

## 10. PROPOSED POWER CABLE EASEMENT – WESTLAKE PARK

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Corporate Plan Output: Parks – Customer Services – Consents 9.4.8.	

The purpose of this report is to request the Council's consent under Section 48 of the Reserves Act 1977 to the creation of an electrical service easement over part of Westlake Park. Westlake Park is owned by the Christchurch City Council and held as a recreation reserve subject to the provisions of the Reserves Act 1977. This report has also been referred to the Riccarton/Wigram Community Board for comment and recommendation to the Committee. The Board supports the proposal.

### BACKGROUND

Application has been made by Orion through its consultants Connell Wagner for the Council's consent to an easement to allow the installation of a high voltage cable from Marquess Avenue to Wigram Road by a route through Westlake Park. The proposed route will avoid the necessity of laying the cable through private residential property.

The 11KV cable is to service a new subdivision off Marquess Avenue to the south, this subdivision having been consented to on the condition (among other conditions) that the service easement for the new cable be created over the alignment proposed. To service the new subdivision it will be necessary for an extension of the 11KV lines through to an existing kiosk at the Edgewater Lane and Wigram Road intersection. Installation of the new cable is intended for early October 2000 and Orion have asked that the Council's consent to the easement be confirmed within this timeframe.

Prior to any work commencing to lay the cable through the reserve it will be necessary to obtain the consent of the Minister of Conservation. An application is being made to the Department of Conservation for the Minister's consent subject to the approval of Council to the granting of this easement.

### CONDITIONS

The Parks Unit have reviewed the proposed route of the cable easement and confirm that this is the most practical alignment for the electricity cable to service this subdivision. The Parks Unit supports the easement, subject to the following conditions.

1. That the cable be laid outside existing shrub border in the grass.
2. That the cable be laid at a depth no shallower than 900 mm to avoid any possible conflict with future pathway construction through the reserve area.
3. That compensation be payable as assessed by an independent registered valuer.

4. That the contractor be required to pay a \$2,000 bond to the Council prior to commencing work on the site, this bond less any costs incurred by Council to be refunded on completion of the cable laying and restoration of the park surface to the satisfaction of the Parks Manager.
5. That appropriate health and safety procedures be put in place by Orion New Zealand with the construction site to be kept safe and secured from public access at all times while work is being carried out.
6. That the easement corridor be a maximum width of 1 metre.

### **Compensation**

It has become normal practice when granting an easement over reserve land (which is not reserve land being vested in the Council as part of the subdivision) for compensation to be paid to the Council by the applicant for the privilege of laying a utility through reserve. The compensation figure is arrived at by independent valuation.

### **COMMENT**

Officers recommend that an easement be granted to Orion for the cable easement over that route shown on the attached plan, being the alignment shown in the plan that accompanied the subdivision consent on the basis that the easement be not notified subject, however, to the consent of the Minister of Conservation. The easement is to be registered in the Land Transfer Office and all costs associated with survey of the easement alignment and legal expenses to create the easement are to be met by Orion.

- Recommendation:**
1. That the Council consent, pursuant to Section 48 of the Reserves Act 1977, to the creation of an easement for the purpose of laying power cable over part Westlake Park on the alignment shown on the attached plan, subject to the conditions outlined in this report.
  2. That the Council resolve not to publicly notify the creation of the easement as:
    - (a) Westlake Park is not likely to be materially altered or permanently damaged by the creation of the easement; and
    - (b) The rights of the public in respect of Westlake Park are not likely to be permanently affected by the creation of the easement.