



LEGEND :

GWRC MAINTAINED WATERCOURSE BY PNRP CLASSIFICATION

— NATURAL
 — UNCLASSIFIED

NOTE :
 1. REFER ALSO WATERCOURSE AGREEMENT DOCS #1527190, 793436, 69879 & FMGT-2-2140 FOR FURTHER INFORMATION

THE WATERCOURSES AGREEMENT :
 The watercourses agreement first arose out of the December 1976 flooding in the Hutt Valley and the realisation that a lot of damage could have been prevented if watercourses had been regularly cleared of obstructions. While there were bylaws requiring landowners to keep watercourses clear of obstructions this was not happening in urban areas. In 1976, trees and other material that had fallen into the streams blocked culverts. The consequent overflows caused considerable damage to property.

The local authorities of the day decided that, in order to prevent a repeat of 1976, they would collectively take responsibility for "maintaining" certain urban watercourses and developed a watercourses agreement. The agreement determined who is responsible for doing the clearance work on nominated urban streams and who would fund it

FLOOD PROTECTION RESPONSIBILITIES & THE ADMINISTRATION OF THE WATERCOURSES AGREEMENT :
 Under the 1976 Administration of Watercourses Agreement, GWRC has administrative control over a number of rivers and streams in the region. On the Akatarawa River we maintain from the confluence of the Hutt River to 100m above the Bridge Rd bridge and have a cost-share arrangement in place with UHCC for maintenance work. This maintenance work is restricted to clearing the watercourse of obstructions to flood flows (such as fallen trees and debris). Protecting private property from erosion or remedying erosion on private property is specifically excluded from GWRC's maintenance responsibilities.

LANDOWNERS RISKS & RESPONSIBILITIES :
 Common law suggests that in general, landowners take any risks relating to flooding and erosion on their property. If landowners want to protect their private assets or land then the landowner would fund the protection work. In most cases resource consents are also necessary and clearly, landowners have no rights to protect their property where that would cause a problem to another owner (e.g. works which might result in flooding or erosion at a neighbour's property).

In addition, landowners have an obligation to maintain water bodies free from obstruction so that water can drain away quickly. However, it can be both difficult and inefficient for each landowner to act independently (particularly in urban areas) so public bodies were formed with the power to provide flood and erosion protection "on behalf" of groups of landowners. Regional councils and their predecessors, catchment boards, are such public bodies.

Section 126 of the Soil Conservation and Rivers Control Act 1941 (SC&RCA) makes it a function of catchment boards (now regional councils) to minimise and prevent damage from flooding and erosion. That section also confers a number of powers on regional councils including the power to construct works (subject to Resource Management Act 1991 approvals). The extent of regional councils' "responsibility" in this area has been subject to numerous legal opinions.

From brief consultation with our legal advisors, GWRC's understanding is that the law places no compulsion on GWRC to take any particular actions to prevent damage from flooding and erosion, as this is an 'enabling act'. What is required is that GWRC considers the issues on a region-wide basis and then decides what (if any) action is required. In the recent past, GWRC has chosen to use floodplain management plans (for the major river systems) to determine what, if any, measures need to be taken to minimise flood damages.

In addition, we have produced Flood Hazard Assessments (FHA) for smaller rivers and streams. The FHA's define the flood hazard so that people can ensure that when they subdivide there is a flood free house site and that they can build other assets away from floodable areas.

If GWRC chooses to construct works then we do have an ongoing obligation to maintain them (although some legal opinions imply that the obligation may be more moral than legal). The most recent example of GWRC constructing and maintaining a new scheme was in the 1990s in the lower Porirua Stream.

Territorial Authorities also have a role in watercourse maintenance. For example Part XXVI (relating to drainage and stormwater) of the Local Government Act 1974 gave territorial authorities powers and responsibilities not dissimilar to those conferred on regional councils under the SC&RCA. The Land Drainage Act 1908 (which is still in force) also deals with similar issues.

ISOLATED WORKS POLICY :
 GWRC Flood Protection Department has an annual budgeted amount for a contribution to river works that fit within the Isolated Works Policy. Isolated works are privately owned flood or erosion protection works that are constructed outside areas where GWRC manages community flood protection schemes. The intent of the contributions is to provide a level of service to areas that are not eligible for rate funded community flood protection schemes. The maximum contribution is set at 30% of the actual cost of an eligible isolated work, and has traditionally been provided on a first in first served basis.

The Following drawings are for reference to general longsection / cross section Information. In all cases enquire with drawing office staff as more up to date drawings or survey information may be available.

Name	Scheme	Length (m)	Drawings Available
Kenepuru Stream	Porirua District	4302	n/a
Porirua Stream	Porirua District	2838	1996 - 2010 Cross Section Survey (Spreadsheet & dwgs)
Porirua Stream	Wellington District	7588	1989 Flood Mitigation Phase 2 report, Volume 1 & 2010 Cross Section Survey (Spreadsheet Data)
Takapu Stream	Wellington District	1110	n/a
Taupo Stream	Porirua District	469	n/a
Wainuiomata River	Hutt City	4565	1976 - 1999 Cross Section Survey (Spreadsheet & dwgs), Wm-5032/1-17 & Wm-5030/1-11