

<b>Officer responsible</b> City Streets Manager	<b>Author</b> Weng-Kei Chen, Asset Policy Engineer
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The purpose of this report is to seek the Committee's recommendation to Council to permit the construction of a conveyor tunnel underneath Hasketts Road as shown in the attached plan prepared by Eliot Sinclair and Partners Ltd Drawing No 186546.

The applicant Fulton Hogan Canterbury Ltd has requested permission from Council to construct the tunnel for the purpose of transporting quarry material from the pit face to the processing plant at the Pound Road Quarry. A resource consent has also been lodged with Council at the same time for the expansion of their quarry operations into the area west of Hasketts Road. This tunnel will significantly reduce the number of heavy vehicle movements on Hasketts Road for the transporting of the quarry materials if the resource consent is successful. The traffic safety benefit to the users of Hasketts road will be considerable and I recommend its approval subject to the Special Order procedures being successful. To allow the structure to be constructed the Council is required to comply with Section 338 of the Local Government Act 1974. This section of the Act provides that the Council may, pursuant to a special order, grant to any person an easement or other right for such period not exceeding 50 years and on such terms and conditions as the Council thinks fit, authorising that person to lay a pipe across a road and that right shall be subject to the payment of such rent and other conditions as the Council thinks fit.

Further I also recommend the approval be granted subject to:

1. An appropriate lease and rental agreement being prepared by the Property Manager.
2. The easement grant will be for a period of 15 years, with opportunity for renewal for 15 yearly intervals thereafter subject to any Council conditions at that time.
3. All legal survey costs associated with this proposal are to be at the applicant's cost.
4. Work must commence within four (4) months of granting of the easement and work completed within 14 (fourteen) days of work commencing.
5. The applicant to be responsible for all costs associated with any damage at any time to the conveyor tunnel.
6. The granting of this easement shall not be deemed to be to the exclusion of any other service or easement which may be installed or applied for at any subsequent time.

7. The roadway opening be carried out in compliance with conditions set by the City Streets Manager at the time of construction.
8. The applicant shall be responsible for the maintenance of the trench or any subsequent damage to the road resulting from the failure of this conveyor tunnel. The maintenance period shall be 12 months from the date of initial surfacing.

**Recommendation:** That special order procedures be commenced to grant Fulton Hogan Canterbury Limited an easement for a period of 15 years to construct the conveyor tunnel as indicated on Drawing 186546 prepared by Eliot Sinclair and Partner Ltd subject to the above conditions 1 to 8.

**Deputy Chairman's**

**Recommendation:** That the above recommendation be adopted.