

**8. PROPOSAL BY THE CITY WATER AND WASTE UNIT TO OBTAIN AN EASEMENT OVER LOT 72 DP 312984 RECREATIONAL RESERVE AT 8A OASIS GROVE IN WHICH TO EXTEND AN EXISTING 225MM SEWER MAIN TO COMPLEMENT THE EXISTING SEWER NETWORK IN THE AREA**

<b>General Manager responsible:</b>	General Manager City Environment
<b>Officer responsible:</b>	Greenspace Manager
<b>Author:</b>	Tony Hallams, Policy and Leasing Officer, DDI 941-8320

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend to the Board to support an easement in gross, over Lot 72, DP 312984, part of Oasis Grove, in which City Water and Waste will authorise the laying of a future extension to the existing 225mm diameter sewer main to the Limes Subdivision.
2. A sewage pumping station (PS 49) currently serves the Limes subdivision and surrounding catchment. It has been designed to accommodate future development in the area. Currently, there is no legal linkage to connect these lots to PS 49.
3. The site at 8A Oasis Grove is part of the Snellings Drain Stormwater Upgrade Program, and the Council intends major earthworks for the site. The Council's City Water and Waste Unit consider it is important that any future sewer does not constrain these earthworks, although officers from the Greenspace Unit have noted that the sewer should be accommodated if the pipe was not laid until after the earthworks operations have been carried out. The City Water and Waste Unit has indicated the design and construction of the future sewer extension shall be undertaken in conjunction with the Greenspace Unit.
4. The Snellings Drain, which straddles the site, is intended to be upgraded in the period 2005/06.

**SUMMARY**

5. The City Water and Waste Unit require an easement to provide an effective sewer service as an outfall for a possible development on the area of land west of the reserve.

**FINANCIAL AND LEGAL CONSIDERATIONS**

6. The Board has the delegated authority from Council (8 November 2001) to make the decision on behalf of Council whether to grant the easement or not. This decision can be made by a subcommittee of Council in terms of the Reserves Act 1977 requirements.
7. The parcel of land at 8A Oasis Grove is a recreational reserve subject to the Reserves Act 1977. As part of the reserve contribution process, the lot was vested as reserve in Council at the time of constructing the Limes subdivision. The Council is seeking an easement over the lot to allow a sewer main to be installed as part of future development in the area. Council officers are of the view that the proposed easement route will have little impact on the reserve.
8. 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 the easement that the Council publicly advertised its intention to grant the easement. Part 3 of this section allows these advertising provisions to be dispensed with, if the proposed easement is not likely to "*materially alter or permanently damage the reserve, and the rights of the public are not likely to be permanently affected*". It is considered that both these tests will be satisfied, because no structures will be built above the ground, and therefore the rights of the public will not be affected by the proposal. Public advertising will therefore not be required, although the consent of the Department of Conservation will be required.
9. The City Water and Waste Unit shall pay all costs associated with the establishment of the easement, which will include Council officer's time spent preparing reports, attending council meetings, preparing legal documentation, together with the fees of outside agencies required to complete the process, which will include the Minister of Conservation's approval fee.
10. Survey plans of the easement shall be provided within three months of granting of the easement, so the easement can be registered as required by the Reserves Act 1977.

## **STAFF RECOMMENDATION**

It is recommended that the Board resolve that the City Water and Waste Unit (Christchurch City Council) is granted a registered easement as provided for in Section 48(6) of the Reserves Act 1977 over approximately 55m<sup>2</sup> (the easement being approximately 2m wide by 55m long), of Lot 72 DP 312984, as shown in the attachment, subject to the following conditions:

1. That the City Water and Waste Project Team Leader ensures that any contractors carrying out works on Council reserves carry and produce evidence of having adequate public liability insurance with a minimum of \$1,000,000 cover.
2. A bond of \$2,000 to be lodged by the contractor with the Policy and Leasing Officer, Greenspace Unit, prior to works being carried out on the reserve. The bond will be returned to the contractor at the end of the contract period less any costs incurred by the Council to re-instate minor works.
3. That the contractor is required to ensure any work on the reserve is physically separated from any adjoining property owner.
4. Any excavated material may be temporarily stockpiled in an appropriate area of the reserve that does not effect the existing vegetation or ecosystem. All excavated material after the completion of works must be removed off the reserve.
5. The contractor to locate any above and underground services (eg, electricity, water, telephonic, stormwater and sewage lines) on the reserve and protect from damage.
6. Any works that are undertaken at the site are to take account of any engineering design requirements of the Snellings Drain Stormwater Upgrade Programme, and to this end, the City Water and Waste Project Team Leader is to provide suitable plans, in conjunction with the Greenspace Styx Project Leader and Regional Parks Team Manager to take into account the heritage and ecological values for the area.

