



SOUTH WAIRARAPA DISTRICT COUNCIL

Kia Reretahi Tātau

Agenda

**ORDER PAPER FOR AN EXTRAORDINARY MEETING
TO BE HELD IN
The Supper Room, Waihinga Centre, Texas Street
MARTINBOROUGH
ON
4 December 2019**

MEMBERSHIP OF COUNCIL

His WORSHIP THE MAYOR

Mr Alex Beijen

Deputy Mayor Garrick Emms

Cr L Hay
Cr R Fox
Cr A Plimmer
Cr C Colenso

Cr B Jephson
Cr P Maynard
Cr B West
Cr R Vickery

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS
COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**



**SOUTH WAIRARAPA DISTRICT COUNCIL
EXTRAORDINARY MEETING
Agenda
4 December 2019**

NOTICE OF MEETING

An extraordinary meeting will be held in the Supper Room, Waihinga Centre, Texas Street, Martinborough on Wednesday 4 December 2019 at 12:00pm. The meeting will be held in public.

SWDC Affirmation

We pledge that we will faithfully and impartially use our skill, wisdom and judgement throughout discussions and deliberations ahead of us today in order to make responsible and appropriate decisions for the benefit of the South Wairarapa district at large.

We commit individually and as a Council to the principles of integrity and respect, and to upholding the vision and values we have adopted in our Long Term Plan strategic document in order to energise, unify and enrich our district.

Open Section

- A1.** Apologies
- A2.** Conflicts of interest
- A3.** Public participation
As per standing order 14.17 no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.
- A4.** Actions from public participation

B. Decision Reports from Chief Executive and Staff

- B1.** Council disposal of 'Old Stella Bull Park' Report

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SOUTH WAIRARAPA DISTRICT COUNCIL

4 DECEMBER 2019

AGENDA ITEM B1

COUNCIL DISPOSAL OF 'OLD STELLA BULL PARK'

Purpose of Report

To seek a resolution formally approving the sale of 'Old Stella Bull Park'.

Recommendations

Officers recommend that the Council:

1. *Receive the Council disposal of 'Old Stella Bull Park' Report.*
2. *Note that the intent of previous Councils to sell the Council owned land known as 'Old Stella Bull Park' has always been clear and unambiguous, and that the resolution is a matter of procedure.*
3. *To agree to the sale of Lots 4-5 DP 527754, Part Lot 4 DP 1187 & Part Lot 4 DP 1187 & Part Lot 4 DP 1187, Lot 40-42 Deeds Plan 55, Lot 1, 5-6 DP 17741 and Lot 26 DP 455345 held within Record of Titles 840486, 774470, WN336/240, WN11D/1058, WN11D/1059, WN11D/1060, WN336/246 and 589504 totalling area of 7.2151 hectares more or less.*

1. Executive Summary

The land at the south end of Greytown came to be owned by the Greytown Borough Council (the Borough) in 1976 when the owner Peter Wenden exchanged it with the Borough for land adjacent to the Greytown Cemetery.

The land area for sale is approximately 7.2 hectares and is zoned residential. The name 'Old Stella Bull Park' was retained in recognition of the late Stella Bull who had previously donated land on which the old library building and Kouka Cottage are now sited.

Council's intent on sale has always been clear and unambiguous, but unfortunately this was never formally resolved by Council. A resolution to sell is required so the sale can proceed. This will not change any of the terms and conditions of that sale.

2. Background

The question of what Council should do with Stella Bull Park is not new.

In 2001, Sinclair Knight Merz prepared an assessment of all of Council's Greytown properties. A number of options were proposed for the land which had become known as "Old" Stella Bull park, including the option to sell the land. At the public excluded meeting of the Greytown Community Board on the 3 April 2002, the following resolution was made.

RESOLVED **(Davis/Lyford)**
CGCB2002/5 THAT *it be recommended to the Council that the Chief Executive Officer be instructed to proceed with the action required to sell the land at the southern end of Greytown, formerly known as Stella Bull Park.*

Council considered the GCB resolution on the 24 April 2002 and made the following resolution, clearly indicating that Stella Bull Park should be prepared for sale:

RESOLVED **(Mayor Read/Gray)**
DC2002/56 THAT

- (1) *the purchase of land on which to relocate the Greytown Transfer Station do not proceed;*
- (2) *the Transfer Station remain on its present site with further works undertaken to enhance it;*
- (3) *the present re-cycling station be transferred to the existing Transfer Station at the earliest opportunity, with the hours of access to be unrestricted for the recycling facility only; and*
- (4) *the Chief Executive Officer be instructed to proceed with the action required to sell the land at the southern end of Greytown, formerly known as Stella Bull Park.*

For whatever reason the resolution was not progressed, possibly due to a downturn in the property market at the time.

Once again in 2010, Council reviewed options for sale including sell it as it is, develop the land with the intention to sell, or enter into a development partnership with the intention to sell. The option to not sell was also presented. This topic was further discussed at meetings in 2011 and 2012.

In April 2016 the land was placed on the market with Farmlands Real Estate. A sale and purchase agreement was entered into on 27 June 2016. Subsequent to the sale and purchase agreement being signed, a number of legal issues needed to be worked through before the sale transaction could proceed. This work has now been completed and the settlement of the property sale is due to take place on 13 December 2019.

3. Discussion

3.1 Sale of Land

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

3.1.1. Is the property a strategic asset/level of service?

The property is not listed as a strategic asset in Council’s Significance and Engagement Policy, nor is it classified as a strategic asset according to the following LGA 2002 definition:

“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.*

Officers are satisfied that the land known as ‘Old Stella Bull Park’ is not a strategic asset and can be sold. As the land is undeveloped and is surplus to requirement, its sale will not alter any levels of service.

3.1.2. Decision Making Processes

Over the last two decades Council has considered the various options for Old Stella Bull Park in Greytown, and had concluded that ‘sale’ was the best course of action for the district. The previous Mayor and councillors were aware that a resolution existed instructing Council officers to proceed with the action to sell.

Considerable public consultation was undertaken including workshops with Greytown residents at the time the sale was proposed.

It should be noted that the Greytown Community Board who advocate for the local community, had also requested that the land be sold.

At this stage it is not appropriate to consider further public consultation.

3.2 Options

Council officers do not consider there are further options to be considered at this stage and that the only option available at this time is to sell the land.

In officer's opinion a procedural resolution is being sought to implement a decision that had already been made by a previous Council.

3.3 Legal Implications

Only Council has the power to make a resolution to sell land. Council must resolve the recommendation in order for the sale to proceed.

3.4 Financial Considerations

There are no financial implications.

3.5 Council Policies

The Acquisition and Disposal of Land and Buildings Policy and Engagement Policies have been complied with in preparing the land for sale.

4. Conclusion

Council should note that there is clear intent of several previous Councils to sell the land in Greytown known as 'Old Stella Bull Park' and are asked to formally endorse the recommendation allowing the sale to proceed.

Contact Officer: Jennie Mitchell, Group Manager Corporate Support

Reviewed By: Harry Wilson, Chief Executive Officer