



REPORT 3

**TRANSFER OF LAND FOR ANOTHER PUBLIC WORK –
110 TREMEWAN STREET, TAWA (PART OF WALL
PARK)**

1. Purpose of Report

To obtain the Tawa Community Board's endorsement and feedback (if any) on officers' recommendation to Council that it transfers approximately 2,849m² (the Land) of land situated at 110 Tremewan Street, Tawa part of Wall Park to the Crown for another public work, i.e. The Transmission Gully Motorway Project / Kenepuru Interchange.

This matter is to be considered by the Environment Committee at its meeting of 6 August 2014 (see draft report in Appendix 1).

2. Recommendations

Officers recommend that the Tawa Community Board:

1. *Receive the information.*
2. *Endorse the recommendations contained in the report to be considered by the Environment Committee at their meeting of 6 August 2014, and provide feedback to be included in the report if necessary.*

3. Background

Refer to the draft report in Appendix 1 for background to the request that the Land be transferred to the Crown.

4. Conclusion

Officers are recommending that Council approve transfer of the approximately 2,849m² area of land at 110 Tremewan Street, Tawa which is an unused part of Wall Park to the Crown as it is required for the Transmission Gully Motorway project.

Council officers are seeking support from the Tawa Community Board for the proposal and will include the Board's feedback in their report to the Environment Committee as necessary.

*Contact Officer: Paul Davidson, Property Advisor - Property
Amber Bill, Open Space & Spec Parks Manager*

ENVIRONMENT COMMITTEE

6 August 2014



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TRANSFER OF LAND FOR ANOTHER PUBLIC WORK – 110 TREMewan STREET, TAWA (PART OF WALL PARK)

1. Purpose of report

To obtain Council approval to transfer approximately 2,849m² of reserve land to the New Zealand Transport Agency (NZTA). NZTA proposes to use the land for road purposes in connection with the Kenepuru Interchange.

The land forms the rear sloped portion of Wall Park situated at 110 Tremewan Street, Tawa. The proposed transaction does not impact on the flat, usable portion of the park adjoining Tremewan Street which will remain in Council ownership and open to the public.

Refer Appendix 1 for an aerial showing the Land outlined red.

2. Executive summary

NZTA is preparing for the Transmission Gully Motorway Project (Transmission Gully). As part of its ongoing design review, NZTA has identified an additional area of Council-owned land required for an interchange at Kenepuru.

The area adjoins, and is considered part of, Wall Park however it is a steep overgrown gully that is not easily accessible or used by the public.

Council's Parks, Sport and Recreation unit supports the proposal provided appropriate mitigation measures are carried out.

The transfer is proposed under Section 52 of the Public Works Act 1981. This section allows for the transfer of public reserve for another public work in one step.

The land is classified under the Reserves Act 1977 and so the Department of Conservation will also need to be involved.

3. Recommendations

Officers recommend that the Environment Committee:

1. *Receives the information.*
2. *Recommends that the Council:*
 - (a) *Agrees to transfer approximately 2,849m² being Part Lot 1 DP 7001 CFR WN6A/1049 to the New Zealand Transport Agency for another public work (road) pursuant to Section 52 of the Public Works Act 1981.*

- (b) *Authorises the Chief Executive Officer to carry out all necessary steps to transfer the land to the New Zealand Transport Agency for the purposes of construction of the Kenepuru Interchange.*
3. *Notes that transfer of this land for another public work pursuant to Section 52 of the Public Works Act 1981 will simultaneously deal with the recreation reserve status.*

4. Background

4.1 Acquisition history and background

In 1975 the former owners of the land abandoned residential development plans due to the costs involved. They offered the land to the (then) Tawa Borough Council given its proximity to Wall Park. The transaction was completed that year and the Land was combined with the park.

4.2 Property details

Only the rear lot is proposed to be acquired by NZTA. The usable front portion of the park adjoining Tremewan Street will remain unchanged (this is the flat area which users typically consider to be the park).

The rear lot (the Land) is an irregularly shaped steep gully containing a stream. It is covered in overgrown vegetation and some trees. It is currently zoned Open Space A under the District Plan and held as recreation reserve under the Reserves Act 1977.

While the Land is currently considered part of Wall Park there are no formed tracks or marked access so is not utilised by the public.



View of Wall Park from Tremewan Street. View of the Land from Wall Park.

4.3 Transmission Gully Motorway Project

The Transmission Gully project has been in the planning stage for several decades. The most recent completion date is 2020.

The Government has recently announced the Wellington Gateway Partnership (WGP) as the preferred public private partner for the construction of Transmission Gully.

As a result of a WGP review of the Project's land requirements, the Land has been identified for the Kenepuru interchange.

5. Discussion

5.1 Consultation and Engagement

The proposal is to transfer the Land to the Crown for Transmission Gully (another public work). NZTA obtained a final resource consent decision from the Environmental Protection Authority on 22 June 2012. Given the public consultation already undertaken by NZTA no additional external consultation by Council was considered necessary for the Land.

