

QLDC Council
24 February 2016

Report for Agenda Item: 9

Department: Property & Infrastructure

Easement – Bridesdale Farm Electricity Supply

Purpose

To consider an in-ground easement over reserve land for the purposes of laying 22kV electrical cables for electricity supply to the Bridesdale Farm residential subdivision.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground easement over Recreation Reserve Lot 321 DP 379403 and Lot 400 DP 445230 subject to section 48 (1)(d) of the Reserves Act 1977, in favour of Electricity Southland Limited (ESL) subject to the following conditions;
 - a. Electricity Southland 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 Electricity Southland Limited and the holder of the grazing licence over Lot 400 DP 445230 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, including location, 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 Electricity Southland Limited over Lot 321 DP 379403 and Lot 400 DP 445230.

Prepared by:



Blake Hoger
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 known as Lake Hayes Estates Fields and legally described as Lot 321 DP 379403 and Lot 400 DP 445230, Certificate of Title OT574161, both classified as Recreation Reserve.
- 2 Electricity Southland Limited (ESL) is seeking an in-ground easement over the Recreation Reserve to allow it to run 22kV electricity cabling underground in order to supply electricity to the Bridesdale Farm residential subdivision.
- 3 The underground cabling will continue through road reserve running back toward Shotover Country at one end and into private property (Bridesdale Farm Developments Limited), at the other.
- 4 There is currently a grazing licence over Lot 400 DP 445230. We have contacted the holder of the grazing licence over Lot 400 DP 445230 who advised that they have no issue with the proposal so long as they are given reasonable prior notice of the works.

Comment

- 5 Approximately 630 meters of 22kV cable is to be trenched with minimum cover of 1 metre.
- 6 As per the Easement Policy 2008, an application fee and a one-off underground services easement fee are both applicable. In accordance with the policy, the easement fee is calculated at \$915.00 plus GST.

Land value of property	= \$900,000
Size of property	= 180,312 m ²
Easement length	= 610 m ²

Calculation:

\$900,000 / 180312 m ²	= \$4.99 / m ²
30% of \$4.99	= \$1.50 / m ²
\$1.50 x 510 m ²	= \$915.00 plus GST

- 7 Existing infrastructure exists in the land which will be crossed by the easement. ESL will need to liaise with QLDC's Property & Infrastructure Department to ensure existing infrastructure is not damaged during the installation.
- 8 The route selected for the electricity cables appears to be the most appropriate in order to minimise disruption to the public and to have minimal conflicts with existing infrastructure.
- 9 Lot 321 DP 379403 is regularly used by Lake Hayes Estate residents for walking. It will be necessary for adequate safety measures to be put in place to ensure public safety is maintained during installation.
- 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 in accordance with Section 48(2) 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 Lot 321 DP 379403 and Lot 400 DP 445230.

Advantages:

- 17 Electricity supply can be established for the Bridesdale Farm Residential Subdivision.

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 \$946.10 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 Lot 321 DP 379403 and Lot 400 DP 445230.

Advantages:

23 The reserve will not be encumbered by an easement.

Disadvantages:

24 The developers of the Bridesdale Farm Residential Subdivision will need to identify alternative routes for electricity supply which 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 electricity can be supplied to the residential area 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 \$946.10 plus GST as per the easement policy.

45 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

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

- Significance & Engagement Policy 2014 – the proposal has 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

