

Hamilton Southern Links Designation

Property Acquisition and Management Engagement Practice (PAMEP document)

NZ Transport Agency as the Requiring Authority

Revision	Revision Date	Details	Prepared by	Reviewed by	Approved by
V1.0	30 November 2016	For Council and public information	Amanda Hampton and The Property Group	Amy Robinson Simon Brandon Jenni Fitzgerald	Barry Dowsett (project manager)
V2.0	16 February 2017	For Council and public information <i>Revised to include Waikato District</i>	Amanda Hampton and The Property Group	Amy Robinson Jenni Fitzgerald	Barry Dowsett (project manager)

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1 Introduction

This Property Acquisition and Management Engagement Practice (PAMEP) has been prepared by the NZ Transport Agency as the Requiring Authority (RA) in accordance with the conditions of the Southern Links designation D156 (in Waipa District) and D168 (in Waikato District)

The Southern Links designation was included within the Waipa District Plan on 1 June 2016 and the Waikato District Plan on 18 August 2016. This PAMEP document covers both Districts.

Condition 4.20 requires the Transport Agency to provide access to a PAMEP for the Territorial Authority Chief Executive and directly affected landowners within six months of inclusion of the designation in the District Plan.

2 Background

The objective of this PAMEP is:

“...to provide clarity for directly affected landowners on how they can engage with the NZ Transport Agency as RA on matters regarding property acquisition and management”

The designation conditions require that the PAMEP will:

- a) *Include contact details (phone, email and postal address) for the Communication Consultation and Property Liaison Manager (Condition 4.2).*
- b) *Identify timeframes within which the Transport Agency will respond to enquiries.*
- c) *Describe the process which the Transport Agency will follow for responding to specific:*
 - i. *Requests from landowners to purchase properties, including under s185 RMA, and on compassionate or hardship grounds;*
 - ii. *Requests from landowners to use land that is within the designation footprint that is not yet acquired by the Transport Agency; and*
 - iii. *Complaints regarding the maintenance of properties acquired by the Transport Agency.*

“Directly affected” is defined by the designation conditions as being within the footprint of the designation.

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3 Content

3.1 Contact details

The Communication, Consultation and Property Liaison Manager (the Manager) contact details are:

Name / Title	Simon Brandon
Phone	07 958 7888 021 615 461
Email	Simon.Brandon@nzta.govt.nz
Postal Address	NZ Transport Agency PO Box 973 Hamilton 3240 New Zealand
Street Address	Deloitte Building 24 Anzac Parade Hamilton East Hamilton

It is expected that this contact will change over time. Any new Manager/s will update the contact details on the Transport Agency website and in this PAMEP.

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3.2 Response timeframes

The Communication, Consultation and Property Liaison Manager (the Manager) or nominee will:

- Acknowledge receipt of a complaint within **24 hours** of receipt.
- Acknowledge receipt of an enquiry within **3 working days**.
- Liaise with relevant staff or contractors (as required) and provide a response within **a further 5 working days**.

In situations where more time is needed to prepare an informed response the Manager will advise the customer of when a response can be provided and provide updates on progress as appropriate.

3.3 Property purchase

This section generally describes the process that will be followed for requests from directly affected landowners to purchase land affected by the designation.

Landowner initiated purchase:

Sometimes landowners may want their land to be purchased before being approached by the Transport Agency. This can be for several reasons, including:

- Inability to use land for desired purpose
- Lifestyle or employment changes
- Changing household needs
- Financial hardship
- Emerging medical conditions

Directly affected landowner statutory rights are outlined in the Land Information New Zealand (LINZ) booklet available from the LINZ website ([click here](#)) This booklet should be referred to in the first instance. It covers the right of landowners to apply for an order from the Environment Court (under s185 of the Resource Management Act) that would require the NZ Transport Agency to purchase land under the Public Works Act process.

Before initiating the statutory process the landowner should contact the Manager to discuss the potential to agree a purchase plan with the NZ Transport Agency that avoids Environment Court processes or proceedings. In effect the NZ Transport Agency and the landowner would look to agree to enter into a purchase process that reflects the Public Works Act. This process is generally outlined in Figure 1 over.