## **CHAIRPERSON'S RECOMMENDATION**

For discussion.

**BACKGROUND ON THE PROPOSAL BY THE CITY WATER AND WASTE UNIT TO OBTAIN AN EASEMENT OVER LOT 72 DP 312984 RECREATIONAL RESERVE AT 8A OASIS GROVE IN WHICH TO EXTEND AN EXISTING 225MM SEWER MAIN TO COMPLEMENT THE EXISTING SEWER NETWORK IN THE AREA**

**OPTIONS**

**PREFERRED OPTION**

11. The sewer would be extended through the reserve to the boundary of the private property as shown in the attached appendices. Design and construction of the sewer extension shall be the responsibility of the developer, subject to the approval of the City Water and Waste Unit and the Snellings Drain upgrade works.
12. The new sewer main would be owned and maintained by the Council.
13. The City Water and Waste Unit has indicated this is the preferable option for the outfall for the proposed development because:
14. Extending the sewer through the Oasis Grove rather than up to the existing main on Prestons Road would allow the most area of land within the proposed development to collect to a central point for pumping to the existing main.
15. The existing reticulation and pump station in the neighbouring Limes subdivision have been designed to allow for extension into any proposed development.
16. Major earthworks as part of the Snellings Drain stormwater upgrade are already planned for the reserve, and construction of the sewer extension will be relatively minor in comparison.

## ASSESSMENT OF OPTIONS

### The Preferred Option

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	It is important that works are consistent with Council's policies. Before any tenders are let or work commences on the site, discussions are to be held with the Parks and Waterways Area Advocate (Burwood/Pegasus) and the Greenspace Unit to ascertain the Council's requirements through the construction phase of laying the pipe within the easement. This will include the signing of a contract between the Council and any contractor agreeing to the ordered construction of the pipeline through the reserve.	
<b>Cultural</b>	<p>Ngai Tahu perceives water as the source of life and sustenance. It is held that water contains a mauri (life essence) that joins physical and spiritual elements and links water to every other part of the natural world. Water is viewed as a taonga (treasure) because it carries the lifeblood of the land; the well being of all living things depends on it.</p> <p>Maintaining water quality in the best possible condition so that a water body and its ecosystems are in a healthy state is an issue of major concern for Ngai Tahu. The use of water bodies for certain types of activities can impact on their spiritual and cultural values. The granting of this easement will assist in maintaining the quality of water in the area by providing a controlled discharge of wastewater to the City's existing wastewater system.</p>	
<b>Environmental</b>	<p>There may be some short-term environmental effects on the reserve during construction, but these will be minimised by requirements to comply with Council's construction specification.</p> <p>It is considered that there will be no detrimental long-term environmental effects as an outcome of the proposal because of the small area of land sought by the applicant, and the relatively minor nature of the works compared to stormwater upgrades already approved for the site.</p>	
<b>Economic</b>	The Council will be required to pay all the costs associated with the establishment of the easement, which will include Council officer's time spent preparing reports, attending Council meetings, preparing legal documentation, together with the fees of outside agencies required to complete the process. These will include the Minister of Conservation's approval fee, survey fees, and Land Information New Zealand documentation fees.	

	Benefits (current and future)	Costs (current and future)
<p><b>Extent to which community outcomes are achieved:</b> Will not conflict with any community outcomes.</p> <p><b>Impact on Council's capacity and responsibilities:</b> Will enhance them.</p> <p><b>Effects on Maori:</b> Nil.</p> <p><b>Consistency with existing Council policies:</b> Yes.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b> N/A.</p> <p><b>Other relevant matters:</b></p>		

**Maintain The Status Quo (If Not Preferred Option)**

	Benefits (current and future)	Costs (current and future)
<b>Social</b>	Nil	Nil
<b>Cultural</b>	Nil	Nil
<b>Environmental</b>	Nil	Nil
<b>Economic</b>	Nil	Nil
<p><b>Extent to which community outcomes are achieved:</b> Nil</p> <p><b>Impact on Council's capacity and responsibilities:</b> Minor</p> <p><b>Effects on Maori:</b> Nil</p> <p><b>Consistency with existing Council policies:</b> N/A</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b> N/A</p> <p><b>Other relevant matters:</b></p>		