

Wānaka-Upper Clutha Community Board

27 March 2025

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

Department: Property & Infrastructure

Title | Taitara: Service easements over the Kidson Lane Local Purpose (Road) Reserve, Wānaka.

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider an application to grant four service easements over Local Purpose (Road) Reserve, referred to as Kidson Lane, Wānaka. The easements are required to enable a twelve-lot residential development, approved by Subdivision Consent RM230742.

Recommendation | Kā Tūtohuka

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 easements:
 - a. Underground right to convey water (identified as Areas R & S in Attachment B) over Lot 21 DP 10589 and Lot 3 DP 10796, being Local Purpose (Road) Reserve;
 - b. Underground right to drain water (identified as areas R, S & T in Attachment B) over Lot 21 DP 10589 and Lot 3 DP 10796, being Local Purpose (Road) Reserve;
 - c. Underground right to convey electricity (identified as P & Q in Attachment B) in favour of Aurora Energy Limited, over Lot 3 DP 10796, being Local Purpose (Road) Reserve;
 - d. Underground right to convey telecommunications (identified as P & Q in Attachment B) in favour of Chorus New Zealand Limited, over Lot 3 DP 10796, being Local Purpose (Road) Reserve;
3. **Recommend to Council** that approval for the easements is subject to the following conditions:
 - a. Easement Fees to be determined and paid in accordance with Queenstown Lakes District Council's (QLDC) Easement Policy 2008, prior to registration of any easement;

- b. The applicant shall notify and liaise with QLDC Infrastructure Department in advance of any onsite works, so that they can oversee and provide input relating to any existing in-ground infrastructure;
 - c. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment;
 - d. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the sites;
 - e. 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;
 - f. Reinstatement of the areas to be completed immediately following installation and to the satisfaction of QLDC's Property Team;
4. **Recommend to Council** 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;
 5. **Recommend to Council** that 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, is approved; and
 6. **Recommend to Council** that authority to approve final terms and conditions, and execution authority, is delegated to the General Manager Property & Infrastructure.

Prepared by:



Name: Aaron Burt
Title: Senior Property Advisor

19 February 2025

Reviewed and Authorised by:



Name: Tony Avery
Title: General Manager, Property & Infrastructure

20 February 2025

Context | Horopaki

1. The location of Kidson Lane is shown in Attachment A.
2. Subdivision Consent RM230742 was approved on 30 April 2024, to create the following lots:
 - Lots 1-4, 6-8 and 11-13, residential lots ranging from 570m² to 770m² in size;
 - Lot 5, 1,615m², residential lot, containing a protected tree; and
 - Lot 9, 1,990m², contains existing residential unit and a protected tree.

The consent has since been varied to enable a staged approach.

3. The development is proposed to be serviced from Kidson Lane for water, drainage, electrical and telecommunications. The development plan and identified easements are shown on Attachment B, with the easements further clarified in Attachment C.

Analysis and Advice | Tatāritaka me kā Tohutohu

4. The Reserves Act 1977 (the Act) 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.
5. Unusually, Kidson Lane is not a Legal Road, but a Local Purpose (Road) Reserve comprising two land parcels described as Lot 21 DP 10589 and Lot 3 DP 10796. This means that whereas services would typically be established in a Legal Road reserve as a matter of course, easements are instead now required given the Local Purpose Reserve status of Kidson Lane. In time, Kidson Lane may well be dedicated as a Legal Road, in which case any easements would cease to be necessary, and services would simply be located within a Legal Road corridor, as is commonplace.
6. The access to the residential Lots from Kidson Lane, does not require right of way easements, as the 'road' purpose of the Kidson Lane reserve anticipates its function to enable access.
7. It is relevant that the grant of subdivision consent has been made by Council as a Consent Authority, and this has included the input of Council's subdivision engineers, who support the proposed easements. If Kidson Lane were a Legal Road, the services requested would simply be established as part of the development, subject to standard engineering approvals included as conditions of the Subdivision Consent. Those engineering assessments/approvals will be applied regardless, and the need for easements is viewed as an additional tier of consideration.
8. The easements are for new underground services and will not permanently affect the public's rights in respect of the reserves, or materially damage or permanently alter the reserves. Any associated works will be temporary, and thereafter the reserve land will function as before, according to its road purpose.

9. Council will charge easement fees for all easements, set in accordance with the Easement Policy 2008.

10. Option 1 To grant the easements.

Advantages:

- Council officers support the easements now sought, and the easements have been assessed as not affecting the public's use and enjoyment of the reserve areas. It is highlighted that the need for easements is a consequence on the unusual tenure of Kidson Lane, in that it is not a Legal Road.

Disadvantages:

- Areas of reserve will be encumbered by easements that provide property rights to the applicants. However, because underground easements are proposed and any associated works will be of a short duration, the infrastructure will not affect public use and would otherwise be normally established in a Road Reserve if the tenure was such instead. If Kidson Lane ultimately becomes Legal Road, any existing easements would be uplifted as part of a road dedication process.

11. Option 2 To decline the easements.

Advantages:

- The reserves will not be encumbered by easements that provide property rights to the applicants, albeit this advantage is negligible.

Disadvantages:

- New locations for the infrastructure and associated easements would need to be determined and reassessed, when the existing locations are the most direct and logical easement routes and have been assessed as appropriate by Council's subdivision engineers.
- Council would need to look at formally dedicating Lot 21 DP 10589 and Lot 3 DP 10796 as Legal Road, and this could take time and resources, in addition to delaying the subdivision development.
- Council would not receive easement fees.

12. This report recommends **Option 1**, because it will allow the applicants to progress their works and not redesign associated aspects of their consented development. The easement routes proposed are supported by Council's subdivision engineers.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

13. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because it involves a Council reserve.
14. The impact of the decision however is minor, as infrastructure associated with the easements does not conflict with the purpose of the reserve to function as a road.
15. The persons who are affected by or interested in this matter are the general public and users of the reserve.
16. Consultation is not deemed necessary, given the proposal does not conflict with the purpose of the reserve.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

17. 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.
18. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by ensuring the infrastructure is appropriately established under the conditions of Subdivision Consent RM230742.

Financial Implications | Kā Riteka ā-Pūtea

19. Council will receive easement fees, and the costs of registering the easements will be met by the applicant.

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

20. The following Council policies, strategies and bylaws were considered:
 - Easement Policy 2008
 - Significance and Engagement Policy 2024
21. The recommended option is consistent with the principles set out in the named policies.
22. This matter is not included in the Long Term Plan/Annual Plan

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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

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

24. Section 10 of the Local Government Act 2002 (LGA) 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. The easements are requested to be approved under the Minister of Conservations' delegation and will allow for services to enable a residential subdivision. As such, the recommendation in this report is appropriate and within the ambit of section 10 of the LGA.

25. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- 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.

