

# Draft Stormwater Drainage Bylaw

**Meeting:** Council Briefing  
**Date of meeting:** 07 April 2021  
**Reporting officer:** Mark Schreurs, Policy Analyst

## Purpose/Ngā whāinga

To present a draft Stormwater Drainage Bylaw (The Bylaw) for feedback.

## Context/Horopaki

The effective management of stormwater and maintenance of land drainage infrastructure is important 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 to escape off the land, thereby avoiding ponding. In urban environments, rain falling on impervious surfaces needs to be appropriately managed to prevent nuisance.

Recognising this, [Part 11 of Council's Consolidated General Bylaw \(CGB\)](#) includes provisions on stormwater and land drainage (**Attachment A**). The review programme of the CGB previously introduced at the Council Briefing on 4 November 2020 outlined a project to create separate individual bylaws. A Stormwater Drainage Bylaw, to replace Part 11 of the CGB, is the first component of this project. Staff have prepared a draft Bylaw for Council to review and provide initial feedback on (**Attachment B**).

## Discussion/Ngā kōrerorero

The purpose of the Bylaw is to protect people and property within the Kaipara District by:

- a) protecting Council's public drainage network
- b) ensuring drainage over private property is managed and maintained appropriately.

Council manages a diverse range of stormwater drainage infrastructure across the District. In many urban environments, stormwater is managed by small drains and water tables built into roads and may even be piped. Conversely, stormwater in rural areas is often managed in large open drains, which require regular machine cleaning. Bylaw provisions therefore need to be applicable to both scenarios. In some cases, different provisions are necessary to apply to drains in drainage districts as opposed to drains in other areas.

An important aspect in undertaking this review was to determine and confirm the range of powers Council already has under existing legislation (Land Drainage Act 1908, Local Government Acts 1974 & 2002, Resource Management Act 1991, Building Act 2004 and Public Works Act 1981). The focus of the review was therefore on capturing what additional powers are available and appropriate to include in the Bylaw.

Policy Team staff have worked closely with relevant staff across Council who have responsibilities for stormwater drainage and enforcing and implementing the Bylaw, to obtain advice and input during drafting.

The Bylaw covers the follow key areas:

### Protecting the public drainage network

This includes provisions restricting people from damaging public drains, including by interfering with, blocking or allowing stock to access public drains.

### Stormwater management on private property

Situations have been occurring where people have built across overland flow paths or filled in drains created by previous owners, causing flooding or ponding on a neighbour's property. The Bylaw allows Council to take action where these situations are occurring.

The provisions focus on avoiding nuisance, rather than restricting what people can do with drainage on their properties. This means people are able to fill in or alter private drains, as long as these works do not cause a nuisance to neighbouring properties.

### **Crossings**

Properly constructed crossings are needed to allow people, vehicles, and stock to move across drains without damaging the drain. The Bylaw includes clauses requiring people wanting to have a crossing over a public drain to obtain a permit to ensure the crossing is constructed appropriately.

### **Stopbanks**

The Bylaw prohibits people from damaging, interfering with or allowing stock to harm public stopbanks. Further clauses protect machine access to stopbanks, to allow for regular maintenance and inspection.

### **Herbicide use**

Council uses herbicides to stop drains becoming choked with weeds. Some people do not like this use adjacent to their properties. The Bylaw clarifies that Council may use herbicides to maintain its drains and introduces the ability for other arrangements to be made, where adjoining land owners would prefer herbicides not to be used.

### **Spoil from drain cleaning**

The cleaning of public drains inevitably results in spoil. This is usually deposited in heaps on private land next to the drain. Most land owners understand and accept this practice. The Bylaw includes a provision on this for clarity and transparency. The provision does not prevent all involved parties coming to a different, mutually acceptable, agreement.

### **Access to public drains**

Council needs powers to access private land to inspect and maintain drainage infrastructure. For open drains, this includes machine access for mechanical cleaning. The Bylaw restricts certain activities of landowners that would obstruct access to public drains.

In summary, the draft new Bylaw is very similar in scope to Part 11 of the CGB, however a complete review has resulted in the removal of duplications, where Council already has authority to act under legislation. All remaining provisions have been reworded in 'plain English' and revised to ensure clarity and transparency. Additional information has been included in the Bylaw to make it easier for both staff and the community to understand the purpose of the clauses, as well as where other legislative provisions are available or apply.

### **Next steps/E whaiake nei**

Staff will review the draft Bylaw in response to any feedback received at this briefing. Feedback on the Bylaw is also being sought from the members of the Raupo Drainage Committee and will inform a revised draft.

Depending on the feedback received at this briefing, a Statement of Proposal, including a final draft Bylaw, for adoption for community consultation, is scheduled to be presented to the May 2021 Council meeting.

### **Attachments/Ngā tapiritanga**

	Title
A	<a href="#">Kaipara District Council Consolidated General Bylaw 2020 Part 11 – Land Drainage</a>
B	Draft Kaipara District Stormwater Drainage Bylaw