

Wānaka-Upper Clutha Community Board

21 November 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [9]

Department: Community Services

Title | Taitara: Electrical easement in favour of Aurora Energy over Sargood Drive Recreation Reserve

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider recommending to Council to approve an electrical easement in favour of Aurora Energy over the recreation reserve in Sargood Drive, Wānaka. The reserve is legally described as lot 75 DP 15833.

Recommendation | Kā Tūtohuka

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Recommend to Council** to exercise Minister's consent and approve an electrical services easement over Sargood Drive Recreation Reserve, legally described as lot 75 DP 15833, in favour of Aroura Energy in accordance with the indicated easement plan, Attachment A;
3. **Delegate** authority to approve final terms and conditions of the easement and execution authority to the General Manager Community Services.

Prepared by:



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Title: Parks Property Planner
21 October 2024

Reviewed and Authorised by:



Name: Kenneth Bailey
Title: General Manager Community Services
31 October 2024

Context | Horopaki

1. 14 Sargood Drive is a 1030 square metre parcel of recreation reserve land legally described as lot 75 DP 15833. The land was vested on deposit as recreation reserve however the parcel does not currently have a certificate of title and as a result, no easement has ever been registered.
2. Electrical equipment has been located on the reserve since 1987. Upgrades were undertaken in 1997 which included the addition of the transformer and streetlight cabling.
3. Aurora Energy Ltd (hereafter 'Aurora') now wishes to upgrade a piece of equipment and has identified that no easement exists for the electrical equipment within the reserve. Aurora see the lack of an easement as a risk, as an easement gives the right to have equipment on site, access for maintenance and future upgrades. Accordingly, Aurora have applied for an easement to mitigate this risk.
4. Under section 48(1)(d) the Reserves Act 1977, Queenstown Lakes District Council has the authority to grant an easement over any part of a reserve for an electrical installation.
5. The intended easement will cover an estimated area of 167.1 square metres as shown on the easement plan, Attachment A.
6. The area covered by the intended easement is predominantly for underground cabling which runs along the western edge of the site. Additionally a transformer and a ring main unit (RMU) is located above ground near to Sargood Drive frontage of the Reserve.

Analysis and Advice | Tatāritaka me kā Tohutohu

7. As the electrical installation is already existing on the reserve, it has been assessed that this will not permanently damage the reserve or permanently affect the rights of the public. As such, public notification is not required.
8. As the easement will be a perpetual property right to Aurora, 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. An underground service easement fee is set out at 30% of the rating valuation land value.
9. Option 1 recommend to Council to grant the easement in favour of Aurora Energy Ltd.

Advantages:

- Gives Aurora certainty and perpetual access to the electrical installation.
- Provides income to Council through easement fee.

Disadvantages:

- Limits what future improvements could be contained within the easement area. QLDC would be required to allow unrestricted access for Aurora to the easement area.
- May restrict this site if it was ever intended to be sold.

10. Option 2 decline the application for an easement in favour of Aurora.

Advantages:

- Does not perpetually encumber the reserve.

Disadvantages:

- Leaves Aurora in a difficult position with no rights over already installed equipment.
- Means equipment may not be upgraded.

11. This report recommends **Option 1** for addressing the matter because it gives Aurora certainty over the electrical installation and its role in providing power to part of Wānaka.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

12. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because it involves a Council reserve.

13. The persons who are affected by or interested in this matter are users of the reserve.

14. Consultation is not deemed necessary as the electrical installation has been on site for such a long time.

Māori Consultation | Iwi Rūnaka

15. The Council has not specifically consulted with Iwi on this matter as the use has been existing for such a long time with little impact on the Reserve.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

16. 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 high residual risk rating. Approval of the recommended option will allow Council to avoid the risk. This will be achieved by enabling access and improved electrical services for part of Wānaka.

Financial Implications | Kā Riteka ā-Pūtea

17. Council will receive an easement fee and costs associated with the easement will be met by the applicant.

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

18. The following Council policies, strategies and bylaws were considered:
- This aligns with QLDC’s vision beyond 2050, specifically Disaster Defying Resilience.
 - Council’s Easement Policy 2008
 - Reserves Act 1977
19. The recommended option is consistent with the principles set out in the named policies.
20. This matter is not included in the Long Term Plan/Annual Plan

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

21. 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-Kīaka

22. 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. This item will allow access to upgrade equipment providing the community with upgraded and more resilient electrical services. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.
23. 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	Plan of proposed electrical easement at 14 Sargood Drive, Wānaka
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Attachment A – Plan of proposed electrical easement at 14 Sargood Drive, Wānaka

