

APPENDIX 48.28

6.8. Use of cash contributions

Cash taken as part or all of a reserve contribution may be used for:

- the purchase of land for reserves;
- capital improvements to newly acquired land, or existing Council-owned land, to provide open space and facilities for sports and recreation needed as a result of development;
- the repayment of loans (be they loans to the council from external and/or internal funding sources) taken out for the purchase of land for possible future reserves or for capital improvements;
- any other purposes provided for in section 205 of the Local Government Act 2002.

Cash acquired through the reserve contribution process cannot be used to pay for maintenance.

Cash may also be used as a contribution from the Council to another authority or public body which controls land in the district and wishes to make provision for recreational facilities important to the residents of the district. Cash will be held in the reserve development fund earning interest until it is required. Cash taken as part or all of a reserve contribution will be used in such a way as to provide a benefit to the wider locality from which the contribution was required.

6.9. Credits

Credits, up to a maximum of 20% total, towards the value of reserves contributions may be gained by a subdivider / developer for the retention of valuable existing features on the land, or for improvements to the land, or a combination of both. Credits will be given on a case-by-case basis at the request of the subdivider / developer, in the following circumstances:

6.9.1. Retention of existing features

Trees/vegetation:

Before a developer takes out existing trees and/or shelter belts, it would be appropriate to approach the Council to see if the retention of existing vegetation would have value as a credit for the calculation of reserves contributions. The trees, together with the land they exist on, may have a greater value than the cleared land if they provide shade and shelter and clear benefits for the community. Another reason to retain trees and to give a credit for their retention may be the value they have as part of the district's identity and history and their role as a habitat for birds and wildlife. The amenity that existing

vegetation adds to the community can be considerable and its value is often noticed after its removal, particularly in the case of shelter. It may only be possible to retain large trees and shelter belts if sufficient land is set aside around them to enable trimming and maintenance to take place. Vegetation needs to be in a well maintained condition and have a minimum of 20 years' life remaining to be acceptable. Its location is also critical.

Landform:

Land which has topographical interest may have value additional to its basic land value. Features may include natural river terracing, riparian edges, wetlands, natural water features, rock formations, elevation for views, or the land may be part of those areas that come under 'Outstanding Natural Features and Landscapes' B1.4 of the District Plan, Volume Two.

Structures of historic or cultural interest:

It may be possible to base a subdivision theme on existing man-made features which add variety and interest to the district. Structures may include fencing, stone or brick walls, gates, paving, garden layout, farming structures, small buildings or remnants thereof, bridges, canals, memorials and historic markers. Reserve land may be taken in places where such items are located, in order to preserve them for future interest.

6.9.2. Improvements to the land

The main criterion for deciding if a credit should be given would be that the work comes within the category of reasonable improvements of a standard the Council might itself have made to the land, over time. These might include the laying of grass, planting of trees and shrub borders, implementation of pathways and fencing, installation of seats and litter bins, construction of play facilities and shelter or enhancement of waterways and wetlands. It would not normally extend to elaborate structures, works of art, walls and gateways, special paving, fountains and water features, or anything that is intended to enhance the development to increase its market appeal rather than to offset the impact of development and the loss of open space which results. Such improvements would be assessed to ensure they do not lead to greater than normal maintenance costs for the Council, once it becomes owner of the improvements. The Council reserves the right to take cash in lieu of improvements so it may develop land in nearby locations, where increased demands for facilities are already being felt or are anticipated. The Council may want to involve the new residents in the design of their reserve land at a later date, in which case cash will be taken to pay for this work.

Examples of improvements which may constitute a credit for an average neighbourhood reserve are:

- asphalt paths through a reserve which connects it to walkways, play areas, community facilities, stream banks, shelters or seating;
- classic seats with backs, as often installed by the Council;
- litter bins;
- amenity trees of approved species which have the potential to grow to a minimum of 10m in that location, planted at 3.0m and staked; street trees are not included owing to the loss of trees that frequently occurs when construction begins;
- amenity grade grass where agreed with the Council;
- play equipment which is needed in the area and which meets all health and safety standards in its design and installation.

