

COUNCIL 12. 4. 2012

REPORT BY THE CHAIRMAN OF THE AKAROA/WAIREWA COMMUNITY BOARD 14 MARCH 2012

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. ACQUISITION OF SHARES

General Manager responsible:	General Manager, City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace
Author:	Bill Morgan, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is for the Council to consider a recommendation from the Akaroa/Wairewa Community Board to acquire shares currently owned by the Selwyn Plantation Board, in Te Oka Airstrip Company Limited.

EXECUTIVE SUMMARY

2. At the time the Council acquired Te Oka Farm from the Selwyn Plantation Board (SPBL) in August 2009, it was not aware that the SPBL held 200 shares in the Te Oka Airstrip Company Limited (TOACL). The company (TOACL) was incorporated in August 2001 and is a limited liability company with 1000 shares held equally by five individual shareholders. The company holds an easement in gross firstly, to use the airstrip marked "A" on DP303105 to allow aircraft to land and take off from the air strip, and secondly a vehicular right-of-way over the area marked "B" on DP303105 to access the strip from Bossu Road (refer **Attachment 1**). The easement is registered against the property contained in Certificate of Title CB47/7. The airstrip may be used for the purpose of aerial topdressing, manuring, spraying, grass seeding and incidental, upon land owned or leased by the shareholders.
3. Given SPBL has sold its farm at Te Oka Bay to the Council and divested its interest in any other property within the vicinity, it has approached the Council to take transfer of its shares in TOACL at no cost.
4. Te Oka Farm is operated as a farm under a licence agreement with specific areas of native vegetation being retired from grazing. The licence agreement provides for the soil fertility to be maintained and for noxious weeds to be eradicated. Because of the steep nature of the country this can only be achieved by aircraft and as such the acquisition of the shares is recommended given the close proximity of the airstrip to the property.

FINANCIAL IMPLICATIONS

5. There is no cost to the Council in acquiring the shares which it has been advised are fully paid up. There are also no liabilities attached to the shares. Any, costs will arise on a user pays basis and will not arise automatically as an incident of ownership of the shares in TOACL.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

6. Any costs, incidental to the Council use of the strip, will be limited and met from existing approved funds.

LEGAL CONSIDERATIONS

7. There are no legal impediments preventing the Council from taking transfer of or holding shares in the Company.

Have you considered the legal implications of the issue under consideration?

8. Yes, as above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The proposal meets with the Regional Parks Activity Management Plans of the Council.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

10. Yes as per page 117 and pages 126-129 of the 2009-19 LTCCP.

ALIGNMENT WITH STRATEGIES

11. It will enable objectives in the Open Space and Biodiversity Strategies to be met.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. Not required.

STAFF RECOMMENDATION

It is recommended that the Council takes transfer of the shares at present held by the Selwyn Plantation Board in Te Oka Airstrip Company Limited.

