

Stormwater and Land Drainage Bylaw 2022

The Christchurch City Council makes this bylaw under sections 145 and 146 of the Local Government Act 2002.

Preamble

This preamble is explanatory and is not part of the bylaw: This bylaw replaced the stormwater parts of the Water Supply, Wastewater and Stormwater Bylaw 2014 as part of a bylaw review process, and was adopted in 2022 as a standalone bylaw.

1. SHORT TITLE AND COMMENCEMENT

- (1) This bylaw is the Christchurch City Council Stormwater and Land Drainage Bylaw 2022.
- (2) This bylaw comes into force on 1 July 2022.

2. PURPOSE

- (1) The purpose of this bylaw is to:
 - (a) manage and regulate the land, structures, and infrastructure associated with land drainage and the stormwater network;
 - (b) protect the Council's land drainage infrastructure and stormwater network from misuse or damage; and
 - (c) protect the public from nuisance and maintain public health and safety.

3. OBJECTIVES

- (1) The objectives of this bylaw are to:
 - (a) prevent the unauthorised use of, or discharge into, the stormwater network;
 - (b) manage the volume of runoff and entry of contaminants into the stormwater network;
 - (c) enable the Council to meet relevant objectives, policies and standards for discharges from the stormwater network;
 - (d) define the obligations of the Council, installers, occupiers, and the public regarding the discharge of stormwater and management of the stormwater network; and
 - (e) manage the risk of flooding and protect land drainage infrastructure.

***Explanatory note:** This bylaw is to help manage stormwater within the district so as to protect people, property and the environment by minimising the impact of flooding, erosion and contamination of stormwater. It is in addition to controls on stormwater imposed by the Canterbury Regional Council and Christchurch City Council under the Resource Management Act 1991, the Building Act 2004, or any other act, regulation or bylaw.*

The Council holds a Comprehensive Stormwater Network Discharge Consent from Environment Canterbury for the discharge of stormwater. This places obligations on the Council to improve the quality of stormwater that enters the network and is discharged to the environment. Waterways are

part of the receiving environment for stormwater and form part of the network that carries stormwater to the sea. Council has a stewardship role in the protection, restoration and management of waterways and their margins. Land associated with waterways also forms part of our flood protection infrastructure e.g. stopbanks. The Local Government Act 2002 enables the Council to regulate to protect land and infrastructure associated with land drainage (section 146). The bylaw is part of how the Council can give effect to Te Mana o te Wai.

Objectives, policies and standards relevant to this bylaw can be found in the Council's Te Wai Ora o Tāne Integrated Water Strategy, the Waterways and Wetlands Natural Asset Management Strategy, the Infrastructure Design Standards and in the consent that the Council holds for the discharge of stormwater from its network (CSNDC).

4. COVERAGE

- (1) This bylaw applies to the stormwater network owned and operated by the Christchurch City Council, and anything discharged into the stormwater network. It also controls activities that may affect the integrity or effective operation of the stormwater network, or the Council's land drainage infrastructure.

5. INTERPRETATION

- (1) In this bylaw, unless the context otherwise requires:

Approval means any approval, licence, permit or consent issued under this bylaw or any relevant legislation.

Boundary means any boundary which is shown on a survey plan approved by the Chief Surveyor and which is deposited with Land Information New Zealand, whether or not a new title has been issued.

Chief Executive means the Chief Executive of the Christchurch City Council.

Condensing water means any water used in any trade, industry, or commercial process or operation in such a manner that it does not materially change its chemical or physical state.

Contaminant has the same meaning as defined in section 2 of the Resource Management Act 1991.

Council means the Christchurch City Council, or any person authorised to act on its behalf.

CSNDC means the Comprehensive Stormwater Network Discharge Consent issued by Canterbury Regional Council (CRC214226), which enables the Council to discharge stormwater to land, water and coastal environments, in accordance with certain conditions, and includes any variations to the consent.

Customer means the person, or authorised agent, who uses, or has approval to use, the stormwater network supplied by the Council.

District means the territorial authority area of Christchurch City Council.

District Plan means any relevant operative or proposed district plan prepared by the Christchurch City Council under the Resource Management Act 1991.

Drain means an open channel or pipe for conveying stormwater; and **drainage** has a corresponding meaning.

Earthworks means any mechanical excavation, or substantial manual excavation, such as levelling, filling, retaining, contouring or landscaping a site; and includes moving, removing, placing or replacing earth, rock or soil.

Environment has the same meaning as defined in section 2 of the Resource Management Act 1991.

Erosion and Sediment Control Plan (ESCP) 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.

Floodplain means an area of low-lying land adjacent to a waterway that is inundated by water during heavy rainfall or a flood event.

Flood protection infrastructure means any stopbank, bund, embankment or other structure associated with a waterway that helps to manage stormwater and reduce the risk of flooding, and which is owned or administered by the Council. It does not include protective works that do not have a land drainage function, such as sea walls.

Industrial premises means any site undertaking any business activity that is listed in the Register of Industrial and Trade Activities, as well as any site where the Register does not apply, but activities occur in an area or way that the Council considers may contaminate stormwater.

Industrial Stormwater Audit Programme means the Council's programme of work to monitor and improve the stormwater discharges from industrial premises.

Land drainage means the draining of surface and sub-surface water from the land by natural or constructed drainage channels.

Maintenance Access Corridor means the land required to access any part of the underground stormwater network for maintenance purposes.

Nuisance means:

- (a) something harmful, obnoxious, offensive or objectionable to members of the public; or
- (b) a private nuisance at law (the unreasonable interference with a person's right to the use or enjoyment of an interest in land); or
- (c) a public nuisance at law (an interference which materially affects the reasonable comfort and convenience of life of a class of the public).

Occupier means the owner, operator, or site manager of a premises or property, as is applicable.

Overland flow path means any flow path taken by stormwater on the surface of the land.

Private stormwater system means any stormwater system that serves one or more properties and is not owned, managed or maintained by the Council. It includes any component that drains water from a property up to the point of service connection with the stormwater network.

