

COVID-19 Response Committee

AGENDA

Notice of Meeting:

A meeting of the COVID-19 Response Committee will be held on:

Date: Thursday 4 June 2020
Time: 9.30am
Venue: Council Chamber

Membership

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

29 May 2020

COVID-19 Response Committee

Timetable	
9.30am	Meeting commences

ORDER OF BUSINESS

- 1 Apologies
- 2 Extraordinary Business
- 3 Declarations of Interest

Minutes

- | | | |
|---|--|---|
| 4 | COVID-19 Response Committee – 28/05/20 | 3 |
|---|--|---|

Reports

- | | | |
|---|--|----|
| 5 | Revenue & Financing Policy – Stockwater Rate | 6 |
| 6 | Ashton Beach Enhancement Project | 13 |

Business Transacted with the Public Excluded

- | | | |
|---|--|--|
| 7 | COVID-19 Response Committee Minutes 28/05/20 | |
| | Section 7(2)(h) Commercial activities | |

4. COVID-19 Response Committee- 28/05/20

Minutes of the COVID-19 Response Committee meeting held on Thursday 28 May 2020, commencing at 9.34am, in the Council Chamber, 137 Havelock Street, Ashburton.

Present

His Worship the Mayor, Neil Brown; Councillors Leen Braam, Carolyn Cameron, John Falloon, Rodger Letham, Lynette Lovett, Angus McKay, Liz McMillan, Diane Rawlinson and Stuart Wilson.

In attendance

Hamish Riach (Chief Executive), Sarah Mosley (Manager People & Capability), Neil McCann (GM Infrastructure Services), Ruben Garcia (Communications Manager) and Phillippa Clark (Governance Team Leader).

Staff present for the duration of their reports: Toni Durham (Strategy & Policy Manager), Richard Mabon (Senior Policy Advisor) and Bevan Rickerby (Economic Development Manager).

1 Apologies

Nil.

2 Extraordinary business

Nil.

3 Declarations of Interest

Nil.

4 Confirmation of Minutes

That the minutes of the COVID-19 Response Committee meeting held on 18 May 2020, be taken as read and confirmed.

Letham/Cameron

Carried

5 Development and Financial Contributions (DFC) Policy Review 2021 – Phase One

The Audit, Risk & Finance Committee, on 19 March 2020, resolved that this report be left on the table for discussion at the next Audit, Risk & Finance Committee meeting. With the interim Covid-19 Response Committee arrangement, the report will instead be considered today.

That Standing Order 24.6 be temporarily suspended to enable the Development & Financial Contributions Policy report to be uplifted by the Covid-19 Response Committee.

Braam/McMillan

Carried

Officers presented a range of development contribution options and costs with provision for future growth. The Senior Policy Advisor explained that if development contributions are abandoned altogether, the revenue lost would equate to 3% of the rates (based on 2019-20). He cautioned that building activity is expected to soften, which would further reduce development contribution revenue.

The option to introduce development contributions for roading (transportation) was not fully supported and it was agreed not to progress this.

There was concern that the two year credit period for development contributions applied to earthquake prone buildings is too restrictive and could penalise building owners who are unable to complete demolition or rebuilding in this time. It was suggested that the timeframe be extended to five years and after that, consider on a case by case basis.

A draft policy will be prepared and Council will have the opportunity to reconsider the options before public consultation is undertaken.

That the motion be taken in parts.

Wilson/McKay

Carried

That Council approves that the range of options for detailed assessment of overall development contributions in Phase Two include Option B (maintain overall quantum at 2018 levels), Option C (increase overall quantum by up to \$2,500) and Option D (increase overall quantum by \$5,000 but excluding the transportation development contribution).

Lovett/Cameron

Carried

Amendment

That Council approves that the range of options for detailed assessment of overall development contributions in Phase Two shall include Option C (increase overall quantum by up to \$2,500).

Wilson/Rawlinson

Amendment lost and the original motion was carried.

That Council approves further work being undertaken in Phase Two to close the development contribution loophole on network extensions by using service connection as a trigger for network extensions only.

Mayor/Braam

Carried

That Council approves further work being undertaken on the wider aspects of network extensions as a separate issue outside the review of the development funding contribution policy.

Cameron/Falloon

Carried

That no further work shall be undertaken in Phase Two on the issues of indexation and catchments and Council will maintain the status quo on those issues.

Braam/Cameron

Carried

That Council approves further work being undertaken in Phase Two on the issue of longer timeframes for development contribution credits for earthquake-prone buildings.

Rawlinson/Braam

Carried

6 Review of Library Collection Policy

The Senior Policy Advisor reported that no major changes are proposed for the collection policy and public engagement is not considered necessary.

The policy will be amended to clarify the requirements for satellite library borrowing and further amendments may be asked of the Library Manager before the policy is adopted by Council on 25 June.

Recommendation to Council

That Council approves the Library Collection Policy 2020 attached (to report) as Appendix One.

Lovett/McMillan

Carried

Business transacted with the public excluded – 10.34am.

That the public be excluded from the following parts of the proceedings of this meeting, namely – the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:	
8	Confirmation of minutes 18/05/20	Sections 7(2)(h)	Commercial activities
9	Library & Civic Centre PCG 18/05/20	Sections 7(2)(h)	Commercial activities
10	Covid-19 Economic Advisory Group 20/05/20	Section 7(2)(h) Section 7(2)(a)	Commercial activities Protection of privacy of natural persons

Mayor/Cameron

Carried

Council adjourned from 10.34am to 10.52am.

The meeting concluded at 12.10am.

