

Ashburton District Council

AGENDA

Notice of Meeting:

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

Date: Wednesday 17 August 2022

Time: 11am

Venue: Council Chamber

Membership

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

Covid-19 Protection

Council meetings will go ahead as normal under the Orange traffic light setting. A vaccine pass is not required but people attending must wear a mask. There is also the opportunity to view the meeting via livestream.

Watch the live-stream of this meeting on our You Tube channel, Facebook page and website:

<https://www.ashburtondc.govt.nz/council/public-meetings-research-centre>

Meeting Timetable

Time	Item
11am	Meeting commences
11.05am	Baring Sq East Landscape Plan presentation - Trevor Watt-Athfield Architects & Ben Bellamy –RMM Landscape Architects
11.40am	Annual Residents' Survey presentation - Michael Hooker – Key Research
12.15pm	Meeting adjourns until 1pm
2.15pm	ChristchurchNZ – Kath Low, Tracey Wilson & Bruce Moffat
2.45pm	Civic Award - Trevor Croy
2.55pm	Welcome to new & long-serving staff
3.45pm	Ashburton Contracting Ltd (<i>Public excluded</i>)

1 Apologies

2 Extraordinary Business

3 Declarations of Interest

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

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Business Transacted with the Public Excluded

25	Council – 27/07/22		PE 1
	<ul style="list-style-type: none"> Library & Civic Centre PCG 5/07/22 Property matter Glasgow lease freeholding 	<ul style="list-style-type: none"> Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities 	
	[Now in open meeting]		
	• Award of Contract WWAT0089 –NW Ashburton wastewater servicing		
26	Audit & Risk Committee – 10/08/22		PE 3
	<ul style="list-style-type: none"> Health & Safety Tax advice Insurance 	<ul style="list-style-type: none"> Section 7(2)(a) Protection of privacy of natural persons Section 7(2)(g) Maintain legal professional privilege Section 7(2)(h) Commercial activities 	
27	Land Purchase	Section 7(2)(h) Commercial activities	PE 4
28	Oval Pavilion	Section 7(2)(h) Commercial activities	PE 16
29	Award Professional Services Contract	Section 7(2)(h) Commercial activities	PE 30
30	Ashburton Contracting Ltd Quarterly Report	Section 7(2)(h) Commercial activities	Verbal
31	Ashburton Water Zone Refresh	Section 7(2)(a) Protection of privacy of natural persons	PE 36
32	CE Fixed Term Process	Section 7(2)(a) Protection of privacy of natural persons	PE 39
33	CE Annual Performance Review	Section 7(2)(a) Protection of privacy of natural persons	PE 44

4. Council Minutes – 27 July 2022

Minutes of the Council meeting held on Wednesday 27 July 2022, commencing at 1.00pm in the Council Chamber, 137 Havelock Street, Ashburton.

Present

Deputy Mayor Liz McMillan (Chair); Councillors Leen Braam, Carolyn Cameron, Angus McKay, Lynette Lovett, Diane Rawlinson and Stuart Wilson.

In attendance

Hamish Riach (Chief Executive), Jane Donaldson (GM Strategy & Compliance), Toni Durham (Acting GM Business Support), Steve Fabish (GM Community Services), Neil McCann (GM Infrastructure Services), Sarah Mosley (Manager People & Capability) (via MS Teams) and Carol McAtamney (Governance Support Officer).

Staff present for the duration of their reports: Janice McKay (Communications Manager), Richard Mabon (Senior Policy Advisor), Mel Neumann (Policy Advisor), Simon Worthington (Economic Development Manager), Richard Fitzgerald (Agricultural Portfolio Advisor), Erin Register (Finance Manager), Ian Hyde (Planning Manager), Colin Windleborn (Property Manager), Michelle Hyde (Property Officer) and Hernando Marilla (Operations Manager).

Presentations

Waitaha Health 2.15pm – 2.45pm

1 Apologies

His Worship the Mayor, Neil Brown, Cr Angus McKay (lateness) and Crs John Falloon and Rodger Letham (absence) Sustained

2 Extraordinary Business

The Chair gave notice that item 8 (draft stormwater bylaw) will be withdrawn from the agenda and presented to Council on 17 August.

3 Declarations of Interest

Nil.

Acknowledgement of former Mayor Geoff Geering

Council observed a moment's silence for former Mayor Geoff Geering. Mr Geering was elected to the Ashburton Borough Council in 1971 and served one term as a Councillor before retiring in 1974. He was then elected Mayor in 1977, and subsequently re-elected Mayor (unopposed) in the 1980, 1983, 1986 and 1989 terms. When the Ashburton Borough and County Councils amalgamated in 1989, he was elected Mayor of the Ashburton District, and again elected Mayor in 1992 (unopposed) when he served his final term and retired in October 1995.

4 Confirmation of Minutes – 29/06/22

That the minutes of the Council meeting held on 29 June 2022, be taken as read and confirmed.

Wilson/Rawlinson

Carried

5 Confirmation of Minutes – 18/07/22

That the minutes of the emergency Council meeting held on 18 July 2022, be taken as read and confirmed.

Braam/Rawlinson

Carried

6 Play, Active Recreation and Sport Strategy

That Council adopts the Play, Active Recreation and Sport Strategy 2022.

Braam/Lovett

Carried

7 Trading in Public Places Bylaw

Define the clock tower site, East Street by adding in the words ‘either side of the clock tower’.

That Council adopts the Draft Trading in Public Places Bylaw 2022 as attached in appendix 1.

Braam/Rawlinson

Carried

8 Draft Stormwater Bylaw for public consultation

This matter was withdrawn from today’s agenda.

9 Gambling Venue Policy Review

1. **That** Council receives the Social Assessment Report 2022 attached in appendix 1.
2. **That** Council rolls over the current Gambling Venue Policy with minor updates and no consultation.

Lovett/Braam

Carried

10 Adoption of the Waste Management and Minimisation Plan (WMMP) 2022

A report on how food waste is going to be separated from general waste, including costs will be prepared and presented to Council.

That Council adopts the Waste Management and Minimisation Plan 2022.

Wilson/Cameron

Carried

11 Adoption of the draft Ashburton Airport Development Plan for public consultation

1. **That** Council adopts the draft Ashburton Airport Development Plan and consultation document for public consultation commencing 29 July 2022.
2. **That** Officers report back to Council on ways to improve fees and charges income from Ashburton Airport through the 2022/23 Annual Plan budget process.

Braam/Lovett

Carried

12 Application to the Sustainable Farming Futures Fund

That Council supports the filing of the Sustainable Farming Futures Fund application to the Ministry of Primary Industries for the Resilient Business Project.

Cameron/Braam

Carried

Waitaha Health presentation – 2.15pm

Waitaha Health Board member, Georgie McLeod, and Chief Executive Officer Bill Eschenbach were welcomed to the meeting.

- Currently undertaking the distribution of RAT tests, masks etc to households in the rural areas. Council is also distributing from its facilities (main office, library, EA Networks Centre, Museum and Art Gallery)

- GPs are stretched at this time, but are being well supported by pharmacies and other welfare providers
- Pharmacies are currently being trained to administer anti-Viral medication specific for Covid which aids the survival rate for those at risk that contract the virus
- 8,305 (23.06%) flu vaccinations have been administered. A Pacifica vaccination day is scheduled for 7 August which will also offer Covid 2nd booster shots

The Mayor and Cr McKay joined the meeting at 2.33pm

Council adjourned for afternoon tea from 2.45 pm to 3.05 pm.

Mayor resumed in the chair

13 Electronic Card Spend

That Council receives the Electronic Card Spend report.

McMillan/Rawlinson

Carried

14 Measuring Activity in the Ashburton CBD

That Council considers the Ashburton CBD activity measuring project as part of the 2023/24 Annual Plan process.

McKay/Cameron

Carried

15 Economic Development quarterly report

9.3 – funding application was from NZ Handball not NZ Softball as reported.

That Council receives the April, May, June 2022 Economic Development quarterly update.

Lovett/McMillan

Carried

16 Naming of Park and Roads – Ashbury Subdivision

1. **That** the road to vest in Council as part of Subdivision Sub21/0038, and identified as Road A in the accompanying plan be named Ashbury Drive;
2. **That** the park to vest in Council and shown as Park A be named Proctor Park;
3. **That** private roads A, B and C shown on the Plan be named Meadow, Mirren and Lockburn Lanes respectively;
4. **That** the road extending over the former Grove Street Park (Lot 1 DP42954) to proposed Road One be named as a continuation of Catherine Street.

Braam/Wilson

Carried

17 Financial Reports

Permanent variance exists for the town centre upgrade project relating to additional expenditure of \$763,158, an explanation for this variation was requested to be provided to full Council.

That Council receives the May 2022 financial variance report, and the EA Networks Centre income and expenditure report.

Braam/Cameron

Carried

18 Mayor's Report

- **Local Government Members (2022/23) Determination**

That Ashburton District Council supports the Remuneration Authority's proposal to amend clauses 11 and 12 of the Local Government Members (2022/23) Determination.

McKay/McMillan

Carried

A show of hands gave 4 for and 4 against and the motion was passed on the Mayor's casting vote.

That Council receives the Mayor's report.

McMillan/Wilson

Carried

Methven Lions

Deputy Mayor Liz McMillan attended the Methven Lions hosting of the International Lions President on 8 July where she was presented a plaque with a design from the 2019-2020 Lions International Peace Poster Contest winner.

Business transacted with the public excluded – 4.25 pm.

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:	
19	Council 29/06/22 <ul style="list-style-type: none">Land use agreementLibrary & Civic Centre PCG [Now in open meeting] <ul style="list-style-type: none">Council grants 2022/23	Section 7(2)(h) Section 7(2)(h)	Commercial activities Commercial activities
20	Library & Civic Centre PCG – 5/07/22	Section 7(2)(h)	Commercial activities
21	Property matter	Section 7(2)(h)	Commercial activities
22	Freeholding Glasgow Lease	Section 7(2)(h)	Commercial activities
23	Freeholding Glasgow Lease	Section 7(2)(h)	Commercial activities
24	Freeholding Glasgow Lease	Section 7(2)(h)	Commercial activities
25	Award of Contract WWAT 0089 – NW Ashburton wastewater servicing	Section 7(2)(h)	Commercial activities

McMillan/Braam

Carried

Business transacted with the public excluded now in open meeting

• Award of Contract WWAT0089 – NW Ashburton wastewater servicing

That Council accepts the tender from Tru-Line Civil Limited for the contract WWAT 0089 North-West Ashburton Wastewater Servicing at a value of Three Million, Two Hundred Eighty Five Thousand, Seven Hundred Twenty Dollars and seventy three cents (\$3,285,720.73).

Wilson/Braam

Carried

The meeting concluded at 5.08pm.

Confirmed 17 August 2022

MAYOR

5. Audit & Risk Committee Minutes – 10/08/22

Minutes of the Audit & Risk Committee meeting held on Wednesday 10 August 2022, commencing at 1.00pm, in the Council Chamber, 137 Havelock Street, Ashburton.

Present

Mayor Neil Brown, Councillors Leen Braam (Chair), Carolyn Cameron, John Falloon, Liz McMillan and Stuart Wilson.

Via MS Teams: Murray Harrington

Also present:

Councillors Angus McKay, Lynette Lovett and Diane Rawlinson

In attendance

Neil McCann (Acting CE/GM Service Delivery), Toni Durham (Acting GM Business Support), Jane Donaldson (GM Strategy & Compliance), Steve Fabish (GM Community Services), Sarah Mosley (Manager People & Capability), Erin Register (Finance Manager), Ian Soper (Open Spaces Manager), Julie Crahay (Safety & Wellness Lead) and Carol McAtamney (Governance Support).

Via MS Teams: Tania Paddock (Legal Counsel)

Presentation

Ernst & Young – Max Beckert and Rachael Gemming (1.40pm to 1.48pm)

1 Apologies

Nil.

2 Extraordinary Business

Nil.

3 Declarations of Interest

Nil.

4 Confirmation of Minutes – 22/06/22

That the minutes of the Audit & Risk Committee meeting held on 22 June 2022, be taken as read and confirmed.

Falloon/Cameron

Carried

5 Annual Report 2021/22 Project Plan

That the Audit & Risk Committee receives the Annual Report Project Plan for 2021/22

Cameron/Mayor

Carried

6 Local Government (Pecuniary Interest Register) Amendment Act

Recommendation to Council

1. **That** the Audit & Risk Committee receives the report on the Local Government (Pecuniary Interests Register) Amendment Act 2021.
2. **That** the Audit & Risk Committee recommends to Council that Council appoints the Governance Team Leader as the Registrar in accordance with section 54G(1) of the Local Government Act 2002

McMillan/Braam

Carried

7 Playgrounds Compliance and Safety Audit

It was noted that there is a swing located on Council land at the Hakatere Huts which should be included in compliance and safety audits going forward.

That the Audit & Risk Committee receives the playgrounds compliance and safety audit report.

Falloon/McMillan

Carried

Business transacted with the public excluded – 1.36pm

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:	
8	Audit & Risk Committee minutes	Section 7(2)(a)	Protection of privacy of natural persons
9	Health & Safety	Section 7(2)(a)	Protection of privacy of natural persons
10	Tax Advice	Section 7(2)(g)	Maintain legal professional privilege
11	Insurance Renewal	Section 7(2)(h)	Commercial activities

Mayor/Wilson

Carried

The meeting concluded at 2.17pm.

6. ***Methven Community Board Minutes – 25/07/22***

Minutes of the Methven Community Board meeting held on Monday 25 July 2022, commencing at 10.30am, in the Mt Hutt Memorial Hall Board room, 160 Main Street, Methven.

Present

Dan McLaughlin (Chair) Cr Liz McMillan, Cr Rodger Letham, Ron Smith and Sonia McAlpine

In attendance

Neil Brown (Mayor), Jane Donaldson (Group Manager Strategy and Compliance), Mark Chamberlain (Roding Manager), Clare Harden (Community Liaison Officer).

1 Apologies

Kelvin Holmes Sustained

2 Extraordinary Business

Mt Hutt College Year 10 students funding application
McLaughlin/McMillan Carried

3 Declarations of Interest

Liz McMillan for Mt Hutt College funding application.

4 Confirmation of Minutes

That the minutes of the Methven Community Board meeting held on 13 June 2022, be taken as read and confirmed.
Letham/McMillan Carried

5 Activity Reports

That the reports be received.
McAlpine/Letham Carried

Community Services

5.1 Open Spaces

- The Methven Lions Club have started to add the track through the cemetery. The hump and hollow has not been fixed properly, just need to remove the hump if possible.

6 Strategy & Compliance

6.1 Building Services

- Discussed the state of building inspections are changing as well around the new builds. Averaging around 25 working days turnaround

7 Infrastructure Services

7.1 Roding

- The Roding team are working with NZTA on the footpath to the Hot Pools & Racecourse. This will be unsealed.

- Mark Chamberlain talked about acid washing pavers may help to add grip to polished pavers.
- Forrest Drive potholes will be patched this week depending on the weather until summer mitigation work can be undertaken.

7.2 Stormwater

- The Board discussed needing a better stormwater system in place. This is becoming a big issue, how can it be fixed?
- Could the MCB have a catch up to discuss this issue? Council to set up a meeting. Invite E-Can o the next meeting and councillor and Andy Guthrie,
- Andy has new data that is showing new flood paths that may help in future flood planning

That Council staff arrange a meeting with the MCB, Environment Canterbury and Council staff to look at the stormwater situation in Methven.

McMillan/Smith

Carried

7.3 Waste Management

- Rubbish collection communication with the wind event in July not adequate
- Latches are yet to be sent to some residents.

8 Business Support & Governance

8.4 Funding Requests

That the Methven Community Board approves funding of \$4,000 from the Board's discretionary fund to the Methven Library and Museum Management Committee for signage.

Smith/McMillan

Carried

2.1 Extraordinary Business

Mt Hutt College Funding Request

That the Methven Community Board approves funding of \$2,000 from the Boards discretionary fund to the Mt Hutt College Sir Edmund Hillary Outdoor Pursuits Centre Leadership

Letham/McAlpine

Carried

The meeting concluded at 11.48am.

Next meeting: Monday 5 September2022

Dated 5 September 2022

Chairman

7. Road Safety Co-ordinating Committee Minutes – 2/08/22

Minutes of the Ashburton District Road Safety Co-ordinating Committee meeting held on Tuesday 2 August 2022, commencing at 9.30am, in the Council Chamber, 137 Havelock Street, Ashburton.

1 Welcome and Apologies

That apologies for absence be received from Mayor Neil Brown, Lesley Symington (Safer Mid Canterbury), John Skevington (Automobile Association), James Long (Waka Kotahi), Sean Nilsson (Waka Kotahi), Daniel Naude (South Canterbury Road Safety), Neil Simons (Principals Association) and Wendi Stewart (ACC, Injury Prevention),

Diane Rawlinson/Andrea Gold

Carried

Present:

Lynette Lovett	ADC Councillor (Chair)	Andrae Gold	ACADS
Diane Rawlinson	ADC Councillor	Jim Crouchley	Road Transport Association NZ
Liz McMillan	ADC Deputy Mayor	Steve Ochsner	FENZ
John Keenan	Waka Kotahi/NZTA	Steve Burgerhout	NZ Police
David Scarlett	Waka Kotahi/NZTA	Shane Cochrane	NZ Police

In attendance:

Mark Chamberlain	Roading Manager	Stuart Wilson	ADC Councillor
Martin Lo	Roading & Safety Engineer	Carol McAtamney	Governance Support Officer

2 Notification of Extraordinary Business

Nil.

3 Confirmation of Minutes

That the minutes of the Ashburton District Road Safety Coordinating Committee meeting held on 3 May 2022, be taken as read and confirmed.

Liz McMillan/Diane Rawlinson

Carried

4 Correspondence

Nil

5 Reports/Agency Updates

5.1 Ashburton District Road Safety

- It was advised that the developers of the Co-driver simulator are undertaking analysis of users numbers and where they are improving etc. Once this data is available it will be shared with the Committee.
- An interim speed management plan for the school zone speed limits is being finalised and will be presented to Council at the 7 September meeting to seek approval to go out for public consultation.

ACC

- Motorcycle Awareness month occurs in September signalling the summer motorcycle season.
- The Rolling Thunder Christchurch store is hosting a BBQ on 3 September for Harley Riders in the area to promote safety messages and Ride Forever courses

NZ Police - Steve Burgerhout, Canterbury Highway Patrol

- Provided update on road statistics, a copy of the report will be circulated to members.
- Installation of wire rope barriers has been completed at the northern end of the northern motorway. Two instances of the barriers being hit were recorded within two weeks of the ropes being installed.

NZ Police – Shane Cochrane, Commercial Vehicle

- Passenger vehicle safety checks on the ski mountains throughout New Zealand were undertaken, 16/20 June and 14/18 July.
- During the June checks 171 passenger services were inspected: 18 faults, 8 warnings, 10 infringements and 6 evidential breath test fails were detected.

5.2 Waka Kotahi/NZTA

- It was noted that the Terms of Reference state that a Road Safety action plan is prepared annually by the committee which identifies road safety goals and actions that the Committee will focus on for the year, which has not been completed.
- ADC Roding team will prepare an action plan which will be reported on quarterly at the Road Safety meetings.
- A workshop for Road Safety co-ordinators is scheduled to be held 15/16 August.
- Waka Kotahi have recently published a speed management guide to assist people with setting speed limits. Copies are available on the Waka Kotahi website.

5.3 Ira Ara Aotearoa – Transporting NZ

- Still have major concerns with the proposed CVST Centre Construction proposed location between the Rakia River Bridge and the Rakaia Overhead Rail Bridge.
- Issues have been identified with the new road layout at the Tinwald Effluent Dump site. The roading team are currently working on undertaking alternations to the road to make the area more accessible for the stock trucks.

6 Next Meeting

The next meeting date is Tuesday 1 November 2022 at 9:30am.

Meeting closed at 10:32am

8. *Baring Square East Landscape Plan*

Author *Jane Donaldson; GM Strategy & Compliance*
GM responsible *Hamish Riach; Chief Executive*

Summary

- The purpose of this report is to recommend the landscape plans for Baring Square East be approved and tenders sought for implementation.

Recommendation

- 1. That** Council approves the attached landscape plans for Baring Square East and seeks tenders for implementation.

Attachment

Appendix 1 Landscape plans *[Supplemental document]*

Background

1. In 2020 the redesign of Baring Square East was added to the terms of reference for the Project Control Group (PCG) overseeing the construction of the new library and civic centre. The two projects are closely linked, and it was considered that the PCG was best placed to ensure their inter-connectedness was maintained.
2. Public comment was sought at the outset, and this was considered by the Council. Since then there have been several presentations to the PCG during the plan's evolution. The detailed design drawings were 80% complete at the last presentation in May of this year, with a few items left to close out. This included consultation with the Open Spaces team, particularly around the draft planting plan.
3. The plan is now being presented so that the whole Council has an opportunity to view it, not just the PCG. The next step following approval is to seek tenders for carrying out the work.

Options analysis

Option one – approve the landscape plan and proceed to seek tenders (recommended option)

4. The plan has been a long time in the making and has incorporated feedback along the way. The timing of the project anticipates completion at the same time as the new building.

Option two – amend the landscape plan prior to seeking tenders

5. The plan has been presented at intervals throughout its evolution so major changes are not anticipated. Council can still make changes, however a potential disadvantage is the process will be delayed if this requires significant rework.

Legal/policy implications

6. There are no legal or policy implications.

Strategic alignment

7. The recommendation relates to Council's community outcome of a district of great spaces and places.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic		Modern public open spaces with environmental principles in mind enhance the social and cultural wellbeing of the community.
Environmental	✓	
Cultural	✓	
Social	✓	

Financial implications

Requirement	Explanation
What is the cost?	\$3 million (includes provision for cultural narrative)
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Loan funded (\$1m in Year 1 and \$2m in Year 2 of LTP)
Are there any future budget implications?	A carry forward will be sought for the unspent funding from Year 2
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	N/A
Level of engagement selected	1. Inform
Rationale for selecting level of engagement	The redesign of Baring Square East has been the subject of consultation prior to the design work. This enabled the community views to be included as a part of the design. This report is the next step in the process.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

9. 2021/22 Annual Residents' Survey

Author *Janice McKay; Communications Manager (previously Corporate Planner)*
Group manager *Toni Durham; Acting Group Manager Business Support*

Summary

- The purpose of this report is to receive the 2021/22 Annual Residents' Survey.
- The survey was conducted quarterly across 2021/22 by Key Research, and received a total of 858 responses.

Recommendation

- 1. That** Council receives the 2021/22 Annual Residents' Survey report.

Attachment

Appendix 1 2021/22 Annual Residents' Survey [*Supplemental document*]

Background

1. The Annual Residents' Survey was run this year on Council's behalf by Key Research.
2. This survey collected data at four time points throughout the year by postal invitations to an online survey with a hard copy survey back up:
 - 6 September – 13 October 2021 (Wave 1),
 - 4 December 2021 – 18 January 2022 (Wave 2),
 - 7 March – 8 April 2022 (Wave 3) and
 - 1 June – 8 July 2021 (Wave 4).
3. Residents were randomly selected to receive an invitation from the electoral role – 858 residents responded out of a goal of 800 respondents.
4. The survey collects resident responses to a range of questions about Council facilities, infrastructure and services.

Research objectives

5. To provide a robust measure of satisfaction with Council's performance in relation to service delivery;
6. To establish perceptions of various services, infrastructure and facilities provided by Council; and
7. To assess changes in satisfaction over time and measure progress against its Long Term Plan objectives.

Legal/policy implications

8. Many of the results are used to monitor Council's non-financial performance measures in the Long-Term Plan.

Financial implications

Requirement	Explanation
What is the cost?	The survey is funded from approved operating budgets for Strategy & Policy
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Strategy and Policy is funded as an overhead across a wide range of Council activities, each of which are funded in accord with the Revenue and Financing Policy
Are there any future budget implications?	Only normal inflation adjustments, which are included in LTP budgets
Reviewed by Finance	Not required

9. There are no financial implications for this as the costs associated with the Annual Residents' Survey are met from within existing budgets.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Level of engagement selected	Informal – two way communication
Rationale for selecting level of engagement	The Annual Residents' Survey results will be published on the Council website with specific results also reported through the Annual report and the Summary Annual Report.
Reviewed by Strategy & Policy	Toni Durham: Strategy & Policy Manager

10. Ashburton Tinwald Connectivity Second Bridge Detailed Business

Author *Mark Chamberlain; Roading Manager*
GM responsible *Neil McCann; GM Infrastructure*

Summary

- The purpose of this report is to present the Detailed Business Case and options for the next stage of the Ashburton Tinwald Connectivity Second Bridge Project.
- Council decided to proceed with the Detailed Business Case (DBC) at a meeting on 6 October 2021 with Stantec subsequently engaged to develop the DBC.
- The DBC attached to this report includes details of the project background, concept design, cost estimate, options for staging of the project and cost analysis.
- The Benefit Cost Ratio of 1.3 from the economics support an approach where the full project should be constructed.

Recommendations

- 1. That** Council receives the Detailed Business Case and proceeds with the project from South Street to Grahams Road.
- 2. That** Council presents the Detailed Business Case to Waka Kotahi to seek project approval and agreement on the Funding Assistance Rate (FAR).
- 3. That** Council confirms its contribution to the bridge of \$7.5m (as per the LTP 2021-31); and that Council considers increasing its contribution through the next budget process.
- 4. That** once Waka Kotahi confirms their contribution to the project, Council engages senior Government politicians and officials to seek funding solutions to meet the likely shortfall.

Attachment

Appendix 1 Ashburton Tinwald Connectivity Detailed Business Case *[Supplemental document]*
Appendix 2 Detailed Business Case appendices A-Y *[Supplemental document]*

Background

The current situation

1. Following presentation of the Indicative Business Case at the Council meeting of 6 October 2021 Council endorsed the technically preferred programme and preferred location for the second bridge across the Ashburton River/Hakatere.
2. The decision was made to progress the Detailed Business Case (DBC) for a second bridge that will connect to Chalmers Avenue in Ashburton and construct a new road to connect the bridge through to Grahams Road in Tinwald. It was agreed the bridge should include provision for pedestrians and cyclists, particularly with an eye for the future.
3. Stantec was engaged to deliver the DBC which is attached to the report as Appendix 1 and Appendix 2. The DBC with appendices provides the full details of the concept design, cost estimate and cost analysis.
4. The cost estimates for the project have been based on a scheme level design which has been informed by a topographic survey, geotechnical survey and 2D hydrologic model.
5. The concept design for the bridge and road includes a 360 metre long bridge across the Ashburton River/Hakatere, a 60 metre long bridge in the Tinwald flood plain and new roundabouts at South Street, Wilkins Road and Grahams Road intersections.
6. The following cost estimates for the full project length (including historic and future property purchases and all other historic external costs) has been agreed with an independent cost estimator (via a parallel cost review):
 - P50¹ (expected cost, including funding contingency) = \$93.0m
 - P95² (including funding contingency and funding risk) = \$113.6m.
 - The Benefit-Cost Ratio (BCR) for the project is 1.3 (excluding wider economic benefits) as per table 20-5 and 21-2 in the DBC.
7. Section 21. of the DBC provides a comparison of alternatives considered for the project. These include:
 - South to Carters (no Carters to Grahams) – minimum viable option
 - South to Wilkins (no Wilkins to Grahams)
 - South to Grahams (full project)
 - Staged to Wilkins (stage 1 South to Carters, stage 2 Carters to Wilkins)
 - Staged to Grahams (stage 1 South to Wilkins, stage 2 Wilkins to Grahams)

¹ P50 – The 50th percentile cost estimate. There is a 50% chance of the project being delivered within this amount.

² P95 – The 95th percentile cost estimate. There is a 95% chance of the project being completed within this amount.

8. The economic evaluation has shown that:

- The project will deliver strong benefits (both traditional and Wider Economic Benefits – refer section 20.7 of the DBC) and presents good value for money with a BCR of 1.3 (including WEBS).
- Ending the project at Carters Terrace as the minimum viable product is a poorer economic choice as it presents a $BCR < 1$ and does not strongly deliver the wider outcomes desired from investment. Significant benefits can be gained by extending to the next block i.e. Wilkins Road.
- The resulting positive BCR from the economics support an approach where the full project should be constructed.

Options analysis

Option one – Receive the Detailed Business Case and not proceed any further

Advantages

- No further time and money will be spent on the project

Disadvantages

- There is high expectation in the community that the project will progress, particularly since the flooding events in 2021.
- This option would ignore the economic analysis which supports the project progressing.
- All costs to date would be sunk.

