

20. PROPOSED EASEMENT ON LOCAL PURPOSE ESPLANADE RESERVE

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

1. The purpose of this report for the Board to approve a proposal by the Puriri Trust to put an easement in place in a Local Purpose Esplanade Reserve covered under Section 1 Survey Office Plan 19951.

EXECUTIVE SUMMARY

2. The proposal seeks the Councils approval to convey storm water through a 100 mm UPVC pipe from 41 Heathcote Street across local purpose esplanade reserve to discharge in to the Heathcote River. A copy of the intended easement is detailed in the **attachment**.
3. The applicant has already installed the drain in place on the local purpose esplanade reserve, and the applicant's consultant has indicated subdivision approval has been granted by the Resource Management Officer Committee under application RMA 92005373 to carry out a subdivision at 41 Heathcote Street to create three new lots.
4. The dwelling located at 41 Heathcote Street, on what is now Lot 1, previously discharged storm water to the ground prior to a connection being made to the above mentioned new means of drainage. Advice received from Nicola Malloch, Subdivisions Officer in the Council's City Streets and Greenspace Unit is that it there is insufficient fall at 41 Heathcote Street to install a storm water drain to discharge to the street side channel, and discharge through a drain to the Heathcote River is the best practicable option.
5. Lot 3 of the subdivision as detailed in the **attachment** is to be vested in the Council.

FINANCIAL IMPLICATIONS

6. The proposal is neutral and there are no financial implications to the Council of implementing the proposal

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

7. The proposal is neutral and not in conflict with the budget

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

8. Yes, the Board have delegated authority, as at 20 December 2006, to approve the proposal.
9. The Minister of Conservations approval to the granting of the easement will be necessary, and subject to Section 48(1) (f) of the Reserves Act 1977 over approximately 29m2(14.5 metres x 2 metres) of Section 1 Survey Office Plan 19951.
10. It is recommended by the staff that one of the conditions of approval for land use consent by the Council is for the applicant to obtain any necessary consent from Environment Canterbury for the discharge of storm water to the Heathcote River ,either through applying to the Christchurch City Council that their intended storm water discharge is notated on any Global Storm water Discharge Consent granted by Environment Canterbury to the Christchurch City Council, or by making an individual application to Environment Canterbury for discharge consent.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. The proposal is not in conflict with LTCCP and Activity Management Plans

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

12. The proposal is neutral in regard to this recommendation.

ALIGNMENT WITH STRATEGIES

13. The proposal is not in conflict with any strategies proposed by the Council.

Do the recommendations align with the Council's strategies?

14. The proposal appears to align with any Council strategies. The applicant has been permitted to discharge storm water to the Heathcote River through RMA 92005373, instead of to a street side channel in Heathcote Street, because this has been deemed by the Resource Management Officer Subcommittee the best practicable option.

CONSULTATION FULFILMENT

15. The applicant does not have a duty to consult with the community or publicly advertise the proposal under the consultation provisions of the Reserves Act 1977 because the drain has been installed under ground and is now already in place.

STAFF RECOMMENDATION

It is recommended the Board agree to the proposal subject to the following conditions:

- (a) that the applicant ensures storm water discharge consent is obtained from Environment Canterbury.
- (b) that the consent of the Minister of Conservation is obtained.
- (c) that all costs associated with the survey and registration of the easement on the Councils title will be the responsibility of the applicant.
- (d) that the applicant is to provide the Council within three months of the completion of the work a surveyed easement plan.
- (e) The applicant is to pay the Council a one off compensatory payment for the privilege of having the easement encumbrance placed on the Council Certificate of Title.
- (f) Authority is delegated to the Corporate Support Unit Manager to settle. The above matters as generally outlined in this report.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.