
REPORT 2

LAND ACQUISITION FOR THE TAWA SHARED PATHWAY

1. Purpose of report

This report seeks the Committee's recommendation to Council to acquire approximately 58m² of land (the Land) for the Tawa Shared Pathway at 46 Findlay Street, Tawa.

2. Executive summary

The Land is on the northwestern corner of 46 Findlay Street, Tawa adjacent to Lynden Park. It is owned by the Greater Wellington Regional Council (GWRC) and is proposed to be transferred to Council under section 50 of the Public Works Act 1981 (PWA).

The Tawa Shared Pathway has been constructed to improve pedestrian and cycling connectivity between nearby streets, the shopping centre and other areas including railway stations, schools, recreational areas and parks. It also forms a strategic link between Porirua and Takapu (via Tawa).

The route across the Land provides the safest alignment from Findlay Street to the track through Linden Park. It also ensures activities on Linden Park are not compromised.

Officers have entered into an Entry Agreement with GWRC to allow the construction of the Shared Pathway. Acquisition of the Land under the Entry Agreement was subject to approval by both Councils.

The acquisition budget is held in CX112 Cycle Network Improvements. Officers recommend that the acquisition is approved.

3. Recommendations

Officers recommend that the Transport and Urban Development Committee:

1. *Receive the information.*
2. *Recommends that the Council:*
 - (a) *Acquire approximately 58m² of land subject to final survey (the Land) being part of 46 Findlay Street, Tawa (legally described as Lot 20 DP 2054 on CFR WN648/53) for the Tawa Shared Pathway from Greater Wellington Regional Council (GWRC).*

- (b) Authorise the Chief Executive Officer to take all steps necessary to conclude the transfer of the Land from Greater Wellington Regional Council (GWRC) pursuant to section 50 of the Public Works Act 1981, for no more than its current market value, including finalising and signing the agreement for sale and purchase, with provision for payment of Greater Wellington Regional Councils (GWRC's) reasonable costs associated with the acquisition and requiring the Land to be classified as local purpose reserve (cycleway and access).*
 - (c) Classify the Land as local purpose reserve (cycleway and access) under Section 16 (2A) of the Reserves Act 1977 immediately upon its vesting in the Council.*
 - (d) Note that public notification of reserve classification is not necessary under section 16 (5)(c) of the Reserves Act 1977, as the terms of agreement with Greater Wellington Regional Council (GWRC) will provide that the classification proposed is a condition subject to which the Land was acquired.*
5. *Note that the transfer of this land from Greater Wellington Regional Council (GWRC) is from one acquiring authority to another pursuant to Section 50 of the Public Works Act 1981.*
6. *Note that the Tawa Community Board has endorsed this report and its recommendations at their meeting of 12 June 2014.*

4. Background

The Land is currently *part of* 46 Findlay Street, Tawa which is legally described as Lot 20 DP 2054, held on Computer Freehold Register WN648/53. This property is owned by GWRC. See Appendix One for aerial plan showing the Land highlighted in yellow and referred to as Lot 2 (proposed).

The Tawa Shared Pathway was a joint initiative between the Council and the Tawa Porirua Stream Walkway Committee to improve pedestrian and cycle safety in the Tawa/Linden area. The route follows the rail corridor and provides a shared pathway from Willowbank Park and Kenepuru Railway Station.

The Pathway forms part of the strategic link through Tawa between Porirua and Takapu. It also provides improved pedestrian and cycling connectivity between nearby streets, the shopping centre and other areas including railway stations, schools, recreational areas and parks.

The route across the front corner of the GWRC property provides the safest alignment from Findlay Street to the track through Linden Park. It also ensures that activities being held on Linden Park are not compromised.

An Entry Agreement was signed in 2013 which allowed construction of the Tawa Shared Pathway over the Land. The Entry Agreement allows for the transfer of

the land between the parties subject to approval of both Councils. This section of the Pathway was completed in November 2013.

In addition to the purchase price, it is proposed that Council will meet the costs of subdivision including all legal and survey costs.

The construction of the Tawa Pathway was adopted by the Council as part of the 2012-2022 LTCCP and also attracts NZTA subsidy.

5. Discussion

The Land is proposed to be acquired under section 50 of the Public Works Act 1981. Section 50 allows the transfer of land held for one public work to be used for another public work, as in this case.

The price of the Land to be negotiated will be no more than its current market value. The Council will also be responsible for all the GWRC's reasonable costs in the transfer of this land to the Council. The GWRC Councillors have yet to approve this transaction.

Officers propose that the land is classified local purpose reserve (*cycleway and access*) and this will be a condition contained in the land transfer agreement with GWRC. This will allow the Council to classify the Land as local purpose reserve (*cycleway and access*) under section 16 (2A) of the Reserves Act 1977 (RA). Under section 16 (5)(c) RA the local authority can classify the land without the need to undertake public consultation

5.1 Consultation and Engagement

Consultation has been carried out as part of the Tawa Shared Pathway improvements.

5.2 Financial considerations

The Tawa Shared Pathway was planned and funded under project CX112 - Cycle Network Improvements. The acquisition recommended in this report is within the limits of the budget.

5.3 Climate change impacts and considerations

There are no climate change impacts as a result of this project and proposed acquisitions.

5.4 Long-term plan considerations

The proposed Tawa Shared Pathway corridor was included in the 2012 -2022 Long Term Plan (LTP).

6. Conclusion

It is recommended that the acquisition of the land under section 50 Public Works Act 1981 is approved and that it is classified as local purpose reserve (*cycleway and access*) under section 16 (2A) of the Reserves Act 1977.

Contact Officer: Stephen Harte, Transport Network Development Planner,
 and John Vriens, Senior Property Advisor, Property
 Services

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The policy supports Council's overall vision of Creative Wellington – Innovation Capital. The report supports Council's strategic direction through managing growth through the provision of adequate infrastructure. The project implements an element of improvements envisaged by Council's Cycling Policy (2008).

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

Provision for undertaking this work is contained in the overall organisational budget and is budgeted in Transport Group CAPEX budget CX112.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

A decision to acquire any land and classify its reserve purpose requires a Council resolution, and the report explains that agreement with the vendor is conditional on such resolution. The requirement to acquire this land is discussed in the report.

5) Consultation

a) General consultation

All affected parties have been identified. Council is not required under legislation to consult on this matter.

b) Consultation with Maori

Local Iwi have not been consulted on this proposal, as the land acquisition is from a private owner for a local work.

6) Legal implications

The Sale and Purchase Agreement is being prepared by Council Solicitors.

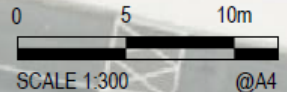
7) Consistency with existing policy

Discussed in the report.

Appendix 1



- NOTES:
1. AREAS AND DIMENSIONS ARE SUBJECT TO A FINAL LAND TRANSFER SURVEY.
 2. EASEMENTS TO BE CREATED OVER SERVICES WHERE NECESSARY.
 3. LAND COMPRISED IN CFR WN648/53.



	Dwn	GTF	21/02/2014	Date	Client	WELLINGTON CITY COUNCIL				
	Chk	GTF	21/02/2014	Date	Project	46 FINDLAY ST TAWA				
	Des			Date		WELLINGTON				
	Ver			Date	Title	LAND REQUIREMENT PLAN TAWA PATHWAY SECTION 1 & 2 BEING SUBDIVISION OF LOT 20 DP 2054				
App					Status	FOR INFORMATION ONLY				
RHT			21/02/2014		Datum		Council ref	Scale	Size	
					WGTN 2000			1:300	A4	
					Drawing Number	NZ0114034-C102			Rev	1