

Ashburton District Council

AGENDA

Notice of Meeting:

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

Date: Thursday 30 July 2020
Time: 3.30pm
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

Meeting Timetable

Time	Item
3.30pm	Council Meeting commences
3.35pm	Deputations:
	1) On behalf of neighbours– Errol Kingsbury
	2) Lochlea Investments Ltd– Les Briggs (Developer) & Chris Hopper (Davis Ogilvie)

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.

Reports

4	Dedication of Local Purpose (Road) Reserve as Legal Road – Primrose Place	3
5	Rates Resolution 2020-21	21

Business transacted with the public excluded

6	High Court Appeal (Cates building) Section 7(2)(g) Maintain legal professional privilege	30
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4. Dedication of Local Purpose (Road) Reserve as legal road - Primrose Place Allenton

Author Tania Paddock; Legal Counsel
Group Manager Paul Brake; Group Manager Business Support

Summary

- The purpose of this report is for Council to make a decision on whether to approve the dedication of land currently held as Local Purpose Reserve (Road) as road by way of a resolution of Council.
- Council officers have not made a recommendation on whether or not the land should be dedicated as road.

Recommendation

Option 1:

1. **That** Council resolves that the land contained within Lot 304 Deposited Plan 431874 (being all the land contained within Record of Title 528212), comprising an area of 222m², be dedicated as legal road pursuant to section 111 of the Reserve Act 1977.
2. **That** Council shall only lodge the request with the Registrar-General of Land to dedicate the land contained within Lot 304 Deposited Plan 431874 as road when Lochlea Investments Limited has:
 - a. paid Council a \$5,000.00 deposit; and
 - b. registered a land covenant in gross against its Record of Title CB13A/1313 that contains the conditions required by Council.

Or

Option 2:

1. **That** Council declines to resolve that the land contained within Lot 304 Deposited Plan 431874 (being all the land contained within Record of Title 528212), comprising an area of 222m², be dedicated as legal road pursuant to section 111 of the Reserve Act 1977.

Appendices:

- Appendix One: Subdivision Plan for Original Lochlea Development
- Appendix Two: Plan of Reserve Land off Primrose Place
- Appendix Three: Lochlea Development – Existing and Proposed Site
- Appendix Four: Proposed Development Plan for Allens Road Site
- Appendix Five: Lochlea Investments Limited – Vehicle Movements
- Appendix Six: Proposed Land Covenant In Gross

Background

Racecourse Road subdivision

1. In 2008, subdivision resource consent SUB07/0162 was granted for the development of 138 residential sections off Racecourse Road. A copy of the approved subdivision plan is contained in **Appendix One**.
2. The subdivision was staged, with a number of design changes occurring through the subdivision process. Included in these changes was the addition of a section of land at the end of Primrose Place, which vested in Council as Local Purpose (Road) Reserve under the Reserves Act 1977 (labelled “*the Reserve Land*” in **Appendix Two**).
3. This change was requested by Council officers to ensure that Council had control over any potential road connection from Primrose Place through to Allens Road if the large parcel of land off Allens Road was developed in the future. Council’s ownership of the Reserve Land allows Council to make decisions on the overall development of the area, rather than be subject to individual landowners’ aspirations.
4. Further, if Council was to receive a request to dedicate this Reserve Land as road, Council could make the dedication subject to certain conditions, including the standard of the road to be constructed, specifying that Council does not meet the construction costs of the road development and determining whether it is appropriate for infrastructure (such as gates or retaining walls) to be installed.

Lochlea Investments Limited proposal

5. The original developer of the land from which the Reserve Land was vested has purchased the parcel of land at 146 Allens Road (shown as the ‘Site’ on the plan in **Appendix Two**). This developer, Lochlea Investments Limited, now wishes to have the Reserve Land dedicated as road to provide secondary access to its land from Primrose Place (see **Appendix Three**).
6. Lochlea Investments Limited was granted resource consent for land use development on the Site in February 2020 (LUC19/0120 and LUC19/0121). The proposed development is for a “lifestyle village” for retirement villas. A copy of the proposed development plan for this area is contained in **Appendix Four**.
7. Condition 4 of resource consent LUC19/0120 stated:
 4. *The access to the site from Primrose Place shall be formed as a road consistent with Primrose Place in the aspect of dimension, kerb & channel, footpath and type of seal.*

