

# Flood Protection and Drainage Bylaw

2013

Amended 16 January 2019





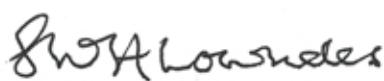
This is a true and correct copy of the Canterbury Regional Council Flood Protection and Drainage Bylaw 2013, approved at a meeting of the Canterbury Regional Council on 13 December 2018.

Amendments to the Canterbury Regional Council Flood Protection and Drainage Bylaw 2013 will be publicly notified on 12 January 2019 and will become operational on 16 January 2019, pursuant to section 157 of the Local Government Act 2002.

The Common Seal of the Canterbury Regional Council was fixed in the presence of:



Bill Bayfield  
Chief Executive  
Canterbury Regional Council



Steve Lowndes  
Chair  
Canterbury Regional Council



13 December 2018

## **Explanatory Note**

This note does not form part of the Bylaw.

The Canterbury Regional Council Flood Protection and Drainage Bylaw 2013 has been prepared under the Local Government Act 2002 to provide for the ongoing management and efficient operation of flood protection and flood control works that are owned or controlled by the Canterbury Regional Council. These include drainage schemes, flood protection schemes, floodways and areas of flood protection vegetation constructed and managed to prevent damage, danger, or distress to the community from river flooding and poor drainage. It is crucial that these works function properly when needed.

People undertaking activities within the vicinity of these flood protection and flood control works will require authority from the Council under this Bylaw where the activity could impact on the integrity or efficient operation of the works.

The Bylaw does not apply to any privately owned/managed drainage or flood protection schemes, or those that are managed by other local authorities.

The Bylaw replaces previous bylaws for the management of watercourses under the control of the former North Canterbury and South Canterbury Catchment Boards, prepared under the Soil Conservation and Rivers Control Act 1941, and which ceased to have effect in November 2011 when the Natural Resources Regional Plan became operative. This Bylaw originally came into effect on 2 April 2013 and underwent its first review in 2018.

Compliance with the Bylaw does not remove the need for activities to comply with the Resource Management Act 1991, and the relevant regional and district plans. Activities within the beds of lakes and rivers may be subject to rules in regional plans in accordance with section 13 of the RMA. Any activity occurring within the Coastal Marine Area may require resource consent under section 12 of the Resource Management Act.

# Table of Contents

1. Title.....	1
2. Commencement .....	1
3. Purpose .....	1
4. Definition of Terms.....	1
5. Activities Requiring Bylaw Authority .....	2
5.1 Drains and small watercourses	
5.2 Floodways	
5.3 Defences against water	
5.4 Flood protection vegetation	
5.5 Hydrological devices and equipment	
5.6 Survey benchmarks	
5.7 Unauthorised defences against water	
6. Activities Required to be Undertaken.....	5
6.1 Crossings	
6.2 Fencing of drains	
6.3 Access	
6.4 Obstructions	
6.5 Pumping stations	
7. Land Entry .....	6
7.1 Inspection	
7.2 Surveys	
7.3 Drain maintenance works	
7.4 Maintenance of defences against water	
7.5 Access	
7.6 Obstruction to offices and contractors	
7.7 Maintenance of Canterbury Regional Council drains by private individuals	
8. Applying for an Authority .....	7
8.1 Authority	
8.2 Fees	
8.3 Deeming authority	
9. Compliance and Enforcement.....	8
9.1 Revocation of authority	
9.2 Offence	
9.3 Notice to remedy	
9.4 Removal of works	
9.5 Appeals/Objections process	
Schedules .....	9
See separate Map Volume.	
Appendices .....	9
1. Application Form for Authority under the Flood Protection and Drainage Bylaw 2013	
2. Diagrams illustrating the relevant areas referred to in sections 5.1 – 5.3.	

# Canterbury Regional Council Flood Protection and Drainage Bylaw 2013

The Canterbury Regional Council, pursuant to the powers contained in the Local Government Act 2002, makes the following Bylaw.

## 1. Title

This Bylaw shall be known as the Canterbury Regional Council Flood Protection and Drainage Bylaw 2013.

## 2. Commencement

This Bylaw shall come into force on 2 April 2013.

