

# 1. BROAD OAKS SUBDIVISION STAGE XI – ROAD LEGALISATION AND INITIATING ROAD STOPPING TO A PARCEL OF SURPLUS LAND

<b>General Manager responsible:</b>	General Manager, City Environment
<b>Officer responsible:</b>	Don Munro, Transport and City Streets Manager
<b>Author:</b>	Weng-Kei Chen, Asset Policy Engineer, DDI 941-8655

## PURPOSE OF REPORT

1. The purpose of this report is to submit the Board's recommendations to the Council to:
  - (a) Dedicate a parcel of road reserve land contained in Lot 16 DP52030 as road pursuant to Section 111 Reserves Act 1977. The area of land is 33m<sup>2</sup> and is as shown on the attached plan.
  - (b) Declare a small parcel of unformed legal road contained in S.O. 365373, as surplus to the Council's requirements and to obtain a resolution pursuant to Public Works Act 1981 to commence road stopping procedures. This parcel of road to be stopped is as shown on the attached plan.

## EXECUTIVE SUMMARY

2. Fulton Hogan Ltd, the developer of Broad Oaks, has an approved resource consent for Stage XI RC20017303 which includes:
  - (a) Eight properties having access onto Vista Place. These accesses will be constructed over a strip of road reserve adjacent to the existing Vista Place.
  - (b) A parcel of road land included in one of the building lots.
3. In order for this subdivision to proceed, the Council's approval is required:
  - (a) to dedicate the Council owned road reserve land contained in Lot 16, DP52030 as road.
  - (b) to declare the parcel of road land as surplus to the Council's requirements and for the Council to initiate road stopping procedures for its disposal.
4. The road reserve land (Lot 16 DP 52030) along Vista Place was created in 1987 when subdivision took place with the formation of Vista Place. This road reserve lot was created enabling the Council to collect roading contribution (on behalf of Dun's Ltd which was the developer of Vista Place), in the event when frontage to the road is required. This road has been built to the required standard and is capable of serving the additional developments by Fulton Hogan Ltd. This practice of collecting on behalf of previous developers is not uncommon for the subdivision approval process. Fulton Hogan Ltd in this instance has agreed to pay the required cash contribution.
5. The intersection design for the new road at Huntsbury Avenue following the existing legal road boundary is undesirable, and staff have instead approved a "T" intersection. This design provides a good outcome and is consistent with good engineering practices.
6. The "T" intersection design results in the developer vesting an additional 182m<sup>2</sup> of land for road and renders an area of 262m<sup>2</sup> as surplus to roading requirements. Hence it is appropriate for the Council to declare the road land as surplus and to commence road stopping procedures.

## FINANCIAL AND LEGAL CONSIDERATIONS

7. The developer has agreed to pay \$23,250 plus GST for its share of road contributions of Vista Place. On receipt of this contribution, the Council will reimburse the same amount to the previous developer of Vista Place.
8. The Council appointed valuer, Ford Baker, has valued the surplus road land at \$29,000 and the additional land required at \$25,000. The land exchange will provide a return of \$3,500 plus GST to the Council.
9. The procedural process to vest road reserve as road and the road stopping process will be recovered from Fulton Hogan Ltd.

10. Section 111, Reserves Act 1977 – Road Reserve may be dedicated as road:

This section states that where any land is vested in any local authority for the purpose of a road reserve and the land is required for the purpose of a road, the land may be dedicated as road by resolution of the local authority. In this instance it is appropriate that dedication occurs.

11. Section 116 Public Works Act 1981 – Stopping Road:

This section states that subject to the consent in writing of the territorial authority and the owner(s) of the land adjoining the road proposed to be stopped, then the road can be declared formally stopped by notice in the Gazette. There will be no loss of public access onto Huntsbury Avenue from the new development and in fact the outcome creates a safer access for the roading network.