Option two – Receive the Detailed Business Case and proceed with the application for project from South Street to Grahams Road. (Recommended option)

Advantages

- The economic evaluation shows that the project will deliver strong benefits (both traditional and Wider Economic Benefits) and presents good value for money with a BCR of 1.3 (including WEBS).
- This resulting positive BCR from the economics support an approach where the full project should be constructed.
- This option has the best alignment with the Investment Objectives for the project (being connectivity, travel choice, safety and economy).

Disadvantages

- The full project through to Grahams Road may not receive full FAR from Waka Kotahi.

Option three – Receive the Detailed Business Case and proceed with the project from South Street to Wilkins Road

Advantages

- This provides the connectivity to Tinwald and the shorter road construction may be more likely to receive the full FAR from Waka Kotahi.

Disadvantages

- This option has not been part of any previous consultation for the Ashburton to Tinwald Connectivity.
- It provides the connectivity to Tinwald but does not provide a direct route to Grahams Road for Lake Hood.
- The new road connection from Wilkins Road to Grahams Road constructed at a later date may need to be fully funded by Council if it does not obtain Waka Kotahi funding.

Legal/policy implications

Climate Change

9. Carbon emissions is discussed in Section 23. of the DBC with an assessment of the embodied (construction) carbon emissions of the current design. Emissions from construction or operational activities will be assessed during the next phases when there is more certainty around the potential construction methodology for the bridge.

Local Government Act 2002

10. The recommended option is consistent with Council's obligations under section 14 of the Local Government Act 2002. Specifically, section 14(1)(c) requires Council, in making decisions, to take into account:
 - a. the interests of future as well as current communities; and
 - b. the likely impact of any decision on social, economic, environmental and cultural well-being of the community.
11. The DBC highlights the second bridge and new road is essential to address key problems faced by the community and wider region, including connectivity issues, limited travel choices, safety issues and effects on economic prosperity from the constrained capacity of SH1. These problems will only increase into the future if nothing is done.

District Plan

- 12.** The recommended option is consistent with the designation in the District Plan for the preferred route for the second bridge and new road, which was approved in 2014. The designation must be given effect to prior to the lapse date of 22 May 2029.

Strategic alignment

- 13.** The recommendation relates to Council's community outcomes.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Better connectivity between Ashburton and Tinwald with reduced congestion on the current single SH1 bridge
Environmental	✓	Providing facilities for much improved and safer active modes (walking and cycling)
Cultural	✓	Incorporating Arowhenua Rūnanga input of the history of Hakatere as a source of food and passage in the urban and landscape design
Social	✓	Improved connectivity and resilience between the Ashburton and Tinwald communities

Financial implications

Requirement	Explanation
What is the cost?	P50 (expected cost) = \$93.0m P95 (including funding contingency) = \$113.6m
Is there budget available in LTP / AP?	In the LTP there is budget to start the detailed design in 2024/25 with construction beginning the following year. The full cost of the project when included in the LTP was \$37m.
Where is the funding coming from?	Council included \$7.5m of debt and funding in the financial forecasts (20% of the estimated project cost at the time). The balance of the funding to come from Waka Kotahi and central government.
Are there any future budget implications?	Yes. The estimated cost in the DBC is much higher than the budget included in the LTP.
Reviewed by Finance	Erin Register; Finance Manager

Funding

- 14.** Funding is a key consideration for the project. The DBC calculates that Waka Kotahi should contribute 62% of the total cost of the project (refer Section 25.4 of the DBC). This being Council's normal Funding Assistance Rate of 51% plus 7% for the reduced crash risk for the state highway and 4% for the wider GDP resilience benefits.
- 15.** Until Waka Kotahi confirm their funding assistance, the actual contribution from them is not known.
- 16.** If Council funds \$7.5 million (as per our current LTP) of the full project and Waka Kotahi funds 62% there will be a significant shortfall (up to \$36m) to be obtained from other sources e.g. Prime Minister special support, Ministry of Transport or other sources.

Significance and engagement assessment

- 17.** This is a large high profile project for the District that has been consulted on and discussed over a number of years. The construction of a second bridge will have an impact on the connectivity between Ashburton and Tinwald but also on the wider district and region which makes it a significant project not only financially but also socially and for resilience.

Requirement	Explanation
Is the matter considered significant?	Yes
Level of significance	High
Rationale for selecting level of significance	All of the criteria in the significance assessment tool were given a high rating because of the scope of the project and the effect on the community, district and region.
Level of engagement selected	Inform – one way communication
Rationale for selecting level of engagement	Consultation for the second bridge project has previously been carried out with support for the project and inclusion in the LTP. The funding decision for the design and construction phase (level of funding obtained from Waka Kotahi) will require consultation on the impact on Council's funding for inclusion in future Annual Plans / Long-Term Plans.
Reviewed by Strategy & Policy	Toni Durham: Strategy & Policy Manager

Next Steps

- 18.** If the recommendations are adopted by Council present the Detailed Business Case to Waka Kotahi to seek project approval and agreement on the Funding Assistance Rate (FAR).

Once Waka Kotahi confirms their contribution to the project, Council engages senior Government politicians and officials to seek funding solutions to meet the likely shortfall.

11. Expenditure of Additional \$1,700,000 Road Funding in 2022/23

Author *Mark Chamberlain; Roading Manager*

GM responsible *Neil McCann; Group Manager Infrastructure*

Summary

- From the 2022/23 Annual Plan “*We are concerned, along with many of our residents, about the impact of the May Flood in 2021 on our roading network. As a result of this concern, we have included \$1.7 million from the forestry reserve to our cyclic renewal (major roading repairs) programme. This unsubsidised funding will allow additional sealed road overlay work to be undertaken.*”
- The purpose of this report is to gain Council approval of where the additional \$1,700,000 is spent.

Recommendation

- 1. That** Council approves the sealed road rehabilitation overlay on the following sections of road to expend the \$1.7 million from the forestry reserve:
 - Barford Road – ~0.48 km - south of Hackthorne Road
 - Barford Road – ~0.40 km - between Oakleys Road and Orchards Road
 - Forks Road – ~1.20 km - south of Earlys Road
 - Mayfield Valetta Road – ~1.30 km - between McKenzies Road and Wallaces Road
 - Thompsons Track north of Line Road – ~3.02 km – north of Line Road

Background

The current situation

1. Council included \$1,700,000 from the forestry reserve in the 2022/23 Annual Plan as unsubsidised funding for sealed road overlay work. This is in addition to the subsidised funding currently in the 2021-24 land transport programme for sealed road rehabilitation with a budget of \$2,099,160 in 2022/23. This gives a total of \$3,799,160 for sealed road rehabilitation in 2022/23.
2. There is currently 72 km of the sealed network that has been identified for rehabilitation because of the current condition of the pavement. The subsidised funding allows approximately 8 km of rehabilitation to be completed each year. The additional unsubsidised funding will allow approximately an additional 6 km of rehabilitation to be completed.
3. A contract for a total of 4.03 km of rehabilitation has recently been advertised with tenders closed on 20 July 2022. This work is funded out of the approved subsidised budget. The four sites included are:
 - Arundel Rakaia Gorge Rd RP 35780–36640 between Foxs Rd and Prices Rd
 - Arundel Rakaia Gorge Rd RP 36870–38390 between Prices Rd and Lochheads Rd
 - Arundel Rakaia Gorge Rd RP 52650–53415 between North Branch Ashburton River and Pudding Hill Rd
 - Ashburton Staveley Rd RP 16285–17080 south of Osheas Rd
4. The remaining six sites programmed for 2022/23 are:
 - Arundel Rakaia Gorge Rd RP 14130-17510 between Barnswood Rd and Watts Rd
 - Barford Rd RP 6350-6830 south of Hackthorne Rd
 - Barford Rd RP 2910-3310 between Oakleys Rd and Orchards Rd
 - Forks Rd RP 6630-7830 south of Earlys Rd
 - Mayfield Valetta Rd RP 3400-4700 between McKenzies Rd and Wallaces Rd
 - Thompsons Track RP 17645-20660 north of Line Rd
5. Arundel Rakaia Gorge Rd is planned to be constructed using the remainder of the subsidised funding. The remaining sites are planned to be constructed utilising the additional unsubsidised funding from the forestry reserve.
6. The majority of the subsidised funding being spent on Arundel Rakaia Gorge Rd recognises the condition of those sections of road, the ongoing maintenance required and the CRMs received from road users.

7. The use of the additional funding for sealed road rehabilitation on sites that would have been deferred until the next financial year aligns with the description in the adopted Annual Plan i.e. *“This unsubsidised funding will allow additional sealed road overlay work to be undertaken.”*
8. There has been discussion that the additional funding be spread across the sealed network. Officer’s opinion is spending the additional funding on sealed road rehabilitation will provide the best outcome because the rehabilitation will result in a pavement that will require only minimal routine maintenance and reseals over at least the next 25 years. This will allow more of the maintenance spend to be used on other areas of the network rather than trying to hold poor sections of pavement with patches and short term repairs.

Options analysis

Option one – Approve the spending of the \$1,700,000 from forestry reserve on sealed road sections identified for rehabilitation.

9. The advantage for option one is that the rehabilitation will result in sections of pavement that are currently in poor condition and requiring ongoing patching and repairs with ones that will require minimal routine maintenance and reseals for at least the next 25 years.
10. The disadvantage of completing this work, which is eligible for subsidy, is that the Council’s unsubsidised funding will only complete 50% of the work compared to if it was constructed as subsidised work.

Option two – Approve the spending of the \$1,700,000 from forestry reserve on the maintenance and repairs on sealed roads across the District.

11. The advantage for option two is that the spending the additional funds on maintenance and repairs generally will cover more of the sealed network.
12. The disadvantage is that the repairs carried out will be small areas of the overall pavement and be short term improvements.

Legal/policy implications

Climate Change

13. The additional rehabilitation will have little additional effect on carbon emissions. There is currently little change that can be made to the production of material or construction that effectively reduces emissions. There will need to be ongoing investigation by the construction industry with any feasible changes implemented where practicable.

Strategic Alignment

14. The recommendation relates to Council's Economic and Social community outcomes because of the improved condition of the sealed road sections being rehabilitated.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	A smoother ride for road users with less impact on vehicles.
Environmental	N/A	
Cultural	N/A	
Social	✓	Providing a better pavement for road users to make connections.

Financial implications

Requirement	Explanation
What is the cost?	\$1,700,000
Is there budget available in LTP / AP?	Yes.
Where is the funding coming from?	Council approved the use of \$1,700,000 from the forestry reserve in the 2022/23 Annual Plan.
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	Inform
Rationale for selecting level of engagement	Through the Annual Plan consultation, the community was supportive of the use of reserve funding for this purpose. This decision details how the reserve will be used, therefore the community will be informed of Council's decision through the usual communication channels.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

12. *Transportation Procurement Strategy*

Author	<i>Deborah Barron; Asset Management Officer - Transportation</i>
Activity Manager	<i>Mark Chamberlain; Roding Manager</i>
GM responsible	<i>Neil McCann; GM Infrastructure Services</i>

Summary

- The purpose of this report is to seek Council approval for adoption of the updated Ashburton District Council Transportation Procurement Strategy (attached – Appendix 1).
- As defined in the Land Transport Management Act 2003 (and amendments) (LTMA) Council must prepare and adopt a procurement strategy for transportation activities which must then be “endorsed” by Waka Kotahi.
- The Waka Kotahi Procurement Manual requires approved organisations to review their Procurement Strategy at a minimum once every three years and ensure that they always remain fit for purpose.
- The updated Strategy has been reviewed and endorsed by Waka Kotahi (endorsement letter attached – Appendix 2).

Recommendation

1. **That** Council adopts the Ashburton District Council Transportation Procurement Strategy.

Attachment

Appendix 1	Waka Kotahi endorsement letter
Appendix 2	ADC Transportation Procurement Strategy [<i>Supplemental document</i>]

Background

The current situation

1. Council has used the Ashburton District Council Transportation Procurement Strategy, which was prepared based on the Waka Kotahi Procurement Manual, to procure the services of contractors and other service providers to carry out transportation work in the district.
2. Compliance with the Waka Kotahi Procurement Manual is required for all activities where Waka Kotahi subsidy funding would be requested. Under the LTMA Council is required to have an adopted Procurement Strategy which sets out how Council will engage service providers to deliver its proposed transportation programmes. The Waka Kotahi Procurement Manual allows Council to set its own proposed strategy to secure suppliers, as long as procedures generally comply with the manual.
3. The Strategy identifies the proposed delivery model, the process to be followed for supplier selection for each activity, and the work activities that will be carried out over the next three years. The Strategy is required to be reviewed at no longer than 3 yearly intervals.
4. The Waka Kotahi Procurement Manual sets out in detail how we identified the delivery model and the supplier selection process for each activity. It is a requirement that Council formally adopts the proposed Procurement Strategy to ensure that subsidy funding is not impeded.
5. Under the Procurement Strategy, the two main procedures planned to be used are:
 - Lowest price tender evaluation method
 - Price/quality tender evaluation method
6. The works programme for unsubsidised activities and community programmes (road safety) have been included in this Strategy.

Options analysis

Option one – Adopt the ADC Transportation Procurement Strategy (RECOMMENDED)

7. Under this option Council will meet the requirements set by the LTMA to use the Waka Kotahi Procurement Manual to secure the services for works that are eligible to receive Waka Kotahi subsidy funding. It is essential to have a plan in place on how ADC intends to proceed with the transportation programme. No risks have been identified with the adoption of the Strategy.

Option two – Do not adopt the ADC Transportation Procurement Strategy

8. Under this option Council may not receive Waka Kotahi subsidy funding. If Council does not have a strategy in place it may put future Waka Kotahi subsidy funding at risk.

Legal/policy implications

9. Council as an approved organisation must comply with the requirements of the Land Transport Management Act 2003.

Strategic alignment

10. The recommendation in this report is consistent with the community outcomes and objectives included in the 2021/2031 Long Term Plan.

Financial implications

There are no specific financial implications arising from Council adopting this plan

Requirement	Explanation
What is the cost?	This Strategy has been prepared by staff within normal work programmes.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Subsidised Work Activity 151 (Asset Management)
Are there any future budget implications?	No
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

11. Waka Kotahi have reviewed and endorsed the Transportation Strategy - their endorsement letter is appended (Appendix 2).
12. The recommendation in this report has not been the subject of consultation with the wider community.

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	This is a standard required business practice.
Level of engagement selected	Inform
Rationale for selecting level of engagement	The community will be informed of the Council decision through the usual media channels.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager



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1 July 2022

Mark Chamberlain
Roading Manager
Ashburton District Council
PO Box 94
Ashburton

Dear Mark

Transport Activity Procurement Strategy Endorsement

Thank you for your request seeking endorsement from the Waka Kotahi NZ Transport Agency for the Procurement Strategy dated 13 April 2022.

I am pleased to confirm that Waka Kotahi has reviewed the *Transportation Procurement Strategy* dated March 2022. This document forms Ashburton District Council's Transport Procurement Strategy, the requirements of which are outlined in the Waka Kotahi Procurement Manual.

We are satisfied that it meets the requirements of the Waka Kotahi Procurement Manual and formally endorse the Procurement Strategy effective 23 June 2022.

We would like to draw your attention to the following matters. Waka Kotahi:

1. approves the continued use of in-house professional services by Ashburton District Council, in accordance with s26 of the Land Transport Management Act.
2. approves a variation to Procurement manual, section 10.21 *Maximum term of a term service contract for infrastructure or planning and advice* allowing Ashburton District Council to vary the term arrangements of a term service contract once it has been let for the road resurfacing term service contract by a maximum of twelve months, from an expiry date of the 30 June 2022 to a latest expiry date of the 30 June 2023.
3. notes that Ashburton District Council has entered into a term service contract with a maximum contract term of seven years (5+2 years). A variation to the rules in Procurement manual, section 10.21 *Maximum term of a term service contract for infrastructure or planning and advice* to allow Ashburton District Council to use a maximum contract term greater than the five years stipulated in the Procurement Manual has not been sought at this time.

Our endorsement of the Procurement Strategy is therefore subject to the following condition:

1. Ashburton District Council noting that a variation to the rules in Procurement manual, section 10.21 *Maximum term of a term service contract for infrastructure or planning and advice* to allow Ashburton District Council to use a maximum contract term greater than the five years stipulated in the Procurement Manual for the general road maintenance and operations term service contract has not been considered at this time. Ashburton District Council is expected to

seek approval from Waka Kotahi in Year 4 of the contract term prior to extending the contract beyond Year-5.

The Waka Kotahi Procurement Manual requires approved organisations to review their Procurement Strategy at a minimum once every three years and ensure that they always remain fit for purpose. The Procurement Strategy's endorsement will expire on the 23 June 2025 and you are encouraged to seek endorsement of a new or revised Procurement Strategy in advance of this date.

If you would like to discuss this matter further, please do not hesitate to contact Philip Walker, Approved Organisations Senior Procurement Advisor, directly on 021 633986.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shane Avers', with a stylized, cursive script.

Shane Avers

Acting Senior Manager Procurement

13. ChristchurchNZ Quarterly Report

Quarterly Report – 17 August 2022

Introduction

As with all reports over the past two years, the Covid19 pandemic is still impacting the visitor economy. In particular, the labour market has become incredibly tight, and workers are becoming increasingly scarce and expensive. Mid Canterbury tourism and hospitality business owners are struggling to meet the demand as a winter destination. Visitors are experiencing cafe and restaurant closures due to staff shortages.

General feedback from regional operators (including Christchurch) is that business is still slow. Cost of living, fuel and ongoing covid concerns impact travel confidence.

As of 30 June 2022 – Ashburton District Tourism was trending up, with May and June's tourism spending up by 4% (\$9.5M) versus \$9.4m in 2021.

Figure 1 - Page 2 – Source Marketview

Mid Canterbury's increase can be attributed to winter activity. However, the tourism spend value does not include any revenue generation from Mt Hutt as lift passes are purchased online. Likewise, with Opuke Thermal Pools and Spa, all booking are made online.

With this in mind, it is fair to say the tourism spend would be significantly more than the \$9.5M reported for this period.

Mid Canterbury has been fortunate to obtain strong media support through the May/June period with a live broadcast from Opuke Pools and Mt Hutt courtesy of Tourism New Zealand and Channel Ten Australia's Studio 10 team. The four live crosses into Australia reached a total of 1 million Australians and generated \$1.2 million in estimated advertising value (EAV)

Mid Canterbury hosted its first international trade fam in June with Online Travel Agent (OTA) Get your Guide. Get your Guide focuses on global tourism activities and is a good forum for Mid Canterbury activities to be represented.

Get my Guide will be featuring four Mid Canterbury tourism products, Opuke Thermal Pools and Spa, Adventure Ballooning NZ, NewZealand Claybird and Archery, with potentially two more businesses to be added, Ashburton Aviation Museum and Dirt Bandits. Get my guide choose products based on their

global client database feedback, so they can ensure they are offering the right product in the right destination, at the same time they filter the product range to check for product duplication.

In June, ChristchurchNZ hosted MEETINGS at the newly opened Te Pae Convention Centre. MEETINGS is the only national tradeshow in New Zealand for the business events industry, organised by Business Events Industry Aotearoa (BEIA). Once a year, the conference, meetings & events, exhibition and travel incentive sector come together to discuss new business opportunities across the country.

Mid Canterbury had the privilege to host 20 buyers at the ChristchurchNZ Breakfast gathering. We had the opportunity to update the event buyers on Mid Canterbury's event spaces, including Hotel Ashburton, Ashburton Trust Events Centre, Mt Hutt Memorial hall, Brinkley Resort conferencing space, Ski Time's conferencing facilities, and Methven-based Rira Events as an events company to support event organiser during their event.

Mid-Canterbury Tourism performance data

Fig.1

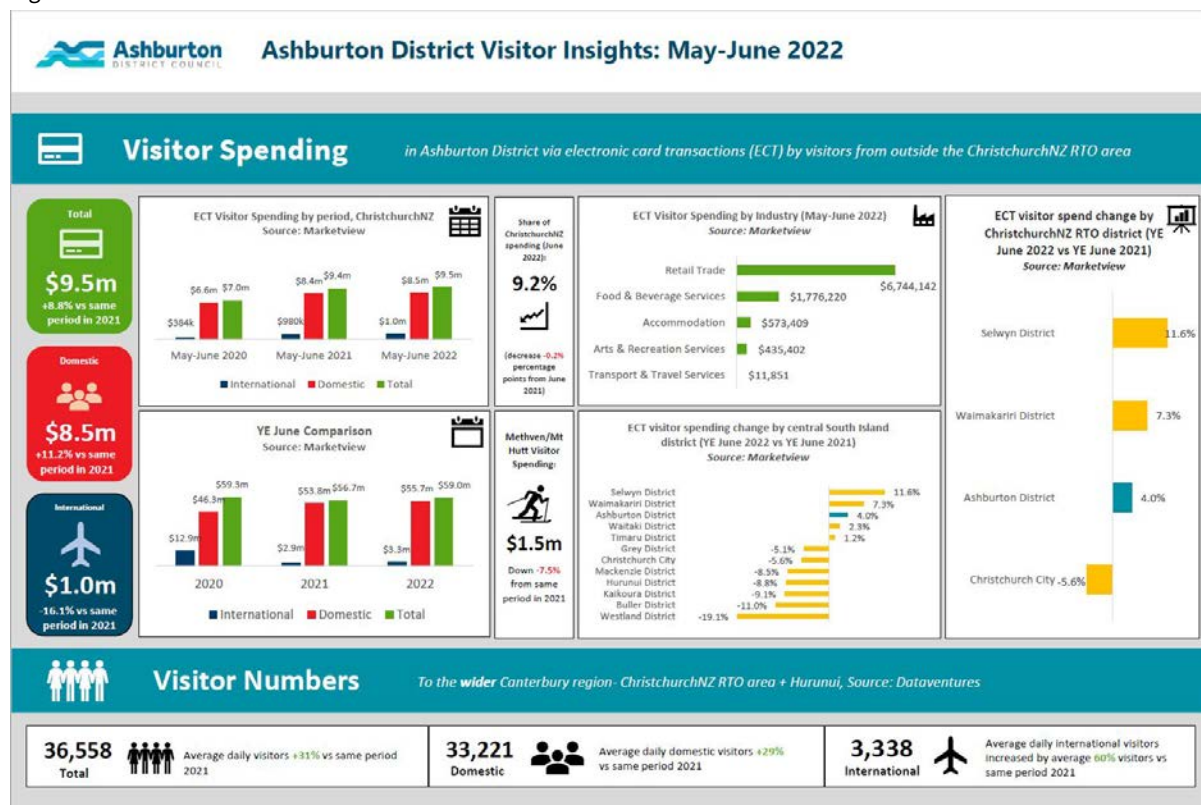
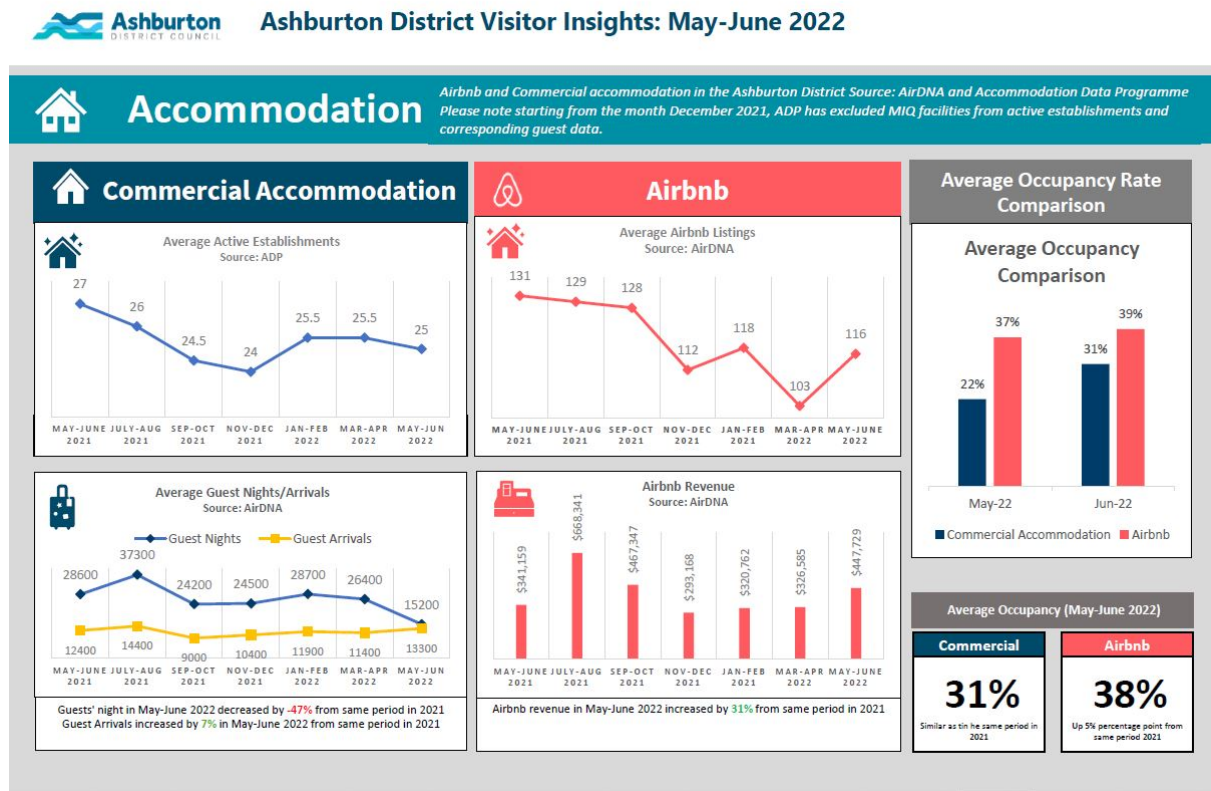
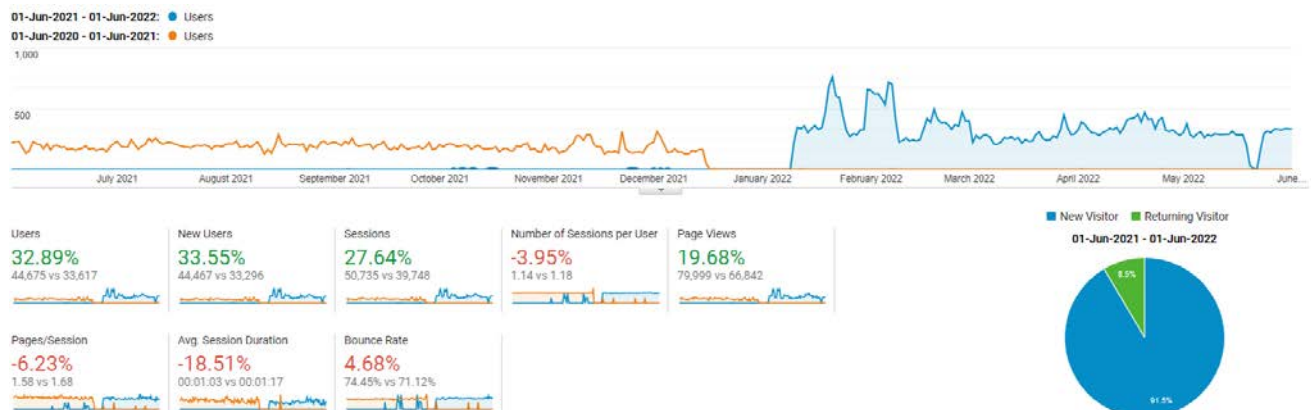


Fig.2



Website insights – MidCanterburyNZ.com

- In the year June 2021-June, 2022, web users are up 32.89%
- In the year June 2021-June, 2022, page views are up 19.68%
- In the year June 2021-June, 2022, new users are up 33.55%
- In the year June 2021-June, 2022, user sessions are up 27.64%
- In the year June 2021-June, 2022 number of sessions per user



Mid-Canterbury Promotional Initiatives – July 2021 – June 2022

Status Index	KPI Met	KPI On track	Deferred or Cancelled
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Initiative	Commentary	Status
Business Support	<ul style="list-style-type: none"> Continued business support throughout the covid19 period, training and webinars implemented. ChristchurchNZ set up a Mid Canterbury Tourism Operators forum (Private Facebook page) with 40+ Members to help disseminate the knowledge <i>A Business Support Communications matrix is included in the appendix</i> 	
Inland Scenic Campaign	Completed at Mid Canterbury level, waiting on neighbouring regions to finalise partner operators	
Destination Marketing Plan (DMP)	The Mid Canterbury DMP is in the early stages of construction. RFP has been completed.	
Tourism New Zealand NZME Summer Campaign	Mid Canterbury featured well in this nationwide campaign, focusing on relaxation & revitalisation with Opuke Thermal Pools and Spa and Summer adventure activities – Ballooning, Jetboating and Ultra Terrain vehicle experiences	
Tourism New Zealand Australian Virtual Roadshow	Mid Canterbury has attended two virtual roadshows to educate Australian trade. Along with the Tourism New Zealand Roadshow held in Sydney in May.	
Social Media	Ongoing social media has been strong for Mid Canterbury – Focusing on Food & Beverage, Accommodation and Family activities.	
Media Famil	<p>Four highly successful media famils have taken place during this period.</p> <ul style="list-style-type: none"> AA Traveller – Nationwide Travel magazine -three page editorial on the district Otago Daily Times – Dunedin based nationwide newsprint – 1 page editorial on Mid Canterbury gardens Kia Ora Magazine – Air New Zealand’s inflight Magazine – 4 page editorial on things to do in Mid Canterbury 	

	<ul style="list-style-type: none"> • Stuff Travel Media famil – Methven and Opuke Thermal Pools and Spa. • Mindfood Magazine – May famil to Opuke and Methven for the June edition which is now in market • Inbound Tour Operators Famil – May 	
Social media Influencers' famil	Planning in place to hold a Mid Canterbury Influencers famil to support the generation of social content and domestic awareness	
Agritourism Growth	The Agri community is focused on critical farming factors and is not ready to explore agri-tourism options	
Mid Canterbury Cycleway	No funding is available from the previous trust.	
Ashburton Farmers Market	On-Going partnership with ADC Economic development team To date there has been no traction on this project and without some investment of resource from the Ashburton District Council, ChristchurchNZ will be unable to deliver this KPI.	
NZMCA Motorhome Expo	Cancelled due to Covid19	
Tourism New Zealand Australian Roadshow	ChristchurchNZ attend the 2022 Tourism New Zealand Roadshow in May, 41 critical tourism partners were brought up to date with new and exisiting product	
Inbound Tour Operators Famil	Conducted in May 2022 – 15 New Zealand based inbound tourism operators attended the famil	
Australia Ski Travel Expos in Melbourne and Sydney	Attended by ChristchurchNZ and Mt Hutt	

ChristchurchNZ Mid Canterbury KPI's 2021-2022 Tracking

KPI	Strategic Priority	Activity	Target	Measure	Progress
Target Domestic Visitors	Destination recovery	Domestic campaigns: 2 x Mid-Canterbury specific 1 x Explore CHC (Canterbury campaign inclusion)	Resident households in Christchurch, Canterbury, Wellington and Auckland with HHI above \$100,000	Reach: Canterbury – 365,000 digital impressions Auckland – 500,000 digital impressions Grow domestic GDP spend – establish a baseline	ExploreCHC content and launch. YouTube Campaign
Industry Partnerships and Engagement	Destination alignment	Create cohesion within the local tourism industry through regular engagement	Mid Canterbury Tourism Advisory Group meetings x 4 annually All-of-industry networking x 2 annually	Delivery of planned engagement	MCTAG meetings ongoing <i>A schedule of the meetings is referenced in the appendix</i>
District Media exposure	Domestic & local marketing, media and brand development	Host media famils to showcase Mid Canterbury in target markets	Domestic and Australia International long-haul if Covid-19 restrictions allow	\$4,000,000 EAV in 12 months	Channel 9' Today Show with live broadcasts from the Mt Hutt Base. EAV \$2.85m YouTube Campaign July - September EAV \$1.27m AA Traveller, Kia Ora Magazine ODT media famils.

