

1. RUSKIN RESERVE – CREATION OF A SWALE AND LANDSCAPING AND ASSOCIATED NATURALISATION OF BAXTER’S DRAIN

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

1. The purpose of this report is to submit the Board’s recommendation that the Council approves easements being created for Baxter’s Drain where it transits through the rear of properties in Burke Street and Fairfield Avenue (held as Local Purpose (Drainage Reserve)), and Fairfield Avenue and Braddon Street, (held as fee simple land).
2. The Board has separately approved under delegated authority:
 - (a) An easement being created over Ruskin Reserve, a local purpose reserve, to enable a swale to be constructed which will occur alongside the naturalisation of Baxter’s Drain.
 - (b) Option One as the final design for the Ruskin Reserve landscape development.

Clause 17 (Part C) of this report refers.

EXECUTIVE SUMMARY

3. The Greenspace Unit seeks approval to create easements to accommodate the creation of a swale on Ruskin Reserve, and alongside this work, the naturalisation of Baxter’s Drain, which was supported in a decision by the former Council Parks, Gardens and Waterways Committee on 23 September 2004.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The Board has the delegated authority from the Council (16 December 2004) to make the decision whether to grant the easement or not for a stormwater swale to be located on Ruskin Reserve.
5. The applicant is seeking individual easements over a part of the following parcels of land:
 - (a) Lot 2 DP 7517
 - (b) Lot 1 DP 76118(Local Purpose Reserve)
 - (c) Part Lot 81 DP 2382 (Local Purpose Drainage Reserve)
 - (d) Part Lot 81 DP 2384 (Local Purpose Drainage Reserve)
 - (e) Pt Lot 66 DP 1499
 - (f) Lot 1 DP 355884
 - (g) Lot 2 DP 355884
 - (h) Lot 3 DP 355884
 - (l) Lot 4 DP 355884
 - (j) Lot 5 DP 355884 Pt RS 66.
6. Drawing SM1595 – 01 under Attachment One provides a description of the relevant parcels of land where the easements are sought.
7. Attachment Two details a copy of an officer’s report with a recommendation to the former Council Parks, Gardens and Waterways Committee, and the decision by that Committee on 23 September 2004 which supported the purchase of properties in Braddon Street, Fairfield Avenue, Burke Street, and Ruskin Street. The legal descriptions of these properties are covered under 4(a), (e) to (j) as detailed above. Because these properties are held as fee simple, the approval of the Minister of Conservation will not be necessary to enable easements to be lodged as survey plans with Land Information New Zealand. This is also applicable to the land held as Local Purpose Drainage Reserve, although approval will need to be obtained for the land held as Local Purpose Reserve (Ruskin Reserve).

8. Attachment Three and Attachment Four detail Option One and Option Two for the possible routes for the intended swale with associated landscaping, the plans having been compiled by the City Solutions Unit at the Greenspace Unit's request. The public's access to Ruskin Reserve will not be diminished by either of the proposals, and officers are of the view that the proposed easement route and landscaping will enhance the reserve.
9. 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, there will only be a small quantity of water in the swale, aside from stormwater run off events.
10. Greenspace Unit staff have run in tandem a community consultation exercise (in which the public were invited to make comments on their preferences for either Option One or Option Two as detailed above relating to Ruskin Reserve), and publicly advertised over one calendar month the overall proposal relating to Ruskin Reserve and the naturalisation of Baxter's Drain. No objections were received.
11. The occupiers of residences straddling Ruskin Reserve also received a letter to advise them of the proposal, but no objection to the proposal has been received by Council staff.
12. Swale and park capital works amounting to \$560,000 is provided for in the Greenspace budget and will be carried out in the 2006/07 financial year.

BACKGROUND ON RUSKIN RESERVE – CREATION OF A SWALE AND LANDSCAPING AND ASSOCIATED NATURALISATION OF BAXTER'S DRAIN

13. The Council's Greenspace Unit, on behalf of the Council, seeks to create a swale with landscaping on Ruskin Reserve, and alongside these works, the naturalisation of Baxter's Drain. A description of the proposal is detailed under Attachment Five and Attachment Six.
14. Approval for the proposal was granted by the former Council Parks, Gardens and Waterways Committee on 23 September 2004 (refer Attachment Two).
15. The proposal has been fully advertised in tandem with a community consultation, with no objections received.
16. The community consultation involved placing two options for the redevelopment of Ruskin Reserve, a Local Purpose Reserve. These options are detailed as Attachment Three and Attachment Four.
17. As a result of community consultation, 33 submitters supported Option One, 12 submitters supported Option B, with three supporters supporting either option, with Option One being the favoured option.

OPTIONS CONSIDERED BY THE APPLICANT

18. **Option One:** Apply for easements to enable creation of a broad vegetated swale.

This option would allow the project to proceed as outlined to the Board in a report of 5 July 2005.
19. **Option Two:** Easement to create swale not applied for.

If approval for the easement was not applied for, then the swale could not be constructed in a continuous fashion between Ruskin Reserve and Addington Cemetery. One possibility could be to construct an intermittent open swale and replacement piped watercourse, i.e. Ruskin Reserve to Burke Street (piped), Burke Street to Fairfield Avenue (swaled), 47 Fairfield Avenue (piped). Another possibility could be to re-pipe the entire length.

STAFF RECOMMENDATIONS

- (a) That the Spreydon/Heathcote Community Board, under delegated authority from the Council, resolve to support Option One detailed as the preferred redevelopment proposal for Ruskin Reserve, and easements being granted as provided for in Section 48(1)(f) of the Reserves Act 1977, over a part of the following parcels of land:

Lot 1 DP 76118 (Local Purpose Reserve)
Pt Lot 81 DP 2382 (Local Purpose Drainage Reserve)
Pt Lot 81 DP 2384 (Local Purpose Drainage Reserve).

- (b) That the Spreydon/Heathcote Community Board, under the General Governance provisions of the Local Government Act 2002, recommends to the Council that easements be granted over part of the following parcels of land:

Lot 2 DP 7517
Pt Lot 66 DP1499
Lot 1 DP 355884
Lot 2 DP 355884
Lot 3 DP 35588
Lot 4 DP 355884
Lot 5 DP 355884 Pt RS 66

subject to the following conditions:

- (i) That the applicant lodges survey plans of the proposed easements with Land Information New Zealand within three months of the granting of the easements.
- (ii) That the approval of the Minister of Conservation be obtained for the granting of the easements on the Local Purpose Reserve.
- (iii) That the applicant obtains any necessary consents.
- (iv) That before work commences on the site, the principal contractor be responsible for locating any existing services on the Local Purpose Reserve, and ensuring that contractors do not damage them during construction.
- (v) That the easement construction areas be maintained by the Christchurch City Council and their contractors in a safe and tidy condition at all times.
- (vi) That a bond of \$2,000 be paid by the principal contractor to the Christchurch City Council via the Parks and Waterways Area Advocate at the Beckenham Service Centre, 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 Water and Waste Unit, for notation on drainage plans.

BOARD RECOMMENDATION

That staff recommendation (b) be adopted.