

Full Council

12 December 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [6]

Department: Property & Infrastructure

Title | Taitara: Electrical services and wastewater mains easement for RCL Henley Downs Limited, at a Local Purpose Reserve in Hanley's Farm

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider approving an electrical services easement in favour of Aurora Energy and a wastewater easement in favour of QLDC, over Local Purpose (Drainage) Reserve, Lot 98 DP 519609 (RT 836888) and Lot 96 DP 539515 (RT 902441), in Hanley's Farm.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** an electrical services easement to RCL Henley Downs Limited, over Lot 98 DP 519609 and Lot 96 DP 539515;
3. **Approve** a wastewater easement to RCL Henley Downs Limited, over Lot 98 DP 519609 and Lot 96 DP 539515;
4. **Agree** that public notification of the intention to grant the electrical services and wastewater easements is not required, as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report;
5. **Require** that the construction methodology is first provided to the General Manager – Property & Infrastructure, for consideration and approval as appropriate, prior to any works occurring on the reserve.
6. **Require** that easement fees are charged, in accordance with Council's Easement Policy 2008, payable before the registration of the easements;
7. **Delegate** authority to approve final terms and conditions of the easement and execution authority, to the General Manager Community Services

Prepared by:



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7 November 2024

Reviewed by:



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8 November 2024

Authorised by:



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11 November 2024

Context | Horopaki

1. The new electricity connection and wastewater main will support the new subdivision under construction under RM230485, scheduled for completion early 2025.
2. RM230485 was granted on 16 April 2024 for subdivision consent, land use consent and cancelling existing consent notices. A partial Engineering Acceptance (RM230485.EA00) was granted 20 June 2024 which includes the scope of works shown on the approved plans included in **ATTACHMENT A**.
3. The underground easement for wastewater mains comprises 859m², as shown in red on **ATTACHMENT B**. These areas require a right to drain sewage in favour of QLDC. They will contain a 225mm PVC wastewater pipe that gravity drains from the subdivision consent granted under RM230485. Downstream of these easements, wastewater pipes will be installed towards an existing 225mm PVC wastewater pipe which then discharges to Hanley's Farm Pump Station.
4. The underground easement for electrical cabling comprises 233m², as shown in orange on **ATTACHMENT C**. These areas require a right to convey electricity in favour of Aurora Energy Limited, which contain underground electricity duct and underground high voltage cable to allow for the relocation of nearby existing overhead powerlines. This electricity cable will connect to the existing Aurora cabinet located in Woolshed Road.
5. This easement route is in accordance with the easements shown on the RM230485 approved plans and the associated Engineering Review and Acceptance. As part of the consent process alternative routes were considered, however the land gradient made the proposed easement route the most appropriate as it has a gentle downhill grade more suitable for gravity drainage, as well being a direct route and provides easier access for maintenance by QLDC and Aurora.
6. Once the underground services have been installed, a new 2.0m walking and cycle trail (Grade 2) will be constructed above as part of the subdivision consents RM240205 and RM240788. These consents will also vest further reserves in Council to accommodate the trail and installed services.

Analysis and Advice | Tatāritaka me kā Tohutohu

7. The Reserves Act 1977 requires easements to 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.
8. The underground electrical services and wastewater mains will not affect the public's ability to use or enjoy the reserve, as the infrastructure will be below ground.
9. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

10. Option 1 To grant the easements.

Advantages:

- Council officers support the easements now sought, as the infrastructure that is below ground has no affect.

Disadvantages:

- An additional area of the reserve will be encumbered by an easement that provides property rights to the applicant.

11. Option 2 To decline the easements.

Advantages:

- The reserve will not be encumbered by an easement, which will provide property rights to the applicant.

Disadvantages:

- New locations for the infrastructure and associated easements would need to be determined and reassessed
- Council would not receive easement fees
- Council would not receive a walking and cycling track over the proposed easement area

12. This report recommends **Option 1** for addressing the matter because the proposed infrastructure and easement will not affect the practical use and function of the reserve.

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 Council reserves.

14. The persons who are affected by or interested in this matter are the general public and future residents of the subdivision.