					<p>Stuff Media Famil</p> <p>Studio 10 Live</p> <p>Broascast EAV \$1.2m</p>
<p>District Trade Exposure: Domestic & International</p>	<p>Converting campaigns into visitation to Ashburton District</p>	<p>IBO Trade Famils</p> <p>Australian wholesale training</p> <p>Domestic packaging to generate sales</p>	<p>2 x inbound tour operator famils</p> <p>2 x Domestic Travel famil.</p> <p>2 x Australian travel wholesaler famil</p> <p>2 x domestic package inclusions (House of Travel and Flight Centre)</p>	<p>Establish baseline</p> <p>Generate revenue through packages</p> <p>Grow domestic GDP spend – establish a baseline</p>	<p>Hosted one domestic Famil with Auckland based Fuzion Travel</p> <p>Hosted Sydney based Get your Guide Travel on famil of Mid Canterbury 30 June</p> <p>IBO Trade Famil was held on 15 May. New Zealand based inbound tour operators attended the famil.</p>

Appendix

- Business support Communication Matrix as referenced in Mid Canterbury Promotional Initiatives October 2021 – June 2022

Business Support Communication Matrix		
A list of business support correspondences to Mid Canterbury Tourism Operators August 2021 - Present day		
Date	Mechanism	Topic
17 August 2021	EDM	Updating operators on spend trends in Mid Canterbury - March - May 2021 Spend is up 81% on the same period in 2020
18 August 2021	EDM	Updates operators on various financial support initiatives that have been available
19 August 2021	EDM	Sent Covid level 4 Guidelines for accommodation to all operators
19 August 2021	EDM	Sent reminder about Covid19 Business hotline to operators
19 August 2021	Webinar	Webinar - Insight and guidance on the economic response and tips for prioritising mental health and supporting employee wellbeing at this time
20 August 2021	EDM	FAQ document sent to all operators on financial support and level 4 business restrictions
25 August 2021	Webinar	Clarity on financial support available to businesses - Wage Subsidy and Resurgence Support Payment (RSP)
27 August 2021	Webinar	Social media tips to help operators to
1 September 2021	EDM	Weekly Media - updates sent to operators regarding nationwide tourism stories
7 September 2021	Webinar	Operating at Alert Level 2
9 September 2021	Webinar	Updated Alert Level 2 guidelines for Tourism Activities and Accommodation providers
10 September 2021	Webinar	Wellbeing tips with Westpac Ambassador Sir John Kirwan
15 September 2021	Webinar	NZME snapshot of New Zealand's economy, the impact lockdown has had and the what the road ahead looks like for business.
22 September 2021	Webinar	The legal ramifications on Vaccinations – your employees and your visitors
24 September 2021	EDM	Vaccination Q&A with Fiona McMillian – Lane Neave Lawyers
27 September 2021	EDM	Tourism New Zealand gift voucher campaign - driving future bookings
30 September 2021	Webinar	Monitoring your Mental Health status
14 October 2021	Webinar	Adventure Activities Regulatory Regime, and Risk Disclosure vs Liability Disclaimers
2 November 2021	Webinar	The new COVID-19 Protection Framework
1 December 2021	Webinar	The new Traffic Light System and Worker Vaccination
2 December 2021	Webinar	Employment law - working with non-vaccinated employees and the best legal approach to handling the situation.
3 December 2021	Webinar	FAQ on new set of guidelines for Tourism Activities under the new Covid Protection Framework
3 December 2021	Webinar	Mask wearing, vaccine passes and mandatory scanning
7 December 2021	Webinar	How to win the war on talent—strategies to attract and retain staff
9 December 2021	Webinar	Leading staff with compassion
10 December 2021	Webinar	Get bookings for summer and beyond
21 February 2022	Webinar	New Financial support for Omicron affected businesses.
24 February 2022	EDM	Moving to phase 3 of the omicron response
24 February 2022	EDM	Managing the impact of COVID-19 cases at your business
24 February 2022	EDM	Staff Testing and returning to work during Omicron
25 March 2022	EDM	Newsletter to all Mid Canterbury Operators
26 April 2022	EDM	Newsletter to all Mid Canterbury Operators
26 June 2022	EDM	Newsletter to all Mid Canterbury Operators
30 June 2022	EDM	Winning of ANZ Business Award - Tourism Category
12 July 2022	EDM	Tourism New Zealand Spring & Summer breaks

- Scheduled dates for the Mid Canterbury Tourism Advisory Group are as follows:

08 March 2022	27 April 2022	08 June 2022	12 July 2022	23 August 2022
04 October 2022	15 November 2022	20 December 2022		

14. Revoking of Speed Limit Bylaw

Author *Mark Chamberlain; Roading Manager*
GM responsible *Neil McCann; GM Infrastructure*

Summary

- The purpose of this report is to gain Council approval to revoke the Speed Limit section of Chapter 10. Transportation and Parking Management within Ashburton District Council Bylaws.
- The reason for revoking the speed limit bylaw is Council's speed limit data was migrated into the National Speed Limit Register that went live on 26 May 2022 so the "land transport record" in the NSLR became the legal instrument for speed limits.

Recommendation

- 1. That** Council approves the revoking of the Setting of Speed Limit section (clause 1052, clause 1053 and schedules I to P inclusive) of Chapter 10. Transportation and Parking Management within Ashburton District Council Bylaws.

Background

The current situation

1. Setting of speed limits is included in clause 1052 and 1053 of the Transportation and Parking Management chapter of the Ashburton District Council Bylaws.
2. Clause 1052 references the Land Transport Rule: Setting of Speed Limits 2017 and clause 1053 references the relevant sections of the Rule, tables that show the previous legal instruments and gazette references for speed limit notices and the tables as appendices that show the speed limits.
3. The Land Transport Rule: Setting of Speed Limits Rule 2022 was notified in the Gazette on 20 April 2022, came into force on 19 May 2022 and replaced the 2017 Rule.
4. The National Speed Limit Register has been developed to enable organisations responsible for speed management to more easily comply with the Land Transport Rule: Setting of Speed Limits 2022 (the Rule).
5. Since our speed limit data was migrated to the National Speed Limit Register (NSLR) (which is the first component in the Register of Land Transport Records) and the NSLR became live on 26 May 2022, the “land transport record” in the NSLR became the legal instrument for the speed limits.
6. This means that the bylaw for speed limits will need to be formally revoked as soon as practicable after this time because it is no longer the legal instrument.
7. The Transportation Bylaw is planned for review in the next six months. The revocation of the Speed Limit section can be noted in the current bylaw with removal of Clause 1052, Clause 1053 and Schedules I to P inclusive as part of the update following the review. An explanatory note with a link can be provided on Council’s website to the NSLR public web browser application.
8. Council will need to retain a copy of the bylaw and associated speed limit data according to the obligation in clause 2.8(7) of the Setting Speed Limits Rule 2017 to keep speed limit information for 7 years.

Options analysis

Option one – Revoke the Speed Limit section of Chapter 10. Transportation and Parking Management within Ashburton District Council Bylaws.

- The advantage for option one is with the NSLR now live and Council’s speed limit data migrated all speed limit data will be available on the NSLR as the one source of speed limit data.

- With a copy of the speed limit section of the bylaw and associated history of speed limit changes retained there is not considered to be any disadvantage.

Option two – Retain the Speed Limit section of Chapter 10. Transportation and Parking Management within Ashburton District Council Bylaws.

- The only advantage there may be for retaining the speed limit section of the bylaws is that it can be the record of the speed limits and history of changes.
- The disadvantage is that the retained bylaw will not be the legal instrument for speed limits and any changes will only be certified in the NSLR. There may be some confusion when checking speed limits if the bylaw is retained along with the NSLR.

Legal / Policy Implications

9. The reason for the revocation is because the speed limit data has been migrated to the NSLR so there is no requirement to consult under section 156 of the Local Government Act 2002 or section 22AB of the Land Transport Act 1998. This is because of section 168AAA(2) of the Land Transport Act 1998 and regulation 13 of the Land Transport (Register of Land Transport Records—Speed Limits) Regulations 2022.
10. Section 168AAA(1) (Regulations Relating to Register of Land Transport Records) allows the creation of a land transport record (*for example, specifying a category of speed limits*). Section 168AAA(2) goes on to state that when revoking a bylaw as a result of a Regulation made under section 168AAA(1), section 156 of the Local Government Act and section 22AB of the LTA do not apply.
11. Clause 13 (Revocation of Bylaw) of the Land Transport (Register of Land Transport Records – Speed Limits) Regulations 2022 states a road controlling authority may, at the first available opportunity, revoke a part of a bylaw setting a speed limit after the speed limit applies under a land transport record. (See section 168AAA(2) of the Act.)

Strategic alignment

12. The recommendation relates to all of Council’s community outcomes because of the impact that speed limits and speed limit changes can have within the Ashburton District. The revoking of the speed limit bylaw will only have a very minor effect though.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Safe and appropriate speeds (SAAS) help with efficient movement of goods.
Environmental	✓	SAAS reduce the impact on the environment.
Cultural	✓	SAAS recognise the value of cultural sites and their associated activity.
Social	✓	SAAS assist with connectivity.

Financial implications

Requirement	Explanation
What is the cost?	\$1,000
Is there budget available in LTP / AP?	Yes.
Where is the funding coming from?	The cost of revoking the speed limit bylaw is covered by the routine transportation network and asset management and routine operational budgets.
Are there any future budget implications?	No.
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

- 13.** The proposal has an overall low significance because it is only a change to the source and administration of the data.

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	N/A
Level of engagement selected	Inform
Rationale for selecting level of engagement	The community will be informed of Council's decision through the usual communication channels.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

15. 2022-2023 Rates – Instalment One Penalty

Author *Jaimee Carrodus; Rates Officer*
Activity Manager *Erin Register; Finance Manager*
GM Responsible *Toni Durham; Acting GM Business Support*

Summary

- Council's first rates instalment for 2022-2023 rates was lodged with DX Mail on 28 July 2022 which should have allowed time for this to be delivered to ratepayers the following week.
- Due to staff shortages at DX Mail because of COVID and other sickness, DX Mail have advised they are currently behind their standard delivery timeframes.
- This has resulted in delays for ratepayers who receive their rates invoices by post.
- DX Mail have advised they will have all rates invoices delivered by COB Friday 12 August 2022 which only allows 5 business days until the due date of 20 August.
- The recommendation is that the Council delays adding the penalty to allow those who have received their invoice late the same timeframe in which they would usually have to make payment of the rates. We propose this to be Monday 5 September 2022.
- This will allow ratepayers the same timeframe they would usually have if the invoices were to be delivered to them by 1 August being due on 20 August.

Recommendation

1. **That** Council acknowledges that due to delays by DX mail to deliver the rates invoices for instalment one 2022-2023 in a timely manner, Council must now comply with Section 49 of the Local Government (Rating) Act 2002 and extend the due date to 29 August to allow sufficient time (a minimum of 14 days) for ratepayers to make payment.
2. **That** Council remit penalties scheduled to be applied on 21 August 2022 (in accordance with the Annual Plan 2022 Rating Policy), and instead applies penalties on 5 September 2022, ensuring ratepayers are not disadvantaged by the DX mail delivery delay.

Background

Current Situation

1. Part of Council's revenue stream are rates, and Council's first rates instalment for the 2022-2023 year was scheduled to be sent out in the last week of July to reach ratepayers in early August with a due date of 20 August 2022
2. We met our deadlines in getting our print file to Rainbow Print (external printer) on time and it was then lodged by them for delivery with DX Mail on 28 July 2022.
3. DX Mail deliver our urban post, and NZ Post deliver our rural post. NZ Post have confirmed that they have delivered the mail on time.
4. DX Mail have subsequently advised that they are experiencing high staff absence due to COVID and other sickness which has resulted in delays getting mail delivered. As of 9 August, they have delivered half of all rates invoices and have confirmed full delivery by COB Friday 12 August 2022.
5. Any rates unpaid by the penalty date on 20 August 2022 will automatically attract a penalty of 10% as set in Council's rate resolution
6. Due to this situation, some ratepayers will only have 5 working days to make payment by the due date of 20 August 2022 compared to the usual 15 working days.

Rates Remission and Postponement Policy, 2021

7. Council's current rates remission and postponement policy (updated 16 July 2021) recognises that penalties resulting from Council error will be remitted.
8. Although delivery of invoices isn't within the direct control of Council, officers consider it would be unfair to apply penalties within the current policy timeframes. In this instance officers are requesting a delay in the application of penalties.

Options analysis

Option 1 – Council delay adding penalties on rates instalment 1 2022-2023 until the Monday 5 September 2022, from that in the Rates Remission and Postponement Policy (recommended option)

Advantages

- Allows sufficient time for ratepayers to make payment.
- Allows those who have received their rates invoice late the same timeframe they would usually have to make payment of the rates instalment.

Disadvantages

- Delay in recognition of penalties revenue.

Option 2 –Make no change to the application of penalties on rates instalment 1 2022-2023 from that in the Rates Remission and Postponement Policy

Advantages

- Revenue recognition for penalties would occur in line with the policy

Disadvantages

- Council could receive a significant number of applications for a penalty write off; adding to administrative time.
- Council could be seen as unreasonable .

Legal/policy implications

Local Government (Rating) Act 2002

9. Council's rates are set as authorised by the provisions of the Local Government (Rating) Act 2002.

10. S57 of that Act is as follows:

1. **S57 Penalties on unpaid rates**

2. (1) *A local authority may, by resolution, authorise penalties to be added to rates that are not paid by the due date.*

3. (2) *A resolution made under subsection (1) must—*

4. **(a)** *be made not later than the date when the local authority sets the rates for the financial year; and*

5. **(b)** *state—*

6. **(i)** *how the penalty is calculated; and*

7. **(ii)** *the date that the penalty is to be added to the amount of the unpaid rates.*

8. (3) *A penalty must not—*

9. **(a)** *exceed 10% of the amount of the unpaid rates on the date when the penalty is added; or*

10. **(b)** *be added to rates postponed under [section 87](#) until the rates become payable*

11. As stated in s57(2)(a) the penalties cannot be set after the date Council sets the rates.

Financial implications

12. Council may receive less penalty income than would typically be received. This is not quantifiable as it is probable those that historically don't pay on time will continue to do so.

Requirement	Explanation
What is the cost?	Unknown at this time. The average penalty income per instalment in the prior year was approximately \$68,000. We would still expect to charge the majority of this at the later date of 5 th September.
Is there budget available in LTP / AP?	Not applicable
Where is the funding coming from?	Any resulting reduction in penalties received is perceived to be minimal.
Are there any future budget implications?	No
Finance review required?	Erin Register; Finance Manager.

Significance and engagement assessment

13. The recommended option is not considered significant and is of low significance under Council's Significance and Engagement Policy.

Requirement	Explanation
Is the matter considered <i>significant</i> ?	No
Level of significance	Low – not significant
Level of <i>engagement</i> selected	Inform – 1-way communication
Rationale for selecting level of engagement	The community will be informed of Council's decision once it has been made. If the preferred option is adopted, Council will use all available communication methods to ensure the community is well-informed of the penalty delay.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

16. Adoption of Draft Stormwater Bylaw for public consultation

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

Summary

- The purpose of this report is to inform a Council decision to initiate public consultation on a draft Stormwater Bylaw.
- Council is required to put in place a stormwater bylaw (or appropriate alternative) to meet a condition of its stormwater discharge resource consent.
- Officers are satisfied that a bylaw is the most appropriate tool to support the operation of the discharge consent. It will be applied alongside public information and education to maximise voluntary compliance.
- Officers have determined that the proposed Bylaw meets the statutory tests in section 155 of the Local Government Act 2002.
- Consultation is proposed under section 86 of the Act, with submissions to be heard and deliberated upon in September. This will enable Council to adopt the Bylaw in October.

Recommendations

- 1. That** Council adopts the Draft Ashburton District Council Stormwater Bylaw 2022 (attached as Appendix 1) for public consultation from 18 August to 18 September 2022.
- 2. That** Council adopts the Stormwater Bylaw statement of proposal (attached as Appendix 2).

Attachments

Appendix 1	Draft Ashburton District Council Stormwater Bylaw 2022
Appendix 2	Stormwater bylaw statement of proposal
Appendix 3	Detailed analysis of options

Background

The current situation

1. Council holds a stormwater discharge consent (CRC 186263) that relates to the greater Ashburton urban area including Fairton. The consent enables properties to discharge into the Council's stormwater network. Some properties, such as HAIL³ sites or other high-risk properties may connect so long as they can meet appropriate standards. Council is seeking similar discharge consents for Methven and Rakaia. Discharge consents are required under the Canterbury Land and Water Regional Plan.
2. Clause 28 of the Ashburton stormwater discharge consent requires that Council adopt a Bylaw (or similar measure) to support the operation and enforcement of the discharge consent.

Maori and Tangata Whenua participation

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

Interested and affected parties

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

What do others do

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

Options analysis

Criteria for analysis

6. Officers have analysed the reasonable and practicable options using the following criteria⁴:
 - Cost/benefit

³ HAIL is an acronym for the Hazardous Activities and Industries List. It is list of activities and industries that have a high probability of causing land contamination due to historical use, storage or disposal of hazardous substances

⁴ Other criteria such as legal compliance were not used as all the options showed a similar level of compliance.

- Risk management
 - Compliance with resource consent
7. The status quo is not presented as an option as it is neither reasonable nor practicable in this case.
8. All options discussed are subject to the outcomes of the legal review.

Shortlist of options

- Option one – Adopt the draft Bylaw and statement of proposal for public consultation (Recommended)
- Option two – Amend and adopt the draft Bylaw and statement of proposal for public consultation
- Option three – Refer the documents back to officers for further work prior to further Council consideration
- Option four – Pursue alternative means of compliance with clause 28 of the stormwater discharge consent.

Analysis of Options

9. Table 1 summarises the analysis of options set out in full in Appendix 3.
10. The green cells represent the best option(s) under each criterion. Orange cells are less preferred than those filled in green. Red cells represent the worst option under that criterion.
11. Options are evaluated in comparison to the preferred Option. For example, taking the criterion of risk, option one three is perceived as similar in risk to option one. Option two is perceived as a greater risk than option one and option three. Option four represents the greatest risk of all the options.

Table 1 – Summary of options analysis

Option	Cost:benefit	Risk management	Compliance with Consent
1 – Adopt and consult (Recommended)	HIGH	HIGH	HIGH
2 – Amend and consult	MEDIUM	MEDIUM	HIGH
3 – Refer back for more work	MEDIUM	HIGH	MEDIUM

4 – Alternative compliance	MEDIUM	LOW	MEDIUM
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12. Option one has the best overall score against all three criterion.

Legal/policy implications

Bylaw content

13. A full description of drafting changes made to draft Bylaw in the pre-engagement period since the Council workshop on 8 June, and in the period since this report was withdrawn and resubmitted for 17 August meeting, is circulated separately. The main points of note from the document are:
- The general provisions of the bylaw remain similar to the Wastewater Bylaw 2021. (See paragraph 14)
 - New provisions regarding control of erosion and silt from development (see paragraph 15), and audit of Non-Residential Sites (see paragraph 16) reflect the content of our discharge consent.
 - We do not propose to introduce a licensing system for industrial sites (see paragraph 17). As Council has not previously operated a stormwater bylaw, officers favour gathering information to support informed decision-making on any greater regulation.
 - The bylaw provides a suitable range of enforcement options including the power to suspend or cancel approval to discharge to the Council stormwater network. (see paragraph 18)
14. The general provisions relate to the protection of the stormwater system from misuse and damage. They also include provisions about working on and around buried services. There are also standard clauses related to enforcement mechanisms. These reflect similar provisions in water supply and wastewater bylaws.
15. There are provisions in the Bylaw requiring erosion and silt control measures for land development. Silt discharge to waterways impairs water quality, is a biodiversity hazard and possible flooding risk. This is already part of our practise in dealing with subdivision applications. There will be opportunities to improve local practise by providing education resources and training for developers and staff.
16. The resource consent requires Council to establish a register of industrial sites and audit the sites of greatest risk. The first phase of compliance will be gathering information on our industrial sites from those operators. There is also some policy work to do on a system of risk classification. This would draw on the information gathered.

17. No licensing system is proposed. Licensing can be linked to risk and provide a source of revenue that requires people to contribute according to the level of risk they present, and therefore the workload they may generate. Given the current state of knowledge about our operators, we do not have the evidence to justify a licensing approach at this time.
18. The draft Bylaw provides the power to suspend or cancel approval to discharge to the Council Stormwater Network. This is a last resort option, where persistent or grievous non-compliance places Council's consent at risk. While Officers hope never to have cause to exercise this option, it is transparent and appropriate to signal that it is in the toolbox. In this circumstance an Owner would need to obtain their own resource consent.

Legal review

19. The draft Bylaw has been comprehensively assessed for legal compliance by Council's In-house Counsel and amendments have been made to the draft Bylaw.
20. Minor improvements include a range of typographical, spelling and grammar corrections, the addition of words to clarify meaning, and the rigorous use of capital letters to denote terms which are defined in the Bylaw, such as "Stormwater Network". These improvements have made the document more accurate, and do not generate substantive change to the document.
21. We have simplified the language where we previously had multiple terms for things, such as Customer, Occupier, Owner and Property Owner. Likewise for Property and Site. These changes have also added clarity and accuracy without substantive change.
22. The enforcement options section has been strengthened by adding an explanation of what a breach of the bylaw is. It has also been strengthened by deleting references to enforcing breaches of other legal requirements through the Bylaw. These changes are substantive and add rigour to the document as an enforcement tool, when and if required.
23. A number of the definitions have been strengthened, including the definitions of Nuisance, Person, Stormwater Network and Site. These terms are used frequently throughout the Bylaw and these changes also add rigour to the Bylaw and improve its effectiveness.
24. We have amended the definition of Industrial and Trade Sites and used new terminology of "Non-Residential Sites". This enables us to include large commercial car parks within the scope of the Bylaw. These can be a source of contamination running into the Stormwater network. This change is substantive, yet consistent with the resource consent, and will make the Bylaw more useful as a tool to implement the consent.

25. The last substantive change to the draft Bylaw is in clause 2, Purpose and Objectives. We have amended the objectives to link them more closely with the environmental objectives of the resource consent. This is consistent with feedback from AEC and Canterbury Regional Council.

Local Government Act 2002

26. Council must show that the proposed bylaw falls within its bylaw-making powers under section 145 & 146 of the Local Government Act 2002 (“the Act”) and whether the bylaw is appropriate under Section 155 of the Act.
27. The proposed bylaw is consistent with the general bylaw-making powers in s. 145 (a) and 145(b) and the specific bylaw-making powers of section 146(1)(b)(iii) and (iv) of the Act.
28. Section 155 requires Council to determine the matters set out in the following table:

Matter to be determined	Council consideration
Whether a bylaw is the most appropriate way of addressing a perceived problem	<p>Officers have determined that a bylaw is the most appropriate way of addressing the perceived problem. It is not a legal requirement under the Act to have a Stormwater Bylaw, however the need to protect council assets from misuse or damage, the need to protect the public health, and the benefits of those outcomes for the effective and efficient operation of the stormwater network and the receiving environment are clear.</p> <p>Officers have also considered alternative regulatory approaches and believe that a bylaw is the most appropriate (See paragraphs 17 & 18).</p>
Whether the bylaw is the most appropriate form of bylaw	<p>Council’s draft Stormwater Bylaw is the most appropriate form of bylaw because it meets the following tests:</p> <p>The bylaw is</p> <ul style="list-style-type: none"> • Authorised by statute under sections 145 146(b)(vi) of the LGA • Not repugnant of the general laws of New Zealand • Certain and clear • Reasonable • Not overly restrictive, onerous on any person, or impractical.
Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990	<p>The proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990, nor does it impose any restrictions on any of the rights listed in the Act.</p>

Resource Consent requirements

29. Clause 28 of the stormwater discharge resource consent requires Council to .."scope, draft and approve a stormwater bylaw under the Local Government Act..." within two years. It goes on to say that..."bylaw-making at a later date, or a different mechanism to achieve the same outcomes as a bylaw, may occur as agreed with..." ECan.
30. As noted in paragraph 5, nine other Canterbury territorial authorities have adopted a stormwater bylaw. There is a substantial body of experience and knowledge available to Council to support the effective drafting, operation and enforcement of a bylaw. While no regulatory approach is entirely risk-free, the use of a bylaw is likely to be more effective and present less risks than new alternatives.
31. It is intended to apply the Bylaw alongside information and education measures to promote voluntary compliance. Experience demonstrates that it is important to have some enforcement options in the toolkit to address the behaviour of persons who do not voluntarily comply. Education and information alone is not sufficient.

Climate Change policy

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

Strategic alignment

Strategies and plans

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

Community Outcomes and Wellbeings

34. The creation of a stormwater bylaw relates to all Council's community outcomes, as follows:
- *Residents are included and have a voice* - because citizens can participate in the bylaw-making consultation
 - *A district of great spaces and places* - because clean freshwater enables people to enjoy positive healthy lifestyles
 - *A balanced and sustainable environment* - because an effective stormwater system supports clean freshwater which in turn supports the health of waterways and biodiversity.

- *A prosperous economy based on innovation and opportunity* - because an efficient and effective regulatory approach will enable voluntary compliance and minimise costs to business and the wider community.

35. The making of a stormwater bylaw relates to community wellbeings as follows:

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

Conflicts and Trade-offs

36. The biggest potential for conflict is between the costs of compliance to achieve environmental outcomes and well-being and the imposition of those costs on businesses.
37. Officers believe Council should maximise voluntary compliance and minimise costs by making it easy for businesses to comply.

