
REPORT 10

DISPOSAL – 177 BING LUCAS DRIVE, TAKAPU VALLEY

1. Purpose of report

To obtain approval to initiate the process to dispose of land at 177 Bing Lucas Drive, Takapu Valley (the Land) by revocation of the reserve status pursuant to Section 24 of the Reserves Act 1977. If reserve revocation is successful, then pursuant to Section 40 of the Public Works Act 1981 (PWA), declare the Land as no longer required for a public work purpose, and authorise Council officers to proceed with offer back investigations and disposal.

Refer to Appendix 1 for an aerial plan with the Land shown outlined bold white.

2. Executive summary

Council acquired the Land (as part of the original subdivision creating Bing Lucas Drive) to provide access to the adjacent Wilf Mexted Reserve. Superior access is now available following subdivision of an adjacent property. The Land is therefore no longer required for reserve purposes.

Appropriate Council internal business units have been consulted with on the proposal to sell the Land and none have any public work requirement for it.

The Land has recreation reserve status, if it is declared surplus then that would need to be revoked.

3. Recommendations

Officers recommend that the Environment Committee:

1. *Receive the information.*
2. *Recommend that the Council:*
 - (a) *Agree to revoke the reserve status of 177 Bing Lucas Drive, Takapu Valley (CFR Identifier 342412) pursuant to section 24 of the Reserves Act 1977.*
 - (b) *Authorise the Chief Executive Officer to conclude the reserve revocation of 177 Bing Lucas Drive, Takapu Valley.*
 - (c) *If the reserve revocation is successful, agree that the property at 177 Bing Lucas Drive, Takapu Valley is not required for a public work and is surplus to requirements.*

- (d) *Subject to 177 Bing Lucas Drive, Takapu Valley being declared surplus, authorise Council officers to commission a section 40 Public Works Act 1981 report from a suitably qualified consultant to identify whether this property must be offered back to a former owner or their successor in title, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4) of the Public Works Act 1981.*
- (e) *If 177 Bing Lucas Drive is declared surplus, approve its disposal.*
- (f) *Delegate to the Chief Executive Officer the power to take all actions necessary to sell 177 Bing Lucas Drive, Tawa in accordance with the provisions of the Public Works Act 1981.*

3. *Note:*

- (a) *That the reserve revocation is conditional on no sustained objections being received following public notification of the intention to revoke the reserve status in accordance with section 24 of the Reserves Act 1977.*
- (b) *That if sustained objections are received to the reserve revocation, a further report will be presented to Council to decide whether to uphold them or not.*
- (c) *The consent of the Minister of Conservation to be obtained in accordance with section 24 of the Reserves Act 1977.*
- (d) *The disposal of the 177 Bing Lucas Drive land will not proceed until the reserve contribution land that is to be received from the 185 Bing Lucas Drive subdivision is in Council ownership. In the event that Council does not receive the reserve contribution land then a further report will be presented to the Committee for consideration.*

4. Background

4.1 Acquisition History

In the early 2000's this eastern part of Tawa was subdivided and the Land was vested to Council for use as access to Wilf Mexted Reserve. It was allocated the street address of 177 Bing Lucas Drive. Part of the Wilf Mexted Reserve is shown shaded green on the aerial in Appendix 1.

In 2009 while seeking the Minister of Conservation's approval to Council's Northern Reserves Management Plan, it was identified that some parcels of land vested to Council had not been classified as reserve in accordance with the Reserves Act 1977. 177 Bing Lucas Drive was one such area of land. Following gazette notice late 2009, the recreation reserve classification was duly registered on the title in early 2010.

4.2 Property details

Area	1067 m ²
Legal Description	Lot 54 DP 371702 CFR Identifier 342412
Zoning	Open Space B
Book Value (2013/2014)	\$2,980.45

The Land consists of a long thin strip measuring approximately 9 m wide by 129 m long. It is steeply sloping up from Bing Lucas Drive and is covered mainly in grass and gorse.

