

6. FIFIELD TERRACE – ACCESS TO NOVALIS HOUSE

Officer responsible Greenspace Manager	Author John Allen, Policy & Leasing Administrator, DDI 941-8699
--------------------------------------------------	---------------------------------------------------------------------------

The purpose of this report is to ask the Board to consider an application from Novalis House, a medical practice situated at the end of Fifield Terrace, for an enlarged easement over adjacent Council land on which to construct a right-of-way in favour of their property. The reason for this application is to enable the owners of Novalis House to service an expanded medical practice, as a result of two smaller medical practices in the community combining. Part of the proposed easement will be over the present right-of-way easement Council has granted in favour of Christchurch Rudolf Steiner School.

CONTEXT OF THE REPORT

The Facilities Asset Manager has delegated authority to approve the granting of an easement on Council fee simple land. Because of previous interest in easements being granted over this land, the Facilities Asset Manager has deferred this decision to the Board to make, not being aware of the issues raised in the community previously. The Board is therefore operating in its capacity as Council.

BACKGROUND

The Council resolved in June 1992 to grant a right-of-way easement in favour of Christchurch Rudolf Steiner School over part of Lot 2 DP 45673 which has an area of 1041 square metres, contained in Certificate of Title 24B/230, and Lot 3 DP 45673 which has an area of 3249 square metres, contained in Certificate of Title 24B/231, both lots being held in fee simple by the Council. The area of the easement is approximately 608 square metres. The formed driveway over the easement is now in place, having been constructed by the School at their expense as per the Council resolution. Recent investigations have revealed that the legalisation of the easement has not been completed.

PROPOSED EASEMENT

The owners of the medical practice which operates out of Novalis House are presently investigating expanding the practice. The proposal is to use the present building on their site to house therapists, and constructing a new building further into their property east of Novalis House to accommodate the doctors, nurses, and support staff (see Appendix 1, which is the "Preliminary Location Plan").

It is proposed that all traffic to and from the medical centre enter via the proposed easement. The reason the application has been made is to enable a better lay out of the medical practice buildings on-site to occur (see Appendix 2, drawing number 7890-02B, which shows the proposed easements over Lot 1 and 2 DP 45673 in favour of Lot 1 DP 45101 [Christchurch Rudolf Steiner School] and Lot 2 DP 70024 [Novalis House Medical Practice]). It is proposed that both Lot 1 DP 45101 (School) and Lot 2 DP 70024 (Medical Practice) have equal rights over all of A and B as shown in the drawing.

It is intended to locate the proposed right-of-way easement to utilise the existing formation to Rudolf Steiner School and the existing kerb and channel on the western side of the formation. The applicants have proposed a six metre wide easement for the first part of the proposed easement through to the boundary of Lot 2 DP 70024 (Medical Practice), and Lot 1 DP 45101 (School). The applicants have indicated that they do not intend access to extend right along the boundary, but that they have not fully finalised the location of the accesses into their property. They indicate that when detailed design is undertaken there may be two access points onto the right-of-way easement, so that a separate entry and exit can facilitate better on-site traffic movement. The applicants have agreed to a condition being placed upon the granting of the easement that access to the right-of-way be limited to not more than two separate access points of six metres in width each, or a single entry/exit point of not more than eight metres in width. The proposed easement will be approximately 650 metres in area.

MEDICAL CENTRE OPERATIONS

The medical centre will be open during the following hours:

Monday to Friday	8:30am to 7:30pm
Saturday	9:00am to 1:00pm

There will also be regular (probably fortnightly) internal staff meetings and very occasional weekend and evening meetings open to the public or to invited groups (doctors' seminars and similar).

It is envisaged that after the two practices combine there will be approximately 2.2 doctors, 2.2 nurses, 10 therapists and three support staff. On average the doctors will see 25 patients each per day, the therapists five patients each per day, and the nurses two patients each per day, their primary role being to support the doctors. Based upon the above analysis, it can be expected that approximately 110 patients will visit the medical centre per day. When added to staff numbers, this will total an average of approximately 128 vehicles coming and going from the medical centre daily, or approximately 12 vehicles per hour.

