

APPENDIX 14

LANDOWNER ENGAGEMENT – EASEMENT PROCESS CHART AND CONSULTATION LETTERS [NRC]

26 July 2019

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Dear [Click here to enter text](#).

AWANUI FLOOD SCHEME – NEXT STEPS

We wrote to you in July last year as a landowner whose property is affected by council's staged \$15 million upgrade of the Awanui flood scheme.

This letter is to update you on the positive progress over the past 12 months, as well as planned next steps, which will have more of a direct impact on you/your property.

On 19 June, council officially celebrated the completion of initial works, including repairs to a roughly 500-metre stretch of undermined stopbank behind Kaitaia's Te Ahu centre and construction of a new emergency spillway beneath the Bell's Hill slip site.

I'm pleased to advise this work was completed on time and significantly under budget and should enable the scheme to better cope with potential increased flood events both through Kaitaia itself and your property. (Ultimately, we aim to provide flood protection to a 'one-in-100 year' event for urban spots and a 'one-in-20 year' event for the surrounding rural areas.)

To further improve the scheme overall and help us achieve the goals mentioned above, council is now embarking on the next phase of works. This involves collaborating with local landowners like yourself to undertake river works and rebuild or reposition stopbanks scheme-wide and includes the creation of easements over these areas.

The things we hope to agree with you – via the voluntary negotiations provisions under Section 17 of the Public Works Act (PWA) – are designed to ensure legal access to build and maintain/protect the stopbanks, including if your land is sold/changes hands.

Your property is shown on the enclosed map, which may include some (or all) of the following;

- An **easement area** (to allow for construction and the ongoing access and maintenance of the stopbank or floodwall when necessary)
- A **flood plain easement area** (to allow us to contain floodwaters between the river and the stopbank during a flood)
- A **temporary occupancy** (to allow for 'benching' of land during the construction period. Benching involves cutting into streambanks to create larger, controlled overflow areas for floodwaters)

Council's valuers Telfer Young will shortly begin carrying out a valuation, which we're required to do as part of the voluntary negotiation process via the PWA. Council will then forward you a formal 'Letter of Offer' along with the associated relevant documents (including any proposed compensation) for you to consider.

If you're happy with the Letter of Offer, just sign and return the agreement and this agreement will become legally binding once signed by council.

However, if our Letter of Offer arrives and you do not approve/or would like to discuss the matter further, please contact our rivers team's property negotiation section on (0800) 002 004.

It's important to note the Public Works Act process we're following gives you the right to obtain your own legal and/or valuation advice regarding proposed easements, including the amount of any proposed compensation. (Council will reimburse the costs of these fees should you wish).

To ensure our records are as up-to-date as possible and make it easier for both council/its valuers to contact you if required, we'd greatly appreciate if you would send your correct email and contact phone numbers to rodneyc@nrc.govt.nz. Alternatively, you can call me on (0800) 002 004.

Yours sincerely,



ROD CORADINE
Senior Property Consultant

Centre name here to receive copies

30 January 2020

Niklaus Schmutz and Martha Schmutz
27 Donald Road
Kaitaia

Dear Niklaus and Martha

AWANUI FLOOD SCHEME – LETTER OF OFFER

We wrote to you on August 05 this year as a landowner whose property is affected by council's upgrade of the Awanui Flood Scheme to outline the process of obtaining an easement/s over your land and attaching a plan showing the outline of this proposal.

As required under the voluntary negotiations provisions of section 17 of the Public Works Act 1981 (PWA) (and following on from the information already sent regarding the easement and stop-bank, floodwall or floodplain location) we now enclose the associated legalization documents.

These comprise;

- The letter of offer
- an agreement to acquire the easement; which includes a compensation assessment of \$13,750
- a copy of an associated compensation valuation from TelferYoung (Northland LTD), and;
- a survey plan for the easement areas.

Your property and affected area are indicated in the agreement and on the attached survey plan by the letters (FM & SAH).

We've attached an instruction sheet relating to the completion and signing of the enclosed agreement. If you're happy with the agreement please complete, initial each page and inclusions, sign, and return it in the enclosed reply-paid envelope. Once signed by council, the agreement will be legally binding and we'll provide you with a copy.

If you have any doubts, please refer to your lawyer before completing this process or if you'd like to discuss the matter further, please contact the writer in our rivers team's property negotiation section on (0800) 002 004, or email me on ceress@nrc.govt.nz.

(It's important to note the PWA process we're following does give you the right to obtain your own legal and/or valuation advice regarding proposed easements, including the amount of any proposed compensation. (Council will reimburse the costs of these fees should you wish). We can then discuss the matter further to arrive at a mutually agreeable conclusion.)

Yours sincerely,

CERES SHARP
Property Engagement Officer

Land Owner Engagement - Easement Process



Confirm affected parcels

Confirm Ownership Schedule

Ensure contact details are up to date and correct



Produce individual land requirement/easement plans

Review and confirm details with Rivers team

Land Owner Engagement



Contact land owners to discuss the Flood scheme, time frame & easement process

what is the impact on the property?

What is an easement? and why is it necessary?

leave information including letter and plans with owners

What are the benefits to the community



Instruct the valuers to prepare compensation valuations

Check each valuation carefully to ensure all details are correct

Survey plans to be commissioned (CSDs)

Check plans are accurate and details are correct against titles.
NRC to instruct surveyors to lodge CSD plans at LINZ for approval



Draft individual Landowner agreements - with Lawyers

Ensure valuation amount and survey plans are included

If further terms are required these can be added after land owner negotiation – check with lawyer before signing takes place

2nd land owner visits or phone/email conversations

Send/email Letter of offer to owners, with agreement, survey plan, easement doc, lawyers instruction letter and reply paid envelope to owners

Owners to either (a) send agreement back signed in Reply paid envelope or (b) NRC rep to visit owner (c) scanned and emailed. All parties sighted on title need to sign the land owner agreement.

NRC to counter sign Land owner agreements



Land owner agreements

Check each agreement carefully to ensure all signatures are present and dated

Provide a copy to land owners, a copy to Lawyers, hard copy in land owner files

Ensure electronic copies are taken and saved into objective (land owner files)
<https://thehub:8443/documents/fA1016>
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