Financial implications

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

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

Significance and engagement assessment

40. Officers have undertaken pre-consultation engagement with Council's Treaty Partner through Aoraki Environmental Consultancy, and with Environment Canterbury. This engagement focussed on a first draft of the bylaw which has been amended following officer discussions on the draft and on the feedback received.
41. A summary of drafting changes arising from pre-engagement and legal review is circulated separately.
42. Officers have assessed the overall significance of the matters in this Report , and its impact for engagement as set out in the following table:

Requirement	Explanation
Is the matter considered significant?	Yes.
Level of significance	High
Rationale for selecting level of significance	Officers have applied the seven assessment criteria and thresholds as set out in steps one and two of the Community Engagement Policy. At step three, assessment "in the round", Officers concluded that the assessment of "High" significance was accurate, as the power to exclude a site from Council's stormwater network would have high impact on an affected enterprise, including the level of service provided by Council and a high level of community interest.
Level of engagement selected	Consult – formal two-way communication

Requirement	Explanation
Rationale for selecting level of engagement	Consultation is required under the Local Government Act 2002 when making a bylaw. For a matter of high significance, consultation under s. 86 of the Act is appropriate.
Reviewed by Strategy & Policy	Toni Durham, Acting Group Manager Business Support

Next steps

Date	Action / milestone	Comments
17 August 2022	Council debates approval of the draft Bylaw as a basis for consultation	
18 August -18 September 2022	Period for public submissions to be made	
28 September 2022	Conduct hearings and deliberations on public submissions to the draft Stormwater Bylaw	.
5 October 2022	Adopt Bylaw	

Draft Bylaw

STORMWATER

TITLE:	Ashburton District Council Stormwater Bylaw 2022
TEAM:	Assets
RESPONSIBILITY:	Assets Manager
DATE ADOPTED:	5 October 2022
COMMENCEMENT:	6 October 2022
NEXT REVIEW DUE:	5 October 2027

1. Title and Commencement

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

2. Purpose and Objectives

The purpose of this Bylaw is to:

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

The objective of this Bylaw is to:

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

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

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

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

3. Application

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

4. Definitions

In this Bylaw, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

Erosion and Sediment Control Plan (ESCP) means a plan that identifies the environmental risks associated with erosion and sediment from a site and describes the methods and controls that will be used to mitigate and manage those risks.

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

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

Industrial or Trade Sites means—

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

but does not include any production land

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

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

Nuisance means, but is not limited to:

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

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

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

Owner means the Person who owns the Site.

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

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

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

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

Property means a separately rateable Property.

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

Site means any of the following:

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

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

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

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

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

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

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

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

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

5. Protection of Stormwater System

5.1 Restrictions

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

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

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

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

5.2 Working Around Buried Services

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

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

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

5.3 Building over or near Buried Services

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

5.4 Loading or Storage of Material Over Public Stormwater Pipes

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

5.5 Prohibited Substances

5.5.1 No Person may cause or allow any Prohibited Substance to:

- a) enter the Stormwater Network, either directly or indirectly; or
- b) be stored, handled or transferred in a manner that may enter the Stormwater Network, including in the event of spillage, or as a result of rain.

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

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

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

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

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

6. Conditions of New and Continued Acceptance of Discharge

6.1 Application to discharge

6.1.1 Every application to discharge Stormwater to the Stormwater Network must be made in writing on the standard Council form and be accompanied by the prescribed charges. The applicant shall provide all details required by the Council, including how the applicant plans to mitigate any negative effects as a result of the activity outlined in the application. An application must be made irrespective of whether a public Stormwater pipe has been laid up to the Point of Discharge.

6.1.2 The applicant will be considered to have the authority to act on behalf of the Owner of the Site for which the discharge is sought and must produce written evidence of this if required by the Council.

6.1.3 The Council will, after consideration of any matters the Council considers relevant:

- a) Approve the application and inform the applicant of the method and location of connection, the size of the connection and of any particular conditions applicable; or
- b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

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

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

6.2 Stormwater Quality Standards

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

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

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

6.3 Requirements for Onsite Stormwater Management

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

6.4 Construction

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

7 Management of Stormwater Discharges from Non-Residential Sites

7.1 Register and Risk Classification of Non-Residential Sites

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

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

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

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

7.2 Requirement for a Stormwater Protection Plan

- 7.2.1 The Council may require the Owner or Occupier of a Site to submit to the Council for Approval a Stormwater Protection Plan for that Site where, Council is satisfied that::

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

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

- 7.2.2 The Stormwater Protection Plan must include:

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

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

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

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

7.3 Non-Residential Site Audits, Monitoring and Review

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

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

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

8 Requirements for Earthworks

8.1 Sedimentation and Erosion Protection

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

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

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

9 Maintenance

9.1 Maintenance of Private Drainage Systems

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

9.2 Access for Maintenance, Repair, and Inspection

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

10 Payment

10.1 Prescribed Fees and Charges

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

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

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

11 Enforcement of Bylaw

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

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

11.1 Breaches of Bylaw

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

11.2 Defect notices

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

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

11.3 Remedial Works

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

11.4 Suspension or cancellation of Approval to discharge Stormwater

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

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

11.5 Injunction

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

11.6 Prosecution

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

Appendix 2

COVER PAGE (Layout of the whole document will be similar in style to the Trading in Public Places Bylaw. Images to be stormwater-related)

Have your Say!

Draft Stormwater Bylaw

We are making a Stormwater Bylaw to manage the stormwater network, prevent public nuisance, and protect the environment and public health.

This booklet includes a summary of the major matters in the bylaw, the full draft bylaw and a submission form for your feedback on whether or not you agree with the draft Bylaw.

We are accepting feedback until 5 pm, Sunday 18 September 2022.

PAGE 2

Introduction

We are making a Stormwater Bylaw and want to hear your feedback on its content.

The full draft Stormwater bylaw is included in this consultation document from page 9.

Have your Say!

We want to hear from YOU!

Tell us what you think of our proposed Bylaw at

www.ashburtondc.govt.nz/haveyoursay

PAGE 3

The details

Why do we need a bylaw?

The public stormwater network collects and carries rainwater that runs off outdoor surfaces, such as roofs, buildings, driveways and roads. This runoff travels via overland flow paths, roadside gutters, drains and pipes, and is carried (mostly untreated) to waterways, rivers, lakes and groundwater.

The Stormwater Network is any infrastructure, facility or device used to convey runoff or reduce the risk of flooding. It includes open drains, inlet or outlet structures, pipes, manholes, chambers, traps, pumping stations and treatment devices. The Stormwater Network also includes Private Stormwater Systems.

The Council manages the stormwater network to carry our stormwater and prevent flooding. Environment Canterbury requires the Council to reduce the contaminants in stormwater, and does this through a stormwater discharge resource consent (CRC 186263). This consent sets the rules under which we can discharge stormwater from the public stormwater network serving Ashburton

and Fairton to land and water. The consent requires Council to reduce contaminants in stormwater discharges to protect and improve the health and water quality of local streams, rivers and groundwater resources.

The consent also requires Council to introduce a bylaw (or other alternative) to support the effective operation of the consent.

Council has prepared this draft Bylaw to protect our stormwater infrastructure from damage or misuse, to protect the public from nuisance, and to protect public health and safety. It is a local law, specific to Ashburton District, which controls matters that are not covered by other laws. It regulates some activities and behaviours to reduce the potential for contamination of stormwater or damage to the network that carries stormwater.

Council is currently seeking two further stormwater discharge consents for the stormwater networks serving Methven and Rakaia. The draft Bylaw will also support the effective operation of those consents, when they are obtained.

What are we proposing?

The major matters covered under the draft Bylaw include:

- Provisions for the protection of the stormwater network, including Council approval required for any works on the stormwater network, controls on working around or building over or near buried stormwater services, storage of material over public stormwater pipes, and
- Conditions that will apply to new and continued acceptance of discharge to the public stormwater network
- Rules for the management of stormwater discharges from industrial sites
- Rules detailing requirements for earthworks
- Requirements for the maintenance of private stormwater systems
- Penalties for breach of the bylaws

Our draft Bylaw has been prepared to ensure consistency with current practice and other Council documents, to ensure that the bylaw is relevant for the district today and fit for the future.

PAGE 4

Key Matter One Protection of the Stormwater Network

Clauses 5.1 to 5.6 set out the powers under the Bylaw for protecting the Stormwater Network. The key matters are:

- Anyone working in or on the Stormwater network must obtain Council approval
- Actions that may harm operation of the stormwater network are not allowed unless Council approval is obtained
- Work (including excavation) that takes place around, over or near Buried services is subject to controls.
- Prohibited substances cannot be discharged into the Stormwater Network, or stored or handled in such a way that they may enter the Stormwater Network.

- People who discharge a prohibited substance to the stormwater network must notify council at once.

Key Matter Two Applications to discharge to the Stormwater Network

Clauses 6.1 to 6.4 set out the powers under the Bylaw relating to applications to discharge to the Stormwater network. The key matters are:

- Every application to discharge to Council's stormwater network must be approved by Council.
 - Council may decline an application and must give reasons.
 - Council may, by resolution, set quality standards for discharge into the Stormwater Network.
 - Council will consult when setting Stormwater quality standards.
 - Property occupiers must comply with stormwater quality standards. Council may require occupiers to reduce or prevent contaminants from entering the network.
 - Council may require a Stormwater Management Device to be fitted, or site management practices to be implemented, to manage the quantity or quality of discharge to the network.
 - All works must be constructed to Council's standards.
 -
-

PAGE 5

Key Matter Three Stormwater discharge from Non-Residential Sites

Clauses 7.1 to 7.3 set out the powers under the Bylaw for managing stormwater discharges from Non-Residential Sites. A Non-Residential site is any Industrial or Trade premises or any commercial premises with heavy vehicle and/or high traffic movements. The risk of Stormwater contamination is higher from these sites due to the nature of their activities. The key matters are:

- Council will establish a register of Non-Residential Sites and a system for risk classification.
- Council will consult on the system of risk classification.
- All Non-Residential Sites will be classified under the risk classification system.
- An Occupier may object to the risk classification for their Premises.
- Council may require the occupier of any Non-Residential Site to prepare a Stormwater Protection Plan.
- Council will operate a Non-Residential Stormwater Audit Programme. This is required under our resource consent and will focus on the premises of highest risk.

Key Matter Four Rules for Earthworks

Clauses 8.1 to 8.3 set out the powers under the Bylaw for managing sedimentation and erosion protection. Soil run-off from development sites can be harmful to waterways and their ecology. The key matters are:

- All development or works must make provision to ensure sedimentation and erosion are not increased and to maintain water quality..
- An Erosion and Sediment Control Plan meeting Canterbury Regional Council standards is required for sites with a total area of land disturbance up to two hectares at any one time.
- Sites with greater areas of land disturbance will require their own discharge consent.

PAGE 6

Key Matter Five Maintenance of Private Stormwater Systems

Clauses 9.1 to 9.2 set out the rules under the Bylaw for Maintenance of Private Stormwater Systems. These rules include:

- The Owner must maintain private stormwater systems in good working order.
- Council may require the Owner to investigate and rectify damage, blockage or other matter where the private stormwater system is not working properly.
- Costs of repairs to Private Stormwater Systems are the responsibility of the owner.

Key Matter Six Penalties for Breach of the Bylaw

Clauses 11.1 to 11.5 set out the powers under the Bylaw for dealing with breaches of the bylaw. These powers include:

- Council can serve a defect notice on a Customer setting out a Breach of a legal requirement and the steps to be taken within a timeframe
- Council may, in some situations, take immediate action to remedy the defect and recover its costs from the person committing the Breach.
- Council may suspend or cancel any approval to discharge stormwater to the Stormwater Network.
- Council may apply to the District Court for an injunction to stop a breach of the Bylaw.
- Council may apply to the District court to prosecute any person who breaches the Bylaw

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Options considered

Option One – Adopt the Proposed Bylaw (Preferred Option)

Advantages

- This option achieves the purposes and objectives set out in the Bylaw.
- Assessed against criteria of Cost:benefit, Risk management and enabling Consent compliance, this was the highest-or equal-highest rated Option under each of the three criteria and the highest scoring Option overall..

Disadvantages

- There are no disadvantages to this Option.

Option two – Refer the bylaw back for more work to improve it

Advantages

- This option will enable further investigation of any matters raised by Submitters requiring substantial extra work.

Disadvantages

- Officers are not aware of any fatal flaws in the document requiring extra work.
- Extra work involves more time and cost, and extends the timeframes for achieving Consent compliance.

Option three – Do not adopt the Bylaw and pursue an alternative means to achieve compliance.

Advantages

- There are no advantages to this Option. Every Canterbury territorial authority has put some form of bylaw in place to protect and manage its stormwater network.

Disadvantages

- This option scored lower than Option One against all three rating criteria, with a substantially poorer score in terms of risk management. This is because Bylaws are a well-known and generally well understood mechanism for preparing, consulting on and implementing local regulations.

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Relevant Determinations

Council proposes to make this Bylaw under sections 145 and 146 of the Local Government Act 2002. Section 145 states that bylaws may be made for:

- Protecting the public from nuisance;
- Protecting, promoting and maintaining public health and safety; and
- Minimising the potential for offensive behaviour in public places.

Section 146 states that bylaws may be made for the purposes:

“(b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:

... (iv) land drainage:”

Under section 155 of the Local government act 2002, Council must also decide the matters set out in the following table:

Matter to be determined	Council consideration
Whether a bylaw is the most appropriate way of addressing a perceived problem	Officers have determined that a bylaw is the most appropriate way of addressing the perceived problem. It is not a legal requirement to have a Stormwater Bylaw, however there is a determined need to protect council assets from misuse or damage, and to protect the public health. There are clear benefits for the effective and efficient operation of the stormwater network and the protection of the receiving environment.

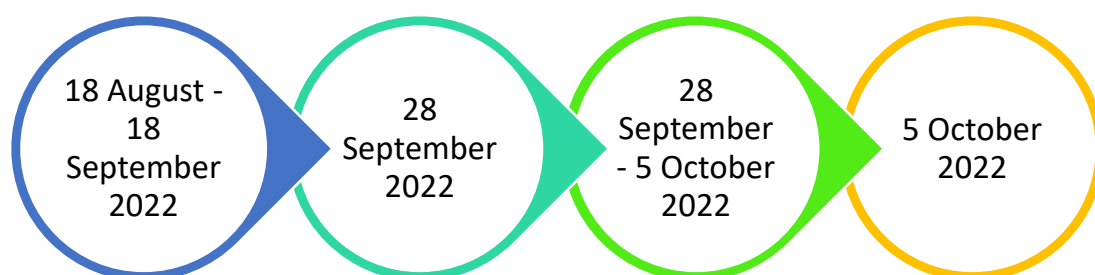
Matter to be determined	Council consideration
Whether the bylaw is the most appropriate form of bylaw	<p>Council's draft Stormwater Bylaw is the most appropriate form of bylaw because it meets the following tests:</p> <p>The bylaw is</p> <ul style="list-style-type: none"> • Authorised by statute under sections 145 146(b)(vi) of the LGA • Not repugnant of the general laws of New Zealand • Certain and clear • Reasonable • Not overly restrictive, onerous on any person, or impractical.
Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990	<p>The proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990, nor does it impose any restrictions on any of the rights listed in the Act.</p>

PAGES 9 to 22 Draft Bylaw

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What happens next?

Project Timeline



Community Consultation	Submission hearings and deliberations	Bylaw finalisation	Final Bylaw adoption
We will seek feedback from the community.	Submitters can present their views to Council in person at the hearing. Council will then consider and deliberate on submissions.	Council will make the necessary changes to the draft bylaw as a result of deliberations. This stage may also include further legal review of any changes to the proposed bylaw.	The final bylaw is expected to be adopted by Council at the meeting.

We are accepting feedback until 5 pm, Sunday 18 September 2022.

The easiest way to provide your feedback is to complete the form online at www.ashburtondc.govt.nz	FREEPOST TO Ashburton District Council Freepost 230444 PO Box 94 Ashburton 7740	IN PERSON Dropping it off at: Ashburton District Council reception – 5 Baring Square West
Alternatively, you can provide feedback by filling in the attached submission form and getting it back to us using one of the following methods:	ONLINE AT www.ashburtondc/haveyoursay	EMAIL TO Submissions@adc.govt.nz

We are making a Stormwater bylaw. Your view is important to us, and we encourage you to make a submission. Written submissions can be made to the Council up **until 5pm, Sunday 18 September 2022.**

Have your Say!

Tell us what you think of our proposed
bylaw at

www.ashburtondc.govt.nz/haveyoursay

**We want to hear
from YOU!**

**Please note all submissions are public documents and will be made available on Council's website.*

Submissions presented in the form of a petition or accompanied by multiple signatures will be treated as a single submission.

.....

Your details

First name:	Last name;
Organisation (if appropriate):	
Street number:	Street name:
Suburb/Town/RD:	Postcode:
Phone:	Email:

Do you wish to speak in support of your submission at the hearing?

(If no boxes are ticked, it will be considered that you do not wish to be heard.)

☐

No: I do not wish to speak in support of my submission and ask that the following written submission be fully considered.

☐ **Yes:** The hearing is expected to be held in the Council Chamber on Wednesday 28 September 2022. Please note that hearings are live-streamed to our online channels.

I intend to present (pick one) ☐ In person

☐ Virtually

Signature:

Date:

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Draft Stormwater Bylaw is available from:

www.ashburtondc.govt.nz/haveyoursay

You can submit on any or all of the questions below. You do not have to complete every question.

1. Do you agree with our proposals to protect the stormwater network (clauses 5.1 to 5.6)?

☐ Yes ☐ No

2. Do you agree with our proposals to manage applications to discharge to the Stormwater network (clauses 6.1 to 6.4)?

☐ Yes ☐ No

3. Do you agree with our proposals to manage stormwater discharge from Non-residential Sites (clauses 7.1 to 7.3)?

☐ Yes ☐ No

4. Do you agree with our proposed rules for earthworks (clauses 8.1)?

☐ Yes ☐ No

5. Do you agree with our proposals for maintenance of private drainage systems (clauses 9.1 to 9.2)?

☐ Yes ☐ No

6. Do you agree with our proposed penalties for breach of the Bylaw (clauses 11.1 to 11.5)

☐ Yes ☐ No

7. Do you have any other comments on the draft Bylaw?

Appendix 3 – Detailed analysis of options

Description of Options

Option one – Adopt the draft Bylaw and statement of proposal for public consultation (Recommended)

1. This Option is to adopt the draft bylaw and statement of proposal as the basis for public consultation under the Act. Submissions will be invited in the period from 30 July to 30 August 2022.

Option two – Amend and adopt the draft Bylaw and statement of proposal for public consultation

2. This Option is to amend the draft Bylaw based on elected members' feedback at the meeting.

Option three – Refer the documents back to officers for further work prior to further Council consideration

3. This option is to refer the draft Bylaw and the statement of proposal back to Officers for further work. It allows for the possibility that Council identifies matters of concern that cannot be addressed through either options one or two.

Option four – Pursue alternative means of compliance with clause 28 of the stormwater discharge consent.

4. This option is to pursue an alternative to a bylaw as a means to ensure compliance with clause 28 of the Stormwater discharge consent. This requires the agreement of environment Canterbury to the alternative means of compliance.

Analysis Criteria

5. The three criteria for analysis are:
 - Benefit:Cost
 - Risk management
 - Compliance with resource consent

Benefit: Cost

6. This is assessed by way of logical deduction. Taking option one as the starting point, it is possible to calculate the number of elected member, officer and consultant hours involved in the development, consultation, deliberations and adoption of the Bylaw. These can be monetised using charge out rates and a cost established. We can, for sake of argument, assume a cost of \$30,000.

7. Let us also assume, for the sake of argument, that the benefits of the Bylaw when monetised are also \$30,000, giving a benefit:cost ratio of $\$30,000/\$30,000 = 1.00$.
8. Looking at options two, three and four, there is some extra work involved in all of these options. Option two is estimated to require 8 hours extra work @ \$100/hour. Option three is estimated to require 20 hours extra work at the same rate. Option four is estimated to require 40 hours extra work.
9. Base on those assumptions, and assuming the benefits remain constant, the benefit cost rations for the four options are:
 - Option one : 1.00 Score: HIGH
 - Option two: 0.97 Score: MEDIUM
 - Option three: 0.94 Score: MEDIUM
 - Option four: 0.88 - Score: MEDIUM

Risk management

10. This criterion compares the relative level of risk in each Option against the risk associated with the recommended option.
11. Option three is assessed at the same level of risk management as option one, as both these options enable officers time to assess the risk of proposed changes to the draft Bylaw, and their consequences for the significance of the proposal and the required level of community engagement. Both these options score HIGH for risk management.
12. Option two is deemed a higher risk because amendments presented at the meeting afford less time for consideration of the risks which could result. This option scores MEDIUM for risk management.
13. Option four is deemed the highest overall risk because it directs council toward an unidentified alternative means of compliance, which is not a bylaw. Bylaw development, implementation and enforcement is not without risk, but it is a risk that is well known and understood, which cannot be said for an unspecified alternative. This option scores LOW for risk management.

Compliance with resource consent

14. This criterion compares the extent to which each option promotes compliance with the stormwater discharge consent, compared to the recommended option. Option one is regarded as HIGH compliance, as the Bylaw covers normal operational matters typically covered in a stormwater bylaw, and specifically refers to key elements of the discharge consent including erosion and silt control. Industrial site audits, and the power to exclude a site from the discharge consent for non-compliance.
15. Option two is also regarded as HIGH compliance, on the assumption that amendments that make more than a minor difference to achieving the purpose of the discharge consent would

be addressed under option three. This option also has little impact on timeframes for achieving compliance.

16. Option three will impact the timeframes for achieving compliance by extending the time taken to comply with clause 28 of the consent. Any other impact on the effectiveness of the Bylaw in promoting compliance would depend on the reasons for requiring further work, so in that regard option three is seen as similar to option one. For these reasons , option three is scored MEDIUM.
17. Option four deploys an unidentified approach that will require Environment Canterbury acceptance to ensure compliance with clause 28. This will also take time that will lengthen the duration of the process. Option four is also scored MEDIUM.
18. Council will have the opportunity to make necessary changes to the bylaw before the final version is adopted.

Conclusions

19. Option One scores HIGH on all three criteria, for an overall score of HIGH.
20. Option two scores HIGH on one criterion and MEDIUM on the other two criterion for an overall score of MEDIUM-to-HIGH.
21. Option three also scores HIGH on one criterion and MEDIUM on the other two criterion for an overall score of MEDIUM-to-HIGH.
22. Option four scores LOW on one criterion and MEDIUM on two criterion for an overall score of LOW-to-MEDIUM.

17. Lake Camp & Lake Clearwater 30 Year Plan

Author	<i>Mel Neumann; Graduate Policy Advisor</i>
Activity Manager	<i>Ian Hyde; District Planning Manager</i> <i>Colin Windleborn; Commercial Property Manager</i>
GM responsible	<i>Jane Donaldson; GM Strategy & Compliance</i> <i>Toni Durham; Acting GM Business Support Strategy & Policy Manager</i>

Summary

- Due to ongoing environmental issues in the Lake Camp & Lake Clearwater area, Council resolved at the end of 2021 to undertake consultation to determine what the community would like to see for the future of the area.
- Consultation was undertaken from 2 February to 13 March 2022. A hearing was held on 13 April 2022, followed by a workshop where Council discussed what should be included in the plan.
- The plan was then drafted based on this discussion and sent to key partners and stakeholders for feedback in June and July. Following the feedback received, officers have incorporated some of the suggested changes to the draft plan.
- Council has the following options:
 - Do not adopt the plan (status quo); or
 - Adopt the plan as attached in appendix 1 (recommended), or
 - Adopt an amended version of the plan.

Recommendation

1. **That** Council adopts the Draft Lake Camp & Lake Clearwater 30 Year Plan attached in appendix 1.

Attachments

Appendix 1	Draft Lake Camp & Lake Clearwater 30 Year Plan
Appendix 2	Key stakeholder feedback – summary
Appendix 3	Key stakeholder feedback – full submissions <i>[Supplemental document]</i>

Background

The current situation

1. Lake Clearwater, Te Puna a Taka, is currently in a fragile state and its water quality is declining, meaning it is at risk of 'flipping'. This means it could reach a point of degradation that could have severe impacts on biodiversity and the overall health of the area, which would be very difficult to reverse.
2. There has also been increases in the value, quality and size of dwellings built in the settlement, which differs from the original intent of the settlement and may be contributing to a larger environmental footprint in the area.
3. On 18 August 2021, Council resolved to undertake public consultation to identify the wishes and expectations of the community for the Lake Clearwater settlement and surrounding areas under Council control or management.
4. Consultation occurred from 2 February to 13 March 2022 and attracted 153 submissions. Hearings were held on 13 April 2022, followed by a Council workshop and day trip to the Lake Camp and Clearwater area.
5. Direction provided during the workshop and day trip was used to draft the 30 year plan.
6. Feedback on the draft plan was then sought from the following key partners and stakeholders between 4 June and 4 July:

Aoraki Environmental Consultancy
Ngāi Tahu
Mahaanui Kurataiao Ltd
Lake Clearwater Hutholders
Forest & Bird
Central South Island Fish & Game
Ministry for the Environment
Land Information NZ
Environment Canterbury
Department of Conservation
Ministry for Primary Industries
7. The feedback received was then used to make updates to the draft plan. A summary of the feedback is attached in appendix 2 of this report, and the full submissions are attached in appendix 3.

Options analysis

Option one – Do not adopt the plan (status quo)

8. Council could decide not to adopt the plan. This is not the recommended option.

Advantages

There are no advantages to this option.

Disadvantages

This option is not in line with what was proposed to the community

Not in line with Council direction at the workshop

Reputational risk of looking like Council is not doing enough

This option does not attempt to alleviate issues identified.

Option two – Adopt the plan as attached (recommended)

9. Council could decide to adopt the plan as attached in appendix 1. This is the recommended option, because it has been developed following community consultation, Council workshops, as well as key partner and stakeholder feedback.

Advantages

In line with Council direction at the workshop

Attempts to alleviate issues identified.

Disadvantages

There are no disadvantages to this option.

Option three – Adopt an amended version of the plan

10. It is acknowledged that Council may feel changes are necessary, as elected members have not seen the draft plan. Therefore, Council could decide to adopt an amended version of the plan.

If this was the preferred option, then officers would need to assess the significance of the proposed changes. If found to be significant, Council may be required to undertake further consultation.

Advantages

Opportunity to make changes that may have been missed.

Disadvantages

Not in line with Council direction at the workshop

May require resourcing for further consultation.

Legal/policy implications

Local Government Act (LGA) 2002

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

Resource Management Act (RMA) 1991

12. Some of the actions within the draft plan may require a resource consent or plan change under section 73 of the RMA.
13. Section 17 of the RMA states that “every person has a duty to avoid, remedy or mitigate any adverse effect on the environment.”
14. Section 31 of the RMA states that territorial authorities have the following functions for the purpose of giving effect to the Act in its district:
 - “(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”
 - “(b) the control of any actual or potential effects of the use, development, or protection of land”
 - “(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes”.

Hut Leases

15. Council is the lessor for 180 hut sites leases at Lake Clearwater. These are perpetually renewable leases which can only be terminated by Council on limited grounds under the Property Law Act 2007.
16. One of the objectives from this draft plan is to ensure the original purpose of the settlement is retained and protected. This objective will be achieved by reviewing and implementing District Plan rules for this area to recognise the special character of the settlement, while still giving effect to lessee’s rights under the terms of their lease.

Strategic alignment

17. The recommendation relates to Council’s community outcomes of ‘a balanced and sustainable environment’ and ‘a district of great spaces and places’.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic		
Environmental	✓	The area is highly valued for its environment and the lakes are close to 'flipping'. The draft plan sets out Ashburton District Council's actions in terms of environmental protection.
Cultural	✓	Ōtūwharekai (the wider lakes area) is of immense cultural significance, being both an important seasonal mahinga kai area and a major travelling route between the east and west coasts of Te Waipounamu (the South Island).
Social	✓	There is a strong social connection to the area for many people, and the draft plan aims to maintain this.

Financial implications

Requirement	Explanation
What is the cost?	There is no cost to adopting the plan. However there may be future budget implications to meet the actions of the plan.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Existing budgets are funding via rates for operational expenditure, and lending for capital income
Are there any future budget implications?	Yes – these can be assessed in future budget processes
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

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

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	This plan is of high interest to mana whenua, however it does not relate to a strategic asset or have a high level of risk.
Level of engagement selected	1. Inform – one way communication. The community will be advised of the decision via public meeting minutes.
Rationale for selecting level of engagement	Pre-engagement has already been undertaken, and key partners and stakeholders have had the opportunity to provide further feedback on the draft. All of those who have had their say will be informed of the final adoption of the plan.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Appendix 1



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

DRAFT 30 Year Plan

2022 - 2052

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“Whatungarongaro te tangata toitū te whenua

As man disappears from sight, the land remains.”

