

STAFF REPORT

TO: Council's Enterprise Subcommittee

FROM: Manager Property

DATE: 27 February 2007

SUBJECT: Manager Property Services Report

HARBOUR ENDOWMENT LAND

Ten lessees of former Nelson and Port Motueka harbour endowment land have accepted the offer to freehold. In each instance the offer is subject to the lessee accepting the Council's valuation. Valuations have been received in respect of six properties and these have been forwarded to the lessees as Council's offer. The rest of the valuations should be received in the next two-three weeks. The Local Government Act 2002 requires that the intention to sell or exchange endowment land must be included in the Draft Long Term Council Community Plan. This has been done but we are also required to include a notation about the use to which the proceeds of the sale of these lands will be put. Previously the Council has utilised the proceeds of endowment land sales to purchase other land to continue the income to the port of Motueka and to satisfy the conditions of the Nelson Harbour Board Order 1968 which controls the use of the Port Motueka endowment.

It is recommended that the Enterprise Subcommittee that for the Port Motueka harbour endowment land sales, the proceeds be put to the purchase of other land to continue the income to the endowment and that the proceeds of the sales of any land within the former Nelson harbour endowment be put towards the improvements to harbour endowment land and buildings in the Port Mapua area.

The Wakatu Incorporation and Tainui Taranaki Ki Te Tonga's have written to the Council expressing the view that the Public Works Act should apply to this land and they have sought legal advice through the Waitangi Tribunal. I have had discussions with staff from the Waitangi Tribunal and the legal representative from the Wakatu Incorporation and have expressed the viewpoint that the land having been vested in the Council by the Crown is able to be disposed of in accordance with the provisions of the Local Government Act and if there is any claim regarding how or what the land was originally acquired for before it was vested in the Council, then this should be taken up directly with the Waitangi Tribunal and should not affect the ability of the lessees of the endowment land to be able to freehold their leasehold interest.

WAKEFIELD LAND NEGOTIATIONS

I have been requested to provide details of negotiations with the Martin family over land at Wakefield.

Two plans are attached to this report. The first shows the area known as Faulkner Bush and an access strip through Treeton Place which is part of the property at 19 Clifford Road owned by the Martin Trust. We have agreed with the Martin Trust to seek a permanent legal access for 19 Clifford Road over the Transit land adjacent to Clifford Road in exchange for the accessway through to Treeton Place being vested in the Council. Council will meet the costs incurred in seeking and obtaining the Transit consent and any conditions which need to be satisfied.

The second photograph shows land owned by the Martin family adjacent to the Wakefield Recreation Reserve and Wakefield well site. The Subcommittee will note that the service area at the rear of the pump house is partly within the Martin land. The Martin family have indicated that they are prepared to allow this encroachment on the condition that the Council provides them with access off Pigeon Valley Road into their property. This has been hampered because of two small parcels of land which have no title. An application has been made to the Minister of Lands that Council to acquire ownership of these two parcels and the latest advice has been that there is a substantial backlog of applications and that this one will be processed in its turn. Unfortunately I am unable to provide any indication of when the issue may be sorted at this time.

ROAD STOPPING

The hearing for the Pattie Street Road stopping proposal has been heard by the Environment Court.

The staff committee which considers road stopping applications will be meeting in March to consider about eight requests.

GENERAL

An agreement has been negotiated to purchase land for an additional water tank adjacent to the existing water tank at Brightwater.

The house at 19 Croucher Street has been sold and should have been removed by the date of this meeting. The subdivision for this site has been approved and the survey is proceeding. The consent for the building on the new lot is pending and the successful tenderer was Coman Construction.

At the December Enterprise Subcommittee meeting I offered to provide the Subcommittee with the final terms of reference for the former contaminated land at Mapua. Because of work commitments and lack of resources the finalising of the terms of reference has yet to occur.

Settlement has occurred with Mr and Mrs Smale for the purchase of land at Parker Street, Motueka. This land has been purchased as a possible future well field for water reticulation.

The purchase of land from Mrs Heslop at Headingly Lane has been completed which will enable the second stage of the Borkes Creek upgrade in Headingly Lane to be completed.

The last of the buildings at the former Salisbury Road depot have been removed. Arrangements will now be made to clean the site up, following which the land will be remarketed for development.

Recently enquiries have been received regarding our land holdings in Courtney Street East, Motueka. Part of this land is in the process of being rezoned and submissions closed about the end of February. Numerous options have been suggested for development once the rezoning takes affect. This land was originally purchased for a public work and there may be a requirement to offer it back to the previous owners. Until the new zoning is confirmed it is suggested that the present arrangement of utilising the land for grazing continue and that a report on options be provided after then.

J K Frater
Manager Property Services

http://tdctoday:82/shared_documents/meetings/council/committees_and_subcommittee/reports/2007/rfn070307ces_report_manager_property_services.doc subcommittees/council enterprises