



**AGENDA FOR THE
ORDINARY MEETING OF
SELWYN DISTRICT COUNCIL**

**TO BE HELD ON
WEDNESDAY 19 FEBRUARY 2025
COMMENCING AT 1PM**

Council 19 February 2025 PUBLIC

Attendees: Mayor Sam Broughton, Councillors, P M Dean, S N O H Epiha, L L Gliddon, D Hasson, M B Lyall, S G McInnes, G S F Miller, R H Mugford, E S Mundt & N C Reid & Ms M McKay

19 February 2025 01:00 PM

Agenda Topic	Page
Welcome	
Opening Karakia	4
1. Council Affirmation	5
Apologies	
2. Identification of Extraordinary Business	
3. Conflicts of Interest	
4. Public Forum	6
4.1 Brian Patchett - Nitrate Levels in Well Water in the District	6
5. Confirmation of Minutes	15
Reports	
6. Mayor's Report	25
7. Report back from Subcommittees (Verbal updates from Chairpersons)	
7.1 Economic Development	
7.2 Housing and Urban Development	
7.3 Climate Change and Sustainability	
7.4 Local Water Done Well	
8. Chief Executive's Report	28
8.1 Attachment - Submission on the Principles of the Treaty of Waitangi Bill	31
9. NZTA Waka Kotahi Canterbury State Highway Speed Management	33
10. Council Local Water Done Well Consultation Document	39

10.1	Consultation Document	40
11.	Adoption of draft Council Stormwater, Drainage and Watercourse Bylaw 2025	64
11.1	Appendix 1 - Bylaw 2025	75
11.2	Appendix 2 - Statement of Proposal	104
11.3	Appendix 3 - Comparison	111
11.4	Appendix 4 - LGA Provisions	143
12.	Review of Council's Dangerous, Affected or Insanitary Buildings Policy	145
12.1	Attachment A - Policy Draft	150
12.2	Attachment B - Statement of Proposal	159
13.	Authority to grant leases over Recreation Reserves - Ellesmere Motor Racing Club Incorporated	161
14.	Dedication of Local Purpose (Road) Reserve as Legal Road - Guinea Drive, Prebbleton	170
15.	Consent to grant an easement to Orion NZ Limited - Clement Avenue Rolleston	217
16.	Resolution to Exclude the Public	228
Public Meeting Ends		
	Closing Karakia	229

Public portions of this meeting are audio-recorded and livestreamed via the Council's YouTube channel.

The Severe Weather Emergency Legislation Bill has, until October 2024, suspended the requirement for members to be physically present to count as 'present' for the purposes of a quorum. Members attending by means of audio link or audiovisual link are therefore able to be counted as present for the purposes of a quorum and able to vote. The recently enacted Local Government Electoral Legislation Act has made these emergency provisions permanent.

Opening Karakia

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the sea
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hau hū	A touch of frost, a promise of a glorious day
Tīhei mauri ora!	

COUNCIL AFFIRMATION

Let us affirm today that we as Councillors will work together to serve the citizens of Selwyn District.

To always use our gifts of understanding, courage, common sense, wisdom and integrity in all our discussions, dealings and decisions so that we may solve problems effectively.

May we always recognise each other's values and opinions, be fair minded and ready to listen to each other's point of view.

In our dealings with each other let us always be open to the truth of others and ready to seek agreement, slow to take offence and always prepared to forgive.

May we always work to enhance the wellbeing of the Selwyn District and its communities.

To the Mayor and Councillors of Selwyn District Council

re. Increased treatment of sewage at the Pines Waste Water Treatment Station

Our small neighbourhood of Ellesmere, just north of the Selwyn (Waikirikiri) River,¹ has recently been invaded by all kinds of diggers, trucks bringing piles of huge black pipes, hundreds of road cones, and stop/go signs and road closures.

Those huge pipes have been laid under our roadside to bring sewage from Southbridge and Leeston to the Pines Wastewater Treatment Station near Rolleston.

Great news for residents of Leeston and Southbridge.

BUT . . . what about us? What about the locals who live 6–9 kms south-east of the site at the Pines, where the treated human effluent is sprayed onto paddocks that are already so polluted that no animals are allowed to graze on them?²

There has never been any consultation or communication with locals by Selwyn District Council (SDC) to allay our fears about pollution seeping into our groundwater from the Pines Treatment Station, and certainly no update regarding how the larger volume of sewage that is soon to arrive will be treated successfully.

Early opposition to the Pines Treatment Station

When SDC first proposed a sewage treatment system based on the irrigation of treated sewage onto land south of Rolleston, a group of our neighbours, led by Laurie Richards, presented a submission. Our opposing argument was based on knowledge of the local soil type, which would allow the easy movement of leachate (including nitrates, fluoride, medicinal products, etc), through the soil profile and into the aquifers from which we draw our well water. The plan to build a treatment system was stopped, a win for the locals. However in 2003 despite expert advice about the unsuitable nature of the soil type and

¹ This neighbourhood includes residents of Bethels, Swamp, Corbetts, Chamberlains and Marshalls Roads.

² Currently the grass from these paddocks at the Pines Treatment Station is made into baleage, which likely delivers pollutants back into the environment somewhere.

inadequate area of land purchased, the Pines Treatment Station was constructed on that very same soil type.

Nitrates are already dangerously high in Ellesmere

Drinking water in our neighbourhood is already polluted with high levels of nitrates from intensive agriculture. In 2022 a community testing session at Springston South Hall saw 120 local private wells tested for nitrate. The results showed that of the tested samples:

- 96% had nitrate-nitrogen concentrations greater than 1 milligram per litre (mg/L). A large Danish study found increased risk of bowel cancer above this concentration.
- 43% were greater than 5 mg/L nitrate-nitrogen. A Stanford University study correlated nitrate concentrations above 5 mg/L with increased risk of premature births in humans.
- 8% (11 samples) were over the New Zealand Maximum Acceptable Level (MAV) of 11.3 mg/L nitrate-nitrogen (i.e. 50 mg/L nitrate)³ set by the World Health Organisation. In 2021 the New Zealand College of Midwives issued advice to pregnant women to access alternative water if their drinking water tested above 10mg/L nitrate-nitrogen.

Selwyn District Council and Environment Canterbury have a responsibility to fix this problem

We realise that there is a Canterbury-wide crisis with high nitrates in drinking water (both urban and rural). We appreciate the many scientists, journalists and environmental activists who have worked very hard to raise public awareness of this problem and who aim to develop regulations and planning for the future.

Speakers at meetings run by local residents groups and Environment Canterbury (ECan) have given us access to experts and environmental activists like Mike Joy, Lam Pham, Tim Chambers and Mike Glover.

The answer to all our persistent questions at these meetings has always been that ECan will do nothing to reduce nitrate levels in our well water. ECan's attitude is: 'What is in your well is your problem.' The reason ECan gives is the huge cost to fix our water, but this is the health of Selwyn ratepayers they are

³ The term 'nitrate- nitrogen' refers to the nitrogen portion of the total nitrate in a sample. Nitrate (NO₃)= Nitrate-nitrogen x 4.43.

talking about. At a recent meeting of Darfield residents, Marnie Prickett from the Department of Public Health at the University of Otago advised that the provision of safe drinking water is a basic job of regional councils.

To complicate matters for the locals of Ellesmere, the SDC is responsible for the Pines Treatment Station, which is also deemed to be affecting the quality of the water in our neighbourhood. Our drinking water therefore has two major sources of pollution: nitrates from intensive agriculture, and leachate from the Pines Treatment System. Therefore, both public entities (SDC and ECan) are implicated and must work together to ensure the safety of our water.

Steps we have taken at our own cost

To protect the health of our families, neighbours on Bethels, Swamp, Corbetts, Chamberlains and Marshalls roads have taken steps at our own cost to try to improve our drinking water.⁴ We have:

- Drilled deeper wells, often resulting in no reduction in nitrate concentration.
- Installed ionic exchange and reverse-osmosis systems, with continual maintenance concerns and considerable expense.
- Set up water-distilling systems, with associated costly high power-use.
- Installed rainwater-collecting systems, including appropriate filters and UV sterilisation.

These are all expensive measures to fix a problem that was not caused by us and over which we have no control.

New water testing shows the Pines Treatment Station is polluting our drinking water

Water testing done in May 2024 of a number of local wells on Bethels, Swamp and Chamberlains Roads, plus a sample taken from MacRae's drain, have shown continuing high concentrations of nitrate-nitrogen in our well water. The results showed levels of between 7.9 and 13.9 mg/L (and 9.7 mg/L in McRae's drain), with a small but significant concentration of fluoride (0.09–0.12 mg/L). We have been informed that the fluoride detected is most probably coming from human waste.

⁴ These efforts by local families were explored in a series of articles published in *The Press* and *Stuff* in May 2024. See, for example, [‘Families drinking bottled water after “shock” nitrate test results’](#), [thepress.co.nz](https://www.thepress.co.nz), 11 May 2024.

If this is correct, water in our area is contaminated by human waste. What is the origin of this contamination? Is this indicating that other pollutants including nitrates are also moving from the Pines Treatment Station into the groundwater and our wells?

The future is looking bleak now that more sewage is being delivered to the Pines Treatment Station from outside the originally designated area. Apparently, Darfield and Kirwee sewage is to come to the Pines next, which can only increase the nutrient-loading on the shallow Rolleston soils. Without significantly increased mitigation, an increase in leachate into the groundwater and pollutants into our drinking water will follow as predictably as night follows day. It seems Local Authorities have the right to pollute whereas dairy farmers face court action for any breach of dairy effluent rules or irrigation usage.

What we want

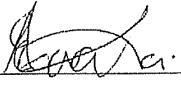
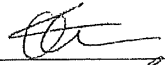

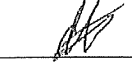
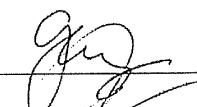

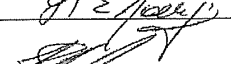
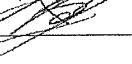
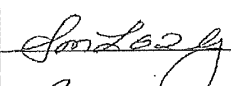
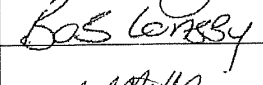
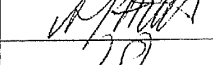
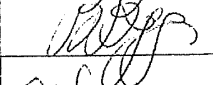
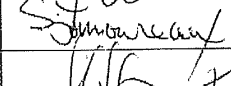
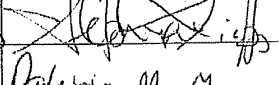
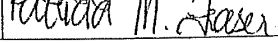
Therefore, we the undersigned demand:


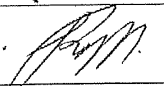
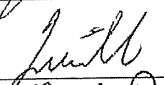
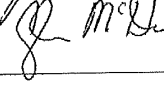
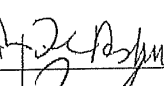
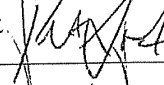
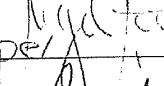
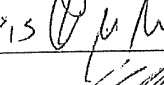
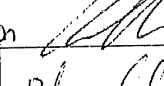
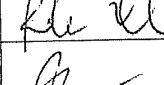
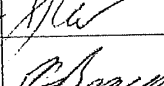
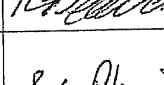
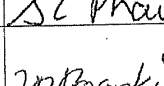
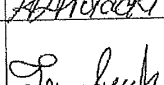
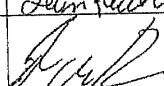
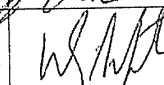
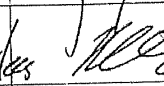


- Dialogue and discussion with Environment Canterbury, Selwyn District Council and Pines Treatment Station.
- A detailed outline of how the treatment system works and test results of the treated effluent. Also, details of improvements and expansion to enable the Pines Treatment Station to cope with the predicted extra sewage from Leeston and Southbridge.
- Looking to the future, we require confirmation that no more sewage will be brought in from outside the originally designated area.
- Most important, the residents of our Ellesmere neighbourhood need to hear how Ecan and SDC plan to improve the real quality of our well water in the future.

AND this dialogue needs to start now.

Name	Signature	Address	Date

[illegible]

Name	Signature
Emma	
Christina Cron	
Stacey Webster	
Darnell Lima	
Jane Elmy	
DAVE DUTCH	
Helen Jolly	
Kris Jolly	
S Lousky	
R/oamy-	
Andrea Hills	
Belinda Begg	
Shona Lamoureux	
Steve Kissopp	
P.M. Fraser	

Name	Signature
Jessica Crambela	
Rose Mitchell	
Jeremy Middel	
Glen McDowell	
Faye Ashworth	
Peter Smith	
Nigel Hodder	
Glyn Morris	
Harmon Robinson	
Karine Robinson	
Drew Wether	
Paul Beaver	
Sean Phair	
Kath Procki	
Terry Procki	
Jim Berry	
Will Smith	
Richard Myles	
Ray Myles	

Name	Signature
Margaret Vaughan	M Vaughan
Michael Vaughan	M. Vaughn
Nail Mosley	Nail Mosley
April Mosley	April Mosley
Dawn Henderson	Dawn Henderson
Diane Ritey	D Ritey
Kelly Healy	Kelly Healy
Jasai Leslie	Jasai Leslie
Ruben Patel	R. Patel
Robyn Patchett	Robyn Patchett
By/Robyn Patchett	By/Robyn Patchett

**MINUTES OF AN ORDINARY MEETING OF THE
SELWYN DISTRICT COUNCIL
HELD IN THE COUNCIL CHAMBER
ON WEDNESDAY 11 DECEMBER 2024 COMMENCING AT 1.00PM**

PRESENT

Mayor S T Broughton; Councillors S N O H Epiha, L L Gliddon, G S F Miller, M B Lyall, P M Dean, S G McInnes, E S Mundt, N C Reid & Ms McKay

IN ATTENDANCE

Mrs S Mason (Chief Executive); Messrs. S Gibling (Executive Director People, Culture & Capability), R Love (Executive Director Development & Growth), T Harris (Executive Director Strategy and Engagement), T Mason (Executive Director Infrastructure and Property), Matt McGrath (Chief Digital Officer), Tim Heine (Advisor to Mayor), Ben Baird (Head of Strategy), George Sariaak (Senior Strategy Planner), R Raymond (Acting Communications Manager), Mesdames A Sneddon (Chief Financial Officer), P Parata-Goodall (Pou Kaiāwhā – Executive Cultural Advisor), D Kidd (Executive Director Community Services & Facilities), S Carnoutsos (Acting Head of Marketing & Communications), S Atheron (Head of Regulatory), T Davel (Senior Governance Advisor), Kylie Hunt (Executive Assistant to the Chief Executive) and T Van Der Velde (PA to ED Enabling Services).

The meeting was livestreamed.

APOLOGIES

Apologies were received in respect of Councillor Mugford

Moved – Councillor Epiha/ **Seconded** – Councillor Reid

‘That the Council receives the apologies of Councillor Mugford, as notified.’

CARRIED

IDENTIFICATION OF ANY EXTRAORDINARY BUSINESS

None.

CONFLICTS OF INTEREST

None.

PUBLIC FORUM

Darel Hall, Cholmondeley

Cholmondeley Children's Centre Services

Darel thanked the people of the Selwyn District for their support. He explained Cholmondeley provides short-term support and care and have done so since 1925 and will be 100 years old next year. Darel noted they had cared for 33 children from the Selwyn District.

He said people can self-refer, and there was no need to go through a government agency. Children stay at the centre in times of family stress and work with social workers as well as youth workers. The kids get 24/7 support, and structure in terms of set meal times, looking at their behaviours and some of the basics they don't always have access to. Cholmondeley also provides respite services to give families a chance to recuperate.

He reminded Council they were a free service and he said he thought they could be providing more services to Selwyn. They did not provide 1:1 care for children with severe disabilities. He said for the most part, funding / koha falls on families.

Elizabeth Beattie

Cycling in the Selwyn District

Ms Beattie spoke about cycling / spinning classes being reduced or stopped across the District. She said Council staff apparently took the decision without Council's knowledge and asked whether it was not a breach of the rights of people to have access to healthy exercise.

Refer to attachment for full details of presentation.

Denise Carrick

Trees and Lincoln

Ms Carrick said she represented Lincoln Voice and others around the community and handed council a petition (see attachment for full details).

PRESENTATIONS

NZ Police – Gang Legislation

In relation to recent gang legislation, the NZ Police noted that a gang disruption unit had been set up. They noted their staff safety will be paramount when dealing with gang members. Exceptions to the legislation are already coming through, for example, patches being tattooed onto people which means they can take off a shirt and walk around without the police being able to take action. There was also a piece of work being done on what this legislation could mean in terms of certain colours.

The NZ Police spoke about dispersal notices relating to public places, although in private property, even if they can be seen from the street, the NZ Police has no power to act.

Furthermore, Police staff noted that the demand for more policing staff is reflective of the population increase and they were making some traction getting more staff. They were looking at 24/7 services; permanent dog teams; an investigation team and some other assets coming out to Selwyn.

Selwyn Youth Council – Annual report back

Youth Council Representatives went through their presentation noting their achievements. The youth hub showed collaborative benefits. The Mayor noted the youth council should discuss how they would see a potential youth seat at the council table, not as a member or being able to vote, but to attend, listen and share insights.

(Full presentation available on agenda for 11 December Council meeting)

Selwyn Sister Cities – Annual report back

The Chair of the Sister Cities Committee reported back noting the documents submitted for today's meeting included a report from herself, AGM and other reports. There was also a work programme for the upcoming year's involvement.

(Full presentation available on agenda for 11 December Council meeting)

CONFIRMATION OF MINUTES

1. Minutes of the ordinary meeting of the Selwyn District Council held in the Council Chamber on Wednesday 13 November 2024.

Moved – Councillor Lyall / **Seconded** – Councillor Epiha

'That the Council confirms the minutes of the ordinary meeting of the Selwyn District Council held on Wednesday 23 October 2024.'

CARRIED

MATTERS REQUIRING ATTENTION

None.

REPORTS

1. Mayor *Mayor's Report*

The Mayor noted his gratitude for the Deputy Mayor attending the funeral of former Mayor McEvedy.

The Mayor noted that the Local Water Done Well Subcommittee met earlier today and appointed an external expert, Raveen Jaduram, who is also a newly appointed CORDE Director. He is giving his time to the subcommittee generously.

Councillor Hasson arrived 2.39pm

The Mayor said submissions will in future come to council meetings for sign-off. He thanked councillors for their contributions to meetings over the past year and thanked the Chief Executive and staff for all the work they do and supporting Council.

Moved (as amended) – Mayor Broughton / **Seconded** – Councillor Lyall

‘That Council receives the Mayor’s Report November 2024 for information; and

All submissions required to be done before the first council meeting of 2025, be circulated to councillors and be delegated to the Mayor and Chief Executive for sign-off where appropriate.’

CARRIED

2. SUBCOMMITTEE REPORT BACK

2.1 Economic Development

The Subcommittee met twice and decided to have monthly meetings until further notice. PwC had also come along to the last meeting.

2.2 Housing and Urban Development

The Subcommittee has met twice so far and approved its Terms of Reference with some amendments made.

Cr Mundt out 2.51pm

The Subcommittee would keep up with changes in legislation during the DPR.

2.3 Climate Change and Sustainability

The Subcommittee met once and considers itself as a continuation of what the previous Planning And Climate Change committee did.

Cr Mundt back 2.55pm

2.4 Local Water Done Well

The Mayor as Chair of this subcommittee noted Brannigan’s was currently assisting Council with recruitment of a start-up chairperson. The Mayor, the Chief Executive and a delegate from Taumutu will form the selection panel. Consultation on whether to establish a CCO will take place early 2025.

Moved – Mayor Broughton / **Seconded** – Councillor Reid

‘That Council receives the Subcommittee feedback for information.’

CARRIED

Afternoon tea break 3pm – 3.15pm

3. Chief Executive

Chief Executive's Report

The Chief Executive said she was looking forward to 2025. The Mayor said it was great working with the Chief Executive over the past 12 months and they were ready to move on to the next year. The Chief Executive said she would be responding to each of the public forum speakers, with copies of the correspondence to Councillors.

Goes through her report and thanks everyone – looking forward to working with everyone in 2025.

Moved – Councillor Epiha / **Seconded** – Councillor McInnes

'That Council:

- (a) Receives the Chief Executive's report for information.*
- (b) Adopt the amended terms of reference for two of the four subcommittees, being Economic Development as well as Housing and Urban Development.'*

CARRIED

4. Joint District Licensing Committee Reports July – October 2024

Regulatory Team

Cr Epiha stepped away from the table due to a conflict.

Moved – Councillor Gliddon / **Seconded** – Councillor Lyall

'That the Council receives the report on the activities of the District Licensing Committee and the Chief Licensing Inspector for July and August AND September and October 2024.'

CARRIED

5. Revised ANZAC Day Policy and Operational Changes

Head of Venues and Events

Cr Hasson declared a conflict and stepped away from the table.

Cr Epiha declared a conflict and stepped away from the table.

Moved - Councillor Lyall / **Seconded** – Councillor Mundt

'That the Council

*1. **endorses** the proposed amendments to the C402 ANZAC Day Policy'*

*2. **notes** the operational changes to support the implementation of the policy.'*

CARRIED

6. Pines Resource Recovery Park – Application D240007 to alter existing Designation (SDC-22) under section 181 of the Resource Management Act

Policy Planner

Staff noted they would be going through a resource consent process to include provision of landscape supplies as it doesn't fall within the current designation.

Moved – Councillor Lyall / **Seconded** – Councillor Epiha

'That the Council:

- a. adopts the Commissioners recommendation to allow minor alterations to the existing Pines Resource Recovery Park designation.*
- b. pursuant to section 181(3) of the Resource Management Act 1991, alters the existing designation SDC-22 Pines Resource Recovery Park as set out in the Commissioner's recommendation.*
- c. amends the District Plan to reflect the minor alterations.*
- d. delegates to the Chief Executive to undertake all necessary actions to give effect to the decision.'*

CARRIED

7. Delegation of Certain Powers under the Selwyn District Council Water Utility Bylaws

Development Engineering Manager AND Head of Asset Management

It was noted that although the delegation has been given to council staff, they wanted to make sure council was aware of this. The Bylaw does not cover water race closure and there is a separate policy to deal with that matter. There was a brief discussion about the policy and delegations manuals coming through to the Council and that it needed to be tidied up.

Moved – Councillor Lyall / **Seconded** – Councillor Mundt

*That the Selwyn District Council (the **Council**) resolves:*

- i to delegate the power to give approvals and consents for the purposes of the Water Race Bylaw 2008, Water Supply Bylaw 2008, Wastewater Drainage Bylaw 2021, Trade Waste Bylaw 2021 and Stormwater and Drainage Bylaw 2018 (together, the **Bylaws**) (**Delegated Powers**) to the Council's Chief Executive Officer, who may delegate the Delegated Powers (in whole or in part) to any other Council officer, or Council officers, for the purposes of administering the Bylaws; and*
- ii that the above delegation shall be included in the Council's delegation manual accordingly.*

CARRIED

8. Council Submission Process on the Principles of the Treaty of Waitangi bill

Strategy Team Leader

Staff noted the final submission will be circulated to all councillors before being submitted. Staff said council does have a bicultural strategy which sets out the journey that Council is on. Between the context of the Bill and Council's strategy there appeared to be a misalignment.

There was some discussion around the table with several councillors against Council submitting on the Bill and others in favour. Those not in favour noted that council appears to have moved from having an apolitical stance to a political stance and that private submissions on something like this would be appropriate. If Council makes a submission, would it not appear they do so on behalf of the wider Selwyn District?

Councillor Miller moved an amendment that Council does not submit / Councillor Hasson seconded. The amendment was lost.

Ms McKay and Councillor Epiha both spoke in support of submitting, noting that Selwyn was unique in having two Maori members around the Council table. It was noted that this was not a contentious issue and that the Bill in effect failed to recognise the difference between equality and equity. Therefore, Council had a role as leaders to lead communities and submit on the Bill.

It was agreed that a submission will be drafted and circulated to all councillors. The submission will be made on behalf of Council and will be against the proposed Bill.

Moved (as amended) – Councillor Epiha / **Seconded** – Councillor Reid

- a. *Receives this Report; and*
- b. *Resolves to circulate the submission to all councillors.*
- c. ~~*Delegates to the following selected members _____, _____, _____ to approve the staff written submission on behalf of Council.*~~

CARRIED

9. Waioira One Water Strategy Waikirikiri Selwyn 2024 – 2074 Endorsement

Water Services Asset Manager AND Head of Asset Management

Staff noted the document builds on the 5 waters strategy, noting it includes all waterways and not only Te Waihora as waterways link into Te Waihora.

The strategy is a high-level document and one of its working streams is around looking at land drainage cleaning protocols in relation to native species.

Councillor Mundt noted her intention to move an amendment to include opening this up to consultation with the community. Her motion failed due to a lack of seconder.

Moved – Councillor Epiha / **Seconded** – Councillor Reid

‘That the Council:

- a) Endorses the Waiora One Water Strategy 2024-2074 for Waikirikiri Selwyn, superseding the 2009 5-Waters Strategy; and*
- b) Authorises the Mayor to sign the Waiora One Water Strategy 2024 – 2074 on behalf of the Selwyn District council.’*

CARRIED

10. Risk Management Framework Update

Executive Director People, Culture and Capability AND Head of Legal and Risk

Staff introduced the report noting the relationship between policy and framework – policy is a set of guidelines, setting the approach whereas the framework contains roles and responsibility and the ‘how’ of implementing statements made in the policy.

They confirmed that health, safety and wellbeing were components of the overall risk of the organisation, including also financial and reputational. The consistent framework before Council today will allow an overview of all risk.

Moved – Councillor Dean / **Seconded** – Councillor McInnes

‘That the Council:

- a) Receive the “Risk Management Framework Update” report*
- b) Adopt the Selwyn District Council Risk Policy*
- c) Adopt the Selwyn District Council Risk Management Framework.’*

CARRIED

Moved – Councillor Hasson / **Seconded** – Councillor Gliddon

‘That the Council continue its meeting beyond 2 hours’.

CARRIED

11. New Procurement Policy

Chief Financial Officer AND Executive Director Strategy and Engagement

Moved – Councillor Lyall / **Seconded** – Councillor Epiha

‘That Council:

- 1. Receive the report New Procurement Policy; and*
- 2. Adopt the proposed New Procurement Policy’*

CARRIED

GENERAL BUSINESS

None.

MATTERS RAISED IN PUBLIC FORUM

None.

RESOLUTION TO EXCLUDE THE PUBLIC**Moved** – Councillor Lyall / **Seconded** – Councillor McInnes

'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution	Date information can be released
1.	Central Plains Water Joint Settlor Committee	Good reason to withhold exists under Section 7	Section 48(1)(a)	
2.	Draft letter of expectations for CORDE Limited			

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1	protect the privacy of natural persons, including that of deceased natural persons	Section 7(2)(a)
---	--	-----------------

2	Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or	Section 7(2)(h)
---	---	-----------------

2 *that appropriate officers remain to provide advice to the Committee.'*

CARRIED

The meeting went into public excluded at 5.22pm.

With no further business being discussed, the meeting closed at 5.29pm.

DATED this day of 2025

CHAIRPERSON

TO: Council

FOR: Council Meeting – 19 February 2025

FROM: Mayor Sam Broughton

DATE: 31st January 2025

SUBJECT: MAYOR’S REPORT – December 2024 & January 2025

RECOMMENDATION

‘That Council receives the Mayor’s Report for December 2024 & January 2025 for information.’

1. OVERVIEW

Water Services CCO Establishment Chair appointed.

The Selwyn District Council welcomes Murray Strong as Establishment Chair for the Local Water Done Well Programme, aligning with central government’s water reform expectations. Murray is collaborating with our great in-house team to prepare our options for public consultation in February and March 2025. With over 20 years of governance experience, including leadership roles in major infrastructure projects such as Christchurch’s Convention Centre Te Pae and the Bus Interchange, Murray brings invaluable expertise to the role.

His involvement will support effective community consultation and iwi engagement as we investigate the best way to enhance the district’s water systems, ensuring long-term low cost, sustainability, and efficiency of water use through the options open to us.

Rolleston Christmas Parade

It was a beautiful day for the Inaugural Rolleston Christmas Parade which saw thousands of attendees and helped build a growing sense of community in our fastest growing town. I was great to attend and to open the event and look forward to many more. Well done to the community volunteers who supported this first event for the town.

Matatū Super Rugby team

It great to have this professional women’s rugby team located in Selwyn and it was a privilege to meet their CEO late last year. This continues ongoing discussions with sports bodies who are keen to have and increased presence and community involvement in our district including from traditional sports and new sports like Pickleball. The team were generous enough to leave a gift of a signed jersey which is now hanging in the Mayor’s office.

Minister for the South Island

I met with James Meager in his Ashburton office, and we discussed the growing pains Selwyn is experiencing and was hearted to hear that this newly established role will help focus government efforts on South Island specific projects and issues. James has a good understanding of Canterbury having grown up in Timaru and I look forward to working more closely with him in future.

My future Town – School Competition.

Leeston School won the “My Future Town competition”, which was run as an engagement piece by council to encourage young people to think about what they would like the future of Selwyn to look like. The enthusiasm and thought that the young people brought to this project was great to see.

2. MEETINGS

1 st December	Rolleston Christmas Parade
3 rd December	Regional Deals info session
4 th December	Economic Development Subcommittee meeting Woosh visit re Urban Gondola HUD Subcommittee meeting McLeans Institute meeting Constituent meeting at Verdeco subdivision
5 th December	Kevler Homes meeting Womens Super Rugby Matatū meeting Leeston School visit
11 th December	LWDW meeting Critical Risks workshop Council Meeting
12 th December	Chairperson subcommittee meeting Future rail freight hub meeting Gansu Delegation ceremony in Springfield
13 th December	GCP meeting CORDE end of year function
16 th December	McLean Institute meeting Meeting with Hon Nicola Grigg Canterbury Museum meeting
18 th December	LWDW workshop Selwyn Aquatic Centre filming

20th December	CCO establishment Chair interviews
6 th January 2025	Extraordinary Meeting LWDW Subcommittee
21 st January	Tuia Program meeting
23 rd January	CORDE Governance meeting
27th January	CEO of Canterbury Cricket meeting Te Taumutu blessing of Kahika on Mayoral Chains
28th January	Ellesmere area plan meeting – Leeston
29 th January	Councillors & ELT meeting Chairperson Subcommittee meeting Extraordinary LWDW subcommittee meeting Citizenship Ceremony – Dunsandel
30 th January	FENZ meeting
31 st January	Hon James Meager meeting



Sam Broughton
MAYOR

REPORT

TO: Council
FOR: Council Meeting on 19 February 2025
FROM: Chief Executive
DATE: 5 February 2025
SUBJECT: CHIEF EXECUTIVE'S REPORT

RECOMMENDATION

'That Council:

- (a) Receives the Chief Executive's report for information.*
- (b) Retrospectively endorses Selwyn District Council's submission on the Principles of the Treaty of Waitangi Bill.'*

1. PUBLIC FORUM

At the Council meeting on 11 December 2024 we had several public forum speakers. Responses to the issues raised in public forum are listed below.

Elizabeth Beattie

We acknowledge Ms Beattie's and others presentation to Councillors in relation to removal of spin classes from Lincoln Event Centre.

On 19 December 2024 staff responded to Ms Beattie's presentation,

- **Class attendance:** In your submission you mentioned that: *at the Lincoln Events Centre classes are full or mostly full, sometimes with a waitlist and bookings are made a week in advance due to its popularity.* Our attendance records for 2024 show that the cycle classes at LEC are only a little over half full, with an average of less than 10 attendees.
- **Cost:** The submission makes a few assumptions over cost and revenue from the classes that we would like to clarify. You mention that *the classes bring in \$120 per class with a cost of between \$40-\$55 per session for instructors.* Your income assumption is based on a full class, which is not the case. Concession rates for participants also impact on the revenue from each class. As far as cost of each class, the cost more than simply instructor rate. Delivering a Council class involves more costs than just the instructor's hourly rate, including taxes, ACC, leave, training, absence cover, licensing, equipment, and contributions to Council overheads. We have considered reducing some costs, but in many cases, it only created new costs.

- **Other facilities are at capacity:** The submission suggested *Rolleston is at capacity*. This is not the case. Rolleston classes have an average of 20 participants per class, with capacity for 25. The Selwyn Sports Centre also enables us to increase classes thanks to a fit-for-purpose spin studio. Additionally, West Melton Community Recreation Centre and Lincoln University have capacity to accommodate additional participants in classes and in more appropriate spaces.
- **Sponsorship of classes:** The submission asked if sponsorship of the classes had been considered. Staff are in the process of reviewing sponsorship approaches across council, any potential sponsors we have approached over recent times have shown no interest in sponsoring fitness classes.
- **Advertising:** The submission referenced that \$12,000 *had been spent on advertising and questioned whether this had been spent on classes*. Staff can confirm that between February and June 2024, \$12,000 was spent on advertising SDC group fitness classes, with just over \$8,000 spent specifically on digital and outdoor advertising targeting Lincoln residents.
- **Fit for purpose space** – The submission says that the room is a cupboard, and that noise was a factor in the decision. This is correct. The room was originally designed, built and used as a storeroom with limited ventilation, and the introduction of use for spin classes requires careful CO2 monitoring and management. Currently to manage CO2 buildup, the door must sometimes remain open, allowing fresh air but this also causes noise that can disturb others nearby. Its compromised design presents challenges for medium – long term use other than as a storeroom.
- **Council losing touch with community** – The presenter suggested that Council should have consulted the community. The reviews of services that Council regularly undertakes are based on community feedback through community usage and demand data, customer feedback and complaints across a period, as well as customer feedback from annual surveys. Council strives to balance various and competing community demands in its reviews.

In conclusion, as Council prepares to implement the changes advised and communicated, and staff have contacted existing LEC Group Fitness members with several options for alternative free classes or offering refunds. Options include offering Selwyn Sports Centre classes free to existing LEC Group Fitness members as a free trial in January 2025. In addition, staff are happy to meet existing LEC Group Fitness members to discuss and consider how else we might assist in accessing alternative options.

Darel Hall, Cholmondeley

We acknowledge Ms Beattie's presentation to Councillors on Cholmondeley Hall.

Mr Hall is the new General Manager of Cholmondeley Children's Centre. Mr Hall thanked volunteers and supporters and donors within Selwyn and spoke to the facility being a Canterbury service. Provides free short-term care, taking in around 400 children each year. Cared for 33 children from Selwyn District in last 2 and a half years. People can self-refer to the Cholmondeley. When children stay with us, they

get 24-hour support. We get 20% funding which is decreasing, from the Government, with the rest of the funding provided by the Trust and donors so would like to thank them through Council.

Denise Carrick

We acknowledge Ms Carricks's presentation to Councillors, who is also representing Lincoln Voice and those who have signed the petition on Trees within Lincoln.

Contractors were carrying out an Arborist Impact Assessment on the original unadjusted plans. This will now be reviewed looking towards creating recommendations and decisions that will influence changes to the design. Where trees are either shared with, or impact on, a neighbouring property the owners of the property will be consulted. Note we have already committed to retaining the beech tree, wattyl and staff will be in touch with Ms Carrick regarding the silverbirch on her property once we have reviewed the assessment.

2. PRINCIPLES OF THE TREATY OF WAITANGI BILL SUBMISSION

The Justice Committee reopened submissions on the Principles of the Treaty Waitangi Bill with the new closing date of 1pm 14 January 2025.

The purpose of the Bill is to set out the principles of the Treaty of Waitangi in legislation, and require, where relevant, those principles to be used when interpreting the legislation. Following is the information provided on the New Zealand Parliament website.

On 7 January 2025 Selwyn District Council submitted on the Principles of the Treaty of Waitangi Bill (submission attached as **Appendix 1**). We seek Council's retrospective endorsement the Selwyn District Council Submission.



Sharon Mason
CHIEF EXECUTIVE OFFICER

6 January 2025

SUBMISSION ON PRINCIPLES OF THE TREATY OF WAITANGI BILL

By Selwyn District Council

1. The Selwyn District Council (SDC) appreciates the opportunity to submit on the Principles of the Treaty of Waitangi Bill (the Bill). While SDC acknowledges the importance of Te Tiriti o Waitangi as a cornerstone of our nation, we oppose the Bill and recommend that it does not proceed.

Our Commitment to Te Tiriti Partnership

2. Te Tiriti represents a foundational and ongoing relationship between Māori and the Crown. SDC strives to honour this relationship, and this is exemplified through our **Bicultural Strategy – Te Rautaki Tikaka Rua**, which provides a framework for strengthening partnerships with mana whenua and enhancing our bicultural competence.
3. This strategy reflects SDC's aspiration to:
 - Be a respected and trusted Treaty partner;
 - Lead in bicultural engagement and practice; and
 - Support our communities in valuing and embracing biculturalism.
4. We are committed to fostering meaningful partnerships, grounded in dialogue, mutual respect, and shared aspirations. The Bill, however, undermines these efforts by introducing changes that are unnecessary and unhelpful.
5. The current frameworks for understanding and applying Treaty principles have been developed carefully and collaboratively over time by the courts, the Waitangi Tribunal, and through constructive Māori-Crown relationships. These principles are well-understood and provide a robust foundation for progressing bicultural partnerships across New Zealand.

Key Issues with the Bill

6. Lack of Consultation with Treaty Partners

Partnership is central to Te Tiriti. The absence of meaningful engagement with Māori during the development of the Bill is concerning and undermines the Crown's obligations under Te Tiriti. The unilateral approach taken by this Bill fails to respect the principles of partnership, participation, and protection.

7. A Distraction from Bicultural Progress

SDC is proud of the progress being made in our district to foster bicultural relationships and honour Treaty commitments. This work, grounded in cooperation and shared understanding, is delivering real benefits for our communities. The Bill risks diverting focus and resources away from these efforts, which are already supporting strong and meaningful partnerships with mana whenua.

8. Potential Legal and Financial Impacts

The Bill creates unnecessary uncertainty regarding established legislative frameworks such as the

Resource Management Act and the **Local Government Act** (including s81), which rely on existing interpretations of Treaty principles. For councils like SDC, this could lead to:

- Increased litigation and legal costs as new interpretations are tested;
- Additional training and resourcing requirements, creating financial pressures, and diverting funding from essential services; and
- Unclear consultation requirements and processes.

9. Unilateral Definition of Treaty Principles

The Bill's attempt to define Treaty principles without Māori input undermines the integrity of Te Tiriti itself. Such an approach disregards decades of careful development of these principles through legal and institutional processes. Any attempt to unilaterally impose a definition, risks damaging the trust and cooperation that are central to the Treaty partnership.

Conclusion

10. The Selwyn District Council remains committed to fostering meaningful bicultural relationships and supporting positive outcomes for all our communities. The Bill is unnecessary, risks undermining existing progress, and diverts focus and resources from the significant work already being undertaken to strengthen bicultural partnerships.

11. We strongly recommend that the Bill not proceed.

12. We would welcome the opportunity to speak to this submission via video conference.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'S. Broughton'.

Sam Broughton - Mayor

On behalf of the Selwyn District Council

REPORT

TO: Chief Executive
FOR: Council Meeting, Wednesday 19th February 2025
FROM: Gareth Morgan, Head of Operational Delivery
DATE: Monday, 10th February 2025
SUBJECT: **NZTA Waka Kotahi Canterbury state highway speed management**

RECOMMENDATIONS

That the Council:

- (a) *Receives the report 'NZTA Waka Kotahi Canterbury state highway speed management', and*
- (b) *Authorises Staff to submit feedback to NZTA Waka Kotahi to retain the existing 80km/h speed limits to both SH1 North of Rakaia and SH1 South of Templeton.*

1. PURPOSE

The purpose of this report is to seek a resolution from Council authorising staff to make a submission on the NZTA Waka Kotahi Canterbury state highway speed management review for SH1 North of Rakaia and SH1 South of Templeton.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This matter has **NOT** been assessed against the Council's Significance and Engagement Policy as it only seeks Council's authority to submit feedback on another process being engaged with by NZTA Waka Kothai with the wider public.

The decision of this report has no financial implications on Selwyn District Council.

3. BACKGROUND

Following the government's announcement about proposed changes to some highway speed limits within the Canterbury region, required by the government's Setting of Speed Limits Rule 2024 (the Rule), **NZTA Waka Kotahi** is seeking feedback on speed limit changes to two highways in the Selwyn District.

- 1. SH1 North of Rakaia - The Rakaia Bridge & northern approach - **APPENDIX A**
- 2. SH1 South of Templeton - Templeton to the Dawson Road roundabout & SH1 & SH76 merge. - **APPENDIX B**

Feedback is to check if people want to retain the existing 80km/h speed limits, instead of seeing them reverse to their previous 100km/h speed limits by 1 July 2025.

Feedback closes on **13th March 2025**

4. NZTA WAKA KOTAHI SPEED LIMIT CONSULTATION COMMENTARY

SH1 North of Rakaia. North of Weavers Road to Rakaia Township

This speed limit was reduced from 100km/h to 80km/h in May 2024, along with 3 other speed limit changes linked with the construction of the new Rakaia Commercial Vehicle Safety Centre.

This 2-lane section of road is classified as an 'interregional connector' highway. It is designed to move people and goods quickly and efficiently over long distances, between and within regions. The section starts from the edge of Rakaia township and provides access across the narrow Rakaia River bridge past the new safety centre and narrow curved railway overpass through to Weavers Road. There is no median barrier separation on this road to prevent head-on crashes. The speed limit reduction was implemented to ensure the centre could operate safely.

At the time of the change, consultation with the community showed support for the lowered speed here, noting it was more appropriate for the narrow bridge structure. There are mixed views in the community today about the lower speed remaining permanently, so we're consulting to understand whether the community wants the lower speed retained. Under the government's new Rule, NZTA is required to reverse the speed limits on this section unless there is public support to retain it.

Other recent speed changes in the area are still being considered and are out of scope for this consultation. As SH1 Rakaia speeds were changed at the same time the Rule was changing, NZTA is working through the next steps.

SH1 South of Templeton. South-west of Trents Road, Templeton to the motorway on and off ramps.

This is a 2-lane road between the SH1 motorway and Templeton.

The speed limit was reduced in this location from 100km/h to 80km/h in March 2021 because of significant changes to the road environment with the opening of the Christchurch Southern Motorway, completion of the Dawsons Road roundabout and removal of the old southbound passing lane.

The reduced speed limit and roundabout help manage traffic speeds entering and exiting the motorway and Templeton. It matches the highway speed limits with surrounding local roads, creating a more consistent environment for road users

Community feedback was mixed in 2020 with many wanting a reduction to 70km/h to complement the adjoining Templeton township speed limit.

There are mixed views in the community today about the lower speed remaining permanently, so we're consulting to understand whether the community wants the

lower speed retained. Under the government's new Rule, NZTA is required to reverse the speed limits on this section unless there is public support to retain it.

5. OPTIONS

The feedback options available to Council are as follows:

- i) Retain the exiting lower speed of 80km/h.

This is the recommended option.

OR,

- ii) Reverse the speed limit to 100km/h.

This is NOT the recommended option.

