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Report to the Landcare Committee
from Daya Atapattu, Project Engineer, Flood Protection

Hutt River Floodplain Management Plan Implementation: Belmont Encroachment Guidelines

1. Purpose

To seek the Landcare Committee's approval of a set of guidelines for guiding officers dealing with encroachment onto 'river reserve' at Belmont, Lower Hutt.

2. Background

Work has commenced on implementing flood risk reduction measures for the Belmont subdivision, Lower Hutt. At Belmont many of the adjoining properties currently encroach onto parts of the Regional Council owned river berm. We propose to resolve the long-standing encroachment issues before commencing construction of the edge improvement works. Previous attempts to resolve these encroachments have not been successful.

The section of river berm of concern is from Carter Street to the northern end of the Owen Street in Belmont. Out of 24 residential properties bordering the berm area, 17 property owners have encroached onto the Regional Council land. The encroachments range from gardens, to sheds, walls, fences and decks. These encroachments pose a problem for riverbank maintenance and for recreational access.

A boundary definition survey to identify the extent and type of encroachments was completed in October 2002.

3. **Proposed River Berm Use and Encroachment Resolution Guidelines**

The berm area at Belmont is located in a high-risk erosion hazard zone and is not suitable for residential development. It is recommended that this land remain with the Regional Council as the sale of any part of this land might encourage further residential development in the high-risk area.

The proposed future use of the Belmont berm includes:

- Access for maintenance of the planned edge protection works.
- Public access along the river including the Hutt River trail.
- Erosion protection and environmental enhancement plantings.
- Open space for recreational activities consistent with the Hutt River Environmental Strategy.
- Limited use for licensed private gardens.
- Some nominal intrusions of existing residential structures where the cost of removal is relatively high and the impact on the public use of the berm is minor.

We are planning to prepare a landscape improvement plan for the reach as part of the design of the edge protection improvements. The plan will show the proposed path of the Hutt River trail, areas to be kept as open space, areas of existing private gardens which can be retained, and what additional amenity planting may be appropriate.

At present a number of the encroachments significantly impede access for heavy machinery for construction/maintenance purposes, and restrict public access, along the Hutt River trail, mostly by way of unauthorised erection of fences. In a few cases garden areas which are no longer looked after detract from the aesthetic appeal of the area. Conversely there are many garden areas developed by private individuals which significantly enhance the feel and look of the area. It is now the time to sort out the encroachment issue as part of the overall Belmont improvements project.

Our proposed approach has been to prepare a set of guidelines to provide a framework when discussing with individual property owners what encroachments are acceptable and may remain, and what encroachments must be removed from Council owned land.

We now seek the Committee's support of the proposed guidelines (**Attachment 1**) prior to approaching individual residents. We believe that these guidelines will ensure a fair and consistent approach.

4. **Hutt River Advisory Committee**

Our original programme was to consult with adjoining property owners and then report recommendations through the Hutt River Advisory Committee (HRAC) meeting on 27 February 2003. However, it has become apparent that the guidance and support from the Landcare Committee (LCC) is appropriate before individual residents are approached.

In order to expedite the work we are seeking support directly from the LCC rather than waiting for the next scheduled HRAC meeting in February. It is appropriate to move quickly with this issue in view of the recent publicity given in the local press. So that they are not left out of the loop, this report has been copied to HRAC members to give them an opportunity make any comments prior to the LCC meeting. I will report comments from HRAC members at the meeting.

5. **Proposed Process**

The following outlines the proposed process for dealing with encroachments:

- November 2002 – LCC considers guidelines.
- November 2002 – Individual letters sent advising of the extent of encroachments and what is required under the guidelines.
- December 2002 / January 2003 – Council’s property consultant meets property owners and attempts to agree on a process for resolving the encroachments in accordance with the guidelines.
- 27 February 2003 – The HRAC considers a report on the encroachment resolution and recommends a process for dealing with any remaining issues.
- March 2003 – LCC considers HRAC recommendations.
- June/July 2003 – HRAC / LCC considers any remaining outstanding issues.

6. **Costs**

There will be some costs to manage the encroachment issue that may include a requirement for half share costs for new boundary fences. We propose to meet costs from existing Hutt River ongoing management and maintenance budgets.

7. **Communication**

Adjoining property owners are well aware of the encroachment issue via the letter providing notice of the boundary survey, and the recent articles in the Hutt News and Dominion Post on the matter.

We now need to consult with the affected residents on an individual basis commencing with a letter as outlined in this report.

8. Recommendations

That the Committee:

- (1) **Receive** the report.
- (2) **Note** the contents of the report.
- (3) **Approve** the Guidelines provided as Attachment 1 to this report as a basis for managing encroachments on Council land at Belmont.

Report prepared by:

Approved for submission:

DAYA ATAPATTU
Project Engineer, Flood Protection

GEOFF DICK
Manager, Flood Protection

ROB FORLONG
Divisional Manager, Landcare

Attachment 1 : Guidelines for Managing Encroachments on Council Land at Belmont, Lower Hutt