30 The recommended option:

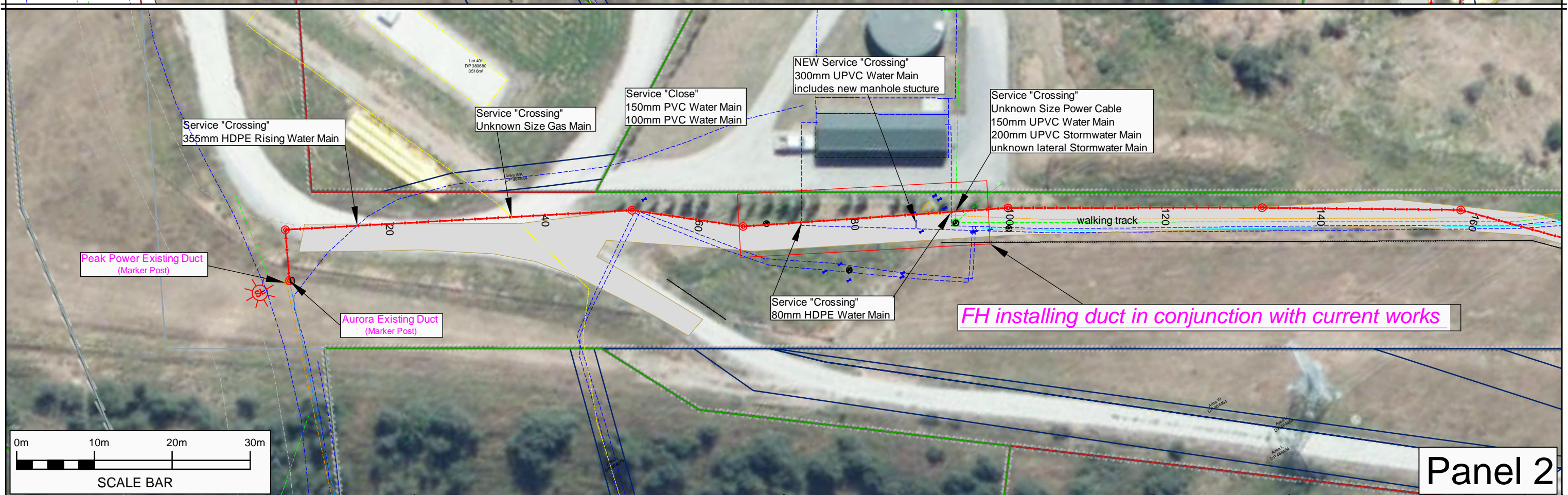
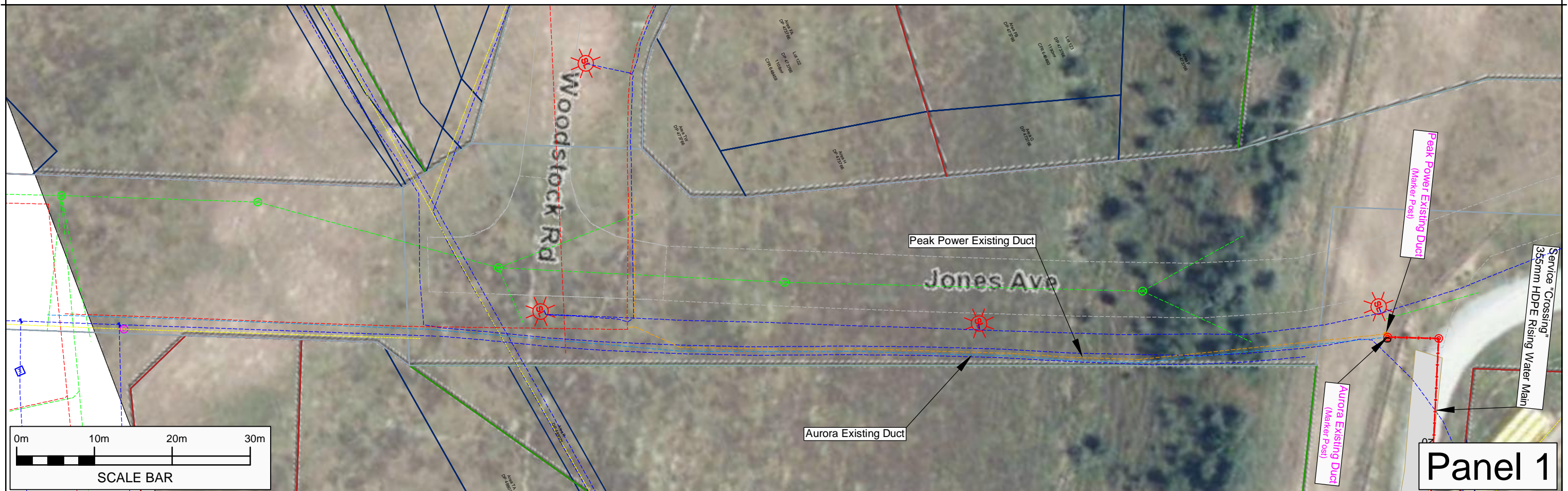
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling the linking of power assets to be undertaken in conjunction 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

