

1. BARNETT PARK DRAINAGE COST SHARING SCHEME

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The purpose of this report is to request the Council to formally adopt:

- (a) The proposed flood detention basin in Barnett Park for flood mitigation and stormwater control.
- (b) The establishment of a formal drainage cost sharing scheme to finance the works on a fair and equitable basis.

The Barnett Park Drainage Cost Sharing Scheme was approved subject to consultation by the Council on 11 December 2003. This consultation has now taken place and a hearing was held on 29 March 2004. The outcome of the consultation is noted later in this report.

The capital cost of the detention basin scheme is estimated at \$822,000. The drainage components of the scheme cost totalled \$725,500, of which 58% is to be funded by future development contributions. The remainder will be funded by the Council who will also act as banker.

For scheme justification and the consideration of options, please refer to the attached report adopted by the Council at its meeting on 11 December 2003 (see attachment).

STAKEHOLDER CONSULTATION

1. Process

Brief details of the Barnett Park Drainage Cost Sharing Scheme were posted to 142 stakeholders on 12 December 2003. The stakeholders included all owners of subdivisible land within the catchment, user groups of Barnett Park, some community organisations and elected members.

Nine written submissions were received by the closing date on 30 January 2004. These submissions were responded to in writing. The opportunity was offered, where appropriate, to submitters to present their views in person to a hearings sub-committee of the Parks, Gardens and Waterways Committee. One submitter, Mr Rutherford took advantage of this opportunity at the hearing held on 29 March 2004.

2. Summary of Issues

The issues raised are summarised in the table following. Significant issues and the number of times they were raised were:

- (i) **Outside the catchment** Number – 3

Three submitters argued that as runoff from their properties would not be captured by the proposed detention basin, they should be excluded from the cost sharing scheme area.

The O’Gorman submission was largely accepted and the cost sharing area adjusted accordingly.

The Gurney and Swale submissions argued that the Cliff Street catchment is separated from the Barnett Park (or Rifle Range Drain) catchment by a spur, therefore it should be excluded from the cost sharing area.

The scheme area is the catchment that benefits from or contributes to the flooding for low-lying properties in Moncks Bay from Wakatu Avenue to Cliff Street. The scheme will mitigate some, but not all, of the Cliff Street catchment problems.

Given that other additional measures may be required in the future, a reduction in unit contribution for the current scheme from Cliff Street developers seems fair and reasonable. (An amended scheme plan is attached.)

(ii) **Developers share too high**

Number - 4

Three submitters argued that the 51% contribution from developers towards the capital cost of the detention basin was too high. In their view, the apportionment of costs should be on the basis of area of land ownership or contributing discharge from the land owned.

The present basis of the cost sharing scheme is that:

- (a) The amenity component of the cost is met from rates (\$96,500).
- (b) Developers pay for the additional demands made on the existing stormwater system by new development (rather than on the basis of contributing discharges).

The Gormack submission argued that the scheme should be funded entirely from rates because drainage is a core responsibility of local authorities.

(iii) **Cheaper alternative scheme**

Number – 2

Two submitters argued that the estimated costs were too high and that an alternative scheme was likely to be cheaper. The Rutherford submission suggested that improved maintenance alone may alleviate flooding problems.

As scheme components are completed, the actual costs will replace the estimated costs for the purposes of determining future developers cost contribution. The difference between estimated and actual costs will, therefore, be largely self-correcting.

The alternative suggestion of a new piped outlet to the estuary was considered as an option in the report to Council's November 2003 meeting. The detention basin was adopted as the preferred option overall.

(iv) **Retention basin benefits questionable**

Number – 1

The Martin submission points out that backflow from the estuary during extreme high tides is a cause of flooding and is not addressed by the detention basin option.

All outlets have flap valves to prevent backflow. There is always some leakage with flap valves and a risk that complete closure may be prevented by debris jammed in the outlet. This cause of potential flooding is minimised by the flood emergency procedures carried out by the drainage maintenance contractor.

3 **The Hearing**

Mr Rutherford reiterated many of his previous arguments at the hearing held on 29 March 2004.

One of his main concerns was the cost of the scheme. He claimed to have a much cheaper quote for an earthworks bund from Duncan Laing from Laing Construction Ltd. The chairman of the panel invited him to substantiate this claim by providing further details later. This information will be provided as a supplementary item when it is received.

The cost sharing scheme is based on estimates at this stage. However, as actual costs are incurred they replace the estimated costs in the calculation of the developer's unit contribution. The scheme is, therefore, largely self-correcting for over or under estimates.

Earthworks for the detention basins will be subjected to open tender. A tender from Laing Construction Ltd would be welcomed.

After consideration of all the submissions, the Hearing Sub-committee **recommended:**

That the unit charge for the Cliff Street catchment be set at half the rate levied for the Rifle Range Drain catchment (ie Barnett Park catchment); and

That any Cliff Street catchment developments that fully mitigate their adverse flooding and water quality effects up to the 2% AEP level (ie 50 year flood level) be exempt from contributing towards the Barnett Park drainage cost sharing scheme.

This has the effect of changing the unit charge per lot for development on the revised estimate of 165 potential new lots from \$2,620 plus GST to \$2,653.48 plus GST within the Rifle Range Drain catchment and to \$1,326.74 plus GST within the Cliff Street catchment.

- Recommendation:**
1. That the Council approve the construction of a flood detention basin in Barnett Park (total estimated capital cost \$822,000 in December 2003 dollars) for stormwater control for new development and overall flood mitigation within the Barnett Park catchment.
 2. That the Council establish the Barnett Park Drainage Cost Sharing Scheme pursuant to Sections 407 and 409 of the Resource Management Act 1991 (which saves the otherwise repealed provisions of Section 283 of the Local Government Act 1974) to finance the upgrading of the Rifle Range Drain system by way of a flood detention basin in Barnett Park.
 3. That the Council approve the areas shown on the plan (attached) called Barnett Park Drainage Cost Sharing Scheme.
 4. That the unit charge for the Cliff Street catchment be set at half the rate levied for the Rifle Range Drain catchment (ie Barnett Park catchment).
 5.
 - (a) That the unit charge be \$2,653.48 plus GST within the Rifle Range Drain catchment and \$1,326.74 plus GST within the Cliff Street catchment adjusted annually for inflation measured by the CPI index from June 2004 until the date of charge and any variation for the actual construction cost as they come to charge.
 - (b) That the unit charge be imposed at the time of subdivision or building consent whichever is earlier:
 - On each lot created in the event of a subdivision in the cost sharing area excluding lots passed to Council for public good purposes or
 - For existing lots in the cost sharing area, on each new dwelling or other principal building (as defined in the Valuer General rules under the Rating Valuation Act 1998) for which a building is issued subject to an exemption for the first dwelling unit or principal building on each lot built before or after the commencement of the cost sharing scheme.
 - (c) That the unit charge be a condition of such subdivision or building consent.
 - (d) That any development within the Cliff Street catchment that fully mitigates its adverse flooding and water quality effects up to the 2% AEP level (ie 50 year flood level) be exempt from contributing towards the Barnett Park drainage cost sharing scheme.
 6. That the affected owners within the catchment area be advised of the Council's decision.
 7. That the Council apply to Environment Canterbury for a comprehensive resource consent that will authorise construction of the basin and stormwater discharge for development within the catchment.