

11. **APPLICATION BY CONNELL WAGNER ON BEHALF OF MR J S FAIRHALL FOR EASEMENTS TO PROVIDE POWER AND TELEPHONIC CONNECTIONS, AND TO CONVEY WATER AND STORMWATER ACROSS NICHOLSON PARK TO SERVE 35 WHITEWASH HEAD ROAD**

General Manager responsible:	General Manager City Environment
Officer responsible:	Greenspace Manager, DDI 941-8701
Author:	Tony Hallams, Policy and Leasing Officer, DDI 941-8320

PURPOSE OF REPORT

1. The purpose of this report is to enable the Board to consider a staff recommendation to grant easement rights to Mr J S Fairhall over part of Nicholson Park, being Lot 1 on Deposited Plan 76130 of 3,5979 hectares held under the Local Government Act to convey water, stormwater, power, and telecommunications, through the installation of the necessary services connecting to those, which already exists within Nicholson Park to service the proposed subdivision of Lot 1 DP 12625.

EXECUTIVE SUMMARY

2. Mr J S Fairhall has recently purchased the property at 38 Whitewash Head Road. The land area is 2,261m², which the applicant wishes to subdivide into two allotments as shown on Attachment One. The existing stormwater and water supply mains that serve the existing and intended dwelling are already located in Nicholson Park. The mains are part of the Council's network.

It is necessary to grant easement rights over the alignment of the proposed private services which will be laid through Nicholson Park to connect to the Council mains as requested to service the proposed dwelling to be constructed some time in the future on the proposed Lot 2. It will be necessary for these easements to be recorded on the title for the park, these easements being for the conveyance of electricity, telephonic communications, water and stormwater.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The Board has delegated authority from Council (16 December 2004) to make the decision on behalf of Council whether to grant the easements or not.
4. Nicholson Park is a held as fee simple land, under the Local Government Act, the original proprietor being the Christchurch City Council.
5. The applicant has indicated -

"There are considerable financial considerations in terms of the proposals. For example the existing power supply which services at least one other property, being Lot 1 DP 16146, is to be upgraded at our client's cost. There is also the cost of the connections for sewer and water."

6. In accordance with Council Policy (12 July 2001) the applicant is required to pay all costs associated with the establishment of the easements, which will include Council staff time spent preparing reports, attending council meetings, and preparing and registering the required legal documentation.
7. The applicant will be responsible for ensuring the survey plans are compiled, and the easement registered with Land Information New Zealand, with the Christchurch City Council noted as the servient tenement. Survey plans will also need to be provided to the City Water and Waste Manager for noting on Council records within three months of the granting of the easement.

STAFF RECOMMENDATIONS

1. It is recommended that the Board under delegated authority from Council grant registered easements to Mr J S Fairhall as dominant tenement for specified services through Nicholson Park as outlined below:
 - (a) Approximately 30m² for stormwater disposal, (the easement being approximately 2m wide by 15m long).
 - (b) Approximately 44m² for electrical and telephonic services, (the easement being approximately 2m wide by 22m long).
 - (c) Approximately 20m² for high pressure water supply, (the easement being approximately 2m wide by 10 m long).

2. That the granting of the easements be subject to:
 - (a) A bond of \$2,000 being lodged by the contractor with the Council via the Policy and Leasing Officer, Greenspace Unit, prior to work commencing in Nicholson Park. The bond is to be returned to the applicant at the end of the contract period less any costs incurred by the Council to reinstate the area.
 - (b) The applicant is to ensure that all contractors carrying out works on Nicholson Park carry and produce evidence of having adequate public liability insurance with a minimum of \$1,000,000 cover.
 - (c) The applicant ensuring that the affected part of Nicholson Park is reinstated to the satisfaction of the Council's Greenspace Unit's Field Supervisor (Parks).
 - (d) That the contractor will ensure any work in Nicholson Park is physically separated from the adjoining park, or private property, during the installation of services, and that full Health and Safety requirements for the work are in place.
 - (e) That any excavated material is temporarily stockpiled in an appropriate area of the Park that does not effect the existing vegetation or ecosystem. All excavated material after the completion of works must be removed off the Park.
 - (f) The contractor is responsible for locating any above and underground services (eg electricity, water, telephonic, stormwater and sewage lines) in Nicholson Park and protect them from damage.
 - (g) That the applicant pays to the Council a sum as decided by independent valuation for the privilege of placing the encumbrances (easements) on the Council's title for the new services required for the subdivision only.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND ON THE APPLICATION BY CONNELL WAGNER ON BEHALF OF MR J S FAIRHALL FOR EASEMENTS TO PROVIDE POWER AND TELEPHONIC CONNECTIONS, AND TO CONVEY WATER, AND STORMWATER ACROSS NICHOLSON PARK TO SERVE PROPOSED LOT 1 AND LOT 2, BEING THE SUBDIVISION OF LOT 1 OF D P 12625, AT 35 WHITE WASH HEAD ROAD

