



# STORMWATER DRAINAGE AND WATERCOURSE PROTECTION BYLAW 2024

This Stormwater Drainage and  
Watercourse Protection Bylaw 2024  
was adopted at a Council Meeting held on  
1 October 2024

  
Chief Executive

  
Governance Manager



**WAIMAKARIRI DISTRICT COUNCIL**  
**STORMWATER DRAINAGE AND WATERCOURSE PROTECTION BYLAW 2024**

**1     TITLE, AUTHORITY AND COMMENCEMENT**

- 1.1     This bylaw shall be known as the *Waimakariri District Council Stormwater Drainage and Watercourse Protection Bylaw 2024*.
- 1.2     This bylaw shall come into force on 2 October 2024.
- 1.3     This Bylaw supersedes and revokes the Stormwater Drainage and Watercourse Protection Bylaw 2018.
- 1.4     The Council resolved to review the Stormwater Drainage and Watercourse Protection Bylaw 2018 on 18 June 2024. The revised Bylaw was confirmed following a special consultative procedure by resolution at a meeting on 1 October 2024.

**2     INTRODUCTION**

- 2.1     This bylaw is made by the Waimakariri District Council in exercise of the powers and authority vested in the Council by Section 146 of the *Local Government Act 2002*.
- 2.2     This bylaw applies and operates throughout the Waimakariri District.
- 2.3     This bylaw applies to the following:
- Council stormwater systems;
  - Council managed land drainage systems or watercourses;
  - Privately managed stormwater systems, land drainage systems, watercourses, flood plains, overland flow paths or stop banks.
- 2.4     This bylaw does not derogate from the Building Act 2004, the Hazardous Substances and New Organisms Act 1996, the Health Act 1956 and the Resource Management Act 1991 and any of those Acts' subsequent amendments or applicable Regulations.

*Explanatory Note: This bylaw interacts with the Waimakariri District Council Wastewater Bylaw in seeking to reduce wastewater overflows. The Wastewater Bylaw seeks to prevent stormwater inflow into the wastewater systems by addressing defects in the wastewater reticulation, non-complying wastewater or stormwater connections and poorly designed gully traps. These steps all assist to prevent wastewater overflows that can adversely affect the receiving environment.*

*The Stormwater Drainage and Watercourse Protection Bylaw 2024 supports these provisions by requiring effective operation and maintenance of Council and private stormwater and land drainage systems and separate operation of the stormwater and wastewater systems.*



### 3 OBJECTIVES

- 3.1 The purpose of the bylaw is to provide a mechanism to assist the Council to achieve the following key objectives:
- a. Control the discharge of contaminants into any Council stormwater system or land drainage system;
  - b. Prevent the unauthorised discharge of stormwater into any Council stormwater or land drainage system;
  - c. Enable the Council to meet relevant objectives, policies and standards specified within the Canterbury Land and Water Regional Plan and any consent condition with which the Council is required to comply, which controls the quality or quantity of discharges from any Council system into the receiving environment;
  - d. To protect the land, structures and infrastructure of Council and private stormwater and land drainage systems;
  - e. To define the obligations and responsibilities of the Council, private property owners and occupiers and the public in matters related to the discharge of stormwater and land drainage water, and the management of stormwater systems and land drainage systems.
- 3.2 The above objectives will assist the Council to contribute to the following broader outcomes for waterways in the District:
- a. To provide for improvement in the quality of waterways;
  - b. To provide for protection and enhancement of waterways, mahinga kai, indigenous species and habitat;
  - c. To provide for the protection of wahi tapu, wahi taonga, wai tapu and wai taonga.

### 4 INTERPRETATION

- a. In this bylaw:
- i. **"Approval or approved"** means approval or approved in writing by Waimakariri District Council either by resolution of Council or by a Council officer.
  - ii. **"Best Management Practice(s)"** means the best method(s) for preventing or minimising the adverse effects of any stormwater discharge on the environment.
  - iii. **"Catchment Management Plan"** is a plan providing an overview of the stormwater system(s) and water quality issues within a catchment to provide a framework for future stormwater management.
  - iv. **"Connection"** means an approved discharge from a premises of stormwater into a Council stormwater system or land drainage water into a Council land drainage system that is subject to Council's approved and applicable rates and charges.
  - v. **"Construction activities"** means any activities involving the disturbance of the surface of any land but excludes farming and forestry activities.
  - vi. **"Contaminant"** includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:
    - a. when discharged into water, changes, or is likely to change the physical, chemical, or biological condition of the water into which it is discharged, or



- b. when discharged onto or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged.
- vii. **“Council”** means the Waimakariri District Council.
- viii. **“Council system”** means a land drainage or stormwater system which is under the control of the Council.
- ix. **“Customer”** means the person discharging stormwater or land drainage water into the Council system.
- x. **“District Plan”** means the Waimakariri District Plan.
- xi. **“District”** means the Waimakariri District.
- xii. **“Environment Canterbury”** means the Canterbury Regional Council.
- xiii. **“Environmental standards and/or limits”** means the standards or limits which apply in the receiving environment or at a stormwater network discharge point and which control quantities of any contaminant which is authorised or approved to be discharged through any National Environmental Standard, Regional or District Plan or consent condition.
- xiv. **“Erosion and Sediment Control Plan”** means a plan that has been prepared in accordance with the Environment Canterbury Erosion and Sediment Control Toolbox for Canterbury.
- xv. **“Flood plain”** means an area which is predicted to flood in a storm event.
- xvi. **“Ground soakage system”** means a system that provides for stormwater to soak into the ground.
- xvii. **“Hazardous Substances”** as defined by Section 2 of the Hazardous Substances and New Organisms Act 1996, Ministry of Environment.
- xviii. **“High-Risk Activities”** are those activities defined as High-Risk in Schedule 1 of this Bylaw.
- xix. **“Land drainage system”** means any combination of surface or subsurface pipes, channels, drains or canal systems that have been constructed for the primary purpose of collecting or draining water from agricultural or rural land and ancillary structures; or controlling or permanently lowering the water table; and which conveys and discharges that water to the receiving environment.
- xx. **“Land drainage water”** means water arising from the drainage of water from the soil profile, or excess surface water from agricultural or rural land. It excludes stormwater, which is separately defined.
- xxi. **“Medium-Risk Activities”** are those activities defined as Medium-Risk in Schedule 1 of this bylaw.
- xxii. **“Mixing Zone”** means a Mixing Zone as defined in Schedule 5 of the Canterbury Land and Water Regional Plan.
- xxiii. **“Natural servitude”** means a state where low-lying land is obliged to receive surface water which drains naturally from land situated at a higher gradient (surface water includes all naturally occurring water which results from rainfall or water flowing onto the site, including percolating water). "
- xxiv. **“NTU”** means Nephelometric Turbidity Unit, which is the unit used to measure the turbidity of a fluid or the presence of suspended particles in water.
- xxv. **“Nuisance”** has the same meaning as Section 29 of the *Health Act 1956*, and includes a person, thing, or circumstance causing stress or annoyance or unreasonable interference. In the context of this bylaw the term nuisance includes, but is not limited to:
  - a. Danger to life;
  - b. Danger to public health;
  - c. Flooding of any building floor or sub-floor, or public roadway;



- d. Damage to property;
  - e. An effect on the efficient operation of a stormwater or land drainage system;
  - f. Damage to any facet of a stormwater or land drainage system;
  - g. Erosion or subsidence of land;
  - h. Long or short term adverse effects on the environment; or
  - i. Adverse loss of riparian vegetation; or
  - j. Wastewater overflow to land or water; or
  - k. Anything that causes a breach of any stormwater discharge consent condition binding Council.
- xxvi. **“Offence”** includes any act or omission in relation to this bylaw or any part thereof for which any person can be prosecuted.
- xxvii. **“Owner/occupier”** means any persons acting in general management or control of the land, or any plant or machinery on that land.
- xxviii. **“Overland flow path”** means any secondary flow path that is:
- a. illustrated in a catchment management plan or on any Council drainage plan or record; or
  - b. the overland route taken by any concentration of, or significant sheet flow of stormwater or land drainage water on its way to a flood plain, stormwater system, land drainage system or watercourse.
- xxix. **“Person”** includes an individual person (corporation sole) and also a body of persons, whether corporate, incorporate or non-corporate.
- xxx. **“Point of connection”** means the point on the Council system that marks the boundary of responsibility between the customer and the Council, at which the customer(s) private system connects to and discharges stormwater or land drainage water into the Council system.
- xxxi. **“Pollution Prevention Plan”** means a plan which identifies actual or potential pollution risks relating to the discharge of contaminants from a specific site or operation, and the management strategies implemented or proposed to mitigate these risks.
- xxxii. **“Premises”** means either:
- a. 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, or
  - b. A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available, or
  - c. Land held in public ownership (e.g. reserve) for a particular purpose.
  - d. Individual units in a building which are separately occupied and/or leased.
- xxxiii. **“Private system”** means any land drainage system or stormwater system that drains water from a privately owned premises to a receiving environment or up to the point of connection with a Council system. For the purposes of the bylaw, drains that are managed by the New Zealand Transport Agency, KiwiRail or Environment Canterbury are deemed to be part of a private system.
- xxxiv. **“Receiving environment”** means any surface water body, land, groundwater or coastal marine area into which stormwater or land drainage water is conveyed.
- xxxv. **“Site discharge”** means a discharge from any site into a Council stormwater system.



- xxxvi. **“Site-Specific Stormwater Management Plan”** means a site-specific plan for high-risk sites that details the management and treatment of stormwater on site. See section 10 of the Bylaw.
  - xxxvii. **“Stop bank”** means an embankment to prevent flooding.
  - xxxviii. **“Stormwater”** means runoff that has been channelled, diverted, intensified or accelerated by human modification of the land surface or rainfall runoff from the external surface of any structure as a result of precipitation, and excludes land drainage water, which is separately defined.
  - xxxix. **“Stormwater system”** means the system provided by the Council or private property owner/occupier for the management of stormwater runoff, which includes any combination of open channels, drains, underground pipes and basins, ponds, wetlands, kerb, channel and swales up to and including the point of discharge, but excluding the receiving environment.
  - xl. **“Stormwater Management Plan”** is a plan to improve the management of water quality and water quantity in a defined area.
  - xli. **“The Act”** means the *Local Government Act 2002* and its amendments.
  - xlii. **“Watercourse”** means every open river, stream, creek, floodway, culvert, channel and open drain through which stormwater or land drainage water commonly flows, whether continuously or not, and which may be either managed by the Council or privately managed.
  - xliii. **“WDC”** means the Waimakariri District Council.
- b. Terms and expressions defined in the Act shall, when used in this bylaw, have the same meanings as those in the Act, unless they are alternatively defined in this bylaw.
  - c. If any requirement in relation to any person or activity specified in this bylaw differs from a requirement in any other legislation, regulation, consent condition, standard or Regional or District Plan provision then the more stringent requirement shall apply.

## **PART 1: ACCEPTANCE, DESIGN AND CONNECTIONS**

### **5 ACCEPTANCE OF STORMWATER AND LAND DRAINAGE WATER**

- 5.1 Every person seeking a new or altered connection to a Council system shall be entitled to have the stormwater or land drainage water from the premises accepted by the Council subject to:
  - a. The premises being located within a drainage rated area (designated in accordance with the *Local Government Act 2002*) which is serviced by a Council stormwater or land drainage system;
  - b. The owner of the premises has prior written approval from the Council for the new or altered connection(s), with such approvals assessed subject to requirements of Sections 5.1 and 6.1 of this bylaw;
  - c. There being sufficient capacity within the Council system to accommodate the additional new or altered connection(s);
  - d. The additional new or altered connection(s) must be at least cost neutral to the existing scheme members and annual rates generated from the additional connection(s) must be sufficient to cover the life cycle costs of the new assets and the variable costs of the service;

- e. Fulfillment of the requirements of this bylaw, including obtaining any relevant consent, implementing any pollution prevention plan that the customer is required to obtain, and meeting all requirements of the *Resource Management Act 1991*, *Building Act 2004* or any other acts or regulations;
- f. Payment of the appropriate fees and charges applicable to the connection(s).

*Explanatory Note: A premises within a drainage rated area will either have a direct connection to a council system, or will have a private system that discharges to a council system within the drainage rated area. The customer is required to maintain the private system prior to the point of connection to the Council system.*

*In the areas outside of drainage rated areas, the principles of natural servitude apply and stormwater and land drainage water that discharge to a private system or receiving environment are subject to the applicable clauses within section 17 and to the Building Code.*

*An altered connection refers to an increase in the quantity of, or contaminant loading within, stormwater being discharged from the site.*

5.2 If an application to connect to a Council system does not meet the requirements of clauses 5.1 (c), (d) or (e) then the Council may:

- a. Require an upgrade to the system at the cost to the customer(s); or
- b. Require that an alternative stormwater or land drainage system is provided within the premises in accordance with section 6; or
- c. Decline the application and advise the customer(s) of the reason(s) why the application was declined.

## **6 DESIGN**

6.1 Any proposed new stormwater or land drainage system and any proposed alteration to any existing system must be designed, constructed and operated in accordance with:

- a. Council's Engineering Code of Practice;
- b. Any relevant Catchment Management Plan prepared by Environment Canterbury or Waimakariri District Council;
- c. Any relevant Stormwater Management Plan prepared and approved by the Waimakariri District Council;
- d. The Waimakariri District Plan;
- e. The Canterbury Land and Water Regional Plan;
- f. The Regional Coastal Environment Plan for the Canterbury Region;
- g. The Environment Canterbury Erosion and Sediment Control Toolbox for Canterbury;
- h. Any approved pollution prevention plan that has been provided in accordance with Section 9 or section 10;
- i. Any resource, building or other consents relevant to the proposed works including use of best management practices within the site that are necessary to meet consent conditions and environmental standards and limits;
- j. Any written conditions imposed by Council when approving the works;
- k. Waimakariri District Council standard construction specifications.

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



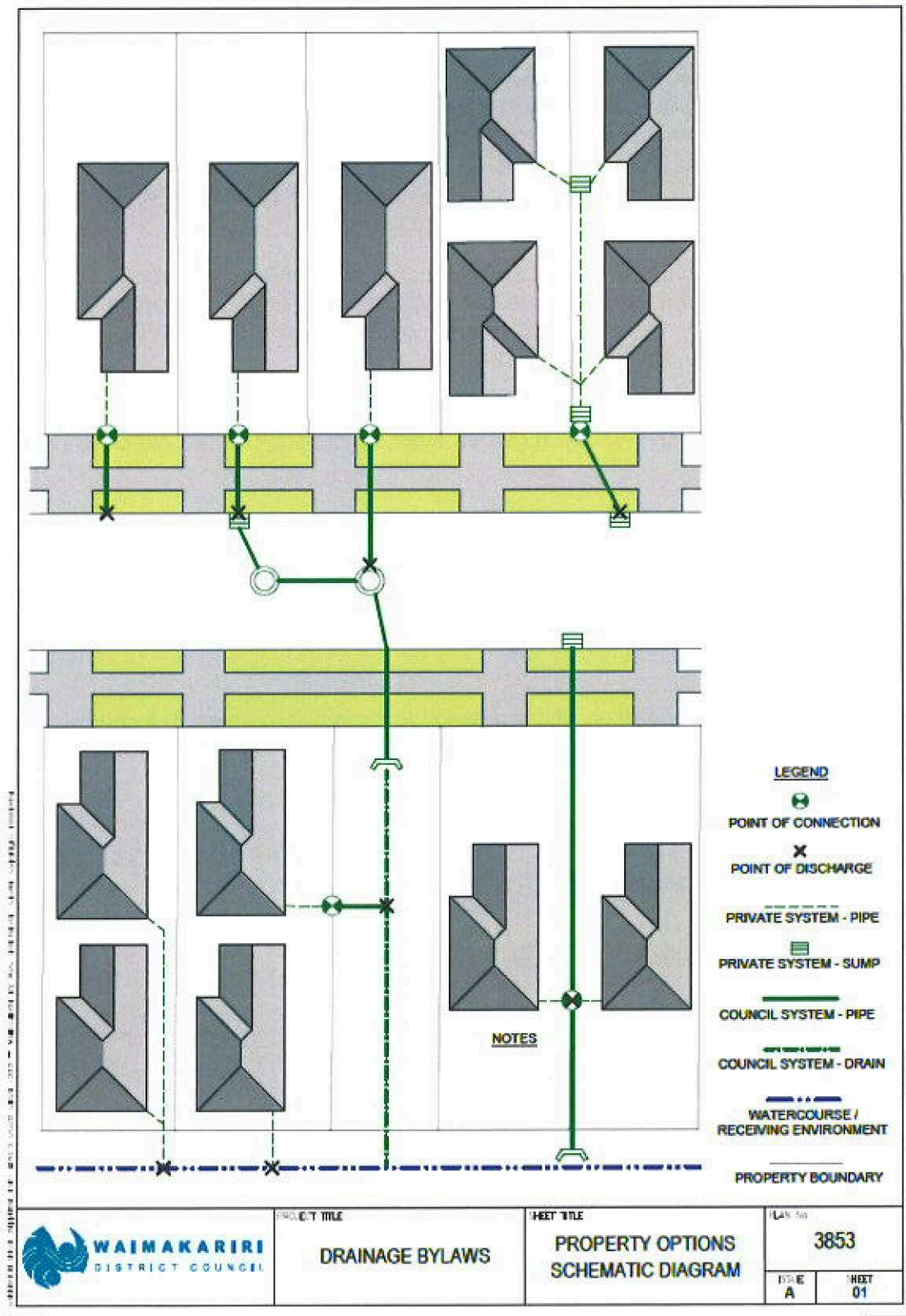
- 6.3 For existing sites being redeveloped, Council may require retrofit stormwater mitigation and/or implementation of site-specific management plans or practices to treat and/or retain stormwater runoff from all or some part of existing impervious areas, in order for Council to comply with consent conditions which control the quality or quantity of discharges from any Council system into the receiving environment. This may include a requirement to treat as much of the first flush as reasonably practicable within the site and/or take any other action required by the Council to minimise any discharge of contaminants from the activity or property.
- 6.4 The Council may specify areas in the District, or may impose controls on any premises, whereby stormwater disposal must be undertaken by ground soakage, unless site conditions prevent it.

## **7 POINT OF CONNECTION**

- 7.1 The point of connection to the Council's system is shown in Figure 1. There may be only one point of connection for each premises unless prior written agreement is provided by the Council.
- 7.2 The Council is responsible for the maintenance and all repairs to the Council system, including any pipe and fittings up to the point of connection, except:
- a. The customer is responsible for clearing of blockages or repairing damage from trees on the customer's own property, up to the point of discharge.
- 7.3 The customer is responsible for the maintenance and all repairs to the private stormwater or private land drainage system within the customer's property and on the customer's side of the point of discharge. Except where the private system is within public land, the following applies:
- a. The Council is responsible for any damage to the system caused by a Council contractor or a Council asset (such as a street tree).



Figure 1: Stormwater Drainage Point of Connection Examples



## PART 2: MANAGEMENT OF CONTAMINANTS

### 8 DISCHARGE OF CONTAMINANTS

- 8.1 No person or premises may discharge directly or indirectly a contaminant into a Council system, including by way of private system to a Council system, if the discharge is likely to cause nuisance or adversely affect the operation of the system or receiving environment, including having an adverse effect on aquatic life, unless the discharge is approved by the Council or is expressly authorised by an operative resource consent.

*Explanatory note: Contaminants as defined in Section 4 of this bylaw include (but are not limited to) sediment, concrete, cement slurry, sewage, effluent, solvents, paint, oil, hydrocarbons, soap, detergents, dissolved metal, hazardous material, fungicide, herbicide, insecticide, litter and green waste.*

- 8.2 The Council may require premises that do not comply with clause 8.1 to implement the following controls, which, where required, shall be provided at the expense of that customer:
- a. The modification of the premises to reduce or avoid the discharge of the contaminant;
  - b. The installation and use of treatment and mitigation measures or devices;
  - c. The proactive maintenance of the private system, including the provision of and compliance with a Site-Specific Stormwater Management Plan approved by Council.
- 8.3 Any owner, occupier or person who is present on a premises subject to a control made under clause 8.2 must comply with that control, and which, where required shall be provided at the expense of that customer.

## PART 2A: OPERATING PHASE DISCHARGES

### 9 MEDIUM-RISK ACTIVITIES / SITES

- 9.1 The owner/occupier undertaking any new medium-risk activity on any site as defined in Schedule 1 that connects to a Council system shall prepare and implement a Pollution Prevention Plan. This plan shall be provided to the Council upon request. The Council may audit the site and Pollution Prevention Plan at any time.
- 9.2 The owner/occupier undertaking any existing medium-risk activity on any site as defined in Schedule 1 and that connects to a Council system shall, if requested by the Council, prepare and implement a Pollution Prevention Plan. This plan shall be prepared and implemented on site no later than six months after being requested by the Council, or such later date as agreed with Council. The Council may audit the site and Pollution Prevention Plan at any time.
- 9.3 The Pollution Prevention Plan if required under 9.1 or 9.2 above shall be prepared with reference to the information set out on the Council website <https://www.waimakariri.govt.nz/services/3-waters/stormwater-and-drainage/> specified for "Pollution Prevention Plan Requirements".



- 9.4 Records of evidence of ongoing compliance with any Pollution Prevention Plan shall be retained on the site by the owner/occupier and shall be provided to the Council upon request.
- 9.5 Any Pollution Prevention Plan prepared pursuant to this section shall be reviewed and updated by the owner/occupier or operator of the activity to which the plan relates when there have been significant changes to an activity and / or to any structural or procedural controls on site. The review shall identify any changes to the matters covered in clause 9.3, and with a timeframe of action. The Council may undertake an audit of a Pollution Prevention Plan and include further terms and conditions within the revised Pollution Prevention Plan to ensure the activity is being undertaken in accordance with clauses 9.3 and 8.1.
- 9.6 A medium-risk site owner or occupier that has an approved connection to the reticulated stormwater system and whom stores or uses hazardous substances on the property, shall retain a spill kit onsite, or have spill mitigation measures in place, that are capable of absorbing or capturing and containing the quantity of hazardous substances that may be stored on site at any one time.

*Explanatory note – For further information on preparing a site-specific spill prevention and spill response plan and spill mitigation measures required on site including bunding requirements for hazardous substances storage, please refer to <https://www.waimakariri.govt.nz/services/3-waters/stormwater-and-drainage/> to view applicable fact sheets, guidelines and standards.*

## **10 HIGH-RISK ACTIVITIES / SITES**

- 10.1 For high-risk sites a written approval for discharge will be required. This may include a requirement for a site-specific stormwater treatment system which shall be installed on the site to manage and treat stormwater discharge from the site prior to discharge into the Council stormwater system for any contaminants identified within the site. This treatment system, when required, shall be designed in accordance with Section 6 and Section 8 of this Bylaw and must be approved by the Council and fully implemented within the timeline required by the Council.
- 10.2 The owner/occupier undertaking any new high-risk activity on any site as defined in Schedule 1 that connects to a Council system shall prepare and implement a Site-Specific Stormwater Management Plan that includes a Pollution Prevention Plan. This plan shall be submitted to and approved by the Council and fully implemented prior to connecting into the Council system.
- 10.3 The owner/occupier undertaking any existing high-risk activity on any site as defined in Schedule 1 and that connects to a Council system shall, if requested by the Council, prepare a Site-Specific Stormwater Management Plan that includes a Pollution Prevention Plan. This plan shall be submitted for Council approval no later than six months after being requested by the Council, or such later date as agreed with Council. The plan shall be fully implemented within six months of being approved by the Council.
- 10.4 The Site-Specific Stormwater Management Plan shall include the information set out on the Council website <https://www.waimakariri.govt.nz/services/3-waters/stormwater-and-drainage/> specified for "Pollution Prevention Plan Requirements" and the following additional information:



- a. Identification of the environmentally hazardous substances associated with the industrial or trade activity and any other contaminants arising from the site and the methods to be used to avoid discharges of environmentally hazardous substances or other contaminants from the site onto or into land or water;
  - b. 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 drainage systems including point of connection to the Council system;
  - c. The purpose of; and design specifications for any site-specific stormwater treatment system that will manage and treat stormwater discharge from the site into the Council stormwater system and identify why the selected system is the best solution for the management of discharges from the site;
  - d. A description of the maintenance procedures in place for the stormwater treatment system, the maintenance schedule and who is responsible for ensuring maintenance is carried out;
  - e. A description of training and awareness for employees on the purpose and implementation of the Site-Specific Stormwater Management Plan;
  - f. An assessment method to report on the effectiveness of the Site-Specific Stormwater Management Plan being implemented.
- 10.5 Records of evidence of ongoing compliance with any Site-Specific Stormwater Management Plan shall be retained on the site by the owner/occupier and shall be provided to the Council upon request.
- 10.6 Any Site-Specific Stormwater Management Plan prepared pursuant to this section shall be reviewed by the owner/occupier or operator of the activity to which the plan relates, at five yearly intervals after implementation. The review shall identify any changes to the matters covered in clause 10.4, and with a timeframe of action. The reviewed plan shall be forwarded to the Council for approval, upon request. The Council may include further terms and conditions within the revised plan to ensure the activity is being undertaken in accordance with clauses 10.4 and 8.1. Once approved, the plan shall become binding.
- 10.7 Notwithstanding clause 10.6, the Council may require that any Site-Specific Stormwater Management Plan shall be revised where there have been significant changes to an activity, procedural and or structural controls, hazardous substances use and or storage, or failure to meet any requirement of clause 8.1.
- 10.8 A high-risk site owner or occupier that has an approved connection to the reticulated stormwater system and whom stores or uses hazardous substances on the property, shall retain a spill kit onsite, or have spill mitigation measures in place, that are capable of absorbing or capturing and containing the quantity of hazardous substances that may be stored on site at any one time.

*Explanatory note – For further information on preparing a site-specific spill prevention and spill response plan and spill mitigation measures required on site including bunding requirements for hazardous substances storage, please refer to <https://www.waimakariri.govt.nz/services/3-waters/stormwater-and-drainage/> to view applicable fact sheets, guidelines and standards.*



## PART 2B: CONSTRUCTION PHASE DISCHARGES

### 11 CONSTRUCTION ACTIVITIES

- 11.1 An Erosion and Sediment Control Plan must be prepared and implemented by the owner/occupier of any premises where construction activities are occurring where there is a discharge, either directly or indirectly, into any Council system. This plan shall be fully implemented prior to discharging into the Council system and shall be submitted to the Council on request.
- 11.2 The Erosion and Sediment Control Plan required under clause 11.1 must be prepared and implemented in accordance with the current version of the Environment Canterbury Erosion and Sediment Control Toolbox for Canterbury.
- 11.3 Any site or customer that discharges into a Council system must comply with the environmental standards, limits and other requirements set out in Schedule 2.
- 11.4 The owner/occupier undertaking a construction activity on any site which would discharge stormwater into any Council system, where that construction is on:
- a) any site where an activity listed in the Canterbury Land and Water Regional Plan Schedule 3 "Hazardous Industries and Activities List" is occurring or has historically occurred; and/or
  - b) Any site on the Environment Canterbury Listed Land Use Register; and/or
  - c) Any new development site, or re-development of an existing site, that is not permitted under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;

shall have the risk associated with the proposed stormwater discharge assessed in accordance with the "Memorandum of Understanding Between Waimakariri District Council and Environment Canterbury: Stormwater Discharge Approvals on Contaminated Land" and the "Assessment Criteria for HAIL Sites" (refer <https://www.waimakariri.govt.nz/services/3-waters/stormwater-and-drainage/>).

Following the assessment of risk, the owner/occupier shall meet any requirements specified by the Council for a discharge that is approved into the reticulated stormwater network, or, if requested by the Council, shall apply for and obtain a resource consent from Environment Canterbury for the discharge.

*Explanatory note: Construction phase discharges referred to in clause 11.4 refer to construction activities on sites where there may be potentially contaminated land on all or part of the site that is discharging construction phase stormwater into the Council system. Sites are considered to be potentially contaminated if contaminants in or on the site are above background concentrations (see Canterbury Land and Water Regional Plan Schedule 3 and "potentially contaminated" definition).*

*The Council may require the site owner/occupier to verify the risks posed by discharges from potentially contaminated sites by requiring them to arrange investigations in accordance with the "Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Revised 2021)" and the "Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils (Revised 2021)" published by the Ministry for the Environment.*

*These investigations, when required by the Council, shall be arranged and funded by the owner/occupier and must be undertaken and reported by a SQEP for contaminated land.*

*It is noted that Schedule 1 of the bylaw (defining sites as either high-risk or medium-risk) does not directly apply to assessment of risk posed by sites generating construction phase discharges.*

## **PART 2C: SITES WITH UNACCEPTABLE RISK**

### **12 UNACCEPTABLE RISK FROM ACTIVITIES / SITES**

12.1 The Council may determine that the discharge from a site poses an unacceptable level of risk to the receiving environment when:

- a) The site or activity does not comply with its approved Site-Specific Stormwater Management Plan and/or Pollution Prevention Plan;
- b) The site or activity does not comply with its approved Erosion and Sediment Control Plan;
- c) The site causes a nuisance, adversely affects the stormwater system or adversely affects aquatic life;
- d) The site previously had an existing consent with Environment Canterbury and the conditions for this consent were not met or any applicable environmental standards or limits were exceeded, and / or the site did not receive a compliance grading from Environment Canterbury within 12 months prior to its expiry date;

in which case the Council may cease authorising the discharge from that connection into the Council system and require the site owner/occupier to obtain a resource consent from Environment Canterbury for the discharge into the Council system.

12.2 Any owner/occupier whom is required to obtain a resource consent from Environment Canterbury under clause 12.1 shall comply with all requirements of that consent and all requirements of this bylaw.

## **PART 3: PROTECTION OF SYSTEMS AND WATERCOURSES**

### **13 ACTIVITIES REQUIRING APPROVAL**

13.1 Approval in writing must be obtained from the Council before any of the following occur:

13.1.1 Any works on a Council system or a watercourse managed by the Council;

13.1.2 Any modification to a bank structure, including widening, deepening, damming, diverting or planting or removing any vegetation from any part of a Council system or from the banks of any watercourse managed by the Council, including use of herbicide in such a way as to impede the flow of water or destabilise the bank structure; or



- 13.1.3 The erection of a structure, or placement of any material or planting of any vegetation (e.g. tree or hedge) where these impede access by machinery or apparatus used to clean, maintain or improve any part of a proposed or existing Council system; or
- 13.1.4 The erection of any new vehicle or stock crossing over a watercourse managed by the Council.
- 13.2 The following activities are forbidden:
  - 13.2.1 Any alteration, interference with or obstruction of any Council system;
  - 13.2.2 Allowing any stock or vehicles to do anything that damages or is likely to cause damage to any Council system or watercourse managed by the Council.

## **14 WORKS IN PROXIMITY TO SYSTEMS**

- 14.1 Any person who proposes to undertake any works or activities that may result in damage to any part of a Council system, including excavation works, must obtain Council's approval before beginning such works.
- 14.2 The person undertaking the works or activities is responsible for locating any buried services.
- 14.3 Any person who damages or causes disruption to any Council system is liable for the full costs of any repairs and associated costs incurred as a result of the damage or disruption. Any possible damage or disruption to any Council system must be reported to the Council immediately.
- 14.4 Following any works in proximity to a Council system, bedding and backfill must be reinstated in accordance with the Engineering Code of Practice.

## **PART 4: ACCESS, MAINTENANCE AND MONITORING**

### **15 SYSTEM ACCESS**

- 15.1 An owner/occupier shall allow Council access to and about all facets of all Council systems for the purposes of monitoring, testing and maintenance in accordance with Sections 171-173 and 182 of the Local Government Act 2002 (or other such notice as otherwise arranged with any owner/occupier).
- 15.2 In emergency conditions, or for the purpose of ascertaining whether a stormwater or land drainage system is being misused or this bylaw is not being complied with, an owner/occupier shall allow Council access to and about all facets of the system in accordance with sections 171-173 and 182 of the Local Government Act 2002.

### **16 WATER QUALITY MONITORING**

- 16.1 Council may independently monitor, sample and analyse discharged stormwater or land drainage water and recover costs from the property owner/occupier, where failure to comply with any Site-Specific Stormwater Management Plan and/or Pollution Prevention Plan or Erosion and Sediment Control Plan relating to the property is evident.

- 16.2 Where it is suspected that any discharge within the District is in breach of any part of sections 8 to 12, the Council may independently monitor, sample and analyse discharged stormwater or land drainage water, and where an offence is proven, may recover the costs of investigating, sampling and analysing the discharge, from the property owner/occupier.

## **PART 5: PRIVATE SYSTEMS**

### **17 PRIVATE SYSTEM MAINTENANCE**

- 17.1 All private systems must be designed, constructed, managed and maintained by the owner/occupier, at the owner/occupier's expense or by some other arrangement acceptable to the Council.
- 17.2 The owner/occupier of a private system must ensure that it is maintained in good operating condition and does not cause or contribute to nuisance.
- 17.3 The owner/occupier of a premises on which there is a watercourse, stop bank, overland flow path or flood plain must maintain that watercourse, stop bank, overland flow path or flood plain in an operational state which does not cause or contribute to nuisance.

*Explanatory note – the alteration or construction of works on a watercourse, overland flow path, flood plain or stop bank may require a consent from Environment Canterbury in accordance with the Canterbury Land and Water Regional Plan. Activities within the beds of lakes and rivers may be subject to rules in regional plans in accordance with Section 13 of the Resource Management Act 1991.*

## **PART 6: OFFENCES, PENALTIES AND ENFORCEMENT**

### **18 OFFENCES**

- 18.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.00 as set out in section 242 of the Local Government Act 2002.

### **19 FEES AND CHARGES**

- 19.1 The Council may in accordance with the Local Government Act 1974 and Local Government Act 2002 set charges or fees to recover the cost of any of the following:
- a. Processing the assessment of Site-Specific Stormwater Management Plans and / or Pollution Prevention Plans, their review, approvals and monitoring of compliance with the plans;
  - b. Processing the assessment of any other approval, consent, plan, or any other monitoring, investigation, sampling or analysis charge that is required under any part of this bylaw;
  - c. Processing the assessment, approval or monitoring of any Erosion and Sediment Control Plan or any other approval required under this bylaw.



## **20     REMEDIES**

- 20.1     In the event of a breach of statutory or other legal requirements including this bylaw, the Council may serve notice on the owner/occupier advising the nature of the breach and the steps to be taken within a specified period to remedy it. If after the specified period, the owner/occupier has not remedied the breach, the Council may charge a re-inspection fee.
- 20.2     At any time after the specified period in 20.1 has elapsed, the Council may carry out any remedial work required in order to make good the breach, and recover from the owner/occupier all reasonable costs incurred in connection or associated with the remedial work together with any resulting damages.
- 20.3     If however the breach is such that public health or safety considerations or nuisance, or risk of consequential damage to council assets is such that delay would create or be likely to create unacceptable results, the Council may take immediate action to rectify the defect, and recover all reasonable costs and damages from the owner/occupier.

## **SCHEDULE 1 – MEDIUM-RISK AND HIGH-RISK ACTIVITIES AND SITES (OPERATING PHASE DISCHARGES)**

**A) High-Risk** activities and sites include sites where an activity is occurring that is described in the current version of the Canterbury Land and Water Regional Plan Schedule 3 “*Hazardous Industries and Activities List*”, unless any such activity or site is specifically identified as “medium-risk” in Schedule 1B of this bylaw.

**B) Medium-Risk** activities and sites include any of the following:

- i. Aggregate and material storage/stockpiled yards,
- ii. Commercial analytical laboratory sites,
- iii. Construction and maintenance depots (that exclude areas used for refueling or bulk storage of hazardous substances),
- iv. Demolition yards that exclude hazardous wastes,
- v. Dry cleaning premises,
- vi. Engineering workshops with metal fabrication,
- vii. Engine reconditioning workshops,
- viii. Food and beverage manufacturers,
- ix. Motor vehicle workshops,
- x. Any other activity or premises that has failed to meet the requirements of Section 8, including wash down areas, unless that activity or site is otherwise defined as a “high-risk” in Schedule 1(A).

### **C) Change to a Risk Classification**

Any site in Schedule 1(B) that the Council deems to be operating in a manner that is non-compliant with Section 8 or Section 9 of this Bylaw may be re-classified by the Council as a “high-risk” site under Schedule 1 (A) above.



## **SCHEDULE 2 – REQUIREMENTS FOR CONSTRUCTION PHASE DISCHARGES**

- A) Any site or customer that discharges into a Council system must comply with the following requirements.
- i) The site discharge shall contain no greater than 50g/m<sup>3</sup> of total suspended solids; and;
  - ii) The site discharge into the Council system shall be no greater than 50 NTU, measured by turbidity meter; or
  - iii) The site discharge shall be no greater than 5 NTU above the NTU measured in the receiving environment, when the receiving environment NTU in the receiving watercourse is equal to or less than 50 NTU, measured by turbidity meter; or
  - iv) The site discharge shall not cause a turbidity increase that is greater than 10% in the receiving environment, when the receiving watercourse NTU is greater than 50 NTU, measured by turbidity meter.
- B) Measurements undertaken under SCHEDULE 2 (A) (iii), or (iv) may allow for a mixing zone for measurements required in the receiving environment and the measurement timing intervals and locations must be undertaken as directed by the Council.