

QLDC Council
4 June 2020**Report for Agenda Item | Rīpoata mot e Rāraki take : 2****Department: Community Services****Title | Taitara: Underground Service Easements - 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 underground services easements to Queenstown Commercial Ltd over recreation reserve.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** granting underground service easements over recreation reserve Lot 321 DP 379403, RT574161, for benefit of Queenstown Commercial Limited development, with location of that development identified in Attachments A & B;
 - a. Right to drain sewerage in favour of Queenstown Lakes District Council.
 - b. Right to convey water in favour of Queenstown Lakes District Council.
 - c. Right to convey telecommunications in favour of Chorus New Zealand Limited.
 - d. Right to convey electricity (excluding 'Area I') in favour of Electricity Southland Limited.
 - e. Right to convey gas in favour of Rockgas Limited.
3. **Agree** 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
4. **Require** that easement fees are charged; and
5. **Delegate** approve of final terms and conditions, and execution authority to the General Manager Community Services; and
6. **Agree** that the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the easements to the applicant over Lot 321 DP 379403, RT574161 – Recreation Reserve.

Prepared by:



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APL Property

11/05/2020

Reviewed and Authorised by:



Aaron Burt
Senior Parks and Reserves
Planner

15/05/2020

Approved by:



Thunes Cloete
General Manager
Community Services

20/05/2020

CONTEXT | HORPOAKI

- 1 Council administers the recreation reserve known as Widgeon Place Recreation Reserve, legally described as Lot 321 DP 379403 on RT574161 (herein referred to as 'the reserve'). The reserve is located to the southeast of Lake Hayes Estate, and extends towards the Kawarau River.
- 2 Queenstown Commercial Ltd (QCL) are developing their Stage 7 residential subdivision adjacent to the recreation reserve.
- 3 As part of the Stage 7 subdivision, the developer has installed various infrastructure upon and through the reserve land to connect into other existing infrastructure. The infrastructure has been established without approvals, and Council is currently processing the required easements to potentially allow this infrastructure. This report only addresses the underground easements identified in the recommendation above, and does not include an above ground electricity easement for a transformer, identified as 'Area I', which is the subject of a separate notification and approval process.
- 4 The easements are shown on Attachment B.
- 5 Further easements for their development are expected to be applied for in due course by the applicant, as these are required. The easements currently sought are necessary for them to seek title for their subdivision.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 6 Approval for the underground easements is required to connect the Stage 7 subdivision with existing service networks. This will allow for titles to issue for the associated subdivision, which includes residential development associated with the Queenstown Housing Trust.
- 7 The route chosen for the underground infrastructure is the most practical available given the ground contours and location of infrastructure within the development.
- 8 The easements required to drain sewage (in favour of QLDC) through the recreation reserve is required to connect the subdivision to a pump station location in the road reserve adjacent to the recreation reserve. The easement to convey water (in favour of QLDC) through the recreation reserve is required to connect the subdivision to an existing water main. The sewer and water pipeline assets are to be ultimately vested in QLDC.
- 9 The electricity easements which are sought are for underground electricity cables, excluding 'Area I' which is the subject of a separate notification and approval process.
- 10 The remaining easements for telecommunications and gas are both underground installations connecting the subdivision to existing nearby infrastructure.
- 11 As the underground easements will provide a perpetual property right to the applicant, the Council will charge an easements fee if the request is approved. This fee will be set in accordance with Council's Easement Policy 2008.

- 12 Under the Reserves Act 1977, Ministerial consent is required before easements can be granted over reserve. This consent is now delegated to Council and must be granted prior to easements being lodged with Land Information New Zealand (LINZ).
- 13 Granting of easements is permitted by the Reserves Act, however, such easements must be publicly notified in accordance with Section 48(2) unless as per Section 48(3) it can be shown that the public's ability to enjoy the reserve is not affected and there is no longer term effect on the land. These matters are considered below:

Does the easement affect the ability of people to use and enjoy the reserve?

