

Full Council

2 May 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [5]

Department: Community Services

Title | Taitara: Electrical services easement for Aurora Energy, at the Frankton Golf Course Local Purpose (Recreation) Reserve

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider approving an underground electrical services easement in favour of Aurora Energy, over Local Purpose (Recreation) reserve, Sections 5 & 6 Block XXXIII Town of Frankton, at the Frankton Golf Course and part of the QEC grounds, as illustrated in green in **ATTACHMENT C**.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** an electrical services easement to Aurora Energy Limited, over Section 5 & 6 Block XXXIII Town of Frankton, subject to Section 48 of the Reserves Act;
3. **Agree** that public notification of the intention to grant the electrical services easement is not required, as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report;
4. **Require** that easement fees are charged, in accordance with Council's Easement Policy 2008, payable before the registration of the easement.
5. **Require** that the construction methodology is first provided to General Manager Property & Infrastructure for consideration and approval as appropriate, prior to any works occurring on the reserve. This shall acknowledge the presence of Council infrastructure in the same location.
6. **Delegate** authority to approve final terms and conditions of the easement and execution authority, to the General Manager Community Services; and
7. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to grant a service easement to Aurora Energy Limited over Local Purpose (Recreation) reserve, legal description Sections 5 & 6 Block XXXIII Town of Frankton.

Prepared by:



Name: Roger Davidson
Title: Property Advisory – Team Leader
10 April 2024

Reviewed and Authorised by:



Name: Tony Avery
Title: GM of Property & Infrastructure
15 April 2024

Context | Horopaki

1. Council administers the area of Local Purpose (Recreation) Reserve that is occupied by the Frankton Golf Course and the adjoining QEC hockey and sports field. The reserve location is illustrated in **ATTACHMENT A** of this report.
2. As part of the NZUP works proposed for State Highway 6, the overhead transmission lines bordering the State Highway, require removal to enable the works to proceed as planned.
3. Aurora Energy have proposed an alternate underground route through the Queenstown Events Centre grounds, on the periphery of the Queenstown Events Centre sports fields and through the Local Purpose Reserve, occupied predominantly by Frankton Golf Course. This is illustrated in red in **ATTACHMENT B**.
4. The alignment was chosen to respect the current uses, existing trees/infrastructure and considered the future planning/uses expected under the Queenstown Events Centre Masterplan. Queenstown Events Centre Management and QLDC Parks & Reserves staff have been fully involved in selecting the route to preserve the on-going operations of the Events Centre and anticipate future uses and servicing requirements predicted under the Masterplan.
5. The easement route, proposed by Aurora Energy Ltd, for the underground cabling through the Local Purpose (Recreation) Reserve, is illustrated in green in **ATTACHMENT C**. This is an approximate location and we will advise accordingly if the final location deviates from this route.
6. The easement route on the periphery of the Queenstown Events Centre sports fields, as illustrated in blue in **ATTACHMENT D**, is contained within QLDC freehold land. This section of the easement has already been approved under internal delegation.
7. The new cabling and associated infrastructure will improve the supply reliability and significantly reduce/eliminate outages for the Events Centre and Aquatic Centre. New High Voltage switchgear will be incorporated alongside an existing transformer. The works will also provide an upgraded electricity supply that will have the effect of enabling further expansion of those facilities.

Analysis and Advice | Tatāritaka me kā Tohutohu

8. 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.
9. The underground electrical services will not affect the public's ability to use or enjoy the reserve, as all the proposed infrastructure will be below ground.
10. There is no above ground infrastructure proposed within the Reserve.
11. The easement will be located to the South of the hockey turf and then follow the boundary of the Golf Course, before connecting to Kawarau Road. QLDC arborists have confirmed the location of the easement to preserve the root structure of the existing trees located within the Reserve.

12. As the easement will be 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.

13. 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.

14. Option 1 To grant the easement.

Advantages:

- Council Officers support the easement now sought, as infrastructure that is below ground has no effect on the use of the reserve.
- Improve the resilience of the electricity infrastructure.

Disadvantages:

- An additional area of the reserve will be encumbered by an easement that provides property rights to the applicant.

15. Option 2 To decline the easement.

Advantages:

- The reserve will not be encumbered by an easement, which will provide property rights to the applicant.

Disadvantages:

- New locations for the infrastructure and associated easements would need to be determined and reassessed.
- Council would not receive easement fees.
- The resilience of the electricity network will remain compromised.

16. This report recommends **Option 1** for addressing the matter, because the proposed infrastructure and easement will not affect the practical use and function of the reserve.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

17. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because it involves Council reserve.