8. However, an advice note within this resource consent stated:
 - 4) *Access over Council land between the site and Primrose Place will require a separate application for consideration by Ashburton District Council. This decision does not predetermine a position by Council on such an application.*
9. It was therefore up to the developer to make a separate application to Council for the Reserve Land to be dedicated as road, which is the purpose of this report.
10. As the proposed development is for a “lifestyle village” for retirement villas, it is not a subdivision under which separate titles will issue for separate lots. Therefore, all internal roads on the Site are private with no legal public access. As such, a public through road (between Primrose Place and Allens Road) will not be provided under the current development proposal.
11. Originally, the developer proposed that the Primrose Place access would be the sole access into the Site. However, since the approval of the resource consent, the developer has agreed that the primary access into the Site will now be off Allens Road, rather than Primrose Place.
12. The developer has advised the Primrose Place access remains important to the development for a number of reasons. Firstly, it will enable quicker access to the Site in a medical emergency. Further, it will provide more efficient access between the developer’s current retirement village and care facilities and the proposed new development.
13. The developer has provided vehicle movement statistics for its current Lifestyle Resort and projected vehicle movements for the proposed new village – see **Appendix Five**.

The commencement of works for the development

14. After development works started on the Site under consents LUC19/0120 and LUC19/0121, Council staff from several different departments raised individual concerns about various parts of the development. This included Council’s Planning Team, which advised the developers on 21 May 2020 of differences between the developer’s approved resource consent plans and its submitted engineering plans. Further, Council’s Service Delivery staff subsequently formally warned the developer of concerns regarding the infrastructure works and advised that further work was undertaken “at their own risk” on 27 May. A meeting was subsequently held between Council staff and the developers on 9 June, with the developer supplied a list of 16 matters of concern by Council.
15. Further, once earthworks started on the Site, neighbours to the development became increasingly concerned with the work being undertaken. Concerns raised include stormwater overland flow both from within and outside the Site, the overall height of the development on boundaries and construction effects, especially relating to the driving of piles for the proposed retaining walls.

16. The neighbours have expressed their concerns to Council staff and nominated two of their members to act as a point of contact. A meeting was held on 3 July between Council officers, the developers and two representatives from the neighbours to talk through these concerns, particularly regarding the Primrose Place access and flooding/drainage concerns.
17. Council officers are constructively working through these development issues with both the developer and the adjacent neighbours. As currently proposed, the concerns that Council officers previously raised about works onsite are being or have been addressed.
18. However, the road dedication and the Primrose Place access matter remains an outstanding issue. A further meeting was held on 25 June 2020 between the developers, the Mayor, Hamish Riach and Jane Donaldson. It was agreed at this meeting that an Extraordinary Council meeting would be held on 30 July to resolve this road dedication matter.
19. The developer and the adjacent neighbours have both been invited to this Council meeting to speak to this road dedication matter and answer any questions from Councillors.

The current situation

20. The purpose of this report is therefore to deal solely with the road dedication matter.
21. The developer proposes that if the Reserve Land is dedicated as legal road:
 - a. Primrose Place will be a secondary access into the Site. Primary access to the Site will be off Allens Road and should be a minimum of 6 metres wide.
 - b. The developer's preference is for the Primrose Place entrance to be 6 metres wide. However, Council's roading engineer has stated a preference for a maximum 4 metre wide entrance, as reducing the width is another mechanism to signal this entrance should only be considered to be a secondary entrance. Reducing the entrance width could also discourage traffic movements through the site. The developers and adjacent neighbours may wish to comment on the proposed width at this Council meeting. If Councillors are minded to approve the road dedication, they may also wish to consider, after having heard from the developers and neighbours, whether a 4 metre or 6 metre wide entrance is most appropriate.
 - c. 'Residents only' signage will be erected at the entrances into the Site off Allens Road and Primrose Place, to prevent public thoroughfare.
 - d. A gate will be installed at both the Allens Road and Primrose Place access. The gates will be open during the hours of (approximately) 7.30am – 8pm. Outside of these hours, the gates will be closed, with swipecard (or similar) access available for residents.
22. Further, Council officers have proposed that, if Council decides to dedicate the Reserve Land as legal road, the following further conditions (in addition to those contained in paragraph 21 above) will be imposed on the developer:

- a. The developer shall be responsible for all costs associated with this road dedication, including cost recovery for staff time, Land Information New Zealand costs and external legal costs.
 - b. The developer shall also be responsible for all costs associated with forming the Primrose Place entrance (including the area to be dedicated as road) to a standard that is consistent with Primrose Place with regard to the dimension, kerb and channel, footpath and type of seal. In forming this road, it is likely the land shall be raised at the point it meets the Site, however any increase in gradient shall first be agreed between Council staff and the developer. Overall, the works must be completed to Council's satisfaction (in its sole discretion). Once completed, Council will be responsible for maintenance of the road reserve.
 - c. The Site shall have an Allens Road property address. This is to ensure anyone who is given an address to visit the Site will access it off Allens Road.
 - d. Entry into the Site shall only be for residents, staff, visitors and others associated with the use of the Site. No public access will be allowed through the Site.
 - e. As part of their induction when moving into a unit on the Site, residents must be told the primary Site access is off Allens Road.
 - f. There shall be no infrastructure (such as retaining walls, gates or signage) within the part of Primrose Place that will be dedicated as legal road. Any such infrastructure shall be located within the Site boundaries to ensure Council has no ongoing maintenance responsibilities in the future.
 - g. There will be no planting or landscaping within the part of Primrose Place that will be dedicated as legal road.
23. To ensure these conditions are complied with and are able to be legally enforced, Council officers propose to record the majority of these conditions as a land covenant that is registered against the developer's record of title CB13A/1313. This land covenant would be registered in gross, for the benefit of Council. The draft land covenant is contained in **Appendix Six**.
24. If Council approval is given to dedicate the Reserve Land as legal road, the request to dedicate the road will not be formally lodged with the Registrar-General of Land until the land covenant is registered against the developer's title. Council officers believe this proposal both protects Council from the land covenant not being registered and the conditions not being complied with in the future. Therefore, imposing the land covenant is a key condition to this road dedication, should it be approved by Council.
25. Finally, the two conditions in paragraph 22(a) and 22(b) are not strictly related to the Site. As such, it would not be appropriate to record these as conditions in the land covenant. However, to protect Council (in the event the Reserve Land is dedicated as legal road),

Council officers propose to require the developer pay Council a \$5,000 deposit before Council lodges the request to dedicate the road with the Registrar-General of Land. Council's costs will be taken from this deposit.

Options analysis

26. Council officers have not recommended an option in the options listed below. Rather, this matter is left to Councillors to make a decision after hearing from Council officers, the developer and the adjacent neighbours.

Option One – Decide to dedicate the Local Purpose (Road) Reserve as Road with Conditions

27. Under this option, Council would dedicate the Local Purpose (Road) Reserve as road and impose conditions on the developer. The Council's proposed conditions of the road dedication are discussed at paragraphs 21 to 25 above.

Advantages

28. This option would enable the developer to undertake its development, with the conditions imposed by Council.
29. Further, under this option, Council is recognising there are potential issues with the road dedication and seeks to resolve these issues through the conditions imposed on the developer. Further, the proposed conditions would prevent Council from inheriting infrastructure on its land such as retaining walls and landscaping.
30. As discussed earlier in this report, if Council approved this option, Councillors should also make a decision on whether the Primrose Place entrance should be a maximum of 4 metres or 6 metres wide.

Disadvantages

31. The neighbouring property owners have previously signalled opposition to access from Primrose Place.
32. The Reserve Land was originally vested to Council with the possibility that it could provide a public road connection from Primrose Place through to Allens Road when the large parcel of land off Allens Road was developed. However, the opportunity to have this public through road will be lost with the proposed development. This is because all internal roads on the Site are private roads and there will be no public access through the Site.

Option Two – To not dedicate the Local Purpose (Road) Reserve as Road

33. Under this option, Council would not dedicate the Local Purpose (Road) Reserve as Road. This option would mean the developer would have no access to its Site off Primrose Place. The development would need to be solely accessed off Allens Road.

Advantages

34. This option is likely to be supported by the adjacent neighbours who live on Primrose Place.

Disadvantages

35. Council could be viewed as obstructing a significant development, particularly at a time of vulnerability within the economy. The developers were however advised at the time of obtaining land use resource consents that they took a risk if they started development prior to obtaining approval for the Reserve Land to be dedicated as road.

Legal/policy implications

Reserves Act 1977

36. Section 111 of the Reserves Act 1977 allows Council to dedicate any land vested in it as Local Purpose (Road) Reserve as road by way of a resolution of Council. If Council resolves to dedicate the land as road, this request is then lodged with the Register-General of Land who will confirm the request.

