

QLDC Council
16 December 2021

Report for Agenda Item | Rīpoata moto e Rāraki take: 3

Department: Community Services

Title | Taitara: Easement for an Underground Stormwater Connection in the Fox's Terrace Reserve, Arrowtown

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO


The purpose of this report is to consider an application for an underground stormwater services easement, for the residential property of 21 Fox's Terrace, through the adjacent Fox's Terrace Reserve, Arrowtown.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** an easement for underground infrastructure and a right to drain stormwater over Lot 16 DP 18937, being recreation reserve for the benefit of the residential property of Lot 7 DP 18937 (21 Fox's Terrace), with the extent of that easement identified in **ATTACHMENT A**;
3. **Require** that easement fees are charged; and
4. **Require** that no works may be undertaken within the reserve, unless;
 - i. QLDC Parks & Reserves first confirm and approve the methodology and time/duration of works.
 - ii. A certificate of public liability cover by those undertaking the works is supplied.
 - iii. A bond of \$5,000 is provided, to address any damage to the reserve. The site is to be rehabilitated and reinstated to its original condition.
5. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of identified easements over Council Reserve Land.
6. **Delegate** signing authority to the General Manager Community & Services.

Prepared by:



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Reserves Planner
26/11/2021

Reviewed and Authorised by:



Briana Pringle
Parks and Open Spaces
Planning Manager
26/11/2021

Approved by:



Thunes Cloete
Community Services
General Manager
2/12/2021

CONTEXT | HORPOAKI

- 1 The image in **ATTACHMENT B** shows the location of the reserve and application property.
- 2 Council administers the Fox's Terrace Recreation Reserve, legally described as Lot 16 DP 18937. The reserve is located off Cotter Avenue and Shaw Street, and provides an important pedestrian linkage to McDonnell Road.
- 3 The residential property at 21 Fox's Terrace, needs to connect to Council's stormwater infrastructure, which is located in the reserve. A three-metre wide easement is required to allow access for the connection to underground services, and the requested easement is necessary to accommodate the infrastructure.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 4 The existing Council infrastructure is below ground, as will be the proposed connection from the residential property. Aside from establishing the connection, and potentially rare instances where maintenance is required, the connection/easement will not affect the public's use and enjoyment of the reserve.
- 5 Council Officers will be involved in confirming the methodology, and supervising works to ensure minimal disruption to users of the reserve. This will include rehabilitation of the land following the works, and ensuring no damage to trees within the reserve.
- 6 Council will charge an easement fee, set in accordance with the Easement Policy 2008.
- 7 Option 1 To grant the easement.

Advantages:

- 8 The infrastructure and easement have been assessed as not affecting the public's use and enjoyment of the reserve.

- 9 The applicant does not have any other practical options to connect to Council's stormwater network in the vicinity.

Disadvantages:

- 10 An area of the reserve will be encumbered by an easement, which provides a property right to the applicant, to access and maintain their underground pipe, connecting to Council's infrastructure.

- 11 Option 2 To decline the easement.

Advantages:

- 12 The reserve will not be encumbered by an easement, which otherwise provides a property right to the applicant.

Disadvantages:

- 13 New locations for the infrastructure would need to be determined and assessed. This could require excavation of the formed roadway and verge over 57 metres, with disruption to road users and other residences.

- 14 Council would not receive easement fees.

- 15 This report recommends **Option 1** for addressing the matter, because it will allow the applicant to progress their residential development.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 16 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a Council recreation reserve. The impact of the decision however is minor, as the public's use and enjoyment of the reserve will only be temporarily affected during placement of the infrastructure, and thereafter the reserve will function as normal.

