

QLDC Council
16 September 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 7

Department: Property & Infrastructure

Title | Taitara: Easement for Aurora Energy Powerlines, and revision of easements for Skyline Enterprises Limited, associated with their Lower Terminal Redevelopment.

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider an application for an above ground electricity easement, and the removal, relocation, and expansion of easements previously approved by Council (but not registered) for Skyline Enterprises Limited associated with their lower terminal redevelopment.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report,;
2. **Approve** an above ground electricity services easement for Aurora Energy Limited [as illustrated in **ATTACHMENT C**];
3. **Approve** the removal, relocation and expansion of previously approved Easements [as illustrated in **ATTACHMENT C**];
4. **Direct** that the approval of any easements over Council Reserve Land is subject to the following terms and conditions:
 - a. Commencement: To be determined, and subject to conditions of resource consents RM160647 and RM171172, including any variations to those consents;
 - b. Extent of Easements: To be confirmed prior to commencement, and subject to conditions of resource consents RM160647 and RM171172, including any variations to those consents;
 - c. Fees: As per QLDC's Easement Policy 2008, subject to the extent of the easements being confirmed, and this shall also include outstanding application fees to be payable to the Queenstown District Council. Prior to any onsite works occurring in the easement areas, all easement fees shall be comprehensively established to the satisfaction of the QLDC, unless otherwise authorised in writing by the General Manager Community Services;
 - d. Any landscaping/planting to delineate the Skyline Enterprises Ltd lease area, is to occur within that lease area, and not in easement area D, which shall remain entirely open and useable to the public;

- e. Any easement formation necessary to accommodate vehicles, the maintenance of such, including costs, shall be the responsibility of Skyline Enterprises Limited;
 - f. Should conflicts between the public users of the reserve, and rights of way sought by SEL become apparent to QLDC, the ability to require SEL to mitigate such conflicts to the satisfaction of QLDC shall be assured;
 - g. A bond of \$5,000.00 be payable to QLDC prior to any onsite works commencing in the easement areas;
 - h. Any worksite in any easement area to be evidenced by before and after photographs, video or similar to be provided to QLDC by SEL;
 - i. Comprehensive safety plans must be prepared and implemented, at SEL's responsibility and cost, to ensure a safe environment is maintained around the subject easement sites for any physical works associated with the easement areas;
 - j. Certificate of adequate public liability cover to be received;
 - k. Reinstatement and landscaping of any disturbed areas to be completed within two months following any associated excavation/construction, or to the satisfaction and timeframes communicated by the QLDC's Community Services Department. Reinstatement to include any landscaping, fencing or other structures;
 - l. Within 3 months of completion of the work in any easement areas for which easements are sought, Skyline Enterprises Ltd to provide QLDC with a surveyed easement and signed Deed of Easement, unless otherwise authorised in writing by the General Manager Community Services;
5. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of the identified easements over Council Reserve Land; and
6. **Delegate** signing authority to the General Manager Property & Infrastructure.

Prepared by:



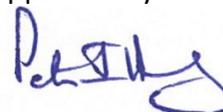
Senior Parks &
Reserves Planner
30/08/2021

Reviewed and Authorised by:



Mark Samways
Property Manager
31/08/2021

Approved by:



Peter Hansby
General Manager
Property & Infrastructure
31/08/2021

CONTEXT | HORPOAKI

- 1 Skyline Enterprises Limited (SEL) lease an area of the Ben Lomond Recreation Reserve (Reserve) from the Queenstown Lakes District Council (QLDC). That lease is registered as encumbrance 5014878.1 on the Certificate of Title for the Reserve (Lease).
- 2 SEL have occupied the lease area since the 1960's, providing gondola access to the top of the reserve where they have established and maintain tourism-based facilities including a restaurant and luge course.
- 3 The applicant has provided a detailed description of the application in **ATTACHMENT A** of this report, the applicant's introduction is copied below for ease of reference:

“Southern Planning Group act for Skyline Enterprises Limited (“SEL”). Since 2016 SEL has been progressing a major redevelopment of the Skyline gondola and restaurant in Queenstown.

*The re-development proposal has necessitated several statutory approvals which have been assessed by the Queenstown Lakes District Council (“Council”) pursuant to both the Resource Management Act 1991 and the Reserves Act 1977. A copy of the latest plan of the approved Easements around the lower terminal and carpark building areas is attached as **ATTACHMENT B**.*

Since these various approvals have been obtained, SEL has progressed on with the detailed design work for the project, obtained engineering acceptance and commenced earthworks at the lower terminal and carpark sites at the end of Brecon Street.

As a result of these detailed design works and initial stages of excavation around the lower terminal and carpark, it has become apparent that new Easements are required under Section 48 of the Reserves Act 1977. In addition, some of the Easements previously approved by the Council in earlier decisions are now redundant or require minor alterations in location and/or extension of the approved Easement areas.

*The purpose of this correspondence is to formally request the granting of the new/expanded/relocated Easements and to clarify those that have been identified as redundant. Essentially, this proposal seeks to provide a final ‘tidy up’ of the Easements in the vicinity of the car park building and lower terminal. Full details of the proposal are outlined below, and a new Easement plan is attached as **ATTACHMENT C**. Southern Planning Group, as the agent of SEL has outlined their request for an easement for overhead power lines for Aurora Energy Limited, in the document included as Attachment A to this report.”*

- 4 The overhead powerline easement is required to allow for the remainder of the powerlines to be located below ground, and the new easement allows for a new connection location to those underground lines. The intention to grant that easement was publically notified on 29 July 2021, with submissions closing on 30 August 2021.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Aurora Energy Limited Easement

- 5 The applicant advises that through collaboration with Aurora Energy Limited, the replacement of the existing overhead powerlines with underground lines has resulted in a change to the location where the new underground lines will reconnect to the existing overhead lines north of the car park building. Specifically, Aurora Energy Limited have requested a new overhead powerline connection between Pt Section 129 Blk XX Shotover SD and the existing overhead powerlines approximately 30m north of the carpark lease area boundary. The associated powerline connection requires the easement now sought.
- 6 As the easement will provide a perpetual property right to Aurora Energy Ltd, the Council will charge an easement fee if the easement is approved. This fee will be set in accordance with Council's Easement Policy 2008.
- 7 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is delegated to Council and must be granted prior to the easements being lodged with LINZ.
- 8 The intention to grant this easement has been publically notified, and no submissions/objections have been received.