6. VIEWS OF THOSE AFFECTED

a) Views of those affected

Council has not consulted with its community on these two speed reversal proposals and due to the time constraints involved to submit feedback back the 13th March 2025, will not be able to. Both are short sections of state highway with restrictive environments which support the lower speeds adopted.

b) Consultation

No community or wider consultation is planned, as Council must submit feedback back the 13th March 2025. However, the NZTA Waka Kothai feedback portal is open to **ALL** to submit their views and is not restricted to just Council.

c) Māori implications

There are no identified Māori implications of this reports decision.

d) Climate Change considerations

There are no significant climate change considerations in relation to this reports decision.

e) Funding Implications

There are no funding considerations nor implications in relation to this reports decision.



Gareth Morgan
HEAD OF OPERATIONAL DELIVERY

ENDORSED FOR AGENDA



Tim Mason
**EXECUTIVE DIRECTOR
INFRASTRUCURE & PROPERTY**

APPENDIX A

✓ SH1 north of Rakaia



[View larger map \[JPG, 92 KB\]](#)

Section of State Highway	Length	Current speed limit	Speed it will reverse to if there is not sufficient public support
SH1 North of Rakaia North of Weavers Road to Rakaia township	3.2km	80km/h	100km/h

APPENDIX B

▼ SH1 south of Templeton



[View larger map \[JPG, 98 KB\]](#)

Section of State Highway	Length	Current speed limit	Speed it will reverse to if there is not sufficient public support
SH1 South of Templeton South-west of Trents Road, Templeton to the motorway on an off ramps	1.93km	80km/h	100km/h

COUNCIL PUBLIC REPORT

TO: Chief Executive Officer
FOR: Council Meeting on 19 February 2025
FROM: Tim Harris, Executive Director Strategy and Engagement
DATE: 12 February 2025
SUBJECT: **CCO CONSULTATION**

RECOMMENDATION

‘That Council:

- I. **Adopt** the draft Consultation Document (**Appendix 1**).*
- II. **Authorise** the Chief Executive Officer to make any necessary minor changes to the Consultation Document prior to its release for consultation.*
- III. **Endorse** the proposed process for public consultation to take place between 20 February 2025 and 12 March 2025, with hearing of submissions on 20 March 2025.*

1. PURPOSE

The Local Water Done Well Subcommittee has recommended that the Council adopt a Consultation Document for the consultation process for establishment of a water services Council Controlled Organisation (CCO) in the Selwyn District. The purpose of this report is to enable the Council to consider that recommendation.

2. HISTORY/BACKGROUND

Refer [Local Water Done Well Subcommittee – 12 February 2025](#), Item 4. On 12 February 2025 the Local Water Done Well subcommittee recommended that the Council make the above resolutions.

The options and reasons for the Subcommittee’s recommendation are set out in the report. Some minor amendments to the consultation document were recommended and these have been completed. The main amendment sought to make it clear that maintaining current in-house delivery for delivering water services is not an option due to new legislation and increased compliance requirements and that a future in-house water delivery model would still require increased investment.



Tim Harris

EXECUTIVE DIRECTOR STRATEGY AND ENGAGEMENT



AFT

Your Water Done Well

Consultation Document



Contents

Setting the Scene	3
Water in Waikirikiri Selwyn	6
Delivery Model Options	10
A New CCO – Proposal Model	11
Council Delivered Services	14
Comparing the Two Options	16
Impact on Rates and Council Debt	17
Rating Examples	18
Have Your Say	19
Timeline	20
Submission Form	23

Setting the Scene

In September 2024, the first substantive piece of legislation supporting the Government's Local Water Done Well policy was enacted. The Local Water Done Well policy is aimed at addressing New Zealand's water infrastructure challenges and places emphasis on achieving financial sustainability, appropriate regulation of water services, and ensuring flexibility for communities and councils in determining how their water services will be delivered.

The **Local Government (Water Services Preliminary Arrangements) Act 2024 (the Act)** sets out several transitional provisions, including a requirement for Selwyn District Council (Council) and all other territorial authorities to prepare and submit a Water Services Delivery Plan (WSDP) to the Government.

A WSDP is required to describe the current state of Council's water assets and services, and also describe the future arrangements for delivery of water services. A further piece of legislation, the Local Government (Water Services) Bill is currently before parliament, and will (once enacted) provide a structured framework for managing and delivering water services in New Zealand.

The Bill is progressing on a set timeline and will apply to Council's future water arrangements in time.

The Act requires all councils to consider the arrangements for the future delivery of three of the water services that Council currently manages.

These are:



1. **Drinking Water:** Ensuring the provision of safe and reliable drinking water to communities.



2. **Wastewater:** Managing the collection, treatment, and disposal of wastewater to protect public health and the environment.



3. **Stormwater:** Handling stormwater drainage to reduce flood risk and manage runoff in urban areas.



Following the introduction of the Act, and the requirement to consult on future delivery arrangements, Councillors decided, in November 2024, to start investigations into setting up a new Water Services Council Controlled Organisation (WSCCO).

This document addresses the arrangements for stormwater, drinking water, and wastewater services within the Selwyn District Council.

By requiring WSDPs, and consultation on water service delivery arrangements, the Act provides an opportunity to revisit Council's current arrangements and provides an opportunity to consider whether a WSCCO will be preferable means of providing sustainable and efficient water service delivery, addressing challenges and laying the foundation for future improvement.

Stormwater is included in the Act for consideration, however, Council has decided not to consult on changes to its delivery. Many stormwater assets deliver multiple outcomes for the community including water quality and quantity, recreation amenity, ecology and cultural values; so keeping the ability to take a multi-values approach is critical. Further to this there are a lot of benefits of interconnections of stormwater management with other Council activities including roading, meaning we can take a catchment based approach to managing surface water. For these reasons the Council's proposal is that stormwater management and delivery is kept in-house.

The Act and this proposal do not discuss arrangements for water races or land drainage. These services will continue to be delivered by Council, but could be reconsidered in the future.

The Act requires us to consult the community on maintaining services in-house, and at least one other model including a CCO, or a joint local government arrangement.

Council is asking you to give your thoughts on whether you support this proposal to establish a WSCCO for the management and delivery of drinking and wastewater, and to keep stormwater in house.

Maintaining current in-house delivery for delivering water services is not an option due to new legislation and increased compliance. A future in-house water delivery model would still require increased investment, but that model would have limited access to additional funding for vital infrastructure. Lack of funding could

create significant risks around compliance and providing reliable and safe water supply.

If the decision is made by Council to set up a WSCCO then information will be worked through to establish an operating model to support operations from 1 July 2025.

The Council believes this proposal will build on the great work already done by the Selwyn District Council to create strong, resilient, sustainable and reliable water services and provide certainty for our communities on the provision of water services. The proposal also creates an inter-generational framework in line with **Waikirikiri Ki Tua Future Selwyn**.

	Drinking Water	Wastewater	Stormwater	Water Race	Land Drainage
Existing arrangements	In-house, by Council	In-house, by Council	In-house, by Council	In-house, by Council	In-house, by Council
Our Proposal	Transfer to new WSCCO	Transfer to new WSCCO	No change, in-house by Council	No change, not subject to consultation	No change, not subject to consultation



Water in Waikirikiri Selwyn

In the year to 30 June 2024, Selwyn District Council:



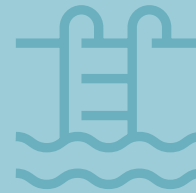
Provided drinking water to

81%

of residential
properties

Supplied **9.31**
million cubic metres of
water to households

..... THAT'S



3,124
Olympic size
pools

.....
Provided wastewater to

68%

of residential properties
.....



Treated
4.34
million cubic metres of wastewater

..... THAT'S



1,736
Olympic size pools

The Council also
maintained...

1,549 km
of water network

693 km
of wastewater network

128 km
of stormwater pipes

1,572 km
of water race channels

372 km
of land drainage drains

Drinking Water Infrastructure



26

Drinking water schemes

- 36** Treatment plants
- 93** Reservoirs
- 17** Groundwater Supplies
- 9** Surface Water Supplies
- 27** Years (average age of asset)

Wastewater Infrastructure



16

Wastewater Schemes

- 7** Treatment Plants
- 63** Pump Stations
- 14** Years (average age of asset)

The Council currently manages water services through a combination of house taps and external connections. It is responsible for delivering safe, reliable, and affordable infrastructure and services for our communities.

81% of residential properties in Waikirikiri Selwyn are serviced with water across 26 water supply schemes, and 68% of residential properties are serviced by the Council's wastewater systems. Selwyn residents are high users of water, using an average of 335 litres of water per person a day in the 2023/24 year.

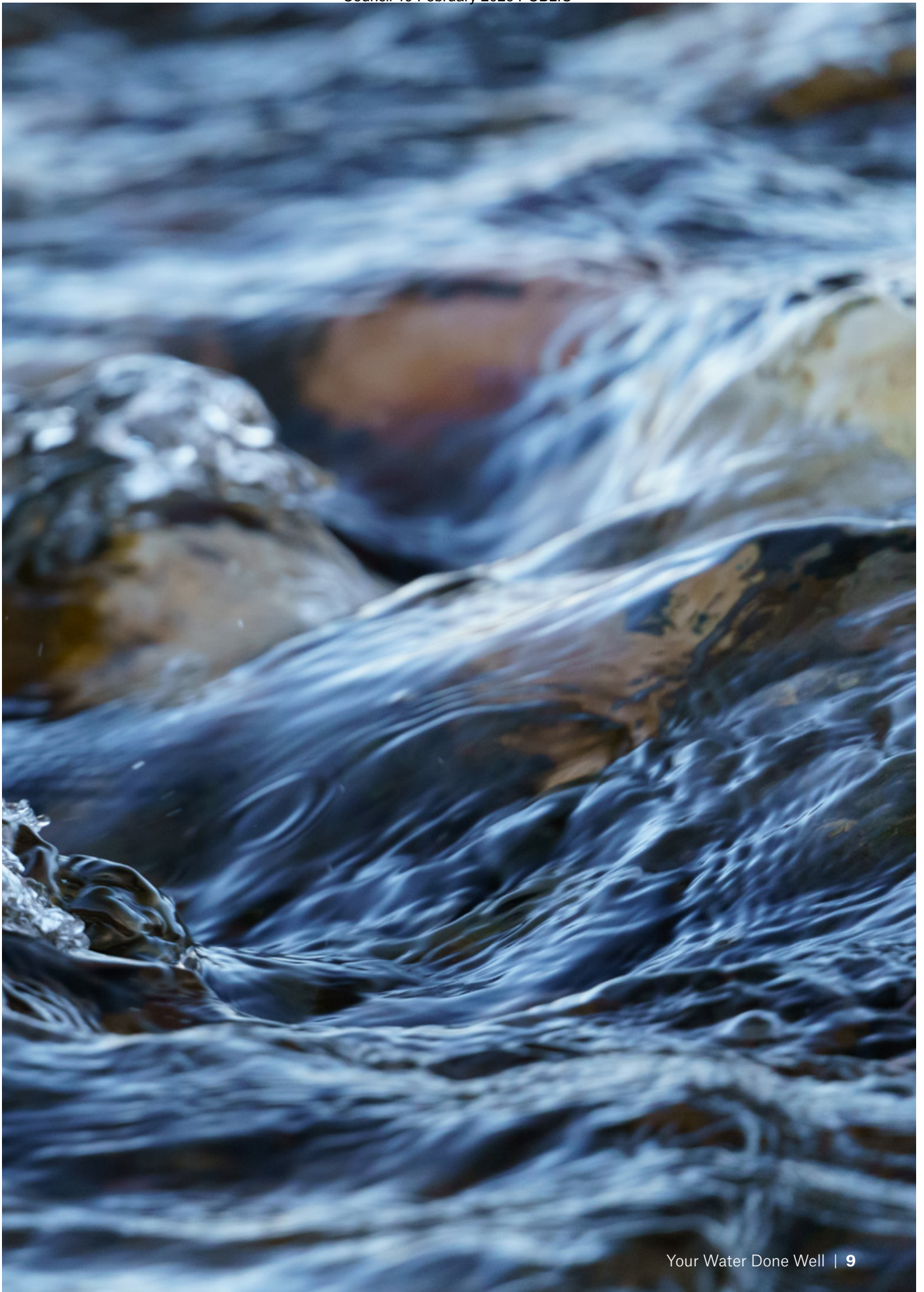
The Council spends approximately \$95 million annually on water services. Over the course of the Long-Term Plan, 82% of the Council's capital spending is budgeted for infrastructure, including water.

All Council supplies are metered and properties pay by use. This is funded through charging a targeted

rate for water services, depending on the type of property and its need. Residential, commercial, rural and urban properties are charged differently. Wastewater carries an annual charge for residential users, and industry users have a separate rate. High users operate under individual trade waste agreements. Drinking water is charged at a base rate, with a volumetric metered charge for urban supply and a per unit rate for rural properties. Stormwater is charged at an annual rate for properties within Waikirikiri Selwyn townships.

The projected costs for maintaining the current water services model for drinking and wastewater are \$857 million over years 2-10 of the Long-Term Plan 2024-2034. The existing local government rating system and financial/lending constraints applying to Council means that there is limited ability to access borrowing to invest in new infrastructure. In particular, the Council is limited to borrowing up to 280% of its revenue.







Delivery Model Options

The Local Government (Water Services Preliminary Arrangements) Act 2024 (the Act) allows Territorial Authorities (TAs) to explore and establish new delivery models. The options for this include:

- Joint Local Government arrangements
- A Water Services Council Controlled Organisation (WSCCO)
- Consumer Trusts
- Continue to deliver water services in-house.

Our **Waiaira One Water Strategy** has agreed to uphold the management of all water in decision making and to work in partnership to sustainably manage water now and into the future.

Our partnership approach will remain, with both delivery options being considered.

Council is consulting on the following two options:

1. Set up a WSCCO to deliver wastewater and drinking water. Continue to deliver stormwater in-house.

2. Deliver water services through a future in-house water delivery model.

Council has decided to consult on a Selwyn District Council only owned WSCCO, as at this time, there is no viable option to join with other Councils for a Joint WSCCO. If the establishment of a Selwyn WSCCO proceeds and other Councils express an interest in integrating at a later time, this would be considered and worked through.

A New Council Controlled Organisation - Proposal Model

After careful consideration, Council is proposing a new Water Services Council Controlled Organisation (WSCCO) as our delivery model for drinking water and wastewater services, with stormwater services to be delivered by an internal business unit of Council.

A WSCCO is a Council-controlled organisation specifically established to manage and deliver water services. This model will allow Council to leverage more specialised governance, enhancing the efficiency and effectiveness of water service delivery.

The WSCCO would be owned locally but would operate independently from Council with its own specialist board structure and management. Council would be the only shareholder, and its board would include members appointed based on competencies consistent with the needs of the new organisation, and specific to water governance.

The WSCCO would be responsible for planning, funding, building and maintaining drinking and wastewater infrastructure, as well as running the day-to-day customer-facing services for those water services. Ownership of drinking water and wastewater assets (and all associated debt and liabilities) would transfer to the WSCCO. As these assets are strategic assets of Council, the transfer will need to be provided for in the Council's Long-Term Plan. The transfer of these strategic water assets would be provided for in a Long-Term Plan amendment. In accordance with The Act, this consultation will cover this requirement.

It is anticipated that the WSCCO will be eligible to raise finance from the Local Government Funding Agency (LGFA) under the Local Water Done Well policy. LGFA offers finance to the local government sector, including the Council, and has recently started financing council-controlled organisations (CCOs) as well. As part of LGFA's financing arrangements for CCOs, there is a requirement for credit support from shareholding councils that is sufficient to cover the amount of LGFA borrowings by the CCO. This credit support takes the form of uncalled capital security, which is an arrangement that requires the shareholding council to subscribe for capital in the CCO (not less than the CCO's borrowings), but which leaves that capital uncalled and unpaid. The right to call on that capital is assigned in favour of LGFA, who could exercise that right in the event (and only in the event) of a default under the CCO's financing arrangements.

Given this requirement, and to ensure that the WSCCO can access the benefits of LGFA finance under the Local Water Done Well policy, it is proposed that Council would subscribe for uncalled capital in an amount of no less than \$450m. This amount is expected to cover initial and future borrowings of the WSCCO for at least a five year period.

The WSCCO would start from a strong platform to enhance the comprehensive investment, construction and future planning by Council's water services team over recent years for strong, resilient, sustainable and reliable infrastructure and water service delivery. If this option is chosen then information will be worked through to establish an operating model to support operations from 1 July 2025.

The Council believes that the proposal will provide certainty for our communities as well as create an inter-generational framework in line with **Waikiri, Ki Tua Future Selwyn.**

Benefits

A WSCCO offers benefits such as:

- **Enhanced Service Delivery:**
A WSCCO will have a sole focus on improving water quality and service reliability, which would deliver better customer service.
- **Dedicated Water Governance:**
A WSCCO streamlines operations and over time will improve costs through specialised drinking and wastewater governance and management, leading to better resource allocation and improved service delivery. It also offers a specific focus on water services.
- **Improved Access to Funding:**
A WSCCO has greater borrowing capacity and access to funding specific to water, supporting necessary infrastructure upgrades and expansions, ensuring long-term financial stability. Improved access to funding ensures that the WSCCO can upgrade water and wastewater systems to meet increasing levels of service.
- **Resilience and Adaptability:**
A WSCCO is adaptable and scalable, effectively responding to changing demands and future challenges specific to the delivery of water services, such as rapid population growth and evolving regulatory requirements. This would help ensure our water infrastructure can manage increased growth.
- **Community Benefits:**
A WSCCO maintains local control and accountability, ensuring that local needs and priorities are addressed while maintaining transparency in operations, through the establishment of a dedicated board and accountability back through Council.



Risks

As well as the benefits noted, there are several risks associated with this model, including:

- **Initial Setup:** Establishing a WSCCO requires significant initial effort and coordination, including legal, financial, and operational setup. This process can be complex and involves increased investment at setup.
- **Uncalled Capital:** From Council's perspective, there would be some contingent risk that the uncalled capital could be called on in the event of WSCCO financial distress. However, it is expected that this would be a last resort, and that LGFA would work with the WSCCO to address any issues before seeking to have recourse to Council. The uncalled capital structure is also a precondition for any WSCCO seeking to obtain financing from LGFA and covering the costs of initial financial

Setup considerations

In setting up a WSCCO, there are several requirements outlined in the Act, which include ensuring the following requirements are met:

- **Governance Structure:** Under this option the Council and the community would agree the high-level expectations on strategy and performance of the new organisation through a Statement of Expectations. These expectations would include the Council's commitment to the ongoing partnership with mana whenua in the delivery of water and wastewater services.
- **Accountability Mechanisms:** When setting up the WSCCO, the Council would develop accountability standards and monitoring arrangements for performance of the assets it transfers to the WSCCO. These will be set out across the Statement of Expectations, the Constitution and Water Strategy. The WSCCO's Annual Report will be a key document for monitoring performance. If adopted, the WSCCO would be established and included in the Council's WSDP, which is due to be adopted in early September 2025.

What is the impact on rates and council debt?

You would no longer pay for drinking water and wastewater through your rates. Those connected to services would pay these charges directly to the WSCCO.

Water infrastructure can last 50 years or more so it makes sense to use debt to share this cost over the lives of those who are here now and those still to come. Councils are currently constrained and can only borrow up to 280% of their revenue. This limits investment options.

The new Local Water Done Well policy allows Council to borrow up to 500% of their total revenue, excluding development contributions and vested assets, to fund their water infrastructure investment.

Borrowing up to 500% of the WSCCO's revenue including the additional operating cost is modelled to have an approximate increase of 12% on top of the 2024/2034 Long-Term Plan. There will be a partial offset saving, in general rates charges.

You will still have to pay to receive water services through a water charge as you currently do, but this would be determined by the WSCCO.

**These projected costs are based on the information available at the current time. Future costs may change as the rate of population growth, actual contract rates and other costs are known.*

Council Delivered Services

Under the Act, Territorial Authorities (TAs) can continue managing and delivering water services directly. This involves preparing and adopting a Water Services Delivery Plan (WSDP) that outlines how they will sustain their existing water services infrastructure and operations.

Under the Council delivered model, Council would continue to partner with mana whenua on the direction and delivery of water services on behalf of the community.

Benefits

Maintaining water services in-house offers benefits such as:

- **Political Influence and Control:** Enables the Council to maintain full control over decision-making processes, ensuring decisions are made with an understanding of local needs and priorities. Residents can engage with their elected representatives about water service issues.
- **Familiarity and Continuity:** The Council can continue using existing systems and processes, which staff and management are already familiar with, reducing the need for extensive training and transition periods.



Risks

In addition to the benefits noted above, there are several risks associated with this model, including:

- Limited Funding Capacity:** The Council may struggle to secure sufficient funding for necessary infrastructure upgrades and maintenance, leading to deferred projects and potential service degradation. Limited borrowing capacity can restrict the Council's ability to finance large-scale improvements, resulting in higher long-term costs. To date, Council has funded the required upgrades for water and wastewater. In the future, funding priorities may change with department capacity allocated to other activities like transportation or facilities, rather than drinking water.
- Operational Costs:** Any deferred investment in our infrastructure will be deferred and increase operational costs. Unplanned repairs or emergencies can drain the Council's financial resources, leading to budget reallocations or increased rates.
- Regulatory Compliance:** Ensuring compliance with evolving regulatory standards can be challenging, but Council currently has a good level of compliance. Maintaining rigorous monitoring and reporting systems to meet regulatory requirements can be resource-intensive and complex and is set to increase.
- Infrastructure and Service Delivery:** In recent years the Council has made significant investment in water infrastructure, but it is critical to continue maintenance and further investment to manage our growing population. Ageing infrastructure increases the risk of service failures, including water outages and quality issues. Taking a long-term view, there is a risk the in-house model will struggle to scale effectively to meet the increasing demand on our distribution assets, impacting service reliability and quality.
- Political interference leading to leaky pipes:** The council has a \$200 billion deficit in water spending in the next 30 years. Much of this is due to the use of political leaders delaying investment in the past 10 years.
- Lack of clear strategy:** Minor projects have time and resource allocated that would otherwise be spent on strategic investment.
- Competing funding:** Water is only one factor in the Council decision making and investment. Water priorities can lose out to transport or solid waste investment.



Comparing the Two Options

Impacts on Services

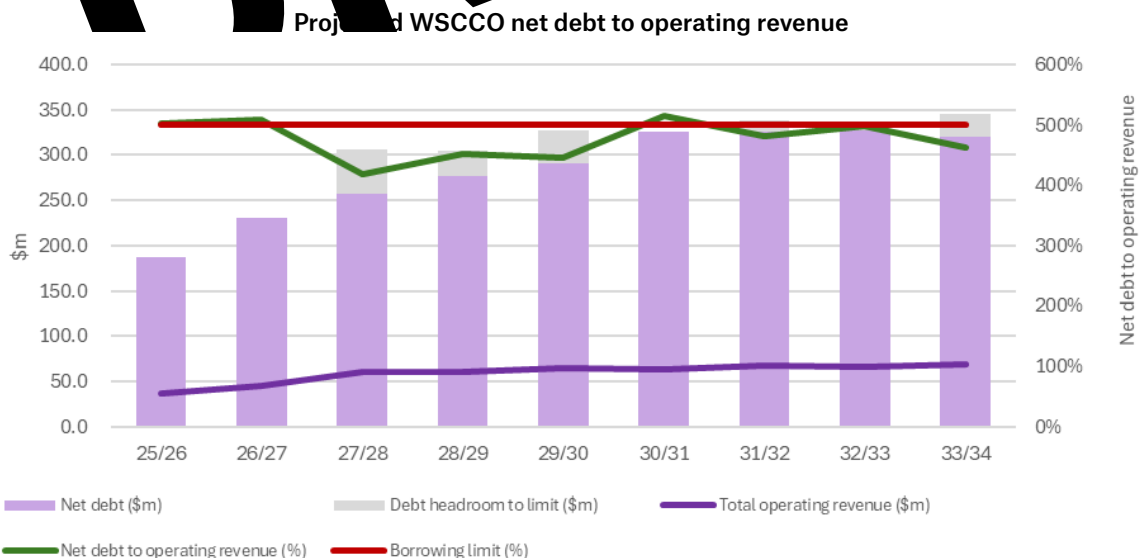
Performance requirements are set by national regulations. The Council does not foresee an immediate difference in service delivery between the two models. Impacts on service delivery when comparing the two models come down to the expertise and focus of having a dedicated WSCCO and associated water specific governance, compared to priorities being set by elected members across a broader scope of activity.

Impacts on Charges

If water services were to remain within the Council, there is no guarantee that the costs or service would not change. Whatever model is considered there will be baseline costs changes related to a more highly regulated environment. This will impact both models, meaning the current delivery costs are unlikely to remain as stated in the Long-Term Plan 2024-2034: The operating model for the WSCCO will be developed within the establishment process, and this will change the level of costs associated as we learn more. While there would be additional cost due to establishment setup, the WSCCO would have access to higher debt limits (500%) under the Act, which would be scalable over time. This isn't an option for the in-house model.

The average increase in Targeted Rates in the current Long-Term Plan 2024-2034 over the 10-year period is 11%, moving to a Council Controlled Organisation would mean you no longer pay anything to Council for drinking or wastewater. Your rates bill will reduce by those water charges. We estimate that the new WSCCO will charge you the same costs as today and rise 23% over the next 10 years. The General Rate will be lower than predicted in the Long-Term Plan, due to the Council receiving overhead revenue from the proposed changes in the WSCCO.

The chart below shows our net debt to operating revenue over the lifespan of the Long-Term Plan.



This graph represents the WSCCO operating with a 500% debt limit which includes the Long-Term Plan programme-related work programme and the expected operating costs of the WSCCO.

Modelling is based on assumptions drawn from Council's current Long-Term Plan accounting for additional regulatory and operating costs of a new entity. Once the WSCCO is established and has set its own capital plan and operating model, the costs may be higher or lower than those modelled above.

Impact on Rates and Council Debt?

A WSCCO would have a dedicated board made up of members who have specific expertise in water, focused on the delivery of drinking and wastewater services for Waikirikiri Selwyn, which should result in better service delivery and resource allocation.

The following information demonstrates potential rating impacts across different scenarios in Waikirikiri Selwyn. This modelling only considers drinking and wastewater, as stormwater delivery will be maintained by Council for both options.

The increase shown is the difference between the current Long-Term Plan modelling, and the preliminary

WSCCO calculations. The in-house model would likely see increased rating compared to the Long-Term Plan modelling given the Local Government Water Services Bill is expected to increase regulation and therefore compliance cost.

This modelling shows that there is a rates increase with moving to the proposed WSCCO in the first three years. From year 10 the drinking and wastewater rates are predicted to be lower than what is in the published Long-Term Plan 2024-2034.

This is broken down into the following funding impact statement below.

Stormwater Funding Impact Statement (Excluding Water supply and Sewerage)*

	2025/2026	2026/2027	2027/2028	2033/2034
	LTP	LTP	LTP	LTP
	\$'000	\$'000	\$'000	\$'000
Total operating funding (A)	3,437	3,960	4,438	6,864
Total application of operating funding (B)	3,268	3,514	3,655	5,076
Surplus / (deficit) of operating funding (A-B)	169	446	783	1,788
Total sources of capital funding (C)	1,401	3,341	2,483	1,878
Total applications of capital funding (D)	1,570	3,791	3,266	3,666
Surplus / (deficit) of capital funding (C-D)	(169)	(446)	(783)	(1,788)

*Retained by Council

The above table reflects our current Long-Term Plan pricing for service provided. Based on the changes in legislation our current position requires council to charge how water is delivered to the community.

Drinking Water and Sewerage Funding Impact Statement (excluding Stormwater)

	2025/2026	2026/2027	2027/2028	2033/2034
	LTP	LTP	LTP	LTP
	\$'000	\$'000	\$'000	\$'000
Total operating funding (A)	34,010	40,007	45,577	74,929
Total application of operating funding (B)	31,586	34,187	36,857	51,462
Surplus / (deficit) of operating funding (A-B)	2,424	5,820	8,720	23,467
Total sources of capital funding (C)	67,893	59,998	54,576	495
Total applications of capital funding (D)	70,317	65,818	63,296	23,962
Surplus / (deficit) of capital funding (C-D)	(2,424)	(5,820)	(8,720)	(23,467)

The above table outlines the projected costs for the delivery of water through a WSCCO. Years 1-3 show an increase in charging, over time this cost reduces as we reflect the efficiencies in service.

Drinking Water and Sewerage Funding Impact Statement (excluding Stormwater) CCO Modelling

	2025/2026	2026/2027	2027/2028	2033/2034
	LTP	LTP	LTP	LTP
	\$'000	\$'000	\$'000	\$'000
Total operating funding (A)	37,233	45,452	61,286	69,060
Total application of operating funding (B)	33,355	36,581	39,309	49,137
Surplus / (deficit) of operating funding (A-B)	3,878	8,871	21,977	19,923
Total sources of capital funding (C)	66,316	57,001	41,613	4,095
Total applications of capital funding (D)	70,194	65,872	63,591	24,017
Surplus / (deficit) of capital funding (C-D)	(3,878)	(8,871)	(21,977)	(19,923)

Based on the anticipated changes in legislation.

Rating Examples

Summary Rates	2025/2026	2026/2027	2027/2028	2033/2034
Example: Urban Residential Property with Sewerage				
LTP Water Bill under future in-house model ¹	\$1,552	\$1,769	\$1,948	\$2,730
WSSCO Water Bill ²	\$1,700	\$2,018	\$2,635	\$2,668
Comparison	\$148	\$248	\$687	-\$62
% Increase LTP to WSSCO	10%	14%	35%	-2%
Example: Urban Residential Property without Sewerage				
LTP Water Bill under future in-house model ¹	\$745	\$841	\$955	\$1,392
WSSCO Water Bill	\$808	\$965	\$1,287	\$1,307
Comparison	\$63	\$124	\$332	-\$85
% Increase LTP to WSSCO	9%	15%	35%	-6%
Example: A Property on Restricted Water Supply with Sewerage				
LTP Water Bill under future in-house model ¹	\$1,579	\$1,805	\$1,993	\$2,808
WSSCO Water Bill	\$1,729	\$2,056	\$2,689	\$2,722
Comparison	\$150	\$251	\$696	-\$86
% Increase LTP to WSSCO	9%	14%	35%	-3%
Example: A Property on Restricted Water Supply without Sewerage				
LTP Water Bill under future in-house model ¹	\$772	\$877	\$1,000	\$1,470
WSSCO Rates Bill	\$837	\$1,003	\$1,341	\$1,361
Comparison	\$65	\$126	\$341	-\$109
% Increase LTP to WSSCO	8%	14%	34%	-7%

Overall, the Council anticipates a partial offset reduction in the General Rates charges.

- Stormwater has not been allowed for in these figures, as it will remain in-house at Council.
- These figures related to the WSSCO are higher due to anticipated setup costs, but as demonstrated here over the Long-Term Plan period, the modelling shows improved charges.

¹ This figure represents a future in-house model based on Long-Term Plan water bill (what you are expected to pay for water from 2025), allowing for 10% anticipated compliance cost increase due to new legislation.

² Estimated cost you would pay under the WSSCO over the Long-Term Plan period to 2034.

Have Your Say

Let us know:

- If you support the Council's proposal to transition our drinking water and wastewater assets and services to a new WSCCO, with stormwater remaining with Council.
- Or, if you prefer that the Council continues with a future in-house water delivery model, noting the new legislation will require some changes.
- If you have any comments on the WSCCO model or anything else contained in this consultation document.

How do I provide feedback?

You can provide your feedback on this consultation by:

- Visiting **selwyn.govt.nz/yourwater** on your computer or mobile device and answering the questions on the submission form.
- Completing the submission form on the back of this document and dropping it into one of our Customer Service Points at:
 - Council Rolleston Offices, 2 Norman Kirk Drive, Rolleston
 - Te Anau area, 56 Whymson Street, Rolleston
 - Darfield Library, 1 South Terrace, Darfield
 - Leeston Library, 19 Messines Street, Leeston
 - Lincoln Library, 22 Gerald Street, Lincoln

Or, posting to:

- Freepost 104 653
PO Box 90
Rolleston 7643

All posted submissions must be received by the Council by 5pm, 12 March 2025. Please allow time for your submission to be delivered by this deadline.

Or, scanning and emailing it to:

- yourwater@selwyn.govt.nz

For more information, visit **selwyn.govt.nz/yourwater**

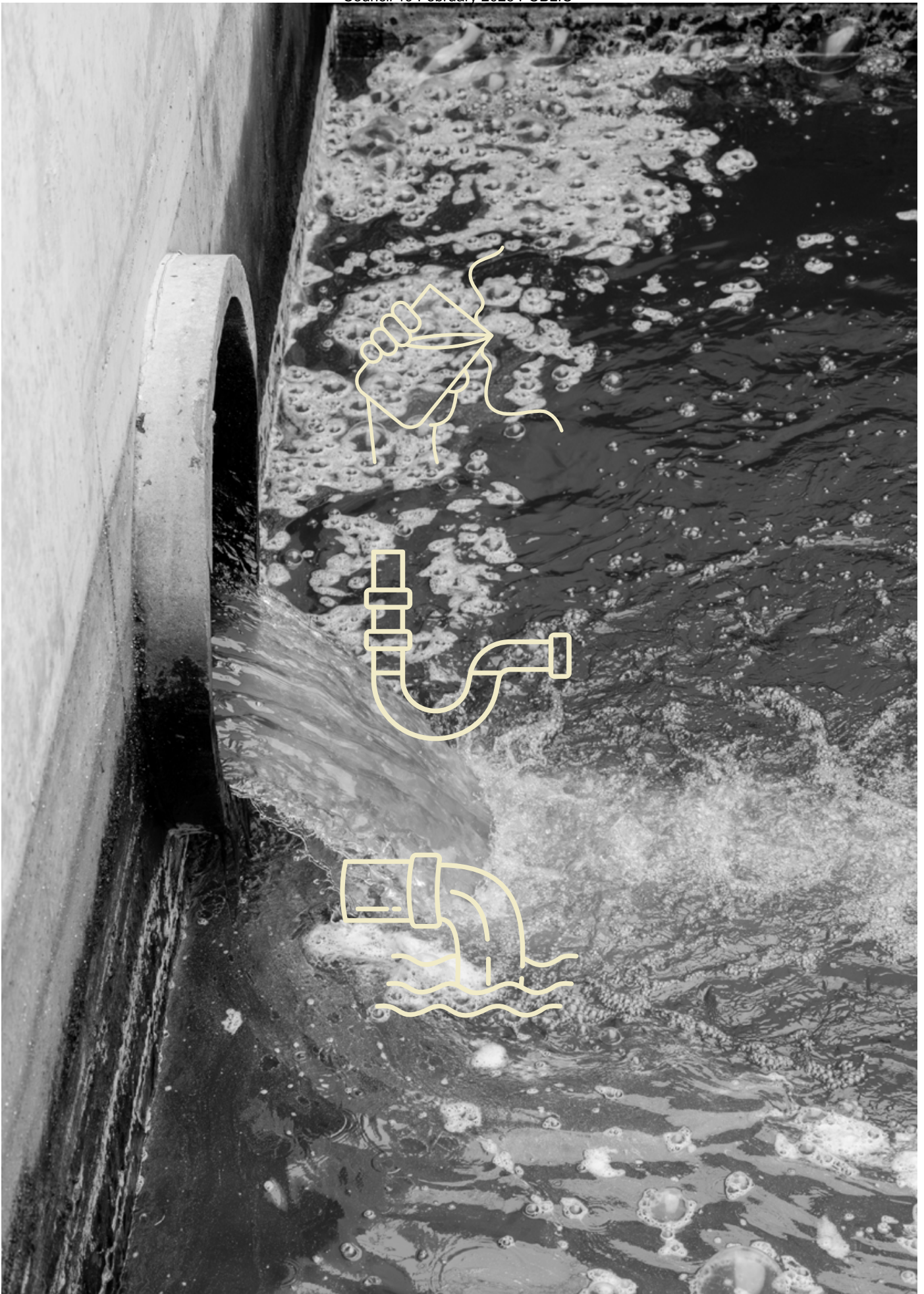
Timeline





“

Our **Waioira One Water Strategy**
has agreed to uphold the mana
and mauri of all water in its
decision making and to work in
partnership to sustainably manage
water now and into the future.



Submission Form

Selwyn District Council is conducting a public consultation in response to The Local Government (Water Services Preliminary Arrangements) Act 2024 in relation to the arrangements for its delivery of water services into the future.

The Council's proposal is:

To transition Selwyn District Council drinking and wastewater assets and services into a new publicly owned Water Services Council Controlled Organisation (WSCCO) with stormwater services to remain within the Council.

Please read the consultation document and information available online at **selwyn.govt.nz/yourwater**

You can make a submission using this form, or by completing the online submission form at **selwyn.govt.nz/yourwater**

If you need extra space for your submission, use additional paper and attach it to this form. Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process. All submissions will be considered by Council before making a decision.

Privacy statement

Submissions are part of the public consultation process and are a public record. Submissions will be made publicly available on the Council website and in official documents. We will not share any contact details.

If you wish your name to be removed from your submission please tick the box: ☐

Submitter details

Please note: all fields marked with an asterisk (*) are compulsory. These details are used for the purpose of contacting you about this consultation.

First name

Last name

Address*

Town*

Postcode*

Contact number*

Email address*

Are you submitting on behalf of an organisation?*

☐ Yes ☐ No

If yes, please state the name of the organisation*

Do you wish to attend a hearing to present your submission in person?*

☐ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

Questions

1. Do you support the proposed transition of the Selwyn District Council drinking and wastewater services into a new Water Services Council Controlled Organisation (WSCCO) with stormwater services to remain within Council?

☐ Yes ☐ No

Please add your comments

2. Do you prefer that the Selwyn District Council continues with a future in-house water delivery model?

☐ Yes ☐ No

Please add your comments



3. Do you have any comments on the WSCCO model?

☐ Yes ☐ No

Please add your comments

Return this submission form by:

- Dropping it off with our Customer Service Teams at:
 - Council Rolleston Offices, 2 Norman Kirk Drive, Rolleston
 - Te Ara Ātea, 56 Tennyson Street, Rolleston
 - Darfield Library, 1 South Terrace, Darfield
 - Leeston Library, 19 Messines Street, Leeston
 - Lincoln Library, 22 Gerald Street, Lincoln
- Posting it to:
 - Freepost 104 653
PO Box 90
Rolleston 7643

All posted submissions must be received by Council by 5pm, 12 March 2025. Please allow time for your submission to be delivered by this deadline.

- Scanning and emailing it to yourwairarapa@selwyn.govt.nz

SECRET

REPORT

TO: Chief Executive
FOR: Council Meeting – 19 February 2025
FROM: Water Services Asset Manager
DATE: 10 February 2025
SUBJECT: **Adoption of draft Council Stormwater, Drainage and Watercourse Bylaw 2025 (Draft Bylaw)**

1. RECOMMENDATION

That the Council:

- (a) *receive the Draft Bylaw attached as Appendix 1 for consideration;*
- (b) *determine that the Draft Bylaw:*
 - i. *is the most appropriate way of addressing the perceived problem;*
 - ii. *does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA); and*
 - iii. *concerns matters identified in the Significance and Engagement Policy as being of significant interest to the public;*
- (c) *approve the adoption, for the purposes of public consultation, the Draft Bylaw and corresponding Statement of Proposal attached as Appendix 2;*
- (d) *use the special consultative procedure in respect of the Draft Bylaw in accordance with section 156(1) of the Local Government Act 2002 (LGA); and*
- (e) *appoint a sub-committee consisting of two Councillors and supported by Council Staff to consider public submissions and report back to Council at the 21 May 2025 Council meeting for adoption of the Draft Bylaw.*

2. PURPOSE

The purpose of this report is to:

- a) present the Draft Bylaw for consideration and seek Council approval of the special consultative procedure necessary to adopt the Draft Bylaw; and
- b) recommend the appointment of a bylaw sub-committee consisting of two Councillors and supported by Council staff to hear and consider any submissions made on the Draft Bylaw.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The intention to adopt the Draft Bylaw has been assessed against the Council's Significance and Engagement Policy and has been determined as being of significant interest to the public as it potentially affects a strategic asset (being the Council's stormwater and land drainage networks). Accordingly, the Council will need to follow the special consultative procedure in relation to the Draft Bylaw in accordance with section 156(1)(a)(i) of the LGA.

4. HISTORY/BACKGROUND

The overarching goal of the Draft Bylaw is to assist Council to uphold the mana and mauri of wai in the Waikirikiri Selwyn District. This will be done by providing mechanisms to manage and control discharges into the Selwyn District Council managed stormwater and drainage networks including entry of contaminants. Protection of Council assets is provided for and the obligations and responsibilities of Council, private property owners, occupiers and the community are defined.

The Draft Bylaw:

- Is necessary because the existing Selwyn District Council Stormwater and Drainage Bylaw 2018 (**Existing Bylaw**) which came into force on 1 June 2018 is due to be revoked by 1 June 2025 pursuant to section 160A of the LGA.
- Is effectively a revision of the Existing Bylaw to ensure that it reflects current statutory requirements and that the controls included are still reasonable and necessary. Both Council staff and Council's solicitors considered the Existing Bylaw and made a number of suggested amendments as shown in the mark-up of the Draft Bylaw **attached** as **Appendix 3** to this report. The proposed amendments include a range of technical amendments to terminology, references, definitions and the scope of the application of various provisions of the Existing Bylaw.
- Contemplates the changes in Council's responsibilities under the Canterbury Land and Water Regional Plan, Council's recently adopted One Water Strategy and anticipates the conditions of regional consents for township stormwater discharges and land drainage discharges.
- Provides additional detail on the approvals process for discharges using a risk based criteria and outlines both Council's and the applicants responsibilities relating to the application process including review of risk rating, payment of fees, audit of compliance and ongoing management of infrastructure.
- Includes provisions to reflect recent legislative changes and current erosion and sediment control requirements.

In addition, the Existing Bylaw provided a mechanism by which properties presenting unacceptable risk of contamination could be required to produce a Stormwater and Drainage Management Plan.

The Draft Bylaw:

- Extends Council's ability to require these plans or equivalent to be produced by any property discharging to Council's network but it is anticipated that these plans will be requested from high and medium risk sites only.
- Provides a mechanism for discharge approval to be withdrawn if bylaw or approval conditions are not met.

An explanatory note has been included to confirm that this requirement extends to consents that require a farm environment plan to discharge under a Selwyn District Council consent.

5. PROPOSAL

That the Council:

- (a) receive and consider the Draft Bylaw;
- (b) specifically, determine that the Draft Bylaw:
 - a. is the most appropriate way of addressing the perceived problem;
 - b. is in the most appropriate form as proposed by Council staff and advisers; and
 - c. does not give rise to any implications under NZBORA;
- (c) determine that the Bylaw:
 - a. concerns a matter identified in the Significance and Engagement Policy as being of significant interest to the public; and
 - b. will not create a significant impact on the public; and
- (d) resolve to proceed with the Draft Bylaw subject to any other amendments which the Council considers appropriate and follow the special consultative procedure accordingly.

6. OPTIONS

The Existing Bylaw has operated well and without issue since it was adopted in 2018. However, the Council was required to review the Existing Bylaw before 1 June 2023 (the fifth anniversary of the making of the Existing Bylaw) pursuant to section 158 of the LGA. As the Council did not conduct a review in accordance with section 158, because it was expected that National bylaws were going to be developed as part of the National Water Reforms, the Existing Bylaw will be revoked on 1 June 2025 (if not revoked earlier by the Council).

If the Existing Bylaw is revoked, the Council will not be able to enforce it against property owners and occupiers. Accordingly, to uphold the mana and mauri of wai in the Waikirikiriri Selwyn District, Council staff recommend that Council should proceed with Option 1 as described below (revoke the Existing Bylaw and replace it with a new bylaw) and follow the special consultative procedure as required).

As part of the special consultative procedure, the Statement of Proposal and Summary of Information for the Bylaw need to accompany the release of the Draft Bylaw detailing the nature, reasons, statutory requirements, benefits/costs, options, and the consultation and submissions process pertaining to the Draft Bylaw. This enables the public to be fully informed about the process leading to the final adoption of the Draft Bylaw.

The Statement of Proposal and Summary of Information for the proposed Draft Bylaw is **attached** to this report (Appendix 3).

The Statement of Proposal details the options available to Council in respect of the Existing Bylaw which are as follows:

Options Available to Council

Option	Advantages	Disadvantages
Option 1 – Revoke the Existing Bylaw and replace it with a new bylaw.	<ul style="list-style-type: none"> Any issues that have arisen from the operation of the Existing Bylaw are able to be addressed in a new bylaw. The Council will maintain its ability to protect and regulate the Council's public asset (the stormwater and drainage network). The implementation of a new bylaw will ensure that all parties are aware of their responsibilities in terms of current management and the operation of best practices. A bylaw is considered necessary because of risk to consent compliance, the potential damage to Council infrastructure and the health and safety of Council staff and the general public. 	<ul style="list-style-type: none"> The new bylaw will need to be reviewed in five years as it will be considered a "new" bylaw. This is the recommended option
Option 2 – Do nothing	<ul style="list-style-type: none"> No action required by Council Reduces Council's enforcement requirements 	<ul style="list-style-type: none"> A failure to revoke the Existing Bylaw and adopt the Draft Bylaw by 1 June 2025 will result in revocation of the Existing Bylaw by 1 June 2025. The Council will have reduced ability to protect and regulate the Council's public asset (stormwater

Option	Advantages	Disadvantages
		<p>and drainage network).</p> <ul style="list-style-type: none"> • The Council has responsibilities for discharge quality from the Council network, protection of its assets from damage and to prevent nuisance from poorly maintained drainage systems. • A number of potential environmental problems may also arise in respect of stormwater and drainage discharges. • Not considered a reasonably practicable option in accordance with section 77(1)(a) of the LGA.. <p>This option is not recommended.</p>
Option 3 – Revoke the Existing Bylaw	<ul style="list-style-type: none"> • Reduces Council's enforcement requirements 	<ul style="list-style-type: none"> • The Council will have reduced ability to protect and regulate the Council's public asset (stormwater and drainage network). • The Council has responsibilities for discharge quality from the Council network, protection of its assets from damage and to prevent nuisance from poorly maintained drainage systems. • A number of potential environmental problems may also arise in respect of

Option	Advantages	Disadvantages
		<p>stormwater and drainage discharges.</p> <ul style="list-style-type: none"> • Not considered a reasonably practicable option in accordance with section 77(1)(a) of the LGA. <p>This option is not recommended</p>
<p>Option 4 - Rely on other methods (public education)</p>	<ul style="list-style-type: none"> • Reduces Council's enforcement requirements 	<ul style="list-style-type: none"> • The Council will have reduced ability to protect and regulate the Council's public asset (stormwater and drainage network) and would have to rely on the co-operation of several different parties. • The Council has responsibilities for discharge quality from the Council network, protection of its assets from damage and to prevent nuisance from poorly maintained drainage systems. • A number of potential environmental problems may also arise in respect of stormwater and drainage discharges. • Clear rules about what is permitted, and the penalties for a breach of such rules, are required. • Not considered a reasonably practicable option in accordance with section 77(1)(a) of the LGA.

Option	Advantages	Disadvantages
		This option is not recommended.

The Statement of Proposal has been prepared on the basis that **Option 1: Proceed with revocation of the Existing Bylaw to be replaced with a new bylaw** is recommended.

Proposed Timeline for Consultation

A minimum of one month's consultation is required when consulting for a new bylaw.

Consultation on the Draft Bylaw will be carried out as follows:

Timeline	Stormwater, Drainage and Watercourse Bylaw 2025
19 February 2025 (Council meeting)	<ul style="list-style-type: none"> Adoption of the Draft Bylaw for consultation.
17 March 2025 Bylaw advertised	<ul style="list-style-type: none"> Advertise for public submissions to the Draft Bylaw.
17 April 2025 Submissions close	<ul style="list-style-type: none"> Written submissions on Draft Bylaw close at 4:00pm at the Council's services centres.
28/29 April 2025 (to be confirmed) Submissions hearing	<ul style="list-style-type: none"> Hearings of submissions on the Draft Bylaw by the appointed bylaw subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston.
21 May 2025 (to be confirmed) (Council Meeting)	<ul style="list-style-type: none"> Adoption of the Draft Bylaw at its ordinary Council Meeting
23 May 2025 (to be confirmed)	<ul style="list-style-type: none"> Public notification of the adoption of the Draft Bylaw and its commencement date.
30 May 2025	<ul style="list-style-type: none"> Commencement date of the Draft Bylaw.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected

The general public will be invited to make submissions on the Draft Bylaw. Specific groups and organisations who are identified by the Council as being directly impacted or relevant to the Draft Bylaw will be invited to make submissions directly to Council.

Views from members of Te Komiti Waiora (District Wide Land Drainage Committee), Te Taumutu Rūnanga and other Council teams have been invited prior to general consultation.

Other interested groups will be contacted to advise of consultation period. These groups will include neighbouring Council's and Canterbury Regional Council.

b) Consultation

Public consultation on the Draft Bylaw will be undertaken between 17 March and 17 April 2025. One month's consultation is the minimum required for the special consultative procedure.

Public notification of the Draft Bylaw and calls for submissions will be advertised via:

- digital, traditional media and in-person methods;
- a webpage to be developed for the consultation along with social media promotion;
- Council Call; and
- district newspapers.

The above public notification measures are considered appropriate.

On receipt of submissions on the Draft Bylaw, the bylaw subcommittee consisting of two Councillors (and supported by Council staff) will convene to consider and hear the submissions made on the Draft Bylaw. Based on these deliberations, the Draft Bylaw will be amended as necessary and reported to Council.

c) Maori implications

As partners, Te Taumutu Rūnanga have been invited to input into the Draft Bylaw prior to general consultation. Formal submissions as part of the consultation process will also be welcomed.

A copy of the Draft Bylaw was provided to Te Taumutu Rūnanga and Mahaanui Kurataiao on 28 January 2025 to seek feedback and inform the Rūnanga of the new bylaw process prior to bringing this report to Council.

The Council considers that the public notification and opportunity for submission process will provide appropriate opportunity for Māori contribution to the decision-making process. Local Rūnanga will be directly notified of this consultative process.

d) Climate Change

The Draft Bylaw provides Council with powers to control discharges to surface water and groundwater in the Selwyn District, better positioning the Selwyn District to adapt to the impacts of climate change.

8. RELEVANT POLICY/PLANS

There is no inconsistency with other relevant Council policy and plans. The New Zealand General Model Bylaw templates and Council policies have been considered as part of the Draft Bylaw process.

9. COMMUNITY OUTCOMES

The preparation of the Draft Bylaw promotes the key community outcomes of 'a clean taiao environment', particularly 'Healthy wai water, wetlands and waterways' and 'Te Waihora being restored' (LTP 2024-2034 pg. 51).

10. NEGATIVE IMPACTS

The Draft Bylaw is unlikely to negatively impact on the community as a whole or on the Council's activities. Rather, the Draft Bylaw will assist in the long-term sustainable management of waterways and groundwater quality.

The only potential negative impact on individual property owners or occupiers will be the requirement for those persons to fund the conditions imposed as part of any Approval to Discharge including:

- undertaking network upgrades in accordance with the engineering code of practice to increase network capacity;
- providing appropriate treatment to meet the outcomes of the Land and Water Regional Plan;
- developing stormwater, drainage and watercourse management plans, when required, to demonstrate effective management of risk to water quality;
- implementation, monitoring, maintenance and removal of Erosion and Sediment Controls;
- meeting the costs of compliance audits with Discharge Approvals, monitoring (on non-compliance) and any corrective actions required.

However, this negative cost effect on individuals has a positive benefit to the wider community outcomes noted above.

11. LEGAL IMPLICATIONS

Under section 155 of the LGA, a local authority must, before commencing the process for making a bylaw, consider the following three questions:

- a) Is a bylaw the most appropriate way to deal with the perceived problems arising from stormwater, drainage and water courses?*

Council staff consider that a bylaw is the most appropriate way to deal with the perceived problems arising from stormwater, drainage and water courses because:

- The stormwater, drainage and watercourses are increasingly subject to issues and restrictions including some that were apparent when the Existing Bylaw was adopted.

- The regulatory drivers (including enhanced consent conditions imposed by the Canterbury Regional Council) have increased and therefore the Bylaw is necessary and most appropriate to regulate and manage the perceived problems arising from stormwater, drainage and water courses.

b) Is the Draft Bylaw in the most appropriate form to deal with stormwater, drainage and water courses?

Council staff consider that the Draft Bylaw is in the most appropriate form to deal with stormwater, drainage and water courses. The new bylaw process has provided (and will continue to provide) Council Staff, the bylaw subcommittee and the Council's solicitors with an opportunity to:

- identify the key issues arising from the operation of the Existing Bylaw and new regulatory issues and perceived problems; and
- make the appropriate amendments to the Draft Bylaw to address such issues appropriately.

c) Does the Draft Bylaw give rise to any implications under NZBORA?

Section 155(3) of the LGA requires that the Draft Bylaw must not be inconsistent with NZBORA. Council has obtained legal advice which confirms that the Draft Bylaw is consistent with and does not give rise to any implications under NZBORA.

The Draft Bylaw will be made in a democratic manner in accordance with the special consultative procedure by Council by publicly notifying its intentions, the taking and hearing of submissions and the final decision upon whether to adopt the Draft Bylaw being made by elected members of Council.

12. FUNDING IMPLICATIONS

There are not expected to be any operational or capital costs to the Council as a result of adopting the Draft Bylaw.

A new Surface Water Compliance Officer role has been budgeted and approved as part of the Water Services Operations Team to monitor and manage compliance. This role will monitor stormwater and drainage compliance with consent conditions, legislation and the Draft Bylaw. This role is scheduled to be advertised in early 2025.

13. FUTURE REVIEW

The Local Government (Water Services) Bill currently available for public submission provides, in section 351, that Council will be required to review all water services bylaws within two years of the Bill becoming law. This requirement will provide another opportunity to review the Stormwater, Drainage and Watercourse bylaw to incorporate granted resource consents and other legislative changes.

If the above does not get effected by legislation, the next review of the Stormwater, Drainage and Watercourse bylaw will be required by the fifth anniversary of the making of the bylaw.

14. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?

The Bylaw has been developed by the Water Service Asset Management Team in conjunction with other Council staff including the Operations Team and the Council's external solicitors (Buddle Findlay). Advice has been received from Legal and Risk and Communications Teams.



JO GOLDEN – WATER SERVICES ASSET MANAGER

ENDORSED FOR AGENDA



TIM MASON – EXECUTIVE DIRECTOR INFRASTRUCTURE AND PROPERTY

APPENDIX 1	Draft Bylaw
APPENDIX 2	Statement of Proposal
APPENDIX 3	Compare against Existing Bylaw
APPENDIX 4	LGA Provisions.

Selwyn District Council Stormwater and Drainage Bylaw 2025

Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025

The Selwyn District Council makes the following bylaw pursuant to sections 145(a) and (b) and 146(1)(b) of the Local Government Act 2002 ('the Act').

Explanatory note

This explanatory note does not form part of this bylaw but is intended to indicate the general effect of the provisions contained in this bylaw.

*The objective of this bylaw is to manage stormwater and drainage within the Selwyn District to protect people, property and the environment. This bylaw applies to both public and private stormwater and land drainage systems (together, the **Stormwater and Drainage Network**).*

Private Stormwater and Drainage Systems are the responsibility of the owner of the land they serve, and each section of a private drain (including a privately piped watercourse) is the responsibility of the owner of the land it passes beside or through. Although Council does not maintain these private drains, Council has powers under the Local Government Act 2002, Local Government Act 1974, Land Drainage Act 1908 and this bylaw to regulate activities that affect the Stormwater and Drainage Network.

This bylaw is in addition to the requirement to obtain any resource consents that may be required by the Canterbury Regional Council (Environment Canterbury) and the Selwyn District Council under the Resource Management Act 1991. Obtaining the Council's approval under this bylaw does not remove the need to obtain any consents required under the Resource Management Act 1991, the Building Act 2004 or any other Act, regulation or bylaw. Further, approval under this bylaw will not replace or add to existing consents or permitted activity status but may constitute a "written permission" within the meaning of condition 1 of Rule 5.93A of the Land and Water Regional Plan (to permit a discharge into a reticulated stormwater system under the Land and Water Regional Plan).

Selwyn District Council Stormwater and Drainage Bylaw 2025

TABLE OF CONTENTS

1. TITLE	3
2. DATE OF COMMENCEMENT	3
3. APPLICATION OF BYLAW	3
4. PURPOSE AND GOALS	3
5. DEFINITIONS AND INTERPRETATION	4
6. USE, CONSTRUCTION OR ALTERATION OF THE STORMWATER AND DRAINAGE NETWORK	8
7. PROTECTION OF THE PUBLIC STORMWATER AND DRAINAGE NETWORK	15
8. OBSTRUCTIONS TO THE STORMWATER AND DRAINAGE NETWORK	17
9. RESPONSIBILITY FOR PRIVATE STORMWATER AND DRAINAGE SYSTEMS	18
10. REMOVAL OF A REDUNDANT PRIVATE STORMWATER AND DRAINAGE SYSTEM	19
11. POINT OF DISCHARGE	20
12. OTHER REQUIREMENTS	22
13. BYLAW ADMINISTRATION	22
14. FEES AND CHARGES	22
15. BREACHES AND REMEDIES	22
16. PENALTIES	23
17. EXCEPTIONS	23

Selwyn District Council Stormwater and Drainage Bylaw 2025

1. TITLE

1.1 This bylaw is the Selwyn District Council Stormwater and Drainage Bylaw 2025.

2. DATE OF COMMENCEMENT

2.1 This bylaw comes into effect on 1 June 2025.

3. APPLICATION OF BYLAW

3.1 This bylaw applies to the Selwyn District.

3.2 Nothing in this bylaw shall limit the application of any other Act, rules or regulations made under any other Act. If there is inconsistency between any provision of this bylaw and the provisions of any other Act, rule or regulation, the more stringent provision applies.

4. PURPOSE AND GOALS

4.1 The purpose of this bylaw is to:

- (a) manage the development and maintenance of the Stormwater and Drainage Network and the land, structures, and infrastructure associated with that network, so as to protect the public from Nuisance and promote and maintain public health and safety;
- (b) protect and prevent interference with the Stormwater and Drainage Network and the land, structures and infrastructure associated with that system from damage, misuse and loss;
- (c) manage the entry of Contaminants into the Stormwater and Drainage Network;
- (d) prevent the unauthorised use of the land, structures or infrastructure related to the Stormwater and Drainage Network;
- (e) define the obligations and responsibilities of Council, private property owners, occupiers and the community relating to stormwater, land drainage and water course management; and
- (f) monitor, protect and restore water quality, waterway health and biodiversity.

4.2 The overarching goal of this bylaw is to assist Council to uphold the mana and mauri of wai in the Waikikiriri Selwyn District as set out in the Council's One Water Strategy including to:

- (a) protect and restore the natural processes of all water and waterways;
- (b) protect and enhance Te Waihora and tributaries;
- (c) protect and enhance naturalised habitats and biodiversity within waterbodies;
- (d) protect and enhance safe access to water for recreation, mahika kai and cultural connections; and
- (e) develop resilient and sustainable infrastructure which are adaptive to our changing climate.

Selwyn District Council Stormwater and Drainage Bylaw 2025

5. DEFINITIONS AND INTERPRETATION

5.1 For the purposes of this bylaw, unless the context otherwise requires:

- (a) **Act** means the Local Government Act 2002;
- (b) **Approve, Approval or Approved** means the prior written approval of the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
- (c) **Buried Services** means all underground parts of the Public Stormwater and Drainage System and other underground utilities owned or managed by the Council;
- (d) **Consent** means any formal acceptance or written approval provided by Council or the Canterbury Regional Council including any resource consent or building consent;
- (e) **Contaminant** has the meaning given in section 2 of the Resource Management Act 1991;
- (f) **Council** means the Selwyn District Council or any Person delegated or authorised to act on its behalf;
- (g) **Discharge** means the discharge of Stormwater, groundwater or other substances into the Stormwater and Drainage Network whether directly or indirectly;
- (h) **Disconnect or Disconnection** means to sever or terminate a physical connection to the Public Stormwater and Drainage System;
- (i) **Drain** has the meaning given in section 2 of the Land Drainage Act 1908;
Explanatory note: Section 2 of the Land Drainage Act 1908 defines drain as including "...every passage, natural water course or channel on or under ground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 hereof"
- (j) **Engineering Code of Practice** means the latest approved version of the Selwyn District Council Engineering Code of Practice in relation to stormwater and land drainage;
- (k) **Erosion and Sediment Control Plan** 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 in accordance with the current version of the Canterbury Regional Council's Erosion and Sediment Control Toolbox;
- (l) **Fees and Charges** means the fees and charges determined by the Council from time to time in accordance with the Act and the Local Government (Rating) Act 2002 for the services provided by the Council associated with the management and Discharge of Stormwater and land drainage;
- (m) **Hazardous Substance** means a substance that is hazardous for the purposes of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001;
- (n) **High Risk** means activities defined as high risk in the Stormwater Discharge Risk Criteria.
- (o) **Manager** means a Person who controls or manages any Premises, or any activity on any Premises, or operates a part of the Stormwater and Drainage Network on the Premises,

Selwyn District Council Stormwater and Drainage Bylaw 2025

regardless of whether that Person has a proprietary interest in those Premises or that activity or that part of the Stormwater and Drainage Network;

- (p) **Material** includes, but is not limited to:
- (i) hazardous materials;
 - (ii) Contaminants;
 - (iii) building material;
 - (iv) structures and equipment;
 - (v) fill material, including soil or sand;
 - (vi) vegetation;
 - (vii) collected debris; and
 - (viii) litter;
- (q) **Medium Risk** means activities defined as medium risk in the Stormwater Discharge Risk Criteria;
- (r) **Network Discharge Consent** includes all stormwater and land drainage discharge consents and any variations issued by Canterbury Regional Council to the Council, which enables the Council to discharge stormwater to land, water and coastal environments and land drainage to water and coastal environments, in accordance with certain conditions;
- (s) **Nuisance** has the same meaning as section 29 of the Health Act 1956 and in the context of this bylaw includes, but is not limited to:
- (i) a Person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another Person;
 - (ii) danger to life;
 - (iii) danger to public health;
 - (iv) flooding of any building floor or sub-floor, or public roadway;
 - (v) damage to property;
 - (vi) an effect on the efficient operation of a Stormwater and Drainage Network;
 - (vii) damage to any part of the Stormwater and Drainage Network;
 - (viii) erosion or subsidence of land;
 - (ix) long or short term adverse effects on the environment;
 - (x) adverse loss of riparian vegetation;
 - (xi) wastewater overflow to land or water; or
 - (xii) anything that causes a breach of a Consent condition binding Council;
- (t) **Occupier**, in relation to any Premises, means the Person occupying that Premises;

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (u) **Overland Flow Path** means the path over which surface water will follow if the Stormwater and Drainage Network becomes overloaded or inoperative;
- (v) **Owner** means the Person who owns the Premises from which Stormwater originates or on which the Private Stormwater and Drainage System is located;
- (w) **Person** means a natural Person, corporation or a body of Persons whether corporate or otherwise and includes the Crown or any successor of a Person;
- (x) **Premises** means:
 - (i) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;
 - (ii) a building that has been identified as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available;
 - (iii) land held in public ownership (e.g. reserve) for a particular purpose; or
 - (iv) an individual unit in a building which is separately leased or separately occupied;
- (y) **Private Stormwater and Drainage System** means any component of the Stormwater and Drainage Network that drains water from Premises to a receiving environment or up to the point of Service Connection with the Public Stormwater and Drainage System and includes pipes, gutters, downpipes, sumps, swales, Drains, Overland Flow Path, rain water tanks and any Stormwater and Drainage Management Device;
- (z) **Proprietary Treatment Device** means any manufactured, typically below-ground stormwater treatment system which removes Contaminants using a variety of physical and chemical means. These devices include but are not limited to hydrodynamic separators and filters;
- (aa) **Public Drain** means any passage, channel, or pipe, over or under the ground by which Stormwater or groundwater is conveyed and which is under the control of the Council;
- (bb) **Public Stormwater and Drainage System** includes:
 - (i) any Drain that is a Public Drain; and
 - (ii) any Drain on or in a road or on public land but does not include the Halswell Drainage Network;
- (cc) **Service Connection** has the same meaning as in the Act;
- (dd) **Sewage** is the Discharge from any sanitary fixtures or appliances;
- (ee) **Stormwater** means any water which enters directly (via pipe or Drain) or over land to the Stormwater and Drainage Network from land, including from constructed impervious areas such as roads, pavements, roofs and urban areas;
- (ff) **Stormwater Discharge Risk Criteria** means the current risk criteria used by the Council to assess and classify Stormwater Discharge **attached** as the Second Schedule and which may be varied by the Council from time to time;

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (gg) **Stormwater, Drainage and Watercourse Management Plan** means a plan prepared in accordance with clause [6.18](#);
- (hh) **Stormwater and Drainage Management Device** means a device or facility used to reduce or manage Stormwater runoff volume, flow and or Contaminant loads prior to Discharge and includes, but is not limited to:
- (i) swales;
 - (ii) detention basins;
 - (iii) infiltration basins;
 - (iv) infiltration trenches;
 - (v) rain gardens;
 - (vi) first flush diverters;
 - (vii) wetlands
 - (viii) wet ponds; and
 - (ix) Proprietary Treatment Devices;
- (ii) **Stormwater and Drainage Network** means a set of facilities and devices, either natural or man-made, which are used to convey groundwater and Stormwater, reduce the risk of flooding and/or to improve water quality and includes:
- (i) open Drains and Watercourses, Overland Flow Paths, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices;
 - (ii) the Public Stormwater and Drainage System; and
 - (iii) the Private Stormwater and Drainage System,
- but does not include the Halswell Drainage Network;
- (jj) **Trade Waste** means any liquid with or without matter in suspension or solution Discharged to the sewerage system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature and may include condensing or cooling water, Stormwater which cannot be practically separated from wastewater or domestic Sewage;
- (kk) **Unacceptably High Risk** means activities defined as such in the Stormwater Discharge Risk Criteria;
- (ll) **Watercourse** has the same meaning as section 2 of the Land Drainage Act 1908; and
- Explanatory note:** Section 2 of the Land Drainage Act 1908 states: "watercourse includes all rivers, streams, and channels through which water flows"*

Selwyn District Council Stormwater and Drainage Bylaw 2025

(mm) **Working Day** means any day of the week other than:

- (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki and Labour Day;
- (ii) a day in the period commencing the 25th day of December in a year and ending with the 2nd day of January in the following year;
- (iii) if 1 January falls on a Friday, the following Monday;
- (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

5.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.

5.3 Defined terms expressed in the plural have the same substantive meaning as those expressed in singular form.

5.4 Explanatory notes have been included for information purposes only. They do not form part of this bylaw, and may be made, amended, or revoked without formal process.

6. USE, CONSTRUCTION OR ALTERATION OF THE STORMWATER AND DRAINAGE NETWORK

6.1 Use of a Public Stormwater and Drainage System

- (a) No Person may make any connection to, or alter an existing connection, or otherwise alter, modify, or interfere with, any part of the Public Stormwater and Drainage System without Approval.
- (b) No Person may Discharge to the Public Stormwater and Drainage System without Approval.
- (c) It is an individual property Owner, Occupier or Manager's responsibility to be aware of, and ensure that, all activities undertaken on private property are undertaken in line with the relevant conditions of any Consent or Approval, including but not limited to the Stormwater and Land Drainage Discharge Consents, the Canterbury Land & Water Regional Plan; the Wildlife Act 1953; and Heritage New Zealand Pouhere Taonga Act 2014.
- (d) A written application for Approval of any matter in clause [6.1\(a\)](#) or [6.1\(b\)](#) must be made in the form required by the Council. The application must contain all information requested by the Council to consider granting an Approval and be accompanied by the relevant Fees and Charges.
- (e) On application, the proposed Discharge will be assessed against the risk criteria outlined in Stormwater Discharge Risk Criteria.
- (f) Once a risk classification has been assigned to a Premises and communicated to the applicant, the applicant shall have 20 Working Days to object and provide additional information to the Council to support a re-assessment. If no objection is received, the

Selwyn District Council Stormwater and Drainage Bylaw 2025

Council's assessed risk classification shall be effective from the date that this 20 Working Days after the date of assessment.

- (g) If the applicant objects to the risk classification in accordance with clause [6.1\(f\)](#) above and requests a reassessment, the applicant must:
 - (i) pay any relevant fee for reassessment; and
 - (ii) provide sufficient information to the Council to demonstrate that a reduction in risk classification is appropriate.
- (h) As part of the assessment process, the Council may impose conditions on the proposed Discharge including a requirement that the Applicant develop a Stormwater, Drainage and Watercourse Management Plan as outlined in clause [6.18](#).
- (i) If Approval is granted, the Owner, Occupier or Manager of the Premises must comply with any conditions set out in the Discharge Approval within the specified timeframes.
- (j) Where the Council does not grant Approval, it will notify the applicant of the decision and give reasons for the refusal.
- (k) Without limitation, the Council may refuse to grant an Approval to Connect or Discharge Approval where, in the Council's opinion:
 - (i) the proposed Service Connection is outside an area currently serviced by the Stormwater and Drainage Network;
 - (ii) there is insufficient capacity within the Stormwater and Drainage Network in the relevant location; or
 - (iii) the requirements of this bylaw, the conditions of any relevant Consent, or the outcomes sought by the Council under the Network Discharge Consents are not demonstrated as fulfilled in the application.

6.2 Acceptance of Discharge

The Council may grant Approval to Discharge water to the Public Stormwater and Drainage System if all of the following conditions are met:

- (a) the Premises is located within an area in which the Council makes Public Stormwater and Drainage System Service Connections available;
- (b) there is sufficient capacity within the Public Stormwater and Drainage System to accept the quantity and quality of the Discharge as advised by the Council Asset Manager, or, if the capacity is not sufficient, Approval to Discharge may be granted at the discretion of the Council if, at the sole cost of the applicant and on terms and conditions determined by the Council in all respects:
 - (i) the Public Stormwater and Drainage System will be upgraded in accordance with the Engineering Code of Practice; or
 - (ii) the discharge will be adequately controlled within the applicant's Property; or

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (iii) an alternative solution that is acceptable to the Council can be agreed upon (e.g. on-site attenuation up to and including the critical duration event);

Explanatory Note: Capacity Advice as advised by the Council Asset Manager should be sought via the Servicing Assessment Application Process on Council's website.

- (c) appropriate treatment to meet the water quality outcomes of the Land and Water Regional Plan (or subsequent replacement plans) or relevant Consent or Network Discharge Consent, will be installed as required by Council in line with Council's Engineering Code of Practice;
- (d) the appropriate rates and charges in respect of that Premises are paid up to date;
- (e) the Discharge does not pose unacceptable risk to the Council's compliance with the Network Discharge Consents or the receiving environment;

Explanatory note: All existing Premises assessed as Medium Risk or High Risk will be required to apply for Approval to Discharge to the Stormwater and Drainage Network and provide all information required as a condition of any Approval.

Explanatory note: Premises that the Council considers present a manageable risk may be Approved to Discharge under the Network Discharge Consent subject to additional conditions. If a site is deemed as Unacceptably High Risk and excluded from Discharge under the Network Discharge Consents, the Occupier will be required to apply for and subject to granting obtain and hold separate resource consents.

- (f) all necessary Approvals are obtained from the Council and the Canterbury Regional Council and the Discharge meets the conditions of the relevant Consent;
- (g) provision of a Stormwater, Drainage and Watercourse Management Plan or equivalent if required by the Council;

Explanatory note: Some of Council's resource consents require a Farm Environment Plan to be provided by property owners to allow Discharge to the Council Land Drainage Network under the consent. This clause [6.2\(g\)](#) makes Approval to Discharge conditional on provision of these plans.

- (h) the Owner, Occupier or Manager of the Premises fulfils the requirements of this bylaw, the Engineering Code of Practice and any relevant Act, Consent, regulation and other bylaw (as applicable); and
- (i) any other reasonable conditions the Council considers appropriate.

6.3 Failure to comply with this bylaw or conditions imposed by any Approval under this bylaw may result in the Council suspending, imposing additional conditions or cancelling a Discharge Approval.

6.4 Any Owner, Occupier or Manager of Premises that holds a Consent from the Canterbury Regional Council at the time this bylaw is made, that wishes to apply to operate under a Network Discharge Consent, must apply to the Council for Approval of the proposed Discharge prior to the applicant surrendering or allowing the relevant Canterbury Regional Council Consent to expire or lapse. As part of this process:

- (a) the applicant must demonstrate that the proposed design and activities on the Premises will comply with the conditions of relevant existing Consents held by the applicant and the Council's Network Discharge Consent; and
- (b) the applicant must meet the conditions of the Approval including those that are required to be completed prior to Discharge.

Selwyn District Council Stormwater and Drainage Bylaw 2025

-
- 6.5 All Approved Service Connections will be inspected by Council at the applicant's cost. Fees and Charges for inspection costs will be payable by the applicant.
- 6.6 The Owner, Occupier or Manager of any Premises with Approval to Discharge to the Public Stormwater and Drainage System must:
- (a) provide Council with access to the Premises for the purposes of auditing compliance with Discharge Approval conditions;
 - (b) provide Council with all relevant documentation relating to the consent or system installed on request including but not limited to compliance reports, monitoring data, as-built plans; and
 - (c) enable the Council to access and undertake sampling or testing on the Premises.
- 6.7 The Council may, at any time, review a Discharge Approval, any associated conditions, together with the relevant risk classification of the Premises.
- 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 by the Council; • the results of any monitoring, tests or samples; • non-compliance with any Approval or Consent condition or this bylaw; • non-compliance with the Network Discharge Consent, any other 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.*
- 6.8 Following a review, the Council may:
- (a) vary or add conditions that the Council considers necessary to ensure compliance with all conditions of relevant Consents including the Network Discharge Consent (e.g. requiring a change to on site practices or installation of a Stormwater and Drainage Management Device);
 - (b) require a new application for a Service Connection or Discharge Approval to be submitted (which must be accompanied by the applicable Fees and Charges);
 - (c) or suspend or cancel the Service Connection or Discharge Approval.
- 6.9 For the avoidance of doubt, at the Owner, Occupier or Manager sole cost:
- (a) the Council will regularly audit compliance with the Discharge Approval conditions; and
 - (b) the Approval Holder must:
 - (i) comply with all variations or additional conditions of the Discharge Approval; and
 - (ii) undertake any corrective actions required by and within the timeframes, as specified by the Council. These may relate to:
 - (iii) a plan and timeframes for improving the Stormwater Discharge from the site; and
 - (iv) any other matters that the Council considers appropriate.
- 6.10 The Owner, Occupier or Manager must advise Council immediately of any pollution or contamination of surface water or the ground and within 3 months of:
- (a) any change in land use activity on the Premises that may alter the quality, quantity or nature of the Discharge from the Premises;

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (b) any contamination including historical contamination is identified on the Premises;
- (c) change in legal ownership of the Premises subject to a Discharge Approval.

6.11 As-Built Plans

- (a) As-built plans showing details of all new Service Connections or alterations to the Public Stormwater and Drainage System must be provided to Council within timeframes specified in the Approval. As-built information must be provided to meet the requirements outlined in the Engineering Code of Practice.
- (b) Where Council as-built plans are found or known by the applicant to be incorrect, the applicant must notify the Council.

6.12 Disconnection from the Public Stormwater and Drainage System

- (a) An Owner, Occupier or Manager of a Premises must give seven (7) Working Days' notice in writing to the Council of an intention to Disconnect, whether permanent or temporary, from the Public Stormwater and Drainage System.
- (b) An Owner, Occupier or Manager may only commence works to Disconnect from the Public Stormwater and Drainage System where Approval has been granted.
- (c) Disconnection from the Public Stormwater and Drainage System is at the Owner, Occupier or Manager's cost.

Explanatory note: 'relaying any Private Stormwater and Drainage System' is considered a Disconnection where works on a site (e.g. a new dwelling location) require the Stormwater connection to that site to be Disconnected, relayed and reconnected to a Public Stormwater and Drainage System in a new location.

6.13 Design

All proposed Private Stormwater and Drainage Systems and any proposed alterations to any existing Private Stormwater and Drainage System or any Stormwater and Drainage Management Device that will be vested in Council, must be designed, constructed and operated in accordance with, if applicable, the:

- (a) Engineering Code of Practice;
- (b) Catchment Management Plans;
- (c) relevant Stormwater, Drainage and Watercourse Management Plan approved by Selwyn District Council;
- (d) Selwyn District Plan;
- (e) Canterbury Land and Water Regional Plan or future replacement plan;
- (f) Regional Coastal Environment Plan for the Canterbury Region;
- (g) National Environmental Standard for Fresh Water (NES-FM), including the requirements for structures to incorporate fish passage and limits on vegetation clearance near wetlands;
- (h) National Policy Statement for Indigenous Biodiversity (NPSIB);

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (i) Freshwater Fisheries Regulations 1983;
 - (j) Canterbury Regional Council Erosion & Sediment Control Toolbox for Canterbury;
Explanatory note: The Erosion & Sediment Control Toolbox for Canterbury can be found at <http://esccanterbury.co.nz/>
 - (k) Consents relevant to the works;
 - (l) Dam Safety Regulations 2022; and
 - (m) relevant conditions imposed by Council when Approving the works.
- 6.14 As-built plans showing details of all new or altered systems must be provided to Council within the timeframes specified in Council's written approval or Engineering Code of Practice.
- 6.15 Existing sites being redeveloped may be required to retrofit Stormwater and Drainage Management Devices to treat and retain runoff to contribute towards compliance with conditions of all relevant Consents held by Council.
- 6.16 **Stormwater and Drainage Management Devices**
- (a) When the Council requires the installation and maintenance of a Stormwater and Drainage Management Device for water quality or water quantity reasons, the Owner, Occupier or Manager of a Premises must install and maintain the Stormwater and Drainage Management Device in accordance with the Engineering Code of Practice, accepted best practice, manufacturer's recommendations, Stormwater, Drainage and Watercourse Management Plan and the applicable Consent (if any).
- 6.17 **Erosion and Sediment Control**
- (a) Any Person intending to undertake earthworks where there is a risk that sediment generated by the works could directly or indirectly enter the Public Stormwater and Drainage System shall, at their sole cost in all respects:
 - (i) before stripping vegetation or beginning earthworks:
 - (1) prepare an Erosion and Sediment Control Plan; and
 - (2) submit the Erosion and Sediment Control Plan to Council;*Explanatory note: All earthworks should consider best practical options for erosion and sediment Control to protect water quality and health. The level of detail provided in the Plan shall be appropriate to the scale of the works. A small sites checklist is provided on the Environment Canterbury Tool Box. Where controls to manage erosion and sediment run off are outlined in a separate plan e.g. a Farm Environment Plan this can be provided under section 6.17.*
 - (ii) ensure that the Approved Erosion and Sediment Control Plan is available to the Council on request and that the measures set out in the Approved Erosion and Sediment Control Plan:
 - (1) are implemented prior to works starting;
 - (2) are monitored for the duration of the relevant works;

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (3) stabilise the land to prevent earth or sediment from slipping or being washed off the site or otherwise carried in water onto neighbouring properties, roads, or into the Public Stormwater and Drainage System;
- (4) stabilise entranceways and prevent earth or sediment from being spilled or tracked off the site by people or vehicles;
- (5) control and minimise dust; and
- (6) are monitored, fit for purpose and remain in place until earthworks have been stabilised; and
- (iii) remove and appropriately dispose of the erosion and sediment control measures once the ground is stabilised.

6.18 Stormwater, Drainage and Watercourse Management Plan

- (a) The Owner, Occupier or Manager of any Premises Discharging to the Public Stormwater and Drainage System shall on request produce, at their own expense, a Stormwater, Drainage and Watercourse Management Plan for approval by the Council. These plans shall include:
 - (i) a site layout drawing showing, boundaries, the location of any onsite hazardous substances, any onsite or adjacent environmental receptors such as streams, Drains or rivers, Private Stormwater and wastewater systems, Drainage Systems including point of connection to the Public Stormwater and Drainage System and building location;
 - (ii) a site assessment identifying all actual and potential sources of contamination including surface coatings, type of Contaminants and quantities or concentrations. If the onsite soils are contaminated, the assessment shall be undertaken by a suitably qualified and experienced practitioner;
 - (iii) the methods in place to manage Discharge quantity and quality and prevent contamination of the Public Stormwater and Drainage System including an assessment of the effectiveness of those methods and monitoring to show compliance with methods when requested by Council;
 - (iv) an Operations & Maintenance Manual, including a description of the maintenance procedures in place, the maintenance schedule and who is responsible for ensuring maintenance is carried out;

***Advice note:** The Engineering Code of Practice provides guidance on operations and maintenance requirements for stormwater infrastructure.*

 - (v) if construction works are required, a description of the works to be completed and the construction methodology;
 - (vi) spill prevention and spill response procedures if applicable; and
 - (vii) contact details for the Person(s) or role(s) responsible for the Stormwater management on the Premises.

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (b) If the Owner, Occupier or Manager has prepared an alternative plan which addresses those matters set out in clause [6.18\(a\)](#) above, the alternative plan may be accepted in place of a Stormwater and Drainage and Watercourse Management Plan at Council's discretion.
- (c) The Owner, Occupier or Manager must review the Stormwater, Drainage and Watercourse Management Plan if required by Council or when there has been significant change to the activity or controls onsite.
- (d) The Owner, Occupier or Manager of a Premises must comply with the terms and requirements of any Stormwater, Drainage and Watercourse Management Plan for that Premises and any conditions which the Council imposes when approving that Stormwater, Drainage and Watercourse Management Plan.

7. PROTECTION OF THE PUBLIC STORMWATER AND DRAINAGE NETWORK

7.1 Prohibited activities

- (a) No Person may allow any Material, chemical, Hazardous Substance, Sewage or Trade Waste to be located so it is likely to or does enter either directly or indirectly (e.g. via a Private Stormwater and Drainage System) into the Public Stormwater and Drainage System that causes or is likely to cause a Nuisance.
- (b) No Person may directly or indirectly undertake any action (including allowing any stock to enter an open Drain or Watercourse) that is likely to cause damage to any part of the Public Stormwater and Drainage System including flood protection structures or is likely to impact on water quality.
- (c) No Person may plant or allow to grow any tree or vegetation in or near any Drain to the extent it causes an obstruction to the Public Stormwater Network including allowing any roots and tree debris to cause a nuisance or damage to any part of the Stormwater and Drainage Network.
- (d) No Person may remove all vegetative cover from the banks of any Drain for a length greater than 50m or otherwise cause a high risk of erosion, scour or bank failure on the banks of any Drain without Approval from Council and acceptance of erosion and sediment control plan.

Explanatory note: All required resource consents will need to be obtained by the applicant to undertake works.

- (e) No Person may restrict Council's access to any part of the Public Stormwater and Drainage System for the purposes of inspection or maintenance.

Explanatory note: This includes placing any Material, or growing any trees or plants where it could impede access to manholes or access by machinery to clean or upgrade any part of the system.

- (f) No Person may Discharge Stormwater into a water race (as defined in the Act) without Approval.
- (g) No Person may, if a Stormwater, Drainage and Watercourse Management Plan is in place:
 - (i) breach any conditions of the Approval of that; or

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (ii) directly or indirectly undertake any action which is contrary to, or inconsistent with, that Stormwater, Drainage and Watercourse Management Plan.
- (h) No Person may Discharge into the Public Stormwater and Drainage System in a manner which is otherwise contrary to, or inconsistent with the terms of an Approval.
- (i) The Council may require the Occupier of any property or premises to reduce or prevent Contaminants from entering the Stormwater and Drainage network in quantities that exceed a standard set out in a Resource Consent or Land and Water Regional Plan. Actions may include ceasing a Discharge, changing on-site practices, installing a Stormwater and Drainage Management Device or, apply for a separate resource consent.

7.2 Restricted activities

Advice note: Works within or adjacent to a surface waterbody may require consent from the Canterbury Regional Council.

- (a) No Person may, without Approval, widen, deepen, infill, divert or otherwise alter any Public Drain.
- (b) No Person may, without Approval, erect or construct any bridge, culvert, dam, weir, crossing or other similar structure in or over any Drain or Watercourse that forms part of the Public Stormwater and Drainage System.

Explanatory note: Property owners are responsible for installing and maintaining property accessways over Council services including Drains and swales. Council must approve all accessway culverts over Council services prior to their installation. Where an existing culvert or lack of culvert causes obstruction to a Drain or swale which impacts another property or the road, Council can require it to be upgraded at the property owner's cost.

- (c) No Person may, without Approval, remove, adjust, cover or interfere with any structure, or equipment relied on for the operation of any Public Stormwater and Drainage System.
- (d) No Person may, without Approval, cause a temporary or permanently sustained excessive load on the Public Stormwater and Drainage System (including the banks of any Drain) that may cause damage to the Stormwater and Drainage Network.
- (e) No Person may, without Approval, undertake any activity which may affect the stability of the bank of an open Drain including spraying or stripping vegetation.
- (f) No Person may, without Approval, Discharge water (including that from an artesian well or spring) which results in, or has potential to cause, Nuisance to another property or a public road.
- (g) No Person may, without Approval, excavate or remove or add additional covering material (including vegetation and/or soil) within five (5) metres of any part of the Public Stormwater and Drainage System.
- (h) No Person may, without Approval, Discharge construction dewatering water or swimming pool water such that it enters the Public Stormwater and Drainage System.

Explanatory note: Water Discharge Application forms are available as a PDF document online at www.selwyn.govt.nz

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (i) No Person may, without Approval, construct or locate any temporary or permanent structure which may impede Council access to a Public Drain in, over, through, under or within five (5) metres of any Public Drain including Buried Services.

Explanatory note: The setback distances allowed in the Building Act may be less than stated in this clause [7.2\(i\)](#).

7.3 Water Quality Monitoring

- (a) If the Council considers that an Owner, Occupier or Manager is not complying with the conditions of a Stormwater, Drainage and Watercourse Management Plan, Approval to Discharge or Erosion and Sediment Control Plan, the Council may independently sample and monitor Stormwater Discharge or drainage water and recover the cost of the same from the relevant Owner, Occupier or Manager.
- (b) Monitoring and inspections may include, at the discretion of an authorised officer:
 - (i) entering the Premises;
 - (ii) seeking and being provided with information about on-site practices or documentation; and
 - (iii) sampling and testing Stormwater and Drainage Discharges.

