

17 February 2023

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Tēnā koutou katoa,

## **Cover letter - Christchurch City Council submission on *Water Services Legislation Bill 2022***

On behalf of the Christchurch City Council (the Council), thank you for the opportunity to make a submission on the Water Services Legislation Bill (the Bill). The Council appreciates the opportunity to make this submission to your committee.

### **Introduction**

While we considered this Bill, the Council notes its ongoing concern at the pace of the Three Waters reforms. When we put this alongside the major overhaul of the Resource Management system and review on the Future for Local Government – both of which are integral to the function of councils – the pace of reform is stretching the resources of local government to respond, prepare and implement.

As the consultation period occurred over the Christmas break, there has been insufficient time for our staff and elected members to thoroughly assess the impacts and receive appropriate advice. This has been disappointing.

However, the Council acknowledges that this Bill represents a specific set of proposed changes and this submission focuses on the specifics of this Bill rather than our wider concerns.

### **Overview of Submission**

The Council's submission explains our recommended changes to this Bill in more detail for your committee's review and consideration, namely that your committee should look to:

1. Remove the potential capture of Council-Controlled Trading Organisations (CCTOs),
2. Clarify the transfer of stormwater and flood management assets and services,
3. Acknowledge the lack of public accountability in the governance structure for the reforms,
4. Remove oversights which may lead to a loss of public amenity and services,
5. Address the continued lack of alignment of the Bill with other Government reform,
6. Consider potential implications for councils collecting water services entity's charges, and
7. Acknowledge the flow on implications to the Council's operating practices and procedures.

Our submission also includes two attachments – one with more detailed recommendations and another providing examples of the implications on stormwater and flood management assets being transferred.

## Conclusion

Our Council continues to have reservations about the Three Waters reform programme and we strongly urge your committee to thoroughly consider the proposed legislation carefully.

Personally, I am encouraged by the Prime Minister's indication that he is relooking at these reforms. My personal view is that there are better ways to do Three Waters reform that improve service delivery while maintaining local involvement. This could have been done as part of the Future for Local Government review.

Thank you again for the opportunity to provide this submission. Our Council staff have worked hard over the Christmas break to review this Bill and consider its impacts in a thoughtful and meaningful way so as to help you in your role reviewing this legislation. We hope their work is properly reviewed by your committee and given greater consideration than with previous Bills relating to these reforms.

For more information or should you have any questions, then please contact David Griffiths, Head of Strategic Policy and Resilience ([david.griffiths@ccc.govt.nz](mailto:david.griffiths@ccc.govt.nz)).

Yours sincerely,



Phil Mauger  
**Mayor of Christchurch**

## Christchurch City Council submission on *Water Services Legislation Bill 2022*

### Introduction

1. The Christchurch City Council (referred to hereafter as ‘Council’) thanks the Select Committee for the opportunity to provide comment on the Water Services Legislation Bill (the Bill), on behalf of our entire district (which comprises urban and suburban neighbourhoods, as well as small settlements and rural areas, including Banks Peninsula).
2. The Council remains concerned at the pace of the significant change to the delivery of water supply, wastewater and stormwater services. This would be of concern if these were the sole significant changes being undertaken by the Government. The fact that such a major change in critical services is occurring at the same time as the complete overhaul of the resource management system, and the review of local government, is particularly troubling.
3. The Council recognises the need for reform of the provision of water services, but disagrees with the model being proposed by the Government. We have worked constructively through various avenues to provide detailed feedback, guidance and subject matter expertise throughout the reforms, to ensure the best outcome for our community.
4. However, we are also concerned that consultation on the Bill, along with the Water Services Economic Efficiency and Consumer Protection Bill, is occurring during a period when there is insufficient time for staff and elected members to adequately consider the two bills. Councils are the main source of expertise and experience on three waters services in New Zealand and not providing appropriate time for their views to be presented seems an extraordinary risk to the success of the reforms.
5. The Council wishes to reiterate its opposition to compulsory chlorination of our public water sourced from secure groundwater.

### Feedback

#### *We urge the Select Committee to reconsider the inclusion of stormwater*

6. As we have continued to raise, we remain very concerned about the transfer of stormwater management. The delivery of stormwater services is fundamentally different to drinking water and wastewater – stormwater infrastructure and management is intrinsically linked to land use planning and flood management (for example, wetlands, storage basins, roading network and overland flowpaths), rather than being a closed pipe system such as water supply and wastewater.
7. The transfer of stormwater assets, but not flood management, to the entities will reduce accountability, cohesion and efficiency of stormwater management. There is currently one organisation (the Council) responsible for holistically considering stormwater and flood management in an integrated and long-term way. Under this Bill, we could see the Council retain responsibility for flood management; “transport corridor managers” (Council, Waka Kotahi and KiwiRail) responsible for stormwater networks within or connected to transport networks; and, the entity responsible for the rest.
8. This labyrinthine division of responsibility raises the question of who would be responsible for responding to a significant storm event such as that experienced in Christchurch in 2014, and in Auckland just this year. As a result of the Christchurch event in 2014, we enhanced the Land Drainage Recovery Programme established after the earthquakes, and undertook robust flooding risk modelling for the District Plan. This long-term, integrated approach to the recovery from an event is crucial for our communities, and for strategic investment in our systems. Refer to Attachment B for an example of this integrated approach.

9. The Bill's ambiguous and inefficient approach to stormwater and flood management also causes much confusion for our communities, limiting engagement opportunities for individuals and blurring lines of accountability. With recent events, it is ever-more important to ensure clear roles and responsibilities for decision making relating to disaster response.

### *The transfer of stormwater assets and services is very unclear*

10. If stormwater is to progress with transfer through this Bill, there are three major areas of concern regarding the way in which stormwater and flood management are addressed:
  - a) The overlap of definitions of assets relating to stormwater and flood management
  - b) Consenting matters
  - c) The distinction between “transport stormwater system” and “stormwater system”.

