

SOUTH WAIRARAPA DISTRICT COUNCIL

3 JUNE 2015

AGENDA ITEM C5

SALE OF LAND FEATHERSTON TOWN CENTRE

Purpose of Report

To recommend the sale of land in the Featherston Town Centre.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Agrees that the land is not a strategic asset.*
3. *Approve the sale or lease of part of lot Lot 2 DP 471153.*

1. Executive Summary

Lot 2 DP 471153 comprising 0.208ha was acquired as part of the "land swap" with Trusthouse.

Since that time Council has been considering its options for this site. Two rounds of public comment have been sought with close to 200 feedback forms being considered.

This report recommends calling for expressions of interest with regard to the balance of the area not utilised for the "town Centre" development, which will be approximately 1,183 sq m.

Funds realised will be transferred to the District Property Reserve.

2. Background

The sale of land by local authorities is controlled by the Local Government Act 2002 (LGA02).

This report covers the requirements of that Act and the decisions required.

The questions that require addressing are:

- Is the property a strategic asset?
- Will the sale significantly alter the level of service

- Has Council met its “Decision Making” obligations as set out in Sections 76 to 82 of the LGA02.

The land in question is fee simple.

The land is subject to a right of way and rights to water and sewage drainage and electricity rights.

It will be appropriate for Council to have some input or control on what happens to the vacant site, as it has to work in with the Town Centre development.

Discussed proposals with groups – presented town square plans.....xxxxxx

While discussing the options for this site, I agreed with the agents that the best way to gauge interest is to list the property, and simply ask for expressions of interest through that process. So while the property appears to be actively marketed it cannot be sold until formal resolution by Council.

3. Discussion

3.1 Is the property a strategic asset?

To determine if the property is a strategic asset or not we need to review the Council’s Significance and Engagement Policy to see if the property is listed as a strategic asset and by referring to the LGA 02 definition of a strategic asset (as it is possible for an asset to be “strategic” even if it is not included in the Council’s own list).

3.1.1. SWDC Significance and Engagement Policy

Our significance and engagement policy schedules our strategic assets as:

This policy must also list those Council owned assets, considered by the Council to be “strategic assets” (section 90(2)).

“Strategic asset” is defined in the LGA as:

“ ... an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority’s capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes: -

- (a) any asset or group of assets listed in accordance with section 90(2) by the local authority; and*
- (b) any land or building owned by the local authority and required to maintain the local authority’s capacity to provide affordable housing as part of its social policy; and*
- (c) any equity securities held by the local authority in –*
 - (i) a port company within the meaning of the Port Companies Act 1998;*

- (ii) *an airport company within the meaning of the Airport Authorities Act 1966.*

The list below shows the South Wairarapa District Council owned assets that are considered to be "strategic assets". Only those assets that are important to achieving the Council strategic objectives have been included.

Roading Network (including footpaths, street lighting and parking).
Wastewater Network and Oxidation Ponds.
Water Treatment, Storage and Supply Network.
Solid Waste Facilities.
Stormwater Network and Water Races.
Reserves and Sports Fields.
Swimming Pools.
Libraries.
Community Buildings.
Public Toilets.
Cemeteries.
Pensioner Housing.

NOTE:

1. Pensioner housing is a strategic asset by law.
2. The Council considers all asset classes listed above as single whole assets. This is because the asset class as a whole delivers the service. Strategic decisions, therefore only concern the whole asset class and not individual components, unless that component substantially affects the ability of the Council to deliver the service, or would be deemed significant and strategic under the procedure above.

It is quite clear this asset is not a strategic asset in terms of SWDC significance and Engagement Policy.

3.1.2. Local Government Act 2002

As indicated above, an asset can be defined by the LGA02 as strategic without it being listed in a local authorities Significance and Engagement Policy.

The definition of a strategic asset is covered under section 5 "Interpretation"

strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that future well-being of the community; and includes—

- (a) any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- (b) any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- (c) any equity securities held by the local authority in—
 - (i) a port company within the meaning of the Port

Companies Act 1988:
(ii) an airport company within the meaning of the
Airport Authorities Act 1966

It is clear that this land does not meet the definition of strategic as defined by the section 5 definition.

3.1.3. Decision Making Processes

The decision making processes promulgated in the LGA02 were relatively recently broadened, and are covered by sections 76 to 82 of that Act.

The main purpose of those sections is to ensure that the decision makers are comfortable that they understand the public views on the matter in question.

Given the public discussion, feedback, and targeted meetings held it is my view that the decision makers (Council) has enough information on public views to make a decision.

4. Conclusion

Council has sought public input into this site, and there have been many opportunities for the public to air their thoughts.

5. Appendices

Appendix 1 – Rough sketch of approximate area.

Contact Officer: Paul Crimp; Chief Executive Officer

Appendix 1 – Rough Sketch of Approximate Area