Report to:	Council Public Excluded
Date:	18 December 2024
Subject:	Land Acquisition Process – Clarence Valley Access Project
Prepared by:	D Clibbery - Senior Manager Operations
Input sought from:	
Authorised by:	W Doughty – Chief Executive Officer

1. PURPOSE AND ORIGIN

The approach to be adopted to acquire the land required for the revised Clarence Valley Access project is discussed.

2. RECOMMENDATION

It is recommended that:

a. The report is received.

b. Council commences a compulsory acquisition process under the Public Works Act 1981 in respect of the land required for the new access road for the Waiau Toa/Clarence Valley Access Project and authorizes the Chief Executive to execute and approve service of the notices to facilitate the compulsory acquisition process.

c. Unless a clear indication is received from the owners of the required land before 13 January 2025 that they are willing to voluntarily sell the land required for the new access road for the Waiau Toa/Clarence Valley Access Project to Council, that those owners are served with a Notice of Desire under Section 18 of the Public Works Act 1981 on 13 January 2024.

d. Te Rūnanga o Kaikōura is promptly advised if the notice under part c of this recommendation is served.

e. The Council authorises the Chief Executive to determine the release of this public excluded report.

3. BACKGROUND

Since 2017 Council has been attempting to work towards a new improved access arrangement for residents of the upper section of the Clarence Valley, following the collapse of the Glen Alton Bridge in the 2016 Kaikōura earthquake.

A decision was made in 2019 to pursue the construction of a new bridge approximately 500 metres downstream of the old bridge, because of challenges created by the realignment of the river following the earthquake, which resulted in the access road to the former bridge being lost.

A unexpected development did however occur in late 2020, when Te Runanga o Kaikōura ('TRok') expressed opposition to the construction of the proposed new bridge on cultural grounds, which had potential to prevent council acquiring the required resource consents.

A substantial delay subsequently occurred whilst Council attempted work with TRoK to address their concerns, including commissioning of an independent peer review of the project and alternative access options.

[redacted]

Shortly after this TRoK did however indicate their support for re-construction of a bridge at the original upstream site, and accordingly Council commenced work towards delivery of such an option - now referred to as Option 1C – which includes construction of a 1.5km long new access road to the proposed bridge along the flanks of Jacobs Hill.

This revised project currently faces a number of challenges, amongst which is a need to acquire the land required for new access road (with an approximate area of 4Ha) from a private landowner.

[redacted]

The acquisition of the land is essential for the delivery of the project and in turn has potential to significantly affect another challenge that is faced, which is the need to obtain approval from the NZTA Board for a further increase in value and duration of their 95% funding envelope for the project.
It is currently expected that the NZTA Board will be discussing this matter in March 2025.

Senior NZTA staff have recently expressed the view that for their Board to give such approval a clear path towards delivery of the project needs to be evident, without the type of uncertainties that have previously been present.

4. POTENTIAL MOVE TO A COMPULSORY ACQUISITION PROCESS

[redacted]

The local residents who have been impacted by the loss of the bridge have recently expressed a desire for Council to adopt a firmer approach in respect of such matters, regardless of the possibility that doing so might possibly create delays. They like NZTA are indicating that they want certainty that a bridge will ultimately be delivered and indicated that they favored a move to a compulsory acquisition process.

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5. FINANCIAL IMPACTS AND RISKS

[redacted]

[redacted]

- [redacted]
- [redacted]

[redacted]

Overall making a decision to commence a compulsory acquisition process does have some significant risks, in particular related to a delay to project delivery and an associated risk that such a delay causes the NZTA Board to decline KDC's request for an increase and extension of their funding envelope for the project.

Equally substantial risks would however be associated with not doing so.

This continues to be a project where it is easy in hindsight to perceive that better outcomes might have been achieved if things had been done differently, but the fact remains that the project has been and remains an extremely challenging one, where certainty is hard to find.

6. COMMUNITY OUTCOMES SUPPORTED

The outcomes below are being supported:



Development
We promote and support the development of our economy



Services
Our services and infrastructure are cost effective, efficient and fit-for-purpose



Future
We work with our community and our partners to create a better place for future generations