

5. EASEMENT OVER DRAYTON RESERVE

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Corporate Plan Output: Parks Administration	

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 part of Drayton Reserve. Drayton reserve is owned by the Christchurch City Council and held as recreation reserve.

The proposed easement is a right to drain water, shown as parcel C on the [attached plan 83209](#) ("Parcel C").

It is proposed that a stormwater pipe and outlet be located in Parcel C. The stormwater pipe would be laid underground, except for the final portion which relates to the outlet structure. That outlet structure would involve some concrete works and rocks being located at the base of the outlet.

Engineers in the subdivisions unit have advised that Parcel C provides the most appropriate route for stormwater from the subdivision shown on the attached plan 83209.

The Parks and Water Services Units have reviewed the location of the stormwater pipe and outlet and have made comment on the layout of the outfall structure and associated planting. They advise that they are happy with the plans provided for those works.

It has become normal practice when granting an easement over reserve land (which is not reserve land being vested in the Council as part of a subdivision) for compensation to be paid to the Council by the applicant for the privilege of laying a utility through reserve. The compensation figure is arrived at by independent valuation.

Officers therefore recommend that a right to drain water easement be created over Parcel C on the basis that:

- (a) The easement document records that all pipes must be laid underground (except the portion that relates to the outlet structure); and
- (b) The outlet works must be completed to a design and standard which is acceptable to the Council's Parks Manager.
- (c) A compensation payment which is determined by independent valuation be made to the Council for the grant of the easement.

The Minister of Conservation's consent will also be required to the creation of the proposed easement over Parcel C. 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 Parcel C on the attached plan 83209 on the basis that:
 - (a) The easement document records that all pipes must be laid underground (except the portion that relates to the outlet structure); and
 - (b) The outfall works must be completed to a design and standard which is acceptable to the Council's Parks Manager.
 - (c) A compensation payment which is decided by independent valuation be made to the Council for the grant of the easement.
 2. That the Council resolve not to publicly notify the creation of the easement as:
 - (a) Drayton 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 Drayton Reserve are not likely to be permanently affected by the creation of the easement.

Chairman's

Recommendation: That the above recommendation be adopted.