

Ashburton District Council

AGENDA

Notice of Meeting:

A meeting of the Ashburton District Council will be held on:

Date: Wednesday 5 October 2022
Time: 10.30am *Public excluded*
1.00pm **Public meeting**
Venue: Council Chamber

Membership

Mayor	Neil Brown
Deputy Mayor	Liz McMillan
Members	Leen Braam
	Carolyn Cameron
	John Falloon
	Rodger Letham
	Lynette Lovett
	Angus McKay
	Diane Rawlinson
	Stuart Wilson

Meeting Timetable

Time	Item
10.30am	Public excluded items
1.00pm	Public meeting commences
2.15pm	Valedictory Speeches – retiring Councillors
3pm	Afternoon Tea

1 Apologies

2 Extraordinary Business

3 Declarations of Interest

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Minutes

4	Council – 21/09/22	3
5	Audit & Risk Committee – 28/09/22	7

Reports

6	Adoption of Ashburton Airport Development Plan	9
7	Transfer of Water Races to Acton Farmers Irrigation Co-operative	16
8	Adoption of Stormwater Bylaw	29
9	Support for AEC Funding Application	53
10	Community Honours Awards Policy 2022	62
11	Stockwater Race Closure – Methven Highway	71
12	Stockwater Race Closure – Anama	80
13	Community Grants & Funding 2022-23 – Round 2	92
14	Creative Communities Assessment Committee	94
15	Interim Election Period – delegation to CE	96
16	Mayor's Report	101

Business Transacted with the Public Excluded

17	Council – 21/09/22		PE 1
	<ul style="list-style-type: none"> Library & Civic Centre PCG 16/08/22 Ashburton Community Water Trust 	Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities	
	[Now in open meeting]		
	<ul style="list-style-type: none"> ACL Director reappointments 		
18	Audit & Risk Committee – 28/09/22	Section 7(2)(h) Commercial activities	PE
19	Draft Annual Report	Section 7(2)(h) Commercial activities	
20	Elderly Persons Housing	Section 7(2)(h) Commercial activities	PE
21	Methven & Mt Somers Water Project	Section 7(2)(h) Commercial activities	PE
22	Land Sale	Section 7(2)(h) Commercial activities	PE
23	People & Capability 2021/22 Report	Section 7(2)(a) Protection privacy natural persons	PE

4. Council Minutes – 21 September 2022

Minutes of the Council meeting held on Wednesday 21 September 2022, commencing at 1.00pm in the Council Chamber, 137 Havelock Street, Ashburton.

Present

His Worship the Mayor, Neil Brown (Chair), Deputy Mayor Liz McMillan, Councillors Leen Braam, Carolyn Cameron, John Falloon, Rodger Letham, Lynette Lovett, Angus McKay, Diane Rawlinson and Stuart Wilson.

In attendance

Hamish Riach (Chief Executive), Jane Donaldson (GM Strategy & Compliance), Leanne Macdonald (GM Business Support), Steve Fabish (GM Community Services), Neil McCann (GM Infrastructure Services), Sarah Mosley (Manager People & Capability) and Phillipa Clark (Governance Team Leader).

Staff present for the duration of their reports: Toni Durham (Strategy & Policy Manager), Mel Neumann (Policy Advisor), Tania Paddock (Legal Counsel), Janice McKay (Communications Manager), Erin Register (Finance Manager), Rick Catchpowle (Environmental Monitoring Manager).

Three members of public.

1 Apologies

Cr Cameron for early departure. Sustained

2 Extraordinary Business

That pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987 the following item be introduced as extraordinary business to be taken with item 12:

- Council agenda 5 October

McKay/Lovett Carried

3 Declarations of Interest

Item 15: The Mayor and Cr Wilson both declared an interest and will withdraw from the meeting.

4 Confirmation of Minutes – 7/09/22

In response to the Mayor's request for an update on the Market Day road closure application, the Economic Development Manager reported that the applicant met Council's requirements and the letter of approval was signed today.

That the minutes of the Council meeting held on 7 September 2022, be taken as read and confirmed.

Wilson/McMillan Carried

5 Methven Community Board – 5/09/22

That Council receives the minutes of the Methven Community Board on 5 September 2022.

McMillan/Letham Carried

6 Ashton Beach Enhancement Project

Dr Mandy Tocher was welcomed to the meeting and invited to present her report.

Cr Cameron left the meeting at 1.17pm.

Dr Tocher commented that where effective predator control is done, the southern grass skink increases. In terms of Ashburton District, under the new Natural & Built Environment Act, indigenous biodiversity is going to be led more by the regions – so skink could have elevated status under the Act. But skink are scarce in this district, compared to what they used to be.

Dr Tocher was surprised that the application was declined. Council had been diligent in responding to what DOC wanted. In her view, the Council's plan was sound and of concern is the way in which DOC have run the process under the Wildlife Act.

Council's in-house Counsel advised that there is no right of appeal for Council under the Wildlife Act. Council would need to either re-lodge the application or pursue judicial review. Without a Wildlife Permit, skinks cannot be removed or relocated.

Council agreed that it would be useful to meet with iwi and other affected parties to discuss options that could lead to a revised application, such as the creation of a new skink habitat at the Harris Reserve.

1. **That** Council is extremely concerned at the Department of Conservation's decision to decline the Wildlife Act Authority Application and expresses that view to the Minister of Conservation and opposition political party conservation spokespersons.
2. **That** Council further engages with iwi, Department of Conservation and Environment Canterbury before considering whether to submit a revised Wildlife Act Authority application incorporating an additional range of mitigation measures.

McKay/Braam

Carried

7 Use of Footpaths for Alfresco Dining Policy Review

That Council adopts the Draft Use of Footpaths for Alfresco Dining Policy as attached in Appendix 1, for consultation from 23 September to 23 October 2022.

Rawlinson/Lovett

Carried

8 Transwaste Dividend Update

That Council receives the Transwaste dividends report.

McMillan/Letham

Carried

9 Carry-over of funding from 2021/22 to 2022/23

1. **That** Council approves the request to carry over the unspent funds from the 2021-2022 year into the 2022-2023 year, as detailed in this report.
2. **That** these carry-overs be funded as per their original funding.

Falloon/Braam

Carried

10 District Licensing Committee Annual Report – 1/07/21 – 30/07/22

1. **That** the report be received.
2. **That** the report be posted on the Ashburton District Council website.
3. **That** the report be sent to the Secretary for the Alcohol Regulatory and Licensing Authority within one month of adoption.

Lovett/Rawlinson

Carried

11 Dog control Policy and practices report 2021/22

1. **That** the report be received.
2. **That** Council gives public notice of the Dog Control Policy & Practices Report 2021/22 and makes it publicly available.

Letham/Braam

Carried

13 Mayor's Report

The Mayor will attend the State Memorial Service for her late Majesty Queen Elizabeth II, in Wellington on Monday 26 September.

Cr Cameron returned to the meeting at 2.14pm.

The Mayor and Chief Executive met with HEB representatives this week where discussion included the insufficient funding, across New Zealand, to maintain the roading network. There has been general acknowledgement of the impact of adverse conditions, and, while acknowledging those constraints, work is also being undertaken to look at how things can be done better with the resources we have. HEB will present to Council in the near future and will update Council on whether the rejuvenated seal technique (for pothole repair) could be used in this district.

That Council receives the Mayor's report.

Rawlinson/McMillan

Carried

Extraordinary Business – Council Agenda, 5 October

That the 5 October Council agenda be emailed to Councillors as well as being put on Stellar.

McKay/Falloon

Carried

Council adjourned for afternoon tea 2.30pm until 2.55pm.

Welcome to staff –2.55pm

Sarah Mosley, Manager People & Capability introduced new staff – Hannah Herbert-Olsen (Collections & Exhibitions Assistant), Tayyaba Latif (Policy Advisor) and Sarah Davidson (Events Advisor).

Business transacted with the public excluded – 2.58pm

That the public be excluded from the following parts of the proceedings of this meeting, namely – the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each 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:

Item No	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:	
13	Council 7/09/22 • Library & Civic Centre PCG 16/08/22	Section 7(2)(h)	Commercial activities
14	Library & Civic Centre PCG 13/09/22	Section 7(2)(h)	Commercial activities
15	Ashburton Community Water Trust	Section 7(2)(h)	Commercial activities
16	ACL Director Appointment	Section 7(2)(a)	Protection of privacy of natural persons

Cameron/Rawlinson

Carried

Business transacted with the public excluded now in open meeting

- **Ashburton Contracting Ltd Director appointments**

That Council reappoints Andrew Barlass and Ross Pickford as Directors of Ashburton Contracting Limited for a further three year term expiring at the Ashburton Contracting Limited AGM in October 2025.

McKay/Cameron

Carried

The meeting concluded at 4.19pm.

Confirmed 5 October 2022

MAYOR

5. *Audit & Risk Committee Minutes*

Minutes of the Audit & Risk Committee meeting held on Wednesday 28 September 2022, commencing at 1.30pm, in the Council Chamber, 137 Havelock Street, Ashburton.

Present

Councillors John Falloon (Chair), Carolyn Cameron, Liz McMillan and Stuart Wilson.

Via MS Teams: Murray Harrington

Also present:

Councillors Lynette Lovett and Diane Rawlinson

In attendance

Hamish Riach (CE), Neil McCann (GM Service Delivery), Leanne Macdonald (GM Business Support), Jane Donaldson (GM Strategy & Compliance), Sarah Mosley (Manager People & Capability) and Carol McAtamney (Governance Support).

1 Apologies

Mayor Neil Brown and Councillors Leen Braam

Sustained

2 Extraordinary Business

Nil.

3 Declarations of Interest

Nil.

4 Confirmation of Minutes – 10/08/22

That the minutes of the Audit & Risk Committee meeting held on 10 August 2022, be taken as read and confirmed.

Cameron/Harrington

Carried

Item No	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:	
5	Audit & Risk Committee minutes	Section 7(2)(a)	Protection of privacy of natural persons
6	Health & Safety	Section 7(2)(a)	Protection of privacy of natural persons

Wilson/McMillan

Carried

Annual Report Audit Update

The audit was scheduled to commence late October but Audit staff became available early and began auditing remotely last week. Work is continuing this week and officers are optimistic that the audit will be completed on expected timelines with a view to having the Annual Report adopted in December.

Thanks and Appreciation

As this was the last meeting of this Committee, the Acting Chair thanked all members for their input over the past three years. Thanks and appreciation were also extended to Council officers who provided reports to the Committee.

The meeting concluded at 2.01pm.

6. Adoption of Ashburton Airport Development Plan

Author	<i>Richard Mabon, Senior Policy Advisor</i>
Activity Manager	<i>Colin Windleborn, Property Manager</i>
GM responsible	<i>Leanne Macdonald, Group Manager, Business Support</i>

Summary

- This report enables Council to adopt the Ashburton Airport Development Plan (“AADP”).
- The AADP aims to enable the Airport to operate with a reduced rates input while growing in a safe, sustainable and orderly way, protecting existing airport heritage, and operating successfully alongside its residential neighbours.
- The AADP is set out in Appendix 1. It has been amended to reflect council’s deliberations on the submissions.
- The AADP proposes to set up sites for new recreational hangars, commercial hangars, and residential hangar homes. It also provides for the expansion of the Ashburton Aviation Museum.
- Council will consider a review of the district plan provisions for controlling airport site noise. Council also proposes to develop activity performance standards that will manage the effects of airport activities.
- Officers recommend that Council adopts the AADP.

Recommendation

1. **That** Council adopts the Ashburton Airport Development Plan.

Attachments

Appendix 1 Ashburton Airport Development Plan

Background

The current situation

1. The background to the current Airport operation is fully described in the AADP enclosed as Appendix 1.

Maori and Tangata Whenua participation

2. Council engaged with Aoraki Environmental Consultancy (AEC) to ensure that decisions on the AADP are informed by the Treaty Partner perspective.

Interested and affected parties

3. Interested and affected parties will include all airport users and neighbours, as well as airport visitors and potential future tenants. Council conducted pre-engagement with neighbours and Airport users. This is more fully described in the report to the 27 June 2022 Council meeting proposing that the draft AADP be approved for consultation.
4. The draft AADP attracted 109 submissions from individuals and organisations. Eleven submitters requested to speak in support of their submission. One of those eleven was unable to appear at the hearings on 14 September 2022.
5. The submissions, and a summary of feedback, were part of the Agenda for the Submissions hearings conducted on 14 September 2022.

What the submitters told us

6. Submitters raised a variety of issues in their written and oral submissions. The major themes were:
 - Concerns about the proposal referred to in the draft AADP to lease land for a large-scale flying school operated by NZ Air Academy
 - Concerns about sky diving safety, particularly alongside a large-scale flying school
 - The provision and location of commercial and recreational hangars
 - The provision and location of hangar homes
 - Impacts on aesthetics of the site and vistas to the Alps
 - Noise impacts on residential neighbourhoods
 - Impact of growth on grass runways
 - Provision of infrastructure, especially wastewater infrastructure, to a growing Airport.
 - The lack of a specific reference to safety within the values and goals in the draft AADP
 - The aim to reduce to nil rates input to the Airport
7. Other issues to emerge were:

- Support for the Aviation Museum expansion and heritage features generally
- RNAV, an instruments-based navigation system for airport landings
- Relocation of speedway
- Budget transparency
- Land purchase
- CDEM use at the airport
- Right-hand circuits
- New services or amenities, such as public toilets

How Council responded

8. Council's responses to the major themes are more fully described in the minutes of the Submission Hearings and deliberations, and are captured within the Ashburton Airport Development Plan in Appendix 1. In brief, those responses were:
 - Council confined its consideration of flight school matters to the impacts of sharp and significant increases in flight activity on Airport infrastructure and safety. Council noted that a lease to NZ Air Academy was a separate but related matter that would be presented to Council in future.
 - Council noted that a lease has previously been granted to Inflite NZ for skydiving operations at Ashburton Airport.
 - Council noted submitter concerns, as well as overall support, for the provision and location of commercial and recreational hangars and hangar homes. Council affirmed the proposed location of the hangar sites.
 - Council supported measures to support the enjoyment of visual amenity from the Seafield road boundary, including managing the density and appearance of future commercial hangars to preserve the aesthetic values of the location.
 - Council confirmed its intention to look into District Plan noise provisions.
 - Council noted that existing levels of usage can result in damage to grass runways and that as usage increases, the protection of the runways will need to be managed actively.
 - Provision of wastewater, water and other infrastructure to the locality of the Airport is related to, but outside the scope of, the Development Plan. Council is preparing detailed design for water infrastructure projects to service North-east Ashburton and Residential D zones around Ashburton. An issues and options paper is being prepared in regard to wastewater servicing in north-east Ashburton.
 - Council directed that the goals and values statement be reviewed to include reference to safety.
 - Council noted that a nil rates objective is very ambitious and difficult to achieve in the short-term. Council expressed a desire to review commercial landing charges and noted its earlier resolution for all Airport charges to be reviewed as part of the 2023/34 Annual Plan.

9. Council's responses to the other issues are similarly captured in other documents referred to in paragraph 8. Again in brief, Council's responses were:
- Council continues to support the Aviation Museum expansion, and its inclusion in the AADP
 - Council has parked a decision on RNAV pending decisions on the AADP and the lease to NZ Air Academy
 - Council reaffirms that Ashburton Speedway has a long-term lease with 27-28 years to run.
 - Council can make more information on budgets and actuals available to Airport users, and emphasises that overhead allocation is a rigorous process to account for the allocation of costs across all Council activities, including the Airport.
 - Council affirms no immediate plans to acquire more land, while recognising that this can be reviewed if circumstances change.
 - Council acknowledges the strategic value of the airport as a resource for Civil defence response in cases of emergency. Council does not foresee an immediate need to provide CDEM infrastructure at the airport.
 - Council notes the suggestions around right-hand circuits as a method that would reduce flights over residential areas. This will be discussed with Airport users initially.
 - Council notes that proposals for new services or amenities at the Airport can be addressed through the Annual Plan & budget processes.

Options analysis

Option One – Adopt the AADP as presented in Appendix One

10. This option would see Council adopt the amended AADP following the hearing and deliberations session with Council.

<p><i>Advantages:</i></p> <p>The updated plan reflects the direction set by Council during deliberations</p> <p>Clear and transparent process with the community</p> <p>The process followed with this option is lawful and an efficient use of resources</p>	<p><i>Disadvantages:</i></p> <p>None identified</p>
<p><i>Risks:</i></p> <p>Elected members may have other changes they wish to incorporate</p>	

Option Two – Amend the AADP as presented in Appendix One

11. This option is premised on the scope and nature of any amendments being such that the final document is generally within the scope of the draft AADP as consulted upon, and not so materially different as to warrant re-opening of consultation.

<p><i>Advantages:</i></p> <p>Elected members may identify other improvements to the AADP than what officers have signalled</p> <p>Clear and transparent process with the community</p> <p>The process followed with this option is lawful and an efficient use of resources</p>	<p><i>Disadvantages:</i></p> <p>Unintended consequences of amending the AADP with further changes may not be apparent</p>
<p><i>Risks:</i></p> <p>Amendments may be inconsistent with the officer recommended improvements, and may trigger the need for additional consultation with the community</p>	

Legal/policy implications

12. Officers note that the discussion of legal and policy implications presented when Council adopted the draft AADP for consultation remains relevant and accurate.
13. The only fact that has changed is that Council has now completed a consultation process that fits the significance of the matters raised, and meets the decision-making provisions of the Local Government Act 2002.

Strategic alignment

Links to Community well-being

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	The AADP supports economic growth, existing and future commercial use of the airport, and efforts to reduce rates input.
Environmental	✓	The AADP complies with the District Plan and supports the protection of Airport heritage.
Cultural	✗	
Social	✓	The AADP supports existing and future recreational use of the Airport.

Financial implications

Requirement	Explanation
What is the cost?	The direct costs of preparing the AADP are funded from existing operating budgets.
Is there budget available in LTP / AP?	Yes. In addition to operating budgets, there are project budgets for some Airport capital works noted in the AADP. Other development will be funded by leaseholders or by loan, and the loan repayments funded by leaseholders. Future capital works will be the subject of Annual Plan or Long-term Plan proposals.
Where is the funding coming from?	Property operating budgets overall are funded from Property revenues.
Are there any future budget implications?	Yes. The long-term aim of the AADP is to reduce rates input.
Reviewed by Finance	<i>Erin Register, Finance Manager</i>

Improving Revenues

14. Council discussed reviewing Airport fees and charges to maximise revenues from non-rates sources.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium.
Rationale for selecting level of significance	This assessment reflects the application of the criteria and thresholds in the community engagement policy. An assessment “in the round” supports the criteria-based assessment. This was reviewed in the light of the level of submissions received and reaffirmed.
Level of engagement selected	2. Consult – formal two-way communication

Requirement	Explanation
Rationale for selecting level of engagement	Council consulted under Section 82 of the Local Government Act 2002, which reflected the significance of the matters under consultation. Council has preceded the formal consultation with informal pre-engagement with Airport users and neighbours, to ensure that Council is informed of their views. The process chosen enabled 109 submissions to be lodged and ten submitters appeared in support of their submissions.
Reviewed by Strategy & Policy	Mel Neumann, Graduate Policy Advisor Richard Mabon, Senior Policy Advisor

Next steps

Date	Action / milestone	Comments
5 October 2022	Adoption of Ashburton Airport Development Plan	

7. *Transfer of water races to Acton Farmers Irrigation Co-operative*

Author *Richard Mabon; Senior Policy Advisor*
Activity Manager *Andrew Guthrie; Assets Manager*
GM responsible *Neil McCann; GM Infrastructure Services*

Summary

- The purpose of this memorandum is to seek Council's response to the request from Acton Farmers Irrigation Co-operative (AFIC) to transfer stock water races from Council to AFIC. See the transfer proposal enclosed as Appendix One.
- The process for the transfer is set out in the Local Government Act 1974 ("LGA 1974"). AFIC must submit a transfer petition and a transfer proposal. Officers have received and reviewed these documents and confirm they comply with the Act.
- Council has also sought and received feedback from Aoraki Environmental Consultancy (AEC). This is enclosed as Appendix Two.
- The next step is to notify all scheme users and all affected local authorities, namely Ashburton District Council and Environment Canterbury of the proposal and their rights of objection. This work is underway. The minimum period for objections is six weeks. See Appendix Three for an example of the Notice.
- If either of the two Councils, or five percent of scheme users, object to the proposal it must be referred to the Local Government Commission for a decision. If not, the transfer proposal becomes a transfer plan, and work starts to implement the transfer plan.
- Officers recommend that Council does not exercise its right of objection. The proposal meets the statutory requirements and is consistent with council's strategic intent.

Recommendation

1. **That** Council declines to exercise its right of objection to the transfer of water races to Acton Farmers Irrigation Co-operative.

Attachments

Appendix 1 Transfer proposal [\[Supplemental document\]](#)
Appendix 2 Feedback from AEC
Appendix 3 Notice under Section 517M

Background

The current situation

1. Council transferred management of the stock water races to Acton Irrigation Limited in February 2010 and this transferred to AFIC in November 2011. AFIC has managed the race network successfully alongside its irrigation infrastructure and has improved the efficiency of water distribution by piping several mains.
2. AFIC approached Council in 2021 seeking a transfer of these water races. Council staff identified the statutory process under the Local Government Act 1974. Since then AFIC has gathered the necessary information to meet the requirements for a transfer petition and transfer proposal.

Maori and tangata whenua participation

3. The LGA 1974 does not require maori participation as part of the part 29A process. However, the LGA 2002 sits alongside the LGA 1974 Act and it requires that :

77 Requirements in relation to decisions

(1) A local authority must, in the course of the decision-making process,—

(a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and

(b) assess the options in terms of their advantages and disadvantages; and

(c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

4. In observance of section 77, Council sought feedback on the proposal from AEC. See Appendix Two.
5. AEC have sought assurances from Council and AFIC. Those assurances include:
 1. AFIC take on the responsibility to continuously improve the network by continuing to make improvements to reduce the amount of water needed on farms,
 2. If there are fish screens associated with the take these are upgraded to be fully compliant,
 3. That a survey is undertaken to ascertain what fish species are currently found in the network and measures are adopted to either relocate fish species or manage the fish species within the existing network,
 4. There a continued process by both ADC and AFIC to reduce the volume of water taken from the Rakaia River over time to improve the health of the Rakaia River, and

5. The duration of any consents is restricted to 10 years maximum to allow for a ki uta ki tai discussion on the waterways by determining what is needed to improve the health of the health of the Rakaia, Hakatere and Rangitata.

6. Council cannot provide assurances on behalf of AFIC. The proposal will involve separating the volume of water extracted for stockwater purposes (around 630l/s) and used in the Acton Area from the balance of that take. Then that consent will transfer over to the name of AFIC. In addressing that transfer, Environment Canterbury will review the conditions in case there are any that are inappropriate for AFIC operations. Broadly speaking however, it would be expected to transfer across on existing terms and conditions.
7. For that reason Council cannot provide the assurances sought in points 2, 3, 4 or 5. The terms of the consents are set down. A fish screen meeting precise criteria is required under CRC169504, condition 4. If it is non-compliant then AFIC must comply. If it is compliant there is no issue. Fish surveys are not required under the consents. Likewise measures reducing the volume of extraction from the Rakaia.
8. In terms of point 5, the expiry of the consent to be transferred is 27 February 2032, which is within the 10 year period sought by AEC. This is a matter of fact, not an assurance.
9. The overall significance assessment of the matters in this report has been assessed as MEDIUM overall. While this removes Council from a strict legal obligation to take the views of Arowhenua into account, as this is not a “significant decision”, Officers have taken those matters into account out of respect for the relationship with the Treaty Partner.
10. AEC have also sought a broader discussion on water management and a meeting with officers is being arranged.

Options analysis

Criteria for Options Analysis

11. Officers have identified the following criteria for the analysis of Options:
 - Consistency with the purpose expressed in [Section 517C of the LGA 1974](#)
 - The remaining criteria under [section 517U of the LGA 1974](#) for decisions of the Local Government Commission
 - Consistent with council’s strategic intent as expressed in Council’s strategies, community outcomes and community well-beings
 - That decisions are lawful and as per the purpose in the [Local Government Act 2002 section 10](#)
 - That decisions are affordable

Option one – Council declines to exercise its rights of objection (Recommended)

12. Analysis of Option One against the criteria gives the following results:

Criterion	Notes	Score
Section 517C	The detail in the proposal, and the experience of the past twelve years, gives Council confidence that the interests described in section 517C (b) will be adequately protected. The transfer petition demonstrates that a substantial majority of scheme users support the transfer	HIGH
Section 517U	The transfer petition, and the overall result of the objection process, will establish the democratic will of the scheme users. Given the investment in infrastructure made in the past twelve years by AFIC, this option appears to do more to support wellbeings and principles than Option Two.	MODERATE-TO-HIGH
Strategic intent	Council's strategic intent in its Surface Water Strategy is relevant to this proposal. Option One supports Goal 1, Objectives 1.1, 1.2 & 1.3, and Actions 1.1A, 1.1B, 1.1C, 1.1D, 1.2A, 1.2B, and 1.3 C. It also supports Goal 2, Objective 2.3, and Action 2.3D. It is also consistent with the community outcomes <i>"Residents are included and have a voice"</i> , <i>"A balanced and sustainable environment"</i> , and <i>"A prosperous economy based on innovation and opportunity"</i> . It is further consistent with the principle of <i>"Plan and provide fit for purpose services"</i> as it seeks to improve the delivery of stock water services that are increasingly regarded as not fit for purpose.	HIGH
Lawfulness	The process followed is in accord with the LGA 1974 and the LGA 2002. Relevant legal oversight has been obtained by AFIC and ADC.	HIGH
Affordability	Council's costs in dealing with the request are met from operating budgets. AFIC meet their own costs.	HIGH

13. Assuming a scoring system on a 5 point scale with LOW scoring 1, and HIGH scoring 5, Option One scores 24 from 25.

14. This is a higher overall score than Option Two, so Option One is recommended.

Option two – Council exercises its rights of legal objection (Not Recommended)

15. Analysis of Option Two against the criteria gives the following results:

Criterion	Notes	Score
Section 517C	Section 517C states that the purposes of the Act is to enable any water race scheme to be transferred in accordance with the wishes of scheme users and subject to protection of their interests. This has been demonstrated.	LOW-TO-MODERATE
Section 517U	The transfer petition, and the overall result of the objection process, will establish the democratic will of the scheme users. This may be more democratic than a decision from the local government Commission, although the demonstration of fair consideration for minority views is also a hallmark of a democracy. There is no evidence that S517U (c) or (e) will be negatively impacted by option One and Option two will have a similar impact. There has been no evidence advanced to establish that the scheme will be oppressive, unfairly discriminatory or unfairly prejudicial.	LOW-TO-MODERATE
Strategic intent	Council's strategic intent in its Surface Water Strategy is relevant to this proposal. Option Two supports the same goals, objectives and actions as option One, as they are process-related not outcome-related. . It is also consistent with the community outcomes " <i>Residents are included and have a voice</i> ", " <i>A balanced and sustainable environment</i> ", and " <i>A prosperous economy based on innovation and opportunity</i> ". It is less consistent with the principle of " <i>Plan and provide fit for purpose services</i> " as it declines to improve the delivery of stock water services that are increasingly regarded as not fit for purpose.	MODERATE-TO-HIGH
Lawfulness	The process followed is in accord with the LGA 1974 and the LGA 2002. Relevant legal oversight has been obtained by AFIC and ADC. Some of the assurances	MODERATE-TO-HIGH

	sought by AEC cannot be lawfully provided, as they are not consistent with existing consents.	
Affordability	Council's costs in dealing with the request are met from operating budgets. AFIC meet their own costs. Under this option, the prospect of a hearing with the Local Government Commission is raised, which would involve extra costs. These can be met from operating budgets.	MODERATE-TO-HIGH

16. Assuming a scoring system on a 5 point scale with LOW scoring 1, and HIGH scoring 5, Option Two scores 16 from 25.

17. This is a lower overall score than Option One, so Option two is not recommended.

Legal/policy implications

Legal Implications

18. As discussed in the options analysis, AFIC and Council have followed the statutory process set out in the LGA 1974, as well as relevant parts of the LGA 2002.

Council Strategies

19. Also as discussed in the options analysis, Council has had regard to the strategic intent contained in the Surface Water Strategy, community outcomes, community well-beings and Council's guiding principles.

Strategic alignment

Community Outcomes

20. The recommendation relates to Council's community outcomes as follows:

- Residents are included and have a voice – The decision-making process takes into account the views of scheme users, as well as the Treaty Partner
- A balanced and sustainable environment – The proposal supports the efficient management of natural resources
- A prosperous economy based on innovation and opportunity – AFIC has proven to be a safe, innovative and sustainable manager of the natural and built assets under their management

Community Wellbeing

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	AFIC has been a financially prudent operator of the stockwater network, and there are economic benefits from managing the stock water races alongside their irrigation infrastructure.
Environmental	✓	AFIC has proven an environmentally responsible operator and will continue to be bound by resource consent requirements.
Cultural	✓	The values of the Treaty Partner have been taken into account.
Social	✗	Not directly applicable.

Financial implications

Requirement	Explanation
What is the cost?	There are no unbudgeted costs.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	This work is funded from operating budgets, primarily from Assets budgets for District Water Management.
Are there any future budget implications?	Yes. Under the current management arrangements, Council collects a rate across the whole area serviced or adjoining stock water races. An allocation is made to AFIC as a management fee. Assuming that the transfer proposal proceeds, these arrangements will cease at the start of a new rating year and AFIC will collect revenue from all persons served by their infrastructure.
Reviewed by Finance	Erin Register, Finance Manager

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium significance
Rationale for selecting level of significance	Officers applied the criteria and thresholds in the Community Engagement Policy. One scored HIGH, four scored MEDIUM, and two scored LOW for an overall score of MEDIUM. When taken in the round, Officers remained of the view that significance was MEDIUM.
Level of engagement selected	3.Consult – formal two-way consultation. Council is obliged to follow the statutory process, which is a formal two-way process.
Rationale for selecting level of engagement	Level of engagement is driven by statute, and supported by the significance and engagement assessment.
Reviewed by Strategy & Policy	Toni Durham, Strategy and Policy Manager

Next steps

21. Next steps will depend on the outcome of the objections process.



Te Runanga O Arowhenua Society Inc.



AORAKI
ENVIRONMENTAL
CONSULTANCY LTD

18 August 2022

Mr Richard Mabon
Senior Policy Advisor
Ashburton District Council
PO Box 94
ASHBURTON 7740
[delivered to: richard.mabon@adc.govt.nz]

Tēnā koe Richard,

ACTON FARMERS IRRIGATION CO-OPERATIVE STOCK WATER RACE TRANSFER

Te Rūnanga o Arowhenua (Arowhenua) and Aoraki Environmental Consultancy Limited (AEC) thank you for the opportunity to review the draft Acton Farmers Irrigation Co-Operative (AFIC) Transfer Proposal. The proposal will see the stockwater race network southeast of Rakaia River currently owned and administered by the Ashburton District Council (ADC) transferred to the ownership of AFIC.

AEC have reviewed the proposal on behalf of Arowhenua and understand AFIC is proposing that ownership of the stock water race network it operates, is transferred to AFIC on the grounds that the proposal is consistent with the provisions of the Local Government Act 1974, Part 29A Divestment of land drainage schemes and water race schemes. AEC is aware that through a management agreement with Council, AFIC has been operating the Council-owned stock water race since 1 February 2010 alongside its own irrigation scheme in the area, which was built under a Deed of Licence from the Council that was issued at the same time as the management agreement. The process has allowed the AFIC to administer irrigation and stock water to 88 properties for the last 12 years.

In terms of the AFIC proposal, Arowhenua have indicated that they have concerns with management of water within the RDRML network area and way in which discussions on the stock water races is occurring that means there is not an overall discussion on how water take affects the Rangitata, Hakatere and Rakaia Rivers.

With regard to this proposal AEC seeks reassurance from both ADC and AFIC that:

1. AFIC take on the responsibility to continuously improve the network by continuing to make improvements to reduce the amount of water needed on farms,
2. If there are fish screens associated with the take these are upgraded to be fully compliant,
3. That a survey is undertaken to ascertain what fish species are currently found in the network and measures are adopted to either relocate fish species or manage the fish species within the existing network,
4. There a continued process by both ADC and AFIC to reduce the volume of water taken from the Rakaia River over time to improve the health of the Rakaia River, and
5. The duration of any consents is restricted to 10 years maximum to allow for a ki uta ki tai discussion on the waterways by determining what is needed to improve the health of the health of the Rakaia, Hakatere and Rangitata.

Arowhenua through AEC would like a discussion with ADC about the remainder of the stockwater network that ADC is responsible for. AEC would like to gain a holistic understanding of the existing network and where ADC are looking to head in the future

AEC apologises for the delay in getting this response to you. Arowhenua and AEC look forward to hearing more from you as ADC progresses further with this proposal.

Please contact the writer if you have any questions.

Ngā mihi,

A handwritten signature in dark ink, appearing to read 'Kylie Hall', written in a cursive style.

Kylie Hall

Principal Planner (MNZPI)

Aoraki Environmental Consultancy Limited

Mobile: 027 622 3460 | Office: 03 684 8723

30 September 2022

Chief Executive
Ashburton District Council
PO Box 94
ASHBURTON 7740

Dear Hamish

Rights of Objection – Transfer of Water Races to Acton Farmers Irrigation Collective.

This letter is to give you notice of your right to object to the transfer of water races and associated assets to Acton Farmers Irrigation Co-operative (AFIC).

Council has received a transfer petition and a transfer proposal from AFIC. These are the documents required to initiate a transfer under section 517E of the Local Government Act 1974.

Obligations of the proposer

In this case, AFIC is the proposer. As soon as practicable after filing the transfer petition and the transfer proposal under that section, the proposer must serve a copy of the transfer proposal on—

- (a) every scheme user who is the operator of a drainage system or water supply system that utilises the scheme to which the transfer proposal relates; and
- (b) every other scheme user in relation to the scheme to which the transfer proposal relates; and
- (c) every local authority within whose district the scheme to which the transfer proposal relates is wholly or partly situated or which is otherwise likely to be affected by the transfer of that scheme (other than the local authority that has control of that scheme).

Address at which the proposer can be contacted

Contact details are:

Steve Booker
Chairperson, Acton Farmers Irrigation Collective
326 Burnett Street
Ashburton 7700
Email: Steven@tahatradings.co.nz
Phone: 027 436 1511

Rights of objection

If you wish to object to the transfer proposal, you can lodge a written objection to the proposed transfer of the water race scheme identified in the transfer proposal. Your written objection must be lodged at the principal office of Ashburton District Council, 5 Baring Square East, Ashburton 7700 or by post to Ashburton District Council, PO Box 94, Ashburton 9940, or by email to Info@adc.govt.nz

Written objections must be lodged by 5.00 pm, Friday 11 November 2022.

Lodging an objection

Every objection under section 517K—

- (a) must be made in writing; and
- (b) must be lodged with the principal administrative officer of the local authority by 5.00 pm, Friday 11 November 2022; and
- (c) must state the basis on which the person making the objection is entitled to do so under section 517K; and
- (d) must, where the person making the objection is a scheme user who is the operator of a drainage system or water supply system that utilises the scheme to which the transfer proposal relates,—
 - (i) describe that drainage system or water supply system; and
 - (ii) state, against the scheme user's signature, the scheme user's name; and
- (e) must, where the person making the objection is a scheme user (other than a scheme user to whom paragraph (d) applies), state against the scheme user's signature—
 - (i) the scheme user's name; and
 - (ii) the address of the property in respect of which the scheme user is entitled to lodge the objection; and
- (f) must specify the grounds on which the objection is lodged, which grounds must be stated with sufficient particularity as to give full advice to both the Local Government Commission and other parties of the issues involved.

Please note that, if you lodge an objection, you must - either before or immediately after - serve a copy of the objection either personally or by post on the proposer of the transfer.

What happens when objections are received?

Where objections are received from—

- (i) Ashburton District Council or Canterbury Regional Council; or
- (ii) the operator of any other drainage system or water supply system that utilises the scheme; or

ASHBURTON DISTRICT COUNCIL

5 Baring Square West
Ashburton

PO Box 94
Ashburton 7740

P (03) 307 7700
E info@adc.govt.nz

www.ashburtondc.govt.nz

- (iii) scheme users who are occupiers of not less than 5% of the number of separately rateable properties served by the land drainage scheme or water race scheme,—

all the objections received by Ashburton District Council will be forwarded to the Local Government Commission for determination in accordance with section 517T.

Where Ashburton District Council receives an objection under points (i) or (ii) above, then any objections received under point (iii) will also be forwarded to the Commission, even though the objections are from scheme users who are occupiers of less than 5% of the number of separately rateable properties served by the water race scheme.

Yours faithfully

Richard Mabon
Senior Policy Advisor

8. *Adoption of Ashburton District Council Stormwater Bylaw 2022*

Author	<i>Richard Mabon, Senior Policy Advisor</i>
Activity Manager	<i>Andrew Guthrie, Assets Manager</i>
GM responsible	<i>Neil McCann, Group Manager, Infrastructure Services</i>

Summary

- The purpose of this report is to present the Ashburton District Council Stormwater Bylaw 2022 for adoption.
- Council is required to put in place a stormwater bylaw (or appropriate alternative) to meet a condition of its stormwater discharge resource consent.
- Council has followed the statutory process for making this bylaw set out in sections 155 and 156 of the Local Government Act 2002 (“the Act”) and following the special consultative procedure set out in section 86 of the Act.
- Council received seven written submissions on the draft Bylaw and received oral submissions in support of their written submissions from two submitters.
- Council concluded that no amendments to the bylaw were required after deliberating upon the written and oral submissions. Officers were directed to present the Bylaw to council on 5 October for formal adoption.

Recommendation

1. **That** Council, having followed the process for the making of a Bylaw set out in sections 86, 155 and 156 of the Local Government Act 1974, makes the Bylaw attached as Appendix One and titled the Ashburton District Council Stormwater Bylaw 2022.
2. **That** Council give public notice of the making of the Ashburton District Council Stormwater Bylaw 2022 under section 157 of the Local Government Act, noting that the Bylaw will come into operation on 9 October 2022.

Attachment

Appendix 1	Ashburton District Council Stormwater Bylaw 2022
Appendix 2	Significance and engagement tool

Background

The current situation

1. Council holds a stormwater discharge consent (CRC 186263) that relates to the greater Ashburton urban area including Fairton. The consent enables properties to discharge into the Council's stormwater network. Some properties, such as HAIL¹ sites or other high-risk properties may connect so long as they can meet appropriate standards. Council is seeking similar discharge consents for Methven and Rakaia. Discharge consents are required under the Canterbury Land and Water Regional Plan.
2. Clause 28 of the Ashburton stormwater discharge consent requires that Council adopt a Bylaw (or similar measure) to support the operation and enforcement of the discharge consent.

Maori and Tangata Whenua participation

3. Council will engage with Aoraki Environmental Consultancy (AEC) to ensure that decisions on the Stormwater Bylaw are informed by the Treaty Partner perspective.

Interested and affected parties

4. Interested and affected parties will include all landowners served by the stormwater network, and in particular industrial business operators and urban land developers. Environmental care groups, Maori and Environment Canterbury will have a particular interest in the successful operation of the Bylaw to prevent environmental harm.

What do others do

5. Nine territorial authorities in Canterbury have a current stormwater bylaw. Some of these are stand-alone bylaws, and others are part of a "three waters" bylaw. Officers have also examined other bylaws reviewed in the past two years to understand current and emerging practice. This has included other Canterbury territorial authority bylaws.

Options analysis

Option one – Adopt the Bylaw

6. This option accepts the result of the deliberations conducted on 29 September 2022 and adopts the Stormwater Bylaw without amendment.

¹ HAIL is an acronym for the Hazardous Activities and Industries List. It is list of activities and industries that have a high probability of causing land contamination due to historical use, storage or disposal of hazardous substances

Advantages

7. Option one presents the following advantages:

- It fulfils the objectives of the decision, which is to adopt a bylaw.
- It provides Council with a regulatory instrument to achieve the purpose and objectives of the bylaw
- It is a lawful and affordable option.
- It takes into account the feedback from submitters and Council's deliberations

Disadvantages

8. Option One presents the following disadvantages:

- It creates operational costs for Council in implementing the bylaw and compliance costs for affected customers

Risks

9. Option One reduces the following risks:

- Community safety – by providing a new tool to protect public health
- Operational risk – by providing a framework of rules and authorities for dealing with specific operational matters
- Environmental risk – by providing powers and tools to support our existing stormwater discharge resource consent and thus prevent or otherwise address environmental harm from contaminated stormwater

10. Option One increases the following risks:

- Reputation risk – by increasing the range of situations in which Council may find itself making a regulatory intervention
- Legal risk – creating a new regulatory instrument for Council to enforce

11. Option One appears to be 'risk neutral' in terms of the following risks:

- Financial risk
- Our people

Option two – Amend and then adopt the Bylaw

12. This option is based on Council choosing to amend some aspect of the Bylaw at the meeting on 5 October 2022.

Advantages

13. This Option has similar advantages to Option One, except that it does not take the outcomes of Council's deliberations on 29 October into account to the same extent. As the content of any amendment is unknown, it is impossible to assess how the other advantages will be affected.

Disadvantages

14. This Option has similar disadvantages to option One, with the proviso that the uncertain nature of any amendment makes it more difficult to assess the impact on financial and legal risks.

Risks

15. This Option is likely to have a similar risk profile to Option One, with the proviso that the uncertain content of any amendment makes it more difficult to assess the risk affects.

Preferred option

16. Option one is preferred as it follows most closely the outcome of the deliberations and it has less uncertainty in regard to advantages, disadvantages and risks.

Legal/policy implications

Bylaw content

17. The content of the Bylaw is proposed to remain unchanged from the draft approved for consultation.

Legal review

18. The draft Bylaw was comprehensively assessed for legal compliance by Council's In-house Counsel.

Local Government Act 2002

19. Through the bylaw-making process, Council has shown that the proposed bylaw falls within its bylaw-making powers under section 145 & 146 of the Act, and that the bylaw is appropriate under Section 155 of the Act.
20. The proposed bylaw is consistent with the general bylaw-making powers in s. 145 (a) and 145(b) and the specific bylaw-making powers of section 146(1)(b)(iii) and (iv) of the Act.

Resource Consent requirements

21. Clause 28 of the stormwater discharge resource consent requires Council to .."scope, draft and approve a stormwater bylaw under the Local Government Act..." within two years. It goes on to say that..."bylaw-making at a later date, or a different mechanism to achieve the same outcomes as a bylaw, may occur as agreed with..." ECan.
22. It is intended to apply the Bylaw alongside information and education measures to promote voluntary compliance. Experience demonstrates that it is important to have some enforcement options in the toolkit to address the behaviour of persons who do not voluntarily comply. Education and information alone is not sufficient.

Climate Change policy

23. Stormwater networks exist to provide a land drainage function. More frequent rainfall events of a greater magnitude are expected under climate change, so the effective operation of the bylaw to prevent damage, misuse or blockage of the stormwater system will become more important over time.

Strategic alignment

Strategies and plans

24. Council's Surface Water Strategy 2018 contains an action plan. Objective 3.4 is: *"Implement Council's network-wide stormwater consent."* Action A under that objective is: *"Develop and implement stormwater bylaw"*.

Community Outcomes and Wellbeings

25. The creation of a stormwater bylaw relates to all Council's community outcomes, as follows:
- *Residents are included and have a voice* - because citizens can participate in the bylaw-making consultation
 - *A district of great spaces and places* - because clean freshwater enables people to enjoy positive healthy lifestyles
 - *A balanced and sustainable environment* - because an effective stormwater system supports clean freshwater which in turn supports the health of waterways and biodiversity.
 - *A prosperous economy based on innovation and opportunity* - because an efficient and effective regulatory approach will enable voluntary compliance and minimise costs to business and the wider community.
26. The making of a stormwater bylaw relates to community wellbeings as follows:

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Any regulation, such as a Bylaw, may impose costs and restrictions on economic activity. Efficient and effective regulation will minimise those costs and provide an effective control on the frequency and impacts of unlawful activity.
Environmental	✓	Our discharge consent serves to protect the receiving environment from contaminants in the stormwater discharge. This Bylaw supports the operation and enforcement of that consent, and also serves to protect public stormwater assets.
Cultural	✓	We know that both Maori and non-Maori value our fresh water resources and that our laws reflect the concept of Te Mana o te Wai which emphasises the protect of the mauri (life force, special nature) of our waterways and groundwater.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Social	✓	An efficient and effective bylaw will support the operation of the stormwater network, which brings public health benefits.

Conflicts and Trade-offs

27. The biggest potential for conflict is between the costs of compliance to achieve environmental outcomes and well-being and the imposition of those costs on businesses and/or residents.
28. Officers believe Council should maximise voluntary compliance and minimise costs by making it easy for businesses to comply. This is generally supported by submitters.

Financial implications

29. Officers expect to implement the Bylaw within existing budgets and funding policies.
30. Officers note that auditing and reporting on industrial sites will provide Council with better information about the nature and scale of work required to maintain compliance with the stormwater discharge consent. Officers expect that future budget proposals will be shaped by this information.

Requirement	Explanation
What is the cost?	In 2021/22, the stormwater activity has an operating budget of \$1.39M and a capital budget of \$440,000.
Is there budget available in LTP / AP?	Operation of the bylaw is expected to be achieved within operating budgets.
Where is the funding coming from?	Stormwater operating activities are funded from a capital value targeted rate (90%) and general rates (10%). Stormwater capital activities are funded from loan and depreciation reserves and loan repayments and depreciation are funded as operating expenses.
Are there any future budget implications?	There are no immediate budget implications. Potential future budget implications are discussed in paragraph 33.
Reviewed by Finance	<i>Being completed – Council will be updated</i>

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	Yes
Level of significance	High significance
Rationale for selecting level of significance	Officers have applied the seven assessment criteria and thresholds as set out in steps one and two of the Community Engagement Policy. At step three, assessment “in the round”, Officers concluded that the assessment of “High” significance was accurate, as the power to exclude a site from Council’s stormwater network would have high impact on an affected enterprise, including the level of service provided by Council and a high level of community interest.
Level of engagement selected	32. Consult – formal two-way communication
Rationale for selecting level of engagement	Formal two-way consultation is mandatory under the Act for the making of a Bylaw. It is also an appropriate approach for decisions on a significant matter.
Reviewed by Strategy & Policy	Toni Durham, Strategy and Policy Manager

Next steps

33. Formal adoption of the Bylaw is the last governance step in the process. Placing public notice is an administrative matter for legal compliance.

Bylaw

STORMWATER

TITLE:	Ashburton District Council Stormwater Bylaw 2022
TEAM:	Assets
RESPONSIBILITY:	Assets Manager
DATE ADOPTED:	5 October 2022
COMMENCEMENT:	9 October 2022
NEXT REVIEW DUE:	8 October 2027

1. Title and Commencement

The title of this Bylaw is the Ashburton District Council Stormwater Bylaw 2022.

2. Purpose and Objectives

The purpose of this Bylaw is to:

- a) Manage and regulate the land, structures, and infrastructure associated with Ashburton District Council's Stormwater Networks
- b) To protect land, structures, and infrastructure associated with Ashburton District Council's Stormwater Networks from misuse or damage; and
- c) Protect the public from Nuisance; and
- d) Protect, promote, and maintain public health and safety.

The objective of this Bylaw is to:

- a) Prevent the unauthorised use of, or discharge into, the Stormwater Network;
- b) Manage the volume of runoff and entry of contaminants into the Stormwater Network;
- c) Enable the Council to achieve the water quantity, water quality, ecosystem health, social and cultural impact objectives set out in its Stormwater Network Discharge Consents.
- d) Define the obligations of the Council, installers, Occupiers, Owners and the public regarding the discharge of Stormwater and management of the Stormwater Network; and
- e) Manage the risk of flooding.

***Explanatory note:** This Bylaw is to help manage Stormwater Networks within the District so as to protect people, property, and the Environment by minimising the impact of flooding, erosion, and contamination of Stormwater. It is in addition to controls on Stormwater imposed by the Canterbury Regional Council and Ashburton District Council under the Resource Management Act 1991, the Building Act 2004, or any other act, regulation, or bylaw.*

The Council holds Stormwater Network Discharge Consents from Canterbury Regional Council for the discharge of Stormwater. This places obligations on the Council to manage, and where possible improve the quality of Stormwater that enters the network in existing and future urban areas and is discharged to the Environment. Waterways are part of the receiving environment for Stormwater and form part of the network that carries Stormwater. Council has a stewardship role in the protection, restoration and management of waterways and their margins.

Please also note that this Bylaw imposes requirements for applications, Approvals, inspections, monitoring, reviews, and audits and may require works to be undertaken. For the avoidance of doubt, and unless stated to the contrary, the costs of compliance with these requirements, the payment of application fees and cost of private works will rest with the Owner or Occupier of the Site

3. Application

3.1.1 This Bylaw is made under the authority of the Local Government Act 2002 for Stormwater drainage in the Ashburton District. This Bylaw applies to the Stormwater Network owned and operated by the Ashburton District Council, and anything discharged into the Stormwater Network. It also controls activities that may affect the integrity or effective operation of the Stormwater Network.

4. Definitions

In this Bylaw, unless the context requires otherwise:

Approved or Approval means Approved in writing by the Council, either by resolution of the Council or by any Authorised Officer.

Authorised Officer means any Person to whom authority is delegated by Council to take action in relation to this Bylaw or to undertake the duties of a Council officer under this Bylaw, including a contractor or agent of Council.

Buried Services means all public Stormwater pipes, rising mains, and other underground utilities under the responsibility of the Council.

Catchment means the area of land within which Stormwater flows (whether by gravity, pumping, piping, or otherwise) to a given point.

Contaminants has the same meaning as in the Resource Management Act 1991.

Council means the Ashburton District Council, or any officer authorised to exercise the authority of Council.

Development Area means any individual area within a Site or Sites that is undergoing development and construction activities.

District has the meaning provided in the Ashburton District Council Explanatory Bylaw 2016.

Environment has the same meaning as in the Resource Management Act 1991.

Erosion and Sediment Control Plan (ESCP) 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.

Flood Plain means a low-lying area, normally adjacent to a Catchment's main watercourses, that is inundated by water during heavy rainfall or a flood event.

Hazardous Substance has the same meaning as in the Hazardous Substances and New Organisms Act 1996.

Industrial or Trade Sites means—

- a) any Site used for any industrial or trade purposes; or
- b) any Site used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or
- c) any other Site from which a contaminant is discharged in connection with any industrial or trade process;—

but does not include any production land

Non-Residential Site means any Industrial or Trade Site or any commercial Site with heavy vehicle and/or high traffic movements.

Non-Residential Site Stormwater Audit Programme means the Council's programme of work to monitor and improve the discharges from Non-Residential Sites to the Stormwater Network.

Nuisance means, but is not limited to:

- a) Any person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another person;
- b) flooding of any building floor or sub-floor, or public roadway;
- c) any act, or failure to act, that causes:
 - i. damage to property;
 - ii. damage to the Stormwater Network;
 - iii. Erosion or subsidence of land;
 - iv. adverse loss of riparian vegetation; or
- d) anything that causes a breach of any Stormwater discharge consent condition binding the Council, (including an accumulation of chemicals causing a breach).

Occupier means the Person who occupies the Site. This may be the Owner of the Site, a lessee, squatter, or any other Person on or using the Site.

Overland Flow Path means any flow path taken by Stormwater on the surface of the land.

Owner means the Person who owns the Site.

Person includes any individual, the Crown, a corporation sole, and also a body of Persons, whether corporate or otherwise.

Point of Discharge means the point where the discharges leading from the Site connect into the council owned and operated network, which marks the boundary of responsibility between the Owner and Council, irrespective of Property boundaries.

Private Stormwater System means any Stormwater system that serves one or more properties and is not owned, managed, or maintained by the Council. It includes any component that drains water from a Property up to the point of discharge to the Stormwater Network.

Prohibited substance means a contaminant in Stormwater that has not been expressly authorised by the Council. Prohibited substances include, but are not limited to: sediment, cement, construction by-products, green waste, litter, detergents, soap, swimming/spa pool water, metal residues, leachate, petrochemicals, pesticide, solvents, substances labelled “biodegradable” or similar, and any other Hazardous Substance.

Property means a separately rateable Property.

Register of Non-Residential Sites means the Register established under this Bylaw,

Site means any of the following:

- a) A Property or allotment which is held under a separate Record of Title (or for which a separate Record of Title may be issued) and in respect to which a building consent has been (or may be) issued; or
- b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Record of Title is available; or
- c) Land held in public ownership (e.g., reserve) for a particular purpose.

Stormwater means runoff that has been channelled, diverted, intensified, or accelerated by human modification of the land surface or runoff from the external surface of any structure as a result of precipitation and may contain contaminants. . This definition excludes discharges of spilled or deliberately released Hazardous Substances and/or washdown activities, and groundwater taken for the purposes of land drainage.

Stormwater Management Device means a device or facility used to reduce Stormwater runoff volume, flow and/or Contaminant loads prior to discharge. This Includes but is not limited to:

- a) Rain gardens
- b) Porous paving
- c) Infiltration trenches
- d) Sand filters

- e) Settlement traps, tanks, and ponds
- f) Green roofs
- g) Wetlands
- h) Ponds
- i) Rainwater tanks
- j) Proprietary devices
- k) Stormwater detention and/or retention devices.

Stormwater Network means any infrastructure, facilities and Stormwater Management Devices operated, owned, or administered by the Council, which, in relation to Stormwater, are used to convey runoff, or reduce the risk of flooding, or to improve water quality. This includes but is not limited to:

- a) open drains
- b) inlet structures
- c) pipes and other conduits
- d) manholes
- e) chambers
- f) traps
- g) outlet structures
- h) pumping stations
- i) treatment structures and devices.

Stormwater Network Discharge Consent means any Stormwater Network Discharge Consent issued by Canterbury Regional Council, which enables the Council to discharge Stormwater to land and water, in accordance with certain conditions, and includes any variations to the consent.

Stormwater Protection Plan means a plan which relates to a specific Site and/or activity being carried out on the Site and addresses the specific Stormwater management approach for that Site and/or activity.

5. Protection of Stormwater System

5.1 Restrictions

Explanatory Note: The restrictions outlined in clause 5.1 of this Bylaw are in addition to controls on Stormwater imposed by the Canterbury Regional Council and Ashburton District Council under the Resource Management Act 1991, the Building Act 2004, or any other act, regulation, or bylaw.

5.1.1 No Person may, without Council's Approval under this Bylaw:

- a) Connect to, alter any connection, disconnect from, or discharge into, any part of the Stormwater Network; or
- b) Erect any barrier within the Stormwater Network; or
- c) Stop, obstruct, alter, interfere with, or divert any part of the Stormwater Network; or
- d) Build or place any structure or material on, or remove any material from, any Overland Flow Path or Flood Plain.; or
- e) Plant, place or remove vegetation from any part of the Stormwater Network so as to:
 - i. Impair the flow of Stormwater ;
 - ii. Cause bank destabilisation;
 - iii. Impede access by machinery or apparatus used to clean, maintain, or improve the Stormwater Network; or
 - iv. Otherwise cause Nuisance or damage.
- f) Impede the free flow of water in an open Stormwater drain, or within a distance of at least three (3) metres from the nearest margin of that Stormwater drain, with the exception of Approved vehicle crossings; or
- g) Cover, remove, alter or block (partially or fully) any service opening such as a manhole, sump, or any other Stormwater infrastructure unless such actions are undertaken by emergency services personnel for the express purpose of protecting the Stormwater Network from contaminants.

5.1.2 Works to connect to the Stormwater Network, or alter a connection, can only be carried out by a Council Approved contractor, and the contractor must comply with all relevant codes of practice, standards, specifications, Approvals, and conditions required by Council.

5.2 Working Around Buried Services

Explanatory Note:: Anyone working around Buried Services can access beforeUdig at www.beforeudig.com or call beforeUdig at 0800 248 344. This is a free service that lets anyone request information on the location of underground pipes and cables in and around any location. BeforeUdig also covers non-Council infrastructure, including electricity and telecoms. People using the service will receive a plan showing Buried Services in the request location, within 24 hours.

You can use this service even if you are only at the planning stage. When the time comes to start digging you will also need to submit a Corridor Access Request (CAR) if you are working in the road corridor.

- 5.2.1 The Council will keep accurate permanent records ('as-builts') of the location of its Buried Services. This information will be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.
- 5.2.2 Any Person proposing to carry out excavation work around Stormwater Network Buried Services must view the as-built information to establish whether or not Council Buried Services are located in the vicinity.
- 5.2.3 At least five working days' notice must be given to the Council of an intention to excavate in the vicinity of its Buried Services.
- 5.2.4 Where appropriate, the Council will mark out on the ground (within ± 1.0 metre) the location of its Buried Services and provide in writing any restrictions placed on the proposed work which it considers necessary to protect its Buried Services. The Council may charge for this service.
- 5.2.5 When excavating and working around Buried Services due care shall be taken to ensure the Buried Services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification.
- 5.2.6 Any damage which occurs to a Council Buried Service must be reported to the Council immediately. Repairs must be carried out by a Council-Approved contractor. The Person causing the damage shall reimburse Council with all costs associated with repairing the damaged Buried Service, and any other costs the Council incurs as a result of the damage.
- 5.2.7 Where the Council is unable to determine who caused the damage and the damage is to a Council asset or under private land, the Council will seek to recover all costs associated with repairing the damaged Buried Services, and any other costs the Council incurs as a result of the damage, from the Owner of the land where the damage occurs.

5.3 Building over or near Buried Services

- 5.3.1 For building over or near Buried Services, the restrictions and processes described in 5.2 apply. Other restrictions may be applied by the Council for protection of the Stormwater pipe, proposed works methods, depth of excavation, soil physical properties, and other site specific factors.
- 5.3.2 Removal of any covering or obstructing material or adjustment of the Stormwater structures on private land will be at the Owner's expense.

5.4 Loading or Storage of Material Over Public Stormwater Pipes

- 5.4.1 No Person may cause the crushing load imposed on a public Stormwater pipe to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by the Waka Kotahi New Zealand Transport Agency Bridge Manual).
- 5.4.2 No Person may cover, obscure, or place any additional material over or near any part of the Stormwater Network without the prior Approval of the Council.
- 5.4.3 Service openings must not be covered in any way unless Approved. Removal of any covering material or adjustment of the opening are at the Owner's expense.

5.5 Prohibited Substances

- 5.5.1 No Person may cause or allow any Prohibited Substance to:
- a) enter the Stormwater Network, either directly or indirectly; or
 - b) be stored, handled or transferred in a manner that may enter the Stormwater Network, including in the event of spillage, or as a result of rain.

***Explanatory note:** Prohibited Substances, or water contaminated with Prohibited Substances, cannot be disposed of down Stormwater inlets, or washed into roadside gutters, and must be disposed of appropriately.*

Where possible, vehicles, boats, and other equipment should be washed on grassed or shingle surfaces, or at a commercial car wash. This should not be done on sealed surfaces as the wash-down water will run into the kerb and channel and then enter the Stormwater Network, contaminating our waterways.

Preventing Prohibited Substances from entering the Stormwater Network may require preventative and spill control measures such as secondary containment, indoor storage, bunding, and spill kits.

- 5.5.2 Any Person responsible for, or aware of, any spill or discharge of a Prohibited Substance to the Stormwater Network or to land, must immediately notify the Council of the incident.

***Explanatory note:** Spills and similar accidents, whether directly into a waterway or onto land (including roads), have the potential to enter Stormwater and contaminate waterways. The Canterbury Regional Council also requires notification of such incidents.*

6. Conditions of New and Continued Acceptance of Discharge

6.1 Application to discharge

- 6.1.1 Every application to discharge Stormwater to the Stormwater Network must be made in writing on the standard Council form and be accompanied by the prescribed charges. The applicant shall provide all details required by the Council, including how the applicant plans to mitigate any negative effects as a result of the activity outlined in the application. An application must be made irrespective of whether a public Stormwater pipe has been laid up to the Point of Discharge.
- 6.1.2 The applicant will be considered to have the authority to act on behalf of the Owner of the Site for which the discharge is sought and must produce written evidence of this if required by the Council.
- 6.1.3 The Council will, after consideration of any matters the Council considers relevant:
- a) Approve the application and inform the applicant of the method and location of connection, the size of the connection and of any particular conditions applicable; or
 - b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

***Explanatory Note:** As a point of clarification, the details required under 6.1.1 will typically reflect the provisions of clause 7.2.2 which in turn reflects the matters that Council will generally consider relevant. Council may require further detail on information supplied to meet the requirements of the Bylaw.*

- 6.1.4 Upon Approval, where a physical connection is required to the kerb and channel or to the Stormwater Network, the Council will supply and install the Stormwater connection and any extension of the Stormwater Network as necessary to permit such connection at the applicant's cost or may permit the applicant to manage the supply and installation of the Stormwater connection using Approved contractors.
- 6.1.5 An Approved application for discharge which has not been actioned within six months of the date of application Approval will lapse unless a time extension has been Approved.
- 6.1.6 Any application for an extension of time should be received by the Council in writing with reasons as to why the extension is being sought and submitted to the Council at least 20 working days before the date that falls six months after the date that the original application was Approved. Approval of the time extension is entirely at the discretion of the Council.
- 6.1.7 The Council will limit the number of extensions to one. Should the applicant be unable to connect to the Stormwater system within the period of the time extension, an entirely new application will need to be made, with associated costs to be borne by the applicant.
- 6.1.8 Any refund of fees and charges shall be at the discretion of the Council.

6.2 Stormwater Quality Standards

- 6.2.1 The Council may, by resolution, specify standards for discharges to the Stormwater Network.
- 6.2.2 A resolution under this clause may:
 - a) Specify standards generally, or for specific situations, activities, or industries, or for types of Property;
 - b) Apply to all of the District, or to any specified part or parts of the District, i.e., a Stormwater catchment; and
 - c) Apply immediately or come into force at a specified time.
- 6.2.3 Once a standard comes into force, the Occupier of any Property or Site to which the standard applies, must comply with the standard made under this Bylaw.
- 6.2.4 The Council may require the Occupier of any Property or Site to reduce or prevent Contaminants from entering the Stormwater Network in quantities or concentrations that exceed a standard. This may include, but is not limited to:
 - a) Changing on-site practices; or
 - b) Installing a Stormwater management device or treatment process.

Explanatory note: *Non-Residential Sites are also subject to the relevant clauses outlined in Section 7, Management of Stormwater Discharges from Non-Residential Sites.*

Before making any resolution under this clause, the Council will consider their obligations under their Stormwater Network Discharge Consents or any other act, regulation, or bylaw and the views and preferences of Persons affected by the decision, applying the principles in section 82 of the Local Government Act 2002 and the Council's Community Engagement Policy. Any specified standards for discharges to the Stormwater Network will be publicly available on Council's website.

6.3 Requirements for Onsite Stormwater Management

- 6.3.1 The Council may require a Stormwater Management Device to be fitted to manage the quality or quantity of Stormwater being discharged from a Property.
- 6.3.2 The Council may require the implementation of specific site management practices to manage discharges of Stormwater from all or part of Property.

6.4 Construction

- 6.4.1 Installation of lateral connections and junctions on public Stormwater pipes will be inspected by Council prior to acceptance.
- 6.4.2 Any works not constructed in accordance with Council standard specification, or deemed unacceptable in any way, must be repaired, or replaced at the contractor's cost. Additional fees may be applied to the contractor if reinspection is required.
- 6.4.3 The Council reserves the right to inspect, replace, or remove any works constructed by unapproved contractors or others.
- 6.4.4 The Council may recover any or all costs associated with inspection, replacement, or removal from the applicant.
- 6.4.5 Where a new public Stormwater pipe is required as part of a subdivision development, the developer shall provide all the drainage works subject to the Approval of the design and construction of the works by the Council.

7 Management of Stormwater Discharges from Non-Residential Sites

7.1 Register and Risk Classification of Non-Residential Sites

Explanatory note: Discharges from Non-Residential Sites (such as those with highly trafficked paved areas) are at higher risk of Stormwater contamination due to the nature of the activities being carried out on-site. Contaminants that enter the Stormwater Network jeopardise the Council's ability to comply with any Council Stormwater Network Discharge Consent.

- 7.1.1 The Council must, by resolution, adopt a Register of Non-Residential Sites that sets out:
 - a) Industrial, trade and relevant commercial activities; and
 - b) Land areas for industrial, trade and relevant commercial activities that are of interest to the Council; and
 - c) Timeframes for compliance with the Non-Residential Site requirements as set out in an Approved Stormwater Protection Plan.
- 7.1.2 The Council may, by resolution, amend the Register of Non-Residential Sites at any time.
- 7.1.3 The Council will assign a risk classification to a Non-Residential Site on the Register based on the information provided by the Occupier in the Stormwater Protection Plan and any onsite verification.

Explanatory note: The Sites will be entered into the Non-Residential Site Stormwater Audit Programme and will require monitoring and engagement commensurate with their risk status.

- 7.1.4 When a risk classification has been assigned to a Non-Residential Site, the Occupier has 20 working days after receiving notification of the risk classification to object and request a re-assessment. If no objection is received, the risk classification is confirmed after 20 working days.

7.2 Requirement for a Stormwater Protection Plan

- 7.2.1 The Council may require the Owner or Occupier of a Site to submit to the Council for Approval a Stormwater Protection Plan for that Site where, Council is satisfied that::
- a) The Site generates Contaminants and there is a reasonable risk that accidents or other events may take place where Contaminants could enter the Stormwater Network and have the potential to breach the provisions of this Bylaw or any standards made under this Bylaw; or
 - b) For any reason the Council considers there is a reasonable risk of a Contaminant discharge entering the Stormwater Network from that Site that could cause a breach of the provisions of this Bylaw or any standards made under this Bylaw; or
 - c) There are Overland Flow Paths present within the Site that have the potential to breach the provisions of this Bylaw or any standards made under this Bylaw in terms of contaminant discharges to the Stormwater Network.

If another plan has been prepared which addresses these issues, it may be used in place of a Stormwater Protection Plan at the sole discretion of the Council.

- 7.2.2 The Stormwater Protection Plan must include:
- a) A suitably scaled drawing showing the site layout, boundaries, all private Stormwater and Wastewater drainage including the point or points of connection to the Stormwater Network or discharge from the Site, relevant buildings, and outdoor spaces (including their use);
 - b) A site assessment identifying all actual and potential sources of Stormwater contamination;
 - c) Methods in place to prevent contamination of the Stormwater Network and the Stormwater receiving Environment;
 - d) Methods and timeframes proposed to control contamination of the Stormwater Network and the Stormwater receiving Environment;
 - e) A description of the maintenance procedures in place and proposed;
 - f) Spill prevention and spill response procedures;
 - g) Cleaner production, pollution prevention, application of innovative solutions and waste minimisation procedures to be adopted including comment on whether the proposed procedures are considered to be a best practicable option and/or innovative solution.
 - h) Stormwater Management Devices used to reduce Stormwater runoff volume, flow and/or contaminant loads prior to discharge;
 - i) A comment on how the Stormwater Protection Plan meets the overarching purpose and intentions of this Bylaw;

- j) Other matters that Council may decide are required in respect to other features of the Site in question.

***Explanatory note:** Council reserves the right to have any Stormwater Protection Plan reviewed by a suitably qualified or experienced professional at the cost of the applicant/submitter. For new developments, this review can be done in conjunction with the Erosion and Sediment Control Plan.*

- 7.2.3 The Owner or Occupier of the Site must provide a Stormwater Protection Plan to Council for review and Approval within three months of a request from the Council.
- 7.2.4 The Council must Approve a Stormwater Protection Plan if it is satisfied that the measures contained in the Stormwater Protection Plan are adequate to prevent adversely affecting the health and safety of Council staff, or its agents, and the public, as well as preventing damage to the Stormwater Network and the receiving Environment.
- 7.2.5 If a Stormwater Protection Plan has been Approved by the Council, the Owner and Occupier must comply with all provisions, including any timeframes specified in the Stormwater Protection Plan.

7.3 Non-Residential Site Audits, Monitoring and Review

***Explanatory note:** Non-residential Site Audits are a product of the registration and risk classification of existing and new Non-Residential Sites, following an exchange of information between Council and the Owner or Occupier of the Site. The purpose of such Audits is to determine compliance with the requirements of the Bylaw or any standards made under this Bylaw.*

- 7.3.1 The Occupier of a Non-Residential Site must cooperate with the Council's Non-Residential Site Stormwater Audit Programme, including, but not limited to:
 - a) Enabling access to enter the Site subject to reasonable prior notice and Council's compliance with lawful and reasonable health and safety requirements;
 - b) Providing documents, plans and other information relevant to the Stormwater Discharge; and
 - c) Enabling on-site sampling and testing.
- 7.3.2 The Council may require corrective actions to be undertaken by the Occupier of a Non-Residential Site as a result of an audit. These may relate to:
 - a) a plan and timeframes for improving the discharges from the Site to the Stormwater Network; and
 - b) Any other matters that the Council considers appropriate.
- 7.3.3 The Council may review or require a Stormwater Protection Plan (including its risk classification) as the result of an audit process.
- 7.3.4 The Council may require that any Stormwater Protection Plan be revised to the satisfaction of the Council at any time where, in the opinion of the Council, there have been changes in the facilities or operational procedures present at the Site which have the potential to affect the ability of the Site to comply with this Bylaw.

- 7.3.5 An Owner or Occupier of a Site subject to an Approved Stormwater Protection Plan may, at any time submit to the Council a request to update the Stormwater Protection Plan to remedy this (in reference to clause 7.3.4) and submit to Council for its approval.

8 Requirements for Earthworks

8.1 Sedimentation and Erosion Protection

Explanatory note: Reducing erosion and sediment from earthworks helps to prevent habitat degradation in our waterways and protects the Stormwater Network from damage or reduced functionality from sediment.

- 8.1.1 No Person may, as a result of development or works, discharge any Stormwater into a Stormwater drain or any drain leading to the Stormwater Network, unless such development or works includes provisions to ensure siltation and erosion are not increased and that water quality is not reduced. This shall include the installation of adequate silt control measures in accordance with Canterbury Regional Council's Erosion and Sediment Control Toolbox to:
- a) Prevent earth or sediment from being washed off the site or otherwise carried in water onto neighbouring properties, roads, or into the Stormwater Network;
 - b) Stabilise land to prevent earth slipping onto neighbouring properties, roads, or into the Stormwater Network;
 - c) Stabilise entranceways and prevent earth or sediment from being spilled or tracked off the site by people or vehicles; and
 - d) Control or minimise dust.
- 8.1.2 Such provisions shall be made before development or works are started. These control measures shall be maintained and regularly cleaned out until ground cover has been reinstated on the site or the activity no longer poses a risk to the Stormwater Network and/or any measures are self-sustaining..
- 8.1.3 An Erosion and Sediment Control Plan must be prepared for any development areas for which the construction phase Stormwater discharge is authorised by any Council Stormwater Network Discharge Consent; or any other development works that might pose a sediment and erosion control risk.
- 8.1.4 An Erosion and Sediment Control Plan required under this Bylaw must be prepared by a suitably qualified person in accordance with Canterbury Regional Council's Erosion and Sediment Control Toolbox.

Explanatory note: Council reserves the right to have the Erosion and Sediment Control Plan to be reviewed by a Suitably Qualified or Experienced Professional at the cost of the applicant/submitter. Sites with a total area of land disturbance greater than two hectares at any one time are unable to discharge Stormwater under any Council Stormwater Network Discharge Consent and will be required to obtain a separate consent for the discharge of construction phase Stormwater from the Canterbury Regional Council.

9 Maintenance

9.1 Maintenance of Private Drainage Systems

- 9.1.1 It is the responsibility of the Owner to maintain in good working order, at all times, the Private Stormwater Systems on their Site. This includes all pipes, channels, Stormwater Management Devices, or other components. The Owner(s) of any Property with a Private Stormwater System must:
- a. ensure that the Private Stormwater System is maintained in good operating condition, and allows for the free flow of Stormwater ;
 - b. discharge Stormwater from the Site or Sites in accordance with any controls the Council specifies (including any operative resource consent); and
 - c. not cause or contribute to Nuisance in a storm event.
- 9.1.2 If the Council believes that a Private Stormwater System is damaged, blocked, or otherwise not in a satisfactory operating state, the Council may require the Owner to investigate and rectify any issues, at the Owner's cost within timeframes specified or agreed by the Council.
- 9.1.3 The Owner owns the private Stormwater drains and devices within the Owner's Property and on the Owner's side of the Point of Discharge, and is responsible for all maintenance, repairs and associated costs.
- 9.1.4 Any Person with a privately-owned Stormwater Management Device must retain the operations and maintenance manual, as-built drawings, and maintenance records for the device; and make these available to the Council on request.

9.2 Access for Maintenance, Repair, and Inspection

- 9.2.1 Subject to the provisions of the Local Government Act 2002, the Owner or Occupier shall allow Council, with or without equipment, access to any area of the Site for the purposes of carrying out any work on the Stormwater Network including inspection and survey, and for determining compliance with the requirements of this Bylaw.
- 9.2.2 Wherever practical Council shall make every reasonable attempt to notify the Owner or Occupier of any scheduled work on the Stormwater Network before the work commences. Where immediate action is required and notification is not practical, work will be carried out without notice and the Owner or Occupier subsequently informed of works undertaken.

10 Payment

10.1 Prescribed Fees and Charges

- 10.1.1 Where this Bylaw provides for the Council to issue an Approval, or give any authority for anything, or carry out an inspection, monitoring, review, or audit, the Council may require the payment of a fee.

- 10.1.2 Where this bylaw provides for a connection to the Stormwater Network, or the provision of any good, service, or amenity, the Council may require payment of a fee for that service.

Explanatory note: Any fees are set out in the Council's Annual Plan or Long Term Plan. The Council also sets a targeted rate to fund the Stormwater activity.

11 Enforcement of Bylaw

Explanatory note: Council's preferred approach to enforcement is to achieve voluntary compliance through the clear communication of requirements supported by customer education. There may be occasions when this alone is not sufficient to achieve compliance. When the bylaw is breached, Council Officers will need to make judgements about whether and to what extent Council takes more directive action to achieve compliance.

While Council always aims to resolve issues as early as possible, it is prudent to have scope in the enforcement toolbox for escalating response when necessary. Clauses 11.1 to 11.5 set out what Council views as a progression path from less serious to more serious enforcement action, beginning with the issue of a defect notice and culminating in prosecution in the District Court. Council also regards the cancellation of Approval to Discharge Stormwater as a serious enforcement action as it would require an Owner to obtain their own Stormwater Discharge consent from Canterbury Regional Council.

11.1 Breaches of Bylaw

- 11.1.1 Any person commits a breach of this Bylaw who:
- a) does, or causes to be done, or knowingly permits or suffers to be done, anything that is contrary to any provisions of this Bylaw;
 - b) fails to do, or knowingly permits or suffers to remain undone, anything which that person was required to do under this Bylaw;
 - c) refuses or neglects to comply with any notice or direction duly given to that person under this Bylaw within the time period specified in that notice or direction;
 - d) obstructs or hinders any Council Officer in the performance of his or her duties under this Bylaw;
 - e) omits, neglects or fails to obtain a current Approval where required under this Bylaw;
 - f) omits, neglects or fails to pay a fee fixed by Council in respect of any Approval
 - g) fails to comply with any conditions contained in an Approval granted by Council.

11.2 Defect notices

- 11.2.1 In the event of a breach of this Bylaw, the Council may serve a defect notice on the Owner advising its nature and the steps to be taken within a specified period set by Council, to remedy it.
- 11.2.2 If, after the specified period, the Owner has not remedied the breach, the Council may charge a reinspection fee.
- 11.2.3 Council may take immediate action to remedy the defect if the breach is such that delay would create unacceptable results for:

- a) public health, or
- b) safety considerations, or
- c) risk of consequential damage to Council assets; or
- d) compliance with any Council Stormwater discharge consent.

11.3 Remedial Works

- 11.3.1 At any time after the specified period of 11.2.1 has elapsed, or where the breach is such that there is a risk as set out in 11.2.3, the Council may carry out any remedial work required in order to make good the breach, and to recover from the Person committing the breach all reasonable costs incurred in connection with the remedial work.

11.4 Suspension or cancellation of Approval to discharge Stormwater

- 11.4.1 Any breach of this Bylaw may result in the Council suspending or cancelling a Stormwater discharge Approval.
- 11.4.2 Where Approval to discharge has been suspended, the Council will give written notice to the occupier to set out the steps that must be taken, or the criteria that must be met, for the Site to be able to resume discharging into the Stormwater Network, and a timeframe for complying.
- 11.4.3 The Council must give written notice withdrawing a suspension and authorising Stormwater to be discharged from the Site before the Site operator is able to resume discharging Stormwater.
- 11.4.4 Discharge Approval will be cancelled for any suspension that has not been withdrawn within the timeframe specified in the suspension notice.

***Explanatory note:** Once cancelled, an occupier has no legal authority to discharge to the Stormwater Network, and will need to seek the appropriate consents from the Canterbury Regional Council to discharge Stormwater to land or water. If an occupier wishes to reconnect to the Stormwater Network, they will need to apply under clause 6.*

11.5 Injunction

- 11.5.1 Breaches of this Bylaw may result in an application being made to the District Court for an injunction to restrain the party involved from continuing the activity that caused the injunction to be granted.

11.6 Prosecution

- 11.6.1 Any Person who breaches this Bylaw may be prosecuted for any such breach and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002, and may also be liable to penalties under other legislation.

Appendix 2 – significance and engagement assessment tool

This table is required to be appended to reports involving a significant decision, under Council’s *Community Engagement Policy*.

Criteria	Assessment
Strategic assets	Low
Impact on the community	High
Community interest	High
Impact on Te Rūnanga o Arowhenua	High
Financial cost	Low
Levels of service	High
Overall risk	Medium
Total HIGH	4
Total MEDIUM	1
Total LOW	2
Overall level of significance	High
SIGNIFICANT?	Yes

9. Support for AEC funding application

Author *Toni Durham; Strategy & Policy Manager*
GM responsible *Jane Donaldson; GM Strategy & Compliance*

Summary

- The purpose of this report is to seek Council's support for Aoraki Environmental Consultancy's application to the Ministry for the Environment for the Ōtūwharekai Mātauranga Māori Cultural Monitoring Programme.
- A requirement of the application is for AEC to submit letters of support from the Ōtūwharekai steering and working group members.
- The programme is an information gathering project with results shared to all members of the Ōtūwharekai Working and Steering Groups.

Recommendation

1. **That** Council supports Aoraki Environmental Consultancy Limited's funding application to the Ministry for the Environment for the Ōtūwharekai Mātauranga Māori Cultural Monitoring Programme.

Attachment

Appendix 1 AEC and MfE Proposed Project Deliverables

Background

The current situation

1. Ōtūwharekai refers to the wider Ashburton Lakes, of which Lake Camp and Lake Clearwater are a part of.
2. Ōtūwharekai is an area of immense cultural significance to Ngāi Tahu Whānui, being both an important seasonal mahinga kai area and a major travelling route between the settlements on the eastern coast of Te Waipounamu (the South Island) and those on Te Tai Poutini (the West Coast).
3. Due to its importance, Ōtūwharekai / The Ashburton Lakes area was recognised as a Statutory Acknowledgement through the Ngāi Tahu Claims Settlement Act 1998.
4. The ongoing environmental issues in the Ōtūwharekai (Ashburton Lakes) area have been well documented.
5. These concerns led to Council developing its [Lakes Camp and Clearwater 30 year plan](#), recently adopted on the 17 August 2022.
6. This plan recognised that it would take the work of many to solve the complex and challenging issues at play in Ōtūwharekai, with Council committing to working alongside treaty partners and other agencies from a governance to management level (action 4.2) to meet the goals and vision of the plan.

Request from Aoraki Environmental Consultancy

7. Te Rūnaka o Arowhenua, via Aoraki Environmental Consultancy have been working with the Ministry for the Environment on a project in the Ōtūwharekai area to build capacity and capability for Māori to participate in and make decisions for freshwater management in the area.
8. This work has resulted in the Ōtūwharekai Mātauranga Māori Cultural Monitoring Programme, which will see 5 sensors installed in the area (sites to be determined) which would monitor in real time the water quality of each respective site. Appendix one shows the project deliverables as agreed with Mfe and AEC.
9. The data would then enable a richer pool of information from which to develop solutions for the complex issues at play in the area.
10. Ministry for the Environment have requested letters of support from the agencies involved in the Ōtūwharekai Working and Steering Groups, hence the reason for the report to Council.

11. Council are not being asked to contribute any financial resources or staff time to the project.

Options analysis

Option one – Support the funding application (recommended option)

12. This option would see the Mayor sign a letter of support.
13. While there is a low risk that the data shows Council (as landowner) is exacerbating issues in the area, turning a blind eye to this knowledge is at fundamental odds with the purpose of the Local Government Act, section 10 *...to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.*

<p>Advantages:</p> <p>Council would be supporting its Treaty partner to progress a meaningful piece of work in an important area of the district for all.</p> <p>Supporting the application is in line with Action 4.2 of Council Lakes Camp and Clearwater Plan</p> <p>Opportunity for real-time data collection will support the work of all Ōtūwharekai Working Group and Steering Group members.</p>	<p>Disadvantages:</p> <p>Council is not involved in the funding application with MfE so does not have an intimate knowledge of the project.</p>
<p>Risks:</p> <p>Results show Council as land-owner is exacerbating issues in the Ōtūwharekai area.</p>	

Option two – Do not support the funding application

14. This option would see Council not provide a letter of support to the funding application.
15. The impact of this option could damage the Council relationship with AEC, and in turn Te Rūnaka o Arowhenua.
16. This decision would also risk bringing Council's reputation in the Ōtūwharekai working and steering groups, and the political Ōtūwharekai mana to mana group into question.

<p>Advantages:</p> <p>None</p>	<p>Disadvantages:</p> <p>Damage to relationship for no gain to Council</p> <p>Opportunity lost for real time data collection</p> <p>Inconsistent decision with Action 4.2 of Councils Lakes Camp and Clearwater Plan</p>
<p>Risks:</p> <p>Council's reputation with iwi and with the three layers of the Ōtūwharekai project groups diminishes.</p>	

Legal/policy implications

Local Government Act (LGA) 2002

17. Section 10 of the LGA states that the purpose of local government is to promote the social, economic, environmental and cultural well-being of communities in the present and for the future.

Ngāi Tahu Claims Settlement Act, 1998

18. Schedule 46 of the Ngāi Tahu Claims Settlement Act acknowledges the cultural, spiritual, historic, and traditional association Ōtūwharekai for Māori.

Lakes Camp and Clearwater Plan 2022

19. Council adopted its Lakes Camp and Clearwater Plan in August 2022. Action 4.2 specifically states we will *Work with key stakeholders to meet goals and vision of the plan.*

Strategic alignment

20. The recommendation relates to Council's community outcomes of 'a balanced and sustainable environment' and 'a district of great spaces and places'.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic		
Environmental	✓	The area is highly valued for its environment and the lakes are close to 'flipping'.
Cultural	✓	Ōtūwharekai (the wider lakes area) is of immense cultural significance, being both an important seasonal mahinga kai area and a major travelling route between the east and west coasts of Te Waipounamu (the South Island).
Social	✓	There is a strong social connection to the area for many people, and the Ōtūwharekai working and steering groups reflect this given the many agencies involved..

Financial implications

Requirement	Explanation
What is the cost?	There is no cost to supporting the funding application, except for officer time in preparing the report and letter.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Costs are covered from within existing Council budgets.
Are there any future budget implications?	No
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	This project is of high interest to mana whenua, however it does not relate to a strategic asset or have a high level of risk.
Level of engagement selected	1. Inform – one way communication.
Rationale for selecting level of engagement	The community will be advised of the decision via public meeting minutes.
Reviewed by Strategy & Policy	Mel Neumann; Policy Advisor

Appendix One: AEC & MfE Ōtūwharekai Mātauranga Māori Cultural monitoring - Monitoring Programme Proposed Deliverables

Project Deliverables:

Outcomes	Activities	Performance indicators	Completion dates (milestones)
<i>Describe the outcomes that you are seeking to achieve through the proposed activities</i>	<i>The activities that you will develop and implement to achieve outcomes</i>	<i>How will you know that you have completed the activity to a level of quality necessary for successful achievement of outcome?</i>	<i>Target dates for completion of activities.</i>
Build capacity and capability for Māori to participate in and make decisions for freshwater management, including in the implementation of the New Zealand Government's Essential Freshwater reforms	1.1 AEC manage and co-ordinate the development, implementation and ongoing monitoring of the project	1.1.1 Project team established 1.1.2 Management of, and reporting on the facilitation/co-ordination, delivery, attendance and learnings gained from activities.	1.1.1. 15/11/2022 1.1.2. Ongoing
	1.2 Network of sensors installed in the Ōtūwharekai catchment	1.2.1 Sensor locations identified and approved by Kāti Huirapa 1.2.2 Required approvals obtained 1.2.3 Adroit sensors installed 1.2.4 Ongoing monitoring of sensors	1.2.1 31/8/2022 1.2.2 30/9/2022 1.2.3 31/10/2022 1.2.4 Ongoing
	1.3 Ōtūwharekai 'Mauri-o-meter' cultural monitoring framework developed	1.3.1 Identification of indicators (wānanga, engaging with experts etc) 1.3.2 Framework is presented to and approved by the rūnaka 1.3.3 Website developed and launched	1.3.1 30/9/2022 1.3.2 30/9/2022 1.3.3 31/3/2023
	1.4 Te Rūnanga o Arowhenua participate in the management of Ōtūwharekai	1.4.1 Information gathered from the monitoring project support mana whenua to exercise mana whakahaere and kaitiakitanga in their takiwā 1.4.2 Information and mātauranga contributes towards the wider Ōtūwharekai response and restoration mahi	1.4.1 Ongoing 1.4.2 Ongoing
	1.5 AEC develop their environmental Monitoring Capacity	1.5.1 AEC monitoring kaimahi upskilled in aspects of monitoring (work with Adroit & Mahi Maioro) 1.5.2 AEC scope monitoring function (business case drafted)	1.5.1 Ongoing 1.5.2 Ongoing

		1.5.3 Use learnings from the project to inform how AEC can provide cultural monitoring going forward	1.5.3 31/7/2022 (one year review)
--	--	--	--------------------------------------

Project Budget:

Activities	Detail / Cost item	
<i>Copy from Table 1</i>	<i>What is required to deliver the activities</i>	
1.1 AEC manage and co-ordinate the development, implementation and ongoing monitoring of the project	Regular hui with Manawhenua/technical planning team, ecologist and environmental scientist	
	Mana whenua FTE – Cultural expert	
	Mana whenua IT (including computer, licences, drone, printer, insurance)	
	Insurance – 5 sensors	
	Ecologist and environmental scientist – advice provision to Kati Huirapa and wider research team – Dr Jane Kitson	
	AEC Project Management – activity organisation and control	
	Site visits – and including H&S person	
	Additional sensors contingency – to enable additional Lake parameters to be monitored	
1.2 Network of sensors installed in	Adroit	

Activities	Detail / Cost item	
<i>Copy from Table 1</i>	<i>What is required to deliver the activities</i>	
the Ōtūwharekai catchment		
	Site visits – 5 sites Station data controller setup, optical nitrate solution, In-Situ Aqua TROLL Sonde, platform setup, device provisioning, assembly, testing, project management, freight	
	Site installation – 5 sites	
	Chlorophyll A sensor	
	Monthly operating, Adroit platform, connectivity and optional maintenance – two-year operating costs – 5 stations	
1.3 Ōtūwharekai ‘Mauri-o-meter’ cultural monitoring framework developed	Dr Kēpa’s costs	
	Smartphone cradle specification, cradle fabrication and installation, data access protocols and agreements	
	Identify indicators and thresholds - Wananga facilitation and recording; spreadsheet summary Wananga outputs	
	Design framework for combining and analysing indicator data, software adaption for 5 locations - Mauri Model digitisation specification; 160 hours programming R-shiny code	
	Software development for data storage and AP for data retrieval associated with additional data sources (mahinga kai and CHI) and to store digital images collected from mobile phone (cradles) - SW license and host server; specification and 40 hours programming; AP development and testing	
	Design a graphic user interface - Specification, SW license and platform; graphic artist; 40 hours programming	

Activities	Detail / Cost item	
<i>Copy from Table 1</i>	<i>What is required to deliver the activities</i>	
	Website – survey design and analysis 20 hours; final report writing 20 hours	
	Project Management - Activity organisation and control; periodic reporting (monthly updates)	
	Quality Assurance - Specification verification and approvals	
	SW licenses, webpage hosting, support	
1.4 AEC develop their environmental Monitoring Capacity	AEC team comprising technical team, and cultural consultants to develop new Cultural Environmental Monitoring team as project progresses and capacity to grow	
	Mana whenua FTE – Cultural expert	

10. Community Honours Awards Policy

Author	<i>Mel Neumann; Policy Advisor</i>
Activity manager	<i>Toni Durham; Strategy and Policy Manager</i> <i>Phillipa Clark; Governance Team Leader</i>
Group manager	<i>Jane Donaldson; Group Manager Strategy and Compliance</i>

Summary

- Council's current Community Honours Awards Policy is due for review.
- Officers have undertaken a review and are proposing some changes to the policy.
- Council has options to:
 - Rollover the current policy (status quo), or
 - Remove the policy, or
 - Adopt the amended policy as attached in Appendix 1 (recommended), or
 - Adopt an amended version of the policy.
- The purpose of this report is to recommend that Council adopts an amended Community Honours Awards Policy.

Recommendation

- 1. That** Council adopts the Community Honours Awards Policy.

Attachment

Appendix 1 Community Honours Awards Policy

Background

Current situation

1. Council's current Community Honours Awards Policy is due for review. The policy outlines how Council recognises contributions from and achievements by individuals and organisations in the district. During the last review in 2019, the Keys to the District award was included.
2. The current policy includes categories such as the Mayor's Award for Public Service, the Ashburton Medal, Civic Awards, Honorary Citizens, and Keys to the District. These awards are distinctly for Council's recognition of public service by individuals, teams, and organisations in the community who contribute to the greater good of the district or achieve excellence in their field on a national or international level.

Award	Details
Mayor's Award for Public Service	<ul style="list-style-type: none">• Must have made a significant and sustained contribution to the district.• No limit to the number of people recognised.• Awarded at the Community Honours Awards ceremony.• Bestowed on an individual for a lifetime.
Ashburton Medal	<ul style="list-style-type: none">• Achievement of individual or teams who have been successful in their field and made an outstanding contribution to the district, or national or international achievements.• Only one medal awarded annually at the Community Honours Awards ceremony.
Civic Awards	<ul style="list-style-type: none">• Recognition of substantial service, usually of voluntary nature or beyond normal employment, benefiting Ashburton District and its people.• No more than five awards per year awarded annually at the Community Honours Awards ceremony.
Honorary Citizens	<ul style="list-style-type: none">• Extraordinary honour granted to those who have given great service to Ashburton.• Can be awarded at any time.
Keys to the District	<ul style="list-style-type: none">• Recipients must have significant achievement or recognition in their field of expertise at a national or international level over at least five years.• Must have resided in the district for at least five years.• Only one can be awarded per term of Council.• To be awarded at an appropriate ceremony being held in their honour, or at a morning or afternoon tea provided by Council.

3. Officers have reviewed the current policy and suggest that the following changes are required:
 - Extending the review date from three to five years (or as required).
 - Update of team responsible for the policy from the Strategy & Policy Team, to the Governance Team.
 - Removal of the Honorary Citizens Award – this honour has never been awarded, and officers believe that recognition could be given via the other awards available.
 - Additional wording setting out that generally nominations are not invited and awards ceremonies are not held in election years.
 - Additional wording stating that awards ceremonies will generally be held in the last quarter of a year (excluding election years), and that Council will either host a public civic ceremony, or will award honours to recipients at a Council meeting.
 - Updated wording regarding the Mayor’s Award for Public Service – removal of the requirement for more than 20 years contribution, and removal of the reference to this award being the highest honour bestowed by the Council.
 - Additional wording regarding the Keys to the District Award, taken from the separate guidelines document (which officers consider is unnecessary).

Options Analysis

Option one – Roll over the current policy (status quo)

4. This option would see Council making no changes to the policy and rolling it over as it currently stands.

<i>Advantages:</i> None identified	<i>Disadvantages:</i> Identified improvements to the policy would not be implemented
<i>Risks:</i> May result in reputational damage to Council for not keeping the policy relevant	

Option two – Remove the policy

5. Council is not required to have a Community Honours Awards Policy and could therefore decide to remove it.

<p><i>Advantages:</i></p> <p>One less policy to review and maintain</p>	<p><i>Disadvantages:</i></p> <p>May result in inconsistent decisions of Council when awarding honours</p>
<p><i>Risks:</i></p> <p>May result in reputational damage to Council for not being open and transparent with regards to criteria and parameters of the awards</p>	

Option three – Adopt the amended policy as attached in Appendix 1 (recommended)

6. This option would see Council adopting the updated policy as attached in Appendix 1. This is the recommended option, as it includes the improvements that have been identified by officers.

<p><i>Advantages:</i></p> <p>Improvements identified by officers would be included into the policy</p> <p>Maintaining the policy's relevancy with the community</p>	<p><i>Disadvantages:</i></p> <p>None identified</p>
<p><i>Risks:</i></p> <p>Elected members may have other changes they wish to incorporate</p>	

Option three – Adopt an amended version of the policy

7. It is acknowledged that Council may feel that alternative or further changes to the policy may be required.

<p><i>Advantages:</i></p> <p>Elected members may identify other improvements to the policy than what officers have signalled</p>	<p><i>Disadvantages:</i></p> <p>Unintended consequences of amending the policy with further changes may not be apparent</p>
<p><i>Risks:</i></p> <p>Amendments may be inconsistent with the officer recommended improvements</p>	

Legal/policy implications

Local Government Act 2002 (LGA)

8. The purpose of local government under section 10 of the LGA is to promote well-being for communities. This policy contributes to promoting social well-being.

Strategic alignment

9. The recommendation relates to Council's community outcomes of 'residents are included and have a voice'.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	×	
Environmental	×	
Cultural	×	
Social	✓	Recognising the contributions from and achievements by individuals and organisations in the district helps to strengthen community networks.

Financial implications

Requirement	Explanation
What is the cost?	Amending the policy has no cost
Is there budget available in LTP / AP?	Not required
Where is the funding coming from?	Not required
Are there any future budget implications?	No
Reviewed by Finance	Erin Register; Finance Manager.

Significance and engagement assessment

10. The recommended option (draft policy as attached in Appendix 1) has been assessed against Council's Community Engagement Policy and does not trigger high significance.

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	No major changes are being proposed
Level of engagement selected	11. Inform

Rationale for selecting level of engagement	The proposed policy is not considered significant or contentious. The community will be informed of the changes via the usual media channels.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

DRAFT Policy

ASHBURTON DISTRICT COUNCIL COMMUNITY HONOURS AWARDS

TEAM:	Strategy and Policy Governance
RESPONSIBILITY:	Strategy and Policy Manager Governance Team Leader
ADOPTED:	5 October 2022
REVIEW:	Every five ^{three} years, or as required
CONSULTATION:	None required
RELATED DOCUMENTS:	Ashburton District Council Long-Term Plan, Local Government Act 2002.

Policy Objectives

- To outline how Ashburton District Council (Council) recognises contributions from and achievements by individuals and organisations in Ashburton District.
- To set out the types of awards and honours Council can bestow on individuals and organisations.

Policy Objectives

- Acknowledging contributions to the district serves as an inspiration to others and contributes to creating a sense of pride amongst [Ashburtonians, the people of the Ashburton District.](#)

Policy Statement

1. Nominations

- 1.1 Nominations ~~would be~~^{are} invited annually ([excluding election years](#)) for all awards except the Keys to the District Award, ~~with an explanatory leaflet available.~~
- 1.2 Nominations ~~would~~^{should} be made [in writing](#) by organisations, associations, societies or clubs (or by any two officers of these) giving full information on how the individual or organisation's work or activities goes above and beyond the normal contribution of other citizens. The permission of the nominee(s) ~~would~~^{is} not ~~be~~ required, but if selected, their agreement would be needed before an award was made.
- 1.3 The information on all those nominated would be considered confidentially by a selection panel [of elected members, including the Mayor and Deputy Mayor.](#) ~~made up of the Mayor,~~

~~Deputy Mayor and two other Councillors.~~ The names and information on those not selected would remain confidential. These persons could be re-nominated in following years.

2. Mayor's Award for Public Service

2.1 The Mayor's Award for Public Service ~~is the highest civic honour bestowed by the Council.~~ ~~Mayor's Awards are rare awards~~ is given to people who have made a significant and sustained contribution to the district. The Award recognises the recipients as stewards of the district and as people of special note.

~~2.2 Nominees for the awards must have made a significant contribution to the district for more than 20 years.~~

~~2.3~~2.2 This civic honour is bestowed upon an individual for their lifetime.

~~2.4~~2.3 There is no limit to the number of people recognised as worthy of the Mayor's Award for Public Service. Worthy nominees are identified and assessed on a case by case basis.

3. Ashburton Medal

3.1 The Ashburton Medal honours the significant achievement of individuals or teams who have been very successful in their chosen field and who have made an outstanding contribution to the district as a whole, or outstanding national or international achievements.

3.2 Only one Ashburton Medal may be awarded each year.

4. Civic Awards

4.1 Civic Awards are awarded in recognition of substantial service, usually of a voluntary nature or beyond normal employment, benefiting Ashburton District and its people. The nominees will have generally carried out predominantly voluntary work but payment for services will not necessarily disqualify receiving an award.

4.2 Substantial service includes short-term or long-term projects or activities that have benefited the whole of the district adding to the quality of life of residents. In exceptional circumstances an award may be granted to a non-resident of Ashburton, if the service has been carried out in Ashburton District.

4.3 No more than five Civic Awards may be made each year.

5. ~~Honorary Citizens~~

~~5.1 Honorary citizenship is an extraordinary honour granted to individuals who have given great service to Ashburton.~~

~~5.2 Honorary citizenship is a symbolic gesture. It does not grant any legal rights to citizenship of New Zealand.~~

~~5.3 Honorary citizenship may be granted to an individual, organisation or a position/title.~~

~~5.4 Honorary citizenship may be awarded at any time.~~

6. Keys to the District

- ~~6.1 Recipients must have significant achievement or recognition in their field of expertise at a national or international level, over a sustained period of time of at least five years.~~
- ~~6.2 Recipients must have resided in the Ashburton district for at least five years, but not necessarily when their achievement / recognition occurred.~~
- ~~6.3 Only one Keys to the District Award is able to be given out per term of Council.~~

7.5. Awarding of Honours

- ~~5.1 The Council will host a public Civic Ceremony to honour the recipients either on an annual or bi-annual basis based on the nominations received. Honours will generally be awarded in the last quarter of each year, excluding during an election year.~~
- ~~5.2 Depending on the nominations received, the Council will either host a public Civic Ceremony, or will award honours to recipients at a Council meeting.~~
- ~~7.1~~

6. Keys to the District

- 6.1 Recipients must have significant achievement or recognition in their field of expertise at a national or international level, over a sustained period of time of at least five years.
- 6.2 Recipients must have resided in the Ashburton district for at least five years, but not necessarily when their achievement / recognition occurred.
- 6.3 Only one Keys to the District Award is able to be given out per term of Council.
- 6.4 Officers will assess the request and provide a recommendation to Council. The recipient will be confirmed by a majority vote of Council.
- 6.5 The recipient will be awarded with a symbolic key, containing the Ashburton District Council emblem.
- 6.6 The Keys to the District will be awarded to the recipient at an appropriate ceremony already being held in their honour. If no such ceremony is being held, the Keys may be awarded before a morning or afternoon tea provided by Council.

8.7. Monitoring and Implementation

- ~~8.17.1~~ The Strategy and Policy Manager Governance Team Leader will monitor the implementation of this policy.
- ~~8.27.2~~ The policy will be reviewed every ~~five~~three years or at the request of Council, or in response to any issues that may arise.

11. Stockwater Report – SKW/002/22 – Methven Highway

Author *Crissie Drummond, Infrastructure Services Support Lead*
General Manager *Neil McCann, Group Manager Infrastructure Services*

Summary

- The purpose of this report is for the Council to consider an application to close a section of stockwater race starting on PN: 18872 – Main Street, Methven.
- The closure involves sections of main race and two local races.
- The total distance to be closed is 6,739 metres.
- There are 11 affected properties, including the applicant.

Recommendation

1. **That** Council approves the closure of the stockwater race starting on PN: 18872, Main Street, Methven at a junction on the Mt Harding Creek Main (Dolma Gate) including 1,583m of the Methven Lauriston main and 5,156m of two local races ending on PN: 460, 2866 Methven Highway and PN: 23471, 350 Line Road, being a total of 6,734m.
2. **That** the closure be effective from 14 October 2022.

Attachment

Appendix 1 Map of proposed closure

Background

The current situation

1. An application has been received from the owner of PN: 23916 – 2877 Methven Highway Ashburton to close a local stockwater race running through his property, and 10 other properties.
2. The proposal is to close a portion of main and local stockwater race from a junction with the Mt Harding Creek main (known as Dolma Gate) located on PN: 18872. The race travels under Methven Highway (SHWY 77) down to PN: 18493 where the race then splits at the junction of Methven Lauriston race. One section ends at PN: 460 - 2866 Methven Highway. The other section continues along the Mt Harding Creek main until it reaches a junction on Methven Lauriston Road at PN: 23916 and ends at PN: 23471 on 350 Line Road.
3. Council's Water Ranger has confirmed the exact location of the race and that the applicant and ten other parties are affected by this proposal.
4. The Asset Manager has advised that there is no strategic value in this race system and there may well be benefits accruing from ceasing the diversion from Mt Harding Creek.
5. There is one road crossing affected by this closure. The Methven Highway is a state highway and therefore comes under Waka Kotahi jurisdiction.
6. Waka Kotahi have advised that they would ideally want to retain the culvert under SH77, and also wish to retain the side drain formation on the east side of the highway, as this is the only highway and community drainage system currently available in this area. The issue with the side drain is while it appears to be in the road corridor, it is actually all located on private land so should the landowners choose to fill it in, then the natural drainage system will become redundant, and it is more likely their properties will flood in times of heavy rain. Waka Kotahi have indicated they would likely need to maintain this side drain themselves as a means of dealing with highway surface water, but this would have to be done with the approval of each private landowner.
7. The closure consent conditions would request that the race/drains do not get filled in for stormwater purposes.
8. A Rapid Field Ecological Assessment was undertaken at 2969 Methven Highway which showed no evidence of ecological significance.
9. The area, and races concerned receive water from the Methven Auxiliary and Pudding Hill intakes, with the latter intake currently being investigated for possible closure. Note that as part of the closure analysis work, alternative water supplies for all properties fed by the Pudding Hill intake is being investigated.
10. Ashburton Lyndhurst Irrigation Limited have their network in this area. On 17 November 2021, Council resolved "***That*** in accordance with the recommendation from the Water Race Network Advisory Group at their 1 October meeting, Council endorses Ashburton Lyndhurst Irrigation Limited as the preferred supplier of stockwater within their scheme command area."

Consultation

11. The applicant has consulted with the other 10 affected property owners on the proposed closure.
12. All property owners completed and returned the required Water Race Closure Affected Parties Consent Survey.
13. The results of the surveys forms are outlined below:

Support closure	Do not support closure
8	3

14. The three property owners not supporting the closure have stated:

PN	Reason for not supporting	Race length	Staff Comment
486	Has blue gum trees and has a pump ready when burning branches in case the fire gets out of control.	120m	Firefighting water is not a core function of the stockwater race. Property is located 1km from Methven town boundary. This property is connected to the Methven Springfield water supply.
488	Relies on bees for crop pollination. Troughs do not provide enough space for stock and bees drown in troughs. Concerned about stormwater causing flooding if race is filled in. Race provides firefighting water supply. Fresh running water is best for stock & bees.	242m	<p>This is a mostly cropping farm with some lambs run for a few weeks at a time. Has a permanently reticulated irrigation system on property, but no reticulated trough system.</p> <p>This property is a shareholder of Ashburton Lyndhurst Irrigation Ltd and will have access to stockwater from the scheme all year.</p> <p>The consent conditions will</p>

			request the races do not get filled in but are swaled to provide stormwater drainage.
23566	Has concerns about sourcing water to fill a portable tank to fill mobile troughs if the race is closed. While he has an agreement with the applicant to supply water he is concerned should this stop.	166m	The property owner has an agreement with the applicant to supply his stockwater troughs with water.

15. The applicant has confirmed that he has provided a stockwater pipeline from his own water source to the property boundaries of three of affected properties. Those properties are PN's: 487, 486 and 485. PN: 486 is noted above as wanting to keep the water for firefighting purposes. Included in the pipeline installation was the digger work, pipe, fittings, taps and water supply. The applicant has also offered to help connect the pipe to their troughs within their properties.
16. The applicant has confirmed that he has also provided a water supply to a fourth property, PN: 23566 which comes with an easement in place lasting in perpetuity, however it is noted that water is not guaranteed under the easement terms. Set in the easement is a clause that the grantor only has to supply water where it is reasonably practical for them to do so. Therefore the property owner cannot demand water under the easement. This however is no different to the Council supplied stockwater, where the Water Race bylaw states there is no guarantee of continual water supply.

Māori and tangata whenua participation

17. Aoraki Environmental Consultancy provided a cultural assessment of the proposal to close the race. This assessment advised that no cultural values are impacted by this closure.

Options analysis

Factors to be considered:

a	Length and location of section of race to be altered or closed	A total of 6,739 metres will be closed as a result of this application to close a race commencing on PN: 18872, Main Street, Methven at a junction on the Mt Harding Creek Main (Dolma Gate)
---	--	--

		including 1,583m of the Methven Lauriston main and 5,156m of two local races ending on PN: 460, 2866 Methven Highway and PN: 23471, 350 Line Road
b	Number of properties that will be affected	There are 11 parties affected by this closure
c	Current use of the section of race proposed to be altered or closed	The races are operational with 1,583m of mains race and 5,156m of local race.
d	Percentage of landowners/occupiers in support of the closure	72% support (8 properties) 28% do not support (3 properties)
e	Economic analysis of race closures and alterations, including the operating and capital costs and benefits for all affected parties, and the equitable distribution of those costs and benefits.	Once the race is closed there will be no further associated maintenance costs for the landowners.
f	Cost-effective water sources available to properties, including costs of in-farm infrastructure, such as wells, pumps, tanks and reticulation	Four properties have been provided with alternative water supplies by the applicant. Three of those properties have pipes and taps provided to their property boundary. The fourth property has been connected to the applicant's own water supply and an easement has been put in place.
g	Whether the race is a main race or a local race	The races are sections of local and a main races
h	Cultural values affected by the alteration or closure	A Cultural Assessment received from Te Runanga O Arowhenua advised no cultural values are impacted by this closure.
i	Ecological values affected by the alteration or closure	A Rapid Field Assessment was undertaken and showed there was no evidence of ecological significance.
j	Land/storm water drainage values affected by the alteration or closure	Stormwater drainage may be affected should the closed races be filled in. The closure conditions will request the races be retained and swaled through all the properties to provide stormwater drainage.
k	Fire-fighting values affected by the alteration or closure, such as the availability of water within that section of	No water will be available for firefighting purposes once the races are closed. All properties are in close

	the race to provide a source for fire-fighting	proximity to the Methven township and firefighting capability.
l	Physical effects of closure on other network infrastructure	No other network infrastructure affected by the works.
m	Impacts of mitigation measures that may reduce the effects of race closures or alterations	No mitigation measures required or proposed.
n	Achievement of the objectives of the Surface Water Strategy, the Ashburton Water Zone Implementation Programme, and the Canterbury Water Management Strategy and the Council meeting its obligations under the Canterbury Land and Water Regional Plan	The closing of this section of stockwater race will contribute to a more efficient race network, which is entirely consistent with the Surface Water Strategy and Ashburton

Option one – Decline the closure of the stockwater races (Not recommended)

18. Under this option, the races will remain in their current locations.
19. All property owners would be required to continue to maintain the race, and pay stockwater rates for a race that the majority of whom no longer require.
20. Analysis of the 14 bylaw criteria does not support this recommendation.

Option two – Approve the closure of the stockwater races (Recommended)

21. Under this option, the race which eight of the eleven property owners no longer require would be closed.
22. The three non-consenting properties have 18.8% of the total race length to be closed running through their properties.
23. The applicant has provided an alternative stockwater supply to four of the affected properties, two of whom do not support the closure.
24. The third non-consenting property owner is a shareholder of the Ashburton Lyndhurst Irrigation Company (ALIL). With Council's decision made on 17 November 2021 regarding ALIL being the preferred supplier for stockwater within their command scheme area, this property owner can seek an alternative supply from ALIL.
25. Analysis of the 14 bylaw criteria supports the position that closure of this race can proceed.

Legal/policy implications

Legislation

26. The Water Races Bylaw, under which the closure process sits, meets the bylaw requirements under the Local Government Act 2002.

Bylaw

27. Council adopted the Water Race Bylaw in 2019. At the time of this being developed, officers also received the Standard Operating Procedure for Water Race Alterations (including Closures). The recommended option is compliant with the Bylaw and SOP.

Strategies

28. Council adopted the Surface Water Strategy in 2018. This ten year strategy includes Council's water race network. The recommended option also aligns with the direction of the Strategy.

Strategic alignment

29. The recommendation relates to Council's community outcomes of 'A district of great spaces and places', 'A prosperous economy based on innovation and opportunity' and 'A balanced and sustainable economy' because the closure of unused/needed water races supports the long-term goal of leaving water in rivers.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	The recommended option to close the water race supports these three wellbeings by improving the efficiency of the race network and ultimately leaving water at its source.
Environmental	✓	
Cultural	✓	
Social		

Financial implications

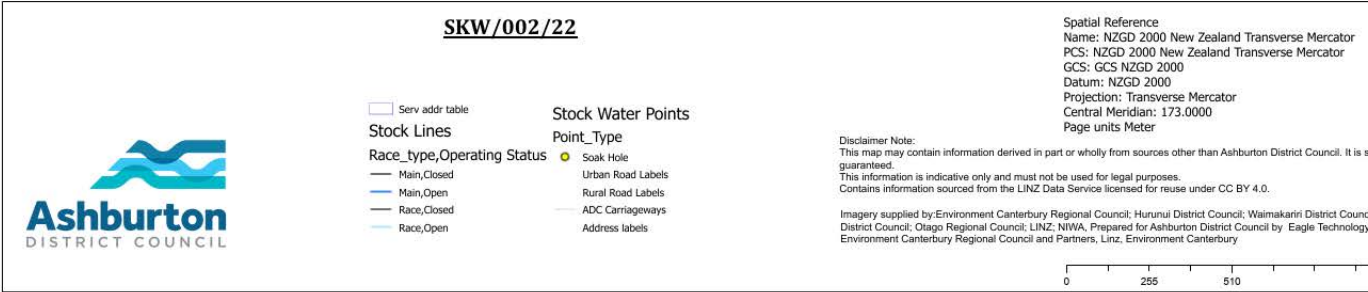
Requirement	Explanation
What is the cost?	There will be no cost associated with the closure of the race.
Is there budget available in LTP / AP?	N/A
Where is the funding coming from?	N/A
Are there any future budget implications?	The amount of stockwater rates currently received will cease on 30 June 2023. This equates to a reduction in revenue of \$3,572 which will either need to be met next year from all other stockwater ratepayers or saved through cost efficiencies.
Reviewed by Finance	Erin Register; Finance Manager.

Significance and engagement assessment

30. All property owners were consulted as part of the application process.
31. Two external stakeholders, Te Runanga O Arowhenua and Waka Kotahi were consulted as part of the application process.

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	Applying the technical thresholds set out in the Standard Operating Procedure for Stockwater closures, five criteria scored LOW, and the sixth scored MED, for an overall score of LOW. Reviewing this assessment “in the round” it remained LOW overall.
Level of engagement selected	Level 3. Consult - All affected parties have been formally engaged with.
Rationale for selecting level of engagement	This is consistent with Council’s bylaw and SOP and council’s S&E Policy.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Appendix 1



12. Stockwater Closure Report – SKW/008/22 – Anama area

Author *Crissie Drummond; Infrastructure Services Support Lead*
GM responsible *Neil McCann; Group Manager Infrastructure Services*

Summary

- The purpose of this report is for Council to consider an application to close a section of local stockwater race starting on PN: 21870, 3133 Arundel Rakaia Gorge Road, and finishing on PN: 323 Anama Settlement Road.
- The total distance to be closed is 12,052 metres.
- There are 20 affected properties, including the applicant. Of the affected property owners/occupiers, nine have consented to the closure, nine do not consent and two have indicated they will support which ever recommendation is approved.

Recommendation

- 1. That** Council declines the application to close the stockwater race starting on PN: 21870, 3133 Arundel Rakaia Gorge Road, and finishing on PN: 24028, 323 Anama Settlement Road.

Attachment

Appendix 1 Map of proposed closure

Background

The current situation

1. An application has been received from the owner PN: 23503 - 2945 Arundel Rakaia Gorge Road to close a local stockwater race commencing four properties above his own, and running through 15 properties below his own.
2. The proposal is to close the local stockwater race starting on PN: 21870, 3133 Arundel Rakaia Gorge Road, and finishing on PN: 24028, 323 Anama Settlement Road.
3. Approximately 3.9km downstream from the start of the proposed closure, the race splits into two at a junction on PN: 5482, 102 Heenans Road. From this location the races run parallel to each other with both lengths of race finishing on PN: 24028 (approximately 700m from each other) where they normally join the Mt Somers Willowby main.
4. Council's Water Ranger has confirmed the exact location of the races and that there are 20 affected parties including the applicant affected by this proposal.
5. The Asset Manager has confirmed that the races do not hold any strategic value, however noted that road drainage on Anama School Road may be an issue.
6. There are five road crossing affected by this closure. The Roding Team has advised many culverts will be affected by this closure; particularly around the Anama Township. They have concerns with drainage issues on Anama School Road during rain events and the team's preference is this stockwater race is not closed due to possible additional flooding issues that may occur as a result of landowners filling in their sections of this stockwater race upstream of Anama as a result of a closure.
7. Rapid Field Ecological Assessments were undertaken at three sites along the race system:
 - Lower Downs Road (above the RDR)
 - Heenans Road (race closest to Arundel Rakaia Gorge Road)
 - Heenans Road (race furthest from Arundel Rakaia Gorge Road)

Consultation

8. The applicant has consulted with the other 19 property owners affected by the proposed closure.
9. The applicant acknowledges in their application that some properties will need to be provided with an alternative stockwater supply provided if the race closure proceeds. This is discussed further later in the report.
10. All property owners completed and returned the required Water Race Closure Affected Parties Consent Survey.

11. The results of the surveys forms are outlined below:

Fully support closure	Do not support closure	Either way
9	9	2

12. The lengths of race are:

Fully support closure	Do not support closure	Either way
5,686m	5,800m	515m

13. The nine property owners who do not support the closure have advised on their survey forms:

PN:	Reason for not supporting	Race length	Comment
5486	RDR water access but no water during shutdowns. 25% of property troughed with more planned as finances allow over next few years. Estimate another \$60k + to complete. Intend to do as finance and storage solutions align. No irrigation on this property. BCI <1km from boundary.	1,214m	Has some troughs in place but needs more to cover all of the property. Storage will be required to cover RDR shutdown periods if race closed.
24566	ADC owned land leased to neighbouring property who relies on race. Would require alternative water source if race is closed.	50m	Alternative supply required if closed.
5499	Uses race as no reticulated SW system on property. Want it to help stop water from flooding around their house. No irrigation on this property. BCI >1km from boundary.	52m	Services one small paddock at front of property.
5493	Uses race as no reticulated SW system on property. Use for deer. Want it to help stop	112m	Services one 2ha deer fenced paddock.

	<p>water from flooding around their house.</p> <p>No irrigation on this property.</p> <p>BCI >1km from boundary.</p>		
5514	<p>Uses race as no reticulated SW system on property</p> <p>No irrigation on this property.</p>	1,632m	Leases portion of property to neighbour who wishes to retain race for stock use.
24028	<p>Uses race as no reticulated SW system on property</p> <p>No irrigation on this property. BCI >1km from boundary.</p> <p>Supports retaining for firefighting and ecological purposes.</p>	1,557m	A section of the Mt Somers Willowby main will continue to run through the lower part of the property.
5485	<p>This is ADC owned land – the leasee relies on race for stockwater.</p> <p>MHV Water >1km from boundary.</p>	44m	This is a thin strip of land forming part of leasee's paddock
5484	<p>Uses race as no reticulated SW system on property – only water available for stock. Leases ADC land PN: 5485 next door</p> <p>MHV Water >1km from boundary.</p>	948m	The ADC leased land is immediately adjacent to own property and a continuation of the race.
5490	Reticulated SW system on own property but leases portion of neighbouring property across the road (PN 5514) which does not have a reticulated system	241m	Own property is ok for stockwater but needs water on leased block.

14. Two properties (owned by the same person) have said that they will work with the major vote. They have a total race length of 515m. They receive water from the RDR but have said that when that system is shutdown they have to look for other water supplies.

Possible alternative water supply via the RDR or BCI

15. The applicant acknowledges that some properties will require an alternative stockwater supply if the race is closed, possibly from the RDR which has an outlet from the pressured siphon above Lower Downs Road.
16. Officers have raised this possibility with RDR management. RDR confirm there are two 50mm outlets off the Surrey Hills siphon, approximately 2km apart. They advise that these each supply one or two individual local properties. These historic supplies are unregulated and inconsistent with current RDR's preference/requirement to have all water measured and controlled. There is no formal agreement for these supplies, and it is not an arrangement they would like to see proliferate.
17. The RDR preference is for alternative supplies and distribution be by other means if possible, such as via the BCI scheme. If no other option is available, there is an expectation that an offtake would be installed that is consistent with RDR engineering and commercial requirements. While the RDR supply reliability is high, there are maintenance shutdowns every two to three years during which the RDR would not be responsible for maintaining supply at Surrey Hills. That would be ADC's responsibility and the relationship with any new water users would also be via ADC. Any additional stockwater supply from the RDR would be from ADC's water allocation.
18. Given the above, should the RDR be considered as an alternative supply option, investigation work would be required to determine the exact costs for installing the necessary control gates, valves and flow metres. Estimates for such a structure at this time are >\$50k.
19. There will be additional cost involved in enabling any additional RDR water overland to properties.
20. BCI does not have any network located within the closure area. The BCI Cavendish pond is on the northern side of the Arundel Rakaia Gorge Road, and approximately 600m from the stockwater race. A piped supply to the closure area would be the only option, however that would come at a significant cost.

Māori and tangata whenua participation

21. Aoraki Environmental Consultancy provided a cultural assessment of the proposal to close the race. This assessment advised that no cultural values are impacted by this closure.

Options analysis

Factors to be considered:

a	Length and location of section of race to be altered or closed	A total of 12,052 metres will be closed as a result of this application starting on PN: 21870, 3133 Arundel Rakaia Gorge Road and finishing on PN: 24028, 323 Anama Settlement Road
---	--	---

b	Number of properties that will be affected	20 properties are affected by this closure.
c	Current use of the section of race proposed to be altered or closed	It is an operational local race
d	Percentage of landowners/occupiers in support of the closure	45% fully support
e	Economic analysis of race closures and alterations, including the operating and capital costs and benefits for all affected parties, and the equitable distribution of those costs and benefits.	Operational costs of this race are the sole responsibility of the landowners. The closure of this race would benefit the owners with no maintenance costs going forward, but will disadvantage other properties that still rely on the race for stockwater.
f	Cost-effective water sources available to properties, including costs of in-farm infrastructure, such as wells, pumps, tanks and reticulation	There are no cost effective water sources available to the properties who still rely on the stockwater race at this time.
g	Whether the race is a main race or a local race	It is a local race
h	Cultural values affected by the alteration or closure	A Cultural Assessment received from Te Runanga O Arowhenua advised no cultural values are impacted by this closure.
i	Ecological values affected by the alteration or closure	One Rapid Field Assessment was undertaken on Lower Downs Road, and two undertaken on Heenans Road. All of the assessments showed there is no evidence of ecological significance.
j	Land/storm water drainage values affected by the alteration or closure	A race closure will impact detrimentally on the drainage of storm water in this area. Should the race be closed, the closure conditions would need to request a swale be retained through all properties to provide stormwater drainage. A closure may also impact the roading network in the area.
k	Fire-fighting values affected by the alteration or closure, such as the availability of water within that section of the race to provide a source for fire-fighting	No water will be available for firefighting purposes if the race is closed.
l	Physical effects of closure on other	No other network infrastructure is

	network infrastructure	affected by the closure.
m	Impacts of mitigation measures that may reduce the effects of race closures or alterations	No mitigation measures required or proposed.
n	Achievement of the objectives of the Surface Water Strategy, the Ashburton Water Zone Implementation Programme, and the Canterbury Water Management Strategy and the Council meeting its obligations under the Canterbury Land and Water Regional Plan	The closing of this section of stockwater race will contribute to a more efficient race network, which is entirely consistent with the Surface Water Strategy and Ashburton.

Option one – Decline the closure of the stockwater races (Recommended)

22. Under this option, the races will remain in their current locations.
23. There will be no need to find alternative supply for the nine properties (of the 20 affected properties) at a considerable cost, who rely on the water race for the supply of stockwater.
24. The races will continue to assist stormwater drainage in the Anama area.
25. The analysis of the 14 bylaw criteria supports this recommendation.

Option two – Approve the closure of the stockwater races (Not Recommended)

26. Under this option, the junction on PN: 21870, 3133 Arundel Rakaia Gorge Road would be closed stopping water flowing down the races from this junction.
27. The nine properties who do not support the closure and rely on the water race for stockwater would need to be provided with an alternative supply.
28. If the RDR is deemed the only option available, significant cost will be incurred to install the necessary offtake infrastructure required. This cost may never be recovered.
29. The analysis of the 14 bylaw criteria does not support this recommendation.

Legal/policy implications

Legislation

30. The Water Races Bylaw, under which the closure process sits, meets the bylaw requirements under the Local Government Act 2002.

Bylaw

31. Council adopted the Water Race Bylaw in 2019. At the time of this being developed, officers also received the Standard Operating Procedure for Water Race Alterations (including Closures). The recommended option is compliant with the Bylaw and SOP.

Strategies

32. Council adopted the Surface Water Strategy in 2018. This ten year strategy includes Council's water race network.

Strategic alignment

33. The recommendation relates to Council's community outcome of *A prosperous economy based on innovation and opportunity* and *A balanced and sustainable environment*

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Retaining the water race will enable the properties to continue to function
Environmental	✓	Retaining the water race will support the flow of water during high rainfall events
Cultural		
Social	✓	Retaining the water race is the only viable option for the properties connected

Financial implications

Requirement	Explanation
What is the cost?	If the race is to be closed, and alternative stockwater supplies found for nine properties, significant expenditure well in excess of \$50,000 could be incurred if a supply has to be obtained by ADC for those properties from an external stakeholder such as the RDR.
Is there budget available in LTP / AP?	No
Where is the funding coming from?	The funding would need to come from other stockwater ratepayers
Are there any future budget implications?	Yes. Less stockwater rates will be received and the installation of new infrastructure would impact the stockwater budget.
Reviewed by Finance	Erin Register; Finance Manager.

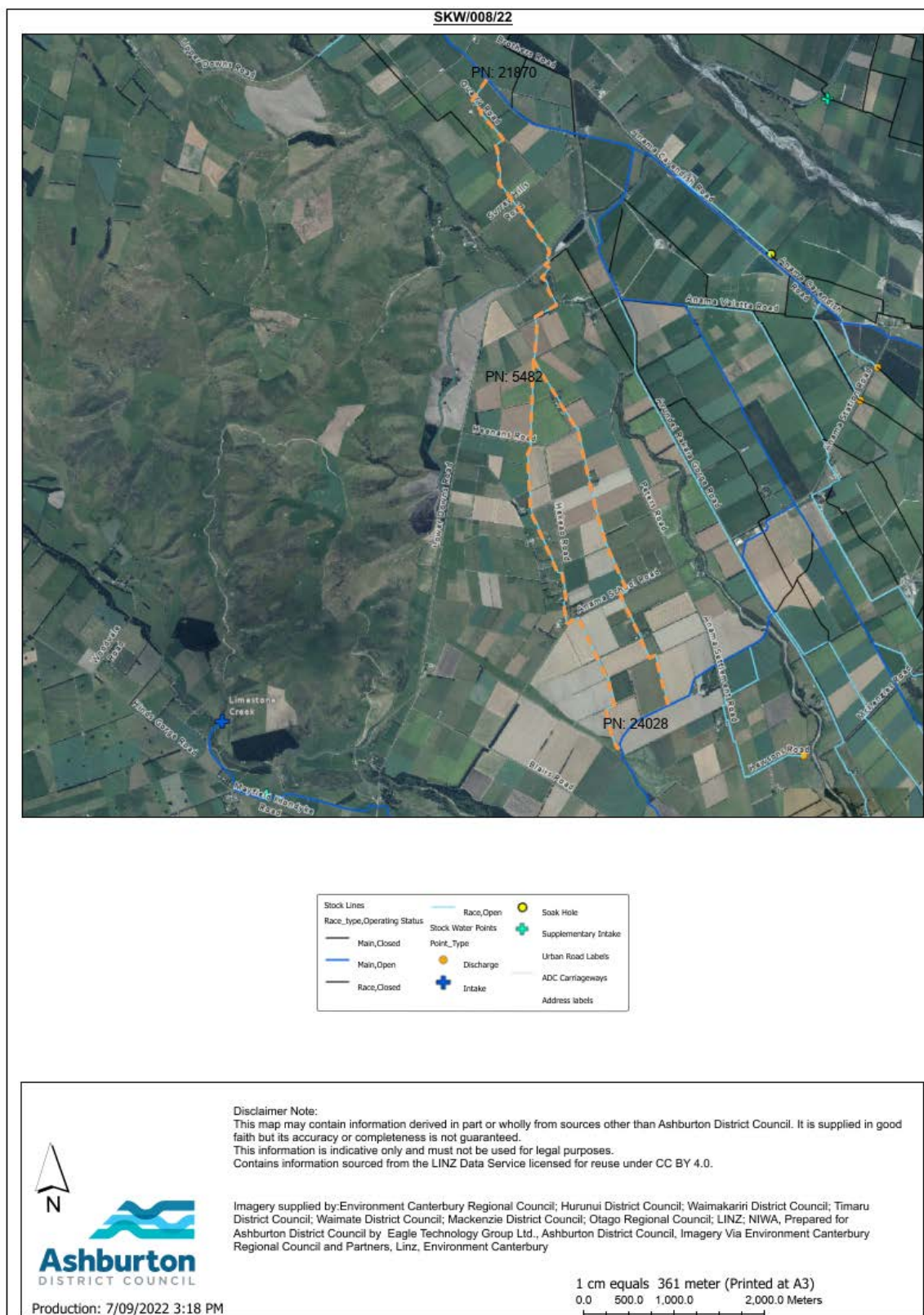
Significance and engagement assessment

34. All property owners were consulted as part of the application process.

35. One external stakeholder, Te Runanga O Arowhenua were consulted as part of the application process.

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	Applying the technical thresholds set out in the Standard Operating Procedure for Stockwater closures, three criteria scored LOW, and the three scored MED, for an overall score of MEDIUM. Reviewing this assessment “in the round” it remained MEDIUM overall.
Level of engagement selected	Level 3. Consult – All affected parties have been formally engaged with.
Rationale for selecting level of engagement	This is consistent with Council’s bylaw and SOP and council’s S&E Policy.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Appendix 1



13. Community Grants & Funding Round 2, 2022/23

Author *Clare Harden, Community Administration Officer*
General Manager *Steve Fabish; Group Manager - Community Services*

Summary

- The purpose of this report is to allocate the community grants and funding, round two for 2022/23.
- All officer recommendations on the allocation of the grants have been made based on the application's eligibility and the funds available in each grant budget.

Recommendation

- 1. That** Council allocates **\$22,800** in community grants and funding for 2022/23 as per the following categories:
 - 1.4 Economic Development – Community Events Grant - \$14,000
 - 1.5 Sports and Recreation – School Holiday Programme - \$3,800
 - 1.6 Discretionary Grant – Biodiversity - \$5,000

Attachment

Appendix 1 Summary of grants *[Supplemental document]*

Background

Grant applications

1. A total of nine applications were received across the grant and funding areas, seeking funding of \$34,267.96. The following table outlines for each of the grant areas the amount the applicants requested, and how much is available in each budget. When recommending grant amounts, we have ensured that the total allocated is within the 2022/23 budget. Please note the Biodiversity Budget has been spent, this funding request has been moved to the Discretionary fund.
2. For a full summary of each application, please see Appendix 1.

Area	Number of applications	Amount requested	2022/23 budget	Total recommendation
Economic Development				
Community Events	5	\$23,800	\$14,000	\$14,000
Sports and Recreation				
School Holiday Programme	3	\$5,468	\$3,875	\$3,800
Natural & built environment				
Heritage grant	0	\$0	\$10,000	
Discretionary Grant				
Discretionary	1	\$5,000	\$15,000	\$5,000
Biodiversity			\$0	
Total	6	\$34,268	\$42,875	\$22,800

Options analysis

Option one

3. To allocate the community grants and funding for 2022/23 as per the recommendations as above.
4. Advantages- Council is seen to be supporting community projects
5. Disadvantages – Funds could be allocated to other projects

Option two

6. Council may choose to allocate the funds differently to that recommended by officers.
7. Advantages – Council allocation may better reflect community needs
8. Disadvantage- no significant ones identified

Legal/policy implications

9. Officers have assessed the grants against the Community Grants and Funding Policy and relevant criteria for each grant category. Commentary on the eligibility of each applicant is noted in the appended document.

Strategic alignment

10. The recommendation relates to Council's community outcome of the Grants and funding for 22/23 because of the below wellbeing outcomes.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Giving funding to our community greatly reduces the downstream social and economic costs to communities and Council
Environmental	✓	Giving funding to our biodiversity projects across Ashburton District will enable our natural environment to flourish.
Cultural	✓	Promoting cultural equity through funding organisations that promote Cultural participation and events in our district
Social	✓	Encouraging participation in communities by funding events, community spaces, and projects

Financial implications

Requirement	Explanation
What is the cost?	See costs previously noted for each grant category.
Is there budget available in LTP / AP?	Yes, all grants are allocated within the budget available in the 2022/23 year budget.
Where is the funding coming from?	UAGC and general rates
Are there any future budget implications?	No
Reviewed by Finance	Erin Register; Finance Manager.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Level of engagement selected	Inform – one way communication.
Rationale for selecting level of engagement	No changes are being made to the available budgets, and therefore, only communication with the applicants is required. The community will be notified through a press release of the successful applicants, once the reported is adopted.
Reviewed by Strategy & Policy	Mel Neumann; Graduate Policy Advisor

Next Steps

11. The grants and funding outcomes will be made public after the report is adopted.

Date	Action / milestone	Comments
Oct 2022	Council consider allocation funding report & adoption	Grants will be in Public

14. Creative Communities Grants Assessment /– Round 1 2022/23

Minutes of a meeting of the Creative Communities Fund Assessment Committee, held in the Mayor's Reception Room, 5 Baring Square West, Ashburton, on Thursday 15 September 2022, commencing at 10.30am.

Present

Femke de Sitter - van der Valk (Chair), Cr John Falloon, Peter Muir, Kay Begg and Kate Beaumont-Smith

In attendance

Clare Harden (Community Administration Officer) and Shirin Khosraviani (Art Gallery & Museum Director)

1 Apologies

Dianne Favel, Cr Leen Braam, Tiipene Philip

Beaumont-Smith /Begg

Carried

2 Conflict of interest

- Kate Beaumont-Smith, Hinds School, Hakatere Ceramics
- Clare Harden, Staveley hall Society

Falloon/Begg

Carried

3 Extraordinary business

Dianne Favel has advised that she has resigned from the Creative Communities Committee.
Advertising will go out for her replacement.

4 Creative Communities Scheme grant applications

A total of 17 applications were received for funding requesting a total of \$54,432, there was a total of \$40,588 available for distribution. 15 Applications were approved.

The merits of each application were discussed and the following funding decisions were made:

No.	Applicants	Amount requested	Amount granted
1	Every Body is a Treasure Trust	\$3,000	\$3,000
2	Hakatere Ceramics and Pottery	\$700	\$700
3	Hinds School	\$8,125	\$7,000
4	Magic Carpet Music Trust	\$1,808	\$1,808
5	Mayfield Memorial Hall	\$1,760	\$1,000
6	Mid Canterbury Children's Trust	\$2478.14	\$2478.14

7	Newah Guthi New Zealand	\$2,595	\$1,000
8	Scout Association of New Zealand	\$576.29	\$576
9	Staveley Campsite Committee	\$6,200	\$5,000
10	Staveley Hall Society	\$8,972	\$6,000
11	Wellbeing Ōpuke	\$1,200	\$1,200
12	Evening Wood workers	\$650	\$500
13	Zonta Ashburton	\$1,768.7	\$1,769
14	Mount Hutt College	\$7,320	\$6,500
15	The Barden Party	\$1,790	\$1,790

Communication to Grant Recipients

Emails will be sent to the groups to inform them of the outcome of their application

Recommendation to Council

That Council receives the minutes of the Creative Community Fund Assessment Committee meeting held on 15 September 2023.

The meeting concluded at 11.50am.

15. Delegation to Chief Executive during the interim election period

Author *Phillipa Clark; Governance Team Leader*
GM responsible *Hamish Riach; Chief Executive*

Summary

- This report requests that Council delegates its responsibilities, duties and powers to the Chief Executive, except for certain powers, for the period from the day after the declaration of election results until the swearing in of the new Council.
- It is anticipated that all the Council's committees will be discharged at the end of the term, and therefore no resolution under clause 30(7), Schedule 7 of the Local Government Act 2002 is required.

Recommendation

- 1. That** Council delegates all of its responsibilities, duties, and powers to the Chief Executive, subject to the limitations set out in clause 32(1) of the Seventh Schedule of the Local Government Act 2002, for the period from the day after the declaration of the election results until the swearing in of the new Council, subject to a requirement that the Chief Executive may only exercise this delegation after the following:
 - (i) consultation with the person elected to the position of Mayor,
 - (ii) may only attend to those matters that cannot reasonably await the first meeting of the new Council; and
 - (iii) shall be reported to the first meeting of the new Council.

Attachment

Appendix 1 Cl 32(1) Schedule 7, Local Government Act 2002

Background

1. The 2022 triennial elections for Council will be held on Saturday 8 October. Candidates who are declared elected will come into office on the day after the day on which the official result of the election is declared by the Electoral Officer.
2. Until the elected members' declaration is taken at the first Council meeting, neither the outgoing nor the incoming elected members can act in their capacity as members of the Council.
3. Council will therefore need to consider arrangements to ensure the effective and efficient conduct of the Council's business during the interim election period.
4. For the purposes of this report, the interim election period is from the day after the public notice declaring of the election results until the new Council is sworn in at the inaugural meeting.
5. The declaration is expected by 13 October 2022, and the inaugural Council meeting is expected to be held on Thursday 27 October; however these dates may be subject to change.
6. Council has the option of delegating to the Chief Executive all of its responsibilities, duties and powers for the period in question except those set out in paragraphs (a) to (h) of clause [32\(1\) Schedule 7 of the LGA 2002](#), subject to the three requirements set out in the recommendation.
7. The delegation is also subject to a requirement that the Chief Executive may only act after consultation with the person elected to the position of Mayor, and may only attend to those matters that cannot reasonably await the first meeting of the new Council. The Chief Executive is required to report any decisions to the first meeting of the new Council.
8. Note that Council has traditionally granted this delegation to the Chief Executive, but that the powers have never be utilised in recent history.
9. Council's committees, subcommittees and other subordinate decision-making bodies are deemed to be discharged at the end of the term, unless Council resolves otherwise.

Options analysis

Option One – Grant delegated authority to the Chief Executive during the interim election period (recommended)

Advantages

10. Council will be potentially able to undertake all its business during the period from the day after the declaration of the electoral result until the new Council is sworn in.

Disadvantages

11. Theoretical potential for abuse of the powers

But note:

- Only those matters that cannot wait until the first meeting of Council will be attended to
- Any decision required of the Chief Executive will be in consultation with the Mayor elect and subsequently reported to Council

Option 2 – Not delegate authority to the Chief Executive

Advantages

12. Removes any potential for the abuse of the powers

Disadvantages

13. Council not being able to undertake its business during the period from the declaration of the election result until the first meeting of the new Council.

Legal/policy implications

14. [Clause 14 of Schedule 7 of the Local Government Act 2002](#) provides that a person newly elected to Council may not act until they have made the necessary declaration at the inaugural Council meeting. This provision combines with [section 86](#) (official declaration of result), and [sections 115](#) and [116 of the Local Electoral Act 2001](#), to the effect that during the election period neither the outgoing nor the incoming elected members can act in their capacity as members of the Council.
15. [Clause 30\(7\) of Schedule 7 of the LGA](#) sets out the process for subordinate decision-making structures to be appointed and discharged.

Strategic alignment

16. The recommendation relates to Council's community outcomes of 'residents are included and have a voice' because it allows for Council to conduct its business in an open and transparent manner.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	×	
Environmental	×	
Cultural	×	
Social	✓	The delegation, and its reporting requirements, will give effect to this well-being, showing Council is conducting its business in an open and transparent manner.

Financial implications

17. There are no financial or budget implications in respect to this delegation. Any decisions made must still be taken within normal budgetary constraints and within the terms of the delegations.

Requirement	Explanation
What is the cost?	There is no cost associated with this decision.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	No funding is required
Are there any future budget implications?	No
Reviewed by Finance	<i>Not required</i>

Significance and engagement assessment

18. The recommended option has been assessed against Council's Community Engagement Policy and does not trigger high significance.

Requirement	Explanation
Is the matter considered significant?	No.
Level of significance	Low
Rationale for selecting level of significance	The delegation, which is for a limited period and subject to conditions, will have little impact on the community or Council's levels of service.
Level of engagement selected	1. Inform.
Rationale for selecting level of engagement	The community will be informed of the interim delegation through this report.
Reviewed by Strategy & Policy	Richard Mabon, Senior Policy Advisor

Appendix 1

Local Government Act 2002

Clause 32(1) of Schedule 7

Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—

- a) the power to make a rate; or
- b) the power to make a bylaw; or
- c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- d) the power to adopt a long-term plan, annual plan, or annual report; or
- e) the power to appoint a chief executive; or
- f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.
- g) Repealed
- h) the power to adopt a remuneration and employment policy.

16. *Mayor's Report*

16.1 RDR Management Ltd - AGM

The Annual General Meeting of RDR Management Limited will be held at 10.30am on Tuesday 8 November 2022 at the Hotel Ashburton.

Recommendation

That Council appoints the Deputy Mayor as proxy to vote on Council's behalf at the RDR Management Limited AGM on 8 November 2022, with the Chief Executive as the alternative representative.

16.2 End of Council Term

As this triennium of Council comes to an end, I would like to extend my thanks and appreciation to my fellow Councillors for their dedication and for the sacrifices that you and your families have made to represent the people of the Ashburton district.

Sometimes the work of Council can feel overwhelming and incredibly slow, yet on reflection, we have achieved a lot: we have managed ourselves through the world pandemic called Covid 19, worked with the community over the 21 May 2021 floods of the Ashburton and Hinds Rivers, completed the business case for the second urban bridge, oversaw the upgrade of the CBD, saw the installation of the sewer pipe under the Ashburton river and linked to that the completion of the relief sewer main, the installation of water meters in Methven to eliminate water leaks and the installation of one water reservoir with another one to be completed in Methven.

In addition we have seen the new library and civic building and emergency operating centre half completed. We applied for and obtained \$20 million from the Government's shovel-ready fund for this project, which was a major achievement.

Over the three year term we have spent tens of millions of dollars on our roading network and at times it is hard to see where this money has had an effect, but it has !!! It is to be noted that the roading network will need much more attention and monies spent on it in the future

We will finish this triennium leaving the district in much better condition than when we started.

The district has also been fortunate in securing significant Central Government funding – increased level of NZTA funds, Provincial Growth funds (PGF), Tourism Infrastructure funds (TIF) and Ministry of Education investment in many of the district's schools.

These are some of the infrastructure projects that have been successfully completed, but there has been a lot of other work completed whether it is with Safer Mid Canterbury or on a Biodiversity Committee, Reserve Board or Hall Committee you have all attended many meetings over the term, both during working hours and outside of "working hours", and for this I thank you.

I would also like to extend appreciation to the Chief Executive Hamish Riach and Council staff for the guidance and support you have provided myself and elected members over the past three years. It has been a journey and one I have thoroughly enjoyed – we could not have done it without you all.

We have been the team of ten serving the team of 35,000.

To you all I wish you the very best for whatever the future holds, it has been a privilege and my pleasure to work with you all.

16.4 Meetings

- **Mayoral calendar**

September 2022

- 22 September: Blinc – Embracing Urban Culture webinar
- 22 September: Rakaia candidates evening
- 23 September: LGNZ workshop on transport issues
- 24 September: Ashburton Bowling Club opening day
- 24 September: Wheelchair Basketball
- 24 September: Ashburton Garba and Diwali night
- 26 September: Queen Elizabeth II memorial service, Wellington
- 27 September: Allan Andrews Cancer Society Fundraiser, farewell coaches travelling to Oamaru
- 27 September: RDRML Board meeting and AGM
- 27 September: Canterbury Mayoral candidate information evening
- 27 September: Digital Waitaha Charitable Trust AGM – Deputy Mayor Liz McMillan deputized
- 28 September: Activity Briefings
- 28 September: Audit and Risk
- 28 September: Chinese Consul General – 75th Anniversary of the Founding of People's Republic of China
- 29 September: Stormwater Bylaw submission hearings and deliberations

October 2022

- 3 October: Community House Mid Canterbury meeting with CE Hamish Riach
- 3 October: James Meager – National Party Candidate for Rangitata 2023 with CE Hamish Riach
- 4 October: Eastfield Investments AGM with CE Hamish Riach
- 5 October: Council meeting

Recommendation

That Council receives the Mayor's report.
--

Neil Brown

Mayor