#### **STAFF RECOMMENDATIONS**

It is recommended that the Council resolve:

- (a) To dedicate that part of the existing road reserve Lot 16, DP 52030 as road, pursuant to Section 111 of the Reserves Act 1977.
- (b) To declare the parcel of road land as surplus to road requirements pursuant to Section 116 of the Public Works Act 1981, and that the parcel of road shown as S.O. 365373 be stopped, and disposed of to the adjoining land owner.

#### **BOARD DISCUSSION**

Members discussed possible future traffic flow implications arising from the changes proposed. It was noted from the officer's report that there would be no loss of public access onto Huntsbury Avenue arising from the new development, and that the changes intended would create a safe access for the local roading network.

#### **BOARD RECOMMENDATION**

That the staff recommendations be adopted.



Vista Place

Legal Road 11.80 wide

Huntsbury Avenue  
Legal Road irregular width

47  
DP336201  
CT 148454

Sec 1  
262m<sup>2</sup>

802025mN

801975mN

394125mE

394175mE

Legalisation Plan

LAND DISTRICT . . Canterbury . . . . .

Section 1

TERRITORIAL AUTHORITY. Christchurch City . . .

Surveyed by Fox & Associates Ltd . . . . .

Scale . . 1:200 . . . . . Date. December 2005 . . . . .

Approvals

SCHEDULE OF AREAS OF ROAD  
TO BE STOPPED

Shown	Adjoining	Title Ref	Area
Section 1	Lot 47 DP336201	148454	262m <sup>2</sup>

Total Area . 262m<sup>2</sup> . . . . .

Comprised in . . . . .

I, David Owen Fox of Christchurch, . . . . .  
being a person entitled to practise as a licensed cadastral surveyor  
certify that -  
(a) The surveys to which this dataset relates are accurate, and were  
undertaken by me or under my direction in accordance with the  
Cadastral Survey Act 2002 and the Surveyor - General's Rules for  
Cadastral Survey . . . . .  
(b) This dataset is accurate, and has been created in accordance  
with that Act and those Rules.

Signature . . . . . Date . . . . .

Field Book . . . . p. . . . Traverse Book . . . . p. . . .

Reference Plans . DPs 336201, 15358 . . . . .

Examined . . . . . Correct . . . . .

Approved as to Survey by Land Information NZ on  
. . . . / . . . . / . . . .

Deposited by Land Information NZ on  
. . . . / . . . . / . . . .