15. Consultation is not deemed necessary, as Resource Consent has already been granted and consultation was sought during that process.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

16. This matter relates to the Financial risk category. It is associated with RISK10006 Ineffective planning for property and infrastructure within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating.
17. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by enabling new electrical services and wastewater mains to be installed.

Financial Implications | Kā Riteka ā-Pūtea

18. Council will receive an easement fee, and the costs of registering the easement will be met by the applicant.

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

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

- Council's Easement Policy, 2008
- Significance & Engagement Policy, 2024

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

21. This matter is not included in the Long Term Plan/Annual Plan

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

22. In order to grant an easement through reserve land, Council must follow the required process set out under the Reserves Act 1977.

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

23. 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. This approval will enable development of new underground infrastructure. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

24. The recommended option:

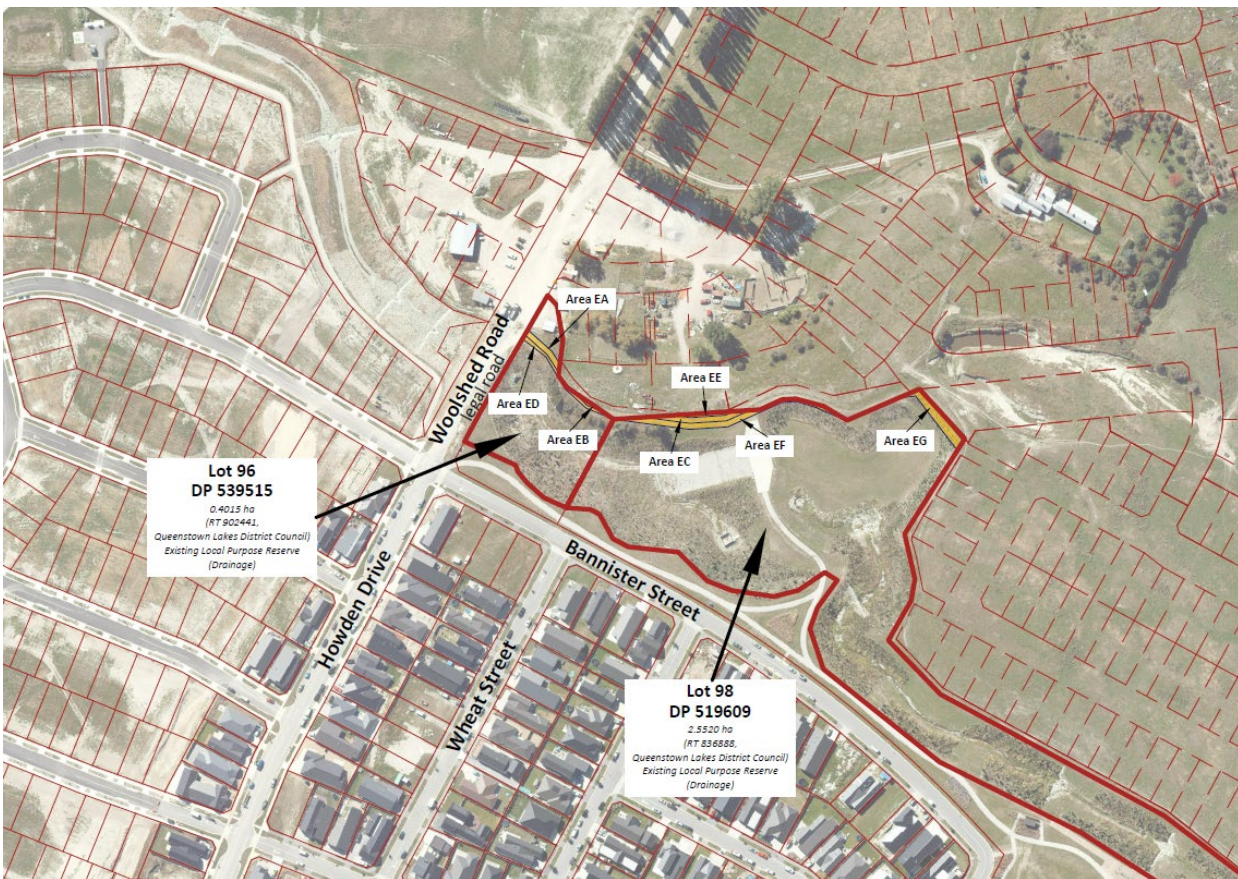
- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

- 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.

