

10. EASEMENT FOR SEWER PIPE OVER MARYLANDS RESERVE

General Manager responsible:	General Manager, City Environment, DDI 941 8608
Officer responsible:	Unit Manager, Transport and Greenspace
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Community Board's approval to the granting of an easement to the Council for the right to convey sewage in gross over part of Marylands Reserve, forming Part Rural Section 488 and Part Lot 2 DP18554.

EXECUTIVE SUMMARY

2. The Western Interceptor sewer is being constructed to connect Matipo Street to Wigram Road thereby providing a sewer outfall that will allow development of the South West Area.
3. A number of alignments were considered but the preferred option through Marylands Reserve was chosen for both economic reasons and as it creates the least disruption to the surrounding commercial area. The alignment is illustrated on the plan as **Attachment 1**
4. The land that Marylands Reserve forms part of was originally acquired for the Christchurch Southern Motorway and is therefore Crown derived. The control of the Reserve was later vested in the Council to be administered under the Reserves Act 1977. Crown (New Zealand Transport Agency) consent has already been obtained for the easement alignment and biofilter location.
5. Due to the urgency of the works, the public notification process referred to in point 10 below has been initiated in order to expedite the Department of Conservation (DOC) approval process.
6. Approval is therefore sought for the creation of an easement to convey sewage in gross over the above stated land for the benefit of the Council as shown on the plan as **Attachment 1**

FINANCIAL IMPLICATIONS

7. The land in question is administered by the Council but is not owned by it. The easement will therefore be valued by an Independent Registered Valuer in accordance with the provisions of the Public Works Act and compensation paid to the Crown for the benefit thereof.

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

8. Not applicable. The works budget for the related works will form part of the Infrastructure Rebuild Programme.

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. Whilst the pipeline component of the easement will not materially affect the reserve and need not be publicly notified, the biofilter will affect the use of the park and must therefore be publicly notified in accordance with the Act. Given the urgency of this matter the public notification process has already been instigated whilst the Legal Services Unit will be involved in the final documentation of the easement.
11. New Zealand Transport Agency's (NZTA) standard easement instrument will be completed and registered at Land Information New Zealand once the works have been completed and a survey completed.
12. 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?

13. Yes. Page 70 of the 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?

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

CONSULTATION FULFILMENT

15. As the reserve will be materially altered by construction of the biofilter, public notification is required in accordance with Sections 119 and 120 of the Reserves Act 1977, which stipulates providing a period of one month for objections to be received with a right for objectors to be heard.

STAFF RECOMMENDATION

It is recommended that the Spreydon/Heathcote Community Board:

- (a) Approve an easement in gross to convey sewage as shown on **Attachment 1** over the land forming Part Rural Section 488 and Part Lot 2 DP18554, also known as Marylands Reserve, subject to the following conditions:
- (i) The restoration of the Reserve to the condition it was in prior to the commencement of the works with respect to the pipeline.
 - (ii) The Unit Manager Corporate Support being authorised to finalise and conclude the granting of the easement including payment of compensation for the benefit of the easement determined by an Independent Registered Valuer.
 - (iii) Concluding public notification in accordance with sections 119 and 120 of the Reserves Act 1977.
 - (iv) That a hearings panel be appointed with delegated authority to hear and determine in accordance with Section 120 of the Reserves Act 1977 any objection received by the Council in respect of the proposed works following public notification.
 - (v) The consent of the Department of Conservation being obtained.

CHAIRPERSON'S RECOMMENDATION:

For discussion