

9. EASEMENT FOR SEWER PIPE OVER HERITAGE TRAIL PARK

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| General Manager responsible: | General Manager, City Environment, DDI 941 8608 |
| Officer responsible: | Unit Manager, Transport and Greenspace |
| Author: | Justin Sims, Property Consultant |

PURPOSE OF REPORT

1. The purpose of this report is to seek the Hagley/Ferrymead Community Board's approval to the granting of an easement to the Council for the right to convey sewage in gross over part of Heritage Trail Park, identified in Certificate of Title CB41C/119.

EXECUTIVE SUMMARY

2. The recent earthquakes have caused extensive damage to the existing sewer infrastructure across the City and Port Hills.
3. In order to ensure the sewer network is repaired to full capacity a damaged vertical wastewater pipe running down the cliff above 8 Heberden Avenue is to be replaced. The vertical section of pipe has suffered severe cracking due to rock-fall occurring during the June 2011 aftershocks.
4. A number of alignments were considered and the least disruptive, cost effective and direct is to re-route the wastewater pipe from a proposed manhole on Seaspray Lane to a gully located between Heberden Avenue and Seaspray Lane and then into Heberden Avenue as shown on the plan at **Attachment 1**.
5. Part of the pipeline is to pass over the Heritage Trail Park, which is designated as a recreation reserve under the Reserves Act 1977.
6. Approval is therefore sought for the creation of an easement to convey sewage in gross over the above stated land for the benefit of the Council as shown marked A on the plan at **Attachment 2**.

FINANCIAL IMPLICATIONS

7. The land in question is held by the Council in fee simple as a recreation reserve under the Reserves Act. No fee will therefore be payable for the benefit of the easement.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. Not applicable. The works budget for the related works will form part of the Infrastructure Rebuild Programme.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

9. Procedurally an easement is required to create proper and accurate land title records and legally protect the infrastructure.
10. Provision exists under Section 48 of the Reserves Act 1977 to grant such easements where the Reserve will not be materially altered or permanently damaged. This application falls into this category and as such approval has been recommended subject to appropriate conditions. Public notification is not required. Legal services will be involved in the final documentation of the easement.
11. The Council standard easement instrument will be completed and registered at Land Information New Zealand once Council consent is given.
12. Community Boards have the delegated authority to grant easements over reserves.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. Yes, page 70 of 2009/19 LTCCP and 11.0.1 of Activity Management Plan – wastewater collection is provided in a safe, convenient and efficient manner.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

14. Yes, in alignment with Waste Water Activity Management Plan.

CONSULTATION FULFILMENT

15. It is considered that as the reserve will not be materially altered or permanently damaged, and the rights of the public in respect of the reserve are not likely to be permanently affected, public notice is not required to be undertaken.
16. There is no consultative requirement associated with the granting of this easement.

STAFF RECOMMENDATION

It is recommended that the Hagley/Ferrymead Community Board approve an easement shown at A on **Attachment 2** in gross to convey sewage over the land described in Certificate of Title CB41C/119, also known as the Heritage Trail Park, subject to the following conditions:

- (a) The restoration of the Reserve to the condition it was in prior to the commencement of the works;
- (b) The Unit Manager Corporate Support being authorised to finalise and conclude the granting of the easement;
- (c) The consent of the Department of Conservation being sought.

CHAIRPERSON'S RECOMMENDATION

For discussion.