



Report 07.451
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Committee Utility Services
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Wainuiomata Pipeline: Exchange of Land for Grant of Right of Way

1. Purpose

To seek Committee support in granting a right of way to Paddy Hannan Contracting Ltd over the Council's pipeline land at Waiu Street, Wainuiomata, in exchange for the transfer of ownership to the Council of adjacent land through which the Council currently has an easement.

2. Significance of the decision

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

The Council's bulk water pipelines from Wainuiomata Road to Gracefield occupy Council land with the exception of two parcels of land at Waiu Street, Wainuiomata. One of these is owned by the Hutt City Council (Lot 3 DP28757) and the second by Paddy Hannan Contracting Ltd (Lot 3 DP41540). Pipeline easements are held over both parcels of land.

Paddy Hannan Contracting Ltd (PHC) also owns a larger section of land adjacent to the Council's pipeline land at Waiu Street. This land has no legal road access. Refer to attachment 1 which identifies the relevant land location and boundaries.

In 2003 the Council granted PHC temporary access rights over the pipeline land towards the top of Waiu Street to provide legal access to the PHC land and facilitate its use as a clean fill site.

Use of the site for clean fill is almost completed and PHC now wish to formalise a permanent access right to their land.

PHC has made the following proposal to achieve permanent access through 19 Waiu Street, over which the company holds a purchase option:

- a) Ownership of the PHC land contained in Lot 3 DP41540 (through which the GWRC pipelines pass) to be transferred to the Council for consideration of 10 cents.
- b) The Council to grant PHC a Right of Way over Council's land adjacent to 19 Waiu Street to provide the access link to Waiu Street.
- c) PHC will construct the Right of Way formation to run perpendicularly across the Council's land and be responsible for all costs of the physical formation and its ongoing maintenance.
- d) PHC to meet all reasonable costs associated with the transaction.

4. Comment

There is advantage to the Council in the ownership of a contiguous strip of land over its pipeline route to ensure permanent legal access for the purposes of inspection, maintenance, repair and replacement of its pipelines. Transfer of Lot 3 DP 41540 (at effectively no cost) will achieve this with the exception of Hutt City Council's small parcel.

Officers will require that the design and construction of the Right of Way formation meets Council standards and specifications to ensure that the pipeline is adequately protected from damage. Officers will also ensure that access to the pipelines is preserved for inspection, maintenance, repairs and future replacement.

While this transaction is minor in nature, it involves the exchange of property rights and therefore requires Council approval.

5. Communication

If the Council decides to proceed with this transaction a media statement is not believed to be warranted.

6. Recommendations

That the Committee:

- a) ***Receives the report.***
- b) ***Notes the content of the report.***
- c) ***Recommends to Council acceptance of the proposal for the Council to purchase Lot 3 DP 41540 from Paddy Hannan Construction Ltd for 10 cents in exchange for a permanent Right of Way over the Council's land at Waiu Street.***

Report prepared by:

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Attachment 1: Sketch of Land at Waiu Street, Wainuiomata.