5. Revenue and Financing Policy – Stockwater Rate

Author	<i>Rachel Thomas; Policy Advisor</i>
Activity managers	<i>Andrew Guthrie; Assets Manager</i> <i>Toni Durham; Strategy and Policy Manager</i>
General managers	<i>Jane Donaldson; Group Manager Strategy and Compliance</i> <i>Neil McCann; Group Manager Service Delivery</i>

Summary

- The purpose of this report is to consider options for rating of the Stockwater service (detailed in the Revenue and Financing Policy (R&FP).
- The 2018/19 rating database shows there are 1,383 properties paying a stockwater rate of some type. These range from \$86.94 to \$6,663.60 annually. The average amount paid annually is \$706.33.
- Officers have completed modelling for options on three approaches: increasing the minimum charge, setting a target of \$600, and charging everyone the same.
 1. Status quo
 2. Increase the minimum charge
 - a. Small increase
 - b. Medium increase
 - c. Large increase
 - d. XL increase
 3. Alternative based on \$600
 4. Charge everyone the same
- No officer recommendation has been provided as the decision about who should pay for the Stockwater service is political.

Recommendation to Council

1. **That** Council receives the report.
2. **That** Council removes the charge for 'stockwater services' and requires those properties paying for services to pay the minimum charge.
3. **That** Council supports Option **XXX**, which increases the minimum amount paid to **XXX** and uses the **XXX** rate.

Background

Current situation

1. Council owns and operates a stockwater network that includes 2,058km¹ of water races. The stockwater service enables the economic and efficient farming of stock in the district. The network also provides some parts of the district with drinking water (once treated).
2. The total revenue from all stockwater rates for 2018/19 was \$971,908.16. Of this, \$30,001.95 (or 3.1%) was through 'stockwater services' and \$941,906.21 (or 96.9%) was through races.
3. The 2018/19 rating database shows there are 1,383 properties paying a stockwater rate of some type. These range from \$86.94 to \$6,663.60 annually. The average amount paid annually is \$706.33.
4. The majority of properties rated for Stockwater are charged based on the length of stockwater race travelling through their property (plus an additional charge for any specific stockwater services received).
5. The 'minimum charge' is the charge applied to a length of stockwater race running through a property. Our minimum charge is applied to race lengths of <161m (the minimum race length). If a property has more than 161 metres of race, they are charged the minimum charge + an additional charge per metre. If a property has less than 161 metres of race, they are only charged the minimum charge amount.
6. The minimum charge was set at \$86.94 for the 2018/19 year, plus an additional amount per metre of race \$0.54c² where the length of race exceeded the minimum of 161m.

Issues

Stockwater Services

7. The charge for 'stockwater services' was initially intended to provide cost recovery for specific services within the network which some properties receive.
8. Stockwater services are not identified on Council's GIS system and have not been routinely tracked in any way for many years. Changes to farming practices and adoption of new methods/technologies means the use of these services has declined, and is likely to continue declining. The table below details services as included in the LTP 2018-28.

¹ As per the Annual Report 2018/19.

² The 2019/20 minimum charge is \$89.80 and \$0.56c per metre <161m. However, options have been modelled on the 2018/19 database.

Item	Cost
Each pond service, ram service, pump service, water wheel or windmill	\$108.90
Each dip service or extension pump service using water for the Council's stockwater race system	\$54.40

9. Officers recommend removing charges for services given the annual income is modest at approximately \$30,000 (3.1% of total revenue for 2018/19). Charging for stockwater services adds complexity to rating with little identifiable benefit. The options in this report assume Council supports this recommendation.

The cost of the Stockwater service

10. Stockwater is funded 90% through a targeted Uniform Annual Charge (UAC) (based on length of races running through a property and services received) and 10% through the general rate.
11. Officers note the rates charged for Stockwater may not truly reflect the beneficiaries of the service. Stockwater has been charged this way for many years, and over time has resulted in a disparity between who benefits and who pays.
12. The minimum charge is applied at such a low level (as the minimum race length is only 161 metres and every metre after that charged) that only 20% of customers are paying this amount. The result is often larger properties with a long length of race are being charged a very high amount as they pay for every metre over 161m of race. These properties are more likely to be connected to an irrigation scheme to ensure enough water is available to service their entire property. This means there are many properties who are paying for the races to simply travel through their property, without actually utilising the race.
13. Officers believe it is the smaller properties which rely on the stockwater service and as a result require a higher level of service (yet these properties pay the least towards the service).

Options analysis

14. The options modelled assume the cost of Stockwater should be priced more competitively, and more clearly reflect the beneficiaries. This is not an attempt to gain more revenue; the options are modelled on maintaining revenue.
15. The impacts of the proposed options are:
 - Properties with greater lengths of race will see a reduction in their rates bill.
 - Properties with shorter lengths of races will see an increase.

- Customers may look to alternative solutions, such as self-supply or connection to private piped schemes.

16. The Assets Manager considered three ways of modelling the rating change, which are below compared to the rating principles of fairness, administrative simplicity and economic efficiency.

Table 1 - Options and rating principles

	Increasing the minimum charge (Options 2A, B, C, D)	Fixed cost for all + additional cost per metre (Option 3)	Equivalent cost for all (Option 4)
Fairity	✓ Supports user pays	✓ Supports user pays	X Everyone pays same but receives different levels of service
Administrative simplicity	X Rating database issues	✓ Easy to align existing data with GIS	✓ Easy to align existing data with GIS
Economic efficiency	n/a Dependant on extent of increase	✓ Priced competitively	✓ Priced competitively

It is important to consider:

- Council's rating database does not detail the specific race length for properties with less than 161 metres of race.
- There is an argument that a varying rate based on length is appropriate because it more directly reflects those properties ability to access greater volumes of water.
- From an operational standpoint, smaller properties are commonly those requiring greater assistance³ therefore, there is an argument they should pay more. In reality, these properties pay significantly less but are more inclined to use the service.
- Increasing the cost of Stockwater could lead to customers expecting a higher level of service.
- There are advantages and disadvantages for each option but these are largely political as they relate to shifting costs from smaller to larger users of the Stockwater service. It is up to Council to decide what is palatable, reasonable and fair therefore officers provide no recommendation.

