
REPORT 7
(1215/52/IM)

LAND ACQUISITION – 69 THE PARADE, ISLAND BAY

1. Purpose of Report

This report seeks the committee to recommend to Council approval for the acquisition of approximately 1m² of land, from the property at 69 The Parade and corner of Tamar Street, Island Bay.

2. Executive Summary

This acquisition has been necessary after it was identified that a power pole is located partly on private land.

Options were considered to resolve this situation. As the owners of the land have agreed to gift it to Council, this means that the power pole can remain in its existing position, and this is considered to be the best outcome.

An agreement has been signed by both parties, with that being conditional on Council resolution.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Recommend that the Council:*
 - (a) *Agrees to acquire approximately 1m² of land at 69 The Parade, Island Bay, contained within Computer Freehold Register WN455/279, Wellington Registry.*
 - (b) *Authorises the Chief Executive Officer to conclude the final contract for the land acquisition on the basis that the subject land is being gifted to Council, with Wellington Cable Car Ltd paying all associated costs.*

4. Background

The owners of the property at 69 The Parade and corner of Tamar Street, Island Bay are currently building on the site. During the site preparation for this, the power pole on the corner of The Parade and Tamar Street, was identified as being partly located on the inside of their boundary. (See Appendix 1 for a photograph of the power pole, and Appendix 2 for a plan of the site with the subject land shown coloured yellow)

The asset owner of the power pole is Wellington Cable Car Limited (WCCL).

Section 17 Public Works Act 1981 provides Council with the authority to acquire land with the mutual consent of both parties. A sale and purchase agreement has now been prepared, this has been signed by both parties, and is conditional on Council approval being obtained.

5. Discussion

The work and cost involved in relocating the power pole was investigated, but as those costs were significant considering the minimal distance required, WCCL have negotiated with the owners of 69 The Parade, Island Bay to enable the pole to remain in its existing position. It has been agreed that an area of land of approx 1 m² in size around the pole, will be gifted to Council, while WCCL will pay for all associated costs.

The costs that WCCL will be the responsible for are -

- (i) All costs in relation to the change of title;
- (ii) Any extra costs for engineering design and fence construction;
- (iii) All costs in relation to the footpath reinstatement on The Parade and Tamar Street boundaries;
- (iv) Ensure ongoing maintenance of the lamp post is carried out, including removing nails and staples that cover the surface of the post.

Acquiring the land that immediately surrounds the power pole, is preferable to relocating it due to the amount of cost and short term disruptions that would result. To leave the pole where it is, a minor adjustment to the boundary of the property at 69 The Parade is necessary. The owners of 69 The Parade have agreed that there would be no cost to the Council except for the legal and survey costs etc. The asset owner, WCCL, has agreed to meet those costs.

6. Conclusion

Council officers recommend that Council approve the acquisition (by gifting) of the approx 1 m² of land at 69 The Parade, Island Bay, with WCCL meeting all associated costs.

Contact Officers: *Paul Davidson, Property Advisor, Property Services and Neil Johnstone, Team Leader, Road and Traffic Maintenance*

Supporting Information

1) Strategic Fit / Strategic Outcome

The report supports Council's overall vision of Creative Wellington – Innovation Capital. The report supports Council's strategic direction for managing growth through provision of adequate infrastructure.

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

No provision for undertaking this work is required as Wellington Cable Car Limited are meeting all associated costs.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-Making

A decision to acquire any land requires a Council resolution and the report explains that agreement with the vendor is conditional on such resolution.

5) Consultation

a) General Consultation

Officers consider that there are no affected parties.

b) Consultation with Maori

Officers consider that this acquisition has no affect on IWI. Local Iwi have therefore not been approached.

6) Legal Implications

The Sale and Purchase Agreement has been prepared by Council Solicitors.

7) Consistency with existing policy

Discussed in the report.

APPENDIX 1



APPENDIX 2

