



# Ashburton District Council

## AGENDA

A **MEETING** of the **ENVIRONMENTAL SERVICES COMMITTEE** will be held as follows:

**Date:** Thursday 22 July 2010

**Time:** 1.30 pm

**Venue:** Council Chamber  
5 Baring Square West  
Ashburton

B LESTER  
Chief Executive

### **MEMBERS:**

Cr R J Kilworth (Chairman)  
Cr L J Leadley  
Cr R C Beavan  
Cr I J Burgess  
Cr J A Kingsbury  
Cr P W Reveley  
Cr J Sparks  
Cr B A Tasker  
Mayor M B O'Malley (ex officio)

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# AGENDA

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16 July 2010

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:**  
**DATE:** 22 July 2010  
**REPORT TO:** Environmental Services Committee  
**FROM:** Senior District Planner  
**SUBJECT:** Methven Trotting Club subdivision - Naming of roads

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### 5. METHVEN TROTTHING CLUB SUBDIVISION – NAMING OF ROADS

#### 5.1 SUMMARY

To recommend the naming of five roads in the Methven Trotting Club subdivision, off Racecourse Avenue, Methven. **Page 39**

#### 5.2 RECOMMENDATION

- “1. That the report be received.
2. That the new roads for the subdivision approved by resource consent SUB09/0030 be named *Inky Lord Place* (A), *Tactician Drive* (B), *Morello Way* (C), *Fraggle Rock* (D) and *Loyal Nurse Lane* (E) (refer to Appendix for a plan identifying the roads);
3. That the developer be responsible for erecting name plates at the entrance to the subdivision on Racecourse Road and at intersections within the subdivision to indicate the names of the roads and that this is done after consultation with and to the satisfaction of the Council’s Roading Manager.
4. That the developer be responsible for paying to the Council all costs associated with the manufacture and erection of all necessary name plates.”

#### 5.3 BACKGROUND

On 15 January 2010, resource consent was granted for a subdivision comprising 104 residential lots, three reserves including part of the Methven Walkway, and a stormwater retention area on land to the immediate south of the Methven Trotting Club. The decision was subject to an appeal by Methven Trotting Club on conditions regarding the reserve contributions, which was resolved through negotiations and a subsequent consent order from the Environment Court.

#### 5.4 OPTIONS & RISKS CONSIDERED

The names put forward for the proposed roads within the subdivision are as follows - *Inky Lord Place* (A), *Tactician Drive* (B), *Morello Way* (C), *Fraggle Rock* (D) and *Loyal Nurse Lane* (E) as shown on the Plan accompanying this report. The proposed road names reflect the names of Methven trained horses that have won major trophies including three winners of the New Zealand Cup and two winners of the Inter-dominion Cup. Options have not been put forward on the basis that Methven Trotting Club will consider additional road names if these are rejected.

#### 5.5 STATUTORY IMPLICATIONS

Any resource consent for subdivision that creates a new road to be vested in Council shall comply with subdivision rules 6.6.5.2.2 (j) and (k) of the District Plan, which states –

- (j) *All new roads vested upon subdivision of land shall be given distinctive names not already in use within the area covered by the District Council. The name shall be agreed to by the Council.*
- k) *Where any new road or road extension is to be vested in the Council or a named private access is provided, the applicant shall pay to the Council a financial contribution for the manufacture and erection of all necessary name plates which must be displayed at the intersections of all other roads. The financial contribution shall be the actual cost of the name plate.*

## **5.6 CONSULTATION**

Not applicable.

## **5.7 STRATEGIC LINKS**

The following Community outcome from the LTCCP is relevant –

***Outcome 3: A community with a strong sense of identity and heritage, which welcomes new residents and encourages diversity***

- *Our district has a strong sense of identity and people who participate in community life. Ashburton District is a community that attracts and retains new residents.*
- *Our community recognises and preserves the cultural and social heritage of our district.*

## **5.8 FINANCIAL**

Rule 6.6.5.2.2 (k) of the District Plan states –

*Where any new road or road extension is to be vested in the Council or a named private access is provided, the applicant shall pay to the Council a financial contribution for the manufacture and erection of all necessary name plates which must be displayed at the intersections of all other roads. The financial contribution shall be the actual cost of the name plate.*

Prepared By:

M STEVENSON  
**Senior District Planner**

Approved by:

J McKENZIE  
**Environmental Services Manager**

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File  
DATE: 22 July 2010  
REPORT TO: Environmental Services Committee  
FROM: Environmental Services Manager  
SUBJECT: Community Pride Programme – *Keep Ashburton Beautiful*

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### 6. COMMUNITY PRIDE PROGRAMME – *Keep Ashburton Beautiful*

#### 6.1 SUMMARY

This report relates to a concept that has the potential to enhance the Ashburton community through co-ordinating and implementing environmentally focused activities involving litter abatement, waste minimisation, reducing graffiti and vandalism and encouraging beautification / sustainability projects that result in increased community pride to increase value for the community that we live in. This concept has the potential to benefit all residents of Ashburton. An inter-departmental staff reference group has been working develop this concept.

#### 6.2 RECOMMENDATION

- “1. That the report be received.
2. That the Committee resolves that Council participates in a programme to develop community pride for the purposes set out in this report and that it facilitates a steering group to identify key issues and actions to address these within the Ashburton community.
3. That \$5,000 funding be provided to enable Council to join the ‘Keep New Zealand Beautiful’ programme for necessary resources and branding; plus to provide a working budget for the Steering Group until an annual budget can be prepared and applications for grants made; source of funds to be the solid waste reserve account.
4. That two Councillors be nominated to represent Council on the Steering Group.”

#### 6.3 BACKGROUND

There is a plethora of actions that individuals and groups within the community could and do take to physically enhance the community that we live in. At times simple co-ordination, promotion and incentive may be all that is required to maximise the potential outcomes. There is potential for Council to facilitate a programme of community pride, involving actions by the community that results in Ashburton being a better community to live in. Such an initiative would be best driven and owned by the community, rather than being seen as a Council ‘owned’ project. Most issues could involve a suite of actions ranging from promotion, education, awareness, community action, regulation and enforcement; this suggests that to achieve optimum effect – that co-ordination of effort is the greatest requirement.

As this initiative is only at a conceptual level, it is too early to publicise the project. In fact launching the project now would be counterproductive and could adversely affect community ‘buy in’ at a later date when it was better prepared for promotion to the community.

A model and support structure for the project would be very helpful to give it structure; in the immediate future the **Keep New Zealand Beautiful** brand has much to offer in gaining profile, understanding and providing communication and promotional tools.

Due to the scale of this project some key principles should be accepted so that it can have direction:

- Council agrees to be the facilitating organisation
- A Central Steering Group is formed of key stakeholders that have a connection with community groups that can give the project 'traction'.
- The Steering Group establishes an action plan for the immediate future and launches the project to the community.
- Long term goals and actions
- Long Term goals and actions are established and achieved. These could involve a Charitable Trust status, a more integrated identity in the form of an Ashburton Environmental Sustainability Centre, plus corporate sponsorship and participation.

Some logical stages to start the project could be –

### ***Short Term***

1. Council to sign up as a member of Keep New Zealand Beautiful  
(Membership will provide access to updates on KNZB initiatives including 'Clean up Week', 'Paint NZ Beautiful Week', educational resources / toolkits and relevant promotional material and a recognised 'brand' to assist in community acceptance).
2. Two Councillors to be representatives on the Keep Ashburton Beautiful Steering Group, (Councillors could also represent community groups that have a potential role to play in the project).
3. Key stakeholders to be identified and notified of the project with an inaugural meeting to be held by mid-August.
4. Keep Ashburton Beautiful steering group formed.
5. Steering group to identify key issues in and around Ashburton, (possibly littering and vandalism), then identify community actions to respond to the problems.
6. Steering group to establish a 12 month project plan based on key issues and KNZB campaigns.
7. KAB launched to the community – outlining potential for other communities to also form their own KNZB groups which will be able to link in with KAB.
8. KAB implements the project plan to the wider community and links in with partner organisations to create the 'ripple effect'

### ***Long Term***

1. Other communities become involved in the project creating linkages throughout the district (ie Keep Rakaia Beautiful, Keep Methven Beautiful etc)
2. KAB investigates potential for gaining Incorporated Society / Charitable Trust status, as the group is to be community driven – not Council driven
3. 'Ashburton Environmental Sustainability Centre Charitable Trust' (or equivalent) is formed with KAB running parallel to this organisation as each will complement the other

This concept will always remain difficult to define and to contain, therefore it is proposed that a community pride programme be limited to those actions to be included in an Action Plan by a Steering Group.

