

1. PROPOSED ORION NEW ZEALAND LIMITED CABLE ROUTE-THROUGH HEATHCOTE VALLEY PARK



General Manager responsible:	General Manager City Environment, DDI 941 8656
Officer responsible:	Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to submit the Board's recommendation that the Council approves easements being created for Orion New Zealand Limited to obtain easements to enable the 11Kv cable with two associated kiosks to be installed in fee simple land in the Heathcote Valley Park controlled by the Christchurch City Council covered under legal titles 43C/777, 21B/1238, and 11F/452.
2. The Board has separately approved under delegated authority an easement being created for Orion New Zealand Limited to obtain an easement over legal land title Section 1 SO 20271, Local Purpose (Waterway) Reserve, to enable a 11Kv cable to be installed in the Heathcote Valley Park. Clause 9 Part C of this report refers.

EXECUTIVE SUMMARY

3. The Council has received an application from Orion to establish a power cable across the Heathcote Valley Park to act as a back up to the existing supply running across Ferrymead Bridge. The purpose of the back up is to provide a contingency in the event that the existing supply is damaged. This could include circumstances associated with an extreme earthquake event.
4. Orion has requested the proposed route because it is the shortest and therefore the cheapest option. The proposed route is partly contained in the existing Park access way and partly follows the boundary of the site where the Golf Driving Range is to be established (**see plan attached**). Council officers are of the view that it will have minimal impact on the Heathcote Valley Park as a whole. The Council will receive benefit in the form of a power supply and other utility services (that may be placed in the opening up of the ground after the creation of easements) to both development sites where the Golf Driving Range and Maori Village are proposed.

FINANCIAL AND LEGAL CONSIDERATIONS

5. The Board has the delegated authority from Council (16 December 2004) to grant easements over reserves. The parcel of land subject to the Reserves Act 1977 involved in the application is Section 1 SO 20271. Section 48 of the Reserves Act 1977 provides for the granting of rights of way and other easements across reserves. This parcel of land will not be materially affected by the proposal as the cable route will be underground, and any related kiosks located on adjoining fee simple land included in the proposal. Public notification of the proposal is not required pursuant to section 120 of the Act, but approval of the Minister of Conservation will be necessary. The following parcels of land held as fee simple will also accommodate the intended cable route with associated Kiosks; 43C/777; 21B/1238; 11F/452. A decision of the Council, acting on a Hagley/Ferrymead recommendation to approve or otherwise the application, will be necessary.
6. The applicant shall pay all costs associated with the establishment of the easements, which will include Council officer's time spent preparing reports, attending Council meetings, preparing legal documentation, together with the fees of outside agencies required to complete the process, which will include the Minister of Conservation's approval fee.
7. Survey plans of the easements shall be provided within three months of granting of the easement, so the easement can be registered as required by the Reserves Act 1977.
8. Final compensation is to be decided through negotiations with the applicant and Corporate Support Unit staff member(s) after land valuation and consideration of the mutual benefits from the proposal.

STAFF RECOMMENDATIONS

That the Hagley/Ferrymead Community Board recommend to the Council that easements be granted to Orion New Zealand Limited over fee simple land Heathcote Valley Park detailed under 43 C/777, 21B/1238, and 11F/452, subject to the following conditions:

- (a) That the applicant lodges a survey plan of the proposed easement with Land Information New Zealand within three months of the granting of the easement.
- (b) That the approval of the Minister of Conservation is obtained for the parcels of land subject to the Reserves Act 1977.
- (c) That any resource and building consents are obtained.
- (d) That the applicant negotiates a suitable compensation package with the Council, subject to an independent valuation, the cost to be borne by the applicant, for the privilege of utilising the Council land as an easement.
- (e) That before work commences on the site the applicant is responsible for locating any existing services in the reserve, if applicable, and ensuring that are not damaged by contractors.
- (f) The easement construction area being maintained by the applicant and their contractors in a safe and tidy condition at all times.
- (g) A bond of \$2,000 is to be paid by the applicant to the Christchurch City Council via Darren Moses, Heathcote Valley Park Project Manager, before work commences on the site. This bond, less any expenses incurred by the Council, is to be refunded to the payee upon the completion of the work, and lodgement of the survey plan as built with the Greenspace Unit Policy and Leasing Officer.

BOARD RECOMMENDATION

That the staff recommendations be adopted.

BACKGROUND

9. In May 2005 Orion approached the Council with a view to providing a back up power supply to the existing route that runs across the Heathcote Bridge. The proposal was to lay an 11Kv cable from the Heathcote District Substation near Scruttons Road across the Heathcote Valley Park to Bridle Path Road. The cable would then run up Major Hornbrook Road and link through to Sumner Redcliffs and Mount Pleasant. The reason for the proposal is to provide a back up supply to these areas in the event that the existing supply is damaged, particularly in the event of damage to the bridge following an earthquake.
10. The proposed route crosses land to the west of Truscotts Road around the edge of the proposed golf driving range, crosses Ferrymead Trust land to Truscotts Road and then follows Ferrymead Park Drive to Bridle Path Road (see plan attached). It is approximately 1.25km long and one metre wide. It is made up of 620 metres on the land to the west of Truscotts Road which is held under the Reserves Act 1977. The rest of the route is 630m long and runs along the edge of the existing Park access way which is part held as road and part unclassified. The proposal also includes two kiosks. The Ferrymead Trust has given consent to the proposal on their land.
11. Orion have looked at an alternative route through Truscotts Road-Deavoli Place-Cooks Lane-Bridle Path Road which may be established as of right. The route across Ferrymead is a shorter route which results in significant cost savings to Orion. Given that half of the cable is to be located in an existing access way and half runs down a boundary it is considered that there will be minimal impact to the Park as a whole.
12. Discussions have been held between Property Consultancy staff and Orion with a view to the provision of a supply to the two sites currently under development, namely the proposed Golf Course site and the proposed Maori Village site on Woodhill. Discussions have included use of the Orion trench to lay additional services such as water and telecommunication lines. The proposal therefore provides a mutual benefit to both parties.

13. Orion has agreed to pay all legal and survey costs associated with establishing the easement. They have also indicated that in the event of an easement being granted that there will be final negotiations with the Corporate Services Unit for payment of any top up compensation that should be required over and above the benefits that will be gained by the Council as described above.

OPTIONS CONSIDERED BY THE APPLICANT

14. The following options have been considered:
 - (a) Do nothing.
 - (b) Take the longer route through Deavoli Place and Cooks Lane.
 - (c) Take the shorter route across Heathcote Valley Park.

PREFERRED OPTION

15. To "Do nothing" would not result in a back up supply to the Sumner area and is therefore not favoured. The longer route involves damage and disturbance to the existing roading network and significant cost. Option three is favoured because it is cheaper and provides mutual benefit to both parties. There will be minimal impact on the Park. Half of the route will be laid in an existing road/park access road, with the rest of the cable located so that it will cause minimal disruption to the proposed use for the site.
16. The applicant has indicated they will undertake works that are consistent with Council's policies. Before any tenders are let or work commences on the site discussions will be held with Darren Moses in the City Solutions Unit to ascertain the Council's requirements though the construction phase of laying the cable and any Council services.