

## 20. SNELLINGS DRAIN LAND ACQUISITION

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### PURPOSE OF REPORT:

1. When Council created the Snellings Drain Cost Share agreement it gave an undertaking to the surrounding landowners that in exchange for the cost share levies on each residential lot created the Council would provide the drainage solution. This solution is now urgent as the owners of land adjoining Snellings drain expect to utilise the drain which they have or will as a result of the cost share levy [ now development contribution] paid for.
2. The purpose of the report is to obtain the Council's approval to initiate the formal processes to designate and if necessary to compulsorily acquire a 15m to 25m wide corridor of land from Prestons Road to Clare Park, Burwood for the completion of drainage works known as the Snellings Drain Improvement Scheme.
3. The land corridor is required to improve the capacity of Snellings Drain in terms of conveyance, flood detention and stormwater treatment in order to mitigate the effects of city growth within the catchment on land already zoned Living 1 under the City Plan.
4. It is recommended that the entire drainage alignment be protected by a formal designation under S.167 of the Resource Management Act 1991, while negotiations are continued to purchase the 15m to 25m waterway corridor with the ability to utilise the compulsory purchase provisions of the Public Works Act 1981 if necessary.
5. The Shirley Papanui Community Board recently considered a report relating to the purchase of part of the land required for the Snellings Drain Improvement Scheme and recommended that the Council proceed with this purchase. This transaction is described in Clause 17 of this report.

### EXECUTIVE SUMMARY

6. The Snellings Drain catchment is a 314 hectare sub-catchment of the No 2 Drain system that discharges into Horseshoe Lake. The catchment extends from Waitikiri Golf Course south to Clare Park between Burwood and Marshland Roads.
7. Historically no natural drainage pattern existed in the area. No 2 Drain and Snellings Drain were constructed by early settlers beginning in the late 1900s to enable productive use of the land for farming by reducing natural ponding and lowering groundwater levels. With increases in impervious surfaces as a result of residential subdivisions the volume and rates of water discharged will increase. The existing concrete and timber-lined drain is at or above capacity for the existing level of development of the catchment. Ponding already occurs on low-lying paddocks during significant storms.
8. Currently Snellings Drain is protected by a legal easement in favour of the Council above Prestons Road. No legal easement rights exist between Prestons and Mairehau Roads and a drainage reserve exists south of Mairehau Road to Clare Park. Some of the route of the drain is on private land.
9. Greenspace Unit asset management strategy is to gradually replace timber and concrete-lined drains with "naturalised" waterways. Space is needed to widen waterways and achieve self-supporting batters. This approach is consistent with new standards imposed in the Canterbury Regional Council's Natural Resources Regional Plan and is a condition of the discharge consent recently obtained.

### PRESENT STATUS OF RESOURCE CONSENT:

10. Generally, the existing discharge of stormwater from Snellings Drain is a permitted activity in terms of the **Transitional Regional Plan**.
11. Discharges from new residential subdivisions must be authorised by a new discharge consent as they constitute a change in the character and scale of the discharge.

12. A discharge permit was granted during June 2004 for stages 1 and 2 of the Waitikiri subdivision. The existing discharge from the recent Limes subdivision is unauthorised. All these can all be accommodated by utilising the upgraded Snellings Drain under the new consent just obtained.
13. The Council resolved (inter alia) when the Snellings Drain cost sharing scheme was adopted in July 2003 to apply to Environment Canterbury for a comprehensive consent for stormwater discharge within the catchment. This approach had earlier been requested by Environment Canterbury staff who were keen to avoid processing individual applications for each new subdivision. In September 2004 this commitment by Council was included in the consents subdivision by Smith Developments Ltd (SDL) for the Waitikiri subdivision stages 1 & 2.
14. The necessary discharge consent application for the Snellings Drain catchment (including the Limes) was lodged by the Council with Environment Canterbury in June 2005. This was heard in November 2006. The Hearing Commissioner's decision was released 28 April 2006 and its terms are currently being assessed. The appeal period extends to 23 May 2006. It appears that the terms of the consent are appropriate and create no issues warranting an appeal.

## DESIGNATION

15. There are a number of advantages in using the RMA designation process:
  - A designation provides long term certainty that the land for the public work is protected;
  - It is a consequence of many large projects that detail of the form and design are not always known. The designation regime expressly recognise this situation by providing for Outline
  - Plans (s176A RMA) to be submitted to the territorial authority for consideration at the time works are proposed for construction. This potentially allows for a staged approach to be taken to the design phase of the project;
  - Typically, a designation is identified by way of a narration of the Plan planning maps with some detail included within a Plan appendix. The advantage of this is that it provides a clear and direct signal to the public of the intended work;
  - It also signals the potential for change and provides a clear methodology for such change to occur (the Outline Plan process);
  - Section 178 of the RMA provides for the Notice of Requirements to have immediate and interim effect once lodged with the Council. Subsection 178(1) reads, in part, "... .. *no person may, without the prior written consent of the requiring authority, do anything ... .. that would hinder the public work .....*" If the designation is confirmed, this "protection" continues by virtue of s176(1)(b);
  - The waterway route passes through a number of different zonings. Given this, the designation provides a uniform planning approach to developing and managing waterway improvements.
  - Section 181 provides a process whereby the designation can be altered after it has been confirmed in the relevant plan, should this be required once detailed design commences. Typically, this section of the Act is used in circumstances where minor boundary changes are required to the designation. Section 181(3) provides for these changes to occur in a non notified manner, provided certain criteria are met.

## LAND OWNERSHIP

16. The Council does not own or have rights over any of the land needed for the project apart from one parcel.

17. There are seven parcels of land proposed to be included in the designation process, six of which are held in private ownership. A conditional purchase agreement has already been signed with the owners of the "Vege Pot" land at 448 Prestons Road shown on the plan attached to this report as "Section 1". This has been referred to the Burwood/Pegasus Community Board for the usual approval processes. Negotiations continue with the owners of the other five properties involved. The remaining property is held in Council ownership having been secured as a drainage reserve from the Limes subdivision.
18. If Designation is supported by Council, the Notice of Requirement is expected to be publicly notified in late June or early July 2006.

## FINANCIAL AND LEGAL CONSIDERATIONS

### Financial Considerations

19. The estimated total cost of acquiring the entire land corridor based upon present day values is \$1,197,700 plus GST with \$ 420,000 already provided for Greenspaces 2006/07 Land Acquisition Capex budget. The expected capital expenditure programme is shown below in Table 1.
20. TABLE 1: Land Acquisition Expenditure Programme

Year	Expected acquisitions	Estimated Cost (\$)
2006/2007	Sec 1 & 4	420,000
2007/2008	Sec 2 & 3	277,700
2008/2009	Sec 4, 5 & 6	500,000
		<u>\$1,197,700</u>

21. Funds for the later purchases can be drawn down from the Waterways and Wetlands Protection budget and have been included in future expenditure for 2007/2008 and 2008/2009.
22. A programme of land acquisition and completion of the drainage works over the next 10 years is described later in this report. The cost of the physical work on the proposed designation corridor is estimated at \$450,000 (see Table 2) and is provided for in the Greenspace budget.

### Legal Considerations

23. The RMA permits the Council to designate land for public works. A designation is a provision made in a District Plan to give effect to a requirement made by a requiring authority under S.168 of the RMA 1991.
24. The Council is a requiring authority in terms of S.168 of the RMA. However, the Council must formally resolve to exercise its requiring authority powers and determine that it needs [requires] the land for a public work.
25. When the designation process is completed the City Plan is amended to show that the land concerned is needed in future for a public work. The land is reserved for the future public work. The land owner is thus warned that at some future time the Council will need the land for the public work and he or she develops it with that knowledge. Development contrary to the Designation is prohibited.
26. Importantly a designation does not affect land ownership. It is merely notice that at some future time the Council may require the land for a public work.
27. Designation does not confer on the Council a right to acquire the land. The Council can continue to negotiate for a consensual purchase. The land owner can sell the land to a third party. The designation however attaches to the land and is a warning that at some future time the Council requires the land for the public work. The land owner can force the Council to acquire designated land or to remove the designation.
28. Failing successful negotiations to purchase designated land the Council can use the compulsory powers in the Public Works Act 1991 to acquire the land. The Council can use the Public Works Act to acquire land independently of the designation process if it so determines.

29. As a requiring authority the Council must determine:
- That the project is a public work; and,
  - That the land is needed for the project, and,
  - That the Council accepts financial responsibility for the project.
30. The provision of public storm water drainage is work that the Council may undertake in terms of section 509 of the LGA 1974
- “s.509 Powers of council as to drainage channels and land drainage works*
- (1) The council may purchase, or make and maintain, or enlarge, and from time to time alter, extend, or repair, any drainage channel or land drainage works constructed under this Part of this Act in the district, and for that purpose may—*
- (b) Make drainage channels or land drainage works upon, over, or under any land:*
31. The Council is expressly authorised by section 189 of the Local Government Act 2002 to use the Public Works Act 1981 to acquire land for any public work.
- “s.189 Power to acquire land*
- (1) A local authority may purchase, or take in the manner provided in the Public Works Act 1981, any land or interest in land, whether within or outside its district, that may be necessary or convenient for the purposes of, or in connection with, any public work that the local authority was empowered to undertake, construct, or provide immediately before 1 July 2003.*
- (2) All land taken, purchased, or acquired under the Public Works Act 1981 is vested in the local authority for the purpose for which it was acquired and is subject to the provisions of that Act as to a change of the purpose or its disposal.*
32. The Council on 24 July 2003 created a Cost Share Scheme for this area and there is an legitimate expectation from landowners that the Council will be able to complete the project. The land and the discharge consent must be in place to give effect to the project.
33. The Cost Share Scheme will shortly become redundant if the new Development Contributions Policy in the 2006 -2016 LTCCP is adopted on 1 July 2006. The existing credit in the Snellings Drain cost share is \$400,000 (Appendix 4 table) will transfer to and become a growth related project in the new Development Contribution Policy. The creation of the cost share and the inclusion of this scheme in the new Development Contribution Policy show that the Council has assumed financial responsibility for the work.
34. The Council has determined when it approved the Cost Share Scheme that the project is a necessary work which is essential for residential development of the catchment and it will undertake the work.[Resolutions 24 July 2003]
35. The Council is a Requiring Authority able to give notice, at any time, of its Requirement for a designation for a public work within its own District. Such notices are given under s168A of the RMA. The information required to accompany a Notice of Requirement includes:
- a description of the site in respect of which the requirement applies and the nature of the proposed public work and any proposed restrictions; and
  - the effects that the public work will have on the environment, and the ways in which any adverse effects may be mitigated, and the extent to which alternative sites, routes, and methods have been considered; and
  - the reasons why the designation and public work are needed to achieve the objectives of the requiring authority; and

- a statement of the consultation, if any, that the requiring authority has had with persons likely to be affected by the designation/public work; and
  - a statement specifying all other resource consents that the requiring authority may need to obtain in respect of the proposal, and whether or not the requiring authority has applied for such consents.
36. A Notice of Requirement lodged pursuant to s168A must be publicly notified – there is no equivalent to a “non notified” type resource consent process for new designations sought under this section of the RMA. The Council also has the ability to request further information and, where no submissions are received, has discretion to determine whether a hearing is required – as if the Notice were a resource consent application. Given that some of the directly affected landowners may submit in opposition, it appears likely that a hearing will occur.
37. As the Council is both the Requiring Authority (the applicant) and the territorial authority (the decision maker) an Independent Commissioner should be appointed. A right of appeal to the Environment Court exists.
38. Following resolution of any appeals, if they occur, the Designation is confirmed within the City Plan and any proposed City Plan (s175). Designations, which have not been given effect to, lapse five years after being included within the district plan (S184). It is possible to seek a longer expiry period either in the Notice of Requirement or subsequently upon application. Given the scale of this project a longer than standard lapsing period is recommended and officers suggest a 15 year period.

#### **Waitikiri subdivisions and further demands on Snellings Drain**

39. Smith Developments Limited [SDL] has physically completed Stages 1 and 2 of its Waitikiri subdivision north of Prestons Road. The sections have largely been developed and sold. This land forms part of the catchment that the Snellings Drain Improvement Scheme is designed to service.
40. When the subdivision consents for Stages 1 and 2 were considered by the Council, the Council determined that the stormwater management of the land could be dealt with within the subdivision and discharge consents were obtained by the developer and have been given effect to.
41. Stormwater discharge from residential subdivisions of some of the additional land owned by SDL [ Stages 3 and subsequently ] adjoining stages 1 and 2 will have to utilise Snellings drain. The Council granted the subdivision consents for stages 1 and 2 on the basis that the Council would be responsible for the discharge consents for the further stages and would permit the new Waitikiri subdivisions to utilise this facility.
42. For Stage 3, the Council can give effect to this agreement, when it acquires the land known as the Vege Pot referred to elsewhere in this report and is thus able to utilise the new discharge consent for Snellings Drain. However any additional use of the Snellings drain by SDL beyond Stage 3 or by any other downstream users [include the “Limes”] will require that the drain is upgraded to the standards specified in the new discharge consent.
43. Neither SDL beyond Stage 3 nor any other landowner can develop further residential subdivisions until the new discharge consents granted to the Council are fully operational. This requires that mitigation works downstream on Section 1 (see Appendix A) are completed and to achieve this the Council must acquire the additional land necessary to build and operate the drain.
44. In 2003 the Council approved a cost share scheme for Snellings Drain catchment area and has an obligation to provide appropriate stormwater discharges for the remaining Living zoned land ahead of development. The recent agreement to acquire part of the Vege Pot property will meet the immediate requirement and enable the remaining SDL land to be completed
45. The development of the remaining Living zoned land is not imminent and it is believed the acquisition of the land required to allow these developments to proceed can be achieved by agreement without recourse to the compulsory provisions of the Public Works Act. These provisions can be invoked if necessary but only as a last resort if negotiations fail. There is no present reason to suspect that this will be the case. For completeness it is considered advisable that approval to use this process be granted at this time.

**Timetable**

- 46. Should the Council approve the Designation process, the Notice of Requirement is expected to be notified late May/early June 2006. The full process to designate may take 18 months to complete.
- 47. The physical works required:  
The proposed works within the waterway corridor (see the plan in Appendix B) are summarised in Table 2 below.

TABLE 2: Proposed Works

Sec	Initial Stage			Final Stage	
	Year	Works	Estimate	Works	Estimate
1	1	Drain widening; flood detention pond; landscape planting & pathway	66,500		
Reserve	1	Pathway from Sec 1 to Oasis Grove		Reshaping swale & landscape planting	7,000
2	3	Stormwater treatment pond; grassed access strip	69,500	Drain widening, permanent pond, landscape planting & Pathway	142,500
3	3	Stormwater treatment pond; grassed access strip			
4	5 to 10	Diversion weir and overflow swale along Mairehau Rd, culvert inlet; grassed access strip	81,500		
5	5 to 10	Overflow swale; culvert outlet; grassed access strip	83,000		
6	5 to 10	Overflow swale; grassed access strip			
			<b>Total</b>		<b>\$450,000</b>

- 48. The Greenspace budget for capital works on Snellings waterway corridor is:

TABLE 3: Snellings Waterway Budget

<u>Year</u>	<u>Works Budget (\$)</u>
2006/07	50,000
2007/08	100,000
2008/09	100,000
2009/10	100,000
2010/2011	<u>100,000</u>
Total	<u>\$450,000</u>

- 49. This is sufficient to complete the proposed works listed in Table 2 above. Additional funds are available within Greenspace output Utilities Restoration in years 6 to 10.

## STAFF RECOMMENDATIONS

It is recommended that the Council resolve to:

Designate the land:

- (a) That the Council, acting as a requiring authority in terms of S.168 of the Resource Management Act 1991, resolves to exercise the powers conferred on it by this Act for the purposes of a formal designation of those parcels of land described in Appendix A.
- (b) That the designation of this land is necessary to secure the acquisition of the land for a public work being the construction and operation of a stormwater drainage, water quality treatment and flood attenuation facility from adjoining existing and proposed urban subdivisions in the water catchment draining into Snellings Drain.
- (c) That the upgrade of Snellings Drain is a public project of work that the Council is authorised to construct, undertake, establish, own, manage, operate, and maintain by S.509 of the Local Government Act 1974 and s10 of the Local Government Act 2002 and includes anything required directly or indirectly for the project of work or use.
- (d) That the Council has assumed financial responsibility for the work.
- (e) To issue and serve a "Notice of Requirement" pursuant to s.168 of the Resource Management Act 1991 on all the affected land owners identified in Appendix A initiating the formal designation process and to proceed with due diligence to complete the designation process.