Prohibited substance means a contaminant in stormwater that has not been expressly authorised by the Council. Prohibited substances include, but are not limited to: sediment, cement, construction by-products, green waste, litter, detergents, soap, swimming/spa pool water, metal residues, leachate, petrochemicals, pesticide, solvents, substances labelled “biodegradable” or similar, and any other hazardous substance.

Property means the following:

- (a) a parcel of land shown as an allotment on a survey plan deposited with or approved by Land Information New Zealand, and for which a Record of Title is available; or
- (b) land or a building or part of a building for which a unit title under the Unit Titles Act 2010 or a cross-lease title, and for which a Record of Title or a company share title is available; or
- (c) land held in public ownership (e.g. reserve) for a particular purpose.

Regional Plan means any relevant operative or proposed regional plan prepared by Canterbury Regional Council (Environment Canterbury) under the Resource Management Act 1991, such as the Canterbury Land and Water Regional Plan (LWRP).

Register of Industrial and Trade Activities means the Register established under this bylaw, which sets out industrial and trade activities that may contaminate stormwater.

Restricted activity means an activity in relation to the stormwater network which is regulated in clauses 12-16 of this bylaw.

Risk classification means the level of risk for stormwater contamination, as assessed by the Council, based on the activities and practices of an industrial premises.

Site works means any substantial earthworks, including excavation, grading, significant landscaping, installation of septic tanks, trenches, construction of pavement and driveways, and any works associated with the construction, alteration, demolition or removal of a building.

Stabilised means an area of land sufficiently covered by erosion-resistant material (such as but not limited to; grass, mulch, weed matting, bark, aggregate, asphalt, concrete, or paver blocks), to prevent erosion of the underlying soil by water.

Stormwater means the water resulting from precipitation (e.g. rain or snow) that is:

- (a) collected, channelled, diverted, intensified or accelerated by modification of the land surface; or
- (b) runoff from the external surface of any building or structure.

Stormwater connection approval means an approval in writing given by an authorised officer of the Council, permitting a person to connect to the stormwater network.

Stormwater device means any system, facility or equipment designed or installed to receive stormwater and to store it, delay runoff, control flow, filter contaminants or sediment, monitor, or otherwise manage the quality or quantity of stormwater.

Stormwater discharge approval means an approval in writing given by an authorised officer of the Council, permitting a person to discharge stormwater to the stormwater network.

Stormwater network means any infrastructure, facilities and devices operated, owned or administered by the Council, for the management of stormwater or for the purpose of land drainage. This includes, but is not limited to: pipes, drains and waterways; kerbs and channels; swales and detention ponds; flood protection infrastructure, such as bunds or stopbanks; and treatment and measuring devices or facilities.

Surface water means water in rivers, watercourses and artificial waterbodies, lakes, wetlands, springs or coastal waters, but excludes groundwater (water below the surface).

Waterway includes a watercourse (as defined in section 2 of the Soil Conservation and Rivers Control Act 1941) and drainage channel (as defined in section 503 of the Local Government Act 1974), and any open drain or waterway as defined in the relevant district plan and the regional plans.

- (2) Explanatory notes are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

***Explanatory note:** Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change.*

CONNECTIONS AND DISCHARGE

6. APPROVAL REQUIRED FOR STORMWATER CONNECTIONS AND DISCHARGE

- (1) No person may, without the Council's written approval under this bylaw:
- (a) connect to, or alter an existing connection to, the stormwater network; or
 - (b) discharge stormwater to the stormwater network.

***Explanatory note:** Generally, two approvals are required: one for connection to the stormwater network ('**stormwater connection approval**'), and one for discharge into the stormwater network ('**stormwater discharge approval**'). The applications for each approval may be combined into one application form, or may be granted in connection with another consent, such as a resource consent or building consent.*

All existing connections, unless advised otherwise by the Council, are considered to have both connection and discharge approval; noting that a review of any approval can be undertaken under clause 7.

- (2) A written application for approval of any matter in subclause (1) must be made in the form required by the Council. The application must contain all information requested by the Council to consider issuing an approval, and be accompanied by the relevant fee (if any).
- (3) An authorised officer considering an application may require the applicant to provide further information at the applicant's cost in order to process an approval under this clause.

***Explanatory note:** The type of connection will determine the level of information required to process the application, (e.g. large connection pipes will require an engineering plan; or industrial premises will need to provide evidence of their contingency management procedures), as well as how the approval is granted (e.g. small connection pipes will typically be approved through the building consent process).*

- (4) The Council may grant approval to an applicant, and may impose conditions as part of the approval. Any conditions must be complied with in the exercise of the approval.
- (5) Where the Council does not grant approval, it will notify the applicant of the decision and give reasons for the refusal.
- (6) Without limitation, the Council may refuse to grant a stormwater connection or stormwater discharge approval where:
 - (a) the proposed connection is outside an area currently serviced by the stormwater network; or
 - (b) in the Council's reasonable opinion, there is insufficient capacity within the stormwater network in that location; or
 - (c) the requirements of this bylaw, the conditions of any relevant resource consent, or the outcomes sought by the Council under the CSNDC are not demonstrated as fulfilled in the application.

***Explanatory note:** Requirements under this bylaw and any relevant resource consent include adequately meeting the Council's stormwater quality objectives, such as any standard set under clause 9 of this bylaw, or in any Stormwater Management Plan.*

- (7) If there is insufficient capacity in the stormwater network in the location relating to the application, then despite clause 6(6)(b), a stormwater connection approval may be granted if, at the cost of the applicant:
 - (a) the stormwater network is upgraded; or
 - (b) the discharge of the stormwater will be adequately controlled within the applicant's property; or
 - (c) another solution that is acceptable to the Council can be agreed upon.

7. REVIEW OF CONNECTION AND DISCHARGE APPROVAL

- (1) The Council may, at any time, review a stormwater connection or stormwater discharge approval, and any associated conditions.

