## 9. BISHOPDALE MALL RESERVE – ORION CABLE EASEMENT

The Board considered an application lodged on behalf of Orion NZ Co Ltd for an easement in gross over approximately 142 square metres, (the easement being approximately 2 metres wide), along the west side of Bishopdale Mall Reserve which is vested in the Council, in which to relocate a 11 KVA cable from the neighbouring YMCA owned property.

The Board **resolved**:

1. That the Council grant a registered easement in gross to Orion in accordance with section 48(1)(d) of the Reserves Act 1977, over approximately 105 square metres of Lot 2 DP 26629, a Local Purpose (Community Buildings) Reserve, and approximately 38 square metres of Lot 10 DP 42896, a Local Purpose (Community Centre) Reserve, as shown in attachment 1 to the agenda, drawing number 260371, 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 Manager, in consultation with the Greenspace Policy and Leasing Administrator.

    (c) The easement construction area being maintained by Orion NZ Limited, and their contractors in a safe and tidy condition at all times.

    (d) All costs associated with the survey and registration of the easements on the Council's title, being the responsibility of the YMCA.

    (e) The applicant is to provide the Council, within three months of completion of the work, a surveyed easement plan on which the easements as shown on drawing 260371 are shown.

2. That the Council not charge a one-off compensatory payment for the privilege of having the easement encumbrance placed on the Council's title in accordance with Council policy (27/9/01), and not charge for officers' time involved in processing the application in accordance with Council policy (12/7/01), because this would defeat the purpose of the tangible support that the Council has given to this project.

(Note: Cheryl Colley declared an interest in this item and took no part in the discussion and voting thereon.)