

4. BROOKLANDS – SUBDIVISION OF HARBOUR ROAD, SEWER EASEMENT IN GROSS

General Manager responsible:	General Manager Jane Parfitt, City Environment
Officer responsible:	Michael Aitken, Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to an application lodged on behalf of Page 521 Limited by Eliot Sinclair and Partners, for a sewer easement in gross over approximately 128 square metres, (the easement being approximately 2 metres wide), of Pt RS 6642 (BM 326) contained in CT CB 347/20, which is a road reserve, see attached drawing 260711 sheet 1 of 1.

EXECUTIVE SUMMARY

2. The costs for survey and registering the new easement on the Council's title will be the responsibility of Page 521 Limited. Officers are also recommending that the easement be granted, in accordance with the Council policies for the charging of staff time to process the application, and the making of a one off compensation payment as decided by independent valuation for the privilege of putting the encumbrance (easement) upon the Council's title as per the Council's policies.

FINANCIAL AND LEGAL CONSIDERATIONS

3. Preliminary design for the sewer reticulation has found that a connection to the present sanitary sewer outfall for the development, which is the existing 150 mm diameter sewer in Lower Styx Road, which terminates 90 metres north of Harbour Road to serve the eastern part of the land being subdivided would result in a very high invert level at the top end of the line. A fill level of 11.8 m reduced level, Christchurch Drainage Datum ("RL") has been calculated as being required for lots 26 and 27, which is well above the minimum fill level of 11.10 RL required, and more importantly, around 1.0 metres above the recently developed adjacent land to the east. The alternative alignment, which is being applied for, according to the applicant's calculations will enable the filling of the land to be limited to the minimum of 11.10m RL, whilst also satisfying the sanitary sewer requirements.
4. Part RS 6642 (BM 326) contained in CT CB 347/20, is a road reserve which was vested in the crown subject to the Public Reserves and Domains Act 1908, as a result of the subdivision of the adjacent land in 1923. This land was subsequently vested in the Council pursuant to section 6 of the Counties Amendment Act 1972. The reason why the land was vested as road reserve, was to enable road access off Harbour Road to the land in behind this subdivided land to occur in the future when this land was subdivided.
5. Road access of Harbour Road is now not required, because this access is being gained off Lower Styx Road, the new road layout being a buffer between the residential area to the south, and the Local Purpose (Conservation) Reserve to the north (see attached drawing 260711 sheet 1 of 6). The land in question therefore is not required for the purpose for which it was acquired. This will enable the Council to consider revoking the reserve designation off the land, and selling it in the future if it decides it is no longer required for any Council purpose. This consideration may be the subject of reports to the Council in the future.
6. With the above-mentioned possibilities in mind, officers have required the easement to be placed along the west side on the lot, as shown in drawing 260711 sheet 1 of 1, to ensure that if the property is eventually sold for housing that a house can be located upon the lot in such a way as to maximise the mid day and afternoon sun, thereby minimising the effect of the proposed easement on the property.
7. 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. This decision can be made by a sub-committee of Council in terms of the Reserves Act 1977 requirements.

8. It is recommended that the normal one-off compensation payment for allowing the encumbrance to be placed upon the Council's title, as required by Council policy (27/9/01); and Council officer's time in processing this application as required by Council policy (12/7/01) be charged to the applicant.
9. The easement applied for is to enable the installation of a 150mm diameter sewer pipe, from the subdivision which, once the 224 certificate is issued for the subdivision, will vest in the Council as part of the Council's main sewer network. Therefore it will be necessary for the Council to grant an easement unto itself in accordance with the requirements of section 48 (6) of the Reserves Act 1977.

STAFF RECOMMENDATIONS

That the Board resolve that the Council grant unto itself a registered sewer easement in gross as required by section 48 (6) in accordance with section 48 (1) (f) of the Reserves Act 1977, over approximately 128 square metres of RS 6642 (BM 326) contained in CT CB 347/20 a Road Reserve, vested in the Council as shown in the attached drawing number 260711, sheet 1 of 1, subject to the following conditions:

1. The consent of the Minister of Conservation being obtained.
2. The easement terms being negotiated by the Corporate Support Unit Manager, in consultation with the Greenspace Policy and Leasing Administrator.
3. The easement construction area being maintained by Page 521 Limited, and their contractors operate in a safe and tidy condition at all times.
5. All costs associated with the survey and registration of the easements on the Council's title, being the responsibility of the Page 521 Limited.
6. The applicant is to provide the Council, within three months of completion of the work, a surveyed easement plan on which the easements as shown in drawing 260711, sheet 1 of 1 are shown on the title.
7. The Council charge a one-off compensatory payment for the privilege of having the easement encumbrance placed on the Council's title in accordance with Council policy (27/9/01), and charge for officer's time to process the application in accordance with Council Policy (12/7/01) be paid by the applicant.
8. The applicant is to pay a \$2,000 bond to the Council via the (Greenspace Contract Manager, Fendalton Service Centre) before any construction work commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee upon completion of the development to a standard acceptable to the Greenspace Manager.

CHAIRPERSON'S RECOMMENDATIONS

That the staff recommendations be adopted.

OPTIONS

10. There are only two options, these being to:
 - (a) Grant the easement, which will enable considerable savings to be made both in resources, and money expended to develop the subdivision. The height of the finished subdivision will be approximately at the same level as the older surrounding subdivisions. The Council will be adequately compensated for, for granting the easement because officers are recommending that the applicant is to pay all processing costs, and a one off compensation fee as decided by independent valuation.
 - (b) Not to grant the easement, which will require the level of the subdivision to be raised by approximately 700 mm which will, in turn, require a considerable increase in the resources and money required to develop the subdivision. The proposed subdivision will be approximately 700 mm higher than the older surrounding subdivisions.