Financial implications

Requirement	○ Explanation
What is the cost?	Approximately \$5,000 for Council staff time and external legal costs in lodging the request with Land Information New Zealand. If Council approval is given, the developer will also be responsible for the costs associated with forming the road to Council's satisfaction.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Council will recover the costs of this process from the developer.
Are there any future budget implications?	Yes, if the Reserve Land is dedicated as road, and once formed by the developer, the road will form part of Council's roading network
Reviewed by Finance	Not applicable, as costs met by developer.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	Yes – the significance assessment has highlighted that this has a high level of potential community interest.
Level of significance	Low
Level of engagement selected	2 – Informal two-way communication
Rationale for selecting level of engagement	The land was always anticipated to be road and has undergone a formal planning process. However, given that the work is contentious and appears to not have been originally discussed with directly affected neighbours, Council is undertaking the dedication process by allowing all parties to discuss the developer's proposal at this Council meeting, before Council makes a decision on whether the road dedication should be approved. This Report was also circulated to both the developer and the adjacent neighbours prior to this Council meeting, to ensure all parties were aware of Council's proposal.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Appendix One: Subdivision Plan for Original Lochlea Development





Appendix Three: Lochlea Development – Existing and Proposed Site

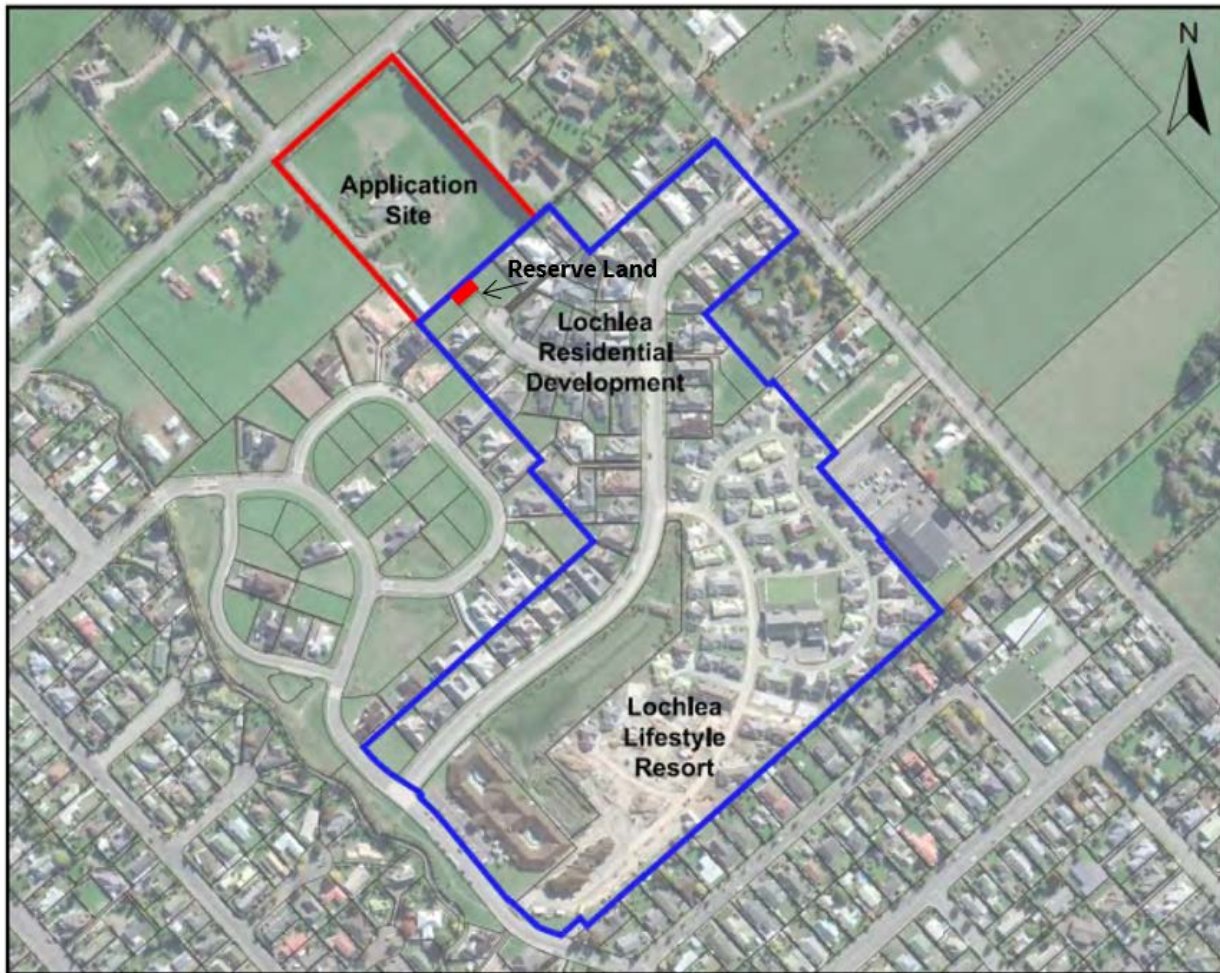


Figure 1: Application Site

[illegible]

Appendix Five: Lochlea Investments Limited – Vehicle Movements

LOCHLEA INVESTMENTS LTD

Ph: 03 307 9049

Email: colleen@briggs.co.nz

Fax: 03 307 9047

c/- 10 Robinson St
Ashburton 7700

Statistic information regarding Lochlea Lifestyle Resort.

Lochlea Village		New Village Estimates
No of Houses	111	39
Residents with no car	19	3
Average Car movements per day	30	10
Residents with partner in Millstream Hospital	3	1
Emergency callouts requiring Management or Lochlea Nurse - Average monthly	3	1

With Allens Rd being used as the Main Entrance it is obvious Primrose Place traffic would be negligible but vary necessary for the Health & Safety of Residents.

Appendix Six: Proposed Land Covenant in Gross

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Lochlea Investments Limited

Covenantee

Ashburton District Council

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional

Annexure Schedule, if required

