

STAFF REPORT

TO: Community Services Committee
FROM: Manager Property
REFERENCE: 11732
DATE: 31 August 2005
SUBJECT: Packards Road Reserve

PURPOSE

To consider a request to vest the Packards Road Reserve in the Minister of Conservation.

BACKGROUND

The inhabitants of the Takaka Roads Board District, now the Tasman District Council, have owned an area of 1.6516 ha at Packards Road, Motupipi since 1901. The land contains part of the "Council Cave" system and is at the northern end of the Hogsback Ridge. The land adjoining the Council land is now owned by the Department of Conservation.

The Department of Conservation have previously requested that the Council transfer this land to them but the move was resisted as previous Councils have allowed adjoining owners to form their access over the Council land. The accesses have not been protected by easements and the transfer of the property to another owner could place them in a difficult position.

The Department of Conservation have advised that they have managed to get some funding to cover the survey and limited legal costs of preparing easement documents for formalising the existing track to the two landowners involved. After the easements are created the land would then be transferred to the Department of Conservation as a scenic reserve.

DISCUSSION

The Reserves Manager has no objection to the proposal. As discussed the main issue has been the provision of a legal access to the properties currently using the Council land. Realistically the Council could demand a reasonable fee to provide legal access but the nature of the formation suggests that the access was accepted

by the Council when the subdivision was approved and, as the Department of Conservation has offered to meet most if not all of the expenses, there is no reason to envisage why the Council should be profiting.

AFFECTED PARTIES

The affected parties are the property owners who rely on this land for access. The proposal is to have easements in place before the land is sold which should satisfy any concern. As the land would transfer to the Department of Conservation and become part of their reserves management strategy, it is not anticipated that any other persons are affected parties.

OPTIONS

The Council is not required to agree to the proposal but it has no use for the land and considers that its management is a scenic reserve in conjunction with the adjoining DOC reserves is appropriate.

RECOMMENDATION

That the land contained in Certificate of Title 23/131 at Packards Road be transferred to the Department of Conservation as a scenic reserve subject to easements being registered against that title to the two adjoining property owners.

J K Frater
Manager Property