From the Mayor

Our vision – to work together to regenerate the health of Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area for the benefit of nature, place and people

Our place is a great place to live. For many people who call the Ashburton District home, the waterways of our district often play an integral part of our identity.

Ōtuwharekai (Ashburton Lakes), which includes the Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area is incredibly important to many of us and holds a special place in our hearts. This is especially true for our treaty partners. Ōtuwharekai is of immense cultural significance to Ngāi Tahu Whānui, as it is both an important seasonal mahinga kai (traditional food source) area and a major travelling route between the settlements on the East Coast of Te Waipounamu (the South Island) and those on Te Tai Poutini (the West Coast).

With recent reports showing the declining water quality in the area, specifically Te Puna a Taka (Lake Clearwater), it is up to all of us to do our best to ensure the lakes do not reach a point of degradation that will be difficult to come back from. For this reason, we have developed this plan with the objective of ensuring Ashburton District Council does all we can do to reduce the negative environmental impacts on our lakes and settlement area.

The goals in this plan focus on:

- avoiding further degradation and restoring the mauri of the natural environment,
- recognising and protecting the special character of the area,
- recognising and valuing the social importance of the area, and
- ensuring collaboration with mana whenua, and between key stakeholders to meet a collective vision.

This plan is a first step to ensuring the future of the Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area meets the aspirations of the community.

We look forward to working with our partners, stakeholders and community in bringing this plan and its vision to life.



NEIL BROWN
MAYOR

About the Plan

About the area

Lake Camp (Ōtautari) and Lake Clearwater (Te Puna a Taka) are located next to each other in the Hakatere Conservation Park, off Hakatere Potts Road. Lake Camp is at a higher elevation than the huts and sits to the south; Lake Clearwater is lower and to the north. Water travels underground from Camp to Clearwater.

The area is popular for recreational activities such as fishing, wind-surfing, boating (on Lake Camp), kayaking, walking, biking and four-wheel driving. The area is designated as an area of significant conservation value in the District Plan, due to it being an important habitat for wading birds and waterfowl, as well as significant plant species in the area and the important moraine sequence.

Cultural significance

Ōtūwharekai refers to both the complex known as Māori Lakes as well as the wider Ashburton Lakes, of which Lake Camp and Lake Clearwater are a part of. Ōtūwharekai is an area of immense cultural significance to Ngāi Tahu Whānui, being both an important seasonal mahinga kai area and a major travelling route between the settlements on the eastern coast of Te Waipounamu (the South Island) and those on Te Tai Poutini (the West Coast). Due to its importance, Ōtūwharekai / The Ashburton Lakes area was recognised as a Statutory Acknowledgement through the Ngāi Tahu Claims Settlement Act 1998.

Archaeological evidence exists that supports Ngāi Tahu traditions relating to Ōtūwharekai as well as showing Māori occupation and use of Ōtūwharekai and the three “pounamu trails” intersecting the area.

A number of sites within the area were also recorded as significant sites by Ngāi Tahu elders in the information gathered by H.K Taiaroa during the time of the 1879 Smith-Nairn Commission, including Ōtautari (Lake Camp), Te Puna a Taka (Lake Clearwater). Both lakes were used as permanent settlements, and mahinga kai collected at these lakes included tuna, aruhe and weka.¹

¹ Cultural Health Assessment of Ōtūwharekai, Te Rūnanga o Arowhenua (https://www.takiwa.org.nz/docs/2010_AshburtonLakes.pdf)

The mauri of Ō Tū Wharekai represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the area.²

Statutory Acknowledgement

Council acknowledges schedule 46 of the Ngāi Tahu Claims Settlement Act, 1998 in relation to Ōtūwharekai.

The creation of the Ōtūwharekai wetlands is associated with Tu Te Rakiwhanoa and his shaping of Te Wai Pounamu (the South Island) to make it habitable for humans. The Ōtūwharekai complex was created as Tu Te Rakiwhanoa arranged the debris in the Waka o Aoraki while forming the harbours and plains and heaping up mountains of the interior.

For Ngai Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Important nohoanga (settlements) associated with seasonal mahinga kai gathering and travel to and through this area included: Tutaewera, Hatere, Uhi, Matakou, Kiriuhonou, Otautari, Punataka, Te Kiakia, Tamatakou.

The complex was a part of the seasonal trail of mahinga kai and resource gathering, and hapu and whanau bonding. Knowledge of these trails continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the wetlands. Mahinga kai resources taken from the area included: tuna (eels), weka, kaka, kereru, tui, pukeko and other waterfowl, aruhe, kiore, kauru, matai and pokaka.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the wetlands, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Ōtūwharekai represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the area.”

² Ashburton District Plan, Section 2, Takata Whenua Values ([Ashburton District Plan \(ashburtondc.govt.nz\)](http://ashburtondc.govt.nz))

Hut Settlement

The Lake Clearwater hut settlement sits between Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater).

The land on which the hut sites are located is part of an endowment gift to the Citizens of the Ashburton District from the holders of the Mount Possession Run (W. Glassey and I. Gallagher in 1926; S. Chaffey 1949; R. Chaffey 1964). Two acres was to “be set apart for use as a camping ground for visitors and similar uses for the benefit of the county of Ashburton”. There was a letter with the original deed which states Council would build an ‘accommodation house’.

The land is held in trust for the purposes of providing fishing baches and picnicking. Historically, dwellings in the settlement were small with limited features, however recent developments have generally been of higher value and quality. The land is freehold leased to dwelling owners on a perpetually renewable lease with some ability to increase rents.

One hundred and eighty individual dwellings now sit in the village along with approximately 12 vacant sections, as well as a basic reserve area where overnight camping is permitted. Additional sets of toilets and a further area used for camping sits alongside Ōtautari (Lake Camp).

There is a fully funded FENZ rural fire station that is manned by FENZ trained volunteer firefighters, drawn mostly from the hutholder community.

Why do we need a plan?

Reports show that Te Puna a Taka (Lake Clearwater) is currently in a fragile state, and that its water quality is declining. The lake is at risk of ‘flipping’ meaning it could reach a point of degradation that is very difficult to reverse. If the lake flips, it will have severe impacts on biodiversity, and the overall environmental health and recreational values of the area. We want to do all that we can to ensure that this doesn’t happen.

Other issues that have been identified include:

- Fire stresses in the area
- Recreational activity such as four-wheel driving impacting on the lake edges and conservation areas
- Wilding conifers and other weed species
- Freedom camping in areas far away from toilet facilities
- Dwellings no longer meeting the original purpose of the settlement
- Increased popularity of the area leading to increased density and environmental impacts
- The need to review our district plan rules/zoning.

We all want to see this area protected for the enjoyment of current and future generations, and this will require everyone to play their part, including Council. Looking after this special area is everyone’s responsibility. Agencies can, and need to lead, but community input and stewardship is vital too.

The over-arching purpose of this plan is to ensure appropriate action is taken in a timely manner. It is also intended to guide funding decisions for annual budgeting processes.

What does this plan include / not include?

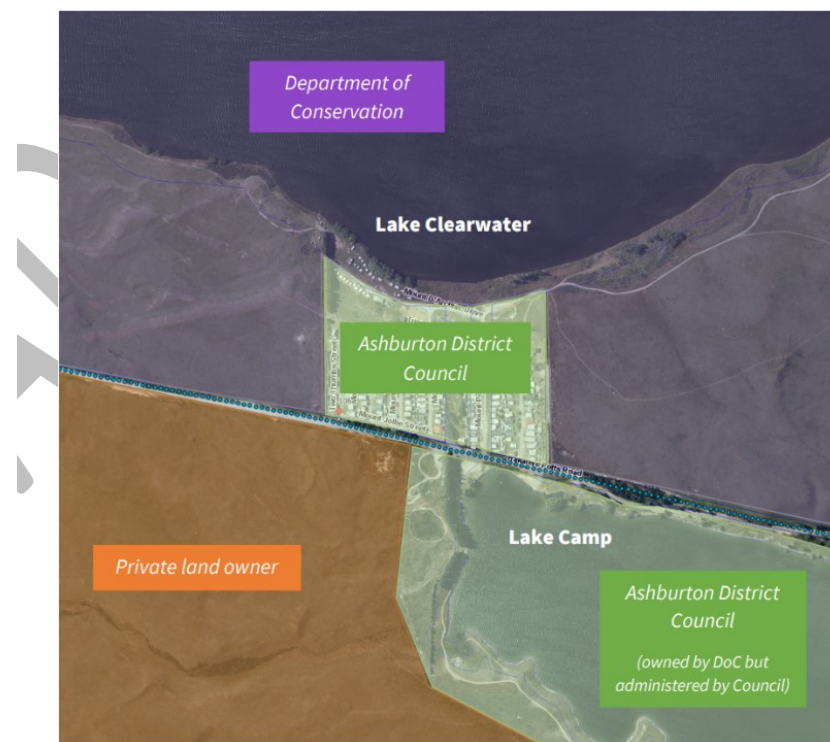
Council has limited authority over the Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area. Therefore, this plan includes the things that we can control, and aims for Council to have a collaborative and advocative role in the other aspects of the plan.

Ashburton District Council is also a Territorial Authority with duties under the Resource Management Act, Local Government Act and other legislation. This plan is complimentary to its statutory responsibilities and does not seek to defer or depart from them. There may be further processes required to give effect to this plan. Council also acknowledges its responsibilities to mana whenua as treaty partners.

Council shares regulatory oversight in the Ōtūwharekai with other agencies such as Ngāi Tahu, Ministry for the Environment, Environment Canterbury, Department of Conservation and LINZ and will work with its partners as appropriate to achieve best practice outcomes for the area, including where statutory responsibility rests with other agencies.

Funding

Council will be looking into options for funding of the actions included in this plan. Some of the actions will be funded by current budgets as part of our business as usual, however some will need to be funded through different revenue opportunities. This may involve applying to central government for funding, increasing camping ground fees, rating implications, or the sale of lease for some vacant sections in the Te Puna aTaka (Lake Clearwater) settlement. This is something Council will investigate as or when needed.



How has this plan been prepared?

From February to March in 2022 we asked the community for their feedback on the future of the the Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area. We also held an open day at Te Puna a Taka (Lake Clearwater) on Saturday 5 February, which attracted approximately 44 attendees. Overall we received a total of 153 submissions, and of those, 53% were bach owners.

The following topics were noted as the key things that people valued most about the area:

- Peace and quiet, isolation, off the grid, simple living
- The natural environment – specifically the scenery and water quality
- The original character of the settlement
- Sense of community
- The ‘no dog’ rule
- Recreational values.

When asked what people saw as a ‘thriving future’ a key theme that came through was to retain the things that the area is currently valued for – e.g. simplicity, character of the settlement, protected natural environment.

Other suggestions that came through in the consultation process included:

- More plantings in the area
- No further development in the area
- Regulating freedom camping, four wheel driving, and motor biking
- Protecting biodiversity and control of weeds and pests
- More toilet and rubbish facilities
- Working collaboratively with other stakeholders who are responsible for the area
- Effective management of fire danger



- Controlling light pollution
- Maintenance of the roads
- Ensuring bach owners adhere to holding tank requirement
- Provide more education on how important it is to protect the area.

Following the feedback period, hearing and workshop, we developed a draft plan in consultation with our treaty partners and key stakeholders. The final plan was then presented to Council and adopted, and became effective in August 2022.

What do we have to think about?

Culture and heritage

It is important to keep in mind the cultural significance of the area, as well as the original purpose of the gifting of the land. The settlement has a quirky nature with huts that are of all different shapes and colours. Submitters told us that they wanted to see this character of the settlement protected.

“You can’t really know where you are going until you know where you have been” – Maya Angelou.

Climate Change

Climate Change needs to be seriously considered in the development and implementation of this plan. Impacts of climate change within Canterbury are expected to include increased temperatures, increased intensity and frequency of weather events including storms, rainfall and droughts.

With the water quality of our lakes already at risk of flipping, the impacts of climate change could have a further impact on the water quality and in turn on the area’s biodiversity.

The area is known to have fire hazards and with the expected increase in temperatures, wind and drought conditions, this is a greater risk for the area.

Environmental and biodiversity values

The Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area is incredibly significant in terms of its environmental and biodiversity values. This is referenced in our District Plan, Biodiversity Action Plan, and Landscape Management Plan. It’s important that we ensure this plan protects the biodiversity in the area.

The key priorities for the area have been identified as:

1. Preventing the lakes from flipping
2. Reducing further development of the area
3. Introducing or encouraging the use of recycling facilities
4. Retaining the natural environment that currently exists in the area.

Who's involved?

While the Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area is within the Ashburton District, it's important to note that Council does not have complete authority over the area.

This plan only covers aspects that we can control, however it aims to be complementary to the work and aspirations of other parties involved.

The development of this plan has been informed by work undertaken by Ōtūwharekai working group, which involves members from the following parties:

- Te Rūnanga o Arowhenua
- Te Ngāi Tūāhuriri Rūnanga
- Te Taumutu Rūnganga
- Te Rūnanga o Ngāi Tahu
- Environment Canterbury
- Department of Conservation
- Land Information New Zealand (LINZ)
- Central South Island Fish and Game
- Ministry for the Environment
- Ministry for Primary Industries
- Surrounding land owners.

At the time of finalising this plan, the Ōtūwharekai working group is embarking on developing an action plan for Ōtūwharekai. This is expected to be completed in 6-12 months (by June 2023 at the latest). If new actions are formed for Ashburton District Council not already covered by this plan, we will review this plan accordingly.

We have also ensured that the Lake Clearwater Hutholders were included in this process. The hut holders are an important stakeholder as they take responsibility for some of the management that occurs in the area, in a voluntary capacity, including the Lake Clearwater Camping Ground. They also make up the majority of FENZ trained volunteer firefighters, which is important due to the fire stresses within the area. The hutholders have an important ongoing role in the future of the settlement. There are a number of other key stakeholders that we recognise have significant interest in the area, these include: Fish and Game New Zealand, Forest & Bird, Civil Defence Emergency Management, FENZ, biodiversity working groups, and recreational groups.

The Plan

What is our vision?

Our vision:

”To work together to regenerate the health of the Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area for the benefit of nature, place and people”

What are our goals?

Goal 1: Avoid further degradation and restore the mauri of the natural environment in the Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater) area

This means (objectives):

- To stop and remove pollution into the lakes
- To protect and restore the indigenous biodiversity of the area

Goal 2: Recognise and protect the special character of the area

This means (objectives):

- To ensure the original purpose of the settlement is retained and protected
- To ensure our facilities are fit for purpose
- To recognise the importance of the area for Ngāi Tahu Whānui

Goal 3: Recognise and value the social importance of Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater)

This means (objectives):

- To recognise the community strength within the area
- To monitor recreational use of the area and undertake action as necessary to ensure use is sustainable and values are protected

Goal 4: Ensure collaboration with mana whenua and between key stakeholders to meet a collective vision

This means (objectives):

- To work with mana whenua to meet goals and vision of the plan
- To work with key stakeholders to meet goals and vision of the plan

How will we reach these goals?

Goal 1: Avoid further degradation and restore the mauri of the natural environment in the Ōtautari and Te Puna a Taka area

Objective	Action	By who	To be completed by	Funding sources
1.1 Stop and remove pollution into the lakes	1.1.1 Ensure all bach owners comply with the requirement to de-commission long drops and have a holding tank, undertake inspections of compliance	Council	30 June 2023	Within existing budgets - WSP report on wastewater disposal options funded by ADC
	1.1.2 Investigate the ability to install greywater system at the Te Puna a Taka (Lake Clearwater) Campground, as well as funding options	Council	30 June 2024	Annual Plan 23/24
	1.1.3 Investigate the possibility of requiring bach owners to install greywater systems	Council	30 June 2024	Annual Plan 23/24
	1.1.4 Advocate to other bodies such as Environment Canterbury to ensure their environmental controls are appropriate in surrounding areas	Council	Ongoing	Within existing budgets
	1.1.5 Support further scientific research and water quality monitoring	DoC and ECan supported by Council	Ongoing	No financial implications for ADC
1.2 Protect and restore the indigenous biodiversity of the area	1.2.1 Review and implement Council's Landscape Management Plan	Council in partnership with mana whenua	30 June 2024	Annual Plan 23/24

	1.2.2 Prepare and implement an education campaign covering the impact of 4WDs, dogs and other animals	Council in partnership with other relevant agencies	30 June 2023	Within existing budgets
	1.2.3 Investigate an increase in animal control contractor visits to the area, particularly in peak periods	Council	30 June 2023	Within existing budgets
	1.2.4 Investigate an increase in staff/contractor visits to the area to discourage inappropriate four wheel drive and motorcycle activity	Council in partnership with Department of Conservation and Environment Canterbury	30 June 2023	Within existing budgets
	1.2.5 Advocate to Environment Canterbury to include feral cats in the Canterbury Regional Pest Management Plan	Council	30 June 2025	Within existing budgets
	1.2.6 Review the District Plan rules in relation to biodiversity and the upcoming National Policy Statement for Indigenous Biodiversity	Council	30 June 2025	LTP 2024 - 34

Goal 2: Recognise and protect the special character of the area

Objective	Action	By who	To be completed by	Funding sources
2.1 Ensure the original purpose of the settlement is retained and protected	2.1.1 Review the zoning and development rules for the area in our District Plan to recognise the special character of the Te Puna a Taka (Lake Clearwater) settlement	Council	30 June 2025	Within existing budgets
	2.1.2 Investigate establishing clear guidelines on permanent outdoor lights in order to reduce light pollution	Council in consultation with Lake Clearwater Hutholders Association	30 June 2023	Within existing budgets

	2.1.3 Complete work on boundary / property encroachment issues within the settlement	Council	30 June 2024	Within existing budgets
2.2 Ensure our facilities are fit for purpose	2.2.1 Ensure the settlement and surrounding roads are well maintained	Council	Ongoing	Within existing budgets
	2.2.2 Install additional set of toilets at West end of Ōtautari (Lake Camp) in 2022/23 (to replace old long-drops that were removed)	Council	30 June 2023	Within existing budgets
	2.2.3 Monitor rubbish facilities and increase collection frequency during peak periods	Council	Ongoing	Within existing budgets
	2.2.4 Investigate the feasibility of recycling and pay to dump or other types of rubbish systems	Council	30 June 2023	Within existing budgets
	2.2.5 Install signs near skips to encourage the use of recycling centre at Mount Somers	Council	30 June 2023	Within existing budgets
	2.2.6 Restrict freedom camping to areas closer to amenities at Ōtautari (Lake Camp)	Council	30 June 2023	Within existing budgets
	2.2.7 Investigate and review camping ground fees and charges	Council, in consultation with Lake Clearwater Hutholders Association	30 June 2024	Within existing budgets
2.3 Recognise the importance of the area for Ngāi Tahu Whānui	2.3.1 Work with mana whenua to enable and ensure access and use of sites for mahinga kai	Council in partnership with mana whenua	30 June 2023	Within existing budgets

Goal 3: Recognise and value the social importance of Ōtautari (Lake Camp) and Te Puna a Taka (Lake Clearwater)

Objective	Action	By who	To be completed by	Funding sources
3.1 Recognise the community strength within the area	3.1.1 Work alongside the Ōtautari (Lake Camp) and Te Puna a Taka (Clearwater) community for the betterment of the area	Council	Ongoing	Within existing budgets
	3.1.2 Recognise and acknowledge the work that is done by community groups (e.g. Lake Clearwater Hutholders Association, Forest & Bird)	Council	Ongoing	Within existing budgets
3.2 Monitor recreational use of the area and undertake action as necessary to ensure use is sustainable and values are protected	3.2.1 Provide an educative approach on sensible driving within the settlement area, and work with partners to ensure consistent messaging	Council in partnership with Police	30 June 2023	Within existing budgets
	3.2.2 Investigate restrictions on motorbike and four wheel drive access to key areas including education and signage	Council in partnership with Department of Conservation and Environment Canterbury and in consultation with Lake Clearwater hutholders and Aquatic Club	30 June 2024	Within existing budgets

Goal 4: Ensure collaboration with mana whenua and between key stakeholders to meet a collective vision

Objective	Action	By who	To be completed by	Funding sources
4.1 Work with mana whenua to meet goals and vision of the plan	4.1.1 Work with mana whenua to determine ways that mana whenua can express rangatiratanga, undertake their kaitiakitanga responsibilities, and express their cultural heritage within the area	Council in partnership with mana whenua	Ongoing	Within existing budgets
4.2 Work with key stakeholders to meet goals and vision of the plan	4.2.1 Actively participate in and contribute to the Ōtūwharekai Working Group and Steering Groups	Council	Ongoing	Within existing budgets
	4.2.2 Advocate to other key stakeholders for areas that we do not control	Council	Ongoing	Within existing budgets
	4.2.3 Develop and implement a Memorandum of Understanding between Council and the Lake Clearwater Hutholders	Council	30 June 2023	Within existing budgets
	4.2.4 Advocate to Central and Regional Government for increased funding for area protection	Council	Ongoing	Within existing budgets
	4.2.5 Work alongside appropriate groups to reduce fire danger in the area	Council	Ongoing	Within existing budgets
	4.2.6 Circulate scientific research / monitoring results amongst partners and the public	Council	Ongoing	Within existing budgets

Appendices:

Appendix A - Acknowledgements

The development of this plan has been informed by work undertaken by Ōtūwharekai working group, which involves members from the following parties:

- Te Rūnanga o Arowhenua
- Te Ngāi Tūāhuriri Rūnanga
- Te Rūnanga o Ngāi Tahu
- Te Taumutu Rūnganga
- Environment Canterbury
- Department of Conservation
- Land Information New Zealand (LINZ)
- Central South Island Fish and Game
- Ministry for the Environment
- Ministry for Primary Industries
- Surrounding land owners.

Appendix B - Monitoring and review

Monitoring and reporting

The progress of actions and projects outlined in the plan will be monitored. If any actions or projects become unfeasible, they may be removed. New actions and projects can be added and approved by Council as required. A report on progress on the plan's implementation will be prepared as part of Council's overall annual reporting.

Review

The plan should be reviewed every 5 years, or sooner if required. It may also be reviewed to coincide with Council's Long-Term Plan. This review cycle reflects the need to maintain alignment with national programmes, legislation and related projects regionally and locally.

Appendix C - Glossary of terms

Below is a glossary of terms in the context of this plan.

Mauri – the life force, it is the essential quality and vitality of a being or entity.

Flipping – when an ecosystem or water body reaches a point where it can no longer cope with environmental change and the ecosystem suddenly shifts from one state to another. Once a water body or ecosystem has flipped it is very difficult to reverse.

Appendix 2

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

Summary of feedback

17 August Council meeting

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1.1 Summary of feedback received

Those identified as having a significant interest in the Draft Lake Camp & Clearwater Plan were invited to provide feedback. 19 submissions were received on the draft plan between 4 June and 6 July 2022.

This summary document has been compiled to provide Council with an overview of the feedback received, as well as what feedback was incorporated into the plan, what wasn't, and why. This document mainly summarises feedback that included suggestions for change.

1.2 Feedback that *has been* incorporated into the draft plan

1.2.1 General feedback

Submitter name	Pg#	Summary	Staff comments
Bruorton, Adair	15	<ul style="list-style-type: none"> Suggests a stronger ‘call to action’ up front – emphasising that looking after the special environment at the lakes is everyone’s responsibility. Agencies can, and need to, lead – but community input and stewardship is vital too 	<ul style="list-style-type: none"> Incorporated
Bruorton, Adair Lake Clearwater Hutholders Association	15 17	<ul style="list-style-type: none"> Suggests re-wording objective 2.1 to read “ensure the original purpose of the settlement is retained and protected” 	<ul style="list-style-type: none"> Officers agree that this wording is better, incorporated
Central South Island Fish and Game	25	<ul style="list-style-type: none"> Notes that ADC has specific functions under the Resource Management Act and that Council should not consider their role as limited in scope 	<ul style="list-style-type: none"> A section has been added to the plan explaining that we have functions and duties under the RMA and that the plan aims to be complementary to these functions
Clemens, Val	6	<ul style="list-style-type: none"> Plan does not portray the urgency of action 	<ul style="list-style-type: none"> The action plan has been updated so that actions are now required to be completed by a specific year
Environment Canterbury Te Rūnanga o Ngāi Tahu	21 30	<ul style="list-style-type: none"> Suggestion to update review period as review may be necessary earlier 	<ul style="list-style-type: none"> We had initially noted that the review period would be “every 5 years or as required”, this has now been updated to “every 5 years, or sooner, if or as required”
Hyde, Jeff	4	<ul style="list-style-type: none"> Change wording of seasonal camping ground, accommodation house, volunteer fire fighting Suggests wording about the campground be updated in line with Council’s website Suggests wording about fire service be updated - now has a fully funded FENZ rural fire station Suggests wording about the original trust deed be updated – notes that it does not say ‘accommodation house’, instead it says ‘being deemed to be desirable in the public interest that said piece of land should be set apart for use as a camping ground for visitors and similar uses’ 	<ul style="list-style-type: none"> These suggestions have been updated in the plan The land on which the hut sites are located is part of an endowment gift to the Citizens of the Ashburton District from the holders of the Mount Possession Run (W. Glassey and I. Gallagher in 1926; Samuel Chaffey 1949; Robin Chaffey 1964). 2 acres “be set apart for use as a camping ground for visitors and similar uses for the benefit of the county of Ashburton. There was a letter which states Council would build an ‘accommodation house’; with the original deed. There

			is no reference or a copy of a deed as to why the 2 nd two gifts were given.
Lake Clearwater Hutholders Association	17	<ul style="list-style-type: none"> Would like to see greater recognition in the draft plan of the enormous volunteer contribution made by the LCHHA and members looking after the settlement and foreshore areas. Suggests a re-phrase of some specific wording 	<ul style="list-style-type: none"> The re-phrase has been incorporated
		<ul style="list-style-type: none"> Notes that the current arrangement is for LCHHA to collect and retain camping fees as recompense for maintenance work Notes that if the fees were increased, campers would likely expect a higher level of service which LCHHA does not have the capacity to provide 	<ul style="list-style-type: none"> A specific action has been added to the action plan to 'investigate and review camping ground fees and charges', and this is to be undertaken in consultation with LCHHA
Marks, Carolyn	8	<ul style="list-style-type: none"> Notes that the recycling centre at Mt Somers is excellent and people should be encouraged to use this. Suggests installing signs at skips encouraging use of Mt Somers recycling centre 	<ul style="list-style-type: none"> This has now been added to the action plan
Te Rūnanga o Ngāi Tahu	30	<ul style="list-style-type: none"> Pointed out correct spelling of Ōtūwharekai 	<ul style="list-style-type: none"> Updated
		<ul style="list-style-type: none"> Submission noted statutory acknowledgements that are included as part of the Ngāi Tahu Claims Settlement Act 1988 	<ul style="list-style-type: none"> These statutory acknowledgements have been added to the draft plan
		<ul style="list-style-type: none"> Would prefer the dual naming of the lakes referenced throughout the entire document 	<ul style="list-style-type: none"> Updated
		<ul style="list-style-type: none"> Requests the exploration of the use of a lease site to be used by mana whenua for mahinga kai 	<ul style="list-style-type: none"> An action has been added to the action plan to explore this possibility and discuss with mana whenua
Woods, Kim	10	<ul style="list-style-type: none"> Suggests a list of key priorities 	<ul style="list-style-type: none"> Incorporated
Zwart, Sarah	9	<ul style="list-style-type: none"> Clearly state the purpose of the plan, make the vision statement bolder 	<ul style="list-style-type: none"> Incorporated
		<ul style="list-style-type: none"> Suggests to include imagery (both of the problem and the beauty of the area) 	<ul style="list-style-type: none"> This is likely to be incorporated as part of the design of the document
		<ul style="list-style-type: none"> Suggests to explicitly state the purpose of the plan Suggests updating the vision to "To work together to regenerate the health of the Lake Camp and Lake Clearwater for the benefit of nature, place and people" 	<ul style="list-style-type: none"> Incorporated

