
REPORT 2

**ACQUISITION OF CROWN LAND FOR ROADING
PURPOSES: 20 MAIN ROAD, MOUNT CRAWFORD**

1. Purpose of report

The purpose of this report is to obtain Council approval to acquire *part of 20* Main Road, Mt Crawford for the purposes of legal road. The road is currently formed and in use and this proposal seeks to regularise a long standing arrangement.

2. Executive summary

The Department of Corrections closed Mt Crawford Prison in 2012 and the land has been earmarked for disposal.

Part of the prison site includes the formed loop road which joins the ends of Nevay Road and Akaroa Drive. Along with private vehicle use, the number 24 bus utilises this road. However, the road does not have legal road status and its continued use by the public under future owners is not guaranteed.

The Crown has agreed in principle to transfer the land to the Council for nil consideration under s50 of the Public Works Act 1981 (Council to bear the costs of survey and legalisation).

Council's primary interest is to legalise the current road formation, along with sufficient land to account for anticipated future roading upgrades. A secondary interest is to secure recreational access rights over other parts of the land. However, these walkways have yet to be formally identified and discussed with the Crown.

3. Recommendations

Officers recommend that the Transport and Urban Development Committee:

1. *Receive the information.*
2. *Recommend to the Council that it agrees, pursuant to Section 50 of the Public Works Act 1981, to acquire approximately 1.2 hectares (subject to survey) being part of Section 1 SO 37939 and part of Part Lot 1 DP8458 from the Crown (LINZ) to the Council for a public work (road).*
 - a) *Note that the area to be acquired will cover the existing road carriageway, and areas to account for future anticipated roading upgrades.*
 - b) *Note that survey and legalisation costs are to be borne by the Council.*

3. *Recommend to the Council that it authorises the Chief Executive to negotiate with the Crown (LINZ) to seek recreational access routes through the site, where this is practical and agreeable.*
4. *Recommend to the Council that it authorises the Chief Executive Officer to carry out all necessary steps to effect the above acquisitions.*

4. Background

4.1 History

Miramar Peninsular (also Te Moto Kairangi or Watts Peninsula) has had an extensive and centuries long history of human occupation. In and around the subject area (northern portion of the peninsular) this has ranged from pre-colonial Māori, early settler, military and, most recently, prison activities.

The several parcels that make up the site were all acquired, at various times, for public works. This process began in the late 1880's and continued through to the mid 1930's. Primarily, the land was taken for activities related to the prison, but also for defence purposes.

From 1927 through to 2012 the site was operated as a correctional facility, Mt Crawford Prison. Access to the site was via a loop road between Nevay Road (in the east) and Akaroa Drive (in the west). A bus route, the no. 24, also utilised (and still does) the road access. Some form of scheduled bus service has been in existence since the mid-1980s.

With the closure of the prison ownership of the site remains with the Crown, but management has passed from the Department of Corrections to LINZ; for eventual disposal.

Earlier this year, LINZ contacted the Council to determine if the land was needed for another public work. Officers responded that they did wish to see the extent of the current road formation legalised, including sufficient land to account for anticipated future roading upgrades.

Secondary to this, officers also recommend securing recreational access over parts of the site. These tracks have not been formed, but would ideally provide public access (primarily pedestrian and cycle) towards the coast and, notionally, to any future park on the Defence Land. As there is no identified route this access would need to be negotiated with LINZ. It is anticipated that officers will submit further information on this matter, in due course.

The road legalisation is, therefore, the first and foremost action to ensure continued public access to the northern part of Miramar Peninsular and to maintain the existing bus route in its current, and future expanded, capacity.

4.2 Site Description

The land occupied by the former Mt Crawford prison comprises some 13 hectares of land divided among several irregularly-shaped allotments. The topography of the area consists of a central hill top with ridgelines branching off to the north, south east and south west.

The northern portion of the site is dominated by the former prison building and its imposing wall; several accessory buildings are located immediately to the south of the prison building proper. A sealed loop road passes from Nevay road to the north of the prison building and returns down the opposite side to the Akaroa Drive road end; a parking area is also located in the northernmost corner.

