



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

**TO BE HELD ON  
WEDNESDAY 28 MAY 2025  
COMMENCING AT 1PM**

## Council 28 May 2025 Extraordinary Public Agenda

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

28 May 2025 01:00 PM

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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.

**MINUTES OF AN ORDINARY MEETING OF THE  
SELWYN DISTRICT COUNCIL  
HELD IN THE COUNCIL CHAMBER  
ON WEDNESDAY 16 APRIL 2025 COMMENCING AT 1.00PM**

**PRESENT**

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

**IN ATTENDANCE**

Messrs., Steve Gibling (Acting Chief Executive); T Mason (Executive Director Infrastructure and Property), M McGrath (Chief Digital Officer), R Love (Executive Director Development and Growth), J Richmond (Head of Sports and Recreation), G Morgan (Head of Operational Delivery), T Heine (Advisor to Mayor), B Baird (Strategy Team Leader), Y Li (Transportation Asset Planning Manager), A Mazey (Strategic Transport Lead), J Wood (Senior Project Manager); Mesdames A Sneddon (Chief Financial Officer), D Kidd (Executive Director Community Services & Facilities), S Meares (Senior Counsel), N Cahill (Marketing Manager), P Ganda (Senior Communications Advisor), Ms T Davel (Senior Governance Advisor), Mrs M Mordaunt (Personal Assistant), B Adhikari (Governance Coordinator)

*The meeting was livestreamed.*

**APOLOGIES**

Apologies were received in respect of Councillor Grant Miller.

**Moved** – Councillor Gliddon / **Seconded** – Councillor Mundt

*‘That the Council receives the apologies, as notified.’*

**CARRIED**

**IDENTIFICATION OF ANY EXTRAORDINARY BUSINESS**

None.

**CONFLICTS OF INTEREST**

None.

**CONFIRMATION OF MINUTES**

1. **Minutes of the ordinary meeting of the Selwyn District Council held in the Council Chamber on Wednesday 19 March 2025.**

Councillor Gliddon noted that the Community Board Chair referred to the Rolleston Resident's Association and not the Darfield Resident's Association when he presented to Council at the last meeting.

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

*'That the Council confirms the minutes of the ordinary meeting of the Selwyn District Council held on Wednesday 19 March 2025, as amended.'*

**CARRIED**

**2. Minutes of the Sheffield Pool Deliberations held on Wednesday 19 March 2025.**

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

*'That the Council confirms the minutes of the Sheffield Pool Deliberations on Wednesday 19 March 2025.'*

**CARRIED**

**3. Minutes of the extraordinary meeting of the Selwyn District Council held in the Council Chamber on Wednesday 26 March 2025.**

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

*'That the Council confirms the minutes of the extraordinary meeting of the Selwyn District Council held on Wednesday 26 March 2025.'*

**CARRIED**

**4. Minutes of the extraordinary meeting of the Selwyn District Council held in the Council Chamber on Wednesday 2 April 2025.**

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

*'That the Council confirms the minutes of the extraordinary meeting of the Selwyn District Council held on Wednesday 2 April 2025.'*

**CARRIED**

**PUBLIC FORUM (This item was taken after the Subcommittees' reports)**

**David Page – Safety concerns at the Springs Road / Verdeco Boulevard intersection**

Speaking on behalf of 100 signatories, Mr David Page raised safety concerns regarding the Springs Road/Verdeco Boulevard intersection in Lincoln. He urged the Council to take immediate action to prevent any potential incidents and recommended conducting community consultation to address the issue.

Mr Page was thanked for his presentation.

### **Graham Evans – Upper Selwyn Huts response to the Engagement Summary by Jacobs**

Mr Graham Evans, Chair of the Upper Selwyn Huts Owners Association, thanked Selwyn District Council for organising drop-in sessions in October and November 2024 regarding the future of the Upper Selwyn Huts. He described the Jacobs report as "biased," noting that it was prepared after consulting only 35 out of 95 households. He emphasised the need for an extended consultation period to ensure all homeowners have the opportunity to be heard.

Mayor Sam informed the Council that a report regarding a decision on Selwyn Huts is expected to be presented to the Council in due course.

Mr Evans was thanked for his presentation.

### **Mike Vincent, Baseline Group – Deg Tegh Fateh Sikh Society**

Mr. Mike Vincent requested the Council's support in identifying suitable land, including the potential use of Council-owned sites, for a temple with parking and a community garden. He noted that the 6.1-hectare site purchased by the Society at 517 Hamptons Road in 2022 received 90 out of 100 public submissions in opposition, citing concerns about noise and traffic.

Mr Vincent was thanked for his presentation.

## **MATTERS REQUIRING ATTENTION**

None.

## **REPORTS**

### **1. Mayor**

Mayor Broughton shared that during recent school visits, students wrote letters suggesting future Council priorities, including facilities like a movie theatre, Chipmunks, Mitre10, and LEGO stores.

He also presented data on police, housing, health, and education, highlighting a lack of central government investment in Selwyn despite residents' significant contributions. Comparing per capita contributions from 2013 to 2023 with neighbouring districts—Ashburton, Christchurch, and Waimakariri—he noted Selwyn's contributions were comparable or higher, warning that continued government underinvestment risks turning the district into a "forgotten land."

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

*'That Council receives the Mayor's Report April 2025 for information'*

**CARRIED**

## **2. REPORT BACK FROM SUBCOMMITTEES**

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

*‘That Council receives the feedback from Subcommittee Chairpersons, for information’*

**CARRIED**

### **2.1 Economic Development**

Councillor Dean updated the Council regarding the subcommittee meeting held earlier this morning which discussed an update on the work programme, including dark sky, and the steering group, setting a timeline and pathway going forward.

### **2.2 Housing and Urban Development**

Councillor McInnes informed the Council that the committee recently held a public-excluded workshop and a further meeting is expected in the next month.

### **2.3 Climate Change and Sustainability**

Councillor Reid informed the Council that the subcommittee has not met since the last Council meeting. However, discussions are currently underway regarding the agenda for the upcoming meeting scheduled for 7 May.

### **2.4 Local Water Done Well**

Mayor Broughton informed the Council that there will be no further subcommittee meetings on the subject. Papers related to the matter will be presented directly at the Council meetings.

### **2.5 Finance & Performance**

Councillor Epiha informed that the Council that the subcommittee met last week and informed that Council that capital projects were underway ahead of the schedule and under the budget of \$40.5 million.

### **2.6 Audit and Risk**

No updates.

### 3. Chief Executive

#### *Chief Executive's Report*

Acting Chief Executive Steve Gibling presented the Chief Executive's report. He clarified that, in line with current practice, individuals may stand for election as Mayor, Councillor, or Community Board member, or as Mayor, Councillor at large, and Community Board member. However, individuals cannot stand for both Ward Councillor and Councillor-at-large positions.

In response to a submission concerning government legislation and wastewater charges, particularly in relation to Taumata Arowai's proposed wastewater standards, Mr Gibling informed the Council that staff are currently working on the draft submission. Once finalised, the submission will be circulated to Councillors for their awareness. He also noted that the Council is, in principle, supportive of the proposed environmental performance standards and several of the changes included in the draft. The submission deadline is 24<sup>th</sup> April but the final submission document will be circulated to the Councillors on 22<sup>nd</sup> April for feedback.

Mayor Broughton informed the Council that any elected members can make submissions on electoral reform submission proposed by local government. Councillor McInnes suggested that the Council make a collective submission on the electoral reform.

**Moved** – Councillor Mugford / **Seconded** – Councillor Lyall

*'That Council:*

*(a) Receives the Chief Executive's report for information; and*

*(b) Retrospectively endorses the Council submission on the Canterbury Regional Council's Annual Plan 2025-26*

**CARRIED**

### 4. Sheffield Memorial Pool Ownership

#### *Head of Sports and Recreation / Senior Counsel*

Councillor Gliddon proposed a motion to have an additional option "e. consider transfer of the demolition funds to legal entity post successfully transfer of the asset" to the existing four options in the staff report. It was lost 6-3.

*Votes for: Councillors Mugford, Hasson, Gliddon  
Votes against: Mayor Sam, Councillors Epiha, Reid, Mundt, McInnes, Dean*

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

*That the Council:*

*(a) **Receives** the Sheffield Memorial Pool Ownership report*

*(b) **Approves** transfer of ownership and operation of the Sheffield Memorial Pool (both land and assets owned by the Council) from Council to the Kowai Pass Reserve Trust*

*(or not-for-profit nominee to be determined by the Trust), subject to:*

- i. Transfer agreement being entered into by 30 June 2025;*
- ii. Resolution of the certificate of title issues associated with the land on which the Pool sits by 30 June 2027;*
- iii. Transfer being conditional on the Trust (or nominated entity) obtaining consent from the Department of Conservation title;*
- iv. The Pool not being operated by the Trust (or nominated entity) until the transfer is completed.*

*(c) **Delegates** to the Chief Executive Officer, the power to negotiate and agree to the final terms and conditions of transfer to the Kowai Pass Reserve Trust on terms satisfactory to the Chief Executive Officer in their discretion, subject to the above conditions being met.'*

*(d) **Approves** demolition of the Sheffield Memorial Pool, in the event that:*

- (i) mutually satisfactory terms of the transfer are unable to be agreed by 30 June 2025; or*
- (ii) that the agreement to transfer otherwise comes to an end prior to transfer.*

**CARRIED**

*Afternoon tea break 3:00pm-3:15pm*

## **5. Traffic and Parking Bylaw 2009**

*Head of Operational Delivery/Transportation Delivery Manager*

Staff noted that the proposal will not amend the bylaw itself but will update Schedule Four of the bylaw, which lists the designated marked parking spaces within town centres that are not located on public streets. Staff advised that the Council delegate authority to the Executive Director of Infrastructure and Property to supplement, amend, or remove restrictions from the schedule, rather than requiring formal endorsement through a full Council meeting each time.

**Moved** – Councillor Mugford / **Seconded** – Councillor Epiha

*a) That the Council adopts the new parking restrictions, as signed and marked at:*

- i. Rōhutu Way – carparks 3 and 4*
- ii. Christensen Parade – carparks 5 and 6 (adjacent to RCC), and adjacent to Playground*
- iii. Tennyson Street (bounded by Markham Way and Peel Close – carpark 2*  
*And the parking restrictions to be added to **Schedule Four to the Traffic and Parking Bylaw 2009.***

*b) That the Council delegates approval to supplement, alter or remove restrictions to **Schedule Four of the Traffic and Parking Bylaw 2009** to the Executive Director of Infrastructure & Property.*

**CARRIED**

**6. Advancing Spring Road / Ellesmere Junction Road / Gerald Street Intersection Signalisation Upgrade**

*Senior Project Manager / Transportation Asset Planning Manager*

Staff informed the Council that the developer, Carter Group, has requested the advancement of the planned intersection works at Springs Road from the 2027–28 financial year to 2026–27. A full review was undertaken, and it was noted that the proposal could be considered feasible from a construction standpoint. In response to a question regarding whether the proposal could set a precedent for other developers seeking to bring forward their own projects, staff acknowledged that this was a possibility and noted that the Council would need to take this into account when making its decision. Staff noted that the proposed upgrades would provide two key benefits: improved road safety and enhanced traffic flow.

Each item was voted separately.

*‘That Council:*

*a) Receives this report for information;*

**CARRIED**

*b) Approves, subject to a satisfactory Development Agreement being entered into with the Carter Group, the advancement of the Springs Road / Ellesmere Junction Road / Gerald Street Intersection Signalisation within the early stages of the Lincoln Town Centre Stages 2 & 3 program, as outlined in Option 2 of the Report; against raising*

*For: Councillors Lyall, Epiha, Dean, Mugford, Reid,  
Against: Councillors Gliddon, McInnes, Mundt, Hasson*

**CARRIED**

*c) Delegates the Executive Director Infrastructure and Property the authority to enter into a Developer Agreement with the Carter Group as anticipated by DEV-LI8 - Lincoln 8 Development Area in the Operative District Plan;*

**CARRIED**

*d) Delegates the Executive Director Infrastructure and Property the authority to approve to resource and award the design and construction for Option 2.’*

**CARRIED**

## 7. Canterbury Museum Trust Board Update

*Senior Legal Counsel*

Staff member noted that the Council is required under legislation to pay operation levies to Canterbury Museum Trust (CMT) and recruit a Selwyn District Council representative for the CMT Board.

**Moved (as amended)–** Councillor McInnes / **Seconded** – Councillor Dean

*‘That Council:*

- a) Receives the report “Canterbury Museum Trust Board Update”*
- b) Endorses the notice to Canterbury Museum Trust Board set out in the appendix to this Report; and*
- c) Endorses the notice of objection to the proposed levies prior to 25 April 2025.*
- d) Appoint councillors McInnes and Mundt to work with the chair on the councillor appointment to the Museum Board.’*

**CARRIED**

## GENERAL BUSINESS

None.

## MATTERS RAISED IN PUBLIC FORUM

In response to the Public Forum presentations, the Acting Chief Executive advised:

- Mr Page: Council staff will gather additional information, and a further update will be provided through the Chief Executive’s Report at the Council meeting on 21 May.
- Mr Evans: The Council team is progressing to the next stage of engagement with the community. This will be presented as a formal report rather than an update.
- Mr Vincent: A further update on this matter will be provided at the 21 May Council meeting as part of the Chief Executive’s report.

## RESOLUTION TO EXCLUDE THE PUBLIC

**Moved** – Councillor Reid / **Seconded** – Councillor Lyall

*‘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.	Future Direction for the Sister City Programme			
3.	Commercial Update			

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, 3	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	The making available of the information would be likely: to prejudice the ... international relations of the Government of New Zealand	Section 6(a)

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

**CARRIED**

The meeting went into public excluded at 4:09pm.

With no further business being discussed, the meeting closed at 4.52pm.

DATED this                      day of                      2025

\_\_\_\_\_  
**CHAIRPERSON**

**TO:** Council

**FOR:** Council Meeting – 21<sup>st</sup> May 2025

**FROM:** Mayor Sam Broughton

**DATE:** 30<sup>th</sup> April 2025

**SUBJECT: MAYOR’S REPORT – April 2025**

## **RECOMMENDATION**

*‘That Council receives the Mayor’s Report for April 2025 for information.’*

### **1. OVERVIEW**

#### **Passing of Bill Woods and Jens Christensen**

It is with sadness that I acknowledge the passing of former Mayor Bill Woods and former Councillor Jens Christensen, two individuals who dedicated their lives to serving and advocating for their community. Both men poured passion and energy into the causes they believed in, leaving a lasting impact on the people and the region they served. My thoughts and prayers are with their families and close friends during this difficult time, and I hope that their legacy will inspire others to continue working towards the betterment of their own communities.

#### **School Visits**

During my visits to Leeston, Hororata and Lincoln High a number of topics were raised by school staff including the growing school rolls, the need for more space for new buildings, safety outside of schools, particularly regarding parking, and the ongoing shortage of relief teachers. The issue of teacher shortages more broadly was also raised. All schools are eagerly awaiting the Selwyn-specific education plan promised by Minister Erica Stanford, and we understand there will be announcements on this soon. It’s an important step for ensuring that our schools get the support they need to continue providing a high standard of education for our students.

### **Bridge hill fire restoration workshop**

I attended the bridge hill fire restoration workshop in Castle Hill where it was encouraging to see the dedication of farmers, conservationists, and government agencies working together to restore the land affected by the fire last December. The Craigieburn area is an important landscape, and it is reassuring to see the community coming together for its restoration. The fire impacted approximately 980 hectares, damaging native flora and fauna, but it has also prompted a coordinated effort to restore the land. Local farmers, with their strong connection to the land, are collaborating with the Department of Conservation and other stakeholders to plan and implement the necessary restoration of the ecosystems affected. While the work ahead will be challenging the first steps have been taken towards revitalising the area. Our Council biodiversity specialists are deeply involved in this work and I look forward to updates in future. The goal is to ensure that this environment is restored for future generations.

### **Water CCO meeting**

After the councils decision to set up a water CCO a team from Council met with DIA, Taumata Arowai, Crown Infrastructure, the Commerce Commission & LGFA to discuss the path forward. There is strong support from the government agencies to work with us which reaffirmed the Councils decision to move in this direction. All parties offered technical support and assistance in navigating the new regulatory framework and this relationship building will stand Council in good stead moving forward.

### **ANZAC**

I always get a renewed sense of perspective from ANZAC day commemorations and this year was no different. It is a reminder in these more polarised times that we hold so much more in common than where we differ. A heartfelt thanks to the Burnham military personnel who put in a great deal of effort to deliver such a moving event and for their dedication to the nation. To all the volunteers who work each year to ensure our service men and women are appropriately remembered I also extend my thanks. And finally to all those who have served and their families many of whom still bear the physical, mental, and emotional scars, your acts of service inspire us all and we thank you.

### Environment Canterbury Annual Plan

Our Council works closely with Environment Canterbury and we welcomed the opportunity to submit on their annual plan. Our submission focused primarily on public transport options following the flood of submissions we received on the topic through our long term plan. I had a productive meeting with the Environment Canterbury Chair at the end of April regarding our submission before the scheduled oral submission in May. Advocating for Selwyn residents and maintaining a good working relationship with Environment Canterbury is critical in order to see our district continue to thrive. I have invited our local Ecan councillors and their chair to an upcoming briefing day to share about their work in our District.

### Central Government Correspondence – sent.

MP	Portfolio	Topic
Minister Mark Mitchell	Police & Emergency Management	May 1 <sup>st</sup> & 2 <sup>nd</sup> Flooding response
MP Tangi Utikere	Spokesperson for Local Government	Local Government policy
Minister Chris Bishop	Transport & Housing	Lack of government investment in public housing & transport in Selwyn and need for a Selwyn specific plan for these areas.
Minister Simeon Brown	Health	Lack of government investment in health services in Selwyn and need for a Selwyn specific plan.
Minister David Seymour	Associate Education	School truancy response.

### Central Government Correspondence – received.

MP	Portfolio	Topic
Tangi Utikere	Spokesperson for Local Government	Local Government policy
Minister Erica Stanford	Education	Selwyn specific education plan
Minister David Seymour	Associate Education	School truancy

## 2. MEETINGS

2<sup>nd</sup> April

Regional Deal Governance Group Meeting  
Finance and Performance Committee Meeting  
Extraordinary Council Meeting

4<sup>th</sup> April

Leeston School visit

MRT Meeting with Mayor Phil Mauger

7<sup>th</sup> April

Bridge Hill Fire workshop – Castle Hill  
Lincoln High School visit

9<sup>th</sup> April

Water Services CCO meeting with DIA, Taumata  
Arowai, Crown Infrastructure, Commerce  
commission & LGFA.

High growth councils meeting.

11<sup>th</sup> April

Visit Hororata Primary School  
Civic Reception for Stakeholders

14<sup>th</sup> April

Regional Deal Governance Group Meeting

16<sup>th</sup> April

Economic Development Subcommittee Meeting  
Councillor Briefing  
Council Meeting

25<sup>th</sup> April

Dawn ANZAC Service at Burnham Military Camp  
ANZAC service at Darfield

29<sup>th</sup> April

CORDE Governance meeting  
Committee Chairpersons meeting  
Poroporoaki for Puamiria Parata-Goodall

30<sup>th</sup> April

Councilor Briefing



Sam Broughton  
**MAYOR**

## REPORT

**TO:** Council  
**FOR:** Council Meeting on 21 May 2025  
**FROM:** Chief Executive  
**DATE:** 16 April 2025  
**SUBJECT:** **CHIEF EXECUTIVE'S REPORT**

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## RECOMMENDATION

*'That Council:*

- (a) Receives the Chief Executive's report for information*
- (b) Retrospectively endorses the Selwyn District Council submission on the proposed Wastewater Environmental Performance Standards*

### 1. PUBLIC FORUM – 16 APRIL 2025

Our response to Following public speakers at

#### **Selwyn Huts – Graham Evans**

A separate report will be discussed at today's meeting on the issues raised by Mr Evans around the matters he raised in Public Forum.

#### **David Page – Safety Concerns Verdeco**

Development is progressing along Springs Road with PC69 / Earlsbrook and Avida developments currently underway further to the earlier Verdeco Development. Staff are co-ordinating integration of the developments along this transport corridor as they occur. This has its challenges in coordinating the different developers respective requirements and outcomes.

As an initial response to Mr Pages concerns from prior engagements, Council constructed a pedestrian crossing on Springs Road, changed the Verdeco Boulevard intersection priority from 'Give Way' to 'Stop', added pedestrians advisory signage, and trimmed roadside vegetation to improve visibility. Further upgrades will be provided by the Earlsbrook Developer in Stage 1 such as traffic signals including related pedestrian crossing facilities on Springs Road.

To inform the 2026/27 Annual plan process, Council will consider the prioritisation of funding for urban intersection upgrades across the district including Verdeco Boulevard / Springs Rd intersection. There is a high demand for upgrades due to a wide range of new developments occurring and high growth, and as such Council needs to balance both affordability and urgency. The safety and performance of this intersection will be reviewed as part of this process noting the concerns expressed.

Upgrades will need to be prioritised within the available funding envelope which relies on the co-funding allocation provided by the NZTA from the 2024-27 National Land Transport Programme. The NLTP curtailed national funding for safety and local road improvements programmes where traditionally most of these upgrades were funded from, for instance Major Improvements funding was reduced from a requested \$38M to \$6M and Low-Cost Low Risk Improvements (below \$2m) was reduced from a requested \$20.56M to \$0M allocated, other than some recently approved resilience projects.

As part of Councils integrated management of the Springs Road corridor Council has budgeted \$200K for the completion of an integrated shared pathway along Springs road in 2027/28. This pathway will connect the existing and consented developments including the University. This work along with the identification of further upgrade and safety improvements will occur ahead of the 2027 Long Term plan for inclusion. There are several constraints in the Springs Road corridor such as road side power poles and drains that limit the room to provide transport upgrades that will need to be worked through.

Council staff will meet with Mr Page to discuss these works along with the construction work currently underway with the Earlsbrook and Avida developments.

#### **Mike Vincent – Baseline Group – Deg Tegh Fateh Sikh Society – Consent Process**

Mr Mike Vincent represented the Deg Tegh Fateh Sikh Society in discussing the consent process for their proposed community facility. The following background information has been provided by staff regarding the application and its current status.

The land use consent application to establish a community facility at 517 Hamptons Road, located in the General Rural Zone, was submitted on 10 May 2024. Following the initial submission, a request for further information was made, which was provided to the Council in December 2024. The application was publicly notified at the end of January 2025.

The public notification was based on the conclusion that the proposal is expected to result in more than minor adverse effects, particularly concerning transport, rural character, and amenity. Specific concerns include traffic surges, overflow parking, and road safety, notably at the Waterholes Road access point. The assessment of effects also determined that the site's rural location is not well-suited to the scale and intensity of the proposed activity, contributing to reverse sensitivity effects on surrounding rural production. While noise effects were assessed as generally compliant with the District Plan standards, the frequency and duration of amplified sound may adversely affect neighbouring amenity given the low ambient noise levels of the area. Cultural effects were assessed as at least minor, particularly due to unresolved concerns between the applicant and iwi regarding the inclusion of indigenous planting as mitigation. In contrast, construction, flooding, and servicing effects were considered to be less than minor.

A number of submissions were received during public notification, and shortly after the close of submissions **in early March, the applicant requested that the application be placed on hold, where it remains.**

At this stage, no officer's report has been prepared, and no formal recommendation on the grant or decline of the application has been made. A hearing would be required to advance the application from this point, with the applicant having the option of amending the application to address the identified adverse effects.

Regarding the enabling of such activities in this district, the District Plan generally provides for community facilities across a range of zones, though the extent to which they are enabled varies depending on the zone's intended character and function. In Residential Zones, community facilities are typically enabled as either permitted or discretionary activities, subject to meeting standards around noise, traffic, hours of operation, and compatibility with the surrounding residential environment. In the Rural Zone, community facilities are generally classified as discretionary activities. These are carefully managed to ensure they do not compromise rural character, amenity, or the productive capacity of land. While small-scale facilities may be acceptable, larger or more intensive developments are more likely to trigger public or limited notification given the scale of effects and likelihood of non-compliances relating to the relevant zone standards. In Commercial, Business, and Town Centre Zones, community facilities are generally anticipated as part of a diverse, mixed-use environment. These zones support a broader range of activities, including those that generate more traffic or operate over extended hours. In such contexts, community facilities are often permitted or discretionary, depending on the specific proposal and ability to comply with the relevant zone standards.

