

7. R D HUGHES DEVELOPMENTS LTD EASEMENT– NORTHWOOD STAGE 5

Officer responsible Greenspace Manager	Author Tony Hallams, Policy and Leasing Officer, DDI 941-8320
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PROPOSAL/PURPOSE OF REPORT

The purpose of this report is to seek Council approval to grant an easement over part of Lot 1015 DP 333973 in favour of Orion New Zealand Ltd to convey electric power up to 11 KVa in gross. The parcel of land sought is shown on the attached plan.

EXECUTIVE SUMMARY

Davis Ogilvie and Partners Limited, acting on behalf of the applicant RD Hughes Development Limited, have indicated that the purpose of the easement is to provide a 'tie cable' from the development in Henley Green to Scarcen Avenue. The cable, of 11 KVa capacity will act as an alternative supply to Henley Green, should the main power supply from Glen Oaks Drive fail.

While considering alternative options, Davis Ogilvie and Partners Limited have indicated that other routes through Lots 134, 136, 151, 152 and Glen Oakes Green were deemed impractical, as they would impose too great a restriction on the further development potential of these lots, along with restricting the siting of future dwellings. The applicant has also indicated that the road would have to be stopped if the route went through the above lots. This would involve further expense and would lengthen the timeframe.

The 53.98m² strip of land sought as an easement is classified as reserve, the proprietor being the Christchurch City Council. It is considered there will be no detrimental effects on the health and amenity of the area as the intended cable will be located underground.

In November 2001 the Council delegated to the Community Boards the power to grant easements over reserves pursuant to Section 48 of the Reserves Act. As the delegations to Community Boards for the 2004-07 term have not been approved by the Council this application is being referred to the Council for a decision.

Section 48 of the Reserves Act 1977 allows for the creation of an easement across a reserve. Part 2 of this section requires any intention to create an easement to be publicly advertised if it will materially alter the reserve. It is considered that it will not be necessary to advertise the proposal because no structures will be built above the ground, and the rights of the public will not be affected by the proposal.

The approval of the Minister of Conservation is required under the Reserves Act 1977 and the Council will seek this on behalf of the applicant. The final registered easement will be dependent on the Council's decision.

Orion New Zealand Limited has agreed to pay a compensation fee and all legal and reasonable incidental costs, associated with establishing the easement. It has agreed to supply the Council with survey plans of the easement within three months of completing the work so the easement can be registered as required by the Reserves Act 1977.

The Greenspace Unit believes the proposal should be supported, as it will facilitate an alternative power supply to proposed dwellings in the area, should the main supply in the area fail. It is also the most cost effective solution.

RECOMMENDATION

It is recommended that the Council grant a registered easement over approximately 54m² of Lot 1015, DP 333973 subject to the following:

1. Approval of the Minister of Conservation being obtained.
2. The easement terms being negotiated by the Facilities Assets Manager, in consultation with the Greenspace Unit's Policy and Leasing Officer.
3. A compensation payment, to be decided by independent valuation, being paid to the Council for the granting of the easement.

4. Before trenching, Orion New Zealand to be responsible for locating any affected services in the reserve.
5. The easement construction site being maintained by Orion New Zealand Limited in a safe and tidy condition at all times.
6. All costs associated with the development and subsequent maintenance of any cables being paid for by Orion New Zealand Limited.
7. Before any tenders are let or work commences on the site, discussion to be held with the Parks and Waterways Area Advocate, Fendalton Service Centre, to ascertain the Council's requirements through the development phase of any cable laying.
8. A bond of \$2,000 being paid by Orion New Zealand Limited, or successful principal contractor, to the Christchurch City Council Parks and Waterways Area Advocate, Fendalton Service Centre, before any work commences on the site. The bond, less any expenses incurred by the Council, is to be refunded to the payee on completion of the work.
9. The applicant providing the Council, within three months of completion of the work, with a surveyed easement plan showing the location of the easement and cables on the reserve.