Removal, Relocation and Expansion of Previously Approved Easements

- 9 The applicants rational and assessment (in ATTACHMENT A) is accepted, and overall it is agreed that this aspect of the application is a logical response to design changes that do not adversely affect the reserve areas and their use. This aspect of the proposal is supported by Council Officers.
- 10 It is not uncommon for a significant development to evolve as solutions and problems become apparent during construction, and a degree of flexibility is beneficial to allow for revisions and improvements to be made as necessary. The SEL lease site and the built form it will contain dominate the character and function of the area, and the easements are the mechanisms that allow access to various elements of infrastructure so that SEL can accommodate and maintain them within the reserve areas. The easements and infrastructure do not create any impediment or imposition on the Ben Lomond reserve that could have implications for the public. It is acknowledged that the SEL development and gondola assists and increases public access to Ben Lomond, and this is a benefit to the community.
- 11 Council will charge easement fees for all easements, set in accordance with the Easement Policy 2008.
- 12 Option 1 To grant the easements and amendments.

Advantages:

- 13 Council Officers support the easements and amendments now sought, and the notified electricity easement has not resulted in any submissions. Not approving the easements would require that access and services are redirected for no real benefit.

Disadvantages:

- 14 Areas of reserve will be encumbered by easements, although those areas do not have a particularly beneficial recreational use, or where underground easements are proposed, the infrastructure will not affect recreational use.
- 15 Option 2 To decline the easements and amendments.

Advantages:

- 16 The reserves will not be encumbered by easements, albeit that infrastructure would need to be relocated and new easements requested.

Disadvantages:

- 17 The applicant would be required redirect infrastructure for no real benefit, and a new consideration process will need to be undertaken.
- 18 Council would not receive easement fees.
- 19 This report recommends **Option 1** for addressing the matter, because it will allow the applicant to progress their developments and not redesign associated aspects of those developments.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 20 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council recreation reserves. The impact of the decision however is minor as it enabled public input into the consideration process for the right of way easement, and other infrastructure is below ground.
- 21 The persons who are affected by or interested in this matter are the general public and users of the recreation reserves. The proposed change in easement pathway over the adjacent Kiwi Birdlife Park has been undertaken at the request of the Kiwi birdlife Park Lessee.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 22 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 reserves does carry risk to Council for any future development, and this

risk needs to be highlighted when considering approving an easement. This is mitigated by the areas of reserve either being within the SEL lease area, below ground, or where above ground, having been publically notified.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

23 The cost of notifying the above ground services easement, and registering the easements will be met by the applicant.

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

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

- Council’s Easement Policy, 2008
- Significance and Engagement Policy, 2021
- Ben Lomond and Queenstown Hill Reserve Management Plan (RMP) (2005)

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

26 This matter is not included in the Ten Year Plan/Annual Plan, but has no effect upon it.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

27 In order to grant an easement of reserve land, Council must follow the required process set out under the Reserves Act.

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

28 The recommended option:

- 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	Application
B	Aurora Energy Limited Easement
C	Removal, Relocation, Expansion of Previously Approved Easements

10 June 2021

Queenstown Lakes District Council
Parks and Reserves Department
Private Bag 50072
Queenstown 9348

Attention: Aaron Burt

Via E-mail: aaron.burt@qldc.govt.nz

Dear Aaron,

SKYLINE ENTERPRISES LIMITED – EASEMENTS FOR DEVELOPMENT OF THE SKYLINE ENTERPRISES LIMITED CAR PARK

Introduction

Southern Planning Group act for Skyline Enterprises Limited (“SEL”). Since 2016 SEL has been progressing a major redevelopment of the Skyline gondola and restaurant in Queenstown.

The re-development proposal has necessitated several statutory approvals which have been assessed by the Queenstown Lakes District Council (“Council”) pursuant to both the Resource Management Act 1991 and the Reserves Act 1977. A copy of the latest plan of the approved Easements around the lower terminal and carpark building areas is attached as **ATTACHMENT B**.

Since these various approvals have been obtained, SEL has progressed on with the detailed design work for the project, obtained engineering acceptance and commenced earthworks at the lower terminal and carpark sites at the end of Brecon Street.

As a result of these detailed design works and initial stages of excavation around the lower terminal and carpark, it has become apparent that new Easements are required under Section 48 of the Reserves Act 1977. In addition, some of the Easements previously approved by the Council in earlier decisions are now redundant or require minor alterations in location and/or extension of the approved Easement areas.

The purpose of this correspondence is to formally request the granting of the new/expanded/relocated Easements and to clarify those that have been identified as redundant. Essentially, this proposal seeks to provide a final ‘tidy up’ of the Easements in the vicinity of the car park building and lower terminal. Full details of the proposal are outlined below, and a new Easement plan is attached as **ATTACHMENT C**.

Summary of Statutory Approvals

As outlined above, the SEL redevelopment has been subject to several approvals under the Resource Management Act 1991 and the Reserves Act 1977. This section will

provide a summary of those approvals to illustrate to Council how the current approved situation has evolved.

