

# Internal Memo

To: Paul Jackson  
Manager Crown Property Management

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From: Margaret Kennedy

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Date: 26 August 2005

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Reference: CPA 05/06/00/02

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Subject: **DISPOSAL OF EX-RAILWAYS  
PROPERTIES TO DOC**

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**Purpose** To seek your approval to the transfer of surplus railway land at Orakei to the Department of Conservation (DOC) as marginal strip at nil value.

**Reference** This is the first reference of this matter to you.

**Background** This land is the residue surplus railway land at Orakei after the Crown has met its commitments to sell four parcels of land to Ngati Whatua o Orakei Maori Trust Board.

All the land is within 20 metres of the foreshore.

The land is in two locations:

- a) five parcels between the foreshore and 246 Orakei Road (Part Lot 5 DP 112856) which was sold recently to Ngati Whatua Part Allotments 192, 194, 195, 196 and 236 of Section 16 Suburbs of Auckland.  
Area 1.1209 hectares, and
- b) two parcels at 220 Orakei Road.  
Part Lots 202 and 203 Section 16 Suburbs of Auckland.  
Area 608m<sup>2</sup>

On 8 September 1999, the Minister in Charge of Treaty Negotiations wrote to the Minister of Food, Fibre, Biosecurity and Border Control about these properties to the following effect.

- The Crown entered into a Deed of Settlement of Surplus Auckland Railway Land with Ngati Whatua o Orakei Maori Trust Board and Te Runanga o Ngati Whatua for the disposal of surplus Auckland railways properties.
- Seven properties were set aside pending further research and discussion between the Crown and the Orakei Maori Trust Board.
- Two of these properties were subsequently been found to be foreshore (bed of Hobson Bay) and marginal strip and therefore not surplus. The land found to be marginal strip is 220 Orakei Road.

The land in a) was never part of the agreement with Ngati Whatua

The survey plans on which these parcels are recorded are old and it is unlikely that these legal descriptions would be sufficient for guaranteed title. However, the definition is sufficient for gazettal as marginal strips in terms of the Public Works Act and if there is any need in future for better definition the responsibility will be with DOC.

This overcomes the need for survey prior to setting the land apart for marginal strip under the control of the DOC

The land (LIPs 10585 and 16124) has a combined Book Value on the Crown Balance Sheet of \$10.00. (10585 -\$10 and 16124 - Nil)

The land cannot be disposed of other than to DOC. It attracts a compulsory marginal strip as it is within 20metres of the foreshore of the sea. No transfer value can therefore be claimed and the transfers will need to be at nil value.

In 2005/2006 220 Orakei Road attracts Auckland City Council rates of \$644.02 and Auckland Regional Council rates of \$71.32

**Attachments:** Request from DOC for land to be transferred  
Aerial and locality photos  
SO 21189  
SO 34143  
SO 33579  
Gazette 1923 page 2539 (*Note the registered copy, Proc 5801, cannot be locate. Copy from file is substandard but legible*)  
Gazette 1923 page 1633  
Draft Gazette Notice for signature

**Action**

**Required:**

1. That pursuant to Section 24 New Zealand Railways Corporation Act 1981 you approve the above transfer to the Department of Conservation at nil value.
2. That pursuant to Section 52 Public Works Act 1981, you sign the attached Gazette Notice setting apart the land for marginal strip purposes.

Margaret Kennedy