
REPORT 5
(1215/52/IM)

APPROVAL FOR A RETAINING WALL ON TOWN BELT AT WILKINSON STREET, ORIENTAL PARADE

1. Purpose of Report

To seek Committee's approval for the granting of an easement to enable the construction of a retaining wall on part of the Town Belt adjacent to 9 Wilkinson Street, Oriental Parade in accordance with the Town Belt Management Plan 1995 (TBMP) and Section 48 of the Reserves Act 1977.

2. Executive Summary

The Town Belt land above 9 Wilkinson Street, Oriental Bay suffered a significant landslip in 2006. The building at 9 Wilkinson Street (the property) comprises 10 separate units and is governed by a body corporate

Following an investigation by The Earthquake Commission (EQC), it was agreed that the best course of action to protect the property from further slippage was the construction of a retaining wall.

The placement of a retaining wall on Town Belt land requires an easement in accordance with section 48 of the Reserves Act 1977.

The easement will be registered against the body corporate of 9 Wilkinson Street. The body corporate will be responsible for the construction of the retaining wall and the Council will pay for the legal and survey costs associated with the easements. The applicant has been granted temporary permission to construct the wall to prevent further slips while landowner approval is sought.

The retaining wall will reduce the potential for further slippage and the impact on the Town Belt will be minor. On this basis officers recommend that the easement is granted.

3. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Approve the granting of the easements (as identified in the plan attached as Appendix A) for a retaining wall over part of the Wellington Town*

Belt in favour of the property at 9 Wilkinson Street, Oriental Parade, pursuant to the Town Belt Management Plan 1995 and Section 48 of the Reserves Act 1977.

3. *Note that:*

- a) *Minister of Conservation consent is not required as the granting of easements over Town Belt land is provided for in the Town Belt Management Plan;*
- b) *the requirement for public advertising under Section 48(2) of the Reserves Act 1977 can be waived in accordance with Section 48(3) of the Reserves Act 1977, as the Town Belt is not likely to be materially altered or permanently damaged and the rights of the public will not be affected by the granting of the easement;*
- c) *the legal and survey costs associated with the preparation and registering of this easement will be borne by the Council.*

4. Background

Wilkinson Street, Oriental Bay, is located immediately below the Town Belt. Due to the proximity of the building to the boundary and the steepness of the land any retaining structure needs to be sited on the Town Belt. Due to the topography in the area, the properties on Wilkinson Street are cut into the slope of the hillside resulting in large batters between the properties and the Town Belt.

In July and August 2006, the wettest months for over 30 years, severe weather caused the land immediately above the property to fail and subside.

Two years prior to the slip, approximately 1 hectare of pine trees was removed from the hillside as these trees posed a direct threat to residential properties; a programme of replanting took place after the removal. After the slip in 2006, residents raised the issue of removal of the pine trees as the cause of the slip. Investigations by Council officers and consultant engineers found no evidence that water flows had increased.

There is no statutory requirement for Council to control natural run off in hillside environments and downhill properties are expected to accept reasonable run off from land higher up the slope.

5. Discussion

There was no evidence that the removal of the pine trees, from the Town Belt above the property increased the surface water runoff to cause the slip. However the Council agreed to formalise an easement on Town Belt to allow the building of the retaining wall, in order to protect the property from future slips.

While the owners of the property are responsible for the construction of the retaining wall, the Council has agreed to meet the legal and survey costs required for the easement.

Due to the steep slope of the land, the work to prevent future subsidence has to involve rock anchors and a shortcrete retaining wall.

The shortcrete wall, at its deepest, intrudes onto Town Belt by 5 metres, with the deepest penetrating of the rock anchors extending for a further 5 metres. With the sloping lie of the land, the retaining wall will not be readily visible from the Town Belt, especially once new vegetation has grown around the site of the slip and tree removal areas.

There are no easily accessible tracks in the area of the easement and therefore enjoyment of the Town Belt by members of the public will not be compromised by the work or subsequent easement.

The Council's Parks and Gardens Business 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 Tenth's Trust has been completed in accordance with Section 4 of the Conservation Act 1987. They have no objection to the proposal.

Friends of the Town Belt have been consulted and have no objection to the proposal as there is no alternative solution.

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.

Minister of Conservation Consent

The Town Belt Management Plan contemplates the granting of easements in accordance with the Town Belt and Basin Reserve Deed 1873 and therefore Ministerial Consent is not required as Council can exercise its delegated authority

6. Conclusion

The granting of this easement is recommended to reduce the possibility of further land slips of this area of Town Belt land. The easement will not compromise recreational or environmental values of the Town Belt.

Contact Officer: *Lucy Ross Acting T/L Community Purpose Property*

Supporting Information	
1) Strategic Fit / Strategic Outcome	Not applicable
2) LTCCP/Annual Plan reference and long term financial impact	Not applicable
3) Treaty of Waitangi considerations	Ngati Toa and The Tenth Trust have been consulted regarding the easement 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	<p>Friends of the Town Belt have been consulted with and do not have any objections.</p> <p>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 this easement.</p>
6) Legal Implications	Town Belt is classified as Reserve under the Reserves Act 1977. Easements are required under this legislation.
7) Consistency with existing policy	This proposal is not inconsistent with any WCC policy.

Appendix 1

Plan showing extent of retaining wall and rock anchors on Town Belt

Certificate of Title