

8. EASEMENT FOR SEWER PIPE OVER BOTTLE LAKE FOREST

General Manager responsible:	Jane Parfitt, General Manager City Environment Group, DDI 941 8608
Officer responsible:	Alan Beuzenberg, Unit Manager Transport & Greenspace, DDI 914 8096
Author:	Justin Sims, Property Consultant, DDI 941 6424

PURPOSE OF REPORT

1. The purpose of this report is to seek Board approval to the granting of an easement for the right to convey sewage in gross over part of Bottle Lake Forest identified in Certificate of Title CB128/68.

EXECUTIVE SUMMARY

2. The earthquake of 4 September 2010 and the subsequent aftershocks caused damage to the existing sewer main that runs from pump station 78 across part of Bottle Lake Forest.
3. The pipe was repaired but the works kept failing so the only alternative was to construct a replacement pipeline and decommission the existing one.
4. Due to the importance of the pipeline this was undertaken as an emergency replacement and has therefore already been laid running parallel to the existing one and lies within the easement strip bound in yellow on the plan at **Attachment 1**.
5. Part of the easement, identified F on **Attachment 1**, is to pass over Certificate of Title CB128/68 which is designated as a Local Purpose (Plantation) Reserve under the Reserves Act 1977. The remaining parts of the easement pass over Council owned land which is not classified under the Reserves Act.
6. Approval is therefore sought for the creation of an easement to convey sewage in gross over the above stated land.

FINANCIAL IMPLICATIONS

7. The land in question is held by Council in fee simple as a reserve for local purpose (plantation) under the Reserves Act. No fee will therefore be payable for the benefit of the easement.

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

8. No, this is an emergency renewal as a result of earthquake damage.

LEGAL CONSIDERATIONS

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

9. Procedurally an easement is required to create proper and accurate land title records and legally protect the infrastructure.
10. Provision exists under Section 48 of the Reserves Act 1977, to grant such easements where the Reserve will not be materially altered or permanently damaged. This application falls into this category and as such approval has been recommended subject to appropriate conditions. Public notification is not required. Legal services will be involved in the final documentation of the easement.
11. Section 10 of the Reserves Act 1977 delegates to Council the authority to enter into an easement on a reserve if the use is an existing one and the effects of the use will be the same or similar in character, intensity and scale.
12. The Council standard easement instrument will be completed and registered at Land Information New Zealand once Council consent is given.

13. Community Boards have the delegated authority to grant easements over reserves.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

14. Yes, page 70 of 2009/19 LTCCP and 11.0.1 of Activity Management Plan – wastewater collection is provided in a safe, convenient and efficient manner.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

15. Yes – in alignment with Waste Water Activity Management Plan.

CONSULTATION FULFILMENT

16. It is considered that as the reserve will not be materially altered or permanently damaged and the rights of the public in respect of the reserve are not likely to be permanently affected, public notice is not required to be undertaken.
17. There is no consultative requirement associated with the granting of this easement.

STAFF RECOMMENDATION

It is recommended that the Board approve an easement as per **Attachment 1** in gross to convey sewage over the land described in Certificate of Title CB128/68 also known as Bottle Lake Forest subject to the following conditions:

- (a) The restoration of the Reserve to the condition it was in prior to the commencement of the works.
- (b) The Unit Manager Corporate Support being authorised to finalise and conclude the granting of the easement.