

Will Auckland Transport buy the whole property when only part is affected by the proposed public work?

We will consider this where

- The economic value of that other part has been significantly affected or;
- You as the landowner would have difficulty in accessing the land or using it.

These areas are commonly called severances; for example, if the front of a section is acquired for a road, this may mean access is cut to the rest of the property.

Can Auckland Transport take land compulsorily?

If an agreement cannot be reached, Auckland Council, on behalf of Auckland Transport, is able to have the land acquired compulsorily. But this will only be done after Auckland Transport has made every reasonable effort to negotiate in good faith.

If Auckland Council wants to take your land and you object, you can go to the Environment Court.

If you and Auckland Transport cannot agree on compensation, the amount can be determined by the Land Valuation Tribunal.

Entry for survey or investigation purposes

Auckland Transport will seek permission to go on to your land to do a survey or investigation. You will get reasonable notice before this happens and an explanation of what this involves.

I am aware there has been an application for a designation affecting my property. What is the process from here?

Consultation under the Resource Management Act 1991

Designations are planning instruments that give permission under the Resource Management Act to do public works.

As part of the designation process, landowners are consulted about the impact any work will have on their property. This is a chance to also look at the various options for best meeting the requirements of both Auckland Transport and the landowner. If there is not an agreement, differences can be settled at a hearing.

Auckland Transport will consider appropriate measures to "mitigate", or limit the impact on properties adjacent to the work. Landowners will be consulted as part of this process. Examples are:

Mitigation of noise, which may include such things as:

- Earth bunding (a protective wall)
- Fencing or planting on the boundary.

Mitigation of visual impacts, which may include:

- Landscaping,
- Planting and screening.

Will Auckland Transport purchase my property straight away?

Auckland Transport normally only seeks to acquire land when it is actually required for work, however, you can ask for your land to be purchased in advance if:

- You cannot sell the property at current market value because of the planned work, and
- Either the works designation or requirement prevents reasonable use of your land, or you owned the land before the designation was notified.

Where Auckland Transport accepts that the landowner can prove that he or she meets these criteria then it would normally agree to talks starting about the purchase.

This can also be done on hardship, compassionate, or other appropriate grounds.

Where only part of a property is acquired in advance, Auckland Transport may wish to lease part of the land back at market rates.

Landowners who believe that they have a case for advance purchase should contact Auckland Transport.

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A guide for people affected by land purchase and compensation



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