

Report 99.197

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Report to the Wellington Regional Council

By Kevin Grace, Transport Infrastructure Co-ordinator Transport Policy

Section 230 Resolution : Land Adjacent to Tawa Station - off Melville Street Tawa

1. Purpose

To declare surplus the commuter carparking site adjacent to Tawa Station – off Melville Street Tawa extending to 861 square metres, being contained in Certificate of Title Volume 39B folio 676 and legally described as Lot 1 DP 71843.

2. Background

In 1991 the Wellington Regional Council acquired this site by private treaty from Maxam Holdings Limited. It was acquired to provide for commuter carparks adjacent to Tawa Railway Station (a “Park and Ride” facility). The site continues to be used for this purpose and provides commuter carparking for approximately 35 cars.

Part XXXIVB of the Local Government Act 1974 (“the Act”) prohibits the Regional Council from holding an interest in property where that property is related to a transport operation. Normally the Regional Council provides funding to acquire, develop and maintain land for commuter carparking, however, ownership is generally held by the local territorial authority. The Regional Council is therefore required by the Act to divest itself of such interests.

The site is located in the City of Wellington and hence the Wellington City Council is the logical purchaser.

Section 230 of the Local Government Act requires 14 clear days public notice to be given of the Council’s intention to consider a resolution to sell land. That notice has been given.

3. Current Situation

The Wellington City Council have agreed in principle to purchase the site from the Wellington Regional Council for a peppercorn consideration. The site would continue to be held by the Wellington City Council for commuter carparking purposes. The Regional Council will remain responsible for the maintenance of the site for as long as it remains a public commuter carpark. The agreement is subject to the approval of both Councils.

The land will continue to be held for the purpose it was acquired, being a commuter carpark which is a public work. As such there is no requirement under Section 40 of the Public Works Act 1981 to offer the land back to the previous owners Maxam Holdings Ltd. A Section 40 Clearance Certificate will be sought from the Wellington Regional Council General Manager in this respect.

4. Recommendation

- (1) *That pursuant to Section 230 of the Local Government Act, Council resolve that the commuter carparking site adjacent to Tawa Station – off Melville Street Tawa extending to 861 square metres, being contained in Certificate of Title Volume 39B Folio 676 and legally described as Lot 1 DP 71843 be declared surplus to requirements and available for sale.*
- (2) *That subject to recommendation 1 being approved a Section 40 Clearance Certificate be obtained from the Wellington Regional Council General Manager.*
- (3) *Subject to recommendations 1 and 2 being approved, the carparking site be transferred to the Wellington City Council for a nominal sum of \$1.00.*
- (4) *That the Council Common Seal be affixed to the necessary documents to achieve sale.*

Report prepared by:

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