

Ashburton District Council

Agenda

Notice of Meeting:

An **Extraordinary meeting of the Ashburton District Council** will be held on:

Date: Tuesday 29 March 2022
Time: 1.00pm
Venue: Council Chamber
137 Havelock Street, Ashburton

Membership

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

Covid-19 Protection

Council meetings will go ahead as normal under the Red traffic light setting, but anyone aged 12 and older will require a vaccine pass to attend in person. Please sign/scan in and wear a mask. People without vaccine passes have the opportunity to view the meeting via livestream on either Council's Facebook page or You Tube channel when available.

Watch the live-stream of this meeting on our You Tube channel, Facebook page and website:
<https://www.ashburtondc.govt.nz/council/public-meetings-research-centre>

Meeting Timetable

Time	Item
1.00pm	Extraordinary Council meeting commences

1 Apologies

2 Extraordinary Business

3 Declarations of Interest

Members are reminded of the need to be vigilant 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.

4 Funding Request for Additional Road Maintenance 3

5 Covid Protection Framework for Council Facilities 7

4. Funding Request for Additional Road Maintenance

Author *Mark Chamberlain, Roding Manager*
GM responsible *Neil McCann, Group Manager Infrastructure Services*

Summary

- The purpose of this report is to request additional maintenance funding in the heavy maintenance programme for the current financial year to undertake work before the winter season.
- There is insufficient funding in the 2021/22 financial year to complete the remaining heavy maintenance programme being undertaken on the network involving stabilisation repairs to areas of failed pavement.
- There is an opportunity to have additional resource available by the maintenance contractor in the next few weeks.

Recommendation

- 1. That** Council approves additional maintenance funds of \$300,000 from the Forestry Reserve fund to undertake additional road maintenance on failed sections of the roading network before the winter season.
- 2. That** Council approves the inclusion of \$1.7 million from the forestry reserve into the Roding renewal budget in the draft Annual Plan 2022/23, which will be consulted on with the community.

Background

The current situation

1. The heavy maintenance programme being undertaken on the network involves stabilised repairs to areas of failed pavement. The stabilised repairs involve milling (rotary hoeing) the existing pavement to a depth of up to 150mm, adding cement (stabiliser), shaping and compacting the material in preparation for chip sealing.
2. Stabilised repairs improve the existing pavement material as opposed to a dig-out repair which requires removal of the existing pavement and new material being placed, shaped and compacted. Stabilised repairs can be completed much quicker than the dig-out repairs, and while only improving the top layer of the basecourse they provide a sound repair that generally causes less maintenance issues when done well.
3. The programmed heavy maintenance work has progressed well but will not be completed within the current sealed pavement maintenance budget. This will result in approximately \$300,000 (6,700m²) of repairs that will not be completed until next spring/summer. These will require ongoing patching over the winter months in an effort to keep them from deteriorating further and to be in as safe a condition as possible.
4. HEB have advised that they will have access to a larger stabilising mill (1.5 m wide compared the normal 0.6 m wide) in early April. This machine is currently working in the Selwyn District with approximately one more week of work to complete, so is available to come to the Ashburton district, and enable two stabilising crews to complete as much of the stabilised repairs as possible before the winter.
5. There is insufficient subsidised roading funding remaining this financial year to utilise this additional resource. Council is considering including an additional \$2,000,000 for roading maintenance in the 2022/23 financial year; however that funding is not yet confirmed. If the recommendation in this report is approved, then Council is likely to reduce the additional \$2 million to \$1.7 million, recognising the additional \$300,000 being proposed to be spent and funded from the forestry reserve.
6. A few of the roads proposed to have sections with stabilised repairs carried out utilising the additional funding, are Lismore Mayfield Road, Seafeld Road and Beach Road East.

Options analysis

Option one – Do not approve the additional funding being brought forward

7. Under this option approximately \$300,000 (6,700m²) of repairs in heavy maintenance work programmed for the 2021/22 financial year will not be completed before winter.

8. This will result in sections of the roading network needing to be patched during the winter period to stop them deteriorating and to keep the roads safe for all users until work can recommence in spring/summer next year.

**Option two – Approve the additional funding be brought forward
(Recommended)**

9. Under this option the \$300,000 will be made available for heavy maintenance work repairs to be completed during April this year.
10. Undertaking this work at this time enables the completion of stabilisation repairs to areas of failed pavement before winter.
11. If this work is undertaken during April, the areas of failed pavement will be repaired thereby removing the need for ongoing patching over winter, and have the roads in a safer condition for all users.

