



Report 07.803
Date 23 November 2007
File PK/09/01/03

Committee Parks, Forests and Utilities
Authors Peter O'Brien, Property Consultant
Murray Waititi, Manager, Parks

Pakuratahi Recreation Forest Proposal to dispose of land for road and in part to accept land in exchange

1. Purpose

- To advise the Committee of a request from Transit New Zealand to acquire land from the Pakuratahi Forest for the purpose of legal road, being Rimutaka Hill Road corner improvements, Muldoon's Corner.
- To seek the Committee's endorsement to proceed with the land disposal for the purpose of a public work on the basis of part compensation and part land in exchange.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council. As Transit New Zealand requires the land for the purpose of a public work, the Council cannot object to disposing of the land.

3. Background

Transit New Zealand has resolved to proceed with the purchase of all land required to facilitate corner easing at and within proximity of Muldoon's corner on the Rimutaka Hill Road. Most of the land, but not all, required for this realignment work is over land held by GWRC as the part of the Pakuratahi Forest. This forest is held for the primary purposes of water supply, forestry and recreation.

The land areas required for road comprise seven separate areas, which total 5.4630 hectares, and are part of the land contained in GWRC Certificates of Title WN570/103 which contains 33.9936 hectares; WN48C/989 which contains 12.5452 hectares; and 36815 which contains 6839.8488 hectares; an overall total area of 6886.3876 hectares.

Of those three titles, one was gifted to GWRC by the Royal Forest and Bird Protection Society of New Zealand Inc. on the condition that this land has a Scenic Reserve Status. The Council resolved to make this land a Scenic Reserve in 2001. GWRC has liaised with the donor society to keep it informed of the Transit New Zealand requirements and to seek the Society's input into the terms and conditions of an agreement to dispose of land required for road. The Society has confirmed its agreement with the disposal and the terms and conditions to be imposed.

As part of the corner easing work, five areas of road will become surplus to Transit New Zealand's requirements and have been offered to GWRC by way of exchange and as part compensation. The land will be amalgamated into GWRC's existing adjoining landholdings and will become part of the Pakuratahi Forest.

Additional benefits will accrue to GWRC from this work, as access to both the forest access track and the Rimutaka trig track will be improved, with provision of sealed car parks and bus parking bay, and improved ingress and egress with better sight lines at the connection to Rimutaka Hill Road.

4. Proposal

To dispose of land to Transit New Zealand for the public work purpose of road (Rimutaka Hill Road upgrade) and as part compensation to have transferred to GWRC an area of Transit New Zealand closed road in exchange.

5. The Property

5.1 Land required

The GWRC land required by Transit New Zealand is shown coloured blue on the attached Opus Plan 5/18/53/6504/12/R6 and comprise 7 separate areas which total 5.4630 hectares. These areas are parts of the land contained in council certificates of title WN570/103 which contains 33.9936 hectares, being Section 24 Pakuratahi District; WN48C/989 which contains 12.5452 hectares, being Section 26 Pakuratahi District and 36815 which contains 6839.8488 hectares being part Lot 1 DP 47840.

Only part of the land acquired by Transit New Zealand will have a road built over it. The balance land will be retained by Transit New Zealand as road and will be used as severance. Because of the steep contour in this location, the severance land will be used for cut face batters and fill. Transit New Zealand has an extensive planting plan for these severance areas and over time they will merge with the planted and bush clad nature of the adjoining GWRC land.

5.2 Land transferred

The five Transit New Zealand areas of road to be closed and transferred to GWRC as part exchange are shown coloured green on the attached Opus Plan No. 5/18/53/6504/12/R6. These areas in total comprise 1.3400 hectares. Transit New Zealand will remove the seal from all but two areas of this land

and will plant trees and vegetation of a comparable nature to that existing on the immediately adjoining GWRC land.

5.3 Beneficial aspect

The beneficial aspect of the transfer of closed road to GWRC will be the improved access to and from the forest access track and the Rimutaka trig track. Each area will have an agreed area of existing road seal left in place for ongoing use as access road, car parks and bus parking bay. Safer ingress and egress, with improved lines of sight at the connection to Rimutaka Hill Road from these two track entrances, will be achieved.