## **6.4 OPTIONS AND RISKS CONSIDERED**

There are two options:

1. To be involved in this project for the next 12 months so that the potential of the project can be examined and the project launched by a steering group; With a re-evaluation of council involvement after the first 12 months.

2. Decline to be involved and address issues individually in the community as they touch on Council's areas of responsibility.

## 6.5 STATUTORY IMPLICATIONS

The Local Government Act 2002 empowers the Council to promote the social, economic, environmental and cultural well being of the community. This project has the potential to broadly advance all of these factors for the community.

## 6.6 STRATEGIC LINKS

*Community Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations*

- a. Water, land and air are managed sustainably. **(Priority)**
- b. Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. **(Priority Objective)**
- c. Our community understands the need to protect our natural environment and acts to do so.

## 6.7 CONSULTATION

Extensive consultation will be required to develop community 'buy in', both at an individual and organisational level throughout the community.

## 6.8 FINANCIAL IMPLICATIONS

While this project has the potential to be wide ranging and involve significant community involvement and actions, it is not anticipated that financial implications are significant. Much of the funding could be achieved through community grants and corporate sponsorship. Most of the actions could be achieved through community participation and enthusiasm. Ultimately a Charitable Trust could apply for grants from outside organisations to fund the project in partnership with corporate sponsors. An initial sum of \$5,000 is sought from the solid waste reserve account to enable to project to be resourced and to fund membership of the *Keep New Zealand Beautiful* scheme.

Prepared By:

J MCKENZIE  
Environmental Services Manager

Approved by:

B LESTER  
Chief Executive

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:  
DATE: 22 July 2010  
REPORT TO: Council  
FROM: Senior District Planner  
SUBJECT: Discount Regulations

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### 7. RESOURCE MANAGEMENT REGULATIONS – DISCOUNT ON ADMINISTRATIVE CHARGES

#### 7.1 SUMMARY

This report provides a summary of the Resource Management (Discount on Administrative Charges) Regulations 2010 for resource consent applications processed 'overtime' and the options for Council, including the recommended adoption of the Government's Regulations on Discounting. *Page 40-46*

#### 7.2 RECOMMENDATION

- “1. That the report be received.
2. That Council adopts the Resource Management (Discount on Administrative Charges) Regulations 2010 as its own policy, providing for a discount of 1% for each day that an application exceeds the required timeframe, up to a maximum of 50 working days.
3. That Council gives the Senior District Planner delegation to approve discounts to applicants where a resource consent application exceeds the required timeframe in accordance with the Council's policy.
4. That any dispute regarding the time taken to process a resource consent application and any discounts arising shall be dealt with by Environmental Services Committee.”

#### 7.3 BACKGROUND

The amendments to the Resource Management Act that took effect in October 2009 include a requirement for the Council to adopt a policy to provide a discount on administrative charges if a resource consent application is not processed within the timeframes prescribed by the RMA. This provides some compensation for applicants inconvenienced by delays.

In January of this year, an issues and options paper was published for consultation, at which time a workshop was held with Councillors to obtain feedback on the different options for a discount policy. This informed a submission on the proposed regulations.

The Government subsequently approved a policy for the discount regulations, with the regulations being formally passed on 21 June 2010.

The regulations will come into effect on 31 July 2010 and will provide for a discount of one percent per day, up to a maximum of 50 working days for resource consent applications not processed within the required timeframes. The timeframes for processing resource consent applications are summarised below.

While the timeframes themselves are not new, the introduction of the discount regulations emphasises the importance of meeting these timeframes.

<b>Application</b>	<b>Working days</b>
<b>Not notified</b>	
No hearing	20
With hearing	40
<b>Notified (incl. Limited notified)*</b>	
No hearing	50
With hearing and no direction under section 41B	70
With hearing and direction under section 41B	85

\* A notified application is when an application is advertised for submissions on the basis that the effects of the proposal are likely to be more than minor. A limited notified application is when an application is notified to a select number of persons who are considered to be affected.