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant		Lot 3 Deposited Plan 33608 (Record of Title CB13A/1313)	In gross

Covenant rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 209 of the
Land Transfer Act 2017].~~

Annexure Schedule 1

ANNEXURE SCHEDULE 1

BACKGROUND

- A. The Covenantor is developing the Land as a retirement lifestyle village (the "Development").
- B. As part of the Development, the Covenantor has requested the Covenantee dedicate an area of Local Purpose (Road) Reserve as Road off Primrose Place, to enable access into the Land. The Covenantee has agreed to this road dedication, subject to conditions.
- C. The Covenantee wishes to establish the Covenant to ensure the Covenantor is bound by the conditions imposed by the Covenantee.

COVENANT TERMS

1. Interpretation

Covenants means all the covenants set out in this instrument.

Land means the Burdened Land contained within Record of Title CB13A/1313.

2. General Covenants

2.1 The Covenantor covenants and agrees:

- a. To observe and perform the Covenants at all times;
- b. That the Covenants shall run with and bind the Burdened Land in perpetuity for the benefit of the Covenantee in gross; and
- c. To indemnify the Covenantee against all claims and proceedings arising out of a breach of any of the Covenants and/or any of the Covenantor's obligations set out in this instrument.

3. Covenants Relating to Land Access

3.1 The Covenantor covenants with the Covenantee that:

- a. Primary access to the Land shall be maintained from Allens Road. This access shall be a minimum of six metres wide.
- b. Secondary access to the Land shall be maintained from Primrose Place. This access shall be a maximum of six metres wide.

- c. 'Residents only' signage shall be erected and maintained by the Covenantor to a high standard of appearance at the Covenantor's sole cost at entrances to the Land off Allens Road and Primrose Place.
- d. The Covenantor shall ensure that, when new residents are inducted onto the Land, they are advised in writing that primary access to the Land shall be off Allens Road.
- e. Controlled access gates shall be installed and maintained by the Covenantor to a high standard of appearance at the Covenantor's sole cost at the entrances to the Land off Allens Road and Primrose Place.
- f. Any infrastructure or landscaping related to the Development on the Land, including access gates into the Land, retaining walls and signage, shall be contained within the Land.
- g. Access to the Land shall be restricted to residents, staff, visitors, contractors, emergency services and any other persons required to access the Land in relation to its retirement lifestyle village purpose. No general public access through the Land shall be authorised or enabled.
- h. The Covenantor shall maintain an Allens Road property address for the Land.

4. Enforcement

- 4.1 If there is any breach or non-observance of any of the foregoing Covenants, the Covenantor in breach agrees to and shall, at their cost, (with respect to each individual breach):
 - a. Immediately upon receipt of a breach notice from the Covenantee, remove or cause to be removed from the Land any item erected on the Land in breach or in non-observance of the Covenants;
 - b. Immediately upon receipt of a breach notice from the Covenantee, carry out any such remedial work or any other work or actions so as to remedy such breach or non-performance of these Covenants; and
 - c. Immediately upon receipt of a breach notice from the Covenantee, undertake any action to remedy the breach or non-observance of the Covenants.

30 July 2020

5. *Setting of the Rates 2020/21*

Author *Rachel Sparks; Finance Manager*
Activity manager *Rachel Sparks; Finance Manager*
General manager *Paul Brake; Group Manager – Business Support*

Summary

- The purpose of this report is to revoke the rates resolution passed by Council on 25 June 2020 and replace with a new resolution.
- The new resolution reflects changes to the uniform annual charge and general rate which resulted after the previously omitted Mt Hutt Memorial Hall Board rate was added.
- The resolution also includes changes to penalty rates for instalments 1-4 in the 2020/21 year.

Recommendation

That the resolution passed by Council on 25 June 2020, setting the rates for the 2020-21 year, be revoked.

Recommendation

That Council sets the following rates under the Local Government (Rating) Act 2002 on rating units in the district for the financial year commencing 1 July 2020 and ending on 30 June 2021.

All section references are to sections in the Local Government (Rating) Act 2002. All amounts are GST inclusive.

The definition of connected and serviceable is contained in Council's Funding Impact Statement – Rating Policy and Schedule of Rates.

The definition of separately used or inhabited part of a rating unit is contained in Council's Funding Impact Statement – Rating Policy and Schedule of Rates.

The definition for the amenity rating area is contained within Council's Funding Impact Statement – Rating Policy and Schedule of Rates.

Cont'd

Uniform Annual General Charge (UAGC)

A uniform annual general charge of \$593.80 per separately used or inhabited part of a rating unit, set under section 15.

The Uniform Annual General Charge (UAGC) funds wholly or in part the following activities of Council:

Recreation facilities	Library
Community development	Public conveniences
Arts and culture	Democracy and governance
Civil defence	Environmental health
Community grants	

General rate

A general rate set under section 13 of \$0.000336 per dollar of capital value on each separately used or inhabited part of a rating unit in the district.

The general rate will be used to fund either wholly or in part the following activities of Council:

Footpaths	Cemeteries
Stormwater	Stockwater
Solid waste management	Reserve boards
Civil defence	Reserves and campgrounds
Community development	Parks and reserves
Memorial halls	Democracy and governance
Environmental services	Commercial property
Water zone committee	Business development
Solid waste collection	District promotion
Forestry	Non allocated

Roading rate

A targeted rate for road services set under section 16 of \$0.000458 per dollar of capital value on each separately used or inhabited part of a rating unit in the district.

Water supply rates

The following differential targeted rates are set under section 16 for each water supply area listed below. In each case the differential categories are:

- 361. Connected rating units
- 362. Serviceable rating units

The targeted rates are set as a fixed amount per separately used or inhabited part of a rating unit. Rating units outside the defined water supply areas listed below, but which are nonetheless connected to a water supply scheme servicing a particular water supply area, will be charged the connected rate for that water supply area.

	Connected	Serviceable
Ashburton urban	\$415.30	\$207.70
Lake Hood	\$415.30	\$207.70
Methven	\$415.30	\$207.70
Rakaia	\$415.30	\$207.70
Fairton	\$415.30	\$207.70
Hakatere	\$415.30	\$207.70
Hinds	\$415.30	\$207.70
Mayfield	\$415.30	\$207.70
Chertsey	\$415.30	\$207.70
Mt Somers	\$415.30	\$207.70
Dromore	\$415.30	\$207.70

Water meters – Extraordinary supply

In addition to the above targeted rates, a targeted rate for water supply, set under section 19, will apply for:

361. Rating units which fall outside a defined water supply area, but which are nonetheless connected to a water supply scheme servicing a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).
362. Rating units which are used for non-residential purposes and which are connected to a water supply scheme in a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).

The rate is 96 cents per 1,000 litres of water consumed in excess of 90 cubic metres consumed in the quarterly periods during each year. The quarterly periods are 1 July to 30 September, 1 October to 31 December, 1 January to 31 March, and 1 April to 30 June.