## **2. PROPOSED WASTEWATER ENVIRONMENTAL PERFORMANCE STANDARDS**

On 24 April 2025, the Council submitted feedback to Taumata Arowai on the Proposed Wastewater Environmental Performance Standards, attached as **Appendix 1**.

In summary, the Council supports Taumata Arowai's establishment of environmental performance standards for wastewater discharges. The Council recognises the potential for improved wastewater management, sustainable environmental outcomes, better long-term planning, and reduced time and cost for resource consents and approvals.

The Council is committed to ensuring wastewater management in Selwyn District supports the health, safety, and wellbeing of our communities. We favour a risk-based approach and support land-based treated wastewater disposal, consistent with the Waiora – One Water Strategy.

## **3. PROFESSIONAL PARTNERSHIP PROGRAMME**

The Building Team successfully relaunched the Professional Partnership Programme (PPP) on 10 April 2025.

Originally launched in May 2021 to fast-track building consents for single-storey detached dwellings, the PPP has approved 1,315 consents, about 20% of all applications, with an average processing time of 4 working days.

The relaunch aims to expand the programme's scope, introduce a 'gold' status, reduce consenting fees, and update eligibility criteria. These changes align with central government goals to create efficiencies and cost savings in the consenting process.

The event was well received, and we look forward to strengthening existing partnerships and forming new ones. The new offerings will be available from 1 May 2025.

Further details can be found on the Selwyn District Council website under the Professional Partnership Programme (PPP) [Selwyn District Council - Professional partnership programme \(PPP\)](#).

#### **4. GREATER CHRISTCHURCH PARTNERSHIP**

##### **Public Transport Futures Programme**

An opportunity has arisen to enhance the national profile for further investment in Greater Christchurch's public transport network by submitting an application for the Public Transport Futures Programme to Te Waihanga's second round of the Infrastructure Priorities Programme (IPP). The deadline was 17 April.

In the first round, Christchurch City Council (CCC) officers submitted an application for the Mass Rapid Transit (MRT) project. To meet the deadline, CCC officers will submit the application on behalf of the GCP, with support from ECan staff and other partners.

The application is based on the PT Futures business case endorsed in 2020 and includes key changes since then. It is not a funding submission but aims for inclusion in Te Waihanga's National Infrastructure Plan, which may inform future government decisions such as the 2027-2030 National Land Transport Plan.

Further background on Te Waihanga's IPP can be found here:  
<https://tewaihanga.govt.nz/our-work/infrastructure-priorities-programme>

##### **GCP Review**

One Group, Standing Together for Greater Christchurch. The Greater Christchurch Partnership (GCP) is dedicated to taking a collaborative approach to address strategic challenges and opportunities for Greater Christchurch. Built on a strong foundation of mutual respect, trust, transparency, and a commitment to achieving the best for the community, the Partnership has been a voluntary coalition since 2004.

The GCP includes local government, mana whenua, and government agencies, working together to address the region's strategic needs. The members of the Partnership are Environment Canterbury, mana whenua, Christchurch City Council, Selwyn District Council, Waimakariri District Council, Te Whatu Ora - Waitaha, and Waka Kotahi NZ Transport Agency (non-voting member).

To ensure the effectiveness of the GCP in fulfilling its purpose, role, and functions, the Partnership is seeking an independent review. This review will evaluate the efficiency of their operations and decision-making processes, identify areas for

improvement, and provide recommendations for enhancing performance, including potential alternative organisational models or arrangements.



Sharon Mason  
**CHIEF EXECUTIVE OFFICER**



24 April 2025

Taumata Arowai  
Level 2, 10 Brandon Street  
P O Box 628  
WELLINGTON 6140

BY EMAIL: korero@taumataarowai.govt.nz

**SELWYN DISTRICT COUNCIL –  
SUBMISSION ON THE PROPOSED WASTEWATER ENVIRONMENTAL PERFORMANCE  
STANDARDS**

**1. Introduction**

- 1.1 Selwyn District Council (the Council) provides the following submission on Taumata Arowai's proposed Wastewater Environmental Performance Standards (the Proposed Standards) as described in the Discussion Document dated 11 March 2025.
- 1.2 Selwyn District Council has a strong relationship with the Waikirikiri Selwyn community and our Rūnanga partners, Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga. We acknowledge Ngāi Tahu rangatiratanga within the takiwā.

**Waiora – One Water Strategy**

- 1.3 The *Waiora - One Water Strategy* has been developed in close partnership with Te Taumutu Rūnanga and Te Ngāi Tuahuriri Rūnanga. The strategy embodies intergenerational thinking on water management, taking a 50-year view in decision making to achieve healthy water, healthy people and communities, and a resilient environment. The Strategy provides a strategic framework agreed by the Council and mana whenua to help to uphold the mana and mauri of all water. The *Waiora - One Water Strategy* is a key part of the Council's wider strategic direction for Waikirikiri Selwyn including *Waikirikiri Ki Tua Future Selwyn* a long-term strategic approach to shaping Selwyn's communities over the next 50 years by informing all of the Council's decisions and investments. The strategy aligns with other Council plans and strategic documents that play a key role in planning, development and investment decisions across the Council's activities and responsibilities.

**Wastewater Management in Selwyn District**

- 1.4 The Selwyn District is the fastest growing district in New Zealand, growing from 42,900 people in 2011 to 85,600 in June 2024. The Council provides wastewater services to approximately 68% of the district, approximately 20,345 residential properties and equivalent to a population of 58,259. Most of Selwyn District's population is concentrated in towns across the east of the Selwyn district. All of the Council's wastewater schemes discharge treated wastewater to land, with no discharges to fresh or coastal water. With a strong focus on sustainable management of treated wastewater, the Council is keenly aware of the implications of the Draft Standards.

## 2. Our Submission

### Overview

- 2.1 The Council support the principle of Taumata Arowai establishing environmental performance standards for wastewater discharges. The Council recognises the potential for improved delivery and management of wastewater as a result, where sustainable and beneficial environmental outcomes are achievable along with enabling better long-term planning, and reducing the time and cost of related resource consents and approvals.

### General Matters

#### Long term discharge permits

- 2.2 The Council support a compulsory 35-year term for discharge permits for discharging treated wastewater to land or water, where those discharges comply with the wastewater environmental performance standards. A long-term discharge permit provides greater certainty on the return on investment needed to support the substantial capital investment required when building high quality, effective and resilient wastewater infrastructure. Shorter consent terms typical of the current resource consent process undermines this certainty and increases risk to infrastructure investment. It also results in significant costs to the Council and the community from the more frequent requirement to replace expiring resource consents well within the design life of the related infrastructure. A 35-year term for compliant discharge permits will be more cost effective and efficient. The Council seeks confirmation on whether the 35-year consent duration also applies to consents for upgraded infrastructure and consent renewals.

#### Reporting Requirements

- 2.3 The Council request clear guidance and the provision of standardised reporting requirements and templates to increase efficiency. Providing adequate lead time for development and implementation of reporting systems and software.
- 2.4 The Council request guidance on the process for determining qualified peer reviewers and auditors for compliance reporting to ensure national consistency.

#### Consent Limits

- 2.5 The Council request the development of national standards for contaminants of emerging concern, PFAS, heavy metals and microplastics, where there is clear evidence to support this. We request certainty on the likely timeline for adding additional contaminants to the national standards reducing the risk that Regional Council's introduce additional limits outside of the standards.
- 2.6 The Council request a process to review and amend consent limits prior to expiry when standards are updated or when monitoring shows that the discharge is having an unacceptable effect on the receiving environment.
- 2.7 Council oppose the inclusion of consumer complaints as a factor to be addressed in a consent term. Customer complaints are monitored by via KPI's and performance metrics and consent limits should be linked to asset performance.

### **Receiving environment monitoring**

- 2.8 The Council support the proposed approach for receiving environment monitoring in the proposed discharge to land standard. The consistent monitoring of critical parameters in soil and groundwater environments will provide better certainty to scheme providers and operators when establishing baseline conditions for new schemes, and for ongoing monitoring of scheme performance. It will also provide a consistent body of data for compliance monitoring purposes and will remove inconsistencies between schemes operated by the same Council.
- 2.9 The Council does not support the proposed approach for receiving environment monitoring for discharge to water as it does not require receiving environment monitoring. This results in an imbalance between the standards for the two forms of discharge and monitoring of the receiving environment for discharge to water is considered necessary.

### **Biosolids**

- 2.10 The Council support the biosolids grading system as described on Page 33 of the discussion document, including the table set out on that page. Specifically, the Council supports the Permitted activity status for discharging Grade A1 biosolids to land, the Controlled activity status for Grade B1 biosolids and the Restricted Discretionary status for Grade A2 and B2 biosolids. The Council sees these activity statuses as an incentive to produce high quality biosolids that have a beneficial use when applied to land, and the proposed approach will support operators that provide such quality biosolids.
- 2.11 The Council generally support the discharge of biosolids to land where the characteristics of the receiving environment are appropriate for the discharge, and the receiving environment can appropriately assimilate the biosolids with minimal adverse effect.
- 2.12 However, the Council oppose the unrestricted discharge of A1 biosolids to land, specifically where such discharges would enable contaminants to enter surface or groundwater directly. The Council would prefer to see some form of control, possibly as conditions on the permitted activity rule where biosolids can be discharged. This should include the requirement to avoid application to land where biosolids may enter surface water, within designated groundwater protection zones, community water supply protection zones, areas of high groundwater, ephemeral streams or wetlands, or areas of high ecological or biodiversity value. Areas of heritage, archaeological or Māori cultural value should also be avoided.

### **Overflows and Bypasses**

- 2.13 The Council support in principle the controlled activity status for network overflows and bypasses. The Council recognises the benefits of a consistent approach across the country in how overflows and bypasses are defined, consented, managed, monitored, and reported. The Council has some concerns about the potential cost implications of the proposed controls and monitoring.
- 2.14 The Council request the current definition of overflow be amended to include pressure sewer systems and potential overflow points in these systems, i.e. air relief valve outlets.

- 2.15 The Council support a modification to the definition of bypasses to include discharges relating to infrastructure failure.

### **Treated Wastewater Discharges to Land**

- 2.16 The Council support prioritising treated wastewater discharges to land as a preference to, and priority over, discharges to water. The Council and Selwyn District community has invested heavily over a long period in land-based schemes including the Pines Wastewater Treatment Plant in Rolleston which serves a large portion of the Selwyn District urban communities. Appropriately treating wastewater and discharging it to land is fundamental to achieving our *Waiora – One Water Strategy* which is central to Council's long-term development and infrastructure decision making. Specifically, the *Strategy's* guiding principles are based on achieving the hierarchy of Te Mana o Te Wai as central to all of the Council's land use and water infrastructure decisions. Land-based treated wastewater discharges are fundamental to achieving our *Strategy's* vision and goals, to protect and enhance all of Selwyn District's natural water systems.
- 2.17 The Council support in principle defining contaminant discharge standards for relevant contaminants to provide greater certainty and consistency for asset owners, consent applicants, consent authorities and compliance monitoring purposes.
- 2.18 The Council does not support the approach that any contaminants, other than those for which a numeric limit has been specified, will be subject to separate regional council control. This approach will lead to a dual process for a single discharge that will be difficult to navigate. Council prefers an approach of co-regulation where any other contaminant is reduced by the treatment required to achieve the specified numeric limits and relevant trade waste controls. For many of the emerging contaminants of concern particularly from residential communities, control at source or a national approach to their management will be more effective.
- 2.19 The Council support in principle a risk-based approach to discharging treated wastewater to land. This approach should recognise the varying ability of different receiving environments to assimilate treated wastewater volumes and contaminant loads sustainably, and the effects of discharges on underlying groundwater and connected surface water.
- 2.20 The Council request clear guidance on how baseline assessments, risk screening and site specific assessments are carried out to ensure consistency. Development of readily available online tools will be beneficial. There are opportunities to refine the proposed risk assessment process outlined in the document working alongside Council's.
- 2.21 The Council oppose the setting of a blanket maximum hydraulic loading rate for treated wastewater discharges to land as proposed on page 29 of the discussion document. The rates proposed do not take account of varying soil types, vegetation, topography or underlying lithology and hydrogeology, all of which can vary within an irrigation site as well as across the country. Fixing maximum hydraulic loading rates as proposed appears arbitrary and could result in unintended adverse effects such as where treated wastewater complies with the standard but the receiving environment characteristics cannot assimilate it. Similarly, the maximum rate does not allow higher rates where receiving environment conditions could support it placing undue constraints on efficient land use and provision of infrastructure. Council would like to see maximum hydraulic loading rates relative to the assimilative capacity of a receiving environment set on a case-by-case basis.

- 2.22 The Council support a small treatment plant standard for public wastewater scheme discharges to water as proposed and would like to see a similar small treatment plant standard developed for public schemes that discharge to land. The Council considers that providing an expedited consenting route for small schemes to discharge to water but not similarly doing so for small schemes that discharge to land could inadvertently encourage treated wastewater discharges to water in favour to land-based schemes. This would be contrary to the Council's *Waiora – One Water Strategy*.
- 2.23 The Council support infrastructure design solutions being developed as a priority to standardise the design and procurement of infrastructure and enable modular off the-shelf solutions to be installed, particularly for smaller schemes.
- 2.24 The Council request the development of wastewater standards for rapid infiltration basins and onsite wastewater systems and community owned and operated systems with certainty provided on timeframes for their development.

#### **Discharges to Surface Water**

- 2.25 The Council would like to see discharge to water standards set so that they protect the environment and public health and are not lower than existing discharge to water requirements. Maximum and annual 90<sup>th</sup> percentile limits should be included and operators required to monitor impacts on receiving environments in addition to end of pipe monitoring.

#### **'Mix-and-Match' schemes**

- 2.26 The Council oppose 'mix-and-match' schemes being deemed 'unsuitable' as schemes for land-based treated wastewater discharges. Such schemes recognise that while land-based discharges are preferable and land disposal may be the primary pathway used, not all schemes can be 100% land-based. Some land-based schemes are only viable where there is the option to use a surface water pathway (fresh or coastal) under some circumstances, typically occurring when the preferred land-based pathway is not available. Council would like to see provision made for 'mix-and-match' schemes included in the standards.
- 2.27 The Council support the inclusion of a method by which the standards can be adapted for 'mix and match' schemes. This could include specifying the period for which the assessments required by the standards should be restricted to when discharges to each environment are planned to occur.

### **3 Summary and Conclusions**

- 3.1 The Council thanks Taumata Arowai for the opportunity to make this submission on the Proposed Standards. The Council is committed to ensuring that wastewater management in Selwyn District is enabled to provide for the health and safety of our communities, with their cultural, economic and environmental wellbeing provided for. We favour a risk-based approach to wastewater management and support enabling land-based treated wastewater disposal across the district. This is consistent with the *Waiora – One Water Strategy* that the Council has committed to.

- 3.2 While we generally support the proposed standards in principle, we have noted several matters above. For any clarification on points within our submission please contact Jo Golden, Water Services Asset Manager, Selwyn District Council ([jo.golden@selwyn.govt.nz](mailto:jo.golden@selwyn.govt.nz) or 03-347 1903).

Yours sincerely



Sam Broughton  
Mayor  
Selwyn District Council



Steve Gibling  
Acting Chief Executive  
Selwyn District Council

## REPORT

**TO:** Council  
**FOR:** Council Meeting on 21 May 2025  
**FROM:** Chief Executive  
**DATE:** 12 May 2025  
**SUBJECT:** **RESIGNATION ELECTED MEMBER – COUNCILLOR DEAN**

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### RECOMMENDATION

*'That Council:*

- 1) receives notification from the Chief Executive that Councillor Dean, Rolleston Ward Councillor, resigned on 29 April 2025 with effect from 16 May 2025;*
- 2) resolves not to fill the vacancy.*

On 29 April 2025 Councillor Dean, one of Selwyn's Rolleston Ward Councillors, resigned with effect from 16 May 2025.

The resignation does not trigger a by-election. Section 117 of the Local Electoral Act 2001 requires that, where a vacancy occurs 12 months or less than 12 months before the next triennial general election:

- the Chief Executive must notify the local authority of the vacancy;
- the Council must at its next meeting determine whether to fill the vacancy by appointment or not to fill the vacancy.

Staff recommend that the Council does not fill the vacancy due to the costs associated with determining an appropriate appointee to replace the vacancy.

If the Council accepts staff's recommendation, the Council must immediately give public notice of its decision not to fill the vacancy.

A decision not to fill the vacancy will also mean that the councillors remuneration spend will not be required from 16 May 2025. This will be shown in the Council's Annual Report as an underspend in the pool.



Sharon Mason  
**CHIEF EXECUTIVE**

## Therese Davel

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**Subject:** FW: Resignation - Cr Dean

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**From:** Cr Phil Dean <[CrPhil.Dean@selwyn.govt.nz](mailto:CrPhil.Dean@selwyn.govt.nz)>

**Sent:** Wednesday, 23 April 2025 10:15 am

**To:** Sam Broughton <[sam.broughton@selwyn.govt.nz](mailto:sam.broughton@selwyn.govt.nz)>; Sharon Mason <[Sharon.Mason@selwyn.govt.nz](mailto:Sharon.Mason@selwyn.govt.nz)>

**Subject:** Resignation

Kia ora.

The time has come to make the hard decision real and set a timeline for my leaving the Selwyn District Council.

Below is an email I will be sending to Councillors and Megan this afternoon.

Thank you for your support.

SDC is in good hands with you both at the helm.

He rangatira whakahihi koe.

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As you all know I have taken on full time employment with Opzeeland New Zealand as a warehouse manager. In this role I lead a small team of stores people in warehouses in Hornby and Rolleston.

The SLT at Opzeeland have been supportive of my time commitments as a Councillor for Selwyn District Council. However, from June my role will become busier and I will no longer be able to sustain both roles.

I am traveling to the USA for Seth's graduation from May 17-28. This is a good break point and I will be resigning as a councillor from 16 May 2025

I have discussed this situation with the deputy chair for the Economic Development Committee (Cr Epiha) and he will chair the Meetings from 14 May 2025.

I have also discussed the situation with the chair of the SDC Audit and Risk Committee to make Analisa aware that I will no longer be the Deputy Chair of that committee.

Thank you to Sam and Sharon for assisting me in making this decision.

I have enjoyed working with you all and as a Councillor for the Selwyn District Council. I regret that my personal circumstances are prohibiting me from continuing in that role.

Nga mihi ki a koutou katoa, kia ora koutou mo nga ra kei mua

Regards

Phil Dean



## REPORT TO COUNCIL

**TO:** Council

**FOR:** Council Meeting, 21 May 2025

**FROM:** Stefanie Banbury, Senior Advisor Community Funding and Events

**DATE:** 2 May 2025

**SUBJECT:** **FUTURE USE OF THE ELLESMERE RESERVES BOARD RESERVE**

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### RECOMMENDATIONS

*‘That Council:*

- 1. **approve** the use of the Ellesmere Reserve Board Reserve and any future income to the maintenance and upgrading of Ellesmere reserves, effective immediately.*
- 2. **approve** the removal of the Ellesmere Reserves Board Reserve from the community funding programme, effective immediately.*
- 3. **approve** the updating of the Community Funding Policy (C213) and any other information held elsewhere including the Community Funding Assessment Panel Terms of Reference and Council’s website, to reflect the removal of the Ellesmere Reserves Board Reserve from the community funding programme.*
- 4. **note** that staff will communicate the above changes with community groups that have regularly received funds from the Ellesmere Reserves Board Reserve.’*

### 1. PURPOSE

The purpose of this report is to

- update the Council on the legal opinion regarding the Ellesmere Reserve Board Reserve (ERBR), which is a contestable fund in the new community funding programme.
- inform a decision by the Council about the future use of the ERBR.

The report proposes

- using the ERBR and any future income for the maintenance and upgrading of the reserves in Ellesmere
- removing the ERBR from the community funding programme.

### 2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

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

### 3. HISTORY/BACKGROUND

On the 11 September 2024, Council agreed a new community funding policy for the distribution of funds to community groups. The report to Council

- **included** the ERBR as a contestable community fund to be allocated by the Community Funding Assessment Panel ("the Assessment Panel")
- **noted** that the Council's legal team were currently progressing work to understand the Council's responsibilities in relation to the land that generates the income for the ERBR, and that Council would be advised is anything arises that requires further input.

During the development of the new community funding policy, a workshop was held with Council on 14 August 2024. The Council discussed whether the ERBR should be part of the community funding programme or if it should be used on the maintenance and upgrades of Ellesmere reserves. This was pertinent, as around this time Council was also considering the Waihora Whata Rau project and the planned upgrades to Leeston Park that would benefit the Ellesmere community.

On 18 December 2024, the Assessment Panel considered the first ever round of applications to the ERBR. Of the \$50,000 available for distribution, \$33,448.62 was distributed to 12 community organisations in Ellesmere.

On 21 March 2025, legal advice was received in respect of Council's obligations in relation to the land that generates the income for the ERBR. The opinion of our Senior Legal Counsel is that:

*"As the Land is designated as recreational reserve, this means income must be applied in accordance with the following purpose (s17(1)): providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside*

The breadth of the above purpose means that

- a. the revenue may be able to be distributed by way of a fund to the community if the funding achieves the above purpose.
- b. it would be appropriate for Council to use revenue to cover costs it incurs in maintaining the Land; and
- c. there is no restriction on which piece of land revenue must be applied to provided it meets the purpose of the Act (though arguably it is appropriate that revenue is invested in recreational reserves within the Ellesmere reserve boundaries given this is where the revenue is derived from)."

Refer to Appendix 1 to read the full opinion.

At their meeting on 9 April 2025, the Assessment Panel<sup>1</sup>, considered the legal advice and agreed to recommend to Council that the ERBR be removed from the community funding programme and that the ERBR and any future income be used for the maintenance and upgrade of reserves in Ellesmere. The advice and Assessment Panel's position on the future use of the ERBR was shared with Ellesmere Ward Councillor Mundt, who gave feedback contrary to that position.

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<sup>1</sup> The Assessment Panel consists of one Councillor from each Ward with current members being Councillors' Mugford, Epiha, Hasson, and McInnes. One member from each Ward.

Concerns have been raised regarding potential changes to ward boundaries<sup>2</sup> over time, and the possibility that in years to come, the ERBR could be used to maintain reserves not currently located in the Ellesmere ward. Should such changes happen, a future Council could decide to specifically direct the ERBR to named reserves within the current Ellesmere ward boundaries. The legal opinion is that there is no restriction on which reserves the ERBR can be applied to.

#### 4. OPTIONS

The first option removes the ERBR immediately from the community funding programme as a contestable fund, the second option also removes the ERBR as a contestable fund but takes a staged approach over 1-2 years, and the third option is continuation of the status quo.

##### OPTION 1

**Remove the ERBR Fund from the community funding programme immediately and run no further contestable funding rounds.**

In this option the balance of the ERBR and any future income would be applied to the maintenance and upgrading of Ellesmere reserves for the benefit of residents. This option reduces the burden on ratepayers for reserve maintenance. **This is the Assessment Panel's preferred option.**

##### OPTION 2

**Remove the ERBR from the community funding programme after running one-two more annual contestable funding rounds.**

In this option, the Council would run a contestable funding round for one-two more years but reduce the amount for distribution in each year. For example, \$50,000 was available to allocate in the 2024/25 contestable funding round. If there were two further contestable funding rounds the amounts could be \$30,000 in 2025/26 and \$15,000 in 2026/27 and \$0 in the years 2027/28 and onwards.

This approach could support community groups to plan for alternative funds in future years. However, as the ERBR fund has only been open to community once so far, groups will not be reliant on this fund. The golf club and motor racing club, that received funding for many years from the ERBR, were only allocated \$5,000 each in the 2024/25 contestable round. As this is less than was typically provided in previous years, it is reasonable to assume their reliance on this source of income has reduced.

##### OPTION 3

**Status quo.** Continue with an annual contestable community funding round with the Council agreeing how much can be allocated in each year. This option reduces the amount available for upgrading and maintaining the Ellesmere reserves thereby reducing the overall benefit to the whole community.

#### 5. PROPOSALS

The proposal is that Council adopt Option 1 above and the associated recommendations on

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<sup>2</sup> Refer Appendix 2 for a map showing the current boundaries of the Ellesmere ward.

page 1 of this report.