6.9.3. Stormwater management areas

There has been a move away from regarding storm water as something that must be disposed of as quickly as possible to seeing a storm water system as an asset that has multiple values. This has changed the focus from underground pipes to above ground facilities which can include swales, retention basins, wetlands and streams, together with riparian planting. The objectives of the above-ground approach are, to slow down storm water run-off thereby reducing its destructive force, settling out solids, pollutants and silt, releasing the cleaner water slowly into streams which nurture riparian environments and gently release storm water to the sea or to ground. Landscape, recreation, ecology, and culture are thereby enhanced, in addition to land drainage.

A reserve contribution may therefore consist partly of land also required to be set aside and vested in the Council as a development contribution for the collection, retention and disposal of storm water. While its primary purpose may be for storm water management, the land can serve a secondary function as open space. Up to a maximum of a 20% credit may be gained on the basis of an area of land set aside for this purpose.

The gain for the community may be that the area of land is larger than a normal reserve, owing to the fact that parts of it will at some times be under water. The design of the stormwater management area should take this into account when siting features such as paths, seating, play areas and planting. Such areas can also be useful as green linkages to other publicly accessible open space. Clearly the location and design of the

stormwater features must work from an engineering point of view. However, if the land is to serve as open space it should also meet some of the criteria set out above under Criteria for Taking Land Instead of Cash. Discussions should be entered into as early as possible if the developer is contemplating the inclusion of a combined stormwater/open space feature as it will be dependent on a number of factors which should be identified at the outset and which may affect other infrastructure, for example, the roading layout.

7. Stormwater – specific issues regarding development contributions assessment

The district has a number of storm water networks. Developments in towns with a storm water network will be assessed on their merit as to:

- how stormwater created by the development should be managed;
- what impact that storm water discharge will have on existing systems to manage the new flow - based on the specific assessments, a development contribution will be calculated.

8. Community centres - specific issues regarding development contributions assessment

Community centre contributions will be taken for the construction of the Castle Hill community centre. The development contribution is \$550 per lot.

9. How to work out the development contribution payable

[STEP 1] Determine in which location within the district your development is to occur.

[STEP 2] Go to the Development Contributions Schedule and identify the fees payable per unit of demand for your development contribution area.

[STEP 3] Establish how many units of demand your development will create for each of the community facilities.

[STEP 4] Multiply the units of demand (step 3) by the fee per unit of demand (step 2) to determine the total development contributions payable.

APPENDIX 48.29

SELWYN DISTRICT COUNCIL WATER RACE BYLAW 2008

1 TITLE:

- 1.1 This bylaw is made by the Selwyn District Council pursuant to the powers and authority vested in the Council by Section 146 (b)(i) of the Local Government Act 2002. This bylaw shall be known as the Selwyn District Council Water Race Bylaw 2008.

2. INTRODUCTION

- 2.1 The primary purpose of the water race system is to provide drinking water for farm animals. Some properties also use the water race system as an untreated domestic water supply. Secondary purposes of the water race system are for irrigation (where permitted by the Council), fire fighting and enhancement of amenity and ecological values.

The activities governed by this Bylaw, including the taking, use, damming and diversion of water, may also be subject to regional rules in the Waimakariri River Regional Plan and the Proposed Natural Resources Regional Plan for Canterbury. Compliance with this Bylaw does not imply compliance with regional rules and a resource consent may be required.

Land use close to water races that may contaminate water quality and other activities involving discharges into water races are subject to rules in the Proposed Natural Resources Regional Plan for Canterbury, and the Selwyn District Plan. Resource consent may be required for those activities.

- 2.2 The Council also has policies which it uses as part of the management of the water races; they do not form part of these bylaws but should be consulted by any person interested in the management of the water races.

3. DATE OF COMMENCEMENT

- 3.1. This bylaw comes into force on the 1 July 2008

4. REPEALS

- 4.1. The Selwyn District Council Water Race By-law 2000 is hereby repealed.

