

Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025

The Selwyn District Council makes the following bylaw pursuant to sections 145(a) and (b) and 146(1)(b) of the Local Government Act 2002 ('the Act').

Explanatory note

This explanatory note does not form part of this bylaw but is intended to indicate the general effect of the provisions contained in this bylaw.

*The objective of this bylaw is to manage stormwater and drainage within the Selwyn District to protect people, property and the environment. This bylaw applies to both public and private stormwater and land drainage systems (together, the **Stormwater and Drainage Network**).*

Private Stormwater and Drainage Systems are the responsibility of the owner of the land they serve, and each section of a private drain (including a privately piped watercourse) is the responsibility of the owner of the land it passes beside or through. Although Council does not maintain these private drains, Council has powers under the Local Government Act 2002, Local Government Act 1974, Land Drainage Act 1908 and this bylaw to regulate activities that affect the Stormwater and Drainage Network.

This bylaw is in addition to the requirement to obtain any resource consents that may be required by the Canterbury Regional Council (Environment Canterbury) and the Selwyn District Council under the Resource Management Act 1991. Obtaining the Council's approval under this bylaw does not remove the need to obtain any consents required under the Resource Management Act 1991, the Building Act 2004 or any other Act, regulation or bylaw. Further, approval under this bylaw will not replace or add to existing consents or permitted activity status but may constitute a "written permission" within the meaning of condition 1 of Rule 5.93A of the Land and Water Regional Plan (to permit a discharge into a reticulated stormwater system under the Land and Water Regional Plan).

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1. TITLE

1.1 This bylaw is the Selwyn District Council Stormwater and Drainage Bylaw 2025.

2. DATE OF COMMENCEMENT

2.1 This bylaw comes into effect on 1 June 2025.

3. APPLICATION OF BYLAW

3.1 This bylaw applies to the Selwyn District.

3.2 Nothing in this bylaw shall limit the application of any other Act, rules or regulations made under any other Act. If there is inconsistency between any provision of this bylaw and the provisions of any other Act, rule or regulation, the more stringent provision applies.

4. PURPOSE AND GOALS

4.1 The purpose of this bylaw is to:

- (a) manage the development and maintenance of the Stormwater and Drainage Network and the land, structures, and infrastructure associated with that network, so as to protect the public from Nuisance and promote and maintain public health and safety;
- (b) protect and prevent interference with the Stormwater and Drainage Network and the land, structures and infrastructure associated with that system from damage, misuse and loss;
- (c) manage the entry of Contaminants into the Stormwater and Drainage Network;
- (d) prevent the unauthorised use of the land, structures or infrastructure related to the Stormwater and Drainage Network;
- (e) define the obligations and responsibilities of Council, private property owners, occupiers and the community relating to stormwater, land drainage and water course management; and
- (f) monitor, protect and restore water quality, waterway health and biodiversity.

4.2 The overarching goal of this bylaw is to assist Council to uphold the mana and mauri of wai in the Waikikiriki Selwyn District as set out in the Council's One Water Strategy including to:

- (a) protect and restore the natural processes of all water and waterways;
- (b) protect and enhance Te Waihora and tributaries;
- (c) protect and enhance naturalised habitats and biodiversity within waterbodies;
- (d) protect and enhance safe access to water for recreation, mahika kai and cultural connections; and
- (e) develop resilient and sustainable infrastructure which are adaptive to our changing climate.

5. DEFINITIONS AND INTERPRETATION

5.1 For the purposes of this bylaw, unless the context otherwise requires:

- (a) **Act** means the Local Government Act 2002;
- (b) **Approve, Approval or Approved** means the prior written approval of the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
- (c) **Buried Services** means all underground parts of the Public Stormwater and Drainage System and other underground utilities owned or managed by the Council;
- (d) **Consent** means any formal acceptance or written approval provided by Council or the Canterbury Regional Council including any resource consent or building consent;
- (e) **Contaminant** has the meaning given in section 2 of the Resource Management Act 1991;
- (f) **Council** means the Selwyn District Council or any Person delegated or authorised to act on its behalf;
- (g) **Discharge** means the discharge of Stormwater, groundwater or other substances into the Stormwater and Drainage Network whether directly or indirectly;
- (h) **Disconnect or Disconnection** means to sever or terminate a physical connection to the Public Stormwater and Drainage System;
- (i) **Drain** has the meaning given in section 2 of the Land Drainage Act 1908;
Explanatory note: Section 2 of the Land Drainage Act 1908 defines drain as including "...every passage, natural water course or channel on or under ground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 hereof"
- (j) **Engineering Code of Practice** means the latest approved version of the Selwyn District Council Engineering Code of Practice in relation to stormwater and land drainage;
- (k) **Erosion and Sediment Control Plan** means a plan that identifies the environmental risks associated with erosion and sediment from a site and describes the methods and controls that will be used to mitigate and manage those risks in accordance with the current version of the Canterbury Regional Council's Erosion and Sediment Control Toolbox;
- (l) **Fees and Charges** means the fees and charges determined by the Council from time to time in accordance with the Act and the Local Government (Rating) Act 2002 for the services provided by the Council associated with the management and Discharge of Stormwater and land drainage;
- (m) **Hazardous Substance** means a substance that is hazardous for the purposes of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001;
- (n) **High Risk** means activities defined as high risk in the Stormwater Discharge Risk Criteria.
- (o) **Manager** means a Person who controls or manages any Premises, or any activity on any Premises, or operates a part of the Stormwater and Drainage Network on the Premises,

regardless of whether that Person has a proprietary interest in those Premises or that activity or that part of the Stormwater and Drainage Network;

- (p) **Material** includes, but is not limited to:
 - (i) hazardous materials;
 - (ii) Contaminants;
 - (iii) building material;
 - (iv) structures and equipment;
 - (v) fill material, including soil or sand;
 - (vi) vegetation;
 - (vii) collected debris; and
 - (viii) litter;
- (q) **Medium Risk** means activities defined as medium risk in the Stormwater Discharge Risk Criteria;
- (r) **Network Discharge Consent** includes all stormwater and land drainage discharge consents and any variations issued by Canterbury Regional Council to the Council, which enables the Council to discharge stormwater to land, water and coastal environments and land drainage to water and coastal environments, in accordance with certain conditions;
- (s) **Nuisance** has the same meaning as section 29 of the Health Act 1956 and in the context of this bylaw includes, but is not limited to:
 - (i) a Person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another Person;
 - (ii) danger to life;
 - (iii) danger to public health;
 - (iv) flooding of any building floor or sub-floor, or public roadway;
 - (v) damage to property;
 - (vi) an effect on the efficient operation of a Stormwater and Drainage Network;
 - (vii) damage to any part of the Stormwater and Drainage Network;
 - (viii) erosion or subsidence of land;
 - (ix) long or short term adverse effects on the environment;
 - (x) adverse loss of riparian vegetation;
 - (xi) wastewater overflow to land or water; or
 - (xii) anything that causes a breach of a Consent condition binding Council;
- (t) **Occupier**, in relation to any Premises, means the Person occupying that Premises;

