

**8. EASEMENT - LAYING OF 225 MM SEWER MAIN THROUGH ADCOCK RESERVE FOR FOREST PARK SUBDIVISION**

<b>Officer responsible</b> Parks and Waterways Manager	<b>Author</b> Tony Hallams - Policy and Leasing Officer, DDI 371-1320
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The purpose of this report is to seek the Board's approval of an easement in gross, over part of Lot 1 DP 82355 and Section 2 SO 19528, known as Adcock Reserve, in which to lay a 225 mm diameter sewer main with manhole structures.

The applicant has indicated the application is necessary to provide an effective gravity sewer service to an undeveloped block of L1 zoned land, Forest Park Lake Subdivision Stage 4. The details of the proposed easement are provided in the attached appendices.

**RELEVANT CURRENT POLICY**

The Community Board has the delegated authority from the Council (8 November 2001) to make the decision on behalf of the Council whether to grant the easement or not. This decision can be made by a subcommittee of the Council in terms of the Reserves Act 1977 requirements.

**DESCRIPTION OF THE PROPOSAL**

The easement is required to enable the developer Smith Developments Limited to develop Stage 4 of the Forest Park Subdivision. Davie Lovell-Smith Limited acting on behalf of the applicant has indicated:

*"No alternative routes will provide gravity service to the entire block. None of the alternative existing sewer mains adjacent to the site are of sufficient depth to service the block without the construction of a pump station."*

The applicant has detailed in the application that the construction of a stormwater system through Adcock Reserve, including a lake feature and pipe network, had been previously approved by the Council and was now substantially constructed and protected by an easement in gross.

**ISSUES FOR CONSIDERATION**

Adcock Reserve is a recreational reserve subject to the Reserves Act 1977. The applicant, as part of the reserve contribution process vested the reserve in the Council at the time of constructing Stage 1 of the subdivision. The applicant is seeking that the sewer main be installed as part of the future stages of the subdivision. Council officers are of the view that the proposed easement route will have little impact on the reserve.

The sewer main will revert to Council ownership once it is in service, after the initial maintenance period has expired. The applicant has agreed, in writing, to pay all costs associated with the establishment of the easement, which will include Council officers' time spent preparing reports, attending Council meetings, and preparing legal documentation, together with the fees of outside agencies required to complete the process. This will include the Minister of Conservation's approval fee.

Part 1 (f) of Section 48 of the Reserves Act 1977 allows for the granting of rights of way and other easements across reserves. Part 2 of this Section requires that before granting the easement that the Council publicly advertised its intention to grant the easement. Part 3, subsection (2) of this Section allows these advertising provisions to be dispensed with, if the proposed easement is not likely to "materially alter or permanently damage the reserve, and the rights of the public are not likely to be permanently affected". It is considered that both these tests will be satisfied, because no structures will be built above the ground, and therefore the rights of the public will not be affected by the proposal. Public advertising will therefore not be required, although the consent of the Department of Conservation will be required.

The applicant has agreed to supply the Council with survey plans of the easement within three months of completing the work, so the easement can be registered as required by the Reserves Act 1977.

**CONCLUSION**

Officers of the Parks and Waterways Unit have considered the application and reasons for the proposal, and subsequently recommend that it be approved subject to the applicant complying with conditions 1 to 8 as outlined below.

**Staff**

**Recommendation:** That the Board resolve to grant a registered easement unto itself, as provided for in Section 48 (6) of the Reserves Act 1977, over approximately 205 m<sup>2</sup> (the easement being approximately 1 metre wide by 205 metres long), of Lot 1 DP 82355, and Section 2 SO 19528 known as Adcock Reserve, as shown upon plan SO 384/12 prepared by Davie Lovell-Smith on behalf of Smith Developments Limited (the applicant), subject to the following conditions being complied with:

1. The approval of the Minister of Conservation first being obtained.
2. The easement terms being negotiated by the Property Manager, in consultation with the Parks and Waterways Policy and Leasing Administrator.
3. Before work commences upon the site, the applicant is to be responsible for locating all the existing services that are located within the park, and ensuring they are not damaged by the contractor(s).
4. The easement construction area being maintained by the applicant and/or their contractors in a safe and tidy condition at all times.
5. Before any tenders are let or work commences on the site, discussions are to be held with the Parks and Waterways Area Advocate, Shirley Service Centre, to ascertain the Council's requirements through the construction phase of laying the pipe within the easement. This will include the signing of a contract between the Council and the applicant agreeing to the ordered construction of the pipeline through the reserve.
6. A bond of \$2,000 is to be paid by the applicant, to the Christchurch City Council via the Parks and Waterways Area Advocate, Shirley Service Centre, before work commences upon the site. This bond, less any expenses incurred by the Council, is to be refunded to the payee upon the completion of the work, and lodgement of the survey plan as built with the Parks and Waterways Policy and Leasing Administrator.
7. The applicant is to provide to the Council (Parks and Waterways Policy and Leasing Administrator), within three months of completion of the work, a surveyed easement plan upon which the easement and sewer main's location within the easement as built within the reserve is shown.
8. Smith Developments Limited are to pay the Council and Department of Conservation processing costs, as detailed in the signed quotation form completed by Mr H P Smith on behalf of Smith Developments Limited.

**Chairperson's**

**Recommendations:** That the abovementioned recommendation be adopted.