



STATEMENT OF PROPOSAL FOR THE SELWYN DISTRICT COUNCIL STORMWATER AND DRAINAGE BYLAW

**(This statement is made for the purposes of sections 83 and 86
of the Local Government Act 2002)**

Nature of the Proposal:

This is a statement of proposal by the Selwyn District Council (the "**Council**") to make the Selwyn District Council Stormwater and Drainage Bylaw 2018.

Reasons for this Proposal:

The Proposal is that the Council make the Stormwater and Drainage Bylaw 2018 in the attached form (the "**Draft Bylaw**").

The implementation of the Draft Bylaw will ensure that all parties are aware of their responsibilities in terms of current management and the operation of best practices. A bylaw is considered necessary because of the potential damage to Council infrastructure and the health and safety of Council staff and the general public.

It is considered that the attached Draft Bylaw is the most appropriate form of bylaw and is consistent with the New Zealand Bill of Rights Act 1990.

Statutory requirements for making a bylaw:

(a) Appropriateness

The Draft Bylaw has been determined to be the most appropriate mechanism to control the stormwater and drainage network within the Selwyn District. The Draft Bylaw will:

- ensure that stormwater and drainage in the Selwyn District is managed in a way that is appropriate for both the community and the wider environment;
- set clear guidelines and provide information to the public;
- ensure consistency and clarity for persons using or affected by the stormwater and drainage infrastructure; and
- protect Council infrastructure from damage and misuse.

(b) NZ Bill of Rights:

Section 155(2)(b) of the Act requires that any new or reviewed bylaw must be consistent with the NZ Bill of Rights Act 1990. Council has obtained legal advice to ensure that the Draft Bylaw is consistent with the NZ Bill of Rights Act 1990.

The Draft Bylaw is being processed in a democratic manner by the Council by publicly notifying its intentions, the taking and hearing of submissions from the public and the final consideration of the Draft Bylaw being made by elected members of the Council.

(c) Options Available to Council

1. Do Nothing – The Council has responsibilities to protect the Council's drainage systems from damage and to prevent nuisance from poorly maintained drainage systems. This option is not supported.
2. Rely on other methods (public education) – Council does not see this option as being practical. The Council would have no statutory authority to protect the public asset and would have to rely on the co-operation of several different parties. A number of potential environmental problems may also arise in respect of stormwater and drainage discharge. Clear rules about what is permitted, and the penalties for a breach of such rules, will be required. This option is not supported.
3. Establishment of a new bylaw – The implementation of a new bylaw will ensure that all parties are aware of their responsibilities in terms of current management and the operation of best practices. A bylaw is considered necessary because of the potential damage to Council infrastructure and the health and safety of Council staff and the general public.

The statement of proposal has been prepared on the basis that Council wishes to proceed with **Option 3: Proceed with the establishment of the Bylaw.**

Benefits and Costs of the Draft Bylaw:

Benefits of the Draft Bylaw include:

- operation of the Draft Bylaw under current legislation and management practices;
- protection of the Council's staff and contractors and the general public;
- addressing all aspects of the stormwater and drainage network including issues arising from legislation and amendments thereto;
- protection of infrastructure from damage and misuse; and
- to assist Council staff in achieving compliance in a fair and straight forward manner.

Costs of the Draft Bylaw:

- The cost of non-compliance with the bylaw (i.e. the cost of a breach of the Draft Bylaw, will be met by those who damage or misuse the asset).

Consultation:

The following groups and organisations (both internal and external stakeholders) will also be consulted on the Draft Bylaw:

- Council Elected Members and Committees;
- Te Taumutu Rununga;

- Adjoining Local Authorities (Christchurch, Waimakariri, Ashburton); and
- Environment Canterbury.

Council staff and the Land Drainage Sub-Committee have provided feedback on the direction of the Draft Bylaw and the matters considered. The views of the public will be sought through the special consultative procedure.

Provide Māori the opportunity to contribute:

The Council considers that the public notification and opportunity for submission process will provide appropriate opportunity for Māori contribution to the decision making process. Local Rūnunga will be directly notified of this consultative process.

The proposed timeline for the introduction of the bylaw is:

The consultation for the proposed Selwyn District Council Stormwater and Drainage Bylaw is being carried out in conjunction with the review of the Selwyn District Council Water Race Bylaw and the Water Supply Bylaw.

Timeline	Selwyn District Council Stormwater and Drainage Bylaw
14 February 2018 (Council meeting)	Adoption of the Draft Bylaw for consultation.
21 February 2018 Bylaw advertised	Advertise for public submissions to the Draft Bylaw.
21 March 2018 Submissions close	Written submissions on Draft Bylaw close at 4:00pm at the Council's service centres.
10/11 April 2018 (currently scheduled for) Submissions hearing	Hearings of submissions on the Draft Bylaw by the Stormwater and Drainage Bylaw Sub-Committee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
9 May 2018 (currently scheduled for) (Council Meeting)	Adoption of the Draft Bylaw at its ordinary Council Meeting
16 May 2018 (currently scheduled for)	Public notification of the adoption of the Draft Bylaw and its commencement date
1 June 2018	Commencement date of the Draft Bylaw.

Submissions:

Submissions are invited on the Draft Bylaw to be called the "**Selwyn District Council Stormwater and Drainage Bylaw 2018.**"

At its meeting on 14 February 2018 the Council passed a resolution approving the Draft Bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Act.

The Draft Bylaw can be viewed (and is downloadable in PDF format) on our website www.selwyn.govt.nz. Hard copies are also available during ordinary office hours at the Selwyn

District Council Service Centres in Darfield (Darfield Service Centre, South Terrace), Leeston (Leeston Library, High Street), Lincoln (Lincoln Service Centre, Gerald Street) and Rolleston (Norman Kirk Drive, Rolleston).

Copies can also be requested by phoning 347 2800.

Submissions on this proposal may be made until **4:00pm, 21 March 2018**.

Submissions on this proposal can be made in writing. In order for a submission to be accepted it must state:

- your name, postal address, phone or fax and e-mail address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make;
- whether you wish to speak at a hearing; and
- signed (if posted or faxed) and dated.

Submissions in writing shall be addressed to:

Alicia Paulsen
Proposed Stormwater and Drainage Bylaw
Selwyn District Council
P O Box 90
ROLLESTON 7643

Or similarly faxed to (03) 347 2799.

On receipt of your submission, Council will send an acknowledgement that your submission has been received.

Any person making a submission may request to be heard in person in support of their submission. If required, the **hearing will be held on 10 and 11 April 2018** in the Rolleston Service Centre, Norman Kirk Drive, Rolleston. These details will be further confirmed in advance of any hearing as required.

For more information please contact Alicia Paulsen, Water Services Support Planner, 03 347 2800.

Related documents:

- Draft Selwyn District Council Stormwater and Drainage Bylaw
- Report to Council