

HASTINGS DISTRICT COUNCIL

NOTES OF A MEETING OF THE DRAINAGE WORKING PARTY HELD IN THE LANDMARKS ROOM, FIRST FLOOR, CENTRAL OFFICES, LYNDON ROAD EAST, HASTINGS ON THURSDAY, 30 NOVEMBER 2006 AT 11.00AM

PRESENT: Councillor Jones (Chair)
Councillors Heaps, Speers, Tinker and Twigg

ALSO PRESENT: Manager, Resource Management (Mr M Maguire)
Manager, Infrastructure (Mr M Foreman)
Special Projects (Mr D Fraser)
Water Services Manager (Mr B Chapman)
Drainage Services Manager (Mr D McBryde)
Reticulation Engineer (Mr T Dench)
Mrs C Hunt (Committee Secretary)

AS REQUIRED: Mr M von Dadelszen, Council's Solicitor

1. APOLOGIES

That apologies for absence from Councillor Arquette be noted.
Leave of absence had previously been granted to Councillor Williams.

2. SUPPLEMENTARY INFORMATION ON MANGARAU AND HERE HERE STREAMS

The meeting of the Drainage Working Party was organised following the Works Committee meeting of 12 October 2006, where issues had been raised in regard to whether the streams were public drains.

If the streams were declared public drains Council would have statutory rights and responsibilities which would enable management and programming of works easier.

A legal opinion had been sought from Mr von Dadelszen in this regard and he advised that, based on his analysis of the situation, the streams were "public drains".

Council's legal obligations were limited and permissive (i.e. can choose to carry out works if it wishes to). Even so, attitudes to nonfeasance (failing to do something) had been changing and there was no clear indication of the likely outcome if council was ever challenged in court.

Provided the appropriate steps were taken Council could access onto the properties to carry out improvement works.

While the land on which the drainage works may not be vested in Council, the works themselves could be vested in Council. The intent of the meeting was to decide whether or not the works at the Mangarau and Herehere Streams should proceed and be presented to a meeting prior to Christmas.

Mr Foreman advised that MWH were preparing an Issues and Options report based on progressing the work on road reserve. Mr McBryde wanted to make a decision on the first trunk extension before Christmas. MWH would need to be advised whether or not the report should be based on road reserve or amended to using the stream bed.

It was noted that if the costing for the work was to be undertaken through a targeted rate an amendment would have to be made to the LTCCP, and an amendment could not be done until June 2007.

The special consultation policy would be required if a new targeted rate was to be introduced and this could be done in February to enable it to be included in the 2007 Annual Plan.

Mr von Dadelszen advised that Havelock North were public works in terms of the Public Works Act. Because Council and predecessors had done enough work to control streams there was an argument that having interfered with the streams and possibly not done a good job, if someone's property was eroded etc Council could potentially be sued for not having done something to prevent it. There was a risk that if Council did not do something and there was a flood property owners and insurers may address this to Council.

In regard to works on a targeted rate it had to be decided how much work was for the benefit of the community and how much benefit would be for particular property owners who would have properties protected. Council may have obligation to do the stream work and rate people who benefited directly from it.

The issue was to accept that they were public drains and that Council had some obligations in various guises as some work had been done in the public drains and by inaction had approved private work in the public drain. Council had already signed a document with the HB Regional Council that stated it may manage the asset.

Following discussion the recommendations that were presented at the Works Committee on 12 October were addressed. Some changes were made as follows:

- a) That the report of Special Projects, titled "Mangarau and Herehere Streams, Havelock North: Determining a Way Forward as at September 2006" and dated 3 October 2006, be received.

Remains the same.

- b) That it be noted that this report focuses on the information required to commence the initial consultation with the property owners and that further consultation as a part of the Annual Planning process will be required. ~~if the property owners indicate a desire to proceed with the works.~~
- c) That the modelling used for consultation be based on contributions to be collected from ~~property owners~~ **beneficiaries** apportioned on a land value basis, with modelling also carried out to enable a comparison to a capital value basis.

Modelling for consultation be used based on targeted rate.

- d) That any public good contribution from sewer savings be distributed through the affected areas of the Herehere and Mangarau Streams and that this be evenly spread across the work.

Savings arising from undertaking sewer works in stream beds be applied as public good across the Herehere and Mangarau Streams.

- ~~e) That the works only proceed if 50% of the owners of properties bounding the Mangarau and Herehere Streams agree.~~

Delete (e).

- f) That, for the purpose of consultation, 80% of the works after the sewer contribution and bridge crossing expenses are subtracted be funded by a targeted rate to the properties with boundaries on the stream.

Financial implications to be discussed with Corporate Services Manager.

- g) That the proposed targeted rate also include the properties with stream boundaries on the completed works in Lucknow Road.

Remains the same

- h) That the remaining 20% of the cost of the works as defined in f) above be met by
- (i) A targeted rate across all of the Havelock North catchments; **or and this be modelled by the finance team.**
 - ~~(ii) Part of a District wide environmental levy; or.~~
 - ~~(iii) A combination of (i) and (ii) above.~~

- ~~i) That a concept of a District wide environmental levy be investigated.~~

Delete (i).

- ~~j) That Council issue a waiver advising the limits of its ongoing responsibilities for maintaining the works and clearly stating its role.~~

Delete (j)

- k) That a series of consultation meetings be established with property owners, with the first one being to address all affected parties followed by a second meeting where individuals can come and consult with staff on the specifics relating to their properties. With a further meeting to be held once input from the first two meetings has been summarised.

Remains the same.

- ~~l) That all property owners be treated the same irrespective of whether the potential damage involves buildings or not.~~

Delete (l)

- ~~m) Individual situations where remedial work has been carried out as a result of the prolonged wet weather in the Winter of 2006 be considered on a case by case basis.~~

Delete (m)

- ~~n) The Drainage Working Party be delegated authority to confirm detail relating to the priority of the works following it being reworked and the information to be presented at the public meetings.~~

Delete (n)

The consensus of the meeting was that the sewer should come up the stream and not the road reserve. The savings achieved by doing that would not be enough to fund the protection work.

The Working Party would reconvene in the new year when further information on the sewer and streams situation would be available and also financial information.

The meeting closed at 12.40pm

Confirmed:

Chairman:

Date: