

## 7. EASEMENT OVER RESERVE – MORGANS VALLEY

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Manager Transport and Greenspace
<b>Author:</b>	Bill Morgan, Property Consultant

### PURPOSE OF REPORT

1. The purpose of the report is to seek the Board's approval to the granting of stormwater discharge easements over Morgans Valley Reserve.

### EXECUTIVE SUMMARY

2. An application has been received from Neil Construction Ltd to discharge stormwater from its proposed subdivision on Major Hornbrook Road into the existing stormwater gullies running through Morgans Valley Reserve.
3. Under Section 48 of the Reserves Act 1977, provision exists to grant such easement where the reserve will not be materially altered or permanently damaged. The application by the company falls into this category and as such approval is being recommended subject to appropriate conditions.

### FINANCIAL AND LEGAL CONSIDERATIONS

4. As indicated above, the application complies with the provisions of Section 48 of the Reserves Act 1977 which permits local authorities to approve applications for easements over reserves under such circumstances and as this application complies there are no legal impediments why it should not be approved.
5. All costs associated with the easement are to be borne by the applicant who will also be liable for compensation which will be paid prior to the issue of the 224 Certificate on completion of the subdivision.

### STAFF RECOMMENDATIONS

It is recommended that the Board approve the application on the terms and conditions recommended within the report.

### CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

## **BACKGROUND**

6. Neil Construction Ltd have recently acquired the property at 300 Major Hornbrook Road and have submitted a plan of subdivision creating 24 residential allotments over the property. The subdivision is depicted on the attached plans (**see Attachments 1 and 2**).
7. Following consideration of the application, the company was advised that their proposed scheme incorporating the provision of tanks to mitigate for the increased stormwater run-off from the site was suitable. It was accepted that the discharge of roof water and road water to the natural gullies was acceptable subject to the following conditions.
  - (a) All house sites are to connect their stormwater run-off from pavement and roofs to a 9,000 litre tank. The tank arrangement being required to comply with the Council's Stormwater Tank Installation Guidelines.
  - (b) A boulder pit is to be excavated down to bedrock and an overflow dissipation weir to be constructed in order to control the discharge of the water down the gullies running through the reserve.
  - (c) Native plants are required to be used for stabilisation around the discharge channel with the planting to be protected by fencing to prevent the area being grazed by stock.
  - (d) The application is subject to the Department of Conservation's approval under the Reserves Act 1977 which will be sought following consideration by the Board.
  - (e) The company is required to pay the Council compensation for the easements and this has been assessed by Ford Baker at a rate of \$50m<sup>2</sup> for the headworks and easement line. These areas will be defined accurately on completion of the work and the sum assessed accordingly.

## **OPTIONS**

8. This land naturally falls towards the reserve with the existing stormwater discharge running down the gullies identified where each of the headworks occurs. As the stormwater will initially be captured and held in 9,000 litre tanks, and then released through the system, it is believed that adequate protection will be provided to ensure that no damage to the reserve will occur. Given these measures, it is believed that the application will not materially alter or permanently damage the reserve, and as such its approval is recommended subject of course to the Department of Conservation's consent.
9. There are no other practical solutions to the stormwater discharge.