

10. EASEMENT OVER COUNCIL RESERVE AT HAREWOOD ROAD

| | |
|---|--|
| Officer responsible Legal Services Unit | Author Karilyn Shutt, DDI 371-1577 |
|---|--|

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 a reserve that will vest in the Council.

The request for the creation of the above easements has arisen as a consequence of Lyton Property Limited's subdivision at Harewood Road, Christchurch. As part of that subdivision, Lot 19 (as shown on the attached plan) will vest in the Christchurch City Council as recreation reserve under the Reserves Act 1977.

The Subdivisions Unit, in consultation with the Waste Management Unit, has advised that the land to be vested in the Council, part of which is a waterway when it rains, provides the most appropriate/direct route for the new services.

Officers therefore recommend the easements be created over the under mentioned parcels of land on the basis that the easements documents record that all existing or new pipes must be laid underground.

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 1977, to the creation of registered:
 - (a) right to drain sewage over parcel V on the attached plan in favour of Lots 14 and 15 on the attached plan.
 - (b) right to drain water over parcel AD on the attached plan in favour of Lots 9 and 12 on the attached plan.
 2. That the above easement documents record that all pipes must be laid underground.
 3. That the Council resolve not to publicly notify the creation of the easements as:
 - (a) The reserve (Lot 19 on the attached plan) is vested in the Council and is 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 reserve are not likely to be permanently affected by the creation of the easements.

Deputy Chairman's Recommendation:

That the above recommendation be adopted.