

8. CASS BAY PLAYGROUND – EXTENSION TO ORION’S EXISTING EASEMENT

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace
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PURPOSE OF REPORT

1. This report is submitted to the Community Board for its consideration and approval. The purpose is to alter the current position of the transformer station and extend Orion’s existing easement in the Cass Bay Playground in accordance with the requirements of Section 48(1)(d) of the Reserves Act 1977.

EXECUTIVE SUMMARY

2. Orion currently have a transformer station situated at the northern end of the toilet block plus the associated easements over the Recreational Reserve vested in the Council. (Lot 77 DP 24515 CT 5C/302).
3. Orion wish to shift the current transformer to a new site behind the toilet block (see **attached** photographs and maps) to increase the power supply.
4. Moving the transformer to its new position will have an environmental benefit for the reserve as it will not be seen from the road. If it was built on the existing site, the foundations would have had to be higher to accommodate the opening of the front doors of the cabinet because of the slope of the ground. This would result in the transformer having a visual impact on the reserve.
5. Cabling will be brought into the transformer from the rear side thereby minimising any impact that it may have on the adjoining playground during the construction period.
6. The construction will require the removal of the existing wall and enclosures along with the removal of two trees.
7. Orion will undertake suitable landscaping of the northern end of the toilet block where the current transformer is to be removed.

FINANCIAL IMPLICATIONS

8. There are no financial implications for the Council as all costs covering construction, cabling, landscaping, consent of the Department of Conservation and easements will be met by Orion.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. There are no budget implications as all costs will be recovered.

LEGAL CONSIDERATIONS

10. There are no legal impediments to this transaction.

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

11. Under Section 48 of the Reserves Act 1977, before granting easements over a Reserve the Council is required to give public notice specifying its intentions to grant any easement, however subsection 48(3) applies in this case as the rights of the public using the reserve will not change substantially so advertising is not required.
12. The legal description of the reserve land is Lot 77 DP 24515 and is held in computer freehold register CT 5C/302.

13. The consent of the Department of Conservation must be obtained prior to granting easements over the reserve and will be obtained once Community Board approval is given.
14. Community Boards have the delegated authority to grant easements over reserves.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

15. Not applicable, as this activity is not a Council activity, it is not covered in the LTCCP.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

16. There are no Council strategies relevant to this transaction.

CONSULTATION FULFILMENT

17. Not required, as it complies with the exemption outlined under the legal considerations.

STAFF RECOMMENDATION

It is recommended that the Board approve under Section 48 of the Reserves Act 1977:

- (a) The right to move the current transformer station in the Cass Bay Playground to a new position, behind the toilet block.
- (b) Approve the right to extend the right to convey electricity in gross in favour of Orion New Zealand Limited over Part Lot 77 DP 24515.
- (c) Subject to Orion New Zealand Limited, and its contractors, fulfilling the following conditions:
 - (i) obtaining the Consent of the Minister of Conservation;
 - (ii) payment of a \$2000 bond to the Council via the Greenspace Contract Manager, Lyttelton Service Centre and the signing of a temporary access licence before the construction work commences on site;
 - (iii) the easement construction area being maintained in a safe and tidy condition at all times;
 - (iv) all the services that are to be placed underground being placed within the easement;
 - (v) the undertaking of suitable landscaping at the northern end of the toilet block, at the applicants expense, if required by the Transport and Greenspace Manager; and
 - (vi) the payment of all costs associated with the survey and registration of the easement on the Council's title.