

3. DISRAELI RESERVE EASEMENT – PROPOSED NEW STORM WATER FIRST FLUSH POND

General Manager responsible:	General Manager City Environment
Officer responsible:	Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to the granting of an easement over Disraeli Reserve, a Recreation Reserve situated at the corner of Disraeli Street and Selwyn Street, to enable development of a storm-water first flush retention pond.

EXECUTIVE SUMMARY

2. The Greenspace Unit has received a sponsorship offer from City Care Limited to redevelop the landscaping of Disraeli Reserve, while the Council will construct a storm-water first flush detention pond as part of this development.
3. This pond will improve storm-water quality and reduce local flooding downstream by enabling the temporary storage of storm-water during periods of heavy rainfall.
4. Storm-water quality is improved by allowing some of the suspended particles to settle out during the storage time and to a smaller extent by some filtering where the plants in the basin process some of the storm-water pollutants.
5. The storm-water that passes through the pond will eventually mostly discharge into the Avon River opposite the Antigua Boatsheds.
6. This project was advertised in The Press and the plan was also distributed for public consultation within the local area as required by the Reserves Act 1977.
7. Consultation Results:
 - One submission did not support the creation of the easement
 - Two submissions did not support the landscape plan
 - 47 submissions received
 - 44 supported the new landscape proposal including the easement.
8. The submitter opposing the easement believed that the issue regarding the flooding was a result of neglected maintenance of the existing storm-water system.
9. After speaking with submitters, clarifying the process, and discussing their concerns, all submitters have formally indicated they do not wish to be heard in support of their submission.
10. Officers have amended the concept plan (see attached) to address several concerns raised by submitters.

FINANCIAL AND LEGAL CONSIDERATIONS

11. Disraeli Reserve is held as Recreation Reserve under the Reserves Act 1977. (NZ Gazette 2002 3058). Part 1 of Section 48 of the Reserves Act 1977 allows for the granting of rights-of-way and other easements across reserves. Part 2 of this Section requires that before granting an easement, the Council publicly advertises its intention to grant an easement where the proposed easement is likely to *“materially alter or permanently damage the reserve, and the rights of the public are likely to be permanently affected”*. The proposal to establish a storm-water retention pond on the reserve is, therefore, subject to the above provisions.
12. The costs for the easement will be met by the Greenspace Unit Capital Works Programme, Waterways and Wetlands Asset Improvements in 2005/06.
13. The Board has delegated authority from the Council (8 November 2001) to make the decision whether to grant the easement or not.
14. The area of the first flush pond will be 730m² located on Disraeli Reserve, a recreation reserve subject to the Reserves Act 1977. A plan detailing the easement is attached.

STAFF RECOMMENDATIONS

It is recommended that the Board agree to grant a registered easement unto itself, as provided for in Section 48 (6) of the Reserves Act 1977, over approximately 730m² of Disraeli Reserve, a Recreation Reserve, contained in Section 1-5 of SO308525, CT 52100 as shown in the attached plan, subject to the following conditions being complied with:

- (a) The approval of the Minister of Conservation first being obtained.
- (b) Before City Care Limited commences on site, the applicant is to be responsible for locating all the existing services that are located within the reserve, and ensure they are not damaged by the contractor(s).
- (c) The easement construction area being maintained by the applicant and/or their contractor(s) in a safe and tidy condition at all times.
- (d) An easement plan being prepared as built for registration with Land Information New Zealand.

CHAIRPERSON'S RECOMMENDATION

That the officer's recommendations be supported.