

## 9. CABLE EASEMENT – MIDDLETON PARK

The Board was in receipt of a report seeking support for an easement over part of Middleton Park in favour of Telstra Saturn Limited (see attached location plan). 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 1.6 m x 1.6 m in size while the OTN cabinet is of a lesser size.

The reason for requiring the easement is that Telstra Saturn have not been able to find a location for the MUX cabinet that does not affect the streetscape to a marked degree, the MUX cabinet being approximately 1.6 metres in height. The proposal to locate the cabinet in the shrub border next to the 1.8 metre high paling park boundary fence, will ensure that it does not have a great impact upon the environment. The cable will be laid in ducting, which will be laid in the easement to the cabinets. This may necessitate the removal of some shrubs along the easement, that the applicant will be required to replace as part of the work.

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 are to comply with this section of the act, this being the case here.

The registered easement required will be approximately 1 metre in width, by approximately 11 metres in length, 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 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 Board **supported** the request, which was referred onto the Parks and Recreation Committee for recommendation to Council.