

11. EASEMENT OVER COUNCIL RESERVE AT HALSWELL ON THE PARK

Officer responsible Legal Services Unit	Author Karilyn Shutt, DDI 371-1577
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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 a reserve that will vest in the Council.

The request for the creation of the above easement has arisen as a consequence of Neil Construction Limited's subdivision at Halswell on the Park, Christchurch. As part of that subdivision Lot 301 will vest in the Christchurch City Council as recreation reserve under the Reserves Act 1977.

A copy of Plan 301241 is attached.

The subdivisions Unit advise that the proposed easement on plan 301241 provide the most appropriate route for services.

Officers therefore recommend that a right to convey electric power in gross be granted over parcel N on plan 301241 in favour of Orion New Zealand Limited.

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 easement. 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 right to convey electric power in gross over parcel "N" on plan 301241 in favour of Orion New Zealand Limited.
 2. That the easement documents record that all services must be laid underground.
 3. That the Council resolve not to publicly notify the creation of the easement as:
 - (a) The reserve (Lot 301 on plan 301241) 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 the reserve are not likely to be permanently affected by the creation of the easement.

Deputy Chairman's Recommendation: That the above recommendation be adopted.