

## 11. REUTER SCENIC RESERVE – ELECTRICITY EASEMENT

<b>General Manager responsible:</b>	General Manager, City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
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### PURPOSE OF REPORT

1. The purpose of this report is to obtain the approval of the Lyttelton/Mt Herbert Community Board, under the delegated authority of Council, to grant an electrical easement in gross over part of a scenic reserve off Dyers Pass Road in favour of Orion NZ for the purpose of providing power reticulation to an adjoining property by means of an underground cable.

### EXECUTIVE SUMMARY

2. Application has been made to Council by a private property owner (the applicant) for an easement to take a power supply from an existing pole owned by Orion NZ on Council scenic reserve adjacent by way of an under ground cable to his property (**refer Attachment 1**). The easement will need to be in favour of Orion NZ as the network provider, but as the benefit will be to the property owner all costs in creating the easement will lie with the property owner.
3. The preliminary design by the electrical contractor (**refer Attachment 2**) provides for a high voltage underground cable to be laid from the existing pole AH 549 on the existing 11kv overhead line to a proposed ground mounted transformer in the applicants property near the driveway to the new house site. The approximate proposed route of the underground cable is shown highlighted yellow and marked "A" on the attached diagram (Attachment 2). The final route of the easement would be dependant on the actual laid position of the cable and the easement survey plan would follow after the cable has been laid. The overhead line shown red on the diagram is there by authority of Section 22 of the Electricity Act.
4. There is an alternative option available to the applicant which would involve laying a cable from an Orion pole (AH 548) inside his property which carries the same overhead line, under very steep terrain, which would be a very technical, expensive and complex process according to the applicant. The overhead line comes over from Worsleys Hill through their property and crosses the Council's reserve to Governors Bay. The applicant is also mindful that this alternative would involve sacrificing some native planting that they have established.
5. The easement width is to be 1.5m and the length of the corridor is about 95 metres. Orion's standard easement conditions allow Orion or their contractors to enter upon the easement strip and the adjoining land. Once the cable is installed and commissioned there would probably be very little need to access the easement unless there is a fault.
6. The Council's Area Head Ranger has no issue with this application provided the easement granted is subject to the usual conditions.
7. At the time of writing this report negotiations had not been concluded with the applicant over compensation and costs. As time is of the essence the Board is being asked to agree to the principle of granting this easement and to delegate to staff the authority to conclude negotiations with the applicant over but not limited to compensation and costs in creating the easement.

### FINANCIAL IMPLICATIONS

8. There are no financial implications of any significance for Council with all costs to create the easement to be met by the applicant.

### Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. Not applicable.

## **LEGAL CONSIDERATIONS**

10. Section 48 of the Reserves Act 1977 provides that the administering body, with the consent of the Minister of Conservation and on such conditions as the Minister thinks fit, may grant rights of way and other easements over any part of the reserve for in this case Section 48(1)(d), an electrical installation or work, as defined in Section 2 of the Electricity Act 1992. Section 48(2) provides that before granting a right of way or an easement under Subsection (1) over any part of a reserve vested in it, the administering body shall give public notice in accordance with Section 119 specifying the right of way or other easement intended to be granted, and shall give full consideration, in accordance with Section 120, to all objections and submissions received in respect of the proposal under that section.
11. Further Section 48(3) states Section 48(2) shall not apply in any case where:
  - (a) The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and:
  - (b) The rights of the public in respect of the reserve are not likely to be permanently affected by the establishment and lawful exercise of the right of way or other easement.
12. This application falls within the provisions of Section 48(3) as the rights of the public are not likely to be permanently affected (the services are under ground) and accordingly the Minister of Conservation when approached for consent will be asked to waive the requirement for public notification.
13. The Community Board has the delegated authority of Council as the decision maker to approve the granting of easements pursuant to Section 48(1) of the Reserves Act 1977.

### **Have you considered the legal implications of the issue under consideration?**

14. Not applicable.

## **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

### **Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

15. Not applicable.

## **ALIGNMENT WITH STRATEGIES**

### **Do the recommendations align with the Council's strategies?**

16. Not applicable.

## **CONSULTATION FULFILMENT**

17. Refer Clause 12.

## **STAFF RECOMMENDATION**

It is recommended that the Lyttelton/Mt Herbert Community Board pursuant to section 48(1)(d) of the Reserves Act 1977, approve the granting of an easement in gross in favour of Orion NZ over approximately 143 square metres shown as "A" on Lemacon Plan L6663 (Attachment 1) being part of Section 1 on Survey Office Plan 19626, a Scenic Reserve vested in the Christchurch City Council, in which to lay an underground high voltage electrical cable subject to the following conditions.

- (a) The consent of the Minister of Conservation being obtained.
- (b) The easement terms including compensation payment and costs being negotiated and concluded by the Corporate Support Unit Manager or their nominee.

- (c) The easement construction area being maintained by the applicant, and their contractors in a safe and tidy condition at all times.
- (d) All costs associated with the survey and registration of the easement on the Council's title, being paid for by the applicant.
- (e) Any services that are to be placed underground are to be placed within the easement.
- (f) The applicant is to provide the Council, within three months of completion of the work, a surveyed easement plan on which the new easement is shown.
- (g) That the applicant pays 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).
- (h) The Council is to charge the applicant for officers time, and other processing costs (DOC approval fees etc) to process the application for the easement in accordance with Council Policy (12/7/01).
- (i) The applicant is to pay a \$2,000 bond to the Council via the Area Head Ranger Port Hills, domiciled at the Victoria Park Ranger Station, and sign a temporary access licence before any construction work commences on the site. The bond, less any expenses incurred by the Council, will be refunded to the payee upon completion of the development to a standard acceptable to the Greenspace Manager or his nominee.