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**REPORT 6**  
*(1215/52/IM)*

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## **ROAD ACQUISITION – SHELLY BAY ROAD**

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### **1. Purpose of Report**

This report seeks the Committee to recommend to Council the approval for the acquisition of approximately 734m<sup>2</sup> of land at 232 Shelly Bay Road for road (refer to Appendix 1, pink area).

### **2. Recommendations**

Officers recommend that the Committee:

1. *Receive the information.*
2. *Recommends that the Council:*
  - (a) *Agrees to acquire approximately 734m<sup>2</sup> of land contained in Part Section 20 Watts Peninsular District marked A on Survey Office Plan 419545 for road pursuant to the Public Works Act 1981.*
  - (b) *Authorises the Chief Executive Officer to negotiate the terms of acquisition and undertake all necessary steps to secure and vest the land in Council as road.*

### **3. Background**

The land that the Council requires for road purposes is approximately 734m<sup>2</sup> of the western part of 232 Shelly Bay Road. The subject land is triangular shaped, generally flat and located adjacent to a bush covered cliff face to the east (refer to the photo in Appendix 3). The current sealed road carriageway is located on this land and thus the acquisition is necessary to regularise Councils use and occupation of the land. The site is adjacent to the southern entrance gates of what was formerly the air force base at Shelly Bay. The site has an Open Space B zoning under the Operative Wellington City Council District Plan. This provides for passive and active recreational activities only (excludes in the buildings).

The matter of the formed road encroaching on part of 232 Shelly Bay Road was brought to the Council's attention during a recent Port Nicholson Block Treaty Settlement. The settlement was between the Department of Corrections (Crown) and Shelly Bay Limited, a wholly owned subsidiary of the Port Nicholson Block Settlement Trust (PNBST).

Shelly Bay Limited have agreed, in principle to selling a portion of their land to the Council, on the proviso that the Council vest the land as road and only acquire the minimum area of land required. Council officers have arranged for a survey of the area required. The area shown in Appendix 2 is the absolute minimum area required to secure the road and maintain traffic sight lines. (Refer to the yellow outlined area on the SO Plan in Appendix 2)

## **4. Discussion**

### **4.1 Options**

The Council has two options to ensure that the public has continued use of the road next to 232 Shelly Bay Road; it can either purchase the area of land that contains the existing road or realign the road.

The option to realign the road has been investigated and is estimated to cost \$120,000. There could also be further costs of approximately \$100,000 to protect the road from erosion by the sea in the future. Realignment would also make the road bend tighter and increase the risk of accidents despite safety measures being incorporated in the realigned road.

Officers believe the best option is to purchase the land required.

### **4.2 Valuation and Purchase Price**

Council officers commissioned a valuation from DTZ New Zealand Ltd (now known as Darroch) for the area of land proposed to be acquired. The land value was assessed as at 19 March 2009 as being \$21,000 plus GST if any.

*Funds for the purchase and all other costs associated with the acquisition are included in Roading and Traffic Group's Maintenance CAPEX budget CX101, Project ID RTCX101, Activity ID CX 101007.*

### **4.3 Vendors Costs**

Under the Public Works Act, Council is responsible for the vendors reasonable costs associated with this acquisition including but not limited to the valuation, surveying and the Council's own legal costs to legalise the road.

The Crown's solicitors have agreed to act on PNBST's behalf in regards to Council's road acquisition and meet its own legal costs.

## **5. Conclusion**

It is recommend that the Strategy and Policy Committee recommend to Council that it purchase's approximately 734m<sup>2</sup> of land from the owners of 232 Shelly Bay Road, which contains part of the Shelly Bay Road formation.

Acquisition of the land is a cheaper and safer option than realignment of the road and will ensure the public's continued use of this part of Shelly Bay Road.

Contact Officer: *Vanessa Whitwell, Property Advisor, Property Services*

## **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**

*The acquisition will be funded from Roading and Traffic Maintenance CAPEX budget CX101, Project ID RTCX101, Activity ID CX 101007.*

### **3) Treaty of Waitangi considerations**

*The Tenth Trust is involved in the acquisition and considers the proposal an appropriate use of the land.*

### **4) Decision-Making**

*This is not a significant decision. A number of options have been considered and the report reflects the views and preferences of those with an interest in this matter who has been consulted with. A decision to acquire or sell any land requires a Council resolution. The report sets out the strategic requirement of this land.*

### **5) Consultation**

*All affected property owners have been consulted with and agree with the proposal. As the Council is acquiring the land to ensure the continuity of Shelly Bay Road and the public's continued access to the road, no further consultation is required.*

### **6) Legal Implications**

*Council's lawyers have been consulted over the implications of purchasing the land and a solicitor certificate will be obtained.*

### **7) Consistency with existing policy**

*The proposal is consistent with existing policy to carry out the legalisation of the road.*

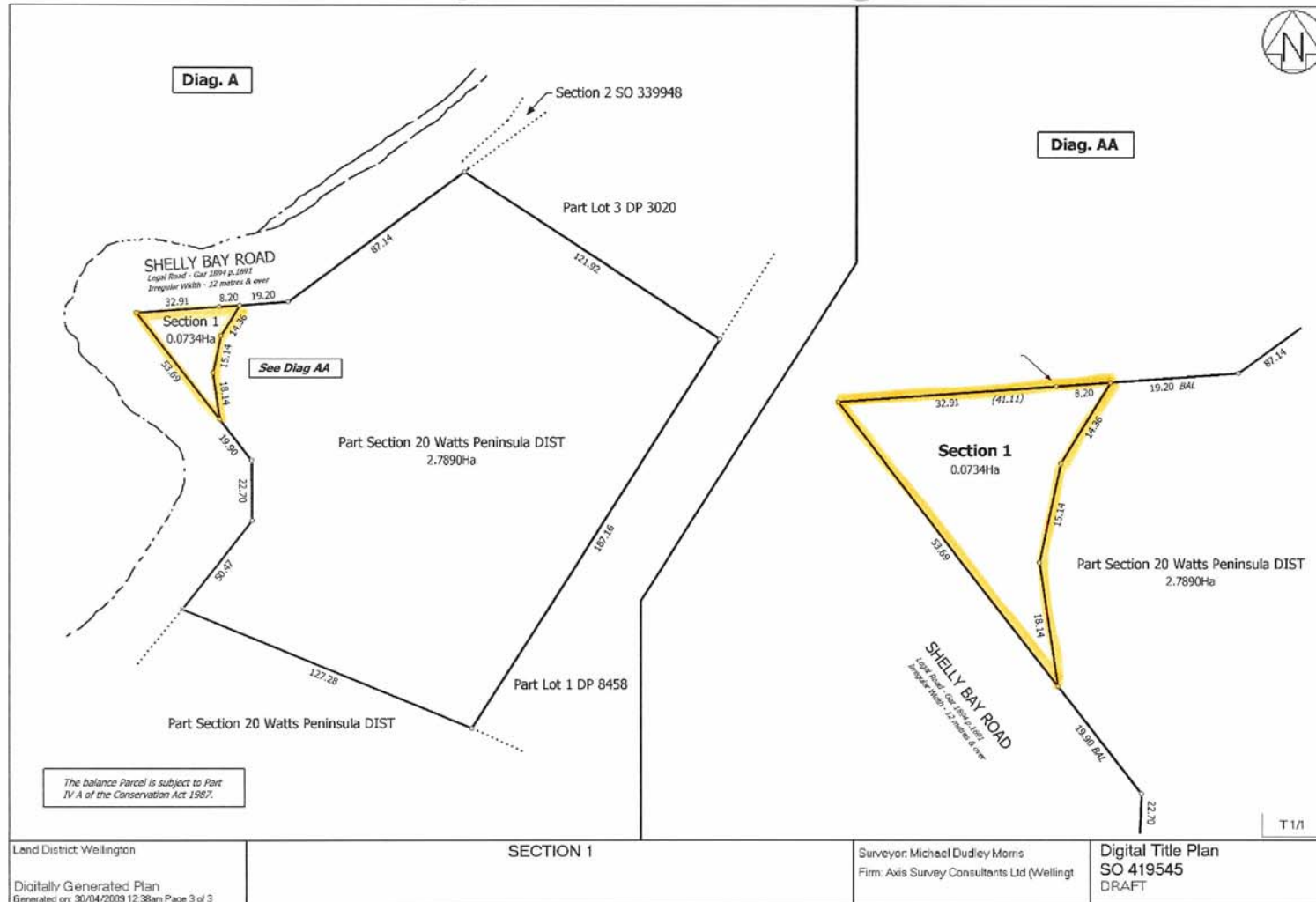
# APPENDIX 1

## AERIAL PHOTOGRAPH



# APPENDIX 2

## SURVEY OFFICE PLAN



**APPENDIX 3**

**PHOTOGRAPH OF PHYSICAL AREA TO BE PURCHASED**

