
Christchurch City Council AGENDA

Notice of Meeting:

An ordinary meeting of the Christchurch City Council will be held on:

Date: Wednesday 21 June 2023
Time: 9.00 am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Membership

Chairperson	Mayor Phil Mauger
Deputy Chairperson	Deputy Mayor Pauline Cotter
Members	Councillor Kelly Barber
	Councillor Melanie Coker
	Councillor Celeste Donovan
	Councillor Tyrone Fields
	Councillor James Gough
	Councillor Tyla Harrison-Hunt
	Councillor Victoria Henstock
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Andrei Moore
	Councillor Mark Peters
	Councillor Tim Scandrett
	Councillor Sara Templeton

16 June 2023

Principal Advisor

Dawn Baxendale
Chief Executive
Tel: 941 8999

Katie Matheis
Team Leader Hearings & Committee Support
941 5643

katie.matheis@ccc.govt.nz
www.ccc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. If you require further information relating to any reports, please contact the person named on the report.

To watch the meeting live, or a recording after the meeting date, go to:

<http://councillive.ccc.govt.nz/live-stream>

To view copies of Agendas and Minutes, go to:

<https://www.ccc.govt.nz/the-council/meetings-agendas-and-minutes/>





Ōtautahi-Christchurch is a city of opportunity for all

Open to new ideas, new people and new ways of doing things – a city where anything is possible

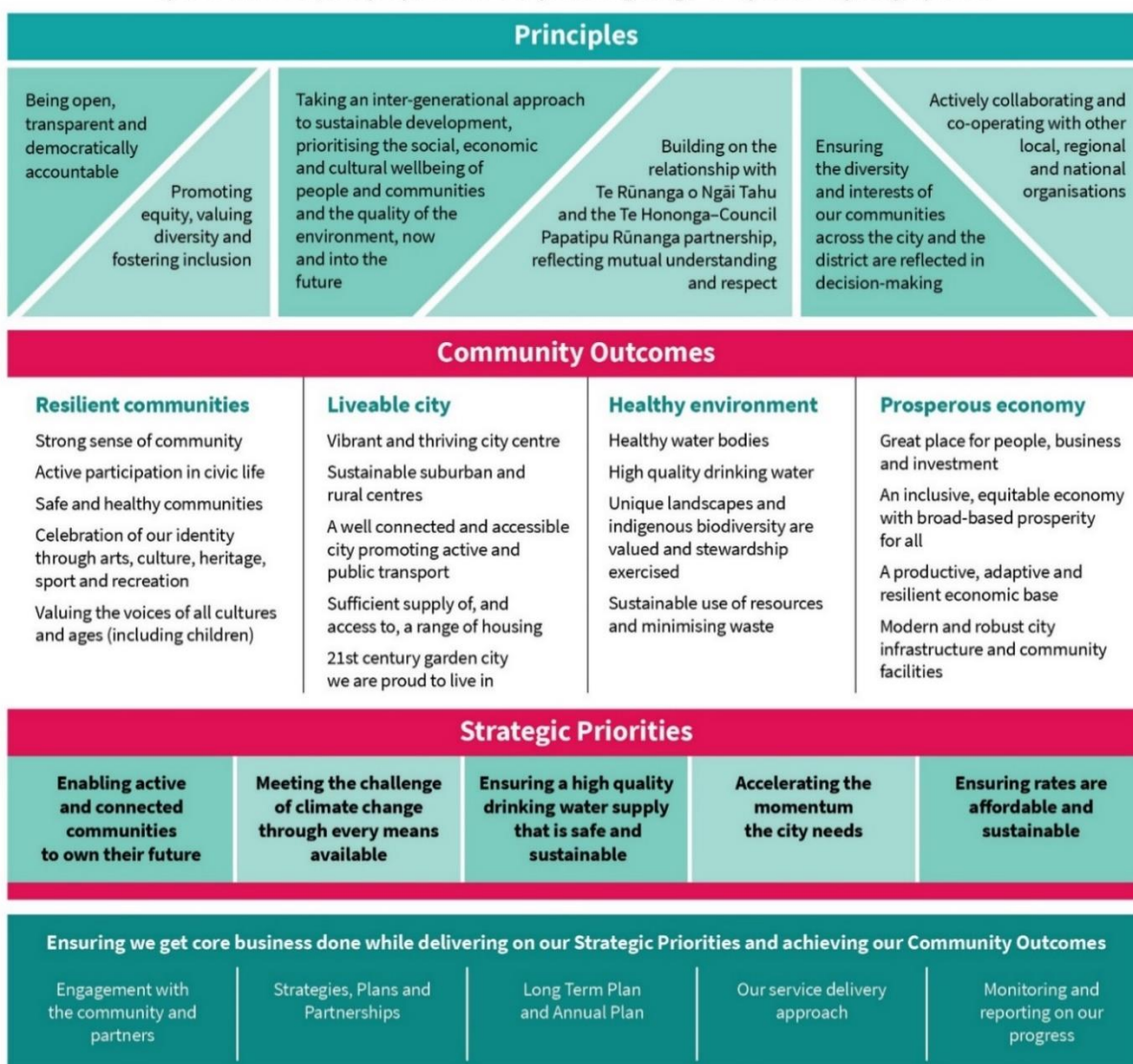


TABLE OF CONTENTS

Karakia Tīmatanga	4
External Recognition for Council Services	4
1. Apologies Ngā Whakapāha	4
2. Declarations of Interest Ngā Whakapuaki Aronga	4
3. Public Participation Te Huīnga Tūmatanui	4
3.1 Public Forum Te Huīnga Whānui	4
3.2 Deputations by Appointment Ngā Huīnga Whakaritenga	5
4. Presentation of Petitions Ngā Pākikitanga	6

STAFF REPORTS

5. Interim kerbside organics management options	7
6. Otukaikino Stormwater Management Plan	77
7. Review of the Cruising and Prohibited Times on Roads Bylaw and proposed consultation on replacement bylaw	83
8. Major Cycleway South Express Section 1 - Detailed Traffic Resolutions	133
9. Mayor's Monthly Report	165
10. Resolution to Exclude the Public	170
Karakia Whakamutunga	

Karakia Tīmatanga

Whakataka Te hau ki Te uru

Whakataka Te hau ki Te tonga

Kia makinakina ki uta

Kia mataratara ki Tai

E hi ake ana te atakura

He tio, he huka, he hau hu

Tihei Mauri Ora

External Recognition for Council Services

The Mayor, on behalf of the Council, will acknowledge the following external award for Council services:

- The Council's Thomas Edmonds Band Rotunda was a Gold Award winner in the Heritage and Restoration Project category at the New Zealand Commercial Project Awards.

1. Apologies Ngā Whakapāha

At the close of the agenda no apologies had been received.

2. Declarations of Interest Ngā Whakapuaki Aronga

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.

3. Public Participation Te Huinga Tūmatanui

3.1 Public Forum Te Huinga Whānui

A period of up to 30 minutes is available for people to speak for up to five minutes on any issue that is not the subject of a separate hearings process.

3.1.1 Citizen Advice Bureau

Neil Lancaster, National President and CABNZ Board Chair, and Ronnie Davey, Christchurch Board Chair, will speak regarding the services CAB provides to the community and to outline ways that would support a more effective working relationship with the Council.

3.1.2 Volunteer Canterbury

Glenda Martin, Outreach Coordinator will speak on behalf of Volunteering Canterbury regarding the organisation's volunteer work across the community in recognition of National Volunteer Week.

3.1.3 Drucilla Kingi-Patterson

Drucilla Kingi-Patterson will speak regarding TOA Rail and Tempalton Hall.

3.1.4 Dr Cheryl Doig

Dr Cheryl Doig will provide Council with an update regarding Sophie Howe who has recently visited Christchurch and has just completed her term as Commissioner for Future Generations in Wales, and will share several events planned before the Local Government New Zealand Conference.

3.1.5 Kevin Roach

Kevin Roach will speak regarding the need for safer pedestrian access between Copper Ridge and Knights Stream School via Halswell Junction Road.

3.2 Deputations by Appointment Ngā Huinga Whakaritenga

Deputations may be heard on a matter or matters covered by a report on this agenda and approved by the Chairperson.

Deputations regarding Item 5 Interim Kerbside Organics Management Options

Due to a high level of interest in this item, speaking time will be limited to a maximum of five minutes per deputation.

Should you wish to apply for a deputation please contact Katie Matheis no later than **noon Tuesday, 20 June** 2023. All deputations require approval from the Chairperson.

Katie Matheis
Team Leader, Hearings & Committee Support
03 941 5643
katie.matheis@ccc.govt.nz

3.2.1 Waitai Coastal – Burwood – Linwood

Jackie Simons, Deputy Chair of the Waitai Coastal – Burwood – Linwood Community Board will speak regarding the Organics Processing Plant (Interim Kerbside Organics Management Options report).

3.2.2 Bruce King

Bruce King will speak regarding the Organics Processing Plant (Interim Kerbside Organics Management Options report).

3.2.3 Vickie Walker

Vickie Walker will speak regarding the Organics Processing Plant (Interim Kerbside Organics Management Options report).

3.2.4 Cathy Baker

Cathy Baker will speak regarding the Organics Processing Plant (Interim Kerbside Organics Management Options report).

3.2.5 Katinka Visser

Katinka Visser will speak regarding the Organics Processing Plant (Interim Kerbside Organics Management Options report).

4. Presentation of Petitions Ngā Pākikitanga

There were no Presentation of Petitions at the time the agenda was prepared.

5. Interim kerbside organics management options

Reference / Te Tohutoro: 23/416000

Report of / Te Pou
Matua:

Keygan Clutterbuck (Keygan.Clutterbuck@ccc.govt.nz); David
McArdle, contract supervisor organics (David.McArdle@ccc.govt.nz);
Brent Pizzey, senior legal counsel (Brent.Pizzey@ccc.govt.nz)

General Manager /
Pouwhakarae:

Mary Richardson, General Manager Citizens & Community
(Mary.Richardson@ccc.govt.nz)

1. Nature of Decision or Issue and Report Origin

- 1.1 This report is seeking an initial indication of Council preferences for management of greenwaste until an alternative facility to the OPP in Bromley is operational so that Council staff can prepare consultation with the community on those options. A decision on whether to engage with the community and potential operators on options for ceasing composting operations at the current Organics Processing Plant site in Bromley (OPP) as soon as possible, rather than in 2027-2029 when an alternative process site or redevelopment of the current site is operating.
- 1.2 In April 2022 and in May 2022 the Council resolved to continue composting at the OPP until an alternative facility, or redevelopment of the current one, is operating. That was based on advice that operational improvements at the OPP would adequately reduce risk of offensive and objectionable odours beyond the boundary for that period. However, the odour risk remains. Offensive and objectionable odours have been assessed in January to May. On 21 March 2023 the Mayor and councillors asked staff to advise whether there are other options for processing the Council's kerbside organics that can be quickly implemented while the long term solution is being developed.
- 1.3 The decisions in this report are of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by this being a decision to either not change a prior resolution, or to further explore options.

2. Officer Recommendations Ngā Tūtohu

That the Council resolves to:

1. Engage with the community and mana whenua on whether to:
 - (a) Continue composting at the OPP with operational improvements; or
 - (b) Send all mixed kerbside organics to an alternative, or several alternative, commercial composting and wormfarm facilities if they have all necessary regulatory approvals; or
 - (c) Send all of mixed kerbside organics to Kate Valley landfill, if Kate Valley has all necessary regulatory approvals.
2. Make a decision on its preferred option as soon as practicable, subject to meeting the decision-making requirements of the Local Government Act 2002, and after the Council decision on the long term processing of kerbside organics.

3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 In April and May 2022 the Finance and Performance Committee resolved to continue operating the OPP with the current process controls in place to manage and mitigate odour until the long term alternative is operating. Those resolutions were based on advice that the proposed operational improvements would appropriately mitigate the risk of there being offensive and objectionable odour beyond the boundary of the site.
- 3.2 Proactive monitoring by the Council and by Environment Canterbury has identified offensive and objectionable odour this year. Mayor and Councillors were concerned about the impact this has on the quality of life on members of the community. As a result, on 21 March 2023 the Mayor and Councillors sought advice on options for processing the Council's kerbside organics for the period until approximately 2027-2029 when an alternative long term solution is operating.
- 3.3 Processing options explored by staff and described in this report are grouped in to five approaches (**Appendices A-C – Location Options; Long List Options; Short List Options**):
 - (A) Composting mixed organics at OPP: Continue composting mixed kerbside organics at the current site and make operational improvements including an option of shifting the compost to a commercial composter for maturation, or setting a maximum volume for this site and processing or disposing of the balance elsewhere;
 - (B) Composting of mixed kerbside organics at other sites;
 - (C) Collect kerbside organics in separate food and garden bins, then process it in different places;
 - (D) Other disposal or processing options; and
 - (E) Dispose mixed kerbside organics to landfill.
- 3.4 Staff have developed a recommended shortlist for engagement with the community to learn community views. That shortlist is reflected in the recommended resolution.
- 3.5 It is too soon for the Council or staff to propose a preferred option. That is because:
 - (a) Further information and assurance is needed before the Council can be satisfied that improvements at the OPP will adequately reduce the risk of offensive and objectionable odours beyond the boundary of the site. Staff intend to seek to clarify this before engagement starts;
 - (b) The Council's selection of a preferred option for the period to 2027-29 should have regard to the highly relevant decision on the long term solution;
 - (c) Council and central government policies, and the Council's levels of service in the Long Term Plan (LTP), illustrate that there should be disposal to landfill only if there is no reasonable alternative. Reasonable alternatives are likely to be available.

Timing of decisions to make changes

- 3.6 The Council is seeking to mitigate the impact of odour from the OPP on the Bromley community as soon as practicable.
- 3.7 Under the Local Government Act 2002, Council should not make a decision to end part or all of the composting at Bromley until:
 - (a) After the Council has learnt the views of the whole community. That is because ending composting at Bromley is a significant change to levels of service and may entail significantly higher costs; and

- (b) After the Council has made a decision following assessment of options for the long term solution. That decision is likely to be in December 2023. The Council's assessment of the merits of the options for the period until 2027-29 should have regard to the long term solution. That will be a relevant consideration; and
 - (c) If the chosen option for the interim period until 2027-29 requires significant increases to current costs post- June 2024, the Council cannot confirm implementing the preferred option until after the LTP decision in June 2024.
- 3.8 Other practicalities relevant to timing of changes are:
- (a) Resource consents: Kate Valley would need a variation of resource consent to accept the additional truck movements carrying the Council's kerbside organics. Alternative composters in the South Island also need consents. These might take 6-12 months or longer;
 - (b) Logistics and practicalities of setting up for alternative composters and processes.
- 3.9 None of these options, other than continued composting and maturation at the current site, can be implemented by January 2024 when the contract with the current operator ends.

4. Detail Te Whakamahuki (Include community views and preferences on the matter)

Background

- 4.1 The activity on the OPP site is receipt of all of the Council's kerbside collected garden waste and food organics -approximately 55,000 tonnes pa, plus 5,000 tonnes pa from the Waimakariri District Council. The Council owns the site. The Council contracts with Waste Management to operate the site. Waste Management trades as "Living Earth" for this purpose.
- 4.2 Discharge of odour from the site is authorised by an air discharge consent under the RMA held by the Council and issued by Environment Canterbury (ECan). A condition of the consent is that there shall not be an offensive or objectionable odour beyond the boundary of the site.
- 4.3 If ECan takes enforcement action under the RMA for breach of the resource consent, the enforcement can be against Waste Management, or the Council, or both.
- 4.4 In December 2020 the Council resolved to redevelop the site so as to reduce the risk of offensive and objectionable odours beyond the boundary of the site.
- 4.5 In 2021 the Council considered the cost of redeveloping and resolved to investigate options for managing disposal of green waste and food waste in other ways that did not require composting at this site.

Finance and Performance Committee resolutions in 2022

- 4.6 On 28 April 2022 the Finance and Performance Committee resolved to (FPCO/2022/00019):
 - "1. Agree in principle the relocation of the Organics Processing Facility to an alternative site".*
 - "3. Support the continued operation at the Metro Place site with the current process controls to manage and mitigate odour until an alternative facility, or redevelopment of the current site, is operational".*
 - "6. Request staff bring back in one month the full net cost to Council and implications of immediately closing the plant".*

- 4.7 On 26 May 2022 the Finance and Performance Committee considered a staff report on the implications of immediate closure. The Committee resolved that it (FPCO/2022/00043):
- “2. Confirm the previous resolution [3] of 26 April 2022”.*
- “3. Notes staff will consider whether any further process control measures can be implemented to mitigate the risk of odours beyond the boundary”.*
- “7. Request staff investigate removing the tailings and covering more of the operation and report back to Council as soon as possible”.*
- 4.8 Resolutions 3 and 7 above had the objective of further mitigating the risk of there being offensive or objectionable odour beyond the boundary of the site.

Improvements made by Living Earth

- 4.9 Living Earth have made significant changes to site operations since March 2020, in co-operation with the requests by Council staff. The significant ones since May 2022 are:
- A new drum for the screen with a larger screen size was installed in May 2022, which produces a coarser product for the current output but a higher yield of 50 to 55%. Therefore reducing the volume of tailings the screening process produces. A back up screen drum has been built as is on site as a contingency.
 - Removal of tailings from the site that are surplus to operational requirements: Tailings are sticks and other large material that are separated from the finer compost during the screening process. These tailings are then reintroduced to the process to create air space between the compost. This air flow is essential for the composting process. Council's odour expert consultants at PDP had in April 2022 identified tailings as being a potential odour source. From 9 June 2022 to 19 September 2022 there has been a removal of about 8,600 tonnes. The minimum amount needed to be retained on the site for composting operations is 3,000 tonnes.
 - The 2022/23 summer season was the first one in which Living Earth has been operating under a “Transition Plan”. This Transition Plan was in place in response to the Abatement Notice issued by ECan in January 2021. One of the key elements of the Transition Plan was to cease outdoor maturation. That entailed 31,397m³ of finished compost previously maturing in outdoor windrows being removed from site.
 - 30 January 2023, after ECan serving notices of non-compliance: A second leased screen was brought on site to run alongside the fixed main screen, and an existing leased screen, to clear the backlog of unscreened material. The backlog was cleared as of 7 March and the two hire screens removed from site.
 - 14 February 2023 :The removal of tailings from site that are surplus to operational requirements recommenced. As of Monday 15 May, 3,230 tonnes of tailings have been removed from site. Work is ongoing.
 - 20 February 2023: Tunnel time for material was increased to an average of 21 to 22 days, instead of 14 days during peak season (summer).
 - 24 February 2023: Maintenance work was last completed on the main biofilter in May 2021 and is due every three years. The next programme of main biofilter maintenance work was brought forward fifteen months. The biofilter media, floor and substructure were removed and replaced. Removing all elements of the biofilter, rather than repairing them, accelerated this programme of work. The work was completed in two sections with one half of the biofilter remaining functional while the other was replaced.

The first half was completed by the end of April and the second half was completed at the start of June.

- 27 February 2023: Maintenance work completed on the second biofilter, which services the main screen and enclosure. The work involved removing the biofilter media, repairing the floor and adding new media.
 - 6 April 2023: Screen infeed hooper refurbished to improve screen resilience and reduce the risk of a screen failure and the resultant backlog of stored unscreened material.
 - 17 April 2023: Second shredder recommissioned to accelerate green waste processing. Additional green waste is being sourced from Styx Mill transfer station to create bulkier less odorous green waste only tailings to replace the kerbside organics tailings being removed from site.
 - Tunnel boards are currently being replaced. This programme of work will improve and maintain airflow to ensure optimum composting during the “In-Vessel Composting” tunnel phase, and is expected to be completed by the end of October 2023.
- 4.10 Since March 2023 Living Earth has been developing a “Lessons Learnt” register and a revised operations plan. These implement lessons learnt from that first season under the Transition Plan and from reviews and proposed mitigations from Council’s odour consultants. The operations plan reviews operational variables such as input levels, input mixture (e.g. arsenic contamination during winter), input weights, available tunnel time and tailing compositions, throughout the different seasons and how to manage these variables in the best way possible.
- 4.11 Since March 2023 Living Earth has been developing a “Lessons Learnt” register and a revised operations plan. These implement lessons learnt from that first season under the Transition Plan and from reviews and proposed mitigations from Council’s odour consultants. The operations plan reviews operational variables such as input levels, input mixture (e.g. arsenic contamination during winter), input weights, available tunnel time and tailing compositions, throughout the different seasons and how to manage these variables as best as possible.

Further issues with offensive and objectionable odour

- 4.12 While those changes have been underway, Environment Canterbury enforcement officers have assessed offensive and objectionable odours beyond the boundary of the site on 6 dates (Monday 19 December 2022, Tuesday 10 January 2023, Sunday 15 January 2023, Thursday 26 January 2023, Tuesday 31 January 2023 and Wednesday 1 March).
- 4.13 Further proactive monitoring by the Council’s odour consultants has identified offensive and objectionable odour beyond the boundary of the site on four further dates that were not identified by Environment Canterbury: on 2 February, 10 February, 6 April and 13 May 2023.
- 4.14 This shows that the operational improvements have not completely removed the risk of there being an offensive and objectionable odour beyond the site boundary. Whilst it is not the objective of the Council to completely remove all risk, the objective is to be reasonably satisfied that the risk is mitigated to a reasonable level. The April and May incidences show that there is still more work to do.

5. Options Considered Ētahi atu Kōwhiringa

Summary of investigation of options

- 5.1 The key decision is how to process the Council’s kerbside organics collection, either by continued composting, composting at an alternative site, by anaerobic digestions and

wormfarming or by disposing of it to landfill. Decisions on locations flow from that key decision.

- 5.2 The long list of options is presented in this report along with a description of feasibility and a recommended shortlist for engagement.
- 5.3 Staff have investigated :
 - 23 alternative processing locations: 8 composters, 4 community initiatives, 6 alternative processes and 5 landfills (**Appendix A**).
 - 20 categories and sub-categories of processing options (**Appendix B**).
- 5.4 The categorisation of processing options in the long list (**Appendix B**) is:
 - (A) Composting at OPP: Continue composting mixed kerbside organics at the current site and make operational improvements and/or then shift the compost to a commercial composter for maturation (3 options assessed);
 - (B) Composting of mixed kerbside organics at other sites, including the option of continued use of the current site up to a maximum volume (4 options assessed);
 - (C) Collect kerbside organics in separate food and garden bins, then process it in different places (3 options assessed);
 - (D) Other disposal or processing options (4 assessed); and
 - (E) Dispose at landfill (3 options assessed, 5 landfills considered).
- 5.5 Staff have also considered possible combinations of those processing options.
- 5.6 The planning assessment of the long list is in **Appendix D** and the PDP odour assessment of the shortlist options for the OPP is in **Appendix E**.

A. Composting mixed organics (both food and garden waste) at the OPP (A1-A5)

- 5.7 There are several options for reducing the potential for offensive and objectionable odour beyond the boundary of the OPP site while continuing to compost and mixed kerbside organics. These are:
 - A1 Continue with status quo as per resolution s FPCO/2022/00019 and FPCO/2022/00043 above (lessons learnt, with ongoing operational adaptation). There will still be a risk of ongoing odour issues.
 - A2 Continue to compost all kerbside material at the OPP with additional operational enhancements. There are several options for enhancements, including having a second screen in a fully enclosed building and additional odour controls. However, PDP advise that if this still involved outdoor storage, the risk of offensive and objectionable odours beyond the boundary might remain.
 - A3 Enclosing all existing operations – meaning no outdoor storage or processing - and treat all air by a biofilter. PDP advise that the odour character detected offsite is of material being stored outdoors therefore the best way to eliminate the risk of offensive and objectionable odour offsite is to enclose **all** maturing compost; however, that comes with a significant cost and time delay. It was for this reason – the costs of this option – that the Council resolved in 2021 to consider other options.
 - A4 Reduced quantity: Dramatically reducing the amount of kerb side organics that are processed at the site, so that the material is matured in the tunnels for the optimal length of time (about 21 days) and so that there is reduced use of outdoor storage between the tunnels and the screening. This means setting a cap on the amount of

kerbside organics received that the site, and the balance being sent to Kate Valley landfill or to an alternative processor. PDP cannot be sure that this would substantially reduce risk. PDP advise that optimising the tunnel times would in theory produce a less odorous (but not odour free) product. It would still be stored outside for screening. PDP is uncertain if the changes would be significant enough to prevent all offensive odours off-site. The balance above the maximum volume would still need to be processed or disposed of elsewhere, with the costs of that. Therefore, staff do not recommend relying on this option.

- A5 Continue to compost all kerbside material at the OPP but transfer the material immediately offsite (no screening or stockpiling at the current site), subject to any required consents. If this would mean that there is no outdoor storage, which PDP assesses to be the main source of odour, this should mean that the ongoing risk of offensive and objectionable odour is low. Staff are aware of possible alternative sites managed by NALG, Intelligro and Canterbury Landscape Supplies.

B. Composting mixed kerbside organics at other sites (B1-B4):

- 5.8 **Appendix A** sets out the 9 composting locations considered, and a worm farm. Some operators have not responded to staff queries. Others are interested but need resource consent. Some can take only separate green waste. Three operators seem able to accept part of the mixed waste now – Eco Gas in Reparoa, Envirofert in Tuakau and MyNoke in Taupo, Tokorao and Ohakune. Others need new or amended RMA approvals. The timeframe for these being viable depends on the pace of the RMA approval processes and procurement. Options assessed by staff at the time of this report (there may be others that put their names forward that staff are not currently aware of) are:
- (a) Envirofert in the Waikato District. They could currently accept approximately 10,000 tonnes pa of the Council's mixed organic waste for composting. They have infrastructure and interest in accepting all of the Council's mixed kerbside organics, but their current resource consent does not authorise accepting all of it. Council staff understand that they are interested in seeking RMA approvals. The planning assessment (**Appendix D**) estimates that this has medium prospects of being a straightforward process and might take 12 months.
 - (b) EcoGas at Reparoa. They state that they can currently accept up to 15,000 tonnes pa of the Council's mixed kerbside organics, potentially increasing to 40,000 tonnes pa in 18 months.
 - (c) The setting up of a new composting operation either at Kate Valley or NALG. Consenting and establishment timeframes for this are still unknown;
 - (d) Wairākau Ōtautahi – Compost Christchurch (Intelligro), at Rolleston. It plans to expand its operations with establishment of a new facility that could compost approximately 50,000 tonnes at a new location on Pound Road. The planning assessment (**Appendix D**) estimates that this has a low feasibility rating for full composting of the Council's kerbside organics, but it has a high feasibility rating if it was taking waste that had been partially composted at the OPP, and that this could be established in 6-12 months.
 - (e) Canterbury Landscape Supplies: The planning assessment estimates the feasibility of this operator establishing sites for full composting of the Council's kerbside organics as being low (3 years) for an Oxford site and medium (2 years) for a Swannanoa site. However, the feasibility of them taking second stage composting after the first (indoors) stage is completed at the OPP is high and might take 6-12 months.

- (f) MyNoke (worm farming), currently established in Taupo, Tokoroa and Ohakune, but interested in options for operating in the South Island. They have the RMA approvals and capacity to accept up to 21,000 tonnes pa of the Council's mixed waste.
- 5.9 The Council's communications with community gardens for the purposes of this report have resulted in a detailed preliminary proposal being delivered by Pā Wairākau . The proposal is attached as **Appendix F**.
- 5.10 Pā Wairākau is a community solution for local organics collections, processing and distribution. Pā Wairākau is led by a kaupapa Māori indigenous approach, to restore the fragile ecosystem that alternately supports life and wellbeing. It proposes a solution for management of some of the Council's green waste and food waste in both the interim and the long-term. It may take some years to investigate feasibility and establish operations. They predict that following feasibility and trail they might be able to receive 2,400 tonnes pa of separated food waste.
- 5.11 Other community gardens in the city have scope to accept less than that.

C. Collect kerbside organics in separate food and garden bins (C1-C5):

- 5.12 Staff investigated this as it could provide for more options for processing and disposal.
- 5.13 Some existing composters have RMA approvals to accept only separated green waste. Council could send green waste to a combination of the composting facilities that have capacity and consents to compost it, up to the maximum that they are able to take. These include Canterbury Landscape Supplies (CWS – they say up to 30,000 tonnes pa), Envirofert and potentially Intelligro.
- 5.14 The less odorous component, which is generally garden waste, could be processed at the OPP and the food waste elsewhere. However, expert advice to staff is that household green waste with a high component of grass clippings forms a dense material and that this increases the odour of green waste. It does not remove the risk at the OPP (**Appendix E - PDP report**).
- 5.15 Food waste, which amounts to approximately 11,000 tonnes pa out of the 55,000 tonnes pa collected in green bins annually, could potentially be processed in anerobic digestion at an alternative site, at either the Christchurch Waste Water Treatment Plant (CWTP, further detail below), or at the EcoGas facility in Reparoa (Central North Island). Eco Gas have advised it has the capacity to process all of Christchurch's separated food waste.
- 5.16 Canterbury Landscape Services (CLS) have told staff that they can take 30,000 tonnes of green waste across two sites – Oxford and Swannanoa – without any change to resource consents. However, their existing air discharge consent for Swannanoa expires in 2025.
- 5.17 Community gardens can take a small portion of the green waste. Staff estimate that the maximum portion of the kerbside organics that could be sent there without needing resource consents, in the short term, is in the hundreds of tonnes pa. Richmond Community Gardens for example can take 10 tonnes pa.
- 5.18 Intelligro Wairākau Ōtautahi – Compost Christchurch (formerly called Intelligro) have a proposal in place to develop a facility to compost 50,000 tonnes of green waste in Pound Rd, but the timeframe to implement that is unknown.
- 5.19 The other green waste composting sites staff contacted were either unable to accept the material or have not responded.
- 5.20 Staff recommend to not shortlist, and not further engage, on the option of separating food and garden waste, as:

- (a) The PDP advice (**Appendix E**) is that it would not dramatically reduce the odour risk at the OPP;
- (b) It would undermine existing waste diversion efforts and behaviours and could undermine implementing the new long term solution, because of the behaviour change that is needed; and
- (c) It does not provide a quick interim solution. Implementing this option to separate the waste stream would take much longer to establish than sending all materials directly to an alternative composting site or landfill. Staff estimate that it would take 18 – 24 months to implement the new separated bin collection system.

D. Other disposal or processing options for mixed kerbside organics (D1-D4):

- 5.21 Disposing kerbside mixed organics as a form of land reclamation (e.g. Lyttelton Port reclamation) was considered but is not consented and is unlikely to be authorised.
- 5.22 Staff have considered its use as part of mine rehabilitation but do not recommend that this be investigated any further due to possible poor environmental outcomes.
- 5.23 Staff have investigating whether the Christchurch Waste Water Treatment Plant(CWTP) can accept some or all of the food waste, and/or liquid from the combined waste. That would be processed at the CWTP by anaerobic digestion in the existing or in new digesters. The current OPP operator advises that this is neither feasible nor efficient and effective having regard to the composition on the mixed kerbside organics. Staff do not recommend advancing that option any further.
- 5.24 Processing part (up to 21,000 tonnes) of mixed kerbside organics via large scale worm farming (e.g. MyNoke located in the North Island) is feasible but has large emissions and transport costs.

E. Dispose organics at Landfills (E1-E3)

- 5.25 Sending to Kate Valley was assessed in the staff report to the 26 May 2022 Finance and Performance Committee meeting [[Supplementary Agenda of Finance and Performance Committee - Thursday, 26 May 2022 \(infocouncil.biz\)](https://infocouncil.biz/Supplementary%20Agenda%20of%20Finance%20and%20Performance%20Committee%20-%20Thursday,%2026%20May%202022)]
- 5.26 There is one substantive change to that assessment. CWS could seek a Variation to their resource consent to accept all of the Council's kerbside organics. If they do that it is possible that a Variation of consent could be granted by July 2024, when the Council makes a decision on funding this in the Long Term Plan.
- 5.27 Collecting less kerbside organics, coupled with promoting home composting, might be the way to achieve some of the above options. Changes to collection frequency or bin type would achieve that, for example:
 - Collect green bin fortnightly, remainder goes into red bin, owners dispose of remainder green waste at EcoDrops or by collection from private contractors
 - Stop collecting green bin and collect food organics only in new smaller bin
 - Stop accepting food organics in green bin (advise residents to place in red bin)
 - Increasing the red bin capacity and/or frequency of collection
- 5.28 The outcome would be more organics going to landfill in red bins, and more costs for residents with more disposal at EcoDrops and more use of private waste operators. This would have high GHG emissions, and not align with the New Zealand Waste Strategy Te Rautaki Para March 2023. It would not comply with the targets and objectives of the New Zealand Waste Strategy or with the Emissions Reduction Plan and would be contrary to the Council's Waste

Management and Minimisation Plan. It would substantially undermine the implementation of the long term solution.

6. Recommended options

- 6.1 If the Council's objective is to cease composting operations at the current site at the earliest opportunity, while retaining the green bin collection system to collect mixed organics, it has two options:
 - (a) First, dispose of it all at Kate Valley – in the hope that Kate Valley will be consented to accept those extra truck movements by July 2024. The preliminary assessment, subject to engagement, does not favour this as it is contrary to the Council's and central government's policies, and as it undermines achieving the long-term aim of continued composting/processing of the city's kerbside organics.
 - (b) Secondly, dispose of as much as is possible at the composting facilities that have current ability to receive it and dispose of the remainder at Kate Valley. This might be 15,000 tonnes pa to Eco Gas, 21,000 tonnes pa to MyNoke and 10,000 tonnes pa to Envirofert. The balance – possibly 9,000 tonnes – disposed at Kate Valley (if CWS confirm that availability). Again, the preliminary assessment, subject to engagement, does not favour this as it is contrary to the Council's and central government's policies with regard to disposal at Kate Valley and emissions caused by transport to the North Island, and as the costs (financial and environmental) of transport to the North Island are unnecessary when there may be feasible local solutions.
- 6.2 It is recommended that Council obtain more certain and unambiguous information about whether operational improvements at the OPP in Bromley – of either use of a second screen, or partial (indoors) processing here and then transport to another site for the second stage of maturation and screening – would appropriately mitigate risks of offensive and objectionable odours beyond the boundary of the site.
- 6.3 While doing that, the Council should engage with the community and mana whenua on whether to:
 - (a) Continue composting at the OPP with operational improvements; or
 - (b) Send all mixed kerbside organics to an alternative, or several alternative, commercial composting and worm farm facilities if they have all necessary regulatory approvals; or
 - (c) Send all of mixed kerbside organics to Kate Valley landfill, if Kate Valley has all necessary regulatory approvals.
- 6.4 Council should make a decision on its preferred option, subject the funding in the Long Term Plan (if needed), after the Council decision on the long term processing of kerbside organics is known. That decision on the long-term operation could influence the assessment of the merits of the options for management of kerbside organics until the long term solution is implemented.

7. Next Steps

Refining the logistics

- 7.1 If the Council decides to cease composting at the current site, but still collect kerbside organics (via the green bin), it will still need a transfer station to handle the waste for transport to another site. Options for that transfer facility include the OPP building, at Council's EcoDrops, or at other commercial sites including the CWS transfer site.

- 7.2 Use of the OPP site for a transfer station is likely to require a land use consent under the District Plan for a restricted discretionary activity for breaching the high trip generation rule. Given the existing operation occurring, site location and the access from a major arterial road, this application should be straightforward and achievable within 6 months. It would not require a new consent from ECan. If an alternative transfer station is required, it is unlikely that this material can be managed at the EcoDrop transfer stations because there may be odour risks (non-compliance with a permitted activity requirement) and health and safety risks due to the additional truck movements. An enclosed commercial facility would be required.
- 7.3 This will be further investigated while engagement material is being prepared.

Other composters

- 7.4 The planning assessment and current information from possible local operators is that there are three who might be able to take “stage 2” composting from the OPP site, but none locally who are able to accept all of the Council’s mixed kerbside waste for the whole of the composting. Staff further enquiries would be seeking more information about those possibility.

Refining cost and rates information

- 7.5 The current information on costs and rating implications of the options (**Appendix C**) is being further checked and refined before engagement commences.

Engagement

- 7.6 Selecting a preferred option other than the status quo is a significant decision due to costs, policies, levels of service and environmental considerations. As the Council doesn’t know the views of the community as a whole and the matter is significant, the Council is required to do the following before it could decide to dispose of the kerbside organics at Kate Valley, or other options:
- (a) Consult the community to understand views before making a decision, regardless of whether the decision is to send all of the KSO to KV until 2027-29, or just part (12-18,000 tonnes pa) until another short-term solution is established in 2024; and
 - (b) As the costs are significantly more than the status quo, plus the levels of service change significantly, the Council will need to make a LTP decision in June 2024 if there are to be significant increased costs past June 2024.

Timing

- 7.7 Council wishes to make a decision as soon as practical to mitigate the ongoing impact on the Bromley community. Under the Local Government Act 2002, Council should not make a decision to end part or all of the composting at Bromley until:
- (a) After the Council has learnt the views of mana whenua and the whole community; and
 - (b) After the Council has made a decision following assessment of options for the long-term solution. That decision is likely to be in December 2023. The Council’s assessment of the merits of the options for the period until 2027-29 should have regard to the long term solution. That will be a relevant consideration; and
 - (c) If the chosen option for the interim period until 2027-29 requires significant increases to current costs post- June 2024, the Council cannot confirm implementing the preferred option until after the LTP decision in June 2024.
- 7.8 Other practicalities relevant to timing of changes are:

- Resource consents: Kate Valley would need a variation of resource consent to accept the additional truck movements carrying the Council's kerbside organics. Alternative composters in the South Island also need consents. These might take 6-12 months or longer;
 - Logistics and practicalities of setting up for alternative composters and processes.
- 7.9 None of these options, other than continued composting at the current site, can be implemented by January 2024 when the contract with the current operator ends.

Policy Framework Implications Ngā Hīraunga ā- Kaupapa Strategic Alignment 8.1

The following policies are considered in relation to this proposal:

- (a) Waste Minimisation Act 2008 - The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to (a) protect the environment from harm; and (b) provide environmental, social, economic, and cultural benefits.
 - (b) Waste Management and Minimisation Plan 2020 – make sure the organics facilities support climate change emissions targets.
 - (c) Ōtautahi Climate Resilience Strategy 2021 - Maximise composting or organics & reduce transport emissions.
 - (d) Te panoni I te hangarua/Transforming Recycling - Food and garden waste should be diverted from landfills to support working towards a low emission circular economy.
 - (e) Emissions Reduction Plan 2022 – need to reduce biogenic methane emissions
- 8.2 A decision to immediately close the OPP and divert organic waste to landfill does not align with the Council's strategic priority to 'meet the challenge of climate through every means available'.
- 8.3 A decision to close the OPP and divert organic waste to landfill does not promote the community outcome we strive to achieve, 'sustainable use of resources and minimising waste'.
- 8.4 The immediate closure of the OPP does not support the Council's Long Term Plan (2018 - 2028):
- Activity: Solid Waste and Resource Recovery
 - Level of Service: 8.2.7 Organic materials collected by Kerbside Collection and received for processing at the Organics Processing Plant (OPP) - 130kg +40%/-10% organic materials / person / year collected by Kerbside Collection

Policy Consistency Te Whai Kaupapa here

- 8.5 A decision to divert waste to landfill would be inconsistent with Council's Plans and Policies:
- (a) Waste Management and Minimisation Plan (WMMP 2020)
 - (b) Its submission on Te panoni I te hangarua / Transforming Recycling
 - (c) Ōtautahi Climate Resilience Strategy 2021
- 8.6 A decision to divert waste to landfill would not align with Council's target of being net carbon neutral for its operations by 2030 or the commitments under the Waste Management and Minimisation Plan 2020.

Climate Change Impact Considerations

- 8.7 The Council is committed to achieving carbon neutrality by 2030 for its own operations and has set a target for the district to reach net zero greenhouse gas emission by 2045 and to halve

its greenhouse gas emissions by 2030 (with separate targets for a 25% methane reduction by 2030 and 50% methane reductions from the baseline by 2045).

- 8.8 Programme 9 of the Ōtautahi Christchurch Climate Resilience Strategy commits the Council to work towards zero waste and includes as a focus area work to maximise the diversion of organic material.
- 8.9 The emissions calculations in the shortlist table in **Appendix C** are from the assessment by Council's consultants that is detailed in **Appendix C**:
- (a) Diverting organic waste from the kerbside green bins to landfill instead of processing it significantly increases greenhouse gas emissions. This is due to both the increase in methane produced and emitted into the atmosphere from the landfilling of organic waste as well as through the carbon impact of the transportation of waste to the landfill site.
 - (b) Transporting the Council's organic material long distances/ out of region will incur significant additional transport costs and carbon emissions. These details are assessed in more detail in the greenhouse gas emissions assessment in **Appendix C**. Transporting all the kerbside organic waste to Kate Valley for 5 years would add an estimated additional 89,503,054 tonnes of carbon dioxide equivalent (CO₂-e) to the district's emissions. For context, in recent years Council's annual emissions have averaged approximately 22,000 CO₂-e per year. While these emissions would not directly fall under the Council's own emissions inventory, they would add to the district's emissions and make it harder to achieve the Council's district emissions targets.
 - (c) There is no financial cost to the Council for causing these emissions as the emissions caused by the interim management decision end in 2027-29, before the need to offset emissions begins in 2030.

Community views

- 8.10 We have heard from some members of the local Bromley community that the operation of this facility is:
- (a) Affecting their quality of life
 - (b) Negatively impacting their health and wellbeing
 - (c) Reducing house/property values in the area
- 8.11 These impacts have been ongoing for the community for a number of years. A number of people in the community have said that only a closure of the plant would improve their sense wellbeing.
- 8.12 If the OPP was closed it would provide immediate relief for the residents of the local community.
- 8.13 However, a closure decision affects the entire district. The closure of the OPP will also have an impact on rates. The views of the wider community have not been sought regarding a closure.
- 8.14 The OPP is in the Waikura Linwood-Central-Heathcote ward.
- 8.15 Public consultation **will be required** for all options that remove the Council's ability to accept all of the organic waste for the purpose of composting, at the same or near same cost that it does currently, for the following reasons:
- (a) Levels of service

- **8.0.3** Customer satisfaction with kerbside collection service. At least 85% customers satisfied with Council's kerbside collection service for each year. Community outcome - Sustainable use of resources and minimizing waste.
 - **8.2.1** Total organic material collected at Council facilities and diverted for composting. > 200kg + 30% / - 10% / person / year. Community outcome - Sustainable use of resources and minimizing waste
 - **8.2.7** Organic materials collected by Kerbside Collection and received for processing at the Organics Processing Plant (OPP) 140kg +40%/- 10% organic materials / person / year collected by Kerbside Collection. Community outcome - Sustainable use of resources and minimizing waste
- (b) Impact on rates – significant enough to require consultation as a minimum as part of the LTP.
- (c) Ōtautahi Christchurch Climate Resilience Strategy 2021

*We will move towards a zero waste, circular economy, enabling resources to be reused or recycled, supporting new jobs and innovation, and creating a low-emission, resilient and more sustainable economy. **Our focus areas** 1) Maximise composting of organics (page 27).*

Impact on Mana Whenua Ngā Whai Take Mana Whenua

- 8.16 A decision to cease composting, or to substantially reduce the amount of composting, would be a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Mana Whenua, their culture and traditions.
- 8.17 Full and comprehensive consultation with Mana Whenua should be undertaken before any decision is made to divert organics to landfill as this action is contrary to the Council's Plans and Strategies that have been developed in partnership with iwi.
- 8.18 There has as yet been no consultation with mana whenua.

Accessibility Considerations Ngā Whai Whakaaro mā te Hunga Hauā

- 8.19 There are no accessibility considerations related to the decision to seek community views.

9. Resource Implications

Capex/Opex Ngā Utu Whakahaere

- 9.1 The sole financial cost of a decision to seek community views is the cost of engagement. That is approximately \$50-60,000.

Other He mea anō

- 9.2 There is no other cost.

10. Legal Implications Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report Te Manatū Whakahaere Kaupapa

- 10.1 The Council has a statutory power – and obligation – to seek the views of the community on significant decisions. It also has a statutory power – and obligation – to engage with the community when developing a Long Term Plan that plans funding the Council's activities.







Other Legal Implications Ētahi atu Hīraunga-ā-Ture

- 10.2 The Council will be at risk of legal challenge to its decision making process if it does not comply with the decision-making requirement of the Local Government Act 2002, including fully assess options and consider community views prior to making a decision.
- 10.3 There have been breaches of the Council's resource consent for the discharge of odour to air at the OPP. That risk of breaches will continue while the Council is undertaking this option assessment process. Further enforcement by Environment Canterbury remains possible. That risk is mitigated by the Council continuing to encouraging and enable the operator to do everything within their power to reduce that odour risk; and also by the Council undertaking this option assessment.
- 10.4 The Council's contract with the current operator of the OPP expires in January 2024. As noted above, the Council has no reasonable option but to continue composting at this site past that date. The Council will need to negotiate a contract extension with the current operator while both are uncertain about the outcome – in selecting an option, and in timeframe for implementing it - of this options assessment process.

