

Council – Extraordinary Meeting

29 September 2021



Extraordinary Council Meeting – 29/09/21

Minutes of the Extraordinary Council meeting held on Wednesday 29 September 2021, commencing at 9.08am, 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), Paul Brake (GM Business Support), Jane Donaldson (GM Strategy & Compliance), Steve Fabish (GM Community Services), Neil McCann (GM Infrastructure Services), Toni Durham (Strategy & Policy Manager), Ruben Garcia (Communications Manager) and Phillipa Clark (Governance Team Leader).

Officers present for the duration of their reports: Richard Mabon (Senior Policy Advisor), Andrew Guthrie (Assets Manager), Ian Hyde (District Planning Manager), Bert Hofmans (Open Spaces Planner), Rachel Thomas (Policy Advisor) and Simon Worthington (Economic Development Manager).

1 Apologies

Nil.

2 Extraordinary Business

Nil.

3 Declarations of Interest

Nil.

4 Grove Street Park disposal – submission hearings and deliberations

- **Tony Moore** (joined via phone 9.12-9.18am):

The submitter supports the disposal of Grove Street Park in favour of the developer's proposal to create a new park with access that will provide a safer route for children walking or cycling to Tinwald School.

Concluded 9.18am.

- **Andrew Mason** (Project Manager for subdivision)

The developer sees that their proposal will provide a better outcome for the community. The new subdivision with access to Grove Street will have greater benefit than a cul-de-sac which, although more cost effective, would make the playground difficult to access from the surrounding streets.

Locating near the stormwater reserve provides added benefits. The combined size will be ten times the size of the existing Grove Street park.

The developer proposes that the first \$100k of the 5% reserve contribution will be supplied in kind, so playground equipment can be made available quickly. A scheme will be developed for Council approval before installing.

The developer proposes to have the playground constructed with stages 1 and 2, and anticipates the sections will be completed late 2022 / early 2023.

Concluded 9.45am.

- **Further submissions**

Council reviewed the remaining submissions received in opposition to and in support of the proposed disposal.

Richard Mabon outlined the key points for consideration:

- the decision for the disposal of the park is a completely separate issue to the resource consent
- the submission response was excellent
- the subdivision offers a bigger and better park with sensible traffic management and the economic benefit of housing development

An alternative suggestion from Council officers is moving the park to a more central location within the development, in the vicinity of stage 2 (Lot 61-65) where it would have access to the Residential D subdivision.

In deliberating, Council will need to consider whether to dispose of the park, decline to dispose, or agree to dispose and invite officers to work with the developers on a more central location for the new park.

It was agreed to defer the decision on whether or not to dispose of Grove Street Park until the 6 October Council meeting.

That Council receives this report.

McKay/Falloon

Carried

Council adjourned from 10.29am to 10.48am.

5 **Three Waters Reform Proposal**

The Chief Executive advised that the report reflects the conclusion of a two month process that has included a community survey, webinars, workshops and assistance from Morrison Low in order to provide feedback on the 3Waters Proposal to the Department of Internal Affairs. The Minister of Local Government has advised there will be decisions from Cabinet at the end of the feedback period on what the Government's process will look like, and at this stage Council is not being asked to opt in or out of any reform process.

Council supported the proposed feedback with the inclusion of an additional question (xvii) to consider whether the present consent conditions of Council's infrastructure will be honoured.

That Council:

1. **notes** the Government's 30 June and 15 July 2021 Three Waters Reform announcements;
2. **notes** officer's advice on the accuracy of the information provided to Council in June and July 2021 as a result of the RFI and WICS modelling processes;
3. **notes** that a decision to either support the Government's preferred three waters service delivery option is not lawful (would be ultra vires) at present due to section 130 of the Local Government Act 2002 (LGA), which prohibits Council from divesting its ownership or interest in a water service except to another local government organisation, and what we currently know (and don't know) about the Government's preferred option;
4. **notes** that Council cannot make a formal decision on the Government's proposed reform for three waters service delivery without doing a Long Term Plan (LTP) amendment and ensuring it meets section 130 of the LGA;
5. **notes** that the Government intends to make further decisions about the three waters service delivery model after 30 September 2021;
6. **requests** the CEO to seek guidance on and/or give feedback to the Government on

