

<b>Officer responsible</b> Parks Manager	<b>Author</b> John Allen, Team Leader Consents
Corporate Plan Output: Fence, Sub Output – Leases (9.4.8)	

The purpose of this report is to propose the classification of part of Grampian Street Reserve to enable the sinking of a new well, and associated headworks. It will also be necessary to grant an easement from the proposed well site across the reserve to the Grampian Street pumping station, which is situated on the front portion of 62 Grampian Street, for the pipe to carry water to the pumping station. Legal road frontage will be provided to the proposed local purpose reserve by way of a right of way easement from Cavendish Road.

There is a need to classify the three titles of land that were vested as recreation reserve upon subdivision i.e. PT Reserve 4850 being Lot 35 DP 18581 of 0.2711 hectares, PT Reserve 4886 being Lot 8 DP 19065 of 0.4520 hectares, 0.0220 hectares of this title being classified as Local Purpose Reserve, and Reserve 5086 being Lot 3 DP 20806 of 0.1348 hectares.

#### **THE APPLICATION**

The Water Services Unit requires an additional well at the Grampian Street Pumping Station, to ensure that there is sufficient capacity at the pumping station to keep up with the increased water requirement for the area, resulting from further subdivision.

The sinking of a further well on the present site, which already has four wells on it, would severely affect the performance of the existing and proposed well, the reason being the close proximity of all the wells. To maximise the performance of any new well, a separation distance of approximately 100 metres is required from the existing wells. The proposed site for the new well head is in Grampian Street Reserve, behind the property at 77 Cavendish Road. The location of a well head in this location will have minimal effect on the recreation potential of the reserve, now and in the future, whilst providing the separation distance required between the new and existing wells. The concrete well head which will be 2 metres in diameter will be constructed flush with the ground surface, thereby having minimum impact on the reserve.

#### **LEGAL ISSUES**

The part of the reserve in which it is proposed to site the new well is Part Reserve 4886, (Lot 8 DP 19065), being an area of 4,740 square metres. This reserve is vested as a recreational reserve (Gazette 57/1120) but as yet is not classified. It is not possible to locate a well on a recreational reserve, and therefore part of this part of the reserve will need to be classified “local purpose reserve (public utility)”.

Officers are of the opinion that an easement should be created from the proposed local purpose reserve across the two parcels of land (Part Reserve 4886 and Part Reserve 4850) which are to be classified as Recreation Reserve and are situated between the proposed local purpose reserve and the pumping station at 62 Grampian Street. This will enable the pipeline to be put in place between the well head and the pumping station. The reason for this opinion is that should the Council wish, or be required by Government legislation, to corporatise or divest its control of the Water Services Unit, the undertaking of the above legal work will enable these facilities to be transferred to the new corporate body with the proper easements in place.

The Council will need to provide legal road frontage to the proposed local purpose reserve from Cavendish Road. This will be done by the provision of a right of way easement from Cavendish Road across the two parcels of land, (Reserve 5086, and Part Reserve 4886) to the proposed local purpose reserve. The right of way will be created on a SO Plan by Gazette notice, which means that the right of way does not have to be formed, thereby ensuring the reserve stays in its present state. Access will be required to the sink well and construct the well head. However, once completed, vehicle access to the well head will only be required occasionally.

## **DISCUSSION**

### **(a) Easements**

The proposed local purpose reserve (public utility) will be 220 square metres in area situated behind 77 Cavendish Road), as shown on the attached scheme plan. The easement across the two adjacent parcels of land which make up part of the recreational reserve will be 1 metre wide by 111 metres in length, a total of 111 square metres. All costs incurred in the classification of part of the existing reserve, local purpose (utility) reserve, and the creation of the easement, will be paid for by the applicant (Water Services Unit). The Council can grant itself an easement under Section 48(1)(e) of the Reserves Act 1977.

Subsection 3 of Section 48 of the 1977 Act outlines the cases in which public advertising of the intention to create the easement is not required, (see this section reproduced in italics below), this proposed easement falling within this category.

- (3) *Subsection (2) of this section shall not apply in any case where..*
- (a) *The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and*
  - (b) *The rights of the public in respect of the reserve are not likely to be permanently affected by the establishment and lawful exercise of the right of way or other easement.*

### **(b) Reserve - Proposed Classification**

The Council by resolution is able to classify Pt Reserve 4850, 4886 and Reserve 5086 recreation reserve because of the authority granted to Council by Section 16, 2A (a) of the Reserves Act 1977 which states:

*Notwithstanding subsection (1) of this section, where any reserve was ..  
(a) Vested in a local authority which did not derive its title to the land from the Crown; and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose, as defined in sections 17 to 23 of this Act.*

No public notice is required because the reserve complies with Section 16(5)(a) of the Reserves Act 1977.

- Recommendation:**
1. That the Council resolve, pursuant to Section 16 of the Reserves Act 1977, to classify as local purpose reserve (public utility) part Reserve 4886 comprised in Certificate of Title, Volume 655, Folio 18 (220 square metres), as shown on the attached plan.
  2. That the Council resolve, pursuant to Section 16 of the Reserves Act 1977, to classify as recreation reserve part of Reserve 4886 Lot 8 DP 19065 (4520 square metres), part of Reserve 4850 Lot 35 DP 18581 (2711 square metres) and Reserve 5086 Lot 3 DP 20806 (1348 square metres), the first 2 titles being contained in Part Rural Section 799 Certificate of Title, Volume 665, folio 18, the last title being contained in Part Rural Section 299 Certificate of Title, Volume 787, folio 65.
  3. That the Council resolve, pursuant to Section 48 of the Reserves Act 1977, to grant:
    - (i) A 1 metre wide easement for the conveyance of water and associated services comprising 111 m<sup>2</sup> over Part Reserve 4886 and Part Reserve 4850, as shown on the attached plan.
    - (ii) An 8 metre wide unformed right of way easement comprising 169 square metres over Reserve 5086 and Part Reserve 4886, as shown on the attached plan.
  4. That the Council approve the proposal to site a well in Grampian Street Reserve behind No. 77 Cavendish Road, and associated pipeline to the pumping station situated at 62 Grampian Street, subject to the following conditions:
    - (a) The Water Services Unit obtaining all necessary resource and building consents before any development commences on the site.
    - (b) All costs associated with the re-classification of the reserve, granting of the easement, development, and subsequent maintenance of associated building and structures on the site being paid for by the Water Services Unit.

- (c) The contractor undertaking the work showing proof of having obtained \$1,000,000 public liability to the Area Parks Officer (Consents).
- (d) A bond of \$2,000 being paid by the successful principal contractor to the Christchurch City Council, Area Parks Officer, Fendalton Service Centre, before work commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee on the completion of the work.
- (e) Compliance with the provisions of the Reserves Act 1977 with respect to the classification of reserves.

The Shirley/Papanui Community Board considered the above report at its 24 November meeting. The Board supported the staff recommendation subject to the approval to site a further well on the reserve being also conditional upon:

- 9. Any drilling being restricted to the hours of 8.00am to 4.00pm Monday to Saturday, with none to be undertaken on Sundays.

**Chairman's**

**Recommendation:** That the above recommendation be adopted.