

**Wānaka Community Board  
4 April 2019**

**Report for Agenda Item: 3**

**Department: Community Services**

**Easement over the Dampier Bay Recreation Reserve, for Combings Farm,  
Wānaka – Mount Aspiring Road**

**Purpose**

To consider two service easements to convey lake water for irrigation, and associated electricity, over the Dampier Bay Recreation Reserve, adjacent to Combings Farm, Wānaka – Mount Aspiring Road.

**Recommendation**

That the Wānaka Community Board:

1. **Note** the contents of this report;
2. **Recommend to Council** that subject to section 48(1) of the Reserves Act 1977, two underground easements for the right to convey water and electricity over Section 12 BLK XIII Lower Wānaka SD and Section 18 BLK XIII Lower Wānaka SD (Recreation Reserve) in favour of Après Demain Limited of Lot 1, 3 & 4 LT517513, is endorsed subject to the following conditions;
  - a. Any necessary resource consent, including for earthworks, and any relevant variations, are obtained for the proposal.
  - b. Approval from LINZ for any authorisations necessary to convey and draw water over the bed of Lake Wānaka, including pumps.
  - c. Notify and liaise with QLDC Infrastructure Department in advance of any onsite works, so that they can oversee and provide input relating to any existing in-ground infrastructure;
  - d. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment
  - e. A \$2,000 bond payable to the Queenstown Lakes District Council prior to any excavation and the instillation of pipes commencing;
  - f. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the sites and make specific reference to signage along the Millennium Track;

- g. Certificate of adequate public liability cover by those undertaking the works to be received by APL Property prior to commencement of works;
  - h. All electrical cables shall be either buried, or on rocky slopes located within galvanised pipe affixed to rock such that it cannot move. The pipe shall go down to meet the exposed cable when it is within 400mm of the surface at the rock. The cable shall be neutral screen i.e. incorporating an outer layer of protection beyond the main cables carrying the current in case of cable strike. Prior to any onsite works, the methodology shall first be confirmed as appropriate by an APL authorised electrical contractor, and within one week of the works on each easement completing, the applicant shall contact APL to arrange for the work to be reviewed by an APL authorised electrical contractor. All directions of that electrical contractor shall be followed by the applicant, and all costs for the methodology review and works review shall be borne by the applicant.
  - i. The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant to APL;
  - j. QLDC Parks and Reserves to be consulted prior to pipe installation or native vegetation disturbance.
  - k. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Parks & Reserves Department.
  - l. Reinstatement of the Millennium Track immediately following installation and to the satisfaction of the Upper Clutha Tracks Trust
  - m. Council to retain the ability to vary permitted water take through Recreation Reserve.
  - n. Easement approval to be valid for a period of up to 5 years from the date of full Council approval.
3. **Recommend to Council** that notification to grant the easements is not required, as a statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report; and
  4. **Recommend to Council** that authority to approve final terms and conditions, and execution authority, is delegated to the General Manager Community Services; and
  5. **Recommend to Council** that the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the easements to the applicant over Section 12 BLK XIII Lower Wānaka SD and Section 18 BLK XIII Lower Wānaka SD – Recreation Reserve.

Prepared by:

Reviewed and Authorised by:



