

Property Subcommittee
Friday 8 June 2018 at 2.00pm

AGENDA

Property Subcommittee Agenda

Meeting to be held in the Council Chamber
36 Water Street, Whangārei
on Friday 8 June 2018, commencing at 2.00pm

Recommendations contained in the agenda are NOT decisions of the meeting. Please refer to minutes for resolutions.

MEMBERSHIP OF THE PROPERTY SUBCOMMITTEE

Chair, Councillor Penny Smart
Councillor John Bain Councillor Bill Shepherd (Ex-Officio) Councillor David Sinclair

Item	Page
1.0 APOLOGIES	
2.0 DECLARATIONS OF CONFLICTS OF INTEREST	
3.0 CONFIRMATION OF MINUTES	
3.1 Confirmation of Minutes - 8 May 2018	3
4.0 FOR INFORMATION/GENERAL BUSINESS	
5.0 REPORTS	
5.1 Port Nikau - Further Council Easement	6
6.0 BUSINESS WITH THE PUBLIC EXCLUDED	10
6.1 Confirmation of Confidential Minutes - 8 May 2018	
6.2 Options for a Significant Property Development	
6.3 Progress on Purchase of CBD Properties in Order to Freehold	
6.4 Purchase of a Hihiaua Precinct Property	
6.5 Marsden Point Rail Link Property	
6.6 Kaipara Service Centre - Concept Plan Options	
6.7 KDC Community Hub Concept	
6.8 Update of Property Subcommittee Action Notes	

TITLE: Confirmation of Minutes - 8 May 2018

ID: A1071312

From: Alicia Jurisich, Property Officer

Recommendation

That the minutes of the Property Subcommittee meeting held on 8 May 2018 be confirmed as a true and correct record.

Background

The purpose of this report is to present for confirmation the minutes of the Property Subcommittee meeting held on 8 May 2018.

Councils are required to keep minutes of proceedings in accordance with the *Local Government Act 2002*.

Attachments

Attachment 1: 2018-05-08 - Property Subcommittee Minutes 8 May 2018 - [A1071184] [↓](#)

Authorised by Group Manager

Name: Phil Heatley

Title: Strategic Projects Manager

Date: 30 May 2018

Property Subcommittee Minutes

Meeting held in the Committee Room
on Tuesday 8 May 2018, commencing at 8.30am

Present:

Chair, Councillor Penny Smart
Councillor John Bain
Councillor Bill Shepherd (Ex-Officio)
Councillor David Sinclair

In Attendance:

Full Meeting
Strategic Projects Manager
Property Officer
Part Meeting
NRC Chief Executive

The Chair declared the meeting open at 8.30am.

Apologies (Item 1.0)

There were no apologies.

Declarations of Conflicts of Interest (Item 2.0)

It was advised that councillors should make declarations item-by-item as the meeting progressed.

1. Confirmation of Minutes – 4 April 2018 (Item 3.1)

ID: A1062037

Report from Alicia Jurisich, Property Officer

Moved (Bain/Sinclair)

That the minutes of the Property Subcommittee meeting held on 4 April 2018 be confirmed as a true and correct record.

Carried

2. Mt Tiger Forest Quarterly Report January-March 2018 (Item 5.1)

ID: A1060596

Report from Alicia Jurisich, Property Officer

Moved (Bain/Shepherd)

That the report 'Mt Tiger Forest Quarterly Report January-March 2018' by Alicia Jurisich, Property Officer and dated 27 April 2018, be received.

Carried

Business with Public Excluded (Item 6.0)

Moved (Bain/Shepherd)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
6.1	Confirmation of Confidential Minutes – 4 April 2018	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting -.
6.2	Purchase of a Kaitia CBD property	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
6.3	Update of Property Subcommittee Action Notes	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).

Carried

Conclusion

The meeting concluded at 9.50am.

TITLE: Port Nikau - Further Council Easement

ID: A1069653

From: Phil Heatley, Strategic Projects Manager

Executive summary

In April 2018, the subcommittee approved, with conditions, a request from the owners of the Port Nikau development in Port Road, Whangarei, to lift three easements across Port Nikau land to the council owned property leased by Ballance Agri-Nutrients.