Purchase the land:

- (f) To continue land purchase negotiations with affected owners on a "willing seller" basis and to acquire such land by private treaty if possible as is required for the Snellings Drain.
- (g) That the Corporate Services Manager be delegated authority to execute contracts for the purchase of any or all of the of the land required for the Snelling's Drain provided the purchase price for such land does not exceed by more than 10% the market value of the land as established by a current independent registered valuation report to Council, such report taking cognisance of the effect of the designation on land value.
- (h) That the terms of the contracts for purchase of the land shall be conditional upon all necessary resource consents for subdivision and use of the land.
- (i) To approve a total land purchase cost of \$1,197,700 excluding GST to be expended over the next six years to buy the land by private treaty or compulsory acquisition of the land described in Appendix A.

Approve Compulsory Acquisition of the land:

- (j) That, if the acquisition of any or all of the land required for the Snellings Drain as described in Appendix A has not been settled by private agreement [within the price parameters described in (f) above] by the time the Council obtains a form of designation in terms of the Resource Management Act 1981 then the Council hereby resolves to acquire the land and to do so invokes the compulsory acquisition powers vested in the Council by virtue of section 6 of the Public Works Act 1981 and section 189 of the Local Government Act 2002.
- (k) The resolution in (j) above is made on the basis that the Snellings Drain project is a public work and that the Council had assumed financial responsibility for the work.
- (l) That the Council notes that it will only exercise the compulsory acquisition powers vested in the Council by the Public Works Act 1991 and section 189 of the Local Government Act 2002 as a last resort and instructs officers to make every effort to negotiate consensual agreements for the land before initiating the formal acquisition processes.

- (m) Failing settlement of consensual land purchase agreements for any of the land required by the date of designation the Council will issue and serve on affected parties formal notice in the form specified in s18(1)(a) of the Public Works Act 1991 advising the land owner and on every person having a registered interest in the land that the land is required for a public work and a notice of the Council's desire to acquire the land. This notice shall invite the owner to sell the land to the Council, and, following a valuation carried out by a registered valuer, advise the owner of the estimated amount of compensation to which the owner would be entitled under the Act and make every endeavour to negotiate in good faith with the owner in an attempt to reach an agreement for the acquisition of the land.
- (n) Then if after a period of three months,—
  - (a) The owner fails to respond to any invitation issued under subsection s18 (1) of the Public Works Act 1991; or
  - (b) The owner refuses to negotiate with the local authority, or
  - (c) An agreement for the sale and purchase of the land is not made with the owner under section 17 of the Public Works Act 1991,—

The Council shall, within one year after notifying the owner pursuant to section 18(1), proceed to take the land under the Public Works Act 1991.



## **BACKGROUND ON SNELLINGS DRAIN CATCHMENT**

50. The Snellings Drain catchment is a 314 ha sub-catchment of the No 2 Drain system that discharges into Horseshoe Lake. The catchment extends from Waitikiri Golf Course south to Clare Park between Burwood and Marshland Roads.
51. Existing land use is predominantly rural on low lying estuarine silts and sands. The urban area of approximately 109 ha is located on higher sand dunes along the length of Burwood Road.
52. Historically no natural drainage pattern existed in the area. No 2 Drain and Snellings Drain were constructed to enable productive use of the land by reducing natural ponding and lowering groundwater levels. The existing concrete and timber-lined drain is at or above capacity for the existing level of catchment development. Ponding occurs on low-lying paddocks during significant storms.
53. The short-term objective is to provide drainage for 34 ha of vacant or recently subdivided land zoned urban without exacerbating flooding downstream or lowering surface water quality in the receiving waters of Horseshoe Lake.
54. The CCC is implementing the initial stage of a comprehensive scheme for Snellings and No 2 Drains to achieve this. A corridor of land stretching from Prestons Road to Clare Park is required for the associated drain improvement works.
55. The initial stage of the scheme will provide flood attenuation and primary water quality treatment within the waterway corridor and a "framework" that can be expanded should further land use change occur. Alternatively, if the land remains rural for several decades, this corridor will provide the space necessary to "naturalise" the lined drain once the service life of the lining has expired.
56. The proposed designation will facilitate acquisition of the drainage corridor necessary for the initial stage described above and, if successful, secure land use consents to carry out the proposed works.

