

# Stormwater Drainage Bylaw

**Meeting:** Raupo Drainage Committee  
**Date of meeting:** 19 November 2020  
**Reporting officer:** Mark Schreurs, Policy Analyst

## Purpose/Ngā whāinga

To inform the Raupo Drainage Committee of the project to make a new Stormwater Drainage Bylaw.

## Context/Horopaki

Council has just completed a review of its Consolidated General Bylaw (the Bylaw). The difficulties in reviewing such a comprehensive suite of bylaw provisions has led to the development of a review programme that aims to split the various Parts of the Bylaw into individual bylaws over the next five years, prior to the next statutory review date. It is anticipated that two to three Parts of the Bylaw will be reviewed and 'separated' from the Bylaw each year. The first of these to be addressed is Part 11, which deals with land drainage.

This will result in a proposed amendment to the Bylaw and the associated proposal to create a new Stormwater Drainage Bylaw to cover these aspects.

## Discussion/Ngā kōrerorero

The development of the new bylaw is a further opportunity to review the powers Council has to act in relation to protecting its assets and managing stormwater.

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 drain surface water and manage groundwater levels. In urban environments, rain falling on impervious surfaces and draining from properties needs to be appropriately managed to prevent flooding and general nuisance.

Issues can include damage to drainage infrastructure (sometimes caused by stock) and obstructing access to drains (e.g. for spraying and mechanical cleaning). Effective powers with respect to drainage that allow Council to act are required to manage stormwater to protect people, property and the environment.

The new bylaw will retain the two key functions of Part 11 of the current Bylaw:

- a) protecting Council's assets from damage or interference by prohibiting or controlling certain activities around drains; and
- b) providing for effective drainage on private land, with some provisions extending to private drains as well as Council drains.

In addition to any bylaw provisions, a wide range of powers are conferred on Council directly under legislation, particularly under the Local Government Act 1974 and the Land Drainage Act 1908. Furthermore, 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 roles to play. Any stormwater and land drainage bylaw provisions need to be additional to these existing provisions rather than duplicating them.

Staff have now commenced the review process and are seeking any initial feedback from the Committee to inform the review, before presenting a finalised draft Bylaw for further input, prior to commencing the formal bylaw development process with Council.

**Next steps/E whaiake nei**

Staff will consider any feedback received at this meeting as part of the review and will present a draft Bylaw for further feedback in early 2021.