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Committee Landcare
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Porirua scheme – land rationalisation at Stebbings Dam and acquisition of stream access at Oxford Street, Tawa

1. Purpose

- To advise the Committee of progress with rationalising Council's land holdings at Stebbings detention dam including a proposed land swap agreement with Wellington City Council.
- To seek the Committee's approval to acquire from Wellington City Council an access way to ensure ongoing access to the Porirua Stream at Oxford Street for maintenance purposes.
- To seek the Committee's endorsement of negotiations to secure an access easement to the Porirua Stream from Wall Place, Porirua for maintenance purposes.

2. Stebbings land rationalisation

Background

Following completion of construction of the Stebbings detention dam in 1994 there were a number of land rationalisation matters that needed to be attended to. They included:

- Permanent stopping of Stebbings Road under the dam embankment and the transfer of a section of the road into Regional Council ownership.
- The disposal of land surplus to the project which had been acquired for construction. Wellington City Council (WCC) proposed to acquire at least some of this surplus land for the proposed Westchester Drive extension to Middleton Road and the State Highway 1 motorway.

Report 93.393 (20 July 1993) to the former Operations Committee identified the surplus land and recommended that it be formally declared surplus to requirements. The recommendation was subsequently approved on 10 August 1993.

In August 1997 a further report, Report 97.327, advised of progress with disposal of the surplus land, the stopping of Stebbings Road, and the acquisition of a portion of the stopped road from WCC. The recommendations contained in Report 97.327 were subsequently adopted by the Regional Council on 23 September 1997 (see minute extract – **Attachment 1**).

Proposed land swap

A land swap has now been negotiated with Wellington City Council whereby:

- WCC will acquire all the surplus land at the end of Westchester Drive comprising a total area of 4,900 square metres (areas A and B on **Attachment 2**).
- WCC will permanently stop a section of Stebbings Road under the dam embankment, and transfer about 3,850 square metres (subject to final survey) to the Regional Council.

This will complete land disposal and acquisition requirements from the Stebbings dam project.

3. Porirua Stream access – Oxford Street and Wall Place

Background

Access is required to the Porirua Stream to enable routine maintenance work to be completed, including mowing, removal of debris and fallen trees, and construction of minor erosion stabilisation works. Our Mabey Road operations team routinely uses a number of access points along the Porirua Stream for this work.

Most of the land under the Porirua Stream is privately owned, with the major exceptions being where the stream passes through various Wellington and Porirua City reserves. Similarly the access points used by our maintenance teams are across both private and reserve land. Over the last 10 years we have lost at least two access points following development on private land.

About 2 years ago we initiated a project to identify the land ownership of all regularly used access points, and to see what actions were required to secure the ongoing use of these access points. It turns out many of the access points were across reserves held by either Wellington City Council and Porirua City Council and are considered secure. However the research did identify two important access points where action was recommended to ensure our ongoing ability to use. These two accesses are at:

- 12A Oxford Street, Tawa.
- End of Wall Place, Porirua City.

12A Oxford Street

12A Oxford Street (see **Attachment 3**) is located adjacent to a block of flats in Oxford Street, Tawa. It is owned by WCC for stream access purposes, however the access is only regularly used by the Regional Council.

Following discussions with officers from WCC it has been agreed the title should be transferred to the Regional Council. Accordingly it is proposed to include the transfer of Oxford Street in the Stebbings land exchange.

Wall Place

This Council already holds a stream maintenance easement along the Porirua Stream adjacent to Wall Place, Porirua. The easement was negotiated when the stream realignment improvements were completed over this section of stream about 25 years ago.

However, the Council has **no** right of way from Wall Place to the stream and while staff currently use open yard space by way of informal agreement with one landowner to get from Wall Place to the stream. All these industrial sections are gradually being intensively developed and it is quite possible our access could be cut off.

Given the above, we proceeded to arrange verbal agreement from the owner of 16 – 20 Wall Place (Lot 10) to grant the Regional Council a 5 metre wide access easement to the Porirua Stream. However, a subsequent survey has identified that part of the existing driveway (over which the easement is proposed) is actually located over the neighbouring property. We have therefore entered into discussions with this second landowner about the easement being partly on his property (Lot 11). During these discussions we discovered that the easement along the stream in favour of the Council has never been formally executed.

In summary, further negotiation is required to finalise access to the stream in this location. We are hopeful that a right of way can be obtained. It is likely Council will incur survey and legal costs estimated at \$6,000 plus GST to achieve this right of way.

4. Stebbings Land Exchange agreement

The Stebbings Land Exchange agreement has now been negotiated with WCC to effect the land rationalisation at Stebbings detention dam, and transfer 12A Oxford Street to the Regional Council. The agreement now requires approval of both Councils before it is implemented. In summary, the transaction will involve the following:

Land	Consideration
• GWRC transfers 4,900m ² to WCC (being surplus land at end of Westchester Drive)	\$ 170,000
• WCC transfers 3,850m ² to GWRC (being stopped Stebbings Road)	\$ -55,000
• WCC transfers 12A Oxford Street to GWRC	<u>\$ -3,000</u>
Net payment to GWRC	\$ 112,000

Under the agreement WCC is responsible for the permanent stopping of Stebbings Road. The above figures are based on a recent valuation undertaken by registered valuers C B Richard Ellis and some minor adjustments could be made to the WCC payment following final survey if land areas change from the areas set out in the agreement.

WCC is responsible for the survey of both the Westchester Drive and Stebbings Road land. Transfer costs under the Public Works Act are to be shared equally between the parties.

The exact timing of the transfer is unknown. It is hoped WCC will formally approve the agreement this month (April 2003), and survey can start shortly after.

5. Financial considerations

The proposed land swap will result in a payment to the Regional Council of \$112,000. There will be some costs with the land transfer process. These were estimated at \$20,000 in 1997, and are proposed to be funded from the net payment from WCC.

The purchase of 12A Oxford Street is an unbudgeted capital expense, which requires Council approval. The purchase cost is proposed to be met from the land balancing payment from WCC.

In accordance with recommendation (5) of Report 97.327 the payment from WCC (less costs) will be used to offset existing Stebbings detention dam debt. Note this debt reduction is unbudgeted, as the timing of the exchange with WCC has only now become certain.

The cost of negotiations for the Wall Place easement will be met from existing operating budgets. Similarly, should agreement be reached, survey and legal costs can be met from existing operating budgets.

6. Communications

No communication initiative about the proposed land swap with Wellington City Council is proposed. The land transfers are largely an administrative arrangement to enable both parties to meet their functional responsibilities now and into the future.

7. Recommendations

That the Committee:

1. *receive the report.*
2. *note that the rationalisation of land at Stebbings detention dam approved by Council on 23 September 1997 as a result of Report 97.327 is to now be effected by way of the Stebbings Land Exchange agreement with Wellington City Council.*
3. *recommend that Council approve the acquisition of 12A Oxford Street (CT WN6D/1224) from Wellington City Council for a sum of \$3,000 inclusive of GST (if any) by way of the Stebbings Land Exchange agreement.*
4. *confirm that the payment of \$112,000 (less survey, transfer and legal costs incurred by this Council) from Wellington City Council resulting from the Stebbings Land Exchange be used to offset existing Stebbings detention dam debt.*
5. *endorse officers pursuing an easement from Wall Place to provide permanent maintenance access to the Porirua Stream.*

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Attachment 1: Report 97.327 minute extract from Landcare Committee held 2 September 1997

Attachment 2: Stebbings Dam Plan P11454

Attachment 3: Porirua Stream locality plan