

Ashburton District Council

AGENDA

Notice of Meeting:

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

Date: Wednesday 15 March 2023

Time: 1.00pm

Venue: Council Chamber

Membership

Mayor	Neil Brown
Deputy Mayor	Liz McMillan
Members	Leen Braam
	Carolyn Cameron
	Russell Ellis
	Phill Hooper
	Lynette Lovett
	Tony Todd
	Richard Wilson
	<i>[Vacancy – Western Ward]</i>

Meeting Timetable

Time	Item
1.00pm	Council meeting commences
3.30pm	Kainga Ora – Liz Krause and Ray Tye [public excluded]

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.

Minutes

4	Council – 1/03/23	3
5	Biodiversity Advisory Group – 7/02/23	6

Reports

6	Proposed Plan Change 5 – approval for notification	8
7	Trade Waste Bylaw review	16
8	Alcohol Control Bylaw	62
9	Interim Speed Management Plan – zoning update	90
10	Councillors Report	130
11	Mayor’s Report	134

Business Transacted with the Public Excluded

12	Council 1/03/23	PE 1
	<ul style="list-style-type: none"> Library & Civic Centre PCG – 21/02/23 Section 7(2)(h) Commercial activities Ashburton Contracting Ltd Section 7(2)(h) Commercial activities 	
13	Mt Somers Membrane Water Treatment Plant – Accelerated Procurement	PE 3
14	Kainga Ora Section 7(2)(h) Commercial activities	Verbal

4. Council Minutes – 1 March 2023

Minutes of the Council meeting held on Wednesday 1 March 2023, commencing at 1.00pm in the Council Chamber, 137 Havelock Street, Ashburton.

Present

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

In attendance

Hamish Riach (Chief Executive), Neil McCann (GM Infrastructure & Open Spaces), Sarah Mosley (GM People & Facilities), Erin Register (Finance Manager), Janice McKay (Communications Manager) and Phillipa Clark (Governance Team Leader).

Staff present for the duration of their reports: Ian Soper (Open Spaces Manager), Mark Chamberlain (Roading Manager), Richard Mabon (Senior Policy Advisor), Tayyaba Latif (Policy Advisor), Femke van der Valk (Policy Advisor).

Presentations

Ashburton Contracting Ltd – 3.05pm-3.56pm

1 Apologies

Mayor Neil Brown and Cr Leen Braam

Sustained

2 Extraordinary Business

Nil.

3 Declarations of Interest

Item 9: Cr Wilson gave notice he will withdraw from debate and decision on this matter.

4 Confirmation of Minutes – 15/02/23

That the minutes of the Council meeting held on 15 February 2023, be taken as read and confirmed.

Cameron/Hooper

Carried

5 Audit & Risk Committee – 8/02/23

That Council receives the minutes of the Audit & Risk Committee meeting held on 8 February 2023.

Cameron/Ellis

Carried

- **Riskpool update**

That Council receives the update from Riskpool on the progress of winding up and is aware of their ongoing liability.

Ellis/Wilson

Carried

- **Experience Mid Canterbury Annual Report**
That Council accepts the Experience Mid Canterbury Annual Report.
Cameron/Lovett Carried

- 6 Road Safety Co-ordinating Committee – 7/02/23**
That Council receives the minutes of the Ashburton District Road Safety Co-ordinating Committee meeting held on 7 February 2023.
Hooper/Lovett Carried

- 7 Rakaia Gorge replacement toilets and new viewing platform**
That Council accepts the MBIE funding of \$277,000 to complete the Rakaia Gorge Campground project as per the revised design.
Cameron/Ellis Carried

- 8 Crossroad intersections – Coroner’s report**
That Council receives the crossroad intersection report.
Ellis/Todd Carried

- 9 Better-off Funding – new footpath sites**
Cr Wilson withdrew from the debate.
That Council approves using the Three Waters Better-off grant funding for the construction of new footpaths at:
 - Wakanui Road (Trevors Road to end of Strowan Fields subdivision)
 - Trevors Road (Albert Street to Wakanui Road)
 - Albert Street (Trevors Road to Ashburton Christian School)
 - Dolma Street (end of existing to Line Road)
 - Line Road (Methven Chertsey Road to Dolma Street)
 - Tinwald Westerfield Mayfield Road (Tarbottons Road to Lagmhor Road)
 - Lagmhor Road (end of kerb to Tinwald Westerfield Mayfield Road)
 - Allens Road footbridge at Mill Creek.
Ellis/Cameron Carried

- 10 Future for Local Government submission**
That Council approves the submission (Appendix 1) to the Panel’s draft report *Review into the Future for Local Government*.
Ellis/Wilson Carried

- 11 ADC Delegations 2023 and Loco Delegations system**
A demonstration of the [Loco Delegations](#) online platform gave Council an overview of content and the search functions that the programme offers. Council noted that the updated Delegations reflect some legislative change and Council’s organisational restructure.
 - 1. That** Council receives the Loco Delegations report.
 - 2. That** the Ashburton District Council Delegations 2023 be adopted.
Lovett/Hooper Carried

12 Financial reports

That Council receives the January 2023 variance report and EA Networks Centre income and expenditure report.

Todd/Ellis

Carried

13 Mayor's report

That Council receives the Mayor's report.

McMillan/Cameron

Carried

- **Rakaia CVSC site**

The Chief Executive reported that the site visit on 23 February with Waka Kotahi was a useful forum and community representatives present were able to voice their concerns. Waka Kotahi maintain that the site they have designated for the commercial vehicle safety centre (CVSC) is correct and any concerns about trucks pulling out on the short stretch of road will be addressed with the speed limit reduction.

- **Central Biosecurity Advisory Group**

That Councillor Leen Braam be appointed as Ashburton District Council's representative on the Central Biodiversity Advisory Group.

Ellis/Lovett

Carried

Business transacted with the public excluded – 2.13pm

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:	
14	Council – 15/02/23	Section 7(2)(h)	Commercial activities
15	Audit & Risk – 8/02/23	Section 7(2)(h)	Commercial activities
16	Library & Civic Centre PCG – 21/02/23	Section 7(2)(h)	Commercial activities
17	Ashburton Contracting Ltd	Section 7(2)(h)	Commercial activities

Hooper/Todd

Carried

The meeting concluded at 3.56pm.

Confirmed 15 March 2023

MAYOR

Meeting

7 February 2023



5 *Biodiversity Advisory Group Minutes*

Council workshop held on Wednesday 7 February 2023, in the Council Chamber, 137 Havelock Street, Ashburton, commencing at 1:00pm.

Present

Councillors Leen Braam (Chair) and Richard Wilson; Mayor Neil Brown; Ian Soper (ADC, Open Spaces Manager), Christian Chukwuka (ADC, Ecologist/Biodiversity Advisor), Bert Hofmans (ADC, Open Spaces Planner); Val Clemens, Edith Smith, Mary Ralston, Donna Field, Janine Holland, Marcelo Wibmer (Fonterra).

MS Teams: Gen de Spa (Staveley Camp, Zone Committee member, Foothills Landcare Group) and Alice Shanks (QEII).

In attendance

Mary Wilson (ADC, EA to CE - minutes), Margo Tercier (ADC GIS team) and Dave Moore (ECan, Ashburton Zone Committee Facilitator).

Apologies

1. **That** apologies are received from Cr Lynette Lovett (ADC), Nick Vernon (Synlait), Ian Fraser (DOC) and Angela Cushnie (Ashburton Zone Committee).

Wilson / Ralston

Carried

2. **Extraordinary Business**

Nil

3. **Declarations of Interest**

Nil

4. **Previous Minutes**

Minutes from the 18 August 2022 meeting were presented to the meeting, previously confirmed by Council.

5. **Report from the Ecologist/Biodiversity Advisor**

Christian Chukwuka (Ecologist/Biodiversity Advisor) presented his report to the meeting.

It was noted from observations made that the number of visitors to the Lake Camp/Clearwater area over the busy Christmas period would have a possible impact on the biodiversity.

The lake is a recreation reserve with plenty of room for camping. Damage by 4WD's is a priority. Attempts to block off a whole side of the lake have not been completely successful with some work still to be done.

Several species of plants are under pressure from the number of visitors to the area.

That the Ecologist/Biodiversity Advisor's report be received.

Braam / Smith

Carried

6. GIS Mapping

ADC's GIS Team have created a form to be used to record biodiversity projects throughout the Ashburton district, so their details can be included in the GIS mapping project.

A QR code has also been developed.

7. Pudding Hill

Pudding Hill is a reasonably important stream in the district and there is concern about wildings, coming from above.

8. Focus Group proposal

Looking for some recommendations and direction from the group with the intention of creating an action plan that would come back to the group with options, and support future funding applications.

Creating focus groups was discussed as a worthwhile consideration where the members can provide knowledge, advice and enthuse people regarding projects being carried out.

Agreed Action: Cr Leen Braam (Chair) and Christian Chukwuka (Ecologist/Biodiversity Advisor) to work with ADC Communications Team to promote the work being carried out by the Biodiversity Advisory Group.

Extraordinary business

Terms of Reference

The Terms of Reference are to be updated to include new Councillor representation.

Agreed Action: Mary to update TOR and circulate to members.

Agenda reports

The Chair encouraged members to bring reports to the meetings through the agenda, providing structure to the meetings.

Meeting finished at 3:04pm

6. *Proposed Plan Change 5 - Approval for notification*

Author	<i>Nicholas Law, Senior Planner</i>
Activity Manager	<i>Ian Hyde, Planning Manager</i>
Executive Team Member	<i>Jane Donaldson, Group Manager Compliance & Development</i>

Summary

- The purpose of this report is to seek approval for the notification of Proposed Plan Change 5 Transportation to the Ashburton District Plan.
- Proposed Plan Change 5 is a Council initiated Plan Change. It responds to recent Government direction on transport rules in the National Policy Statement on Urban Development which required removal of Council minimum parking standards.
- It addresses resultant gaps in the Plan such as the requirements for mobility and cycle parking and proposes provisions to manage the effects of high trip generating activities.
- The Proposal also seeks to implement updates to the Roding Hierarchy contained in the District Plan following advice from the Council's Transportation Team.
- Proposed Plan Change 5 has been sent to Statutory parties for comment, and amendments have been made to incorporate the feedback received.

Recommendation

1. **That** Council notifies Plan Change 5 to the Operative Ashburton District Plan comprising alterations to:
 - Provision of cycle parking and mobility parking standards
 - Provision for the assessment of high trip generation activities
 - Consequential amendments to various sections resulting from the implementation of the National Policy Statement on Urban Development
 - Updates to the Roding Hierarchy tables in the Transportation section.

Attachments

Appendix 1 Plan Change text

Appendix 1A: Transport

Appendix 1B: Residential Zones

Appendix 1C: Business Zones

Appendix 1D: Aquatic Park Zone

Appendix 1E: Scheduled Activities

Appendix 1F: Definitions

Appendix 2 S32 Assessment Report

Appendix 2A: Summary of schedule 1 feedback

Appendix 2B: Relevant statutory documents

Background

The current situation

1. Proposed Plan Change 5 was developed in response to identified gaps in the existing Ashburton District Plan transport provisions, in part arising from the implementation of the National Policy Statement on Urban Development 2020 (NPS-UD), as well as a request from Council's Transportation Team to update the Roding Hierarchy Table in the Transportation Section of the District Plan.
2. Some amendments to the Ashburton District Plan are needed in response to the removal of the minimum off-street parking standards required under the NPS-UD in February 2022. This change has left some potential gaps in the management of off-street parking such as the design requirements for parking areas, where these are provided.
3. The updating of the mobility and cycle parking standards, and the introduction of requirements for high traffic generating activities are needed to ensure that the Plan remains a leading 'best practice' document, and to ensure alignment with and give effect to recent Council strategies such as the Walking and Cycling Strategy and District Parking Strategy.
4. There is currently a gap in ability to manage the effects of high traffic generating activities, and to promote travel by modes other than private motor vehicle. High traffic generating activities are currently not required to assess the transport effects of the proposal and this may individually or cumulatively lead to adverse safety and efficiency effects on the transport network. Neighbouring local authorities are proposing to manage high trip generating activities in their replacement plans¹ and there is an opportunity to provide consistency in plan requirements.
5. In preparation of the Plan Change discussions were held with CCS Disability Action (regarding mobility standards), Spokes Canterbury (regarding cycle standards) and the Council Roding team. The feedback received helped to clarify the issues, and to inform the development of the proposed provisions.
6. The key changes proposed for inclusion in the Plan Change were presented to the previous Council in workshops on 23 June 2022 and 8 September 2022. The Council agreed in principle to the key changes proposed in the September workshop.
7. Schedule 1 consultation was held with statutory parties between 9 December 2022 and 20 January 2023. Responses were received from Waka Kotahi/NZ Transport Agency and the Canterbury Regional Council, both generally in support of the draft plan change. Both parties suggested some amendments which staff were generally in agreement with. No other responses were received. Appendix 3 contains a summary of Schedule 1 feedback.

¹ Selwyn, Timaru and the combined plan for the West Coast

8. Approval is now sought to proceed to notification of the Proposed Plan Change.

Options analysis

Option one – Proceed to notification of Plan Change 5 (recommended)

9. Council could notify Proposed Plan Change 5 for public submission.

Advantages: <ul style="list-style-type: none">• Allows the public to have input on the proposed changes.• The programme of work can be funded from existing budgets.• Environmental effects can be managed appropriately and the provisions will better support the objectives of the Plan and relevant statutory and local documents.• Allows the Plan to be updated to address identified concerns and remain fit for purpose.	Disadvantages: <p>None identified.</p>
Risks: <p>Reputational risk – the community could disagree with the proposed approach, or may expect that the Council could be doing more in the transport arena.</p> <p>Overall risk is LOW.</p>	

Option two – Retain the status quo District Plan provisions

10. Council could decide to leave the District Plan provisions as they are. This option is not recommended.

Advantages:

Costs of plan change could be used for other projects.

Disadvantages:

- Mobility and cycle parking would be under-provided.
- Parking space design and queuing spaces would be unregulated in some situations.
- Adverse effects of high trip generating activities on the safety, efficiency and sustainability of the roading network would be unable to be considered.
- Roading Hierarchy would not accurately reflect actual situation on affected roads.

Risks:

Reputational risk – the Council’s reputation on the issues of access for those with limited mobility, and transport sustainability may be damaged.

Environmental and Economic risk – the safety, efficiency and levels of service of the transport network may be adversely affected over time due to the cumulative impact of development.

Overall risk is MODERATE.

Legal/policy implications

Resource Management Act

11. Clause 31: Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this 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.

Canterbury Regional Policy Statement

12. The provisions of the Canterbury Regional Policy Statement (CPRS) must be given effect to under s75(3) of the Act when determining appropriate planning mechanisms.

13. The provisions of relevance are listed below:

Objective 5.2.3 – Transport Network (Wider Region)

A safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport, which:

- i) supports a consolidated and sustainable urban form;*
- ii) avoids, remedies or mitigates the adverse effects of transport use and its provisions;*

- iii) provides an acceptable level of accessibility; and*
- iv) is consistent with the regional roading hierarchy identified in the Regional Land Transport Strategy.*

Policy 5.3.8 – Land Use and Transport Integration (Wider Region)

Integrate land use and transport planning in a way:

- i) that promotes:*
 - i. the use of transport modes which have low adverse effects;*
 - ii. the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport;*
- ii) that avoids or mitigates conflicts with incompatible activities; and*
- iii) where the adverse effects from the development, operation and expansion of the transport system:*
 - i. on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied or mitigated; and*
 - ii. are otherwise appropriately controlled.*

Ashburton District Plan

14. *Objective 10.1: Transport Sustainability*

To maintain and enhance the sustainability of the District's transport system.

Objective 10.2: Transport Efficiency

The efficient use of the District's existing and future transport infrastructure and of fossil fuel usage associated with transportation.

Objective 10.3: Transport Safety and Accessibility

The maintenance and improvement of the safety and ease of pedestrian, cyclist and vehicle movement throughout the District.

Objective 10.4: Environmental Effects of Transport

To provide for a transport network that avoids adverse effects on the surrounding environment.

Other relevant documents

15. Other documents relevant to this Plan Change are appended in Appendix 2B to this report.

Climate change

16. The Plan Change has the potential to contribute to a reduction in emissions within the District from the transportation sector. The update to the mobility parking and cycle parking standards and the management of the effects of vehicle trip generation can contribute to a reduction in transport greenhouse gas emissions, and an improved resilience to the effects of climate change.

Strategic alignment

17. The recommendation relates to Council's community outcome of Environmental Wellbeing because the Proposed Plan Change seeks to maintain and enhance the safety, efficiency and sustainability of the transport network.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	<ul style="list-style-type: none">• Efficient management of the Transport network can support the economic wellbeing of the District.• Meeting the regulatory requirements of the Plan Change can have some costs for applicants.
Environmental	✓	<ul style="list-style-type: none">• The Proposed Plan Change will have an effect on Transport safety, efficiency, and accessibility
Cultural	x	
Social	✓	<ul style="list-style-type: none">• The Proposed Plan Change will have an effect on accessibility for mobility impaired residents.

Financial implications

Requirement	Explanation
What is the cost?	Final costs will be determined by the level of public interest and any appeals received.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Existing Budgets
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	Medium
Rationale for selecting level of significance	N/A
Level of engagement selected	3. Consult – Formal two way communication.
Rationale for selecting level of engagement	The public notification process prescribed by Schedule 1 of the Resource Management Act must be followed.
Reviewed by Strategy & Policy	Tayyaba Latif; Policy Advisor

7. *Trade Wastes Bylaw Review*

Author	<i>Tayyaba Latif; Policy Advisor</i>
Activity Manager	<i>Hernando Marilla; Operations Manager</i>
Executive Team Member	<i>Toni Durham, GM Democracy & Engagement Neil McCann, GM Infrastructure & Open Spaces</i>

Summary

- Council's Trade Wastes Bylaw is scheduled for review by 30 June 2023.
- There is a need to update the Bylaw format to make it consistent with other Council bylaws.
- A minor amendment is proposed in the Bylaw.
- Water Services Entities Act 2022 provides the option to defer the Bylaw review if it falls in the transition period.
- Council has options to:
 - Option 1: Rollover the Trade Wastes Bylaw
 - Option 2: Adopt Amended Trade Waste Bylaw (Appendix 1)
 - Option 3: Defer the Trade Wastes Bylaw Review.

Recommendation

1. **That** Council adopts the amended Trade Wastes Bylaw as attached in Appendix 1.

Attachments

Appendix 1 Amended Trade Wastes Bylaw

Background

1. Ashburton District Council Trade Wastes Bylaw (the Bylaw) was adopted on 27 June 2013 and is due for review by 30 June 2023.
2. Under section 159 of the Local Government Act 2002, Council has the obligation to review a bylaw no later than ten years after it was last reviewed.

The current situation

3. Officers have undertaken scoping regarding the review, with the Operations Manager, who administers the Bylaw, proposing a minor rewording of section (g) of clause 26.1 of the Bylaw.
4. Apart from the minor rewording of a section in one clause, the staff administering the Bylaw are of the view that no further amendments are needed.
5. Clause 26.1 (g) currently states **Must comply with the Liquid and Hazardous Wastes Code of Practice.**
6. After proposed rewording, clause 26.1 (g) will state, **Comply with Liquid and Hazardous Waste Code of Practice whenever practicable.**
7. The Operations Manager has provided an assessment that the proposed rewording will enable effective administration of the Bylaw at an operational level.
8. In-house Legal Counsel has reviewed the proposed rewording of the clause 26.1 (g) and advised that this amendment will facilitate Council's rights to deal with tankered waste at an administrative level, but it does not adversely affect or curtail the public's existing rights, and interests to discharge tankered waste at an approved Council location.
9. Legal Counsel has assessed that it is a minor change to a Bylaw that is acceptable under Section 156(2) of the Local Government Act, meaning that the amendment can be made by the resolution being publicly notified and without undertaking public consultation.
10. Council's Trade Wastes Bylaw exists in the old format when bylaws were being written in chapter form. The current format of the Bylaw is inconsistent with other Council bylaws. Therefore, officers have updated the Bylaw into the current format. Updating/changing formats of Council documents is a usual part of organisational improvement.

Recently emerged situation

11. A new situation has emerged after the enactment of the Water Services Entities Act 2022 on 14 December 2022.

12. Regarding bylaw review, the Water Services Entities Act 2022 Act has the provision that Review under section 158 or 159 of water services bylaws may be deferred during the transition period¹.
13. The Act requires that to defer a bylaw review, the local authority makes the decision during the transition period.
14. Council's Trade Wastes Bylaw review falls into the transition period; therefore Council could decide to leave the Bylaw as is and not make minor amendment as proposed by the staff administering it.

Options analysis

Option one – Rollover Trade Wastes Bylaw

15. Under this option Council can decide to roll over the Bylaw without making any amendment.

<p>Advantages:</p> <ul style="list-style-type: none"> • None Identified 	<p>Disadvantages:</p> <ul style="list-style-type: none"> • Council could miss an opportunity to make a much-needed amendment in the bylaw. • The Bylaw will remain in an older and inconsistent format.
<p>Risks:</p> <p>Reputational risk due to not using the opportunity to amend the Bylaw and update the format.</p>	

Option two – Adopt Amended Trade Wastes Bylaw as attached in appendix one. (Recommended Option)

16. Under this option Council adopts the Bylaw with minor amendment.

¹ [Water Services Entities Bill 136-4 \(2022\), Government Bill Schedule 5 Amendments to Local Government Act 2002 – New Zealand Legislation](#)

<p>Advantages:</p> <ul style="list-style-type: none"> Proposed minor amendment will enable efficient administration of the Bylaw. Minor amendment can be adopted without consultation meaning the Bylaw review will be completed in time and resource efficient manner. The Bylaw will be updated to a new format which will be consistent with other Council bylaws. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> Council may miss an opportunity to make further amendments.
<p>Risks:</p> <p>Reputational risk – the community may expect that Council could be doing more.</p> <p>Overall risk is LOW.</p>	

Option three – Defer the Trade Wastes Bylaw review as proposed in Water Services Entities Act 2022

17. In case Three Waters Reforms comes into place on 1 July 2024. It is most likely that local government water services bylaws will be subsumed by the Three Waters Entity. Therefore, Council could decide to defer the review of this Bylaw.

<p>Advantages:</p> <ul style="list-style-type: none"> There are no significant advantages other than saving time and resource for going for an extensive review of the Bylaw, should Council wish to do so. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> Council could miss the opportunity to make minor amendment which has potential to increase administrative efficiency and ultimately level of service. Council will be responsible to regulate Trade Wastes until 1 July 2024, therefore is required to maintain highest standards in doing so. Deferring the Bylaw review might hamper Council's ability to achieve desired level of efficient administration at operational level. The Bylaw will remain in the older and inconsistent format compared to other Council's bylaws.
<p>Risks:</p> <ul style="list-style-type: none"> Reputational Risk – Deferring the Bylaw review maybe perceived by the community as Council not being actively taking necessary steps to efficiently manage district's trade waste. 	

Statutory implications

Section 155 Determination - Local Government Act 2002

18. In reviewing an existing bylaw, and when making or amending a bylaw, the Local Government Act 2002 requires Council to go through an analysis in accordance with section 155. This requires Council to determine whether the bylaw is the most appropriate way of addressing the perceived problem, whether the bylaw is in the most appropriate form, and if there are any implications under the New Zealand Bill of Rights Act 1990.

The requirements of section 155 have been considered and it is determined that:

- The draft bylaw is considered the most appropriate form of bylaw; and
- The proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act (NZBORA).

Section 156 Determination - Local Government Act 2002

19. Section 156 outlines consultation requirements while making, amending, or revoking bylaws made under this Act. Section 156(1) states that the making, amending, or revoking of the bylaw requires implementation of special consultative procedure under section 86.
20. Section 156(2) states that, despite subsection (1), a local authority may, by resolution publicly notified,
- a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—
 - i. an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or
 - ii. an existing status or capacity of any person to whom the bylaw applies.
21. In view of the explanations in paragraph 8, 9 and 10, Trade Wastes Bylaw has been assessed under Section 156(2).
22. Considering that proposed rewording of clause 26.1 (g) and updating to a new format are minor changes, the amended Trade Wastes Bylaw can be adopted without consultation and by the resolution being publicly notified.

Section 160 Determination - Local Government Act 2002

23. This bylaw has been assessed with regard to section 160(3)(b), whereby amending a bylaw requires a special consultative procedure if:
- A. the bylaw concerns a matter identified in the local authority's policy under section 76AA as being of significant interest to the public; or

- B.** the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed continuation of the bylaw.
- 24.** The proposed amendment in the Bylaw has been through legal review. As mentioned in paragraph 8, it has been assessed that the proposed rewording would facilitate Council at administrative level and will not have a significant impact of the public.
- 25.** Under Council's Community Engagement Policy, the Bylaw with proposed amendment is assessed as a matter of low significance.

Review of legal / policy implications

Reviewed by In-house Counsel	Tania Paddock; Legal Counsel
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Climate change

- 26.** Efficient and effective management of the district's trade wastes can help mitigate climate change.

Strategic alignment

- 27.** The recommendation relates to Council's community outcome of environmental and social well-being.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✗	
Environmental	✓	Trade wastes management enables a balanced and sustainable environment.
Cultural	✗	
Social	✓	A district of great spaces and places will get prominence through efficient management of trade wastes.

Financial implications

Requirement	Explanation
What is the cost?	There is no cost to carry out recommended option
Is there budget available in LTP / AP?	Not required for the recommended option
Where is the funding coming from?	N/A
Are there any future budget implications?	No
Reviewed by Finance	Erin Register; Finance Manager.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	N/A
Level of engagement selected	1. Inform – One way communication
Rationale for selecting level of engagement	No engagement is necessary for the recommended option. Council must place a public notice of its resolution.
Reviewed by Strategy & Policy	Richard Mabon, Senior Policy Advisor

Bylaw

TRADE WASTES

TITLE:	Ashburton District Council Trade Wastes Bylaw
TEAM:	Assets
RESPONSIBILITY:	Operations Manager
DATE ADOPTED:	TBD 2023
COMMENCEMENT:	TBD 2023
NEXT REVIEW DUE:	TBD

1. The Purpose and Scope

1.1 Purpose

The purpose of the Ashburton District Trade Wastes bylaw is to control and monitor trade waste discharges into public sewers in order to;

- a) Protect the public from nuisance.
- b) Protect, promote, and maintain public health and safety.
- c) Protect the environment.
- d) Promote cleaner production.
- e) Protect the sewerage system infrastructure.
- f) Protect sewerage system workers.
- g) Ensure compliance with discharge consent conditions.
- h) Protect the stormwater system. Reticulated sewerage is less likely to cause mixing with stormwater than on-site disposal methods which can cause unacceptable mixing of effluent with stormwater and groundwater.
- i) Protect the stormwater system (from spillages).
- j) Provide a basis for monitoring discharges from industry and trade premises.
- k) Provide a basis for charging trade waste users of the public sewerage system to cover the cost of conveying, treating, and disposing of or reusing their wastes.

- l)** Ensure that the costs of treatment and disposal are shared fairly between trade waste and domestic dischargers.
- m)** Encourage waste minimisation.
- n)** Encourage water conservation.

1.2 Scope

The bylaw provides for the:

- a)** Acceptance of long-term, intermittent, or temporary discharge of trade waste to the sewerage system.
- b)** Establishment of three grades of trade waste: permitted, conditional and prohibited.
- c)** Evaluation of individual trade waste discharges against specified criteria.
- d)** Correct storage of materials in order to protect the sewerage and stormwater systems from spillage.
- e)** Installation of flow meters, samplers, or other devices to measure flow and quality of the trade waste discharge.
- f)** Pre-treatment of waste before it is accepted for discharge to the sewerage system.
- g)** Sampling and monitoring of trade waste discharges to ensure compliance with the bylaw.
- h)** Council to accept or refuse a trade waste discharge.
- i)** Charges to be set to cover the cost of conveying, treating, and disposing of, or reusing, trade waste and the associated costs of administration and monitoring.
- j)** Administrative mechanisms for the operation of the bylaw.
- k)** Establishment of waste minimization and management programmes (including sludges) for trade waste producers.

2. Compliance with other Acts

- 2.1** Nothing in this bylaw will derogate from any of the provisions of the Health Act 1956, the Health and Safety in Employment Act 1992, the Resource Management Act 1991 (RMA), the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 (HSNO) and its regulations or any other relevant statutory or regulatory requirements including Canterbury Regional Council and any Ashburton District Council policies and procedures. Any person discharging into the sewerage system must comply with the requirements of any relevant legislation.

3. Application of the Bylaw

- 3.1** This bylaw will apply to all trade premises (non-residential premises/activities) within the Council District where trade waste is discharged or sought or likely to be discharged to the sewerage system operated by the Council or its agents. The bylaw will also apply to tankered waste collected for the purpose of discharge to the sewerage systems operated by the Council or its agents
- 3.2** Pursuant to Section 196 of the Local Government Act 2002 (the Act or 'LGA') the Council may refuse to accept any type of trade waste which is not in accordance with this bylaw.

4. Restrictions on Use

- 4.1** No person shall discharge, or allow to be discharged, any trade waste to the sewer except in accordance with the provisions of this bylaw or a consent granted under this bylaw.
- 4.2** No person shall do or omit to do anything whereby wastewater with a prohibited characteristic is discharged into the sewer.