QLDC Resource Consent Approvals

- RM160647 was a resource consent application for the redevelopment and expansion of the existing lower terminal, gondola and restaurant building located on Bob's Peak. This application was lodged in July 2016 and was publicly notified and progressed by direct referral through the Environment Court. A final decision approving the proposal was issued by the Environment Court on 15th February 2019.
- RM171172 was a resource consent application for the construction and operation of a multi-level car park building comprising 448 parking spaces to facilitate the parking demand of the existing SEL facilities and the expanded proposal sought in RM160647. This proposal was lodged in October 2017 and was publicly notified and progressed by direct referral through the Environment Court. A final decision approving the proposal was issued by the Environment Court on 15th February 2019.
- RM171459 was a resource consent application to construct a new indoor and outdoor kiwi enclosure within the Kiwi Birdlife Park ("KBP"). This was a requirement of the RM160647 & RM171172 proposals to mitigate effects of construction noise and vibration on the Kiwi. The application was lodged in December 2017 and the Council's decision was issued on a non-notified basis in March 2018.
- Resource consent RM190536 was an application for a variation to the conditions of RM160647 and RM171172 to alter the approved building designs, earthworks and landscaping approved by the Environment Court. Most importantly, it also sought to alter the size and location of the approved car park building to facilitate an improved vehicle access, coach parking and delivery area and to reduce the long-term natural hazard risks of rock fall and debris flow to pedestrians by shifting the pedestrian link from the car park to the lower terminal to the eastern side of the lower terminal and away from the foot of the slope.

This consent variation was issued by the Council on 05 March 2020.

- Resource consent RM200008 was an application to vary condition 55 of the RM171172 decision to enable earthworks to commence for the car park building in advance of the permanent rock fall and alluvial fan hazard works having been fully implemented.

This variation was granted by the Council on 20th March 2020.

- Resource Consent RM200447 was an application that sought to vary condition (72) of RM171172 which prohibited the use of spray concrete for slope stabilisation. The applicant's geotechnical engineers had identified during

detailed design that four areas of the main car park cut face would require the use of shotcrete to prevent degradation of the main cut face from concentrated overland stormwater flows.

- During processing it was concluded by Council that 'Area 4' would if implemented, have adverse landscape effects that warranted public notification. Accordingly, 'Area 4' was removed from the proposal and the variation was granted on 24th August 2020 for 'Areas 1 – 3'.
- Resource Consent RM200880 was an application sought to approve the use of shotcrete on 'Area 4' that was identified in the RM200447 application. The proposal was voluntarily notified on 26th November 2020. One submission was received by the closing date for submissions being 13th January 2021.

Discussions with the submitter were not favourable and SEL decided to progress to a hearing which was scheduled for August 2021. The submitter subsequently contacted Council and sought the withdrawal of their submission.

At the time of drafting this application, the RM200880 application has not been issued by the Council but is being considered in accordance with Section 100 of the Act.

Otago Regional Council Consent Approvals

- Resource consent RM17.371.01 and RM17.371.02 were applications for a storm water discharge permit and land use consent to authorise the discharge of storm water from the existing and proposed (through RM160647) restaurant building on Bob's Peak into the Ben Lomond Recreation Reserve.

The proposal also involved the collection of overland storm water flows from the Ben Lomond Recreation Reserve at the rear of the proposed car park building (RM171172), reticulation and discharge to the pond on the adjacent Kiwi Birdlife Park site.

The storm water management proposal was necessary to resolve one of the key outstanding matters in the Environment Court's interim decision on RM160647. The consents were granted by the Otago Regional Council on 20th April 2018.

- Resource Consent RM19.082.01 for the discharge of contaminants to air from a fuel burning device – being a proposed emergency generator located adjacent to the car park building. This consent was issued by the ORC on 13th June 2019.

Reserves Act 1977 Approvals

- ROW Easement Over Lot 2 DP 345184. This was an application made under Section 48 of the Reserves Act to authorise the establishment of a Right of Way over a strip of Council Recreation Reserve 'sand whiche'd' between the SEL lower terminal site and

the Kiwi Birdlife Park to accommodate pedestrian, cycle and vehicular traffic and construction of a new retaining wall, fence and associated earthworks.

The matter was processed on a publicly notified basis and received submissions from Ziptrek, Basil Walker and Peter Flemming and was heard by a panel of Councillors on 1st September 2016. The Council resolved to approve the ROW Easement at their full Council meeting of 2 September 2016.

- Lease and Easements for the car park building. This was an application made under Sections 48 and 54(1)(d) of the Reserves Act to approve a Lease of part of the Ben Lomond Recreation Reserve immediately behind the lower terminal building to be used for construction and operation of a commercial car park and administrative offices associated with the SEL facilities on the Ben Lomond Recreation Reserve.

The proposal also sought a variety of Easements for Rights of Way, undergrounding power lines and storm water infrastructure including the discharge of such into the pond on the KBP site.

The proposal was publicly notified and received no submissions and was subsequently approved by the Council at their full Council meeting on 8th March 2018.

- ROW and infrastructure services Easements. This was an application to approve Easements for existing and proposed infrastructure services (gas, power, storm water, waste water, potable water and telecommunications reticulation), Rights of Ways over existing vehicle tracks and a widened gondola cableway Easement. The proposal also sought Easements for rock fall protection works which are required to eight bluffs as part of the RM171172 Environment Court Decision.

The proposal progressed through public notification with two submissions having been received from Ziptrek (oppose) and Basil Walker (neutral). A hearing was held on the 19th of March 2019 and a final decision from the Council granting the proposal was made on 27th June 2019.

- Carpark Variation and Associated Easements. This proposal was lodged with the Council on 22 May 2019 and sought to approve Easements for rock anchors, rock fall prevention measures from three bluffs, a new ROW, and a right to convey electricity for Aurora. The Easements were associated with the RM190536 resource consent variation that sought to alter the location of the car park building.

This application was publicly notified with no submissions received. The application was heard and granted approval by the Council on 12th December 2019.

Detailed Description of the Proposal

As identified above, through detailed design work and initial site works having commenced, the following changes and new Easements are now proposed as illustrated on the attached Patterson Pitts Group plan in **ATTACHMENT C**.

Removal of Previously Approved Easements

Easement Areas 'B' and 'F' had been previously approved as Easements in Gross to Aurora Energy Limited to provide an option for the undergrounding of the current overhead power lines through Lot 2 DP 345184 and the approved SEL carpark lease area.

Specifically, this option provides for the lines to be undergrounded and run in between the lower terminal building and the carpark building before running along the top of the excavated slope behind the carpark building and connecting back to the existing overhead power lines in the north western corner of the SEL carpark lease area.

Similarly, Easement Areas 'I' and 'J' had also been previously approved as Easements in Gross to Aurora Energy Limited to provide an option for the undergrounding of the current overhead power lines near the north eastern corner of the carpark building running in a westerly direction from the boundary with Pt Section 129 Blk XX Shotover SD up to the existing overhead power lines.

The approval of both options for Easement Areas was to enable flexibility in the design process with Aurora which was ongoing at the time the previous applications were made.

As that design process with Aurora has now been completed, neither of these Easement Area options are going to be advanced. Rather a new Easement location is proposed and will be discussed further below. Accordingly, the plan in **ATTACHMENT C** shows the removal of Easement Areas 'B', 'F', 'I', and 'J'.

In addition to the above, Easement Area 'C' was previously approved to enable the drainage of stormwater from the rear of the carpark building through to Pt Section 129 Blk XX Shotover SD and subsequently into the pond on the Kiwi Birdlife Park site (Pt Section 131 Blk XX Shotover SD).

Easement Area 'C' is now entirely contained within the SEL carpark lease area and is therefore no longer required. Accordingly, the plan in **ATTACHMENT C** shows the removal of Easement Area 'C'.

Further, Easement Areas 'U', 'V' and 'W' were approved to provide a ROW Easement around the northern end of the carpark lease area for the purpose of facilitating access and enabling construction of localised retaining, rock fall mitigation and drainage works within the proposed cut. This included the formation of a track close to the top of the proposed batter slope.

The proposed ROW Easements were deemed necessary to ensure that following construction there remained access to the benched track behind the car park building to ensure that maintenance, repair and monitoring of the localised retaining, drainage and rock fall mitigation measures can be undertaken.

As a result of further detailed design, there will be no bench created in the cut at the rear of the carpark and no requirement to continue providing access in this area. Accordingly, the plan in **ATTACHMENT C** shows the removal of Easement Areas 'U', 'V' and 'W'.

Proposed Relocation/Expansion of Previously Approved Easements

Easement Areas 'H', 'G', and 'K' were previously approved as Easements in Gross to Aurora Energy Limited as part of the undergrounding of the overhead powerlines that presently exist through Lot 3 DP 345184 (QLDC Recreation Reserve and Brecon St Carpark) and Pt Section 131 Blk XX Shotover SD (Kiwi Birdlife Park).

It is proposed to maintain these Easement Areas but relocate the Easement corridor slightly. The reason for the relocation is because the Kiwi Birdlife Park have an existing small building and associated landscaping that would be impacted by the current Easement corridor.

It is proposed to incorporate a slight 'kink' in the corridor to accommodate the retention of this building and landscaping. This slight 'kink' pushes a very small portion of the Easement corridor onto Lot 1 DP 345184 (also part of Kiwi Birdlife Park).

The amended Easement corridor for Area's 'H', 'G', and 'K' is illustrated on the plan in **ATTACHMENT C**.

As part of the last round of Easements granted for the SEL redevelopment it was identified that the excavation for the carpark building required spot rock anchors near the tops of bluffs. Easement Areas 'S', 'T', 'U', 'Q', 'I', 'R' and 'Y' were proposed to cover this situation.

Since the initial excavation has commenced, the rock in these areas has been found to be significantly more fractured than initially thought and therefore longer rock anchors have been installed at 2.5m centers along the majority of the cut face.

To accommodate this, Easement Areas 'S', 'T', 'U', 'Q', 'I', 'R' and 'Y' are proposed to be combined into Easement Area 'Q' with the area increasing in size to cover the already installed and future proposed rock anchors. It is proposed that the actual Easement position will be determined by the final as-built anchor positions.

Proposed New Easement's

As identified above, through collaboration with Aurora Energy Limited, the replacement of the existing overhead powerlines with underground lines has resulted in a change to the location where the new underground lines will reconnect to the existing overhead lines north of the car park building.

Specifically, Aurora Energy Limited have requested a new overhead powerline connection between Pt Section 129 Blk XX Shotover SD and the existing overhead powerlines approximately 30m north of the carpark lease area boundary.

The Easement corridor for this proposed Easement is illustrated as Easement Area 'Z' on the plan in **ATTACHMENT C**. This Easement area includes the area required for the overhead lines and for two pole stays that extend to the south and west of a proposed new power pole.

Assessment of Effects of the Proposal

In terms of the previously approved Easements that are to be removed from the Easement Plan, it is considered that there are no adverse effects of this change.

Their removal simplifies the Easement plan and reduces the overall Easement Areas (m²) that need to be considered in terms of the fees to be paid to the Council for the granting and subsequent registration of the Easements for the overall redevelopment project.

Physically and visually, there are no changes to the Recreation Reserve land that are subject to this proposal resulting from this change.

Regarding the proposed relocation/expansion of previously approved Easements, it is considered that the relocation of the underground power line Easement Areas 'H', 'G', and 'K' will have a negligible adverse effect on the purpose of the Reserves Act as there will be no impact on the natural environment and beauty of the countryside and the change will not affect the ability of the Reserve to provide for recreational activities and tracks.

In fact, the slight re-alignment is considered to have positive effects as it avoids the need to remove existing structures/native landscaping within the Kiwi Birdlife Park site. The slight re-alignment through Lot 3 DP 345184 (Brecon St carpark) will have no discernible difference in adverse effects. Both the existing and proposed alignments require trenching through the asphalt surface of the carpark, and this will be re-instated.

Regarding the absorption of the rock anchor Easement Areas 'S', 'T', 'U', 'Q', 'I', 'R' and 'Y' into one area 'Q' and expansion to incorporate longer rock anchors, this too is considered to still achieve the purpose of the Reserves Act.

The establishment of rock anchors that extend beneath the boundary of the SEL car park lease area will not change the fact that the approved development will have large cut faces into the toe of Ben Lomond or a grid of rock anchors to provide support. These visual elements were authorised in the Environment Court consent decisions.

The parts of the rock anchors extending beyond the Lease boundary will be underground and therefore imperceptible to the public. There are no other activities, access or infrastructure in the area of the proposed rock anchors which would find these intrusions an impediment.

The proposed new Easement Area 'Z' for the overhead power line connection will have a minor physical and visual effect on the Recreation Reserve. The width of the Easement Area and the pole stays will need to be cleared of vegetation to enable the overhead lines to be implemented.

This will result in a lineal cut through the existing exotic trees and woody weeds that exist on the lower slope between the Kiwi Birdlife Park and the existing overhead power lines. The proposal will also result in two new power poles with one being established at both the eastern and western ends of the proposed Easement Area 'Z'.

Visibly, these physical changes are not considered to be significantly adverse. The Easement Area 'Z' is located approximately half way between Brecon Street and Pinewood Lodge. It will remain partly obscured to the north, south and west by the exotic vegetation that exists. From the east, this area will also be obscured from most-wider public views by the vegetation on the Kiwi Birdlife Park site.

While the infrastructure within this Easement Area will not be invisible, it is considered that it will not be highly prominent to the point of degrading the landscape values of the area. Rather, it will be seen as part of the existing overhead power line network and not significantly out of character.

Proposed Easement Area 'Z' will not affect the ability of the Reserve to provide for recreational activities and tracks. Given the topography and vegetation in this area there are no existing walking tracks (other than the adjacent walkway to Hamilton Road which SEL are upgrading as part of the re-development proposal) or recreational activities that occur in this area.

For the same reasons, it is highly unlikely that any recreational activities or tracks would be established in this area in the future.

Accordingly, the proposed Easement Area 'Z' will not be inconsistent with the purpose of the Reserves Act.

In addition to all the above, the resource consent conditions for both RM160647 and RM171172 as approved by the Environment Court contain an extensive suite of conditions in respect of the following matters:

- Geotechnical investigations and detailed design for earthworks and natural hazard mitigation works;
- Engineering review and acceptance for all servicing, earthworks and access matters,
- Traffic Management and Site Management Plans,
- Construction Noise & Vibration Management Plans;
- Communication Plans for keeping key stakeholders and adjacent neighbours informed of particular works and scheduling of development;
- Preparation of Easement plans and registration of Easements,
- Implementation of landscape planting and remedial works to cut faces.

Accordingly, all physical works of the proposed Easements in this application will be controlled by Council through the detailed design, certification, and monitoring processes in the relevant conditions of consent.

Any approval given to establish these Easements under the Reserves Act should in my opinion include a condition that they must be implemented in accordance with the resource consent approvals RM160647 and RM171172 and any subsequent variation to those consents granted by the Council.

Summary

As illustrated above, and in the attached documents, the proposed changes to the Easements are considered to have minimal impact on the affected Recreation Reserve land and particularly in terms of landscape and natural values and the provision and/or protection of outdoor recreational activities.

