

2. General Business

**RESERVES ACT 1977: STORMWATER ATTENUATION
EASEMENT - 33 LABROOKE DRIVE, NEWLANDS
(WAIHINAHINA PARK - IN MEMORY OF DENNIS DUGGAN)**

Kōrero taunaki

Summary of considerations

Purpose

1. This report to Pūroro Rangaranga - Social, Cultural and Economic ask to approve an easement for stormwater attenuation ponds over land held under the Reserves Act 1977 at Waihinahina Park - in Memory of Dennis Duggan (the Reserve), Newlands.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy

- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

**Strategic alignment
with priority
objective areas from
Long-term Plan
2021–2031**

**Relevant Previous
decisions**

Outline relevant previous decisions that pertain to the decision being considered in this paper.

Significance

The decision is rated low significance in accordance with schedule 1 of the Council's Significance and Engagement Policy.

Financial considerations

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Nil | <input type="checkbox"/> Budgetary provision in Annual Plan / Long-term Plan | <input type="checkbox"/> Unbudgeted \$X |
|---|--|---|

Risk

- | | | | |
|---|---------------------------------|-------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> Low | <input type="checkbox"/> Medium | <input type="checkbox"/> High | <input type="checkbox"/> Extreme |
|---|---------------------------------|-------------------------------|----------------------------------|

Authors	Sarah-Jane Still, Property Advisor Kate Brown, Reserves Planner
Authoriser	Paul Andrews, Manager Parks, Sports & Rec James Roberts, Chief Operations Officer (Acting)

Taunakitanga

Officers' Recommendations

Officers recommend the following motion

That Pūroro Rangaranga - Social, Cultural and Economic **Committee**:

- 1) Receive the information
- 2) Agree to grant an easement in perpetuity over land at Waihinahina Park - in Memory of Dennis Duggan, being *part of* Lot 2 DP 303502 (ROT 14039), pursuant to s48 of the Reserves Act 1977.
- 3) Delegate to the Chief Executive Officer all necessary powers to negotiate and finalise the terms of the easement, including compensation.
- 4) Note that any betterment compensation would be applied to enhancing other reserve areas in the Northern Suburbs.
- 5) Note that the works within the easement area will be subject to the relevant bylaw, building and/or resource consent requirements.
- 6) Note that the works to install the stormwater attenuation ponds will proceed in accordance with final Parks, Sport and Recreation agreement to all park management, work access, reinstatement plans, establishment, and maintenance periods.
- 7) Note that the above approval is conditional on:
 - a. public notification under sections 119 and 120 of the Reserves Act 1977; and
 - b. no sustained objections resulting from the above consultation and notification; and
 - c. approval of final design and ongoing management requirements and responsibilities by the Chief Infrastructure Officer; and
 - d. all related costs being met by Woodridge Homes Ltd.
- 8) Note that a further report will be submitted (if necessary) to summarise submissions and recommend whether to uphold objections.

Whakarāpopoto

Executive Summary

4. Council has received an application from Woodridge Homes Ltd for constructing stormwater attenuation ponds on a portion of the Reserve.
5. The proposed stormwater attenuation ponds would be owned by Wellington City Council (Council), with the stormwater management components operated by Wellington Water Limited (WWL), and the landscape and recreation components managed by Parks, Sport and Recreation (PSR).

6. An easement for a stormwater management device is required by the Reserves Act 1977 (the Act). An easement would grant a permanent right to attenuate stormwater to Council.
7. The Act and the Northern Reserves Management Plan (2008) permit easements for stormwater infrastructure on reserve land.
8. Under the Instrument of Delegation for Territorial Authorities dated 12 July 2013, the Minister of Conservation has delegated authority to Council to grant easements over reserve land under the Act.
9. This, in turn, has been delegated to the Pūroro Rangaranga | Social, Cultural and Economic Committee, under its terms of reference.