5. Definitions

- 5.1** In this bylaw, one gender includes all genders, and the singular includes the plural.

In this bylaw, and in every resolution, special consultative procedure, consent, or other decision passed or made pursuant to its provisions, the following definitions apply, unless the context otherwise requires:

ACCEPTABLE DISCHARGE means a wastewater with physical and chemical characteristics which comply with Schedule 1 of this bylaw.

ACCESS POINT is a place where access may be made to a private drain for inspection (including sampling or measurement), cleaning or maintenance.

ACT means the Local Government Act 1974 and 2002.

ANALYST means a testing laboratory approved in writing by an authorised officer on behalf of the Council.

APPROVAL OR APPROVED means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under S. 177 of the Act as an enforcement officer with powers of entry as prescribed by Sections 171-174 of the Act.

BIOCHEMICAL OXYGEN DEMAND (BOD), by default refers to the carbonaceous BOD (CBOD), meaning the amount of dissolved oxygen used by substances (excluding TKN) within wastewater over a given time at a set temperature, normally tested for a 5-day period at 20 °C.

BIOCHEMICAL OXYGEN DEMAND TREATMENT CHARGE is the charge for receiving, treating, reusing, and disposing of wastes that cause biochemical oxygen demand in the trade waste.

BIOSOLIDS means a sewage or sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land. Biosolids includes products containing biosolids (e.g., composts and blended products).

CHARACTERISTIC means any of the physical, biological, or chemical characteristics of a trade waste referred to in Schedules 1 and 2 and may include the level of a characteristic.

CLEANER PRODUCTION means the implementation on trade premises, of effective operations, methods, and processes appropriate to reduce or eliminate the quantity and toxicity of wastes.

CONDENSING WATER OR COOLING WATER means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

CONDITIONAL TRADE WASTE means trade waste that has, or is likely to have, characteristics which exceed any of the characteristics defined in Schedule 1, but which does not have any prohibited characteristics as defined in Schedule 2. A conditional trade waste may include characteristics outside these requirements, as provided for in clause S1.1 in Schedule 1.

A conditional trade waste also means any trade waste that is not a permitted or prohibited trade waste.

CONSENT means a “conditional” consent in writing authorising an owner or occupier to discharge trade wastes to the Sewer.

CONSENT HOLDER means the person who has obtained a consent to discharge or direct the manner of discharge of trade waste from any premises to the Council’s sewerage system and includes any person who does any act on behalf or with the express or implied

consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

CONTAMINANT includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat –

- a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; or as described or contained in the RMA and HSNO Acts.

CONTINGENCY MANAGEMENT PROCEDURES means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants into the sewerage system.

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

DISCHARGE means a discharge of trade waste into the sewerage system whether directly or indirectly.

DISCHARGER means any person including a consent holder that discharges trade waste into the sewerage system.

DISCHARGE DAYS means the number of days, trade wastes are discharged from premises during a charge period.

DISCHARGE MANAGEMENT PLAN means a plan specifying responsibility for monitoring, programming and controlling the sources of trade waste from the premises, so that the discharge to the sewer system complies with the Council's requirements.

DISCONNECTION means the physical cutting and sealing of the drain from premises.

DISTRICT means Ashburton District.

DOMESTIC WASTEWATER/DOMESTIC SEWAGE means foul water (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes or wastes of the same character discharged from other premises but does not include a wastewater which has characteristics that would require a consent to be obtained under this bylaw.

DRAIN means that section of drain between the trade premises and the point of discharge through which trade wastes are conveyed to the Sewer from the premises. This drain is owned and maintained by the owner or occupier.

ENVIRONMENTAL MANAGEMENT SYSTEM means a system that organises the way businesses manage their activities so they can demonstrate consistent environmental performance with an emphasis on continual improvement as well as compliance with environmental objectives dictated by law and local regulations.

FEES AND CHARGES means the fees and charges determined by council from time to time in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002 for services provided by the council associated with the discharge of trade wastes.

FOUL WATER means the discharge from any sanitary fixtures.

HAZARDOUS MATERIALS means raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which when mixed with the wastewater stream is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be dangerous, or any other material likely to be deleterious to the council sewer or the health and safety of council staff and the public; or any hazardous substance as defined in the Hazardous Substances and New Organisms Act 1996.

MANAGEMENT PLAN means the plan for management of trade waste operations on the premises, and may include provision for cleaner production, waste minimization, monitoring and recording of discharges, contingency management procedures, and any relevant industry Code of Practice.

SERVICE DELIVERY MANAGER means the officer appointed for the time being to the position of Trade Waste Management Manager, and includes any person authorised to act in that behalf; or the officer appointed by resolution of the Council to administer the powers of the Trade Waste Management Manager.

MASS LIMIT means the total mass of any characteristic that may be discharged to the Sewer over any stated period from any single point of discharge or collectively from several points of discharge.

MAXIMUM CONCENTRATION means the peak concentration that may be discharged at any instant in time.

METER means any device or apparatus for measuring flow.

OCCUPIER means the person occupying trade premises from which a trade waste discharge is made.

OWNER means the person owning the property from which a trade wastes discharge is made.

PERMITTED TRADE WASTE means a trade waste that meets the characteristics defined in Schedule 1 of this bylaw.

PERSON includes a natural person, corporation sole and also a body of persons whether incorporated or unincorporated.

POINT OF DISCHARGE is the point where a private drain connects into the public sewer or the boundary between council sewerage system and a private drain, but for the purposes of monitoring, sampling and analysis will be as agreed with the discharger.

PREMISES means either:

- a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title 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 certificate of title is available, or
- c) Any building or part of a building which is separately leased or occupied, or
- d) Any place from which trade wastes are discharged.

PRE-TREATMENT means any processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the sewerage system in order to comply with a trade waste consent.

PRIVATE DRAIN means that section of drain between the premises and the point of connection to the sewerage system. A private drain is owned and maintained by the owner or occupier.

PROHIBITED TRADE WASTES means trade waste that has any characteristics of wastewater defined in Schedule 2 of this bylaw.

SANITARY FIXTURE means any fixture which is intended to be used for sanitation, including but limited to fixtures used for washing and or excretion.

SANITARY APPLIANCES means any appliance used for sanitation including machines for washing dishes and clothes.

SEWAGE means foul water and may include trade waste.

SEWAGE SLUDGE means the solid material settled out from wastewater during the treatment process.

SEWERAGE / WASTEWATER SYSTEM means the system operated by the council for the collection, treatment and disposal of sewage and trade wastes including sewer pumping stations, storage tanks, treatment plants, outfalls and disposal systems and related structures.

SEWER means the parts of the sewerage system including the sewer lateral connection that carry away domestic wastewater or trade waste from a point of discharge.

SIGNIFICANT INDUSTRY means an industry the council has determined is significant for the purposes of this bylaw by reference to the discharge and the volumes to be discharged in accordance with this bylaw.

STORMWATER means all surface water run-off resulting from precipitation.

TANKERED WASTE is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles.

TEMPORARY DISCHARGE means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent and:

- a) Discharge of tankered waste to a designated point in the sewer; or
- b) A new discharge for a defined period not exceeding 12 months; or
- c) Changed characteristics exceeding those permitted in a trade waste consent.

TELARC means Testing Laboratory Registration Council.

TKM means Total Kjeldahl Nitrogen which is organic and ammonia Nitrogen.

TRADE PREMISES means:

- a) Any premises used or intended to be used for any industrial, commercial or trade purpose; or
- b) Any premises used or intended to be 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 premises from which a contaminant is discharged in connection with any industrial, commercial or trade process;
- d) Any other premises discharging other than domestic sewage to the sewerage system; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE is any liquid or gas, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's sewerage system in the course of any trade, commercial or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic sewage.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from premises to a sewer.

WASTEWATER AUTHORITY (WWA) means the operational unit of Council responsible for the collection, treatment, and disposal of wastewater, including its authorised agents.

WASTEWATER SYSTEM means councils public sewer system, and all its component parts.

WORKING DAY means any day of the week other than:

- a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and
- b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

VOLUME CHARGE is the charge for reticulating, receiving, treating, reusing, and disposing of trade wastes.

5.2 The following abbreviations are used in the document.

°C	degrees Celsius
B	boron
BOD	Biochemical Oxygen Demand
Br ₂	bromine
Cl ₂	chlorine
CN	cyanide
COD	Chemical Oxygen Demand
F	fluoride
FOGs	fats, oils and greases
g/m ³	grams per cubic metre
GST	goods and services tax

H ₂ S	hydrogen sulphide
hr	hour
kg/day	kilogram per day
L	litre
L/s	litre per second
LGA	Local Government Act 2002
LTCCP	Long term council community plan
m ³	cubic metre
max.	maximum
mg/L	milligram per litre
mL/L	millilitre per litre
mm	millimetres
MSDS	material safety data sheets
N	nitrogen
P	phosphorus
pH	measure of acidity/alkalinity
s	second
s.	section
s. s	sections
SO ₄	sulphate
SUS	suspended solids concentration
UV	ultraviolet
UVT	ultraviolet transmission

6. Classification of Trade Wastes Discharges

6.1 Trade waste discharges shall be classified as one of the following types:

- a) Permitted: A notice of Registration and Permitted Category Classification to Discharge Trade Waste is needed for trade waste discharges where the following conditions are met, however the Council reserves the right to inspect all discharges. The trade waste shall not:
 - i. Exceed a flow of 2m³ per day; and highest discharge rate of 1 L/s.
 - ii. Contain concentrations of constituents that are significantly different from domestic sewage.
 - iii. Contain any other significant contaminants.

Advisory Note: Domestic sewage typically contains suspended solids of 200 g/m³; and BOD₅ of 250 g/m³.

- b) Conditional: A notice of written Conditional Consent to Discharge Trade Wastes is needed for discharges of trade wastes, including temporary discharges, where the trade waste is neither permitted under (a) nor prohibited under (c).

Trade wastes with prohibited characteristics may be able to obtain a temporary consent. A consent will not necessarily be granted, and, if granted, may be subject to conditions.

- c) Prohibited – A trade waste shall not be discharged into the Sewer if it contains one or more of the prohibited characteristics in Schedule 2.

7. Standards

- 7.1** A reference to any New Zealand Standard made pursuant to the Standards Act 1988 shall include any standard made in substitution for the standard referred to in the bylaw.

8. Compliance with the Bylaw

- 8.1** Control of Discharges. No Person shall:

- a) Discharge, or allow to be discharged, any trade waste to the sewerage system except in accordance with the provisions of this bylaw and any consent granted by the Council.
- b) Discharge, or allow to be discharged, a prohibited trade waste into the sewerage system.
- c) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the sewerage system unless allowed by a conditional consent, or
- d) Add or permit the addition of stormwater to any trade waste which discharges into the sewerage system unless allowed by a conditional consent.

- 8.2** In the event of failure to comply with clauses 8.1 (a) – (d) Council may physically prevent any unauthorised discharge to the sewerage system.

- 8.3** Storage, transport, handling, and use of hazardous materials:

- a) All persons on trade premises will take all reasonable steps to prevent the accidental entry of any hazardous materials from entry into the sewerage system as result of leakage, spillage, or other mishap.
- b) No person will store, transport, handle or use, or cause to be stored, transported, handled, or used any hazardous materials in a manner that may cause the material to enter the sewerage system and cause harmful effects.
- c) The discharge of trade waste in accordance with this bylaw does not have any effect or any obligation under the Hazardous Substances and New Organisms Act 1996 or the Resource Management Act 1991.

8.4 Offence to Cause or Allow Unauthorised Discharge:

- a)** Every occupier or consent holder of trade premises commits an offence against this bylaw who, without authorisation in accordance with this bylaw, by any act or omission, causes or allows the entry into the sewerage system of any hazardous substance or any:
 - i.** Matter containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials; or
 - ii.** Matter likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous when mixed with wastewater; or
 - iii.** Matter containing biological or infectious waste likely to be injurious to the health and safety of council staff, contractors, or the public; or
 - iv.** Matter likely to be injurious to the health and safety of council staff, contractors, or the public; or
 - v.** Matter likely to be harmful to the sewerage system.
- b)** Every contractor, employee, and agent of every occupier of trade premises commits an offence who, without authorisation in accordance with this bylaw, causes the entry into the sewerage system of any hazardous substance or any:
 - i.** Matter containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials; or
 - ii.** Matter likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous when mixed with wastewater; or
 - iii.** Matter containing biological or infectious waste likely to be injurious to the health and safety of council staff, contractors, or the public; or
 - iv.** Matter likely to be injurious to the health and safety of council staff, contractors, or the public; or
 - v.** Matter likely to be harmful to the sewerage system.
- c)** No person may store, transport, handle or use, or cause to be stored, transported, handled, or used any hazardous substance, or any matter listed in clause 8.4 (a) and (b) in a manner that may allow that matter to enter the sewerage system and cause any harmful effect to the sewerage system or the receiving environment, or people or animals.

9. Non-Acceptance of Trade Waste

- 9.1** The Council may decline the acceptance of any trade waste. No application for a trade waste consent will be granted where the trade waste discharge would contain, or is likely to contain, characteristics which are prohibited unless the prohibited characteristic can be treated so as to allow a conditional trade waste consent to be granted.

10. Registration of all Dischargers

- 10.1** All Dischargers, including permitted dischargers, must be registered with the Council. For permitted dischargers such registration shall be in a form prescribed by the Council. For conditional trade wastes the consent itself will serve as the required registration.

11. Applying for a Consent

- 11.1** Trade Wastes Consent Application.
- 11.2** Every owner or occupier of trade premises who wishes to:
- a) Make a conditional discharge into the sewer; or
 - b) Vary the characteristics of a consented trade waste; or
 - c) Vary the conditions of a consent to discharge that has previously been granted;
- shall complete an application form.
- 11.3** Whether the owner or the occupier of a trade premises is the most appropriate party to make an application will depend on the circumstances. The Council reserves the right to decline an application from the party it considers less appropriate, and require an application from the appropriate party, and it will base that decision on the nature of the trade premises and/or the characteristics of the discharge.
- 11.4** Where the trade premises produce trade waste from more than one process, a separate process trade waste description sheet shall be included for each process in any application for trade waste discharge.
- 11.5** The applicant shall ensure that the information in the application and every other document submitted is correct and that the person completing the application is properly authorised.
- 11.6** The Council may, at its discretion, require an application to be accompanied by a draft Discharge Management Plan.
- 11.7** Any temporary discharge shall be applied for as a “Temporary discharge”.

- 11.8** It is an offence to include any inaccurate or misleading information in an application for consent to discharge trade waste.

12. Application Fee

- 12.1** Every application shall be accompanied by the trade waste application fee in accordance with the Council's schedule of rates and charges.

13. Acknowledgement

- 13.1** On receipt of the application, including the application fee, the Council shall acknowledge the application in writing within 10 working days of its receipt. Further information may be required as part of this receipt of information and any delay by the applicant in supplying this information may affect the processing of the consent, but the Council shall process as much of the application as possible while it awaits the further information

14. Information and Analysis

- 14.1** On the receipt of any application the Council at its discretion, may:
- a)** Require the applicant to submit any additional information which it considers necessary to reach an informed decision, and
 - b)** Require an application to be supported by an independent and external auditor to verify any or all information supplied by the applicant, and/or a "Discharge Management Plan" which may form part of an Environmental Management System, and
 - c)** Where there is doubt about the volume and characteristics of the discharge, have the discharge investigated and analysed at the applicant's expense in an IANZ-accredited test laboratory or another laboratory approved in writing by the Council.

15. Consideration of an Application

- 15.1** On receipt of an application complying with this bylaw and/or all requirements under clause 14.1 above, the Council shall, after considering the matters in clause 16.1 do one of the following within 20 working days:

- a)** Decline the application in writing with the reasons for that refusal; or
- b)** Grant the application with or without such conditions as the Council considers appropriate.

Granting a consent or permitting any discharge under this bylaw does not relieve the discharger from any obligations to obtain any other consent or permission for the discharge under any other statutory requirement or obligation of the discharger.

16. Criteria for Consideration

16.1 In considering any application for a trade waste consent to discharge from any trade premises into the sewer and in imposing any conditions on such a consent, the Council shall take into consideration the quality, volume, and rate of discharge of the trade waste from such premises in relation to:

- a)** The health and safety of Council staff and the public;
- b)** The limits and/or maximum values for characteristics of trade waste as specified in Schedule 1 of this bylaw;
- c)** The extent to which the trade waste may react with other trade waste or domestic wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the sewage system;
- d)** The flows and velocities in the sewer, or sewers and the material or construction of the sewer;
- e)** The capacity of the sewer or sewers and the capacity of any sewage treatment works and other facilities;
- f)** The nature of any sewage treatment process and the degree to which the trade waste is capable of being treated in the sewage treatment works
- g)** The timing and balancing of flows into the sewerage system;
- h)** The effect of the trade waste discharge on the ultimate receiving environment;
- i)** The conditions on resource consents for the sewerage system and the residuals from it;
- j)** The possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the sewerage system and the environment;
- k)** Consideration for other existing or future discharges;
- l)** The amenability of the trade waste to pre-treatment;

- m) Any existing pre-treatment works on the premises and the potential for their future use;
- n) Cleaner production techniques and waste minimization practices;
- o) The requirements and limitations related to sewage sludge disposal and reuse;
- p) The control of stormwater;
- q) Any Management Plan;
- r) Tankered waste being discharged at an approved location;
- s) Any statutory requirements relating to the discharge of raw or treated waste water into the environment, the disposal of sewage sludges, beneficial use of biosolids and any discharge to air, including compliance with any resource consent or discharge permit.

17. Review of Decision

- 17.1** If any person is dissatisfied with any decision by an authorised Officer made under this bylaw, that person may, by notice delivered to the Chief Executive Officer of the Council not later than 20 working days after the decision by the authorised officer is served upon that person, request the Chief Executive Officer to review any such decision and such a decision will be final. Nothing in this clause will affect any right of appeal or review available at law.

18. Consent Conditions

- 18.1** Nature of Conditions.

- 18.2** Any conditional trade waste consent to discharge may be granted subject to such conditions as the Council may impose, including but not limited to:
- a) The particular part of the sewer to which the discharge will be made;
 - b) The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge
 - c) The maximum limit or permissible range of any specified characteristics of the discharge, including mass limits determined in accordance with clause 21.1 and concentration limits as in Schedule 1;
 - d) The period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
 - e) The degree of acidity, or alkalinity of the discharge at the time of discharge;

- f)** The temperature of the trade waste at the time of discharge;
- g)** The provision and maintenance at the applicant's expense of screens, grease traps, silt traps or other pre-treatment works to prevent or control the discharge of solids or grease to the sewer;
- h)** The amount, if any, of cooling water, condensing water or stormwater which cannot practically be separated from trade wastes, that may be included with the discharge;
- i)** The provision at the applicant's expense of further treatment to reduce the load on the district's treatment plant and/or to improve the quality and reduce the quantity of the trade waste;
- j)** The provision and implementation of a cleaner production programme;
- k)** The provision and maintenance at the applicant's expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- l)** A sampling and testing programme and flow measurement requirements; the stipulation of which of the methods set out clause 22.1 and 23.1 are to be used for measuring flow rates and taking samples of the discharge for use in determining the trade waste charges applicable to that discharge;
- m)** The provision and maintenance at the applicant's expense of such meters or devices as may be required to measure the volume or flow rate of any trade waste being discharged from the premises, and for the testing of such meters;
- n)** The provision and maintenance, at the applicant's expense of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters and similar devices;
- o)** At times specified, the provision in a Council approved format by the consent holder to the Council of all flow and/or volume records and results of analyses;
- p)** The provision and implementation of a Management Plan;
- q)** Waste minimisation and management;
- r)** Cleaner production techniques;
- s)** Third party treatment, carriage, discharge or disposal of by-products of pre-treatment of trade waste (including sewage sludge disposal);
- t)** The amount, if any, of cooling water, condensing water or stormwater which cannot practically be separated from trade wastes, that may be included with the discharge

19. Duration

- 19.1** Subject to clauses 35.1 and 36.1 of this bylaw, trade waste consents granted under this bylaw shall be for a term not exceeding two years, but at its discretion the Council may grant a consent for a term up to ten years if:
- a)** The nature of the trade activity, or the process design and/or management of the premises are such that the applicant has demonstrated the ability to meet the conditions of the trade waste consent during its term; and
 - b)** Cleaner production techniques are being used effectively, or in the opinion of the Council a significant investment in cleaner production equipment or techniques has been made; and
 - c)** In the opinion of the Council significant investment in pre-treatment facilities has been made.

20. Technical Review and Variation

- 20.1** The holder of a trade waste consent may at any time during the term of a consent, by written application to the Council, seek to vary any condition of the consent.
- 20.2** The Council may, at any time during the term of a trade waste consent, by written notice to the consent holder, vary any condition to such extent as the Council considers necessary to meet any new resource consent or consent condition imposed on the discharge from the Council's treatment plant, or with any other legal requirements imposed on the Council.
- 20.3** The Council may serve notice at any time on a consent holder of its intention to review the conditions of a trade wastes consent having regard to the criteria set out in clause 16.1 Following such a review the Council may then, by three months written notice to the consent holder, vary any condition of the consent. The reasons for the review may include but not be limited to the following:
- a)** Non-compliance with a consent or this bylaw
 - b)** Accidental spills or incidents
 - c)** Changes to the councils resource consents authorising the sewerage system and disposal of sewage
 - d)** Changes to the councils environmental policies
 - e)** The existence of any legal obligations on council

20.4 A notice under clause 20.3

- a)** Shall advise the consent holder of the conditions of the consent which are the subject of review; and
- b)** Shall state the reasons for the review; and
- c)** Shall specify the information which the consent authority took into account when making its decision to review the consent; and
- d)** May propose new consent conditions; and
- e)** Shall advise the consent holder of when the new conditions shall come into operation.

20.5 Temporary consents may be granted in accordance with clause 20.3 of the bylaw.

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21. Mass Limits

21.1 Mass Limits.

A trade waste consent may impose conditions on a trade waste discharge by specifying mass limits for any characteristic. When setting mass limits for a particular characteristic the Council shall consider:

- a)** Conditions in the sewer near the point of discharge and elsewhere;
- b)** The extent to which the available industrial capacity was used in the last financial year and is expected to be used in the forthcoming year;
- c)** Whether or not the applicant has established to the satisfaction of the Council a programme to achieve cleaner production outcomes within a satisfactory period;
- d)** Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
- e)** Any requirements on the Council to reduce the pollutant discharge of the sewer;
- f)** How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the sewer;
- g)** The total mass of the characteristic allowable in the sewer, and the proportion (if any) to be reserved for future needs;
- h)** Whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the sewer, treatment plant or disposal system; and
- i)** Health and safety of people and the effect on the final receiving environment of the particular characteristic and the requirements of any discharge consent conditions.

22. Flow Metering

22.1 Flow metering shall be required:

- a)** When there is not an identifiable relationship between a metered water supply to the premises, and the discharge of trade waste; or
- b)** When the consent holder and the Council cannot agree on a suitable method of flow estimation; or

- c) When the discharge represents a significant proportion of the total discharge received by the sewerage system; or
- d) Where the Council decides there is a need for the continuous reading of flow.

- 22.2** The consent holder shall be responsible for the supply, installation and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste. These devices shall be subject to the approval of the Council, but shall remain the property of the consent holder.
- 22.3** Records of flow and/or volume shall be available for viewing at any time by the Council, and shall be submitted to the Council at prescribed intervals.
- 22.4** The consent holder shall arrange for calibration of the flow metering equipment and instrumentation by an agency approved by the Council in accordance with NZS 10012: Part 1 upon installation and at least once a year thereafter to ensure performance within $\pm 10\%$ of its reading. A copy of independent certification of each calibration result shall be submitted to the Council for its approval.
- 22.5** Should any meter, after being calibrated, be found to register a greater or lesser discharge than the quantity of trade waste actually passed, the Council may make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of the Council but not exceeding 12 months, and the consent holder shall pay a greater or lesser amount according to such adjustment.

23. Monitoring

- 23.1** The Council shall audit and monitor the compliance of the consent holder in discharging trade wastes under the terms of the consent, and the details of the monitoring done shall be at the discretion of the Council. All such monitoring shall be at the expense of the consent holder.
- 23.2** If required by the consent holder, all samples taken by the Council shall be split as follows:
- a) On completion of sampling each of the samples or the composite sample(s) as the case may be, shall be divided into 3 equal parts, and
 - b) The first portion delivered to the consent holder, and
 - c) The second and third portions delivered to an authorised officer of the Council.
- 23.3** Where any portion of the sample or composite sample is to be delivered in accordance with this bylaw, it shall be delivered within 4 hours of the sample being completed.

- 23.4** The third portion of the sample shall be retained on behalf of the Council for a minimum period of 20 working days from the date of receipt, and in such a manner which preserves as far as is reasonably possible the characteristics of the sample being tested
- 23.5** Any analysis shall use the test method and be conducted by an IANZ-accredited test laboratory, or another laboratory approved in writing by the Council.
- 23.6** The frequency of samples shall be as determined by the Council.

As a general guide:

Flow m ³ /d	Frequency of Sampling
0-5	1 per year
5-30	2-3 per year
30-100	4-6 per year
>100	Council to determine as special case

Sampling shall be carried out at the time of the year that the trade waste discharge produces the greatest effect (whether flow or strength). Successive samples shall be taken on different days of the week, where possible.

24. Estimating Discharge

- 24.1** For the purposes of charging, where meters as defined in clause 22.1 or monitoring as in clause 23.1 are not warranted, and this decision shall be at the Council's discretion, the Council may agree on discharge rates and waste characteristics on such bases as seem reasonable.
- 24.2** Should any meter be out of repair or cease to register, or be removed, the Council shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the consent holder) and the consent holder shall pay according to such estimate. However, when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the discharge the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the consent holder shall pay according to such estimate.
- 24.3** Where, in the judgment of the Council, a meter has been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided in clause 24.2.

25. Dilution

- 25.1** The consent holder shall not (unless approved by the Council) add, or permit the addition of, any water whatsoever to any wastewater stream solely in order to vary the level of any characteristic of the waste.

26. Tankered Waste

- 26.1** Tankered wastes shall not be discharged into the Ashburton District Council's sewerage system by any Person unless they hold a consent to discharge domestic septic tank or industrial wastes.

The Ashburton District Council may accept tankered waste for discharge at an approved location. Tankered wastes shall:

- a)** Be transported by a consent holder to discharge domestic septic tank or industrial wastes.
- b)** Give 24-hour notice for the disposal of waste other than that sourced from domestic septic tanks.
- c)** Material safety data sheets (MSDS) must be supplied to the Ashburton District Council detailing the contents of a waste.
- d)** Be tested to determine its character if the contents of the waste are not known. Specialist advice on Pre-treatment or acceptance may be required. The cost of all testing and advice shall be borne by the consent holder.
- e)** Not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the Ashburton District Council.
- f)** To prevent cross-contamination between tanker loads, the tanker should be thoroughly washed prior to collecting a load for disposal into the sewerage system.
- g)** Must comply with the Liquid and Hazardous Wastes Code of Practice. Comply with Liquid and Hazardous Waste Code of Practice whenever practicable.

27. Accident Prevention

27.1 Precautions

27.2 All persons in trade premises shall take precautions to prevent the accidental entry of material into the Sewer. This includes taking all reasonable steps to ensure that no raw materials, products, stored wastes, or other materials, including hazardous materials, can enter a Sewer.

27.3 Accidents. The consent holder shall inform a Trade Wastes Officer of the Council immediately on discovery of any accident, unauthorised discharge or incident including spills or process mishaps which may cause a breach of its trade waste consent in particular, or this bylaw in general. This requirement is in addition to any other notification to be given.

28. Fee and Charges

28.1 The Council may from time to time by resolution fix fees and charges payable under this bylaw.

28.2 Trade waste fees. Trade waste fees shall not exceed the reasonable costs incurred with respect to the following matters:

- a)** Processing applications; and
- b)** Administering the consent; and
- c)** Undertaking investigations; and
- d)** Receiving, transporting, treating, reusing, and disposing of the trade waste; and
- e)** Providing the facilities to receive, treat, reuse, and dispose of the trade waste; and
- f)** Undertaking monitoring; and
- g)** Any other activities involved in achieving the purpose of this bylaw as set out in clause 1.1

28.3 Trade Waste Charges. Trade waste charges are outlined in Schedule 3 but in general terms:

The amount payable in respect of a particular conditional trade waste discharge shall be the sum of:

- a)** Any applicable one-off and annual fees; and
- b)** The excess volume charge; and

- c) The excess biochemical oxygen demand treatment charge, and
for a permitted trade waste:
- a) One-off registration fee and annual administration and inspection charge.

29. Discharge Days

29.1 Discharge shall be assumed to occur every day of the year unless the applicant states otherwise in the trade waste application. The number of discharge days in a charge period shall be either:

- a) For those discharges which are on annual charges, the number as set out in the notice of consent to discharge; or
- b) For those discharges which are on quarterly charges, one quarter of the number as set out in the notice of consent to discharge;

but where an authorised officer has reasonable cause to believe discharges are occurring on additional days, the number shall include a reasonable assessment of the number of such additional days.

