

**Report** PE 06.85  
**Date** 10 March 2006  
**File** N/06/23/03

**Committee** Landcare  
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## **Chrystalls Stopbank Progress Report to March 2006**

### **1. Purpose**

To update the Committee on the progress of the Chrystalls Stopbank Extension project.

### **2. Significance of the decision**

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### **3 Exclusion of the Public and Confidentiality**

Grounds for the exclusion of the public under Section 48(1) of the Local Government Official Information and Meetings Act of 1987 are:

*That the public conduct of the whole or relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists (ie. to preserve commercial negotiations).*

### **3. Background**

The proposed Chrystalls Extended stopbank is a major stopbank upstream of the State Highway 1 bridge on the Otaki River and will provide more secure flood protection to Otaki township. The background to the works was last reported to the Committee in May 2002 (Report 02.296 – Attachment 2). The current 2003-2013 LTCCP provides for the stopbank to be designed and constructed over three financial years starting July 2005. Appendix 1 shows the proposed location of the stopbank.

This report updates the Committee on the progress of the design during this, the first financial year of the project.

#### **4. Progress to date**

Investigation of the land ownership issues has been the primary focus for the work over the last 8 months and is proving to be more complex than initially anticipated. The Crown is the major land owner affected by the works. One private land owner is also affected to a greater or lesser degree depending on which alignment the stopbank follows. Negotiations are continuing with both parties, but agreements to purchase are not likely to be readily forthcoming and will probably result in the design and consenting phase of the project being longer than anticipated.

The Crown land is managed by LINZ and there are a number of easements and access agreements that are complicating any potential purchase. In addition to this, for the land to be declared surplus and available for GW to purchase, it will have to be agreed that it is not required by the Government for any treaty settlements.

For the Crown land we may be able to negotiate an access agreement to the site directly with LINZ which will allow construction of the stopbank to progress while the negotiations for any purchase or easement continue.

In the case of the private landowner the differences between our valuation and the owner's expectations are significant. The resolution of this issue will require us to spend more time considering modifications to the preferred alignment and preparing design information to sufficient detail to allow an application for the designation of the preferred route. This work will need to confirm the preferred alignment sufficiently robustly to satisfy a formal Environment Court hearing if required. The purchase of the land could then be undertaken using the processes defined in the Public Works Act.

#### **5. Comment**

We are now in the process of preparing the more detailed design information and reconsidering the preferred design alignment with the addition of the land information. Both the two alternative alignments will be considered in detail by officers to confirm the preferred alignment before we recommend the preferred alignment to the Committee and the Kapiti Coast District Council.

The preparation of more detailed design information is likely to put us at least 3 months behind our original work programme and may delay the start of construction of the works from the proposed start of December 2006. Overall however we are still aiming to keep to the current project completion date of June 2008.

#### **6. Budget**

The project budget was set at \$1.3M once the preliminary design was completed in May 2002. The budget for the project has now been increased from \$1.3M to \$1.5M as part of the current LTCCP process, to reflect the increase in the cost construction index between May 2002 and June 2005. KCDC officers have been advised of the budget increase so that they have been

able to allow for the respective increase in their share in their own LTCCP process.

The delays described above will also delay the cash flow for the project. We have signalled a likely \$100,000 under spend this financial year and if construction is delayed from the proposed December 2006 start date then there will be a significant reduction in the 2006/07 financial year expenditure. The delays in expenditure will affect the financial contribution requirements from KCDC and we will work with KCDC officers on this.

## **7. Communication**

The primary communication requirement for the project at this stage is to advise KCDC of the project progress and its effect on budgeting. No detailed communication with the Otaki community about the issues relating to progress is recommended until the matters relating to land and access agreements are more certain.

## **8. Recommendations**

*That the Committee:*

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Notes that the Kapiti Coast District Council will be advised of the land issues affecting progress with the project and the financial implication of the likely delays.***
4. ***Notes that a further report recommending the final preferred alignment is proposed for both Landcare Committee and Kapiti Coast District Council consideration before we proceed with the formal resource consent application and land acquisition procedures.***

Report prepared by:

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**Attachment 1: Site Plan of the Chrystalls Extended Stopbank**

**Attachment 2: Report 02.296 'Otaki River' Chrystalls Extended Stopbank Report**