

9. EASEMENTS OVER 1 AND 3 CAMERON STREET



General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport & Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to approve the surrender of a right-of-way easement over 3 Cameron Street being land held under the Reserves Act 1977, and also to grant to the owners of 1 Cameron Street the right to drain sewage and water over the same right-of-way.

EXECUTIVE SUMMARY

2. The Council purchased the property at 3 Cameron Street in August 2005 as a Local Purpose Reserve and is subject to the Reserves Act 1977. Access from Cameron Street is via a right-of-way shared also in part with the property at 1 Cameron Street. A portion of the Council's right-of-way is no longer necessary and can be surrendered.
3. The developers of 1 Cameron Street have also sought Council consent to a right to drain sewage and water, right to convey water, electric power and telephonic communications over the Council's access strip leading out to Cameron Street.

FINANCIAL AND LEGAL CONSIDERATIONS

4. Standard Council advice to all easement requests includes a written statement, that the Council may charge a one-off compensatory sum for the granting of the easements as scheduled, have been given to the applicants. Valuations assessing the amount of compensation have not yet been requested, however, based on our knowledge and the low impact of such a grant, it is considered that the dollar valuation assessment will be relatively low.
5. It is considered that as the reserve will not be materially altered or permanently damaged and the rights of the public in respect of the reserve are not likely to be permanently affected, public notice is not required to be undertaken.

BACKGROUND ON EASEMENTS OVER 1 AND 3 CAMERON STREET

6. The owners of 1 Cameron Street have undertaken the redevelopment of the site and have built six new units. As part of this development, discussions have been held with Council staff regarding the adjoining waterway and future landscaping as it has an impact on the overall development of the "Cameron St" reserve. These negotiations have resulted in a "Conservation Covenant" being agreed for the Council's benefit, enabling the waterway to be protected without having to acquire the land as an addition to the reserve.
7. In consideration of granting the "Conservation Covenant" the Council has permitted the developers to build closer to the southern boundary as part of their approved Resource Consent.
8. The easement to be surrendered is no longer necessary although an existing easement over those areas shown as "E & H" will remain, permitting the six new owners of 1 Cameron Street access into their units.
9. There is no physical impact affecting the Council's portion of the right-of-way by granting the applicant rights as shown on LT 377668 **attached**. All costs associated with the installation of the necessary pipes etc will be borne by the applicants.

OPTIONS

10. There are no alternative practical options to consider with regards to this application.

STAFF RECOMMENDATIONS

That the Board recommends to the Council that:

- (a) The right-of-way easement over Lot 3 DP 16880 shown as D on LT 377668 be surrendered.
- (b) Rights to drain sewage and water, right to convey water, electric power and telephonic communications over Lot 3 DP 16880 in favour of Lot 2 DP 16880 shown as E & H on LT 377668, be granted.
- (c) The consent of the Department of Conservation be sought.
- (d) The Corporate Support Manager be authorised to finalise and conclude any compensation transaction.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be supported.