File  
Received  
Instructions



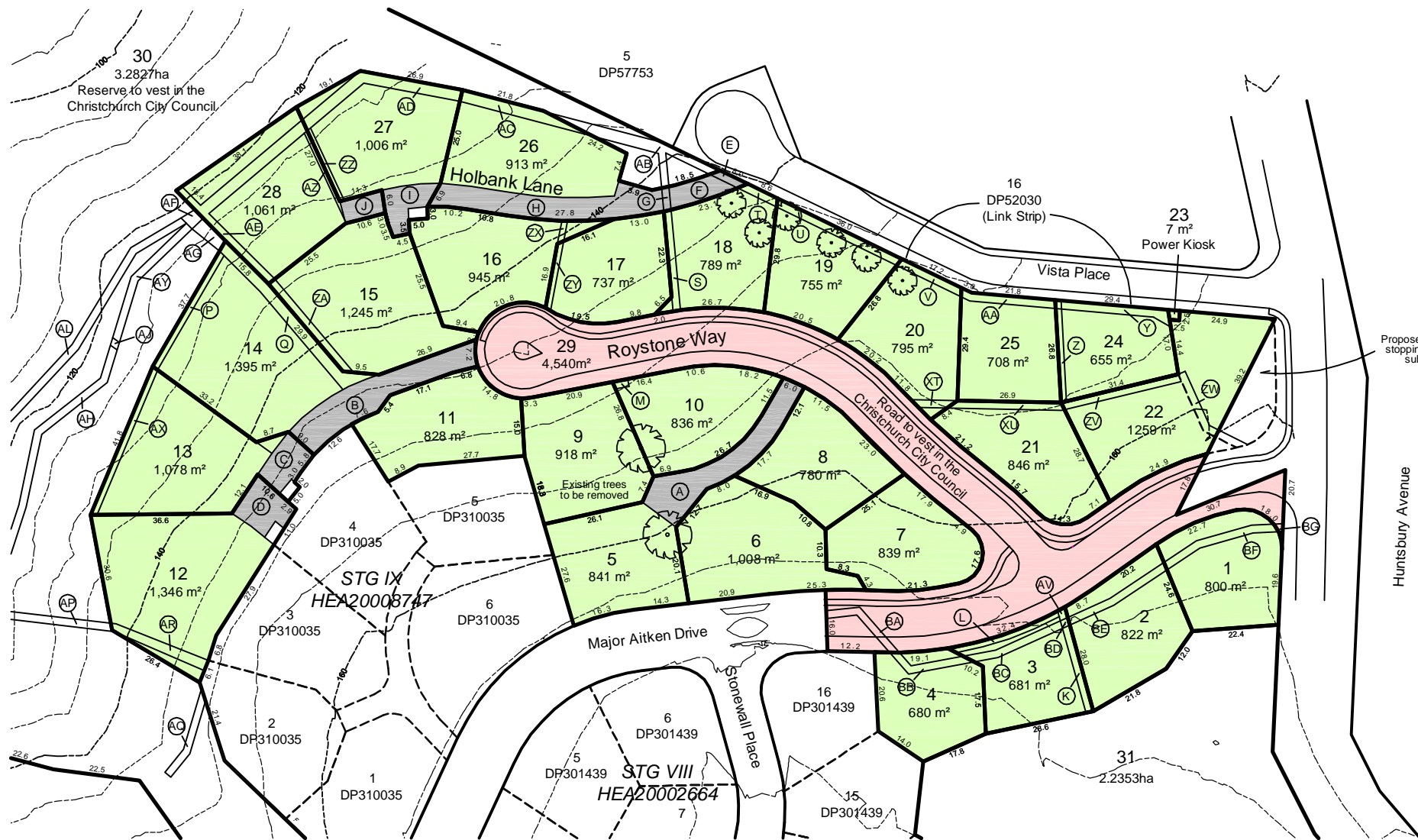
ISSUE	AMENDMENTS	SIGNED	DATE
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# HUNTSBURY AVENUE