- 14 Whilst there was temporary disruption during the installation of underground pipelines and cables, long term there is unlikely to be any detrimental effect on the ability of the public to use and enjoy the reserve. Once the area is fully reinstated, users of the reserve would be unaware that any changes have been made to the reserve. As it stands, the infrastructure has been established, the ground levelled, and the area is to be grassed.

Does the easement create any long term permanent effect on the reserve?

- 15 Aside from during the installation process as mentioned above, these easements will not affect the ability of the reserve to provide for its current purpose. As the infrastructure is underground, it is considered the creation of easements will not have any long term effect on the reserve.
- 16 Taking into account the above factors, it is not considered the reserve will permanently affect the reserve or the ability of people to use and enjoy the reserve, and therefore it is recommended public notification is not deemed necessary for these easements.
- 17 Option 1 To grant the underground easements over Lot 321 DP 379403.

Advantages:

- 18 The easements will allow for effective management of services through the recreation reserve and enable the titles to be issued for the subdivision.

Disadvantages:

- 19 Parts of the reserve may be periodically disturbed and inaccessible to the public for a short time if maintenance to the infrastructure is required.
- 20 Will permanently encumber the reserve covered by the easements.
- 21 May increase traffic on the reserve for maintenance of the infrastructure.
- 22 Option 2 To decline the easements over Lot 321 DP 379403.

Advantages:

- 23 Parts of the reserve would not be periodically disturbed and inaccessible if maintenance to the infrastructure is required.

24 The reserve would not be encumbered by easements.

25 Would not increase traffic to this area of the reserve

Disadvantages:

26 The applicant would be required to amend their resource consent and relocate infrastructure that is already in place, which could result in further disruption to the reserve.

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

28 Council would not receive easement fees.

29 This report recommends **Option 1** for addressing the matter because it will allow the applicant to progress their subdivision without incurring significant disturbance to the reserve and further costs, with relatively low ongoing impact to the reserve should the easements be approved.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

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

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

32 Council considers that the request meets the requirements under 48(3) of the Reserves Act and therefore does not recommend public notification of these underground easements.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

33 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 any easement.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

34 The cost of registering the easements will be covered 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

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

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

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

37 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

38 In order to grant easements of reserve land, Council must follow the required process set out under the Reserves Act, as noted earlier in this report.

