

8. EASEMENT OVER RESERVE AT 44 CLEARBROOK STREET

Officer responsible Legal Services Manager	Author Karilyn Shutt, Solicitor, 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 Suburban Estates Limited's subdivision at 44 Clearbrook Street, Christchurch. As part of that subdivision Lot 102 on plan 301272 will vest in the Christchurch City Council as recreation reserve under the Reserves Act 1977.

A copy of plan 301272 is attached.

The easements referred to are as follows:

- (a) Right to convey electric power in gross over the Council reserve in favour of Orion NZ Limited.

The Subdivisions Unit advise that the proposed easement on plan 301272 provides the most appropriate route for Orion's power cable.

- (b) Right to drain water in gross in favour of the Council

The subdivisions unit advise that the reserve contains a large pond into which water drains from the surrounding areas.

Officers therefore recommend that a right to convey electric power in gross be granted over parcel KK, LL, MM & RR on plan 301272 in favour of Orion New Zealand Limited and a right to drain water in gross be granted over parcel NN, OO, PP & RR on plan 301272 in favour of the Council.

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 1997, to the creation of a registered right to convey electric power in gross over parcel KK, LL, MM & RR on plan 301272 in favour of Orion New Zealand Limited.
 2. That the easement document record that all services must be laid underground.
 3. That the Council consent, pursuant to section 48 of the Reserves Act 1997, to the creation of a registered right to drain water in gross over parcel NN, OO, PP & RR on plan 301272 in favour of the Council.
 4. That the Council resolve not to publicly notify the creation of the easement as:
 - (a) The reserve (Lot 102 on plan 301272) 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.

Chairman's

Recommendation: That the above recommendation be adopted.