5. APPLICATION OF BYLAW

- 5.1 This bylaw applies throughout Selwyn District and includes properties that are rated for stock water outside of the Selwyn District boundary.

6. DEFINITIONS

References to a repealed enactment include its replacement.

For the purpose of this bylaw, unless the context otherwise requires;

'Agent' means any person or body authorised by the Council to maintain and administer the water race system

"Accessories" means all objects used in conjunction with a Water Race and includes, where the context so requires, all weirs, gates and valves used for regulating flow, and flow metering equipment

"Agreement" means a written agreement between the landowner and the Council giving permission to do something within the water race system.

"Bylaw" means this bylaw as altered, varied or amended from time to time

"Commercial irrigation" means irrigation using water supplied from a water race for a fee paid to the Council

"Council" means the Selwyn District Council or any person authorised to exercise the authority of the Council, or its agent

'Council water race' means a water race that is on land under the control of the Council

"District" means the Selwyn District and whereby agreement Christchurch City Council.

"Existing Use" means any right to take water from a Water Race where;

- (a) That right was lawfully established at the commencement of this bylaw; and
- (b) The quantity of water taken and use of the water is the same or similar to that which existed before the commencement of this bylaw.

"Farm stock water race" means a water race on land that is not under control of the Council.

"Maintenance" means cleaning and maintaining the water race system in accordance with the Water Race Management Plan

"Non commercial irrigation" means watering a residential garden or shelter belt of trees using water from a water race

"Owner or Occupier" means the owner or occupier of land recorded as such in the valuation roll of the District

"Rural agricultural drinking-water supply" has the same meaning as in the Health [Drinking Water] Amendment Act 2008

"Water race" has the same meaning as in the Local Government Act 2002

"Water Race Management Plan" means the Water Race Management Plan authorised by the Council and altered or amended by the Council from time to time. It is available from the Council on request

"Water Race Policy" means the policies set out in the Water Race Management Plan

"Water Race System" means the system of water races having its origins at;

Earlys Intake on the Rakaia River, grid reference NZMS 260 L35:2413 -5732, and

Lower Rakaia Intake on the Rakaia River, grid reference NZMS 260 L35: 2436-5717, and

Paparua Intake located on the Waimakariri River, grid reference NZMS 260 L35: 2453-5748, and

Lower Kowai Intake located on the Kowai River, grid reference NZMS 260 L35: 1781-6347, and

Upper Kowai Intake located on the Kowai River, grid reference NZMS 260 L35: 1687-6299, and

Waimakariri Gorge Intake located on the Waimakariri River, grid reference NZMS 260 L35: 3297-6054, and

Glentunnel Intake located on the Selwyn River, grid reference NZMS 260 L35: 2479-6478, and

Haldon Intake, located on the Hororata River, grid reference NZMS 260 L35: 2429-5737, and

and any other source of supply from which the Council may take water for water races, including water races and any tail race, branch, artificial or natural channel connected to a water race and channels which are wholly or partially supplied with water from a water race, other than those channels into which water is spilled when that water is no longer required for operation of the water race system.

6. RIGHT TO TAKE WATER

6.1 No person may, whether directly or indirectly, take, divert or use any water in or from a Water Race except;

- (a) Pursuant to a lawfully established existing use, or
- (b) With the agreement of the Council, granted under this bylaw or any other bylaw; and
- (c) Upon the payment of annual charges that may be determined from time to time by the Council: or
- (d) In the case of an emergency, for fire fighting.
- (e) The New Zealand Fire Service for the purposes of training and testing.