- (u) **Overland Flow Path** means the path over which surface water will follow if the Stormwater and Drainage Network becomes overloaded or inoperative;
- (v) **Owner** means the Person who owns the Premises from which Stormwater originates or on which the Private Stormwater and Drainage System is located;
- (w) **Person** means a natural Person, corporation or a body of Persons whether corporate or otherwise and includes the Crown or any successor of a Person;
- (x) **Premises** means:
 - (i) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;
 - (ii) a building that has been identified as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available;
 - (iii) land held in public ownership (e.g. reserve) for a particular purpose; or
 - (iv) an individual unit in a building which is separately leased or separately occupied;
- (y) **Private Stormwater and Drainage System** means any component of the Stormwater and Drainage Network that drains water from Premises to a receiving environment or up to the point of Service Connection with the Public Stormwater and Drainage System and includes pipes, gutters, downpipes, sumps, swales, Drains, Overland Flow Path, rain water tanks and any Stormwater and Drainage Management Device;
- (z) **Proprietary Treatment Device** means any manufactured, typically below-ground stormwater treatment system which removes Contaminants using a variety of physical and chemical means. These devices include but are not limited to hydrodynamic separators and filters;
- (aa) **Public Drain** means any passage, channel, or pipe, over or under the ground by which Stormwater or groundwater is conveyed and which is under the control of the Council;
- (bb) **Public Stormwater and Drainage System** includes:
 - (i) any Drain that is a Public Drain; and
 - (ii) any Drain on or in a road or on public land but does not include the Halswell Drainage Network;
- (cc) **Service Connection** has the same meaning as in the Act;
- (dd) **Sewage** is the Discharge from any sanitary fixtures or appliances;
- (ee) **Stormwater** means any water which enters directly (via pipe or Drain) or over land to the Stormwater and Drainage Network from land, including from constructed impervious areas such as roads, pavements, roofs and urban areas;
- (ff) **Stormwater Discharge Risk Criteria** means the current risk criteria used by the Council to assess and classify Stormwater Discharge **attached** as the Second Schedule and which may be varied by the Council from time to time;

- (gg) **Stormwater, Drainage and Watercourse Management Plan** means a plan prepared in accordance with clause 6.18;
- (hh) **Stormwater and Drainage Management Device** means a device or facility used to reduce or manage Stormwater runoff volume, flow and or Contaminant loads prior to Discharge and includes, but is not limited to:
- (i) swales;
 - (ii) detention basins;
 - (iii) infiltration basins;
 - (iv) infiltration trenches;
 - (v) rain gardens;
 - (vi) first flush diverters;
 - (vii) wetlands
 - (viii) wet ponds; and
 - (ix) Proprietary Treatment Devices;
- (ii) **Stormwater and Drainage Network** means a set of facilities and devices, either natural or man-made, which are used to convey groundwater and Stormwater, reduce the risk of flooding and/or to improve water quality and includes:
- (i) open Drains and Watercourses, Overland Flow Paths, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices;
 - (ii) the Public Stormwater and Drainage System; and
 - (iii) the Private Stormwater and Drainage System,
- but does not include the Halswell Drainage Network;
- (jj) **Trade Waste** means any liquid with or without matter in suspension or solution Discharged to the sewerage system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature and may include condensing or cooling water and Stormwater which cannot be practically separated from wastewater or domestic Sewage;
- (kk) **Unacceptably High Risk** means activities defined as such in the Stormwater Discharge Risk Criteria;
- (ll) **Watercourse** has the same meaning as section 2 of the Land Drainage Act 1908 but excluding water races as defined in section 5 of the Local Government Act 2002; and

Explanatory note: Section 2 of the Land Drainage Act 1908 states: "watercourse includes all rivers, streams, and channels through which water flows". Section 5 of the Local Government Act 2002 states: 'Water race means the land occupied by a water channel (other than a main river) constructed by or under the Local Authority, solely or principally for farming purposes'.

(mm) **Working Day** means any day of the week other than:

- (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki and Labour Day;
- (ii) a day in the period commencing the 25th day of December in a year and ending with the 2nd day of January in the following year;
- (iii) if 1 January falls on a Friday, the following Monday;
- (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

5.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.

5.3 Defined terms expressed in the plural have the same substantive meaning as those expressed in singular form.

5.4 Explanatory notes have been included for information purposes only. They do not form part of this bylaw, and may be made, amended, or revoked without formal process.

6. USE, CONSTRUCTION OR ALTERATION OF THE STORMWATER AND DRAINAGE NETWORK

6.1 Use of a Public Stormwater and Drainage System

- (a) No Person may make any connection to, or alter an existing connection, or otherwise alter, modify, or interfere with, any part of the Public Stormwater and Drainage System without Approval.
- (b) No Person may Discharge to the Public Stormwater and Drainage System without Approval.
- (c) It is an individual property Owner, Occupier or Manager's responsibility to be aware of, and ensure that, all activities undertaken on private property are undertaken in line with the relevant conditions of any Consent or Approval, including but not limited to the Stormwater and Land Drainage Discharge Consents, the Canterbury Land & Water Regional Plan; the Wildlife Act 1953; and Heritage New Zealand Pouhere Taonga Act 2014.
- (d) A written application for Approval of any matter in clause 6.1(a) or 6.1(b) must be made in the form required by the Council. The application must contain all information requested by the Council to consider granting an Approval and be accompanied by the relevant Fees and Charges.
- (e) On application, the proposed Discharge will be assessed against the risk criteria outlined in Stormwater Discharge Risk Criteria.
- (f) Once a risk classification has been assigned to a Premises and communicated to the applicant, the applicant shall have 20 Working Days to object and provide additional information to the Council to support a re-assessment. If no objection is received, the

Council's assessed risk classification shall be effective from the date that this 20 Working Days after the date of assessment.

- (g) If the applicant objects to the risk classification in accordance with clause 6.1(f) above and requests a reassessment, the applicant must:
 - (i) pay any relevant fee for reassessment; and
 - (ii) provide sufficient information to the Council to demonstrate that a reduction in risk classification is appropriate.
- (h) As part of the assessment process, the Council may impose conditions on the proposed Discharge including a requirement that the Applicant develop a Stormwater, Drainage and Watercourse Management Plan as outlined in clause 6.18.
- (i) If Approval is granted, the Owner, Occupier or Manager of the Premises must comply with any conditions set out in the Discharge Approval within the specified timeframes.
- (j) Where the Council does not grant Approval, it will notify the applicant of the decision and give reasons for the refusal.
- (k) Without limitation, the Council may refuse to grant an Approval to Connect or Discharge Approval where, in the Council's opinion:
 - (i) the proposed Service Connection is outside an area currently serviced by the Stormwater and Drainage Network;
 - (ii) there is insufficient capacity within the Stormwater and Drainage Network in the relevant location; or
 - (iii) the requirements of this bylaw, the conditions of any relevant Consent, or the outcomes sought by the Council under the Network Discharge Consents are not demonstrated as fulfilled in the application.

6.2 Acceptance of Discharge

The Council may grant Approval to Discharge water to the Public Stormwater and Drainage System if all of the following conditions are met:

- (a) the Premises is located within an area in which the Council makes Public Stormwater and Drainage System Service Connections available;
- (b) there is sufficient capacity within the Public Stormwater and Drainage System to accept the quantity and quality of the Discharge as advised by the Council Asset Manager, or, if the capacity is not sufficient, Approval to Discharge may be granted at the discretion of the Council if, at the sole cost of the applicant and on terms and conditions determined by the Council in all respects:
 - (i) the Public Stormwater and Drainage System will be upgraded in accordance with the Engineering Code of Practice; or
 - (ii) the discharge will be adequately controlled within the applicant's Property; or

- (iii) an alternative solution that is acceptable to the Council can be agreed upon (e.g. on-site attenuation up to and including the critical duration event);

Explanatory Note: Capacity Advice as advised by the Council's Asset Management Team and should be sought via the Servicing Assessment Application Process on Council's website.

- (c) appropriate treatment to meet the water quality outcomes of the Land and Water Regional Plan (or subsequent replacement plans) or relevant Consent or Network Discharge Consent, will be installed as required by Council in line with Council's Engineering Code of Practice;
- (d) the appropriate rates and charges in respect of that Premises are paid up to date;
- (e) the Discharge does not pose unacceptable risk to the Council's compliance with the Network Discharge Consents or the receiving environment;

Explanatory note: All existing Premises assessed as Medium Risk or High Risk will be required to apply for Approval to Discharge to the Stormwater and Drainage Network and provide all information required as a condition of any Approval.

Explanatory note: Premises that the Council considers present a manageable risk may be Approved to Discharge under the Network Discharge Consent subject to additional conditions. If a site is deemed as Unacceptably High Risk and excluded from Discharge under the Network Discharge Consents, the Occupier will be required to apply for and subject to granting obtain and hold separate resource consents.

- (f) all necessary Approvals are obtained from the Council and the Canterbury Regional Council and the Discharge meets the conditions of the relevant Consent;
 - (g) provision of a Stormwater, Drainage and Watercourse Management Plan or equivalent agreed plan, if required by the Council;
- Explanatory note:** Some of Council's resource consents require a Farm Environment Plan (FEP) to be provided by property owners to allow Discharge to the Council Land Drainage Network under the consent. This clause 6.2(g) makes Approval to Discharge conditional on provision of these plans or relevant part thereof (FEP or Stormwater, Drainage and Watercourse Management Plan).
- (h) the Owner, Occupier or Manager of the Premises fulfils the requirements of this bylaw, the Engineering Code of Practice and any relevant Act, Consent, regulation and other bylaw (as applicable); and
 - (i) any other reasonable conditions the Council considers appropriate.

6.3 Failure to comply with this bylaw or conditions imposed by any Approval under this bylaw may result in the Council suspending, imposing additional conditions or cancelling a Discharge Approval.

6.4 Any Owner, Occupier or Manager of Premises that holds a Consent from the Canterbury Regional Council at the time this bylaw is made, that wishes to apply to operate under a Network Discharge Consent, must apply to the Council for Approval of the proposed Discharge prior to the applicant surrendering or allowing the relevant Canterbury Regional Council Consent to expire or lapse. As part of this process:

- (a) the applicant must demonstrate that the proposed design and activities on the Premises will comply with the conditions of relevant existing Consents held by the applicant and the Council's Network Discharge Consent; and
- (b) the applicant must meet the conditions of the Approval including those that are required to be completed prior to Discharge.

6.5 All Approved Service Connections will be inspected by Council at the applicant's cost. Fees and Charges for inspection costs will be payable by the applicant.

6.6 The Owner, Occupier or Manager of any Premises with Approval to Discharge to the Public Stormwater and Drainage System must:

- (a) provide Council with access to the Premises for the purposes of auditing compliance with Discharge Approval conditions;
- (b) provide Council with all relevant documentation relating to the consent or system installed on request including but not limited to compliance reports, monitoring data, as-built plans; and
- (c) enable the Council to access and undertake sampling or testing on the Premises.

6.7 The Council may, at any time, review a Discharge Approval, any associated conditions, together with the relevant risk classification of the Premises.

***Explanatory note:** Reasons for a review may include, but are not limited to: • changes to the site, or its activities or practices, that may change the quality, quantity or nature of the Stormwater Discharge; • an audit undertaken by the Council; • the results of any monitoring, tests or samples; • non-compliance with any Approval or Consent condition or this bylaw; • non-compliance with the Network Discharge Consent, any other resource consent or other bylaw where it may impact on the quality, quantity or nature of the Stormwater Discharge; or • new or amended Stormwater quality standards.*

6.8 Following a review, the Council may:

- (a) vary or add conditions that the Council considers necessary to ensure compliance with all conditions of relevant Consents including the Network Discharge Consent (e.g. requiring a change to onsite practices or installation of a Stormwater and Drainage Management Device);
- (b) require a new application for a Service Connection or Discharge Approval to be submitted (which must be accompanied by the applicable Fees and Charges);
- (c) or suspend or cancel the Service Connection or Discharge Approval.

6.9 For the avoidance of doubt, at the Owner, Occupier or Managers sole cost:

- (a) the Council will regularly audit compliance with the Discharge Approval conditions; and
- (b) the Approval Holder must:
 - (i) comply with all variations or additional conditions of the Discharge Approval; and
 - (ii) undertake any corrective actions required by and within the timeframes, as specified by the Council. These may relate to:
 - (iii) a plan and timeframes for improving the Stormwater Discharge from the site; and
 - (iv) any other matters that the Council considers appropriate.

6.10 The Owner, Occupier or Manager must advise Council immediately of any pollution or contamination of surface water or the ground and within 3 months of:

- (a) any change in land use activity on the Premises that may alter the quality, quantity or nature of the Discharge from the Premises;

- (b) any contamination including historical contamination is identified on the Premises;
- (c) change in legal ownership of the Premises subject to a Discharge Approval.

