



**Western
Bay of Plenty**
District Council

MINUTES ATTACHMENTS

Council Meeting – CL25–9

Thursday, 24 July 2025

Table of Contents

13.3.1 Acquisition of Land – Report

Attachment 1 13.3 Acquisition of Land Report – Council – 24 July 20254

Confidential Council Meeting Agenda

24 July 2025

13.3 ACQUISITION OF LAND**File Number:** A6810745**Author:** Wendy O'Neill, Legal Property Officer**Authoriser:** Peter Watson, Acting General Manager, Infrastructure Group

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in s48(1)(a)(i) of the <i>Local Government Official Information and Meetings Act 1987</i> .
Sub-clause and Reason:	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities.

EXECUTIVE SUMMARY

The commercial property situated at 474 Ōmokoroa Road is identified in the 2024-34 Long Term Plan (LTP) for future active reserve purposes as part of Council's approved Structure Plan through Plan Change 92 for the urbanisation of Prole Road to State Highway 2 area.

The requirement for the future active reserve area was considered and approved through an independent hearing panel made up of appointed commissioners who heard all submissions relating to the Notice of Requirement for the designation as an active reserve.

Council has subsequently negotiated with the landowners to purchase the property in advance in return for them withdrawing their objection to the Notice of Requirement associated with Plan Change 92.

Council is now required to pass the necessary resolution to allow the purchase of the property to be completed.

Council already owns several properties within the notice of requirement area as shown in **Attachment 1**.

RECOMMENDATION

1. That the Legal Property Officer's report dated 24 July 2025 titled 'Acquisition of Land' be received.
2. That the report relates to an issue that is of low significance in terms of Council's Significance and Engagement Policy due to the public submission process already being completed.

Confidential Council Meeting Agenda

24 July 2025

3. That Council approves the acquisition of 474 Ōmokoroa Road being Lot 1 on Deposited Plan South 61801 of 1.0000 Ha held within Record of Title SA50A596 for future Recreation Reserve Purpose at the sum of \$3,375,000 plus GST (if any).
4. That the **Report/Recommendation** be transferred into the Open section of the meeting on one year from the date of Council approval.

BACKGROUND

1. The property at 474 Ōmokoroa Road is a commercially run self storage unit business of 1.000Ha shown as **Attachment 2**.
2. In September 2023 an Independent Hearing Panel held a hearing which dealt with both Plan Change 92 and the related Notice of Requirement (NoR) application for an Active Reserve in Ōmokoroa which affected the subject property. **Attachment 3**
3. The landowners of 474 Ōmokoroa Road submitted an objection against Plan Change 92 and the NoR to be placed against their property.
4. The matter was being considered by the Environment Court, when the landowners withdrew their objection subject to Council undertaking to acquire their whole property in advance under s185 of the Resource Management Act 1991 (RMA).
5. The Public Works Act 1981 (PWA) provides for advance purchase of designated properties.
6. An agreed Joint Valuation provided by both parties' valuers has established the value of the property at \$3,375,000 plus GST (if any).
7. The site holds two houses and 92 storage units within a medium density zoning under Councils Operative Plan District Plan.
8. The site has a resource consent that expires on 18 May 2026 that allows the commercial use of the property as a self storage facility.
9. The property is set down in the LTP for future active reserve purposes with a proposed development timeline of approximately 2033. A draft concept plan was prepared for the purpose of the hearing process to demonstrate potential users of the reserve. This concept plan has yet to be consulted upon with end users which will occur once Council owns all the land that is subject to the Notice of Requirement. **Attachment 4**
10. The landowners have requested Council to acquire the full site as the NoR will restrict their ability to sell on the site and business as the designation in their opinion devalues the property
11. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision against Council's Significance and Engagement Policy and this matter has been dealt with through a public consultation and hearing process.

Confidential Council Meeting Agenda

24 July 2025

12. The Commission appointed to hear the submission has ensured the degree of significance attached to matter has been given the correct level of engagement and consideration through a public consultation process and hearing.
13. In terms of the Significance and Engagement Policy this decision is of **low** significance because this matter has been formally dealt with through the public submission process and a formal hearing for Plan Change 92 and NOR process by appointed Commissioners.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

14. The matter forms part of the 2024/34 LTP – Project 345401 – Ōmokoroa Active Reserve and Plan Change 92 which was publicly notified and submissions heard through a hearings panel made up of independent commissioners.

ISSUES AND OPTIONS ASSESSMENT

15. The requirement for this land has been identified in the 2024/34 LTP and forms part of the adopted Plan Change 92 outcomes which designates the land for future active reserve purposes.
16. The nature or circumstances of this decision are such that Council having been through due process with the notice of requirement, hearings, and adopted decision to approve Plan Change 92 and the notice of requirement, followed by land purchase negotiations to avoid an Environment Court order under section 185 of the Resource Management Act 1991 (RMA), Council is effectively committed to the settlement of the land purchase.

That Council approves the acquisition of 474 Ōmokoroa Road being Lot 1 on Deposited Plan South 61801 of 1.0000 Ha held within Record of Title SA50A596 for future Recreation Reserve Purpose at the sum of \$3,375,000 plus GST (if any).

Reasons why no options are available
Section 79 (2) (c) and (3) Local
Government Act 2002

Section 185 of the Resource Management
Act 1991 and section 17 of the Public Works
Act 1981.

STATUTORY COMPLIANCE

17. When a Notice of Requirement is to be placed on a property that relates to a designation of requirement on that property, the landowners have a right under section 185 of the RMA to request that the land be acquired in advance under the Public Works Act 1981 (PWA).
18. As a result of the Environment Court process the landowners agreed to withdraw their submission/objection in return for Council acquiring the land in advance under section 185 of the RMA.

Confidential Council Meeting Agenda

24 July 2025

19. Failure of Council to progress the acquisition of this land can result in the landowners seeking a Court Order under s 185 of the RMA for Council as the requiring authority to purchase the land.

- *Legislative requirements/legal requirements are required to be met by Council under the above RMA and PWA legislation.*

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	<p>Both parties had independent valuations obtained and after mediation jointly agreed on the amount of \$3,375,000 plus GST (if any).</p> <p>Funding for this acquisition will be from Project No. 345401 – Ōmokoroa Active Reserve – which has \$3,375 Million budgeted for in the 2025/26 Financial Year</p>