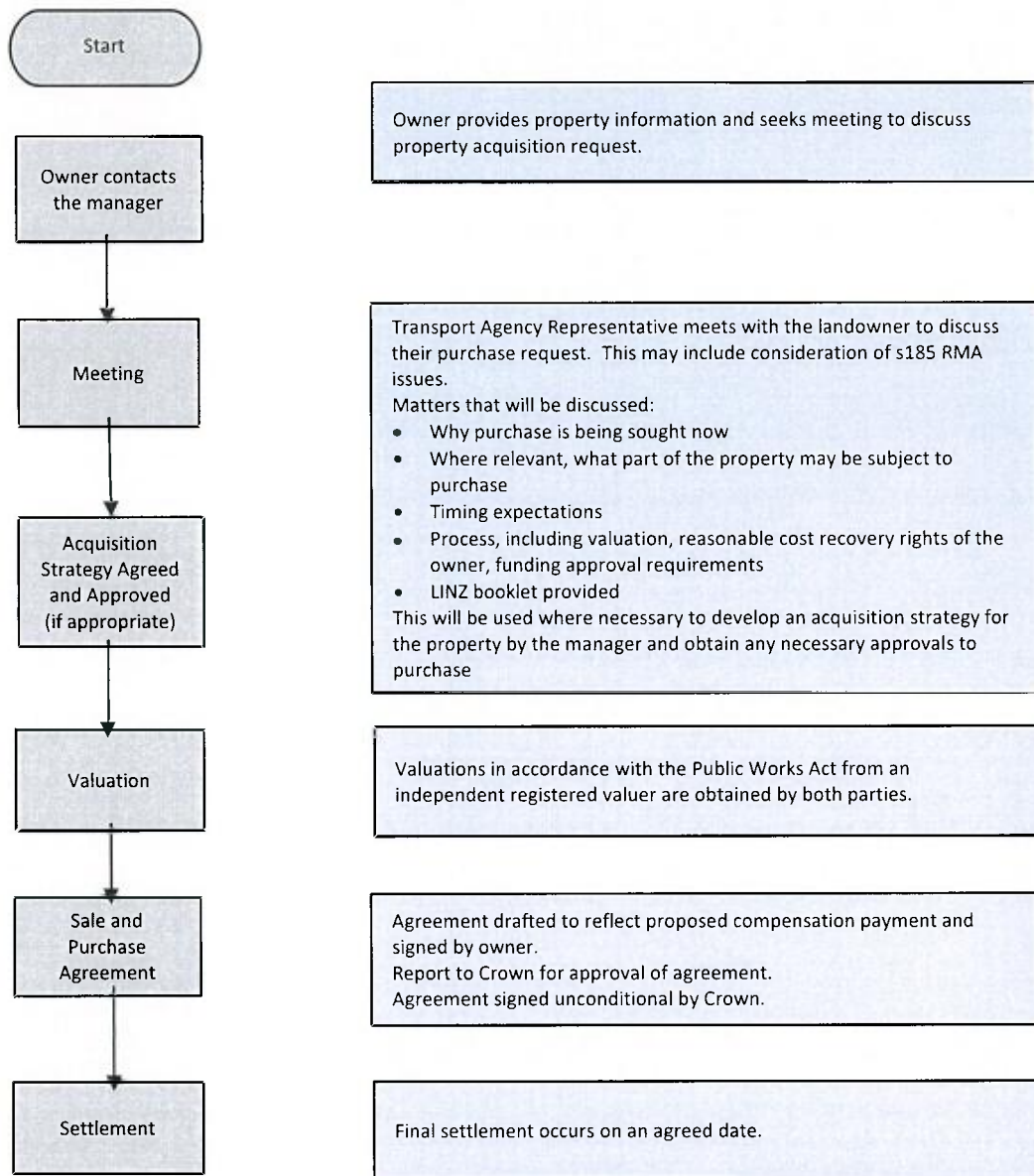
Where the reasons for landowners seeking purchase are deemed sensitive or personal, the NZ Transport Agency will take steps to manage this information with regard to privacy policy and any relevant legislation.

NZ Transport Agency initiated purchase:

Over the course of the designation period, the NZ Transport Agency as RA will progressively approach directly affected landowners to purchase land under the Public Works Act process. Accredited Agents acting under contract to the NZ Transport Agency will make individual contact with the landowners as and when land needs to be secured to support any construction staging. Normally this would be 2- 3 years ahead of a Construction start.

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Figure 1



The landowner may, at any time, choose to apply to the Environment Court seeking an order under s185 of the RMA for the Transport Agency as RA to acquire designated land.

This note is not a substitute for the owner obtaining their own property related advice.

Relevant landowner rights and the process are outlined in the Land Information New Zealand booklet available from their website <http://www.linz.govt.nz/crown-property/acquisition-and-disposal-land/land-involved-public-works/landowners-rights>

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3.4 Use of designated land

The NZ Transport Agency will work with the owner to ensure optimum use and enjoyment of the land for the owner, balanced against the requirements of the designation. Approval is required from the Transport Agency as RA for any new land use activity (including a change in character, intensity or scale of existing land use activities), or subdivision of land subject to the designation, where these would prevent or hinder the NZ Transport Agency's Southern Links project (Section 176 of the Resource Management Act 1991).

If in doubt as to whether an activity requires Section 176 approval, owners should contact the PCCP Manager (as per section 3.1).

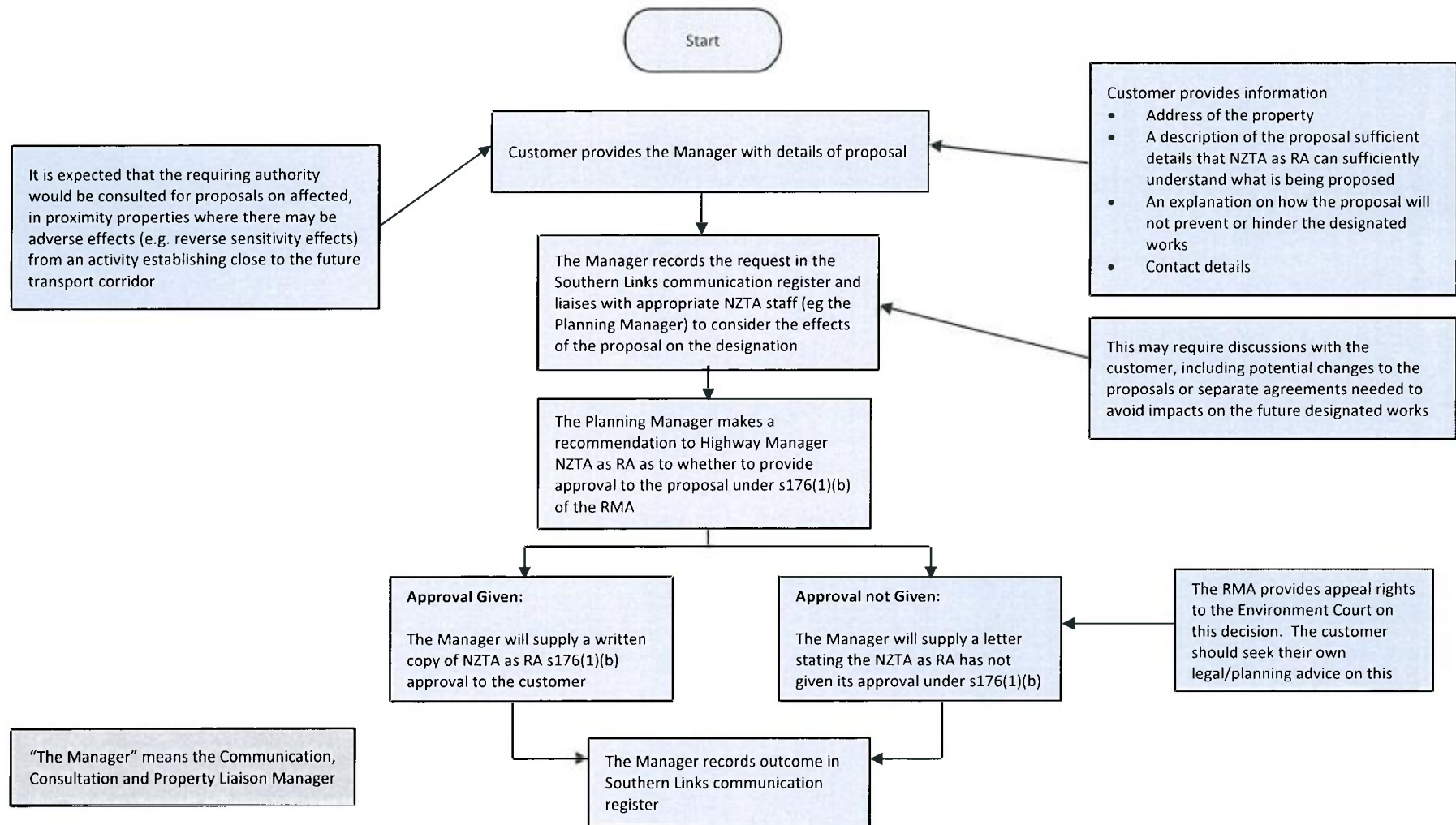
Alternatively contact hamiltonplanning@nzta.govt.nz or phone 07 958 7220 and ask to speak to the Transport Agency planning team. Figure 2 below generally describes the process.

Note that a resource consent may also be required, depending on the provisions of the relevant district plan (and potentially regional plan). Owners should contact the relevant council to discuss their proposal. The Transport Agency may be considered an "affected party" in relation to resource consent applications (including on land outside, but in proximity to the designation). If in doubt, owners are encouraged to contact the Transport Agency planning team as above.

The District Councils (Waipa or Waikato as relevant) are responsible for dealing with its respective process(es) for any person wanting to develop, change or subdivide their land which is subject to the designation.

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Figure 2: Land use/development process for Designated land



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3.5 Complaints about property maintenance

The NZ Transport Agency contracts out day to day property management for any properties acquired for the designation. Any complaints about the upkeep of any property that has been acquired by the NZ Transport Agency for Southern Links can be referred to the Communication Consultation and Property Liaison Manager identified earlier in this document.

This process does **not** apply to anyone leasing property from the NZ Transport Agency. Tenants should raise any maintenance issues directly with the relevant property manager in accordance with the individual lease or tenancy agreement.

Where a property has been purchased in advance of requirement, the NZ Transport Agency may limit any lease back to owners immediately following settlement. Each situation will be considered on its merits and will form part of the discussion between the parties.