11. Risk Management Implications Ngā Hīraunga Tūraru

- 11.1 A well considered and comprehensive assessment of options and merits of those options, together with learning the views of the community, will reduce risks of challenge to the Council's processes.
- 11.2 Potential impact on residential behaviour is a significant risk. Changes to the processing (e.g. organics to landfill) could undermine residential recycling. Behaviour change takes time to implement and can have long-term impacts. An example of this was during the Covid lockdown when residents were able to put rubbish into their recycling bin. This was only meant to be for the lockdown period but the impact of the change in behaviour has been extensive. It has taken 2.5 years of marketing messaging since then to achieve 99% of trucks being recycled. The cost of this to the Council has been considerable, at approximately \$3.6 million (\$3.1 million for trucks to landfill and \$500,000 for marketing spend).
- 11.3 If organics material was sent to landfill there is a high likelihood that residents will start using the green bin as an extra rubbish bin. The resulting change would be likely to result in organics mixed with waste and would be likely difficult to remedy once the long term solution is in place.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A 	A - Location options	23/935431	23
B 	B - Long list options	23/940214	25
C 	C - Short list options	23/940216	30
D 	D - Planning report	23/935436	32
E 	E - PDP odour report	23/935438	56
F 	F - community composting proposal	23/935439	69

In addition to the attached documents, the following background information is available:

Document Name - Location / File Link
Not applicable

Confirmation of Statutory Compliance Te Whakatūtutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
(i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories Ngā Kaiwaitohu

Authors	Keygan Clutterbuck - CDEM Planning Coordinator David McArdle - Contracts Supervisor Brent Pizzey - Senior Legal Counsel
Approved By	Lynette Ellis - Head of Transport & Waste Management Mary Richardson - General Manager Citizens & Community



Appendix A Location options

Name	Operator	Location	Distance from ChCh	Description
Composting				
Kate Valley	CWS	Waipara	70km	Possible establishment of a composting operation at the Kate Valley Landfill. CWS and Transwaste have not responded to staff enquiries about their interest, consenting, or establishment timeframes.
Wairākau Ōtautahi – Compost Christchurch	Intelligro	Rolleston	19km	Local business plans to expand its operations with establishment of a new facility that could process approximately 50,000 tonnes at a new location on Pound Road. Timing for RMA approvals required is unclear. Could seek consent to take partially processed mixed organics from the OPP - 6–12 months.
Canterbury Landscape Supplies	Canterbury Landscape Supplies	Swannanoa Oxford	34km	Canterbury Landscape Supplies have RMA approvals to process garden waste at their current site, they have advised Council staff that they have approximately 30,000 tonnes capacity to accept separated garden waste only. Could seek resource consent to take partially processed mixed organics from the OPP - 6–12 months.
Envirofert	Envirofert	Tuakau	1033km – road 62km – nearest port	EnviroFert have a consented facility with capacity to accept approximately 10,000 tonnes of Council's mixed organic waste. They have indicated that they would seek RMA approvals to expand their current capacity and upgrade capital equipment if Council were committed to sending material to their site for processing
BioRich	BioRich	Napier	753km – road 12km – nearest port	BioRich state they are unable to accept Council's material, citing the impacts of Cyclone Gabrielle on their operations.
NALG	NALG	Canterbury	Unknown	They state that they have two rural sites in Canterbury at which they could accept all of the partially processed compost from the OPP.
Composting NZ	Composting NZ	Kapiti	492km – road 26km – nearest port	Composting NZ did not respond to enquiries from Council regarding the acceptance of Council's mixed kerbside organics.
Pines Resource Recovery Park	Selwyn Council	Rolleston	25km	Selwyn District Council state they cannot assist. The volumes exceed their processing ability and consent conditions. They state that in future they might reconsider and accept a small proportion.
Untamed Earth Organics Farm	Untamed Earth Organics Farm	Leeston	36km	While the site does compost as part of its operations it does not have the necessary resource consents in place to accept Council's organic waste.
Community Gardens and processes				
Richmond Community Garden	Richmond Community Garden	Richmond, Christchurch	N/A	Richmond Community Garden have advised Council that they could expand their operations to accept up to 10 tonnes of food waste and or an additional 25-30 tonnes of garden organics from the local neighborhood only. The site does not have the capacity to accept a significant proportion of the City's organic waste.
Christchurch South Community Gardens	Christchurch South Community Gardens	Spreydon, Christchurch	N/A	While the Christchurch South Community Gardens site does have onsite composting it does not have the capacity to accept Council's kerbside materials.
Pā Wairākau	A community group	Christchurch	N/A	Could take 2,400 tonnes pa of kerbside collected food waste, together with food and garden waste from other sources. Feasibility studies and viability not yet fully assessed.
Alternative processes/technology				
Eco Gas	Eco Gas	Reporoa	839km – road 120kms – nearest port	EcoGas have established an anaerobic food waste digestion facility in Reparoa (central North Island), they state that they currently have capacity to accept up to 15,000 tonnes of mixed waste and have plans to add a further 25,000 tonnes of capacity.
Christchurch WWTP	CCC	Bromley	N/A	If separated food waste is slurried it could be added to the existing anaerobic digestion phase of the plant. However additional capital equipment would also likely be required and a timeline for this to be available has not been confirmed.
Mynoke (wormfarming)	Mynoke	Taupo, Tokorao, Ohakune		Mynoke have advised that they have the RMA approvals and capacity to accept up to 21,000 tonnes mixed organic waste across two sites (Ohakune and Taupō). They are also working on long term options to process materials in the South Island.
Lyttelton Port Reclamation	Lyttelton Port Company	Lyttelton	15km	A review of the RMA approvals found that Organic material is a prohibited material under Conditions 35 of the resource consent.
Stockton (Coal Mine)	Bathurst Resources Limited	Westport	365km	Based on knowledge that Biosolids from Council's WWTP have been accepted at this site for mine rehabilitation, the option of sending Council's mixed organic waste to the site was also investigated. It appears unlikely to be viable with environmental concerns a key consideration.
Landfills				
Kate Valley Landfill	CWS	Waipara	70km	Capacity for additional traffic movements to accept part or all of the waste stream from January 2024 is uncertain, but they are willing to seek a Variation of their current resource consent to enable that. Timeframe for that is uncertain.
Redruth Landfill	Timaru Council	Timaru	161km	Timaru District Council have advised that they would not want to accept additional organics to landfill, citing the impact this would have on their Unique Emissions Factor. As a small scale operation they prefer to limit out of district waste where possible.
BlueGums Landfill				Marlborough District Council have advised they will not accept out of District waste.
York Valley	Nelson District Council	Nelson	420km	Nelson City Council have advised they would not accept Council's organic material except for limited capacities in an emergency.
Green Island	Dunedin City Council	Dunedin	363km	Dunedin City Council declined to accept Council's organics waste.

Location options

- Compost
- Alternative Process
- Landfills





Appendix B Long List Options for Interim Management of Kerbside Organics until 2027-29

The following processing options have been assessed against preliminary criteria. The evaluation of options against these criteria is intended to assist Council's decision on whether to engage with the community on options. A number of the options must be discounted due to barriers for implementation in either RMA approvals or willingness to accept Council's organic material.

Table 10 1: Interim Processing Options for Organics

Option	Estimated cost (NPV)	Odour impacts	GHG emissions	Feasibility/ certainty risk	Govt and Council policy	Behaviour change	Public consultation
Option A: Continue all mixed composting at the Organics Processing Plant (OPP)							
A1 Composting at OPP with lessons learnt (Status Quo)	\$112m	Medium	Low–Medium	Achievable, ongoing compliance risk	Aligns with existing Council and Govt	No impact	Not required
A2 Composting at OPP with operational improvements (second screen)	\$128m	Medium	Low–Medium	Achievable, ongoing compliance risk	Aligns with existing Council and Govt	No impact	Not required
A3 Composting at OPP, all indoors	\$171m	Low	Low–Medium	Significant structure required, 18-24 months to implement	Aligns with existing Council and Govt	No impact	Required
A4 Reducing the quantity of organics processed onsite (<i>*remainder to landfill</i>)	\$133m	Medium	Medium	Achievable, ongoing compliance risk	Not re Kate Valley	Possible negative impact	Required – impact on levels of service
A5 Compost at the OPP but immediately transfer all compost offsite for maturation and screening. (<i>*Range reflects different locations in Canterbury eg to New facility at Kate Valley, Intelligro, Canterbury Landscape Supplies</i>)	*\$150m–203m	Low	Low–Medium	Potentially achievable, dependant on alternative site having RMA approvals in place	Aligns with existing Council and Govt	No impact	Required – rates implication

Option B: Either partial or all mixed composting at different sites							
B1 Composting at alternative commercial site (<i>*EnviroFert, Tuakau</i>)	*\$293m	Low	High	Potentially achievable, dependant on alternative site having RMA approvals in place	Aligns with existing Council and Govt	No impact	Required – rates implication
B2 Composting at alternative Council site (e.g. TDC or SDC)	N/A	Medium	N/A	Not achievable	Aligns with existing Council and Govt	No impact	Required – depending on costs/rates implications
B3 Composting at combination of alternative sites (<i>*Range reflects different locations in Canterbury – CLS, Intelligro, community gardens</i>)	*167m–213m	Low	Low–Medium	Potentially achievable, dependant on alternative sites having RMA approvals in place	Aligns with existing Council and Govt	No impact	Required – rates implication
B4 Composting a fixed volume at OPP and remainder at alternative sites (<i>*Range reflects different locations in Canterbury – e.g. CLS, Intelligro, community gardens</i>)	*142m–227m	Medium	Low–Medium	Potentially achievable, dependant on alternative sites having RMA approvals in place, ongoing compliance risk	Aligns with existing Council and Govt	No impact	Required – rates implication

Option C: Separate the waste stream (to open up other processing options) by separated garden and food bins							
C1 Compost food organics only at the OPP, process garden waste at alternative site(s) (<i>*Range represents use of 4th bin or mechanical separation</i>)	*\$150m–213m	Medium	Low–Medium	Potentially achievable, dependant on screening, ongoing compliance risk	Aligns with existing Council and Govt	Negative impact	Required – rates implication / levels of service
C2 Compost garden waste only at the OPP, process food organics via anaerobic digestion at EcoGas in Reparoa	\$248m	Medium	Low	Potentially achievable, dependant on screening, ongoing compliance risk	Aligns with existing Council and Govt	Negative impact	Required – rates implication / levels of service
C3 Compost/process all separated organics at alternative sites	\$213m	Low	Low	Not fully achievable	Aligns with existing Council and Govt	Negative impact	Required – rates implication



Option	Estimated cost (NPV)	Odour impacts	GHG emissions	Feasibility/ certainty risk	Govt and Council policy	Behaviour change	Public consultation
Option D: Alternative processing technologies/options							
D1 Dispose of kerbside mixed organics as a form of land reclamation (e.g. Lyttelton Port reclamation)	N/A	Low	High	Not achievable, Prohibited	Does not align with Council or Govt Policy	Possible Negative impact	Unknown
D2 Dispose of kerbside mixed organics as a form of land remediation (e.g. Mine remediation)	N/A	Low	High	Not achievable, Environmental risks associated	Does not align with Council or Govt Policy	Possible Negative impact	Unknown
D3 Separate solid and liquid fractions of the waste stream to allow processing via Anaerobic Digestion at the Christchurch WWTP. <i>(*Range represents use of 4th bin or mechanical separation/insinkers) – does not provide for all of the waste</i>	*\$194m–\$226m	Medium	Low	Not fully achievable, Requires mechanical separation and outlets for the solid fraction	Aligns with existing Council and Govt	No impact	Required – rates / potential change to possibly o levels of service
D4 Process part (up to 21,000 tonnes) of mixed kerbside organics via large scale wormfarming (e.g. MyNoke located in the North Island) and process the remainder at an alternative site(s).	Not Priced at time of assessment, additional information required.	Low	Low	Achievable	Aligns with existing Council and Govt	No impact	Possibly required depending on costs and rates impact

Option E: Dispose of organics to landfill							
E1 Continue collecting green bin but send to Kate Valley landfill	\$132m	Low	High	Achievable	Does not align with Council or Govt Policy	Negative impact	Required – rates implication / levels of service
E2 Do not collect green bin, and increase red bin collection, meaning all kerbside organics enters the general waste stream and/or use of private organics collectors, and EcoDrops increase	\$123m	Low	High	Achievable, increased volumes at EcoDrops could cause issues	Does not align with Council or Govt Policy	Negative impact	Required – rates implication / levels of service
E3 Compost/process as a priority but send remainder to Kate Valley Landfill	Dependant on volume required, model on E1 NPV	Medium	Medium–High	Achievable, ongoing compliance risk	Partially aligns with Council or Govt Policy	Possible Negative impact	Required – rates implication / levels of service

Assessment Criteria Rationale:

The above preliminary high level options evaluation has been developed from investigations relying on technical advice from a range of Council and external experts in the development of the options.

There are wide uncertainties in this initial assessment.

The Assessment considers the following criteria:

1. Cost - Lifecycle cost (5 year NPV assumed), includes all capital equipment and operating costs for the interim period of 5 years commencing January 2024. These are preliminary indications that will be further refined.
2. Rates - The total impact on rates of all operational expenditure, expressed on an annual basis.
3. Odour impacts - The likelihood of ongoing odour issues associated with the processing type and location. Considers existing odour issues with the current site.
4. GHG emissions – The likely processing and transport related emissions associated with each option.
5. Feasibility/ certainty risk – The achievability of each option, includes consideration of RMA approvals, likely timeframes and capacity to provide a solution.
6. Govt and Council policy – Alignment with Council's existing targets and policies including its Carbon reduction targets and the Waste Management and Minimisation Plan 2020. Alignment with central government direction including the Emissions Reduction Plan and NZ Waste Strategy.
7. Behaviour change – Consideration of the potential impacts on peoples behaviour towards organics diversion (and other waste minimisation activities) and risks to ongoing objectives and targets of each option.

1. Cost

Consultants provided a preliminary initial cost comparison. In order to measure the operating and capital costs associated with each option a Net Present Value (NPV) has been developed. The NPV is based on costs over a 5 year period.

2. Odour impacts of changes at the OPP site

The likely impacts on odour of the available options has been considered by our independent odour expert Pattle Delamore and Partners (PDP). PDP have provided advice to Council in relation to operational enhancements at the current site. That advice is that the sole way to completely avoid the risk of offensive and objectionable odour beyond the boundary of the site is to fully enclose all storage and all screening, or to ensure that the maturity and nature of the compost is such that it will not produce odour that could be categorised as offensive and objectionable.

2.1. Use of the OPP building as a transfer station

Use of the OPP building as a transfer station would also remove the primary odour source on-site that PDP have observed (the outdoor material).

Fugitive emissions from the OPP when the roller doors open is not a significant source of odour off-site. Ventilating the OPP through the main biofilter would be expected to continue to mitigate odour from within the OPP.

Conclusion – Low risk of offensive odour offsite with the proposed change.

2.2. Reducing the volume of material processed at the OPP

The purpose of reducing the maximum tonnage of green and food waste on the site would be for the OPP to operate more effectively at reducing odour. The time for waste in tunnels could then be optimised for odour reduction. Current operators have described this as 21-24 days in the tunnels. The objective of reduction in volume would ensure that there will be no outside storage of unprocessed waste.

PDP's assessment is that optimising the tunnel times would *in theory* produce a less odorous (but not odour free) product. But there would still be outdoor storage for screening. PDP cannot be certain that the reduced volume would be significant enough to prevent all offensive odours off-site.

Conclusion – There is the potential for an improvement. Evaluating the effect of this would likely be a case of try it and monitor the change.

2.3. Whether changing the material composted at the OPP would have a material impact on odour generated.

PDP have advised that processing solely garden waste will not materially change the maturity or odour levels of the compost, because food waste is a minor portion of the kerbside organics.

2.4. Whether enclosing all materials is a viable solution to odour risk

PDP have considered whether full enclosure of the outdoor piles and ventilation through a biofilter would reduce the risk of odour at the existing site. The outdoor material is the largest source of odour and is the odour character primarily detected off-site. Currently, the OPP biofilter odour is not detected offsite.

If the odour from the outdoor piles can be contained and treated, the operation will largely remove the largest odour source (assuming the biofilter performs well).

3. GHG emissions

Greenhouse Gas Emissions associated with the decision to change Council's current operation can be separated into transport related emissions and processing emissions.

In general the impacts of transport related emissions have been considered based on a set transport volume per load and multiplied by the distance to each processing option. The net result of this approach is that options within Christchurch and Canterbury score more favourably than those further afield including destinations in the North Island. Although alternative transport options including rail or coastal shipping could apply, no firm numbers were received for these at the time of comparison so road haulage only has been considered in this transport related calculation.

For processing emissions an emissions, rate per tonne of material processed has been used, with landfill operating gas recovery systems providing the highest emissions of those compared, then composting (all sites have been measured with the same emissions factor, regardless of the volume/methodology they use), then anaerobic digestion (which captures all gasses to generate electricity). Due to an absence of empirical data on the emissions of wormfarming, for the purposes of the comparison it was assumed that wormfarming would have similar emissions profile to composting (aerated breakdown of organic matter), but less operational equipment required to complete aeration. i.e. wormfarming has an assumed emissions factor averaged between 'Compost' and 'Anaerobic Digestion'.

Several assumptions were necessary to complete the GHG Emissions Table, such as: the locations of potential sites; the onward transportation of processed material; the gross vehicle weights; and the material composition. To mitigate the effect of the assumptions, a consistent methodology was applied for calculating the emissions by using identical gross vehicle weights across all options, using the same composition percentage across all options where applicable, and by following MfE's emissions calculation guides. Despite the efforts to reduce the impacts of the assumptions, the table should only serve as a reference to support decision making, and should not be regarded as a definitive calculation of emissions. It is advisable that a dedicated emissions assessment be conducted on the option when making a final decision.

By combining the distance, volume of material to be processed and the processing emissions of each site, an overarching emission profile for each of the options has been developed, this figure, expressed in total Kg CO₂-e is included below:

GHG Emissions summary:

Table 1-1 Ser.	Option	Tonnes	Transport Emissions	Organic Emissions	Total kg CO ₂ -e (Sum of Transport and Organic Emissions)	kg CO ₂ -e Per Tonne of material (Total CO ₂ -e divided by total tonnes)	Remarks
A1/A2/A3/A5	Current	55,000	212,990 (Kerbside collection to OPP)	9,433,600	9,701,590	176	Calcs same for status quo, operational improvements, all indoors & Maturation elsewhere. Maturation elsewhere will need a separate TPT factor when a location is ID'd
A4/B4/E3	Reduced volume @ OPP	40,000	154,631	6,848,793	7,003,424	175	
A4/E3	*Remainder to KV	15,000	523,272	2,396,736	2,920,008	195	
B1	**Wairakau Ōtautahi	50,000	81,022.74	8,576,000	8,657,023	173	New operation at unconfirmed point on pound road
B1	**Envirofert	55,000	6,678,916.22	9,433,600	16,112,516	293	
B1/C1	**CLS	55,000	1,927,530	9,433,600	11,361,130	207	
B3	*Community Orientated Initiatives	200	2142	3440	5,582	28	Estimate based on available data and assumptions on other community initiatives
B3	**Envirofert	10,000	1,661,647.11	1,715,200	3,376,847	338	
B3/C1/C3	**CLS	30,000	1,053,295	5,145,600	6,198,895	207	
C1	OPP Food waste only	11,000	18,143	1,886,720	1,904,863	173	
C2	OPP Green waste Only	44,000	72,570	7,546,880	7,619,450	173	
C2	**Eco Gas	11,000	1,424,650	220,000	1,644,650	150	Food waste only

D1	*Land reclamation	55,000	81,022.74	88,407,000	88,488,023	1,609	Used Lyttelton Port as destination
D2	*Mine Rehab	55,000	1,593,447.24	88,407,000	90,000,447	1,636	Used Greymouth as Destination
D3	*WWTP - Food only	11,000	7,724.00	220,000	227,724	21	
D4	**Mynoke - Ohakune	11,000	1,141,170.10	105,336	1,246,506	113	Organic emissions is an average of 'Compost' and 'Anaerobic Digestion' as MfE holds no data for worm farming emissions - actual CO2-e for 'Organic Emissions' is likely to be lower
D4	**Mynoke - Taupo	10,000	1,306,041.71	95,760	1,401,802	140	Organic emissions is an average of 'Compost' and 'Anaerobic Digestion' as MfE holds no data for worm farming emissions - actual CO2-e for 'Organic Emissions' is likely to be lower
E1/E2	*Kate Valley Landfill	55,000	3,662,903	28,290,240	31,953,143	581	All Organics going from Consolidation point to Kate Valley
E2?	*No collection of green bin. Red bin only	11,000	523,272	20,691,000	21,214,272	1,929	Based on food waste going to KV but no greenwaste.
	**Eco Gas	55,000	5,698,599	1,100,000	6,798,599	124	Assuming 44k of greenwaste can be processed here

***Doesn't include Collection emissions or onwards movement of Processed compost*

**Doesn't include Collection emissions*

4. Feasibility/Risk

To summarise the likelihood of each potential option and assess risk associated with each approach, Council have commissioned WSP to provide an independent planning assessment of the available options. The WSP Planning Report is attached to this report.

At a high level the Planning Report summarises the RMA approvals and associated risk associated with each of the options and considers the pathway (and timeline) for necessary approvals. The report details the potential options, stepping through existing and required consents with a feasibility score attached to each option.

Of the options which were found to have a high feasibility rating, Envirofert in Tuakau was the only site which has expressed a commercial interest in receiving all of the Council's organic material.

Of the options assessed to have a medium (1-2) year feasibility of being implemented, Kate Valley as either a composting site or as landfill and Canterbury Landscape Supplies for composting were the only two sites identified.

Several sites were assessed as having high feasibility of second stage composting, if the Council continues to use the OPP for the first (indoors) stage.

All other sites either had a low feasibility (circa 3-4 years to implement) or did not supply enough information to be assessed.

In addition to the RMA approvals, legal risk and overall capacity to deliver a solution or part solution were considered.

Legal risks overlap with certainty/feasibility risks:

1. Risks of enforcement by Environment Canterbury at the current site. We have some information about this.
2. Risks of enforcement by regulators at alternative sites. If not consented/operated by the Council, these are not direct risks for the Council, but could result in operational problems with processing waste at the other sites.
3. New RMA approvals not being obtained in time, or not obtained at all.
4. Negotiating and drafting new contracts.

5. Govt and Council policy

Government and Council policy is described in the staff report. Core strategic and policy drivers for the diversion of organics from landfill include:

- Waste Minimisation Act 2008 - The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to (a) protect the environment from harm; and (b) provide environmental, social, economic, and cultural benefits.
- Waste Management and Minimisation Plan 2020 – make sure the organics facilities support climate change emissions targets
- Ōtautahi Climate Resilience Strategy 2021 - Maximise composting or organics & reduce transport emissions
- The NZ Waste Strategy/Te rautaki para (March 2023) – Requires all councils to have an organics diversion system in place by 2026 or 2030 where facilities do not exist. This means 2026 for this council.
- Emissions Reduction Plan 2022 – need to reduce biogenic methane emissions

6. Behavioural change

Dependant on the approach taken by Council, there are likely to be a number of impacts on residential behaviour and satisfaction with Council's kerbside services.

Options have been considered which change the collections system, whether by changing the frequency of the green bin service (to reduce volume) or changing the size of the bins provided (including removing the green bin entirely). In evaluating the options, the potential for a particular change to influence established and highly successful residential behaviour towards Council's overarching waste system, has been considered, as follows:

Should Council decide to reduce the frequency of its service, or stop collecting the green bin entirely, it is likely that this change would impact other collection services, including a high likelihood that organic material would be transferred to the red bin and potentially to the fortnightly recycling bin. The inclusion of organics and putrescible material in the yellow bin is a significant issue as it can lead to contamination of kerbside recycling.

Costs of a change in behaviour (both marketing spend and operational costs as a result of behaviour change):

The below figures are a result of the behaviour change that occurred when residents were able to put rubbish into their recycling bin during the Covid lockdown. This

was only meant to be for the lockdown period but the impacts of the behaviour change has been extensive. It has taken 2.5 years to achieve 99% of trucks being recycled following the decision to use the recycling bin for rubbish.

Cost incurred to prevent contamination of residential recycling:

- 19/20 – 634 trucks sent to landfill @ \$1000 a truck
- 20/21 – 1638 trucks @ \$1000 a truck plus \$229k marketing spend
- 21/22 – 735 trucks @ \$1000 a truck plus \$177 marketing spend
- 22/23 – 134 Trucks @1000 a truck plus \$94K marketing spend to date

In total, since 2019/20 when the kerbside contamination issue arose, the following costs have been incurred:

- \$3,141,000: Total cost of rejected trucks for this period- i.e. a total of 3,141 rejected trucks from 2019 (WK 1) to 13 March 2023 (WK 150)
- \$500,000 (to date): Total cost of marketing spend for this period

Council's communications team have also advised that due to the volume of material involved in the organics waste stream, and the fact that every household would need to be targeted for any system change related communications, then it is considered that a change of the organics stream may require even higher level marketing investment.

Likely Consultation costs

It would be approximately \$50,000-\$60,000 (estimated cost only) to engage Christchurch residents to provide feedback on the proposed changes.

Appendix C Shortlist options for kerbside organics for interim period to 2027-29

No.	Description	Time to implement	Estimated cost to 2029	Capex	Opex	Rates % increase 23/24	Total Rates Impact	GHG emissions total kgCO ₂ -e increases from OPP baseline	Behaviour change risk	Alignment with Council and Govt policy	Engagement	Risk of offensive and objectionable odour at OPP
Landfill												
E1 (b)	Landfill: Send as much to Kate Valley as soon as possible, and continue composting at the OPP in the meantime	LTP June 2024 – 1 yr for resource consent	+\$51m	+\$Nil	+\$51m	0.37%	1.2%	+89,503,054	High	No	Yes	Medium and lowering to nil.
Compost Elsewhere												
B1 Option (a)	Envirofert + (Landfill + OPP 2024 only)	LTP + consenting	+\$193m	+\$Nil	+\$193m	1.1%	4.5%	+37,607,110	Possibly yes re Kate Valley	Composting – yes Emissions - no	Yes	Medium and then nil.
B1 (b)	Ecogas + Mynoke + (Landfill 2024 only)	18 months	+\$189m	+\$Nil	+\$189m	2.0%	4.1%	-\$13,478,314	Possibly yes re Kate Valley	As above	Yes	Medium and then nil.
Compost at OPP												
A1	Implement lessons learnt	Now	\$112m baseline	\$2.86m baseline	\$109.23m baseline	0.01%	0.0%	48,232,950 baseline	No	Yes	No	medium
A2 (a) & (b)	Enclosed second screen (new building)	5-6 months	+\$17m	+\$17m	+\$Nil	0.06%	0.2%	No change	Possibly yes re Kate Valley	Not re Kate Valley	No	Medium-Low?
A4	Ideal quantity at OPP and balance to Kate Valley (and other composters if necessary)	LTP June 2024 – 1 yr for resource consents	+\$37m	Nil	+\$37m	0.40%	0.8%	+1,775,838	Possibly yes re Kate Valley?	Not re Kate Valley	Yes	Medium-low?
A5	Partial process onsite, finish at another composter (NALG/ Intelligro/ Canterbury Landscape Supplies)	Dec 2023 plus resource consents and setup	+\$32m	+\$nil	+\$32m	0.34%	0.7%	103,120	No	Yes	Yes	Low

Emissions calculation for the short list

Option	Site	Year 1	Year 1 Total kgCO ₂ -e	kgCO ₂ - e / tonne	Year 2	Year 2 Total kgCO ₂ -e	Year 3	Year 3 Total kgCO ₂ -e	Year 4	Year 4 Total kgCO ₂ -e	Year 5	Year 5 Total kgCO ₂ -e	TOTAL kgCO ₂ -e for five years	Variance to Baseline (kgCO ₂ -e)
E1 (b)	Landfill	15,000	9,923,432	195	55,000*	31,953,143	55,000	31953143	55,000	31953143	55,000	31953143	137,736,004	89,503,054
	OPP	40,000		175										
A4	OPP	40,000	9,923,432	175	35,000	10,021,339	35,000	10,021,339	35,000	10021339	35,000	10021339	50,008,788	1,775,838
	Landfill	15,000		195	20,000		20,000		20,000		20,000			
A5	OPP	55,000	9,667,214	175	55,000	9,667,214	55,000	9667214	55,000	9667214	55,000	9667214	48,336,070	103,120
	Alt Composters (canterbury)	35,000		1	35,000		35,000		35,000		35,000			
B1a	Landfill	15,000	11,549,423	195		18,572,659		18572659.11		18572659.11		18572659.11	85,840,060	37,607,110
	EnviroFert	10,000		338	55,000		55,000		55,000		55,000			
	OPP	30,000		175										
B1b	EcoGas	15,000	7,309,159	124	35,000	6,861,369	35,000	6,861,369	35,000	6861369	35,000	6861369	34,754,636	-
	Mynoke	20,000		127	20,000		20,000		20,000		20,000			13,478,314
	Landfill	20,000		146										
5	(Baseline) OPP	55,000	9,646,590	175	55,000	9,646,590	55,000	9,646,590	55,000	9,646,590	55,000	9,646,590	48,232,950	0

Landfill

- E1(b) The composting at OPP goes down as the consented truck movements to Kate Valley go up. There is no significant change to the OPP operation in the meantime. The different between this and A4 is that the objective here is to cease using this site and send all to Kate Valley, whereas the A4 objective is to continue using the site with an ideal quantity and send the balance to Kate Valley.

Compost/ wormfarm elsewhere

- Envirofert has a consented mixed use composting site, and are interested in seeking a variation of resource consent to take the Council's kerbside organics. Compost at OPP until that is established – plus maximising sending to Kate Valley until it is established.
- Ecogas say that they can accept 15,000 tonnes pa of Council's mixed kerbside organics now, and that this can be 40,000 tonnes pa after 18 months from now.

Compost at OPP

- A1 lessons learnt: the changes are: Equipment - Biofilter refurbishment; Tunnel door replacements; Crambo cutter replacement ; Screen infeed hopper refurbishment ;Loader bucket refurbishment. Process: Daily tailings removal from site; Increase green waste input; Increase carbon input; Probiotic input; Daily fines loadout to the on market and CWTP. New Adaptive Management Plan.
- A2: (a) Enclose a second screen in a building so that 2 screens are operating concurrently. Increases the throughput so that there is no outdoor storage of material inbetween the tunnels and the screening. Send the balance to Kate Valley.
- A4 Achieve an ideal quantity processed onsite so that there is no outdoor storage and a maximum effectiveness of the composting indoors. That is approximately 35,000 tonnes pa and a maximum of 200 tonnes per day. Volume not yet confirmed with operator. Send the balance to Kate Valley to the maximum capacity in its resource consents – and remainder to North Isl composters/wormfarm.
- A5 option to further investigate: Don't do the second screen and maturation on the site. Don't have anything on the site waiting to be processed indoors. Material goes through initial screen and tunnels inside and then is picked up inside and transported to a commercial operator who then finishes the composting process (or markets the material as is). Means there is no outdoor storage. Any offsite commercial operator needs resource consent for this. Could take 12 months.



Christchurch City Council

Interim Alternative Organic Processing Options - RMA Planning Report

Document Control

Project name	Interim Alternative Organic Processing Options
Project number	3-C2491.00
Revision	2
Date	14/06/2023
Prepared by	Brent Hamilton - Principal Environmental Consultant MNZPI, CEnvP
Review by	Amy Dickens - Senior Planner

Document Contents

1	Introduction	2
2	Planning Context to Assessment of Options	3
2.1	Summary	3
2.2	Typical Resource Consents for Processing and Transfer of Organic Matter	4
2.3	Can a Change of Conditions be Applied for?	9
2.4	Risk of Notification and Decline	9
2.5	Costs and Timeframes to Process Resource Consents Applications	11
3	Option A - Assessment	12
3.1	A3 - Changes to Operation at Existing OPP	12
3.2	A2 - Compost Elsewhere	12
3.3	A5 - Partial Compost at OPP Finish at Another Composter	13
4	Option C - Assessment	13
5	Christchurch District Waste Transfer Sites	13
6	Use of Lyttelton Port for Transfer or Reclamation	14
6.1	Use of Lyttelton Port for Transport	14
6.2	Deposit of Organic Materials in Port Reclamation	17
7	Disclaimer and Limitations	18

Appendix A - Assessment of Option A and C



1 Introduction

The Christchurch City Council (Council) is seeking information to aide in determining an interim option for the collection and processing of Ōtautahi Christchurch's organic material collected from households via the kerbside collection.

The existing Organics Processing Plant (OPP) has received enforcement action from Environment Canterbury Regional Council (ECan) for discharging offensive and objectionable odour. As such Councillors want staff to explore alternative interim solutions to remove the organic material, until the new OPP is consented and operational in 3 – 5 years. These interim options will go in a report to the Councillors, then through a consultation process. This will inform the decision making.

The purpose of this report is to provide a Resource Management Act 1991 (RMA) planning assessment of the interim options that will assist in informing the 'high', 'medium' and 'low' evaluation of two of the 14 criteria assessed in the overall evaluation summary. The two criteria that this RMA planning report will input partially into: are **Feasibility / Certainty risk**, and **Time**.

The Table below is the interim options (and sub-options) being considered by Council and reported on. This RMA planning assessment primarily focuses on the Option's A and C that rely on operating the OPP in a different manner, and/or having alternative sites for processing and /or landfilling the organics waste. This 2nd Revision of this Planning Report has also considered: a newer option referred to as A5 - Partial process at OPP site, and finish at another composter (not in the Table below); use of farms to take partially processed waste; and two additional operators.

This involves a review of the existing resource consents held for the OPP and applicable permitted activity rules for the site(s). It also includes an assessment of the permitted activity rules and existing resource consents or designations held by other sites that are considered in this review.

Option	Sub Option	Detailed description
A1 Continue Kerbside collection of combined Food Organics and Garden Waste and composting at OPP	A1(1)	Composting at OPP with enclosed 2 nd screen
	A1(2)	Composting at OPP with Operational enhancements
	A1(3)	Composting at OPP – All indoors
A2 Continue Kerbside collection of combined Food Organics and Garden Waste and compost elsewhere	A2(1)	Composting at Alternative Commercial Site
	A2(2)	Composting at Alternative TA Site (e.g. TDC or SDC)
	A2(3)	Composting at combination of Alternative Sites
A3 Continue Kerbside collection of combined Food Organics and Garden Waste and compost part here and part at another site	A3(1)	Split composting, with a fixed volume at OPP and remainder at an alternative commercial site
	A3(2)	Split composting, with a fixed volume at OPP and remainder at an alternative community garden site
	A3(3)	Split composting, with a fixed volume at OPP and remainder at an alternative TA site
	A3(4)	Split composting, with a fixed volume at OPP and remainder at a combination of alternative sites
A4 Collect food waste and garden waste in separate bins	A4(1)	Compost Food Organics only at the OPP, Process GW elsewhere (alternative site)
	A4(2)	Compost GW only at the OPP, Process Food Organics elsewhere (alternative site)
B1 Continue existing kerbside collection of separate collection of all of combined food organics and garden waste. Receive all of it at the current site. Compost part of it at the current site and don't compost the balance	B1(1)	Process at OPP (upto a set capacity) - send remainder to landfill
	B1(2)	Process at OPP (upto a set capacity) - send remainder to alternative disposal site (e.g. harbour reclamation)
	B1(3)	Process at OPP (upto a set capacity) – shred and send remainder to alternative land remediation site (Mine rehabilitation)
B2 Collect a lower volume of food organics and garden waste but continue composting at the OPP	B2(1)	Collect Green Bin fortnightly, remainder goes into Red bin, extra GW is dropped off at EcoDrops
	B2(2)	Stop collecting Green bin and collect food organics only in new smaller bin
	B2(3)	Stop accepting Food Organics in Green Bin (advise residents to place in red bin)
	B2(4)	Promote home composting and reduce Green Bin service to fortnightly
B3 Collect a lower volume of food organics and garden waste and compost at a different site	B3(1)	As per B1(1) issues include additional Red Bin collection but smaller volume may make alternative sites more achievable
	B3(2)	As per B1(2) issues include reduced levels of service with residents responsible for GW drop off, smaller volume of material to manage
	B3(3)	As per B1(3) issues include increased red bin capacity (280L fortnight. Smaller volume of GW to manage
C1 Stop composting	C1	Stop collecting Green bin, increase red bin – all to landfill
C2 Continue collecting green bin but send it to landfill	C2	Continue collecting Greenbin but send to landfill



2 Planning Context to Assessment of Options

2.1 Summary

Below is a summary of this Section. More detail is provided in the other sub-sections of Section 2.

2.1.1 Regional

The two main activities for a composting operation requiring resource consent from a regional council that is unavoidable are the:

- Discharge of contaminants into air (e.g. odour and dust) from an industrial trade premises
- Discharge of liquid waste (leachate) onto land in circumstances that enters water.

Ancillary activities for a composting operation that would require consent, if a permitted activity scale limits are not met, or the environmental setting dictates a site is sensitive, are:

- Discharge of contaminants to air from bulk material storage and handling
- Discharge of stormwater to land or surface water.

Within the Canterbury region a discharge to air from a waste transfer site are generally a permitted activity, where no odour and dust effects occur beyond the boundary.

Some sites may require a discharge permit for stormwater and any liquid waste not discharged to trade waste or already consented.

2.1.2 District

Composting operations in a non-rural land use zone would typically be anticipated by the plan and therefore permitted in such a zone, and if not would require a land use consent for an industrial trade premises.

Traffic movements have permitted activity thresholds for a site in any zone, these can trigger further district land use consent requirements.

Designations are a planning process that excludes an activity from needing to meet the district plan rules. These can only be sought if the organisation is a requiring authority (e.g. a council).

2.1.3 Consenting Risks

The regional planning framework for any current sites (to be expanded) or new sites will be the most applicable and biggest consenting challenge.

Increasing the scale and intensity of an existing site that holds resource consents is not usually considered to fall within the ambit of a change of conditions under case law and as such any proposal that exceeds fundamentally the composting on site or increases to set limits in conditions will typically require a new resource consent.

Applying for a new resource consent on a site that already has a consent for the same type of activity (such as the discharge of odour/dust to air) may be impractical from an enforcement perspective. So typically any existing operation may also need to be re-consented under one consent. However the permitted baseline (i.e. consented environment) approach should apply, if the duration is not being increased.



2.2 Typical Resource Consents for Processing and Transfer of Organic Matter

2.2.1 Composting Discharges to Air

Commercial composting sites are considered an industrial or trade premises. The Canterbury Regional Air Plan (CARP) definition is provided below:

Industrial or trade premises (RMA)	means
	a. any premises used for any industrial or trade purposes; or
	b. any premises 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 or trade process;
	but does not include any production land.

There is not a specific rule for composting operations in the CARP. Therefore the catch all Rule 7.63 applies and is shown below. The classification is a *discretionary activity* requiring an air discharge permit. Composting activities is a CARP list for Rule 7.63 that are considered to be industrial or trade premises. This list is shown further below.

Activities not otherwise provided for

7.63 The discharge of contaminants into air:

- that does not comply with one or more of the conditions of Rules 7.47 to 7.62, excluding condition 1 of Rules 7.47, 7.48, 7.49, 7.50, 7.51, 7.55, 7.59 and 7.62; or
 - that is from an industrial or trade premise and is not managed by Rules 7.47 -7.62;**
- and is not a prohibited activity, is a discretionary activity.**

Note: Those discharges into air likely to require resource consent under Rule 7.63 include, but are not limited to, the following activities:

Some abrasive blasting outside	Glass manufacture	Printing processes using solvent-based inks (> 5% organic solvent content by weight)
Acid production and use	Hydrocarbon manufacture, refining or purification	Radioactive materials production or usage (excluding use for medical purposes)
Adhesives manufacture	Ink and dye manufacture	Rendering of animal matter by application of heat
Agricultural chemical manufacture	Isocyanate-containing materials – production and use (excluding spray coating processes in booth using < 2 l/hr)	Resins, lacquers and plastics manufacture
Anodising, galvanising and electroplating	Laminating using adhesives and resins	Rubber manufacture
Asphalt production	Metal melting, including foundries and smelters, but excluding welding and soldering	Soap and detergent manufacture
Brewing of alcoholic beverages	Milk treatment and drying	Spray painting in a booth, using > 2 l/hr
Brickworks	Oil refining	Spray painting in the open using isocyanate-based coatings
Cement manufacture	Oil well flaring	Stock food production
Composting	Paint manufacture	Stripping by immersion using hydrocarbon solvents
Cremation	Paper manufacture	Tanning of hides
Enamelling	Particle board and plasterboard production	Timber drying kilns
Fellmongery	Pharmaceutical product manufacture	Tyre buffing
Fertiliser manufacture	Powder coating processes (excluding filtered discharge to internal workplace air according to OSH requirements)	Wool scouring and dag crushing
Fibreglass application		
Foam manufacture		

The above list is not all-inclusive. It is likely that there will be other discharges into air from industrial or trade premises, not listed, that require resource consent under this rule.



Potentially bulk material handling and storage of materials CARP permitted activity Rules 7.35 and 7.36 could apply, as below. The same classification Rule 7.63. (above) would apply if the permitted activity Rules 7.35 or 7.36 conditions are not fully meet, and an air discharge permit is required.

7.35 The discharge of contaminants into air from the handling of bulk solid materials is a permitted activity provided the following conditions are met:

1. The discharge of dust does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2; and
2. The *handling* occurs indoors, or where the *handling* occurs outdoors the rate of *handling* does not exceed 100t per hour; or
3. Where *handling* occurs outdoors on less than 21 days per calendar year, the rate of *handling* does not exceed 250t per hour; and
4. Where the *handling* occurs outdoors and the rate of *handling* exceeds 20t per hour, a dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and
5. The dust management plan is supplied to the CRC on request; and
6. The discharge does not occur within 200m of a *sensitive activity*, wāhi tapu, wāhi taonga or place of significance to Ngāi Tahu that is identified in an Iwi Management Plan; and
7. Notwithstanding condition 6, where the discharge is from production blasting at a quarry site the discharge does not occur within 500m of a *sensitive activity* wāhi tapu, wāhi taonga or a place of significance to Ngāi Tahu that is identified in an Iwi Management Plan.

7.36 The discharge of contaminants into air from the outdoor storage of bulk solid materials is a permitted activity provided the following conditions are met:

1. The discharge of dust does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2; and
2. The amount of material stored does not exceed 1000t when it has an average particle size of less than 3.5mm; and
3. Where the storage exceeds 200t, a dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and
4. The dust management plan is supplied to the CRC on request; and
5. The discharge does not occur within 100m of a *sensitive activity*, wāhi tapu, wāhi taonga or place of significance to Ngāi Tahu that is identified in an Iwi Management Plan.

Bulk solid materials	means materials consisting of, or including, fragments that could be discharged as dust or particulate. These materials include but are not limited to: gravel, quarried rock, fertiliser, coal, cement, flour, rock aggregate, grains, compost and woodchip.
----------------------	--



2.2.2 Composting Discharges to Land

The following is an extract of the relevant Rule 5.91 from the Land and Water Regional Plan (LWRP) for leachates (liquid waste) discharges for composting operations.

Industrial and Trade Wastes

- 5.91 The discharge of any liquid waste or sludge waste from an industrial or trade process, including livestock processing, excluding wastewater, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:**
1. The volume of the discharge does not exceed 10 m³ per day; and
 2. The discharge is at a rate not exceeding 5 mm per day; and
 3. The discharge does not contain any hazardous substance; and
 4. The discharge is not:
 - (a) directly to a surface water body, or within 50 m of a surface water body, a bore used for water abstraction, a dwelling house, school, community facility or the Coastal Marine Area; and
 - (b) within a Community Drinking-water Protection Zone as set out in Schedule 1; and
 - (c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps; and
 - (d) onto or into land over an unconfined or semi-confined aquifer, where the land has less than 0.3 m depth of soil; and
 - (e) within any area or zone identified in a proposed or operative district plan for residential or commercial purposes; and
 - (f) within a Nutrient Allocation Zone identified as "At Risk" (Orange) or "Water Outcomes Not Met" (Red) on the Planning Maps, unless the discharge contains no nitrogen or phosphorus, or otherwise causes a limit in Schedule 8 to be exceeded; and
 - (g) onto or into contaminated or potentially contaminated land.

It is expected that the volume and depth of organic material leachate would not comply with permitted activity Rule 5.91 Conditions 1 and 2 with limits of 10 m³ and 5 mm discharge volume and rate respectively. Also, most proposals in the greater Christchurch area are unlikely to meet the requirements of Rule 5.91 condition (4)(f) as the areas are within a Nutrient Allocation Zone identified as "At Risk" (Orange) or "Water Outcomes Not Met" (Red) on the Planning Maps, and the leachate may contain nitrogen or phosphorus.

The discharge of any liquid waste or sludge waste from an industrial or trade process to land and water that cannot comply with Rule 5.91 is classified as a discretionary activity under Rule 5.92 of the LWRP and requires a discharge permit.

- 5.92 The discharge of any liquid waste or sludge waste from an industrial or trade process, including livestock processing, excluding wastewater, into or onto land, or into or onto land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.91 is a discretionary activity.**

Potentially a more formalised site with buildings and impervious pavement that requires stormwater management to surface water or land could require a stormwater discharge permit under Rule 5.97 if the discharge cannot comply with the conditions of permitted activity Rules 5.95 and 5.96.



Stormwater discharges into reticulated stormwater networks are permitted activities under Rule 5.93A, if written permission is obtained. If permission is not obtained the activity requires a discharge permit under Rule 5.97 as a discretionary activity.

2.2.3 Waste Transfer Sites

Canterbury waste transfer sites (which meet the definition of an industrial trade premises) currently rely on the Canterbury Regional Air Plan (CARP) permitted activity Rule 7.48 (extracted below). These include all of the Christchurch City Transfer Stations, as they do not hold existing discharge to air permits, and the discharges do not have existing use rights and have to comply with a new plan rules as soon as it has legal effect.¹

Condition 5 of Rule 7.48 is interpreted as not having more than 10 tonnes per day left on a site at the end of any given working day.

- 7.48 The discharge of contaminants into air from waste transfer sites is a permitted activity provided the following conditions are met:**
1. The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin when assessed in accordance with Schedule 2; and
 2. The discharge does not occur within 50m of a sensitive activity on another property; and
 3. The discharge is only from the handling of non-hazardous municipal solid waste, green waste, or cleanfill; and
 4. If there is a discharge of odour or dust beyond the boundary of the property of origin, an odour and/or dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and
 5. The odour and/or dust management plan is supplied to the CRC on request; and
 6. The quantity of solid waste on the property does not exceed 10t per day averaged over a calendar month.

The liquid waste and stormwater rule assessment for composting site applies to waste transfer sites, and is not repeated here.

If liquid waste (transfer pit) or stormwater cannot be directed to a wastewater or stormwater network or either of those networks do not have a discharge pit for the network discharges a discharge permit would be required.

2.2.4 Production Land Sites

Production land is excluded from the RMA definition of an industrial or trade premises.

Permitted activity farm Rules 5.38 and 5.39 in the LWRP below applies for composting on farms. The source of the organic waste will be from an industrial trade process so cannot comply with the permitted activity rules. As such a leachate discharge to land/ surface water would be required and this is classified as a restricted discretionary activity under Rule 5.40.

¹ Pursuant to Section 15 (1) (c) of the RMA. Note Section 20A does not apply and only gives a protection period of 6 months after the new plan rule becomes operative.



Silage Pits and Compost

Note: Rules 5.38 to 5.40 do not apply to the storage of baled and wrapped silage, whether stored in individual bales or a continuous tube

5.38 The use of land for a silage pit or the stockpiling of decaying organic matter (including compost) and any associated discharge into or onto land where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The volume of any silage pit or stockpile is less than 20 m³; and
2. Any liquid that drains from the stockpile does not enter a surface waterbody, other than a wetland constructed primarily to treat animal effluent; and
3. Any decaying organic matter does not originate from an industrial or trade process.

5.39 The use of land for a silage pit or the stockpiling of other decaying organic matter (including compost) not permitted by Rule 5.38 and any associated discharge into or onto land where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The silage pit or stockpile is not sited:
 - (a) within 50 m of a surface waterbody, the boundary of the property, a bore, or the Coastal Marine Area; or
 - (b) within a Community Drinking-water Protection Zone as set out in Schedule 1; or
 - (c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps; and
2. Any liquid that drains from the silage pit or stockpile does not enter a surface waterbody, other than a wetland constructed primarily to treat effluent; and
3. Any decaying organic matter does not originate from an industrial or trade process.

2.2.5 District Land Use

Zoning

Zones that would potentially allow composting as a permitted activity in district plans are typically rural zones.

Designation

A designation is a method used to authorise works and activities undertaken by a requiring authority (i.e. a Minister of the Crown, a local authority or a network utility operator) within a particular area, without the need for a district land use consent. Designations can apply to both privately-owned land and land owned by the requiring authority.

Some district plans limit traffic movements in permitted activity rules. Some do not have fixed limits and instead rely on performance standards being met in permitted activity rules, relating to safety and design.



2.3 Can a Change of Conditions be Applied for?

Section 127 of the RMA allows a consent holder to apply for a change or cancellation of a conditions of the consent. If accepted as a change of conditions.

Caselaw guidance, on how to determine whether a change to the conditions of a consent should be considered is on a case by-case assessment, but fundamentally the following three questions with reference to the original application should be asked:

- Is it for a fundamentally different activity from what was originally applied for?
- Will the proposed activity have materially different adverse effects than were originally applied for?
- Will the proposed activity expand or extend the original activity as applied for?

If the answer to any of those questions is “yes”, then the proposal is outside of the scope of the original application and should be considered as an application for a ‘new’ consent.

An example of a change of conditions that should be accepted as a change is a modification to a treatment process that provides the same or better removal of contaminants.

2.4 Risk of Notification and Decline

2.4.1 Effects

The main risk of notification of resource consent applications associated with composting is due to the consent authority considering the effects on persons being minor or more than minor. The activity most likely to not meet the minor threshold is the air discharge of odour and dust off site. A critical aspect of this is the proximity to a sensitive activity which is defined in the CARP (as an example) below:

Sensitive activity	means an activity undertaken in: <ul style="list-style-type: none">a. the area within 20m of the façade of an occupied dwelling; orb. a residential area or zone as defined in a district plan; orc. a public amenity area, including those parts of any building and associated outdoor areas normally available for use by the general public, excluding any areas used for services or access areas; ord. a place, outside of the Coastal Marine Area, of public assembly for recreation, education, worship, culture or deliberation purposes.
--------------------	---

The path to obtaining approvals will depend on the efficacy of on-site management for odour, the meteorology, topography and location of the site, as well as the location, density and nature of sensitive receivers.

Informal advice from a WSP Air Quality Scientist is that a sensitive activity within 200 m distance of an outdoor composting site would be highly likely to be adversely affected to a discharge of odour to air, with 200 to 500 m in distance moderately likely impacted by odour, and 500m up to 1 km potentially adversely impacted by odour.

Experience is that persons or parties within 500m of a highly odorous activity being applied for generally are at a minimum distance served notice by a Regional Council along with public notification.