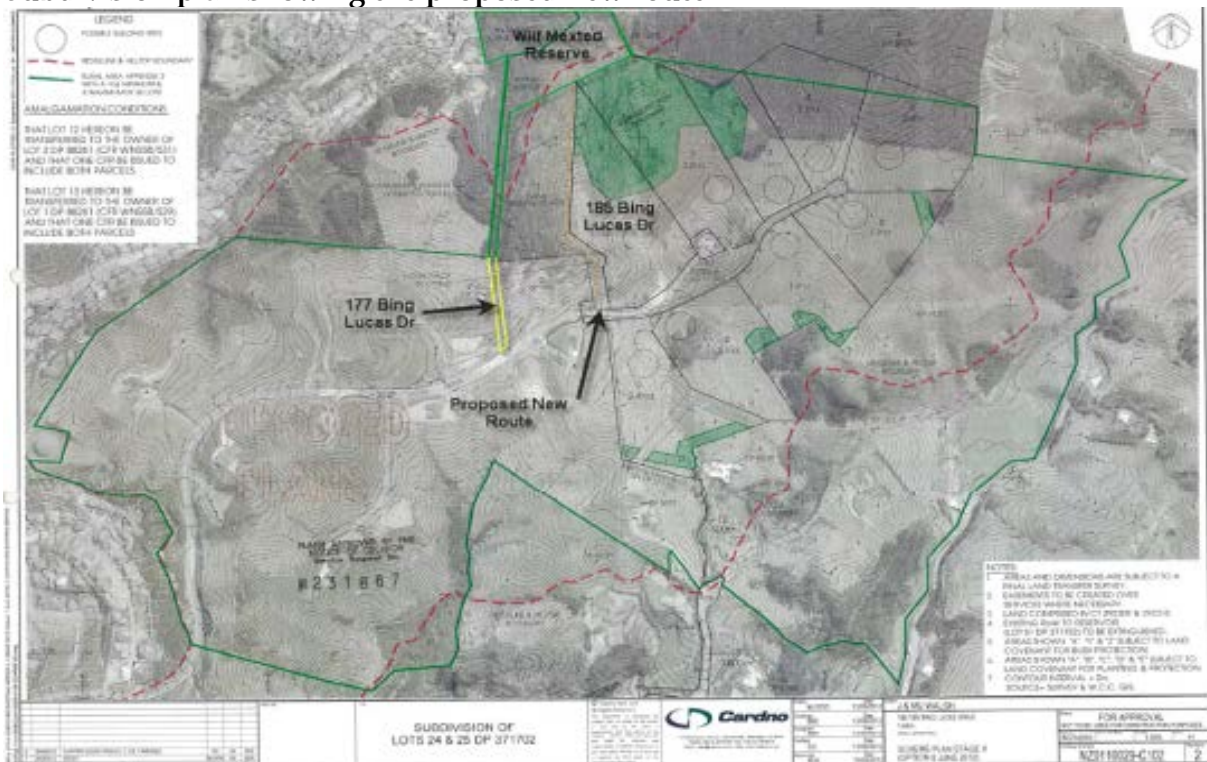
It is a difficult grade to construct track access for both walkers and bikers and during subdivision of adjacent land officers worked with the developer to assess the feasibility of a better more accessible access being built through this new subdivision.

5. Discussion

5.1 Internal Consultation

Officers have identified a superior access route to Wilf Mexted Reserve over land that is currently part of 185 Bing Lucas Drive. A subdivision is underway for 185 Bing Lucas Drive, with Council to receive land as a reserve contribution. The reserve land would become part of Wilf Mexted Reserve and provide access to Bing Lucas Drive over it. This new access makes the Land surplus to requirements for open space purposes.

Subdivision plan showing the proposed new route



The preliminary step in any proposed disposal is consultation with Council's business units. Given the Land's long thin shape and location only the Urban

Development, Transport Planning and Strategic Asset Planning business units were consulted with. All confirmed they have no interest in the Land.

