

9. 4. 2009

**SPREYDON/HEATHCOTE COMMUNITY BOARD  
27 FEBRUARY 2009**

**Minutes of a meeting of the Spreydon/Heathcote Community Board  
held on Friday 27 February 2009 at 8.04am  
in the Boardroom, Beckenham Service Centre**

**PRESENT:** Phil Clearwater (Chairperson), Oscar Alpers, Barry Corbett, Chris Mene, Karolin Potter, Tim Scandrett and Sue Wells.


**APOLOGIES:** An apology for lateness was received and accepted from Oscar Alpers who arrived at 8.07am and was absent for part of clause 1.

The meeting was adjourned at 8.48am for a seminar and recommenced at 9.12am.

The Board reports that:

**PART A – MATTERS REQUIRING A COUNCIL DECISION**

**1. EASEMENT OVER 7A MALCOLM AVENUE**



<b>General Manager responsible:</b>	General Manager City Environment, DDI 941- 8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Stuart McLeod, Property Consultant, Corporate Support

**PURPOSE OF REPORT**

1. The purpose of the report is to recommend to the Council that it take a right to convey water in gross easement over 7A Malcolm Avenue in favour of the Christchurch City Council.

**EXECUTIVE SUMMARY**

2. The owners have requested that the Council give favourable consideration to them granting a right to convey water in gross over their property situated at 7A Malcolm Avenue in favour of the Christchurch City Council.
3. Terms and conditions in relation to design, construction and cost have been agreed upon with the owner and the physical work has now been completed to the required standard, consent of the Council to accept the easement is now being sought.
4. Staff have no delegated authority to complete the easement arrangement and in the normal course of events Council consent would be obtained prior the work being undertaken. However because of the owners concerns it was considered prudent to reach agreement with the owner and complete the works expediently.

**FINANCIAL IMPLICATIONS**

5. Costs incurred for construction, survey, legal, consent and registration fees will be met on a 50/50 basis by the parties and are payable upon demand. It is anticipated that the total cost to the Council will be no greater than \$8,000.

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

6. Yes. The budget is held in the Capital programme, Waterways and Land Drainage Budget.

1 Cont'd

**LEGAL CONSIDERATIONS**

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

7. Yes, legal implications have been fully considered. The Council's standard easement instrument will be signed by all parties and registered at Land Information New Zealand once Council consent is given.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

8. Yes. Council will take ownership and responsibility of the pipeline once registration is completed. This will ensure that the asset is maintained in accordance with the Parks, Open Spaces, and Waterways Management Plan, including stormwater management systems.

**ALIGNMENT WITH STRATEGIES**

**Do the recommendations align with the Council's strategies?**

9. Yes. The role of the Council is to continue as owner of infrastructure delivering public stormwater services to the community.

**CONSULTATION FULFILMENT**

10. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Consent to the creation of a right to drain water in gross easement in favour of the Christchurch City Council over part Lot 2 Deposited Plan 355974 marked A on Deposited Plan 413672.
- (b) Authorise that the Unit Manager, Corporate Support finalise and conclude the transaction.

**BOARD RECOMMENDATION**

That the staff recommendation be adopted.

**BACKGROUND (THE ISSUES)**

11. The owners of 7A Malcolm Avenue have requested the Council to pipe or cover the open stormwater drain at the rear of their property under the Councils Utility Waterway Improvement Programme.
12. This stormwater drain runs from 7A Malcolm Avenue to the Heathcote River and is approximately 94 metres in length.
13. Previously the stormwater drain to the rear of this property was unfenced, unsightly and was of concern to the owners for health and safety reasons.

## 1 Cont'd

14. At present the Council's interest in the drain is not protected other than through its statutory rights under Section 181 Local Government Act 2002. It will now be protected by a right to convey water easement over Lot 2 Deposited Plan 355974 marked A on Plan 413672 (see attachments 1 and 2). This is consistent with Council policy to acquire easements where a pipeline is over private property.
15. Agreement was negotiated and reached with the owners in June/July 2008 to pipe the drain. The physical works have now been completed, the Council consent sought is in fact retrospective.
16. The agreement contains a 50/50 cost sharing arrangement with the owner. The owners have met all expenses to date and are awaiting a refund of the Council's share of the costs.

## PART B - REPORTS FOR INFORMATION



### 2. DEPUTATIONS BY APPOINTMENT

Justine Langrell discussed matters surrounding the open wilderness drain, particularly in the areas between Wychbury Street, Beanland Avenue, Therese and Stourbridge Streets, in particular a request that the Council cover the open drain.

The Board requested that staff provide a report regarding all the drains in the Spreydon/Heathcote ward, to include:

- whether or not there is funding from the draft LTCCP to pipe the drains;
- details of any cost sharing options with residents to cover the drains on their land and drains adjacent to access ways;
- any priority lists for covering drains and details of how the land will be left following the drain coverage;
- data in relation to incidents, particularly house break-ins and graffiti in the vicinity of the drains;
- the policy regarding present fencing and cleaning practices of the drains;
- and any other relevant matters in relation to the open drains.

The report is to be provided before the closing date for submissions on the draft LTCCP (which is scheduled to be 16 April 2009).

### 3. PETITIONS

The Board accepted a petition tabled by Justine Langrell with regard to the deputation, requesting the open wilderness drain between Wychbury Street, Beanland Avenue, Therese and Stourbridge Streets be covered by the Council.

### 4. NOTICES OF MOTION

Nil.

### 5. CORRESPONDENCE

A letter was received from the Rowley Resource Centre requesting funding assistance for a security camera to be placed in the McCarthy Street Shopping Centre. A quotation for the camera of \$17,619 GST exclusive was also received.

The matter will be passed to appropriate staff.

