

7. NUNWEEK PARK - PROPOSED EASEMENT FOR THE CONVEYANCE OF ELECTRICITY

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. To seek the Committee's recommendation that the Board approves the granting of a one metre wide easement in favour of Orion New Zealand Limited over a portion of Nunweek Park, being Lot 2 DP 37685, Lot 2 DP 22949, Lot 2 DP 36594 and Reserve 5135 contained in CT CB44C/37, for the conveyance of electricity. The proposed easement will be granted under Section 48(1)(c) *the easement is in favour of Orion not the Council, and therefore section 6 of the Reserves Act 1977 does not apply.*

EXECUTIVE SUMMARY

2. To enable the provision of lights and associated electrical infrastructure on the, shortly to be built, second Council approved artificial hockey surface located on Nunweek Park. There is a requirement to upgrade the present electrical supply to the hockey complex. The present electrical supply is not sufficient to provide the electrical load that the complex requires. To provide for this load Orion New Zealand Limited will be installing a 11 KVA electrical cable under ground to an above ground transformer which is to be located within the area leased by the Canterbury Artificial Surfaces Trust. The easement being requested is not in gross, only being required to provide electricity to the Canterbury Artificial Surfaces Trust's Hockey Complex.
3. The Council does not require easements over services laid into a park to service infrastructure within the park, however Orion's policies dictate that their entire 11 KVA network is to be covered by easements, where it is not located within legal road.
4. The route for the new cable has been selected and identified in the attached plan (**Attachment 1**). The 11 KVA cable will be installed using directional drilling equipment to minimise road openings and reduce the impact on the park and its users.
5. To satisfy Orion New Zealand Limited requirements, an easement is required over a portion of Nunweek Park. The easement will be granted under Section 48(1) (c) of the Reserves Act 1977 and will be over an area of approximately 80 square metres.
6. The Council is to charge the applicant for staff time, and other processing costs (DOC approval fees etc) to process the application for the easement in accordance with Council Policy (12 July 2001).

FINANCIAL IMPLICATIONS

7. The Council Policy (27 September 2001) of a one off compensation payment being made by the applicant for the privilege of placing an encumbrance (easement) on the Council's land is not required in this particular case because the proposed easement is not in gross being only to service the lessees complex built on the park.
8. All costs including staff time etc associated with the legalisation of the proposed easement will be paid for by Orion New Zealand Limited.

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

9. Yes.

LEGAL CONSIDERATIONS

10. No public advertising will be required under section 48 (2) of the Act, because the requirements of section 48 (3) are fulfilled, they being:
 - (a) *The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and*

(b) The rights of the public in respect of the reserve are not likely to be permanently affected.

11. The reason why these requirements are fulfilled is because the easement being requested is not in gross, i.e. it is only for the purpose of supplying electricity to the complex, and the above ground 11 KVA transformer is being placed within the area already leased to The Canterbury Artificial Surfaces Trust.
12. The Board has delegated authority from the Council to approve or otherwise the proposed easement (13 December 2007)

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

13. The legal implications associated with the granting of the easement are minor and are covered in sections 10 to 11 above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Yes, as detailed below.

Do the recommendations of this report support a level of service or project in the 200-19 LTCCP?

15. Yes, the LTCCP's strong communities strategic directions section prioritises: providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and feel safer; providing and supporting a range of arts, festivals and events; and protecting and promoting the heritage character and history of the city. The fulfilment of the Club's ambitions, by approving this application, will formalise the enjoyment and experience both members and visitors obtain from visiting the site.

ALIGNMENT WITH STRATEGIES

16. This application is aligned with the Christchurch Active Living Strategy by supporting members' mental stimulation and becoming more proficient at the game of hockey thereby assisting to build personal confidence.
17. This application also supports the Christchurch Visitor Strategy by allowing the Club to enhance their facilities. Thereby strengthening the value of facilities on Nunweek Park making it more appealing to residents in Christchurch who play hockey, and other like minded people visiting the area.
18. The approval of this application is in alignment with the Council's Strategic Direction to support Strong Communities. It encourages residents to enjoy living in the city, and to have fun, thereby supporting Christchurch as being a good place to live.

Do the recommendations align with the Council's strategies?

19. The LTCCP's liveable city strategic directions section prioritises: improving the way in which public and private spaces work together. The approval of this application will add to the private infrastructure on the reserve thereby improving the way it interrelates with the public reserve it is situated upon, which in turn will add to the value of the experiences hockey players and their visitors can obtain at the reserve.

CONSULTATION FULFILMENT

20. No public advertising will be required under section 48 (2) of the Act, because the requirements of section 48 (3) are fulfilled, for the reasons set out in section 11 of this report above.

STAFF RECOMMENDATION

It is recommended that the Committee recommend that the Board approves the granting of an easement to Orion Company Limited over approximately 80 square metres of Nunweek Park, Lot 2 DP 37685, Lot 2 DP 22949, Lot 2 DP 36594 and Reserve 5135 contained in CT CB44C/37 a recreation reserve held under the Reserves Act 1977 in which to lay a 11 KVA cable and build a transformer subject to the following conditions:

- (a) The consent of the Minister of Conservation being obtained.
- (b) The easement terms being negotiated by the Corporate Support Unit Manager or his nominee.
- (c) The easement construction area being maintained by the applicant, and their contractors, in a safe and tidy condition at all times.
- (d) All costs associated with the survey and registration of the easement on the Council's title, being paid for by the applicant.
- (e) All the services that are to be placed underground are to be placed within the easement.
- (f) The applicant is to provide the Council, within three months of completion of the work, a surveyed easement plan on which the new easements are shown.
- (g) The applicant is to provide the Council, within three months of completion of the work, a copy of the title on which the easement is shown.
- (h) That the Council resolves **not** to request a one off compensatory payment for the privilege of having the easement encumbrance placed on the Council's title in accordance with Council policy (27 September 2001), because the easement being requested is only to service a lessees complex built on the park.
- (i) The Council is to charge the applicant for officers' time, and other processing costs (DOC approval fees etc) to process the application for the easement in accordance with Council Policy (12 July 2001).
- (j) The applicant is to pay a \$2,000 bond to the Council via the Greenspace Contract Manager, Fendalton Service Centre. It will be necessary to sign a temporary access license and pay the bond before any construction work commences on the site, this will need to be arranged at least two weeks prior to commencement. The bond will be refunded to the payee upon completion of the development when the Greenspace Contract Manager is satisfied that the park has not been damaged in any way or that reinstatement has been carried out to an acceptable level.