

QLDC Council
8 August 2019

Report for Agenda Item | Rīpoata moto e Rāraki take: 7

Department: Community Services

Title | Taitara: Underground service easement over the recreation reserve De la Perrelle Park, in favour of 6 Douglas Avenue, Arrowtown

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider approving an underground services easement over the recreation reserve De la Perrelle Park, in favour of 6 Douglas Avenue, Arrowtown.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** granting an underground services (sewerage and stormwater) easement over recreation reserve (Lot 32 DP 16747) in favour of 6 Douglas Avenue, Arrowtown (Lot 30 DP 16399), subject to the following conditions:
 - a. Any necessary resource consent, including for earthworks, and any relevant variations, are first obtained for the proposed development associated with the easement request.
 - b. No works may be undertaken within the reserve, unless a Reserve Permit is first sought, and granted as appropriate. The applicant shall contact APL to seek such a Reserve Permit, at least one month prior to any works within the reserve being suggested.
 - c. The applicant shall notify and actively liaise with the QLDC Infrastructure Department in advance of any onsite works, so that they can oversee and provide input relating to any existing in-ground infrastructure.
 - d. All activities shall be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - e. 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.
 - f. A \$2,000 bond payable to the Queenstown Lakes District Council, is entered in to prior to any excavation and the instillation of pipes commencing, this being to address any damage to the infrastructure network. Note that an additional bond

may be required under the Reserve Permit, and this sum could be \$5,000. This latter bond amount is to address any damage to the reserve.

- g. Certificate of adequate public liability cover by those undertaking the works to be received by APL Property prior to commencement of any onsite works.
 - h. Final alignment of the easement to be agreed with Council
 - i. Within three months (3) of completion of the associated works the applicant is to provide QLDC with a surveyed easement and signed Deed of Easement.
 - j. All reinstatement works shall be completed to the satisfaction of Council's Parks and Reserves Department, and within the timeframes dictated.
3. **Agree** that public notification of the intent to grant the underground services (sewerage and stormwater) 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; and
 4. **Delegate** authority to approval final terms and conditions of the easement and execution authority to the General Manager Community Services; and
 5. **Authorise** the exercise of the Minister's consent (under delegation from the Minister of Conservation) to grant an underground services easement over recreation reserve (legal description Lot 32 DP 16747), in favour of 6 Douglas Avenue, Arrowtown (legal description Lot 30 DP 16399).

Prepared by:

Reviewed and Authorised by:



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5/07/2019



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CONTEXT | HORPOAKI

- 1 De la Perrelle Park is a recreation reserve (the reserve), and its legal description is Lot 32 DP 16747. The reserve is located off Adamson Drive, and connects Bracken Street, Cotter Avenue and Douglas Avenue.
- 2 The applicants seeking the easement are G & M Maxwell, of 6 Douglas Avenue, with that land legally described as Lot 30 DP 16399. The applicant's property borders the reserve to the rear (northern) and side (western) boundary. The reserve area along the western boundary is narrow forms somewhat of a laneway, connecting the more extensive area of reserve, to Douglas Avenue. The laneway already contains Council reticulated sewerage and stormwater underground services.

- 3 The applicants are currently seeking building consent to install a second bathroom and storage, on the western side of their property. The applicants inform that they are unable to easily (without the aid of pumps) make a connection to existing council drainage and sewerage services in Douglas Avenue, because of the gradient of the land and location of the reticulated services. Consequently, the applicants seek an easement to connect to the drainage and sewerage services located in the adjacent recreation reserve.
- 4 It is noted that for the applicants to connect to the reticulated services in Douglas Street, they would also need to excavate a substantial area of their concrete driveway and hardstand.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 5 The easement area on the reserve is approximately 19.1 square meters. The reserve in the locality is grassed, with no other features. There are no trees on the recreation reserve in the vicinity of the easement area.
- 6 The location chosen for the easement and associated service connections is the most direct and practical for the applicant. It will avoid either the need for pumps, or the excavation of their driveway and hardstand.
- 7 As per Councils Easement Policy 2008, both the application fee along with a one-off underground services easement fee are applicable. The easement fee has been calculated at \$449.80 plus GST.

Land value of reserve	\$460,000
Size of property	5860 m ²
Easement area	19.1 m ²
Calculation:	
\$460,000/5860 m ²	\$78.50
30% of \$78.50	\$23.55
\$23.55 x 19.1m ²	\$449.80 plus GST

- 8 Granting easements is permitted by the Reserves Act 1977, provided such easements must first be publicly notified unless it can be shown that public rights are not likely to be affected, and the reserve is not materially altered or permanently damaged. These matters are considered below.
- 9 Are the rights of the public in respect of the reserve, likely to be permanently affected?
- 10 While there will be some temporary minor disruption during the installation of the underground services, long term there will be no detrimental effects on the ability of the public to use and enjoy the reserve. Once the area is fully reinstated, users of the reserve will be unaware that any change has been made to the reserve.
- 11 Does the easement materially alter or permanently damage the reserve?
- 12 Because the pipes will be underground, it is considered the creation of the easement will not have any long term effect on the reserve
- 13 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, and therefore public notification is not deemed necessary.

14 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:

15 Option 1 Grant the easement subject to the conditions.

Advantages:

16 The applicant will be able to more easily connect to reticulated services.

17 Council will receive an easement fee

Disadvantages:

18 The easement will encumber the reserve land

19 Works associated with the easement may temporarily prevent full enjoyment of the area of reserve during installation.

20 Option 2 Council declines the easement.

Advantages:

21 The easement will not be encumbered upon the reserve land.

Disadvantages:

22 The applicant would be required to engineer an alternative solution to dispose of waste water and stormwater to reticulated services located in the road. This will require pumps because of the gradient.

23 Council will not receive an easement fee.

24 This report recommends **Option 1** for addressing the matter because it will allow the applicant to complete their building consent, and avoid using pumps.

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 a Council recreation reserve. The impact of the decision however is minor.

26 The persons who are affected by or interested in this matter are the general public and users of the 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, identified within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating. This matter relates to this risk because a perpetual property right contained in the

recreational reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving any easement.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

28 The applicant is required to pay an application fee and has agreed to pay for all legal, LINZ and surveying costs to register the easement.

29 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

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

- Significant and Engagement Policy
- Easement Policy 2008
- De la Perrelle Park is included in the Arrowtown-Lake Hayes Reserve Management Plan.

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

32 The Arrowtown-Lake Hayes Reserve Management Plan addresses management of utility services within recreation reserves. The proposed easement is consistent with the plan in that it requires easements to be registered for all non-Council utilities.

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

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

34 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 effectively managing sewerage and stormwater drainage around the reserve;
- 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	LOCATION PLAN
B	SCHEME PLAN OF EASEMENT