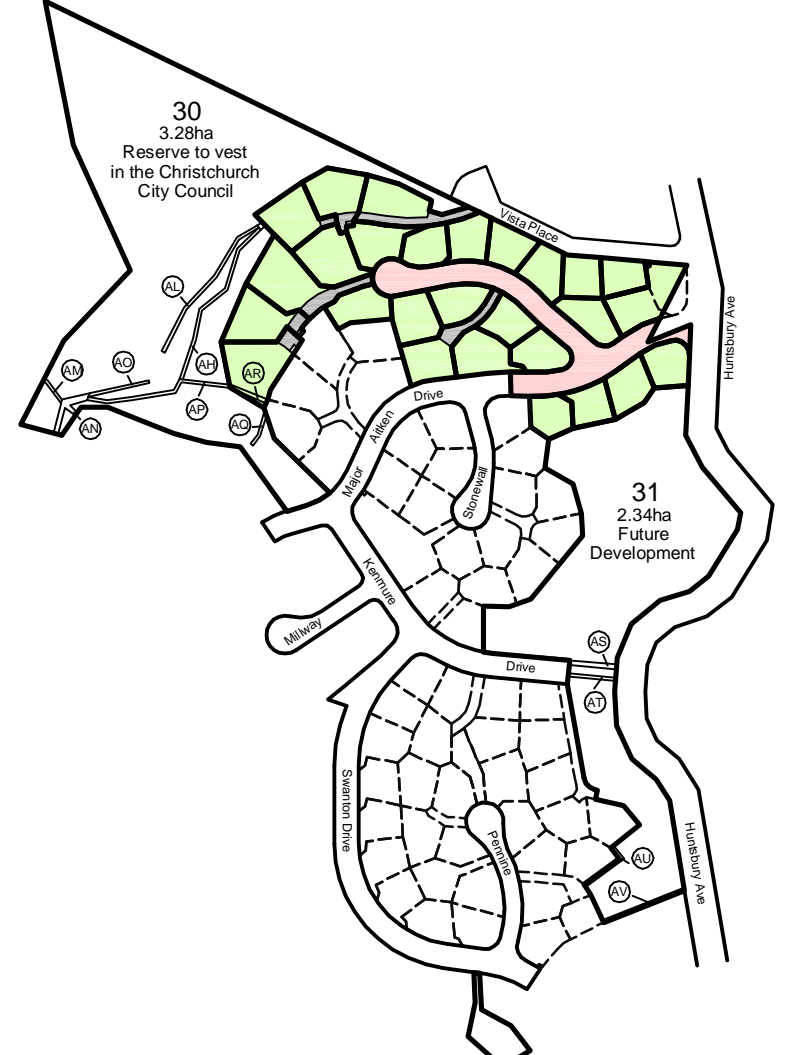


DATUM	C.D.B.	NAME	SIGNED	DATE
BENCH MK.		SURVEYED		
SURVEY FB				
SURVEY LB		DRAWN	L Hay	01/2005
CONSTN.EB		DRW. CHECK		
CONSTN.LB		© COPYRIGHT CHRISTCHURCH CITY COUNCIL AERIAL PHOTOGRAPHY © COPYRIGHT TERRALINK INTERNATIONAL LIMITED		
SURVEY FILE		Areas and Dimensions Subject to Survey		

CONTRACT NUMBER	ORIGINAL SHEET SIZE	SCALES
FILE REFERENCE	A3	1 : 2500
DRAWING NUMBER	SHEET	
SM1620-01	OF	



- NOTES:**
1. Lot areas and dimensions are subject to survey.
  2. Area shown are net areas and exclude access.
  3. Lots 12,13,27 and 28 have no legal road frontage.
  4. Easement positions are approximate only and may alter once construction works are complete.
  5. Levels in terms of CCCDU Datum:
  6. Origin of Levels: Brass pin N11/1 in step of PS22 on Eastern Terrace opposite Bowervale Bridge. R.L. 13.6m.
  7. Contour interval 5m.



**Memorandum of Easements**

Nature	Servient Tenement Lot No	Dominant Tenement or Grantee
Right of way, right to convey water, electric power and telephonic communications, right to drain water	5 A	Lots 9,10
	14 B	Lots 12,13,15
	13 C	Lots 12,14,15
	12 D	Lots 13,14,15
	26 E,F,G,H	Lots 15-17,27,28
	27 I	Lots 15-17,26,28
	28 J	Lots 15-17,26,27
	3 L,AV	Lot 4
	3 K,BD,AV	Lot 2,31
	5 A	Lots 6,8
Right to drain sewage	10 M	Lot 9
	13 AX	Lot 12
	14 B	Lot 11
	14 P	Lots 12,13
	14 Q	Lots 11-13,15,16
	18 S	Lot 17
	22 XV,XW	Lot 21
	24 Y,Z	Lots 21,22
	27 I,ZZ,AD	Lots 15,16
	28 J	Lots 15,16
Right to drain water	3 L,AV	Lot 4
	3 K,BD,AV	Lot 31,2
	5 A	Lot 6,8
	10 M	Lot 9
	13 C	Lot 11,12
	13 AX	Lot 12
	14 P,Q	Lots 12,13
	14 B	Lot 11
	22 XV	Lot 21
	24 Y,Z	Lots 21,22
Right to convey power in gross	5 A	Lot 6,8
	10 M	Lot 9
	13 C	Lot 11,12
	13 AX	Lot 12
	14 P,Q	Lots 12,13
	14 B	Lot 11
	22 XV	Lot 21
	24 Y,Z	Lots 21,22
	25 AA	Lots 21,22,24
	26 H	Lot 16,17,18
Right to convey telephonic communications	26 E,F,G,H	Lots 17,18
	28 AZ	Lots 14,15
	28 J,AZ,AE	Lot 16,17,18

