



Warkworth to Wellsford

INFORMATION FOR PROPERTY OWNERS



WHAT'S HAPPENING

Waka Kotahi NZ Transport Agency intends to lodge, under the Resource Management Act 1991 (RMA), a Notice of Requirement (NoR) for a designation and applications for resource consents with Auckland Council this month. The purpose is to obtain planning protection for the route of a future transport corridor between Warkworth and Wellsford.

You can see the proposed route of the project at www.nzta.govt.nz/warkworth-wellsford

WHAT DOES THIS MEAN FOR ME AND MY PROPERTY?

The NoR will have interim effect from the date it is lodged with Auckland Council, until it is confirmed or declined following the formal hearing process. This means the land the designation covers will be affected from the date the NoR is lodged.

Once the NoR or designation affects your land, you cannot do anything in relation to the land that is subject to the NoR or designation that would prevent or hinder a public work or project or work to which the NoR or designation relates. This means if you want to do anything on your land that might interact with our proposed project you will need to seek our consent.

WILL YOU BUY MY PROPERTY?

Land within the designation corridor will need to be acquired in future by the Transport Agency, on behalf of the Crown, to allow construction, operation and maintenance of the road. Typically, the Transport Agency begins to acquire this land three years before construction starts. Construction of this project is currently at least 10yrs away from commencing.

There are, however, some situations in which the Transport Agency will acquire land in advance of this time frame, which are summarised below. All property purchases, whether in advance or otherwise, take place in accordance with the Public Works Act 1981 (PWA). You will be entitled to compensation as outlined in the PWA.

WHETHER THE TRANSPORT AGENCY WILL BUY YOUR PROPERTY IN ADVANCE OF REQUIREMENT

The Transport Agency Advance Purchase Policy for Property Acquisitions applies where the Transport Agency is asked by a landowner to purchase their property in advance of the date when this would otherwise occur (i.e. more than three years before the expected construction start date).

There are three main reasons why advance purchases occur:

1. Strategic
2. Hardship
3. Section 185 RMA

If you wish your land to be considered for early purchase, you need to write to the Transport Agency, outlining your reasons for requesting advance purchase. The main grounds for hardship are typically, medical, where serious illness requires a sale to release funds for treatment, alternative care etc. If you consider the NoR raises those issues for you, you will need to supply evidence supporting your application.

The land owner needs to have made a genuine attempt to sell their property on the open market before the Transport Agency will consider an advance purchase request.

You also have the right under section 185 of the RMA to ask the Environment Court to require the Transport Agency to purchase your property. The Transport Agency recommends that landowners considering this particular process obtain independent legal advice.

If you would like more details on our Advance Purchase Policy for Property Acquisitions, or if you have any questions about this process, please email the project team on warkworth-wellsford@nzta.govt.nz

Frequently asked questions

1. How can I be involved in the RMA processes?

Auckland Council will publicly notify the Transport Agency's applications, and you have the right to make a submission and appear at any hearing. You can find a list of lodged NoRs on Auckland Council's website at www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/lodged-notice-of-requirement.aspx

For information on how to participate in the RMA process, you can find a number of relevant guides on the Ministry for the Environment website at www.mfe.govt.nz/rma/processes-and-how-get-involved/everyday-guide-rma

2. When can I seek early purchase for the affected portion of my property?

The Transport Agency has confirmed its preferred route for this project. Landowners who are facing hardship because they are within the preferred route can contact the Transport Agency at any time to discuss whether advance purchase of their property is available. If you would like to discuss this further please contact warkworth-wellsford@nzta.govt.nz

3. What is the process for acquisition of my property under the Public Works Act?

Land Information New Zealand publishes a guide for landowner called the *Landowners' rights when the Crown requires your land for a public work*. This outlines the process and your rights. You can download this at www.linz.govt.nz/crown-property/acquisition-and-disposal-land/public-works/landowners-rights-when-crown-requires-your-land-for-public-work-0

4. If the Transport Agency acquires my property ahead of construction, can I remain a tenant of the land?

If we acquire a property well ahead of needing it for construction, we often rent the property out until it is required by the project. We generally do not do this where we acquire property as the result of an advance purchase request as in these circumstances the landowner wants to sell and move on, so remaining as a tenant would not be appropriate. However, depending on the reasons for acquiring the property in advance, we may consider it.

5. If the Transport Agency purchases part of my property ahead of construction, who pays the council rates?

The payment of rates is considered as part of property negotiations. We typically allow the landowner to continue to occupy the land we have acquired on a rent-free basis until it is needed for construction purposes. In return, the landowner continues to maintain the land and pay the rates.

6. What happens if you've purchased more land than you actually need?

Once construction is completed, the land required for the ongoing operation and maintenance of the state highway will be surveyed. In some instances the designation boundary may be 'rolled back' and any land not needed for the ongoing operation and maintenance of the state highway may be disposed of.

Disposal of surplus land is managed by LINZ through the Crown property disposal process. Information on Crown property disposal is available online www.linz.govt.nz/crown-property/acquisition-and-disposal-land/crown-property-disposal-process

7. Do you buy land outside the designation boundary?

From time to time, the Transport Agency may be required to purchase additional land outside a designation. For example, if by acquiring part of a land parcel, legal access to another part is severed, the Transport Agency will either need to secure alternative access or acquire the severed part of the parcel in addition to the land subject to the designation. Similarly, if land outside the area subject to the designation retains legal access but is significantly costlier to retain at the same standard as previously, or is less useful to the owner, then this land may also need to be acquired.

8. I don't want to sell my property in advance of construction. What do I need to do?

Landowners affected by the designation do not need to do anything until we come to talk to you about acquiring the property. The Transport Agency will contact all landowners when a construction timeframe is known. That contact, and subsequent negotiations, typically commences three years before construction starts, to allow plenty of time for discussions to occur and agreement to be reached. For the Warkworth to Wellsford project, we currently anticipate that the Transport Agency will start contacting landowners about acquisition in 7-10 years time.

9. I don't want to sell my property, can it nevertheless be compulsorily acquired?

In the event that voluntary agreement cannot be reached between you and the Transport Agency, the PWA provides for compulsory acquisition by the Crown through the Minister for Land Information. The compulsory acquisition of land follows the process outlined in the PWA. We recommend you seek appropriate legal advice in the event your property is being compulsorily acquired.

Our aim is to work constructively with you to reach an agreement wherever possible.



CONTACT US

If you have any questions, you can contact us on: **0508 927 2935** or warkworth-wellsford@nzta.govt.nz

www.nzta.govt.nz/warkworth-wellsford

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