



greater WELLINGTON
THE REGIONAL COUNCIL

PUBLIC EXCLUDED

Report PE04.541
Date 7 September 2004
File N/03/13/25

Committee Hutt River Advisory Committee
Author Daya Atapattu Project Engineer

Hutt River Floodplain Management Plan: Land Acquisition strategy

1. Purpose

- To present to the Advisory Committee a summary of the proposed HRFMP land acquisition strategy.
- To seek the Advisory Committee endorsement for the implementation of the land acquisition strategy.

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 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 enable the Council to carry on negotiations without prejudice or disadvantage).

*Interests protected:
Greater Wellington Regional Council
Private landowners*

3. Background

The Advisory Committee, through its endorsement of the recommendations contained in GWRC report PE04.316 dated 28 May 2004, approved the development of a strategy for the timely acquisition of land needed for the HRFMP improvement works.

This endorsement resulted in reports being commissioned from:

- Tracy Berghan, planning consultant, for information on designation options;
- Peter O'Brien, property consultant, for assessment of risks and purchase options, and ultimately the preparation of the acquisition strategy.

The respective reports were to have regard to the GWRC requirement for land required to be acquired in time, at a reasonable cost while minimising adverse impacts on landowners.

4. Land required for the HRFMP works

We have identified seven areas along the Hutt River where land acquisition is needed to implement the proposed HRFMP works. The areas include 8 residential properties, three commercial properties and parts of Council and School properties and golf courses. In addition to these, there are easements on 27 residential properties currently held by UHCC, which we expect to acquire.

5. Acquisition Strategy

Attachment 1 contains a summary of the proposed land acquisition strategy.

The key outcome of the strategy is that for most projects the land acquisition process needs to start well in advance of the construction. In a couple of cases contact with landowners is recommended to commence immediately.

Implementing this strategy will require some timing variations to the budgets provided in the current Flood Protection Operating Plan. We will address these issues through the 2006-2016 LTCCP process.

Construction timing for projects outside the current ten year plan was determined using an average spending rate of \$2 million per year.

6. Land acquisition considerations

The critical path for the purchase of any land will be defined by the decision of when each project is to be physically commenced. The ownership of all land required for each project can be assessed and a decision made that designation is required or not.

Some of the key considerations we took into account when developing the strategy include:

- The redevelopment risk for each site for considering which sites require designation.
- All purchases should, where possible, be on a willing buyer/willing seller basis. It is therefore important that GWRC takes a flexible approach to its purchases, consults closely with affected parties and allows as much time

as possible for the purchase process. Compulsory acquisition should be a measure of last resort.

- There needs to be recognition by GWRC that a private home is the single most important asset to most people and the reaction is often adverse and stressful when a “home” is required for a project. To defuse this negative reaction, we need to be prepared to allow people to move on as and when they wish to do so. This implies that the council must be ready to purchase all required properties when they are offered to GWRC for sale.
- Purchase of commercial land generally has a different dynamic. The tie to the property is less emotional and more strategic. What will be important is for GWRC to openly communicate with the commercial property owners, to share our plans and timelines and to listen to owner’s agendas and requirements. It could be in the interests of both the Council and the owner to transact sale and purchase at defined times, such as lease term end.

7. Designation Options and Process

Tracy Berghan’s report provides an outline of the designation process including a summary of advantages and disadvantages. Conclusions drawn from Tracy’s report include:

- Unless all land required is owned by GWRC or is under contract or easement to GWRC, the only way to ensure future GWRC ownership or easement is to have the land designated.
- It is rare for the ultimate action of compulsory acquisition to be taken unless the land is appropriately designated.
- The land designation and acquisition process could take 3 to 7 years to complete. This may extend up to 9 years if compulsory acquisition is needed.

8. Communication

Direct communication with the community on this report is not appropriate.

9. Recommendations

That the Committee:

1. *receive the report.*
2. *note the contents of the report.*
3. *endorse the land acquisition strategy as outlined in this report, and as summarised in Attachment 1, for implementation of the HRFMP improvement works.*
4. **Recommend** *that GWRC consider the land acquisition strategy as part of its ongoing planning process, including any financial implications.*

Report prepared by:

Report approved by:

Report approved by:

Daya Atapattu
Project Engineer

Geoff Dick
Manager, Flood Protection

Rob Forlong
Divisional Manager, Landcare

Attachment 1: Land Acquisition Strategy Summary

| HRFMP – Land Acquisition strategy - summary | | | | | | | |
|---|--------------------------|----------------------------|----------------------------|---|--------------------------------|--|--------------------------------------|
| Location | Properties affected | Physical works to commence | Planning project commences | Designation necessary / Process commences | Land purchase budget available | Actions proposed | Assessed cost implications 2005/2010 |
| Estuary to Ava Woollen Mills L/H | 6 residential | 2023 | 2014 | Yes | 2017 to 2021 | Start designation process 2016, deal with owners after designation in place. | Nil |
| | Part of commercial | | | 2016 | | Enter without prejudice discussions 2007/2009 to discover lease terms. Start designation process 2016. Purchase at most advantageous time. | \$1,500 |
| | Part of school | | | | | Advise MOE of potential requirement 2004. | \$1,000 |
| Ewen to Melling L/H | Part Daly Street | 2013 | 2011 | No | 2009 to 2010 | Provide formal notice of requirement to HCC 2004 | \$250,000 |
| Melling bridge L/H | 2 commercial properties | 2055 | 2046 | Yes 2048 | 2049 to 2053 | Review land requirements 2010. | MDL - Nil |
| | | | | | | Enter without prejudice discussions with MDL to discover lease terms 2015 to 2020. | |
| Connolly Street L/H | 1 residential | 2017 | 2007 | No | 2005 to 2015 | Purchase when offered any time from 2005. | \$250,000 |
| Boulcott L/H | 2 golf courses | 2010 | 2005 | Yes 2007 | 2005 to 2010 | Activate discussions with both golf clubs 2004. | \$500,000 to \$5m |
| Whirinaki Crescent U/H | 1 residential | 2006 | 2004 | No | 2004 to 2006 | Without prejudice discussions with owners have commenced. | \$55,000 |
| | Part of school | | | | | Land purchase expense likely to be incurred 2005. | |
| | UHCC reserve | | | | | | |
| | 1 golf course | | | | | | |
| Totara Park U/H | UHCC reserve | N/A | N/A | No | 2005 to 2007 | Provide formal notice of proposal to UHCC 2005 and explore acquisition by land exchange commencing 2005/2006. | \$17,500 |
| | 27 residential easements | | | | | | |