1.2.2 Feedback on action plan

Submitter name	Pg#	Summary	Staff comments
Bruorton, Adair Lake Clearwater Hutholders Association	15 17	<ul style="list-style-type: none"> Does not understand why action “Review Ashburton District Plan rules regarding earthworks and vegetation clearance, possibly in conjunction with RMA reform and incoming regional planning documents” is a necessary action 	<ul style="list-style-type: none"> This action was suggested initially however was removed when it became apparent that these matters would likely be dealt with through the incoming regional planning documents required the RMA reform
Central South Island Fish and Game	25	<ul style="list-style-type: none"> Notes that the plan mentions the cultural significance of the area, but has no specific goals or actions to recognise this 	<ul style="list-style-type: none"> Wording suggested by mana whenua has been incorporated into the plan
		<ul style="list-style-type: none"> Notes that some of the wording is not as clear as it could be e.g. suggests changing the word ‘stop’ to ‘prevent’ Suggests re-wording of objective 3.2 to “monitor recreational use of the area and undertake action as necessary to ensure use is sustainable and values protected” Suggests re-wording of objective 4.1 to “work collaboratively with key stakeholders to meet the goals and vision of the plan” Suggests re-wording of action 4.1.3 to “actively participate in and contribute to the Ōtūwharekai Working and Steering groups” 	<ul style="list-style-type: none"> Wording has been updated
Clemens, Val	6	<ul style="list-style-type: none"> Suggests the Landscape Management Plan review should be an urgent priority Suggests that an increase in staff/contractor visits to the area to discourage inappropriate 4WD and motorcycle activity should also be an urgent priority 	<ul style="list-style-type: none"> This action is to be done by Year 2 of the plan This action is in the action plan for Years 1 to 30
Environment Canterbury	21	<ul style="list-style-type: none"> Suggests that the action plan table include information on whether funding is already available/where it is coming from Suggests action plan table includes a specific year for actions to be completed by Suggests updating the education action to include multiple things such as dogs, other animals and 4WDs Suggested to add further wording to define the ‘boundary issue’ 	<ul style="list-style-type: none"> Incorporated

		<ul style="list-style-type: none"> Suggests education rollout on sensible driving be targeted at wider area rather than just the settlement 	<ul style="list-style-type: none"> Plan has been updated to say ‘and work with partners to ensure consistent messaging’ to help incorporate road safety education in general
Lake Clearwater Hutholders Association Hadler, Steve	17 6	<ul style="list-style-type: none"> Would like to see Police added to action 3.2.1 Would like to see LCHHA and Aquatic Club added to action 3.2.2 Would like to be involved with discussion on lighting in the area under action 2.1.2 	<ul style="list-style-type: none"> Incorporated
Te Rūnanga o Ngāi Tahu	30	<ul style="list-style-type: none"> Suggested wording for goals 1, 2 and 4 Suggests adding an action to review District Plan rules in relation to biodiversity Suggested additional wording regarding reasons why the area is significant (e.g. plants and moraine sequence) 	<ul style="list-style-type: none"> These have been incorporated into the plan
		<ul style="list-style-type: none"> Suggested actions relating to mana whenua 	<ul style="list-style-type: none"> These have been incorporated into the plan with wording suggested by Te Rūnanga o Ngāi Tahu
		<ul style="list-style-type: none"> Would like to see that Landscape Management Plan review ensures that only natives, preferably eco-sourced and/or flora that were historically present are considered for future plantings Notes that the review of the LMP should be undertaken with input from mana whenua and Aoraki Environmental Consultancy and Mahaanui Kurataiao Limited should be approached to facilitate input 	<ul style="list-style-type: none"> Action plan updated to say LMP review to be undertaken in consultation with mana whenua

1.2.3 Feedback on acknowledgements

Submitter name	Pg#	Summary	Staff comments
Central South Island Fish & Game	25	<ul style="list-style-type: none"> Change wording from ‘collaboration’ with working group 	<ul style="list-style-type: none"> Updated to wording suggested by Te Rūnanga o Ngāi Tahu
Environment Canterbury	21		
Te Rūnanga o Ngāi Tahu	30		
Central South Island Fish and Game	25	<ul style="list-style-type: none"> Pointed out that Central South Island Fish and Game were left out from the list of parties 	<ul style="list-style-type: none"> Updated
Environment Canterbury	21	<ul style="list-style-type: none"> Pointed out that Te Taumutu Rūnganga and Fish & Game were missing from key stakeholder/partner list, as well as ADC, MPI and MfE 	<ul style="list-style-type: none"> Updated
Te Rūnanga o Ngāi Tahu	30		
Lake Clearwater Hutholders Association	17	<ul style="list-style-type: none"> Would like to see further recognition of the volunteer contributions made by LCHHA and members 	<ul style="list-style-type: none"> Officers have done their best to provide further recognition
Te Rūnanga o Ngāi Tahu	30	<ul style="list-style-type: none"> Noted that they should be referred to as treaty partners, not as stakeholders 	<ul style="list-style-type: none"> Updated

1.3 Feedback that has not been incorporated into the draft plan

1.3.1 General feedback

Submitter name	Pg#	Summary	Staff comments
Bolitho, Barry	3	<ul style="list-style-type: none"> Questions why there is no objective to determine where the pollution is coming from Notes that without an understanding of the source it is difficult to limit them from entering the lake 	<ul style="list-style-type: none"> There is an action already in the action plan under 1.1.5 to support further scientific research and water quality monitoring While we could wait for further scientific research, it has been indicated that the state of the lake is time sensitive, therefore the plan aims to cover reduction of all possible contaminants within the control of ADC
Bruorton, Adair Lake Clearwater Hutholders Association	15 17	<ul style="list-style-type: none"> Don't believe that 'the need to review our district plan rules/zoning' as a submission issue is justified, cannot see this in submissions 	<ul style="list-style-type: none"> This was identified by staff, and was not referenced as a key topic in submissions. The Resource Management Act requires periodic review of district plan policies, objectives and rules. In this case, there are questions around whether the current Residential B zoning is the best fit for the future of the settlement. The consultation and outcomes of the Development Plan will form part of these considerations. Any subsequent amendment to the District Plan would follow a formal Resource Management Act process and this would include further and separate consultation with affected parties
Bruorton, Adair Environment Canterbury Lake Clearwater Hutholders Association	15 21 17	<ul style="list-style-type: none"> Suggests that we should understand science around greywater before investigating the installation of greywater systems Notes that it may not be a significant culprit 	<ul style="list-style-type: none"> Officers note that there is request for more urgency in the plan, as the water quality issue is imminent. It makes sense to include these actions in the plan because waiting for the science will delay the speed at which we can take action. Officers also note that while it is possible that the science could identify that the greywater is not a significant culprit, this is

			an action that ADC can take that either way will still have a positive impact, no matter how big
Central South Island Fish and Game	25	<ul style="list-style-type: none"> Suggested a collection of wording changes 	<ul style="list-style-type: none"> Some of these have been incorporated, as listed earlier in this plan. The parts that have not been included are not part of the plan for differing reasons
Clemens, Val	6	<ul style="list-style-type: none"> Education and cooperation with the hutholders is important, suggests setting up a group of interested people which will allow the infiltration of expertise and ideas that may not be present within the ADC structure 	<ul style="list-style-type: none"> There are already many groups that have been established. Resourcing another one is not considered viable at this point in time.
Easton, Mark & Holloway, Christine Paton, John & Paula	4 12	<ul style="list-style-type: none"> Suggests that the plan will all come to nought without changes to farming practices on the adjacent land Questions why farmland and farming activity in the area is not mentioned throughout the plan 	<ul style="list-style-type: none"> Farming regulation is part of the regional council role. There is an action in the plan under 1.1.4 which states that Council will advocate to other bodies such as Environment Canterbury to ensure their environmental controls are appropriate in surrounding areas
Environment Canterbury	21	<ul style="list-style-type: none"> Suggests including an action reflecting commitment to fund monitoring of groundwater flow and quality 	<ul style="list-style-type: none"> This has not been included in the plan because this was never agreed to. At the mana to mana hui it was made clear that ADC does not intend to help fund this as it is seen as a Regional Council function
		<ul style="list-style-type: none"> Suggests ADC develop and implement their own pest management plan 	<ul style="list-style-type: none"> This has not been included in the plan because this is a Regional Council function
Hadler, Steve	6	<ul style="list-style-type: none"> Opposed to fencing off Lake Camp from a safety and access aspect for water sports where a vehicle is required to help 	<ul style="list-style-type: none"> There is no specific plan to put fencing in place but Council will consult with LCHHA & Aquatic Club under action 3.2.2
Hyde, Jeff	4	<ul style="list-style-type: none"> Includes various specific queries 	<ul style="list-style-type: none"> Officers will respond to these queries in due course
Marks, Carolyn	8	<ul style="list-style-type: none"> Believes ECan are doing a poor job at talking with the landowners 	<ul style="list-style-type: none"> There is an action in the plan under 1.1.4 which states that Council will advocate to other bodies such as Environment Canterbury to ensure their environmental controls are appropriate in surrounding areas
		<ul style="list-style-type: none"> Notes that greywater just drains into the gravel and cannot imagine it can reach the lake 	<ul style="list-style-type: none"> The campground greywater is a higher priority than the greywater from the baches, however both are important.

		<ul style="list-style-type: none"> Notes that greywater from caravans and tents in camping ground should be priority because they are lakeside and don't have gravel drains like baches do 	
Save the Rivers Mid-Canterbury	8	<ul style="list-style-type: none"> Notes that the plan seems weak on the water quality problem which is the most important Notes that ADC must have a huge interest in this in must commit to ensuring that ECan do what needs to be done to improve the water quality in our lakes 	<ul style="list-style-type: none"> Noted, this is already intended as part of the plan, and is a key priority of the Ōtūwharekai working group
Watson, Ian and Maxine	13	<ul style="list-style-type: none"> Believes there must be other sources of pollution outside of ADCs control Believes this is ECan's responsibility under the Canterbury Water Management Strategy Notes that to achieve the goals of this plan it will require 100% commitment from the other organisations, and that the environment must have first priority 	<ul style="list-style-type: none"> There is an objective in the plan to 'work with key stakeholders to meet goals and vision of the plan'
Woods, Kim	10	<ul style="list-style-type: none"> Questions if there has been a study done on how often the toilets at the west end of Lake Camp have been emptied in the last few years, Believes that since the toilets have been installed at halfway, these toilets have become null and void and that the money may be better spent on improving camping ground facilities Notes that the greywater plan needs thorough investigation and education, one hutholder has had issues with a septic tank already 	<ul style="list-style-type: none"> No, there has not been a study undertaken in relation to these toilets
		<ul style="list-style-type: none"> Believes the plan needs to be more precise in terms of benefits to hutholders – e.g. playgrounds, tennis courts, cricket nets 	<ul style="list-style-type: none"> We are unsure what the demand is up there for these facilities but there are currently no plans or budgets to provide additional recreational facilities. A submission from the Hutholders requesting funding for this in next Annual Plan or LTP would be the way to progress this
Young, Helen and Gavin	3	<ul style="list-style-type: none"> Requests that the new toilets are placed behind the trees where the old ones were due to the smell. Notes that the old toilets did not smell, however, the new ones down the side of Lake Camp do even though they are cleaned regularly Questions if hutholders will have a say on location 	<ul style="list-style-type: none"> This has been forwarded to the Open Spaces team for consideration when the time comes to install the new toilets

		<ul style="list-style-type: none"> Suggests a small hole in the top of the skip bin that is only big enough to put household rubbish bags in 	<ul style="list-style-type: none"> This is something that will be looked into as part of the investigation into more efficient rubbish removal under action 2.2.4
Zwart, Sarah	9	<ul style="list-style-type: none"> Move the vision and goals more to the front of the plan 	<ul style="list-style-type: none"> We support the reasoning behind this however believe it is important that the context is provided first
		<ul style="list-style-type: none"> Notes that the plan does not specifically mention the role of surrounding land-use practices in the health of the lakes. Believes both bach holders and surrounding landowners should be held accountable for their role in the wellbeing of the lakes. Suggests including an objective as part of this 	<ul style="list-style-type: none"> Noted, this is not so much an ADC role, but is likely to be part of the work we do as a part of the Ōtūwharekai working group
Paton, John & Paula	12	<ul style="list-style-type: none"> Notes that hutholders also have a financial stake in the area 	<ul style="list-style-type: none"> Noted

1.3.2 Funding options

Vacant sections

Submitter name	Pg#	Summary	Staff comments
Hicks, Matthew	8	<ul style="list-style-type: none"> Believes there are not as many as 12 vacant sections and that some have never been surveyed and therefore do not formally exist Notes that the issues affecting the lakes and surrounding environment would only be made worse by increasing the number of lease sections if more were to be sold 	<ul style="list-style-type: none"> Of the 202 sites shown on the plans 17 sites have been retained by Council with no buildings upon them. Three sites have buildings, which are toilet block and Hall. Council had a surveyor produce a plan which shows the lease boundaries. Unless the sites adjoin sites with huts on none have been formally pegged
Paton, John & Paula	12	<ul style="list-style-type: none"> Questions where the vacant sections have come from Notes that as a LCHHA member it has been a long-time understanding that there are no further sections for sale, where have they suddenly materialised from? 	<ul style="list-style-type: none"> See comment above. Council made a decision in 2017 to sell 3 sections however this did not progress as the focus was on getting the survey work completed
Lake Clearwater Hutholders	17	<ul style="list-style-type: none"> Notes that the vacant sections within the settlement crucially serve as fire breaks 	<ul style="list-style-type: none"> Noted

Woods, Kim Hicks, Matthew Bruorton, Adair Lake Clearwater Hutholders Association	10	<ul style="list-style-type: none"> Disappointed to see that the sale of leases is still a possibility after strong feedback against this Believes the sale of lease sections should be last resort to raise money Does not agree with the consideration to sell leases as revenue generation, notes this is contrary to a lot of the feedback provided Disagrees with references to 'future development', cannot understand how Council believes it has the mandate what so ever to ever consider future development 	<ul style="list-style-type: none"> Council identified this is a funding option in the workshop and day trip, therefore officers have not made any changes to the draft plan in response to this feedback
	8		
	15		
	17		

Other

Submitter name	Pg#	Summary	Staff comments
Hicks, Matthew	8	<ul style="list-style-type: none"> Believes funding for activities such as new toilets should be collected through the general rate as it will mainly be used by non-residents 	<ul style="list-style-type: none"> This has not been specifically incorporated into the plan as the section on funding already mentions that Council will be looking into funding options (e.g. rating implications)
Lake Clearwater Hutholders Association	17	<ul style="list-style-type: none"> Suggests Council consider requiring a payment/donation by freedom campers towards administration costs (such as rubbish, maintenance of toilets) 	<ul style="list-style-type: none"> It would be too difficult to ensure a payment/donation is made
Marks, Carolyn	8	<ul style="list-style-type: none"> Would be very unhappy at a rise in rates as they are already high for the limited services that hutholders receive Believes that to pay for rubbish removal would be an insult to bach owners but notes that the skip at the camping ground may need a money slot for the lid to open 	<ul style="list-style-type: none"> This has not been specifically incorporated into the plan as we will be looking into different funding sources, and investigating different rubbish systems

18. Draft Climate Resilience Plan

Author	<i>Mel Neumann; Graduate Policy Advisor Richard Mabon; Senior Policy Advisor</i>
Activity Manager	<i>Toni Durham; Acting GM Business Support Strategy & Policy Manager</i>
GM responsible	<i>Jane Donaldson; GM Strategy & Compliance</i>

Summary

- In 2022, officers reviewed Council's Climate Change Policy. It was identified that some form of action plan was needed to help Council monitor progress towards the goals in the policy.
- On 6 April 2022 the reviewed Climate Change Policy was adopted, and Council resolved to develop a 'Resilience Action Plan' or similar, to give effect to the Climate Change Policy.
- Officers have now drafted this action plan, and the purpose of this report is for Council to consider and adopt the plan.
- Council has the following options:
 - Do not adopt the plan (status quo); or
 - Adopt the plan as attached in appendix 1 (recommended), or
 - Adopt an amended version of the plan.

Recommendation

1. **That** Council adopts the Draft Climate Resilience Plan attached in appendix 1.

Attachments

Appendix 1 Draft Climate Resilience Plan

Background

The current situation

1. Council currently has a Climate Change Policy, which was reviewed by officers and adopted by Council on 6 April 2022. When the Climate Change Policy was adopted, Council also resolved to develop a 'Resilience Action Plan' or similar, to give effect to the Policy.
2. During the review of the Climate Change Policy, a need was identified to have some form of plan or framework to ensure Council take the actions necessary to meet the goals of the policy.
3. A workshop was held with Councillors on 9 March, to discuss what this plan could look like.
4. With the discussion from the workshop in mind, officers have now drafted this plan and it is attached in appendix 1 of this report.

Options analysis

Option one – Do not adopt the plan (status quo)

- Council could decide not to adopt the plan. This is not the recommended option.

Advantages

- There are no advantages to this option.

Disadvantages

- Not in line with Council resolution
- Reputational risk of looking like Council is not doing enough
- This option does not attempt to alleviate issues identified.

Option two – Adopt the plan as attached (recommended)

5. Council could decide to adopt the plan as attached in appendix 1. This is the recommended option, because it has been developed in line with what was discussed at the Council workshop in March.

Advantages

- In line with Council resolution
- Attempts to alleviate issues identified.

Disadvantages

- There are no disadvantages to this option.

Option three – Adopt an amended version of the plan

6. It is acknowledged that Council may feel changes are necessary. Therefore, Council could decide to adopt an amended version of the plan.
7. If this was the preferred option, then officers would need to assess the significance of the proposed changes. If found to be significant, Council may be required to undertake consultation.

Advantages

- Opportunity to make changes that may have been missed.

Disadvantages

- Not in line with Council direction at the workshop
- May require resourcing for consultation.

Legal/policy implications

8. There is no specific requirement to have a Climate Resilience Plan.

Local Government Act 2002

9. Council is, however, legally obligated to take community wellbeing and future generations into account when making decisions (sections 10 & 14, Local Government Act 2002). This can be interpreted as a legal obligation to consider the impacts of climate change on the community, and the impact of the organisation on climate change. For this reason, a growing number of Councils are developing policies, plans and strategies for addressing climate change.

Climate Change Response Act 2002

10. Council is now legally required to report on climate change risks and adaptation planning upon request, as part of its contribution to national climate risk assessment and adaptation planning (Section 5ZW, Climate Change Response Act 2002, “the CRA”).
11. The CRA states that the Minister or Commission may request any or all of the following information:
 - (a) a description of the organisation’s governance in relation to the risks of, and opportunities arising from, climate change;
 - (b) a description of the actual and potential effects of the risks and opportunities on the organisation’s business, strategy and financial planning;
 - (c) a description of the processes that the organisation uses to identify, assess and manage the risks;
 - (d) a description of the metrics and targets used to assess and manage the risks and opportunities, including, if relevant, timeframes and progress;

(e) any matters specified in regulations.

Other duties

12. Council has duties under other enactments that are affected by climate change, or will be in future. These include duties under the Resource Management Act 1991, the Civil Defence Emergency Management Act 2002, the Building Act 2004, the Water Services Act 2021, and the Health Act 1956, amongst others.

Long-Term Plan 2021-31

13. The Long-Term Plan 2021-31 notes Council's commitment to increase resilience against climate change.

Strategic alignment

14. The recommendation relates to all four of Council's community outcomes:

- 'Residents are included and have a voice',
- 'A district of great spaces and places',
- 'A balanced and sustainable environment' and
- 'A prosperous economy based on innovation and opportunity'

because taking climate action will have a positive impact on all aspects of the community.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Climate change will likely have a huge impact on our local economy, for example, through effects on agricultural production. Planning and adapting to climate change will be important to protect the economic wellbeing of our district.
Environmental	✓	Taking action to reduce our emissions will have a positive impact on the environmental wellbeing of our district.
Cultural	✓	Climate change will likely have a huge impact on the cultural wellbeing of the district, for example through impacts on mahinga kai and connections to whakapapa. Planning and adapting to climate change will be important to protect the cultural wellbeing of our district.
Social	✓	Climate change will likely have a huge impact on our society, as impacts are likely to be unevenly distributed across different communities. Planning and adapting to climate change in an equitable way will be important to protect the social wellbeing of our district.

Financial implications

Requirement	Explanation
What is the cost?	There is no cost to adopting the plan. However there may be future budget implications to meet the actions of the plan.
Is there budget available in LTP / AP?	N/A for adoption of the plan.
Where is the funding coming from?	Existing budgets
Are there any future budget implications?	Depending on the actions taken in the future. This could be rates funding for operational expenditure, or Loan funding for resulting capital requirements.
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

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

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	This plan is of likely to be of high interest to mana whenua, however it does not relate to a strategic asset or have a high level of risk.
Level of engagement selected	Inform – one way communication. The community will be advised of the decision via public meeting minutes.
Rationale for selecting level of engagement	It is suggested that engagement with the community is not required, as most of the actions in the plan are considered business as usual. Mana whenua have been informed of the development of this plan through our regular hui.
Reviewed by Strategy & Policy	Toni Durham: Strategy & Policy Manager

Appendix 1

Ashburton District Council *Climate Resilience Plan* **2022**

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Introduction

Climate change is a global challenge. We want to play our part. This Climate Resilience Plan weaves together all of the climate change projects and actions that Council is currently undertaking, and plans to take over the next ten years.

Climate change action is a core part of local government business, and Ashburton District Council recognised this in 2019 with adoption of our first [Climate Change Policy](#).

Over the last few years, Council has advocated for national climate change action that is fit for purpose. This has been done through submissions to central government, from a local perspective. We have lodged submissions on the following consultations:

- Climate Change Commission draft advice to central government
- Pathways to net zero by 2050 – Ministry of Transport
- Natural and Built Environment – Ministry for the Environment
- National Adaptation Plan – Ministry for the Environment

Our Climate Change Policy was reviewed in early 2022, and Council identified the need to produce this plan in order to provide more clarity about Council's activities, together with accountability measures and the pathway Council will follow to implement the policy. On 6 April 2022, Council resolved to develop a Climate Resilience Plan. This document is the result.

Our reviewed policy focuses on enabling Council to respond to climate change in a more integrated manner. The objective of the policy is to:

- Ensure the sustainability of Council assets and services for the present and future resilience and well-being of the Ashburton District; and
- Enhance the resilience and preparedness of present and future Ashburton District households and businesses; and
- Manage the carbon emissions of the Council to provide an example of effective climate change mitigation for the District, and offer support and encouragement to businesses and households in their mitigation efforts.

As a provincial district, our approach to climate change is different to that of cities and urban districts. We have a strong economic reliance on agriculture, which provides jobs and income for many. Those economic foundations support Council and community investment in social, cultural and environmental well-being. At this point in time we also do not have the same options to reduce emissions that urban centres are pursuing such as increasing public transport. Therefore, this plan focuses on the opportunities that are available and suitable to Council and the Ashburton District.

About the Plan

Climate change is identified as a key issue in our Long-Term Plan. When we talk about resilience in the context of this plan, we are specifically referring to resilience to climate change.

In an uncertain future, resilience is an important requirement for success. Resilience is the ability to anticipate and resist disruptive events, minimise adverse impacts, respond effectively, maintain or recover functionality, and adapt in a way that allows for learning and thriving. In essence, it's about developing the ability to remain effective across a range of future conditions. This will be especially important with the many possible impacts from climate change. The Canterbury Climate Change Risk Assessment, published by the Canterbury Mayoral Forum in 2022, has identified that:

- It has been projected that there will be between 20 and 60 more hot days¹ annually by 2100. As summer temperatures get hotter, drought potential is likely to increase across most of Canterbury. With drier summers, the risk of wildfire will increase and it has been identified that rural areas will be more highly exposed. In Ashburton, the presence of irrigation networks helps to mitigate the risk of wildfire for land served by those networks.
- In winter, it is expected that rainfall will increase by 15-40%. Winter rainfall has the potential to be more strongly associated with storm events. Extreme weather events such as severe storms are also likely to happen more often.
- While an increase in both dry and wet conditions can appear contradictory, a changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of weather and climate extremes, and can result in unprecedented extremes. Our district has experienced drought and floods in the past, and these extreme events are expected to intensify.
- In terms of agriculture, increasing temperatures also poses risks of increased heat stress in stock, as well as increases in the occurrence of pests and invasive species. Increased drought potential may introduce a range of stresses, including impacting on water availability. Increased storms, wind and flooding may also increase erosion, and damage crops, pasture, stock and infrastructure.
- In addition to the challenges and risks presented by climate change, it may provide us with some opportunities. The increase in temperatures and reduction in cold days in winter could provide warmer living conditions in winter that reduce energy consumption and improve wellbeing, a longer growing season for horticulture, reduction in crop waste, growth of new crop varieties, increased water storage from winter rainfall, and less disruption to our transportation networks due to less snowfall and icy conditions. It is important that opportunities and risks are not considered in isolation, given the complexity of our economic, environmental and social systems. On balance the direct and transitional risks of climate change appear to outweigh the benefits identified so far.

¹ Hot days are defined as those over 25°C.

Why do we need a plan?

Council has a legal responsibility to promote the social, cultural, economic and environmental well-being of our community. It is anticipated that climate change will have an impact on all of these.

While Council has a Climate Change Policy in place, there is no framework to guide us towards reaching the goals of our policy. This plan provides the pathway needed for us to ensure the necessary actions are taken.

The plan aims to show the community what Council is doing in terms of climate change action, and also aims to provide a basis for the community to hold Council accountable for its decisions.

What does this plan include?

The action plan details the things we are currently working on and the things we expect to work on over the next ten years. This is Council's first Climate Resilience Plan, and will be reviewed regularly (three-yearly cycle), as discussed in appendix A.

This plan is intended to guide the actions and decisions of Ashburton District Council, in order to meet the goals of our Climate Change Policy, within the Ashburton District.

The plan was developed looking through a Council lens. We want to show that Council's own house is in order before we consider producing a plan that has a wider focus including the community or other organisations. Therefore, this plan does not apply to Ashburton District Council council-controlled organisations or private households and businesses except to the extent those organisations, households, and businesses are users of Council services and assets.

What is adaptation and mitigation?

Responding to climate change involves two complementary types of action: mitigation and adaptation. Mitigation of climate change is where we reduce greenhouse gas (GHG) emissions or enhance sinks (sequestration) of GHGs. Sinks are places that absorb more carbon than they give out. An example of mitigation is replacing conventional cars with electric or hybrid vehicles or planting trees to absorb GHGs.

Adaptation to climate change is the process of implementing actions to reduce actual or predicted negative impacts of climate change, for example preparing for more frequent outbreaks of fire by keeping flammable vegetation away from homes or investing in water storage for dry years. Adaptation seeks to moderate or avoid harm to people, the natural and built environments and infrastructure. It can also include finding ways to exploit beneficial opportunities, for example taking advantage of longer growing seasons as the climate changes.

Mitigation and adaptation are closely linked – the more we collectively take action to reduce GHG emissions at the global level, the better the chance that we will have fewer impacts to adapt to in the future. Some actions contribute to both areas, for example planting coastal vegetation absorbs carbon (mitigation) and also protects properties by stabilising coastlines (adaptation).

While this plan includes actions that have a mitigation approach, such as reducing Council's emissions, the plan has a stronger focus on adaptation. This is because while it is important that everyone do their part in terms of mitigation, we believe that we will have a larger impact from a local perspective by focusing on the protection of our assets and services we provide to the Ashburton District.

How has this plan been prepared?

This plan has been prepared following a stocktake of the things that we are already doing, and by looking at meaningful and achievable steps that we can take within existing resourcing. This is what we have included in our plan.

The plan considers the principles in our policy, including:

- Kaitiakitanga/Stewardship
- Anticipatory Governance
- Equity/Justice
- Informed decision-making
- Work as one
- Resilience

What do we have to think about?

Legislative changes

There is constant and rapid change in the climate change public policy space. The Climate Change Response Act 2002 itself has been amended four times since the Council adopted its first policy. Central Government has released both its Draft Emissions Reduction Plan and Draft National Adaptation Plan for consultation, the latter of which indicates there will be further legislative changes relating to the impacts of climate change. There are things that local government will need to take into account in future, such as increased flood risk for farming activity and urban development on the Canterbury plains and the National Policy Statement for Indigenous Biodiversity which will require Councils to ensure there are appropriate biodiversity corridors throughout the district.

There are also other changes occurring such as reforms to three waters, the resource management system, and a review into the future of Local Government. All of these changes may have a significant impact on Council's role, and therefore our ability to respond to climate change impacts and risks.

Scientific evidence

When developing and reviewing this plan it is important that we take into account the risks (and opportunities) posed by climate change. In 2022, the Canterbury Mayoral Forum released their [Canterbury Climate Change Risk Assessment](#). This document is the best up to date and localised science that we have available to assess the climate change impacts in the Ashburton District.

It is also important that we think about and keep up to date with new and improved science that is often coming to light. For example, the new [sea level rise information](#) released by the NZ SeaRise project has identified that sea level rise will be much faster than originally forecast in certain areas, due to the additional effect of land subsidence. On the Ashburton Coast, urban settlement is limited to hut settlements at the mouth of the Rakaia, Hakatere and Rangitata rivers. At the river mouths, tectonic movements are not forecast to hasten the effects of sea-level rise.

