

8. BROOMFIELD COMMON – EASEMENT OVER RESERVE

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport & Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to the granting of an easement in gross along the west side of Broomfield Common, Yaldhurst, permitting the installation of sewer, electrical, gas and telephone services (refer to **attached** plan). The land is held under the Reserves Act 1977.

EXECUTIVE SUMMARY

2. An application has been received from Gillman Wheelans Ltd to discharge sewage from, and to link other essential services to, approximately 90 hectares of sub-divided Living G (Yaldhurst) land via an easement in gross through Broomfield Common from Buchanans Road via Carmen Road. The applicant, in consultation with Council staff, has indicated its preference to locate the services in this location as being the most direct route for connection by the three adjacent major landowners (Gillman Wheelans, Enterprise Homes Limited and Noble Investments) and representing the greatest network efficiencies for utilities vested in Christchurch City Council and the other utility companies on completion.
3. Early approval of the easement is required to enable the applicant to meet Council requirements in relation to connecting to the new sewage pipe which is currently being laid along Buchanans Road from Carmen Road. Under Section 48 of the Reserves Act 1977, provision exists to grant such easements where the Reserve will not be materially altered or permanently damaged. This application falls into this category and as such approval has been recommended subject to appropriate conditions.

FINANCIAL IMPLICATIONS

4. The applicant has been advised in writing that the Council charge a one off compensatory sum for the granting of an easement. The assessment and negotiation of compensation, based on independent valuation advice, is currently underway. All costs associated with the easement are to be borne by the applicant who will also be liable for compensation which will be paid prior to the issue of the 224 Certificate on completion of the subdivision.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

5. Not applicable.

LEGAL CONSIDERATIONS

6. Under Section 48 of the Reserves Act 1977, provision exists to grant such easements where the Reserve will not be materially altered or permanently damaged. This application falls into this category and as such approval has been recommended subject to appropriate conditions. Public notification is not required. Legal services will be involved in the final documentation of the easement.

Have you considered the legal implications of the issue under consideration?

7. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Not applicable

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

9. Not applicable.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT AND HISTORY

12. There is no consultative requirement associated with the granting of this easement.
13. Gillman Wheelans Limited, in conjunction with Enterprise Homes Limited and Noble Investments Limited, has applied for the granting of an easement in gross to provide essential services to the 'Masham Block', a 90 hectare block of Living G (Yaldhurst) land recently approved by the Environment Court.
14. Gillmans is currently laying some 825m of gravity sewer main along Buchanans Road from the existing 525mm sewer at the Carmen Road intersection. The intention is for the pipe to be laid up to Broomfield Common and then change to a 300mm gravity sewer along the western boundary of Broomfield Common to service the Masham block. In consultation with Council staff this is considered the most efficient and effective way to service these three landowners simultaneously and represents the greatest network efficiencies for utilities vested in Christchurch City Council and the other utility companies on completion.
15. The location of the underground sewer main and common utilities trench within the easement corridor will be parallel with the existing stock-water race/stormwater drain along the western boundary of Broomfield Common. The construction of the easement corridor will result in the under-grounding of the existing overhead power-lines, removal of the gorse fencing, enhancement of the western edge of the reserve, increased street frontage to the reserve and naturalising of the existing stock-water race and storm-water drain. Additional work to form a swale drain (towards the southern end of the western boundary) to provide a stormwater outfall for Gilberthorpes Road and part of Buchanans Road may also be completed concurrently but is not part of this easement application.
16. A plan of the proposed easement is **attached**.
17. The assessment of compensation for the easement is currently underway and will be agreed at a sum which is consistent with values appropriate to the wider 'Masham' developments.
18. This easement is subject to the Department of Conservations approval under the Reserves Act 1977, which will be sought after consideration by the Board.

STAFF RECOMMENDATIONS

It is recommended that the Board approves the Easement in Gross to convey sewage (in favour of the Christchurch City Council) and essential services (in favour of the nominated utilities companies) over Lot 5 DP 41769, as shown on the **attachment**, forming part of Broomfield Common Recreation Reserve subject to the following conditions:

- (a) The applicant being responsible for all costs associated with the easement (processing, valuation, survey, legal and registration) and installation of the requisite services, including all Council related costs.
- (b) The applicant is to pay a bond of up to \$2,000 to the Council (fully refundable less Council costs incurred in relation to the work undertaken on site) and sign a temporary access licence before any construction work commences on site. The easement area is to be maintained by Gillman Wheelans Ltd and/or their nominated contractor (who shall have a minimum of \$1,000,000 public liability insurance) in a safe and tidy condition at all times.
- (c) The applicant is to provide to the Council a surveyed easement plan on which the proposed easement in gross is shown on the title, within 3 months of completion of the work.
- (d) The consent of the Department of Conservation being sought.
- (e) The Unit Manager Corporate Support being authorised to finalise and conclude any compensation transaction.