Port Nikau have since brought to council's attention that there is a further and complementary easement that would also need to be lifted, being Easement 6185577.1. Council's lawyer recommends this easement be addressed in the same way and at the same time as the previous three.

This paper seeks confirmation that Easement 6185577.1 be subject to the same subcommittee recommendations as Easements 6165858.1, 6156637.1 and 6298710.1 in Port Road, Whangarei.

Recommendation(s)

1. That the report 'Port Nikau - Further Council Easement' by Phil Heatley, Strategic Projects Manager and dated 24 May 2018, be received.
2. That the Property Subcommittee approve the lifting of the Easement 6185577.1 in Port Road, Whangarei, subject to the same conditions as those relating to Easements 6165858.1, 6156637.1 and 6298710.1 as agreed at the Property Subcommittee meeting of 4 April 2018.

Background

In April 2018, the subcommittee considered and approved a request from the owners of the Port Nikau development in Port Road, Whangarei, to lift three easements that allow a disused and deteriorating pipeline (and associated electricity and telecommunications services) across Port Nikau land to the council owned 13.9ha property leased by Ballance Agri-Nutrients (Ballance).

Port Nikau have since brought to council's attention that there is a further and complementary easement across land acquired by Port Nikau from Whangarei District Council, Easement 6185577.1.

The attachment shows the easement in question as route "J" at the top of the plan. This is one link in the overall easement path.

Councils lawyer advises that *'this easement is part of the path the easement takes to the pump house. There is nothing different or specific that needs to be considered with this easement from the others and it should be surrendered along with the other easements'*.

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	Status quo: retain the easement.	None, if other easements are removed.	An easement is left in isolation if the others are removed making it unusable. The development at Port Nikau is frustrated.
2	Remove the easement	There is consistency in decision making and in practical terms on the ground. The development at Port Nikau benefits. Disintegrating infrastructure is removed under a negotiated agreement.	None, if the other easements are removed.

Having assessed the various options, staff recommend Option 2, the lifting of the Easement 6185577.1 in Port Road, Whangarei, subject to the same subcommittee recommendations as Easements 6165858.1, 6156637.1 and 6298710.1.

2. Significance and engagement

The decision to lift easements in association with an investment property does not trigger the significance test.

3. Policy, risk management and legislative compliance

The receiving of this report is provided for in council's Treasury Risk Management Policy, dealing with the management of property investments, adopted at council's Audit and Risk Committee meeting in August 2014. It is considered prudent for the Chief Executive to seek the Property Subcommittees views on the lifting of the easement.

Further considerations

4. Community views

The wider community/ratepayers are not significantly affected.

5. Māori impact statement

Council previously consulted on the managing of its property portfolio in successive Annual and Long Term Plans. There were no specific concerns raised from Māori or iwi groups in respect of proposals. The proposed lift of the easement has no specific impact on Māori.

6. Financial implications

There are minimal financial implications if the Chief Executive negotiates to have the cost of lifting the easement met by Port Nikau and they, together with Ballance, reach an agreement on the removal of infrastructure and the reinstatement of the land.

