

## 8. EASEMENT OVER BROOMFIELD COMMON

<b>General Manager responsible:</b>	General Manager, City Environment DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
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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 easement (shown in **attachment 1**) for the right to convey electric power over part of Broomfield Common.

### EXECUTIVE SUMMARY

2. Orion has a 33kV power line that runs from Islington substation to a substation in Grays Road by the Christchurch International Airport. It is a strategic line and forms an integral part of Orion's high voltage network.
3. Over the years, part of the line has been placed underground from Buchanans Road for approximately 456 metres north with the overhead poles being removed from Broomfield Common in 2007/08. These cables are now covered by an electrical easement in gross to Orion across the Common.
4. There is still a termination pole and overhead conductors at the northern end of Broomfield Common with the existing overhead line running northwards through adjoining property to Yaldhurst Road and beyond.
5. Enterprise Homes Limited are currently subdividing the property called Masham Park to the north of Broomfield Common and Orion wish to take the opportunity to underground another portion of the overhead line so that the poles through the proposed subdivision and Common can be removed.
6. In order to lay cables through a practical route to meet up with the proposed new roading pattern of the subdivision to the north, Orion requires a further easement over a small portion of Broomfield Common as indicated on the attached plan.

### FINANCIAL IMPLICATIONS

7. The land is held by the Council in fee simple as a recreation reserve under the Reserves Act. As the work proposed to remove the overhead line and power pole will improve the reserve and due to Orion's existing use rights under section 22 of the Electricity Act 1992, no compensation is being sought for the benefit of the easement. All other costs associated with the creation of the easement are, however, to be borne by the applicant.

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

8. Not applicable.

### LEGAL CONSIDERATIONS

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

9. Procedurally an easement is required to create proper and accurate land title records and legally protect the infrastructure.
10. 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. Legal services will be involved in the final documentation of the easement.

11. The Council's Standard Easement Instrument will be completed and registered at Land Information New Zealand once Council consent is given.
12. 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?**

13. Not applicable.

#### **ALIGNMENT WITH STRATEGIES**

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

14. Not applicable.

#### **CONSULTATION FULFILMENT**

15. 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.
16. There is no consultative requirement associated with the granting of this easement.

#### **STAFF RECOMMENDATION**

It is recommended that the Board approve an Easement in Gross to convey electric power over Lot 5 DP 41769, also known as Broomfield Common subject to the following conditions:

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