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Report to the Landcare Committee

from Anne Manley, Landcare Planner - Policy, Parks and Forests (Strategy & Marketing)

Report Back on Land Purchase Proposal : York Bay

1. Purpose

To report back to the Committee that:

- agreement on a fair market price could not be reached between the Wellington Regional and Hutt City Councils, and the landowners, Andrew McKay and Victoria Shaw, to purchase approximately 21.5 hectares of land in York Bay, for inclusion in East Harbour Regional Park;
- Parks and Forests now consider that diverting the Main Ridge Track away from the McKay/Shaw property is the preferred course of action to protect public access in this part of East Harbour Regional Park;
- given that no agreement could be reached on purchasing the land, Parks and Forests will endeavour to seek protection of the landscape and environmental values on the McKay/Shaw property through the District Plan and resource consent processes.

2. Exclusion of the Public

Grounds for the exclusion of the public under section 48(1) of the Local Government & Official Information and Meetings Act are:

That the public conduct of the whole or relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists, (i.e., to preserve commercial confidentiality).

3. Background

You will recall that in November last year (refer Report 00.790) the Policy and Finance Committee:

- agreed in principle to contribute funds to purchase 21.5 hectares of the MacKay/Shaw property, No. 2 Waitohu Road, York Bay, for inclusion in East Harbour Regional Park, recognising that environmental and recreational values in the Park and the Region would be enhanced by doing so;
- gave officers the mandate to work with Hutt City Council and the landowners to look at options for subdivision, land valuation, survey costs, and ownership of the title, and to work with Hutt City Council officers regarding funding options;
- directed officers to report back to Council following the investigations.

4. Options Considered

Since November, O'Brien Property Consultants Limited and officers from the two Councils have investigated options for:

- Hutt City Council (as the agency responsible for the tracks in that part of the Park) to be granted an easement, for consideration, which would allow public access to both the Francis Bell Grove and Main Ridge Tracks¹ to continue and be protected;
- the Regional and Hutt City Councils to jointly purchase the rear portion of the property (to protect recreational access and the environmental/landscape values);
- removal of the tracks from the property.

5. Outcome of Discussions

McKay and Shaw were unwilling to lease the area containing the tracks because it was not a long-term solution and would not provide them with reasonable compensation.

They were willing to consider selling a portion of their property to the Councils. However, agreement on a fair market price could not be reached.

Officers considered that the market value of the property to be purchased was around \$65,000 to \$70,000 (on advice from O'Brien Property Consultants Limited). The landowners were seeking \$175,000, plus costs, for this portion of land.

We note that the landowners purchased the whole property, including a dwelling and street frontage in 1995 for \$90,000. The current land valuation for the entire property is \$99,000; the current capital value (land, plus improvements) is \$180,000.

On 21 February 2001, the parties involved amicably agreed that it was not possible to agree on a fair market value and that it would be preferable to divert the Main Ridge Track away from the McKay/Shaw property onto Hutt City Council land (to protect public access). Furthermore, they agreed that the Francis Bell Grove Track is too steep to be a useful track and should be closed at street end. (There are several alternative tracks to service entry to the Main Ridge Track from the Eastern Bays.)

¹ There are two tracks, the Francis Bell Grove Track (York Bay to the Main Ridge Track) and the Main Ridge Track (along the main ridge from Wainuiomata Hill through to Williams Park), used by the public, which cross portions of the McKay/Shaw property.

Hutt City officers have advised that Council's Operations and Compliance Committee that they will close the Francis Bell Grove Track and divert the Main Ridge Track. This work, totalling around \$10,000, will be funded by Hutt City Council. Both Councils will endeavour to seek protection of the landscape and environmental values on the property through the District Plan and resource consent processes (refer below).

6. Building On Site

McKay and Shaw have indicated that they wish to build a dwelling in the bush, much higher than the existing dwelling on the site, which would be located within a Significant Natural Resource Area² (SNR Area) and have sought advice on resource consent issues likely to arise as a result. Planners at Hutt City have advised that:

- a resource consent would definitely be required to build in the SNR area;
- so long as the development will not negatively affect people beyond neighbours, it would probably be treated as a non-notified application. In short, this means that not even the roof would be visible from the road;
- the values of the SNR in question (Natural Resource 61) are "Coastal forest and regionally representative of Inanga forest. Large numbers of birds - Kaka, Tui, Bellbirds, Pigeons, Reef Heron". Causing more than minor harm to these values will cause the application to be treated as notified.

Although current officers cannot speak for future officers or elected members, it is likely that protection of species, ecological assessment, stormwater, and landscape values will also need to be addressed, before any development can take place.

7. Protecting the Environment

Officers from both Councils are keen to protect the environmental and landscape values within the SNR area, and will endeavour to do so through the District Plan and resource consent processes. While purchasing the land would have been a simple way to do this, SNR zoning of the area is a tool that will go some way towards managing the effects of any development and protecting the vegetation on the property.

Hutt City Council will decide whether any resource consent to develop the property is non-notified and if the Regional Council, as an adjacent landowner (the "Rose property"), is an affected party³. All Hutt City Council's notified consents are sent to the Regional Council for comment.

Parks and Forests will write to Hutt City Council noting issues likely to be of concern as an adjacent landowner (if the property is to be developed), and this Council's preference to be identified as an affected party, if the consent is non-notified.

² Part of the McKay/Shaw property is located in a Significant Resource Area (SNR area) under the Hutt City Council Proposed District Plan. In summary, the objective of the zoning is to identify and protect significant natural resources (including natural and geological features, flora, fauna, wetlands, lakes, habitats and the coast environment), from inappropriate subdivision, use and development.

³ Only affected parties are consulted when applications are non-notified.

8. Communications

Hutt City Council will communicate the closure of the Francis Bell Grove Track to the public. Given that there was no agreement on purchasing the land, there are no communication issues for the Regional Council.

9. Recommendations

That the Landcare Committee recommends to the Policy and Finance Committee that the Council:

- (1) note that Regional Council and Hutt City Council officers have investigated the possible purchase of approximately 21.5 hectares of the McKay/Shaw property in York Bay for inclusion in East Harbour Regional Park, but could not reach agreement with the landowners on a fair market price;*
- (2) agree that diverting the Main Ridge Track is now the preferred course of action to protect public access along the Main Ridge in East Harbour Regional Park;*
- (3) note that Hutt City Council has decided to close the Francis Bell Grove Track and will be responsible for diverting the Main Ridge Track;*
- (4) agree that Parks and Forests officers should not pursue the matter of purchasing land on the McKay/Shaw property any further at this stage;*
- (5) agree that as no agreement could be reached on purchasing the land, Parks and Forests should endeavour to seek protection of the landscape and environmental values on the McKay/Shaw property through the District Plan and resource consent processes;*
- (6) note that the Significant Natural Area zoning in the Hutt City District Plan will go some way towards managing the effects of any development as well as protecting the vegetation on the McKay/Shaw property.*

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