Hearing on Proposed Southland Flood Control and Drainage Management Bylaw 2026

Supplementary Hearing Report

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For Hearing Panel deliberations – 3:00pm Wednesday 15 April 2026
Environment Southland Council Chambers

Supplementary report on definitions for Hearing Panel

Definitions analysis

Following the scheduled hearing on the Southland Flood Control and Drainage Management Bylaw on 26 March 20206, the hearing was adjourned until 15 April 2026 to enable further investigation into potential amendments to specific definitions within the Bylaw and the potential development of new definitions in response to matters raised by submitters. These definitions were specifically in relation to:

- Landward
- Riverside
- Owner
- Occupier
- Maintenance
- Renewal

The following are the recommended amendments to the definitions from the report writer:

Landward

Submitters sought clarification on what was considered as 'landward' within the Bylaw and the Hearing Panel requested that a definition be considered. Should the Panel agree to a definition of landward it is considered appropriate that a 'riverside' definition also be proposed. To support these two definitions a graphic has been proposed to be included to aid clarity.

Proposed definition for landward – *landward refers to the side of the flood control work that faces away from the waterbody.*

Riverside

There was discussion in the hearing about the potential for a definition for riverside, given a definition for 'landward' has been proposed by the Hearing Panel. The term 'riverside' is not used within the Bylaw provisions, nor is it used in any of the new definitions being proposed. If the Hearing Panel accept the proposed definition of 'landward' and the suggested graphic showing what 'landward' is referring to, then it may be acceptable to simply rely on the landward definition and the graphic rather than a definition for a term that is not used within the Bylaw.

Proposed graphic to support definitions - *To be provided at Hearing*

Owner

A submitter questioned the need for a complicated definition in the Bylaw. The definition of "owner" is included in the Resource Management Act 1991 and is a commonly used by the Council. There is a potential to create inconsistencies between Councils planning documents if an alternative definition for "owner" is used in the Bylaw. For this reason, it is not recommended that any amendments be made to this definition.

Should the Hearing Panel decide to include an alternative definition to "owner" an option could be to reflect the additional parts of the RMA definition of "owner" which states:

i) *the owner of the fee simple of the land; and*
ii) *any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.*

Occupier

Although not defined in the RMA or the LGA, the wording applied in the proposed Bylaw for "occupier" uses the same terminology to be consistent with the "owner" definition. The proposed definition is also consistent with other flood control bylaws across the country and is considered to the appropriate for this purpose. No amendments to the definition of occupier are recommended by the report writer. Should the panel recommend amendments, an alternative is provided below:

Alternative definition of occupier – *a person who holds possession or control of property.*

Maintenance

There was discussion in the hearing on the definition of maintenance, and whether a definition should be included in the Bylaw. One suggestion put forward was for the Southland Water and Land Plan definition of 'maintenance' be used. It is the recommendation of the report writer that the definition of 'maintenance' be aligned with the National Policy Statement for Infrastructure 2025 be applied rather than the Southland Water and Land Plan definition.

Proposed definition of maintenance – *maintenance refers to work undertaken to ensure the effective and efficient operation and performance of existing flood control works and includes works necessary to continue to deliver the same level of service.*

Renewal

The Hearing Panel have proposed to include Clause 4.1 of the Bylaw with an amendment to the proposed wording, by removing 'upgrade' and including 'renewal'. It is the recommendation of the report writer that the proposed definition of "maintenance" is sufficient.

Clause 4.1 of the proposed Bylaw addresses the types of works that the Council undertakes, these include "maintenance" and "emergency works". There was also discussion on the inclusion of "renewal activities" as an alternative to "upgrade". What this definition is intended to capture is activities that the Council undertakes that may require flood control works to be replaced but allows for design improvements while not increasing the capacity or level of service of the flood control works. The definition proposed for "maintenance" captures the works that are suggested to be covered by the term "renewal" and that if the Hearing Panel agree with that view, then the term "renewal" does not need to be included in Clause 4.1.

It is recommended that Clause 4.1 be amended to read:

4.1 Nothing in this Bylaw applies to the Council, or any officer or persons authorised by the Council, undertaking maintenance or emergency works on any flood control works for the Council.