



GREAT LAKE TAUPŌ
Taupō District Council

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| Date: | Tuesday, 30 May 2023 |
| Time: | 1.00pm |
| Location: | Council Chamber 107 te Heuheu Street Taupō |

SUPPLEMENTARY AGENDA

MEMBERSHIP

Chairperson Mayor David Trewavas

Deputy Chairperson Cr Kevin Taylor

Members

- Cr Duncan Campbell
- Cr Karam Fletcher
- Cr Sandra Greenslade
- Cr Kylie Leonard
- Cr Danny Loughlin
- Cr Anna Park
- Cr Christine Rankin
- Cr Rachel Shepherd
- Cr Kirsty Trueman
- Cr Yvonne Westerman
- Cr John Williamson

Quorum 7

Julie Gardyne
Acting Chief Executive Officer

Order Of Business

S Ngā Kaupapa Here Me Ngā Whakataunga | Policy and Decision Making

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S.1 GRANT OF EASEMENT TO UNISON NETWORKS LIMITED OVER LOCAL PURPOSE RESERVE - SEVEN OAKS, KINLOCH

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Authorised by: Nigel McAdie, Legal, Risk and Governance Manager

TE PŪTAKE | PURPOSE

To have Council, acting under delegation from the Minister of Conservation, consent to the grant of easements in favour of Unison Networks Limited for an electrical installation over a Council reserve pursuant to section 48(1) of the Reserves Act 1977.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Seven Oaks Kinloch Limited ("**Seven Oaks**") is currently completing Stages 4, 5 and 6 of its multi-stage residential subdivision at Seven Oaks Drive, Kinloch.

Stages 4, 5 and 6 provide a mix of residential lots, a local purpose reserve and public road.

The local purpose reserve is to vest in Council for the purposes of wastewater and stormwater drainage, for which a wastewater pump station is sited within the proposed local purpose reserve.

The power needs of the wastewater pump station are serviced by Unison Networks Limited ("**UNL**"), which has installed infrastructure for this purpose. UNL owns such infrastructure regardless that they are within land to vest in Council for reserve purposes.

To protect its position and its assets, UNL requires an electricity and telecommunication easement to be granted to it over the proposed local purpose reserve.

By section 48(1) of the Reserves Act ("**Act**") Council may grant an easement over reserves vested in it as administering body for the installation of electrical works, with the consent of the Minister of Conservation.

By instrument of delegation dated 12 June 2013 the Minister of Conservation has delegated to Council the Minister's powers under section 48(1) of the Act in respect of reserves vested in Council as the administering body.

The decision for Council is whether to exercise its delegated powers to give Ministerial consent to the easement grant in favour of UNL over the local purpose reserve.

For reasons identified below, the preferred option is to grant Ministerial consent to the proposed easement in gross to UNL for the right to convey electricity and right to convey telecommunications over the local purpose reserve.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council grants Ministerial consent to the grant of easements in gross in favour of Unison for rights to convey electricity and to convey telecommunications over Lot 305 DP 586278 (Local Purpose Reserve (Stormwater, Wastewater) pursuant to section 48(1) of the Reserves Act 1977, and authorises the Acting Chief Executive and Mayor to sign the requisite consent certificate on behalf of Council.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

Seven Oaks is progressing its multi-stage residential development in Kinloch.

Stages 1 - 3 have been completed and Seven Oaks now wish to have new titles issue for Stages 4 – 6.

