
REPORT 6
(1215/52/IM)

APPROVAL TO GRANT A TELECOMMUNICATION EASEMENT THROUGH PART OF THE LAND AT MAKARA PEAK, SOUTH KARORI ROAD, KARORI

1. Purpose of Report

To recommend the Committee approves granting an easement to Kordia Group Limited over part of the Outer Green Belt land known as Makara Peak Mountain Bike Park which is situated on South Karori Road, Karori (refer to appendix 1 for a location plan). Kordia Group Limited requires an easement over the land in order to install a fibre optic cable to service an existing cell site (cable route highlighted in yellow on Appendix 2).

2. Executive Summary

Kordia Group Limited is proposing to run a new fibre optic cable via a 32mm sub-duct to their existing cell site. The installation of the underground cable will provide additional data capacity to an existing cell site and provide improved telecommunications services in Karori.

A specifically engineered structure will be built to support the cable over the Karori Stream that runs adjacent to 113 South Karori Road, Karori. The structure supporting the cable will be a steel beam laid on its side with the sub-duct secured on the under side of the beam. The concept design and positioning of the structure was approved, in principal, by Council's Parks and Gardens Business Unit and was the preferred option in terms of causing the least disturbance and visual impact to the Park. Refer to Appendix 3 to see the concept design and positioning of the structure.

The installation of the underground cable will not materially alter the land and has been positioned and designed to have the least impact on the land.

Council's Parks and Gardens Business Unit will monitor the work during the project. Once it has been completed, Kordia will reinstate the land and vegetation to Parks and Gardens satisfaction.

The land is currently classified as fee simple land but is in the final stages of being reclassified as Scenic Reserve and is awaiting gazettal.

The land is currently managed by officers as Scenic Reserve and is therefore, subject to the requirements of the Reserves Act 1977 (Reserves Act).

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree subject to the terms and conditions noted below, the granting of an easement over part of the land known as Makara Peak, on South Karori Road, Karori (outlined in yellow on Appendix 2) to Kordia Group Limited.*
3. *Note that the terms of the easement agreement are as follows:*
Location: *Part of the land known as Makara Peak and legally described as Part Section 45 Karori District.*
Term: *In perpetuity.*
Rental: *\$1.00 per annum (if demanded).*
4. *Waive the requirement for public notification under Section 48(2) of the Reserves Act 1977 in accordance with Section 48(3) of the Reserves Act 1977, as the Reserve land is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easement.*
5. *Note that any approval to grant the easement will be conditional on the approval of the Minister of Conservation being obtained in accordance with Section 121 of the Reserves Act 1977.*
6. *Note that any approval to grant an easement is conditional on the legal costs associated with preparing the easement agreement being met by Kordia Group Limited.*
7. *Agree that Council officers will finalise and negotiate the easement agreement details.*

4. Background

Kordia Group Limited (Kordia) is a state owned enterprise that operates a national communications network. It is New Zealand's third largest telecommunications network and specialises in the design, deployment, maintenance and operation of telecommunications solutions.

The initial easement route proposed by Kordia was to follow the power cable route (highlighted in pink in Appendix 2) along the public footbridge and path up to the cell site.

Council officers met with Downer EDI who will be undertaking this work on Kordia's behalf. Officers agreed that the route highlighted in yellow on Appendix 2 and the specifically engineered structure to carry the cable across the Karori Stream has the least impact on the recreational users of Makara Peak (mountain bike track) and the land.

5. Discussion

The easement for which approval is requested is necessary to future proof the cell site and provide improved telecommunications services in Karori.

5.1 Impacts on the Open Space Values of the Proposed Easement

The proposed cabling (excluding the structure over the stream) will be underground and once laid, the land and vegetation will be reinstated by Kordia under the supervision of officers from the Parks and Gardens business unit.

The proposal is consistent with the Outer Green Belt Management policies in relation to utilities on Council owned land. There will be no adverse impacts on open space values as the cable is intended to be located below ground and the proposal will not unduly compromise recreational use of the land.

Kordia will, in consultation with officers ensure the site is properly reinstated after the cable has been laid.

Any ongoing maintenance will be strictly controlled through the easement agreement and the licence agreement for the cell site.

5.2 Consultation and Engagement

The Land is currently classified as fee simple and is in the process of being reclassified as Scenic Reserve. The Land is currently managed by officers as Scenic Reserve and is therefore subject to the Reserves Act.

Under section 48(2)(3) of the Reserves Act, public notification is not required if the Land or Management Plan is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the right of way.

The granting of an easement over the Land satisfies the requirements of section 48(2)(3).

Although there is no formal consultation required under the Reserves Act, Kordia will provide the immediate property owners with an information pack on the proposed project and contact details for any queries they may have.

5.3 Process

If the Committee approves the granting of a telecommunications easement to Kordia, the process will be as follows:

- Council officers will seek approval from the Minister of Conservation, in accordance with section 48 and 121 of the Reserves Act;
- Kordia will need to obtain resource consent;
- Kordia will install the fibre optic cable and reinstate the site to Council's satisfaction; and
- The Land will be surveyed and the easement will be registered against the Certificate of Title.

5.4 Financial Considerations

Kordia will be responsible for all costs associated with construction, landscaping and mitigation measures of the cable being laid as well as any costs associated with the preparation and registration of the easement agreement.

6. Conclusion

The granting of this easement is essential to future proofing the existing telecommunication station at Makara Peak and is consistent with the Council's commitment to maintain and upgrade the city's infrastructure. It is also in keeping with Central Government's desire to improve the regulatory environment and to facilitate the telecommunication sector's investment in infrastructure leading to enhanced economic outcomes.

