

QLDC Council
23 March 2018

Report for Agenda Item 12

Department: Community Services

Easement – Ramshaw Lane Car Park Lights

Purpose

- 1 The purpose of this report is to consider granting an easement to Aurora Energy Limited for the relocation of lighting within the Ramshaw Lane car park, being Recreation Reserve, in addition to the associated cabling.

Recommendation

- 2 That Council:
 1. **Note** the contents of this report;
 2. **Grant** an easement over Recreation Reserve; Section 3 TN of BLK XXV Arrowtown & Part Section 2 TN of BLK XXV Arrowtown subject to Section 48 of the Reserves Act 1977, in favour of Aurora Energy Limited; and
 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 in this report; and
 4. **Delegate** authority to approve final terms and conditions, including location, and execution authority to the Community Services General Manager; 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 3 TN of BLK XXV Arrowtown & Part Section 2 TN of BLK XXV Arrowtown.

Prepared by:



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6 March 2018

Reviewed and Authorised by:



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Senior Planner:
Parks & Reserves
8 March 2018



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GM, Community Services

8 March 2018

Background

- 3 QLDC have undertaken an upgrade to its carpark at Ramshaw Lane, Arrowtown. The car park is located on Recreation Reserve legally described as Section 3 TN of BLK XXV Arrowtown & Part Section 2 TN of BLK XXV Arrowtown. The land was vested to Council in 1982 as recreation reserve, per gazette notice NZGZ 1982 p 4111.
- 4 The upgrade project involved revising the layout and resurfacing the car park. Such works included an updated lighting layout in order to improve safety and provide future proofing for additional light poles if deemed necessary in the future.
- 5 The utility infrastructure associated with the lighting is an asset of Aurora Energy Limited. An easement over the reserve to record the assets formally is therefore required.
- 6 Works involved the relocation of seven existing street light columns from their previous positions within the car park to new locations. Approximately 300m of new underground cabling / ducting plus two electrical boxes were also installed.
- 7 A plan of the lighting upgrade is attached to this report showing the seven relocated lights, five additional provisional light locations as well as the associated inground and above ground infrastructure.

Comment

- 8 The lighting layout was designed by NES Central on behalf of QLDC. QLDC Engineers authorised the plan and works were undertaken in December 2017 in accordance with that plan.
- 9 The carpark was closed to access whilst the works were undertaken however alternative parking was provided on Butler's Green.
- 10 As per QLDC's 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 \$1,827 plus GST.

Land value of property	= \$640,000
Size of property	= 94,550m ²
Easement area	= 900 m ²

Calculation:

\$640,000 / 94,550 m ²	= \$6.77 / m ²
30% of \$6.77	= \$2.03 / m ²
\$2.03 x 900 m ²	= \$1,827 plus GST

- 11 The Easement Policy 2008 allows for a bond of between \$1,000 and \$5,000 to be held by Council subject to the reinstatement of the property to Council's standards and satisfaction. Given the works are now completed, it is not considered a bond is necessary on this occasion.

- 12 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is currently delegated to Council and must be granted prior to the Easement being lodged with LINZ.
- 13 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?:

- 14 The reserve is currently being used as a car park. The relocation of lighting and the installation of the associated infrastructure has served to enhance the public's ability to use the reserve as a car park.
- 15 As existing lights were relocated to more appropriate locations, users' ability to use the reserve has been largely unaffected.

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

- 16 Aside from during installation, this easement has not affected the ability of the reserve to provide for its current purpose.
- 17 Taking into account the above factors, it is not considered that the easement will permanently affect the reserve or affect the ability of people to use and enjoy the reserve.

Options

- 18 Option 1 Council can grant the easement over Recreation Reserve.

Advantages:

- 19 A formal record of private utility infrastructure within Council administered land can be registered against the title.
- 20 An easement instrument will ensure the dominant tenant, i.e. Aurora, will remain responsible for the utility infrastructure.

Disadvantages:

- 21 No disadvantages to this option have been identified.

- 22 Option 2 Council can decline the easement over Recreation Reserve.

Advantages:

- 23 No advantages to this option have been identified.

Disadvantages:

- 24 Private utility infrastructure will exist within the reserve without formal record.

- 25 Council may be required to maintain the infrastructure.
- 26 This report recommends **Option 1** for addressing the matter as it will enable the utility infrastructure to be formerly recorded against the title.

Significance and Engagement

- 27 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

- 28 This matter relates to operation risk OR011A - Decision Making. The risk is classed as moderate.

Financial Implications

- 29 As the car park upgrade was a Council led project, the cost associated with the survey and registration of the easement will be funded by Council.
- 30 Council will receive an Easement Fee of \$1,827 plus GST from Aurora Energy Limited.

Council Policies, Strategies and Bylaws

- 31 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.

Local Government Act 2002 Purpose Provisions

- 32 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 ensuring private infrastructure within reserve is formerly recorded; and
 - Can be implemented through current funding under the 10-Year Plan and Annual Plan; and
 - 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

33 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 and is not included in the 10-Year Plan/Annual Plan. Further, it is not considered that the easement will permanently affect the reserve or affect the ability of people to use and enjoy the reserve and, therefore, public notification is not deemed necessary in accordance with sections 48(2) and 48(3) of the Reserve Act 1977.

Legal Considerations and Statutory Responsibilities

Attachments

- A Location Plan
- B Ramshaw Lane Car Park Upgrade – Layout Plan
- C Ramshaw Lane Car Park Upgrade – Lighting Plan