Option 1 means there will be no further contestable funding rounds, thereby reducing the risk that groups build a sense of 'dependence' on this fund source. The proposal also aligns with the discussion by Council at their workshop in August 2024 and with the legal advice received in March 2025.

## **6. VIEWS OF THOSE AFFECTED / CONSULTATION**

### **(a) Views of those affected and consultation**

The views of community were not sought for this report as this report wraps up work on community funding that was completed in 2024. Councillors Epiha and Mundt received the advice.

### **(b) Māori and Treaty implications**

This matter does not have any direct implications for Māori or in relation to the Treaty.

### **(c) Climate Change considerations**

This matter does not have any direct climate change implications.

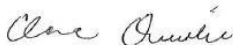
## **7. FUNDING IMPLICATIONS**

There are no funding implications. The ERBR would continue to support the provision of areas for recreation and sporting activities in Ellesmere for the benefit of residents.



Stefanie Banbury

**SENIOR ADVISOR COMMUNITY FUNDING AND EVENTS**



Clare Quirke

**HEAD OF COMMUNITY AND ECONOMIC DEVELOPMENT**



Denise Kidd

**EXECUTIVE DIRECTOR, COMMUNITY SERVICES AND FACILITIES**

## 8. APPENDIX 1



### MEMORANDUM

**To:** Nicola Sutton, Head of Community Insights and Policy

**CC:** Stefanie Banbury, Senior Advisor Community Funding

**Date:** 21 March 2025

**Subject:** Ellesmere Reserve Fund – Council obligations to apply income derived from land gifted by the Gamble Estate

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#### Advice request

1. Council has sought advice in respect of its obligations to apply income derived from two parcels of land (the **Land**) transferred to the Crown under the will of Thomas H Gamble, probate granted 23 January 1922 (**the Will**).

#### Executive summary

2. The length of time since original gift and responsibility over the Land (which has changed several times) has resulted in confusion as to:
  - a. Whether a trust was established in accordance with the terms of the Will;
  - b. What the terms of the trust (if any) are;
  - c. Whether it is lawful for Council to lease/licence the land transferred under the Will; and
  - d. What restrictions or obligations apply to the use of income received by Council under any leases/licences.
3. Having reviewed relevant documentation and considered the position at law, in my view:
  - a. a trust was likely established in accordance with the terms of the Will;
  - b. any trust established under the Will has since expired and the assets need to have been distributed in accordance with the terms of the trust;
  - c. Council has responsibility for the Land as the “administering body” under the Reserves Act 1977;
  - d. The Reserves Act 1977 permits the lease/licence of recreation reserves for farming and grazing (or other purposes); and
  - e. Council is required to apply revenue it receives in respect of any reserve in accordance with the provisions of the Reserves Act 1977.
4. Detailed analysis is set out below.

### **The Will**

5. The Will provided that upon his death Thomas Gamble:
  - a. gave the Land to the Crown to be designated as Public Reserve set apart as recreation ground under the Public Reserves and Domains Act 1908 (**Purpose**); and
  - b. appointed the trustees of the Ellesmere Domain Board as trustees (for the time being) responsible for the control of the reserve that was established on the Land.

### **Operation and extinguishment of the Trust**

6. I understand there has been extensive searching but, no trust deed to support the terms of the Will has been located.
7. This means an implied trust on the basis of the words of the Will was formed that the Land be held for the Purpose.
8. A record of title search confirms that the Land was transferred to the Crown in 1923, and both parcels are designated as recreational reserve. As such, I consider it appropriate to consider a trust was established in 1923.
9. The law relating to trusts includes a rule against perpetuity, with the law applicable to a trust establish in 1923 imposing an 80-year time limit on trusts, following which assets are to be distributed and the trust wound up.
10. While no records have been identified confirming the proper winding up of the trust, the implication of the law of perpetuity is that any trust established under the Will would have expired by 2003.
11. Currently Council has responsibility over the Land as the administering body under the Reserves Act 1977 (with the Land being designated as recreational reserve).
12. Based on the above, in my view:
  - a. the Land designation and Council's responsibility is consistent with the Purpose;
  - b. it is reasonable to consider proper distribution of the asset occurred on expiry of the trust (albeit deemed distributed because no records have been located to support a formal distribution); and
  - c. there are no continuing trustee responsibilities which apply to the distribution of any income derived from the Land.

### **Right to lease/licence Land**

13. The Land is currently subject to 2 lease/licence arrangements.
14. I understand that:
  - a. the Land is not presently required for the purposes of being a recreational reserve; and
  - b. the lease/licence arrangements are of a farming nature (and the terms are consistent with the requirement of the Reserves Act 1977).
15. The Reserve Act 1977 provides that where reserve is not required for the purpose for which it is classified, leasing and licensing of recreational reserve

for farming is permitted under section 73 of the Act and therefore Council's leasing/licensing of the Land is permissible.

**Use of income received under any leases/licences**

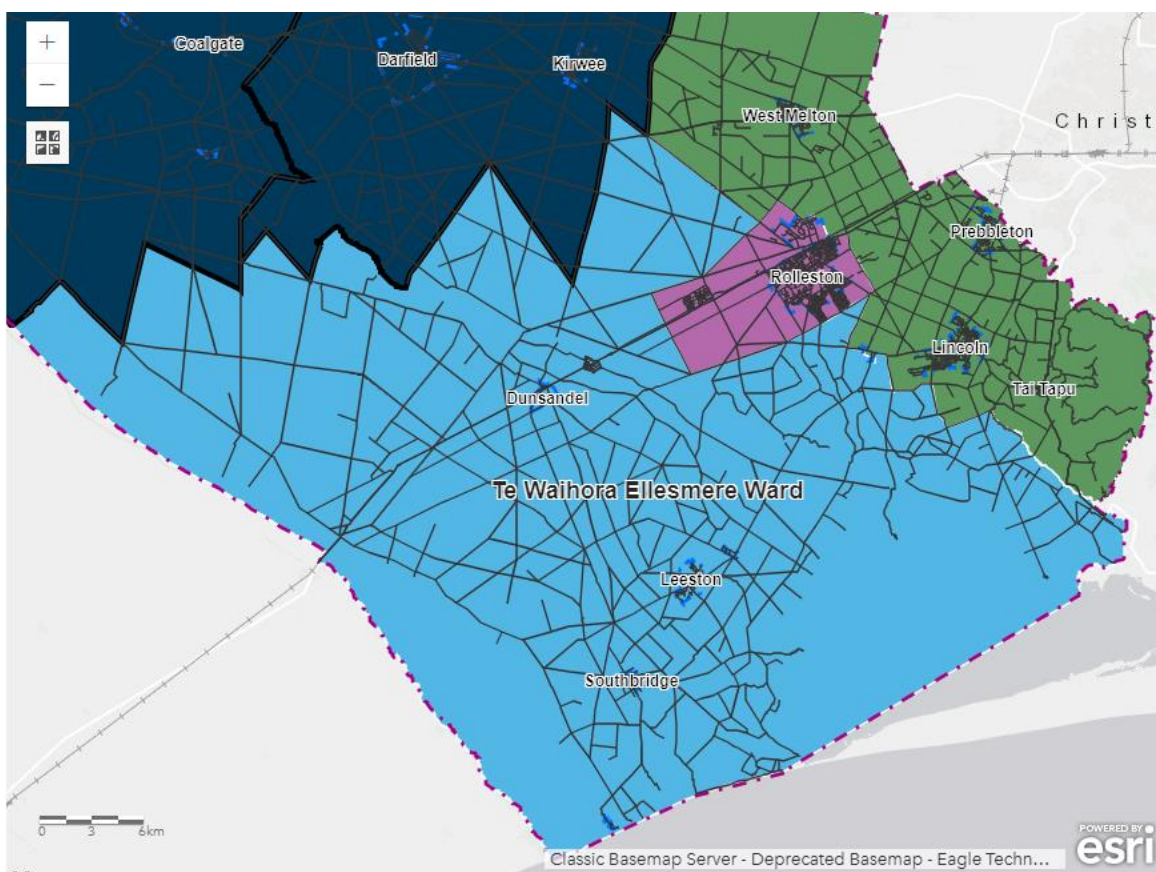
16. I understand that revenue from the leases and licences have historically been put towards the Ellesmere Reserve Board Reserve.
17. While there may have been some historic commitments to the Ellesmere community about access to this revenue, I am not aware of any evidence that Council is required to distribute this revenue to the community.
18. Council should, however, be conscious of using revenue in accordance with express statutory provisions which apply.
19. Section 78 of the Reserve Act 1977 requires that revenue from reserves (e.g. rental from a licence) is applied by the administering body *for the purpose of the Act*.
20. As the Land is designated as recreational reserve, this means income must be applied in accordance with the following purpose (s17(1)):  
*providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside*
21. The breadth of the above purpose means that:
  - a. the revenue may be able to be distributed by way of a fund to the community if the funding achieves the above purpose;
  - b. it would be appropriate for Council to use revenue to cover costs it incurs in maintaining the Land; and
  - c. there is no restriction on which piece of land revenue must be applied to provided it meets the purpose of the Act (though arguably it is appropriate that revenue is invested in recreational reserves within the Ellesmere reserve boundaries given this is where the revenue is derived from).



**Dominika Mitchell**  
**Senior Legal Counsel**  
**21 March 2025**

## 9. APPENDIX 2 – 2025 WARD BOUNDARIES

Te Waihora Ellesmere Ward boundaries shown in light blue.



## REPORT

**TO:** Chief Executive

**FOR:** Council Meeting – 21 May 2025

**FROM:** Asset Manager – Water Services

**DATE:** 12 May 2025

**SUBJECT:** **Adoption of Council Stormwater, Drainage and Watercourse Bylaw 2025**

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### 1. RECOMMENDATION

*‘That the Council:*

- *revoke the existing Selwyn District Council Stormwater and Drainage Bylaw 2018; and*
- *adopt the **attached** Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025, with effect from 30 May 2025*

### 2. PURPOSE

The purpose of this report is to:

- a) Present the draft Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025, including minor amendments following public consultation.
- b) Recommend that the Council:
  - *revoke the existing Selwyn District Council Stormwater and Drainage Bylaw 2018; and*
  - *adopt the attached Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025, with effect from 30 May 2025.*

### 3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The intention to adopt the Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025 (**2025 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 has followed the special consultative procedure in relation to the 2025 Bylaw in accordance with section 156(1)(a)(i) of the LGA.

#### 4. HISTORY/BACKGROUND

The existing Selwyn District Council Stormwater and Drainage Bylaw 2018 is due to be revoked by 1 June 2025 pursuant to section 160A of the LGA.

Accordingly, the Council received and approved for consultation the draft Selwyn District Council Stormwater, Drainage and Watercourse Bylaw 2025 (**Draft Bylaw**) and statement of proposal at the Council meeting on 19 February 2025.

Council officers subsequently made minor changes to the Draft Bylaw prior to commencing public consultation. The only material change was, at the direction of Te Komiti Waiora (District Wide Land Drainage Committee) to amend the restriction in rule 7.2(g) to reduce the restricted area (from 5 metres to 1 metre) within which excavation is allowed near the Public Stormwater Drainage System.

Public consultation on the Draft Bylaw was then undertaken between 17 March – 17 April 2025. Five submissions were received, with one submitter wanting to be heard.

Hearings were held on 29 April 2025, with deliberations later the same day. The deliberations panel (Councillors D. Hasson and L. Gliddon) made several minor amendments to the Draft Bylaw during the course of deliberations. The panel were supported by Council staff and legal advice from Mark Odlin of Buddle Findlay.

The 2025 Bylaw for adoption is **attached** as Appendix 1.

Minutes from the deliberations are **attached** as Appendix 2.

The hearings minutes are **attached** as Appendix 3.

#### 5. VIEWS OF THOSE AFFECTED/CONSULTATION

##### a) Views of those affected

Details of the submissions received and staff recommendations are included in the deliberations agenda.

##### b) Consultation

Public consultation on the Draft Bylaw was undertaken between 17 March – 17 April 2025.

Notification measures included utilising articles in the Selwyn Times and Malvern News, Council Call, Council Website and Council Facebook page.

On receipt of submissions, the Bylaw Subcommittee consisting of Councillors D. Hasson and L. Gliddon, and supported by Council staff, was convened on 29 April 2025 to consider and hear the submissions made on the Draft Bylaw. Based on these deliberations, the Draft Bylaw was amended as necessary (refer Appendix 1).

**c) Maori implications**

The Council considers that the public notification and opportunity for submission process provided appropriate opportunity for Māori contribution to the decision making process.

As partners, Te Taumutu Rūnanga were invited to input into the Draft Bylaw prior to general consultation. 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 Draft Bylaw process prior to bringing the report to Council.

Te Taumutu Rūnanga were directly advised of the consultation period for the Draft Bylaw.

**6. 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 bylaw development process.

**7. 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).

**8. 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, if any, 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; and
- 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.

## 9. LEGAL IMPLICATIONS

### NZ Bill of Rights:

- Section 155(2)(b) of the Local Government Act 2002 requires that any new bylaw not be inconsistent with the NZ Bill of Rights Act 1990 (**NZBORA**). Before commencing the process for making a new bylaw, the Council obtained legal advice to confirm that the proposed Draft Bylaw is consistent with NZBORA.
- The 2025 Bylaw is being made in a democratic manner by the Council by publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by elected members of Council.

## 10. FUNDING IMPLICATIONS

There are not expected to be any operational or capital costs to the Council as a result of adopting the 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 2025 Bylaw.

## 11. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED

The 2025 Bylaw has been developed by the Water Services 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.




Alex Ross  
**PRINCIPAL ASSET MANAGEMENT  
ENGINEER – 5 WATERS**



Jo Golden  
**WATER SERVICES ASSET  
MANAGER**

### Endorsed For Agenda



13/05/25

TIM MASON  
**EXECUTIVE DIRECTOR  
INFRASTRUCTURE & PROPERTY**



MURRAY ENGLAND  
**HEAD OF ASSET MANAGEMENT**

**APPENDIX ONE**

**PROPOSED NEW SELWYN DISTRICT COUNCIL STORMWATER, DRAINAGE AND  
WATERCOURSE BYLAW 2025**

Selwyn District Council Stormwater and Drainage Bylaw 2025

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**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

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**Selwyn District Council Stormwater and Drainage Bylaw 2025**

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**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

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## 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

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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

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- (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

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- (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 and 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 but excluding water races as defined in section 5 of the Local Government Act 2002; and

***Explanatory note:** Section 2 of the Land Drainage Act 1908 states: "watercourse includes all rivers, streams, and channels through which water flows". Section 5 of the Local Government Act 2002 states: 'Water race means the land occupied by a water channel (other than a main river) constructed by or under the Local Authority, solely or principally for farming purposes'.*

Selwyn District Council Stormwater and Drainage Bylaw 2025

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(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 25<sup>th</sup> day of December in a year and ending with the 2<sup>nd</sup> 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

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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

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- (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's Asset Management Team and 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 agreed plan, if required by the Council;
- Explanatory note:** Some of Council's resource consents require a Farm Environment Plan (FEP) 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 or relevant part thereof (FEP or Stormwater, Drainage and Watercourse Management Plan).
- (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.

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- 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 onsite 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 Managers 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;

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- (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);

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- (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.

***Explanatory note:** The Council will only need to review or consider the above consents and regimes to the extent relevant to the proposed Private Stormwater and Drainage System.*

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:

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- (1) are implemented prior to works starting;
  - (2) are monitored for the duration of the relevant works;
  - (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

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

**Advice note:** *The Stormwater, Drainage and Watercourse Management Plan should address landscaping materials where these have the potential to be washed into the stormwater or drainage network.*

- (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).

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- (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
  - (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 one (1) metre of any part of the Public Stormwater and Drainage System.

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**Explanatory note:** This is not intended to limit the removal of legacy stockpiled sediment that has been excavated from the waterway channel where appropriate erosion and sediment control measures are used. Further information on spoil placement is provided in Section 9.3.

- (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](http://www.selwyn.govt.nz)

- (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.

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- (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.
- (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.

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**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
  - (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.

**Advice note:** When a watercourse is mechanically cleaned by Council or a private property owner, it is best practice to deposit channel cleanings a minimum of 1 metre from the top of the channel bank to reduce the risk of sediment washing back into the watercourse.

**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,

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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.*

## 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

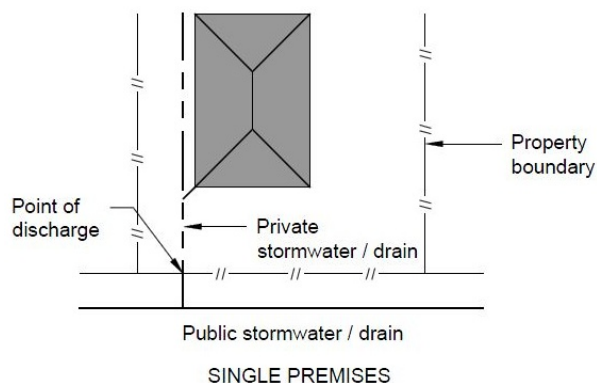
- (a) The point of Discharge from a Premises is the point where a Private Stormwater and Drainage System connects to the Public Stormwater and Drainage System. It marks the boundary of responsibility between the Owner, Occupier or Manager of a Premises and Council, irrespective of property boundaries, 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.

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**Figure 1 – Single Premises Point of Discharge**



**11.4 Multiple Premises**

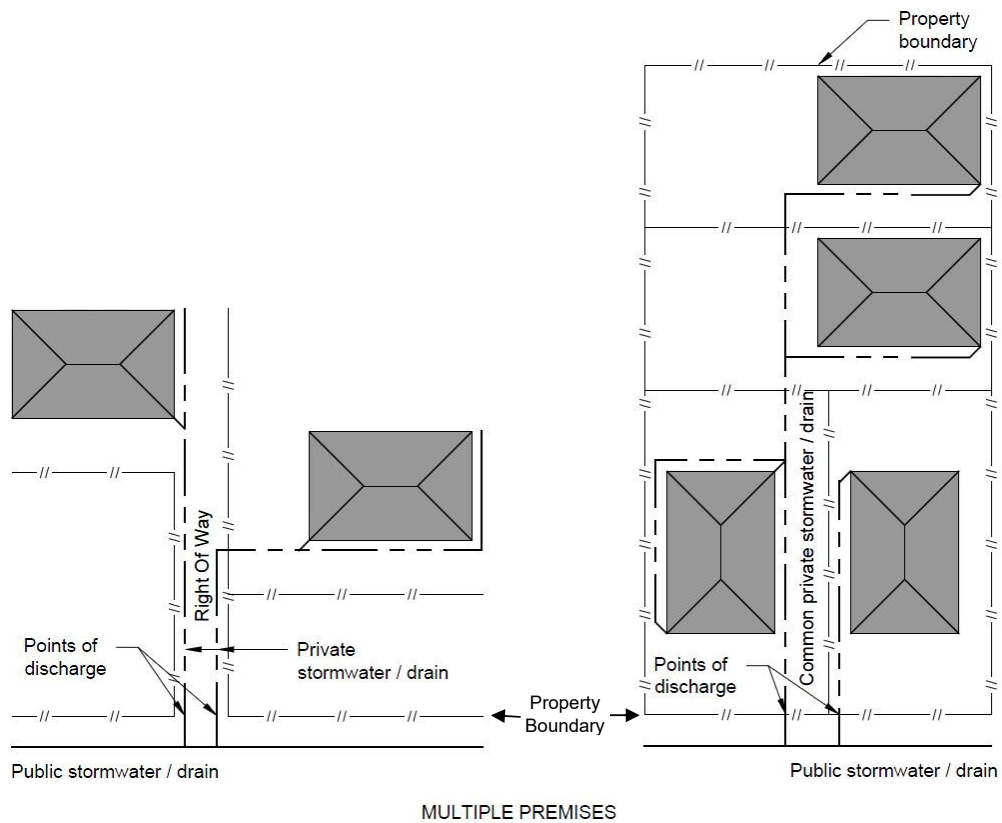
- (a) Each new Premises shall be served by its own lateral as shown in figure 2a with the point of Discharge for multiple Premises, regardless of land ownership arrangements (e.g. single ownership, body corporate or strata title) must either be a direct Service Connection to a Public Drain as for single 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.

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**Figure 2 – Multiple Premises – Point of Discharge**

**Figure 2a – Single Connection per property**

**Figure 2b – Common Private Drains**

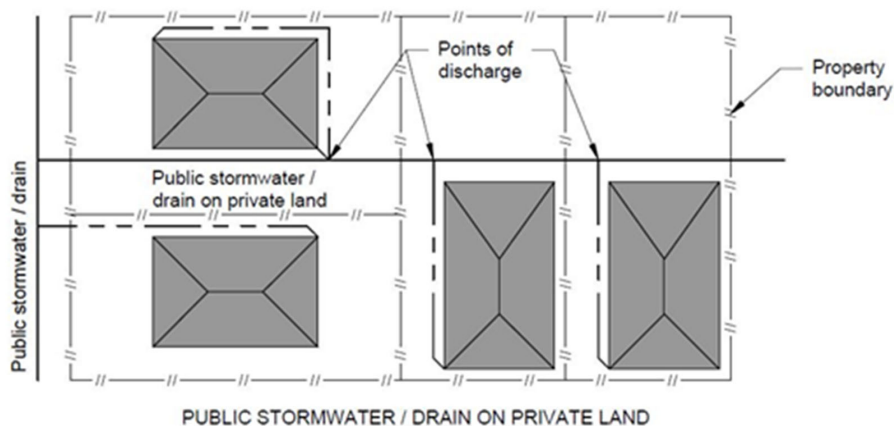


### 11.5 Public Drain on Private Property

- (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.

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

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**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.

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**FIRST SCHEDULE - ENFORCEMENT POWERS AND RELATED LEGISLATION**

<b>Legislative Provision</b>	<b>Relevant section and description</b>
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>

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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**

	<b><i>Unacceptably High Risk</i></b> <i>(excluded from discharge from SDC consent at any time)</i>	<b><i>High Risk</i></b> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<b><i>Medium Risk</i></b>
<b>Freshwater Objective and Policies</b>	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.		
<b>Tradewaste discharge status</b>		Unconsented tradewaste discharges, not providing quality monitoring data or discharges failing to meet conditions of discharge	

## Selwyn District Council Stormwater and Drainage Bylaw 2025

	<b><i>Unacceptably High Risk</i></b> <i>(excluded from discharge from SDC consent at any time)</i>	<b><i>High Risk</i></b> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<b><i>Medium Risk</i></b>
<b>Compliance status</b>	<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

	<b><i>Unacceptably High Risk</i></b> <i>(excluded from discharge from SDC consent at any time)</i>	<b><i>High Risk</i></b> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<b><i>Medium Risk</i></b>
<b>Activities undertaken in Community drinking water protection zones</b>	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.	
<b>Land use activities on site</b>	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

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	<b>Unacceptably High Risk</b> <i>(excluded from discharge from SDC consent at any time)</i>	<b>High Risk</b> <i>(excluded from discharge from SDC consent until date determined in the consent)</i>	<b>Medium Risk</b>
			<p>Food and beverage manufacturers</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>

**APPENDIX TWO**

**MINUTES FROM DELIBERATIONS HELD 29 APRIL 2025**

**MINUTES OF THE STORMWATER, DRAINAGE AND WATERCOURSE  
BYLAW SUBMISSION  
DELIBERATIONS**

**HELD AT THE SELWYN DISTRICT COUNCIL CHAMBERS**

**ON TUESDAY 29 APRIL 2025 COMMENCING AT 2:00PM**

**PRESENT**

Councillor Debra Hasson (Chairperson)  
Councillor Lydia Gliddon

**IN ATTENDANCE**

Murray England, Head of Asset Management, SDC  
Jo Golden, Water Services Asset Manager, SDC  
Alex Ross, Principal Asset Management Engineer – 5 Waters, SDC  
Mark Odlin, Partner, Buddle Findlay  
Hayley Tate, Communications Advisor, SDC  
Di Prendergast, PA to Executive Director Infrastructure and Property, SDC  
Therese Davel, Senior Governance Advisor & Deputy Electoral Officer,  
SDC

The deliberations were livestreamed.

**OPENING KARAKIA**

**OPENING COMMENTS**

Councillor Hasson opened the deliberations and introduced the panel members, Council staff and Mark Odlin from Buddle Findlay.