7. Implementation issues

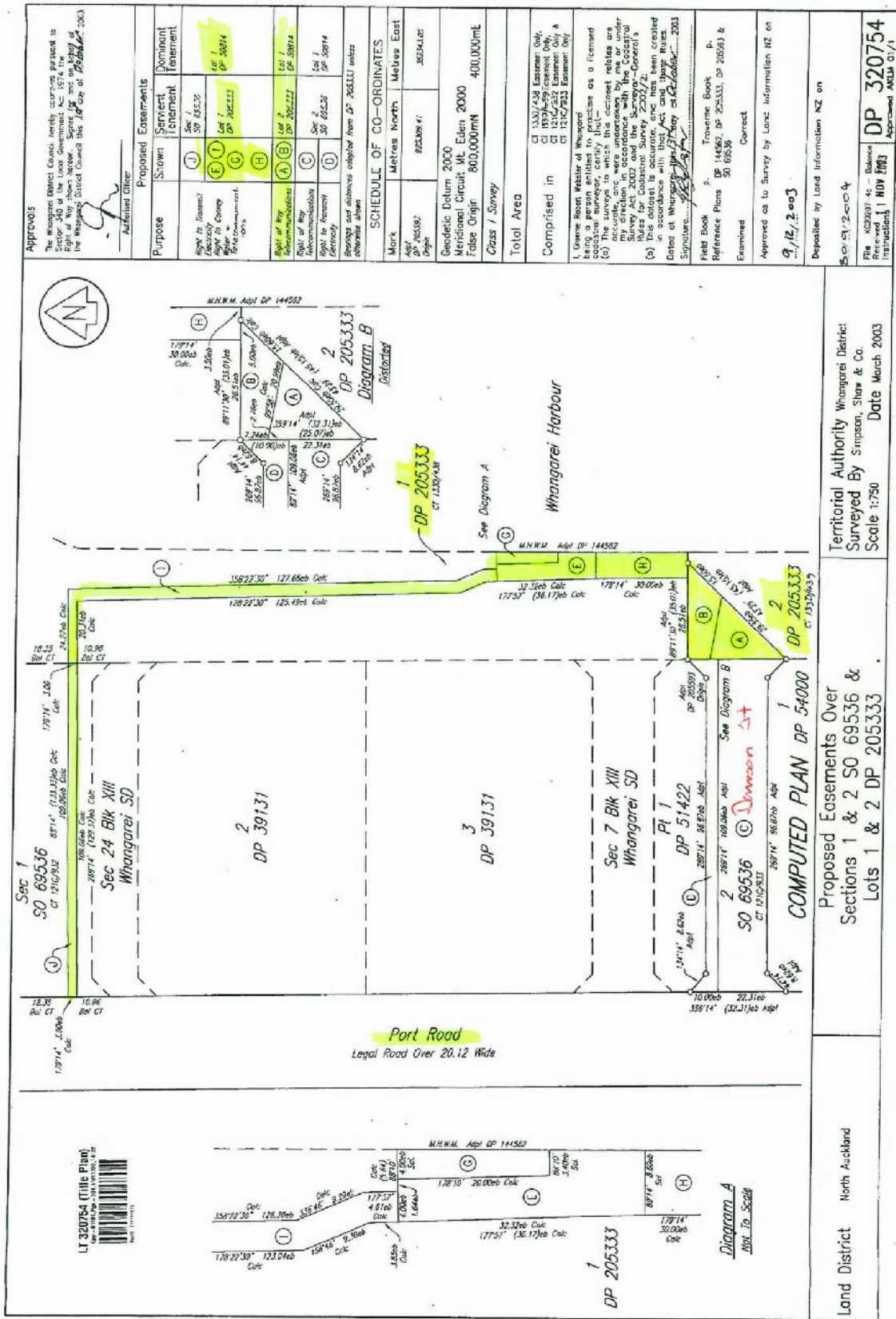
There are no implementation issues.

Attachments

Attachment 1: Path of Easement 6185577.1 [↓](#)

Authorised by Group Manager

Name: Malcolm Nicolson
Title: Chief Executive Officer
Date: 30 May 2018



Approvals
The Whangarei District Council hereby approves pursuant to the Resource Management Act 1976 the proposed DP 205333 of the Whangarei District Council this 14th day of October 2003.

