
REPORT 8
(1215/52/IM)

**ASSET OWNER APPROVAL FOR A PRIVATE STORM
WATER EASEMENT THROUGH TOWN BELT LAND IN
FAVOUR OF 42 THE CRESCENT, ROSENEATH.**

1. Purpose of Report

To seek the Committee's approval as asset owner to grant an easement for a private storm water line across Town Belt land adjoining 42 The Crescent, Roseneath in accordance with the Town Belt Management Plan (TBMP) 1995 and Section 48 of the Reserves Act 1977.

2. Executive Summary

The landowners at 42 The Crescent, Roseneath are renovating their house located adjacent to the Town Belt. This requires a storm water discharge over the Town Belt in order to connect to an existing public storm water system. In accordance with Section 48 of the Reserves Act the granting of an easement over reserve land is required for the installation of the private storm water pipe in favour of 42 The Crescent.

The Town Belt is managed in accordance with the Town Belt Deed 1873 and Town Belt Management Plan 1995, and is a reserve under the Reserves Act. The Town Belt is zoned Open Space C under the District Plan.

In accordance with the Town Belt Management Plan and Section 48 of the Reserves Act 1977, the Strategy and Policy Committee has delegated authority to grant landowner approval for easements through Town Belt.

3. Recommendations

It is recommend that the Committee:

- 1. Receive the information.*
- 2. Approve the granting of the easement for a private storm water pipeline over Lot 2 DP 10507 being part of the Wellington Town Belt, in favour of Part Lot 2 DP 801 pursuant to the Town Belt Management Plan 1995 and Section 48 of the Reserves Act 1977.*

4. Background

This application relates to the alterations to an existing house which will affect the amount of storm water run off from the property. The application site is 42 The Crescent, Roseneath which is located on the western side of the road. The site is approximately 415m² and contains a house which is undergoing extensive alterations. These alterations have triggered the need to formalise a storm water discharge over the Town Belt to Wellington City Council's public storm water system.

The site adjoins Recreation Reserve (Town Belt land) to the west and private land to the north, south and east.

All existing storm water is currently discharged straight into the Town Belt Soakage area and has been for 103 years. The applicant proposes to install a private storm water pipeline connection which involves laying a new 110mm storm water pipe travelling along the eastern boundary of the Town Belt for a length of approximately 16 metres to the Council's public storm water system. The easement line will be 1.5 metres wide and buried to a depth not less than 300mm.

5. Discussion

The most viable option is to establish a private storm water pipeline connection on Council land held in the following parcel:

CT WN427/150 being Lot 2 DP 10507. This land is held as Public Recreation Ground and administered as Recreation Reserve under the Reserves Act 1977.

The storm water pipeline which is to be located to the west of the eastern boundary of the Town Belt, will impinge on Council land for approximately 15.4m after which it connects with a Council public storm water system. A copy of the plan showing the location of the easement and the Certificate of Title is in Appendix 1.

5.1 Impacts on the Open Space values of the proposed easement

There will be no significant environmental effects resulting from the proposed activity, in fact the installation of the private storm water pipe and connection to the public system will be of benefit to the city as storm water soakage onto the Town Belt will be further reduced.

The area in which the work will take place has no significant vegetation and is not part of the Town Belt that is known to have high use by the public.

In terms of the storm water discharge, the site run-off already discharges onto the Town Belt and the piping of the discharge to the public storm water system will reduce the soakage on the Town Belt area.

There are no archaeological or heritage sites near the proposed easement line.

5.2 Consultation

The Council's Parks and Gardens Unit have been consulted as the asset owner of the Town Belt and have no objections to the proposal.

Consultation with Ngati Toa and the Wellington Tenths Trust has been completed in accordance with Section 4 of the Conservation Act 1987, which requires that the Act should be interpreted and administered as to give effect to the principles of the Treaty of Waitangi. Ngati Toa and the Wellington Tenths Trust have no objections to the proposal.

In accordance with Section 48 (3) (a) of the Reserves Act 1977, public notification is not required as the reserve will not be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easement.

5.3 The Process

Subject to the easement being approved by the Council, the next step in the statutory process is to seek consent from the Minister of Conservation. However in this case this part of the statutory process has been delegated to the Council's Chief Executive Officer under Section 48 (1) of the Reserves Act because the activity is contemplated in an approved management plan.

The Town Belt Management Plan contemplates private and public utilities which cross under, over or through the Town Belt (page 22, TBMP) and therefore Ministerial Consent is not required as Council can exercise its delegated authority.

If the Committee agrees with the Report's recommendation, the easement will be registered against the relevant titles under the Land Transfer Act 1952.

All costs associated with the preparation and registering of this easement will be borne by the owners of 42 The Crescent, Roseneath.

6. Conclusion

The granting of this easement is recommended as it will benefit the Council by reducing the amount of storm water discharge onto the Town Belt Soakage area. The easement will not compromise the recreational or environmental values of the Town Belt.

Contact Officer: *David Shaw, Property Advisor, Property Management, Property and Parking Services Business Unit.*

Supporting Information

1) Fit with Strategic Objectives/Strategic Outcomes

8.1 Supports an efficient and sustainable use of our natural resources and promotes prosperity and social wellbeing over the long term.

2) LTCCP/Annual Plan reference and long term financial impact

There is no specific Annual Plan reference for this activity.

3) Treaty of Waitangi considerations

The Wellington Tenth Trust and Ngati Toa have been consulted and have no objections to the proposal.

4) Decision-Making

The decision does not affect all (or a large portion) of the community.

5) Consultation

Public notification is not required for the easement proposal as the reserve will not be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easement.

6) Legal Implications

Town Belt is classified a Reserve under the Reserves Act 1977. Easements for storm water lines are required under this legislation.

7) Consistency with existing policy

This proposal is not inconsistent with any WCC policy.

Appendix 1: Easement plan, site map and Certificate of Title