

Mayor and Councillors
COUNCIL

14 FEBRUARY 2019

Meeting Status: **Public**

Purpose of Report: For Decision

DISPOSAL OF PROPERTY

PURPOSE OF REPORT

- 1 The purpose of this report is to obtain Council approval to postpone, for a period of up to six months, the disposal of property at 4B Ngahina Street, Paraparaumu as legally described as Lot 2 Deposited Plan 81383, Record of Title WB48A/272, until such time as the tenant has relocated.

DELEGATION

- 2 The Council has the delegation to dispose of assets under Section A.2 of the Governance Structure.

BACKGROUND

- 3 At its 6 December 2018 meeting Council, pursuant to Section 40 of the Public Works Act 1981, agreed that the property at 4B Ngahina Street, Paraparaumu as legally described as Lot 2 Deposited Plan 81383, Record of Title WN843/52, was not required for any public work and it was declared surplus to requirements.
- 4 As the 6 December report to was considered in the public excluded part of the Council meeting and the resolutions not released, this report includes a limited background only in respect of the circumstances surrounding the decision. It is noted that the details of the resolution in respect of the Ngahina Street property is information now in the public arena. As a result of the community's response it is considered appropriate that this report be considered by the Council in public.
- 5 This property has been tenanted for some time on a series of short term tenancy agreements.
- 6 The Residential Tenancies Act 1986 requires 90 days' notice to be issued when a tenant is required to vacate.
- 7 A notice to vacate was issued on 10 December 2018 and written notice to vacate was hand delivered on 11 December 2018 giving the tenant 93 days' notice with a final date of 15 March 2019.
- 8 It is considered that vacating the property is the most appropriate course of action to permit some refurbishment in preparation for marketing.
- 9 Staff have worked closely with the tenant and believe that painting and marketing the house while the tenant resides there would be too intrusive in all of the circumstances as we understand them.

ISSUES AND OPTIONS

Issues

- 10 We are advised that the tenant has been able to secure a suitable property through Housing New Zealand. However, there is some doubt as to its suitability for the tenant.
- 11 Council recognise the unique circumstances of this particular case and the desire of the tenant to remain in the Kāpiti area to access support services.

CONSIDERATIONS

Policy considerations

- 12 This is an individual case and there are no policy considerations,

Legal considerations

- 13 Council's legal obligations have currently been met under the RTA and Public Works Act 1981.
- 14 Any further steps will be undertaken with appropriate legal advice.

Financial considerations

- 15 If the sale process is postponed, any proceeds from the sale will be deferred until the property is sold.

Tāngata whenua considerations

- 16 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 17 This matter has a low level of significance under Council policy.

Consultation already undertaken

- 18 There are no consultation matters arising from this report.

Engagement planning

- 19 An engagement plan is not needed to implement this decision.

Publicity

- 20 There are no publicity considerations arising from this report.

RECOMMENDATIONS

- 21 That Council agrees that the disposal of property at 4B Ngahina Street, Paraparaumu as legally described as Lot 2 Deposited Plan 81383, Record of Title WB48A/272, is postponed for a period of up to six months or until such time as the tenant has relocated, whichever occurs first.

Report prepared by **Approved for submission** **Approved for submission**

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