

QLDC Council
16 September 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 8

Department: Property & Infrastructure

Title | Taitara: Easements for Queenstown Commercial Limited and Queenstown Country Club Village Ltd – Arvida, over Widgeon Place and Jones Avenue reserves, Lake Hayes Estate/Lower Shotover

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider an application for an underground stormwater services easement, a notified right of way easement, and an underground gas services easement, over two different recreation reserves in Lower Shotover.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** a right to drain stormwater easement over Lot 2 LT 553230 (currently Lot 321 DP 379403) being recreation reserve and part of the Widgeon Place reserves, for the benefit of Queenstown Commercial Limited, with the location of that easement [identified in **ATTACHMENT A**];
3. **Approve** a right of way easement over recreation reserve Lot 206 DP 471696 (RT640788) for the benefit of Queenstown Country Club Village Ltd – Arvida, and Queenstown Commercial Limited developments, with the location [identified as Area K in **ATTACHMENT B**];
4. **Approve** an underground services gas easement over recreation reserve Lot 206 DP 471696 (RT640788) for the benefit of Queenstown Country Club Village Ltd – Arvida, and Queenstown Commercial Limited developments, with the location [identified as Area L in **ATTACHMENT B**];
5. **Require** that easement fees are charged; and
6. **Agree** to the exercise of the Minister’s consent (under delegation from the Minister of Conservation) to the granting of the identified easements over Council Reserve Land; and
7. **Delegate** signing authority to the General Manager Property & Infrastructure.

Prepared by:



Senior Parks
Reserves Planner
26/08/2021

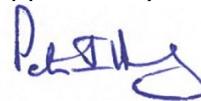
Reviewed and Authorised by:



Mark Samways
Property Manager

31/08/2021

Approved by:



Peter Hansby
General Manager
Property & Infrastructure
31/08/2021

CONTEXT | HORPOAKI

- 1 The images in **ATTACHMENT C** show the location of all easement areas in the context of their greater surrounds.

Stormwater Easement over Widgeon Place Reserve

- 2 Council administers the Widgeon Place Recreation Reserve, which includes land legally described as Lot 321 DP 379403. The reserve is located to the southeast of Lake Hayes Estate, and extends towards the Kawarau River. The area where the easement is sought is relatively flat and covered in unmaintained pastoral grasses.
- 3 Queenstown Commercial needs to connect their stormwater system to the Council stormwater infrastructure located within the reserve, and this is anticipated by Council. The three metre wide easement is required to allow access to/for a 525mm diameter concrete pipe, and covers an area of approximately 18m². An easement is necessary to accommodate the infrastructure.

Right of Way (access) and Gas Services Easement over Reserve beside Jones Avenue

- 4 Council administers the recreation reserve legally described as Lot 206 DP 471696 on RT640788. The area of reserve subject to this part of the application is a small triangle that contains part of the existing formed access (for which an easement is sought), a public pathway, landscaping and part of the Kawarau Park entrance feature.
- 5 Queenstown Country Club Village Ltd - Arvida (QCC) and Queenstown Commercial Ltd (QCL) have constructed their retirement village subdivision adjacent to the recreation reserve.
- 6 As part of the Kawarau Park stage of the development, the developer has formed the access way into the development off Jones Avenue, crossing through a small part of the reserve land. The right of way easement is sought to formalise access over 3m² of the reserve.
- 7 The easement to be notified is shown as Area K in Attachment B.
- 8 The attached plans also identify a request for an 11m² services easement for underground gas infrastructure, shown as Area L in Attachment B.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Stormwater Easement over Widgeon Place Reserve

- 9 The stormwater easement over the Widgeon Place reserve is expected, as it is necessary for a connection to be made to Council's stormwater infrastructure what is located in that reserve. The Council stormwater infrastructure is specifically for the purpose of enabling such connections as part of the greater network. The QCL infrastructure is below ground, and will not affect the publics use and enjoyment of the reserve.

Right of Way (access) and Gas Services Easement over Reserve beside Jones Avenue

- 10 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. The access way will be permanent, so will have a permanent effect on the reserve, albeit very limited because of the small area involved. The easement was therefore notified on 24 June 2021, calling for submissions before 24 July 2021. No submissions were received.
- 11 As the right of way easement 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.
- 12 The applicant is also seeking easement for right to convey gas through the reserve, identified as Area L in Attachment B. This is an underground service and does not affect the public's ability to use or enjoy the reserve, which in this location has minimal if any potential recreational value.
- 13 QCC also seek to formally acquire this area of reserve that contains the two easements, and that process is anticipated to soon commence. The reason being to (potentially) ultimately allow for QCC to better manage its elements within the small area of reserve, and so Council will not need to maintain a small and relatively unusable area of reserve. This will be a public process.
- 14 Council will charge easement fees for all easements, set in accordance with the Easement Policy 2008.

15 Option 1 To grant the easements.

Advantages:

- 16 Council Officers support the easements now sought, and the notified access easement has not resulted in any submissions. Not approving the easements would require that access and services are redirected for no real benefit.

Disadvantages:

- 17 Areas of reserve will be encumbered by easements, although those areas do not have a particularly beneficial recreational use, or where underground easements are proposed, the infrastructure will not affect recreational use.

18 Option 2 To decline the easements.

Advantages:

- 19 The reserves will not be encumbered by easements.

Disadvantages:

- 20 The applicant would be required redirect infrastructure for no real benefit.

- 21 Council would not receive easement fees.
- 22 This report recommends **Option 1** for addressing the matter, because it will allow the applicant to progress their developments and not redesign associated aspects of those developments.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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 recreation reserves. The impact of the decision however is minor as it enabled public input into the consideration process for the right of way easement, and other infrastructure is below ground.
- 24 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

- 25 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 recreational values.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 26 The cost of notifying the right of way easement and registering the easements will be met by the applicant.

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

- 27 The following Council policies, strategies and bylaws were considered:
- Council's Easement Policy, 2008
 - Significance and Engagement Policy, 2021
- 28 The recommended option is consistent with the principles set out in the named policies.
- 29 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

- 30 In order to grant an easement of reserve land, Council must follow the required process set out under the Reserves Act.