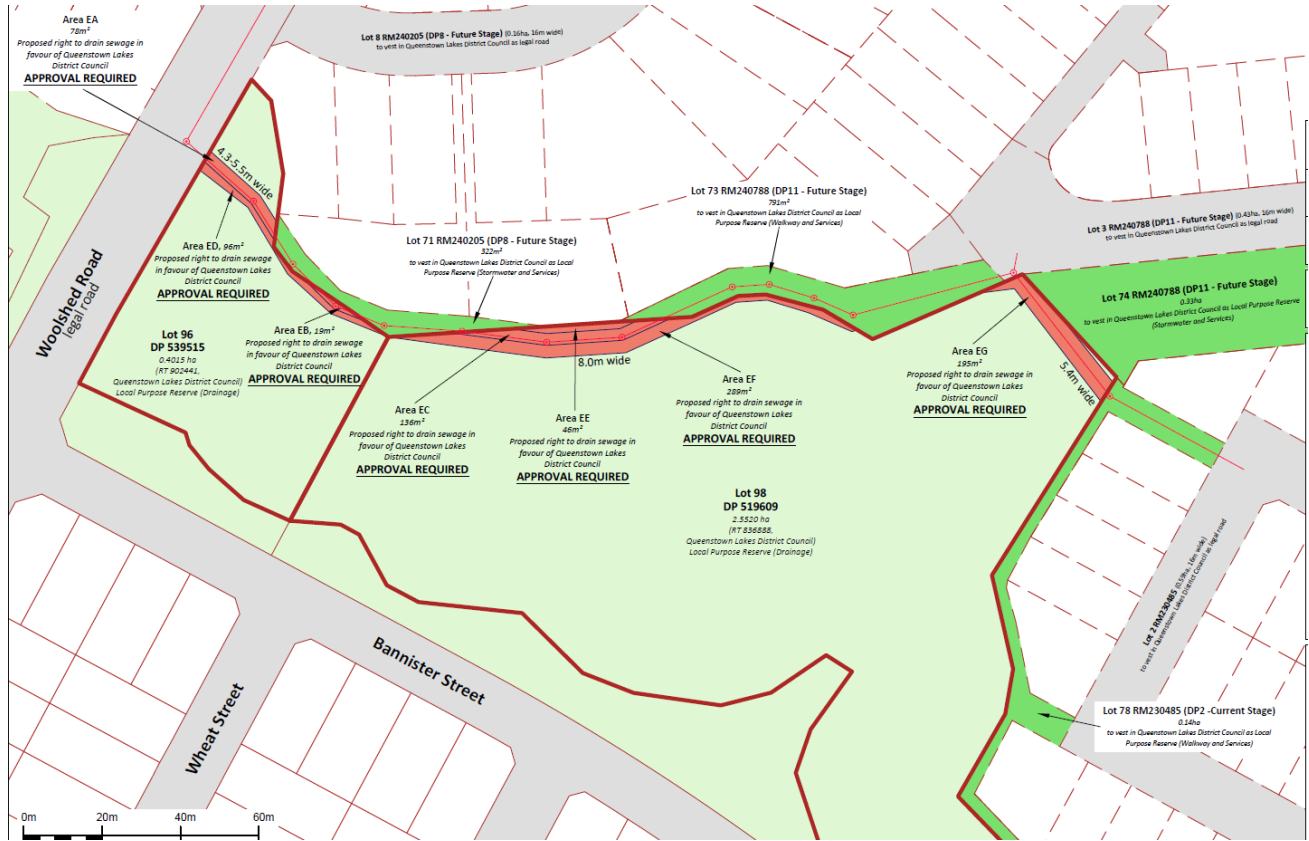
Attachments | Kā Tāpirihaka

A	Plan – Proposed Easement Route
B	Plan - Wastewater Mains Easement
C	Plan - Electrical Cables Easement

ATTACHMENT A – PROPOSED EASEMENT ROUTE



ATTACHMENT B – WASTEWATER MAINS EASEMENT



ATTACHMENT C – ELECTRICAL CABLES EASEMENT