7.4 Buried Services and Works in Proximity to Systems

- (a) It is the responsibility of any Person proposing to carry out excavation work to locate all services on site prior to commencing excavations. Locating the actual position and depth of Buried Services is the responsibility of the Person undertaking the work. The cost of any damage caused to the Buried Services shall be met by the relevant contractor or the Person carrying out the excavation.

Explanatory note: When excavating and working around Buried Services, due care must be taken to ensure the Buried Services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Council strongly recommends obtaining as-built plans prior to commencing works on site, however, note that as-builts may not be complete or accurate; it is always essential to locate the actual position and depth of Buried Services prior to commencing earthworks.

- (b) Any Person who proposes to undertake any works or activities that may result in damage to any part of the Buried Services must obtain Council's approval prior to starting work. Any potential or actual damage or disruption to any Buried Services must be reported to Council immediately.
- (c) Any Person who damages or causes disruption to any Buried Services is liable for the full cost of any repairs and associated costs incurred as a result of the damage or disruption.

8. OBSTRUCTIONS TO THE STORMWATER AND DRAINAGE NETWORK

8.1 Restricted activities

- (a) No Person may, without Approval, obstruct any part of the Stormwater and Drainage Network in a manner that is likely to cause Nuisance or affect another property owner.

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (b) No Person may, without Approval, obstruct any Drain, Watercourse or Overland Flow Path in any way.
- (c) No Person may, without Approval, allow Nuisance to occur during a flood event as a result of their action or activity.
- (d) No Person may, without Approval, modify or alter a Drain where it affects another property owner without their consent.
- (e) No Person may, without Approval, plant or allow to grow any tree or vegetation in, or near, any Drain to the extent it causes an obstruction.

9. RESPONSIBILITY FOR PRIVATE STORMWATER AND DRAINAGE SYSTEMS

9.1 Maintenance of Private Systems

- (a) The cost of maintaining and repairing any Private Stormwater and Drainage System, including privately owned treatment devices, is the responsibility, as the circumstances require, of:
 - (i) the Owner, Occupier or Manager of a Premises within which the Private Stormwater and Drainage System is located;
 - (ii) if the Private Stormwater and Drainage System is located within a road or a reserve, the Owner, Occupier or Manager of the Premises which is contiguous to that road or reserve; or
 - (iii) if the Private Stormwater and Drainage System is located on or about the common boundary between land in different ownership, the Owners of the land in equal shares.
- (b) The Person(s) responsible for the cost of maintaining and repairing the Private Stormwater and Drainage System under clause 9.1(a) must ensure that the Private Stormwater and Drainage System:
 - (i) is maintained in good operating condition, as per the relevant manufacturer's recommendations and Consent conditions, including ensuring that any obstruction to the free flow of water which has not been Approved is removed as soon as is reasonably practicable; and
 - (ii) does not cause or contribute to any Nuisance.

9.2 Maintenance of Stormwater and Drainage Management Devices

- (a) The Owner, Occupier, or Manager of a Premises that has a Stormwater and Drainage Management Device must, on request by the Council:
 - (i) provide such information as is required to demonstrate that the Stormwater and Drainage Management Device is operated and maintained to achieve its Approved purpose and not cause Nuisance in a storm event up to the standard specified by the Council or in an operative Consent; and

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (ii) carry out such works as are required to ensure that the requirements of clause [9.2\(a\)\(i\)](#) above are met and any requirements outlined in the Engineering Code of Practice or Consent conditions.
- (b) Every Person commissioning a Stormwater and Drainage Management Device must:
 - (i) keep a copy of the operations and maintenance manual, as-built drawings and maintenance records for the device, and make these available to the Council on request; and
 - (ii) submit copies of the as-built drawings for the Stormwater and Drainage Management Device and the owner's manual to the Council for inclusion in the Council's property file for the Premises, if required by Council.

9.3 Deposition of Spoil

- (a) When Council clears, cleans, renovates or improves any part of any Drain whether on private or Council land it may:
 - (i) deposit in the immediate area of the Drain any matter removed from the Drain, in a manner which does not cause a Nuisance; and
 - (ii) if the Drain is a private Drain, the Council may charge a fee to the Owner, Occupier or Manager of the Premises to recover the costs of the works.

9.4 Discharging into neighbouring properties

- (a) No Person may allow Stormwater to Discharge from their Premises into a neighbouring property via surface flow, other than to the extent to which it would have naturally occurred from pervious areas and from designated Overland Flow Paths.

10. REMOVAL OF A REDUNDANT PRIVATE STORMWATER AND DRAINAGE SYSTEM

- 10.1 To prevent damage to the Stormwater and Drainage Network, the Council may require the owner of a Private Stormwater and Drainage System to remove or de-commission a Private Stormwater and Drainage System or any part thereof, including any Stormwater and Drainage Management Device, culvert, or Stormwater detention pond that has become redundant as part of the primary method of Stormwater drainage from a Premise.
- 10.2 The owner of a redundant Private Stormwater and Drainage System must, at their expense, ensure that the Premises on which the system is located, or was previously located, is restored to the satisfaction of the Council.

Advice note: When planning to remove any Private Stormwater and Drainage System, please ensure all upstream/downstream effects have been allowed for and mitigated. Council is not responsible for any flooding or drainage issues caused by the removal of Private Stormwater and Drainage infrastructure.

Selwyn District Council Stormwater and Drainage Bylaw 2025

11. POINT OF DISCHARGE**11.1 Location of Council vested assets**

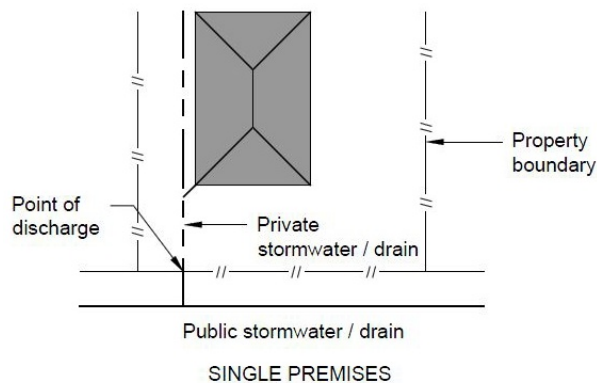
- (a) Any new Stormwater or Drainage assets intended to be vested in Council ownership shall not be located on private property unless it is required to provide a single connection point to the Public Drain as outlined in [11.4\(a\)](#).

11.2 Boundary of responsibility

- (a) The point of Discharge from a Premises is the point where a Private Stormwater and Drainage System connects to the Public Stormwater and Drainage System. It marks the boundary of responsibility between the Owner, Occupier or Manager of a Premises and Council, irrespective of property boundaries, and is shown in figures 1 and 2 below, as applicable.
- (b) Unless otherwise Approved by Council, there shall be only one point of Discharge for each Premises, and any private Drain shall not extend by pipe or any other means to serve another Premises unless it is a common Private Drain and has Council approval.

11.3 Single Premises

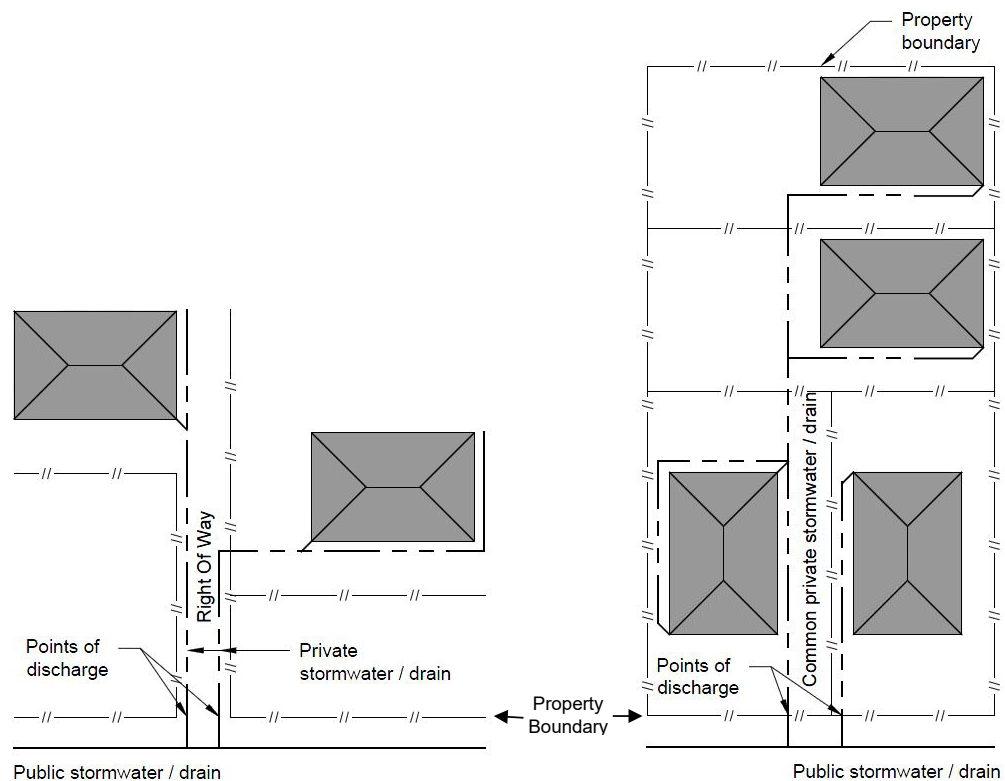
- (a) For a single Premises the point of Discharge shall be located at the boundary as shown in Figure 1 below, or as close as possible to the boundary where fences, walls or other permanent structures make it difficult to locate it at the required position. The Approval of other positions must be by Council and recorded on the drainage plan.
- (b) Where a private piped Drain Discharges into a Public Drain on that same private property, the point of Discharge shall be the boundary of the easement and the Premises, or where no easement is present, the point of Discharge shall be the upstream end of the pipe fitting which forms the junction with the Public Drain.
- (c) Where a Private Stormwater and Drainage System Discharges into a Public Drain on that same private Premises, the point of Discharge shall be the junction where the private Drain meets the Public Drain.

Figure 1 – Single Premises Point of Discharge

Selwyn District Council Stormwater and Drainage Bylaw 2025

11.4 Multiple Premises

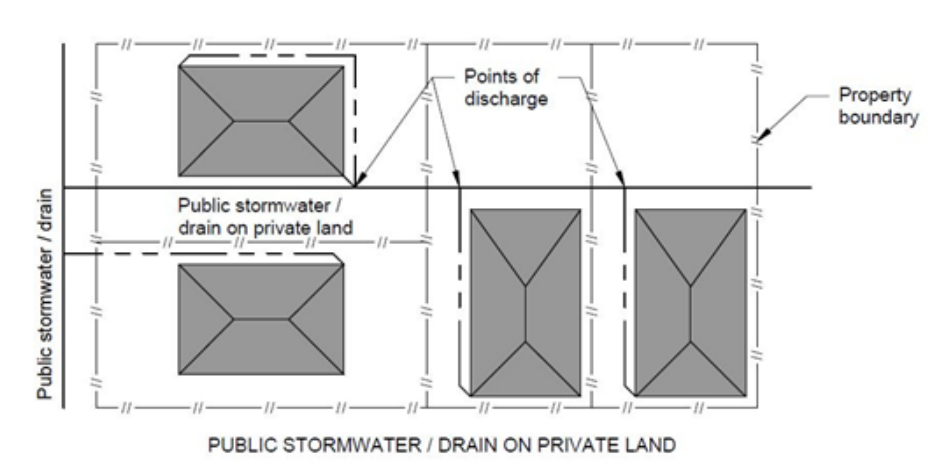
- (a) Each new Premises shall be served by its own lateral as shown in figure 2a with the point of Discharge for multiple Premises, regardless of land ownership arrangements (e.g. single ownership, body corporate or strata title) must either be a direct Service Connection to a Public Drain as for single ownership in clause [11.3](#) above, or to a Council owned manhole inside the Premises boundary that is covered by an easement in favour of Council.
- (b) Council will not approve the formation of new common private Drains as shown in figure 2b or shared roof water soak pits.
- (c) Each point of Discharge must be Approved by Council and recorded on the drainage plan. Other arrangements may be considered at the Council's discretion.

Figure 2 – Multiple Premises – Point of Discharge**Figure 2a – Single Connection per property****Figure 2b – Common Private Drains****MULTIPLE PREMISES**

Selwyn District Council Stormwater and Drainage Bylaw 2025

11.5 Public Drain on Private Property

- (a) Where a private Drain Discharges into a Public Drain on that same private property, the point of Discharge shall be the upstream end of the pipe fitting which forms the junction with the Public Drain or if the Drain is open, the junction where the private Drain meets the Public Drain as shown on Figure 3 below.

Figure 3 – Public Drain on Private Land.**12. OTHER REQUIREMENTS**

- 12.1 Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any enactment, regulations or other bylaw (including, for example, to obtain any Consent, licence, permit or other approvals under any Act, regulation or bylaw).

13. BYLAW ADMINISTRATION

- 13.1 Nothing in this bylaw limits the entitlement of the Council to levy a rate to recover the cost incurred in maintaining the Stormwater and Drainage Network.

14. FEES AND CHARGES

- 14.1 The Council may prescribe Fees and Charges for a certificate, authority, approval, permit, or Consent from, or inspection by, the Council in respect of a matter provided for in this bylaw in accordance with section 150 of the Act.

Advice note: Current Fees and Charges are shown on Council's website.

15. BREACHES AND REMEDIES**15.1 Breaches of the bylaw**

- (a) Every Person commits an offence who -
- (i) fails to do or perform any act, or thing, that he or she is required to do by this bylaw;

Selwyn District Council Stormwater and Drainage Bylaw 2025

- (ii) permits, allows, or does, any of the acts that are prohibited in this bylaw; or
- (iii) breaches this bylaw.

15.2 Enforcement

- (a) The Council may use its powers under the Act, the Local Government Act 1974, the Land Drainage Act 1908 and the Health Act 1956 as more particularly set out in the First Schedule to this bylaw.
- (b) Owners, Occupiers and Managers are jointly and individually responsible for compliance with this bylaw.

16. PENALTIES

- 16.1 Every Person who contravenes this bylaw is liable to a penalty not exceeding \$20,000 or other such amount as may be provided for under sections 239 and 242 of the Act and is liable to enforcement action by the Council.
- 16.2 In addition to any penalty imposed by any court for a breach of this bylaw, the Council may sue for and recover from any Person, the cost of damage done or caused to the Stormwater and Drainage Network due to a failure to comply with this bylaw.

17. EXCEPTIONS

- 17.1 A Person is not in breach of this bylaw if that Person proves that the act or omission was in compliance with an Approval of the Council.

Selwyn District Council Stormwater and Drainage Bylaw 2025

FIRST SCHEDULE - ENFORCEMENT POWERS AND RELATED LEGISLATION

Legislative Provision	Relevant section and description
Local Government Act 1974	<p>s451 - Council approval is required before commencing any work that requires the diversion, alteration, protection or replacement of any Council drainage works.</p> <p>s459 – The Council may require owners of land in certain cases to provide private drains.</p> <p>s462 – Council may declare a private drain to be a public drain.</p> <p>s467 – Council approval must be obtained prior to connecting any private drain with a public or private drain or covered watercourse.</p> <p>s468 – The Council may require a landowner to remove tree roots obstructing private drains.</p> <p>s509 – the Council may purchase, or make and maintain, or enlarge, and from time to time alter, extend or repair any drainage channel or land drainage works in any drainage area in the district.</p> <p>s511 – removal of obstructions from a drainage channel or watercourse (to a distance not exceeding 3 metres from the nearest margin of the drainage channel or watercourse) which impedes or are likely to impede the free flow of water.</p> <p>Schedule 14 – provisions as to the construction and maintenance of waterworks, drainage works and drainage channels on private property.</p>
Subpart 2 of the Local Government Act 2002	<p>s162 – Injunctions restraining commission of offences and breaches of bylaws.</p> <p>s163 – removal of works in breach of bylaws.</p> <p>s164 – seizure of property not on private land.</p> <p>s165 – seizure of property from private land.</p> <p>s168 – power to dispose of property seized and impounded.</p> <p>s171 – general power of entry on to private land.</p> <p>s172 – power of entry for enforcement purposes.</p> <p>s175 – power to recover for damage by wilful or negligent behaviour.</p> <p>s176 – costs of remedying damage arising from breach of bylaw.</p> <p>S178 – enforcement officers may require certain information.</p>

Selwyn District Council Stormwater and Drainage Bylaw 2025

Subpart 3 of Local Government Act 2002	<p>185 – occupier may act if owner of premises makes default.</p> <p>186 – local authority may execute works if owner or occupier defaults.</p> <p>187 - recovery of cost of works by local authority.</p> <p>188 – liability for payments in respect of private land.</p>
Health Act 1956	34 – power to abate nuisance without notice
Land Drainage Act 1908	<p>23 – Council may make drains from private lands and attribute costs between the benefitting parties.</p> <p>26 – Prohibits interference with drains (including branch drains to watercourses).</p> <p>27 – Council may require the removal of trees that affects, or is likely to affect any public drain and recover the cost of such removal from the landowner.</p> <p>62 – Council may order removal of obstruction from watercourse or drain (to a distance not exceeding 3m from the nearest margin of watercourse or drain) which impedes, or is likely to impede the free flow of water or cause damage to any property in the district.</p>

Selwyn District Council Stormwater and Drainage Bylaw 2025

SECOND SCHEDULE – STORMWATER DISCHARGE RISK CRITERIA

	<i>Unacceptably High Risk</i> <i>(excluded from discharge from SDC consent at any time)</i>	<i>High Risk</i> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<i>Medium Risk</i>
Freshwater Objective and Policies	The discharge is contrary to the relevant freshwater objectives, outcomes and policies in Section 3, Table 1a and Section 4 of the Land and Water Regional Plan or replacement plan where adverse effects of the discharge have not been mitigated.		
Tradewaste discharge status		Unconsented tradewaste discharges, not providing quality monitoring data or discharges failing to meet conditions of discharge	

Selwyn District Council Stormwater and Drainage Bylaw 2025

	Unacceptably High Risk <i>(excluded from discharge from SDC consent at any time)</i>	High Risk <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	Medium Risk
Compliance status	<p>The site does not comply with the conditions of the discharge approval after being advised and given an opportunity to rectify in stated timeframes, or</p> <p>The site or activities do not comply with the approved Stormwater, Drainage and Watercourse Management Plan, or</p> <p>The site or activity does not comply with the approved Erosion and Sediment Control Plan, or</p> <p>The site does not meet or has previously not met (without adequate controls) Canterbury Regional Council consent conditions, environmental standard or a limit.</p>		

Selwyn District Council Stormwater and Drainage Bylaw 2025

	<i>Unacceptably High Risk</i> <i>(excluded from discharge from SDC consent at any time)</i>	<i>High Risk</i> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<i>Medium Risk</i>
Activities undertaken in Community drinking water protection zones	Stormwater discharges in a domestic or community drinking water supply protection zone that on assessment puts at risk an active water supplier's ability to meet the Drinking Water Quality Standards for New Zealand.	Stormwater discharges that are not owned and operated by Selwyn District Council originating from hard stand in a domestic or community drinking water supply protection zone.	
Land use activities on site	Any site listed in the Canterbury Regional Council Listed Land-Use Register or a HAIL activity described in schedule 3 of the Canterbury Land and Water Regional Plan or replacement plan unless classified as Medium risk.		<p>Aggregate and material storage/stockyard areas</p> <p>Commercial analytical laboratories</p> <p>Construction and maintenance depots (that exclude refuelling and bulk storage of hazardous substances)</p> <p>Demolition yards that exclude hazardous substances</p> <p>Dry cleaners</p> <p>Engineering workshops and metal fabricators</p> <p>Engine reconditioning workshops</p>

Selwyn District Council Stormwater and Drainage Bylaw 2025

	Unacceptably High Risk <i>(excluded from discharge from SDC consent at any time)</i>	High Risk <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	Medium Risk
			<p>Food and beverage premises</p> <p>Motor vehicle workshops</p> <p>Any other activity that fails to meet the requirements of section 8 including wash down areas unless otherwise classified as high risk</p>

draft
10 Feb 2025

STATEMENT OF PROPOSAL
SELWYN DISTRICT COUNCIL STORMWATER, DRAINAGE
AND WATERCOURSE BYLAW 2025

(This statement is made for the purposes of sections 83 and 86 of the Local Government Act 2002 (LGA))

Nature of the Proposal:

This is a statement of proposal by the Selwyn District Council (**Council**) to make the Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025.

Reasons for this Proposal:

The Proposal is that the Council:

- revoke the existing Selwyn District Council Stormwater and Drainage Bylaw 2018 (**Existing Bylaw**); and
- make the Stormwater Drainage and Watercourse Bylaw 2025 in the **attached** form (**Draft Bylaw**).

Accordingly, at its meeting on 19 February 2025, the Council passed a resolution approving the Draft Bylaw for the purposes of public consultation through the special consultative procedure (**SCP**) prescribed in the LGA.

The SCP will ensure that those persons interested in the Existing Bylaw and Draft Bylaw:

- are fully informed of the issues being considered by the Council; and
- have an opportunity to present their views on these issues.

The overarching goal of the Draft Bylaw is to assist Council to uphold the mana and mauri of wai in the Waikirikiriri Selwyn District. This will be done by providing mechanisms to manage and control discharges into the Council managed stormwater and drainage networks including entry of contaminants. Protection of Council assets is provided for and the obligations and responsibilities of Council, private property owners, occupiers and the community are defined.

The Draft Bylaw:

- is necessary because the Existing Bylaw which came into force on 1 June 2018 is due to be revoked by 1 June 2025 pursuant to section 160A of the LGA;
- is effectively a revision of the Existing Bylaw to ensure that it reflects current statutory requirements and that the controls included are still reasonable and necessary;
- contemplates the changes in Council's responsibilities under the Canterbury Land and Water Regional Plan, Council's recently adopted One Water Strategy and anticipates the conditions of regional consents for township stormwater discharges and land drainage discharges;
- provides additional detail on the approvals process for discharges using a risk-based criteria and outlines both the Council's and the applicants' responsibilities relating to the application process including review of risk rating, payment of fees, audit of compliance and ongoing management of infrastructure;
- includes provisions to reflect recent legislative changes and current erosion and sediment control best practice;
- extends Council's ability to require stormwater and drainage management plans or equivalent to be produced by any property discharging to Council's network; and
- provides a mechanism for discharge approval to be withdrawn if bylaw or approval conditions are not met.

Determinations made by the Council under section 155 of the LGA

Pursuant to section 86(2)(c) of the LGA, this statement of proposal must include a report on any relevant determinations made by the Council under section 155 of the LGA. Section 155 of the LGA provides that a local authority must, before commencing the process for making a bylaw, consider the following three questions (all of which were determined by resolution of the Council at the Council meeting on 19 February 2025):

a) *Is a bylaw the most appropriate way to deal with the perceived problems arising from stormwater, drainage and water courses?*

The Council has determined that a bylaw is the most appropriate way to deal with the perceived problems arising from stormwater, drainage and water courses because:

- The stormwater, drainage and watercourses are increasingly subject to issues and restrictions including some that were apparent when the Existing Bylaw was adopted.
- The regulatory drivers (including enhanced consent conditions imposed by the Canterbury Regional Council) have increased and therefore the Draft Bylaw is necessary and most appropriate to regulate and manage the perceived problems arising from stormwater, drainage and water courses.

b) *Is the Draft Bylaw in the most appropriate form to deal with stormwater, drainage and water courses?*

The Council has determined that the Draft Bylaw is in the most appropriate form to deal with stormwater, drainage and water courses. The new bylaw process has provided (and will continue to provide) Council Staff, the bylaw subcommittee and the Council's solicitors with an opportunity to:

- identify the key issues arising from the operation of the Existing Bylaw and new regulatory issues and perceived problems; and
- make the appropriate amendments to the Draft Bylaw to address such issues appropriately.

c) *Does the Draft Bylaw give rise to any implications under NZBORA?*

Section 155(3) of the LGA requires that the Draft Bylaw must not be inconsistent with NZBORA. Council has determined that the Draft Bylaw is consistent with and does not give rise to any implications under NZBORA.

Options Available to Council

The Existing Bylaw has operated well and without issue since it was adopted in 2018. However, the Council was required to review the Existing Bylaw before 1 June 2023 (the fifth anniversary of the making of the Existing Bylaw) pursuant to section 158 of the LGA. As the Council did not conduct a review in accordance with section 158, because it was expected that National bylaws were going to be developed as part of the National Water Reforms, the Existing Bylaw will be revoked on 1 June 2025 (if not revoked earlier by the Council).

If the Existing Bylaw is revoked, the Council will not be able to enforce it against property owners and occupiers. Accordingly, the Council has the following options:

Option	Advantages	Disadvantages
Option 1 – Revoke the Existing Bylaw and replace it with a new bylaw.	<ul style="list-style-type: none"> • Any issues that have arisen from the operation of the Existing Bylaw are able to be addressed in a new bylaw. • The Council will maintain its ability to protect and regulate the Council's public asset (the stormwater and drainage network). • The implementation of a new bylaw will ensure 	<ul style="list-style-type: none"> • The new bylaw will need to be reviewed in five years as it will be considered a "new" bylaw. • This is the recommended option

Option	Advantages	Disadvantages
	<p>that all parties are aware of their responsibilities in terms of current management and the operation of best practices.</p> <ul style="list-style-type: none"> • A bylaw is considered necessary because of risk to consent compliance, the potential damage to Council infrastructure and the health and safety of Council staff and the general public. 	
Option 2 – Do nothing	<ul style="list-style-type: none"> • No action required by Council • Reduces Council's enforcement requirements 	<ul style="list-style-type: none"> • A failure to revoke the Existing Bylaw and adopt the Draft Bylaw by 1 June 2025 will result in revocation of the Existing Bylaw by 1 June 2025. • The Council will have reduced ability to protect and regulate the Council's public asset (stormwater and drainage network). • The Council has responsibilities for discharge quality from the Council network, protection of its assets from damage and to prevent nuisance from poorly maintained drainage systems. • A number of potential environmental problems may also arise in respect of stormwater and drainage discharges. • Not considered a reasonably practicable option in accordance with section 77(1)(a) of the LGA. <p>This option is not recommended.</p>
Option 3 – Revoke the Existing Bylaw	<ul style="list-style-type: none"> • Reduces Council's enforcement requirements 	<ul style="list-style-type: none"> • The Council will have reduced ability to protect and regulate the Council's public asset (stormwater and drainage network). • The Council has responsibilities for discharge quality from the Council network,

Option	Advantages	Disadvantages
		<p>protection of its assets from damage and to prevent nuisance from poorly maintained drainage systems.</p> <ul style="list-style-type: none"> • A number of potential environmental problems may also arise in respect of stormwater and drainage discharges. • Not considered a reasonably practicable option in accordance with section 77(1)(a) of the LGA. <p>This option is not recommended</p>
<p>Option 4 - Rely on other methods (public education)</p>	<ul style="list-style-type: none"> • Reduces Council's enforcement requirements 	<ul style="list-style-type: none"> • The Council will have reduced ability to protect and regulate the Council's public asset (stormwater and drainage network). and would have to rely on the co-operation of several different parties. • The Council has responsibilities for discharge quality from the Council network, protection of its assets from damage and to prevent nuisance from poorly maintained drainage systems. • A number of potential environmental problems may also arise in respect of stormwater and drainage discharges. • Clear rules about what is permitted, and the penalties for a breach of such rules, are required. • Not considered a reasonably practicable option in accordance with section 77(1)(a) of the LGA. <p>This option is not recommended.</p>

This Statement of Proposal has been prepared on the basis that Option 1: Proceed with revocation of the Existing Bylaw to be replaced with a new bylaw is recommended.

Costs of the Draft Bylaw:

There are not expected to be any funding implications or additional costs to Council as a result of adopting the Draft bylaw. Resourcing has been budgeted to undertake the Council's compliance functions outlined in the bylaw.

However, in terms of user charges and costs required to satisfy the conditions of the bylaw and Discharge Approvals issued under this bylaw, such charges and costs will be met by the applicant. These costs include:

- discharge application fees;
- relevant Council rates for service provided;
- maintaining and repairing private Stormwater and Drainage systems;
- undertaking network upgrades in accordance with the engineering code of practice to increase network capacity;
- providing appropriate treatment to meet the outcomes of the Land and Water Regional Plan;
- implementation, monitoring, maintenance and removal of Erosion and Sediment Controls;
- developing stormwater, drainage and watercourse management plans, when required, to demonstrate effective management of risk to water quality;
- meeting the costs of compliance audits with Discharge Approvals, monitoring (on non-compliance) and any corrective actions required;
- removal of obstructions in the network caused by private property owners;
- recovery of damages to Council assets covered under this bylaw;
- disconnection costs from the network at the applicant's request; and
- penalties imposed for any breaches of the bylaw.

Applicable fees and charges relating to applications under this bylaw are outlined in the Long Term Plan and can be found here [Selwyn District Council - Fees and Charges](#).

Consultation

Key Partners with Council were provided an advance opportunity to comment on the Draft Bylaw and formal submissions are also welcome.

Public consultation on the Draft Bylaw will be undertaken between 17 March and 17 April 2025. One month's consultation is the minimum required for the SCP.

On receipt of submissions on the Draft Bylaw, the bylaw subcommittee consisting of two Councillors (and supported by Council staff) will convene to consider and hear the submissions made on the Draft Bylaw. Based on these deliberations, the Draft Bylaw will be amended as necessary and reported to Council.

Provide Māori the opportunity to contribute

As partners, Te Taumutu Rūnanga have been provided an opportunity to input into the Draft Bylaw prior to general consultation. Formal submissions as part of the consultation process will also be welcomed.

Timeline

The proposed SCP timeline is as follows:

Timeline	Stormwater, Drainage and Watercourse Bylaw 2025
19 February 2025 (Council meeting)	<ul style="list-style-type: none"> • Adoption of the Draft Bylaw for consultation.
17 March 2025 Bylaw advertised	<ul style="list-style-type: none"> • Advertise for public submissions to the Draft Bylaw. Information on the Draft Bylaw is available online and in paper copy at Council service centres and libraries.

Timeline	Stormwater, Drainage and Watercourse Bylaw 2025
17 April 2025 Submissions close	<ul style="list-style-type: none"> Written submissions on the Draft Bylaw close at 4:00pm at the Council's services centres.
28/29 April 2025 (to be confirmed) Submissions hearing	<ul style="list-style-type: none"> Hearings of submissions on the Draft Bylaw by the appointed bylaw subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston.
21 May 2025 (to be confirmed) (Council Meeting)	<ul style="list-style-type: none"> Council decision on the proposed adoption of the Draft Bylaw at its ordinary Council Meeting
23 May 2025 (to be confirmed)	<ul style="list-style-type: none"> If adopted by the Council, public notification of the adoption of the Draft Bylaw and its commencement date.
30 May 2025	<ul style="list-style-type: none"> If adopted by the Council, commencement date of the Draft Bylaw.

Submissions:

Submissions are invited on the Draft Bylaw to be called the "**Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025.**"

This Statement of Proposal and the Draft Bylaw can be viewed (and is downloadable in PDF format) on our website: www.selwyn.govt.nz.

Submissions on the Draft Bylaw must be received no later than **4:00pm, 17 April 2025.**

Submissions can be made either via the online submission form on the Council website www.yoursay.selwyn.govt.nz, or in writing by email to yoursay@selwyn.govt.nz, by post or dropping it off in person at the Council Offices in Rolleston, or to any Council library or service centre. In order for a submission to be accepted it must state:

- your name, postal address, phone and e-mail address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make;
- whether you wish to speak at a hearing; and
- signed (if posted or faxed) and dated.

Submissions in writing shall be addressed to:

**Water Services
Proposed Stormwater Drainage and Watercourse Bylaw 2025
Selwyn District Council
PO Box 90
ROLLESTON 7643**

On receipt of your submission, Council will send an acknowledgement that your submission has been received.

Any person making a submission may request to be heard in person in support of their submission..

Hearing and Decision Process

If required, the **hearing will be held on 28 and 29 April 2025** in the Council's Rolleston Service Centre, Norman Kirk Drive, Rolleston, with submitters presenting to a hearing panel. These details

will be further confirmed in advance of any hearing as required. Other submitters and members of the public may also be present. Members of the hearing panel will have a copy of submissions before the meeting. Submitters can speak to their submission and the hearing panel can ask questions. Submitters will be called to speak in the order on the agenda. Submitters may be represented by legal counsel or consultants or call witnesses.

The hearing panel may ask questions from submitters. After the hearing the hearing panel will consider all written and verbal submissions.

For more information, please contact Water Services Asset Manager on 03 347 2800.

Related documents:

- Draft Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025
- Report to Council dated 10 February 2025

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025**Selwyn District Council Stormwater ~~and~~, Drainage and Watercourse Bylaw ~~2018~~2025**

The Selwyn District Council makes the following bylaw pursuant to sections 145(a) and (b) and 146(1)(b) of the Local Government Act 2002- (‘the Act’).

Explanatory note

This explanatory note does not form part of this bylaw, but is intended to indicate the general effect of the provisions contained in this bylaw.

*The objective of this bylaw is to manage stormwater and drainage within the Selwyn District to protect people, property and the environment. This bylaw applies to both public and private stormwater and land drainage systems (together, the **Stormwater and Drainage Network**).*

Private Stormwater and Drainage Systems are the responsibility of the owner of the land they serve, and each section of a private drain (including a privately piped watercourse) is the responsibility of the owner of the land it passes beside or through. Although Council does not maintain these private drains, Council has powers under the Local Government Act 2002, Local Government Act 1974, Land Drainage Act 1908 and this bylaw to regulate activities that affect the Stormwater and Drainage Network.

This bylaw is in addition to the requirement to obtain any resource consents that may be required by the Canterbury Regional Council (Environment Canterbury) and the Selwyn District Council under the Resource Management Act 1991. Obtaining the Council's approval under this bylaw does not remove the need to obtain any consents required under the Resource Management Act 1991, the Building Act 2004 or any other Act, regulation or bylaw. Further, approval under this bylaw will not replace or add to existing consents or permitted activity status but may constitute a "written permission" within the meaning of condition 1 of Rule 5.93A of the Land and Water Regional Plan (to permit a discharge into a reticulated stormwater system under the Land and Water Regional Plan).

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

TABLE OF CONTENTS

1. TITLE AND COMMENCEMENT	3
2. APPLICATION OF BYLAW	3
3. PURPOSE	3
4. DEFINITIONS AND INTERPRETATION	3
5. USE, CONSTRUCTION OR ALTERATION OF THE STORMWATER AND DRAINAGE NETWORK	7
6. PROTECTION OF THE PUBLIC STORMWATER AND DRAINAGE NETWORK	10
7. OBSTRUCTIONS TO THE STORMWATER AND DRAINAGE NETWORK	12
8. RESPONSIBILITY FOR PRIVATE STORMWATER AND DRAINAGE SYSTEMS	12
9. REMOVAL OF A REDUNDANT PRIVATE STORMWATER AND DRAINAGE SYSTEM	14
10. POINT OF DISCHARGE	14
11. OTHER REQUIREMENTS	17
12. BYLAW ADMINISTRATION	17
13. FEES AND CHARGES	17
14. BREACHES AND REMEDIES	17
15. PENALTIES	18
16. EXCEPTIONS	18
<u>1. TITLE</u>	<u>3</u>
<u>2. DATE OF COMMENCEMENT</u>	<u>3</u>
<u>3. APPLICATION OF BYLAW</u>	<u>3</u>
<u>4. PURPOSE AND GOALS</u>	<u>3</u>
<u>5. DEFINITIONS AND INTERPRETATION</u>	<u>4</u>
<u>6. USE, CONSTRUCTION OR ALTERATION OF THE STORMWATER AND DRAINAGE NETWORK</u>	<u>8</u>
<u>7. PROTECTION OF THE PUBLIC STORMWATER AND DRAINAGE NETWORK</u>	<u>16</u>
<u>8. OBSTRUCTIONS TO THE STORMWATER AND DRAINAGE NETWORK</u>	<u>19</u>
<u>9. RESPONSIBILITY FOR PRIVATE STORMWATER AND DRAINAGE SYSTEMS</u>	<u>20</u>
<u>10. REMOVAL OF A REDUNDANT PRIVATE STORMWATER AND DRAINAGE SYSTEM</u>	<u>21</u>
<u>11. POINT OF DISCHARGE</u>	<u>21</u>
<u>12. OTHER REQUIREMENTS</u>	<u>25</u>
<u>13. BYLAW ADMINISTRATION</u>	<u>25</u>
<u>14. FEES AND CHARGES</u>	<u>26</u>
<u>15. BREACHES AND REMEDIES</u>	<u>26</u>
<u>16. PENALTIES</u>	<u>26</u>
<u>17. EXCEPTIONS</u>	<u>26</u>

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

1. TITLE ~~AND COMMENCEMENT~~

1.1 This bylaw is the Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025.

2. DATE OF COMMENCEMENT

~~4.22.1~~ This bylaw comes into effect on 1 June ~~2018~~2025.

2.3 APPLICATION OF BYLAW

~~2.43.1~~ This bylaw applies to the Selwyn District.

~~2.23.2~~ Nothing in this bylaw shall limit the application of any other Act, rules or regulations made under any other Act. If there is inconsistency between any provision of this bylaw and the provisions of any other Act, rule or regulation, the more stringent provision applies.

3.4 PURPOSE AND GOALS

~~3.14.1~~ The ~~purposes~~purpose of this bylaw is to:

- (a) manage the development and maintenance of the Stormwater and Drainage Network and the land, structures, and infrastructure associated with that network, so as to protect the public from Nuisance and promote and maintain public health and safety;
- (b) protect and prevent interference with the Stormwater and Drainage Network and the land, structures and infrastructure associated with that system from damage, misuse and loss;
- (c) manage the entry of ~~contaminants~~Contaminants into the Stormwater and Drainage Network;
and
- (d) prevent the unauthorised use of the land, structures or ~~infrastructures~~infrastructure related to the Stormwater and Drainage Network;
- (e) define the obligations and responsibilities of Council, private property owners, occupiers and the community relating to stormwater, land drainage and water course management; and
- (f) monitor, protect and restore water quality, waterway health and biodiversity.

~~4.2~~ The overarching goal of this bylaw is to assist Council to uphold the mana and mauri of wai in the Waikirikiri Selwyn District as set out in the Council's One Water Strategy including to:

- (a) protect and restore the natural processes of all water and waterways;
- (b) protect and enhance Te Waihora and tributaries;
- (c) protect and enhance naturalised habitats and biodiversity within waterbodies;
- (d) protect and enhance safe access to water for recreation, mahika kai and cultural connections;
and
- ~~(d)~~(e) develop resilient and sustainable infrastructure which are adaptive to our changing climate.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025**4.5. DEFINITIONS AND INTERPRETATION**

4.5.1 For the purposes of this bylaw, unless the context otherwise requires:

- (a) **Act** means the Local Government Act 2002;
- (b) **Approve, Approval or Approved** means the prior written approval of the Council ~~as defined in the Council Policy Manual; either by resolution of the Council or by any officer of the Council authorised for that purpose;~~
- ~~(e)~~ **Buried Services** means all underground parts of the Public Stormwater and Drainage System;
- ~~(d)~~~~(c)~~ **Code of Practice** means ~~and other underground utilities owned or managed by the latest approved version of the Selwyn District Council Engineering Code of Practice in relation to stormwater and land drainage;~~
- ~~(e)~~~~(d)~~ **Consent** means any formal acceptance or written approval provided by Council or the Canterbury Regional Council including any resource consent or building consent;
- ~~(e)~~ **Contaminant** has the meaning given in section 2 of the Resource Management Act 1991;
- (f) **Council** means the Selwyn District Council or any ~~person~~Person delegated or authorised to act on its behalf;
- (g) **Discharge** means the discharge of Stormwater, groundwater or other substances into the Stormwater and Drainage Network whether directly or indirectly;
- (h) **Disconnect or Disconnection** means to sever or terminate a physical connection to the Public Stormwater and Drainage System;
- (i) **Drain** has the ~~same~~ meaning as given in section 2 of the Land Drainage Act 1908;
Explanatory note: Section 2 of the Land Drainage Act 1908 defines drain as including "...every passage, natural water course or channel on or under ground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 ~~thereof~~ hereof."
- ~~(i)~~ **Engineering Code of Practice** means the latest approved version of the Selwyn District Council Engineering Code of Practice in relation to stormwater and land drainage;
- ~~(k)~~ **Erosion and Sediment Control Plan** 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 in accordance with the current version of the Canterbury Regional Council's Erosion and Sediment Control Toolbox;
- ~~(j)~~~~(l)~~ **Fees and Charges** means the fees and charges determined by the Council from time to time in accordance with the Act and the Local Government (Rating) Act 2002 for the services provided by the Council associated with the management and Discharge of ~~stormwater~~Stormwater and land drainage;

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

~~(k)~~(m) **Hazardous Substance** means a substance that is hazardous for the purposes of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001;

~~(n)~~ **High Risk** means activities defined as high risk in the Stormwater Discharge Risk Criteria.

