

Central Hawke's Bay District Council – Report

TO: Services Committee
FROM: Chief Executive
DATE: 7 August 2008
FILE REF: SER4-106
SUBJECT: KAIRAKAU DRAIN

1.0 SUMMARY

At Kairakau there is a cut-off drain running along the base of the hill behind Kapiti Place and Brodie Place that takes the water runoff from the hill away from the properties. This drain flows passed the community water supply plant and into another drain on private land, running down the side of Brodie Place and the north-east boundary of 2C5B land. The regular cleaning of this drain raises a number of unresolved issues with the landowners.

2.0 RECOMMENDATION

THAT

Council establish an agreement with the owners of 2C5B for a land swap to form a new drain along the north eastern boundary of the property.

REASON

The objective of the decision will contribute to the following community outcomes:

- *A lifetime of good health and well being*
- *Safe and secure communities.*

3.0 BACKGROUND

At Kairakau there is a cut-off drain running along the base of the hill behind Kapiti Place and Brodie Place that takes the water runoff from the hill away from the properties. This drain flows past the community water supply plant and into another drain running down the side of Brodie Place and the north-east boundary of 2C5B land - see attached plan. (Note that 2C5B is used as a name for the land owned by the owners and legally called Part Kairakau 2C5B2 and 2C5B3.)

There is very little natural fall along the length of the drain and regular cleaning is required for the free flow of water. Council is concerned that stagnant water in the drain next to the community water supply well could be the cause of some of the contamination that periodically occurs with the water supply during heavy rainfall, and the high water table due to the drain not flowing is causing some of the issues around septic tanks not working efficiently in parts of Brodie Place during winter or wet

weather. Council would like to ensure that there is good drainage away from the water supply well area and adjacent properties.

Council has proposed the following actions:

- Council digs a drain adjacent to the north-east boundary fence of 2C5B. This drain would replace the existing drain which runs from the water supply well area down to the road.
- The surplus material from digging the new drain could be used to fill in the existing drain.
- The land where this new drain is dug would be owned by Council.
- The strip of land owned by Council which bisects the 2C5B land now would be transferred to the owners of 2C5B.
- The swapping of land described would allow the better subdivision or utilisation of 2C5B than at present because of Council owned land dividing 2C5B into the two pieces – 2C5B2 and 2C5B3.

Land Ownership Issues

The 2C5B landowners say that the strip of land owned by Council was taken from them by the Council of the day (Patangata County Council), and that no payment was made by Council for the land. The original agreement for Council acquiring this strip of land was made between the owners/managers of the farm that the current 2C5B land was part of at the time. The present owners of 2C5B who were in the past part owners of the farm/2C5B say that the farm owners/managers had no right to give the strip of land to Council. Discussions with Council staff of that time indicate that no monetary payment was made for the land acquired.

This being the case, the 2C5B owners say that the strip of land proposed for the new drain has a value and that the land owned by Council has no value because Council had not paid for it. Therefore in return for allowing the new drain to be constructed and the land ownerships to change, Council should do some other work to recognise the inequity in the land values. The size of the strip required for the new drain could be 7 metres wide, allowing for the physical drain and vehicle access for future cleaning, or, alternatively, 4 metres wide with an easement over 2C5B land for Council to have access for future maintenance of the drain.

Council no longer needs the original strip of land for water supply purposes as Council has in the past established the water supply pumping station, water storage, the electricity service and access to the treatment plant on a neighbouring property.

Proposed Other Work

The 2C5B owners propose that other work that could be done by Council to recognise the inequity in the land values to be as follows:

- Undergrounding of the existing overhead electricity supply to the buildings on 2C5B including installing access points to the underground electricity line at 3 positions.
- Providing a water line from the community water supply to the boundary 2C5B.at Mananui street
- Ensuring that the infilling of the existing drain be properly compacted to ensure that the old drain site would not compromise the building of a road over the old drain or any other subdivision-type works that may be carried out.

- Contouring the ground between the old drain and the new drain to ensure the paddock could drain into the new drain.

The Mayor and Chief Executive have met with representatives of the owners of 2C5B and the possible future uses of the 2C5B land were discussed. The owners state that the land will never be sold and will be used for their whanau to be able to enjoy Kairakau. They say that if Council were to agree to their four points and assist them with preparing and submitting the proposal to the Maori Land Court that this land swap could take place and the issue permanently resolved.

The owners of 2C5B also agreed that Council could access the land and clean out the existing drain without having to wait for the legal process of land swap to take place once an agreement was reached.

Options Considered

Carry out a land swap with the owners of 2C5B and form a new drain along the north eastern boundary of the property (includes compensation for land).

Estimated Cost \$45,000

Pipe the existing open drain through 2C5B of 142m in length with a 600mm diameter concrete pipe including concrete wing wall to significantly reduce drain cleaning requirement.

Estimated Cost \$76,500

Install pump station at juncture of the two existing drains, and pump to Brodie place through a 152m pipe line. (price includes 2 high volume pumps, large sump, power, telemetry and communications. Plus backup Genset for power outages in rain events).

Estimated Cost \$84,000

(Neither of the last two options deals with the land compensation issue.)

4.0 OPTIONS

Option 1

Council establish an agreement with the owners of 2C5B for a land swap to form a new drain along the north eastern boundary of the property.

Option 2

Council pipe the existing open drain through 2C5B of 142m in length with a 600mm diameter concrete pipe.

Option 3

Council install pump station at juncture of the two existing drains, and pump to Brodie Place through a 152m pipe line.

5.0 STATUTORY IMPLICATIONS

Section 511 of the Local Government Act 1974
Part 2 of the Health Act 1956

6.0 CONSULTATION

6.1 External

Land Owners representatives

6.2 Internal

Elected Members

7.0 FINANCIAL

Council has received a quote of \$17088.32 plus GST from Centralines to install underground power cable to 2C5B with 3 onsite connections.

Council has received an estimate of \$4,500.00 plus GST from Infracon Central HB for the installation of a water supply from the Council system to the boundary of 2C5B at Mananui street.

The cost of the project is estimated at \$45,500.00 with \$21,600.00 for the power and water supplies with \$10,000.00 being survey, legal fees and Maori Land Court costs, and \$13,500.00 for the construction the new drain.

This project could be paid for from the interest received from the Aramoana Ward funds over three years.

8.0 STRATEGIC LINKS

- LTCCP

9.0 POLICY/DELEGATION REFERENCE

N/A.

John Freeman
Chief Executive



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← cut off drain

Council strip →

205B land

current drain →

proposed drain →

KAIKARAU BEACH ROAD
KAIKARAU ROAD
MANNING ST