

# Southern Links Designation (A106)

## Property Acquisition and Management Engagement Practice

Hamilton City Council as the Requiring Authority

Certified by Hamilton City Council as territorial authority (D-2201329)  
12 August 2016

| Revision | Revision Date | Details  | Prepared by | Reviewed or Approved by                     |
|----------|---------------|--|-------------|---|
| V1.0     | 29/7/2016     | D-2191610 for internal review  | N Savage    | T Denton, G Eccles, N Ward,<br>K Cunningham |
| V1.1     | 3/8/2016      | D-2191610 for internal approval  | N Savage    | T Denton, A Parsons                         |
| V1.2     | 9/8/2016      | D-2191607 lodged   | N Savage    | A Parsons (Approved)                        |
| V2.0     | 12/8/2016     | D-2191610 Certified version  | N/A         | P Kirk, D Stan-Barton                       |
| V2.1     | 2/3/2018      | D-2191610 amended conditions<br>document references  | N Savage    | N/A   |
| V2.2     | 17/9/2020     | Updated to reflect unit names,<br>active acquisition contact and<br>management of construction sites | N Savage    | N/A   |

CONTENTS

1 Introduction.....3

2 Background.....3

3 Content.....4

3.1 Contact details .....4

3.2 Response timeframes.....5

3.3 Property purchase.....5

3.4 Use of designated land.....7

3.5 Complaints about property maintenance .....8

3.6 Frequently Asked Questions .....9

## 1 Introduction

This Property Acquisition and Management Engagement Practice (PAMEP) has been prepared by Hamilton City Council (HCC) as the Requiring Authority (RA) in accordance with the conditions<sup>1</sup> of the Southern Links designation.

The Southern Links designation was included within the Hamilton City District Plan on 9 March 2016.

Condition 3.19 requires HCC as RA to provide access to a PAMEP for the HCC as Territorial Authority (TA) and directly affected landowners within 6 months (i.e. 9 September 2016).

## 2 Background

The objective<sup>2</sup> of this PAMEP is:

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

And will:

- a) *Include contact details (phone, email and postal address) for the Communication Consultation and Property Liaison Manager (Condition 3.2).*
- b) *Identify timeframes within which the Requiring Authority will respond to enquiries.*
- c) *Describe the process which the Requiring Authority will follow for responding to specific:*
  - i. *Requests from landowners to purchase properties, including under s185 RMA, and for compassionate or hardship grounds;*
  - ii. *Requests from landowners to use land that is within the designation footprint but is not yet acquired by the Requiring Authority; and*
  - iii. *Complaints regarding the maintenance of properties acquired by the Requiring Authority.*

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

---

<sup>1</sup> Condition 3.19, HCC TRIM record D-2613757

<sup>2</sup> *ibid*

## 3 Content

### 3.1 Contact details

As at 1 July 2016 the Communication, Consultation and Property Liaison Manager (the Manager) contact details are:

|                       |   |
|-----------------------|---|
| <b>Name / Title</b>   | Nathanael Savage – Principal Planner Infrastructure<br>(Southern Links Communication, Consultation and<br>Property Liaison Manager) |
| <b>Phone</b>          | 07 838 6699   |
| <b>Email</b>          | <a href="mailto:southernlinks@hcc.govt.nz">southernlinks@hcc.govt.nz</a>  |
| <b>Postal Address</b> | Strategic Development Unit<br>Hamilton City Council Building<br>Garden Place<br>Private Bag 3010<br>Hamilton 3240, New Zealand      |

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

# Southern Links Project

## 3.2 Response timeframes

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

- Acknowledge receipt of the enquiry or complaint within **3 working days**.
- Liaise with relevant staff or contractors (as required) and provide a response within **a further 2 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 HCC. 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 HCC to purchase land under the Public Works Act process.

Before initiating the statutory process the landowner should contact the HCC Communication, Consultation and Property Liaison Manager (“the Manager”) to discuss the potential to agree a purchase plan with Council that avoids Environment Court processes or proceedings. In effect HCC 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 below.

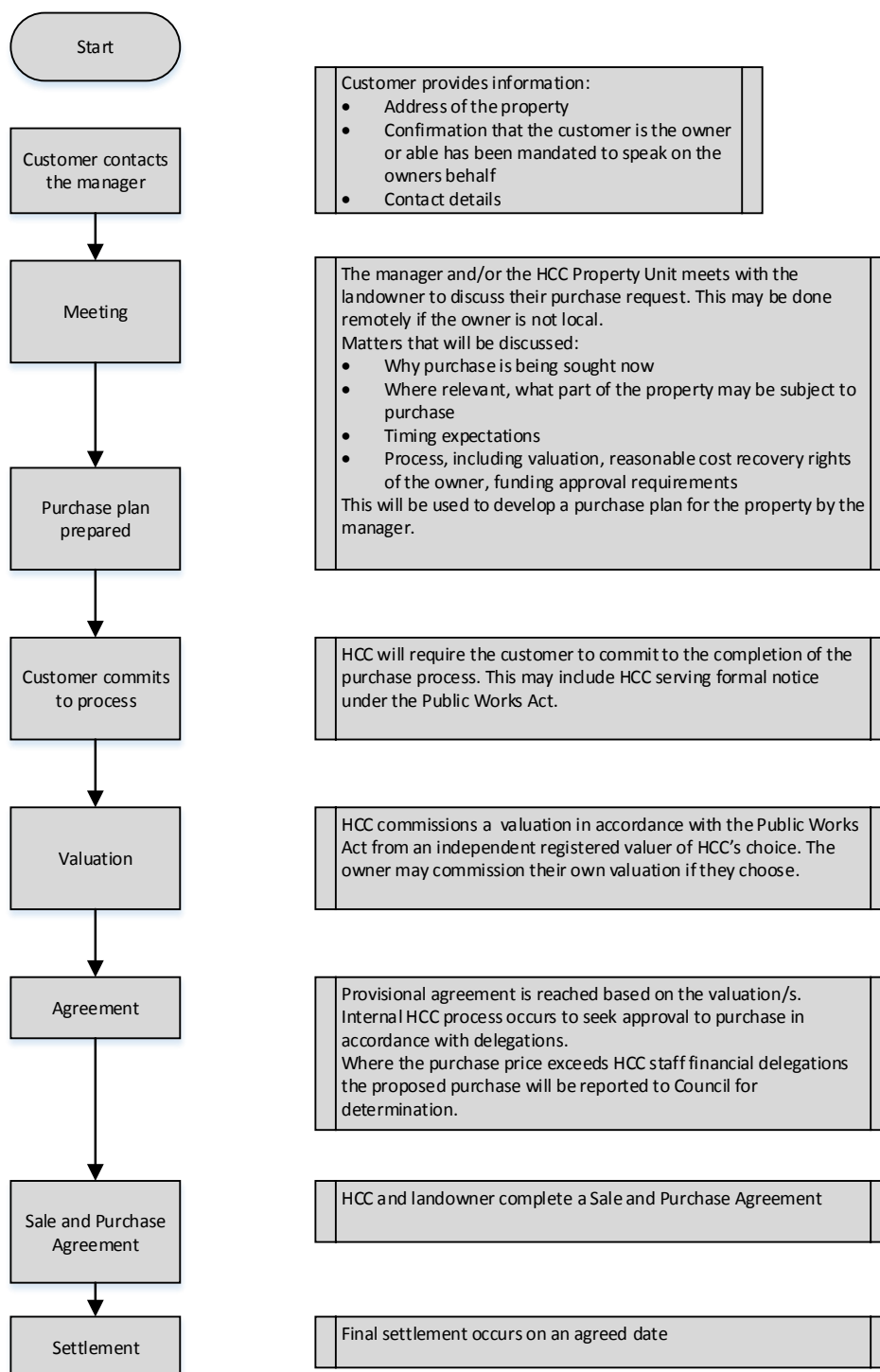
Where the reasons for landowners seeking purchase are deemed sensitive or personal, the Council will take steps to manage this information with regard to Council policy and any relevant legislation.

### *HCC initiated purchase:*

Over the course of the designation period HCC as RA will progressively approach landowners to purchase land under, or reflecting, the Public Works Act process. The manager or representative for HCC as RA will make individual contact with the landowners as and when land needs to be secured to support any construction staging.