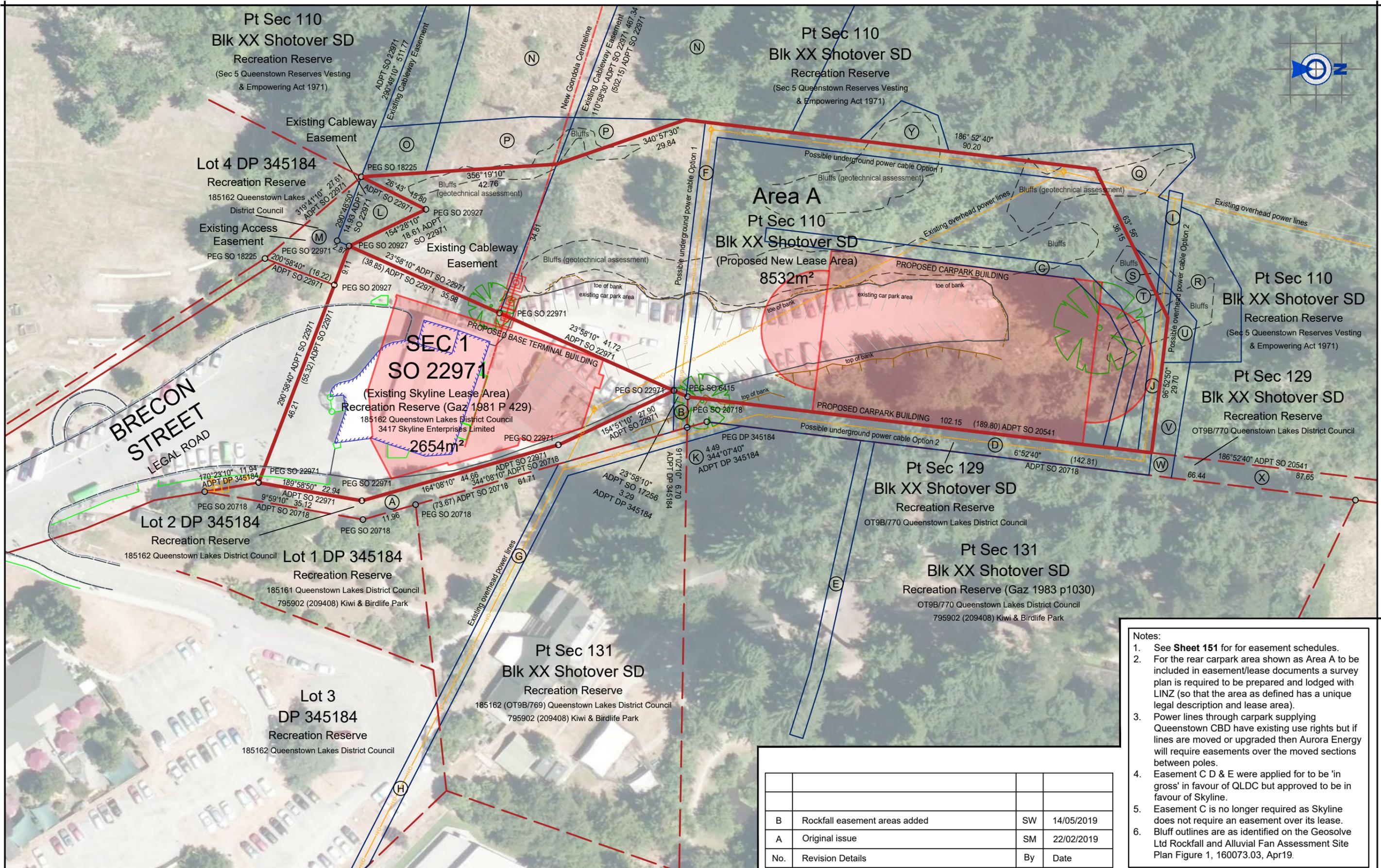
The proposed physical works will not significantly degrade the landscape values and character of the area. Further, the conditions of RM160647 and RM171172 (including any future variation) that avoid, remedy, or mitigate the effects of all works associated with the SEL redevelopment proposal will apply to the amended Easements sought in this proposal.

Accordingly, it is considered appropriate for the Council to authorise public notification of this application and ultimately to grant the proposal in accordance with Section 48 of the Reserves Act 1977.

Yours faithfully



Sean Dent
DIRECTOR
SOUTHERN PLANNING GROUP
16250 – SEL CAR PARK EASEMENTS



- Notes:**
1. See **Sheet 151** for for easement schedules.
 2. For the rear carpark area shown as Area A to be included in easement/lease documents a survey plan is required to be prepared and lodged with LINZ (so that the area as defined has a unique legal description and lease area).
 3. Power lines through carpark supplying Queenstown CBD have existing use rights but if lines are moved or upgraded then Aurora Energy will require easements over the moved sections between poles.
 4. Easement C D & E were applied for to be 'in gross' in favour of QLDC but approved to be in favour of Skyline.
 5. Easement C is no longer required as Skyline does not require an easement over its lease.
 6. Bluff outlines are as identified on the Geosolve Ltd Rockfall and Alluvial Fan Assessment Site Plan Figure 1, 160073.03, Apr19.

No.	Revision Details	By	Date
B	Rockfall easement areas added	SW	14/05/2019
A	Original issue	SM	22/02/2019

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Client/Location: **SKYLINE ENTERPRISES LIMITED**
SEC 1 SO 22971, 53 BRECON STREET
BASE TERMINAL AND CAR PARK
BUILDING VARIATION 2019

Purpose/Drawing Title:
LEASE AREA AND EASEMENTS
FOR PROPOSED
BASE TERMINAL AND CARPARK

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Checked by: SJW		
Approved by:	Sheet No: 150	Revision No: B
Job Ref: Q4115K - 64	Date Created: 14/05/2019	

EXISTING EASEMENTS:

Existing Easements			
Purpose	Identifier	Servient Tenement	Creating Document
Right of access	Ⓜ	Lot 4 DP 345184	L6359549.5

Existing Easements to be canceled			
Purpose	Identifier	Servient Tenement	Creating Document
Cableway	-	Part Sec 110 Blk XX Shotover SD	L5014878.1
Cableway	Ⓛ	Lot 4 DP 345184	L5014878.1

PROPOSED EASEMENTS:

Schedule of Easements in Gross - New			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	Ⓐ Ⓑ	Lot 2 DP 345184	Aurora Energy Limited

Schedule of Easements - New			
Purpose	Identifier	Servient Tenement	Dominant Tenement
Right of Way	Ⓓ Ⓜ	Pt Sec 129 Blk XX Shotover SD	Sec 1 SO 22971 & Area A,
	Ⓥ Ⓤ	Pt Sec 110 Blk XX Shotover SD	
Right of support and rock fall prevention measures	Ⓞ Ⓟ	Pt Sec 110 Blk XX Shotover SD	Sec 1 SO 22971 & Area A
	Ⓢ Ⓣ Ⓤ Ⓡ Ⓢ Ⓣ Ⓤ	Pt Sec 110 Blk XX Shotover SD	

