

OPEN

MINUTE ITEM

ATTACHMENTS

Ordinary meeting of the
Sports and Recreation Committee

Tuesday 9 May 2017
Commencing at 1.30pm
Council Chamber

Civic House

110 Trafalgar Street, Nelson

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5 May 2017

Memo to: Mayor and Councillors
Memo from: Administration Advisers
**Subject: SPORTS AND RECREATION COMMITTEE – 9 May
2017 – LATE ITEM**

7. Late Item: Network Tasman Easement - Highview Reserve 2 - 7

Document R7664

A report titled Network Tasman Easement - Highview Reserve is attached to be considered as a major late item at this meeting.

Section 46A(1)-(6) of the Local Government Official Information and Meetings Act 1987 and Standing Order 2.15.8 require that agendas are distributed with the associated reports. As this report was not distributed with the agenda for this meeting, it must be treated as a major late item to be considered at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to hand after the agenda had been distributed.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required before the next scheduled meeting of the Sports and Recreation Committee to enable a timely decision to be made.

Recommendation

That the Committee

Considers the item regarding Network Tasman Easement - Highview Reserve at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

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Network Tasman Easement - Highview Reserve

1. Purpose of Report

- 1.1 To approve an easement for electrical purposes to Network Tasman Limited over the Council administered Highview Reserve (section shown on the plan) refer to Attachment One (A1755625).

2. Recommendation

That the Committee

Receives the report Network Tasman Easement - Highview Reserve (R7664) and its attachments (A1755625 and A1755616).

Recommendation to Council

That the Council

Grants the easement in gross, meaning granting the easement to Network Tasman Limited rather than to property, in favour of Network Tasman Limited over the area shown on the plan marked "V" (A1755616) of the Highview Reserve with all legal costs associated with the easements over Highview Reserve to be met by KB Quarries Limited; and

Confirms the easements be agreed to under section 48(1) (d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.

3. Discussion

- 3.1 Network Tasman Limited requested an easement over part of Highview Reserve at 4 May 2017 Council meeting, which was approved.
- 3.2 Network Tasman Limited has now approached KB Quarries Limited and requested they also have the easement over area "V" obtained from Nelson City Council for their development.

- 3.3 Area "V" was already shown on the plan as an existing easement, however, Network Tasman Limited have now realised that the formal documentation for area "V" was never completed in a previous subdivision.
- 3.4 The proposed easement is for works underground and aboveground.
- 3.5 This easement is requested as a temporary easement and will remain in place for a maximum of 10 years, after which all lines will be removed from this easement area and the easement surrendered.
- 3.6 The Highview Reserve is not likely to be materially altered or permanently damaged and the rights of the public in respect of the reserve are not likely to be permanently affected. This wording is the requirement set out in section 48(3) of the Reserves Act 1977.
- 3.7 As the cables and infrastructure are proposed to assist a development it is proposed that KB Quarries Limited meet all costs associated with the easement.

Legislation

- 3.8 As the Network Tasman Limited infrastructure is located on Council administered reserve land, the easement is required to formalise its occupation of the land. The Reserves Act 1977 confers on Council the ability to grant an easement if it is for one of the specified purposes in section 48(1) of the Reserves Act 1977. Council, as the administering body, may grant an easement for the purpose of an electrical installations or work. Easements on reserve land require consent from Council under section 48(1)(d) by passing a formal Council resolution.
- 3.9 Where the reserve is not likely to be materially altered or permanently damaged; and the rights of the public in respect of the reserve are not likely to be permanently affected then public notice is not required under the Reserves Act 1977.

4. Options

- 4.1 The options are either to grant the easement (preferred option) or to not grant the easement.
- 4.2 Granting the easement enables Council to formalise the access to Network Tasman Limited across Highview Reserve.
- 4.3 If the easement is not granted then Network Tasman Limited will not live their cables or provide electricity over this area.

5. Conclusion

- 5.1 Approval of the easement in gross (granting right to Network Tasman Limited rather than a property) to Network Tasman Limited to convey electricity, telecommunications and computer media located in the

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Highview Reserve enables Council to formalise access to Network Tasman Limited and ensures security of electricity supply for the future development on Highview Drive.