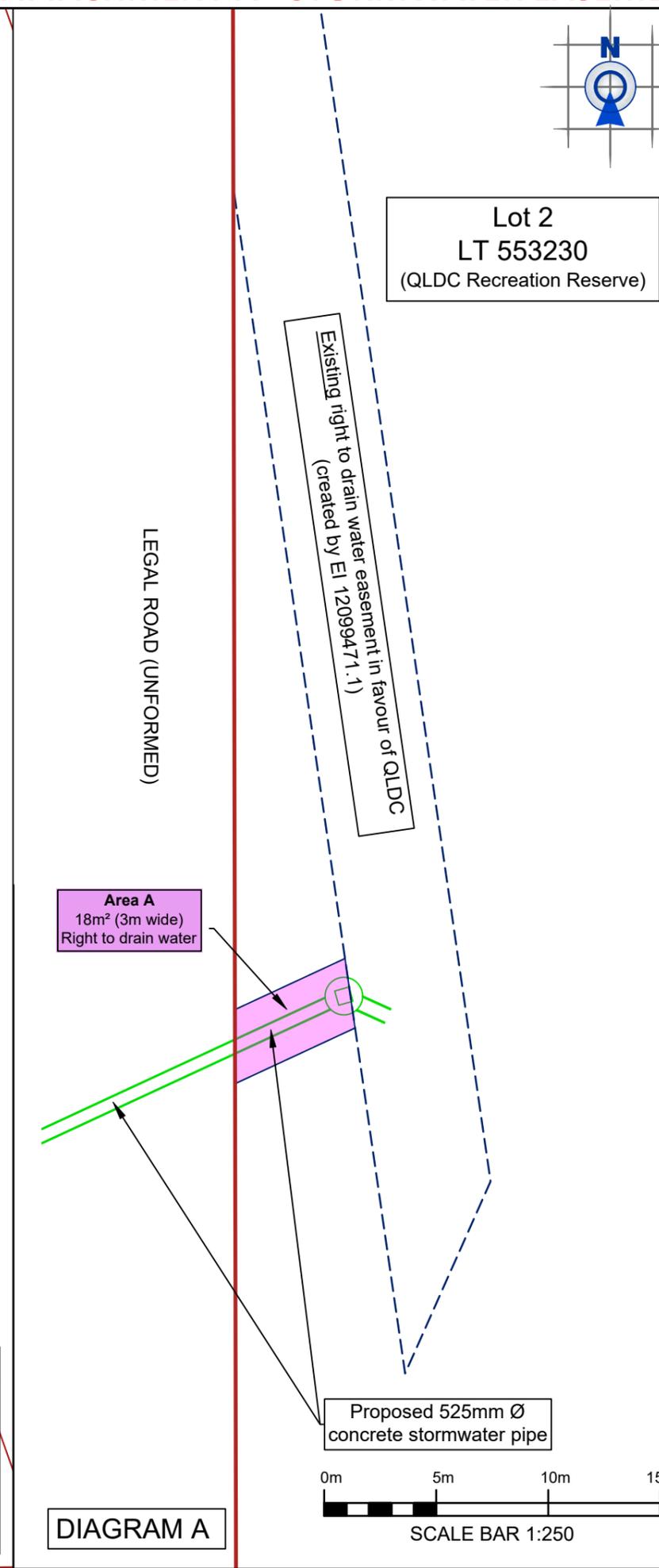
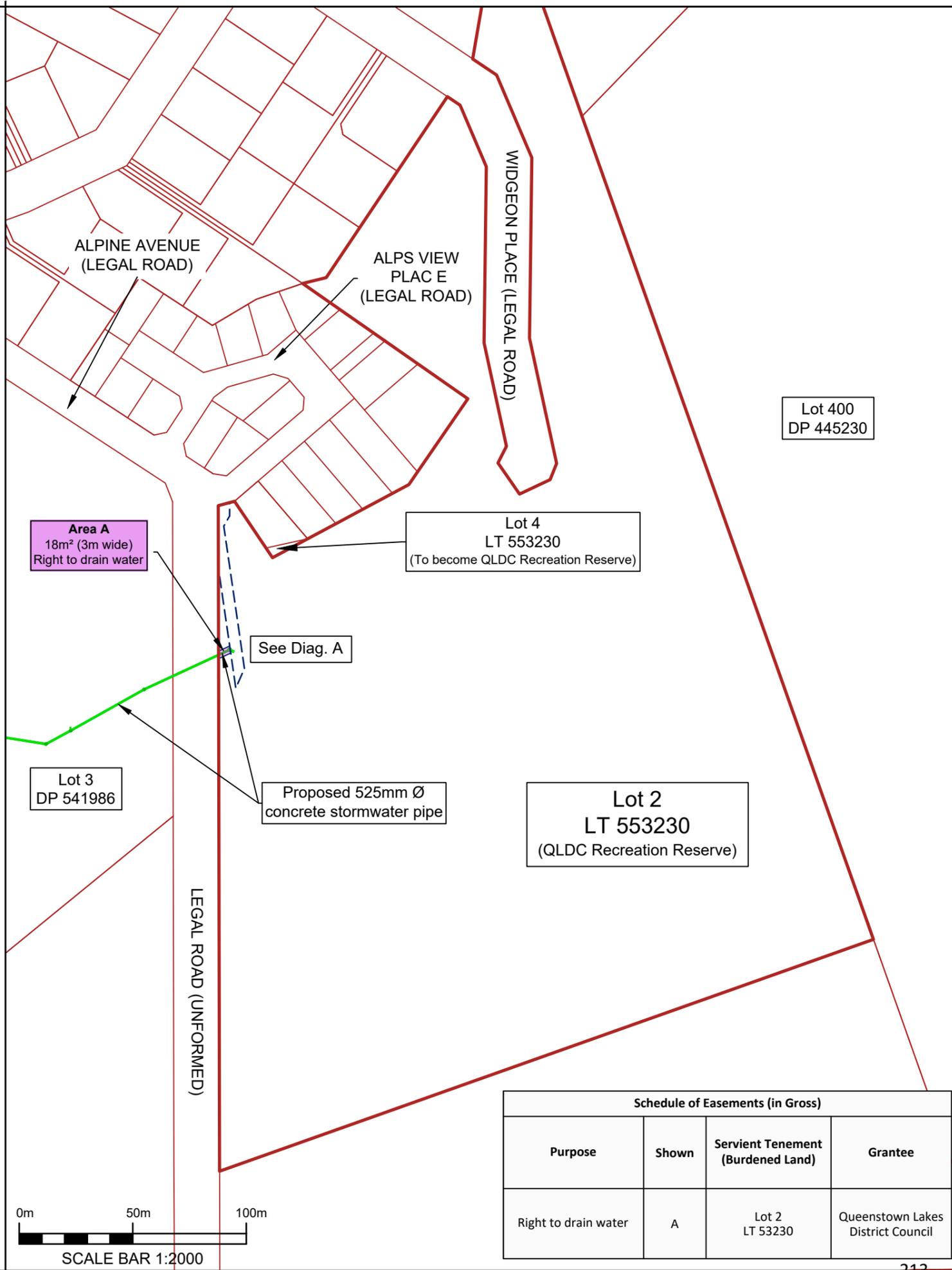
LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