³ Officers are not aware of any data to support this contention, however it has been anecdotally reported by field staff.

Table 1 - Modelling of minimum charge options using the 2018/19 database

	Option 1 Status quo	Option 2 Increase the minimum charge				Option 3 Fixed cost for all + additional per m*	Option 4 Equal charge
		2A Small	2B Moderate	2C Large	2D XL		
Minimum length (metres)	161	500	1,000	1,500	2,000	1,000	n/a
Rate per metre	\$ 0.54	\$ 0.5106	\$ 0.4311	\$ 0.360	\$0.30	\$0.1665	n/a
Minimum charge	\$ 86.94	\$255.28	\$ 431.06	\$540.8	\$605.93	\$600.00 (fixed)	\$706.33
Maximum charge	\$ 6,663.60	\$ 6,300.37	\$ 5,319.23	\$ 4,449.46	\$3,738.57	\$2,488.14	\$706.33
% of customers paying minimum charge	20.2%	45.7%	60.2%	70.4%	75%	59%	100%
No. of properties facing increase	-	524 (38%)	715 (52%)	799 (58%)	831 (60%)	841 (61%)	890 (65%)
No. of properties facing decrease	-	852 (62%)	661 (48%)	577 (42%)	545 (40%)	535 (39%)	486 (35%)
Average increase (bottom 10% customers)	-	\$170.10	\$345.87	\$455.68	\$520.76	\$514.83	\$619.48
Average decrease (top 10% customers)	-	\$183.34	\$510.42	\$886.11	\$1,164.40	\$1,399.23	\$1,882.73
Average increase	-	\$128.84	\$248.39	\$326.84	\$378.21	\$368.26	\$450.26
Average decrease	-	\$79.24	\$268.68	\$452.59	\$576.68	\$578.90	\$813.98

*based on all properties incurring a fixed charge of \$600, + an additional charge per metre for race lengths greater than 1,000m.

Legal/policy implications

17. The [Surface Water Strategy](#) provides information on the surface water systems Council manages and current work Council undertakes; sets out how Council will work with the Community and stakeholders; and provides information on the work Council will do over the next ten years.
18. As part of the SWS, an action was identified to 'Review minimum charge rates for water race network'. This action was intended to contribute to SWS Objective 2.5 titled 'Fund the management of the network equitably'.
19. The [Water Races Bylaw](#) outlines the different responsibilities of Council and water race users to ensure the races are managed and maintained appropriately. The bylaw also identifies how users can expect to use the water supply and the network itself and how the Council will deal with requests for changes to the network. In particular, it sets out the values and criteria that Council will apply in dealing with requests for race closures.
20. The bylaw states:
 - 8.1 *Council sets annual rates under the Local Government (Rating) Act 2002 and may impose fees and charges under the Local Government Act 2002 for the ability to use the water race network on all properties with a water race running through or adjacent to it.*
 - 8.2 *Rates are levied on a property served by the water race network regardless of whether the water is used or not.*

Financial implications

Requirement	Explanation
What is the cost?	The options proposed have been modelled on the basis of maintaining revenue therefore there is no immediate cost.
Is there budget available in LTP / AP?	No additional budget is required.
Where is the funding coming from?	Not required.
Are there any future budget implications?	Increasing the minimum cost of the service is likely to encourage the exploration of alternatives, such as private systems or irrigation companies. This could have budget implications such as the requirement for a greater general rate component to meet the funding shortfall.
Reviewed by Finance	Not required

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	Yes
Level of significance	High
Level of engagement selected	Involve – participatory process
Rationale for selecting level of engagement	Once the preferred option has been determined, officers will develop an engagement plan. Given there could be large increases proposed for some who receive this service, it is likely there will be a high level of community interest. It is planned Stockwater users will be contacted prior to formal consultation on the Revenue and Financing Policy.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Next steps

Date	Action / milestone	Comments
June 2021	Adopt draft Revenue & Financing Policy	Community engagement is expected to occur June-July 2020
August/Sept 2021	Adopt final Revenue & Financing Policy	
2021	Adopt LTP incorporating Revenue & Financing Policy	

6. Ashton Beach Enhancement Project

Author	<i>James Henderson; People & Capability Advisor Bert Hofmans, Open Spaces Planner</i>
Activity Manager	<i>Sarah Mosley; Manager: People & Capability Manager</i>
General Manager	<i>Sarah Mosley; Manager: People & Capability Manager</i>

Summary

- The purpose of this report is to seek direction on potential enhancements to Council land at Ashton Beach.
- Council has become aware of serious health and safety issues regarding the recreational motorbike use on ADC owned land at Ashton Beach.
- The land and surrounding area also has significant biodiversity values that could be enhanced further in the future, once site protection by way of fencing is completed.
- Two potential fencing options were shared with the community and an open day took place. A third option, which included fencing the entire area (like option 1) and also providing alternative land for motorbike riding (adjacent to the current site) was put forward by an attendee and received support by those who attended the open day. This option has subsequently been investigated by Council Officers and specialist consultants.
- Option three is an outcome which would provide numerous wins to the community however in order to achieve it additional officer time and funding is required to achieve this goal.

Recommendation

1. **That** Council fully fences the proposed areas (Option 1) to protect the significant indigenous vegetation sites and eliminates the health and safety risk of vehicular riding/driving on the donga area.

If Council selects Option 1 or 2

2. **That**, should the Ashburton Motorcycle Club be successful with its application for Community Infrastructure Grant funding, which was intended for track formation at the Ashton Beach Project, that money shall be reallocated to further develop and maintain the motorbike park at Trevors Road.

Should Council wish to proceed with Option 3 (fully fenced donga and alternative hill riding area provided):

- 3. That** Council supports further work and consultation to enable the establishment of an alternative area for recreational motorbike riding on Council owned land within the Ashton Beach area.
- 4. That** Council funds additional staff resource to support biodiversity activities within the 2020-21 financial year (\$10,000).
- 5. That** Council underwrites funding up to a maximum of \$20,000 for the biodiversity requirements of this project, should alternative funding sources not be successful.