Schedule of Easements in Gross Carpark approval			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	Ⓕ Ⓖ Ⓝ Ⓓ	Pt Sec 110 Blk XX Shotover SD	Aurora Energy Limited
	Ⓓ	Pt Sec 129 XX Shotover SD	
	Ⓑ	Lot 2 DP 345184	
	Ⓒ Ⓚ	Pt Sec 131 Blk XX Shotover SD	
	Ⓜ	Lot 3 DP 345184	

Schedule of Easements Carpark approval			
Purpose	Identifier	Servient Tenement	Dominant Tenement
Right of Way	Ⓐ Ⓑ	Lot 2 DP 345184	Sec 1 SO 22971 & Area A
Right to convey water, electricity and telecommunications Right to drain sewage and stormwater	Ⓐ Ⓑ	Lot 2 DP 345184	Sec 1 SO 22971 & Area A
Right of Way	Ⓛ Ⓜ	Lot 4 DP 345184	Sec 1 SO 22971 & Area A
Right to drain stormwater	Ⓒ	Pt Sec 110 Blk XX Shotover SD	Sec 1 SO 22971 & Area A
	Ⓓ	Pt Sec 129 Blk XX Shotover SD	
	Ⓔ	Pt Sec 131 Blk XX Shotover SD	

Schedule of Easements in Gross Gondola approval			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	Ⓓ Ⓜ Ⓝ	Pt Sec 129 Blk XX Shotover SD	Aurora Energy Limited

Schedule of Easements Gondola approval			
Purpose	Identifier	Servient Tenement	Dominant Tenement
Cableway, right of access and to convey telecommunications	Ⓝ Ⓟ	Pt Sec 110 Blk XX Shotover SD	Sec 1 SO 22971, Area B, and Sec 1 SO 24832
Right of Way	Ⓛ	Lot 4 DP 345184	Sec 1 SO 22971 & Area B

No.	Revision Details	By	Date
B	Rockfall easement areas added	SW	14/05/2019
A	Original issue	SM	22/02/2019

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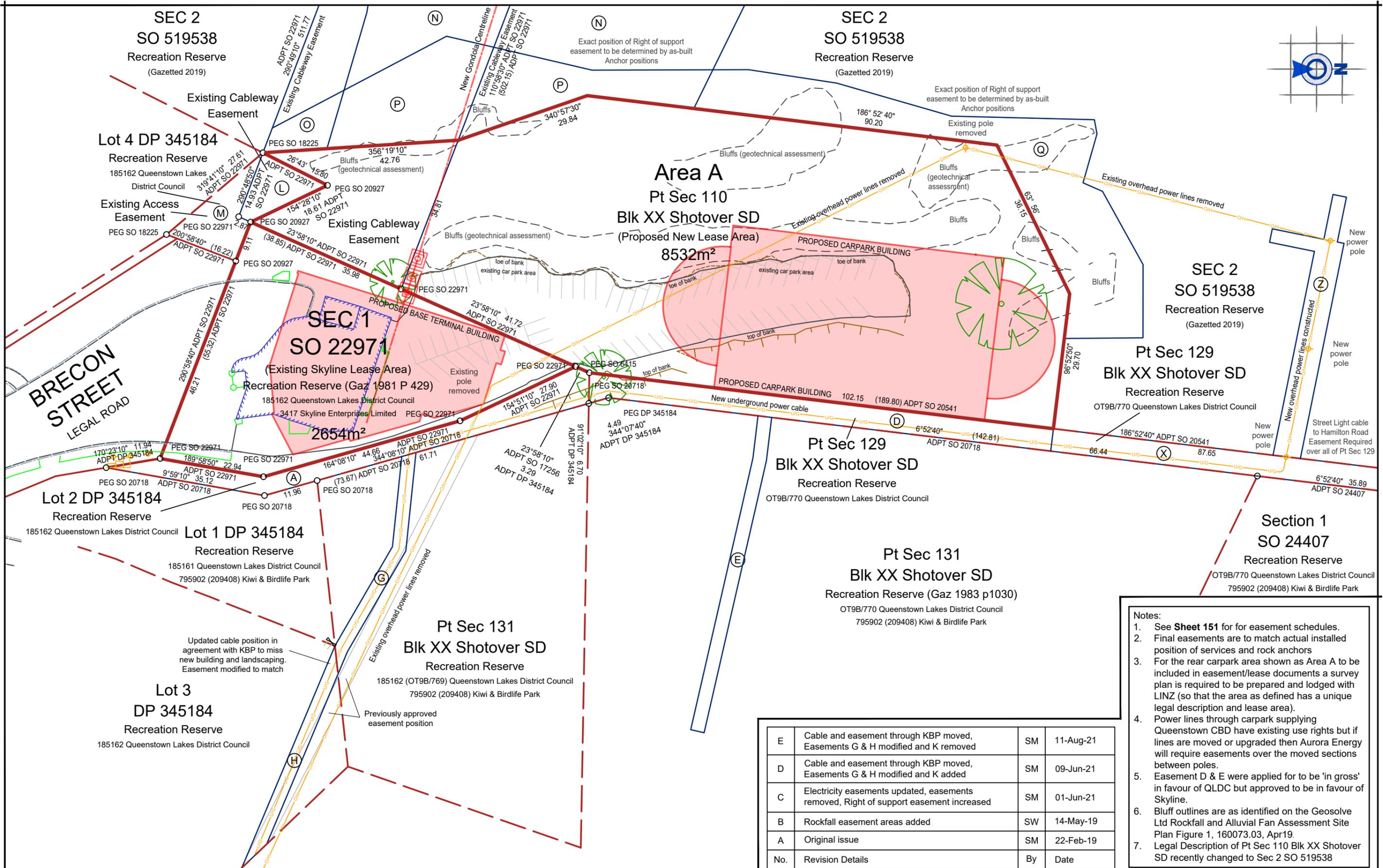
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Client/Location: **SKYLINE ENTERPRISES LIMITED**
SEC 1 SO 22971, 53 BRECON STREET
BASE TERMINAL AND CAR PARK
BUILDING VARIATION 2019

