



Part of Council’s role is to ensure there is an effective land drainage system within the Waipa District. Land drainage within our District is made up of a complex system of both open and closed drains. Some of these drains are historic, and were created to drain land to enable it to be used effectively. Other drains exist to receive and transport stormwater. Council’s role is to manage this drainage system to ensure an effective and efficient land drainage system is in place throughout the District.

### TYPES OF DRAINS

People often think of drains being private (i.e. owned by a private land owner) or public (i.e. owned by the Council or some other government authority). The law, however, takes a slightly different approach. Whether a drain is a private responsibility or a Council responsibility will depend on the type of drain, when it was created and what it is used for. Deciding who is responsible can be difficult. Some assistance is provided by Council’s land drainage maps, which show all drains that are the Council’s responsibility.

### WHAT ARE MY RESPONSIBILITIES AS A LAND OWNER?

As a landowner you must ensure that any drain that runs through your property is not obstructed. An obstruction includes things put into drains, or things that are growing in or alongside drains which impede the free flow of water. If a drain on your property is obstructed, the Council can issue a Notice requiring you to remove these obstructions. If you do not comply with this Notice, the Council can do the work and recover the costs of doing so from you. If a drain is blocked upstream of your property, you can ask the Council to take steps to require the upstream owner to remove any obstructions.

If a drain runs through your property, you can not do any work on that drain without first obtaining Council’s permission. If you do not have a permit, Council can require you to reinstate the drain to the condition it was in before you did the work. If you do not do this, Council can do the work and recover the costs of doing so from you. In some cases doing work on a drain without Council permission may also result in Court proceedings being issued against you under the Council’s Land Drainage and Stormwater Bylaw and/or the Resource Management Act 1991.

### WHAT ARE THE COUNCIL’S RESPONSIBILITIES?

If a drain is Council’s responsibility, the Council has an obligation to ensure that it does not create a nuisance e.g. overflow and flood. Usually this means the Council must ensure drains flow freely and are not obstructed. Where a drain is obstructed, the Council can meet its responsibilities by using its legal power to require the owner of the land adjoining the drain to remove any obstructions in the drain. If a drain that is Council’s responsibility is not flowing properly (for example because it needs to be upgraded) the Council is responsible for the costs of this work.

LAND DRAINAGE

CORRECT DRAINAGE



IN-CORRECT DRAINAGE



LAND IMPROVEMENTS

If you are planning work that may change the way in which land is used, for example through a subdivision, this can impact on the existing land drainage network. Examples of these impacts may include:

- Re-contouring rural land;
- Constructing a dam or diversion of an existing watercourse;
- Earthworks or clearing vegetation which could increase levels of siltation or erosion.

Prior to beginning any work, you should contact one of Council’s Drainage Officers to discuss the work and whether a Resource Consent is required. In some cases, you may also be required to liaise with the Waikato Regional Council which also has responsibility for some drainage works.

NEED TO KNOW MORE?

You can obtain more information about drainage matters from one of Council’s Drainage Engineers.

DISCLAIMER

*This pamphlet is an information guide only. While every effort has been made to ensure the information contained in this pamphlet is accurate and up to date, Council accepts no responsibility for any losses incurred by any person relying upon the information in this pamphlet. For detailed advice, you should contact Council directly via the website; [www.waipadc.govt.nz](http://www.waipadc.govt.nz)*

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