Appendices

Attachment A	Areas of Significance & Risk
Attachment B	Indicative Fencing Options
Attachment C	Diana Robertson, Ecologist Report
Attachment D	Marieke Lettink, Wildlife Ecologist and Herpetologist Report

Background

The current situation

1. In 2019, Council officers became aware of a health and safety issue on an unfenced portion of Ocean Beach Farm which is being used for recreational activities by motorbikes and four wheel drive enthusiasts. The topography of the donga (steep sided peninsula landform), which is eroding in parts, poses significant risk and liability to Council as the land owners because the risks are not being managed appropriately.
2. The areas of initial officer concern are marked in solid red **attachment A**, however with subsequent input from Safe & Sound Consultancy and key members of Ashburton's Motorcycle Club, additional areas of concern were identified across the site (marked in red hatching).
3. Motorbike riding around the Ashton Beach area has occurred for numerous years and many families enjoy the diversity of the terrain which is suitable for those learning to ride on the flats, with the donga areas providing more challenging terrain.
4. The Ashton Beach area boasts important biodiversity values. This is largely due to a concentration of significant indigenous vegetation in the area as well as its proximity to the mouth of the Ashburton River which has a rich and abundant birdlife.
5. Within the immediate area are four sites of significant indigenous vegetation on Council owned land. First identified in a district wide survey in the mid-1990s, their importance has been confirmed through subsequent ecological surveys commissioned by Council. The most recent report in 2019 highlighted the threats to these areas from inappropriate vehicle use. The green hatching on **attachment A** provides an approximate location of these areas.
6. Community engagement for the Ashton Beach Enhancement Project commenced in January 2020 and the open day attracted a broad range of stakeholders, including motorbike riders, Forest and Bird and community members who regularly camp or visit this area.
7. The current situation presents an opportunity to undertake a fencing and enhancement programme to eliminate health and safety risks and liability for Council, while protecting our indigenous biodiversity. The consequence of this is the curtailment of enjoyment and opportunity to ride on varied terrain. This means this area may no longer satisfy a family who have riders with varying levels of ability. This consequence, as suggested by a community member at the open day could be overcome if Council provided access to an alternative area for motorbike riders. This idea received support by all present at the open day.

8. Environment Canterbury have recently completed a management strategy for the river mouth and adjoining land to manage the conflicting uses of the area. Fencing, signs and new vehicle access tracks are proposed. This is a significant project, with work spread over multiple years with a completion date in 2024.

Options analysis

Option one –Fully fenced donga and no hill riding - preferred

9. Fencing under this option includes an area (as shown in yellow in **attachment B**) which occurs in all options to protect indigenous biodiversity.
10. In addition, this option involves fencing off the entire donga as shown in solid purple lines in **attachment B**. This approach would eliminate the risk to riders by no longer providing them access to the area. This also improves the protection of our indigenous biodiversity on the donga which is part of Ocean Farm's title.
11. From a recreational perspective, this limits motor bike riding to the less challenging flatter parts of Ashton Beach. Riding within the flat areas are also likely to reduce as ECAN's enhancement project progresses.
12. Removing access to the donga area is likely to meet some community opposition and there may be some vandalism of fencing to enable riding to continue. This has happened recently to the temporary fencing installed to eliminate the risk, and occurs at other areas of Ocean Farm land.

Option two – Partially fenced donga and hill riding

13. In addition to the fencing proposed in point 9, this option involves only partial fencing of the donga (as shown in orange in **attachment B**) and riding would continue over most of the donga with limited risk mitigation.
14. Without managed tracks, safety protocols and multiple vehicle types continuing to use this area in an informal manner, the area will continue to be a health & safety risk, a fire risk (in summer due to the long grass) and subject to erosion thereby creating greater risk and landscape disturbance as more areas revert to shingle scree.

Option three - Fully fenced donga and alternative hill riding area provided

15. This option arose out of public feedback. In addition to the fencing proposed in point 9 and 10 (Option 1), this option provides an alternative area adjacent to the donga on an unused part of Ocean Farm for motorbike riding that has less risk due to the proposed community management of the area while still providing diverse topography for riders. This area will be fenced using a combination of existing fencing (shown in black) and new fences shown in solid and broken purple lines in **attachment B**.

16. As this would become a council- community project it is anticipated that there will be increased goodwill and buy in from motorcycle club and local riders.
17. Senior members of the Ashburton Motorcycle Club are supportive of the idea and willing to become an expert partner in this project. They have the knowledge on how to form safe tracks for varying levels of ability. They have access to volunteer labour and discounted equipment. They recently submitted a Community Infrastructure Grant funding application to assist with the track formation costs. This project could provide the Club greater longevity and location diversity should the Club be provided with a licence to occupy. With longer term certainty, the club funds could be used to contribute to the development and maintenance of the area.
18. Through the process of investigating the feasibility of Option 3, Council officers engaged indigenous biodiversity specialists and have subsequently become aware of additional costs and processes that need to occur prior to any development occurring.
19. Diana Robertson, Ecologist, completed a site visit and report (**attachment C**). The report reconfirmed the important ecological values of the site and noted additional values not previously identified by Harding in 2014. Silver Tussock and the shrub *Muehlenbeckia ephedroides* were the predominant indigenous flora. The latter has a conservation status of 'Threatened-Nationally Vulnerable'. Under option 3, additional fencing would be constructed to protect areas of ecological value from damage due to motorbike riding.
20. Marieke Lettink, Wildlife Ecologist and Herpetologist, completed a site visit and confirmed the presence of southern grass skink which are nationally classified as 'At Risk-Declining' (**attachment D**).
21. In order to develop this land for the purpose of providing a motorbike riding area, considerable additional work and expenditure would be required. Council would need to obtain a Wildlife Permit from the Department of Conservation and in parallel apply for a Resource Consent. A Lizard Habitat Assessment and Lizard Management Plan would need to accompany the permit application. The permit is also likely to require some lizard habitat enhancement work elsewhere on the site as mitigation. Indicative total costs for this work is in the order of \$15,000 - \$20,000.