6.2 Any person who wishes to take water from a water race may apply to the Council for permission to take water. Such application;

- (a) Must be in writing, and be accompanied by the prescribed application fee.
- (b) Must describe with sufficient particularity:

- (i) The applicant
 - (ii) The land to be served by the water taken
 - (ii) The Water Race from which water will be taken
 - (iii) The purpose or purposes for which water will be taken
 - (iv) The method (such as pipe, open drain or other method) by which water will be taken
 - (v) The place or places in the Water Race from which water will be taken.
- 6.3 Where construction works are proposed to enable water to be taken, the application must be accompanied by plans and specifications which adequately describe the proposed work.
- 6.4 If the Water Race from which water is to be taken is not located on the applicant's land, the application must be accompanied by written evidence of the agreement of the owner or occupier of the land on which the water race is located.
- 6.5 Within 15 working days of receipt of a complete application the Council will, in writing, either:
- (a) Grant the application, with or without conditions, or
 - (b) Decline or defer the application, and give the reasons for its decision.
- 6.6 Notwithstanding Clause 6.5, if the water is required urgently and no other sources of water supply are accessible to the applicant, the application will be assessed and given priority by the Council.
- 6.7 When granting an application subject to conditions, those conditions may include, but are not limited to the following,
- (a) Approval of the construction practices or specifications in accordance with Council requirements;
 - (b) Requiring the supervision of construction works by the Council with the cost of such supervision to be met by the applicant;
 - (c) Requiring the use of contractors approved by the Council, at the applicant's expense, in respect of any work affecting a public road or other utility services
 - (d) Requiring additional work to be undertaken if the Council considers such work necessary for the protection of the Water Race, other water race users, or members of the public;
 - (e) Limiting the quantity of water which may be taken and/or the times at which water may be taken;
 - (f) Limiting the purposes for which water may be taken;
 - (g) Specifying the place or places from which water may be taken;

- (h) Requiring the installation of accessories relevant to the application at the applicant's expense, or
 - (i) Requiring payment of fees.
- 6.7 The applicant may object to any decision of the Council made under this bylaw by giving notice in writing to the Council. Such notice must set out the grounds of the objection. Within 20 working days of receiving a notice of objection, the Council will convene a hearing at which the objection will be heard. Not less than 5 working days notice in writing of the time and place of the hearing will be given to the objector. After hearing the objection the Council may:
 - (a) Confirm the original decision; or
 - (b) Reverse the original decision; and/or
 - (c) Impose new or varied conditions.
- 6.8 An agreement to take water from a water race, when granted, runs with the land described in the application and binds successors in title to that land.
- 6.9 **Commercial Irrigation**
Upon written approval of the Council, water may be taken for commercial irrigation from water races in the Paparua Scheme that have been designated as irrigation water races or combined stock water and irrigation water races.
- 6.10 **Non Commercial Irrigation**
Upon written approval of the Council, water may be taken from water races for non-commercial irrigation of domestic gardens, provided;
 - (a) no more than 4,000 litres of water is taken per day,
 - (b) water is taken in accordance with the water race policy, and
 - (c) the application fee as determined from time to time is paid.
- 6.11 Upon written approval of the Council, water may be taken from water races for non-commercial irrigation of shelter belts, provided;
 - (a) no more than 4,000 litres of water is taken per day,
 - (b) water is taken in accordance with the water race policy, and
 - (c) the application fee as determined from time to time is paid.

7. EMERGENCY

- 7.1 In the case of a fire emergency, water may be taken from water races for fire fighting purposes without the need to first obtain permission from the Council.

8. PROHIBITED USES

The following uses of a water race are prohibited:

- 8.1 No person(s) may bathe or wash clothing or other things in a water race.
- 8.2 Allowing domestic fowl, be they water-fowl or otherwise, into or on a water race.
- 8.3 Allowing detergents, chemicals or nutrients to enter a water race
- 8.4 Allowing backflow from irrigation equipment to enter a water race
- 8.5 Allowing animals to enter a water race, except that a drinking station may be provided outside the water race.
- 8.6 Carrying out any activity on land or in any building or yard which contaminates the water in the water race.
- 8.7 Obstructing the flow of water in the water race by any means whatsoever.
- 8.8 Allowing or causing any animal or vehicle to enter or cross a water race except at bridges, culverts or crossing places provided by the Council or constructed with the Council's written approval.
- 8.9 Allowing or causing any part of any fence to remain in a water race.
- 8.10 Taking or diverting water from a water race without the prior written agreement of the Council.
- 8.11 Allowing water from a water race to be wasted by failing to adequately maintain or repair any pipe or other apparatus.
- 8.12 Interfering with any regulating gate or other apparatus or doing anything which may cause the supply of water from a water race to be increased or decreased without the written approval of the Council.
- 8.13 Permitting a person who does not pay water race rates to take water from a water race.
- 8.14 Widening or deepening any water race or altering the course of any water race without the written approval of the Council.
- 8.15 Permitting or causing any Statutory Nuisance as defined under Section 29 of the Health Act 1956.
- 8.16 Obstructing any crossing point over a water race.
- 8.17 Removing, displacing, altering, damaging or interfering with any bank, dam, sluice, flume, bridge, gauge, meter, reservoir, pipe, or other work or thing used in supplying or distributing water from any water race.
- 8.18 Disturbing the ground so as to uncover any culverts belonging to any water race or lengthening or decreasing the length of any culvert without the written authority of the Council.

8.19 Making any structure over, in, or under a water race unless approved by the Council.

8.20 Sowing, planting, or allowing to grow any tree, hedge, shrub or other plant of any kind, within a distance of 3 metres of either side of a water race except:

- (a) Crops and pasture are permitted; and
- (b) Shrubs or plants forming any part of a live fence and maintained to less than 1.5 metres in height may be sown or planted on one side of a water race only, at a distance of not less than 1 metre from the edge of the water race.
- (c) A strip, at least 6 metres wide, must be left unplanted adjacent to one side of the water race to enable access to the water race for machinery used for cleaning.
- (d) As otherwise approved by the Council.

8.21 Erecting any building or structure of any kind or size within ten metres of either side of any water race without the written authorisation of the Council.

8.22 Discharging effluent into a water race.

9. COUNCIL RESPONSIBILITIES

9.1 Notwithstanding anything to the contrary in this bylaw, the Council is responsible for the maintenance and repair of:

- (a) The Water Races classified as Council water races and listed in Plan – 006/000/WR (Malvern), 007/000/WR (Paparua), 008/000/WR (Ellesmere);
- (b) Accessories located within any of the water races listed in Plan 002/000/WR (Malvern), 003/000/WR (Paparua) and 004/000/WR (Ellesmere);
- (c) Any weir, gate, or valve located in any water race where more than one property is served by the water race downstream of that weir, gate or valve.

9.2 Except as provided in clause 9.1, the cost of maintaining and repairing any water race or accessory is the responsibility, as the circumstances require, of either:

- (a) The owner or occupier of the land within which the water race or accessory is located; or
- (b) Where the water race or accessory is located within a road or a reserve, the owner or occupier of the land which is contiguous to that road or reserve; or
- (c) Where the water race or accessory is located on or about the common boundary between land in different ownership, the owners of the land in equal shares.

9.3 The person(s) nominated in 9.2 is responsible for the regular inspection, repair, maintenance, and cleaning of the relevant section of the water race to a standard sufficient to ensure that:

- (a) Any obstruction to the free flow of water along the water race is removed as soon as is reasonably practicable;
- (b) As far as is practicable, no water is wasted by seepage or otherwise;
- (c) Continuity of supply and free flow of water downstream is maintained at all times.

10. CLEANING

10.1 Farm Stockwater Race Cleaning

- (a) In addition to Clauses 9.2 and 9.3 the owners or occupiers of land through which a farm stockwater race runs must, at their own cost keep and maintain the water race in good order including the sides and banks in such a condition to ensure a continuous flow preventing any overflow, leakage, or wastage of water to property or roads.

10.2 Other Water Race Cleaning

- (a) Council water races are cleaned by the Council.

