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## **LAND ACQUISITION FOR TAWA SHARED PATHWAY**

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

To obtain the Tawa Community Board's endorsement and feedback (if any) on officers' recommendation to Council that it acquire approximately 58m<sup>2</sup> (the Land) of land situated at 46 Findlay Street, Tawa for the Tawa Shared Pathway.

This matter is to be considered by the Transport and Urban Development Committee meeting of 26 June 2014 (see draft report in Appendix 1).

### **2. Recommendations**

Officers recommend that the Tawa Community Board:

- 1. Receive the information.*
- 2. Endorse the recommendations contained in the report to be considered by the Transport and Urban Development Committee at their meeting of 26 June 2014, and provide feedback to be included in the report if necessary.*

### **3. Background**

Refer to the draft report in Appendix 1 for background to the proposed land acquisition.

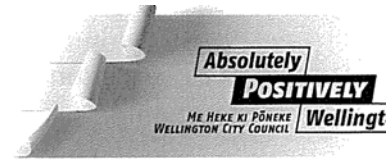
### **4. Conclusion**

Officers are recommending that Council approve acquisition of the Land for the Tawa Shared Pathway project.

Council officers are seeking support from the Tawa Community Board for the proposal and will include the Board's feedback in their report to the Transport and Urban Development Committee as necessary.

*Contact Officers: John Vriens, Senior Property Advisor - Property  
Stephen Harte Transport Network Development Planner*

**TRANSPORT AND URBAN  
DEVELOPMENT  
COMMITTEE**  
26 June 2014



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## LAND ACQUISITION FOR THE TAWA SHARED PATHWAY

### 1. Purpose of report

This report seeks the Committee's recommendation to Council to acquire approximately 58m<sup>2</sup> 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 58m<sup>2</sup> 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 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 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 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 GWRC is from one acquiring authority to another pursuant to Section 50 of the Public Works Act 1981.

## 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 Greater Wellington Regional Council (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 ONE



 <p><b>Cardno</b> Shaping the Future</p> <p>Cardno (NZ) Limited Level 5, IBM Building, 25 Victoria Street Petone, Lower Hutt 5012 Tel: 04 478 0342 Web: www.cardno.co.nz</p>	Dwn	GTF	21/02/2014	Date	Client	WELLINGTON CITY COUNCIL	Status <b>FOR INFORMATION ONLY</b> NOT TO BE USED FOR CONSTRUCTION PURPOSES Datum WGTN 2000 Council ref Scale 1:300 Size A4 Drawing Number NZD114034-C102 Revn 1
	Chk	GTF	21/02/2014	Date	Project	46 FINDLAY ST TAWA WELLINGTON	
	Des			Date	Title	LAND REQUIREMENT PLAN TAWA PATHWAY SECTION 1 & 2 BEING SUBDIVISION OF LOT 20 DP 2054	
	Ver			Date			
	App						
	RHT		21/02/2014				