

**QLDC Council  
7 March 2019**

**Report for Agenda Item: 11**

**Department: Community Services**

**Underground Service Easement – Queenstown Country Club Limited**

**Purpose**

The purpose of this report is to grant an underground service easement in favour of Queenstown Lakes District Council over Recreation Reserve Lot 206 DP 471696.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground service easement, for right to drain sewage over Recreation Reserve Lot 206 DP 471696 subject to section 48(1)(a) and (e) of the Reserves Act, to Queenstown Lakes District Council subject to the following conditions;
3. **Agree** 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;
4. **Delegate** authority to approve final terms and conditions of the easement, including location, and execution authority to the General Manager – Community Services; and
5. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to granting of an easement to Queenstown Lakes District Council over Lot 206 DP 471696.

Prepared by:



Daniel Cruickshank  
Property Advisor  
APL Property

19/02/2019

Reviewed and Authorised by:



Thunes Cloete  
GM Community Services

22/02/2019

## Background

- 1 Council administers the recreation reserve on Jones Avenue legally described as Lot 206 DP 471696 (herein referred to as 'the reserve').
- 2 Queenstown Country Club Limited (QCC) are constructing a subdivision adjacent to the reserve.
- 3 As part of the QCC Northern Block subdivision, engineering acceptance allowed for a sewage pipe to be installed to drain sewage from the area, across the reserve to a pump station.
- 4 The work to install the pipe has been undertaken with Council interim approval, with all actual and potential affects assessed under SH160140 resource consent application and associated engineering acceptance.

## Comment

- 5 This report seeks retrospective approval for the underground easement required to drain sewage from the QCC Northern Block subdivision.
- 6 The sewage pipe was required to be installed as part of the Engineering Acceptance for the approved subdivision consent SH160140. The sewage pipe will be an asset vested in Council. It will take sewage from a large portion of the Northern Block subdivision under the Recreation Reserve to an adjacent pump station vested in Council.
- 7 The route chosen for the pipe is the most practical and available.
- 8 The easement corridor is proposed to be 3m wide long and is shown on the Easement Plan– Right to drain sewage, in favour of Queenstown Lakes District Council.
- 9 As per the Easement Policy 2008 a one off underground easement fee payable by QCC is applicable. In accordance with the policy, the easement fee is calculated at \$2333.23 plus GST

Land value of property	\$310,000
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Size of property	6776 m <sup>2</sup>
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Easement	170m <sup>2</sup>
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Calculation:

\$310,000 / 6776	\$46.75 /m <sup>2</sup>
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30% of \$45.75	\$13.72 /m <sup>2</sup>
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\$13.72 x 170m <sup>2</sup>	\$2333.23
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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 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 as per Section 48 (3) it can be shown that people's ability to enjoy the reserve is not affected and 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 were some temporary minor disruption during the installation of the underground electricity cable, long term there would 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 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 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 the reserve and therefore it is recommended public notification is not deemed necessary.

**Options**

15 Option 1 Council can grant the easement over Lot 206 DP 471696, subject to the conditions outlined above.

*Advantages:*

16 The easement will allow for effective sewerage management through the reserve.

17 Sewage infrastructure will be installed as part of the subdivision and vested to Council at no cost.

*Disadvantages:*

18 Part of the reserve was disturbed and inaccessible to the public for a short amount of time.

19 Option 2 Council can decline the easement over Lot 206 DP 471696.

*Advantages:*

20 The reserve will not be encumbered by the easement.

*Disadvantages:*

- 21 The applicant would be required to amend their Resource Consent
- 22 Council would not receive an Easement Fee
- 23 This report recommends **Option 1** for addressing the matter, as it will allow the applicant to complete the subdivision works in accordance with the existing Resource Consent with minimal impact to the general public.

**Significance and Engagement**

- 24 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. While all reserve are considered strategic assets, an easement in favour of Council with no disruption to the public is unlikely to be of interest to the general community, is consistent with policy and strategy and does not impact Council's capability and capacity.

**Risk**

- 25 The risk is classed as moderate. This matter relates to this risk because 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. This risk is somewhat mitigated as the easement is to favour Council.

**Financial Implications**

- 26 Council will receive an easement fee of approximately \$2333.23 plus GST in accordance with the easement policy.
- 27 All costs associated with the survey and registration of the easement on Council's title will be paid for by the applicant (QCC).
- 28 A fee to process this application has been paid by the applicant.

**Council Policies, Strategies and Bylaws**

- 29 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.
- 30 The recommended option is consistent with the principles set out in the named policy/policies.
- 31 This matter is not included in the 10-Year Plan/Annual Plan

**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 enabling infrastructure installation at no cost to Council or 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**

33 No consultation is envisaged or required by Council as it has low significance with regard to the Significance & Engagement Policy 2014 and is not included in the 10-Year Plan. 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 Easement Plan

**NOTES:**

**Plan Information**  
All areas and dimensions are subject to final survey and Council and LINZ approvals.

**Coordinates and Orientation**

- Coordinates and bearings are in terms of Geodetic Datum 2000, Mount Nicholas Circuit grid projection.
- Boundary dimensions are as sourced from the LINZ digital cadastral database (DCDB, LandOnline). No warranties are given by Paterson Pitts as to external and easement boundary accuracy recorded on the DCDB.

