

---

## PROPOSED LAND ACQUISITION

---

### Purpose

1. This report recommends the acquisition, by gifting, of approximately 16,670m<sup>2</sup> of land being part of 64B Peterhouse Street, Tawa shown on the Concept/Scheme Plan reference 07V1-261 prepared by Develop Meant Ltd in Attachment 1 (the Land).

### Summary

2. The owner of 64B Peterhouse Street Tawa, wishes to gift to Council (at Council's cost) about 16,670m<sup>2</sup> of Open Space zoned land adjoining Te Ngahere o Tawa and Spicer Forest being parts of the Outer Green Belt Reserve.
3. The land has a current market valuation of \$85,000. The land owner is willing to gift the land to Council for Scenic Reserve, if Council pays legal and survey costs required to create a separate title. The transaction cost to do this is approximately \$20,000.
4. The Land will add to the diversity of the Outer Green Belt. It has important ecological values, including being identified as an *Important Natural Area* and *Important Forest Remnant*. It is also identified as a Significant Natural Area as part of the District Plan review, currently underway.
5. The acquisition of the Land fits strategically with a number of Council's open space plans and policies, including;
  - Outer Green Belt Management Plan – by protecting important native forest remnants and a buffer around Te Ngahere o Tawa, and
  - Our Capital Spaces – by protecting important landscapes and ecosystems, including a future seed source for restoration planting, as well as aquatic macroinvertebrates within a stream within the property.
6. The benefits of acquiring the Land outright for only the transaction costs is considered a cost effective mechanism, that outweighs the alternative options of having the land protected as part of the District or protected via private covenant.
7. On 25<sup>th</sup> June 2020, the Tawa Community Board endorsed the proposal for Council to acquire the land.

### Recommendation/s

That the Strategy and Policy Committee:

1. Receives the information.
2. Recommends that Council:
  - (a) Agrees to acquire, by gifting, approximately 16,670m<sup>2</sup> being **part of** 64B Peterhouse Street, Tawa, legally described as Lot 3 on DP 436021 and shown as Section 1 on the attached Concept/Scheme Plan reference 07V1-261 prepared by Develop Meant Ltd in Attachment 1 (the **Land**).
  - (b) Authorises the Chief Executive Officer to acquire the **Land** and pay up to \$1 plus GST (if any) if demanded.
  - (c) Delegates the Chief Executive Officer the power to conclude all matters in relation to the above, including all legislative matters, issuing any relevant public notices,

negotiating the terms of the **Land** acquisition, imposing any reasonable covenants and anything else necessary.

(d) Notes;

- i) that Wellington City Council will meet all transaction costs, survey, and reasonable legal cost of the landowner for the transactions of land totalling \$20,000. This will be funded from existing opex budgets.
- ii) that Council is not taking on any structural encumbrances of any sort on the land (including retaining walls, culverts, and any other structures or services etc).

## **Background**

8. 64B Peterhouse Street is currently held in one lot legally described as Lot 3 on DP 436021 on Record of Title 534497 (the Site – refer Attachment 2 for the Site Plan). The property has recently had land use consent granted for a single dwelling at the lower end of the site, known as Section 2 (approximately 1,270m<sup>2</sup> on the attached Concept/Scheme Plan). The owners propose gifting to Council the balance lot, of approximately 16,670m<sup>2</sup>, shown as Section 1 on the plan (the Land).
9. The site is accessed from the cul-de-sac end of Peterhouse Street and it adjoins Te Ngahere o Tawa to the north and Spicer Forest to the western boundary – both part of the Outer Green Belt.
10. The site is zoned Open Space B and is within the Ridgeline Hilltops Overlay. The site starts at 100m above sea level (ASL) and reaches over 150m (ASL). The land has an approximate 1:2 gradient, so is a steep site.
11. The land holds important ecological values and is identified as an Important Forest Remnant. It is identified as a Significant Natural Area in the Outer Green Belt Management Plan and within the recent city wide ecological assessment.
12. The land has a current market valuation of \$85,000. The land owner is willing to gift the land to Council for Scenic Reserve, if Council pays legal and survey costs required to create a separate title. The transaction cost to do this is approximately \$20,000.

