

9. EASEMENT: EXTENSION OF SEWER MAIN THROUGH DRAYTON RESERVE - PROPOSED MT PLEASANT SEWER COST SHARING AREA

Officer responsible Greenspace Manager	Author Tony Hallams, Policy and Leasing Officer, DDI 941 8320
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PURPOSE OF THIS REPORT

The purpose of this report is to recommend to the Board that it grant an easement in gross in favour of the Council over part of Lot 30 DP 52702 and Lot 3 DP 81769, known as Drayton Reserve. A 150mm diameter sewer main with manhole structures would be created within the easement.

The sewer would extend the existing 150mm diameter sewer which ends within Drayton Reserve. The City Water and Waste Unit has indicated that the application is necessary to provide an effective gravity sewer service to an area of the undeveloped LHB, LHA and LH zoned land in the valleys above the reserve. The approximate alignment of the proposed easement is shown on the attached plan.

RELEVANT CURRENT POLICY

The Board has delegated authority from the Council (8 November 2001) to make the decision whether or not to grant the easement. This decision can be made by a sub-committee of the Council (in this case the Board) under the Reserves Act 1977.

DESCRIPTION OF THE PROPOSAL

The majority of the living zoned land in the Moncks Spur and Mt Pleasant area already has a sewer outfall available. The requested easement is required to provide an efficient gravity sewer outfall to the last major area of living zoned land on Moncks Spur and Mt Pleasant which does not currently have an available sewer outfall.

This area includes the LHB zoned land up to Moncks Spur Road, the LHA and LH zoned land up to Mt Pleasant Road, and an area of LH zoned land above Mt Pleasant Road.

The sewer would be extended through the reserve and through private property (after consultation with the affected property owners) up the two gullies above. These works are provided for in the proposed City Water and Waste Unit capital works programme for the 2005/06 financial years. However, the works may be constructed earlier if a developer provides the initial funding. It is envisaged that when the works are constructed a sewer cost share area will be established to equitably recover the costs of the new sewer infrastructure over the properties served by it, with property owners being charged as they develop. Council's approval for the cost sharing area would be sought at a later date.

The City Water and Waste Unit has indicated that an extension of the existing sewer in Drayton Reserve (and up the gullies) is the only feasible outfall for the area because the area is below the sewer in Moncks Spur Road, there is no sewer in that section of Mount Pleasant Road, and the sewer to the west of Mt Pleasant Road has limited capacity. Extending the sewer through the Drayton Reserve rather than the neighbouring property would enable the sewer alignment to be kept close to the bottom of the valley, therefore providing a gravity outfall to the most land possible.

ISSUES FOR CONSIDERATION

Drayton Reserve is a recreational reserve subject to the provisions of the Reserves Act 1977. Council officers are of the view that the proposed easement route would have little impact on the reserve.

The sewer main would be owned and maintained by the Council. All costs associated with the creation of the easement would be paid from the City Water and Waste Unit budget. These costs may be recovered later if a cost share area is established.

Part 1 of section 48 of the Reserves Act 1977 allows for the granting of rights of way and other easements across reserves. Part 2 of that section requires that, before granting the easement, the Council publicly advertise its intention to grant the easement. Part 3 of that section allows these advertising provisions to be dispensed with if the proposed easement is not likely to 'materially alter or permanently damage the reserve, and the rights of the public are not likely to be permanently affected'.

It is considered that both these tests would be satisfied, because no structures would be built above the ground, and therefore the rights of the public would not be affected by the proposal. Public advertising would therefore not be required, although the consent of the Department of Conservation would be required.

The City Water and Waste Unit has agreed to provide survey plans of the easement within three months of completing the work, so the easement can be registered as required by the Reserves Act 1977.

CONCLUSION

Officers of the Parks and Waterways Unit have considered the application and reasons for the proposal, and subsequently recommend that it be approved subject to the City Water and Waste Unit complying with conditions 1 to 9 outlined below.

1. The approval of the Minister of Conservation first being obtained.
2. The easement terms being negotiated by the Property Manager, in consultation with the Parks and Waterways Policy and Leasing Administrator.
3. Before any tenders are let or work commences on the site, discussions are to be held with the Parks and Waterways Area Advocate, Linwood Service Centre, to ascertain the Council's requirements through the construction phase of laying the pipe within the easement. This will include the signing of a contract between the Council and any contractor agreeing to the ordered construction of the pipeline through the reserve.
4. The City Water and Waste Unit to be responsible for ensuring that any contractor locates all the existing services within the affected area of the reserve and that they are not damaged during construction. The construction area is to be maintained by the contractor in a safe and tidy condition at all times.
5. The principal sub contractor (if any) is to pay a bond of \$2000 to the Council via the Parks and Waterways Advocate, Linwood Service Centre, before work commences on the site. The bond less any expenses incurred by the Council will be refunded to the sub contractor on the completion of the work.
6. The contractor (if any) is to show proof to the Parks and Waterways Advocate, Linwood Service Centre of having \$1,000,000 public liability insurance, before work commences on the site.
7. The contractor (if any) is to put in place an Occupational Safety and Health Hazard Plan before work commences on the site.
8. The City Water and Waste Unit is to provide the Parks and Waterways Policy and Leasing Administrator, within three months of completion of the work, with a surveyed easement plan detailing the easement and sewer main's location within the easement as built within the reserve.
9. Council and Department of Conservation processing costs are to be paid from the City Water and Waste Unit budget.

Staff

Recommendation: That, subject to conditions 1 to 9 outlined above, the Board resolve to grant a registered easement to the Council, as provided for in section 48(6) of the Reserves Act 1977, over approximately 380 square metres of Lot 30 DP 52702 and Lot 3 DP 81769 known as Drayton Reserve (the easement being approximately 2 metres wide by 190 metres long), as shown on the attached plan.

Chairperson's

Recommendation: Not seen by the Chairperson.