Covid-19

Covid-19 has had an impact on the way Council does things. For example, there has been a move to working more remotely and conducting more meetings and training virtually, therefore reducing vehicle and air transport emissions that may have been a part of our organisational carbon footprint.

The Plan

What is our vision?

Our vision:

“To be the District of choice for lifestyle and opportunity”

This vision links to the goals of this plan through our community outcomes:



Residents are included and have a voice
Ka whai wāhi, ka whakaputa kōrero kā
kainoho



A district of great spaces and places
He tiriwā pai, he wāhi pai i tēnei takiwā



A balanced & sustainable environment
He taiao toitū



A prosperous economy based on innovation and opportunity
He ōhaka whai rawa i ruka i te aroka hou
me te whai āheika

What are our goals?

Goal 1: Strive to understand climate change and what it means for the Ashburton District now and in the future, and create opportunities to share that knowledge with the wider community

Residents will have a stronger voice when we have better information about the risks and opportunities represented by climate change. This supports Council to advocate to Government for measures that are fit for purpose for our District. In terms of planned actions, this means (objectives):

- Keep up to date with climate change risks to the Ashburton District
- Inform the wider community of climate change updates

Goal 2: Ensure the sustainability of Council assets and services for the present and future well-being of the Ashburton District

Council assets and services underpin our economy, our spaces and places and our environment. Ensuring that our assets and services will meet community needs effectively and sustainably in a changing climate is critical to community well-being. This means (objectives):

- Investigate and implement opportunities for improving the energy efficiency and carbon footprint of Council services
- Investigate and improve the climate resilience of Council assets (including vested assets)
- Ensure that Council plans, strategies, policies and bylaws are fit for the future when viewed through a climate change lens
- Advocate on behalf of the Ashburton District in climate change matters

Goal 3: Enhance the resilience and preparedness of Ashburton households and businesses in the present and for the future

By enhancing resilience and preparedness, we can continue to enjoy a district of great spaces and places, and that our economy remains prosperous. This means (objectives):

- Council supports business resilience and preparedness
- Council supports household emergency preparedness
- We work with our local communities to roadmap local adaptation

Goal 4: [Reduce carbon emissions from Council activities](#)

Reducing the carbon emissions from our own activities will contribute to a balanced and sustainable environment. This means (objectives):

- Understand Council's current emission footprint
- Identify and implement measures to reduce emissions from Council activities

How will we reach these goals?

Goal 1: Strive to understand climate change and what it means for the Ashburton District now and in the future, and create opportunities to share that knowledge in the wider community

Objective	Action	By who	By when
1.1 Keep up to date with climate change risks to Ashburton District	1.1.1 Continue to support regional collaboration in response to climate change	Executive Team, Strategy & Policy Team	Ongoing
	1.1.2 Undertake a Local Climate Change Risk Assessment	Led by Strategy & Policy	Short term
1.2 Inform the wider community of climate change updates	1.2.1 Continue to be a part of and spread awareness of the 'It's Time Canterbury' campaign	Communications Team	Ongoing
	1.2.2 Ensure Council's climate change webpage is kept up to date	Communications Team, Strategy & Policy Team	Ongoing

Goal 2: Ensure the sustainability of Council assets and services for the present and future well-being of the Ashburton District

Objective	Action	By who	By when
2.1 Investigate and implement opportunities for increasing sustainability	2.1.1 Form an internal Energy Management Group to investigate and implement energy savings	Executive Team	Ongoing
	2.1.2 Assess Council buildings and investigate the viability of solar panels	Property Team	Medium term
	2.1.3 Continue investment in biodiversity	Open Spaces Team	Ongoing
2.2 Investigate and improve resilience of Council assets	2.2.1 Invest in climate-resilient core infrastructure	Assets Team, Roding Team, Projects & Operations Team	Ongoing
	2.2.2 Investigate a requirement for developers to provide climate-resilient infrastructure	Planning Team, Assets Team	Short term
	2.2.3 Use sustainable design in major projects	Led by Projects & Operations Team	Ongoing
2.3 Ensure that Council plans, strategies, policies and bylaws are fit for the future when viewed through a climate change lens	2.3.1 Incorporate climate change into Council's report template and guidance to report writers	Strategy & Policy Team	Short term
	2.3.2 Provide information and training to staff and elected members on climate change issues	Strategy & Policy Team	Ongoing
2.4 Advocate on behalf of the Ashburton District in climate change matters	2.4.1 Respond to Government and other agencies when they seek feedback on climate related proposals	Council, Strategy & Policy Team	Ongoing
	2.4.2 Pro-actively advocate on issues of concern to the Ashburton District	Council, Strategy & Policy Team	Ongoing

Goal 3: Enhance the resilience and preparedness of Ashburton households and businesses in the present and for the future

Objective	Action	By who	By when
3.1 Council supports business resilience and preparedness	3.1.1 Develop a Resilient Business Plan	Economic Development Team, with Ministry of Primary Industries	Medium Term
3.2 Council supports household emergency preparedness	3.2.1 Develop community response plans for all Ashburton communities and review existing plans	Emergency Management Team	Ongoing
3.3 We work with our local communities to roadmap local adaptation	3.3.1 Develop a district adaptation plan	Led by Strategy & Policy Team	Medium Term

Goal 4: Reduce the carbon emissions from Council activities

Objective	Action	By who	By when
4.1 Understand Council's current emission footprint	4.1.1 Commission a carbon footprint analysis for Council activities	Executive Team	Short term
4.2 Identify and implement measures to reduce emissions from Council activities	4.2.1 Develop an emissions reduction plan for Council activities	Energy Management Team	Medium term
	4.2.2 Implement the emissions reduction plan and report progress annually	Energy Management Team	Ongoing

Appendices

Appendix A - Monitoring and review

Monitoring and reporting

The progress of actions and projects outlined in the plan will be monitored. If any actions or projects become unfeasible, they may be removed. New actions and projects can be added and approved by Council as required. A report on progress on the plan's implementation will be prepared as part of Council's overall six-monthly reporting.

Community satisfaction

It is recommended that a question about Council's climate change action is added to the Annual Resident's Survey to capture more data.

Review

The plan should be reviewed alongside the Climate Change Policy, every three years or as required to coincide with Council's Long-Term Plan. This review cycle reflects the need to maintain alignment with national programmes, legislation and related projects regionally and locally.

Appendix B - Glossary of terms

Below is a glossary of terms in the context of this plan.

Adaptation means:

- in human systems, the process of adjustment to actual or expected climate and its effects, to moderate harm or exploit beneficial opportunities
- in natural systems, the process of adjustment to actual climate and its effects

Climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

Greenhouse gases (also known as GHGs) are gases in the earth's atmosphere that trap heat. The main greenhouse gases are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulphur hexafluoride (SF₆), hydrofluorocarbons and perfluorocarbons.

Mitigation means a human intervention to reduce greenhouse gas emissions or enhance the sinks of greenhouse gases.

Resilience means the capacity of social, economic and environmental systems to cope with a hazardous event or trend or disturbance, responding or reorganizing in ways that maintain their essential function, identity and structure while also maintaining the capacity for adaptation, learning, and transformation.

19. Water Race Network Fish Screens

Author *Andy Guthrie; Assets Manager*
GM responsible *Neil McCann; Group Manager Infrastructure Services*

Summary

- The purpose of this report is to seek Council approval of proposed actions in response to current non-compliances on our water race network consents.
- In May Environment Canterbury issued Council with a formal warning regarding the fish-screen non-compliance.
- The fish screens for three intakes (Brothers, Methven Auxiliary, & Pudding Hill) were required to be operational by 27 February 2015.
- They are seeking that Council confirm by 1 September 2022, which of the subject intakes are to close and which are to be retained.
- The report presents various options to respond to the formal warning.

Recommendation

That Council approves:

- 1) Advising Environment Canterbury of the probable closure of the Pudding Hill intake, and retention of the Brothers and Methven Auxiliary intakes;
- 2) Commencement of detailed design of fish-screening infrastructure on the two intakes indicated for retention; and
- 3) No commitment being made to construction at this time.

Attachment

Appendix 1 ECan formal warning advice

Background

The current situation

1. Council holds a number of resource consents for the water race network, covering abstraction, discharge and land use.
2. Two of the abstraction consents contain conditions requiring fish screening infrastructure to be installed.
3. The fishscreens were required to be installed and operating by 27 February 2015.
4. The specific sites are the Brothers Intake on the South Ashburton ([CRC169502](#) condition 3) and the Methven Auxiliary and Pudding Hill Intakes ([CRC213528](#) condition 4).
5. At one stage Council made budget provision to install fish screening infrastructure on the intakes noted.
6. The budget was based on construction of rock weir type infrastructure. At some time subsequent to this, ECan advised that rock weirs were no longer considered to be an effective fish screening solution.
7. This change means that the fish screening solution is likely to be significantly more expensive to construct, and once complete, maintain operational compliance.
8. Our approach since this time has been to defer the installation of this infrastructure given that the network is contracting and the affected intakes may ultimately cease operating.
9. However, in May this year, Environment Canterbury issued Council with a formal warning in regard to the absence of compliant fish-screens on these intakes. It is implied that the formal warning may be a pre-cursor to more severe enforcement action.
10. As an interim requirement, Environment Canterbury has sought that Council “...identify which intakes are closing and which intakes will require a fish screen by September 1st 2022”.
11. At this point in time, the investigations being undertaken on the Pudding Hill intake closure are not advanced enough to say with certainty that it will close.
12. While officers remain optimistic that closure may proceed, any decision by Council to progress closure will be subject to a special consultative procedure (a statutory process) and then reconsidered again by Council at the conclusion to that process.

13. In regard to the Methven Auxiliary and Brothers intakes, officers have been in very preliminary discussions with local irrigation company representatives.
14. The companies have expressed tentative interest in arrangements that could see intake infrastructure operated directly by the companies.
15. It is important to stress, these discussions are very early stages and no firm proposals have been developed or received at this point in time.
16. With the prospect that the Methven Auxiliary and Brothers intakes may continue in a similar or reduced form, albeit potentially with a different operator; and noting that officers remain optimistic that Pudding Hill intake closure may ultimately be feasible - our position to be relayed to Environment Canterbury may be that Council envisages:
 - the eventual closure of the Pudding Hill intake; and
 - retention of the Brothers and Methven Auxiliary intakes.
17. Council could reinforce this position by committing to detailed design only of fish screening infrastructure for the two intakes that may be retained.

Options analysis

Option one – advise probable closure of Pudding Hill intake, retention of others, commit to design [recommended option]

18. Under this option officers will advise Environment Canterbury of the:
 - probable closure of the Pudding Hill intake, and the
 - expected retention of the Brothers and Methven Auxiliary intakes.
19. In order to underline Council intentions, Council could also commit to detailed design in the 2022/23 year of a fish screening structure at the sites to be expected to be retained.
20. Detailed design could be funded from the capital budget provision set aside for the original fish-screening project (to be carried forward from the 2021/22 year).
21. Once the detailed designs are completed, engineering estimates for the construction of the infrastructure could then be prepared. This information will ultimately be critical for the irrigation companies as part of any due diligence process that may come later.

Option two – advise retention of all intakes (no commitment to design)

22. The formal warning has only sought that Council identify which intakes will be closing and which will require a fish-screen.
23. Under this option, Council advises Environment Canterbury that all intakes will be retained, and we wait and see what the compliance agency does next.

Option three – advise retention of all intakes (commit to design)

24. This option is the same as option two, but includes making a commitment to detailed design only for all three intakes.

Option four - seek an time extension to confirmation of intake future

25. This option, simply involves writing back to Environment Canterbury prior to the 1 September deadline seeking an extension of time to advise the future of the intakes affected.
26. Officers could cite the need to complete the investigations already underway on the Pudding Hill intake closure.

Analysis

	Advantages	Disadvantages	Risks
<p>OPTION 1</p> <p>advise probable closure of Pudding Hill, retention of others, commit to design</p> <p>[Recommended Option]</p>	<ul style="list-style-type: none"> • Addresses formal warning request. • Emphasises Council's commitment to address the non-compliance. 	<ul style="list-style-type: none"> • Commits Council to expenditure for infrastructure that may not be built. • Moderate cost – est. \$135,000 	<ul style="list-style-type: none"> • Design costs may be wasted. • May not be feasible to close Pudding Hill intake.
<p>OPTION 2</p> <p>- advise retention of all intakes (no commitment to design)</p>	<ul style="list-style-type: none"> • Addresses formal warning request. • No cost - \$0 	<ul style="list-style-type: none"> • Does not impart a willingness to address base non-compliance. 	<ul style="list-style-type: none"> • May antagonise consenting authority. • May result in imposition of unreasonable timeframes to remedy.
<p>OPTION 3</p> <p>- advise retention of all intakes (commit to design)</p>	<ul style="list-style-type: none"> • Addresses formal warning request. • Emphasises Council's commitment to address the non-compliance 	<ul style="list-style-type: none"> • Commits Council to expenditure for infrastructure that may not be built. • Highest cost – est. \$202,500 exceeds available budget provision. 	<ul style="list-style-type: none"> • Increased likelihood that design costs are be wasted.
<p>OPTION 4</p> <p>- seek an extension to confirmation of intake future</p>	<ul style="list-style-type: none"> • Provides opportunity to advance investigations. • Eventual response may be more accurate. • No cost - \$0 	<ul style="list-style-type: none"> • Does not impart a willingness to address base non-compliance. 	<ul style="list-style-type: none"> • May antagonise consenting authority. • May result in imposition of unreasonable timeframes. • May result in further enforcement actions. • May lead to reputational damage.

Legal/policy implications

Resource Management Act

27. The matter relates to a condition of a resource consent which we are currently non-compliant. As such Council risks compliance action in accordance with the RMA.
28. It must be recorded, that up until this point, Environment Canterbury has been extremely understanding and patient in regard the fish screening issue.
29. Environment Canterbury advise within the formal warning that “...*Formal enforcement action available to Environment Canterbury includes Abatement Notices, Infringement Fines (penalties between \$300 - \$1000) or Prosecution (fines up to \$300,000 [individual], \$600,000 [company]). The action taken is dependent on the seriousness of the alleged offence*”.

Strategic alignment

30. The recommendation relates to Council’s community outcome of “A balanced & sustainable environment” because ultimately it will be going towards addressing an on-going water abstraction non-compliance.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	At the heart of the current non-compliance, there has been a strong desire to avoid wasted expenditure and the creation of soon-to-be-redundant infrastructure. The commitment to design only at this point, is also with that aim at the forefront.
Environmental	✓	The eventual creation of fish screens if that is ultimately where we land, will have some environmental benefits through keeping fish in the main rivers.
Cultural	✓	All three intakes source water from the Ashburton River catchment which is important to Rūnanga and a statutory acknowledgement area.
Social	✓	There has been criticism of Council over the recent years due to the absence of fish screening infrastructure. While this report may take us closer to potentially installing such infrastructure, Council has contended that if there was a chance that the intakes would close, that also would be a significant benefit for sports fishery activities on our rivers.

Financial implications

31. The proposed budget source is the funding that was already allocated for the construction of the less expensive rock weir fish screens.

32. This has been carried forward previously and we proposed to carry the funding forward again into the 2022/23 year to meet the design costs indicated in the recommended option.

Requirement	Explanation
What is the cost?	\$135,000 - Fish screen design only.
Is there budget available in LTP / AP?	Yes.
Where is the funding coming from?	Stockwater New Capital 248-51003 – total amount available \$148,473 [To be carried over from 2021/22 Year]
Are there any future budget implications?	No. Not without further reconsideration by Council.
Reviewed by Finance	<i>Erin Register; Finance Manager.</i>

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	Inform – 1 way communication
Rationale for selecting level of engagement	This is a RMA compliance matter and as such there little to no discretion in regard to how Council responds to the matter.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

4 May 2022

Ashburton District Council
PO Box 94
Ashburton 7740



Customer Services
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200 Tuam Street
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E. ecinfo@ecan.govt.nz
www.ecan.govt.nz

Dear Sir/Madam

CRC169502 & CRC213528 FORMAL WARNING: Failure to install a fish exclusion device

A site inspection was undertaken for CRC169502 and CRC213528 in March 2022. This identified a significant non-compliance with condition 3 of CRC169502, and condition 4 of CRC213528, relating to the installation of fish exclusion devices at the stockwater intakes. The scale of and lack of substantive action in relation to resolving this non-compliance is considered to warrant the issuing of this Formal Warning.

We request that Ashburton District Council identify which intakes are closing and which intakes will require a fish screen by September 1st 2022.

Circumstances

Condition 3 of Resource Consent CRC169502 and Condition 4 of CRC213528 are identical apart from the referenced intakes and state:

3. *The consent holder shall, within three years of the first exercise of this consent, design, construct and commission a fish exclusion device to be applied near, at or within, the Brothers intake or diversion channel (Methven Auxillary and Pudding Hill intakes or diversion channel under CRC213528) subject to:*
 - a. *Water shall only be taken when a fish exclusion device with the following design criteria, or a device that achieves the same, or better, level of fish exclusion effectiveness is operated and maintained across the intake to ensure that fish and fish fry are prevented from passing through the intake.*
Design criteria: a maximum mesh width and height size of three millimetres or slot width of two millimetres.
 - b. *The fish exclusion device shall be positioned to ensure that there is unimpeded fish passage to and from the waterway and to avoid the entrapment of fish at the point of abstraction, and to minimise the risk of fish being damaged by contact with the face of the exclusion device.*
 - c. *The fish exclusion device shall be designed and installed to ensure that:*
 - i. *No less than 50 percent of the exclusion device surface is oriented parallel to the direction of water flow.*

- ii. *Where practicable, the exclusion device is positioned in the water column a minimum of 300 millimetres above the bed of the waterway and a minimum of one exclusion device radius from the surface of the water.*
 - iii. *The approach velocity perpendicular to the face of the exclusion device shall not exceed 0.06 metres per second if no self-cleaning mechanism exists or 0.12 metres per second if a self-cleaning mechanism is operational.*
 - iv. *The sweep velocity parallel to the face of the exclusion device shall exceed the design approach velocity.*
- d. *The fish exclusion device shall be designed or supplied by a suitably qualified person who shall ensure that the design criteria specified in condition (a) –(c)(iv) of this consent is achieved. Prior to the installation of the fish exclusion device, a report containing final design plans and illustrating how the fish exclusion device will meet the required design criteria, and an operation and maintenance plan for the fish exclusion device shall be provided to the Canterbury Regional Council, attention RMA Compliance and Enforcement Manager.*
- e. *A certificate shall be provided to the Canterbury Regional Council by the designer or supplier of the fish exclusion device to certify that the fish exclusion device has been installed in accordance with the details provided to the Canterbury Regional Council in accordance with condition (d) of this consent.*
- f. *The fish exclusion device shall be maintained in good working order. Records shall be kept of all inspections and maintenance, and those records shall be provided to the Canterbury Regional Council upon request.*
- g. *The consent holder shall supply annually in November each year an update to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, on the progress of installing fish exclusion devices, until required devices are in place.*
- h. *In the event of a fish exclusion device becoming damaged or ineffective, the consent holder shall, within 24 hours of becoming aware of the failure of the device, notify the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, of the situation, the action that will be taken, as soon as practicable, to correct the failure, and the timeframe within which the repairs will be completed.*

CRC169502 (parent CRC012123) was first exercised on 28 February 2012. CRC213528 (parent CRC012031) was first exercised on 18 January 2013. In order to comply with condition 3 of CRC169502 and condition 4 of CRC213528, Ashburton District Council needed to install fish exclusion devices at the Brothers intake by 28 February 2015 and at the Methven Auxillary and Pudding Hill intakes by 18 January 2016. As of 8 April 2022, fish exclusion devices have not been installed on any of these intakes.

The failure to comply with condition 3 of Resource Consent CRC169502 and condition 4 of Resource Consent CRC213528 constitutes a **contravention of, and an alleged offence under, the Resource Management Act 1991.**

Formal Warning

Please be aware that, in order to manage the use of water in the region, Environment Canterbury may take formal enforcement action for continued, repeated or deliberate non-compliance of this nature to motivate future compliance. Formal enforcement action available to Environment Canterbury includes Abatement Notices, Infringement Fines (penalties between \$300 - \$1000) or Prosecution (fines up to \$300,000 [individual], \$600,000 [company]). The action taken is dependent on the seriousness of the alleged offence.

The overall circumstances of this alleged offence have been considered by Environment Canterbury as warranting a Formal Warning.

The decision to issue a Formal Warning means no formal enforcement action will be taken in this instance. However, this warning will be considered and referred to should further offending be identified. Please be aware that formal enforcement action may be pursued by Environment Canterbury if offending of this type and scale is identified in future.

If you require any further details concerning this letter, or assistance with action to reach compliance, please contact me on 027 275 5430.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Annabel Bassett'.

Annabel Bassett

Resource Management Officer II - Compliance Monitoring

17 August 2022

20. Ashburton Car Club - Road Closure

Author	<i>Tayla Hampton; Applications Officer – Roading</i>
Activity Manager	<i>Mark Chamberlain; Roading Manager</i>
GM Responsible	<i>Neil McCann; Group Manager – Infrastructure Services</i>

Summary

- This report considers an application from the Ashburton Car Club for a temporary road closure of sections of Winslow Willowby Road on 10 September 2022 to hold the Standing ¼ Mile Sprint event.
- This report outlines the benefits and risks to be taken into consideration on whether to approve or decline the road closure.
- The Ashburton Car Club has run car racing events safely and successfully for over 17 years. Their events are well organised and risks are identified and managed appropriately 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.
- 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.
- Officers are satisfied that the Ashburton Car Club can meet these expectations, as they have repeatedly done so for many years. This event requires no detours and the roads concerned do not experience high traffic volumes. For these reasons, Officers recommend the request be approved.
- Objections close on 31 August 2022 and Council will be updated of any submitted objections.

Recommendation

That Council permit the following roads to be closed from 9.00am Saturday 10 September 2022 until 4.00pm the same day to allow the Standing ¼ Mile Sprint event to be held:-

WINSLOW WILLOWBY ROAD, approximately 500 metres away from State Highway 1 to Longbeach Road.

Background

1. The Ashburton Car Club has applied to Council for a temporary road closure to allow them to hold the Standing ¼ Mile event.
2. This event has been advertised with a period of time for objections to be submitted. No objections have been currently been received with the objections period closing on 31 August 2022.
3. The required insurances and traffic management plan have been received.
4. This application must be considered by Council under Paragraph 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 motor sport events under the Local Government Act, as event participants may be under 16 years of age.

Options analysis

Option 1 – Approve Road Closure (Recommended)

5. 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.
6. Ashburton Car Club has a strong record of safe and successful management of these events in the district for over 17 years.
7. The responsibility for risk free operation lie with the organisers and all contingencies are covered in the conditions of closure.
8. The road condition will be inspected by Roading staff before and after the event. Staff are confident that the asset will be returned to its pre-existing condition after the event.
9. For these reasons, Officers recommend Option 1

Option 2 – Decline Road Closure

10. This is not preferred.
11. As mentioned in Option 1 these events have been held for a number of years without incident and are well supported by the local community. Many people look forward to these types of events and they provide a positive attraction to the Ashburton District.

Legal/policy implications

12. 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.”

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

Financial implications

14. There are no financial implications.

Requirement	Explanation
What is the cost?	No costs incurred 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?	No
Finance review required?	Erin Register; Finance Manager.

Requirement	Explanation
Is the matter considered <i>significant</i> ?	No
Level of significance	Medium
Level of <i>engagement</i> 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	Richard Mabon, Senior Policy Advisor

Significance and engagement assessment

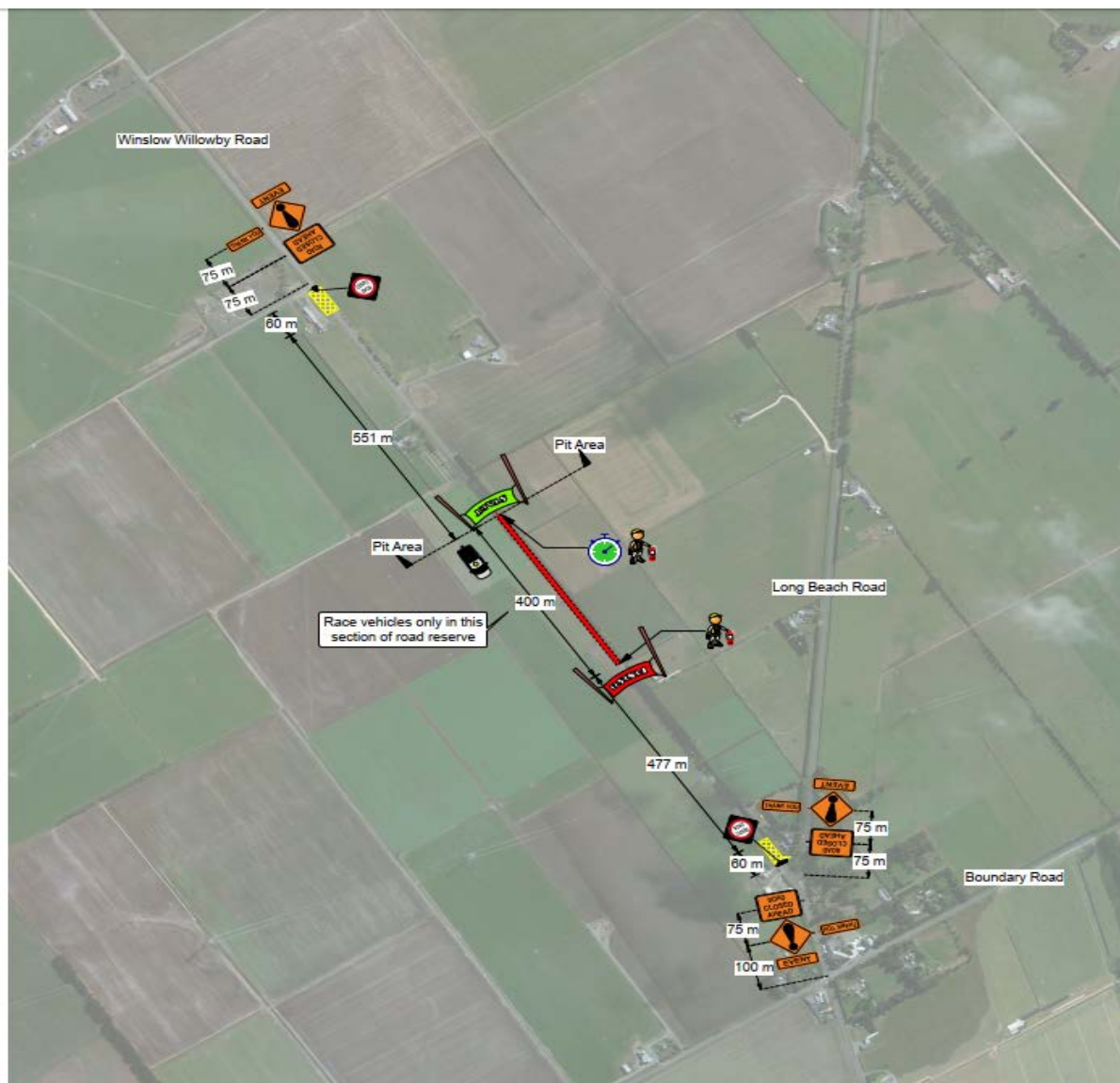
15. Property owners in the affected areas have been approached and letters dropped off so they are aware of the road closures and the event.

16. The event has also been publicly notified.
17. Other local organisations are actively involved with marshalling, security etc.
18. Emergency services are provided with copy of road closure information after approval has been given.
19. There will also be publicity around this road closure due to the normal media coverage of public meeting agenda items.
20. The advance communications and notifications are consistent with the overall significance of this decision and the legal requirements.

Next steps

Date	Action / milestone	Comments
17 August 2022	Council make a decision to approve or decline road closure	If approved and there are no objections the event will proceed as planned.

Appendix 1



21. *Future Operation of Rangitata Camping Ground*

Author *Colin Windleborn; Commercial Manager*
GM responsible *Toni Durham; Acting GM Business Support*

Summary

- The purpose of this report is decide on how the Rangitata Camping Ground will be operated in the future in order to provide a level of service which is financially prudent.

Recommendation(s)

- 1. That** Council reduces the Rangitata Camping Ground season for 2022/23 to 1 September 2022 to 1 May 2023,
- 2. That** Council commences recruitment for the Rangitata Camping Ground Managers forthwith.

