

**10. EASEMENTS OVER 71 AUGUSTA STREET RESERVE**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Asset and Network Planning Unit Manager
<b>Author:</b>	David Rowland, Property Consultant

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Hagley/Ferrymead Community Boards approval, acting under delegated authority, to grant various easements over a recreation reserve that provides pedestrian access from Augusta Street up the valley towards Moncks Spur Road.

**EXECUTIVE SUMMARY**

2. The private owner of land adjoining 71 Augusta Street is proposing to subdivide his present land holdings and create three new sections (refer **Attachment**).
3. The proposed easements traverse over a Recreation Reserve that provides pedestrian access from Augusta Street up the valley generally following a water course towards Moncks Spur Road. The reserve is narrow, very steep and the easements proposed are required to enable access to be provided at two locations and the supply of essential services such as sewerage, water, electric power and telecommunications.
4. The applicant was the original land owner who vested in the Council the Recreation Reserve when these land holdings were subdivided back in 2001. The easements would have been created at that time had it been contemplated they would be needed, without the present need for the Councils and Department of Conservation consents.
5. It is considered that in this instance monetary compensation not be requested given the comment in paragraph 4 above. The associated costs to create the easement however will be charged to the applicant.

**FINANCIAL IMPLICATIONS**

6. Nil. Council costs are to be paid by the applicant.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

7. No, funds are not required as any work is to be completed at the applicants cost.

**LEGAL CONSIDERATIONS**

8. The recreation reserve is held and administered under the Reserves Act 1977 and both Board and Department of Conservation consents are required. The impact on the reserve both legally and physically is negligible.

**Have you considered the legal implications of the issue under consideration?**

9. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. This action is the legalisation of conditions of subdivisions enabling the applicant's subdivision to proceed.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

11. No, see comment above.

**ALIGNMENT WITH STRATEGIES**

12. Not applicable.

**Do the recommendations align with the Council's strategies?**

13. Not applicable.

**CONSULTATION FULFILMENT**

14. Before granting an easement under the Reserves Act 1977 the Council is required to give public notice specifying the easement intended to be granted however that requirement does not apply where the reserve is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected. In all cases the exclusion provisions of the Act apply and it is considered therefore that public notice is not required.

**STAFF RECOMMENDATION**

That, subject to the Department of Conservation consent being obtained, it is recommended that the Hagley/Ferrymead Community Board, under delegated authority consent, and approve under the provisions of the Reserves Act 1977 without public notice, the grant of those easements as detailed in the schedule below:

- (a) The right to drain sewage and water, right to convey water and telecommunications over Lot 14 DP 301914 shown as B on Digital Title Plan LT 406327.
- (b) A right of way, right to drain sewage and water, right to convey water, electric power, and telecommunications over Lot 14 DP 301914 shown as C on Digital Title Plan LT 406327.
- (c) A right of way, right to drain sewage and water, right to convey water, electric power, and telecommunications over Lot 14 DP 301914 shown as R on Digital Title Plan LT 406327.

**CHAIRPERSON'S RECOMMENDATION**

That the staff recommendation be adopted.