Additional consultation may also be required with key stakeholders.

22. Staff resource is required to manage the project itself. This includes co-ordinating stakeholders, project partners, consultants, contractors, volunteers and making funding applications. Council's existing biodiversity projects consume all current biodiversity staff resource (0.2 of a FTE or 1 day a week). It is estimated that this project would require additional resource equivalent to an additional day per week over a 6 month period (\$10,000).

Ongoing maintenance and further advancement of biodiversity projects could be achieved should Council support the additional day on an ongoing basis (\$20,000 pa).

Council on 9 April 2020 adopted a recommendation that a business case for a Biodiversity Officer be prepared and considered in the Council's Long Term Plan 2021-2031. The Council also noted impending legislation in the biodiversity area may override the need to progress the business case. Given the uncertainties and timeframes around the creation of this position, and the level of community interest, officers do not suggest delaying this project until after the completion of the Long Term Plan.

23. Due to other ongoing biodiversity projects on Council land, only \$5,000 is available, for this project from the 2020-21 biodiversity budget. External funding sources for the biodiversity aspect of this project are available. For example, the Lottery Environment and Heritage Fund opens mid-June (decisions made November 2020) and provides grants for plans, reports (feasibility studies, restoration plans) and one-off projects that will protect, conserve and promote New Zealand's natural, cultural and physical heritage. If Option 3 is adopted, Council is asked to underwrite this project and pay for the costs as they fall in order to keep the project moving.
24. In addition to the costs, there will be a period of 9-12 months where recreational riders will be restricted to the flat area while the development of the alternative riding area is progressed. It is also likely that the original area proposed for riding will be significantly reduced in size due to the existing and additional ecological values identified.

Legal/policy implications

Resource Management Act 1991

25. The Council has statutory obligations for biodiversity under the Resource Management Act. Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna is listed as a matter of national importance in section 6 of the Act. Section 31 directs district councils to control actual or potential effects of land use and development to maintain indigenous biological diversity.

General Duty of Care to Eliminate and Mitigate Risks

26. As a landowner who allows public access to this land, Council owes a general duty of care to those that access the land for recreation. In particular, Council has a duty to take all reasonable steps to remove or reduce any risks or hazards where it is reasonably foreseeable that they could cause harm or loss to others.

27. The extent of this duty (and whether Council is meeting its duty of care) depends both on Council's knowledge of any risks or hazards and Council's ability to foresee the consequence of not dealing with any known issues.
28. As discussed earlier in this report, Council is aware of the current risks associated with motorbike riding on the donga area. In response, Council has actively sought to eliminate this risk through the public consultation process and options presented in this report. Therefore, in making a decision on the recommendations in this report, Council must ensure the actions approved will enable Council to meet its general duty of care to those accessing its land.

Health and Safety at Work Act 2015

29. Eliminating and mitigating hazards and risks are also dealt with under the Health & Safety at Work Act (HSWA) 2015. The HSWA provides that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from hazards and risks arising from work as is reasonably practicable. The HSWA places a positive duty on elected members – as officers in relation to a PCBU – to exercise due diligence to ensure that the organisation complies with its health and safety duties and obligations (section 44).
30. It is important to note that the HSWA does not generally apply to any injuries or incidents that happen as a result of a member of the public undertaking a recreational activity on Council land. There is a limited exception to this, where Council does have liability under the HSWA if recreational access to the land is affected by a PCBU's work activities or is part of a workplace. Practically, this means a PCBU whose land is being accessed for recreation:
 - a. is only responsible for eliminating and mitigating the risks arising from the work or workplace (should there be work undertaken on the land); and
 - b. is not responsible for the risks associated with the recreational activities.
31. Council must ensure, for example, that the motorbike riding area, or areas, are appropriately fenced off from the Council's adjacent Ocean Farm workplace.

