


12. 3. 2009

**REPORT BY THE CHAIRPERSON OF THE
HAGLEY/FERRYMEAD COMMUNITY BOARD
19 FEBRUARY 2009**

The Board reports that:

PART A - REPORTS REQUIRING A COUNCIL DECISION

1. SOUTH HAGLEY PARK - EASEMENT FOR WESTERN INTERCEPTOR SEWER

 General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	John Allen, Policy and Leasing Administrator

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to grant to itself under the provisions of the Reserves Act 1977, a five metre wide easement of approximately 4,684 square metres over part of South Hagley Park, to enable the laying of the Western Interceptor Sewer Line through the Park from the end of St Asaph Street through to opposite the former end of Blenheim Road (refer **attached**).

EXECUTIVE SUMMARY

2. The Council has approved the Western Interceptor Sewer as part of the major sewer upgrading program, it being included in a number of LTCCPs to date. The Western Interceptor Sewer is being constructed from the Bass Street Pumping Station through to the junction of Blenheim Road and Dalgety Street. The purpose of the Western Interceptor is to provide extra capacity in the sewerage system to cope with the growth occurring in the south-west area of the city, and to reduce overflows into the Avon/Heathcote River catchments in accordance with the requirements of the Environment Canterbury consents for such events.
3. The Western Interceptor route adopted requires the pipe to be laid through South Hagley Park from the end of St Asaph Street through to opposite where Blenheim Road used to end. The onsite work is programmed to start in January 2010.
4. The Council, pursuant to section 48(1)(f) of the Reserves Act 1977 may under Section 48(6) of the Act grant unto itself an easement over the proposed alignment of the service to supply or drain water, (in this case the Western Interceptor Sewer), to or from any other land not forming part of the reserve that are to be located within a reserve.
5. It is not considered that the reserve is likely to be permanently altered or damaged, because the only visible changes will be a small number of manhole covers situated above the pipeline visible on the surface of the ground. These manhole covers will be located well off the sports-field areas. There will also be some vent-pipes located along the route through the park. At the time of writing the report, the project managers were discussing with Council staff, about replacing some of the lighting poles along an adjacent pathway with the required vent pipes, to which the lights would be re-attached, the Council being the owner of the poles. The pipe will be laid through the treed areas using trench-less construction at a depth of four to five metres, the cover ranging from 2.7 to 3.2 metres to ensure that there is no damage to the trees. This pipe cover has been approved by the Council arborists.
6. Consultation has however been carried out on the proposal through the Management/Master Plan Process for Hagley Park and the Botanic Gardens, (sections 41(5) and (6) of the Reserves Act 1977). Nineteen out of a total five hundred and ninety seven submitters responded to the advertisement of this project, all of these submitters bar one, (who just commented on the project), expressed support for the project. No submitters wished to be heard in support of their submission.

7. Officers are recommending the Board recommend to the Council that an easement be granted under section 48(1)(f) of the Reserves Act 1977 to the Council over approximately 4,684 square metres, (five metres wide) of South Hagley Park, a classified recreation reserve of 70.5070 hectares having a description of Rural Section 41182, on Survey Office Plan 15236, as shown on the attached plan labelled 51-27278 SK102, subject to a number of conditions.

FINANCIAL IMPLICATIONS

8. There are no further financial implications to the Council with granting the proposed easement, moneys being budgeted in the 2009/19 LTCCP, specifically \$5.850,000 in 2009, and \$10.481,933 in each of the next four year's budgets with which to undertake the project, this including the approval, survey and registration of the easement. The work through the park is programmed to be undertaken in the 2010, and 2011 years.