31 The recommended option:

- 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	Stormwater Easement over Widgeon Place Reserve
B	Right of Way (access) and Gas Services Easement over Reserve beside Jones Avenue
C	Overview Plan



NOTES:

Plan Information

- An application for subdivision of Lot 3 DP 541986 is currently being processed under RM210243.
- Proposed stormwater pipe location provided by Fluent Solutions. A partial Engineering Acceptance for three waters was granted on 18 June 2021 which includes this proposed stormwater pipe. Refer to SH160140 Engineering Design to be read in conjunction with EA letter SH160140 EA03.01.
- Aerial Image sourced from QLDC GIS June 2021)
- This plan is structured to reflect the status of land when the RM200276 Land Exchange is complete. Lots 2 & 4 LT 553230 were not live parcels at the time this plan was prepared. Refer to RM200276 granting this Land Exchange.
- Digital format CAD files are available on request to Paterson Pitts Group.

General Disclaimer

- This plan and its contents should not be used for any reason other than its intended purpose.
- Refer to the Record of Title (RT) and title plan(s) for any registered easement(s), covenant(s), and/or interest(s).

Legend

	QLDC Recreation Reserve
	abuttal boundary
	proposed easement
	proposed stormwater pipe
	existing easement

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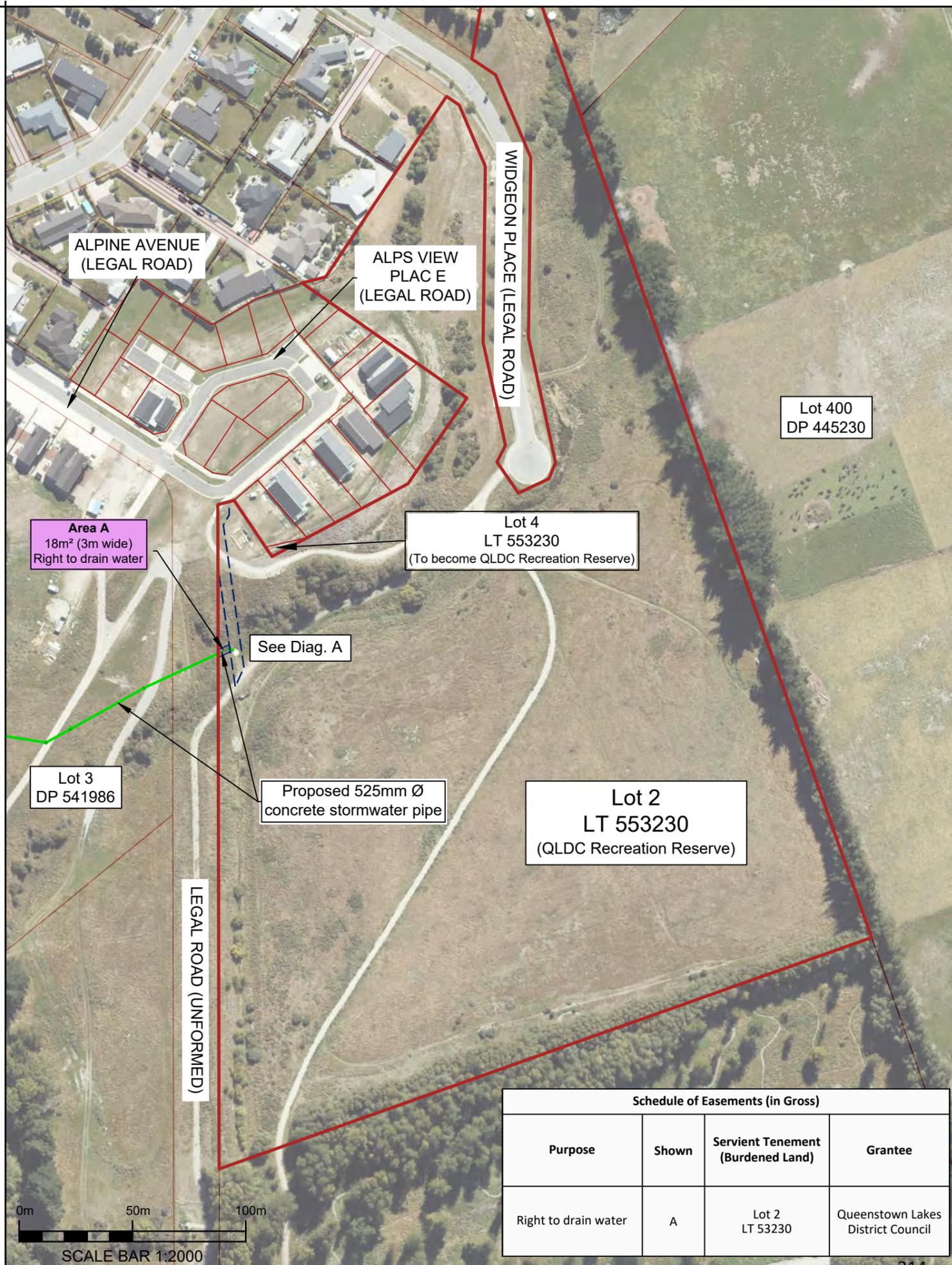
Client/Location:
Queenstown Commercial Ltd
 Alpine Avenue, Lake Hayes

Purpose/Drawing Title:
PROPOSED EASEMENT
OVER LOT 2 LT 553230
(QLDC RECREATION RESERVE)

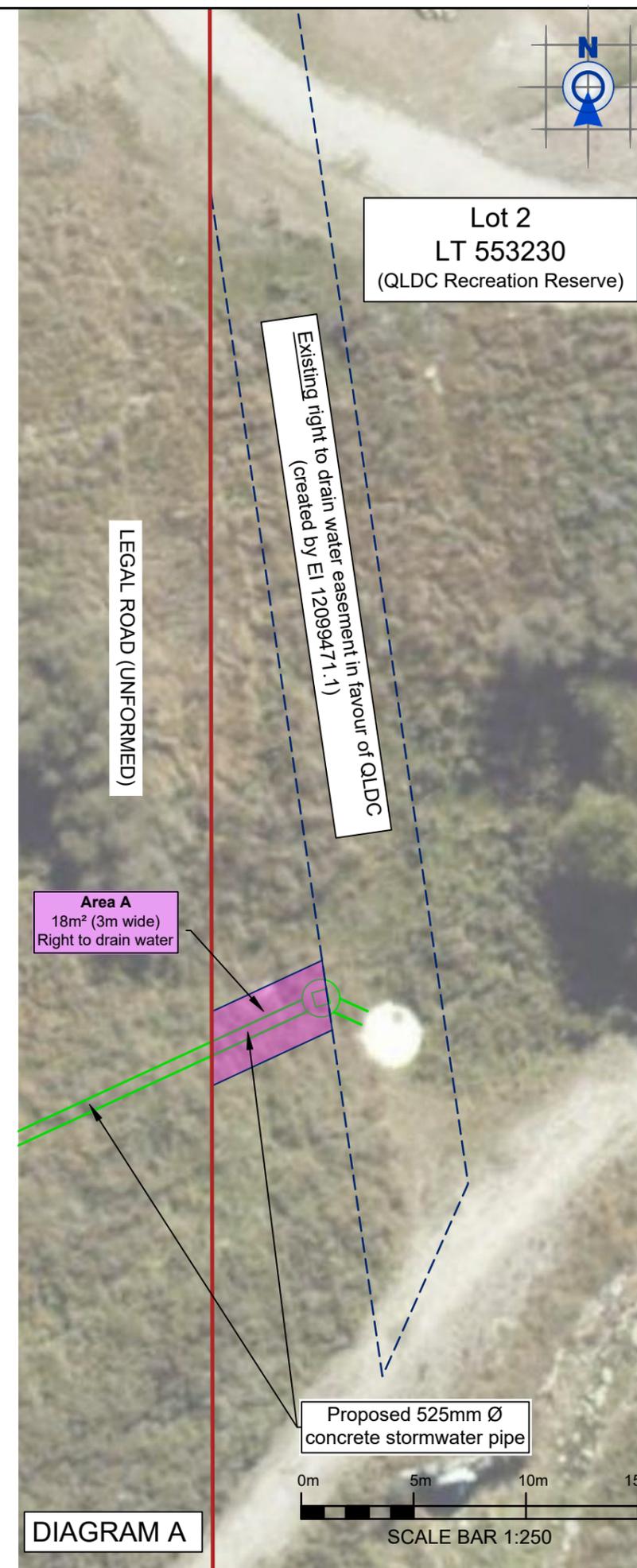
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Checked by: BC / SW	Job Ref:		Sheet No:	Revision No:
Approved by:	Q6231 - 54	1	A	22/06/2021