4.3 The Proposal

This proposal seeks the legalisation of the existing road formation, and sufficient width for future anticipated upgrades, over the following allotments:

- Sec 1 SO 37939 (CFR 80469)
- Part Lot 1 DP8458 (CFR 80469)

Small areas of the road also pass through land owned by the Defence Force; separate acquisition discussions are underway regarding these.

The proposed mechanism by which the acquisition will occur is section 50 of the Public Works Act 1981 (PWA). This section allows the direct transfer of land from the Crown to a Local Authority for a public work “..if reasonable provision for satisfying the requirements of the public interest in that work will continue to exist..”.

The road has long been used by the public and for a scheduled bus route. The perception is that it is a legal road, with the expectation that it will continue to be so.

Section 50 precedes other legislative requirements relating to the land. When land taken for a public work is deemed surplus to requirements it must, firstly, be offered back to original owners or their successors. In this instance, the land must first be offered to *iwi* (as both allotments are also subject to Port Nicholson Block Claims Settlement Act 2009) and then (if refused by *iwi*) by the former owner or their successors.

Failure to legalise the road at this stage may thwart the ability to do so in the future.

The proposed transfer is to be a ‘zero sum’ transaction. As the requesting authority, the Council must expect to bear the cost of the legalisation; but this is primarily survey and legal fees rather than land purchase.

5. Discussion

5.1 Consultation and Engagement

The proposed legalisation has been discussed among several Business Units of the Council - City Networks, Property, Economic Growth and City Planning and Design. This cumulated in the response letter to LINZ of May 2013, from the Chief Operating Officer, outlining the Council's wishes for the site. The City Networks Team has provided a detailed breakdown of current and future roading requirements; but all that is necessary now is for land to be set aside to enable these upgrades to occur in future.

Greater Wellington Regional Council has also been consulted, given the presence of the number 24 bus route. Greater Wellington wishes to see the road legalised; to secure the existing bus route and account for future expansion of the service.

As the section 50 PWA process is a direct transfer from the Crown to a Local Authority no other external parties have been consulted with respect to the legalisation.

5.2 Financial considerations

The Council would bear the cost of the survey and legalisation. This is estimated at \$15-20,000.

5.3 Climate change impacts and considerations

There are no climate change impacts arising from this road legalisation.

5.4 Long-term plan considerations

This specific road legalisation is not identified in the Long-term plan; as a chance event this is not unexpected. The road legalisation, however, satisfies a number of community outcomes; namely a people-centred and connected city.

5.5 Next Steps

1. Topographical survey of site is completed; determination of extent of legal road width and negotiation over recreational access.
2. Survey Office Plan completed; gazettal of land as legal road.
3. Transferral of land to the Council's ownership.

6. Conclusion

The acquisition of the land will allow the Council to secure ongoing public access to the area; it will also allow for the continued use of the road as a bus route. If the land were to be sold without the road being legalised there would no guarantee access could be secured and/or to a level of service currently sought by the City Networks Team.

Section 50 PWA is the appropriate mechanism to acquire the land; there is a clear requirement for a public work.

Contact Officer: *Brett Smith* - *Property* Advisor, Property Services.

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The acquisition of the land will support the Council's overarching goals under to Long-Term Plan for a People Centered and Connected City. Legal road status will enable safe (and lawful) access and transport choices for work and recreation. It will also provide a fit-for-purpose road network supporting both public and private transport options.

2) LTP/Annual Plan reference and long term financial impact

The specific Mt Crawford road acquisition is not indentified in the LTP. Ensuring a well connected and robust road network is a key service of the Council's. However. The acquisition of the land will satisfy these requirements.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications. While the land is subject to a first right of refusal, section 50 PWA occurs first in the disposal process.

4) Decision-making

A decision to acquire any land requires a resolution of the Council, and this report explains the implications of both acquiring and not acquiring the land.

5) Consultation

Consultation has been undertaken with internal Business Units of the Council and Greater Wellington Regional Council. No further consultation with external parties has occurred.

6) Legal implications

The Road Acquisition proposal complies with the relevant Council policies and is being processed in accordance with Section 50 of the Public Works Act 1981. The Council's lawyers will be consulted on the land transfer process.

