

## 9. CABLE EASEMENT – MIDDLETON PARK

<b>Officer responsible</b> Parks Manager	<b>Author</b> John Allen, Policy & Leasing Administrator, DDI 371 1699
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The purpose of this report is to recommend to the Council that an easement be granted over part of Middleton Park in favour of Telstra Saturn Limited. This easement is required to enable the applicant to lay a fibre optic cable to both a MUX and OTN cabinet within Middleton Park. The MUX cabinet measures 1.8 long x 0.4 wide x 1.8 metres high, while the OTN cabinet measures 1 long x 0.6 wide x 0.9 metres high.

The proposal is to locate the cabinet in the shrub border next to the 1.8 metre high paling park boundary fence, at the west-end of the car park off Lochee Road, which will ensure that it does not have a great impact upon the environment (see attached location plan). The reason for requiring the easement is that Telstra Saturn has not been able to find a location for the MUX and OTN cabinets that does not affect the streetscape to a marked degree. The cable will be laid in ducting, which will be laid in the easement to the cabinets. The applicant will be required to replace any shrubs which may have to be removed.

Middleton Park is a classified recreational reserve vested in the Council. Section 48 of the Reserves Act 1977 allows for the creation of an easement across a reserve, part 2 of this section requires the intention to create the easement to be publicly advertised if it will materially alter the reserve. This means that if any structure is to be built above the ground in the proposed easement, that Council must comply with this section of the act, this being the case here.

The registered easement required will be approximately 1 metre wide, by 11 metres long, a total of approximately 11 square metres.

Telstra Saturn Limited have agreed to pay a compensation fee, all legal, and reasonable incidental costs associated with establishing the easement. They have also 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.

The above report was before the Riccarton/Wigram Community Board at its meeting on 4 July 2001. The Board supported the application subject to the conditions recommended by the Parks and Waterways Manager.

**Recommendation:** That, pursuant to section 48 of the Reserves Act 1977, the Council grant a registered easement over approximately 11 square metres (the easement being approximately 1 metre wide by 11 metres long) of Middleton Park in favour of Telstra Saturn Limited in which to lay a fibre optic cable, and erect two cabinets in accordance with section 48 of the Reserves Act 1977 subject to the following conditions:

1. Public notification in accordance with the requirements of the Reserves Act 1977.
2. Approval by the Minister of Conservation.
3. The easement terms being negotiated by the Property Manager in consultation with the Parks & Waterways Policy & Leasing Administrator.
4. A compensation payment, which is decided by independent valuation being paid to the Council for the granting of the consent.
5. The replanting of any shrubs in the border which have to be removed to enable the cable to be laid.
6. The easement construction area being maintained by Telstra Saturn Limited in a safe and tidy condition at all times.
7. All costs associated with the development and subsequent maintenance of any structures being paid for by Telstra Saturn Limited.

8. Before any tenders are let or work commences upon the site, discussions being held with the Parks & Waterways Area Advocate – Sockburn Service Centre to ascertain the Council’s requirements through the development phase of the construction of the facility.
9. A bond of \$2,000 being paid by Telstra Saturn Limited or successful principal contractor to the Christchurch City Council/Parks & Waterways Area Advocate – Sockburn Service Centre before work commences upon the site. The bond less any expenses incurred by the Council will be refunded to the payee upon the completion of the work.
10. The applicant providing the Council with a surveyed easement plan depicting the location of the easement, cable and cabinet, within three months of completion of the work.