30. Invoicing

30.1 All charges for minor consented trade waste discharges (i.e. generally those discharges with a volume discharged of less than 5m³ per day and without any significant contaminants) will be invoiced annually. The consent holder shall pay this invoice by the 20th day of the month following receipt of the invoice

30.2 All charges for other consented trade waste discharges shall be invoiced quarterly, on the last day in March, June, September, and December each year.

30.3 The information and calculations used to determine the charges and fees due in regard to a discharge shall be set out in a resolution of Council. The invoice shall provide each consent holder with the calculations leading to their charges and fees.

31. Ceasing to Discharge

31.1 The consent holder shall be deemed to be continuing the discharge of trade waste and shall be liable for all charges, until such time as the consent holder gives notice of termination in accordance with clause 34.3. A disconnection fee may be charged by the

Council and this charge will be set out in the charging schedule available from the Council.

32. Failure to Pay

- 32.1** All sums payable for rates for wastewater services under this bylaw shall be recoverable as a debt and failing recovery such monies shall become a charge on the land.
- 32.2** All other fees or charges payable under this bylaw are recoverable as a debt.

33. Bylaw Administration

- 33.1** Authorised Officers. All authorised officers of the Council shall possess, and display on demand, formal proof of identification.

34. Transfer or Termination of Rights and Responsibilities

- 34.1** A trade waste consent shall be issued in the name of the applicant. The consent holder shall not, unless written approval is obtained from the Council:
 - a)** Transfer to any other party the rights and responsibilities provided for under this bylaw, and under the consent, or
 - b)** Allow a Point of Discharge to serve other premises,
- 34.2** On transfer of ownership a new application for a trade waste consent is required and this shall not be unreasonably withheld if the characteristics of the trade wastes remain unchanged.
- 34.3** The consent holder shall give 48hrs notice in writing to the Council of a requirement for termination of the discharge consent. The consent holder shall notify the Council of any new address for final invoicing.

35. Suspension or Cancellation on Notice

- 35.1** The council may suspend or cancel any consent, or any right to discharge permitted trade waste, at any time following 20 working days notice to the consent holder (in the case of a conditional discharge), or the occupier (in the case of a permitted discharge), when:
 - a)** There is any failure to comply with any condition of a consent;

- b)** The occupier or consent holder fails to maintain effective control over the discharge;
- c)** The occupier or consent holder fails to limit the volume, nature, or composition of a discharge in accordance with this bylaw or a consent;
- d)** When the occupier or consent holder negligently does or omits to do anything which, in the opinion of the council, threatens the safety of, or threatens to cause damage to, any part of the sewer system or the treatment plant or threatens the health of any person;
- e)** The continuing discharge poses a serious threat to the environment;
- f)** The discharge, alone or in combination with any other discharge, may result in a breach of any resource consent held by the council;
- g)** The consent holder fails to provide and maintain a management plan required under a conditional consent;
- h)** The consent holder fails to adhere to a management plan during any unexpected, unscheduled or accidental occurrence;
- i)** The occupier or consent holder fails to pay any fees and charges due;
- j)** The consent holder denies the council access to the premises for the purpose of measuring, sampling or monitoring the discharge;
- k)** Any other circumstances arise which, in the opinion of the council, render it necessary in the public interest to cancel the consent.

35.2 The Council reserves the right to physically prevent discharge to the sewer as part of the suspension.

36. Cancellation

36.1 The Council may cancel any trade waste consent at any time on 15 working days notice if:

- a)** The consent holder causes or allows the discharge of any prohibited substance;
- b)** The council is lawfully directed to cancel the consent;
- c)** The consent holder unlawfully discharges any trade waste;
- d)** Continuing the discharge is, in the opinion of the council, a threat to the environment or public health and safety;
- e)** Continuing the discharge may, in the opinion of the council, result in a breach of its resource consent.

36.2 Rights of objection. Any person who has:

- a)** Made an application under clause 11 (11.1 -11.8); or
- b)** Been requested to provide further information under clause 14.1; or
- c)** Had an application considered under clause 15.1 and 16.1; or
- d)** Had a decision made by an officer under 18 (18.1-18.2), 19.1, or 20.1; or
- e)** Had a trade waste consent suspended under clause 35.1; or
- f)** Had a trade waste consent cancelled under clause 36.1

shall have a right of objection to the Council in respect of that decision or requirement.

36.3 Any such objection shall be made by notice in writing to the Council, setting out the reasons for the objection, within 15 working days of the decision, requirement is notified to that person.

36.4 The Council shall as soon as practicable consider the objection. The Council shall give five working days' notice of the commencement date and time, and the place, of a hearing of an objection to the objectors.

36.5 The Council:

- a)** May dismiss the objection or uphold the objection wholly or in part; and
- b)** Shall give the objector notice in writing of its decision on the objection and the reasons for it.

36.6 Where an objection is made under clause 36.2 and in accordance with clause 36.5 (a) the Council decides to uphold the objection wholly or in part, that decision shall substitute for that part of the earlier decision to which the objection relates.

36.7 The decision of the Council shall be final but nothing in this clause shall affect any right of appeal under the Local Government Act 2002.

36.8 On receipt of a notice of objection under clause 36.3 the decision of the authorised officer (except for suspensions and cancellations under clauses 35.1 and 36.1) shall be suspended until the objection has been heard and determined by the Council.

37. Service of Documents

37.1 Any notice or other document required to be given, served or delivered under this bylaw to any person may (in addition to any other method permitted by law) be given or served by delivery or courier to:

- a)** That person's last known place of residence or business; or

b) In the case of a body corporate, its registered office.

- 37.2** Further to clause 37.1, if any notice or other document is left in a conspicuous place on the trade premises then such delivery shall be deemed to be service.
- 37.3** Any document given or served in accordance with clause 37.1 or clause 37.2 shall be deemed to have been served one working day after the date of issue
- 37.4** Any notice or document to be given, served, or delivered shall be signed by an officer authorised for that purpose.

38. Delegations

- 38.1** The powers of the Council in respect of clauses 11 (11.1 -11.8), 18 (18.1-18.2), 21.1, 22.1, 23.1, 35.1, and 39.1 are delegated to Council's Service Delivery Manager.
- 38.2** The Service Delivery Manager is authorised to sub-delegate to any Trade Wastes Officer the powers conferred on the Service Delivery Manager by the bylaw.
- 38.3** The Council may delegate to any committee or subcommittee the Council's powers in clause 36.1.

39. Offences

- 39.1** Every person commits an offence and is liable to a fine who:
- a)** Fails to comply with or acts in contravention of any provision of this bylaw, or
 - b)** Breaches the conditions of any consent to discharge granted pursuant to this bylaw, or
 - c)** Fails to comply with a notice served under this bylaw.

40. Penalties

- 40.1** The penalties for any breach of this bylaw shall be those provided in Section 242(5) of the Local Government Act 2002 and is liable for a fine not exceeding \$200,000.

SCHEDULE 1: Acceptable Discharge Characteristics

S1.1 Introduction

- S1.1.1** Where a trade waste complies at all times with the characteristics described in clauses S1.2 and S1.3 and tables S1.1, S1.2 and S1.3 of this bylaw it will be considered acceptable as a conditional discharge, except where such characteristics are varied or new conditions are added by the Council as part of an approval to discharge a trade waste
- S1.1.2** The Council shall take into consideration the combined effects of wastewater discharges and may make at any time any modifications to the following acceptable characteristics or add any new characteristics for individual discharges that Council believes are appropriate. Such modifications may include setting limits on the mass of any characteristic that may be supplied, in addition to the concentration limits.
- S1.1.3** The nature and levels of any characteristic listed below or any new characteristic added may be varied to meet any new resource consent conditions or other legal requirements imposed on the Council.

S1.2 Physical Characteristics

S1.2.1 Temperature

The temperature shall not exceed 50°C. A different maximum temperature may apply at the Council's discretion.

S1.2.2 Solids

- a) Non-faecal gross solids will have a maximum dimension which must not exceed 15 mm.
- b) The suspended solids content of any trade waste will have a maximum concentration which must not exceed 600 g/m³.
- c) The suspended solids content of any trade waste shall have a maximum concentration which shall not exceed 2000 g/m³ except where the potential for blockage exists, when a limit of 1000 g/m³ applies.
- d) The settleable solids content of any trade waste must not exceed 50 mL/L.
- e) The total dissolved solids concentration in any trade waste will be subject to the approval of the Council having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste.

- f) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of sewage in the drainage system or treatment plant must not be present.

S1.2.3 Oil and Grease

- a) There shall be no free or floating layer.
- b) A trade waste with mineral oil, fat or grease unavoidably emulsified, which is not biodegradable, shall not exceed 200 g/m³ as petroleum ether extractable matter (or other measures as approved by the Council) when the emulsion is stable at a temperature of 150C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range pH 6.0 to pH 10.0.
- c) A trade waste with oil, fat or grease unavoidably emulsified, which is biodegradable, shall not exceed 500 g/m³ when the emulsion is stable at a temperature of 150C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range pH 6.0 to pH 10.0.
- d) Emulsified oil, or grease shall not exceed 100 g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 150C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range pH 6.0 to pH 10.0.
- e) There shall be no fats, oils, greases or waste disposal unit residues discharged directly to the drain unless authorised by the Council.

S1.2.4 Solvents and other organic liquids

There shall be no free layer (whether floating or settled) of solvents or organic liquids.

S1.2.5 Emulsions of Paint, Adhesive, Rubber, Plastic

- a) Where such emulsions are not treatable these may be discharged into the Sewer subject to the total suspended solids not exceeding 600 g/m³ or a concentration agreed with the Council.
- b) Emulsions of both treatable and non-treatable types may only be discharged to the Sewer at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer.
- c) ADC may determine that the need exists for pre-treatment of such emulsions if they consider that trade waste containing emulsions unreasonably interferes with the operation of the treatment plant infrastructure e.g. reduces % UVT (ultra violet transmission)

S1.2.6 Radioactivity

Radioactivity levels shall not exceed the limits specified in the National Radiation Laboratory Guidelines, refer Schedule 2.

S1.2.7 Colour

No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the final effluent discharge consent.

S1.2.8 Condensing and cooling water and stormwater

Condensing or cooling waters and stormwater which cannot practically be separated from wastewater may be included subject to the Council granting specific approval in writing.

S1.2.9 Putrescible wastes

These may be discharged to the sewer under conditions set by the Council until the Council provides or arranges a commercial collection and disposal system for putrescible wastes. Then discharges of these wastes from trade premises to the sewer will cease.

S1.2.10 Biological oxygen demand

The biological oxygen demand (BOD5) must not exceed 600g/m³.

S1.2.11 Liquid pharmaceutical wastes

The monthly discharge of pharmaceutical waste shall not exceed the following volumes and concentrations of active ingredients:

Volume Limit	Active Concentration
10 Litres	125mg / 5 ml
5 Litres	250mg / 5 ml
3 Litres	Above 250mg / 5ml

Any discharge above these limits will require a trade waste consent.

S1.3 Chemical Characteristics

S1.3.1 pH value

The pH shall be between 6.0 and 10.0 unless specifically approved by the Council.

S1.3.2 Maximum concentrations

The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in the Tables S1.1, S1.2, and S1.3.

S1.3.3 Mass Limits

Maximum daily mass limits (kg/day) on any constituent may be imposed by Council.

S1.3.4 Inhibitory chemicals

No waste shall inhibit the performance of the wastewater treatment process such that the Council is significantly at risk or prevented from achieving its environmental statutory requirements, and the Council may specify a fixed ratio of dilution of a waste to safeguard the treatment process.

Table S1.1 - General Chemical Characteristics

Characteristic	Maximum Concentration (g/m ³)
MBAS (Methylene blue active substances)	500
BOD ₅	600
Ammonia (measured as N)	
- free ammonia	50
- ammonium salts	200
Kjeldahl nitrogen	50
Total phosphorus (as P)	15
Sulphate (measured as SO ₄)	500
Sulphite (measured as SO ₂)	15
Sulphide - as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	300
Dissolved iron	300
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30

Cyanide - weak acid dissociable (as CN)	1
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Table S1.2 – Trace Elements

Metal	Maximum concentration (g/m3)	Metal	Maximum concentration (g/m3)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.005
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium1	5	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	10	Zinc	10

Note 1: The concentration of chromium includes all valent forms of the element. Chromium VI is considered to be more toxic than chromium III, and for a discharge where chromium III makes up a large proportion of the characteristic, higher concentration limits may be acceptable.

Table S1.3 – Organic Compounds

Compound	Maximum concentration (g/m ³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) - excluding chlorinated phenols	30
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds ²	1.0
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002
Pesticides (general) ² (includes insecticides, herbicides, fungicides and excludes organo-phosphate, organo-chlorine and any pesticides not registered for use in New Zealand)	0.2
Organophosphate pesticides ^{2&3}	0.1

Note 2: These compounds shall be accepted only where specifically approved by a consent and only up to the maximum concentration specified in a consent.

Note 3: Includes only pesticides registered for use in New Zealand.

SCHEDULE 2: Prohibited Characteristics

S2.1 Any discharge has prohibited characteristics if it has any solid, liquid or gaseous matter or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:

- a)** Interfere with the free flow of wastewater in the sewer;
- b)** Damage any part of the sewer;
- c)** In any way, directly or indirectly, cause the quality of the effluent or residual biosolids and other solids from any wastewater treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act 1991, or water right, permit or other governing legislation;
- d)** Prejudice the occupational health and safety of wastewater workers;
- e)** After treatment be toxic to fish, animals or plant life in the receiving waters;
- f)** Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance;
- g)** Have a colour or colouring substance that causes the discharge of any wastewater treatment plant to receiving waters to be coloured.

S2.2 A discharge has a prohibited characteristic if it has any amount of:

- a)** Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- b)** Liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with wastewater;
- c)** Asbestos;
- d)** The following organo-metal compounds:
 - Tin (as tributyl and other organotin compounds)
 - Chromium (as organic compounds)
- e)** Any organochlorine pesticides;
- f)** Any organophosphate pesticides not registered for use in New Zealand;
- g)** All wastes that contain or are likely to contain genetically altered material from premises where the genetic alteration of any material is conducted;

- h)** Any health care waste covered by NZS 4304 or any pathological or histological wastes;
- i)** Radioactivity concentrations in excess of the limits specified in the National Radiation Laboratory Code of Safe Practice for the Use of Unsealed Radioactive Materials, NRL C1;
- j)** Any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means waste that is contaminated by a cytotoxic drug.

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Schedule 3: Trade Wastes Charging Framework

S3.1 Permitted

Permitted dischargers assessed to be discharging material:

- a)** Of a type considered the same as that generally discharged by a residential home, and;
- b)** Of a quantity not generally exceeding that of a residential home, or;
- c)** If the premises is paying a pan charge, not exceeding the quantity allowed for by Council

May be required to be registered for the purposes of trade wastes discharges but will not be required to pay either a one-off registration fee or a trade waste charge.

Permitted dischargers assessed to be discharging material:

- a)** In excess of the quantities referred to in (b) and (c) above, and / or
- b)** Are considered to be at risk of accidental discharge of non-permitted material;

Will be charged:

- a)** A one-off registration fee
- b)** An annual trade waste charge

These costs area made up of: administration; annual inspection; and monitoring.

S3.2 Conditional

Conditional dischargers will be charged:

- a)** A one-off registration fee
- b)** An annual trade waste charge

These costs area made up of: administration, annual inspection; and monitoring.

Conditional dischargers may also be charged:

- a)** Trade waste excess volume – levied per m³; charges for volume of wastes are based on either the measured volume discharged or the volume estimated from the measured volume of water entering the premises during the period corresponding most with each financial year;
- b)** Trade waste excess BOD₅ – levied per kg. The charges for BOD₅ will be based on the measured composition of waste water discharged from the premises during the period most closely with each financial year.

In calculating any charges, any domestic sewage discharged from the premises affected is deemed to be trade waste

S3.3 Tankered Septage Waste Disposal

Disposal of tankered septage waste will be charged:

- a)** Septic tank waste charges – levied per m3.

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Council

15 March 2023

8. Draft Alcohol Control Bylaw for consultation

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Summary

- Officers have reviewed our current Alcohol Control Bylaw.
- Pre-consultation has been done with the tri-agencies (NZ Police, Health Commissioner and the Alcohol Licensing Inspector).
- The pre-consultation and internal review has led to the proposal to update the Alcohol Control Ban areas in Methven and Ashburton. Areas have been added to provide better coverage of areas around existing, and new, licensed premises.
- The aim of this report is for Council to adopt the draft bylaw and consultation document, for consultation with the public from 16 March to 16 April 2023.
- Council has the following options regarding the policy:
 - Retain our current bylaw (status quo), or
 - Adopt the draft bylaw as attached, for consultation (recommended), or
 - Revoke the Alcohol Control Bylaw.

Recommendation(s)

1. **That** Council adopts the Draft Alcohol Control Bylaw for consultation from 16 March to 16 April 2023. (option 2)
2. **That** Council adopts the Draft Alcohol Control Bylaw Consultation Document.

Attachment

Appendix 1	Draft - Alcohol Control Bylaw
Appendix 2	Draft – Alcohol Control Bylaw Consultation Document
Appendix 3	Statement from NZ Police - Ashburton

Background

1. Council currently has an Alcohol Control Bylaw. It was first developed and adopted in 2018 and is due for review in 2023.
2. The purpose of the Alcohol Control Bylaw is, in relation to specified public places, to reduce the potential for alcohol-related offensive behaviour and harm, damage, disorder and crime.
3. The Bylaw aims to protect, promote and maintain public health and safety. For that purpose it enables Council to prohibit possession and consumption of alcohol in a specified public place, an Alcohol Ban Area, and at certain times.
4. The Alcohol Ban Areas were introduced following concern about disorderly behaviour and criminal offending linked to the consumption of alcohol in public places.
5. Within the Methven and Ashburton Alcohol Ban Areas there are currently three areas specified as Glass Ban Areas: the East Street water feature and the Skatepark in Ashburton and the Skatepark in Methven. In these areas you are not allowed, at any time, to have a glass drinking vessel or container. This is to enhance the purpose of the bylaw in an indicated high-risk area.

The current situation

6. Officers did an internal assessment of the bylaw which led to minor administrative corrections.
7. Officers facilitated a pre-consultation on the bylaw review with the tri-agency (NZ Police, Health Commissioner and the Alcohol Licensing Inspector).
8. During this process the following input was provided:
 - The Ashburton township is expanding and there are newly developed areas where there are multiple licensed premises in close proximity to one another.
 - Police referred to large carparks as isolated areas where groups can gather to drink and easily hide. They are difficult areas to oversee by police.
 - The next (standard) review of the bylaw will be in 10 years' time. It is likely that within this period there will be new developments outside the current Alcohol Ban Areas that include multiple licensed premises. Council can make amendments to the Bylaw earlier than the 10 years if required.
 - Both police and the Health Commissioner indicated there is very limited data available on alcohol related crime, disorder and health incidents. This is because incidents are often not registered in that context. Apart from that the COVID lockdowns have created data gaps, making data covering 2019 and 2020 unreliable.
 - Both Police and the Health Commissioner stated they are supportive of having the Alcohol Control Bylaw and refer to the positive effect the bylaw has with regards to alcohol related issues in the Alcohol Ban areas.

- Police specified that the bylaw provides them with the power to take preventative measures by asking people to tip out their alcohol when they are in an alcohol ban area, using the graduated response (Engage, Encourage, Educate, and Enforce). This measure reduces the alcohol intake which decreases alcohol related incidents.
- Police stated they foresaw issues returning if the bylaw was discontinued.

9. Considering all of the above officers are proposing to update the current Alcohol Control Ban areas in Methven and Ashburton and to add the following areas (as shown in the Schedules 1+2 in the draft Alcohol Control Bylaw):

Ashburton - Alcohol Ban Area

- Block A: Add the new developed area next to K-mart (In between the SH1, Dobson Street and Cass Street). There are currently four new alcohol licenses allocated in this area and potentially more to be added.
- Block B: Add the block with the carpark where currently is Briscoes (in between Cass Street, Tancred Street, William Street and Moore Street).
- Block C: Add the block with the northern Countdown carpark (in between East Street, Peter Street, Cass Street and Wills Street).

Methven – Alcohol Ban Area

- Make use of an actual street as the boundary of the Alcohol Ban Area by moving the boundary to Mackie Street connecting to Methven Chertsey Road.

10. Our inhouse Legal Counsel has assessed that making an amendment to the Alcohol Control bylaw requires the review process to consider the same criteria as making a bylaw for alcohol control purposes. These criteria are referred to in more detail in the legal section of this report (section 18).
11. Police and the Health Commissioner support the new proposed ban areas.
12. NZ Police (Ashburton) has provided an official statement with their input on the bylaw review (see appendix 3).
13. If Council adopts the Draft Alcohol Control Bylaw for consultation, public consultation is scheduled to take place from 16 March 2023 till 16 April 2023.

Options analysis

Option one – continue Alcohol Control Bylaw without amendment

14. Under this option Council can decide to continue the bylaw without making any amendment. For this option legislation requires public consultation and for a territorial authority to be satisfied

that the level of crime or disorder experienced before the bylaw was made is likely to return to the area to which the bylaw is intended to apply if the bylaw does not continue.

<p>Advantages:</p> <ul style="list-style-type: none"> - Continue to have an Alcohol Control Bylaw that aims to reduce the potential for alcohol-related offensive behaviour and harm, damage, disorder and crime. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> - Missed opportunity to add newly proposed areas to the current Alcohol Control Ban Areas.
<p>Risks:</p> <p>Public health and law and order issues arise stemming from newly proposed areas. Council is required to revisit the Bylaw to address such issues in future, creating re-work.</p>	

Option two –adopt the draft Alcohol Control Bylaw as attached in appendix 1, for consultation (recommended)

15. Council could decide to adopt the draft for consultation, as attached in appendix 1. This is the recommended option.

<p>Advantages:</p> <ul style="list-style-type: none"> - Reflecting recent and potential future Ashburton developments that could pose alcohol-related risks in the bylaw. 	<p>Disadvantages:</p> <p>It provides more restriction on the freedoms of citizens, albeit at the risk of negative externalities such as broken glass and public disorder.</p>
<p>Risks:</p> <ul style="list-style-type: none"> • Council could be perceived as overly restrictive on the rights of Ashburton or Methven residents by expanding the Alcohol Ban Areas. 	

Option three – revoke Alcohol Control Bylaw

16. Council could decide to revoke the bylaw.

<p>Advantages:</p> <ul style="list-style-type: none"> • No significant advantages • Community could perceive Council as less restrictive on personal rights and freedoms. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> • No controls on the consumption of alcohol in public places potentially leading to a number of negative externalities. • Potential increase in crime particularly in areas prone to incidents in the Ashburton and Methven CBD. • Potential public safety implications (including residents and visitors feeling unsafe) • Potential nuisance and violence caused by glass in certain areas.
<p>Risks:</p> <ul style="list-style-type: none"> • Reputational risk: Community stating that Council does not consider or acknowledge alcohol related issues (health, crime, disorder). 	

Legal/policy implications

17. The bylaw underwent an external legal review when it was developed in 2018. The draft bylaw will be reviewed by our in-house legal counsel.

Local Government Act 2002

18. [Section 145](#) of the Local Government Act 2002 (LGA) gives Council the power to make a bylaw for the purpose of:
- protecting the public from nuisance;
 - protecting, promoting, and maintaining public health and safety;
 - minimising the potential for offensive behaviour in public places.
19. Further authorisation is provided by [Section 147](#) of the Local Government Act 2002 (LGA) which states territorial authorities can make bylaws for controlling the consumption, bringing in and possession of alcohol in public places.
20. [Section 147A\(3\)](#) refers to the criteria that are to be met before the bylaw is made or amended:

<p>Required Determination</p> <p>section 147A(3)</p>	<p>Council Consideration</p>
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<p>3a) Whether the bylaw can be justified as a reasonable limitation on people's rights and freedoms.</p>	<p>Council officers consider the bylaw is a reasonable limitation and not overly restrictive because:</p> <ul style="list-style-type: none"> • The restrictions in the bylaw are set for specifically identified areas in the district and during set timeframes. • Police have a local alcohol harm reduction officer. Her view, as supported by the letter in Appendix 3, is that unregulated drinking can lead to alcohol related harm and crime. Therefore, the bylaw provides police with a prevention tool for early intervention in public places. • Police use the “Engage, Educate, Encourage, Enforce model” and “in most cases Police deal with breaches by way of a verbal warning and have people tip out the relevant container’s contents”. • The Police’s focus is on education where possible, which is not an unreasonable limitation on people’s rights and freedoms given the potential harm of unregulated drinking. • Police advised that during 2019 - 2021 only 1 recorded instance of the alcohol ban being breached is recorded. This shows that from the powers given to the Police by this bylaw, they use the one that has a reasonable limitation on people’s rights and freedoms. • There have been no official complaints on the restrictions received.
<p>3b) Whether a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made.</p>	<p>Council has been provided by a statement from the Police that:</p> <ul style="list-style-type: none"> - “Police strongly support the continuation of the bylaw by the Ashburton District Council as a prevention and enforcement measure in relation to reducing alcohol harm. - Police believe that crime/disorder and social harm will return to the indicated areas if the bylaw preventing consumption and possession of alcohol in the Alcohol Ban area did not continue.” <p>Police also advised that prior to the bylaw, young people used to congregate around East Street, socialising and consuming alcohol. Under the bylaw, Police can now prevent this.</p> <p>Council officers therefore consider that, based on the observations and experience of local Police, that there is a real risk of crime and disorder returning to the alcohol ban areas if the bylaw is removed.</p>

3c) <i>whether the bylaw is appropriate and proportionate in the light of that likely crime or disorder.</i>	<p>As is evident from the Police letter, the alcohol ban is known to be a reasonable deterrent to people drinking alcohol in the relevant public places. Further, the bylaw provides Police with an ability to take enforcement action where necessary when breaches are detected in order to reduce or prevent alcohol related harm. Police therefore support the continuance of the alcohol ban bylaw.</p> <p>In light of the above, Council officers consider the bylaw is both appropriate and proportionate under the circumstances.</p>
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21. [Section 147C](#) refers to the signage for areas in which bylaws for alcohol purposes apply.
22. [Section 155](#) of the Local Government Act 2002 requires Council to make the following determinations:

Required Determination	Council Consideration
Whether a bylaw is the most appropriate way of addressing a perceived problem	<p>Council has determined that a bylaw is the most appropriate way of addressing the perceived problem.</p> <p>It is not a legal requirement to have an Alcohol Control Bylaw. However there is a need to minimise the potential for nuisance caused by alcohol abuse in public places and promote community safety.</p>
Whether the bylaw is the most appropriate form of bylaw	<p>Council's proposed Alcohol Control Bylaw is the most appropriate form of bylaw because it meets the following tests:</p> <ul style="list-style-type: none"> • It is authorised by statute under section 145 of the Local Government Act 2002 • It is not repugnant to the general laws of New Zealand • The bylaw is certain and clear • The bylaw is reasonable • The bylaw is not overly restrictive, onerous on any person, or impractical.
The bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990	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.

23. As there are no significant changes proposed, the Alcohol Control Bylaw has been assessed as not significant and [Section 156\(1\)b](#) for the consultation applies, referring to a section 82 public

consultation. If Council approves of the proposed draft and consultation, the public consultation will be scheduled from 16 March to 16 April 2023.

Climate change

24. Council's decision on the Alcohol Control Bylaw is not expected to have an impact on Climate Change.

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

Strategic alignment

25. 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	✓	Purpose of bylaw to reduce potential alcohol-related damage and crime
Environmental	X	
Cultural	X	
Social	✓	Purpose of bylaw to protect, promote and maintain public health and safety

Financial implications

Requirement	Explanation
What is the cost?	<ul style="list-style-type: none"> Signage: if Council adopts the recommendation of expanding the Alcohol Ban Areas there will be costs associated with the signage and marking of the new Alcohol Control Ban area in Ashburton and Methven. This consists of footpath warnings on the outskirts of the zone plus additional post signage when inside the zone. Consultation: there are costs associated with the required consultation. These have been included in the current budget.
Is there budget available in LTP / AP?	Estimation of the costs (signage+ labour) is \$2,000 and therefore requires an increase to the sundry expenditure cost code accordingly. Due to arrangements already in place, it is estimated that the foot path signage and post signage can be in place within four weeks of adoption.
Where is the funding coming from?	Existing operating budgets.
Are there any future budget implications?	No – once signage is installed no further budget required.
Reviewed by Finance	Hayley Bezuidenhout; Financial Accountant

Significance and engagement assessment

26. The adoption of the draft bylaw has been assessed and does not trigger high significance. Council is however legally required under the Local Government Act 2002, to undertake consultation with the community on the draft bylaw. Submissions are scheduled from 16 March to 16 April 2023.

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	N/A

Level of engagement selected	<ul style="list-style-type: none"> • Consult
Rationale for selecting level of engagement	<ul style="list-style-type: none"> • Community consultation with the public on the proposed changes is required. Consultation is scheduled from 16 March till 16 April. • Consultation on the proposed Alcohol Ban Areas will be required with the affected landowners as the additional areas are not public land.
Reviewed by Strategy & Policy	Richard Mabon, Senior Policy Advisor

DRAFT Bylaw

ALCOHOL CONTROL

TITLE:	Ashburton District Council Alcohol Control Bylaw 2023
TEAM:	Environmental Services
RESPONSIBILITY:	Environmental Monitoring Manager
DATE ADOPTED:	17 May 2023
COMMENCEMENT:	17 May 2018
NEXT REVIEW DATE	17 May 2033

1. Title

The title of this bylaw is Ashburton District Council Alcohol Control Bylaw 2017.

