

QLDC Council
28 September 2017

Report for Agenda Item: 17

Department: Property & Infrastructure

Easement – Wanaka-Mount Aspiring Road

Purpose

The purpose of this report is to consider granting an in-ground service easement over reserve land for the purposes of draining sewerage via a foul sewer line to existing infrastructure in the adjacent Road Reserve.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground easement over Scenic Reserve Lot 2 DP 23625 subject to section 48 (1)(d) of the Reserves Act 1977, in favour Roys Bay Estate Limited subject to the following conditions:
 - a. Roys Bay Estate Limited to notify and liaise with QLDC's Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
 - b. The new sewer connection must be installed in accordance with the Conditions of RM 081295 relating to work around the trees and QLDC's subdivision code of practice.
 - c. Works are to be completed in a manner and supervised by an arborist to ensure no damage occurs to the existing trees. The arborist must provide a report on completion of the works identifying the degree of any root severance undertaken, and demonstrating that no damage has occurred to the health of the tree as a consequence.
 - d. A bond of \$2,000.00 be payable to QLDC prior to any works commencing;
 - e. The work site to be evidenced by before and after photographs, video or similar to be provided by Roys Bay Estate Limited;
 - f. A comprehensive safety plan must be prepared and implemented, at Roys Bay Estate Limited's cost, to ensure a safe environment is maintained around the subject site;
 - g. Certificate of adequate public liability cover to be received;

- h. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.
 - i. Within 3 months of completion of the work, Roys Bay Estate Limited to provide QLDC with a surveyed easement and signed Deed of Easement.
3. **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 for the reasons set out in this report;
 4. **Delegate** authority to approve final terms and conditions, and execution authority to the General Manager - Property and Infrastructure; and
 5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Roys Bay Estate Limited over Lot 4 DP 300273.

Prepared by:



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Property Advisor
APL Property Limited

1/09/2017

Reviewed and Authorised by:



Aaron Burt
Senior Planner: Parks &
Reserves

13/09/2017

Background

- 1 Council administers the reserve known as Mt Aspiring Road Segregation Reserve and legally described as Lot 4 DP 300273, Certificate of title OT16C/145, classified as Scenic Reserve.
- 2 Roys Bay Estate Limited are seeking an in-ground easement over the Scenic Reserve as part of their development of Lot 105 DP 346120. The Easement will be used to run a foul sewer line to connect with existing Council infrastructure.

Comment

- 3 Resource Consent (RM 081295) was granted by the Environment Court for the development of Lot 105 DP 346120 to create a 73-unit retirement village at the corner of Wanaka-Mount Aspiring Road and Meadowstone Drive.
- 4 Between the development site and Wanaka-Mount Aspiring Road is Lot 4 DP 300237, a narrow strip of Scenic Reserve. The reserve appears as a continuation of the Wanaka-Mount Aspiring Road berm and comprises grass cover and a row of established trees.

- 5 The first stage of the development at Lot 105 DP 346120 is the construction of a block of 4 units in the north-western corner of the site which is bordered to the north by the Scenic Reserve. There is an existing 225mm Foul Sewer main running along the southern berm of Wanaka-Mount Aspiring Road within road reserve. It is proposed to bring a new foul sewer connection from this main into the site, through the Scenic Reserve, to service the development.
- 6 The proposed location of drainage line falls between two trees and through a stump of a pre-existing tree. While no trees are proposed to be removed, trenching for the services will be through the drip line of the existing trees. The applicants have undertaken to hand trim the roots, dampen them down and protect them from the sun during works.
- 7 QLDC's Arboriculture Officer has inspected the site noting that the trees within the area of the works are Common Ash (*Fraxinus excelsior*), a surface rooting species of tree that is known to be susceptible to works within the root zone. In his opinion, should the easement and trench be created to the east of the aforementioned stump, the effect on the remaining surrounding trees will be minor in nature.
- 8 QLDC's Arboriculture Officer does however recommend that the applicants appoint an arborist to supervise the works and produce a report on completion of the works identifying the degree of root severance required including photographs of the works as evidence.
- 9 Trenching will require a 3m wide easement parcel crosses the 5m width of the reserve.
- 10 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 \$167.55 plus GST.