Purpose/Drawing Title:
LEASE AREA AND EASEMENTS
FOR PROPOSED
BASE TERMINAL AND CARPARK

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Approved by:	Sheet No: 151	Revision No: B	Date Created: 14/05/2019
Job Ref: Q4115K - 64			



- Notes:
1. See Sheet 151 for for easement schedules.
 2. Final easements are to match actual installed position of services and rock anchors
 3. For the rear carpark area shown as Area A to be included in easement/lease documents a survey plan is required to be prepared and lodged with LINZ (so that the area as defined has a unique legal description and lease area).
 4. Power lines through carpark supplying Queenstown CBD have existing use rights but if lines are moved or upgraded then Aurora Energy will require easements over the moved sections between poles.
 5. Easement D & E were applied for to be 'in gross' in favour of QLDC but approved to be in favour of Skyline.
 6. Bluff outlines are as identified on the Geosolve Ltd Rockfall and Alluvial Fan Assessment Site Plan Figure 1, 160073.03, Apr19.
 7. Legal Description of Pt Sec 110 Blk XX Shotover SD recently changed to Sec 2 SO 519538

No.	Revision Details	By	Date
E	Cable and easement through KBP moved, Easements G & H modified and K removed	SM	11-Aug-21
D	Cable and easement through KBP moved, Easements G & H modified and K added	SM	09-Jun-21
C	Electricity easements updated, easements removed, Right of support easement increased	SM	01-Jun-21
B	Rockfall easement areas added	SW	14-May-19
A	Original issue	SM	22-Feb-19

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SEC 1 SO 22971, 53 BRECON STREET
BASE TERMINAL AND CAR PARK
BUILDING VARIATION 2021

Purpose/Drawing Title:
LEASE AREA AND EASEMENTS
FOR PROPOSED BASE TERMINAL
AND CARPARK VARIATION 2

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Checked by: SJW		
Approved by:	Sheet No: 150	Revision No: E
Job Ref: Q4115K - 64	Date Created: 11/08/2021	

PROPOSED EASEMENTS:

Schedule of Easements in Gross - New			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	Ⓩ	SEC 2 SO 519538	Aurora Energy Limited

EXISTING EASEMENTS:

Existing Easements			
Purpose	Identifier	Servient Tenement	Creating Document
Right of access	Ⓜ	Lot 4 DP 345184	L6359549.5

EXISTING EASEMENTS:

Existing Easements to be cancelled			
Purpose	Identifier	Servient Tenement	Creating Document
Cableway	-	Sec 2 SO 519538	L5014878.1
Cableway	Ⓛ	Lot 4 DP 345184	L5014878.1

PREVIOUSLY APPROVED EASEMENTS:

Schedule of Easements in Gross Variation 1 Approval			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	Ⓐ	Lot 2 DP 345184	Aurora Energy Limited

PREVIOUSLY APPROVED EASEMENTS:

Schedule of Easements Variation 1 Approval			
Purpose	Identifier	Servient Tenement	Dominant Tenement
Right of Way	Ⓓ	Pt Sec 129 Blk XX Shotover SD	Sec 1 SO 22971 & Area A,
Right of support and rock fall prevention measures	ⓄⓅⓆ	Sec 2 SO 519538	

PREVIOUSLY APPROVED EASEMENTS:

Schedule of Easements in Gross Carpark approval			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	Ⓓ	Pt Sec 129 Blk XX Shotover SD	Aurora Energy Limited
	Ⓒ (modified position)	Pt Sec 131 Blk XX Shotover SD	
	Ⓗ (modified position)	Lot 3 DP 345184	

PREVIOUSLY APPROVED EASEMENTS:

Schedule of Easements Carpark approval			
Purpose	Identifier	Servient Tenement	Dominant Tenement
Right of Way	Ⓐ	Lot 2 DP 345184	Sec 1 SO 22971 & Area A
Right to convey water, electricity and telecommunications Right to drain sewage and stormwater	Ⓐ	Lot 2 DP 345184	Sec 1 SO 22971 & Area A
Right of Way	ⓁⓂ	Lot 4 DP 345184	Sec 1 SO 22971 & Area A
Right to drain stormwater	Ⓓ	Pt Sec 129 Blk XX Shotover SD	Sec 1 SO 22971 & Area A
	Ⓔ	Pt Sec 131 Blk XX Shotover SD	

PREVIOUSLY APPROVED EASEMENTS:

Schedule of Easements in Gross Gondola approval			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	Ⓓⓧ	Pt Sec 129 Blk XX Shotover SD	Aurora Energy Limited

PREVIOUSLY APPROVED EASEMENTS:

Schedule of Easements Gondola approval			
Purpose	Identifier	Servient Tenement	Dominant Tenement
Cableway, right of access and to convey telecommunications	ⓃⓅ	Sec 2 SO 519538	Sec 1 SO 22971, Area A, and Sec 1 SO 24832
Right of Way	Ⓛ	Lot 4 DP 345184	Sec 1 SO 22971 & Area A

D	Cable and easement through KBP moved, Easements G & H modified and K added	SM	09-Jun-21
C	Electricity easements updated, easements removed, Right of support easement increased	SM	01-Jun-21
B	Rockfall easement areas added	SW	14-May-19
A	Original issue	SM	22-Feb-19
No.	Revision Details	By	Date