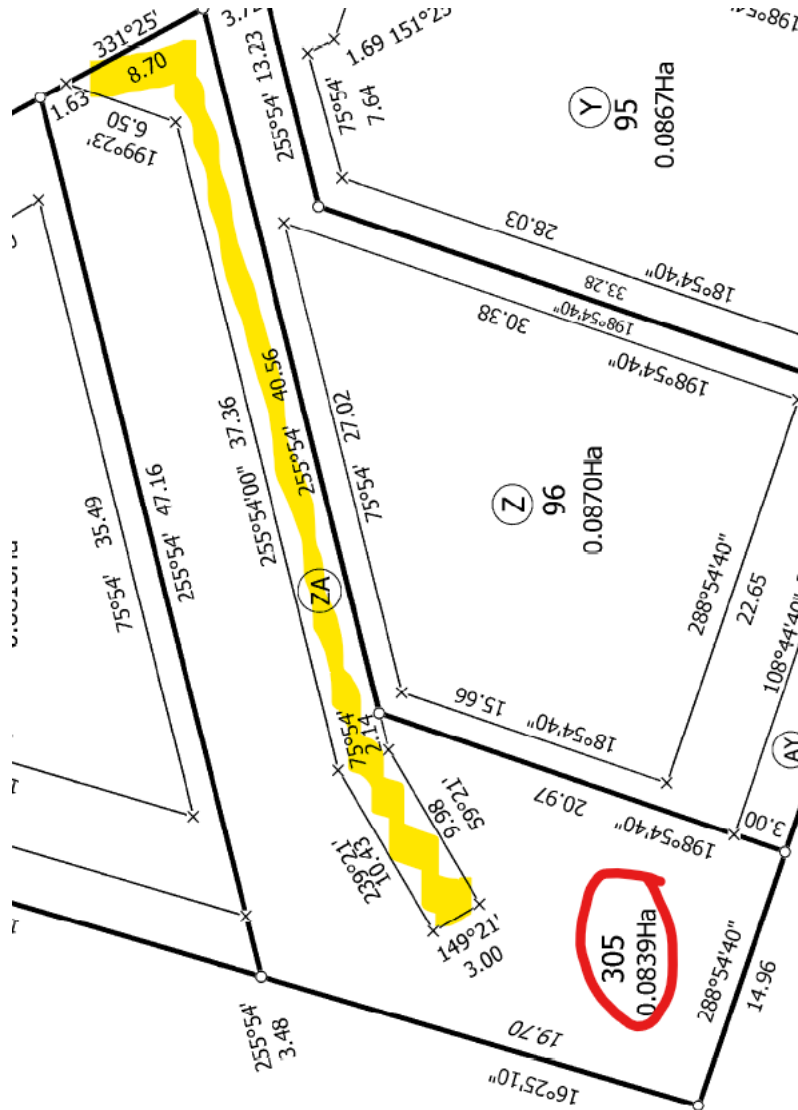
Stages 4 – 6 are shown on Land Transfer Plan 586278.

Proposed Lot 305 on Land Transfer Plan 586278 is shown as local purpose reserve for wastewater and stormwater drainage purposes, to vest in Council on deposit of the plan.

There is a wastewater pumping station on Lot 305 to service the development. The power and telecommunication services needed to operate the pumping station are provided by UNL, which in turn requires an easement to protect its infrastructure installed for this purpose.

NGĀ KŌRERORERO | DISCUSSION

The area within Lot 305 that houses UNL’s assets is shown “ZA” on LT 586278 (highlighted below).



UNL has confirmed that a pillar box and underground cabling, as associated with the proposed easement rights, has been installed within area “ZA”.

UNL’s proposed easement instrument contains standard easement terms as usually apply to its electricity and telecommunication easements, and which have been accepted many times in the past.

Public notice of Council’s intention to grant easements over reserve is required unless the circumstances set out in section 48(3) of the Act exist.

Section 48(3) provides that public notice of Council’s intention to grant an easement over reserve is **not** required if:

- 1. the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and

2. the rights of the public in respect of the reserve are not likely to be permanently affected, by the existence and proper use of the specific easement.

The reserve is unlikely to be materially altered or permanently damaged because most of UNL’s assets are underground. The only above ground asset is the pillar box.

The rights of the public in respect of the reserve are unlikely to be permanently affected because the reserve is for wastewater and stormwater drainage purposes, and the reason for the easement is to protect infrastructure needed to operate a facility to fulfil those reserve purposes.

