

24. AVONHEAD PARK - CABLE EASEMENT

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Corporate Plan Output: Consents (9.4.8)	

The purpose of this report is to request that the Board recommends to the Council that an easement be granted over part of Avonhead Park in favour of Orion New Zealand Limited. The easement is required to enable the applicant to lay three 11kV cables, and 2 control cables across Avonhead Park to support the airport and Russley Road area from Orion's Hawthornden District substation. The easement required will be 3 metres wide, the cables being laid in 1 metre of this, the other 2 metres being required for access along the cable easement, and working room.

Agreement has been reached between officers of Orion and the Council on the proposed route, as detailed on the **attached** plan. The route that has been chosen will have the minimum impact on the sports fields and shrubberies on Avonhead Park, being clear of all cricket wickets and all but boundary shrub plantings. The easement will be approximately 723 metres in length, by 3 metres wide, a total of approximately 2169 square metres in area.

Avonhead Park is classified as a recreational reserve vested in the Council. The sections of the park the easement will go through are Lot 503 DP 54144 of 0.4217 hectares, and Lot 485 DP 54147 being of 2.4981 hectares. Both parcels of land are vested as recreation reserve, and Lot 3 DP21464 of 4.8479 hectares being land held for the purpose of a recreation reserve.

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 any 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 therefore any rights of the public will not be affected by the proposal.

Orion New Zealand Limited has agreed to pay a compensation fee decided by independent valuation, and all legal and reasonable incidental costs associated with establishing the easement. It has also 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.

Recommendation: That the Council grant a registered easement in favour of Orion New Zealand Limited over approximately 2169m² of Avonhead Park as shown in the accompanying aerial photograph (the easement being 3m wide by approximately 723m long), subject to the following:

1. Approval of the Minister of Conservation being obtained.
2. The easement terms being negotiated by the Property Manager, in consultation with the Parks and Waterways Policy and Leasing Administrator.
3. A compensation payment decided by independent valuation, being paid to the Council by Orion New Zealand Limited for the granting of the easement
4. Before trenching, Orion New Zealand will be responsible for locating all services presently in the park, including the pop-up irrigation system, to ensure no damage is caused to these services. It will be the responsibility of Orion New Zealand Limited to obtain any service plans to locate any services.
5. The replanting of any shrubs in borders which are necessary to remove when digging the trench in which to lay the cables.
6. The easement construction area being maintained by Orion New Zealand Limited in a safe and tidy condition at all times.
7. All costs associated with the development and subsequent maintenance of any cables in the easement being paid by Orion New Zealand Limited.

8. Before any tenders are let or work commences on the site, discussions are to be held with the Parks and Waterways Area Advocate, CCC Fendalton, to ascertain the Council's requirements through the development phase of the cable laying.
9. A bond of \$2000 being paid by Orion New Zealand Limited, or the successful principal contractor, to the Christchurch City Council Parks and Waterways Area Advocate, CCC Fendalton, before work commences on the site. The bond, less any expenses incurred by the Council, to be refunded to the payee on completion of the work.
10. The applicant providing the Council, within three months of completion of the work, with a surveyed easement plan on which the easement and cables' location on the reserve are shown.