

8. BEVERLEY PARK – VEHICLE ACCESS EASEMENT

Officer responsible Anne Greenup, Parks & Waterways Manager	Author John Allen, DDI 941-8699
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The purpose of this report is to enable the Community Board to consider an application received from Ms T Harvey and Mr J Nicholls, who own the property situated at 36 Gilby Street, adjacent to Beverley Park, for an easement in their favour across part of Beverley Park from Te Orewai Place.

CONTEXT OF REPORT

The Council, at its meeting of 12 December 2001, delegated the powers of Council to Community Boards concerning the granting of rights of way and other easements across reserves pursuant to Section 48 of the Reserves Act 1977, excluding locations for cell phone sites.

DESCRIPTION OF THE PROPOSAL

This section of the report is to be read in conjunction with the attached plan on which the outline of the proposed subdivision of the Harvey / Nicholls property (Lot 2 DP 9981 of 776 m²) is shown. This property is situated in the Living 3 Zone as shown on The Christchurch City Plan. The applicants propose to subdivide their present section into two lots, the front lot having an area of approximately 350 m² with access onto Gilby Street, and will contain the existing dwelling. The back lot will have a site area of approximately 423 m² upon which the applicants intend to build a new dwelling. The applicants are proposing to access this back property off Te Orewai Place.

As part of the proposed subdivision the applicants intend to shift the present driveway accessing the front section from Gilby Street from its present location on the north side of the section to the south side, thereby ensuring that the driveway meets the current legal distance requirements from the intersection as required in the City Plan. This will add to the safety of the street / driveway layout at this intersection.

The applicants intend to subdivide off a small portion of the northwest corner of their existing property (1.6 square metres), as part of their reserve contribution levy and have it added to Beverley Park. The Council will be able to plant this corner with low shrubs, which will ensure that pedestrians exiting from Beverley Park have a better sight of traffic moving through the intersection, than at present.

The easement required for the driveway across the reserve is approximately 9m², being located opposite the driveway into 52 and 58 Avonside Drive, these properties only having vehicle access off Te Orewai Place. The location of the driveway in this location will not affect any of the present gardens, or structures in the Beverley Park. The applicants have indicated on their plan that the division of their present property will enable vehicles to drive out front-wards on to Te Orewai Place, ensuring good visibility of pedestrians using the footpath into Beverley Park, this footpath going through to Stanmore Road. The applicants have also indicated that they propose to remove the top half of their present northern boundary fence, replacing the majority of it with a see-through lattice type fence of the same construction as the fence on their eastern boundary with the park, to ensure that site lines from the footpath to vehicles exiting the driveway on to Te Orewai Terrace are maximised, and to assist both drivers, and pedestrians to obtain better views through the intersection of Gilby Street and Te Orewai Place (see attached sketch plan).

ISSUES FOR CONSIDERATION

The applicants do have existing driveway access rights for the proposed 2 lots upon subdivision of their property, from their existing driveway. The applicants however would prefer to subdivide their property in the manner outlined above, thereby ensuring that both sections are completely separate, whilst also increasing the safety of pedestrians and drivers using the Gilby Street / Te Orewai Terrace intersection.

The author of this report and the traffic engineer for the Hagley Ferry mead Community Board have discussed this application in detail. Officers are jointly of the view that by approving this application the safety of both pedestrians and vehicles is enhanced at the Te Orewai Place, Gilby Street intersection. The casual surveillance of activities occurring in Beverley Park by adjacent residents living in these properties will be enhanced, this being a feature of the Safer City Design Policy adopted by the Council.

CONSULTATION

Ms T Harvey has addressed the Englefield Residents Association Incorporated outlining her proposal to them. A letter of support has been received from the Association (copy included for Board members information).

CONCLUSION

Officers support the application subject to the conditions outlined below.

- 1 Public notification.
- 2 Approval by the Minister of Conservation.
- 3 The area covered by the easement is to be available for public use at all times.
- 4 Ms T Harvey and Mr J Nicholls are to obtain all necessary Resource and Building Consents before any development commences upon the site.
- 5 The easement terms being negotiated by the Property Manager in consultation with the Parks & Waterways Policy & Leasing Administrator.
6. The easement/construction area being maintained by Ms T Harvey and Mr J Nicholls in a safe and tidy condition at all times.
7. All costs associated with the development, and subsequent maintenance of the driveway within the easement, are to be paid for by the owners of the section the driveway services.
8. Before any tenders are let or work commences upon the site, discussions are to be held with the Parks & Waterways Manager's designate, the Parks & Waterways Area Advocate – Linwood Service Centre to ascertain the Council's requirements through the development phase of the construction of the facility.
9. A bond of \$1000 is to be paid by Ms T Harvey and Mr J Nicholls or successful principal contractor to the Christchurch City Council – Parks & Waterways Area Advocate - Linwood Service Centre before work commences upon the site. The bond less any expenses incurred by the Council will be refunded to the payee upon the completion of the work.
10. A compensation payment, which is decided by independent valuation, is to be made to the Council for the granting of the easement. The payment details are to be agreed before work commences upon the site.
11. That Ms T Harvey and Mr J Nicholls give approximately 1.62 square metres off the northwest corner of their present property as part of their reserve contribution to add to Beverley Park as offered.
12. That the subdivision of their property (Lot 2 DP9981) proceed as shown in the attached plan, thereby enabling cars to drive out forwards across Beverley Park onto Te Orewai Place.
13. That Ms T Harvey and Mr J Nicholls undertake the replacement of the top half of their northern boundary fence between their property and Beverley Park with a lattice work type of fence to enable better casual surveillance of the park from their property, as shown in the attached sketch at their cost.
14. That Ms T Harvey, and Mr J Nicholls be responsible for restoring the cut-down in the kerb, and adjacent footpath for their present driveway to its original full height, at their expense.

NATURAL + PEOPLE + ECONOMIC STEP ASSESSMENT

#	CONDITION:	Meets condition ✓✓0*	HOW IT HELPS MEET CONDITION:
The Natural Step			
N1	Reduce non-renewable resource use	✓	Potentially allows double the number of people to live upon the same area of land
N2	Eliminate emission of harmful substances	0	
N3	Protect and restore biodiversity and ecosystems	0	
N4	People needs met fairly and efficiently	NA	NA - See People Step + Economic Step
The People Step			
P1	Basic needs met	✓	Increases the safety of people using area
P2	Full potential developed	✓	Increases the number of people living close to the city centre
P3	Social capital enhanced	✓	Increases the casual surveillance of people using the area
P4	Culture and identity protected	0	
P5	Governance and participatory democracy strengthened	0	
The Economic Step			
E1	Effective and efficient use of all resources	✓	Increases the number of people living upon a finite area of land
E2	Job rich local economy	0	
E3	Financial sustainability	NA	

Staff

Recommendation: That the Board resolve to grant a registered easement over approximately 9 square metres of Beverley Park to Ms T Harvey and Mr J Nicholls, in favour of the back lot of the subdivided Lot 2 DP9981 to Te Orewai Place upon which to construct a driveway pursuant to section 48 of the Reserves Act 1977, subject to conditions 1 to 13 outlined above.

Chairman's

Recommendation: Following the deputation from Ms Harvey to the June Board meeting, that the recommendation be adopted.