

## 8. EASEMENT OVER WILMINGTON RESERVE – 26 BALTIMORE GREEN

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Unit Manager
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### PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to the granting of an electricity easement in gross over the reserve located at 26 Baltimore Green.

### EXECUTIVE SUMMARY

2. At the time of subdivision by Suburban Estates Limited, the Council secured Lot 123 DP 83231 as a Recreation Reserve by way of reserve contribution for the subdivision. (**Attachment 2**)
3. The subdivision was completed and titles issued in August 2000, the easement was constructed and has been physically in place since this time but the formalities to complete registration of the easement have never been completed.
4. The easement to be granted is a right to convey electric power in gross in favour of Orion New Zealand Limited the marked L on Deposited Plan 83231 (**attachment 1**).

### FINANCIAL IMPLICATIONS

5. There are no financial implications for the Council as all costs will be met by the developer Suburban Estates Limited.

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

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

### LEGAL CONSIDERATIONS

7. There are no legal impediments to this transaction.

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

8. 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 reserve has not been materially altered or permanently damaged. The rights of the public are not affected, advertising is not required.
9. The legal description of the reserve land affected is Lot 123 Deposited Plan 83231 and is held in Computer Freehold Register CB48A/715.
10. The consent of the Department of Conservation must be obtained prior to granting easements over reserves and will be obtained once Board approval is given.
11. Community Boards have the delegated authority to grant easements over reserves.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Yes.

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

13. Not applicable, the activity is not covered in the LTCCP.

#### **ALIGNMENT WITH STRATEGIES**

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

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

15. Yes, as above.

#### **CONSULTATION FULFILMENT**

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

#### **STAFF RECOMMENDATION**

It is recommended that pursuant to Section 48 of the Reserves Act 1977, the Burwood/Pegasus Community Board approve the right to convey electricity in gross in favour of Orion New Zealand Limited over part Lot 123 DP 83231 marked L on DP 83231 attached.