

Report 16.463  
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File CCAB-8-769

Committee Council  
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## Land Transfer – Barber Grove, Moera, Lower Hutt

### 1. Purpose

To seek approval to accept the transfer of stopbank and stopbank buffer land located at 23R Barber Grove, Lower Hutt from Hutt City Council (HCC) for flood protection purposes.

### 2. Background

In late 2011 Hutt City Council approached Greater Wellington Regional Council (GWRC) with an offer to transfer a parcel of HCC owned land adjacent to Te Awa Kairangi/Hutt River to GWRC for flood protection purposes.

The land offered to GWRC contains part of Te Awa Kairangi/Hutt River stopbank and buffer and has been maintained by GWRC for many years as part of GWRC's wider flood protection land holdings and responsibilities in that area.

As the predominant use of the land is for flood protection purposes, both Councils agreed in principle that it was logical for the transfer to be progressed.

An underground HCC wastewater overflow pipe runs through the land and possibly other HCC services. In order to protect HCC's interest in those services, it was agreed that the transfer of land would be subject to GWRC granting utility services easements to HCC for any existing utilities located within the land.

A draft agreement between the parties was prepared in 2012 but HCC put the transaction on hold due to concerns regarding a potential requirement for the Barber Grove land in connection with a major sewer upgrade planned for the Moera/Seaview area.

More recently, HCC has advised that the transfer has been cleared to proceed and the parties have now confirmed terms and conditions of the land transfer; subject to the final approval of both Councils.

### 3. Land Details

The land to be transferred comprises a finger shaped lot located on the true left bank of Te Awa Kairangi/Hutt River extending from the Barber Grove cul-de-sac to the north and to the boundary of the Randwick Primary School playing fields to the south. GWRC owns the adjoining land to the north and east of the subject property as part of its wider land holdings for Te Awa Kairangi/Hutt River.

The property is legally described as Lot 1 DP 60907 and contained in Computer Freehold Register WN30D/395 (refer **Attachment 1**) and contains an area of 684 square metres.

As indicated earlier in this report the land harbours the landward toe of Te Awa Kairangi/Hutt River stopbank and its adjacent stopbank buffer area and contains a HCC wastewater pipe. The land is pictured below in **Figure 1** and **Attachment 2** contains a plan which shows the land proposed to be transferred to GWRC outlined in Yellow with the wastewater pipe shown by the red line.



**Figure 1 - Barber Grove Land Looking Downstream Towards Randwick Primary School**

The Rateable Value of the land proposed to be transferred to GWRC as at 1 September 2013 is \$39,000.

#### **4. Comment**

The outcome of this transaction would result in the land ownership more logically reflecting the way in which the land is used and managed while the easement(s) will protect HCC's interest in the utility services within the land.

#### **5. Land Transfer Proposal**

The principal terms and conditions agreed between the parties are as follows:

- HCC to transfer all of the land contained in Computer Freehold Register WN30D/395 to GWRC for flood protection purposes at nil consideration.
- Following transfer GWRC shall grant to HCC such easements as may be required to protect the existing wastewater overflow pipe and any other existing HCC utility services on the land.
- HCC shall provide sufficient as-built details of all utility services on the Land which require easement protection.
- HCC and GWRC shall work together to affect the registration of the required easements.
- GWRC shall be responsible for the legal, survey and registration costs in respect to the completion of the easement instruments.
- The agreement is subject to the final approval of the full Councils of both HCC and GWRC (Note: HCC has approved the terms of agreement already).
- Following final approval by both Councils the parties shall execute an Agreement to Transfer Land Subject to Easements in the form attached to this report as **Attachment 3**.

#### **6. Budget/Funding**

As the land is being offered at peppercorn consideration no purchase funding is required. GWRC already undertakes the management of this section of Te Mome Stream, therefore no additional maintenance expenditure will result.

#### **7. Communication**

No communications are considered necessary

#### **8. The decision-making process and significance**

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

##### **8.1 Significance of the decision**

Part 6 requires GWRC to consider the significance of the decision. The term 'significance' has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

## **8.2 Engagement**

Engagement on the matters contained in this report aligns with the level of significance assessed.

## **9. Recommendations**

*That the Council:*

- 1. **Receives** the report.*
- 2. **Notes** the content of the report.*
- 3. **Approves** the transfer of stopbank land located at 23R Barber Grove, Moera, Lower Hutt from Hutt City Council to Greater Wellington Regional Council for flood protection purposes, subject to terms and conditions outlined in Section 5 of this report.*

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**Attachment 1:**  
**Attachment 2:**  
**Attachment 3:**

**Computer Freehold Register WN30D/395**  
**Plan – 23R Barber Grove, Moera, Lower Hutt**  
**Agreement to Transfer Land Subject to Easements**