

GUIDELINES FOR MANAGING ENCROACHMENTS ON COUNCIL LAND AT BELMONT, LOWER HUTT

1. There shall be no private fences within Council land. All fences shall be on the legal boundary between the Private and the Council land.
2. No sale of Council land will be contemplated.
3. Privately developed gardens may remain on Council land where:
 - 3.1 The garden is not in conflict with the edge protection work.
 - 3.2 The garden is not in conflict with the landscape plan for the Council land.
 - 3.3 There is in place an encroachment licence granted by the Council to the private land owner, which amongst other matters caters for no structures to be erected on the Council land, the Council to have the right to resume occupation of the land with no compensation payable, the right of the public to use the Council land is to be preserved and the Council to have the right to remove any trees and other plants it deems to be undesirable.
 - 3.4 The encroachment licence fee shall be set as per the Council rent policy. The rent policy requires the greater of current market rent or a minimum charge of \$175.00 per annum. There is an exception. Where the Council derives a quantifiable benefit from the licensee's occupation of the Council land there may be a reduction to the minimum annual charge. Private owner maintenance of the Council land will provide the Council with savings in land maintenance and will warrant a minimum annual licence charge of 10 cents.
4. Structures on Council land shall be removed. The Council may, at its sole discretion grant an exception (other than private fences all of which shall be removed):
 - 4.1 Where a private improvement is principally on the private land and has a nominal intrusion/encroachment onto Council land, and the cost of removal of the improvement will be relatively high, the private owner shall be given the option of either removing the encroaching structure or having an encroachment licence granted.
 - 4.2 If an encroachment licence is to be granted it shall, amongst other matters, cater for there to be no further structures of any description to be erected on Council land, for there to be no upgrade or renewal of the structure so that at the end of its natural physical life the encroachment will cease and for the balance of the boundary between the Council and the private land to be fenced.
 - 4.3 The encroachment licence fee shall be set as per the Council rent policy. The rent policy requires the greater of current market rent or a minimum charge of \$175.00 per annum.
 - 4.4 Where a private improvement is fully or mainly on the Council land and has no or a nominal occupation of the private land, the improvement shall be removed from the Council land.

5. All encroachment licences for lawn and gardens shall be for the term of the private owners' ownership of the private property. The Council, at its sole discretion, may or may not offer any subsequent owner a license.
6. All encroachment licences for structures shall be for the natural life of the encroaching structure.
7. All encroachments, unless licensed to remain, are to be removed from Council land by 30 June 2003.
8. The Manager, Flood Protection has the delegated authority to grant encroachment licences, which complies with these guidelines.
9. Any proposed encroachment licence that does not comply with these guidelines will be referred back to the Landcare Committee for approval, or otherwise.