Schedule of Easements (in Gross)

Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Right to drain water	A	Lot 2 LT 53230	Queenstown Lakes District Council



Schedule of Easements (in Gross)			
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Right to drain water	A	Lot 2 LT 53230	Queenstown Lakes District Council



NOTES:

Plan Information

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Legend

- QLDC Recreation Reserve
- abuttal boundary
- proposed easement
- proposed stormwater pipe
- existing easement

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Client/Location:
Queenstown Commercial Ltd
 Alpine Avenue, Lake Hayes

Purpose/Drawing Title:
PROPOSED EASEMENT
OVER LOT 2 LT 553230
(QLDC RECREATION RESERVE)

Surveyed by:	Original Size:	Scale:
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Checked by: BC / SW	Job Ref:	
Approved by:	Q6231S - 54	2
Revision No:	A	Date Created:
22/06/2021		



Notes:
a. Data sourced from LINZ Data Service and licenced for re-use under Creative Commons Attribution 4.0 Licence
b. This plan has been prepared for discussion purposes only. Areas and measurements are subject to LINZ approved cadastral survey and are likely to vary from those shown herein.

Plan Name:

Attachment A

Date: 02/03/2021
Version: A
Sheet 1
Drawn By: eb

Legend

-  QCC and QCL Properties
-  QLDC Reserve
-  NZ Primary Land Parcels

Prepared By:



P: 03 442 7133
w: www.aplproperty.co.nz

Prepared For:



Schedule of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of way	A	Lot 206 DP 471696	Lots 1 & 2 DP 531988 (including Lots 1-8 & 101-102 RM201042)

Schedule of Easements (in Gross)			
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Gas Easement	A, B	Lot 206 DP 471696	Rockgas Limited

Legend

- Lot 206 DP 471696 (QLDC Recreation Reserve) boundary
- existing boundary
- proposed right of way & gas easement
- proposed gas easement
- edge of seal
- invert of kerb
- top of kerb
- gas pipe
- proposed RM201042 access

Lot 1
DP 531988
RT 884963
Queenstown Country Club Village Ltd (Arvida)