### *Overlap between definitions of assets relating to stormwater and flood management*

11. The Bill is amending the Local Government Act 2002 (LGA) to limit territorial authority responsibilities for infrastructure to “flood protection and control works” and “provision of roads and footpaths (including transport stormwater systems)”.
12. It is unclear how flood management and mitigation will be undertaken and integrated with stormwater once stormwater is shifted from territorial authorities to the entities. This Bill does not sufficiently reflect that stormwater management and flood mitigation/management are intrinsically linked and overlapping.
13. Christchurch is relatively unique in that the Council is responsible for both flood management and stormwater management. We have previously raised this issue during the consultation on the Water Services Entities Act in 2022, so we are disappointed to see that this, once again, has not been adequately considered in the drafting of this Bill.
14. This overlapping relationship is reflected in the Comprehensive Stormwater Network Discharge Consent (CSNDC) granted to the Council by Environment Canterbury, which includes conditions explicitly directed to flood management duties. We seek greater clarity on how the CSNDC would transfer to the water services entity, given that it includes conditions for services that the entity would presumably not be providing.

### *Consenting matters*

15. The Bill would add a provision to the Water Services Entities Act 2022 to see the transfer of resource consents from local councils to water services entities, where the consents are “wholly related to the provision of water services.”
16. We consider that the transfer of consents may not be a simple process in instances where a consent contains some conditions for activities that are not expected to be transferred (for example, street sweeping), as well as conditions that apply to activities that will be transferred.
17. It is unclear how programmes and operations that appear to remain with the Council will be managed when stormwater management and its associated resource consents are transferred to the water services entity. We elaborate on this in Attachment A.

### *Transport stormwater system vs. stormwater network*

18. The Bill amends section 6 of the Water Services Entities Act 2022 to exclude “transport stormwater system” from the definition of “stormwater network”<sup>1</sup>.
19. It also adds a new Part 2 to Schedule 1 of the Water Services Entities Act 2022 to state that a “transport stormwater system” is not included as a “mixed-use water services asset or

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<sup>1</sup> The Bill defines “transport stormwater system” as stormwater infrastructure that is owned or operated by a “transport corridor manager” (i.e., the Council).

property”, and thereby not transferred to the water services entity.

20. We take this to mean that stormwater systems considered to be “transport stormwater systems” will not be transferred to the entities. This will mean that some of the Council’s stormwater network will be transferred to the water services entity, while some of the stormwater network would remain the responsibility of the Council as a “transport corridor manager”.
21. This is concerning given the Council system is fully integrated, and does not have a clear distinction between the two. Separation of the Council’s stormwater system, where some of the system transfers to the entity while the remainder stays with the Council, along with the fact that resources consents for water services are to transfer to the entity, will create an extremely complex situation that should be resolved *prior* to this Bill being enacted.
22. Further consideration must also be given to the ability of councils to manage this portion of the stormwater network, if all Three Waters personnel are transferred to the new entity.
23. Overall, the current proposal seems to be unworkable and substantial change is required to the Bill to ensure clarity can be provided.

***We oppose the potential capture of Council-Controlled Trading Organisations (CCTOs) in the Bill***

24. We have repeatedly raised our concerns about the potential capture of CCTOs throughout this reform process. We submitted on this in response to the Water Services Entities Act 2022, and spoke to our submissions in front of the Select Committee.
25. This Bill adds six provisions that specifically relate to the transfer of assets owned by local government organisations. In the context of water legislation, the definition of local government organisation includes any local authority, council-controlled organisation (or subsidiary of a council controlled organisation).
26. We are disappointed to see that this Bill continues to provide uncertainty for CCTOs. Given CCTOs operate in a commercial environment, with shareholders and contractual obligations, we consider this unacceptable.
27. We submit that CCTOs should be explicitly excluded from the framework.

***There remains a lack of public accountability and representation in the governance structure of the Reform***

28. In our submission on the Water Services Entities Act 2022, we provided detailed explanation of our concerns, and potential amendments to improve, the governance structure of the proposed model of reform. We emphasised our concerns at the lack of public accountability or opportunity for public voice throughout the tiers of the governance structure.
29. We are disappointed to see our feedback has not led to any changes proposed in this Bill. Christchurch, as the largest population base in the Southern Water Services Entity, does not have any guaranteed representation on the Regional Representative Group – which hinders our ability to advocate for our community interests. There is an element of accountability in the current relationship between elected members and their communities. This will be lost when only a few councils will be represented. None of the amendments to the Water Services Entities Act 2022 address these concerns, or strengthen the public accountability throughout the other tiers of the governance structure.

***There are many oversights in this Bill that could lead to a loss of public amenity and services***

30. We have identified a range of errors and inconsistencies throughout the Bill that could lead to a reduction in amenities and services available to our community. We consider that this goes

against the intent of the reform, and amendments to the Bill are required to ensure our residents are not detrimentally affected. We elaborate on this in Attachment A, but provide some examples below.

31. The Bill states that “mixed use assets” (where the use or purpose is both for water services and for other reasons) will be transferred to the water services entity if the “primary purpose or predominant use is delivery of water services”. However, the Council owns a number of properties and land that serve more than one purpose/have more than one use<sup>2</sup>.
32. For example, some of our “mixed use” land is reserve land under the Reserves Act 1977. The Bill states that any land transferred to the water service entities which is a reserve would have its reserve classification revoked.
33. Christchurch rate payers have invested in these assets and would reasonably wish to continue to have access to these assets for purposes and uses such as recreation, promoting biodiversity, landscape value and for mahinga kai.
34. We request provisions are included that enable the public to continue to access the affected assets as they have been able to prior to the reforms.

***We continue to express concern at the lack of alignment in the Government programme of reform***

35. There are likely to be significant integration issues both between the Bill and the Resource Management Act 1991 (RMA), and the RMA replacements - the Spatial Planning Bill and the Natural and Built Environments Bill. Alignment of water services legislation is needed with both the existing and future resource management legislation, as the RMA and the plans prepared under it will continue to exist and be in effect for some years, even after the new resource management bills have been enacted.
36. As the legislation for both resource management and water services is still going through the Select Committee process, it remains to be seen how well these two significant pieces of work integrate and align with each other.
37. We urge the two Select Committees to work closely to ensure that the resulting resource management and water services legislation integrates coherently.

***There are potential implications for the Council collecting water services entity’s charges that have not been considered***

38. The Bill enables a water services entity to require councils to collect water charges on their behalf, for an interim period. While there is limited detail on the practical implementation of this requirement, we have several concerns with how this could affect the operations, and public perception, of the Council:
  - There could be confusion about who is responsible for setting the fees and where the funding is going. This leads to a lack of accountability for the entity, and potentially unwarranted complaints to the Council;
  - The Council’s current systems may not be able to support the collection of the entity’s charges without investment in those systems. It is unclear whether full reimbursement, or additional resourcing, is required to be provided by the entity to enable the Council to undertake this function;
  - Christchurch water services are currently set as targeted rates based on the capital value of

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<sup>2</sup> Attachment C provides some examples of Council assets that could be transferred under the provision of the Bill.

the rated property. When this approach to charging changes to volumetric charging, it is possible that some Christchurch customers could see price increases that are disproportionate to other areas. The entity will need to provide due consideration to this point.

***The flow on implications to Council operating practices and procedures have not been sufficiently acknowledged***

39. The additional workload, resourcing and amendments required to embed this reform into Council business is significant, and will affect every employee to an extent. While some funding has been provided to address this, a long-term effort from staff will still be required to ensure Council's processes and systems are amended to adapt to the new legislation – for example, development contributions, bylaws and engagement policies. This is increasingly difficult given the ambiguity of the first Act, and this Bill.
40. We also seek further clarity on the relationship agreements between the council and the entity. It would provide more certainty to councils if these agreements were to be binding.
41. We also request certainty that our existing partnerships with mana whenua in the delivery of holistic, integrated services, such as the multi-party Whaka-Ora Healthy Harbour initiative and the Te Waihora Co-Governance Group will be maintained. We have prioritised partnering with mana whenua and meeting our obligations under Te Tiriti o Waitangi, and we consider we will still have an important role to play, alongside the entity.

***Our subject matter experts have raised a number of other concerns with the Bill***

42. There are several other matters we wish to raise with the Select Committee. These are briefly described below, with greater detail provided, as applicable, in Attachment A.

***Charges for water services – Geographic averaging***

43. The Bill would add a new section 334 within a new Part 11 into the Water Services Entities Act 2022. This clause would allow the Board of a water services entity to charge geographically averaged prices for water services.
44. This could impact on low-income consumers if volumetric charging is accompanied by geographic averaging – both of which could increase costs for Christchurch water users. While there is a provision in the Bill amending the Water Services Entities Act 2022 to enable the Chief Executive of a water services entity to waive or refund a debt<sup>3</sup>, there is no certainty of a debt relief scheme for consumers.

***Limited recourse to challenge allocation of assets***

45. Local government organisations appear to have limited influence over which assets will be transferred to the water services entity. They may provide written comments in the asset allocation process, but there is little provision (outside of a formal Arbitration process) to appeal a decision made by the water services entity's establishment Chief Executive on which the authority of the asset allocation decision rests.
46. We consider that there should be an additional provision for when the asset allocation is unresolved between a council and the establishment Chief Executive of a water services entity.

***Relationship to existing regulations***

47. The Bill seems to be inconsistent with existing legislation and regulations. For example:

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<sup>3</sup> The Bill adds a new section 326 in a new Part 11 to the Water Services Entities Act 2022. This section grants the Chief Executive of a water services entity the authority to waive or refund a water services debt.



- The authority given to the boards of water services entities to “designate controlled drinking water catchment areas” and “issue controlled drinking water catchment management plans” duplicates existing requirements of regional councils. It is unclear if regional councils will be relieved of these requirements.
- The inconsistency between the time frame for approvals for connecting to water services in this Bill to the time frame for issuance of building consents in the LGA .

48. We recommend the Select Committee takes all practicable steps to ensure inconsistencies such as these (further examples in Attachment A) are identified and rectified before the Bill is enacted.

#### *Rating of water entities*

49. There is a lack of clarity about whether rating units owned by the water services entity will be rateable. We are making the assumption that the policy intent is:

- Rating units owned by the water services entities would be rateable,
- Where water assets pass across or under rating units owned by other ratepayers, the water services assets would not be rateable.

50. If this is the intent we request this is made clear in the Bill.

#### *The Crown should be subject to network infrastructure charges*

51. Section 22 of the Bill adds a number of new Parts to the Water Services Entities Act 2002, including a new Part 11 for charging. Section 348 in new Part 11 exempts the Crown from water infrastructure contribution charges.

52. We consider it unreasonable to pass along costs to water users, and this should be amended to ensure that the Crown is subject to the same network infrastructure charges as others. We have the same view about the Crown not paying development contributions under the LGA.

#### *Revoking and making bylaws*

53. The Bill adds a new provision to the Water Services Entities Act 2022 requiring territorial authorities to revoke “spent” water services bylaws (or parts of bylaws). A council must be satisfied that the bylaw that is revoked has “ceased to have effect”. There is some confusion over how this will work in practice. In particular, it must be clear which matters councils should be regulating, and which matters the new entities should be regulating. The Bill does not provide this clarity.

54. It may be useful for the Select Committee to consider how removing inconsistencies in bylaws (due to new regulatory arrangements) was managed in the Fire and Emergency New Zealand Act 2017 and to take a similar approach.

55. We recommend that that the sections of the Bill addressing bylaw-making are redrafted to provide better clarity for councils. More detail is provided in Attachment A on this matter.

#### **Concluding remark**

Thank you for the opportunity to provide this submission. We hope that councils will also be given the opportunity to contribute to the subsequent regulations required for the implementation of the reforms. We wish to be heard in support of this submission.