- a. the following areas of the Government's proposal that Council needs more information on:
 - i. How can Council have guaranteed influence over the direction of the WSE, given the complicated and multi-layered proposed governance structure?
 - ii. What further work is planned on alternative ways of achieving balance sheet separation than the current multi-layered structure of the Representative Governance Group and the Independent Selection Panel?
 - iii. How can the community have guaranteed influence, given the size and scale of the entities?
 - iv. How can Council be guaranteed that the District's three waters investment priorities will be met?
 - v. How will Council have visibility of future pricing proposals of the WSE?
 - vi. Will the proposed economic regulator regulate all private supplies and WSEs, and if not, where is the cut-off point for not being regulated?
 - vii. What work was done on the realities of stormwater being included in the reform proposals?
 - viii. How will charging for stormwater work, noting the private and public benefit of stormwater?
 - ix. How will decisions be reached on which stormwater infrastructure transfers to the WSE and which remains with the Ashburton District Council?
 - x. How can Council have a guarantee as to how the WSE will follow Council's planning and land development ambitions and not be an inhibitor to development in the Ashburton District?
 - xi. How will WSEs be compelled to contribute meaningfully to Ashburton District civil defence emergency planning and management?
 - xii. How does the three waters reform integrate meaningfully with the broader local government reform that is currently underway, most notably the reform of the RMA and the review into the Future for Local Government?
 - xiii. Has Government considered the impact of the reforms on local body governance?
 - xiv. How will rural schemes that are primarily supplying stockwater be treated?
 - xv. How will Government resource the workforce required for the reforms to be successful?
 - xvi. How will the maintenance contract between Ashburton DC and contractor Ashburton Contracting Ltd be treated on transfer (presumably 1 July 2024), including the protection of their workforce?
 - xvii. Will the present consent conditions of Council infrastructure be honoured?
- b. the following areas of the Government's proposal that Council needs more information on:
 - i. The Governance Structure to be altered to enable direct Council involvement in Board and Director performance, accountability, appointments etc;
 - ii. Ensure all information is available before asking councils to consult their communities and make a decision on the reforms – including all those matters raised in a. above.
- c. The following feedback from the Community survey conducted by the Ashburton District Council be fed back to DIA/Government:
 - i. 504 responses were received from our community

- ii. 97% of respondents felt it was important for the community to be able to have its say on how three water services are provided
 - iii. 64% of our respondents believe that the continued improvement of health and environmental standards in three waters from what is currently provided is important
 - iv. 27% of respondents are prepared to pay more for higher standards, with a further 21% happy to do so if the improvements are localised, justified and/or decided upon by local representation
 - v. Other feedback included concern with the:
 - the community wants to make the decision to opt in /out of the reform - risk of the reform being made mandatory
 - loss of local assets, representation and control
 - complexity of the three water structure
 - speed of the process to date
 - governance arrangements, including iwi representation
7. **notes** that the CEO will report back further once further information and guidance has been received from Government on what the next steps look like and how these should be managed
8. **in noting the above, agrees** Council has given consideration to sections 76, 77, 78, and 79 of the Local Government Act 2002 and in its judgment considers it has complied with the decision making process that those sections require (including, but not limited to, having sufficient information and analysis that is proportionate to the decisions being made).

Mayor/McMillan

Carried

6 **Productivity Commission – Immigration submission**

The Policy Advisor tabled an updated ‘snapshot of Ashburton District’ showing that primary industry (particularly dairy) is the major contributor to GDP in the district (estimated 50%).

Council supported the submission with the inclusion of comment around the need to urgently address the shortage of migrant labour in this district. Council asked that the submission reflect concerns held in this district that rural school rolls are declining due to fewer migrant families, and that migrant students, who don’t have visas, are required to pay international student fees.

That Council approves the submission to the Productivity Commission’s issues paper *Immigration, productivity and well-being*.

Cameron/Rawlinson

Carried

The meeting concluded at 11.58am.

Confirmed 6 October 2021



MAYOR