

3. SETTLERS CRESCENT STORMWATER EASEMENT VARIATION

General Manager responsible:	General Manager City Environment
Officer responsible:	Acting Greenspace Manager
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PURPOSE OF REPORT

1. This report was referred to the Board for its consideration and recommendation to the Council. The purpose of this report is to request that the Council partly surrender a right of way and a variation of a stormwater pipe easement to enable the owners of 8 Settlers Crescent (Timothy Investments) to create a better development on their property. A public walkway and planting redevelopment is also proposed.

EXECUTIVE SUMMARY

2. The Council has two easements for rights of way from Settlers Crescent to the Heathcote River. One for a stormwater pipe and maintenance access (3.09 metres wide) currently used by the private owners as a driveway and planted area. A pedestrian right of way for the public 3.45 metres wide, is beside the stormwater easement and is currently a grassed walkway.
3. Timothy Investments proposes to develop offices and residential accommodation on its property at 8 Settlers Crescent. While alternative layouts have been considered the best design from the company and the Council's perspective, involves building over an existing stormwater pipe for 10 metres (using engineered foundations) and providing an alternative route for the pipeline next to the existing easement should this ever be required and compensation to the Council for the easement variation and possible future pipe relocation costs.
4. The alternative pipeline route utilises a 3.45 metre wide pedestrian route beside the 3.09 metre wide stormwater easement. While compensation to the Council is sought for the future pipe relocation and partial easement surrender, it is considered unrealistic to replace the existing pipe now, as it still has a 50 years plus life expectancy (this life expectancy could exceed the proposed buildings). Refer DP347589 plan attached. The walkway will be formed and planting revised as part of the development (see attached plan).



*Settlers Crescent Walkway
Proposed building and pipeline route to left of the picture*

FINANCIAL AND LEGAL CONSIDERATIONS

5. The applicant will meet the costs of survey and subdivision involved in the easement variation (see attached easement plan).
6. The compensation as outlined in the in public excluded section being paid to the Council for any possible pipe replacement and partial right of way easement surrender.
7. There is no delegation to the Board on this matter and a decision of the full Council is required.

OPTIONS

8. If the application is declined this would require the applicant to amend the design of the development to not build over the easement but this could create a wall 26 metres long as opposed to 10 metres. This would make, with the existing continuous concrete wall on the adjacent property, a very enclosed walkway to the Heathcote River from Settlers Crescent. The current plan while 3 metres closer still maintains a large 20 metre open vista into the site's car park and with proposed planting provides both a better development layout for the applicant and a safer and more aesthetic pedestrian route for the Council.

PREFERRED OPTION

9. The proposed design involves building over an existing stormwater pipe for a short length 8-10 metres (using engineered foundations) and also provides an alternative route for the pipeline next to the existing easement should this ever be required.
10. The general public have no rights of access to this existing easement area being currently formed as a private driveway and private garden area (access being only for pipeline maintenance). Maintenance access to the Esplanade Reserve is via the walkway.
11. While the preferred option's proposed buildings will replace a shrub border for 10 metres of the overall 67 metre long route from Settlers Crescent this is thought to be better than a wider planted gap of 3.1 metres but with a concrete wall for a possible building length of 26 metres if the easement is not changed.
12. Overall the development retains and enhances the walkway with a revised landscape plan. The development will not be fenced but planted on the boundary with good views into the site, providing good security for walkway users. While one building will come to the boundary (over the pipeline) for 10 metres this is opposite an open yard area on the adjacent property.

BOARD RECOMMENDATION

That the Council approve the application by Timothy Investments to make the following easement variations to enable building over 36m² of stormwater pipe in Settlers Crescent subject to:

1. A variation to Easement T7913678 (Right to Drain Water in Gross) to allow the land owner (grantor) the right to build over that parcel shown as "Q" on DP347589.
2. The partial surrender of easement A185420.4 (ROW) in respect to parcels R,Q,G&N on DP347589.
3. The Council accepting an easement for the right to drain water in gross over parcels J,H,F&M on DP347589.
4. Timothy Investments meeting all survey costs in implementing the proposed easement variations.
5. Timothy Investments paying compensation to the Council as outlined in the public excluded section of this report.
6. There being no structural loading placed on any part of the pipeline and the engineering design for the building over the pipeline being to the satisfaction of the Council.
7. An internal inspection of the pipeline being carried out by a registered structural engineer, with confirmation that the existing pipeline is in sound condition being a pre-requisite before any building over the pipeline is approved.
8. A special clause being incorporated in the easement variation exempting the Council from any liability resulting from flooding as a consequence of blockages or structural failure of the pipeline as a consequence of building collapse, tilting or ground settlement.
9. Timothy Investments undertaking the walkway upgrade and landscape work to the satisfaction of the Greenspace Manager as part of its reserve contribution for the development.