

# GUIDANCE NOTES

## Flood Protection and Drainage Bylaw 2013

Commencement date: 2 April 2013

Amended: 16th January 2019

We hope these notes will help you in preparing your application for Bylaw Authority (referred to as an Authority) to carry out works near Canterbury Regional Council owned or managed flood protection or drainage assets.

Further information and a copy of the Bylaw is available at [www.ecan.govt.nz/floodbylaw](http://www.ecan.govt.nz/floodbylaw)

### **Introduction**

The Flood Protection and Drainage Bylaw 2013 is intended to ensure the on-going operation, integrity, and protection of flood protection infrastructure owned by, or under the control of, the Canterbury Regional Council (CRC).

These infrastructure assets and works include drains and small watercourses, floodways, stopbanks, groynes and rockworks, culverts and floodgates, flood protection vegetation, hydrological devices, and equipment and survey benchmarks managed to protect people and property from the damaging effects of flooding, erosion, or poor drainage. The Bylaw also provides for CRC's access to inspect and maintain these assets.

### **Where does the Bylaw apply?**

The Bylaw applies to flood protection infrastructure in areas where CRC has an established rating district for drainage and flood control schemes. These rating districts have been mapped in the Schedules attached to the Bylaw and can be viewed at CRC offices or online at [www.ecan.govt.nz/floodbylaw-maps](http://www.ecan.govt.nz/floodbylaw-maps). The Bylaw does not apply to privately owned drainage or flood protection schemes, or those managed by other local authorities.

### **View the Rating Districts Online**

#### ***Have a closer look at the location of CRC assets online with Canterbury Maps.***

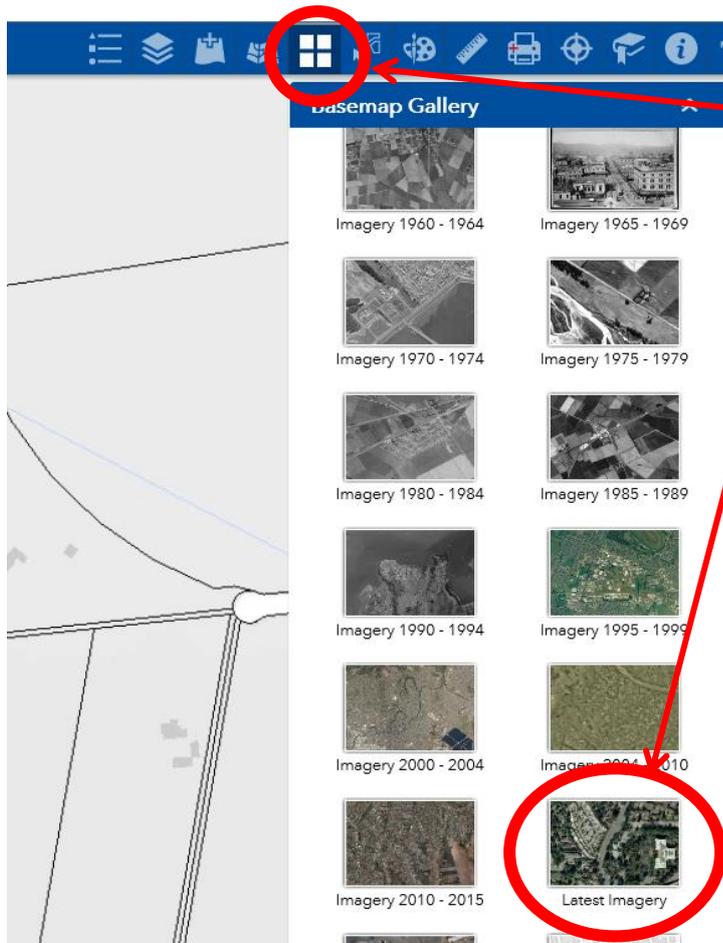
The location of the assets protected by the Bylaw is mapped in the Schedules attached to the Bylaw which are available online or at CRC offices. If you want to have a closer look you can use CRC's online mapping service – Canterbury Maps.

1. Visit <http://canterburymaps.govt.nz/>
2. In the top right-hand corner search for “bylaw”
3. Select the “Flood Protection and Drainage Bylaw” map viewer option:



This will take you to a map viewer with the relevant Flood Protection Assets loaded on to the map.

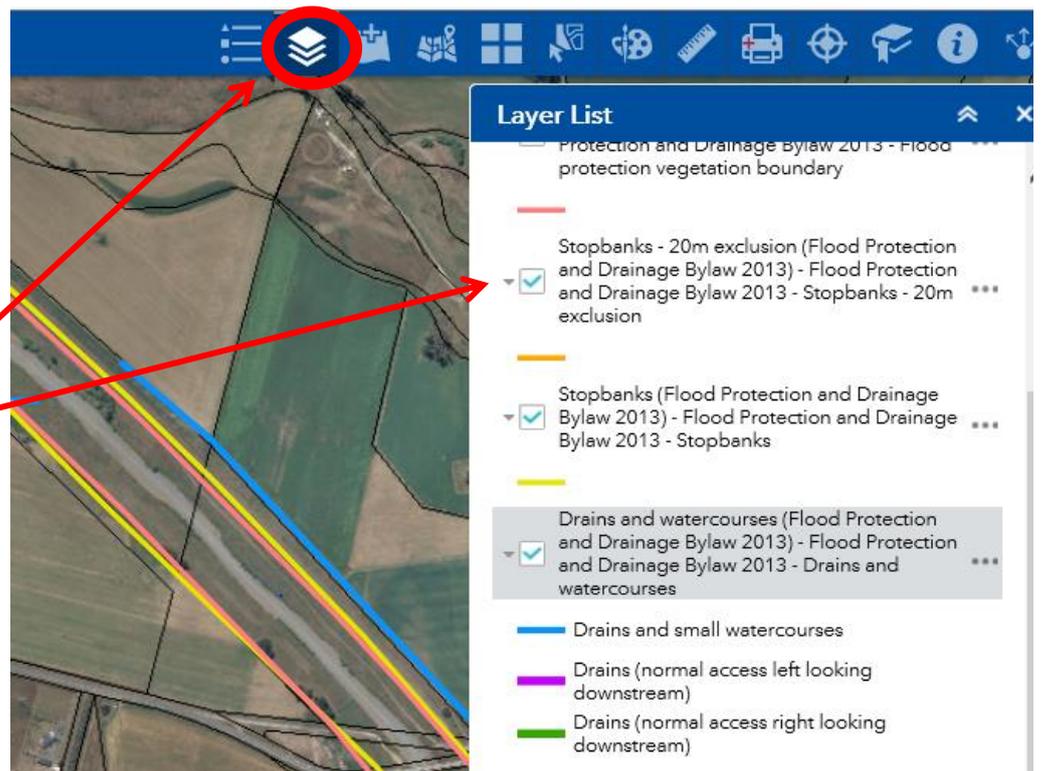
4. Zoom in to your proposed work area (you can do this manually or enter your address in the search bar in the top left corner)



5. If you would like to add satellite imagery to your map, select “Basemap Gallery” and then “Latest Imagery”

5. Some of the asset lines and labels are only visible between certain scales. Zoom in and out to make sure you can see all the lines

6. You can view the legend for each layer by selecting “Layer List” and then clicking the small triangle next to each heading



You can click on the coloured markings on the map to bring up a small label and description of the highlighted asset.

Where possible we have shown whether we normally access small watercourses/drains from the right or left. Maintaining access to the stated side is of most importance.

**If you have any trouble using Canterbury Maps you can phone our customer services on 0800 324 636 for help.**

### **Is my activity covered by the Bylaw?**

Among other matters, the Bylaw lists activities which will require Bylaw Approval if undertaken on or near flood protection or flood control works, if those activities could adversely affect their operation or integrity. The types of activities include, but are not limited to:

- Widening, deepening, and infilling
- Altering, damaging, or otherwise interfering
- Placing any material or structure in, on or near
- Connecting any pipe, channel or other flow conduit
- Allowing stock to damage
- Growing, damaging or removing vegetation

*This is not intended to be an exhaustive list, please refer to the Bylaw for further details.*

### **Deemed authority**

If your activity requires a resource consent and also impacts on our flood protection assets, the consent may be deemed an Authority under the Bylaw. The consent application process will assess if additional conditions need to be added to also protect our assets under the Bylaw and then, if issued, the consent also becomes a Deemed Authority (so the Consent and Bylaw Authority are combined in one document). Any resource consent existing prior to 2 April 2013 for an activity covered by the Bylaw is deemed to be an Authority under the Bylaw.

Any fully discretionary consent granted by Council after 2 April 2013 is also deemed to also be an Authority (an Authority number, FPB#, will be recorded on the resource consent).

If your consent is not a Deemed Authority you may require a Bylaw Authority.

You can contact us on the email/numbers below if you would like to discuss these requirements.

### **Contacts**

[floodbylaw@ecan.govt.nz](mailto:floodbylaw@ecan.govt.nz)

CRC customer services, 0800 324 636

**Please contact us with any questions. We are happy to discuss your proposal.**

### **How to apply for a Bylaw Authority**

We encourage you to discuss your proposed activity with us before applying. The best way to contact us is to email a draft application form to [floodbylaw@ecan.govt.nz](mailto:floodbylaw@ecan.govt.nz) or call customer services 0800 324 636.

### **Application Form**

An application form can be found at the back of the Bylaw or at [www.ecan.govt.nz/floodbylaw](http://www.ecan.govt.nz/floodbylaw). Application forms can be sent to [floodbylaw@ecan.govt.nz](mailto:floodbylaw@ecan.govt.nz) or posted to CRC, Attn: "Flood Bylaw". There is also an electronic form available on the website.

## What points do I need to cover on my application?

1. **Applicant details:** Your contact details and the name under which the decision will be issued.  
**Please ensure that all other owners and occupiers of the land provide their written support for your application. Please be aware that, if granted, the Authority will be binding on every subsequent owner or occupier of that land, unless it specifically states otherwise.**
2. **Property to which this Bylaw authority relates:** The address, legal numbers and any information to help us locate the property, and the relevant part of the property.
3. **Diagram and location of proposed works:** Please provide as much detail as possible, including a map/plan that indicates distances to any flood control or drainage assets and the extent of disturbance. Providing photographs is a great way of illustrating where/what you propose to do.
4. **Section(s) of the Bylaw to which this authority relates:** Refer to Clause 5 (Page 3) of the Bylaw which outlines activities that require an Authority, and includes the following subsections; any works within 7.5 metres of these flood protection or drainage systems may require Authority:
  - 5.1 – Drains and small watercourses
  - 5.2 – Floodways
  - 5.3 – Defences against water (within 20m for lower Ashley/Rakahuri and lower Waimakariri River)
  - 5.4 – Flood protection vegetation
  - 5.5 – Hydrological devices and equipment
  - 5.6 – Survey benchmarks
  - 5.7 – Unauthorised defences against water
5. **Rules and regional plans:** Does your proposed activity also require resource consent under the Resource Management Act? You will need to refer to the relevant provisions for the regional plan(s) that apply in your area (e.g. NRRP, LWRP, WRRP). Our customer services team can help you with this.
6. **Timeframe of works:** The proposed start and end date for your activity. Will this be a one-off event of short duration or will Authority be required for the on-going activity?  
We prefer to issue Authorities for a maximum duration of ten years. If you seek a longer duration than this, please provide specific information justifying this.
7. **Description of the proposed works:** Please provide as much detail as possible on what exactly you want to do and how you will go about it. Diagrams and photographs are particularly helpful. We will be interested in knowing to what extent your proposal may affect our flood protection/drainage systems and what measures you can put in place to reduce those effects.
8. **Signature and date.** Applications that are not signed and dated will not be accepted.

### **Timeframes to process Authorities**

The Bylaw does not stipulate processing timeframes. Best endeavours are given for a five working day turnaround on applications. Where applications are complex or not enough information is provided then it might take a little longer. We encourage you to speak to us before lodging an application.

### **What will an Authority look like?**

We aim to keep the Authorities as simple and workable as possible. The Authority will record a reference number (FPB#), start and end date, a description of your proposed work, some conditions which must be adhered to and a plan/diagram of the activity. We have included a list of activities that may require Authority and the likely conditions you can expect on page 4 of this information sheet.

Depending on whether resource consent is required and the type of consent, the consent may also be a Deemed Authority. In this case, the reference number (FPB#) will be included in the consent conditions.

### **Costs**

There is currently no cost involved in applying for an Authority under the Bylaw. The council may decide to prescribe a fee for these Authorities in future.

## **Objections**

Although we aim to process applications for Authority to a mutually agreeable outcome, there is an objection process available if you are unhappy with the decision.

Our recommendation would be to contact the person who sent you the decision with your concerns as soon as possible to discuss if a quick solution is possible. Alternatively, any owner or occupiers of land subject to a Bylaw Authority can, within 14 days of receiving the decision, object in writing to that decision. That objection will then be considered by a CRC representative independent to the person who made the original decision.

## **Key terms**

A full list of terms is included on page 2 of the Bylaw. A couple of key definitions include:

- ***Defence against water:***

*Means any structure or equipment, including any dam, bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock protection structure, 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 purpose 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 Schedule 1-3.*

- ***Flood protection and flood control works:***

*Includes defences against water, drains, small watercourses, floodways and flood protection vegetation.*

- ***Flood protection vegetation:***

*Means all trees and shrubs owned or controlled by Council for flood protection purposes occurring between the 'flood protection vegetation' lines on the Bylaw 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 river channel. Farm shelter belts are excluded from this definition.*

**Table 1: Examples of matters we may consider when deciding whether to grant your application and what conditions might be used to mitigate or offset effects.**

What we will look for	Expected conditions	What we aim to achieve
<p>Will your proposal restrict access to our assets for inspection and maintenance?</p> <p><b>Activity examples:</b> <i>Buildings, fences, hedges/planting, pump sheds, galleries</i></p>	<p>Setback distances for fences, plantings or buildings. An alternative could be to provide alternative access or insert gates.</p>	<p>Our machinery generally needs up to 7.5m for access to maintain our drains and small watercourses. If these waterways are not routinely maintained, they may create a flooding or erosion risk to your or your neighbour's property.</p>
<p>Will your proposal reduce the flow capacity?</p> <p><b>Activity examples:</b> <i>Bridges, culverts, drain realignment</i></p>	<p>Limitation on the extent bridges and culverts can restrict the capacity of a waterway. For example, our preference would be for a single span bridge with a soffit higher than the adjacent banks. Requirement for structure to be maintained and free of debris.</p>	<p>To minimise any flooding on you or your neighbours land.</p>
<p>Will your proposal increase the risk of erosion and flooding?</p> <p><b>Activity examples:</b> <i>Flood protection, structures in the bed, drain realignment</i></p>	<p>Restrictions on the extent of flood protection vegetation clearance, and/or replacement planting at the same or a neighbouring site.</p>	<p>Flood protection vegetation plays an important role in keeping a river in its channel by keeping berm areas stable and slowing floodwater. Our goal is to minimise the clearance of this vegetation and continually plant new areas.</p>
<p>Will your proposal deflect flood flows in to the banks or onto someone else's land?</p> <p><b>Activity examples:</b> <i>Bridges, culverts, drain realignment</i></p>	<p>Restrictions to size, shape and location of structures in the bed of a river or diversion canals. The requirement to install erosion protection measures.</p>	<p>To maintain flow within the channel without scouring the banks and flooding neighbouring land.</p>
<p>Will your proposal reduce the integrity of our stopbank network?</p> <p><b>Activity examples:</b> <i>Stormwater outlets, land development, truck crossings, tree planting.</i></p>	<p>Restrictions to heavy machinery driving over stopbanks, depth requirements and agreed construction methodology and maintenance requirements</p>	<p>To maintain a strong and reliable stopbank network to contain floodwaters to an agreed standard.</p>
<p>Do you want to undertake an activity in a floodway?</p> <p><b>Activity examples:</b> <i>Earthworks, fence installation, irrigation, storage dams</i></p>	<p>Anything placed in a floodway should not restrict or deflect floodwaters out of the channel. Fences are not likely to cause a problem if they are well maintained. Dams and buildings might need to be located outside of a floodway.</p>	<p>To allow for the unimpeded passing of floodwaters so that floodwater is not deflected outside of the floodway.</p>