2. Purpose

The purpose of this bylaw is, in relation to specified public places, to:

- reduce the potential for alcohol-related offensive behaviour and harm, damage, disorder and crime;
- protect, promote and maintain public health and safety; and
- provide controls on the consumption and possession of alcohol.

3. Related documents

- Ashburton District Council Local Alcohol Policy
- Ashburton District Council Open Spaces Bylaw
- Ashburton District Council Public Places Bylaw
- Ashburton District Plan
- Local Government Act 2002
- Local Government (Alcohol Ban Breaches) Regulations 2013
- New Zealand Bill of Rights Act 1990
- Sale and Supply of Alcohol Act 2012
- Summary Offences Act 1981
- Summary Proceedings Act 1957.

4. Contents

1. Title	1
2. Purpose.....	1
3. Related documents.....	1
4. Contents	2
5. Application	2
6. Definitions	2
7. Permanent Alcohol Bans	4
8. Temporary Alcohol Bans.....	4
9. Exemptions.....	4
10. Special Licenses	5
11. Amending Alcohol Bans	5
12. Signage	6
13. Powers of Police.....	6
14. Glass vessels in Glass Ban Areas	6
15. Designation of Specified Public Places and Specified Periods	7
16. Offences and Penalties	7
Schedule 1 – Proposed new Ashburton Alcohol and Glass Ban Areas.....	8
Schedule 2 – Proposed new Methven Alcohol and Glass Ban Areas	9

5. Application

This bylaw applies to public places in Ashburton District. Exclusions to the bylaw are set out in clause 9.

6. Definitions

Alcohol has the same meaning as section 5(1) of the Sale and Supply of Alcohol Act 2012 and means a substance:

(a) *that –*

- (i) *is or contains a fermented, distilled, or spirituous liquor; and*
- (ii) *at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or*

(b) *that—*

- (i) *is a frozen liquid, or a mixture of a frozen liquid and another substance or*
- (ii) *substances; and*
- (iii) *(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or*

(c) *that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.*

Alcohol Ban Area means the public places described in the Schedules of this bylaw in

which alcohol restrictions are in place permanently or for a specified period.

Bylaw means the Ashburton District Council Alcohol Control Bylaw 2023.

Container means any object used for or capable of holding, transporting or storing items.

Council means Ashburton District Council.

District means the district of the Ashburton District Council.

Drinking vessel means a container used for or capable of holding, transporting or storing a liquid of any kind.

Event means an organised activity involving a group of people.

Glass Ban Area means the public areas described in Schedule 1 and Schedule 2 of this bylaw in which glass restrictions apply.

Licensed premises has the same meaning as section 5(1) of the Sale and Supply of Alcohol Act 2012 and means any premises for which a licence is held.

Nuisance means a person or thing causing inconvenience or annoyance.

Offence means an offence under section 239A of the Local Government Act 2002 that is a breach of this bylaw.

Person means a natural person, a corporation sole, or a body of persons whether incorporated or not.

Public Place has the same meaning as section 147(1) of the Local Government Act 2002. Public Place -

(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but

(b) does not include a licensed premises.

Special Licence has the same meaning as section 22 of the Sale and Supply of Alcohol Act 2012 Special Licence:

There are 2 kinds of special licence: on-site special licences and off-site special licences.

*(a) On the premises a special licence designated as an **on-site special licence** is held for, the licensee can sell and supply alcohol, for consumption there, to people attending an event described in it.*

*(b) On the premises a special licence designated as an **off-site special licence** is held for, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it.*

Specified Period means a period specified in a resolution passed for the purpose of this bylaw and in respect of which this bylaw prohibits or otherwise regulates or controls the consumption or possession of alcohol either generally or in respect of any specified public place.

Specified Public Place means a public place shown on the plans contained in Schedule 1 and Schedule 2 and such additional place as may be defined by the Council by resolution from time to time in accordance with clause 15.4 of this bylaw.

7. Permanent Alcohol Bans

7.1 A person must not (unless an exemption under clause 9 or 10 applies):

- 7.1.1 consume alcohol in an Alcohol Ban Area;
- 7.1.2 bring alcohol into an Alcohol Ban Area;
- 7.1.3 possess alcohol in an Alcohol Ban Area;
- 7.1.4 consume, bring or possess alcohol in a vehicle within an Alcohol Ban Area.

8. Temporary Alcohol Bans

8.1 In addition to clause 7, Council may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as Alcohol Ban Areas for a specified period relating to a specified event or a particular time of the year.

8.2 If a Temporary Alcohol Ban is issued, Council will publicly notify the ban at least 14 days prior to the date of enforcement. The details of the Temporary Alcohol Ban and the enforcement period will be made publicly available.

9. Exemptions

9.1 The alcohol restrictions in this bylaw do not apply to areas or activities covered by a license issued under the Sale and Supply of Alcohol Act 2012, including:

- 9.1.1 any public place which is part of a licensed premises' outdoor area, where permission to occupy that area has been granted by Council;
- 9.1.2 the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the same licensed premises;
- 9.1.3 any public place that is subject to a special license, for the term of that license;
- 9.1.4 any vehicle in a public place to which a license under the Sale and Supply of Alcohol Act 2012 applies;
- 9.1.5 within defined areas at any event held in a public place at which alcohol is served under a caterer's license under the Sale and Supply of Alcohol Act 2012.

Explanatory notes: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:

A number of exemptions for the transportation of unopened bottles or containers of alcohol through Alcohol Ban Areas are listed in section 147(4) of the Act, and are not restricted by this bylaw, including:

- *commercial deliveries to licensed premises*
- *carrying alcohol bought from an off-license (eg liquor store)*
- *carrying alcohol to or from BYO licensed premises*
- *carrying alcohol to or from private residences.*

Some of these exemptions require the alcohol to be promptly removed from any public places covered by alcohol restrictions.

The exemption which applies to licensed vehicles does not extend to passengers who step out of the licensed vehicle within an Alcohol Ban Area, at which point they become subject to the bylaw and must comply with it.

- 9.2 A person can apply in writing to Council for an exemption for an activity that would be in breach of this bylaw.
- 9.3 The bylaw does not apply to organised events in public places that Council by resolution has suspended the application of this bylaw between specified hours on any given day/s, in accordance with section 151 (2) of the Local Government Act 2002.

10. Special Licenses

- 10.1 Nothing in this bylaw stops any individual or organisation (corporate or otherwise) from applying to the Council for a Special Licence for an event to be held in an Alcohol Ban Area.
- 10.2 Clause 7 (permanent alcohol bans) and Clause 8 (temporary bans) do not apply to alcohol sold, supplied or consumed within the area to which a Special Licence applies.

11. Amending Alcohol Bans

- 11.1 Council may amend or revoke an alcohol ban in accordance with the Local Government Act 2002. All amendments will be publicly notified at least 14 days before they date the effects of the amendments are to come into effect.
- 11.2 Council may amend Alcohol Ban Areas by resolution as provided for in section 151(2) of the Local Government Act 2002. These areas will be publicly notified as per the requirements in the Local Government Act 2002.

12. Signage

- 12.1 Council must display signage indicating the location and extent of the Alcohol Ban Area using sufficient legible notices in conspicuous places on, or adjacent to, the place to which the notice relates, informing the public of the Alcohol Ban Area unless it is impracticable or unreasonable to do so. The absence of signage is not a defence against breach of this bylaw.

13. Powers of Police

- 13.1 As provided by section 169 and 243 of the Local Government Act 2002, a police constable is empowered to enforce this bylaw, and is authorised to:
- 13.1.1 search a vehicle or container entering or within an Alcohol Ban Area subject to requirements of section 170 of the Local Government Act 2002;
 - 13.1.2 seize and remove alcohol if the alcohol is in breach of this bylaw;
 - 13.1.3 issue an infringement notice for any breach of the bylaw and impose an infringement fee under section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013; and
 - 13.1.4 arrest a person who has been asked and refused to either leave a public place or to surrender alcohol that is in breach of this bylaw.

Explanatory note: No warrant is required by the Police to conduct a search to ascertain whether Alcohol is present in a container or Vehicle that is in or entering an Alcohol Ban Area.

In addition to their general powers, under Sections 169 and 170 of the Local Government Act 2002 any member of the New Zealand Police may exercise the power under Section 170(2) of that Act (to search a container or vehicle without further notice) in a Specified Public Place on such specified dates as may be notified by the Council from time to time in accordance with the requirements in s.170 of the Local Government Act 2002.

14. Glass vessels in Glass Ban Areas

- 14.1 No person shall have in his or her possession, at any time, any glass drinking vessel or container in any Glass Ban Area, as detailed in Schedule 1 and 2.
- 14.2 Council may declare additional areas as Glass Ban Areas by resolution as provided for in section 151(2) of the Local Government Act 2002. These areas will be publicly notified as per the requirements in the Local Government Act 2002

15. Designation of Specified Public Places and Specified Periods

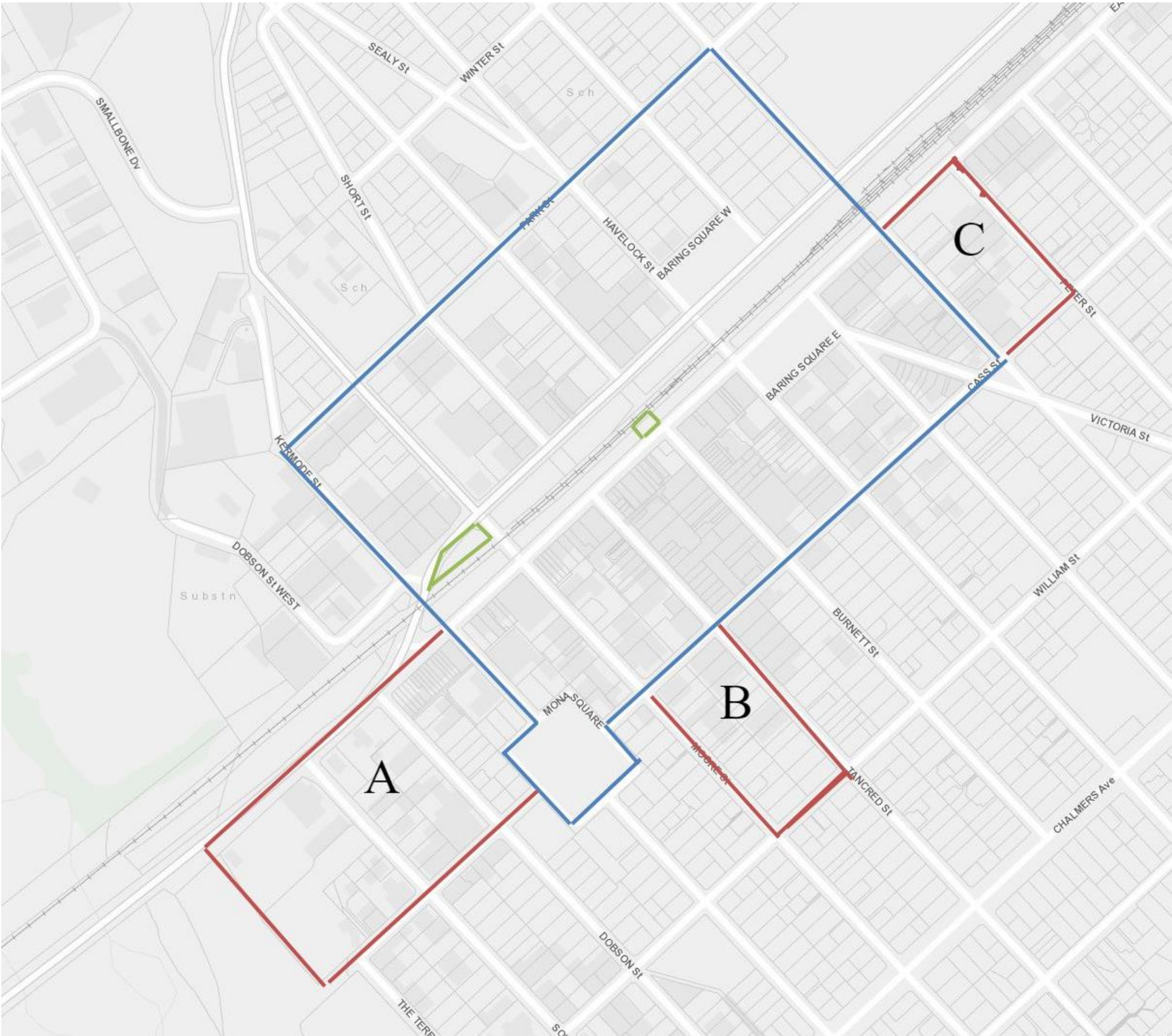
- 15.1 Specified Public Places are initially those areas described in the Schedule 1 and 2 of this bylaw, and referred to as Alcohol Ban Areas in this bylaw or otherwise known by the term “restricted place” as defined in s.169(1) of the Local Government Act 2002.
- 15.2 Council may declare additional areas as Specified Public Places by resolution as provided for in section 151(2) of the Local Government Act 2002. These areas will be publicly notified as per the requirements in the Local Government Act 2002.
- 15.3 Specified Periods are:
 - 15.3.1 in relation to Alcohol Ban Areas during the period from 9:00pm on any day to 7:00am the following day; and
 - 15.3.2 in relation to Glass Ban Areas 24 hours a day, 7 days a week; and
 - 15.3.3 during Labour Weekend each year the Labour Weekend Alcohol & Glass Ban Area shown on Schedule 2 of this bylaw, during the period from 9:00pm on the Saturday until 7:00am on the following Monday; and
 - 15.3.4 any additional period that may be specified by the Council by resolution from time to time in accordance with Clause 15.4 of this bylaw.
- 15.4 Council may declare additional periods as Specified Periods by resolution as provided for in section 151(2) of the Local Government Act 2002. These periods will be publicly notified as per the requirements in the Local Government Act 2002.

16. Offences and Penalties

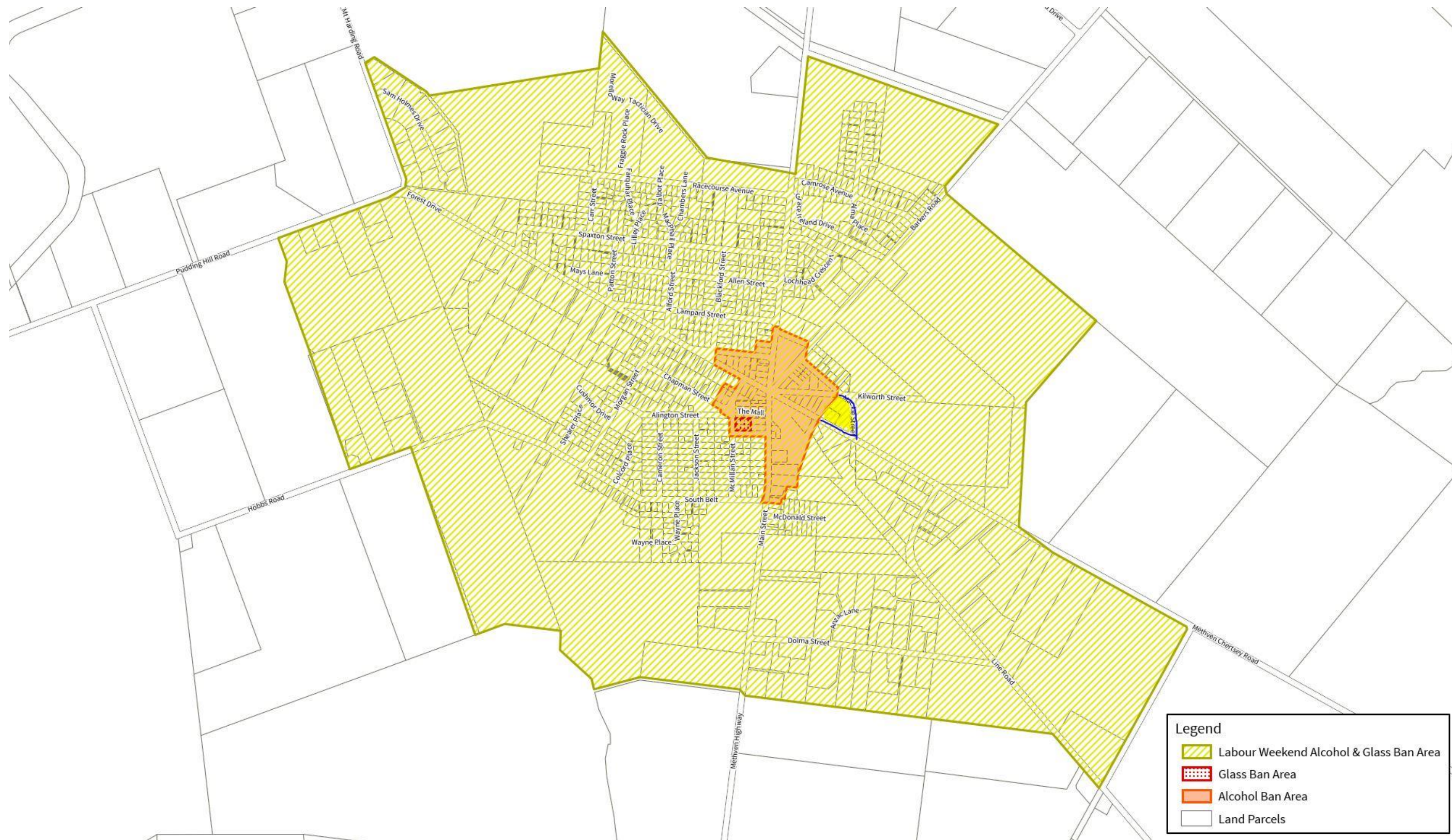
- 16.1 The penalty for breaching an alcohol ban is an infringement fee of \$250.00 as per the Local Government (Alcohol Ban Breaches) Regulations 2013.

Schedule 1 – Proposed new Ashburton Alcohol and Glass Ban Areas

The blue area is the **current** (2018) Alcohol Ban Area. In red are the proposed **new** to be added blocks.



Schedule 2 – Methven Alcohol and Glass Ban Areas



Appendix 2

Our Place: Our District

Draft Alcohol Control Bylaw 2023

We are reviewing our Alcohol Control Bylaw.

This booklet includes a summary of our proposed changes, the full draft bylaw, and a submission form for your feedback on whether you agree or disagree with the changes.

We are accepting feedback until 5pm, Sunday 16 April 2023.

Introduction

We are reviewing our current Alcohol Control Bylaw and want to hear your feedback on the changes we are proposing to make.

In 2018 we developed an Alcohol Control Bylaw to prohibit the consumption and possession of alcohol in some public places. This function was previously regulated under the Public Places Bylaw, but we felt it would provide greater clarity for the community and users of the Bylaw, such as the Police, if a separate Bylaw was developed.

Following research, discussions with stakeholders and public consultation an Alcohol Control Bylaw was developed and adopted by Council on 17th of May 2018.

It is now time to review the bylaw and we are keen to hear your thoughts.

Why do we need a bylaw?

The Bylaw covers matters such as areas where alcohol is banned for consumption and the time in which these bans occur. The goal of the bylaw is to protect, promote and maintain public health and safety, balancing regulatory control with the rights of residents to enjoy alcoholic beverages in public places.

We feel the bylaw works well and have received positive feedback from our stakeholders, indicating it helps in preventing a lot of alcohol-related offensive behaviour, damage, and crime in the Alcohol Ban Areas.

The full Draft Alcohol Control Bylaw is included in this consultation document from page **X**.

What are we proposing?

We believe that most of the issues addressed by the current bylaw remain current and appropriate for the district today and foreseeable future. Because of this, we are not proposing any changes to the wording in the bylaw.

We are proposing to update the current Alcohol Control Ban Areas in both Ashburton and Methven.

Have your say!

*Give us your feedback at
ashburtondc.govt.nz/haveyoursay*

Proposed changes to the bylaw

Key change one – expand the Alcohol Ban Area in Ashburton

We are proposing to expand the Alcohol Ban Area in Ashburton by adding three blocks.

WHY?

The town is growing, and we recommend for the Alcohol Ban Areas to grow with it. There are newly developed areas outside the current borders of the Alcohol Ban Area where there will be multiple alcohol licensed premises close to one another. Experience has shown that when there is a large carpark close to licensed premises, like restaurants and cafes, the area is likely to be prone to alcohol related incidents.

The next standard review of the bylaw is scheduled in 10 years' time. The proposed areas consider potential future developments.

We are proposing to expand the current Alcohol Ban Areas with the following sections:

- Block A: Add the new developed area next to K-mart (In between the SH1, Dobson Street and Cass Street). There are currently four new alcohol licenses allocated in this area and potentially more to be added.
- Block B: Add the block with the carpark where Briscoes currently is (in between Cass Street, Tancred Street, William Street and Moore Street).
- Block C: Add the block with the northern Countdown carpark (in between East Street, Peter Street, Cass Street and Wills Street).

Key change two – expand the Alcohol Ban Area in Methven

We are proposing to add a small section to the Alcohol Ban Area in Methven by adding the loop of Mackie Street connecting Methven Chertsey Road.

WHY?

The current area cuts between Mackie Street and Methven Chertsey Road through property boundaries. This makes it difficult to identify, and so we are suggesting using the actual street as the boundary. This would mean the Alcohol Ban Area follows Mackie Street as it connects to Methven Chertsey Road.

Have a look at the maps on pages XXX-XXX of this consultation document to see where these sites are located.

Options considered

OPTION ONE - No change to the bylaw

Advantages

- Issues and areas that are currently regulated continue to be regulated.

Disadvantages

- Current and potential future areas that were identified during officer review and pre-consultation with stakeholders will not be included.

OPTION TWO - Adopt the proposed bylaw (preferred option)

Advantages

- Recent and potential future Ashburton developments are reflected in the bylaw.

Disadvantages

- It provides more restriction on the freedoms of citizens, albeit at the risk of negative externalities such as alcohol container littering and public disorder.

Option three – revoke Alcohol Control Bylaw (not recommended)

Advantages

- No significant advantages. Community could perceive Council as less restrictive on personal rights and freedoms.

Disadvantages

- No controls on the consumption of alcohol in public places potentially leading to a number of negative effects.
- Potential increase in crime particularly in areas prone to incidents in the Ashburton and Methven CBD.
- Potential public safety implications (including residents and visitors feeling unsafe).
- Potential violence and nuisance caused by glass in certain areas.

Draft Bylaw

INSERT DRAFT BYLAW HERE

Timeline



What do YOU think about these proposed changes?

*Give us your feedback at
ashburtondc.govt.nz/haveyoursay*

Have your say on our place

Your feedback will help us to know whether we are on the right track with these changes we are proposing.

Please note all submissions are public documents and will be made available on Council's website with the names of submitters included.

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

The easiest way to provide your feedback is to complete the online form at ashburtondc.govt.nz/haveyoursay

Alternatively, you can provide feedback by filling in the attached submission form and getting it back to us using one of the following methods:

Freepost to Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740

Email to submissions@adc.govt.nz

Hand in to Council reception, Baring Square West

You have until 5pm, Sunday 16 April 2023 to get your feedback in.

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)

☐ Yes:

The hearing will be held in the Council Chamber on Thursday 4 May 2023. Please note that hearings are live-streamed to our online channels.

☐ No:

I do not wish to speak in support of my submission and ask that the following written submission be fully considered.

Signature

Date

You can submit on any or all of the questions below. You don't have to complete every question.

1. Do you agree or disagree to add block A (K-Mart etc) to the Ashburton Alcohol Ban Zone?
2. Do you agree or disagree to add block B (Briscoes etc) to the Ashburton Alcohol Ban Zone?
3. Do you agree or disagree to add block C (northern Countdown) to the Ashburton Alcohol Ban Zone?
4. Do you agree or disagree that the Alcohol Ban Area in Methven should be expanded by setting the boundary of the zone on Mackie Street connecting to Methven Chertsey Road?
5. Do you have any other comments?

Appendix 3



Ashburton Police Station
Cnr Cass and Havelock Streets
PO Box 34
Ashburton 7700

2 March 2023

Mayor Neil Brown
Ashburton District Council
PO Box 94
Ashburton 7740

Dear Sir

Re: Police letter in support of continuation of Ashburton District Council Alcohol Control Bylaw 2017

I am writing with the Police response to the review of the Ashburton District Council Alcohol Control Bylaw 2017.

I am mindful of the purpose of the bylaw which is in place in specified public places both within Ashburton and Methven townships.

I am aware that its intent is to:

- reduce the potential for alcohol-related offensive behaviour and harm, damage, disorder and crime
- protect, promote and maintain public health and safety
- provide controls on the consumption and possession of alcohol.

I currently hold to role of Alcohol Harm Reduction Officer in Ashburton and am in a position to comment directly on the impact of the bylaw having been a uniformed PST Sergeant at Ashburton since 2013.

Prior to the bylaw being in place young people especially those who were under 18 years could not drink in licenced premises and would congregate around East Street in Ashburton socialising and consuming alcohol.

I personally can recall incidents where it had been determined that the alcohol had been supplied by older associates and family members for consumption.

Safer Communities Together

ASHBURTON POLICE STATION
PO Box 34, DX Mail WX10611, Cnr Cass and Havelock Streets, Ashburton
Phone: (03) 307 8400, Fax (03) 307 8401, www.police.govt.nz

Unregulated drinking can lead to Alcohol related Harm both in relation to being victimised and/or perpetrators of crime such as serious assaults, sexual assaults, robbery and other crimes in relation to property.

The Alcohol Control Bylaw provides Police with a prevention tool for early intervention in relation to areas which are not monitored for intoxication by Duty Managers such as occurs in Licensed Premises.

Police use the Engage, Educate, Encourage and Enforce model in most cases Police deal with breaches by way of verbal warning and have people tip out the relevant container's contents.

In most of the instances where there has been compliance in relation to the intervention of Police there will be no formal recording for statistical purposes.

With regard to those drinking in Licensed Premises there are practices referred to as pre-loading and side loading where people take alcohol into the areas near Licenced Premises consuming alcohol they have brought from home or purchased from an off-licence.

I have observed alcohol containers and bottles discarded in and around local licensed premises which I believe is evidence of pre loading and side loading in and around local licensed premises.

Police maintain a high visibility patrolling presence in and around licenced premises particularly over weekends and I believe this in conjunction with the bylaw provides a deterrent to drinking in Alcohol Ban Areas.

Summary

- The data to support the Police assertion is largely anecdotal but I have outlined my personal observations having been a front-line Supervisor in Ashburton since 2013
- Police strongly support the continuation of the bylaw by the Ashburton District Council as a prevention and enforcement measure in relation to reducing Alcohol Harm
- Police believe that crime/disorder and social harm will return to the indicated areas if the bylaw preventing consumption and possession of alcohol in the Alcohol Ban area did not continue.

Yours faithfully



A/S/Sgt Janine BOWDEN
Sub Area Supervisor
Ashburton Police

9. *Interim Speed Management Plan – Zoning update*

Author	<i>Martin Lo; Roading and Safety Engineer</i>
Activity Manager	<i>Mark Chamberlain; Roading Manager</i>
Executive Team Member	<i>Neil McCann; Group Manager Infrastructure & Open Spaces</i>

Summary

The purpose of this report is for Council to:

- Approve the extent of the speed limit zones for the schools and urban fringes in the interim speed management plan
- Approves the changes from variable to permanent speed limit for Dorie and Lauriston schools.

Recommendation

1. **That** Council approves the extent of speed limit zones for the interim speed management plan.
2. **That** Council adopts the amendment on the speed limits for Dorie School and Lauriston School from variable 30km/h to permanent 30km/h.

Attachments

Appendix 1	School Zone
Appendix 2	Urban Fringe 1km

Background

Previous Council direction

1. Council agreed to the interim speed management plan on 21 December 2022. The following resolutions were adopted in the meeting.
 - That Council adopts lowering the speed limits around schools.
 - That Council adopts the lowering to 30km/h around urban and rural schools.
 - That Council adopts a variable speed limit for rural schools and a permanent speed limit for urban schools.
 - That Council adopts the principle on urban fringes as proposed with a 1km radius from a township's boundary
 - That Council adopts the principle on speed reduction in developed urban areas with a high number of users as proposed.

The principles in the interim speed management plan were amended based on the resolution. The maps for school zones were updated to include the location of the speed limit signs. The urban fringe zone has been reduced to 1km from a township's boundary.

2. Principle 1: Speed limits for urban schools will be permanent 30km/h and rural schools will be variable 30km/h (local roads only).

Appendix 1 includes the school zoning and the placement of the signage

Note: Signage for Permanent & Variable speed limit below



Permanent 30km/h sign



Variable 30km/h sign

3. Principle 2: Provide Council with the ability to change the speed limits in urban fringes under the speed management plan has been reduced from 3km to 1km.

Appendix 2 includes the 1 km radius amendment for the urban fringe.

The current situation

1. Staff revised the speed limit and zoning as per the decision from the Council meeting.
2. Staff recommend the following amendment to the school speed limits for Dorie School and Lauriston School.

Dorie School – propose 30km/h permanent speed limit instead of variable speed limit.