6.11 As-Built Plans

- (a) As-built plans showing details of all new Service Connections or alterations to the Public Stormwater and Drainage System must be provided to Council within timeframes specified in the Approval. As-built information must be provided to meet the requirements outlined in the Engineering Code of Practice.
- (b) Where Council as-built plans are found or known by the applicant to be incorrect, the applicant must notify the Council.

6.12 Disconnection from the Public Stormwater and Drainage System

- (a) An Owner, Occupier or Manager of a Premises must give seven (7) Working Days' notice in writing to the Council of an intention to Disconnect, whether permanent or temporary, from the Public Stormwater and Drainage System.
- (b) An Owner, Occupier or Manager may only commence works to Disconnect from the Public Stormwater and Drainage System where Approval has been granted.
- (c) Disconnection from the Public Stormwater and Drainage System is at the Owner, Occupier or Manager's cost.

***Explanatory note:** 'relaying any Private Stormwater and Drainage System' is considered a Disconnection where works on a site (e.g. a new dwelling location) require the Stormwater connection to that site to be Disconnected, relayed and reconnected to a Public Stormwater and Drainage System in a new location.*

6.13 Design

All proposed Private Stormwater and Drainage Systems and any proposed alterations to any existing Private Stormwater and Drainage System or any Stormwater and Drainage Management Device that will be vested in Council, must be designed, constructed and operated in accordance with, if applicable, the:

- (a) Engineering Code of Practice;
- (b) Catchment Management Plans;
- (c) relevant Stormwater, Drainage and Watercourse Management Plan approved by Selwyn District Council;
- (d) Selwyn District Plan;
- (e) Canterbury Land and Water Regional Plan or future replacement plan;
- (f) Regional Coastal Environment Plan for the Canterbury Region;
- (g) National Environmental Standard for Fresh Water (NES-FM), including the requirements for structures to incorporate fish passage and limits on vegetation clearance near wetlands;
- (h) National Policy Statement for Indigenous Biodiversity (NPSIB);

- (i) Freshwater Fisheries Regulations 1983;
- (j) Canterbury Regional Council Erosion & Sediment Control Toolbox for Canterbury;

Explanatory note: The Erosion & Sediment Control Toolbox for Canterbury can be found at <http://esc.canterbury.co.nz/>

- (k) Consents relevant to the works;
- (l) Dam Safety Regulations 2022; and
- (m) relevant conditions imposed by Council when Approving the works.

Explanatory note: The Council will only need to review or consider the above consents and regimes to the extent relevant to the proposed Private Stormwater and Drainage System.

6.14 As-built plans showing details of all new or altered systems must be provided to Council within the timeframes specified in Council's written approval or Engineering Code of Practice.

6.15 Existing sites being redeveloped may be required to retrofit Stormwater and Drainage Management Devices to treat and retain runoff to contribute towards compliance with conditions of all relevant Consents held by Council.

6.16 Stormwater and Drainage Management Devices

- (a) When the Council requires the installation and maintenance of a Stormwater and Drainage Management Device for water quality or water quantity reasons, the Owner, Occupier or Manager of a Premises must install and maintain the Stormwater and Drainage Management Device in accordance with the Engineering Code of Practice, accepted best practice, manufacturer's recommendations, Stormwater, Drainage and Watercourse Management Plan and the applicable Consent (if any).

6.17 Erosion and Sediment Control

- (a) Any Person intending to undertake earthworks where there is a risk that sediment generated by the works could directly or indirectly enter the Public Stormwater and Drainage System shall, at their sole cost in all respects:

- (i) before stripping vegetation or beginning earthworks:
 - (1) prepare an Erosion and Sediment Control Plan; and
 - (2) submit the Erosion and Sediment Control Plan to Council;

Explanatory note: All earthworks should consider best practical options for erosion and sediment Control to protect water quality and health. The level of detail provided in the Plan shall be appropriate to the scale of the works. A small sites checklist is provided on the Environment Canterbury Tool Box. Where controls to manage erosion and sediment run off are outlined in a separate plan e.g. a Farm Environment Plan this can be provided under section 6.17.

- (ii) ensure that the Approved Erosion and Sediment Control Plan is available to the Council on request and that the measures set out in the Approved Erosion and Sediment Control Plan:

- (1) are implemented prior to works starting;
 - (2) are monitored for the duration of the relevant works;
 - (3) stabilise the land to prevent earth or sediment from slipping or being washed off the site or otherwise carried in water onto neighbouring properties, roads, or into the Public Stormwater and Drainage System;
 - (4) stabilise entranceways and prevent earth or sediment from being spilled or tracked off the site by people or vehicles;
 - (5) control and minimise dust; and
 - (6) are monitored, fit for purpose and remain in place until earthworks have been stabilised; and
- (iii) remove and appropriately dispose of the erosion and sediment control measures once the ground is stabilised.

6.18 Stormwater, Drainage and Watercourse Management Plan

- (a) The Owner, Occupier or Manager of any Premises Discharging to the Public Stormwater and Drainage System shall on request produce, at their own expense, a Stormwater, Drainage and Watercourse Management Plan for approval by the Council. These plans shall include:
- (i) a site layout drawing showing, boundaries, the location of any onsite hazardous substances, any onsite or adjacent environmental receptors such as streams, Drains or rivers, Private Stormwater and wastewater systems, Drainage Systems including point of connection to the Public Stormwater and Drainage System and building location;
 - (ii) a site assessment identifying all actual and potential sources of contamination including surface coatings, type of Contaminants and quantities or concentrations. If the onsite soils are contaminated, the assessment shall be undertaken by a suitably qualified and experienced practitioner;
 - (iii) the methods in place to manage Discharge quantity and quality and prevent contamination of the Public Stormwater and Drainage System including an assessment of the effectiveness of those methods and monitoring to show compliance with methods when requested by Council;
 - (iv) an Operations & Maintenance Manual, including a description of the maintenance procedures in place, the maintenance schedule and who is responsible for ensuring maintenance is carried out;
- Advice note: The Engineering Code of Practice provides guidance on operations and maintenance requirements for stormwater infrastructure.*
- (v) if construction works are required, a description of the works to be completed and the construction methodology;
 - (vi) spill prevention and spill response procedures if applicable; and

- (vii) contact details for the Person(s) or role(s) responsible for the Stormwater management on the Premises.

Advice note: The Stormwater, Drainage and Watercourse Management Plan should address landscaping materials where these have the potential to be washed into the stormwater or drainage network.

- (b) If the Owner, Occupier or Manager has prepared an alternative plan which addresses those matters set out in clause 6.18(a) above, the alternative plan may be accepted in place of a Stormwater and Drainage and Watercourse Management Plan at Council's discretion.
- (c) The Owner, Occupier or Manager must review the Stormwater, Drainage and Watercourse Management Plan if required by Council or when there has been significant change to the activity or controls onsite.
- (d) The Owner, Occupier or Manager of a Premises must comply with the terms and requirements of any Stormwater, Drainage and Watercourse Management Plan for that Premises and any conditions which the Council imposes when approving that Stormwater, Drainage and Watercourse Management Plan.

7. PROTECTION OF THE PUBLIC STORMWATER AND DRAINAGE NETWORK

7.1 Prohibited activities

- (a) No Person may allow any Material, chemical, Hazardous Substance, Sewage or Trade Waste to be located so it is likely to or does enter either directly or indirectly (e.g. via a Private Stormwater and Drainage System) into the Public Stormwater and Drainage System that causes or is likely to cause a Nuisance.
- (b) No Person may directly or indirectly undertake any action (including allowing any stock to enter an open Drain or Watercourse) that is likely to cause damage to any part of the Public Stormwater and Drainage System including flood protection structures or is likely to impact on water quality.
- (c) No Person may plant or allow to grow any tree or vegetation in or near any Drain to the extent it causes an obstruction to the Public Stormwater Network including allowing any roots and tree debris to cause a nuisance or damage to any part of the Stormwater and Drainage Network.
- (d) No Person may remove all vegetative cover from the banks of any Drain for a length greater than 50m or otherwise cause a high risk of erosion, scour or bank failure on the banks of any Drain without Approval from Council and acceptance of erosion and sediment control plan.

Explanatory note: All required resource consents will need to be obtained by the applicant to undertake works.

- (e) No Person may restrict Council's access to any part of the Public Stormwater and Drainage System for the purposes of inspection or maintenance.

Explanatory note: This includes placing any Material, or growing any trees or plants where it could impede access to manholes or access by machinery to clean or upgrade any part of the system.

- (f) No Person may Discharge Stormwater into a water race (as defined in the Act).

- (g) No Person may, if a Stormwater, Drainage and Watercourse Management Plan is in place:
 - (i) breach any conditions of the Approval of that; or
 - (ii) directly or indirectly undertake any action which is contrary to, or inconsistent with, that Stormwater, Drainage and Watercourse Management Plan.
- (h) No Person may Discharge into the Public Stormwater and Drainage System in a manner which is otherwise contrary to, or inconsistent with the terms of an Approval.
- (i) The Council may require the Occupier of any property or premises to reduce or prevent Contaminants from entering the Stormwater and Drainage network in quantities that exceed a standard set out in a Resource Consent or Land and Water Regional Plan. Actions may include ceasing a Discharge, changing on-site practices, installing a Stormwater and Drainage Management Device or, apply for a separate resource consent.

7.2 Restricted activities

Advice note: Works within or adjacent to a surface waterbody may require consent from the Canterbury Regional Council.

- (a) No Person may, without Approval, widen, deepen, infill, divert or otherwise alter any Public Drain.
- (b) No Person may, without Approval, erect or construct any bridge, culvert, dam, weir, crossing or other similar structure in or over any Drain or Watercourse that forms part of the Public Stormwater and Drainage System.

Explanatory note: Property owners are responsible for installing and maintaining property accessways over Council services including Drains and swales. Council must approve all accessway culverts over Council services prior to their installation. Where an existing culvert or lack of culvert causes obstruction to a Drain or swale which impacts another property or the road, Council can require it to be upgraded at the property owner's cost.

- (c) No Person may, without Approval, remove, adjust, cover or interfere with any structure, or equipment relied on for the operation of any Public Stormwater and Drainage System.
- (d) No Person may, without Approval, cause a temporary or permanently sustained excessive load on the Public Stormwater and Drainage System (including the banks of any Drain) that may cause damage to the Stormwater and Drainage Network.
- (e) No Person may, without Approval, undertake any activity which may affect the stability of the bank of an open Drain including spraying or stripping vegetation.
- (f) No Person may, without Approval, Discharge water (including that from an artesian well or spring) which results in, or has potential to cause, Nuisance to another property or a public road.
- (g) No Person may, without Approval, excavate or remove or add additional covering material (including vegetation and/or soil) within one (1) metre of any part of the Public Stormwater and Drainage System.

***Explanatory note:** This is not intended to limit the removal of legacy stockpiled sediment that has been excavated from the waterway channel where appropriate erosion and sediment control measures are used. Further information on spoil placement is provided in Section 9.3.*

- (h) No Person may, without Approval, Discharge construction dewatering water or swimming pool water such that it enters the Public Stormwater and Drainage System.

***Explanatory note:** Water Discharge Application forms are available as a PDF document online at www.selwyn.govt.nz*

- (i) No Person may, without Approval, construct or locate any temporary or permanent structure which may impede Council access to a Public Drain in, over, through, under or within five (5) metres of any Public Drain including Buried Services.

***Explanatory note:** The setback distances allowed in the Building Act may be less than stated in this clause 7.2(i).*

7.3 Water Quality Monitoring

- (a) If the Council considers that an Owner, Occupier or Manager is not complying with the conditions of a Stormwater, Drainage and Watercourse Management Plan, Approval to Discharge or Erosion and Sediment Control Plan, the Council may independently sample and monitor Stormwater Discharge or drainage water and recover the cost of the same from the relevant Owner, Occupier or Manager.
- (b) Monitoring and inspections may include, at the discretion of an authorised officer:
- (i) entering the Premises;
 - (ii) seeking and being provided with information about on-site practices or documentation; and
 - (iii) sampling and testing Stormwater and Drainage Discharges.

7.4 Buried Services and Works in Proximity to Systems

- (a) It is the responsibility of any Person proposing to carry out excavation work to locate all services on site prior to commencing excavations. Locating the actual position and depth of Buried Services is the responsibility of the Person undertaking the work. The cost of any damage caused to the Buried Services shall be met by the relevant contractor or the Person carrying out the excavation.

***Explanatory note:** When excavating and working around Buried Services, due care must be taken to ensure the Buried Services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Council strongly recommends obtaining as-built plans prior to commencing works on site, however, note that as-builts may not be complete or accurate; it is always essential to locate the actual position and depth of Buried Services prior to commencing earthworks.*

- (b) Any Person who proposes to undertake any works or activities that may result in damage to any part of the Buried Services must obtain Council's approval prior to starting work. Any potential or actual damage or disruption to any Buried Services must be reported to Council immediately.

- (c) Any Person who damages or causes disruption to any Buried Services is liable for the full cost of any repairs and associated costs incurred as a result of the damage or disruption.

8. OBSTRUCTIONS TO THE STORMWATER AND DRAINAGE NETWORK

8.1 Restricted activities

- (a) No Person may, without Approval, obstruct any part of the Stormwater and Drainage Network in a manner that is likely to cause Nuisance or affect another property owner.
- (b) No Person may, without Approval, obstruct any Drain, Watercourse or Overland Flow Path in any way.
- (c) No Person may, without Approval, allow Nuisance to occur during a flood event as a result of their action or activity.
- (d) No Person may, without Approval, modify or alter a Drain where it affects another property owner without their consent.
- (e) No Person may, without Approval, plant or allow to grow any tree or vegetation in, or near, any Drain to the extent it causes an obstruction.

9. RESPONSIBILITY FOR PRIVATE STORMWATER AND DRAINAGE SYSTEMS

9.1 Maintenance of Private Systems

- (a) The cost of maintaining and repairing any Private Stormwater and Drainage System, including privately owned treatment devices, is the responsibility, as the circumstances require, of:
 - (i) the Owner, Occupier or Manager of a Premises within which the Private Stormwater and Drainage System is located;
 - (ii) if the Private Stormwater and Drainage System is located within a road or a reserve, the Owner, Occupier or Manager of the Premises which is contiguous to that road or reserve; or
 - (iii) if the Private Stormwater and Drainage System is located on or about the common boundary between land in different ownership, the Owners of the land in equal shares.
- (b) The Person(s) responsible for the cost of maintaining and repairing the Private Stormwater and Drainage System under clause 9.1(a) must ensure that the Private Stormwater and Drainage System:
 - (i) is maintained in good operating condition, as per the relevant manufacturer's recommendations and Consent conditions, including ensuring that any obstruction to the free flow of water which has not been Approved is removed as soon as is reasonably practicable; and
 - (ii) does not cause or contribute to any Nuisance.

9.2 Maintenance of Stormwater and Drainage Management Devices

- (a) The Owner, Occupier, or Manager of a Premises that has a Stormwater and Drainage Management Device must, on request by the Council:
 - (i) provide such information as is required to demonstrate that the Stormwater and Drainage Management Device is operated and maintained to achieve its Approved purpose and not cause Nuisance in a storm event up to the standard specified by the Council or in an operative Consent; and
 - (ii) carry out such works as are required to ensure that the requirements of clause 9.2(a)(i) above are met and any requirements outlined in the Engineering Code of Practice or Consent conditions.
- (b) Every Person commissioning a Stormwater and Drainage Management Device must:
 - (i) keep a copy of the operations and maintenance manual, as-built drawings and maintenance records for the device, and make these available to the Council on request; and
 - (ii) submit copies of the as-built drawings for the Stormwater and Drainage Management Device and the owner's manual to the Council for inclusion in the Council's property file for the Premises, if required by Council.

9.3 Deposition of Spoil

- (a) When Council clears, cleans, renovates or improves any part of any Drain whether on private or Council land it may:
 - (i) deposit in the immediate area of the Drain any matter removed from the Drain, in a manner which does not cause a Nuisance; and
 - (ii) if the Drain is a private Drain, the Council may charge a fee to the Owner, Occupier or Manager of the Premises to recover the costs of the works.

Advice note: When a watercourse is mechanically cleaned by Council or a private property owner, it is best practice to deposit channel cleanings a minimum of 1 metre from the top of the channel bank to reduce the risk of sediment washing back into the watercourse.

9.4 Discharging into neighbouring properties

- (a) No Person may allow Stormwater to Discharge from their Premises into a neighbouring property via surface flow, other than to the extent to which it would have naturally occurred from pervious areas and from designated Overland Flow Paths.

10. REMOVAL OF A REDUNDANT PRIVATE STORMWATER AND DRAINAGE SYSTEM

- 10.1 To prevent damage to the Stormwater and Drainage Network, the Council may require the owner of a Private Stormwater and Drainage System to remove or de-commission a Private Stormwater and Drainage System or any part thereof, including any Stormwater and Drainage Management Device,

culvert, or Stormwater detention pond that has become redundant as part of the primary method of Stormwater drainage from a Premise.

- 10.2 The owner of a redundant Private Stormwater and Drainage System must, at their expense, ensure that the Premises on which the system is located, or was previously located, is restored to the satisfaction of the Council.

Advice note: When planning to remove any Private Stormwater and Drainage System, please ensure all upstream/downstream effects have been allowed for and mitigated. Council is not responsible for any flooding or drainage issues caused by the removal of Private Stormwater and Drainage infrastructure.

11. POINT OF DISCHARGE

11.1 Location of Council vested assets

- (a) Any new Stormwater or Drainage assets intended to be vested in Council ownership shall not be located on private property unless it is required to provide a single connection point to the Public Drain as outlined in 11.4(a).

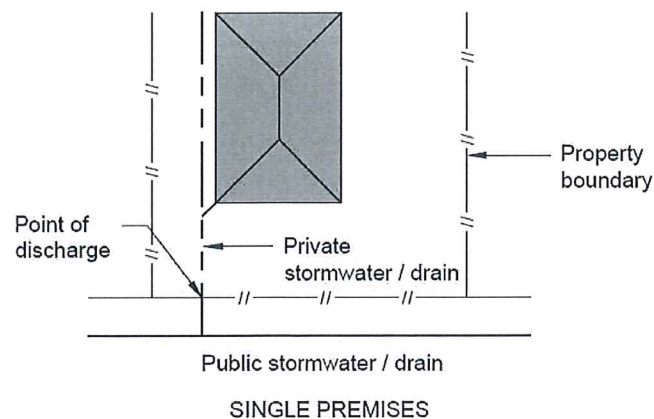
11.2 Boundary of responsibility

- (a) The point of Discharge from a Premises is the point where a Private Stormwater and Drainage System connects to the Public Stormwater and Drainage System. It marks the boundary of responsibility between the Owner, Occupier or Manager of a Premises and Council, irrespective of property boundaries, and is shown in figures 1 and 2 below, as applicable.
- (b) Unless otherwise Approved by Council, there shall be only one point of Discharge for each Premises, and any private Drain shall not extend by pipe or any other means to serve another Premises unless it is a common Private Drain and has Council approval.

11.3 Single Premises

- (a) For a single Premises the point of Discharge shall be located at the boundary as shown in Figure 1 below, or as close as possible to the boundary where fences, walls or other permanent structures make it difficult to locate it at the required position. The Approval of other positions must be by Council and recorded on the drainage plan.
- (b) Where a private piped Drain Discharges into a Public Drain on that same private property, the point of Discharge shall be the boundary of the easement and the Premises, or where no easement is present, the point of Discharge shall be the upstream end of the pipe fitting which forms the junction with the Public Drain.
- (c) Where a Private Stormwater and Drainage System Discharges into a Public Drain on that same private Premises, the point of Discharge shall be the junction where the private Drain meets the Public Drain.

Figure 1 – Single Premises Point of Discharge



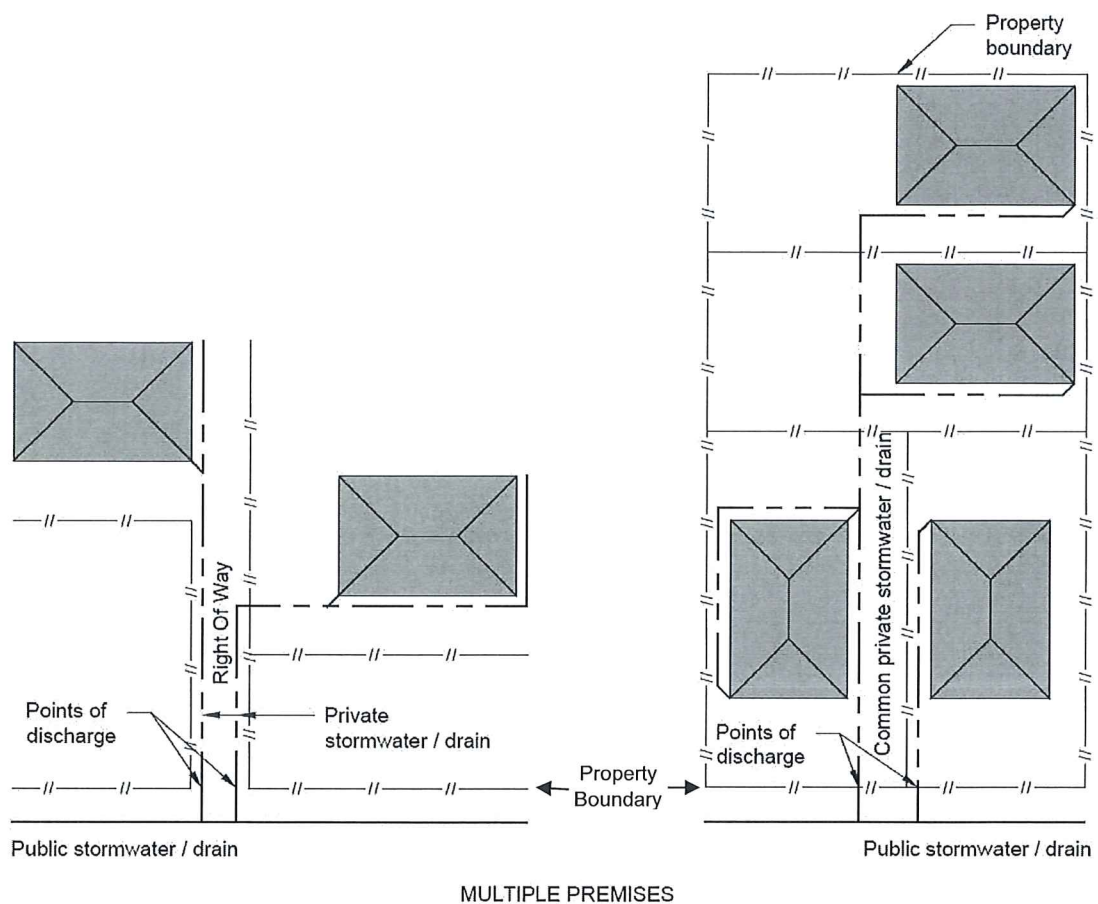
11.4 Multiple Premises

- (a) Each new Premises shall be served by its own lateral as shown in figure 2a with the point of Discharge for multiple Premises, regardless of land ownership arrangements (e.g. single ownership, body corporate or strata title) must either be a direct Service Connection to a Public Drain as for single ownership in clause 11.3 above, or to a Council owned manhole inside the Premises boundary that is covered by an easement in favour of Council.
- (b) Council will not approve the formation of new common private Drains as shown in figure 2b or shared roof water soak pits.
- (c) Each point of Discharge must be Approved by Council and recorded on the drainage plan. Other arrangements may be considered at the Council's discretion.

Figure 2 – Multiple Premises – Point of Discharge

Figure 2a – Single Connection per property

Figure 2b – Common Private Drains

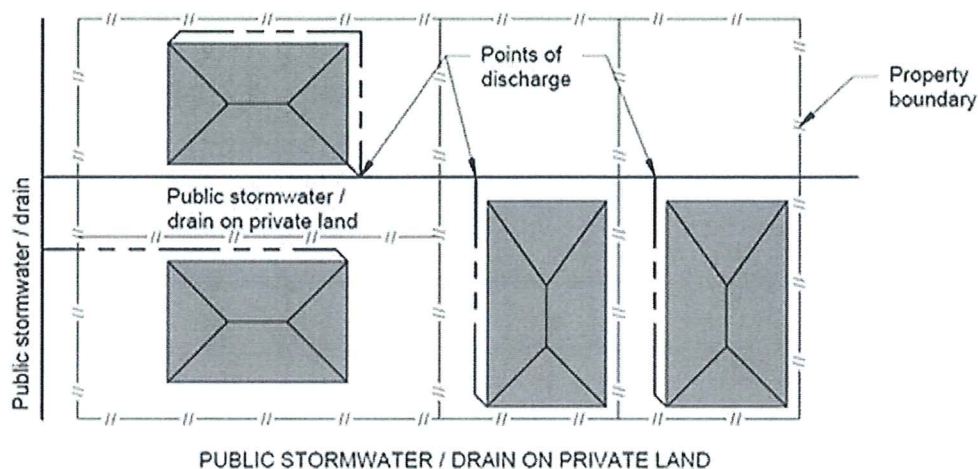


MULTIPLE PREMISES

11.5 Public Drain on Private Property

- (a) Where a private Drain Discharges into a Public Drain on that same private property, the point of Discharge shall be the upstream end of the pipe fitting which forms the junction with the Public Drain or if the Drain is open, the junction where the private Drain meets the Public Drain as shown on Figure 3 below.

Figure 3 – Public Drain on Private Land.



12. OTHER REQUIREMENTS

- 12.1 Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any enactment, regulations or other bylaw (including, for example, to obtain any Consent, licence, permit or other approvals under any Act, regulation or bylaw).

13. BYLAW ADMINISTRATION

- 13.1 Nothing in this bylaw limits the entitlement of the Council to levy a rate to recover the cost incurred in maintaining the Stormwater and Drainage Network.

14. FEES AND CHARGES

- 14.1 The Council may prescribe Fees and Charges for a certificate, authority, approval, permit, or Consent from, or inspection by, the Council in respect of a matter provided for in this bylaw in accordance with section 150 of the Act.

Advice note: Current Fees and Charges are shown on Council's website.

15. BREACHES AND REMEDIES

15.1 Breaches of the bylaw

- (a) Every Person commits an offence who -
- (i) fails to do or perform any act, or thing, that he or she is required to do by this bylaw;
 - (ii) permits, allows, or does, any of the acts that are prohibited in this bylaw; or
 - (iii) breaches this bylaw.

15.2 Enforcement

- (a) The Council may use its powers under the Act, the Local Government Act 1974, the Land Drainage Act 1908 and the Health Act 1956 as more particularly set out in the First Schedule to this bylaw.
- (b) Owners, Occupiers and Managers are jointly and individually responsible for compliance with this bylaw.

16. PENALTIES

- 16.1 Every Person who contravenes this bylaw is liable to a penalty not exceeding \$20,000 or other such amount as may be provided for under sections 239 and 242 of the Act and is liable to enforcement action by the Council.
- 16.2 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 the Stormwater and Drainage Network due to a failure to comply with this bylaw.


17. EXCEPTIONS

- 17.1 A Person is not in breach of this bylaw if that Person proves that the act or omission was in compliance with an Approval of the Council.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)



  Mayor

  Chief Executive

FIRST SCHEDULE - ENFORCEMENT POWERS AND RELATED LEGISLATION

Legislative Provision	Relevant section and description
Local Government Act 1974	<p>s451 - Council approval is required before commencing any work that requires the diversion, alteration, protection or replacement of any Council drainage works.</p> <p>s459 – The Council may require owners of land in certain cases to provide private drains.</p> <p>s462 – Council may declare a private drain to be a public drain.</p> <p>s467 – Council approval must be obtained prior to connecting any private drain with a public or private drain or covered watercourse.</p> <p>s468 – The Council may require a landowner to remove tree roots obstructing private drains.</p> <p>s509 – the Council may purchase, or make and maintain, or enlarge, and from time to time, alter, extend or repair any drainage channel or land drainage works in any drainage area in the district.</p> <p>s511 – removal of obstructions from a drainage channel or watercourse (to a distance not exceeding 3 metres from the nearest margin of the drainage channel or watercourse) which impedes or are likely to impede the free flow of water.</p> <p>Schedule 14 – provisions as to the construction and maintenance of waterworks, drainage works and drainage channels on private property.</p>
Subpart 2 of the Local Government Act 2002	<p>s162 – Injunctions restraining commission of offences and breaches of bylaws.</p> <p>s163 – removal of works in breach of bylaws.</p> <p>s164 – seizure of property not on private land.</p> <p>s165 – seizure of property from private land.</p> <p>s168 – power to dispose of property seized and impounded.</p> <p>s171 – general power of entry on to private land.</p> <p>s172 – power of entry for enforcement purposes.</p> <p>s175 – power to recover for damage by wilful or negligent behaviour.</p> <p>s176 – costs of remedying damage arising from breach of bylaw.</p> <p>S178 – enforcement officers may require certain information.</p>

Subpart 3 of Local Government Act 2002	<p>185 – occupier may act if owner of premises makes default.</p> <p>186 – local authority may execute works if owner or occupier defaults.</p> <p>187 - recovery of cost of works by local authority.</p> <p>188 – liability for payments in respect of private land.</p>
Health Act 1956	34 – power to abate nuisance without notice
Land Drainage Act 1908	<p>23 – Council may make drains from private lands and attribute costs between the benefitting parties.</p> <p>26 – Prohibits interference with drains (including branch drains to watercourses).</p> <p>27 – Council may require the removal of trees that affects, or is likely to affect any public drain and recover the cost of such removal from the landowner.</p> <p>62 – Council may order removal of obstruction from watercourse or drain (to a distance not exceeding 3m from the nearest margin of watercourse or drain) which impedes, or is likely to impede the free flow of water or cause damage to any property in the district.</p>

SECOND SCHEDULE – STORMWATER DISCHARGE RISK CRITERIA

	<i>Unacceptably High Risk</i> <i>(excluded from discharge from SDC consent at any time)</i>	<i>High Risk</i> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<i>Medium Risk</i>
Freshwater Objective and Policies	The discharge is contrary to the relevant freshwater objectives, outcomes and policies in Section 3, Table 1a and Section 4 of the Land and Water Regional Plan or replacement plan where adverse effects of the discharge have not been mitigated.		
Tradewaste discharge status		Unconsented tradewaste discharges, not providing quality monitoring data or discharges failing to meet conditions of discharge	

	<i>Unacceptably High Risk</i> <i>(excluded from discharge from SDC consent at any time)</i>	<i>High Risk</i> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<i>Medium Risk</i>
Compliance status	<p>The site does not comply with the conditions of the discharge approval after being advised and given an opportunity to rectify in stated timeframes, or</p> <p>The site or activities do not comply with the approved Stormwater, Drainage and Watercourse Management Plan, or</p> <p>The site or activity does not comply with the approved Erosion and Sediment Control Plan, or</p> <p>The site does not meet or has previously not met (without adequate controls) Canterbury Regional Council consent conditions, environmental standard or a limit.</p>		

	<i>Unacceptably High Risk</i> <i>(excluded from discharge from SDC consent at any time)</i>	<i>High Risk</i> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<i>Medium Risk</i>
Activities undertaken in Community drinking water protection zones	Stormwater discharges in a domestic or community drinking water supply protection zone that on assessment puts at risk an active water supplier's ability to meet the Drinking Water Quality Standards for New Zealand.	Stormwater discharges that are not owned and operated by Selwyn District Council originating from hard stand in a domestic or community drinking water supply protection zone.	
Land use activities on site	Any site listed in the Canterbury Regional Council Listed Land-Use Register or a HALL activity described in schedule 3 of the Canterbury Land and Water Regional Plan or replacement plan unless classified as Medium risk.		<p>Aggregate and material storage/stockyard areas</p> <p>Commercial analytical laboratories</p> <p>Construction and maintenance depots (that exclude refuelling and bulk storage of hazardous substances)</p> <p>Demolition yards that exclude hazardous substances</p> <p>Dry cleaners</p> <p>Engineering workshops and metal fabricators</p> <p>Engine reconditioning workshops</p>

	Unacceptably High Risk <i>(excluded from discharge from SDC consent at any time)</i>	High Risk <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	Medium Risk
			Food and beverage manufacturers Motor vehicle workshops Any other activity that fails to meet the requirements of section 8 including wash down areas unless otherwise classified as high risk