
WELLINGTON TOWN BELT ACT 2016: STORMWATER EASEMENT - WELLINGTON TOWN BELT AT MORNINGTON GOLF CLUB

Purpose

1. To obtain Committee approval for a stormwater easement through land held under the Wellington Town Belt Act 2016 (WTBA) at 572 Adelaide Road (Mornington Golf Course).

Summary

2. The owners (Presbyterian Support Central – Kilmarnock rest home) of 20 Morten Street Berhampore are carrying out remedial works on an existing embankment.
3. The embankment is located adjacent to and on Wellington Town Belt land. The proposed remedial work includes a short length of private stormwater drainage pipes to be located at the base of the embankment connecting to the mains network that runs through the Wellington Town Belt land.
4. The easement would grant permanent rights and access to Mornington Golf Course for the purposes of maintaining the stormwater pipe connection.

Recommendations

That the City Strategy Committee:

1. Receives the information.
2. Agrees to grant a stormwater easement in favour of a private owner in perpetuity over Wellington Town Belt land at the Mornington Golf Course being **part of** Pt Lot 1 DP 10322 (CFR WN47B/388) pursuant to s20 of the WTBA.
3. Notes that any approval to grant the easement (referred to above) is conditional on:
 - a. appropriate iwi consultation
 - b. public notification of the easement under s16 of the Wellington Town Belt Act 2016
 - c. no sustained objections resulting from the above consultation and notification
 - b. all related costs being met by Presbyterian Support Central.
4. Notes that the work within the easement area will be subject to the relevant bylaw, building and/or resource consent requirements.
5. Notes that the works will proceed in accordance with final Parks, Sport and Recreation (PSR) agreement to all replanting mitigation plans, track reinstatement and park management / work access plans.
6. Delegates to the Chief Executive Officer the power to carry out all steps to effect the easement.

Background

7. The purpose of the proposed drainage pipes is to connect a subsoil drainage sump located at the base of the embankment to the existing public stormwater infrastructure which is located on Wellington Town Belt land.
8. The Wellington Town Belt Management Plan 2017 (WTBMP) requires alternative locations for utilities to be considered but acknowledges that at times if the public benefit is great and the impact to the reserve is minor and the provisions of the WTBA can be met, then easements should be authorised.
9. Easements through Wellington Town Belt land for utilities are dealt with under s20 of the WTBA.
10. Easements ensure the Council is made aware of utilities that are on Wellington Town Belt land and these can be formally recognised and recorded. It also provides a legal agreement regarding rights and obligations for access and use of Wellington Town Belt land.
11. The applicant is aware of the need to apply for and obtain all necessary approvals.

Discussion

12. The site for the proposed stormwater pipe is mown grass with a small area of reeds. The area is managed as part of the golf course but is not part of a fairway.
13. The remedial works is part of a significant redevelopment of a retirement home on the adjacent property.
14. The applicant has consulted with the Council's PSR team who will be providing a landowner approval to do the work, subject to conditions.
15. The Wellington Town Belt land will be restored to its original or better condition after the completion of the work, and the rights of the public with respect to the Wellington Town Belt land will not be altered as a result of the work.
16. The proposal would benefit the Wellington Town Belt through reducing existing ponding issues in this area.
17. Alternatives have been considered and the stormwater drainage infrastructure cannot reasonably be located elsewhere.
18. All of the proposed pipework will be underground and will not significantly alter the Wellington Town Belt land. Public notification is required under the WTBA s16.
19. Under s15(2) the Council can delegate the power to grant easements to a committee of Council. This power has been delegated to the City Strategy Committee under its terms of reference.

Next Actions

20. If the proposed resolutions are accepted, Officers will publically notify the proposal to grant an easement in February.
21. If objections are sustained through the public notification process, then the objections will be reported to Committee in March for further consideration.
22. If no objections are sustained, Officers will prepare and execute the necessary documentation and finalise all other outstanding matters.

Attachments

Nil

Authors	Kate Brown, Reserves Planner John Vriens, Senior Property Advisor
Authoriser	Tracy Morrah, Property Services Manager Paul Andrews, Manager Parks, Sport and Recreation Barbara McKerrow, Chief Operating Officer

SUPPORTING INFORMATION

Engagement and Consultation

PSR and the Mornington Golf Club has been consulted about the proposed stormwater connection. Under s16 of the WTBA, the wider view of the public and persons likely to be affected must be informed and given the opportunity to make submissions on the proposed easement. A public notice will be placed in the paper.

Treaty of Waitangi considerations

The applicant will consult iwi as required.

Financial implications

There are no financial implications for Council. All legal and LINZ costs to the easement will be met by the applicant.

Policy and legislative implications

The proposed easement meets the requirements of the WTBA under s20 and the WTBMP under s9.5.4.

Risks / legal

The Council lawyers will prepare the easement document.

Climate Change impact and considerations

None.

Communications Plan

A public notice will be placed in the newspaper.

Health and Safety Impact considered

This report is to consider the approval of an easement for the right to permanently have pipes in the reserve. This includes adherence to suitable health and safety requirement and identification of potential risk to public health and safety.