6. The current market value

6.1 Land assessment

GWRC and Transit New Zealand agreed, because of the nature of the assessment, to jointly instruct Gerald Smith, a registered valuer, to assess the current market value of each area of land. Each party reserved the right to seek a further opinion if not satisfied with the outcome. In the event, Mr Smith produced an assessment which was acceptable to both parties.

6.2 Current market value of GWRC land

The current market value of the GWRC land was assessed to be 5.4630 hectares of variable contour to steep hill at rates ranging from \$1,000 to \$3,000 per hectare and totalling \$8,400 plus GST if any.

6.3 Current market value of Transit New Zealand land

The current market value of the Transit New Zealand land was assessed to be 1.3400 hectares of variable contour to steep hill at the rate of \$500 per hectare plus an allowance for the value of the sealed improvement, totalling \$1,100 plus GST if any.

6.4 Equality of exchange

Equality of exchange payable by the Crown (Transit New Zealand) to GWRC is \$7,300 plus GST if any.

7. Memorandum of Agreement

Following a without prejudice negotiation process, Transit New Zealand has had an Agreement drafted, which provides for Crown purchase of land for road and compensation to be met in part by way of exchange with equality of exchange of \$7,300 to be paid by Crown to GWRC. The Agreement accurately reflects the negotiation process and issues agreed. The Agreement provides for:

- (1) Transit New Zealand to acquire seven parcels of land totalling 5.4630 hectares of GWRC land for the purpose of road at a value of \$8,400.

- (2) Transit New Zealand to transfer in exchange five parcels of road to be closed totalling 1.3400 hectares of its land to GWRC at a value of \$1,100.
- (3) There will be a payment as equality of exchange by Crown to GWRC of \$7,300.
- (4) Transit New Zealand shall be responsible for the cost of defining by survey all the land to be acquired for road and the land to be vested in exchange.
- (5) Transit New Zealand shall meet all GWRC costs of legal and valuation fees incurred in the transaction.
- (6) Transit New Zealand shall remove the seal from the exchange land and shall plant the exchange land with trees and vegetation reasonably comparable to that on GWRC land adjoining.
- (7) Transit New Zealand shall leave seal in place and construct where necessary a new forestry access for the council over the exchange land and shall in addition develop seven car parks.
- (8) Transit New Zealand shall leave seal in place and construct where necessary a new Rimutaka Trig track access for GWRC over the exchange land, and shall in addition develop 13 car parks and 1 bus bay and turning area.
- (9) Transit New Zealand shall fence the land acquired for road from the balance of GWRC land and shall fence the exchange land into the adjoining GWRC land. Transit New Zealand shall remove all redundant fences.
- (10) Transit New Zealand shall undertake the work in accordance with the Opus plans and shall fully comply with the terms of all resource consents and other planning permits and approvals obtained for the work.
- (11) Transit New Zealand shall complete all mitigation and restoration works required as a consequence of the work and in particular shall comply with all GWRC resource consent conditions.

8. Funding Provision

Not applicable.

9. Communication

Direct communications with the community on this report are not appropriate at this stage.

10. Recommendations

That the Committee:

- (1) **Receives the report.**
- (2) **Notes the content of the report.**
- (3) **Recommends that Council:**
 - (a) *Endorses the disposal of 5.4630 hectares to the Crown for the purpose of road (Rimutaka Hill Road corner improvements) at an assessed value of \$8,400.*
 - (b) *Approves part of the compensation being acquisition of 1.3400 hectares of Crown owned closed road by way of exchange at an assessed value of \$1,100.*
 - (c) *Affixes the Greater Wellington Regional Council Common Seal and/or authorised signatory to all documents and plans to give effect to this transaction.*

Report prepared by:

Report prepared by:

Report approved by:

Peter O'Brien
Property Consultant

Murray Waititi
Manager, Parks

Murray Kennedy
Divisional Manager, Water
Supply, Parks and Forests

Attachments:

- 1 Preliminary land requirement plan
- 2 Scheme assessment plan
- 3 Rimutaka Trig track car park and forestry access and car park