Legal/policy implications

12. As the proposed work is not currently budgeted for in the current financial year of the LTP, under [clause 80 of the Local Government Act 2002](#), the local authority must clearly identify the inconsistency with the LTP and the rationale for doing so.
13. By providing additional funds to address the failed sections of the road network, additional work will be undertaken which will significantly mitigate the risk of further damage to the network and improve the safety of the network for road users.

Strategic alignment

14. The recommendation relates to Council's community outcome of '*a prosperous economy based on innovation and opportunity*' because our roading network is critical infrastructure for our community.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Through the transportation of goods to market
Environmental		
Cultural	✓	Connecting communities to enable business, leisure and social activities.
Social	✓	

Financial implications

Requirement	Explanation
What is the cost?	\$300,000
Is there budget available in LTP / AP?	No. There is a proposal in the Draft Annual Plan for 2022/23 to provide \$2m for additional road maintenance, however this has not been approved
Where is the funding coming from?	It is proposed that the funding comes from the forestry reserve fund. The current balance of the forestry reserve is \$5.1 million
Are there any future budget implications?	Yes. The forestry reserve balance has often contributed to the general rate but this option will be reduced as the forestry balance is reduced.
Reviewed by Finance	Paul Brake: Group Manager Business Support

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	N/A
Level of engagement selected	1. Inform – one-way communication
Rationale for selecting level of engagement	The use of forestry reserve funding for roading is unusual. However, given the public perception of Council's roading network at present, the recommended option shows the community that Council is hearing their concerns. The expenditure of additional forestry reserve funding will be a key part of the upcoming Draft Annual Plan consultation.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

5. *Review of My Vaccine Passes for Council facilities*

Author *Sarah Mosley; People & Capability Manager*
GM responsible *Hamish Riach; Chief Executive*

Summary

- The purpose of this report is for Council to consider the recently announced government changes to the COVID-19 Protection Framework. The most significant change includes removing the need for certain businesses to operate with a My Vaccine Pass, with this taking effect at 11.59pm on 4 April 2022. However, individual organisations may continue to see merit in operating within the My Vaccine Pass system after this date.
- Council's current resolution (15/12/2021) would require facility managers to continue to operate with My Vaccine Passes.
- In addition to Council requesting this report (16/3/2022), officers believe the change in government direction should also be taken into account.

Recommendation(s)

- 1. That** Council receives the report.
- 2. That** Council removes My Vaccine Passes entry requirements at the following Council facilities, effective 11.59pm on 4 April 2022:
 - Ashburton Administration Building
 - Ashburton Public Library
 - Ashburton Art Gallery & Heritage Centre
 - Ashburton District Council Chambers
 - EA Networks Centre
 - Mt Hutt Memorial Hall
 - Ashburton Holiday Park
- 3. That** Council delegates to the Chief Executive all future decisions regarding the operation and/or entry to Council facilities in regards to COVID-19 and/or the COVID-19 Protection Framework at orange and green settings.

Background

The current situation

1. On 29 November 2021, Cabinet announced the COVID-19 Protection Framework settings for New Zealand, also known as the traffic lights, with the entire South Island entering the orange setting from 3 December 2021; a further announcement on 23 January 2022 moved all of New Zealand to the red setting.
2. The key aspect of the framework is that for vaccinated people, vaccine certificates (known as My Vaccine Pass) will provide greater freedoms at each level with extra public health precautions built in at higher levels to minimise the impact of COVID-19 and suppress the spread of the virus.
3. Under the framework, Council had two facilities (EANC Gym and EAT Café located at EANC) where the My Vaccine Pass system was required in order to continue to operate and/or operate efficiently. Given this and the impracticalities of operating separate systems within one building, Council management made the decision that the entire EANC would require the use of the My Vaccine Pass from 3 December 2021.
4. On 15 December 2021 Council adopted a hybrid approach to introducing My Vaccine Pass entry requirements at some Council facilities during red and orange settings. They also delegated the Chief Executive to introduce this decision as soon as practicable, as well as the ability to amend or withdraw the My Vaccine Pass requirement at the green setting, at the following Council facilities:
 - Ashburton Public Library – implemented 20 December 2021
 - Ashburton Art Gallery & Heritage Centre – implemented 20 December 2021
 - Mt Hutt Memorial Hall – implemented 20 December 2021
 - Ashburton Administration Building – implemented 5 January 2022
 - Ashburton District Council Chambers – implemented 5 January 2022
 - Ashburton Holiday Park – implemented 20 January 2022
5. Since the introduction of My Vaccine Passes requirements, everybody (all staff, customers, contractors, volunteers and visitors) who visit or work within a My Vaccine Pass facility must be vaccinated and show evidence of their pass.
6. The Omicron variant of COVID-19 has and continues to spread throughout New Zealand, with new variants predicted in the coming months, especially with the international border now open.
7. On 16 March 2022, Ashburton's branch of the Voices for Freedom movement provided nine letters asking Council to remove My Vaccine Pass requirements at Council facilities. These were received by Council, with Council asking for report on this matter, while also noting the Government's indication that future changes were likely to the COVID-19 Protection Framework.

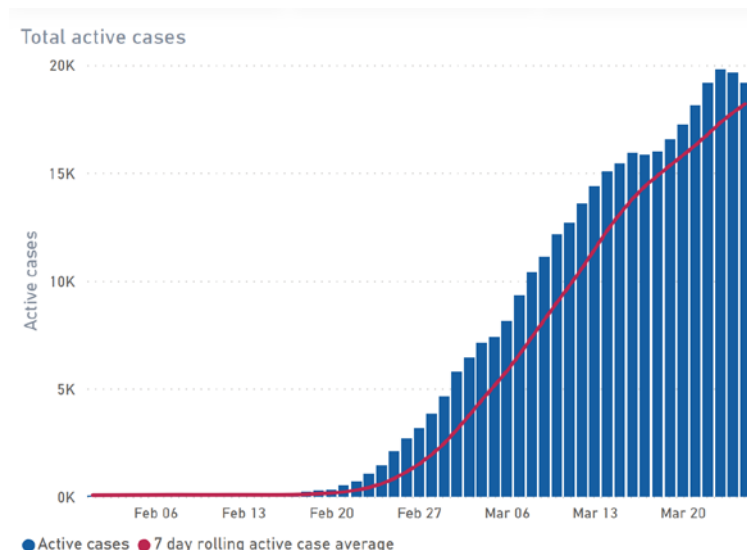
- 8.** On 23 March 2022, the Government announced a number of changes to the COVID-19 Protection Framework, with some changes taking effect from 25 March and then the remainder on 4 April at 11.59pm. The changes retain New Zealand at the “red” setting, but they have relaxed the associated restrictions with a number of activities, especially those within an outdoor setting which no longer has any maximum numbers. Numbers at indoor events or gathering have also increased from 100 to 200. There is no longer a need to scan QR codes to enable contact tracing and from 5 April, the My Vaccine Pass system becomes voluntary.
- 9.** Mask use at both the newly revised “red” and “orange” settings is still required on all flights, public transport and while within an indoor public venue as before, with previous exemptions remaining, i.e there is no requirement to wear a mask while exercising. Also, if it is hard to physically distance from people you do not know, mask use is encouraged. At “green” you do not need to wear a face mask anywhere.
- 10.** They also announced that on 4 April the Government will review and may change the traffic light setting for separate parts of New Zealand.
- 11.** Also within this announcement, the Government stated that future changes to the COVID-19 Protection Framework, may be required should there be a new variant or a change in circumstances. It should also be noted that Council’s position about restrictions on access to facilities may also change, should this occur.
- 12.** The primary responsibility for the safety of Council employees is that of the Chief Executive, however the Health & Safety at Work Act 2015 also places a positive duty on elected members – as officers of a PCBU – to exercise due diligence to ensure that the organisation complies with its health and safety duties and obligations.
- 13.** Following consultation with staff in December 2021, which included risk assessments for all roles, the Executive Team introduced a COVID-19 Management policy (which has since been reviewed and amended). In light of the recent Government changes and following any decision to adopt the recommendations contained in this report, we plan to further engage with staff regarding vaccination requirements and once again will endeavour to take a pragmatic health first position.
- 14.** Despite some initial angst amongst the community about the introduction of My Vaccine Passes to some Council facilities, the community has, on the whole, accepted Council’s decision.
- 15.** Initially, Canterbury councils considered it favourable to all lift My Vaccine Pass requirements at the same time; however given the different degree of spread within each district, and the fact that Waimate District Council have already decided to lift their Vaccine Pass requirements on most of their facilities on 28 March, this will not be achieved.

Current vaccination and infection rates

16. As at 20 March 2022

- 98 % of Ashburton District residents aged 12+ have received double vaccinations and 74% of those 18+ and due have had their booster (third dose).
- 9.5% of the Ashburton District have tested positive for COVID-19, with 2.2% of the population an active case.
- Within Council's workforce our peak of COVID-19 positive staff at home or isolating as a household contact was 10% of total staff, with this dropping to currently 9%.