Affiliated Officer

Purpose	Proposed Easements		Dominant Tenement
	Shown	Servient Tenement	
Right to Easement (Access) Right to Carry Water - 100% Right to Easement (Access) - 100%	(J)	See DP 205333	Lot 1 DP 50814
Right of Way (Access) Right to Easement (Access) - 100%	(E)	Lot 1 DP 205333	Lot 1 DP 50814
Right of Way (Access) Right to Easement (Access) - 100%	(G)	Lot 1 DP 205333	Lot 1 DP 50814
Right of Way (Access) Right to Easement (Access) - 100%	(H)	Lot 1 DP 205333	Lot 1 DP 50814
Right of Way (Access) Right to Easement (Access) - 100%	(A)	Lot 1 DP 205333	Lot 1 DP 50814
Right of Way (Access) Right to Easement (Access) - 100%	(B)	Lot 1 DP 205333	Lot 1 DP 50814
Right of Way (Access) Right to Easement (Access) - 100%	(C)	Lot 1 DP 205333	Lot 1 DP 50814
Right of Way (Access) Right to Easement (Access) - 100%	(D)	Lot 1 DP 205333	Lot 1 DP 50814

Bearings and distances adopted from DP 205333 unless otherwise shown.

SCHEDULE OF CO-ORDINATES

Mark	Metres North	Metres East
Appt DP 205333 Origin	952,809.47	362,414.02

Geoidetic Datum 2000
Meridional Circuit VL Eilen 2000
False Origin 800,000mN 400,000mE
Class / Survey

Total Area
Comprised in
CT 1307/438 Easement Only
CT 183/29-29 Easement Only
CT 1307/233 Easement Only
CT 1307/233 Easement Only

I, Gwenda Rose, Registrar of Whangarei, being a person entitled to practice as a licensed cadastral surveyor, certify that:
(a) the survey in which the easement relates are shown in the plan attached to this certificate in the direction in accordance with the Cadastral Survey Act 2002 and the Survey Act - General's Regulations 2002;
(b) the easement is accurate and has been created in accordance with that Act and those Rules.
Dated at Whangarei this 13th day of October 2003.
Signature: [Signature]

Field Book
Reference Plans
Examined
Approved as to Survey by Land Information NZ on
9/12/2003

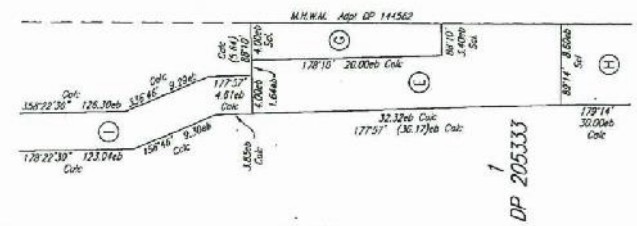
Deposited by Land Information NZ on
15/01/2004

File K2003745 - Balance
Received Instructions
11 NOV 2003
DP 320754
Approved AMLM D/1

Territorial Authority Whangarei District
Surveyed By Simpson, Shaw & Co.
Scale 1:750
Date March 2003

Proposed Easements Over
Sections 1 & 2 SO 69536 &
Lots 1 & 2 DP 205333

Land District North Auckland



TITLE: Business with the Public Excluded

Executive Summary

The purpose of this report is to recommend that the public be excluded from the proceedings of this meeting to consider the confidential matters detailed below for the reasons given.

Recommendations

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
6.1	Confirmation of Confidential Minutes - 8 May 2018	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting -.
6.2	Options for a Significant Property Development	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
6.3	Progress on Purchase of CBD Properties in Order to Freehold	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).
6.4	Purchase of a Hihiaua Precinct Property	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
6.5	Marsden Point Rail Link Property	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
6.6	Kaipara Service Centre - Concept Plan Options	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out,

		without prejudice or disadvantage, commercial activities s7(2)(h).
6.7	KDC Community Hub Concept	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).
6.8	Update of Property Subcommittee Action Notes	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).

Considerations

1. Options

Not applicable. This is an administrative procedure.

2. Significance and Engagement

This is a procedural matter required by law. Hence when assessed against council policy is deemed to be of low significance.

3. Policy and Legislative Compliance

The report complies with the provisions to exclude the public from the whole or any part of the proceedings of any meeting as detailed in sections 47 and 48 of the Local Government Official Information Act 1987.

4. Other Considerations

Being a purely administrative matter; Community Views, Māori Impact Statement, Financial Implications, and Implementation Issues are not applicable.