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**REPORT 3**

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**STORMWATER EASEMENT THROUGH RESERVE: 39  
WOODRIDGE DRIVE, WOODRIDGE**

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**1. Purpose of report**

To obtain Council approval for a stormwater drainage easement through land held under the Reserves Act 1977 at 39 Woodridge Drive, Woodridge.

**2. Executive summary**

The developers of Woodridge subdivision, Wrightway Homes Ltd, intend to develop their land for residential purposes. Existing stormwater drainage capacity is insufficient to accommodate this future development; additional capacity is therefore sought.

The proposed route is the most direct to both the discharge point (tributary of Belmont Stream) and the catchment point for the future development area. Alternatives have been considered but are more expensive, disruptive to the public, or both.

Upon completion of the proposed work the area will be restored to its former condition, either being re-grassed or planted in species suitable to the location, and the drain will be vested in Capacity as part of its infrastructure.

The proposed easement will be dealt with under section 48 of the Reserves Act 1977 and appropriate compensation paid to Council as assessed by a third party valuer.

**3. Recommendations**

Officers recommend that the Environment Committee:

1. *Receive the information.*
2. *Agree to grant a stormwater easement in perpetuity to Woodridge Holdings Ltd (or their elected nominee) over reserve land at 39 Woodridge Drive, Woodridge [being part of Lot 441 DP 352897 (CFR 216702)] pursuant to Section 48 of the Reserves Act 1977. On subdivision of the Cedarwood Street extension (to the west) the easement will be assigned to Capacity.*
3. *Waive the requirement for public notification under Section 48(2) of the Reserves Act 1977 in accordance with Section 48(3) of the Reserves Act 1977, as the reserve is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easements in 2 above.*

4. *Note that the work within the easement area, and in adjacent legal road, will be subject to relevant bylaw, building and / or resource consent requirements.*
5. *Note that works will proceed in accordance with final Parks, Sport and Recreation agreement to all replanting mitigation plans and park management/work plans.*
6. *Authorise the Chief Executive Officer to carry out all steps to effect the easement.*

#### **4. Background**

Woodridge Holdings Ltd (landholding) and Wrightway Homes Ltd (building) have progressively developed the Woodridge subdivision over the last 20-30 years. The development pattern is fairly typically residential in scale, although recently more intensive multi unit developments have been included.

Further proposed subdivision of Cedarwood Street (to the east) cannot rely on the existing stormwater infrastructure as the calculated discharge would exceed existing pipe capacity. Alternative stormwater capacity, therefore, needs to be developed.

A number of options have been explored, focussing on the upgrade of the existing stormwater main on Cedarwood Drive or Northwood Close. These options were rejected as they proposed several hundred metres of pipe upgrade, which would be costly and disruptive to the public for the outcome achieved. Capacity also requires stormwater to remain in a 'home' catchment, rather than be diverted to another.

The proposed subsurface stormwater pipe will be approximately 120m in length with a diameter of 375mm; 95m of the pipe will pass through the reserve. The outlet structure will be protected with rock rip rap, to prevent scouring. Vegetation removed during the construction phase will be replaced with similar vegetation (grass on the flat upper section and native vegetation on the steeper slopes). The reserve will, therefore, be returned to its original condition with public access uninterrupted.

Easements through reserve land are dealt with under section 48(1)(f) of the Reserves Act 1977 (the Act). The applicant is aware of the need to apply for other approvals, such as road opening notices, building and earthworks consents, but which are not dealt with here.

#### **5. Discussion**

Section 48(1)(f) of the Act provides for this type of easement in reserves. The reserve is an appropriate location for the stormwater pipe, given the proximity to both the point of discharge (tributary of Belmont Stream) and the catchment point for the future development area.

Public notification is required under the Act, except where the reserve is not likely to be materially altered, or rights of the public to the reserve will not be permanently affected. As noted above the intent is to, after construction, restore the reserve to its original condition (or as close as possible). As such, it is recommended that the requirement for public notification be waived.

### **5.1 Consultation and Engagement**

The applicant has consulted with the Council's Parks, Sport and Recreation Team who have provided a landowner approval to the work, subject to conditions.

As the reserve area is expected to be restored to its original condition after completion of the work, and the rights of the public with respect to the reserve will not be altered as a result of the work, public notification is not required.

### **5.2 Financial considerations**

Any costs associated with the preparation of the easement agreement, valuation, survey and officer time will be borne by the applicant. The Council has engaged a valuer (Darroch) who has undertaken a compensation valuation of the easement through the reserve. The applicant has agreed to pay this compensation.

### **5.3 Climate change impacts and considerations**

There are no climate change impacts that relate to this easement.

### **5.4 Long-term plan considerations**

There is no specific mention of this easement within the 2012-22 Long Term Plan. Section 2.5 of the Plan, however, requires the protection of residents and property from flooding. By reducing reliance on the existing near capacity network the proposal achieves this aim.

It is noted that the stormwater pipe will become the responsibility of Capacity after subdivision of the Cedarwood Drive extension.

## **6. Conclusion**

The proposal seeks a stormwater easement, enabling future development in the Woodridge area. The proposed pipe location is in the most efficient route for servicing.

Following construction, the area is to be restored to enable public recreation use and the pipe transferred to Capacity. Given there are no long term impacts on the reserve, public consultation can be waived.