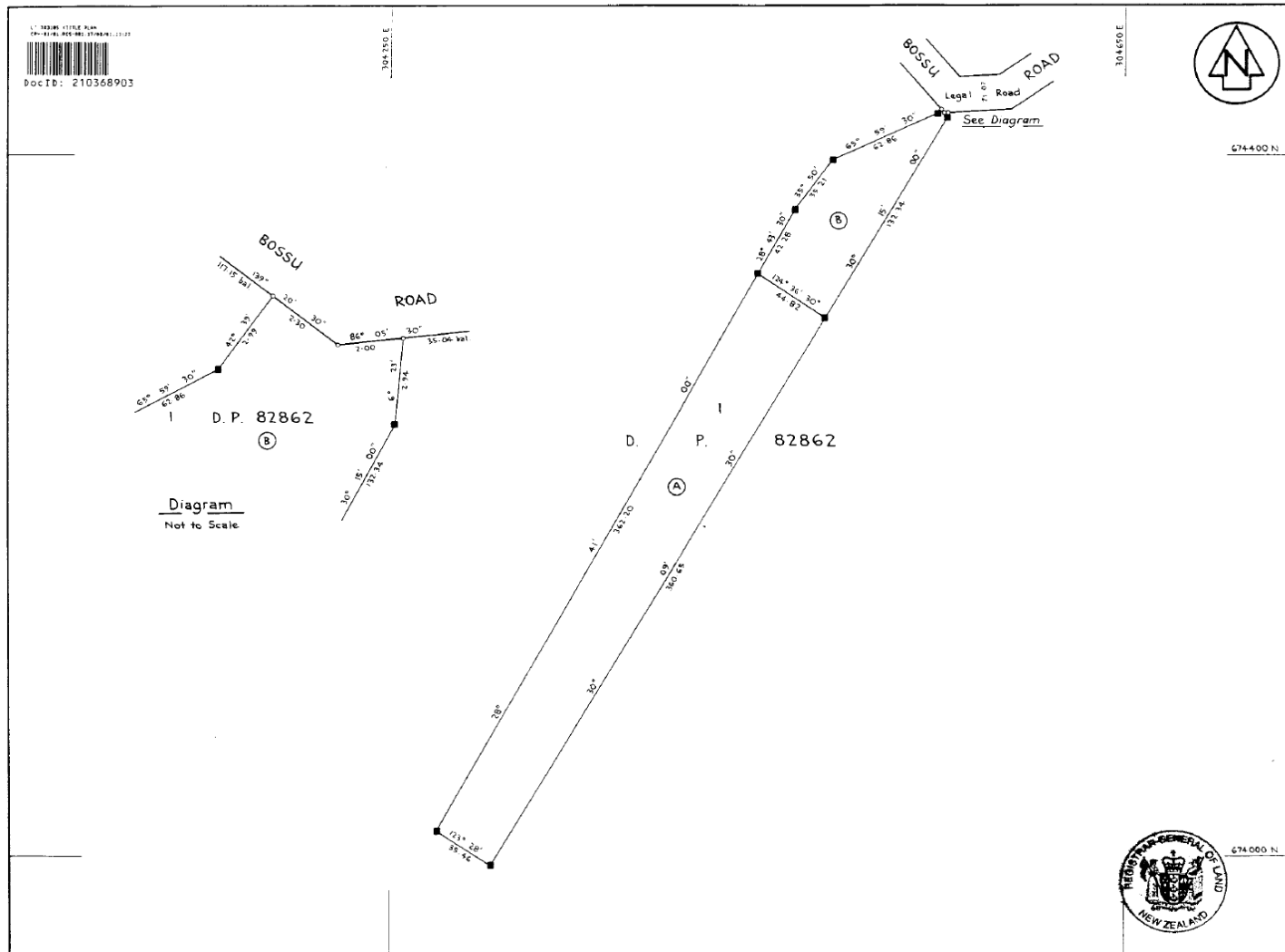
BOARD RECOMMENDATION

That the staff recommendation be adopted.

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ATTACHMENT TO CLAUSE 1



DocID: 210368903

Diagram
Not to Scale



Approvals
 Registered Owners
 The Banks Peninsula District Council hereby approves pursuant to Section 348 of the Local Government Act 1974 the Right of Way shown hereon.
 Signed for and on behalf of the Banks Peninsula District Council this 21st day of July 2001

Authorized Officer (pursuant to a delegation under Section 715 Local Government Act 1974)

Schedule of Easements

Nature	Servient Tenement	Grantee
Right to land & lift off	DP82862	A
R.O.W. in gross	DP82862	B

Class III Survey
 Total Area
 Comprised in G.T. 47D/71B.....

I, Colin Edgar, Herald, being a person entitled to practice as a registered surveyor, certify that -
 (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1998.
 (b) This dataset is accurate, and has been created in accordance with that Act and those Regulations.
 Signature: *Colin Edgar* Date: 21/6/2001

Field Book Traverse Book
 Reference Plans DP153665, 82862
 Examined Correct

Approved as to Survey
 19/1/01
 Deputy Chief Surveyor
 Deposited this 21st day of Sept. 2001

Registrar-General of Land
 File Received 16.08.01
 DP303105

LAND DISTRICT Canterbury
 SURVEY BLK. & DIST. V. Akaroa
 NZMS 261 SHT RECORD MAP No

Proposed Easements over Lot 1 D.P. 82862

TERRITORIAL AUTHORITY Banks Peninsula District
 Surveyed by Frizzell & Associates 6495
 Scale 1:1500 Date May 2001

