
REPORT 1
(1215/11/IM)

CREATION OF EASEMENTS OVER RESERVE – BING LUCAS DRIVE, TAWA

1. Purpose of Report

To obtain approval to the creation of two easements over Council reserve land. In this case deferral to the next Strategy and Policy Committee would create unnecessary hardship for the subdividing applicant.

2. Executive Summary

Council in 2005 received an application from J & JM Walsh to subdivide their land at 70 Bing Lucas Drive to create 15 new lots. Consent was granted subject to conditions. In 2008 an amended consent was granted which approved staging of the development.

The approved survey plan provides for a number of easements to be created to enable the subdivision plan to deposit and titles to issue. This would facilitate the sale of the lots by the owner. Two of the easements affect land which will be vested in Council as recreation reserve and as such require the Council's consent as landowner to their creation.

The landowner seeks Council's assistance to enable the plan to deposit by granting its consent to the creation of two easements without having to wait until the next Strategy and Policy meeting. Given this matter is largely procedural and delay could impact financially on the subdivider, it is considered reasonable for the Council to consider this matter now and grant its consent as landowner.

3. Recommendations

Officers recommend that the Council:

- 1. Receive the information.*
- 2. Agree to grant its consent as landowner to the creation of an easement in gross to convey water in favour of the Wellington Regional Council over Lot 14 Deposited Plan 420348.*

3. *Agree to grant its consent as landowner to the creation of a Right of Way easement in favour of J & JM Walsh over lot 14 Deposited Plan 420348.*
4. *Authorise the Chief Executive Officer to agree the terms of the easements and take all necessary actions to enable registration of the easements.*

4. Background

Following the granting of resource consent as referred to above the landowner has been in dialogue with Parks and Gardens regarding the easements. Parks are agreeable to the easements. The easement in favour of the Wellington Regional Council replaces an existing easement with the new one more accurately depicting the route of the pipeline. The easement in favour of the Walsh's effectively grants to the adjoining owners the right to traverse the reserve including it being crossed by stock. Both have been required as part of the consent granted by Council.

The reserve itself, lot 14 DP 420348, is approximately 170 metres long with a width of between 10 and say 20 metres. It provides pedestrian access between Bing Lucas Drive and adjoining Council reserve land. This lot will vest in the Council on deposit of the plan as recreation reserve.

The landowner is seeking Council's consent as landowner to the creation of the easements to enable deposit of the plan.

Plan showing location of lot 14 being the lot subject to the easements



5. Discussion

Given that the Council has required these easements to be created as part of the subdivision approval it is reasonable to now grant consent as landowner to them being created.

Deferral to the Strategy and Policy Committee having delegated powers to consider the creation of easements over reserve in this case would unnecessarily delay the landowner obtaining title and could cause financial hardship.

5.1 Consultation and Engagement

Parks and Gardens are in agreement to the easements being created.

5.2 Financial Considerations

There are no financial implications. The creation of the easements is at the cost of the landowner.

5.3 Climate Change Impacts and Considerations

There are no climate change impacts and considerations.

5.4 Long-Term Council Community Plan Considerations

There no Long Term Council Community Plan considerations.

6. Conclusion

It is considered reasonable for the Council to grant its consent as landowner to the creation of the easements. Granting of consent is aligned to the conditions of consent imposed by Council on approving the subdivision.

Contact Officer: *Jon Muston, Team Leader - Property Projects*

Supporting Information

1) Strategic Fit / Strategic Outcome

Supports the development of the city residential areas

2) LTCCP/Annual Plan reference and long term financial impact

There are no long term impacts of the easement creation.

3) Treaty of Waitangi considerations

There are no Treaty implications.

4) Decision-Making

This is not a significant decision. The report sets out a number of options and reflects the views and preferences of those with an interest in this matter who has been consulted with.

5) Consultation

a) General Consultation

The landowner and Parks have been consulted.

b) Consultation with Maori

Nil required.

6) Legal Implications

Council's lawyers have created the easements and provided a solicitors certificate.

7) Consistency with existing policy

This report gives effect to an approval to subdivide granted by Council