13. This report recommends **Option 1** for addressing the matter, because the proposed infrastructure and easement will not affect the practical use and function of the reserve, and may instead encourage renewable energy uses.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

14. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because it involves Council reserve.

15. The impact of the decision however is minor, as infrastructure associated with the easement aligns with the purpose of the reserve to function as a marina.
16. The persons who are affected by or interested in this matter are the general public and users of the marina reserve, and users of the marina facilities.
17. Consultation is not deemed necessary, given the proposal aligns with the marina purpose of the reserve.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

18. This matter relates to the Community & Wellbeing 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 moderate residual risk rating.
19. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by enabling improved electrical services to encourage electric vessels.

Financial Implications | Kā Riteka ā-Pūtea

20. Council will receive an easement fee, and the costs of registering the easement will be met by the applicant.

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

21. The following Council policies, strategies and bylaws were considered:
 - Council's Easement Policy, 2008
 - Significance and Engagement Policy, 2021
 - Sunshine Bay to Kelvin Heights Reserve Management Plan 1991 (RMP)
22. The recommended option is consistent with the principles set out in the named policies, and not inconsistent with the RMP.
23. This matter is not included in the Long Term Plan/Annual Plan

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

24. 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-Kiaka

25. 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 easement is requested to be approved under the Minister of Conservations delegation, and will allow for improved electrical services to be provided to the marina, to provide for electric vessels. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

26. The recommended option:

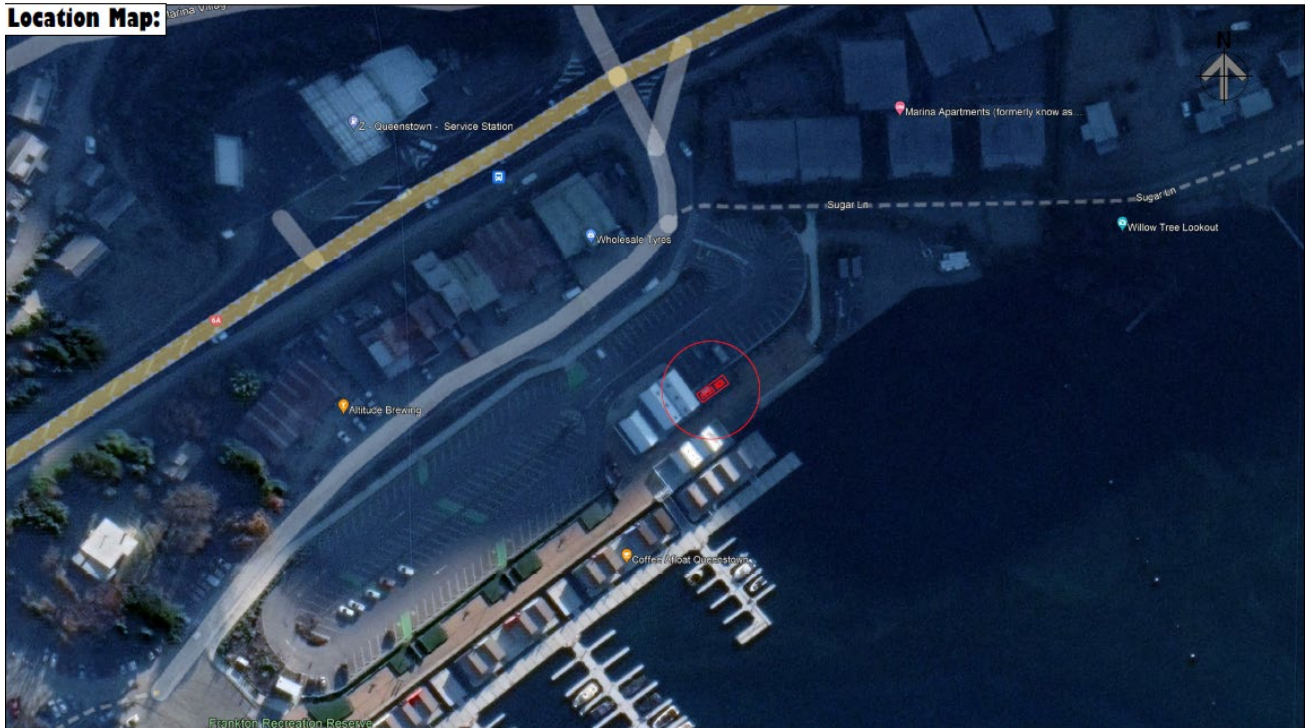
- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.


