

4. PROPOSAL BY THE GREENSPACE UNIT ON BEHALF OF THE CHRISTCHURCH CITY COUNCIL TO CREATE AN EASEMENT ACROSS WALTER PARK TO ACCOMMODATE THE REALIGNMENT OF BULLERS STREAM.

General Manager responsible:	General Manager City Environment Group Jane Parfitt
Officer responsible:	Greenspace Unit Manager Michael Aitken
Author:	Tony Hallams, Policy and Leasing Officer, DDI 941-8701

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to the realignment of a part of Bullers Stream, which is currently a boxed drain, to be re-routed as a natural stream to run through Walter Park.

EXECUTIVE SUMMARY

2. The Greenspace Unit seeks approval to create an easement to accommodate the realignment of the Bullers Stream as part of overall changes to the Walter Park layout.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The Community Board has delegated authority from Council (8 November 2001) to make the decision on behalf of Council whether to grant the easement or not.
4. The applicant is seeking an easement over approximately 2509 m² of Lots 1 and 2 of Deposited Plan 78544 contained in Certificate of Title CB45A/821; a recreation reserve of 4.1189 hectares vested in the Council, known as Walter Park, to allow the construction of a natural waterway.
5. The public's access to Walter Park will not be diminished by the proposal, and Council officers are of the view that the proposed easement route will enhance the reserve.
6. Part 1 of Section 48 of the Reserves Act 1977 allows for the granting of rights-of-way and other easements across reserves Pursuant to Sections 48 (1) (f) and 48 (6) of the Reserves Act 1977, it is necessary for the Council to obtain an easement over the area where the storm water swale is to be built. The intended easement will cover all the area of the swale, although throughout most of the year, aside from storm water run off events, there will only be a small quantity of water in the swale. The Council is, in accordance with Section 119 of the Act, inviting public submissions on the proposed easement. The occupiers of residences straddling Walter Park were written to advising them of the proposal and that they may make a submission or object to the proposal. The Council advertised the proposal over one calendar month and no objections were received.
7. Mr Ralph Ross from the Christchurch Residents' Association contacted the report author to express concerns about the ability of the existing waterways in the area to cope with extreme rainfall events. Mr Ross has indicated he will seek speaking rights to raise concerns about the City Plan submission process, and the linkage with storm water disposal for subdivision approval.
8. A co-owner of a property that currently accommodates a section of the boxed drain sought to be replaced by the Council, has raised concerns in a written submission about what the Council will do with the redundant drain; how their storm water will be removed; what will be the effects on current hedges and fences; and will their property rights be affected by the proposal. Council staff have responded as follows:

"Further to Mr Tony Hallams' reply to you regarding the proposed realignment of Bullers Drain I comment as follows.

It is intended that the open timbered drain through your land be piped with a small (300mm diameter) pipe, from the existing outfall from Greenfield Place to the new diversion in Walter Park. Existing house connections to the open drain will be connected to the new pipe, and the open drain backfilled above the pipe.

An easement about 2.4 m wide to cover this pipe will be required. Backfilling may be finished below existing ground level leaving its final reinstatement to the owners.

The Council has a wide drainage easement (about 8m) over your property which it may surrender if satisfactory compensation for its surrender can be achieved.

The acquisition of an easement normally costs the Council 50 percent of the land value so surrender of such a property right is unlikely unless agreement regarding compensation for its surrender is achieved. Without agreement I would expect the width of the easement to remain as it is. It may be useful for services in the future.

The existing fences can remain in their present location and the difference in section levels can be resolved by filling within the open drain reached.”

6. The applicant (Council's Greenspace Unit) from capital works funding allocated, will cover all costs associated with the establishment of the easement, which will include Council officer's time spent preparing reports, attending Council meetings, preparing legal documentation, together with the fees of outside agencies required to complete the process, which will include the Minister of Conservation's approval fee.
7. Survey plans of the easement shall be provided within three months of granting of the easement, so the easement can be registered as required by the Reserves Act 1977, and notated on City Water and Waste Unit plans.

STAFF RECOMMENDATIONS

That the Shirley/Papanui Community Board, under delegated authority from Council, resolve to grant an easement to the Christchurch City Council, as provided for in Section 48 (1) (f) of the Reserves Act 1977, over approximately 2509m² as shown in the attachment to this report, subject to the following conditions.

- a. That the applicant lodges a survey plan of the proposed easement with Land Information New Zealand within three months of the granting of the easement.
- b. The approval of the Minister of Conservation is obtained for the granting of the easement.
- c. That the applicant obtains any necessary consents before work commences on the site.
- d. That before work commences on the site the principal contractor is responsible for locating any existing services in the reserve, if any, ensuring that they are not damaged by contractors during construction.
- e. The easement construction area being maintained by the Christchurch City Council and their contractors in a safe and tidy condition at all times.
- f. A bond of \$2,000 is to be paid by the principal contractor to the Christchurch City Council via the Greenspace Policy and Leasing Officer, before work commences on the site. This bond, less any expenses incurred by the Council, is to be refunded to the payee upon the completion of the work, and lodgement of the survey plan as built with the Greenspace Unit Policy and Leasing Administrator.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendations be adopted.

BACKGROUND

8. The Christchurch City Council's Greenspace Unit, on behalf of the Council, seeks to implement the planned realignment and naturalisation of Bullers Stream to a position along the western side of Walter Park. A description of the proposal is detailed under Attachment One.
9. The existing path of the boxed drain sought to be made redundant is detailed under Attachment Two. It is considered impracticable to naturalise the existing section due to the width of land required to undertake naturalisation.
10. The reasons for realigning the section of waterway traversing 20/24 Greenfield Place is to replace the unsightly boxed drain with a natural stream in Walter Park, and to also allow the service of storm water retention basins being constructed as part of the subdivisions being developed to the north of Walter Park (refer to Attachment Three).
11. A sum of \$150,000 has been appropriated in the Greenspace Unit current year's capital works programme with which to undertake this work.
12. The applicant has considered the diversion and deletion of the existing boxed drain section as the best practicable option to improve the environment for the residents living at Greenfield Place, improving the Walter Park environment by providing a natural stream section with planting, and providing an enhanced waterway storm water runoff capacity by replacing the boxed drain.
13. The applicant will maintain as necessary the intended stream section as part of the Greenspace Unit Stream Maintenance Programme.