



## PUBLIC EXCLUDED

Report PE 04.297

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File N/06/15/04

Committee Landcare

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### Land purchase – Waikanae River

#### 1. Purpose

To recommend that the Council:

- acquire land at Waikanae to enable the Jim Cooke Park channel realignment work to be carried out
- to protect long term control and management of the land within the river corridor in terms of the approved Waikanae Floodplain Management Plan.

#### 2. Exclusion of the public

Grounds for the exclusion of the public under Section 48(1) of the Local Government Official Information and Meetings Act of 1987 are:

*That the public conduct of the whole or relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists, i.e. to preserve commercial confidentiality and to enable the Council to carry on negotiations (including commercial negotiations) without prejudice or disadvantage.*

Interests protected:

Greater Wellington Regional Council

Landowners who are party to any sale.

### 3. Jim Cooke Park realignment project

The Jim Cooke Park realignment project is the third of four such works identified in the Waikanae floodplain management plan. The work has a high priority in the plan because it provides erosion protection to a major stopbank protecting the Waikanae township and beach areas. The works are programmed to be completed over three financial years from 2003/04 to 2005/06. Design, consents and land purchase programmed for this year are underway. Major construction will be undertaken next financial year, with landscaping and final tidy up works to be undertaken in the final year.

The design of the river works is well underway with the preferred channel alignment finalised and options for bank edge protection now being considered. The design work has identified three areas of land in private ownership which will be affected by the works. The three areas of land labelled A, B and C on the plan contained in **Attachment 1** are all owned by Mr. E.A.P. Howarth and are parts of lot 1 DP 90442, being all contained in CT 57D/533 and estimated to extend to 5,019m<sup>2</sup>, 5,067m<sup>2</sup> and 144m<sup>2</sup> respectively.

### 4. Options for access to Mr Howarth's land

The areas of Mr. Howarth's land required are to be used primarily for the 20 metre wide buffer zone between the river bank and the adjoining pastoral land although a portion is within the design channel. The buffer zone is to be planted as part of the river protection and land retention measures. Also included within this buffer zone area is part of the Waikanae River walking trail which this acquisition will bring into public ownership.

Mr Howarth's property comprised one of the options for Kapiti Coast District Council to erect water storage lakes on. If that had occurred, Mr Howarth had undertaken to transfer the land required for flood protection purposes to Greater Wellington at no cost. However, the water storage lake option is no longer being pursued by Kapiti Coast District Council.

With the water storage lakes ruled out it was then proposed to Mr Howarth that he grant the Council an easement to undertake and protect the planting in the buffer zone. Mr Howarth preferred that the Council purchase the land.

Purchase is a desirable option due to the extent of the work to be carried out and as this land forms an essential part of the public access along the riverbank. The riverbank access route runs along the left bank of the river from State Highway No 1 and is a popular recreational asset in Kapiti.

The Waikanae FMP seeks to bring all land within the River Corridor (see **Attachment 1**) into public ownership and this purchase would provide an opportunity to achieve the objective. We propose to only purchase the minimum land required for the works. The land proposed for purchase will be sufficient to allow the works to be constructed and to regularise the boundary in a way that will provide a secure boundary fence and a route for public walking along the river.

Mr Howarth is now exploring options for the balance of his land, some 150ha, and it is likely that it will be further subdivided in some way. It is likely that any subdivision will require some of the remaining land in the river corridor to be set aside as some form of reserve. The options for bringing more of the river corridor land into public ownership could be further explored with KCDC when this development occurs.

## 5. The proposed Howarth purchase

Mr Howarth has offered to sell the required parts of his land to the Council at its assessed current market value. The Council obtained an assessment of value from B J Whitaker, public valuer of Waikanae, who assessed the current market value at \$25,000 plus GST if any. Mr Howarth has accepted this valuation and is prepared to sell the required portions of his land for that sum. The other proposed terms of sale are set out in the letter to Mr Howarth dated 14 May 2004 and provided as **Attachment 2**.

## 6. Budget

The budget allocated for land purchase within the Jim Cooke Park project is \$20,000 with additional funding within the detailed design budget for the cost of valuation fees, survey and legal fees. The fencing costs are allowed for in the construction budget.

The total budget for the project is \$741,060 spread over three financial years, 2003/04 to 2005/06. There is sufficient flexibility within the overall project budget to accommodate the \$5,000 overspend for the proposed land purchase.

## 7. Recommendations

*That the Committee:*

1. *receive the report.*
2. *note the comments of the report.*
3. *recommend to Council that:*
  - a) *it resolve to purchase the land extending to 1.0230 hectares being parts of the land contained in CT 57D/533 from Edward Alfred Patrick Howarth for the sum of \$25,000 plus GST subject to the terms and conditions set out in the O'Brien Property Consultancy Limited letter dated 14 May 2004 and accepted by EAP Howarth dated 18 May 2004.*
  - b) *the Council Common Seal be affixed to the necessary documents to achieve the purchase.*

Report prepared by:

Report approved by:

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**Attachment 1:** Plan

**Attachment 2:** Letter to Mr Howarth dated 14 May 2004

Public excluded