The panel will go through the bylaw page by page and ask questions at the conclusion of each section.

**APOLOGIES**

None.

**CONFLICTS OF INTEREST**

None.

## DISCUSSION POINTS

**1. Date of commencement:** Cr. Hasson noted that the date of commencement was 1<sup>st</sup> June 2025 rather than June 2023.

**2. Definitions and interpretations:**

- “Drain” or “watercourse”:
  - Cr. Gliddon asked for clarification that water races are excluded from this bylaw.
  - Jo Golden confirmed that the bylaw is not intended to cover the water race network.
  - Mark Odlin added to the definition of watercourse (point II) to clarify that water races are excluded from the definition.
  - Cr. Hasson asked for clarification on whether ‘channels’ applies to overland flow paths and channels or includes subsurface flow channels.
  - Mark Odlin clarified that the Land Drainage Act definition does not distinguish between above and below ground channels.
- “Erosion and sediment control plan”:
  - Cr. Hasson asked for clarification about erosion and sediment control plans – will these be required for drain maintenance completed on private land?
  - Jo Golden responded that the intention is for these plans to be scalable. Small scale works will not require a full erosion and sediment control plan. Larger works that have an impact on the drainage network will be required to do some planning to manage the effects on the network.
- “Trade Waste”:
  - Cr Hasson asked for an amendment to the trade waste definition (add the word ‘and’ between water and stormwater, point (ii)).
  - Mark Odlin made the changes to the bylaw.

### **3. Section 5 – Use, construction or alteration of the stormwater and drainage network:**

- Cr. Gliddon asked for examples of what properties may be asked to do.
- Jo Golden clarified that medium risk properties – for example, a construction depot, an engineering workshop, or a demolition yard, etc - could be asked to prepare a Drainage Management Plan. If not already provided on site, applicants could be required to add treatment, source control or bunding to prevent or manage discharges to Council's network.
- Cr. Hasson asked about point 6.2(g): is it appropriate to ask for a Farm Environment Plan, as many farmers will not be required to produce these if they don't need a land use consent.
- Jo Golden acknowledged this point and clarified that the intent of this note is to allow for Farm Environment Plans to be used instead of Drainage Management Plans to achieve the same outcome, to avoid duplicating requirements.
- Cr. Gliddon asked if Council would want to see the whole Farm Environment Plan.
- Jo Golden responded that Council would only want oversight over the sections that relate to water quality.
- Mark Odlin added the words 'or relevant part thereof' to the explanatory note under 6.2(g)
- Cr. Gliddon asked for clarification of clause 6.13 – please describe why these documents/regimes are listed.
- Jo Golden clarified that the intent of this section is to acknowledge other places where design criteria might be set out.
- Mark Odlin added an explanatory note under clause 6.13.
- Cr. Gliddon asked about clause 6.17 – does Council have standard operating procedures for drain cleaning?
- Jo Golden confirmed that Council is underway with developing standard operating procedures for Council waterway maintenance activities. This part of the bylaw is intended to cover other people operating on our network.
- Cr. Gliddon requested that the standard operating procedures be shared with private operators.

#### **4. Section 7 – Protection of the public stormwater and drainage network**

- Cr. Hasson queried the use of the word ‘chemical’ in clause 7.1(a), cross-referencing to clause 7.2 (h) – discharge of swimming pool water. Which clause takes precedence?
- Jo Golden responded that the intent is to control the discharge of chemicals to surface water and groundwater where it could have effects. Typically, Council encourage the discharge of swimming pool water to the wastewater network rather than to the stormwater network. Restricted activities may be considered on a case by case basis.
- Cr. Hasson queried clause 7.2 (g) – deposition of spoil – should this be amended from 5m to 1m as previously discussed.
- Jo Golden confirmed that the 1m offset distance has been agreed and was included in the consultation version of the bylaw.

#### **5. Responsibility for private stormwater and drainage systems**

- Cr. Hasson asked for clarification of clause 9.1 (ii) and (iii)
- Mark Odlin clarified responsibilities for cleaning based on clause 9.1. No changes were made to the bylaw.

#### **6. Second Schedule: Stormwater Discharge Risk Criteria**

- Cr. Gliddon questioned why food and beverage premises are included in the medium risk category.
- Jo Golden clarified that the intent was to capture manufacturers rather than retail outlets.
- Mark Odlin changed the word ‘premises’ to ‘manufacturers’
- Cr. Hasson queried how plastic waste is managed through the bylaw, especially where plastic products are used in landscaping.
- Jo Golden stated that an educational approach is most appropriate, and using the Engineering Code of Practice for specific requirements for infrastructure. No additional

enforcement tools are required in the bylaw, as Council already has the power to prevent contamination of the network.

- Cr. Hasson requested an advice note about how plastic waste will be dealt with in future, given that this was raised in a submission.
- Murray England stated that manufacturers are already included under Schedule Two of the bylaw.
- **Note** – *following deliberations, an advice note was added to clause 6.18 of the bylaw regarding landscaping products.*

## 7. Further discussion points

- Cr. Hasson queried how second dwellings will be treated, noting this was raised in a submission.
- Jo Golden confirmed that the new bylaw does not change how additional dwellings are managed; refer to Figures 2(a) and (b). The changes to the bylaw are primarily about how we identify and manage risk. Additional dwellings are unlikely to trigger the medium and high risk criteria.
- Cr. Gliddon asked for an example of where and why Council might revoke approval to discharge to the stormwater network.
- Jo Golden described the planned roll-out of the new provisions in the bylaw:
  - i. Staff will complete a risk assessment to identify high and medium risk sites;
  - ii. Council will then approach the high risk properties that are connected to the network;
  - iii. A Drainage Management Plan or similar will be used to assess the risk and outline measures to manage;
  - iv. In summary, a process will be followed, and this will be guided by risk.
- There are multiple steps before Council would consider revoking approval to discharge to the network. This step would not be taken lightly.
- Council prefer a collaborative, educational approach.
- Cr. Gliddon asked for the number of high and medium risk sites in the district.
- Jo Golden responded that this work has not yet been completed.

## CLOSING COMMENTS

- Cr. Gliddon thanked staff for giving key stakeholders input into the bylaw early in the process
- Cr. Hasson stated that legal advice to submissions will be taken as read, and thanked Mark Odlin for attending.
- Cr. Hasson asked if there were any further comments from staff.
- Jo Golden thanked the Councillors for the opportunity and noted the change to the resolution proposed:

That the panel:

*Receives the report 'Council Stormwater, Drainage and Watercourse Bylaw Deliberations'*

*Receives 5 submissions to the Stormwater, Drainage and Watercourse Bylaw consultation.*

*The panel recommends to Council that they adopt the Stormwater, Drainage and Watercourse Bylaw as amended through the deliberations process.*

- Cr. Hasson moves, Cr. Gliddon seconds. Motion carried.
- Murray England noted that there will be an additional report to Council for adoption of the bylaw.
- Cr. Hasson thanked the attendees and the submitters and closed the panel discussion with the karakia.
- Meeting adjourned 2:55pm.

Meeting ends.

The deliberations closed with a Karakia at 2.55 pm on Tuesday 29 April March 2025.

**APPENDIX THREE**

**MINUTES FROM HEARINGS HELD 29 APRIL 2025**

**MINUTES OF THE STORMWATER, DRAINAGE AND WATERCOURSE  
BYLAW SUBMISSION HEARINGS OF THE SELWYN DISTRICT COUNCIL  
HELD IN THE COUNCIL CHAMBERS  
ON TUESDAY 29 APRIL 2025 COMMENCING AT 10.00AM**

**PRESENT**

Councillors D Hasson and L Gliddon

**IN ATTENDANCE**

Messrs. M England (Head of Asset Management); B Adhikari (Governance Coordinator); C Han (Digital Operations Support Specialist); A Coskun (Digital Operations Support Specialist); Mesdames. J Golden (Water Services Asset Manager), A Ross (Principal Asset Management Engineer), H Tate (Communications Advisor) T Davel (Senior Governance Advisor) and D Prendergast (Personal Assistant)

The meeting was livestreamed.

**APOLOGIES**

None

**OPENING COMMENTS**

Councillors Hasson welcomed everyone in attendance to the Hearings for The Stormwater, Drainage and Watercourse Bylaw Submission hearing.

**RECEIPT OF SPEAKING SUBMISSIONERS**

The following submitter spoke to their submissions in person at the Hearing. Main points noted are captured below (the full hearing is available on council's YouTube channel).

**Submission No: 5 – Samuel Wilshire**

- Presented some recent examples of nuisance surface flooding:
  - Surface flooding on SH73 due to construction of a new subdivision
  - Flooding within a private property due to cycleway construction
- Water race charges – having to pay even when water races are not inside their boundary
- Concern about Council revoking CoC for existing properties, including in the case where the applicant wishes to build a minor dwelling
- Concern about the increase in costs to ratepayers
- Consultation lacks depth, clarity, many people were unaware
- Community has expressed distrust of Council; Council perceived to not listen or care
- Once faith and mana have been lost in the eyes of the community, it is hard to rebuild it

Cr. Hasson queried whether the photos presented were due to a rainfall event. Mr Wilshire confirmed that the surface flooding shown in the photo was the result of recent rainfall at the time.

Cr. Gliddon asked for clarification of the issue around minor dwellings – should these be exempt from stormwater connection fees?

Mr Wilshire clarified that his concern is that current connections may have CoC revoked if the property owner seeks to build a minor dwelling. The bylaw is perceived as adding more red tape, when the goal of recent RMA changes is to remove barriers to development.

Cr. Gliddon asked staff to prepare examples of how the bylaw would affect property owners wishing to build a minor dwelling, and an example of how the bylaw might have a negative effect on an existing property.

Cr. Gliddon remarked that some of the points raised by Mr Wilshire are operational matters that can be managed outside of the bylaw process. The water race issue is outside of the scope of this consultation.

Mr Wilshire identified another operational issue (contamination of the iZone stormwater system with plastic pellets) and queried how these issues could be discussed outside of a consultation forum.

Cr. Gliddon queried staff whether the new bylaw will give Council more enforcement powers to address these types of scenarios.

Jo Golden responded that the scenario in question was an operational maintenance issue. The bylaw does not address operational maintenance but is instead a tool to assist Council in achieving better environmental outcomes across the district. Council will always look to work proactively with people.

Mr Wilshire queried what the purpose of the bylaw is, if not to address contamination.

Cr. Hasson asked staff to prepare a response to Mr Wilshire's query.

Cr. Hasson asked for clarification about the surface flooding referred to in the submission – were the subdivisions in question complete, or under construction?

Mr Wilshire clarified that the first photograph is taken when the subdivision nearby is under construction, and has created a hazard on the highway coming into West Melton.

Cr. Hasson queried whether runoff from consented subdivisions is Council's responsibility, or ECan's responsibility.

Jo Golden responded that runoff from construction of subdivisions would not be covered under Council's consents, as the developer is required to have their own consents.

Murray England commented that a number of the points made are operational in nature. Staff will create service requests to address the issues raised. The development engineering team reviews stormwater designs for subdivisions. If there is an interim issue for construction-phase stormwater, we can make our team aware of this so that the issue is addressed.

Cr. Hasson stated that there are no further points for clarification, and thanked Mr Wilshire for his submission. The other submissions will be taken as read.

**HEARINGS END**

Councillor Hasson thanked all the submitters and the public for attending and informed the meeting that the Panel will meet to deliberate on all submissions received on the 29 April 2025 at 2.00pm at the Selwyn District Council Chambers.

The hearing closed with karakia at 10.21am.

## COUNCIL PUBLIC REPORT

**TO:** Council

**FOR:** Council Meeting – 21 May 2025

**FROM:** Michelle Flay – Senior Policy Planner

**DATE:** 01 May 2025

**SUBJECT: AMENDMENT TO THE DESIGNATION FOR KIRWEE MODEL SCHOOL (MEDU-6) TO ALTER THE BOUNDARIES OF THE DESIGNATED SITE**

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### RECOMMENDATION

- a) That pursuant to s181 of the Resource Management Act 1991, the Council recommend to the Minister of Education that the Partially Operative Selwyn District Plan be amended to alter the boundaries of MEDU-6 – Kirwee Model School to incorporate the land at Lot 8 Deposited Plan 301114 and Lot 74 Deposited Plan 578203 identified in Appendix 1.*
- b) That Council delegates the Policy Team Leader to undertake all necessary actions to give effect to the decision of the Minister of Education in relation to recommendations above*
- c) That Council note that the amendment to MEDU-6 does not contain proposed changes to the development, design and access of Kirwee Model School at this time. The Minister of Education will progress these through a future Outline Plan process.*

### 1. PURPOSE

Selwyn District Council as the territorial authority has received from the Minister of Education as a requiring authority, a Notice of Requirement (NOR) under section 181 of the Resource Management Act 1991 (RMA), for an alteration to one of its designations (MEDU-6 Kirwee Model School) in the Partially Operative District Plan.

The planner's report is attached as **Appendix 2** to this report.

### 2. HISTORY/BACKGROUND

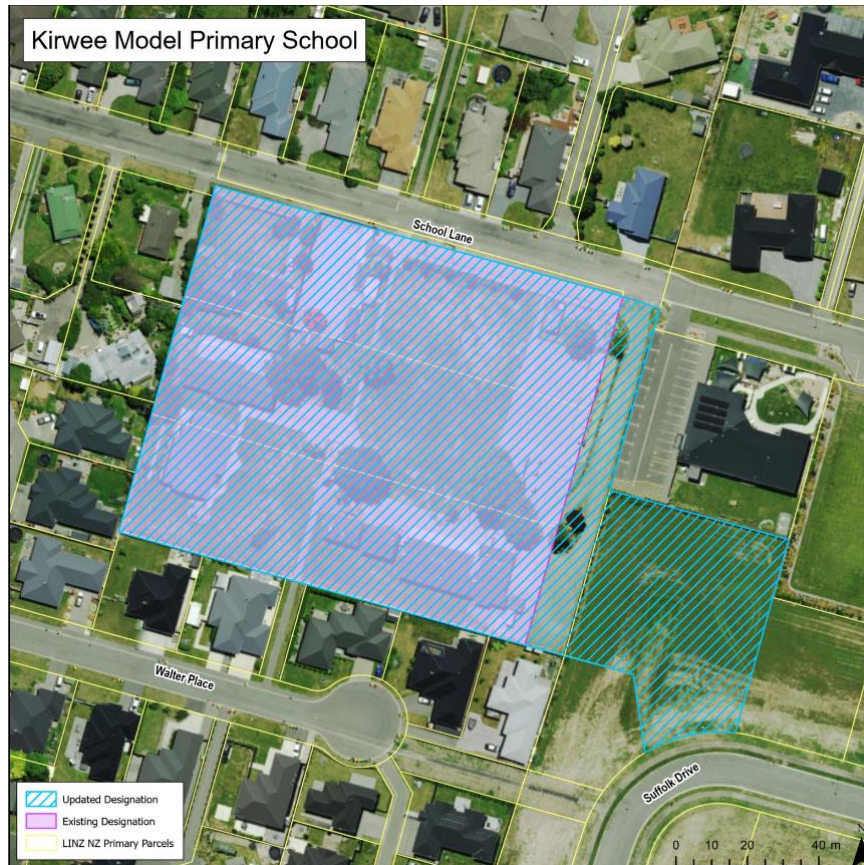
The Partially Operative District Plan contains an existing designation (MEDU-6 – Kirwee Model School) for education – primary school purposes.

The Minister for Education has lodged a Notice of Requirement (NOR) to alter this existing designation to amend the boundary to incorporate an additional 3,994m<sup>2</sup> of land.

The Minister is a requiring authority under section 166 of the RMA and has responsibility for state-owned and funded schools and has the ability to submit a NOR for a designation for such works.

The current school roll is approximately 150 student and 8.5 Full Time Equivalent (FTE) staff. The existing site is 1.1888ha and the Ministry for Education has recently acquired another two parcels adjoining the site (formerly Lot 8 DP 301114 and Lot 74 DP 578203) and has amalgamated these within the same record of title as the existing designated site.

The location of the existing and updated designation extents is shown in the following diagram.



The existing School site has approximately 129m of legal frontage to School Lane with vehicle access currently obtained solely via an existing vehicle access on School Lane. School Lane is a cul-de-sac and is classified as an 'access' road under the One Network Road Classification (ONRC).

The amalgamation of the two land parcels has resulted in new legal road frontage for the school along Suffolk Drive. This legal frontage has recently had a solid 1.8m paling fence constructed with no visible pedestrian or vehicle access from Suffolk Drive.

### 3. PROPOSAL

This alteration to the designation for 'education purposes - primary school' at Kirwee Model School will cover two additional parcels of land (shown above) that have been purchased and amalgamated with the existing site. The designation is necessary for

achieving the objective of the Minister to provide for education facilities for the Kirwee community in accordance with current standards and expectations.

The Minister of Education has indicated that the additional land area will accommodate an increase in the school roll from 150 to 350 students to meet the needs of the population growth of Kirwee and surrounds. No further design details or changes to existing access arrangements are proposed by this NOR.

The relevant statutory tests are set out and applied in the planning recommendation at **Appendix 2**. In summary:

- The NOR proposal does not involve any further design changes to the school site other than adjusting the boundary, including no change to existing access arrangements to the school at this time. The Assessment of Environmental Affects for the proposal indicate future development of the site could be expected to be of a similar scale of that of the existing designation.
- The Transport Assessment has also determined the effects to be more than minor, but caution should be applied by Council to this matter as the student roll increases and as Kirwee is subject to rapid growth and development. The requiring authority has offered a condition requiring a transport management plan to be reviewed by Council at an appropriate time, based on the growth of the student roll.
- Further changes required to accommodate changes in student numbers and the effects associated with the design of the future expansion will be addressed and considered by the Council once an Outline Development Plan has been prepared, rather than through this boundary extension.
- As the adverse effects on the environment of altering the designation has been considered as no more than minor (s181(3)(a) RMA), written approvals are therefore only required in accordance with s181(3)(b). And since the Crown (Minister of Education) is the only owner of land directly affected, no further public notification is required.

#### 4. OPTIONS/RECOMMENDATIONS

In accordance with Section 181 of the Act, the Council has two options it can pursue.

**a) Option One – Accept the recommendation (recommended)**

Option One is to accept the Council planner's recommendation and recommend that the Minister of Education (the Minister) confirms the alteration to the MEDU-6 Kirwee Model School designation, subject to the conditions as set out in **Appendix 1**. This is the preferred option as the alteration results in only a minor change in effects and satisfies Section 181(3) of the RMA 1991. There will be a future opportunity for Council to contribute to the future Outline Plan process.

If the Council decides to accept the Council planner's recommendation, then the District Plan will be amended without additional formality once the Minister makes their decision.

**b) Option Two – Reject the recommendation**

Option Two is to recommend that the Minister withdraw the NOR to alter the designation MEDU-6 Kirwee Model School

In this instance, the effects beyond the site are considered no more than minor, and so it would be inappropriate for Council to recommend to the Minister that the NOR be withdrawn.

## 5. ALIGNMENT WITH COUNCIL PLANS, STRATEGY, POLICY AND REGULATORY/COMPLIANCE OBLIGATIONS

### Waikirikiri Ki Tua/Future Selwyn

The following aspects of [Waikirikiri Ki Tua/Future Selwyn](#) have been identified as relevant to this issue, proposal/decision/activity/project, and inform both the outcomes of the project as well as the way the project develops:

Outcome and/or Direction	Relevance
TC3	Improved provision of educational facilities in Kirwee will provide community spaces and facilities responsive to the needs of present and future generations
PP2	Improved provision of educational facilities in Kirwee will develop and prepare our people through education, training and lifelong learning
PP7	Improved provision of educational facilities in Kirwee will facilitate connections, collaboration and the sharing of knowledge
LLCT3	Improved provision of educational facilities in Kirwee will promote and incentivise intensification in appropriate locations.
QI1	Expanding the Kirwee Model school is an example of strategically planning and coordinating infrastructure that will support the outcome of a sustainable and connected urban form.

SDC Strategic context	How the document relates
<a href="#">Rautaki Tūāhaka Infrastructure Strategy 2024-2054</a> (includes our approach to sustainability)	Adequate central government provided infrastructure, such as providing for the future expansion of schools, will support Councils strategic infrastructure priorities.
Operational Policy	
<i>R411 – Parking Areas on Road Frontages at Schools Policy</i>	R411 aims to ensure schools have safe, sustainable, integrated pick up and drop off zones outside schools. The NOR proposal will create additional road frontage for the Kirwee School along Suffolk Drive, however no additional changes to the existing access arrangement have been proposed at this time but may be a consideration in a future outline plan process.
Regulatory/Compliance requirements or obligations	
<i>Resource Management Act 1991 Section 181(3) – Alteration of a designation</i>	A requiring authority that is responsible for a designation may give notice to the territorial authority of its requirement to alter the

	designation. The Minister of Education is a requiring authority.
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### **Other Council Plans, strategy policy and regulatory/compliance obligations**

The following strategies have been identified as relevant to this issue, proposal/decision/activity/project:

## **6. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

Council's Significance and Engagement Policy does not apply to decisions made under the Resource Management Act 1991.

## **7. VIEWS OF THOSE AFFECTED / CONSULTATION**

In making a decision Council needs to know enough about and give adequate consideration to the views and preferences of affected and interested parties. The degree to which Council seeks views of affected and interested parties will be proportionate to the significance of the decision or issue being considered.

### **(a) Views of those affected and Consultation**

The planning officers report included as Appendix 2 determined the NOR proposal met the statutory requirements of RMA s181(3)(a)(i), therefore written notice and approvals only apply in accordance with RMA s181(3)(b).

The proposed boundary adjustment involves no more than a minor change to the effects of the environment, written approvals are only required of owners or occupiers of land directly affected by the alteration of the designation. Council has received legal advice to confirm the standard legal interpretation that 'land directly affected' is only land within the proposed designation, rather than adjoining land. Since the Crown owns the subject sites, no further public notification is required.

As a courtesy, the Minister of Education wrote to the adjoining property owners at 36 School Lane (Tree House Learning Centre), 34 Suffolk Drive and 44 Suffolk Drive to advise them of the proposed amendment to the designated site boundaries. No opposing feedback to the boundary adjustment was received.

Community feedback has been received by the Council that the community is concerned about the provision of schools within the district in light of rapid population growth. The increase in site area at Kirwee Model School will allow for an increase in student numbers that will respond the community's concerns at an appropriate point in the future.

### **(b) Māori and Treaty implications**

The Minister of Education has written to Te Taumutu Rūnanga to advise them of the alteration to designation but indicated no response was received in opposition.

**(c) Resiliency and Sustainability considerations**

The following benefits have been identified from the proposed NOR:

- Providing adequate provision of education facilities for the growing Kirwee community to enable them to provide for their social wellbeing;
- Enabling Kirwee Model School to continue to fulfil its role and responsibilities for providing learning facilities in accordance with current standards and expectations;
- Enabling the enhancement of Kirwee Model School as a community asset;
- Reduced travel time/cost associated with Kirwee residents not having to travel out-of-town to access primary education due to Kirwee Model School's capacity constraints; and
- Representing an efficient use of natural and physical resources (land adjoining the existing School).

**8. FUNDING IMPLICATIONS**

No funding implications have been identified as relevant to the proposed NOR.

**9. RISK IMPLICATIONS**

No risk implications have been identified as relevant to the proposed NOR.

**10.LEGAL/POLICY IMPLICATIONS HEADING**

No legal or policy implications have been identified as relevant to the proposed NOR.



Michelle Flay  
**SENIOR POLICY PLANNER**

***Endorsed For Agenda***



Robert Love  
**EXECUTIVE DIRECTOR DEVELOPMENT AND GROWTH**

## Appendix 1: Section 181 Resource Management Act 1991 Planning Report

<b>Section 181 Resource Management Act 1991</b>	
Report pursuant to s.181 of the Resource Management Act 1991 recommending whether or not a notice of requirement should be: <ul style="list-style-type: none"> <li>Confirmed, modified, have conditions imposed, or be withdrawn.</li> </ul>	

**Author:** Michelle Flay

**Position:** Senior Policy Planner

**Notice of Requirement Number:** D240006

**REQUIRING AUTHORITY:** Minister of Education

**PROPOSAL:** To alter the existing Kirwee Model School designation (reference MEDU-6) to add 3,993m<sup>2</sup> of land.