Sensitive receivers in terms of discharges of leachate to land include Community Drinking Water Supply takes and their protection zones and also shallow domestic supply takes from wells, which



are prevalent in rural areas on the Canterbury Plains. Also where the groundwater resource provides a baseflow to a nearby surface water.

Transport effects under the district provision is the next most significant district effect Lilley trigger for a land use consent especially in an urban area.

2.4.2 Activity Status

If a district land use is a non-complying activity and this is bundled with a discretionary regional consent application this adds to the risk of decline of a regional consent.

Pursuant to s127 (3) of the RMA a change of conditions application is classified as a discretionary activity, and the effects of the changes proposed need only be considered. For the purposes of determining who is adversely affected by the change or cancellation of consent conditions application, s 127 (4) of the RMA the consent authority must consider, in particular, every person who made a submission on the original application; and may be affected by the change or cancellation.

If the application was notified previously and there were submitters who opposed the original proposal, unless the change of condition application is having less effects or no material changes in effects, most original application processes as notified would be at substantial risk of again being at least limited notified to previously parties served notice and that submitted.

2.4.3 Objectives and Policies

A resource consent can be granted for a non-complying activity, but first it must be established that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives of the relevant operative or proposed plan, known as the 'threshold test'.²

The most relevant and critical Canterbury regional objectives and policies, as an example are below:

Objectives

- CARP 5.7 Discharges from new activities are appropriately located to take account of adjacent land uses and sensitive activities.
- LWRP 3.8A High quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking water supplies.
- LWRP 3.13 Groundwater resources remain a sustainable source of high quality water which is available for abstraction while supporting base flows or levels in surface water bodies, springs and wetlands [...]

Policies

- CARP 6.9 Discharges into air from new activities are appropriately located and adequately separated from sensitive activities, taking into account land use anticipated by a proposed or operative district plan and the sensitivity of the receiving environment.
- CARP 6.25 Applications for resource consent for discharges into air from industrial or trade activities or large scale fuel burning devices classified as discretionary shall address:
 - a. where the discharge includes PM10, the mass emission rate of the proposed discharge relative to the total emission rate of all discharges within the Clean Air

² This test is imposed by section 104D of the Resource Management Act 1991.



Zone; and the degree to which the proposed discharge exacerbates cumulative effects within the Clean Air Zone; and

- b. localised effects of the proposed discharge and the location of sensitive receptors; and
 - c. available mitigation and emission control options; and
 - d. the duration of consent being sought and the practicability for the effects of the discharge to be reduced over time.
- LWRP 4.12 There are no direct discharges to surface water bodies or groundwater of:
 - (a) untreated sewage, wastewater (except as a result of extreme weather related overflows or system failures) or bio-solids;
 - (b) solid or hazardous waste or solid animal waste;
 - (c) animal effluent from an effluent storage facility or a stock holding area;
 - (d) organic waste or leachate from storage of organic material; and
 - (e) untreated industrial or trade waste.
 - LWRP 4.14 Any discharge of a contaminant into or onto land where it may enter groundwater
 - (a) will not exceed the natural capacity of the soil to treat or remove the contaminant; and
 - (b) will not exceed available water storage capacity of the soil; and
 - (c) where meeting (a) and (b) is not practicable, the discharge will:
 - (i) meet any nutrient limits in Schedule 8 or Sections 6 to 15 of this Plan; and (ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable; and
 - (iia) ensure there is sufficient distance between the point of discharge, any other discharge and drinking-water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume; and
 - (iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic, cultural or recreational use or water unsuitable as a source of potable water or for agriculture; and
 - (iv) not raise groundwater levels so that land drainage is impeded.

2.5 Costs and Timeframes to Process Resource Consents Applications

The table below provides a rough order of costs and timeframes for different consent processing pathways.



Process	Processing Timeframes From lodgement to a decision	Rough order of costs (+/- 50%) for regional consents	
		Applicant Costs	Council Processing Cost
Non-notified	6 to 12 months	\$50K	\$25K
Notified ¹ and decision not appealed	1 to 2 years	\$400K ²	\$250K ⁴
Notified ¹ and decision appealed	2 to 4 years	\$600K ^{2 3}	\$250K ⁴
<p>Table notes:</p> <p>¹ Assumes there are submitters and they wish to be heard, hence a hearing is required</p> <p>² Includes legal representative for applicant and 3 persons providing expert evidence at a Consent Authority hearing or E. Court</p> <p>³ Assumes there is not an award for costs made by the Court. Typically cost lie where they fall.</p> <p>⁴ Assumes two Commissioners and less than 10 submitters wishing to be heard.</p>			

3 Option A - Assessment

3.1 A3 - Changes to Operation at Existing OPP

In a general sense any decreases in the scale, and a less benign nature of the existing activity consented should not require a change of conditions unless there is an explicit non-compliance with a condition in the consent. For example additional treatment of a discharge in addition to any specified minimum requirements should not trigger a non-compliance.

If the OPP was to be changed to a Waste Transfer Site the discharge to air could rely on the permitted activity Rule 7.48.

3.2 A2 - Compost Elsewhere

Refer to Appendix A which provides a detailed assessment of local, regional, south island and north island sites in New Zealand that have been considered for the alternative processing of organic waste.

In summary:

- Five sites have a High Feasibility i.e. necessary resource consents, and could take the full range of organic waste for composting now (subject to having capacity and being willing to accept the waste). These are EnviroFert in Waikato, Pines Resource Recovery Park in Burnham, Redruth Recovery Park in Timaru, York Valley in Nelson, and Green Island in Dunedin.
- Two sites Canterbury Landscape Supplies and Kate Valley Landfill have a Medium Feasibility but would need to consent new aspects to their existing operation, which could take 1 to 2 years as the applications are likely to be notified.
- Six sites have a Low Feasibility due to inadequate consenting, and having sensitive sites in close proximity.



- One site did not have enough information to assess the Feasibility and Time considerations. This was due to the operator not providing the information required and a parallel process of contacting the regional council not achieving any responses.

3.3 A5 - Partial Compost at OPP Finish at Another Composter

Appendix A (Option #003b, 0044b and 018), assessed Intelligro, Canterbury Landscape Supplies (CLS), and NALG ability to take all or part of already partially processed FOGO waste (from the OPP).

Intelligro has a new site planned and CLS could expand an existing site respectively.

Two composters rated as a High Feasibility with 6 - 12 months' time required to implement this in terms of RMA consenting. The other site had a high feasibility with a 18 month timeframe for RMA consenting.

4 Option C - Assessment

Appendix A (Option #002), assessed Kate Valley Landfill's ability to take all organic waste as landfill waste as a High Feasibility with no time required to implement this change in terms of RMA consenting. Assuming a drop of in vehicle movements to Kate Valley occurs as predicted which is the advice from the operator that was received.

There are no obvious planning related reasons apart from traffic movements that any other municipal landfills could not take the organic waste including those other regional landfills assess in Appendix A.

5 Christchurch District Waste Transfer Sites

Some of the options being considered would involve the need to increase capacity and locations for the processing and prompt transfer of the organic waste.

None of the existing waste transfer sites in Christchurch (Metro Place, Parkhouse Road or Styx Mill), nor the OPP site are designated in the CDP. Metro Place and Parkhouse Road are located in a 'Industrial Heavy Zone' in the CDP. Styx Mill WTS has a Specific Purpose zone in the CDP.

The Banks Peninsula EcoDrop sites at Barry's Bay and Birdlings Flat have unmodified roll over designations from the Banks Peninsula District Plan in the CDP which are designations C 101 and C 102 respectively. These are designated as 'Waste Transfer Stations' and have an underlying zoning of Rural Banks Peninsula Zone. These designations do not have any conditions limiting organic waste transfer, they have management plans dated 2010 but these have not been reviewed for this report.

The EcoDrops can continue to be used if they contravene the operative CDP through being lawfully established under the previous district plan or way of a designation. This existing use right applies as long as the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative.

Using the OPP site as a Waste Transfer site is a fundamentally difference activity. Therefore the existing air discharge permit would not be applicable, nor could it be varied. However, there is a permitted activity rule in the regional air plan that permits Transfer Stations (that all Councils ECoDrops rely upon) and the conditions can be complied with, mainly subject to not having offensive and objectionable odour and particulates beyond the boundary. The expansion of a Transfer Station at Metro Place or as a new activity at the OPP site would not keep existing use



rights under the district land use restrictions in the RMA and would be subject to all the new rules in the CDP.

Heavy industrial activities permitted in the OPP zoning include activities that include the 'storage and disposal of refuse', and their associated buildings. The noise limits in the CPD, and the expected no need for earthworks, means these applicable rules can be complied with or do not apply. However to change the OPP to a Transfer Station Site, this will require a district land use consent for a restricted discretionary activity (RDA) for breaching the high trip generation PA rule 7.4.3.10. c.v. in the CDP. There is a Gross Floor Area (GFA) limit for heavy industrial sites. Which is 5,000 m². The existing OPP building is 7, 600 m². Given the existing operation occurring, site location and major arterial road accessed off, this RDA application should be straightforward and achievable within 6 months.

The other existing EcoDrops are assumed to not require an increase in area, could rely on existing use rights so do not need to comply with the rule in the CDP.

6 Use of Lyttelton Port for Transfer or Reclamation

6.1 Use of Lyttelton Port for Transport

6.1.1 Overview

Some of the options involve sending waste to a North Island locations.

It is assumed that the organic waste for the North Island options will be transported to Lyttelton Port for cargo transport and offloading at a North Island port. It is assumed that the waste will be transported to the Port in sealed containers. The containers will not leak water or emit odour and particulates, such that there are no discharges to be considered.

The receipting port of the organic waste has not being assessed for this planning assessment.

6.1.2 Christchurch District Plan (CDP)

The Lyttelton Port operation is not designated in the Christchurch District Plan (CDP) but it has its own special purpose zone in Chapter 13.8 of the CDP that contains rules. The roading and rail corridors through Lyttelton village and into the Port area itself are designated.

Extracts from the Christchurch District Plan in relation to the zone exemptions, rules and the NZTA and KiwiRail designations (map and details) in the port area are shown further below.

The Lyttelton Port Special purpose zone is exempt from the majority of the other Rules in other Chapters of the CDP including the Chapter 7 Transport.

The defined Port Activity of 'cargo handling, including the loading, unloading, storage, processing and transit of cargo', that would be associated with green waste and food waste shipment would be a permitted activity under Port Activities Rule P1 (refer below). Noting that the activities specified in P1 i.e. Rule 13.8.4.1.2/3/4 as C4/C5/RD3 and D6 relate to non-relevant aspects of Hazardous Facilities and Hazardous Substances, buildings in Dampier Bay and with specified height, and cruise ships.

Green and/or putrescible food waste in its initial raw form is not a 'hazardous substance' under the Hazardous Substances and New Organisms Act 1996 nor is it specified as one in the District Plan (Appendix 13.8.6.10).

In summary there do not appear to be any RMA restrictions associated with the Lyttelton Port cargo handling appropriately sealed organic waste.



Chapter 13 Specific Purpose Zones » 13.8 Specific Purpose (Lyttelton Port) Zone » 13.8.3 How to use interpret and apply the rules

13.8.3 How to use interpret and apply the rules

- a. The rules that apply to activities in the Specific Purpose (Lyttelton Port) Zone are contained in the:
 - i. Activity Status Tables (including Activity Specific Standards) in [Rule 13.8.4.1](#); and
 - ii. Built Form Standards in [13.8.4.2](#).
- b. The Activity Status Tables and standards in the following Chapters also apply to activities in all areas of the Specific Purpose (Lyttelton Port) Zone (where relevant):
 - [5](#) Natural Hazards;
 - [6](#) General Rules and Procedures except [6.1 Noise](#) and [6.3 Outdoor Lighting and Glare](#); and
 - [9](#) Natural and Cultural Heritage.
- c. Any activity in the Specific Purpose (Lyttelton Port) Zone is exempt from the provisions in the following chapters:
 - [4](#) Hazardous Substances and Contaminated Land;
 - [6](#) General Rules and Provisions relating to [6.1 Noise](#) and [6.3 Outdoor Lighting and Glare](#);
 - [7](#) [Transport](#); and
 - [8](#) Subdivision, Development and Earthworks.

13.8.4.1.1 Permitted activities

- a. In the Specific Purpose (Lyttelton Port) Zone, the activities listed below shall meet with any Activity Specific Standards set out in this table and the Built Form Standards in [Rule 13.8.4.2](#). Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules [13.8.4.1.2](#), [13.8.4.1.3](#), [13.8.4.1.4](#), [13.8.4.1.5](#) and [13.8.4.1.6](#) below.

	ACTIVITY	ACTIVITY SPECIFIC STANDARDS
P1	Port Activities, except as stated in Rule 13.8.4.1.2 C4 and C5 , Rule 13.8.4.1.3 RD3 and Rule 13.8.4.1.4 D6 .	<ol style="list-style-type: none"> a. No Port Activities, except navigational aids, and earthworks permitted under 13.8.4.1.1 P4, shall be undertaken within the Quarry Area as shown in Appendix 13.8.6.3. b. Port Activities within Area A in Appendix 13.8.6.6 shall be limited to: <ol style="list-style-type: none"> i. maintenance, storage and repair of recreational boating vessels and storage of materials associated with the repair of those vessels; ii. facilities for recreational boating and ancillary parking areas; and iii. marine-related industrial activities, including ship and boat building.

Port activities

means the use of land, buildings and structures for:

- a. cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- b. passenger handling, including the loading, unloading and transit of passengers, and passenger or cruise ship terminals;
- c. maintenance and repair activities, including the maintenance and repair of vessels;
- d. port administration;
- e. marine-related trade and industry training activities;
- f. marine-related industrial activities, including ship and boat building;
- g. warehousing in support of a-f, h. and i., and distribution activities, including bulk fuel storage and ancillary pipeline networks;
- h. facilities for recreational boating, including yachting;
- i. activities associated with the surface navigation, berthing, manoeuvring, refuelling, storage, servicing and provisioning of vessels;
- j. ancillary transport infrastructure, buildings, structures, signs, utilities, parking areas, landscaping, hazardous facilities, offices and other facilities, and earthworks; and
- k. ancillary food and beverage outlets in support of the above.



Christchurch City Council
Interim Alternative Organic Processing Options – RMA
Planning Report – Revision 2



Chapter 10 Designations and Heritage Orders » E KiwiRail Holdings Limited » E2 Main South Line	
E2 Main South Line	
Designation Number	E2
Requiring Authority	KiwiRail Holdings Limited
Location	From Lyttelton to the District Boundary at Templeton
Roll-over Designation	Yes (with modification)
Legacy Reference	Christchurch City Plan, Volume 3, Part 12, Clause 2.3 & Operative Banks Peninsula District Plan, Appendix II
Lapse Date	Given effect to
Underlying Zone	Transport Zone, Specific Purpose (Lytelton Port) Zone, Open Space Water and Margins Zone, Industrial General Zone, Open Space Natural Zone, Rural Banks Peninsula Zone, Rural Port Hills Zone, Residential Banks Peninsula Zone, Residential Hills Zone and Residential Large Lot Zone (refer to planning maps) (Proposed Plan Change 14)
Map Number	Various
Purpose	
Railway purposes.	
Conditions	
N/A	
Attachments	
N/A	



Chapter 10 Designations and Heritage Orders » P New Zealand Transport Agency » P14 State Highway 74 (Lyttelton)

P14 State Highway 74 (Lyttelton)

Designation Number	P14
Requiring Authority	New Zealand Transport Agency
Location	From Lyttelton Tunnel roundabout (RP25/0.00) then via Norwich Quay and Gladstone Quay to the eastern end of Gladstone Quay (RP25/0.715).
Roll-over Designation	Yes (with modification)
Legacy Reference	Banks Peninsula Operative District Plan, Appendix II Designations
Lapse Date	Given effect to
Underlying Zone	Transport Zone
Map Number	52 and 58

Purpose
Road Purposes

Conditions

- Construction and Operational Noise
 - As a minimum, New Zealand Transport Agency shall comply with the relevant New Zealand Transport Agency noise mitigation policy in effect at the time that New Zealand Transport Agency submits an outline plan of works on this designation.
- Protocol for discovery of kōwhiri, taonga or other artefact material
 - As a minimum, New Zealand Transport Agency shall comply with the relevant New Zealand Transport Agency accidental discovery protocol in effect at the time that New Zealand Transport Agency submits an outline plan of works on this designation.

Note:
These mitigation conditions do not limit the ability of Christchurch City Council to seek changes to any future outline plan of works, pursuant to section 176A of the Resource Management Act 1991.

Attachments
N/A

6.2 Deposit of Organic Materials in Port Reclamation

The Lyttelton Port Company holds a coastal permit CRC224714 to reclaim seabed and construct a wharf, and associated disturbance of the seabed, and deposition onto or into the seabed in the Coastal Marine Area³. Stage 1 of the reclamation is complete. Stage 2 includes another approximate 14 ha area of reclamation.

Condition 35 of the coastal permits specifies the prohibited materials not to be deposited. The Appendix B to the conditions and consent, has Item 2. c. under 'Prohibited materials' that excludes "organic material at a volume of more than 5% percent per load".

Given the effects of decaying organic waste on the environment, a coastal permit application to include organic waste at loads at a higher percentage would have little chance of success.

³ <https://www.ecan.govt.nz/data/consent-search/consentdetails/CRC224714>



Christchurch City Council
Interim Alternative Organic Processing Options – RMA
Planning Report – Revision 2

7 Disclaimer and Limitations

This report ('Report') has been prepared by WSP New Zealand Limited ('WSP') exclusively for Christchurch City Council ('Client') in relation to a resource management planning assessment of alternative options for organic processing to support a report to Council ('Purpose') and in accordance with the WSP Offer of Services for Waste Coordination Service Waste dated 28 March 2023 and the WSP panel contract CN4600003047 ('Agreement').

The findings in this Report are based on and are subject to the assumptions specified in the Report. WSP accepts no liability whatsoever for any use or reliance on this Report, in whole or in part, for any purpose other than the Purpose or for any use or reliance on this Report by any third party.

In preparing this Report, WSP has relied upon regional and district council databases, regional and district plans and other information provided by or to the Client ('Client Data'). Except as otherwise stated in this Report, WSP has not verified the accuracy or completeness of the Client Data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in this Report are based in whole or part on the Client Data, those conclusions are contingent upon the accuracy and completeness of the information relied upon. WSP will not be liable for any incorrect conclusions or findings in the Report should any Client Data be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to WSP.



Appendix A

Option A - Assessments of Composting Elsewhere

Option C - Assessment of sending all organic waste to Kate Valley for landfilling



Site and Option A – Compost Elsewhere unless stated otherwise			Regional Assessment		District Requirements		Notification and Decline Risk		TABLE ROW SUMMARY
Facility ID	Name	Physical Address	Regional Consents Held	Regional Consent Held Limitations	District Plan Zoning / Is composting a permitted activity (PA) in the zone?	Permitted (PA) or Consented (if specified) Traffic Movements # ¹	Bundled Regional and District Activity Status	Risk ²	Feasibility Rating / Time to Consent (years)
001	Kate Valley (Composting)	Waipara	Air CRC157984 Leachate - CRC157982	Limited to only landfill emissions to air, Does NOT authorise composting operation	Rural PA - Composting not specified nor is it industrial activity listed under the Schedule of Primary Industries in Appendix 3.4; Not designated, has land use consent for a landfill.	Traffic movement limits Not specified in Hurunui District Plan "The use of existing vehicle crossings for a new activity must comply with <u>the standards</u> in the plan. -Where more than an average of 12 heavy vehicle movements a week occur to any site" <u>It is assumed</u> the existing Kate Valley vehicle access does not comply with the Hurunui District Plan PA standards and is a discretionary activity.	Discretionary	Air – Low Leachate - Low Traffic - Medium	Medium – 1 year A sperate consent for compost odour to air needs to be linked to landfill odour monitoring in some way to avoid hindrances to enforcement
002	Kate Valley (to landfill)	Waipara		No limitations. Allows all municipal landfill leachate, and includes green and food waste is part of the WAC and is being received	Not designated, has land use consent for a landfill	District land Use -Consented at 17,500 movements per year, Currently at maximum allowable based on 2021/ 2022 traffic data but year to date advice provided by CWS / Operator suggests that a drop in movements is being recorded and can accommodate all the organic waste based on projections.	Consented	Air – Low Leachate - Low Traffic - Low	Medium - 1 year Could be an option immediately, should vehicle movement limits reduce.
003	Intelligro	261 Manion Road, Rolleston 7677	None for processing organic waste through composting or leachate to land	It's a landscape supplies site, so most composite materials are brought into the site and not 'produced' there. They hold consents CRC172255, CRC213092, CRC213093 related to some processing and storage of compost, but does not include FOGO and specifically excludes food waste acceptance The volume of compost stored is limited. N/ A: Needs consents for air and leachate discharges	Inner Plains Zone. Not designated. Industrial activities are non-complying under Rule C9.5.3	PA -30/day	Non-complying	Air – High Leachate – High Traffic - Medium	Low -4 years
003 b	Intelligro (maturation of processed FOGO)	New Site -proposed. (Location Confidential)	None	Would need bulk material handling and processing air discharge permits as well as odour to air from industrial trade process ECan advice is maturing compost does not need leachate consent.	Inner Plains Rural or Open Space Zone	PA -30/day PA -60/day per site assuming the road is formed, sealed and maintained by SDC. Mixed use and other activities (not listed above) - More than 50 vehicle trips per peak hour or 250 heavy vehicle trips per day (which ever is met first) 'Peak hour' are those hours between 15:00 and 19:00 hours on a weekday	Non-complying	Air – Low Leachate – N/A Traffic - Low	High – 6 to 12 months



Site and Option A – Compost Elsewhere unless stated otherwise			Regional Assessment		District Requirements		Notification and Decline Risk		TABLE ROW SUMMARY
Facility ID	Name	Physical Address	Regional Consents Held	Regional Consent Held Limitations	District Plan Zoning / Is composting a permitted activity (PA) in the zone?	Permitted (PA) or Consented (if specified) Traffic Movements # ¹	Bundled Regional and District Activity Status	Risk ²	Feasibility Rating / Time to Consent (years)
004	Canterbury Landscape Supplies	97 Diversion Road, Swannanoa	Air - CRC175345 Leachate - CRC175344	Both consents expire in April 2025. Green waste allowed, only <u>residual</u> food waste. Maximum quantity of composting materials stored or being processed on the site at any time is 40,000 cubic metres, including: a maximum of 2,000 cubic metres for the ASP phase, and b. a maximum of 3,200 cubic metres for the Maturation Phase	Rural Zone Not designated Composting or industrial activities are not mentioned and therefore permitted activities.	Advice consented for up to 250 movements per day, and have plenty of capacity	Discretionary	Air – Low Leachate – Low Traffic – Low	Medium – 2 years
		379 Parish Road, Oxford (T W Transport)	Air CRC163505 No leachate consent	Only greenwaste allowed. Consent expires 11 Jun 2047. The volume of material on-site at any one time shall not exceed a combined volume of 40,000 tonnes. Advice note: This includes pre-processed green waste, actively composting green waste and cured compost.	Rural Zone Not designated Composting or industrial activities are not mentioned and therefore permitted activities.	Not specified	Discretionary	Air – Low Leachate – Medium Traffic – Low	Low – 3 years
004 b	Canterbury Landscape Supplies (maturation of processed FOGO)	97 Diversion Road, Swannanoa	As above	As above, lacks capacity. Would need a new air discharge permit to increase beyond 40,000 m3 on site. More likely than not would be outside a variation scope. ECan advice is maturing compost does not need leachate consent.	As above	Advice consented for up to 250 movements per day, and have plenty of capacity	Discretionary	Air – Medium Leachate – N/A Traffic – Low	High – 6 to 12 months
005	Richmond Community Garden	235 River Road, Christchurch, 8013	None	N/A: Needs consents for air and leachate discharges	Specific Purpose (Otākaro Avon River Corridor) Zone Industrial activities are non-complying under Rule 13.14.4.1.5	Rule 7.4.3.10 High trip generators, c.xi. Mixed use and other activities (not listed above) - More than 50 vehicle trips per peak hour or 250 heavy vehicle trips per day (which ever is met first) 'Peak hour' are those hours between 15:00 and 19:00 hours on a weekday	Non-complying	Air – High Leachate – Medium Traffic – Low	Low – 4 years
006	Untamed Earth Organics Farm	340 Brookside and Irwell Road, Leeston, 7682.	None	N/A: Needs consents for air and leachate discharges	Outer Plains / General Rural Composting not specified. Industrial activity is non-complying under PSDP, Part 3 GRUZ R12.	PA -60/day per site assuming the road is formed, sealed and maintained by SDC.	Non-complying	Air – High Neighbouring residential dwellings within 100 m Leachate - Moderate – Irwell Creek 20m from part of the site. Traffic – Low	Low – 4 years



Site and Option A – Compost Elsewhere unless stated otherwise			Regional Assessment		District Requirements		Notification and Decline Risk		TABLE ROW SUMMARY
Facility ID	Name	Physical Address	Regional Consents Held	Regional Consent Held Limitations	District Plan Zoning / Is composting a permitted activity (PA) in the zone?	Permitted (PA) or Consented (if specified) Traffic Movements # ¹	Bundled Regional and District Activity Status	Risk ²	Feasibility Rating / Time to Consent (years)
007	Christchurch South Community Gardens	188 Strickland St, Sydenham Christchurch 8024	None	N/A. Needs consents for air and leachate discharges	Residential medium density zone. Discretionary under Rule 14.5.1.4 D1.	Rule 7.4.3.10 High trip generators, c.xi. Mixed use and other activities (not listed above) - More than 50 vehicle trips per peak hour or 250 heavy vehicle trips per day (whichever is met first) 'Peak hour' are those hours between 15:00 and 19:00 hours on a weekday	Discretionary	Air – High Leachate – Medium Traffic – Low	Low – 4 years
008	Eco Gas	3103 Broadlands Road, Reporoa	Waikato Air - AUTH141251.01.01 Leachate - None	Discharge to air from an anaerobic digestion facility. FOGO waste only Up to 500 cubic metres of greenwaste can be actively composted at any one time under Rule 5.2.8.2. Otherwise discretionary under Rule 5.2.8.4.	Rotorua Lakes District council RURZI Zone Not designated Outdoor storage is discretionary under rule C15.4.2 Compost isn't mentioned, so permitted.	PA 12 vehicle movements permitted/day Likely has land use consent - unknown consented vehicle movements	Discretionary	Air – Medium (although already have RC) Leachate – Medium Traffic – Medium	Not enough info to assess
009	Composting NZ	160 Otaihangā Road, Otaihangā, Paraparaumu 6015	Greater Wellington Air - None Leachate – WGN930177 37043 and WGN930177 37045	Air discharge from composting is a discretionary activity under Rule 23 of the Air Plan. Discharge contaminants to land for the purpose of Landfilling municipal solid wastes and composting. To discharge contaminants to groundwater, namely leachate from the landfill and compost operations.	Kapiti Coast District Council General Rural Zone Designated for Landfill (no conditions)	PA -100 vehicle movements permitted/day	Discretionary	Air – High Leachate – Medium (Although already designated and composting in this location) Traffic – Low	High – N/A
010	Envirofert	Tuakau 2612 River Road, Tuakau	Waikato Regional Council Air - AUTH140261.01.01 Leachate - AUTH140261.02.01 Stormwater - AUTH140261.03.01	Consented to receive up to 52,800mt of organic matter per year a, being 80% greenwaste (44,000 t) and 20% foodwaste (8,800 t). Currently at capacity so would need to reapply for high volumes.	Waikato District Council Rural Zone Not designated Industrial activities are discretionary under Rule 22.1.5(D10) of the proposed plan.	PA - 200 vehicle movements permitted/day	Discretionary	Air – Medium Leachate – Medium Traffic – Low	Medium – 1 year
011	BioRich	201 Waitangi Rd Napier 4110	Hawkes Bay Air - DP090114Ab	To discharge contaminants (dust and odour) into air from the manufacture of compost and the dry storage of wool dust and chicken manure. Expires 31 May 2024	Napier District Council Main Rural Zone Not designated	Not specified	Discretionary (unless RC has already been obtained)	Air – Low Leachate – Low Traffic – Low	Medium – N/A FOGO only



Site and Option A – Compost Elsewhere unless stated otherwise			Regional Assessment		District Requirements		Notification and Decline Risk		TABLE ROW SUMMARY
Facility ID	Name	Physical Address	Regional Consents Held	Regional Consent Held Limitations	District Plan Zoning / Is composting a permitted activity (PA) in the zone?	Permitted (PA) or Consented (if specified) Traffic Movements # ¹	Bundled Regional and District Activity Status	Risk ²	Feasibility Rating / Time to Consent (years)
			Leachate - AUTH-117994-05	To discharge contaminants (being organic matter and compost at varying stages of maturation) and leachate into or onto land from the manufacture of compost. Expires 31 May 2024.	Industrial activities are discretionary under Rule 34.14 of District Plan.				
012	MyNoke (Earthworm Products & Organic Waste Collection)	Taupo, Tokoroa, Ohakune Head office: 1602 Maniatutu Road ROTORUA 3074		This is a different type of composting process, using worms. They operate 3 sites in the North Island. Largest site can process 130,000T per annum. Current resource consents held would limit them to only being able to receive 21,000 T of the 55,000 T of greenwaste annually. A Dunedin site may be become operational within 12 months, could take all the waste.	Not researched, depends on location	Not researched, depends on location	Not determined	Air – Low Leachate – Low Traffic – Medium	High – 1 year
013	Pines Resource Recovery Park	183 Burnham School Road, Burnham 7677	Air - CRC211594	Includes 53,000 tonnes/year of organic material (feedstocks). Feedstocks includes: i. Kerbside organics; ii. Commercial food waste; and iii. Green waste. The site does not have a leachate discharge permit from at least the composting areas that are on semi-pervious hardstand. Why this is not the case is not understood. It is likely their existing operation needs a leachate (liquid waste) discharge to land as a discretionary activity under LWRP Rule 5.92.	Designated (SDC-22) (includes composting).	Covered under the designation, number of traffic movements is NOT specified as a condition. Subject to having provided road and access upgrades.	Permitted	Air – Low Leachate – Low Traffic – Low	High – NA
014	Redruth Recovery Park	23 Shaw Street, Timaru	Air - CRC213948 Leachate – CRC950945.1	The amount of raw material received on the site for the production of compost shall not exceed 27,000 tonnes per year.	Timaru District Council Heavy Industrial Zone Designated	Not specified	Discretionary	Air – Low Leachate – Low Traffic – Low	High – N/A
015	York Valley	Nelson City Council 34 Market Road, Bishopdale, Nelson		Air – Permitted (under Rule AQR.37)	Nelson City Council Designated Rural Zone	Not specified	Not determined	Air – Low Leachate – Low Traffic – Low	High – N/A



Site and Option A – Compost Elsewhere unless stated otherwise			Regional Assessment		District Requirements		Notification and Decline Risk		TABLE ROW SUMMARY
Facility ID	Name	Physical Address	Regional Consents Held	Regional Consent Held Limitations	District Plan Zoning / Is composting a permitted activity (PA) in the zone?	Permitted (PA) or Consented (if specified) Traffic Movements # ¹	Bundled Regional and District Activity Status	Risk ²	Feasibility Rating / Time to Consent (years)
016	Green Island	9 Brighton Road, Green Island Dunedin	Air - 94524_V1 Leachate - 3839A_V1	To discharge to air landfill gas, dust and odour generated from landfilling up to 100,000 cubic metres a year of compacted municipal, domestic, hazardous and industrial waste, and including a composting operation. Only vegetation shall be included in the waste to be composted. To discharge landfill and composting leachate to land in a manner that may enter water. Expires: 1 October 2023	Dunedin City Council Industrial and Coastal Rural Zones Designated	PA -250/day (as an assessment matter for LU, not a consent trigger).	Permitted	Air – High Leachate – Low Although large scale composting already occurs here. Traffic - Low	High – N/A
017	EcoGas	3011 Broadlands Road, Broadlands, Reporoa. Rotorua lakes District	Air - number not obtained	Waste-to-bioenergy facility operation is a "closed loop" – no liquid discharge. 75,000 tonnes annually consented for an air discharge permit. Only has current capacity to take 15,000 tonnes per annum. An application has been drafted to increase capacity so a total 40,000 tonnes could be accepted in the near future.	Rural	Not specified	Not determined	Air – High Leachate – N/A Traffic - Low	High – 18 months
018	NALG (maturation of processed FOGO)	Various farm site locations in north and south Canterbury (not disclosed)	None	To be determined. However each farm site would likely require a leachate to land / surface water discharge permit. Possibly some bulk handling and storage air discharge permits	Rural	Not determined	Not determined	Air – Medium Leachate – High Traffic - Low	Medium – 1 to 2 years

Table Notes

¹ One truck / vehicle entering and exiting a site is two movements unless stated otherwise

² Based on Canterbury Air Regional Plan definition for sensitive and proximity to site, and exceedance of PA standards for traffic movements and district activity classification

PATTLE DELAMORE PARTNERS LTD
Level 2, 134 Oxford Terrace
Christchurch Central, Christchurch 8011
PO Box 389, Christchurch 8140, New Zealand

Office +64 3 345 7100
Web www.pdp.co.nz
Auckland Tauranga Hamilton Wellington
Christchurch Invercargill



12 June 2023

Brent Pizze
Senior Legal Counsel
Christchurch City Council
Te Hononga Civic Offices
53 Hereford Street
CHRISTCHURCH 8013

POTENTIAL EFFECTS ON OFFENSIVE AND OBJECTIONABLE ODOURS FROM POSSIBLE LIVING EARTH OPERATIONAL CHANGES

1.0 Introduction

PDP have covered the potential causes and sources of offensive or objectionable (O&O) odour from the Living Earth (LE) site in our reporting to CCC over the past 18 months. This letter details our observations of the sources and causes of odour from the LE site, the primary options for mitigating this odour and an evaluation of CCC's shortlisted options for managing the site in the 3-to-5-year interim period prior to establishing a new plant elsewhere.

A list of standard site terms and definitions is appended to this letter.

2.0 Observations of Odour Sources

2.1 Conceptualising the Odour 'Model' for LE

For odour exposure to occur, three processes, defined as the source-pathway-receptor model, must occur¹:

1. An emission **source** - a means for the odour to get into the atmosphere.
2. A **pathway** - for the odour to travel through the air to locations off-site, noting that:
 - a. anything that increases dilution and dispersion of an odorous pollutant plume as it travels from source to receptor will reduce the concentration at the receptor, and hence reduce exposure.
 - b. increasing the length of the pathway (e.g. by releasing the emissions from a high stack) will – all other things being equal – increase the dilution and dispersion.
3. The presence of **receptors** (people) that could experience adverse effect, noting that people vary in their sensitivities to odour.

LE primarily has control over the release (source) of the odour, which in the case of a continually operating plant largely is limited to the intensity and offensiveness/character FIDOL factors.

¹ IAQM Guidance on the assessment of odour for planning (2018) *Institute of Air Quality Management*. V1.1





2.2 Odour Sources

There are several types of odours on the site, from a range of sources:

1. The Organics Processing Plant (OPP), which contains the processing hall and the In-Vessel Composting (IVC) Tunnels (the Tunnels).
 - a. Ventilation and process air from the OPP is normally treated and discharged through a biofilter.
 - b. As it is a mixed process, the character of the processing hall and tunnels cannot be differentiated when observing the odour from the biofilter.
 - c. The odour discharged is typically described as a '**biofilter odour**'.
2. The material stored outside which includes, fresh, *unscreened compost* (removed from the tunnels and awaiting screening), and *finer* and *tailings* which are the two materials separated during screening.
 - a. These materials produce odorous compounds which discharge directly to the atmosphere.
 - b. The character of the odour from these sources is similar and cannot be easily distinguished between.
 - c. The odour discharged is typically described as a '**compost odour**'.
 - d. Factors such as compost maturity, and oxygen levels within the individual piles will impact the amount and character of the odorous compounds produced by each pile.
 - e. Handling the piles of material, including screening may increase the odour emissions from the material as potentially anoxic material from deeper in the pile is exposed. However, PDP have identified offensive or objectionable odours off-site on days when screening is not occurring. Therefore, screening and handling can only be an exacerbating factor and passive discharge of odour from the piles is currently sufficient to cause offensive or objectionable odour off-site in certain meteorological conditions.
3. Green waste (GW) is also stored outside. In PDP's experience, the GW piles have a neutral garden odour (like freshly pruned branches) and are not of particular concern.
4. The main screen is partially enclosed in an open-fronted building. The building is ventilated, ostensibly drawing a negative pressure. The ventilation air is treated through a biofilter that was refurbished earlier this year (2023). For the purposes of this assessment, the odour from the main screen is assumed to comprise components of the two main odour types:
 - a. 'Biofilter' odour from the ventilation air discharged through the biofilter; and,
 - b. 'Compost' odour from fugitive odour escaping the open frontage of the screen enclosure, and from any outdoor piles associated with the unscreened material (awaiting screening) or the screened tailings and fines (awaiting transport or reintroduction to the OPP).

2.3 Source Apportionment:

The contribution of each source to the total odour experienced off-site, and especially at the residential zone, cannot be exactly quantified (i.e., 20% biofilter, 80% compost). However, as the character of the two sources is different; some qualitative conclusions can be drawn based upon PDP's routine odour scouting in 2022 and (more intensively), in 2023:



1. In all (with one exception) cases of odour scouting, including when offensive or objectionable odour has been observed in the residential zones, the character of the compost odour has matched PDP's observations of the 'compost' odour generated by the outdoor material. The odour has not matched PDP's observations of the biofilter odour from the OPP, indicating that the biofilter odour either does not reach the boundary or is masked by the compost odour.
2. During the biofilter remediation in early June, the character of odour through the biofilter was noticeably different². This 'modified biofilter' odour was detected in the residential zone.
3. A significant reduction in compost odour intensity in the residential (and industrial) zone was observed in early 2022 when the majority of outdoor maturing windrows were removed from the LE site³. This has resulted in lower intensity compost odours although offensive or objectionable odours have still been observed during PDP's odour scouting in the residential areas to the south-west of the plant.
4. As such, in PDP's opinion, addressing the discharge of 'compost' odour from the outdoor material has the greatest potential to eliminate offensive or objectionable odours originating from the LE site during normal operation. A low risk remains that, after addressing the 'compost' odour on the site, the remaining 'biofilter' odours have the capacity to be offensive or objectionable.

3.0 Primary Options for Odour Mitigation

In terms of the FIDOL assessment, addressing the discharge of odour from the outdoor material will reduce the *intensity* of the odour off-site⁴. If the intensity can be reduced sufficiently, off-site odours will be undetectable, or low enough in intensity to not be offensive or objectionable. There are two primary ways to do this.

3.1 Option 1: Treat the Discharged Odour

Odour treatment involves capturing the odorous air and treating it. In this context this would involve fully enclosing the outdoor piles and screens and ventilating those spaces through an appropriately sized biofilter.

This will replace the 'compost' odour source on the site with another 'biofilter' odour source. Odour scouting has shown that the biofilter under normal operating conditions is not detectable off-site or is masked by other site sources and there is a high likelihood that treating the outdoor 'compost' odour through an additional biofilter will bring off-site odour levels below the offensive or objectionable threshold.

As this is an engineered solution with treatment of the compost odour, it is likely to be less susceptible to upsets in the composting process (i.e., the biofilter will be able to mitigate against unusually odorous loads from the tunnels). Offensive or objectionable odour risks are still present in the case of a failure of one of the biofilters.

As a final note, the current *main screen* is semi-enclosed, ostensibly drawing a negative pressure and treating the ventilated air through a biofilter that was refurbished earlier this year (2023). The effectiveness of the ventilation at preventing fugitive odour escaping the open frontage of the screen enclosure is hard to establish while other significant odour sources are present on the site.

² This may have been due to exposed material in the lower biofilter section under remediation and/or overload of the remaining half of the working biofilter causing OPP odours to be discharged without total mitigation.

³ *Living Earth Odour Assessment* (Feb 2022). Pattle Delamore Partners Ltd.

⁴ Some changes to the character may also occur, but most biofilter and compost odours would be considered to have a negative hedonic tone - especially in a residential context so a reduction in intensity is primarily required.



Using the main screen should be considered higher risk than screening with a fully enclosed screen (say, within the processing hall or a new building).

3.2 Option 2: Reduce the Source of Discharged Odour

This will involve reducing or eliminating the volume of material (unscreened compost, tailings and fines) stored outdoors and/or reducing the amount of odour the material is generating.

Solvita testing undertaken through 2022 and early 2023⁵ showed that the tunnels, even when operating for >24 days over winter were producing material with maturities ranging between 2 and 5, but typically 3 to 4. This is considered to still be in an active to moderately active stage of decomposition⁶ and in need of intensive oversight and management (see Figure 1, below).

Due to its biological activity, material in this state is expected to generate a greater volume of odorous compounds and be at greater risk of turning anoxic due to its oxygen demand, which would also create odour compounds with a more negative hedonic tone/greater offensiveness.

Producing a more mature product in the tunnels may involve a combination of fine-tuning C:N ratios, appropriately controlling the temperature, aeration and mixing in the tunnels, and ensuring the material is processed for a sufficient time in the tunnels. Products with a higher maturity will produce less odour. This reduction may be sufficient to bring off-site odour levels below the offensive or objectionable threshold.

If the unscreened compost was still to be stored outdoors, the site would be susceptible to effects from process upsets/bad batches. To PDP's knowledge, it is not yet known if the OPP can reliably produce mature compost from the tunnels, nor what volumes would be able to be processed under this configuration⁷.

Changing the feedstock to the plant (i.e., only composting food scraps or garden waste) has been considered as an option for the plant. LE have advised that food waste is a minor portion of the material processed and does not significantly impact the maturity or odour levels of the resulting compost. In PDP's opinion, the odour produced by the compost is primarily a function of the compost maturity (level of biological activity), and oxygen content (potential for anaerobic odours) of the material.

⁵ Provided to PDP by WM 20/02/2023.

⁶ *Guide to Solvita Testing for Compost Maturity Index* (2002), Woods End Research Laboratory, Inc.

⁷ PDP understands from knowledge of other composting operations in NZ that Solvita numbers of 5 or greater can be reliably produced after approximately 40 days of tunnel composting.



5

CHRISTCHURCH CITY COUNCIL - POTENTIAL EFFECTS ON OFFENSIVE AND OBJECTIONABLE ODDOURS FROM
POSSIBLE LIVING EARTH OPERATIONAL CHANGES

IF SOLVITA MATURITY INDEX IS:	THE STAGE OF THE COMPOSTING PROCESS IS:	Equivalency to other maturity indicators ^a		
		DEWAR ^(b)	CO ₂ Rate ^(c)	O ₂ -Rate ^(d)
8.	Inactive, highly matured compost, very well aged, possibly over-aged, like soil; no limitations for usage	V	1	<3
7.	Well matured, aged compost, cured; few limitations for usage		2	5
6.	Curing; aeration requirement reduced; compost ready for piling; significantly reduced management requirements		4	11
5.	Compost is moving past the active phase of decomposition and ready for curing; reduced need for intensive handling	IV	6	16
4.	Compost in medium or moderately active stage of decomposition; needs on-going management	III	8	21
3.	Active compost; fresh ingredients, still needs intensive oversight and management	II	10	27
2.	Very active, putrescible fresh compost; high-respiration rate; needs very intensive aeration and/or turning	I	12	32
1.	Fresh, raw compost; typical of new mixes; extremely high rate of decomposition; putrescible or very odorous material		>15	> 40

Figure 1: Interpreting the Solvita Maturity Index⁵

0940128003.006.docx, 12/06/2023



5.0 Proposed Mitigation Options

CCC have provided PDP with a list of mitigation options, summarised in Table 1. A summary is appended to this letter.

Table 1: Mitigation Options	
Option	Summary
A1	<p>Equipment changes - biofilter refurbishment; tunnel door replacements; crambo cutter replacement ; screen infeed hopper refurbishment; loader bucket refurbishment.</p> <p>Process changes - daily tailings removal from site; increase green waste input; increase carbon input; probiotic input; daily fines loadout to the on market and CWTP.</p> <p>New Adaptive Management Plan.</p>
A2	<p>Enclose a second screen in a building so that 2 screens are operating concurrently. Or move a relocatable screen from outdoors to inside the existing building at night so that can operate the site 24 hours. Increases the throughput so that there is no outdoor storage of material in between the tunnels and the screening.</p>
A4	<p>Achieve an ideal quantity processed onsite so that there is no outdoor storage and a maximum effectiveness of the composting indoors. That is approximately 35,000 tonnes pa and a maximum of 200 tonnes per day. Volume not yet confirmed with operator. Send the balance to Kate Valley or to another composter.</p>
A5	<p>Material goes through initial screen and tunnels inside and then is picked up inside and transported to a commercial operator who then finishes the composting process (or markets the material as is). No outdoor storage.</p>



The assessment of the likely effect of mitigation options on the likelihood of O&O odour is provided in Table 2.

Table 2: Effect of Mitigation Options		
Scenario	Risk of Biofilter Odour	Risk of Compost Odour
A1	Low <i>OPP to still process balance of material, no significant change to biofilter discharge compared to current performance expected.</i>	Moderate to High <i>Potential for improvements to maturity and a reduction in outdoor pile volumes, but not enough certainty in the scale of these changes, especially in the reduction to outdoor volumes.</i>
A2	Low+ <i>Raised slightly - more material to be stored in the process hall or a new enclosed screening building with a new biofilter so slight increase to biofilter odour/load will occur.</i>	Moderate <i>Removal of outdoor piles, but some uncertainty around efficacy of main screen enclosure and associated biofilter. Risk lower if both screens can be fully enclosed. Risk higher if some outdoor storage remains.</i>
A4	Low+ <i>Raised slightly - more material to be stored in the process hall so slight increase to biofilter odour/load will occur.</i>	Moderate <i>Potential for improvements to maturity and removal of outdoor piles, but some uncertainty around efficacy of main screen enclosure and associated biofilter. Risk lower if the main screen can be fully enclosed. Risk higher if some outdoor storage remains.</i>
A5	Low <i>OPP to still process balance of material, no significant change to biofilter discharge compared to current performance expected.</i>	Nil <i>No storage or screening on-site. Transport of the active material in suitably enclosed trucks is the only residual fugitive odour risk.</i>



8

CHRISTCHURCH CITY COUNCIL - POTENTIAL EFFECTS ON OFFENSIVE AND OBJECTIONABLE ODOURS FROM
POSSIBLE LIVING EARTH OPERATIONAL CHANGES

6.0 Limitations

This report has been prepared by Pattle Delamore Partners Limited (PDP) on the basis of information provided by Christchurch City Council and Living Earth. PDP has not independently verified the provided information and has relied upon it being accurate and sufficient for use by PDP in preparing the report. PDP accepts no responsibility for errors or omissions in, or the currency or sufficiency of, the provided information.

This report has been prepared by PDP on the specific instructions of Christchurch City Council for the limited purposes described in the report. PDP accepts no liability if the report is used for a different purpose or if it is used or relied on by any other person. Any such use or reliance will be solely at their own risk.