A letter has been received from the Christchurch Rudolf Steiner School Trust (Appendix 3) in which they state the Trust has no objection to Novalis House having access over the present access strip, or to the widening of the present 3.5 metres right-of-way to a width which will allow for two-way traffic flow. This approval has been given subject to Novalis House being responsible for the construction costs, and Novalis House entering into an agreement with the School over individual responsibilities for the joint maintenance of the formed right-of-way.

ISSUES

The creation of the enlarged right-of-way easement should be seen in context with the other Council land holding in the area. A narrower unformed portion of Fifield Terrace runs parallel adjacent to the Heathcote River, on the inside of which is the Council-owned fee simple Lots 2 and 3 DP 45673. The proposed right-of-way will be located on the private property side of Lot 3 DP 45673. A pedestrian/cycleway is also located in the same Lot on the riverside of the proposed easement, being well separated from the proposed right-of-way.

Concern has been expressed in the past about cars driving from the right-of-way onto the cycleway, and into Hansen Park. One of the conditions adopted by the Spreydon Heathcote Community Board in April 1992 was that "A lockable swinging arm barrier at the entrance to the driveway" be installed. At that time this requirement was included in the School's landscape plan by the landscape architect. It has been noted recently that there is no barrier arm at the entrance to the driveway, making vehicle access to the reserve possible. This oversight has been taken up with the School. If the Council approves the wider proposed right-of-way easement, the author of the report believes that it will be necessary, because of the longer hours the easement will be used, to construct a post and wire fence along the back of the present kerb to ensure that cars cannot enter the park. This requirement will be made a condition of granting the easement.

A one-off compensation payment will be payable by the applicants to the Council, as decided by independent valuation in accordance with normal commercial practice. This payment is in addition to the costs incurred by Council in processing this application.

CONCLUSION

The proposed enlarged easement is 42 square metres more than that already approved. Although there will be a significant increase in traffic movements down the easement, Christchurch Rudolf Steiner School Trust has consented to sharing this easement with the Novalis House Medical Practice. Access to Hansen Park from the end of Fifield Terrace is by a pedestrian/cycleway, which is amply separated from the proposed right-of-way-easement. Officers of the Greenspace Unit are therefore recommending in favour of the easement being granted, subject to the following conditions:

1. The area set aside for the easement being available for public use at all times.
2. The easement terms being negotiated by the Facilities Asset Manager in consultation with the Greenspace Policy & Leasing Administrator.
3. The easement construction site being kept in a safe and tidy condition by Novalis House Medical Centre or their contractors at all times.
4. All costs associated with granting the easement, and development of the right-of-way, are to be paid by Novalis House Medical Centre.
5. A bond of \$2,000 is to be paid by Novalis House Medical Centre to the Christchurch City Council via the Greenspace Area Advocate at the Beckenham Service Centre before work commences upon the site. The bond less any expenses incurred by Council will be refunded to the payee upon completion of the work.
6. A one-off compensation payment, as decided by independent valuation, is to be made to the Council for the granting of the easement by Novalis House Medical Centre. The payment details are to be agreed before work commences upon the site.

7. Novalis House Medical Centre is to enter into discussions with the Christchurch Rudolf Steiner School Trust to arrange a formal agreement between both parties about the on-going maintenance of the right-of-way easement. A copy of this agreement is to be forwarded to the Greenspace Policy & Leasing Administrator within three months of the right-of-way being built.
8. The applicant is to send to the Greenspace Policy & Leasing Administrator a survey plan of the easement as built for registration with Lands & Deeds, within three months of the completion of construction of the right-of-way.
9. Novalis House Medical Centre, in association with Christchurch Rudolf Steiner School Trust (in lieu of providing the barrier arm), is to be responsible for the installation of a post and cable fence to Council specifications along the river side of the easement.
10. Novalis House Medical Centre is to submit a plan to the Greenspace Manager or her designate for approval showing the final lay out of the site, on which are shown two entrances to the proposed easement, each being no more than 6 metres in width, or one entrance no more than 8 metres in width.

Staff

Recommendation: That the Board approve the granting of a joint right of way easement of approximately 650 square metres over Lots 1 and 2 DP 45101 in favour of Lot 2 DP 70024 (Novalis House Medical Centre) and Lot 1 DP 45101 (Christchurch Rudolf Steiner School) subject to conditions 1 to 10 above.

Chairperson's

Recommendation: I support the staff recommendation.