

Reference Number: 2023/942

13 April 2023

[REDACTED]

Email: [REDACTED]

Tēnā koe [REDACTED]

Response - Official Information Request

I refer to your request for information received on 17 March 2023. Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and I provide the following information.

What is a definition of a historical drain?

An excerpt from the Land Drainage Act: Section 2, Interpretation states a drain includes every passage, natural watercourse, or channel on or underground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 hereof.

What are the Council and/or landowners responsibility for the historical drain?

More information on Section 17 of the Land Drainage Act: Construct and maintain drains and watercourses can be found [here](#).

When issues arise with the historical drain who do landowners contact?

The responsibilities of the Board lie within Horowhenua District Council, Horizons Regional Council, Waka Kotahi and KiwiRail.

If the historical drain is part of several neighbouring properties, how are the responsibilities for this historical drain enforced?

The responsibilities can be enforced by the Board.

If enforcement isn't happening, can legal action be the next step?

Yes, more information can be found on [s63 - Power to compel local authority to order removal of weeds and obstructions](#).

Why do landowners have to pay rates on the land that is a historical drain? (The land is unusable for the owner, and generally is not wanted)

The answer to this is covered in question 2.

Who made it a historical drain?

The answer to this is covered in question 1.

When was it made a historical drain?

The answer to this is covered in question 2.

What are the rules, responsibilities and expectations around this historical drain?

The answer to this is covered in question 2, but the Land Drainage Act 1908 sets out rules and responsibilities.

Council officers are available to investigate or provide further advice on a specific issue this query may relate to. This would provide a more accurate interpretation of the Land Drainage Act responsibilities and solutions to issue.

You are entitled to seek an investigation and review by the Office of the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or free phone 0800 802 602.

Horowhenua District Council publishes responses to Local Government Official Information and Meetings Act 1987 (LGOIMA) requests that we consider to be of wider public interest, or which relate to a subject that has been widely requested. To protect your privacy, we will not generally publish personal information about you, or information that identifies you. We will publish the LGOIMA response along with a summary of the request on our website. Requests and responses may be paraphrased.

If you have any queries regarding this information, please contact the LGOIMA Officer on LGOIMAOfficer@horowhenua.govt.nz

Ngā mihi



Steve McTaylor-Biggs
Executive Sponsor