

## 16. ORION NEW ZEALAND LIMITED EASEMENT – LAYING OF A NEW 11K V POWER CABLE ACROSS GRIMSEYS RESERVE

<b>Officer responsible</b> Parks and Waterways Manager	<b>Author</b> Tony Hallams, DDI 371-1320
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The purpose of this report is to recommend to the Council that they grant an easement in favour of Orion New Zealand Limited over part of Lot 41 DP 303747 (known as Grimseys Reserve) in which to lay a new 11K v power cable. The details of the proposed easement are provided in Appendix One (attached).

### RELEVANT CURRENT POLICY

The Community Board has the delegated authority from the Council (8 November 2001) to grant or decline the easement. This decision can be made by a sub-committee of the Council in terms of the Reserves Act 1977 requirements.

### DESCRIPTION OF THE PROPOSAL

The applicant has indicated that an 11K v power cable was laid through the Council reserve under consent number PAP/200003658. At that time an easement was created over the power cable in favour of Orion New Zealand Limited, as well as an easement over a sewer rising main in favour of the Christchurch City Council.

The applicant has further stated that this power cable provided a linkage between an Orion kiosk site within the Redwood Springs subdivision and high voltage cables along the Main North Road. Since this initial subdivision, Stage 1, there have been two further stages which have been developed within the confines of the Redwood Springs Development.

To accommodate the new cable a new 1m wide by 5m long easement will need to be created. The intended path of the cable, including its extension to the kiosk site, is detailed under Appendix One.

The applicant has indicated that the existing cable located in the Council reserve is to be realigned and a new easement created over it, the work being due to its initial misplacement. The work is intended to be undertaken in conjunction with the re-hunching of the sewer riser main.

### ISSUES FOR CONSIDERATION

After perusal of the information submitted it is considered that there will be no detrimental effects as an outcome of the proposal because of the small area of land sought by the applicant.

### DISCUSSION

The applicant will be required to pay all costs associated with the establishment of the easement, which will include Council officers' time spent preparing reports, attending council meetings, preparing legal documentation, together with the fees of outside agencies required to complete the process. These will include the Minister of Conservation's approval fee, survey fees, and Land Information New Zealand documentation fees.

Usually the applicant would be required to pay a level of compensation set by an independent valuer for the procurement of the easement with any independent valuation cost being met by the applicant. In this case, as the area of reserve in question was given as reserve contribution in advance of the subdivision, officers recommend that compensation should not be requested. However, as outlined above, the easement should be created at no cost to the Council.

Part 1 of section 48 of the Reserves Act 1977 allows for the granting of rights of way and other easements across reserves. Part 2 of this section requires that before granting the easement, the Council publicly advertises its intention to grant the easement. Part 3 of this section allows these advertising provisions to be dispensed with if the proposed easement is not likely to 'materially alter or permanently damage the reserve, and the rights of the public are not likely to be permanently affected'. It is considered that both these tests will be satisfied because no structures will be built above the ground on the specific area of land sought and, therefore, the rights of the public will not be affected by the proposal. Public advertising will therefore not be required.

The applicant has agreed to supply the Council with survey plans of the easement within three months of completing the work so that the easement can be registered as required by the Reserves Act 1977.

## **CONCLUSION**

Officers of the Parks & Waterways Unit are comfortable with the application and therefore recommend that it be approved subject to the applicant complying with conditions 1 to 7 outlined below.

1. The easement terms being negotiated by the Property Manager in consultation with the Parks and Waterways Policy and Leasing Administrator.
2. Before any work commences upon the site the applicant is to be responsible for locating all the existing services that are located within the park and ensure they are not damaged by the contractor(s) .
3. The easement construction area being maintained by the applicant and/or their contractors in a safe and tidy condition at all times.
4. Before any tenders are let or work commences on the site discussions are to be held with the Parks and Waterways Area Advocate (Shirley/Papanui), Fendalton Service Centre, to ascertain the Council's requirements through the construction phase of laying the pipe.
5. A bond of \$2000 is to be paid by the applicant, to the Christchurch City Council via the Parks and Waterways Area Advocate (Shirley/Papanui), Fendalton Service Centre, before work commences upon the site. This bond, less any expenses incurred by the Council, is to be refunded to the payee upon the completion of the work and lodgement of the survey plan as built with the Parks & Waterways Policy & Leasing Administrator.
6. The applicant providing the Council (Parks & Waterways Policy & Leasing Administrator), within three months of completion of the work, a surveyed easement plan upon which the 11 Kv cables' location within the easement, as built within the reserve, is shown.
7. The applicant agreeing to pay all the Council and other necessary agents' costs, enabling the easement to be put in place.

## **Staff**

**Recommendation:** That Board resolve to grant a registered easement as provided for in Section 48 (1)(d) of the Reserves Act 1977 over approximately 5.m<sup>2</sup> (the easement being approximately 1m wide by 5m long) of Lot 41 DP 303747, known as Grimseys Reserve, as shown upon plan 506054 prepared by Connetics and subject to conditions 1 to 7 outlined above being complied with.

## **Chairperson's**

**Recommendation:** That the Board grant approval for work to proceed.