

1. CONFIRMATION OF PROCEEDINGS TO GRANT AN EASEMENT FOR THE CONSTRUCTION OF A CONVEYOR TUNNEL UNDER HASKETTS ROAD

At its September meeting the Council passed the required resolution of first meeting by way of Special Order to grant Fulton Hogan Canterbury Limited an easement for a period of 15 years to construct a conveyor tunnel under Hasketts Road.

Following public notification of this decision, the Yaldhurst Rural Residents' Association submitted the following letter objecting to the granting of the easement proposed:

- “1. The purpose of this letter is to place on record the objection of the Yaldhurst Rural Residents Association to the grant of any easement by way of the construction of a tunnel under Hasketts Road for the purpose of transporting quarry material.*
- 2. The quarrying of material on the west side of Hasketts Road is the subject of a resource consent application entered by Fulton Hogan Canterbury Limited. The easement for the proposed tunnel should only be contingent on the grant of such a consent. The grant of such a consent is by no means certain.*
- 3. This Association recommends that the Christchurch City Council defers any decision on this matter of easement for a tunnel to be constructed under Hasketts Road until the application for a resource consent to quarry on land presently zoned RURAL, on the west side of Hasketts Road has been heard. In the view of this Association for the Council to do otherwise, would create a dangerous precedent, the consequence of which would be extensive and which, if unchecked, would know no bounds not only for Christchurch but for the rest of New Zealand.*
- 4. It is a matter of concern to this Association that no formal advertisement of a resource consent application by Fulton Hogan Canterbury Limited to quarry on the west side of Hasketts Road has been notified to the print media or to this Association or indeed to the land owners contiguous to the proposed quarry site on the west side of Hasketts Road.”*

The Area Development Officer, Fendalton has since submitted the following report on the foregoing objection:

“The purpose of this memo is to provide advice to the Council in regard to the letter from the Yaldhurst Rural Residents Association. The Association has written to the Council objecting to Fulton Hogan’s request for an easement to allow a conveyor to be constructed under Hasketts Road.

The Association is concerned that it has not yet been notified regarding a resource consent application made by Fulton Hogan to extract gravel and transport it to the company’s existing crushing plant. However as the notification decision for the resource consent has not yet been made, the application has not yet been able to be notified and is on hold pending the approval for the Hasketts Rd easement. It should be noted that an applicant is entitled to apply for either consent (resource consent or easement) whichever they seek to obtain first. Details for notification may also alter should the easement request be declined.

The Council frequently grants easements over legal road. The fact that such an approval may lead to something else or may require a subsequent resource consent approval is irrelevant. The granting of an approval for an easement will not affect the decision making process for the resource consent. The resource consent will still be subject to all the usual criteria and associated approvals.

It is recommended that the Council approves the easement as proposed in the attached report by the City Streets Unit to the September Council meeting.

If considered necessary, the easement approval could be made subject to the resource consent being approved.”

Should the Council decide at its present meeting to uphold the objection, then confirmation of the Special Order resolution will not be required. On the other hand, should the Council decide not to uphold the objection, the following resolution should be adopted:

“The public notice required by the Local Government Act 1974 having been given in The Press newspaper on Tuesday 28 September and Friday 15 October 1999, the following resolution passed by way of Special Order at an ordinary meeting of the Council held on Thursday 23 September 1999 is hereby confirmed:

‘That pursuant to section 338 of the Local Government Act 1974, the Christchurch City Council hereby resolves by way of Special Order to grant Fulton Hogan Canterbury Limited an easement for a period of 15 years to construct a conveyor tunnel as indicated on drawing 186546 (attached) prepared by Eliot Sinclair and Partners Limited, subject to the conditions set out in clause 5 of the report of the City Services Committee meeting of 7 September 1999.’”

If the Council thought fit, it might be appropriate to include a condition in the confirming resolution making the easement approval subject to the resource consent being approved.