

QLDC Council
10 October 2019

Report for Agenda Item | Rīpoata mot e Rāraki take : 6

Department: Community Services

Title | Taitara: Underground Services Easement over Recreation Reserve, for Aurora Energy Limited to provide electricity necessary to service the Arrowtown Water Supply

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider granting an easement over Recreation Reserve in favour of Aurora Energy Limited, to provide a high voltage power supply to two new bores associated with the Arrowtown Water Supply.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** an easement to Aurora Energy Limited for electrical services over Part Section 2 Blk XXV Town of Arrowtown, being Recreation Reserve, subject to the following conditions:
 - The applicants install the services in the locations shown in the plan provided.
 - A comprehensive safety plan must be prepared and implemented, at the applicants cost, to ensure a safe environment is maintained around the subject site during duration of works and make specific reference to signage along the track. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - Aurora Energy Limited to provide evidence of their public liability insurance cover prior to works being undertaken.
 - The land around the new electrical services is to be reinstated immediately after the work is undertaken.
 - Within 3 months of completion of the work, the applicant to provide QLDC with a surveyed easement and signed Deed of Easement.
 - The applicant pays all costs incurred by Council in granting and registering the easement.

- 2 **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;
- 3 **Delegate** authority to approve final terms and conditions of the easement including location and execution authority to the General Manager Community Services;
- 4 **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to grant an easement to Aurora Energy Limited over Part Section 2 Blk XXV Town of Arrowtown.

Prepared by:

Reviewed and Authorised by:



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12/09/2019



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23/09/2019



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CONTEXT | HORPOAKI

- 1 The Queenstown Lakes District Council (QLDC) have constructed two new bores near the Arrow River, while upgrades to the existing bore are also to be undertaken. This is necessary to meet the increasing water supply needs of Arrowtown.
- 2 Due to the size of the new pumps required to convey the water to the township, an upgrade of their electrical supply is required, with the nearest connection point to a high voltage (HV) supply being at Ramshaw Lane. The easement route is identified in the plan included as ATTACHMENT A to this report.
- 3 QLDC have requested that Aurora Energy Limited carry out an extension to their distribution network in order to provide the required electricity needs. The extension will connect with the existing HV cable within the Ramshaw Lane road reserve, travel to the adjacent Recreation Reserve, connect with a switchboard and then continue through Recreation Reserve to the water supply control room. Works are scheduled to be completed in October 2019.
- 4 Electrical infrastructure proposed within the easement includes underground high voltage cables and a Safelink 2 switchboard (ATTACHMENT B).
- 5 The cable will be installed in line with QLDC's Land Development Code of Practice while the switchboard will be mounted on a concrete base designed to support the equipment's weight.
- 6 During installation works, traffic management will be implemented to ensure safe pedestrian access through the reserve.
- 7 Because the new infrastructure will be over Recreation Reserve (Part Section 2 Blk XXV Town of Arrowtown), and that the infrastructure will remain the property of Aurora Energy Limited, an easement is required.
- 8 Section 48 of the Reserves Act 1977 identifies that easements may be granted over reserve for electrical installations.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 9 The upgrade of the high voltage cable has been identified as necessary as part of the Arrowtown Water Supply Source Upgrades Design reports.
- 10 As part of the planning and consenting of the Arrowtown Water Supply Upgrades, a Resource Consent (RM190287) has been approved.
- 11 During the Resource Consent process, the following Stakeholders were engaged and made aware of the cable route;
 - Aukaha
 - Te Ao Marama
 - Local Councillor (Scott Stevens)

- Arrowtown Business Association
- Arrowtown Planning Advisory Group
- Dudley’s Cottage
- Queenstown Trails Trust

- 12 An area of unformed legal road reserve leading to the control room was considered as an alternative to avoid disrupting the reserve, however concerns were raised regarding the condition of a historic retaining wall in the location, and it was deemed unacceptable.
- 13 The easement corridor is proposed to be 3m wide and approximately 140m long and is shown on the plans provided.
- 14 As per QLDC’s Easement Policy 2008, a one-off underground easement fee payable by the grantee of the easement. In accordance with the policy, the easement fee is calculated at

Rateable land value of property	\$580,000
Size of property	94,550m ²
Easement	420m ²
Calculation:	
\$580,000 /94,550	\$6.13 /m ²
30% of \$6.13	\$1.84 /m ²
\$1.84 x 420m ²	\$772.80

- 15 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.
- 16 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?

- 17 While there will be some temporary minor disruption during the installation of the underground services, long term there will be no detrimental effects on the ability of the public to use and enjoy the reserve. Once the area is fully reinstated, users of the reserve will be unaware that any change has been made to the reserve.
- 18 The switchboard will not impede use of the reserve.

Does the easement materially alter or permanently damage the reserve?

- 19 Because the infrastructure will be underground, it is considered the creation of the easement will not have any long term effect on the reserve.

20 The switchboard is small and will be located in an area where it will not materially alter or damage the reserve.

21 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 public notification is not deemed necessary.

22 Option 1 Grant the easement subject to conditions.

Advantages:

23 Will enable a power supply necessary for the Arrowtown Water Supply, and the functioning of the water supply.

24 Infrastructure will be installed at no cost to Council.

Disadvantages:

25 The easement will encumber the reserve land

26 Works associated with the easement may temporarily prevent full enjoyment of the area of reserve during installation.

27 Option 2 Council declines the easement.

Advantages:

28 There will be no disruption to the public or the reserves.

Disadvantages:

29 Arrowtown's water supply upgrade may not be able to proceed.

30 This report recommends **Option 1** for addressing the matter as the works are necessary for the Arrowtown Water Supply upgrades and can be undertaken with the control and oversight of Council.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

31 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council Local Purpose Reserve, the impact of the decision however is minor.

32 The persons who are affected by or interested in this matter are the general public and users of the reserve.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

33 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating. This matter relates to this risk because a perpetual property right contained in the reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving any easement.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

34 The applicant has paid an application fee and has agreed to pay for all legal consenting, LINZ and surveying costs to register the easement.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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

- Significance and Engagement Policy
- Easement Policy 2008
- Arrowtown – Lake Hayes Reserve Management Plan 2013

36 The recommended option is consistent with the principles set out in the named policies and plan.

37 This matter is not included in the Ten-Year Plan/Annual Plan.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

38 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 operation of the upgraded Arrowtown Water Supply.;
- Can be implemented through current funding under the Ten 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.

ATTACHMENTS | NGĀ TĀPIRIHANGA

- A Easement Location Plan
- B Image and Dimensions of Safelink Switch