

13. EASEMENT OVER COUNCIL RESERVE AT MILN'S ESTATE, HALSWELL

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 reserves that will vest in the Council.

The request for the creation of the above easements has arisen as a consequence of Brian Gillman Limited's subdivision at Milns Estate, Halswell. As part of that subdivision Lot 119 on plan 300652 will vest in the Christchurch City Council as recreation reserve, and Lot 138 on plan 300652 will vest in the Christchurch City Council as local purpose (Drainage) Reserve, under the Reserves Act 1977.

A copy of plan 300652 is attached.

The subdivisions Unit advise that the proposed easements on plan 300652 provide the most appropriate/direct route for services.

Officers therefore recommend that a right to convey electric power in gross be granted over parcels A, B, and C on plan 300652 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 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 a registered right to convey electric power in gross over parcels A, B and C on plan 300652 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 easements as:
 - (a) The reserves (Lots 119 and 138 on plan 300652) 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 reserve are not likely to be permanently affected by the creation of the easements.

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