

QLDC Council
23 July 2020

Report for Agenda Item | Rīpoata mot e Rāraki take 3

Department: Community Services

Title | Taitara: Underground Services Easements over Cardrona Domain – Mt Cardrona Station Ltd

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider granting in-ground services easements to Mount Cardrona Station Ltd.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** underground services easements over:
 - a. Local Purpose (Site for a Public Hall) reserve Lot 1 DP 411508 subject to Section 48 of the Reserves Act 1977.

[Note: easements are also required over the following Council owned land, but is not reserve. These do not require the full Council Delegation of the Minister's Consent, but they are included for completeness to illustrate the greater context;]
 - b. QLDC freehold land Section 3 & 4 Block X Town of Cardrona, Section 2 Block XI Town of Cardrona and Section 1197R Block I Town of Cardrona.

for the following purposes:

- a. Right to convey water and sewerage in gross in favour of QLDC.
- b. Right to convey water and gas in gross (grantee to be confirmed)
- c. Right to convey telecommunications in gross (grantee to be confirmed)
- d. Right to convey electricity in gross (grantee to be confirmed)

subject to the following conditions:

- a. An agreement to grant easement is to be entered into between the applicant and QLDC. All costs associated with preparing the agreement are to be paid for by the applicant.

- b. Grantees where not already confirmed, to be approved by the General Manager Community Services.
 - c. Any necessary resource consent, including for earthworks, and any relevant variations, are first obtained for the proposed development associated with the easement request.
 - d. No works may be undertaken within the reserve, unless a Reserve Permit is first sought and granted. The applicant shall contact APL Property to seek such a Reserve Permit, at least one month prior to any works within the reserve. A certificate of public liability cover by those undertaking the works is to be supplied. A bond may be required under the Reserve Permit, and this sum could be \$5,000 and is to address any damage to the reserve.
 - e. The applicant shall notify and actively liaise with the QLDC Infrastructure Department in advance of any onsite works, so they can oversee and provide input relating to any existing in-ground infrastructure.
 - f. A suitably qualified archaeologist as approved by the QLDC Parks and Reserve Department is to oversee the works and seek an Archaeological Authority from Heritage New Zealand should that be required.
 - g. All activities shall be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - h. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the easement/excavation site, to ensure public safety.
 - i. Final alignment of the easement to be agreed with Council.
 - j. Within three (3) months of completion of the associated works the applicant is to provide QLDC with a surveyed easements and signed Deed of Easement.
 - k. All reinstatement works shall be completed to the satisfaction of Council's Parks and Reserves Department, and within the timeframes dictated.
3. **Agree** notification of the intention to grant the easements is not required, as the statutory test in Section 48(3) of the Reserves Act is met for the reasons set out in this report;
 4. **Delegate** authority to approve final terms and conditions of the easements and execution authority to the General Manager Community Services; and
 5. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to granting of easements as above over Lot 1 DP 411508.

Prepared by:



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1/07/2020

Reviewed and Authorised by:



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7/07/2020

Approved by:



Thunes Cloete
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9/07/2020

CONTEXT | HORPOAKI

- 1 QLDC and Cardrona Valley Wastewater Limited have entered into a development agreement entitled the Cardrona Wastewater Agreement. Cardrona Valley Wastewater Limited is an entity owned by Mount Cardrona Station Ltd, the developer of the proposed Mount Cardrona Station development that includes a 12-hole golf course, 80-bed hotel and 500 house ‘village’.
- 2 QLDC, Cardrona Valley Wastewater Limited and Cardrona Alpine Resort Limited are parties to a tripartite agreement called the Stakeholders Participation Agreement.
- 3 These agreements will see the establishment of a wastewater system for the Cardrona Valley that is to be vested in Council and will service the general public, Mount Cardrona Station and Cardrona Alpine Resort Limited.
- 4 QLDC administers the larger land holding known as the Cardrona Domain. In particular, the land parcels affected by this proposal are Sections 3 & 4 Blk X, Section 2 Blk XI Tn of Cardrona, Section 1197R Cardrona SD, and Lot 1 DP 411508 Local Purpose Reserve (Site for a Public Hall).
- 5 The two agreements mentioned above are conditional upon QLDC providing the option for easements through the Cardrona Domain, which functionally connects the Cardrona Valley Road with infrastructure proposed on adjoining land holdings.
- 6 The area of local purpose reserve sought for the easement is on the north eastern boundary of the reserve and is currently an area of grass with no structures. The route has been purposefully positioned to avoid significant trees located on the site and along the road frontage of the domain.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 7 This report seeks approved for underground easements required to meet conditions of the Cardrona Wastewater Agreement and Stakeholders Participation Agreement agreements.

- 8 The route for wastewater services has been collaboratively designed with Council Property and Infrastructure Engineers, as well as the Community Services Parks team.
- 9 The easements could be located on the neighbouring property, however, as the wastewater and water pipes are to be vested in Council it is considered more practical and direct to have these go through Council land.
- 10 The applicant is still in the process of confirming some of the other eventual infrastructure partners for gas, telecommunications and electricity, therefore it is proposed to include these in the approval, subject to the Grantee being agreed to by the General Manager Community Services.
- 11 The work to install the underground services will be undertaken by the applicant, with Council oversight. Being that the domain is of historical interest to the community with the historic hall building located nearby, it is recommended that an archaeological consultant (endorsed by the Council) be engaged to oversee excavation works. An archaeological authority may also be required to be given by Heritage New Zealand prior to any works being carried out onsite.
- 12 As per the Easement Policy 2008 a one-off underground easement fee payable by the applicant is applicable where Council land is encumbered by an easement. In accordance with the policy, the easement fee will be calculated at 30% of the easement area's rateable value (excl. GST). This fee will be calculated once the final easement route is surveyed following installation.
- 13 Under the Reserves Act, Ministerial consent is required before an easement can be granted over reserve. This consent is now delegated to Council and must be granted prior to an easement being lodged with Land Information New Zealand (LINZ).
- 14 The Chair of the Wanaka Community Board has been appraised of the proposal to place an easement over the reserve, and has confirmed that the board have no objection in this instance to the proposal being referred directly to full Council.
- 15 Granting of an easement is permitted by the Reserves Act, however, such easements must be publicly notified in accordance with Section 48(2) unless as per Section 48(3) it can be shown that the public's ability to enjoy the reserve is not affected and 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?

- 16 While there will be some temporary disruption during the installation of underground infrastructure, long term there will be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the area is fully reinstated, users of the reserve will not be aware that any changes have been made to the reserve.

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

- 17 Aside from the disturbance during the installation process as mentioned above, these easements will not affect the ability of the reserve to provide for its current purpose. As

the infrastructure is underground it is considered the creation of underground easements will not have any long term effect on the reserve.

- 18 Option 1 Council grant the easements, subject to the conditions outlined above.

Advantages:

- 19 The easements will allow for effective management of services through the local purpose reserve and freehold land and enable the conditions of the agreements to be satisfied

Disadvantages:

- 20 Parts of the land will be disturbed and inaccessible to the public for a short period of time.

- 21 Option 2 Council can decline the easements.

Advantages:

- 22 The local purpose reserve and freehold land will not be encumbered by easements.

Disadvantages:

- 23 The applicant and the Council would need to agree an alternative route for the infrastructure.

- 24 This report recommends **Option 1** for addressing the matter because it allows the Council to fulfil their conditions under the agreements with minimal impact to the public.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 25 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 and freehold land, however the impact of the decision is minor provided the installation is suitably managed.
- 26 The persons who are affected by or interested in this matter are the general public and users of the land and reserve.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 27 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 is related 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 an easement.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

28 Council will receive an easement fee in accordance with the Easement Policy 2008.

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

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

- Easement Policy, 2008
- Significance and Engagement Policy, 2017

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

31 This matter is included in the Ten Year Plan/Annual Plan

- The Cardrona Wastewater Scheme forms part of the Ten Year Plan. This easement allows for infrastructure associated with the scheme.

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

32 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 infrastructure installation at no cost to Council with minimal disruption to the community;
- 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

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|---|---------------|
| A | Location Plan |
| B | Easement Plan |