Dan Cruickshank  
Property Advisor - APL

28/02/2019



Aaron Burt  
Senior Planner:  
Parks & Reserves  
20/03/2019



Thunes Cloete  
Community Services  
General Manager  
21/03/2019

## Background

- 1 Council administers the recreation reserve known as Damper Bay Lakeside Recreation Reserve near Wānaka, which is legally described as Section 12 BLK XIII Lower Wānaka SD and Section 18 BLK XIII Lower Wānaka SD, held in certificate of title 2290.
- 2 Après Demain Ltd (the applicant), requests the easements so they may draw water from Lake Wānaka, and transfer via a pipeline (over Council reserve) to their land for irrigation and domestic purposes. The associated pumps require electricity, and this is also proposed within the easement. The property does not currently have access to a separate potable water supply. However, there is an irrigation supply to the site, but its intermittent and dries up at certain times of the year.
- 3 In 2010 the larger property was granted subdivision consent for four lots, two of which were farming purposes (no dwelling) and two of which were for residential dwellings. An engineering report at the time advised that a bore would be installed on the site. Since then the subdivision was delayed, and now in fully engineering the infrastructure to the dwelling, it was found that a bore would not be advisable, due to ground silt being present and aquifer water volumes being low.
- 4 The applicant intends to lay a water pipe and electricity cable to a pump sited on the LINZ land adjacent, with the pipe being approximately 50mm in diameter along the length of the easements. It is proposed the two trenches from the applicant's property boundaries will be excavated with a 20 tonne excavator. Where the trench crosses the Millennium Track, there is ample room either side of the track to create an appropriate diversion. The works on the track are expected to take approximately one hour and following installation of the pipe, the track will be immediately reinstated.
- 5 The intention for the water pipe and electricity cable is to bury them underground throughout the length of the easement through the Recreation Reserve, however in some rocky locations, it may need be over ground, subject to suitable design of protection to the assets. APL has sought the advice of an electrician, who informs that the electrical cable can be buried as normal, but when crossing rocky ground, the cable can be contained within the galvanised water pipe (as suggested by the applicant) provided such is fixed down so that it cannot move, and should be

neutral screen. There should also be the ability for Council to require the work is confirmed as acceptable by an appropriately qualified person.

- 6 In the areas where the infrastructure might be above ground, it is suggested that it will not be significantly visible to general reserve users, due to existing vegetation and topography which lessen the visual impact.
- 7 The applicant seeks to carry out these activities in 2019.

### **Comment**

- 8 This report considers a request made by Après Demain Limited to grant service easements over areas of Council administered Recreation Reserve.
- 9 There are two proposed easements for the right to convey water and associated electricity (for pumps) over;
  - a. Section 12 BLK XIII Lower Wānaka SD
  - b. Section 18 BLK XIII Lower Wānaka SD
- 10 A separate authorisation/easement from LINZ is being sought for the right to draw and convey water from the Bed of Lake Wānaka. That is a separate process and aside from this easement request to Council.
- 11 The easements are intended to cross the Millennium Track on the Damper Bay Lakeside Recreation Reserve. The pipe will be trenched below the track so as not to disturb or affect the use of the track.
- 12 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 \$893.25 plus GST.

|                        |                                |
|------------------------|--------------------------------|
| Land value of property | \$1,610,000                    |
| Size of property       | 537052 m <sup>2</sup>          |
| Easement Area          | 1191 m <sup>2</sup> (combined) |

#### Calculation:

|                                     |                   |
|-------------------------------------|-------------------|
| \$1,340,000 / 537052 m <sup>2</sup> | \$2.50            |
| 30% of \$2.50                       | \$0.75            |
| \$0.75 x 1191 m <sup>2</sup>        | \$893.25 plus GST |

- 13 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.
- 14 Granting easements is permitted by the Reserves Act 1977, provided such easements must first be publicly notified unless it can be shown that public rights are not likely to be affected, and the reserve is not materially altered or permanently damaged. These matters are considered below.

Are the rights of the public in respect of the reserve, likely to be permanently affected?

- 15 Aside from physical works during the installation process, and possible future repairs, the easements will not affect the ability of the reserve to provide for its purpose. Unless on steep rocky ground, the services will be hidden underground and not inhibit recreational use and enjoyment of the reserve.

Do the easements materially alter or permanently damage the reserve?

- 16 The easements will not affect the ability of the reserve to provide for its purpose. The proposed piping associated with the easement is to be buried, or potentially above ground in steep rocky places.
- 17 Taking into account the above, 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 public notification is not deemed necessary.
- 18 There are not considered to be other suitable alternative locations for the easements. The proposal utilises the shortest route over the recreation reserve and is in the least obtrusive location.

## Options

- 19 **Option 1** Grant the proposed easements.

*Advantages:*

- 20 Will allow the applicant to access water for irrigation.

