

Bylaw Hearings Panel
Water Supply, Wastewater and Stormwater Bylaw
Review
MINUTES

Date: Friday 25 March 2022
Time: 11.34am
Venue: Held via audio visual link

Present
Members Councillor Phil Mauger (Chair)
Councillor Pauline Cotter
Councillor Celeste Donovan

Andrew Campbell
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The agenda was dealt with in the following order.

1. Apologies Ngā Whakapāha

No apologies were received.

2. Election of Chairperson Te Whakatū Poumua Hearings Panel Resolved BHPCC/2022/00001

It was **decided** that Councillor Mauger be appointed Chairperson of the Bylaw Hearings Panel.

Councillor Donovan/Councillor Cotter

Carried

3. Declarations of Interest Ngā Whakapuaki Aronga

There were no declarations of interest recorded.

4. Submissions on the Proposed Replacement Bylaws for the Council's Three Waters Services

Christchurch City Council Officer Jenna Marsden presented the Officers' Report. Council Officers also responded to questions arising from the Hearings Panel. During the presentation, Council Officers also tabled a document containing three staff recommendations on possible changes to the bylaws that were marked as "to be drafted" in Attachment A to the Staff Report when the Agenda was published (**Attachment A**). In addition, staff also tabled a document containing a summary of the submissions of those who wished to be heard (**Attachment B**).

Attachments

A Additional Staff Comments and Recommendations on Replacement Bylaws for the Council's Three Water Services [⇨](#) 

B Summary of submissions who wish to be heard [⇨](#) 

5. Volumes of Submissions

Hearings Panel Resolved BHPCC/2022/00002

That the Hearings Panel:

1. Accepts the written submissions, including any late submissions, received on the Water Supply, Wastewater and Stormwater Bylaw Review.

Councillor Cotter/Councillor Donovan

Carried

6. Hearing of Submissions Ngā Tāpaetanga

The Hearings Panel received presentations from the following submitters:

- 44691 Waitai Coastal-Burwood Community Board, Bebe Frayle
- 44448 Waikura Linwood-Central-Heathcote Community Board, Alexandra Davids
- 44761 Fendalton-Waimairi-Harewood Community Board, Bridget Williams
- 44751 Ōpāwaho Heathcote River Network, Malcolm Long – presentation provided
- 44770 4Sight Consulting, Trent Sunich – presentation provided

The meeting adjourned at 1.07pm and reconvened at 2.06pm.

- 44772 Federated Farmers, Pam Richardson
- 44788 Summit Road Society, Marie Gray
- 44768 NZ Association of Metal Recyclers, Korina Kirk
- 44784 Christchurch International Airport Limited, Felicity Blackmore

Attachments

- A Ōpāwaho Heathcote River Network - Additional Document [↗](#) 
- B 4Sight Consulting- Additional Document [↗](#) 

The meeting adjourned at 2.50pm to 11am, Monday 28 March 2022, held by audio/visual link.

The meeting reconvened at 11.06am, Monday 28 March 2022, held by audio/visual link.

7. Consideration and Deliberation Ngā Whaiwhakaaro me Ngā Taukume o Ngā Kōrero

Throughout the process, Bylaw Hearings Panel Members referred a number of questions through to Council Officers for response. The questions arose from the information provided by Council Officers and the written and oral submissions received.

The Hearings Panel considered and deliberated on the written and verbal submissions received and additional information provided by submitters and Council Officers.

Council Officer Jenna Marden, Senior Policy Analyst returned to the table to respond to questions raised by the Hearings Panel and to talk to the proposed changes to the bylaws as a result of submitter feedback.

During the process, the Panel asked to hear from Julian Odering of Oderings Garden Centres who had been unable to attend the meetings on Friday 26 March and Monday 28 March. His submission was heard at the beginning of the meeting on Wednesday 6 April. Mr Odering provided further information (**Attachment A**).

Attachments

- A Oderings Garden Centres - Additional Documents [↗](#) 

The meeting adjourned at 2.30pm to 2pm, Wednesday 6 April 2022, held by audio/visual link.

The meeting reconvened at 2.06pm, Wednesday 6 April 2022, held by audio/visual link.

8. Hearings Panel Recommendations Ngā Tūtohu o Te Tira Tauaki

Hearings Panel Resolved BHPCC/2022/00003

Part A

That the Council:

Water Supply and Wastewater Bylaw 2022

1. Adopt the Christchurch City Council Water Supply and Wastewater Bylaw 2022, in its final form (**Attachment A**).
2. Note the following changes to the clauses of the Christchurch City Council Water Supply and Wastewater Bylaw 2022, as a result of the consultation and hearings process (as so shown in Attachment A):
 - a. Insert a new definition of **Council water supply** in clause 3(1) as follows:
Council water supply means a public water supply system owned and managed by the Christchurch City Council.
 - b. Replace the definition of **private drainage system** with a definition of **private wastewater drains** in clause 3(1) as follows:
Private wastewater drains means the system of pipes and fittings installed on the customer's side of the point of discharge to convey wastewater off the property to the public wastewater system
 - c. Amend the definition of prohibited waste in clause 3(1) so that it refers to prohibited wastes instead of prohibited substances
 - d. Amend clause 7(4) (restricted activities within maintenance access corridors) so that it refers to the water supply system instead of the stormwater network
 - e. Amend clause 9(6)(b) (protection of source water and the water supply system) so that it refers to chemical or agricultural applications
 - f. Amend clause 17(1) (supplementary water storage for Banks Peninsula water supply areas) to update the specified water supply areas by including Takamatua within the Akaroa supply, as well as clarifying that the clause applies where connection to the Council water supply is sought
 - g. Replace the references in clause 29 (restricted activities within maintenance access corridors) to the water supply system with references to the wastewater system.
 - h. Amend clause 18(2)(c) (backflow prevention) to refer to the Water Services Act instead of the Health Act 1956.
3. Note that a number of additions and improvements are made to the preamble and explanatory notes contained in the Christchurch City Council Water Supply and Wastewater Bylaw 2022 as a result of the consultation and hearings process (as so shown in **Attachment A**).
4. Determine, in accordance with section 155(2) and (3) of the Local Government Act 2002, that the Christchurch City Council Water Supply and Wastewater Bylaw 2022 is the most appropriate form of bylaw, and that it is not inconsistent with the New Zealand Bill of Rights Act 1990.

5. Approve the Christchurch City Council Water Supply and Wastewater Bylaw 2022 coming into force on 1 July 2022.
6. Approve that staff are otherwise authorised to make any typographical changes or correct minor errors as the case may be before the Christchurch City Council Water Supply and Wastewater Bylaw 2022 comes into force.
7. Give public notice as soon as practicable that the Christchurch City Council Water Supply and Wastewater Bylaw 2022 has been made by the Council, that it comes into effect on 1 July 2022 and that copies of the Christchurch City Council Water Supply and Wastewater Bylaw 2022 may be inspected and obtained at the Council's offices or on its website, without payment.
8. Revoke from 1 July 2022 the Council's Policy on Water Supply Pipes Installed in Private Land 2001, noting that the terms of the Policy have been included in the Christchurch City Council Water Supply and Wastewater Bylaw 2022.
9. Delegate to the Chief Executive the authority to amend any explanatory notes in the Christchurch City Council Water Supply and Wastewater Bylaw 2022 as the case may be, and that this power may be sub-delegated.

Stormwater and Land Drainage Bylaw 2022

10. Adopt the Christchurch City Council Stormwater and Land Drainage Bylaw 2022, in its final form (**Attachment B**).
11. Note the following changes to the clauses of the Christchurch City Council Stormwater and Land Drainage Bylaw 2022, as a result of the consultation and hearings process (as so shown in **Attachment B**):
 - a. Delete clause 10 relating to the requirement for on-site stormwater management, as the requirement is provided by clause 7 of the bylaw and a new explanatory note.
 - b. Amend clause 11 (managing drainage from artesian springs and wells on private land) so that it applies in a more limited way and now refers to preventing nuisance and damage from unmanaged artesian water.
 - c. Amend clause 13 (restricted activities related to discharge of water other than stormwater) so that it more clearly states the types of water (other than stormwater) referred to.
 - d. Amend clause 15(1) (restricted activities related to waterways) so that it allows a person with written authority from the Council or an authorised agent of the regional council to carry out certain activities in a waterway.
 - e. Insert a new clause 15(2) so that clause 15(1)(restricted activities related to waterways) does not apply to fencing near waterways in rural zones, which is regulated by the District Plan.
 - f. Amend clause 15(3) (restricted activities related to waterways) to allow certain actions by the regional council or where a person is undertaking temporary erosion and sediment control measures under an approved Erosion and Sediment Control Plan.
 - g. Amend clause 22(1) (erosion and sediment control plans) so that it specifically refers to any person intending to undertake earthworks where there is any risk that sediment generated by the works could become entrained in stormwater.
 - h. Amend clause 31(1)(b) (industrial stormwater audit programme) to refer to further information being provided on request.

- i. Amend clause 35(2) (transitional arrangements for industrial stormwater dischargers with individual consents with Canterbury Regional Council) to clarify that an occupier needs to apply for a licence under this bylaw prior to surrendering a stormwater discharge resource consent held with the regional council.
12. Note that a number of additions and improvements are made to the explanatory notes contained in the Christchurch City Council Stormwater and Land Drainage Bylaw 2022 as a result of the consultation and hearings process (as so shown in **Attachment B**).
13. Determine, in accordance with section 155(2) and (3) of the Local Government Act 2002, that the Christchurch City Council Stormwater and Land Drainage Bylaw 2022 is the most appropriate form of bylaw, and that it is not inconsistent with the New Zealand Bill of Rights Act 1990.
14. Approve the Christchurch City Council Stormwater and Land Drainage Bylaw 2022 coming into force on 1 July 2022.
15. Approves that staff are otherwise authorised to make any typographical changes or correct minor errors as the case may be before the Christchurch City Council Stormwater and Land Drainage Bylaw 2022 comes into force.
16. Give public notice as soon as practicable that the Christchurch City Council Stormwater and Land Drainage Bylaw 2022 has been made by the Council, that it comes into effect on 1 July 2022 and that copies of the Christchurch City Council Stormwater and Land Drainage Bylaw 2022 may be inspected and obtained at the Council's offices or on its website, without payment.
17. Delegate to the Chief Executive the authority to amend any explanatory notes in the Christchurch City Council Stormwater and Land Drainage Bylaw 2022 as the case may be, and that this power may be sub-delegated.
18. Resolve under clause 27 of the Christchurch City Council Stormwater and Land Drainage Bylaw 2022, to adopt the Register of Industrial and Trade Activities (to come into force on 1 July 2022), as set out in **Attachment C** in its final form, and noting the following changes as a result of the consultation and hearings process:
 - a. Adding two footnotes to the bottom of the first page of the Register which confirm that properties not meeting the thresholds in the Register are not required to apply for an industrial stormwater discharge licence; and the date the Register comes into force.
 - b. Making a clarification to the hydrocarbon entry under the heading "Bulk storage and handling centres" for the exclusion of service stations, truck stops and commercial refuelling facilities.
 - c. Making a clarification to the entry under the heading waste management and resource recovery industries by deleting the reference to chemical containers.
 - d. Amend the compliance timeframe from 6 months (1 January 2022), to 7 months (1 February 2022) to avoid it falling on a public holiday.

Councillor Donovan/Councillor Cotter

Carried

Attachments

- A Christchurch City Council Water Supply and Wastewater Bylaw 2022 
- B Christchurch City Council Stormwater and Land Drainage Bylaw 2022 
- C Register of Industrial and Trade Activities 

Meeting concluded at 3.54pm.

CONFIRMED THIS 13th DAY OF MAY 2022.

COUNCILLOR PHIL MAUGER
CHAIRPERSON