

**Wānaka-Upper Clutha Community Board**

8 February 2024

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

**Department: Property & Infrastructure**

**Title | Taitara: New underground services easement over two Local Purpose Reserves at Penrith Park, Wānaka**

**Purpose of the Report | Te Take mō te Pūroko**

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The purpose of this report is to consider a new easement for underground services to provide connections to Council's reticulated water and wastewater networks, as well as telecommunications and electricity connections in favour of John Wyatt, Kristen Metzger and Philip O'Brien, over two Local Purpose Reserves at Penrith Park, Wānaka (Attachments A & B).

**Recommendation | Kā Tūtohuka**

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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:
  - a. The trenching and placement of the following services under two Local Purpose reserves Lot 2 DP 325889 and Lot 117 DP 27003 between Beacon Point and Penrith Park Roads, in Wānaka in favour of John Wyatt, Kristen Metzger and Philip O'Brien:
    - The installation of a 40mm diameter pressure Wastewater main.
    - The installation of a 32mm water pipe.
    - The installation of a 3 phase electrical cables to convey electricity and telecommunications services.
  - b. The time frame of the easement should be approximately 6 months – 1 year.
3. **Recommend to Council** that approval for the easement is subject to the following conditions:
  - a. 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.

- b. For any disruptions noted, necessary detours to be provided throughout the duration of the installation process.
  - c. Any necessary resource consent, including all earthworks, and any relevant variations, are first obtained for the proposal.
  - d. Easement fees to be determined and paid in accordance with Council's Easement Policy 2008.
  - e. All activities are to be undertaken in accordance with WorkSafe New Zealand's standards for the work environment.
  - f. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment.
  - g. 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.
  - h. 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 authority to approve final terms and conditions, and execution authority, is delegated to the General Manager Community Services.

**Prepared by:**



**Name:** Briana Pringle  
**Title:** Parks and Open Spaces Planning  
Manager  
22 January 2024

**Reviewed and Authorised by:**



**Name:** Kenneth Bailey  
**Title:** General Manager Community Services  
22 January 2024

## Context | Horopaki

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1. John Wyatt, Kristen Metzger and Philip O'Brien request an underground services easement on Beacon Point Road, Wānaka. The location is legally described as Lot 2 DP 325889 and Lot 117 DP 27003 (Attachment A & B) and will be under local purpose reserves. The reserves are vested in Council as the administering body.
2. These easement requests are associated with a three-lot subdivision at 361 Beacon Point Road. The resource consent related to this subdivision is RM230280.
3. The reserve land is located 4km north of Wānaka Town Centre, on the eastern shoreline of Lake Wānaka. One reserve is a natural reserve with a steep bank situated behind a wetland and the other is a connection reserve from Penrith Park Drive providing access to Beacon Point.
4. The purpose of this easement is to connect a series of services, including the installation of a 40mm diameter pressure wastewater main, the installation of a 32mm water pipe for QLDC and the installation of a 3 phase electrical cables to convey electricity for Aurora Energy and telecommunications services for Chorus.
5. The image in **ATTACHMENT B** shows the location of where the services intend to be installed, the proposed easement is detailed on the survey plan as X and Y.

## Analysis and Advice | Tatāritaka me kā Tohutohu

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6. The reserve land is used as a connection reserve which provides access between Penrith Park Road and Beacon Point Road connecting to Lake Wānaka. No trees or vegetation will need to be removed. The trail will be reinstated to current condition upon completion.
7. The existing Council infrastructure is below ground, as will be the proposed services connection. Aside from establishing the connection, and occasional instances where maintenance is required, the connection/ easement will not affect the public's use and enjoyment of the reserve.
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 use the reserve. Notification is not considered necessary for these easements.
9. As the easements 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.
10. Option 1 To grant the easement.

### *Advantages:*

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

*Disadvantages:*

- There will be minor disruptions to access along the walkway while services are being installed, however this will be temporary in duration and alternative access points will be installed while under construction.

11. Option 2 To decline the easement.

*Advantages:*

- There will not be temporary disruption during works to establish the underground services.
- The reserve will not be encumbered by these easements.

*Disadvantages:*

- The applicant will need to find an alternative means to administering the underground services intended for installation.
- Council will not receive any easement fees.

12. This report recommends **Option 1** for addressing this matter, as it will benefit the applicant and result in only minor disruption to the Reserve.

### **Consultation Process | Hātepe Matapaki**

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#### **Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka**

14. 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, as associated infrastructure is below ground and the location has minimal public recreational benefit.

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

### **Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka**

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16. 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 high residual 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 | Kā Riteka ā-Pūtea**

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17. The cost of registering the easement will be met by the applicant.

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

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

- Council's Easement Policy, 2008
- QLDC Significance and Engagement Policy, 2021

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

20. This matter is not included in the Long-Term 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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21. Council must follow the required process set out under the Reserves Act 1977 to grant an easement of reserve land.

### **Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka**

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22. 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. Approval of the recommended option will help meet the current and future needs of the community by permitting an easement through a reserve which will be underground and will therefore not affect the future use of this open space. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

23. The recommended option:

- 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**

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A	Underground Services Easement over Local Purpose Reserve on Beacon Point Road, Wānaka
B	Survey map for easement over Local Purpose Reserve on Beacon Point Road, Wānaka Y and X

# New underground services easement for Planning, over Local Purpose Reserve at Penrith Park, Wanaka



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.





Beacon Point Road

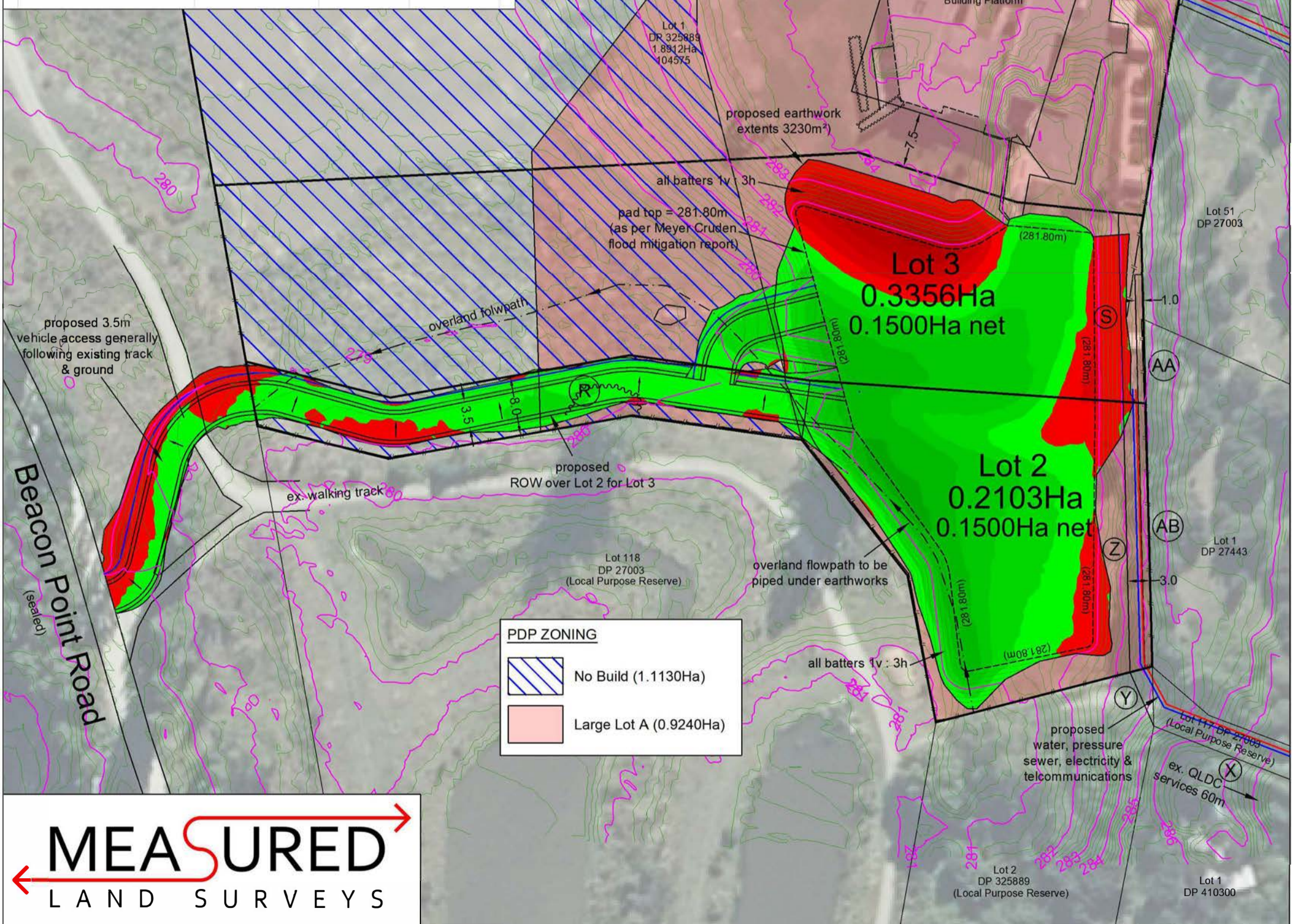
Notes:

- Boundary information has been sourced from DP 325889.
- Adjoining boundary information has been sourced from LINZ XML.
- Source of levels QLDC Lidar - NZVD2016.
- Contours = 1.0m/0.2m.
- Some CAD layers have been hidden for plan clarity.
- The within land is subject to existing Easements & a varied Consent Notice, see RT 104575 for details.
- Aerial image is indicative only.
- PDP Zone areas have been scaled/traced.

Memorandum of Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right of way	R	Lot 2 hereon	Lot 3 hereon
Right to convey water and drain sewage	X	Lot 117 DP 27003	Lots 1, 2 & 3 hereon
	Y	Lot 2 DP 325889	
	Z, AB	Lot 2 hereon	Lot 1 & 3 hereon
	S, AA	Lot 3 hereon	
Memorandum of Proposed Easements in Gross			
Purpose	Shown	Burdened Land	Grantee
Right to convey electricity	X	Lot 117 DP 27003	Aurora Energy Limited
	Y	Lot 2 DP 325889	
	Z, AB	Lot 2 hereon	
	S, AA	Lot 3 hereon	
Right to convey telecommunications	X	Lot 117 DP 27003	Chorus New Zealand Limited
	Y	Lot 2 DP 325889	
	Z, AB	Lot 2 hereon	
	S, AA	Lot 3 hereon	

Schedule of Existing Easements			
Purpose	Shown	Burdened Land	Created By
Pedestrian right of way	AA	Lot 2 hereon	EI 6957618.5
	AB	Lot 3 hereon	

+	+2.0m to +2.3m (Fill)
+	+1.5m to +2.0m (Fill)
+	+1.0m to +1.5m (Fill)
+	+0.5m to +1.0m (Fill)
+	0.0m to +0.5m (Fill)
-	0.0m to -0.5m (Cut)
-	-0.5m to -1.0m (Cut)
-	-1.0m to -1.5m (Cut)
-	-1.5m to -2.0m (Cut)
-	-2.0m to -2.1m (Cut)
Total Earthworks 430m <sup>3</sup> /1800m <sup>2</sup> (cut/fill)	



**Scheme Plan**  
 Lots 1-3 being a Subdivision  
 of Lot 1 DP 325889  
 (361 Beacon Point Road, Wanaka)

Client:	Wyatt
Scale:	1 : 600 @ A3
Surveyed:	ST 02/12/20
Drawn:	ST 13/12/22

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Datum: Lindis Peak 2000/DVD 1958

Rev	Description	Date
A	ORIGINAL	13/12/22

Sheet: 1 of 1

Job #:	20110_S3	Rev:	A
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