

Ashburton District Council

AGENDA

Notice of Meeting:

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

Date: Wednesday 20 November 2024

Time: 1pm

Venue: Hine Paaka Council Chamber
Te Whare Whakatere, 2 Baring Square East, Ashburton

Membership

| | |
|--------------|-----------------|
| Mayor | Neil Brown |
| Deputy Mayor | Liz McMillan |
| Members | Leen Braam |
| | Carolyn Cameron |
| | Russell Ellis |
| | Phill Hooper |
| | Lynette Lovett |
| | Rob Mackle |
| | Tony Todd |
| | Richard Wilson |

4. Council Minutes – 30 October 2024

Minutes of the Council meeting held on Wednesday 30 October 2024, commencing at 1.00pm in the Hine Paaka Council Chamber, Te Whare Whakatere, 2 Baring Square East, Ashburton.

Present

His Worship the Mayor, Neil Brown; Deputy Mayor Liz McMillan and Councillors Leen Braam, Carolyn Cameron, Russell Ellis, Phill Hooper, Lynette Lovett, Rob Mackle, Tony Todd and Richard Wilson.

In attendance

Hamish Riach (Chief Executive), Toni Durham (GM Democracy & Engagement), Ian Hyde (GM Compliance & Development), Neil McCann (GM Infrastructure & Open Spaces), Sarah Mosley (GM People & Facilities), Tania Paddock (Acting GM Business Support) and Phillipa Clark (Governance Team Leader).

Staff present for the duration of their reports: Femke Van der Valk (Acting Strategy & Policy Manager), Mark Chamberlain (Roading Manager), Mel Neumann (Policy Advisor), Tayyaba Latif (Policy Advisor), Erin Register (Finance Manager), Katie Perry (People & Capability Manager) Andrew Guthrie (Assets Manager) and Hernando Marilla (Operations Manager).

1 Apologies

Nil.

2 Extraordinary Business

Nil.

3 Declarations of Interest

Nil.

Public Forum – CBD Retailers

Representing a group of CBD retailers, Jolene Laxton and Richard Wilson spoke about the negative impact on businesses when roads are closed for events. They acknowledged that events such as the recent market day bring people to town, but said they don't necessarily bring people into the shops. The issue is mainly about closing streets for the whole day and there could be some flexibility – e.g. the Santa Parade for a shorter period of closure at a weekend.

The retailers would like to see future market days relocated to Baring Square East or the Domain. They would support closure from Havelock Street to Cameron Street and suggested that communication with affected businesses, prior to a road closure application being lodged with Council, be part of the application process.

The presentation concluded at 1.20pm.

That an officer report be requested on the issues and options associated with road closures in the Ashburton CBD.

Mayor/Cameron

Carried

4 Confirmation of Minutes

- **Council – 16/10/24**

That the minutes of the Council meeting held on 16 October 2024, be taken as read and confirmed.

McMillan/Todd

Carried

5 Methven Community Board

That Council receives the minutes of the Methven Community Board meeting held on Monday 21 October 2024.

Hooper/Lovett

Carried

6 Adoption of 2023/24 Annual Report

Audit NZ has today issued Council with an unmodified opinion.

Officers noted minor changes and requests from Council for some further information. It was agreed that the Annual Report will be included for discussion on the next Audit & Risk Committee agenda.

1. **That** Council adopts the 2023/24 Annual Report for the Ashburton District Council.
2. **That** Council authorises the Chief Executive to make any minor amendments to the final Annual Report as a result of Audit New Zealand's request, and reports any changes to Council.

Mayor/McMillan

Carried

7 2024/25 Council Funded Rooding

1. **That** Council spends the Council LTP budgeted share of the reduced subsidised budget for 2024/25 (\$2,458,000), on 50km of re-sealing; and
2. **That** any remaining funding, if available, be applied to the other work categories:
 - a) Environmental maintenance
 - b) Network service maintenance
 - c) Traffic services renewals
 - d) Drainage renewals
 - e) Footpath maintenance
 - f) Footpath renewal
 - g) Local road improvements
 - h) Road safety promotion

Mayor/Lovett

Carried

A show of hands gave 6 for and 3 against

Cr Cameron recorded her vote against the motion

8 Water Services Delivery Plan 2025

1. **That** Council commences work on determining its future water services delivery arrangements, as required under the Local Government (Water Services Preliminary Arrangements) Act 2024.
2. **That** Council focuses its water services arrangements work on an in-house model, a single-Council CCO model and a single-Council CCO with an existing local Board-governed entity model.

McMillan/Braam

Carried

Welcome to Staff

Katie Perry, People & Capability Manager, introduced new staff – Brad Thompson (Planning), Mohamed Abozed (GIS Team Leader) and Tracey Clark (Customer Services).

Council also acknowledged 10 years' long service of Maryann Cowan (Senior Museum Curator), Ange Reid (Aqua Instructor), Mel Perriton (Aqua Instructor), Bev Stevens (Swim Instructor) and Richard Wood (Sport & Recreation Manager).

Council adjourned for afternoon tea from 3pm to 3.22pm.

MTFJ Outward Bound

William Brown was welcomed to the meeting. William was identified by the Mayors' Taskforce for Jobs as an ideal person to participate in Outward Bound. He spoke positively about the experience and the confidence it has given him to pursue his goals. He acknowledged the support that he received from Mayors' Taskforce for Jobs and thanked Council for the opportunity to speak today.

9 S17A Service Delivery Review – Emergency Management

1. **That** Council receives the Emergency Management section 17A review, as attached in Appendix 1.
2. **That** Council continues to deliver the Emergency Management service in-house.

Hooper/Braam

Carried

10 Development of a Climate Change & Sustainability Strategy

That Council develops a Climate Change & Sustainability Strategy using the proposed process and timeline.

McMillan/Cameron

Carried

11 Local Government Official Information & Meetings Act 1987 Requests Policy

That Council adopts the Local Government Official Information & Meetings Act 1987 Requests Policy 2024, as attached in Appendix 4.

Todd/Lovett

Carried

12 Representation Review – Project update

That Council receives the report.

Braam/Cameron

Carried

13 2025 Schedule of Council Meetings

That Council adopts the 2025 schedule of Council and Methven Community Board meetings.

Lovett/Todd

Carried

14 Financial Report

That Council receives the September 2024 financial variance report.

Wilson/Ellis

Carried

Business transacted with the public excluded – 4.05pm

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: | |
|---------|---|---|--|
| 15 | Council – 16/10/24 <ul style="list-style-type: none"> • Land exchange • Ashburton Business Estate • CE Annual Review [Now in open meeting] <ul style="list-style-type: none"> • ACL Directors’ fees • CE recruitment process | Section 7(2)(h) Section 7(2)(h) Section 7(2)(a) | Commercial activities Commercial activities Protection of privacy of natural persons |
| 16 | People & Capability Quarterly Report | Section 7(2)(a) | Protection of privacy of natural persons |
| 17 | Award of Contract WATE 0389 | Section 7(2)(h) | Commercial activities |

Braam/Ellis

Carried

Business transacted with the public excluded now in open meeting

- **Award of Contract WATE0389 – Ashburton water treatment plant upgrades**

That Council awards contract WATE0389 Package 2 - Ashburton Water Treatment Plant Upgrades 2024-2025 to Ashburton Contracting Limited in the amount of Two Million, Seven Hundred and Fifty Thousand, Seven Hundred and Seventy- Five Dollars and eighty-one cents (\$2,750,775.81).

Lovett/Braam

Carried

- **Lethams Road land exchange [Council 16/10/24]**

That Council:

- a. **approves** the acquisition of 0.4875ha of land defined as Section 2 SO 481381 (“Required Land”) and being part of the land currently held in Record of Title CB34D/278 owned by Ranui Partnership Limited and currently being utilised as public road;
- b. **authorises** the seeking of approval from the Minister for Land Information to stop that part of Lethams Road defined as Section 4 SO 481381 (“Section 4”) pursuant to section 116(1) of the Public Works Act 1981 and, in its regulatory capacity pursuant to section 116(2)(d) grants its approval to stop the same;
- c. **approves** the vesting of Section 4 in Ranui Partnership Limited pursuant to section 117(3)(a) of the Public Works Act 1981 and, pursuant to section 120(3) of the Public Works Act 1981, approves the amalgamation of Section 4 with the balance of the Ranui Partnership Limited’s land currently held in Record of Title CB34D/278;
- d. **approves** a request to the Minister for Land Information to declare the Required Land as road under section 114(1) Public Works Act 1981;
- e. **agrees** to pay the sum of \$13,256.00 plus GST (if any) in part payment of compensation for the Required Land, plus additional compensation of \$2,950 in accordance with section 72C of the Public Works Act 1981;
- f. **agrees**, in the event that the Minister for Land Information declines to declare Section 4 as stopped, to pay the sum of \$29,500.00 plus GST (if any), rather than \$13,256.00 plus GST (if any), as compensation for the acquisition of the Required Land, plus additional compensation of \$2,950 in accordance with section 72C of the Public Works Act 1981; and

g. authorises the Chief Executive to sign any documentation required to give effect to this resolution.

Ellis/Braam

Carried

The meeting concluded at 5.06pm.

Confirmed 20 November 2024

MAYOR

5. Audit & Risk Committee – 23/10/24

Minutes of the Audit & Risk Committee meeting held on Wednesday 23 October 2024, commencing at 1.00pm, in the Hine Paaka Council Chamber, Te Whare Whakatere, 2 Baring Square East, Ashburton.

Present

Mayor Neil Brown, Councillors Russell Ellis (Chair), Leen Braam, Carolyn Cameron, Richard Wilson and Murray Harrington (via MS Teams).

Also present:

Councillors Phill Hooper and Tony Todd.

In attendance

Hamish Riach (CE) (via MS Teams), Leanne Macdonald (GM Business Support), Sarah Mosley (GM People & Facilities) and Carol McAtamney (Governance Support).

Staff present for the duration of their reports:

Erin Register (Finance Manager), Laretta Artz (Accountant), Richard Wood (Sport & Recreation Manager), Katie Perry (People & Capability Manager) and Andrew Malcolm (Safety & Wellness Lead).

1 Apologies

Cr McMillan

Sustained

2 Extraordinary Business

Nil.

3 Declarations of Interest

Nil.

4 Confirmation of Minutes

That the minutes of the Audit & Risk Committee meeting held on 11 September 2024 be taken as read and confirmed.

Wilson/Braam

Carried

5 Management of Accounts Receivable

That the accounts receivable report for September 2024 be received.

Cameron/Braam

Carried

6 EA Networks Centre Income and Expenditure

An updated income and expenditure sheet for the period ended 31 August 2024 was circulated to members prior to the meeting

That the EA Networks Centre financial reports for August and September 2024 be received.

Braam/Harrington

Carried

7 Transwaste Canterbury Annual Report 2024

That the Transwaste Canterbury Annual Report for the year ended 30 June 2024 be received.

Ellis/Harrington

Carried

Business transacted with the public excluded – 1.24pm

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: | |
|----------------|---|--|--|
| 7 | Audit & Risk Committee minutes | Section 7(2)(a) | Protection of privacy of natural persons |
| 8 | Health and Safety Report | Section 7(2)(a) | Protection of privacy of natural persons |
| 9 | Building Claim | Section 7(2)(h) | Commercial activities |
| 10 | Corporate Risk Register | Section 7(2)(h) | Commercial activities |

Cameron/Wilson

Carried

The meeting concluded at 1.48pm.

Stockwater Transition Working Group

31 October 2024



6. Stockwater Transition Working Group – 31/10/24

Minutes of a meeting of the Stockwater Transition Working Group held on Thursday 31 October 2024, in the Hine Paaka Council Chamber, 2 Baring Square East, Ashburton, commencing at 1.30pm.

Present

Mayor Neil Brown; Councillors Richard Wilson (Chair) and Carolyn Cameron; John Wright (Consultant), Darryl Hydes (Federated Farmers); *Via MS Teams* Sally Reihana and Treena Davis (Aoraki Environmental Consultancy), David Acland (Federated Farmers) and Marcelo Wibmer (ECan).

In attendance

Hamish Riach (Chief Executive), Neil McCann (GM Infrastructure & Open Spaces), Toni Durham (GM Democracy & Engagement), Andrew Guthrie (Assets Manager), Crissie Drummond (Infrastructure Services Support Lead), Janice McKay (Communications Manager) and Phillipa Clark (Governance Support)

1 Apologies

Nil.

2 Introductions

3 Confirmation of Minutes

That the minutes of the Stockwater Transition Working Group meeting held on 26 September 2024 be taken as read and confirmed.

Carolyn/John

Carried

4 Stockwater Service Exit Transition Plan

Andrew Guthrie presented the draft Stockwater Exit Transition Plan, outlining the process Council will take and how it will engage with existing stockwater customers, stakeholders and the wider community. The draft Plan was accompanied by maps of the network and intakes.

Key points raised during discussion were responded to:

- Acton stockwater – the consents held by Council are being transferred to the Acton Farmers Irrigation Company who are now managing the scheme.
- Irrigation Consents – some consents allow stockwater to be used for irrigation subject to an equivalent concession to environment. These consents are yet to be given effect to but ECan have extended the consent lapsing dates and they'll remain available until June 2027.
- Compliance – fish screens are the primary focus but only progressing the Brothers Intake design only at this stage.
- Stockwater Management Plan – activity has changed so much to the extent that there is little value pursuing an update of this Plan.
- Scarness weir – under active abatement but awaiting ECan's response to potentially putting this on hold. With the Pudding Hill intake closure expected to be considered first in the exit plan, and should associated race closures proceed, then the replacement of this structure won't be needed.

Legislative context

- Treena has provided information on the Ngai Tahu Claims Settlement Act – if any Council land is to be disposed of, the first right of refusal goes to Ngai Tahu. Statutory acknowledgment (already in District Plan).
- Heritage Act – protected (gazetted) sites, but also inherent protection because of age. Duties under this legislation apply for anything prior to 1900 (the earliest parts of this district’s network were established in the late 1880s).

Existing arrangements

- HHWET – have approached Council about shared race use (Council has approved one so far – for conveyance to the original Lagmhor pilot site).
- Acton Farmers Irrigation Co Ltd – have gone through transfer proposal but still to finalise the agreement of transfer with Council.

Defining scope of affected races

- Identified property owners will be surveyed in relation to particular intake investigations. There will be opportunity for people to also provide feedback after or outside of the survey process.
- Important to look at options on site first. Only after those options are exhausted will look to John to help identify alternative options.
- More work to be done on the concept design – Council won’t design or fund the final solution but will come up with a concept of options to inform discussions with, perhaps, a third party.
- John agreed that a high-level exercise with minimal time/cost will help alternative providers understand the work required – they would do the detailed design.
- Andrew noted that the survey will trigger some wider values assessments. Some work (e.g. stormwater / archaeological) would be done in-house. Officers will work with Arowhenua on the cultural aspect.
- The survey will focus on the stockwater service but there will also be a question on values, as often stormwater is raised as an issue.
- Darryl commented that property owners would be able to say which stockwater races help to take stormwater.

Programme

- Overview of general timing with an intake by intake approach.
- The Working Group agreed it is useful to have an understanding of the general timing, noting that it may be subject to change.
- It was suggested that FENZ be included in consultation. John advised that he will follow up with various community organisations / groups as each intake is dealt with.
- Treena recommended that DOC and MPs are also kept informed.
- The Working Group acknowledged that it will be important not to extend the group too wide and make the distinction between “contributing stakeholders” and “stakeholders with an interest”.

The Chief Executive reminded the Working Group of other workload pressures that Council will be facing over the next two and half years which will challenge the stockwater exit timeframe. While Council is committed to exiting by 30 June 2027, this may require reprioritising other work or revisiting the exit date.

5 Stockwater Service Exit Communications Plan

- The Working Group supported the suggestion that the formal communications plan be included as an appendix to the Stockwater Exit Transition Plan.
- The Comms Plan is currently high level. Janice reported that the first news story was released on 14 October and people are being encouraged to sign up to the e-newsletter. This will be advertised across the district.
- The Working Group asked that the messaging be clear that Council is looking to ‘exit’ the stockwater service and won’t be providing alternatives, other than some support around the design concept work.
- The Mayor asked that reference to “intake” be changed to “service” where it’s stated that stakeholders will be consulted when their (service) is under consideration. It should also be clarified that if no one takes over a service, it will be closed.
- Toni advised that the intention is to focus on the survey with affected parties – then work with those who could be involved to help find solutions.
- David suggested that there needs to be a trigger to show what’s considered to be a good return on the survey.

The Chair reported that the Stockwater Exit Transition Plan will go to Council for approval in December.

The Working Group will further discuss the early approach for stakeholder involvement at the next meeting.

6 Next meeting

Scheduled for Thursday 5 December 2024, 11.30am.

Proposed dates for 2025 will be provided on 5 December.

The meeting concluded at 2.52pm.

7. *EANC Scoreboard Project Timing*

| | |
|-----------------------|--|
| Author | <i>Ellen Nicol, Recreation Services Manager</i> |
| Activity Manager | <i>Richard Wood, Sport & Recreation Manager</i> |
| Executive Team Member | <i>Sarah Mosley, Group Manager People & Facilities</i> |

Summary

- The purpose of this report is to inform Council of recent equipment failures and request that the approved project expenditure be brought forward from 2025-26 to limit negative impact on users and reputational risk to EA Networks Centre (EANC) and Council.

Recommendation

- 1. That** Council approves bringing forward the scoreboard replacement project budget forward from Year 2 to Year 1 (2024-25) in the current LTP.

Attachment

Appendix 1 Officer Due Diligence Product Matrix (*Names redacted due to commercial sensitivity*)

Background

The current situation

1. The LTP 2024-34 has the replacement of the EANC Scoreboard in year 2 for a value of \$100k to replace all four electronic scoreboards.
2. Over the last few months officers and customers regularly notice that the scoreboards have begun to freeze, [run very slowly, jump times](#) and just prior to the recent October Basketball NZ Tournament, one of the Court 1 shot clocks failed beyond repair.
3. Whilst the tournament continued without this shot clock, it was not without comment and referees had to counter the disadvantage the best they could. Although local hosts were understanding given the fault had only just occurred, they have expressed concern that the suite of scoreboards should have been replaced at the first signs of deterioration and have requested to speak to Council regarding this matter via the Public Forum.
4. On 11 November a 2024 all of court four's scoring technology failed. Officers have tried to identify the source of failure, but have had no success.
5. When researching costing ahead of the LTP, officers were informed by our current supplier that they will no longer stock scoreboards beyond the end of 2024 and that they no longer have installation/service staff based in Christchurch.
6. Given shot clocks and scoreboards need to be compatible with each other, replacing only the shot clock now from our current supplier, would not be recommended as, a full replacement of court one technology would occur as soon as the project funds become available.
7. Since the shot clock failure, officers have undertaken further research and have identified a preferred supplier based on a combination of functionality, technology, support proximity and price. Based on the quotes recently received, we are now able to realise a project saving of circa \$26,000.
8. While the installation of new equipment is estimated to take only 2-3 days, the timing of this project is key for users and delays may also damage both EANC and Council's reputation, plus future sponsorship income.

Options analysis

Option one – Bring forward the budget and procurement to replace all units. (Recommended)

9. This option would see officers procure the replacement equipment for all four courts as soon as practical.

| | |
|--|---|
| <p>Advantages:</p> <ul style="list-style-type: none"> • Council is acting promptly to address actual and imminent equipment failure. • EANC continues to meet the level of service expected by user groups. | <p>Disadvantages:</p> <ul style="list-style-type: none"> • Accumulated depreciation funds will be used 1 year earlier. Therefore, depreciation costs (circa \$7.4k) will be payable in 2025-26 instead of 2026-27 as stated within the LTP. |
| <p>Risks:</p> <ul style="list-style-type: none"> • Some members of the community might not agree with this project being prioritised. • Stadium income could drop if current bookings (4 nights per week) discontinue their hire. | |

Option two – Do not bring forward the budget and procurement

10. This option provides funding from 1 July 2025, however due to the significant user disruption and additional training for bench volunteers mid netball season when the stadium is at its busiest, officers believe that installation would be best delayed to **September 2025**. This timing would ensure full technology is available when Basketball New Zealand host another 3-day tournament in November 2025. This would negatively impact 2 Netball Tournaments in 2025, one at Kings birthday (June) and a Senior Rep Tournament in August with high level players from across the South Island.

| | |
|---|---|
| <p>Advantages:</p> <ul style="list-style-type: none"> • No change to LTP project timing saving \$7.4k of depreciation costs in 2025-26. | <p>Disadvantages:</p> <ul style="list-style-type: none"> • Our premier court - ACL Court 1 will remain unfit for purpose for 10 months. • Users and officers will continue to see further degradation of equipment. • The degree of impact to users is unknown and further failures can't be predicted. |
| <p>Risks:</p> <ul style="list-style-type: none"> • Reputational risk of not addressing an equipment failure promptly could impact future tournament bookings and negatively impact local users perceptions of Council. • 2025 requests for renewal sponsorship funding might be negatively impacted. • Current quotes expire in 60 days, so price fluctuation may incur with project delay. | |

Legal/policy implications

Procurement Policy

- 11. Whilst the quotes ranged both below and above the ‘high expenditure’ threshold of \$75,000 the preferred supplier is under the open tender trigger.
- 14. The scoreboards are specialist items. Appendix A illustrates the limited number of products and suppliers within the market that meet our needs and fall within our project budget (\$100k). Appendix 1 shows Supplier C as the preferred supplier. The preferred supplier’s products have been installed at Selwyn Sports Centre as well as Ashburton and South Canterbury Hockey turfs and they have a service agent in Rolleston.

| Review of legal / policy implications | |
|---------------------------------------|-------------------------------------|
| Reviewed by In-house Counsel | <i>Tania Paddock; Legal Counsel</i> |

Strategic alignment

- 12. The recommendation relates to Council’s ‘district of great places and spaces’ community outcome because it ensures EANC continues to offer the expected level of service.

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|--|
| Economic | ✓ | EANC is unlikely to attract tournaments if equipment is unreliable or not to operational standard. |
| Environmental | | |
| Cultural | | |
| Social | ✓ | Encourage increased utilisation and participation in sport |

Financial implications

| Requirement | Explanation |
|---|---|
| What is the cost? | Approx \$64,000 + \$10,000 installation contingency |
| Is there budget available in LTP / AP? | Funding has been allocated within Year 2 of the LTP. |
| Where is the funding coming from? | Accumulated depreciation |
| Are there any future budget implications? | Yes, depreciation costs will commence 01 July 2025, as opposed to 01 July 2026. This means \$7.4k of unbudgeted expense in Year 2. Given the priority of this project officers are confident that they will meet this cost within their existing operational budget. Capital costs will be removed in year two. |
| 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 has already been through the LTP Process. |
| Level of engagement selected | Inform |
| Rationale for selecting level of engagement | Council will want to inform users the replacement and service improvement is being made. |
| Reviewed by Strategy & Policy | Femke van der Valk; Corporate Planner |

Appendix 1

| Supplier | Product Features | After Sale Support & Parts | Price (ex. GST) | Other |
|-------------------|---|--|--|---|
| Supplier A | RF connection, shot clocks, scoreboard control boxes, multi-discipline. | Monday- Friday 8.30am-5pm via phone/email. Support/Service is costly due to no South Island branch. No physical support on large components, only those that can be couriered to North Island. | \$50,030 including estimated installation costs of \$15k. | Current supplier. Warranty issues likely due to the supplier exiting the product range. |
| Supplier B | Wi-Fi connection, shot clocks, I-Pad control, multi-discipline. | Monday- Friday 8am-4.30pm. Physical support available via Christchurch branch. | \$79,750 Includes installation but excludes data cables | 2-4 months lead time. |
| Supplier C | Wi-Fi and RF connection, shot clocks, I-Pad and remote controls, multi-discipline. | Monday- Friday 9am-4.30pm. Rolleston based service staff. | \$63,396. Includes installation estimate. | 6-12 weeks lead time. |
| Supplier D | Wi-Fi connection, score/timer only, I-Pad control. | Monday-Friday 8am-5pm via phone/email. Support/Service may be costly due to no South Island branch. No physical support on large components, only those that can be couriered to North Island. | \$39,000 including estimated installation costs of \$15k. | No shot clocks, therefore not suitable for multi-disciplined/ not fit-for-purpose |

8. *Visitor Experience Code of Conduct*

| | |
|-----------------------|--|
| Author | <i>Jill Watson; Library Manager</i> |
| Activity Managers | <i>Amanda Watson; Customer Services Team Leader</i> <i>Richard Wood; Sport & Recreation Manager</i> <i>Shirin Khosraviani; Art Gallery & Museum Director</i> |
| Executive Team Member | <i>Sarah Mosley; GM People & Facilities</i> |

Summary

- The purpose of this report is to share with Council the Visitor Experience Code of Conduct that facility managers have created.
- The Code of Conduct sets the standards of expected behaviour for visitors and service expectations of staff at all core Council facilities.
- Bad behaviour on the part of a few visitors to some Council facilities has threatened the safety and enjoyment of other users.
- The proposed Code of Conduct includes a range of lesser consequences up to and including trespassing. Officers believe this document will assist staff when managing bad behaviour and assure the community as a whole that such behaviour is not tolerated.

Recommendation

1. **That** Council approves the Visitor Experience Code of Conduct for use in Te Whare Whakatare, Ashburton Library & Civic Centre, EA Networks Centre and The Ashburton Art Gallery & Museum.

Attachment

Appendix 1 Draft Visitor Experience Code of Conduct

Background

The current situation

1. There have been a number of incidents of disruptive and extreme behaviour at Council facilities. Sixteen trespass notices have been issued over eight months of operation at the Ashburton Library. Other facilities have also had problems with visitor behaviour, but to a lesser extent.
2. In dealing with the above issues, the People & Facility Managers researched what other councils were doing to address poor behaviour. Following this, and input from our In-house Legal Counsel, they decided to combine best practice into one document, with the hope that elected members would see the value of setting behavioural expectation when within our public facilities.
3. Officers preferred a Code of Conduct over a policy as it provides expectations for both parties involved and provides bystanding visitors with the ability to express their concern, should officers not address poor behaviour.
4. If adopted this Code of Conduct will formally introduce a range of consequences, which supports staff to make quick decisions how best to deal with the behaviour. When matters are dealt with promptly the bad behaviour impacts fewer visitors and the risk of reputational damaged is also reduced.
5. The Code of Conduct also links to other policies and related documents, therefore making them more accessible for community members.

Options analysis

Option one – Don't adopt Code of Conduct

6. Each facility continues to operate as per current practice or in regard to EANC, their standard operating procedures.

| | |
|---|---|
| Advantages: No advantages are apparent. | Disadvantages: Fails to make uniform rules and expectations across Council's core facilities. Some facilities do not have documentation for staff to follow. |
| Risks: The safe enjoyment of Council facilities is not as well protected or promoted. Less experienced staff may not feel empowered to address bad behaviour if witnessed. | |

Option two – Adopt Visitor Experience Code of Conduct (Recommended)

7. Visitor Experience Code of Conduct Introduced.

| | |
|--|---|
| Advantages: There will be uniform rules and expectations for visitors and staff across all Council facilities. | Disadvantages: No disadvantages are apparent. |
| Risks: Individuals or groups may challenge the additional restraints on personal freedom. | |

Option three – Vary the Visitor Experience Code of Conduct

8. A variation on this Visitor Experience Code of Conduct is adopted.

| | |
|--|--|
| Advantages: There will be uniform rules and expectations for visitors and staff across all Council facilities. | Disadvantages: People & Facility employees have reviewed and discussed the content of this document and provided feedback. |
| Risks: Depending on the scale of variations, additional time may be required for amendments to be made. | |

Legal/policy implications

Legislation

9. Health & Safety at Work Act 2015 requires all officers (including elected members) to be kept informed about the risks of the business and for the PCBU to take all reasonable and practical steps to ensure workers and other persons are being kept safe and its operations are conducted in a safe manner. [Section 36](#) details the primary duty of care provisions.
10. [Council delegations](#) authorise certain position holders to issue Trespass Notices as per the Trespass Act 1980.
11. Local Government Act (LGA) 2002 provides Council's the ability to make bylaws to minimising the potential for offensive behaviour in public places ([section 145 \(c\)](#)), and although this code of conduct does not meet the legal standing of a bylaw, it's intent is aligned to that of the LGA.

Climate change

12. Adopting a Visitor Experience Code of Conduct does not have any implications for climate change.

Review of legal / policy implications

| | |
|------------------------------|-------------------------------------|
| Reviewed by In-house Counsel | <i>Tania Paddock; Legal Counsel</i> |
|------------------------------|-------------------------------------|

Strategic alignment

13. The recommendation relates to Council’s community outcome of “A district of great spaces and places” because it protects and promotes the safe enjoyment of Council facilities.

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|--|
| Economic | | |
| Environmental | | |
| Cultural | ✓ | Helps provide a welcoming and respectful environment at Council facilities, their programmes and activities, for all in the community. |
| Social | ✓ | Improves the safety and quality of visitor experience. |

Financial implications

| Requirement | Explanation |
|---|----------------------------------|
| What is the cost? | Staff time from existing budgets |
| Is there budget available in LTP / AP? | Not applicable |
| Where is the funding coming from? | Existing budgets. |
| Are there any future budget implications? | No. |
| Reviewed by Finance | Erin Register; Finance Manager |

Financial Implications

14. Reduction in costs from behaviours such as wilful damage may decrease, as the responsibilities of visitors to Council facilities are made explicit in the Visitor Experience Code of Conduct.

Significance and engagement assessment

| Requirement | Explanation |
|---|--|
| Is the matter considered significant? | No |
| Level of significance | Low |
| Rationale for selecting level of significance | This is an operational document that sets the expectations of visitor behaviour within Council facilities, which in turn should improve the safety of staff and provide confidence to act in accordance with Code of Conduct, if behaviour falls below expectations. All customer related teams from the People and Facilities Group have been involved and or consulted with. |
| Level of engagement selected | 1. Inform- one-way communication. |
| Rationale for selecting level of engagement | Once adopted, this document will be shared publicly and available on the ADC website. It provides visitors with information on our expectations and rules, and the consequences should behaviour fall short. |
| Reviewed by Strategy & Policy | Femke van der Valk; Corporate Planner |

Visitor Experience Code of Conduct

(Draft to be) Adopted XXXX

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Introduction

Section 1 and 2 of this Code of Conduct establishes the standards of behaviour you can expect from staff and other visitors while at the following Council facilities:

- EA Network Centre,
- Te Whare Whakare (Ashburton Library & Civic Centre),
- Ashburton Art Gallery & Museum

The behaviour of visitors directly impacts the safety and enjoyment of other people either visiting and working within a Council facility and for this reason we take it seriously, with *Section 3* outlining the actions should behaviour not meet our expected level.

1. Our Visitor Experience

1.1. Our Visitor Experience Commitment

Our Visitor Experience Commitment:

Community facilities are here for the enjoyment of everyone who visits and works here. To ensure they are safe and respectful environments:

Council staff are responsible to:

- Provide friendly and helpful service.
- Treat everyone with respect.
- Create a safe and welcoming environment.

Visitors are responsible to:

- Treat other visitors and staff with courtesy and respect.
- Follow our rules and instructions.
- Treat our buildings and everything within them with care.

Staff will decide if a given situation is inappropriate. If you choose not to uphold your visitor responsibilities, we may ask you to leave.

1.2. Facility Rules & Expectations

- a) Visitors must comply with all staff instructions and conditions of use.
- b) If staff consider your actions or behaviour threaten or impact the safety of yourself or others or their enjoyment at the facility, you will be asked to stop any [nuisance behaviour](#) and may be asked to leave immediately. If [extreme behaviour](#) or repeated nuisance behaviour occurs, your rights to visit one or all Council facilities for a period of time may be subject to supervision conditions or entry withdrawn for up to a period of two years.
- c) Be responsible for your own personal items. Council will not take responsibility for any lost or damaged items.
- d) Please leave our facilities and their contents as you found them so that others can enjoy them as well.
- e) Children are welcome in all our facilities. Please be aware that Council staff will not assume any responsibility for any child's supervision and care, including if the child leaves a Council Facility. The exception to this is where Council has stated that a programme provides full supervision, i.e EANC School Holiday programme.

For their safety and wellbeing it is Council's expectation that children aged 13 and under are not left at Council facilities unattended. If children aged 8 -13 are left unsupervised at a Council facility, their parents/guardians remain responsible for their wellbeing. Parents/guardians must ensure all the child's needs are addressed and that they are only left for a reasonable length of time and in reasonable circumstances.

If staff are concerned about a child's lack of supervision, wellbeing or care, they will first attempt to contact the child's parent or guardian, if this is not possible they will contact the Police.

Please note that EA Networks Centre has additional [age based pool supervision ratios](#) in accordance with PoolSafe.

- f) Guide and other assistance dogs are welcome in Council facilities. Other animals are not permitted, unless prior approval is given by the Facility Manager.
- g) Bicycles, skateboards, scooters and rollerblades must not be used at our facilities unless part of a programme. Council facilities may provide options for such equipment to be stored or parked at the owner's risk.
- h) No commercial activity can occur within any of our facilities, unless prior approval is given by the Facility Manager.
- i) All Council facilities and immediate surrounds are smoke and vape free environments as per Council's [Smokefree Policy](#).
- j) The consumption of alcohol by visitors at a Council facility may only occur if authorised by the Chief Executive. The use and/or possession of drugs in Council facilities is not allowed.
- k) Visitors are not permitted to have dangerous goods, flammable spirits, or weapons in and around Council facilities.

- l) Within Council facilities:
 - i. Fundraising associated with events, exhibitions or programmes, hosted in council facilities may occur with prior approval from the appropriate Facility Manager.
 - ii. Unmanned Charity donation boxes may be approved by the appropriate Facility Manager to be left at appropriate locations at the charity's own risk.
 - iii. No unsolicited information sharing or requesting signatures on any petition will be permitted.
- m) Manned Charity promotions, unsolicited information sharing or requesting signatures on any petition may occur outside of Council facilities, for example, in Baring Square East, if the activity is non-invasive, away from the entrance ways, does not obstruct pedestrians or other businesses and comply with Council's Public Places Bylaw.

2. Standards of Service

2.1. Utilisation and Access

Entry is free at Te Kete Tuhinga (Ashburton Library) and Art Gallery & Museum. Spectators can also watch local sport or supervise their children at EA Networks Centre for free, with users either paying entry fees/memberships directly to EA Networks Centre or indirectly via their sports club membership.

Special programmes or services are provided by Council and/or a partner to encourage the use of our facilities by all members of the community. Programmes include Books on Wheels, Wriggle & Read, Microbytes Club, Couch to Wellness, special population programmes, Kōwhai Mums and Art Addicts. Online access to the library collection and some museum collection items is available. Where participation in a Council programme will incur a charge this will be communicated in advance.

The promotion of programmes and services is available through Council websites and other channels.

Accessibility aids (such as walkers, wheelchairs and or hoists) are available to enable all visitors to enjoy our facilities. Mobility scooters are welcomed, however if they are too large staff will advise where they can be parked and a wheelchair will be provided.

Council has a range of **bookable meeting rooms and spaces** see Appendix 2 for more details. Council facilities are restricted to maximum numbers for safety purposes under the Building Act 2004.

2.2. Visitor Communication

Staff will provide courteous and helpful service to visitors.

We will efficiently deal with visitor requests for information or service in accordance with our [Communication Policy](#).

Visitor information that is collected will be stored and used within the terms of the Privacy Act 2020 and our [Customer Privacy Policy](#).

Visitors can provide feedback in regards to our service or offering directly to a team member, via phone, or email to info@adc.govt.nz.

3. Compliance & Review

3.1. Events & Complaints

- If visitors see or experience behaviour that does not meet the Facility Rules and Expectations within this Code, please make a staff member aware as soon as possible.
- Complaints regarding the facility, services offered, or programmes delivered will be investigated by the Facility Manager and/or Group Manager People & Facilities.
- Complaints regarding a privacy breach will be investigated by Council’s Privacy Officer and in accordance with our [Customer Privacy Policy](#).
- Complaints regarding the conduct of Council staff will be investigated internally.

3.2. Alleged Visitor breaches of the Code of Conduct

Nuisance or Extreme Visitor Behaviour

Staff are trained to deal with a variety of situations and can call on external support from security or the police.

Where a visitor’s behaviour does not meet our expectations, staff have the following options available for immediate action or following an investigation:

| | |
|-----------------------------------|--|
| Instruct | Instruct a visitor to stop what they are doing. |
| Stop providing the service | Disconnect the phone call or walk away from the visitor, if the person continues to act/speak inappropriately after being instructed to stop. |
| Supervised Cool-down | Require the visitor to leave their immediate location to complete a 5 minute cool down under staff supervision. |
| Leave Now | Instruct the visitor to leave now and not return until the next day. |
| Conditional Entry | Set conditional future entry requirements – for example, a person is only allowed to return to the facility if they are directly supervised by an approved person for a period of time (1-6 months). |
| Investigation Ban | A visitor may be told to “leave now and do not return for 7 days while we investigate if a longer sanction is warranted”. If they don’t hear from the Facility Manager or Police on our behalf within the 7 day period, they can return to the facility from the eighth day following the event. |
| Ban | Single facility Ban for 1-6 months. |
| Trespass Notice | Single or Multiple Facility Trespass Notice issued (s4 of the Trespass Act 1980). See Appendix 3 to this Code. |

Investigation Principles

Where Council staff consider an investigation into visitor behaviour is appropriate, the following principles will guide the investigation:

- Council staff will gather all necessary information in order to investigate the incident or event and will undertake the investigation in an open minded and fair manner.
- CCTV footage may be used in accordance with our CCTV Policy and Guidelines.
- Following the investigation, a decision will be made on how to respond to the event or complaint.
- The level of consequence will align to the level and extent of behaviour exhibited by the individual.
- Only necessary parties will be informed of the outcome or result of the investigation or decision.
- Nuisance or extreme visitor behaviour may result in the visitor being trespassed from one or more Council facilities. [Council's staff delegations](#) identify the positions with authority to issue trespass notices.
- Where the Police or security contractor have been involved in an incident (and possibly, at the request of on-duty supervisor, asked the individual to leave the facility) they may also recommend to staff that the individual be formally trespassed under section 4 of the Trespass Act.

This recommendation will be taken into account during Council's investigation, but only delegated Council staff can make the decision to issue a trespass notice (under section 4 of the Trespass Act).
- The decision of staff following the investigation is final and cannot be challenged or appealed.

3.3. Review

Operational changes within the Code of Conduct can be approved by the Chief Executive as required.

Council will review this Code of Conduct every five years.

Appendix 1:

Definitions

Nuisance behaviour: This includes offensive language, disruptive or intimidating behaviour and disregarding our Facility Rules & Expectations.

Extreme behaviour: This is defined as situations that warrant no warnings being given, as it is of such a serious nature the event stands alone. It can include but is not limited to:

- Threatening behaviour and/or physical assault.
- Sexual harassment and/or assault.
- Vilifying or inciting hatred on racial, cultural, religious, ethnic or gender and sexuality grounds.
- Theft, extortion and related offences.
- Possession or use of weapons.
- Possession or use of illicit drugs or alcohol.
- Deliberate, dangerous or negligent acts that could or do cause personal injury or property damage.
- Ignoring a supervision order and/or ban from the facility.

Appendix 2:

Conditions of Use and Bookable meeting rooms/spaces

- [Te Whare Whakaterere](#)
- [EA Networks Centre](#)

Appendix 3:

Trespass Notices

Procedure

A trespass notice can only be issued by [delegated staff members](#) in accordance with the Trespass Act.

A written trespass notice can be issued by delegated staff members on the appropriate form. The notice will be served on the individual in person. Council will retain a copy of the notice and reason for trespass on Council's Trespass Register and will also provide a copy to the Police and Security. The Executive Assistant to the Chief Executive is responsible for maintaining the Trespass Register.

A person who has received a trespass notice commits an offence under the Trespass Act if they do not leave the property within a reasonable time after being trespassed, or if they come back on to the property within two years of receiving the trespass notice.

Withdrawal of Trespass Notice

In extenuating circumstances, Trespass Notices may be withdrawn prior to the expiry of the two year notice. These instances will be determined by the Chief Executive.

9. *Appeal – Environment Canterbury Representation Review 2024 – Final Proposal*

| | |
|-----------------------|--|
| Author | <i>Lou Dunstan, Policy Advisor</i> |
| Activity Manager | <i>Mark Low, Strategy & Policy Manager</i> |
| Executive Team Member | <i>Toni Durham; Group Manager Democracy & Engagement</i> |

Summary

- Environment Canterbury is currently undertaking a representation review for the next local body triennial elections being held in 2025.
- The final proposal has now been publicly notified as of the 25 October, signalling the final opportunity to appeal or object against Environment Canterbury’s proposed representation arrangements.
- Based on Council’s submission to the initial proposal, officers have drafted an appeal clarifying comments made in the submission and state Council’s support for the final proposal, which can be lodged with Environment Canterbury before the closing date of 25 November 2024.
- The purpose of this report is to seek approval of Council’s appeal in relation to Environment Canterbury’s Representation Review 2024 – final proposal.

Recommendation

1. **That** Council approves the appeal to Environment Canterbury’s Representation Review 2024 final proposal, as attached in Appendix 1.

Attachment

- Appendix 1** ADC appeal to Environment Canterbury’s Representation Review 2024 final proposal

Background

The current situation

1. The Canterbury Regional Council (Environment Canterbury) is required to conduct a representation review at least once every six years under the Local Electoral Act 2001.
2. Environment Canterbury is currently undertaking a representation review to apply for the next local body triennial elections being held in 2025.
3. To date, Environment Canterbury has completed preliminary engagement, public consultation on their initial proposal, hearings, and deliberations in order to formulate a final proposal.
4. The final proposal has now been publicly notified as of the 25 October, signalling the final opportunity to appeal or object against Environment Canterbury's proposed representation arrangements.

Ashburton District Council's Engagement to Date

Preliminary engagement

5. In May 2024, Environment Canterbury presented three options for preliminary feedback.
 - **Option One:** Retain the status quo
 - **Option Two:** Merge Mid and South Canterbury constituencies
 - **Option Three:** Create a new constituency combining Ashburton District and the South Canterbury constituency
6. The options presented during preliminary engagement were largely driven by three constituencies being non-compliant under the Local Electoral Act +/- 10% rule.
8. Council's submission to preliminary engagement opposed all three options on the basis that none of the options presented would guarantee effective or fair representation for Ashburton District.
9. Council's concern with option one was that the existing Mid Canterbury constituency would continue to be underrepresented, especially with the continued growth occurring in Selwyn.
10. Council opposed option two on the grounds that Mid and South Canterbury are already two large areas, unlikely to be considered a single community of interest.
11. Option three meant that a constituency covering half the geographical size of Canterbury would only be represented by two elected members, Council considered

that this option did not meet the tests for effective representation or the communities of interest principle.

12. Council presented three alternative options for Environment Canterbury to consider, all of which aligned Ashburton District with Selwyn who are considered to be our community of interest.

Initial Proposal

7. On 2 August 2024, Environment Canterbury publicly notified their initial proposal in which they proposed that the Regional Council comprise of 14 members from seven constituencies.
8. The initial proposal reflected option three presented during preliminary engagement. Key features of the proposal included boundary changes to two Christchurch constituencies and the merging of Ashburton District with the South Canterbury Constituency to form the Mid Canterbury Constituency.
9. Under the initial proposal, Christchurch West (underrepresented) and Selwyn (overrepresented) fell outside of the +/-10% rule.
10. Council's submission did not support the initial proposal on the grounds that it did not provide effective representation for Ashburton District, or for the rural communities of provincial Canterbury.
11. Council considered that too heavy a weighting had been placed on achieving fair representation, to the detriment of achieving effective representation for communities of interest.
12. An additional option of merging Ashburton District with the Malvern and Ellesmere Wards from Selwyn District was presented to Environment Canterbury, Council felt this option better reflected Ashburton's community of interest with rural Selwyn.

Final Proposal

13. Having considered all of the submissions, Environment Canterbury resolved to amend its initial proposal to revert substantively to the existing representation arrangements, incorporating additional amendments to two Christchurch constituencies.
14. Under the final proposal, Christchurch West and Mid-Canterbury constituencies will fall outside of the +/-10% rule being underrepresented, while South Canterbury Constituency will be overrepresented.
15. Given that Mid Canterbury constituency is likely to continue to grow in population size over the next triennium, Environment Canterbury's adoption of the final proposal was resolved within a substantive motion which made a recommendation to the incoming council that following the 2025 local body elections, Canterbury Regional Council

undertakes a comprehensive representation review to apply for the 2028 local body elections.

14. Now that the final proposal has been publicly notified, there is an opportunity for objections / appeals to be lodged.
15. Appeals can only be lodged by those who submitted on the initial proposal about matters related to their original submission. Objections can be lodged by any person or organisation when the final proposal differs from the initial proposal.
16. Officers have drafted an appeal relating to matters raised in Council's submission that can be lodged with Environment Canterbury before the closing date of 25 November, should Council wish to proceed with the appeal.
17. The appeal clarifies Council's support for the use of Mid Canterbury/Ōpākihi Constituency name for a constituency comprising of Ashburton and Selwyn Districts under the final proposal. The use of this name was opposed in Council's submission for a proposed constituency comprising only of Selwyn District. The appeal is generally supportive of the final proposal on the basis that a comprehensive representation review be carried out to apply for the 2028 local body elections.

Local Government Commission Review

18. Under the Local Electoral Act 2001, there are two reasons for a final proposal to be reviewed by the Local Government Commission;
 - a. Section 19V states that if a regional council decides not to comply with the +/-10% rule, they must refer that decision to the commission.
 - b. Section 19Q states that if a regional council receives any appeal or objection against the final proposal, then the decision must be referred to the commission for final determination.
19. In the case of Environment Canterbury's final proposal, the final determination will be made by the Local Government Commission regardless of any appeals or objections being received, as their proposal doesn't meet the requirements of fair representation under the Act.
20. The commission will consider all resolutions, submissions, appeals, and objections to determine whether to uphold the decision of Environment Canterbury, or to alter that decision.
21. The commission may also opt to hold meetings with anyone who has lodged an appeal or objection.

How will feedback be considered by the commission?

14. Given that Environment Canterbury will be required to forward all submissions to the Local Government Commission, Council's submission will be considered by the commission amongst the other 216 submissions received in relation to the initial proposal.
15. It is likely that Environment Canterbury will receive appeals / objections in response to the final proposal, either from those who supported the initial proposal and will disagree with the final proposal. Or, from those who do not see status quo as a fair and effective representation structure.
16. There is potential for other territorial authorities, organisations, and individuals to lodge an appeal or objection in which alternative options are presented for the commission to consider.
17. If Council chooses not to appeal the final proposal, there will be no further opportunity to speak to the submission made in relation to the initial proposal, or to other options being considered as part of the Commission's determination process.

Options analysis

18. Council can decide to appeal the final proposal or take no further action. If Council decides to appeal the final proposal, the draft appeal can be adopted to be lodged with Environment Canterbury by the 25th of November 2024. Alternatively, Council may wish to amend the appeal prior to it being lodged with Environment Canterbury.

Option one – Do not appeal the final proposal

19. This is not the recommended option. Council may decide to stay silent and not make an appeal.

| | |
|---|--|
| <p>Advantages:</p> <p>No further officer time will be required as no further action will be taken by Council.</p> | <p>Disadvantages:</p> <ul style="list-style-type: none">■ Council will not have a voice in the next steps of the process.■ Council would miss the opportunity to speak to its submission.■ Given the number of submissions the commission will be reviewing, Council's submission may be weakened if it is not highlighted through an appeal. |
| <p>Risks:</p> <p>As the final determination will be made by the Local Government Commission, there is no guarantee that the final proposal will be adopted.</p> <p>There is a risk that alternative proposals previously opposed by Council may be reconsidered as part of the determination process, with the potential of being adopted. If this occurs, Council will not have the opportunity to rebut less favourable options or defend the position take in our submission.</p> | |

Option two – Appeal the final proposal and approve the draft appeal as attached in Appendix One (recommended option)

20. This option would see Officers lodge the appended appeal with Environment Canterbury by the cutoff date of 25 November 2024.

| | |
|--|---|
| <p>Advantages: Council would retain a voice in the process and would have the opportunity to respond to those who might petition for the initial proposal to be adopted by the Local Government Commission.</p> | <p>Disadvantages: None identified.</p> |
| <p>Risks: Appealing doesn't guarantee that the final proposal will be adopted, there is still a risk that an alternative option is adopted that results in less effective representation for our district.</p> | |

Option three – Appeal the final proposal and approve an amended appeal

21. This option would see Council approve an amended version of the appeal to be lodged with Environment Canterbury.

| | |
|--|---|
| <p>Advantages: Officers recognise that useful points of improvement often arise from elected member input and this option may be preferred for those reasons.</p> | <p>Disadvantages: Depending on the amendments, excess officer time may be spent re-writing the appeal.</p> |
| <p>Risks: Due to the tight timeframe, there is a risk that if fundamental changes are made to the appeal, Council may miss the lodgement deadline.</p> | |

Legal/policy implications

22. The lodging of an appeal does not breach or trigger any statutory or legal duty of the Council but will trigger section 19Q of the Local Electoral Act 2001, requiring Environment Canterbury to refer the final proposal to the Local Government Commission for review.

Climate change

23. This appeal has no direct climate change effects.

Strategic alignment

24. The recommendation supports Councils community outcomes by ensuring residents are well-represented, included and have a voice.

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|--|
| Environmental | ✓ | Environment Canterbury governs Ashburton Districts' natural environment, this appeal advocates for a governance structure whereby elected members who fully understand our environment represent our district. |
| Cultural | ✓ | Council's submission and appeal highlights our districts community of interest, supporting shared values and identity between neighbouring areas. |
| Social | ✓ | By advocating on behalf of the district, the appeal contributes to social well-being by ensuring residents are well represented and have a voice. |
| Economic | X | |

Financial implications

| Requirement | Explanation |
|---|---|
| What is the cost? | No cost for lodging the appeal. Officer resource was required for preparing the appeal. |
| Is there budget available in LTP / AP? | Yes - Officer resource covered by existing budgets. |
| Where is the funding coming from? | Strategy & Policy |
| 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 has been assessed as low due to the recommendation relating solely to lodgement of the appeal. There has been some media coverage of the representation review and Councils submission but it is unlikely that the lodgement of an appeal will result in significant public interest. |

| | |
|---|--|
| Level of engagement selected | 1. Inform – one way communication |
| Rationale for selecting level of engagement | The community will be informed of Council’s appeal through the usual channels. |
| Reviewed by Strategy & Policy | Femke van der Valk; Corporate Planner |


Next Steps

| Action | Date |
|---|------------------|
| Deadline for appeals and objections to be lodged with Environment Canterbury | 25 November 2024 |
| Local Government Commission review of final proposal | January 2025 |
| Final determination | April 2025 |

Additional Comments

Council understands that under Section 19V(4) of the Local Electoral Act 2001, Environment Canterbury's final proposal will be referred to the Local Government Commission to make the final determination.

If the commission deems it appropriate to hold a hearing, Council wishes to speak to our submission and appeal.



NEIL BROWN
Mayor



HAMISH RIACH
Chief Executive

10. Adoption of Solid Waste Management and Minimisation Bylaw 2018

| | |
|-----------------------|--|
| Author | <i>Richard Mabon, Senior Policy Advisor</i> |
| Activity Manager | <i>Hernando Marilla, Projects and Operations Manager</i> <i>Femke Van der Valk, Acting Strategy & Policy Manager</i> |
| Executive Team Member | <i>Neil McCann, Group Manager, Infrastructure & Open Spaces</i> <i>Toni Durham, Group Manager, Democracy & Engagement</i> |

Summary

- The purpose of this report is present the Solid Waste Management and Minimisation Bylaw 2018 (“Bylaw”) for adoption. The Bylaw is enclosed as Appendix 1.
- Council discussed, debated and decided various issues highlighted in consultation material and the 58 submissions received. This material is summarised in paras 5-7 and in Appendix 2.
- Council asked for more information on two matters – construction waste trials and appropriate targeting of event waste management and minimisation plans.
- Officers have:
 - amended the draft Bylaw for Council’s decisions on the Bylaw.
 - provided extra information on construction waste trials. (paras 10-14)
 - provided a definition and mechanisms for decisions on events to ensure event WMMPs are appropriately targeted. (paras 15-23)
 - Identified some improvements at legal review (paras 24-26)
 - Addressed some omissions and minor alteration to the Bylaw and Schedule 2 which are listed in Appendix 3 (paras 27 & 28)
- All changes proposed to the Bylaw from the document that was consulted upon are highlighted in yellow in Appendix 1.
- Officers recommend the adoption of the amended Bylaw per Appendix 1.

Recommendation

- 1. That** Council adopts the Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018 (as set out in Appendix 1) effective from 29 November 2024.
- 2. That** Council advises submitters and interested parties of the outcome of the consultation process and deliberations feedback.

Attachments

| | |
|-------------------|--|
| Appendix 1 | Ashburton District Council Solid Waste Management & Minimisation Bylaw 2018 (including proposed amendments at 30 October 2024) |
| Appendix 2 | Minutes of Solid Waste Bylaw Submission Hearings & deliberations – 16 October 2024 |
| Appendix 3 | Correction of omissions and other minor alterations. |

Background

1. Council last amended the Bylaw in 2018. It reviewed the Bylaw in December 2023 following review of the Ashburton Waste Management and Minimisation Plan in 2022.
2. As part of the Bylaw Review, Council completed the s.155 tests and decided to amend the Bylaw. Consultation was scheduled to take place once Council had consulted and made decisions on a Food Organic/Garden Organic (FOGO) kerbside collection service during the long-term plan (LTP) process.
3. Council and officers resumed the Bylaw amendment process in August 2024 and revised the s.155 tests to take into account the LTP decisions and other adjustments to the proposed amendments for issues arising since December.
4. The proposal opened for consultation on 28 August and submissions closed on 29 September 2024. 58 submissions were received.

Submissions and Hearings

5. The focal issues of the consultation were:
 - Event waste management and minimisation
 - Construction site waste management and minimisation
 - CBD Bin retrieval
 - Clause 8.7.5.4
6. Other issues at consultation included:
 - Conditions of service generally and FOGO collection conditions of service specifically
 - Three strikes rule
7. Other issues related to solid waste levels emerged during the consultation including:
 - Definition of what is an “event”
 - Bins that are “locked open” at rural drop-off facilities
 - Regularity and timing of bin collection
 - The one-strike rule

Deliberations

8. Minutes of the hearings and deliberations are enclosed as Appendix 2. Officers have updated the draft Bylaw to reflect Council’s deliberations. Some resolutions are matters for future action that do not require Bylaw amendment.
9. Two matters required further information or clarification in this report.

Construction Waste Management & Minimisation Plan Trial – Auckland

10. Councillors asked for more information about a trial of waste management and minimisation planning and activities conducted in Auckland to support builders to reduce construction waste to landfill.
11. Officers have identified a number of publications related to trials conducted in Auckland, including:
 - The [Accord Beacons](#) project which involved Naylor Love, Auckland Council, Auckland University of Technology and others managing waste at a commercial building project on the AUT Campus. This was a very successful project but not residential in its focus.
 - [Naylor Love, Benton Ltd, Auckland Council, ESRC and Junk Run](#) (in association with Unitec and the AUT). This aimed to reduce waste from a project that involved demolition of an existing house and construction of an eight-storey townhouse building. This project diverted 91% of construction and demolition waste from landfill. The material involved were typical of residential construction although large scale townhouse developments are not typical of Ashburton residential construction.
12. Local builders described to officers a trial of sorting sites set up within a subdivision development that had “failed” as some builders literally drove past the sorting facility rather than use it. We could not find information on this trial.
13. The information on trials that we did find showed that those trials were successful in minimising waste and used on-site sorting as part of a planned approach. The worksites and projects were not typical of the nature and scale of residential construction in our district. In addition, there were significant public and private resources invested in these trials. For example, Auckland Council invested \$35,000 in the Accord Beacons project and had a senior waste planning specialist on the worksite daily. Naylor Love is a national commercial construction company with over 900 employees spread over eight offices in six regional divisions.
14. It may also be pertinent to note that the [Auckland Council Waste Management & Minimisation Bylaw 2019](#), the [Draft Waste Management and Minimisation Plan 2024](#) and the [Auckland Climate Plan 2020](#) all address waste (noting construction waste as 40% of their waste stream) and none of the documents require WMMPs as part of their action plans.

Defining an Event

15. Councillors asked for a clearer definition of events that would not require small events (such as extended family picnics), regular sporting events, and events with a low risk of waste generation to provide a waste management and minimisation plan.

16. This is to avoid unnecessary cost and administration for applicants and Council and to ensure that the solution is proportionate to the risk. Council also sought assurance that the governance authority of Reserve Boards would be recognised in the process.

Existing Bylaw

17. The current Bylaw reads:

*“**Event** means any organised temporary activity of significant scale that is likely to create litter including but not limited to an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration. An event is considered significant if it requires a road closure and /or attracts more than 1000 attendees across the event.”*

An event is considered significant if it requires a road closure and /or attracts more than 1000 attendees across the event.”

Draft Bylaw for consultation

18. The draft bylaw as consulted upon deleted the second sentence defining what makes an event significant. The intent of the amendment was to support the District WMMP by including all events to help improve waste management practice and support public education, minimise event clean-up and maximise diversion from landfill.
19. In light of Elected Members’ feedback, officers have developed an alternative solution to meet requirements.

Solution

20. Officers propose a solution that:
- Expresses the intent of the clause through Explanatory Notes
 - Adjusts the definition of “event” in clause 5 to reflect the range of events that may be captured by the bylaw and its exclusions; and
 - Tightens the wording in clause 8.4 of the Bylaw by establishing a threshold of “significant scale or risk” for events that should require a WMMP; and
 - Sets criteria that must be considered before deciding whether an event reaches the threshold; and
 - Sets specific exclusions for events that will NOT require a WMMP;
21. Clauses 8.4.1 to 8.4.4 now reads:

8.4 Events

“Explanatory Note: *This bylaw provides for Council to require an event waste management and minimisation plan where an event of significant scale or risk is likely to create litter. Further information on events, event permits, and how to find out more about the requirements for holding events, can be found at Council’s website.*

Council’s expectation is that the provisions of this part of the Bylaw will be managed by officers in a manner that is:

- a) proportionate to the risk; and*
- b) user-friendly; and*
- c) cost-effective for event holders and Council.*

8.4.1 Council will require an event waste management and minimisation plan for events of significant scale or risk on Council-owned or managed land.

8.4.2 In determining whether an event is of significant scale or risk, Council will consider the criteria under clause 8.4.3 and the exclusions under clause 8.4.4. Council’s decision will be final.

Criteria for deciding significant scale or risk

8.4.3 The criteria for determining significant scale or risk are:

- 8.4.3.1 Whether the number of event attendees is expected to exceed 150 people;
- 8.4.3.2 Whether the event needs combined use of a public space;
- 8.4.3.3 Whether the event will involve supply of food and/or drink and/or merchandise;
- 8.4.3.4 Whether the event occurs at a time and/or over a duration of time when people would normally expect to eat;
- 8.4.3.5 The quantity and types of waste likely to be generated;
- 8.4.3.6 Any waste-related problems caused by previous or similar events.

Exclusions

8.4.1 Council will not require an event waste management and minimisation plan for:

- 8.4.4.1 An event that does not meet any of the criteria in 8.4.3.1 to 8.4.3.4; or
- 8.4.4.2 An event held on land under the management of a Reserve Board (except with the agreement of the Reserve Board); or
- 8.4.4.3 An event held on land that is subject to a lease or licence from Council and carried out by a lease or licence holder in accordance with their lease or license (for example a club day, practice or game); or
- 8.4.4.4 Hawkers, mobile shops or stalls which are regulated under the Ashburton District Council Trading in Public Places Bylaw 2022; or
- 8.4.4.5 non-exclusive use of a public place for informal recreation (for example, a picnic in a park by an extended family).”

22. Clause 8.4.5 sets out the information requirements for a WMMP. This has been amended by the addition of an additional clause 8.4.5.2 which reads:

8.4.5.2. “whether the organiser intends to engage the services of a waste management specialist;”

23. The reasons for the changes are:

- Explanatory Note: to clarify the purpose of this part of the Bylaw and to link interested readers to other information on event permits.
- Explanatory Note: to clarify Council’s expectations about the approach Officers should take in applying this part of the Bylaw.
- 8.4.1 – Event WMMPs required for events on Council owned or managed land for events of “significant scale or risk”
- 8.4.2 – Council will consider the criteria and exclusions when determining whether an event is of “significant scale or risk”
- 8.4.3 – lists the criteria that Council will consider. Most are self-explanatory.
- 8.4.3.2 - Combined use of a public space is included as this has been shown to encourage people to move from one space to another spreading the area over which waste can be deposited);
- 8.4.3.3 – use of supply rather than sale is intentional. Includes merchandise as well as food and drink.
- 8.4.1 – details the automatic exclusions. This covers the examples raised by Council during deliberations and other possibilities identified during review of other Bylaws. This is the most comprehensive set of criteria and exclusions in any such Bylaw in Canterbury.
- 8.4.5.2 - added for ease of compliance. If the organiser engages a waste management specialist officers would be confident that the event will be properly managed without requiring a fully detailed plan.

Legal Review

24. Two issues have been identified and addressed to improve legal robustness of the Bylaw.

25. Clause 7.1.1 has been amended to reflect the intention that, when making any condition of service, Council will comply with its consultation and decision-making obligations. This means that Council will consult where it is appropriate to do so, given the significance of the matters involved. It does not mean that every matter must be consulted upon.

26. Clause 10.2 of the bylaw has been added under the sub-heading “*Kerbside Collection Services*” and points 10.1.3 to 10.1.5 have been renumbered as 10.2.1 to 10.2.3 respectively. This connects the enforcement actions for breach of conditions of service relating to kerbside collection with the appropriate powers to make those conditions of service in the Bylaw.

Omissions and minor alterations

27. Appendix 3 provides an explanation of any omissions that have been corrected and any other minor alterations that are being proposed. In putting these forward, officers have sought to avoid any substantive change to the meaning and scope of the Bylaw.
28. Officers can answer any questions arising from Appendix 3. Council is free to accept or reject any of these changes by way of amendment.

Options analysis

29. The following options are available

Option One – Adopt the amended Bylaw as attached in Appendix 1.

30. Under this option, Council would adopt the bylaw appended as Appendix 1.
31. Appendix 1 has been amended to reflect the decisions made during deliberations and the latest officer advice on definitions for events requiring a waste management and minimisation plan.

| | |
|---|---|
| <p>Advantages:</p> <ul style="list-style-type: none">• It addresses the original objectives of the Review.• It reflects Council’s consideration of the views expressed by submitters. | <p>Disadvantages:</p> <ul style="list-style-type: none">• Council has not considered or debated the new definitions related to events.• Council has not previously considered the new information on construction site waste management and minimisation plans.• This option presumes that Council would not depart from that advice or act on that new information. |
| <p>Risks:</p> <p>The risks are that 1. Council finds that the new definitions relating to events require changes; or 2. the new information provides grounds to amend the Bylaw. This is normal democracy in action and can be managed under normal rules of debate. This is LOW risk. There would be greater risk if Council proposed an amendment which was materially different from the scope of the original draft Bylaw as consulted upon. This is normally managed through the provision of officer advice enabling informed decisions. Depending on the nature of the amendment, this is LOW-to-MODERATE risk.</p> | |

Option two – Make further amendments to the Bylaw and adopt with additional amendments

32. Under this option, Council may choose to make further amendments to the Bylaw detailed in Appendix 1 arising from the discussions.
33. While the exact nature of any amendment is not easily foreseen, two potential areas of the report that may give rise to amendments are the new definitions related to events

and the new information on construction site waste management and minimisation plans.

34. At this stage of the process, amendments need to be explicitly worded for clarity as a change to the Bylaw.

| | |
|--|--|
| <p>Advantages:</p> <ul style="list-style-type: none"> • It addresses the original objectives of the Review. • It reflects Council’s consideration of the views expressed by submitters. • It may enable Council to refine the proposed definitions relating to events or respond to new information. | <p>Disadvantages:</p> <ul style="list-style-type: none"> • The risk of an amendment that is materially different from the draft Bylaw as consulted upon. In the worst case scenario Officers would advise Council to defer adoption of the bylaw and take further written advice on such an amendment. |
| <p>Risks: For reasons discussed under Option One and under Disadvantages in this Table, this is LOW-to-MODERATE risk.</p> | |

Legal/policy implications

Local Government Act 2002

35. Council has reviewed the Bylaw within the statutory timeframes set out in the Local Government Act 2002 “the Act”. In undertaking the review, Council has made the determinations set out in section 155 of the Act 2002. Council has also complied with the consultation and procedural requirements in sections 156 and 160 of the Act.
36. The matters addressed within the Bylaw are within Council’s bylaw-making powers under the Act and under the Waste Minimisation Act 2008. The Bylaw is also consistent with Council powers under the Health Act and the Litter Act.

Climate change

37. Eliminating food waste from landfill is consistent with efforts to mitigate climate change by reducing greenhouse gases. It results in fewer truckloads of residual waste going to Kate Valley landfill, thus reducing the emissions associated with cartage. Based on the 2018 Waste Assessment, about 65% of kerbside red bin waste is kitchen waste that is compostable.¹ While compostable material will be carted to Timaru or Christchurch, this is half the travel time of cartage to Kate Valley.
38. In addition, composting is an aerobic process that does not generate methane, while landfilling is an anaerobic process that generates leachate, methane and other

¹ Ashburton Waste Management and Minimisation Plan 2022, p 8

greenhouse gases. Kate Valley is a modern landfill and captures 95% of gas emissions to generate over 2,000 kWh of electricity.² The surplus is burnt off by landfill gas flare.³

Review of legal / policy implications

| | |
|------------------------------|------------------------------|
| Reviewed by In-house Counsel | Tania Paddock; Legal Counsel |
|------------------------------|------------------------------|

Strategic alignment

39. The recommendation relates to Council’s community outcomes as set out in the table below:

| Community Outcome | | Reasons why the recommendations have an effect on this outcome |
|--|---|---|
| Residents are included and have a voice | ✓ | Public consultation on the Bylaw and the conduct of Council business in public contributes to open, transparent and democratically accountable local government and ensures that residents are included and have a voice. |
| A district of great spaces and places | ✓ | Waste management contributes to public health which helps enable people to live positive healthy lifestyles. |
| A balanced and sustainable environment. | ✓ | The Bylaw supports the Council’s WMMP and effective delivery of waste management services which in turn help to reduce landfill leachate and greenhouse gas emissions. |
| A prosperous economy based on innovation and opportunity | ✓ | The Bylaw supports the effective operation of facilities and infrastructure that meets the needs of households and businesses for efficient waste management services. |

40. The recommendation relates the four well-beings as set out in the table below:

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|---|
| Economic | ✓ | Efficient and effective waste collection services contribute to a well-functioning economy. |
| Environmental | ✓ | Waste management, especially recycling and composting, contribute to environmental well-being by reducing landfill leachate and greenhouse gas emissions. |
| Cultural | ✗ | |
| Social | ✓ | Waste management contributes to public health which is a form of social well-being. |

² <https://transwastecanterbury.co.nz/wp-content/uploads/2020/08/Kate-Valley-Renewable-Energy.pdf>

³ As for note 3.

Financial implications

| Requirement | Explanation |
|---|--|
| What is the cost? | Officers note that the Bylaw consultation and implementation of the adopted bylaw is expected to be delivered within operating budgets. No additional expenditure is required. |
| Is there budget available in LTP / AP? | Yes |
| Where is the funding coming from? | Operating budgets for Strategy and Policy will cover the direct costs of consultation. Implementation (including enforcement) is covered by operating budgets for solid waste collection and solid waste management, managed by Projects & Operations. |
| 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 | Officers assess the matters for consultation under the Bylaw to be of medium significance. |
| Rationale for selecting level of significance | N/A. |
| Level of engagement selected | 3.Consult – formal two-way communication. |
| Rationale for selecting level of engagement | Consultation requirements are specified in s 156 of the LGA. In this case, consultation using a s. 82 process has been undertaken and 58 Submissions were received and considered. |
| Reviewed by Strategy & Policy | Femke Van der Valk, Acting Strategy & Policy Manager |

Next steps

| Date | Action / milestone | Comments |
|------------------|----------------------------------|---|
| 20 November 2024 | Council to formally adopt Bylaw | |
| 29 November 2024 | Amended bylaw becomes effective. | Bylaw must be publicly notified after adoption. |

Bylaw

SOLID WASTE MANAGEMENT AND MINIMISATION

| | |
|-------------------------|--|
| TITLE: | Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018 |
| TEAM: | Projects and Operations |
| RESPONSIBILITY: | Waste Recovery Manager |
| DATE ADOPTED: | 20 November 2024 . |
| COMMENCEMENT: | 29 November 2024 |
| NEXT REVIEW DUE: | 29 November 2029 (as required by LGA s.158 and 159 and aligning with review of Waste Management and Minimisation Plan in 2028) |

1. Title

The title of this bylaw is the “Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018”.

2. Purpose

The purpose of this bylaw is to support the:

- promotion and delivery of effective and efficient waste management and minimisation in Ashburton as required under the Waste Minimisation Act 2008,
- implementation of Council’s waste management and minimisation plans,
- purpose of the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy,
- regulation of the collection, transportation, and processing of waste,
- protection of the health and safety of waste collectors, waste operators and the public, and
- management of litter and prevention of nuisance in public places.

This bylaw is made pursuant to the Waste Minimisation Act 2008, Local Government Act 2002, Health Act 1956, and the Litter Act 1979.

3. Related documents

- Local Government Act 2002
- Waste Minimisation Act 2008
- Litter Act 1979
- Health Act 1956

- Climate Change Response Act 2002
- Hazardous Substances and New Organisms Act 1966
- Health and Safety at Work Act 2015
- Ozone Layer Protection Act 1996
- Radiation Safety Act 2016
- Resource Management Act 1991
- Te rautaki para - Aotearoa New Zealand Waste Strategy 2023
- Ashburton District Council Waste Management and Minimisation Plan 2022
- Ashburton District Council Explanatory Bylaw 2016
- Ashburton District Council Open Spaces Bylaw 2016
- Ashburton District Council Public Places Bylaw 2018
- Ashburton District Council Trading in Public Places Bylaw 2022

4. Contents

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5. Compliance with Bylaw

- 5.1. No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- 5.2. To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

6. Definitions

- 6.1. In this bylaw, unless the context otherwise requires:

Act means Waste Minimisation Act 2008.

Approved means Authorised in writing by Council.

Approved container means any container (including bags) that has been approved by Council for the collection of any type of waste, with approval based on the following criteria: the prevention of nuisance, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.

Ashburton Central Business District or **Ashburton CBD** means, for the purposes of this bylaw, the area defined in the Ashburton CBD Waste Collection Rating Area map.

Building work has the same meaning as in section 7 of the Building Act 2004 and generally means any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.

Bylaw means this Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018.

Class 1-5 landfills has the same meaning as in the Technical Guidelines for Disposal to Land and provided in Schedule 1 of this Bylaw.

Clean fill material means waste that:

- a) does not undergo any physical, chemical or biological transformation that, when deposited or with the **passage** of time, is likely to have adverse effects on the environment or human health; and
- b) is not diverted material; and
- c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - i. combustible, putrescible, degradable or leachable components;
 - ii. hazardous waste;
 - iii. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - iv. materials that may present a risk to human or animal health or the environment; and
 - v. liquid waste; and
- d) has less than two per cent by volume by load of tree or vegetable matter.

Clean fill site means land used for the disposal of clean fill material.

Commercial waste means waste that results from a commercial enterprise and includes waste generated by the carrying out of any business, manufacture, trade, market, or other activity of a similar nature.

Construction and demolition waste means waste generated from any building construction or demolition works; and includes but is not limited to any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

Conditions of Service means a document or standard made under the process described in clause 7 of this Bylaw and for the purposes set out in clauses 7, 8.3 and 8.6 of this Bylaw.

Construction site waste management and minimisation plan means a plan for the management and minimisation of waste generated at a construction site. Such a plan will include the information specified in clause 8.5 of the bylaw and applies from the beginning to the end of the construction period.

Council means the Ashburton District Council or any person delegated or authorised to act on its behalf.

Council collection points means places or facilities where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.

Cover material means material specified by Council under clause 8.3.6.4 as suitable for use as cover material at a class 1-5 landfill site.

Deposit means to cast, place, throw or drop any waste or diverted material.

Disposal has the same meaning as in section 6 of the Act and generally means the final disposal of waste into land set aside for that purpose.

Diverted material has the same meaning as in section 5 of the Act and generally means material that is no longer required for its original purpose but for commercial or waste minimisation activities would be discarded.

Domestic waste means waste consisting of refuse, recyclable material or organic matter (food waste and/or green waste) originating from any residential activity or from the cafeteria, lunchroom or canteen of any enterprise.

Estimated value has the same meaning as in section 7 of the Building Act 2004 and generally means the estimated aggregate of all goods and services to be supplied for the building work.

Event means any organised temporary activity that is likely to create litter including but not limited to an organised gathering, sporting or recreation activity, open-air market, parade, protest, festival, film shoot, concert or celebration.

Event waste management and minimisation plan means a plan for the management and minimisation of waste generated by an event. Such a plan will include the information specified in clause 8.4.5 of the bylaw and applies from the beginning of set-up of the event until the completion of takedown of the event.

Food waste means waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food

waste.

Green waste means compostable plant or vegetation material excluding flax and cabbage trees.

Handling waste means removing, collecting, transporting, storing, treating, processing or disposing of waste.

Hazardous waste means waste that:

- a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 and defined by the Hazardous Substances and New Organism Act 1996; or
- b) meets the definition for infectious substances included in the classification of infectious substances in class 6.2 in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: Part 1: 2012 Transport of Dangerous Goods on Land; or
- c) meets the definition of radioactive material included in the Radiation Safety Act 2016 and Radiation Safety Regulations 2016.

It does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste that does not contain, meet or include those classifications of hazardous, infectious or radioactive material as defined above.

Inorganic material means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as domestic waste in an approved container, and that is specified by Council as suitable for:

- a) collection from a public place by Council;
- b) collection from any premises by Council; or
- c) delivery to a resource recovery facility.

Litter means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

Litter bin means a bin provided for the collection of litter.

Manager means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

Nuisance has the same meaning as in section 29 of the Health Act 1956 and generally means where accumulated material is likely to be injurious to health or is offensive.

Occupier means in relation to any property or premises, the resident of that property or premises, including any tenant, lessee and licensee of the premises.

Organic matter means food waste and/or green waste that is specified by Council under clause 8.3.6.1 as organic matter.

Owner means in relation to any property or premises, the registered proprietor, including the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.

Person means an individual, a corporation sole, a body corporate, and an unincorporated body.

Premises means any separately occupied land, building, or part of the same.

Prohibited waste means waste containing-

- a) any material capable of causing harm or injury to any person or animal unless the material is sufficiently contained to prevent injury;
- b) any material capable of causing damage to the approved container or likely to shatter, break apart or change its physical characteristics in any way so as to cause harm or injury, in the course of collection unless the material is sufficiently contained to prevent damage to the approved container or to prevent harm or injury to any person or animal;
- c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- d) any radioactive wastes, but excluding domestic smoke detectors;
- e) any used oil and lead-acid batteries;
- f) any hazardous waste;
- g) medical waste;
- h) any material prohibited by Council under clause 8.3.6.

Public place means any place or space that is owned or controlled by Council, and which is open to the public, and any road whether or not it is controlled by Council.

Recovery has the same meaning as in section 5 of the Act and generally means extraction of materials or energy from waste or diverted material for further use or processing and includes making waste or diverted material into compost.

Recyclable material means waste specified by Council under clause 8.3.6 as suitable for recycling.

Recycling has the same meaning as in section 5 of the Act and generally means the reprocessing of waste or diverted material to produce new materials.

Refuse means waste which is

- a) not organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material; and
- b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by Council under clause 8.3.6 of this bylaw.

Registration means to register with Council as an approved Waste Operator in Ashburton District.

Residential activity has the same meaning as in the Ashburton District Plan and generally means the use of land and buildings by people for the purpose of permanent living accommodation.

Rural means any areas zoned and/or defined in the Ashburton District Plan as Rural A, Rural B and Rural C.

Treatment has the same meaning as in section 5 of the Act and generally means subjecting waste to any physical, biological, or chemical process to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment. It does not include dilution of waste.

Waste has the same meaning as in section 5 of the Act and generally means any component or

element of diverted material, if the component or element is disposed of or discarded.

Waste collector means a person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, a person taking domestic garden waste to a landfill).

Waste management facility A facility which primarily provides treatment and disposal services or waste remediation and materials recovery services, in relation to waste.

Waste management facility operator means a person who owns or manages a waste management facility.

Waste management and minimisation plan means the current plan adopted by Council under section 43 of the Act and generally includes objectives and policies setting out how Council will achieve effective and efficient waste management and minimisation in its district.

Waste operator means a person who is a waste collector or operates a waste management facility.

Waste remediation and materials recovery services means the remediation and clean up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.

Waste treatment and disposal services means the treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, compost dumps and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

6.2 This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

***Explanatory note:** Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*

7. Conditions of Service

7.1. Any Condition of Service specified by Council to support the implementation of this bylaw:

7.1.1. must, after Council has demonstrated compliance with the consultation and decision-making requirements of Part 6 of the Local Government Act 2002, be made by a resolution that is publicly notified; and

7.1.2. may:

7.1.2.1. prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;

7.1.2.2. apply to all waste or to any specified category of waste;

7.1.2.3. apply to Ashburton District or to a specified part of Ashburton District; and/or

7.1.2.4. apply at all times or at any specified time or period of time.

8. Collection, Transportation, Processing and Disposal of Waste

8.1. General Responsibilities

- 8.1.1. The occupier and the manager of a premises must ensure that the domestic waste from the premises is separated into waste types as determined by Council and deposited for collection in the correct approved container. No person may deposit in a container material that is not approved for that type of container.
- 8.1.2. The occupier and the manager of any premises must ensure that:
 - 8.1.2.1. reasonable steps are taken to prevent the waste escaping from any waste container;
 - 8.1.2.2. waste from the premises has no more than a minimal adverse effect on neighbouring occupiers;
 - 8.1.2.3. any waste container is regularly emptied when it is full; and
 - 8.1.2.4. the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals.
- 8.1.3. The occupier and the manager of any premises who is in control of an approved container must ensure that:
 - 8.1.3.1. the approved container is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its appearance;
 - 8.1.3.2. if required, waste is deposited in the approved container in a manner that allows the whole of the contents to fall out easily and cleanly when the approved container is emptied;
 - 8.1.3.3. unless the approved container is placed at a Council collection point, the approved container is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;
 - 8.1.3.4. reasonable steps are taken to prevent the approved container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises; and
 - 8.1.3.5. the approved container is placed for the collection of waste and retrieved in accordance with any applicable Condition of Service specified by Council.
- 8.1.4. No person may:
 - 8.1.4.1. deposit waste into an approved container provided to any other person, other than themselves, without that other person's consent;
 - 8.1.4.2. remove waste from, or interfere with any waste deposited in, an approved container, except Council, a registered waste collector or the person who deposited the waste;
 - 8.1.4.3. remove an approved container provided by Council from the premises to which it has been allocated, except with the prior written approval of Council.
- 8.1.5. The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected in accordance with this bylaw.

8.2. Registration of Waste Collection and Waste Management Facility Operators

8.2.1. Any:

- 8.2.1.1. waste collector who collects and/or transports more than 20 tonnes of waste from a variety of sources in any one twelve month period in Ashburton District; and
- 8.2.1.2. waste management facility operator with a facility in the district of Ashburton that provides waste remediation and materials recovery services or waste treatment and disposal services for more than 20 tonnes of waste in any one twelve-month period

must be registered with Council and may not collect waste or operate the waste management facility (as the case may be) without being registered.

8.2.2. Waste Operators must use an application form which is approved by and made available by Council. Waste Operators must provide sufficient information required by Council to process the registration.

8.2.3. A registration is personal to the holder and cannot be assigned to another.

8.2.4. When considering an application for registration, Council may take into account any factors as to the appropriateness to grant a registration, including but not limited to:

- 8.2.4.1. The applicant's experience, reputation, and history in the waste and diverted material industry, including any known past operational issues which may affect the applicant's ability to perform waste treatment and disposal services, and any breaches of conditions to operate; and
- 8.2.4.2. The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.

8.2.5. A registered waste operator must comply with all terms and conditions of the registration. These conditions may include, but are not limited to, the following matters:

- 8.2.5.1. Term – a registration may be granted for a term of up to 6 years;
- 8.2.5.2. Compliance with standards – the registered holder must comply with any standards or policies Council has set for waste handling such as:
 - 8.2.5.2.1. Provision of waste collection services within reasonable times specified by Council; and
 - 8.2.5.2.2. The collection of any litter within a specified distance of an approved container awaiting collection and any litter spillage from the registration holder's vehicle during the collection, transportation or disposal process.
- 8.2.5.3. Council may suspend a registration if the registration holder fails to comply with this bylaw, any of the terms or obligations of the registration, any relevant Condition of Service made under this bylaw, or acts in a manner which Council considers, on reasonable grounds and in light of the purpose of this bylaw, is not suitable for the holder of a waste operator registration.

8.3. **General Conditions of Service on the Collection, Transportation and Disposal of Waste**

Kerbside Collection Service

Explanatory Note: *The current Conditions of Service for the kerbside collection service and Council drop-off facilities can be found in Schedule 2 of this Bylaw and on Council's website. Before making or amending any Condition of Service, Council will make a publicly notified resolution and comply with the consultation and decision-making requirements of Part 6 of the Local Government Act 2002. Compliance shall be in largely in proportion to the significance of the matter as required under section 79 of the Act.*

- 8.3.1. Waste may not be placed on a public place for kerbside collection unless it is:
 - 8.3.1.1. domestic waste;
 - 8.3.1.2. green waste;
 - 8.3.1.3. inorganic material deposited for collection by or on behalf of Council, or
 - 8.3.1.4. any other type of waste determined by Council as able to be placed on a public place for collection.
- 8.3.2. Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for kerbside collection unless authorised by Council under this bylaw.
- 8.3.3. Any waste operator who collects or transports waste from a public place must:
 - 8.3.3.1. make available to the occupier or manager of a premises one or more approved containers to enable separate collection of each of the waste types required to be separately collected from the premises;
 - 8.3.3.2. not collect for disposal any domestic waste which has not been separated into refuse, recyclable material and organic matter
 - 8.3.3.3. not dispose to a class 1-5 landfills any waste type that is capable of being reused or recycled.
- 8.3.4. Council may specify Conditions of Service for the following matters in relation to the kerbside collection service:
 - 8.3.4.1. the area to which the Conditions of Service applies;
 - 8.3.4.2. the type, size, colour, and construction of approved containers that may be used for the storage and collection of waste;
 - 8.3.4.3. the types of waste that may be collected in various types of approved container;
 - 8.3.4.4. the categories of wastes that may be deposited for kerbside collection;
 - 8.3.4.5. the conditions applicable to any kerbside collection service from a public place - including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
 - 8.3.4.6. requirements to ensure the correct separation of categories of wastes into approved containers;
 - 8.3.4.7. the locations, access times and conditions of use of Council waste collection points;
 - 8.3.4.8. any other operational matter required for the safe and efficient operation of a collection service from a public place.
- 8.3.5. Any person providing or using a waste collection service in or from a public place must comply with all Conditions of Service made by Council relating to that collection.

General Conditions of Service

Explanatory Note: *Clauses 8.3.7, 8.3.7.2 and 8.3.7.3 refer to Council's powers to specify "maximum allowable limits" of waste that may be collected, transported or placed in a container approved for*

another waste type. For more information see Appendix 2, Conditions 9.1 to 9.8.

- 8.3.6. No person may deposit waste at a Council drop-off facility other than in accordance with any applicable Condition of Service.
- 8.3.7. The Council may specify Conditions of Service for the following matters in relation to the collection, transportation or disposal of waste from any property:
 - 8.3.7.1. Types of domestic waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic, or refuse;
 - 8.3.7.2. maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of;
 - 8.3.7.3. maximum allowable limits of a waste type that may be placed in a container approved for another waste type;
 - 8.3.7.4. types of waste that may be handled at any class 1 – 5 landfill and material that may be used as cover material at any such site;
 - 8.3.7.5. materials that may be used as natural or other hardfill material at a clean fill site (Class 5 landfill);
 - 8.3.7.6. types of waste that are prohibited.

Council drop-off facilities

Explanatory Note: Council drop-off facilities are currently provided in the form of Resource Recovery Parks at Ashburton and Rakaia, a green waste drop-off facility at Methven, and recycling drop-off facilities at Carew Peel Forest, Fairton, Hakatere huts, Hinds, Lauriston, Mayfield, Methven, Mt Somers, Pendarves, Rangitata huts, South Rakaia huts, Staveley & Willowby.

- 8.3.8. No person may deposit waste at a Council drop-off facility other than in accordance with any applicable Condition of Service.
- 8.3.9. Council may specify:
 - 8.3.9.1. any place, or bin in a public place, as a Council collection point for the collection of domestic waste; and
 - 8.3.9.2. Conditions of Service relating to the deposit of waste at Council drop-off facilities including the use of specified containers.

8.4. Events

Explanatory Note: This bylaw provides for Council to require an event waste management and minimisation plan where an event of significant scale or risk is likely to create litter. Further information on events, event permits, and how to find out more about the requirements for holding events, can be found at Council's website.

Council's expectation is that the provisions of this part of the Bylaw will be managed by officers in a manner that is:

- a) proportionate to the risk; and
- b) user-friendly; and
- c) cost-effective for event holders and Council.

8.4.1. Council will require an event waste management and minimisation plan for events of significant scale or risk on Council-owned or managed land.

8.4.2. In determining whether an event is of significant scale or risk, Council will consider the criteria under clause 8.4.3 and the exclusions under clause 8.4.4. Council's decision will be final.

Criteria for deciding significant scale or risk

8.4.3. The criteria for determining significant scale or risk are:

- 8.4.3.1. Whether the number of event attendees is expected to exceed 150 people;

- 8.4.3.2. Whether the event needs shared use of a public space;
- 8.4.3.3. Whether the event will involve supply of food and/or drink and/or merchandise;
- 8.4.3.4. Whether the event occurs at a time and/or over a duration of time when people would normally expect to eat;
- 8.4.3.5. The quantity and types of waste likely to be generated;
- 8.4.3.6. Any waste-related problems caused by previous or similar events.

Exclusions

- 8.4.4. Council will not require an event waste management and minimisation plan for:
 - 8.4.4.1. An event that does not meet any of the criteria in 8.4.3.1 to 8.4.3.4; or
 - 8.4.4.2. An event held on land under the management of a Reserve Board (except with the agreement of the Reserve Board); or
 - 8.4.4.3. An event held on land that is subject to a lease or licence from Council and carried out by a community organisation in accordance with their lease or license (for example a club day, practice or game); or
 - 8.4.4.4. Hawkers, mobile shops or stalls which are regulated under the Ashburton District Council Trading in Public Places Bylaw 2022; or
 - 8.4.4.5. non-exclusive use of a public place for informal recreation (for example, a picnic in a park by an extended family).
- 8.4.5. The event waste management and minimisation plan will set out:
 - 8.4.5.1. an estimate of the types and amounts of waste to be generated by the event;
 - 8.4.5.2. whether the organiser intends to engage the services of a waste management specialist;
 - 8.4.5.3. how waste generated by the event is to be minimised;
 - 8.4.5.4. the steps to maximise the collection and use of recyclables and reusable material;
 - 8.4.5.5. the equipment to be provided for the storage, collection and transportation of waste and diverted material;
 - 8.4.5.6. the person responsible for the collection and disposal of waste and the methods to be used; and
 - 8.4.5.7. any other matters relating to event waste management and minimisation that may be specified by Council.
- 8.4.6. The event organiser must comply with the approved event waste management and minimisation plan.

