

## Central Hawke's Bay District Council – Report

**TO:** Services Committee  
**FROM:** Technical Services Manager  
**DATE:** 8 October 2009  
**FILE REF:** SER3-100  
**SUBJECT:** RESPONSIBILITY FOR STORMWATER DRAINS

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### 1.0 SUMMARY

On 14 May 2009 Council resolved:

*That the list of public open drains in Waipukurau and Waipawa as amended, be adopted, and be consulted with the community.*

Consultation has taken place and it is recommended that the list of public open drains be confirmed.

### 2.0 RECOMMENDATION

#### **THAT**

The list of public open drains in Waipukurau and Waipawa be adopted.

#### **REASON**

**The Objective of the decision will contribute to the following Community Outcomes:**

- ***An environment that is appreciated, protected and sustained for future generations.***  
*Communities respecting the importance of our natural environment and working towards sustaining this for the wellbeing of future generations.*

### 3.0 BACKGROUND

Members are referred to the report to the Services Committee on 23 April 2009. That report contains the detail of Council's involvement in public open drains.

All property owners of the five extra open drains that Council was recommending to take over were written to directly. Replies were received from seven property owners, all of whom wanted Council to take over responsibility for the drain. Where requested staff visited the owners on site.

The proposal was also advertised in the CHB Mail and on Council's website. Copies of the proposal were available at Council's offices and libraries. No enquiries or replies were received in response.

A copy of the proposal is attached to this report. It includes the list of public open drains.

#### **4.0 OPTIONS**

##### **Option 1**

The list of public open drains in Waipukurau and Waipawa be adopted.

##### **Option 2**

The list of public open drains in Waipukurau and Waipawa be amended before adoption.

Option 1 is recommended.

#### **5.0 STATUTORY IMPLICATIONS**

Council has a responsibility to manage stormwater (Local Government Acts 1974 and 2002, Drainage Act 1908, and the Stormwater Bylaw).

#### **6.0 CONSULTATION**

This report summarises the consultation that has taken place.

#### **7.0 FINANCIAL**

Cleaning and maintaining of the open drains is carried out under the stormwater operations budget.

There is no budget allocated for improvements to the open drains.

#### **8.0 STRATEGIC LINKS**

LTCCP 2009-2019

Steve Thrush  
**Technical Services Manager**

# CENTRAL HAWKE'S BAY DISTRICT COUNCIL

## RESPONSIBILITY FOR OPEN DRAINS

Council is reviewing which open stormwater drains it will maintain in Waipukurau and Waipawa. Comments on this proposal are invited by 30 July 2009.

**Council has identified 5 private open drains which could become Council's responsibility to maintain.**

**We would like to hear about any other open drains that you think could fall under Council's responsibility.**

Maps showing which open drains Council is presently responsible for and which open drains Council proposes to take responsibility for has been drawn, and are attached to this information sheet.

The contact person is Steve Thrush at the Council, telephone 8578060 or email ([steve.thrush@chbdc.govt.nz](mailto:steve.thrush@chbdc.govt.nz)). Steve is happy to discuss each situation by telephone or personally including on site. It is preferred that comment is made by letter or by email so that Council has a record of your comments.

Council will consider the information it receives back from land owners and the public, then make a final decision about which open drains it will assume responsibility for.

### BACKGROUND INFORMATION

Council is responsible under legislation (Local Government Acts 1974 and 2002, Drainage Act 1908, and the Stormwater Bylaw) for the management of stormwater flows within the towns of the District. Part of the stormwater systems consists of open drains and watercourses. The maintenance of these drains may be the responsibility of either private landowners or Council. As development occurs and stormwater runoff increases, the maintenance of the private drains can become too onerous for private property owners. Council may decide that this maintenance is more fairly a responsibility of the community as a whole rather than the individual property owner.

### WHAT IS "RESPONSIBILITY FOR DRAINS"?

**Private drains.** The drain is owned by the property owner upon whose land the drain is situated. Council has responsibility to ensure that this drain is maintained well enough to ensure the free flow of water in the drain so that flooding and other nuisances are not created. The property owner is responsible for the maintenance of the drain.

**Public drains.** Council owns the drain and has to maintain the drain well enough to ensure the free flow of water in the drain so that flooding and other nuisances are not created. Council is responsible for the drain. Note that Council does not have to own the land under the drain. This may still be owned by the private property owner. However access to the public drain needs to be made available by the land owner to allow Council to maintain the drain.