Water meters – Residential D and Rural A supply

In addition to the above targeted rates, a targeted rate for water supply, set under section 19, will apply for:

363. Rating units which fall outside a defined water supply area, but which are nonetheless connected to a water supply scheme servicing a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).
364. Rating units which are used for non-residential purposes and which are connected to a water supply scheme in a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).

The rate is 96 cents per 1,000 litres of water consumed in excess of 438 cubic metres per annum. The period is 1 July – 30 June.

Methven-Springfield water supply rate

A targeted rate under section 16 of \$2,199.90 on all rating units connected to the Methven-Springfield water supply scheme, plus \$183.40 per 1,000 litres of water supplied in excess of 12,000 litres to any rating unit within the Methven/Springfield water supply scheme.

Montalto water supply rate

A targeted rate under section 16 of \$1,069.70 per rating unit in the Montalto water supply scheme, plus \$33.70 per hectare of land in the Montalto water supply scheme.

Lyndhurst water rate

A targeted rate under section 16 of \$189.80 on all rating units connected to the Lyndhurst water supply.

Barrhill village water rate

A targeted rate under section 16 of \$453.00 on all rating units within the proposed scheme boundary for the Barrhill Village water supply.

Wastewater disposal rates

The following differential targeted rates are set under section 16 for wastewater (sewage) disposal for the Ashburton urban area, Methven and Rakaia townships, and a further loan rate in the Rakaia township, as listed below. In each case the differential categories are:

365. Connected rating units

366. Serviceable rating units

The targeted rates are set as a fixed amount per separately used or inhabited part of a rating unit.

	Connected	Serviceable
Ashburton	\$428.40	\$214.20
Methven	\$273.50	\$136.80
Rakaia	\$418.10	\$209.10
Rakaia loan rate	\$173.10	\$86.60

The following additional targeted rates are set under section 16 for wastewater disposal on connected rating units within the Ashburton urban area, Methven and Rakaia townships as listed below. These rates are set differentially based on location and the number of urinals / pans in excess of three, in each rating unit, as listed below.

	Urinal / pan charge from 4+
Ashburton	\$142.80
Methven	\$91.20
Rakaia	\$139.40

Solid waste collection rates

The following rates are set under section 16 for waste collection for each area to which the service is provided as listed below. The targeted rates are set as a fixed amount per separately used or inhabited part of a rating unit.

Ashburton urban	\$232.30
Ashburton CBD (inner)	\$432.80
Methven	\$232.30
Rakaia	\$232.30
Hinds	\$232.30
Mayfield	\$232.30
Mt Somers	\$232.30
Chertsey	\$232.30
Lake Clearwater	\$32.20
Rangitata	\$66.40
Ashburton District extended	\$232.30

Stockwater rate

A targeted rate under section 16 on all rating units within the general stockwater scheme. The rate is to be determined in accordance with the following factors:

- 367. A rate of \$109.60 where the total length of any stockwater races, aqueducts or water channels that pass through, along, or adjacent to, or abuts the rating unit does not exceed 161 metres in length; and
- 368. A rate of 68 cents per metre where the total length of any stockwater races, aqueducts or water channels that pass through, along or adjacent to, or abuts the rating unit exceeds 161 metres in length; and
- 369. A rate of \$136.20 for each pond service, pipe service, ram service, pump service, water wheel or windmill; and
- 3610. A rate of \$68.10 for each dip service or extension pump service using water from the Council's water race system.

Amenity rates

Targeted rates for amenity services under section 16 are as follows.

Ashburton CBD (inner) footpath cleaning rate

\$0.000389 per dollar on the capital value of every business rating unit within the Ashburton CBD (inner) rating area (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book), for footpath services.

Ashburton urban amenity rate

\$0.000807 per dollar of capital value of every rating unit in the Ashburton urban area excluding Lake Hood (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths and parks and open spaces funding.

Ashburton urban amenity rate – Lake Hood

\$0.000807 per dollar of capital value of every rating unit in the Ashburton (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths, and parks and open spaces funding.

Ashburton business amenity rate

\$0.000292 per dollar of capital value of every business rating unit within the Ashburton urban area excluding Lake Hood (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the provision of district promotion and public conveniences.