The days that are counted in processing a resource consent application for a subdivision or land use activity begin the day after an application is received and end when the decision letter is printed and sent to the applicant. In some instances, there are days excluded when the 'clock stops', for example, a request is made to an applicant for the written approval of an affected person or additional information is necessary in assessing the effects of an activity. The clock only restarts when the applicant provides the information required.

With the financial implications of not processing an application in the prescribed timeframes, it is important that the Council receives a complete application in the first instance and may need to return applications on occasions where the information or plans are not adequate. Otherwise time can be lost at the expense of the Council.

As stated earlier, the Council is required to adopt a policy on giving discounts for resource consent applications processed beyond the timeframes. There is an option under the RMA of either adopting the discount policy set out in regulations or having our own policy that is more generous than the regulations. The latter option would mean that the Council would need to provide a discount greater than what 1% of administrative charges per day equates to in any given situation. It is the recommendation of this report that the Council adopts the Regulations as the Council's own policy, effectively endorsing the discount of 1% per working day that an application is processed beyond the timeframes up to 50 working days.

## **7.4 OPTIONS**

1. Adoption of the Resource Management (Discount on Administrative Charges) Regulations 2010 as the Council's own policy
2. A more generous policy that provides a greater discount than what the regulations prescribe. This would have financial implications beyond what the regulations require.

## **7.5 STATUTORY IMPLICATIONS**

The Regulations give effect to S36AA of the Resource Management Act.

## **7.6 CONSULTATION**

No consultation is required in determining the appropriate policy for adoption by the Council. The Council have provided input to the formulating of the Government's discount policy by way of submission.

## 7.7 STRATEGIC LINKS

The following Community Outcome from the LTCCP is relevant –

**Community Plan Outcome 2:** *Natural and developed environments are sustained for the enjoyment of current and future generations*

- *Water, land and air are managed sustainably. (Priority Objective)*
- *Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. (Priority Objective)*
- *Our community understands the need to protect our natural environment and acts to do so.*

## 7.8 FINANCIAL

There are financial implications of resource consent applications not being processed within the required timeframes. This has been budgeted for in the 2010/11 Annual Plan.

Prepared By:

M STEVENSON  
**Senior District Planner**

Approved by:

J MCKENZIE  
**Environmental Services Manager**

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:  
DATE: 22 July 2010  
REPORT TO: Environmental Services Committee  
FROM: Regulatory Manager  
SUBJECT: Warrant of Authority –Environmental Health Officer

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### **8. WARRANT OF AUTHORITY – ENVIRONMENTAL HEALTH OFFICER**

#### **8.1 SUMMARY**

This report seeks a delegation for a new member of staff of Ashburton District Council.

#### **8.2 RECOMMENDATION**

“That the Ashburton District Council staff member scheduled below be authorised under seal of the Ashburton District Council to act under the following legislation:

- As an EHO under Sections 23 & 28 of the Health Act 1956.
- As an Enforcement Officer under Section 38 of the Resource Management Act 1991 and Section 177 of the Local Government Act 2002.
- As a Litter Control Officer under Section 5 of the Litter Act 1979.
- Has the authority to enter private land under Sections 171 to 174 of the Local Government Act 2002.
- Has the authority to seize property under Sections 164 to 166 of the Local Government Act 2002.
- Has authority to enter any dwellinghouse, buildings, land, ships or other premises under Section 128 of the Health Act 1956.
- As an Agent and Authorised Officer of Ashburton District Council under Sections 111 & 222 of the Building Act 2004.
- As an Officer under the Food Act 1981 Part 3 Sections 12 & 13.
- As an Inspector under section 103 of the Sale of Liquor Act 1989.
- As an Animal Control Officer within the Ashburton District under Section 11 of the Dog Control Act 1996.
- Stock Ranger in accordance with the Impounding Act 1955.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.

#### **WILLIAM LIEBISCH**

##### **Statutory Function**

The officer above may exercise all powers and duties including such power to enter land, conduct inspections, issue notices as provided by and for the purpose of the Acts and associated Regulations and Bylaws listed.”

#### **8.3 BACKGROUND**

The Environmental Health Officer is required to be warranted under the provisions of the legislation listed in order to effectively carry out his function.