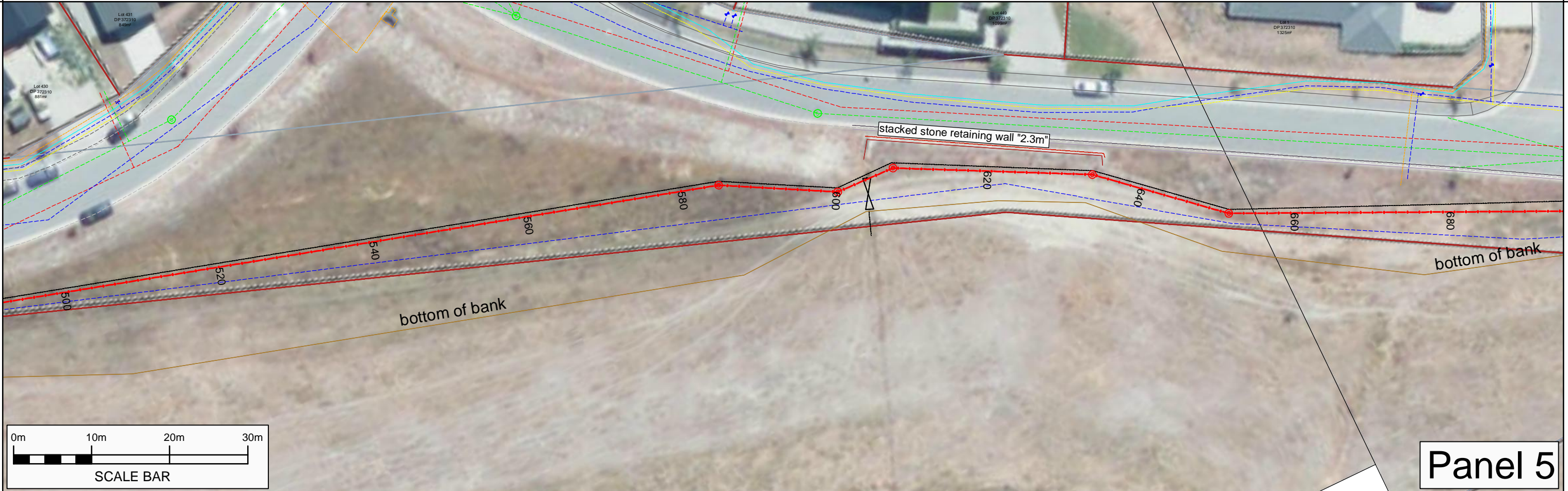
31 No consultation is envisaged or required by Council as it has low significance with regard to the Significance and Engagement Policy 2014, is consistent with s10 of the Local Government Act and is not included in the 10-Year Plan/Annual Plan.


Attachments

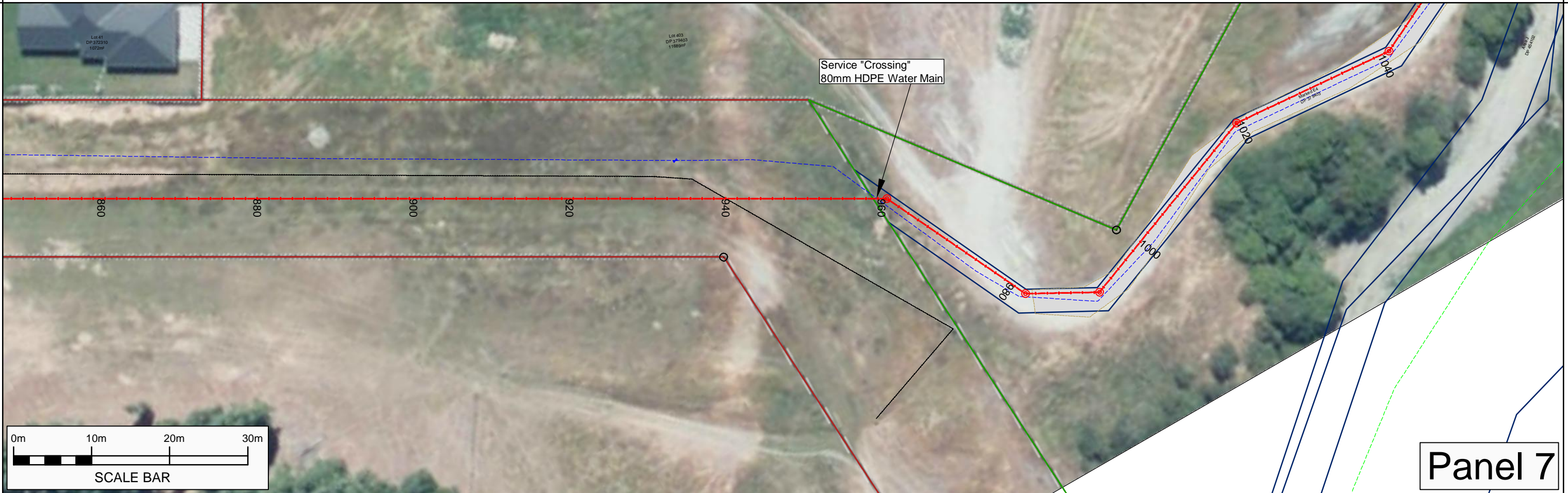
- A Detailed design of Easement Route (Refer Panels 8, 9 & 10)
- B Proposed Easement Plan over Lot 321 DP 379403 and Lot 400 DP 445230



