

This document provides some general information relating to watercourses within the city of Dunedin.

The Otago Regional Council is the controlling authority for all water and water bodies in Dunedin City. The Regional Plan: Water addresses its responsibilities to manage water take and use, diversions, damming, discharges and bed alteration under the Resource Management Act 1991.

The Dunedin City Council (Council) is the controlling authority for watercourses in relation to stormwater drainage, and removal of obstructions in accordance with Local Government Act 1974. The Council also issues building and resource consents for certain works around watercourses.

1. What is a watercourse?

A watercourse is literally the course water takes across land. It is generally defined as an open channel through which water flows or collects (be it natural, modified or artificial), either continually or intermittently, or has the potential to do so, and includes river beds, stream beds, gullies, natural depressions, ditches, and drainage channels. A watercourse also includes any culvert or pipe that replaces a natural open channel.

2. Why is it important to know the difference between a watercourse and the public stormwater system?

Different rules and requirements apply (see below). In urban settings, it can be difficult to distinguish between a modified or artificial watercourse and a stormwater system.

Stormwater drainage systems are developed to collect and transfer stormwater to lower ground more efficiently. They typically comprise a network of open channels and pipework that ultimately discharge to streams, rivers, lakes, wetlands or the coast. The public stormwater system is that which is owned and maintained by the Council, and a record of all such systems is kept. A modified or artificial watercourse may form part of that system, e.g. piped watercourses typically found in older parts of the city. These will either have been constructed by the Council (or its predecessors) or constructed privately but specifically vested in the Council.

Note that the Otago Regional Council have a series of “scheduled drains” on the Taieri Plain under their Flood Protection Management Bylaw 2012, all of which are “watercourses”. While many of these are located on private property, any work must be undertaken in accordance with that Bylaw.

3. How do I know I have a watercourse on my property?

A watercourse is defined as above - if any of those conditions exist then yes you will have a watercourse on your property. Prospective purchasers of a property are advised to obtain a Land Information Memorandum (LIM) report from the Council to determine if any information is held on the Council’s records regarding the status of the watercourse or piping prior to purchase. The Council may not have any information about the watercourse if it is not part of the public stormwater system. However, if the definition above is met, then it will be a watercourse.

4. Who owns the watercourse?

Smaller watercourses are usually owned by the property owner through which the watercourse passes, from the point of entry to the exit point of the property boundary. Larger “navigable” watercourses (e.g. rivers and lakes) may be owned by the Crown. If you are uncertain, the Council will be able to advise you.

5. What are my responsibilities as owner of the watercourse?

You are responsible for:

- Ensuring that there are no obstructions or impediments in the watercourse which may inhibit the flow of water.
- Ensuring that any grates or outlets within your property are kept clear of debris at all times.

Any work you undertake in relation to a watercourse to meet your responsibilities must comply with the Regional Plan: Water.

6. What happens if I don't carry out my responsibilities?

Failure to carry out your responsibilities as a watercourse owner could result in the Council serving you notice under section 511 of the Local Government Act. You could also be faced with:

- Civil proceedings by an affected property owner if damage is caused to neighbouring property due to your failure to carry out your responsibilities.
- Notice served by the Otago Regional Council for any breach of the Regional Plan: Water.

7. Can I maintain, pipe, divert, build over, or disturb the bed of my watercourse?

Any work you undertake in relation to a watercourse must comply with the requirements of the Regional Plan: Water. In addition, any related earthworks must comply with the provisions of the District Plan. Design and construction of pipes or other structures will require a building consent.

All costs associated with works in relation to a private watercourse are met by the property owner.

8. Can stormwater be discharged to the watercourse?

Any discharge of stormwater to the watercourse must comply with the requirements of the Regional Plan: Water, and with any building consent requirements for related structures.

The Council can discharge stormwater from the roading network or other developments to a watercourse. These discharges are also subject to the Local Government Act (1974 and 2002). This does not imply Council ownership or liability for the watercourse from this discharge point downstream.

When other private property owners discharge stormwater to a watercourse beyond their property, they also require the written consent of the adjoining owner(s), unless they have an easement, or the stormwater flow is natural (follows a natural course) and causes no damage.

9. What if I am uncertain?

If you have any further questions, please contact the Dunedin City Council on 477 4000 and the Otago Regional Council on 474 0827.