© 2023 Pattle Delamore Partners Limited

Yours faithfully

PATTLE DELAMORE PARTNERS LIMITED

Prepared by



Chris Hewlett

Senior Environmental Engineer

Reviewed and Approved by



Dr Steven Pearce

General Director

CHRISTCHURCH CITY COUNCIL

Living Earth Reporting - Standard Terminology			
Term	Definition	Site Context	Odour Descriptions
<i>Living Earth (LE) Site</i>	Typically used to describe the whole site and all activities encompassed within.		
<i>Organics Processing Plant (OPP)</i>	Composting plant, refers to the physical building on the site, which contains the In-Vessel Composting (IVC) tunnels and Processing Hall.		
<i>Processing Hall</i>	Main building where material is receipted, processed and sent to the In-Vessel Composting (IVC) Tunnels.	Trucks deposit Kerbside Organics (KSO) inside the hall. This is blended with Green Waste (GW), shredded, and then composted in the IVC tunnels. The building is ventilated under negative pressure. Any odour in the discharge is treated via a biofilter.	<i>Refers to fugitive odour from within the building that is not extracted and mitigated through the biofilter.</i>
<i>In-Vessel Composting (IVC) Tunnels/ The Tunnels</i>	18 completely enclosed concrete vessels where the composting process takes place.	The IVC process uses naturally occurring microbes feeding on organic material. This is a form of aerobic digestion and requires oxygen. Temperature is monitored and can be controlled to facilitate this process. Odorous air from the process is treated via a biofilter.	<i>Refers to fugitive odour from within the tunnels that is not extracted and mitigated through the biofilter.</i>
<i>Green Waste (GW)</i>	Garden organics, typically with a higher wood/carbon content than FOGO.	Sourced from Metro Place EcoDrop. If required, can source from Styx Mill EcoDrop. GW is blended with KSO to improve the compost porosity, allowing air to travel through the compost, and helps maintain the optimum carbon to nitrogen ratio.	<i>Refers to odour of raw material.</i>
<i>Kerbside Organics (KSO), or Food Organics and Garden Organics (FOGO)</i>	Material collected at the kerbside by Christchurch City Council (CCC).	Deposited in the Processing Hall, blended with Garden Waste, is shredded and then processed through the IVC Tunnels.	<i>Refers to odour of raw material.</i>

LIVING EARTH STANDARD TERMINOLOGY V2.DOCX

PATTLE DELAMORE PARTNERS LTD

CHRISTCHURCH CITY COUNCIL

Living Earth Reporting - Standard Terminology			
Term	Definition	Site Context	Odour Descriptions
<i>Biofilter</i>	Two biofilters on the site: 1. The large biofilter treats ventilation and process air from the OPP - Processing Hall and IVC tunnels. 2. The small biofilter treats ventilation air from the Main Screen.	The biofilters use a bark media to host microbes that consume and help degrade compounds from air. <i>The small biofilter was added after the plant opened and is not a requirement of the original consent.</i>	<i>The Biofilter descriptor refers to treated odour discharged from the relevant biofilter.</i>
<i>Unscreened Compost</i>	Refers to compost from the composting tunnels, prior to screening.	Unscreened compost is removed from the tunnels and stored on-site prior to screening.	<i>The Compost descriptor relates to the character observed from this material and other stockpiles on-site which generally are indistinguishable in character downwind.</i>
<i>Screening</i>	Screening separates the compost into: 1. Fines, which are removed from the site, and 2. Tailings, for reintroduction into the tunnel composting process.	Unscreened compost is removed from the tunnels and processed through the Main Screen.	
<i>Main Screen</i>	Screens the material.	The main screen is partially enclosed in a building. The building air is extracted for treatment in the Small Biofilter. If the Main Screen requires maintenance or repairs, a mobile screen is used.	<i>The character of the Compost odour during screening has not been differentiated from that of the on-site stockpiles.</i>

LIVING EARTH STANDARD TERMINOLOGY V2.DOCX

PATTLE DELAMORE PARTNERS LTD

CHRISTCHURCH CITY COUNCIL

Living Earth Reporting - Standard Terminology			
Term	Definition	Site Context	Odour Descriptions
<i>Fines</i>	The fine material separated during screening.	This material is removed from the site. Currently a majority of this material is removed by Fulton Hogan and spread on the oxidation pond paddocks of the Christchurch Wastewater Treatment Plant (CWTP). This is part of their native planting programme to address issues with midges.	<i>The Compost descriptor relates to the character observed from this material and other stockpiles on-site which generally are indistinguishable in character downwind.</i>
<i>Tailings</i>	The larger compost material separated during screening.	This material is stored on site before being reintroduced into the process and the tunnels. Tailings, like GW, support the composting process by providing porosity and carbon for the carbon to nitrogen ratio.	<i>The Compost descriptor relates to the character observed from this material and other stockpiles on-site which generally are indistinguishable in character downwind.</i>

LIVING EARTH STANDARD TERMINOLOGY V2.DOCX

PATTLE DELAMORE PARTNERS LTD

Shortlist options for kerbside organics for 3-5year interim period

No.	Description	Time to implement	Estimated cost (NPV 5yr)	Capex	Opex	Rates % increase (2 years)	GHG emissions total kgCO2-e increases from OPP baseline	Behaviour change risk	Alignment with Council and Govt policy	Engagement	Risk of offensive and objectionable odour at OPP
Landfill											
E1 (a)	Landfill: Shift to Kate Valley asap, composting as much elsewhere as currently can in the meantime	LTP June 2024 – 1yr for resource consent.	+\$68m	+\$260,000	+\$68.3m	3.4/-2.0	+90,162,321	High	No	Yes	Low then nil.
E1 (b)	Landfill: Send as much to Kate Valley as soon as possible, and continue composting at the OPP in the meantime	LTP June 2024 – 1 yr for resource consent	+ \$27m	+\$260,000	+\$26.5m	0.7/Nil	+89,503,054	High	No	Yes	Medium and lowering to nil.
Compost Elsewhere											
B1 & B3	Composter/ wormfarm in Nth Island, composting at OPP plus Kate Valley in the meantime)	B1 -LTP and 1yr consenting B3 – Dec 2023.	B3 - +\$181m	+\$260,000	+\$180.7m	3.3/1/3	B3 +19,765,560	No.	Composting – yes Emissions - no	Yes	Medium and then nil.
Compost at OPP											
A1	Implement lessons learnt	Now	\$112m baseline	\$2.6m baseline	\$109.2m baseline	0.01/0.02	48,232,950 baseline	No	Yes	No	medium
A2 (a) & (b)	Enclosed second screen (existing building/new building)	5-6 months	+\$6m-\$17m	+Nil-\$17m	+Nil-\$6m	0.1/0.2	No change	Poss yes re Kate Valley		No	Medium-Low?
A4	Ideal quantity at OPP and balance to Kate Valley (and other composters if necessary)	LTP June 2024 – 1 yr for resource consents	+\$24m	Nil	+\$24m	0.5/Nil	+1,775,838	Poss yes re Kate Valley?	Not re Kate Valley	Yes	Medium-low?
A5	(further investigate) Partial process onsite, finish at another composter (Intelligro/Canterbury Landscape Supplies)	Dec 2023 plus resource consents and setup	+\$38m/\$91m	+\$26m/\$75m	+\$11m/\$18m	0.2/0.5 0.4/1.1	+89,000/1,900,000	No	Yes	No	Low
B4	As for A4, but balance to other composters	Dec 2023 - and 1 yr for resource consents	+\$46m	Nil	+\$46m	1.9/-0.1	+2,084,139	No	Partial – emissions?	Yes	Medium-low?

Landfill

- E1(a) Nth Isl composter and wormfarm taking the maximum that they are able to (approximately 30,000 tonnes pa), Kate Valley takes the maximum that it is able to (currently 12-18,000 tonnes pa, unless it gets a resource consent change) and OPP processes the balance. The balance might be small enough to all be processed inside. Then over time, as the consented capacity at **Kate Valley** increases, then amount to Nth Island and to OPP reduces.
- E1(b) As for (a), but not using other composters: The composting at OPP goes down as the consented truck movements to Kate Valley go up. There is no significant change to the OPP operation in the meantime. The different between this and A4 is that the objective here is to cease using this site and send all to Kate Valley, whereas the A4 objective is to continue using the site with a “sweet spot” quantity and send the balance to Kate Valley.

Compost/ wormfarm elsewhere

- Envirofert has a consented mixed use composting site, and are interested in seeking a variation of resource consent to take the Council’s kerbside organics. Compost at OPP until that is established – plus maximising sending to Kate Valley until it is established.
- Sending all to a single composter in the Nth Isl – Envirofert – will be higher in cost and emissions than the B3 option.
- **Plus further investigate the time needed for other local operators to get resource consent to compost all mixed kerbside organics. Possible that might take up to 2 years – but there might be exceptions that could do it faster.**

Compost at OPP

- A1 lessons learnt: the changes are: Equipment - Biofilter refurbishment; Tunnel door replacements; Crambo cutter replacement ; Screen infeed hopper refurbishment ;Loader bucket refurbishment. Process: Daily tailings removal from site; Increase green waste input; Increase carbon input; Probiotic input; Daily fines loadout to the on market and CWTP. New Adaptive Management Plan.
- A2: (a) Enclose a second screen in a building so that 2 screens are operating concurrently. Or move a relocatable screen from outdoors to inside the existing building at night so that can operate the site 24 hours. Increases the throughput so that there is no outdoor storage of material inbetween the tunnels and the screening. Send the balance to Kate Valley.
- A4 Achieve an ideal quantity processed onsite so that there is no outdoor storage and a maximum effectiveness of the composting indoors. That is approximately 35,000 tonnes pa and a maximum of 200 tonnes per day. Volume not yet confirmed with operator. Send the balance to Kate Valley to the maximum capacity in its resource consents – and remainder to Noth Isl composter and wormfarm.
- A5 option to further investigate: Don’t do the second screen and maturation on the site. Don’t have anything on the site waiting to be processed indoors. Material goes through initial screen and tunnels inside and then is picked up inside and transported to a commercial operator who then finishes the composting process (or markets the material as is). Means there is no outdoor storage. Any offsite commercial operator needs resource consent for this. Could take 1-2 years. Investigate whether any operators could establish sooner.
- **Press liquid separator** – this remains an option worth investigating. The drier compost is half original tonnage. Capex is \$600,000 and Opex is +\$10-\$13m. The pressing would happen at the OPP.

19 May 2023

miriama@parakore.maori.nz

bailey.peryman@rakaihautu.com

Response to CCC Staff: Organics Options

Compiled by Bailey Peryman, Miriama Buchanan (Para Kore), and Gina-Lee Duncan (Te Pūtahitanga o Te Waipounamu).

Summary for CCC Staff

Introducing Pā Wairākau

Pā Wairākau is a community solution for local organics collections, processing and distribution. Pā Wairākau is led by a kaupapa Māori indigenous approach, to restore the fragile ecosystem that alternately supports life and well being. This is a cost-effective approach to providing a solution to the urgent problems with the Ōtautahi Organics Processing Plant in both the interim and the long-term. Success in Ōtautahi has the potential to provide:

- Diversion for **19,100 tonnes per annum** from the Organics Processing Plant (OPP) - established over the next 5 years.
- Improved levels of service for organics.
- A legacy of transformative organics infrastructure that complements a future OPP
- Reach 40+ Koanga Kai¹ and 77 Para Kore² supported entities throughout Te Waipounamu, enhancing Council-community relations in multiple localities.

A mātauranga led approach to organics

Pā Wairākau also brings a mātauranga led development approach that is inclusive of whānau, hapū and iwi. This approach is more than a simple opportunity for community enterprise or business as usual. It is about restoring broken and distorted connections with the living entities that reside in the Taiao, beginning with Papatūānuku, and the many other entities that tangata whenua have kinship ties to through whakapapa. In some instances, this disconnection is multiple generations deep and will take time to repair - but that process needs to begin nonetheless and so here we are.

Connecting organic waste management to self-determination

The importance of food, soil and seed sovereignty for self-determination begins with an understanding of ancestral lineages of soil, and how we impact Papatūānuku. The opportunity to negotiate a pilot scheme within the east side of Christchurch and on Te Pātaka o Rākaihautū would be a safe investment in the direction of enhancing self-determination for local communities.

Further, we believe our solution will reduce the cost to ratepayers of the relocated OPP and reduce the time residents have to wait for relief from odour problems with the current OPP. Below, we have provided responses to the pātai sent to us by CCC Resource Recovery staff.

¹ <https://www.teputahitanga.org/what-we-do/funding/koanga/>

² <https://www.parakore.maori.nz/>

19 May 2023

miriama@parakore.maori.nz

bailey.peryman@rakaihautu.com

The immediate support we need to scope and plan for delivering organics diversion is as follows -

- **A feasibility study** produced by our mātauranga-led collective working in collaboration with CCC Resource Recovery staff and Canterbury Joint Waste Committee (CJWC) representatives to provide safe, sanitary, reliable, flexible and well-maintained organics services - including:
 - Appropriate consultation and engagement with existing whānau, hapū and Iwi leadership bodies.
 - Coordination with other community/hāpori entities already canvassed by CCC Resource Recovery staff to network potential solutions.
 - Integration with WMMPs across the region, via the CJWC coordinator, and other relevant strategies, including endorsement of an application of the Ministry for the Environment's Waste Minimisation Fund³.
 - Detailed design and delivery for organics diversion within geographic areas and appropriate regulatory parameters.
 - **Cost: 0.8 FTE + expenses for 12 weeks: \$59,400⁴**

He Pātai - CCC Resource Recovery - Organics Options

Name you wish to be referred to as.

Pā Wairākau ~ Pā Wairākau is a working title for this project that affirms the mana of Pā as permanent settlements, the mana of Pā as appropriate place and scale to manage wairākau (composting of organics), and Pā as places to connect with Te Ao Turoa.

How much Garden and Organic material could you receive and process?

We could process approximately 19,100 tonnes per annum or 26% of the 71,000 tonnes currently collected by the CCC Organics system. To identify the materials and volumes we could receive and process we have used our own experience, recent MfE and industry research data, the CCC WMMP 2020, Jacobs report *The Future of Organics*⁵ and Addendums to the EOI for Ōtautahi Organics Solutions (Oct 2022).

³ Our collective is a part of a nationwide coalition that has a bid at the EOI stage of the WMF. This is already supported by Chair Peter Scott of the Canterbury Regional Council.

⁴ Guidance for contractor costing, p. 36:

https://christchurch.infocouncil.biz/Open/2022/09/CJWC_20220905_AGN_8167_AT.PDF

⁵ https://christchurch.infocouncil.biz/Open/2022/04/FPCO_20220428_AGN_7512_AT_SUP_files/FPCO_20220428_AGN_7512_AT_SUP_Attachment_35679_1.PDF

19 May 2023

miriama@parakore.maori.nz
bailey.peryman@rakaihautu.com

Assumptions:

- Our communities will provide or identify suitable land.
- Some land may be public open space suited for small to medium scale processing e.g. Ōtākaro Avon River Corridor, HAIL sites, closed landfills requiring remediation to avoid leaching and breaching into the taiao (e.g. those at risk of rising sea levels in the areas surrounding Te Ihutai).
- The current OPP has the capacity to pre-process Garden Organics (screen for metals and stones, then shred) before delivering to community sites.
- Additional pre-processing capacity for Food Scraps and Pre-consumer food waste can be created through co-investment by CJWC parties, the MfE WMF, and our communities.
- New food scraps collections can be piloted in well-defined local areas and rolled out in Ōtautahi, reducing the Food Organics (FO) material component in existing Kerbside Organics collections and therefore the burden of processing this material in the OPP [noting that we think these collections will be better suited to the future urban form of Greater Christchurch as per the most recent draft spatial plan⁶].
- Council will agree to support EcoCentral to implement separate material streams at transfer stations for:
 - Harakeke and Ti Kouka will be accepted when separated by the public and commercial operators.
 - Grass Clippings from Garden Organics dropoffs - this material is a problem for odours and residual pesticide contamination.

Table 1: Summary of annual tonnages and materials compatible with a mātauranga led organics system

Material	Annual Tonnage
Kerbside Household Food Scraps [proposed new collection]	2,400
Pre-consumer food waste [existing commercial collections]	5,000
Garden Organics [existing dropoffs at existing EcoDrops / transfer stations]	10,000
Woodchips	700
Harakeke and Ti Kouka	1,000
TOTAL	19,100

6

<https://ccc.govt.nz/assets/Documents/greaterchristchurch-/HuiHui-Mai/DRAFT-Greater-Christchurch-Spatial-Plan-being-considered-by-the-Whakawhanake-Kainga-Komiti-12-May-2023-.pdf>

19 May 2023

miriama@parakore.maori.nz
bailey.peryman@rakaihautu.com

Can it be comingled or does it need to be separated?

Source separation of organic materials enables both a greater diversity of processing options and beneficial re-uses for organics. This is particularly important when applied through dialogue with the taiao specific needs of a site. Additionally, there are tikanga that need to be observed in the separation of some organic waste that we can discuss at a more advanced stage of this project.

Garden Organics can be comingled and need to be shredded first [e.g. GO and Commercial Greenwaste received at transfer stations is shredded by CCC at the OPP then trucked to our sites].

Compostable Packaging will need to be excluded in Council kerbside collections as per MfE requirements.

Arborist mulch can be comingled with Tī Kouka and Harakeke.

Where is the general area(s) the organic material needs to be delivered to?

Locations to be shared following commitment to a Partnership Agreement and resourcing for Feasibility Study. To start with we would prioritise multiple sites to the east of Ōtautahi and Te Pātaka o Rākaihautū.

How would you like to receive this material?

This information would be clarified in a feasibility study.

Flexibility is needed from CCC to support the upholding of tikanga Māori such as whakawhanaungatanga, manaakitanga and hononga where organic materials are going to be exchanged between our communities and the CCC systems. This is paramount to a strong ongoing partnership as mentioned above we are seeking. We will need to consciously work together to connect two worlds where one is working to care for Papatūānuku and the other is seeking to dispose of organic waste.

In action at each of the hubs, this tikanga underpins the places where respectful connections are formed around making caring actions for Papatūānuku. This is essential for supporting people to have a positive relationship and actual connection with the materials we are consuming and producing as 'waste'. The goal is to reach a stage of maramatanga/ enlightenment of people and our relationship with ourselves, the whenua we walk on and the ancestors we descend from.

In some locations, we would prefer to be leading and doing collections on a small scale, and in other instances, receiving materials from Council and larger commercial contractors is suitable.

19 May 2023

miriama@parakore.maori.nz

bailey.peryman@rakaihautu.com

Do you have a ballpark figure for what capital costs and equipment you would need to receive and process this material? Tell us everything you can think of, from machinery to vehicles, etc.

This information would be clarified in a feasibility study. We are assuming that some of these costs can be co-funded by the MfE WMF. Using our own experience, research and indicative costings produced by Aotearoa Composters Network (c/- Zero Waste Network) we have produced the following estimates.

Micro/Education Hubs [up to 30 tonnes per annum] c. \$15,000 / hub - 50 hubs

- associated with Kura, Marae and urban sites with limited land area available for processing
 - critical for education and intergenerational connectivity
 - servicing materials produced on-site or dropped off by whānau / local community
- CAPEX: \$750,000

Small Hubs [500-1000 tonnes per annum] c. \$450,000/hub - 6 hubs

- on-farm or larger sites (4+ hectares)
 - serviced by deliveries from Commercial contractors, CCC OPP and Transfer Sites
- CAPEX: \$2.7M

Medium Hubs [1000-4000 tonnes per annum] c. \$300,000/hub - 3-4 hubs

- pre-processing of FO material
 - partly serviced by deliveries from Commercial contractors
 - can be co-located with small hubs where Taiao-appropriate factors are present
- CAPEX: \$900,000 - \$1.2M

TOTAL CAPEX: \$4,650,000

Do you have a ballpark figure for what operational costs you would need to receive and process this material?

This information would be clarified in a feasibility study. We are assuming that some of these costs can be co-funded by the MfE WMF for at least an establishment phase of approximately 5 years.

Micro/Education Hubs would be the main cost centre for operating expenses as these require Kaimahi to coordinate and deliver educational services. This would include education for home and other community organics initiatives. As an estimate, we anticipate 12 FTE staff beginning at \$80,000 per staff member (incl. administration and overheads) - a total of \$960,000 per annum.

19 May 2023

miriama@parakore.maori.nz
bailey.peryman@rakaihautu.com

Small and Medium Hubs could be viable with a combination of user-pays/gate fees, a proportion of the Targeted Rate for Waste Minimisation and TA-specific WMF funding (e.g. increasing waste levy returns coming online FY24-25 onwards).

Additional resourcing and financial support through partnerships with our communities, Trusts and typical philanthropic sources could also be considered, but is not expected to make up more than a minor portion of OPEX (e.g. 2-5%).

NB: while many community-based operations are run using voluntary labour and community grants, this is not reliable or sustainable in the long term when considering the transformative intent of our system. Funding and contract lengths that are equitable to that awarded to commercial contractors is our baseline expectation.

Additional staff members, marketing/communication material, etc.

This is mostly answered above and will be clarified in the Feasibility Report. We assume that the MfE WMF allocations specific to rollout of new organics infrastructure by Councils will be compatible for the purpose of widespread education.

We need people in comms / education capacities leading the rollout of new services or any changes expected of households in the communities we will service. This is a core area that Para Kore is equipped to lead. We assume resourcing of this will need to factor in building capacity and capability of people to meet demand.

It is worth noting that an appropriate consideration for the scale of the communication and behaviour change task is the damage to the social licence for composting at any scale caused by the existing CCC OPP and media reporting of pollution from other commercial composters nationwide. On top of this, for decades, Council-led waste management services have treated organics as 'waste' and perpetuated a mentality of separation between households and their 'wastes' - irrespective of the merits of composting done by the existing OPP - a commendable improvement on landfilling of organics up until the early 2000s.

What are the cultural benefits and impacts of your system/process?

Collaboration and mātauranga Māori-led project that encompasses well established relationships with Iwi, Hapu and community leadership. Ko au ko koe, mo te katoa. A strong component that we will be educating on is the Para Kore, Te Waka Kai Ora and Whānau Ora kaupapa that ground and inspire this project. To facilitate a reconnection between the whenua and the people through the practice of composting.

Inspiring the communities through education, diversifying understandings of soil that will help to clarify its connection tissue to wider systems to sustain life mō tātou ā mō ka uri, ā, muri ake nei and a Māori

19 May 2023

miriama@parakore.maori.nz
bailey.peryman@rakaihautu.com

world view of the Atua relationships to these places. A real relationship between people, soil and our senses creating a connection to support wider health benefits. It is an ecosystem from whakapapa to the future of generations to come. The community will learn the mana within soil and all it contains for, with, and as a human resource.

Waste is a concept and practice that is incoherent with a Te Ao Māori worldview. Our systems and processes are designed from a perspective that intends to make 'waste management' redundant as a practice.

What are the environmental benefits and impacts of your system/process?

Mātauranga-led approaches to organics are more inclusive of materials that are problematic for industrial and commercial systems. For example, a system that breaks the natural return of Indigenous biomass to soil is unacceptable. Harakeke and Ti Kouka are valued intrinsically in our systems as part of Te Ao Turoa, including culturally as species with rich whakapapa.

What are the social benefits and impacts of your system/process?

Mātauranga-led organics initiatives support communities. An organic state that can educate people to be aware of the contribution to a wider solution, from all they participate in. An approach that will connect to transformation of waste to food. And food does not discriminate.

Recognition of the links between healthy soils and healthy people requires an understanding of the various interconnected and unified understanding of Te Ao Maori, and what works for Māori works for all.

Investment in education, marketing and communications through a comprehensive approach to community and mātauranga-led organics can generate additional behaviour changes across the entire resource recovery portfolio and potentially into additional benefits for civic amenity, inclusivity and participation.

Can you identify any perceived/actual risks to your system/process?

A large-scale industrial solution is the preferred option for organics processing in Ōtautahi. This could result in 15+ year contracts for organics collections that take organic materials away from local communities seeking to utilise organic materials as a resource for building soil sovereignty - a foundational component of food security, community resilience, wellbeing and self-determination.

We need the Council to urgently fund a feasibility study that assesses the capacity and capability for small and medium scale organics systems as part of an integrated, mātauranga-led approach to resolving the current issues with the OPP. Currently, there is no pathway for small and medium scale solutions to

19 May 2023

miriama@parakore.maori.nz
bailey.peryman@rakaihautu.com

access resourcing and often these entities are community-led and lack the resources of fully commercial operators, creating a barrier to participation in Council procurement processes.

This is an inequity that is leading to bias towards commercial and industrial solutions that profit from the city and region's waste system, instead of investing in design and mātauranga māori led approaches to achieving zero waste. Even if this is an intergenerational journey - we have our priorities upside down and Council's responsibility in correcting this is to direct staff to properly resource and engage with our team to collate the relevant information and collaborate across the relevant internal and external stakeholders to develop a robust solution. This approach would not only address the current issues affecting the OPP, but also address gaps in the level of service currently offered, e.g. for Te Pātaka o Rākaihautū.

Anything else you think is relevant.

We want to have a tour of the current OPP to learn more about the whakapapa of the problem with that facility and what responsibilities CCC are hoping that communities can take on.

Plenty of research supports localised approach -

https://www.linkedin.com/posts/jenny-marshall-3965642b_foodwaste-composting-recycling-activity-7061737372962476032-dMX1?utm_source=share&utm_medium=member_android

Refer to the national-level coalition we are connected to/a part of and where this is at with the Ministry for Environment in terms of support available for infrastructure setup for new organics services (including processing and collections, and some comms material). Receiving advice on this from Joshua Wilson (Ministry for Environment Waste Infrastructure Delivery lead, also a part of Waste Minimisation Fund team) and Ella van Gool (Ministry for Environment Senior Advisor Relationships, Waste Minimisation Fund).

Letter of Support available on request from Chair of Canterbury Regional Council, Peter Scott.

Proposal to work with CityCare Property to develop existing small-medium scale organics pilot in ŌARC and create a new disposal bay at Transfer Stations for fibrous organics [e.g. Harakeke, Tī Kouka] separated by public / commercial operators.

http://zerowaste.co.nz/assets/Organic-Waste-in-Landfill_discussion-doc-2021.pdf

https://zerowaste.co.nz/resource_library/organics-models-in-aotearoa-nz/

6. Otukaikino Stormwater Management Plan

Reference / Te Tohutoro: 23/817349

Report of / Te Pou
Matua:

Paul Dickson, Drainage Engineer, paul.dickson@ccc.govt.nz

Senior Manager /
Pouwhakarae:

Mary Richardson, General Manager Citizens & Community
(Mary.Richardson@ccc.govt.nz)

1. Nature of Decision or Issue and Report Origin

- 1.1 The Ōtukaikino Stormwater Management Plan is presented for Council adoption ahead of its submission to Canterbury Regional Council by the deadline 30 June 2023.
- 1.2 The Stormwater Management Plan is a requirement of the Comprehensive Stormwater Network Discharge Consent CRC231955 (Comprehensive Consent) that was granted to the Council by Canterbury Regional Council on 20 December 2019. Condition 4 of the consent requires Council to develop stormwater management plans across the City, and settlements of Te Pātaka o Rākahautū-Banks Peninsula where there are stormwater networks.
- 1.3 The decision in this report is of medium-to-high significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by considering the requirements under the comprehensive consent, the significance of stormwater management to mana whenua, the degree of expressed public interest in stormwater management, previous Councillor interest, and the quantum of funding during the term of the Stormwater Management Plan (SMP).

2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Receive the attached Ōtukaikino Stormwater Management Plan (Attachment A to this report).
2. Adopt the Ōtukaikino Stormwater Management Plan (Attachment A to this report).

3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 So that the Council can submit the finalised Ōtukaikino Stormwater Management Plan to Canterbury Regional Council by 30 June 2023, as required by the Comprehensive Consent.

4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 Two options were considered. Option A – compliance and aspirational and Option B – compliance.
- 4.2 A plan corresponding to Option A would develop aspirational storm-water quality and quantity management contaminant load reduction targets to be affected by a range of measures. This option was generally preferred by consultees. However, Option A involved committing the Council to (a) currently unfunded actions, (b) water quality and quantity improvement programmes that while ideal are not practicable or definitely attainable, and (c) contaminant reduction methods that would need to obtain legal support. It was concluded that the risks for the Council of adopting this option were too high.

- 4.3 This plan has been developed from the second (compliance) Option B. It (a) complies with all consent conditions, (b) achieves a good level of contaminant reduction, (c) adopts a programme of capital work already in the Long Term Plan and (d) introduces regulatory processes that are within the Council's powers under the Local Government Act. The plan does not preclude additional Council funding to achieve enhanced levels of storm-water treatment.

5. Detail Te Whakamahuki

- 5.1 The stormwater management plan was developed in consultation with parties specified in the conditions of the Comprehensive Consent:
- Te Ngai Tūahuriri Rūnanga
 - The Christchurch-West Melton Water Management Zone Committee
 - The Waimāero Fendalton-Waimairi-Harewood Community Board
 - The Waitai Coastal-Burwood-Linwood Community Board
 - The Department of Conservation
 - The Canterbury Regional Council Regional Engineer
- 5.2 The decision affects the following wards/Community Board areas:
- Waimāero Fendalton-Waimairi-Harewood Community Board
 - Waitai Coastal-Burwood-Linwood Community Board
- 5.3 Consultation started on 7 March 2023 and ran until 2 May 2023. An email was sent to 102 key stakeholders, including key government agencies, representatives for rūnanga, local residents' associations, water industry and not for profit groups, environmental networks and local businesses within the Ōtūkaikino catchment. The consultation was posted on the council Facebook page, inviting submissions on the [Have Your Say webpage](#).
- 5.4 Consultation documents were delivered to Redwood and Fendalton Libraries, as well as the Civic Offices in March 2023, and were subsequently redelivered twice to these locations in April 2023.
- 5.5 Submissions were made by 1 Community Board (Waimāero Fendalton-Waimairi-Harewood Community Board), 1 recognised organisation, 1 business and 3 individuals.
- 5.6 Key issues raised by submitters are addressed in Attachment A.
- 5.7 Material to be supplied by the Christchurch International Airport Company Limited is still to arrive for inclusion as Appendix G (Bird strike management advice).

6. Policy Framework Implications Ngā Hīraunga ā- Kaupapa here

Strategic Alignment Te Rautaki Tīaroaro

- 6.1 This report supports the [Council's Long Term Plan \(2021 - 2031\)](#):
- 6.2 Stormwater Drainage
- 6.2.1 Activity: Stormwater Drainage
- Level of Service: 14.0.2.4 Council manages the stormwater network in a responsible and sustainable manner: Number of infringement notices regarding Council resource consents related to discharges from the stormwater networks per year - 0 infringement notices

- Level of Service: 14.0.2.1 Council manages the stormwater network in a responsible and sustainable manner: Number of abatement notices regarding Council resource consents related to discharges from the stormwater networks per year - 0 abatement notices

6.3 Flood Protection and Control Works

6.3.1 Activity: Flood Protection and Control Works

- Level of Service: 14.1.7.1 Reduce pollution of waterbodies from discharge of urban contaminants to waterways: Annual rolling average reduction in the discharge of zinc/copper/Total Suspended Solids (TSS) to be equal or greater than that required to meet the reduction set in the Comprehensive Stormwater Network Discharge Consent (CSNDC) for 2023 and 2028, derived through contaminant load reduction modelling of the stormwater treatment facilities which have been installed - Pass

Policy Consistency Te Whai Kaupapa here

- 6.4 The decision is consistent with Council's Plans and Policies, being a plan generated for the purpose of statutory compliance.

Impact on Mana Whenua Ngā Whai Take Mana Whenua

- 6.5 The Council is required to work in partnership with Papatipu Rūnanga, with assistance from Mahaanui Kurataiao Ltd, to implement the Comprehensive Consent. The Comprehensive Consent deals with a wide range of significant decisions to be made in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Mana Whenua, their culture and traditions.
- 6.6 The decision involves a matter of interest to Mana Whenua and could impact on our agreed partnership priorities with Ngā Papatipu Rūnanga
- 6.7 The impact on Mana Whenua can be assessed with reference to Policies and Issues in the Maahanui Iwi Management Plan which states expected outcomes for activities covered by the stormwater management plan. The plan acknowledges the Iwi Management Plan policies but cannot deliver on some issues due to constraints on its scope. This may limit Mana Whenua support as indicated by Mahaanui Kurataiao Ltd in early commentary in relation to its Position Statement.
- 6.8 A position statement is to be supplied by Mahaanui Kurataiao Ltd on behalf of Te Ngāi Tūāhuriri Rūnanga in lieu of consultation. The Position Statement is awaited.
- 6.9 The Council is working, with assistance from Maahanui Kurataiao Ltd, to ensure that implementation of the plan enhances mana whenua values where possible as outlined in the Maahanui Iwi Management Plan objectives.

Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

- 6.10 Climate change is taken into account in design rainfall intensities.

Accessibility Considerations Ngā Whai Whakaaro mā te Hunga Hauā

- 6.11 Accessibility is not relevant to this plan.

7. Resource Implications Ngā Hīraunga Rauemi

Capex/Opex Ngā Utu Whakahaere

- 7.1 Cost to Implement - this Stormwater Management Plan does not initiate any additional capital projects.

- 7.2 Maintenance/Ongoing costs - operational costs are business as usual, however operating costs will increase as new treatment basins are built.
- 7.3 Funding Source – The funding for implementing the SMP is held within existing projects and programmes in the current 2021-31 Long Term Plan.

Other He mea anō

- 7.4 Not relevant.

8. Legal Implications Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report Te Manatū Whakahaere Kaupapa

- 8.1 Local Government Act 2002.



Other Legal Implications Ētahi atu Hīraunga-ā-Ture

- 8.2 There is no legal context, issue or implication relevant to this decision because the stormwater management plan is produced to enable the Council to comply with a resource consent condition under the Resource Management Act.
- 8.3 This report has been reviewed and approved by the Legal Services Unit.

9. Risk Management Implications Ngā Hīraunga Tūraru

- 9.1 The Canterbury Regional Council may question aspects of the stormwater management plan including how targets were set for contaminant load mitigation. In this case the two organisations can discuss how targets could be revised. This could also happen at any stage after the plan has been submitted within its ten year review period as more effective treatment/mitigation options become available.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A 	Attachment to report 23/732236 (Title: Submission Table (Public - issues and responses)) <i>(Under Separate Cover)</i>	23/789631	
B 	Attachment to report 23/732236 (Title: Otukaikino Stormwater Management Plan SMP to Council)) <i>(Under Separate Cover)</i>	20/1027631	

In addition to the attached documents, the following background information is available:

Document Name – Location / File Link
Consultation version of the draft Ōtukaikino Stormwater Management Plan https://ccc.govt.nz/the-council/haveyoursay/show/574

Confirmation of Statutory Compliance Te Whakatūturutanga ā-Ture

- Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
- (a) This report contains:
- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and

- | |
|--|
| <p>(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.</p> <p>(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.</p> |
|--|

Signatories Ngā Kaiwaitohu

Authors	Paul Dickson - Drainage Engineer Kevin McDonnell - Team Leader Asset Planning
Approved By	Brent Smith - Acting Head of Three Waters Mary Richardson - General Manager Citizens & Community

7. Review of the Cruising and Prohibited Times on Roads Bylaw and proposed consultation on replacement bylaw

Reference / Te Tohutoro: 23/208488

Report of / Te Pou
Matua:

Teena Crocker, Senior Policy Analyst, teena.crocker@ccc.govt.nz
Andrew Hensley, Traffic Engineer, andrew.hensley@ccc.govt.nz
Kirstie Watts, Solicitor, kirstie.watts@ccc.govt.nz
Stephen Wright, Manager Transport Operations,
stephen.wright@ccc.govt.nz

General Manager /
Pouwhakarae:

Mary Richardson, General Manager Citizens & Community
(Mary.Richardson@ccc.govt.nz)

1. Nature of Decision or Issue and Report Origin

- 1.1 Legislation requires the Council to regularly review its bylaws. This review is being completed to comply with legislative requirements. The Cruising and Prohibited Times on Roads Bylaw 2014 regulates two activities related to antisocial road user behaviour, and complements other powers the Police have to address associated activities. The bylaw is made under the Land Transport Act 1998 and the Local Government Act 2002. Some changes are being proposed to improve and update the bylaw. If the Council agrees to the proposed changes, we will proceed with public consultation.
- 1.2 This report is staff generated, to ensure the Council complies with its legislative obligations to review bylaws.
- 1.3 The decisions in this report are of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by the proposed changes to the bylaw being only minor updates and improvements. Section 156 of the Local Government Act 2002 sets out the consultation requirements for making, amending or revoking bylaws, and for this bylaw, requires that consultation is undertaken in a manner that gives effect to the requirements of section 82 of the Act.

2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Note that:
 - a. the Cruising and Prohibited Times on Roads Bylaw 2014 enables the Council to specify roads where cruising is prohibited, and roads where night-time access is prohibited, and to specify days and times when these prohibitions apply, in order to reduce the potential for antisocial road user activities;
 - b. the bylaw is made using bylaw-making powers in the Land Transport Act 1998 (cruising) and the Local Government Act 2002 (prohibited times on roads);
 - c. the bylaw must be reviewed to comply with section 159 of the Local Government Act 2002, and in accordance with the bylaw review procedure set out in section 160 of the Local Government Act 2002; and
 - d. section 155 of the Local Government Act 2002 requires that a council makes certain determinations as to the appropriateness of the bylaw as part of the review process.

2. Determine, in accordance with the requirements of section 155, this report and the attached documents (as outlined in Section 5.2 of this report), that:
 - a. the bylaw is the most appropriate way of addressing the identified problems;
 - b. the bylaw is the most appropriate form of bylaw; and that
 - c. the bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990, but none that are inconsistent with that Act, as is the required test.
3. Agree that:
 - a. public consultation on the proposed changes to the bylaw can be undertaken to seek the community's views, in accordance with section 156(1)(b) of the Local Government Act 2002;
 - b. the bylaw, reasons for the changes, and information relating to the section 155 determinations, will be made available as part of the consultation process, in accordance with section 160 of the Local Government Act 2002; and that
 - c. the same public consultation can seek views on the registers that lists the roads regulated by the bylaw, and on the replacement policy for prohibited times on roads.

3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 The Local Government Act 2002 sets out certain requirements relating to the review of bylaws. The recommendations above reflect those requirements.

4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 There are three likely options resulting from a bylaw review:
- the bylaw is appropriate in its current form and no changes are recommended;
 - the bylaw remains necessary, and some changes are recommended; or
 - the bylaw is no longer necessary and revocation is recommended.
- 4.2 Regardless of which of these outcomes is the case, the Local Government Act 2002 requires public consultation as part of the review process (section 160).
- 4.3 The preferred option is that the Cruising and Prohibited Times on Roads Bylaw is updated and improved, with some minor changes being recommended. Details are set out below and in the attached documents. The attached clause-by-clause analysis sets out the proposed changes and reasons for the changes.

5. Detail Te Whakamahuki

- 5.1 The review has considered the bylaw, the roads contained on its registers, and an associated policy. The bylaw provides the legal mechanism for the Council to regulate roads, the registers list the roads the bylaw regulates, and the policy sets out how roads may be added/removed as new issues arise.
- 5.2 The detail of the review of the Cruising and Prohibited Times on Roads Bylaw is contained in attachments to this report:

Bylaw review report Attachment A	<ul style="list-style-type: none">• Sets out the bylaw-making powers and penalties• Describes the activities the bylaw regulates and evidence of the activities that require regulation
--	--

	<ul style="list-style-type: none"> Sets out proposed changes to the roads regulated by the bylaw, and reasons for the proposed changes Contains the section 155 analysis, including the New Zealand Bill of Rights Act 1990 assessment
Clause-by-clause analysis Attachment B	<ul style="list-style-type: none"> Analyses the current bylaw Contains commentary and staff advice on proposed changes Analyses the Prohibited Times on Roads Policy
Proposed replacement bylaw Attachment C	<ul style="list-style-type: none"> Sets out the 2014 bylaw, inserted into the updated bylaw template, with the recommended changes incorporated to form a replacement 2023 bylaw (for consultation) Changes are indicated with a blue background. Detail on the changes is contained in the clause-by-clause analysis
Updated registers Attachment D	<ul style="list-style-type: none"> Sets out the two registers associated with the bylaw. These specify roads where the Council has previously resolved to: <ul style="list-style-type: none"> prohibit cruising; or prohibit night-time access for light vehicles. Includes the proposed changes to the roads regulated by the bylaw
Proposed replacement policy Attachment E	<ul style="list-style-type: none"> Sets out guidance associated with adding, removing or altering roads where night-time access for light vehicles is prohibited Would replace the Prohibited Times on Roads Policy

6. Proposed changes to the bylaw and the roads it regulates

6.1 The recommended changes are set out in more detail in the attachments to this report, but in summary, they are:

- updating and modernising the format and language of the bylaw;
- clarifying that the bylaw is a “qualifying bylaw” by definition under the Land Transport Act 1998, which means that warning notices can be issued for a breach of the bylaw, and that a further breach can result in a vehicle being seized and impounded by Police;
- adding to the list of access exemptions that apply to the prohibited times on roads clauses to better reflect legitimate access during prohibited times (e.g., deliveries and the increasing use of ride share vehicles); and
- updating of the Prohibited Times on Roads Policy (which gives guidance on the process to add or amend roads, or to remove existing roads from the coverage of the bylaw).

6.2 We recommend adding roads in Hornby, Sockburn, and near Christchurch International Airport so that they have Prohibited Times on Roads restrictions in place. These roads have become problem locations for antisocial road user activities. Inclusion of these roads is supported by the Police:

- Establishment Drive, Depot Street, Headquarters Place, Quadrant Drive, Aruhe Road and Mania Road (Hornby South); part of Branstons Street (Hornby); Watts Road (Sockburn); Weaver Place; part of Pound Road (Yaldhurst); Aviation Drive (Yaldhurst); part of Syd Bradley Road (Yaldhurst); part of Jet Place (Harewood); and Lakes Way, Outlook Place, Lakeside Place (Harewood).

6.3 We recommend removing the following road from the register of Prohibited Times on Roads due to subdivision development: part of Blakes Road (Belfast).

6.4 More analysis of these roads is provided in the Bylaw Review Report (Attachment A).

7. Background

- 7.1 The decisions in this report affect the following wards/Community Board areas: All community board areas. All community boards were briefed on the bylaw review between November 2022 and March 2023. ELT was briefed on 6 April, and Council was briefed on 18 May 2023. Staff have also been working with the Anti-social Road User Team at the Christchurch Police.
- 7.2 Briefings emphasised the limitations of the bylaw to address the wide range of antisocial road user issues that occur, such as modified vehicles with loud exhausts, dangerous driving or undertaking burnouts in residential areas at night.
- 7.3 Many of these matters are already addressed in legislation and apply across the country - the bylaw does not duplicate these, but regulates two very specific and local things, and only on specified roads in our district. The Council has other tools at its disposal to address activities that are not covered by this bylaw, and the Police have a wide range of powers to address driver behaviour and vehicle matters. This report focuses on the review of the Cruising and Prohibited Times on Roads Bylaw (to comply with legislative review requirements), and not on how to address wider antisocial road user activities.
- 7.4 All feedback received through these preliminary stages has been considered and incorporated, where appropriate, to prepare the revised replacement bylaw for public consultation, and changes to the roads the bylaw regulates.

8. Policy Framework Implications Ngā Hīraunga ā- Kaupapa here

Strategic Alignment Te Rautaki Tīaroaro

- 8.1 The Cruising and Prohibited Times on Roads Bylaw, and its focus on reducing the potential for antisocial road user activities, generally aligns with:
 - the community outcome Resilient Communities (safe and healthy communities), in the Council's Strategic Framework;
 - the key priority of improving community safety in Te Haumako; Te Whitingia Strengthening Communities Together Strategy; and
 - the general road safety and liveable streets goals in the Christchurch Transport Strategic Plan 2012–2042, and similarly in the draft Transport Plan (safe streets).
- 8.2 This report supports the [Council's Long Term Plan \(2021 - 2031\)](#):
 - 8.2.1 Activity: Strategic Planning, Future Development and Regeneration
 - Level of Service: 17.0.19.4 Bylaws and regulatory policies to meet emerging needs and satisfy statutory requirements - Carry out bylaw reviews in accordance with ten-year bylaw review schedule and statutory requirements

Policy Consistency Te Whai Kaupapa here

- 8.3 The decision is consistent with Council's Plans and Policies, and is an update on an existing bylaw. The Prohibited Times on Roads Policy has been reviewed as part of this project.

Impact on Mana Whenua Ngā Whai Take Mana Whenua

- 8.4 The decision is not a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Mana Whenua, their culture and traditions.
- 8.5 The decision does not involve a matter of interest to Mana Whenua and will not impact on our agreed partnership priorities with Ngā Papatipu Rūnanga

- 8.6 This report concerns the update of an existing bylaw, which has no known specific impacts on mana whenua.

Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

- 8.7 Other than relating to the use of vehicles, this bylaw does not have a climate change impact. It regulates two aspects of driver behaviour that have a road and community safety focus.

Accessibility Considerations Ngā Whai Whakaaro mā te Hunga Hauā

- 8.8 There are no specific accessibility considerations relating to this report or the bylaw.

9. Resource Implications Ngā Hīraunga Rauemi

Capex/Opex Ngā Utu Whakahaere

- 9.1 Cost to Implement – We will not know the exact cost of signage associated with implementing the bylaw until the consultation process is complete and any new roads are finalised and adopted by the Council. The proposal recommended for consultation includes the addition of sixteen roads.
- 9.2 Maintenance/Ongoing costs - Traffic Operations has a budget for ongoing signage costs. If the costs exceed the business-as-usual budget, additional funding could be sought through the Annual Plan process.
- 9.3 Funding Source – Traffic Operations signs and markings budget.

Other He mea anō

- 9.4 There may be reduced damage to roads caused by antisocial road user activities in areas regulated by the bylaw.

10. Legal Implications Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report Te Manatū Whakahaere Kaupapa

- 10.1 The Cruising and Prohibited Times on Roads Bylaw is made using the following bylaw-making powers:
- section 22AB(1)(a) of the Land Transport Act 1998 (enabling the regulation of cruising) and;
 - section 145 of the Local Government Act 2002 (this enables the prohibited times on roads part of the bylaw, using a general bylaw-making power to protect the public from nuisance, protect public health and safety, and minimise the potential for offensive behaviour in public places);
- 10.2 The bylaw must be reviewed to comply with section 159 of the Local Government Act 2002 (ten year review requirement), and in accordance with the bylaw review procedure set out in section 160 of the Local Government Act 2002 (the procedure follows the same process as making a bylaw).
- 10.3 Section 155 of the Local Government Act 2002 requires that a council makes certain determinations as part of the bylaw review process. This includes determining that the bylaw is the most appropriate way of addressing the identified problems, and that is the most appropriate form of bylaw. It also requires an assessment of the New Zealand Bill of Rights Act 1990 implications.
- 10.4 This assessment requirement only relates to the prohibited times on roads part of the bylaw, as it is the part made under the Local Government Act 2002. As the prohibited times on roads part of the bylaw limits access by drivers of light vehicles to specified roads and within specified times, there are NZBoRA implications. However, as the attached Bylaw Review Report sets out, these limitations are justifiable, and therefore the bylaw is not inconsistent with that Act.

Other Legal Implications Ētahi atu Hīraunga-ā-Ture

- 10.5 The bylaw can only be enforced by the Police. The Police can enforce bylaws made under the Land Transport Act 1998, and section 113 enables the Police to enforce transport-related bylaws made under the Local Government Act 2002.
- 10.6 The two parts of the bylaw have different penalties as they are made under different legislation. A breach of the cruising part of the bylaw can result in a \$150 infringement fine, a warning notice, or both. A breach of the prohibited times on roads part of the bylaw can result in a \$750 infringement fine, a warning notice, or both. The fines are set out in the Land Transport (Offences and Penalties) Regulations 1999. A fine on prosecution is also possible for a breach of either part of the bylaw.
- 10.7 Both parts of the bylaw are considered “qualifying bylaws” under the Land Transport Act 1998, which means that a warning notice can be issued. This is affixed to the vehicle used in the offence, and if the vehicle is involved in another offence under the same part of the bylaw within a 90-day period, the vehicle can be seized and impounded by the Police for 28 days. The Police can issue an infringement, a warning notice, or both.

11. Risk Management Implications Ngā Hīraunga Tūraru











- 11.1 The main risk to the Council in relation to the bylaw review is the risk of judicial review.¹ A bylaw (or part of it) can be quashed by the High Court if it is deemed invalid.² This is a risk for any bylaw the Council makes, and our bylaw review processes are intended to minimise this risk as much as possible.
- 11.2 Bylaws can be challenged by judicial review and in relation to the Bylaws Act 1910. Challenges can be on grounds such as unreasonableness, for being *ultra vires* (outside of legal powers) or being repugnant to the laws of New Zealand.³
- 11.3 This includes challenges in relation to the New Zealand Bill of Rights Act 1990. Section 155 of the Local Government Act 2002 states that no bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, noting that section 5 of NZBoRA enables reasonable limits to be imposed where they are “demonstrably justified in a free and democratic society”. Section 155(2)(b) of the Local Government Act 2002 requires that a council determines whether the proposed bylaw gives rise to any implications under the NZBoRA. The assessment is included in the attached Bylaw Review Report, and the requirements are reflected in the recommendations to this report.
- 11.4 The bylaw may give rise to implications and limitations on people’s freedom of movement under section 18 of NZBoRA. However, our assessment is that any limitations imposed by the bylaw are the minimum impairment, and the limit is proportional to the overall objective of the bylaw.
- 11.5 The attached documents, particularly the Bylaw Review Report, set out the relevant matters that have been considered, and confirm that any NZBoRA implications have been appropriately addressed.

¹ A judicial review is where a judge is asked to review an action or a decision that has been made under a legal power. The judge looks at whether the **way** the decision was made was in accordance with the law. (Judicial review summary, Ministry of Justice, <https://www.courtsofnz.govt.nz/assets/6-Going-to-Court/media/rules-and-resources/Judicial-reviews.pdf>)

² See section 12 of the Bylaws Act 1910

³ See section 17 of the Bylaws Act 1910

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A  	Bylaw Review Report 2023 - Cruising and Prohibited Times on Roads Bylaw 2014	22/1605352	90
B  	Review of the Cruising and Prohibited Times on Roads Bylaw 2014: Clause-by-clause analysis	22/639751	104
C  	Proposed replacement bylaw for consultation - Cruising and Prohibited Times on Roads Bylaw 2023	23/779682	117
D  	Registers of decisions made under the Cruising and Prohibited Times on Roads Bylaw and proposed changes	22/1627810	123
E  	Proposed Prohibited Times on Roads Operational Policy - draft for consultation	23/766429	129

In addition to the attached documents, the following background information is available:

Document Name – Location / File Link
The Cruising and Prohibited Times on Roads 2014 can be accessed here: https://www.ccc.govt.nz/cruising-and-prohibited-times-on-roads-bylaw-2014/

Confirmation of Statutory Compliance Te Whakatūtutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
(i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories Ngā Kaiwaitohu

Authors	Teena Crocker - Senior Policy Analyst Kirstie Watts - Building Claims Specialist Andrew Hensley - Traffic Engineer
Approved By	David Griffiths - Head of Strategic Policy & Resilience Stephen Wright - Manager Operations (Transport) Lynette Ellis - Head of Transport & Waste Management Mary Richardson - General Manager Citizens & Community

Bylaw Review Report 2023 – Cruising and Prohibited Times on Roads Bylaw 2014

Contents

Introduction	2
Summary of legislative requirements for the bylaw review	2
Land Transport Act 1998 – cruising	2
Local Government Act 2002 – prohibited times on roads	3
How we apply the prohibited times on roads clauses	4
What the review of the bylaw has looked at	4
Bylaw development and history	4
Is the bylaw still needed?	5
Cruising	6
Prohibited times on roads	6
Current situation	7
Evidence of issues, data about complaints, infringements	7
Conclusions on whether the bylaw is still needed	8
LGA Section 155 analysis	9
Most appropriate way of addressing the issues	9
Other ways to address the issues	9
Conclusions	10
Most appropriate form of bylaw	10
New Zealand Bill of Rights Act 1990 implications	11
Limitations within the bylaw	12
Conclusions on the NZBoRA implications of the bylaw	13
Review of the roads regulated by the bylaw	13
Summary	13
Proposed roads to be added to the Prohibited Times on Roads Register	13
Proposed roads to be removed from the Prohibited Times on Roads Register	14

Introduction

This report reviews the [Cruising and Prohibited Times on Roads Bylaw 2014](#) (the bylaw). It summarises the legislative underpinning, main issues, and changes being recommended for public consultation. It includes the section 155 analysis required by the Local Government Act 2002.

Summary of legislative requirements for the bylaw review

Bylaw	<ul style="list-style-type: none"> Cruising and Prohibited Times on Roads Bylaw 2014
Empowering legislation	<ul style="list-style-type: none"> Land Transport Act 1998 (LTA) - section 22AB(1)(a) – controlling, restricting, or prohibiting cruising Local Government Act 2002 (LGA) – section 145 – prohibited times on roads is made using the LGA general bylaw-making power: to protect the public from nuisance; to protect public health and safety; and to reduce the potential for offensive behaviour in public places
Bylaw adoption date	<ul style="list-style-type: none"> First adopted on 27 May 2010. Adoption of current bylaw on 13 November 2014
Reason for bylaw review	<ul style="list-style-type: none"> To comply with the LGA bylaw review requirement in section 159 of the LGA The Cruising Bylaw 2010 was reviewed in 2014 to comply with the five year LGA review requirement (section 158), and became the Cruising and Prohibited Times on Roads Bylaw 2014. It is now due for its ten-year review under section 159 of the LGA.
Bylaw review deadline	<ul style="list-style-type: none"> Review must be completed by 13 November 2024 (LGA requirement, s.159) The review will be completed in 2023 in-line with the Council's ten-year bylaw review timetable, which coordinates the review of bylaws across Council
Process for bylaw review	<ul style="list-style-type: none"> The process for reviewing a bylaw is similar to the process of making a bylaw The Council must make a series of determinations to complete the review, as set out in sections 155 and 160 of the LGA The Council must determine the following: that a bylaw is the most appropriate way of addressing the perceived problem; that it is the most appropriate form of bylaw; and whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (section 155 of the LGA) If, after the review, the Council wishes to make changes to the bylaw, it must undertake consultation on the proposed changes. If it does not want to make changes, it must still consult (section 160 of the LGA)
Next step	<ul style="list-style-type: none"> This report summarises the review and proposed changes for consultation. The accompanying Council report recommends that the Council adopt the revised bylaw for consultation.
Consultation timeframe	<ul style="list-style-type: none"> Consultation is planned for June-July 2023, with hearings in August, and the final bylaw due to be adopted towards the end of 2023.

The bylaw is made under two different Acts, each with different bylaw-making powers and penalties.

Land Transport Act 1998 – cruising

This power is generally applied to roads that are multi-laned, high-volume roads. The power enables the Council to specify roads where cruising is prohibited, and the times and days when the prohibition applies.

Cruising	<ul style="list-style-type: none"> Defined in the LTA – cruising means: driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that—
----------	--

	<p>(a) draws attention to the power or sound of the engine of the motor vehicle being driven; or</p> <p>(b) creates a convoy that—</p> <p>(i) is formed otherwise than in trade; and</p> <p>(ii) impedes traffic flow</p>
Bylaw-making powers	<ul style="list-style-type: none"> Section 22AB(1)(a) of the LTA - controlling, restricting, or prohibiting cruising
Relevant legislation	<ul style="list-style-type: none"> If the stated purpose of a bylaw made under section 22AB(1)(a) of the Land Transport Act 1998 is “to control or restrict cruising or any associated activities”, then the bylaw is a qualifying bylaw under section 2 of the Land Transport Act 1998
Limitations	<ul style="list-style-type: none"> Can only apply to roads under the control of the Council (ie where the Council is the Road Controlling Authority - not to state highways or private roads)
Bylaw offence and penalty	<ul style="list-style-type: none"> A breach of the bylaw can result in an infringement notice of \$150, or a fine of up to \$1,000 on conviction (as set out in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999 – see entry for 22A(3A) <i>Contravention, without reasonable excuse, of a bylaw made under section 22AB or 22AC</i> The Police can issue a warning notice under section 22AF of the Land Transport Act 1998 for a breach of a qualifying bylaw (the bylaw meets the definition of a qualifying bylaw, as set out in the Land Transport Act 1998) A further breach of a qualifying bylaw (when a warning notice has been issued) within a 90-day period may result in impoundment of the vehicle for 28 days in accordance with section 96 (1AA) of the Land Transport Act 1998 The Police can issue an infringement notice, a warning notice, or both.
Enforcement	<ul style="list-style-type: none"> Can only be enforced by the Police

Local Government Act 2002 – prohibited times on roads

This power is generally applied to roads with a history of antisocial road user activities. The roads are generally in secluded areas or areas not commonly used at night. People in vehicles gather to undertake and encourage risky or unsafe driving behaviour, such as burnouts and street racing.

On roads where it applies, it prohibits night-time access by light vehicles¹, while providing exemptions for bona fide vehicle access to reduce the potential for these activities to occur. The restrictions apply from 10pm-5am. Some apply seven days a week, others only from Thursday-Sunday and on public holidays.

Bylaw-making powers	<ul style="list-style-type: none"> Section 145 of the LGA - A council can make a bylaw to protect the public from nuisance, to protect, promote, and maintain public health and safety, and/or to minimise the potential for offensive behaviour in public places.
Relevant legislation	<ul style="list-style-type: none"> If the stated purpose of a bylaw made under section 145 of the Local Government Act 2002 is “to restrict the racing of motor vehicles or any associated activities”, then the bylaw is a qualifying bylaw under section 2 of the Land Transport Act 1998
Bylaw offence and penalty	<ul style="list-style-type: none"> A breach of the bylaw can result in an infringement notice of \$750 (as set out in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999 – see entry for <i>Bylaws: Any provision of any bylaw involving the use of vehicles...</i> The Police can issue a warning notice under section 22AF of the Land Transport Act 1998 for a breach of a qualifying bylaw (the bylaw meets the definition of a qualifying bylaw, as set out in the Land Transport Act 1998)

¹ Vehicles under 3,500kg are considered “light vehicles” in transport legislation, and include cars, vans, utes, SUVs and 4WDs. Vehicles above 3,500kg require a heavy vehicle licence.

	<ul style="list-style-type: none"> • A further breach of a qualifying bylaw (when a warning notice has been issued) within a 90-day period may result in impoundment of the vehicle for 28 days • The Police can issue an infringement notice, a warning notice, or both.
Limitations	<ul style="list-style-type: none"> • Can only apply to roads under the control of the Council (ie where the Council is the Road Controlling Authority - not to state highways or private roads)
Enforcement	<ul style="list-style-type: none"> • Can only be enforced by the Police
Other relevant legislation	<ul style="list-style-type: none"> • Section 113 of the Land Transport Act 1998 enables the Police to undertake enforcement in relation to breaches of transport legislation, including bylaws made under the Local Government Act 2002. As this bylaw relates to limiting vehicle access on roads, it has a transport element.

How we apply the prohibited times on roads clauses

Use of prohibited times on roads	<ul style="list-style-type: none"> • Used to limit vehicle access on specified roads, and at specified times, in order to reduce the potential for antisocial road user (ASRU) activities • Generally used on industrial and rural-city fringe roads with a history of ASRU activities, and on roads where we would not reasonably expect drivers to be at night (10pm-5am) without bona fide reason • Examples include remote or little-used roads at night, where enthusiasts may feel unobserved, such as no-exit roads in industrial areas and back roads on the rural-city fringe • Not appropriate on roads such as arterial roads, in residential areas, etc
Applies to vehicles under 3,500kg	<ul style="list-style-type: none"> • Vehicles under 3,500kg are considered “light vehicles” in transport legislation • Light vehicles include cars, vans, utes, SUVs and 4WDs (vehicles over 3,500kg are heavy vehicles and require a special licence)
Exceptions	<ul style="list-style-type: none"> • The restriction does not apply to access by some road users, including: owners or occupiers of properties with access from the road in question (and their bona fide visitors); emergency vehicles; trade or utility vehicles undertaking works; Council vehicles; and security service vehicles (as set out in the bylaw)

What the review of the bylaw has looked at

The review of the Cruising and Prohibited Times on Roads Bylaw has looked at:

- whether the bylaw is still needed;
- whether the bylaw is as clear and enforceable as possible, is doing what is enabled by legislation, and that it complies with all relevant legislation;
- legal matter relating to the bylaw, including the required assessment of the New Zealand Bill of Rights Act implications
- whether the roads it regulates are appropriate and current (listed in the registers to the bylaw)
- the Prohibited Times on Roads Policy.²

Bylaw development and history

The cruising bylaw-making power was added to the Land Transport Act 1998 via an amendment in 2009. This was due to widespread concerns about “boy racer” activities across New Zealand. It also led to a

² The Prohibited Times on Roads Policy is broadly covered in the clause-by-clause analysis associated with this report, and a replacement policy has been proposed for consultation. It stands alone as an attachment.

new power for the Police to confiscate and ultimately “crush” vehicles in some circumstances. Christchurch City was the first council to adopt a bylaw under the new powers; the **Cruising Bylaw 2010**, which prohibited cruising on all multi-lane roads in Christchurch.

The bylaw’s five-year review led to the adoption of the **Cruising and Prohibited Times on Roads Bylaw 2014**, which is the bylaw currently under review. In the 2014 review, the prohibited times on roads clauses from the Traffic and Parking Bylaw (the clauses), were moved into the Cruising Bylaw 2010, as both parts of the bylaw are designed to address antisocial road user issues. The clauses were first introduced and adopted by the Council in 2001, through an amendment to the **Traffic and Parking Bylaw 1991**.³

The bylaw enables the Council to add or remove roads regulated by the bylaw, by resolution. It also sets out consultation requirements for adding, removing or altering roads. Registers to the bylaw capture decisions made by the Council. Each road is listed in a register to the bylaw. Signs are installed on these roads to indicate the prohibitions.

The **Prohibited Times on Roads Policy** was adopted in 2008, amended in 2010 and reviewed in 2013. It is now out of date and is being duly considered as part of this bylaw review process. The policy was developed to set out how decisions to add roads would be made, and to “assist the community in understanding the process and criteria used”.

The two parts of the bylaw contain the following:

Cruising
<ul style="list-style-type: none">• Purpose: “to control and restrict the cruising of motor vehicles”• That the Council may add or alter roads by resolution, after complying with consultation requirements• That the prohibition applies 7 days a week from 10pm to 5am• That the Council can resolve a time period that applies to cruising (currently four hours)
Prohibited times on roads
<ul style="list-style-type: none">• Purpose: “to restrict the racing of motor vehicles, and activities associated with the racing of motor vehicles that may cause a nuisance to the public”• That the Council may add or alter roads by resolution, after complying with consultation requirements (and in-line with the Prohibited Times on Roads Policy)• That it applies to vehicles under 3,500kg• That there are exemptions for legitimate access (eg owners and operators, emergency vehicles, trade or service vehicles providing maintenance, Council vehicles, security vehicles)• Requirements related to installing signs

Is the bylaw still needed?

The bylaw provides a tool for the Police to address local antisocial road user behaviour.

Transport legislation (via the Land Transport Act 1998, and the Land Transport (Road User) Rule) provides a range of offences and tools for addressing things like sustained loss of traction (burn-outs and drifting),

³ Council report: *Operational Policies – Heavy Vehicle Parking in a Residential Area and Prohibited Times on Roads*, Regulatory Performance Committee Agenda, item 4, 6 November 2008
<http://archived.ccc.govt.nz/Council/agendas/2008/November/RegulatoryPlanning6th/OperationalPolicies.pdf>

unauthorised street racing, and unnecessary exhibitions of speed.⁴ There are also limitations around speed generally (speed limits), and on drug and alcohol use, as well as driver licensing conditions and demerit points. There are other tools the Police can use in relation to loud exhausts and other suspected non-compliance or safety issues in relation to modified vehicles.⁵ These rules and tools apply everywhere, but the bylaw only applies within the Council's district, and only on specified roads.

The Police have advised that the bylaw provides a useful tool for addressing antisocial road user activities, in addition to the other tools provided by transport legislation, and by other laws, such as the Summary Offences Act 1981.

Cruising

The Police acknowledge that the cruising definition in the Land Transport Act (under which the bylaw is made) makes it difficult to enforce due to the resources required.⁶ Nevertheless, it is useful, particularly on busy, multi-lane roads traditionally used to do laps, loops or aves - where drivers repeatedly drive the same stretches of road, rev their cars while waiting at the lights, take off together, and race each other. The bylaw provides a tool the Police can use to help address these behaviours. Some of this activity is about drivers, their occupants and their vehicles being seen, interacting with each other, and generally being social. Unfortunately, these activities are not viewed in a positive light by other road users or properties neighbouring the streets, with impacts such as noise, road and property damage, road safety issues, and accidents.

It is a reasonable assumption that if the Council were to remove the prohibition on cruising on specified roads, we would likely see an increase in these activities and negative impacts on other road users, and on nearby residents and businesses.

Prohibited times on roads

The prohibited times on roads clauses are related, but the activities are different in nature to cruising. The activities tend to happen on the outskirts of the city, where participants feel unobserved and enthusiasts gather to undertake similar, but more dangerous activities. Many of these activities are otherwise illegal, such as sustained loss of traction, applying substances to the road surface to reduce traction, street-racing, excessive speed, etc.

These gatherings generally have a large spectator element. The spectators may not be engaging in illegal or dangerous activity *per se*, but their presence supports and encourages the activities. Participants and spectators are known for filming and sharing these activities, which can further encourage more extreme activities. The spectators can cause safety issues by parking dangerously, gathering in large numbers, blocking the road and leaving dangerous litter (such as glass bottles). The gathering of a large crowd can escalate into disorder, violence and damage.⁷

⁴ These are all offences in the Land Transport Act 1998 - It is an offence to race on a road, or to take part in an unnecessary exhibition of speed or acceleration (unless the racing is otherwise authorised eg the road is closed) (LTA s.22A(1) and s.36A). A person must not, without reasonable excuse, operate a motor vehicle on a road in a manner that causes the vehicle to undergo sustained loss of traction (LTA s.22A(3) and s.36A))

⁵ Land Transport (Road User) Rule for excessive noise for on road vehicles. (rule 7.4). Green sticker / non-compliant vehicle: Section 115(1) of the LTA – Summary: *An enforcement officer believes that a vehicle does not comply with the regulations or the rules.* Pink sticker: unsafe vehicle: Section 115(3)(a) of the LTA – Summary: *An enforcement officer believes that a vehicle is not in a safe condition to be driven on the road.* Pink or green stickers are a form of warning notice that limits the use of the vehicle until it has been certified as compliant.

⁶ Christchurch's anti-cruising bylaw 'toothless' - central city resident, 30 June 2016, Stuff website, <https://www.stuff.co.nz/national/81602082/christchurchs-anticruising-bylaw-toothless--central-city-resident>

⁷ Boy racer admits inciting violence during Aves Invasion in Christchurch, 13 May 2019, Stuff website. <https://www.stuff.co.nz/national/crime/112678739/boy-racer-admits-inciting-violence-during-aves-invasion-in-christchurch>

Regulating and enforcing these activities can be difficult, as those participating are able to regroup and move to new locations after being moved on by the Police. However, the Police advise that the bylaw supports their ability to address activities and situations like this.

Current situation

The bylaw has been in place for some time, but the roads it applies to have changed over time. The roads are listed in two registers to the bylaw. There are currently:

- 50 roads (or parts of roads) where cruising is prohibited
- 82 roads (or parts of roads) with prohibited times on roads in place.⁸

The following timeframes apply to the different types of roads:

	Times it applies	Types of roads
Cruising	10pm-5am	Multi-lane, busy roads
Prohibited times on roads	10pm-5am	Industrial areas
	10pm-5am Thu-Mon, and public holidays	Rural-city fringe roads
	9pm to 5am, seven days a week	Boundary roads (with Selwyn)

Evidence of issues, data about complaints, infringements

Whether the roads currently regulated should continue to be regulated, or whether the regulation is working or not, is difficult to measure.

This is because, for roads already regulated by the Prohibited Times on Roads clauses, the **absence of issues**, complaints or evidence on a road might indicate that:

- the bylaw successfully acts as a deterrent;
- the bylaw is being actively enforced in an area and issues are being addressed;
- there is an under-reporting of issues; or
- that the bylaw is no longer needed in that location as it is no longer used for the activities.

We note that Police advise that some areas will be popular as gathering places quieten down, and then become hot spots again in subsequent years. This indicates that removing restrictions might lead to future issues or the need to reintroduce restrictions. We also note that there are seasonal variations, so a lack of recent activity is not necessarily an indicator of likely future activity.

Conversely, the **presence of issues**, complaints or evidence on roads regulated by the bylaw might indicate:

- that the bylaw is needed at that location;
- that the bylaw is not effective at addressing issues in that location;
- that the activities are happening when the bylaw does not apply (ie between 5am and 10pm);
- that events are not being report to the Police; or
- that Police enforcement has not been available to address the issues as they are occurring.

⁸ All of the roads where cruising or prohibited times apply are listed in registers. The registers are on the Council webpage with the bylaw: <https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/bylaws/cruising-and-prohibited-times-on-roads-bylaw-2014/>

Where Police enforcement resources are directed has an impact on the perceived effectiveness of the bylaw. We know that the activities move around, and that Police attendance is dependent on a complex range of factors, including available intelligence, resourcing and prioritisation.

We note that a number of different factors contribute to the attractiveness of a location and likelihood for it to become a gathering place for antisocial road user behaviour. These can include things such as:

- the road surface and width (a wide roadway with new asphalt can prove popular – this is common in new industrial developments with cul de sacs or wide roads to facilitate truck movements);
- perceived lack of scrutiny (areas with security or crime prevention cameras may be less attractive);
- recent Police activity (or lack of activity) in the area;
- the season (more activity tends to occur over the summer months);
- the history of the area (some areas have been popular for years, regardless of the bylaw);
- the influence of events, such as the recent Chrome event at Ruapuna, or more underground / informal events, like the Aves Invasion, bring car enthusiasts to Christchurch and can result in gatherings and activities.⁹

Both the Council and Police collect and hold data in relation to complaints. Separating out complaints about antisocial road user behaviour generally (vehicle noise, road damage, burnouts, dangerous rubbish, etc), from the limited activities the bylaw can regulate is difficult. Some of these issues may be more appropriately addressed using other tools (covered in the table below, or by enforcing existing law). For example, in relation to cruising, sequencing traffic lights to improve the flow of traffic along key routes can reduce the potential for cruising. Sequencing may reduce stoppage, revving and racing take-offs.

Infringements issued by the Police do not form a clear picture in relation to the bylaw, as a reduction in infringements may indicate enforcement resources being diverted to higher priority areas, rather than a reduction in issues. Conversely, stopping and speaking with a driver may not always result in an infringement, but it may help to address or reduce the issues. A high number of tickets may relate to one event or gathering.

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 (to May)
Total infringements issued by Police	30	40	3	0 ¹⁰	15	32	11	82	31	14

Conclusions on whether the bylaw is still needed

Although we cannot absolutely determine the effectiveness of the bylaw, or its effectiveness on the roads it regulates, we have considered the comments from the Police (as the enforcer of the bylaw), the potential deterrent effect of the regulation and previous public support for the bylaw. We have concluded that the bylaw is still needed, and that revoking it (or removing a large number of roads) may lead to an increase in antisocial road user activities and negative impacts on residents, businesses and other road users.

⁹ [Thousands of boy racers expected at 'Aves Invasion' in Christchurch](#) (Stuff, 28 December 2018)

¹⁰ Data on infringements provided by the Police. Data missing for 2017. Location of infringement not recorded. Some data may be missing.

LGA Section 155 analysis

The following sections fulfil the requirements of the Local Government Act 2002 for the prohibited times on roads clauses, which are made under the LGA. The same assessment requirements do not apply to the cruising clauses in the bylaw, as they are made under the Land Transport Act 1998.

Most appropriate way of addressing the issues

The LGA requires that an assessment is undertaken to determine whether a bylaw is the most appropriate way of addressing the perceived problem (section 155(1) of the LGA).

The prohibited times on roads clauses are well established and were first included in a Council bylaw in 2001 to restrict car enthusiasts (including spectators) from congregating on roads and causing a nuisance to adjacent residents through their night-time activities.¹¹ Impacts are not confined to nearby residents, but also affect businesses and their premises, particularly in industrial areas.

The perceived problems the bylaw is seeking to address are associated with a range of antisocial activities that arise when car enthusiasts gather on remote or little-used roads at night, and where they may feel unobserved and free to dominate the road. These activities and impacts include: unsafe driving (speeding, racing, sustained loss of traction); damage to the road surface (from burnouts and substances on the road); vandalism and damage to adjacent properties; leaving dangerous litter (such as glass bottles) and damaged tyres; unsafe parking; vehicle noise and smoke; tampering with or removing traffic signs; and obstruction, intimidation and violence.¹²

On roads on the rural-city fringe, residents on isolated properties report feeling intimidated and concerned about the activities and impacts, especially when there is an element of intimidation or a threat to their property (such as fire risk from dry grass and sparks).

Many of these activities are already offences under transport (or other) legislation. However, it is the combination of the activities, participants and spectators that create a unique set of issues. By prohibiting vehicle access to key areas where these activities are known to happen, the potential for harm, nuisance and safety issues is reduced. It provides a way for the Police to address the associated activities.

Other ways to address the issues

When considering whether a bylaw is the appropriate way to address the issues, alternative approaches must be considered. The following may be considered as alternatives or to complement bylaw restrictions:

Parking or no stopping restrictions	Changing parking limits or putting no stopping restrictions in place may help to limit night-time congregation in some situations. May be appropriate in areas with night-time entertainment or activity, such as near fast-food outlets (successfully deployed in Sydenham, near Brougham Street)
Changes to road contouring or other traffic calming measures	Roading changes may help to lower speeds or to reduce the available road surface for ASRU activity (such as donuts) – examples include intersection upgrades, and kerb and channel reconstruction. This may be appropriate for residential areas, but may not be appropriate on roads that need to accommodate larger, heavy vehicles, such as trucks or buses

¹¹ Council report: *Operational Policies – Heavy Vehicle Parking in a Residential Area and Prohibited Times on Roads*, Regulatory Performance Committee Agenda, item 4, 6 November 2008

¹² For example, [Christchurch boy racer chaos: One arrest during 'Aves Invasion'](#) (NZ Herald, 31 December 2008),

Speed humps	Speed humps can work in some situations; however, they can cause new noise issues from gear changes and revving to manoeuvre over the hump(s)
Reduced speed limits	Reductions in the speed limit can be appropriate in some instances, impact on all drivers, and need to be considered in line with national guidance
Physically blocking access	Barrier arms or chains can be used to block vehicle access to car parking areas. This approach is not appropriate across public roads but can help with car park access roads at night, for example Physically blocking access to wide road margins where gatherings and activities are known to occur can be appropriate in some situations
Increased reporting	Reporting of incidents helps the Council or the Police to understand the issues, where and when they are happening, and how they might be addressed

Whether to apply the restrictions enabled by the bylaw to a specific road (or not) is assessed on a case-by-case basis. These assessment requirements are set out in the bylaw, and policy, and include public consultation.

Determining what the issue is, and whether the bylaw can help, is part of the decision-making process. As mentioned previously, there is a range of regulatory mechanisms already in place that are well understood. These include things like speed limits, licensing conditions, vehicle regulation, drug and alcohol limits, and other traffic offences related to reducing risky or dangerous driving behaviour. The Police have the power to bring criminal or road policing charges against those who undertake such activities.

Conclusions

The bylaw is appropriate for addressing the identified issues for the following reasons:

- It targets activities that are complex and multifaceted, and that have the potential to cause damage to the road, nuisance to neighbours, dangerous litter, injury to people and accidents
- The bylaw-making powers it uses are appropriate and have associated penalties (infringement fines and warning notices that can be issued by the Police)
- It applies only on specified roads, and on roads with history of antisocial road user activities
- It is only applied to specified roads at night when activities are likely to occur (predominantly 10pm-5am)
- It has been in place for over a decade and is supported by the Police.

Most appropriate form of bylaw

The LGA requires that an assessment is undertaken to determine whether a bylaw is the most appropriate form of bylaw (section 155(2)(a) of the LGA).

The form of the bylaw has been considered through the review process. The proposed replacement bylaw has been updated and improved, and now aligns with the Council's bylaw template. Changes to the structure and wording in the bylaw are discussed in the clause-by-clause analysis that accompanies this report.

The bylaw provides the mechanism to prohibit the activities on specified roads, and then the prohibition can be applied to specified roads by a resolution of Council. These decisions are then captured in registers to the bylaw. This means the roads can be added or removed without a full bylaw amendment, but will still comply with LGA consultation requirements before any changes are made.

It is well established by the Courts in New Zealand that any bylaw must satisfy the legal requirements of certainty, reasonableness, being *intra vires* (within legal powers) and not being repugnant to the laws of New Zealand. Where a council is given the power to “regulate” an activity, it can authorise a prohibition in part, but does not authorise a total prohibition. This bylaw is a partial prohibition, given it regulates certain roads at specified days and times, with exemptions for bona fide vehicle access.

The law also requires that the bylaw must be certain to a reader, in that a person reading the bylaw knows what it is they are allowed and not allowed to do. We consider that the bylaw has been drafted so that it contains “adequate information as to the duties of those who are to obey it”¹³ and the installation of signs on the prohibited roads clearly identifies to users of the roads the times when vehicle access is prohibited.

Although we are satisfied that there is statutory authority for the bylaw, and the bylaw is certain, we must also give consideration to whether there is another Act of Parliament or Regulation which expressly or impliedly authorises the activity the Council is regulating. The bylaw prevents people from using light vehicles on named streets during certain days and times, which makes unlawful the exercise of a right that is protected at common law (the right to use a road for the purposes of passage).¹⁴ Whether or not the bylaw could be considered repugnant to the general laws of New Zealand is likely to depend on the question of minimal impairment of the NZBoRA, discussed in more detail below.

New Zealand Bill of Rights Act 1990 implications

The LGA requires that an assessment is undertaken to determine whether a bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (section 155(2(b)) of the LGA).

The New Zealand Bill of Rights Act 1990 (NZBoRA) protects those freedoms and rights that are fundamental to a free and democratic society. We consider that there are NZBoRA implications relating to the Prohibited Times on Roads clauses in the bylaw, as the bylaw places limitations on people’s freedom of movement by limiting vehicle access on specified roads and at specified times.¹⁵

We do not believe other rights and freedoms provided for in NZBoRA have been restricted by the bylaw. Consideration was given to the bylaw having implications for freedom of association¹⁶ - however, we note that this right only applies to persons associating to participate in *lawful activities*. Given the purpose of this part of the bylaw is to stop street racing and associated activities, and legislation already makes those activities *unlawful*, we do not consider the freedom of association protected by NZBoRA to be limited.¹⁷

However, the rights contained in the NZBoRA are not absolute and section 5 enables reasonable limitations to be placed on the rights and freedoms protected by the Act, but only where those limitations are “demonstrably justified in a free and democratic society”. This indicates that Parliament

¹³ See *Pearce Delegated Legislation in Australia and New Zealand* (Butterworths, 1977), p 209, para 471.

¹⁴ The common law right to use a road for the purpose of passage and incidental matters is incorporated in section 18(1) of the NZBoRA. There it states that everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand. *Moore v MacMillan* [1977] 2 NZLR 81 at 90.

¹⁵ Note that there is no requirement to undertake a section 155 analysis for the parts of the bylaw that are made under the Land Transport Act (ie the cruising part). The requirement to undertake a section 155 analysis only applies to the prohibited times on road clauses, as they are made under the LGA.

¹⁶ Section 17 of NZBoRA 1990.

¹⁷ See section 22A Land Transport Act 1998 and sections 3, 4 and 5A Summary Offences Act 1981.

considers that reasonable limitations on the right may be acceptable. In deciding whether this is the case, the limitations should be proportional to the objective, and the “minimum impairment” (least restrictive limitation to achieve the objective). A bylaw that unnecessarily interferes with a right, without a corresponding benefit to the inhabitants of the locality in which it applies, may be deemed unreasonable. This means that the harms the bylaw seeks to address must outweigh the limitations on people’s freedom of movement.¹⁸

This part of the bylaw has been in place for over a decade, and the clauses were designed to restrict car enthusiasts (and their spectators) from congregating on roads, engaging in antisocial activities and causing a nuisance to nearby residents. This was later extended to protect areas without residents, but where the activities were impacting on businesses and roads, in industrial areas. It is clear that the objective of preventing these antisocial road user activities is important and we consider this outweighs any limitations on people’s movement.

Limitations within the bylaw

The following measures limit the regulatory reach of the bylaw and the roads it regulates, to ensure that it is applied reasonably:

- Policy guidance on when to consider applying restrictions, including:
 - evidence of antisocial road user activities
 - the problem has persisted for some time, and other enforcement has not been effective
 - complaints have been received by the Police, and the Police support the proposal.
- Consultation requirement before imposing restrictions
 - The bylaw contains a list of affected parties whose views may be sought, depending on the proposal, including: occupiers of properties, community or road user groups that may be affected; any other road controlling authorities that may be affected (nearby council or Waka Kotahi); the Police; and local community boards.
- Only specified roads, only specified times and days
 - Lesser restriction for rural-city fringe roads that have a through-function (Thursdays-Monday, 10pm to 5am, and the nights before and after public holidays)
 - Greater restrictions for industrial areas with no through-function
- Only applies to a specified class of vehicle (light vehicles, under 3,500kg), not to all vehicles
- Contains exemptions for legitimate access, including the following:
 - owners or occupiers to properties with access from the road in question (and their bona fide visitors); emergency vehicles; trade or utility vehicles; Council vehicles; and security service vehicles.

There is a rational connection between the prohibition of cars on roads known to be used for antisocial road user activities and the objective of limiting the impacts of those activities by prohibiting access at key times. The issue is therefore whether the right of free passage is impaired as little as possible to achieve the bylaw’s objective. This part of the bylaw does not prohibit freedom of movement completely, as there are alternative routes available to users who do not have bona fide access. The bylaw limits free movement at certain times and on certain roads, yet only in areas with a history of issues, and on roads where there is unlikely to be little need to use the road at night (eg industrial cul de sacs), noting that it provides exemptions for *bona fide* access. The nature of the activity means that unutilised back roads or areas away from people and other traffic are attractive. Activities tend to happen on roads that are close

¹⁸ Section 18 of NZBoRA protects freedom of movement

enough to the city for access, but are out of the city (rural-city fringe roads), or in parts of the city that are otherwise quiet at night (industrial areas).

The harms that are created by these activities vary, but broadly include impacts such as:

- noise and smoke from sustained loss of traction displays, such as donuts, slides and drifts;
- damage to the road surface, including temporary damage from substances being applied to reduce traction (creating a safety issue for other motorists), damage to kerbs and grass verges;
- alcohol related litter (glass bottles) and spent tyres from burnouts;
- nuisance and stress to nearby residents (including fear and intimidation);
- damage to nearby properties (particularly in industrial areas);
- impacts on other road users; and
- the threat of fire risk from sparks in areas with long dry grass.

Conclusions on the NZBoRA implications of the bylaw

The case law on reasonableness indicates that the Courts will carefully scrutinise bylaws that impact on the rights of the general public, and will weigh the benefits to the locality against the significance of the harm that the bylaw is seeking to prevent. Given these harms, and the types of roads regulated by the bylaw, we consider that the bylaw is a reasonable and proportional response to address the issues. Consultation on the bylaw review, and on any subsequent changes to the roads regulated by the bylaw, will gauge the public's acceptance of these assumptions.

Review of the roads regulated by the bylaw

Summary

The roads regulated by the bylaw are listed in registers associated with the bylaw. There are currently:

- 50 roads (or parts of roads) where cruising is prohibited
- 82 roads (or parts of roads) with prohibited times on roads in place.

We do not recommend any changes to the roads regulated by the Cruising part of the bylaw.

We recommend the following changes to the roads regulated by the Prohibited Times on Roads part of the bylaw and listed in the Prohibited Times on Roads Register.

Proposed roads to be added to the Prohibited Times on Roads Register

Name or road or roads	Description of part of road	Analysis of issues / commentary
Establishment Drive, Depot Street, Headquarters Place, Quadrant Drive, Aruhe Road and Mania Road (Hornby South)	Entire length of roads	Industrial area. Evidence of antisocial road user activities. Raised by the community. Establishment, Depot and Headquarters have a history of ASRU activities. Some displacement has occurred to the newly developed area in Quadrant, Aruhe and Mania. Supported by Police.
part of Branston Street (Hornby)	Section from Boston Ave to Halswell Junction Road	Industrial section of this road. Evidence of antisocial road user activities. Raised by the community. Supported by Police.

Name or road or roads	Description of part of road	Analysis of issues / commentary
Watts Road (Sockburn)	Entire length of road	Industrial area. Evidence of antisocial road user activities. Raised by the community. Supported by Police.
Weaver Place (Sockburn)	Entire length of road	Evidence of antisocial road user activities. Short, no exit road, no through function. Relatively secluded area near the old Sockburn Pool. Exemptions in the bylaw allow for vehicle access for residents and their visitors. Raised by the community. Supported by Police.
part of Pound Road (Yaldhurst)	Pound Road eastern branch (extension of Pound Road east of the main alignment)	Rural-city fringe road. Evidence of antisocial road user activities. Clarification that this branch of Pound Road is included (the rest of Pound Road is already included)
Aviation Drive (Yaldhurst)	Entire length of road	Rural-city fringe road. Evidence of antisocial road user activities. Supported by Police.
part of Syd Bradley Road (Yaldhurst)	Legal road section	Rural-city fringe road. Evidence of antisocial road user activities. Supported by Police.
part of Jet Place (Harewood)	Legal road section	Industrial area. Evidence of antisocial road user activities. Supported by Police.
Lakes Way, Outlook Place, Lakeside Place (Harewood)	Entire length of roads	Industrial area. Evidence of antisocial road user activities. Area raised by the community. Supported by Police.

Proposed road to be removed from the Prohibited Times on Roads Register

Name or road or roads	Description of part of road	Analysis of issues / commentary
Blakes Road (Belfast) – part of road	Remove section of Blakes Road from Belfast Road to Radcliffe Road.	Blakes Road south of Belfast Road provides access to new residential subdivision areas. Recommend removal due to the need for residential access.
	Retain section of Blakes Road from Belfast Road to termination of Blakes Road in the north.	Blakes Road north of Belfast Road has not changed. It has no through function and has a history of antisocial road user activities. Recommend retaining this section.

Review of the Cruising and Prohibited Times on Roads Bylaw 2014: Clause-by-clause analysis

Introduction, Short Title and Commencement

Wording in the 2015 bylaw	Comment	Suggested changes
Pursuant to section 22AB of the Land Transport Act 1998 and section 145 of the Local Government Act 2002 the Christchurch City Council makes this bylaw.	We have considered whether the prohibited times on roads clauses should continue to be made under the LGA, or whether the new power provided in section 22AB(1)(zk) of the Land Transport Act should be used - <i>...enhancing or promoting road safety or providing protection for the environment</i> . Our conclusion is that we should continue to regulate using the power provided by s.145 of the LGA as it contains better coverage for the issues this part of the bylaw is seeking to address (healthy and safety, nuisance and offensive behaviour). Making part of the bylaw under s.145 has an impact on enforcement tools, covered later in this analysis. Suggest modernising the wording (remove pursuant to).	Replace with The Christchurch City Council makes this bylaw under section 22AB(1)(a) of the Land Transport Act 1998 and section 145 of the Local Government Act 2002.
This bylaw is the Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014. This bylaw comes into force on 1 December 2014	We considered whether to retain the year 2014 in the title of the bylaw, or to update it as a result of the review. We concluded that due to the number of proposed changes and insertion of the bylaw into the updated Council bylaw template, the revised bylaw can be updated to be known as the Cruising and Prohibited Times on Roads Bylaw 2023. Add new date for any changes to come into force.	Replace with This bylaw is the Cruising and Prohibited Times on Roads Bylaw 2023. This bylaw comes into force on [date] 2023.

Definitions / interpretation

Wording in the 2015 bylaw	Comment	Suggested changes
In this bylaw, unless the context otherwise requires, Act means the Land Transport Act 1998. The following definitions come from the Act:		No change, retain as is

Wording in the 2015 bylaw	Comment	Suggested changes
<p>Cruising means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that –</p> <ul style="list-style-type: none"> (a) Draws attention to the power or sound of the engine of the motor vehicle being driven; or (b) Creates a convoy that – <ul style="list-style-type: none"> (i) Is formed otherwise than in trade; and (ii) Impedes traffic flow. 	<p>Important to include in the bylaw - the cruising part of the bylaw and its intent relies on this definition</p>	<p>No change, retain as is</p> <p>Move explanatory note from below: <i>Explanatory note: This bylaw is enforced by the Police. In interpreting the definition of 'cruising', the Police have advised that they interpret 'repeatedly' to mean 'more than once', and 'convoy' to mean 'two or more vehicles with a common purpose'</i></p>
<p>Motor vehicle—</p> <ul style="list-style-type: none"> (a) Means a vehicle drawn or propelled by mechanical power; and (b) Includes a trailer; but (c) Does not include – <ul style="list-style-type: none"> (i) A vehicle running on rails; or ... (iii) A trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or (iv) A trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or (v) A vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or (vi) A pedestrian-controlled machine; or (vii) A vehicle that the Agency has declared under section 168A is not a motor vehicle; or (viii) A mobility device. 	<p>This definition can be summarised to the parts relevant to the bylaw, while referring to the primary legislation for clarity. This does not change the definition, but is intended to make the bylaw clearer and easier to understand.</p>	<p>Replace with Motor vehicle has the same meaning as the Act, and generally applies to all motorised vehicles intended for use on New Zealand roads, including motorcycles</p>
<p><i>[The following note is explanatory and is not part of the Bylaw: The New Zealand Police, in its submission on the 2010 bylaw, stated how the Police will interpret the terms 'convoy' and 'repeatedly', as used in the definition of "cruising": "... 'repeatedly' will be interpreted as more than once, and the driver will have to be driving in a manner that draws attention to the power or sound of their vehicle, or be driving in a 'convoy', which we will interpret as two or more vehicles with a common purpose."]</i></p>	<p>The explanatory note wording was added as a result of the consultation and hearings process on the 2010 version of the bylaw. Police have confirmed the interpretation remains the same. Suggest re-wording to update and simplify the explanatory note, and move below the definition of cruising.</p>	<p>Move to definition of cruising (above)</p>

Wording in the 2015 bylaw	Comment	Suggested changes
Add a new definition - qualifying bylaw	This links to the stated purpose of the two parts of the bylaw, and to the enforcement powers being used. The Land Transport Act 1998 defines qualifying bylaw, and section 22AF of the Act enables warning notices to be issued for a breach of a qualifying bylaw. It requires that the warning notice is attached to the vehicle, and that it is in effect for 90 days. Section 96(1AA) of the Act then requires the mandatory seizure and impoundment of vehicles used in a second breach of the bylaw within the 90-day period.	Add Qualifying bylaw has the same meaning as the Act, and enables warning notices to be issued under section 22AF of the Act for a breach of a qualifying bylaw.
Add new clause – re explanatory notes	Update the wording to align with other Council bylaws. This wording is standard across Council bylaws and is updated as bylaws are reviewed. This does not change the bylaw, but is intended to make it clearer and easier to understand.	Add new clause: (2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw. <i>Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.</i>

Part 1: Cruising

Clause	Comment	Proposed change
Clause 3: Purpose		
The purpose of this part of the bylaw is to control and restrict the cruising of motor vehicles by prohibiting cruising on certain roads at specified days and times.	Aligns with the empowering clause in the LTA (section 22AB(1)(a)). This wording also makes the bylaw a “qualifying bylaw” under the Land Transport Act 1998, enabling warning notices to be issued under section 22AF Land Transport Act 1998	No change, retain as is
Add new clause – qualifying bylaw	This links to the enforcement powers, and clarifies that the bylaw is a qualifying bylaw for the purposes of the Land Transport Act (see definition of qualifying bylaw for more information)	Add new clause (2) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.
Clause 4: Cruising Prohibited		

Clause	Comment	Proposed change
(1) Cruising is prohibited on all roads for which the Council makes a resolution under clause 4(2), at the days and times specified in clause 4(3).	This enables the Council to prohibit cruising by resolution. We suggest combining subclause 4(1) with 4(3). This does not change the bylaw, but is intended to make it clearer and easier to understand.	Replace clause with (1) Cruising is prohibited on all roads for which the Council makes a resolution under clause 4(2). On any such road the prohibition on cruising applies 7 days a week between the hours of 10pm and 5am.
(2) The Council may, by resolution, specify that any road or part of a road will be subject to a prohibition on cruising at the days and times specified in clause 4(3).	This enables the Council to specify roads where cruising is prohibited, by resolution. Proposed change is to align with proposed change to 4(1)	Replace to update clause reference (2) The Council may, by resolution, specify that any road or part of a road will be subject to a prohibition on cruising at the days and times specified in clause 4(1).
(3) On any road where the Council has prohibited cruising the prohibition applies 7 days a week between the hours of 10pm and 5am.	No evidence to suggest changing the times. Any change would have signage cost implications. Suggest combining with clause 4(1).	Remove (see change to clause 4(1))
(4) The Council may, by resolution, subsequently amend or revoke any resolution made under clause 4(2).	This enables the Council to amend or revoke where cruising is prohibited, by resolution	No change, retain as is (will become clause 4(3))
(5) Before making a resolution under clause 4(2) (or the amendment or revocation of a resolution under clause 4(4)) the Council will consider the views and preferences of persons affected by the decision, which may include: (a) The occupiers of any properties adjoining the proposed road or part of the road; (b) Any local community, road user group or other organisation the Council considers may be affected; (c) Any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority; (d) The Commissioner of Police; (e) The New Zealand Transport Agency; and (f) Local Community Boards	This gives assurance that, in exercising its discretion, the Council will consider the views of those affected. This is a normal approach to decision-making, as required by the Local Government Act 2002 (s.83), as well as by the Council's Significance and Engagement Policy. When resolutions have been made to add new roads to the register, this clause has provided guidance for staff, the public and the Council about the approach. We suggest updating the wording slightly for clarity, and the clause reference based on the changes above. Recommend a slight change: <ul style="list-style-type: none"> changing (d) to New Zealand Police, rather than Commissioner of Police update (e) to Waka Kotahi NZ Transport Agency adjust (f) to affected Community Boards, rather than local 	Replace the start of the clause wording with: (5) Before making a resolution under clause 4(2), or amending or revoking a resolution under clause 4(3), the Council will consider the views and preferences of persons affected by the decision, which may include: Replace (d), (e) and (f) with: (d) New Zealand Police (e) Waka Kotahi NZ Transport Agency (f) affected Community Board(s).

Clause	Comment	Proposed change
<p>[The following note is explanatory and is not part of the Bylaw: The Council may obtain views and preferences by using the special consultative procedure in section 83 of the Local Government Act 2002, or may carry out more targeted consultation applying the principles in section 82 of that Act. Any road for which a resolution is made under this clause will be listed in the No Cruising Roads Register http://resources.ccc.govt.nz/files/TheCouncil/policiesreportsstrategies/bylaws/ProhibitedRoadsRegister-CruisingBylaw2010.pdf which is available on the Council's website]</p>	<p>Update explanatory note style</p> <p>Update wording to better reflect the requirements of the Local Government Act (the LGA was amended in 2014 to place less emphasis on using the special consultative procedure (SCP) in relation to bylaws). The LGA now states that an SCP is required only if a council's Significance and Engagement Policy identifies the matter as being of significant interest to the public. If not, consultation needs to be undertaken in a way that gives effect to section 82 of the LGA, principles of consultation.</p> <p>No cruising signs wording moved here with the other explanatory notes.</p> <p>Change "No Cruising Roads Register" – current name is "Register of roads on which cruising is prohibited"</p> <p>Improve reference to website location for the register and update once bylaw is adopted</p>	<p>Replace explanatory note with:</p> <p>Explanatory note: The Council will assess the appropriate form of consultation to undertake based on the nature of the proposal and in relation to its Significance and Engagement Policy. The Council may obtain views and preferences by carrying out targeted consultation (applying the principles in section 82 of the Local Government Act 2002), or by using the special consultative procedure in section 83 of the Local Government Act 2002.</p> <p>The Council will install "No cruising zone" signs, where needed, to indicate these roads, as provided for in the Land Transport Rule: Traffic Control Devices 2004, and in accordance with the Traffic Control Devices Manual</p> <p>Any road specified in a resolution made under this clause will be listed in a register (the Register of roads on which cruising is prohibited). The register can be accessed... [Reference to the register will be updated in the explanatory note to the bylaw once bylaw is adopted]</p>
Clause 5: Council may resolve the time period that applies to cruising		
<p>The Council may, by resolution, prescribe the period of time that must elapse between each time a driver drives on a road described in a resolution made under clause 4(2) of this Bylaw, to avoid being regarded as cruising.</p>	<p>This enables the Council to specify a time period for cruising, by resolution.</p>	<p>No change, retain as is</p>
<p>[The following note is explanatory and is not part of the Bylaw: The current time period that was resolved on by the Council on 13 November 2014 is 4 hours] The Council will erect signs to indicate "no cruising" roads, as provided for in the Land Transport Rule: Traffic Control Devices 2004].</p>	<p>Update explanatory note style. Update explanatory note wording.</p> <p>The time period was part of the consultation when the bylaw was last considered in 2014, and was supported by the Police. Current Police advice is that four or five hours is an appropriate duration.</p> <p>Suggest moving the second part of the explanatory note on signs to under clause 4(1).</p>	<p>Replace with:</p> <p>Explanatory note: On 13 November 2014, the Council resolved that the time period that must elapse is 4 hours.</p> <p>Move the explanatory note about signs to above (under clause 4(4))</p>

Part 2: Prohibited Times on Roads

Clause	Comment	Proposed change
Clause 6: Purpose		
The purpose of this part of the bylaw is to restrict the racing of motor vehicles, and activities associated with the racing of motor vehicles that may cause a nuisance to the public, by prohibiting motor vehicles weighing less than 3,500 kilograms from being on certain roads at specified days and times.	<p>Suggest changing the purpose to more clearly align with legislation and to clarify that this part of the bylaw is a qualifying bylaw</p> <p>The purpose of this part of the bylaw links to legislation. Where the stated purpose of a bylaw made under section 145 of the Local Government Act 2002 is “to restrict or place conditions on the racing of motor vehicles or any associated activities”, then that bylaw is considered a “qualifying bylaw” under the Land Transport Act 1998.</p> <p>The second part of clause (1) relates to the bylaw-making power provided by section 145 of the Local Government Act 2002.</p> <p>Weighing less than 3,500kg: The vehicle weight covers vehicles that are considered “light vehicles” in the Land Transport Act 1998 (s.2). This includes cars, SUVs, vans, people movers and motorcycles.</p> <p>Anything over 3,500kg is considered a “heavy vehicle” and is more likely to be for commercial purposes, such as heavy goods vehicles, trucks and buses.</p> <p>Qualifying bylaw: This links to the enforcement powers, and clarifies that the bylaw is a qualifying bylaw for the purposes of the Land Transport Act (see definition of qualifying bylaw for more information) and new explanatory note in the offences and penalties section below.</p>	<p>Replace with:</p> <p>(1) The purpose of this part of the bylaw is to restrict the racing of motor vehicles, and any activities associated with the racing of motor vehicles in order to protect the public from nuisance, protect public health and safety, and minimise the potential for offensive behaviour in public places.</p> <p>(2) This part of the bylaw enables the Council to prohibit motor vehicles weighing less than 3,500 kilograms from being on certain roads on specified days and within specified times in order to reduce activities associated with the racing of motor vehicles.</p> <p>(3) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.</p>
Clause 7: Resolutions to prohibit cars on roads at certain times		
(1) The Council may by resolution specify any road or part of a road and the days and times during which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on that road or part of that road or roads.		No change, retain as is
(2) The Council may by resolution subsequently amend or revoke any resolution made under clause 7(1).		No change, retain as is

Clause	Comment	Proposed change
<p>(3) Before making a resolution under clause 7(1) (or the amendment or revocation of a resolution under clause 7(2)) the Council will consider the views and preferences of persons affected by the decision, which may include:</p> <p>(a) The occupiers of any properties adjoining the proposed road or part of the road;</p> <p>(b) Any local community, road user group or other organisation the Council considers may be affected;</p> <p>(c) Any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority;</p> <p>(d) The Commissioner of Police;</p> <p>(e) The New Zealand Transport Agency; and</p> <p>(f) The local Community Boards</p>	<p>This gives assurance that, in exercising its discretion, the Council will consider the views of those affected. This is a normal approach to decision-making, as required by the Local Government Act 2002 (s.83), as well as by the Council's Significance and Engagement Policy.</p> <p>When resolutions have been made to add new roads to the register, this has provided guidance for staff, the public and the Council about the approach.</p> <p>Align with changes to the equivalent clause in part 1 of the bylaw. Recommend a slight change:</p> <ul style="list-style-type: none"> changing (d) to New Zealand Police, rather than Commissioner of Police update (e) to Waka Kotahi NZ Transport Agency adjust (f) to affected Community Boards, rather than local <p>Additional guidance is also contained in the Prohibited Times on Roads Policy, and we are recommending some changes to the policy as part of this review.</p>	<p>Replace (d), (e) and (f) with:</p> <p>(d) New Zealand Police</p> <p>(e) Waka Kotahi NZ Transport Agency</p> <p>(f) affected Community Board(s).</p>
<p><i>[The following note is explanatory and is not part of the Bylaw: The Council may obtain views and preferences by using the special consultative procedure in section 83 of the Local Government Act 2002, or may carry out more targeted consultation applying the principles in section 82 of that Act.</i></p> <p><i>All resolutions made under this clause (or any previous prohibited times on roads clause) will be recorded in the Prohibited Times on Roads Register</i></p> <p><i>[http://resources.ccc.govt.nz/files/TheCouncil/policiesreportsstrategies/bylaws/ProhibitedRoadsRegister-CruisingBylaw2010.pdf which is available on the Council's website.</i></p>	<p>Update explanatory note style</p> <p>Update wording to better reflect the requirements of the Local Government Act (the LGA was amended in 2014 to place less emphasis on using the special consultative procedure (SCP) in relation to bylaws). The LGA now states that an SCP is required only if a council's Significance and Engagement Policy identifies the matter as being of significant interest to the public. If not, consultation needs to be undertaken in a way that gives effect to section 82 of the LGA, principles of consultation.</p> <p>Update content, name and reference to the register. Move reference to below exceptions / at the end of this part</p>	<p>Replace explanatory note with:</p> <p>Explanatory note: Prior to considering a resolution to add, revoke or alter roads on which prohibited times on roads apply, the Council will assess the appropriate form of consultation to undertake based on the nature of the proposal and in relation to its Significance and Engagement Policy. The Council may obtain views and preferences by carrying out targeted consultation (applying the principles in section 82 of the Local Government Act 2002), or by using the special consultative procedure in section 83 of the Local Government Act 2002</p> <p>Move reference to register to below clauses in this part</p>
<p><i>The Council also has an operational policy http://resources.ccc.govt.nz/files/ProhibitedTimesOnRoads-docs.pdf that sets out a framework for assessing and processing requests for roads to be added to the Prohibited Times on Roads Register under this clause of the Bylaw.]</i></p>	<p>The updated operational policy for assessing and processing requests should be packaged online with the bylaw. One of its purposes is to "assist the community in understanding the process and criteria"</p>	<p>Move explanatory note to below, with other notes</p>
Clause 8: Cars prohibited on roads and exceptions		

Clause	Comment	Proposed change
<p>No person may use a motor vehicle weighing less than 3,500 kilograms on any road or part of a road described in a resolution made under clause 7(1) during the times and on the days specified in the resolution, unless –</p> <p>(a) the vehicle is conveying the owner or occupier of any land having a frontage to the road described in a resolution made under clause 7(1) or the owner or occupier's bona fide visitors; or</p> <p>(b) the vehicle is an emergency vehicle being used in the execution of duty; or</p> <p>(c) the vehicle is a trade or service authority vehicle for the provision or maintenance of a utility on the road or on land having a frontage to the road; or</p> <p>(d) the vehicle is operated by the Council and being used in the execution of duty; or</p> <p>(e) the vehicle is operated by a security service and being used in the execution of duty.</p>	<p>Update road frontage reference to refer to properties accessible from the road (for example, it may be a back section, without road frontage, but only accessible from a regulated road).</p> <p>Add exceptions for couriers or other delivery drivers.</p> <p>Note that in considering passenger services vehicles (taxis and rideshare providers), they would be permitted to access the road if they are either conveying the owners or occupiers, or conveying bona fide visitors (so would be covered by the proposed wording).</p>	<p>Replace with:</p> <p>No person may use a motor vehicle weighing less than 3,500 kilograms on any road or part of a road described in a resolution made under clause 7(1) during the times and on the days specified in the resolution, unless:</p> <p>(a) the vehicle requires access to a property that can only be accessed from that road (or most conveniently from that road); and</p> <p>i. the vehicle is conveying the owners or occupiers of any such property; or</p> <p>ii. the vehicle is conveying bona fide visitors to any such property; or</p> <p>iii. the vehicle is delivering goods to any such property; or</p> <p>(b) the vehicle is:</p> <p>i. an emergency vehicle being used in the execution of duty; or</p> <p>ii. a trade or service authority vehicle for the provision or maintenance of a utility on the road or on land having a frontage or otherwise on accessible from the road; or</p> <p>iii. operated by the Council and being used in the execution of duty; or</p> <p>iv. operated by a security service and being used in the execution of duty</p>
Clause 9: Signs (removed – all subsequent clause numbers alter by one ie old clause 10 becomes new clause 9)		

Clause	Comment	Proposed change
The Council must erect signs on any road described in a resolution made under clause 7(1) advising – (a) the times and days of the prohibition under clause 7(1); and (b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms	Change from clause to explanatory note. Combine with other explanatory notes for this section – operational policy and reference to the register	Explanatory note: The Council has an operational policy that sets out a framework for assessing and processing requests for roads to be added to the Prohibited Times on Roads Register under this clause of the Bylaw, which can be accessed at [link to policy on website once bylaw is adopted] . The roads regulated by this part of the Bylaw are listed in the Prohibited Times on Roads Register, which can be accessed at [link to register on website once bylaw is adopted] The Council will install signs, where needed, in accordance with the Land Transport Rule: Traffic Control Devices 2004, and the Traffic Control Devices Manual, on any road described in a resolution made under clause 7(1) advising – (a) the times and days of the prohibition; and (b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms; and (c) that there are exemptions.

Part 3: General

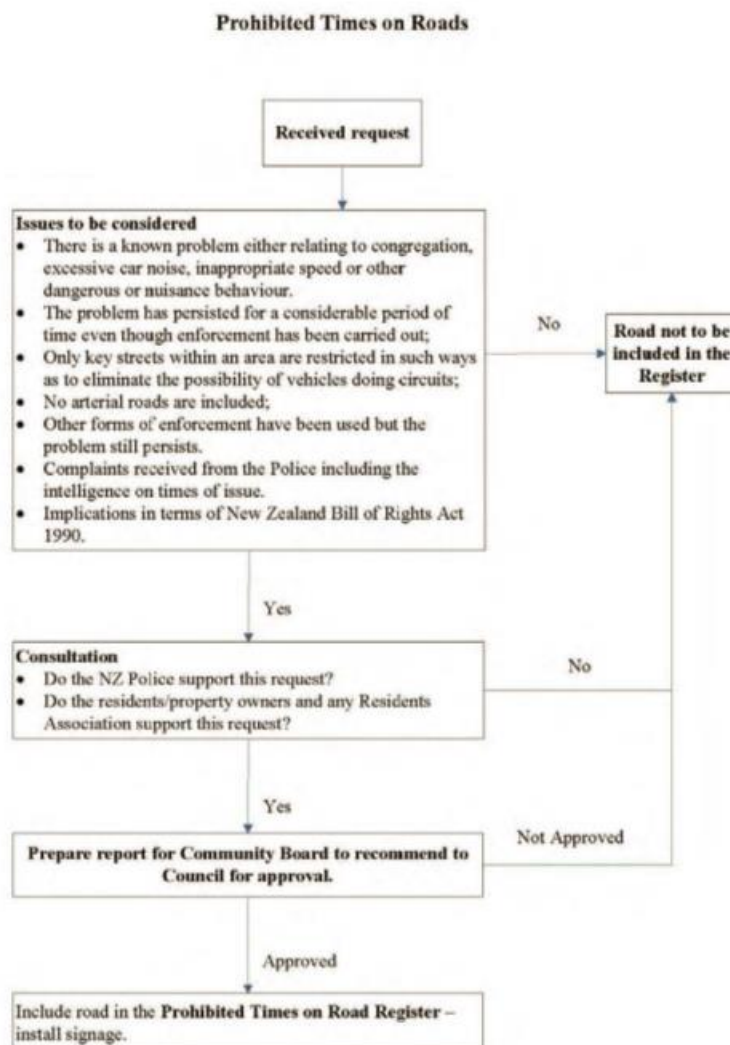
Clause	Comment	Proposed change
Clause 10: Offences and penalties (new clause 9)		
(1) Every person who breaches clause 4 of this Bylaw commits an offence under section 22A(3A) of the Act and is liable on summary conviction to a fine not exceeding \$1,000, or an infringement fee of \$150, as set out in the Land Transport (Offences and Penalties) Regulations 1999.	Reword so the infringement fine is first, as this is the most likely enforcement penalty to apply	Replace with: (1) Every person who breaches clause 4 of this bylaw commits an offence under section 22A(3A) of the Act and is liable to an infringement fee of \$150, or to a fine not exceeding \$1,000 on conviction, as set out in the Land Transport (Offences and Penalties) Regulations 1999.

Clause	Comment	Proposed change
(2) Every person who breaches clause 8 of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002, or an infringement fee of \$750, as set out in the Land Transport (Offences and Penalties) Regulations 1999	Reword so the infringement fine is first, as this is the most likely enforcement penalty to apply Include reference to section 113 of the Land Transport Act 1998 (Enforcement officers may enforce transport legislation), as this enables the Police to enforce breaches of bylaws made under the Local Government Act 2002, where they relate to transport. The fine the Police can issue is listed in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999 (Failure to comply with relevant bylaw)	Replace with: (2) Every person who breaches clause 8 of this bylaw commits an offence and is liable to an infringement fee of \$750, as set out in the Land Transport (Offences and Penalties) Regulations 1999 and in accordance with section 113 of the Land Transport Act 1998, or may be liable to a fine not exceeding \$20,000 on conviction, as set out in the Local Government Act 2002.
(3) Nothing in this Bylaw limits the exercise of any enforcement powers available in any Act or Regulations, including the issue of warning notices under section 22AF of the Act, and the offences and penalties related to non-compliance with any warning notices.	Reword to make it clearer that warning notices can be issued, and include a new explanatory note explaining the relevant parts of the Land Transport Act 1998	(3) Every person who operates a motor vehicle in a manner that breaches this bylaw may be liable to a warning notice issued in accordance with section 22AF of the Land Transport Act 1998. Explanatory note: A Police officer may affix a warning notice to the motor vehicle instead of, or in addition to, issuing an infringement notice. A further breach of the same part of the bylaw during the 90-day period during which the warning notice is affixed may result in seizure and impoundment of the vehicle for 28-days in accordance with section 96(1AA) of the Land Transport Act 1998.
Clause 11: Christchurch City Council General Bylaw (new clause 10)		
The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.	Bylaw is still 2008	No change, retain as is
Clause 12: Revocation and savings (new clause 11)		
(1) Clauses 15 and 16(2) of the Traffic and Parking Bylaw 2008 are revoked.	These clauses have been revoked by the 2014 bylaw and this does not need to be included in the 2023 replacement bylaw	Remove
(2) The Christchurch City Council Cruising Bylaw 2010 is revoked.	The 2010 bylaw has been revoked by the 2014 bylaw and this 2023 replacement bylaw will revoke the 2014 bylaw	Update and replace with: (1) The Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014 is revoked and replaced by this bylaw.
(3) Despite clause 12(2), the cruising prohibition on the roads specified in clause 4(1) of the Christchurch City Council Cruising Bylaw 2010 continues to have full force and effect for the purposes of this Bylaw, as if it had been a resolution made by the Council under clause 4(2) of this Bylaw.	No longer needed. The clause below carries over all resolutions made under previous versions of the bylaw.	Remove

Clause	Comment	Proposed change
(4) Any resolutions made under the bylaws revoked by clauses 12(1) and 12(2) continue to have full force and effect for the purposes of this Bylaw, but are subject to the application of any relevant clauses in this Bylaw.	Only needs to reference the one 2014 bylaw, so should refer only to the new clause 11(1).	Update and replace with: (1) Any resolutions made under the bylaw revoked by clause 11(1) continue to have full force and effect for the purposes of this bylaw, but are subject to the application of any relevant clauses in this bylaw.
(5) The revocation of any bylaws under clauses 12(1) and 12(2) does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings continue to be dealt with and completed as if the bylaws had not been revoked	As above. Update clause reference	Update and replace with: (2) The revocation of the bylaw under clause 11(1) does not prevent any legal proceedings, criminal or civil, being taken to enforce this bylaw and such proceedings continue to be dealt with and completed as if the bylaw had not been revoked.
<i>The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council held on 26 June 2014 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 13 November 2014.</i>	Update with full decision-making references	<i>The initial resolution to make the Cruising Bylaw 2010 was passed by the Christchurch City Council on 11 February 2010 and was confirmed, following consideration of submissions, by a resolution of the Council on 27 May 2010.</i> <i>The Cruising Bylaw was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2014.</i> <i>The initial resolution to make the Cruising and Prohibited Times on Roads Bylaw 2014 was passed by the Christchurch City Council on 26 June 2014 and was confirmed, following consideration of submissions, by a resolution of the Council on 13 November 2014.</i> <i>The Cruising and Prohibited Times on Roads Bylaw 2014 was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2023.</i> <i>The initial resolution to make Cruising and Prohibited Times on Roads Bylaw 2023 was passed by the Christchurch City Council at a meeting on 21 June 2023, and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council on <date>.</i>

Prohibited Times on Roads Policy

Policy wording	Comments
<p>Introduction</p> <p>The purpose of this policy is to set out the framework for assessing and processing requests for roads to be added to the Prohibited Times on Roads Register as set out in Clause 15 of the CCC Traffic and Parking Bylaw 2008. This is to ensure a transparent and consistent approach in applying this policy.</p>	<p>The current policy is out of date and needs to be updated. The policy has been rewritten and included in the Council's policy template, so a clause-by-clause analysis is not practical for comparison.</p>
<p>Scope and Definitions</p> <p>This policy only apply to roads under the care, control and management of the Christchurch City Council and does not apply to roads which are State Highways unless an agreement have been entered into to apply this policy on State Highways. Clause 15 aims to mitigate the adverse effect of street racing and its associated behaviours.</p> <p>Where a "Prohibited Times on Roads" request is for well-defined industrial areas with no through function, the prohibition should be seven days a week, from 10pm to 5am the following morning.</p> <p>Where a "Prohibited Times on Roads" request is for an area where people live or where the roads have a through function then the prohibition is to apply only during limited times, in particular: – Thursday to Friday 10pm-5am; Friday to Saturday 10pm-5am; Saturday to Sunday 10pm-5am; Sunday to Monday 10pm-5am; and from 10pm on the day preceding any public holiday until 5am on that statutory holiday; and from 10pm on the public holiday to 5am the following morning.</p> <p>Alignment This policy should be used in conjunction with Clause 15 of the CCC Traffic and Parking Bylaw 2008.</p>	
<p>Policy details The flow chart attached sets out the process when assessing/considering a request.</p>	<p>General points that have been retained include:</p> <ul style="list-style-type: none"> • That it only applies to roads where the Council is the road controlling authority • That different days and times should apply, depending on the type of road / situation • That it links to the (replacement) bylaw • That the final decisions rests with Council (there is no delegation for adding, amending or removing roads), but road can be recommended by Community Boards • The owner of the policy (updated) <p>Flow chart – see below</p> <p>General issues to be included from the flow chart to the new policy (criteria):</p> <ul style="list-style-type: none"> • There is a known problem • The problem has persisted • Other approaches have not worked • No arterial roads are included • Police support it • New Zealand Bill of Rights Act 1990 implications assessment is required
<p>Delegations No delegations have been given in relation to approving whether a road will be added to the Prohibited Times on Roads Register. The authority remains with the Council.</p>	
<p>Approval Date 22 April 2010</p>	
<p>Owner Network Operations and Traffic Systems team, Transport and Greenspace Unit.</p>	
<p>Flowchart Amended by Council, 22 April 2010</p> <p>(b) That the issues to be considered section of the flowchart (Attachment 2 to the agenda) in the "Prohibited Times on Roads" policy be amended so that the second bullet point reads "The problem has persisted for a considerable period of time, even though other enforcement has been carried out."</p> <p>(c) That the issues to be considered section of the flowchart in the "Prohibited Times on Roads" policy be amended so that the fourth bullet point reads "No arterial roads, or collector roads, are included."</p>	



Note: This version of the bylaw is for consultation purposes. Blue background indicates where changes have been made from the 2014 bylaw. For detail on the changes, see the clause-by-clause analysis document. Grey background indicates information to be updated once the bylaw is adopted.

Cruising and Prohibited Times on Roads Bylaw 2023

The Christchurch City Council makes this bylaw under section 22AB(1)(a) of the Land Transport Act 1998 and section 145 of the Local Government Act 2002.

1. Short title and commencement

- (1) This bylaw is the Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2023.
- (2) This bylaw comes into force on [date] 2023.

2. Interpretation

- (1) In this bylaw, unless the context otherwise requires:

TERM	DEFINITION
Council	means the Christchurch City Council
District	means the district of the Council
Act	means the Land Transport Act 1998
Cruising	means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that – <ol style="list-style-type: none">(a) draws attention to the power or sound of the engine of the motor vehicle being driven; or(b) creates a convoy that –<ol style="list-style-type: none">(i) is formed otherwise than in trade; and(ii) impedes traffic flow.
	<i>Explanatory note: This bylaw is enforced by the Police. In interpreting the definition of ‘cruising’, the Police have advised that they interpret ‘repeatedly’ to mean ‘more than once’, and ‘convoy’ to mean ‘two or more vehicles with a common purpose’</i>
Motor vehicle	has the same meaning as the Act, and generally applies to all motorised vehicles intended for use on New Zealand roads, including motorcycles

TRIM number:

Qualifying bylaw

has the same meaning as the Act, and enables warning notices to be issued under section 22AF of the Act for a breach of a qualifying bylaw.

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

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

PART 1: CRUISING

3. Purpose

- (1) The purpose of this part of the bylaw is to control and restrict the cruising of motor vehicles by prohibiting cruising on certain roads at specified days and times.
- (2) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.

4. Cruising Prohibited

- (1) Cruising is prohibited on all roads for which the Council makes a resolution under clause 4(2). On any such road, the prohibition on cruising applies 7 days a week between the hours of 10pm and 5am.
- (2) The Council may, by resolution, specify that any road or part of a road will be subject to a prohibition on cruising at the days and times specified in clause 4(1).
- (3) The Council may, by resolution, subsequently amend or revoke any resolution made under clause 4(2).
- (4) Before making a resolution under clause 4(2), or amending or revoking a resolution under clause 4(3), the Council will consider the views and preferences of persons affected by the decision, which may include:
- (a) the occupiers of any properties adjoining the proposed road or part of the road;
 - (b) any local community, road user group or other organisation the Council considers may be affected;
 - (c) any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority;
 - (d) New Zealand Police;
 - (e) Waka Kotahi NZ Transport Agency;
 - (f) affected Community Board(s).

***Explanatory note:** The Council will assess the appropriate form of consultation to undertake based on the nature of the proposal and in relation to its Significance and Engagement Policy. The Council may obtain views and preferences by carrying out targeted consultation (applying the principles in section 82 of the Local Government Act 2002), or by using the special consultative procedure in section 83 of the Local Government Act 2002.*

Proposed replacement Cruising and Prohibited Times on Roads Bylaw

The Council will install “No cruising zone” signs to indicate these roads, where needed, as provided for in the Land Transport Rule: Traffic Control Devices 2004, and in accordance with the Traffic Control Devices Manual.

Any road specified in a resolution made under this clause will be listed in a register (the Register of roads on which cruising is prohibited). The register can be accessed at [Reference to the register will be updated in the explanatory note to the bylaw once bylaw is adopted]

5. Council may resolve the time period that applies to cruising

- (1) The Council may, by resolution, prescribe the period of time that must elapse between each time a driver drives on a road described in a resolution made under clause 4(2) of this Bylaw, to avoid being regarded as cruising.

Explanatory note: On 13 November 2014, the Council resolved that the time period that must elapse is 4 hours.

PART 2: PROHIBITED TIMES ON ROADS

6. Purpose

- (1) The purpose of this part of the bylaw is to restrict the racing of motor vehicles, and any activities associated with the racing of motor vehicles in order to protect the public from nuisance, protect public health and safety, and minimise the potential for offensive behaviour in public places.
- (2) This part of the bylaw enables the Council to prohibit motor vehicles weighing less than 3,500 kilograms from being on certain roads on specified days and within specified times in order to reduce activities associated with the racing of motor vehicles.
- (3) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.

7. Resolutions to prohibit cars on roads at certain times

- (1) The Council may by resolution specify any road or part of a road and the days and times during which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on that road or part of that road or roads.
- (2) The Council may by resolution subsequently amend or revoke any resolution made under clause 7(1).
- (3) Before making a resolution under clause 7(1) (or the amendment or revocation of a resolution under clause 7(2)), the Council will consider the views and preferences of persons affected by the decision, which may include:
 - (a) the occupiers of any properties adjoining the proposed road or part of the road;
 - (b) any local community, road user group or other organisation the Council considers to be affected;
 - (c) any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority;
 - (d) New Zealand Police;

Proposed replacement Cruising and Prohibited Times on Roads Bylaw

- (e) Waka Kotahi NZ Transport Agency;
- (f) affected Community Board(s).

Explanatory note: Prior to considering a resolution to add, revoke or alter roads on which prohibited times on roads apply, the Council will assess the appropriate form of consultation to undertake based on the nature of the proposal and in relation to its Significance and Engagement Policy. The Council may obtain views and preferences by carrying out targeted consultation (applying the principles in section 82 of the Local Government Act 2002), or by using the special consultative procedure in section 83 of the Local Government Act 2002.

8. Cars prohibited on roads and exceptions

- (1) No person may use a motor vehicle weighing less than 3,500 kilograms on any road or part of a road described in a resolution made under clause 7(1) during the times and on the days specified in the resolution, unless:

- (a) the vehicle requires access to a property that can only be accessed from that road (or most conveniently from that road); and

- (i) the vehicle is conveying the owners or occupiers of any such property; or
- (ii) the vehicle is conveying bona fide visitors to any such property; or
- (iii) the vehicle is delivering goods to any such property; or

- (b) the vehicle is:

- (i) an emergency vehicle being used in the execution of duty; or
- (ii) a trade or service authority vehicle for the provision or maintenance of a utility on the road or on land having a frontage or
- (iii) operated by the Council and being used in the execution of duty; or
- (iv) operated by a security service and being used in the execution of duty.

Explanatory note: The Council has an operational policy that sets out a framework for assessing and processing requests for roads to be added to the Prohibited Times on Roads Register under this clause of the Bylaw, which can be accessed at [\[link to policy on website once bylaw is adopted\]](#).

The roads regulated by this part of the Bylaw are listed in the Prohibited Times on Roads Register, which can be accessed at [\[link to register on website once bylaw is adopted\]](#)

The Council will install signs, where needed, in accordance with the Land Transport Rule: Traffic Control Devices 2004, and the Traffic Control Devices Manual, on any road described in a resolution made under clause 7(1) advising –

- (a) the times and days of the prohibition; and
- (b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms; and
- (c) that there are exemptions.

9. Offences and penalties

- (1) Every person who breaches clause 4 of this bylaw commits an offence under section 22A(3A) of the Act and is liable to an infringement fee of \$150, or to a fine not exceeding \$1,000 on conviction, as set out in the Land Transport (Offences and Penalties) Regulations 1999.
- (2) Every person who breaches clause 8 of this bylaw commits an offence and is liable to an infringement fee of \$750, as set out in the Land Transport (Offences and Penalties) Regulations 1999 and in accordance with section 113 of the Land Transport Act 1998, or may be liable to a fine not exceeding \$20,000 on conviction, as set out in the Local Government Act 2002.
- (3) Every person who operates a motor vehicle in a manner that breaches this bylaw may be liable to a warning notice issued in accordance with section 22AF of the Land Transport Act 1998.

Explanatory note: A Police officer may affix a warning notice to the motor vehicle instead of, or in addition to, issuing an infringement notice. A further breach of the same part of the bylaw during the 90-day period during which the warning notice is affixed may result in seizure and impoundment of the vehicle for 28-days in accordance with section 96(1AA) of the Land Transport Act 1998.

10. Christchurch City Council General Bylaw

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

11. Revocation and savings

- (1) The Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014 is revoked and replaced by this bylaw.
- (2) Any resolutions made under the bylaw revoked by clause 11(1) continue to have full force and effect for the purposes of this bylaw, but are subject to the application of any relevant clauses in this bylaw.
- (3) The revocation of the bylaw under clause 11(1) does not prevent any legal proceedings, criminal or civil, being taken to enforce this bylaw and such proceedings continue to be dealt with and completed as if the bylaw had not been revoked.

The initial resolution to make the Cruising Bylaw 2010 was passed by the Christchurch City Council on 11 February 2010 and was confirmed, following consideration of submissions, by a resolution of the Council on 27 May 2010.

The Cruising Bylaw was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2014.

The initial resolution to make the Cruising and Prohibited Times on Roads Bylaw 2014 was passed by the Christchurch City Council on 26 June 2014 and was confirmed, following consideration of submissions, by a resolution of the Council on 13 November 2014.

The Cruising and Prohibited Times on Roads Bylaw 2014 was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2023.

Proposed replacement Cruising and Prohibited Times on Roads Bylaw

The initial resolution to make Cruising and Prohibited Times on Roads Bylaw 2023 was passed by the Christchurch City Council at a meeting on 21 June 2023, and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council on <date>.

Item 7

Attachment C

Proposed replacement registers to the Cruising and Prohibited Times on Roads Bylaw

Note: In these replacement versions of the registers, the roads have been grouped by Community Board area.

Register of roads on which cruising is prohibited

Coastal-Burwood-Linwood Community Board		
Aldwins Road	Linwood Avenue to #159 Aldwins Road	Southbound
Buckleys Road	Linwood Avenue to McGregors Road	Both directions
Ensors Road	Ferry Road to Brougham Street	Southbound
Linwood Avenue	Hereford Street to Aldwins Road	SE bound
Linwood Avenue	Aldwins Road to Hargood Street	Both directions
Marshland Road	Lake Terrace Road to Mairehau Road	Both directions
New Brighton Road	Marshland Road to Bassett Street	Both directions
Pages Road	McGregors Road to Kearneys Road	Both directions
Fendalton-Waimairi-Harewood Community Board		
Bealey Avenue	Papanui Road to Carlton Mill Road	Eastbound
Deans Avenue	Matai Street East to Fendalton Road	Northbound
Fendalton Road	All	Both directions
Harewood Road	Greers Road to Crofton Road	Both directions
Helsmore Lane	All	Both directions
Main North Road	Farquhars Road to Queen Elizabeth II Drive	Both directions
Memorial Avenue	Greers Road to Orchard Road	Both directions
Papanui Road	Bealey Avenue to Holly Road	Northbound
Papanui Road	Holly Road to Mays Road	Both directions
Papanui Road	Mays Road to Blighs Road	Northbound
Rossall Street	All	Both directions
Halswell-Hornby-Riccarton Community Board		
Blenheim Road	Deans Avenue to Curletts Road	Both directions
Deans Avenue	Moorhouse Avenue to Matai Street East	Northbound
Papanui-Innes-Central Community Board		
Aldwins Road	Ferry Road to #159 Aldwins Road	Both directions
Aldwins Road	#159 Aldwins Road to Linwood Avenue	Northbound
Barbadoes Street	Bealey Avenue to Hereford Street	Both directions
Bealey Avenue	Fitzgerald Avenue to Papanui Road	Both directions
Bealey Avenue	Papanui Road to Carlton Mill Road	Westbound

Deans Avenue	Fendalton Road to Moorhouse Avenue	Southbound
Durham Street North	Bealey Avenue to Salisbury Street	Both directions
Ensors Road	Ferry Road to Brougham Street	Northbound
Fitzgerald Avenue	Bealey Avenue to Hereford Street	Both directions
Gloucester Street	Latimer Square (east side) to Madras Street	Both directions
Harper Avenue	All	Both directions
Hills Road	Avalon Street to Shirley Road	Both directions
Kilmore Street	Dawson Street to Colombo Street	Both directions
Kilmore Street	Montreal Street to Park Terrace	Both directions
Latimer Square (east side)	All	One way
Linwood Avenue	Hereford Street to Aldwins Road	NW bound
Madras Street	Gloucester Street to Bealey Avenue	One way
Main North Road	Harewood Road to Farquhars Road	Both directions
Manchester Street	Bealey Avenue to Kilmore Street	Both directions
Montreal Street	Kilmore Street to Bealey Avenue	One way
Montreal Street	Lichfield Street to Armagh Street	One way
Moorhouse Avenue	Deans Avenue to Hagley Avenue	Eastbound
Papanui Road	Bealey Avenue to Holly Road	Southbound
Papanui Road	Mays Road to Blighs Road	Southbound
Papanui Road	Blighs Road to Harewood Road	Both directions
Park Terrace	Bealey Avenue to Chester Street West	Both directions
Riccarton Avenue	All	Both directions
Salisbury Street	Park Terrace to Barbadoes Street	One way
Shirley Road	All	Both directions
Whitmore Street	Bealey Avenue to Avalon Street	Both directions
Spreydon-Cashmere-Heathcote Community Board		
Barrington Street	Lincoln Road to 110 metres southeast of Jerrold Street South	Both directions
Colombo Street	Moorhouse Street to Centaurus Road	Both directions
Durham Street South	Moorhouse Avenue to Sandyford Street	Both directions
Ferry Road	Humphreys Drive to Tidal View Place	Both directions
Gasson Street	Brougham Street to Moorhouse Avenue	Both directions
Lincoln Road	Torrens Road to Whiteleigh Avenue	Both directions
Montreal Street	Hazeldean Road to Moorhouse Avenue	Both directions
Esplanade	All	Both directions
Main Road	Ferry Road to Marriner Street, Sumner	Both directions
Moorhouse Avenue	Deans Avenue to Fitzgerald Avenue	Westbound
Waltham Road	Moorhouse Avenue to Hastings Street East	Both directions
Central City - Plan A Area		
Armagh Street	Montreal Street to Cranmer Square (East Side)	Both directions
Barbadoes Street	Hereford Street to Moorhouse Avenue	Both directions

Cambridge Terrace	Gloucester Street to Lichfield Street	Both directions
Colombo Street	Dundas Street to Moorhouse Avenue	Both directions
Cranmer Square (east side)	All	One way
Durham Street North	Salisbury Street to Gloucester Street	Both directions
Durham Street South	Lichfield Street to Moorhouse Avenue	Both directions
Fitzgerald Avenue	Hereford Street to Moorhouse Avenue	Both directions
Hereford Street	Madras Street to Latimer Square (east side)	Both directions
Kilmore Street	Colombo Street to Montreal Street	One way
Lichfield Street	All	Both directions
Madras Street	Moorhouse Avenue to Hereford Street	One way
Manchester Street	Kilmore Street to Moorhouse Avenue	Both directions
Montreal Street	Moorhouse Avenue to Lichfield Street	One way
Moorhouse Avenue	Hagley Avenue to Fitzgerald Avenue	Eastbound
St Asaph Street	Fitzgerald Avenue to Antigua Street	One way
Tuam Street	Antigua Street to Hagley Avenue	One way

Prohibited Times on Roads Register

Proposed roads to be added are marked with a green background. Proposed roads to be removed are marked with a red background.

Coastal-Burwood-Linwood Community Board			
Cumnor Terrace	Chapmans Road to Maunsell Street	10pm - 5am	11-Sep-14
Francella Street	Entire length	10pm - 5am	11-Sep-14
Kainga Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Link Road	Entire length	10pm - 5am	12-Mar-15
Lower Styx Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Newtown Street	Entire length	10pm - 5am	11-Sep-14
Ruru Road	Dyers Road (SH74) to Maces Road	10pm - 5am	11-Sep-14
Senior Place	Entire length	10pm - 5am	11-Sep-14
Shivas Place	Entire length	10pm - 5am	11-Sep-14
Spencerville Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Taurus Place	Entire length	10pm - 5am	11-Sep-14
Tanya Street	Entire length	10pm - 5am	11-Sep-14
Wickham Street	Entire length	10pm - 5am	11-Sep-14
Fendalton-Waimairi-Harewood Community Board			
Aviation Drive	Entire length	10pm - 5am	Proposed



Avonhead Road	Ron Guthrey Road to Grays Road	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Blakes Road	Entire length	10pm - 5am	14-Aug-14
Blakes Road	Belfast Road to end (northerly direction)	10pm to 5am	Proposed
Conservators Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Corringa Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Dickeys Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
George Bellow Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	11-Sep-14
Grays Road	Avonhead Road to Ryans Road	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Guys Road	School Road to Conservators Road	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Hasketts Road	West Coast Road to School Road	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Jessons Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Jet Place	Entire length	10pm - 5am	Proposed
Lakes Way	Entire length	10pm - 5am	Proposed
Lakeside Place	Entire length	10pm - 5am	Proposed
Logistics Drive	Entire length	10pm - 5am Thurs-Mon & Public Holidays	11-Sep-14
McCleans Island Road	600m south of McArthurs Road to Chattertons Road	10pm - 5am	14-Aug-14
Outlook Place	Entire length	10pm - 5am	Proposed
Pound Road	Yaldhurst to McLeans Island Road	10pm - 5am Thurs-Mon & Public Holidays	11-Sep-14
Pound Road	Section east of main alignment	10pm - 5am	Proposed
Ron Guthrey Road	Std Bradley Road to George Bellow Road	10pm - 5am Thurs-Mon & Public Holidays	11-Sep-14
Ryans Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Savills Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
School Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Syd Bradley Road	Entire length	10pm - 5am	Proposed
Halswell-Hornby-Riccarton Community Board			
Anchorage Way	Entire length	10pm - 5am	29-Aug-13
Aruhe Road	Entire length	10pm - 5am	Proposed
Ballarat Way	Entire length	10pm - 5am	29-Aug-13

Barbers Road	Northwest of Waterloo Road	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Branston Street	Entire length	10pm – 5am	Proposed
Calgary Place	Entire length	10pm - 5am	29-Aug-13
Canada Crescent	Entire length	10pm - 5am	29-Aug-13
Chattertons Road	Entire length	9pm - 5am	29-Aug-13
Chinook Place	Entire length	10pm - 5am	29-Aug-13
Colombia Avenue	Entire length	10pm - 5am	29-Aug-13
Commerce Crescent	Entire length	10pm - 5am	14-Sep-17
Connaught Drive	Entire length	10pm - 5am	29-Aug-13
Dakota Crescent	Entire length	10pm - 5am	29-Aug-13
Dawsons Road	West Coast Road (SH73) to Jones Road	9pm - 5am	29-Aug-13
Depot Street	Entire length	10pm – 5am	Proposed
Doric Way	Entire length	10pm - 5am	14-Sep-17
Edmonton Way	Entire length	10pm - 5am	29-Aug-13
Enterprise Avenue	Entire length	10pm - 5am	14-Sep-17
Establishment Drive	Entire length	10pm – 5am	Proposed
Gerald Connolly Place	Entire length	10pm - 5am	29-Aug-13
Green Lane	Entire length	10pm - 5am	29-Aug-13
Hammersmith Drive	Entire length	10pm - 5am	29-Aug-13
Hasketts Road	Barbers Road to West Coast Road	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Headquarters Place	Entire length	10pm – 5am	Proposed
Hickory Place	Entire length	10pm - 5am	29-Aug-13
Industry Avenue	Entire length	10pm - 5am	14-Sep-17
Innovation Road	Entire length	10pm - 5am	14-Sep-17
Islington Avenue	Entire length	10pm - 5am	14-Sep-17
Kettlewell Drive	Entire length	10pm - 5am Thurs-Mon & Public Holidays	11-Sep-14
Klondyke Drive	Entire length	10pm - 5am	29-Aug-13
Kotzikas Place	Entire length	10pm - 5am	29-Aug-13
Leggett Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Mania Road	Entire length	10pm – 5am	Proposed
McTeigue Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Michelle Road	Entire length	10pm - 5am	29-Aug-13
Miners Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Mountview Place	Entire length	10pm - 5am	29-Aug-13
Paragon Place	Entire length	10pm - 5am	29-Aug-13
Prairie Place	Entire length	10pm - 5am	29-Aug-13
Produce Place	Entire length	10pm - 5am	29-Aug-13

Quadrant Drive	Entire Length	10pm – 5am	Proposed
Roberts Road	Brunner Street to Pound Road	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Sir James Wattie Drive	Entire length	10pm - 5am	14-Aug-14
Sonter Drive	Entire length	10pm - 5am	29-Aug-13
Timothy Place	Entire length	10pm - 5am	29-Aug-13
Watts Road	Entire length	10pm – 5am	Proposed
Weaver Place	Entire length	10pm - 5am Thurs-Mon & Public Holidays	Proposed
Wigram Close	Entire length	10pm - 5am	29-Aug-13
Wilmers Road	Entire length	10pm - 5am Thurs-Mon & Public Holidays	29-Aug-13
Yukon Place	Entire length	10pm - 5am	29-Aug-13
Papanui-Innes-Central Community Board			
Spreydon-Cashmere-Heathcote Community Board			
Brightlings Road	Entire length	10pm - 5am	13-Nov-14
Caerphilly Place	Entire length	10pm - 5am	13-Nov-14
Chapmans Road	Railway Line to Cumnor Terrace	10pm - 5am	11-Sep-14
Chapmans Road	Port Hills Road to Railway Line	10pm - 5am	13-Nov-14
Craft Place	Entire length	10pm - 5am	29-Aug-13
Dalziel Place	Entire length	10pm - 5am	11-Sep-14
Hazeldean Road	Grove Road to Montreal Street	10pm - 5am	29-Aug-13
Kennaway Road	Entire length	10pm - 5am	11-Sep-14
Lock Crescent	Entire length	10pm - 5am	11-Sep-14
Mary Muller Drive	Entire length	10pm - 5am	13-Sep-14
Print Place	Entire length	10pm - 5am	29-Aug-13
Roystone Way	Entire length	10pm - 5am	9-Nov-17
Vista Place	Entire length	10pm - 5am	9-Nov-17

(Proposed) Prohibited Times on Roads Operational Policy

To support the Cruising and Prohibited Times on Roads Bylaw 2023

Introduction

The Council's Cruising and Prohibited Times on Roads Bylaw 2023 (**the bylaw**) enables the Council to specify roads where night-time vehicle access is limited to reduce the potential for antisocial road user (**ASRU**) activities.

Decisions to regulate roads under the bylaw are listed in the Prohibited Times on Roads Register (**the register**).

This operational policy supports the process to add, amend or remove roads from the register. It should be read in conjunction with the bylaw.

Purpose

This operational policy sets out the framework for assessing and progressing requests or recommendations for roads to be added, amended or removed from the register. It provides guidance for the community, Council staff, Community Boards and Council on this process.

Context

The decision to add, amend or remove roads from the coverage of the bylaw sits with Council. The initial investigation is undertaken by staff and is considered by Community Boards.

On roads regulated by the Prohibited Times on Roads clauses, light vehicle access is prohibited within certain times and days to reduce the potential for ASRU activities. The prohibition can only be enforced by the Police.

Specified roads are generally in rural-city fringe or industrial areas. They are typically roads that are unlikely to need to be used by vehicles at night, and that have a history of ASRU issues.

Signs are installed on the roads to communicate the prohibition, in line with the legislative requirements. Offences and penalties are set out in the bylaw.

Exclusions

Prohibited times on roads will not be considered for roads that serve an arterial function, and are unlikely to be considered on roads where the Council is not the road controlling authority (such as state highways¹ or private roads).

¹ Unless a written agreement has been entered into, such as with Waka Kotahi as the road controlling authority for state highways.

TRIM number:

Roads that have a through-function, are commonly utilised by the general public at night, or that are in residential areas are generally not appropriate for these night-time restrictions.

Types of roads

The following timeframes apply to different types of roads, and are listed with each road in the register:

Types of roads	Times it applies
Industrial roads	10pm-5am (seven days a week)
Rural-city fringe or other roads	10pm-5am Thursday-Monday, and on nights before and after public holidays
Boundary roads (with Selwyn)	9pm to 5am, seven days a week

Analysis criteria for when to apply prohibited times on roads

The Council will consider putting prohibited times on roads where:

- the Council is the road controlling authority and the road fits the criteria in this policy
- there is a history of complaints of ASRU activities and impacts on the road or in the area
- there is evidence of issues, including damage to the road
- other enforcement or practical approaches have been tried and the problem persists
- prohibiting night-time access to the road is a proportional response to the activities
- the New Zealand Bill of Rights Act implications have been considered, and imposing restrictions would be considered reasonable
- the Police support the proposal
- staff support the proposal.

Bill of Rights Act

The Local Government Act 2002 requires an assessment of the New Zealand Bill of Rights Act 1990 implications when making the Prohibited Times on Roads part of the bylaw.² This assessment should also be undertaken when considering regulating specific roads under the bylaw.

This assessment broadly requires that the limitations on people's freedom of movement must be proportional to the objective the regulation is seeking, and that it is the "minimum impairment" (least restrictive limitation to achieve the objective).

The prohibition of light vehicles on specified roads during certain days and times to reduce ASRU activities, when undertaken in accordance with the criteria in this policy and the consultation requirements in the bylaw, should demonstrate that these matters have been considered, and that the regulation is appropriate and proportionate in terms of Bill of Rights Act implications.

Consultation requirements

The bylaw includes a requirement to consider the views and preferences of persons affected by the decision. See clause 7 of the bylaw for the consultation requirements.

² See sections 145 and 155 of the Local Government Act 2002

[Click or tap here to enter footer text.](#)

Process for adding or amending roads

The following sets out the process for considering whether to add or amend roads. No decision has been made until Council resolves to add a road to the register, or to amend a road on the register. The process below can be stopped at any time:

1. Someone raises concerns about ASRU activities on a road and requests that the road is considered
2. Staff assess whether the idea has merit and generally fits the analysis criteria identified in this policy
3. Staff investigate and undertake the analysis requirements in this policy, and provide their advice and recommendation to the Community Board
4. The Community Board decides whether to proceed with public consultation in accordance with the bylaw and this policy
5. The Community Board considers the issues raised in any submissions
6. The Community Board recommends that the Council adds the road to the register
7. The Council accepts the recommendation and resolves to add the road to the register
8. The register is updated accordingly
9. Appropriate signage is installed or adjusted on the road(s)
10. Police can undertake enforcement activities in relation to the new or amended road.

Process for removing roads

Roads can be removed from the register by a resolution of Council. This may be because the road has been physically or functionally altered (eg an intersection upgrade) or because the context around the road has changed (eg a new subdivision turns a rural area into a residential area), or for any other reason Council considers is necessary.

The following sets out the process for considering whether to remove a road from the register. No decision has been made until Council resolves to remove a road from the register. The process can be stopped at any time:

1. Someone raises concerns about a road on the register or that it has 'prohibited times' applied to it
2. Staff assess whether the situation has changed sufficiently to consider the removal of the road
3. Staff investigate and provide advice to the Community Board
4. The Community Board decides whether to proceed with public consultation in accordance with the bylaw and this policy
5. The Community Board considers the issues raised in any submissions
6. The Community Board recommends that the Council removes the road from the register
7. The Council accepts the recommendation and resolves to remove the road from the register
8. The register is updated accordingly
9. Signage is removed from the relevant road(s).

Related documents

Document	Link
<i>Cruising and Prohibited Times on Roads Bylaw 2023</i>	[add link]
<i>Prohibited Times on Roads Register</i>	[add link]

Proposed Prohibited Times on Roads Operational Policy

Policy name	Prohibited Times on Roads Operational Policy
Adoption date	[add date Council adopted the policy]
Date of most recent review	
Resolution number	[add resolution number]
Review date	[add date policy to be next reviewed]
Department responsible	Traffic Operations Team
Position responsible	Manager Operations (Transport)

Click or tap here to enter footer text.

8. Major Cycleway South Express Section 1 - Detailed Traffic Resolutions

Reference / Te Tohutoro: 23/499381

Report of / Te Pou
Matua: Natasha Wells, Project Manager, natasha.wells@ccc.govt.nz

General Manager /
Pouwhakarae: Mary Richardson, General Manager Citizens & Community
(Mary.Richardson@ccc.govt.nz)

1. Nature of Decision or Issue and Report Origin

- 1.1 This is a technical decision to approve the detailed traffic resolutions for MCR South Express Section 1 as requested by the Infrastructure, Transport and Environment Committee on 22 July 2019 (ITEC/2019/00022).
- 1.2 This report is staff generated in response to the above Committee recommendation.
- 1.3 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined on the basis that all the delivery decisions have been previously made and this report seeks approval for the detailed traffic controls, parking and stopping restrictions.
- 1.4 There are no fundamental changes between the approved scheme design and the layout as detailed in the 22 July 2019 report and the resolutions contained in this report for the road, footpath and cycle facilities.
- 1.5 The management of the Gilberthorpes Road / Waterloo Road / Parker Street / Moffett Street intersection is under discussion with the Community Board, and is dependent upon design decisions from Kiwirail, so is excluded from this report. This is marked red on the attached layout drawings, and will be reviewed and submitted to Council for approval at a later date.

2. Officer Recommendations Ngā Tūtohu

That the Council:

Makes the following resolutions relying on its powers under Christchurch City Council Traffic and Parking Bylaw 2017 and Part 21 of the Local Government Act 1974.

1. Waterloo Road – Hei Hei Road to Kirk Road - Traffic Controls
 - a. Approves that any previously approved resolutions on Waterloo Road from its intersection with Hei Hei Road, and extending in a westerly direction to its intersection with Kirk Road, excluding the intersection of Gilberthorpes Road / Waterloo Road / Parker Street / Moffett Street as highlighted on Sheet 3 of Attachment A, pertaining to traffic controls, made pursuant to any Bylaw or any Land Transport Rule, to the extent that they are in conflict with the traffic controls described in recommendations b-w below, be revoked.
 - b. Approves all kerb alignments, islands, road surface treatments and road markings on Waterloo Road, commencing at its intersection with Hei Hei Road and extending in a westerly direction to its intersection with Kirk Road, excluding its

intersection with Gilberthorpes Road and Parker Street, as detailed on plans SK 103-118 and attached to this report as Attachment A.

- c. Approves that the path on the south side of Waterloo Road, commencing at a point 301 metres west of its intersection with Smarts Road and extending in a westerly direction for a distance of 379 metres, be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
- d. Approves that a bi-directional cycle path be established on the south side of Waterloo Road commencing at a point 680 metres west of its intersection with Smarts Road and extending in a westerly direction for a distance of 168 metres, as detailed on Attachment A, in accordance with sections 11.4 of the Land Transport Act - Traffic Control Devices Rule: 2004 and Clause 1.6 of the Land Transport (Road User) Rule 2004.
- e. Approves that the path on the south side of Waterloo Road, commencing at a point eight metres west of its intersection with Gilberthorpes Road and extending in a westerly direction to its intersection with the new Halswell Junction Road alignment (that intersection controlled by Traffic Signals), be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
- f. Approves that the path on the southwest side of Waterloo Road, commencing at its intersection with the new Halswell Junction Road alignment (that intersection controlled by Traffic Signals), and extending in a north westerly direction to its intersection with Halswell Junction Road (the intersection controlled by a Roundabout), be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
- g. Approves that the path on the south side of Waterloo Road, commencing its intersection with Halswell Junction Road (the intersection controlled by a Roundabout) and extending in a westerly direction for a distance of 105 metres, be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
- h. Approves that a Special Vehicle Lane, in accordance with Clause 18 of the Christchurch City Council Traffic & Parking Bylaw 2017, for the use of west bound cyclists be installed on the south side of Waterloo Road Street commencing at a point 105 metres west of its intersection with Halswell Junction Road (the intersection controlled by a Roundabout) and extending in a westerly direction to

its intersection with Pound Road, as detailed on plans SK109-112 and attached to this report as Attachment A.

- i. Approves that the path on the south side of Waterloo Road, commencing its intersection with Islington Avenue and extending in a westerly direction to its intersection with Pound Road, be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
- j. Approves that the path on the south side of Waterloo Road, commencing its intersection with Pound Road and extending in a westerly direction to its intersection with Kirk Road, be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
- k. Approves that a Special Vehicle Lane, in accordance with Clause 18 of the Christchurch City Council Traffic & Parking Bylaw 2017, for the use of west bound cyclists be installed on the south side of Waterloo Road commencing its intersection with Pound Road and extending in a westerly direction for a distance of 521 metres, as detailed on plans SK107-108 and attached to this report as Attachment A.
- l. Approves that a Special Vehicle Lane, in accordance with Clause 18 of the Christchurch City Council Traffic & Parking Bylaw 2017, for the use of east bound cyclists be installed on the north side of Waterloo Road commencing at a point 90 metres west of its intersection with Barbers Road and extending in an easterly direction to a point 18 metres west of its intersection with Pound Road, as detailed on plans SK 107-108 and attached to this report as Attachment A.
- m. Approves that a Special Vehicle Lane, in accordance with Clause 18 of the Christchurch City Council Traffic & Parking Bylaw 2017, for the use of east bound cyclists be installed on the north side of Waterloo Road commencing at its intersection with Pound Road and extending in an easterly direction to a point 94 metres west of its intersection with Halswell Junction Road (that intersection controlled by a roundabout), as detailed on plans SK 109-112 and attached to this report as Attachment A.
- n. Approves that the path on the north side of Waterloo Road, commencing its intersection with Pound Road and extending in an easterly direction to its intersection with Halswell Junction Road (that intersection controlled by a roundabout) be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
- o. Approves that a Stop control be placed against Taurima Street at its intersection with Waterloo Road, in accordance with Section 4 and Section 10.2 of the Land Transport Rule: Traffic Control Devices 2004.

- p. Approves that all traffic movements at the Waterloo Road and the Halswell Junction Road new alignment intersection (that intersection closest to Main South Road) be controlled by Traffic Signals, in accordance with Sections 6 and 10.5 of the Land Transport Rule: Traffic Control Devices 2004, as detailed on plan SK 113, attached to this report as Attachment A.
 - q. Approves that the intersection of Waterloo Road (west) and Halswell Junction Road be controlled by a roundabout in accordance with Section 4 and Section 10.4 of the Land Transport Rule: Traffic Control Devices 2004, as detailed on plan SK 112, attached to this report as Attachment A.
 - r. Approves that a Give Way control be placed against Enterprise Avenue at its intersection with Waterloo Road, in accordance with Section 4 and Section 10.3 of the Land Transport Rule: Traffic Control Devices 2004.
 - s. Approves that a Give Way control be placed against Islington Avenue at its intersection with Waterloo Road, in accordance with Section 4 and Section 10.3 of the Land Transport Rule: Traffic Control Devices 2004.
 - t. Approves that all traffic movements at the Waterloo Road and Pound Road intersection be controlled by Traffic Signals, in accordance with Sections 6 and 10.5 of the Land Transport Rule: Traffic Control Devices 2004, as detailed on plan SK 108 - 109, attached to this report as Attachment A.
 - u. Approves that a Stop control be placed against Barters Road at its intersection with Waterloo Road, in accordance with Section 4 and Section 10.2 of the Land Transport Rule: Traffic Control Devices 2004.
 - v. Approves that a Stop control be placed against Waterloo Road at its intersection with Kirk Road, in accordance with Section 4 and Section 10.2 of the Land Transport Rule: Traffic Control Devices 2004.
 - w. Approves that the left turn movement from Waterloo Road into Kirk Road be prohibited for any vehicle exceeding nine metres in length, in accordance with Clause 17 (1) (a) of the Christchurch City Council Traffic and Parking Bylaw 2017.
Note: confirming this is an existing restriction required for rail safety purposes.
2. Waterloo Road – Hei Hei Road to Kirk Road - Parking and Stopping
- a. Approves that any previously approved resolutions on Waterloo Road from its intersection with Hei Hei Road, and extending in a westerly direction to its intersections with Kirk Road, excluding the intersection of Gilberthorpes Road / Waterloo Road / Parker Street / Moffett Street as highlighted on Sheet 3 of Attachment A, pertaining to parking and /or stopping restrictions, made pursuant to any bylaw or any Land Transport Rule, to the extent that they are in conflict with the parking and /or stopping restrictions described in recommendations b-ww below, be revoked.
 - b. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at a distance 394 metres west of its intersection with Smarts Road, and extending in a westerly direction for a distance of 54 metres.
 - c. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road, commencing at its intersection with Taurima Street and extending in an easterly direction for a distance of 16 metres.

- d. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Taurima Street, commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of 14 metres.
- e. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Taurima Street, commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of 14 metres.
- f. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road, commencing at its intersection with Taurima Street and extending in a westerly direction for a distance of 27 metres.
- g. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at a point 228 metres east of its intersection with Gilberthorpes Road and extending in a westerly direction for a distance of 205 metres.
- h. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at a point 146 metres west of its intersection with Gilberthorpes Road, and extending in a westerly direction to its intersection with Halswell Junction Road (the intersection controlled by Traffic Signals).
- i. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Fulham Street and extending in an easterly direction for a distance of 32 metres.
- j. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Fulham Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of six metres.
- k. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Fulham Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of seven metres.
- l. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Fulham Street and extending in a westerly direction for a distance of 35 metres.
- m. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Finsbury Street and extending in an easterly direction for a distance of 28 metres.
- n. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Finsbury Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of six metres.

- o. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Finsbury Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of seven metres.
- p. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Finsbury Street and extending in a westerly direction for a distance of 30 metres.
- q. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Mortlake Street and extending in an easterly direction for a distance of 29 metres.
- r. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Mortlake Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of six metres.
- s. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Mortlake Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of six metres.
- t. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Mortlake Street and extending in a westerly direction for a distance of 16 metres.
- u. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Wilson Street and extending in an easterly direction for a distance of 20 metres.
- v. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Wilson Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of six metres.
- w. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Wilson Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of six metres.
- x. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Wilson Street and extending in a westerly direction for a distance of 31 metres.
- y. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Brexton Street commencing at its intersection with Waterloo Road and extending in a northerly direction for a distance of 30 metres.
- z. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the southwest side of

Waterloo Road commencing at its intersection with the new Halswell Junction Road alignment (that intersection controlled by traffic Signals) and extending in a north westerly direction to its intersection with Halswell Junction Road (that intersection controlled by a Roundabout).

- aa. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the northeast side of Waterloo Road commencing at its intersection with the new Halswell Junction Road alignment (that intersection controlled by a Roundabout) and extending in a south easterly direction to its intersection with Halswell Junction Road (that intersection controlled by Traffic Signals).
- bb. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at intersection with Halswell Junction Road (that intersection controlled by a Roundabout) and extending in a westerly direction for a distance of 84 metres.
- cc. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at intersection with Halswell Junction Road (that intersection controlled by a Roundabout) and extending in a westerly direction for a distance of 95 metres.
- dd. Approves under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, a bus stop be installed on the south side of Waterloo Road commencing at a point 84 metres west of its intersection with Halswell Junction Road (that intersection controlled by a Roundabout), and extending in a westerly direction for a distance of 15 metres.
- ee. Approves under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, a bus stop be installed on the north side of Waterloo Road commencing at a point 95 metres west of its intersection with Halswell Junction Road (that intersection controlled by a Roundabout), and extending in a westerly direction for a distance of 15 metres.
- ff. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at a distance 99 metres west of its intersection with Halswell Junction Road (that intersection controlled by a Roundabout) and extending in a westerly direction for a distance of 312 metres.
- gg. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at a distance 110 metres west of its intersection with Halswell Junction Road (that intersection controlled by a Roundabout) and extending in a westerly direction to its intersection with Enterprise Avenue.
- hh. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at intersection with Enterprise Avenue and extending in a westerly direction to its intersection with Islington Avenue.
- ii. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road, between the hours of 10 pm and 5 am on any day, commencing at

a distance 411 metres west of its intersection with Halswell Junction Road (that intersection controlled by a Roundabout) and extending in a westerly direction for a distance of 469 metres. *Note: this is an existing restriction associated with anti-road user behaviour.*

- jj. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at a point 880 metres west of its intersection with Halswell Junction Road (that intersection controlled by a Roundabout) and extending in a westerly direction to its intersection with Pound Road.
- kk. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at intersection with Islington Avenue and extending in a westerly direction to its intersection with Pound Road.
- ll. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Pound Road, and extending in a westerly direction to its intersection with Barbers Road.
- mm. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at its intersection with Pound Road, and extending in a westerly direction for a distance of 521 metres.
- nn. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Barbers Road, and extending in a westerly direction for a distance of 90 metres.
- oo. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at a distance 1246 metres west of its intersection with Barbers Road, and extending in a westerly direction for a distance of 31 metres.
- pp. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Bicknor Street commencing at its intersection with Waterloo Road, and extending in a northerly direction for a distance of eight metres.
- qq. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Bicknor Street, and extending in a westerly direction for a distance of 34 metres.
- rr. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Kissel Street, and extending in an easterly direction for a distance of 16 metres.
- ss. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Kissel Street commencing at its intersection with Waterloo Road, and extending in a northerly direction for a distance of nine metres.

- tt. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Kissel Street commencing at its intersection with Waterloo Road, and extending in a northerly direction for a distance of 10 metres.
 - uu. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Waterloo Road commencing at its intersection with Kissel Street, and extending in a westerly direction for a distance of 22 metres.
 - vv. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at a distance four metres west of its intersection with Kissel Street, and extending in a westerly direction for a distance of 14 metres.
 - ww. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Waterloo Road commencing at its intersection of Kirk Road and extending in an easterly direction for a distance of 70 metres.
3. Kirk Road – Main South Road to Railway Terrace – Traffic Controls
- a. Approves that any previously approved resolutions on Kirk Road from its intersection with Main South Road, and extending in a northerly direction to its intersection with Railway Terrace, pertaining to traffic controls, made pursuant to any Bylaw or any Land Transport Rule, to the extent that they are in conflict with the traffic controls described in recommendations b-c below, be revoked.
 - b. Approves all kerb alignments, road surface treatments and road markings on Kirk Road, commencing at its intersection with Waterloo Road and extending in a northerly direction to its intersection with Railway Terrace, as detailed on plan SK103 attached to this report as Attachment A.
 - c. Approves that the path on the west side of Kirk Road, commencing at its intersection with Railway Terrace and extending in a southerly direction for a distance of 37 metres, be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
4. Kirk Road – Main South Road to Railway Terrace - Parking and Stopping
- a. Approves that any previously approved resolutions on Kirk Road from its intersection with Main South Road, and extending in a westerly direction to its intersection with Railway Terrace, pertaining to parking and /or stopping restrictions, made pursuant to any bylaw or any Land Transport Rule, to the extent that they are in conflict with the parking and /or stopping restrictions described in recommendations b-e below, be revoked.
 - b. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Kirk Road commencing at its intersection with Railway Terrace, and extending in a northerly direction for a distance of nine metres.
 - c. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Kirk

Road commencing at its intersection with Waterloo Road, and extending in a northerly direction for a distance of nine metres.

- d. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the west side of Kirk Road commencing at its intersection with Main South Road, and extending in a northerly direction to its intersection with Railway Terrace.
 - e. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the east side of Kirk Road commencing at its intersection with Main South Road, and extending in a northerly direction to its intersection with Waterloo Road.
5. Railway Terrace and Jones Road- Kirk Road to Globe Bay Drive -Traffic Controls
- a. Approves that any previously approved resolutions on Railway Terrace and Jones Road from its intersection with Kirk Road, and extending in a westerly direction to its intersection with Globe Bay Drive, pertaining to traffic controls, made pursuant to any Bylaw or any Land Transport Rule, to the extent that they are in conflict with the traffic controls described in recommendations b-g below, be revoked.
 - b. Approves all kerb alignments, road surface treatments and road markings on Railway Terrace and Jones Road, commencing at its intersection with Kirk Road and extending in a westerly direction to its intersection with Globe Bay Drive, as detailed on plans SK 101-103, attached to this report as Attachment A.
 - c. Approves that a Stop control be placed against Waterloo Road at its intersection with Kirk Road, in accordance with Section 4 and Section 10.2 of the Land Transport Rule: Traffic Control Devices 2004.
 - d. Approves that the path on the south side of Railway Terrace and Jones Road, commencing intersection with Kirk Road and extending in a westerly direction to the boundary with Selwyn District, be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
 - e. Approves that the path on the north side of Jones Road, commencing at a point 28 metres east of its intersection with Globe Bay Drive and extending in an easterly direction for a distance of 60 metres, be resolved as a bi-directional Shared Path in accordance with Clause 21 of the Christchurch City Council Traffic & Parking Bylaw 2017, and in accordance with section 11.4 of the Land Transport Act - Traffic Control Devices Rules: 2004. This Shared Path is for the use by the classes of road user as defined in Section 11.1A of the Land Transport Road User) Rule: 2004.
 - f. Approves that a Give Way control be placed against the bi-directional Shared Path on the north approach at its intersection with Railway Terrace as detailed on plan SK101, attached to this report as Attachment A.
 - g. Approves that a Give Way control be placed against the bi-directional Shared Path on the south approach at its intersection with Railway Terrace as detailed on plan SK101, attached to this report as Attachment A.
6. Railway Terrace and Jones Road - Kirk Road to Globe Bay Drive -Parking and Stopping

- a. Approves that any previously approved resolutions on Railway Terrace and Jones Road from its intersection with Kirk Road, and extending in a westerly direction to its intersection with Globe Bay Drive, pertaining to parking and /or stopping restrictions, made pursuant to any bylaw or any Land Transport Rule, to the extent that they are in conflict with the parking and /or stopping restrictions described in recommendations b-j below, be revoked.
- b. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Railway Terrace commencing at its intersection with Kirk Road, and extending in a westerly direction for a distance of 22 metres.
- c. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Railway Terrace commencing at its intersection with Kirk Road, and extending in a westerly direction for a distance of 22 metres.
- d. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Railway Terrace commencing at a distance 58 metres west of its intersection with Kirk Road, and extending in a westerly direction for a distance of 91 metres.
- e. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Jones Road commencing at distance 126 metres east of its intersection with Globe Bay Drive and extending in a westerly direction for a distance of 12 metres.
- f. Approves under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, a bus stop be installed on the north side of Jones Road, at a location 114 metres east of its intersection with Globe Bay Drive and extending in a westerly direction for a distance of 15 metres.
- g. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the north side of Jones Road commencing at distance 99 metres east of its intersection with Globe Bay Drive and extending in a westerly direction for a distance of 15 metres.
- h. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Jones Road commencing at distance 61 metres east of its intersection with Globe Bay Drive and extending in a westerly direction for a distance of eight metres.
- i. Approves under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, a bus stop be installed on the south side of Jones Road, at a location 53 metres east of its intersection with Globe Bay Drive and extending in a westerly direction for a distance of 15 metres.
- j. Approves that under clause 7 of the Christchurch City Council Traffic and Parking Bylaw 2017, that the stopping of vehicles be prohibited on the south side of Jones Road commencing at distance 38 metres east of its intersection with Globe Bay Drive and extending in a westerly direction for a distance of 10 metres.

7. Trees

- a. Approves that seven trees be removed along the south side of the western end of Waterloo Road as detailed on Attachment A.

- b. Approves that seven trees be removed along the south side of Railway Terrace as detailed on Attachment A.
- c. Approves that seven trees be removed along the south side of Jones Road as detailed on Attachment A.

3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 On 22 July 2019, the scheme design for the South Express Major Cycle Route project was approved for detailed design and construction by the Infrastructure, Transport and Environment Committee. It recommended that the detailed design traffic resolutions be brought back to the ITE Committee at the end of detailed design prior to beginning construction. This delegation now lies with the Council and as such, the resolutions for Section 1 are presented within this report (ITEC/2019/00022).

4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 There are no alternative options considered for this report as the option of not passing resolutions would mean the changes could not be enforced after construction of the cycle route and Halswell Junction Road.
- 4.2 There are no fundamental changes between the approved scheme design and the layout as detailed in the 22 July 2019 report and the resolutions contained in this report for the road, footpath and cycle facilities.

5. Detail Te Whakamahuki

- 5.1 The South Express Major Cycle Route scheme was approved on 22 July 2019 by the Infrastructure, Transport and Environment Committee. The report presented at that meeting detailed the community view and preferences of the engagement process that took place in early 2019.
- 5.2 As the design has not changed, the community views and preferences remain the same and no further consultation is required.
- 5.3 The resolutions associated to the intersection of Waterloo Road, Gilberthorpes Road, Parker Street and Moffett Street have been isolated and removed from this report. This is indicated on the drawings as a red shared box. These will be brought back via a separate report once the requirements associated with KiwiRail infrastructure are clear.
- 5.4 The decision affects the following wards/Community Board areas:
 - 5.4.1 Waipuna Halswell-Hornby-Riccarton Community Board

6. Policy Framework Implications Ngā Hiraunga ā- Kaupapa here

Strategic Alignment Te Rautaki Tīaroaro

- 6.1 This project supports Council's Strategic Priority *Increasing active, public and shared transport opportunities* by providing a safe option for cyclists particularly those who would not normally feel comfortable biking among the main stream of traffic.
- 6.2 This report supports the [Council's Long Term Plan \(2021 - 2031\)](#):
- 6.3 Transport
 - 6.3.1 Activity: Transport

- Level of Service: 10.5.2 Improve the perception that Christchurch is a cycling friendly city - $\geq 66\%$ resident satisfaction

Policy Consistency Te Whai Kaupapa here

- 6.4 The decision is consistent with Council's Plans and Policies.

Impact on Mana Whenua Ngā Whai Take Mana Whenua

- 6.5 The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Mana Whenua, their culture and traditions.
- 6.6 The report is for the approval of traffic resolutions only.

Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

- 6.7 This option helps reduce vehicle emissions by encouraging more residents to cycle or walk for local and longer trips.

Accessibility Considerations Ngā Whai Whakaaro mā te Hunga Hauā

- 6.8 Accessibility has been prioritised in the design for the route through the inclusion of tactile pavers and audible pedestrian crossings.

7. Resource Implications Ngā Hīraunga Rauemi

Capex/Opex Ngā Utu Whakahaere

- 7.1 The decisions in this report have no financial implications as they are not enacted until construction is complete.
- 7.2 The project has been approved and the costs have been included in the Long Term Plan and Annual Plan processes.

Other He mea anō

- 7.3 N/A

8. Legal Implications Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report Te Manatū Whakahaere Kaupapa

- 8.1 The statutory power used to undertake proposals as contained in this report is under the Local Government Act 2002.
- 8.2 Part 1, clauses 7 and 8 of the Christchurch City Council Traffic and Parking Bylaw 2017 provides Council with the authority to install parking restrictions by resolution.
- 8.3 The installation of any signs and or markings associated with traffic control devices must comply with the Land Transport Rule: Traffic Control Devices 2004.
- 8.4 The decisions within this report fall within the Council's delegation.



Other Legal Implications Ētahi atu Hīraunga-ā-Ture

- 8.5 There is no legal context, issue or implication relevant to this decision.
- 8.6 This report has not been reviewed and approved by the Legal Services Unit.

9. Risk Management Implications Ngā Hīraunga Tūraru

- 9.1 If these resolutions are not approved, the legalities relating to the uses of the road space including parking and cycle lanes will not be enforceable.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A  	South Express MCR Plans	23/806822	147

In addition to the attached documents, the following background information is available:

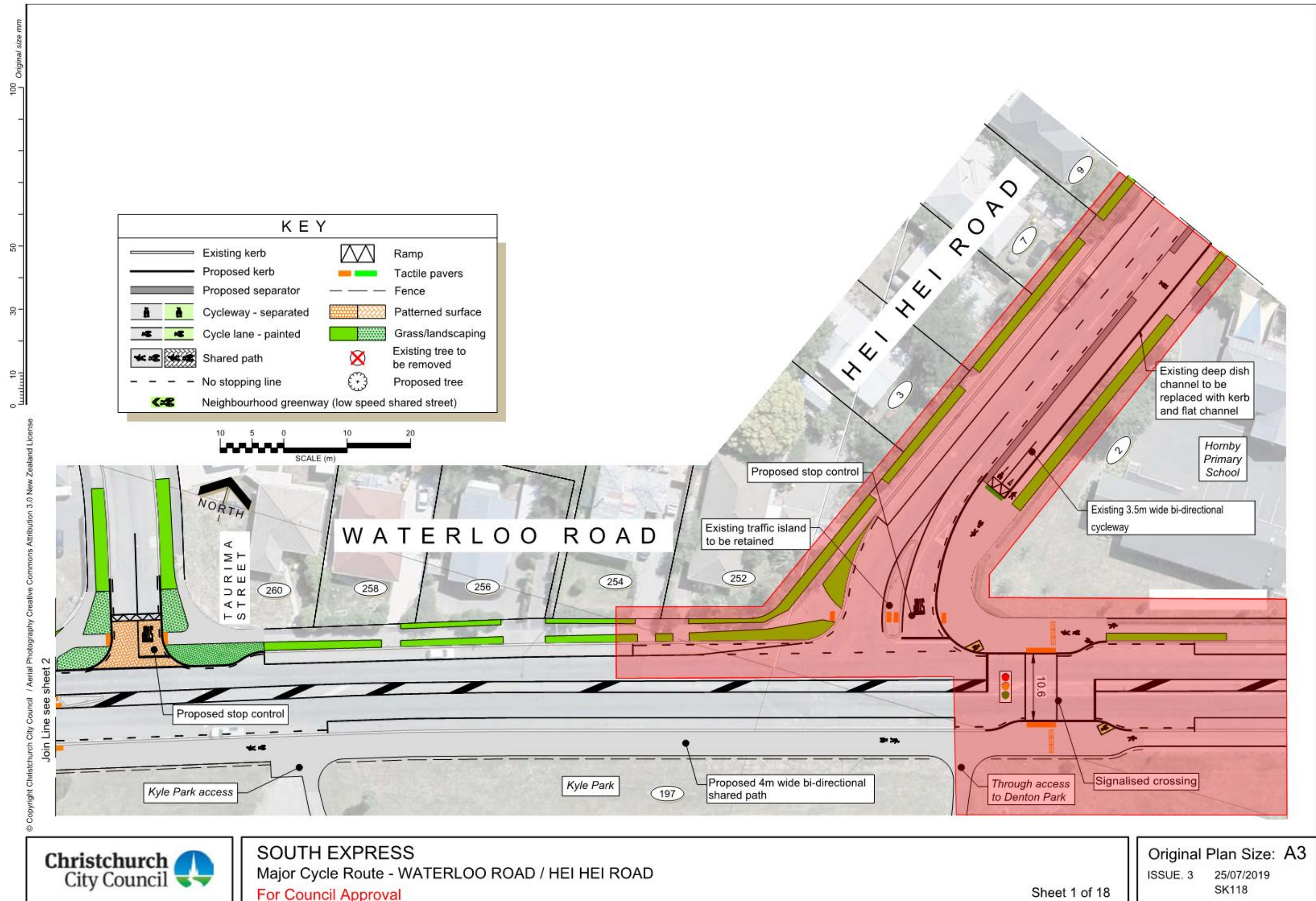
Document Name – Location / File Link
Infrastructure, Transport and Environment Committee Minutes of Infrastructure, Transport and Environment Committee - 22 July 2019 (infocouncil.biz)

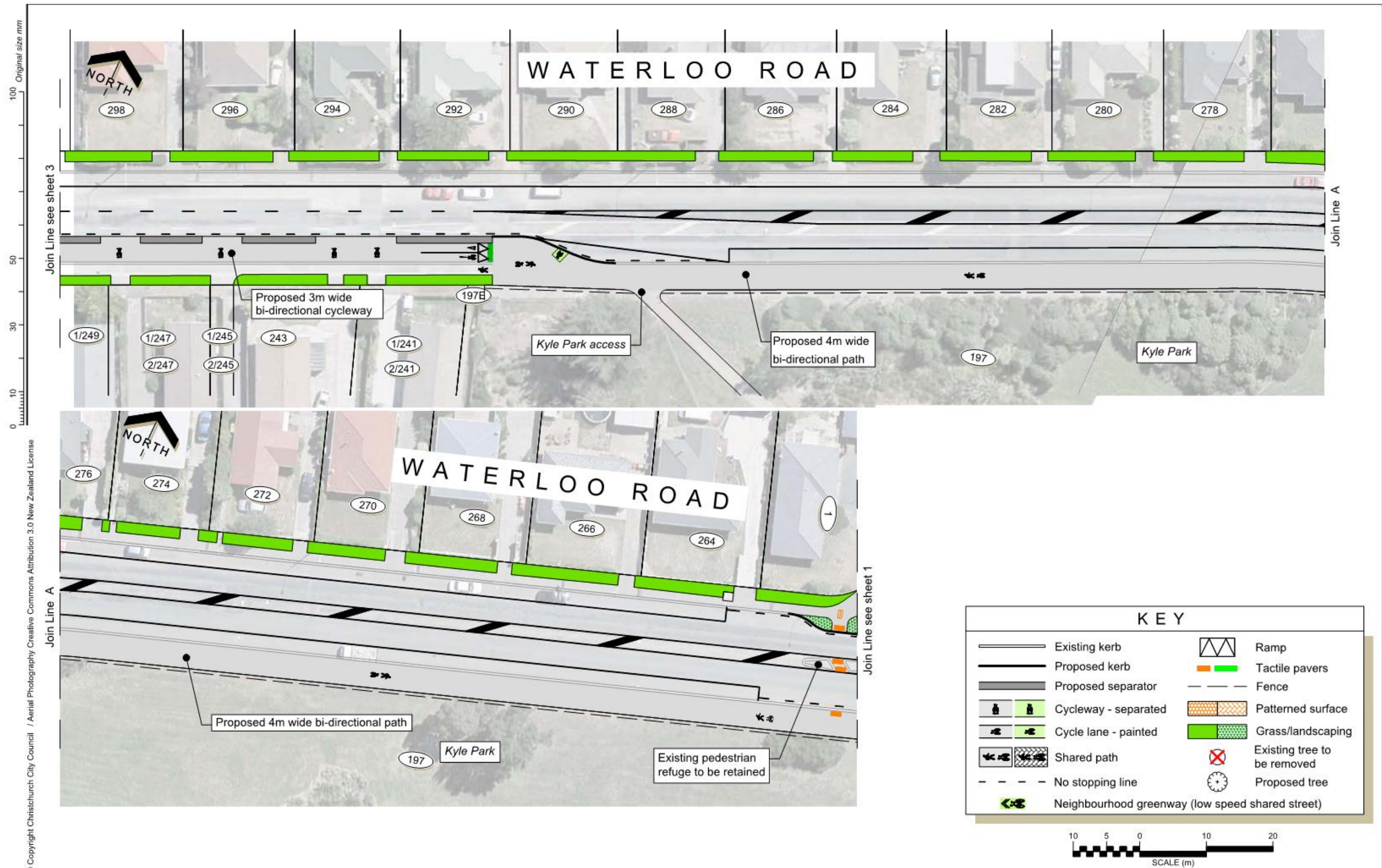
Confirmation of Statutory Compliance Te Whakatūturutanga ā-Ture

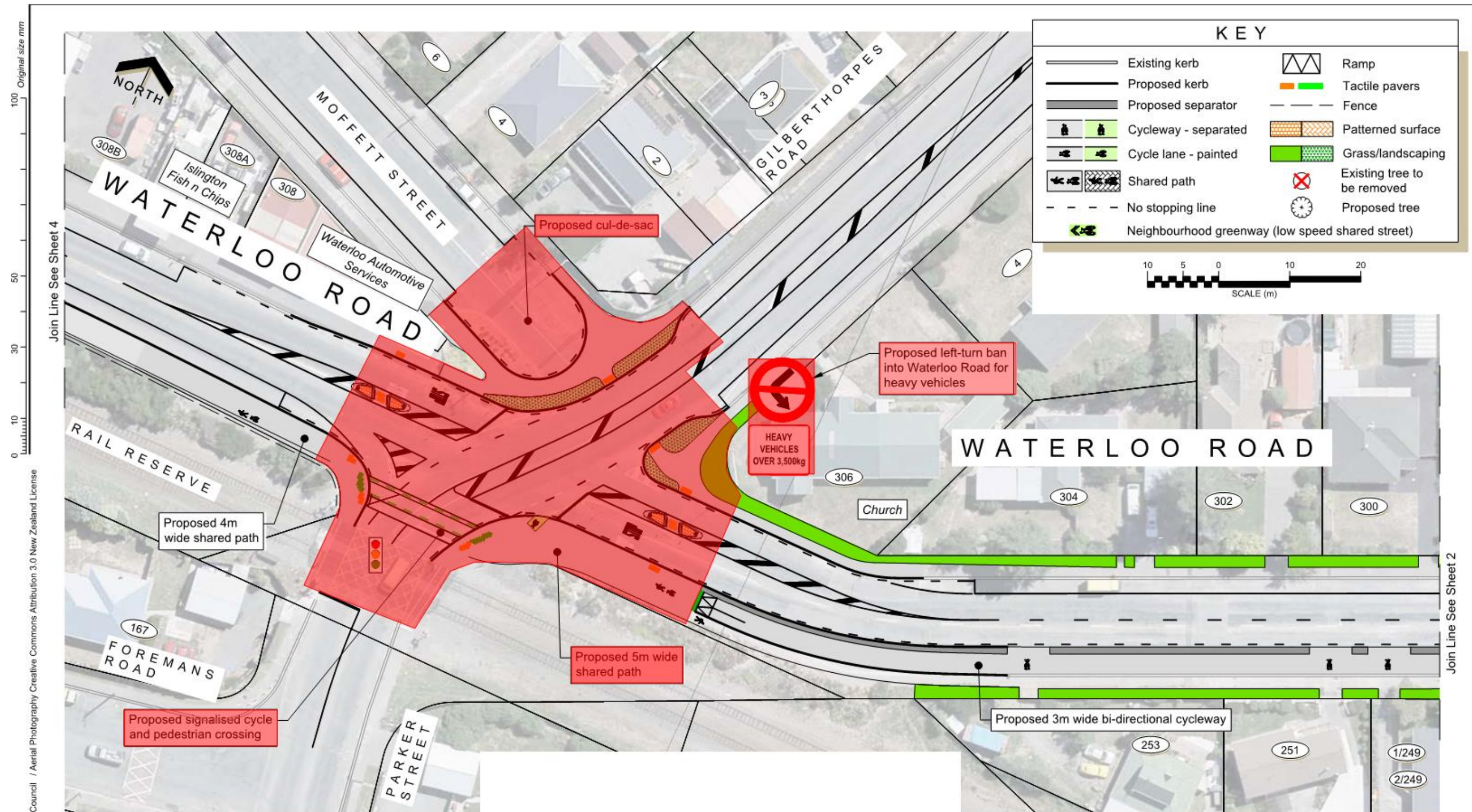
Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains: <ul style="list-style-type: none">(i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

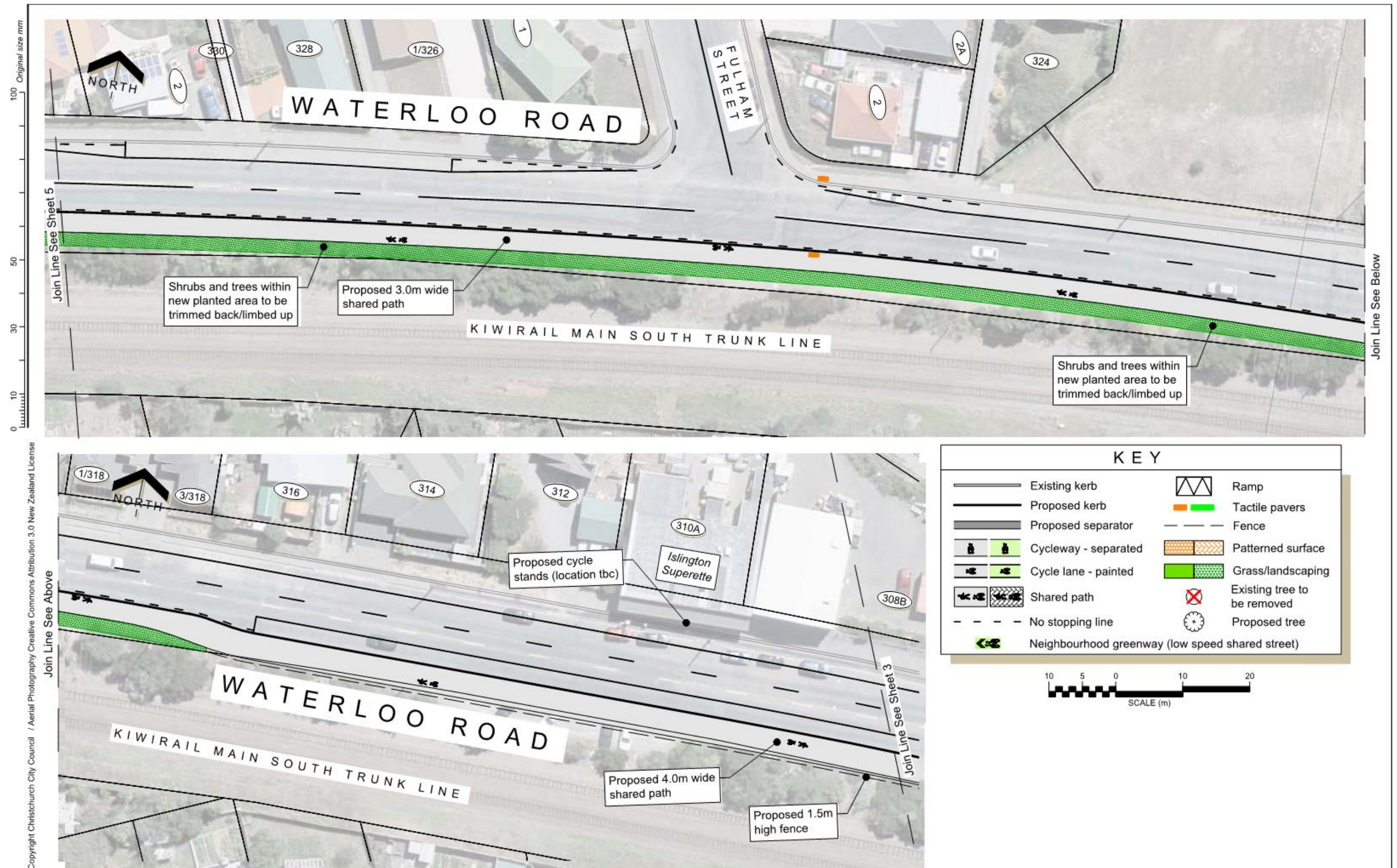
Signatories Ngā Kaiwaitohu

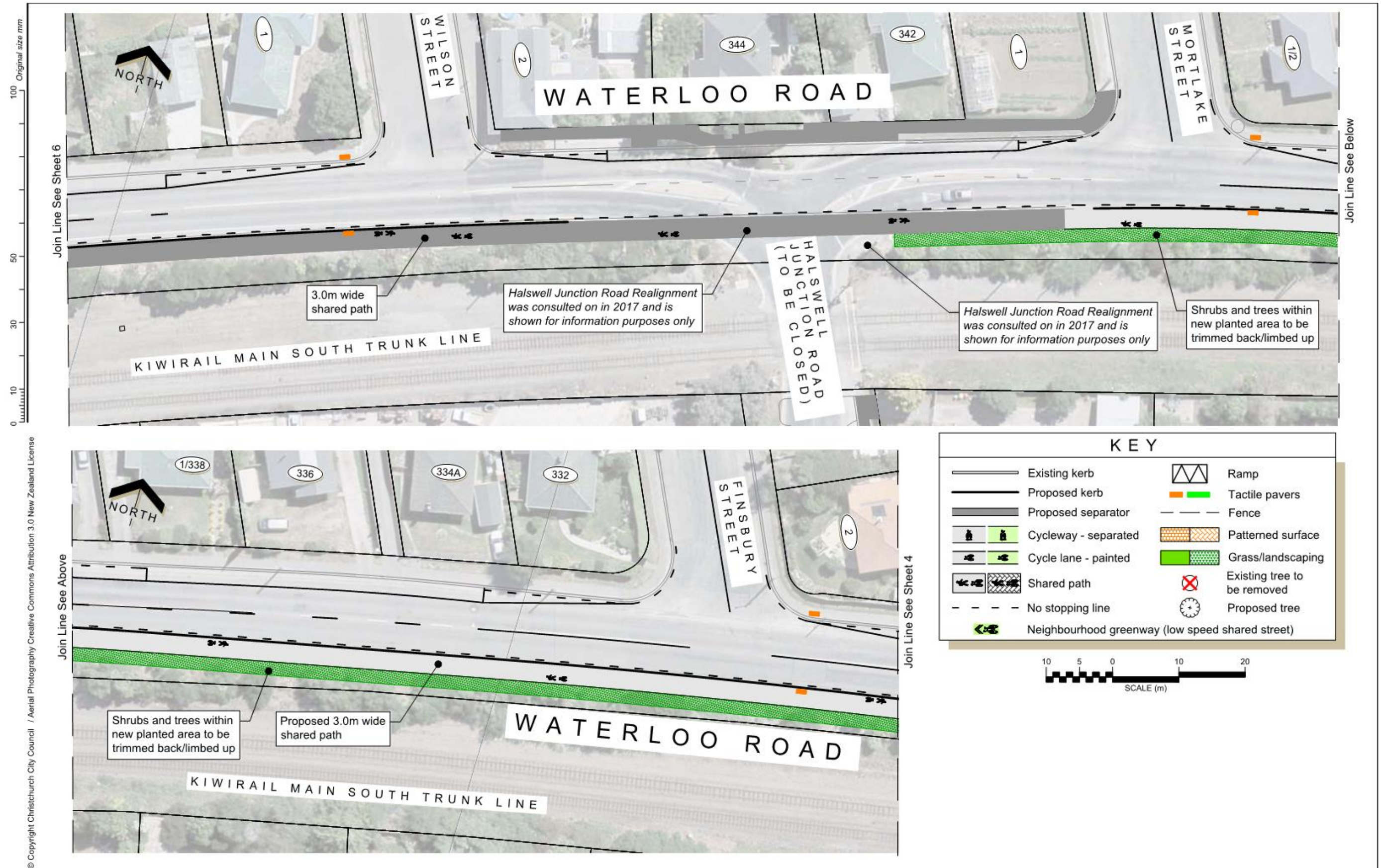
Author	Natasha Wells - Project Manager
Approved By	Jacob Bradbury - Manager Planning & Delivery Transport Lynette Ellis - Head of Transport & Waste Management

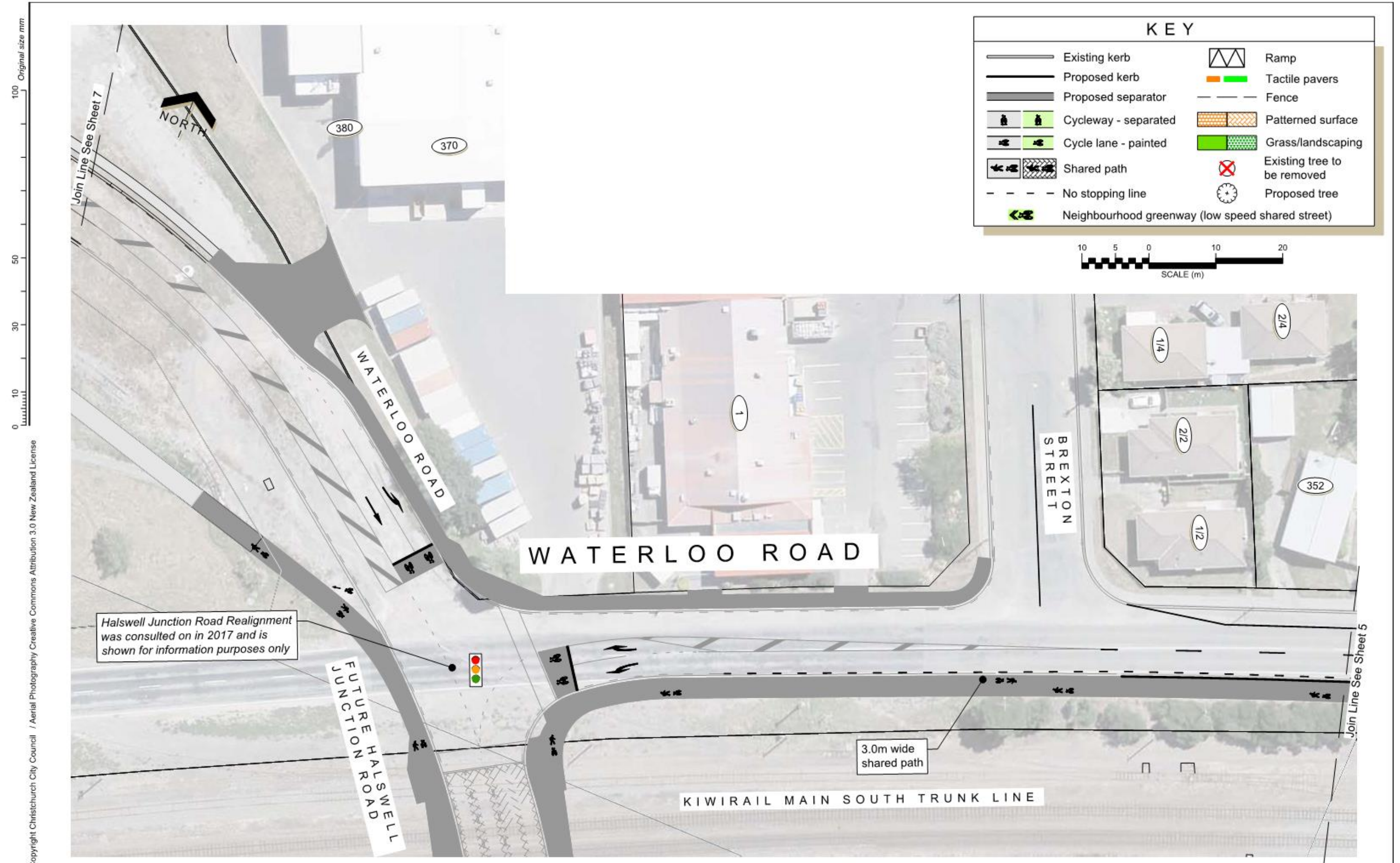


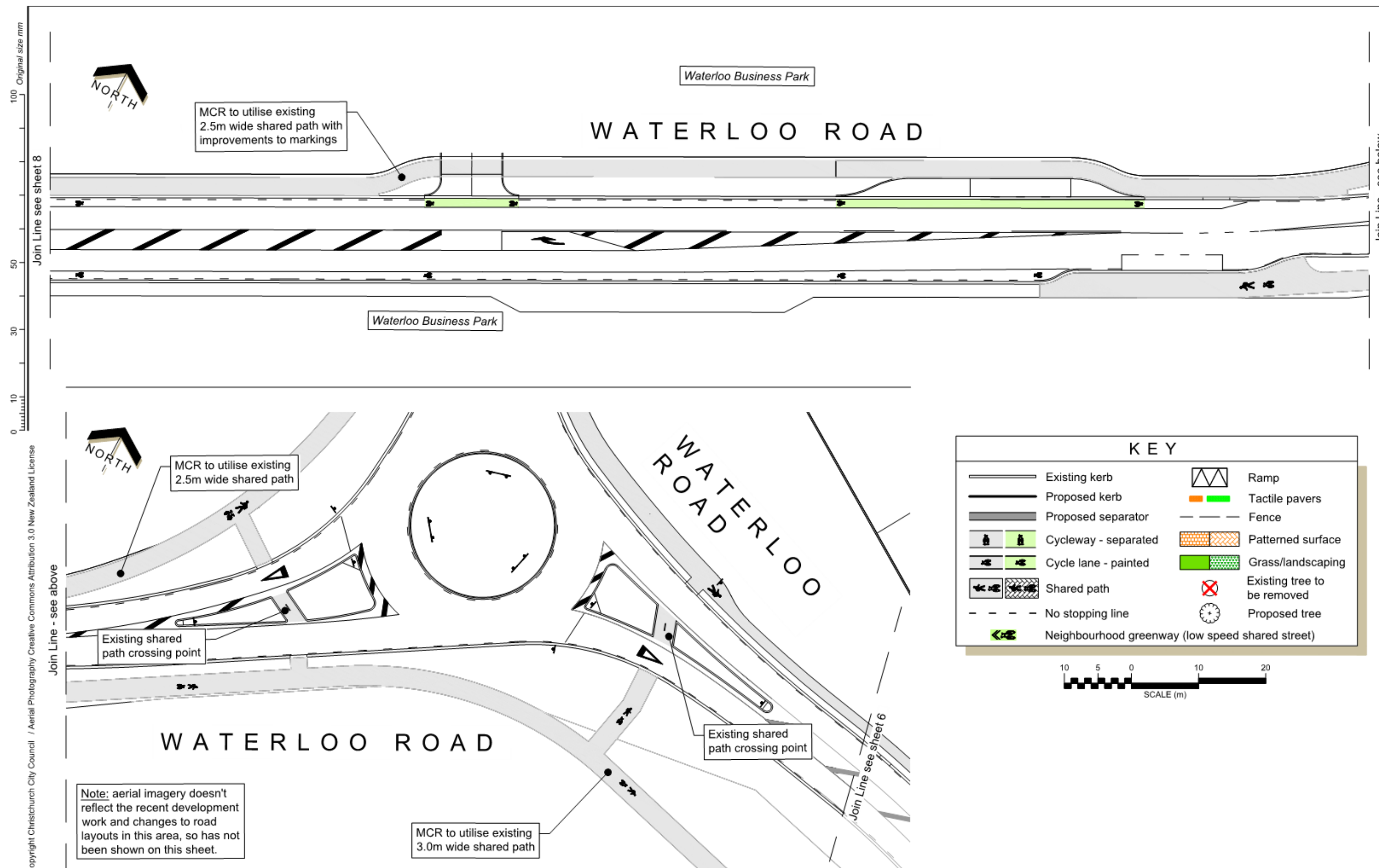


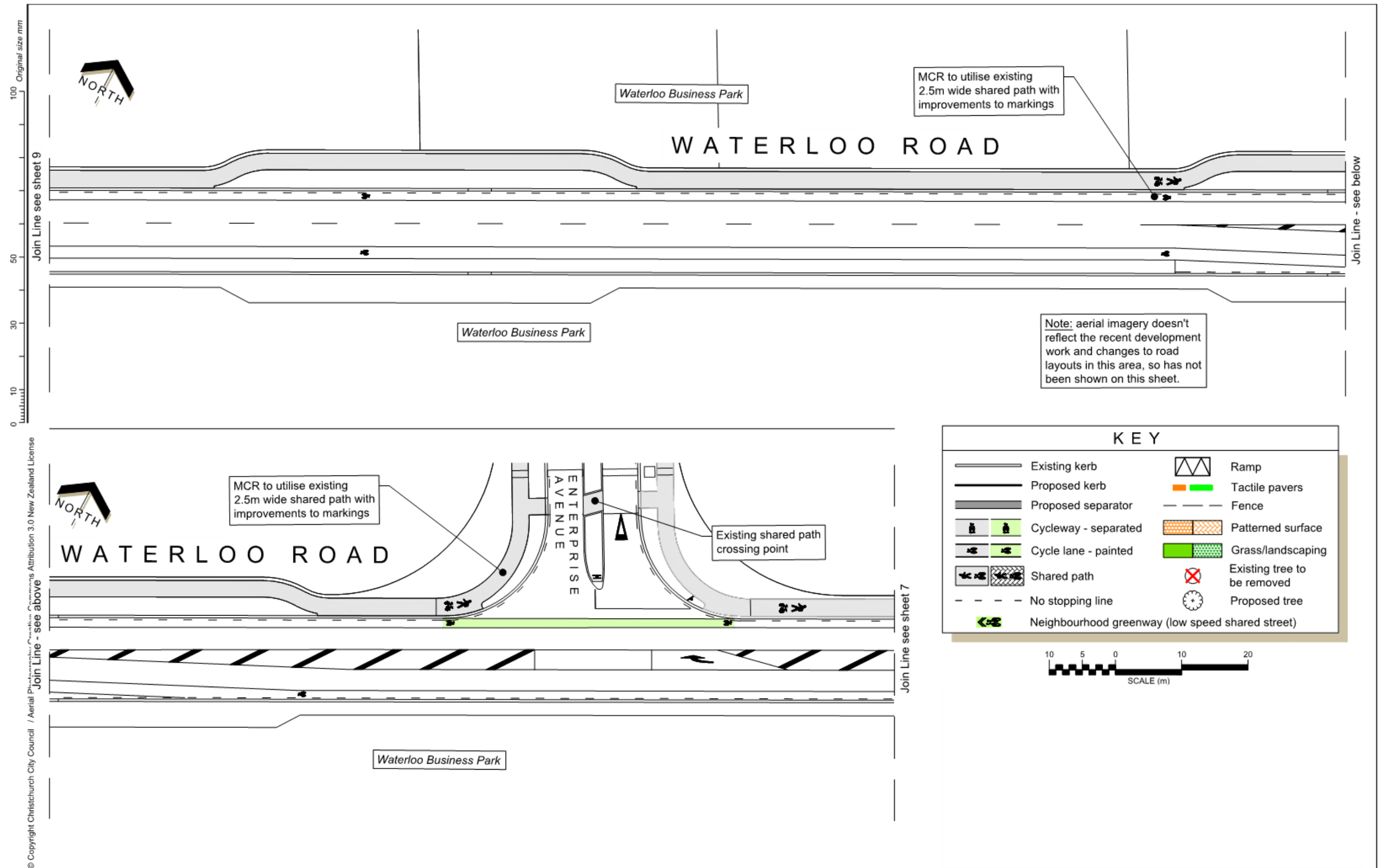


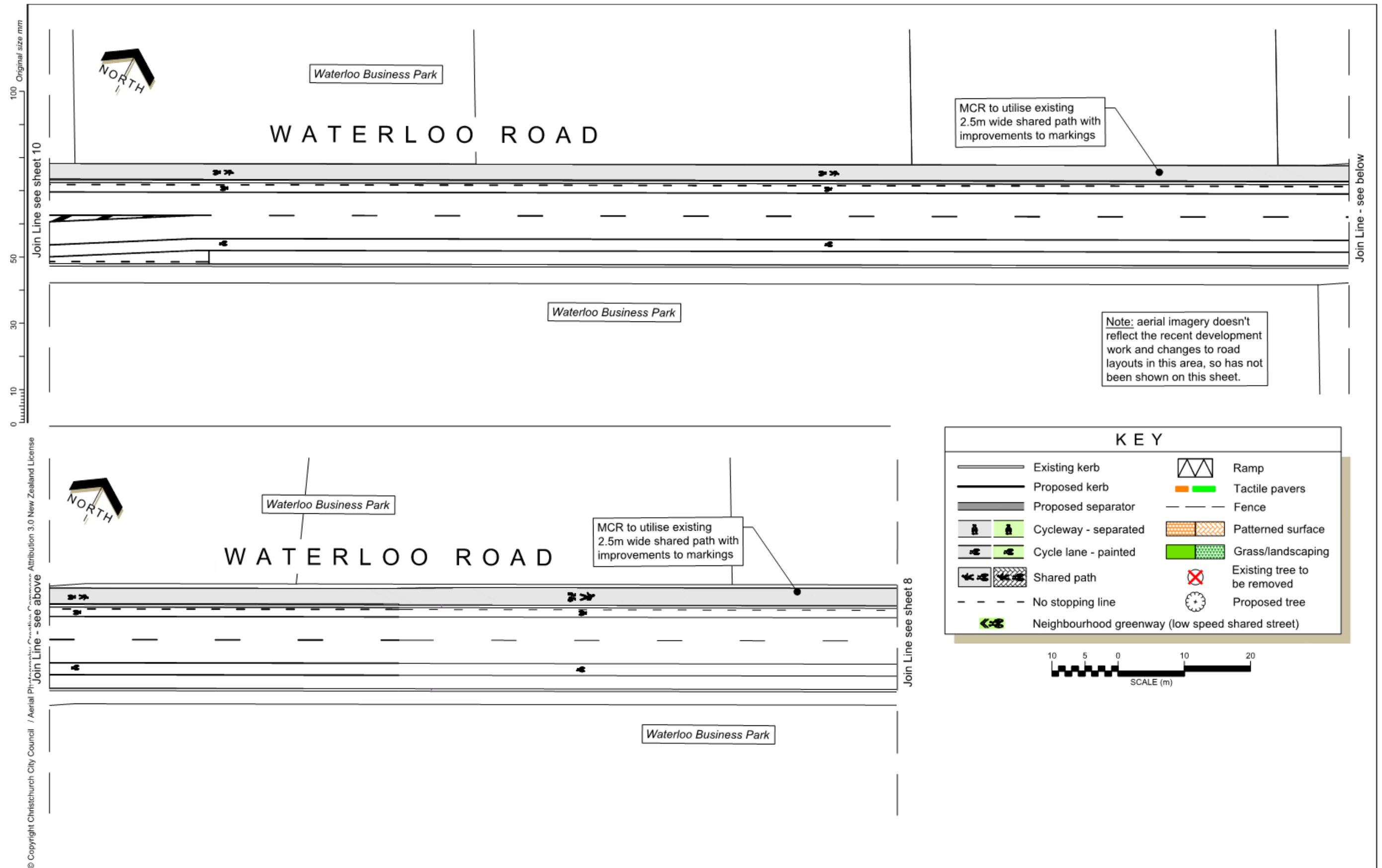


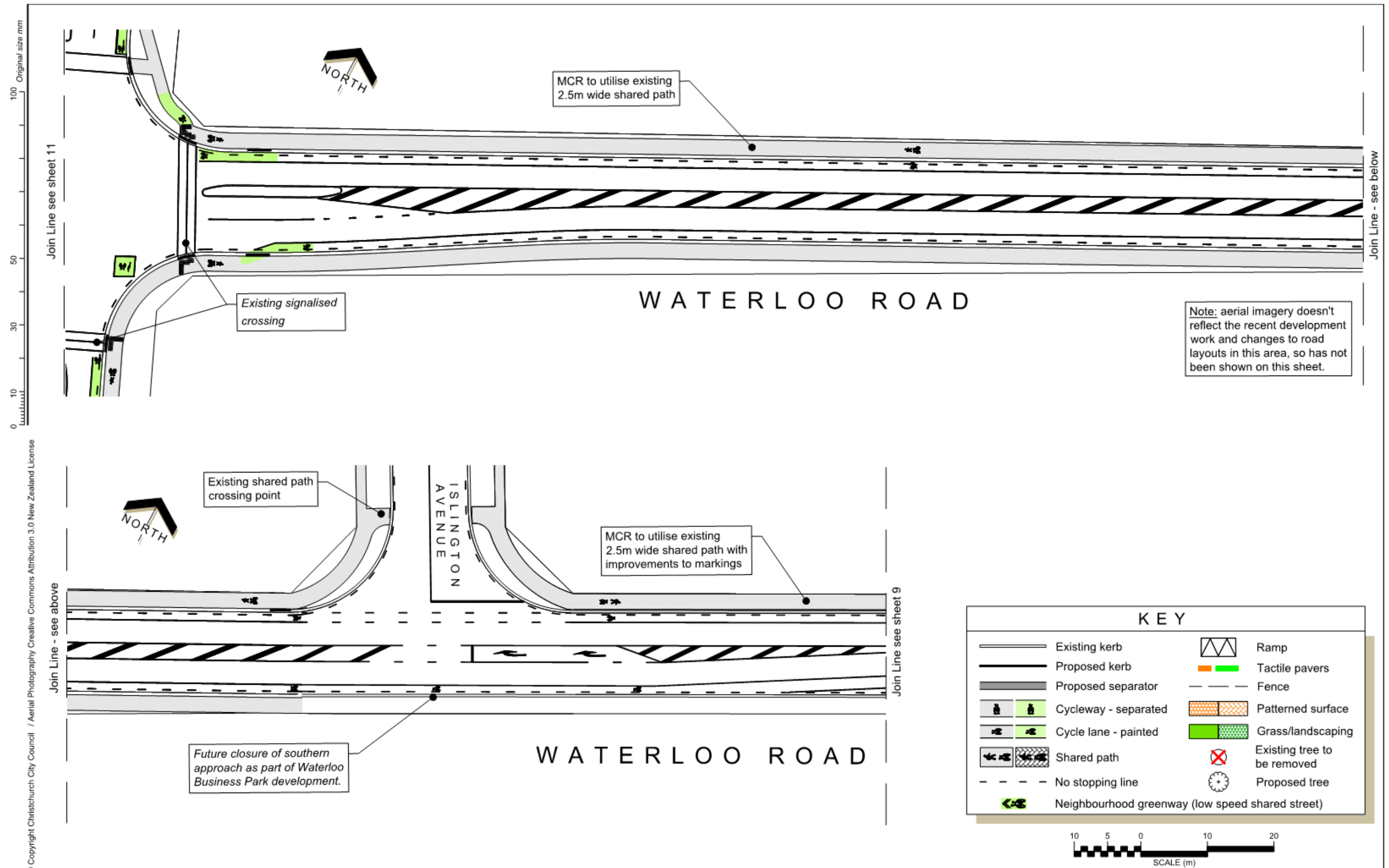


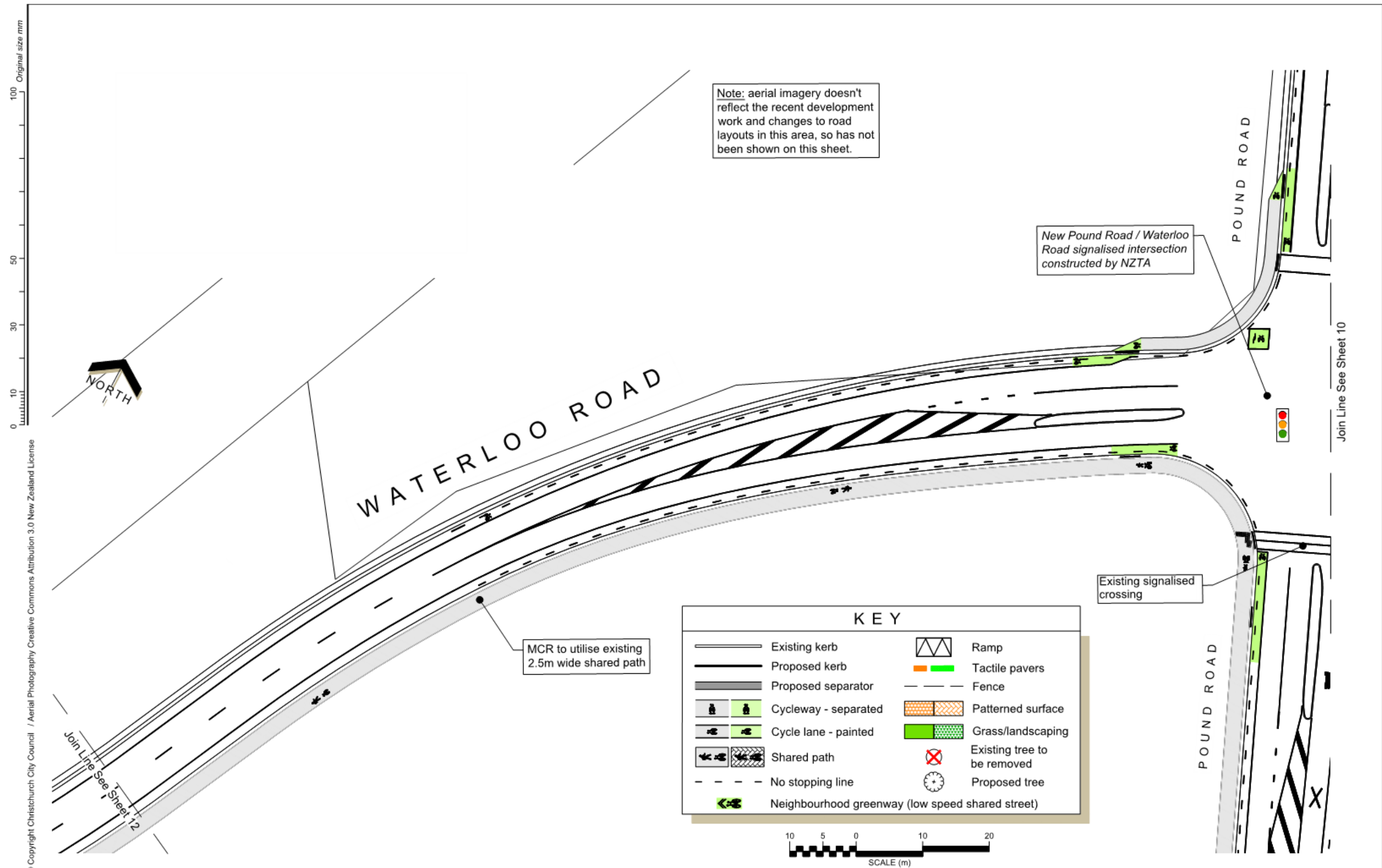


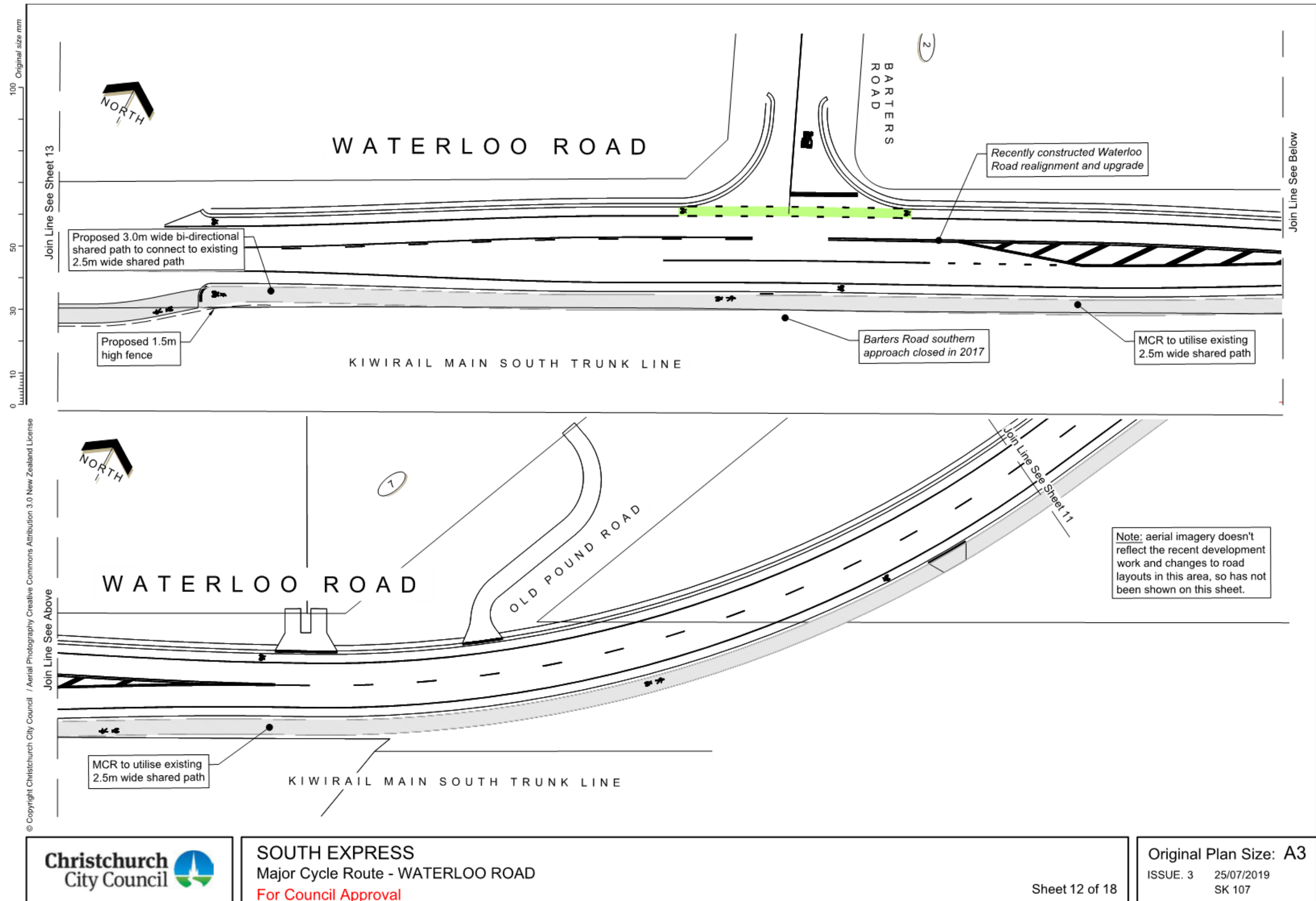


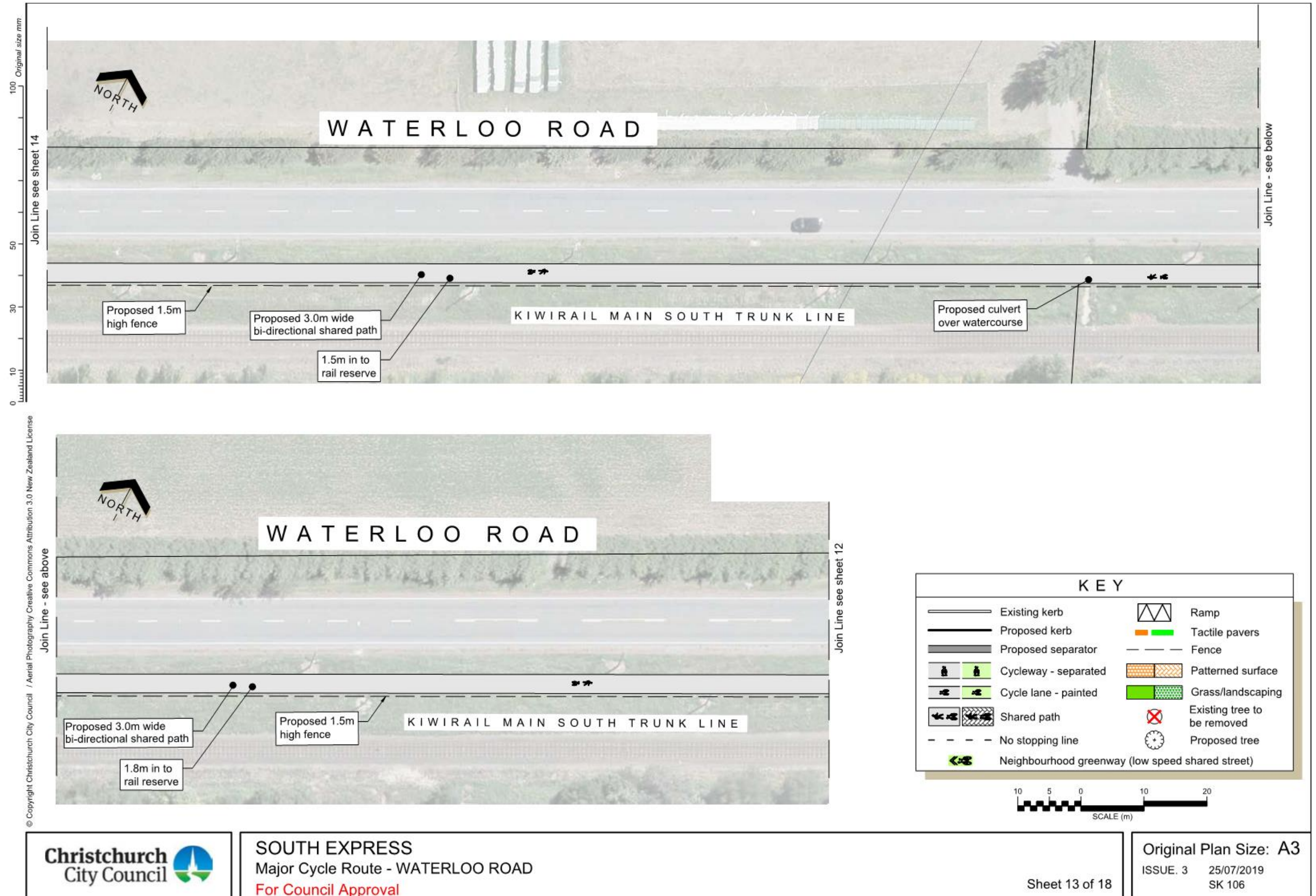


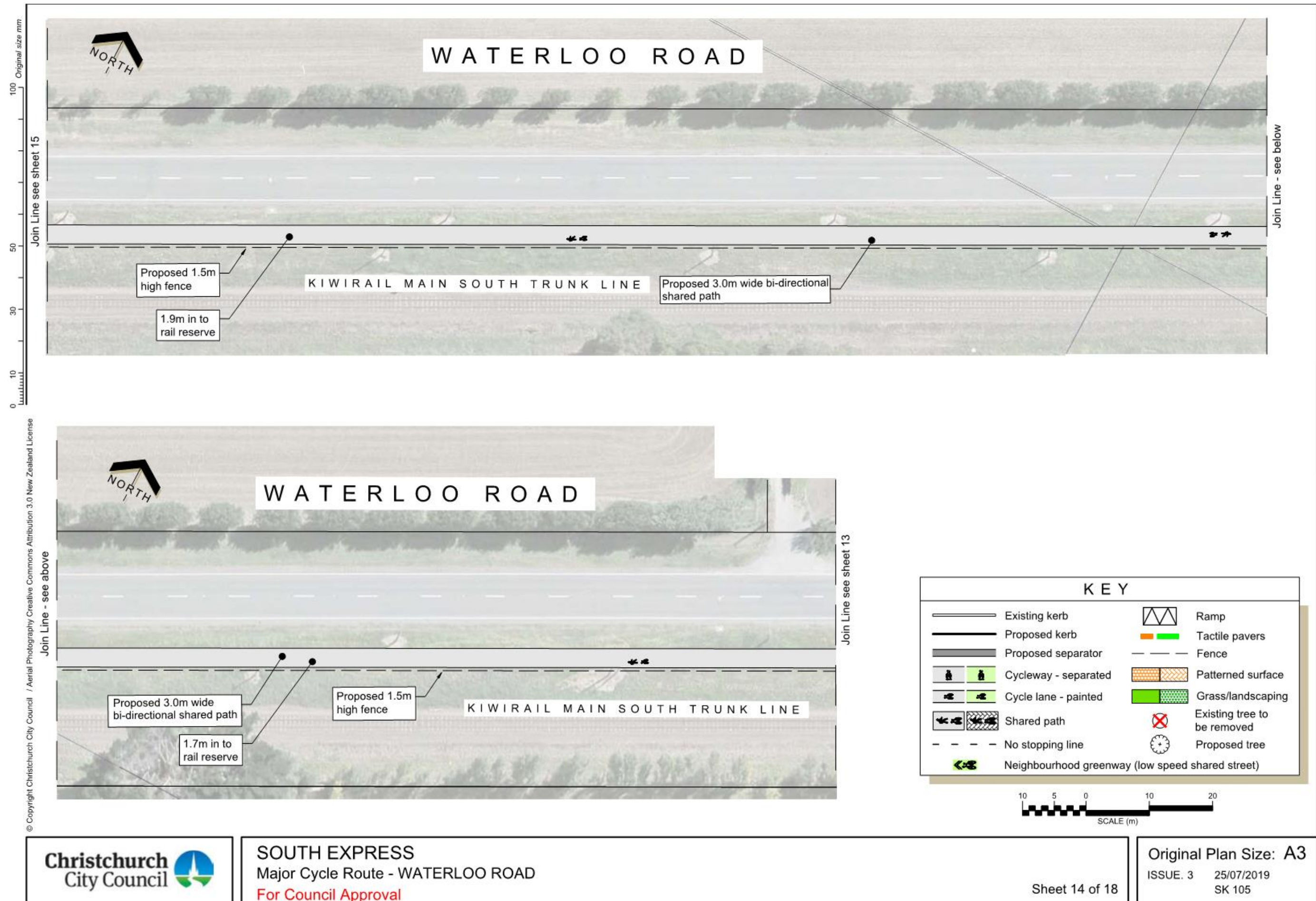


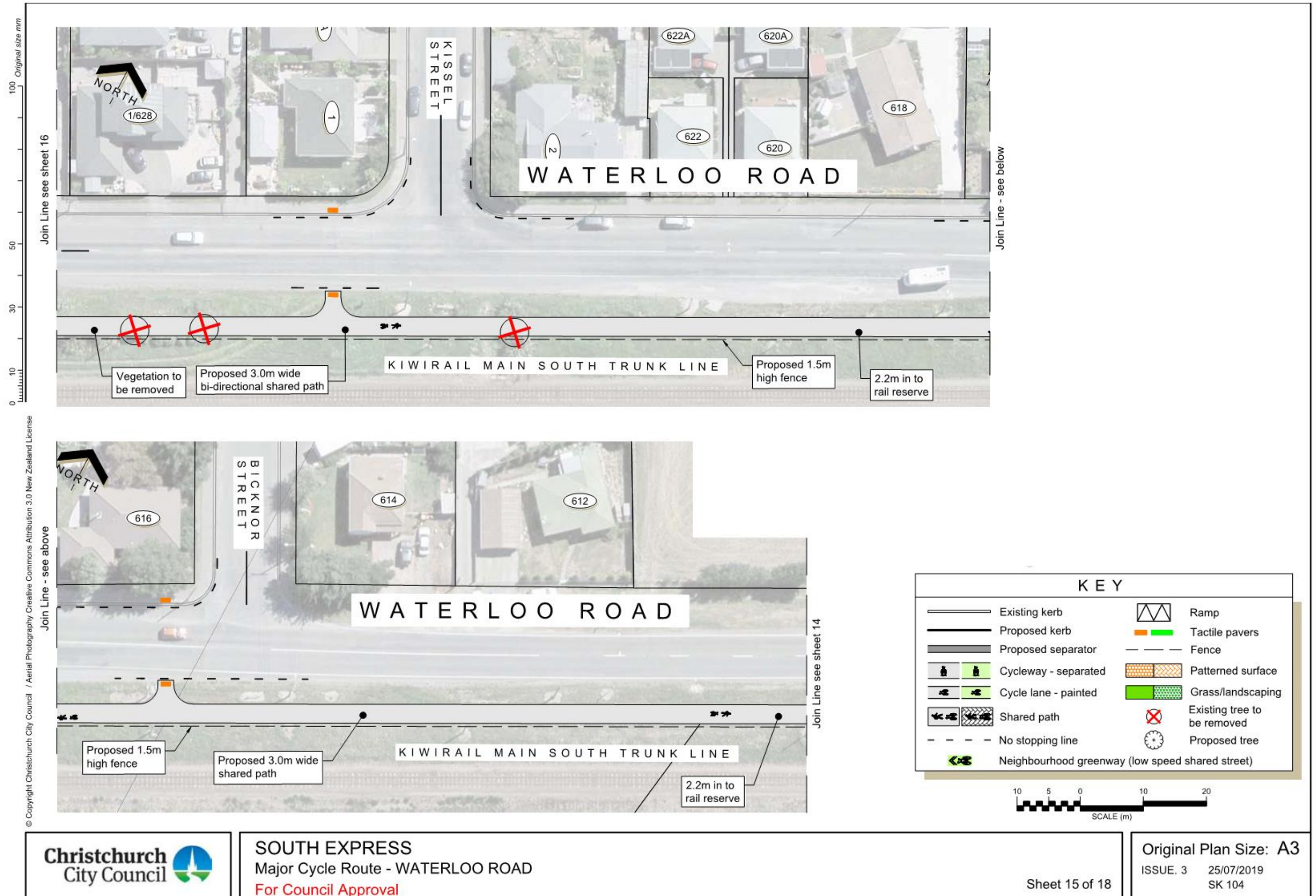


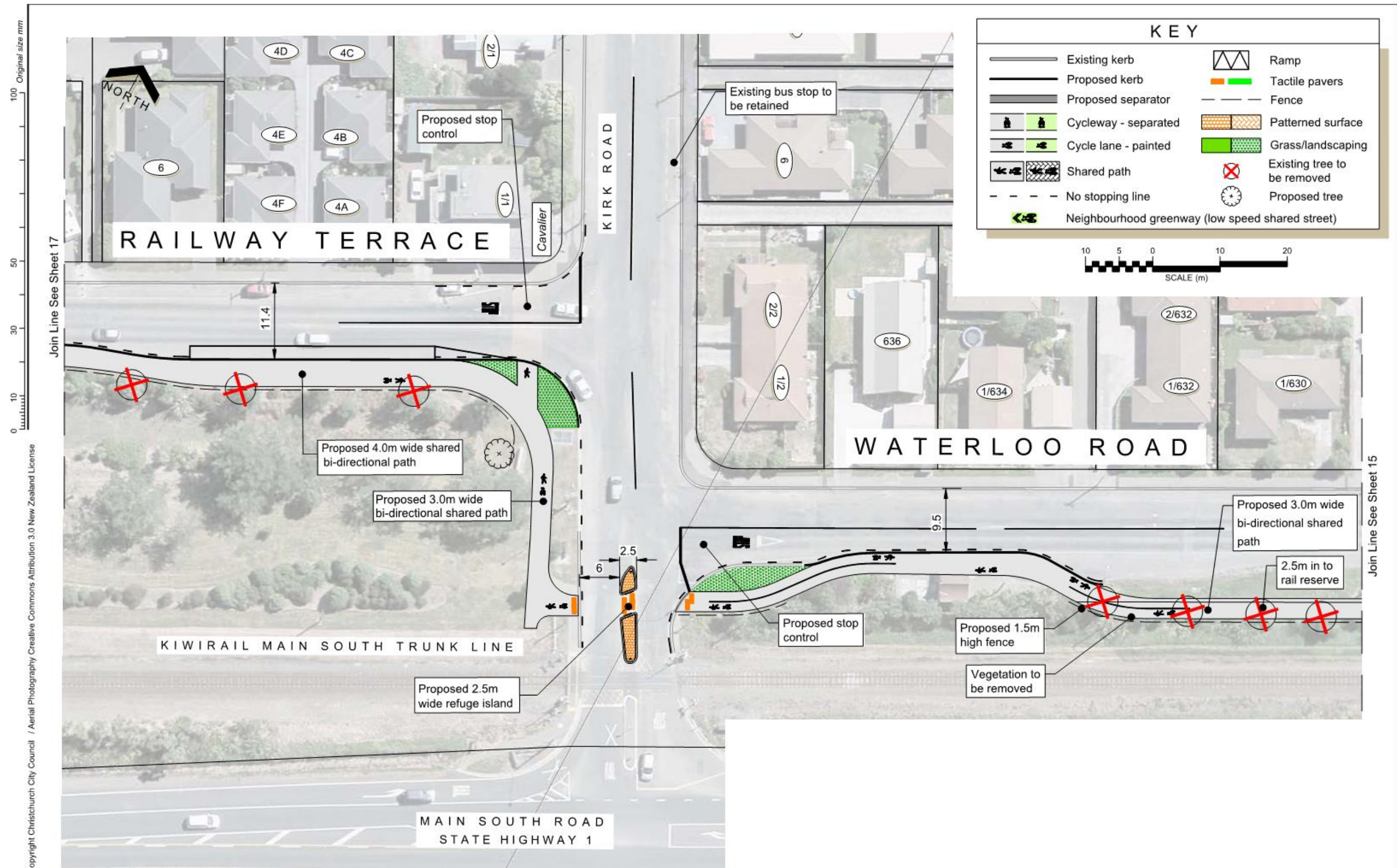


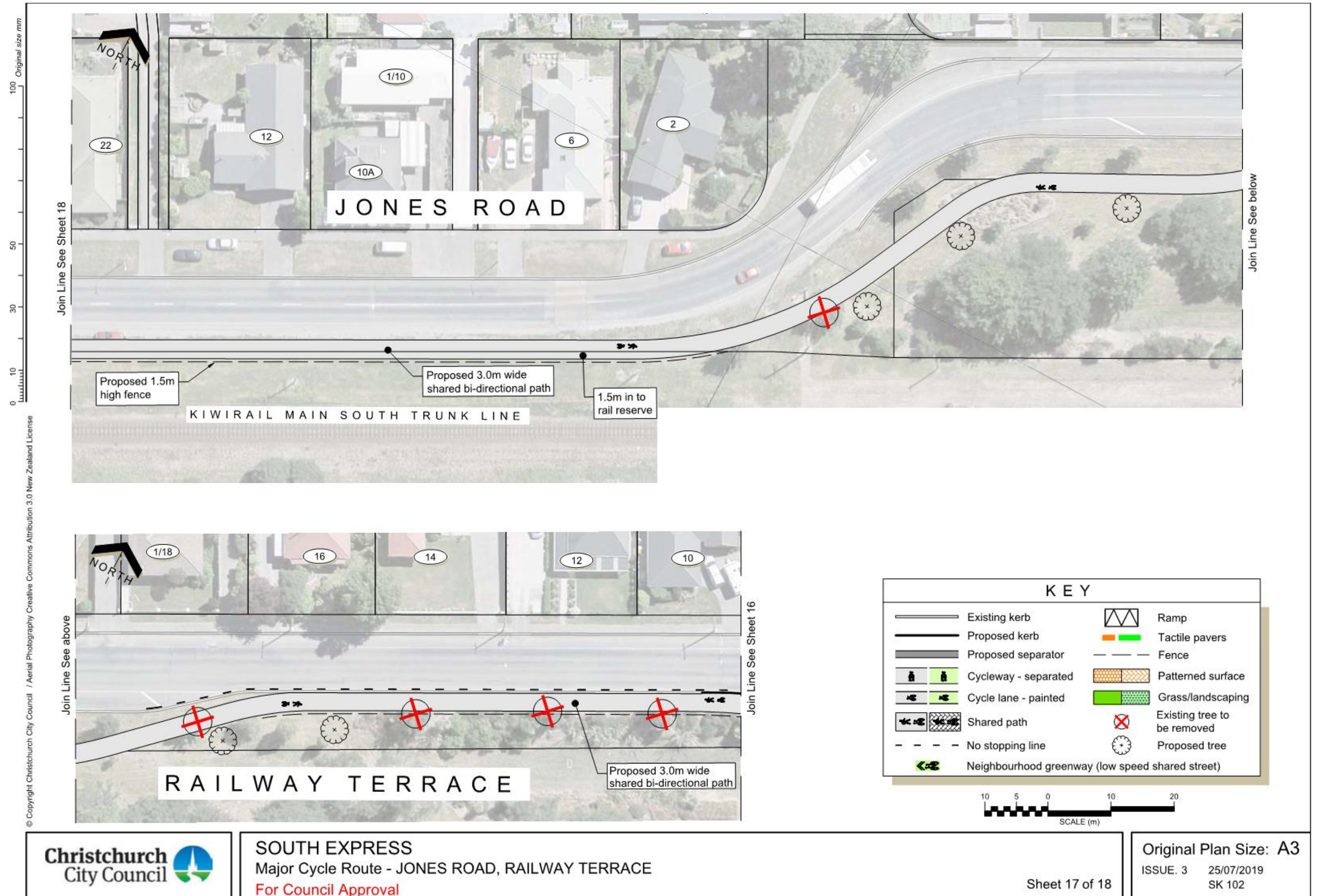


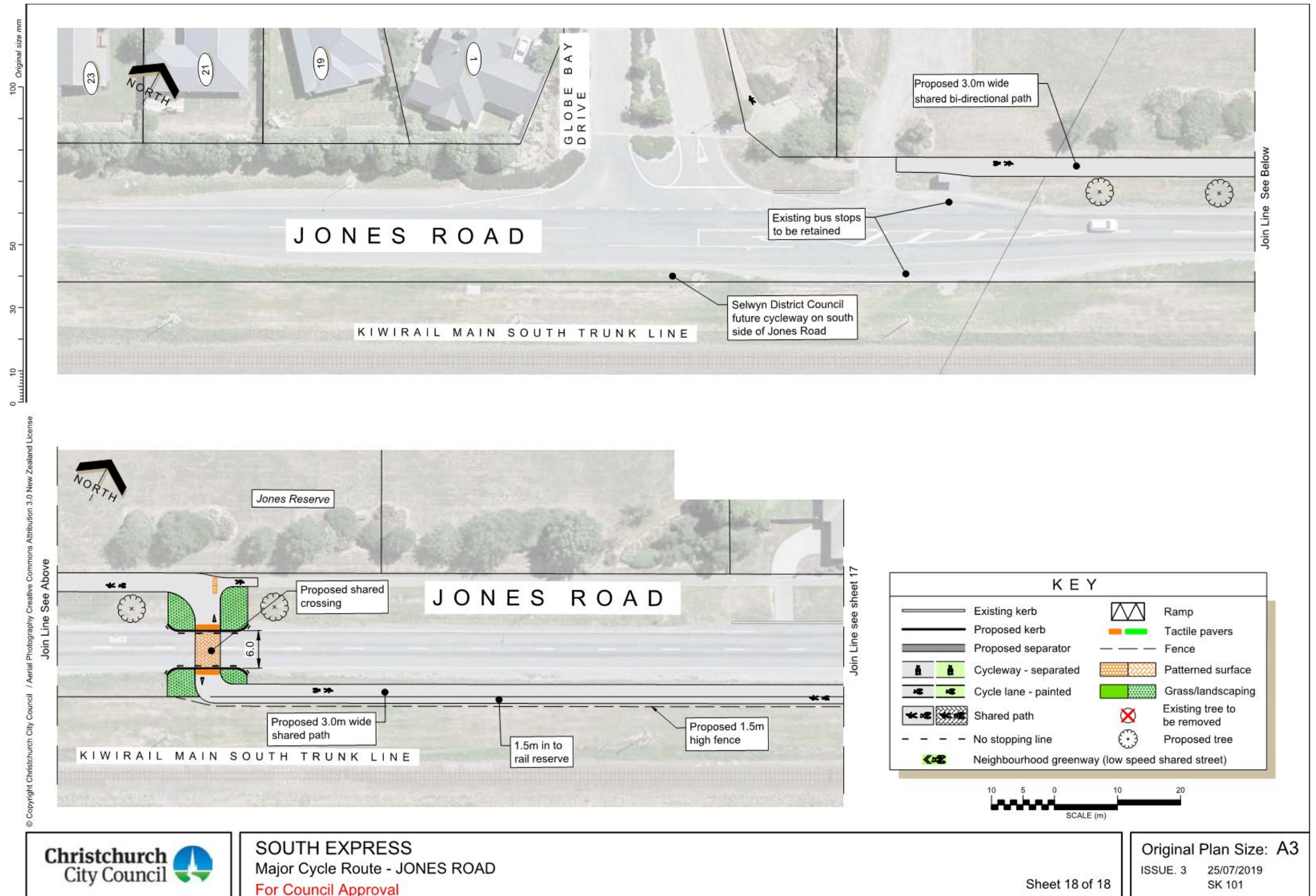












9. Mayor's Monthly Report

Reference / Te Tohutoro: 23/609491

Report of / Te Pou

Matua:

Phil Mauger, Mayor

General Manager /

Pouwhakarae:

Dawn Baxendale, Chief Executive (Dawn.Baxendale@ccc.govt.nz)

1. Purpose of Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is for the Mayor to report on external activities he undertakes in his city and community leadership role; and to report on outcomes and key decisions of the external bodies he attends on behalf of the Council.
- 1.2 This report also includes an update to the appointments of elected members.
- 1.3 This report is compiled by the Mayor's office.

2. Mayor's Recommendations / Ngā Tūtohu o Te Koromatua


That the Council:

1. Receive the information in this report.
2. Note the following appointments of elected members in place of Councillor Templeton:
 - a. Councillor Donovan to the Pest Free Banks Peninsula Project Oversight Group; and
 - b. Councillor Johanson as Chair of the Strengthening Communities Funding Committee.

3. Details / Te Whakamahuki

- 3.1 The Mayor, in consultation with the Deputy Mayor and Councillor Templeton, has agreed to the following appointments of elected members in place of Councillor Templeton:
 - 3.1.1 Councillor Donovan to the Pest Free Banks Peninsula Project Oversight Group; and
 - 3.1.2 Councillor Johanson as Chair of the Strengthening Communities Funding Committee.
- 3.2 The Mayor agreed to these changes to appointments on the basis of more evenly sharing the workload between councillors.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A 	Mayor's Monthly Report June 2023	23/940882	166

Mayor's monthly report

June 2023

Introduction

June is a big month for our Council as we adopt our 2023/2024 Annual Plan. Months of work will come down to our decision on 27 June. Staff have done a mountain of work to find savings, test suggestions and look into options. Now we need to finalise the plan. June also includes some big decisions around the future of the Organics Processing Plant in Bromley. In both cases, we must remember that what we decide will impact on people and we must do our best to find the best solution for our city.

On my Radar

Annual Plan

Our draft Annual Plan went out for consultation over March and April with a projected rate rise of 5.68%. In April and May we heard from people directly and worked through over 800 submissions. At our last public briefing it looked like the projected increase would be around 7.78% due to increased costs, especially in the Three Waters space following chlorination. Staff have done a huge amount of work, answered plenty of questions and provided a lot of information for us to consider. Now we need to make a final decision.

Our community has been very clear that they want us to keep rates rises as low as possible, and we must do this. But we must also make sure that the services, facilities, and infrastructure our community want from us is delivered in the right place at the right time. This balance is a challenge for us when we put it up against rising costs due to inflation, increased interest rates and insurance costs in particular.

Organics Processing Plant

In 2021 our Council agreed to look at options for a new facility to replace what is currently operating at Bromley. This followed a strong message from people in Bromley to fix the smell. We are now in the final stages of procurement and finding the best solution. Whatever we decide, it must be a permanent, long-term solution that doesn't have the same impact on people.

It will take some years to get a new facility up and running, so we need to do our best to reduce the impact on people in Bromley. We have made operational improvements over the past couple years and tried new things which have made some improvements, but there is still a risk of smell. So we will look at new options this month from more operational improvements through to bigger changes which will need to follow a proper decision-making process under the Local Government Act. The key is that we must give people some relief from the smell – this has been an ongoing issue.

Local Economy

I am very excited about the future for Christchurch as the best place to live, work, play and invest. Despite the recent announcement that the economy is in a recession, we are still seeing Christchurch as place people want to come. We also have some fantastic business opportunities which will bring high paying, highly skilled new jobs to the city. We must do our bit to support the local economy and help support businesses to develop and grow – especially in these leaner times.

Shout Outs

Christchurch City Mission

I had the privilege of attending the opening of the City Mission's new facility on Hereford Street. This is a massive asset for our city, helping people to get back on their feet when needed. The new buildings are the result of a big renovation programme by the Mission and includes new accommodation and foodbank services – even a café run by those helped by the Mission. The team there are doing a great job for Christchurch!



Forward Foundation

Congratulations to the Forward Foundation who celebrated a decade at the end of May. This great organisation helps to support and increase the number of young women who participate in sport and recreation. Councillor Johanson attended their celebration on behalf of the Council because we contribute to their work through our Strengthening Communities Fund. It is fantastic to see their work continue in our city.

Te Kaha Rises!

It is absolutely fantastic to see steel starting to rise out of the ground at Te Kaha. Part of this year's Annual Plan is set to include bringing forward funding in the capital programme to allow the project to keep up its pace. Like so many people, I love seeing progress on what will be an amazing facility for Christchurch.



Figure 1 Visiting the Estuary Edge in Southshore with Councillor Donovan to get an update on progress for this really important project.



Figure 2 Helping Papanui Rotary plant a Rimu in honour of the King's coronation. This tree will do its part to help regenerate Papanui Bush thanks to the hard work of many volunteers.



Figure 3 Visiting SR solutions glass recycling operation in Hornby with other councillors. Recycling is such an important way to reduce our waste here in Christchurch.

10. Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.

Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	WHEN REPORTS CAN BE RELEASED
11.	COMMUNITY PARTNERSHIP FUND (BETTER OFF FUNDING)	S7(2)(H)	COMMERCIAL ACTIVITIES	COMMUNITY ORGANISATION FINANCIAL DETAILS WILL BE DISCUSSED WHEN THE ALLOCATION OF FUNDING DECISIONS ARE MADE.	29 DECEMBER 2023

Karakia Whakamutunga

Kia whakairia te tapu

Kia wātea ai te ara

Kia turuki whakataha ai

Kia turuki whakataha ai

Haumi e. Hui e. Tāiki e