



Hastings District Council

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EXTRAORDINARY ITEM

A G E N D A

HASTINGS DISTRICT RURAL COMMUNITY BOARD MEETING

Meeting Date: Monday, 4 March 2019

Time: 2.00pm

**Venue: Landmarks Room
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

HASTINGS DISTRICT COUNCIL
HASTINGS DISTRICT RURAL COMMUNITY BOARD
MEETING

MONDAY, 4 MARCH 2019

VENUE: Landmarks Room
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 2.00pm

A G E N D A

8. Extraordinary Business Item

8A) Transfer of Local Purpose Reserve (Utility), State Highway 50, Maraekakaho

REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD

MEETING DATE: MONDAY 4 MARCH 2019

FROM: SENIOR PROJECTS ENGINEER
STEVE CAVE

SUBJECT: TRANSFER OF LOCAL PURPOSE RESERVE (UTILITY),
STATE HIGHWAY 50, MARAEKAKAHO

This item was addressed at the Council meeting held on 21 February 2019.

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from Council authorising the Chief Executive to take all steps necessary to transfer a Council-owned Local Purpose Reserve (Utility), hereon referred to as “the Reserve”, of 556m², described as Lot 4 DP 11536, on State Highway 50 in Maraekakaho, to Hawke’s Bay Regional Council (HBRC) for a public work, being Soil Conservation and Rivers Control purposes.
- 1.2 This report was left to lie on the table at 31 January 2019 Council meeting pending the expiration of the appeal period of a Hearings Commissioner Decision on an application from Russell Roads Ltd for a land use consent for a river gravel processing plant near Maraekakaho, which ends on 21 February 2019.
- 1.3 This request arises from an approach to Hastings District Council (HDC) from HBRC regarding the need to secure long-term river management access to the Ngaruroro River in the Maraekakaho area.
- 1.4 This report concludes by identifying this particular section of land as being surplus to HDC requirements and recommending that the Chief Executive be authorised to take all practical steps necessary to transfer the Reserve to HBRC for Soil Conservation and Rivers Control purposes for a fair and reasonable price based on the 2016 rating valuation for this land of \$25,000.

2.0 BACKGROUND

- 2.1 HBRC has management and control responsibilities for rivers within the Hawke’s Bay region which includes the Ngaruroro River. The Hawke’s Bay Regional Resource Management Plan, (HBRRMP), along with Local Government Act and Soil Conservation and Rivers Control Act provides the legislative context for this responsibility. The HBRRMP Plan Objective OBJ45 is ‘The maintenance or enhancement of the natural and physical resources, and use and values, of the beds of rivers and lakes within the region as a whole.’
- 2.2 The management and control of the three main Heretaunga Plains Rivers (Ngaruroro, Tutaekuri and Tukituki) form part of the Heretaunga Plains Flood Control Scheme. Activities including maintenance of river edge protection and berm maintenance, channel maintenance activities such as beach raking and

- shingle extraction, along with spraying and mowing activities are undertaken. These activities ensure a consistent level of service is maintained for the Scheme.
- 2.3 Access to these rivers for river management and control purposes are provided for at strategic locations and this includes an access to the Ngaruroro River at Maraekakaho.
 - 2.4 As part of a suite of river management activities HBRC administers shingle extraction activities at various locations on the Ngaruroro River, including the Maraekakaho area.
 - 2.5 Current access to the Ngaruroro at Maraekakaho is from Kereru Road through an unsealed legal road approximately 675 metres long. This access is also used by the general public to access the Ngaruroro River. There is a further 1.1 kilometre section of river access from the legal road to the river, which also crosses a section of private land.
 - 2.6 HBRC desires a separate vehicular access to the Ngaruroro River for river management purposes from State Highway 50. The objectives of the new access are to separate these activities from the general public access to the Ngaruroro River off Kereru Rd and to provide a more direct route to SH50 than the existing alignment of 1.775 kilometres.
 - 2.7 While HBRC has been negotiating with a private landowner in this area to acquire a Right of Way easement for access, this proposal with HDC provides for more long term certainty and security for access for river management activities and provides separation from the publically accessible areas of the river. Discussions have been held with the adjoining landowner to this proposal who has indicated support for the proposed initiative.
 - 2.8 HBRC has identified an alignment that accomplishes their objectives (see attached). This proposed route passes through the Hastings District Council owned Reserve to access SH50.
 - 2.9 The Reserve has an area of 556 square metres (0.0556 hectares) and is legally described as Lot 4 DP 11536. The Reserve, originally classified as a "Utility Reserve", was vested in the Hawke's Bay County Council on the deposit of DP 11536 in April 1967. The Reserve was reclassified as a Local Purpose Reserve through the enactment of the Reserves Act 1977. Reasons for the original "Utility Reserve" status for local authority activities are unknown.
 - 2.10 The last rating valuation for the Reserve is dated 1 August 2016 and the capital value was assessed at \$25,000.00.
 - 2.11 HBRC has advised HDC that they would like to obtain this Council owned reserve, for a public work (in terms of the Public Works Act 1981) being the legal and physical access to and from the Ngaruroro River.
 - 2.12 With this access and ownership over the Reserve (including the inherent accretion claim rights), HBRC could construct a straight-line access from State Highway 50 to the Ngaruroro River, including the shingle extraction site currently used by Russell Roads Ltd.
 - 2.13 The new access would meet HBRC objectives by:

- being separate from the general public Ngaruroro River access off Kereru Rd,
- being located on publicly owned land,
- having a straight alignment, and
- having a length of 470 lineal metres, compared with the existing 1,775 lineal metres access.

3.0 CURRENT SITUATION

- 3.1 The Reserve is an unused section of land physically indistinguishable from the adjoining land which is covered in willow trees and owned by HDC.
- 3.2 The proposal to transfer the Reserve to HBRC has been reviewed by relevant HDC staff including the HDC Parks and Property Manager and General Counsel. Council has no current or foreseeable future use for the Utility Reserve and no complications are expected through transferral of the Utility Reserve to HBRC.

4.0 OPTIONS

- 4.1 The three options available are:
- 4.2 Option A – Do nothing.
- 4.3 Option B – Sell the land to HBRC.
- 4.4 Option C – Grant a Right of Way Easement to HBRC.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The Public Works Act 1981 have provisions that allow sale and transfer of land to another Crown or Territorial Local Authority.
- 5.2 Under the Public Works Act 1981 the offer-back provisions of section 40 of the Public Works Act do not apply if the property is required by a Crown or Territorial Local Authority for another public work.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 **Option A** – Do nothing.
- 6.2 If Council does nothing, access for river management activities, including shingle extraction, will continue to be carried out through the existing access from Kereru Road, which is also used for public access to the river. Competing demands and compatibility issues are ongoing in this area. River maintenance activities, including shingle extraction, are necessary in this area as part of maintaining the Heretaunga Plains Flood Control Scheme.
- 6.3 **Option B** – Sell the land to HBRC for a fair and reasonable price using the 2016 rating valuation of \$25,000 as the basis for price negotiations and on the understanding that HBRC will cover all reasonable legal and survey costs to facilitate the transaction.
- 6.4 This will allow HBRC to construct a new access with no private landowner interests and continue to provide their obligation of river control to ensure

scheme and flood control standards are maintained. The proposed access is 1.2 km's from the existing Kereru Road access.

6.5 **Option C** – Grant a Right of Way Easement to HBRC.

6.6 The benefits are the same as Option B, with an increased set up cost, and a much smaller compensation settlement. In terms of Public Works Act 1981 principles, Council should dispose of land it no longer requires for a public work.

7.0 PREFERRED OPTION/S AND REASONS

7.1 **Option B.** Sell the land to HBRC.

7.2 As Council doesn't require the land (the Reserve) for any public purpose it can be sold and transferred to another administering body. There is no reason for Council to hold land for which it has no purpose. The land will assist HBRC to fulfil its obligations under the LGA, RMA and Soil Conservation and Rivers Control act to maintain and enhance rivers within the region.

7.3 HBRC have confirmed that the land is required for another public work and agree to the proposal to sell and transfer the land via the Public Works Act for a fair and reasonable price based on the 2016 rating valuation of \$25,000.

8.0 RECOMMENDATIONS AND REASONS

- A) **That the report of the Senior Projects Engineer titled "Transfer of Local Purpose Reserve (Utility), State Highway 50, Maraekakaho" which was left to lie on the table on 31 January 2019 now be uplifted and received.**
- B) **That the Chief Executive be authorised to take all practical steps necessary to transfer the Reserve to Hawke's Bay Regional Council for a fair and reasonable price based on the 2016 rating valuation for this land of \$25,000.**

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for good quality local infrastructure and performance of regulatory functions by:

- **enabling Hawke's Bay Regional Council to fulfil its obligations under their Regional Resource Management Plan to maintain and enhance rivers within the region, promoting sustainable use of land and water resources and providing for community resilience to hazards and shocks.**

Attachments:

1 Utility Reserve Maraekakaho Plan

53943#0029



Attachment 1 Extraordinary Item 8A

