

6. PURCHASE OF CROWN LAND - PORRITT PARK



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| General Manager responsible: | General Manager City Environment, DDI 941-8656 |
| Officer responsible: | Transport and Greenspace Manager |
| Author: | Lewis Burn, Property Consultant |

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to approve the purchase of Crown land adjoining the Avon River Loop for formal addition to Porritt Park. The report also seeks a resolution from Council to change the purpose of two of the Council's titles to the Park as part of a rationalisation process that will result in one title being held by Council to all the land that is established and occupied for the purposes of a recreation ground.

EXECUTIVE SUMMARY

2. Staff negotiations have been concluded with the Crown's accredited agent for the sale and purchase of 1.9120 hectares of Crown land ("Part Avon River Bed") shown as Section 6 on SO Plan 302696 (**attached**) as part of a land status rationalisation exercise to consolidate the administration and control of Porritt Park.
3. Consolidated vegetation, sealed paths, vehicle access, sealed car parking, playing fields, barriers and buildings all overlay to varying degrees this strip of Crown land.
4. A survey has been completed by Council. This survey was initiated to stop those parcels of unformed legal road (old toe path of the Avon River) shown as Sections 1-5 on SO Plan 302696 to facilitate development of the second all weather surface hockey field. The road stopping was completed in October 2001 and the land comprised in the former road is held by Council in a separate fee simple title.
5. The agreement for sale and purchase (subject to Council approval by 31 March 2007) provides for acquisition by a declaration from the Crown under Section 20 of the Public Works Act 1981 upon payment of current market value (\$48,000 plus GST) and reasonable costs (estimated \$3,500) five working days from the date of the proclamation notice in the New Zealand Gazette.
6. When acquisition is completed, steps can then be taken to have one amalgamated title issued in the Council's name for the purposes of a recreation ground to the stopped road, the Crown land acquired (Section 6) and the existing Council titles to Porritt Park so that Council control and management of the established Park to the river boundary is formalised thus tidying up a long standing irregular situation. The new amalgamated title will exclude Kerrs Reach which is part of the redefined riverbed.

FINANCIAL AND LEGAL CONSIDERATIONS

7. The purchase is provided for in a line item in the Transport and Greenspace 2006/07 budget (restricted assets, new reserve purchase, district sports parks). Sufficient funds are held to cover the purchase price and costs of purchase.
8. The Board does not have delegated authority to authorise the purchase of this land, such a decision needs to be made by the full Council. The Board has, however recommendatory powers to the Council.
9. Land Information New Zealand has approved the disposal to Council pursuant to Section 50 of the Public Works Act 1981 (transfer of existing or public work) as a recreation ground under the Local Government Act 2002. The Crown has obtained a waiver from Ngai Tahu to allow the transfer of this land to Council. An exemption from the marginal strip provisions of Section 24 of the Conservation Act 1987 (reserving from sale a strip of land 20 metres wide abutting a waterway) has also been approved by the Minister of Conservation.
10. Porritt Park is presently held by the Council in title as a recreation/pleasure ground within the meaning of Section 601 of the Local Government Act 1974 (repealed) and for river works. For one amalgamated title to issue for the purposes of a recreation ground all underlying titles need to be held for the same purpose. The resolution proposed under recommendation 2 is necessary to achieve that intent.

STAFF RECOMMENDATIONS

That the Board recommend to Council:

1. The purchase of 1.9120 hectares of Crown land described as Section 6 SO Plan 302696 for purpose of a recreation ground as an addition to Porritt Park on the terms outlined in this report.
2. The adoption of the following resolution:

Resolution

The Council hereby resolves pursuant to Section 52 (4) of the Public Works Act 1981 to set apart as a recreation ground, the land described in the schedule currently held for the purpose shown in brackets.

Schedule

- (a) That parcel of land being Part Lot 3 Deposited Plan 14075 containing 4.3314 hectares more or less being all of the land comprised and described in CB2A/1322 (Section 305 of the Municipal Corporations Act 1954).
- (b) That parcel of land being Part Rural Section 185 and Part Lot 3 Deposited Plan containing 5.7543 hectares more or less being all of the land comprised and described in CB13K/1017 (River Works).
- (c) Those parcels of land being Sections 1-5 Survey Office Plan 302696 containing 1.7242 hectares more or less being all of the land comprised and described in CIR 19337 (Stopped Road).

BACKGROUND

11. In 1950 the stretch of waterway called "Kerrs Reach" was formed by the Council under the Public Works Act. The resulting loop was an ideal site to deposit overburden from the dredge cut but also to establish a rowing venue, recreation and sports (hockey) ground facility to cater for development and expansion in Christchurch.
12. In December 2000 the Council granted the Canterbury Hockey Foundation Trust a new lease of the then existing facility and further land on which to construct a new artificial hockey turf. The Council at that time also agreed that steps be taken to rationalise the titles for Porritt Park, redefine the banks of the Avon River and stop the unformed legal road that was the toe path of the river. The second turf crossed over the legal road (now stopped) and encroached on land legally defined as riverbed (Crown land).
13. To allow the development to go ahead while rationalisation of the titles proceeded the Crown granted the Hockey Foundation Trust a licence to occupy some 380m² that the south west corner of the pitch occupied. This was intended as an interim solution pending Council and the Crown agreeing on a transfer of control of the Crown riverbed.
14. A valuation was prepared by DTZ New Zealand on behalf of the Crown for the purpose of assessing the compensation payable. This valuation was referred to Council's valuer, Ford Baker who after considering the land's irregular shape, its close position to the river and its utilisation factors recommended accepting the valuation of \$48,000 plus GST as being fair and reasonable.

OPTIONS

Option 1

15. Status Quo. This option would mean declining to purchase and leaving the strip of land in the ownership of the Crown notwithstanding the long established use and occupation as part of Porritt Park. This option leaves the situation in limbo which is not desirable now that this irregularity has been identified.

Option 2

16. Approve the recommendation to purchase to allow the legalisation of the current development and consolidation of this important city asset for the long-term benefit and clarity of administration and management of Porritt Park.

PREFERRED OPTION

17. Option 2 is the preferred option. The opportunity to "tidy up" this situation should now be taken.