Background

The current situation

1. At the Council meeting on 6th April 2022 Council considered a report on the operation of the Rangitata Camping Ground with a decision made that the Camping ground would be closed from 1st May 2022 until 1st August 2022 until alternative options can be more fully investigated and implemented.
2. In the past Council employed 2 camp caretakers to undertake the duties of cleaning the public toilets as well as collect fees, maintain the grounds, operating the camping ground and cleaning of the camping ground facilities.
3. The caretakers each received a retainer of five hours of work each week for 52 weeks of the year managing the camping ground, with additional hours (7-13 per week) for cleaning the public toilets & mowing. Their contract also provided the opportunity for a quarterly bonus of 15% each of the gross income of the camping ground. The retainer would be deducted from the bonus.
4. Over the past few years camping ground income has diminished to the point where there is insufficient income to trigger the threshold bonus.
5. This provided operational problems with respect to Council being a good employer while balancing an operational deficit.
6. The camping ground has fixed expenses which Council will incur for its operation for the majority of the options: provision of water, power, mowing of grounds cleaning of public conveniences.
7. There are 2 major costs which are occurring at present being the annual maintenance of trees presently at \$8-15,000 with an alternative being looked at which will reduce this and upgrade of 10 power boxes with a cost of approximately \$1,500 per box - \$15,000 total. If the unspent budget is carried through to the current year then this work can be completed with no additional budget needed in subsequent years.
8. When the camping ground fees were revised in 2021 campers modified their behaviours by setting up camp earlier Saturday morning vs Friday night to reduce their costs. A set of rules has now been drafted to cover the operation of the camp and charges.
Appendix One.

Options analysis

Option one – Status Quo and advertise for a full time manager(s)

Advantage

9. The camp would remain open all year, there would be a need to change the bonus system to ensure that a bonus is capable of being obtained or alternatively pay a greater remuneration and no bonus.
10. The public would see no change apart from tightening up of the operation of the camping ground with respect to check in check out times along with what Council is providing to each site.

Disadvantage

11. The income would not be sufficient to meet the outgoings and more reliance on rates would be needed.
12. Recruitment would be extremely challenging due to the low turnover/payment and narrow recruitment opportunity due to the requirement to live on site in your own accommodation year round. Given the 7 day a week operation, management couples are preferred to allow for sufficient time away, or alternatively a relief worker would be required.

Option two – Reduce the opening of the camping ground from 18th August 2022 to 1st May 2023 and engage a manager(s) *(Recommended)*

21. There has been discussion with 2 people who have huts at Rangitata who have shown an interest in undertaking the duties of Caretaker as well as Groundsman.
22. If the office was available 21 hrs per week and grounds took 4 hrs per week with the camping ground open 40 weeks in the year at \$25 per hr then the cost would be \$25,000. Income based on the 2021-22 financial year was \$22,300.
23. The draft rules when applied will make it clearer as to what is paid for each site and what hours these fees are applicable from.

Advantage

24. There would be less reliance on rates and overheads such as electricity/ wages/ cleaning would decrease for the period the camping ground is closed with this improving if the manager was living off site.
25. The public toilets would remain open and would require cleaning based on need, currently this is once every two weeks during winter.

Disadvantage

26. There would need to be recommissioning of the camping ground when the season opens.
27. There may be some vandalism of the site if no one is on site to monitor this behaviour.
28. A small amount of maintenance of the grounds may be needed during the closure.
29. There may be some pushback from the public.
30. There would be some loss in income.
31. Extremely challenging due to the low turnover/payment and narrow recruitment opportunity due to the requirement to live in your own campervan 9 months of the year.

Option Three – Tender the operation of the camping ground

Advantage

32. Council would have no involvement in the operation of the camping ground apart from setting operation and performance standards.
33. There is the potential that time spent in administration of the site would diminish.

Disadvantage

34. Councils have experienced difficulty in the past with tendering of camping grounds. The current financial situation and this location would not likely to work in our favour.
35. The overhead component of the camping ground budget would still be incurred and would require a spread of these over other budgets.

Option Four – Close the camping ground and revert to freedom camping

Advantage

36. Operating costs would reduce, however there would still be some costs related to mowing lawns, cleaning toilets and tree trimming.

Disadvantage

37. There would still be some maintenance of facilities.
38. Administration costs could possibly increase particularly if there is anti-social behaviour at the site.
39. There may be some pushback from regular users of the site.

Option Five – Sell the camping ground

Advantage

- 40. Council would have no involvement in the site.
- 41. Council would receive income from the sale.

Disadvantage

- 42. Further costs would be incurred to investigate whether the site could be sold i.e. status check, subdivision to provide access to the river, valuation, public consultation.
- 43. There may be some pushback from members of the public.

Legal/policy implications

Camping Ground Tiers

- 44. Council effectively has different tiers of camp grounds based on the type of services available for fee paying camping grounds.
- 45. A first tier camping ground is Tinwald Holiday Park, whereas South Rakaia /Lake Clearwater are tier 3 with toilets and potable water supplied.
- 46. The recommendation in this report would provide make the Rangitata Campground a tier two camping ground.

Strategic alignment

- 47. The recommendation relates to Council's community outcome of providing a great space and place.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Closing the ground when there is little income makes the facility more financially sound.
Environmental	✓	Council would be providing toilet and waste disposal which may not be in an approved manner if minimum facilities are not provided.
Social	✓	Provided a place where residents and visitors to Ashburton can participate in recreation and social activities.

Financial implications

48. The camping ground has been showing a decline in revenue with the reliance on rates increasing.

Requirement	Explanation
What is the cost?	There may be some increase in the salary and wages.
Is there budget available in LTP / AP?	Yes.
Where is the funding coming from?	Existing budgets
Are there any future budget implications?	Yes.
Reviewed by Finance	Erin Register; Finance Manager.

Significance and engagement assessment

49. The recommendation is an operational matter in order to improve the financial viability of the camping ground by reducing the opening months.

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	N/A
Level of engagement selected	Inform – The community will be informed of Council's decision via the usual media channels.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Appendix One – Draft rules

Rangitata Camping Ground Rules **DRAFT**

Welcome to the Rangitata Camping Ground and thank you for joining us. In order for our Camping Ground to be enjoyed by all those here and to keep our Camping Ground safe, we set out below our Camping Ground Rules which apply to all those using our Camping Ground.

General Rules

1. This is not a party venue. Please respect others. If you are under the age of 18 you must be accompanied by a parent. Reasonable behaviour is expected at all times, with absolute quietness from 10.30pm to 7am. Music systems are to be kept at a non-obtrusive level during the day and switched off between 10.30pm and 7am. There will be no refunds for eviction.
2. Campers must report to the office before occupying a site.
3. Check in is from 2 pm. Check out is by 10am. A late fee of \$20 will be applied to any campers leaving between 10am – 2pm, after 2pm a full night's tariff will be charged.
4. Campers wanting to set-up before 2pm will be charged a full rate tariff for the previous night.
5. Vehicles cannot enter the Camping Ground between the hours of 11pm to 6.30am.
6. Alcohol is only permitted to be consumed on your allocated site. Alcohol is not to be consumed elsewhere within the Camping Ground. Responsible consumption of alcohol which does not annoy, upset or offend others is permitted. Excessive drinking and parties which disrupt others are not permitted.
7. Misconduct, Profanity, Theft, Vandalism and Abuse towards Staff will not be tolerated. There is zero tolerance for graffiti. Offenders will be evicted without refund of any payments made. Reparation for any damage caused will be deducted from the credit card on file or required by the primary guest.
8. Visitors must report to the office on arrival and pay any applicable charges. Pay before you stay not on departure.
9. Site holders are responsible for the behaviour of any person or visitor on their site.
10. Dogs are not permitted in this Camping Ground. Anyone found with a dog will be asked to remove it or leave immediately. Animals are not permitted in the Camping Ground or facilities.
11. Our sites will comfortably fit one average size caravan, awning and one car or one large tent, trailer and one car per site. Should you plan to bring more than this for your holiday with us, you can park the second vehicle in our visitor car park.
12. All Caravans/Camper vans must have a current electrical warrant of fitness. Power leads must be a minimum of 10m in length. Must provide own waste container and empty chemicals toilets in an approved dump station away from the site as no dump station is provided.
13. Day visitors must report to reception on arrival. Day visitors are the ultimate responsibility of the registered guest and must leave quietly before 9pm. Vehicles are to be parked outside the Camping Ground entrance. Please be aware that facilities are for our paying guests and in fairness to all guests we reserve the right to limit and remove visitors at Management discretion.
14. Please report any breakages or damages in the Camping Ground grounds. Anyone found liable for damage or breaking Camping Ground rules, terms and conditions in the Camping Ground will be charged.

15. As a reminder please ensure that you keep all valuables secure. Put away recreation equipment, lock your doors and ensure all vehicles are secure.
16. Parental control is expected. No bikes, scooters or skateboards are to be used after 8pm and children are not to be left unattended after 10pm. This means that children will be told to return to their site if found roaming or congregating in the Camping Ground grounds after this time, if they refuse, Management (or their agent) reserves the right to physically escort them to their site. If children do not tell staff/security who they are they will be physically escorted from the property and will be refused re-entry into the Camping Ground. We have a zero tolerance policy and should anyone contravene the Camping Ground rules, the family's holiday will be terminated immediately the following morning.
17. Credit card details will be held for 14 days after departure in our secure pay booking system for all bookings in case of damages.
18. We do not accommodate long term (other than the seasonal 49 day stay) or permanent stays as the camping ground is seasonal and is closed after the season.

Health & Safety Rules

All visitors to the Camping Ground have an obligation to take responsibility for their own health and safety. In order to do so, we ask that the following rules be adhered to:

1. You must refrain from any practice that may endanger the health and safety of yourself and any other person.
2. You must report any hazards.
3. All roads throughout the Camping Ground are a shared zone. Driving speed is walking pace only. Speeding will not be tolerated.
4. Off street riding of motorcycles is not permitted within the Camping Ground unless going to the beach, or the adjoining forest area.
5. No fires are permitted in the Camping Ground or on the beaches.
6. No fireworks are permitted in the Camping Ground as they have the potential to cause danger and damage.
7. Do not empty chemical toilets, porta-loos or toilet cassettes in any Camping Ground building. Please use the dump stations located in the nearby towns.
8. All caravans must be in designated areas as directed by the Camping Ground Manager or Camping Ground Staff.
9. All caravans must have a current electrical warrant of fitness and be disconnected from the power supply when not in use.
10. You must advise the office before moving any caravan and take the utmost care when moving a caravan. When moving a caravan, it is recommended that a 'spotter' be used to assist with the backing up and Camping Grounding of a caravan. If assistance in this regard is required, please notify the office or any Camping Ground staff member.

By booking with us you are agreeing to these terms and conditions.

The camping booking be cancelled at any time by the Camping Ground Manager for the non-observance of these rules.

No refunds will be given.

21. *Camrose Subdivision - Naming of Park*

Author	<i>Ian Hyde, District Planning Manager</i>
Activity manager	<i>Ian Hyde, District Planning Manager</i>
Group manager	<i>Jane Donaldson, Group Manager Strategy and Compliance</i>

Summary

- The purpose of this report is to name a park to vest in Council as part of the multi stage subdivision known as Camrose, in Methven. The subdivision is located between SH77, Barkers Road and Holmes Road in the west of the township.
- The subdivision is included as an outline development plan in the Ashburton District Plan and the original subdivision SUB10/0045 has been followed by several others as the development progressed.
- The applicants have suggested the following names:
 - *Natalie Currie Reserve*
 - *Alan Hepburn Reserve*
 - *Holmes Reserve*
- The proposed names do not conflict with any others and are not likely to cause confusion, however the staff suggestion is that the identifier “Park” is more appropriate than “Reserve” for an urban recreation space. “Reserves” are more commonly associated with other purposes, for example Harris Reserve (biodiversity values). Names have been referred to in this way subsequently in the report.

Recommendation

1. **That** the park to vest in Council as part of the “Camrose” subdivision and referred to as Lot 306 in the attached plan be named Natalie Currie Park.

Attachment

Appendix 1 Subdivision plan showing park (identified as Lot 306)

Background

The current situation

1. The area in question forms part of a subdivision development.
2. The justifications for the names proposed by the applicants are as follows:

Natalie Currie Park

Natalie was born in Ashburton in 1921 and attended both Methven Primary and High schools before training as a nurse. Initially during the early years of WW2 Natalie worked on a farm in Longsford Road and then serving in the latter war years in Egypt, Italy and then in England at a hospital for war prisoners. After the war Natalie served for 6 years on Ashburton's Hospital Board, the first woman to do so, and later gave 16 years of service on Methven's Golf Committee including being club captain for 2 years.

Importantly Natalie was the driving force behind the purchase of Methven's Maternity Hospital for a home for local elderly - which today we now know as Methven House. Methven House was supported by the Lochhead Charitable Trust, the original owner of the Camrose subdivision and has land nearby on the corner of Camrose Avenue and Alma Place where they intend to build a new eldercare residential facility ensuring present and future residents the opportunity to continue to retire in the district they live in given the now somewhat aged Methven House building. Natalie also served on the committee that arranged for ADC to buy the resident Doctor's House in Methven as a house and doctor's surgery ensuring Methven was able to attract good local health representation and later the driving force to get ADC to build what is now the Methven Medical Centre.

Alan Hepburn Park

Alan was the long serving chairman of the Board of Trustees for Mt Hutt College and served on local committees of Search and Rescue and Returned Servicemen's Association.

Holmes Park

The Holmes family were long standing residents of the Methven District for which the adjacent Holmes Road was named after.

3. It is considered that the proposed names demonstrate a suitable relationship to their environment as expected within the Council's naming policy.

Options analysis

Option One - Do nothing

- The Council could elect to not name this park, however it is opportune to do so given that there is no current name.

Option Two - Name the park – (Preferred option)

- It is recommended that the proposed preferred name as contained within the recommendation be adopted.

Legal/policy implications

Legislation (Statutes & Regulations)

- Because this is a piece of land being vested in Council there are no statutory implications other than to inform LINZ and other affected stakeholders of the new name.

Council Strategies, Plans, Policies, Bylaws

- Ashburton District Council has adopted a policy on naming, the relevant sections of this policy can be found [here](#).

Strategic alignment

4. The recommendation relates to Council's community outcome of Social because of the following.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	X	None
Environmental	X	None
Cultural	✓	The appropriate naming of reserves have benefit to the character of the area and the identity of the District
Social	✓	The naming by the developer provides a link between the development and the history of the area for the future.

Financial implications

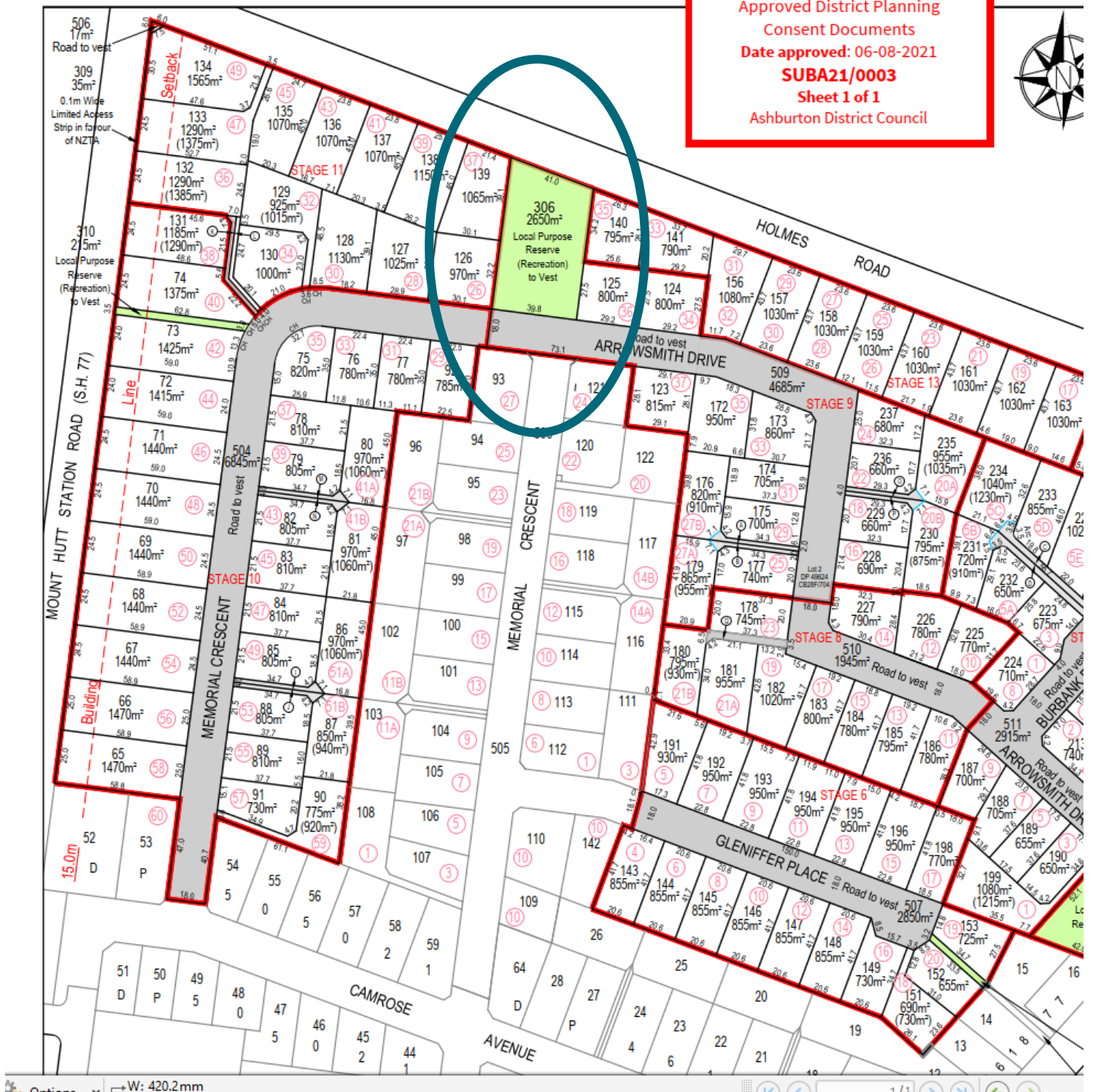
Requirement	Explanation
What is the cost?	NA
Is there budget available in LTP / AP?	NA
Where is the funding coming from?	The developer will need to pay for signage
Are there any future budget implications?	N/A
Reviewed by Finance	Erin Register; Finance Manager.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	The decision scores LOW when assessed against the criteria and thresholds in the Community Engagement Policy.
Level of engagement selected	Inform
Rationale for selecting level of engagement	The recommended option will not require any action to be taken. The applicant will be informed of Council's decision following the Council meeting.
Reviewed by Strategy & Policy	Richard Mabon, Senior Policy Advisor

Appendix 1 Subdivision plan

Approved District Planning
Consent Documents
Date approved: 06-08-2021
SUBA21/0003
Sheet 1 of 1
Ashburton District Council



23. Mayor's Report

23.1 Weather Events

The last two weeks have been reasonably busy with five weather events. We have experienced wind, rain and snow all requiring different degrees of response.

These events show that the plan for the Ashburton river gravel extraction needs to happen at an accelerated rate sooner rather than later.

Our roads have taken yet another battering with the cost of the latest events estimated at approximately \$1.5 million.

23.2 Water Services Entities Bill Submission Hearings

On 16 August I, along with CE Hamish Riach, attended the Water Services Entities Bill submission hearings in Christchurch to verbally present the Ashburton District Council's submission. Copy attached (Appendix 1).

23.3 2022 Elections

The nomination period for the elections has closed with good strong nominations in all areas. I wish all candidates a successful electioneering period with the outcome known on 8 October.

23.4 Meetings

• Mayoral calendar

July 2022

- 28 July: LGNZ AGM (via Zoom) – Deputy Mayor Liz McMillan deputized
- 29 July: C4LD 3Waters Entity D (via Zoom)

August 2022

- 1 August: Youth Leadership Course presentation
- 1 August: Canterbury Mayoral Forum/Papatipu Runanga hui (via Zoom)
- 1 August: Darryl McKenzie – ANZCO
- 2 August: Mayfield Lions
- 3 August: RDR Strategy Day
- 4 August: C4LD 3 Waters Entity D (via Zoom)
- 4 August: Ashburton A&P Association with CE Hamish Riach
- 4 August: Welcome Powhiri for Antarctica NZ and Leighs Construction, Timaru with Deputy Mayor Liz McMillan
- 5 August: Naylor Love with CE Hamish Riach
- 6 August: Fire Brigade Function – 25 year gold star presentations
This function was well attended by over 100 firefighters to celebrate four firefighters (Mark Dickson, Wayne Moore, Andrew Rattray and Glenn Sowman) who have dedicated 25 years each to our community, certainly a momentous occasion and well deserved recognition
- 8 August: Canterbury Mayoral Forum and Health NZ chair (via MS Teams)

- 9 August: RDR meeting
- 10 August: Canterbury Mayoral Forum Regional Leaders Group (via MS Teams)
- 10 August: Activity Briefings
- 10 August: Audit & Risk
- 10 August: Council Workshops – 2nd Bridge Business Case
- 11 August: Canterbury Mayoral Forum Regional Leaders Group – Covid Protection Framework (via MS Teams)
- 12 August: HHWET AGM & meeting
- 15 August: Canterbury Mayoral Forum Kiwirail visit
- 15 August: Advance Ashburton
- 16 August: ACL
- 16 August: Library and Civic Centre PCG
- 16 August: Water Services Entities Bill Submission hearings
- 17 August: Councillor Only Activity Briefings
- 17 August: Council meeting

Recommendation

That Council receives the Mayor's report.

Neil Brown

Mayor

Appendix 1

Submission

Water Services Entities Bill



PREPARED BY: Ashburton District Council
PO Box 94
ASHBURTON 7774

SUBMITTED TO: Finance & Expenditure Committee
Parliament Buildings
WELLINGTON

Contact: Mayor Neil Brown
mayor@adc.govt.nz

via upload to:
[Water Services Entities Bill Submission - New Zealand Parliament \(www.parliament.nz\)](http://www.parliament.nz)

Ashburton District Council **would like** to make an oral submission to the Committee

Introduction

1. Ashburton District Council (Council) welcomes the opportunity to submit feedback on the Water Services Entities Bill. This submission has been prepared by the Mayor and Chief Executive.
2. Located an hour's drive south of Christchurch, more than 35,400¹ residents live in our district. Approximately 50% of our residents live in the main town of Ashburton, with the rest of our residents living rurally or in smaller towns or villages across the district.
3. Ashburton District (the District) has experienced moderate and sustained population increase since the mid-1990s, increasing by 23% between 2006 and 2013 (a 3.3% increase per year). This growth, however, has now slowed, with an average growth of 1.3% per year since 2013.
4. We manage 12 drinking water supply schemes throughout the District. These schemes service approximately 70% of residents and over 10,300 homes and businesses. Of these 12 drinking water supply schemes, nine service less than 500 people including two that are classified as "rural agricultural drinking water supplies".
5. We also help protect community health and safety, and the environment, through the provision of reliable and efficient wastewater schemes. We have three community-based wastewater schemes that service approximately 65% of our population where we manage wastewater collection, treatment and disposal services across the district.
6. Last year we engaged our community on the proposed reform. The feedback from 504 of our residents showed:
 - 97% of respondents felt it was important for the community to be able to have its say on how three water services are provided
 - 64% of our respondents believe that the continued improvement of health and environmental standards in three waters from what is currently provided is important
 - 27% of respondents are prepared to pay more for higher standards, with a further 21% happy to do so if the improvements are localised, justified and/or decided upon by local representation

¹ Statistics New Zealand Population Estimates 30 June 2020

- Other feedback included concern with the:
 - the community wants to make the decision to opt in /out of the reform
 - loss of local assets, representation and control
 - complexity of the three water structure
 - speed of the process to date

General comments

7. We wish to reinforce our strong opposition to the reforms, as they are currently proposed. Our strong view is that the reform process should be paused for up to five years to let the new regulator (Taumata Arowai) settle in, and then see how readily Councils are meeting their obligations and responsibilities.
8. If, after five years, it is still deemed to be necessary to reform then a regionalised approach with greater local input and localised decision-making and control would be our preference.
9. We remain concerned about the risk of losing a strong local voice in the reforms. It is critical that Ashburton and Canterbury have strong and clear mechanisms to ensure local perspectives are heard and considered by the new entity.
10. We are deeply concerned that the new form of Council shareholding is ownership in name only, and has none of the rights, obligations, responsibilities and opportunities of ownership as it is currently understood. This new definition of ownership appears solely to protect against privatisation, to enable the Government to somehow point to Councils still owning the assets, and is present for political expedience only.
11. We are not satisfied that mechanisms proposed to ensure a balance of metro, rural and provincial Council representation on the regional representative groups will be adequate or sufficient, particularly given the geographic spread of Entity D.
12. We note that consumer interests are to be addressed through the water services entities undertaking direct engagement with consumers on asset management, funding and pricing plans and infrastructure strategies. We want assurance that consumer forums will achieve their purpose and that consumer needs, expectations and service requirements are clearly understood.
13. To date consumers have had no ability to assess the merits of the structural reform (through the creation of the four water services entities) when there is no reference to how their own costs will be impacted by the reform. The reform impacts on individual consumers is not remotely clear, and should be so in order to assess the merits of the reform.
14. We remain concerned that the funding of Entity D will become unaffordable for the average consumer and that the cost of receiving drinking water and wastewater services under the proposed Bill will escalate significantly and feedback from our community highlights this concern clearly.
15. We believe that the focus of the three waters reform debate to date, has been primarily on drinking water and not stormwater or wastewater (where the bulk of the money is to be

spent). This imbalance to the campaign has felt disingenuous and ambiguous for our community and for us as a territorial authority.

16. We are uncertain about the outcome for Councils through the transitional finance arrangements. In particular, the absence of clarity on debt and assets transfer. While it appears there is intended to be detail on this in the second Bill, we consider that will be too late for it to impact on the establishment of the water services entities as we won't understand whether the model is being maximised.
17. Late last year we raised a number of concerns that we do not consider have been addressed to date. These include the following:
 - b. We continue to have significant doubt over the WICS numbers that have supposedly created the case for change. For example the DIA (based on several assumptions) states the average annual cost per household for Entity D is \$1,368; whereas, based on our 2021/22 Long-Term Plan we calculate our average cost per household to be \$610 per annum
 - c. We remain unclear how the interface of the water service entities will work with resource management practices including urban growth and water services planning. Councils are able to provide joined-up thinking and integrated advice to enquiries currently that we fear will be lost in the reform. We have been given no assurance that the water services entity will follow Council's planning and land development ambitions and not be an inhibitor to development in the Ashburton District
 - d. During emergency events, the interconnectedness of Council teams and functions is showcased. We remain deeply concerned that through the reforms we will no longer employ water services staff, reducing our capacity to manage such situations and compromising our response and recovery capabilities.

Concluding comments

18. Thank you for the opportunity to provide feedback on the draft Water Services Entity Bill, to reiterate Council remains strongly opposed to the Bill and looks forward to present in person to the Select Committee in due course.

Kā mihi



Neil Brown
Mayor



Hamish Riach
Chief Executive

24. Deputy Mayor's Report

24.1 LGNZ Conference, July 2022

It was a pleasure to attend the annual conference in Palmerston North for 3 days in July. The theme was Te waa heke mai – The future.

Wednesday started with various tours, before the powhiri and official welcome and then the welcome function. The last three years were acknowledged as being very challenging with Covid and all the reforms we are facing – see the below slide.

Thursday and Friday were full days with a lot of plenary sessions, and keynote speakers. The plenary sessions covered a range of topics and included a wide range of views.

Of note was the session on co-governance which discussed the fear of the unknown, getting the model right and understanding what it could look like in each area. The Waikato model of 25 years was an example of where co-governance has worked well.

Jim Palmer led the session on the review of the future of local government and started with this video. [Review into the Future for Local Government July 2022 - YouTube](#)

They spoke of the value of the role of local government and the need for lived experience and leaders in the community. Also acknowledged the need to be well funded and to look at new ways of partnering with government and iwi.

Dr Lucy Hone was the last keynote speaker and spoke about understanding resilience and burnout – something which resonated with us all.

I also took part in the cultural walking tour which took us through the streets of Palmerston North passing by the various artworks around town ending in the square where we were treated to a talk on the local history. This is also where the food trucks were setting up for a special event. Palmerston North City Council partners with a sculpture trust to install the artworks [Home - Palmerston North Public Sculpture Trust](#)

As per most LGNZ conferences I have been to the biggest take away is meeting and talking with other elected members and chatting with the exhibitors. ADC was complemented on our work with Welcoming Communities and we were able to connect with MTFJ, Waka Kotahi and Chorus.

The awards dinner on the last evening was a great way to celebrate the Councils and the last term. Thank you for the opportunity.



Recommendation

That Council receives the Deputy Mayor's report.

Liz McMillan
Deputy Mayor