

Stormwater Drainage Bylaw

Meeting: Council Briefing
Date of meeting: 04 November 2020
Reporting officer: Mark Schreurs, Policy Analyst

Purpose/Ngā whāinga

To introduce the intention to review the stormwater and land drainage aspects of the General Consolidated Bylaw and to establish a new separate bylaw on these matters.

Context/Horopaki

The Policy programme item presented to Council at this meeting discusses the proposal to move away from the 'combined' bylaw approach of the Consolidated General Bylaw. This item discusses the first matter to be addressed as part of that programme, which is Part 11, stormwater and land drainage.

Discussion/Ngā kōrerorero

The management of stormwater and maintenance of land drainage infrastructure is an important challenge across both rural and urban areas of the Kaipara District. In the rural environment, stop banks protect productive land from inundation by high tides and flood flows, while drains and flood gates allow stormwater (water that falls as rain) to escape off the land, thereby avoiding ponding. In urban environments, rain falling on impervious surfaces needs to be appropriately managed to prevent nuisance.

Issues can arise where new development alters or blocks overland flow paths, impermeable surfaces are increased, or stormwater is redirected onto neighbouring properties or where interference or failure to maintain drains causes localised flooding.

In the rural environment, issues can include damage to drainage infrastructure (sometimes caused by stock) and prevention of access to drains (e.g. for spraying and mechanical cleaning). Effective powers that allow Council to take action when needed are therefore required to manage stormwater to protect Council's stormwater assets, people, property and the environment.

Part 11 of the Consolidated General Bylaw protects Council's assets from damage or interference by prohibiting or controlling certain activities around drains; and provides for effective drainage on private land, with some provisions extending to private drains as well as Council drains.

In addition to these bylaw provisions, a wide range of powers are conferred on Council directly under the Local Government Act 1974 and the Land Drainage Act 1908, as well as other statutes. Council can secure easements where access to drainage works is needed and can impose resource consent conditions on new development requiring the provision of adequate drainage. The District Plan, Regional Plan and Engineering Standards also have a role to play. Bylaw provisions need to be additional to these existing provisions rather than duplicating them.

Feedback from staff who use the existing Part 11 provisions of the General Consolidated Bylaw (and its predecessor) indicates that in general the provisions are appropriate. However, a request to have a standalone bylaw was made quite some time ago to allow easier access and sharing with external parties as required. Furthermore, the initial review has indicated that duplications with legislative and other provisions need to be removed.

As a result of the review request, staff are recommending that Part 11 of the Consolidated General Bylaw is the first matter to be addressed as part of the wider review programme outlined in the associated agenda report presented to Council at this meeting.

Next steps/E whaiake nei

Subject to the direction received at this meeting, staff will finalise the review work programme and commence the review process. Due to the indicated hold on all policy consultation matters regarding the LTP process, a draft proposed Bylaw is scheduled to be presented to Council at the April 2021 Briefing for discussion, with a view to consultation commencing after June 2021. As mentioned in the Policy programme item presented at this meeting, it is envisaged that the review programme of both the Stormwater and Wastewater Drainage Bylaws will be aligned for consultation and the associated schedules for hearings, deliberations and decisions.