

11. RAY BLANK PARK- PROPOSED ORION EASEMENT FOR THE LAYING OF ELECTRICAL CABLES

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Corporate Plan Output: Consents (9.4.8)	

PURPOSE OF REPORT

The purpose of this report is to obtain Board delegated approval to the granting of an easement, in favour of Orion New Zealand Limited over part of Part Lot 11 DP 22154, being 4.4981 hectares in area contained in certificate of title CB9K/1484, a recreation reserve, which is subject to the Reserves Act 1977, and known as Ray Blank Park, in which to lay the cabling as shown on the **attached** plan numbered 506203, sheet 3.

REASON FOR EASEMENT

These new cables are required to strengthen the electrical service to the Ilam area, which is partly due to the phasing out of open fires, and the upgrading of heating in domestic homes. Recent work undertaken at the Maidstone Road/Waimairi Road intersection has involved the installation of lights and the removal of the roundabout. Consequently the berm of the adjacent footpath has not got enough room in it to accommodate the services required and the applicant has made application to lay the cables within a proposed easement through the park from the proposed transformer site in Waimairi Road.

RELEVANT CURRENT POLICY

The Board has the delegated authority (Council 8 November 2001) to make the decision on behalf of the Council whether or not to grant the easement.

DESCRIPTION OF THE PROPOSAL

A description of the proposal is shown in the plan **attached** as Appendix One. The proposed route shown has been chosen to avoid the existing trees and shrubs in the park. The total area of the proposed easement is approximately 103 metres long by 1 metre wide.

ISSUES FOR CONSIDERATION

The applicant will be required to pay all costs associated with the establishment of the easement, which will include Council staff time spent preparing reports, attending council meetings, preparing legal documentation, together with the fees of outside agencies required to complete the process. This will include the Minister of Conservation's approval fee, survey fees, and Land Information New Zealand documentation fees. The applicant will also be required to pay a one-off compensation fee, as decided by independent valuation, for the privilege of having an encumbrance placed upon the Council's title as decided by independent valuation.

Mr Dinesh Mehta, on behalf of Orion New Zealand, has returned a signed quotation form agreeing to pay all necessary costs to acquire the easement.

LEGAL ISSUES

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 that the Council publicly advertise 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, and therefore the rights of the public will not be affected by the proposal. Public advertising will therefore not be required.

CONCLUSION

Officers of the Parks and Waterways Unit are comfortable with the application, and therefore recommend that it be approved subject to the applicant complying with conditions 1 to 8 outlined below.

1. The approval of the Minister of Conservation first being obtained.

2. The easement terms being negotiated by the Property Manager, in consultation with the Parks and Waterways Policy and Leasing Administrator.
3. Before work commences upon the site, the applicant is to be responsible for locating all the existing services that are located within the park, and ensuring they are not damaged by the contractor(s).
4. The easement construction area being maintained by the applicant and/or their contractors in a safe and tidy condition at all times.
5. Before any tenders are let or work commences on the site, discussions to be held with the Parks and Waterways Area Advocate, Fendalton Service Centre, to ascertain the Council's requirements through the construction phase of laying the cables.
6. A bond of \$2000 is to be paid by the applicant, to the Christchurch City Council via the Parks and Waterways Area Advocate, 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.
7. 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 easement and cabling within the easement as built within the park is shown.
8. The applicant agreeing to pay all necessary costs, enabling the easement to be put in place. This is to include a one off compensation fee as decided by independent valuation.

Staff

Recommendation: That the Council resolves to grant a registered easement to Orion New Zealand Limited, over approximately 103.m2 (the easement being approximately 103.m long by 1 m wide as shown upon plan 506203/3 prepared by Connetics) of Part Lot 11 DP 22154 as contained in certificate of title CB9K/1484, known as Ray Blank Park, a Recreation Reserve which is subject to Section 48 (1) (d) of the Reserves Act 1977. This approval is subject to conditions 1 to 8 detailed above being complied with.

Chairman's

Recommendation: That the above recommendation be adopted.