

9. OWLES TERRACE RESERVE - EASEMENT

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager Transport and Greenspace
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Burwood/Pegasus Community Board's approval under delegated authority to the granting of an easement for the right to locate and maintain an underground Pump Station (Pump Station 122) on and over part of the Owles Terrace Reserve, forming Part Rural Section 41728 and an easement for electrical connection and cabinet on the adjacent Council owned fee simple land, forming Part Lot 1 DP 47330 as per the attached plan (**Attachment 1**).

EXECUTIVE SUMMARY

2. The area along Owles Terrace and Union Street suffered from liquefaction, lateral spread and settlement during the earthquakes. Gravity wastewater reticulation in this area has been damaged and must be replaced.
3. Pump Station 122 is a new intermediary pump station and sits within the Pump Station 35 catchment. A pump station on Owles Terrace is required to collect wastewater from the southern end of PS35's catchment as it is no longer possible to gravitate wastewater from the southern end of this catchment to PS35 using steeper, more resilient grades.
4. The location of Pump Station 122 within the park along Owles Terrace is the preferred option. An alternative location was identified as outside number 83 Owles Terrace however this location proved undesirable due to increased construction costs, proximity to private dwellings and overhead power cables.
5. Approval is therefore sought for the creation of an easement for the right to locate and maintain an underground Pump Station, an easement for electrical connection and cabinet on and over the above stated land in favour of the Council as coloured in green and grey respectively on the plan (**Attachment 1**).

FINANCIAL IMPLICATIONS

6. The land in question for the pump station is held by the Council as a recreation reserve under the Reserves Act. The land in question for the proposed power cable and cabinet is held by the Council in fee simple. No compensation will therefore be payable for the benefit of the easement.

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

7. Not Applicable. The works budget for the related works will form part of the Infrastructure Rebuild Programme.

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

8. The proposed site is located on park land located at 60 Owles Terrace comprised under part of RS 41728 Canterbury Dist, RS 41729 Canterbury Dist, RS 41730 Canterbury Dist and part of Closed Rd SO 7053, Lot 6 DP 45579, Lot 1 DP 47330, Closed RD SO 7053 and is set apart for a recreational reserve.
9. 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.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Not applicable

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

11. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. Before granting an easement under the Reserves Act 1977 the Council is required to give public notice specifying the easement intended to be granted however that requirement does not apply where the reserve is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected.

14. In all cases, the exclusion provisions of the Act apply and it is considered and confirmed by the Council's Legal Services Unit therefore that public notice is not required

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board approve an easement for the right to locate and maintain underground Pump Station 122 on and over part of the Owles Terrace Reserve, forming Part Rural Section 41728, an easement for electrical connection and cabinet on the adjacent Council owned fee simple land, forming Part Lot 1 DP 47330, subject to the following conditions:

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