8. Mr J S Fairhall has recently purchased a property at 38 Whitewash Head Road. The land area is 2,261m², which the applicant wishes to subdivide into two allotments. This will require alterations to be made to the existing services which service the present property to be subdivided, namely, high pressure water and stormwater, electrical and telephonic services are required to serve the existing and intended dwelling, these services presently being available in Nicholson Park.
9. The applicant has indicated that the Council has already granted subdivision consent for the proposed subdivision subject to all services required being put in place to service the proposed subdivision. These requirements will be met by the laying of services through the proposed easements as alluded to above.

OPTIONS THAT HAVE BEEN CONSIDERED BY THE APPLICANT

10. The applicant has indicated their requirements are connections for power and telephone, stormwater, and high pressure water, for which two options were considered.

Power and Telephone

- 10.1 One option is to connect to the existing line in Nicholson Park, while the other option is to obtain an easement through the neighbouring properties, being lots 5 or 6 of DP 55982 and obtain connections to Searidge Lane.

Power and Telephone (preferred Option)

- 10.2 The matter has been investigated by the applicant, and the best practicable option for the applicant is to upgrade the line in Nicholson Park and connect to the power pole as shown on Attachment One.

Stormwater Disposal

- 10.3 The applicant has indicated, "*There are really no other options bearing in mind there is no other pipe outfall in this area. There is (was) an existing stormwater pipe laid in Nicholson Park at the time of the Searidge Lane subdivision and this is the logical outfall for the connection for these two allotments.*"

Water Supply

- 10.4 The applicant has indicated there is an existing water pipe laid in Nicholson Park conveying high pressure water to the applicant's boundary, "*and it is logical for this to be used as the connection point for both Lots 1 and 2.*"

ASSESSMENT OF OPTIONS BY THE APPLICANT

The Preferred Option

	Benefits (current and future)	Costs (current and future)
Social	No detrimental effect to the social amenity of park users with reinstatement of any fill initially removed	Nil
Cultural	N/A	N/A
Environmental	No detrimental effect to the environment from the proposal	N/A
Economic	Lower cost to applicant to run power and telephone connections through Nicholson Park	The applicant will pay the cost of establishing easements
<p>Extent to which community outcomes are achieved: N/A</p> <p>Impact on Council's capacity and responsibilities: Minor impact through stormwater connection</p> <p>Effects on Maori: Nil</p> <p>Consistency with existing Council policies: Yes. The applicant is endeavouring to comply with the requirements of the subdivision process</p> <p>Views and preferences of persons affected or likely to have an interest: N/A, as services will be underground</p> <p>Other relevant matters:</p>		

Maintain The Status Quo

	Benefits (current and future)	Costs (current and future)
Social	N/A	N/A
Cultural	N/A	N/A
Environmental	N/A	N/A
Economic	Will affect the viability of the proposal	Difficulties for the applicant in a building a residential dwelling on Lot 2
Extent to which community outcomes are achieved: N/A		
Impact on Council's capacity and responsibilities: Will not be able to satisfactorily assist the subdivision process		
Effects on Maori: Nil		
Consistency with existing Council policies: The subdivision process administered by the ESU Unit		
Views and preferences of persons affected or likely to have an interest: N/A		
Other relevant matters:		