

3. **PROPOSED EASEMENT BY ORION NEW ZEALAND LIMITED TO INSTALL A LV300A|3c +1Cns CABLE AND A HV185A|3c CABLE AS PART OF THE INTENDED RETICULATED POWER NETWORK FOR THE AIDANFIELD STAGE 5 SUBDIVISION**

General Manager responsible:	General Manager City Environment, DDI 941-8556
Officer responsible:	Michael Aitken, Greenspace Unit Manager
Author:	Tony Hallams, Policy & Leasing Officer

PURPOSE OF REPORT

1. The purpose of this report is for:
 - (a) The Board to approve a proposal for a support easement over part of Lot 75 DP 349638, a recreation reserve, in which to install a LV300A|3c +1cNS cable and a HV185A|3c cable, and
 - (b) The Board to recommend to the Council that it approve an easement over part of Lot 569 of the Aidanfield Stage 5 Subdivision, in which to install a LV300A|3c +1cNS cable and a HV185A|3c cable connected to that traversing the above mentioned reserve.

EXECUTIVE SUMMARY

2. Orion New Zealand Limited requires approval for a support easement across part of Council recreation reserve Lot 75 DP 349638, and approval for an easement over fee simple land, Lot 559 of the Aidanfield 5 Subdivision is to be vested in the Council as recreation reserve, in which to place a LV300A|3c +1cns cable and a HV185A|3c cable as part of the reticulated network covering the Aidanfield Stage 5 Subdivision (see **attached** plan).

FINANCIAL AND LEGAL CONSIDERATIONS

3. The Community Board has the delegated authority from the Council (16 December 2004) to make the decision on behalf of the Council whether to grant the easement or not for the area of land sought within Lot 75 DP 349638, a recreation reserve. Section 48(1) of the Reserves Act 1977 provides that where a reserve is vested in the Council, the Council, (the Board acting on the Council's behalf) may grant an easement over the reserve for the above mentioned purpose.
4. The approval of the Minister of Conservation will be required for the easement sought to be created on the recreation reserve Lot 75 DP 349638 if the Board approves the proposal. The Policy and Leasing Officer from the Council's Greenspace Unit will seek approval on the applicant's behalf.
5. The decision to approve or otherwise the creation of an easement over part of lot 569, held as fee simple by Aidanfield Holdings and yet to vest in the Council as reserve, can only be made by the Council. The Board may only make a recommendation that the Council support or otherwise an easement being created.
6. Council officers are of the view that the proposed easement route will have little impact on the existing recreation reserve and part of the adjoining parcel of land intended to be vested in the Council as recreation reserve through the subdivision process by Aidanfield Holdings Limited.
7. Aidanfield Holdings Ltd will pay all costs associated with the establishment of the easement, which will include Council officer's time spent preparing reports, attending Council meetings, preparing legal documentation, and obtaining the Minister of Conservation's approval where the intended easement transits recreational reserve.
8. Survey plans of the easement shall be provided within three months of granting of the easement.

BACKGROUND ON THE PROPOSED EASEMENT BY ORION NEW ZEALAND LIMITED

9. The applicant has stated that as part of the design of the reticulated power network covering the Aidanfield Stage 5 Sub division, Orion New Zealand Limited requires a power connection between Bibiana Street and Burbank Drive, together with an associated easement in gross. The applicant has further stated the connection is required to provide backup to a kiosk established on the corner of 36 Burbank Drive adjacent to the recreational reserve, and provides the most logical point for the connection between the two streets. This connection will assist with surety of power supply to both the Aidanfield and Cassina Gardens subdivisions.

OPTIONS CONSIDERED BY THE APPLICANT

10. Two options were considered by the applicant. Firstly to create a 1.5 metre wide easement over 36 Burbank Drive, or over the neighbouring Recreation Reserve. Davie Lovell-Smith, on behalf of the applicant, approached the owners of this property, but no agreement or rights can be secured to establish an easement. On this basis the applicant has decided to pursue a second option, that is, to create an easement in the existing recreation reserve held under Lot 75 DP 349638 and the adjacent parcel of land, Lot 569 of the Aidanfield Stage 5 subdivision which the applicant has indicated will be vested in the Council.

THE APPLICANT'S PREFERRED OPTION

11. To create an easement in the existing reserve and adjoining recreation reserve with any works on the above mentioned parcels of land consistent with Council policy.
12. It is considered that there will be no detrimental long-term environmental effects as an outcome of the proposal. The proposal will not adversely effect any future utilisation and development of the above parcels of land.
13. Orion New Zealand Limited will be required to pay all costs associated with the establishment of the easement, which will include officer's time spent preparing reports, attending Council meetings, and preparing legal documentation

STAFF RECOMMENDATIONS

It is recommended that the Board:

- (a) Approves a proposal for a support easement over part of Lot 75 DP 349638, a recreation reserve, in which to install a LV300A\3C + cns cable and a HV 185 A/3C cable, subject to the following conditions:
 - (i) Before tenders are let or work commences at the site discussions are to be held with the Parks and Waterways Area Advocate at the Sockburn Service Centre, to ascertain the Council's requirements through the development phase of the laying of the power cable in the easement.
 - (ii) The land to be properly reinstated after excavations to place the power cable. A bond of \$1,000 is to be paid to the Parks and Waterways Area Advocate at the Sockburn Service Centre before work commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee on completion of the work.
 - (iii) 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.
 - (iv) That approval of the Minister of Conservation is obtained for the creation of the easement in the parcel of land currently held as recreation reserve, Lot 75 DP 349638.
 - (v) That Orion New Zealand Limited provides a compensatory payment to the Christchurch City Council, decided by an independent valuation arranged by the Council's Corporate Support Unit Property Consultancy Team, for the privilege of creating an easement on Recreation Reserve Lot 75 Deposited Plan 349638.
- (b) Recommends to the Council that it grant an easement over part of Lot 569 of the Aidanfield Stage 5 Subdivision, in which to install a LV300A\3c cns cable and a HV 185A\3c cable connecting to that traversing the abovementioned parcel of land, subject to the applicant lodging a survey plan of the proposed easement with Land Information New Zealand within three months of the granting of the easement.