***Explanatory note:** By way of example, the Council may initiate a review and reassess if there is any increased discharge or risk of stormwater contamination if it has reason to believe:*

- *the nature, quality, or quantity of stormwater discharge has changed; or*
- *the customer has failed to comply with any condition of an approval, or any other part of this bylaw.*

- (2) Following the review, and after obtaining and considering the written views of the customer, the Council may;
 - (a) vary or add conditions that the Council considers necessary;
 - (b) require a new application for a stormwater connection or discharge approval to be submitted; or
 - (c) suspend or cancel the stormwater discharge approval.

***Explanatory note:** Clause 37 applies where a stormwater discharge approval is suspended or cancelled.*

Conditions may include, but are not limited to; on-site stormwater management practices or the installation of a stormwater device to manage the quality or quantity of stormwater being discharged from a property.

8. VARIATIONS TO CONNECTION AND DISCHARGE ACTIVITIES

- (1) The occupier must notify the Council in writing of any changes to the nature of activities, practices or developments on their property, or any other changes that may alter their stormwater discharge quality or quantity.

Explanatory note: *The Council may need to reassess the conditions of a stormwater connection or stormwater discharge approval if there is an increased risk of stormwater contamination. Examples of changes include, but are not limited to:*

- *the addition of new impervious surfaces, a net increase in hardstanding area, or cumulative increases exceeding 150 square metres, within the property;*
 - *varying the type or concentration of potential stormwater contaminants, including any new spill risks;*
 - *varying the method of treatment of stormwater under an existing stormwater discharge approval.*
- (2) The occupier must seek a new stormwater connection or stormwater discharge approval, or a variation to such an approval, if the Council advises it is required, and within the timeframe specified by the Council.
 - (3) Any application to vary a stormwater connection or stormwater discharge approval must be accompanied by the relevant fee (if any).

9. STORMWATER QUALITY STANDARDS

- (1) The Council may, by resolution, specify standards for discharges to the stormwater network.

Explanatory note: *For example, standards may be set for contaminants including, but not limited to; sediment and heavy metals.*

- (2) A resolution under this clause may:
 - (a) specify standards generally, or for specific situations, activities or industries, or for types of property;
 - (b) apply to all of the district, or to any specified part or parts of the district, i.e. a stormwater catchment; and
 - (c) apply immediately or come into force at a specified time.
- (3) Once a standard comes into force, the occupier of any property or premises to which the standard applies, must comply with the standard.
- (4) The Council may require the occupier of any property or premises to reduce or prevent contaminants from entering the stormwater network in quantities or concentrations that exceed a standard. This may include, but is not limited to:
 - (a) changing on-site practices; or
 - (b) installing a stormwater device or treatment process.

Explanatory note: *Before making any resolution under this clause, the Council will consider the views and preferences of persons affected by the decision, applying the principles in section 82 of the Local Government Act 2002 and the Council's Significance and Engagement Policy. All resolutions made under this clause will be recorded in a register available on the Council's website.*

ARTESIAN SPRINGS

10. PREVENTING NUISANCE AND DAMAGE FROM UNMANAGED ARTESIAN WATER

- (1) No person may cause or allow water from an artesian spring or well in their property to flow or discharge beyond the boundary of their property in a way that causes or is likely to cause nuisance or damage to any neighbouring property.
- (2) The Council may require the property owner to install appropriate drainage or otherwise manage the water to prevent any nuisance or damage to neighbouring properties.

***Explanatory note:** Neighbouring property includes Council land (such as the road corridor). A resource consent may be required from Environment Canterbury in relation to any spring water under the Land and Water Regional Plan. Where possible, water from artesian sources should feed into waterways. Sometimes this is not possible, for example, if a new spring emerges in a developed part of the city where old waterways have been modified, or where a spring has been capped, but the cap has degraded. The Council should be notified if anyone is intending to cap or modify a spring.*

PROTECTION OF THE NETWORK AND LAND DRAINAGE INFRASTRUCTURE

11. PROTECTION OF THE STORMWATER NETWORK

- (1) No person, other than the Council and its authorised agents, may access or enter any part of the stormwater network that is not open to the public, without prior written approval of the Council.
- (2) No person may make any connection to, disconnect from, or discharge into, any part of the stormwater network without the written approval of the Council.
- (3) Works to connect to the stormwater network, or alter a connection, can only be carried out by a Council-approved contractor, and the contractor must comply with all relevant codes of practice, standards, specifications, approvals and conditions.
- (4) No person may tamper with, or otherwise interfere with any part of the stormwater network.
- (5) No person may do any thing that causes a nuisance or damage to any part of the stormwater network, including with a vehicle or allowing any animal to do any such thing.
- (6) No person may plant any tree in a position that is likely to cause a nuisance or damage to any part of the stormwater network, or allow any tree or its roots to cause a nuisance or damage to any part of the stormwater network.

***Explanatory note:** Where the roots of any tree on private property are causing damage, interference or blockage of any part of the stormwater network, or otherwise restricting access to any part of the network, the Council may take action to remove the tree, or to trim the roots of the tree, under sections 355 or 468 of the Local Government Act 1974, section 27 of the Land Drainage Act 1908, or sections 43-43A of the Christchurch District Drainage Act 1951, as appropriate. Where tree roots from a tree located on private property are found to be preventing access or causing damage to the stormwater network, the Council will, where possible, prune the roots in such a way that the health and stability of the tree are not compromised.*

- (7) No person, other than the Council and its authorised agents, may cover, remove, alter or block (partially or fully) any service opening such as a manhole, sump or any other stormwater infrastructure, without the prior written approval of the Council.

12. RESTRICTED ACTIVITIES RELATED TO DISCHARGE OF WATER OTHER THAN STORMWATER

- (1) No person may, without the Council's written approval under this bylaw, discharge, or allow to be discharged, any water other than stormwater to the stormwater network. This includes, but is not limited to, the discharge of condensing or cooling water, and water from dewatering activities.

13. RESTRICTED ACTIVITIES RELATED TO OVERLAND FLOW PATHS AND FLOODPLAINS

- (1) No person may, without the Council's written approval under this bylaw, build or place any structure or material on, or remove any material from, any overland flow path, or floodplain.

***Explanatory note:** Obstructions or alterations to overland flow paths and floodplains restrict or change the containment and flow of stormwater in periods of heavy rain, and could cause flooding, property damage, or threats to public safety. Examples include constructing buildings, fences, or retaining walls; laying concrete; and undertaking other site works, landscaping or earthworks.*

14. RESTRICTED ACTIVITIES RELATED TO WATERWAYS

- (1) No person, except a person with written authority from the Council or an authorised agent of the regional council may:
- (a) build or install, or allow to be built or installed, any structure in, on, over, or within three metres of any waterway;
 - (b) lay or permit any utility service or private pipe across, within, or along the line of an existing waterway;
 - (c) dig or undertake earthworks on, in, or within three metres of any waterway;
 - (d) modify the bank or bed of any waterway; or
 - (e) alter the course or flow of any waterway.

***Explanatory note:** Structures include, bridges, culverts, pipes, dams, weirs, crossings, or any retaining or hard landscaping structures. Each request will be considered on a case-by-case basis, taking into account the particular set of circumstances involved.*

The three metre setback distance is measured from the waterline – the point at which the water normally meets the bank. For normally dry waterbodies, the setback distance is measured from the point at which a horizontal line 60cm above the lowest point of the bed of the waterway touches the bank on either side. A diagram setting out setback distances in relation to water bodies can be found in the Christchurch District Plan (appendix 6.11.5.3).

Additional permissions other than written approval under this bylaw (such as a resource consent from the Canterbury Regional Council) may be required for some works in and around waterways.

- (2) Subclause (1) does not apply to fencing near waterways in rural zones, which is regulated by the District Plan.

- (3) No person may remove any existing covering material from a waterway, or install or place any additional material over or along any waterway, unless that person:
 - (a) is an authorised agent of the Council or the regional council; or
 - (b) has written approval from the Council; or
 - (c) is undertaking temporary erosion and sediment control measures under an approved Erosion and Sediment Control Plan.
- (4) No person may plant or remove any vegetation on the banks of any waterway in such a way as to:
 - (a) impair the flow of stormwater;
 - (b) cause destabilisation of the banks of the waterway;
 - (c) impede access by machinery or apparatus used to clean, maintain or improve the waterway; or
 - (d) otherwise cause nuisance or damage.
- (5) No person may deposit any rubbish or other debris within or alongside any waterway, or in such a manner that it may enter any waterway.

15. RESTRICTED ACTIVITIES RELATED TO FLOOD PROTECTION INFRASTRUCTURE

- (1) No person may undertake works that could damage, destabilise or undermine the structure of any flood protection infrastructure.
- (2) No person may, without the Council's written approval under this bylaw, undertake any of the following in, on, over, under, or within one metre of any flood protection infrastructure:
 - (a) build or install, or allow to be built or installed, any structure;
 - (b) dig, excavate, fill, or undertake earthworks;
 - (c) insert or install any pipe or thing;
 - (d) plant or remove any vegetation, including trees; or
 - (e) modify, remove, add to, or otherwise alter any flood protection infrastructure.

***Explanatory note:** Flood protection infrastructure related to land drainage is regulated by this bylaw, but other protective assets such as sea walls are excluded. As well as any bylaw offence, damage to any local authority works or property is also an offence under section 232 of the Local Government Act 2002. Section 232 of the Local Government Act applies to sea walls.*

16. RESTRICTED ACTIVITIES WITHIN MAINTENANCE ACCESS CORRIDORS

- (1) This clause applies to parts of the stormwater network that are located underground and within non-Council land. The Council requires that these parts of the stormwater network are accessible in order to repair, replace, or otherwise maintain these parts of the stormwater network.
- (2) This clause does not apply where there is an easement in favour of the Council registered against a Record of Title for a property that enables adequate maintenance access for the stormwater network, irrespective of the width of the easement strip created by that easement.
- (3) No person may, without the Council's written approval under this bylaw, carry out the following restricted activities:
 - (a) build, place or install, or allow to be built, placed or installed, any structure (other than a boundary fence), over or within a Maintenance Access Corridor;
 - (b) lay or permit any utility service or private pipe across or along the line of an existing underground part of the stormwater network within a Maintenance Access Corridor; or

- (c) undertake earthworks or site works within a Maintenance Access Corridor.

Explanatory note: Structures include, temporary or relocatable buildings (such as sheds), shipping containers, storage tanks, decks, hard landscaping, etc. Each request will be considered on a case-by-case basis, taking into account the particular set of circumstances involved, and the likely access needs for maintenance. Reinstatement of areas after access for maintenance will be completed to a safe standard, and may not be to the exact prior condition (e.g. it may not be possible to reinstate or match some features or finishes, such as coloured or textured concrete).

Written approval for a similar purpose under a revoked version of this bylaw is considered written approval under this bylaw, in accordance with the savings provisions in this bylaw (clause 41).

Any person who believes that compliance with the requirement in clause 16 would adversely affect them or their business, without a corresponding public benefit, can apply to the Council for a dispensation from compliance with this requirement under clause 13 of the General Bylaw 2008.

- (4) No person may plant any tree within a Maintenance Access Corridor that is likely to cause a nuisance or damage to any part of the stormwater network.
- (5) Where the Council's infrastructure or asset is a pipe, the Maintenance Access Corridor width is calculated by the Council as the greater of either:
- (a) twice the buried depth of the pipe (surface to trench base), plus the outside diameter of the pipe; or
 - (b) 1.5 metres from either side of the centre of the pipe.
- (6) Where the infrastructure or asset is not a pipe, the Maintenance Access Corridor is one metre of the asset's border in all directions (e.g. a manhole).

Explanatory note: The details of each specific site and the width and location of the Maintenance Access Corridor will be determined by the Council. Deeper, and usually larger, pipes require a greater area for maintenance access.

17. APPLICATIONS AND APPROVALS FOR RESTRICTED ACTIVITIES

- (1) A written application for any restricted activity must be made in the form required, must contain all information requested, and must be accompanied by the relevant fee (if any).

Explanatory note: A building or resource consent does not constitute approval for any restricted activity under this bylaw. A separate approval is required. The restricted activities in this bylaw (clauses 12-16) are to protect the stormwater network. Building and resource consent approvals regulate different matters. Where possible, the package of approvals may be administratively managed together.

- (2) An authorised officer considering an application may require the applicant to provide further information, at the applicant's cost, in order to process an approval.
- (3) The Council may impose conditions as part of an approval. Any conditions must be complied with in the exercise of the approval.
- (4) Where the Council declines an application, it will notify the applicant of the decision and give reasons for the refusal.

18. PROHIBITED SUBSTANCES MUST NOT ENTER THE NETWORK

- (1) No person may cause or allow any prohibited substance to:
 - (a) enter the stormwater network, either directly or indirectly; or
 - (b) be stored, handled or transferred in a manner that may enter the stormwater network, including in the event of spillage, or as a result of rain.

***Explanatory note:** Prohibited substances, or water contaminated with prohibited substances, cannot be disposed of down stormwater inlets, or washed into roadside gutters, and must be disposed of appropriately. Substances that are prohibited and should not enter the stormwater network include, but are not limited to; sediment, cement, construction by-products, green waste, litter, detergents, soap, swimming/spa pool water, metal residues, leachate, petrochemicals, pesticide, solvents, substances labelled “biodegradable”, and any other hazardous substance.*

Where possible, vehicles, boats, and other equipment should be washed on grassed or shingle surfaces, or at a commercial car wash. This should not be done on sealed surfaces as the wash-down water will run into the kerb and channel and then enter the stormwater network, contaminating our waterways.

Preventing prohibited substances from entering the stormwater network may require preventative and spill control measures such as secondary containment, indoor storage, bunding, and spill kits.

- (2) Any person responsible for, or aware of, any spill or discharge of a prohibited substance to the stormwater network or to land, must immediately notify the Council of the incident.

***Explanatory note:** Spills and similar accidents, whether directly into a waterway or onto land (including roads), have the potential to enter stormwater and contaminate waterways. The Canterbury Regional Council also requires notification of such incidents.*

19. WORKS MUST COMPLY

- (1) Any person responsible for the construction of infrastructure which is to be vested in Council and become part of the stormwater network, must comply with all relevant codes of practice, standards, specifications, approvals and conditions relating to such infrastructure.
- (2) Any person responsible for the construction of infrastructure which is to connect to the stormwater network must comply with all relevant codes of practice, standards, specifications, approvals and conditions relating to the connection.
- (3) The Council is not required to accept the vesting of infrastructure, or a connection to the network which does not comply with subclauses (1) and (2).

20. IDENTIFY UNDERGROUND SERVICES PRIOR TO SITE WORKS

- (1) Any person undertaking site works must view and verify the as-built plans held by the Council prior to the commencement of works to establish whether or not Council services are located in the vicinity of the proposed work.
- (2) If any pipe, drain, or other asset is found that is not on the as-built plans, or is incorrectly shown on the as-built plans, the person must determine what the pipe, drain or other asset is, and supply that information to the Council.

Explanatory note: Any works to be undertaken within the road corridor (which includes the road, footpath and berm) is regulated under the Utilities Access Act 2010 and requires the submission of a Corridor Access Request to the Council before work commences.

REQUIREMENTS FOR EARTHWORKS

Explanatory note: Reducing erosion and sediment from earthworks helps to prevent habitat degradation in our waterways and protects the stormwater network from damage or reduced functionality from sediment.

21. EROSION AND SEDIMENT CONTROL PLAN

- (1) Any person intending to undertake earthworks where there is any risk that sediment generated by the works could become entrained in stormwater must, before stripping vegetation or beginning earthworks, engage a suitably qualified person to prepare an Erosion and Sediment Control Plan that sets out how erosion and sediment from the site will be managed during the earthworks.
- (2) The Erosion and Sediment Control Plan must set out how the site of the earthworks will be managed to:
 - (a) prevent earth or sediment from being washed off the site or otherwise carried in water onto neighbouring properties, roads, or into the stormwater network;
 - (b) stabilise land to prevent earth slipping onto neighbouring properties, roads, or into the stormwater network;
 - (c) stabilise entranceways and prevent earth or sediment from being spilled or tracked off the site by people or vehicles; and
 - (d) control or minimise dust.
- (3) An Erosion and Sediment Control Plan must be prepared by a suitably qualified person and in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox.
- (4) Any person undertaking earthworks must make the Erosion and Sediment Control Plan available to the Council on request.
- (5) The site manager or person undertaking the earthworks must ensure the measures set out in the Erosion and Sediment Control Plan are implemented, monitored and fit for purpose.

Explanatory note: Erosion and sediment control requirements for earthworks associated with a building or resource consent will be managed in the consent conditions. Projects that are exempt from building consent requirements (such as demolishing a building or replacing a small driveway), will need to prepare and implement an Erosion and Sediment Control Plan to meet the requirements of this bylaw.

The skills and experience of a person suitably qualified to prepare an Erosion and Sediment Control Plan will vary depending on the complexities and level of risk associated with the earthworks, including the extent of the works, proximity to any waterways and the slope of the site.

The Council's Traffic and Parking Bylaw has clauses to prevent material or debris from being deposited on roads, and enforcement action could be taken under that bylaw or under section 357 of the Local Government Act 1974 (Penalties for damage to roads) in relation to mud on roads, or under this bylaw in relation to stormwater contamination arising from mud on roads.

22. MEASURES MUST BE IN PLACE BEFORE AND DURING EARTHWORKS, AND UNTIL THE SITE IS STABILISED

- (1) To ensure that any risk of sediment entering the stormwater network is minimised, a person undertaking earthworks must:
 - (a) put appropriate erosion and sediment control measures in place before beginning the earthworks;
 - (b) keep those erosion and sediment control measures in place until such time as the area disturbed by the earthworks has been stabilised, and the risk has sufficiently diminished; and
 - (c) remove and appropriately dispose of all erosion and sediment control measures once the site has been stabilised.

***Explanatory note:** The appropriate measures will depend on the scale and duration of the earthworks, the slope of the site, the closeness to any waterways, and the potential for rainfall. Likely measures include preventing runoff, protecting waterways, installing perimeter controls, and managing vehicle access to prevent mud and sediment being tracked or deposited onto the road near the site.*

MAINTENANCE REQUIREMENTS

23. PRIVATE STORMWATER SYSTEM MAINTENANCE RESPONSIBILITIES

- (1) The occupier(s) of any property with a private stormwater system must:
 - (a) ensure that the private stormwater system is maintained in good operating condition, and allows for the free flow of stormwater;
 - (b) discharge stormwater from the site or sites in accordance with any controls the Council specifies (including any operative resource consent); and
 - (c) not cause or contribute to nuisance in a storm event.
- (2) The occupier(s) of any property with a private stormwater system must, on request by the Council:
 - (a) provide information to demonstrate that the stormwater system is operated and maintained to achieve its purpose;
 - (b) remove any leaves, vegetation or other debris that obstructs, or is likely to obstruct the free flow of water; and
 - (c) carry out any works that are required to ensure the stormwater system meets its purpose.

24. MAINTENANCE OR REPAIR OF PRIVATE STORMWATER DRAINS

- (1) The customer owns the private stormwater drains within the customer's property and on the customer's side of the point of discharge, and is responsible for all repairs and associated costs.

***Explanatory note:** Council owns and is responsible for maintenance of the public stormwater system including the pipe and the fittings up to the point of service connection.*

- (2) The occupier of any property must ensure their private stormwater drains are maintained in a satisfactory operating state, free from cracks, damage and other defects.

- (3) If the Council believes that stormwater drains on private property are damaged, blocked, or otherwise not in a satisfactory operating state, the Council may require the property owner to investigate the drain and rectify any issues, at the owner's cost.

***Explanatory note:** Tree roots, sediment and other contaminants can enter the stormwater network from cracks and damage in private stormwater drains, and block or cause damage to the public stormwater network or its machinery. Stormwater pipes that do not effectively convey stormwater may contribute to flooding, erosion, ponding or damp buildings.*

- (4) Where the Council requires a property owner to investigate and rectify any issues, a property owner must:
- (a) engage a suitably qualified person to undertake a camera investigation (or other agreed method of investigation) of the drain, and prepare a report on the findings;
 - (b) submit the report to the Council on the condition of the drains, prepared by a registered drain layer, that includes either an appropriate repair strategy, or confirmation that the drain is in a satisfactory operating state (i.e. contains no cracks, substandard joins, tree roots or other signs of blockage); and
 - (c) if repairs or replacements are necessary to fulfil the repair strategy, the property owner must demonstrate, to the Council's satisfaction, that the repairs or replacements have occurred.
- (5) Where the Council requires a property owner to investigate and rectify a drain under clause 24(3) and 24(4), the investigation and any repairs or replacements must be completed within timeframes specified or agreed by the Council.

***Explanatory note:** Where a property owner fails to comply with any request under subclause (5), the Council may undertake the work specified and recover the costs from the property owner under section 459 of the Local Government Act 1974.*

25. MAINTENANCE OF PRIVATE STORMWATER DEVICES

- (1) Where the Council has required an occupier to install a privately-owned stormwater device, the occupier must maintain the device in good operating condition.

***Explanatory note:** A privately-owned stormwater device may have been required by the Council as part of a Building Consent or Resource Consent or as a condition of either a discharge approval, or an Industrial Stormwater Discharge Licence.*

- (2) Any person with a privately-owned stormwater device must retain the operations and maintenance manual, as-built drawings, and maintenance records for the device; and make these available to the Council on request.

MANAGEMENT OF STORMWATER DISCHARGE FROM INDUSTRIAL PREMISES

26. REGISTER OF INDUSTRIAL AND TRADE ACTIVITIES

***Explanatory note:** Discharges from industrial premises are at higher risk of stormwater contamination due to the nature of the activities being carried out on-site. Contaminants that enter the stormwater network jeopardise the Council's ability to comply with the CSNDC.*

- (1) The Council may, by resolution, adopt a Register that sets out:
 - (a) industrial and trade activities; and
 - (b) land areas for industrial and trade activities that are of interest to the Council; and
 - (c) timeframes for compliance with the industrial premises requirements of this bylaw.
- (2) The Council may, by resolution, amend or revoke the Register at any time.

27. REQUIREMENT TO APPLY FOR AN INDUSTRIAL STORMWATER DISCHARGE LICENCE

***Explanatory note:** There are two ways a business may be considered an industrial premises under this bylaw. Either the business is undertaking an activity listed on the Register of Industrial and Trade Activities, and at a scale indicated in the Register; or where the Council considers that the business activity may be occurring in an area or way that is likely to contaminate stormwater (where the business activity or area is not otherwise captured by the Register).*

- (1) The occupier of every industrial premises undertaking an activity at a scale listed in the Register of Industrial and Trade Activities must apply for an Industrial Stormwater Discharge Licence within the compliance timeframe specified in the Register.

***Explanatory note:** This requirement applies to new and existing industrial premises. Clause 34 sets out when industrial premises holding individual resource consents to discharge stormwater issued by Canterbury Regional Council will have to comply with this clause.*

For the avoidance of doubt, occupiers of industrial premises with written approval from an audit process prior to this bylaw coming into force, must apply for an Industrial Stormwater Discharge Licence in accordance with subclause (1).

- (2) Where an industrial premises is established after the compliance timeframes set out in the Register, the occupier must apply for an Industrial Stormwater Discharge Licence within three months of the business commencing operation.
- (3) Where the business activity or area is not captured by the Register, but the Council considers the activity is occurring in a way that may contaminate stormwater, the Council will notify the occupier, setting out a timeframe to apply for an Industrial Stormwater Discharge Licence. The occupier must apply within the timeframe specified in the notification.
- (4) The occupier must apply for an Industrial Stormwater Discharge Licence in the form required, provide all information required by the Council, and pay the applicable fee (if any).

- (5) Where an occupier of an industrial premises fails to apply for an Industrial Stormwater Discharge Licence within the timeframe specified in subclause (1), (2) or (3), the Council will issue a final warning notification. If an occupier fails to apply within the timeframe specified in the final warning notification, clause 29 applies.

28. RISK CLASSIFICATION AND LICENSING OF INDUSTRIAL PREMISES

- (1) The Council will assign a risk classification to an industrial premises based on the information provided by the occupier in the application for an Industrial Stormwater Discharge Licence, and on any other relevant information.

***Explanatory note:** The risk classification of an industrial premises will determine the applicable annual licence fee. The higher the stormwater contamination risk, the higher the applicable fee. The premises will be entered into the Industrial Stormwater Audit Programme, and will require monitoring and engagement commensurate with their risk status.*

- (2) When a risk classification has been assigned to an industrial premises, the occupier has 20 working days to object and request a re-assessment. If no objection is received, the risk classification is confirmed after 20 working days.
- (3) If the occupier requests a reassessment of the risk classification assigned, the occupier must:
 - (a) pay any relevant fee for risk classification reassessment; and
 - (b) provide sufficient information to the Council to demonstrate that a reduction in risk classification is appropriate.
- (4) When a risk classification has been confirmed, the occupier must pay any applicable Industrial Stormwater Discharge Licence fee.
- (5) The industrial premises is considered licensed under this bylaw upon payment of any applicable Industrial Stormwater Discharge Licence fee, and will be included in the Council's Industrial Stormwater Audit Programme.
- (6) As part of the licensing process, the Council may impose conditions on the stormwater discharge from any premises. The occupier of a licensed industrial premises must comply with any conditions set out in their licence.

***Explanatory note:** Conditions may also be imposed by the connection and discharge approval requirements under clause 6. A default condition on all Industrial Stormwater Discharge Licences is compliance with any corrective actions required as part of an industrial stormwater audit.*

29. INDUSTRIAL PREMISES HIGH RISK BY DEFAULT

- (1) Where an occupier of an industrial premises fails to comply with clause 27(5), the occupier will be issued with a High Risk Industrial Stormwater Discharge Licence by default and must pay the applicable licence fee.

***Explanatory note:** A fee will be charged as the premises will be entered into the Industrial Stormwater Audit Programme, and will require monitoring and engagement at the level of a high risk premises until further information can be confirmed about the site. The licence fee will be equivalent to a high risk Industrial Stormwater Discharge Licence fee.*

30. REVIEW OF INDUSTRIAL STORMWATER DISCHARGE LICENCES

- (1) The Council may review an Industrial Stormwater Discharge Licence (including its risk classification or conditions) at any time.

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 as part of the Industrial Stormwater Audit Programme;
- the results of any monitoring, tests or samples;
- non-compliance with any licence condition or this bylaw;
- non-compliance with any 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.

- (2) The occupier of any industrial premises may request a review of their licence at any time.
- (3) If an occupier has requested a review of their licence, they must:
 - (a) provide all information as required by the Council; and
 - (b) pay any applicable fee.
- (4) The Council may, after obtaining and considering the written views of the occupier;
 - (a) remove, vary or add licence conditions;
 - (b) change the risk classification;
 - (c) confirm the existing licence; or
 - (d) suspend or cancel the stormwater discharge approval under clause 37.

31. INDUSTRIAL STORMWATER AUDIT PROGRAMME

Explanatory note: Every occupier holding an Industrial Stormwater Discharge Licence (including High Risk by default premises) will be included in the Industrial Stormwater Audit Programme.

- (1) The occupier of an industrial premises must co-operate with the Council's Industrial Stormwater Audit Programme, including, but not limited to:
 - (a) enabling access to enter the premises;
 - (b) providing documents, plans and other information on request; and
 - (c) enabling on-site sampling and testing.
- (2) The Council may require corrective actions to be undertaken by the occupier of an industrial premises as a result of an audit. These may relate to:
 - (a) a plan and timeframes for improving the stormwater discharge from the site; and
 - (b) any other matters that the Council considers appropriate.
- (3) The Council may review an Industrial Stormwater Discharge Licence (including its risk classification or conditions) under clause 30 as the result of an audit process.

32. INDUSTRIAL STORMWATER DISCHARGE MONITORING

- (1) An industrial premises may be monitored or inspected to determine compliance with:
 - (a) any conditions imposed as part of an Industrial Stormwater Discharge Licence;
 - (b) any corrective action required as part of an industrial stormwater audit;
 - (c) any requirements of the CSNDC; and
 - (d) this bylaw.
- (2) Monitoring and inspections may include, at the discretion of an authorised officer;
 - (a) entering the premises; and
 - (b) seeking and being provided with information about on-site practices or documentation; and
 - (c) sampling and testing stormwater discharges.

***Explanatory note:** clause 35(3) and (4) apply in relation to any monitoring of industrial premises under this clause.*

An authorised officer will give notice to the occupier prior to entering any site, in accordance with entry powers under the Local Government Act 2002.

33. CHANGE OF USE OR OWNERSHIP OF INDUSTRIAL PREMISES

- (1) The occupier of any industrial premises must advise the Council within three months of:
 - (a) any increase to the size of the site used for the industrial or trade activity; or
 - (b) any change of use or activity which may alter the quality, quantity or nature of the stormwater discharge from the premises.
- (2) The new occupier of an industrial premises must advise the Council within three months of any change of ownership of the property or business.
- (3) Any change in the size of the site, discharge characteristics, or ownership may result in a review of the Industrial Stormwater Discharge Licence under clause 30.

34. TRANSITIONAL ARRANGEMENTS FOR INDUSTRIAL STORMWATER DISCHARGERS WITH INDIVIDUAL CONSENTS WITH CANTERBURY REGIONAL COUNCIL

***Explanatory note:** Some sites hold a resource consent for the discharge of stormwater, issued by Canterbury Regional Council. As part of the implementation of the CSNDC most of these sites will transition from management under a Canterbury Regional Council resource consent to management under this bylaw. Sites assessed as presenting an unacceptably high risk of surface water or groundwater contamination will remain under the regulation of Canterbury Regional Council. Sites that will not transition and sites that pose an unacceptably high risk are excluded from the CSNDC.*

- (1) Any industrial premises that poses an unacceptably high risk and is excluded from the CSNDC does not have to apply for an Industrial Stormwater Discharge Licence under clause 27.

***Explanatory note:** The risks related to these premises will be managed under a resource consent to discharge stormwater issued by Canterbury Regional Council.*

- (2) The occupier of any premises that has a resource consent to discharge stormwater from the Canterbury Regional Council, and that will transition to the Council's regulation under this bylaw, must apply for an Industrial Stormwater Discharge Licence under clause 27 prior to surrendering a consent, or six months before the later of either:
 - (a) the expiry of the resource consent; or
 - (b) 1 January 2025.

***Explanatory note:** The occupier of any premises discharging to the Council's stormwater network will also need to meet the connection and discharge approval requirements under clause 6, regardless of any consent held with the Canterbury Regional Council.*

MONITORING AND COMPLIANCE

35. MONITORING AND INSPECTIONS

- (1) The Council may carry out monitoring and inspections of any property for the purposes of determining compliance with approvals and this bylaw.
- (2) The occupier of any property must co-operate with any monitoring and inspections required at the discretion of an authorised officer, including, but not limited to:
 - (a) enabling access to enter the property;
 - (b) providing documents, plans and other information; and
 - (c) enabling on-site sampling and testing.
- (3) Where any samples or tests are taken:
 - (a) the sampling, preservation, transportation and analysis of the samples will be undertaken by an authorised officer or agent of the Council; and
 - (b) the occupier will be advised of the result of the sampling in writing.
- (4) The Council may require the payment of an additional fee to meet the actual costs of any monitoring, lab costs or sampling costs.

***Explanatory note:** The Local Government Act 1974, the Local Government Act 2002, the Land Drainage Act 1908 and the Christchurch District Drainage Act 1951 also contain various powers for entry and inspection of private property, and the Council may also rely on those powers from time to time.*

36. OFFENCE AND PENALTY

- (1) Every person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

***Explanatory note:** There are also offences and penalties provided for in the Local Government Act 2002 (and other Acts) concerning water related issues, or damage to Council property. For example, see sections 175-176, 232, and 242 of the Local Government Act 2002.*
- (2) For the avoidance of doubt, failure to comply with this bylaw includes (without limitation):
 - (a) failure to comply with any condition of any approval under this bylaw, or any clause of this bylaw;

- (b) any event, action, inaction, or discharge that, in the opinion of the Council, threatens to cause damage to any part of the stormwater network or threatens the health or safety of any person or waterway;
- (c) any activity that may cause a breach of a resource consent held by the Council; or
- (d) failure to pay fees and charges set in relation to this bylaw by the due date.

***Explanatory note:** In addition to enforcement taken under this bylaw, the Council may also require the removal of any structure, material, or other debris that is in breach of the bylaw under the applicable legislative power (i.e. section 163 of the Local Government Act 2002, section 43 of the Christchurch District Drainage Act 1951, or section 62 of the Land Drainage Act 1908).*

37. SUSPENSION OR CANCELLATION OF APPROVAL TO DISCHARGE STORMWATER

- (1) Any failure to comply with this bylaw, or conditions imposed as part of any approval under this bylaw, is a breach of the bylaw and may result in the Council suspending or cancelling a stormwater discharge approval.

***Explanatory note:** The process set out in clause 9 of the Christchurch City Council General Bylaw 2008 will apply to any suspension or cancellation of any approval under this bylaw.*

- (2) Where approval to discharge has been suspended, the Council will give written notice to the occupier to set out the steps that must be taken, or the criteria that must be met, for the site to be able to resume discharging into the stormwater network, and a timeframe for complying.
- (3) The Council must give written notice withdrawing a suspension and authorising stormwater to be discharged from the site before the site operator is able to resume discharging stormwater.
- (4) Discharge approval will be cancelled for any suspension that has not been withdrawn within the timeframe specified in the suspension notice.

***Explanatory note:** Once cancelled, an occupier can no longer discharge to the stormwater network, and will need to seek the appropriate consents from the Canterbury Regional Council to discharge stormwater to land or water. If an occupier wishes to reconnect to the stormwater network, they will need to apply under clause 6.*

38. RECOVERY OF COSTS

- (1) Where any breach of this bylaw causes damage to the stormwater network or the Council's land drainage infrastructure, the Council may recover the cost of repairing the damage and associated losses or expenses incurred by the Council from the person responsible for the breach.

***Explanatory note:** Under section 175 of the Local Government Act 2002, the Council has a right to recover against any person who wilfully or negligently damages Council property. Other statutes such as the Christchurch District Drainage Act 1951 and the Land Drainage Act 1908 also allow the Council to recover the costs of certain works where an owner or occupier has failed to carry out those works at the direction of the Council.*

GENERAL AND ADMINSTRATIVE

39. FEES

- (1) Where this bylaw provides for the Council to issue an approval, or give any authority for any thing, or carry out an inspection, monitoring, review or audit, the Council may require the payment of a fee.
- (2) Where this bylaw provides for a connection to the stormwater network, or the provision of any good, service, or amenity, the Council may require payment of a fee for that service.

***Explanatory note:** Any fees are set out in the Council's Annual Plan or Long Term Plan.
The Council also sets a targeted rate in relation to land drainage.*

40. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW 2008

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into, and form part of this bylaw.

41. REVOCATIONS AND SAVINGS

- (1) The Christchurch City Council Water, Wastewater and Stormwater Bylaw 2014 is revoked.
- (2) Any permission, consent, agreement, approval or any other act of authority which originated under the Christchurch City Water Supply, Wastewater and Stormwater Bylaw 2014, or which was continued by that bylaw and which is still in force at the commencement of this bylaw continues to have full force and effect for the purpose of this bylaw.
- (3) This bylaw is implied into and forms any part of any permission, consent, agreement, approval, or any other act of authority continued by this clause.
- (4) The revocation of the Christchurch City Council Water Supply, Wastewater and Stormwater Bylaw 2014 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.

The initial resolution to make this bylaw was passed by a Committee of Council on 10 November 2021, and was confirmed, following consideration of submissions received during a special consultative procedure, at a subsequent meeting of the Council on 9 June 2022.
