

QLDC Council
26 May 2016

Report for Agenda Item: 7

Department: Property & Infrastructure

Proposed electricity easement to be included in the licence already approved for the Fire Service siren in Lismore Park.

Purpose

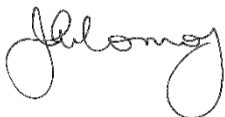
The purpose of this report is to consider approval for an electricity easement to be included into the licence approved for the Fire Service for a new siren to go adjacent to the water tanks on Lismore Park.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the inclusion of an in-ground electricity easement in favour of the NZ Fire Service through Lismore Park (Pt Section 90 Block IX Town of Wanaka);
3. **Approve** the fees for the easement being waived;
4. **Agree** that notification of the intension to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met;
5. **Delegate** authority to approve final terms and conditions, including location, and execution authority to the General Manager – Property & Infrastructure; and
6. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement NZ Fire Service over Pt Section 90 Block IX Town of Wanaka.

Prepared by:



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9/05/2016

Reviewed and Authorised
by:



Aaron Burt
Planner: Parks & Reserves

9/05/2016

Background

- 1 The Wanaka Community Board (WCB) considered a new application from the NZ Fire Service for a licence on Lismore Park for a fire siren at their meeting held 16 March 2016. It is needed because the siren is currently on the building that they will vacate in favour of a new building in Ballantyne Road. The Ballantyne Road site is not suitable for the placement of a siren as it is too low. The licence for the fire siren was approved by the WCB. Council ratified that decision and gave approval on behalf of the Minister of Conservation at their meeting held 28 April 2016. The resolution was as follows:

On the motion of the Mayor and Councillor Stevens it was resolved that the Council:

- a. Note the report; and

Wanaka Community Board (16 March 2016)

- b. *New Licence for Fire Service Siren at Lismore Park*
 - a) Grant a new licence to the Fire Service on Lismore Park for a new aerial and siren subject to the following conditions:
 - i. Commencement 1 April 2016
 - ii. Term Five years
 - iii. Rent: Pursuant to the Community pricing Policy – initially \$1 per annum
 - iv. Reviews: Five-yearly
 - v. Renewals: Three of five years each by agreement of both parties
 - vi. Termination: Council to give twelve months written notice of termination if the siren and/or pole have to be removed to facilitate Council's utilisation of the land for other purposes.
 - vii. Insurance: The Fire Service to provide \$2 million public liability insurance.
 - b) Exercise the Minister's consent (under delegation from the Minister of Conservation) to the granting of this licence over Lismore Park, Recreation Reserve Pt Section 90 Block IX Town of Wanaka.

- 2 Unfortunately the Fire Service's assumption that the power pole on the site belonged to Aurora and would be available to them was incorrect. Consequently they will have to supply power to the siren pole from the street. The supply will be in-ground and will need to be protected by an easement.

- 3 The siren has been previously granted resource consent in a publically notified application, so the public of Wanaka have been able to consider it.

Comment

- 4 Granting an easement is permitted by the Reserves Act 1977, however, such easements 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?

- a) While there would be some temporary minor disruption during the installation of the cables, long term there would be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the installation is complete, 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?

- b) 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 that the creation of the easement will not have any long term effect on the reserve.

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.

- 5 The easement can be included in the licence document, but as it was not included in the initial application, it requires a further approval. As it is essentially a minor variation of the licence, it will not require further consideration on behalf of the Minister of Conservation (such further approval is only needed where the variation relates to the term and/or area).
- 6 The Contract Manager – Property and Infrastructure, has looked at the easement proposal and confirmed that the location is suitable. We have requested an additional conduit be installed with the power cable to make it easy for Council to underground its own power supply at some time in the future and the Fire Service have agreed to do that.
- 7 The easement policy requires that a fee equivalent to 30% of land value. In this instance, the area is 345m² and the land value (rateable) is \$11.47/m² so the total fee would have been \$1,187.15 plus GST. As the Fire Service is a non-profit organisation and in this case the easement will not be registered on Council's certificate of title (only included in the licence), it would not be unreasonable to waive the fee. Note also that the extra conduit being installed will save Council more than the easement fee income if and when the Council power supply is undergrounded.
- 8 The location of the cables will be recorded in Council's GIS system.

Options

9 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:

10 Option 1 Approve the inclusion of an in-ground electricity easement being included in the licence to be granted to NZ Fire Service for their fire siren in Lismore Park and waive the easement fee.

Advantages:

11 Enables the Fire Service to install their siren in a timely manner and therefore ensure that their ability to answer call-outs continues.

Disadvantages:

12 None identified (noting that the siren itself has already been approved).

13 Option 2 Approve the inclusion of an in-ground electricity easement being included in the licence to be granted to NZ Fire Service for their fire siren in Lismore Park and enforce the easement fee.

Advantages:

15 Similar to Option 1 however Council will receive an income of \$1,187.15 plus GST if the applicant proceeds.

Disadvantages:

14 Similar to Option 1.

15 Option 3 Declining the application for an in-ground electricity easement to be included in the licence to the NZ Fire Service.

Advantages:

15 None identified.

Disadvantages:

16 Without power, the siren cannot function and therefore it is unlikely that they will be able to proceed. That may place their ability to respond at risk.

17 This report recommends **Option 1** for addressing the matter however it should be noted that Council's Senior Solicitor recommends Option 2 as there is a disadvantage to Council in not receiving the easement fee.

Significance and Engagement

18 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the impact of the easement is low given that the licence has already been approved.

Risk

19 This matter does not have significant risk.

Financial Implications

20 Council must decide whether it is reasonable to impose the easement fee of \$1,187.15 plus GST in accordance with the easement policy.

21 The Fire Service will meet all costs associated with the licence and the easement.

Council Policies, Strategies and Bylaws

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

- Community Facility Pricing Policy
- Lismore park, Kelly's Flat and Allenby Park Reserve Management Plan
- Reserves Act 1977
- Council's Significance and Engagement Policy
- Council's Easement Policy

23 The recommended option is consistent with the principles set out in the named policies apart from the easement policy which requires the easement fee to be charged. The reserve management plan does contemplate easements for services, and requires that they be in-ground and so this proposal conforms with the management plan.

24 This matter is not included in the 10-Year Plan/Annual Plan as it is not relevant to the plan.

Local Government Act 2002 Purpose Provisions

25 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 installation and operation of a new fire siren in Wanaka;
- 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

26 The persons who are affected by or interested in this matter are residents in the immediate vicinity. Those affected have had the ability to submit to the fully notified resource consent application. A number objected to the proposal but

consent has been granted because of the infrequent and short duration of the siren use.

Attachments

- A Site plan showing the approved location of the siren, and the proposed in-ground electricity easement as a hatched red line.



Recommended location on small hummock adjacent to power pole (for 3φ power supply)

Council Walking and MTB Track

Drainage Channel

Water Treatment Plant

Inactive Watermain

Water Reservoir Extent

Pit/Box

Lot 35
DP 26248

Lot 34
DP 26248

Lot 33
DP 26248

Lot 32
DP 26248

Lot 31
DP 26248

...ion Road