*Disadvantages:*

- 21 Disruption to track usage during installation
- 22 The potential future repairs to the pipes and LINZ land pump may temporarily prevent the full enjoyment of the Millennium Track and Damper Bay Reserve.

- 23 **Option 2** Decline the proposed easements.

*Advantages:*

- 24 No disruption to the track'. no initial installation or requirement for future repairs to the pipes.

*Disadvantages:*

- 25 The applicant would need to seek alternate means to access water for domestic supply and irrigation.
- 26 This report recommends **Option 1** for addressing the matter, as it will benefit the applicant and only result in minor and temporary effect on people's ability to enjoy the Reserve.

## **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 consistent with policy and strategy and does not impact on Council's capability and capacity.

## **Risk**

- 28 This matter relates 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 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**

- 29 All costs associated with the survey and registration of the easements on the Council's title will be paid for by the applicant. Maintenance of the easements will be borne by the applicant as per Council's easement policy and the Property Law Act 2007.
- 30 An easement fee to compensate Council for the land impacted by the easement will be charged in accordance with the Easement Policy 2008 and is calculated at \$893.25 plus GST. An easement application fee of \$600 plus GST has also been paid.

## **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 as it does not impact Council's strategic assets, affect a 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 for underground service easements, aside from the fact that the water pipe could be aboveground in steep rocky places.
  - Wānaka Lakefront Reserves Management Plan 2014: The areas of the easements are located in the Damper Bay (to Waterfall Creek) Reserve. Objectives and policies seek to provide for public access and services easements are not precluded.
- 32 The recommended option is consistent with the principles set out in the named policies.
- 33 This matter is not included in the 10-Year Plan/Annual Plan

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

34 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 a water connection at no cost to Council 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**

- 35 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, is in accordance with the Reserves Act, as the reserve will not be materially altered or permanently damaged, the rights of the public are not likely to be permanently affected.
- 36 According to the Otago Regional Council, the proposed water take is a permitted activity if conditions from the Regional Plan: Water for Otago (the Water Plan) are met.

## **Attachments**

- A Overall Site Plan
- B Easement Drawing





## Notes:

- a. Data sourced from LINZ Data Service and licenced for re-use under Creative Commons Attribution 4.0 Licence  
b. This plan has been prepared for discussion purposes only. Areas and measurements are subject to LINZ approved cadastral survey and are likely to vary from those shown herein.

Plan Name:

## Overview Map



Date: 07/02/2019

Version: A

Sheet 1

Drawn By: APL Property

## Legend

-  Combings Farm  
 Damper Bay Recreation Reserve

Prepared By:



P: 03 442 7133

w: [www.aplproperty.co.nz](http://www.aplproperty.co.nz)

Prepared For:



0.5 0 0.5 1 km







| Schedule of Easements       |       |  |                    |
|-----------------------------|-------|--|--------------------|
| Purpose                     | Shown | Servient Tenement  | Dominant Tenement  |
| Right to convey water       | A     | Section 12 Block XIII<br>Lower Wanaka SD<br>(Recreation Reserve) | Lot 1 & 4 LT517513 |
| Right to convey electricity |       | Section 18 Block XIII<br>Lower Wanaka SD<br>(Recreation Reserve) | Lot 1 & 4 LT517513 |
| Right to pump water         | C     | Bed of Lake Wanaka   | Lot 1 & 4 LT517513 |
| Right to convey water       |       |  |                    |
| Right to convey electricity |       |  |                    |
| Right to convey water       | D     | Section 12 Block XIII<br>Lower Wanaka SD<br>(Recreation Reserve) | Lot 3 LT517513     |
| Right to convey electricity | E     | Section 18 Block XIII<br>Lower Wanaka SD<br>(Recreation Reserve) | Lot 3 LT517513     |
| Right to pump water         | F     | Bed of Lake Wanaka   | Lot 3 LT517513     |
| Right to convey water       |       |  |                    |
| Right to convey electricity |       |  |                    |

NOTES:

- The physical positions of the depicted infrastructure has been defined by Reveal Infrastructure Ltd
- Aerial imagery is indicative only and has not been ortho-rectified.