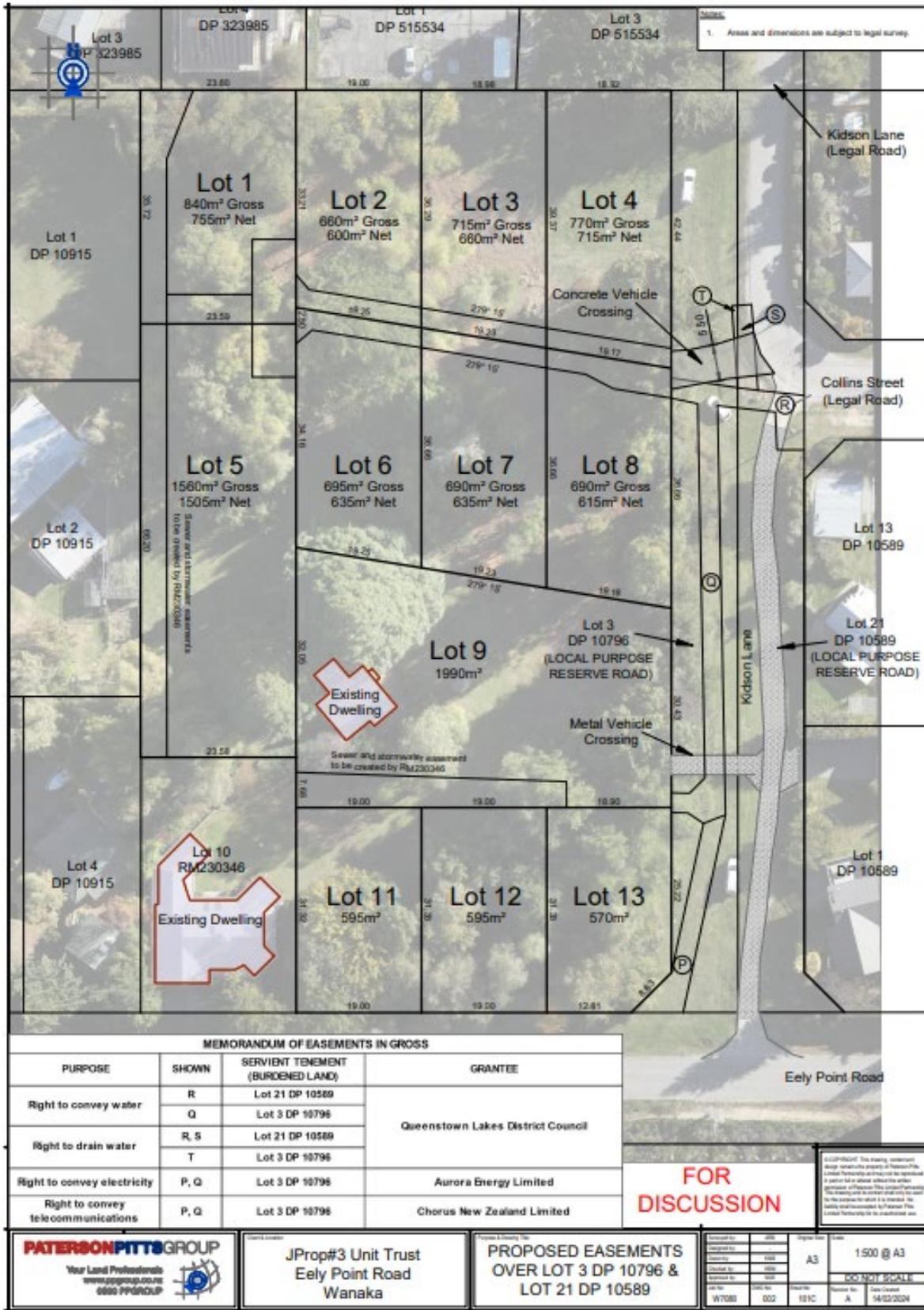
Attachments | Kā Tāpirihaka

A	Kidson Lane Location Plan
B	Development and Easement Plan
C	Kidson Lane Easements

Attachment A: Kidson Lane Location Plan



Attachment B: Development and Easement Plan



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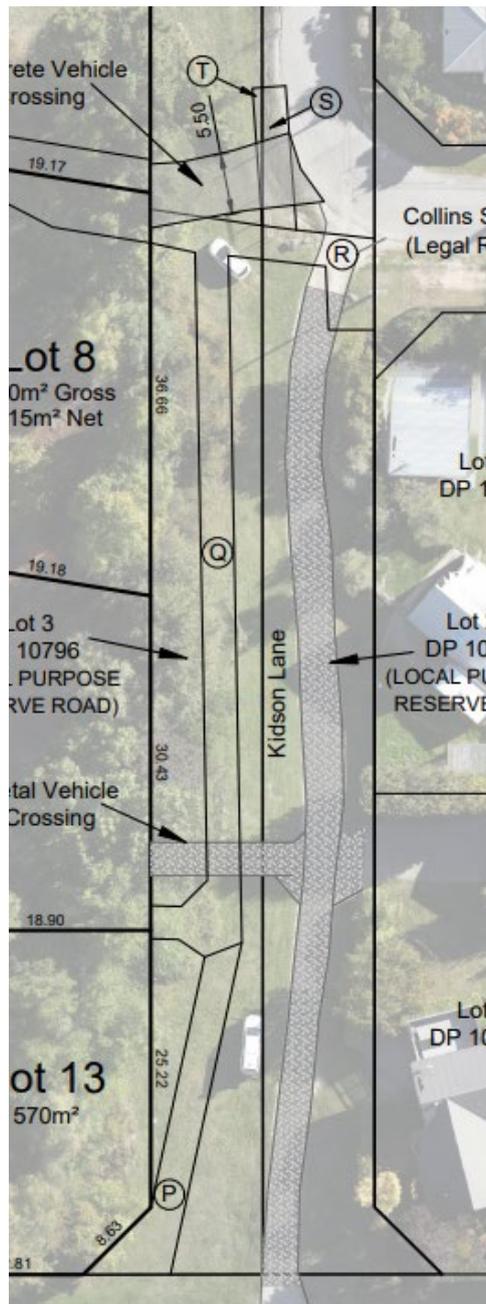
JProp#3 Unit Trust
 Eely Point Road
 Wanaka

**PROPOSED EASEMENTS
 OVER LOT 3 DP 10796 &
 LOT 21 DP 10589**

Prepared by:	W7080	Checked by:	A3	Date:	15/02/2024
Drawn by:	002	Scale:	1:100	Revision No.:	A
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Attachment C: Kidson Lane Easements



MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	GRANTEE
Right to convey water	R	Lot 21 DP 10589	Queenstown Lakes District Council
	Q	Lot 3 DP 10796	
Right to drain water	R, S	Lot 21 DP 10589	
	T	Lot 3 DP 10796	
Right to convey electricity	P, Q	Lot 3 DP 10796	Aurora Energy Limited
Right to convey telecommunications	P, Q	Lot 3 DP 10796	Chorus New Zealand Limited