Based on this information it is considered that there are 2 options.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Do not grant Ministerial consent to the grant of easement to UNL.

| Advantages | Disadvantages |
|--|--|
| <ul style="list-style-type: none"> None known | <ul style="list-style-type: none"> UNL does not have security for its assets and may require their removal, resulting in Stages 4 – 6 of Seven Oaks development not proceeding as designed, (in the least) further delaying deposit of LT 586278 and issue of new titles. |

Option 2. Grant Ministerial consent to the grant of easement to UNL.

| Advantages | Disadvantages |
|--|---|
| <ul style="list-style-type: none"> UNL achieves the required security for its infrastructure, LT 586278 can deposit and new titles issue, and Council can utilise the electricity and telecommunication installations to operate the wastewater pumping station on Lot 305 as needed to service Stages 4 – 6 of the Seven Oaks development. | <ul style="list-style-type: none"> None known. |

Analysis Conclusion:

The preferred option is Option 2: grant Ministerial consent to the grant of easement to Unison.

NGĀ HĪRAUNGA | CONSIDERATIONS

Whakahāngai ki tā te Kaunihera wawata | Alignment with Council’s Vision

Council’s vision is ‘to be the most prosperous and liveable district in the North Island’. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: Vibrant; Quality; Resilient and Value.

Ngā Aronga Pūtea | Financial Considerations

The financial impact of the proposal is estimated to be \$nil. The costs pertaining to the UNL easement are to be meet by UNL and/or the developer.

Long-term Plan/Annual Plan

There is no expenditure to be budgeted for.

Ngā Aronga Ture | Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council’s lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. That section of the Act states that 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 is considered that social, economic and environmental well-beings are of relevance to this particular matter.

The proposal has been evaluated with regards to key legislation. The key legislation on this occasion is the Reserves Act 1977 (“Act”) and the relevant matters for consideration are:

1. Section 48(1) of the Act permits an administering body of a reserve to grant easements over any part of a reserve vested in that administering body for the purposes of *inter alia* an electrical installation, with the consent of the Minister of Conservation.
2. Pursuant to section 10 of the Act, by instrument of delegation dated 12 June 2013, the Minister of Conservation delegated to Council the Minister’s powers under section 48(1) of the Act in respect of reserves vested in Council as the administering body.
3. Lot 305 is local purpose reserve to vest in Council *qua* administering body for wastewater and stormwater drainage purposes.
4. Section 48(2) requires public notice of the intention to grant easements over reserve unless the circumstances in section 48(3) of the Act exist.
5. The reserve is not likely to be materially altered or permanently damaged, and the public’s rights in respect of the reserve are not likely to be permanently affected, by the installation of a pillar box and underground cabling within area ZA on LT 586278 and the proper exercise of UNL’s easement rights.
6. The exercise of Ministerial consent by Council as administering body may be delegated to a Committee of Council but, in the interests of time, we wish to have this matter considered at the earliest opportunity.
7. The exercise of Ministerial consent by an administering body has not been delegated to an officer.
8. The proposed easements are to be granted on terms usually applying to UNL easements.

Authorisations are not required from external parties.

Ngā Hīraunga Kaupapa Here | Policy Implications

There are no known policy implications.

Te Kōrero tahi ki te Māori | Māori Engagement

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Ngā Tūraru | Risks

There are no known risks

TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council’s Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

TE KŌRERO TAHI | ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

No communication/media required.

WHAKAKAPINGA | CONCLUSION

For the above reasons, it is proper for Council, as delegate of the Minister of Conservation, to consent to the proposed UNL's easements over area "ZA" on LT 586278, as needed to provide power to operate a wastewater pumping station within a local purpose reserve (wastewater and stormwater), serving the drainage needs of Stages 4 – 6 of the Seven Oaks residential development in Kinloch.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil