
LAND EXCHANGE - 135 MAKARA ROAD AND 129 MAKARA ROAD, KARORI

Kōrero taunaki

Summary of considerations

Purpose

1. This report asks the Pūroro Rangaranga - Social, Cultural and Economic Committee to recommend to Council that pursuant to Section 15 of the Reserves Act it approves the exchange of approximately 78m² of Local Purpose (Reservoir) Reserve land at 135 Makara Road (the Land), for an approximate 190m² area of privately-owned land at 129 Makara Road (the 129 Makara Road Land). This will facilitate a new mountain bike track over what is currently private land for the adjoining Makara Peak Park.
2. See Attachment 1 for location plan and Attachment 2 for the aerial plan.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Relevant Previous decisions

N/A

Significance

The decision is **rated low significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy.

Financial considerations

Nil

Budgetary provision in Annual Plan / Long-term Plan

Unbudgeted \$X

3. The costs for the land exchange proposal will be met from existing Parks, Sport and Recreation (PSR) budgets.

Risk

Low Medium High Extreme

4. The proposal affects a limited number of individuals to a low degree, so is considered to have little public interest.

Authors	Paul Davidson, Senior Property Advisor Kate Brown, Reserves Planner
Authoriser	John Vriens, Principal Property Advisor Myfanwy Emeny, Open Space and Parks Manager Paul Andrews, Manager Parks, Sports & Rec Kym Fell, Chief Customer and Community Officer

Taunakitanga

Officers' Recommendations

Officers recommend the following motion

That Pūroro Rangaranga - Social, Cultural and Economic Committee:

- 1) Receive the information.
- 2) Recommend to Council that it:
 - a. Authorise, pursuant to Section 15 of the Reserves Act 1977, the exchange of approximately 78m² of land held as Local Purpose (Water Reservoir) Reserve (the Land) at 135 Makara Road Karori (being Part Lot 1 Application Plan 2142, ROT WN942/12) (*the Land*), for approximately 190m² part of privately-owned land at 129 Makara Road, Karori (being Lot 14 DP 21009, ROT WN841/58) (*the 129 Makara Road Land*).
 - b. Agree to dispose of the Land, in order to give effect to the exchange.
 - c. Agree to acquire the 129 Makara Road Land, in order to give effect to the exchange.
 - d. Delegate to the Chief Executive Officer the power to conclude all matters in relation to the disposal of the Land, and the acquisition of the 129 Makara Road Land, including all legislative matters, issuing relevant public notices, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.
 - e. Note that the above approvals are conditional on public notification under section 15 of the Reserves Act 1977, and no sustained objections resulting from this public notification.
- 3) Note that a further report will be submitted to the Pūroro Rangaranga - Social, Cultural and Economic Committee to summarise submissions from the public notification and decide whether or not to uphold objections, if necessary.

Whakarāpopoto

Executive Summary

5. A new bike track is proposed at Mākara Peak Park. The best identified route for this new track would need to use a rear portion of an adjoining privately owned property at 129 Makara Road.
6. When considering this matter, officers identified that the previous owners of 129 Makara Road had created an outdoor area on the adjoining Council owned reserve land.
7. Various options were considered to enable the new track construction and how best to deal with the encroachment including easement, acquisition, land exchange and encroachment removal. The land exchange option is preferred by both Council's Parks, Sport and Recreation unit (PSR) and the current owners of 129 Makara Road (the Owners).
8. The proposal is that Council will receive an approximately 190m² area of 129 Makara Road, while the Owners will receive an approximately 78m² area of the Council's land.
9. Attachment 2 shows the land that the Owners would receive shaded red (Area A), with the land that Council would receive shaded green (Area B).
10. The two areas have been valued and are of equal market value. PSR is able to meet the process costs out of existing budgets.
11. The exchange of reserve land for other land is proposed in accordance with the Reserves Act 1977 (the Act).
12. The Council owned reserve land is part of the Outer Green Belt and is zoned Open Space B in the District Plan. The land exchange transaction will require a District Plan zone change of the reserve land portion from Open Space B to Outer Residential.
13. The land exchange process and zone change process are separate and both are publicly notifiable. In the event that either action is successfully opposed, then the land exchange will not proceed.

Takenga mai

Background

14. Mākara Peak Mountain Bike Park (the Park) was established in 1998, and since then has continually developed through a collaboration between the Council and the Mākara Peak Supporters Group.
15. The Park was set up as a bike priority facility and has continued to expand and respond to the increasing demands of a steadily growing number of people participating in mountain biking at the Park. The result is a network of approximately fifty kilometres of mountain bike tracks in a regenerating native forest landscape.
16. PSR is currently developing the track network in the northern end of the Park. Part of this work is replacing the current northern entrance track which is a Grade 4 (advanced) dual direction track with two Grade 3 (intermediate) tracks which will separate uphill and downhill travel.
17. The aims of this track development work are to:
 - Encourage more use of the northern entrance in order to take pressure off the track network on the southern side of the Park;
 - Make the tracks more usable as riding up Grade 4 tracks is very difficult for most people;

- Be safer for track users with the separation of uphill and downhill riders; and
 - Make improvements to the Skyline Signature Trail which will link through to the south coast.
18. A Grade 3 uphill track can only be located on the 129 Makara Road land, as the existing reserve land is too steep to achieve the required Grade 3 track gradient.
19. The Council reserve land proposed to be exchanged is currently part of Part Lot 1 Application Plan 2142, held on ROT WN942/12.
20. The private occupation of the Council reserve land by 129 Makara Road for an outdoor area existed before the current owners purchased the property in April 2019.
21. PSR and the owners of 129 Makara Road have agreed in principle to pursue a land exchange on the basis that Council meets all related costs. That agreement is subject to obtaining Council consent, and successfully completing the required processes.
22. Under the Instrument of Delegation for Territorial Authorities dated 12 July 2013, the Minister of Conservation has delegated authority to Council to approve exchanges of reserve land under the Act.

Kōrerorero

Discussion

23. Council's reserve land proposed for the land exchange is part of a larger block of land classified as Local Purpose (Water Reservoir) Reserve under the Act.
24. There is a water reservoir located on Council's reserve land. The Resilience Infrastructure team have been consulted and support the land exchange proposal. The proposal does not impact on the operation of the water reservoir, or access to it.
25. Under the Instrument of Delegation for Territorial Authorities dated 12 July 2013, the Minister of Conservation has delegated authority to Council to approve exchanges of reserve land under the Act.
26. The Act enables the Council to authorise the exchange of land comprised in any reserve for any other land to be held for the purposes of a reserve. Such a land exchange requires public notification.
27. The areas of land have been valued by Telfer Young, and as they are of equal value and no lump sum payment from either party to the other is required.
28. The land exchange requires subdivision resource consent in regard to the Council land that the owners of 129 Makara Road would receive. The private land that Council would receive does not require subdivision approval, being exempt under the Resource Management Act 1991 (as a gift/exchange of land for reserve purposes).
29. If the land exchange proposal is successful, the land that Council would acquire would be amalgamated with the reservoir land being ROT WN942/12 at 135 Makara Road.

Kōwhiringa

Options

30. There are two options that Council can choose; either:

- Agree to the land exchange; or
- Not agree to the land exchange in which case PSR would need to pursue the reserve encroachment being removed and the area reinstated. In addition the track would not be possible.

31. Council officers support the land exchange as it will result in improvements to the track network that could not otherwise be achieved.

Whai whakaaro ki ngā whakataunga

Considerations for decision-making

Alignment with Council's strategies and policies

32. The proposed track alignment is supported by both the Makara Peak Masterplan 2017 and the Outer Green Belt Management Plan 2019. Land exchanges are dealt with on a case-by-case basis and do not feature in the Long Term Plan. The Act provides Council the authority and the framework under which exchanges of reserve land can occur. The recommendations of this paper will follow these legislative requirements. Engagement and Consultation
33. Both the land exchange and plan change processes require public notification. In addition to the legislative requirements, once Council approval is obtained, Council officers will undertake consultation with immediately adjacent neighbours, and the Karori Association Inc.

Implications for Māori

34. Iwi groups were consulted through the development of the Mākara Peak Masterplan and the Outer Green Belt Management Plan, both of which referred to this track development. There are no known Treaty of Waitangi considerations with this land exchange. The land is not located in an area identified as significant to Māori in Council's operative and draft District Plan, nor is it proposed to dispose any land on the open market.

Financial implications

35. No payments from either party would be required as the respective land values are equal. PSR have budgeted approximately \$30k to meet process costs including survey, legal, public notice and resource consent. This will be funded from existing PSR Budget.

Legal considerations

36. It is considered that there are few financial or legal risks of undertaking this land exchange. The area and value of the land involved is small and the land exchange process will follow relevant legislative requirements. Any legal documentation or action will be overseen by the Council's lawyers.

Risks and mitigations

37. With agreement from the Owners, implementation of the new bike track will be started before the land exchange is completed. This is due to the length of time required for the processes for the land exchange, the plan change and the land subdivision consent. If the land exchange does not go ahead, Council would have to remove the track and reinstate the 129 Makara Road land.

Disability and accessibility impact

38. There are no known disability and accessibility impacts related to this proposal.

Climate Change impact and considerations

39. There are no known significant climate change implications related to this proposal.

Communications Plan

40. The reserve revocation and exchange process will follow relevant legislative requirements, including public notification.

Health and Safety Impact considered

41. There are no known health and safety impacts related to this proposal. The work is predominantly administrative, and any field work will not occur in a hazardous environment.

Ngā mahinga e whai ake nei

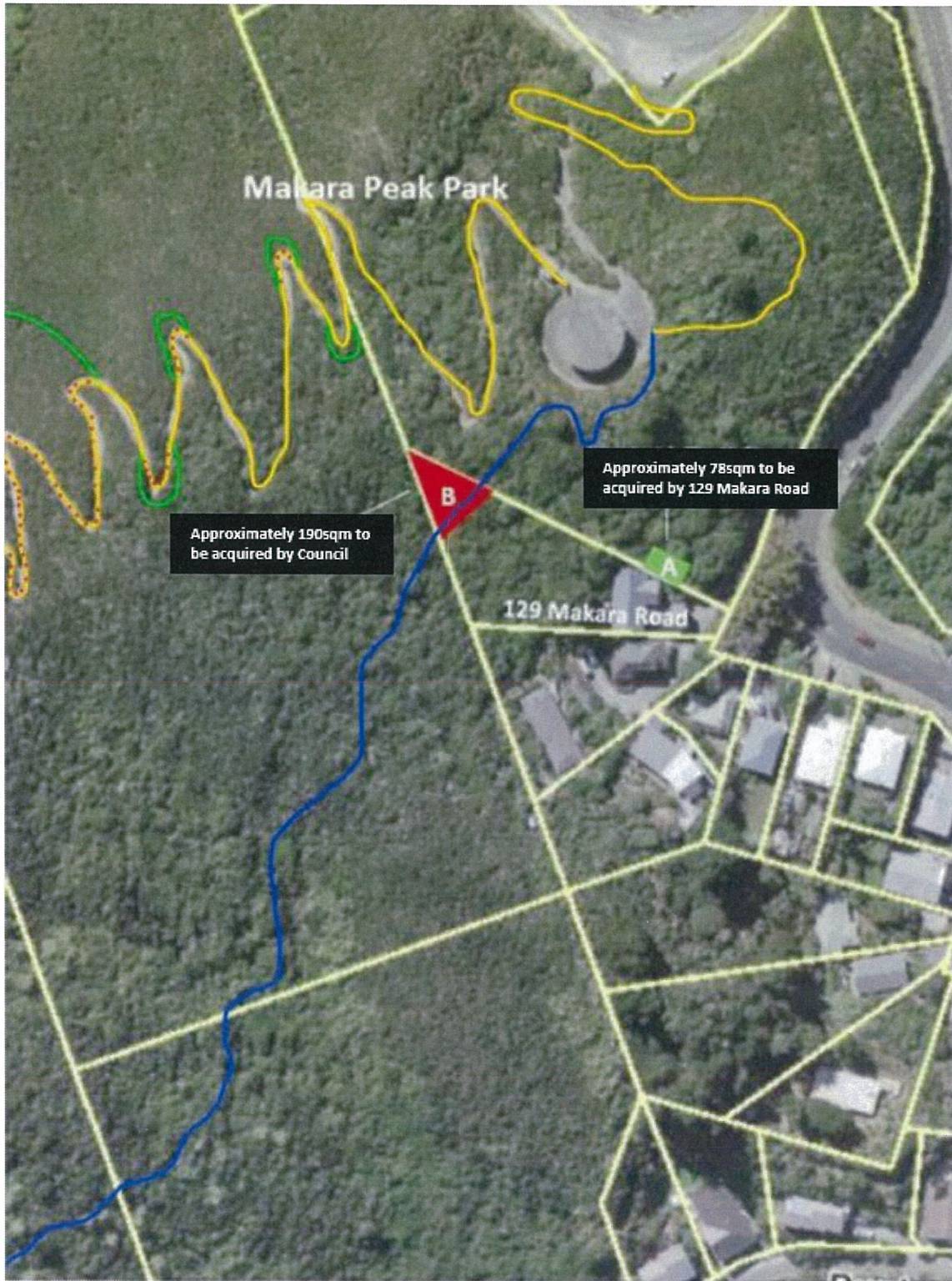
Next actions

42. If the recommendations are approved by the Pūroro Rangaranga - Social, Cultural and Economic Committee and by Council, then the following will occur:
- Public notification of the exchange of reserve land, in accordance with the Act;
 - Outcome of submissions will be reported back to Committee, if necessary;
 - Survey of the proposed land exchange areas;
 - The District Plan Team will be requested to include the land exchange areas in the District Plan review or next Plan Change;
 - Obtain subdivision resource consent; and
 - LINZ issue updated titles.

Attachments

- Attachment 1. Location Plan
Attachment 2. Aerial





- Yellow existing track G4 advanced dual direction
- Blue new G3 intermediate uphill track
- Green new/upgraded G3 downhill track
- Red Dots existing sections to be retired