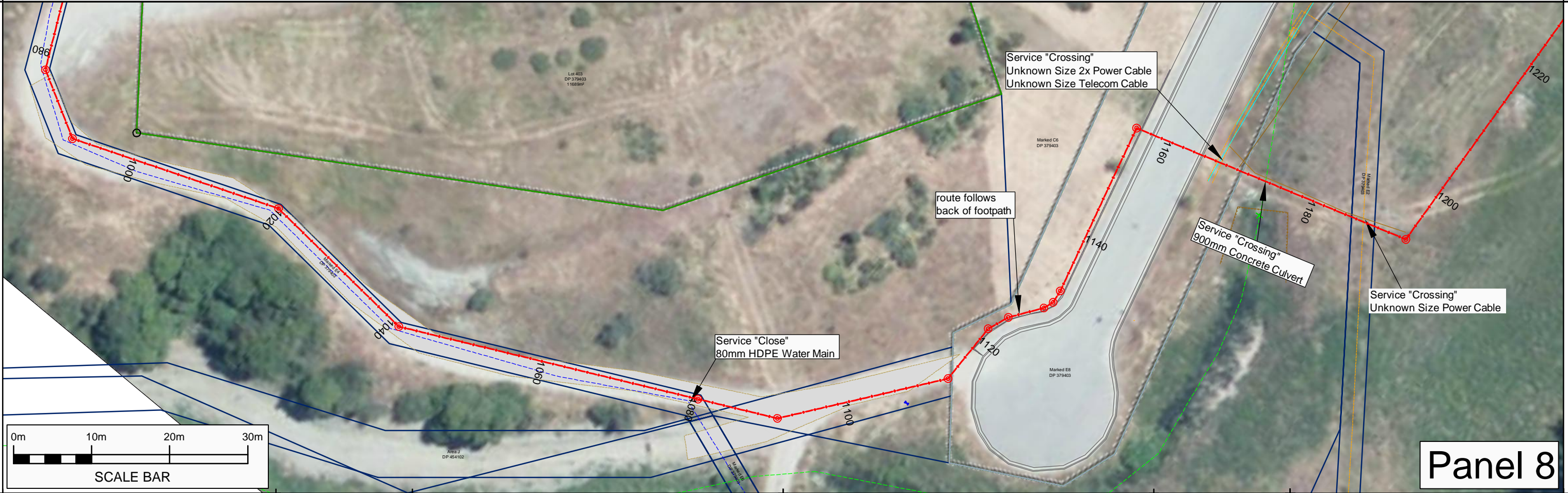
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Panel 7



Panel 8

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Shotover Country, Lake Hayes
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Purpose/Drawing Title:
Proposed HV Cable Route
Detail Sheet 5 of 6

