

QLDC Council
24 February 2016

Report for Agenda Item: 10

Department: Property & Infrastructure

Easement Over Reserve Land – Electrical cabling for supply of electricity to the Hawea Water Treatment Plant

Purpose

The purpose of this report is to consider granting an easement over Council reserve land in favour of Aurora Energy Limited for the supply of electricity to the Hawea Water Treatment Plant.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** an easement over Esplanade Reserve Part Lot 255 DP 7086 subject to section 48 (1)(d) of the Reserves Act 1977, in favour of Aurora Energy Limited.
3. **Agree** that notification of the intention to grant the easement is not required as the infrastructure has already been installed;
4. **Delegate** authority to approve final terms and conditions and execution authority to the General Manager – Property and Infrastructure; and
5. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Aurora Energy Limited over Part Lot 255 DP 7086.

Prepared by:



Blake Hoyer
Property Manager
APL Property Limited

19/01/2016

Reviewed and Authorised by:



Aaron Burt
Parks & Reserves Planner

26/01/2016

Background

- 1 Queenstown Lakes District Council (QLDC) administers the reserve legally described as Part Lot 255 DP 7086, Certificate of Title OT3D/1219, classified as Esplanade Reserve.
- 2 Aurora Energy Limited were contracted on behalf of QLDC to install an electricity transformer on the Esplanade Reserve and lay underground 11kV and LV cables in order to supply electricity to the Hawea Water Treatment Plant (HWTP).
- 3 The infrastructure was installed in September 2015 without an easement in place in order to commission the new water treatment plant and get it operational with the understanding that an easement would be applied for retrospectively.

Comment

- 4 Granting an easement is permitted by the Reserves Act 1977, however, such easement must be publically notified unless it can be shown that people's ability to enjoy the reserve is not affected and that there is no long term effect on the land.
- 5 On the advice of the Council's legal department, due to the fact that the infrastructure has already been installed, notification is deemed redundant in this situation.

Options

- 6 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:

- 7 Option 1 To grant an easement for the electricity infrastructure.

Advantages:

- 8 An easement for the existing infrastructure can be registered against the title of the reserve.
- 9 There will be no disruption of electricity supply to the HWTP.

Disadvantages:

- 10 The positioning of the transformer in the reserve may affect the public's use of that portion of the reserve.
- 11 The easement area will be unavailable for other utility infrastructure.

- 12 Option 2 To decline the granting of an easement for the electricity infrastructure.

Advantages:

- 13 The reserve will be unencumbered and free of obstructions which may otherwise interrupt the use of the reserve.

Disadvantages:

- 14 Council will need to remove its infrastructure and submit a revised proposal for its location which will be both costly and disruptive.
- 15 This report recommends Option 1 for addressing the matter as it will ensure the use of the reserve for Council infrastructure is recorded against the title of the reserve and the operations of the HWTP can proceed uninterrupted.

Significance and Engagement

- 16 This matter is of low significance, as determined by reference to the Council's Significance and Engagement policy as it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is not of great interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

Risk

- 17 This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate. A perpetual property right contained in the esplanade reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement.

Financial Implications

- 18 As this is Council contracted works, no easement fee will be charged in accordance with the Easement Policy 2008.
- 19 Council will incur legal fees in order to draft and register the easement.

Council Policies, Strategies and Bylaws

- 20 The following Council policies, strategies and bylaws were considered:
 - Significance & Engagement Policy 2014 – the proposal is a matter with low significance in terms of this policy as determining as it is not considered significant as it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment or and is not expected to create a significant community interest in the matter.
 - Easement Policy 2008 – the application is consistent with the policy.

Local Government Act 2002 Purpose Provisions

- 21 The recommended option:
 - a. 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 formalising the power supply to the HWTP.

- b. Is consistent with the Council's plans and policies and in particular the easement policy; and
- c. 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.