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

9. Yes.

LEGAL CONSIDERATIONS

10. South Hagley Park is a classified recreation reserve of 70.5070 hectares held under the Reserves Act 1977, having a description of Rural Section 41182, on Survey Office Plan 15236.
11. Where a reserve is vested in the Council under the Reserves Act 1977, the Council pursuant to section 48(1)(f) of the Reserves Act 1977 may in accordance with the requirements of section 48(6) grant unto itself an easement over the proposed alignment of the service to supply or drain water, (in this case the Western Interceptor Sewer), to or from any other land not forming part of the reserve that are to be located within a reserve.
12. Section 48 of the Reserves Act 1977 sets out the process to put in place a formal easement, this report covering the critical components of that process.
13. Where the reserve is likely to be materially altered, or permanently damaged, or the rights of the public are likely to be permanently affected, the Council is required to publicly advertise its intention to approve the easements over the reserve(s) in a newspaper which circulates in the area, giving the public one calendar month to make a submission or object to the Council's intentions, (section 48(2) of the Reserves Act 1977).
14. This advertising is not required if the reserve is not likely to be permanently altered, or damaged, (section 48(3) of the Reserves Act 1977). The only visible changes will be a small number of manhole covers situated above the pipeline visible on the surface of the ground. These will be located well off the sports-field areas. There will also be a number of vent-pipes located along the route through the park. At the time of writing the report, the project managers were in negotiation with Council officers about replacing some of the lighting poles along an adjacent pathway with the required vent pipes, to which the lights would be re-attached. The pipe will be laid through the treed areas using trench-less construction at a depth to ensure there is no damage to the trees. Officers consider that the exemptions' for public advertising as set out in section 48(3) are met.
15. Once the Council has resolved to grant the easement, the Minister of Conservation will be requested to formally endorse its consent to the granting of the easement.
16. The Board does not have delegated authority from the Council (8 November 2001) to make the decision on behalf of the Council whether to grant the easement or not, where the granting of the easement is considered to have an influence on the park that is considered more than local, and is of a metropolitan significance. Officers deem that the granting of the easements through South Hagley Park to be of metropolitan significance. This report is therefore being placed before the Board to enable a recommendation to be made to the Council.
17. The 2008 Hagley Park Management/Master Plan for the Western Interceptor Sewer states:
 - (a) *"Require minimisation of adverse development effects by:*
 - Adopting a high standard of site maintenance.

- Careful management of under waterway crossings.
- Ensuring minimal impact on tree roots.

Construction techniques are being used to ensure these requirements are met.

(b) Under policy 31.7:

"Easements shall be negotiated for all new and additional utility services through Hagley Park".

The proposed easement needs to be put in place to comply with the Hagley Park Management/ Master Plan requirements therefore.

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

18. Yes – see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. Activity 11.0: Wastewater Collection

What services are provided?

Collecting wastewater from properties by maintaining and operating a network of underground pipes and pumping stations, that conveys wastewater to the wastewater treatment plants.

Why do we provide these services?

To protect public health, meet environmental standards and meet the requirements of the following:

- The Local Government Act 2002
- The Local Government (Rating) Act 2002
- The Resource Management Act 1995
- The Health Act 1956
- CCC Trade Waste Bylaw 2006

Provide reliable and efficient wastewater collection services that:

- protect public health
- are environmentally sustainable
- are culturally acceptable
- meet the needs of present and future generations

A City of People who Value and Protect the Natural Environment
A Healthy City

Key Community Outcomes Council's Strategic Directions

Key customers:

Christchurch residents, visitors to Christchurch, ratepayers' properties, commercial and industrial businesses, developers,
Selwyn District Council.

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

20. Yes – see above.

ALIGNMENT WITH STRATEGIES

21. To provide extra capacity in the sewerage system to cope with the growth in the south-west area of the city and to reduce overflows into the Avon Heathcote River catchments in accordance with the requirements of the Environment Canterbury consents for such events.

Do the recommendations align with the Council's strategies?

22. Yes – see above.

CONSULTATION FULFILMENT

23. As part of the process of formulating the management/master plans for Hagley Park and the Botanic Gardens, the proposed western interceptor sewer across South Hagley Park was advertised for comment. Nineteen out of a total 597 submitters responded to the advertisement of this project, all of these bar one, who just commented on the project, expressed support for the project. No submitters wished to be heard in support of their submission. Therefore although legally not required, the project/easement has been publicly advertised through the management/master plan process in accordance with the Reserves Act 1977 management plan formulation requirements (section 41).

STAFF RECOMMENDATION

That the Council resolves:

- (a) To grant the Christchurch City Council an easement under section 48(1)(f) in accordance with the requirements of section 48(6) of the Reserves Act 1977, over approximately 4,684 square metres, (five metres wide) of part of South Hagley Park, being a classified recreation reserve, contained in Part Rural Section 41182, on Survey Office Plan 15236, as shown on plan 51-27278 SK 102 subject to the following conditions:
- (i) The consent of the Minister of Conservation to the granting of the easement.
 - (ii) The reinstatement of the ground being completed in a tradesman like manner to professional turf standards, this requirement being included in the contract documents being prepared for the contract, and the bond release requirements.
 - (iii) The easement being defined by survey after the Western Interceptor Sewer Line is laid, and registered on the title for South Hagley Park.

BOARD CONSIDERATION

The Board was advised of a correction to the easement size, and the report and staff recommendation amended to reflect the correct size, 4,684 square meters, of the easement.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

ATTACHMENT TO CLAUSE 1