- 17 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

- 18 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 area of reserve not being materially affected by the proposed infrastructure.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

19 The cost of registering the easement will be met by the applicant.

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

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

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

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

22 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

23 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

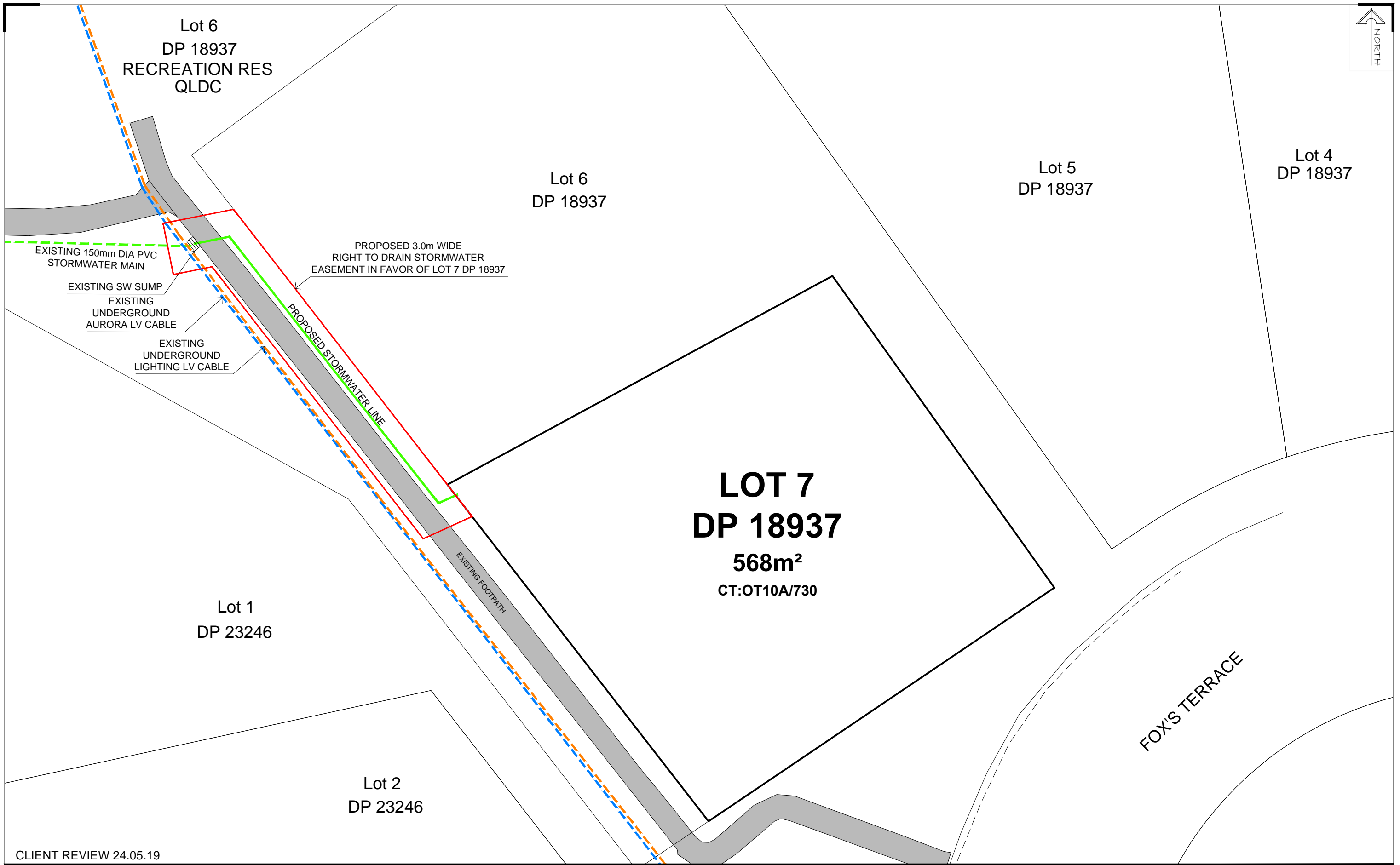
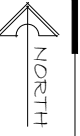
24 Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The 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.

25 The recommended option:

- 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	Stormwater Easement over Fox’s Terrace Reserve
B	Location and Overview Plan



CLIENT REVIEW 24.05.19

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Rev.	Date	Revision Details	By

LOT 7 DP 18937
21 FOX'S TERRACE
PROPOSED STORMWATER

Client	Surveyed	Signed	Date	Job No.	Drawing No.
Gerard King	SL		20.10.21	13910	01 Sheet 001
	Drawn	Signed	Date	Scale	
	SL		29.10.21	1:100 @ A1 1:200 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
				MTNIC2000 /MSL	-

Notes:
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ATTACHMENT B – LOCATION AND OVERVIEW PLAN