Land value of property	= \$93,000
Size of property	= 2497 m ²
Easement area	= 15 m ²

Calculation:

\$93,000 / 2497 m ²	= \$37.24 / m ²
30% of \$37.24	= \$11.17 / m ²
\$11.17 x 15 m ²	= \$167.55 plus GST

- 11 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is currently delegated to Council and must be granted prior to the easement being lodged with LINZ.
- 12 Granting an easement is permitted by the Reserves Act 1977, however, such easement 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?

13 While there would be some temporary minor disruption during the installation of the sewer connections, 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?:

14 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.

15 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.

16 This report recommends that any approval granted for an easement be subject to the following conditions:

- a. Roys Bay Estate Limited to notify and liaise with QLDC's Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure.
- b. The new sewer connection must be installed in accordance with the Conditions of RM 081295 relating to work around the trees and QLDC's subdivision code of practice.
- c. Works are to be completed in a manner and supervised by an arborist to ensure no damage occurs to the existing trees. The arborist must provide a report on completion of the works identifying the degree of root severance undertaken.
- d. A bond of \$2,000.00 be payable to QLDC prior to any works commencing.
- e. The work site to be evidenced by before and after photographs, video or similar to be provided by Roys Bay Estate Limited.
- f. A comprehensive safety plan must be prepared and implemented, at Roys Bay Estate Limited's cost, to ensure a safe environment is maintained around the subject site.
- g. Certificate of adequate public liability cover to be received.
- h. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property & Infrastructure Department.
- i. Within 3 months of completion of the work, Roys Bay Estate Limited to provide QLDC with a surveyed easement and signed Deed of Easement.

Options

- 17 Option 1 Council can grant the easement over Scenic Reserve Lot 4 DP 300273 subject to the conditions recommended above.

Advantages:

- 18 Sewerage drainage can be established for the new development.
19 Council will receive an Easement Fee of \$167.55 plus GST.

Disadvantages:

- 20 The reserve will be encumbered with utility infrastructure.
21 Access to the reserve will be temporarily limited.

- 22 Option 2 Council can grant the easement over Scenic Reserve Lot 4 DP 300273 subject to alternative conditions.

Advantages:

- 23 Similar to Option 1 however Council may wish to amend the conditions proposed.

Disadvantages:

- 24 Similar to Option 1

- 25 Option 3 Council can decline the easement over Scenic Reserve Lot 4 DP 300273.

Advantages:

- 26 The easement area would be available for other utility infrastructure.

Disadvantages:

- 27 The applicants will need to consider alternative means for sewerage drainage from the site.
28 Council would not receive an Easement Fee of approximately \$167.55 plus GST.
29 This report recommends **Option 1** for addressing the matter as it will enable the development to proceed as planned without significant disturbance to Council land.

Significance and Engagement

- 30 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 not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

Risk

31 This matter relates to operation risk OR011A Decision making. The risk is classed as moderate. 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 the easement.

Financial Implications

32 Council will receive a fee of \$167.55 plus GST as per the easement policy.

33 All costs associated with the survey and registration of the easement on Council's title will be paid for by the applicant.

Council Policies, Strategies and Bylaws

34 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 large 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.

35 The recommended option is consistent with the principles set out in the named policies.

36 This matter is not included in the 10-Year Plan/Annual Plan, however all expenses will be met by the applicant.

37 Local Government Act 2002 Purpose Provisions

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 allowing sewerage draining for a new retirement village at no cost to Council;
- 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

39 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.

40 Further, it is not considered that the easement will permanently affect the reserve or affect the ability of people to use and enjoy the reserve and, therefore, public notification is not deemed necessary in accordance with sections 48(2) and 48(3) of the Reserve Act 1977.