**Memorandum of Easements**

Nature	Servient Tenement Lot No	Dominant Tenement or Grantee
Right to drain sewage in gross	3 K,BD,AV	Christchurch City Council
	18 S	
	14 Q	
	27 AD	
	28 AC,E,G	
	19 U	
	20 V	
	25 AA	
	24 Y	
	3 K,BD,AV	Christchurch City Council
Right to drain water in gross	14 B,Q	
	15 ZA	
	20 XT	
	21 XU	
	22 XV,XW	
	28 AZ,J,AE	
	5 A	
	14 B	
	13 C	
	12 D	
Right to convey power in gross	26 E,F,G,H	Orion New Zealand Ltd
	27 I	
	28 J	
	17 ZY	
	16 ZX	
	16 ZX	Lots 26-28
	17 ZY	Lots 26-28

**Schedule of Easements**

Nature	Servient Tenement Lot No	Dominant Tenement or Grantee
Right to drain sewage in gross	30 AB,AG,AF,AY,AJ,AH	Christchurch City Council
	30 AL,AF,Q,AG	Christchurch City Council
Right to drain water in gross	30 AL,AF,Q,AG	Christchurch City Council
Right of way in gross	26 E,F	Christchurch City Council

**Existing Easements to be Surrendered**

Nature	Servient Tenement Lot No	Document
Right to drain water in gross	30 AN,AO	T.5343452.5
Right to drain sewage in gross	30 AM,AP,AN	T.5343452.6
Right to drain water	30 AQ	E15343452.7
Right to convey water in gross	29 BA,BG	EC6030016.14
	4 BB	
	3 BC,BD	
	2 BE	
	1 BF	

**Existing Easements**

Nature	Servient Tenement Lot No	Document
Right to drain sewage in gross	12 AR	T.5343452.6
Right to convey water in gross	31 AT,AV	EC6030016.14
Right to power in gross	31 AS	EC6030016.9
Right to drain water in gross	31 AU	EC6030016.18

**Schedule of Areas**

Residential Allotments: Lots 1-22,24-28	2,4566ha
Balance Allotment - Future Residential: Lot 31	2,2353ha
Reserve to Vest in Christchurch City Council: Lot 30	3,2827ha
Road to vest in Christchurch City Council: Lot 29	0,4540ha
Power Kiosk Site - Lot 23	0,0007ha
Access (Areas A,B,C,D,E,F,G,H,I,J)	0,1732ha
<b>TOTAL</b>	<b>8,6025ha</b>

Stage XI - 27 Residential Allotments: Average area = 909m<sup>2</sup>

A1 Original Size

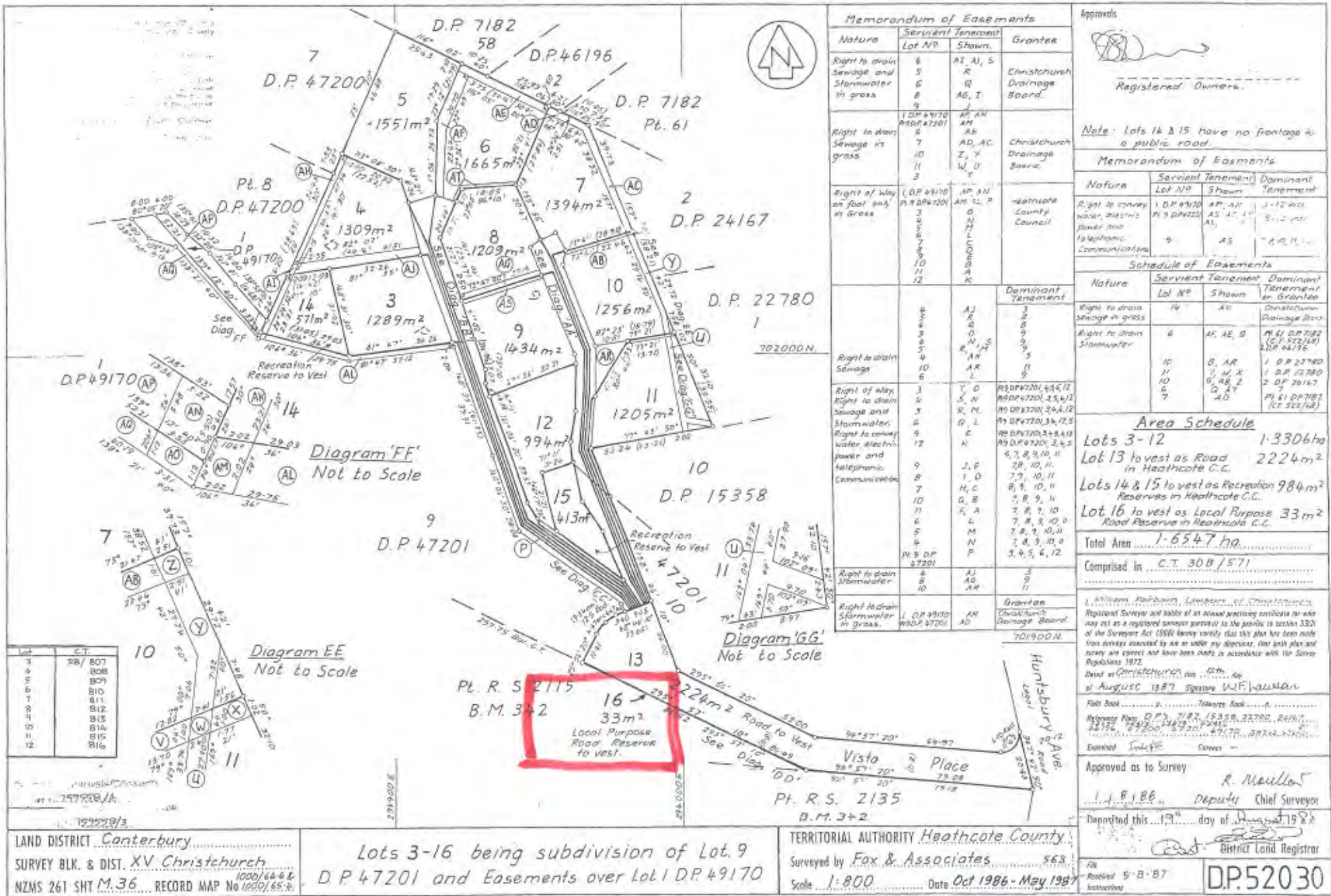
Registered Surveyor

G				Scale	1:750
F				Reduced	A3 1:1500
E				Designed	DOF/MJM
D				Drawn	MHO
C				Checked	
B	Amend layout at corner of Huntsbury Ave and Major Aitken Drive	MJM	Spet 2005		
A	Amend Easements and add power kiosk	MJM	Sept 2005		

# BROAD OAKS - STAGE XI - RC 20017303

Proposed Subdivision of Lot 47 DP 336201

	SURVEYORS WaterHouseCoopers Bldg, 119 Amagh St, P.O.Box 13-390, CHRISTCHURCH Ph (3) 366 3959 Fax (3) 370 1961	Job No. <b>1058F/11</b>
	Level 13, Price Level 13, Price	Sheet No. of 1
	Rev.	1
	Registered Surveyor	1



