

QLDC Council
1 September 2022

Report for Agenda Item | Rīpoata moto e Rāraki take [4]

Department: Community Services

Title | Taitara Easement for Electrical Services for Aurora Energy on Recreation Reserve from Isle Street to the corner of Brecon Street, Queenstown.

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to consider an application for an underground electrical services easement in favour of Aurora Energy, from Isle Street to the corner of Brecon Street, in the drip line of a protected *Sequoiadendron giganteum* (Wellingtonia).

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground electrical services easement over recreational reserve Part Blk LVI TN OF Queenstown, from Isle Street, corner of Brecon Street for Aurora Energy [Attachment A];
3. **Require** that easement fees are charged;
4. **Require** that all necessary resource consents including earthworks and any relevant variations are obtained for the proposal. Noting that a resource consent is required for working in the dripline of the protected tree Wellingtonia tree, and this is required prior to any works;
5. **Require** that the applicant provides the QLDC Parks Manager with a Tree Protection Management Plan prior to the works commencing, where the works are within the root tree protection zone or likely to impact trees within the Reserve as per QLDC Tree Policy 2022;
6. **Delegate** authority to approval final terms and conditions of the easements and execution authority to the General Manager Community Services;
7. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to granting the identified easement over Council Reserve Land.

Prepared by:



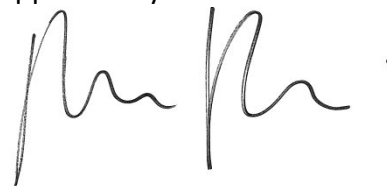
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Approved by:



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Acting General Manager
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10/08/2021

CONTEXT | HOROPAKI

- 1 Council administers the recreation reserve legally described as Part Blk LVI TN OF Queenstown. The location of the reserve subject to this application is a triangular area that is outside the fence of the neighbouring Queenstown Lakeview Holiday Park.
- 2 The easement corridor shown in **ATTACHMENT A** upon final survey is proposed to be approximately 3 meters wide. This location within the Reserve has been selected to reduce any potential effect on the nearby protected Wellingtonia.
- 3 QLDC's Operative District Plan Section 13.2.3.2 (iii) Heritage Tree states that any works, including paving, within the 'drip line' of any protected tree is a Discretionary Activity.
- 4 The drip line or 'tree protection zone' for a columnar canopy such as a Wellingtonia, extends to a radius half the height of the tree. The planned works are approximately 20 meters from the tree, which is within the drip line.
- 5 There is existing vegetation, including mature healthy trees very close to the proposed easement on Council land. As per the QLDC Tree Policy 2022 a Tree Protection Plan is required for any activity or work proposed near a public tree where the works are within the tree protection zone or likely to impact the tree.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 6 By allowing the applicant to gain access to QLDC Recreational Reserve Land, Aurora Energy can complete the construction of their proposed underground electrical cables, while ensuring that the protected Wellingtonia Tree is not affected.
- 7 The applicant will also need to demonstrate that other existing vegetation on the recreation reserve will also be protected through a detailed tree survey and Tree Management Plan.
- 8 The easement will be a perpetual property right to Aurora Energy, the Council will charge an easement fee if the easement is approved. The fee will be set in accordance with Councils Easement Policy 2008.
- 9 The underground electrical services will not affect the public's ability to use or enjoy the reserve, which provides open space and trees within the high density urban environment and a public pathway. Public access along the pathway will not be affected. Notification is not triggered.
- 10 The outcome of this project will result in the reduction of on-going maintenance work, as well as increasing safety measures to the community. Further, having all cables underground will be more aesthetically pleasing.
- 11 Option 1 To grant the easement for underground services.

Advantages:

- 12 The electrical infrastructure and easement have been assessed as not affecting the public's use and enjoyment of the reserve.

Disadvantages:

- 13 An additional area of the reserve will be encumbered by an easement that provides property rights to the applicant. The underground infrastructure will not affect public use.
- 14 The planned easement is within the drip line of a Wellingtonia protected tree (in the road reserve) and other trees and vegetation within the reserve.

- 15 Option 2 To decline the easement

Advantages:

- 16 The reserve will not be encumbered by an easement, which otherwise provides a property right to the applicant.
- 17 There will be no disturbance to the Wellingtonia protected tree.

Disadvantages:

- 18 The construction programme outlined by the Kā Huanui a Tāhuna Alliance will be disrupted and delayed.
- 19 This report recommends **Option 1** for addressing the matter, as it will allow the applicant to complete the work that they were hired to complete and result in only minor disruption to the Recreation Reserve Land.

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 the associated 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.

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 not be affected by infrastructure, or not having high public values.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

23 Council will receive an easement fee, and the costs of registering the easement 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
- QLDC Tree Policy 2022
- QLDC Operative District Plan
- Reserves Act 1977

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 TAKOHA KA WAETURE

27 The recommended option:

28 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 communities by allowing infrastructure that supports the community to be installed. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

29 Is consistent with the Council's plans and policies; and

30 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 and Easement Plans
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ATTACHMENT A – LOCATION AND EASEMENT PLANS

