

15. EASEMENT OVER COUNCIL RESERVES AT BOWER AVENUE

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Corporate Plan Output: Consents (9.4.8)	

The purpose of this report is to request the Council's consent under section 48 of the Reserves Act 1977 to the creation of easements over Council reserves at Bower Avenue, Christchurch.

The request for the creation of the above easements has arisen as a consequence of Smith Development Limited's subdivision along Bower Avenue. As part of that subdivision:

- (a) Lot 68 on plan 83603 will vest in the Christchurch City Council as local purpose (landscape) reserve under the Reserves Act 1977; and
- (b) Lot 69 on plan 83605 will vest in the Christchurch City Council as recreation reserve under the Reserves Act 1977.

Copies of plans 83603 and 83605 are attached.

The Subdivisions Unit advise that the proposed easements on plans 83603 and 83605 provide the most appropriate route for services.

Officers therefore recommend that:

- (a) A right to drain water and sewage be granted over parcel C in favour of Lot 12 on plan 83603;
- (b) A right to convey electric power and telephonic communications be granted over parcel C in favour of Lots 11 and 12 on plan 83603;
- (c) A right to convey electric power in gross be granted over parcel C in favour of Orion New Zealand Limited;
- (d) A right to convey telephonic communications in gross be granted over parcel C in favour of Telecom New Zealand Limited; and
- (e) A right to drain water in gross be granted over parcel H on plan 83605 in favour of the Christchurch City Council.

The Council has previously not required compensation for easements granted over reserves when the creation of those easements is as a consequence of the land being vested in the Council as part of a subdivision. Officers consider that it would be inappropriate to require compensation on this occasion.

The Minister of Conservation's consent will also be required for the creation of the easements. This will be obtained prior to the easements being registered in the Land Transfer Office.

- Recommendation:**
- 1. That the Council consent, pursuant to section 48 of the Reserves Act 1997, to the creation of a registered:
 - (a) A right to drain water and sewage over parcel C in favour of Lot 12 on plan 83603;
 - (b) A right to convey electric power and telephone communications over parcel C in favour of Lots 11 and 12 on plan 83603;
 - (c) A right to convey electric power in gross over parcel C in favour of Orion New Zealand Limited;
 - (d) A right to convey telephonic communications in gross over parcel C in favour of Telecom New Zealand Limited; and
 - (e) A right to drain water in gross over parcel H in favour of the Christchurch City Council.

2. That the easement documents for power and telephone record that all services must be laid underground.
3. That the Council resolve not to publicly notify the creation of the easements as:
 - (a) The reserves (Lot 68 on plan 83603 and Lot 69 on plan 83605) are not likely to be materially altered or permanently damaged by the creation of the easements; and
 - (b) The rights of the public in respect of the reserves are not likely to be permanently affected by the creation of the easements.

Chairman's

Recommendation:

That the above recommendation be adopted.