

**QLDC Council**  
**13 December 2018**

**Report for Agenda Item: 8**

**Department: Community Services**

**Underground Service Easement for Aurora Energy Ltd, over Pembroke Park, Roys Bay Recreation Reserve, Wanaka Recreation Reserve, Wanaka**

**Purpose**

To grant an underground service easement to Aurora Energy Ltd, for the purpose of conveying/maintaining electricity over Council recreation reserves. The reserves include Pembroke Park, Roys Bay Recreation Reserve, and Wanaka Recreation Reserve. The reserves are legally described as Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka, and Section 12 Block XV TN of Wanaka, respectively.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground services easement, subject to section 48(1)(d) of the Reserves Act 1977, to Aurora Energy Ltd, to convey electricity over recreation reserves legally described as Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka and Section 12 Block XV TN of Wanaka.
3. **Agree** that notification of the intent to grant the easement is not required, as the statutory test in section 48(3) of the Reserves Act 1977 is met;
4. **Delegate** authority for the approval final terms and conditions of the easement, including location, confirming the fee, and execution authority, to the General Manager Community Services.
5. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to grant an easement to Aurora Energy Limited, over Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka and Section 12 Block XV TN of Wanaka.

Prepared by:

Reviewed and Authorised by:



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27/11/2018



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## Background

- 1 Council administers the recreation reserves known as Pembroke Park, Roys Bay Recreation Reserve, and the Wanaka Recreation Reserve (A&P showgrounds). These reserves are respectively described (legally) as Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka and Section 12 Block XV TN of Wanaka (herein referred to as 'the land' or 'reserves').
- 2 The Queenstown Lakes District Council (QLDC) is upgrading the carpark and toilet on the Roys Bay Recreation Reserve. The upgraded toilet requires electricity to operate.
- 3 To supply this electricity, Peak Power Services were contracted by QLDC to install a 15kVA electrical cable from the toilet block, to a connection point on the existing electricity distribution network.
- 4 The nearest connection point was on the northern corner of Brownston Street and McDougall Street, requiring the cable to traverse approximately 205 metres through the reserves to the toilet block. The cable is to be assigned to Aurora Energy Ltd.

## Comment

- 5 The in-ground infrastructure has already been established, and the suggested easement will enable Aurora Energy Ltd to hereafter operate, access and maintain that infrastructure.
- 6 The cable location utilises the shortest route possible, and least possible disturbance to established trees. It traverses Pembroke Park, adjacent to the McDougall Street boundary. The cable then crosses the McDougall Street road reserve, the Wanaka Recreation Reserve, Ardmore Street road reserve, and enters Roys Bay Recreation Reserve, to connect to the toilet block. The route was previously discussed and agreed by the QLDC Parks and Reserves team and the contractor.
- 7 Minor earthworks involve excavating a 205m long trench within the reserves, with the trench being approximately 600mm deep and wide. When registered, the easement corridor will be 1.5 m wide where directly adjacent to the reserve

boundary, and 3m wide for the remainder of the distance. The final confirmed location and width will be subject to survey.

- 8 The land will be reinstated following the installation, along with replacement of any vegetation or fencing. As the installation has been commissioned by QLDC, this will be closely monitored.
- 9 As per the Easement Policy 2008, both an application fee along with a one-off underground services easement fee are applicable. The easement fee is currently calculated at \$7,473.06 plus GST:

#### **Section 1 Block L TN of Wanaka**

Land value of property	\$5,000,000
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Size of Property (sqm)	105,067m <sup>2</sup>
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Easement Area	480m <sup>2</sup>
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Calculation:

\$5M/105,067m <sup>2</sup>	\$47.59 / m <sup>2</sup>
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30% of \$47.59	\$14.28 / m <sup>2</sup>
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\$14.28 x 480m <sup>2</sup>	\$6,852.96
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#### **Section 11 Block XV TN of Wanaka**

Land value of property	2,890,000
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Size of Property (sqm)	41,947m <sup>2</sup>
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Easement Area	30m <sup>2</sup>
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Calculation:

\$2.89M/41,947m <sup>2</sup>	\$68.89 / m <sup>2</sup>
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30% of \$68.89	\$20.67 / m <sup>2</sup>
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\$20.67 x 30	\$620.10
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- 10 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is 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, provided that any such easement must first 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 the reserve is not materially altered or permanently damaged. These matters are considered below.

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

- 12 Aside from some temporary and minor disruption during the installation of the underground electricity cable, there will be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the area is fully reinstated, users of the reserves would be unaware that any changes had been made to the reserve.

Does the easement materially alter or permanently damage the reserve?

- 13 The easement will not affect the ability of the reserve to provide for its current purpose. As the infrastructure will be underground, and is necessary to provide toilet facilities upon the reserve, it is considered the creation of the easement will not materially alter or permanently damage the reserve areas.
- 14 Taking into account the above, it is recommended that public notification is not deemed necessary.

**Options**

15 Option 1 Grant the easement

*Advantages:*

- 16 The electricity supply to the QLDC toilet block will be enabled, and the toilet block can fulfil an accepted need.

*Disadvantages:*

- 17 The reserve will contain utility infrastructure, and future repairs might result in temporary disruption.

18 Option 2 Decline the easement

*Advantages:*

- 19 The reserves will not contain utility infrastructure, and maintenance or repairs of such will be necessary.

*Disadvantages:*

- 20 An alternative electricity supply will need to be investigated, delaying the opening of the toilet block, and requiring additional expenditure.
- 21 This report recommends **Option 1** for addressing the matter because it will allow the toilet block to be opened as scheduled, and will only result in minor and temporary effect on people's ability to enjoy the reserves.

***Significance and Engagement***

- 22 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. While all reserves are considered strategic assets, an easement with minor, temporary disruption to the public is unlikely to be

of interest to the general community, is consistent with policy and strategy and does not impact on Council's capability and capacity.

### ***Risk***

- 23 This matter related to the operational risk OR011A, 'Decision Making', as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because a perpetual property right contained in the recreation reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement.

### **Financial Implications**

- 24 The costs associated with the installation of the cable form part of the project for upgrade of the carpark.
- 25 An easement fee to compensate Council for the land covered by the easement will be charged in accordance with the Easement Policy 2008.

### **Council Policies, Strategies and Bylaws**

- 26 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.
  - Easement Policy 2008 – the application is consistent with the policy for underground service easements.
  - Pembroke Park Reserve Management Plan – the Reserve Management Plan permits underground service easements.
  - Roys Bay Reserve Management Plan – the Reserve Management Plan makes no mention of easements
- 27 The recommended option is consistent with the principles set out in the named policy/policies.
- 28 This matter is not included in the 10-Year Plan/Annual Plan

### **Local Government Act 2002 Purpose Provisions**

- 29 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 allowing the activity with little disruption to the community;
  - Can be implemented through current funding under the 10-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

### **Consultation: Community Views and Preferences**

30 No consultation is envisaged or required by Council as it has low significance with regard to the Significance & Engagement Policy 2014, is consistent with s10 of the Local Government Act, is not included in the 10-Year Plan/Annual Plan, and in accordance with the Reserves Act, people's ability to enjoy the reserve is not affected and there is no long-term effect on the land.

### **Attachments**

A Scheme Plan – Proposed Easements



Note:  
Legal boundaries are from LINZ xml data  
and are subject to cadastral calculation

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