

9. EASEMENTS OVER RESERVE AT FAIRWAY PARK

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The purpose of this report is to request the Council's consent under Section 48 of the Reserves Act 1977 to the creation of easements over the Council-owned reserve at Fairway Park, Christchurch.

The easement is shown in the "Schedule of Easements" on Deposited Plan 72306 (copy attached). It is a right-of-way and right to convey electric power in gross over parcel Z in favour of Orion New Zealand Limited.

The request for the creation of the above easements has arisen as a consequence of Suburban Estates' subdivision at Fairway Park.

As part of that subdivision, Lot 101 on Plan 72306 has vested in the Christchurch City Council as local purpose (drainage) reserve under the Reserves Act 1977 and is the site of a sewer pumping facility which will be taken over and operated by the Council once the pump is operational.

The subdivisions unit advise that the right to convey electric power in gross over Lot 101 is necessary to run electricity to the pump station and the right-of-way is necessary to allow access to Orion New Zealand Limited for any necessary maintenance and repairs. The Council's Subdivision Team advise that the easement provides the most appropriate/direct route for these services.

Officers therefore recommend that a right to convey electric power in gross over parcel Z on Plan 72306 be granted in favour of Orion New Zealand Limited on the basis that all services must be laid underground.

The Council has previously not required compensation for easements granted over reserves when the creation of those easements is a consequence of the land being vested in the Council as part of a subdivision. Officers consider that it would be inappropriate to require compensation on this occasion.

The Minister of Conservation's consent will also be required for the creation of the two easements. This will be obtained prior to the easements being registered in the Land Titles Office.

Recommendation:

1. That the Council consent, pursuant to section 48 of the Reserves Act 1977, to the creation of a registered right-of-way and right to convey electric power in gross over Parcel Z on Plan 72306 in favour of Orion New Zealand.
2. That the abovementioned easement documents record that all pipes must be laid underground.
3. That the Council resolve not to publicly notify the creation of the easements as:
 - (a) The reserve is vested in the Council and is not likely to be materially altered or permanently damaged by the creation of the easements; and
 - (b) The rights of the public in respect of the reserve are not likely to be permanently affected by the creation of the easements.