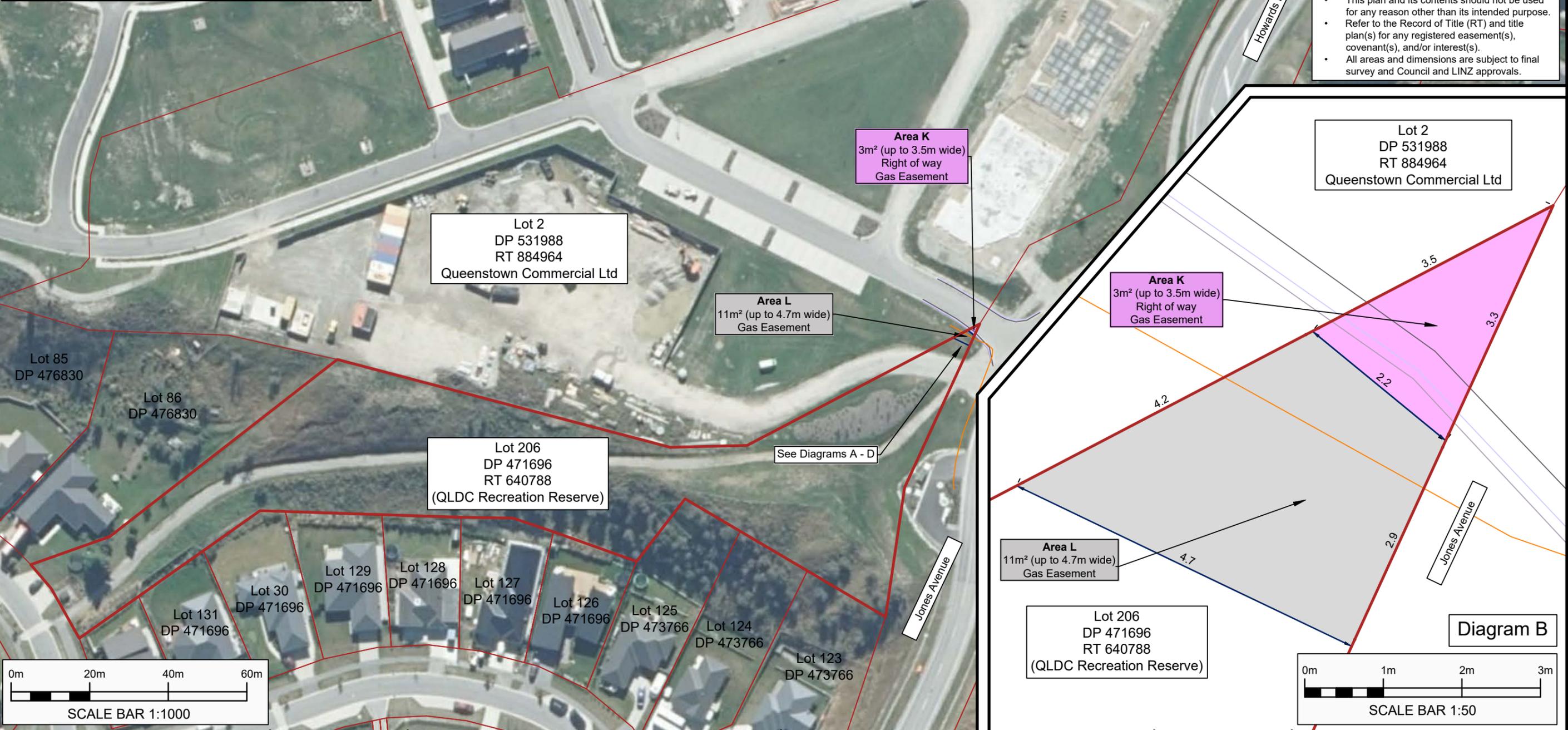
NOTES:

Plan Information

- As-Built services provided by Fluent Solutions (as measured and sourced from Benchmark Construction).
- Aerial image sourced from LINZ Data Service June 2020)
- Digital format CAD and 12d Model files are available on request to Paterson Pitts Group.

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 E queenstown@ppgroup.co.nz

Client/Location:
Sanderson
 (Queenstown Commercial Limited)

Purpose/Drawing Title:
Proposed Easements over QLDC Reserve
Existing Boundaries
(Aerial Image)

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Job Ref: Q6231P-14-2	Date Created: 26/01/2021	

Schedule of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of way	A	Lot 206 DP 471696	Lots 1 & 2 DP 531988 (including Lots 1-8 & 101-102 RM201042)

Schedule of Easements (in Gross)			
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Gas Easement	A, B	Lot 206 DP 471696	Rockgas Limited

Legend

- Lot 206 DP 471696 (QLDC Recreation Reserve) boundary
- existing boundary
- proposed right of way & gas easement
- proposed gas easement
- edge of seal
- invert of kerb
- top of kerb
- gas pipe
- proposed RM201042 access