Financial implications

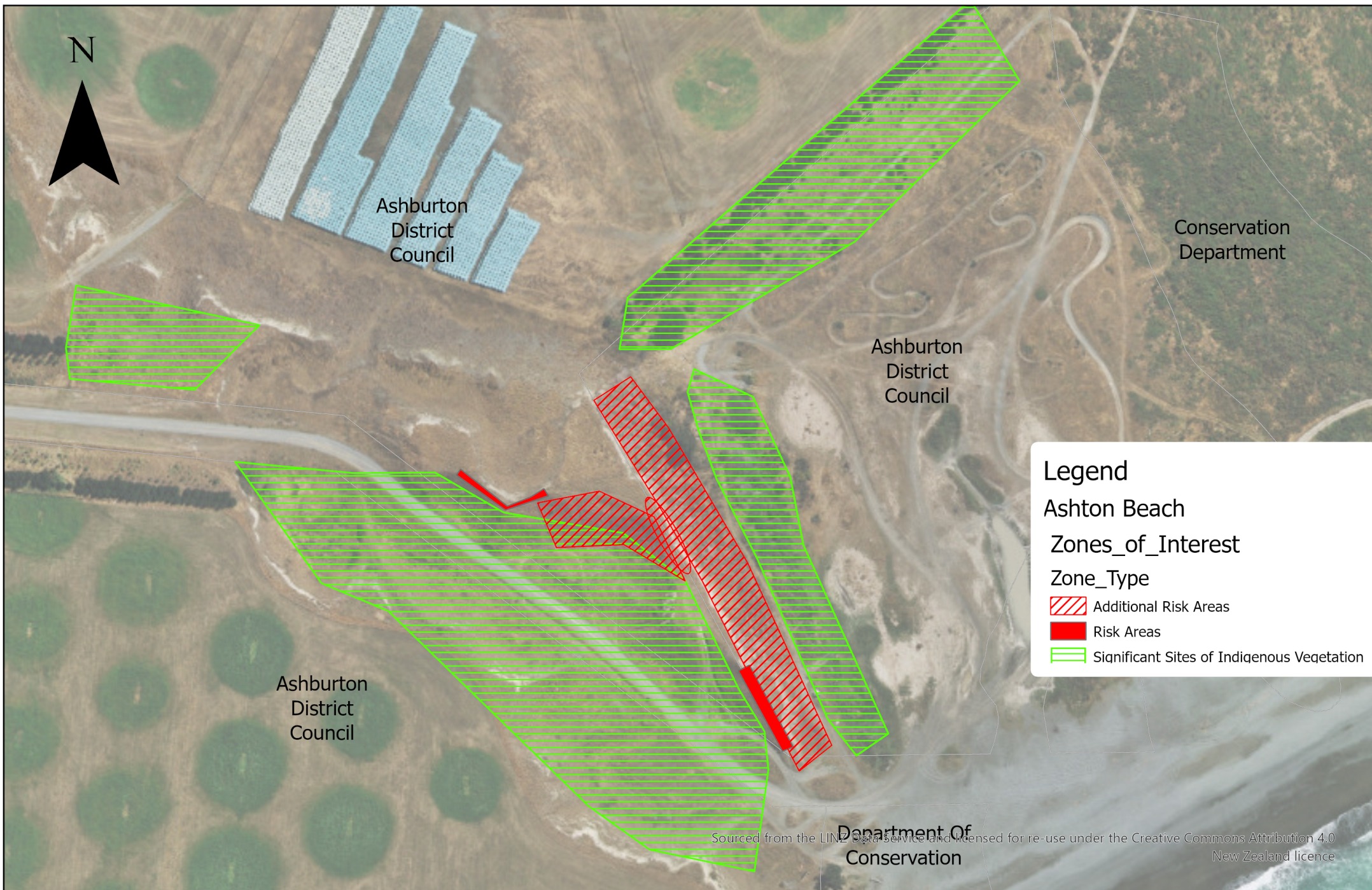
Requirement	Explanation
What is the cost?	<p>A quote was received for fencing the entire donga and biodiversity area was circa \$15,000. (Option 1-3)</p> <p>Additional costs for option 3 are:</p> <ul style="list-style-type: none"> - The construction of the new motorcycle area will be approximately \$10,000. - The permit and lizard management cost are estimated at \$15-20,000. - Resource consent application costs are estimated to be \$1,000. - Additional staff resource for this project is estimated to be \$10,000.
Is there budget available in LTP / AP?	Partial funding
Where is the funding coming from?	<p>The cost of fencing in Option 1 or 2 are to be shared through a combination of existing budgets (Biodiversity, Health & Safety & Ocean Farm).</p> <p><i>Option 3 fund sources are:</i></p> <p>The Ashton Beach Motorbike track project applied for a Council Community Infrastructure Grant of \$8,000 in 2020-21. If successful, this funding should be ring-fenced for track development in the area. Supplementary funds could be sourced from the Motorcycle Club and / or community fundraising.</p> <p>The 2020-21 Biodiversity budget has approximately \$5,000 available for this project.</p> <p>Grant applications for Lottery's Environment and Heritage Fund will be submitted to fund all lizard management costs including resource consents. Council are requested to underwrite this funding to ensure the project proceeds.</p> <p>Additional staff resource will be required to coordinate this project with the other partners and manage the biodiversity commitments. This is estimated at \$10,000.</p>
Are there any future budget implications?	Yes – some ongoing maintenance of the fencing and habitat are possible
Reviewed by Finance	

