

3. COCKAYNE RESERVE – EASEMENT IN FAVOUR OF ORION COMPANY LIMITED

General Manager responsible:	Acting General Manager, City Environment Group DDI 941-8160
Officer responsible:	Unit Manager Asset and Network Planning Manager
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PURPOSE OF REPORT

1. The purpose of this report is to enable the Community Board under delegated authority from the Council to consider an urgent application received from Orion Company Limited for an easement across Cockayne Reserve, and the adjacent esplanade reserve in which to lay an 11kV cable. This cable is required to feed a new 11kV substation, which needs to be commissioned to replace the existing substation contained in the City Council's Palmers Road Pumping Station which was severely damaged in the 4 September 2010 earthquake. This commissioning needs to occur before repairs can be undertaken to the pumping station.

EXECUTIVE SUMMARY

2. The 7.1 earthquake that occurred on Saturday 4 September 2010 severely damaged the City Council's pumping station on the corner of New Brighton Road and Palmers Road, the address for which is 193 Palmers Road.
3. Contained within this pumping station is an 11 kV substation which services the pumping station and the surrounding residential area. The Council needs to demolish the badly damaged building before a new one can be built early in the New Year. Before this can occur however, a new 11kV substation needs to be commissioned to enable the one within the building to be removed.
4. The new 11kV substation is going to be located on the New Brighton Road frontage of the property, see attached plans (**Attachment 1**).
5. Orion have retained Connetics Company Limited to design the new substation, and the associated cabling, instructing them to feed the substation from substation number 81 in Bexley Road. This will necessitate an 11kV cable being laid under the Avon River and the adjacent esplanade and Cockayne Reserves.
6. There are a number of other easements containing underground services, these being a pressurised sewer main and a gas main which cross Cockayne Reserve and the adjacent esplanade reserve in this particular location within the reserves.
7. Detailed design of the new substation and associated infrastructure is hoped to be completed by the middle of October, followed by construction to be complete by the end of December this year, hence the urgency in having the easements through the reserve approved.
8. Staff are recommending that the Council grant the easements requested by Orion.

FINANCIAL IMPLICATIONS

9. There are no financial implications to the Council, all costs involved with putting the easements in place being paid for by Orion Company Limited. There will also be a one off compensation payment required from Orion to be paid to the Council in accordance with the Council policy for the making of such payments.

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

10. Not applicable.

LEGAL CONSIDERATIONS

11. The legal description for Cockayne Reserve is Reserve 3061 of 3.2805 hectares being a recreation reserve held under the Reserves Act 1977, (Act), contained within certificate of title 24A/668 which is vested in the Council (page 1429 of the New Zealand Gazette 1969).

12. The legal description for the adjacent local purpose esplanade reserve to the Avon River is Sec 1 SO plan 197661 of 1.7320 hectares held under the Act contained within certificate of title 45A/571, which is vested in the Council.
13. It is a requirement under section 48 of the Act that all third party utility services, (utility services that cross a reserve to service a customer whose activities are located outside a reserve), are covered by an easement. It is also the policy of Orion Company Limited that all of their 11kV an above voltage network be covered by easements where the utility is not situated above or beneath a legal road.
14. Public advertising of the Council's intention to grant the easements is not required because the reserves are vested in the administering body (Christchurch City Council) and are not likely to be permanently altered or damaged, and the rights of the public in respect of their use of the areas are not likely to be permanently affected by the granting of the easements, (section 48 (3) of the Act).
15. It is Council policy (27 September 2001) that where an application is made for an easement over Council park and reserve land to service a third party located outside the reserve. A one-off compensation payment, as decided by independent valuation, be made by the applicant to the Council for the privilege of registering an easement over the Council's title. The application of this policy applies in this application.
16. The Community Board has delegated authority from the Council to approve, or not to approve the granting of the easements (13 December 2007).

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

17. Yes – see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Not applicable.

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

19. Not applicable.

ALIGNMENT WITH STRATEGIES

20. Not applicable.

Do the recommendations align with the Council's strategies?

21. Not applicable.

CONSULTATION FULFILMENT

22. Consultation is not required because the easements requested will be underground and therefore comply with the public advertising exception clause (section 48(3)) of the Act.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board acting under delegated authority of the Council approve the granting of easements, (1 metre wide), over approximately 79.5 square metres of Cockayne Reserve (61.5), being Reserve 3061 of 3.2805 hectares a recreation reserve contained within certificate of title 24A/668 vested in the Council (page 1429 of the New Zealand Gazette 1969); and the adjoining Local Purpose Esplanade Reserve (18), being Sec 1 SO plan 197661 of 1.7320 hectares contained within certificate of title 45A/571, which is vested in the Council as shown in the attached overlaid aerial photograph (**Attachment 2**). These easements be granted pursuant to section 48(1)(d) of the Reserves Act 1977 in which to lay the 11kV cable 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 or his 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 for processing this application including the survey and registration of the easement on the Council's title, being paid for by Orion Company Limited in accordance with Council Policy (12 July 2001).
- (e) The cable is to be laid underground within the easement by using an underground thrusting, or boring method of laying.
- (f) The applicant is to provide the Council, within three months of completion of the work, a surveyed easement plan on which the new easements are shown.
- (g) Orion Company Limited is to provide the Council, within three months of completion of the work a copy of the title on which the easement is shown.
- (h) Orion Company Limited are to pay a one off compensatory payment as decided by independent valuation for the privilege of having the easement encumbrance placed on the Council's titles in accordance with Council policy (27/9/01).
- (i) The applicant is to pay a \$2,000 bond to the Council via the Greenspace Contract Manager, Linwood Service Centre, 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 Transport and Greenspace Manager or his nominee.