

2. DECLARING LAND TO BE ROAD - BROMLEY/MACES ROAD SAFETY IMPROVEMENT WORKS

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
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PURPOSE OF REPORT

1. The purpose of the report is to recommend to the Council that it give consent pursuant to Section 114 of the Public Works Act 1981 to declare as road an area of 78m² comprising part of the Bromley Old School Reserve and shown as Section 1 on Scheme Plan SM1489-01 (Attachment 1).

EXECUTIVE SUMMARY

3. The Transport and City Streets Unit is proposing a new kerb alignment at the northern corner of Bromley and Maces Road, at Bromley Old School Reserve.
4. Currently the kerb, footpath, fence and Orion services are located on the reserve. Taking the land for road will mean that the kerb and utility services will be contained within the road. However, the footpath and fence will still be partly located on the reserve. The Greenspace Unit accepts that there will be a partial encroachment on the reserve.
5. An area of 78m² of the reserve is designated for road purposes under the Proposed City Plan. Scheme Plan SM1489-01 (Attachment 1) shows the designated area that is the subject of this report.
6. Pursuant to Section 114 Public Works Act 1981 (PWA), the subject area can be declared road contingent to the written consent of the Minister of Conservation and the Council.
7. The Department of Conservation advised that as the land originally came from the Crown's estate, compensation at the current market value would be expected. However, because the land is vested in the Council, compensation would be on a 50/50 basis.
8. Independent valuation advice was obtained and a half share assessed in the amount of \$750 plus GST if any.
9. The Department of Conservation has accepted this and, acting under delegated authority from the Minister of Conservation, has consented in writing to the area being declared road.

FINANCIAL AND LEGAL CONSIDERATIONS

Financial

10. The Department of Conservation indicated that the Minister would not consent to the land being declared road unless 50% of the current market value was paid to it. Simes Limited assessed a current market value of \$1,500 plus GST if any, which equates to a half share of \$750 plus GST if any. This has been accepted by the Department.
12. Other costs associated with this matter include the Department's costs for processing the application, valuation fees, survey fees, LINZ disbursements and gazettal fees estimated to be \$3,000.
13. This project is being funded from the capital streets budget controlled by the Transport and City Streets Unit.

Legal

14. The Board does not have authority to consent to declare land to be road - such consent needs to be given by the full Council. The Board has, however, recommendatory powers to the Council.

15. Section 114 Public Works Act 1981 - Declaring land to be road

This section says that, subject to the consent of:

- (a) the Minister of Conservation if the land is a public reserve; and
- (b) the territorial authority in whose district the land is situated.

Then the Minister of Lands may, by notice in the gazette, declare any land to be road.

BOARD RECOMMENDATION

That the Council consent to the 78 square metre area being part Rural Section 41428 shown as Section 1 on Scheme Plan SM1489-01 being declared road and vested in the Council pursuant to Section 114 of the Public Works Act 1981.