Takenga mai

Background

10. Waihinahina Park (in Memory of Dennis Duggan) is in Newlands as shown in Attachment 1.
11. The Reserve is classified as a Scenic Reserve under the Act, and contains vegetated slopes surrounding a closed landfill. The closed landfill area provides informal recreation with large grass areas, a dog exercise area, walking tracks and a carpark.
12. A channelled stream flows around the edge of the closed landfill. The stream receives water from the surrounding areas to the west of the Reserve and from some of the eastern slopes of Woodridge Homes Ltd land.
13. The stormwater attenuation proposal is for six ponds to be constructed on the western side of the closed landfill area. The ponds will be designed to attenuate, filter and slowly release stormwater runoff from a portion of Woodridge and from some of the vegetated slopes of the Reserve.
14. Both the proposed attenuation ponds and the stream channel in its entirety will be lined as part of the proposal which will reduce the risk of water entering the closed landfill.
15. The proposed attenuation ponds will be planted with filtering wetland plants. An adjacent area will be landscaped to include additional planting, paths, seating, a pā harakeke (flax plantation) and an area for processing harakeke. The draft landscape plans in Attachment 2 show the proposed landscaping along with the proposed attenuation structures.

Kōrerorero

Discussion

16. Stormwater attenuation devices to manage additional stormwater runoff generated by development are generally located on the development land. Under the Act and the Northern Reserves Management Plan 2008, proposals for stormwater infrastructure on reserve land can be considered. An assessment of proposals is undertaken on a case-by-case basis. Assessment must consider the alternatives to locating the stormwater infrastructure on reserve land, potential impacts on the reserve and its users, and whether a proposal is able to provide benefits to the reserve.

-
17. An application has been received from Woodridge Homes Ltd for stormwater attenuation ponds on the Reserve.
 18. The area of the Reserve proposed for the stormwater attenuation ponds is currently a flat grass area and a stream over a portion of closed landfill. Surrounding this area are the vegetated slopes of the Reserve. Two permanent streams flow down vegetated gullies and join at the northern edge of the grass area. The stream then flows in a channel around the western edge of the grass area before passing through a culvert under the carpark access road. The stream then continues around the rest of the closed landfill cap, through Horokiwī Quarry to Te Whanganui-a-Tara, Wellington Harbour.
 19. The plan for the proposed attenuation ponds involves modifying the landfill cap, lining the landfill cap, and constructing six bunds that will act as weirs to collect and hold stormwater, releasing it in a controlled way so that high stormwater volumes in rain events are released more evenly to minimise flooding. This stormwater will be received from existing runoff, additional hard surface areas in the Woodridge development and from the surrounding reserve land.
 20. Sections of the stream will be culverted to ensure that the stream is always flowing, and that additional stormwater volumes are attenuated and released slowly. The ponds will be planted with native wetland species which will improve water quality of the attenuated stormwater. Around the wetland there will be a 20-metre-wide area of riparian planting. There will also be riparian planting of the stream below the attenuation ponds. The additional planting will offset the impacts of culverting a portion of the stream.
 21. The landfill cap consists of a layer of clay, which minimises water entering the closed landfill. The landfill cap is designed so that surface water is shed off and collected in the stream which channels the water away from the site. A council project to recontour the landfill cap and stream channel to remedy ponding on the cap (caused by landfill settlement) and improve water flow in the stream, is planned to start this summer.
 22. The stream flows around the perimeter of the landfill cap. There is a higher risk of water infiltrating the landfill along the stream. The proposal will assist with lining the reshaped stream channel in addition to lining the attenuation ponds. The lining will be an engineered watertight membrane. Together, the attenuation proposal and the recontouring project, will improve water flow and decrease leachate (contaminated water caused by water passing through the buried waste) generation. Reducing the risk of water infiltrating the closed landfill and regulation of water flow will benefit the management of the closed landfill and will ensure that the Reserve will drain well, improving recreation use.
 23. The proposed easement area currently experiences flooding with water pooling on the landfill cap upstream from the carpark access road. The proposal will better manage this water and reduce water infiltrating the landfill cap.
 24. All the necessary precautions will be in place under the Landfill Management Plan to ensure maintenance can be carried out without accidentally damaging the waterproof membrane lining.
 25. As part of the development of the draft landscape plans for the proposal, Woodridge Homes Ltd held workshops with Ngā Hau e Whā o Paparārangi, who have a Memorandum of Understanding for restoration work on the Reserve. As a result of these

workshops, a pā harakeke and area for processing harakeke have been incorporated into the proposal.