Consultation: Community Views and Preferences

22 No consultation on this matter is envisaged.

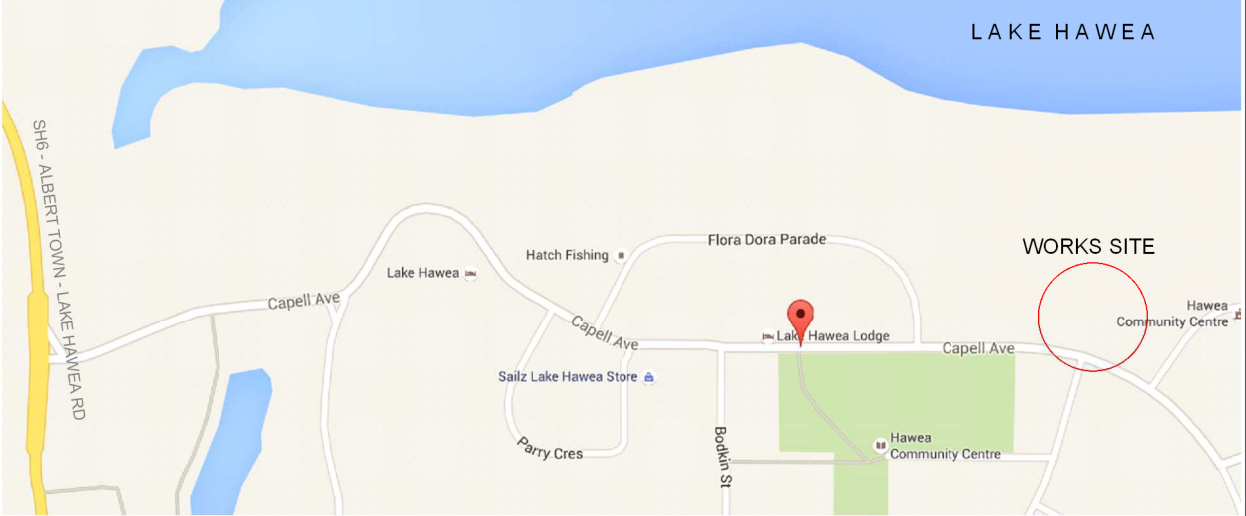
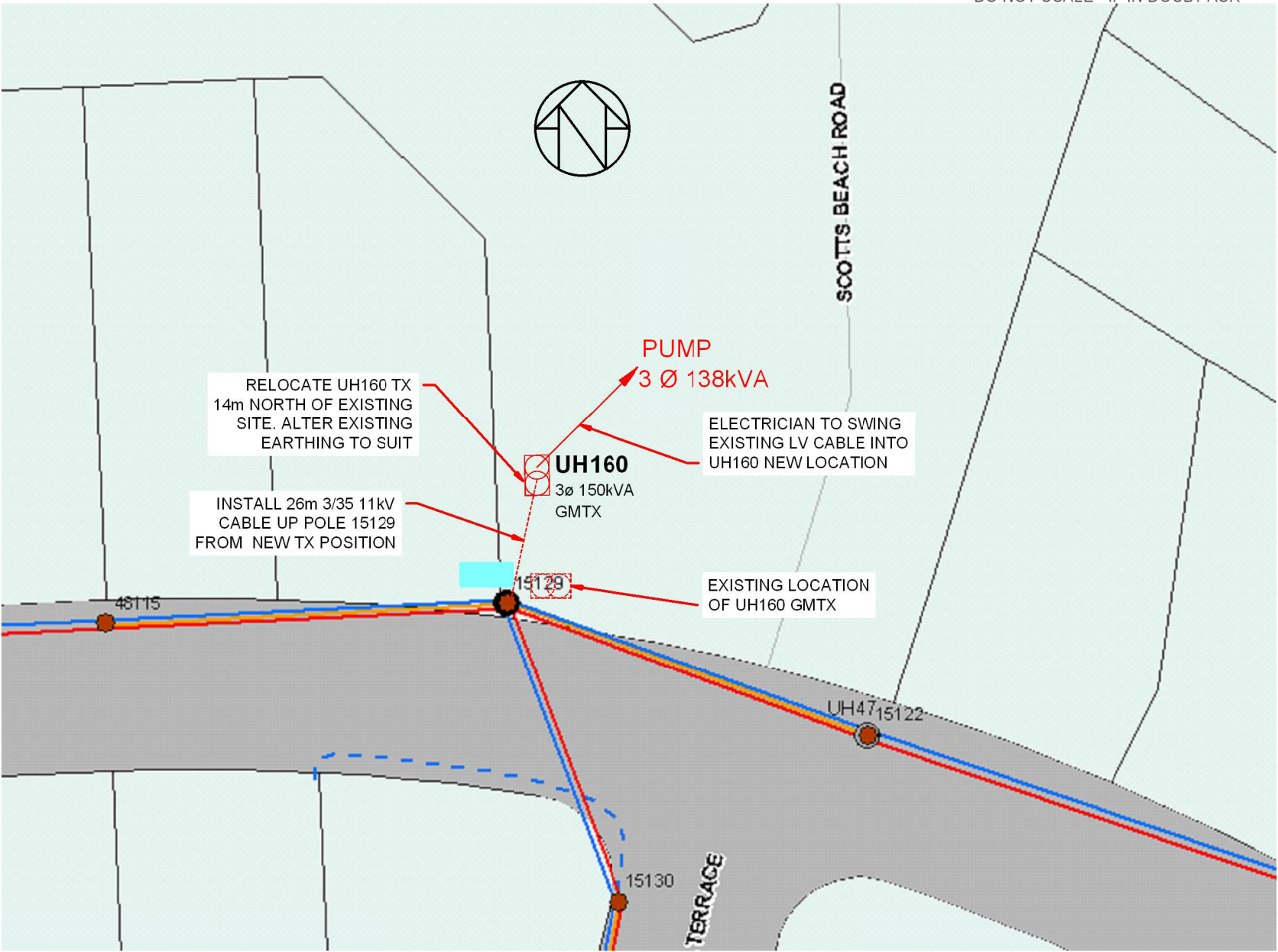
Attachments

- A Site Plan for Part Lot 255 DP 7086
- B Construction Plan of Easement
- C Photograph of transformer in place



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED

DO NOT SCALE - IF IN DOUBT ASK



LOCALITY PLAN

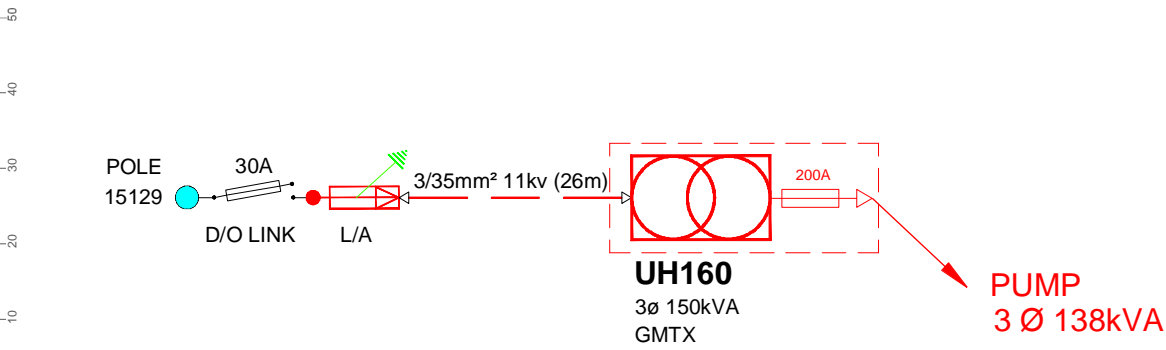
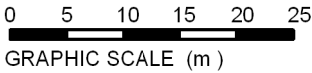
LEGEND AND QUANTITIES

