

## 5. USE OF COUNCIL ESPLANADE AND/OR ROAD RESERVE LAND FOR REMEDIATION PURPOSES



<b>General Manager responsible:</b>	General Manager, City Environment Group DDI 941-8608
<b>Author:</b>	Ian Thomson, Solicitor, Legal Services Unit

### PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval for land held by the Council as esplanade and/or road reserve to be used by the Earthquake Commission (EQC) for remediation purposes following the 4 September Earthquake.

### EXECUTIVE SUMMARY.

2. Earlier this month EQC published its "stage 1 report". Although the report was produced for the purpose of assisting EQC with the assessment of insurance claims made under the Earthquake Commissions Act 1993 it was recognised that it may also assist central and local government in addressing issues related to getting affected communities back into housing.
3. One of the conclusions reached in the report is that where major land deformation has occurred due to flow sliding and lateral spreading and significant building damage has occurred, additional measures need to be incorporated through building foundations and/or ground protection for buildings that need to be replaced, to comply with the building code.
4. The report observed that a number of properties in riverside areas, were severely affected by land damage, particularly lateral spreading.
5. It was noted that it may be appropriate to put in place some form of ground treatment works to limit the lateral spreading to more tolerable limits.
6. Some of these works are proposed to be built on riverside land held by the Council as esplanade and/or road reserve.
7. It is recommended that the Council approves the use of this land subject to it being re-instated to its previous condition once the works are completed.
8. Other Council owned or controlled land, including any wetland area, is not included in the approval being sought.

### LEGAL CONSIDERATIONS

9. The remediation options suggested in the report include building engineering structures and foundations to increase resistance to the effects of liquefaction. In respect of Council owned or controlled land that has not been built on this could mean a stabilising perimeter a soil block with a grid of timber piles, stone columns or other means.
10. The proposed method of remediation is in response to the earthquake. The Council is therefore entitled to rely on the provisions of the Canterbury Earthquake Response and Recovery Act 2010 and relevant orders in Council in dealing with the matter.
11. The Canterbury Earthquake (Local Government Act 2002) Order in Council provides the Council with an exemption from a number of the decision making obligations set out in that Act. As has been previously advised, the Council is not prevented from doing anything inconsistent with its Annual Plan or LTCCP.
12. These provisions are subject to any decision made being, directly or indirectly, necessary or desirable to further one or more of the purposes of the Canterbury Earthquake Response and Recovery Act 2010.
13. A decision to approve the use of Council owned or controlled land for remediation purposes as proposed by the EQC would be a valid use of the statutory powers and exemptions granted to the Council.

## 5 Cont'd

14. The approval sought by staff at this stage is in respect of land held as esplanade and/or road reserve only.
15. Any further proposal for the use of land not held as esplanade and/or road reserve (for example any wetland area) will be brought to the Council for approval..

### STAFF RECOMMENDATION

It is recommended that the Council resolves that:

- (a) it approves the Earthquake Commission using for remediation purposes, as a result of the 4 September earthquake land held by the Council as esplanade and/or road reserve.
- (b) the resolution in (a) is subject to the Earthquake Commission re-instating this land to its previous condition once the works are completed.
- (c) the Council's approval applies only to those areas of esplanade and/or road reserve land situated between waterways and suburbs severely damaged by the earthquake. It does not include any other Council owned or controlled land such as wetland areas.
- (d) the Chief Executive is to report regularly to the Council on progress in respect of the matters arising from these resolutions.

### BACKGROUND

16. In the Stage 1 report it is stated that the EQC is considering an option (option E on the **Attached diagram**) for treating land affected by lateral spreading:
17. By stabilising a perimeter soil block with a grid of timber piles, stone columns or other means. Existing structures would be re-levelled where practical and new structures founded on piles or robust foundations if appropriate.
18. This is the option that would be used for remediation purposes on land held by the Council as esplanade and/or road reserve.
19. If it is proposed that any other land owned or controlled by the Council is to be used for remediation purposes a report on that proposal will be brought to the Council for approval.