

13. Item 3: New water supply easement for Second Star Limited, on the Damper Bay lakeside Recreation Reserve, Wānaka

PURPOSE OF THE REPORT | TE TAKE MO TE PURONGO

The purpose of this report is to consider a new underground easement, to take and convey lake water to residential property being built at Damper Bay, Wānaka. The easement is proposed over the Damper Bay Lakeside Recreation Reserve.

RECOMMENDATION | NGA TUTOHUNGA

That the Wānaka Upper Clutha Community Board:

1. Note the contents of this report;
2. Recommend to Council that subject to section 48(1) of the Reserves Act 1977, that approval is given for the following easement:
 - i. A 3 – 3.29m wide underground water supply easement over Recreation Reserve Section 18 Block XIII Lower Wānaka SD, in Damper Bay, Wānaka in favour of Second Star Limited.
 - ii. The easement area will be approximately 126m².
3. Recommend to Council that approval for the easement is subject to the following conditions:
 - Cycle access must be assured during all works, and if necessary a short detour around the works provided.
 - Any necessary resource consent, including for earthworks, and any relevant variations, are first obtained for the proposal.
 - Easement Fees to be determined and paid in accordance with Council's Easement Policy 2008.
 - Any necessary approval from LINZ for any authorisations necessary to convey and draw water over the bed of Lake Wānaka including pumps.
 - The applicant shall notify and liaise with QLDC Property and Infrastructure Department in advance of any onsite works, so that if necessary, they can oversee and provide input relating to any works;
 - All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment;
 - A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the site, with a particular focus on trail users;
 - The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant to the QLDC Property Team;
 - Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property Team.
4. Recommend to Council that notification to grant the easement is not required, as a statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report; and

5. Recommend to Council that 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, is approved
6. Recommend to Council that authority to approve final terms and conditions, and execution authority, is delegated to the General Manager Community Services; and

| Prepared by: | Reviewed and authorised by: | Approved by: |
|---|---|---|
|  |  |  |
| Tara Connaughton Assistant Leasing Manager 15/11/2022 | Briana Pringle Parks & Open Spaces Planning Manager 15/11/2022 | Kenneth Bailey General Manager Community Services 15/11/2022 |

CONTEXT | HOROPAKI

- 1.Council administers the Damper Bay Lakeside Recreation Reserve, legally described as Section 18 Block XIII Lower Wānaka SD. The general area of reserve relevant to this application, is natural land (containing a mix of pasture grasses, exotic scrub and natives) which descends down through a rocky bay to Lake Wānaka
- 2.The reserve contains the Glendhu Bay Track, which is a popular walking and cycle trail that is well used for recreation and wellbeing. The area of reserve has high scenic values. Plans included as ATTACHMENT A illustrate the location of the reserve, and site visit photographs included as ATTACHMENT B illustrate the character of the reserve in the locality.
- 3.The applicant requests access by way of an easement, to gain access to a water supply from Lake Wānaka to supply their land located at Lot 1 DP 337193. The location of the easement is shown in ATTACHMENT C.

ANALYSIS AND ADVICE | TATARITANGA ME NGA TOHUTOHU

4. The Damper Bay Lakeside Recreation Reserve is included in the WanakaLakefront Reserves Management Plan (RMP). The RMP identifies that the reserve has high amenity values, and that the Glendhu Bay Track is a valued community asset.
5. All works to install the infrastructure will take approximately one week, and thereafter that infrastructure will be hidden and the land remediated, it is not considered that the easement conflicts with the RMP or affects the recreational and scenic values of the reserve that are enjoyed by the public. The recommendation of this report includes conditions and requirements to assure public access, that works are undertaken in a safe and responsible manner, and the land reinstated thereafter.
6. The Reserves Act 1977 requires that easements be notified unless it can be shown that the easements will not have permanent effect on the reserve or the public’s ability to enjoy the reserve.

7. Aside from the limited period where works to install the infrastructure occurs, the underground (and beneath water) easement will not affect the public's ability to use or enjoy the reserve. Public access along the trail will not be materially affected, as they can be directed around any works on the trail. Therefore, it is reasonable that notification is not triggered.

8. As the easement will be a perpetual property right to the applicant, 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.

9. The proposed easement is not in close proximity to a common boundary of any other neighbouring landowners. Therefore no consultation has been deemed necessary.

10. Option 1 - To grant the easement.

Advantages:

11. Will allow the applicant to access a water supply for their land and a potential development at Damper Bay, Wānaka

Disadvantages:

12. Disruption to track access during installation of the in ground infrastructure.

13. Potential damages may result in future repairs needing to be completed. Therefore, this may temporarily prevent the enjoyment of the Glendhu Bay track.

14. Option 2 - To decline the easement/

Advantages:

15. No disruptions to the Glendhu Bay Track, and no need for future repairs to the track in the event that there is damage done to the underground pipes.

Disadvantages:

16. The applicant will need to find an alternative means to gaining access to water to supply their land.

17. This report recommends **Option 1** for addressing the matter, as it will benefit the applicant and result in only minor disruption to the Reserve (works are estimated to take approximately one week).

CONSULTATION PROCESS | HATEPE MATAPAKI

18. 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 associated infrastructure is below ground and the particular location has minimal public recreational benefit.

19. The persons who are affected by or interested in this matter are the general public and users of the recreation reserve.

MAORI CONSULTATION | IWI RUNANGA

20. No specific consultation with Maori has been undertaken.

RISK AND MITIGATIONS | NGA RARU TUPONO ME NGA WHAKAMAURUTANGA

21. 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. This is mitigated by the area of reserve being only temporarily disrupted, and thereafter the infrastructure will be hidden.

FINANCIAL IMPLICATIONS | NGA RITENGA A-PUTEA

22. The cost of registering the easements will be met by the applicants.

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

23. The following Council policies, strategies and bylaws were considered:

- Council’s Easement Policy, 2008
- Significance and Engagement Policy, 2021
- Wānaka Lakefront Reserves Management Plan 2014.

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

25. 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 KA TAKOHAKA WAETURE

26. In order to grant an easement of reserve land, Council must follow the required process set out under the Reserves Act 1977.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KAWANATAKA A-KAIKA

27. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It will help meet the current and future needs of the community by not affecting the use of open space in the Damper Bay Lakeside reserve. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

28. The recommended option:

- 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 | NGA TAPIRIHANGA

| Number | Title of Attachment |
|--------|--|
| 1. | Location Plan for Reserve and Application Site |
| 2. | Site photos |
| 3. | Easement Plans (1 and 2) |

Attachment 1 - Location Plans 1



Attachment 2 - Location Plans 2



Attachment 3 - Proposed Easement Plan 1