Attachments | Kā Tāpirihaka

A	Location Plans
B	Easement Plan
C	Images

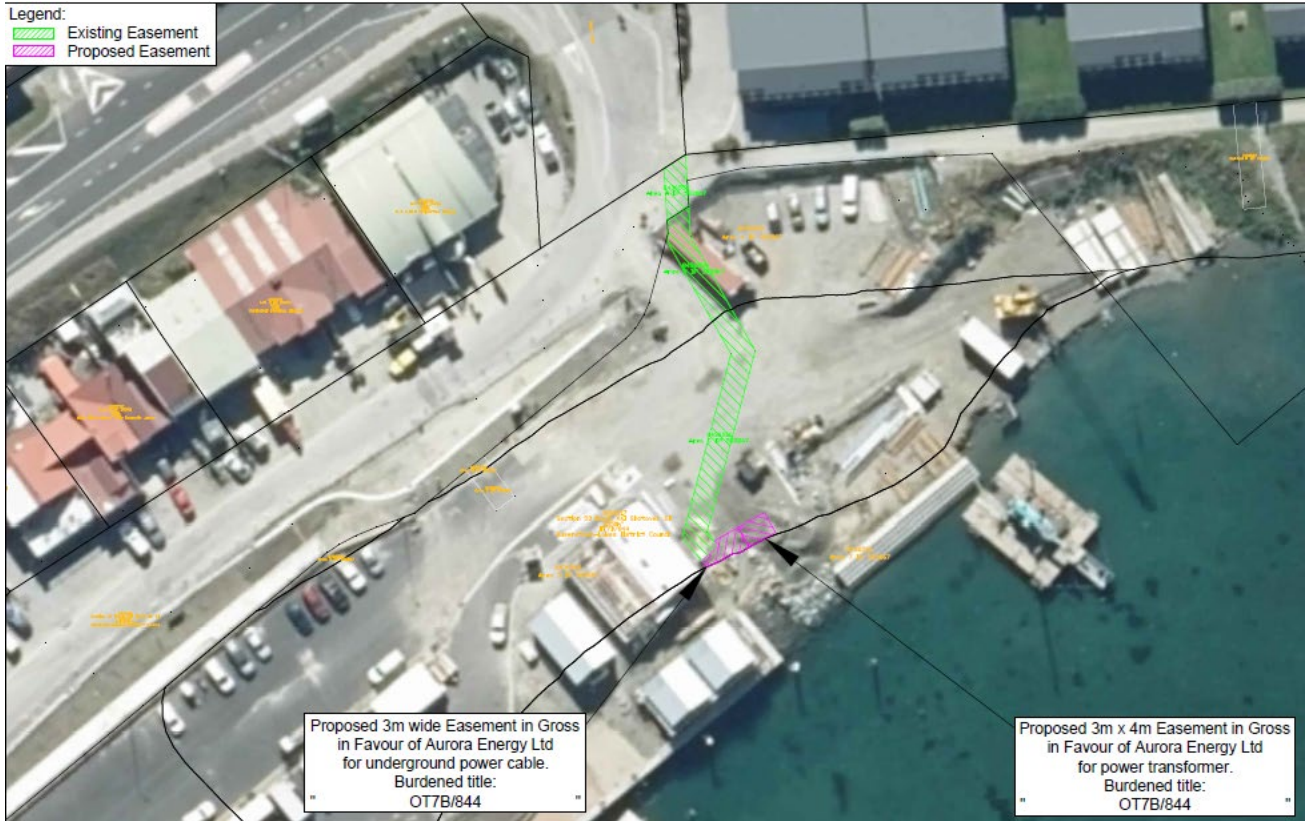
ATTACHMENT A – LOCATION PLANS





Rev.	Description	Drn.	Ckd.	Date	Power (2018) Ltd 471 Barry Avenue Cromwell	Dwg No. 001	Frankton Marina 1MVA	Rev	
A	Draft Design	---	---	19-Jun-23		Sheet IM-005	Location Map	A	
					Client Frankton Marina	Scale at A3 NTS			
					Designed Mark Laming				
					File Name Switchgear Layout - Queenstown Marina				