18. The persons who are affected by or interested in this matter are the general public and users of the golf course and adjoining sports fields.

19. Consultation is not deemed necessary, given the proposal is for infrastructure that is underground.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

20. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10009 Strategy for growth fails to meet objectives within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.

21. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by enabling improved electrical services to QEC and the wider network.

Financial Implications | Kā Riteka ā-Pūtea

22. Council will receive an easement fee, and the costs of registering the easement will be met by the applicant.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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

- Council's Easement Policy, 2008
- Significance and Engagement Policy, 2021
- Sunshine Bay to Kelvin Heights Reserve Management Plan 1991 (RMP)

24. The recommended option is consistent with the principles set out in the named policies, and not inconsistent with the RMP.

25. This matter is not included in the Long Term Plan/Annual Plan

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

26. 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-Kiaka

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.

28. The easement is requested to be approved under the Minister of Conservations delegation, and will allow for improved electrical services to the QEC and the wider network. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

29. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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.

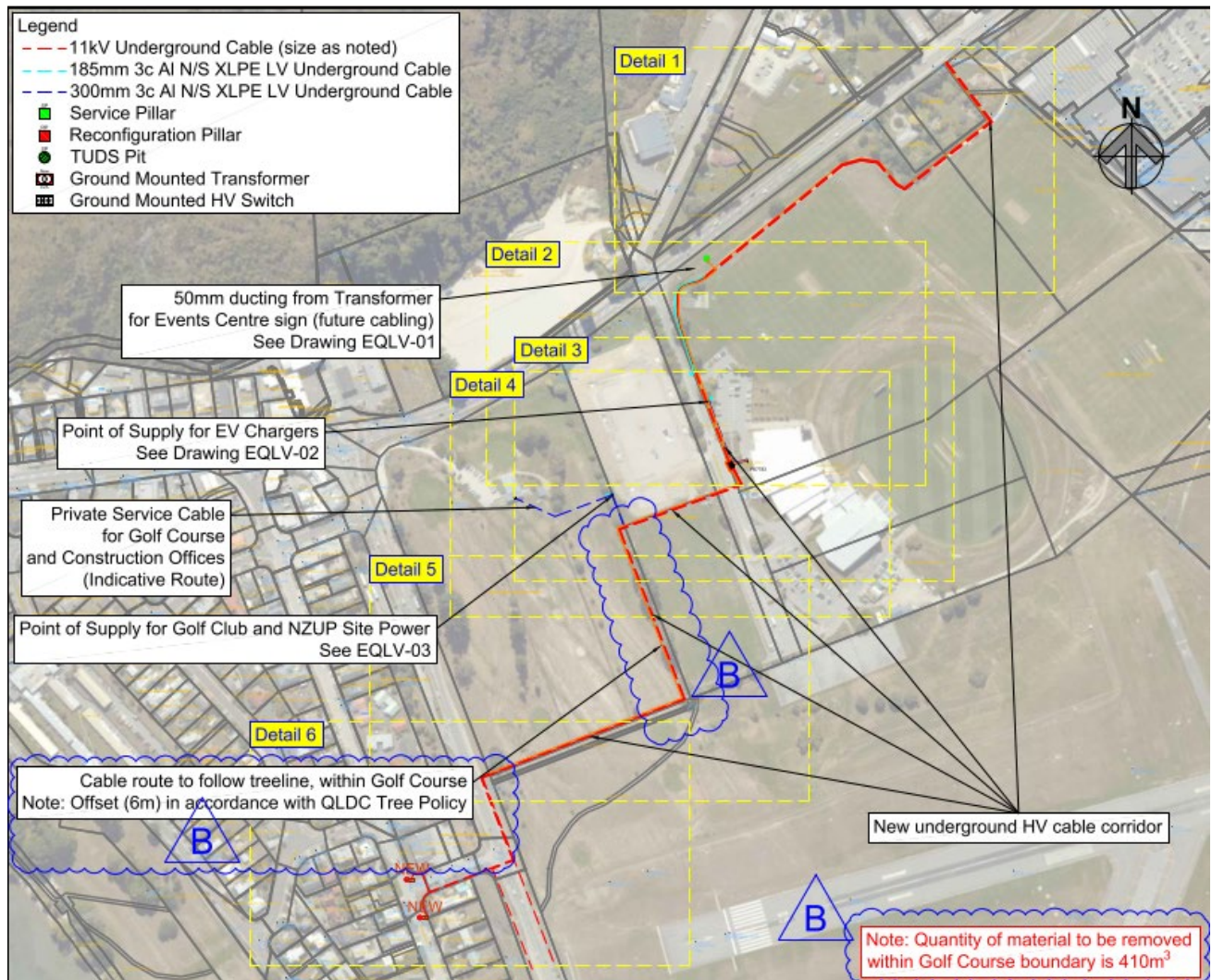
Attachments | Kā Tāpirihaka

A	Location Plans
B	Overall Easement Plan
C	Easement Location within the Reserve
D	Approved Easement Location within QLDC Freehold Land.
E	Aurora Energy Cabling Works Plan

