

23.4.21 PROPOSAL TO REVOKE RESOLUTION.

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Public Excluded

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in s48(1)(a)(i) of the <i>Local Government Official Information and Meetings Act 1987</i> .
Sub-clause and Reason:	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

1. Purpose of Report

To consider revoking Resolution 22.5.23, being the proposed disposal of Lots 3 – 5 Deposited Plan 428116.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
- B. Agrees to revoke Resolution 22.5.23 to allow a feasibility study to be completed and the capacity issues at the Alexandra Wastewater Treatment Plant have been understood and or resolved.
- C. Recommends that the report and minutes be publicly withheld until the minutes are confirmed.
- D. Authorises the Chief Executive to do all that is necessary to give effect to the resolution.

2. Background

At its meeting of July 2022, the Council considered a report recommending the disposal of Lots 3 – 5 Deposited Plan (DP) 428116, being the Mutton Town Road Oxidation Pond site.

A copy of the report, which is dated 06 July 2022, is attached as **Appendix 1**.

On consideration, the Council resolved (Resolution 22.5.23) as follows:

B. *Agrees to:*

1. *Dispose of (sell) Lots 3 and/or 4 DP 428116 (being part of Record of Title 511036) to the successor(s) in title as the current owner of Lot 2 DP 300714 and Lots 1 – 2 DP 428116 (Record of Title 511035), at market valuation, subject to:*
 - *The provisions of the Public Works Act 1981.*
 - *A Section 40 Investigation confirming their entitlement to the land.*
 - *A subdivision boundary adjustment being approved.*
2. *That should the current owner of Lot 2 DP 300714 and Lots 1 – 2 DP 428116 (Record of Title 511035) not be entitled, or decline the offer, to purchase Lots 3 and/or 4 DP 428116 (being part*

Record of Title 511036), to offer Lots 3 and/or 4, and 5 DP 428116 to the beneficial successor(s) of the former owner as prescribed in the Public Works Act), subject to:

- *The provisions of the Public Works Act 1981.*
 - *A Section 40 Investigation confirming their entitlement to the land.*
 - *Designation 242 being cancelled in accordance with the provisions of the Resource Management Act 1991.*
3. *That should neither the successor in title nor the beneficial successor be entitled, or decline the offer, to purchase the land as outlined above in points 1 and 2, to dispose of the land on the open market via public tender or auction, subject to:*
- *The provisions of the Public Works Act 1981.*

As noted in the report dated 06 July 2022, Lots 3 – 5 DP 428116 were held by Council for the purpose of constructing a wastewater treatment plant to service the township of Clyde.

At the time the report dated 06 July 2022 was presented, Lots 3 – 5 DP 428116 were considered to not be required for the purpose for which they were held, as Clyde's wastewater will now be pumped to the Alexandra Wastewater Treatment Plant for processing, however.

Since the passing of Resolution 22.5.23, it has been determined that the Alexandra Wastewater Treatment Plant may not have the capacity required to meet future processing and storage levels.

3. Discussion

A feasibility study is now being undertaken to determine whether the Alexandra Wastewater Plant has the capacity required to meet future processing and storage levels.

As the feasibility study is expected to take several months to complete, it is now considered prudent to revoke Resolution 22.5.23.

Revoking Resolution 22.5.23 will allow the feasibility study to be completed. It will also enable Council to understand and confirm it can meet its future wastewater disposal and treatment requirements prior to deciding to dispose of the land.

4. Financial Considerations

The proceeds of the sale of Lots 3 – 5 DP 428116 were to have been used to offset future wastewater renewals and upgrades.

Until the feasibility study has completed, and the capacity issues are understood, it cannot be determined how revoking Resolution 22.5.23 will impact the budgets as they relate to future wastewater renewals and upgrades.

The feasibility study will be funded from existing Wastewater Renewals budgets.

5. Options

Option 1 – (Recommended)

To agree to revoke Resolution 22.5.23 until the feasibility study has been completed and the capacity issues at the Alexandra Wastewater Treatment Plant have been understood and or resolved.

Advantages:

- The feasibility study will enable Council to understand and confirm that it can meet future wastewater disposal and treatment requirements as they relate to the Alexandra Wastewater Treatment Plant and the Clyde Wastewater Reticulation Project.

Disadvantages:

- None.

Option 2

To not agree to revoke Resolution 22.5.23 until the feasibility study has been completed and the capacity issues relating to the Alexandra Wastewater Treatment Plant have been resolved.

Advantages:

- None

Disadvantages:

- If the land is disposed of prior to the feasibility study being completed, Council may not be able meet its future wastewater disposal and treatment requirements as they relate to the Alexandra Wastewater Treatment Plant and the Clyde Wastewater Reticulation Project.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision promotes the social and economic wellbeing of communities, in the present and for the future by ensuring that land which was acquired for a public work is not disposed of before Council its future wastewater disposal and treatment requirements as they relate to the Alexandra Wastewater Treatment Plant and the Clyde Wastewater Reticulation Project.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	The recommendation is consistent with the Council Standing Orders 24.6.
Considerations as to sustainability, the environment and climate change impacts	There are no sustainability, environmental, or climate change impacts associated with the recommendation.

Risks Analysis	<p>Revoking Resolution 22.5.23 will enable Council to understand the risks associated with the increasing demand for treatment and storage of wastewater at the Alexandra Oxidation Plant site, then address them accordingly (if any).</p> <p>It will also ensure that land that is currently held for wastewater purposes is not disposed of prior to understanding those risks.</p>
Significance, Consultation and Engagement (internal and external)	<p>The Significance and Engagement Policy has been considered, with none of the criteria being met or exceeded.</p>

7. Next Steps

Feasibility study completed
 Feasibility study analysed
 2023

July / August 2023
 August / September

Findings of feasibility study presented to Council

Late 2023

8. Attachments

Nil

Report author:



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 12/04/2023

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