

9. LIMES RESERVE - EASEMENT

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

1. The purpose of this report is to seek Board approval to the granting of an easement for the right to convey power over part of Limes Reserve.

EXECUTIVE SUMMARY

2. A new subdivision known as Alpine View Lifestyle Village located at 448 Prestons Road is currently under construction. Phase 1 has been completed and the developer is now moving to construct phase 2.
3. The main power supply for the development will be via the overhead line on the north side of Prestons Road. As well as that connection, Orion New Zealand Ltd requires a further connection to the kiosk located outside the property at 30 Limes Avenue.
4. The most cost effective and least disruptive option is to route the cable over part of Limes Reserve opposite number 30 Limes Avenue as indicated on the **attached** plan. This part of the reserve is not actively used, being a planted berm separating the Limes subdivision from Prestons Road.

FINANCIAL IMPLICATIONS

5. The land is held by the Council in fee simple as a recreation reserve under the Reserves Act. An independent valuation has been commissioned and the applicant has agreed to pay the assessed valuation figure for the property rights. All other costs associated with the creation of the easement are to be borne by the applicant.

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

6. Not applicable.

LEGAL CONSIDERATIONS

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

7. Procedurally, an easement is required to create proper and accurate land title records and legally protect the infrastructure.
8. Provision exists under Section 48 of the Reserves Act 1977 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. Public notification is not required. The Council's Legal Services Unit will be involved in the final documentation of the easement.
9. The Council's standard easement instrument will be completed and registered at Land Information New Zealand once Council consent is given.
10. 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?

11. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. It is considered that as the reserve will not be materially altered or permanently damaged and the rights of the public in respect of the reserve are not likely to be permanently affected, public notice is not required to be undertaken.

There is no consultative requirement associated with the granting of this easement.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board approve an Easement in Gross (shown in attachment) to convey electric power over Lot 74 DP 312984, also known as Limes Reserve subject to the following conditions:

- (a) The consent of the Department of Conservation being sought.
- (b) The restoration of the Limes Reserve to the condition it is in prior to the commencement of the works.
- (c) The applicant is to pay a \$2,000 bond and sign a temporary access licence before any construction work commences on site.
- (d) The Unit Manager Corporate Support being authorised to finalise and conclude the granting of the easement.