

**QLDC Council  
29 October 2015**

**Report for Agenda Item: 8**

**Department: Operations**

**Aurora Energy Limited – Easement over Reserve Land**

**Purpose**

The purpose of this report is to consider an easement application over Reserve Land for the installation of a power pole.

**Recommendation**

That the Council:

1. **Note** the contents of this report;
2. **Approve** the granting of an easement to Aurora Energy Limited over Lot 13 DP 322851 Local Purpose Reserve subject to Minister's Consent.
3. **Exercise** the Minister's consent (under delegation from the Minister of Conservation) for an easement to Aurora Energy Limited over Lot 13 DP 322851 Local Purpose Reserve.

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19/10/2015

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## Background

- 1 Council administers the reserve legally described as Lot 13 DP 322851 Certificate of Title 91416, classified as Local Purpose Reserve. It is the reserve between the industrial properties to the left at the entrance to Glenda Drive and into Margaret Place, and the State Highway.
- 2 The applicant, Aurora Energy Limited (“Aurora”), has an existing easement over the subject land to position power poles.
- 3 NZTA is currently undertaking planned improvement works on State Highway 6 – Frankton-Ladies Mile Highway including the new Glenda Drive intersection works. As part of these works, NZTA has requested that Aurora remove two circuits of 11kV overhead line and to place them underground.
- 4 The existing 11kV line which ran from Frankton to Glenda Drive has been partially removed to accommodate these works. The remaining spans of the 11kV line cannot be removed until the new pole has been installed. As the 11kV and the stormwater improvements are all to be laid in a common service trench, these works must be undertaken in conjunction with one another.
- 5 Due to the intersection works, and associated stormwater projects which are being run in parallel by Council, there is no room for the new power pole to be located in the road reserve.
- 6 As such, Aurora is urgently seeking an easement over the adjacent reserve land to install the required power pole.

## Comment

- 7 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.
- 8 Resolution of this matter is urgent to allow the planned works to proceed. The Council needs to approve the easement on behalf of the Minister of Conservation in order to provide some certainty to the applicant about their ability to proceed with the works in the future.
- 9 The subject land is a strip between the state highway and privately owned industrial properties located along Glenda Drive and Jack Boyd Place. Other power poles are currently located within the subject land under easement. The reserve has no practical use apart from as a buffer between the highway and the industrial area. It is already occupied by a number of power poles and overhead lines cross it in several places.
- 10 The proposed power pole is to be 12.5m in length and will be buried to a depth of 2.1m. The span to the nearest power pole will be approximately 10m with the two poles attached by back stay and insulator.

- 11 The new power pole will serve as a link from the new 11kV line running underground into the existing 11kV circuits which already run on the subject property.
- 12 The link back into the existing 33kV lines, which also already run on the subject property, will assist in reinforcing the electricity supply to Lakes Hayes residential areas.
- 13 The expected easement area is approximately 100m<sup>2</sup>. Based on this, as per section 3 (a) of the Easement Policy 2008, the total amount to be charged for the easement fee would be \$1,515.00 plus GST. A bond of \$2,000.00 is proposed, and may be used to rectify any problems which are identified as a result of the installation.
- 14 Granting an easement is permitted by the Reserves Act 1977, however, such easement must be publicly notified 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?

- 15 The area where the easement is proposed is a spite strip and buffer between the Industrial Area and the Highway, and currently contains other power poles. It incorporates a steep hill from the Highway that is covered in grass, with some shrubs at the top of the slope. Whilst there would be some temporary minor disruption during installation, long term there would be no further detrimental effect on the ability of the public to use and enjoy the reserve as it is not actively used by the public.

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

- 16 The new pole will be of a similar height, nature and scale as the existing 33kV assets on the property nearby and will appear as an extension to that line once installation is complete.
- 17 The installation of a further power pole may have a visual effect on the reserve as it will be seen by neighbouring properties' views and the public, however the adjoining land is zoned industrial and because of the existing power poles and overhead lines, the minor loss of view is not deemed significant or a permanent effect on the reserve.
- 18 It should be noted that the assessment above is subjective and not strictly defined by the Reserves Act. While it is clear that in-ground easements meet the test for non-notification, it is not as clear in this case. However, the reserve is visually cluttered with infrastructure, not well landscaped or maintained and not actively used by the public. Therefore, this report recommends that notification is not required.

### **Options**

19 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

20 Option 1 The Council approve the easement subject to Minister's consent without the need for public notification.

#### **Advantages:**

21 Roothing and associated works, already underway by NZTA can proceed quickly and as planned.

22 11kV lines can be run underground as opposed to over the new intersection.

#### **Disadvantages:**

23 There will be a short planned power outage in the location to enable the works to be undertaken safely.

24 The easement area will not be able to be used for any other activity in future.

25 A further power pole will detract from the overall amenity of the area albeit minor.

26 Option 2 The Council could request public notification before further consideration.

#### **Advantages:**

27 It will give the public the opportunity to comment on the proposal.

#### **Disadvantages:**

28 Roothing and associated works, already underway by NZTA, will be significantly delayed.

29 Option 3 The Council could choose not to approve the easement and recommend that the Minister's consent not be granted.

#### **Advantages:**

30 Planned power outages associated with the proposal would not occur however alternative outages may still occur under alternative proposals which would need to be considered.

31 The land will not be encumbered by a further easement and will be available for alternative use.

32 The amenity of the area will be preserved.

**Disadvantages:**

- 33 The roading and associated works by NZTA may be significantly delayed.
- 34 Unless an alternative means for linking the existing lines with the underground lines can be found, they may need to revert to overhead lines.
- 35 This report recommends **Option 1** for addressing the matter as it is in the community's interest to see the works being undertaken by NZTA completed in a timely manner and the criteria for not publicly notifying appear to be reasonably met in the circumstances.

**Significance and Engagement**

- 36 This matter is of low significance, as determined by reference to the Council's Significance and Engagement policy as 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**

- 37 This matter relates to operation risk OR011A: Decision making. The risk is classed as moderate.

**Financial Implications**

- 38 If the easement is approved, Council would stand to receive a payment of \$1,515.00 plus GST as per the easement policy.
- 39 All costs associated with the survey and registration of the easement on the Council's title would be paid for by the applicant.

**Council Policies, Strategies and Bylaws**

- 40 The following Council policies, strategies and bylaws were considered:
- a. Significance & Engagement Policy 2014 –the proposal is a matter with low significance in terms of this policy as determining as it is not considered significant as it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment or and is not expected to create a community interest in the matter.
  - b. Easement Policy 2008 – the application is consistent with the policy.

**Local Government Act 2002 Purpose Provisions**

- 41 The recommended option:
- a. 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 linking of power assets to be undertaken in conjunction with roadworks as quickly and efficiently as possible.

- b. Is consistent with the Council's plans and policies and in particular the easement policy; and
- c. 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**

42 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.

### **Attachments**

- A Plan of proposed easement area
- B Power pole diagram