

## 1. JEFFREYS PARK – EASEMENT

<b>Officer responsible</b> Parks & Waterways Manager	<b>Author</b> John Allen, Policy & Leasing Administrator, DDI 371-1699
Corporate Plan Output: Consents	Sub-output: Leases

The purpose of this report is to approve an application by Orion New Zealand Ltd to put in place a registered easement over approximately 64m<sup>2</sup> of Jeffreys Park to accommodate the present Waiwetu Street north transformer site, and to allow for the undergrounding of the present overhead cables which service 23 Thornycroft Street.

The overhead electrical service to residents in Waiwetu Street is being undergrounded, the cost being shared between the Council and residents. As part of this work, Orion is keen to see the overhead service through the park to 23 Thornycroft Street undergrounded as part of the contract. The undergrounding of the supply will enhance the environment of the park, and therefore officers recommend that no easement purchase fee be charged to Orion for the undergrounding of the present service.

The area the easement is requested across is held in two (2) parcels, one being the former Waiwetu Reserve which has a legal description of lot 52 DP 9710 of .3085 ha, whilst the other lot which was the former Waimairi District Council works yard which has a legal description of Pt RS 188 of 1.4220 hectares held in the certificate of title 676/57. Jeffreys Park is a recreation reserve being gazetted in 1972 appearing on page 674 of the Gazette, and therefore the authority for Council granting an easement is under section 48 of the Reserves Act 1977. The former Waimairi District Council's works yard is held as fee simple land, and therefore the right to grant an easement in favour of Orion has been delegated by the Council to the Property Manager. The present Waiwetu Street north transformer is located upon the fee simple land. Orion will meet all the survey, legal fees, together with Council fees for the transfer of the easement to Orion.

The intention of the Council to grant the easement across Jeffreys Park will not be required to be advertised, because it will not permanently damage, alter, or affect the rights of people using the reserve.

**Recommendation:** That a registered easement be granted over approximately 65 square metres of Jeffreys Park to Orion NZ Ltd, in which to underground the present overhead supply, the easement to include the present transformer site pursuant to Section 235 of the Local Government Act 1947, and Section 48 of the Reserves Act 1977, subject to the following conditions:

1. Approval by the Minister of Conservation.
2. The area covered by the easement, except for approximately 8 square metres upon which the existing transformer is located to be available for public use at all times.
3. The easement terms being negotiated by the Property Manager in consultation with the Policy & Leasing Administrator.
4. The easement/construction area being maintained by Orion NZ Ltd in a safe and tidy condition at all times.
5. Restoration of car parks or sealed areas is to be undertaken in accordance with the conditions outlined in the information sheets entitled "Trench Restoration for Paved Areas".
6. All costs associated with the creation of the easement, and subsequent maintenance of the cables and structures in the easement being paid for by Orion NZ Ltd.
7. Before any tenders are let/or work commences upon the site discussions are to be held with the Parks & Waterways Manager's designate, the Parks & Waterways Area Advocate, CCC Fendalton to ascertain the Council's requirements through the development phase of the construction of the facility.

8. A bond of (\$2,000) is to be paid by the Orion NZ Ltd, or successful principal contractor to the Christchurch City Council, Parks & Waterways Area Advocate, CCC Fendalton, 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.
9. The easement document records that all pipes/cables must be laid underground (except the portion that relates to the transformer).