8.5. Construction Site Waste Management and Minimisation Plans

- 8.5.1. Council will review the need to reinstate a Bylaw provision for construction site waste management and minimisation plans. The review will commence 20 November 2026.

8.6. Inorganic Material

- 8.6.1. Council may specify Conditions of Service for the following matters in relation to the collection of inorganic material from a public place:
 - 8.6.1.1. the weight, size and nature of inorganic materials that may be deposited for collection by Council;
 - 8.6.1.2. the categories of inorganic waste that may be deposited for collection by Council;
 - 8.6.1.3. the times, locations and conditions applicable to the collection by Council of inorganic material from a public place;
 - 8.6.1.4. the methods by which the inorganic material may be collected;

- 8.6.1.5. any other operational matters required for the safe and efficient collection by Council of inorganic material from a public place.
- 8.6.2. Any person who deposits inorganic material for collection on, or collects or transport inorganic material from, a public place must comply with the Conditions of Service made by the Council.

8.7. Nuisance, Litter and Litter Bins

- 8.7.1. No person may:
 - 8.7.1.1. allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health;
 - 8.7.1.2. use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- 8.7.2. Except as provided for under this bylaw, no person may dispose of any waste on any premises except at:
 - 8.7.2.1.1. a class 1-5 landfill;
 - 8.7.2.1.2. a waste management facility, or
 - 8.7.2.1.3. any premises they own, occupy or manage as provided for under the Environment Canterbury Land and Water Regional Plan.
- 8.7.3. The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the council to prevent it becoming litter and to clean it up in the event that it does become litter.
- 8.7.4. Council may recover clean- up and disposal costs for wilful or negligent behaviour and remedying damage arising from a breach of this bylaw.

Litter bins

- 8.7.5. No person may -
 - 8.7.5.1. deposit any waste arising from that person's residential activities or that person's business activities in any litter bin provided by Council in any public place;
 - 8.7.5.2. deposit any waste in any litter bin provided by Council in any public place otherwise than in accordance with any Conditions of Service.
 - 8.7.5.3. remove any waste from any litter bin provided by Council in any public place, where this results in any waste being deposited outside the bin, unless authorised by the Council to do so;
 - 8.7.5.4. Use any litter bin provided by Council in any public place in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
 - 8.7.5.5. fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter bin provided by Council in any public place; or
 - 8.7.5.6. damage any litter bin provided by Council in any public place.

9. General Offences and Penalties

Explanatory Note: *Maximum penalties for breaches of the Waste Minimisation Act 2008, and the Local Government Act 2002 are prescribed in those statutes. The Waste Minimisation Act 2008 sets a maximum fine of \$20,000 for breach of a bylaw made under the Act and a maximum fine of \$5,000 for offences described in section 65(3) of the Act. The Local Government Act 2002 sets a maximum penalty of three years' imprisonment or a fine up to \$20,000, or both, for willful or malicious*

damage to Council works or property. The Local Government Act also sets a maximum fine of \$20,000 for breach of bylaw and a maximum fine of \$5,000 for negligent damage to Council works or property and obstruction of an enforcement officer or agent.

- 9.1. A person who fails to comply with this Bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 and/or the Health Act 1956.
- 9.2. A person who commits a breach of this bylaw that is also an offence under the Litter Act 1979 is liable to a penalty under that Act.

10. Other Enforcement Powers

Inorganic material

- 10.1. Where a person does not comply with a Condition of Service made by Council under clauses 8.6, Council may:
 - 10.1.1. Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
 - 10.1.2. Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by Council;

Kerbside collection service

- 10.2. Where a person does not comply with a Condition of Service made by Council under clause 8.3, Council may:
 - 10.2.1. Remove the kerbside collection service, either wholly or in part and either temporarily or permanently.
 - 10.2.2. Enforce any offence that may have been committed under the Litter Act 1979; and/or
 - 10.2.3. Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Drop-off Facilities

- 10.3. Where a person does not comply with the Conditions of Service or other controls for a drop-off facility, Council may:
 - 10.3.1. Issue a written warning on the first and second occasion of non-compliance or unsafe behaviour;
 - 10.3.2. On the third occasion, issue a trespass notice against that person to prevent them from using the drop-off facility;
 - 10.3.3. Enforce any offence that may have been committed under the Litter Act 1979;
 - 10.3.4. Enforce a breach of this Bylaw under the Waste Minimisation Act 2008 and the Local Government Act 2002.

11. Exceptions and Saving Provisions

- 11.1. A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised Council officer.
- 11.2. A product stewardship scheme accredited under the Waste Minimisation Act 2008 may be exempted from the requirements of this bylaw.

12. Revocation

- 12.1. At the time of commencement of this bylaw, this bylaw repeals the Ashburton District Council Bylaw Chapter 16 - Solid Waste dated 2012.

Schedule 1 Landfill Classes

| Class | Common Name | Waste Material | Material Source | Contaminant Risk |
|-------|------------------------------------|--|--|--|
| 1 | Landfill | <p>Non-hazardous waste. Typically mixed waste from multiple sources and containing a high content of organic material; may include waste cited for classes 2,3,4 and 5.</p> <p>May be developed for specific industrial wastes (for example, monofills or residual waste sites).</p> | Households, industry, institutions, construction sites, contaminated sites. | <p>Leachate, contaminated stormwater Landfill gas (LFG).</p> <p>Odour Dust</p> |
| 2 | Construction & Demolition Landfill | <p>Unsorted/uncontrolled construction and demolition material.</p> <p>May be developed for specific industrial wastes (for example, monofills or residual waste sites).</p> | Construction sites, demolition material, soil from areas with significantly different chemical properties. | <p>Leachate and contaminated stormwater; low risk of landfill gas, but may get odour due to hydrogen sulphide.</p> <p>Dust</p> |
| 3 | Managed Fill | Inert material (e.g. selected inert construction or demolition material) or soils with specified maximum contaminant concentrations greater than applicable local background concentrations. | Selected materials from construction and demolition sites, earthworks and site remediation. | <p>Contaminant mobility, risk to ground water and surface water.</p> <p>Dust</p> |
| 4 | Controlled Fill | Inert material (e.g. selected inert construction or demolition material) or soils with trace element concentrations greater than applicable regional background concentrations. | Selected materials from construction sites, demolition sites and earthworks. | <p>Minor risk of contaminant mobility and sediment contamination of surface water.</p> <p>Dust</p> |
| 5 | Clean Fill | Virgin excavated natural material (VENM). | Slips/road clearance, construction site clearance, earthworks surplus. | <p>Little or no risk of leachate and gas. Sediment contamination of surface water.</p> <p>Dust</p> |

Waste Management Institute New Zealand (WasteMINZ), October 2022. *Technical Guidelines for Disposal to Land – Revision 3*. Waste Management Institute New Zealand (WasteMINZ), Pg. 14

Schedule 2 – Conditions of Service approved by Council.

Waste Collection

1. Kerbside Collection Services – prior to 1 September 2026

- 1.1. All eligible properties that pay the solid waste targeted rate are entitled to use the Council kerbside collection service.
- 1.2. The standard service includes:
 - 1.2.1. Weekly collection of residual waste from an 80-litre red-lidded wheelie bin (“the red rubbish bin”)
 - 1.2.2. Fortnightly collection of approved recyclable materials from a 240-litre yellow-lidded wheelie bin (“the yellow recycling bin”)
 - 1.2.3. Fortnightly collection of glass bottles and jars from a 45-litre green crate (“the green glass crate”)
- 1.3. All eligible properties can pay additional fees, invoiced monthly, for additional services including:
 - 1.3.1. Weekly collection of residual waste from one or more additional 120-litre red rubbish bins or one or more additional 240-litre red rubbish bins
 - 1.3.2. Fortnightly collection of approved recyclable materials from one or more additional 240-litre yellow recycling bins
- 1.4. Red rubbish bins are collected every week.
- 1.5. Yellow recycling bins and green glass crates are collected on alternate weeks.
- 1.6. Council will publish a collection calendar and maps of collection areas on its website. Calendars can also be obtained from the Council.
- 1.7. If the collection day in any collection area falls on Christmas Day or Good Friday, the bins/crate will be collected the very next day. All remaining collection days that week will also be picked up the day after their usual collection day.
- 1.8. Eligible properties in the Ashburton Central Business District (CBD) pay a higher solid waste targeted rate and receive the standard service twice per week.

2. Kerbside Collection Services – commencing 1 September 2026

- 2.1. From 1 September 2026, all households that pay the solid waste targeted rate are entitled to use the Council kerbside collection service.
 - 2.1.1. The standard service from 1 September 2026 includes the standard service as defined in condition 1.2 plus weekly collection of food organic/green organic (FOGO) waste from a 240-litre green-lidded wheelie bin (“the green FOGO bin”)
- 2.2. All eligible households can opt for a 120-litre green FOGO bin instead of a standard 240-litre green FOGO bin. This option will be made available by Council from a date to be determined by Council. Council may charge a delivery fee for FOGO bins where the property owner changes between a 240 litre and a 120 litre bin more than once in a twelve-month period.
- 2.3. All eligible properties can pay additional fees, invoiced monthly, for additional services as specified in condition 1.3 plus including weekly collection of green FOGO waste from one or more additional 120 or 240-litre green FOGO bins.
- 2.4. Green FOGO bins are collected every week. Conditions 1.6 and 1.7 also apply to collection of green FOGO bins

3. Use of Yellow Recycling Bin

- 3.1. The yellow recycling bin is for the following clean, rinsed out and loose (not bagged) items:
 - 3.1.1. Cardboard

- 3.1.2. Paper
- 3.1.3. Newspaper
- 3.1.4. Magazines
- 3.1.5. Aluminium cans
- 3.1.6. Metal tins
- 3.1.7. Hard plastic containers smaller than 4 litres in size marked either 1, 2 or 5.

3.2. The following items MUST NOT go in the yellow recycling bin:

- 3.2.1. Plastic container lids or bottle lids
- 3.2.2. Plastic bags, cling wrap or plastic packaging/wrapping (soft plastics that you can scrunch easily in your hands).
- 3.2.3. Plastic items with no plastic grade marked on them or grades 3, 4, 6 and 7 including lids.
- 3.2.4. Fast food wrapping/ packaging/ cups
- 3.2.5. Aerosol cans/ gas cannisters
- 3.2.6. Polystyrene
- 3.2.7. Batteries, electronics and electrical appliances
- 3.2.8. Food and green waste
- 3.2.9. Tetra pak cartons such as juice, yoghurt and soymilk cartons
- 3.2.10. Clothing, shoes or toys
- 3.2.11. Ceramics
- 3.2.12. Plant pots (including ceramic/pottery and plastic regardless of recycling number)
- 3.2.13. Foul waste (used tissues, personal hygiene products, nappies etc)
- 3.2.14. Face masks, rapid antigen tests (RATs), gloves
- 3.2.15. Shredded and laminated paper
- 3.2.16. Hazardous materials as listed under condition 8.1.

“Three-strike” rule

- 3.3. When a yellow recycling bin is found to contain any item referred to under condition 3.2 the Council will issue a “first strike” written warning to the property .
- 3.4. When a yellow recycling bin is found to contain any item referred to under condition 3.2 within three months of the issue of the “first strike” written warning, the Council will issue a “second strike” written warning to the property .
- 3.5. When a yellow recycling bin is found to contain any item referred to under condition 3.2 within three months of the issue of the “second strike” written warning, the Council will remove the yellow recycling bin from the property.

“One-strike” rule

- 3.6. When a yellow bin is found to contain so many items referred to under condition 3.2 that it is apparent that the property owner or occupier has made no effort to separate recyclables from other materials, the Council will remove the yellow recycling bin from the property.

Return of yellow bin after 90 days from removal

- 3.7. When requested by the property owner or occupier, Council will return the yellow recycling bin 90 days after the bin was removed.

4. Use of Green Glass Crate

- 4.1. The green glass crate is for the following clean items:
 - 4.1.1. Clear glass bottles and jars
 - 4.1.2. Green glass bottles and jars

- 4.1.3. Amber glass bottles and jars
- 4.1.4. Blue glass bottles and jars
- 4.2. The following items **MUST NOT** go in the green glass crate:
 - 4.2.1. Broken glass
 - 4.2.2. Window glass
 - 4.2.3. Pyrex or ovenware
 - 4.2.4. Drinking glasses
 - 4.2.5. Optical lenses/ eyeglasses
 - 4.2.6. Medical or laboratory glass
 - 4.2.7. Televisions screens
 - 4.2.8. Light bulbs
 - 4.2.9. Lids
 - 4.2.10. Hazardous materials as listed under 8.1. to 8.1.6

5. Use of the Red Rubbish bin – prior to 1 September 2026

- 5.1. The red rubbish bin is for the following items:
 - 5.1.1. Domestic waste
 - 5.1.2. Food scraps
 - 5.1.3. Soft plastics (as described in condition 3.2.2 above.)
 - 5.1.4. Polystyrene
 - 5.1.5. Garden waste
 - 5.1.6. Anything that **CANNOT** go in the yellow recycling bin
 - 5.1.7. Anything that **CANNOT** go in the green glass crate.

6. Use of the Red Rubbish bin – commencing 1 September 2026

- 6.1. The red rubbish bin is for the following items:
 - 6.1.1. Domestic waste
 - 6.1.2. Soft plastics (as described in 3.2.2 above.)
 - 6.1.3. Polystyrene
 - 6.1.4. Anything that **CANNOT** go in the yellow recycling bin
 - 6.1.5. Anything that **CANNOT** go in the green FOGO bin
 - 6.1.6. Anything that **CANNOT** go in the green glass crate.

7. Use of the Green FOGO bin – commencing 1 September 2026

- 7.1. The green FOGO bin is for the following items:
 - 7.1.1. Vegetable and fruit peelings
 - 7.1.2. Leftovers
 - 7.1.3. Cooked and uncooked meat
 - 7.1.4. Dairy products such as cream cheese or yoghurt
 - 7.1.5. Meat and fish bones
 - 7.1.6. Coffee grounds
 - 7.1.7. Tea leaves
 - 7.1.8. Cut flowers
 - 7.1.9. Pruned branches and leaves
 - 7.1.10. Grass clippings
 - 7.1.11. Dead plants.
- 7.2. The following items **MUST NOT** go in the green FOGO bin
 - 7.2.1. Compostable or biodegradable packaging and cutlery
 - 7.2.2. Compostable bin liners
 - 7.2.3. Fibrous or woody plants include flax, bamboo, cabbage tree leaves, large branches and tree stumps.

- 7.2.4. Paper and cardboard (unless used as a bin liner)
- 7.2.5. Plastics, including plastic wrapping
- 7.2.6. Coffee pods
- 7.2.7. Tea bags
- 7.2.8. Pet faeces
- 7.2.9. Seashells
- 7.2.10. Noxious weeds
- 7.2.11. Animal carcasses
- 7.2.12. Material likely to contain chemical spray residue

8. Hazardous Items

- 8.1. The following hazardous items are not accepted in a yellow recycling bin, a green glass crate, a green FOGO bin or a red rubbish bin:
 - 8.1.1. Explosive and flammable materials
 - 8.1.2. Paints and solvents
 - 8.1.3. Household chemicals
 - 8.1.4. Automotive products
 - 8.1.5. Liquid and dry chemicals
 - 8.1.6. Building materials

9. Collection of bins and crates

- 9.1. Ashburton CBD properties must ensure that bins and crates are out for collection by 7.00 am on collection day.
- 9.2. Households and businesses outside Ashburton CBD, must ensure that bins and crates are out for collection by 7.30 am on collection day
- 9.3. Bins and crates should be placed at least 50cm apart from one another to be collected, and at least 50 cm away from trees, poles, cars and other obstructions.
- 9.4. Place the bin or crate as close to the kerb as possible, with the bin's logo facing out to the road.
- 9.5. Bin lids must be closed flat to be collected. Overfilled bins and items placed next to bins for collection will not be picked up. Householders and businesses are advised to use the wind strap on the bin to keep the lid closed.
- 9.6. Households and businesses must ensure that bins are no heavier than 30 kg. Bins heavier than this cannot be collected.
- 9.7. Collection will be completed by 7.30 pm each collection day.
- 9.8. Householders and businesses must ensure that bins are stored securely on their property between collection days.
- 9.9. Each bin has unique identification, which links it to a specific property. When a household or business relocates to a new address, the bins and crate must stay at the original address. If your bin has no label, or you have a bin that belongs to another address, contact the Council.

Drop-off Facilities

Explanatory Note: Council drop-off facilities are currently provided in the form of Resource Recovery Parks at Ashburton and Rakaia, a green waste drop-off facility at Methven, and recycling drop-off facilities at Carew Peel Forest, Fairton, Hakatere huts, Hinds, Lauriston, Mayfield, Methven, Mt Somers, Pendarves, Rangitata huts, South Rakaia huts, Staveley & Willowby.

10. Resource Recovery Parks

- 10.1. No person may deposit waste at a Resource Recovery Park other than in accordance with any applicable Condition of Service.
- 10.2. Any person using a Resource Recovery Park must comply with any other conditions that the council may determine as displayed on signs at the park or as directed by staff.
- 10.3. Locations of Resource Recovery Parks and the services at each location will be determined and notified by Council from time to time.

Waste drop-off

- 10.4. The following kinds of waste can be dropped off at Resource Recovery Parks subject to payment of the appropriate fees and charges:
 - 10.4.1. All general domestic waste
 - 10.4.2. Green waste including garden and kitchen waste
 - 10.4.3. Clean construction and demolition materials, including concrete, bricks, wood, and chipboard
 - 10.4.4. Tyres
 - 10.4.5. Car bodies (These can only be dropped off at Ashburton Resource Recovery Park)
 - 10.4.6. Ashburton District Council official prepaid rubbish bags can be dropped off free of charge.

Recyclable or reusable drop-off

- 10.5. The following kinds of recyclable or reusable materials can be dropped off at a Resource Recovery Park free of charge:
 - 10.5.1. Household recycling. This is restricted to the items allowed in the yellow recycling bin under the Conditions of Service for kerbside collection (conditions 3.1.1 to 3.1.7)
 - 10.5.2. Whiteware – fridges and freezers, washing machines and dryers
 - 10.5.3. Scrap metal – roofing iron, metal guttering, ferrous, copper, tin, lead and mixed metals, metal offcuts and scrap.
 - 10.5.4. Electronic and electrical equipment – televisions, monitors, screens and projectors; computers, laptops and tablets; domestic printers, copiers and scanners; stereos and home theatre equipment

Reusable items accepted subject to special conditions

- 10.6. Re-usable items of the types listed in conditions 10.7.1 to 10.7.13 can be dropped off for free provided that:
 - 10.6.1. They are in a fair and reusable condition;
 - 10.6.2. There is a demand for sale of the item through the Reuse shop; and
 - 10.6.3. Staff at the Resource Recovery Park have vetted and accepted the items.
- 10.7. Re-usable items that may be accepted include:
 - 10.7.1. Clothing and footwear
 - 10.7.2. Kitchenware
 - 10.7.3. Books, games and jigsaws
 - 10.7.4. DVDs, CDs, cassette tapes and vinyl records
 - 10.7.5. Musical instruments
 - 10.7.6. Bikes and scooters
 - 10.7.7. Toys and kids stuff
 - 10.7.8. Furniture
 - 10.7.9. Curtains
 - 10.7.10. Workshop tools and gardening equipment
 - 10.7.11. Lawn mowers, hedge trimmers and blowers
 - 10.7.12. Hoses, irrigation pipes and fittings
 - 10.7.13. Other items at the discretion of Staff at the Resource Recovery Park

Hazardous waste drop-off

- 10.8. Hazardous liquid and/or solid waste of the types and quantities described in conditions 10.9.1 to 10.9.6 can be dropped off for free provided that:
 - 10.8.1. The type of hazardous waste is described in conditions 10.9.1 to 10.9.6.
 - 10.8.2. The quantity is a domestic household quantity;
 - 10.8.3. The quantity does not exceed the maximum volumes allowed;
 - 10.8.4. The materials are in a condition where they can be safely stored and transported;
 - 10.8.5. Staff at the Resource Recovery Park have vetted and accepted the waste.
- 10.9. Acceptable types of hazardous waste are limited to:
 - 10.9.1. Batteries – household toy and torch batteries; button and disc batteries; AA, AAA, C and D batteries; Alkaline cell batteries; Lithium batteries; 9-volt batteries; Cr123 camera batteries; Cry cell and zinc batteries; Li-ion batteries (from laptops, cameras and cellphones); NiCd batteries; NiMH batteries; Gel cell batteries; and vehicle batteries.
 - 10.9.2. Lights, bulbs and fluorescent tubes, empty aerosols, empty fuel and oil containers – includes empty aerosol cans, empty LPG cylinders, empty camping fuel cylinders and cans; empty petrol cans; and empty engine oil bottles
 - 10.9.3. Chemicals – quantities less than 5 litres of household cleaners, garden herbicides, garden pesticides and solvents
 - 10.9.4. Fuels and spirits – quantities less than 2 litres of petrol, diesel, kerosene, turpentine and white spirits
 - 10.9.5. Oils – quantities less than 20 litres of engine, gearbox and differential oils; hydraulic oil; brake fluid and cooking oils
 - 10.9.6. Paints – quantities less than 20 litres of oil-based paint and stains, water-based paints; and test pots.

Unacceptable wastes

- 10.12. The following kinds of wastes are not accepted at Resource Recovery Parks:
 - 10.12.1. Large tree timbers and stumps
 - 10.12.2. Offal, dead stock and large animals
 - 10.12.3. Bulk liquids
 - 10.12.4. Radioactive wastes
 - 10.12.5. Explosives
 - 10.12.6. PCB (polychlorinated biphenyl) wastes
 - 10.12.7. Asbestos or products containing asbestos
 - 10.12.8. Fuels and spirits in quantities of 2 litres or more
 - 10.12.9. Oils in quantities of 20 litres or more
 - 10.12.10. Paints in quantities of 20 litres or more

11. Rural Recycling Drop-off Facilities

- 11.1. No person may deposit waste at a Rural Recycling Drop-off Facility other than in accordance with any applicable Condition of Service.
- 11.2. Any person using a Rural Recycling Drop-off Facility must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- 11.3. The following kinds of recyclable or reusable materials can be dropped off at a Rural Recycling Drop-off Facility free of charge:
 - 11.3.1. Household recycling. This is restricted to the items allowed in the Yellow Recycling Bin under the Conditions of Service for kerbside collection (conditions 3.1.1 to 3.1.7)
 - 11.3.2. No recyclable, reusable, residual or organic waste can be dropped off at a Rural Recycling Drop-off Facility other than the recyclables noted in condition 11.3.1.

12. Methven recycling drop-off facility

- 12.1. No person may deposit waste at the Methven Recycling Drop-off Facility other than in accordance with any applicable Condition of Service.
- 12.2. Any person using the Methven Recycling Drop-off Facility must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- 12.3. The following kinds of recyclable or reusable materials can be dropped off at the Methven Recycling Drop-off Facility free of charge:
 - 12.3.1. Household recycling. This is restricted to the items allowed in the Yellow Recycling Bin under the Conditions of Service for kerbside collection (conditions 3.1.1 to 3.1.7)
 - 12.3.2. Reusable good quality whiteware
- 12.4. No recyclable, reusable, residual or organic waste can be dropped off at a Rural Recycling Drop-off Facility other than the recyclables and reusables noted in conditions 12.3.1 and 12.3.2.

13. Methven Green Waste Drop-off Facility

- 13.1. No person may deposit green waste at the Methven Green Waste Drop-off Facility other than in accordance with any applicable Condition of Service.
- 13.2. Any person using the Methven Green Waste Drop-off Facility must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- 13.3. The following kinds of green waste can be dropped off at the Methven Green Waste Drop-off Facility:
 - 13.3.1. Kitchen waste
 - 13.3.2. Garden waste

Appendix 2

Council Hearings

16 October 2024



Solid Waste Bylaw Submission Hearings

Minutes of a Council's Hearing of Submissions on the Solid Waste Bylaw, commencing at 9am on Wednesday 16 October 2024, in the Hine Paaka Council Chamber, 2 Baring Square East, Ashburton.

Present

Mayor Neil Brown; Deputy Mayor Liz McMillan; Councillors Lynette Lovett (Chair), Leen Braam, Carolyn Cameron, Russell Ellis, Phill Hooper, Rob Mackle, Tony Todd and Richard Wilson.

In attendance

Hamish Riach (CE), Toni Durham (GM Democracy & Engagement), Neil McCann (GM Infrastructure & Open Spaces), Femke van der Valk (Corporate Planner), Richard Mabon (Senior Policy Advisor), Hernando Marilla (Operations Manager), Justin Bloomfield (Wast Recovery Specialist) and Carol McAtamney (Governance Support).

Apologies

Nil.

Submissions

Andrea Lee (Master Builders Ashburton) 9am

Andrea is attending in person – refer Supplementary information – pgs 3-4

- Keep it simple and it will work – don't see the current proposal as able to work
- One proposal from Building Research Association of NZ is a 9 page document for a waste management site plan required for each site – not practical, builders will not complete the paperwork. (document tabled)
- Packaging is a large part of what goes into a skip – packaging issues need to be addressed at the supplier level.
- Each product that arrives on site, has cardboard, plastic, polystyrene and strapping
- Inconsistencies at Council recycling depot as to what they will take – depends on the staff member that you get.
- Start simple, make it easy,
- 4 – 7 skips on site per building (average cost of \$350 per skip),
- A meeting between Master Builders and Recovery Park will clarify some of the myths out there.
- Regular collection from sites would be required, site space is tight.

Summary of Feedback

Event Waste Management and Minimisation Plan

How do we encourage events of private land to recycle to the same standard that is required for an event being held on Council land?

Through education

How is an event defined?

If it meets the definition in the bylaw.

Definition in bylaw states – 'significant gathering', who decides what the significant level is?

Agreed that the definition is possibly not precise enough, however it does require some flexibility as events are not black and white (in regard to knowing how many people will turn up to the event).

Will bring back an updated definition for Councillors consideration

Construction site waste management and minimisation plan

If it was mandatory to have WMMP in place for buildings over \$500k, how would this be monitored?

If mandatory becomes the preferred option – then it would raise some resourcing issues.

*It had been mentioned that a trial had been undertaken in Auckland and that it didn't work
Can we look into why the trial didn't work, what issues they encountered etc?*

Retrieval of bins and crates in CBD

One way streets in the CBD are causing a bit of an issue as all businesses put their bins out on the left hand side of the road – then those that don't have their bins outside their business don't always retrieve their bins in a timely manner.

Collection time of bins needs to be more consistent

If there is to be a narrowing of time pick ups – there will be an additional cost to the contract.

There are narrow openings on recycling bins throughout the district, can only put one bottle/can in at a time.

This does cause some inconvenience for some, but has lowered the contamination rates considerably.

Adjourned for morning tea from 10.30am to 10.47am

Deliberations

- Present recommendations
- Decide preferred recommendation
- Formal adoption October or November 2024

Events

Remove word 'all' from point 1

Considered exclusion of reserve board land

Definition of what is to be considered to be an event to be expanded

- 1) **That** Council amends the bylaw to require events on Council owned or managed land to have a WWMP; and
- 2) directs Officers to make compliance as easy as practicable, including use of templates; and
- 3) continues to offer education and information to event organisers including Eco Educate management service

McMillan/Ellis

Carried

Cr Hooper recorded his vote against the motion.

Construction Site Waste

NB - Don't feel that there is enough information to prove that the proposal won't work

CC - Want to understand the issues further prior to a decision being made

RW – supports officers recommendation

PH – supports officers recommendation

TT – supports officers recommendation

RE – supports officers recommendation if it included a review after 2 years
LM - supports officers recommendation if it included a review after 2 years
LB – supports officers recommendation if it included a review after 2 years

- 1) **That** Council amends the Bylaw to remove the clause requiring construction site WMMPs; and
- 2) direct Officers to explore education and information options to support the building sector including what can be recycled and where recycled building materials can be sent; and
- 3) include a clause that a review of these changes to be undertaken after a two year period

Ellis/McMillan

Carried

Cr Cameron recorded her vote against the motion.

Bin Retrieval

RW – supports status quo, finds hard to tell businesses to bring bins in earlier when contractor can pick up at various times

NB – should we ask the question of the business owners whether they do still require two collections a week.

- 1) **That** Council retains the status quo in the Bylaw: and
- 2) educates and informs CBD businesses of the benefits of timely retrieval: and
- 3) informs CBD businesses that Council’s preference is that they continue to self manage compliance.

Cameron/Ellis

Carried

Other Changes to the Bylaw:

FOGO collection conditions of service

Recommendation – note feedback to inform discussions with preferred contract, explain constraints to submitters

Three strikes rule

That Council retains the three strikes rule and includes the one strike rule described in the summary of feedback.

Ellis/McMillan

Carried

Service Levels

That Council informs submitters of waste management services that are available in addition to kerbside collection.

Hooper/Cameron

Carried

Clause 8.7.5.4

That clause 8.7.5.4 be deleted and additional education and promotion of the use of ‘snap, send, solve’ via QR codes be undertaken.

Hooper/Cameron

Carried

Support for waste-to energy systems

Recommendation – note and respond in terms of officer comments

Support where appropriate

Rural drop-off facility bins to be fully opened

Recommendation – note that bins are ‘locked open’ for various reasons and respond in terms of officer comments

Are they locked too narrowly

Crs to meet on site with Officers to work through concerns and have a demonstration.

Information in easy read plain language

Officers will respond to all submitters

Request residential collection trucks come at more regular times during the day

Note feedback to inform discussions with preferred contractor; explain constraints to submitters

How much recycling is actually recycled?

Officers to note and respond to submitters in terms of officer comments

Next Steps

Paper to Council at either 30 October or 20 November for members to adopt the bylaw per the outcomes of today's deliberations

Hearing and deliberations concluded at 11.46am.

Appendix 3

| Clause no. | Change | Reason for change |
|--|--|--|
| Bylaw | | |
| 6. | Word “effluxion’ replaced with “passage” | Plain English |
| Schedule 2 – Conditions of service approved by Council | | |
| 1.8 | Added to reflect the fact that Ashburton CBD pay a higher waste collection targeted rate and receive more frequent collection. | Completeness and accuracy. |
| 3.2.12 | Exclusion of plant pots changed to include all pots regardless of recycling number. | Ministry for Environment advises that these materials cannot be processed by waste management operators. |
| 3.3 | Sub-heading added | To improve readability |
| 3.7 | Sub-heading added | To improve readability |
| 7.2.8 | Word “faeces’ replaces “poo”. | More appropriate language. |
| 7.2.11 | Animal carcasses | Added to reflect experience from other Councils. |

11. Discretionary Grant Request

Author *Ann Smith; Community Liaison Officer*
Executive Team Member *Toni Durham; GM Democracy & Engagement*

Summary

- The purpose of this report is for Council to consider an application for funding from the Barrhill Hall & Community Incorporated Society for a Defibrillator and Cabinet package to be stationed in the community hall.

Recommendation

- 1. That** Council allocates \$3,450 from its discretionary grant to the Barrhill Hall & Community Incorporated Society for an Automated External Defibrillator and Cabinet package to be stationed in the Barrhill community hall.

Background

The current situation – Barrhill & Community Incorporated Society

1. Following an emergency planning meeting of the newly formed Barrhill & Community Incorporated Society, it was deemed a good idea to put together their own emergency response plan. Part of their emergency response plan is for members of the community to complete a First Aid course and install an Automated External Defibrillator (AED) machine in the Barrhill Community Hall.
2. Having an AED machine stationed in the Hall will increase the chances of saving the life of someone experiencing a medical emergency in the Barrhill settlement, or surrounding area.
3. The Barrhill and Community Incorporated Society are a new legal entity formed in May 2024 to represent the local community.

Funding available

4. Council has \$16,500 budgeted in 2024/25 for the Discretionary Grant, as well as \$903 of leftover funds from the Community Development funds. The leftover Community Development funds were to be used with the remaining Discretionary Grant funds, as directed by Council.
5. This funding is available for any purpose by resolution of Council. Council has already allocated \$12,000 of the Discretionary Grant, leaving a balance of \$5,403 available to give.

Options analysis

Option one – Agree to fund the Barrhill & Community Incorporated Society \$3,450, for an AED machine

6. This is the recommended option.

| | |
|--|--|
| Advantages: Supporting a community group and encouraging growth in the local community | Disadvantages: No disadvantages identified for this option |
| Risks: Having an AED machine onsite at the Barrhill settlement could help prevent loss of life in a medical emergency. | |

Option two – Do not fund the Barrhill & Community Incorporated Society \$3,450, for an AED machine

7. This is not the recommended option.

| | |
|--|--|
| <p>Advantages: Retention of grant funds for future applicants</p> | <p>Disadvantages: Missed opportunity to support a community group</p> |
| <p>Risks: Reputational risk to Council</p> | |

Legal/policy implications

Revenue & Financing Policy

8. The discretionary grant is funded by the UAGC each year. This funding therefore should be spent in the year in which it is rated for the best outcome for the community

Strategic alignment

9. The recommendation relates to Council’s vision of a district of choice for lifestyle and opportunity.

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|--|
| Economic | | |
| Environmental | | |
| Cultural | | |
| Social | ✓ | The installation of the AED will add to the social wellbeing of the local community. |

Financial implications

| Requirement | Explanation |
|---|--------------------------------|
| What is the cost? | \$3,450 |
| Is there budget available in LTP / AP? | Yes |
| Where is the funding coming from? | UAGC |
| 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 | N/A |
| Level of engagement selected | 1. Inform |
| Rationale for selecting level of engagement | The community will be informed of Council's decision through the usual media channels. |
| Reviewed by Strategy & Policy | Toni Durham: GM Democracy & Engagement |

12. Submission to Ministry of Business, Innovation and Employment (MBIE) on remote building inspections

| | |
|-----------------------|---|
| Author | <i>Femke van der Valk, Policy Advisor</i> |
| Activity Manager | <i>Michael Wong, Building Manager</i> |
| Executive Team Member | <i>Ian Hyde; Group Manager Compliance & Development</i> |

Summary

- The purpose of this report is to approve Council’s submission to the Ministry of Business, Innovation and Employment (MBIE) on remote inspections.

Recommendation

- 1. That** Council approves the submission to the Ministry of Business, Innovation and Employment (MBIE) on remote inspections as attached in Appendix 1.

Attachment

Appendix 1 ADC Submission to the Ministry of Business, Innovation and Employment (MBIE) on remote inspections.

Appendix 2 Building Inspections Discussion paper (MBIE)

Background

The current situation

1. The Ministry of Business, Innovation and Employment (MBIE) is currently consulting on the Building Inspections discussion paper ‘Improving efficiency in the inspection process. Increasing the use of Remote Inspections and Accredited Organisations’.
2. The ministry is asking for feedback on a range of options to increase the uptake of remote inspections and improve efficiency and productivity in the building inspection process.
3. Officers have prepared a draft submission for Council to consider. Submissions need to be lodged by Friday 29 November 2024.

Summary of Officer feedback provided in the submission

4. The main benefits of remote inspections stated in the discussion paper are;
 - ‘reducing inspectors travel time,
 - greater convenience, flexibility and timeliness; and
 - the ability for inspectors to carry out inspections in other districts.’
5. Officers provided the following feedback on the proposed benefits:
 - Possible decrease in traveling time, but duration of actual inspection will take longer while industry gets used to technology.
 - Availability of inspectors from other districts could be beneficial but minimum resources at most Building Consent Authorities (BCA).

Additionally, officers refer to the potential benefit of Licensed Building Practitioners (LBP) gaining more insight in the building inspection procedure and the importance of clear definitions (i.e. “simple residential build”)

6. Officers agree with the key barriers and risks of remote inspections identified in the discussion paper, being ‘building safety and performance, dishonest practices, liability concerns and trust in build quality’.
7. Officers recommend adding the ability for infringements as an additional occupational and consumer protection measure.
8. Officers preferred option to increase the uptake of remote inspections and improve efficiency of inspection processes is Option two: “Require building consent authorities to have the systems and capability to conduct remote inspections”. In the feedback officers refer to both the BCA and trades having the option of requesting the type of inspection they want.

9. Council currently carries out about one percent of inspections remotely, using the evidence-based method (photos & videos). No real-time remote inspections are currently being done, due to the lack of cell phone reception in some parts of the Ashburton District
10. Officers state the preference for real-time inspection versus evidence-based, as the evidence may show non-compliance but it could have been covered up at that stage.
11. With regards to the costing, officers state that it is anticipated no additional staff would be required but additional hardware, to efficiently conduct a remote inspection, would be necessary and considerable initial training costs.
12. Anticipated savings are in the use of vehicles but not in the actual number of vehicles as they are still required for other functions. Increased number of inspections would be able to be achieved after the initial slowdown of learning a new system. There would be no reduced staffing costs as the same number of resources/equipment would still be required.
13. Officers estimate it will take a couple of years to implement an efficient working system and see the return of investment. There is no foreseeable reduction in inspection charges at the short to medium term.
14. With regards to the scenario of increasing inspection capacity through the use of Accredited Organisations, officers feedback highlight the risk of the contractor's unfamiliarity with the project and with liability settings.
15. Officers emphasize the risk in the case of owners directly engaging Accredited Organisations with regards to the loss of control, continuity and project liability.

Options analysis

Option one – Do not make a submission

16. This is not the recommended option. Council may decide to stay silent and not make a submission on the Remote Inspections discussion paper.

| | |
|--|---|
| <p>Advantages: Nil</p> | <p>Disadvantages: The Council's voice will not be considered by the Ministry of Business, Innovation and Employment.</p> |
| <p>Risks: Reputational - This would result in Council missing an opportunity to advocate on behalf of the district.</p> | |

Option two – Approve the proposed submission as attached in Appendix One (recommended option)

17. This option would see Officers lodge the appended submission to the Ministry of Business, Innovation and Employment.

| | |
|--|--|
| <p>Advantages: The proposed submission is a draft and ready to be lodged, meaning it will meet deadlines.</p> | <p>Disadvantages: Current draft may not accurately reflect elected members’ position.</p> |
| <p>Risks: Nil</p> | |

Option three – Approve an amended submission

18. This option would see Council approve an amended version of the submission for lodging with the Ministry of Business, Innovation and Employment.

| | |
|--|--|
| <p>Advantages: Officers recognise that there might be elected members input on the submission and this option may be preferred for those reasons.</p> | <p>Disadvantages: Fundamental amendments will require a re-write of the draft submission.</p> |
| <p>Risks: Considering the tight timeframe, fundamental amendment may risk on-time lodgement of the submission.</p> | |

Legal/policy implications

19. The lodging of a submission does not breach or trigger any statutory or legal duty of the Council.

Climate change

20. Provision of remote inspections may result in less vehicle movement and therefore help to reduce transport emissions within the Ashburton District.

Strategic alignment

21. The recommendation relates to Council’s community outcomes of ‘a prosperous economy built on innovation, opportunity and high quality infrastructure’ and ‘a balanced and sustainable environment.’

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|--|
| Economic | ✓ | Inspections may become more efficient and therefore more cost effective |
| Environmental | ✓ | The submission may contribute to environmental well-being if remote inspection options become available as a result. |
| Cultural | X | |
| Social | X | |

Financial implications

| Requirement | Explanation |
|---|---|
| What is the cost? | No cost for lodging the submission. Officer resource was required for preparing the submission. |
| Is there budget available in LTP / AP? | N/A |
| Where is the funding coming from? | N/A |
| Are there any future budget implications? | If remote inspections are introduced this might have budget implications. |
| Reviewed by Finance | Tania Paddock; Acting Group Manager Business Support |

Significance and engagement assessment

| Requirement | Explanation |
|---|---|
| Is the matter considered significant? | No |
| Level of significance | Low |
| Rationale for selecting level of significance | This has been assessed as low due to the recommendation relating solely to lodgement of the submission. Any future decisions relating to the introduction of remote building inspections within the Ashburton District will be assessed separately. |
| Level of engagement selected | 1. Inform – one way communication |
| Rationale for selecting level of engagement | The community will be informed of Council’s submission through the usual channels. |
| Reviewed by Strategy & Policy | Toni Durham : GM Democracy & Engagement |

Appendix 1 - Submission from ADC

How to have your say

Submissions process

MBIE seeks written submissions on this discussion paper by 5pm, Friday 29 November 2024.

Your submission may respond to any or all of the questions in the discussion document (noting that questions 16-21 are for building consent authorities and Accredited Organisations (Building)).

Please provide comments and reasons explaining your choices. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples.

Your feedback will help to inform decisions on options that should be progressed, the detailed design of those options, and whether other options require further consideration.

Please respond to the questions by using this submission form which is located on [MBIE's Have Your Say page](#) or by using the [online survey form](#). This will help us to collate submissions and ensure that your views are fully considered.

You can submit the form by 5pm, Friday 29 November 2024 by:

- Sending your submission as a **Microsoft Word document** to building@mbie.govt.nz
- Mailing your submission to:

Consultation: Remote inspections
Building System Performance
Building, Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473

Wellington 6140
New Zealand

Please include your contact details in the cover letter or e-mail accompanying your submission.

Please direct any questions regarding this consultation to building@mbie.govt.nz.

Use of information

The information provided in submissions will be used to inform MBIE's policy development process and will inform advice to Ministers. We may contact submitters directly if we require clarification of any matters in submissions.

Release of information on MBIE website

MBIE may publish a list of submitters on www.mbie.govt.nz and will consider you have consented to this, unless you clearly specify otherwise in your submission.

Release of information under the Official Information Act

The *Official Information Act 1982* specifies that information is to be made available upon request unless there are sufficient grounds for withholding it. If we receive a request, we cannot guarantee that feedback you provide us will not be made public. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Please clearly mark which parts you consider should be withheld from official information act requests, and your reasons (for example, privacy or commercial sensitivity).

MBIE will take your reasons into account when responding to requests under the *Official Information Act 1982*.

Personal information

The Privacy Act 2020 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review. Please clearly indicate if you do not wish your name, or any other personal information, to be included in any summary of submissions that MBIE may publish.

Submitter information

Please provide some information about yourself to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

Your name, email address and organisation

Name: Neil Brown

Email address: mayor@adc.govt.nz

Organisation: Ashburton District Council

Role: Mayor

Are you happy for MBIE to contact you if we have questions about your submission?

Yes No

Please clearly indicate if you are making this submission as an individual, or on behalf of a company or organisation.

Individual Company/Organisation
(Including individual building consent officers)

The best way to describe you or your organisation is:

Accredited Organisation (Building) Commercial building owner

Builder Designer / Architect / Engineer

Other building trades (please specify below) Developer

Building Consent Authority/Council Homeowner

Building Consent Officer (Individual) IT / Software provider

Other (please specify below) Industry organisation (please specify below)

Privacy and official information:

The Privacy Act 2020 and the Official Information Act 1982 apply to all submissions received by MBIE. Please note that submissions from public sector organisations cannot be treated as private submissions.

- Please tick the box if you do **not** wish your name or other personal information to be included in any information about submissions that MBIE may publish or release under the *Official Information Act 1982*.
- MBIE may publish or release your submission on MBIE's website or through an Official Information Act request. If you do **not** want your submission or specific parts of your submission to be released, please tick the box and provide an explanation below of which parts of your submission should be withheld from release:

Insert reasoning here and indicate which parts of your submission should be withheld:

[E.g. I do not wish for part/all of my submission to be release because of privacy or commercial sensitivity]

Consultation questions

Introduction

The primary objective of the options in this consultation is to improve the efficiency and timeliness of building inspection processes, to make it easier, cheaper and faster to build.

Outcomes and criteria

- System is efficient
- Roles and responsibilities are clear
- Requirements and decisions are robust
- System is responsive to change

Please refer to page 7 of the discussion document for full detail.

1a. Do you agree these are the right outcomes/criteria to evaluate the options?

- Yes No Unsure

I agree with the outcomes and objectives as long as the liability and risk is apportioned correctly.

1b. Are there any others that should be considered?

- Yes No Unsure

The outcomes specified are adequate

Increasing the uptake of remote inspections

The **main benefits** of remote inspections are increased efficiency and productivity through:

- reducing the need for inspectors to travel to site
- greater convenience, flexibility and timeliness
- the ability for inspectors to carry out inspections in other districts

Remote inspections can also reduce emissions due to reduced travel and can support good record keeping practices.

Please refer to pages 9 - 10 of the discussion document for full detail.

2a. Do you agree with our description of the opportunity (i.e., benefits) of increasing the uptake of remote inspections? Please explain.

Yes No Unsure

While it will lead to a decrease in travelling to site, the remote inspection will actually take longer while the industry gets used to the technology.

Currently there are a number of inspections that are carried out without the LBP being on site. Agree that travel time will be saved but saving time on flexibility and timeliness is simply swapped from the BCA to the LBP being able to be available for the inspection (to direct the camera). Therefore there may not be the convenience, flexibility or timeliness gains as expected.

Inspectors being available for other districts will be a nice to do but because most BCAs have their resources at a minimum and all are almost busy at the same time, this might not be achievable. We would have to ensure competencies, insurances and liability changes are adequately covered.

The definition of a simple residential build will have to be clearly defined – page 10 of the consultation document suggests a stand-alone house on flat ground with a concrete floor and one type of cladding (this will be the minority of houses in our district)

2b. Are there any other benefits? Please explain.

The inspectors will gain a new skill and the LBPs will gain more insight as to what we check and why (currently not a lot of LBPs know why we carry out inspections).

3. For builders/sector: What savings and costs have you experienced with remote inspections? Do they differ depending on whether a remote inspection is real time or evidence-based?

I agree with the approach of using evidence-based remote inspections for re-inspections

4. For builders/sector: Do you have any concerns about taking part in remote inspections (whether real time or evidence-based)?

[Insert response here]

Key barriers and risks of remote inspections

Key risks of remote inspections include:

- Building safety and performance
- Dishonest practices
- Liability concerns
- Trust in build quality

Please refer to page 11 of the discussion document for full detail.

5a. Do you agree these are the main risks associated with increasing the use of remote inspections?

Yes No Unsure

I agree with the main risks identified with liability being our main concern.

5b. Are there any other risks that should be considered? If yes, please explain.

Yes No Unsure

The risks identified are adequate

6. Are current occupational regulation and consumer protection measures fit for purpose to manage risks associated with higher uptake of remote inspections? If not, what changes would be required?

- Yes No Unsure

There needs to be an ability for infringements. Complaints to the relevant boards are generally ignored or rejected because they don't have the resource to investigate.

Options to increase the uptake of remote inspections and improve efficiency of inspection processes

- Option One:** Review remote inspection guidance, address failure rates and/or publish wait times (non-regulatory) (Pages 12 – 13 in discussion document)
- Option Two:** Require building consent authorities to have the systems and capability to conduct remote inspections (Page 13 in discussion document)
- Option Three:** Require building consent authorities to use remote inspections as the default approach to conducting inspections (Pages 13 – 14 in discussion document)
- Option Four:** (complementary option): Create a new offence to deter deceptive behaviour (Page 14 in discussion document)

7. Which option(s) do you prefer? Please explain why by commenting on the benefits, costs, and risks compared to other options.

- Option One Option Two Option Three Option Four None

Option 2 gives the both the BCA and trades the option of requesting the type of inspection they want.

8. Are there any other options we should consider?

- Yes No Unsure

The options identified provide a good range of choice.

- Option One:** Review remote inspection guidance, address failure rates and/or publish wait times (non-regulatory) (Pages 12 – 13 in discussion document)

9. What can be done to help reduce inspection failure rates?

Currently we have about a 12% failure rate. The two main reasons are not being ready and failing to follow the approved plans. We try and educate the trades but the majority believe they are doing it right and we are being pedantic.

Option Three: Require building consent authorities to use remote inspections as the default approach to conducting inspections (Pages 13 – 14 in discussion document)

10. What inspections could generally be conducted remotely with confidence?

Very prescriptive inspections such as solid fuel heaters (set guidelines and little room for interpretation), maybe postline inspections as well.

11. Are there any inspections that should **never be carried out remotely (e.g., based on the type of inspection or building category)? Please explain why.**

Yes No Unsure

Inspections that require calibrated equipment. Commercial inspections as builders do not have to be a LBP therefore no professional body to back up the Council.

Some exclusions may be needed under **Option Three**, including when:

- there is poor internet connectivity at the inspection site
- there is poor lighting or adverse weather that may impair video/photo quality
- the inspector and/or builder deem it necessary to conduct an on-site inspection to ensure critical details are not missed
- a building professional has previously been deceptive or regularly failed inspections
- building work is being carried out by an individual with an Owner-Builder Exemption

Please refer to page 13 in the discussion document for full detail.

12a. Do you agree with the proposed exclusions under Option Three?

Yes No Unsure

Unsure of how commercial inspections would be covered as no LBP regime to fall back on

12b. Is there anything else that should be added to this list?

Yes

No

Unsure

I believe the exclusions are covered adequately.

Option Four: create a new offence to target deceptive behaviour during a remote inspection.

The offence relates specifically to *'deliberate actions to hide, disguise, or otherwise misrepresent non-compliant building work'*.

The offender would be liable on conviction to a maximum fine of \$50,000 for an individual and \$150,000 for a body corporate or business.

Please refer to page 14 in the discussion document for full detail.

13. If a new offence were to be created, does the above description sufficiently capture the offending behaviour? If not, is there anything else that should be considered?

Yes No Unsure

[Insert response here]

14. Would the maximum penalty of \$50,000 for individuals and \$150,000 for a body corporate or business be a fair and sufficient deterrent?

Yes No Unsure

Most builders know that Councils don't have the resources/money to take people to court

15. Are there any other ways to discourage deceptive behaviour besides creating an offence?

Yes No Unsure

An infringement

Questions for Building Consent Authorities and Accredited Organisations (Building)

16. What percentage of inspections do you carry out remotely?

Currently about 1% (using evidence-based – photos and videos)

17. What are the main things preventing you from using remote inspections, or using them more often? Please explain.

Lack of cellphone coverage in our District

18a. Please briefly outline your policy regarding when, how and with whom you use remote inspections.

No policy has been formulated at this stage

18b. In what circumstances do (or would) you use real time remote inspections versus evidence-based? Do you prefer one method (real time or evidence-based) over the other? Please explain why with reference to benefits, costs and risks.

Would prefer real-time remote inspections as with evidence based inspections, the evidence may show non-compliance but it would have been covered up at that stage. Inspecting a solid fuel heater with evidence-based remote inspections would be good and of low risk if the installer follows the guide of all parts of the inspection required. The owner should not light the SFH until CCC is issued therefore non-compliance can be caught with low risk to the home-owner. We currently use evidence based for a small number of re-inspections.

19. We want to know about building consent authority costs and savings (actual or anticipated) in establishing remote inspection technology and processes.

What are your actual or projected costs from undertaking remote inspections?

Training

\$

IT Expenses

\$

Additional staff

\$

Other

We anticipate we would require additional hardware to efficiently conduct a remote inspection. Initial training costs would be high and no additional staff would be required.

What are your actual or projected savings from undertaking remote inspections?

Travel and vehicle

\$

Ability to do more inspections per day

\$

Reduced staffing costs

\$

Other

There would be anticipated savings in the use of our vehicles but not in the actual number of vehicles as they are still required for other functions. Increased number of inspections would be able to be achieved after the initial slowdown of learning a new system. There would be no reduced staffing costs as the same number of resources/equipment would still be required.

Please also provide any data and/or estimates on travel and emissions reductions achieved through the use or potential use of remote inspections. Please include any assumptions or qualifiers. Relevant attachments can be emailed along with your submission form to building@mbie.govt.nz.

No data collected or calculated at this stage

20a. Considering the actual or anticipated costs of establishing remote inspection capabilities, how long has it taken (or do you expect it to take) to see a return on investment?

We would expect a couple of years before we have an efficient working system

20b. Do you anticipate that you will be able to reduce inspection charges for remote inspections?

Not in the short to medium term, as we would require additional hardware/software and specific training (as required by MBIE/IANZ) to be able to carry out remote inspections. Inspections would take longer until all involved became used to the inspection method.

21. What factors would you consider in pursuing a prosecution for the deceptive behaviour described in Option 4?

Council would have to take a measured response pursuing a prosecution due to the burden of costs to make such a case. Although having a successful case would be very beneficial in sending a message.

Increasing inspection capacity through the use of Accredited Organisations (Building)

Many building consent authorities engage Accredited Organisations (Building) to carry out consent processing on their behalf, but only a few are involved in inspections.

There is an opportunity to increase inspection capacity (onsite and remote), by using these organisations to carry out more inspection work, either on behalf of building consent authorities, or by enabling owners to engage them directly.

Please refer to page 17 in the discussion document for full detail.

22. What are the benefits, costs, and risks of building consent authorities contracting more Accredited Organisations (Building) to undertake inspections?

Currently, we engage contractors to undertake inspections during peak times. The risk is that the contractor is unfamiliar with the project and therefore we lose that continuity/consistency if our own staff were inspecting.

23. What are the main barriers to building consent authorities contracting Accredited Organisations (Building) to undertake inspections? How could these be addressed?

There are concerns with liability settings and with the various hoops to jump through with accreditation

24. Do you think that owners should be able to directly engage Accredited Organisations (Building) to undertake inspections? Please explain, commenting on the benefits, costs, and risks.

Yes No Unsure

There would be a loss of control and continuity. Where would the liability sit? Most owners are unaware of project milestones and timeframes therefore would place additional pressure on trying to get an inspection

25a. Do you agree with the potential mitigations? (refer to table on page 18 of the discussion document)

Yes No Unsure

25b. Are there any other issues or mitigations we should consider?

Yes No Unsure

The mitigations are adequate

General Comments

26. Do you have any other general comments you wish to make?

Yes

No

Unsure

Thank you for considering our submission

Improving efficiency in the inspection process

Increasing the use of Remote Inspections and Accredited Organisations

OCTOBER 2024





Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

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How to have your say

Submissions process

MBIE seeks written submissions on this discussion paper by 5pm Friday 29 November 2024.

Your submission may respond to any or all of the questions in the discussion document (noting that questions 16-21 are for building consent authorities and Accredited Organisations (Building)).

Please provide comments and reasons explaining your choices. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples.

Your feedback will help to inform decisions on options that should be progressed, the detailed design of those options, and whether other options require further consideration.

Please respond to the questions by using the submission form which is located on [MBIE's Have Your Say page](#) or by using the [online survey form](#). This will help us to collate submissions and ensure that your views are fully considered.

You can submit the form by 5pm, Friday 29 November 2024 by:

- Sending your submission as a **Microsoft Word document** to building@mbie.govt.nz
- Mailing your submission to:

Consultation: Remote inspections
Building System Performance
Building, Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473

Wellington 6140
New Zealand

Please include your contact details in the cover letter or e-mail accompanying your submission.

Please direct any questions regarding this consultation to building@mbie.govt.nz.

Use of information

The information provided in submissions will be used to inform MBIE's policy development process and will inform advice to Ministers. We may contact submitters directly if we require clarification of any matters in submissions.

Release of information on MBIE website

MBIE may publish a list of submitters on www.mbie.govt.nz and will consider you have consented to this, unless you clearly specify otherwise in your submission.

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The *Official Information Act 1982* specifies that information is to be made available upon request unless there are sufficient grounds for withholding it. If we receive a request, we cannot guarantee that feedback you provide us will not be made public. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Please clearly mark which parts you consider should be withheld from official information act requests, and your reasons (for example, privacy or commercial sensitivity).

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The *Privacy Act 2020* establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice. Please clearly indicate if you do not wish your name, or any other personal information, to be included in any summary of submissions that MBIE may publish.

Minister's Foreword

Minister for Building and Construction, Hon Chris Penk

The Government is focussed on increasing the supply of affordable homes for New Zealanders. To help achieve this, I am committed to improving efficiency and competition in the building regulatory system, reducing barriers and driving down costs.



Building inspections play an important role in checking that building work is carried out according to the consent and that New Zealand buildings are healthy, safe and durable. However, waiting for an on-site inspection can sometimes take too long, impacting on the time and cost to build.

Remote inspections provide an opportunity to reduce delays by eliminating the need for inspectors to travel and allowing more inspections to be carried out each day. They also increase flexibility in the workday of inspectors and building professionals and enable inspectors to carry out inspections in other regions, improving overall capacity and capability across the country.

Some building consent authorities are already using remote inspection approaches and are reaping the benefits of greater productivity and efficiency. While this is a good start, uptake is still fairly low, and practices are inconsistent across the country.

This discussion documents seeks feedback from stakeholders on a range of options to increase the uptake of remote inspections and lift efficiency in the inspection process, including an option to require that remote inspections be used as the default approach.

I am mindful that some people may be concerned that not all building work is suitable for remote inspections. To make sure we strike the right balance, it is important to get feedback from a wide range of submitters on the options in this paper.

As the Minister responsible for Building and Construction, I am pleased to present this discussion document for public consultation.

Introduction

Increasing the supply of housing is a top priority for the Government. One way to support this is to make the building consent system faster, easier, and cheaper to use.

Housing affordability is a key issue in Aotearoa New Zealand

Aotearoa New Zealand has some of the least affordable housing in the world¹. Home ownership dropped from 74% in the 1990s to 65% in 2018². Over the 12 months to June 2023, average housing costs per week increased 14.5%. Data from 2023 illustrates that over a quarter of households that do not own their home now spend more than 40% of their income on housing³.

Regulatory barriers increase the time and cost to build new houses

Building costs are high and have cumulatively risen 41.3 per cent since 2019⁴; it is about 50 per cent more expensive per square meter to build a standalone house in Aotearoa New Zealand than in Australia⁵.

It can take a long time for a house to be built and receive a code compliance certificate. Homes consented in the June 2022 quarter took, on average, over 16 months to reach final inspection (up from 14 months in the June 2021 quarter) and a further two months to receive a code compliance certificate⁶.

Poor coordination and sequencing of trades on-site has a significant impact on build times and increases the risk of defects (which can add more time due to the need for rework). Added to this are regulatory delays including processing minor (or major) variations and delays waiting for inspections.

These delays increase the cost of a build project and reduce the sector's capacity to supply affordable housing.

There is a range of work underway to improve the building consent system

The inspection process is only part of the overall time it takes to build and there are wider opportunities to make the sector more productive. Table 1 below sets out the work MBIE is doing to improve the consent system and make it easier and cheaper to build.

¹ OECD (2020) How's Life? 2020: Measuring Well-being. OECD Publishing, Paris

² Statistics New Zealand (2020) Census data from Housing in Aotearoa.

³ Statistics New Zealand (2023) [Household income and housing-cost statistics: Year ended June 2023](#)

⁴ This represents the cumulative increase since Q4 of 2019. This mostly occurred in 2021 and 2022.

⁵ The average cost per square metre to build in New Zealand includes demolition costs and 15% GST, whereas the Australian figures exclude demolition costs and includes 10% GST.

⁶ [Experimental indicators show longer building timeframes | Stats NZ. This was during a period of historically high demand.](#)

Table 1: Programme of work to streamline the building consent system

- **Public consultation on increasing the uptake of remote inspections (this discussion document)**
- Progressing work to identify the best way to deliver consenting services in New Zealand. This will include investigating a new building consent authority structure, the scope of building work exempt from a building consent, liability settings and the role of private insurance in the consent system
- Regulations to clarify the definition of ‘minor variation’ to make substituting products more predictable and consistent
- Defining ‘minor customisation’ for MultiProof to allow minor design changes without voiding a certificate
- Removing regulatory barriers for using overseas building products and requiring councils to accept products that meet international standards
- Public consultation on making it easier to build ‘granny flats’ up to 60 square metres
- Recognising producer statements to reduce the amount of checking that building consent authorities need to do
- Requiring councils to submit data on timelines for building consents and code compliance certificates every quarter, which is published on MBIE’s website
- Changes to *Building (Accreditation of Building Consent Authorities) Regulations 2006* to enable more time to focus on consenting, inspecting, and code compliance certificates (commenced June 2024)

Work to identify the best way to deliver consenting services could lead to changes in the building work that needs to be inspected and who does those inspections. As potential changes could be significant, it will take time for decisions to be consulted on and made, and for changes to take effect.

It is important that we continue in parallel to progress work to make it easier, cheaper and faster to build. It is likely that remote inspections will play a key role in the future delivery of consenting services.

We are keen to hear your views on the short- and long-term costs of the different options for increasing the uptake of remote inspections. We will consider the implications of potential changes to the delivery of consenting services prior to seeking final policy decisions on remote inspections. This could include focussing on options to improve efficiency under the current structure that would also be compatible with any future model.

Outcomes and criteria

The primary objective of the options in this paper is to improve the efficiency and timeliness of building inspection processes to make it easier, cheaper, and faster to build.

We also understand the importance of balancing regulation with the need to facilitate a productive building and construction sector and ensuring that changes do not have a detrimental effect on the quality of Aotearoa New Zealand’s housing and building stock.

The primary focus of the building control system is ensuring buildings are healthy, safe and durable, and that buildings are built right the first time.

We want the system to be agile and responsive to changes in the way New Zealanders build while also avoiding defects and building failure that can be stressful and costly to address. To this end, government intervention in the building consent system should seek to achieve the four outcomes described below:

- System is efficient: the implementation costs of option(s) are minimised to ensure costs do not outweigh the benefits.
- Roles and responsibilities are clear: the option(s) do not make the system more complex and ensure that liability falls on those best able to identify and manage risk.
- Requirements and decisions are robust: the option(s) do not increase the risk of defects.
- System is responsive to change: the option(s) allow for flexibility and innovation in how parties comply and improve the ability of the system to respond and adapt, including to any future system.

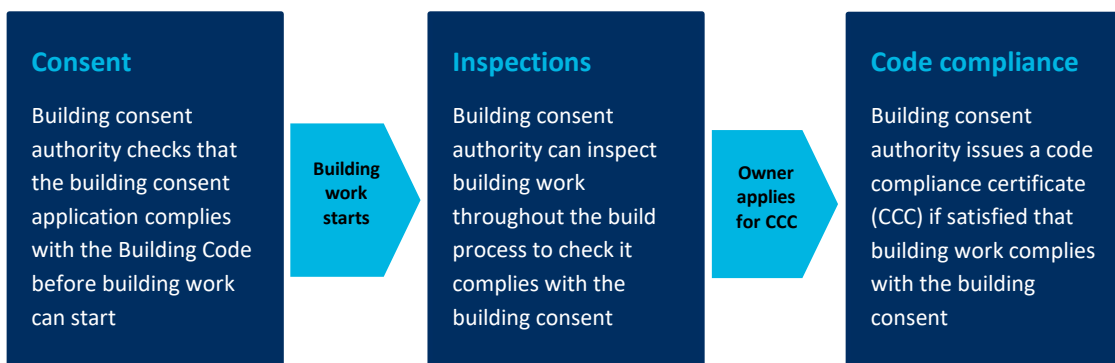
We want to implement the best option(s). The best options will be those that achieve the greatest reduction in cost and time to build, and greatest improvement in ease of building, while meeting the four system outcomes.

Question about the proposed criteria

1. Do you agree these are the right outcomes/criteria to evaluate the options? Are there any others that should be considered?

Legislative context

The *Building Act 2004* (the Building Act) is the primary legislation governing the building industry in Aotearoa New Zealand and provides the framework for the building consent process, which is outlined in the diagram below. These steps add time and cost, but they give building owners, tenants, banks, and insurers confidence in the quality of the building work.



Increasing the uptake of remote inspections

There are currently no requirements in the Building Act for building consent authorities to undertake inspections. However, the Act entitles them to undertake inspections to be satisfied on reasonable grounds that building work complies with the building consent, in order to issue a code compliance certificate. The *Building (Accreditation of Building Consent Authorities) Regulations 2006* require building consent authorities to have policies and procedures for planning, performing and managing inspections⁷.

The use of remote inspections in the building and construction sector is relatively recent. While COVID-19 lockdowns caused a spike in the use of remote inspections, levels of uptake still vary across the country, with some building consent authorities regularly using remote inspections, while others do not use them at all.

Practices also vary, with building consent authorities taking their own approach to the types of building work and the building professionals they consider appropriate for remote inspections.

MBIE recently published guidance⁸ to assist building consent authorities to make informed decisions when adopting remote inspection technology and to inform the sector on what to expect from different remote inspection approaches. It is too early at this stage to assess what impact this guidance will have. However, it is likely that without further intervention, uptake will remain low and practices across the country will continue to vary. This could mean long wait times for in-person inspections when construction activity picks up again.

The opportunity and benefits of remote inspections

Remote inspections can make it easier, faster and cheaper to build by enabling building consent authorities to carry out more inspections per day, which can reduce inspection wait times due to greater availability of inspection slots. This, in turn, helps reduce on-site delays so building work can progress at greater pace.

The **main benefits** of remote inspections are increased efficiency and productivity through:

- reducing the need for inspectors to travel to site, eliminating unproductive time and the need for logistical planning. This is particularly beneficial where there are long distances or congestion
- greater convenience, flexibility and timeliness for inspectors and builders⁹, as inspections can be conducted at agreed times once building work is ready
- the ability for inspectors to carry out inspections in other districts, which supports increased capacity and capability across the country.

Remote inspections can also reduce emissions due to reduced travel and can support good record keeping practices.

⁷ Building consent authorities can use other tools to confirm compliance with the consent, such as inspections by third parties and producer statements (e.g., PS 3 – Construction and PS 4 – Construction Review). These are professional opinions based on sound judgement and specialist expertise.

⁸ <https://www.building.govt.nz/assets/Uploads/building-officials/guides/remote-inspection-guidance-for-building-consent-authorities.pdf>

⁹ In the context of this document, the term ‘builder’ refers to any person who works on a building site (i.e., from any trade/profession, whether licensed or not).

Reduction in on-site inspections for a simple residential build

The number of on-site inspections for a simple residential build* can potentially be reduced from around 12 to two or three through the use of remote inspections. This can save considerable travel time and improve flexibility and timeliness for inspectors and builders, helping to reduce overall build times and costs associated with delays.

**Standalone house on flat ground with a concrete floor and one type of cladding.*

There are different ways to conduct remote inspections

There are two main approaches to remote inspections – real-time and evidence-based. While both approaches can be suitable for assessing compliance, there may be differences in how they are being used across the country.

Main approaches to remote inspections:

Real time remote (live video stream):

An inspector directs the building professional around the site during a video call. The inspector can zoom in and out and capture images at key points to assess compliance. Real time is similar to an on-site inspection, with the inspector recording decisions and reasons for decisions on the inspection checklist as the inspection progresses.

Evidence-based:

Building professionals upload photo/video evidence of building work to council or third-party systems and the inspector assesses for compliance soon after upload. This approach is well suited to lower risk work, re-inspections, and for use with trusted builders with low failure rates. Quality imagery is required along with clear requirements from the inspector on what will be accepted as evidence.

How are remote inspections currently being used overseas?

Most overseas jurisdictions use remote inspections for lower risk work and allow regulators discretion on when to use them. They are seen as particularly beneficial where there are large distances to cover.

The Australian state of Victoria requires mandatory inspections to be done on site, while non-mandatory ones can be remote if suitable. In the UK, USA, and Canada, on-site inspections are the standard approach. Remote inspections may be used for minor building work, and inspectors have discretion on when a remote inspection is appropriate. In the USA, customers can request a remote inspection.

Question about the opportunity/benefits of remote inspections

2. Do you agree with our description of the opportunity (i.e., benefits) of increasing the uptake of remote inspections? Are there any other benefits? Please explain.

Questions for builders/sector

3. What savings and costs have you experienced with remote inspections? Do they differ depending on whether a remote inspection is real time or evidence-based?
4. Do you have any concerns about taking part in remote inspections (whether real time or evidence-based)?

Barriers to uptake of remote inspections

MBIE understands that the main barriers to greater uptake of remote inspections across building consent authorities include:

- Costs to building consent authorities to establish systems, technology, and training.
- Time for both building consent authorities and the sector to become confident with using the technology.
- Questions around the suitability of some building work to be inspected remotely, such as where physical testing is required (e.g., moisture testing) or for complex work.
- Perceptions that it might be harder to detect non-compliant work when inspecting remotely.

Risks of remote inspections

When MBIE consulted on the building consent system in 2023¹⁰, submitters expressed mixed views on remote inspections. Some submitters identified liability risks and suggested remote inspections should only be used for certain purposes with proper controls and standards to prevent misuse.

Key risks of remote inspections include:

- **Building safety and performance:** navigating sites remotely can be a disorienting experience and inspectors could miss non-compliant work, leading to defects. Consequent building performance issues may result in potential financial, health, and safety harms to owners and users.
- **Dishonest practices:** some people may take advantage of remote inspection approaches to hide non-compliant work, leading to potential defects.
- **Liability concerns:** any increased risk of defects arising from a remote inspection could also increase the risk of liability claims against building consent authorities.
- **Trust in build quality:** confidence in the quality of buildings that have been inspected remotely may reduce, which could make them harder to finance, insure, or sell.

The options presented in the next section include mitigations to address key risks. Further risk mitigation and implementation needs will be considered for any options that are progressed,

¹⁰ [Building consent system review: options paper consultation \(2023\) | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](#)

including ensuring that occupational regulation¹¹ and consumer protection measures are fit for purpose.

Questions about barriers and risks

5. Do you agree these are the main risks associated with increasing the use of remote inspections? Are there any other risks that should be considered? If yes, please explain.
6. Are current occupational regulation and consumer protection measures fit for purpose to manage risks associated with higher uptake of remote inspections? If not, what changes would be required?

Section One: Options to increase the uptake of remote inspections and improve efficiency of inspection processes

The Ministry of Business, Innovation and Employment (MBIE) has identified four options to improve efficiency and timeliness in the inspection process, primarily through measures to increase the uptake of remote inspections. Appendix 1 summarises these options and provides an initial assessment of the potential costs, benefits, and risks. The options are:

- **Option One: Review remote inspection guidance, address failure rates and/or publish wait times (non-regulatory).**
- **Option Two: Require building consent authorities to have the systems and capability to conduct remote inspections.**
- **Option Three: Require building consent authorities to use remote inspections as the default approach to conducting inspections.**
- **Option Four: Create a new offence to deter deceptive behaviour (stand-alone or complementary option).**

Building consent authority duty of care would remain unchanged under all of the above options.

Option One: Review remote inspection guidance, address failure rates and/or publish wait times (non-regulatory)

MBIE published remote inspection guidance in July 2024. MBIE will monitor its impact and if necessary, review and update it. For example, guidance could be made more directive and detailed around what building work should be inspected remotely and how remote inspections should be performed.

Inspection failures impact building consent authority efficiency and timeliness due to time spent on re-inspections. Rework as a result of failed inspections also add time and cost to a build. MBIE recently began monitoring building consent and code compliance certificate timeframes. Identifying common causes of inspection failures and developing options to reduce these (e.g., guidance and training for the sector, public reporting on causes of

¹¹ Occupational regulation ensures that professionals are competent and accountable for their work.

inspection failures) could support more efficient use of inspection resources, and improved sector productivity due to less time on rework.

Alongside this, MBIE could collect and publish data on inspection wait times across building consent authorities and/or set targets, to encourage building consent authorities to implement actions to ensure more timely inspections.

Option Two: Require building consent authorities to have the systems and capability to conduct remote inspections

To be accredited, a building consent authority must meet the criteria of the *Building (Accreditation of Building Consent Authorities) Regulations 2006*. This includes a requirement to have policies and procedures for planning, performing and managing inspections.

These regulations could be amended to require building consent authorities to have the systems and capability (as well as policies and procedures) to conduct inspections remotely.

Under this option, building consent authorities would retain discretion on when they inspect remotely.

Building consent authorities would be encouraged to update their policies and procedures ahead of amendments to regulations to enable smooth implementation (i.e., to allow time to familiarise with remote inspections and stagger investment in training and technology).

Option Three: Require building consent authorities to use remote inspections as the default approach to conducting inspections

This option would amend the Building Act to require building consent authorities to use remote inspections as the default approach for carrying out certain inspections.

Regulations could specify the inspection types or criteria for which inspections should be carried out remotely. To manage the risk that an inspector could miss a crucial element during a complex remote inspection, the requirement to use remote inspections could initially focus on lower risk building work or inspections such as plumbing and/or elements of single level builds, re-inspections, and inspection types with low failure rates. This could be expanded over time, as technology improves, and building consent authorities and the sector become more confident and skilled in the use of remote inspection tools.

There would be further consultation on the details of any proposed regulations.

Some exclusions from the default requirement may be needed, including when:

- there is poor internet connectivity at the inspection site
- there is poor lighting or adverse weather that may impair video/photo quality
- the inspector and/or builder deem it necessary to conduct an on-site inspection to ensure critical details are not missed
- a building professional has previously been deceptive or regularly failed inspections
- building work is being carried out by an individual with an Owner-Builder Exemption¹².

¹² This exemption means you do not need to be or use a licensed building practitioner for any restricted building work. A building consent is still required, and work must comply with the Building Code. The criteria to qualify for the exemption are detailed at: [Owner-builder obligations | Building Performance](#).

Inspectors would also retain the ability to follow up with an on-site inspection if they were not able to be satisfied using remote inspection tools that the building work was carried out in accordance with the consent¹³.

Option Four: Creating a new offence to deter deceptive behaviour (stand-alone or complementary option)

Note: this option could be implemented as a stand-alone change or in combination with other options (i.e., Option One, Two, or Three)

Building consent authorities have expressed concern that it may be easier to hide or disguise non-compliant work during a remote inspection. Some people may take advantage of this and deliberately hide, disguise, or otherwise misrepresent building work (eg provide images of other completed building work), to pass an inspection. This would increase the risk of non-compliant work going undetected. Any consequent building defects would negatively impact building owners and could draw building consent authorities into liability claims.

Some building consent authorities have managed this risk by limiting the use of remote inspection tools to trusted builders with a good track record of passing inspections.

However, if building consent authorities are required to use remote inspections by default, the likelihood of dishonest behaviour may increase. To mitigate this risk, a new offence could be created to target deceptive behaviour during a remote inspection. *The offence relates specifically to deliberate actions to hide, disguise, or otherwise misrepresent non-compliant building work.*

Because this behaviour could lead to significant negative health, safety, and financial harm, MBIE proposes the offender would be liable on conviction to a maximum fine of \$50,000 for an individual and \$150,000 for a body corporate or business. This aligns with similar offences and fines under the Building Act.

¹³ Section 90 of the Building Act also enables on-site inspections at any time, including for the purposes of spot checks.

Questions about options to increase the uptake of remote inspections and improve efficiency of inspection processes

All options

7. Which option(s) do you prefer? Please explain why by commenting on the benefits, costs, and risks compared to other options.
8. Are there any other options we should consider?

Option One

9. What can be done to help reduce inspection failure rates?

Option Three

10. What inspections could generally be conducted remotely with confidence?
11. Are there any inspections that should **never** be carried out remotely (e.g., based on the type of inspection or building category)? Please explain why.
12. Do you agree with the proposed exclusions under Option Three? Is there anything else that should be added to this list?

Option Four

The offence relates specifically to 'deliberate actions to hide, disguise, or otherwise misrepresent non-compliant building work'.

13. If a new offence were to be created, does the above description sufficiently capture the offending behaviour? If not, is there anything else that should be considered?
14. Would the maximum penalty of \$50,000 for individuals and \$150,000 for a body corporate or business be a fair and sufficient deterrent?
15. Are there any other ways to discourage deceptive behaviour besides creating an offence?

Questions for Building Consent Authorities and Accredited Organisations

16. What percentage of inspections do you carry out remotely?

17. What are the main things preventing you from using remote inspections, or using them more often? Please explain.

18. Please briefly outline your policy regarding when, how and with whom you use remote inspections. In what circumstances do (or would) you use real time remote inspections versus evidence-based? Do you prefer one method (real time or evidence-based) over the other? Please explain why with reference to benefits, costs and risks.

19. We want to know about building consent authority costs and savings (actual or anticipated) in establishing remote inspection technology and processes.

What are your actual or projected costs from undertaking remote inspections?

Training

\$

IT Expenses

\$

Additional staff

\$

Other

\$

What are your actual or projected savings from undertaking remote inspections?

Travel and vehicle

\$

Ability to do more inspections per day

\$

Reduced staffing costs

\$

Other

\$

Please also provide any data and/or estimates on travel and emissions reductions achieved through the use or potential use of remote inspections. Please include any assumptions or qualifiers. Relevant attachments can be emailed along with your submission to building@mbie.govt.nz

20. Considering the actual or anticipated costs of establishing remote inspection capabilities, how long has it taken (or do you expect it to take) to see a return on investment? Do you anticipate that you will be able to reduce inspection charges for remote inspections?

21. What factors would you consider in pursuing a prosecution for the deceptive behaviour described in Option 4?

Section Two: Increasing inspection capacity through the use of Accredited Organisations (Building)

This section seeks general feedback on increasing the use of Accredited Organisations (Building) to undertake inspections.

Many building consent authorities already use private organisations to undertake consent processing on their behalf, including organisations that have gained accreditation under the *Building (Accreditation of Building Consent Authorities) Regulations 2006*¹⁴. Some building consent authorities also contract private organisations to carry out inspections, including remote inspections.

Some submitters on the Review of the Building Consent System suggested private companies should be more easily enabled to process consents or conduct inspections, provided they are qualified and have insurance. There is scope for building consent authorities to make more use of Accredited Organisations (Building) to carry out inspections on their behalf.

Alternatively, the Building Act could be amended to effectively enable owners (e.g., developers) to directly engage Accredited Organisations (Building) to undertake inspections.

Currently, when applying for a building consent, the owner or their agent may propose some checks of the building work to be carried out by specialists engaged directly by the owner, such as chartered professional engineers. However, it is not current practice for an owner to directly engage third party specialists to carry out scheduled inspections that would usually be done by a building consent authority¹⁵.

Accredited Organisations (Building) are already required to meet the same criteria and standards as a building consent authority and are subject to regular audits. However, there are a number of issues that would need to be addressed to effectively enable owners to engage them directly. These issues and potential mitigations are set out in the table below.

¹⁴ Private organisations can be accredited under the *Building (Accreditation of Building Consent Authorities) Regulations 2006* and can process building consent applications on behalf of building consent authorities. However, if they have chosen not to register as a building consent authority, they cannot grant building consents – the final decision remains the responsibility of the registered building consent authority to which the building consent application was made. These private organisations are often referred to as Accredited Organisations (Building), or AO(B)s.

¹⁵ Such as drainage, pre-wrap, pre-clad, pre-line, post-line, pre-roof.

Table 2: Potential mitigations to enable owners to contract Accredited Organisations (Building) to carry out inspections

| Issue | Mitigation |
|---|---|
| Building consent authorities may not be confident to issue code compliance certificates on the basis of third-party inspections | Building consent authorities would need to be able to rely on the inspection reports provided by Accredited Organisations (Building). The form and content of these reports would likely need to be prescribed. |
| Building consent authorities may be concerned about being held liable due to the negligence of another party | The building consent authority could be protected from liability if it relied on third party inspection reports in good faith. Accredited Organisations (Building) would need to pass an adequate means assessment to ensure they can cover any civil liabilities that arise in relation to inspections undertaken. This requirement would likely increase costs to the Accredited Organisation (Building), which would likely be passed on to the consumer. |
| Third-party inspectors may not report on issues that are not directly relevant to the scheduled inspection | Mandatory disclosure requirements could be placed on Accredited Organisations (Building) to inform building consent authorities of any concerns or compliance issues they notice during an inspection. |
| Oversight of the build may be reduced if inspections are carried out by multiple entities | Limits could be placed on the number of inspectors or Accredited Organisations (Building) that can be engaged during a project to ensure continuity and consistency across the inspection schedule. |

Questions about increasing the use of Accredited Organisations (Building)

22. What are the benefits, costs, and risks of building consent authorities contracting more Accredited Organisations (Building) to undertake inspections?
23. What are the main barriers to building consent authorities contracting Accredited Organisations (Building) to undertake inspections? How could these be addressed?
24. Do you think that owners should be able to directly engage Accredited Organisations (Building) to undertake inspections? Please explain, commenting on the benefits, costs, and risks.
25. Do you agree with the potential mitigations? Are there any other issues or mitigations we should consider?

General comments

26. Do you have any other general comments you wish to make?

Appendix 1: Full list of consultation questions

| |
|---|
| Question about the proposed criteria |
| 1. Do you agree these are the right outcomes/criteria to evaluate the options? Are there any others that should be considered? |
| Question about the opportunity/benefits of remote inspections |
| 2. Do you agree with our description of the opportunity (i.e., benefits) of increasing the uptake of remote inspections? Are there any other benefits? Please explain. |
| Questions for builders/sector |
| 3. What savings and costs have you experienced with remote inspections? Do they differ depending on whether a remote inspection is real time or evidence-based? |
| 4. Do you have any concerns about taking part in remote inspections (whether real time or evidence-based)? |
| Questions about barriers and risks |
| 5. Do you agree these are the main risks associated with increasing the use of remote inspections? Are there any other risks that should be considered? If yes, please explain. |
| 6. Are current occupational regulation and consumer protection measures fit for purpose to manage risks associated with higher uptake of remote inspections? If not, what changes would be required? |
| Questions about options to increase the uptake of remote inspections |
| All options |
| 7. Which option(s) do you prefer? Please explain why by commenting on the benefits, costs, and risks compared to other options. |
| 8. Are there any other options we should consider? |
| Option One |
| 9. What can be done to help reduce inspection failure rates? |
| Option Three |
| 10. What inspections could generally be conducted remotely with confidence? |
| 11. Are there any inspections that should never be carried out remotely (e.g., based on the type of inspection or building category)? Please explain why. |
| 12. Do you agree with the proposed exclusions under Option Three? Is there anything else that should be added to this list? |
| Option Four |
| The offence relates specifically to 'deliberate actions to hide, disguise, or otherwise misrepresent non-compliant building work'. |
| 13. If a new offence were to be created, does the above description sufficiently capture the offending behaviour? If not, is there anything else that should be considered? |
| 14. Would the maximum penalty of \$50,000 for individuals and \$150,000 for a body corporate or business be a fair and sufficient deterrent? |
| 15. Are there any other ways to discourage deceptive behaviour besides creating an offence? |
| Questions for Building Consent Authorities and Accredited Organisations |
| 16. What percentage of inspections do you carry out remotely? |
| 17. What are the main things preventing you from using remote inspections, or using them more often? Please explain. |
| 18. Please briefly outline your policy regarding when, how and with whom you use remote inspections. In what circumstances do (or would) you use real time remote inspections versus evidence-based? Do you prefer one method (real time or evidence-based) over the other? Please explain why with reference to benefits, costs and risks. |

19. We want to know about building consent authority costs and savings (actual or anticipated) in establishing remote inspection technology and processes.

What are your actual or projected costs from undertaking remote inspections?

Training

\$

IT Expenses

\$

Additional staff

\$

Other

\$

What are your actual or projected savings from undertaking remote inspections?

Travel and vehicle

\$

Ability to do more inspections per day

\$

Reduced staffing costs

\$

Other

\$

Please also provide any data and/or estimates on travel and emissions reductions achieved through the use or potential use of remote inspections. Please include any assumptions or qualifiers. Relevant attachments can be emailed along with your submission to building@mbie.govt.nz

20. Considering the actual or anticipated costs of establishing remote inspection capabilities, how long has it taken (or expected to take) to see a return on investment? Do you anticipate that you will be able to reduce inspection charges for remote inspections?

21. What factors would you consider in pursuing a prosecution for the deceptive behaviour described in Option 4?

Questions for all submitters about increasing the use of Accredited Organisations (Building)

22. What are the benefits, costs, and risks of building consent authorities contracting more Accredited Organisations (Building) to undertake inspections?

23. What are the main barriers to building consent authorities contracting Accredited Organisations (Building) to undertake inspections? How could these be addressed?

24. Do you think that owners should be able to directly engage Accredited Organisations (Building) to undertake inspections? Please explain, commenting on the benefits, costs, and risks.

25. Do you agree with the potential mitigations? Are there any other issues or mitigations we should consider?

General comments

26. Do you have any other general comments you wish to make?

Appendix 2: Summary of options for feedback

Section One:

| Summary | Benefits | Risks and costs |
|---|---|--|
| <p>Option One: Review remote inspection guidance, address failure rates and/or publish wait times (non-regulatory)</p> | <p>Identifying and addressing inspection failures will reduce delays and costs associated with rework, free up inspection resource, and improve build quality.</p> <p>Publishing data on wait times could incentivise building consent authorities to improve efficiency, reducing overall time and cost to build.</p> <p>Guidance:</p> <ul style="list-style-type: none"> • is low-cost to implement and provides flexibility for building consent authorities to choose an approach that balances level of investment with expected efficiency gains • does not make system more complex and allows building consent authorities to manage their own risk (and potential liability). <p>Guidance can continue to be easily updated as technology and confidence improves. Can be easily adapted to align with any future system changes.</p> | <p>Guidance alone may be insufficient to promote widespread uptake and drive greater consistency in approach, which would limit potential efficiency gains.</p> <p>Data collection and analysis is resource intensive. New data requests would need to be prioritised within existing data collection programme.</p> |
| <p>Option Two: Require building consent authorities to have the systems and capability to conduct remote inspections</p> <p>Policies, procedures, technology, and training required by building consent authorities to maintain accreditation.</p> | <p>Should result in greater efficiency gains than Option One as it would enable more productive use of inspection resources and a reduction in wait times and overall build times (which may provide for a reduction in associated costs, such as rental costs incurred by an owner during the build).</p> <p>Flexibility to share inspector capacity and capability across building consent authorities and private companies (who could undertake remote inspections on behalf of building consent authorities). Also supports efficiency and productivity at the national level.</p> <p>Policies, procedures, quality controls, and auditing (required under the Accreditation Scheme) would support robust decision making.</p> <p>Discretion allows building consent authorities to:</p> <ul style="list-style-type: none"> • determine when a remote inspection would be more cost effective and/or efficient • manage their own risk when undertaking inspections (e.g., limiting to builders with a good track record). <p>Could provide homeowners with a digital record of work done, which could help identify responsible parties should issues be found later.</p> | <p>Some inconsistency between building consent authorities is likely (due to different policies and procedures).</p> <p>Having the ability to conduct remote inspections does not mean building consent authorities will maximise their use, limiting potential efficiency gains.</p> <p>Implementation costs (to establish policies, procedures, technology, and training) may lead to higher fees if those costs outweigh efficiency gains. This is more likely for smaller building consent authorities with low inspection volumes who may need to engage others to do remote inspections on their behalf.</p> <p>Set-up and implementation costs might not be recovered if there were voluntary consolidations or structural reform to the building consent system in the future.</p> <p>Time and cost for the sector to upskill.</p> |

| Summary | Benefits | Risks and costs |
|--|---|--|
| <p>Option Three: Require building consent authorities to use remote inspections as the default approach to conducting inspections</p> <p>Could include:</p> <ul style="list-style-type: none"> • Enabling provision in Building Act • Criteria in regulations on inspections to conduct remotely. | <p>Should lead to the highest efficiency gains, ensuring more productive use of inspection resource and reductions in wait times.</p> <p>Building owners would benefit from a reduction in overall build times (greater benefits when demand for inspections is high) and associated costs (e.g., avoid paying rent for longer periods).</p> <p>National guidelines would support consistent and robust decisions on inspections that should be done remotely.</p> <p>Flexibility to share inspector capacity and capability across building consent authorities and private companies (with clarity on what should be inspected remotely). Also supports productivity at the national level.</p> <p>Could provide homeowners with a more comprehensive digital record of work done (compared to Option Two), which could help identify responsible parties should issues be found later.</p> | <p>Requiring by default removes the flexibility for building consent authorities to manage their own risks in line with the capability and confidence of people using remote inspection tools. This could lead to issues being missed in the inspection, resulting in building defects, which would impact building owners and increase building consent authorities' exposure to liability claims.</p> <p>Some homeowners may be concerned that remote inspections are less robust than on-site inspections.</p> <p>Above risks could be mitigated by initially focusing on lower risk building work and inspections to allow inspectors and the sector to adapt to using remote inspections.</p> <p>Similar costs to Option Two. Investment and implementation costs may lead to higher fees (as noted in costs for Option Two).</p> <p>Set-up and implementation costs might not be recovered if there were voluntary consolidations or structural reform to the building consent system in the future.</p> <p>Some inspections might take longer to conduct remotely (however, this may be offset by reduced travel).</p> <p>This option would likely take longer to implement and realise benefits.</p> |
| <p>Option Four: Create a new offence to deter deceptive behaviour (stand-alone or complementary option)</p> | <p>Supports buildings to be healthy, safe and durable by reducing the likelihood of defects.</p> <p>Should increase efficiency by giving building consent authorities more confidence to use remote inspections by addressing a key barrier to uptake (i.e., potential liability claims).</p> <p>Makes the responsibilities and accountability of builders clear.</p> <p>Can be implemented on its own or with any of the other options.</p> <p>Would support the use remote inspections under any future system.</p> | <p>May not significantly increase uptake of remote inspections (if implemented as a stand-alone option).</p> <p>Effectiveness of the option depends on councils detecting and pursuing enforcement action related to dishonest behaviour.</p> <p>Time and costs for councils or other authority to prosecute, which may reduce effectiveness as a deterrent.</p> |

Section Two:

| Summary | Benefits | Risks and costs |
|--|--|--|
| <p>Increasing inspection capacity through the use of Accredited Organisations (Building) to undertake inspections</p> | <p>Supports greater flexibility and timeliness (efficiency) of inspections by increasing overall inspection capacity and capability.</p> <p>Could provide smaller building consent authorities with an alternative way to do remote inspections, reducing implementation costs.</p> <p>Allowing owners to contract directly could support consistent inspection decisions for developers who work across multiple regions (i.e., due to inspector familiarity with a developer’s standard designs), and provide options to find a faster inspection service, reducing overall build time.</p> <p>Could support greater capacity under a future system.</p> | <p>Could lead to higher inspection costs. However, these costs may be balanced out by the benefits of flexibility and timeliness.</p> <p>Allowing owners to contract directly could lead to a perception of less independence and less robust decisions. However, these risks could be addressed through proposed mitigations.</p> |

13. *Lake Clearwater Memorandum of Understanding*

Author *Tania Paddock; Legal Counsel*
Executive Team Member *Hamish Riach; Chief Executive*

Summary

- The purpose of this report is to seek Council approval to enter into a Memorandum of Understanding with the Lake Clearwater Hut Holders Association with regard to the Lake Clearwater Settlement.
- The MOU provides both Council and LCHHA certainty with regard to each parties' rights, obligations and responsibilities. The MOU also sets out the parties' intentions to work together for the benefit of the Lake Clearwater settlement area and surrounds.
- The MOU was included as an action to be completed in The Future of Lake Camp (Ōtautari) & Lake Clearwater (Te Puna a Taka) 30 Year Plan adopted by Council in 2022.

Recommendation

1. **That** Council enters into the Memorandum of Understanding with the Lake Clearwater Hut Holders Association on the terms contained in Appendix 1.
2. **That** Council appoints Councillors _____ and _____ to attend the annual meeting between representatives of the Lake Clearwater Hut Holders Association and Council that is as anticipated by clause 7.1 of the Memorandum of Understanding.

Attachment

Appendix 1 Memorandum of Understanding

Background

The current situation

1. Council officers and the Lake Clearwater Hut Holders Association Incorporated (**LCHHA**) have been negotiating the terms of a Memorandum of Understanding (**MOU**) for the Lake Clearwater settlement area. The parties have now reached agreement in principle (subject to Council approval) on these MOU terms.
2. The purpose of the MOU is to clarify the parties' responsibilities with regard to management and guardianship of the Lake Clearwater settlement area and set out the parties' intentions to work together in this area.
3. Council owns or administers (on behalf of the Crown) a significant area of land at the Lake Clearwater and Lake Camp as shown on the plan below.



4. LCHHA is a voluntary residents' association which has a long-standing and strong commitment to the Lake Clearwater settlement. LCHHA has a large number of volunteers who actively maintain the settlement area on Council land, including mowing grass areas and day to day operation of the Lake Clearwater campground area.
5. Without LCHHA, this work would otherwise fall to Council to be undertaken, at Council's cost. In recognition of this work and to recover some of its costs, LCHHA has traditionally set, collected and retained the campground fees for the Lake Clearwater campground. LCHHA also owns and maintain the community hall located adjacent to Lake Clearwater.

MOU Terms

6. The key terms of the MOU are summarised below:
 - a. Clause 6.2: LCHHA is recognised as having a valued role as a knowledgeable advisory body to Council, and this is recognised as being beneficial to Council's delivery of its services and activities in the area.
 - b. Clause 4.4, 6.7: Council will continue to provide services at the Lake Clearwater settlement including rubbish collection (in the form of skip collection bins funded through a targeted rate¹), maintenance of the unsealed roads, inspecting/maintaining the playground on the corner of Mount Jollie and Mount Harper Streets, administration of hut leases and provision of public toilets at Lake Camp and Lake Clearwater.
 - c. Clause 6.6, 6.13(e): LCHHA will undertake lawn mowing of public spaces (including the Lake Clearwater camping area and surrounds, but not the Lake Camp freedom camping area), establishment and maintenance of the grass area behind Mount Possession Street, maintenance of an LCHHA owned community hall and day-to-day operation of the camping area adjacent to Lake Clearwater.
 - d. Clause 6.13(a): Both parties want to ensure there is adequate and responsive provision and responsible use of rubbish collection at Lake Clearwater. While Council will continue to cover the cost of the rubbish skip collection bins located at Lake Camp and Lake Clearwater, LCHHA will use its reasonable endeavours to educate bach owners to ensure that no large or oversized rubbish items are disposed of in these skip bins, as has traditionally caused issues for Council. LCHHA will also encourage bach owners to take their household waste and recycling home.
 - e. Clause 6.13(b): The public toilet facilities at the Lake Clearwater camping area are used by campers, hut holders and the general public, but are only open during the camping season. The Open Spaces team will fund and provide consumables for these public toilets, but LCHHA will undertake the regular cleaning, daily maintenance and reprovisioning of these public toilets on behalf of Council. Council is responsible for any future capital replacement of this toilet block. Council is responsible for servicing the holding tank for these public toilets (and generally incurs costs of around \$1500 per annum). LCHHA will pay Council \$500 per annum as a contribution towards these servicing costs, in recognition that LCHHA is retaining camp ground fees.
 - f. Clause 6.15: The Lake Clearwater camping ground fees will be set annually by the parties in consultation with each other (see clause 7 below). LCHHA will retain all

¹ For more information on this solid waste collection targeted rate, see Council's [Long Term Plan 2024-34](#), Volume 2, page 76.

reasonable camping fees collected by it to cover its associated costs (including lawn mowing, plumbing repairs, water tank refilling).

- g. Clauses 6.20-6.22: The parties will work together collaboratively, and in conjunction with other stakeholders, on the implementation of relevant plans and strategies for the area, including the Landscape Management Plan (September 2017) and The Future of Lake Camp (Ōtautari) & Lake Clearwater (Te Puna a Taka) 30 Year Plan (2022).
 - h. Clause 6.23-6.24: Council is responsible for all costs associated with the freedom camping area adjacent to Lake Camp, including the public toilets in this area.
 - i. Clause 7: The MOU proposes that an annual meeting will be held between Council staff, LCHHA committee members and up to two elected members. The purpose of the meeting will be to discuss the matters set out in clause 7.3 of the MOU, including setting camp ground fees for the following summer, reviewing LCHHA's annual contribution to emptying the Lake Clearwater public toilets holding tank, management of the area, protection of the natural environment and any topical issues as they arise. The purpose of this meeting is to ensure regular communication between the parties to enable the best outcomes for the Lake Clearwater settlement area. The second resolution for this report enables Council to appoint two Councillors to attend this meeting. No date has yet been set for the first meeting.
 - j. Clause 9: The MOU acknowledges there are no funding implications arising out of the MOU. Any costs associated with works agreed in this MOU will be met from existing budgets.
 - k. Clause 10: It is proposed that the MOU will commence on 1 December 2024, and will continue for a term of 10 years.
7. Clause 1 provides that this MOU is not legally binding on the parties. However, the parties will work together in good faith to implement the MOU.
8. Council officers would like to express their gratitude to LCHHA for the manner in which negotiations on the MOU have been undertaken. As a result of these discussions, officers believe the MOU is a robust, well considered agreement between the parties. Both parties will benefit from the certainty that this MOU provides, as will the wider community as the MOU signifies both parties' ongoing commitment to the Lake Clearwater area.

Options analysis

Option one – Council enters into the MOU with LCHHA on the terms contained in Appendix 1 (recommended option)

| | |
|---|---|
| <p>Advantages:</p> <ul style="list-style-type: none"> - The MOU recognises that LCHHA undertakes a significant amount of work at Lake Clearwater on behalf of Council to ensure the area is well maintained for the benefit of both hut holders and the wider community. - The Lake Clearwater campground will continue to be managed by LCHHA in terms of taking bookings, liaising with campers and collecting camping fees. - The MOU gives both parties certainty around respective responsibilities. - LCHHA has agreed to a \$500 annual contribution towards servicing the Lake Clearwater public toilets, which offsets some of the costs currently incurred by Council. | <p>Disadvantages:</p> <ul style="list-style-type: none"> - Council may be perceived to have less flexibility with regard to management at Lake Clearwater if it is bound by the terms of the MOU. |
| <p>Risks:</p> <p>As the MOU is not legally binding, there is a risk that LCHHA could decide at any point that it no longer wishes to provide the services contained in the MOU, leaving Council with unbudgeted expenditure. Officers consider this to be a very minimal risk at this point in time given LCHHA’s documented commitment to the area in the MOU.</p> | |

Option two – Council does not enter into the MOU with LCHHA on the terms contained in Appendix 1

| | |
|--|---|
| <p>Advantages:</p> <ul style="list-style-type: none"> - Council may be perceived to have more flexibility with regard to management at Lake Clearwater if it is not bound by the terms of the MOU. | <p>Disadvantages:</p> <ul style="list-style-type: none"> - The status quo would continue in that there is no formal agreement between the parties and therefore no certainty for either party regarding delineation of responsibilities for different activities at Lake Clearwater. - LCHHA could advise Council that it does not wish to continue with the work it undertakes at the settlement if there is no MOU in place. |
| <p>Risks:</p> | |

There may be a public perception that Council does not support the work of LCHHA at Lake Clearwater.

Option three – Officers are directed to renegotiate the terms of the MOU with LCHHA

Advantages:

- There may be a perception that Council could negotiate better terms if the MOU was renegotiated. However, officers consider the agreement reached is a fair and reasonable outcome for both parties, which has been the result of lengthy discussions between the parties.

Disadvantages:

- While renegotiations occur, there is ongoing uncertainty for both parties regarding the delineation of responsibilities for different activities at Lake Clearwater.

Risks:

If negotiations stall, LCHHA may advise Council that they no longer wish to maintain the settlement on behalf of Council.

Legal/policy implications

The Future of Lake Camp (Ōtautari) & Lake Clearwater (Te Puna a Taka) 30 Year Plan

9. [The Future of Lake Camp \(Ōtautari\) & Lake Clearwater \(Te Puna a Taka\) 30 Year Plan](#) was adopted by Council in 2022. In light of the fragile state of this area, the purpose of the plan is to outline the significance of this area, and set goals and actions to ensure Council, in collaboration with partners, stakeholders and the community, does all it can to reduce any potential negative environmental impacts on the lakes and settlement area.
10. The Plan contains four goals, including Goal 4: Ensure collaboration with mana whenua and between key stakeholders to meet a collective vision. Within Goal 4, Action 4.2.3 states that Council will “*develop and implement a Memorandum of Understanding between Council and the Lake Clearwater Hutholders.*” Therefore, the recommended option in this report gives effect to this Action.

Climate change

11. It is not considered that climate change will impact directly on this MOU.

Strategic alignment

12. The recommendation relates to Council’s community outcomes of “*residents are well-represented, included and have a voice*” and “*a district of great spaces and places*” as the MOU is a collaboration between Council and Lake Clearwater residents with the ultimate purpose of ensuring the best outcomes for the Lake Clearwater settlement.

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|--|
| Economic | ✓ | LCHHA volunteers undertake work on behalf of Council, such as grounds maintenance, that would otherwise be undertaken by Council at Council’s cost. |
| Environmental | ✓ | Collaboration between interested parties is for the benefit of the wider Lake Clearwater area, to ensure good environmental outcomes for what is a fragile environment. |
| Cultural | | |
| Social | ✓ | Lakes Clearwater and Camp are important recreational assets for the community and improving outcomes for this area will positively impact LCHHA residents and the wider community who visit the lakes. |

Financial implications

| Requirement | Explanation |
|---|---|
| What is the cost? | Staff time in giving effect to the MOU, including the proposed annual meeting. The MOU states that all costs associated with providing services at Lake Clearwater are to be managed within existing budgets, or are to be the subject of future Annual Plan or Long Term Plan processes. |
| Is there budget available in LTP / AP? | Yes as the work is undertaken within existing budgets. |
| Where is the funding coming from? | Services provided at Lake Clearwater are funded from a number of cost centres, including cost centre 158 (Lake Clearwater). |
| Are there any future budget implications? | No, as the MOU does not commit Council into any future funding obligations. |
| 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 | N/A |
| Level of engagement selected | 2. Comment - informal two-way communication |
| Rationale for selecting level of engagement | LCHHA are the most directly affected party by the recommended option in this report. Officers have consulted at length with the LCHHA committee with regard to the terms of this MOU. |
| Reviewed by Strategy & Policy | Femke van der Valk, Corporate Planner |

Appendix 1

Memorandum of Understanding

Collaboration on management and guardianship of Lake Clearwater Settlement

Between

Ashburton District Council

And

Lake Clearwater Hut Holders'
Association

1. Purpose of the Memorandum of Understanding

This is a Memorandum of Understanding between the Ashburton District Council and the Lake Clearwater Hut Holders' Association Incorporated, which records the parties' intentions to work collaboratively and openly on matters relating to the management and guardianship of the Lake Clearwater Settlement and environs.

This MOU is not legally binding on the Parties. However, the Parties agree to work together in good faith to implement the objectives of the MOU.

2. Definitions

The following terms, acronyms and abbreviations are used:

- a. "Memorandum of Understanding" means this document ("the MOU");
- b. "Council" means the Ashburton District Council ("the Council");
- c. "LCHHA" means the Lake Clearwater Hut Holders' Association Incorporated ("the LCHHA");
- d. "Parties" means the two bodies subject to this MOU, that is, the Council and the LCHHA;
- e. "Lake Clearwater Settlement" means the land, leases, baches, community facilities and open space that comprise the area, including community facilities at Lake Camp and the area covered by *The Future of Lake Camp (Ōtautari) & Lake Clearwater (Te Puna a Taka) 30 Year Plan 2022 -2052* as outlined red on the map attached at **Appendix A** to this MOU;
- f. "Baches" or "Huts" means, at the date of the MOU, the 180 buildings built on the leased sites at Lake Clearwater Settlement;
- g. "Camping Area" means the established area on the foreshore of Lake Clearwater owned by the Council for temporary use by campers, caravans, motorised homes and day visitors, with public toilets and community hall adjacent to it. The definition of 'Camping Area' in this MOU does not include the freedom camping area at Lake Camp;
- h. "District Plan" means the operative Ashburton District Plan and includes any changes to the District Plan that are proposed and made operative after the date of this MOU.

3. Preliminary matters

- 3.1 Both parties acknowledge the legal ownership and structure of the two parties.

- A - In the case of the Council, it has responsibility for the maintenance and provision of Council activities and services to the Lake Clearwater Settlement, including the Camping Area and the freedom camping area on Lake Camp's foreshore.
- B - The Council is also bound by various statutory documents which affect the Lake Clearwater Settlement including the provision of a Camping Area at Lake Clearwater and the provision of solid waste collection for which a targeted rate is levied.
- C - In the case of the LCHHA, it is a voluntary residents' association that has a long-standing and strong commitment to and interest in the settlement's upkeep. It is committed to the Purposes of the Association as described in the LCHHA Society's Rules.
- D - Respecting each other's legal responsibilities and structure, both parties will work together to meet the objectives and purpose of this MOU.

Both parties acknowledge that there are other stakeholders (both Government and other interested parties) with roles and interests in the Lake Clearwater Settlement, and accordingly this document does not seek to exclude other parties' interests, but rather it is to clarify practical measures that both parties will adopt for the overall improvement of the Lake Clearwater Settlement.

4. Background

4.1 Establishment of the Settlement

The land for the Lake Clearwater Settlement was gifted to the Council by way of gifts to the citizens of the Ashburton District. The first land was gifted by William Glassey and Isiah Gallagher in 1926. Further blocks of land were gifted in 1949 and 1964.

The original baches or huts were built in the 1940s (so-called Block A, Mt Possession and Mt D'Archiac Streets), with the second or so-called B Block being built on mostly in the 1970s.

The baches remain holiday accommodation with many of them still featuring their original built style and amenities. This is a large part of the appeal of the Settlement and makes it a special – if not unique – settlement in the Ashburton District. The District Plan references the remoteness of the settlement, in an area that is unique and distinctive, due to its vast, open vistas with subtle colourings ([Section 3.2 Issues](#)). Environment Canterbury, the regional council, describes the area, on a different level, as being rich in biodiversity and providing crucial habitats for some of our most threatened wildlife.

There is neither any Council-provided water nor sewage horizontal infrastructure, nor mains electricity. Rainwater, holding tanks, log burners and solar power are the main sources of amenity and energy. For the avoidance of doubt, Council does not provide any potable drinking water supply to the Lake Clearwater Settlement.

The LCHHA was established in the early 1960s, and has been consistently active since then. It has grown in capability and capacity. It became an incorporated society in 2003 and boasts a near 100% membership (by voluntary levy) of the 180 bach owners.

4.2 Increased visitors to the area

The Council and the LCHHA has had a long-standing, positive relationship. However, in recent years the visitor numbers and bach usage have increased, putting greater pressure on the Council to increase its levels of service to the area. Growing tourism (much of it spurred by the nearby location of a Lord of the Rings film site) and exponential growth in internet-recommended travel destinations means that Lake Clearwater is now a very popular tourist destination for day-trippers in cars, buses, tour parties, campers, caravaners and motorised homes. In summer, each day there are often many large buses stopping in the settlement, plus smaller commercial tour groups, and many private visitors.

The establishment of the 60,000 hectare-Department of Conservation's Hakatere Conservation Park in 2007, now with the national Te Araroa Trail passing through the conservancy, has added to the popularity of the Lake Clearwater Settlement and environs.

Fishing, walking and tramping, mountain biking, water sports and hunting are amongst the outdoor pursuits enjoyed by hut holders and visitors from across the District and beyond.

4.3 LCHHA's activities

The LCHHA has a committed volunteer capability and capacity that actively maintains and enhances the settlement area. Regular work includes lawn mowing of public spaces, establishment and maintenance of the grass area behind Mount Possession Street, maintenance of an Association-owned community hall and day-to-day operation of the Camping Area and public toilets.

Well-supported community events run by the LCHHA include an annual fishing competition, annual duathlon, social gatherings, working bees to plant and maintain native plantings, liaison and joint projects with Forest and Bird, and the Department of Conservation.

From the 1970s, the Association has provided a limited rural fire service, working in conjunction with the District Council's Rural Fire. Since 2017, the Association has been instrumental in supporting Fire and Emergency New Zealand's establishment and training of a Rural Fire Force.

4.4 Council's work in the area

The Council's main provision of services to the Lake Clearwater Settlement are:

- Charge and collect rates
- Provide localised rubbish collection
- Provide signage to foster responsible and compliant behaviours

- Maintenance of unsealed roads to, through and within the settlement
- Construction and asset maintenance of the toilet block adjacent to the Camping Area and provision of materials for its cleaning and servicing
- Occasional minor land drainage works through the settlement
- Administration of hut leases
- Administration of Building Consent and Resource Consent applications
- Enforce bylaws from time to time affecting the settlement and environs
- Liaison with the LCHHA
- Making land available for community facilities.

5. Objectives

The Objectives set out what the MOU seeks to achieve.

- 5.1 The parties will engage and work collaboratively to ensure the built environment, amenity, landscape and environs of the Lake Clearwater Settlement is managed effectively for the benefit of all ratepayers of the Ashburton District, lessees and visitors to the area.
- 5.2 The parties will meet to discuss matters of mutual interest and concern, taking into account:
 - a. The Council's commitment to three of its Community Outcomes¹ (*"Residents are included and have a voice; A district of great spaces and places; and A balanced and sustainable environment"*) and Council's *The Future of Lake Camp (Ōtautari) & Lake Clearwater (Te Puna a Taka) 30 Year Plan 2022 -2052*; and
 - b. LCHHA's purpose in its Rules (to *"liaise with local authorities, community groups, land owners, and Government agencies on any issues affecting the Lake Clearwater community"*).
- 5.3 The parties will:
 - a. Respect the Council's overriding obligations to the whole community and as the provider of local government services and activities; and
 - b. Respect the LCHHA's commitment and long-standing voluntary service, local knowledge and capability, and provision of amenity.

¹As contained in Volume 1, page 8 of Council's [Long Term Plan 2024-34](#)

6. Agreement

The Ashburton District Council and the Lake Clearwater Hut Holders' Association affirm in this MOU that:

- 6.1 The parties agree to mutually respect the responsibilities and interests they each have to the community, ratepayers and members of the LCHHA.
- 6.2 The parties agree that the LCHHA retains a special and valued role as a knowledgeable, capable advisory body to the Council, and the parties recognise this is beneficial to the Council's delivery of its services and activities in the area.
- 6.3 The parties agree that the District Plan has primacy in defining the built environment of the Lake Clearwater Settlement, and that all matters relating to land use, built environment and amenity, and any proposed development must be considered in accordance with the Plan's policies, objectives, rules and zone standards, as well as any relevant Building Act 2004 controls. The parties further acknowledge that any decisions made by Council in implementing, reviewing or changing the District Plan, including any decisions regarding resource consent applications lodged under the District Plan, are made entirely at Council's discretion.
- 6.4 The parties acknowledge that any proposal by the Council or another party that has potential to change the intrinsic heritage, environmental community or other values that are integral to the special character of the Lake Clearwater Settlement will be assessed in accordance with the relevant legislation and planning and policy documents.
- 6.5 The parties agree that the relationship between them will uphold and reflect the Council's Community Outcomes².
- 6.6 The parties agree that the voluntary services, provision, safety and funding of amenities by the LCHHA, including, but not limited to, the Lake Camp raft and landscape maintenance provide wider community benefit.
- 6.7 The parties agree that the services provided by the Council, including, but not limited to, rubbish collection, road maintenance, landscaping and inspecting/maintaining the playground on the corner of Mount Jollie and Mount Harper Streets (red dot on the map in Appendix 1), benefit the wider community in addition to providing benefit to LCHHA.
- 6.8 The parties acknowledge that Council has undertaken a survey to accurately ascertain lease boundaries on Council's freehold land. The parties agree that completing this survey is in both parties' interests, as it will result in LCHHA's members having more certainty with regard to their individual lease boundaries and it will enable Council to more accurately exercise its duties, including processing building and resource consent applications. The parties further agree that neither party will do anything to hinder,

² ²As contained in Volume 1, page 8 of Council's [Long Term Plan 2024-34](#)

- obstruct or otherwise prevent the completion of any subsequent or future survey or any associated works.
- 6.9 The parties agree that, following the completion of the survey of the Lake Clearwater Settlement sections, all in-process and new applications for building consents and resource consents will be assessed in accordance with the survey data and the provisions in the District Plan, Building Act 2004 and any other relevant legislation or Council policy.
- 6.10 The parties acknowledge that historically, some LCHHA members have built buildings or otherwise occupied land outside their individual leasehold boundary. The parties agree that, following completion of the survey of the Lake Clearwater Settlement sections, Council may choose to rectify these encroachments issues at its discretion.
- 6.11 The parties agree that planting within the settlement, including within hut holders' gardens, shall not include species identified in the Environment Canterbury Pest Management Plan (or any subsequent or additional plans, legislation or regulations) as unwanted organisms or any other plants species considered by the Council to be a noxious species or have a wilding risk potential.
- 6.12 The parties agree Council contractors or its staff and Department of Conservation shall, from time to time, undertake survey of weed plants and culling of pest animals within the settlement.
- 6.13 The parties commit to work collaboratively to achieve mutually agreeable levels of service (subject to Council having the necessary budget available) with regard to relevant matters or issues affecting the Lake Clearwater Settlement, including, but not limited to:
- a. Adequate and responsive provision and responsible use of rubbish collection at the Settlement. LCHHA will use its reasonable endeavours, including through its normal communication channels, to advise bach owners that no large or oversized rubbish items are to be disposed of at the Lake Clearwater Settlement rubbish facilities. LCHHA should also encourage bach owners to take their household waste and recycling home, rather than disposing it at the Lake Clearwater Settlement rubbish facilities. The Parties agree the cost of providing adequate and responsive rubbish collection for the Settlement shall be met by Council.
 - b. The provision, servicing and maintenance of the public toilet facilities at the Lake Clearwater Camping Area as follows:
 - i. The parties agree that, to ensure practical and responsive maintenance of the Camping Area camp sites and toilets, the Council (Open Spaces Team) will continue to fund and provide consumables to maintain the built facility. LCHHA will undertake the cleaning, daily maintenance, re provisioning and general hygiene of these facilities;

- ii. The Council shall own and be responsible for the Lake Clearwater Toilet Block (in place as at the date of this MOU) as an asset, including the water supply system and downstream fixtures and fittings. Council will be responsible for future facility renewal/replacement and asset management of the public toilet facility;
 - iii. Council will meet the cost of servicing (septic cleaning services) of the holding tank at the Lake Clearwater toilet facility. LCHHA will make a contribution of \$500.00 per annum towards the costs of servicing, which can be reviewed annually in accordance with clause 7.3(b). This cost share reflects use by campers, hut holders and general public;
 - iv. When Council replaces the current public toilet block with a dry vault system in the future, Council will not be responsible for continuing to supply water to the campground. The water supply system and associated downstream fixtures and fittings added to the Lake Clearwater toilet facility will need to be maintained by LCHHA, should it wish to do so. LCHHA shall ensure a notice is erected on this system at all times that any water available is not potable and shall not be used for drinking water;
 - v. At the start of the camping season, LCHHA will be responsible for opening up and turning on water to the public toilet facilities in the Camping Area. LCHHA will also be responsible for securely closing up and turning off water to these facilities at the end of the camping season. If LCHHA is unable to meet either of these responsibilities, it may request Council undertake this work.
- c. Maintenance and enhancement of the public amenity at the Lake Clearwater Settlement hall be undertaken by LCHHA in discussion with Council's Property Team.
 - d. Enforcement of the Council's Dog Control Bylaw 2016 is Council's responsibility, however the parties will work collaboratively together to educate others on the dog ban at Lake Clearwater.
 - e. Council acknowledges that the Community Hall (sited adjacent to the Camping Area) is owned by LCHHA and that costs and responsibilities relating to the Community Hall shall be shared as follows:
 - i. LCHHA will meet the costs of maintaining the Community Hall.
 - ii. LCHHA will meet the costs of insuring the Community Hall and will ensure that LCHHA holds appropriate public liability insurance cover.

- iii. Council will provide for the continued occupation of the Community Hall on Council land in accordance with any Council policy on the community use of Council land.
 - iv. Should any structural upgrades to the Community Hall be required in future as a result of any changes to the Building Act, any other legislation, or any Council Policy, these costs should be met by LCHHA as building owner.
- 6.14 The parties agree that Council and LCHHA will enter into a licence to occupy agreement for the Community Hall, on terms to be agreed by the parties.
- 6.15 Camping Area fees will be set annually by the parties in accordance with clauses 7.1 and 7.3. LCHHA can retain all reasonable camping fees collected by it to cover associated costs (lawn mowing, plumbing repairs, water tank refilling, administration etc.) on a quid pro quo basis.

Note:- Lawn mowing includes both the Camping Area and wider Lake Clearwater Settlement plus associated weed eating of these areas but does not include freedom camping areas.
- 6.16 Council acknowledges that the LCHHA will continue to meet the costs to maintain and operate the Community Hall, raft on Lake Camp, and the mowing of playground, ancillary areas and Camping Area.
- 6.17 The parties acknowledge that the rural fire service building and equipment, and training and provision for the volunteer fire service is a responsibility of Fire and Emergency New Zealand, and falls outside the scope of this MOU.
- 6.18 Council acknowledges that a bike track area has been established adjacent to the Lake Clearwater Settlement (blue dot on the map in Appendix 1) and that costs and responsibilities relating to the bike track areas shall be shared as follows:
 - a. LCHHA will meet the costs of maintaining the track to its current standard and ensuring it remains safe for ongoing use; and
 - b. Council (Property) will meet the costs of spraying noxious weeds within the track area.
- 6.19 The Council meet the full cost of noxious weed and pest control around Lake Camp.
- 6.20 The parties acknowledge that Council have adopted the Lakes Camp and Clearwater Landscape Management Plan dated September 2017 (“Management Plan”) and in 2018 established the Lakes Camp and Clearwater Landscape Working Group (“Working Group”) to oversee the implementation of this Management Plan. While this Group has now been disbanded both parties will work collaboratively on on-going issues relating to its implementation.

- 6.21 Council agrees to continue to liaise with LCHHA acting in an advisory capacity to implement the Landscape Management Plan. This will be in conjunction with input from the Council Ecologist/Biodiversity Advisor and other relevant Council staff with an area wide lens on local indigenous Biodiversity priorities.
- 6.22 Council adopted *The Future of Lake Camp (Ōtautari) & Lake Clearwater (Te Puna a Taka) 30 Year Plan* in 2022. Where required, the parties will work together collaboratively to give effect to the Plan's vision, goals and actions.
- 6.23 Council have installed (in 2017 and 2023) two new toilet blocks for public use at Lake Camp and have completed landscaping improvements to manage freedom camping and recreational activities on the shores of Lake Camp. Council acknowledge that all costs in respect of maintaining, cleaning and removing rubbish in respect of the new toilet block and freedom camping areas shall be met by Council (Open Spaces – cleaning and maintenance; Property - rubbish).
- 6.24 It is accepted that the Council has overall responsibility to determine whether the services and oversight it provides to allow freedom camping in this area are sufficient to allow freedom camping to continue in an appropriate, safe and sustainable manner, given the growing demand in the area.

7. Giving effect to the MOU

The Council and LCHHA will give effect to the MOU in the following ways.

- 7.1 Up to two representatives from each of the Council's Elected Members (e.g. Western Ward), Council management and Executive of the LCHHA will meet annually to discuss any relevant matters or issues concerning the Lake Clearwater Settlement and environs. The parties shall aim to hold the meeting in the period of June-August each year. Council shall be responsible for calling for agenda items and taking minutes.
- 7.2 Significant stakeholders, such as the mana whenua, Department of Conservation and Environment Canterbury, may be invited to attend these meetings, and the parties have discretion to invite other stakeholders to attend when appropriate.
- 7.3 Discussions at these meetings may include, but not be limited to:
- a. To reach agreement between Council and LCHHA on the campground fees to be charged for the upcoming summer period;
 - b. Review of LCHHA's annual contribution to the emptying of the public toilets in the Camping Area (clause 6.13(b)(iii)), taking into account that these services are primarily directed at facilities for campers;

- c. The scope of work to be undertaken to survey the sites at the Lake Clearwater Settlement;
 - d. Matters relating to road use and maintenance (both within in the Lake Clearwater Settlement and the Hakatere Potts Road);
 - e. Operation, usage and management of the public amenities in and around the Lake Clearwater Settlement (such as toilets, public phone (if any), rubbish collection);
 - f. Management of public amenity, plantings, visitor usage, boating access at Lake Camp;
 - g. Current and any changing patterns of tourist visitations to, and through, the Lake Clearwater Settlement;
 - h. Management of tourist vehicles, campers and behaviours in and around the Lake Clearwater Settlement;
 - i. Protection of the natural environment, including weed and pest control within the Lake Clearwater Settlement;
 - j. Policy matters relating to the built environment including any topical consenting issues and any proposed resource consent applications by the Council or other parties, or proposed changes to the District Plan that relate to the Lake Clearwater Settlement (such discussion is in addition to and does not replace any formal notification processes required by statute).
- 7.4 The Parties acknowledge that any discussions or decisions made at the meetings contemplated by clause 7.1 will not, or will not seek to, override or contradict any decisions previously made at any Council meeting.
- 7.5 Elected members of the Council will be invited to attend the LCHHA’s annual general meeting, so that they can engage with the wider membership of the Settlement community.

8. Reporting

To ensure transparency and trust between Elected Members, Council management, LCHHA and the wider community:

- 8.1 Council officers will complete and circulate the minutes and action points from the annual meeting between the Council and LCHHA within two weeks of the meeting.
- 8.2 The LCHHA will provide to Council staff the minutes of its annual general meeting and any special general meeting within one month of such occurrence.

- 8.3 LCHHA will provide to Council a set of financial accounts at a minimum of annually or such times as they become available, provided always that the most recent set of financial accounts is available for the annual meeting between the parties anticipated by clause 7.1.

9. Funding implications

- 9.1 There are no direct funding implications from the MOU. Any changed or additional provision of levels of service discussed and agreed to by both parties will either be absorbed within existing Council budgets, or considered and decided upon as part of the Council's annual and long-term planning processes.

10. Term and Variations

- 10.1 This MOU will take effect on 1st of December 2024 (the "Commencement Date") or such later date when this agreement is signed by all parties.
- 10.2 Unless terminated earlier (by mutual agreement between the parties), this MOU shall continue for ten years from the Commencement Date, with any extension being by mutual agreement between the parties and recorded in writing.
- 10.3 Any variations to this MOU during the term shall be agreed between the parties and recorded in writing.

11. Dispute Resolution

- 11.1 Any dispute concerning the subject matter of this MOU or its implementation is to be settled by full and frank discussions and negotiations between the parties.

12. Relationship Management and Communication

The respective contacts for each party are listed in clause 12.2 below.

- 12.1 It is the responsibility of the nominated contact people to:
- a. Keep both parties fully informed;
 - b. Act as a first point of reference between parties and also as liaison person for external contacts on relevant matters;
 - c. Communicate between the parties on matters that arise that may be of interest to either party.

12.2 Nominated Contacts:

Chair and Secretary, Lake Clearwater Hut
Holders' Association
Jeff Hyde, Joan Healey (as at September 2024)
Email: clearwaterhutholders@gmail.com

Toni Durham, Group Manager – Democracy &
Engagement
Ashburton District Council
Email: toni.durham@adc.govt.nz

13. Acceptance

This MOU is entered into with the expectation that the parties will work collaboratively together and in agreement with the matters contained within this MOU.

The undersigned accept this MOU on behalf of their respective party.

| Lake Clearwater Hut Holders' Association Incorporated | Ashburton District Council |
|--|-----------------------------------|
| Jeff Hyde Chairman | Neil Brown Mayor |
| Signature: | Signature |
| Date: | Date: |

Appendix A: 'Lake Clearwater Settlement' map



14. Road Closure – Ashburton Car Club Standing Quarter Mile Sprint Meeting

Author *Tayla Hampton; Data Management Officer - Roading*
Activity Manager *Mark Chamberlain; Roading Manager*
Executive Team Member *Neil McCann; Group Manager – Infrastructure & Open Spaces*

Summary

- This report considers an application from the Ashburton Car Club for temporary road closure of Somerton Road between Coplands Road and Jamiesons Road on Saturday, 14 December 2024 to hold the Standing Quarter Mile Sprint Meeting.
- This report outlines the benefits and risks to be taken into consideration regarding whether to approve or decline the road closure.

Recommendation

- 1. That** Council permits the temporary road closure of Somerton Road between Coplands Road and Jamiesons Road on Saturday, 14 December 2024 to allow the Standing Quarter Mile Sprint Meeting to be held.

Attachment

Appendix 1 Road Closure Diagram

Background

The proposal

1. The Ashburton Car Club has applied for a road closure to hold the Standing Quarter Mile Sprint Meeting. The period of closure is from 9.00 am to 4.30 pm on Saturday, 14 December 2024.
2. The proposed road closure is on Somerton Road between Coplands Road and Jamiesons Road
3. The event has been advertised with a period for objections to be submitted. No objections have been received by 13 November, any that follow will be presented verbally to Council. The objections period closing on Monday, 18 November 2024.
4. The required insurance and traffic management plan have been received.
5. This application must be considered by Council under clause 11(e) of the Tenth Schedule of the Local Government Act 1974, because New Zealand Motorsport, of which the Ashburton Car Club is a member, requires roads to be closed for motorsport events under the Local Government Act, as event participants may be under 18 years of age.
6. The Ashburton Car Club has run car racing events safely and successfully for over 18 years. Their events are well organised, and every risk and precaution is taken by the organisers to ensure that the highest levels of safety are maintained. Their events are highly supported by the local community and are a valued attraction to the district.
7. Council is not obliged to approve any road closures. Our practice has been to approve such requests, subject to being confident that the event organisers can manage the event safely, and that the road will be restored to pre-race condition.
8. Officers are satisfied that the Ashburton Car Club can meet these expectations, as they have repeatedly done so for many years. This event requires a detour and two of the roads concerned do experience high traffic volumes. Full detour signage will be in place and this event will be well advertised for these reasons.

Options analysis

Option one – Approve road closure (recommended option)

9. Our practice has been to approve such requests, subject to being confident that the event organisers can manage the event safely, and that the road will be restored to pre-race condition.
10. Ashburton Car Club has a strong record of safe and successful management of these events in the district for over 18 years.
11. The responsibility for risk-free operation lies with the organisers and all contingencies are covered in the conditions of closure.
12. The road condition will be inspected by Roding staff before and after the event. Staff are confident that the asset will be returned to its pre-existing condition after the event.

| | |
|---|--|
| <p>Advantages: Ashburton Car Club events are supported by the local community. They have been running without issue for many years.</p> | <p>Disadvantages: If an incident occurs this could prevent access to the road for a period of time.</p> |
| <p>Risks: Safety issues due to it being a motor vehicle event. Travel impact on residence, road users and spectators. The impact on the condition of the road. These risks are considered LOW overall as they can all be successfully managed.</p> | |

Option two – Decline road closure

13. As per option 1 our practice has been to approve such requests, subject to being confident that the event organisers can manage the event safely, and that the road will be restored to pre-race condition.
14. Ashburton Car Club has proven they can run this event with no issues so declining the temporary closure is not recommended by officers.

| | |
|--|--|
| <p>Advantages: Any safety, travel delay or impact on road condition are avoided.</p> | <p>Disadvantages: Many people look forward to these types of events and they provide positive attraction to the district.</p> |
| <p>Risks: Reputational risk to Council to hold motorsport events within the district.</p> | |

Legal/policy implications

15. Clause 11 of the Tenth Schedule of the Local Government Act 1974 provides –

“That Council may, subject to such conditions as it thinks fit... close any road or part of a road to all traffic (e)... for any exhibition, fair, market, concert, film making, race or other sporting event or public function.”

16. As noted previously, our practice is to enable these events to proceed subject to ensuring the safety of road users, residents, and spectators

Review of legal / policy implications

| | |
|------------------------------|------------------------------|
| Reviewed by In-house Counsel | Tania Paddock; Legal Counsel |
|------------------------------|------------------------------|

Strategic alignment

| Wellbeing | | Reasons why the recommended outcome has an effect on this wellbeing |
|---------------|---|---|
| Economic | ✓ | Events attract visitors from outside the district. |
| Environmental | | |
| Cultural | | |
| Social | ✓ | Connect communities to enable business, leisure and social activities (social, cultural wellbeing). |

Financial implications

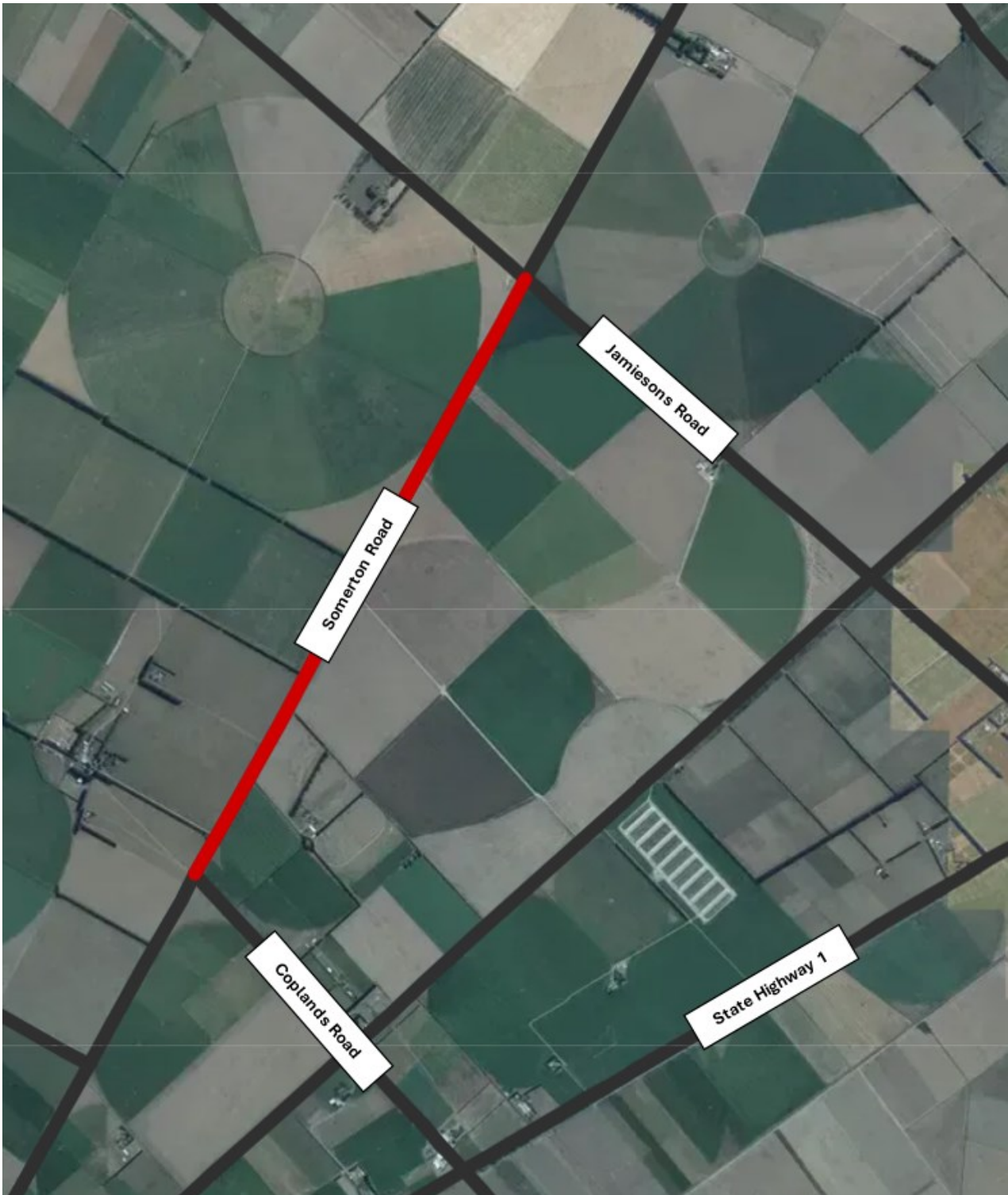
| Requirement | Explanation |
|---|--|
| What is the cost? | No costs to council |
| Is there budget available in LTP / AP? | N/A |
| Where is the funding coming from? | All costs associated with this event are being paid by the organisers (Ashburton Car Club) |
| Are there any future budget implications? | N/A |
| Reviewed by Finance | Erin Register; Finance Manager. |

Significance and engagement assessment

17. There will be a letter drop to the residents in the affected areas so they are aware of the event and road closures.
18. The event has been publicly notified.
19. Emergency services are provided with a copy of road closure information after approval has been given.

| Requirement | Explanation |
|---|--|
| Is the matter considered significant? | No |
| Level of significance | Medium |
| Rationale for selecting level of significance | N/A |
| Level of engagement selected | Level 3 – Consult. Council must advertise the closure and consider objections if any are received. |
| Rationale for selecting level of engagement | This level of engagement is required to meet statutory requirements. |
| Reviewed by Strategy & Policy | Toni Durham: GM Democracy & Engagement |

Appendix one – Road Closure Diagram



15. Councillor Reports

Cr Tony Todd comments

15.1 Zones 5/6 Conference

The Zones 5 and 6 conference was held in Dunedin on 24/25 October 2024, and attended by Mayor Neil Brown and Councillors Russell Ellis, Lynette Lovett, Phill Hooper and Tony Todd.

The conference was opened by Mayor Marie Black and Tamah Alley, with a welcome from Dunedin Mayor Jules Radich.

- **Allan Prangnell – Taumata Arowai**

- 1) Changes to the organisation
 - 2) Technology for small communities
 - 3) 3 Wastewater standards
- Steve Taylor is Head of Regulatory, Rachael East is Water Services Manager South.
 - Over 2000 drinking water suppliers. No tolerance. Technical advice. Best practice solutions. Double tech staff available to discuss.
 - Need practical solutions that work. Half million have access to safe water. Compliance pathways-different ways available.
 - Acceptable solutions for water supplies. Spring and bore water, mixed use rural suppliers and roof water. For areas supplying up to 500 people, can be treated at point of house.
 - 300 plus wastewater treatment plants which serve under 1000 people. 3.3 million people only served through schemes - none are the same. 40% of councils' current systems have now expired.
 - Benefits – reduced consenting times, budget and plan confidence, standardised design and operation, better wastewater services.

What is in the first set of standards?

- Discharge of treated waste to water, bio solids, discharge of treated wastewater to land.
- Overflow approach.
- Rest of world have standards, consulting March/April on standards next year, standards in place August 2025.
- You get one go at it!!! Consult with neighbouring Councils. Suggested ring fencing assets if joint approach is taken. This could force some small councils to amalgamate in the future.

What we want versus willing to pay

- DIA willing to help guide
- Cost guidance and consultation on draft standards.
- A great presentation.

- **News of note from LGNZ**
 - Sam Broughton discussed Selwyn DC's Local Water Done Well.
 - Discussed the possibility of cost savings if Government and councils worked more closely together. He gave the example of Ministry of Education's placement of schools without consulting council, which meant Selwyn had to spend \$5 million on road infrastructure to make kids safe going to school. New school is planned on edge of town.
 - Susan Freeman-Green advised dates are set for 2025 calendar activities.
 - February – Accountable Value; May-Infrastructure for Growth
 - Next month Efficiency Rates Capping. Minister coming.

- **Motorhome Caravan Association** - Bruce Lochore
 - 119,000 members, 54,000 vehicles, 55% members under 65.
 - 80% own motorhomes, balance own caravans / rentals.
 - NZMCA parks - \$5 night. Camp Saver has 93 campgrounds participating. This initiative is keeping campgrounds open and is marketed through the Motorhome Assn. Profit sharing 50/50. Upgrading camping areas with the community. Actively looking for Council reserves for the future. Average stay is 2 nights, many of these people willing to help in community biodiversity planting. Don't underestimate their spending power.

- **Waitaha Health** – Dr Grant Davidson and Bill Eschenbach
 - Grant produced a concerning snapshot of rural New Zealand.
 - 900,000 live in remote rural, twice as likely to die from preventable illness, 64% suicide rate higher than cities, 200 rural practices, 130 missing GP's in rural practices, over 50% of doctors are trained overseas. Need community voice when talking with Govt.
 - Most important functions are to support the health and wellbeing of our members. To provide excellent services under Government funded contracts. To advocate for sustainable and accessible health services for our rural communities.
 - Bill stated we need to achieve sustainable rural services plus greater support for those rural services.

- **The Dunedin Study**- Professor Moana Theodore
 - Child Health & Development Study of 1037 babies born in 1972/73. There are 938 people still alive (94%) now 52yrs old.
 - One third of the group still live in Dunedin with remainder living in NZ / Australia.
 - Every year, one and a half day assessments / full medical carried out.

The early findings

- Childhood poverty - more likely to have poor health later, look after youth , you will have better outcomes, they are our future. Elevated dementia and faster brain aging showing up in studies from poorer neighbourhoods.
- Definition of ageing – dementia cost / biological ageing
- Maori, Polynesian and Asian population growing faster (1/2 of total population)
- Look at Maori health – 9% of population with Maori heritage.
- **Wellington CDEM Community Resilience** – Dan Neely, Wellington Regional EMO
 - Communities will help each other from first day in an emergency, usually gravitate towards schools, churches, clubs.
 - Hawaii, there was no meaningful support until 5 days after their devastating fire. Official emergency management cannot control activities of the population. There is some disconnect between communities and agencies. All systems need to connect to the community.
 - Everyone is an emergency manager!!
- **Beca**
 - Climate Change Resilience Plan
 - How can we adapt?
 - Protect, Retreat, Accommodate, Avoid.
 - Cyclone Gabrielle \$13.5 billion cost. Civil Defence got very tired. Must continue to work collaboratively.
 - Google [Dynamic Adaptive Pathways Planning](#) for more information.

- **Day 2 – Panel Discussion**

Chair Marie Black with Phil Eyles, Michael Lovett, Simon Drew and Hamish Dobbie

What are the benefits increasing debt levels for water?

- More leverage, independent board, set price, owned by local authority, multi Council ownership, price does not need to be harmonized from day 1.
- Delivering more efficiently, options about debt restructuring, range of skilled professionals available.
- Template should be completed. What are our bottom lines. Our delivery model.
- It was noted if 2-3 councils combine you can ring-fence each councils' assets and have a differing charging regime.

Orphan councils

- Working closely with them. Work in pragmatic way. No easy answers. Look at subregional model. Start with a water delivery plan. Don't give up on your neighbours.
- Monitoring councils who haven't started the process based on Long-term Plans.
- Decision making site with local authorities.

What if we consult next year and our communities don't agree?

- Know how you will present your case. Present fairly, balanced, honestly.

If water is transferred into CCO, what's left?

- Roads maybe!!! Left with libraries, rubbish, social activities.

- What happens to stranded assets?
- No Govt agenda on amalgamation. Need to cut your cloth to future events. Look overseas e.g. Australia, England re local council structures.
- 67 authorities delivering services is inefficient.

Is there a cap on financial assistance from Govt?

- There is no funding available. Crown doesn't have a chequebook.
- Funding is intergenerational.

What can we learn from Auckland Watercare?

- Don't believe what you read in the media. Not enough people in the sector. Develop talent in the market. Train them in work. Auckland Watercare can deliver water efficiently, but more needed.
- Take water into CCO gives headroom for councils and CCOs. Election coming up. Keen to support Otago/Southland. Work with DIA early. No changes by LGFA on credit rating to start

Is stormwater in or out?

- Stormwater held within Council could be better. Stormwater linked to city planning.
- 3rd party funding. There are restrictions. Not part of Water Done Well.

- **LGNZ Electoral Reform Working Group**

Presented by Nick Smith. Excellent presentation.

<https://www.lgnz.co.nz/policy-advocacy/key-issues-for-councils/local-electoral-reform/>

- This is a challenge for local government. We must have cross party support.
- 80% vote in central government elections, 41% vote in local government (council) elections

- **DIA Update**

- Local Water Services Bill. Introduce December, enact mid 2025.
- Minimum requirements
- Range of water service delivery models. There are 5.
 - Regional deals – central government will partner with councils
 - Climate resilience-two tracks
 - Emergency Management and Services Weather response, and Climate Change Adaption
- Initial government objectives for climate change. Cabinet agreed to 5 objectives for the Adaptation Framework. Still to be landed upon.
- Key work programme supporting adaptation
 - Hazard and risk data, funding and finance, resilience infrastructure, planning and land use.
- NIWA working on 5 year flood modelling.

Conference closed at 11.45am.

Cr Phill Hooper comments

- **Taumata Arowai**

Not a whole lot of new info from Allan's visit to Council.

Speaking to one of the Councillors from Clutha, they have real issues around the cost to comply and concerns that the \$2500 on the wall of the home filters don't work well at all and cost more like \$5000 each.

- **Motorhome Assn**

Big organisation with excellent 'Reach' for marketing their campgrounds. Possibly profit share opportunities at the likes of Rangitata?

- **Waitaha Health**

I agree with Tony, the rural health snapshot from Dr Davidson at Hauora Taiwhenua Health was concerning and something we need to be mindful of as a rural council.

- **George St development**

Lunchtime on Day 1, Mayor Jules took us on a walking tour of the George Street redevelopment in the CBD. \$105 million investment with most of that soaked up by infrastructure. Interesting cultural narrative etched into the pavement which some of the locals didn't understand, and a contentious 'Playground' with a big steel seesaw between the footpath and road as a feature.

- **CDEM**

Dan Neely the Wellington EMO pretty much reiterated what Jim Henderson has been telling us, in a major event like AF8 expect to be on your own for several days. Also expect a bunch of community groups to form (at local schools and playgrounds) and feed into CD base.

- **Electoral Reform Working Group**

Nick Smith's Electoral Reform Working Group update was interesting. He's a very good speaker but I found it interesting he didn't mention demographics at all. To me the big issue is, younger voters aren't replacing the older ones that are dying off. He also mentioned trust issues with an online voting system, but I wonder if the younger voters feel the same.

I have sent Mayor Nick an email asking if they have addressed these issues and will let you know his response.

16. Mayor's Report

16.1 Waitaha PHO Board

Today we welcome David Matthews, our community representative on the Waitaha PHO Board, along with Dr Esther Avnit. Esther is also a Board member and an Ashburton GP who will provide a local health perspective on current challenges.

David's report is appended.

16.2 Meetings

- **Mayoral calendar**

October 2024

- 16 October: Advance Ashburton annual celebration of philanthropy
- 17 October: Civic Awards presentation ceremony
- 17 October: Rating Remission workshop
- 17 October: Stephen Selwood, Selwood Infrastructure
- 17 October: Leeann Watson and Tait Dench, Business Canterbury
- 19 October: Mark Ellis, Ashburton Volunteer Fire Brigade 25 year gold star presentation
- 21 October: Methven Community Board
- 21 October: Community Trust of Mid and South Canterbury meeting
- 21 October: Advance Ashburton
- 22 October: Hokonui radio interview
- 22 October: Ashburton Water Zone committee
- 22 October: RDR AGM
- 23 October: Pup Chamberlain, Pink Gumboot campaign
- 23 October: Activity Briefings
- 23 October: Audit & Risk
- 24/25 October: Zone 5&6 conference, Dunedin with CE Hamish Riach and Crs Ellis, Hooper, Lovett and Todd
- 30 October: ACL quarterly update and AGM
- 30 October: Council Meeting

November 2024

- 1 November: Senior Sergeant Janine Bowden, NZ Police
- 1 November: Mr Jones and Tees – launch of the Ashburton collection
- 1 November: Ashburton A&P show
- 4 November: Aroha Brett, Hakatere Marae
- 4 November: Marie Black and Di McDermott, Ministry of Social Development
- 4 November: Waka Kotahi/NZTA representatives

- 4 November: Ashburton Biodiversity Advisory Group
- 5 November: Hokonui radio interview
- 6 November: Simon Coleman, Principal Ashburton College
- 6 November: Council tree maintenance workshop
- 6 November: Mt Somers stormwater workshop
- 6 November: Brannigans Recruitment
- 7 November: NZ Road Safety, Emergency Response and Healthcare awards official ceremony
- 7 November: Emergency Management committee briefing
- 11 November: Jo Bradley, Tuia Programme Co-ordinator
- 11 November: Mayor's Taskforce for Jobs six month review
- 11 November: Armistice Day ceremony
- 11 November: Mid Canterbury Rugby and A&P representatives
- 11 November: Airport User Group meeting
- 12 November: Mid Canterbury Community Vehicle Trust AGM
- 19 November: Braided Rivers Trust/Lion Foundation
- 20 November: Procurement Policy workshop
- 20 November: Council visit to EA Networks Centre
- 20 November: Council meeting

Recommendation

That Council receives the Mayor's report.

Neil Brown
Mayor

Appendix 1

29th October 2024

David Matthews

Board Member

Waitaha Primary Health Organisation

Attention Neil Brown – Mayor Ashburton District

Update on General Practice and other Health Challenges – Ashburton

It is just over one year since I took up my place on the Waitaha Primary Health Board, representing Ashburton District Council and Mid-Canterbury region. Over this time, I have attended every monthly meeting in Christchurch and also seven Ashburton based meetings of local health stakeholders. The initial focus of these local meetings was the concern about the ability of local GP practices to meet after-hours service requirements due to a shortage of permanent doctors and challenges with locum replacements. With the support of Te Whatu Ora and Pegasus Primary Health, a tele-health solution (Ka Ora) was put in place to cover the Christmas holiday period and this has been extended into an on-going cover and support for after-hours services. These triage and tele-health services were complimented with support by St Johns and Ashburton Hospital and was a great example of the health community and support agencies working together.

Following this, the focus turned to addressing longer term solutions, mainly the recruitment and retention of GPs. It is estimated that there are well over 10 potential vacancies at the current time. Overseas recruitment agencies have been identified as a potential source of GPs and Te Whatu Ora agreed to support (and fund) this development to help reduce recruitment costs. This process has been in place for several months now and is beginning to show some positive results. It has to be remembered that there are built-in time delays from interest shown in coming to NZ by an overseas doctor and them actually arriving onshore to accept a position. Recent Government decisions have been implemented to help reduce this time-lag.

Locally, work needs to continue to assist with this recruitment process including the on-going positive promotion of the Ashburton District including securing the support of local key stakeholders in supporting the recruitment process. Employment opportunities for spouses, educational experiences for family members, housing and

access to local activities have all been identified as key contributors to a successful recruitment process. This is where all stakeholders can work together to encourage potential recruits to choose the Ashburton District.

The regular local meetings have also helped increased communication and understanding across many parts of the local health service community and a number of initiatives have been discussed to address concerns. These conversations have been facilitated by leaders from Waitaha and Pegasus Primary Health as well as Te Whatu Ora. It has been concerning to observe the impact of the health re-structuring process on Te Whatu Ora staffing and key personnel who have been working with local health leaders.

I hope this information is helpful to you and the Council in both understanding the current challenges and the positive work that is taking place to address them. I am always available to answer questions and meet with either the Council or relevant committee members.