

8. EASEMENT OVER RESERVE AT ROCKVIEW PLACE

Officer responsible Legal Services Manager	Author Karilyn Shutt, Solicitor, DDI 371-1577
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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 an easement over the Council reserve at Rockview Place. The reserve is held as recreation reserve.

The proposed easement is a right to drain water, shown as parcels AX and AW on the attached plan 83810.

It is proposed that a stormwater pipe and outlet be located in Parcels AX and AW. The stormwater pipe would be laid underground, except for the final portion which relates to the outlet structure. The outlet structure on AX would involve the construction of a low block wall located at the base of the outlet and the outlet structure on AW would involve some concrete works and rocks being located at the base of the outlet. The outlet structures are necessary to disperse the stormwater in such a way as to prevent erosion of the hillside.

Engineers in the subdivisions unit have advised that Parcel AX and AW provides the most appropriate route for stormwater from the subdivision shown on the attached plan 83810.

The Subdivisions Team have reviewed the location of the stormwater pipe and outlets and have made comment on the layout of the outfall structures and associated planting. They advise that they are happy with the plans provided for those works.

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

Officers therefore recommend that a right to drain water easement be created over Parcels AX and AW on the basis that:

- (a) The easement document records that all pipes must be laid underground (except the portions that relate to the outlet structures); and
- (b) The outlet works must be completed in accordance with the attached design.

The Minister of Conservation's consent will also be required to the creation of the proposed easement over Parcels AX and AW. This will be obtained prior to the easement being registered in the Land Transfer Office.

- Recommendation:**
1. That the Council consent, pursuant to Section 48 of the Reserves Act 1977, to the creation of a registered easement over Parcels AX and AW on the attached plan 83810 on the basis that:
 - (a) The easement document records that all pipes must be laid underground (except the portions that relate to the outlet structures); and
 - (b) The outfall works must be completed in accordance with the attached design.
 2. That the Council resolve not to publicly notify the creation of the easement as:
 - (a) The reserve is not likely to be materially altered or permanently damaged by the creation of the easement; and
 - (b) The rights of the public in respect of the reserve are not likely to be permanently affected by the creation of the easement.