10.3 Removal of Matter and Debris

- (a) All matter or debris deposited as part of the cleaning of a water race must be removed by the owner or occupier of the land through which that water race runs, at the time that cleaning is undertaken, or as soon as practicable thereafter; and
- (b) The cost of the removal of that matter and debris will be borne by the owner or occupier of the land through which that water race runs; and
- (c) The owner or occupier will take all reasonable steps to prevent any matter or debris removed from the water race from re-entering the water race; and
- (d) Allow access to the water race by machinery used to clean the water race.
- (e) When working within road reserve a traffic management plan will be required. The person undertaking the work will obtain this approval prior to any work being carried out.

10.4 Maintaining, Cleaning and/or Improving the Races

- (a) When the Council clears, cleans, renovates or improves any part of a water race or any land adjoining a water race, it may deposit any matter removed on any part of the land adjacent to the water race, except where the land is a formed public road.

- (b) When working within road reserve a traffic management plan will be required. The person undertaking the work will obtain this approval prior to any work being carried out.
- (c) All such matter or debris deposited by the Council must be placed in such a manner as to prevent the matter re-entering the water race and to allow access to the water race by machinery used for maintenance.
- (d) If material cleaned from a water race is to be deposited in an area where grass is regularly mown, the Council will notify the owner or occupier of the land 48 hours prior to cleaning work being commenced,
- (e) Material cleaned from Council water races adjacent to a road and deposited in an area of the road verge which is regularly mown will be removed for a length of 50 metres. Removal of any additional material is at the cost of the owner or occupier of the land.
- (f) With the prior agreement of the Council, the owners or occupiers of land through which a water race runs may develop or implement a management plan to enhance that water race for ecological purposes. Where the Council gives its approval, and such a plan is implemented, that section of the water race will be listed by the Council in the Water Race Management Plan.

11 FAILURE TO REPAIR OR CLEAN A WATER RACE

11.1 Pursuant to s.182 of the Local Government Act 2002, if an owner or occupier of land fails to comply with any provision of this bylaw, having been required to do so in writing by the Council, the Council may enter onto the land, make good such failure, and charge the owner or occupier for any costs incurred.

11.2 Notwithstanding 11.1, if following a complaint of lack of water or flooding, the Council discovers an obstruction which is capable of an immediate remedy, the Council may, without notice to the owner or occupier of the land upon which the obstruction is located:

- (a) Forthwith remove that obstruction; and
- (b) Require the owner or occupier of that land to pay an "obstruction removal fee" the amount of which may be prescribed by the Council from time to time.
- (c) An obstruction removal fee when charged is a debt due from the owner or occupier of the land and the Council may take action to recover such debt without further notice, if the debt remains unpaid after 1 calendar month.

12. DIVERTING WATER

12.1 The Council may grant permission to divert water from a water race to a pond or reservoir provided that:

- (a) No person may divert water from a water race unless the Council has issued an agreement to do so in writing. Such an agreement may be

revoked by the Council after giving three months notice of its intention to do so.

- (b) The pond or reservoir must be watertight and lined with impervious material.
- (c) The intake and outlet of the pond or reservoir must be able to be shut off as required to ensure compliance with water restrictions or resource consent conditions.
- (d) An outfall must be provided from the pond or reservoir such that any overflow flows back to the water race, at the same water level as the water race.
- (e) The Council may impose conditions restricting the area, volume or depth of any pond or reservoir.
- (f) No pond or reservoir may cause any reduction in water flow in the water race from which water is diverted.
- (g) No person may construct a dam to raise the water level in the water race for the purpose of creating a pond or reservoir.

13. EXISTING USES

13.1 If, at the date this bylaw comes into force there are obstructions, including but not limited to;

- (a) Trees, hedges, other plants or shrubs of any kind, growing or dead, in the form or nature of stumps or otherwise, situated contrary to the provisions of this bylaw and irrespective of how, when or by what means they came to be there, or
- (b) Structures, buildings, yards or ponds which are situated contrary to the provisions of this bylaw, and
- (c) If, in the opinion of the Council, any such obstruction interferes with the flow of the water or creates excessive maintenance issues in any water race, the Council may;

Require the owner or occupier of the land on which the obstruction is located to remove that obstruction by giving notice accordingly.

13.2 An owner or occupier who objects to a requirement to remove an obstruction will be given an opportunity to be heard by the Council regarding that objection.

13.3 If, having heard the objection, the Council confirms its opinion that the obstruction must be removed, it will notify the owner or occupier accordingly and will consider whether compensation is payable to the owner or occupier.

13.4 If, after an objection has been heard and the Council has given notice in accordance with Clause 13.3, an owner or occupier fails to remove an obstruction within a reasonable timeframe the Council may take action pursuant to these bylaws and in particular Clause 11.1.

14. EXTRA OR ABNORMAL SUPPLIES

- 14.1 The Council may, at its discretion, grant an extra supply of water from a water race for special purposes, including fire fighting, or for purposes not otherwise authorised by this bylaw, at a cost to be established by the Council at the time of an application for such extra supply. Such cost may be varied from time to time.

15. POWERS OF THE COUNCIL

- 15.1 The Council may, pursuant to the powers vested in it under the Local Government Rating Act 2002, the Local Government Act 1974 and the Local Government Act 2002, vary, alter, reduce, increase or remove charges and rates levied for the maintenance and operation of the water race system.
- 15.2 The Council may alter the basis or manner or scale on which any or all such charges or rates are to be assessed as it sees fit in accordance with the powers vested in it.
- 15.3 The Council may impose restrictions on taking water from time to time.
- 15.4 Where a person is lawfully entitled to take water from a water race for any purpose other than for stock drinking water, including but not limited to irrigation, the Council may impose a charge.
- 15.5 Nothing in this bylaw limits the entitlement of the Council to levy a rate to recover the cost incurred in maintaining and operating any water race.
- 15.6 The Council may, at any time and from time to time, set or vary by ordinary resolution, application fees, obstruction removal fees, and charges for taking water for purposes other than stock drinking water.
- 15.7 The Council may perform its obligations and exercise its rights under these bylaws or otherwise in relation to the water race system through its nominated agents, employees or contractors, or the Agent, as the Council determines from time to time.

16. BREACHES OF THIS BYLAW

Every person commits an offence who -

- 16.1 Defaults in payment of any rate imposed on their land in respect of the supply of stock water or irrigation water
- 16.2 Fails to do or perform any act, or thing, that he or she is required to do by these bylaws
- 16.3 Permits, allows, or does, any of the acts that are prohibited in this bylaw

16.4 Fails to comply with his or her water supply agreement with the Council

16.5 Breaches this bylaw.

17. PENALTIES

17.1 Every person who contravenes this bylaw is liable to a fine not exceeding \$20,000 or other such amount as may be provided for under the Local Government Act 2002.

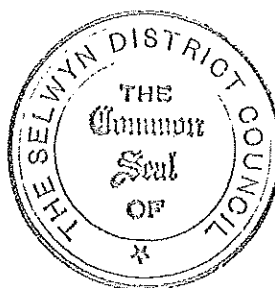
17.2 In addition to any penalty imposed by any court for a breach of this bylaw, the Council may sue for and recover from any person, the cost of damage done or caused to a water race or associated works, or in respect of any water unlawfully taken or diverted or wasted or lost due to any failure to comply with this bylaw.

18. SAVINGS

18.1 Nothing in this bylaw is an undertaking or guarantee by the Council that it will provide water in any water race either at all, or to any quantity or to any specified quality.

18.2 Nothing in this bylaw renders the Council responsible or liable to any person or body for the total or partial failure of any water supply from whatever cause such failure may arise.

The COMMON SEAL of the
SELWYN DISTRICT COUNCIL
was hereunto affixed, in accordance
with the Special Order made by the
Council on 11th June 2008
in the presence of:



[Signature] Mayor

[Signature] Chief Executive

APPENDIX 48.30



Selwyn District Council Engineering Code of Practice is currently been reviewed and is in draft status.

Any queries please contact Geoff Birss geoff.birss@selwyn.govt.nz Telephone 03 347 2800