

## 7. DECLARATION OF LAND FOR ROAD, RESERVE 47 - FERRY ROAD



<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Acting Transport and City Streets Manager
<b>Author:</b>	Lewis Burn, Property Consultant

### PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to pass a formal resolution under the provisions of the Public Works Act 1981 to declare a portion of reserve as land for road.

### EXECUTIVE SUMMARY

2. The land is required to enable the Council to construct roading improvements to the intersection at the Ferry Road/Humphreys Drive.
3. Land required for the intersection improvements from the properties at 1026, 1030, 1060 and 1099 have been gazetted as road. It remains to declare as road the land required from Reserve 47. The severance from 1091 Ferry Road is subject to continuing negotiations.
4. The Department of Conservation has given its consent to declare the land (188 m<sup>2</sup>) being part Reserve 47 as road. Agreement is held with the Department, subject to formal resolution of Council, to pay compensation to the department of \$9,400 (excl GST) (see paragraph 12).

### FINANCIAL AND LEGAL CONSIDERATIONS

5. The Board does not have delegated authority to authorise use of the provisions of the Public Works Act for declaring a public work. Such a decision needs to be made by the full Council. The Board has, however, recommendatory powers to the Council.
6. Section 114 of the Public Works Act 1981 provides that any land with the consent of the owner(s) and any other parties who have a disclosed interest, may be declared road. On publication of a notice in the New Zealand Gazette the land vests in the Local Authority as road.
7. The compensation payment to the Crown (Department of Conservation) of \$9,400 (excl GST) is to be a charge against 2006/07 Transport and City Streets Ferry/Humphreys project budget.
8. Part of the reserve land required, Section 2 Drawing 22044/1d (see Attachment 2) is designated for road in the City Plan.
9. Greenspace Unit are the asset owning unit and have agreed to Sections 2 and 5 being taken for road. An inter-unit transfer of capital will take place to account for the true cost of the roading project.

### STAFF RECOMMENDATION

That the Board recommend to the Council that pursuant to Section 114 (1) of the Public Works Act 1981, the Council resolve to declare as land for road, that land shown as Section 2 SO 362038, (see Attachment 1) comprising 188 m<sup>2</sup> being part Reserve 47 being part of the land comprised in CFR CB467/229.

### CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

## **BACKGROUND ON DECLARATION OF LAND FOR ROAD – RESERVE 47 – FERRY ROAD**

9. Reserve 47 is a reserve subject to the Reserves Act 1977 some of which has been developed and used by the adjacent restaurant business as a car park. The current business, the Sandbar and Restaurant Limited has a lease of Section 3 and part Section 4 on drawing 22044/1d for this purpose until July 2009 with a right of renewal for five years finally expiring in 2014. The lease is subject to termination on three months notice in respect to any area required for a public work or esplanade reserve.
10. Section 4 on this plan is shown as land for esplanade reserve (to be formalised as a separate action) while Sections 2 and 5 are shown as land for road and Section 2 is designed for roading purposes. Section 5 is also required for road following a review by Transport and City Streets to provide a uniform new road boundary but more importantly to allow for better design of the footpath and landscape treatment for linkage to the esplanade reserve. This will also achieve a better safety aspect with the relationship of the footpath to the carriageway through to the bridge.
11. Reserve 47 was originally set apart from the Crown's estate as a reserve for ferry purposes. This purpose was changed by gazette in 1931 to 'waterworks' as at that time it is understood the Heathcote County Council required the land for a well. With the amalgamation of the Heathcote County with the City this intended use was superseded and the reserve is no longer required for this purpose. As bridge reconstruction progresses and roading work is completed detail on the esplanade reserve landscape development can be firm up and a review carried out as to the balance of the reserve.
12. Compensation is payable to the Crown (DOC) for the land required for roading purposes. A valuation was carried out by Simes & Co Limited on behalf of Council and DOC. The compensation payment is 50% of the valuation in accordance with DOC policy of the land to be declared road.