

## 1. HEATHCOTE VALLEY COST SHARE SCHEME: REQUEST FOR EXCLUSION OF ONE PROPERTY

<b>Officer responsible</b> Parks and Waterways Manager	<b>Author</b> Richard Holland, DDI 941-8690
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The purpose of this report is to consider an application from the owners of a property within the Heathcote Valley Cost Sharing Scheme to be excluded from the establishment of the formal scheme covering approximately 500 ha, which was approved by the Council in April 2002. This objection was lodged following notification to all land owners and developers in April 2002.

### CONTEXT

A drainage cost share scheme set up for the development within Heathcote Valley and draining into the Heathcote River was approved in April 2002 under Sections 407 and 409 of the Resource Management Act 1991. New subdivisions and residential lots with no existing buildings are to be charged their private share of the scheme on scheme plan or building consent applications.

Over the next five years the capital programme will contribute a significant amount of funds to allow for the development of detention ponds, wetland and waterway corridors and landscaped amenity within parkland to deal with the water quantity and quality from the surrounding hill catchments that discharge into the Heathcote River.

### RELEVANT CURRENT POLICY

It is intended this year to apply to Environment Canterbury for a comprehensive resource consent for the overall scheme that will obviate the need for private developers to obtain their own stormwater discharge consents. The approval of a new subdivision in Morgan's Valley will trigger the cost sharing scheme at the end of January 2003.

Under transitional provisions in sections 407 and 409 of the Resource Management Act 1991 (RMA) the Council is able to require cost share contributions at the time of subdivision and development consent respectively, pursuant to section 283 of the Local Government Act 1974, in the same manner as if section 283 had not been repealed. In general terms, the Council can recover all, or part of the costs related to the upgrading of drainage works in a manner that it considers fair and reasonable.

### OBJECTION FROM PROPERTY OWNER

The owners of the property in Major Hornbrook Road presented a submission to the Committee following requests to officers that their property be excluded from the scheme.

- ☐ The main objection from the owners of the vacant lot was that when they purchased the lot in 1999, there was no information on the Land Information Memorandum (LIM) signalling that the property was subject to a drainage cost sharing scheme.
- ☐ Neighbours who have purchased adjoining lots but who have built on their properties are not affected by the scheme.
- ☐ When the scheme plan for subdivision was approved by the Council in 1998 a cost share scheme was not established at that time.
- ☐ The Council has changed the rules but not applied the scheme fairly.

### ISSUES FOR CONSIDERATION

- ☐ The cost sharing scheme is a result of the planning work as part of the Heathcote Valley Park development proposal that has been worked through local residents, key stakeholders and elected members. This development will see both environmental development and commercial recreation and cultural development on the park.
- ☐ A considerable area of land has been purchased in the valley to both develop the park and deal with the catchment runoff that floods the valley floor during severe storms especially when a storm event coincides with a high tide. This stormwater needs to be treated in a sustainable manner.
- ☐ With a larger area of residential development pending, resulting from rezoning decisions through the City Plan process, a comprehensive upgrade of the drainage system is necessary to facilitate future development.

- ❑ The Council has the right to introduce a formal cost sharing scheme under the RMA, to help fund the considerable investment being made to upgrade the public drainage system necessary to serve the valley.
- ❑ The Council can recover all, or part of the costs, relating to the upgrading of the drainage works in a manner it considers fair and reasonable.
- ❑ It is not incumbent on the Council to seek agreement with all the parties concerned.
- ❑ The cost sharing scheme will only be formally triggered following the first subdivision scheme plan being lodged and approved. This means that the property owners have had several months to lodge a building consent application for the property in question and if approved they would not have incurred the cost sharing scheme. This information was given to the owners in August 2002, subsequently a scheme plan for a new subdivision was lodged in early January 2003.
- ❑ It was decided at the inception of the scheme that as any new buildings will contribute to an increase in stormwater runoff, all new dwellings on residential land already subdivided and new premises on commercial and industrial land should be levied for a contribution at the time of building consent. In addition, the second and subsequent dwellings on any lot will also be required to contribute.

## CONCLUSION

Vacant land within the Heathcote Valley catchments is not contributing greatly to peak stormwater runoff but as soon as new buildings are erected within the valley the peak storm water discharges will increase.

This cost sharing scheme will not only apply to new subdivisions, but to new dwellings on separate lots and secondary buildings on all lots at the time of application for a building consent.

The Council prefers to levy cost share contributions at the time of subdivision consent only, but in this case a point has been reached when the cumulative effects of urban development require a significant upgrading of the infrastructure and additional mitigation measures which were not fully considered previously.

The Heathcote Valley drainage scheme seeks to address the current situation where further development will take place and the drainage system must be upgraded to better manage increased peak water discharge and improve the water quality of the discharge into the Heathcote River. These adverse effects are caused by an increasing area of roofs, driveways and other impervious areas associated with new housing development on existing lots as well as new subdivisions.

To exclude one property from the scheme will set a benchmark for all other owners of vacant lots and commercial developers wishing to erect additional buildings.

This undeveloped property should therefore remain in the cost sharing scheme.

Copies of a submission and correspondence from the owners of the property, together with a copy of the report to the Council in April 2002.

As mentioned earlier the property owners (Jan Geesink and Nicola Holliday) attended the meeting; they spoke to their submission and responded to questions from the Committee.

**Recommendation:** That no contribution to the Heathcote Valley stormwater cost sharing scheme be levied in respect of 285 Major Hornbrook Road, provided:

1. The building consent application recently lodged is approved and uplifted by 27 August 2003:
2. The building consent is for one dwelling unit only.
3. The property is in the ownership of Jan Geesink and Nicola Holliday at the time of uplifting the building consent.
4. Such exemption is "without prejudice".