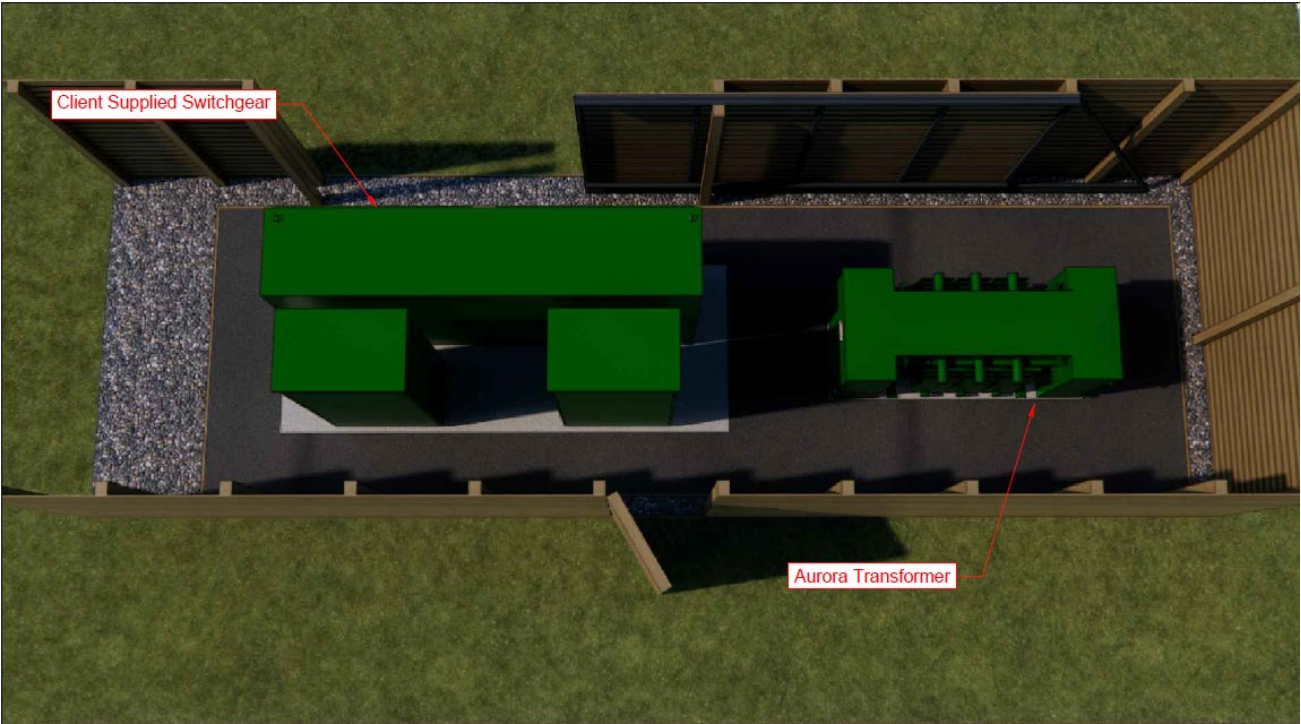
ATTACHMENT B – EASEMENT PLAN



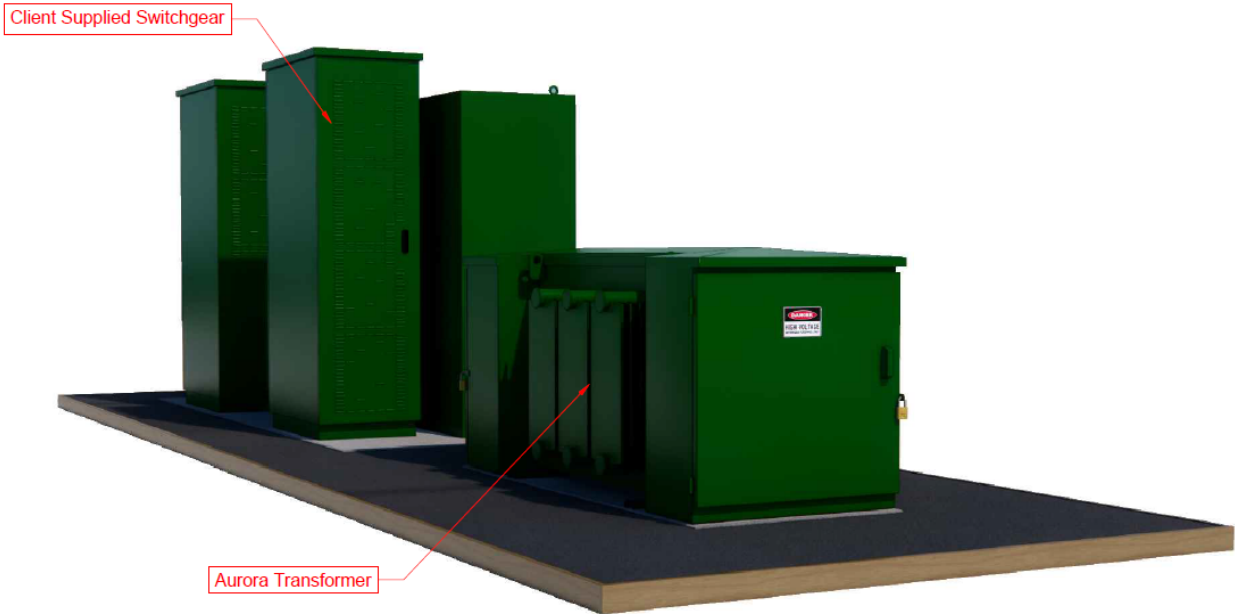
ATTACHMENT C – IMAGES




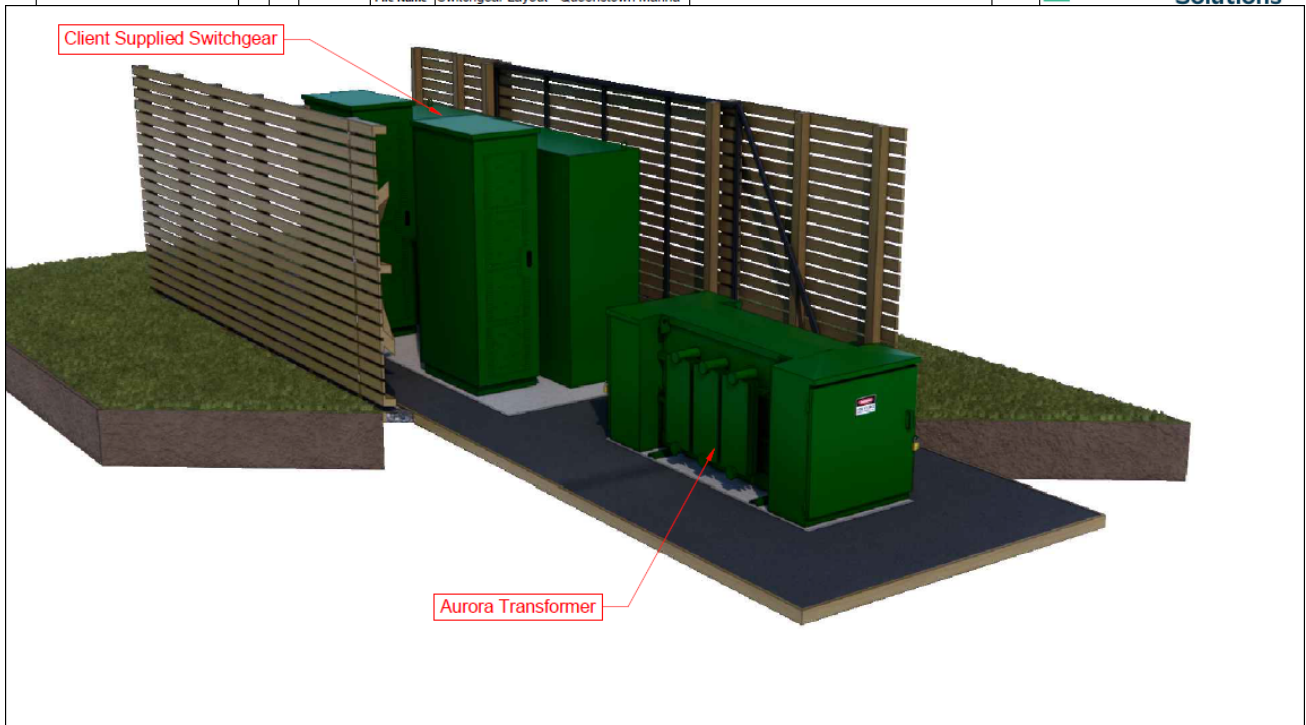
Rev. A	Description Draft Design	Drn. ---	Ckd. ---	Date 19-Jun-23	Power (2018) Ltd 471 Barry Avenue Cromwell	Dwg No. 301 Sheet IM-001 Scale at A3 NTS	Frankton Marina 1MVA	Rev A	
					Client Frankton Marina Designed Mark Laming File Name Switchgear Layout - Queenstown Marina		Existing and Proposed site Image		




Rev. A	Description Draft Design	Drn. ---	Ckd. ---	Date 19-Jun-23	Power (2018) Ltd 471 Barry Avenue Cromwell	Dwg No. 301 Sheet IM-002 Scale at A3 NTS	Frankton Marina 1MVA	Rev A	
					Client Frankton Marina Designed Mark Laming File Name Switchgear Layout - Queenstown Marina		Visual Site Representation		



Rev.	Description	Drn.	Ckd.	Date	Power (2018) Ltd 471 Barry Avenue Cromwell	Dwg No. Sheet	001 IM - 003	Frankton Marina 1MVA	Rev	
A	Draft Design	---	---	19-Jun-23		Scale at A3	NTS	Switchgear Visual (Southern Side)	A	
					Client	Frankton Marina				
					Designed	Mark Laming				
					File Name	Switchgear Layout - Queenstown Marina				



Rev.	Description	Drn.	Ckd.	Date	Power (2018) Ltd 471 Barry Avenue Cromwell	Dwg No. Sheet	001 IM - 004	Frankton Marina 1MVA	Rev	
A	Draft Design	---	---	19-Jun-23		Scale at A3	NTS	Compound Visual	A	
					Client	Frankton Marina				
					Designed	Mark Laming				
					File Name	Switchgear Layout - Queenstown Marina				