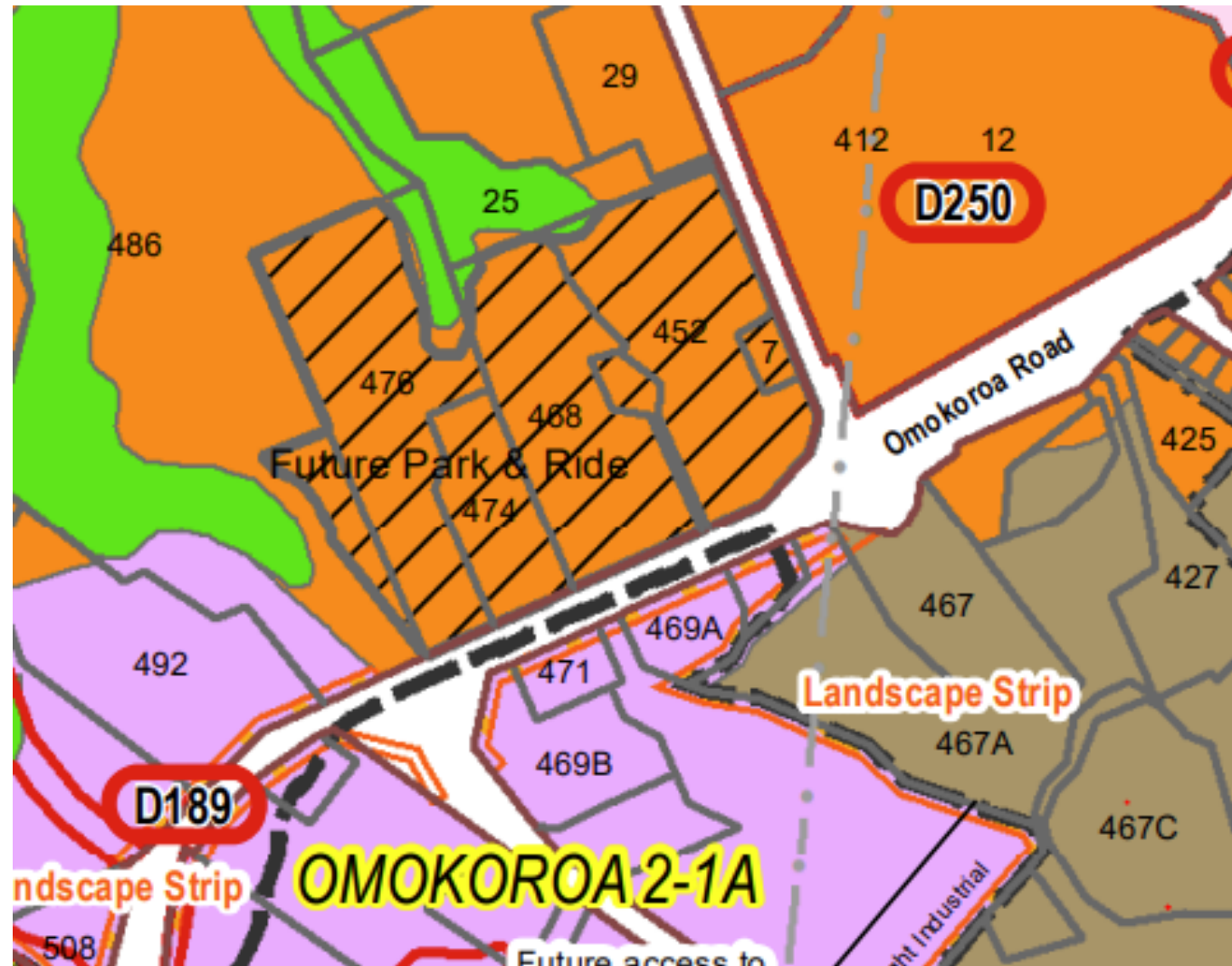
ATTACHMENTS

1. **Site Plan Area**
2. **Site Plan**
3. **Notice of Requirement Area**
4. **Ōmokoroa Active Reserve Draft Concept Plan**

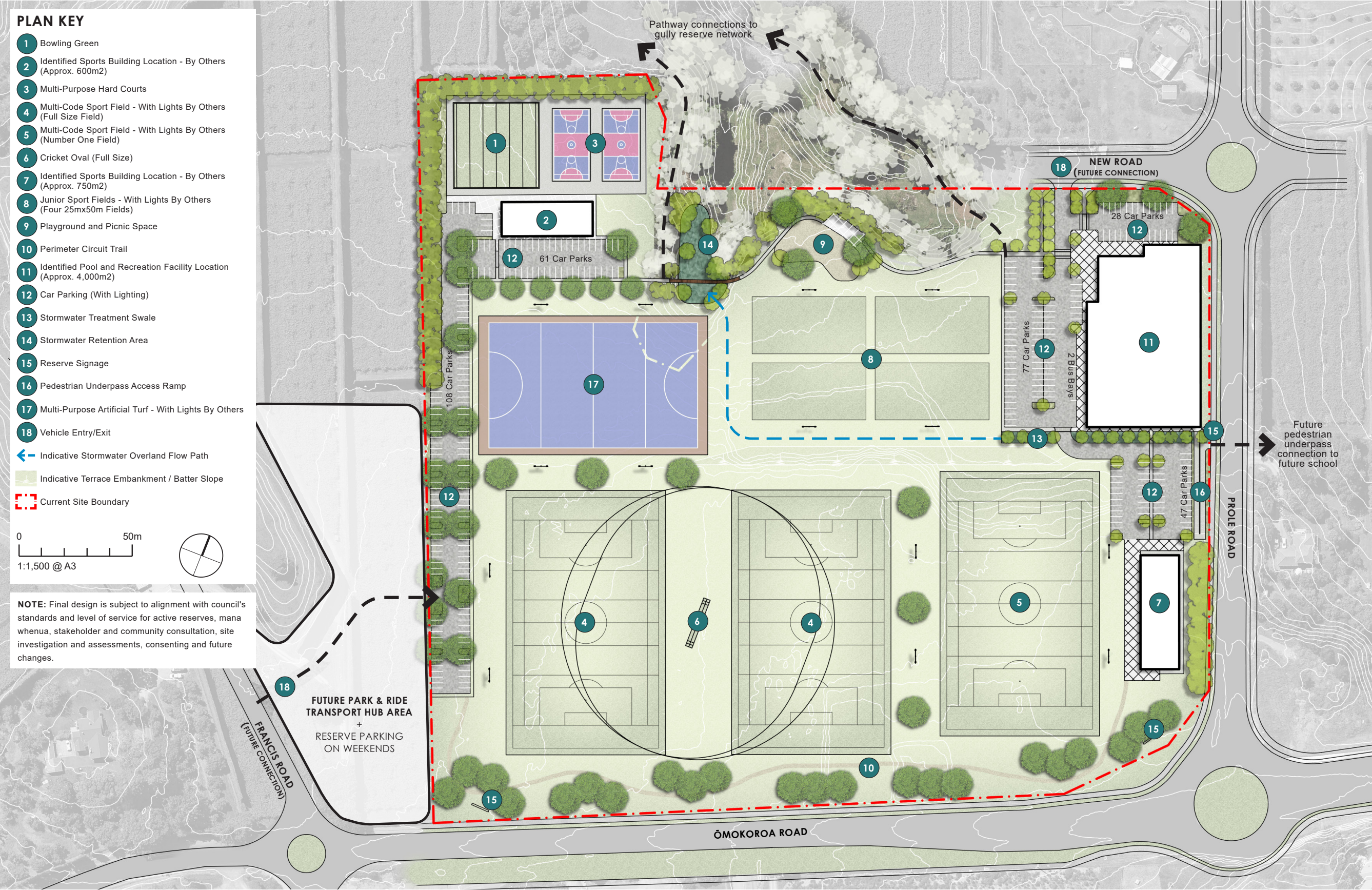
Attachment 1

ATTACHMENT 2



Attachment 3

ŌMOKOROA ACTIVE RESERVE CONCEPT MASTERPLAN



LOOK + FEEL