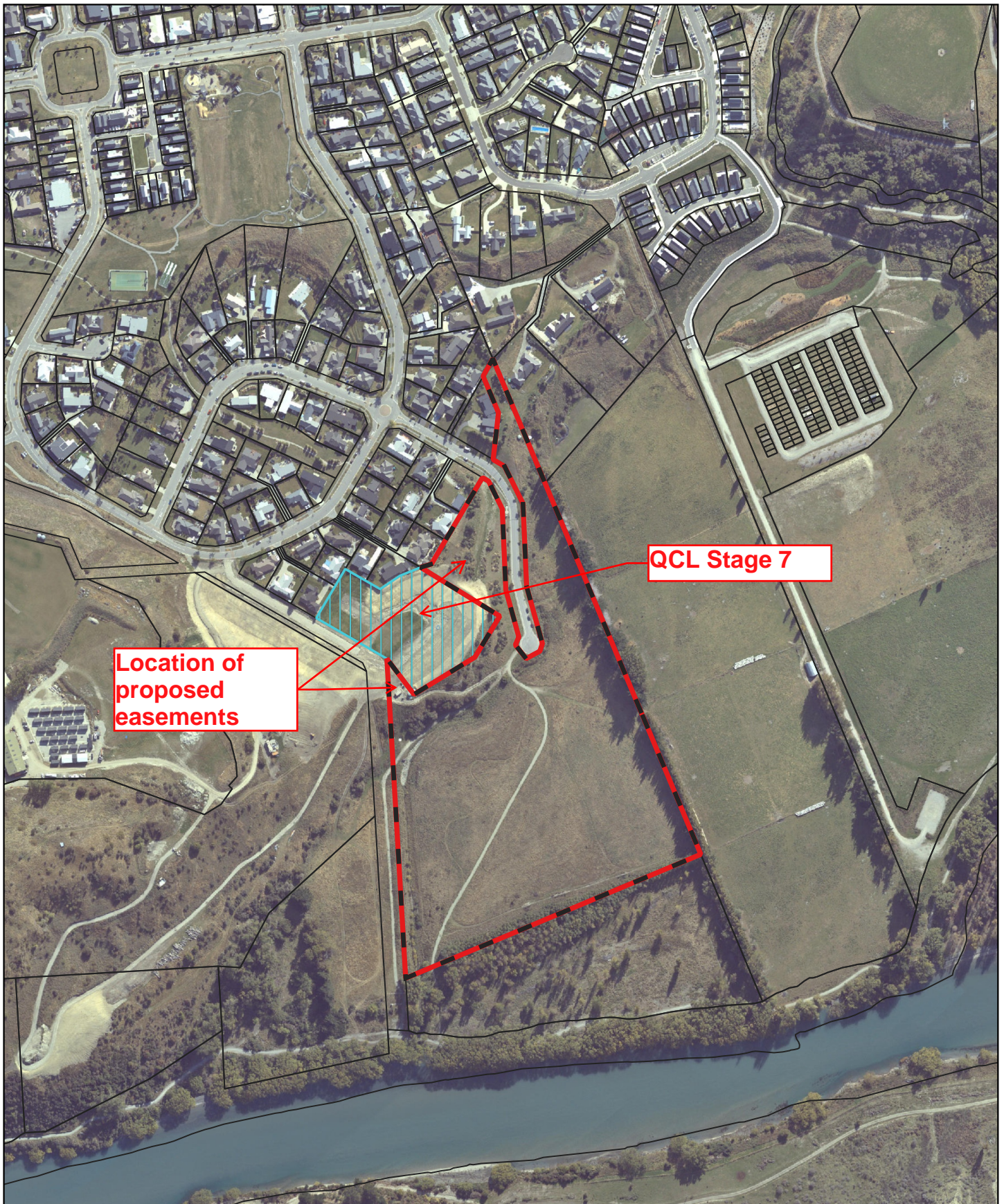
LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

39 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	Easements Plan



Location of proposed easements




QCL Stage 7

Notes:
 a. Data sourced from LINZ Data Service and licenced to re-use under Creative Commons Attribution 4.0 Licence
 b. This plan has been prepared for discussion purposes only. Areas and measurements are subject to LINZ approved cadastral survey and are likely to vary from those shown herein.



Plan Name:

Attachment A - Location Plan

-  QCL Stage 7
-  Recreation Reserve - Widgeon Park
-  NZ Primary Land Parcels

Prepared By:

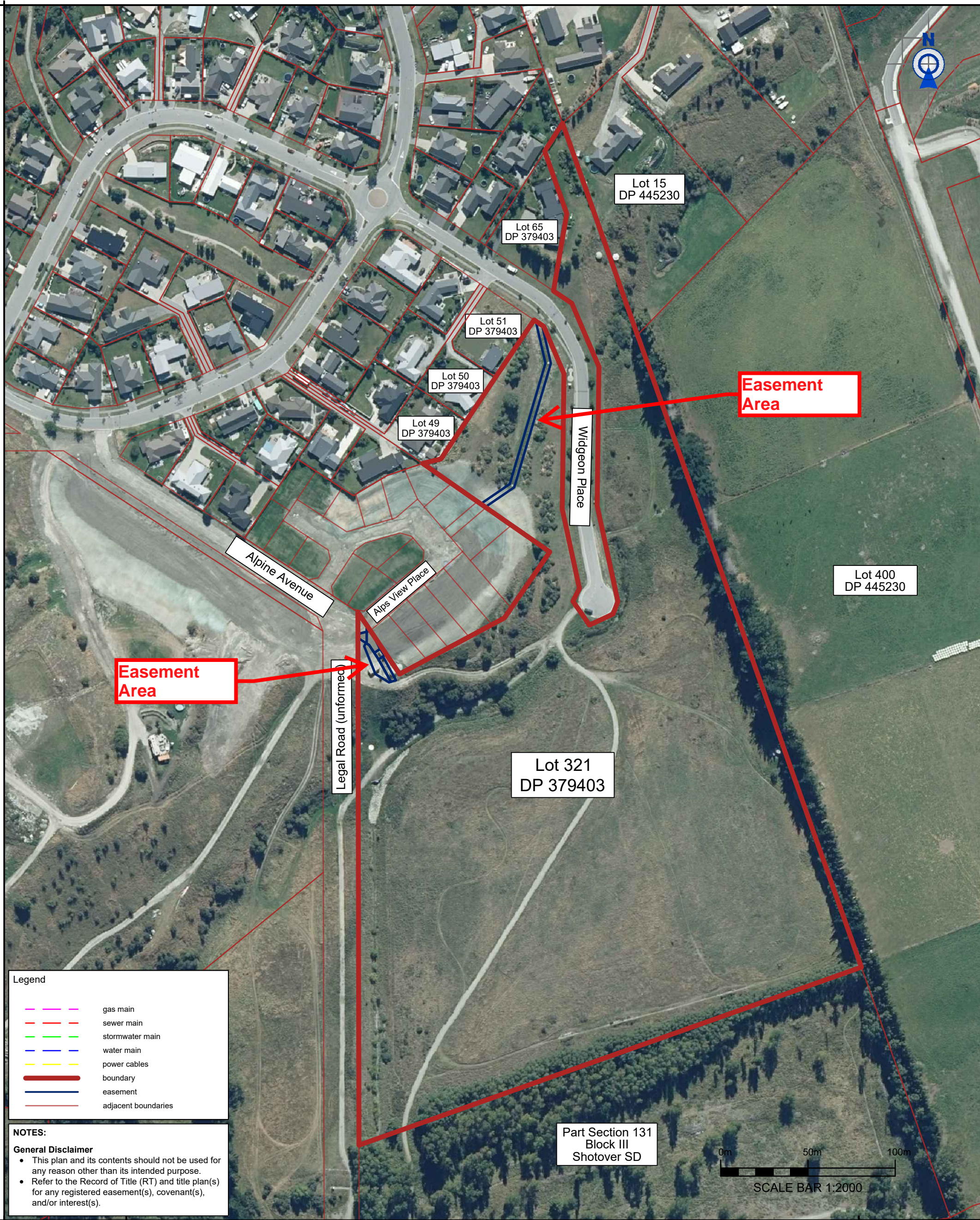


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Prepared For:



Date: 11/03/2022
 Version: A
 Sheet 1
 Drawn By: eb



Legend

	gas main
	sewer main
	stormwater main
	water main
	power cables
	boundary
	easement
	adjacent boundaries

NOTES:

General Disclaimer

- This plan and its contents should not be used for any reason other than its intended purpose.
- Refer to the Record of Title (RT) and title plan(s) for any registered easement(s), covenant(s), and/or interest(s).

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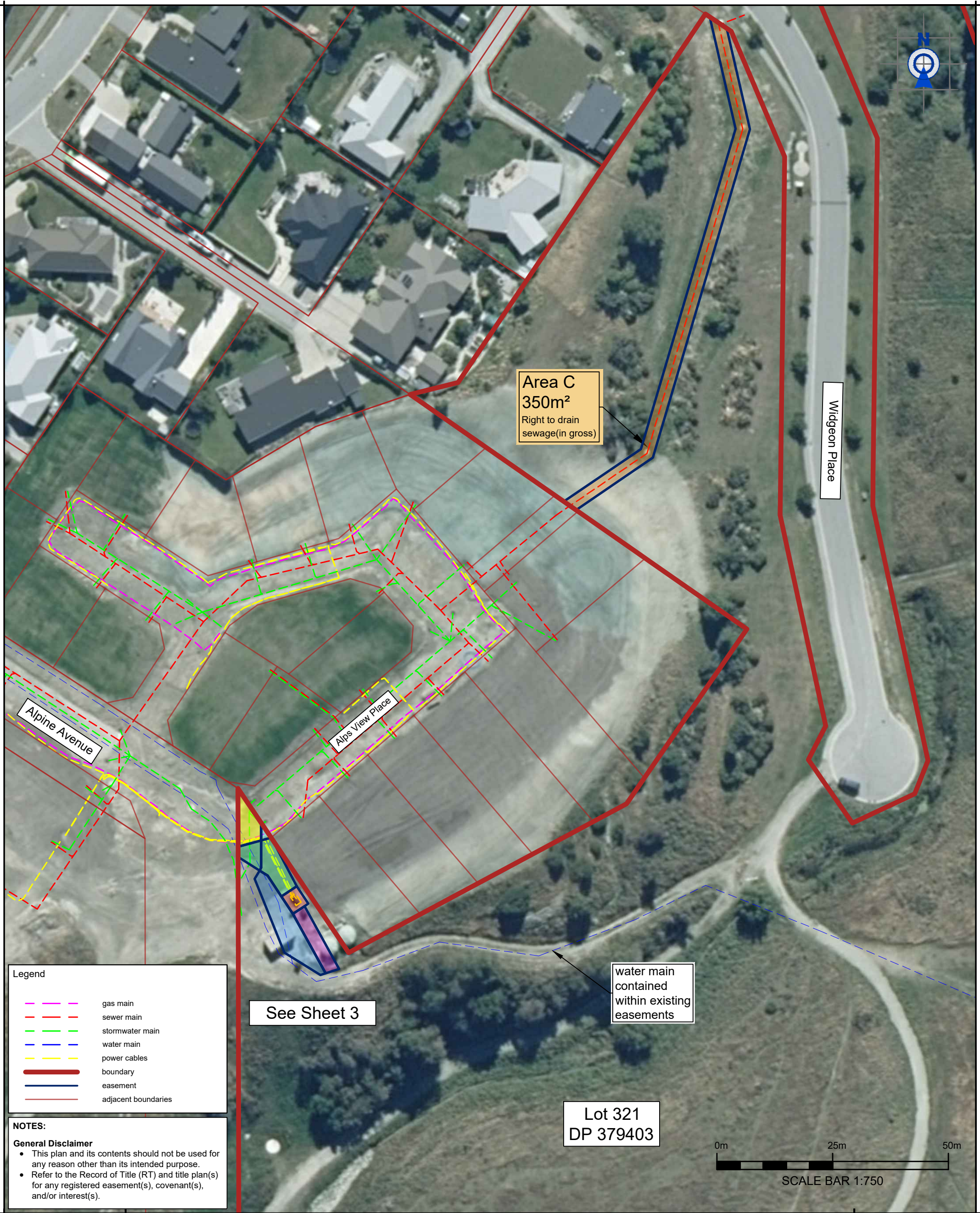
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Client/Location:
Queenstown Commercial Limited

Purpose/Drawing Title:
Easements over Lot 321 DP 379403

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Area C
 350m²
 Right to drain
 sewage(in gross)

Widgeon Place

Alpine Avenue

Alps View Place

See Sheet 3

water main
 contained
 within existing
 easements

Lot 321
 DP 379403



Legend

	gas main
	sewer main
	stormwater main
	water main
	power cables
	boundary
	easement
	adjacent boundaries

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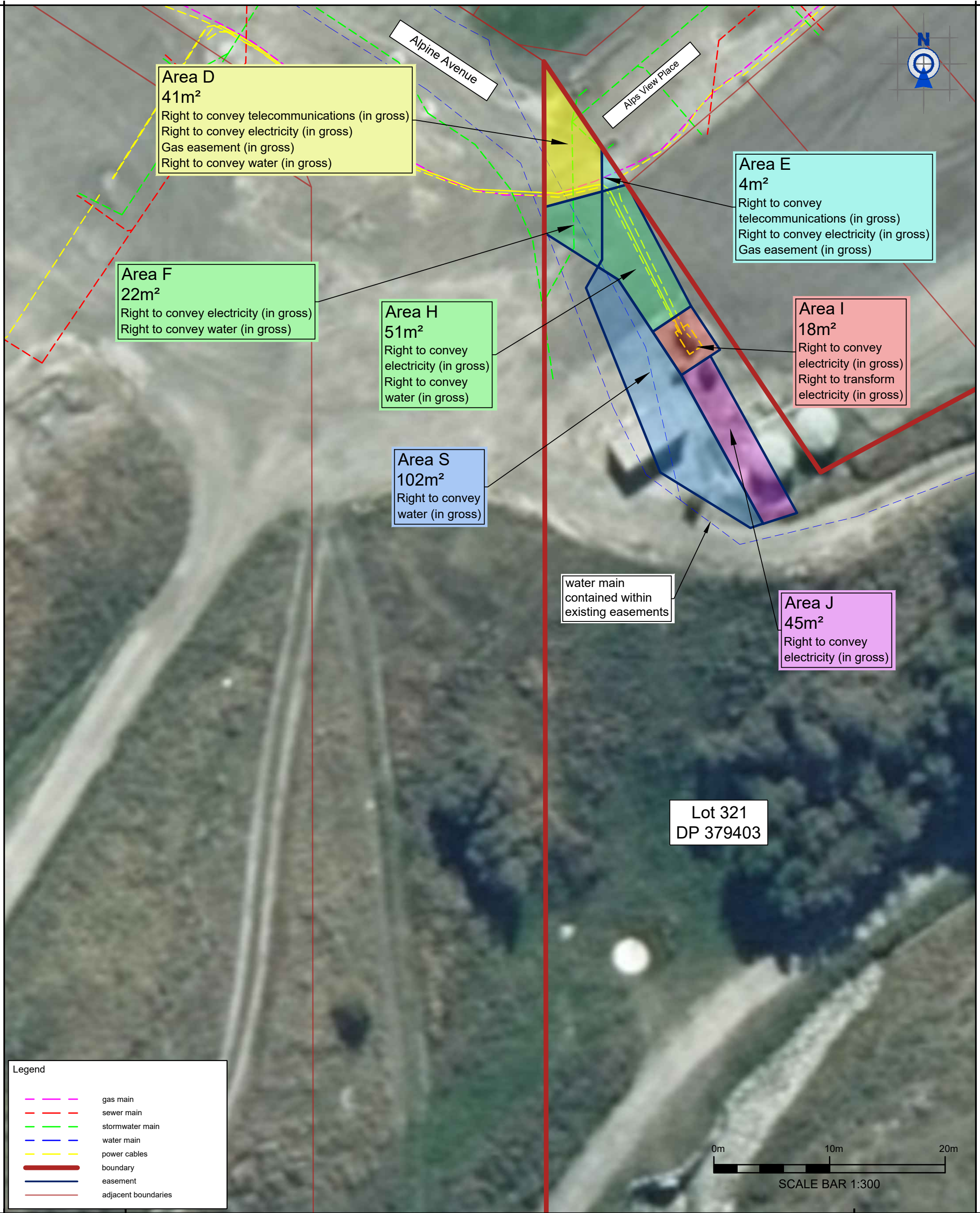
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 Lot 321 DP 379403**