## **Discussion**

13. Officers have carried out an acquisition assessment as follows:

### **Strategic fit under existing policies and plans**

14. Under the Outer Green Belt Management Plan (OGBMP) the site sits within Sector 1: Spicer/Redwood Plan 2019. Key Features and Values in this section include the following:
  - Important Natural Area and Important Forest Remnants (including an area of Prime Bush Remnant) – ecological hub in the northern suburbs;
  - Natural backdrop to Linden/Tawa/Redwood, and
  - Potential for recreational opportunities opening up in Spicer / Te Ngahere o Tawa.
15. Acquisition of the site would help enhance these values in the following ways:
  - a) Securing the site would help protect an Important Natural area, as well as one of the few remaining Important Forest Remnants in the sector.

- b) The site is within the current District Plan Ridgeline Hilltops Overlay.
  - c) The site is part of the natural back drop in this sector and in terms of landscape provides a link between the urban areas and the wider Outer Green Belt towards the ridgeline. Refer Attachment 3 – Photo showing approximate location 64b Peterhouse Street.
  - d) The site will add land to the OGB reserves that form a visual backdrop to the residential area.
  - e) Though this site would not be essential to develop tracks in this area, we don't yet know the future alignment of the dual use track from Kiwi Crescent to Spicer.
16. The OGBMP describes the importance of the remnant native forest in this area and the important visual backdrop this landscape provides. It is noted that the purchase of Te Ngahere o Tawa land (ex – Forest of Tane) provides a good opportunity for a better local network of tracks in this sector.
17. The acquisition of this site, though not specifically identified in the OGBMP, would help Council realise the following actions, as set out in the Plan:
- *Recognising the importance of the native forest remnants in this sector, particularly those containing seed source of key restoration species, and protect them by maintaining in good health through weed and pest animal control.*
  - *Protect the vegetation cover in the stream catchment areas through various means, including riparian planting, staged forest management work affecting streams and sediment control.*
  - *Ensure a buffer is left around the existing remnant indigenous vegetation in Te Ngahere o Tawa during the staged exotic tree removal, to protect it from wind exposure (noting the southern boundary of the pine forest adjoins the Peterhouse Street site).*
  - *Manage and use the forest remnants in this sector as the hub for native forest restoration both within and outside the Outer Green Belt in the wider Marshall Ridge/Porirua Stream Valley, including: a) providing seed sources for both bird distribution and eco-sourced restoration planting; and b) providing safe and attractive habitat for wildlife, particularly birds like kereru that are key species for seed distribution along wildlife corridors.*

### **Our Capital Spaces 2013**

18. When assessed against Our Capital Spaces this property comes out as high to medium level of strategic importance.
19. Focus Areas are outlined in the Wellington City Council Open Space and Recreation Strategy (Our Capital Spaces) and include:
- Identify important landscapes***
- We will identify and protect and/or acquire important natural and cultural landscapes. This will contribute to achieving the recreation and biodiversity outcomes sought in Our Capital Spaces while meeting the growth needs of the city.*
20. The acquisition of the site will achieve the Outcomes of Our Capital Spaces, in particular:
- *Outcome 2 - Protecting birds, nature, streams and landscapes - The site is highly significant in Wellington City Council ecological significance criteria,*

---

*and includes a stream. It provides high visual integration between existing areas of open space.*

**Landscape values**

21. The site adds significantly to the natural backdrop of Tawa due to the site being covered in remnant native forest. The site starts at the edge of the urban area and stretches to the skyline. The valley in the site where the stream runs through provides visual diversity along this hillside.

**Ecological significance**

22. The site is ecologically significant. The native vegetation will be an excellent source of seed for future revegetation projects. A report was completed by Boffa Miskell to assess the significance of the catchment and stream within the property. The report concluded the stream has medium ecological value. The pipe network under Tawa is an assumed fish barrier. However the complex stream channel and surrounding native vegetation is expected to support comparatively high value aquatic macroinvertebrate habitat, including insect larvae, worms, snails, crayfish, and other crustaceans.

**Geotechnical Risks**

23. Due to the steep nature of the site and pending land use consent for the lower section of the site, a Geotechnical report was undertaken by the land owner to assess the stability of the site for foundations and retaining wall, as well as stormwater discharges.
24. This report was internally peer reviewed by a Civil/Structural engineer to determine the risk and potential liability to Council. It was concluded that a single failure will likely be shallow and of a low volume, consistent with typical Wellington geology. The site can be managed as other similar sites are across the parks network.

**Options**

25. The land is identified as a Significant Natural Area (SNA) so there is potential protection of the land via the District Plan review. Considering the low cost and the small amount of protected land in this sector of the Outer Green Belt, and that any SNA protection is still some years away, the benefit of securing the Land for only the transitions costs outweighs the benefit of having the site protected as part of a future District Plan review process.
26. In the future the land could support links with a track network in the area and acquisition as proposed for approximately \$20,000 will increase Council's overall "book" asset value of reserve land.
27. Another option would be for the land owner to protect the land with a covenant, rather than Council acquiring the land. Though a covenant would cost Council nothing, it is a land owner decision and they would prefer to gift the land to Council. The covenant may also prevent Council from using the land as part of the future track network.

**Next Actions**

28. Negotiate and execute a sale and purchase agreement for the gifting
29. Preparation of a Survey Plan to be approved by LINZ; and
30. Settlement and gazettal of the land as 'scenic reserve'.

## **Attachments**

- Attachment 1. Scheme Plan
- Attachment 2. Site Plan
- Attachment 3. Photo showing approximate location 64b Peterhouse Street

Authors	Joel de Boer, Recreation and Parks Planner John Vriens, Principal Property Advisor
Authoriser	Bec Ramsay, Manager Open Space and Recreation Planning Paul Andrews, Manager Parks, Sports & Rec Claire Richardson, Chief Operations Officer

## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

The Tawa Community Board endorsed this acquisition at their June 25<sup>th</sup> meeting, however they asked if there would be access for maintenance and clearing of the new culvert (on private land) and whether the locate Pest Free Tawa group could gain access over the private land. Access to the culvert can be secured once the building consent for the house (and storm water connections) is approved by Council. This is reliant on the owner securing Regional Council consent to install the culvert, which is yet to occur. The owner's representative has advised that access for pest free initiatives would be best obtained by request rather than formalising this and encumbering their title.

No other engagement and consultation has occurred as this is a land acquisition from a private land owner and they are willing to gift/ transfer it as scenic reserve. The proposal aligns with current Council policy and strategy in relation to Outer Green Belt aspirations and land acquisition for reserves.

### **Treaty of Waitangi considerations**

There are no Treaty of Waitangi considerations. The land is private property and the owner has asked to gift the land to the Council for reserve purposes. Strategically Mana Whenua are supportive of the recently published Outer Green Belt Management Plan which supports the protection of further areas of land as reserve over time.

### **Financial implications**

The costs to undertake this transaction is estimated to be approximately \$20,000 plus GST (if any) and are set out below:

- Survey \$9,000, plus GST;
- LINZ fees \$1,000, plus GST;
- Legal expenses \$10,000, plus GST.

The land that is proposed to be acquired has a current market value of \$85,000; however the owner is gifting the land to Council in exchange for payment of the associated transaction costs estimated at \$20,000.

Wellington City Council will meet all transaction costs, survey, and reasonable legal cost of the landowner for the transactions of land totalling \$20,000. This will be taken from existing Parks Sport and Recreation planning team budgets.

### **Policy and legislative implications**

All land acquisitions require Council approval. The acquisition aligns with the Outer Green Belt Management Plan direction and the Councils Open Space and Recreation Strategy (Our Capital Spaces).

### **Risks / legal**

All agreements will be prepared and finalised by Council's solicitors.

### **Climate Change impact and considerations**

Healthy ecosystems in the steep hill country surrounding the residential areas of the city help build city resilience to climate change through regulating storm water. Native forest cover plays an important role in carbon sequestration and provides seed source for further planting of forest cover across the reserve network.

**Communications Plan**

None is planned at this time although this land, if acquired, will form part of the Outer Green Belt and add to the earlier acquisition of Te Ngahere o Tawa (formerly known as Forest of Tane). This will be communicated to the Tawa community.

**Health and Safety Impact considered**

There are no health and safety impacts in acquisition of this land. Wellington Water will determine the requirements for access to the culvert on the adjacent private property for maintenance if required.