Alison Millard
Property Legal Executive

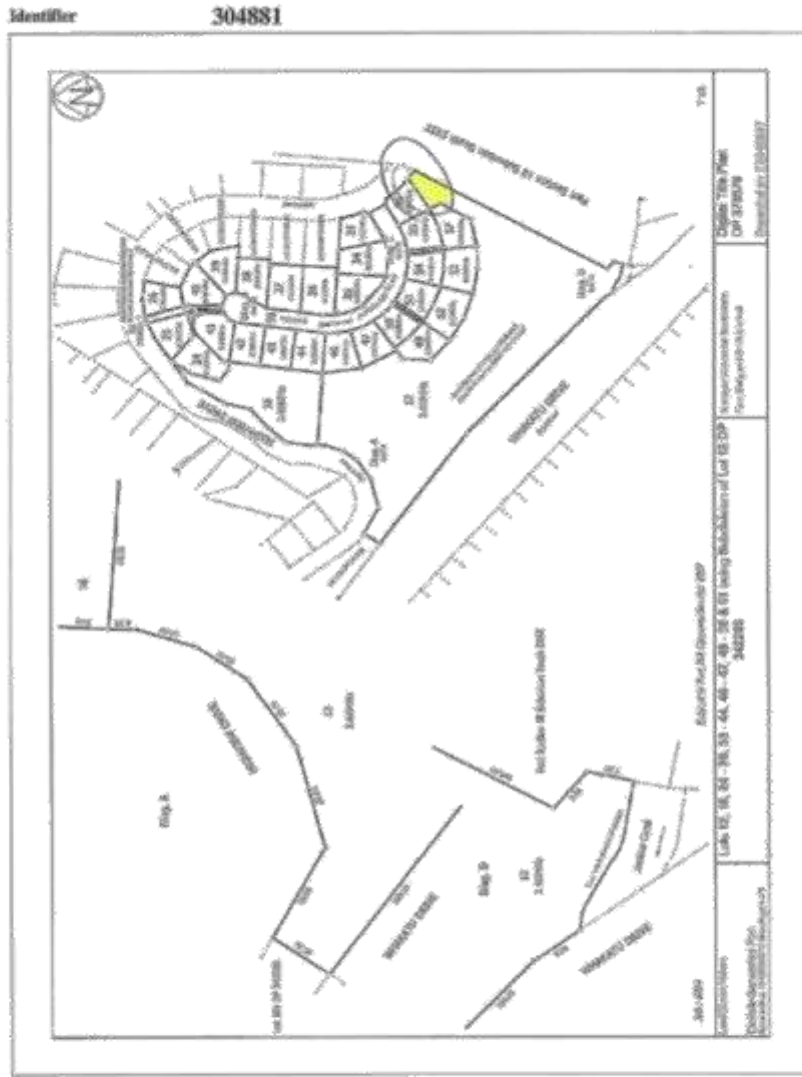
Attachments

Attachment 1: A1755625 - Approximate area highlighted yellow where easements will run

Attachment 2: A1755616 - Plan showing easement area V on Highview Reserve

Important considerations for decision making	
1. Fit with Purpose of Local Government	This decision facilitates supply of electricity infrastructure to the Nelson community.
2. Consistency with Community Outcomes and Council Policy	<p>The recommendation supports the community outcome "Our infrastructure is efficient, cost effective and meets current and future needs."</p> <p>The recommendation fits with Goal Nine of Nelson Nature – everyone in our community has their essential needs met.</p>
3. Risk	There is low risk of adverse consequences.
4. Financial impact	Costs for electricity easement over Highview Reserve are being met by the requesting party.
5. Degree of significance and level of engagement	<p>This matter is of low significance because it does not materially affect or impact the public or Council's use of the reserves. No consultation or public notification is required under section 48(2) of the Reserves Act 1977 because this easement proposal meets the criteria of sections 48(3)(a) and 48(3)(b) of the Reserves Act 1977;</p> <p style="padding-left: 40px;">Section 48(3)(a) the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and</p> <p style="padding-left: 40px;">Section 48(3)(b) the rights of the public in respect of the reserve are not likely to be permanently affected.</p>
6. Inclusion of Māori in the decision making process	No consultation with Maori has taken place.
7. Delegations	The Sports and Recreation Committee has the responsibility for considering parks and reserves including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings. The Sports and Recreation Committee has the power to make a recommendation to Council on this matter, and under the Reserves Act 1977 this is a decision for full Council.