## **City and Regional Council Process to Date**

57. The Snellings Drain improvement scheme has been a long time in the planning.
58. In December 2000 the Council adopted, in principle, a comprehensive scheme for the sustainable management of waterway, wetlands and drainage within Snellings and No 2 Drain catchments. This scheme was based on large water quality and quality control ponds and wetland near Queen Elizabeth II Drive and a network of naturalised waterways extending north. The Snellings Drain project was included in the Marshland section of the Waterways and Wetlands Natural Asset Management Strategy adopted by the Council at the same time.
59. The Council established a formal cost sharing scheme and decided in June 2003 to fund the upgrading of Snellings Drain to better manage the increased volume and discharge of stormwater runoff from new urban subdivision and to maintain or improve the water quality of the discharge into Horseshoe Lake'

## **Consultation and Negotiations to Date**

60. Consultation on the Snellings Drain improvement scheme with the six affected landowners has occurred a number of times over the last three years. At each step of the planning process contact was made with the landowners. Consultation in respect of the proposed designation specifically involved a meeting on site with each of the landowners during January 2006. Issues of concern raised were responded to in writing and a significant change was made to the scheme plan for Sec 5 in the light of the issues raised.
61. Negotiations have been concluded and agreement reached for the purchase of the corridor through the Vege Pot (Section 1). (This land acquisition will be the subject of a separate report to the Council.)

62. Negotiations are continuing with the other owners with the aim of securing the rest of the designation corridor on a “willing seller” basis. Staff are optimistic that compulsory acquisition through the Public Works Act will not be necessary.
63. An offer to purchase Section 4 on the plan has recently been made and negotiations are continuing with an expectation that an agreement will be concluded shortly. With respect to the other properties a number of issues raised during the designation consultation process are being addressed and resolved which should remove most of the objections to the disposal of the land to the Council. Certainly the designation process will reinforce the Council’s resolve to acquire the land and should convince the remaining owners of its determination to do so. Should it not be possible to acquire the land by agreement then the Council has recourse to the Public Works Act and can if necessary take the land compulsorily. It is not believed however, that this process should be invoked now and should only be contemplated as a last resort.

**Timing Issues**

64. Smith Developments Limited (“SDL”) have completed Stages 1 and 2 of their Waitikiri subdivision north of Prestons Road. A discharge permit has been granted for this development. SDL cannot develop further stages of their subdivisions until:
- (a) Discharge permits are granted; and
  - (b) Mitigation works downstream on Section 1 (see Appendix A) are carried out.
65. The City Council is obliged to resolve both (a) and (b) above without delay. To do so, a 25m wide strip of land west of the existing drain is needed. This strip of land is shown as “Section 1” on the attached plan. A purchase agreement has now been signed by the Council and the landowners of Section 1 allowing for acquisition of Section 1 by the Council.
66. The other proposed drainage works on Limes Reserve and Sections 2 to 6 (see Table 2) will not be required until other vacant land zoned L1 is subdivided. This is not expected to occur for approximately three years. To protect the position of the Council the designation should be in place and the land required for those subsequent works acquired within this time/frame.

**OPTIONS**

67. See three main options available are listed in Table 3 below. There is also a sub-option for the drain route from Mairehau Road to Clare Park.