26. The draft landscape plans also include recreation improvements with walking paths, seating and amenity plantings. These improvements will increase the usability and enjoyment of the Reserve by park users.
27. Currently, Woodridge Homes Ltd has resource consent to attenuate stormwater in two stormwater detention ponds located on their land above the Reserve.
28. These ponds, if built, would be vested in Council as stormwater assets and the underlying land as drainage reserves.
29. If an easement is granted to attenuate stormwater on the Reserve, one or both consented ponds will not be required. The land area for both consented attenuation ponds is 3,430m². This land, if not required for attenuation, could be repurposed for housing development or neighbourhood reserve type space if required.
30. Once detailed design is completed and approved by WWL (Land Development Team), Waste Operations and PSR, the final costs and benefits to Woodridge Homes Ltd and to Council as a result of the proposal will be understood. If on balance, the proposal will provide significant cost benefits in favour of Woodridge Homes Ltd, then financial or in kind betterment compensation will be negotiated. Any betterment compensation would be applied to enhancing other reserve areas in the Northern Suburbs.
31. The consented ponds are designed to collect stormwater runoff in rain events and slowly release stormwater to the streams which run through the Reserve. The consented ponds are not designed to filter stormwater.
32. The proposed ponds will function as a constructed wetland, enabling filtering of the stormwater and improving the quality of the water downstream, including Te Whanganui-a-Tara (Wellington Harbour).
33. The proposal aligns with the change in stormwater management in Wellington, which is moving on from management of only high flow low frequency events (1 in 10-year event or larger) in order to protect people and property, to now also providing management and treatment of low flow frequency events (less than 1 in 2-year event) to protect the receiving environments. Constructed wetland areas are a type of Water Sensitive Design Stormwater Treatment Device, also known as Green Infrastructure.
34. Approvals from WWL (Land Development Team) and Waste Operations of the final design, maintenance requirements, liability and construction methodology of the stormwater attenuation components will be required prior to construction starting. Final approvals of the constructed ponds and landscaping will be required from WWL (Land Development Team), Waste Operations and PSR before the easement is formalised.
35. If there has been no progress on the proposal after a period of five years from 7 October 2021, any approvals for an easement will lapse and a new easement application will be required.
36. Easements of this nature require public notification under the Act.

Kōwhiringa

Options

37. The Committee can either choose to approve or decline the easement. Similarly, on receiving feedback from the public notification for the easement, the Committee can choose to uphold objections.
38. Declining the easement would mean that stormwater attenuation for additional stormwater run off from new hardsurfaces in the Woodridge development will need to be attenuated on Woodridge Homes Ltd land; the costs of lining the stream channel will be covered by Council budgets; and the landscape components and ecological benefits will not occur through this proposal.
39. Whether approving or declining the easement, Council will own the stormwater attenuation ponds.

Whai whakaaro ki ngā whakataunga

Considerations for decision-making

Alignment with Council's strategies and policies

40. This proposal aligns with Council's strategic direction around more water sensitive urban design features in development.
41. This proposal is consistent with the Northern Reserves Management Plan.

Engagement and Consultation

42. Public notification is required under section 119 and 120 of the Act. This notification will be carried out if the proposed recommendations of this report are accepted.
43. WWL have reviewed the proposal and consider that the proposal is acceptable, subject to final stormwater calculations, detailed design and associated maintenance plans.
44. Workshops with Ngā Hau e Whā o Paparārangi were held to help develop the draft landscape plans.

Implications for Māori

45. The Northern Reserves Management Plan 2008 identifies the Horokiwi area generally as being of significance to Tangata Whenua, with a history of Maori occupation. There are no Sites of Significance to Tangata Whenua identified in the District Plan at Waihinahina Park.
46. This proposal is occurring on a highly modified area of the park. The proposal seeks to improve water quality, the natural environment and recreation opportunities.
47. Ngāti Toa Rangatira and Taranaki Whānui ki Te Upoko o Te Ika have been sent the proposal with no comment to date.

Financial implications

48. There will be no costs to Council associated with the construction and remedial works. These will be met by Woodridge Homes Ltd. and they will also pay for all costs (survey and legal) associated with the granting of the easement.

49. There will be an increase in PSR maintenance costs at the park associated with new paths, surfaces and vegetation maintenance.
50. Council will also be responsible through WWL funding for maintenance and management of the site to function as intended over the long term and any renewal and repair requirements to structures and features of the area in relation to stormwater management. This will be similar or less than the maintenance costs associated with the two consented ponds that this proposal will replace. ‘Non traditional’ stormwater infrastructure such as the base of the constructed wetland will need particular care and monitoring by WWL due to this being on a closed landfill.
51. If the proposal provides significant cost benefits in favour of Woodridge Homes Ltd, through enabling land to be developed, then financial or in kind betterment compensation will be negotiated.

Legal considerations

52. Council will use its solicitors to prepare and finalise the easement instrument and agreements.

Risks and mitigations

53. This proposal is rated as low risk on the Council’s risk framework.

Disability and accessibility impact

54. This does not negatively impact on current levels of accessibility within the reserve.

Climate Change impact and considerations

55. Climate change predictions for Wellington City are that there will be longer dry spells, shorter wet spells and increased rainfall during extreme rain events.
56. Stormwater attenuation devices reduce the potential impacts on receiving environments (freshwater and marine) such as flooding and erosion caused by high rainfall events. The proposal will help to mitigate these effects, by capturing existing stormwater runoff from Woodridge and parts of the Reserve, as well as from additional hardsurfaces in the Woodridge development, and releasing in a controlled way.
57. Stormwater attenuation can also help to release the stormwater to streams over a longer period of time, helping to sustain stream flow during dry periods immediately following rain events.

Communications Plan

58. A public notice will be placed in the newspaper and on Council’s website. In addition, information on the public notice will be sent to the Johnsonville-Newlands Community Board, Newlands Paparangi Progressive Association and Horokiwi Community Association. A sign will also be placed at the reserve carpark, with information on how to find out more about the proposal and how to make a submission.

Health and Safety Impact considered

59. Health and Safety will be addressed in the approvals of the final plans (including public safety around the ponds and stream), PSR landowner approvals (permit for the construction period) through conditions of approval, Woodridge Homes Ltd’s construction management plans, and the Landfill Recontouring Project’s construction management plans.

Ngā mahinga e whai ake nei

Next actions

60. If the proposed resolutions are accepted, officers will advertise the proposal.
61. If objections are received and are unable to be resolved, then these will be reported to Committee for further consideration.

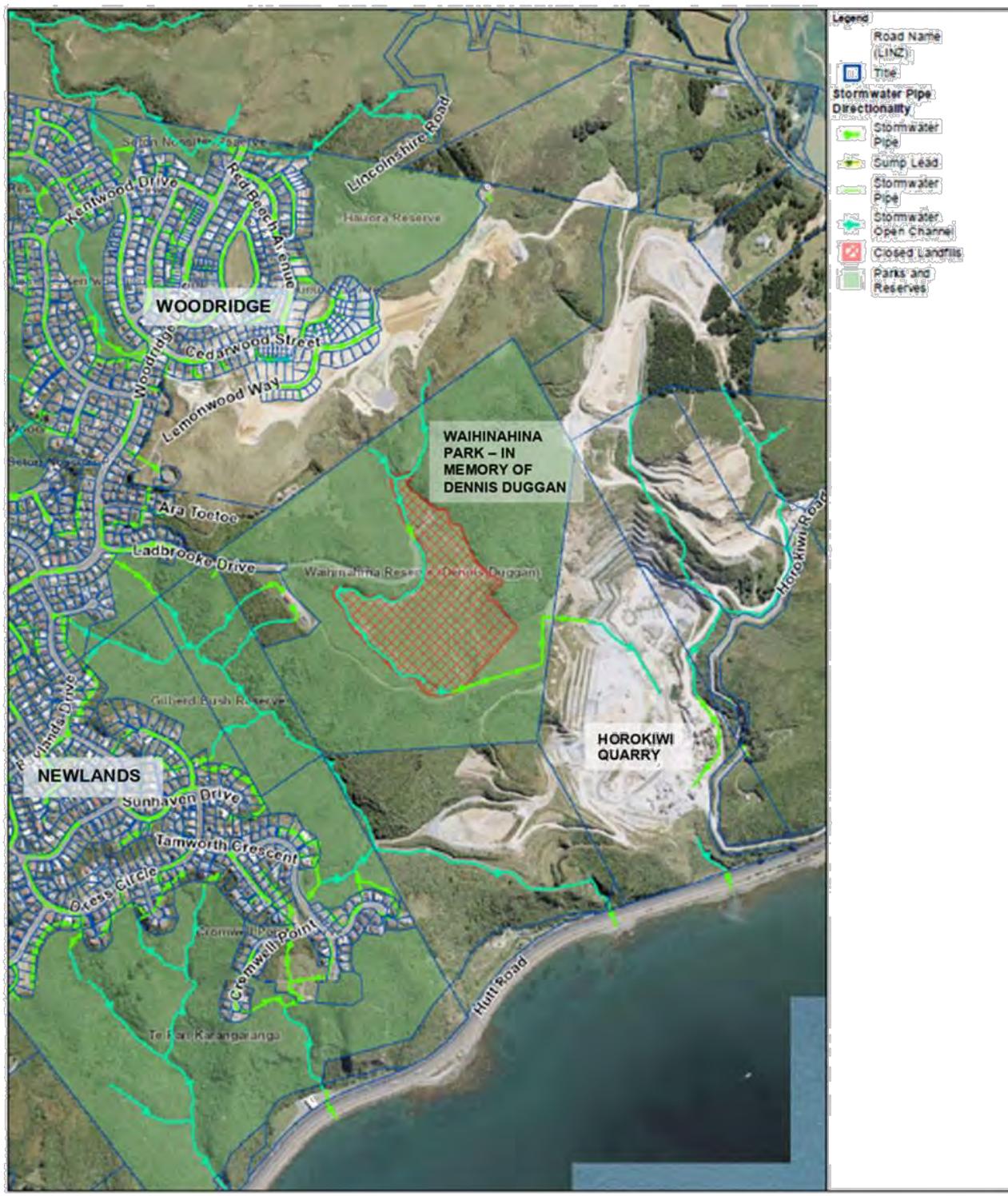
Attachments

Attachment 1.	Location Plan		Page 15
Attachment 2.	Landscape Plans		Page 16

PŪRORO RANGARANGA - SOCIAL, CULTURAL AND ECONOMIC

7 OCTOBER 2021

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

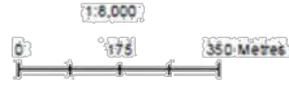


Disclaimer:
The map is not a property boundary or official planning map.
Wellington City Council does not give any warranty that any information contained is accurate or complete.
The Council does not accept any responsibility or liability for any inaccuracy, omission or otherwise made
in relation to information obtained from Onbase.

Data Sources:
Property boundaries: 2018 Land Information New Zealand address & title points acquired from Land Information NZ. Assets, contours, water and drainage information shown is approximate and must not be used for detailed engineering design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally no. 1st Order. Copyright reserved.

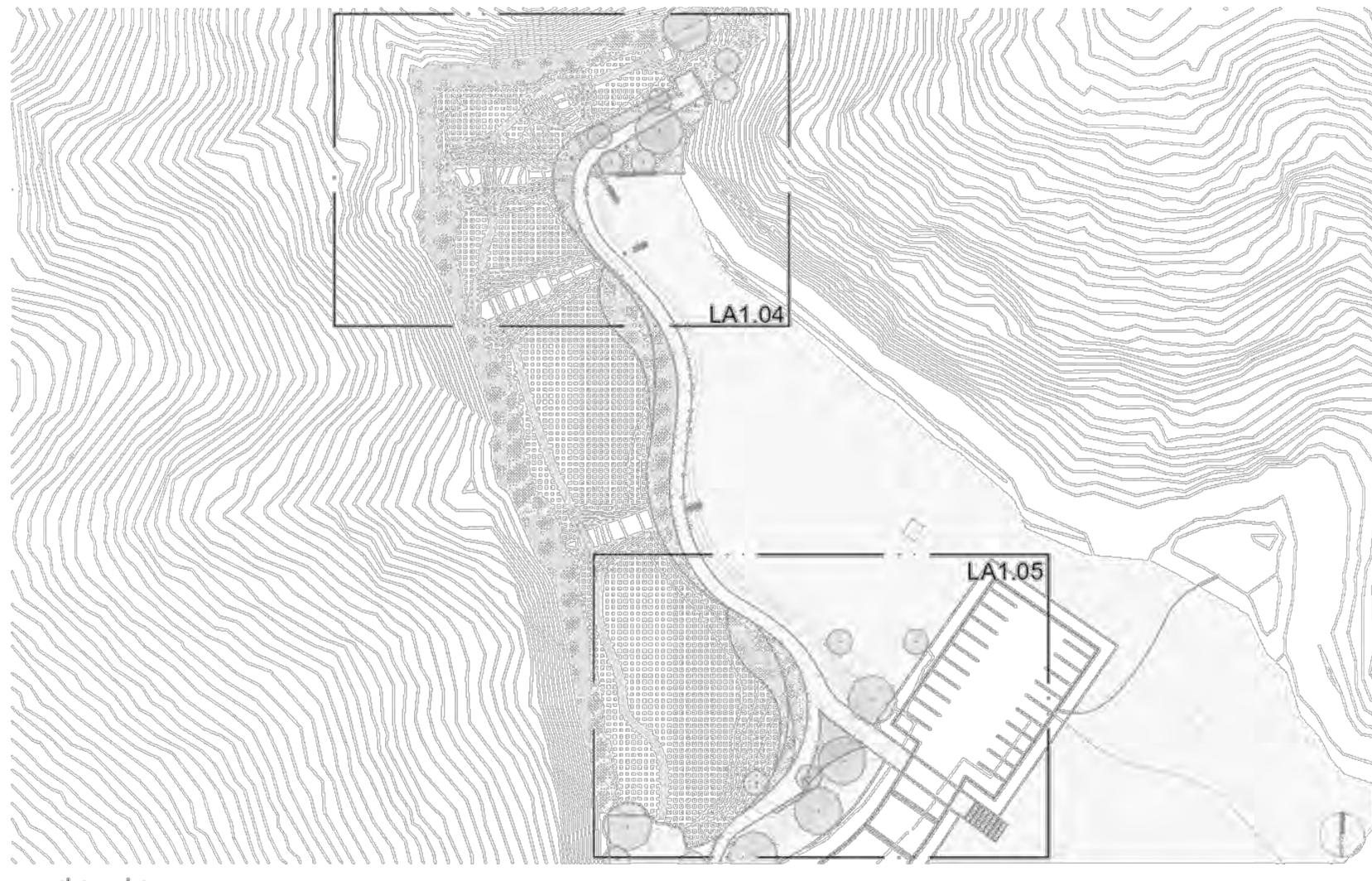
Property Boundaries Accuracy:
+/-1m in urban areas
+/-30m in rural areas

Data Sources:
Census data - Statistics NZ
Postcodes - NZ Post



Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke





waihinahina reserve

project number: W04-021 date drawn: 12/04/17
district number: LA1.05 scale: 1:250,000
revision: 1-2.1.10 for: Resource Consent

landscape reference plan

100m
Te Ara Waitohu
phone 04 364 4277
email local.land@wcc.govt.nz