**6. BRIEFINGS**

Catherine MacDonald, Unit Manager of Community Services outlined funding policy in relation to foreshadowing the allocation of funding from the 2009/10 year budget, prior to the commencement of the 2009/10 funding round.

The Boards decision in relation to this matter is recorded under clause 11.

**7. COMMUNITY BOARD ADVISER'S REPORT**

The Board **received** an update from the Community Board Adviser on forthcoming Board related activity.

A Board workshop would be held in April regarding hill track matters.

**8. ELECTED MEMBERS INFORMATION EXCHANGE**

Mention was made of the following matter:

- Hanging of the gifted Tapa cloth in the Boardroom of the Beckenham Service Centre. This matter will be further discussed at the next Board meeting.

**9. MEMBERS QUESTIONS**

Nil.

**PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD**

**10. CONFIRMATION OF MEETING REPORT – 10 FEBRUARY 2009 AND AMENDMENT TO THE REPORT OF 16 DECEMBER 2008.**

The Board **resolved** that the minutes of its meeting held on 10 February 2009 be confirmed and further **resolved** to accept the amended clause 18 of the 16 December 2008 minutes, in relation to the Draft Mid Heathcote River/Opawaho Linear Park Masterplan.

**11. FUNDING REQUEST – SYDENHAM COMMUNITY DEVELOPMENT PROJECT**

The Board **resolved** to rescind the decision made on 10 February 2009 regarding the Sydenham Community Development Project Funding Request and replace the decision with the following:

- Allocate a total of \$14,300, from the 2008/9 Discretionary Fund to the Sydenham Community Development Project for unforeseen rental costs, the arts and craft classes, and the expansion of the Mothers at Home programme, in response to unforeseen demand.

**12. WRIGHTS ROAD – PROPOSED P30 PARKING RESTRICTION**

The Board considered a report seeking approval that a P30 Parking Restriction be installed on the north-west side of Wrights Road.

The Board **resolved** to approve the parking of vehicles be restricted to a maximum period of 30 minutes on the north-west side of Wrights Road commencing at a point 99 metres in a south-westerly direction from its intersection with Moncur Place and extending in a south-westerly direction for a distance of 12 metres.

**13. DICKENS STREET – VESTING OF RESERVE LAND**

The Board considered a report seeking approval to ensure that the Board rescind the resolution made on 16 September 2008 and the resolution made on 16 December 2008, and replace them with words declaring those parcels of land each containing 505m<sup>2</sup> being described as Lots 4 and 5 Deposited Plan 149 and contained in Certificates of Title CB18A/1014 and CB20F/16 as a Recreation Reserve for the purposes described in Section 17 of the Reserves Act 1977, thereby meeting the requirements for the Department of Conservation to publish the declaration in the New Zealand Gazette.

The Board **resolved** to rescind the resolution made on 16 September 2008 and the resolution made on 16 December 2008 in relation to this matter, and acting under delegated authority from the Christchurch City Council replace it with the following resolution:

- (a) In exercise of the powers conferred on it by Section 14 of the Reserves Act 1977, the Christchurch City Council hereby resolves that the land held by the city in fee simple and described in the Schedule, be declared to be a recreation reserve for the purposes specified in Section 17 of the said Act.

**SCHEDULE**

- (i) 505m<sup>2</sup> being Lot 4 DP 149, CT18A/1014
- (ii) 505m<sup>2</sup> being Lot 5 DP 149 CT CB20F/16

The meeting concluded at 9.28am.

**CONSIDERED THIS 17TH DAY OF MARCH 2009**

**PHIL CLEARWATER  
CHAIRPERSON**

9. 4. 2009



**PROPOSED EASEMENT**

NATURE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Drain Water in Gross	A	Lot 2 DP 355974	Christchurch City Council

MALCOLM AVENUE

Areas and Dimensions Subject to Survey

A			
ISSUE	AMENDMENT	SIGNED	DATE

**PROPOSED EASEMENT**



**CHRISTCHURCH**  
CITY COUNCIL · YOUR PEOPLE · YOUR CITY

SURVEYED	
DRAWN	J Anderson
DATE	08/2008
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DRAWING NUMBER	500872-01
FILE REFERENCE	WBS 562/2076
PROJECT NUMBER	500872

ORIGINAL SHEET SIZE	A4	SCALES	1:400
SHEET		1 OF	



## Digital Title Plan - LT 413672

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**Survey Number** LT 413672  
**Surveyor Reference** 500872  
**Surveyor** Philip Lloyd Wood  
**Survey Firm** City Solutions - Christchurch City Council  
**Surveyor Declaration** I Philip Lloyd Wood, 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 2002/2;  
 (b) This dataset is accurate, and has been created in accordance with that Act and those Rules.  
 Declared on 31/10/2008.

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### Survey Details

**Dataset Description** Easement over Lot 2 DP 355974  
**Status** Approved as to Survey  
**Land District** Canterbury **Survey Class** Class I Cadastral Survey  
**Submitted Date** 31/10/2008 **Survey Approval Date** 04/11/2008  
**Deposit Date**

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### Territorial Authorities

Christchurch City

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### Comprised In

CT 228387

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### Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Marked A Deposited Plan 413672	Easement		
<b>Total Area</b>		0.0000 Ha	

## Schedule / Memorandum

Surveyor Reference: 500872

Address: 7A Malcolm Ave, Cashmere, Christchurch



Land Registration District

**Canterbury**

Plan Number

**DP 413672**

Territorial Authority (the Council)

**Christchurch City Council**

Schedule of Proposed Easements			
Purpose	Shown	Servient Tenement	Grantee
Right to drain water in gross	A	Lot 2 DP 355974 (CT 228387)	Christchurch City Council

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