~~(h)~~(o) **Manager** means a ~~person~~Person who controls or manages any ~~premises~~Premises, or any activity on any ~~premises~~Premises, or operates a part of the Stormwater and Drainage Network on the ~~premises~~Premises, regardless of whether that ~~person~~Person has a proprietary interest in those ~~premises~~Premises or that activity or that part of the Stormwater and Drainage Network;

~~(m)~~(p) **Material** includes, but is not limited to:

- (i) hazardous materials;
- (ii) ~~contaminants~~Contaminants;
- (iii) building material;
- (iv) structures and equipment;
- (v) fill material, including soil or sand;
- (vi) vegetation;
- (vii) collected debris; and
- (viii) litter;

~~(q)~~ **Medium Risk** means activities defined as medium risk in the Stormwater Discharge Risk Criteria;

~~(r)~~ **Network Discharge Consent** includes all stormwater and land drainage discharge consents and any variations issued by Canterbury Regional Council to the Council, which enables the Council to discharge stormwater to land, water and coastal environments and land drainage to water and coastal environments, in accordance with certain conditions;

~~(n)~~(s) **Nuisance** has the same meaning as section 29 of the Health Act 1956 and in the context of this bylaw includes, but is not limited to:

- (i) a ~~person~~Person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another ~~person~~Person;
- (ii) danger to life;
- (iii) danger to public health;
- (iv) flooding of any building floor or sub-floor, or public roadway;
- (v) damage to property;
- (vi) an effect on the efficient operation of a Stormwater and Drainage Network;
- (vii) damage to any part of the Stormwater and Drainage Network;

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

- (viii) erosion or subsidence of land;
- (ix) long or short term adverse effects on the environment;
- (x) adverse loss of riparian vegetation;
- (xi) wastewater overflow to land or water; or
- (xii) anything that causes a breach of a Consent condition -binding Council;

~~(e)~~(t) **Occupier**, in relation to any Premises, means the ~~person~~Person occupying that Premises;

~~(p)~~(u) **Overland Flow Path** means the path over which surface water will follow if the Stormwater and Drainage Network becomes overloaded or inoperative;

~~(q)~~(v) **Owner** means the Person who owns the Premises from which Stormwater originates or on which the Private Stormwater and Drainage System is located;

~~(r)~~(w) **Person** means a natural ~~person~~Person, corporation or a body of ~~persons~~Persons whether corporate or otherwise and includes the Crown or any successor of a ~~person~~Person;

~~(s)~~(x) **Premises** means:

- (i) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;
- (ii) a building that has been identified as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available;
- (iii) land held in public ownership (e.g. reserve) for a particular purpose; or
- (iv) an individual unit in a building which is separately leased or separately occupied;

~~(t)~~(y) **Private Stormwater and Drainage System** means any component of the Stormwater and Drainage Network that drains water from Premises to a receiving environment or up to the point of Service Connection with the Public Stormwater and Drainage System and includes pipes, gutters, downpipes, sumps, swales, ~~drains~~Drains, Overland Flow Path, ~~stormwater treatment devices~~, rain water tanks and any Stormwater and Drainage Management Device;

~~(z)~~ **Proprietary Treatment Device** means any manufactured, typically below-ground stormwater treatment system which removes Contaminants using a variety of physical and chemical means. These devices include but are not limited to hydrodynamic separators and filters;

~~(u)~~(aa) **Public Drain** means any passage, channel, or pipe, over or under the ground by which Stormwater or groundwater is conveyed and which is under the control of the Council;

~~(v)~~(bb) **Public Stormwater and Drainage System** includes:

- (i) any Drain that is a Public Drain: ~~and~~
- (ii) any Drain on or in a road or on public land but does not include the Halswell Drainage Network;

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

~~(w)~~(cc) **Service Connection** has the same meaning as in the Act;

~~(x)~~(dd) **Sewage** is the Discharge from any sanitary fixtures or appliances;

~~(y)~~(ee) **Stormwater** ~~in the context of this bylaw~~ means any water which enters directly (via pipe or Drain) or ~~overland~~over land to the Stormwater and Drainage Network from land, including from constructed impervious areas such as roads, pavements, roofs and urban areas;

(ff) **Stormwater Discharge Risk Criteria** means the current risk criteria used by the Council to assess and classify Stormwater Discharge **attached** as the Second Schedule and which may be varied by the Council from time to time;

~~(z)~~(gg) **Stormwater, Drainage and Watercourses Management Plan** means a plan prepared in accordance with clause ~~5-86.18~~:

~~(aa)~~(hh) **Stormwater and Drainage Management Device** means a device or facility used to reduce or manage ~~stormwater~~Stormwater runoff volume, flow and or ~~contaminant~~Contaminant loads prior to Discharge and includes, but is not limited to:

(i) swales;

(ii) detention basins;

~~(ii)~~(iii) infiltration basins;

~~(iii)~~(iv) infiltration trenches;

~~(iv)~~(v) rain gardens;

~~(v)~~(vi) first flush diverters;

(vii) wetlands

~~(vi)~~(viii) wet ponds; and

~~(vii)~~ wet ponds;

(ix) Proprietary Treatment Devices;

~~(bb)~~(ii) **Stormwater and Drainage Network** means a set of facilities and devices, either natural or man-made, which are used to convey groundwater and ~~stormwater~~Stormwater, reduce the risk of flooding and/or to improve water quality and includes:

(i) open Drains and ~~watercourses~~Watercourses, Overland Flow Paths, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices;

(ii) the Public Stormwater and Drainage System; and

(iii) the Private Stormwater and Drainage System,
but does not include the Halswell Drainage Network;

~~(cc)~~(jj) **Trade Waste** means any liquid with or without matter in suspension or solution Discharged to the sewerage system in the course of any trade or industrial process or operation, or in the

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

course of any activity or operation of a like nature and may include condensing or cooling water, ~~stormwater~~Stormwater which cannot be practically separated from wastewater or domestic Sewage;

(kk) Unacceptably High Risk means activities defined as such in the Stormwater Discharge Risk Criteria;

~~(de)~~(ll) **Watercourse** has the same meaning as section 2 of the Land Drainage Act 1908; and

Explanatory note: Section 2 of the Land Drainage Act 1908 states: "watercourse includes all rivers, streams, and channels through which water flows"

~~(ee)~~(mm) **Working Day** means any day of the week other than:

- (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki and Labour Day;
- (ii) a day in the period commencing the 25th day of December in a year and ending with the 2nd day of January in the following year;
- (iii) if 1 January falls on a Friday, the following Monday;
- (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

4.25.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.

4.35.3 Defined terms expressed in the plural have the same substantive meaning as those expressed in singular form.

4.45.4 Explanatory notes have been included for information purposes only. They do not form part of this bylaw, and may be made, amended, or revoked without formal process.

5.6. USE, CONSTRUCTION OR ALTERATION OF THE STORMWATER AND DRAINAGE NETWORK

5.16.1 Use of a Public Stormwater and Drainage System

- (a) No ~~person~~Person may make any connection to, or alter an existing connection, or otherwise alter, modify, or interfere with, any part of the Public Stormwater and Drainage System without Approval.
- (b) No Person may Discharge to the Public Stormwater and Drainage System without Approval.
- (c) It is an individual property Owner, Occupier or Manager's responsibility to be aware of, and ensure that, all activities undertaken on private property are undertaken in line with the relevant conditions of any Consent or Approval, including but not limited to the Stormwater and Land Drainage Discharge Consents, the Canterbury Land & Water Regional Plan; the Wildlife Act 1953; and Heritage New Zealand Pouhere Taonga Act 2014.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

- (d) A written application for Approval of any matter in clause 6.1(a) or 6.1(b) must be made in the form required by the Council. The application must contain all information requested by the Council to consider granting an Approval and be accompanied by the relevant Fees and Charges.
- (e) On application, the proposed Discharge will be assessed against the risk criteria outlined in Stormwater Discharge Risk Criteria.
- (f) Once a risk classification has been assigned to a Premises and communicated to the applicant, the applicant shall have 20 Working Days to object and provide additional information to the Council to support a re-assessment. If no objection is received, the Council's assessed risk classification shall be final on the date that this 20 Working Days after the date of assessment.
- (g) If the applicant objects to the risk classification in accordance with clause 6.1(f) above and requests a reassessment, the applicant must:
- (i) pay any relevant fee for reassessment; and
 - (ii) provide sufficient information to the Council to demonstrate that a reduction in risk classification is appropriate.
- (h) As part of the assessment process, the Council may impose conditions on the proposed Discharge including a requirement that the Applicant develop a Stormwater, Drainage and Watercourse Management Plan as outlined in clause 6.18.
- (i) If Approval is granted, the Owner, Occupier or Manager of the Premises must comply with any conditions set out in the Discharge Approval within the specified timeframes.
- (j) Where the Council does not grant Approval, it will notify the applicant of the decision and give reasons for the refusal.
- (k) Without limitation, the Council may refuse to grant an Approval to Connect or Discharge Approval where, in the Council's opinion:
- (i) the proposed Service Connection is outside an area currently serviced by the Stormwater and Drainage Network;
 - (ii) there is insufficient capacity within the Stormwater and Drainage Network in the relevant location; or
 - (iii) the requirements of this bylaw, the conditions of any relevant Consent, or the outcomes sought by the Council under the Network Discharge Consents are not demonstrated as fulfilled in the application.

5.26.2 Acceptance of Discharge

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

The Council may grant Approval to Discharge water to the Public Stormwater and Drainage System if all of the following conditions are met:

- (a) the Premises is located within an area in which the Council makes Public Stormwater and Drainage System Service Connections available;
- ~~(b) the Premises is located within a service area which is serviced by the Public Stormwater and Drainage System that has been designed to receive the Discharge;~~
- ~~(c)~~(b) there is sufficient capacity within the Public Stormwater and Drainage System to accept the quantity and quality of the Discharge as advised by the Council Asset Manager, or, if the capacity is not sufficient, Approval to Discharge may be granted at the discretion of the Council if, at the sole cost of the applicant and on terms and conditions determined by the Council in all respects:
 - (i) the Public Stormwater and Drainage System will be upgraded ~~at~~ in accordance with the ~~cost~~ Engineering Code of the Council's Practice; or
 - ~~(ii) the discharge will be adequately controlled within the applicant's Property; or~~
 - ~~(iii) an alternative solution is available that is acceptable to the Council can be agreed upon (e.g. on-site attenuation up to and including the critical duration event);~~
- ~~(d)~~(c) appropriate treatment to meet the water quality outcomes of the Land and Water Regional Plan (or subsequent replacement plans) or relevant Consent or Network Discharge Consent, will be installed ~~if deemed necessary as required~~ by Council in line with Council's Engineering Code of Practice;
- ~~(e)~~(d) the appropriate rates and charges in respect of that Premises are paid up to date;
- ~~(e) the Discharge does not pose unacceptable risk to the Council's compliance with the Network Discharge Consents or the receiving environment;~~

Explanatory note: All existing Premises assessed as Medium Risk or High Risk will be required to apply for Approval to Discharge to the Stormwater and Drainage Network and provide all information required as a condition of any Approval.

Explanatory note: Premises that the Council considers present a manageable risk may be Approved to Discharge under the Network Discharge Consent subject to additional conditions. If a site is deemed as Unacceptably High Risk and excluded from Discharge under the Network Discharge Consents, the Occupier will be required to apply for and subject to granting obtain and hold separate resource consents.

- (f) all necessary Approvals are obtained from the Council and the Canterbury Regional Council and the Discharge meets the conditions of the relevant Consent;
- (g) provision of a Stormwater ~~and~~ Drainage and Watercourse Management Plan or equivalent if required by the Council;

Explanatory note: Some of Council's resource consents require a Farm Environment Plan to be provided by property owners to allow Discharge to the Council Land Drainage Network under the consent. This clause 6.2(g) makes Approval to Discharge conditional on provision of these plans.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

- (h) the Owner, Occupier or Manager of the Premises fulfils the requirements of this bylaw, the Engineering Code of Practice and any relevant Act, Consent, regulation and other bylaw (as applicable); and
- (i) any other reasonable conditions the Council considers appropriate.

6.3 Failure to comply with this bylaw or conditions imposed by any Approval under this bylaw may result in the Council suspending, imposing additional conditions or cancelling a Discharge Approval.

6.4 Any Owner, Occupier or Manager of Premises that holds a Consent from the Canterbury Regional Council at the time this bylaw is made, that wishes to apply to operate under a Network Discharge Consent, must apply to the Council for Approval of the proposed Discharge prior to the applicant surrendering or allowing the relevant Canterbury Regional Council Consent to expire or lapse. As part of this process:

- (a) the applicant must demonstrate that the proposed design and activities on the Premises will comply with the conditions of relevant existing Consents held by the applicant and the Council's Network Discharge Consent; and
- (b) the applicant must meet the conditions of the Approval including those that are required to be completed prior to Discharge.

6.5 All Approved Service Connections will be inspected by Council at the applicant's cost. Fees and Charges for inspection costs will be payable by the applicant.

6.6 The Owner, Occupier or Manager of any Premises with Approval to Discharge to the Public Stormwater and Drainage System must:

- (a) provide Council with access to the Premises for the purposes of auditing compliance with Discharge Approval conditions;
- (b) provide Council with all relevant documentation relating to the consent or system installed on request including but not limited to compliance reports, monitoring data, as-built plans; and
- (c) enable the Council to access and undertake sampling or testing on the Premises.

6.7 The Council may, at any time, review a Discharge Approval, any associated conditions, together with the relevant risk classification of the Premises.

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 by the Council; • the results of any monitoring, tests or samples; • non-compliance with any Approval or Consent condition or this bylaw; • non-compliance with the Network Discharge Consent, any other 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.

6.8 Following a review, the Council may:

- (a) vary or add conditions that the Council considers necessary to ensure compliance with all conditions of relevant Consents including the Network Discharge Consent (e.g. requiring a change to on site practices or installation of a Stormwater and Drainage Management Device);

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

- (b) require a new application for a Service Connection or Discharge Approval to be submitted (which must be accompanied by the applicable Fees and Charges);
- (c) or suspend or cancel the Service Connection or Discharge Approval.

6.9 For the avoidance of doubt, at the Owner, Occupier or Manager sole cost:

- (a) the Council will regularly audit compliance with the Discharge Approval conditions; and
- (b) the Approval Holder must:
 - (i) comply with all variations or additional conditions of the Discharge Approval; and
 - (ii) undertake any corrective actions required by the Council within the timeframes, as specified by the Council. These may relate to:
 - (iii) a plan and timeframes for improving the Stormwater Discharge from the site; and
 - (iv) any other matters that the Council considers appropriate.

6.10 The Owner, Occupier or Manager must advise the Council immediately of any pollution or contamination of surface water or the ground and within 3 months of:

- (a) any change in land use activities on the Premises that may alter the quality, quantity or nature of the Discharge from the Premises;
- (b) any contamination including historical contamination is identified on the Premises;
- (c) change in legal ownership of the Premises subject to a Discharge Approval.

5.36.11 As-Built Plans

- (a) As-built plans showing details of all new Service Connections or alterations to the Public Stormwater and Drainage System must be provided to Council within timeframes specified in the Approval. As-built information must be provided to meet the requirements outlined in the Engineering Code of Practice.
- ~~(a)~~(b) Where Council as-built plans are found or known by the applicant to be incorrect, the applicant must notify the Council.

5.46.12 Disconnection from the Public Stormwater and Drainage System

- (a) An Owner, Occupier or Manager of a Premises must give seven (7) Working Days' notice in writing to the Council of an intention to Disconnect, whether permanent or temporary, from the Public Stormwater and Drainage System.
- (b) An Owner, Occupier or Manager may only commence works to Disconnect from the Public Stormwater and Drainage System where Approval has been granted.
- (c) Disconnection from the Public Stormwater and Drainage System is at the Owner, Occupier or Manager's cost.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

Explanatory note: 'relaying any Private Stormwater and Drainage System' is considered a Disconnection where works on a site (e.g. a new dwelling location) require the Stormwater connection to that site to be Disconnected, relayed and reconnected to a Public Stormwater and Drainage System in a new location.

~~5.56.13~~ Design constraints

All proposed Private Stormwater and Drainage Systems and any proposed alterations to any existing Private Stormwater and Drainage System or any Stormwater and Drainage Management Device that will be vested in Council, must be designed, constructed and operated in accordance with, if applicable, the:

- (a) Engineering Code of Practice;
 - (b) Catchment Management Plans;
 - ~~(b)(c)~~ relevant Stormwater ~~and~~ Drainage ~~and Water~~ Management Plan; approved by Selwyn District Council;
 - ~~(e)(d)~~ Selwyn District Plan;
 - (e) Canterbury Land and Water Regional Plan or future replacement plan;
 - (f) Regional Coastal Environment Plan for the Canterbury Region;
 - (g) National Environmental Standard for Fresh Water (NES-FM), including the requirements for structures to incorporate fish passage and limits on vegetation clearance near wetlands;
 - (h) National Policy Statement for Indigenous Biodiversity (NPSIB);
 - ~~(e)(i)~~ Freshwater Fisheries Regulations 1983;
 - ~~(e)(j)~~ Canterbury Regional Council Erosion & Sediment Control Toolbox for Canterbury;
- Explanatory note: The Erosion & Sediment Control Toolbox for Canterbury can be found at <http://esc.canterbury.co.nz/>*
- (k) Consents relevant to the works;
 - ~~(f)(l)~~ Dam Safety Regulations 2022; and
 - ~~(e)(m)~~ relevant conditions imposed by Council when Approving the works.

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

~~5.56.15~~ Existing sites being redeveloped may be required to retrofit Stormwater and Drainage Management Devices to treat and retain runoff to contribute towards compliance with conditions of all relevant Consents held by Council.

6.16 Stormwater and Drainage Management Devices

- (a) When the Council may require ~~requires~~ the installation and maintenance of a Stormwater and Drainage Management Device for water quality or water quantity reasons. ~~The, the~~ Owner, Occupier or Manager of a Premises must install and maintain the Stormwater and Drainage

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

Management Device in accordance with the Engineering Code of Practice, accepted best practice, manufacturer's recommendations, Stormwater Discharge, Drainage and Watercourse Management Plan and the applicable Consent (if applicableany).

~~5.7~~ **Consents**

- ~~() It is an individual property Owner, Occupier or Manager's responsibility to be aware of, and ensure that, all activities undertaken on private property are undertaken in line with the relevant conditions of any Consent.~~

6.17 Erosion and Sediment Control

- (a) Any Person intending to undertake earthworks where there is a risk that sediment generated by the works could directly or indirectly enter the Public Stormwater and Drainage System shall, at their sole cost in all respects:

- (i) before stripping vegetation or beginning earthworks:

- (1) prepare an Erosion and Sediment Control Plan; and
- (2) submit the Erosion and Sediment Control Plan to Council Approval;

Explanatory note: All earthworks should consider best practical options for erosion and sediment Control to protect water quality and health. The level of detail provided in the Plan shall be appropriate to the scale of the works. A small sites checklist is required prior to any activity operating under a provided on the Environment Canterbury Regional Tool Box. Where controls to manage erosion and sediment run off are outlined in a separate plan e.g. a Farm Environment Plan this can be provided under section 6.17.

- ~~(a) ensure that the Approved Erosion and Sediment Control Plan is available to the Council resource consent that is held in the Council's name and, in such a case:~~
- ~~(ii) the applicant must demonstrate to Council on request and that the proposed design and activities on the Premises will comply with the conditions measures set out in the Approved Erosion and Sediment Control Plan:~~
 - ~~(1) are implemented prior to works starting;~~
 - ~~(1)(2) are monitored for the duration of the relevant resource consent works;~~
 - ~~(i) the applicant must prepare and the Council must approve a Stormwater and Drainage Management Plan in accordance with clause 5.8(a) before the relevant Discharge commences; and~~
 - ~~(i) if, in Council's opinion, the activities undertaken on the property will put at risk Council's ability to comply with Consent conditions, Council may require the applicant to obtain a resource consent stabilise the land to prevent earth or sediment from the Canterbury Regional Council in slipping or being washed off the Owner, Occupier or Manager's own name.~~

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

~~5.8 Stormwater and Drainage Management Plan~~

- ~~(3) Where a Premises has been identified as presenting an unacceptable risk of contamination to the site or otherwise carried in water onto neighbouring properties, roads, or into the Public Stormwater and Drainage System, the;~~
- ~~(4) stabilise entranceways and prevent earth or sediment from being spilled or tracked off the site by people or vehicles;~~
- ~~(5) control and minimise dust; and~~
- ~~(6) are monitored, fit for purpose and remain in place until earthworks have been stabilised; and~~
- ~~(iii) remove and appropriately dispose of the erosion and sediment control measures once the ground is stabilised.~~

~~6.18 Stormwater, Drainage and Watercourse Management Plan~~

~~(b)(a)~~ ~~The Owner, Occupier or Manager may be required by Council to produce a of any Premises Discharging to the Public Stormwater and Drainage System shall on request produce, at their own expense, a Stormwater, Drainage and Watercourse Management Plan for approval by the Council. -These plans shall include:~~

- ~~(i)~~ a site layout drawing showing, boundaries, the location of any onsite hazardous substances, any onsite or adjacent environmental receptors such as streams, ~~drains~~Drains or rivers, Private Stormwater and ~~wastewater systems~~, Drainage Systems including point of connection to the ~~Public~~ Stormwater and Drainage ~~Network~~System and building location;
- ~~(ii)~~ a site assessment identifying all actual and potential sources of contamination including ~~the surface coatings~~, type of ~~contaminants~~Contaminants and quantities or concentrations. If the onsite soils are contaminated, the assessment shall be undertaken by a suitably qualified and experienced practitioner;

~~(iv)(iii)~~ the methods in place to ~~manage Discharge quantity and quality and~~ prevent contamination of the Public Stormwater and Drainage System ~~and including~~ an assessment of the effectiveness of those methods ~~and monitoring to show compliance with methods when requested by Council;~~

~~(iv)(iv)~~ an Operations & Maintenance Manual, including a description of the maintenance procedures in place, the maintenance schedule and who is responsible for ensuring maintenance is carried out;

Advice note: The Engineering Code of Practice provides guidance on operations and maintenance requirements for stormwater infrastructure.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

~~(vi)~~(v) if construction works are required, a description of the works to be completed and the construction methodology; ~~and~~

(vi) spill prevention and spill response procedures if applicable; ~~and~~

(vii) contact details for the Person(s) or role(s) responsible for the Stormwater management on the Premises.

~~(e)~~(b) If the Owner, Occupier or Manager has prepared an alternative plan which addresses those matters set out in clause ~~5.8(a)~~6.18(a) above, the alternative plan may be accepted in place of a Stormwater ~~Discharge~~and Drainage and Watercourse Management Plan at Council's discretion.

~~(e)~~(c) The Owner, Occupier or Manager must review the Stormwater ~~and~~ Drainage and Watercourse Management Plan if required by Council or when there has been significant change to the activity or controls onsite.

~~(e)~~(d) The Owner, Occupier or Manager of a Premises must comply with the terms and requirements of any Stormwater ~~and~~ Drainage and Watercourse Management Plan for that Premises and any conditions which the Council imposes when approving that Stormwater ~~and~~ Drainage and Watercourse Management Plan.

6.7. PROTECTION OF THE PUBLIC STORMWATER AND DRAINAGE NETWORK

6.7.1 Prohibited activities

No Person may:

~~(b)~~(a) allow any Material, chemical, Hazardous Substance, Sewage or Trade Waste to be located so it is likely to or does enter either directly or indirectly (e.g. via a Private Stormwater and Drainage System) into the Public Stormwater and Drainage System that causes or is likely to cause a Nuisance; ~~;~~

~~(e)~~ ~~allow any Material, chemical or Hazardous Substance likely to cause Nuisance on entering the Public Stormwater and Drainage System to be located so that it is likely to enter a Public Stormwater and Drainage System (either directly or indirectly) in any storm event;~~

~~(e)~~(b) No Person may directly or indirectly undertake any action (including allowing any stock to enter an open Drain or Watercourse) that is likely to cause damage to any part of the Public Stormwater and Drainage System including flood protection structures or is likely to impact on water quality; ~~;~~

~~(e)~~(c) No Person may plant or allow to grow any tree or vegetation in or near any Drain to the extent it causes an obstruction to the Public Stormwater Network; including allowing any roots and tree debris to cause a nuisance or damage to any part of the Stormwater and Drainage Network.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

(d) No Person may remove all vegetative cover from the banks of any Drain for a length greater than 50m or otherwise cause a high risk of erosion, scour or bank failure on the banks of any Drain without Approval from Council and acceptance of erosion and sediment control plan.

Explanatory note: All required resource consents will need to be obtained by the applicant to undertake works.

(f)(e) No Person may restrict Council's access to any part of the Public Stormwater and Drainage System for the purposes of inspection or maintenance;

Explanatory note: ~~this~~This includes placing any Material, or growing any trees or plants where it could impede access to manholes or access by machinery to clean or upgrade any part of the system.

(g)(f) No Person may Discharge Stormwater into a water race (as defined in the Act) without Approval;

(h)(g) No Person may, if a Stormwater ~~and~~ Drainage ~~and~~ Watercourse Management Plan is in place:

- (i) breach any conditions of the Approval of that; or
- (ii) directly or indirectly undertake any action which is contrary to, or inconsistent with, that Stormwater ~~and~~ Drainage ~~and~~ Watercourse Management Plan; ~~or~~.

(i)(h) No Person may Discharge into the Public Stormwater and Drainage System in a manner which is otherwise contrary to, or inconsistent with the terms of an Approval.

(i) The Council may require the Occupier of any property or premises to reduce or prevent Contaminants from entering the Stormwater and Drainage network in quantities that exceed a standard set out in a Resource Consent or Land and Water Regional Plan. Actions may include ceasing a Discharge, changing on-site practices, installing a Stormwater and Drainage Management Device or, apply for a separate resource consent.

6.27.2 Restricted activities

Advice note: Works within or adjacent to a surface waterbody may require consent from the Canterbury Regional Council.

No Person may, without Approval:

(b)(a) widen, deepen, infill, divert or otherwise alter any Public Drain;

(e)(b) No Person may, without Approval, erect or construct any bridge, culvert, dam, weir, crossing or other similar structure in or over any Drain or Watercourse that forms part of the Public Stormwater and Drainage System;

Explanatory note: Property owners are responsible for installing and maintaining property accessways over Council services including ~~drains~~Drains and swales. Council must approve all accessway culverts over Council services prior to their installation. Where an existing culvert or lack of culvert causes obstruction to a ~~drain~~Drain or swale which impacts another property or the road, Council can require it to be upgraded at the property ~~owners~~owner's cost.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

- ~~(d)~~(c) No Person may, without Approval, remove, adjust, cover or interfere with any structure, or equipment relied on for the operation of any Public Stormwater and Drainage System;.
- ~~(e)~~(d) No Person may, without Approval, cause a temporary or permanently sustained excessive load on the Public Stormwater and Drainage System (including the banks of any Drain) that may cause damage to the Stormwater and Drainage Network;.
- ~~(f)~~(e) No Person may, without Approval, undertake any activity which may affect the stability of the bank of an open Drain including spraying or stripping vegetation;.
- ~~(g)~~(f) No Person may, without Approval, Discharge water (including that from an artesian well or spring) which results in, or has potential to cause, Nuisance to another property or a public road;.
- ~~(h)~~(g) No Person may, without Approval, excavate or remove or add additional covering material (including vegetation and/or soil) within five (5) metres of any part of the Public Stormwater and Drainage System;.
- ~~(i)~~(h) No Person may, without Approval, Discharge construction dewatering water or swimming pool water such that it enters the Public Stormwater and Drainage System; ~~or,~~
- Explanatory note:** Water Discharge Application forms are available as a PDF document online at www.selwyn.govt.nz
- ~~(j)~~(i) No Person may, without Approval, construct or locate any temporary or permanent structure which may impede Council access to a Public Drain in, over, through, under or within five (5) metres of any Public Drain including Buried Services.

Explanatory note: The setback distances allowed in the Building Act may be less than stated in ~~clause 6.2(i).~~ this clause 7.2(i).

7.3 Water Quality Monitoring

- (a) If the Council considers that an Owner, Occupier or Manager is not complying with the conditions of a Stormwater, Drainage and Watercourse Management Plan, Approval to Discharge or Erosion and Sediment Control Plan, the Council may independently sample and monitor Stormwater Discharge or drainage water and recover the cost of the same from the relevant Owner, Occupier or Manager.
- (b) Monitoring and inspections may include, at the discretion of an authorised officer:
- (i) entering the Premises;
 - (ii) seeking and being provided with information about on-site practices or documentation;
and
 - (iii) sampling and testing Stormwater and Drainage Discharges.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025**6.37.4 Buried Services and Works in Proximity to Systems**

- (a) It is the responsibility of any ~~person~~Person proposing to carry out excavation work to ~~obtain the as-built information via Council or a Council approved third party~~locate all services on site prior to commencing excavations. Locating the actual position and depth of Buried Services is the responsibility of the ~~person~~Person undertaking the work. The cost of any damage caused to the Buried Services ~~(where the Buried Services were shown in the as-built information)~~ shall be met by the relevant contractor or the ~~person~~Person carrying out the excavation.

Explanatory note: When excavating and working around Buried Services, due care must be taken to ensure the ~~services~~Buried Services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. ~~Council strongly recommends obtaining as-built plans prior to commencing works on site, however, note that as-builts may not be complete or accurate; it is always essential to locate the actual position and depth of Buried Services prior to commencing earthworks.~~

- (b) Any Person who proposes to undertake any works or activities that may result in damage to any part of the Buried Services must obtain Council's approval prior to starting work. Any potential or actual damage or disruption to any Buried Services must be reported to Council immediately.
- (c) Any Person who damages or causes disruption to any Buried Services is liable for the full cost of any repairs and associated costs incurred as a result of the damage or disruption.

7.8 OBSTRUCTIONS TO THE STORMWATER AND DRAINAGE NETWORK**7.48.1 Restricted activities**

No ~~person~~Person may, without Approval:

- ~~(b)~~(a) obstruct any part of the Stormwater and Drainage Network in a manner that is likely to cause Nuisance or affect another property owner;
- ~~(e)~~(b) ~~No Person may, without Approval,~~ obstruct any Drain, Watercourse or Overland Flow Path in any way;
- ~~(d)~~(c) ~~No Person may, without Approval,~~ allow Nuisance to occur during a flood event as a result of their action or activity;
- ~~(e)~~(d) ~~No Person may, without Approval,~~ modify or alter a Drain where it affects another property owner without their consent; ~~or,~~
- ~~(f)~~(e) ~~No Person may, without Approval,~~ plant or allow to grow any tree or vegetation in, or near, any Drain to the extent it causes an obstruction.

8.9. RESPONSIBILITY FOR PRIVATE STORMWATER AND DRAINAGE SYSTEMS

8.19.1 Maintenance of Private Systems

- (a) ~~Unless the Council Approves otherwise, the~~The cost of maintaining and repairing any Private Stormwater and Drainage System, including privately owned treatment devices, is the responsibility, as the circumstances require, of:
 - (i) the Owner, Occupier or Manager of a Premises within which the Private Stormwater and Drainage System is located;
 - (ii) if the Private Stormwater and Drainage System is located within a road or a reserve, the Owner, Occupier or Manager of the Premises which is contiguous to that road or reserve; or
 - (iii) if the Private Stormwater and Drainage System is located on or about the common boundary between land in different ownership, the Owners of the land in equal shares.
- (b) The Person(s) responsible for the cost of ~~main~~ maintaining and repairing the Private Stormwater and Drainage System under clause ~~8.19.1(a)~~ 8.19.1(a) must ensure that the Private Stormwater and Drainage System:
 - (i) is maintained in good operating condition, as per the relevant manufacturer's recommendations and Consent conditions, including ensuring that any obstruction to the free flow of water which has not been Approved is removed as soon as is reasonably practicable; and
 - (ii) does not cause or contribute to any Nuisance.

8.29.2 Maintenance of Stormwater and Drainage Management Devices

- (a) The Owner, Occupier, or Manager of a Premises that has a Stormwater and Drainage Management Device must, on request by the Council:
 - (i) provide such information as is required to demonstrate that the Stormwater and Drainage Management Device is operated and maintained to achieve its Approved purpose and not cause Nuisance in a storm event up to the standard specified by the Council or in an operative Consent; and
 - (ii) carry out such works as are required to ensure that the requirements of clause ~~8.2(a)(i)~~ 9.2(a)(i) above are met and any requirements outlined in the Engineering Code of Practice or Consent conditions.
- (b) Every ~~person~~ Person commissioning a Stormwater and Drainage Management Device must:
 - (i) keep a copy of the operations and maintenance manual, as-built drawings and maintenance records for the device ~~on the premises and produce a copy of such manual upon request by, and make these available to~~ the Council on request; and

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

- (ii) submit copies of the as-built drawings for the Stormwater and Drainage Management Device and the owner's manual to the Council for inclusion in the Council's property file for the ~~premises~~Premises, if required by Council.

8.39.3 Deposition of Spoil

- (a) When Council clears, cleans, renovates or improves any part of any Drain whether on private or Council land it may:
 - (i) deposit in the immediate area of the Drain any matter removed from the Drain, in a manner which does not cause a Nuisance; and
 - (ii) if the ~~drain~~Drain is a private Drain, the Council may charge a fee to the Owner, Occupier or Manager of the Premises to recover the costs of the works.

8.49.4 Discharging into neighbouring properties

- (a) No Person may allow Stormwater to Discharge from their Premises into a neighbouring property via surface flow, other than to the extent to which it would have naturally occurred from pervious areas and from designated Overland Flow Paths.

9.10. REMOVAL OF A REDUNDANT PRIVATE STORMWATER AND DRAINAGE SYSTEM

9.10.1 To prevent damage to the Stormwater and Drainage Network, the Council may require the owner of a Private Stormwater and Drainage System to remove or de-commission a Private Stormwater and Drainage System or any part thereof, including any Stormwater and Drainage Management Device, culvert, or ~~stormwater~~Stormwater detention pond that has become redundant as part of the primary method of ~~stormwater~~Stormwater drainage from a Premise.

9.210.2 The owner of a redundant Private Stormwater and Drainage System must at their expense ensure that the Premises on which the system is located, or was previously located, is restored to the satisfaction of the Council.

Advice note: When planning to remove any Private Stormwater and Drainage System, please ensure all upstream/downstream effects have been allowed for and mitigated. Council is not responsible for any flooding or drainage issues caused by the removal of Private Stormwater and Drainage infrastructure.

10.11. POINT OF DISCHARGE

11.1 Location of Council vested assets

- (a) Any new Stormwater or Drainage assets intended to be vested in Council ownership shall not be located on private property unless it is required to provide a single connection point to the Public Drain as outlined in 11.4(a).

10.411.2 Boundary of responsibility

- (a) The point of Discharge from a Premises is the point where a Private Stormwater and Drainage System connects to the Public Stormwater and Drainage System. It marks the

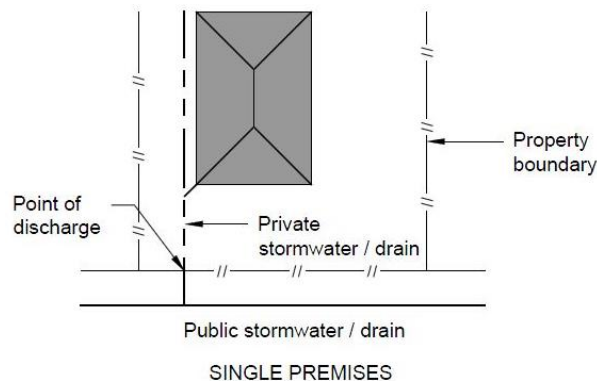
Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

boundary of responsibility between the Owner, Occupier or Manager of a ~~premises~~Premises and Council, irrespective of property boundaries, and is shown in figures 1 and 2 below, as applicable.

- (b) Unless otherwise Approved by Council, there shall be only one point of Discharge for each Premises, and any private Drain shall not extend by pipe or any other means to serve another Premises unless it is a common Private Drain and has Council approval.

10.211.3 **Single Premises**

- (a) For a single Premises the point of Discharge shall be located at the boundary as shown in Figure 1 below, or as close as possible to the boundary where fences, walls or other permanent structures make it difficult to locate it at the required position. The Approval of other positions must be by Council and recorded on the drainage plan.
- (b) Where a private piped Drain Discharges into a Public Drain on that same private property, the point of Discharge shall be the ~~boundary of the easement and the Premises, or where no easement is present, the point of Discharge shall be the~~ upstream end of the pipe fitting which forms the junction with the Public Drain.
- (c) Where a ~~private open Drain into Stormwater and Drainage System~~ Discharges into a Public Drain on that same private ~~property~~Premises, the point of Discharge shall be the junction where the private Drain meets the Public Drain.

Figure 1 – Single Premises Point of Discharge10.311.4 **Multiple Premises**

- (a) ~~The~~Each new Premises shall be served by its own lateral as shown in figure 2a with the point of Discharge for multiple Premises, regardless of land ownership arrangements (e.g. single ownership, body corporate, ~~cross lease~~ or strata title) must either be a direct Service Connection to a Public Drain as for single ownership in clause ~~10.2~~ above, or via a common private Drain with one point of Discharge only (in common) as shown in Figure 2 below. ~~11.3~~

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

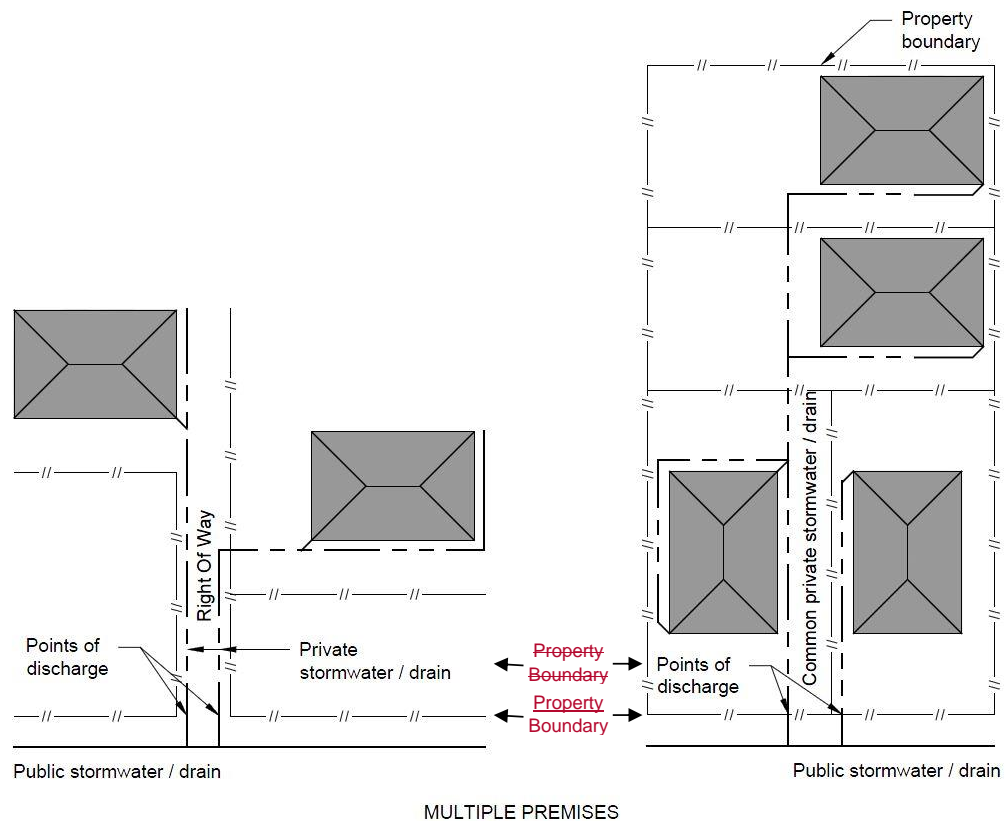
above, or to a Council owned manhole inside the Premises boundary that is covered by an easement in favour of Council.

~~(b)~~ Council ~~may decline approval for~~will not approve the formation of ~~anew~~ common private Drain.

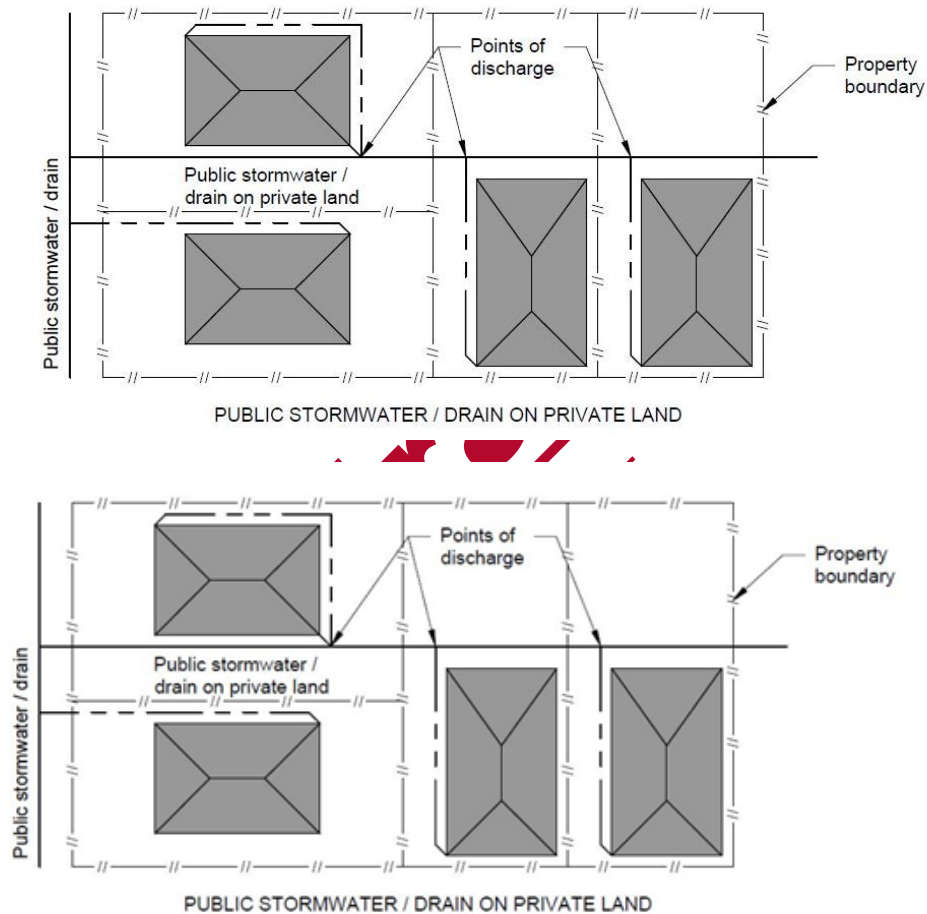
~~(c)(b)~~ ~~Common private~~ Drains ~~must be subject to a certificate from Council recording the rights of each party, which is registered against the certificate of title, as shown in figure 2b or shared roof water soak pits.~~

~~(d)(c)~~ Each point of Discharge must be Approved by Council and recorded on the drainage plan. Other arrangements may be considered at the Council's discretion.

draft
10 Feb 2025

Figure 2 – Multiple Premises – Point of Discharge**Figure 2a – Single Connection per property** **Figure 2b – Common Private Drains****40-511.5 Public Drain on Private Property**

- (a) Where a private Drain Discharges into a Public Drain on that same private property, the point of Discharge shall be the upstream end of the pipe fitting which forms the junction with the ~~public drain~~Public Drain or if the Drain is open, the junction where the private Drain meets the Public Drain as shown on Figure 3 below.

Figure 3 – Public Drain on Private Land.**44-12. OTHER REQUIREMENTS**

44-12.1 Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any enactment, regulations or other bylaw (including, for example, to obtain any Consent, licence, permit or other approvals under any Act, regulation or bylaw).

42-13. BYLAW ADMINISTRATION

42-13.1 Nothing in this bylaw limits the entitlement of the Council to levy a rate to recover the cost incurred in maintaining the Stormwater and Drainage Network.

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

~~13.14.~~ FEES AND CHARGES

~~13.14.1~~ The Council may prescribe ~~fees~~Fees and ~~charges~~Charges for a certificate, authority, approval, permit, or Consent from, or inspection by, the Council in respect of a matter provided for in this bylaw in accordance with section 150 of the Act.

Advice note: Current Fees and Charges are shown on Council's website.

~~14.15.~~ BREACHES AND REMEDIES

~~14.15.1~~ Breaches of the bylaw

- (a) Every Person commits an offence who -
 - (i) fails to do or perform any act, or thing, that he or she is required to do by ~~these~~ bylawsthis bylaw;
 - (ii) permits, allows, or does, any of the acts that are prohibited in this bylaw; or
 - (iii) breaches this bylaw.

~~14.2~~15.2 Enforcement

- (a) The Council may use its powers under the Act, the Local Government Act 1974, the Land Drainage Act 1908 and the Health Act 1956 as more particularly set out in the First Schedule to this bylaw.
- (b) Owners, Occupiers and Managers are jointly and individually responsible for compliance with this bylaw.

~~15.16.~~ PENALTIES

~~15.16.1~~ Every Person who contravenes this bylaw is liable to a penalty not exceeding \$20,000 or other such amount as may be provided for under sections 239 and 242 of the Act and is liable to enforcement action by the Council.

~~15.2~~16.2 In addition to any penalty imposed by any court for a breach of this bylaw, the Council may sue for and recover from any Person, the cost of damage done or caused to the Stormwater and Drainage Network due to a failure to comply with this bylaw.

~~16.17.~~ EXCEPTIONS

~~16.17.1~~ A Person is not in breach of this bylaw if that Person proves that the act or omission was in compliance with an ~~approval~~Approval of the Council.

FIRST SCHEDULE - ENFORCEMENT POWERS AND RELATED LEGISLATION

Legislative Provision	Relevant section and description
Local Government Act 1974	<p>s451 - Council approval is required before commencing any work that requires the diversion, alteration, protection or replacement of any Council drainage works.</p> <p>s459 – The Council may require owners of land in certain cases to provide private drains.</p> <p>s462 – Council may declare a private drain to be a public drain.</p> <p>s467 – Council approval must be obtained prior to connecting any private drain with a public or private drain or covered watercourse.</p> <p>s468 – The Council may require a landowner to remove tree roots obstructing private drains.</p> <p>s509 – the Council may purchase, or make and maintain, or enlarge, and from time to time, alter, extend or repair any drainage channel or land drainage works in any drainage area in the district.</p> <p>s511 – removal of obstructions from a drainage channel or watercourse (to a distance not exceeding 3 metres from the nearest margin of the drainage channel or watercourse) which impedes, or are likely to impede the free flow of water.</p> <p>Schedule 14 – provisions as to the construction and maintenance of waterworks, drainage works and drainage channels on private property.</p>
Subpart 2 of the Local Government Act 2002	<p>s162 – Injunctions restraining commission of offences and breaches of bylaws.</p> <p>s163 – removal of works in breach of bylaws.</p> <p>s164 – seizure of property not on private land.</p> <p>s165 – seizure of property from private land.</p> <p>s168 – power to dispose of property seized and impounded.</p> <p>s171 – general power of entry on to private land.</p> <p>s172 – power of entry for enforcement purposes.</p> <p>s175 – power to recover for damage by wilful or negligent behaviour.</p>

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

	<p>s176 – costs of remedying damage arising from breach of bylaw.</p> <p>S178 – enforcement officers may require certain information.</p>
Subpart 3 of Local Government Act 2002	<p>183 – removal of fire hazards.</p> <p>185 – occupier may act if owner of premises makes default.</p> <p>186 – local authority may execute works if owner or occupier defaults.</p> <p>187 - recovery of cost of works by local authority.</p> <p>188 – liability for payments in respect of private land.</p>
Health Act 1956	34 – power to abate nuisance without notice
Land Drainage Act 1908	<p>23 – Council may make drains from private lands and attribute costs between the benefitting parties.</p> <p>26 – Prohibits interference with drains (including and private branch drains to watercourses).</p> <p>27 – Council may require the removal of trees that affects, or is likely to affect any public drain and recover the cost of such removal from the landowner.</p> <p>62 – Council may order removal of obstruction from watercourse or drain (to a distance not exceeding 3m from the nearest margin of watercourse or drain) which impedes, or is likely to impede the free flow of water or cause damage to any property in the district.</p>

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025**SECOND SCHEDULE – STORMWATER DISCHARGE RISK CRITERIA**

	<u>Unacceptably High Risk</u> <i>(excluded from discharge from SDC consent at any time)</i>	<u>High Risk</u> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<u>Medium Risk</u>
<u>Freshwater Objective and Policies</u>	The discharge is contrary to the relevant freshwater objectives, outcomes and policies in Section 3, Table 1a and Section 4 of the Land and Water Regional Plan replacement plan where the effects of the discharge have not been mitigated.		
<u>Tradewaste discharge status</u>		<u>Unconsented tradewaste discharges, not providing quality monitoring data or discharges failing to meet conditions of discharge</u>	

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

	<u>Unacceptably High Risk</u> <i>(excluded from discharge from SDC consent at any time)</i>	<u>High Risk (excluded from discharge from SDC consent until date determined in the consent)</u>	<u>Medium Risk</u>
<u>Compliance status</u>	<p>The site does not comply with the <u>conditions of the discharge approval after being advised and given an opportunity to rectify in stated timeframes, or</u></p> <p>The site or activities do not <u>comply with the approved Stormwater, Drainage and Watercourse Management Plan, or</u></p> <p>The site or activity does not <u>comply with the approved Erosion and Sediment Control Plan, or</u></p> <p>The site does not meet or has <u>previously not met (without adequate controls) Canterbury Regional Council consent conditions, environmental standard or a limit.</u></p>		

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

	<u>Unacceptably High Risk</u> <i>(excluded from discharge from SDC consent at any time)</i>	<u>High Risk (excluded from discharge from SDC consent until date determined in the consent)</u>	<u>Medium Risk</u>
<u>Activities undertaken in Community drinking water protection zones</u>	Stormwater discharges in a domestic or community drinking water supply protection zone that on assessment puts at risk an active water supplier's ability to meet the Drinking Water Quality Standards for New Zealand.	Stormwater discharges that are not owned and operated by Selwyn District Council originating from hard stand in a domestic or community drinking water supply protection zone.	
<u>Land use activities on site</u>	Any site listed in the Canterbury Regional Council Listed Land-Use Register or a HAIL activity described in schedule 3 of the Canterbury Land and Water Regional Plan replacement plan unless classified as Medium risk.		<u>Aggregate and material storage/stockyard areas</u> <u>Commercial analytical laboratories</u> <u>Construction and maintenance depots (that exclude refuelling and bulk storage of hazardous substances)</u> <u>Demolition yards that exclude hazardous substances</u> <u>Dry cleaners</u> <u>Engineering workshops and metal fabricators</u> <u>Engine reconditioning workshops</u>

Selwyn District Council Stormwater and Drainage Bylaw ~~2018~~2025

	<u>Unacceptably High Risk</u> <u>(excluded from discharge from SDC consent at any time)</u>	<u>High Risk (excluded from discharge from SDC consent until date determined in the consent)</u>	<u>Medium Risk</u>
			<u>Food and beverage premises</u> <u>Motor vehicle workshops</u> <u>Any other activity that fails to meet the requirements of section 8 including wash down areas unless otherwise classified as high risk</u>

draft
10 Feb 2025

APPENDIX 4

LGA Provisions

*Procedure for making bylaws***155 Determination whether bylaw made under this Act is appropriate**

(1AA) This section applies to a bylaw only if it is made under this Act or the [Maritime Transport Act 1994](#).

- (1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.
- (2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—
 - (a) is the most appropriate form of bylaw; and
 - (b) gives rise to any implications under the [New Zealand Bill of Rights Act 1990](#).
- (3) No bylaw may be made which is inconsistent with the [New Zealand Bill of Rights Act 1990](#), notwithstanding [section 4](#) of that Act.

Section 155 heading: amended, on 28 June 2006, by [section 16\(1\)](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 155(1AA): inserted, on 28 June 2006, by [section 16\(2\)](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 155(1AA): amended, on 23 October 2013, by [section 90](#) of the Maritime Transport Amendment Act 2013 (2013 No 84).

156 Consultation requirements when making, amending, or revoking bylaws made under this Act

- (1) When making a bylaw under this Act or amending or revoking a bylaw made under this Act, a local authority must—
 - (a) use the special consultative procedure (as modified by [section 86](#)) if—
 - (i) the bylaw concerns a matter identified in the local authority's policy under [section 76AA](#) as being of significant interest to the public; or
 - (ii) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw; and
 - (b) in any case in which paragraph (a) does not apply, consult in a manner that gives effect to the requirements of [section 82](#).
- (2) Despite subsection (1), a local authority may, by resolution publicly notified,—
 - (a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—
 - (i) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or
 - (ii) an existing status or capacity of any person to whom the bylaw applies;
 - (b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent.

Section 156: substituted, on 28 June 2006, by [section 17](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 156 heading: replaced, on 8 August 2014, by [section 48\(1\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(1): replaced, on 8 August 2014, by [section 48\(2\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(2): amended, on 8 August 2014, by [section 48\(3\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

157 Public notice of bylaws and availability of copies

- (1) As soon as practicable after a bylaw is made, the local authority must give public notice of the making of the bylaw, stating—
 - (a) the date on which the bylaw will come into operation; and
 - (b) that copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount.
- (2) A local authority must—
 - (a) keep copies of all its bylaws at the office of the local authority; and
 - (b) make its bylaws available for public inspection, without fee, at reasonable hours at the office of the authority; and
 - (c) supply to any person, on request and on payment of a reasonable charge, a copy of any of its bylaws.

Compare: 1974 No 66 s 689

Review of bylaws made under this Act or the Local Government Act 1974

Heading: amended, on 28 June 2006, by [section 18](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

158 Review of bylaws made under this Act or the Local Government Act 1974

- (1) A local authority must review a bylaw made by it under this Act or the [Maritime Transport Act 1994](#) (other than a bylaw deemed to be made under this Act by [section 293](#)) no later than 5 years after the date on which the bylaw was made.
- (2) A local authority must review a bylaw made by it under the [Local Government Act 1974](#) (other than a bylaw deemed to be made under this Act by [section 293](#))—
 - (a) no later than 1 July 2008, if the bylaw was made before 1 July 2003; and
 - (b) no later than 5 years after the bylaw was made, if the bylaw was made after 1 July 2003.

Section 158: substituted, on 28 June 2006, by [section 19](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 158(1): amended, on 23 October 2013, by [section 90](#) of the Maritime Transport Amendment Act 2013 (2013 No 84).

159 Further reviews of bylaws every 10 years

A local authority must review a bylaw made by it under this Act, the [Maritime Transport Act 1994](#), or the [Local Government Act 1974](#) no later than 10 years after it was last reviewed as required by [section 158](#) or this section.

Section 159: substituted, on 28 June 2006, by [section 19](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 159: amended, on 23 October 2013, by [section 90](#) of the Maritime Transport Amendment Act 2013 (2013 No 84).

160 Procedure for and nature of review

- (1) A local authority must review a bylaw to which [section 158](#) or [159](#) applies by making the determinations required by [section 155](#).
- (2) For the purposes of subsection (1), [section 155](#) applies with all necessary modifications.
- (3) If, after the review, the local authority considers that the bylaw—
 - (a) should be amended, revoked, or revoked and replaced, it must act under [section 156](#);
 - (b) should continue without amendment, it must—
 - (i) consult on the proposal using the special consultative procedure if—
 - (A) the bylaw concerns a matter identified in the local authority's policy under [section 76AA](#) as being of significant interest to the public; or
 - (B) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed continuation of the bylaw; and
 - (ii) in any other case, consult on the proposed continuation of the bylaw in a manner that gives effect to the requirements of [section 82](#).
- (4) For the purpose of the consultation required under subsection (3)(b), the local authority must make available—
 - (a) a copy of the bylaw to be continued; and
 - (b) the reasons for the proposal; and
 - (c) a report of any relevant determinations by the local authority under [section 155](#).
- (5) This section does not apply to any bylaw to which [section 10AA](#) of the Dog Control Act 1996 applies.

Section 160: substituted, on 28 June 2006, by [section 19](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 160(3)(b): replaced, on 8 August 2014, by [section 49\(1\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 160(4): amended, on 8 August 2014, by [section 49\(2\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

160A Bylaw not reviewed within specified time frame revoked

A bylaw that is not reviewed as required under [section 158](#) or [159](#), if not earlier revoked by the local authority concerned, is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed under that section.

Section 160A: inserted, on 28 June 2006, by [section 19](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

REPORT

TO: Chief Executive

FOR: Council – 19 February 2025

FROM: Vanessa Mitchell – Head of Building, and
Nathan Evans – Building Services Delivery Manager

DATE: 19 December 2024

SUBJECT: **REVIEW OF COUNCILS DANGEROUS, AFFECTED OR
INSANITARY BUILDINGS POLICY**

RECOMMENDATION

“That the Council resolve to:

- a) Commence the special consultative procedure for the review of the Dangerous, Affected, and Insanitary Buildings Policy 2025 (refer Appendix A).*
- b) Adopt the statement of proposal (refer Appendix B).*
- c) That the Statement of Proposal be made available for public inspection at all Council Service Centres, and on the Council’s website.*
- d) That the period within which written submissions on the draft review of the Dangerous, Affected and Insanitary Buildings Policy 2025 may be made be between Monday 3 March and Friday 28 March 2025¹.*
- e) That submissions on the Statement of Proposal be heard by a hearing panel comprising of Councillors who shall report to the Council with its recommendations as soon as practicable following the hearing of submissions.*
- f) That 3 councillors are nominated to the hearing panel being ..., ... and*

1. PURPOSE

The purpose of this report is to commence the process of reviewing the Council’s Dangerous, Affected and Insanitary Buildings Policy.

The report includes background information and a draft reviewed policy and seeks the Council’s approval to commence the Special Consultative Procedure (SCP) under the Local Government Act 2002.

¹ Note: the proposed dates will be adjusted as required to ensure they do not overlap with the consultation on Water Done Well.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The decisions and matters of this specific report are assessed as of low significance in accordance with the Council's Significance and Engagement Policy.

Notwithstanding this the Building Act 2004 ("the Act"), requires that the SCP under the Local Government Act 2002 be used when amending, reviewing, or replacing a territorial authorities Dangerous, Affected, and Insanitary Buildings Policy.

3. HISTORY/BACKGROUND

Section 131 of the Building Act (formerly) required Territorial Authorities (TA's) to adopt a policy on dangerous, and insanitary buildings. The Act was amended in 2016 to include 'affected' buildings.

The policy was required to state:

- the approach that the TA will take in performing its functions, and
- the (TA's) priorities in performing those functions, and
- how the policy will apply to heritage buildings.

The Act also requires that the policy be reviewed at intervals of no more than 5 years, and notes that a policy does not cease to have effect because it is due for review or being reviewed.

The Council's first dangerous and insanitary buildings policy was adopted in July 2006. Reviewed policies were subsequently adopted in August 2011, and November 2018.

As required by the Act the reviewed policies were consulted on using the SCP set out in the Local Government Act 2002 as required by the Act.

The policy is due for review as the last policy (which included dangerous, affected, and insanitary buildings) was adopted by the Council in November 2018.

The policy approach for dangerous, affected, and insanitary buildings is reactive. When matters are brought to the attention of the Council, buildings are assessed in accordance with the provisions of the Building Act which specify the factors leading to a building being considered as dangerous, affected, and/or insanitary.

4. PROPOSAL

Included in the attachments to this report is:

- The existing 2018 policy, and

- A reviewed draft policy, and
- A statement of proposal.

The overall approach in the reviewed policy is reactive as in many cases a buildings' dangerous, affected, or insanitary status will not be readily apparent. Accordingly, any attempt to proactively identify buildings is likely to be unsuccessful unless considerable resources are applied to undertake inspections and evaluation of buildings.

Given this the Council will continue to rely primarily on complaints and observations from Council officers and members of the public raising concerns.

The reviewed policy includes the Act's requirements for determining whether a building is dangerous, affected and/or insanitary (for the purposes of the Act), and specifies the council's assessment process when complaints are received.

Also listed in the policy are matters which need to be taken into account prior to determining the work or action to be carried out on a building to prevent it from remaining dangerous, affected and/or insanitary.

A matrix is included in the policy to determine the time frame within which any assessment will be completed following a complaint or advice that a building may be dangerous, affected, and/or insanitary.

The Act specifies processes and notice requirements to owners and occupiers when buildings are identified as being dangerous, affected, and/or insanitary with these being detailed in the policy.

The focus of the policy review has also been to ensure it is more user friendly and provide clearer guidance to the public. This has been by way of a decision tree that clearly sets out the relevant steps of the process, along with the pathways council will take based on whether the building owner is willing to engage in a co-operative manner with Council or not. This approach ensures greater clarity for building owners and staff to ensure a robust end to end process.

5. OPTIONS

The Council is required to have a policy on Dangerous, Affected and Insanitary Buildings under the Act.

The options available to the Council at the present time are:

- 1) Approve the recommendation to commence the Special Consultative Procedure for the adoption of the reviewed policy on Dangerous, Affected and Insanitary Buildings.
- 2) Refer the reviewed policy back to staff for reconsideration.

Option 1 is recommended.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

The reviewed policy supports the community outcomes of we are safe at home and in the community, and a community which values its culture and heritage.

(a) Views of those affected and Consultation

A copy of the reviewed policy was forwarded to the Ministry of Building Innovation and Employment (MBIE) during the 2024 TA review. Feedback received from MBIE was that the policy is well considered and appropriate, and commended both the policy and supporting documented procedures.

They also provided a number of recommendations for SDC to consider which included:

- Adding related enforcement action and S124 notices
- Covering the economic impact of the policy eg; the costs of any action required to reduce or remove dangerous or insanitary conditions in affected buildings in the broader social and economic context of the community
- Stating the interaction between the policy and other provisions of the Act ie; S112-116A
- Stating that if the policy is amended, a copy is to be provided to MBIE as specified by the Act in s132(3)
- Recommend a specific check sheet is developed to inspect potential DAI buildings
- Provide information on how the public should report a suspected DAI building and include potential enforcement actions for non-compliances and a link to MBIEs guidance on our website.

These items have been considered and incorporated into the reviewed policy, and the public information component has been addressed through updates to council's website content.

The reviewed policy has been prepared taking into account the detailed requirements of the Building Act and consultation being progressed using the SCP under the Local Government Act 2002 as required by section 132 of the Building Act 2004.

(b) Māori and Treaty implications

The proposal does not involve a significant decision in relation to land or a body of water or other elements of intrinsic value, therefore the issue does not specifically impact Māori, their culture and traditions.

(c) Climate Change considerations

The proposal does not have any direct climate change implications.

7. FUNDING IMPLICATIONS

The process of preparing the reviewed policy is being undertaken using existing budgets.



Vanessa Mitchell
HEAD OF BUILDING

Endorsed For Agenda



Robert Love
EXECUTIVE DIRECTOR DEVELOPMENT & GROWTH

APPENDIX A

Dangerous, Affected, and Insanitary Buildings Policy 2025

APPENDIX B

Dangerous, Affected, and Insanitary Buildings Statement of Proposal

B201 - Dangerous, Affected and Insanitary Buildings Policy

Category	Building	Type	Policy
Policy owner	Executive Director Development & Growth	Approved by	Council
Last approved revision	October 2018	Review date	February 2025

PURPOSE

[Sections 131](#) and [132A](#) of the Building Act 2004 (the Act) requires territorial authorities to adopt a policy on dangerous, affected, and insanitary buildings within its District.

The policy must state:

- (a) the approach the Territorial Authority will take in performing its functions;
- (b) the Territorial Authority's priorities in performing those functions; and
- (c) how the Policy will apply to heritage buildings.

THE POLICY

1. Policy principles

The Council acknowledges that the provisions of the [Building Act 2004](#) (the Act) in regard to dangerous, affected, and insanitary buildings reflect the Government's broader concern with the health and safety of people who use buildings.

Early detection and rectification of dangerous, affected, and insanitary buildings is strongly connected with the Council's aim of having a safe District, ensuring people and communities who use buildings can do so safely and without endangering themselves and their health.

This policy has been developed following consultation in accordance with section 83 of the Local Government Act 2002.

2. Overall approach

[Sections 124](#) and [130](#) of the Act provide the authority necessary for Council to take action on dangerous, affected, or insanitary buildings, and sets out how these actions are to be taken.

Council approach to dangerous, affected, or insanitary buildings is:

- To encourage the public to discuss their development plans with Council and to obtain building consent for work Council deems to be necessary before any work commences. This aims to minimise the creation of dangerous or insanitary conditions that could be injurious to the health of occupants, or where safety risks are likely to arise from a change in the use of a building.
- Passive in terms of follows up on complaints and concerns raised from various sources (e.g. members of the public, agencies such as NZ Police or Fire and Emergency NZ).
- Proactive where observations from Council officers are investigated to identify potentially dangerous and/or insanitary buildings.

3. Assessment criteria

Dangerous buildings

The Council will assess dangerous and affected buildings in accordance with sections 121 and 121(A) of the Act.

[Section 121](#) of the Act provides that:

- (1) A building is **dangerous** for the purposes of this Act if:
 - (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause:
 - (i) injury or death (whether by collapse or otherwise) to any persons in it or to person on other property or
 - (ii) damage to other property; or
 - (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.
- (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority -
 - (a) may seek advice from employees, volunteers, and contractors of [Fire and Emergency New Zealand](#) who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and
 - (b) if the advice is sought, must have due regard to the advice.

Affected buildings

[Section 121A](#) of the Act provides that:

A building is an **affected** building for the purposes of the Act, if it is adjacent to, adjoining, or nearby:

- (a) a dangerous building as defined in Section 121; or
- (b) a dangerous dam within the meaning of [Section 153](#).

Insanitary buildings

Council will assess insanitary buildings in accordance with Section 123 of the Act.

[Section 123](#) of the Act provides that:

A building is **insanitary** for the purposes of the Act if the building:

- (a) is offensive or unlikely to be injurious to health because -
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
- (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- (c) does not have a supply of potable water that is adequate for its intended use; or
- (d) does not have sanitary facilities that are adequate for its intended use.

4. Identifying dangerous, affected, and insanitary buildings

The Council will actively respond to and investigate all complaints/concerns received and identify from these investigations any buildings that are dangerous, affected, or insanitary.

The building will be assessed to determine:

- if there has been any unauthorised building work and/or unauthorised change of use;

- the standard of maintenance of any specified systems for fire safety, water supply or other building elements that provide amenity;
- the state of repair of the building structure and services; and
- the safety level of the building compared to the relevant performance criteria of the [New Zealand Building Code](#).

An authorised Council officer will decide:

- whether the building or part of the building is dangerous or insanitary, and
- if dangerous, whether any other buildings should be regarded as an affected building.

Council or owners may obtain expert advice where appropriate and explore options to reduce or remove the danger, or to fix the dangerous or insanitary conditions.

In forming its views as to the work or action required to prevent the building from remaining dangerous, affected, or insanitary, Council will consider some, or all, of the following:

- the type, size and complexity of the building and location of the building in relation to other buildings, public places and hazards;
- age of the building;
- how many people spend time in or near the building;
- current and likely future use of the building;
- the expected useful life of the building and any prolongation of that life;
- reasonable practicality of any work required;
- any special historical or culture value of the building;
- any other matters, including other Council policies, that Council considers may be relevant considering the particular set of circumstances.

5. Acting on dangerous and insanitary buildings

In accordance with [section 124](#) and [section 125](#) of the Building Act 2004 (the Act) Council:

- (a) will advise and liaise with the owner(s) of buildings once a building has been identified as dangerous or insanitary as per clause 4 above;
- (b) may request a written report on the building from [Fire and Emergency New Zealand \(Whakaratonga Iwi\)](#);
- (c) may request reports from other parties with relevant expertise to be supplied at the owners expense.

If the building is found to be dangerous, or insanitary, Council may do any or all of the following:

- (a) put up a hoarding or fence to prevent people approaching the building;
- (b) attach in a prominent place, on or adjacent to, the building a notice that warns people not to approach the building;
- (c) attach a written notice to the building requiring work to be carried out on the building within a time stated in the notice, being not less than 10 days, to reduce or remove the danger, or prevent the building from remaining in an insanitary condition;
- (d) issue a notice restricting entry to the building;
- (e) endeavour to give copies of that notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as [Heritage New](#)

[Zealand](#), if the building is a registered heritage building;

- (f) contact the owner at the expiry of the time in the notice to gain access to the building to ascertain whether the notice has been complied with;
- (g) where the danger or insanitary condition is the result of unauthorised building work, the owner will be formally requested to provide a written explanation as to how the work occurred, who carried it out, and under whose instructions;
- (h) pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time.

If the building is considered to be of immediate danger (as defined in [section 129](#) of the Act), Council may:

- (a) by warrant, undertake any action to remove that danger, which may include prohibiting persons from using or occupying the building or demolition of all or part of the building; or fix the insanitary conditions; and
- (b) undertake action to recover costs from the owner(s) when Council carries out works to remove the danger; and
- (c) inform the owner that the amount recoverable by Council will become a charge on the land on which the building is situated.

All owners have a right of appeal as defined in the Act, which can include applying to the Ministry of Business, Innovation and Employment for a determination under [section 177\(3\)](#) of the Act.

6. Acting on affected buildings

When a building is determined to be dangerous, Council will assess if any adjacent, adjoining, or nearby building is affected (an affected building) as defined in [section 121A](#) of the Act.

The owner of the affected building will be provided with:

- a copy of any notice issued for the dangerous building under [section 124\(2\)\(b\),\(c\) or \(d\)](#); and
- information relating to Council's monitoring and enforcement actions in relation to the dangerous building in accordance with [section 128A](#).

Council may, at its discretion, exercise any of its powers under [section 124\(2\)\(a\), \(b\), or \(d\)](#) in relation to the affected building.

7. Priorities for action

Council uses a matrix to determine the timeframe within which the assessment will be completed.

Table 1. Definitions

Level of risk/likelihood	
Very high	Accessed daily by large groups of people (e.g. hospital, education facility, police station, prison, community centre, supermarket).
High	Accessed regularly by small groups of people (e.g. office, shops, apartment building).
Medium	Accessed daily (e.g. dwelling).
Low	Infrequent access, or exposure to hazard (e.g. detached domestic garage, workshop, sleepout).
Very low	Unlikely to be occupied, space typically used for storage only (e.g. farm shed, hay barn).

Consequence of failure	
Negligible	No injuries, no inconvenience to building users, no impact on adjacent buildings/property.
Minor	No injuries, some inconvenience to building users, likely impact on adjacent buildings/property.
Moderate	No injuries, inconvenience to building users, likely to impact on adjacent building/property.
Major	Serious injury or death (including injurious to health), evacuation or short-term sheltering may be required.
Extreme	Multiple deaths/serious injuries, failure of building likely to impact on adjacent building/property, evacuation or short/long term sheltering is required.

Table 2. Assessment priority matrix

Risk calculator (level of risk/likelihood x consequences of failure).

Determine the level of risk/likelihood and the consequence of failure using the definitions provided in Table 1 above. Input these into the table below.

Consequence of failure					
Level of risk	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Very high (5)	5	10	15	20	25
High (4)	4	8	12	16	20
Medium (3)	3	6	9	12	15
Low (2)	2	4	6	8	10
Very low (1)	1	2	3	4	5

Table 3. Assessment timeframe

The score from Table 2 informs the timeframe in which initial action will be taken.

Priority	Score	Working days
Immediate	≥15	1
High	10-14	3
Medium	6-9	10
Low	≤5	20

8. Interactions with building owners and Building Act sections

Before exercising its powers, Council will seek to discuss options for action with owners on a mutually acceptable approach. This will lead to a formal proposal from the owners for dealing with dangerous, affected or insanitary situations, or action being taken under the [Health Act 1956](#).

Where discussions do not yield a mutually acceptable approach and proposal, Council will commence proceedings in accordance with [section 124](#) of the Act.

Where parties other than the building owner have access to the building, Council will exercise its powers without delay in the interests of protecting the public. The owner will be kept fully informed of the process.

Council recognises that exercising its powers in these situations is about finding the right balance to address safety issues, but also be mindful of factors such as:

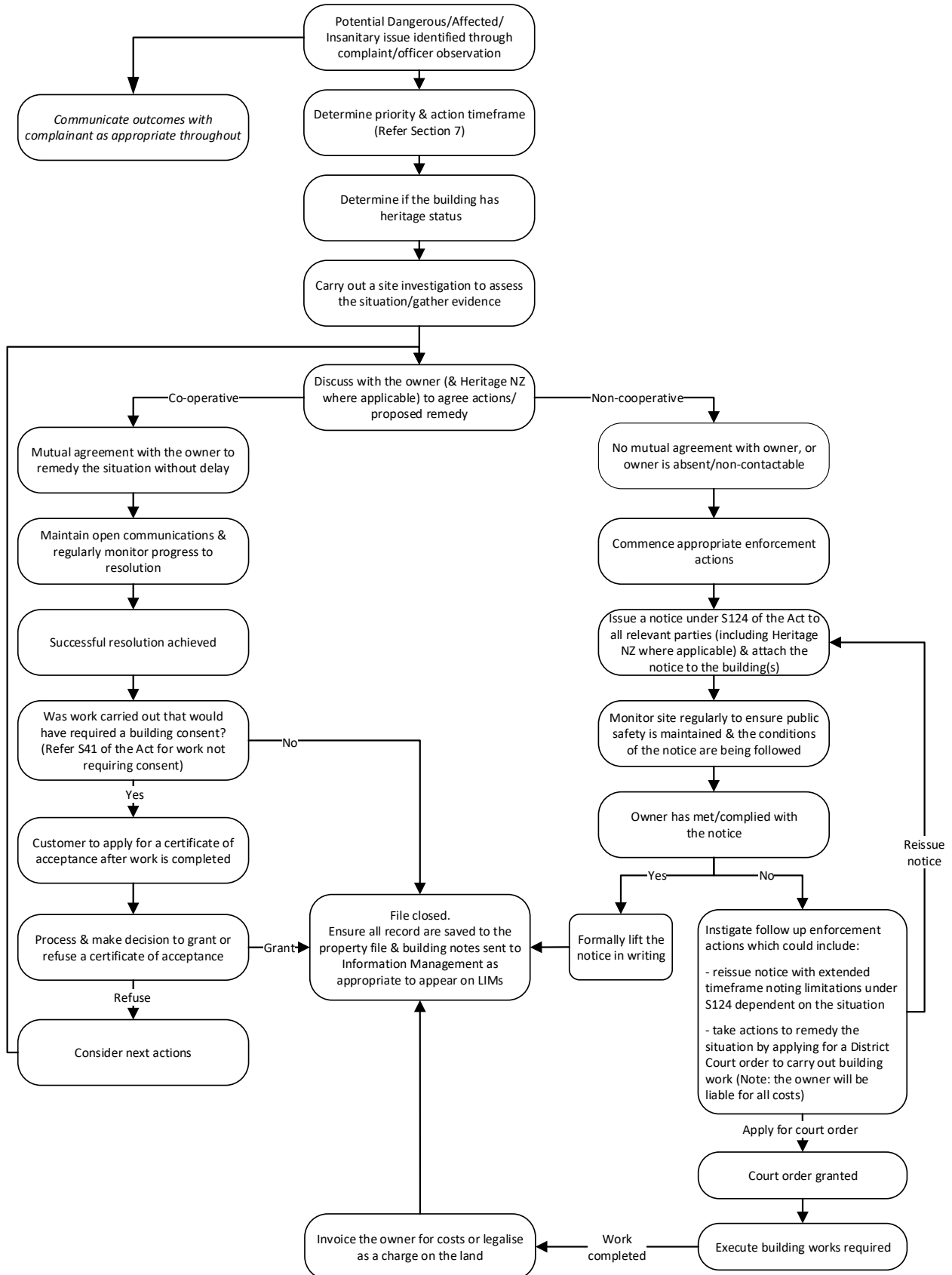
- Continuing to occupy a building versus evacuating the building.
- The cost of short-term disruption arising from the evacuation of a building may be greater than the long-term danger.
- Remove issues over an extended period of time, dependent on circumstances.
- Economic impacts of any actions required.
- Judgement concerning the nature and importance of heritage buildings.

Notices issued by Council must specify:

- (a) the work that is required to be done by the building owner,
- (b) the time in which it should be completed, and
- (c) whether the building owner is required to obtain a building consent to carry out the work, noting this would trigger [section 112](#) of the Act which requires:
 - the building's overall compliance with the Building Code (including other applicable clauses in addition to fire and accessibility, such as structure) must not be less than what it was prior to the alteration taking place; and
 - the whole building to be upgraded so that it complies as is reasonably practicable with the current Building Code clauses for fire and accessibility (if applicable under [section 118](#) of the Act).

These requirements are in place in the legislation to ensure that over time buildings undergoing alterations are upgraded to better meet current Building Code requirements.

The flowchart below sets out the interactions with building owners and the applicable sections of the Building Act depending on the situation.



9. Record keeping/LIM Information

Where dangerous, insanitary conditions or affected building status are confirmed, the following information will be recorded on the relevant property file and any land information memorandum (LIM) for a property:

- (a) any written notice under [section 124\(2\)](#) of the Act; and
- (b) explanatory information of the Act's requirements and,
- (c) whether or not the issue has been resolved.

Information on these matters may still be available in response to a request under the [Local Government Official Information and Meetings Act 1987](#).

10. Heritage buildings (Pohere Toanga)

In the implementation of procedures under the Act with regards to dangerous, affected, or insanitary buildings, Council will consider any special traditional or cultural aspects of the intended use of a building, and the need to facilitate the preservation of buildings of significant cultural, historical or heritage value.

This will be achieved by:

- (a) recognising the range of heritage buildings that exist in the District, including the New Zealand Historic Places list and statutory protection through listing in the District Plan;
- (b) consultation with owners and [Heritage New Zealand](#) in relation to any proposed written notice requiring work;
- (c) informing and involving relevant statutory organisations, including [Heritage New Zealand](#), with regard to any heritage building identified as at risk;
- (d) considering heritage values when developing and managing upgrading proposals;
- (e) consideration of alternative methods to avoid unnecessary demolition of heritage buildings including;
 - partial demolition;
 - temporary propping/support of the structure;
 - hoardings to restrict access;
 - partial deconstruction to make safe and salvage materials.

After undertaking the actions outlined above, Council will serve notices requiring upgrading or removal within specific timeframes, in consultation with building owners.

11. Policy review

This policy was adopted in 2018 and reviewed in February 2025. [section 132\(4\)](#) of the Act requires the Council to review this policy at intervals of not more than five years.

The policy does not cease to have effect because it is due for review or is being reviewed.

Next review is required on or before February 2030.

The TA must, in accordance with [section 132\(3\)](#), as soon as practicable after reviewing the policy, provide a copy of the policy to the Chief Executive of MBIE.

DELEGATION

The implementation of this policy is delegated to the [Executive Director Development and Growth](#).

RELATED POLICIES, PROCEDURES AND FORMS

In considering how to address non-compliance the Council must be mindful of any matters requiring consideration under other legislation. In particular, in addition to the [Building Act 2004](#), the Council needs to consider the following:

- [Civil Defence Emergency Management Act 2002](#)
- [Health Act 1956](#)
- [Heritage New Zealand Pouhere Taonga Act 2014](#)
- [Local Government Act 2002](#)
- [Local Government Official Information and Meetings Act 1987](#)
- [Resource Management Act 1991](#)

CONTACT FOR FURTHER INFORMATION ABOUT THIS POLICY

If you have queries about the content of this policy, contact the [Head of Building](#) or [Executive Director Development and Growth](#).

POLICY REVIEW TABLE

Date of last review	Status/summary of changes made
December 2018	Reviewed and approved by Council
February 2020	Reviewed by staff with no amendments made
November 2020	Reviewed by staff with minor amendments made
February 2023	Reviewed by staff with minor amendments made
? 2025	Reviewed and approved by Council

**STATEMENT OF PROPOSAL
DRAFT SELWYN DISTRICT COUNCIL
DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY 2025**

Introduction

The Building Act 2004 (the Act) requires each Territorial Authority (TA) to have a Dangerous, Affected and Insanitary Buildings Policy and to review that policy at intervals of not more than five years. The policy does not cease to have effect because it is due for review or being reviewed.

In its review of the policy the Council is proposing to replace parts of the policy with a flow diagram to clearly articulate the process for both out staff and members of the public. The policy was recently reviewed by MBIE during our 2024 TA Review, receiving positive feedback on the standard of the policy. They also provided valuable recommendations which have taken into consideration in the review, alongside MBIEs recently published guidance for developing policies on dangerous, affected, and insanitary buildings.

The Dangerous, Earthquake Prone and Insanitary Buildings Policy was last formally reviewed in October 2018, and informally reviewed in February 2023. Therefore, it is overdue to go through the formal review process.

Proposal

The overall approach in the draft policy is reactive, as in many cases a building's dangerous, affected or insanitary status will not be readily apparent.

Given this the council will continue to rely primarily on complaints and observations from Council officers.

The draft policy confirms the Act's requirements for determining whether a building is dangerous, affected or insanitary, and specifies the council's assessment process when complaints/concerns are received.

Also listed in the draft policy are:

- matters which need to be taken into account prior to identifying dangerous, insanitary and affected buildings,
- action to be taken on dangerous, affected and insanitary buildings, including notice requirements and actions required where the building is considered to be of immediate danger,
- taking action on affected buildings
- dealing with building owners with a view to arriving a mutually acceptable approach,
- consenting requirements when a building is assessed as being immediately dangerous,
- record keeping/Land Information Memorandum information, and

- the approach to heritage buildings, which will take into account any special traditional or cultural aspects of the intended use or any significant cultural, historic or heritage values.

A matrix is included in the policy to determine the timeframe within which any assessment will be completed following a complaint or advice that a building may be dangerous, affected or insanitary. The matrix includes a risk calculator, which is based on the level of risk/likelihood and the consequences of failure in terms of injuries and possible fatalities.

A copy of the draft policy is attached to this Statement of Proposal.

Submissions

Any person or body interested is welcome to make a submission or comments on the proposed policy on Dangerous, Affected and Insanitary Buildings Policy 2025.

Submissions on the proposed policy can be made via the on-line submission form or downloadable submission form on the Council website yoursay.selwyn.govt.nz.

Submissions must be addressed to:

The Head of Building
Selwyn District Council
Policy on Dangerous, Affected and Insanitary Buildings
PO Box 90
Rolleston 7643

Or emailed to submissions@selwyn.govt.nz.

Submissions must be received no later than 5:00 pm on Friday 28 March 2025¹.

Any person making a submission may request to be heard in support of their submission.

¹ Note: the submission date will be adjusted as required to ensure there is no overlap with the consultation on Water Done Well.

REPORT

TO: Chief Executive Officer

FOR: Council Meeting – 19 February 2024

FROM: Head of Acquisitions Disposals & Leasing and Acquisitions Disposals and Leasing Officer

DATE: 6 December 2024

SUBJECT: **AUTHORITY TO GRANT LEASES OVER RECREATION RESERVES PURSUANT TO SECTION 54(1) OF THE RESERVES ACT 1977**

RECOMMENDATION

That Council in accordance with the delegation of powers dated 27 June 2013 conferred on it by the Minister of Conservation in relation to Section 54(1) of the Reserves Act 1977, agrees to the granting of leases described within this Report, for the following:

Reserve	Lessee	Legal Description	Area	Held in record of Title	Purpose	Term	Plan shown in Appendix
Ellesmere Recreation Reserve	Ellesmere Motor Racing Club Incorporated	Reserve 1630	5.7ha	Gazette Notice 1981 p101	Activities in relation to Motor Racing Club	10 years with two rights of renewal of 10 years each	A

1. PURPOSE

The purpose of this Report is to seek the Council's approval to grant leases over land classified as recreation reserve in accordance with Section 54(1) of the Reserves Act 1977.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The issue and decision that is the subject of this Report has been assessed against the Significance and Engagement Policy. The decision itself is based upon the requirements of the Reserves Act 1977 and the subsequent delegation to territorial authorities from the Minister of Conservation in relation to the administering of that Act. The significance level of the issue and decision in relation to granting these leases is considered to be low.

The reason for this assessment is due to the fact that the leases will only be covering a relatively small portion of the reserve.

3. HISTORY/BACKGROUND

Legislative background

Council may grant a lease pursuant to the requirements of the Reserves Act 1977, which provides the legislative framework for leases over recreation reserves. As these reserves are not presently governed by a Reserve Management Plan under Section 41 of the Reserves Act 1977, then requirements of public notification and Ministerial approval are required (refer section 54(1A) (c) and 54(2A)(a) and 73 of the same Act).

Public notification has been conducted and is detailed in Section 6 of this Report. There were no objections received.

We note that Section 54 of the Reserves Act 1977 governs leasing powers in respect of recreation reserves. It allows the administering body of a reserve to exercise its function to grant a lease of part of the reserve for the erection of buildings and structures associated with the use of the reserve for outdoor sports.

However, by Instrument of Delegation dated 27 June 2013 (enclosed as Appendix C), power is conferred on Council by the Minister of Conservation to make the decision under Sections 54 of the Reserves Act 1977 as to whether to grant the leases that are the subject of this Report. That delegation does not, however, extend to Officer level, thus necessitating a decision from full Council in lieu of a decision from the Minister.

4. PROPOSAL

It is proposed that the Council resolve to grant the leases pursuant to the Reserves Act 1977.

5. OPTIONS

Option 1 – approve the Recommendation tabled in this Report and grant the leases.

- This is the recommended option because it will ensure that the leasing relationship between Council and the Lessees continues, and will allow staff the opportunity to ensure the leasing documentation is up-to-date and valid.

Option 2 – do nothing.

- This option is not recommended as it is best practice to enter into a lease to provide both the Lessor and Lessee with a framework under which to manage any occupation.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

(a) Views of those affected

The terms of the proposed lease have been sent to the lessees by the Acquisitions Disposals & Leasing Team. Negotiations over terms have commenced. Pending a response from the Council to this Report, staff will continue to discuss terms of the lease and come up with a suitable final document for execution.

(b) Consultation

Public notification across a one (1) month period is required under the Reserves Act 1977 before the proposed lease can be granted. Notices were published in the Selwyn Times and on the Public Notices section of the Selwyn District Council Website. No submissions were received.

(c) Māori implications

Māori implications are not specifically applicable in the set of circumstances involved in this Report, as it refers to a contractual relationship between Council and the Lessees.


(d) Climate change considerations

Recreation reserves provide the community with a greenspace for years to come. There are few direct climate change considerations with regard to the granting of

these leases, as it is largely an administrative process.

7. FUNDING IMPLICATIONS

The ongoing management of any building and its improvements will be the responsibility of the Lessee, the details of which will be stipulated in the lease Documentation. The rental under the Reserves Charging policy is set to be \$681.36 plus GST. Any annual licence fee and/or rental will be charged in accordance with Council's Reserve Charging Policy.



Kelly Bisset
ACQUISITIONS DISPOSALS & LEASING OFFICER



Rob Allen
HEAD OF ACQUISITIONS DISPOSALS & LEASING

Endorsed For Agenda

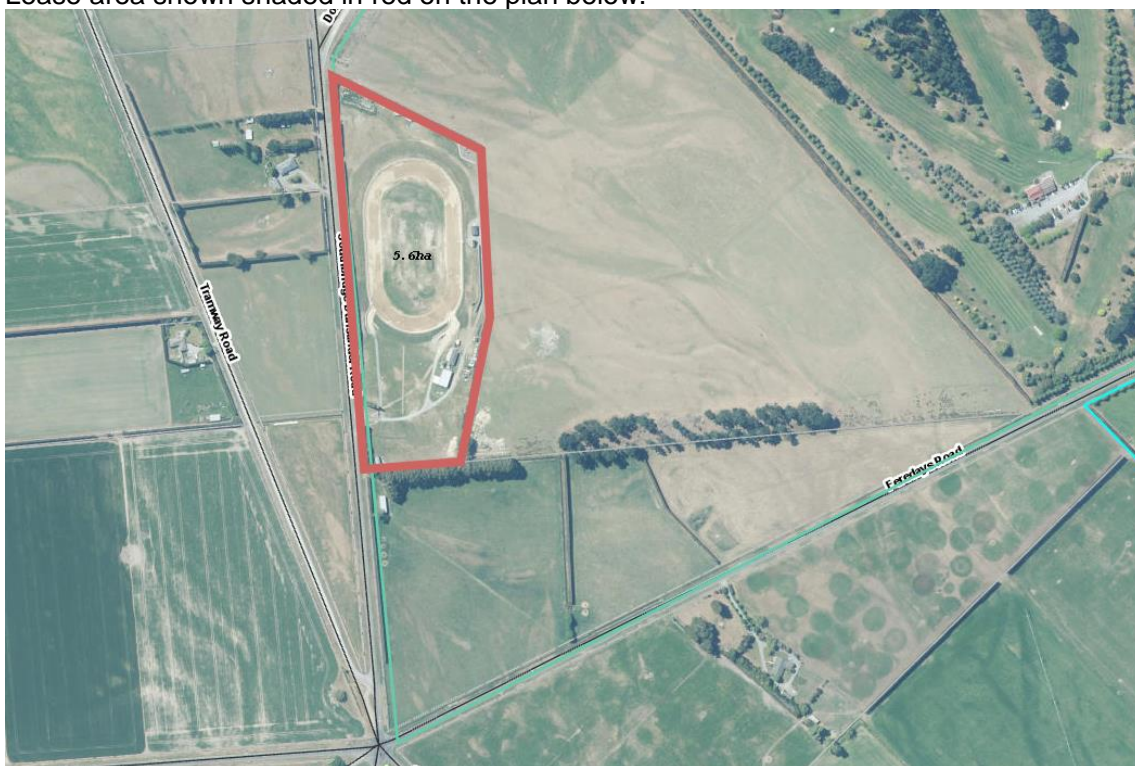


Tim Harris
EXECUTIVE DIRECTOR – ENABLING SERVICES

APPENDIX A

LEASE PLAN- ELLESMERE MOTOR RACING

Lease area shown shaded in red on the plan below.



APPENDIX C

Covering Letter of Minister's Delegation

Our Ref:
Your Ref:

27 June 2013

Chief Executives
Territorial Local Authorities

Dear Sir/Madam

Revised Delegation of Powers under the Reserves Act 1977

The Hon Dr Nick Smith, the Minister of Conservation has recently approved new delegations to local authorities, including regional councils, under the Reserves Act 1977 to enable them to better perform their role as the administering body of reserves.

A copy of the instrument of delegation, signed by the Minister of Conservation on 12 June 2013, is attached and updates the one currently incorporated in the *Reserves Act Guide*.

These delegations extend the scope of the existing powers, by removing the previous limitations and conditions and they include some additional delegations. It is envisaged they will better enable local authorities to make decisions affecting reserves and are in accordance with the spirit of the changes taking place within the Department of Conservation with an emphasis on conservation with communities.

Local authorities will now be able to make certain decisions that previously had to be referred to the Department of Conservation for the approval of the Minister or the Minister's delegate.

One of the most significant changes now means that councils can process their own MOC consents for the granting of leases, licences or easements over council vested reserves.

An appropriate record of any decision made under the delegations must be retained and it is suggested this should be in the form of a separate submission or component of a submission to the decision maker with clear recommendations and provision for the formal approval to be recorded.

As a guide to assist local authorities with preparing their own submissions, a suggested template is attached, which could be used as the base format for such submissions. Also attached for your information is an example of one of the more common submissions for an easement that previously required MOC consent from the Department. This example is intended to provide guidance for the information that local authorities should be providing to their decision maker.

Dunedin Service Centre
PO Box 5244, Moray Place, Dunedin 9058, New Zealand
Telephone 03-477 0677, Fax 03-477 8626

In exercising the new delegations local authorities must, of course, still act in accordance with the requirements of the Reserves Act. The processes set out in the Act, such as those dealing with public consultation, must still be complied with.

There will be an expectation to maintain a distinction between council's role as the administering body of a reserve and their role as a delegate of the Minister.

Councils should note however, the delegations do not provide the power to sub delegate and any decisions made under these delegations should be exercised by the Council itself and not by council staff.

It should also be noted that the power to revoke a reservation has not been delegated to ensure that such a significant step would remain subject to consideration by the Minister or the Ministers departmental delegate.

There are some actions that the Department will still need to be notified of to enable the maintenance of national reserve records. Such actions would include changes to classification or any action that requires a gazette notice. Please ensure that a system is put in place whereby such notification is undertaken.

The Minister is confident that the delegations will be exercised responsibly and the department will be able to provide any necessary guidance to help make sure that would be the case.

Your staff can contact the following Department of Conservation staff should they have any queries or need to seek advice and guidance regarding these delegation changes.

Department of Conservation Contacts:

Service Centre	Name	Phone	Email
Hamilton	Anna Ginnaw	(07) 858 1000	aginnaw@doc.govt.nz
Christchurch	SLM Christchurch	(03) 371 3700	slmchristchurch@doc.govt.nz
Hokitika	Ron Hazeldine	(03) 756 9168	rhazeldine@doc.govt.nz
Dunedin	David Griffin	(03) 474 6921	dgriffin@doc.govt.nz

Please do not hesitate to contact the above staff for advice.

Yours faithfully

Dave Johnstone
Manager Permissions/SLM

Dunedin Service Centre
PO Box 5244, Moray Place, Dunedin 9058, New Zealand
Telephone 03-477 0677, Fax 03-477 8626

Instrument of Delegation

RESERVES ACT 1977

INSTRUMENT OF DELEGATION FOR TERRITORIAL AUTHORITIES

1. PURSUANT to section 10 of the Reserves Act 1977 I, NICK SMITH Minister of Conservation, DELEGATE to all territorial authorities (as defined in this Instrument of Delegation) such of my powers, functions and duties under the Reserves Act 1977 as are set out in the following Schedule subject to the Limitation of Powers in the Schedule and to the conditions in paragraph 2 of this Instrument.
2. The delegations in this Instrument apply only where the territorial authority is the administering body of the relevant reserve (i.e. affected by the decision to be made) by virtue of a vesting or an appointment to control and manage.
3. This Instrument replaces the previous Instrument of Delegation dated 10 March 2004, which is hereby revoked.

Definitions:

"Administering body" - means an administering body under the Reserves Act 1977.

"Territorial authority" - means a local authority and a unitary authority as defined in section 5 Local Government Act 2002.

"Vested reserve" - means a reserve vested in a territorial authority (not in the Crown).

Relevant Provisions of Delegation

- 54(1) Give or decline to give prior consent to administering body, in the case of a recreation reserve vested in it, to grant leases for any of the purposes specified in paragraphs (a), (b), (c) and to grant a lease or licence for any of the purposes specified in paragraph (d) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.54(1)(a), (b), (c) and (d).

Give or decline prior consent to administering body permitting, in a lease, the erection of buildings and structures for sports, games or public recreation not directly associated with outdoor recreation.

Consent or decline consent to variations or amendments to leases and consent to the carrying out of any other necessary actions arising out of the leases consistent with the First Schedule, Reserves Act.

73(1) Consent or decline prior consent to an administering body granting a lease of recreation reserve in the circumstances specified in s.73(1), where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease in the circumstances specified in section 73(1) in all other cases.

Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(1).

REPORT

TO: Chief Executive Officer

FOR: Council Meeting – 19 February 2025

FROM: Head of Acquisitions Disposals and Leasing and Senior Officer
Acquisitions Disposals and Leasing

DATE: 7 February 2025

**SUBJECT: DEDICATION OF LOCAL PURPOSE (ROAD) RESERVE AS LEGAL
ROAD – LOT 205 DEPOSITED PLAN 496903 – GUINEA DRIVE,
PREBBLETON**

RECOMMENDATION

“That Council:

- (a) Receives the report.*
- (b) Resolves pursuant to Section 111 of the Reserves Act 1977 to dedicate Lot 205 Deposited Plan 496903 as legal road.”*

1. PURPOSE

The purpose of this report is to seek a decision from Council to dedicate Lot 205 Deposited Plan 496903 ('the Reserve') as legal road.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The issue and decision that is the subject of this report has been assessed against the Significance and Engagement Policy and consideration has been given to criteria set out in the policy including:

- the potential effects on delivery of the Council's policies and strategies;
- the degree to which the decision or proposal contributes to promoting and achieving particular community outcomes;
- the level of community interest in the proposal, decision or issue;
- the extent to which the proposal or decision impacts on community members or groups and the numbers of people or groups affected;
- the values and interests of Ngai Tahu whanau, Hapu and Runanga as mana whenua for the region; and
- the decision is reversible whereby the purpose of the Reserve could be changed back which would place Council back in a similar financial position.

Based on the above the matter is considered to be of low significance.

3. HISTORY/BACKGROUND

- (a) In 2015 Suburban Estates Limited proposed to create a 77 residential lot subdivision in 6 stages located at 152 and 164 Hamptons Road, Prebbleton. Please see RC155227 in Appendix A.
- (b) Stage 5A vested Lot 205 DP 496903 in Council for Local Purpose (Road) Reserve, the Reserve, shown outlined in blue on the aerial plan attached as Appendix B. A copy of the title is also shown in Appendix B.
- (c) Urban Estates No. 20 Limited have lodged a s224 application for Stage 1 of RC235448. Please see RC 235448 in Appendix C.
- (d) The Chorus easement over the Reserve will be surrendered.
- (e) In accordance with the subdivision consent, the subdivision plan prepared for the developer, LT 496903, showed Lot 205 as Local Purpose (Road) Reserve to vest in Council (as per the title diagram below shown in Appendix B). The subdivision was completed in 2016 and as provided for in the Resource Consent and the LT plan, the Reserve vested in Council as Local Purpose (Road) Reserve.
- (f) The Reserve is the roading connection point between Guinea Drive and the new The Hamptons development, shown on the plans in Appendix D.
- (g) The Planning Team have, following discussions with Councils solicitors Buddle Findlay, requested that Property staff seek a resolution from Council to dedicate *Lot 205 Deposited Plan 496903 as legal road pursuant to section 111 of the Reserves Act 1977.*

4. PROPOSAL

- (a) The proposal is to utilise Section 111 of the Reserves Act 1977 to dedicate the Reserve as road.
- (b) There is a small risk that LINZ may, given its current reluctance to accept dedications, refuse a dedication under Section 111 of the Reserves Act but the clear wording of Section 111 of the Reserves Act strongly supports dedication here.
- (c) To give effect to the proposal it requires a resolution by Council to dedicate the Reserve as road pursuant to Section 111 of the Reserves Act 1977.

5. OPTIONS

The options available to Council are:

- Option 1 – adopt the recommendation as provided by staff to dedicate the Reserve as road;
- Option 2 – decline to adopt the recommendation and not proceed with the dedication of the Reserve as road.

Staff support Option one as it is consistent with Council's objectives.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

(a) Views of those affected

The development relies on the on the dedication of this reserve as road. It provides a key link to the subdivision and is the intention of the reserve.

(b) Consultation

Consultation has been undertaken with the Planning Team. Through the development of the Outline Development Plan, the community views on this area and the roading network (of which the Reserve was to ultimately form part of) have been considered.

(c) Māori implications

Māori implications are not specifically applicable in this report. The dedication does not attract any legislative requirement in relation to Ngāi Tahu.

If any implications for Māori were to arise, the principles of Te Tiriti o Waitangi will always be borne in mind by Council's officers and consultants.

(d) Climate change considerations

As this report is to dedicate the Reserve as road, there are no climate change considerations to be made.

7. FUNDING IMPLICATIONS

The recommendation in this report does not have any financial implications on Council's current budgets.



Rob Allen
HEAD OF ACQUISITIONS DISPOSALS & LEASING



Asti Boal
SENIOR ACQUISITIONS DISPOSALS & LEASING OFFICER

Endorsed For Agenda



Tim Harris
EXECUTIVE DIRECTOR STRATEGY & ENGAGEMENT

APPENDIX A - RC155227

**RESOURCE CONSENT DECISION:
155227**



Applicant:	Suburban Estates Ltd
Proposal:	Subdivision to create in 6 stages: 77 residential lots, recreation reserve and roads to vest
Location:	152 and 164 Hamptons Road, Prebbleton
Legal Description:	<p>Lot 2 DP 25587 being 1.9873ha in area, more or less, as contained in Certificate of Title CB7B/842</p> <p>Lot 150 DP 481231 being 1.5941ha in area, more or less, as contained in Certificate of Title 676505</p> <p>Lot 150 DP 486576 being 3.6777ha in area, more or less, as contained in Certificate of Title 694242</p>
Zoning:	The property is zoned Living Z under the provisions of the Partially Operative District Plan (Townships) Volume
Status:	<p>This application has been assessed as a consent for a discretionary activity under the Partially Operative District Plan and as a controlled activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.</p> <p>As such the relevant provisions of: the Partially Operative District Plan (Townships) Volume; the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and the Resource Management Act 1991 have been taken into account.</p>

This application was formally received by the Selwyn District Council on 30 May 2015. Assessment and approval took place on 4 December 2015 under a delegation given by the Council.

DECISION

"Resource consent 155227 is granted pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under sections 108 and 220 of the Act.

1. That the following conditions of consent shall be met prior to the issue of the Section 224(c) Completion Certificate, at the expense of the Consent Holder.
2. That the subdivision shall proceed in substantial accordance with the attached approved subdivision plan (Davie, Lovell-Smith Drawing H.18465 Sheet 1

Revision R13 and now marked SDC 155227) including any additional balance lots and utility lots required, except where varied by the following conditions of consent.

3. The subdivision shall be staged as follows:

Stage Lots

4	5 – 13, 31 – 43, 200, 204, 303
5A	14 – 19, 22 – 30, 97, 98, 205, 304, 401, 403
6	500
7	99 – 101, 115, 206, 307
8	20, 21, 116 – 133, 306
9	102 – 114, 308, 402

Stages may occur in any order, provided that each stage is provided with legal access to an existing formed legal road.

General Engineering Conditions

4. That all required easements shall be duly created and granted and reserved.
5. That all work shall comply with the Engineering Code of Practice except as agreed with Council.
6. That the plans and specifications of all works, including water, irrigation, sewer, roading, stormwater and landscaping, shall be submitted to the Council for approval. Engineering approval of complying documents shall be given in writing and work shall not commence until this has been received from the Council. All sewer reticulation services shall be as per council CCTV specifications. Any subsequent amendments to the plans and specifications shall be submitted to Council for approval.
7. The consent holder shall forward with the engineering plans and specifications, copies of any other consents required and granted in respect of this subdivision including any certificate of compliance or consent required from Environment Canterbury.
8. The consent holder shall forward with the engineering plans and specifications an AutoCAD drawing (.dwg format) of the proposed water design. The design will be incorporated into the Prebbleton model, with pipe sizes and pressure checked at the expense of the consent holder.
9. Unless specific provision is made otherwise, the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
10. That accurate 'as built' plans of all services be provided to the satisfaction of the Asset Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Actual

costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.

11. That where the subdivision results in any assets being vested in Council, then a comprehensive electronic schedule of these shall be provided to Council's Asset Manager. The schedule will include but not be limited to installed material unit costs, type, diameter, class, quantity etc and include summary details.
12. That where the subdivision results in any Council assets being decommissioned, then a comprehensive electronic schedule of these shall be provided to Council. The schedule will include but not be limited to material type, diameter, class, length and position (x, y and z co-ordinates), and shall be identified against the asset ID already provided in Council's Asset Register.

Contamination remediation (Stage 5A)

13. Stage 5A – Soil and material that contains concentrations of arsenic, asbestos or other contaminants in excess of soil contaminants standards or guidelines for residential land use shall be removed disposed of offsite at an appropriate permitted facility in accordance with Section 9 of the Ground Contamination Assessment submitted with application 145246 (attached, which forms part of this consent).
14. Stage 5A – A Site Validation Report to Council approval shall be produced in accordance with the Ministry for the Environment Contaminated Land Guidelines before the excavated areas are backfilled with clean material.

Site stability and site works

15. That all site works shall be undertaken in accordance with the conditions of resource consent 155228.
16. That the Consent Holder ensure on a continuing basis (until Certificates of Title are available for each allotment) that dust is not generated from: consolidated material; the disturbance or transportation of material; or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression. This applies to exposed areas of earth, stockpiles and unsealed roads.
17. That the consent holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined to within the boundaries of the application site.
18. That dust generating activities shall cease during times of high winds where dust suppression methods are insufficient to stop fugitive dust leaving the site.
19. That the areas of Hamptons Road and Farthing Drive in the general vicinities of the access to the development shall be swept as required to ensure that any loose material does not accumulate on the road to create a nuisance or hazard to road users.
20. All historic uncontrolled fill, rubbish, timber and any other unsuitable material shall be removed and disposed offsite. Excavations are to be reinstated with

clean, controlled compaction of backfill in accordance with NZS4431:1989 'Code of Practice for Earthfill for Residential Development'

21. Where ground levels are to be raised by more than 200mm, all topsoil shall be stripped before placing clean, controlled compaction of backfill materials in accordance with NZS4431:1989 'Code of Practice for Earthfill for Residential Development'. Topsoil fill shall be lightly rolled or compacted to provide a firm finished surface, and then revegetated.
22. Where ground levels are to be raised by less than 200mm, all turf and at least the upper 50mm of topsoil shall be stripped before rolling or compacting the exposed surface. Topsoil fill shall then be placed and lightly rolled or compacted to provide a firm finished surface, and then revegetated.
23. The consent holder shall confirm whether any earth fill has been placed on site. All filling is to be carried out in accordance with New Zealand Standard (NZS) 4431:1989 Code of Practice for Earth Fill for Residential Development.
24. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
25. At the completion of all earthworks Certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.

Roading and access

26. That all roads shall be constructed in accordance with the approved engineering plans.
27. Road and street names and individual property address numbers shall be adopted only upon Council approval. The consent holder shall supply to Council for consideration a minimum of 3 names, listed in preference, for those roads or streets that are to be vested in Council.
28. That the vehicle accessways and vehicle crossings to all rear lots shall be formed and sealed in accordance with Appendix 13 of the Partially Operative District Plan (Township Volume).
29. That street lighting shall be provided to service all lots of the subdivision, in accordance with the approved engineering plans and specifications. Streetlighting shall be installed to P3 standard of AS/NZS1158 for all internal roads and to P4 standard for walkway lighting. Plans shall be provided to Connetics Ltd for audit and to Council for final approval.
30. Stage 5A – That where point strip Lot 403 has been provided, the consent holder shall enter into an agreement with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road, cycle way or pedestrian link. The point strip agreement shall set the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. This agreement shall be held by the Council and can be identified by the point strip separating the subsequent property from frontage to the road, cycle way or pedestrian link.

Water, stormwater and sewer

31. Each residential allotment within the subdivision shall be separately serviced with water, sewer and stormwater systems.
32. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.
33. That each lot of the subdivision be provided with an individual connection to Prebbleton's potable high pressure water supply in accordance with the approved Engineering Plans.

The lateral lines are to be laid within the net area of each lot. Each lateral shall be fitted with a water manifold and water meter in accordance with Council Policy 208, the approved engineering plans and subsequent amendments to both documents. Water meters shall be installed in the road reserve only. Please note than multi meter boxes may be utilised.

Connection into Council's reticulated water supply shall either be carried out or supervised by Council's contractor SICON Ltd.
34. That each residential lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved Engineering Plans. All sewer reticulation to be vested shall meet council CCTV standards. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density. Connection to the Council sewer shall be arranged by the consent holder, with the work to be done by a registered drainlayer.
35. That the consent holder shall design and install stormwater reticulation, treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of Environment Canterbury.
36. Where the historical stormwater drainage from any adjacent property was onto the application site, the development shall maintain or mitigate the historical discharge.
37. The consent holder shall prepare and submit a Stormwater Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holders cost.
38. Where stormwater discharges are to be undertaken as a permitted activity, evidence of compliance (including calculations) with condition 5 of S5.72 of the PL&W Plan and WQL6 of the NRRP shall be supplied to Council with the application for engineering approval.
39. Any discharge of construction dewatering into a drain or waterway must receive prior approval from Council.
40. The development shall not increase the rate or volume of stormwater discharge in the post development scenario compared to the pre-development levels.

- 41. The development shall not discharge runoff onto adjacent properties.
- 42. The consent holder shall ensure that stormwater discharges from the subdivision will not cause ponding or nuisance to neighbouring land.

Landscaping and irrigation

- 43. The consent holder shall landscape the street frontages in accordance with the approved Engineering Plans. The minimum standard (unless otherwise agreed through Engineering Plan Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
- 44. The landscaping proposal shall include, but not be limited to,; detailed landscape plans and specifications including hard and soft landscaping; ground shaping; structures; paving; irrigation; wall and fencing design; plant lists; signage; sculptures; and works of art.
- 45. Entrance features shall not be placed on Council Road reserve.
- 46. Unless advised otherwise through the Engineering Plan Approval, the consent holder shall install an irrigation system. This shall comply with the approved engineering plans. A full design showing all engineering details shall be submitted to the Council for approval at the time of submission of the Engineering Plans.
- 47. Any irrigation system shall be maintained by the consent holder until the completion of the defects liability period. The consent holder shall demonstrate that this system performs as designed and installed by them, making good all defects to the Asset Managers requirements.
- 48. 'As Built' plans of the system shall be supplied to Council's Asset Manager in accordance with the 'As Built' requirements contained elsewhere in this approval.
- 49. Stages 8 and 9 – That a 1.8m high fence shall be erected along the Hamptons Road boundary in accordance with the attached approved plan (Goom Landscapes, Construction Details Hamptons Road Fence).

Utilities

- 50. That electricity supply and telecommunications be supplied to the net area of each residential lot of the subdivision by way of underground reticulation in accordance with the standards of the relevant network utility operators.
- 51. The consent holder shall provide evidence in writing from the relevant network utility operators, that electricity and telephone service connections by way of underground reticulation have been installed such that each lot has the ability to connect to such services.

Consent notices and covenants

- 52. Each utility lot shall be used as a utility lot only and may not be used for calculating future boundary adjustments or subdivisions. On-going compliance

with this condition shall be ensured by way of a consent notice to this effect registered on the certificate of title for each utility lot.

53. That where a residential lot has frontage to an area specifically formed as a parking layby, no vehicle crossing shall be constructed across the parking layby without prior approval of Councils Roading Department.

On-going compliance with this condition shall be ensured by way of a consent notice to this effect registered on the certificate of title for each affected lot.

54. Stages 8 and 9 – That no vehicle access shall be provided along the Hamptons Road frontage of the lot.

On-going compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for each of Lots 108, 109 (Stage 9) and Lots 122 – 125 (Stage 8).

55. That unless a resource consent has been granted otherwise, any fence erected between the front façade of the dwelling and the road boundary or Private Right of Way or shared access over which an allotment has legal access which is parallel or generally parallel to that boundary shall be a maximum height of 1m. For allotments with frontage to more than one road, any fencing on the secondary road boundary is to be no higher than 1.8m.

Any other fence shall be a maximum height of 1m if it is located within 3m of the road boundary or Private right of Way or shared access over which the allotment has legal access.

On-going compliance with this condition shall be ensured by way of a consent notice to this effect registered on the certificate of title for each residential lot.

56. That unless a resource consent has been granted otherwise, any fence erected within 5.0 metres of any reserve and parallel or generally parallel to that boundary shall not exceed 1.2 metres in height except that that where a fence or other screening structure is over 1.2 metre in height, then the whole of that structure shall be at least 50% visually transparent. Note that for the purposes of this condition a fence or other screening structure is not the exterior wall of a building or accessory building. On-going compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for each of:

Stage Lots

4	12, 13, 34, 35
5A	14 – 18
7	100

57. That while Lot 2 DP 366875 has a rural zoning, the owner of Lot 2 DP 366875 shall not be required to contribute to the cost of erecting or maintaining a fence along the boundary with any property in a Living Z zone.

On-going compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for each of:

Stage Lots

4 33 – 35, 40, 41, 43

5A 22 – 25

8 125 – 133

58. That where the 10m setback from the edge of the former quarry extends into a residential lot, this shall be shown on the survey plan. No building shall occur within this area unless justified by specific engineering investigation and design by a CPEng Engineer practiced in geotechnical engineering.

On-going compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for each of:

Stage Lots

4 12, 13

5A 14 – 18

59. Stage 5A– That for the purposes of boundary fences and building setbacks, Lot 205 hereon shall be treated as road.

On-going compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for each of Lots 23 and 24.

60. The consent holder shall ensure that Council is indemnified from liability to contribute to the cost of the erection or maintenance of boundary fences between reserves and adjoining lots. The consent holder shall submit to the Council;
- a) A fencing covenant, in the form certified by Council, duly executed by the consent holder (or other adjoining lot holder) for execution by the Council; and
 - b) A written undertaking from the consent holder's solicitor that the fencing covenant will be registered on the Certificate of Title of each residential allotment adjoining a reserve.

Land to transfer to Council

61. The consent holder shall supply to the Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.
62. That the following lots shall vest in Council Reserve:

Stage	Lots	Reserve type
4	200, 204	Local Purpose (Access)
5A	205	Local Purpose (Road)
7	206	Local Purpose (Access)

63. That Lots 303, 304 and 306 – 308 shall each vest in Council as Road, with corner splays provided in accordance with the requirements of Appendix E13 of the Partially Operative District Plan (Townships Volume).

Review

64. That pursuant to Section 128 of the Resource Management Act 1991, the Council may review all conditions by serving notice on the consent holder within 1 month of any 12 month period following the date of this decision, in order to deal with any adverse effects on the environment that may arise from the exercise of this consent."

DEVELOPMENT CONTRIBUTIONS

Development contributions are not conditions of this resource consent and there is no right of objection or appeal.

The consent holder is advised that pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy contained in the Selwyn Community Plan (LTCCP) the following contributions are to be paid in respect of this subdivision before the Council will issue its certificate pursuant to section 224(c) of the Resource Management Act 1991.

Note: The amounts set out below are applicable at the time of the granting of this consent. The actual amounts to be paid will be reassessed at the time an application is made for the issue of Council's section 224(c) certificate for each stage of the subdivision. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate for each stage.

Reserves

- i. Stage 4 – That a reserve fund contribution shall be paid to the Council in a sum equal to 7% of the market value of 22 additional 726m² allotments located in this area. The monetary value of this reserve fund contribution is to be calculated, agreed and paid in accordance with a valuation supplied by the consent holder.
- ii. Stage 5A – That a reserve fund contribution shall be paid to the Council in a sum equal to 7% of the market value of 17 additional 685m² allotments located in this area. The monetary value of this reserve fund contribution is to be calculated, agreed and paid in accordance with a valuation supplied by the consent holder.
- iii. Stage 7 – That a reserve fund contribution shall be paid to the Council in a sum equal to 7% of the market value of 4 additional 727m² allotments located in this area. The monetary value of this reserve fund contribution is to be calculated, agreed and paid in accordance with a valuation supplied by the consent holder.
- iv. Stage 8 – That a reserve fund contribution shall be paid to the Council in a sum equal to 7% of the market value of 19 additional 720m² allotments located in this area. The monetary value of this reserve fund contribution is to

be calculated, agreed and paid in accordance with a valuation supplied by the consent holder.

- v. Stage 9 – That a reserve fund contribution shall be paid to the Council in a sum equal to 7% of the market value of 13 additional 685m2 allotments located in this area. The monetary value of this reserve fund contribution is to be calculated, agreed and paid in accordance with a valuation supplied by the consent holder.

Sewer

- vi. That a calculated contribution for the Eastern Selwyn Sewer Scheme is payable on the creation of 77 additional connections, being \$10,326.00 per additional connection (including GST), as follows:

Stage	No of additional connections	Contribution payable
4	22	\$227,172
5A	17	\$175,542
6	1	\$10,326
7	4	\$41,304
8	20	\$206,520
9	13	\$134,238

Roading

- vii. That a calculated contribution be paid to Council for roading improvements. The contribution is for the creation of 75 additional lots, being \$686.00 per lot for roading improvements within the CRETS area (including GST)), as follows:

Stage	No of additional lots	Contribution payable
4	22	\$15,092
5A	17	\$11,662
6	0	\$0
7	4	\$41,304
8	19	\$13,034
9	13	\$8,918

NOTES TO THE CONSENT HOLDER

- a. Pursuant to Section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under Section 125 of the Act.
- b. In accordance with Section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.
- c. All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at:
www.selwyn.govt.nz/services/subdivisions/engineering-approval/. All applications shall include:
 - 1. Design specifications
 - 2. Design drawings
 - 3. Design calculations
 - 4. Relevant Resource Consents or Certificates of Compliance.All correspondence regarding engineering approvals shall be directed to:
Development.Engineer@selwyn.govt.nz
- d. For water connection supervision purposes, a minimum of 2 working days' notice is required by SICON Ltd. Please note that a connection fee (being the actual cost advised by SICON Ltd) will apply.
- e. All new property numbers identifying new dwelling lots as a result of subdivision adjoining legal roads and/or private roads/rights of way will be issued property numbers by Council in accordance with Council Policy. The applicant shall supply Council with a finalised lot Deposited Plan to enable numbers to be generated for issue and adoption.
- f. Please contact the Transportation Dept to coordinate an inspection of the accessway and vehicle crossing formations. At least two day's notice is required before work commences.
- g. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associate conditions imposed by them will be subject to Council acceptance where these obligations will be transferred to Selwyn District Council.
- h. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the S224 Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
- i. Early consultation with council's stormwater engineer is recommended to ensure the latest stormwater standards including design rainfall are incorporated into the detailed design.

12

Yours faithfully
Selwyn District Council

A handwritten signature in black ink, appearing to read 'Rachael Carruthers'.

Rachael Carruthers
Resource Management Planner

9 Conclusion and Recommendation

The investigations have identified contaminated fill and soil in the farm pit/burn pad at 432/434 Trents Road and ACM cladding material at 164 Hamptons Road.

In order to achieve the soil contaminant standards for human health and residential land use it is recommended that:

- Fill, ash and gravel in the area of the farm pit shall be removed down to 1m below ground level. The material is heavily contaminated with arsenic and must be disposed of at a facility authorised to accept the soil.
- Asbestos-containing cladding of the farm shed at 164 Hamptons Road shall be removed by a certified contractor.
- Remediated areas shall be marked and validation samples shall be taken.
- The land shall be registered on the LLUR.

Providing the recommendations of this report are followed and remedial actions are carried out in accordance with MfE's Contaminated Land Management Guidelines we are satisfied that the soil contaminant standards for residential land use can be achieved, and that the site can be made suitable for residential land use.



Elliot Sinclair

Ground Contamination Assessment
432/434 Trents Road, 154 Hampsons Road, Prebbleton, Canterbury



385244_14015143312_ENWTR_P02_1.jpg.docx

Page | 39

DP.34
SHEET

DRAWING TITLE :

Construction Details
Sprints-Road
Boundary Fence

DESIGNER :

Raydon Stark

DRAWN BY :

Raydon Stark

DATE :

16/09/2011

JOB NUMBER :

1100332

ORIGINAL SCALE :

1:20 @ A3

SHEET :

01 of 01

DISCLAIMERS:

1. Not to be used for construction.

2. This sheet is intended to be used for information only and is not to be used for construction.

3. Goom Landscapes Limited is not responsible for any errors or omissions in this drawing and does not accept any liability for any loss or damage caused by the use of this drawing.

4. The client is responsible for ensuring that the drawing is used in accordance with the terms and conditions of the contract.

Rev

Date

Checked

A

16/09/2011

PS

C

24/01/2012

PS

D

E

F



© Copyright in this design remains at all times with Goom Landscapes Limited. No part of this design may be reproduced without the written permission of Goom Landscapes Limited. It is agreed that the client shall indemnify Goom Landscapes Limited from and against all claims, damages, costs and expenses (including legal fees) which may be incurred by Goom Landscapes Limited in connection with the preparation and use of this design.

10 Elevation of Timber fence along Sprints Road Section 1:100

7 1.8m High timber board & batten fence with kickboard Section 1:20

8 1.8m High timber fence at main post Section 1:20

9 1.8m High horizontal timber slat fence Section 1:20

Handwritten notes: HARDWOOD 25% SEE (30mm GAPS), BATTEN 25% SEE (30mm GAPS)

Red stamp: AS APPROVED BY SELWYN DISTRICT COUNCIL Planning Department RESOURCE CONSENT 155227 4/12/2015 carrur

Scale bar: 0 100 500 1000 1500 2000mm

sterling park
Pebbleton

190

APPENDIX B – RESERVE PLANS AND TITLE



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier 732673
Land Registration District Canterbury
Date Issued 29 April 2016

Prior References
694242

Estate	Fee Simple
Area	243 square metres more or less
Legal Description	Lot 205 Deposited Plan 496903
Purpose	Local Purpose (Road) Reserve
Registered Owners	Selwyn District Council

Interests

Subject to a right (in gross) to convey telecommunications and computer media over part marked B on DP 496903 in favour of Chorus New Zealand Limited created by Easement Instrument 10389765.2 - 29.4.2016 at 5:06 pm
Subject to the Reserves Act 1977
Fencing Covenant in Deed 10389765.15 subject to Section 6(2) Fencing Act 1978 - 29.4.2016 at 5:06 pm



APPENDIX C - RC 235448

Section 133A Resource Management Act 1991



Report pursuant to section 42A of the Resource Management Act 1991 recommending that minor mistakes or defects in a resource consent decision be corrected.

Author: Kate Bonifacio

Position: Resource Management Planner

Resource Consent Number: 235448 and 235449

APPLICANT:	Urban Estates No. 20 Limited
PROPOSAL:	<p>This is a joint application for subdivision, consent notice cancellation and land use consent (including consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)).</p> <p>Subdivision consent RC235448 is sought to create 70 residential allotments, 1 balance allotment, 2 Local Purpose (Utility) Reserves, 1 Recreation Reserve and associated roads.</p> <p>Land use consent RC235449 is sought to undertake earthworks associated with the construction of the subdivision RC235448 and for the remediation of the site.</p> <p>Consent is also required under the NES-CS.</p>
LOCATION:	174-182 Hamptons Road, Prebbleton
LEGAL DESCRIPTION:	Lot 2 DP 366875 and Lot 1 DP 404189 and Lot 403 DP 496903 being 9.7350ha in area more or less, as contained in Records of Title 277693, 414491 and 732675.
ZONING:	<p>Operative Selwyn District Plan (2016), Township Volume</p> <p>Living Z Zone</p> <p>Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023)</p> <p>Medium Density Residential Zone (MRZ) Zone</p> <p>Plains Flood Management Overlay and Development Area: DEV-PR3</p>
STATUS:	Discretionary

Introduction

- The proposal was a joint application for subdivision, consent notice cancellation and land use consent (including consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)).
 - Subdivision consent RC235448 is sought to create 70 residential allotments, 1 balance allotment, 2 Local Purpose (Utility) Reserves, 1 Recreation Reserve and associated roads.
 - Land use consent RC235449 is sought to undertake earthworks associated with the construction of the subdivision RC235448 and for the remediation of the site.



- Consent is also required under the NES-CS.
2. The resource consents were granted on 05 April 2024. Since then, the following minor mistakes or defects have been noted and require correction.
 3. Condition 4 of RC235448 (subdivision consent) required clarification that this condition was relevant to Stages 4 – 5 only.
 4. Condition 19 of RC235448 did not require correction but the applicant sought clarification that Council would fund the upgrade construction works through a Developer Agreement.
 5. The applicant sought confirmation that condition 40 of RC235448 relates to Stage 3 of the proposal only.
 6. The applicant sought clarification as to the intent of condition 46 of RC235448, in particular the fifth bullet point which relates to the displacement/diversion of floodwaters from the application site.
 7. Condition 72 and 73 of RC235448, which relate to the testing of and location of all accessways and vehicle crossings are to be added to RC235448.
 8. Condition 2 and 3 of RC235449 incorrectly identified the allotments requiring vehicle crossings and accessways to service these allotments.

Section 133A

9. Section 133A of the Resource Management Act 1991 provides that:

"A consent authority that grants a resource consent may, within 20 working days of the grant, issue an amended consent that corrects minor mistakes or defects in the consent."

Discussion

10. Condition 4 of RC235448 (subdivision consent) required clarification that this condition was relevant to Stages 4 – 5 only. The wording of this condition will be re-worded accordingly.
11. Condition 19 of RC235448 did not require correction but the applicant sought clarification that Council would fund the upgrade construction works through a Developer Agreement. The applicant has agreed to carry out the works and Council's Strategic Transport Lead, Mr Andrew Mazey has agreed to fund this through a Developer Agreement and would require a cost estimate nearer the time of construction. An advice note to this effect will be added to the consent decision.
12. The applicant sought confirmation that condition 40 of RC235448 relates to Stage 3 of the proposal only. The wording of this condition will be re-worded accordingly.
13. The applicant sought clarification as to the intent of condition 46 of RC235448. The applicant's agent and Council's Development Engineering Manager, Ms Chrissie Reid, met and discussed the wording of this condition and agreed upon amended wording of this condition.
14. Condition 72 and 73, which relate to the testing of and location of all accessways and vehicle crossings are to be added to RC235448. These conditions were added to the Engineering report as part of the Engineering Managers report review but were not added into the final consent conditions issued. The applicant has agreed to the addition of these conditions.
15. Condition 2 and 3 of RC235449 incorrectly identified the allotments requiring vehicle crossings and accessways to service these allotments. The wording of these conditions will be amended accordingly.

Recommendation

- A. Resource consent **RC235448** be corrected pursuant to section 133A of the Resource Management Act as follows:

Condition 4 will be re-worded.

Condition 19 will remain unchanged but an advice note will be added regarding a Developer Agreement.



Condition 40 will be re-worded.

Condition 46 will be re-worded.

Condition 72 and 73 will be added.

- B. Resource consent **RC235449** be corrected pursuant to section 133A of the Resource Management Act as follows:

Condition 2 and 3 will be re-worded.

RC235448, as corrected pursuant to Section 133A, Resource Management Act 1991

RC235448 Subdivision Consent Conditions

1. The subdivision shall proceed in general accordance with the information submitted with the application on 3 August 2023, the further information provided on 13 November 2023, and the attached stamped Approved Plan entitled Urban Estates, 174 Hamptons Road, Prebbleton Drawing No E.20864, revision R5, Dated November 2023 (now marked RC235448 and 235449), except where another condition of this consent must be complied with.

Staging

2. S224c may be issued for Stages 1-3 prior to the upgrading of the Council's upgrade of the Shands Road/Trents Road intersection.
3. No construction shall occur for Stages 4 and 5 until such time as Council has started construction of the upgrades to the Shands Road /Trents Road intersection
4. A Traffic Management Plan shall be submitted to Council for approval as part of the engineering approval process. The Traffic Management Plan is to address the traffic associated with the construction generated traffic for Stages 4-5 only.
5. S224c for Stages 4 and 5 shall not be granted until the completion of Council's construction of the Shands Road/Trents Road intersection.

Engineering approval

6. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for approval including, but not limited to:
 - Water supply
 - Sewerage
 - Stormwater
 - Roading, including streetlighting and entrance structures
 - Upgrade of existing road frontages
 - Shared accessways
 - Landscaping and irrigation.

No work shall commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.

7. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
8. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.

9. The consent holder shall include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.

Suitably qualified designer

10. A design certificate from a suitably qualified designer shall be submitted to Council as part of Engineering Approval.

Contractor Produced Statements

11. Producer statements from the principal civil contractor shall be supplied to Council confirming that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.

Designer Produced Statements

12. Producer Statements from the principal civil designer shall be supplied to Council confirming that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.

S224 document requirement

13. Prior to the issuing of s224(c) certificate the consent holder shall provide accurate 'as built' plans and AMIS schedules that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems shall be borne by the consent holder.
14. Prior to the issuing of s224(c) certificate the consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice.
15. Unless specific provision is made otherwise through the Engineering Approval the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
16. The consent holder shall provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Council's systems shall be borne by the consent holder.
17. The consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule shall include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)

18. The Consent Holder shall enter into a bond and be responsible for the maintenance of all subdivision and associated works vested in the Council in relation to the Consent at the issuance of the section 224(c) certificate and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of:
 - a) 12 months for roading, water, sewer and stormwater reticulation; and
 - b) 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

Roading

19. Hamptons Road frontage is to be upgraded to an urban design standard along the full road frontage from the boundary between 184 and 190 Hamptons Road to the boundary between 174 Hamptons Road and 24 Dollar Place, Prebbleton. This work is required to be approved and undertaken through Engineering Approval.
20. The Applicant will be responsible for the construction of the road connection to Guinea Drive.
21. All roads shall be constructed in accordance with the approved engineering plans.
22. All roads shall be vested in the Selwyn District Council as road.

Corner Splays

23. The corner lots at the road intersections shall be splayed with a rounded minimum radius of 3 metres.

Street lighting

24. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.

Street naming and property numbering

25. Road name options and street numbering plans shall be submitted to Council in accordance with Policies N101 and N102 for approval prior to s224(c).

Road Signage

26. The consent holder shall install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430.

Testing standards

27. All vested roads shall meet Council's testing standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.

Water Supply, Stormwater and Sewer

28. Each lot within the subdivision shall be separately serviced with water, sewer and stormwater systems. This condition does not apply to stormwater where ground soakage is available.
29. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.

Water Supply

30. The net area of each lot shall be provided with an individual potable high pressure connection to the Prebbleton water supply in accordance with the approved Engineering Plans.
31. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
32. Connection into Council's reticulated water supply shall either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.
33. Prior to Engineering Approval the applicant is to enter into a developers agreement regarding the upsizing of the water main in Hampton's Road frontage from the connection point at Springs Road.

Sewer

34. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved Engineering Plans.

35. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
36. All sewer reticulation to be vested shall meet Council CCTV standards.
37. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.

Pumpstation

38. A wastewater pumpstation is required to be installed by the consent holder. The design of the pump station is to take into account the flows from the full development of the wider DEV-PR3 area.
39. All works associated with the design and installation of the pumpstation will be at the consent holders' expense unless otherwise agreed in writing with Council..
40. Detailed designs of the proposed pumpstation shall be submitted to the Development Engineer for review and approval in writing shall be issued by Council prior to construction commencing on site for Stage 3.

Pumpstation operation

41. Council will assume full operation of the wastewater pumpstation once all required works are completed to the satisfaction of the Development Engineer and all Quality Assurance documentation as prescribed by the Engineering Code of Practice has been received, reviewed, and approved.
42. Acceptance of the pumpstation will be issued in writing by the Development Engineer. The consent holder will be responsible for the operation of the wastewater pumpstation until such time that it is accepted by Council.
43. The issue of S224c certificates can only occur after the completion of the council works to upgrade the pump impellers at Birchs Road and the Birchs Rd rising main to address wastewater capacity issues.

Stormwater

44. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of the associated discharge consent.
45. The consent holder shall obtain Resource Consent from ECan as required for activities associated with the proposed development including but not limited to earthworks, construction activities and operational stormwater discharges.
46. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:
 - A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
 - Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
 - Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
 - Ongoing operation and maintenance requirements.
 - Proposed cut/fill plans and supporting volume calculations together with a summary of any effects on the disruption of overland flow or displaced flood ponding caused by filling within the site, and all measures proposed to avoid, remedy or mitigate those effects.

47. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
48. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
49. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
50. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
51. Where stormwater mains in private property are to be vested in Selwyn District Council, a written request shall be submitted to the Development Engineering Manager. Easements in gross in favour of Council shall be provided.
52. All stormwater reticulation to be vested shall meet council CCTV standards.

Water Race

53. The applicant is responsible for obtaining any associated consents and meeting any ecological requirements associated with piping the water race.
54. An ecological assessment of the water race is required to be submitted to Council prior to the piping of the water race being approved. The assessment shall be undertaken by an approved consultant. All recommendations outlined in the ecological assessment will need to be met. A report outlining how the piping of the water race meets the recommendations of the ecological assessment shall be submitted to Council at Engineering Approval for review and approval.
55. Consultation with Mahaanui Kurataiao Ltd is required and report submitted at Engineering Approval shall confirm that the recommendations of Mahaanui Kurataiao are met by the proposed design before Engineering Approval will be granted.

Power and Telecommunications Services

Front lots

56. The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.

Rear lots

57. The consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.
58. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telecommunications service connections have been installed to each lot.

Flooding Assessment

59. A report and certificate from a suitably qualified Chartered Professional Engineer shall be included in the Engineering Approval application that demonstrates the finished ground level for each residential site created will achieve a finished floor level that has a minimum of 300mm freeboard above the 200 year Average Recurrence Interval (ARI) level for a foundation that is constructed in accordance with the Building Act Acceptable Solutions guidelines.

60. Prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall apply for and be issued with a Global Flood Assessment Certificate from Selwyn District Council for the subdivision or subdivision stage.

Landscaping

61. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Design Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
62. Entrance structures shall not be placed on Council road reserve.

Fencing

63. The consent holder shall ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots being Lot 4, 5, 8, 9, 10 and 11.
- a) This shall be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder.
- b) The consent holder shall procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

Reserves

64. Pursuant to the relevant legislation the consent holder shall vest Lot 100 in the Council as Local Purpose Access Reserve, Lot 101 as Recreation Reserve and Lot 102 as Local Purpose Utility Reserve.
65. The consent holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.

Consent Notices

66. Consent Notice 10389765.9 registered on Lot 403 DP 496903 that is held in RT 732675 be cancelled.
67. A Consent Notice shall be registered on the Record of Title to issue for Lot 5, 18, 45, 51 and 54 stating the following:
- Future development of Lots 5, 18, 45, 51 and 54 is to provide for a minimum of two units.*
68. A Consent Notice shall be registered on the Record of Title to issue for Lot 62 stating the following:
- Future development of Lot 62 is to provide for a minimum of 16 units.*
69. A Consent Notice shall be registered on the Record of Title to issue for Lot 300 stating the following:
- Easements E, F and G in favour of Lot 300 are to be subject to a restriction that it is only for 1 residential unit.*
70. A consent notice shall be registered on each residential allotment stating that unless a resource consent has been granted any fence or freestanding wall shall comply with the requirements of the District Plan at the time the fence or free standing wall is constructed. For further information please consult the District Plan or contact the Duty Planner at the Selwyn District Council.

Utility lots

71. That a consent notice shall be registered against the Record of Title for each utility lot created, to the effect that it shall be used as a utility lot only. Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for a utility lot. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

Testing standards

72. All vehicle crossings and formed accessways shall meet Councils testing standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.

Vehicle crossing location

73. All proposed vehicle crossings shall be located in accordance with Councils Tree's and vegetation Policy. The relocation of existing street trees to enable works proposed by this consent shall be undertaken at consent holders' expense and be installed in accordance with the approved plans.

RC235449, as corrected pursuant to Section 133A, Resource Management Act 1991

RC235449 Land Use Consent Conditions

1. The proposal shall proceed in general accordance with the information submitted with the application on 3 August 2023, the further information provided on 13 November 2023, and the attached stamped Approved Plan entitled Urban Estates, 174 Hamptons Road, Prebbleton Drawing No E.20864, revision R5, Dated November 2023 (now marked RC235448 and 235449) , except where another condition of this consent must be complied with.

Urban vehicle crossings

2. A vehicle crossing to service Lot 8, Lots 11 – 12, Lot 15, Lots 33 – 34, Lots 37 – 38, Lot 40, Lots 43 - 44 Lots 59 – 60 and Lots 62 – 63 shall be formed in accordance with TRAN-REQ5 Vehicle crossing design and construction and TRAN-REQ6 Vehicle crossing surface of the Partially Operative Selwyn District Plan.

Urban shared accessways

3. The vehicle accessway serving Lot 8, Lots 11 – 12, Lot 15, Lots 33 – 34, Lots 37 – 38, Lot 40, Lots 43 – 44, Lots 59 – 6, and Lots 62 – 63 shall be formed in accordance with TRAN-REQ7 - Minimum requirements for accessways of the Partially Operative Selwyn District Plan and surfaced in accordance with the requirements of Engineering Approval.

Site Stability and Site Works

4. That all earthworks shall be conducted in accordance with the approved engineering plans for subdivision consent RC235028 and the Selwyn District Council Engineering Code of Practice
5. That the consent holder ensure on a continuing basis (until Certificates of Title are available for each allotment) that dust is not generated from consolidated, disturbance or transportation of material or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression.
6. The Consent Holder shall confirm whether any earth fill has been placed on site. All filling is to be carried out in accordance with New Zealand Standard (NZS) 4431:1989 Code of Practice for Earth Fill for Residential Development.
7. All construction noise on the site shall be planned and undertaken to ensure that construction noise emitted from the site does not exceed the noise limits outlined in Table 2 of NZS6803:1999 Acoustics – Construction Noise. Sound levels associated with construction activities shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.
8. At the completion of all earthworks Certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.

Sediment Control

9. That material stockpiles be shaped, wetted or stabilized to reduce dust generation.

10. That the consent holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined to within the boundaries of the application site.
11. That dust generating activities shall cease during times of high winds where dust suppression methods are insufficient to stop fugitive dust leaving the site.
12. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
13. That sediment control shall be undertaken in accordance with Environment Canterbury Erosion and Sediment Control Guidelines.
14. On the completion of works:
 - a. All disturbed areas shall be returned to its original state as near as is practicable and stabilised and/or revegetated; and
 - b. All spoil and other waste material from the works shall be removed.

Residential Amenity

15. Hours of operation (other than dust mitigation or emergency sediment and erosion control) shall be limited to the hours of 7am to 7pm. Work will generally be restricted to Monday to Saturday although occasional work may be permitted on Sundays and Public Holidays subject to prior notice being given to Council's Monitoring Officer no later than noon of the last working day before the scheduled work.
16. No construction machinery shall be warmed up within 50 metres of any occupied property in a Living zone.
17. That all contractor site facilities be located at least 50 metres from any occupied property in a Living zone.

Contamination

18. All earthworks shall be undertaken in accordance with the approved amended remedial action plan (RAP) by a SQEP in contaminated land.
19. Any contaminated soils removed from the site will not be suitable to be disposed of at a cleanfill facility and must be disposed of at a facility whose waste acceptance criteria would be met. Evidence of waste disposal such as weighbridge receipt weighbridge receipts or waste manifest should be submitted to the Selwyn District Council within three months of completion of works. (This could be included in the Site Validation Report).
20. The areas identified in both PSI/DSIs by ENGEO as having contaminant concentrations in excess of the NESCS SCS for residential 10% produce land use, including additional areas from further delineation by a SQEP, should be remediated and validated to below NESCS soil contaminant standard (SCS) for residential 10% produce land use.
21. In the event of contamination discovery e.g. visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. Any discovered contamination should be reported to the Selwyn District Council within 10 working days.
22. Within three months of the completion of the works, the site validation report shall be prepared by the project's SQEP in contaminated land and outline the works undertaken. The site validation report shall include at least the following:
 - a. Plan showing the location of remediated areas
 - b. Full chronological, illustrated description (i.e., inclusion of photographs) of the remedial works including the collection of validation samples after removal of all the materials and prior to backfilling/reinstatement

- c. Records of any contaminated land related incidents related to the release of soil contaminants, if any
 - d. Information on additional investigations
 - e. Records and details of any discovered contamination (if any)
 - f. Statement of the volumes of soil:
 - i. Disturbed by the works
 - ii. Disposed offsite and confirmation of disposal facility location, and
 - iii. Cleanfill materials imported to site (if any), including source of this material including any supporting analytical data where appropriate, and
 - g. Validation test results confirming all remaining soil meets the NESCS for residential 10% land use, including sampling locations and depth.
23. Prior to the issuance of s224/title certificates, the site validation report (SVR) shall be approved by Selwyn District Council.
24. That where evidence of a contaminated site not identified in the application is found at any stage of the subdivision development works, then site works shall immediately cease within 10 metres of the contamination until the risk has been assessed by an Appropriately Qualified Environmental Practitioner in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to rehabilitate the site in accordance with either the standards for permitted activities or the conditions of the resource consent (as appropriate). All works shall be undertaken at the consent holders expense.

Attachments

1. RC235448 Subdivision Approved Plans and RC235449 Land Use Approved Plans.


Development Contributions (Subdivision Consent)

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002. Any objection or request for reconsideration must be made in writing in accordance with the Development Contribution Policy.

The consent holder is advised that, pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy, the following contributions are to be paid in respect of this subdivision before the Council will issue its certificate pursuant to section 224(c) of the Resource Management Act 1991.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of Council's section 224(c) certificate for the subdivision) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate.

Please contact our Development Contributions Assessor on 03 347 2800 or at:
development.contributions@selwyn.govt.nz.

SDC Development Contributions Assessment Tool Outputs								
Consent Identifier:	RC235448						Inputs	OK
Policy Year:	2022/23						Outputs	OK
Activity	Demand Post Development (HUE)	Credits for Existing Demand (HUE)	Additional Demand (HUE)	Development Contribution per HUE (\$)	Development Contribution (\$ Excl. GST)	GST (\$)	Development Contribution (\$ Incl. GST)	
Water Supply	70.00	3.00	67.00	4,362.00	292,254.00	43,838.10	336,092.10	
Wastewater	70.00	0.00	70.00	5,138.00	359,660.00	53,949.00	413,609.00	
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Reserves	70.00	1.00	69.00	11,093.00	765,417.00	114,812.55	880,229.55	
Roading	70.00	2.00	68.00	1,310.00	89,080.00	13,362.00	102,442.00	
Roading ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Contribution					1,506,411.00	225,961.65	1,732,372.65	

Selwyn District Council Advice Notes for the Consent Holder

Lapse Period (Subdivision Consent)

- a) Pursuant to section 125 of the Resource Management Act 1991, this subdivision consent lapses five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless:
 - (i) A survey plan is submitted to Council for approval under section 223 of the Act before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the Act; or
 - (ii) Before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

Lapse Period (Land Use Consent)

- b) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

Section 224 Certificate Issuing Requirements (Subdivision)

- c) A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other related costs associated with the Resource Consent have been paid in full.

Resource Consent Only

- d) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

Building Act

- e) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Regional Consents

- f) This activity may require resource consent(s) from Environment Canterbury (ECan). It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Monitoring

- g) In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee have been charged. This covers setting up a monitoring programme and no site inspection.
- h) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.

- i) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, compliance@selwyn.govt.nz.
- j) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

Vehicle Crossings

- k) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Infrastructure Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. Use the following link for a vehicle crossing information pack and to apply online: [Selwyn District Council - Application to Form a Vehicle Crossing \(Entranceway\)](#)

Impact on Council Assets

- l) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the consent holder.

Vehicle Parking During the Construction Phase

- m) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians, including school children. The Council also seeks to avoid damage to underground utility services under footpaths, e.g. fibre broadband. During the construction phase (and at all other times), please:
 - park only on the road or fully within your property – it is illegal to obstruct or park on a footpath; and
 - arrange large deliveries outside of peak pedestrian hours, e.g. outside school start/finish times.

Engineering Approval

- n) Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address: www.selwyn.govt.nz/services/subdivisions/engineering-approval/

The application shall include:

1. Design specifications
2. Design drawings
- o) Design calculations
3. Relevant Resource Consents or Certificates of Compliance.

All correspondence regarding engineering approvals is to be directed to:

Development.Engineer@selwyn.govt.nz

Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)

- p) Maintenance bonds shall be valued at 5% of the total value of works (plus GST).
 1. The resource consent holder shall provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the resource consent holder's expense.
 2. The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:
 - (a) Inflation;
 - (b) Delays in works being completed; or
 - (c) Repairs, rectification and or replacement is required;
 - (d) Price escalations.
- q) On-site construction must commence within 12 months of the issue of Engineering Approval. If construction on site does not commence within 12 months of the issue of Engineering Approval letters, the applicant shall re-submit plans for Engineering Approval prior to works commencing.

S224 document requirement

- r) If multiple civil contractors are used, instead of a principal contractor, to install vested assets each contractor will be required to supply producer statements for their contribution to the physical works.

Street Naming

- s) Road and street names and individual property address numbers shall be adopted only upon Council approval. The applicant shall supply to Council for consideration a minimum of 3 names, listed in preference, for those roads or streets that are to be vested in Council. This may be done at Engineering Approval stage.

Property numbering

- t) All new residential lots adjoining legal roads and/or private roads/rights of way created by this subdivision will be issued property numbers by Council in accordance with Council Policy. The consent holder shall supply Council with a finalised Deposited Plan to enable numbers to be generated for issue and adoption.

Vesting of roads and reserves subject to land covenants

- u) The Council accepts new roads or reserves subject to land covenants in limited circumstances as outlined in the Policy for the Vesting of Road and Reserves Subject to Land Covenants which is attached to this decision.

Roading

- v) A specific DC across the PC68 area will be required to recoup the extra costs to provide a dual lane roundabout at Shands/Trents because of PC68. Urban Estates has confirmed all landowners/developers have agreed in principle to an estimated \$2,400 charge per lot (see attached). This DC will be included in Councils new 2024 Development Contribution Policy. No consents should be granted without this in place.

Water Race

- w) One of the following consultants is pre-approved by Council to undertake the ecological assessment.
- EOS Ecology
 - Boffa Miskell
 - Instream Consulting
- An alternative consultant can be used subject to approval from Council.
- x) If the ecological assessment indicates that the water race should not be piped the applicant is informed to contact Council to discuss alternative solutions.
- y) Approval for the piping is also required under the Water Race Bylaw 2008. The applicant is advised that that process will require an ecological assessment to be undertaken. If the assessment indicates that the water race should not be piped the applicant is informed to contact Council to discuss alternative solutions.

Reserves

- z) The Council does not encourage permanent irrigation systems in reserves to be vested in Council. The need for an irrigation system will be assessed on a case by case basis and approval given through the Engineering Approval process.

Roading Upgrade

- aa) The Hamptons Road upgrade will be financed by Council and is to be subject to a Developer's Agreement and would require a cost estimate nearer the time of construction.

Reported and recommended by	
Kate Bonifacio, Resource Management Planner	Date: 14 May 2024

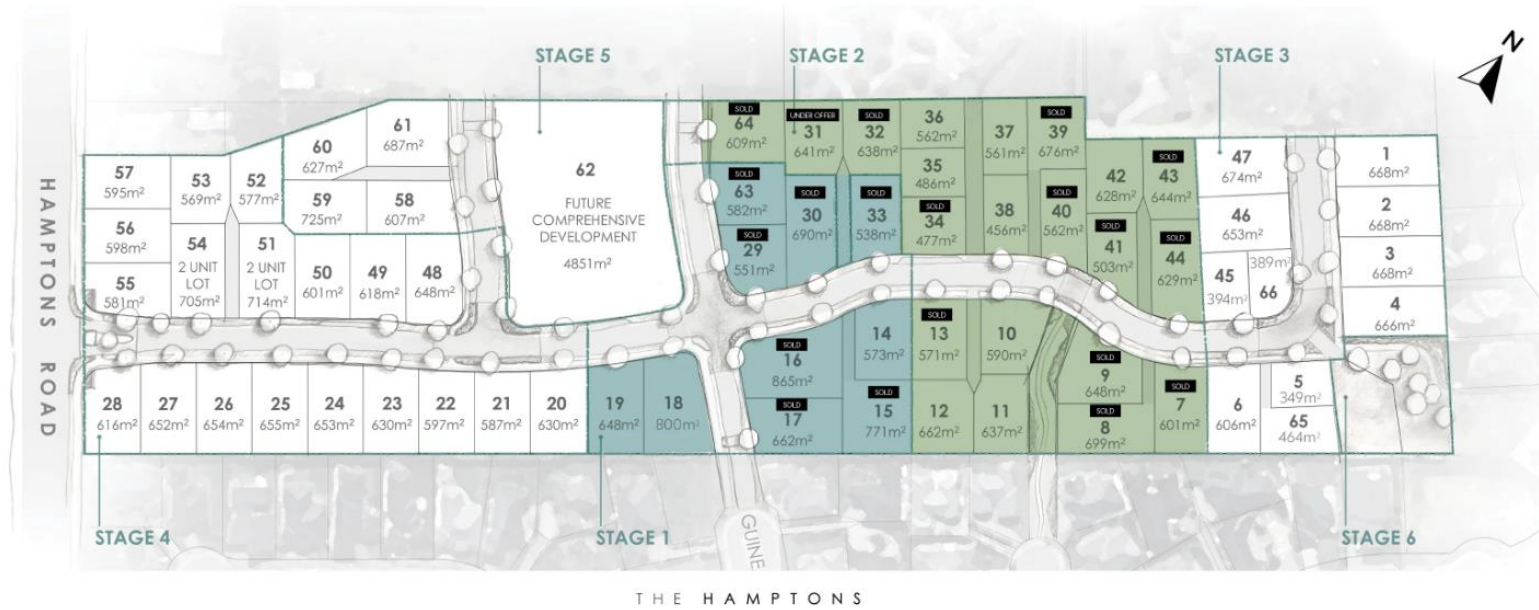
Decision

I agree that the above changes constitute minor mistakes or defects and, as such, it is appropriate that these are corrected pursuant to s.133A of the Resource Management Act 1991 (the Act). I record that the Applicant requested these changes within 20 working days of the granting of the consent. However, since the 20 working days have now elapsed, I also approval a 10 working day extension of time under s.37(1)(a) of the Resource Management Act 1991, extending the period specified in s.133A of the Act.

 Commissioner O'Connell	Date: 17 May 2024
---	-------------------

APPENDIX D – THE HAMPTONS PLANS

STAGE 1 & STAGE 2





Title Plan - LT 611763

Survey Number LT 611763
Surveyor Reference E20864 Guinea Drive
Surveyor Christopher David Hawes
Survey Firm Davie Lovell-Smith Ltd
Surveyor Declaration

Survey Details

Dataset Description Lots 14-19, 29, 30, 33, 63, 201, 302, 303 and 500 being Subdivision of Lot 2 DP 366875
Status Initiated
Land District Canterbury
Survey Class Class A
Submitted Date
Survey Approval Date
Deposit Date

Territorial Authorities

Selwyn District

Comprised In

RT 277693

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 18 Deposited Plan 611763	Fee Simple Title	0.0800 Ha	1214122
Lot 19 Deposited Plan 611763	Fee Simple Title	0.0648 Ha	1214123
Lot 17 Deposited Plan 611763	Fee Simple Title	0.0662 Ha	1214121
Lot 16 Deposited Plan 611763	Fee Simple Title	0.0864 Ha	1214120
Lot 15 Deposited Plan 611763	Fee Simple Title	0.0772 Ha	1214119
Lot 14 Deposited Plan 611763	Fee Simple Title	0.0572 Ha	1214118
Lot 33 Deposited Plan 611763	Fee Simple Title	0.0538 Ha	1214126
Lot 30 Deposited Plan 611763	Fee Simple Title	0.0690 Ha	1214125
Lot 29 Deposited Plan 611763	Fee Simple Title	0.0551 Ha	1214124
Lot 63 Deposited Plan 611763	Fee Simple Title	0.0576 Ha	1214127
Lot 201 Deposited Plan 611763	Vesting on Deposit for Road	0.3320 Ha	
Lot 302 Deposited Plan 611763	Fee Simple Title	0.0005 Ha	1214128
Lot 303 Deposited Plan 611763	Fee Simple Title	0.0005 Ha	1214129
Lot 500 Deposited Plan 611763	Fee Simple Title	4.3446 Ha	1214130
Area A Deposited Plan 611763	Easement		
Area B Deposited Plan 611763	Easement		
Area C Deposited Plan 611763	Easement		
Total Area		5.3449 Ha	

Schedule / Memorandum

LT 611763 Schedule/Memorandum

Land registration district
Canterbury

Territorial authority
Selwyn District

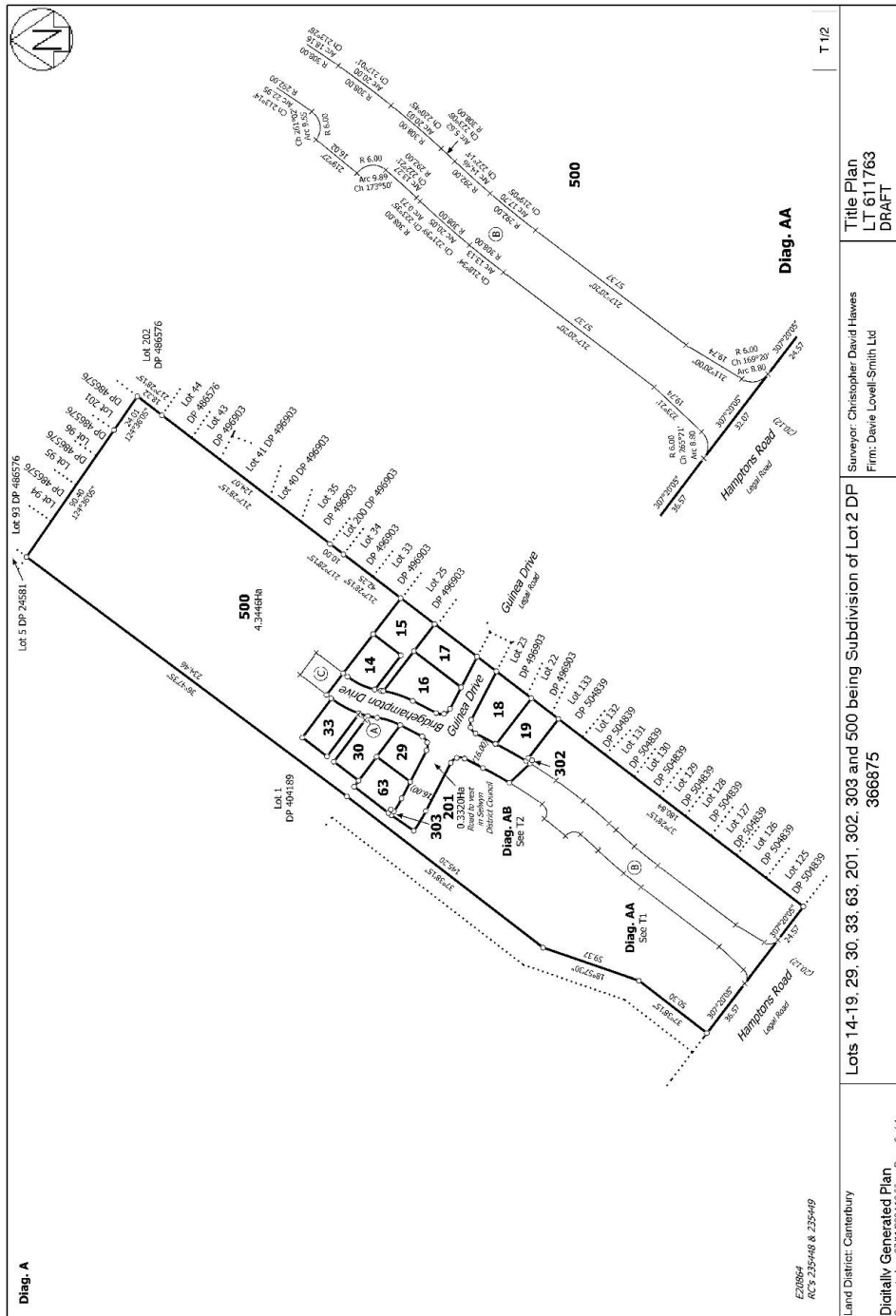
Memorandum of Easements

Parcels shown with a prefix of HL- include height-limited boundaries

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right to convey electricity, telecommunications	A	Lot 500	Lot 30

Memorandum of Easements in Gross

PURPOSE	SHOWN	BURDENED LAND	GRANTEE
Right to convey telecommunications in gross	A, B	Lot 500	Enable Networks Limited
Right to drain water in gross	C	Lot 500	Selwyn District Council



REPORT

TO: Chief Executive Officer

FOR: Council Meeting – 19 February 2025

FROM: Senior Acquisitions, Disposals and Leasing Officer

DATE: 13 February 2025

SUBJECT: **CONSENT TO GRANT AN EASEMENT TO ORION
NEW ZEALAND LIMITED – LOT 1318 DP 544404,
CLEMENT AVENUE, ROLLESTON**

RECOMMENDATION

‘That Council:

- (a) Approves the granting of an easement to Orion New Zealand Limited for the conveying of electricity over Lot 1318 DP 544404 being a local purpose reserve on Clement Avenue, Rolleston.*
- (b) Consent to the easement in accordance with Section 48(1) of the Reserves Act 1977, pursuant to a delegation from the Minister of Conservation dated 12 June 2013 under Section 10 of the Reserves Act 1977;*
- (c) Approves that the developer, Wood Grove Limited cover all costs associated with completing this process;*
- (d) Approves that the easement be at a nil consideration.’*

1. PURPOSE

This report seeks approval from Council for the easement in favour of Orion New Zealand Limited (“Orion”) for subsurface electrical cabling to be installed on local purpose reserve located on Clement Avenue, Rolleston.

The cabling will connect into the adjacent reserve which is to be created and vested on subdivision.

The Easement will be granted at nil consideration as the works benefit the community and provide a connection for the new Wood Grove subdivision which is being developed. Wood Grove Limited (“Developer”) will pay Council’s legal costs associated with the easement.

The requirements of the Reserves Act 1977 (“Reserves Act”) dictate that the approval to grant this easement should come from Council itself (as detailed in paragraph 3 below).

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This matter has been assessed against the Significance Policy and the following is noted:

- The implications for the community is considered low in all respects
- The level of interest in the matter is not likely to be greater than minimal
- The site is not defined as a Strategic Asset.

The issue and decision that is the subject of this report has been assessed against Councils Significance and Engagement Policy. The degree of significance attached to the issue in this report is considered to be low. The reason for this rating is because the decision Council are asked to make is a mechanical/procedural decision arising as a result of the "Reserves Act" which will not affect Councils predetermined budgeting decisions in the Long Term Plan or Annual Plan.

3. HISTORY/BACKGROUND

Council received a request from Davie Lovell Smith to grant an easement across the reserve in favour of Orion. The proposed easement would be located on local purpose reserve that has already vested in Council being Lot 1318 DP 544404. Appendix A identifies the subject land on an aerial plan as shown outlined in red.

An easement will be created over Lot 303, which is a reserve that is yet to be created, which will vest in Council in the future. An area approximately 2.5m x 2.2m has been set aside for a kiosk (which has been constructed), which will be held as a separate allotment being Lot 600. Please refer to Appendix B which identifies these areas.

This report is only dealing with the approval of the easement over Lot 1318. Appendix C shows the location of the proposed area required by Orion across all areas as highlighted yellow and blue, and Appendix D encloses a design plan.

It is proposed that the easement be granted at a nil consideration as the works will benefit the community and provide a connection for the Wood Grove subdivision under development. The Developer will also pay Council legal costs associated with the easement.

An Agreement to Grant Easement will be prepared in accordance with Council's standard terms. A copy of the Certificate of Title is shown at Appendix E.

Section 48 of the Reserves Act provides that the administering body may grant rights of way and easements over reserves for a number of reasons including for the provision of electricity supplies. Whilst the Reserves Act further states that prior to granting such a right the administering body must give public notice it also provides an exception to this rule. Where the reserve is not likely to be materially altered or permanently damaged as a result of the granting of the right and where the rights of the public in respect of the reserve are not likely to be permanently affected the administering body may grant such a right without the need for public notice (ss48(2) and (3)).

The reserve is a vacant grassed site. The granting of the easement will have no impact on the right of the public using the reserve aside from a temporary period when the infrastructure is constructed and the land reinstated.

A further point around compliance is the need for Council to approve this easement by resolution, rather than its approval being able to occur at officer level with sign-off from the Chief Executive. Section 48 stipulates that the administering body of the reserve needs to seek the Minister of Conservation's consent to do so. However, the Minister of Conservation's delegation of power to territorial authorities dated 12 June 2013 means that power is conferred on Council to make the decision to grant the easement without the Minister's consent. That delegation, however, does not extend to officer level. If officers were to make the decision without Council's approval, there would be a risk of the decision being considered *ultra vires* and therefore beyond the scope of the Minister's delegation.

4. PROPOSAL

The proposal is that an easement is granted in favour of Orion over part of the reserve on Clement Avenue, Rolleston legally described as Lot 1318 DP 544404 for subsurface electricity cabling to the adjoining allotments to be created, including a kiosk. This will allow a connection to the Wood Grove development and surrounding community.

An easement is a right to use the land of another without having the right to possession of that land. If approved the easement will be registered on the property's title in perpetuity.

The proposed easement instrument will be in a final form agreed by Council's solicitors. An Easement Agreement will be prepared between Orion, Council and the Developer to document the easement.

The position of the services across the reserve will not affect any current or future public access rights as the services will be underground.

5. OPTIONS

The options available to Council are as follows:

Option 1

Endorse and approve the Recommendation in the report as tabled.

Option 2

Decline to approve the Recommendation.

Option 1 is recommended. The benefit of registered easements is that Council can agree to the terms of the arrangement and the rights are registered against the title so both Council as landowner and utility owners are aware of the location and use of the infrastructure. A decision of approval would be in accordance with section 48 of the Reserves Act.

Option 2 is not the preferred option. If approval is not granted, then construction will be delayed while an alternate solution is determined. This would result in significant rework and increased disruption to the community and potential over utilisation of another network.

6. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected and Consultation

The presence of subsurface utilities is not regarded as materially altering or permanently damaging either the reserve or the rights of the public in respect to the reserve. On that basis it has been determined that notification or consultation in respect to this process is not required pursuant to the Reserves Act 1977. Council Property and Reserves staff have been consulted and are satisfied with the easement proposal.

The grant of the easement over the reserve detailed in this report does not require public consultation as it is believed that it falls within the exceptions detailed in Section 48(3) of the Reserves Act 1977. Council Property and Reserves staff have been consulted and are satisfied the proposed easement terms will follow the same format as previous easements granted to Orion.

b) Māori and Treaty implications

Not applicable in this instance. The granting of this easement does not attract any legislative requirement in relation to Ngāi Tahu. If any implications for Māori were to arise, the principles of Te Tiriti o Waitangi will always be borne in mind by Council's officers and consultants.

c) Climate Change considerations

The decisions and matters of this report are assessed to have low climate change implications. Climate change predictions indicate an increase in extreme weather patterns and weather damage is the biggest physical risk to the network. Overhead infrastructure is more susceptible to damage caused by severe weather events. A more reliable network is created by installing subsurface cabling, which is what has been proposed.

7. FUNDING IMPLICATIONS

In this instance it is proposed that the easement will be granted at nil consideration in view of the existing position:

- (a) surrounding landowners already enjoy the benefit of having existing utility connections and this easement was originally intended by the developer; and
- (b) the very limited impact the utilities have on the accessibility and use of the reserve.

The Recommendation tabled does not have any financial implications on Council's current budgets.

The Developer has agreed to cover all reasonable legal costs incurred as a result of the proposed easement, as well as the legal surveying costs required to register the easement. The Developer will also be responsible for reinstating the reserve to Council's satisfaction



Asti Boal
ACQUISITIONS, DISPOSALS AND LEASING OFFICER



Rob Allen
HEAD OF ACQUISITIONS, DISPOSALS AND LEASING
ENDORSED FOR AGENDA



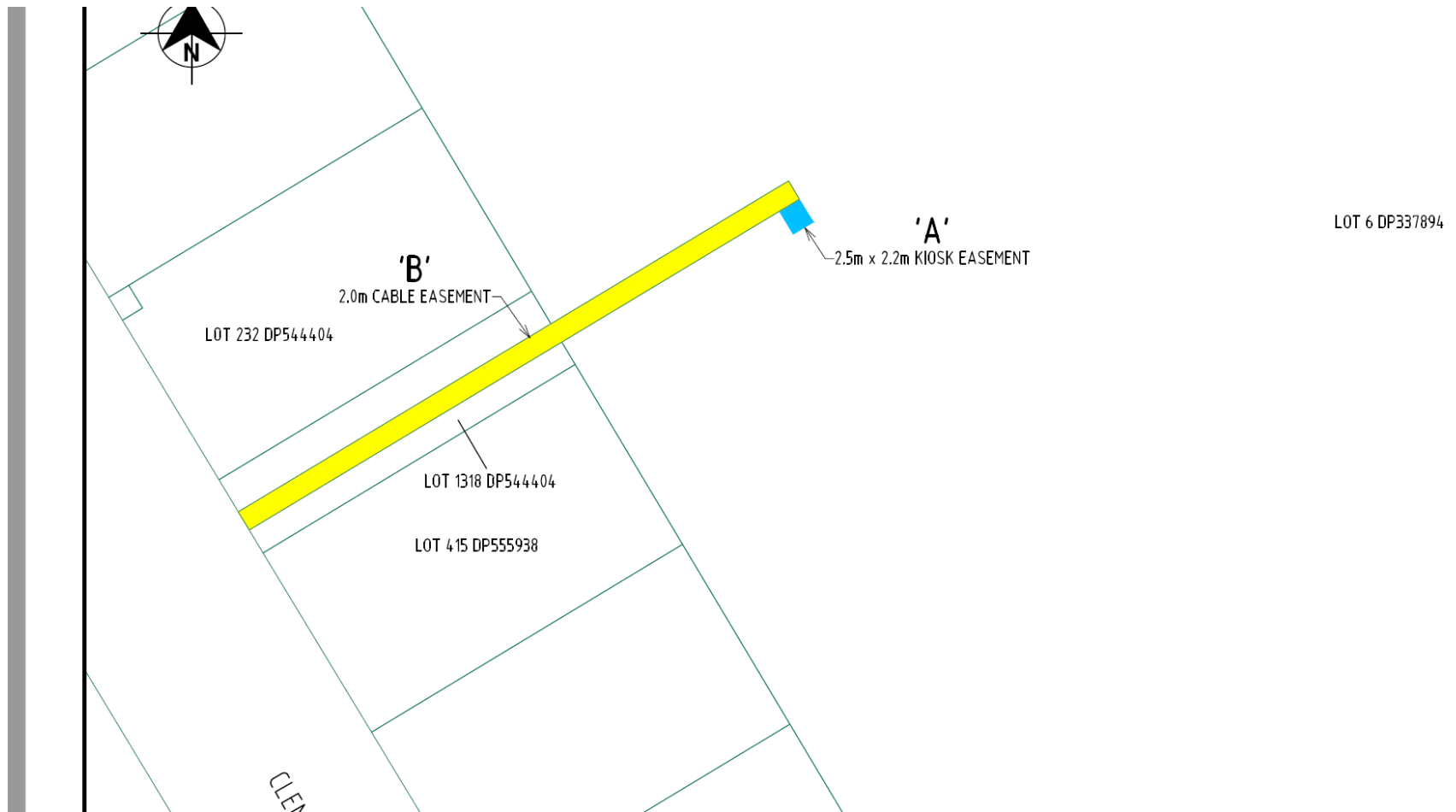
Tim Harris
EXECUTIVE DIRECTOR STRATEGY & ENGAGEMENT

APPENDIX A – PLAN OF LAND

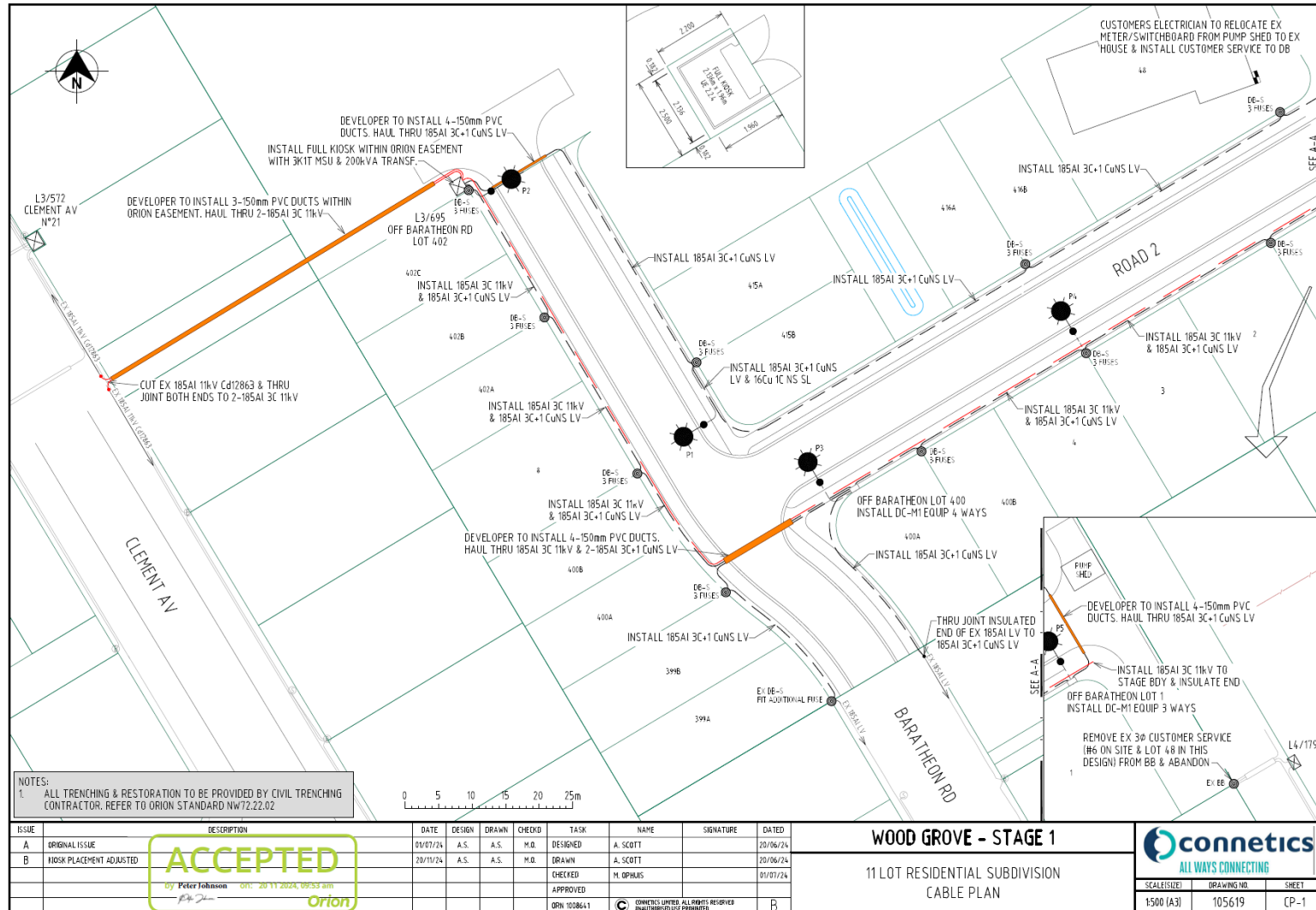
Lot 1318 DP 544404



APPENDIX C – EASEMENT LOCATION OVER RESERVES



APPENDIX D – DESIGN PLAN



APPENDIX E - RECORD OF TITLE



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

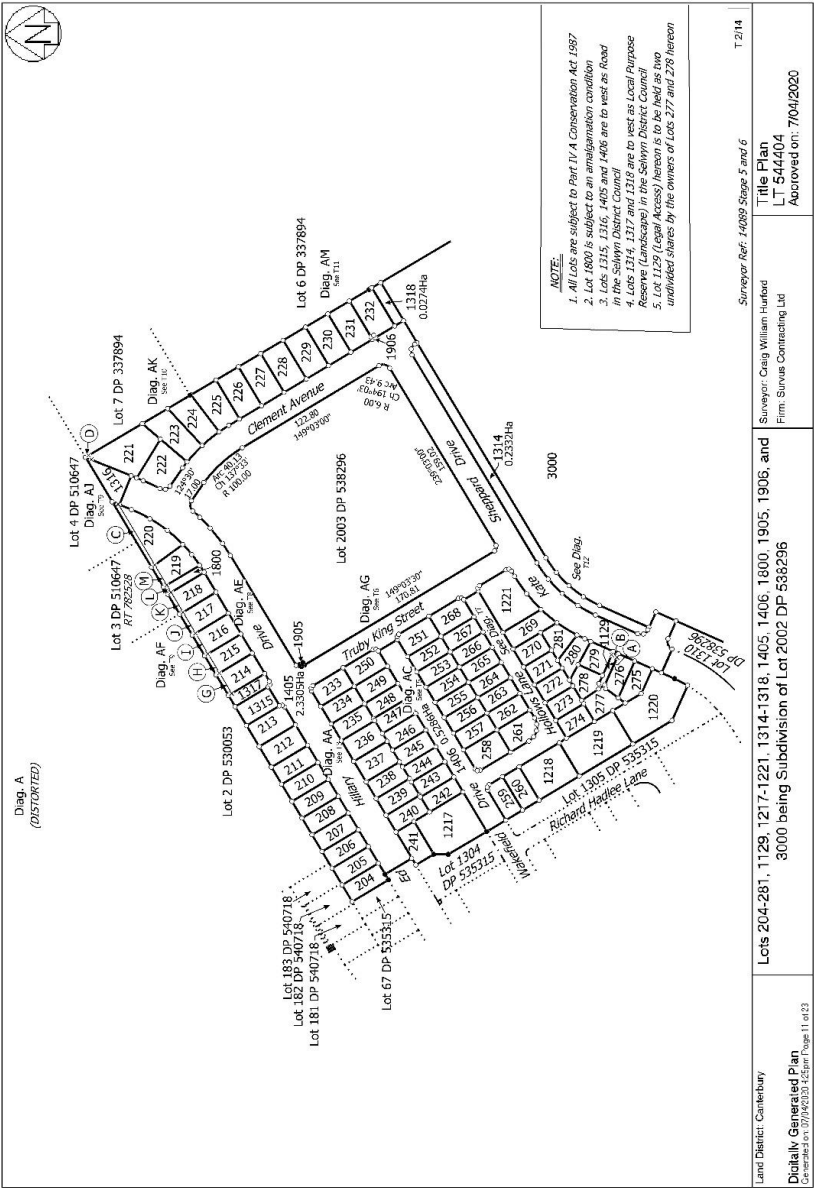
Identifier 924537
Land Registration District Canterbury
Date Issued 01 April 2020
Prior References
904713

Estate Fee Simple
Area 274 square metres more or less
Legal Description Lot 1318 Deposited Plan 544404
Purpose Local Purpose (Landscape) Reserve
Registered Owners
Selwyn District Council

Interests

Subject to Part IV A Conservation Act 1987
Subject to Section 11 Crown Minerals Act 1991
Subject to the Reserves Act 1977
Fencing Covenant subject to Section 6(2) Fencing Act 1978 in Deed 11671881.12 - 1.4.2020 at 3:48 pm
Fencing Covenant in Deed 11972052.10 - 19.2.2021 at 12:53 pm
Subject to Section 6(2) Fencing Act 1978

Identifier 924537



RESOLUTION TO EXCLUDE THE PUBLIC**Recommended:**

'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution	Date information can be released
1.	Minutes	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>	
2.	PODP Appeal Mediation			
3.	Disposal of former Point Strip Vivaldi Lane			Following settlement of any sale

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1	protect the privacy of natural persons, including that of deceased natural persons	Section 7(2)(a)
1, 3	Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or	Section 7(2)(h)
2	To maintain legal professional privilege	Section 7(2)(g)
3	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

2 *that appropriate officers remain to provide advice to the Committee.'*

Unuhia, unuhia
Te pou, te pou
Kia wātea, kia
wātea
Āe, kua wātea

Remove, uplift
The posts
In order to be
free
Yes, it has been
cleared