

## 9. HUNTSBURY PUBLIC UTILITY RESERVE 4130 – SERVICE-LEAD EASEMENTS

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport & Greenspace Manager
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### PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval under delegated authority to the granting of:
  - (a) two service-lead easements in favour of 35A Huntsbury Avenue and 26 Millhill Lane, and
  - (b) the proposed under grounding of existing power and telephone services that presently exist as overhead wires along the Huntsbury Public Utility Reserve 4130 between Huntsbury Avenue and Aotea Terrace.
2. The land is held under the Reserves Act 1977.

### EXECUTIVE SUMMARY

3. The proposed under grounding of existing power and telephone services will significantly enhance the amenity of the reserve and neighbouring properties. To accommodate this work two affected properties (35A Huntsbury Avenue and 26 Millhill Lane) require new service-lead easements to be laid across the reserve to connect to new boundary boxes. The easements are required in favour of the two affected properties. Orion and Telecom do not require any additional easements over the reserve for the proposed work to be undertaken.
4. Under Section 48 of the Reserves Act 1977, provision exists to grant such easements where the Reserve will not be materially altered or permanently damaged. This application falls into this category and as such approval has been recommended subject to appropriate conditions.

### FINANCIAL IMPLICATIONS

5. The applicant has been advised in writing that the Council typically charges a one off compensatory sum for the granting of an easement. In this case, given the relatively small size of the easements (7m<sup>2</sup> each), the fact that the overhead services currently exist and that the work will relocate the services underground, adding amenity value to the reserve, it is recommended that any compensation payment be waived. All costs associated with the easements and the under grounding works are to be borne by the applicant.

### Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

6. Not applicable.

### LEGAL CONSIDERATIONS

7. Under Section 48 of the Reserves Act 1977, provision exists to grant such easements where the Reserve will not be materially altered or permanently damaged. This application falls into this category and as such approval has been recommended subject to appropriate conditions. The five properties immediately affected by the proposed under grounding work have confirmed their approval for the work to be undertaken. Additional public notification is not required. Legal services will be involved in the final documentation of the easements.

### Have you considered the legal implications of the issue under consideration?

8. As above.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Not applicable.

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

10. Not applicable.

**ALIGNMENT WITH STRATEGIES**

11. Not applicable.

**Do the recommendations align with the Council's strategies?**

12. Not applicable.

**CONSULTATION FULFILMENT AND HISTORY**

13. There is no consultative requirement associated with the granting of these easements.
14. By way of an existing easement in gross, overhead power (Orion) and telephone (Telecom) services currently exist along Reserve 4130 between Huntsbury Avenue and Aotea Terrace (refer **Attachment 1**). The overhead lines are unsightly and Orion has indicated that two (poles 2 and 3) of the five power poles located along the reserve require immediate replacement. Rather than replacing these poles a proposal has been received from Charles Parker (the applicant, and owner of 35A Huntsbury Avenue) to underground the existing power and telephone services along the Reserve.
15. This proposal will result in the removal of poles 2 and 3 and the under grounding of all existing overhead power and telephone wires along the Reserve, apart from an overhead power service-lead from pole 4 to 22 Millhill Lane which will remain, in accordance with the wishes of that owner. Of the five properties affected by the proposal only two properties (35A Huntsbury Avenue and 26 Millhill Lane) require new service-lead connections to be laid across the reserve to new boundary boxes for the under grounding to be undertaken. These two new connections each require the grant of an easement (to convey power and telephone services) in favour of the respective properties. The written consent of the owners of the affected properties (35A Huntsbury Avenue and 26 Millhill Lane) has been confirmed. The other three properties are serviced by existing boundary boxes and do not require any additional easements. Orion and Telecom have also confirmed that they do not require any additional easements over the reserve for the proposed work as it only involves laying service leads.
16. The construction work associated with the proposed under grounding work within the Reserve will be undertaken by nominated contractors of Orion and Telecom. The applicant, for and on behalf of the residents, has undertaken to pay all costs (survey, planning, construction, legal, Council) associated with the under grounding of the services and the securing of easements.
17. A plan of the proposed under grounding works is included as **Attachment 1** and a preliminary plan indicating the location of the two new service-lead easements is attached as **Attachment 2**.
18. Given the relatively small size of the easements (7m<sup>2</sup> each), the fact that the overhead services currently exist and that the work will relocate the services underground and add amenity value to the reserve (at no cost to the Council) there is a strong argument in favour of waiving the requirement for a compensation payment in this instance.
19. This easement is subject to Department of Conservation approval under the Reserves Act 1977, which will be sought after consideration by the Board.

## **STAFF RECOMMENDATIONS**

It is recommended that the Board approve the service-lead easements (to convey power and telephone services) in favour of 35A Huntsbury Avenue and 26 Millhill Lane over the Local Purpose Utility Reserve 4130 (known as Huntsbury Utility Reserve – C/T CB30F/548) as shown on **Attachment 1**, subject to the following conditions:

- (a) The applicant being responsible for all costs associated with the service-lead easements (processing, valuation, survey, legal and registration) and the construction, under grounding and installation of the requisite services, including all Council related costs.
- (b) The applicant is to pay a bond of \$500 to the Council (fully refundable less Council costs incurred in relation to the work undertaken on site) and sign a temporary access licence before any construction work commences on site. In addition to providing the Council (c/- Greenspace Contract Manager, Sockburn Service Centre) with a detailed specification of work for approval prior to construction, the applicants nominated contractors (in this case the nominated contractors of Orion and Telecom - who shall have a minimum of \$1,000,000 public liability insurance) will maintain the easement area in a safe and tidy condition at all times.
- (c) The applicant is to provide to the Council a surveyed easement plan on which the service-lead easements and under grounding specifications as shown on the attached plans (**Attachments 1 and 2**) are shown on the title, within 3 months of completion of the work.
- (d) The consent of the Department of Conservation being sought.
- (e) The Corporate Support Manager being authorised to finalise and conclude a compensation transaction based on nil compensation.

## **CHAIRPERSON'S RECOMMENDATION**

That the staff recommendations be supported.