# Southern Links Project

Figure 1



The landowner may, at any time, choose to apply to the Environment Court seeking an order under s185 of the RMA for HCC as RA to compulsorily 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-when-cro-1>

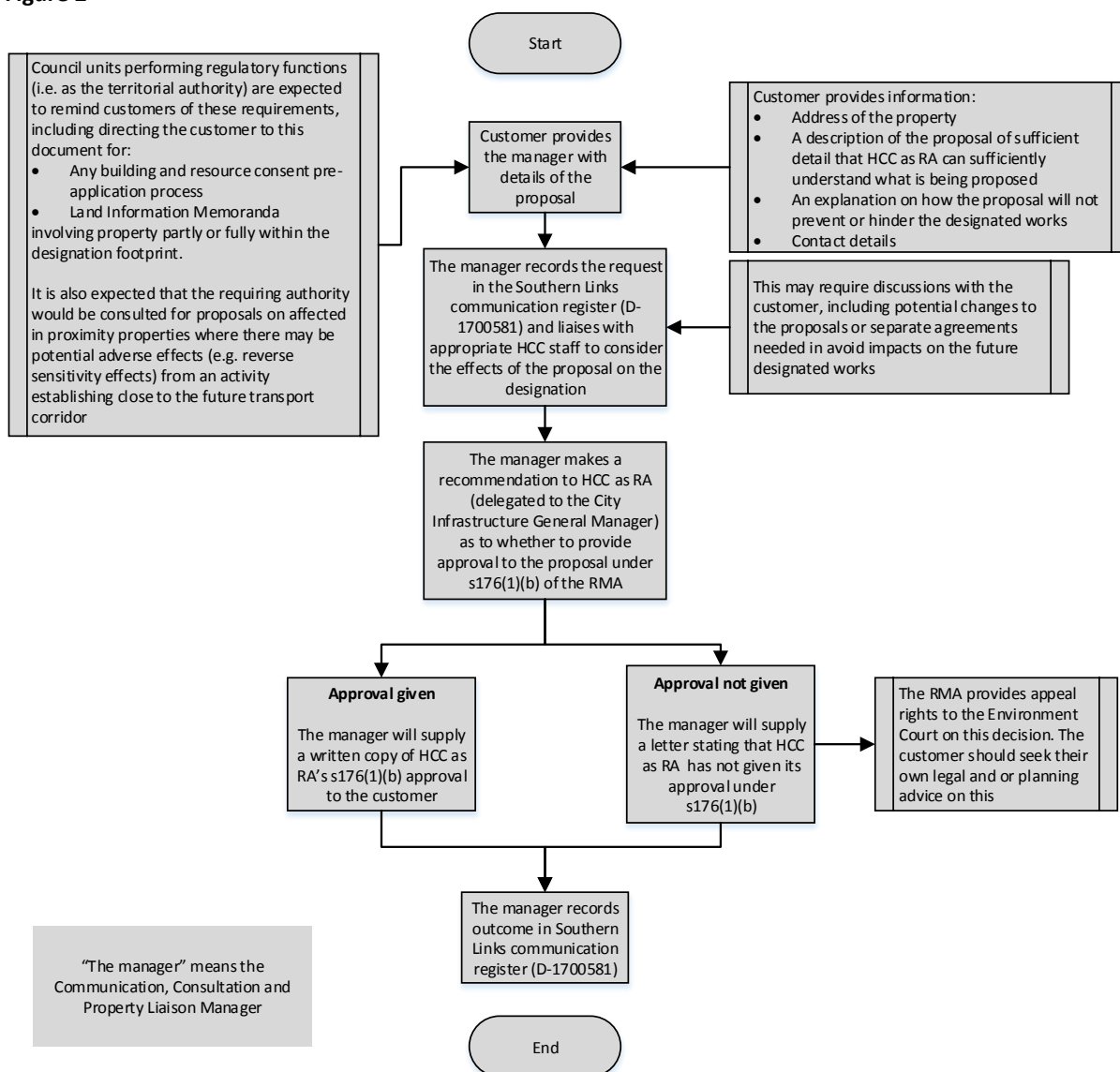
## 3.4 Use of designated land

Figure 2 below generally describes the process that will be followed for any person wanting to do anything on their land that is subject to the designation that might prevent or hinder the future works covered by the designation, including:

- New uses
- Changing the character, intensity or scale of an existing use
- Subdivision.

This is a legal requirement on the person wanting to do something on designated land. Refer to s176 (1)(b) of the Resource Management Act 1991.

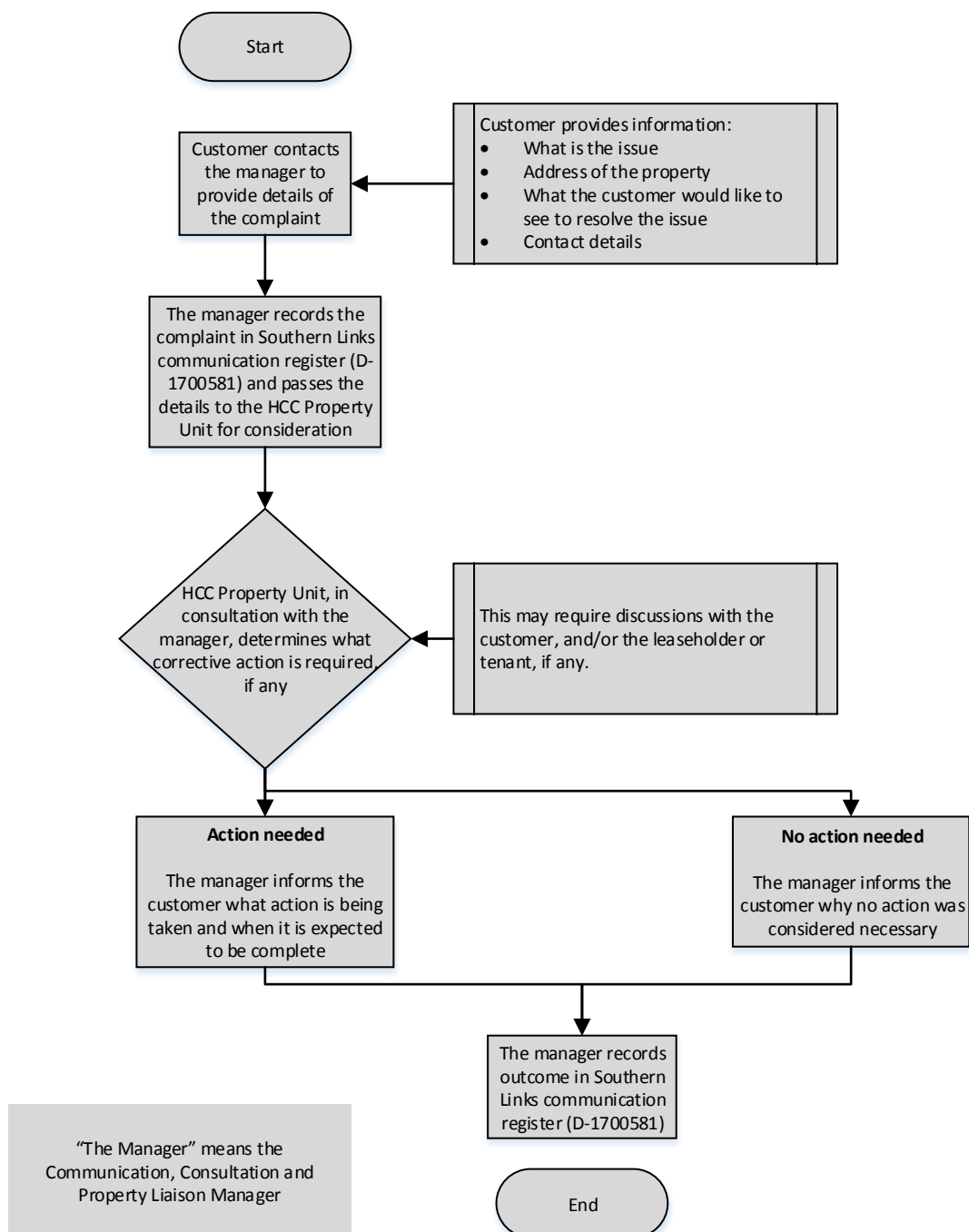
Figure 2



## 3.5 Complaints about property maintenance

Figure 3 below generally describes the process that will be followed for complaints about the upkeep of any property that has been acquired by HCC for Southern Links.

Figure 3



This process does not apply to anyone leasing the property from HCC. These maintenance issues should be raised directly with the relevant property manager in accordance with the individual lease or tenancy agreement.

Any maintenance issues with land where construction is underway will be directed to the relevant project manager and contact point for the contractor.



# Southern Links Project

## 3.6 Frequently Asked Questions

### ***Does the valuation reflect that the land is designated?***

The valuation is prepared as if the designation does not exist.

### ***Are my costs recoverable?***

All reasonable costs incurred by the landowner are reimbursed by the requiring authority at the time of settlement. This will usually include the cost of valuation/s and legal expenses.

The landowner is responsible for maintaining records (i.e. invoices) to support cost recovery claims.

### ***Will I be able to stay as a tenant after my property is sold? Can my tenant stay on?***

This can be discussed as part of the process. HCC will generally acquire property as a vacant possession but will consider entering into leases / tenancy agreements with the existing landowner or tenant.