**LOCATION:** 34 School Lane and 36-42 Suffolk Drive, Kirwee.

**LEGAL DESCRIPTION:** Lot 21 Deposited Plan 434, Lot 22 Deposited Plan 434 and Part Lot 23 Deposited Plan 434, Lot 8 Deposited Plan 301114 and Lot 74 Deposited Plan 578203.

**ZONING:** The additional land to be designated is zoned Settlement (SETZ) under the provisions of the Partially Operative District Plan.

### INTRODUCTION

1. The Minister of Education (or 'the requiring authority') has lodged a Notice of Requirement (NOR) with the Selwyn District Council (the Council), pursuant to s.181(2) of the Resource Management Act 1991 (RMA), for an alteration to designation MEDU-6 to alter the boundaries of an existing designation for the Kirwee Model School (the School) to include the recently amalgamated parcels to the east and south-east of the site.
2. The designation sought for the additional land (3,993m<sup>2</sup>) is for 'Education Purposes – Primary School' and is necessary to provide education facilities that will accommodate the increasing population growth of Kirwee.
3. The proposal to amend the designation is limited to extending the designated status of the recently amalgamated land that has been acquired and does not include plans to develop the additional land or change current access provisions at this time. The increase in land area will however enable the school to increase to 350 students in the future.
4. A condition is proposed to require a Transport Management Plan be developed prior to the lodgement of an outline plan to mitigate effects of any school development on the receiving environment in relation to transport effects. This condition is appropriate due to the pending residential subdivision consent to the east which will reconfigure the key transport connections connecting the Kirwee Township to State Highway 73.

5. The alteration to MEDU-6 was lodged by the requiring authority on 02 April 2024. Further information was requested on 5 June 2024 that was subsequently satisfied on 04 March 2025.

## **DESCRIPTION OF THE PROPOSAL**

6. The requiring authority has given notice of its requirement for an alteration to the existing designation to extend the boundary of the existing designation MEDU-6 by 3,993m<sup>2</sup>, for education purposes.
7. The designation extension will allow for the future expansion of Kirwee Model School to accommodate the growth, and the associated education needs of the Kirwee township and surrounds. It is anticipated the school roll will increase to 350 students.
8. The notice provides a detailed description of the proposal and outlines the requirements under Section 181 and the Fourth Schedule of the RMA and provides a full understanding of the alteration to designation and any actual and potential effects it may have on the environment.
9. The requiring authority acknowledges that future physical works will be subject to an Outline Plan pursuant to Section 176A of the RMA prior to any works being undertaken.

## **DESCRIPTION OF THE EXISTING ENVIRONMENT**

10. The existing Kirwee Model School is located at 34 School Lane, Kirwee and has an area of 11,888m<sup>2</sup>. Sole vehicle access to the school is via School Lane, which is a no exit road.
11. The additional land to be designated is located immediately to the east of the existing school site and comprises two land parcels with a total area of 3,993m<sup>2</sup>. The parcel with road frontage onto School Lane is referred as 'area A' and the other parcel located at 36-42 Suffolk Drive is referred as 'area B'. The extent of the areas A and B are depicted in the image 1. below, noting that the full extent of the underlying zoning for all parcels is now SETZ (as amalgamation has already occurred the current imagery is not able to distinguish the previous parcel extents of areas A and B while also depicting the new extent of the SETZ established through the PDP process).

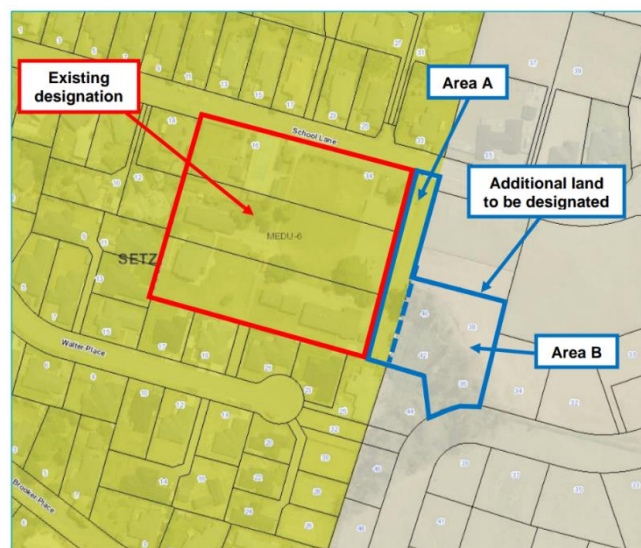


Figure 1: Areas A and B proposed to be designated for Education purposes – Primary School.

12. The additional land is relatively flat and currently vacant. Area A currently serves as the only legal vehicle access to the school from School Lane.
13. School Lane is classified as an 'access road' under the One Network Roading Classification and provides access to the existing school, early childhood education facility, Council owned reserve and residential properties. The carriage way is 8 metres wide and has a speed limit of 50km/hr. There is a footpath on the southern side of the road but no dedicated cycling facilities. School Lane connects to Courtenay Road on the eastern side and is a cul-de-sac/ no-exit road. Pedestrian access is available from Glen Oak Drive and St Andrews Lane.
14. The neighbouring site to the north operates as early childhood education, the Kirwee Treehouse Learning Centre. The other immediately adjacent properties are private residential dwellings, and to the east a site (Lot 1000 DP 489829) owned by Selwyn District Council that is currently utilised as a recreation reserve.
15. The existing Kirwee Model School site contains a number of school buildings (including single-story classrooms, school hall and office), a playground, sports field, concrete court, swimming pool and changing room facilities, car parking, and teacher's residence.
16. The existing school roll is around 150 students, supported by 8.5 Full Time Equivalent (FTE) staff.

## **STATUTORY ASSESSMENT**

17. The original NOR was applied for as a 'minor boundary adjustment' under s181(3)(a)(ii) of the RMA. However, the proposal failed to satisfy s181(3)(a)(ii) considering the boundary adjustment cannot be considered a 'minor change' due to an expansion of the designated land area by over 30%. See the table below for details:
18. Instead, the NOR was assessed against RMA s181(3)(a) to determine whether the proposal met the 'gateway' requirement of s181(3)(a)(i) by satisfying the alteration involves no more than a minor change to the effects on the environment. See the table and relevant section in the report below.

Legal test under s181 of the RMA		Assessment
<b>s181(3)(a)</b>	<p>Either or the alteration is:</p> <ol style="list-style-type: none"> <li>i. involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or</li> <li>ii. involves only minor changes or adjustments to the boundaries of the designation or requirement; and</li> </ol>	<p>In accordance with the assessment of effects (outlined in the report below), the proposal to amend the boundary will generate effects that are no more than minor.</p> <p>The adjustment of boundary is not minor, it expands the designated land area by more than 30%.</p>
<b>s181(3)(b)</b>	Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and	Written approvals have not been provided as the 'directly affected land' is owned by the Crown and administered by the Ministry of Education. Legal advice has been received to confirm that directly affected land, is land <u>within</u> the proposed designated site and does not include adjoining land.

		Adjoining property owners have been sent notices of the NOR proposal but no correspondence has been received.
<b>s181(3)(c)</b>	both the territorial authority and the requiring authority agree with the alteration—	The territorial authority does not agree that this is a minor alteration of the boundary, but does agree an expansion of Kirwee school is required to meet the needs of the community.

19. Where a designation is proposed, the Requiring Authority can either incorporate the physical details associated with the network as part of the notice of requirement, or alternatively it can issue an Outline Plan under section 176A of the Act of a later stage, which is the approach adopted in this instance.

### **Section 181(3)(a) - Determination whether adverse effects are likely to be more than minor**

20. The actual and potential adverse effects of the proposal relate to visual amenity and character effects transport and natural hazards.

#### **Discussion**

21. The site is zoned Settlement Zone (SETZ) under the Partially Operative Selwyn District Plan. Educational facilities are a permitted activities under rule SETZ-R16, and no appeal has been received against this rule. Rule SETZ-R16 is therefore to be treated as if operative pursuant to s86F RMA.
22. Educational facilities that operate within the hours of 0700 and 1900, Monday to Friday are anticipated and permitted activities within the Settlement Zone. There are requirements around landscaping and outdoor storage, neither of which are relevant to this NoR to adjust the school boundary and will be addressed through an outline plan.
23. Noise limits in the SETZ shall not exceed:
- 50 dB LAeq (15min) between 0700 to 2200; and
  - 40 dB LAeq (15min) / 70 LAFmax between 2200 to 0700.
- at the notional boundary of any noise sensitive activity within any site receiving noise. These limits represent the permitted baseline pursuant to NOISE-R1, that the Council received no appeals against. No additional roll growth is proposed at this time, therefore there is no anticipated change in the noise generated because of the NOR.

#### Visual effects and effects on character and amenity

24. The school buildings on the existing site are typical for what would be expected for a primary school located within the Settlement Zone; single story classrooms, offices, hall, swimming pool, sports field and a concrete court. There are no existing conditions that apply to the site with respect to the built form that are relevant to the proposal to extend the designation boundary.
25. The proposal documents indicate that future developments of the site are “expected to be of a similar scale and form to the existing school” (page 10). As the existing buildings are all single-

story classrooms and what would be typically expected within a primary school located in a residential zone, it is considered that visual effects and effects on character and amenity as a result of the designation adjustment will be no more than minor.

26. Visual effects and effects on character and amenity have not been addressed as part of this boundary adjustment. The Minister has indicated design details for the future development of the school will be progressed through the future outline plan process in accordance with Section 176A of the RMA. Section 176A(3) indicates the outline plan must show-

- (a) the height, shape, and bulk of the public work, project, or work; and*
- (b) the location on the site of the public work, project, or work; and*
- (c) the likely finished contour of the site; and*
- (d) the vehicular access, circulation, and the provision for parking; and*
- (e) the landscaping proposed; and*
- (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.*

27. The proposed extension to the school is consistent with the underlying zoning of Settlement Zone which provides for suburban residential activities and small-scale non-residential activities that serve the needs of the local community and, where appropriate visitors to the area<sup>[1]</sup>. Policies within this zone support non-residential activities of a scale and function consistent with the role of the township as a local service centre that provide services to the local community, the surrounding district, and visitors to the area<sup>[2]</sup>. While a roll increase from 150 students to 350 students represents a large increase to the status quo, a primary school of 350 students is still considered to be in keeping with a small rural school. By comparison, West Melton School is described as semi-rural and has a roll of 421 students.

#### Transport effects

28. In terms of creating a vehicle crossing that generates the anticipated vehicle movements, the permitted baseline under the ODP is less than 100 vehicle movements per day pursuant to E13.2.5, and 170 with an advanced traffic assessment according to TRAN-TABLE2 under the PODP. The NOR proposal indicates there will be no change to the roll at this time that will affect trip generation activities. As the roll increases over time, the effects on trip generation will need to be considered in consultation with the Council, potentially ahead of the need for an outline plan process.
29. A transport assessment has been provided with the NOR and was undertaken by Abley Ltd. The expansion of the boundaries of the designation will create additional 26m 'road frontage' for Kirwee School via Suffolk Drive. Suffolk Drive has a 9-metre carriageway and 1.5 m footpaths on both sides of the road.
30. Under the Outline plan DEV-K11 (as shown in Figure X) Suffolk Drive will eventually extend to be connected with a new road that will connect HW73 and Hoskyns Rd and will be connected to Walter Place that connect back to Courtenay Road.



Figure 2. Outline development plan of DEV-K11

31. While Council has received a subdivision consent that will realise these future connections, that consent has not been publicly notified and is pending a decision. Therefore, the transport assessment provided is limited to works already consented and does not account for these future connections.

32. Abley Ltd found the school site extension to Suffolk Drive will not create any adverse transport issues at this time given no new vehicle or pedestrian access is proposed by the boundary extension but recommended the following matters be considered by the Ministry, and the school, at the time of the school expansion:

- Increasing school bus capacity;
- Location of school bus parking; and
- Servicing and staff car parking location
- The Ministry has advised an intention to consider these matters in more detail as part of the future outline plan process.

The transport assessment also anticipates;

- School Lane will remain the main access for the school for pick-up and drop off activities outside the school, in preference to Suffolk Drive; and
- No formal vehicle or pedestrian access (or signage) is proposed on Suffolk Drive; and
- the increase in student numbers are not expected to have a significant impact on traffic effects on School Lane

33. Council considers caution should be applied to the effects on traffic considering the following:

- a. the expanded designation boundaries facilitate an increase in student numbers of more than 50%;
- b. the school is located on a cul-de-sac (cul-de-sacs are known to have associated traffic safety implications),

- c. Kirwee is an area currently experiencing high growth and development,
  - d. key transport connections to the Kirwee township and the State Highway are anticipated in the future.
34. To ensure that traffic safety and community safety is maintained over time, the Ministry of Education has volunteered the following condition and advice note be added to the designation MEDU-6:

*Prior to the lodgement of a s176 Outline Plan for Kirwee School, the Requiring Authority will, in consultation with the Asset Manager Transportation for Selwyn District Council or its successors, resource, develop and action a Transport Management Plan, which:*

- *aligns with the goals of the school with respect to multimodal sustainable travel modes to and from the school and the mitigating of any real and potential adverse traffic effects and road safety issues;*
- *ensures sufficient vehicle access and off-street car parking, including for drop off and pick up, and bus parking, is provided, and that any adverse road safety or efficiency effects arising from school related parking are appropriately mitigated.*
- *facilitates the ongoing integration of the school with the surrounding transport network (including vehicle, pedestrian and cycling access to the site);*
- *provides an assessment, if no school travel plan has been provided, as to how a school travel plan would be developed.*

*The Transport Management Plan shall be reviewed by the Council's Asset Manager Transportation at the time of submitting any and each outline plan relating to increased student capacity of more than 100 students since the Transport Management Plan was last reviewed and shall be maintained and regularly updated while the school is operating under this designation.*

**Advice Note - Transport Management Plan**

*The Transport Management Plan and its implementation will take into account relevant NZTA Waka Kotahi guidelines relating to schools*

35. As the design and layout of the proposed school expansion is yet to be determined, I consider that a combination of the proposed condition and the outline plan process will provide an opportunity for Council to influence the design of the site to consider how transport effects will be addressed in more detail, to ensure that any adverse effects of traffic movements can be appropriately avoided or mitigated. Considering the NOR analysis provided by Abley, as to the ability to the network to accommodate transport generated by the designation, I consider that transport effects will be no more than minor.

Natural Hazards

36. The site is subject to a Flood Plain Management overlay. The earthworks approved within the underlying subdivision are anticipated to amend the final ground level of the site to achieve the designed system for surface water drainage. However, to clarify that the FFL required for mitigating the flooding risk is achieved, a condition was recommended to the requiring authority, requiring a minimum finished floor level for any new building or structure (or part thereof) that is 300mm above the 200-year ARI flood level.
37. The Ministry of Education has subsequently opposed offering a floor level condition and will address development and building requirements at the outline plan stage.

Summary – Assessment of Environmental Effects

38. Overall, I consider that based on the above assessment, that the effects of the boundary alteration are no more than minor. Potential effects could be guaranteed through setting a condition requiring minimum floor levels of future principal buildings. The requiring authority has disagreed with this

recommended condition approach and has instead opted to address safe floor level heights as part of an outline plan once the school expansion details and design are known.

### **Section 181(3)(b) – Written notice requirements**

39. Notification is not required if it is agreed that the alteration of the designation satisfies the criteria set out S181(3). As the proposed alteration involves no more than minor change to the effects on the environment, and the RMA s181 (3)(b) only requires the Ministry to notify and gain agreement from owners of land that will be within the adjusted boundary of the altered notice of requirement (NOR). Therefore, the only relevant landowner is the Crown/ Ministry of Education.
40. While the proposal satisfies s181(3)(b) and written agreement is not required, the Minister of Education has provided written notice to adjoining properties at 36 School Lane (Tree House Learning Centre), 34 Suffolk Drive and 44 Suffolk Drive to advise them of the proposed amendment to the existing designation. The Minister has also written to Te Taumutu Rūnanga to advise them of the alteration to designation

### **OTHER MATTERS**

41. The NOR application addresses relevant policy provisions in the proposal documents in relation to the National Policy Statement for Urban Development, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, Canterbury Regional Policy Statement, and the Partially Operative Selwyn District Plan (PODP) other than the designation ME6 under the Operative Selwyn District Plan (OSDP), which is the only provision contained within the OSDP of relevance to this application.
42. The proposal documents incorrectly indicate the underlying zoning for the site is Settlement Zone (SETZ) and Large Lot Residential Zone (LLRZ). Since the proposal documents have been prepared the district plan review process has largely been completed, with only a few outstanding appeals still to be resolved through the Environment Court processes. None of the outstanding appeals are of relevance to this proposal to amend the existing designation and the underlying zoning is confirmed as SETZ, rather than LLRZ.
43. The requiring authority has not identified any resource consents that will be required from ECAN for necessary approvals under the Regional Land and Water Plan as a result of this boundary adjustment.

### **RECOMMENDATIONS**

44. For the reasons set out in the foregoing assessment, I recommend that the Council recommend to the Minister that Notice of Requirement D240006 be confirmed pursuant to s.181(3) of the Resource Management Act 1991, subject to the below conditions. These conditions amend the existing designation MED-6 Kirwee Model School under the Proposed Selwyn District Plan as shown in Appendix A.

<b>Reported and recommended by</b> Michelle Flay Senior Policy Planner 	26 March 2025
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## **APPENDIX A - MEDU-6 KIRWEE MODEL SCHOOL DESIGNATION**

Changes to the designation are shown in red underlined text.

<b>Designation unique identifier</b>	<a href="#">MEDU</a> -6
<b>Designation purpose</b>	Education Purposes - Primary School
<b>Site identifier</b>	School Lane, Kirwee Lot 21 DP 434 Pt Lot 23 (CFR CB77/95) and Lot 22 DP 434 Blocks VIII & XII Hawkins Survey District <a href="#">Lot 8 Deposited Plan 301114 and Lot 74 Deposited Plan 578203</a>
<b>Lapse date</b>	Given effect
<b>Designation hierarchy under section 177 of the <a href="#">Resource Management Act</a></b>	Primary
<b>Conditions</b>	<del>No</del> <a href="#">Yes</a>
<b>Additional Information</b>	"Education Purposes" in the designated purpose has the meaning set out in <a href="#">MEDU-APP1</a> -Education Purposes  Rolled over with modification Legacy reference ME6

<b><a href="#">MEDU-6</a></b>	<b><a href="#">Conditions</a></b>
	<p><b><u>1. Transport management</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Prior to the lodgement of a s176 Outline Plan for Kirwee School, the Requiring Authority will, in consultation with the Asset Manager Transportation for Selwyn District Council or its successors, resource, develop and action a Transport Management Plan, which:</u> <ol style="list-style-type: none"> <li>a. <u>aligns with the goals of the school with respect to multimodal sustainable travel modes to and from the school and the mitigating of any real and potential adverse traffic effects and road safety issues;</u></li> <li>b. <u>ensures sufficient vehicle access and off-street car parking, including for drop off and pick up, and bus parking, is provided, and that any adverse road safety or efficiency effects arising from school related parking are appropriately mitigated.</u></li> <li>c. <u>facilitates the ongoing integration of the school with the surrounding transport network (including vehicle, pedestrian and cycling access to the site);</u></li> <li>d. <u>provides an assessment, if no school travel plan has been provided, as to how a school travel plan would be developed.</u></li> </ol> </li> </ol>

2. The Transport Management Plan shall be reviewed by the Council's Asset Manager Transportation at the time of submitting any and each outline plan relating to increased student capacity of more than 100 students since the Transport Management Plan was last reviewed and shall be maintained and regularly updated while the school is operating under this designation.

Note 1 - The Transport Management Plan and its implementation will take into account relevant NZTA Waka Kotahi guidelines relating to schools

<sup>[1]</sup> Partially Operative Selwyn District Plan. SETZ- Objectives. SETZ-O1.

<sup>[2]</sup> Partially Operative Selwyn District Plan. SETZ- Policies SETZ-P2.

## PUBLIC REPORT

**TO:** Council

**FOR:** 21 May 2025

**FROM:** Chief Executive Officer

**DATE:** 13 May 2025

**SUBJECT:** **CENTRAL PLAINS WATER TRUST (DRAFT) STATEMENT OF INTENT**

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### 1. RECOMMENDATION

*'That Council receives Central Plains Water Trust's (CPWT) Draft Statement of Intent for information.'*

### 2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

Not relevant to this report.

### 3. PURPOSE

The purpose of this report is to allow Councillors to discuss the Draft Statement of Intent (**attached**) received from Central Plains Water Trust and provide feedback. Councillor Gliddon, Chairperson of Central Plains Water Joint Settlers Committee is available to respond to questions.

### 4. HISTORY/BACKGROUND

CPWT holds the resource consents of the Central Plains Water Scheme and licenses the use to Central Plains Water Limited. Its obligations include reporting annually on the Scheme's environmental, social and economic results; and administering the Environmental Management fund in the manner set out in the resource consents. The Trust has no commercial operations and operates exclusively through an annual funding regime in accordance with the Memorandum of Agreement it holds with Central Plains Water Limited (CPWL).

The five current Trustees are appointed jointly by the Settlers for a term not exceeding three years and meet quarterly. The Trust has a close working relationship with both CPWL and the Settlers. The Trust publishes an Annual Sustainability Report for the Scheme on its website.

## **5. PROPOSAL**

The draft Statement of Intent for the year commencing 1 July 2025 is attached for Council's endorsement. It sets out the purposes of the Trust as per paragraph 2 of the Statement of Intent (Trust Objectives).

The Trust and the Joint Settlers Committee had discussed the Statement of Intent and proposed several improvements. It is now presented to both Settlers (Christchurch City Council and Selwyn District Council) for adoption.

## **6. OPTIONS**

The Council has two options available to it:

Option 1 – receive the draft Statement of Intent.

**OR**

Option 2 – receive the draft Statement of Intent and provide comments to the Trust.

## **7. VIEWS OF THOSE AFFECTED / CONSULTATION**

N/A

## **8. Views of those affected**

N/A

## **9. Consultation**

N/A

## **10. Māori implications**

N/A

## **11. Climate Change considerations**

N/A

## **12. FUNDING IMPLICATIONS**

There are no funding implications.



Sharon Mason  
**CHIEF EXECUTIVE OFFICER**

**Central Plains Water Trust**  
**Statement of Intent**  
**For the year commencing**  
**1 July 2025**

## **CENTRAL PLAINS WATER TRUST STATEMENT OF INTENT FOR THE YEAR COMMENCING 1 JULY 2025**

### **1. INTRODUCTION**

#### **Statutory requirement**

- This Statement of Intent ("Sol") sets out for Central Plains Water Trust ("CPWT") the objectives, the nature and scope of the activities to be undertaken, and the key areas of focus of the Trust.
- The process of negotiation and determination of an acceptable Sol is an expression of the accountability relationship between CPWT and its settlors, the Christchurch City Council and Selwyn District Council under the Trust Deed.
- The Sol is reviewed annually with the Christchurch City Council and Selwyn District Council.

#### **Contact addresses**

- CPWT's registered office is at the offices of Central Plains Water Limited, 14 Nga Mahi Road, Christchurch.

#### **Structure**

- CPWT is a trust established for charitable purposes by a deed of declaration of trust (the Trust Deed) dated 9 August 2012 and is a Council-Controlled Organisation (CCO) established by the Christchurch City Council and Selwyn District Council.

### **2. TRUST OBJECTIVES**

The Trust Deed sets out the following charitable purposes ("the Objects"), namely:

To promote the development of agriculture in the Central Canterbury Plains area of New Zealand for the benefit of all of the inhabitants of the Canterbury Region by:

- 1) Encouraging supporting and facilitating:
  - a) sustainable development of the water resources of the Region
  - b) agricultural and horticultural diversity in the Central Canterbury Plains area
  - c) an appropriate balance of the benefits of agricultural development with the enhancement of ecological, social and recreational values in the Central Plains area.
- 2) Providing and facilitating education to the inhabitants of the Region in relation to water issues and sustainable agricultural development.

In pursuance of the objectives, the Trustees will have regard to:

- a) appropriate strategic development plans for the water resources of the Regions;
- b) whether other sources of funding or support are available, including assistance provided through industry or regional development policies and programmes of local authorities or central government;
- c) the objectives, roles and activities of any other organisations engaged in economic development activities in the Regions;
- d) inter-generational issues to order to promote long term sustainability of the water resources of the Regions;
- e) the vision and principles agreed by the Trust to apply to the Scheme, as set out in the agreement in relation to the Scheme between Te Rūnanga o Ngai Tahu, Te Taumutu Rūnanga Inc, Te Ngai Tuahuriri Inc, Wairewa Rūnanga Inc, Te Rūnanga o Arowhenua Trust, Central Plains Water Trust and Central Plains Water Limited dated 29 May 2012, and any other matters that they believe are relevant;
- f) a key role of the Trust to monitor use rights and compliance; and
- g) the need to identify specific targets aimed at providing stakeholders with clear progress against the Trust's objectives.

### **3. NATURE AND SCOPE OF ACTIVITIES**

CPWT is unique in that it holds the resource consents of the Central Plains Water Scheme and licences their use to Central Plains Water Limited under a Memorandum of Agreement dated 4 May 2016. Under the Agreement, CPWT's obligations include:

- reporting annually to the people of Canterbury on the Scheme's environmental, social and economic results; and
- administering the Environmental Management Fund (EMF) in the manner set out in the resource consents.

The reasonable costs of administering CPWT are agreed annually with CPWL, and these are paid annually by CPWL to CPWT.

### **4. GOVERNANCE**

#### **Role and responsibilities of the Board**

The Trustees are required to manage the affairs of CPWT in accordance with the objectives of CPWT and otherwise in accordance with the terms of the CPWT Trust Deed.

The Trustees must also ensure that CPWT effectively carries out its responsibilities under the MoA.

The trustees see their prime responsibilities as:

- reporting to the public on the performance of the Scheme in relation to the trust's objects and community expectations over time;
- Encouraging supporting and facilitating an appropriate balance of the benefits of agricultural development with the enhancement of ecological, social and recreational values in the Central Plains area; and
- Providing and facilitating education to the inhabitants of the Region in relation to water issues and sustainable agricultural development.

The trustees discharge this responsibility through effective leadership and through excellent public communication.

The board of trustees seeks to maintain best practise systems, procedures, policies and guidelines to ensure that:

- plans and budgets reflect short and long term horizons;
- the performance of the Trust is monitored against the Trust's Sol by the board of trustees;
- all relevant matters are brought to its attention through a system of prompt and comprehensive reporting in accordance with the MoA;
- its financial statements are prepared and published in accordance with generally accepted accounting practice that give a true and fair view of the financial position of CPWT as at each balance date and the results of its activities and cash flows for each year;
- the assets of CPWT (the resource consents) are safeguarded by ensuring that internal control procedures are in place in order to provide a reasonable assurance that CPWT will function in a professional and lawful manner and that it follows this Sol to guide its future work in pursuit of CPWT's objectives; and
- all trustees subscribe to the principles of good governance and usually the accepted codes of best practice on corporate governance.

### **The Trust Board's reporting responsibilities**

CPWT is a trust for charitable purposes and as such its beneficiaries are the people of Canterbury generally, however the trustees will ensure that the Councils as settlors are informed of all major developments affecting CPWT's affairs as required by the Trust Deed Information will be communicated to the Councils through both the Annual Report and the Half-yearly Report. CPWT will operate on a "no surprises" basis with regard to all issues which the Trustees consider to be of relevance to settlors.

### **The Board composition**

Currently the board of trustees comprises:

- Pat McEvedy (chairperson)
- Elle Archer
- Robert Lawrence
- Murray Doak
- Richard McDowell

### **Process for appointment of Trustees**

Trustees may be appointed in three ways:

- The Settlers jointly have the right to appoint Trustees for such term of office (not exceeding three years)
- The Trustees may themselves co-opt from time to time persons to serve as additional Trustees.
- Te Rūnanga o Ngai Tahu may appoint up to three trustees.

### **Board meetings**

The board meets at least quarterly and at such other times as business shall require.

#### **Board performance review**

The board will conduct an internal annual performance review at its first meeting following the end of CPWT's financial year.

### **5. HEALTH AND SAFETY**

CPWT has no employees and no physical operations, nor does it have any direct or indirect responsibilities for the operations of CPWL, nor any public liability for the Scheme operations.

### **6. FUNDING**

CPWT has no commercial operations and operates exclusively through an annual funding regime in accordance with the MoA. The total level of such annual funding is currently approximately \$130,000

### **7. STRATEGIC DIRECTION**

#### **Reporting to the public on the performance of the Scheme**

CPWT publishes an Annual Sustainability Report for the Scheme on its website.

#### **Environmental leadership**

CPWT's environmental leadership arises generally in the pursuance of its objectives, and through its role as the holder of the Scheme's resource consents, and its public reporting functions.

The trustees wish to ensure that the Trust's effort is prioritised in areas which are not presently being undertaken by others and is commensurate with the capacity that the Trust has from time to time.

In 2025/26, the Trust will engage in the following activities, although the extent to which the Trust can undertake these activities and achieve meaningful outcomes is limited by its capacity and resources:

1. Consideration of the benefits and risks to the environment, ecology, community, and recreational values of the region from CPWL's activities, including but not limited to water quality, with reference to the objectives of the Canterbury Water Management Strategy and the Selwyn-Waihora Zone Committee ZIPA. For this purpose, the Trustees will present the Annual Sustainability Report, scheduled for completion by the end of December, to the representatives of the Councils at the bi-annual meeting planned for March each year.
2. Consideration of the ways in which the CPW Scheme is encouraging, supporting and facilitating an appropriate balance of the benefits of economic development, with the enhancement of ecological, social, cultural and recreational values in the Central Plains area. These matters will also be reported in the Trust's Annual report to the Councils, to be presented to the representatives of the Councils at the bi-annual meeting planned for March.
3. Consideration of biodiversity enhancement opportunities across the region associated with sustainable development of the water resources of the Region, with particular reference to the CPW Scheme, the role of mahinga kai and the national direction to give effect to Te Mana o Te Wai.
4. That the Annual Sustainability Report's reporting framework is reviewed and any additional information that would assist the councils to be well-informed of the risks of contaminants reaching drinking water supplies is included.

5. Engagement is undertaken with the councils' environmental staff on the Annual Sustainability Report's findings, following which the Trust presents the Report to the councils in an open public meeting each year.

### **Community Engagement and Education**

CPWT maintains a website for the purposes of public information and engagement concerning the operation of the Scheme.

The Community Liaison Group required by the resource consent conditions was established in December 2013 and is being supported as required.

Consideration of educational opportunities in order to enhance public knowledge of water issues and the benefits of the proper management of water for sustainable economic development.

### **Engagement with Selwyn District Council and Christchurch City Council**

Representatives of the Trust Board will meet with representatives of the Councils biannually and on such additional occasions as may be agreed to discuss the Trust's monitoring of the performance of CPWL in operating the Scheme. This will include the Trustees' presentation of its Annual Sustainability Report. The Report is scheduled for completion by the end of December and the Trust representatives will present it to the representatives of the Councils at the bi-annual meeting planned for March.

The trustees will also discuss and agree with the Settlers on any key potential areas of additional focus for the Trust. The extent to which the Trust can undertake these activities and achieve meaningful outcomes is limited by its capacity and resources.

### **Key outputs**

<ul style="list-style-type: none"> <li>• Reporting to the public on the performance of the Scheme</li> </ul>	<ul style="list-style-type: none"> <li>• Consider use of an independent consultant to obtain data from CPWL or undertake analysis to help prepare the Annual Sustainability Report</li> <li>• Continue to publish 'a user-friendly' Annual Sustainability Report on our website by March 31<sup>st</sup>.</li> </ul>
<ul style="list-style-type: none"> <li>• Environmental leadership</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a plan to support education initiatives</li> <li>•</li> </ul>
<ul style="list-style-type: none"> <li>• Community engagement and Education</li> </ul>	<ul style="list-style-type: none"> <li>• Improve the website to make it more effective, accessible and current.</li> <li>• Company, Trust, Council and Ecosystem strategic alignment</li> </ul> <p>Align and assist with CPWL's education and outreach initiatives to provide an independent voice for the benefit of residents and stakeholders</p>

<ul style="list-style-type: none"> <li>• Engagement with Selwyn District Council and Christchurch City Council</li> </ul>	<ul style="list-style-type: none"> <li>• Six-monthly briefings by CPWT with additional briefings by exception. Present sustainability report to councils in a public meeting if requested.</li> </ul>
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### Operational and Performance Targets

Education Targets	Facilitate, agree and report on CPWL's educational programme and outcomes.
<ul style="list-style-type: none"> <li>• Environmental Targets</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure compliance of resource consents</li> <li>• To ensure compliance of water rights</li> <li>• To report on any non-compliance to the Joint Settlor Committee</li> <li>• Commitment to meeting all legal, statutory and regulatory requirements</li> </ul>
<ul style="list-style-type: none"> <li>• Relationship Targets</li> </ul>	<ul style="list-style-type: none"> <li>• Stakeholder engagement and advice</li> <li>• Trust meetings with the Joint Settlor Committee and Councils as required.</li> </ul> <p>Communicate on a no surprises basis to settlor councils</p>

## 8. ANNUAL AND HALF YEAR REPORTING TO COUNCILS

### Frequency of reporting:

A half yearly report and an audited annual report as at end of June.

### Accounting policies:

Refer to Schedule 1 attached.

### Reporting on agreed key areas of focus

CPWT will provide formal reports to the settlor Councils on its agreed key areas of focus through half-yearly and annual reports.

CPWT representatives will meet with representatives of the settlor Councils to discuss current activities, progress against the agreed key areas of focus and future opportunities and risks generally on a half-yearly basis.

## 9. ESTIMATE OF COMMERCIAL VALUE OF THE TRUST'S ASSETS

CPWT's only asset is the resource consents for the CPW Scheme and otherwise has no non-current assets (for example, property, plant and equipment, etc.). Any current assets (for example, cash and accounts receivable) at any one time are held exclusively to fund the needs and commitments of the Trust. Accordingly, the estimated commercial value of the Trust is effectively nil.

## **SCHEDULE 1**

### **STATEMENT OF ACCOUNTING POLICIES**

#### Statement of reporting entity

Central Plains Water Trust was initially formed through a Declaration of Trust on 15 April 2003. This has been replaced by a deed of trust dated 9 October 2012. The Trust is a charitable trust and is a Council Organisation of both the Selwyn District Council and the Christchurch City Council under the Local Government Act 2002.

#### **Basis of preparation**

The financial statements of the Trust have been prepared in accordance with the requirements of the Local Government Act 2002 and Generally Accepted Accounting Practice in New Zealand (NZ GAAP). They comply with Public Benefit Entity International Public Sector Accounting Standards (PBE IPSAS).

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

The financial statements have been prepared on an historical cost basis.

The financial statements are presented in New Zealand dollars and the functional currency of the Trust is New Zealand dollars.

The Trust has designated itself as a public benefit entity for the purposes of PBE IPSAS.

#### **Changes in accounting policies**

There have been no changes in accounting policies during the year.

#### **Standards and Interpretation issued and not yet adopted**

There are no standards and interpretations issued and not yet adopted that are applicable to the Trust's operations.

#### **Going concern**

The financial statements of the Trust have been prepared under the going concern assumption.

The Trust is reliant on Central Plains Water Limited to fund both its operating expenses and its liabilities under the MoA.

Central Plains Water Limited was formed to investigate, construct and operate a water management scheme for the Central Canterbury Plains. It has completed the construction of, and has commissioned both Stages 1 and 2 of the Scheme and also the Sheffield Scheme. The Company is now operating the whole Scheme in the manner required by the resource consents granted by the consent authorities. The resource consents have been transferred to the Trust, which in turn has granted the Company an exclusive license to use the resource consents as set out in the MoA.

If CPWL was unable to continue in operational existence, the Trust would lose that source of funding. In such circumstances, other sources of funding would need to be obtained, so that the Trust could continue to carry out its functions effectively.

If the Trust was unable to obtain such additional funding, it may be unable to continue in operational existence. In this event, adjustments may have to be made to the financial statements to reflect the situation that assets may need to be realised other than in the amount at which they are currently recorded in the statement of financial position. In addition, the Trust may have to provide for further liabilities that might arise.

### **Significant accounting policies**

The following significant accounting policies have been adopted in the preparation and presentation of the financial report.

#### **Revenue**

Revenue is measured at the fair value of consideration received or receivable.

Revenue from a contract to provide services is recognised by reference to stage of completion of the contract at year-end balance date.

Interest income is recognised using the effective interest method.

#### **Revenue in Advance**

Revenue in Advance is recognised as revenue when expenditure is incurred. This practice is based on the Reimbursement Agreement with Central Plains Water Limited dated 6 May 2004.

#### **Cash and cash equivalents**

Cash and cash equivalents includes cash in hand, deposits held at call with banks and other short-term highly liquid investments with original maturities of three months or less.

#### **Trade and other receivables**

Trade and other receivables are initially measured at fair value and subsequently measured at amortised cost using the effective interest method, less any provision for impairment.

A provision for impairment of receivables is established when there is objective evidence that they will not be able to collect all amounts due according to the original terms of receivables. The amount of the provision is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted using the effective interest method.

#### **Financial assets**

The Trust classifies its financial assets into the following categories: financial assets at fair value through surplus or deficit, held-to-maturity investments, loans and receivables and financial assets at fair value through other comprehensive income. The classification depends on the purpose for which the investments were acquired. The Trustees' or management determine the classification of investments at initial recognition and re-evaluate this designation at every reporting date.

Financial assets and liabilities are initially measured at fair value plus transaction costs unless they are carried at fair value through surplus or deficit in which case the transaction costs are recognised in the surplus or deficit.

Purchases and sales of investments are recognised on trade-date, the date on which the Trust commits to purchase or sell the asset. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and the Trust has transferred substantially all the risks and rewards of ownership.

The fair value of any financial instruments that are not traded in an active market is determined using valuation techniques. The Trust does not have any financial assets of this nature at this time.

The four categories of financial assets are:

*Financial assets at fair value through surplus or deficit*

This category has two sub-categories: Financial assets held for trading and those designated at fair value through surplus or deficit at inception. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term or if so designated by the Trustees'. Derivatives are also categorised as held for trading unless they are designated as hedges. Assets in this category are classified as current assets if they are either held for trading or are expected to be realised within 12 months of the balance date.

After initial recognition, they are measured at their fair values. Gains or losses on remeasurement are recognised in the surplus or deficit.

Currently, the Trust does not hold any financial assets in this category.

*Loans and receivables*

These are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market.

After initial recognition, they are measured at amortised cost using the effective interest method. Gains and losses when the asset is impaired or derecognised are recognised in the surplus or deficit. Loans and receivables are classified as 'trade and other receivables' in the statement of financial position.

Currently, the Trust has trade and other receivables in this category.

*Held to maturity investments*

Held to maturity investments are assets with fixed or determinable payments and fixed maturities that the Trust has the positive intention and ability to hold to maturity.

After initial recognition they are measured at amortised cost using the effective interest method. Gains and losses when the asset is impaired or derecognised are recognised in the surplus or deficit.

Currently, the Trust does not hold any financial assets in this category.

*Financial assets at fair value through other comprehensive income*

Financial assets at fair value through other comprehensive income are those that are designated as fair value through comprehensive income or are not classified in any of the other categories above.

This category encompasses:

- ☐ Investments that the Trust intends to hold long-term but which may be realised before maturity; and
- ☐ Shareholdings that the Trust holds for strategic purposes.

After initial recognition, these investments are measured at their fair value with valuations performed by an independent valuer with sufficient regularity to ensure no investments are included at a valuation that is materially different from fair value. The valuation changes are recognised and held in a revaluation reserve.

On de-recognition, the cumulative gain or loss previously recognised in other comprehensive income is reclassified from equity to the surplus or deficit.

Currently, the Trust does not hold any financial assets in this category.

**Impairment of Financial Assets**

At each balance date, the Trust assesses whether there is any objective evidence that a financial asset or group of financial assets is impaired. Any impairment losses are recognised in the surplus or deficit.

### **Income Tax**

Up to 30 June 2008 the Trust was a Charitable Trust exempt from income tax under sections CW34 and CW35 of the Income Tax Act 2004. The Trust is not registered as a charitable entity under the Charities Act 2005 and its charitable tax exemption lapsed on 1 July 2008. The Trust is not currently seeking registration as it does not intend to make a financial profit from its activities.

As the Trust does not trade, and its costs are reimbursed under the Memorandum of Agreement with Central Plains Water Limited, the Trust does not have any tax expense, liabilities, or assets.

## COUNCIL REPORT

**TO:** Council

**FOR:** Council 21 May 2025

**FROM:** Jodie Beker, Legal Counsel – Policy & Compliance  
Julie Hands, Head of Legal and Risk

**DATE:** 21 May 2025

**SUBJECT:** **POLICY REVIEW AND DEVELOPMENT FRAMEWORK**

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### 1. RECOMMENDATION

*‘That Council:*

- 1. endorse the Metapolicy and associated review, development and publishing procedures; and*
- 2. Note the schedule of policies identified as “Council” and “Operations” in the appendix.’*

### 2. PURPOSE

To seek Council endorsement of the Policy Review and Development Framework (Metapolicy) and associated review, development and publishing procedures.

### 3. HISTORY/BACKGROUND

The Metapolicy and associated procedures were endorsed by ELT in Feb 2025.

Council was presented with a draft of the Metapolicy and associated review, development, and publishing procedures on 30 April 2025 and given a demonstration of the new policy directory (which will house all operational policies) and the policy management aspect of the directory which will enable implementation of the Metapolicy.

Operation policy decision-making and management is a responsibility of management, specifically the Chief Executive. Operational decision-making considerations which give effect to decisions and directions of Council are documented within policy.

### 4. PROPOSAL

That Council endorse the Metapolicy and associated procedures which will address issues around access to policies, currency of documents, and clarify roles and responsibilities around policy management. The proposed documents provide a clear framework for staff to identify, review and promulgate policy decisions and information.

### 5. OPTIONS/RECOMMENDATIONS

The options considered are:

**OPTION 1: ENDORSE THE METAPOLICY AND ASSOCIATED PROCEDURES (preferred).**

This option is preferred because it provides a clear structure for council to manage its policy suite in a way that best enables it to respond to external and internal strategic and operational changes, as well as legislative compliance obligations.

**OPTION 2: DO NOT ENDORSE THE METAPOLICY AND ASSOCIATED PROCEDURES**

This option is not preferred as not endorsing the Metapolicy will perpetuate the status quo and not address the issues identified in earlier papers.

**6. ALIGNMENT WITH COUNCIL PLANS, STRATEGY, POLICY AND REGULATORY/COMPLIANCE OBLIGATIONS**

**Waikirikiri Ki Tua/Future Selwyn**

The following aspects of [Waikirikiri Ki Tua/Future Selwyn](#) have been identified as relevant to this issue, proposal/decision/activity/project, and inform both the outcomes of the project as well as the way the project develops:

Outcome and/or Direction	Relevance
Strategic priorities and outputs	A policy review and development framework facilitate better operational decision-making which drives how we undertake operational activities to achieve strategic outcomes.

**7. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

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

**8. VIEWS OF THOSE AFFECTED / CONSULTATION**

In making a decision Council needs to know enough about and give adequate consideration to the views and preferences of affected and interested parties. The degree to which Council seeks views of affected and interested parties will be proportionate to the significance of the decision or issue being considered.

**(a) Views of those affected and Consultation**

No external consultation was required.

The views of Te Pou Maataho team were sought as part of the development of the documents and the team's feedback was incorporated into the documents.

**(b) Māori and Treaty implications**

The proposed processes enable a pathway for policy documents to be presented to rūnaka should the subject matter or topics of the documents fall within the areas of importance to rūnaka as outlined in the Māori Contribution to Council Decision-Making Policy.

**(c) Resiliency and Sustainability considerations**

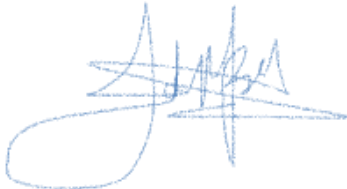
The framework will assist the council to respond in a coordinated way to policy changes both internal and external as well as identify when policy is needed to respond to an issue or matter.

**9. RISK IMPLICATIONS**

There are low risk implications with implementing this framework. The framework itself will help to reduce compliance risk by providing clear direction on development, review and approval requirements, improving access to policy documents, and providing transparency around the currency of council's overall policy suite.

**10. LEGAL/POLICY IMPLICATIONS HEADING**

The proposed framework has been developed to reflect legislative responsibilities and requirements around policy management.



**JODIE BEKER**  
**LEGAL COUNSEL - POLICY & COMPLIANCE**



**JULIE HANDS**  
**HEAD OF LEGAL AND RISK**

***Endorsed For Agenda (Bold, Sentence Case, Italics)***



**STEVE GIBLING**  
**EXECUTIVE DIRECTOR, PEOPLE, CULTURE AND CAPABILITY**



# Metapolicy

Approver	ELT
Owner	Executive Director, People, Culture and Capability
Contact	Legal Counsel – Policy & Compliance
Date adopted/last reviewed	May 2025
Review date	May 2027
Tier	2
This document supports or gives effect to the	Waikirikiri Future Selwyn Strategy

Commented [JB1]: Suggest approve is an ELT approved as this is a mechanism the CE can use to implement the decisions of the local authority and council. No explicit legal requirement to have council approve this document.



## Purpose

This policy provides direction on how council will consistently identify, develop and review documents which detail and communicate council positions or directions to support operational efficiency, sound decision-making and risk mitigation.

## Organisational Scope

This document applies council-wide, to all staff and contractors when identifying the need for the development and review of documents which communicate a council position or direction.

## Background

This document provides a development and review framework for creating documents which communicate a council position or direction, and defines the following:

- The council's mechanisms for communicating official council positions (e.g., strategy, policy, procedure, framework);
- How documents are developed and approved;
- The scope and the application of documents approved at the different levels of the organisational structure;
- Roles and responsibilities of those involved in developing documents which communicate a council position.

## Key Statements/Principles

### Basis for a document review and development framework

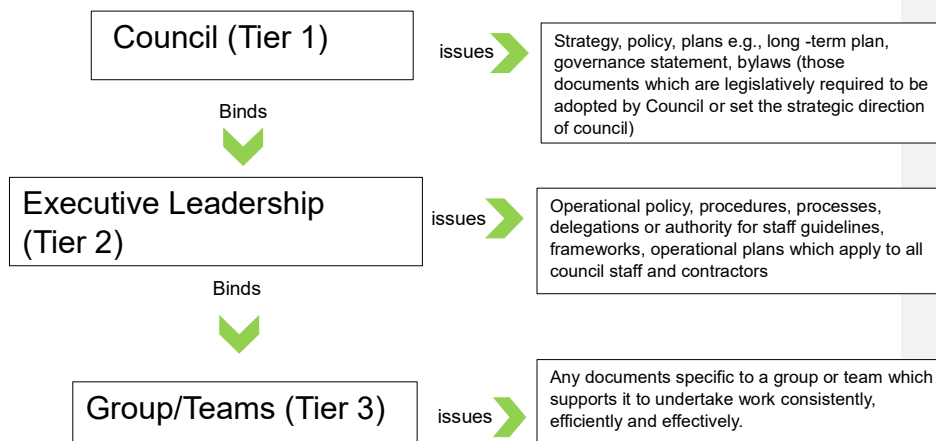
(a) The need to document and communicate a council position or direction may be driven by a number of factors, both external and internal, including but not limited to:

- new or changed government requirements,
- new or amended regulations,
- new strategic direction of the council or local government sector,
- restructuring,
- identification of a gap in the current 'suite' of documents,
- emerging operational issues,
- identification of risks or inconsistencies in behaviour by staff/ contractors,
- review or consolidation of older compliance documents,
- external pressures (such as from the media), and
- events.

(b) A document that has been issued under delegated authority is to be treated as an official council position. Non-compliance may result in disciplinary action being taken.

(c) The below diagram illustrates the organisational hierarchy and how documents at one level affects those at the other levels. The hierarchy described below doesn't diminish the

requirement of compliance, but it can limit the scope and application of a compliance document.



(d) Documents issued within each level must be consistent with others within the same level (as much as practicable) and consistent with any documents issued from the level above. There may be instances where it is not practicable for this to be the case. In instances where inconsistency affects documents, the Legal Team needs to be made aware of these.

(e) Certain documents must only be adopted by Council while the ability to approve and adopt others can be delegated to staff<sup>1</sup>. For the documents that Council must only adopt, these are adopted via resolution. The Chief Executive is responsible for implementing the decisions of Council and the local authority<sup>2</sup> which includes any adopted policies.

## Document Management

### Roles and Responsibilities

Responsibilities and functions for the drafting and development of compliance documents reflect the hierarchical structure of the decision-making within council.

For documents to remain current, and consequently for risk to the council minimised, the following roles and responsibilities exist for the following areas of compliance documents.

#### 1. Council (governing body)

Under the leadership of the Mayor, Council develops the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by

<sup>1</sup> See [S 32 \(1\) Local Government Act 2002](#) and [S 40 \(1\) Local Government Act 2002](#) as examples.

<sup>2</sup> [S 42 \(2\) \(a\) Local Government Act 2002](#)



the members of the Council<sup>3</sup>. Council is the **only body** which may adopt documents (e.g. policies) which **cannot be delegated** under [S 32 \(1\) \(f\) Schedule 7 Local Government Act 2002](#) and [S 40 Local Government Act 2002](#).

Council also has the authority to adopt and issue bylaws under specific legislation. This authority cannot be delegated.

## 2. Community Boards (Malvern Community Board) and Council Committees

Community boards and council committees may be a stakeholder for any document where council forms a position and wishes to communicate that position. The extent of any decision-making powers in relation to such documents will be set out in the terms of reference of these bodies, however any power to adopt documents will only extend to those which Council may delegate.

## 3. Executive Leadership Team (ELT)

The ability to create, approve and adopt council-wide and group specific documents for specific areas of responsibility, has been delegated by the Chief Executive to ELT.

ELT as a group have been delegated authority to approve the development of a document which applies council wide which is not required to be adopted by Council.

Each ELT member has the delegated authority to approve:

- A major review of an existing document, and/or
- Amendments to an existing document content that changes its original intent.
- Any Tier 3 documents which apply across there group or are specific to a team or teams within their group.

Each individual ELT member is responsible for ensuring that there is resource within their groups to complete the relevant steps of the review and development and ensuring compliance with processes, instructions and guidance issued by the Legal Team.

In the event of a disagreement between an ELT member and the Legal Team the matter will be referred to the Chief Executive for any operational documents and Council for any other governance documents.

Individual ELT members must take new or substantially revised Tier 2 documents to the whole ELT for discussion and general visibility.

Where breaches of documents occur the relevant ELT member must be informed. The ELT member must then advise the Legal Team to identify what risks may result from the breach.

## 4. Legal Team

The Legal & Risk Team has overarching responsibility for the strategic direction, standardisation, promulgation, compliance with relevant law, efficacy of documents held in the controlled documents register, and assisting other areas of council to develop

<sup>3</sup> [S 41A \(2\) Local Government Act 2002](#)

documents that are consistent with them. The Legal Team maintains the digital repository; the controlled documents register.

In order for the council to minimise risk, the Legal Team must undertake stringent quality assurance on all documents and provide feedback.

The Legal Team's responsibilities include

- Planning support, guidance, and direction on the development and review of documents developed at the Executive Leadership and group levels;
- Legal review and quality assurance of all documents;
- Regular needs and gap analysis of documents and the controlled document register;
- The development and provision of templates, guidelines and style guides;
- The development of 'How to...' documents to assist Stewards, ELT and other document administrators with their roles and responsibilities;
- Guidance on report writing advising ELT and Council of policy changes;
- Making and approving minor changes to documents held within the controlled documents register (largely style/grammatical) on behalf of ELT; and
- Ensuring documents meet the requirements of the [Public Records Act 2005 \(New Zealand Legislation website\)](#) and disposal requirements.

The Legal Team members can approve minor changes to documents without needing to consult the relevant ELT member. However, if there is any uncertainty as to whether a change is minor, the Legal Team will refer this to the ELT member for a determination.

If there is any disagreement between the Legal Team and a Steward or ELT member, the matter will be referred to the Chief Executive.

## 5. Stewards

A Steward is the person responsible for carrying out scheduled reviews of a document, or for making amendments to the document when it requires an amendment that is not part of the Legal Team's responsibility.

The Steward will be the person within council with the best working knowledge of the document's content and will be best placed to answer any questions with regard to the interpretation of the document or its implementation.

Leading the consultation process also forms a part of the Steward's responsibilities, as they are the person with the greatest understanding of the document's content and are best placed to identify who will be affected by any changes. What is required for consultation will be dependent on the content and coverage of the document in question. Several rounds of consultation may be necessary where the document is subject to [S 82 Local Government Act 2002](#) or it is assessed as significant under the [Significance and Engagement Policy](#).

If the Steward identifies major amendments to the document (i.e., a significant proportion of the wording needs to be changed and/or the intention of whole or part of the document has changed), then the ELT member will need to review those changes before they can be approved.



The Steward is responsible for educating stakeholders and the wider council on policy changes and new policies.

#### 6. Te Pou Mataaho | Iwi Māori Partnerships and Capability Team

Te Pou Mataaho have a role to play in the review and development of documents issued by Council and ELT as part of strengthening the relationship and engagement between mana whenua, iwi Māori and Council, and building cultural competency into council processes. Te Pou Mataaho contribute to the review and development of documents the following ways:

**Te Tiriti o Waitangi Obligations:** Provide clear advice on the Council's obligations under Te Tiriti o Waitangi, and explain how its principles apply to the reviewed document.

**Bicultural Strategy Integration:** Identify relevant topics in the reviewed documents that would benefit from consideration of Te Rautaki Tikaka Rua – Bicultural Strategy, specifically its four pou (Kā Mahi, He Takata, Kā Honoka, He Huarahi Hou).

**Mana Whenua Engagement:** Advise on the correct protocols and procedures for appropriate engagement with mana whenua.

**Mana Whenua Strategic Documents:** Facilitate access to relevant, public-facing strategic documents of mana whenua.

#### Review and currency periods

Review periods may be set at increments of 1, 2, 3, or 5 years. The review frequency must reflect the level of risk posed by the topic covered, or any legislatively required review periods. For example, if the topic of the policy relates to health and safety obligations, these will likely need to be reviewed more frequently.

A document can be reviewed earlier than its set review period to respond to any necessary updates.

A document remains in force until it is updated despite the scheduled review date being exceeded.

#### Document classification

The classification of a document determines how it is developed and approved. Council classifies its documents in the following ways:

##### *External document.*

These are documents made publicly available. These will usually be documents which are required to be:

- developed by law and made public and
- adopted by Council,
- that are subject to a consultation process e.g., consulted on in accordance with [S 82 Local Government Act 2002](#) or the [S 83 Local Government Act 2002](#), or



- have been assessed as having a degree of significance in accordance with the [Significance and Engagement Policy](#) which requires public engagement or consultation, or
- have a high degree of public interest.

Because external documents will usually be required to comply with law or a government directive, these documents will require closer collaboration with the Legal Team to ensure that the document includes prescribed content, and it follows the appropriate consultation and approval process.

Depending on the level of significance of the content of the document, external consultation may be required. Where a document requires external consultation but is not expressly required by legislation to be consulted on, that document will be treated as an external document.

#### *Internal documents*

These are documents which may be accessed by staff but are not accessible to the public. These will be documents which are focused on operational decision-making and efficacy.

These will usually be documents which are:

- not required to be developed by law, or if they are required by law are not required to be made public,
- that do not have a prescribed consultation or approval process, and
- fall within the list of decisions set out in Section 5 of the [Significance and Engagement Policy](#), or
- have been assessed as having no or a low degree of significance in accordance with the [Significance and Engagement Policy](#).

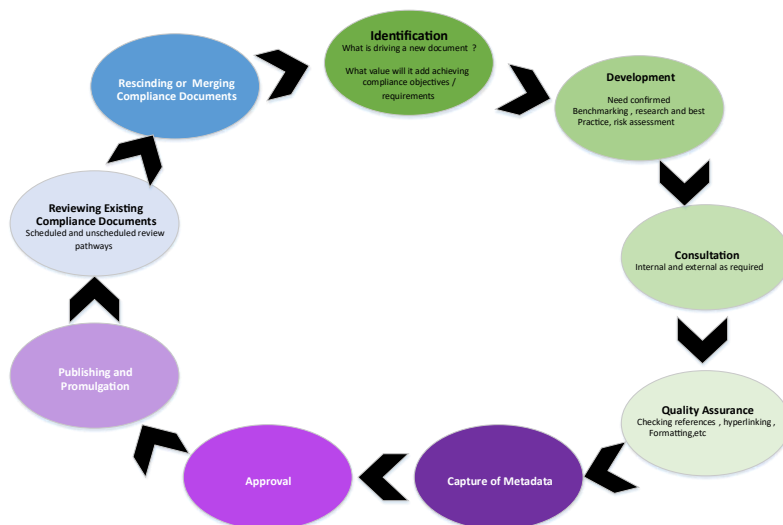
Where an internal document proposes a policy position on matters that Council may only decide e.g., the sale of assets, Council will need to approve that particular position before ELT can approve the policy.

#### *Statements*

Sometimes it is appropriate to communicate official positions outside of a formal document e.g., on our website. This will generally be for statements which are simple and concise and do not warrant the production of a stand-alone document. These will generally fall into the Tier 3 category as they will relate to a specific business activity.

### **Document Lifecycle**

The policy review and development process can be summarised in the below diagram.



## Definitions

**Guideline** – a general principle, instruction, or piece of advice which is the preferred way of doing something or making a decision. A guideline is generally used to communicate the best or preferred way to do or achieve something. Instead of requirements it suggest or recommends how to do something.

**Framework** – describes a basic conceptual structure from which to build upon and implement. This type of document is best used to describe structures or mechanisms in place but won't include many requirements or directives like a policy or procedure.

**Major review** – revision of a document which substantially alters the substance, management and/or intent of the document.

**Minor review** – revision of a document which does not substantially impact the substance, management or intent of the document.

**Plan** – sets out the detailed arrangements (or plans) for how a strategy or policy will be implemented, or how a particular work programme, service or asset will be managed or delivered. This will be suitable to use when you need to map out how you will get from a to b in order for implementation to be successful.



**Policy** – defined ideas or principles on a matter or issues which are used to make decisions. Policies clearly communicate requirements, organisational direction, standards or expectations. This type of document is best used in situations where there are clear and fixed requirements that must be followed.

**Procedure aka Standard operating procedure (SOP)** – standardised, step-by-step way of implementing policy, goals, strategies and ensuring compliance with regulatory and statutory regimes. A procedure describes the activities necessary to complete a particular task within a wider process. This type of document is best used to implement another document and unlike a guideline, it sets out the way something must be done.

**Process** – a series of steps or actions taken to achieve a particular outcome or complete a task. Unlike a procedure which will focus on how to complete one task or activity within a wider process, a process deals with all steps or activities required to complete a task or achieve an outcome. This type of document is best used when you want to describe all the actions or steps that need to be taken from start to finish in order to achieve an outcome or complete a task.

**Strategy** – a high-level defined plan of action designed to achieve a long-term or overall aim. This type of document is best used to communicate a set direction or outcome that needs to be achieved.

## Related Legislation, Policies, Procedures and Forms

### Legislation

[Building Act 20024](#)

[Dog Control Act 1996](#)

[Gambling Act 2003](#)

[Local Government Act 2002](#)

[Local Government Rating Act 2002](#)

### Procedures

Internal and External Document Publishing Process  
Internal and External Document Development Process  
Internal and External Document Review Process

### Website/Intranet

[Delegations Register](#)

### Version control table

Version	Action	Approver	Action Date
1.00	Policy creation and approval	ELT	

## APPENDIX

*Note: “External” policies are those that will generally be approved by Council and made public*

*“Internal” policies are operational policies approved at operational levels. However, some internal policies may still be made public.*

*Designation of a policy as internal does not prohibit Council from requesting a copy of the policy be provided to them for reference.*

*Versions of policies designated as internal may be provided by staff as evidence of action taken or justification for decision-making.*

*Designations can be altered from time to time, depending on where responsibilities and delegations sit.*

*The below list includes all policies which may those in development, current, overdue for review and earmarked to be retired.*

<b>Policy Name</b>	<b>Council/Internal designation</b>	<b>Commentary for designation</b>
Incident Reporting	Internal	No delegation held by any council commitment over the policy. Employment matter which sit within CE’s responsibilities. Operational matter.
Procurement Policy	Internal	No delegation held by any council committee over the policy. Procurement responsibilities, duties and day to day decision-making sit with staff. Procurement is an operational activity. Not within terms of reference for committee approval.
Computer Usage Policy	Internal	Responsibilities, duties and day to day decision-making sit with staff. Operational activity.
Information Management Policy	Internal	Responsibilities, duties and day to day decision-making sit with staff. Operational activity.

AI Policy	Internal	Responsibilities, duties and day to day decision-making sit with staff. Operational activity.
Body-Worn Camera Guidelines	Internal	Responsibilities, duties and day to day decision-making sit with staff. Operational activity.
Advertising of Employee Vacancy Policy	Internal	Responsibilities, duties and day to day decision-making sit with staff. Operational activity. Employment matter which sit within CE's responsibilities.
Career Pathways Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
External Websites Policy	Internal	Operational activity. No delegation with Council.
CCTV Policy	Internal	Operational activity. No delegation with Council.
Child Protection Policy	Internal	Operational activity. No delegation with Council.
Computer and Mobile Use Safety Policy	Internal	Operational activity. No delegation with Council.

Disciplinary Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Delegations Authority Policy	External	Delegations form part of the governance statement S 40 LGA 2002 Council may not delegate policies developed for the purposes of the local government statement (S 32 (f) Schedule 7 LGA 2002. Policy approval retained by Council.
Drug and Alcohol Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Emergency Staff Recognition Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Equity and Diversity Policy	External	Part of local governance statement policy suite S 40 LGA . Adoption cannot be delegated by Council S 32 Schedule 7 LGA. Covers same material an equal opportunity policy would.
Flexible Working Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.

Injury-Illness Management Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Times of death of a staff member	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Prevention of Bullying and Harassment	Internal	Operational activity. Employment matter which sits within CE's responsibilities. No delegation with Council or council committees.
Prevention of Bullying and Harassment	Internal	Operational activity. Employment matter which sits within CE's responsibilities. No delegation with Council or council committees.
Recruitment Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Leave Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Lone Worker Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.

Study Guidelines	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Transition to Retirement Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Trespass Policy	Internal	Operational activity. Employment matter which sit within CE's responsibilities. No delegation with Council.
Amalgamation Policy	TBC	Awaiting feedback from staff on what responsibilities are held in this space to determine designation.
ANZAC Day Policy	Internal	Operational activity. Delegation held at operational level.
Appointment and Remuneration of Directors and Trustees Policy	External,	Relates to CCO appointments. Delegations are not clear that this has been delegated by Council, only operational delegations relate to managing the review of director's remuneration. Requires Audit & Risk involvement as they have been delegated responsibilities for the appointment process and Council approval.

Art in Public Places Policy	Internal	Operational activity. Responsibilities sit at operational level and must comply with District Plans, procurement and engineering code of practice.
Asset Management Policy	External	Involves strategic direction setting, realm of Council. Underpins Infrastructure strategy which is adopted by Council as part of the LTP. Policy language and content indicates Council is approver.
Backflow Protection at Point of Supply Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Berm Maintenance Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Bonding Policy for Subdivisions Works and Large Projects	Internal	Operational activity, legislative responsibilities and decision-making sitting with staff under other enactments.

Camping on Reserves Policy	External	Gets approved as part of reserve management plans which has been delegated to Council be the Minister. Approval for reserve management plans cannot be delegated. Policy covers how camping grounds are designated and managed. Council retains approval of this.
Cellphone Antenna Mast-Streetlight Pole Installation Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Civil Engineering Standards Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Climate Change Policy	External	Strategic document. High level of community interest. No clear or indicative delegations to staff to decide policy direction. Council retains adoption powers.
Closure of Water Races Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Complaints Made by a Member of the Public About an Elected Member Policy	External	Conduct of elected members. Governance level
Commitment to Water Supply Management Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Community Centres, Public Halls, Recreation Reserves & Township Committees Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Community Halls Privately Owned - Insurance	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Connecting City Ratepayers to Council Sewer Rising Mains Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Connections to Sewer Rising Mains Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Cost Of Cattle Stops Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Cost Of Lighting Of Dairy Cow Crossings Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Council's Role in Community Water Supplies Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Credits for Unplanned Disruption of the Water Race Supply Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Crime Prevention Through Environmental Design Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Dangerous, Affected and Insanitary Buildings Policy	External	Must be adopted via SCP process S 83 LGA. Council retains adoption.
Directional Signs Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Dog Control Policy	External	Must be adopted via SCP process. Adopted via SCP process S 83 LGA. Council retains adoption.
Elected Members Disclosure of Interests Policy	External	Delas with elected members. Governance level policy.
Exemptions From Paying Water Race Rates Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Extension of Water Supplies Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Fencing on Reserves Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Gambling Venue Policy	External	Must be adopted via SCP process S 83 LGA. Council retains adoption.
Graffiti Removal Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Housing Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Interest on Separate Rate Accounts Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Irrigation from Water Races Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Land Drainage Tailings Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Land Sales Policy	External	Policy statement states sale or disposal of land or building must be approved by resolution of Council. Based on policy coverage, Council retains responsibilities and decision-making.
Leases and Licences Rental Review Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Local Alcohol Policy	External	Policy must be adopted using S 83 SCP.
Lump Sum Policy	External	Coverage of policy must be adopted using S 83 SCP. S 55 Local Government Rating Act. Adoption sits with Council.
Mailbox Access Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Māori Contribution to Council Decision-Making Policy	External	Part of demonstrating requirements of the LGA. Included within LTP which is consulted on as part of S83 LGA.
Maintenance Of Boundary Roads Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Memorial Seats in Reserves and Public Spaces Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Parking Areas On Road Frontages At Schools Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Planned Works Outage Management Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Play Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Point Strip Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Political Signs Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Power Undergrounding Fund	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Processing Of Late Submissions and Further Submissions Policy	External	Is a policy on consultation. Cannot be delegated by Council as these form part of the local governance statement S 40. LGA restricts delegation for policies like this under S 32 Schedule & LGA
Property Numbering Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Public Forum Policy	External	Relates to how we engage with the community and relates to elected and appointed members .
Public Statements Policy	External	Covers elected members engagement with media. Governance level policy. Covers code of conduct material which also must not be delegated as forms part of governance statements under S 40. Adoption be delegated by Council.
Public Toilets Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Ranking Of Seal Extensions Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Rates Postponement Policy	External	Required to be adopted under S 82 and forms part of the LTP. Cannot be delegated by Council under S 32 Schedule 7 LGA

Rated Remission Policy	External	Required to be adopted under S 82 and forms part of the LTP. Cannot be delegated by Council under S 32 Schedule 7 LGA
Rating for Utilities Policy	External	
Rating of Māori Freehold Land Policy	External	Subject to S 82 LGA. Adopted as part of the LTP adopted under S 83 LGA so adoption must stay with Council.
Relocation and Construction of New Water Races Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Renewal of Leases and Licences Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Repair of Water Race Sinkholes Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Reserves Charging Policy	External	Deals with direction on charging for use and occupation of council administered reserves. Fees and charges approved by Council via LTP and AP. Direction set by Council. Council retains approval of policy.
Reserve Naming Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Resource Consent Applications By Council, Councillors, Malvern Community Board Members and Council Staff Policy, and where Council may be deemed an affected party	External	Covers governance members, requires approval from Council.
Road Names Signs Format Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Road Naming Policy	Internal	

Road Stopping Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Sale of Vehicle and Plant Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Seal Extension Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Sealing Of Entranceway Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Significance and Engagement Policy	External	Requirement to include in LTP. Must be consulted on as part of LTP under S83 LGA
Sister City Visits Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Soak Holes Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.

Standards And Guidelines For Construction and Maintenance Of Roads Policy	Internal	Operational activity, responsibilities and decision-making sitting with staff.
Standing Orders Policy	External	Applies only to elected and appointed members. Part of S40 LGA local governance statement which cannot be delegated by Council. Council retain approval.
Stock Underpass Policy	Internal	Outlines rules and restrictions of building, maintaining and using a stock underpass.
Strategic Purchase of Land for Designated Purposes Policy	External	Guides the decision making for strategic purchases of land for designated purposes. Council retains decision-making delegations.
Temporary Connection to Council Community Water Supplies Policy	Internal	Guidance for the approval process for permitting temporary access to the Council's water supply.

Temporary Road Closure Policy	Internal	Guides decision making around temporary road closure, guides when an application can be accepted, declined or rescinded.
Term of Leases and Licences Policy	Internal	Responsibilities for leasing sit with operations.
Transfer of Farming Leases or Licences Policy	Internal	States SDC's priorities for when an existing lessee intends to dispose of property that incorporates a parcel or parcels of land leased from Council.
Vegetation and Tree Management Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Vehicle Replacement and Procurement Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Ward Discretionary Fund Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level

Waste Management Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Water Billing Policy	Internal	How this is managed. Responsibility for management sits at operational level.
Water Race Cleaning and Maintenance	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Water Race Ponds Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Water Race Tailings Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level

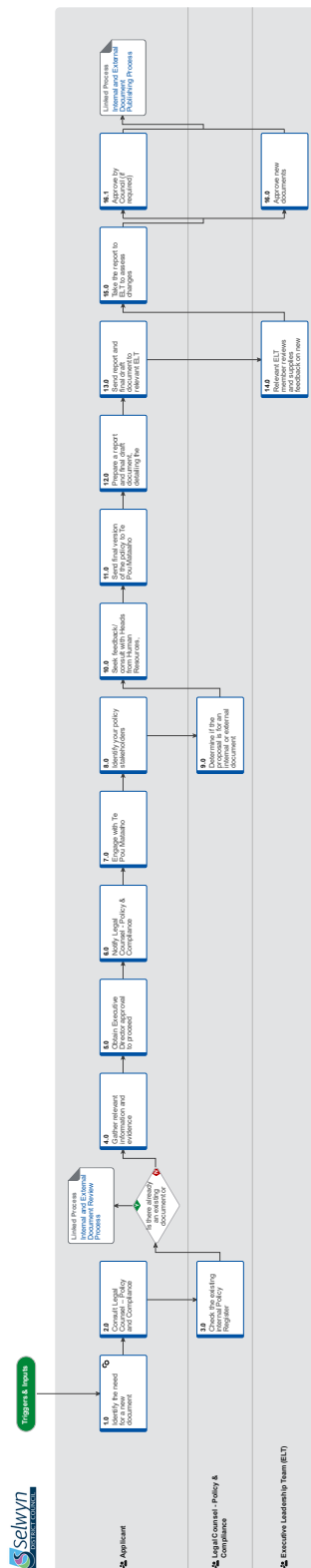
Water Races within Subdivisions Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Restricted Connections to Council Drinking Water Supplies Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Low pressure sewer policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Irrigation from Council Drinking Water Supplies Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Firefighting connections to Council Drinking Water Supplies Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level

Privacy Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Community Funding Policy	Internal	Operational matter. Responsibilities and decision-making sit at staff level
Computer and Workstation Health and Safety Policy	Internal	Employment matter. Responsibilities at operational level
Eye health and safety	Internal	Employment matter. Responsibilities at operational level
Procurement Standards	Internal	Responsibilities sit at operational level. Doesn't fall within terms of reference for council committees.

Unaccompanied or unsupervised child policy	Internal	Responsibilities sit at operational level
Vehicle Policy	Internal	Responsibilities sit at operational level
Retention and Disposal Policy	Internal	Relates to information retention and disposal. Operational matter. Responsibilities and decision-making sit at staff level.
Risk Management Framework	External	Within scope of Audit and Risk committee terms of reference. Governance level policy
Risk Policy	External	Within scope of Audit and Risk committee terms of reference. Governance level policy
Cash Handling Policy	Internal	Responsibilities sit at operational level

Travel Policy	Internal	Responsibilities sit at operational level
Media Policy	Internal	Responsibilities sit at operational level.
Mycoplasma Bovis Contamination Prevention Policy	Internal	Responsibilities sit at operational level.
Special Reserve Fund Policy	Internal	Responsibilities at operational level. Outlines operational process around management.
Staff Code of Conduct	Internal	Employment matter. Responsibilities sit at operational level.
Council Code of Conduct (council members)	External	Relates to conduct of elected members.

Allowances for Elected Members	External	Governance level policy
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# Internal and External Document Development Process

[ In Progress ] v0.44



## Summary

### Objective

Outline the Policy review and development process

**Owner** Julie Hands

**Expert** Jodie Beker

## Procedure

### 1.0 Identify the need for a new document

Applicant

**NOTE** How do I identify if a position statement/s are needed?

- Is it a legislative requirement or best practice to have a document?
- Is there is a pressing or urgent need for clarity of direction?
- Does the policy topic deal with an Extreme or Significant Risk as assessed using our Risk Management Framework criteria
- Is the document key to achieving or establishing organizational vision or culture?
- Is the scope and application of the statement such that it applies to multiple teams or groups?
- Is it a something that is not already covered by any existing document?

**NOTE** What documents does this process cover?

Any document (guideline, standard etc) which either sits, or will sit, within the Policy Register

### 2.0 Consult Legal Counsel – Policy and Compliance

Applicant

**NOTE** How can the Legal Counsel - Policy & Compliance help me?

The Legal Counsel - Policy & Compliance can help you by

- Providing policy resources like templates
- Identifying if a standalone document is needed to address the issue/matter/topic of whether it can be addressed in another document,
- What document is needed. e.g., policy, standard operating procedure.
- Who needs to approve the document and what the process is to get it approved.
- Drafting advice on the document's contents,
- Advice on what other documents or law needs to be considered
- General advice and support

### 3.0 Check the existing internal Policy Register

Legal Counsel - Policy & Compliance



**Is there already an existing document or statement within an existing document or statement that addresses the issue?**

Applicant

YES.... ☐ **PROCESS** Internal and External Document Review Process

NO.... Continue

### 4.0 Gather relevant information and evidence

Applicant

**NOTE** gathering any relevant evidence, data and other information that will help inform the document

Check what other local governments and similar organisations are doing and what any guidance issued by an external body exists to help form what the document should cover.

### 5.0 Obtain Executive Director approval to proceed

Applicant

- If Executive Director does not agree to proceed this may require returning to previous steps. eg: if the reason for decline is not enough relevant information, return to previous step (4)

### 6.0 Notify Legal Counsel - Policy & Compliance

Applicant

### 7.0 Engage with Te Pou Mataaho

Applicant

- Contact Te Pou Mataaho via email and provide them with a copy of the latest version of the document

**NOTE** How can Te Pou Mataaho help?

Te Pou Mataaho can provide advice on whether the policy needs to take into account Te Tiriti principles, what this may need to look like in a revised version as well as the tikanga involved around how to engage with rūnaka if engagement is recommended.

### 8.0 Identify your policy stakeholders

Applicant

**NOTE** How do I identify and confirm who will be part of the policy development project team

Each document in the Policy register will identify other relevant documents. These documents will have contact information of the stewards. Confirm their role and what is required from their specialist area. The team will typically include the policy owner, policy steward and policy stewards on related policies as a minimum

**9.0 Determine if the proposal is for an internal or external document**

Legal Counsel - Policy &amp; Compliance

**NOTE** How do I know if this is an internally or externally facing document?

External policies will generally be those that,

- a) Council adopt and consult on as part of the LTP,
- b) are developed for the purposes of the local governance statement, or
- c) need to be consulted on under S 82 or 83 of the LGA, or
- d) are required to be consulted on as part of another piece of legislation, or
- e) have been assessed as having a high degree of significance, or
- f) are made public because of the level of interest in the topic of the document or position of council outlined in the document, or
- g) are required to be made public by law.

Policies which do not fall into the categories above will usually be internal policies, but some internal policies may still be made available to the community. Council may still need to approve an internal document where it holds delegated authority over the topic the policy covers.

If you are not sure what policies fall into these categories, speak to the Legal Counsel Policy & Compliance.

**10.0 Seek feedback/ consult with Heads from Human Resources, Finance and Legal Units as well as any other relevant business units, and the public (where we are required to engage or consult)**

Applicant

**NOTE** Who should review the document?

For internal and external documents, It is recommended that a draft policy be peer reviewed by two colleagues, one from within the same team as the policy owner and one from outside the team (who has no knowledge of the subject matter)

**NOTE** Who should I get feedback or consult?

For internal documents, the document owner, subject matter experts and any related stewards should form part of a policy review team as a minimum.

For external documents, you will need to confirm what the engagement requirements are e.g., consultation required. Any engagement with the public will need to be planned with the assistance of the Communications Team.

**11.0 Send final version of the policy to Te Pou Mataaho**

Applicant

- a) Te Pou Mataaho will check if earlier advice has been captured, tikanga has been followed and if any additional amendments need to be made.

**12.0 Prepare a report and final draft document, detailing the rationale behind the proposals**

Applicant

**NOTE** How do I draft a report on a new document proposal?

The rationale for the document should be included e.g., legislation requires it.  
What the scope and coverage of the document covers should be included.  
The rationale around the key proposals in the document should be succinctly explained.  
The Group the policy belongs to, the assigned steward, owner and approver should all be included.

**13.0 Send report and final draft document to relevant ELT member for review**

Applicant

**14.0 Relevant ELT member reviews and supplies feedback on new document and report to applicant**

Executive Leadership Team (ELT)

**15.0 Take the report to ELT to assess changes**

Applicant

- a) Once the individual ELT member has endorsed the report and final draft, the document needs to go to ELT as a group.

**16.0 Approve new documents**

Executive Leadership Team (ELT)

- a) For internal documents, when the new document is approved by ELT, then continue onto the publishing process
- b) If the new policy are declined, then follow feedback given by ELT as to why it was declined. Some steps in this process may need to be revisited.

**NOTE** When do ELT approve documents?

ELT can approve any document which applies organizational wide which do not need to be approved by Council.  
Documents or statements which relate to the administration or operation of a particular group can be approved by the relevant ELT member.  
Where a document touches on an area where Council holds a delegated authority, ELT can approve the document but Council's approval for the part that relates to their delegated authority needs to be sought before the document can be published.

**16.1 Approve by Council (if required)**

Applicant

**NOTE** When does council need to approve

If the policy is identified as an external policy as noted in step 8, or the document touches on an area where Council exercise delegated authority e.g., deaccession of strategic Council assets.  
Council will to approve the position in the document before it can be published.

 **PROCESS****Internal and External Document Publishing Process**  
Applicant**Triggers & Inputs****TRIGGERS**

None Noted

**INPUTS**

None Noted

**Outputs & Targets****OUTPUTS**

None Noted

**PERFORMANCE TARGETS**

None Noted

**Process Dependencies****PROCESS LINKS FROM THIS PROCESS**

Process Name	Type of Link	Assigned Role
Internal and External Document Publishing Process	Process	Applicant
Internal and External Document Review Process	Decision	Applicant

**PROCESS LINKS FROM OTHER PROCESSES**

None Noted

**RACI****RESPONSIBLE**

Roles that perform process activities

Applicant, Executive Leadership Team (ELT), Legal Counsel - Policy &amp; Compliance

Systems that perform process activities

None Noted

**ACCOUNTABLE**

For ensuring that process is effective and improving

**Process Owner** Julie Hands**Process Expert** Jodie Beker**CONSULTED**

Those whose opinions are sought

**STAKEHOLDERS**

None Noted

**STAKEHOLDERS FROM LINKED PROCESSES**

Process	Owner	Expert	Process Group
Internal and External Document Publishing Process	Julie Hands	Jodie Beker	Legal
Internal and External Document Review Process	Julie Hands	Jodie Beker	Legal

**INFORMED**

Those notified of changes

All of the above. These parties are informed via dashboard notifications.

**Systems**


Microsoft\_Teams

**Process tag**

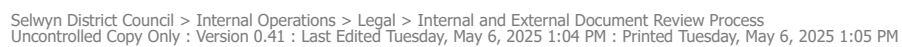
None Noted

**Timeframes**

Activity	Incl.	Active Time	Wait Time
1.0 Identify the need for a new document *			
Normal	✓	-	-
2.0 Consult Legal Counsel – Policy and Compliance *			
Normal	✓	-	-
3.0 Check the existing internal Policy Register *			
Normal	✓	-	-
Is there already an existing document or statement within an existing document or statement that addresses the issue? *			
Normal	✓	-	-
4.0 Gather relevant information and evidence *			
Normal	✓	-	-
5.0 Obtain Executive Director approval to proceed *			
Normal	✓	-	-
6.0 Notify Legal Counsel - Policy & Compliance *			
Normal	✓	-	-
7.0 Engage with Te Pou Mataaho *			
Normal	✓	-	-
8.0 Identify your policy stakeholders *			
Normal	✓	-	-
9.0 Determine if the proposal is for an internal or external document *			
Normal	✓	-	-
10.0 Seek feedback/ consult with Heads from Human Resources, Finance and Legal Units as well as any other relevant business units, and the public (where we are			

	required to engage or consult) *			
	<i>Normal</i>	✓	-	-
11.0	Send final version of the policy to Te Pou Mataaho *			
	<i>Normal</i>	✓	-	-
12.0	Prepare a report and final draft document, detailing the rationale behind the proposals *			
	<i>Normal</i>	✓	-	-
13.0	Send report and final draft document to relevant ELT member for review *			
	<i>Normal</i>	✓	-	-
14.0	Relevant ELT member reviews and supplies feedback on new document and report to applicant *			
	<i>Normal</i>	✓	-	-
15.0	Take the report to ELT to assess changes *			
	<i>Normal</i>	✓	-	-
16.0	Approve new documents *			
	<i>Normal</i>	✓	-	-
16.1	Approve by Council (if required) *			
	<i>Normal</i>	✓	-	-
	Internal and External Document Publishing Process *			
	<i>Normal</i>	✓	-	-
<b>TOTAL</b>			-	-

**Variance Scenarios:**



# Internal and External Document Review Process [ In

Progress ] v0.41



## Summary

### Objective

Outline the Policy review and development process

**Owner** Julie Hands

**Expert** Jodie Beker

## Procedure

### 1.0 Identify document entering review period via Policy Register dashboard

Applicant

#### **NOTE** What documents does this process cover?

Any document (guideline, standard etc) which either sits, or will sit, within the Policy Register.

#### **NOTE** Timeframes depending on type of policy

For internal document reviews this should be initiated 3 mths from the scheduled review date. External policy reviews should be initiated at least 6 mths from the scheduled review date.

#### **NOTE** How do I know if this is an external or internal facing document?

The Policy Register will identify which are external and internal documents.

External documents will generally be those Council approve because,

- Council adopt and consult on as part of the LTP,
- are developed for the purposes of the local governance statement, or
- need to be consulted on under S 82 or 83 of the LGA, or
- are required to be consulted on as part of another piece of legislation, or
- have been assessed as having a high degree of significance, or
- made public because of the level of interest in the topic of the document or position of council outlined in the document, or
- are required by law to be made public, or

Policies which do not fall into the categories above will usually be internal policies, but Council may still need to approve internal documents where they hold delegated authority over the policy topic. Sometimes internal policies may be made public if they meet e, f or g

If you are not sure that your document has been classified correctly, speak to the Legal Counsel Policy & Compliance.

### 2.0 Consult Legal Counsel – Policy and Compliance

Applicant

### 3.0 Engage with Te Po Mataaho

Applicant

- Contact Te Pou Mataaho via email and provide them with a copy of the latest version of the document

#### **NOTE** What can Te Pou Mataaho help me with?

Te Pou Mataaho can provide advice on whether the policy needs to take into account Te Tiriti principles, to what extent the current draft takes Te Tiriti principles into account and tikanga involved in how to engage with rūnaka if engagement is recommended.

### 4.0 Identify your policy stakeholders

Applicant

### 5.0 Gather relevant information and evidence.

Applicant

#### **NOTE** gathering any relevant evidence

Data and other information that will help inform the policy. Check what other local governments and similar organisations are doing

### 6.0 Determine if the changes you are making to the policy are major or minor

Applicant

#### **NOTE** Definitions of Minor and Major

Assess the extent of changes by using the Meta-Policy definition of major or minor. If unsure, discuss with the Legal Team. Minor changes likely won't require any consultation for internal documents. For external documents, any change to the document may still trigger an engagement or consultation process under the relevant legislation.

### 7.0 Seek feedback/ consult with stakeholders

Applicant

#### **NOTE** How should I consult if a policy is an internal policy?

It is recommended that a draft policy be peer reviewed by two colleagues, one from within the same team as the policy owner and one from outside the team (who has no knowledge of the subject matter).

Internal consultation should involve subject matter experts as well as relevant policy stewards on related documents.

#### **NOTE** How should I consult if a policy is an external policy?

If a policy is labelled as an external policy in the Policy Register it will either be because the policy is subject to consultation requirements under relevant legislation, or it has been assessed as having a high level of significance under the Significance or Engagement Policy. The Significance and Engagement Policy will help you decide what method of engagement is appropriate unless the method is prescribed as part of the legislative requirements.

**8.0 Engage with Te Po Mataaho**

Applicant

- a** Te Pou Mataaho review document and check that proposed amendments reflect Te Tiriti principles and existing agreements, and tikanga has been followed.

**9.0 Obtain Executive director approval to proceed**

Applicant

**10.0 Prepare a report, detailing the rationale behind the policy changes**

Applicant

**NOTE Required reporting**

If you have made amendments to an existing policy, the key differences between the versions should be explained in succinct bullet points. The rationale behind the changes should also be briefly explained. If you are revoking an existing policy, the report must include the reason for revoking the policy e.g., content covered in another document, policy no longer needed.

**11.0 Send report to relevant ELT member for review**

Applicant

- a** Update the policy and any covering report with ELT member feedback

**12.0 ELT member reviews and supplies feedback of policy changes to applicant**

Executive Leadership Team (ELT)

- a** @TODO: Enter some text here

**13.0 Take the report to ELT to assess changes**

Applicant

**14.0 Approve policy with new changes**

Executive Leadership Team (ELT)

**NOTE What if ELT do not approve the policy?**

ELT may direct that changes are made to the policy before it is approved or require further information before approval can be given. These will need to be addressed and if required by ELT, may need to be brought back to ELT once the changes have been made or further information has been provided.

If this occurs, you will may need to repeat one or some of the steps of this process.

**NOTE When do ELT approve a document ?**

ELT can approve any document which applies organizational wide which do not need to be approved by Council.  
Documents or statements which relate to the administration or operation of a particular group can be approved by the relevant ELT member. Where a document touches on an area where Council holds a delegated authority, ELT can approve the document but Council's approval for the part that relates to their delegated authority needs to be sought before the document can be published.

**14.1 Approve policy with new changes, If required**

Council

**NOTE When does council need to approve?**

Generally, Council will need to approve documents identified as an external document noted in step 1.

If the document is identified as internal but touches on an area where Council may only exercise authority e.g., deaccession of a strategic asset, Council will to approve the position in the document before it can be published.

**PROCESS****Internal and External Document Publishing Process**

Applicant

**Triggers & Inputs****TRIGGERS****Starts**

Policy needs to be reviewed

**Frequency**

as required  
or as per  
review date

**Volume**

0

**INPUTS**

None Noted

**Outputs & Targets****OUTPUTS**

None Noted

**PERFORMANCE TARGETS**

None Noted

**Process Dependencies****PROCESS LINKS FROM THIS PROCESS**

Process Name	Type of Link	Assigned Role
Internal and External Document Publishing Process	Process	Applicant

**PROCESS LINKS FROM OTHER PROCESSES**

None Noted

**RACI****RESPONSIBLE**

Roles that perform process activities

Applicant, Council, Executive Leadership Team (ELT)

Systems that perform process activities

None Noted

**ACCOUNTABLE**

For ensuring that process is effective and improving

**Process Owner** Julie Hands

**Process Expert** Jodie Beker

**CONSULTED**

Those whose opinions are sought

**STAKEHOLDERS**

None Noted

**STAKEHOLDERS FROM LINKED PROCESSES**

Process	Owner	Expert	Process Group
Internal and External Document Publishing Process	Julie Hands	Jodie Beker	Legal

**INFORMED**

Those notified of changes

All of the above. These parties are informed via dashboard notifications.

**Systems**

None Noted

**Process tag**

None Noted

**Timeframes**

Activity	Incl.	Active Time	Wait Time
1.0 Identify document entering review period via Policy Register dashboard *	✓	-	-
2.0 Consult Legal Counsel – Policy and Compliance *	✓	-	-
3.0 Engage with Te Po Mataaho *	✓	-	-
4.0 Identify your policy stakeholders *	✓	-	-
5.0 Gather relevant information and evidence. *	✓	-	-
6.0 Determine if the changes you are making to the policy are major or minor *	✓	-	-
7.0 Seek feedback/ consult with stakeholders *	✓	-	-
8.0 Engage with Te Po Mataaho *	✓	-	-

9.0 Obtain Executive director approval to proceed \*

Normal ✓ - -

10.0 Prepare a report, detailing the rationale behind the policy changes \*

Normal ✓ - -

11.0 Send report to relevant ELT member for review \*

Normal ✓ - -

12.0 ELT member reviews and supplies feedback of policy changes to applicant \*

Normal ✓ - -

13.0 Take the report to ELT to assess changes \*

Normal ✓ - -

14.0 Approve policy with new changes \*

Normal ✓ - -

14.1 Approve policy with new changes, If required \*

Normal ✓ - -

Internal and External Document Publishing Process \*

Normal ✓ - -

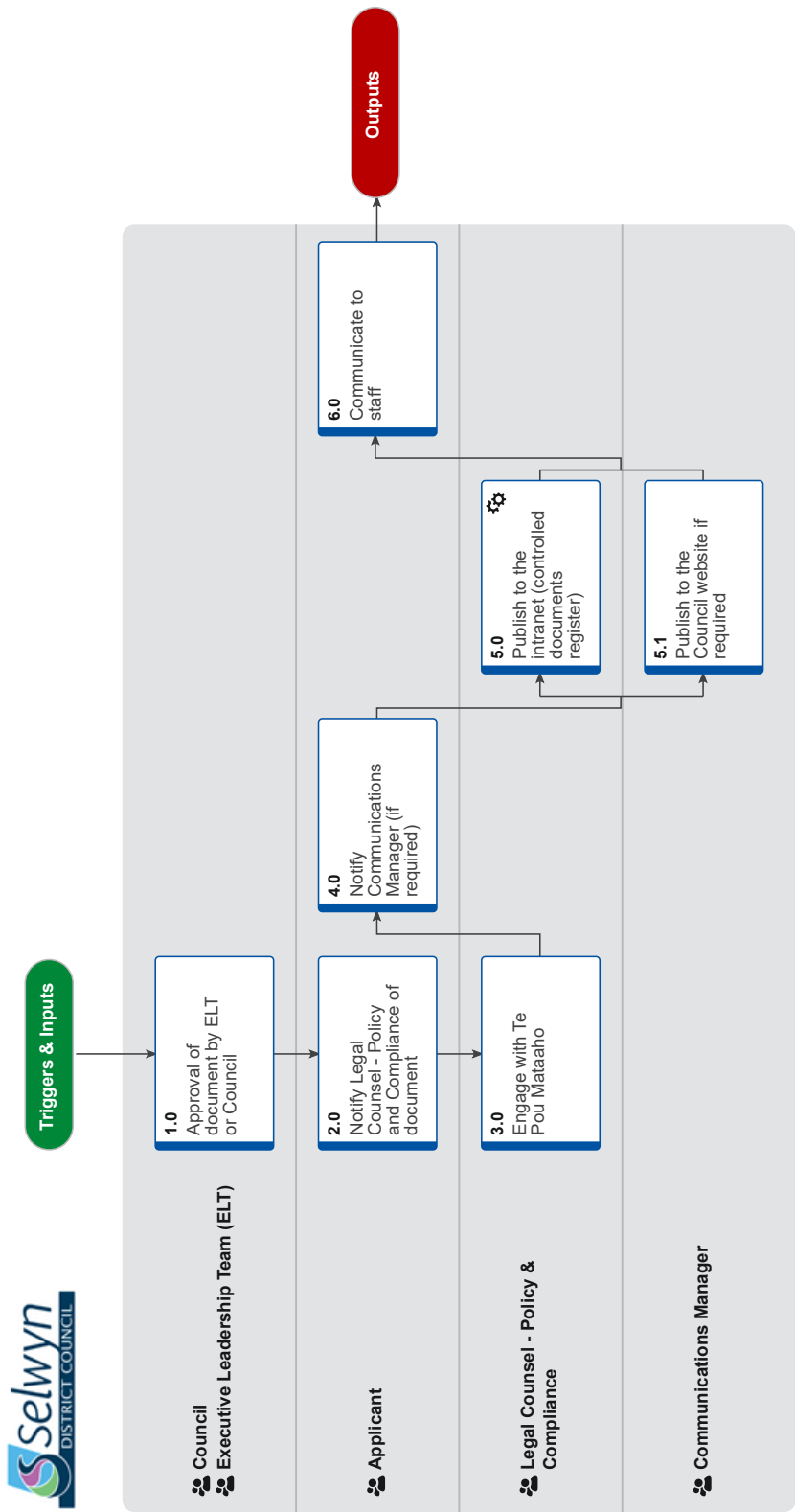
**TOTAL**

- -

**Variance Scenarios:**

# Internal and External Document Publishing Process

[ In Progress ] v0.18



# Internal and External Document Publishing Process

[ In Progress ] v0.18



## Summary

### Objective

Outline the Policy review and development process

**Owner** Julie Hands

**Expert** Jodie Beker

## Procedure

### 1.0 Approval of document by ELT or Council

Council, Executive Leadership Team (ELT)

### 2.0 Notify Legal Counsel - Policy and Compliance of document approval

Applicant

### 3.0 Engage with Te Pou Mataaho

Legal Counsel - Policy & Compliance

- a Send approved document to Te Pou Mataaho for review prior to publishing to check Te Reo Māori use, grammar and macron placement.

### 4.0 Notify Communications Manager (if required)

Applicant

**NOTE** When would I need to contact the Communications Manager?  
Contact the Communications Manager via Fresh Service (Marcoms button on Te Pātaka toolkit) if changes to the policy have major (as defined by the Metapolicy) or will impact different areas of the organization.

### 5.0 Publish to the intranet (controlled documents register)

Legal Counsel - Policy & Compliance

### 5.1 Publish to the Council website if required

Communications Manager

**NOTE** When will a document need to be published to the Council website?  
A policy will need to be published to the Council website when it has been identified as an external policy or a policy of high significance under the Significance & Engagement Policy or high public interest.

### 6.0 Communicate to staff

Applicant

## Triggers & Inputs

### TRIGGERS

None Noted

### INPUTS

None Noted

## Outputs & Targets

### OUTPUTS

None Noted

### PERFORMANCE TARGETS

None Noted

## Process Dependencies

### PROCESS LINKS FROM THIS PROCESS

None Noted

### PROCESS LINKS FROM OTHER PROCESSES

None Noted

## RACI

### RESPONSIBLE

Roles that perform process activities

Applicant, Communications Manager, Council, Executive Leadership Team (ELT), Legal Counsel - Policy & Compliance

Systems that perform process activities

None Noted

### ACCOUNTABLE

For ensuring that process is effective and improving

**Process Owner** Julie Hands

**Process Expert** Jodie Beker

### CONSULTED

Those whose opinions are sought

### STAKEHOLDERS

None Noted

### STAKEHOLDERS FROM LINKED PROCESSES

None Noted

### INFORMED

Those notified of changes

All of the above. These parties are informed via dashboard notifications.

## Systems

Te\_Pataka

Process tag

None Noted

Timeframes

Activity	Incl.	Active Time	Wait Time
1.0 Approval of document by ELT or Council *			
Normal	✓	-	-
2.0 Notify Legal Counsel - Policy and Compliance of document approval *			
Normal	✓	-	-
3.0 Engage with Te Pou Mataaho *			
Normal	✓	-	-
4.0 Notify Communications Manager (if required) *			
Normal	✓	-	-
5.0 Publish to the intranet (controlled documents register) *			
Normal	✓	-	-
5.1 Publish to the Council website if required *			
Normal	✓	-	-
6.0 Communicate to staff *			
Normal	✓	-	-
TOTAL		-	-

Variance Scenarios:

**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.	Tarerekautuku Yarrs Lagoon Restoration Project			
3.	SH1 Rolleston Upgrade Land Requirements			
4.	CORDE Board Director Rotation			
5.	CE KPI's			

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, 4, 5	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	Withholding the information is necessary to enable the Council to "carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(ii)

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