

12. EASEMENT OVER COUNCIL RESERVE AT LONGHURST TERRACE

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 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 TA2 Developments Limited's subdivision at Longhurst Terrace, Christchurch. As part of that subdivision, Lot 20 (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 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 easement 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 B on the attached plan in favour of Lots 1 and 19.
 - (b) right to drain sewage in gross over parcel AL and AP on the attached plan in favour of the Council.
 - (c) right to convey water in gross over parcels B, AJ and AK on the attached plan in favour of the Council.
 - (d) right to drain water in gross over parcels AL, AM, AP and AR on the attached plan in favour of the Council.
 2. That the above mentioned 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 20 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.