### RULES FOR DECIDING ON DRAIN RESPONSIBILITY

There are no definitive rules. The best set of guidelines is based on legislative directives, case law decisions, and common sense. Asking the following questions may help decide whose responsibility the drain is.

- **Did Council build or substantially alter the drain at Council's cost?**

- Do the developments/enhancements in the drain's catchment significantly alter the level of maintenance required on the drain?
- Do the developments/enhancements in the drain's catchment mean that the capacity of the drain is regularly exceeded?
- Does the drain serve the wider community, not just a few properties?
- Has Council maintained the drain for more than 20 years?
- Are there public drains upstream and downstream of the open drain?

## NEW DRAINS PROPOSED FOR COUNCIL RESPONSIBILITY

### WAIPUKURAU:

**Harris Street Drain (also known as Saleyards Drain)** (0.65Km, downstream from Takapau Road to stopbank).

This drain is at the downstream end of a large number of drains already maintained by Council. As such it drains a large section of Waipukurau.

**Railway Drain** (0.33Km, from Racecourse Road alongside railway line).

This drain is between two sections of the drainage network already maintained by Council. In addition work has been carried out by Council to maintain this section of drain.

**Jockey Club Drain** (0.64Km, downstream from Racecourse Road)

This drain is at the downstream end of a stormwater network that has created a greatly increased intensity of runoff as Council has allowed more and more development of the upstream catchment. The maintenance of the drain exceeds the realistic responsibility of a single property owner.

**Bishop Drain** (0.29Km, below Racecourse Road to Jockey Club Drain)

This drain is at the downstream end of a stormwater network that has created a greatly increased intensity of runoff as Council has allowed more and more development of the upstream catchment. The maintenance of the drain exceeds the realistic responsibility of a single property owner.

### WAIPAWA:

**Abbott Ave to High Street Drain** (0.33Km)

This drain is at the downstream end of a stormwater network that has created a greatly increased intensity of runoff as Council has allowed more and more development of the upstream catchment. The maintenance of the drain exceeds the realistic responsibility of a single property owner.

## COUNCIL REPORT

A full copy of the report Council considered to arrive at these recommendations can be obtained from Steve Thrush at Council.

## PUBLIC OPEN DRAINS IN WAIPUKURAU AND WAIPAWA

### DRAINS ALREADY ADOPTED BY COUNCIL

#### WAIPUKURAU:

<b>Pah Flat Stream</b>	(2.1Km, downstream from Mt. Herbert Road to the Tuki Tuki River)
<b>Pah Flat Drain</b>	(0.65Km downstream from College to Mt. Herbert Road)
<b>Eastern Interceptor Drain</b>	(0.85Km, downstream from Svenson Road to Pah Flat Stream)
<b>Racecourse Drain</b>	(The formed section only, 1.00Km, downstream from Wilder Street)
<b>Aerodrome Drain</b>	(1.25Km to Takapau Road)
<b>Svenson Road Drain</b>	(0.23Km, east from McKenzie Estate to College Piped Drain)
<b>Reservoir Road Drain</b>	(0.29Km, flows in to Aerodrome Drain)
<b>Ellmers Drain</b>	(0.38Km below Churchill Street)
<b>Ellmers Drain</b>	(0.41Km below McLean Terrace)
<b>Wilder Street Drain</b>	(0.16Km)
<b>Cook Street Drain</b>	(0.21Km)

#### WAIPAWA:

<b>Victoria Street Drain to Bush Drain</b>	(0.85Km)
<b>Drainage below Watts Street</b>	(0.16Km)
<b>Domain Road into Reserve</b>	(0.2Km)
<b>Coronation Park Drain</b>	(0.85Km)
<b>Bush Drain</b>	McGreevy Street to River (2.6Km)
<b>Harker Street Drain</b>	(0.1Km)
<b>Drain above McGreevy Street</b>	to State Highway (0.8Km)

### DRAINS RECOMMENDED FOR ADOPTION BY COUNCIL

#### WAIPUKURAU:

<b>Harris Street Drain</b> (Saleyards Drain)	(0.65Km, downstream from Takapau Road to stopbank)
<b>Railway Drain</b>	(0.33Km, from Racecourse Road alongside railway line)
<b>Jockey Club Drain</b>	(0.64Km, downstream from Racecourse Road)
<b>Bishop Drain</b>	(0.29Km, below Racecourse Road to Jockey Club Drain)

#### WAIPAWA:

<b>Abbott Ave to High Street Drain</b>	(0.33Km)
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