17. When compared with other districts within Canterbury, Ashburton initially had a higher number of active cases than other larger district councils, but this has now changed. At the time of writing this report, modellers predict that Canterbury is now very close to the peak of this outbreak.



Source: CDHB Daily Health System Situation Report 25/3/2022

Options analysis

Option one -- Retain My Vaccine Passes at current facilities, in line with existing resolution (Do nothing - status quo)

18. Current levels of service and entry requirements remain unchanged and are based on the 15 December 2021 decision when Council used its discretion and introduced My Vaccine Passes at some of its facilities, not as a result of Government requirement.
19. The current resolution delegates the Chief Executive discretion to amend or remove the requirement for My Vaccine Passes at green settings, however until then it remains active.

- 20.** The hybrid model of introducing My Vaccine Passes to some but not all Council owned facilities, showed that Council is taking a risk-based approach as opposed to being ‘heavy handed’ via a blanket requirement across all facilities.
- 21.** Since the initial lockdown, activity managers and staff have been developing new ways to engage with and provide contactless services with our customers. Customer habits have also changed due to the current environment. We have seen this with decreased visitation at some facilities such as the Gym, Library, Art Gallery & Museum, and within the Administration building over the counter payments now only account for 6% of total revenue transactions with other methods such as bank payment (44%), direct debit (46%) and eServices via the website (5%) surpassing the more traditional method.
- 22.** This approach may have impacted 2% of our community. Further to this, it is important to note that My Vaccine Pass entry requirements do not apply to anybody under 12 years and 3 months, nor those attending as part of registered education service or education outside the classroom. In addition to this, My Vaccine Passes are provided to those who have been deemed exempt for medical reasons.
- 23.** Medical experts are confident that high vaccination rates have reduced the severity of the current Omicron outbreak. Public health agencies continue to strongly promote the booster/third shot as vaccination rates within Canterbury District Health Board area is 75%.

Advantages:

- Consistent approach based on previous decision.
- Given the spread within the community, and likelihood for further waves, some community members may feel more confident using Council facilities that continue to have My Vaccine Pass requirements.

Disadvantages:

- Expectation of some community members that Council will follow the Government change and remove My Vaccine Pass requirements.

Option two –Review the use of My Vaccine Pass at some Council facilities and workplaces through a new resolution (Do some)

- 24.** This would see Council remove My Vaccine Pass requirements at some Council facilities and/or workplaces, effective 11.59pm on 4 April 2022, in line with the Government change.
- 25.** Council may wish to retain My Vaccine Pass entry requirements at our larger capacity facilities and/or those where the safety precaution of wearing masks is not possible – i.e. while exercising. If so, this option would result in the facilities retaining their My Vaccine Pass entry requirements while at red and orange settings (as per the current resolution).

26. If Council decides to remove My Vaccine Pass, the Chief Executive may continue to require staff to be vaccinated based on the risks associated with their position. Staff were consulted regarding the introduction of COVID-19 Management Policy and supporting risk assessment. A similar process is envisaged to take into account the current situation and to seek further feedback from staff on this matter.

Advantages: <ul style="list-style-type: none">• Unvaccinated residents are likely to appreciate some change and feel their entitlements to enter Council facilities have improved.• Council has taken into account the risk of each activity and retained a hybrid approach..	Disadvantages: <ul style="list-style-type: none">• Provides a reduced level of protection than option one• Less clear approach due to the variable decision of what facilities are included or not.
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Option three –Remove the use of My Vaccine Pass at all Council facilities and workplaces through a new resolution and delegate future COVID-19 decisions to the Chief Executive (Do all - Recommended)

27. This would see Council remove My Vaccine Pass requirements at all Council facilities and/or workplaces, effective 11.59pm on 4 April 2022, in line with the Government change. This would result in the following facilities no longer requiring evidence of My Vaccine Pass upon entry:
- Ashburton Administration Building
 - Ashburton Public Library
 - Ashburton Art Gallery & Heritage Centre
 - Ashburton District Council Chambers
 - EA Networks Centre
 - Mt Hutt Memorial Hall
 - Ashburton Holiday Park
28. Management viewed the introduction of My Vaccine Passes into Council facilities as a change in levels of service, hence the first and this current report going to Council. However, as seen throughout this pandemic, government regulations and guidance changes reasonably often and the ability to act in a responsive and flexible manner is somewhat stymied by Council's reporting requirements and meeting dates. Despite the option of having more extra-ordinary Council meetings in the future, should we be in a similar situation of needing a prompt decision, this does create additional work when the focus really should be ensuring our staff and facilities are comfortable and ready for the pending change.
29. Therefore we have included a recommendation that extends the Chief Executive's current delegation regarding future COVID-19 and/or the COVID-19 Protection Framework matters that may impact the operation and/or entry at Council facilities from the green setting to both orange and green setting. For clarity, if approved this

extended delegation would run in parallel with, as opposed to overriding, the requirement of ‘no surprises’ between the Chief Executive and Mayor.

- 30.** Further to that above, if Council decides to remove My Vaccine Pass requirements, the Chief Executive may also continue to require staff to be vaccinated based on the risks associated with their position. Staff were consulted regarding the introduction of COVID-19 Management Policy and supporting risk assessment. A similar process is envisaged to take into account their views of the current situation and seek further feedback from staff on how we continue to manage working within a COVID-19 environment, noting that further strains and outbreaks, possibly with greater intensity, are likely.
- 31.** Anecdotally, facility managers and their teams are supportive of the removal of My Vaccine Pass requirements preventing some members of the public attending Council facilities. Similarly, the contractors at Ashburton Holiday Park are supportive of the removal of My Vaccine Passes, as are the Mt Hutt Memorial Hall Board.

Advantages: <ul style="list-style-type: none">• Unvaccinated residents are likely to appreciate this change and feel their entitlements to enter Council facilities have been restored.• Council is following Government recommendations.• Clear approach as all Council facilities treated the same.	Disadvantages: <ul style="list-style-type: none">• Provides a reduced level of protection than option one and two.• Some in the community may not feel safe or protected with this blanket removal for a minority of unvaccinated residents
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Legal/policy implications

- 32.** The option to remove My Vaccine Passes has no legal or policy implications.
- 33.** Employment related case law and advice continues to developing. The consistent message is that employers can introduce changes, such as introducing or maintaining mandatory vaccinations within a workplace following a fair and reasonable process that is supported by a risk assessment and includes consultation with employees and representatives.

Health & Safety at Work Act 2015

- 34.** Section 44 places a positive duty on elected members – as officers of a person conducting a business or undertaking (PCBU), to exercise due diligence to ensure that the organisation complies with its health and safety duties and obligations.

- 35.** Section 36 the Health and Safety at Work Act 2015 requires a PCBU/employer to ensure, so far as is reasonably practicable, the health and safety of workers (broadly defined to includes volunteers and contractors) and that other people are not put at risk from work carried out as part of the work being performed.
- 36.** Living with COVID-19 and its many variants is likely something New Zealand will experience for the foreseeable future. Council has and will continue to follow Ministry of Health guidance (masks, increased hygiene and physical spacing) and all legislative requirements.
- 37.** Vaccination is a safety control that has proven its effectiveness to reduce the impacts of COVID-19 and minimise hospitalisation.

Strategic alignment

- 38.** The recommendation relates to Council's strategic vision of *Ashburton: The district of choice for lifestyle and opportunity*. This report is a critical element of Council's guiding principles to 'Lead the community with clear and rational decision-making' and 'Plan and provide fit for purpose services'.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	The Covid-Protection Framework was developed to provide the economy with greater certainty than the Alert Level Systems where lockdowns were a primary tool. This current framework has delayed and/or limited transmission within the community and these recently revised settings should be beneficial to the economy.
Environmental		
Cultural		
Social	✓	Council facilities are often the places that sporting and social activities take place. Therefore, greater social connections can occur if there are no restrictions on visitor numbers, event types or entry requirements.

Financial implications

Requirement	Explanation
What is the cost?	<p>The costs to remove My Vaccine Pass requirements are nil, however in the future, should further outbreaks/new strains spread, this could lead to greater staff absences due to sickness.</p> <p>There could be a small increase in revenue to some facilities if the removal of My Vaccine Pass requirements mean a greater number of people can attend, although there is some risk that this will be off-set by vaccinated people choosing not to attend because unvaccinated people now have access.</p>
Is there budget available in LTP / AP?	N/A
Where is the funding coming from?	N/A
Are there any future budget implications?	No
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	N/A
Level of engagement selected	1 Inform – one way communication
Rationale for selecting level of engagement	The community will be informed of Council's decision through the usual channels. Staff will be engaged following Council decision as per the process outlined in points 26 and 30 of options 2 and 3.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager