

Easement for New Footpath on Centreway, Pauanui

TO	Thames-Coromandel District Council
FROM	Sam Edlin - Roading Engineer
DATE	24 April 2015
SUBJECT	Easement for New Footpath on Centreway, Pauanui

1 Purpose of Report

For the Thames-Coromandel District Council to agree to allow an easement across Pauanui Community Church land and Pauanui shopping centre carpark at Centreway, Pauanui. This easement is for the purpose of constructing and maintaining a footpath for public use connecting the Pauanui shopping centre with the new community centre.

2 Background

On 24 November, the Tairua-Pauanui Community Board confirmed prior to Christmas 2014 that a footpath on Centreway be constructed, connecting the Pauanui shopping centre with the existing footpath outside the new community centre. The Tairua-Pauanui Community Board also confirmed that the Pauanui community church were agreeable to the footpath on their property due to the designed route being preferable compared to where the public currently walk which is through the Church's drive through accessway which is used by vehicles.

This footpath aims to separate pedestrian and church vehicle traffic.

The Centreway footpath has been designed and was presented to the Tairua-Pauanui Community Board at their workshop on the 16 February 2015 for comment.

Consultation with the Pauanui Community Church in regards to the proposed footpath construction design has been completed with the outcome being that they are happy with the design with only some minor changes requested.

Consultation has been undertaken with the Pauanui shopping centre Manager with the feedback being that they do not oppose a footpath at that location. Further consultation is currently being carried out with the Pauanui shopping centre owner to confirm that they are happy with the plan and agree to an easement for the portion of footpath to be constructed on their land.

Advice from Council's legal team has been sought, they advise that Council approval is required prior to any easement agreement being formalised with the Pauanui Community Church and the Pauanui shopping centre.

A report went to the 13 April Tairua-Pauanui Community Board meeting where the Community Board recommended that Council approve the easements for the footpath as per resolution below:

The Community Board recommend that Thames-Coromandel District Council agree to allow an easement across Pauanui Community Church land at Centreway, Pauanui. This easement is for the purpose of constructing and maintaining a footpath for public use connecting the Pauanui shopping centre with the new community centre.

Key Discussion Points

- *The Pauanui Community Church is in agreement for Council to construct a footpath for public use across their land.*

Resolved

That the Tairua-Pauanui Community Board:

1. *Received the report.*
2. *Recommend to Council to allow for an easement across Pauanui Community Church's property for the purpose of constructing and maintaining a footpath for public use.*

Moved/Seconded By: *Coppersmith/Brooke*

3 Issue

An easement is required in order to construct a footpath for public use on Pauanui Community Church property and a small portion on the Pauanui shopping centre land, to connect the Pauanui shopping centre with the new community centre. Refer to Attachment A for the footpath design.

4 Discussion

A footpath through the Pauanui Community Church property is the most direct route (and is currently used by pedestrians) to/from the Pauanui shopping centre and the existing footpath on the north-eastern side of Centreway and the new Pauanui community centre.

Council is legally required to have an easement over the Pauanui Community Church land and where a small portion of the footpath will be on Pauanui shopping centre land in order to construct and maintain a footpath. An easement agreement is required to be in place before construction of the footpath commences.

If approved by Council an easement agreement will be compiled and signed by the Pauanui Community Church, the Pauanui shopping centre and Council prior to work starting.

Construction of the footpath could then proceed with the timing of this work likely to be during June 2015.

Section 17(1) of the Public Works Act 1981 provides that Council may enter into an agreement to purchase any land for any public work for which it is responsible. The agreement will provide for a nil compensation payment but for survey, registration and any legal costs to be borne by Council.

A compensation certificate under section 19 of the Public Works Act 1981 may also be registered to protect Council's interest in the areas until such time as the easement is surveyed and then registered against the relevant certificates of title.

Clause 32 of Schedule 7 of the Local Government Act 2002 only enables the decision to acquire assets to be delegated where acquisition is contemplated in the Long Term Plan. Acquisition of the easement in question was not contemplated in the current Long Term Plan.

Suggested Resolution(s)

That the Thames-Coromandel District Council:

1. Receives the report.
1. Resolves to acquire, pursuant to section 17 of the Public Works Act 1981, an easement over land at 52 Jubilee Drive (Pauanui shopping centre) and 20 Centreway (Pauanui Community Church) for the purpose of constructing and maintaining a footpath.
2. Delegates to the Chief Executive, authority to complete all necessary steps to complete the easement acquisition as outlined in this report.

References-Tabled/Agenda Attachments

Attachment A *Centreway Footpath Design*

Attachment A - Centreway Footpath Design