## Attachment A

### Christchurch City Council submission on *Water Services Legislation Bill 2022*

Submission section	Additional commentary
Transfer of assets – consents	<p>The Bill will transfer resource consents related to water services to the water services entity.</p> <p>An issue identified is the transfer of the Council’s Comprehensive Stormwater Network Discharge Consent (CSNDC) to the water services entity, where there are conditions in the consent that fall outside the scope of the roles and responsibilities of the water services entity:</p> <p><i>Conditions for flood management</i></p> <p>The CSNDC sets out conditions for the Council related to its operation and management of its stormwater programme. The consent covers both stormwater and flood management, with conditions such as the following applying explicitly for flood management:</p> <ul style="list-style-type: none"> <li>• weed management for flood control</li> <li>• flood modelling</li> <li>• responses to flood modelling</li> </ul> <p>Under the Bill flood management is not a function that will transfer to the water services entity, but instead will remain with the Council, however the consent and responsibility for compliance shifts to the entity.</p> <p><i>Other activities outside the scope of the water services entity</i></p> <p>The CSNDC also contains consent conditions for matters that are not likely to be transferred to the water services entity, such as street sweeping and studies to be undertaken to determine the efficacy of the frequency of street sweeping in managing stormwater contaminants. Again, the consent and responsibility for compliance shifts to the entity.</p>
Potential loss of public amenity & services	<p>The Council has employed a “six values approach” to its stormwater, land drainage and flood management programmes. These six values are: ecology, drainage, culture, heritage, landscape and recreation. Examples of how these six values are woven into the Council’s programmes can be seen in the Council’s river catchment visions and values documents, available at <a href="https://ccc.govt.nz/environment/water/waterways/river-catchment-vision-and-values/">https://ccc.govt.nz/environment/water/waterways/river-catchment-vision-and-values/</a></p> <p>Examples of specific Council property likely to be affected is provided in Attachment C.</p> <p>As we have concerns about how water services assets will be developed and managed under the water services entity, we seek</p>

Submission section	Additional commentary
	<p>assurance that the water services entity will embed the “six values approach” in the development of future water services assets and the maintenance of the former Council assets to ensure the same standards and values are met for our community.</p>
<p>Other matters Geographic averaging</p>	<p>In Christchurch, water services are targeted rates based on the capital value of the rated properties. For example, in 2022/23 the targeted rate for water supply is 0.077659 cents per dollar of capital value for a property connected to the public water supply.</p> <p>In the event geographic averaging was to be applied, it seems likely that the cost per unit of water would increase in larger cities which have benefitted from economies of scale and thus have had a lower per unit cost to provide for water services. On the other hand, smaller towns and settlements could likely see a reduction in per-unit costs.</p> <p>There are several principles the water services entities will need to apply when developing their charging schemes, such as that the charges “should be simple, transparent and easy for consumers to understand”, however it is not yet clear how this could look.</p>
<p>Other matters Relationship to existing regulations</p>	<p>With respect to water management planning:</p> <p>The Bill adds a new Part 7 to the Water Services Entities Act 2022, which includes provisions giving the Boards of water services entities the authority to designate “controlled drinking water catchment areas” and “issue controlled drinking water catchment management plans”.</p> <p>This appears similar to the duties and responsibilities of regional councils under existing resource management legislation for management water resources, in particular as these duties and responsibilities relate to drinking water sources.</p> <p>There is no provision in the Bill for the Boards of water services entities to align their “controlled drinking water catchment areas” or to ensure “controlled drinking water catchment management plans” align with regional policy statements and/or regional plans.</p> <p>With respect to building consent processes</p> <p>Under the Bill the process for approvals for connecting to water services is not on the same time frame as the building consent process. For example, a stage 2 approval from the water services entity could take 30 working days as opposed to building consent timeframe of 20 working days. Given these are interlinked, the entity will need to align with existing requirements.</p> <p>Where a stage 3 approval from the water services entity is needed once work is completed, there can be up to 40</p>

Submission section	Additional commentary
	working days before a water service is connected/disconnected.
<p>Other matters</p> <p>Rating water services entities</p>	<p>If it is the intention to make the water services entity's interest in land non-rateable, it should be properly done under Part 1 of Schedule 1 of the Local Government (Rating) Act 2002 [LGRA].</p> <p>The current drafting in the Bill is incorrect for a number of reasons:</p> <ul style="list-style-type: none"> <li>• It attempts to insert a clause in Schedule 1 of the LGRA “after clause 3(3)(d)” but this clause doesn’t exist. Clause 3(d) in Part 1 of Schedule 1 of the LGRA does exist, but clause 3 relates to something completely different and as such shouldn’t be amended. Instead the new material should be inserted as clause 3A in Part 1 of Schedule 1 of the LGRA.</li> <li>• The text proposed in the Bill to be inserted is: “the water services entities in whose service area the local authority is located”. This does not make sense because it isn’t worded in a manner that describes an interest in land. Also, it seems to result in all land owned by the water services entities being non-rateable, which is contrary to what is proposed in new s.34, which is focused solely on the entity’s pipes/assets that are located on land owned by someone else.</li> <li>• New s.342 (Water services entity not liable for rates in certain cases) should be moved to become the new clause 3A in Part 1 of Schedule 1 of the LGRA, which would be the appropriate place to make certain land non-rateable.</li> </ul>
<p>Other matters</p> <p>Revoking and making bylaws</p>	<p>The Bill does not remove councils’ bylaw-making powers in relation to three waters, but alters existing powers. Councils would retain bylaw-making powers for “drainage and sanitation”, “land drainage” and “stormwater drainage provided by the territorial authority” under amended section 146 of the LGA (clause 99). The Bill also amends the Health Act 1956, leaving councils with a bylaw-making power to regulate “private drains and the collection and disposal of sewage” (section 64(1)(g), clause 53). It is unclear how these terms and matters are distinct from and not subsets of “stormwater” and “wastewater”, which will be regulated by the new entities. There are no definitions for these terms in the Bill, and a plain English interpretation does not provide clarity.</p> <p>Schedule 1 of the Bill enables the Board of an entity to adopt existing bylaws (including modifying and consolidating any bylaws). If a Board adopted a bylaw, revoking the spent bylaw would be clear, as regulatory coverage would simply transfer. However, it is not clear whether this is the approach that will be taken by entities. For example, the Southern Water Services Entity, with more than 20 council districts, may need to adopt more than fifty bylaws in this scenario. Additionally, because the bylaw-making powers have been altered and not removed or wholly transferred, it is unlikely that</p>