Ashburton business amenity rate – Lake Hood

\$0.000292 per dollar on the capital value of every business rating unit within the Ashburton urban area for Lake Hood (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the provision of district promotion and public conveniences.

Methven business amenity rate

\$0.000323 per dollar on the capital value of every business rating unit within the Methven township area (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the purposes of district promotion and public conveniences.

Methven amenity rate

\$0.000607 per dollar on the capital value of every rating unit within the Methven township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths, parks and open spaces and reserve board funding.

Rakaia business amenity rate

\$0.000345 per dollar on the capital value of every business rating unit within the Rakaia township area (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the provision of district promotion and public conveniences.

Rakaia amenity rate

\$0.000615 per dollar on the capital value of every rating unit within the Rakaia township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths, parks and open spaces and reserve board funding.

Hinds stormwater rate

\$0.000063 per dollar on the capital value of every rating unit within the Hinds township area for the provision of stormwater services.

Rural amenity rate

\$0.000018 per dollar on the capital value of every rating unit within the rural area, excluding the townships of Methven and Rakaia, for the provision of footpaths and parks and open spaces.

Methven Community Board rate

A targeted rate to fund the Methven Community Board under section 16 of \$107.20 per rating unit within the Methven township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book).

Mt Hutt Memorial Hall rate

A targeted rate to partially fund the Mt Hutt Memorial Hall under section 16 of \$0.000047 per dollar on the capital value of each rating unit in the Methven township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book).

Due dates for payment of rates

The rates will be payable in four equal instalments due on:

- 20 August 2020
- 20 November 2020
- 20 February 2021
- 20 May 2021

Where the 20th of a month in which rates are due does not fall on a working day, rate payments will be accepted without penalty up to and including the first working day after the 20th of that month.

Due dates for payment of water meter charges – Extraordinary Supplies

That water by meter charges are due on:

Quarterly period	Reading dates completed	Invoice date
1 July to 30 September 2020	15 October 2020	20 November 2020
1 October to 31 December 2020	15 January 2021	20 February 2021
1 January to 31 March 2021	15 April 2021	20 May 2021
1 April to 30 June 2021	15 July 2021	20 August 2021

Due dates for payment of water meter charges – Residential D and Rural A supplies

That water by meter charges are due on:

Annual period	Reading date completed	Invoice date
1 July 2020 to 30 June 2021	15 July 2021	20 August 2021

Penalties

In accordance with sections 57 and 58, the Council authorises the Finance Manager to add the following penalties on rates unpaid by the due date.

A 5% penalty will be added to instalment balances remaining unpaid as at the following dates:

- 21 August 2020
- 21 November 2020

A 10% penalty will be added to instalment balances remaining unpaid as at the following dates:

- 21 February 2021
- 21 May 2021

In addition a further penalty of 10% will be added to any unpaid rates and charges levied prior to 30 June 2020, if still unpaid as at 31 August 2020.

Background

1. The Ashburton District Council Rates 2020/21 have been set based on Council's Annual Plan 2020/21. The setting of rates meets the requirements of the Local Government (Rating) Act 2002.

Options analysis

Option one – set the rates 2020/21 by resolution of Council – recommended

2. Council would set the rates in accordance with the Local Government (Rating) Act 2002. This option would mean the Council would be able to levy rates for the 2020/21 year.

Option two – do not set the rates 2020/21 by resolution of Council

3. This option would mean Council would be unable to levy rates for the 2020/21 year.

Legal/policy implications

4. Council is required, under section 23 of the Local Government Act (rating) 2002, to set rates by a resolution of Council.

Financial implications

Requirement	Explanation
What is the cost?	Revised and up-to-date financial and rating information is included in the Annual Plan 2020/21.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	See Annual Plan 2020/21 for details.
Are there any future budget implications?	No
Reviewed by Finance	Rachel Sparks, Finance Manager

5. If rates are not set for the 2020/21 year, Council will be unable to levy rates and, therefore, will not have revenue available to undertake the work programmes outlines in the Annual Plan 2020/21.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	Yes
Level of significance	Low
Level of engagement selected	1. Inform – one way communication
Rationale for selecting level of engagement	Setting the rates is significant due to the number of people affected, but considered of low significance due to no significant differences to that stated in the Long-Term Plan 2018-28.
Reviewed by Strategy & Policy	<i>Name; Position</i> <If no, provide brief explanation>

Next steps

6. There are no further steps required of Council.