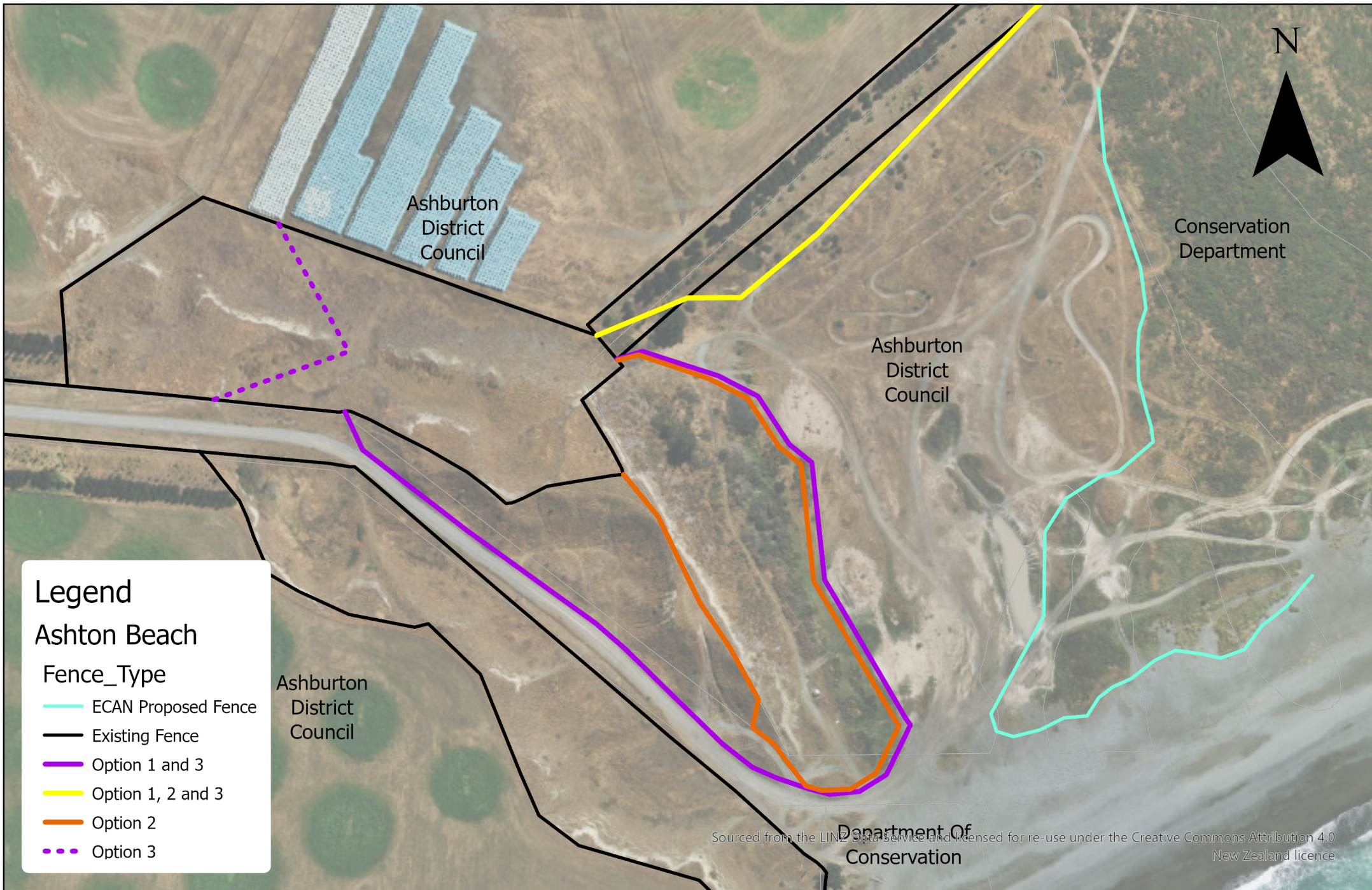
Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Level of engagement selected	Comment
Rationale for selecting level of engagement	Community engagement commenced in early 2020, with interested parties providing feedback to the proposed areas of fencing. This matter will be of high interest to some members within our community and Council will work with these interested parties, depending on the option selected by Council. The community will be kept informed of progress on the project through usual communication channels.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Next steps

Date	Action / milestone	Comments
30 June 2020	Identify resource to manage this project, who in turn will develop a project plan and timeline	
During the project	Council and the community kept informed of project milestones.	





Memorandum

Attention:	Sarah Mosley
Company:	Ashburton District Council
Date:	11 May 2020
From:	Di Robertson
Message Ref:	Ashton Ecology Assessment – Potential Motorcycle Area
Project No:	DR20011

Introduction

Ashburton District Council (ADC) are considering options for recreational motor biking at Ashton Beach. One area being considered is on Council land, shown by orange shading ("the assessment site") in Figure 1 below

Ecological values have previously been identified at and near this site (Harding 2014, 2019). ADC requested a further survey be undertaken to determine what ecological values are present in the assessment site, and to consider whether motorbike use would impact on these values.

This memo / report outlines the methods, findings of the survey and recommendations.

Methods

Previous reports on ecological values in the area were reviewed (Harding 2014, 2016 and 2019, Stäger 2019).

The survey was undertaken on Thursday April 30th in mild and calm conditions. Approximately four hours was spent exploring the assessment site, and in particular indigenous vegetation and potential habitat for indigenous fauna.

The location of all silver tussock plants, and other noted indigenous plants, were recorded using a hand-held Garmin 64s GPS.

Previous surveys

Four areas of significant vegetation have been identified on ADC land in the vicinity of Ashton Beach. These areas were identified as part of a survey of indigenous vegetation on roadsides in lowland parts of Ashburton District (Harding 2014).

The four areas are mapped, indicatively, in Figure 1 and described in Table 1 below. The boundaries in Figure 1 were transposed from a pdf and are for general location purposes only.

A further desktop assessment of the lowland sites, in response to a request from ADC, determined that two of the Ashton Beach sites (2789 and 1684 on Figure 2), and one in particular (1684), appear most suitable for ADC to manage for the long-term protection of indigenous plant species (Harding 2019) based on their ecological values.

Areas of ecological value were also identified on the adjacent Ocean Farm in a separate study for ADC (Harding 2016). Similar types of dryland vegetation communities, as those identified in the roadside identified sites, were recorded occurring mainly on undeveloped terrace scarps.

The site that is the subject of this assessment, includes all of site 2788 (Figure 2). It is immediately adjacent to sites 1657 and 1684 and across the road from site 2789.

Table 1: Significant sites at Ashton Beach identified during Dryland Vegetation Survey (Harding 2014).

Significant Site ID	Vegetation Type	Notable values
2788	Silver tussock – grassland	
2789	Grassland and shrubland	<i>Muehlenbeckia ephedroides</i> , native broom, <i>Convovulus waitaha</i> , danthonia grasslands, size.
1657	<i>Phormium tenax</i> flaxland	
1684	Shrubland and grassland	Matagouri, <i>Muehlenbeckia ephedroides</i> , silver tussock, native broom, size and diversity

Results of current survey

The assessment site includes site 2788 which is predominantly a terrace tread (flattish surface on the terrace), described previously by Harding, as well as land to the east and north which includes the terrace scarp and parts of an abandoned flood plain below and a coastal donga landform.

Virtually all of the assessment site is dominated by exotic grassland with cocksfoot the most common species in deeper soils. However indigenous species are also present (Figure 2).

The terrace tread also includes silver tussock (*Poa cita*), which is locally uncommon. It is scattered across the tread with 53 plants counted.

One plant of *Muehlenbeckia ephedroides* (Threatened – Nationally Vulnerable) was observed near the top of the terrace scarp. This was not recorded at this site in previous surveys but is recorded in adjacent significant sites (2789 and 1684) as well as on undeveloped terrace scarps on Ocean Farm.