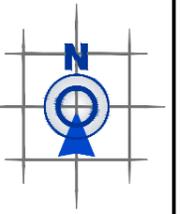
**Easements and Title Interests**

- Refer to the CFR and title plans for registered easements, Covenants and interests.
- Refer to consented plans for proposed easements.

**Stage 2 - Proposed Boundary**

- The proposed Stage 2 Boundary Alignment is based on features surveyed on site (10/09/2018) and Queenstown Country Club Masterplan Revision 44.

Memorandum of Easements (in Gross)			
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Right to drain sewage	Area A LT 531988	Lot 206 DP 471696	Queenstown Lakes District Council



**LEGEND**

- Proposed Boundary
- Consented Boundary (if shown)
- Existing Covenant
- Edge of Seal
- Back of Kerb
- Proposed Chorus Easement (if shown)
- HV Cable (if shown)
- LV Cable (if shown)
- Duct (if shown)
- Sump
- Drainage Manhole
- Sewer Manhole
- Tree
- Streetlight
- New Sewer Pipe (if shown)
- New Stormwater Pipe (if shown)



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Client/Location:  
**Queenstown Country Club  
(Northern Block - STAGE 2)  
Proposed Boundary**

Purpose/Drawing Title:  
**Lots 1 & 2 Being Subdivision  
of Lot 2 DP 510256  
(Proposed Sewer Easement  
over Lot 206 DP 471696)**

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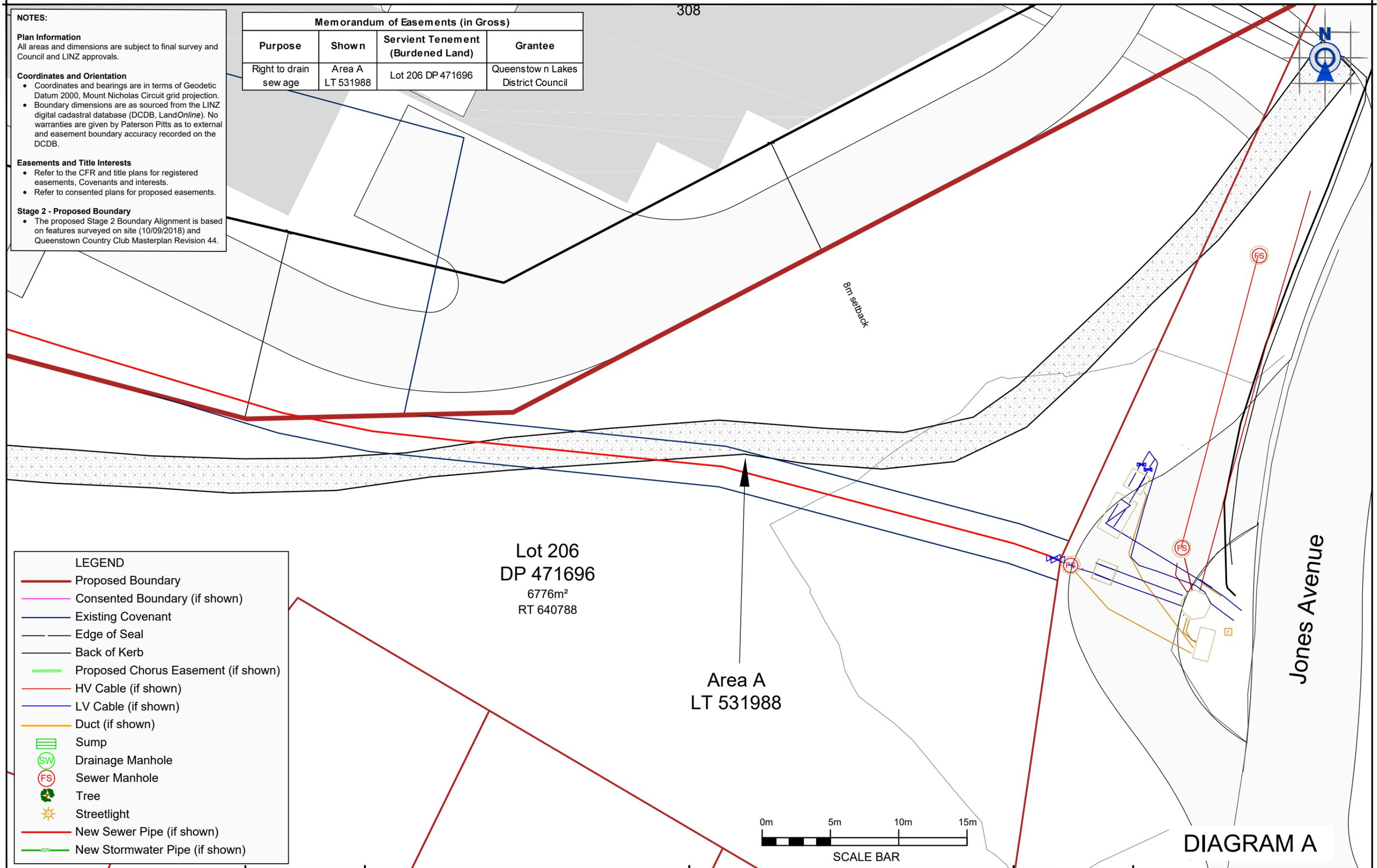
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**Lot 206  
DP 471696**  
6776m<sup>2</sup>  
RT 640788

**Area A  
LT 531988**

**Jones Avenue**



**DIAGRAM A**

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