NZTA may however need to undertake further public consultation. Since obtaining the consent in 2012 there are proposed design changes which are outside of the designation boundaries. WGP is currently preparing information for Councils to determine whether there are any affected parties to these changes. This will determine what consenting process needs to be followed for approval of these changes – ie non notified, limited notified or full notification.

The Land has reserve (recreation) status under the Reserves Act 1977. Given the proposal is to transfer it for another public work, the reserve classification would be extinguished at the time of transfer.

The Tawa Community Board considered this transfer proposal at their meeting held on 12 June 2014, and **(to be finalised after the Community Board meeting)**

5.2 Park Assessment

Wall Park is comprised of three land parcels which make up a total area of 7853m². The area to be acquired by NZTA includes a stream and a variety of vegetation including some large exotic trees.

The stream is in a degraded state with significant weed infestation on the adjoining NZTA land. Access to the stream is difficult and it appears antisocial behaviour is an issue in this area. At the time of preparing this report it is uncertain what affect the construction of the Kenepuru Interchange would have on improving the current antisocial behaviour.

The neighbourhood is characterised by residential housing with the rail corridor to the north and the motorway corridor to the east. The park provides a pleasant space with a northerly aspect and a wide street frontage that contributes to neighbourhood amenity. This is expected to continue post-NZTA acquisition.

Access to the park directly from the train station is restricted by fencing in the north western corner, but it is otherwise unfenced.

The proposed acquisition area provides some amenity value for Wall Park, but it also fosters negative behaviour.

On balance, Council's Parks, Sport and Recreation unit supports the proposal to transfer the Land with the proviso that the loss of amenity and ecological value is mitigated by NZTA eg park re-contouring (earthworks), fencing, planting, stream restoration and weed control.

5.3 Statutory Criteria

Section 52 of the PWA provides that land held for an existing public work and being reserve can be transferred by the local authority to the Crown if it is to be held for another public work.

The transfer of land from one public work to another public work under Section 52 of the PWA also transfers Section 40 offer back obligations with the land. The Section 40 offer back obligations will only be triggered once the land is no longer required for any public work.

5.4 Financial considerations

NZTA will be responsible for all costs related to the proposed transfer. Compensation will be based on an up to date current market valuation.

5.5 Climate change impacts and considerations

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

5.6 Long-term plan considerations

Compensation income received will be used to offset Council borrowing.

5.7 Significance Policy / Strategic Assets

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

5.8 Agreement and Transfer Process

In broad terms the proposed next steps of the transfer process would include:

- Council pass the necessary resolution under Section 52 of the PWA approving the transfer to enable NZTA to construct the Kenepuru Interchange
- Obtain Ministerial consent for land transfer under Section 52 of the PWA
- Obtain a current market valuation
- Finalise Agreement and settlement
- Construction survey undertaken
- Transfer amended titles.

6. Conclusion

It is recommended that the Environment Committee recommend to Council that the approximately 2,849m² Council owned land at 110 Tremewan Street, Tawa (Part of Wall Park) be transferred to NZTA under Section 52 of the PWA.

Contact Officers:

Paul Davidson - Property and Amber Bill - Parks, Sport & Recreation

<p>1) Strategic fit / Strategic outcome</p> <p><i>The proposal relates to significant road infrastructure project that will benefit the wider Wellington region. The project is consistent with the Regional Land Transport Strategy and Western Corridor Plan, both of which support the Transmission Gully Motorway Project. The Kenepuru Interchange is an integral part of the Transmission Gully Motorway Project which is a Road of National Significance (RONS).</i></p>
<p>2) LTP / Annual Plan reference and long term financial impact</p> <p><i>The proposed disposal is not contained within the LTP. There are no adverse financial implications imposed on the Council arising from this proposed transfer. Council will receive a compensation payment and the wider Wellington region will benefit from major road improvement.</i></p>
<p>3) Iwi considerations</p> <p><i>No consultation for this individual proposal has been undertaken given NZTA previous consultation for the larger project.</i></p>
<p>4) Decision-making</p> <p><i>This is not a significant decision. Parks, Sport and Recreation being Council's asset owner do not consider it necessary to retain the Land.</i></p>
<p>5) Consultation</p> <p>a) General consultation</p> <p><i>The relevant Council business unit has been given the opportunity to demonstrate whether they have an interest in this property.</i></p> <p>b) Consultation with Maori</p> <p><i>No consultation for this individual proposal has been undertaken given NZTA previous consultation for the larger project.</i></p>
<p>6) Legal implications</p> <p><i>It is proposed that any sale and purchase agreements will be prepared by NZTA solicitor and reviewed and finalised to the satisfaction of Council's solicitors.</i></p>
<p>7) Consistency with existing policy</p> <p><i>The recommendations of this report are consistent with WCC policy.</i></p>