Submission section	Additional commentary
	<p>bylaws will be adopted in their entirety, as they may regulate a mixture of matters for councils and matters for entities.</p> <p>We would also like to raise a concern about bylaw reviews that fall outside of the deferral period described in Schedule 5 of the Water Services Entities Act. Although the Act enables bylaw reviews to be deferred during the transition period, bylaw reviews that fall after this do not have a deferral option. We anticipate that detailed regulatory arrangements (like bylaws) will not be settled prior to the establishment date, but that this will be the work of the entities for the first several years. Until this state of regulatory flux is resolved, it would be more efficient and cost-effective for the review of bylaws to be deferred in legislation. This is particularly the case for bylaws relating to stormwater, land drainage and wastewater (trade waste and water supply are clearer).</p> <p>A review of remaining parts of bylaws would be best undertaken once the revocation of spent bylaw clauses has been completed, and the relevant entity has adopted replacement instruments. We note that if a Board adopts a bylaw, it must review it by 30 June 2027 (new section 57 of Schedule 1). Perhaps this would provide a useful timeframe for the review of remaining bylaw matters for councils. We note that Auckland’s amalgamation included a five year transition for the review of bylaws.</p>

## Attachment B

### Christchurch City Council submission on *Water Services Legislation Bill 2022*

#### Case Study: Dudley Creek and Flockton Basin – communities benefit from integrated approach to floodplain management

Ōtautahi Christchurch is built on low-lying land, and has taken an integrated approach to stormwater management for decades. The 2010-2011 Canterbury earthquakes had a significant impact on the management of stormwater due to land subsidence and damage, and major works were required in response. These were complex and were required with urgency to protect homes and businesses who were increasingly experiencing flooding.

Dudley Creek and Flockton Basin were some of the worst-affected areas. More than 500 households were at increased risk as result of the land damage, and were experiencing flooding following heavy rain and high king tides. The Council instigated a major land drainage programme of works that cost \$49 million and took almost four years to complete. As a result, in recent severe weather events severe flooding has been averted and the new infrastructure has mitigated heavy rainfall impacts and homes are at much lower risk of flooding.

#### Cross-asset integration vital for programme success

It has taken a fully-integrated approach and investment across Council to ensure that the flood mitigation measures are effective, so that local communities, homes and businesses are more resilient and better protected. Key components of the flood mitigation work included:

- river dredging and bank stabilisation, including habitat restoration
- construction of one of New Zealand's largest stormwater bypasses, running under the roading network
- upgrades to drains and pipes (under roads/footpaths), floodwater storage areas, pumps, culverts and systems
- roading renewals to reduce flooding (including removing a bridge and stopping a road to increase water flow)
- District Plan changes to introduce minimum floor level requirements to reduce flood risk to buildings
- purchase of properties at risk of frequent flooding, and of land for additional infrastructure
- expertise such as ecological, landscape design, geotechnical, engineering, roading and traffic management, community engagement and communications.

Bringing together these numerous workstreams to work effectively and efficiently on such a large-scale programme of work has been challenging. Split ownership of, and responsibility for, contributing assets would have made a complex programme much more difficult to plan and deliver.

We learnt early on that it was crucial to engage closely with the local affected communities. They had been shocked, disrupted and displaced by flooding events and needed authentic and joined-up information about what the Council was doing to mitigate the flooding risks. The benefits of a single agency delivery approach has been critical to providing this.

This is only one example of the integrated approach that Council takes to delivery of stormwater, water quality and flood protection projects. For example, Council has also recently delivered Te Kuru, a very large wetland treatment and flood management facility aimed to reduce flood risk in the Ōpāwaho Heathcote River, improve water quality and ecology in Cashmere Stream and enable development of new residential subdivisions.

## Attachment C

### Christchurch City Council submission on *Water Services Legislation Bill 2022*

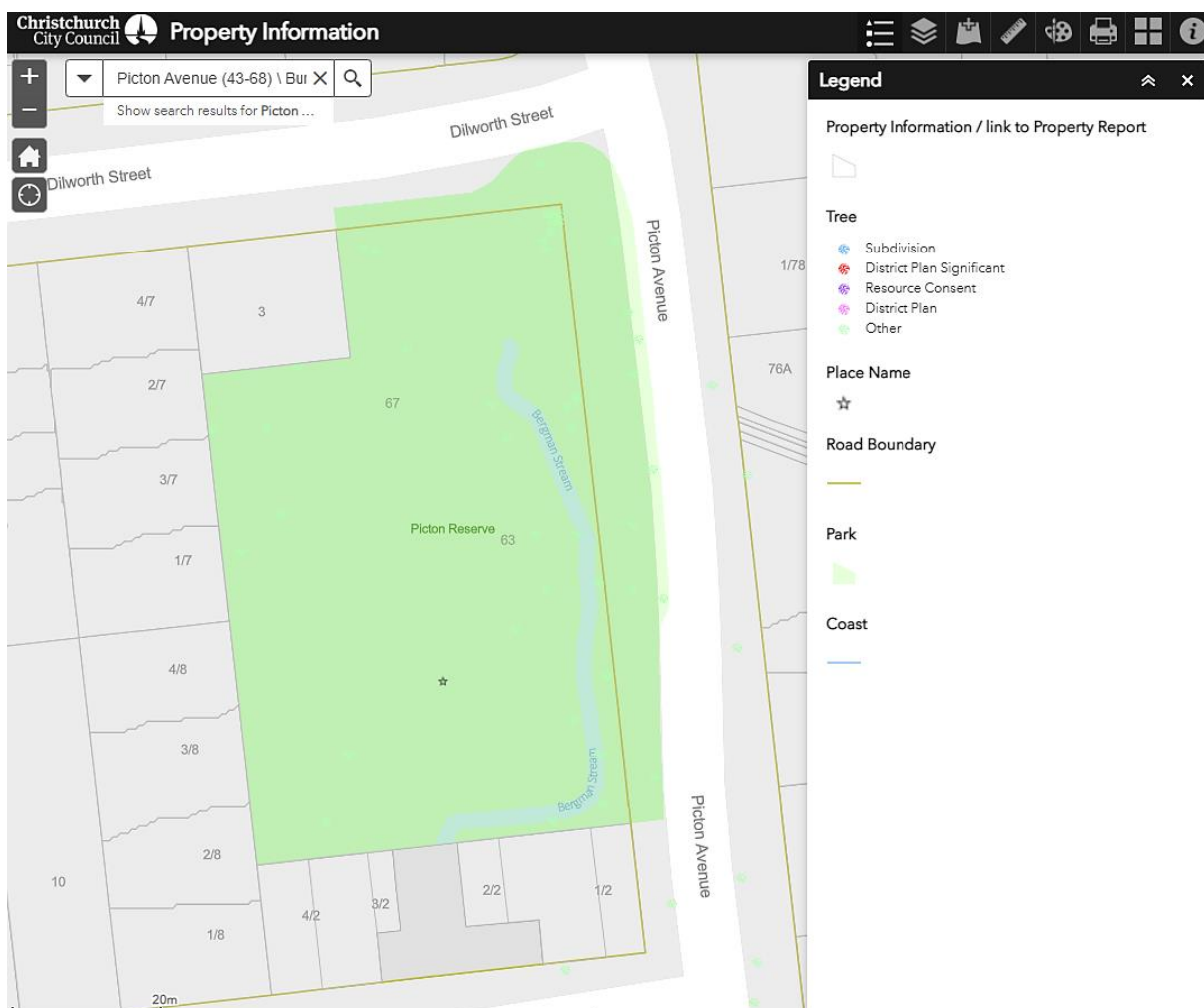
#### Examples of dual purpose or mixed use Council-owned land

##### Council reserves

##### Picton Reserve

In 2000 the Council’s Parks Unit purchased three adjoining sections for reserve purposes. Later that year the Council’s Water Services Unit proposed purchasing a parcel next to the reserve on Picton Avenue to serve as the site for a new water supply pump station and wells. A report to a Council meeting in 2000 recommended the purchase of the section as a utility reserve in conjunction with the adjoining land purchased for Reserve purposes.

The entire parcel is shown as a park on the Council’s Property Information mapping app, as shown below.





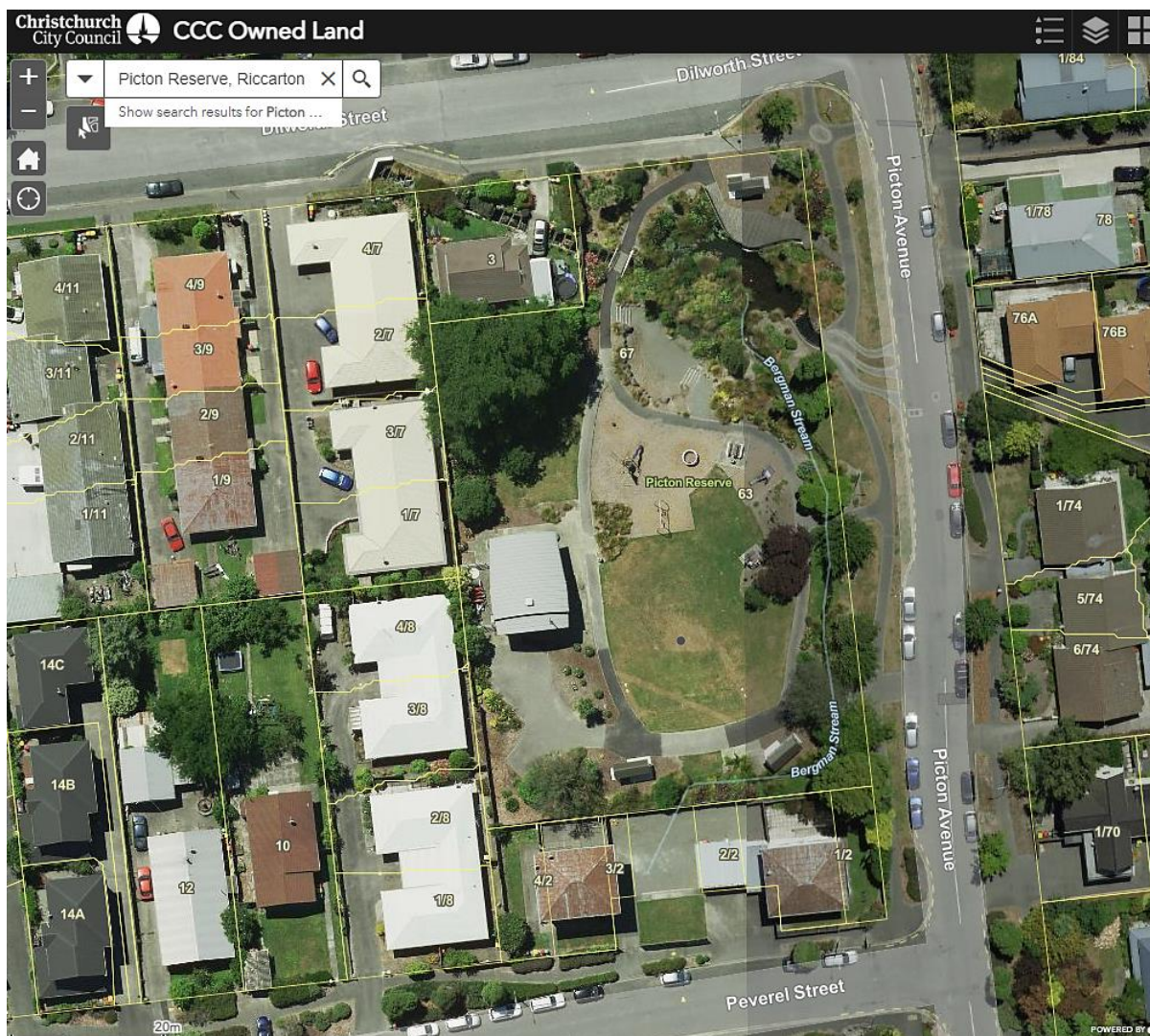
The 3 Waters on Council Land mapping app shows the various water services assets on the site; including water supply pipes (in blue) the pump station, stormwater (in green) and wastewater (in red). There is a small basin in the upper portion of the reserve where a box drain was naturalised and a small basin created, as shown below.



Another property mapping app, showing all Council-owned property, shows the parcel as a reserve. Clearly visible in the image below are:

- The small basin at the north end of the parcel.
- The children’s playground in a portion of the centre of the parcel.
- An open space for recreation the south-central portion of the parcel.
- The pumping station and housing for the three drinking water wells (one near the northern boundary and two near the southern boundary of the parcel).





The District Plan identifies the entire parcel as Picton Reserve, shown in the District Plan as being in the Open Space Community Parks Zone, amidst the surrounding residential properties that are within the Residential Medium Density Zone.

### **Kahu Kiwi Reserve**

Land was transferred to the Council as part of a subdivision reserve contribution. The land (in three parcels) was established as reserves under the Reserves Act.

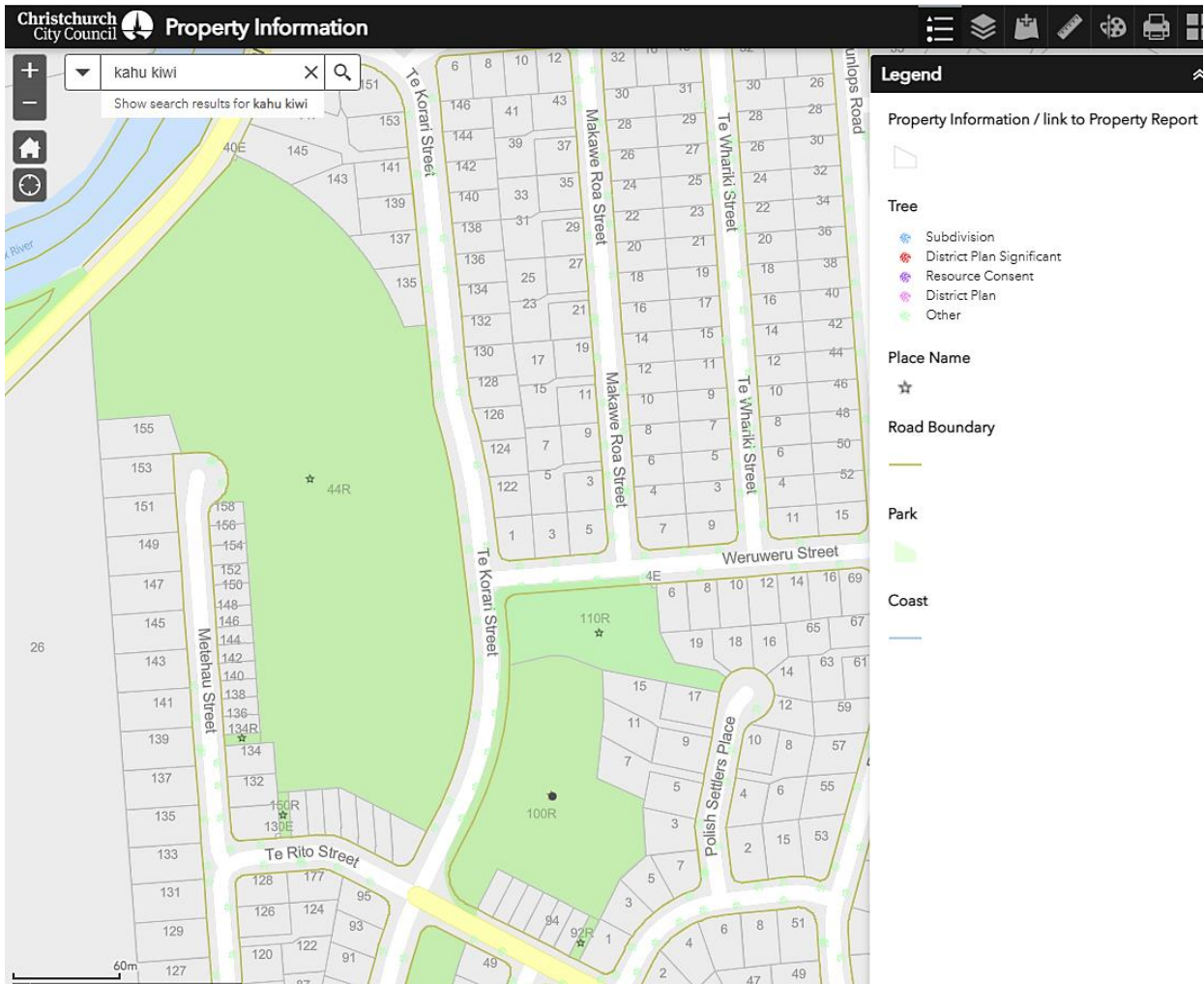
Parcel 110R – Kahu Kiwi Park. The legal purpose is Recreation Reserve. This parcel includes a playground and playground equipment, along with a pedestrian and cycle pathway.

Parcel 100R – Kahu Kiwi 1 Drainage Reserve. The legal purpose is Local Purpose (Stormwater) Reserve / Local Purpose (Utility) Reserve. It includes a large pond/basin with a pedestrian and cycle pathway extends along the western boundary of the parcel.

Parcel 44 - Kahu Kiwi 2 Drainage Reserve. The legal purpose is Local Purpose (Stormwater) Reserve / Local Purpose (Utility) Reserve. The legal purpose is Local Purpose (Stormwater) Reserve / Local Purpose (Utility) Reserve. It includes 4 large ponds/basins with a pedestrian and cycle pathway, for which the eastern entry/exit is directly opposite the western entry/exit for Kahu Kiwi Park. The pathway runs along the eastern perimeter of the two eastern basins, and around the two northern basins. It also includes timber footbridges.



The three parcels are shown in the image below.

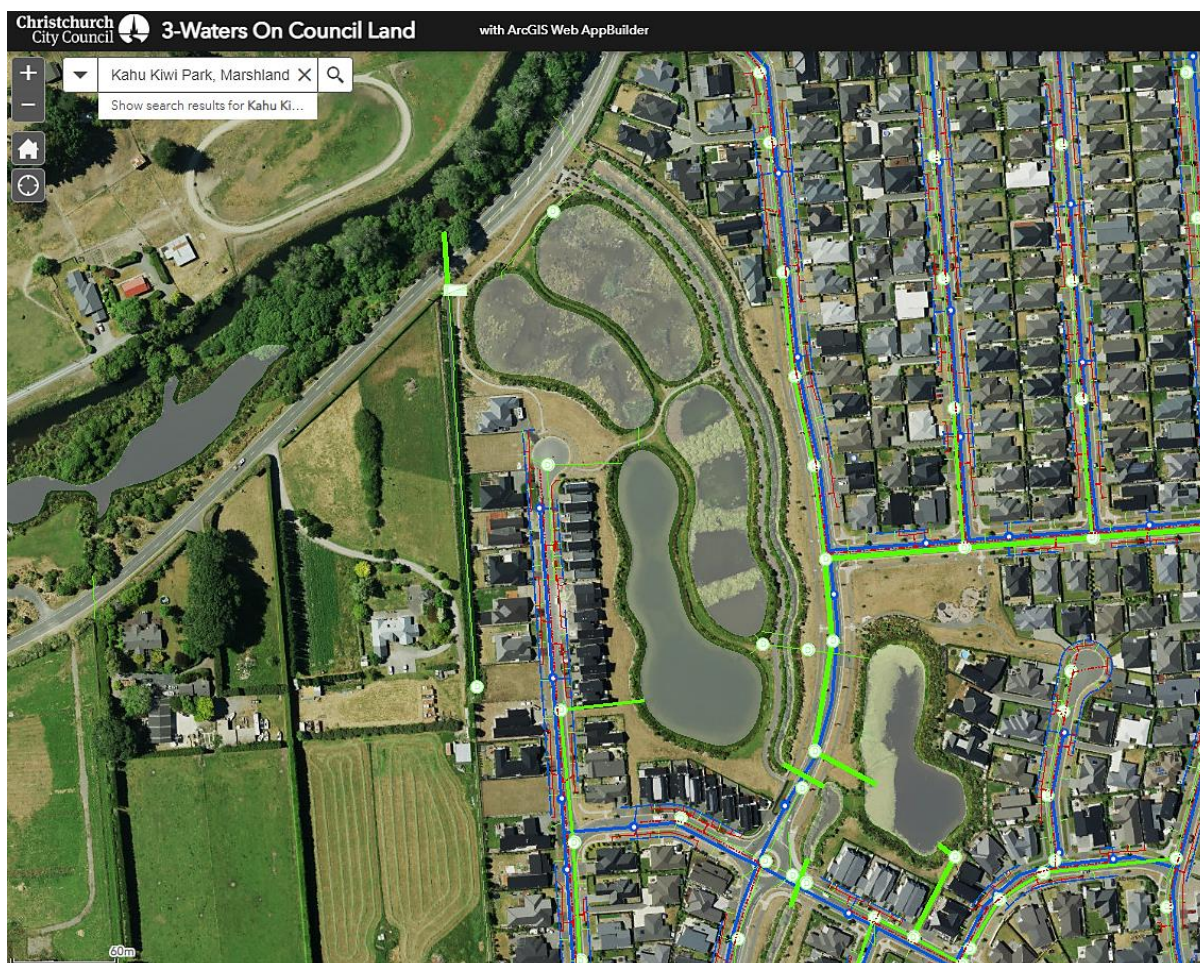


The photo below shows access to Kahu Kiwi Park and its shared pathway on the left and access to Kahu Kiwi 2 Drainage Reserve and its shared pathway on the right.





The image below shows water services infrastructure in the three reserves parcels (1110R, 100R, 44R), including basins and pipelines. Green is stormwater, blue is drinking water and red is wastewater.



## Example of a multi-purpose/multiple use Council asset

### Eastman Wetlands

Henderson Basin, in the upper Ōpāwaho Heathcote River catchment area, has seen significant flooding during major storm events.

The Eastman Wetland is designed as a multi-purpose facility, constructed to provide for stormwater storage and filtration basins to improve both floodplain and stormwater management. It has also been designed to provide ecological, recreational and cultural benefits.

The opening of the first section of walking and cycling tracks was announced in November 2022 (<https://newsline.ccc.govt.nz/news/story/stretch-your-legs-on-christchurchs-newest-walking-tracks>).

A significant planting project is being undertaken. The 100-hectare facility on former farmland between Cashmere and Sutherlands Roads and towards Hoon Hay Valley will see over 600,000 plants and over 100,000 trees planted. The planting will include large area of Rangoā garden to



provide a place to collect plant for use in traditional Māori medicine. There are also plans for a cycling pump track to be included in the future.

The graphic below illustrates the overall layout of the wetland, with recreational amenities.







The photo above shows some of the walking/cycling paths and bridges that have installed at the Eastman Wetlands.