

7 March 2023

File Ref: [EXTREL-893300156-5425](#)

Hon Michael Wood
Minister of Transport
Parliament Buildings
Wellington

Tēnā koe Minister

“Wainuiwhenua” – future ownership entity

Early this year our three organisations were advised via Hon Barbara Edmonds that your office had enquired about our plans for future ownership of the surplus land relating to Transmission Gully. Specifically, you asked whether local authorities were likely to be involved in ownership of the surplus land, or whether another entity is proposing to own this land.

You may recall our letter to you and the Minister of Land Information on 23 March 2021 (Attachment 1), advising of our interest in this land and requesting that you defer commencement of any disposal of the surplus land until we had explored alternative ownership options.

We believe we have arrived at a potential ownership model that will involve Greater Wellington Regional Council (GW) and Kāpiti Coast District Council (KCDC) creating a Council Controlled Organisation (CCO) under the Local Government Act (LGA), to hold the surplus land (see Attachment 2).

Under the LGA, a CCO is required to have 50% ownership, voting rights or control held by one or more local authorities. To achieve our partnership aspirations, we intend to propose that the entity be held 50% by our two councils (with the exact share to be determined) and 50% by Ngāti Toa Rangatira. The partners will also need to determine a structure (company, charitable trust etc) and objectives for holding the land.

This proposal will require further discussion and formal consultation, to comply with the Local Government Act, and this will be advanced through relevant GW and KCDC processes. At this point however, it appears the best available option.

Does the Public Works Act apply to the land disposal process?

We are all aware that the land was purchased under the Public Works Act and is held by Waka Kotahi for that purpose, and that it would normally be subject to the relevant Offer Back Provisions of the Act. However, we are aware of the highly significant nature and scale of the Transmission Gully works and would like to know whether the statutory exceptions (contained in s40(2)(a)) may apply in this case.

We are advised that a LINZ-accredited agent would usually determine whether the exceptions would apply. To aid our understanding of the situation, we request that the Crown obtains a Section 40 report from a LINZ accredited agent to determine whether:

- a) the Offer Back Obligations exist
- b) whether any of the statutory exceptions would apply

Minister we would welcome the opportunity to discuss the future of this land further with you, and how best to achieve optimal outcomes from the land disposal process.

Ngā mihi



Daran Ponter
Chair
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Janet Holborow
Mayor
Kāpiti Coast District Council



Helmut Modlik
Chief Executive
Ngāti Toa Rangatira

CC
Hon Damien O'Connor, Minister for Land Information
Hon Barbara Edmonds, MP for Mana

Attachment 1: "Request to defer disposal of land at Paekākāriki"

Attachment 2: Buddle Finlay Legal Advice