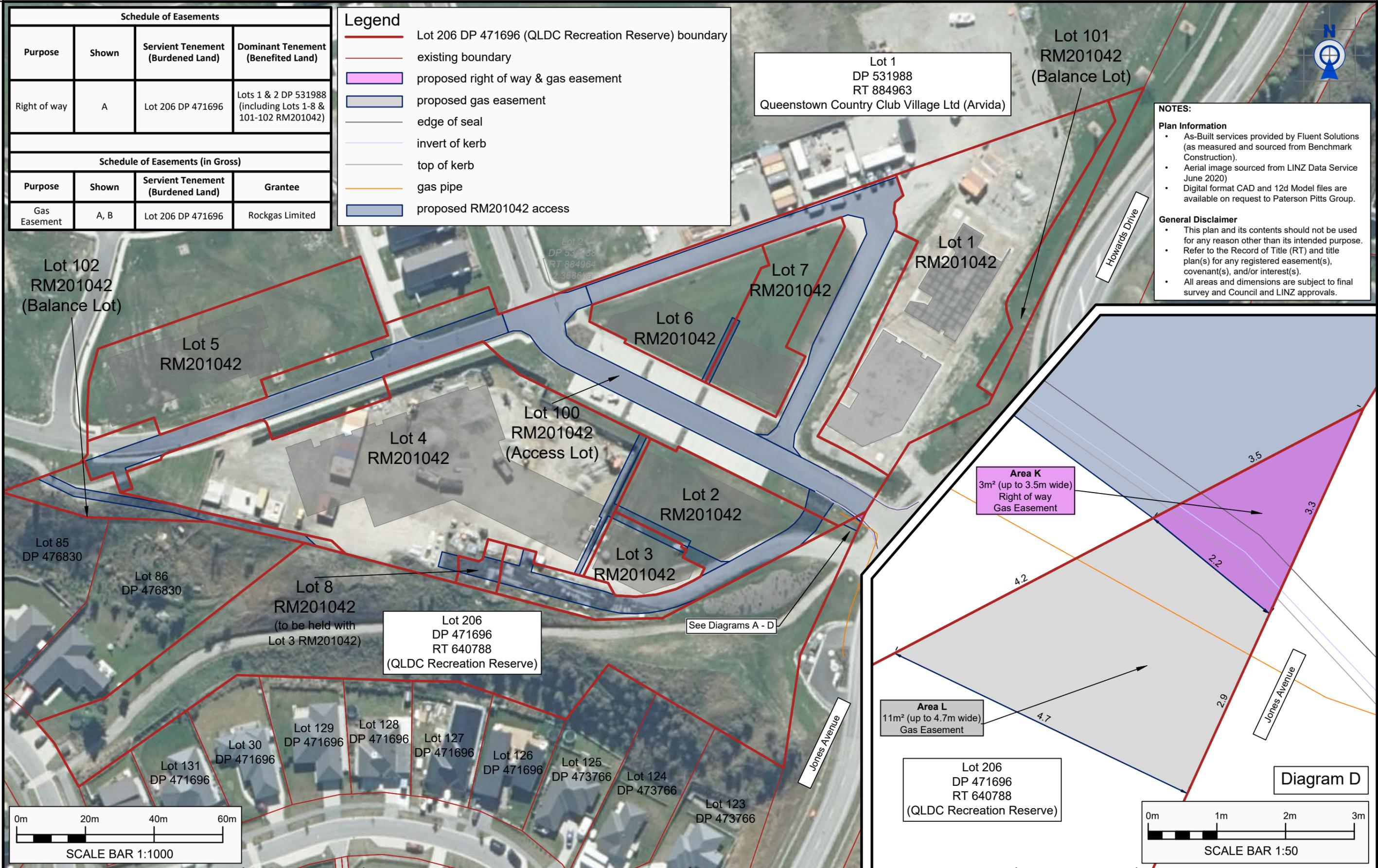
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Client/Location:
Sanderson
 (Queenstown Commercial Limited)

Purpose/Drawing Title:
**Proposed Easements over QLDC Reserve
 RM201042 Proposed Subdivision
 (Aerial Image)**

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Job Ref: Q6231P-14-2	Date Created: 26/01/2021	

