18. BERWICK STREET ACCESS

RR 10205

Officer responsible City Streets Manager	**Authors** Mike Calvert
Corporate Plan Output: Transport Planning	

The purpose of this report to the Committee on a request for access to Berwick Street across a link strip owned by the Council.

BACKGROUND

In 1980 Berwick Street was realigned and extended to provide a high quality minor arterial link connecting the Shirley Road/Warrington Street route with Cranford Street. The link was constructed by the Christchurch City Council on land which was owned by Transit NZ initially for the purpose of constructing the Northern Arterial. The road and the adjacent land remained in the ownership of Transit NZ until January of this year at which time the Berwick Street extension was legalised as road and the adjacent land was subdivided by Transit NZ and sold off as residential sites.

When the various land holdings were subdivided a link strip was formed along each side of the road, with a crossing point required by Transit NZ on the southern side of Berwick Street to provide access to residential lots.

The formation of link strips along new lengths of road is common practice to restrict property access and/or the provision of services to adjacent land holdings. There are a variety of reasons for implementing link strips, but they are normally formed to increase the safety of the new road, or in recognition of the increase in value to the adjacent land. In the latter case the value added would normally be due to the ability to subdivide, or otherwise develop, the land more fully than before the road was formed.

ACCESS TO BERWICK STREET

Since the construction of the Berwick Street extension a number of requests have been received from Mr Yefim Sirotken for access from the rear of his property at 47 Forfar Street to this new road (refer plan attached). The requests were turned down by Transit NZ, who were the land owners at the time, because Mr Sirotken did not have legal frontage to Berwick Street and the desire of Transit NZ and the Christchurch City Council to minimise access to this road for safety reasons.

When the surplus land was disposed of by Transit NZ a triangle of land to the rear of Mr Sirotken's property was put out to tender by Terralink (refer attachment). The tender documents clearly stated at this time that access to and from Berwick Street was not permitted for traffic safety reasons. Mr Sirotken successfully tendered for the triangle of land to the rear of his property (refer attachment), with the low tender price reflecting the fact that no access was permitted to Berwick Street and therefore the property was less attractive for future subdivision.

The Legal Services Manager has stated that any decision to grant a right of way across the link from Mr Sirotkin's property to Berwick Street must be made by the Council itself, as no standing committee or officers have any delegated power as to whether or not vehicle access should be granted. It was therefore recommended a report be presented to the City Services Committee to make a recommendation to Council.

DISCUSSION

The requests for access to Berwick Street by Mr Sirotkin have consistently been turned down by both Transit New Zealand and the Christchurch City Council to minimise access onto this section of road for safety reasons. Transit New Zealand required access to service the surplus property on the south side of the road which does not have any alternative legal frontage and one access point was provided for a right of way to serve all their land. Access was again minimised to protect the safety of this portion of road.

Vehicle access to the rear of Mr Sirotkin's land is currently not available due to the siting of his house on the front of the property. If access to Berwick Street were to be granted to Mr Sirotkin it would provide him, or future owners, with the opportunity to sub-divide the property. It is common practice for the Council if it grants a right of way across its land to obtain a valuation as to the value of that grant and require payment by the adjoining landowner to the Council for the right to be granted. In the case of Mr Sirotkin he has also signed a legal agreement with Transit New Zealand agreeing not to have legal access to the road from the land purchased. Therefore if the Council is of a mind to grant access to the road across the link strip he will also need to obtain the agreement of Transit New Zealand to an access.

CONCLUSION

Access to the Berwick Street extension has been restricted through the imposition of link strips along each side of the road for safety reasons. Mr Sirotkin, who owns the property at 47 Forfar Street is seeking to obtain access across the land owned by the Council to provide access to the rear portion of his section. He would also need to obtain the agreement of Transit New Zealand as one of the conditions of tender when he purchased land from them was that no access shall be permitted from the land to Berwick Street. Should the Council be of a mind to grant access across the link strip the increased value of Mr Sirotkin's property, due to its ability to now be subdivided, should be reflected in the amount charged for the right of way.

Recommendation: That the Council deny access across the link strip on Berwick Street.

Chairman's Recommendation: That the above recommendation be adopted.