
REPORT 5
(1215/52/IM)

DISPOSAL OF PROPERTY – 68A VICTORY AVENUE, KARORI

1. Purpose of Report

This report seeks that the Committee recommends to Council to declare that the property at 68A Victory Avenue, Karori is no longer required for a public work purpose, to authorise Council officers to proceed with revoking the reserve status pursuant to Section 24 of the Reserve Act 1977 and effect the disposal pursuant to Section 40 of the Public Works Act 1981.

2. Executive Summary

The land at 68A Victory Avenue, Karori, was previously used as a play ground; however the play ground equipment was decommissioned in 2008, and the land has since remained vacant. Refer to Appendix I which shows the subject property shaded green.

Internal Council business unit consultation has revealed that there is no public work requirement for this land, and officers are therefore recommending disposal of the property. In preparation of disposal, the reserve status against the title will need to be revoked, and the land will need to be re-zoned to Outer Residential in keeping with the neighbouring residential properties.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Recommend that the Council:*
 - (a) *Agree to revoke the reserve status of Lot 28 DP 48695 pursuant to section 24 of the Reserves Act 1977.*
 - (b) *Authorise the Chief Executive Officer to conclude the reserve revocation of Lot 28 DP 48695.*

3. *Note:*

- (a) *The reserve revocation is conditional on no objections being received following public notification of the intention to revoke the reserve status in accordance with section 224 of the Reserves Act 1977.*
- (b) *That if objections are received to the reserve revocation, a further report will be presented to Council to decide whether to uphold them or not.*
- (c) *The consent of the Minister of Conservation to be obtained in accordance with section 24 of the Reserves Act 1977.*

4. *Recommend that the Council:*

- (a) *If the reserve revocation is successful, agree that the property at 68A Victory Avenue, Karori; comprising Lot 28 DP 48695 and Lot 4 DP 91338 is not required for a public work and is surplus to requirements.*
- (b) *If 68A Victory Avenue is declared surplus, authorise Council officers or suitably qualified consultants to undertake a section 40 report to identify whether the land must be offered back to the former owner (s) or their successor(s) or whether an exemption from offer back applies under section 40 (2), 40 (3) or 40 (4) of the Public Works Act 1981.*
- (c) *If 68A Victory Avenue is declared surplus, approve its disposal.*
- (d) *If the reserve revocation is successful, authorise for the proposed rezoning of Lot 28 DP 48695 to be rezoned from Open Space A to Outer Residential as part of the next minor amendments change to the district Plan (or other appropriate plan change).*
- (e) *Delegate the Chief Executive Officer the power to take all actions necessary to sell 68A Victory Avenue, Karori in accordance with the provisions of the Public Works Act 1981.*

4. Background

4.1 Acquisition History

The property comprises two separate legal parcels, with different acquisition history:

Lot 28 Deposited Plan (DP) 48695 was part of a large residential subdivision carried out by a private land developer in 1981. This land, being approximately 300 square metres in area, was vested in Council as a recreation reserve upon deposit of Deposited Plan 48695.

Lot 4 Deposited Plan (DP) 91338 was acquired from Housing New Zealand Corporation in 2005. Housing New Zealand Corporation was carrying out a subdivision of the adjoining land that it owns, and subdivided off a portion of their land to transfer to Council. At this time, Council owned playground equipment which was situated on Housing New Zealand Corporation's land, and the subdivision and subsequent transfer of the land to Council corrected this encroachment. This land, being approximately 42 square metres in area, was acquired by Council for \$1,000 plus GST.

Internal Council correspondence on the acquisition of Lot 4 DP 91338 shows that Council officers considered the acquisition to be of benefit in the case of future disposal; as this land combined with the adjoining Lot 28 DP 48695 would create a larger parcel of land which would be more valuable to dispose of.

4.2 Property Description

The land is level with the road on the western boundary but rises steeply at the eastern boundary. The flat land is grassed, and trees and shrubs cover the eastern boundary. There are no built improvements on site, with the exception of fencing on some boundaries.

This site has potential for construction of a residence.

4.3 Previous use

The land previously served as a local neighbourhood playground, which had one swing set. The playground was decommissioned in 2008 by Parks and Gardens in line with the Playgrounds Policy 2002.

5. Discussion

5.1 Internal Consultation

Consultation has been carried out with Council internal business units to consider the disposal of this land. No internal business unit has objected to the proposal.

Parks and Gardens is asset owner of the land, and have confirmed they have no requirement for this land; that there are no plans for this site and no amenity or ecological values that Parks and Gardens are looking to maintain or enhance.

5.2 Reserve revocation

Lot 28 DP 48695 was vested as reserve upon deposit of the subdivision plan. The land title is therefore subject to the Reserves Act 1977. In order to dispose of this land, the reserve status will need to be revoked, following the process set out by the Act.

The Department of Conservation have been made aware that Council are considering disposal of the property and therefore the reserve revocation. The

Department of Conservation will be further consulted should Council resolve to dispose of the land.

Note that Lot 4 DP 91338 is not subject to the Reserves Act 1977.

5.3 Re-zoning

As Lot 28 DP 48695 was vested as reserve and used as a playground, it is zoned Open Space A. It would be of benefit to re-zone the land prior to the disposal.

Lot 4 DP 91338 and further surrounding properties are zoned Outer Residential. Rezoning the land prior to disposal would maximise Council's financial return on the land. Lot 28 DP 48695 should be re-zoned to Outer Residential in keeping with the neighbouring properties.

5.4 Financial Consideration

Combined rating valuation of the two land parcels is \$85,000 as at July 2010. Should the land reach open market sale, total disposal costs are estimated at \$20,000.

5.5 Climate Change Impacts and Considerations

There is no climate change implication associated with this paper.

5.6 Long-Term Council Community Plan Considerations

Any sale proceeds will be paid into the Reserves Purchase and Development Fund pursuant to Section 79 of the Reserves Act 1977.

5.7 Next Steps

If the recommendations of this report are accepted and a resolution to dispose of the property is passed, the next steps would be as below:

1. Investigate offer back obligations under section 40 of the Public Works Act 1981. Approximate timeframe is four weeks.
2. Report to the Chief Executive Officer, with a recommendation to either proceed with an offer back, or to agree that an exemption applies. Approximate timeframe is two weeks.
3. If no offer back exemption is applicable, offer the property back to the former owner or their successors at current market value. Approximate timeframe is ten weeks.
4. If exemption from offer back applies, or the former owner or their successors are not interested in purchasing the land, commence the revocation process of the reserve status against Lot 28 DP 48695. Approximate timeframe for this step ranges from sixteen to thirty weeks depending on whether any objections are received.

5. Once the reserve status has been revoked, re-zone Lot 28 DP 48695 to Outer Residential. As this re-zoning would be included in 'rats and mice' the timeframe for this step is unknown.
6. Once the reserve status has been revoked and the land rezoned, decide on the best marketing methodology. Approximate timeframe is one week.
7. Engage real estate agents to market the property. Approximate timeframe is one week.
8. Sale to new owner.

6. Conclusion

It is recommended that the Strategy and Policy Committee recommend to Council that, under section 40 of the Public Works Act 1981, the Council owned property at 68A Victory Avenue is not required for a public work; it is surplus to Council requirements and can be sold. During this process the reserve status registered against Lot 28 DP 48695 could be revoked and the land rezoned to Outer Residential.

Contact Officer: *Nicola Hine, Property Advisor – Property Projects and Amber Bill, Manager – Community Engagement and Reserves*

Supporting Information

1) Strategic Fit / Strategic Outcome

The play equipment was removed in 2008 in line with the playgrounds policy 2002.

It is inline with the Council's financial principals that assets which are declared surplus to strategic or operational requirements are sold.

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

Any sale proceeds will be paid into the Reserves Purchase and Development Fund pursuant to Section 79 of the Reserves Act 1977.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-Making

This is not a significant decision. The report sets out the options available and reflects the views and preferences of those with an interest in this matter who have been consulted with.

5) Consultation

a) General Consultation

Relevant Council business units have been consulted with, and have no objection to the intention to dispose of this land.

Public consultation will be carried out as per the statutory requirements of the reserve revocation process.

b) Consultation with Maori

Both Port Nicholson Block Settlement Trust and Ngati Toa have no objections to the intention to dispose of the land.

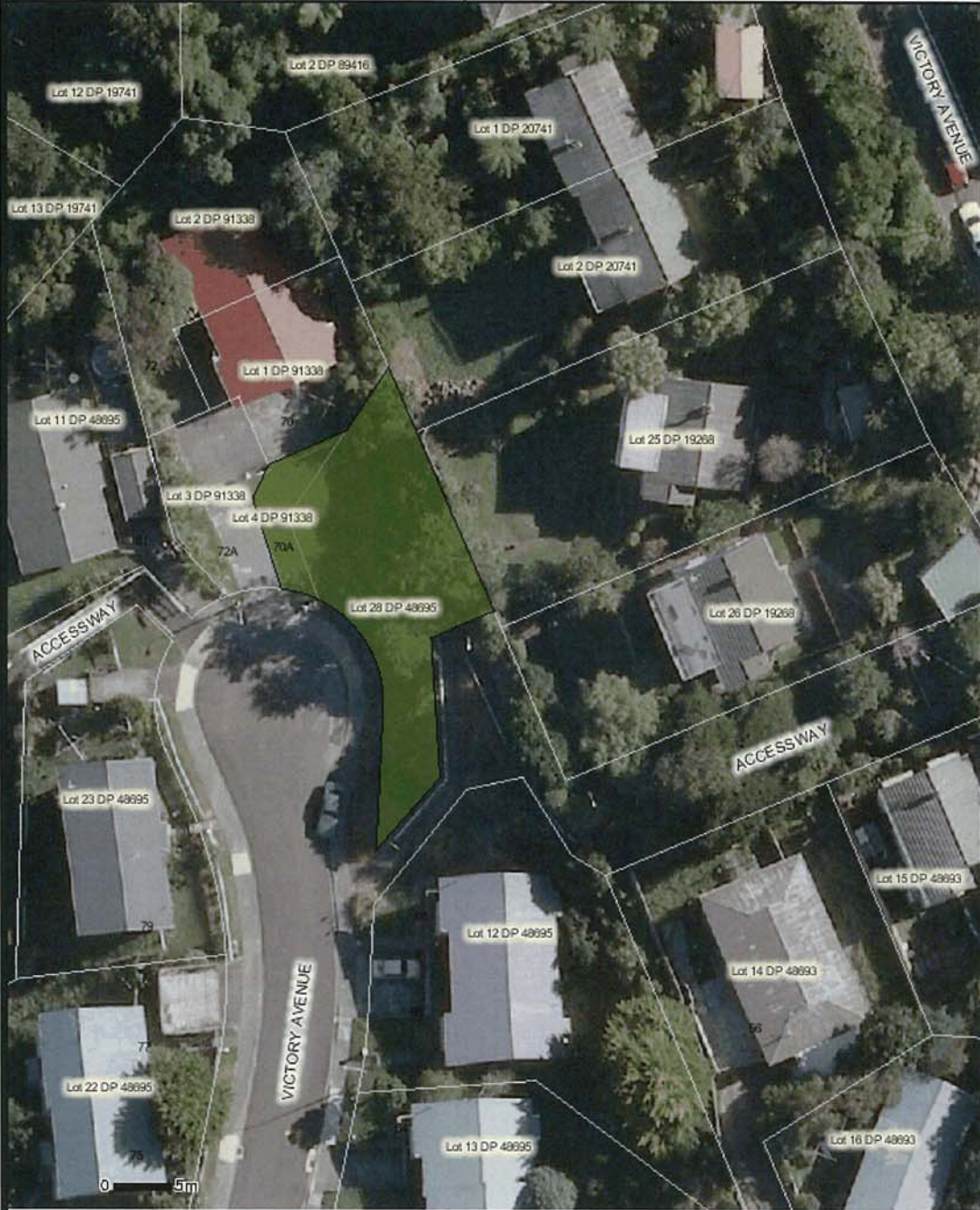
6) Legal Implications

Any Sale and Purchase Agreements will be prepared by the Council's solicitors. A solicitor's certificate will be obtained before any documentation is executed.

7) Consistency with existing policy

This report recommends measures which are consistent with existing Wellington City Council policy for the disposal of surplus property.

68A Victory Avenue, Karori



Data statement

Property boundaries, 20m
Contours, road names, rail line,
address & title points sourced
from Land Information NZ.
Crown Copyright reserved.

Property boundaries accuracy:
+/-1m in urban areas
+/-30m in rural areas

Census data - Statistics NZ.

Postcodes - NZ Post.

Assets, contours, water and
drainage information shown is
approximate and must not be
used for detailed engineering
design.

Other data has been compiled
from a variety of sources and its
accuracy may vary, but is
generally +/- 1m.

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Scale 1:500