Contact Officer: *Brett Smith, Property Advisor.*

## **SUPPORTING INFORMATION**

### **1) Strategic fit / Strategic outcome**

*Agreement to the easement will allow for future residential development in an area identified for this purpose.*

### **2) LTP/Annual Plan reference and long term financial impact**

*The proposal is broadly consistent with the Council's requirements for a robust stormwater network under the 2012-20 Long Term Plan. Capacity will inherit responsibility for the network on subdivision of the area – this is an anticipated outcome of such development.*

### **3) Treaty of Waitangi considerations**

*There is no Treaty of Waitangi implication for the proposed easement.*

### **4) Decision-making**

*This is not a significant decision. The easement is consistent with the requirements of the Reserves Act 1977 for such activities in a Reserve.*

### **5) Consultation**

#### **a) General consultation**

*General consultation can be waived by the Committee, under section 48(3) of the Reserves Act 1977, as the Reserve is not likely to 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..*

*Parks Sport and Recreation have been consulted with respect to the pipe location and site remediation.*

#### **b) Consultation with Maori**

*No specific consultation has been undertaken with Māori.*

### **6) Legal implications**

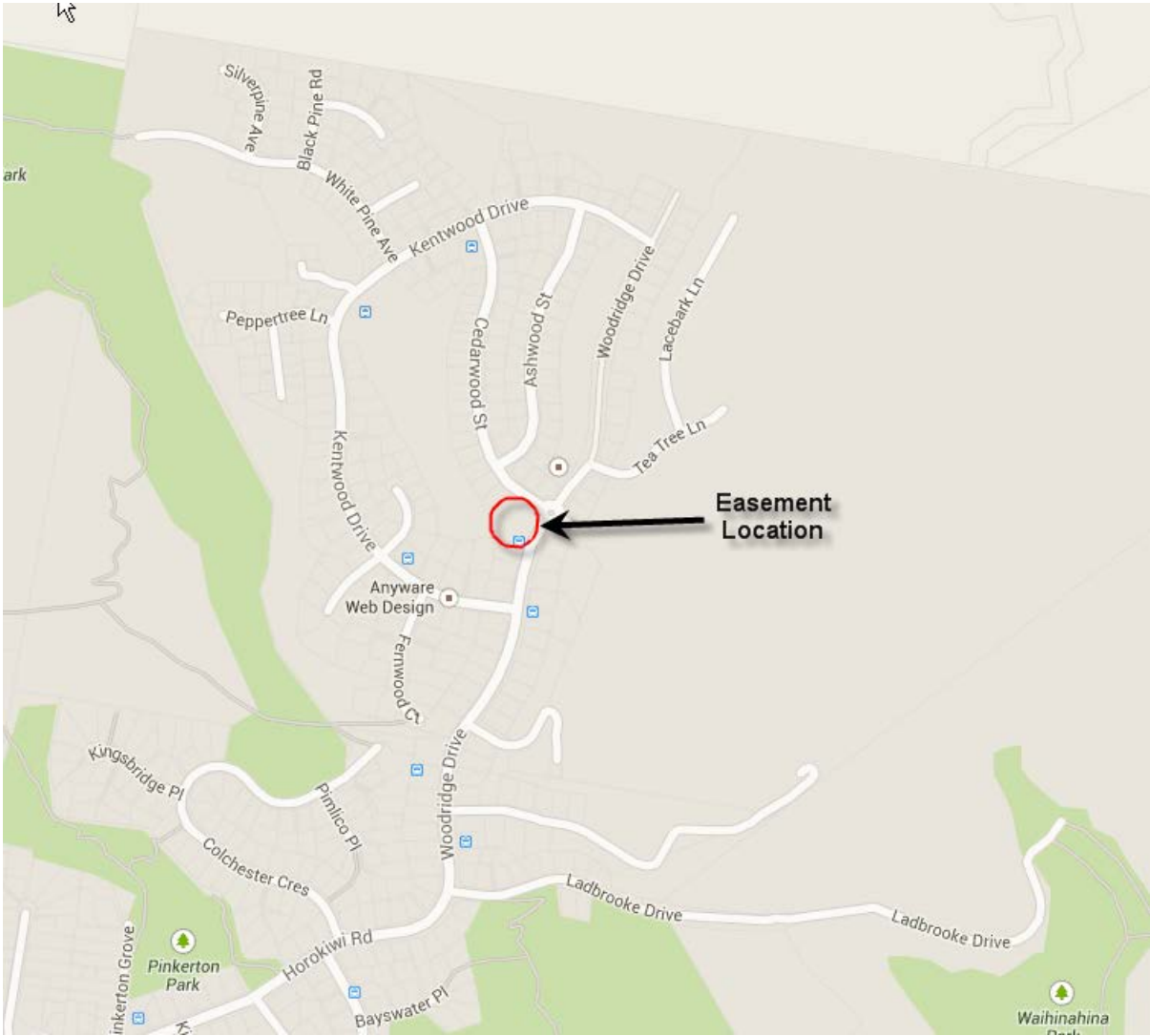
*The Council's lawyers will be consulted for the drafting of the easement document.*

### **7) Consistency with existing policy**

*The proposed easement is consistent with the Council's policies and legislation related to reserves.*

**APPENDIX ONE**

**LOCATION PLAN**





## APPENDIX THREE

### SITE PHOTOS

Looking south-east across reserve.



Looking south across reserve.