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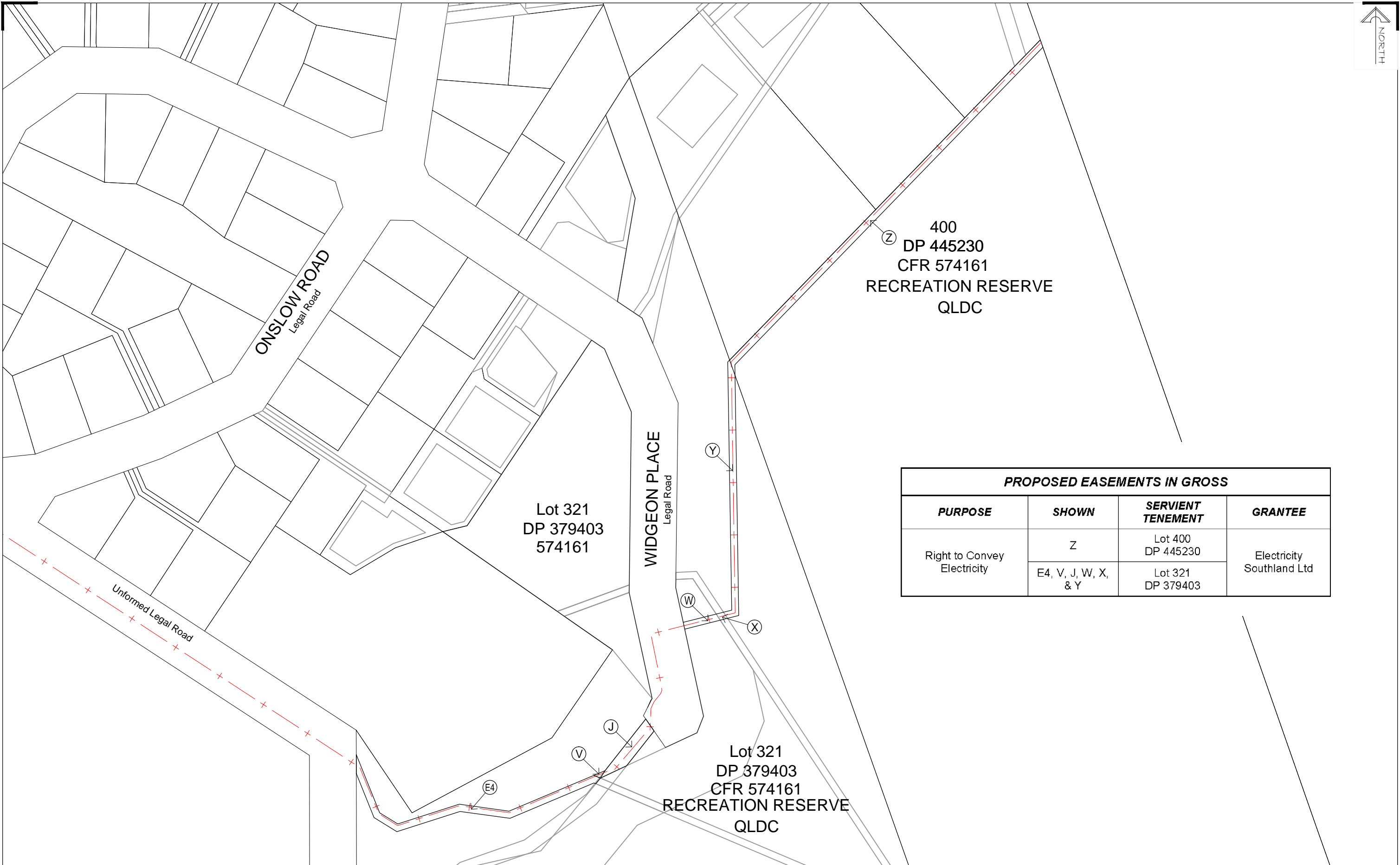
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		Date Created:	08/12/2015



PROPOSED EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Electricity	Z	Lot 400 DP 445230	Electricity Southland Ltd
	E4, V, J, W, X, & Y	Lot 321 DP 379403	



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Rev.	Date	Revision Details	By

**PROPOSED EASEMENTS IN GROSS OVER
LOT 321 DP 379403 & LOT 400 DP 445230**

Client	Electricity Southland Ltd	Surveyed	-	Signed	-	Date	-	Job No.	12328	Drawing No.	1
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