

QLDC Council  
10 December 2020

Report for Agenda Item | Rīpoata moto e Rāraki take : 4

Department: Community Services

Title | Taitara Queenstown Commercial Ltd - Underground Service & Wetlands Easements

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to consider an application for underground services easements by Queenstown Commercial Ltd over recreation and local purpose (utility) reserves.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report;
2. **Approve** granting underground service and wetland easements over recreation and local purpose (utility) reserves as identified in Attachment B to this report for the following;
  - a. Recreation Reserve Lot 206 DP 471696, Right to convey water in favour of Lots 1 & 2 DP 531988. Easement areas identified as A and B.
  - b. Recreation Reserve Lot 206 DP 471696, Right to convey water (irrigation) in favour of Lots 1 & 2 DP 531988. Easement areas identified as A and G.
  - c. Recreation Reserve Lot 206 DP 471696, Right to convey gas in favour of Lot 2 DP 531988. Easement area identified as A.
  - d. Recreation Reserve Lot 206 DP 471696, Right to convey electricity (in Gross) in favour of Electricity Southland Limited. Easement area identified as A.
  - e. Local Purpose (Utility) reserve Lot 322 DP 380680, Recreation Reserve Lot 313 DP 333981, Recreation Reserve Lot 307 DP 322452, Recreation Reserve Lot 321 DP 379403, Right to drain water (in Gross) in favour of Queenstown Lakes District Council. Easement areas identified as J, K, L, F & G.
  - f. Recreation Reserve Lot 321 DP 379403, Right to drain water (Wetlands) (in Gross) in favour of Queenstown Lakes District Council. Easement area identified as M.
3. **Agree** that notification to grant the easements 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

4. **Require** that easement fees are charged as per policy; and
5. **Delegate** approve of final terms and conditions, and execution authority to the General Manager Community Services; and
6. **Agree** that the exercise of the Minister’s prior consent (under delegation from the Minister of Conservation) to the granting of the easements over:
  - a. Lot 206 DP 471696 – Recreation Reserve
  - b. Lot 322 DP 380680 – Local Purpose (Utility) Reserve
  - c. Lot 313 DP 333981 - Recreation Reserve
  - d. Lot 307 DP 322452 - Recreation Reserve
  - e. Lot 321 DP 379403 - Recreation Reserve

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20/11/2020

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Planner

26/11/2020

Approved by:



Thunes Cloete  
General Manager  
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26/11/2020

## CONTEXT | HOROPAKI

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- 1 Services and access locations were as applied for, were approved by QLDC by the Special Housing Area approval and the Engineering Approval Process.
- 2 Council administers the reserves at Lake Hayes and Shotover Country with legal descriptions and reserve classifications as follows:
  - a. Lot 206 DP 471696 – Recreation Reserve
  - b. Lot 322 DP 380680 – Local Purpose (Utility) Reserve
  - c. Lot 313 DP 333981 - Recreation Reserve
  - d. Lot 307 DP 322452 - Recreation Reserve
  - e. Lot 321 DP 379403 - Recreation Reserve
- 3 Queenstown Commercial Ltd (QCL) are developing a residential and commercial development at Lake Hayes, with land adjoining Shotover Country and Lake Hayes Estate. This application follows previous requests for easements and reserve exchanges in the vicinity of Onslow Road and Widgeon Place, which have been approved by the Council.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 4 The proposed easements are shown on Attachment B to this report and are sought to accommodate infrastructure, which has been endorsed through engineering approval as part of their subdivision process.
- 5 The routes chosen for the infrastructure met preferred design requirement for assets that are generally intended to vest to QLDC long term. In the case of some gas and water easements over Lot 206 DP 471696, the easements are necessary to ensure access to infrastructure.
- 6 As the underground easements will provide a perpetual property right to the applicant, the Council will charge an easements fee if the request is approved for those easements not in favour of QLDC. This fee will be set in accordance with Council's Easement Policy 2008.
- 7 Under the Reserves Act 1977, Ministerial consent is required before easements can be granted over reserve. This consent is now delegated to Council and must be granted prior to easements being lodged with Land Information New Zealand (LINZ).
- 8 Granting of easements 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 longer term effect on the land. These matters are considered below:

**Does the easement affect the ability of people to use and enjoy the reserve?**

- 9 With such underground easements, the only disruption is during installation of the infrastructure. This disruption is temporary, and upon reinstatement the easement area is indistinguishable from surrounding land. There is unlikely to be any detrimental effect on the ability of the public to use and enjoy the reserve areas.

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

- 10 Aside from during the installation process as mentioned above, these easements will not affect the ability of the reserve areas to provide for their purpose. As the infrastructure is underground, it is considered the creation of easements will not have any long term effect on the reserve areas.

- 11 Taking into account the above factors, it is not considered the easements will permanently affect the reserve or the ability of people to use and enjoy the reserve, and therefore it is recommended public notification is not deemed necessary for these easements.

- 12 Option 1 To grant the underground easements over the reserves.

*Advantages:*

- 13 The easements will allow for effective management of services through the reserves.

*Disadvantages:*

- 14 Parts of the reserve may be periodically disturbed and inaccessible to the public for a short time if maintenance to the infrastructure is required.

- 15 Will permanently encumber the reserve covered by the easements.

- 16 May increase traffic on the reserve for maintenance of the infrastructure, albeit this is not expected to be significant.

- 17 Option 2 To decline the easements over the reserves.

*Advantages:*

- 18 Parts of the reserve would not be periodically disturbed and inaccessible if maintenance to the infrastructure is required.

- 19 The reserve would not be encumbered by easements.

- 20 Would not increase traffic to this area of the reserve

*Disadvantages:*

- 21 Council would not receive easement fees.

22 This report recommends **Option 1** for addressing the matter because it will allow the applicant to formalise access to infrastructure and enable it to vest in the Council in a number of instances.

### **CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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#### **SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

23 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council reserves, the impact of the decision however is minor.

24 The persons who are affected by or interested in this matter are the general public and users of the reserves.

25 Council considers that the request meets the requirements under 48(3) of the Reserves Act and therefore does not recommend public notification of these underground easements.

### **RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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26 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 any easement.

### **FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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27 The cost of registering the easements will be covered by the applicant, and easement fees will be required under the Easement Policy 2008.

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

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

- Council's Easement Policy, 2008
- Significance and Engagement Policy, 2017

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

30 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**

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31 In order to grant easements of reserve land, Council must follow the required process set out under the Reserves Act, as noted earlier in this report.

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

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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 or 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	Area Context Overview Plan
B	Proposed Easements