

**5. LESLIE PARK – PROPOSED EASEMENT BY ORION TO INSTALL A 33KV CABLE CIRCUIT ALONG THE EDGE OF LESLIE PARK**

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| <b>General Manager responsible:</b> | General Manager, City Environment Group                |
| <b>Officer responsible:</b>         | Richard Holland, Acting Greenspace Unit Manager        |
| <b>Author:</b>                      | Tony Hallams, Policy and Leasing Officer, DDI 941-8701 |

**PURPOSE OF REPORT**

1. The purpose of this report is to seek Board approval to grant an easement over part of Leslie Park, Pt RES 332, a recreational reserve covered under New Zealand Gazette Notice 1965 1167, in which to lay a 33 Kv cable circuit. Orion New Zealand Limited has indicated the application is necessary to provide for the increased electrical energy demands in the Hornby area. The details of the proposed easement are provided in the attached plan.

**EXECUTIVE SUMMARY**

2. Orion New Zealand Limited requires an easement in Leslie Park in which to place a cable circuit to convey electricity.

**FINANCIAL AND LEGAL CONSIDERATIONS**

3. The Board has the delegated authority from Council to make the decision on behalf of Council whether to grant the easement or not.
4. Leslie Park is a recreational reserve subject to the Reserves Act 1977. Orion New Zealand Limited is seeking an easement in which to place a 33 kV cable circuit to increase the electric network in the Hornby area. Council officers are of the view that the proposed easement route will have little impact on the existing reserve, and that with the intended widening of the carriageway by Transit New Zealand in the period 2006-2007, (please refer to the attached statement from Transit New Zealand dated 13 December 2005), the applicant will be legally entitled to place the cable circuit at the side of the carriageway as covered under Section 24 of the Electricity Act 1992. It is considered that it would be unreasonable for the Council to seek compensation at this stage from Orion New Zealand for the right to have an easement, but compensation through the Council's Corporate Services Unit will be sought by the Council from Transit New Zealand for the acquisition of the land prior to road widening.
5. 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, 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, although the consent of the Department of Conservation will be required.
6. Orion New Zealand Limited will pay all costs associated with the establishment of the easement, which will include Council officers time spent preparing reports, attending Council meetings and preparing legal documentation, together with the fees of outside agencies required to complete the process, which will include the Minister of Conservation's approval fee.
7. Survey plans of the easement shall be provided within three months of granting of the easement, so the easement can be registered as required by the Reserves Act 1977.

## **BACKGROUND**

8. The applicant has indicated that Orion New Zealand Limited needs to lay an additional cable circuit from the Transpower substation at Islington to Orion's Hornby substation in Halswell Junction Road to provide for the increased electrical load which is developing in the Hornby area.
9. The applicant proposes laying a cable along the east side of Halswell Junction Road along part of the existing periphery of Leslie Park as shown on the attached plan number 506785 sheet 4.

## **OPTIONS**

10. The applicant has considered two possible routes for the new cable circuit, one being southwards along Halswell Junction Road, and including Shands Road, Seymour Street, Parker Street, Waterloo Road, and Fulham Street. The other route considered, and the preferred option, is northwards along Halswell Junction Road, and includes Waterloo Road and Fulham Street.

## **THE APPLICANT'S PREFERRED OPTION**

11. The preferred option referred to above is a significantly shorter route than the first route considered. The applicant seeks to lay the cable along the east side of the road and a small peripheral part of Leslie Park, (an area not yet acquired by Transit New Zealand) because there are no remaining offsets available for the laying cables in the west side footpath
12. The applicant has indicated that Orion would normally lay cables in the existing footpath, but in this case, Transit New Zealand plans to widen Halswell Junction Road in this area, as detailed under the attached plan. If any cables were laid in the existing footpath they would end up in the future carriageway with road widening. This would be an undesirable situation for the following reasons:
  - the need to impose traffic management procedures on a busy road in order to gain access to these cables in future, in the event of a cable fault
  - the difficulty in accurately restoring the surface of a carriageway after the repair of a cable fault
  - the repeated stress on buried cables, especially joint cables, when many heavy vehicles drive over them.
13. Any works on Leslie Park will be consistent with Council policy. Before any tenders are let or work commences on Leslie Park, discussions will be held with the Parks and Waterways advocate (Riccarton/ Wigram Ward) and the Greenspace Unit to ascertain the Council's requirements through the construction phase of the laying of the cable circuit.
14. It is considered that there will be no detrimental long-term environmental effects as an outcome of the proposal because of the small area of land sought, and the applicant indicating that the future boundary line of the carriageway will encompass the easement area sought. The proposal will not adversely affect any future utilisation and development of the reserve.
15. Orion New Zealand will be required to pay all costs associated with the establishment of the easement, which will include Council officers' time spent preparing reports, attending council meetings, preparing legal documentation, together with the fees of outside agencies required to complete the process. These will include the Minister of Conservation's approval fee, survey fees, and the Land Information New Zealand documentation fees.

### **STAFF RECOMMENDATIONS**

It is recommended that the Board resolves to grant a registered easement to Orion New Zealand Limited as provided for in Section 48 of the Reserves Act 1977, over approximately 76m<sup>2</sup> (the easement being approximately 2m wide by 38m long), of part of Pt RS 332, as shown in the attachment subject to the following conditions:

- (a) That the applicant lodges a survey plan of the proposed easement with Land Information New Zealand within three months of the granting of the easement.
- (b) That the approval of the Minister of Conservation is obtained.

### **CHAIRPERSON'S RECOMMENDATION**

That the staff recommendation be adopted.