

## 4. Roadside Open Drains

Council does not permit new open drains to be constructed in the road margin without the express written permission of the Transportation Manager.

Some open drainage systems may be permitted where they form an aesthetic feature of a new subdivision, approved under a Resource Consent.

Maintenance work carried out to existing open earth drains in the road margin is generally a permitted activity. Some drains are maintained by Council where these are identified in Council's Stormwater Asset Management Plan.

### 4.1 Definition

**Land Drain:** The primary function of a Land Drain is for land drainage, typically in a rural or peri-urban area. These drains tend to be cut into the earth, unlined or formed with concrete, are "U" shaped in profile and quite deep.

Where a Land Drain runs adjacent to a property within the legal road, it's the adjacent landowners responsibility to keep the drain maintained. This includes culverts underneath accessways to the landowner's property.

**Roadside Water Tables:** The primary function of these shallow drains is to drain the road carriage way and shoulder of stormwater but they may also collect some overland runoff. The profile of these drains tends to be of a shallow "V" shaped and may be lined with concrete or possibly asphalt Council is responsible for maintaining these drains

### 4.2 Purpose

- This policy is intended to give clear direction as to who is responsible for maintaining the roadside open drains;
- A further intention is to reduce the risk of injury to road users from existing drains being enlarged;
- Ensure that surface water does not build-up with in the drain and then flow over the road thus causing a hazard or damage to the Transportation asset.

### 4.3 Key Linkages

- Tasman Resource Management Plan
- Local Government Act 1974
- Land Drainage Act 1908
- Council's Stormwater Activity Management Plan (AMP)

### 4.4 Policy

All open roadside land drains except those in urban areas identified in Council's AMP, are the responsibility of the adjacent land owner whose property frontage the drain extends along, to keep clear and maintained.

### 4.5 Process – Accessway and Road Culverts

Council is responsible for all culverts under public roads that it currently maintains and is recorded in Council's Asset Register. From time to time Council may require its road maintenance contractor to clear culverts under public formed roads that it does not maintain.

Accessway culverts generally are the responsibility of the land owner whose property it serves however these may be cleared out by Council's road maintenance contractor from time to time if they present a problem to the

roadway. Council may seek to recover these costs from the land owner benefitting from the accessway, but only if repeated requests for the landowner to clear the culvert have been unsuccessful. If the culvert is undersize and causing ongoing problems then the land owner may be required to renew with a larger pipe.

The lowering of both accessway and road culverts to gain outfall will be the responsibility and cost of the applicant. In some circumstances Council may contribute to the replacement of an existing culvert where there is benefit to the public road.

Where the Council is upgrading a road or drainage system then existing accessway culverts may be replaced and generally at Council's expense.

## **4.6 Process - Need to Maintain Drains**

Permission is not required to undertake this work however, where the work is undertaken from the road side of the drain, a Temporary Traffic Management Plan will be required for maintained & formed roads.

All cleanings and spoil are to be removed from the site. Spoil will not be permitted to be left in road reserve unless otherwise agreed by the Council.

The Council may mediate in the interests of gaining co-operation from all landowners to clean or pay for their section of the drain to be cleared.

Where cooperation cannot be achieved, then Council may arrange for the work to be undertaken and the cost to be reclaimed from the landowner/s whose frontage the drain extends along.

### **Comment**

*Drains if not maintained, can cause stormwater to back-up causing flooding of nearby properties and roadway.*

## **4.7 Process – Desire to Deepen Drain**

Open drains will not be permitted to be deepened without first seeking permission from the Transportation Manager, and subject to the applicant obtaining resource consent (if applicable).

Generally deepening of open drains to a depth exceeding 1.5 metres below natural surface level on any road or widen open ditches towards the centre of the road will not be permitted.

### **Comment**

*Deep drains create a hazard to all road users.*

*Deepening drains can affect outfalls on existing roads or accessway culverts thus causing a situation where water lies in the drain due to the culvert invert level being higher than that of the drain.*

## **4.8 Process – Desire to Pipe Drain**

Landowners may wish to pipe a section of the open drain, however permission must first be sought from Council before any work begins. The pipe size, type and grade, including treatment of inlet and outlet, shall be to the satisfaction of Council.

The cost of the work including ongoing maintenance will be at the landowner's expense. The responsibility for ongoing maintenance should be stated on the Land Information Memorandum for the property.

### **Comment**

*Ideally the piped ditch should have a shallow swale overlying its alignment and graded to permit fall as well as entry points for overland flow where appropriate.*

*For piped drains it is essential to ensure the pipe is adequate to cope with the flow, and will not restrict up stream flow. The ongoing financial liability of the pipe shall rest with the benefitting adjacent landowner.*

*Applicants shall be responsible for obtaining any required resource consents*

## **4.9 Process – Roadside Drains in Urban Areas**

In urban areas, road drainage including roadside drains shall be maintained by Council.

Piping of frontages, and piped accessways and connection to piped stormwater drains are subject to specific application and approval.