## 3. Purpose

The purpose of this Bylaw is to manage, regulate and protect flood protection and flood control works (including drainage networks) belonging to or under the control of the Canterbury Regional Council from damage or misuse.

This Bylaw only controls activities that may affect the integrity or effective operation and maintenance of the flood protection and flood control works.

## 4. Definition of Terms

Authority	Means any permit issued by the Council in respect of the requirements of this Bylaw.
Construct	Includes erect, alter, reconstruct, replace, extend, remove and demolish.
Council	Means: a) The Canterbury Regional Council; and b) includes any person duly authorised by the Council to exercise any of the powers conferred upon the Council by this Bylaw.
Crossing	For the purposes of this Bylaw means any bridge, culvert, set of pipes or ford across a watercourse which provides passage for people, stock, vehicles or equipment.
Defence against water	Means any structure or equipment, including any dam, bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock, protection structures (including erosion protection structures), groyne, anchored tree protection or reservoir, that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow or spread of water, including floodwaters, in or out of a watercourse, for the purpose of flood mitigation and/or drainage.  For the purposes of this Bylaw, means any defence against water that is owned or controlled by the Canterbury Regional Council. This includes all defences located between the flood protection vegetation lines, the floodway lines, and along the drains and small watercourses as shown in Schedules 1-3.
Drain	Means a channel, either artificially constructed or a modified watercourse, which is used to either lower the water table or divert water.  For the purposes of this Bylaw, means any drain as shown in Schedules 1 and 2.
Earthworks	Means any activity that exposes, disturbs, places or deposits soil, other than routine cultivation of soil up to a depth of 300 millimetres in preparation for sowing grass or crops.

Equipment	Means any equipment, devices or machinery associated with managing drains, small watercourses or defences against water. For example floodgates, pump stations and water level recorders.
Excavation	Means the removal of material, which results in a hole or cavity, other than boring or digging of holes up to 1.5 metres depth for immediate placement of posts or piles, or driving posts or piles.
Flood protection vegetation	Means all trees and shrubs, including those deliberately planted, or self-seeded, owned or controlled by Council for flood or erosion protection purposes occurring between the “Flood protection vegetation” lines on the Schedule 1 maps and any other specific areas of vegetation plantings for flood protection outside these lines that are identified in Schedule 1. Where only one Flood protection vegetation line is shown, the area of vegetation to be managed for flood protection will be the area between the line and the adjacent edge of the active channel.
Flood protection and flood control works	Includes defences against water, drains, small watercourses, floodways and flood protection vegetation.
Floodway	Means any floodway as shown in Schedule 3.
Occupier	In relation to any property, means the lawfully authorised inhabitant occupier of that property and persons who have legal right to undertake activities on that property.
Owner	In relation to any property, means the person or persons entitled to receive the rack rent thereof, or who would be entitled if the property were let to a tenant at a rack rent.
Person	For the purposes of this Bylaw does not include any person duly authorised by Council in the exercise of any powers or duties conferred upon Council under this Bylaw.
Small watercourse	For the purposes of this Bylaw means any small watercourse as shown in Schedule 1.
Stock	For the purposes of this Bylaw means any land grazing animal managed for recreational or agricultural purposes.
Structure	Means any building, crossing, equipment or other facility made by people and which is fixed to land; and includes but is not limited to, any fence, gate, line, raft, pipeline, cable, wire, rock, headwall, bridge or culvert, but excludes fishing nets placed temporarily within a watercourse.
Watercourse	For the purpose of this Bylaw, means all rivers, streams, floodways, drains and small watercourses through which water flows permanently or intermittently, and in respect of which there are flood protection and flood control works.

## 5. Activities Requiring Bylaw Authority

*Note 1: Bylaw Authority only applies to activities undertaken within the vicinity of flood protection and flood control works owned or controlled by the Canterbury Regional Council, and where those activities have the potential to adversely affect the integrity or effective operation and maintenance of the flood protection and flood control works (including drainage networks).*

*Note 2: Resource consent or further authorisation may also be required from the Canterbury Regional Council, relevant local authority, the Department of Conservation, New Zealand Historic Places Trust, or other relevant regulatory agencies to carry out these activities.*

*Note 3: Diagrams are included in Appendix 2 to illustrate the relevant areas covered by sections 5.1-5.3.*

### **5.1 Drains and small watercourses**

No person shall, without the prior written authority of the Council -

- (a) Widen, deepen, infill, or otherwise alter any drain or small watercourse;
- (b) Dump or deposit any thing:
  - i. into a drain or small watercourse; or
  - ii. within 7.5 metres of the top of the bank of any drain or small watercourse that may interfere with access for inspection or maintenance purposes, affect bank stability, or have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread of water, including floodwaters, in or out of a drain or small watercourse.
- (c) Plant or allow to grow, any vegetation within 7.5 metres of the top of the bank of any drain or small watercourse that may interfere with access for maintenance or inspection purposes;
- (d) Plant or allow to grow any vegetation or leave cut plant debris in, or allow plant debris to enter, any drain or small watercourse that may:
  - i. impede the flow of water; or
  - ii. interfere with access for maintenance or inspection purposes;
- (e) Construct or locate any structure:
  - i. in, over, through or under any drain or small watercourse; or
  - ii. on or within 7.5 metres of the top of the bank of any drain or small watercourse;
- (f) Remove, adjust or interfere with any structure, or equipment relied on for the operation of any drain or small watercourse;
- (g) Connect any pipe, channel or other flow conduit, to any drain or small watercourse;
- (h) Remove, damage, or allow stock to damage:
  - i. any vegetation adjacent to a drain or small watercourse that has been planted or is required for erosion protection purposes; or
  - ii. any fence that has been erected to protect that vegetation; or
  - iii. any drain or small watercourse, or the banks of those watercourses.

*Explanation: Routine maintenance of structures in and beside drains and small watercourses that existed prior to this Bylaw becoming operative does not require authority under this Bylaw, unless that maintenance causes a new adverse effect on the integrity or effective operation and maintenance of the drainage network, flood protection and flood control works. Authority will however be required if the scale of the structure changes or it needs to be replaced or relocated.*

### **5.2 Floodways**

No person shall, without the prior written authority of the Council -

- (a) Widen, deepen, infill, divert or otherwise alter any floodway;
- (b) Place or allow to be placed in any floodway any material or object that could impede or deflect flood or drainage flows;
- (c) Plant or allow to grow any vegetation in any floodway that may:
  - i. impede or deflect the flow of water; or
  - ii. interfere with access for maintenance or inspection purposes;
- (d) Construct or locate any structure in, over, through or under any floodway.

*Explanation: Fences in, over or through drains and floodways do not require authority if they are constructed and maintained at all times so that they do not impede or deflect the flow of water or block access for maintenance.*

### **5.3 Defences against water**

No person shall, without the prior authority of the Council -

- (a) Alter or otherwise interfere with any defence against water;
- (b) Damage or allow damage to occur to any defence against water;

*Explanation: The intent of the Bylaw is to control direct forms of damage inflicted on the flood protection or flood control works owned or controlled by the Council. Indirect forms of damage resulting from flow modification or the operational conveyance of water by hydroelectricity infrastructure are not activities controlled by this Bylaw.*

- (c) Allow stock to damage or overgraze vegetation on any defence against water;
- (d) Plant or allow to grow any shrub, hedge, tree, or part thereof;
  - i. On any defence against water; or
  - ii. Within 7.5 metres of the landward side of any defence against water; or
  - iii. Between a defence against water which forms a part of the primary flood defence system of a watercourse and the opposite bank of the watercourse in respect to which the defence against water applies;
- (e) Dump or deposit any thing;
  - i. On any defence against water; or
  - ii. Within 7.5 metres of the landward side of any defence against water; or
  - iii. Between a defence against water which forms a part of the primary flood defence system of a watercourse and the opposite bank of the watercourse in respect to which the defence against water applies;
- (f) Remove, adjust, or interfere with any equipment including pump stations, relied on for the operation of any defence against water;
- (g) Construct or locate any structure;
  - i. On, in, under, over or through any defence against water; or
  - ii. Within 7.5 metres of the landward side of any defence against water; or
  - iii. Between a defence against water which forms a part of the primary flood defence system of a watercourse and the opposite bank of the watercourse in respect to which the defence against water applies;
- (h) Carry out any earthworks or excavation, including for construction of a drain or for building foundations;
  - i. On, in, under, over or through any defence against water; or
  - ii. Within 7.5 metres of the landward side of any defence against water, or within 20 metres of the stopbanks for those parts of the lower Ashley/Rakahuri and lower Waimakariri Rivers shown in Schedule 1; or
  - iii. Between a defence against water which forms a part of the primary flood defence system of a watercourse and the opposite bank of the watercourse in respect to which the defence against water applies;
- (i) Construct any crossing in, over, through, along or under any defence against water;
- (j) Remove, damage, or allow stock to damage any fence, gate, sign, track, or ford that is owned or controlled by the Council in relation to any defence against water;
- (k) Construct, or form through repeated use, a road, track or ford for the passage of vehicles, people or stock, on any defence against water.

#### 5.4 Flood protection vegetation

No person shall, without the prior authority of the Council,

- (a) Remove or damage; or
- (b) Allow stock to graze within

any flood protection vegetation that is managed, or has been planted adjacent to, on the banks, or within, a river by the Council or its predecessors.

The extent of this vegetation is defined as the area between the flood protection vegetation lines as shown in Schedule 1 and any other areas of vegetation outside these lines that is specifically identified in Schedule 1.

#### 5.5 Hydrological devices and equipment

No person shall, without the prior authority of the Council, remove, damage, or interfere with hydrological devices or other equipment, or undertake works that would affect the effective operation of hydrological devices or other equipment, such as rain gauges and water level recorders.

*Note: All CRC hydrological devices and equipment are protected by this Bylaw. The location of these devices and equipment may be found using [www.CanterburyMaps.govt.nz](http://www.CanterburyMaps.govt.nz).*

## **5.6 Survey benchmarks**

No person shall, without the prior authority of the Council, remove, damage, or interfere with survey benchmarks established to monitor river bed levels and defences against water.

*Note: All CRC survey benchmarks are protected by this Bylaw. The location of these benchmarks may be found using [www.CanterburyMaps.govt.nz](http://www.CanterburyMaps.govt.nz).*

## **5.7 Unauthorised defences against water**

No person shall, without the prior written authority of the Council, erect, or permit to be erected, any defence against water -

- (a) Between any stopbanks or flood protection vegetation lines as shown in Schedule 1; or
- (b) In, over, under or within 7.5m of the top of the bank of any drain or small watercourse shown in Schedules 1 and 2; or
- (c) Within any floodway shown in Schedule 3.

# **6. Activities Required to be Undertaken**

## **6.1 Crossings**

Every owner and every occupier of land on which any drain crossing is situated, and for which there is an agreement with the owner or occupier that the crossing will be used by Council for drain maintenance or flood protection and flood control work access purposes shall keep that crossing maintained to a standard, agreed between the parties, as will allow the safe passage over the crossing by Council staff and contractors engaged by the Council, and their plant, machinery and vehicles.

Where a crossing has been installed by the Council, the Council will be responsible for its maintenance and safety.

## **6.2 Fencing of drains**

The Council may, by written notice, require any owner and any occupier of land adjoining any drain, within the time and in the manner stated in the notice, to erect fencing to prevent livestock entering the drain if, in the opinion of the Council fencing is necessary to protect the operational performance and integrity of the drain.

## **6.3 Access**

All fence crossings that would otherwise deny access to and along the drain margins for Council staff or by contractors engaged by the Council shall have a 3.6 metre wide (minimum) gateway providing access for maintenance and inspection purposes.

## **6.4 Obstructions**

Every owner and occupier of land on which any drain or watercourse is situated, or adjacent to any such drain or watercourse shall, if required by the Council, remove any tree, plant or other material or object that obstructs, or is considered by Council to be at high risk of falling and obstructing the free flow of water in that drain or watercourse.

## **6.5 Pumping stations**

Canterbury Regional Council has full rights and powers to temporarily shut down pumping stations during high river and/or drain flows if it considers that there is a risk of a seepage failure occurring in the adjoining stopbanks or stopbank foundations.

*Explanation: The act of pumping during flood events increases the height difference between the floodwaters contained by stopbanks and drain water levels on the landward side of the stopbank. This increases seepage pressures through the stopbank foundations that could lead to failure of the stopbank structure. Canterbury Regional Council shall advise pump operators that pumping may resume as soon as practicable once the flood risk has abated.*

## 7. Land Entry

### 7.1 Inspection

The Council shall have full powers, rights and authorities, upon giving the owner or occupier of any land reasonable notice, of not less than 48 hours, of its intention to enter onto land to inspect any drain, pump station, watercourse, defence against water, or any device, equipment or machinery used or associated with any defence against water, owned or controlled by the Council.

In the event of emergency the Council does not have to give 48 hours notice but only what notice (if any) is practicable in the circumstances.

### 7.2 Surveys

The Council shall have full powers, rights and authorities, upon giving the owner or occupier of any land reasonable notice, of not less than 48 hours, of its intention to enter onto land to survey any drain, watercourse, defence against water, or related devices or installations that are owned or controlled by the Council.

In the event of emergency the Council does not have to give 48 hours notice but only what notice (if any) is practicable in the circumstances.

### 7.3 Drain maintenance works

The Council shall have full powers, rights and authorities, upon giving the owner or occupier of any land reasonable notice, of not less than 48 hours, of its intention to enter upon that land for the purposes of carrying out drain and watercourse maintenance activities on drains and watercourses owned or controlled by the Council. Such activities include mechanical cleaning, weed cutting, or spot spraying, and the maintenance or repair of related installations including pump stations.

In the event of emergency the Council does not have to give 48 hours notice but only what notice (if any) is practicable in the circumstances.

### 7.4 Maintenance of defences against water

The Council shall have full powers, rights and authorities, upon giving the owner or occupier of any land reasonable notice, of not less than 5 working days, of its intention to enter upon that land for the purposes of carrying out maintenance or repairs to defences against water owned or controlled by the Council.

In the event of emergency the Council does not have to give 5 working days notice but only what notice (if any) is practicable in the circumstances.

### 7.5 Access

The Council may, by a notice conspicuously displayed adjacent to any drain or defence against water, prohibit or restrict access to that drain or defence against water if, in the opinion of the Council, the restriction or prohibition is necessary to protect the drain or defence against water from damage. Council will give the landowner or occupier reasonable notice, of not less than 48 hours, of its intention to enter that land and restrict access to any drain or defence against water, and shall provide reasons for the need to restrict such access.

In the event of emergency the Council does not have to give 48 hours notice but only what notice (if any) is practicable in the circumstances.

### 7.6 Obstruction to officers and contractors

No person whether on private land or not, shall unreasonably obstruct or hinder any employee of the Council or any contractor engaged by the Council in the performance of anything which that employee or contractor of the Council is or may be required to do in the discharge of his/her duties.

No person shall unreasonably obstruct or hinder any such employee or contractor from bringing onto any land, or from operating any drain clearing plant or machinery, which is being used in the discharge of those duties.

## **7.7 Maintenance of Canterbury Regional Council drains by private individuals**

Land owners and land occupiers who wish to avoid herbicide use for the maintenance of drains adjacent to or through their properties may undertake the drain clearance themselves, or employ contractors to do so, subject to the following conditions:

- (a) Prior written authority of the Council must be obtained.
- (b) Signs are to be erected by landowners or occupiers to clearly mark the areas where chemicals are not to be used. (This may be achieved using simple signs clearly marked 'Chemical Free Area'.)
- (c) The works are to be carried out to a standard specified by the Council. That standard may include a time period within which the works are required to be carried out.
- (d) If the works are not carried out to the prescribed standard, the Council may give notice of its intention to maintain the drain and, following the period of one week, may carry out the required maintenance using any method it deems efficient including the use of herbicides.

*Explanation:*

1. *In addition to any other form of notice given under clauses 7.1 to 7.5, Council will endeavour to speak directly to the landowner or occupier before entering land to discuss the reasons for entry and any matters for concern. In determining reasonable terms of entry in the circumstances, the Council will have regard to the interests and convenience of the persons who may be affected and the requirements of any business utilising the land.*
2. *Any owner or occupier of any land subject to this Bylaw, who suffers any damage from the exercise of any powers by Council under this Bylaw, will be entitled to compensation from the Council in accordance with section 190 of the Local Government Act 2002.*

## **8. Applying for an Authority**

### **8.1 Authority**

- (a) An application to the Council for authority under this Bylaw shall be made in writing using the attached Application Form and be accompanied by any fee as prescribed under clause 8.2(a).
- (b) When considering any application for an authority, the Council shall have regard to, but not be limited to, the following assessment criteria, in order to ensure the effective operation and integrity of the flood protection and flood control works (including the drainage network):
  - Drainage and flood flow capacity
  - Stability/scour/erosion risk
  - On-going functionality
  - Access for inspection and maintenance purposes
  - Term of authority
- (c) Any condition imposed under any authority will be commensurate with the scale and nature of the activity proposed and for giving effect to the purpose of the Bylaw.
- (d) In the event of a Council decision to refuse an application for authority, the Council shall include in writing the reasons for that decision.
- (e) Every person to whom an authority is granted shall produce that authority for inspection on request by the Council.
- (f) Every authority granted under this Bylaw to an owner or occupier of any land, shall be binding on every subsequent owner or occupier of that land, unless it specifically states otherwise.
- (g) The Council shall keep a register of all authorities granted and refused.

### **8.2 Fees**

- (a) The Council may, by using the special consultative procedure in Section 83 of the Local Government Act 2002, prescribe any fee payable by any person who applies for an authority under this Bylaw.
- (b) The Council may in its absolute discretion refund, remit or waive the whole or part of such fee.

### **8.3 Deeming authority**

- (a) Any existing resource consent or agreement granted by or made with the Council and issued prior to 02 April 2013; and
- (b) Any fully discretionary consent granted by Council after 02 April 2013;

and authorising the carrying out of any activity listed in Section 5 of this Bylaw, shall be deemed to be an authority under this Bylaw to carry out such work for the term and on the conditions set out in the resource consent or agreement. This will include any right under that consent or agreement to replace or repair any structure or to undertake any routine maintenance.

## **9. Compliance and Enforcement**

### **9.1 Revocation of authority**

- (a) The Council may revoke any authority granted under this Bylaw where:
  - i. the holder of that authority contravenes or fails to comply with any condition of the authority; or
  - ii. if the information made available to the consent authority, by the applicant for the authority for the purposes of the application, contained inaccuracies which materially influenced the decision made by Council in respect of the application.
- (b) Where the authority is to be revoked in accordance with clause 9.1(a)(i), the Council shall not revoke any such authority without giving to the holder a notice in writing which:
  - i. Sets out the respects in which the holder has contravened or has failed to comply with any condition of the authority; and
  - ii. If the breach or failure is capable of remedy, gives the holder a reasonable time within which to remedy it; and
  - iii. Warns the holder that the Council may revoke the authority if the holder does not either:
    - 1. Remedy the breach or failure within the time specified or within such further time as the Council may allow on application; or
    - 2. Make, within a time to be specified in the notice, a written submission to the Council setting out reasons why the authority should not be revoked.
- (c) On receipt of a request by the holder for further time pursuant to clause 9.1(b)(iii)(1), or of a submission pursuant to clause 9.1(b)(iii)(2), the Council may at its sole discretion grant the further time sought or accept the submission made (as the case may be), or revoke the authority.

### **9.2 Offence**

- (a) Every person commits an offence against this Bylaw who:
  - i. Commits a breach of any of the provisions of this Bylaw.
  - ii. Causes or permits to be done anything in contravention of this Bylaw.
  - iii. Omits to do anything required by this Bylaw.
  - iv. Fails to comply with any condition of a permit, or written notice served under this Bylaw.
- (b) Every person who commits an offence against this Bylaw is liable to the penalties prescribed by section 242 of the Local Government Act 2002.

### **9.3 Notice to remedy**

The Council may, by written notice, require any mitigation or remediation considered necessary by Council, in relation to the contravention of any provision of this Bylaw, or the conditions of the relevant authority, in the time, and in the manner stated in the notice, at the cost of the person who committed the offence, as described by Section 9.2.

### **9.4 Removal of works**

- (a) The Council, or any officer or agent of the Council, may remove or alter any work or anything constructed after the date at which this Bylaw becomes operative, that is in contravention of any provision of this Bylaw or any conditions of any authority, and may recover the costs incurred by the Council in connection with the removal or alteration.
- (b) The undertaking of this action shall not relieve any person from liability to any penalty incurred by reason of the breach.

## 9.5 Objections process

- (a) Any person who applies for authority under this Bylaw, or owner or occupier of land subject to this Bylaw, within 14 days of receiving any decision or authority in relation to this Bylaw, may object in writing to the Council in regard to that decision or authority, and has the right to be heard in support of that objection.
- (b) The Council considering an objection under clause 9.5 (a) above, may uphold or amend or rescind the decision or authority, and in making its determination must have regard to:
  - i. The evidence on which the decision or authority was based;
  - ii. The matters presented in support of the objection; and
  - iii. Any other relevant matters.
- (c) The Council must, as soon as practicable, give written notice to the applicant, owner, or occupier of its determination, including the reasons for that determination.

## Schedules

Note:

1. *Schedule 1-3 maps are contained within a separate Map Volume*
2. *The resolution of lines on maps in the printed Map Volume may not be sufficient to determine the accurate placement of those lines in relation to any property. Refer to the GIS maps on the Council website for more detailed maps at the cadastral scale.*

### Schedule 1

Maps showing areas of Flood protection vegetation, Stopbanks, Drains and small watercourses owned or controlled by the Canterbury Regional Council.

### Schedule 2

Maps of Major Drainage Networks owned or controlled by the Canterbury Regional Council.

Note:

1. *Drains are also shown on Schedule 1 maps. The Major Drainage Networks shown in Schedule 2 are generally at a higher resolution so that names can be applied to each component drain.*
2. *The access side(s) for normal drain maintenance activities is shown in Schedule 2.*

### Schedule 3

Maps showing Floodways owned or controlled by the Canterbury Regional Council.

## Appendices

### Appendix 1

Application Form for Authority under the Flood Protection and Drainage Bylaw 2013.

### Appendix 2

Diagrams illustrating the relevant areas referred to in sections 5.1 – 5.3.

# Application form for authority under the flood protection and drainage bylaw 2013

## 1. Applicant(s) details

Applicant(s) name(s): \_\_\_\_\_

Organisation name (if applicable): \_\_\_\_\_

If applying on behalf of an organisation, position within organisation: \_\_\_\_\_

Confirmation you have the authority to apply on behalf of this organisation: \_\_\_\_\_

Postal address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Post Code: \_\_\_\_\_

Phone number. Business: \_\_\_\_\_ Alternative: \_\_\_\_\_

Email address: \_\_\_\_\_

## 2. Property to which this Bylaw authority relates

Property address: \_\_\_\_\_  
\_\_\_\_\_

Legal description (the legal description can be found on the certificate of title, valuation notice, subdivision plan or rate demand for the site. Please include a copy of one of these with your application):  
\_\_\_\_\_

Are you the legal owner of this land, or have the permission of the legal owner of this land?

If you are not the legal owner, please provide written evidence that the legal owner approves the works proposed in this application.

## 3. Diagram and location of proposed works

Please provide a diagram in the box below, and details of where the works are proposed to occur (hand drawn may be acceptable for basic works. Sketches marked on aerial photos or plans and engineering drawings may be required for more substantial works). Please provide photos of the site if you are able.

**4. Section(s) of the Bylaw to which this authority relates**

---

---

---

## 5. Rules and Regional Plans

Identify any rules in regional plans that apply to this activity, and any consents that may be required.

---

---

*Note: It is the applicant's responsibility to ensure they have all the required permissions from Environment Canterbury and other regulatory agencies, such as District Councils, Department of Conservation, New Zealand Historic Places Trust. Please contact these agencies to discuss your proposal.*

## 6. Time frame of works

Proposed start date: \_\_\_\_\_ Proposed end date: \_\_\_\_\_

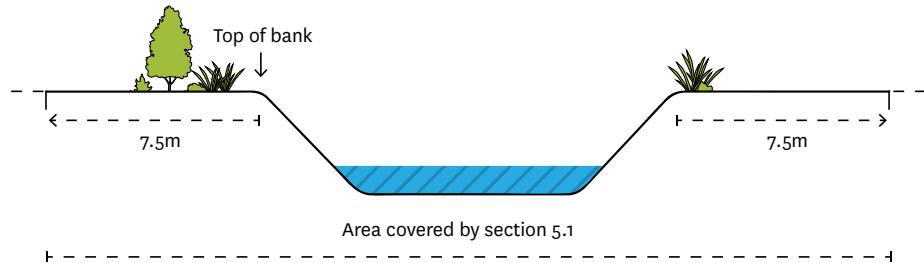
## **7. Description of the proposed works**

Signed \_\_\_\_\_ Date \_\_\_\_\_

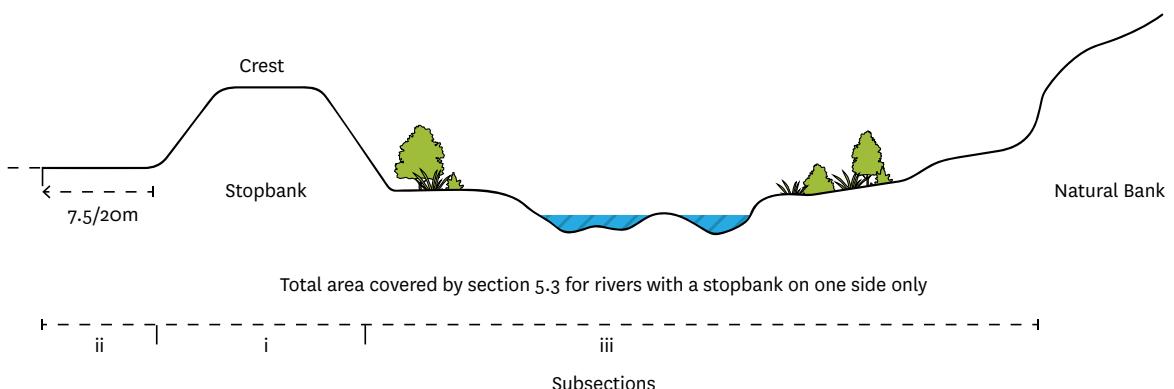
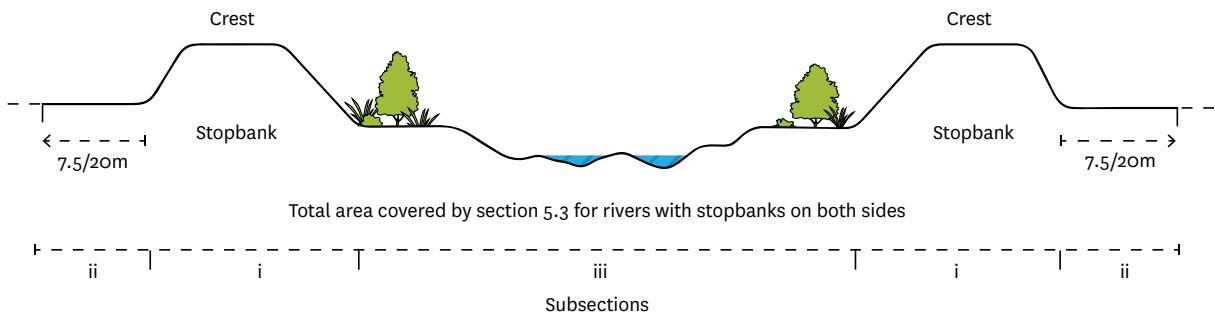
## Appendix 2

Note: These diagrams are for illustrative purposes only.

### 5.1 Drains and small watercourses



### 5.3 Defences against water







### Environment Canterbury offices

**Christchurch**  
200 Tuam Street  
PO Box 345  
Christchurch 8140  
**P** 03 365 3828  
**F** 03 365 3194

**Timaru**  
75 Church Street  
PO Box 550  
Timaru 7940  
**P** 03 687 7800  
**F** 03 687 7808

**Kaikōura**  
96 West End  
PO Box 59  
Kaikōura 7340  
**P** 03 319 5781  
**F** 03 319 5809

Report number: R18/74-1  
© Environment Canterbury 2018