Notes:

- Boundary data has been sourced from LT 517513
- The within Lot is subject to existing Land Covenants & Consent Notices.

**COPYRIGHT©**

This drawing and parts thereof are copyright to Southern Land Ltd. and shall not be reused, copied or reproduced without the written permission of Southern Land Ltd.

Notes


**Warning**

This Plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.

Any person using Southern Land drawings and other data accepts the risk of:

- using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly;
- ensuring the information is the most recent issue.


CAD and Production by



**SOUTHERN LAND**

SURVEYING | PLANNING | LAND DEVELOPMENT

Level 2 Brownston House, 21 Brownston St., Wanaka  
Ph: (03) 443 5577; Email: [contact@southernland.co.nz](mailto:contact@southernland.co.nz)  
[www.southernland.co.nz](http://www.southernland.co.nz)



**CSNZ**

THE CONSULTING SURVEYORS OF NEW ZEALAND  
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

APPLICANT

John Edmonds & Associates

COMPRISED IN

LT 517513

TERRITORIAL AUTHORITY

Queenstown Lakes District Council

LAND DISTRICT

Otago

TOTAL AREA

136.7 ha

DATE

04/12/18

Drawing Title

Lots 1 - 4 being a Subdivision of  
Lots 1 & 2 DP 306288 and  
Section 11 Block XIII Lower  
Wānaka Survey District

Prepared for

Resource Consent

Plan Revisions

| REV. | DESCRIPTION    | DATE     |
|------|----------------|----------|
| A    | ORIGINAL ISSUE | 04/12/18 |
|      |                |          |
|      |                |          |
|      |                |          |
|      |                |          |
|      |                |          |
|      |                |          |
|      |                |          |

SCALE

1:5,000 @ A3

DATUM & LEVEL

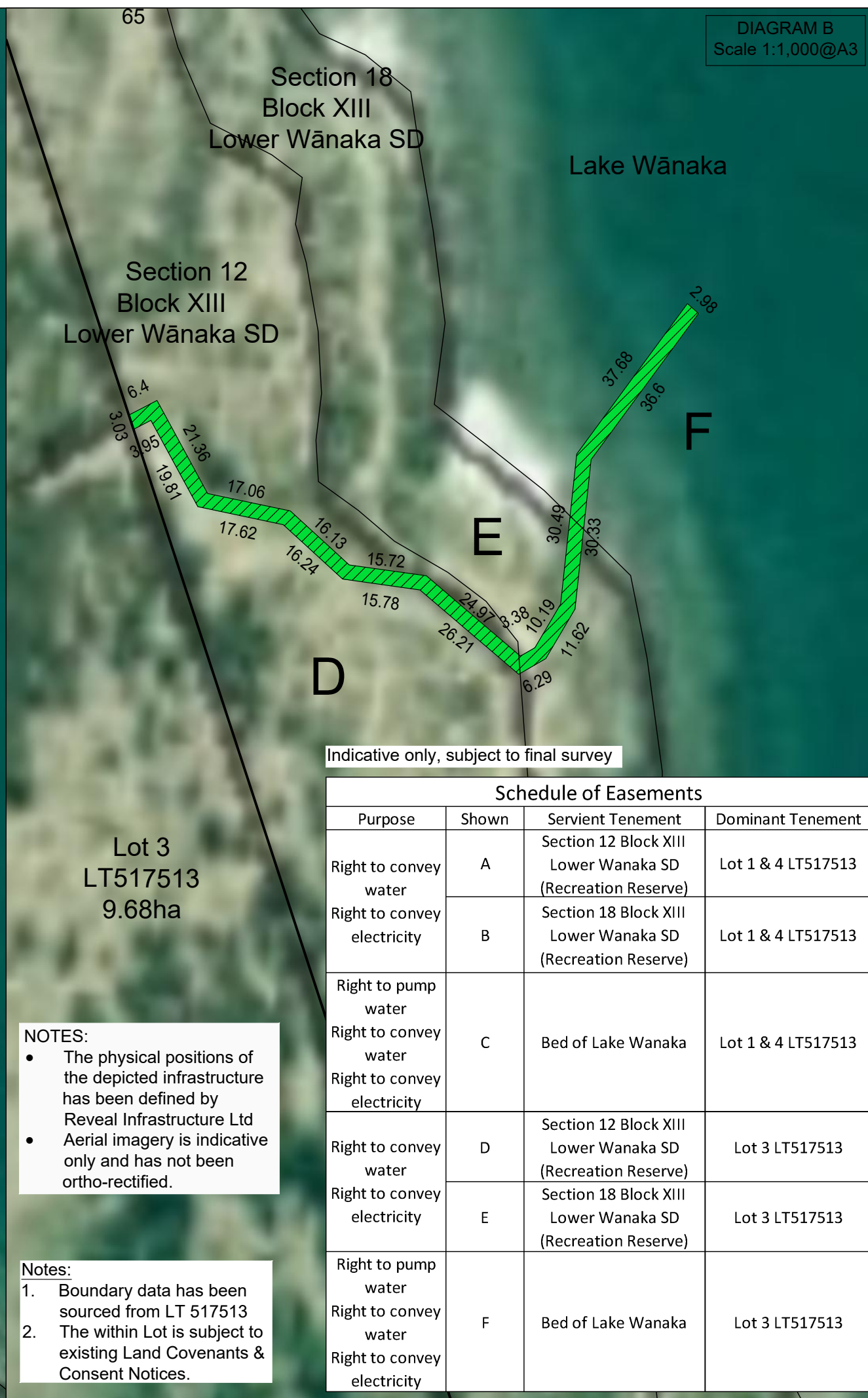
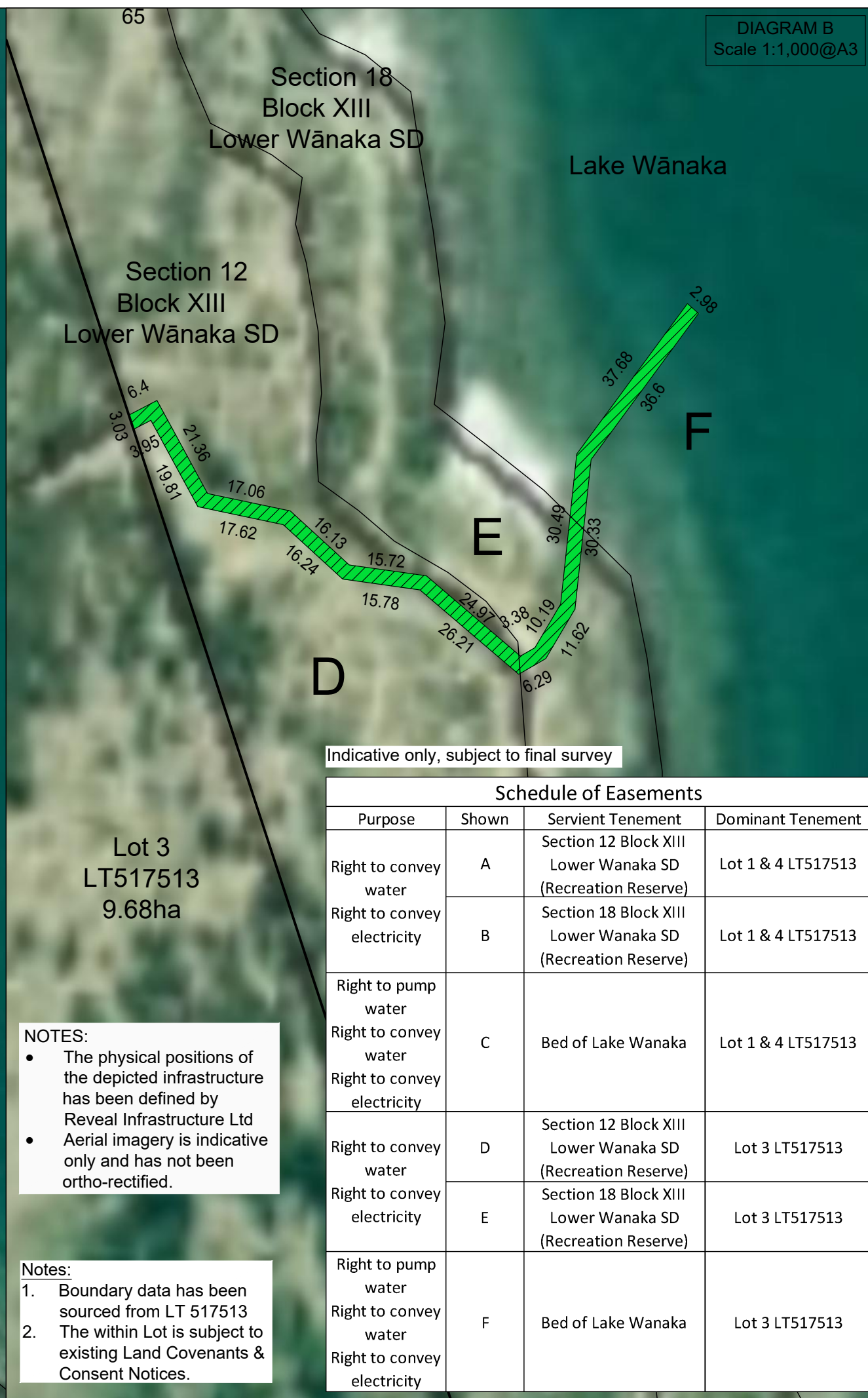
Lindis Peak 2000