7) Consistency with existing policy

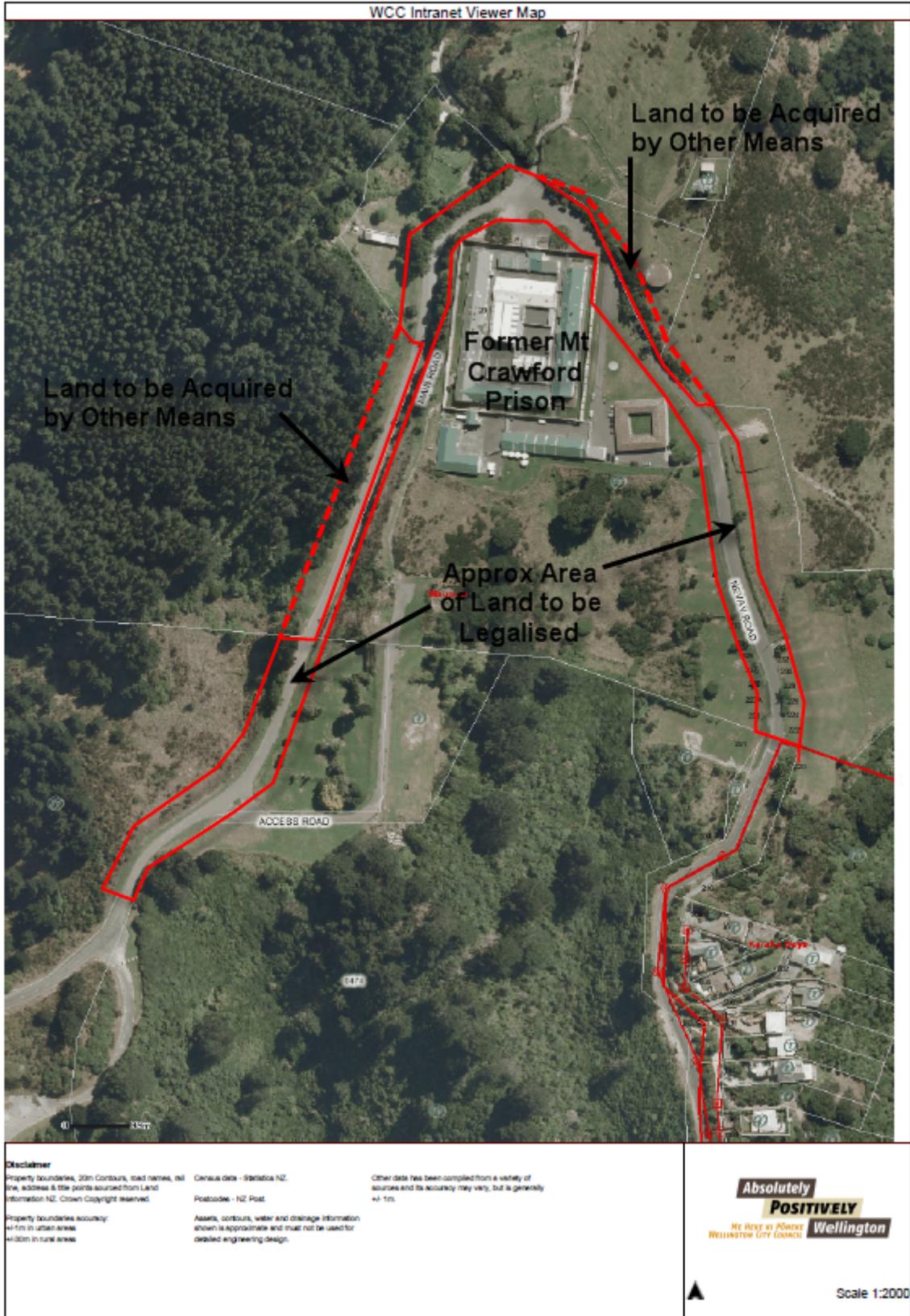
As discussed in the body of the report, the land acquisition is broadly consistent with the objectives and policies of the Council.

APPENDIX A

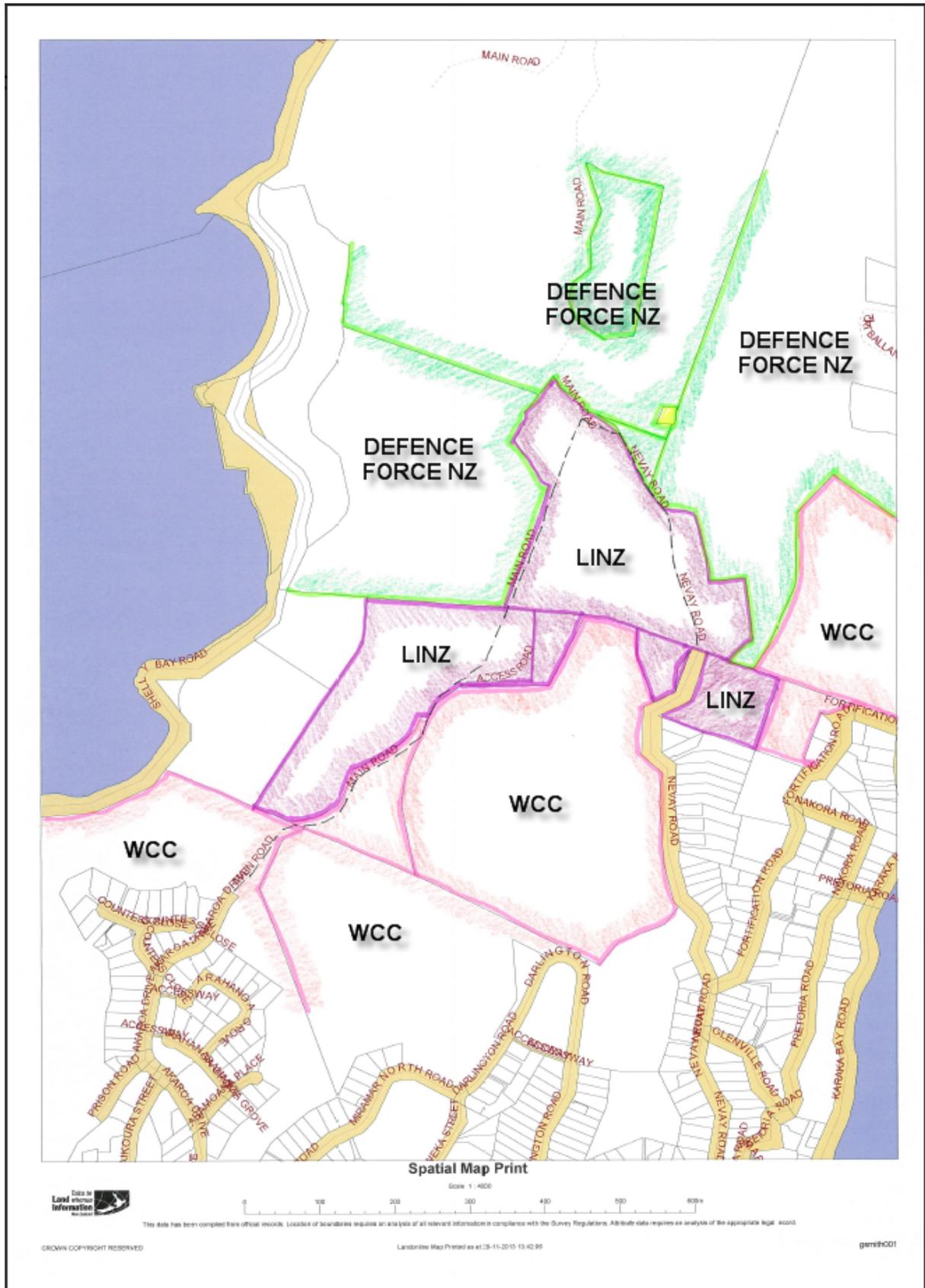
LOCATION MAP



AERIAL PHOTOGRAPH AND PROPOSED LEGALISATION



LAND OWNERSHIP



SITE PHOTOGRAPHS

From near Nevay Road-end, looking north.



Nevay Road side adjacent to former prison building, looking north to road pinch-point.



APPENDIX D

Akaroa Drive side adjacent to former prison building (elevated, to left), looking south.



Akaroa Drive side near boundary with WCC land, looking north.

