

15. EASEMENT OVER RESERVE - MAJOR HORN BROOK RESERVE

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Manager City Water and Waste
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PURPOSE OF REPORT

1. The purpose of the report is to seek the Board's approval to the granting of a sewage easement over Major Hornbrook Reserve.

EXECUTIVE SUMMARY

2. An application has been received from Neil Construction Ltd to discharge sewage from its proposed subdivision on Major Hornbrook Road into an existing sewage outfall situated on the north-west boundary of the Reserve.
3. Under Section 48 of the Reserves Act 1977, provision exists to grant such easements where the Reserve will not be materially altered or permanently damaged. The application by the company falls into this category and as such approval has been recommended subject to appropriate conditions.

FINANCIAL AND LEGAL CONSIDERATIONS

4. As indicated above, the application complies with the provisions of Section 48 of the Reserves Act 1977 which permits Local Authorities to approve applications for easements over Reserves under certain circumstances and as this application complies there is no legal impediment why it should not be approved.
5. All costs associated with the easement are to be borne by the applicant who will also be liable for compensation which will be paid prior to the issue of the 224 Certificate on completion of the subdivision.

STAFF RECOMMENDATIONS

It is recommended that the Board approve the application on the terms and conditions recommended within the report.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND

6. The Board, at its meeting on 13 December 2006, considered and approved an application to discharge stormwater into Morgans Valley. The Board was advised that Neil Construction Ltd had recently acquired the property at 300 Major Hornbrook Road and had submitted a plan of subdivision creating 24 residential allotments over the property. The subdivision is depicted on the **attached** plan together with the proposed stormwater discharge points. A right to drain sewage has now been sought to service Lots 12, 13, 14 and 15 on the plan. The proposed line is marked AM, J, AL, AK ,AJ, AH and AG and will connect with an existing gravity sewage outfall. As the line will be underground it will not materially alter or permanently damage the reserve.
7. Following consideration of the application it is recommended that it be approved on the following terms and conditions.
 - (a) The sewage line be restored to the Council's satisfaction following completion of the excavation and be appropriately planted.
 - (b) A bond being posted prior to construction commencing to ensure completion of the work.
 - (c) The application being approved by the Department of Conservation under the Reserves Act 1977.
 - (d) The company paying the Council compensation for the easement as assessed by Ford Baker, Registered Public Valuers, on the Council's behalf, at the rate of \$50m² for the easement line. The area of the line is to be defined accurately on completion of the work and the sum assessed accordingly.

OPTIONS

8. Given it is believed that the application will not materially alter or permanently damage the Reserve, its approval is recommended subject to the Department of Conservation's consent being obtained.
9. There are no other practical solutions to the sewage discharge.