Memorandum of Easements					
Nature	Servient Tenement Lot No	Shown	Grantee		
Right to drain Sewage and Stormwater in grass	8	AE, AI, S	Christchurch Drainage Board		
	5	R			
	6	Q			
	9	AG, I			
Right to drain Sewage in grass	1 DP 49170	AP, AN	Christchurch Drainage Board		
	6 DP 47201	AM			
	7	AD, AC			
	10	Z, Y			
	11	W, U			
Right of Way on foot only in Grass	1 DP 49170	AP, AN	Heathcote County Council		
	2 DP 47201	AM, AL, P			
	3	O			
	4	AB, AN, UN, Z, Y, X			
	5	V			
	6	W, U			
	7	Y			
	8	AE, AI, S			
	9	R			
	10	Z, Y			
	11	W, U			
	12	K			
Right to drain Sewage	1 DP 49170	AP, AN	Christchurch Drainage Board		
				3	AM
				4	AB, AN, UN, Z, Y, X
				5	V
				6	W, U
				7	Y
				8	AE, AI, S
				9	R
				10	Z, Y
				11	W, U
				12	K
				Right of Way, Right to drain Sewage and Stormwater, Right to convey water, electric, power and telephonic communication	1 DP 49170
3	T, D				
4	S, N				
5	R, M				
6	Q, L				
9	E				
12	H				
9	J, E				
8	T, D				
7	H, C				
10	G, B				
11	K, A				
6	L				
5	M				
4	N				
3	P				
Right to drain Stormwater	1 DP 49170	AP, AN	Christchurch Drainage Board		
				8	AE, AI, S
Right to drain Stormwater in Grass	1 DP 49170	AP, AN	Christchurch Drainage Board		
				10	AD

Memorandum of Easements			
Nature	Servient Tenement Lot No	Shown	Dominant Tenement or Grantee
Right to convey water, electric, power and telephonic communication	1 DP 49170	AP, AN	1-12 lots
	2 DP 47201	AM, AL, P	1-12 lots
	3	O	1-12 lots
	4	AB, AN, UN, Z, Y, X	1-12 lots
	5	V	1-12 lots
	6	W, U	1-12 lots
	7	Y	1-12 lots
	8	AE, AI, S	1-12 lots
	9	R	1-12 lots
	10	Z, Y	1-12 lots
	11	W, U	1-12 lots
	12	K	1-12 lots

Area Schedule			
Nature	Servient Tenement Lot No	Shown	Dominant Tenement or Grantee
Right to drain sewage in grass	14	AK	Christchurch Drainage Board
Right to drain Stormwater	6	AE, AE, S	1 DP 49170 (AP, AN), 2 DP 47201 (AM, AL, P)
	10	B, AR	1 DP 22780 (U), 2 DP 20167 (Y)
	11	G, AR	1 DP 12780 (U), 2 DP 20167 (Y)
	10	G, AR, Z	2 DP 20167 (Y)
	6	Q, AT	1 DP 47201 (AT, AE, AI, S)
	7	AD	1 DP 47201 (AT, AE, AI, S)

Area Schedule	
Lots 3-12	1-3306ha
Lot 13 to vest as Road	2224m <sup>2</sup>
Reserves in Heathcote C.C.	
Lots 14 & 15 to vest as Recreation	984m <sup>2</sup>
Reserves in Heathcote C.C.	
Lot 16 to vest as Local Purpose	33m <sup>2</sup>
Road Reserve in Heathcote C.C.	
<b>Total Area</b>	<b>1-6547 ha</b>
Comprised in C.T. 30B/571	

L. Williams, Registrar, Land Office, Christchurch.  
 Regional Surveyor and holder of a general practicing certificate for and as a registered surveyor pursuant to the provisions of section 332(1) of the Survey Act 1980 hereby certify that this plan has been made from surveys conducted by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972.

Dated at Christchurch, this 21th day of August 1986 signed W.F. Moulton

W.F. Moulton  
 Deputy Chief Surveyor

Approved as to Survey  
 1.1.1.86  
 Deputy Chief Surveyor

Deposited this 19th day of August 1986

B. J. [Signature]  
 District Land Registrar

Received 5-8-87  
 Canterbury

**DP.52030**

LAND DISTRICT Canterbury  
 SURVEY BLK. & DIST. XV Christchurch  
 NZMS 261 SHT M.36 RECORD MAP No 1000/64 & 2  
 1000/64 & 2  
 1000/65 & 2

Lots 3-16 being subdivision of Lot 9  
 D.P. 47201 and Easements over Lot 1 D.P. 49170

TERRITORIAL AUTHORITY Heathcote County  
 Surveyed by Fox & Associates 563  
 Scale 1:800 Date Oct 1986 - May 1987

# LOCATION OF LOT 16, D.P.52030 - ROAD RESERVE