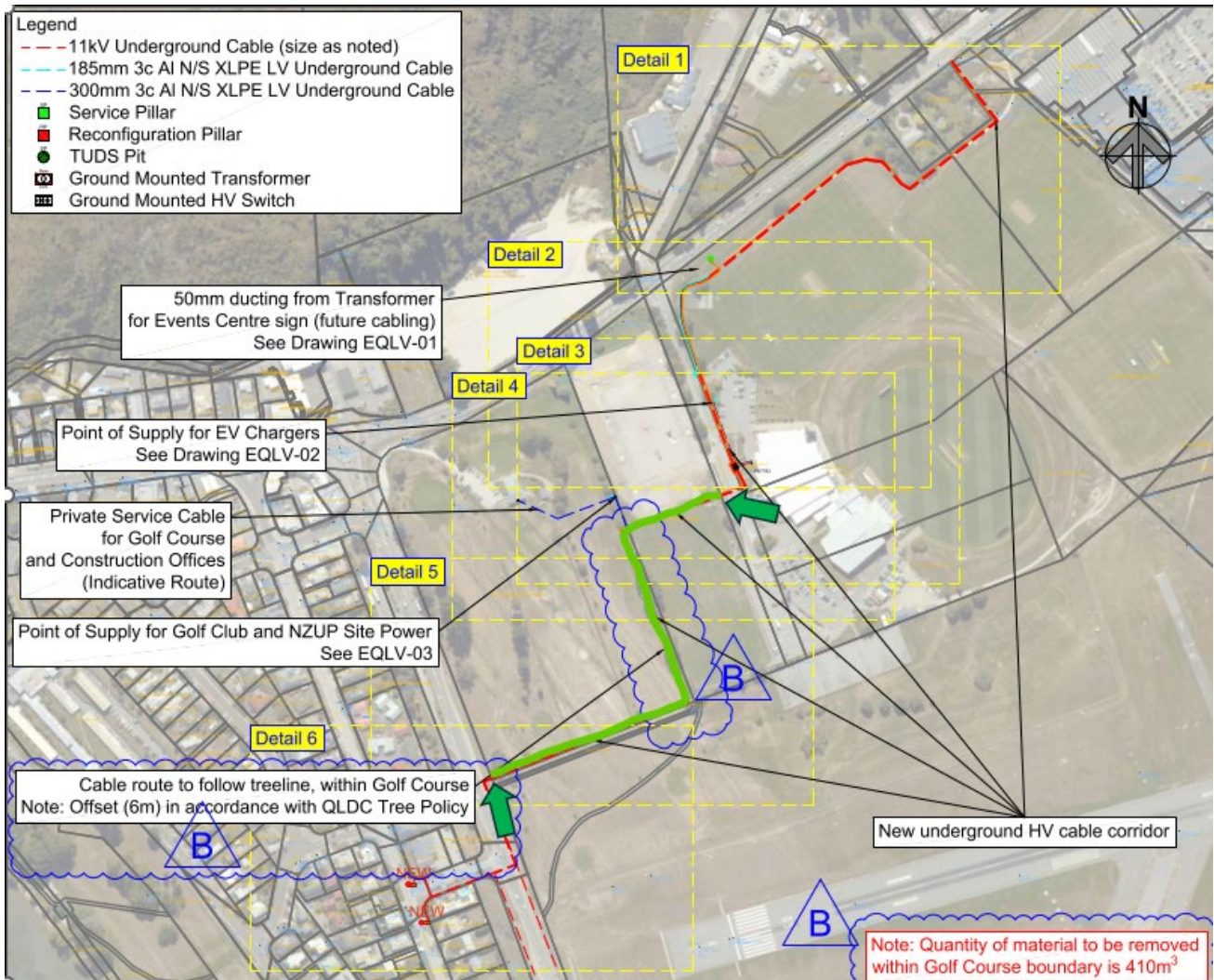
ATTACHMENT A – LOCATION PLANS



ATTACHMENT B – OVERALL EASEMENT PLAN



ATTACHMENT C – EASEMENT LOCATION WITHIN THE RESERVE



ATTACHMENT D – APPROVED EASEMENT LOCATION WITHIN QEC FREEHOLD LAND