Several plants of a cress were recorded near the *M. ephedroides* on the steep terrace scarp. This is still to be identified but is likely to be either *Lepidium desvauxii* bushy peppergrass, which is indigenous and locally uncommon, or *L. hyssopifolium*, a naturalised exotic.

The indigenous moss *Hypnum cupressiforme*, is present with other moss and lichen species also present in on the scarp faces.

The site is also likely to provide habitat for grass skink (*Oligosoma aff. polychroma* (likely Clade 5 – southern grass skink), At Risk – Declining). Grass skink do occur in Canterbury in areas of long rank grass like this site. Lizards have been noted at the base of the terrace scarps in this area in the area (Stäger 2019).

While there were many river and coastal bird species observed closer to the river mouth and beach, only Australasian harrier was observed on site.

Discussion - Recommendations

The assessment site includes important ecological values. The values included in the previous significant site assessment were confirmed and additional values noted.

The introduction of motorcycle use to this area is likely to have an adverse effect on these values. It is recommended the following are considered and discussed further:

- The silver tussock, *Muehlenbeckia ephedroides* and *Lepidium* (on the main flat surface and the terrace scarps) would need to be protected from motorcycle use. To avoid loss of values, exclusion of motorbikes from the western flat surface and terrae scarps is likely required.
- Most of the site is also likely to be an important habitat for grass skink and wide motorcycle use of the area, and particularly areas of important habitat, may threaten skink survival at the site. Therefore it is recommended a skink survey is undertaken to determine if they are present. Lizards become much less or inactive during the winter months. A hand search is possible in the next week or so but after that, and for a more comprehensive live trapping search, a survey would need to wait until late spring.

- The previous significance assessments also note that part of the ecological values at the site is the existence of indigenous vegetation and habitat on relatively unmodified coastal landforms. The intactness of ecosystems and their associated landforms is one of the ecological values / criteria considered in assessing significance. Any re-contouring would therefore be detrimental to the ecological values.

References

Harding M. 2019. *Ashburton District Significant Sites Assessment*. Report prepared for Ashburton District Council, May 2019.

Harding, M. 2016. *Ocean Farm Vegetation Assessment for Planting*. Report prepared for Ashburton District Council, February 2016.

Harding, M. 2014. *Plains Dryland Vegetation Survey, Ashburton District*. Report prepared for Ashburton District Council, October 2014. (Significance Assessments for sites 1657, 1684, 2788 and 2789, and associated map also provided by ADC).

Stäger, I. 2019. *Ashburton River / Hakatere Mouth Management Strategy*. Report prepared for Environment Canterbury, June 2019.

Yours sincerely



Di Robertson

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or email diana.r@xtra.co.nz



Figure 1: Assessment site and previously identified significant sites, Ashton Beach (Note indicative boundaries only)



Figure 2: Location of recorded indigenous plant species in assessment site, Ashton Beach. (Note: accuracy +/- 6 metres; and each dot may indicate more than one plant)

Lizard Habitat Assessment – Potential Motorcycle Area at Ashton Beach

Marieke Lettink

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Following a request by ecologist Di Robertson, a potential area for recreational motorcycle use at Ashton Beach was visited on 14 May 2020 to conduct a lizard habitat assessment. This information was required to advise the Ashburton District Council (ADC) on the lizard values of this area and DOC wildlife permitting requirements, should the site be developed.

Summary of findings

- The DOC Herpetofauna Database does not contain any lizard records for this area.
- The presence of southern grass skink (*Oligosoma* aff. *polychroma* Clade 5; Figure 1) was confirmed within the assessment site (NTZM E1503343 N5121415) and at the beach. This species has conservation status of 'At Risk – Declining' (Hitchmough et al. 2016). In total, three skinks were encountered in 2.5 h of hand searching and visual searching.
- Exotic grassland (the dominant vegetation at the assessment site; Figure 2) can support very high densities of grass skinks. The small number of skinks found should not be taken to indicate low density. Being cold-blooded, skink activity is very limited or absent during periods of cold weather and the cooler months of the year (from c. May to September).
- The assessment site is likely to support a minimum density of 200–1000 skinks ha⁻¹ (based on density estimates from other sites with similar habitat in Canterbury). Live trapping in warmer weather would be required to estimate skink density at this site.
- Skinks are likely to be present in grassland habitat throughout the assessment site, with the highest densities expected on the warm (N/NE-facing) scarp faces.

Recommendations

- Wildlife Act Authority (a 'wildlife permit') is needed to develop the site due to potential adverse effects on native skinks (disturbance, habitat loss/degradation and mortality).
- The permit application should be accompanied by a Lizard Management Plan prepared by a suitably-qualified herpetologist (lizard expert). Iwi consultation may be required.
- Obtaining a wildlife permit from the Department of Conservation (DOC) can be a lengthy process (often 3–6 months: for information on the process and permit application forms see <https://www.doc.govt.nz/get-involved/apply-for-permits/interacting-with-wildlife/>).
- DOC charge \$400+GST for processing a standard wildlife permit application; more complex applications cost \$800+GST. A Lizard Management Plan is likely to cost \$5–10K.
- In my professional view, the presence of grass skinks at the assessment site is not necessarily a barrier for its development. However, accommodating both would likely require some form of skink habitat enhancement (to make up for lost/damaged habitat) and fencing to ensure the adverse effects of motorbikes on skink habitat are minimised.

References

Hitchmough R, Barr B, Lettink M, Monks J, Reardon J, Tocher M, van Winkel D & Rolfe R 2016. Conservation status of New Zealand reptiles, 2015. New Zealand Threat Classification Series 17. Department of Conservation, Wellington, NZ.



Figure 1. Southern grass skink (*Oligosoma* aff. *polychroma* Clade 5), Aston Beach, South Canterbury.



Figure 2. Exotic grassland at the assessment site provides habitat for southern grass skinks.