7. Network Tasman Easement - Highview Reserve - Attachment 1 - A1755625 - Approximate area highlighted yellow where easements will run

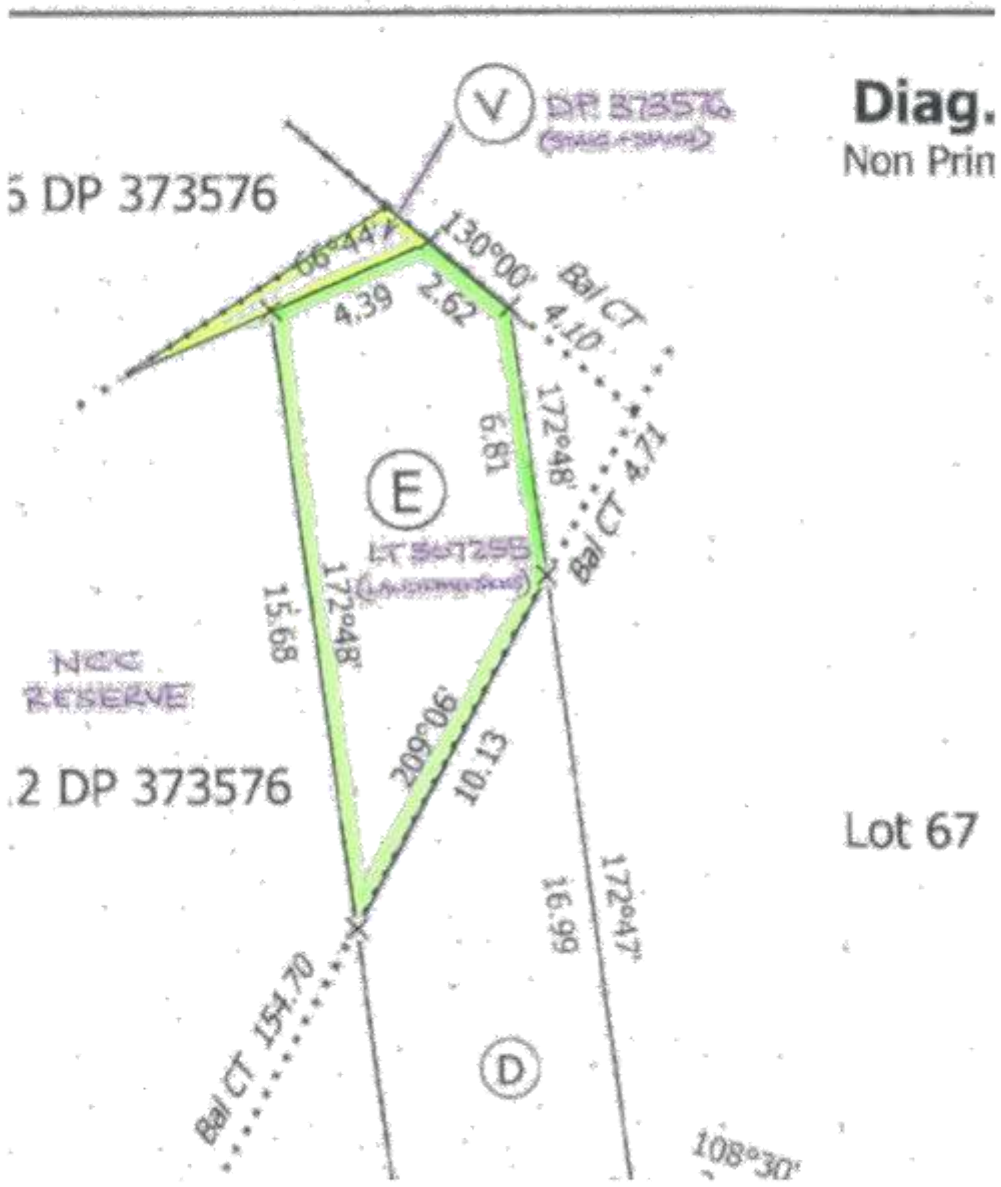


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