Dorie School Rd has a low operating speed at 37km/h. This operating speed remains constant during school pick-up and drop-off period. Therefore, it is fair to conclude that the main traffic using this road are for school reasons. A section of Dorie School Rd from McCrorys Rd to the School is formed and chip-sealed while the rest of the road is unsealed. Dorie School Rd is a local road with a low traffic volume. (Estimated 60 vehicle per day)

Refer to Appendix 1 School Zone

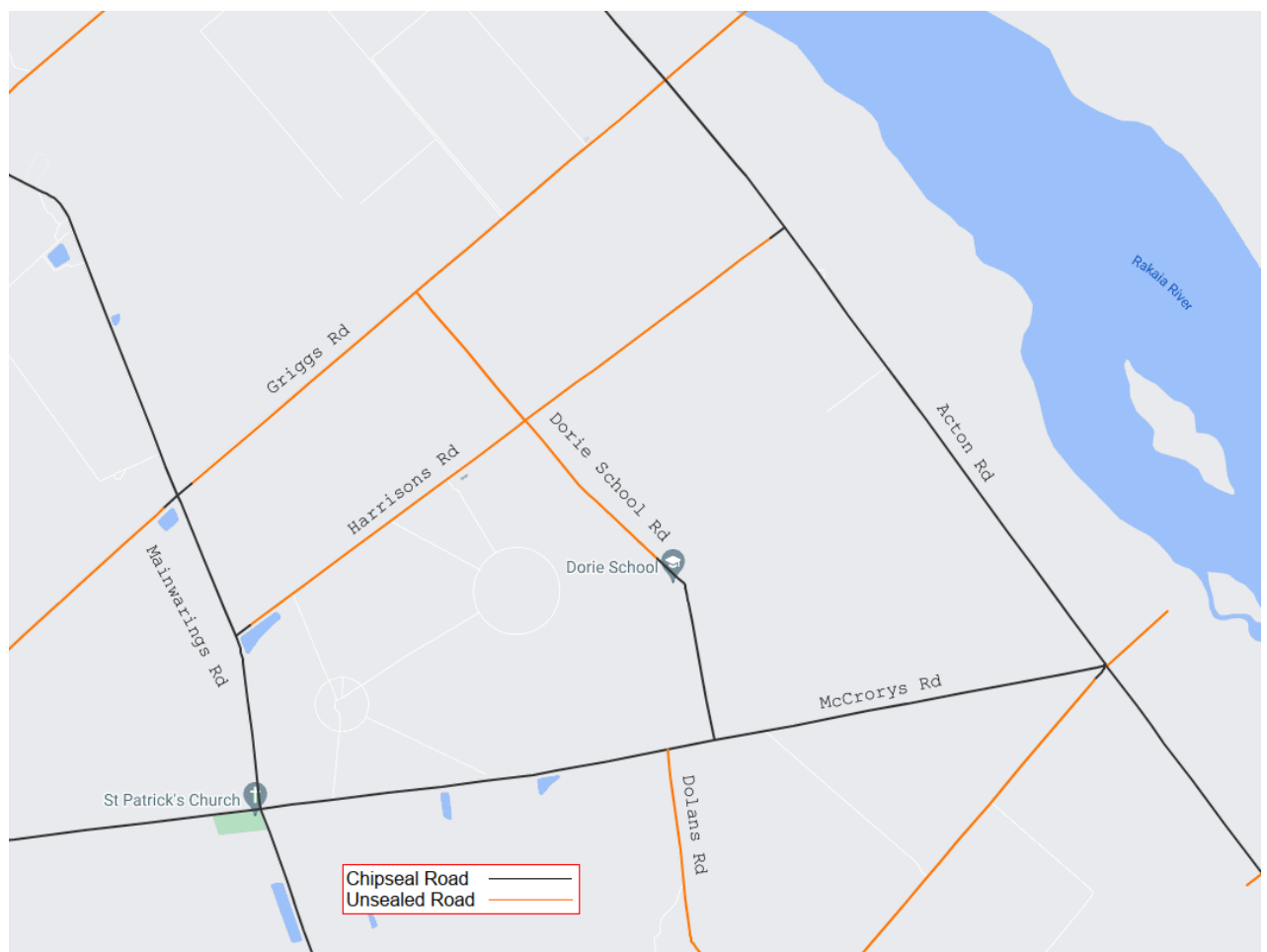


Figure 1: Dorie road network

Lauriston School – propose 30km/h permanent speed limit instead of variable speed limit.

The current speed limit on the roads near Lauriston School is 40km/h. The normal operating speed range from 21 – 32km/h and the traffic speed decreases during school pick-up and drop-off period. Therefore, reducing the speed limit to a permanent 30km/h instead of a variable speed limit will not affect the general operation outside school hours. The estimated annual average daily traffic is between 25 – 30 vehicles. Majority of the traffic use on Coleridge St and Church St for school purposes.

Refer to Appendix 1 School Zone

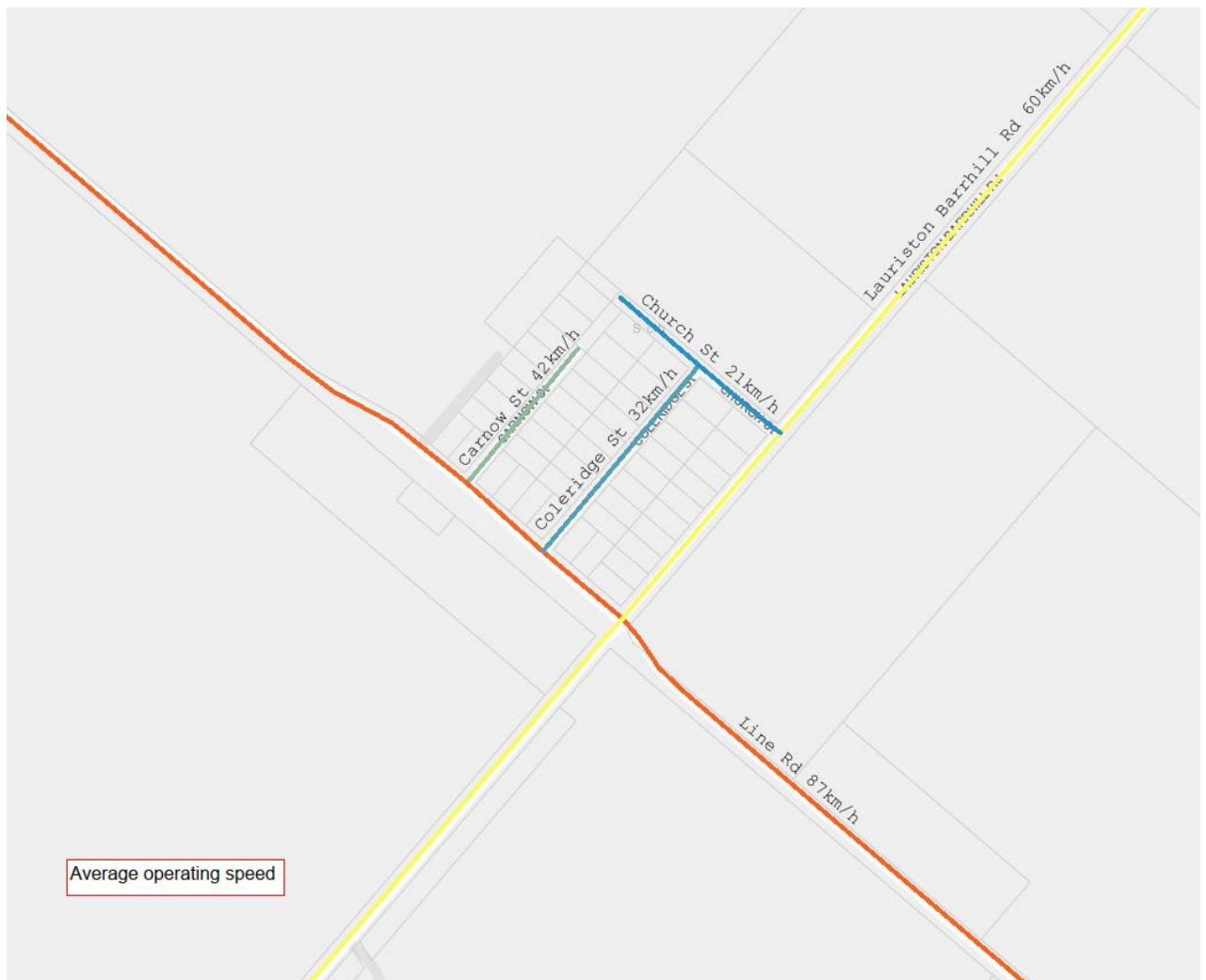


Figure 2: Lauriston operating speed

Options analysis

Option one – Confirm the school and urban fringe zones and approve the sign location at the extent of the school zone speed limits.

3. Council agreed to the school and urban fringe zoning in the interim speed management plan with the sign locations to be presented to Council for approval.
4. The agreed reduction from 3 km to 1 km for the urban fringe is shown on the maps in Appendix 2.

Advantages: <ul style="list-style-type: none">• There is no change to the previous agreed interim speed management plan.	Disadvantages: <ul style="list-style-type: none">• No disadvantage
Risks: No additional risks	

Option two – Confirm the school and urban fringe zones with a change to the speed limit from variable to permanent for Dorie School and Lauriston School and approve the sign location at the extent of the school zone speed limits. (recommended)

5. The school zones remain as agreed by Council but a change to permanent from variable for two rural schools based on the evidence of existing vehicle speeds.
6. The sign locations are at the extent of the agreed school zones and are presented to Council for approval.

Advantages: <ul style="list-style-type: none">• It will be safer for all road users regardless of time of day.• This recommendation is evidence based.• Reduce cost to implement the speed limits.	Disadvantages: <ul style="list-style-type: none">• The Dorie School amendment was not in the consultation document.
Risks: There is a slight deviation to the agreed interim speed management plan.	

Legal/policy implications

Legislation

7. Under the Land Transport Rule: Setting of Speed Limits 2022, the Council (as a territorial authority) may publish an interim plan and set a speed limit on local roads. The draft interim plan has been publicly consulted, and the territorial authority will consider any submission from the consultation. The road control authority must submit the plan to the director for certification in order to legalise the plan.
8. Under the Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022, the road controlling authority (RCA) must supply speed limit information to the Registrar (the Agency) for the speed limits on local roads to be in force.

Climate change

9. The Speed Management guide from Waka Kotahi NZTA refers to safe speeds as to generate, amongst others, 'reduced climate change impacts of road transport'. In the report¹ they refer to is stated that 'managing speeds: Reduces GHG emissions and thus assists in the battle against climate change (in recent meeting in Geneva, Sweden reported that the most effective tool they had for reducing GHGs was the speed camera program)'.

Strategic alignment

10. The recommendation relates to Council's community outcome of 'A district of great spaces and places' because that refers to 'our facilities and infrastructure are planned and developed to meet current and future needs'.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	There will be less likelihood of a collision due to a lower speed limit and less disruption to the traffic flow.
Environmental	✓	The reduction in travel speed reduces the impact on the environment.
Cultural	✓	The community recognises a slower speed limit is valuable for schools and the general public.
Social	✓	The speed limit reduction will reduce the road user's injury severity if a crash occurs.

¹ [RFS Job & LW Mbugua. 2020. Road crash trauma, climate change, pollution and the total costs of speed: Six graphs that tell the story.](#)

Financial implications

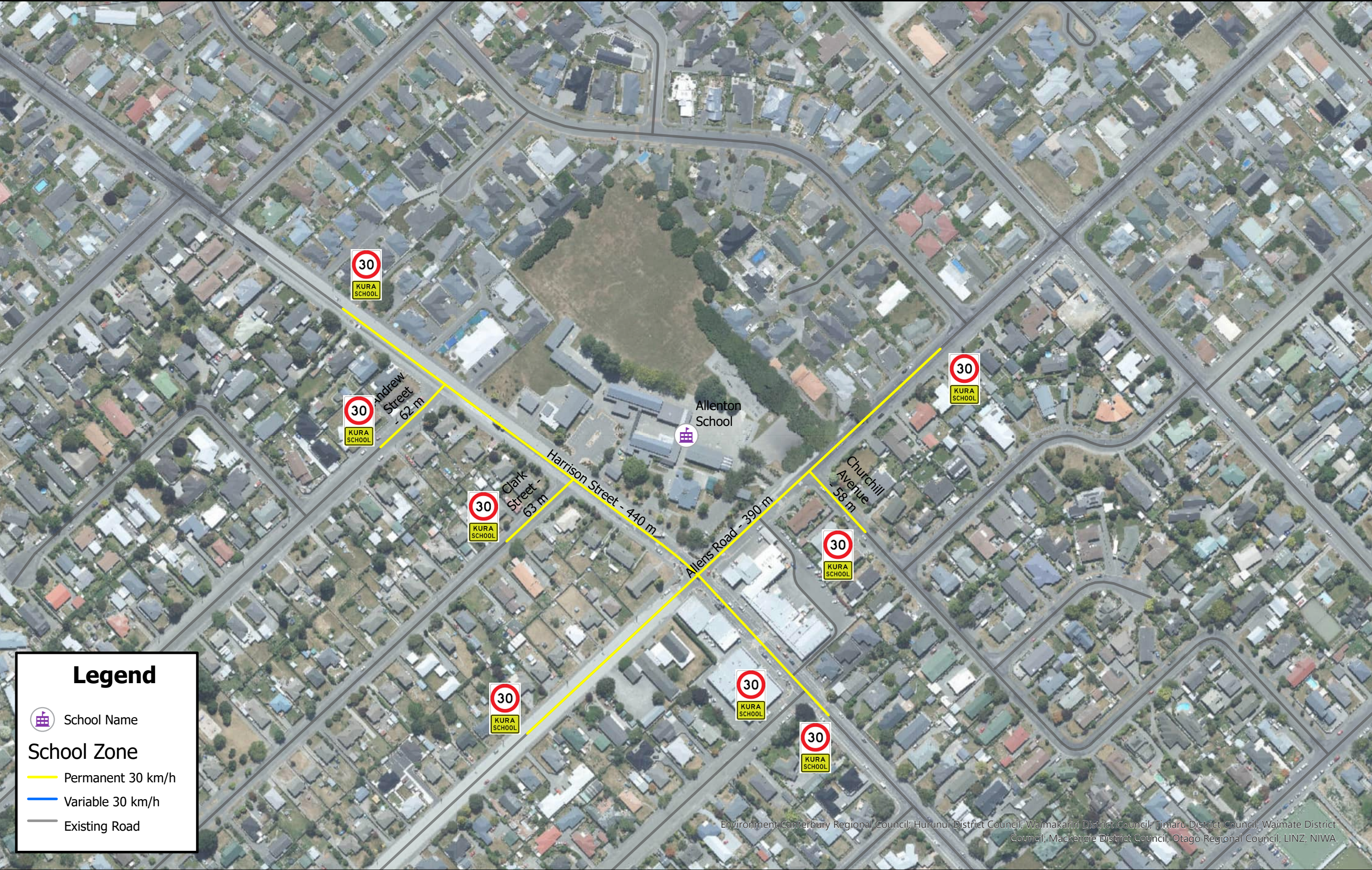
11. The development costs, public consultation and implementation will come from the approved subsidised Low Cost Low Risk Road to Zero project.
12. Future budget implications will be the maintenance and renewal of the signage, markings and other infrastructures. Budget increases for network service maintenance and traffic services renewals will be considered as part of the 2024-27 LTP.

Requirement	Explanation
What is the cost?	The options will be within the \$600,000 project budget
Is there budget available in LTP / AP?	Available funding for speed limit management in the 2022/23 Roading Budget is \$600,000.
Where is the funding coming from?	Low Cost Low Risk – Road to Zero Project: School Improvements project
Are there any future budget implications?	Yes, the maintenance and operational cost for the signs which is a cost to network service maintenance and traffic services renewals in subsidised roading.
Reviewed by Finance	Erin Register; Finance Manager.


Significance and engagement assessment

13. Council's decision on the recommended option has a low level of significance as it meets the budget and consultation with the community has taken place.


Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	The significance assessment refers to Council accepting either of the options with regards to the principles for the Interim Speed Management Plan.
Level of engagement selected	1. Inform
Rationale for selecting level of engagement	Community engagement has taken place and if Council adopts the either options this will be a matter of low significance as it fits within the budget. The community will be informed of the changes via the usual media channels.
Reviewed by Strategy & Policy	Richard Mabon, Senior Policy Advisor





Legend



 School Name

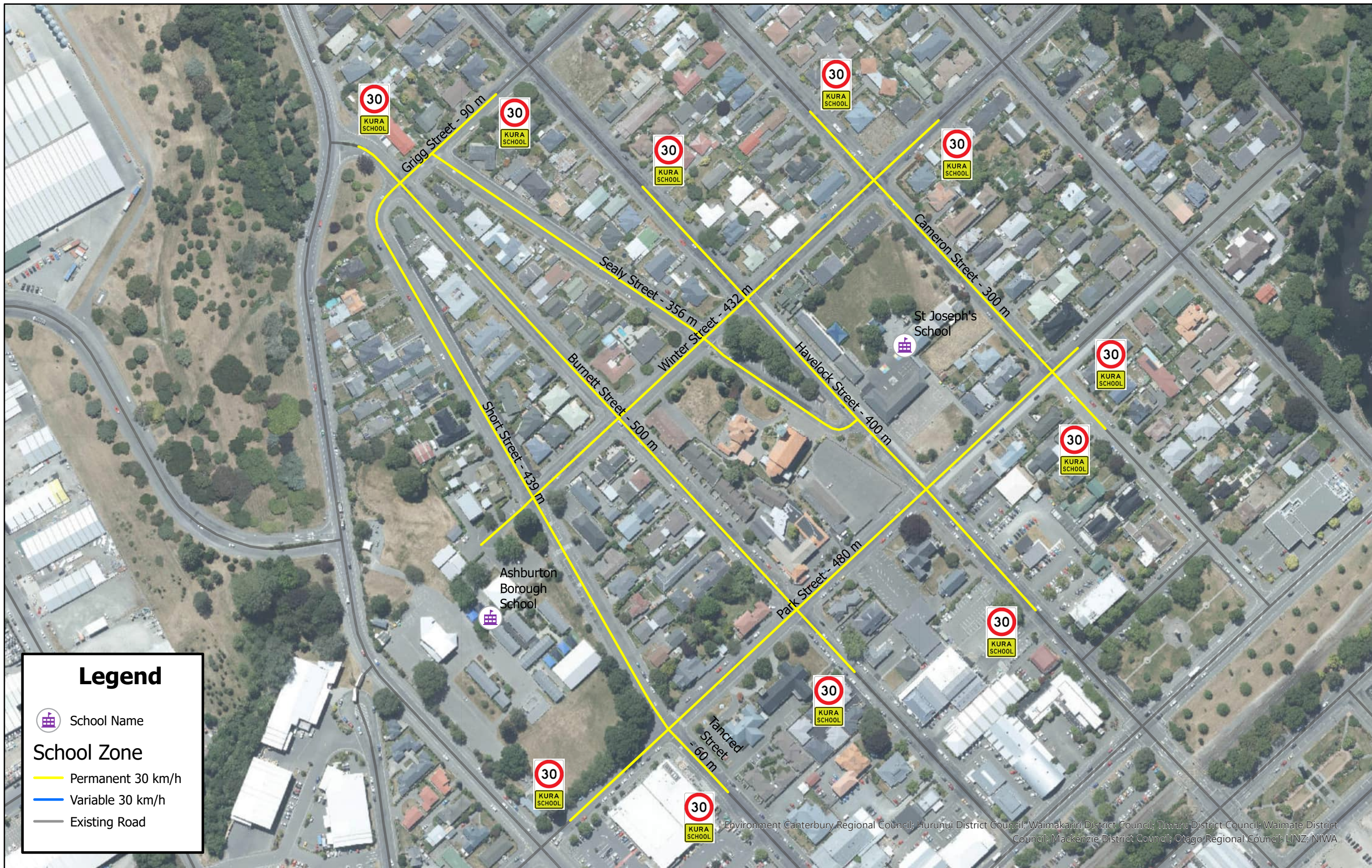
School Zone

 Permanent 30 km/h

 Variable 30 km/h

 Existing Road

	Speed Limits Review: Allenton School	Scale 1:2,500 At A3	Disclaimer Note: Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.
	 Kilometers		



Legend

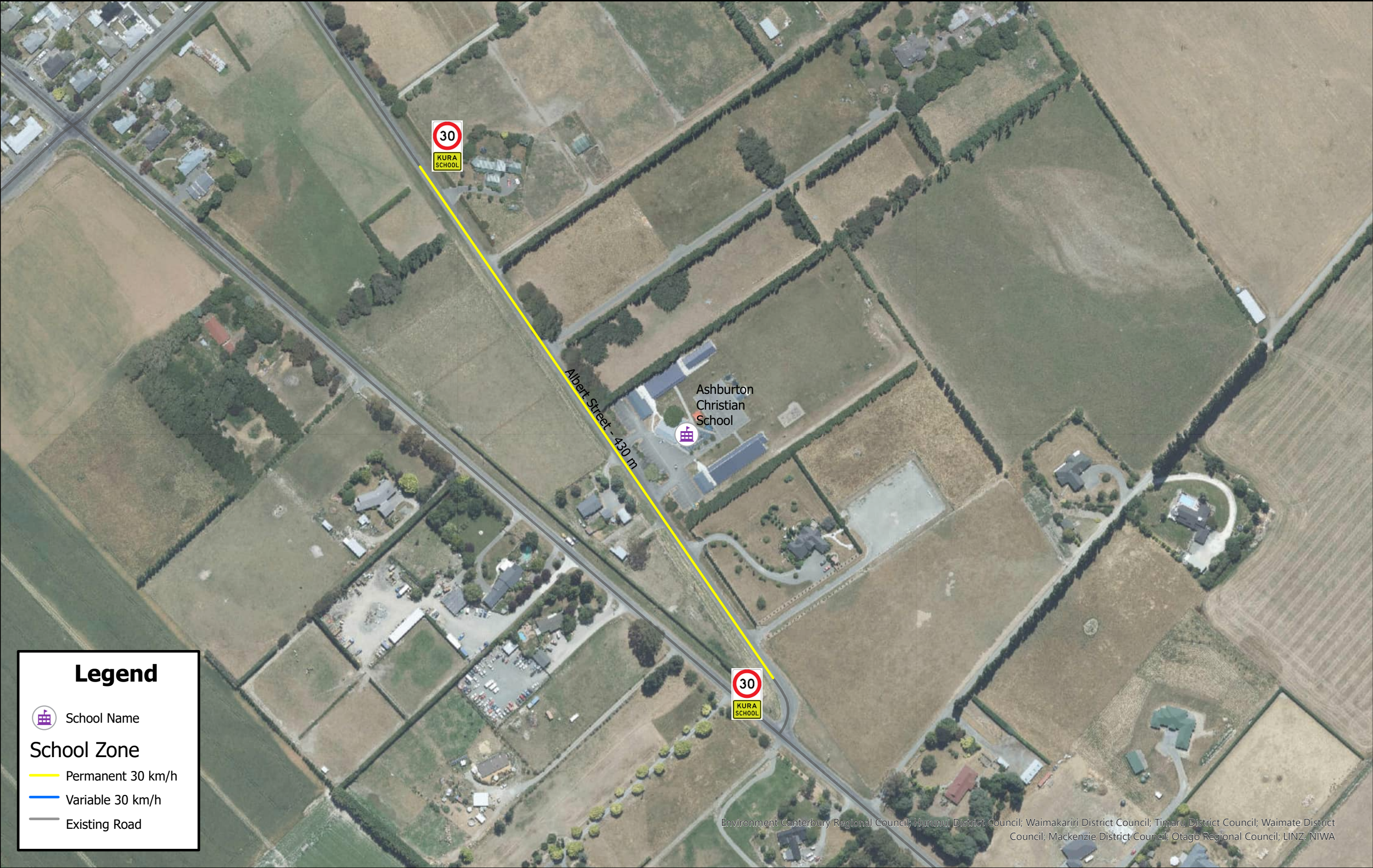
School Name

School Zone

Permanent 30 km/h

Variable 30 km/h

Existing Road



Legend

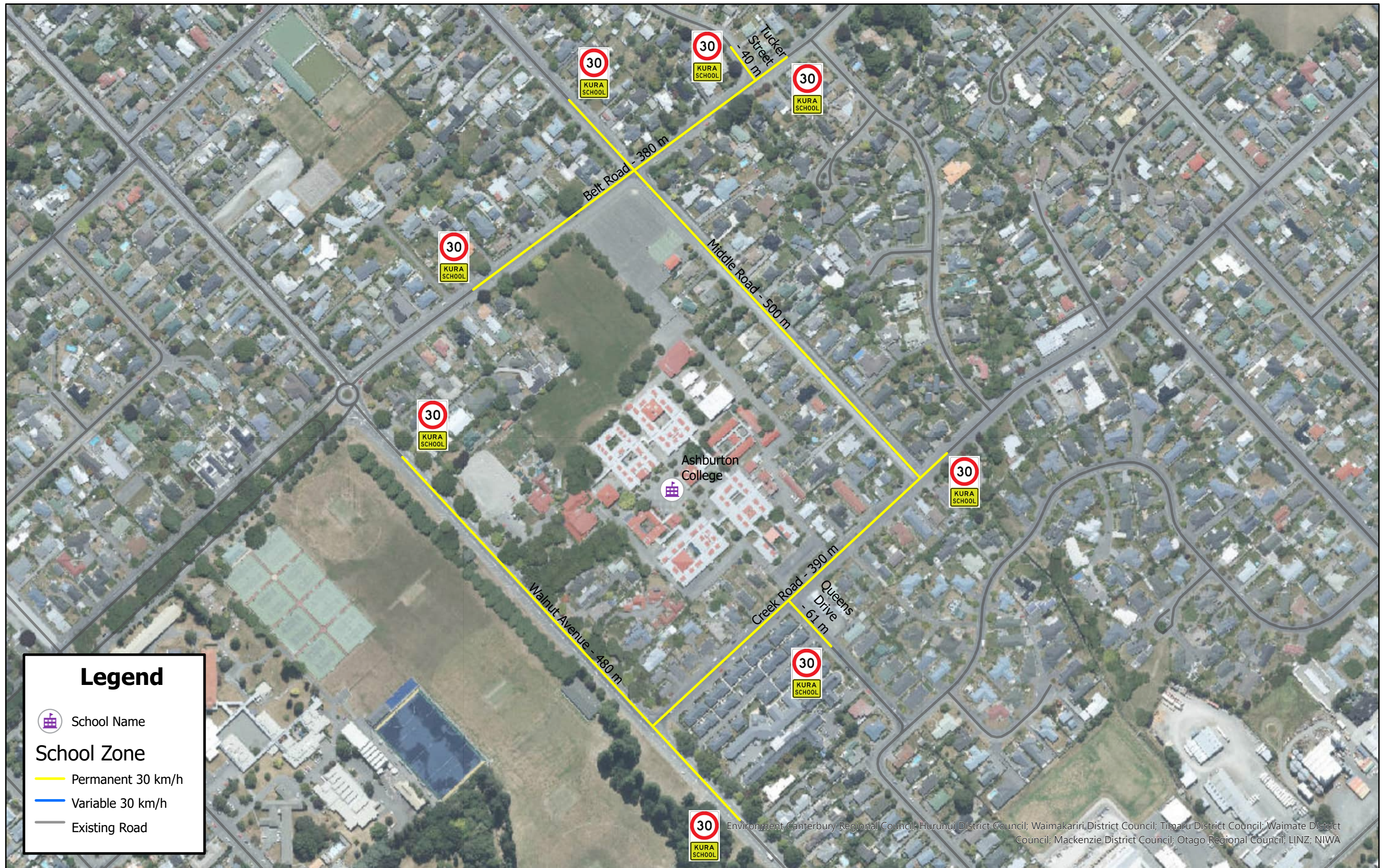
School Name

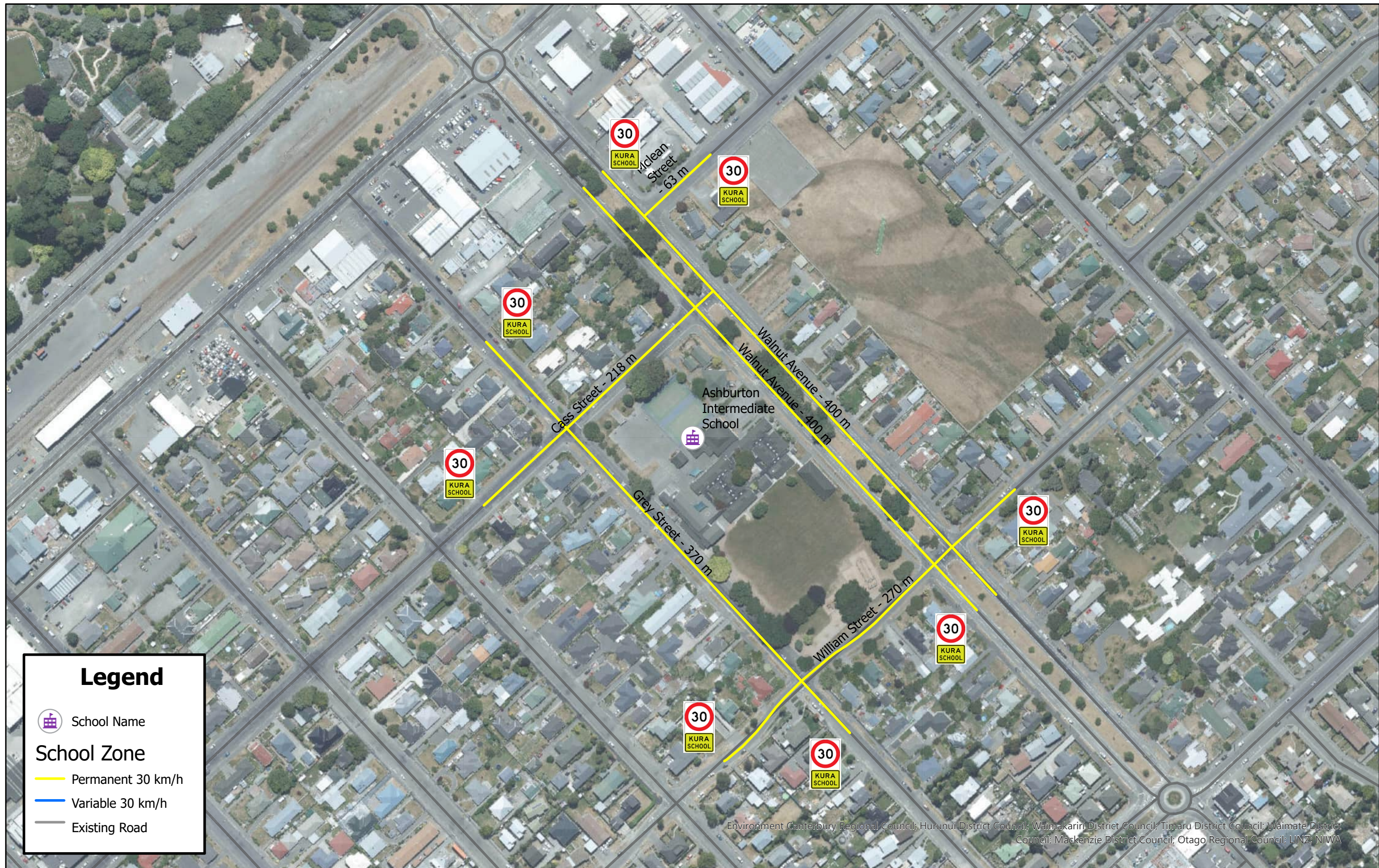
School Zone

Permanent 30 km/h

Variable 30 km/h

Existing Road








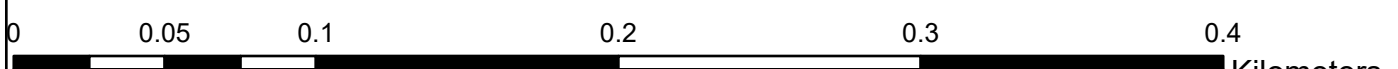
	<p>Speed Limits Review: Ashburton Intermediate School</p> <p>Scale 1:2,500 At A3</p> <p>0 0.05 0.1 0.2 0.3 0.4 Kilometers</p>	<p>Disclaimer Note:</p> <p>Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.</p>
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Environment Canterbury Regional Council; Hurunui District Council; Waimakariri District Council; Timaru District Council; Waimate District Council; Mackenzie District Council; Otago Regional Council; LINZ; NIWA