| REVISION | DRAWING REFERENCE | Sheet  |
|----------|-------------------|--------|
| A        | V4037_C1          | 1 OF 2 |

| SURVEYED | DATE     | CHECKED | DATE     |
|----------|----------|---------|----------|
| L.W.     | 27/09/18 | L.W.    | 27/09/18 |

| DRAWN | DATE     | APPROVED | DATE     |
|-------|----------|----------|----------|
| C.M.  | 04/12/18 | L.W.     | 04/12/18 |





COPYRIGHT©

This drawing and parts thereof are copyright to Southern Land Ltd. and shall not be reused, copied or reproduced without the written permission of Southern Land Ltd.

Notes

### Warning

This Plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.

Any person using Southern Land drawings and other data accepts the risk of:

- using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly;
- ensuring the information is the most recent issue.

CAD and Production by



**SOUTHERN  
LAND**

SURVEYING | PLANNING | LAND DEVELOPMENT

Level 2 Brownston House, 21 Brownston St., Wanaka  
Ph: (03) 443 5577, Email: [contact@southernland.co.nz](mailto:contact@southernland.co.nz)  
[www.southernland.co.nz](http://www.southernland.co.nz)



APPLICANT

John Edmonds &amp; Associates

COMPRISED IN

LT 517513

TERRITORIAL AUTHORITY

Queenstown Lakes District Council

LAND DISTRICT

## Otago

TOTAL AREA

|  |      |
|--|------|
|  | DATE |
|--|------|

136.7 ha

04/12/18

|  |               |
|--|---------------|
|  | Drawing Title |
|--|---------------|

Lots 1 - 4 being a Subdivision of  
Lots 1 & 2 DP 306288 and  
Section 11 Block XIII Lower  
Wānaka Survey District

Prepared for

## Resource Consent

|  |                |
|--|----------------|
|  | Plan Revisions |
|--|----------------|

[illegible]

|       |              |
|-------|--------------|
| SCALE | 1:2,000 @ A3 |
|       | 1:1,000 @ A3 |

DATUM & LEVEL

Lindis Peak 2000

|          |                   |          |          |
|----------|-------------------|----------|----------|
| REVISION | DRAWING REFERENCE | Sheet    |          |
| A        | V4037_C1          | 2 OF 2   |          |
| SURVEYED | DATE              | CHECKED  | DATE     |
| L.W.     | 27/09/18          | L.W.     | 27/09/18 |
| DRAWN    | DATE              | APPROVED | DATE     |
| C.M.     | 04/12/18          | L.W.     | 04/12/18 |