

10. PROPOSED EASEMENT LOCAL PURPOSE RESERVE ESHER PLACE

General Manager responsible:	General Manager Jane Parfitt DDI 941-8656
Officer responsible:	Angus Smith Team Leader Property Consultancy Team
Author:	Tony Hallams Property and Leasing Advisor

PURPOSE OF REPORT

1. The purpose of the report is to seek Board approval to grant an easement to Orion New Zealand Limited over the existing 0.0225 mm street lighting cable on the Heathcote River bank, between Esther Place and St Martins Road. The **attached** letter refers.

EXECUTIVE SUMMARY

2. The Council closed part of Riverlaw Terrace in 1999, and this area is now Local Purpose Esplanade Reserve. The location of the Orion cabling has placed Orion New Zealand in the situation that it now has to protect the cabling with an easement because it is now located in a reserve, instead of in the berm area of the previous carriageway covered under a separate Council authorisation.

FINANCIAL IMPLICATIONS

3. Advice taken by the writer from the Council's Legal Services Unit is that due to the circumstances, the Council is responsible for any costs in registering the easement.

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

4. The recommendation of this report is not in conflict with the 2006-16 LTCCP Budget

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

6. Yes. The cabling would have previously been laid in the street berm area under either the Christchurch Electric Power and Loan Empowering Act 1902.
7. The Legal Services Unit has been consulted and has advised that the Council is responsible for meeting the costs of lodging an easement with Land Information New Zealand.
8. The Spreydon/Heathcote Community Board has the delegated authority to approve or otherwise the proposal.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The proposal is not in conflict with these plans.

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

10. No.

ALIGNMENT WITH STRATEGIES

11. This proposal does not conflict with the strategies.

Do the recommendations align with the Council's strategies?

12. Refer to comments under (9).

CONSULTATION FULFILMENT

13. The Council is not required to publicly advertise the proposal within the provisions of Section 119 of the Reserves Act 1977, or consult with the community, because the cabling is located underground.

STAFF RECOMMENDATION

That the Spreydon/Heathcote Community Board approve under delegated authority, an easement being granted over part of Section 1 Survey Office Plan 20043, being Local Purpose Esplanade Reserve, to Orion New Zealand Limited, subject to Section 48(1) (d) of the Reserves Act 1977.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be supported.