--- 3/35mm² 11kV CABLE.....26m

EASEMENTS

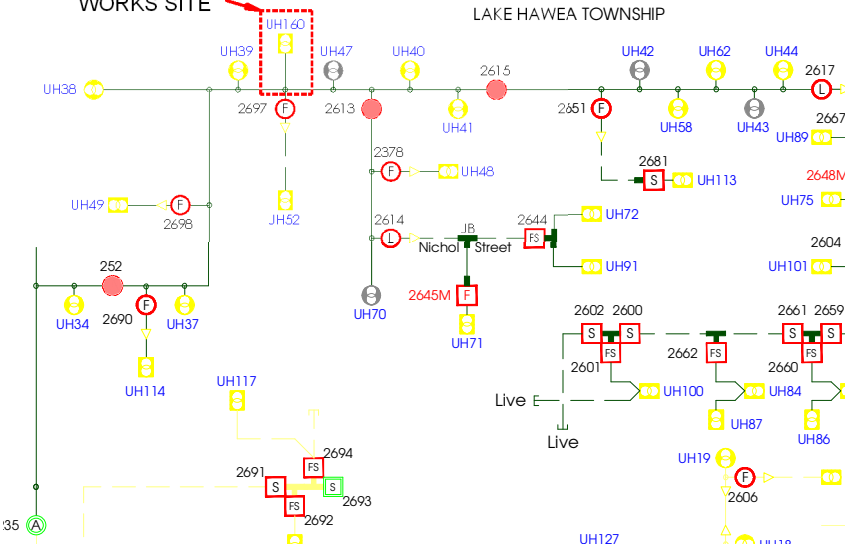
EASEMENTS IN GROSS TO AEL REQUIRED
FOR ALL OVERHEAD LINES, TRANSFORMERS
11kV AND LV CABLES AND EQUIPMENT ON
PRIVATE PROPERTY

CONSTRUCTION PLAN

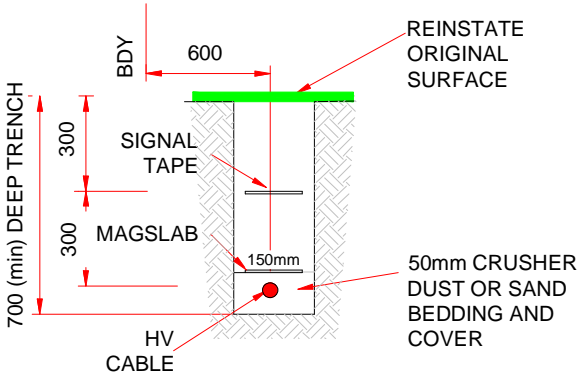


HV SCHEMATIC

WORKS SITE



HV NETWORK SCHEMATIC



HV TRENCH DETAILS (TYP) SCALE NTS

COPYRIGHT
THIS DRAWING IS THE SOLE PROPERTY OF
NES CENTRAL LIMITED, CHURCH STREET,
LUGGATE, NEW ZEALAND AND MUST NOT
BE COPIED OR REPRODUCED WITHOUT THE
EXPRESS PERMISSION OF THE COMPANY.



A	APPROVAL	AUG 15	JW		
ISS	REVISION	DATE	INTL		

NES CENTRAL LIMITED
CHURCH ROAD LUGGATE
PH 03 443 8340 FAX 03 444 2748
www.4nes.co.nz



PROJECT:
QLDC
CAPELL AVENUE
LAKE HAWEA

DRG TITLE:
EXISTING PUMP SUPPLY
MOVE EXISTING GMTX UH160
CONSTRUCTION PLAN

APPROVED: MF	CHECKED: MF	STATUS: APPROVAL
DRAWN: JW	SCALE: AS SHOWN	ON: A3
DATE: AUG 15	PROJECT No: QC1508.08	DRG FILE No: QC1508.08
	DWG No: 01	REVISION: A