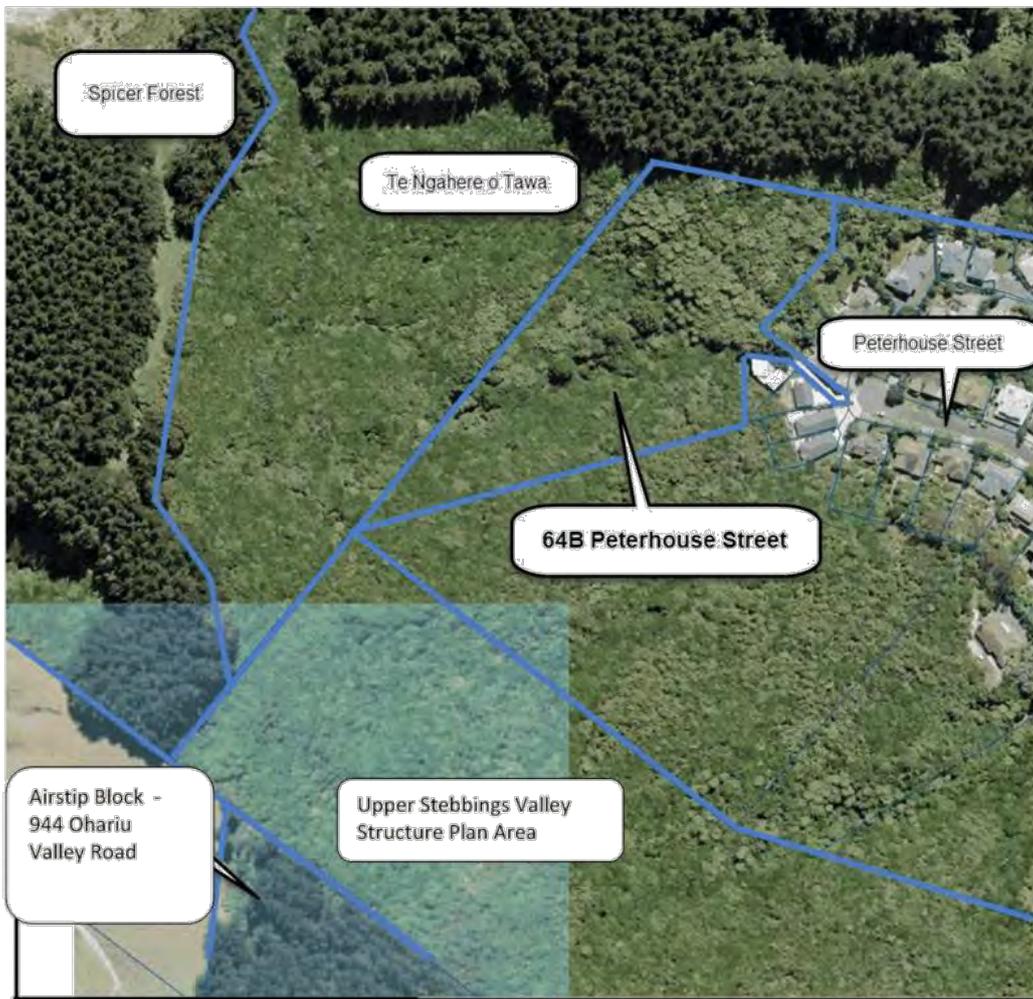


Photo showing approximate location of 64b Peterhouse Street, Tawa

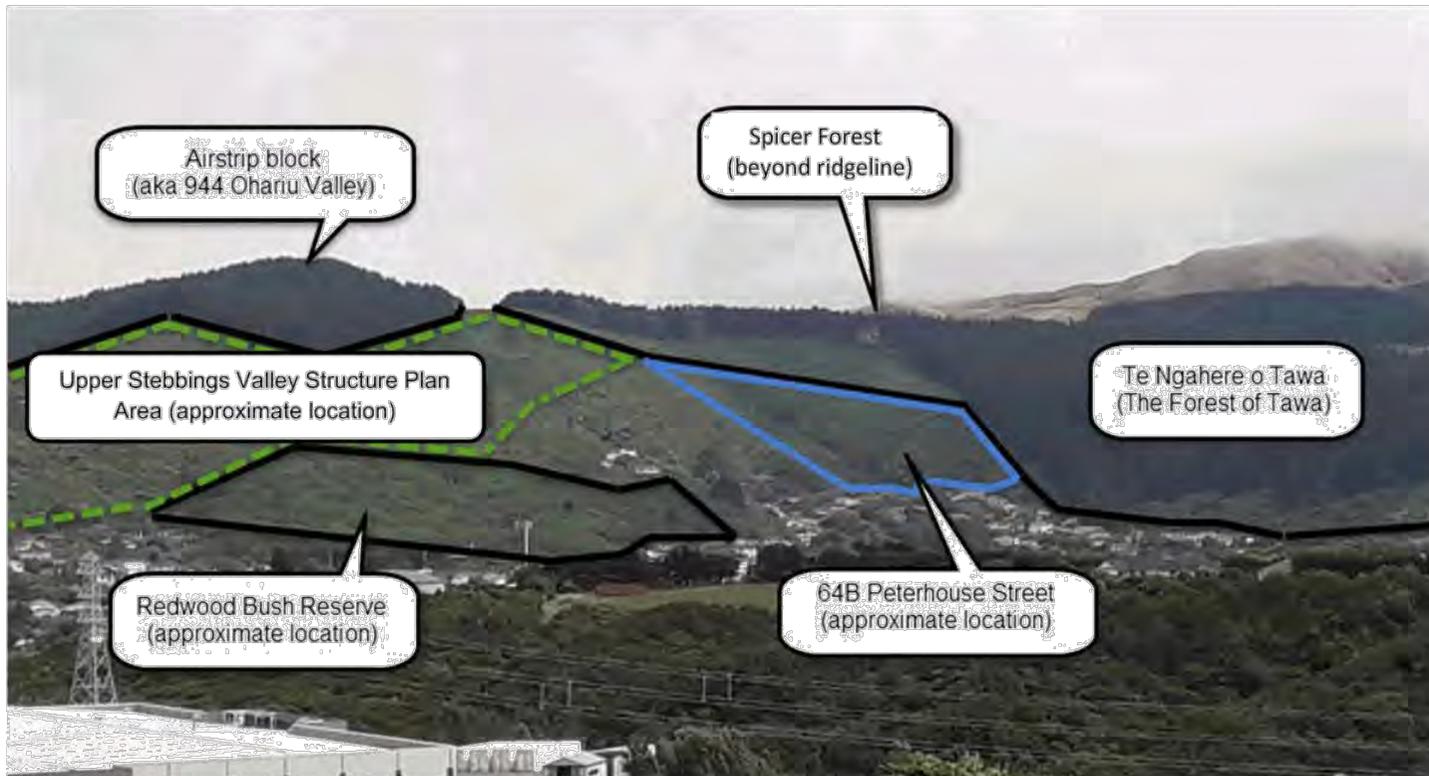


Photo taken from Grenada North Park looking west toward Redwood/Tawa

## 4.2 Public Excluded Report of the Strategy and Policy Committee Meeting of 13 August 2020

### Proposed Land Acquisition

#### Moved Councillor O'Neill, seconded Councillor Sparrow

#### Resolved

That the Council:

1. Agree to acquire, by gifting, approximately 16,670m<sup>2</sup> being **part of** 64B Peterhouse Street, Tawa, legally described as Lot 3 on DP 436021 and shown as Section 1 on the attached Concept/Scheme Plan reference 07V1-261 prepared by Develop Meant Ltd in Attachment 1 (the **Land**).
2. Authorise the Chief Executive Officer to acquire the **Land** and pay up to \$1 plus GST (if any) if demanded.
3. Delegate to the Chief Executive Officer the power to conclude all matters in relation to the above, including all legislative matters, issuing any relevant public notices, negotiating the terms of the **Land** acquisition, imposing any reasonable covenants and anything else necessary.
4. Note:
  - (a) that Wellington City Council will meet all transaction costs, survey, and reasonable legal cost of the landowner for the transactions of land totalling \$20,000. This will be funded from existing opex budgets.
  - (b) that Council is not taking on any structural encumbrances of any sort on the land (including retaining walls, culverts, and any other structures or services etc).

A division was required under standing order 27.6, voting on which was as follows:

#### **For:**

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

#### **Against:**

None

Majority Vote: 15:0

**Carried**

#### **Attachment 1**

Reference to be made to Attachment 1 of item 4.2 on the Council meeting agenda of 26 August 2020.