

9. EASEMENT OVER COUNCIL RESERVE AT SCARBOROUGH ROAD

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 the Council owned reserve at Scarborough Road. That reserve is held as recreation reserve.

The proposed easement is a right to drain water and sewage, shown as parcel CL on the attached plan 301756.

Engineers in the subdivisions unit have advised that Parcel CL provides the most appropriate route for stormwater and sewage from the subdivision shown on the attached plan 301756.

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 it would be inappropriate to require compensation on this occasion.

Officers therefore recommend that a right to drain water and sewage easement be created over Parcel CL on the basis that the easement document records that all pipes must be laid underground.

The Minister of Conservation's consent will also be required to the creation of the proposed easement over Parcel CL. 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 easement over Parcel CL on the attached plan 301756 on the basis that the easement document records that all pipes must be laid underground.
 2. That the Council resolve not to publicly notify the creation of the easement as:
 - (a) The reserve 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.