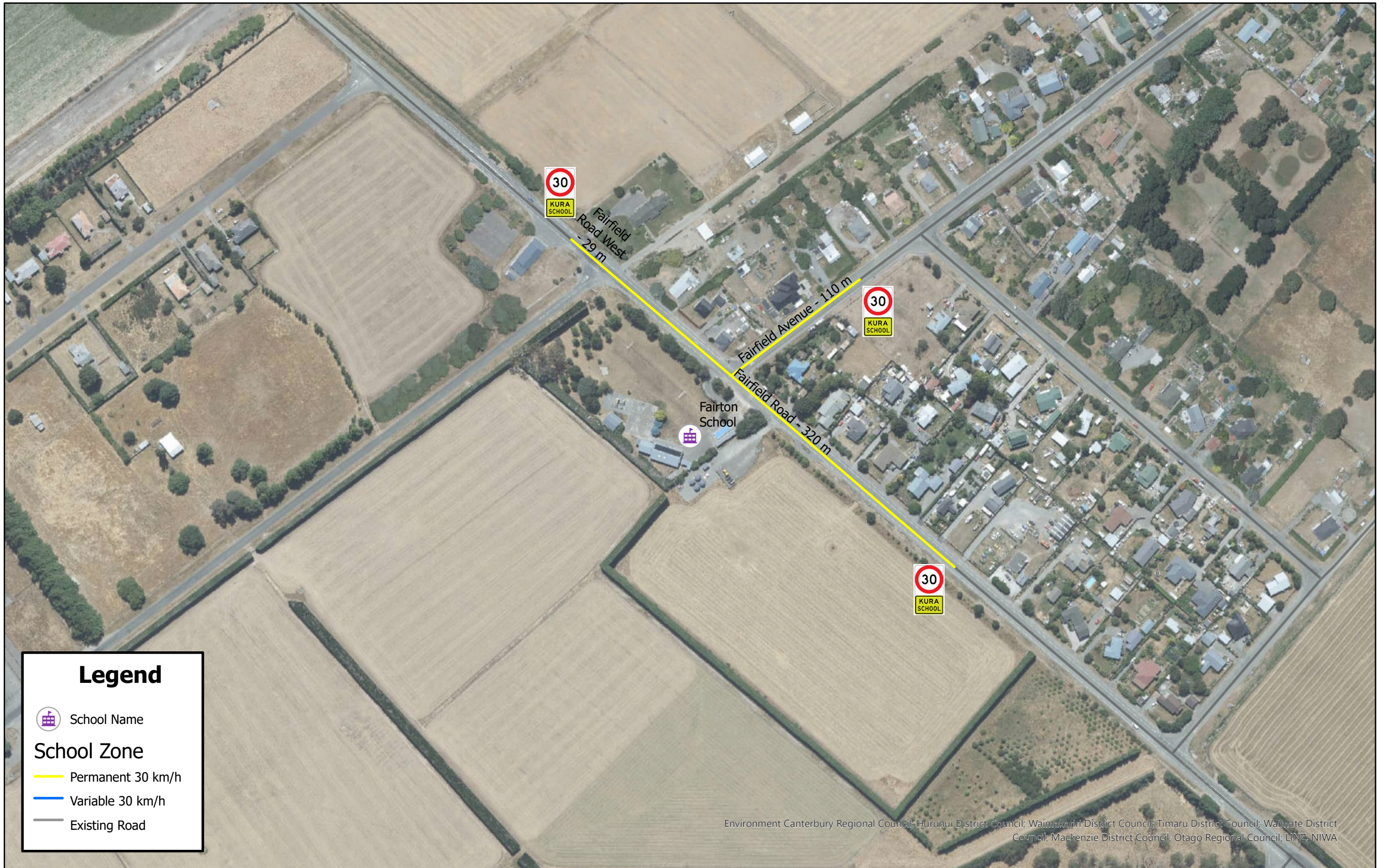
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	<p>Speed Limits Review: Chertsey School</p> <p>Scale 1:2,500 At A3</p> 	<p>Disclaimer Note:</p> <p>Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.</p>
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	Speed Limits Review: Dorie School	Scale 1:2,500 At A3	Disclaimer Note: Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.





Environment Canterbury Regional Council; Hurunui District Council; Waimakariri District Council; Timaru District Council; Waimate District Council; Mackenzie District Council; Otago Regional Council; LINZ; NIWA

Legend

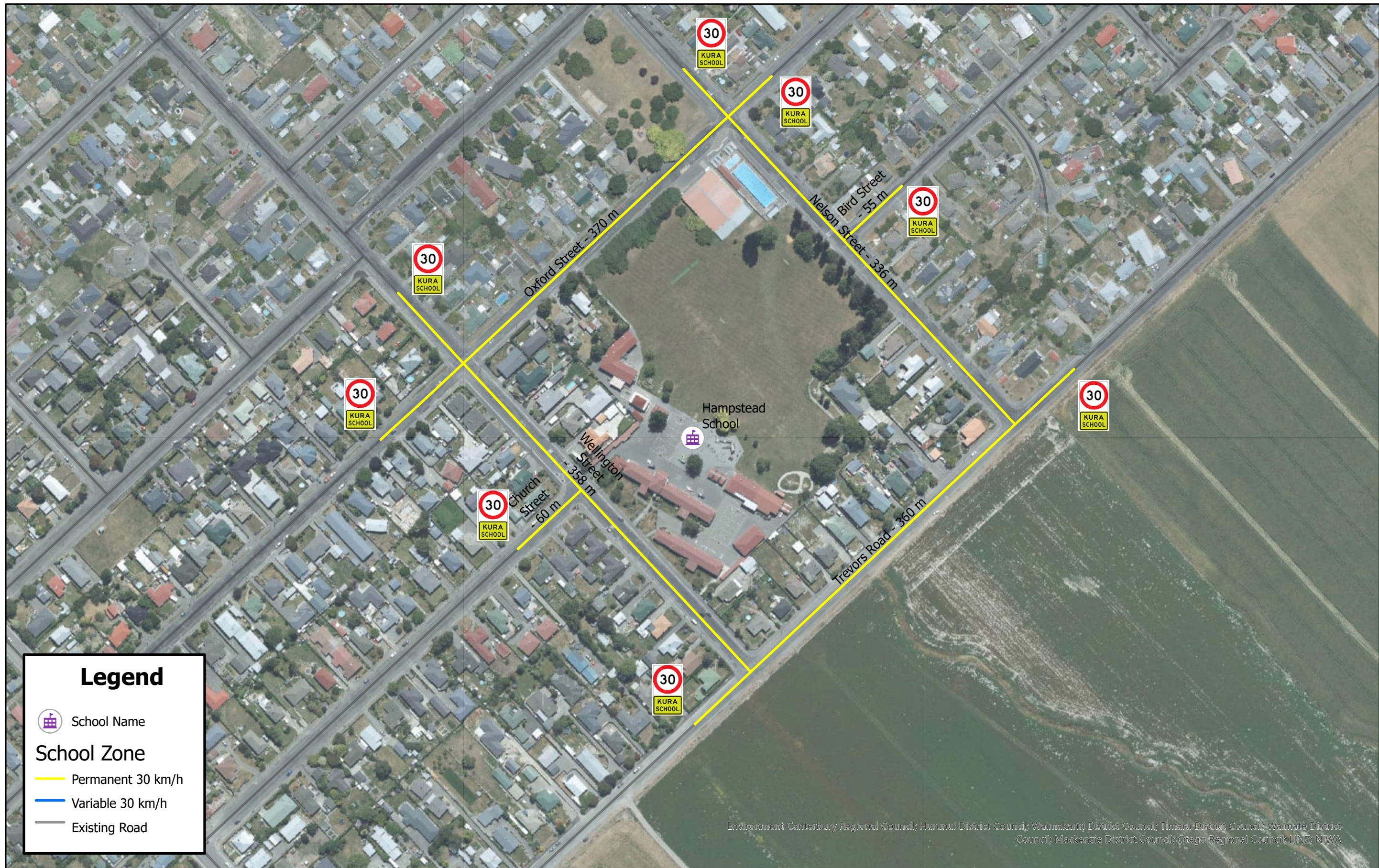
 School Name

School Zone



 Permanent 30 km/h

 Variable 30 km/h

 Existing Road



Environment Canterbury Regional Council; Hurunui District Council; Waimakariri District Council; Timaru District Council; Waimate District Council; Mackenzie District Council; Otago Regional Council; LINZ; NIWA

	<p>Speed Limits Review: Hampstead School</p> <p>Scale 1:2,500 At A3</p> 	<p>Disclaimer Note:</p> <p>Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.</p>
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	Speed Limits Review: Hinds School	Scale 1:2,500 At A3	Disclaimer Note: Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.



Legend

School Name

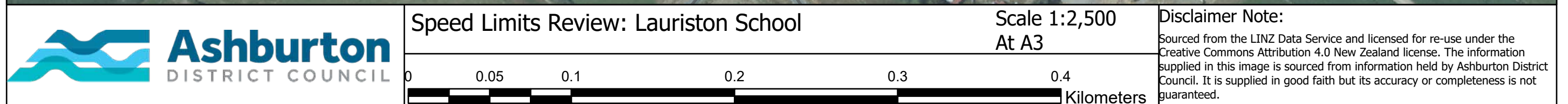
School Zone

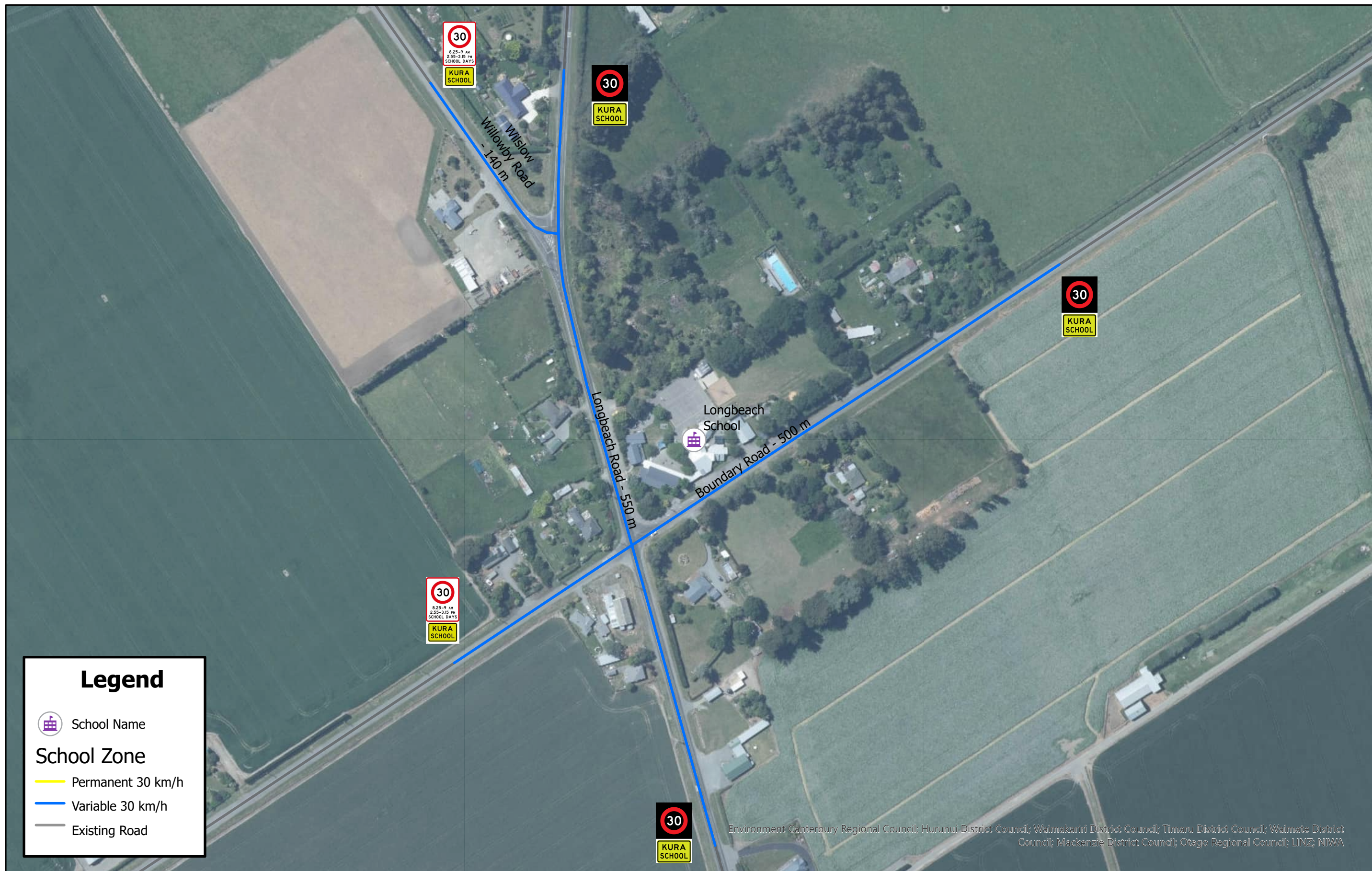
Permanent 30 km/h

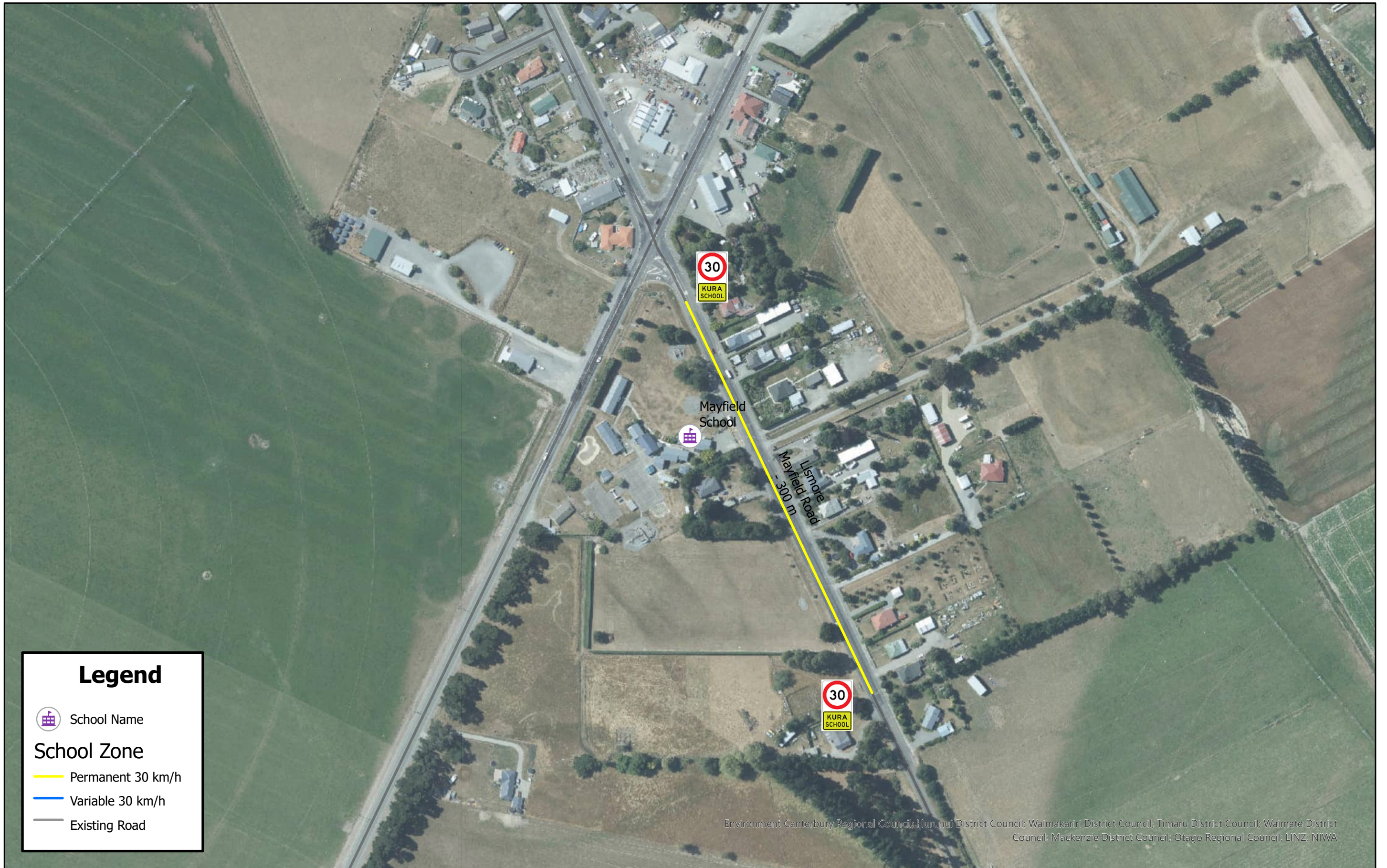
Variable 30 km/h

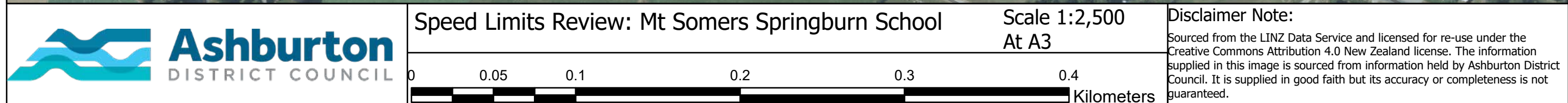
Existing Road

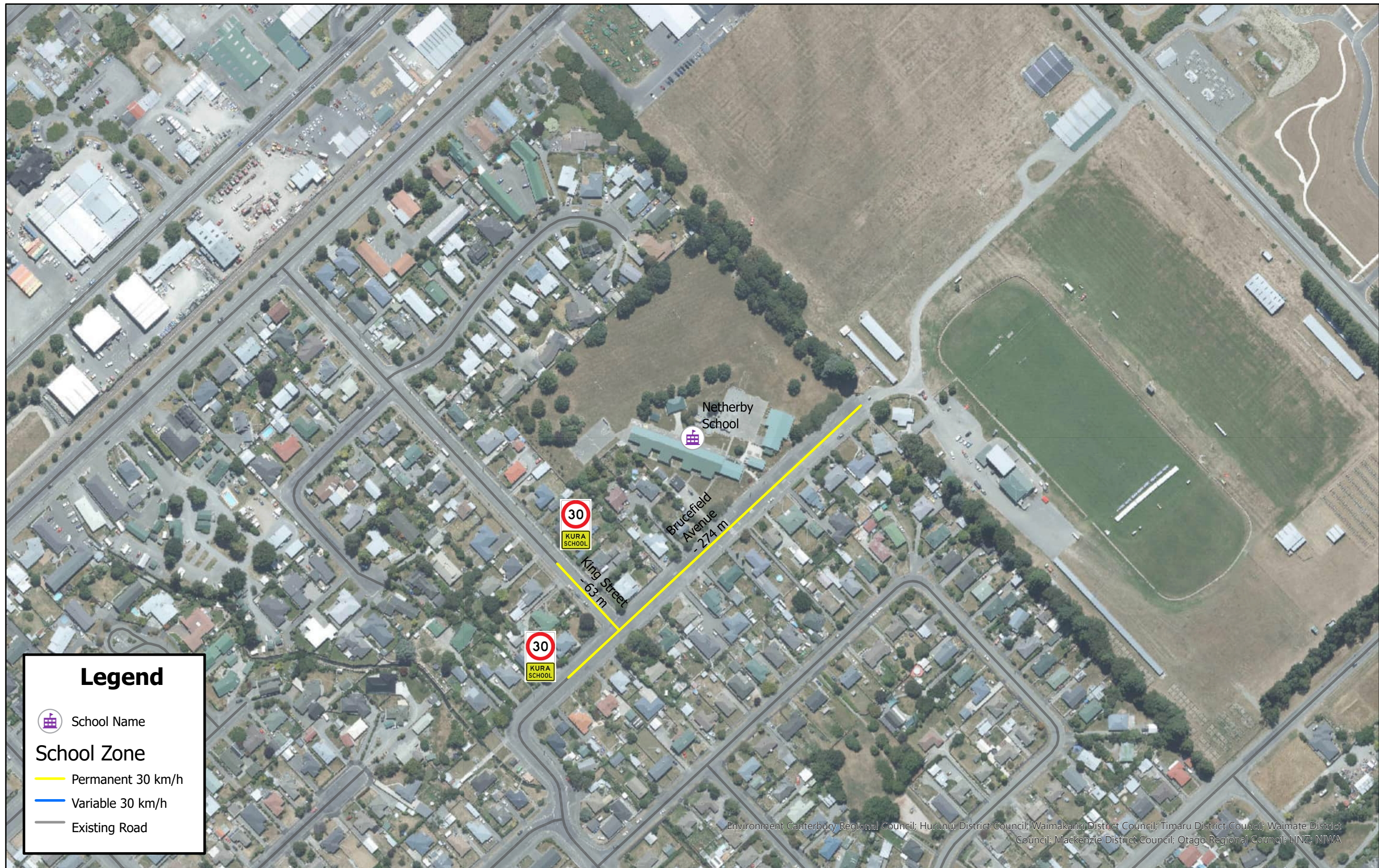
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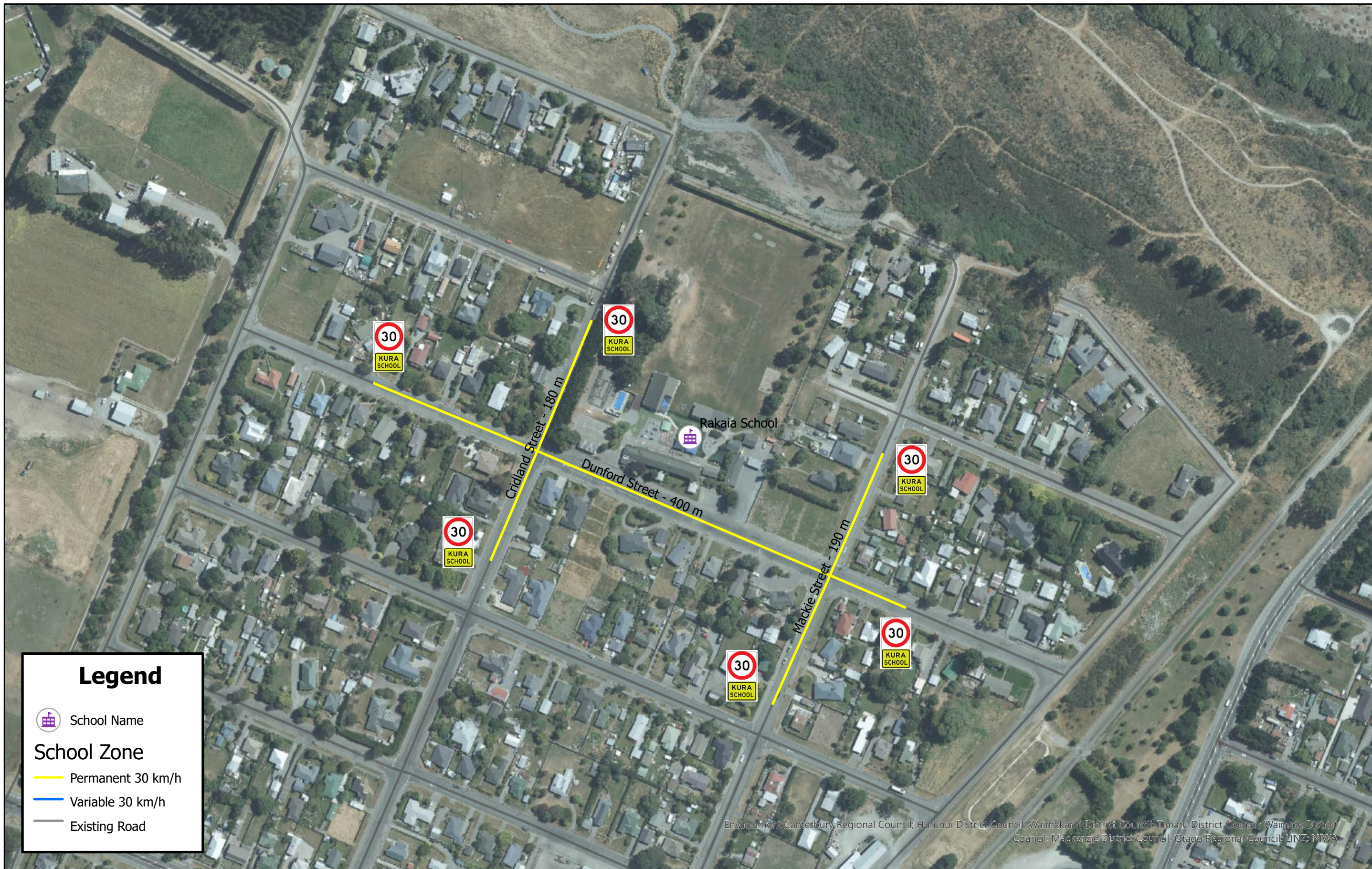




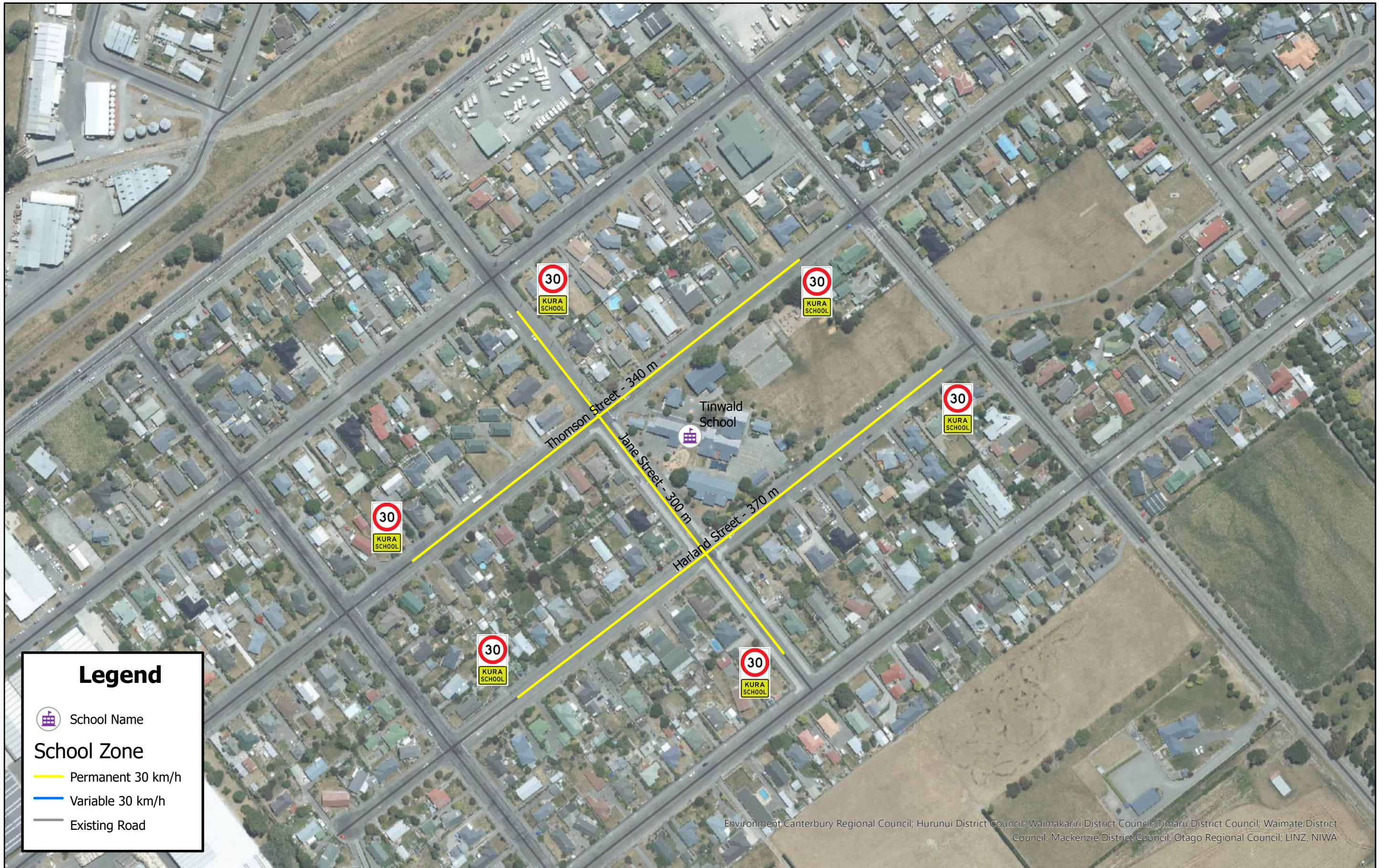




	Speed Limits Review: Netherby School	Scale 1:2,500 At A3	Disclaimer Note: Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.
			




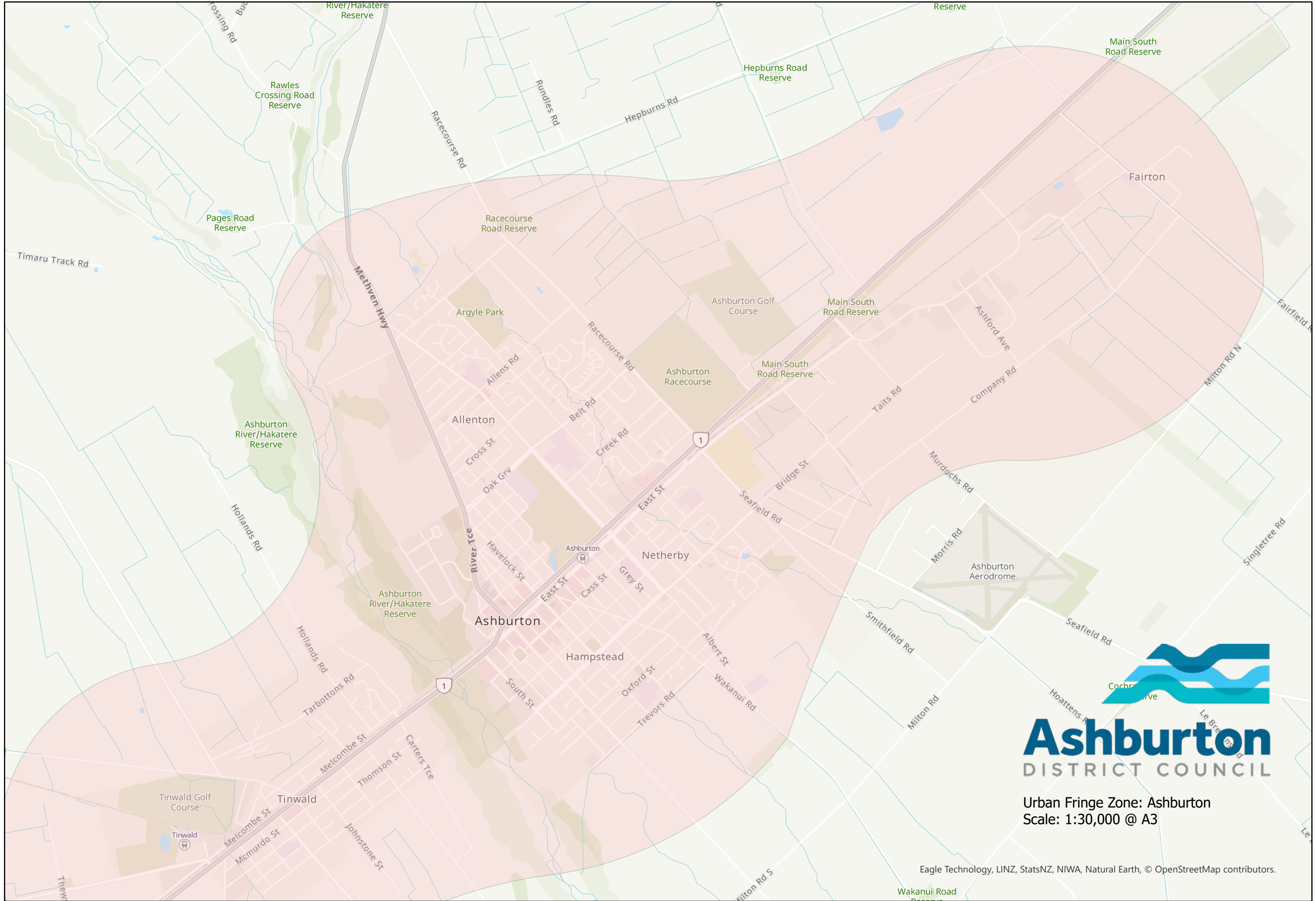
	<p>Speed Limits Review: Rakaia School</p> <p>Scale 1:2,500 At A3</p> <p>0 0.05 0.1 0.2 0.3 0.4 Kilometers</p>	<p>Disclaimer Note:</p> <p>Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.</p>
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	<p>Speed Limits Review: Tinwald School</p> <p>Scale 1:2,500 At A3</p> <p>0 0.05 0.1 0.2 0.3 0.4 Kilometers</p>	<p>Disclaimer Note:</p> <p>Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.</p>
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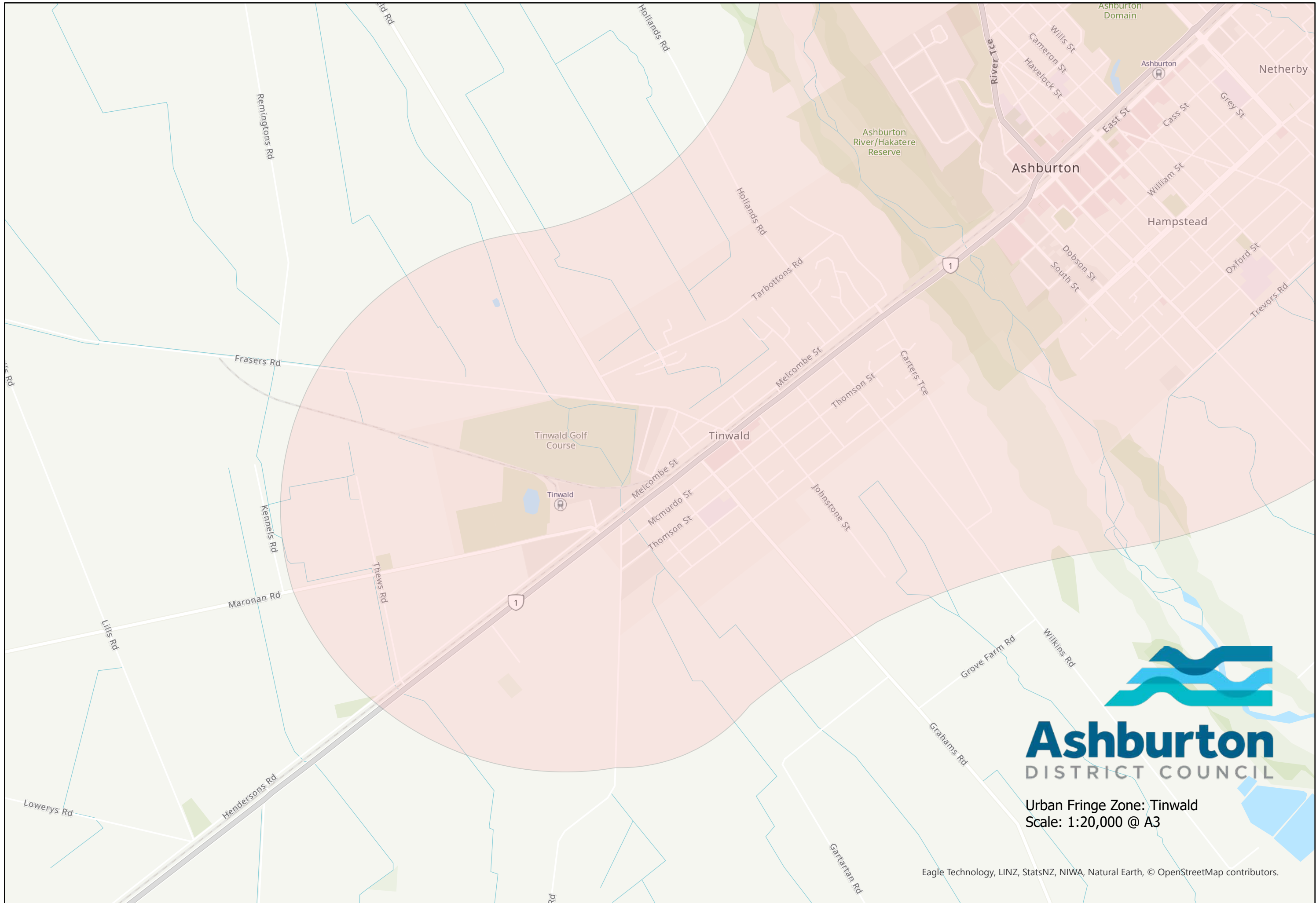
	<p>Speed Limits Review: Wakanui School</p> <p>Scale 1:2,500 At A3</p> <p>0 0.05 0.1 0.2 0.3 0.4 Kilometers</p>	<p>Disclaimer Note:</p> <p>Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand license. The information supplied in this image is sourced from information held by Ashburton District Council. It is supplied in good faith but its accuracy or completeness is not guaranteed.</p>
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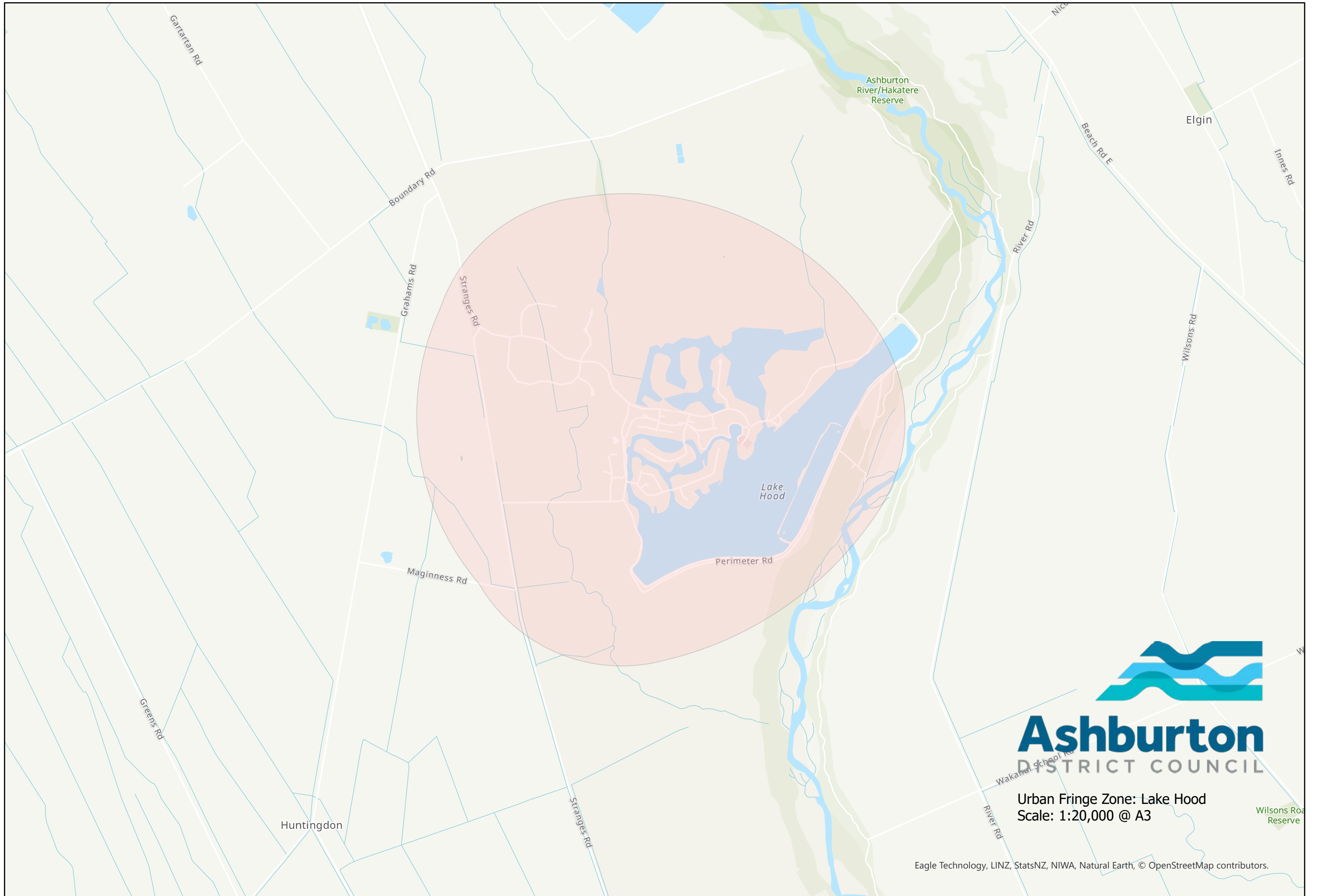


Ashburton
DISTRICT COUNCIL

Urban Fringe Zone: Ashburton
Scale: 1:30,000 @ A3

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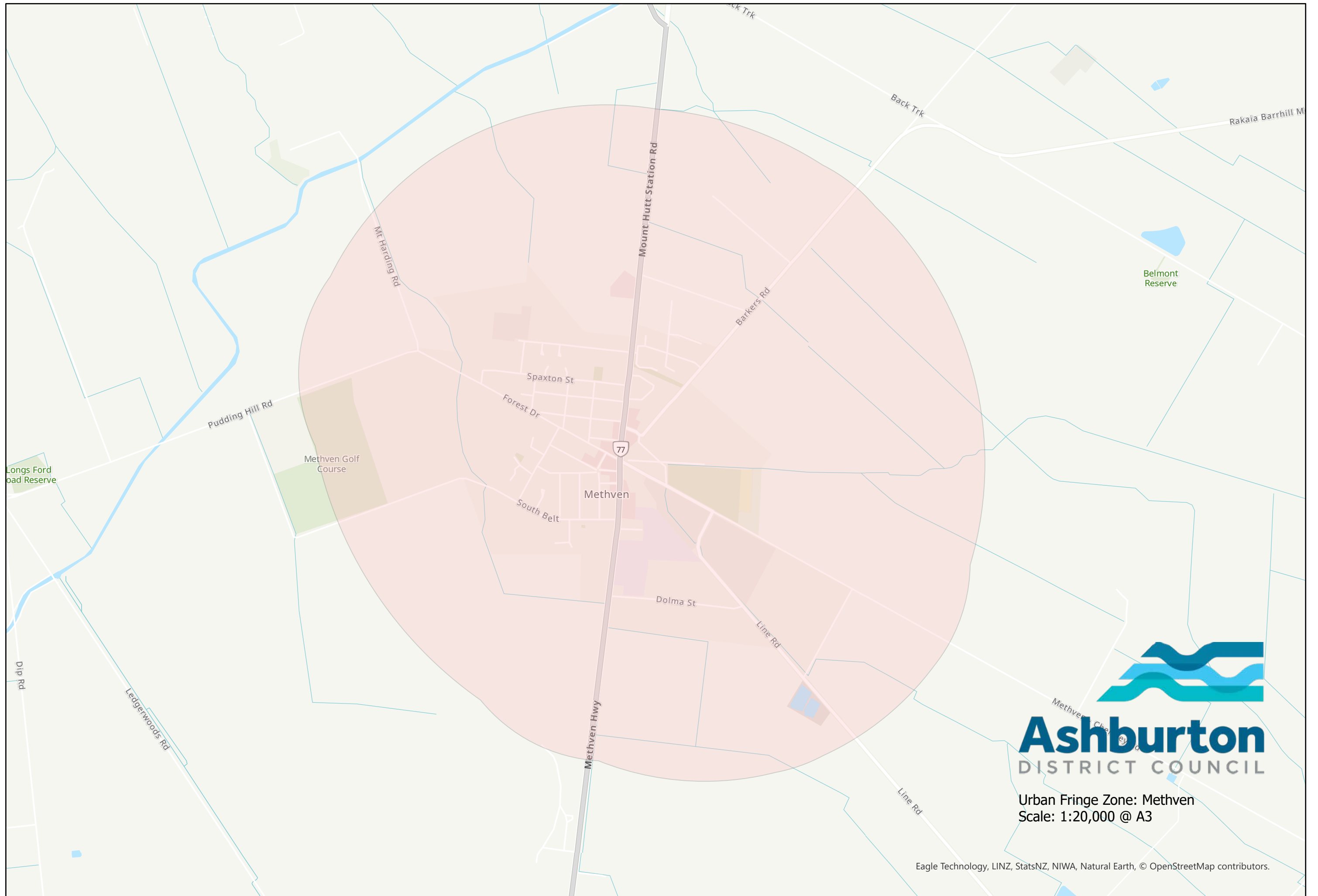


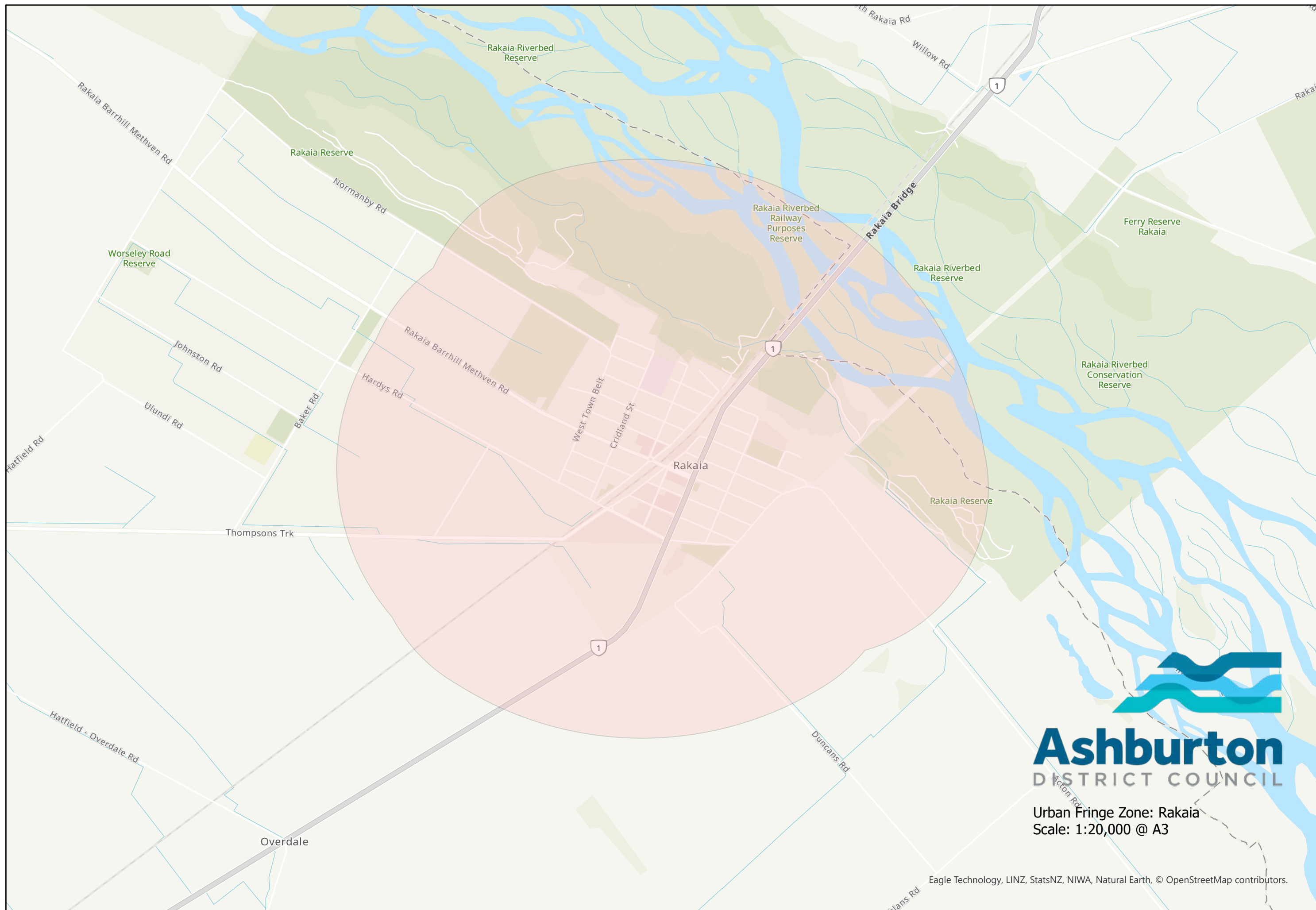


Ashburton
DISTRICT COUNCIL

Urban Fringe Zone: Lake Hood
Scale: 1:20,000 @ A3

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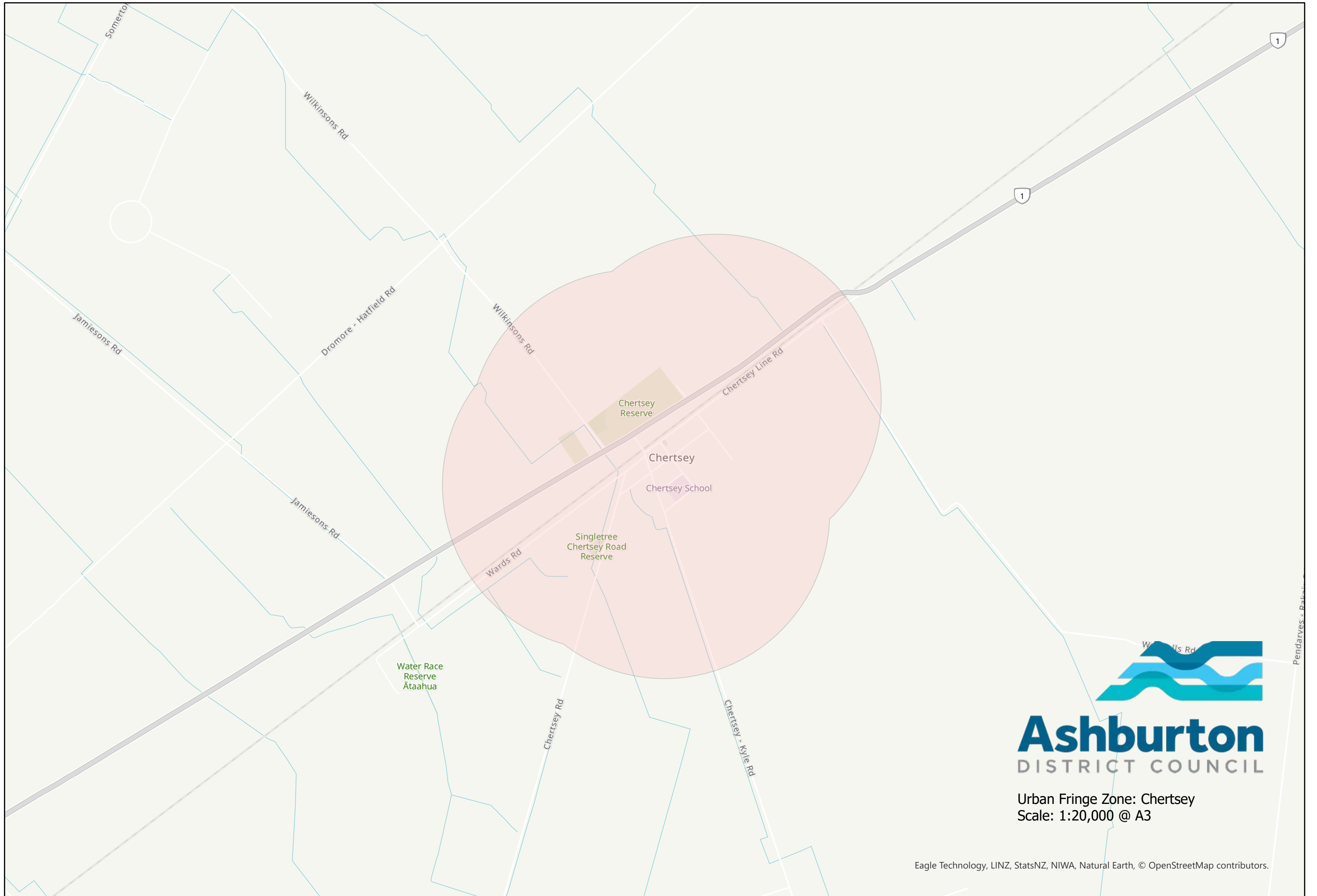