TABLE 3: Future Options

1. Preferred	2. Do Nothing	3. Willing Seller
Purchase corridor on “Vege Pot” land		
Designated corridor on 6 other properties	Abandon the upgrading scheme below Limes subdivision	Negotiate to purchase corridor on a “willing seller” basis only
Acquire land compulsorily, if necessary, and complete upgrading scheme	Require on-site mitigation for the remaining two potential subdivisions	Acquire land voluntarily, and complete upgrading scheme

68. The benefit of the preferred option is that it provides a framework for the future rezoning and development of Snellings Drain catchment from rural to urban land use.
69. A waterway corridor is established from Waitikiri golf course to Clare Park that provides not only conveyance, detention and treatment of new residential subdivisions, but also provides for other values in future such as public access and landscape planting.
70. One third of the length of the waterway corridor in the north will still result from the “do nothing” option. However, this option does not provide for the future. The pattern of future drainage in the catchment would need to be determined at the time of rural removing. Rural land may have been subdivided into four ha lots, limiting future drainage options.
71. To date, Council staff have been pursuing the “willing seller” option (and will continue to do so). However, this option is uncertain in terms of both outcome and timing.

72. Widening the existing Snellings Drain below Mairehau Road to accommodate the increase in peak discharges was considered. The overflow swale diversion sub-option was preferred because it:
- (a) includes flood ponding north of Mairehau Road;
  - (b) avoids restriction imposed by the proximity of Snellings Drain to dwellings, sheds, trees and shrubs etc at 194 Mairehau Road and along the back boundary of Greenhaven Drive residential properties, and
  - (c) provides a more satisfactory alignment for Snellings Drain in future.

## ASSESSMENT OF OPTIONS

### The Preferred Option

Designation and acquisition (compulsory if necessary)

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Provides public access along on attractive waterway corridor from Waitikiri golf course to Clare Park (2.3 km).	Capex \$150,000
<b>Cultural</b>	Metaphysical connection with natural looking waterway systems.	
<b>Environmental</b>	Maintain water quality in Horseshoe Lake. Improve instream habitat and terrestrial ecology from Alpine View to Cameo Grove (1.3 km).	
<b>Economic</b>	Avoid flood damage while allowing 34 ha at new growth. A foundation for future growth is provided.	60% at \$2m cost to Council will be recovered by development contributions.
<p><b>Extent to which community outcomes are achieved:</b>            Primary alignment with community outcome an attractive and well designed City. Also contributes to a City for recreation, fun and creativity, and a City of people who value and protect the natural environment.</p> <p><b>Impact on Council's capacity and responsibilities:</b>            The Council needs to ensure that infrastructure is expanded to mitigate the effects of growth.</p> <p><b>Effects on Maori:</b>            The mauri of the waters of Horseshoe Lake will be protected.</p> <p><b>Consistency with existing Council policies:</b>            Consistent with asset management policy on replacing lined drains; "naturalising" artificial waterways; and providing for growth.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            Landowners directly affected have mixed views.</p> <p><b>Other relevant matters:</b>            Expected to satisfy Ecan's discharge permit conditions following the December 2005 hearing.</p>		

## Maintain The Status Quo (If Not Preferred Option)

### 40. "Do nothing" option

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Provide public access along an attractive waterway corridor from Waitikiri golf course to Limes subdivision (1 km).	Opportunity lost to extend link to Clare park. Capex \$65,000
<b>Cultural</b>	Metaphysical connection with natural looking waterways.	
<b>Environmental</b>	Improve instream habitat from Alpine View to Limes (1.0 km).	Water quality in Horseshoe Lake may deteriorate.
<b>Economic</b>	Avoid flood damage while allowing 74 ha of new growth. No provision for growth beyond 34 ha.	Current capex reduced by \$1m, offset by future extra cost at rezoning (10 years).

**Extent to which community outcomes are achieved:**

See the preferred option (Do nothing option does not achieve community outcomes to the same extent as the preferred option)

**Impact on Council's capacity and responsibilities:**

Smaller impact on capital resources in the short-term, but large effected in the long-term.

**Effects on Maori:**

The mauri of the waters at Horseshoe Lake may not be protected.

**Consistency with existing Council policies:**

Inconsistent with policy on replacing lined drains with naturalised waterways.

**Views and preferences of persons affected or likely to have an interest:**

Landowners directly affected likely to have mixed views.

**Other relevant matters:**

New discharge permits will need to be lodged for two (2) subdivisions. On-site treatment may not satisfy Ecan requirements.