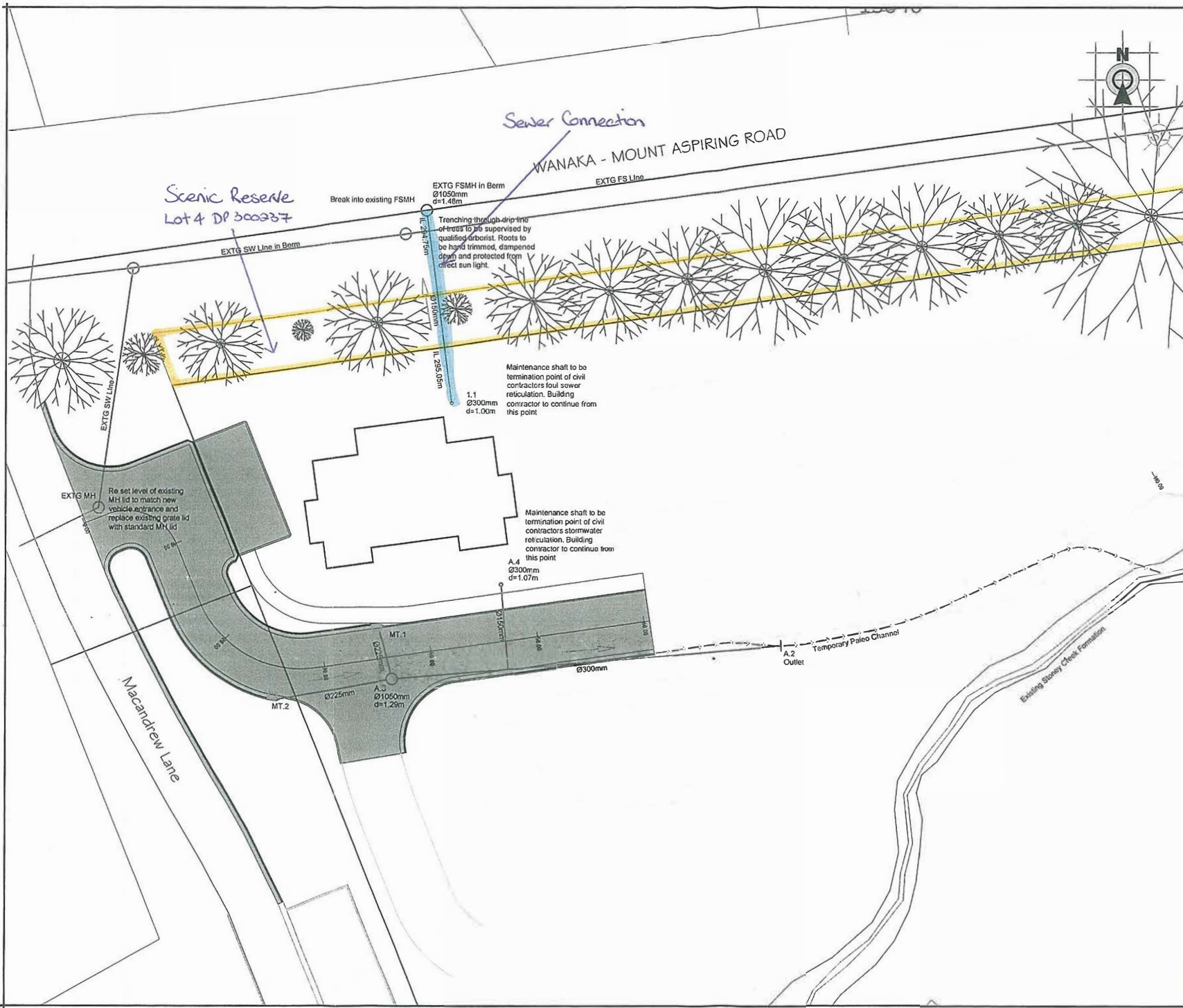
Attachments

- A Site Plan
- B Engineering Drawings
- C Photograph of Scenic Reserve Lot 4 DP 300273

Easement – Wanaka-Mount Aspiring Road

Attachment A – Site Plan





NOTES: Att B: Engineering Drawings

1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall make good at their own expense any damage to existing services.
2. Levels are in terms of Dunedin vertical datum 1958
3. All works are to be installed as per NZS 4404:2004 and QLDC amendments to those standards. Standard drawings are available from the Engineer
4. Contours at x.xm interval
5. All pipe diameters are NOMINAL diameter unless otherwise stated.

DRAINAGE STORMWATER KEY

- Lot Boundaries
- Kerbs
- SW manhole
- Maintenance Shaft
- DEC
- Mud Tank single
- Mud Tank double

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Client & Location:
Roys Bay Estate
Stoney Creek, Wanaka

Purpose & Drawing Title:
Engineering Drawings
Drainage Layout

Surveyed by:	PGS	Original Size:	Scale:
Designed by:	PGS	A1	1:167 @ A1
Drawn by:	ALB		1:333 @ A3
Checked by:	ALB		DO NOT SCALE
Approved by:	ALB		
Job No:	01	Sheet No:	0
W4447-2		Revision No:	17/05/2017

Easement – Wanaka-Mount Aspiring Road

Attachment C – Photograph of Scenic Reserve Lot 4 DP 300273