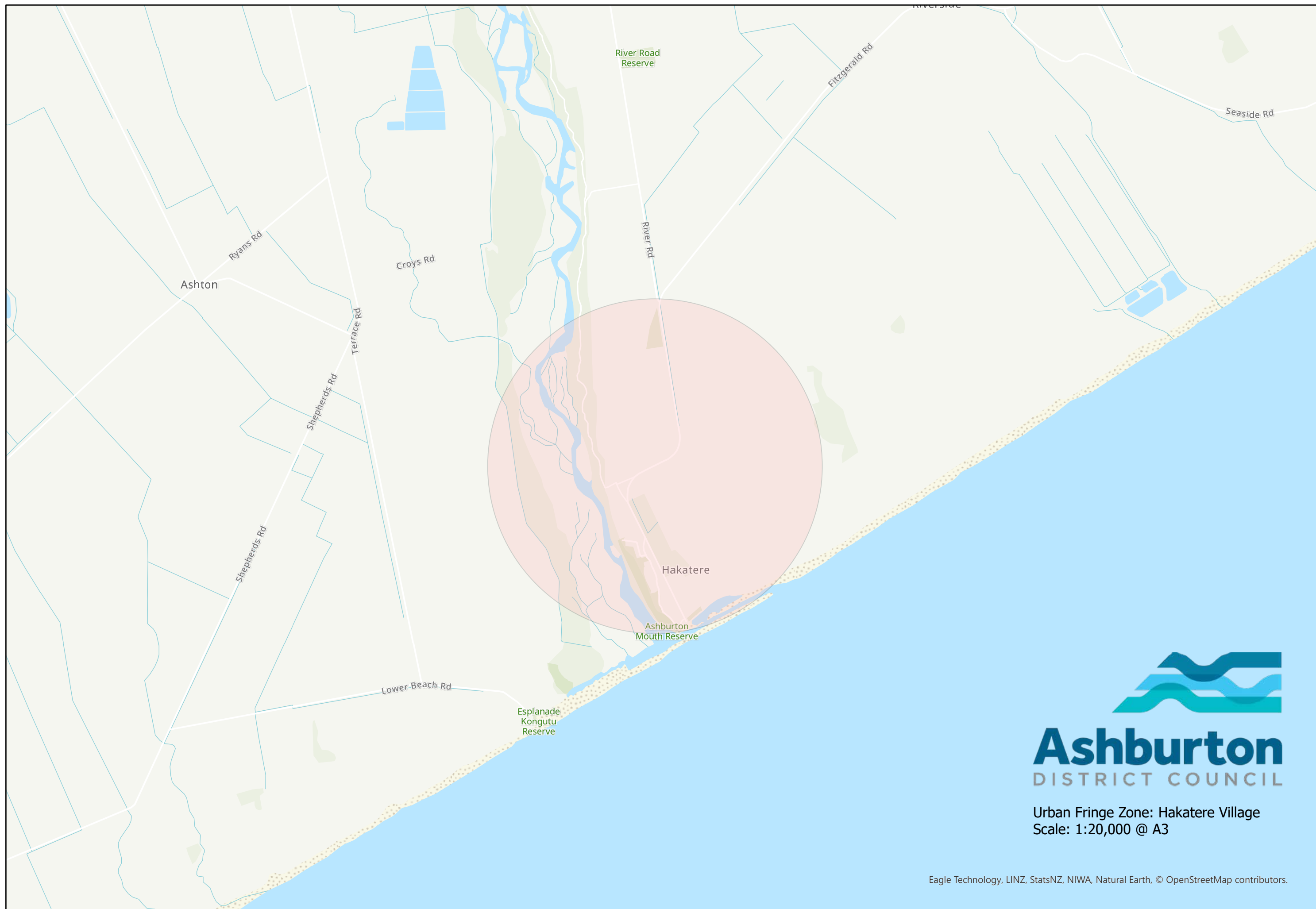


Ashburton
DISTRICT COUNCIL

Urban Fringe Zone: Rakaia
Scale: 1:20,000 @ A3

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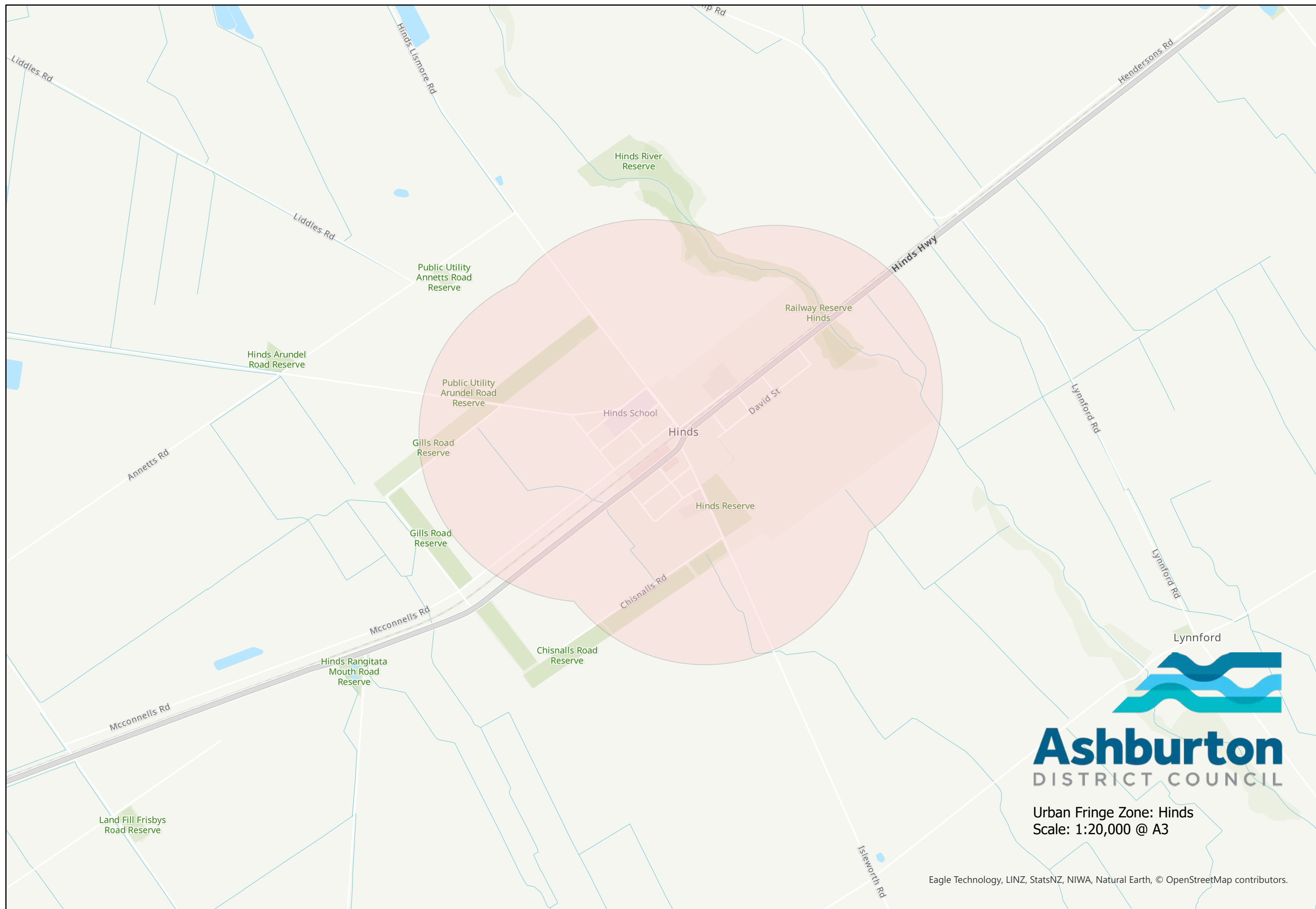




Ashburton
DISTRICT COUNCIL

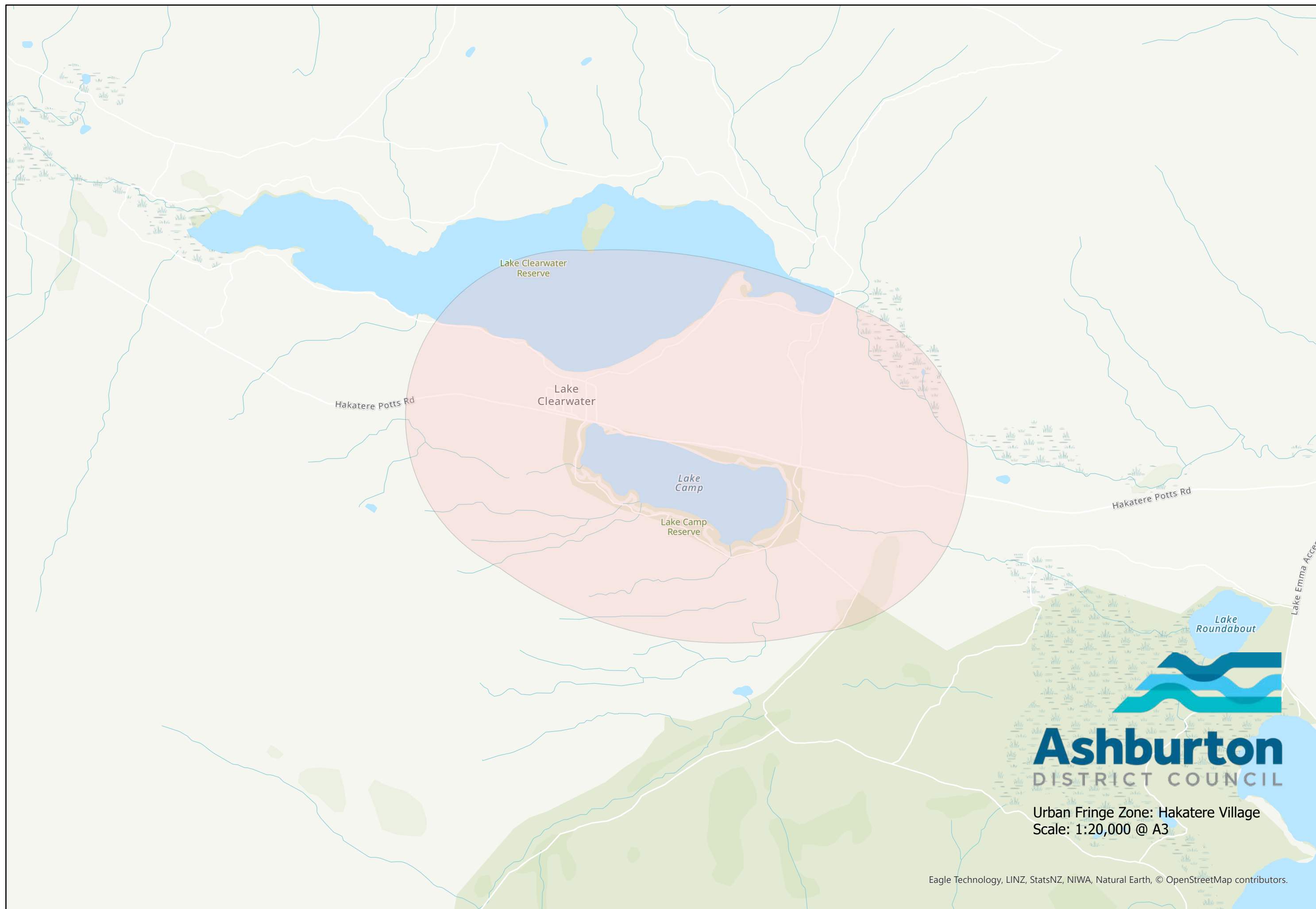
Urban Fringe Zone: Hakatere Village
Scale: 1:20,000 @ A3

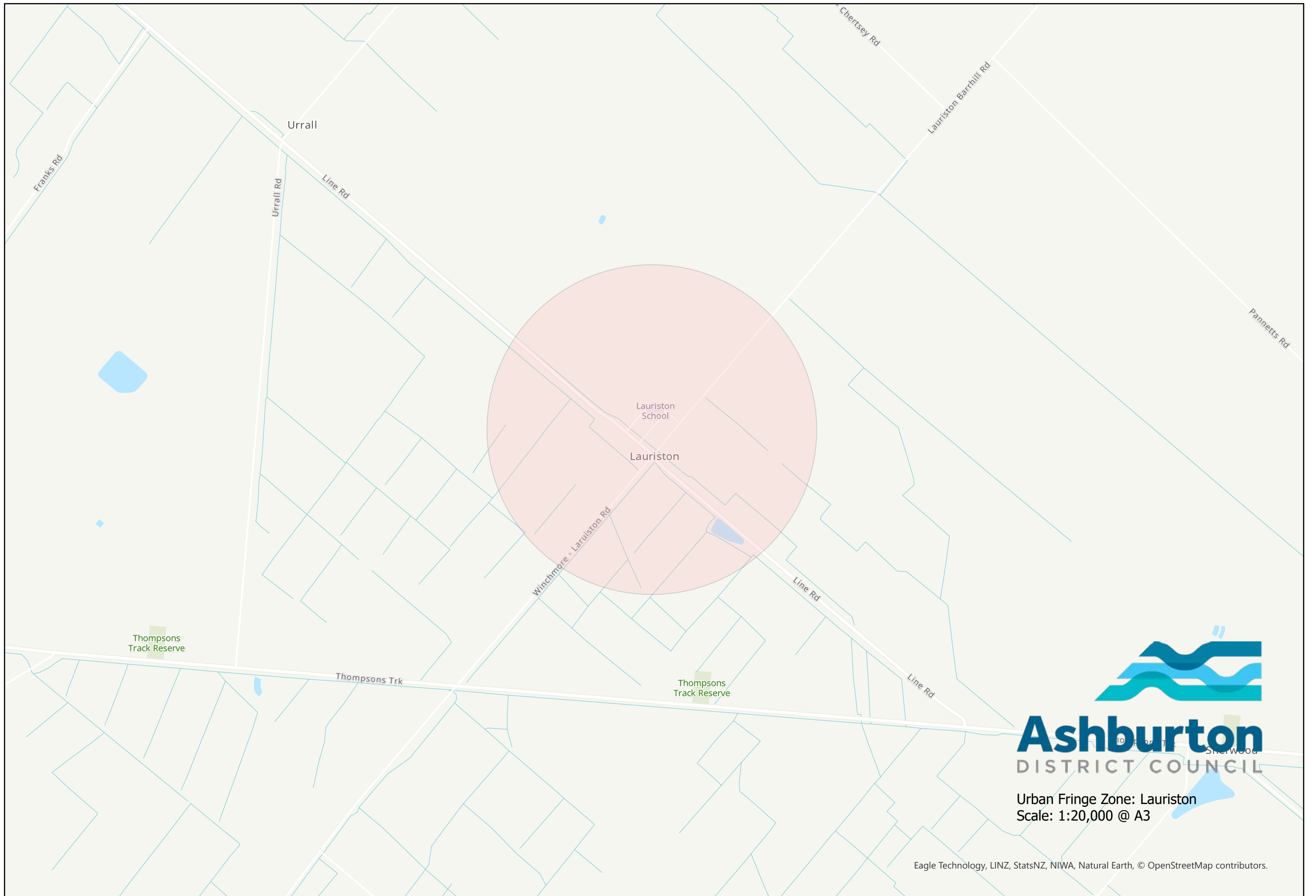
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Urban Fringe Zone: Hinds
Scale: 1:20,000 @ A3

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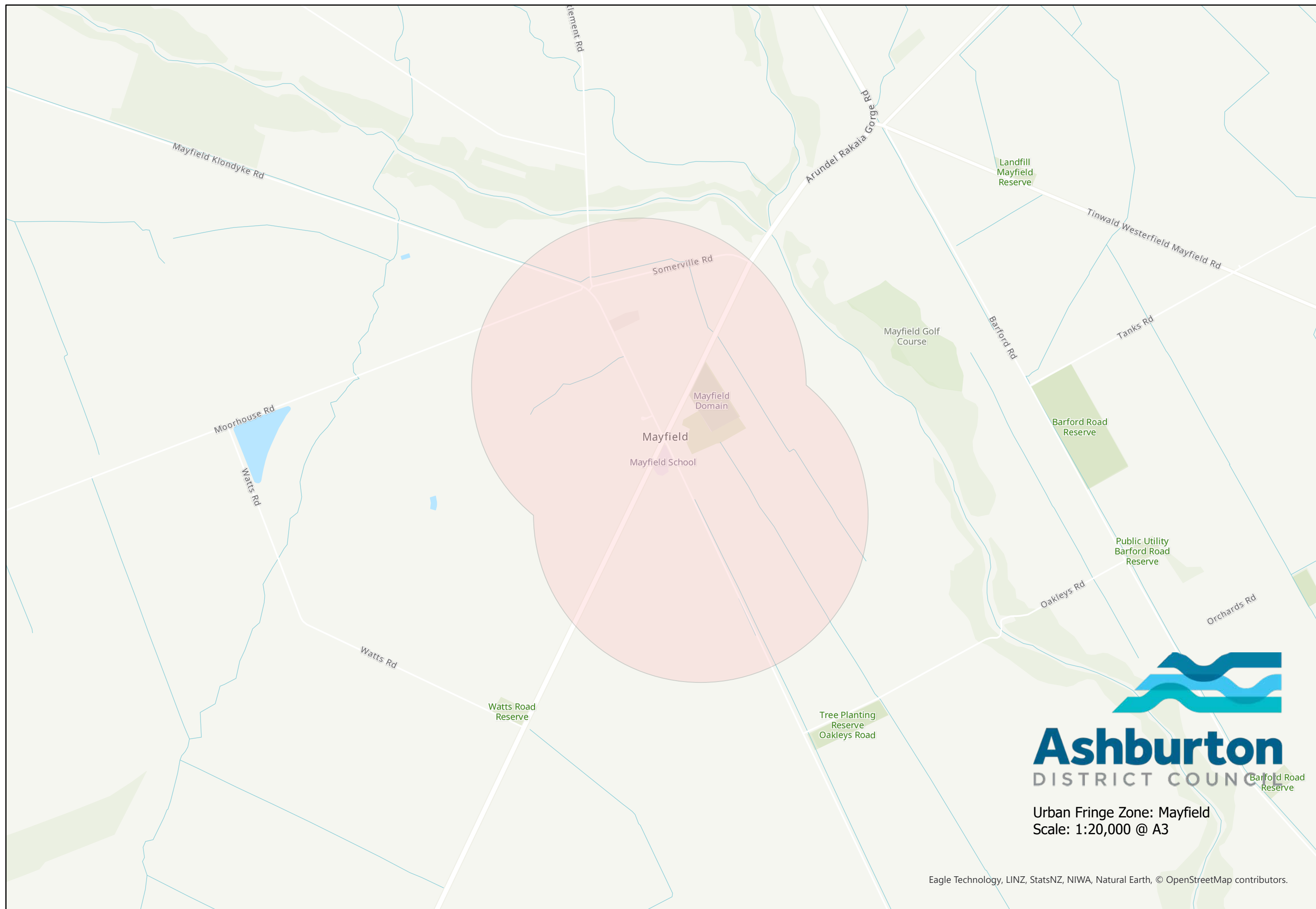


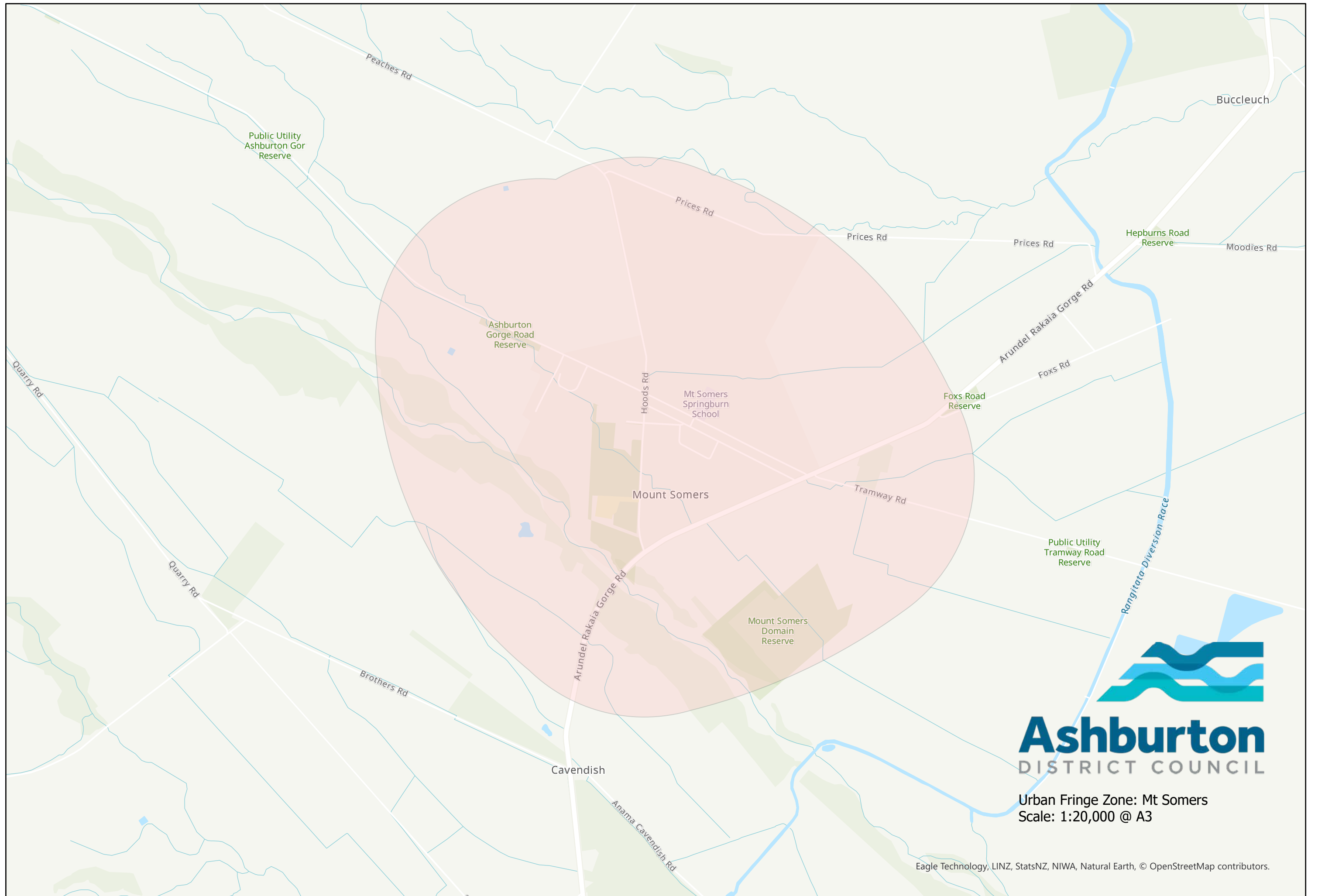


Ashburton
DISTRICT COUNCIL

Urban Fringe Zone: Lauriston
Scale: 1:20,000 @ A3

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10. Councillor Reports

10.1 Deputy Mayor Liz McMillan

10.1.1 Meetings

In addition to the usual Council meetings and workshops I have attended the following meetings and events:

February 2023

- 16 Feb Initial climate action planning reference group meeting via MS teams
- 17 Feb Canterbury Regional landfill joint committee and Canterbury Waste joint committee meetings at CCC
- 18 Feb Methodist Church opening
- 21 Feb PCG and site visit
- 22 Feb Mayfield hall and reserve board meeting
- 23 Feb Safe Families Group meeting
- 24 Feb Hokonui Radio with Hoops
- 28 Feb Mid Canterbury Community Vehicle Trust meeting

March 2023

- 3 Mar Mid Canterbury CWI annual general meeting
- 4 Mar Zonta breakfast
- 5 Mar Model A Car Club Gala Day
- 6 – 10 Mar Outward Bound course
- 13 Mar Transwaste shareholders event at Kate Valley
- 14 Mar Lives Worth Living update at Community House

10.1.2 Climate Change Action Planning reference group

This was a Teams meeting held with one representative from all Canterbury councils chaired by Mayor Dan Gordon. Hamish Dobie from HDC is the CE representative.

Dr Tim Davies spoke on the background of the project and we discussed the terms of reference.

There will be four meetings annually and if the representative is not available to attend another Councillor from that Council is permitted to attend.

10.1.3 Canterbury Regional Landfill Joint Committee and Canterbury Waste Joint Committee

The first landfill and waste joint committee meetings were held for the term.

Cr Peters (CCC) was elected chair of the landfill joint committee with Cr Brine (WDC) as deputy.

Cr Barber CCC was elected chair of the waste joint committee with Cr Brine (WDC) as deputy.

Cr Gough (CCC) and Cr Millar (SDC) were appointed as directors to Transwaste.

The Waste Projects Facilitator position started in January 2023.

10.2 Councillor Tony Todd

10.2.1 LGNZ Rural & Provincial Conference

Cr Tony Todd attended the LGNZ Rural & Provincial Conference in Wellington on 2 and 3 March 2023.

Cyclone Gabriel

Speaker 1 spoke of the issue of slash, where no thought was given 25 years ago when pine trees were planted. Some work had commenced in raising the stop banks, however with 500ml of rain in two days this was ineffectual. Be careful what you wish for with growing pine trees for credits! Don't call it slash, it is industrial waste.

Without water infrastructure the local freezing works cannot operate.

The role of Councillors in a civil defence situation was questioned. Local people should be involved.

Speaker 2 talked about how civil defence failed, there was a lack of communication and no warning of the extent of the rainfall.

With 780ms overnight, rivers found new directions.

Local support is amazing, however infrastructure failed so were flying blind again.

Waikato

Partnered with Regional and Central Government and worked within the support structures of MSC, NZTA, etc.

Thames

The wettest winter ever with the soils during January already saturated, then two cyclones.

The State of Emergency has been active for 7 weeks (so far).

There are diverse, small pockets of people stranded.

Damage to the roading infrastructure is a huge issue with a \$50m bill expected.

Adopt a Community

As a fundraiser communities are being encouraged to adopt a school. People are encouraged to donate \$10 for 10 weeks. Iwi to Iwi, and Council to Iwi for support.

National Council update

What is a Mayor's role in an emergency?

Rural and Provincial Mayors have done a great job, with Councillors and staff behind them providing support. Central government needs to provide a reaction of the right size, with Local and Central Government to work together.

A relationship needs to be built with the new Prime Minister, Rt Hon Chris Hipkins. Minister McAnulty appears to understand local and central government.

The local government reform will sit on the shelf, after costing taxpayers \$8m.

Cannot carry on the way we are going, need to ensure that LGNZ have good governance in place.

The next LGNZ conference is to have a regional focus.

Regional Reset Agreement

Key Elements

Local Governments voice is at the table, financial sustainability, strengthening our democracy. This relationship reset will be accompanied with a list of local government's policy priorities and outcomes.

Look to a stronger partnership with central government.

Local Government New Zealand

Wellbeing

Free counselling, support service to be provided on a 1 on 1 bases elected members, from today.

It needs to be determined clearly what local government is – a critical partner.

Parliamentarians are influenced by the media, local government transcends party lined.

AKONA

Dedicated to learning needs by building capacity and lifting performance. Reflects diversity and peer to peer learning.

Provides pathways, an increase topics and will keep up with change.

Feedback from CE Meeting

Hamish Riach was elected Chair.

Council to Council, Group to Group and protect local outcomes.

Value CE only time.

Need urgent certainty on 3 waters and advocate for people who work in our sector.

Flood protection

Co-investment, seeking funding from the Crown. Government have been absent, and need to front up.

\$257m is to be spent on flood protection over the next three years. If Government had spent \$10m on flood prevention in Westport it would have saved \$100m in costs after the floods!

Risk profile: Insurance companies will walk away.

Government must contribute to protection, seeking \$250m per year. Communication is key, via media and local MP's.

Tiny homes

Establish a permit NZ-wide system? Is it a small house or a caravan? Confirm issues?

Apparently Australia and USA have a system.

Hon Kieran McAnulty

Local Government is at the heart of Government and understandings funding is a big issue.

Can't get the funding needs. What solution fits all Councils?

Civil defence is to be strengthened, need to strike the right balance on 3-Waters.

Sustainable funding

Mayor's Taskforce for Jobs is an example of how this can work well.

3-Waters is not far away.

The link between council's and providers is to improve. Ministers will meet next week and look to strengthen the link between local and central government.

Elizabeth McNaughton, CEO Hummingly

Disaster Recovery

Currently in the honeymoon phase where everyone helps. Then there will be some anger and a default vision "we want what was there".

How to lead people through grief? You grow through diversity, buddy-up. Empathy, be ahead of the crowd. Community honesty, where are you leading us to?

Severe weather events lead to productivity, absenteeism turnover.

Final comments from Cr Tony Todd

This was a great conference to attend and learn, but also to meet and share ideas with other attendees.

10.3 Councillor Richard Wilson

10.3.1 LGNZ Rural & Provincial Conference

Cr Richard Wilson attended the LGNZ Rural & Provincial conference in Wellington on 2 and 3 March 2023.

Cyclone Gabriel

Cyclone Gabriel-affected Councillors presented the impact on their people and districts where damage to homes, businesses and infrastructure is significant.

In these situations local people and local organisations show their true value. Councillors had stories of how the community is pulling together.

The re-build will require central government help as the damage is beyond their ratepayer base to absorb.

All districts had the same story being able to communicate whether that be emergency services, checking on family and neighbours or river level and weather data records.

We all need to look at our preparedness:

- Does the generator work?
- Do I have my emergency pack ready?
- Have a plan!

11. Mayor's Report

11.1 LGNZ Rural and Provincial

It was good to connect with Mayors and Councillors from around New Zealand and to hear from some of the affected Councils after cyclone Gabrielle. The devastation has been huge and will impact on their lives for years to come

We were presented with photos to show the devastation that this cyclone has caused. Appreciation has been expressed from the Councils who we are supporting with gifts of financial aid to help support their immediate needs.

More detail on the conference has been detailed in the Councillors reports.

11.2 Rakaia Weigh Station

After meeting with Waka Kotahi/NZTA representatives on the proposed south bound Rakaia Weigh station site on 23 February it is disappointing that the planned works have commenced. Let's hope that our worst fears are not proved correct when this site becomes operational.

11.3 Petition

On 21 February a petition from Brendon Pope was delivered to the Council office, re the objection of the proposed Waka Kotahi/NZTA Rakaia weigh station site for south bound traffic.

The petition contained 204 signatures and will be passed on to Waka Kotahi/NZTA.

11.4 Meetings

- **Mayoral calendar**

- **February 2023**

- 28 February: Jo Luxton and ACL with CE Hamish Rich

- **March 2023**

- 1 March:
- 2/3 March: LGNZ Rural and Provincial, Wellington with Councillors Todd and Wilson and CE Hamish Riach
- 2 March: Presentation to Finance and Expenditure Committee re Water Legislation Bill, Parliament Buildings, Wellington along with CE Hamish Riach
- 3 March: Hokonui radio interview
- 3 March: Mid Canterbury Women's Institute AGM, Liz McMillan deputised
- 5 March: Ford Model A Club of America National Rally official opening, Cr Russell Ellis deputised.
- 7 March: Alister Lilley – ACL along with CE Hamish Riach
- 7 March: Roger Sutton and Andrew Barlass – EA Networks re: Thought Leadership Programme
- 8 March: Economic Development workshop

- 8 March: Tuia Mentor workshop
- 9 March: Prof. Garry Nixon re Rural Health Academic Centre
- 10 March: CECC – An audience with Christopher Luxon
- 10 March: Giles Southwell and Timaru DC CE Bede Carran re Civil Defence Emergency Management
- 10 March: M. Bovis Advisory group
- 10 March: Kelvin Holmes with CE Hamish Riach
- 11 March: Mayfield A&P show – Councillor Wilson deputised

Recommendation

<p>That Council receives the Mayor's report.</p>

Neil Brown

Mayor

Local Government New Zealand

LGNZ supports Council's in many ways:

- Lobbying government.
- Upskilling Councillors
- And giving a forum for Council to learn from each other's experiences.

Their priorities include better funding for local government. This would include roading, flood protection and funding for our wellbeing initiatives.

In the future government has to work in partnership with Council's, like the mayoral job scheme which targets unemployed youth in our district.

3-Waters

Minister McAnulty indicated that there is a reset coming on 3-waters in the next few weeks. We will watch to see if he has listened to our concerns.

Remember 3-waters is law and is happening as we speak.

Final comments from Cr Richard Wilson

Overall this was an informative conference to attend.

Recommendation

That Council receives the Councillors report.
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