5.2 External Consultation

As the Land is classified recreation reserve under the Reserves Act 1977 reserve revocation is required prior to disposal. This will be carried out under section 24 of the Reserves Act and requires Ministerial approval. Public notification is required following the process in section 24 of the Reserves Act.

The acquisition history will be confirmed by the section 40 Public Works Act 1981 investigations.

The Friends of Tawa Bush Reserves are supportive of the proposal.

The Tawa Community Board endorsed this proposal at their meeting held on 13 February 2014, with a request that the Council does not finalise the sale until access (i.e. the reserve contribution from the 185 Bing Lucas Drive subdivision) was secured.

5.3 Likely sale to an adjoining neighbour

The area surrounding the Land is zoned Rural having a minimum lot size of one hectare under the operative District Plan. If the Land is declared surplus then it is likely the section 40 Public Works Act 1981 investigation recommendations will be that given the Land's size, shape and location it would only be reasonable to sell it to an owner of one of the two adjoining properties, for amalgamation with their existing title.

Both neighbours have been advised of Council's proposal to sell the Land, with both indicating interest in purchasing it.

No current market valuation of the Land has been obtained at the time of preparing this report. At time of sale officers will obtain a current market valuation from an independent qualified valuer, and any sale price would be based on that.

5.4 Significance Policy/ Strategic Assets

Under Council's Significance Policy, the sale of the Land would not be deemed significant.

5.5 Climate Change

The proposed disposal will have no impacts on any climate change considerations.

5.6 LTP Implications

Any sale proceeds generated will be used to offset Council borrowing, and any costs of sale will be offset against sale proceeds.

5.7 Next Steps

If the recommendations of this report are accepted the next steps would be –

- Publicly notify the reserve revocation proposal.
- If objections are received, a further report to Council will be needed along with hearings (if required) to decide whether they should be upheld or not.
- If objections are not upheld, Council will refer them to the Minister of Conservation for decision.
- Publish the reserve revocation notice in the New Zealand gazette.
- Investigate and implement any section 40 offer back obligations.
- Report to the Chief Executive Officer, with a recommendation to either proceed with an offer back, or to agree that an exemption applies.
- If offer back is applicable, obtain a current market valuation, and offer the land back to the former owner, or their successors. Note should an offer back be applicable officers would not contact the former owner until the reserve contribution land to be received from the 185 Bing Lucas Drive subdivision was in Council ownership.
- If an offer back exemption is applicable, or the former owner or their successors are not interested in a re-purchase, proceed to negotiate with either the two adjoining neighbours, or tender on the open market to the best advantage of Council.

6. Conclusion

Officers recommend that the Committee recommend to Council, that it approve officers commencing the process to dispose the 177 Bing Lucas Drive land.

Officers would ensure that this land was not disposed of until after the 185 Bing Lucas Drive subdivision reserve contribution was in Council ownership.

Once the 177 Bing Lucas Drive land was ready for sale officers would pursue sale to one of the two adjoining neighbours, or tender on the open market to the best advantage of Council.

Contact Officer: *Paul Davidson, Property Advisor, Property*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

In line with the Council's financial principles, assets that are declared surplus to strategic or operational requirements are sold.

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

Provision for undertaking this work is contained within the overall organisational budget. There are no adverse financial implications imposed on the Council arising from this disposal proposal. This proposal will benefit the Council in financial terms from the sale of the land.

3) Iwi considerations

There are no implications.

4) Decision-making

This is not a significant decision. Parks, Sport and Recreation being Council's asset owner do not consider it necessary to retain the Land.

5) Consultation

a) General consultation

Relevant Council business units have been given the opportunity to demonstrate whether they have an interest in this property. None had any interest.

b) Consultation with Maori

This matter has not warranted any consultation with Maori due to the areas minimum 1ha minimum lot size, meaning that it would only be appropriate to sell the Land to the owner of an adjoining property.

6) Legal implications

Any sale and purchase agreements will be prepared by the Council's Solicitors.

7) Consistency with existing policy

The recommendations of this report are consistent with WCC policy.

APPENDIX 1

