

REPORT 3
(1215/521M)

**OFFER OF LAND AS A GIFT – SOUTH KARORI ROAD,
KARORI**

1. Purpose of report

This report seeks the Committee's recommendation that Council approves the acceptance of the gift of an approximately 75m² area of land at 130 South Karori Road, Karori (the Land) with this land to then be amalgamated with the Makara Peak Mountain Bike Park.

Refer to Appendix 1 for an aerial with the Land outlined in red.

2. Executive summary

The owner of the Land, Mr Robert Moodie offered to gift land to Council in the late 1980s, but unfortunately this was never formally accepted and transferred to Council.

Following recent consultation with Mr Moodie in relation to a proposal to 'stop' road land used for the adjacent Makara Peak Mountain Bike carpark, he reiterated his desire to gift land to Council. The road land that is proposed to be stopped is shown shaded light green on the aerial in Appendix 1.

Acceptance of this gifting would mean that Council would not have to consider any private ownership issues in the future so would be a benefit to the Makara Peak Mountain Bike Park.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Recommend that Council:*
 - (i) *Agree to acquire approximately 75m² of land at 130 South Karori Road (the Land), held on Computer Freehold Register WN20C/944, Wellington Registry (as shown in Appendix 1) subject to the following conditions:*

- (a) That officers are satisfied that there are no undue physical, legal or other risks to Council in acquiring this land.*
- (b) That the parties (owner and Council) reach a formal agreement on the terms of the offer.*
- (ii) Authorise 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 Council paying all associated costs.*
- (iii) Require the Land to be managed for reserve purposes in association with the adjoining Makara Peak Mountain Bike Park.*

4. Background

Officers are currently progressing the stopping of road land used as the Makara Peak Mountain Bike Park carpark. This was approved by Council in February 2012. Refer to Appendix 2 for a copy of the February 2012 road stopping committee report and minutes.

The road stopping is being done in the interests of protecting the long term future of the area, and aligning the road land with the reserve status of the mountain bike park itself. The road stopping is nearly completed, officers are currently waiting for Land Information New Zealand (LINZ) to issue the title. As part of the road stopping process officers corresponded with Mr Moodie as he is the registered owner of the immediately adjoining land. Mr Moodie highlighted that he had previously offered to gift his Land to Council but that this had never been formalised.

The Land that Mr Moodie wants to gift to Council is an anomaly resulting from a 1980's subdivision that he was involved in. Given the small size and location of this land it is not feasible or practical to develop it as a stand alone site. Mr Moodie's view therefore is that the best course of action is for his land to be gifted to the Council, and for it to be amalgamated with the adjoining reserve land for the benefit of the city.

The Land slopes moderately down to South Karori Road, it is easterly facing and contains flax and grasses. When viewed from South Karori Road there is nothing to suggest that Mr Moodie's Land is not already part of the Makara Peak Mountain Bike Park.

Given the circumstances officers believe that it is appropriate for Council to receive this gift of land, and to meet all associated costs.

5. Discussion

5.1 Consultation and Engagement

No additional consultation or engagement is required as part of the proposal to receive the gift of the Land to Council.

5.2 Financial considerations

To transfer the Land to Council leaving it on its current title would incur legal costs of approximately \$1,000 - \$1,500 plus GST.

Once transferred to Council the Land could be left on its current title.

To amalgamate it with the adjoining road stopping area additional survey and legal costs of approximately \$3,000 - \$3,500 plus GST would be incurred. If Parks and Gardens decide to amalgamate the Land then the timing of doing that would depend on budget constraints.

5.3 Climate change impacts and considerations

The gifting of the Land to Council will have no impacts or any other climate change considerations.

5.4 Long-term plan considerations

The gifting of the Land to Council has no overall impact on the LTP.

6. Conclusion

The Land is being gifted to the Council by the current owner Mr Robert Moodie as he originally intended in the 1980's. While the Land is only a small size it does directly adjoin the Makara Peak Mountain Bike Park and unless you knew otherwise it would be considered part of the bike park already.

By not having to consider any private ownership issues in the future this will only positively benefit this public amenity, so accepting the offer to gift the Land is considered appropriate.

Council officers therefore recommend that Council approves the acquisition (by gifting) of the approximately 75m² of Land at 130 South Karori Road, Karori, with Council meeting all associated costs.

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

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The proposal is strategic in that it supports Council activities as a facilitator of recreation partnerships and provider of recreation services.

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

Acceptance of the gifting proposal is not a major Annual Plan or financial decision.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

This is not a significant decision.

5) Consultation

a) General consultation

All owners of privately owned properties in the immediate vicinity have been consulted. None expressed any concerns.

b) Consultation with Maori

As the small area of the subject land meaning that it could not become a 'stand alone' lot, local IWI have not been consulted.

6) Legal implications

There are no significant legal implications arising from this matter.

7) Consistency with existing policy

This recommendations of this report are consistent with WCC policy.