

EASEMENT POLICY

Introduction

It is the responsibility of the developer to ensure that all electricity and fibre easements are obtainable. The developer shall, where necessary and at their expense, provide any easements and obtain any formal consents required for any network, or service main, overhead lines, underground cabling, and equipment to be installed or altered on property other than road reserve.

It is essential that Network Tasman Limited's written approval of all proposed electricity easements (in gross and private) is obtained prior to the draft Land Transfer plan ("LT plan") progressing to an approved as to survey status.

The Purpose of any electricity easement (in gross or private) must be recorded in an LT plan's Schedule/Memorandum as a "**Right to convey electricity and telecommunications**". The rights and powers implied in these classes of easement are those set out in Schedule 5 of the Land Transfer Regulations 2018 and are in addition to the rights and powers granted by Network Tasman Limited's standard easement instrument.

Definition

"Works" as defined in the Electricity Act 1992, and as intended in this Easement Policy.

Works –

- (a) means any fittings that are used, or designed or intended for use, in or in connection with the generation, conversion, transformation, or conveyance of electricity; but*
- (b) does not include any part of an electrical installation*

Requirements

Easement in gross

An easement in gross in favour of Network Tasman Limited shall be obtained and registered on all land that is not road reserve, prior to livening.

This includes but is not exclusive to any electrical or fibre reticulation intended for vesting with Network Tasman Limited, for example:

- New Works (overhead lines, underground cables, etc).
- A padmount transformer, high voltage switch or service box.
- New overhead line located in legal road reserve protruding into private land (this applies especially to crossarms and conductors where air space is encroached).
- Network cable used to supply lot(s) in right of ways or access lots.

Easement in gross corridor width

A six-metre-wide corridor is required for overhead lines, symmetrical to the actual line route. A three-metre-wide corridor is required for underground cables, symmetrical to the actual cable route.

Subdivision consents and conditions

Network Tasman Limited requires (particularly in relation to easements where neighbouring properties are affected) that a perpetual right is obtained for new or altered works, in addition to the conditions imposed in the consents granted by local authorities under section 220 of the Resource Management Act 1991.

This ensures the status of those works cannot be compromised by aggrieved property owners wishing to contest Network Tasman Limited's interest, and that there is no risk of customers being stranded.

Tasman District Council's Engineering Standards and Policies / Nelson City Council's Land Development Manual will determine which method of reticulation is required and the type of easement is therefore determined by the Standards / Manual.

Subdivision easements

An easement required on land being developed under a consent for subdivision must be described in the LT plan's Schedule under Memorandum of Easements.

An easement required on neighbouring land (other than the consent holder's land) adjacent to, or outside the subdivision, and affected by new or altered network system changes, must also be described in the LT plan's Schedule under Memorandum of Easements and registered prior to livening.

Service main easements

Where service mains are used to service lots on a shared right of way, access lot or across private land, an easement in gross in favour of Network Tasman Limited may not be required.

However, a private or reciprocal easement between the respective lots is required and must be described in the LT plan's Schedule under Memorandum of Easements.

This includes but is not exclusive to:

- New service mains or ducting.
- Easements in favour of each affected lot(s) where service mains are installed in shared right of ways or access lots.
- An existing service main which is physically altered, shifted or its status is changed, for example, to supply a new separately subdivided property.

Easement registration

Network Tasman will not connect new Works or allow alterations to its network system which constitutes new Works until an easement in gross has been confirmed as registered and a copy of the Record of Title, recording the registered easement in gross, has been received by Network Tasman Limited.

The requirement for registration prior to livening may be waived for subdivisions approved by the local authority under section 220 of the Resource Management Act 1991, where property outside the subdivided land is unaffected and the LT plan for the subdivision lists the relevant easements in the Schedule under the heading Memorandum of Easements in Gross.

Easement Instrument to grant easement

A copy of Network Tasman Limited's standard Easement Instrument is available on request from Network Tasman Limited.

Special conditions may be permitted by Network Tasman Limited, for example, to allow horticultural vegetation within the easement area.

Electrical Reticulation Development and Connection Agreement ("Agreement")

An executed Agreement to vest the ownership of the works in Network Tasman Limited must be received by Network Tasman Limited prior to livening of the works.

Upon connection and livening of the works, the assets are legally vested in Network Tasman Limited.

For easement enquiries please contact: easements@networktasman.co.nz