

QLDC Council
24 February 2016

Report for Agenda Item: 11

Department: Operations

Easement – Old School Road

Purpose

To consider an in-ground easement over reserve land for the purposes of laying 3 x 33kV electrical cables as part of works to upgrade the WC33 Overhead Feeder.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground easement over Recreation Reserve Section 159 Block III SO subject to section 48 (1)(d) of the Reserves Act 1977, in favour of Aurora Energy Limited subject to the following conditions;
 - a. Aurora Energy Limited to notify and liaise with QLDC Property & Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
 - b. Operating health and safety plan to be received;
 - c. Certificate of adequate public liability cover to be received;
 - d. Adequate liaison to take place between Aurora Energy Limited and the holder of the grazing licence over Section 159 Block III SO in order to minimise disruption and ensure safety measures are put in place for any grazing livestock;
 - e. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property & Infrastructure Department. Reinstatement to include any fencing.
3. **Agree** that notification of the intention to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out below;
4. **Delegate** authority to approve final terms and conditions and execution authority to the General Manager – Property & 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 Section 159 Block III SO.

Prepared by:



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Property Manager
APL Property Limited

22/01/2016

Reviewed and Authorised by:



Aaron Burt
Parks and Reserves Planner

26/01/2016

Background

- 1 Council administers the reserve adjacent to Old School Road, legally described as Section 159 Block III SO, Certificate of Title OT512574, and classified as Recreation Reserve.
- 2 Aurora Energy Limited (AEL) is seeking an underground easement over the Recreation Reserve to allow it to run underground 33kV electrical cables as part of works to upgrade the existing WC33 overhead feeder for the area.
- 3 The underground cabling will run along road reserve in Old School Road before entering the Recreation Reserve. Within the Recreation Reserve, the cabling will run approximately 40m up a steep embankment to connect and terminate at existing power poles.
- 4 There is currently a grazing licence over the Recreation Reserve. The licence is due to terminate on 28 February 2017. We have contacted the holder of the grazing licence over Section 159 Block III SO who advised that they have no issue with the proposal so long as AEL repair any fencing once completed.

Comment

- 5 The easement will be trenched with a minimum cover of 1 metre. All cables shall be installed in thermally stable backfill.
- 6 As per the Easement Policy 2008, both an application fee along with a one-off underground services easement fee are applicable. In accordance with the policy, the easement fee is calculated at \$67.35 plus GST.

Land value of property	= \$450,000
Size of property	= 30,046 m ²
Easement length	= 15 m

Calculation:

\$900,000 / 30,046 m ²	= \$14.98 / m ²
30% of \$14.98	= \$4.49 / m ²
\$4.49 x 15 m ²	= \$67.35 plus GST

- 7 Existing infrastructure may exist in the land which will be crossed by the easement. AEL will need to liaise with QLDC's Property & Infrastructure Department to ensure existing infrastructure is not damaged during the installation.
- 8 No alternative sites for the easement were considered as the works are necessitated by the upgrade works to the existing WC33 overhead feeder.
- 9 We have contacted the holder of the grazing licence over Section 159 Block III SO who advised that they have no issue with the proposal so long as AEL repair any fencing once completed.
- 10 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is now delegated to Council and must be granted prior to the easement being lodged with LINZ.
- 11 Granting an easement is permitted by the Reserves Act 1977, however, such easement must be publicly 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. These matters are considered below.

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

- 12 While there would be some temporary minor disruption during the installation of the cables, long-term there would be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the installation is complete, users of the reserve would be unaware that any changes that have been made to the reserve.

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

- 13 Aside from during the installation process, this easement will not affect the ability of the reserve to provide for its current purpose. As the infrastructure will be underground it is considered that the creation of the easement will not have any long-term effect on the reserve.
- 14 Taking into account the above factors, it is not considered that the easement will permanently affect the reserve or the ability of people to use and enjoy it.

Options

- 15 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:
- 16 Option 1 Council can grant the easement over Recreation Reserve, Section 159 Block III SO.

Advantages:

- 17 Upgrades to the overhead feeder can proceed.

18 The cabling can be run along a route which has minimal impact to existing infrastructure, the public and other users of the reserve.

19 Council will receive an Easement Fee of \$67.41 plus GST.

Disadvantages:

20 The easement area will not be available for other utility infrastructure.

21 Access to the reserve will be temporarily limited.

22 Option 2 Council can decline the easement over Recreation Reserve Section 159 Block III SO.

Advantages:

23 The reserve will not be encumbered by an easement.

Disadvantages:

24 Works to upgrade the existing overhead feeder may either be delayed or may not proceed. Alternative means to upgrade the overhead feeder may result in greater impact to existing infrastructure, the public and other users of the reserve.

25 This report recommends Option 1 for addressing the matter as the overhead feeder upgrade can occur with low impact to existing infrastructure and the general public.

Significance and Engagement

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

Risk

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

Financial Implications

28 Council will receive a fee of \$67.41 plus GST as per the easement policy.

29 All costs associated with the survey and registration of the easement on Council's title will be paid for by the applicant.

Council Policies, Strategies and Bylaws

30 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 it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment and is not expected to create a community interest in the matter.
- Easement Policy 2008 – the application is consistent with the policy.
- 10-Year Plan/Annual Plan – the matter is not included in the 10-Year Plan / Annual Plan as the applicant will pay all costs.

Local Government Act 2002 Purpose Provisions

31 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 the linking of power assets to be undertaken in conjunction with roadworks as quickly and efficiently as possible.
- Is consistent with the Council's plans and policies and in particular the easement policy; 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.

Consultation: Community Views and Preferences

32 No consultation is envisaged or required by Council as it has low significance with regard to the Significance and Engagement Policy 2014, is consistent with s10 of the Local Government Act and is not included in the 10-Year Plan/Annual Plan.

Attachments

- A Site Plan
- B Detailed design of Easement Route



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13 January 2016



