

7. 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. The purpose of this report is to seek a Board recommendation to the Council to a partial surrender of 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 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.

8. There being no structural loading placed on any part of the pipeline. Piling and/or support spanning of the pipeline may be one way of ensuring that loading is not placed on the pipeline. An internal inspection of the pipeline being carried out by a registered structural engineer. Confirmation that the existing pipeline is in sound condition is a pre-requisite before any building over it will be approved.
9. 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.

OPTIONS

10. 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

11. 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.

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.

While the preferred option's proposed buildings will replace a shrub border for 10 metres of the overall 67 metre long route from Settler 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.

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.

STAFF RECOMMENDATION

That the Board recommend to the Council that the application by Timothy Investments to make the following easement variations to enable building over 36m² of stormwater pipe in Settlers Crescent be approved 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 DP3475589.
3. The Council accept an easement for the right to drain water in gross over parcels J,H,F&M on DP347589.
4. Timothy Investments meet all survey costs in implementing the proposed easement variations.
5. Timothy Investments pay 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. 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. Confirmation that the existing pipeline is in sound condition is a pre-requisite before any building over it will be 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 their reserve contribution for the development.

CHAIRPERSON'S RECOMMENDATION

For discussion.

ASSESSMENT OF OPTIONS

The Preferred Option

The stormwater pipeline is to be retained as is but the maintenance easement for 8-10 metre area of the proposed building will be surrendered. A new stormwater easement in gross will be created to relocate pipeline if ever required. This will enable the owners of the property to create a better development on the vacant portion of their property at 8 Settlers Crescent.

	Benefits (current and future)	Costs (current and future)
Social	Improved walkway with open views into neighbouring property. Better mixed use development.	No costs identified.
Cultural	No benefits identified.	No costs identified.
Environmental	Walkway upgrade and residential/office development coordinated.	Slight possibility of future pipe relocation.
Economic	Payment for loss of maintenance access loss and pipe relocation costs to be gained and may never be used. The development will fund walkway and planting upgrade.	Relocation if it occurs will involve a pipe relocation.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome: <i>“Our City’s natural resources, biodiversity, landscapes, and ecosystem integrity are protected and enhanced.”</i></p> <p>Also contributes to <i>“Our City’s infrastructure and environment are managed effectively, are responsive to changing needs and focus on long-term sustainability”</i>.</p> <p>Impact on Council’s capacity and responsibilities: Assists a developer to create a better development and maintains the amenities of an existing walking route.</p> <p>Effects on Maori: No local Maori were identified as being affected by this proposal.</p> <p>Consistency with existing Council policies: Consistent with the Environmental Policy and specifically: <i>“Open Spaces and Planting - The Council will manage and maintain the open spaces of the City in ways that enhance amenity, avoid adverse effects and minimise maintenance requirements”</i>.</p> <p>Views and preferences of persons affected or likely to have an interest: Minor walkway linkage with only adjoining land effected and no local resident group consulted.</p> <p>Other relevant matters: Nil.</p>		

Maintain The Status Quo

- (a) Decline the application, no building over easement, but alternative scheme will enclose existing walkway to a greater extent.

	Benefits (current and future)	Costs (current and future)
Social	No costs identified.	Less amenity value of the development and the walkway.
Cultural	No benefits identified.	No costs identified.
Environmental	Pipeline access maintained along whole length.	Less amenity value of the development and the walkway.
Economic	No benefits identified.	No benefits identified.

Extent to which community outcomes are achieved:
Potential loss of amenity and safety of walkway from alternative development.

Impact on Council’s capacity and responsibilities:
No impact.

Effects on Maori:
No local Maori were identified as being affected by this proposal.

Consistency with existing Council policies:
Consistent with the Environmental Policy and specifically: *“Open Spaces and Planting - The Council will manage and maintain the open spaces of the City in ways that enhance amenity, avoid adverse effects and minimise maintenance requirements”*.

Views and preferences of persons affected or likely to have an interest:
Minor walkway linkage with only adjoining land effected and no local resident group consulted.

Other relevant matters:
Nil.