Therefore, Council officers recommend that the Strategy and Policy Committee approves the granting of an easement to Kordia Group Limited over part of the land at Makara Peak.

Contact Officer: *Dejan Kirbis, Property Advisor, Property Management & Amber Bill, Manager, Community Engagement & Reserves, Parks & Gardens*

Supporting Information

1) Strategic Fit / Strategic Outcome

The granting of this easement will contribute to Council meeting the city's economic objectives.

2) LTCCP/Annual Plan reference and long term financial impact

Kordia Group Limited will be responsible for all costs associated with granting an easement over the land.

3) Treaty of Waitangi considerations

No Treaty implications have been identified.

4) Decision-Making

This is not considered a significant decision in terms of the Council's Significance Policy.

5) Consultation

As the easement land will not be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easement, this report recommends proceeding with targeted consultation.

6) Legal Implications

Legal advice will be sought in preparation of the easement agreement.

7) Consistency with existing policy

The measures proposed by Kordia Group Limited are consistent with the policies contained in the Outer Green Belt Management Plan.

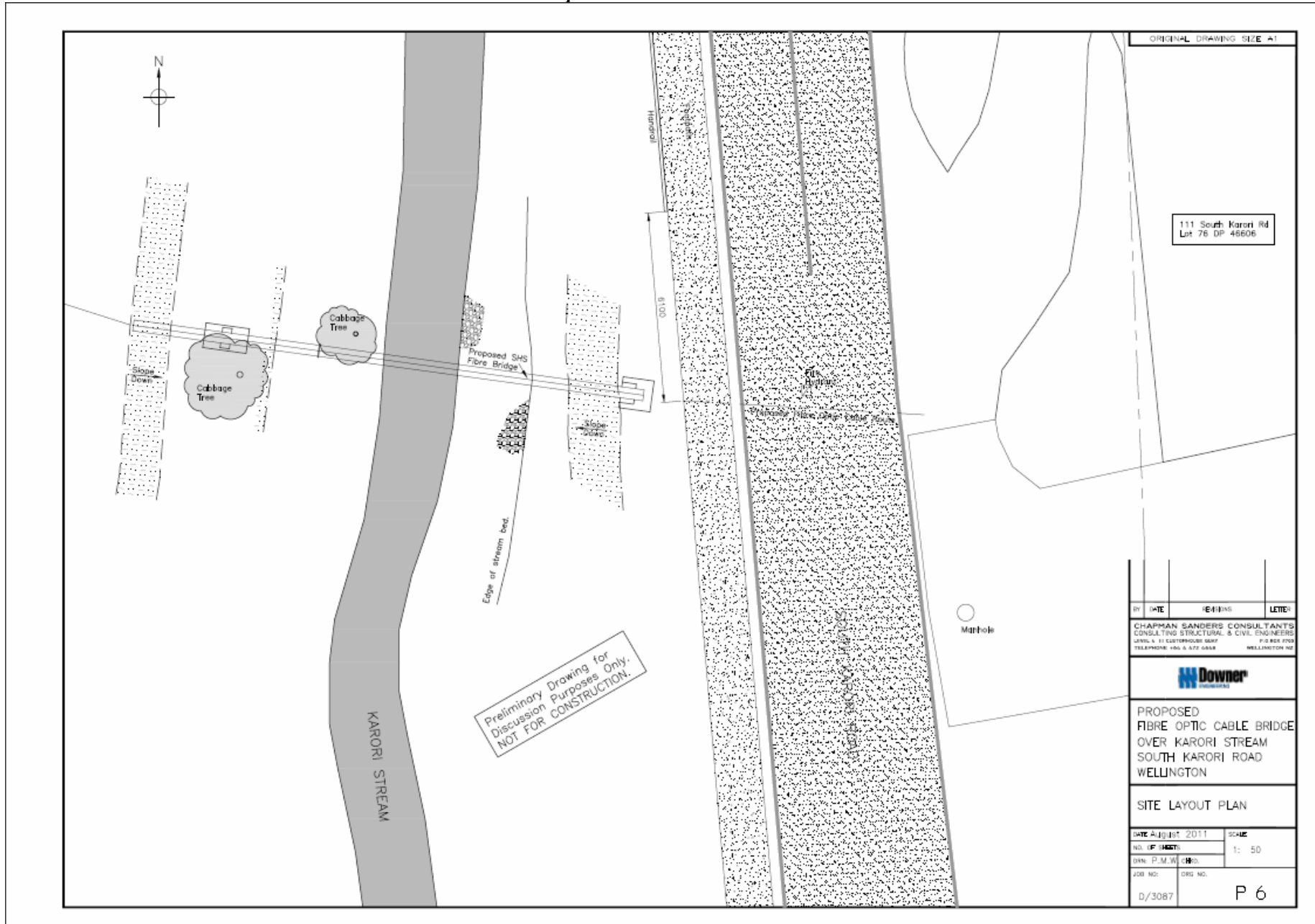
Location Plan



Proposed Easement (highlighted in yellow) Existing Easement (highlighted in pink)



Proposed Cable Structure



ORIGINAL DRAWING SIZE A1

111 South Karori Rd
Lot 76 DP 48606

Preliminary Drawing for
Discussion Purposes Only.
NOT FOR CONSTRUCTION.

BY	DATE	REVISIONS	LETTER

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PROPOSED
FIBRE OPTIC CABLE BRIDGE
OVER KARORI STREAM
SOUTH KARORI ROAD
WELLINGTON

SITE LAYOUT PLAN

DATE: August 2011	SCALE:
NO. OF SHEETS:	1: 50
DRN: P.M.W.	CHKD:
JOB NO: D/3087	DRG NO: P 6