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Legend

	gas main
	sewer main
	stormwater main
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	power cables
	boundary
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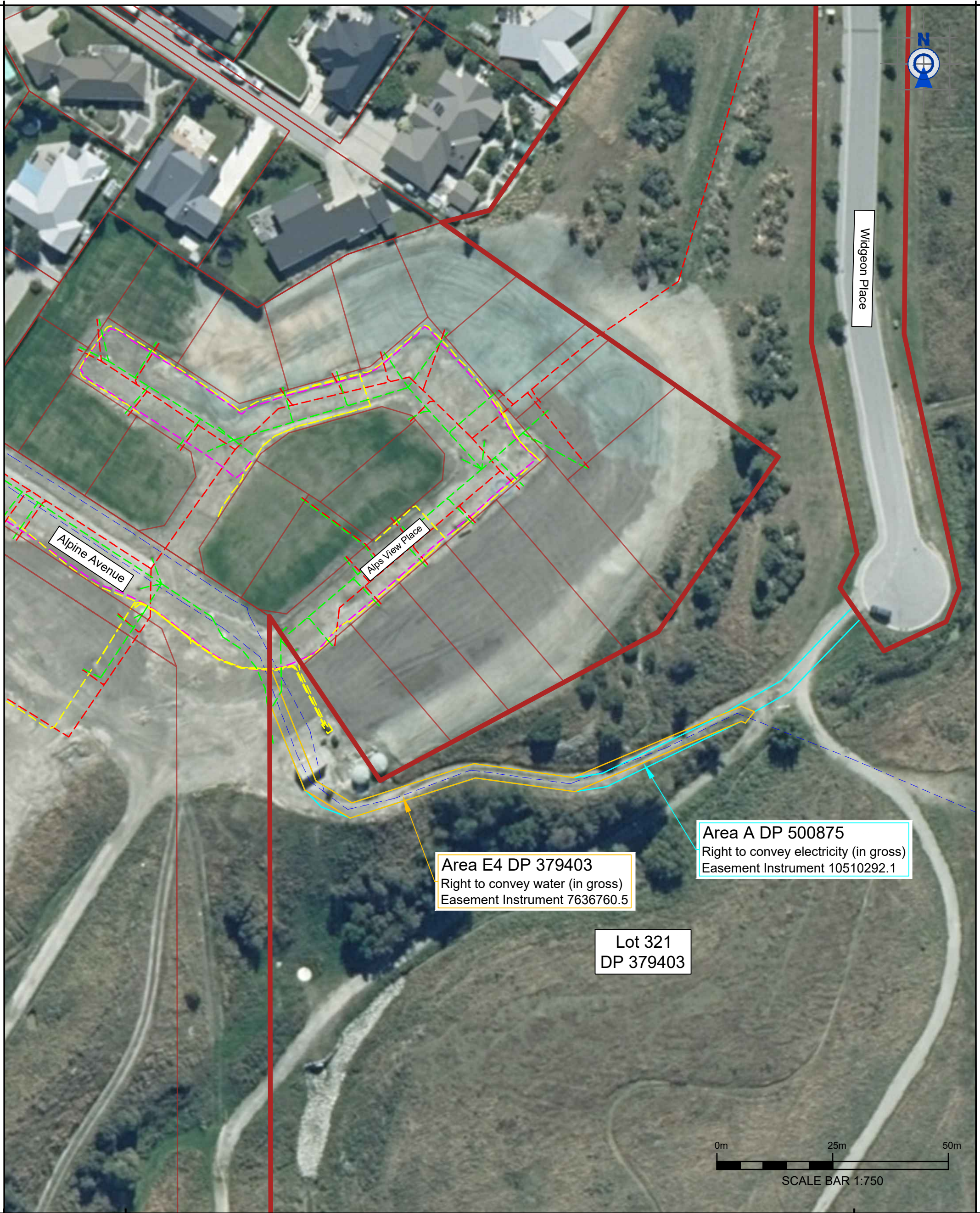
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