#### **8.4 OPTIONS & RISKS CONSIDERED**

Not applicable.

## **8.5 STATUTORY IMPLICATIONS**

Sections 23 & 28 of the Health Act 1956, Section 206 of the Building Act 2004, Section 38(5) of the Resource Management Act 1991, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002 and Ashburton District Council Bylaws.

## **8.6 CONSULTATION**

Not applicable.

## **8.7 STRATEGIC LINKS**

The LTCCP Community Outcome 1 is relevant to this recommendation -

### **A thriving and diverse local economy that provides the foundation for a quality lifestyle Strategic Objectives**

Our community has access to quality infrastructure (roading, water, footpaths, wastewater and storm water) that is efficient and reliable. (Priority Objective)

We recognise the importance of access to sustainable water sources for our economy and work together to make a water storage facility a reality. (Priority Objective)

Ashburton District has a growing population enjoying a high quality of life.

We have a prosperous and diverse local economy, and a skilled workforce.

## **8.8 FINANCIAL**

Issue of new photo identification warrant of authority card at \$20.00 plus GST per person.

Prepared By:

A HUMPHRIES  
**Regulatory Manager**

Approved by:

J MCKENZIE  
**Environmental Services Manager**

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:  
DATE: 22 July 2010  
REPORT TO: Environmental Services Committee  
FROM: Building Services Manager  
SUBJECT: Warrant of Authority – Building Officials

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### 9. WARRANT OF AUTHORITY – BUILDING OFFICIALS

#### 9.1 SUMMARY

This report seeks a delegation for new members of staff of Ashburton District Council.

#### 9.2 RECOMMENDATION

“That the Ashburton District Council staff members scheduled below be authorised under seal of the Ashburton District Council to act under the following legislation”:

- Authority to enter private land under Sections 171 to 173 of the Local Government Act 2002.
- As an Authorised Officer of Ashburton District Council under Section 222 of the Building Act 2004.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.
- The power to enter any land pursuant to Section 11 of the Fencing of Swimming Pools Act 1987.

**PAUL A BUCKLEY**

**PHILLIP J BECK**

#### **Statutory Function**

The officer above may exercise all powers and duties including such power to enter land, conduct inspections, issue notices as provided by and for the purpose of the Acts and associated Regulations and Bylaws listed.”

#### 9.3 BACKGROUND

Building Officials required to be warranted under the provisions of the legislation listed in order to effectively carry out his function.

#### 9.4 OPTIONS & RISKS CONSIDERED

Not applicable.

#### 9.5 STATUTORY IMPLICATIONS

Section 206 & 222 of the Building Act 2004 and Sections 174 and 177 of the Local Government Act 2002.

#### 9.6 CONSULTATION

The Council has already consulted via the Long Term Council Community Plan on its functions carried out in accordance with the legislation referred to in this report.

## 9.7 STRATEGIC LINKS

The following Long Term Council Community Plan Community Outcomes are relevant to this recommendation:

**Outcome 1: A thriving and diverse local economy that provides the foundation for a quality lifestyle**

### **Strategic Objectives**

Our community has access to quality infrastructure (roading, water, footpaths, wastewater and storm water) that is efficient and reliable. (Priority Objective)

We recognise the importance of access to sustainable water sources for our economy and work together to make a water storage facility a reality. (Priority Objective)

Ashburton District has a growing population enjoying a high quality of life. We have a prosperous and diverse local economy, and a skilled workforce.

***Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations***

- d. Water, land and air are managed sustainably. **(Priority)**
- e. Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. **(Priority Objective)**
- f. Our community understands the need to protect our natural environment and acts to do so.

## 9.8 FINANCIAL

Issue of new photo identification warrant of authority card at \$20.00 plus GST per person.

Prepared By:

M FIELDS  
**Building Services Manager**

Approved by:

J MCKENZIE  
**Environmental Services Manager**

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:  
DATE: 22 July 2010  
REPORT TO: Environmental Services Committee  
FROM: Policy Advisor  
SUBJECT: Gambling Venue Policy Review

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### 10. GAMBLING VENUE POLICY REVIEW

#### 10.1 SUMMARY

Council adopted its Gambling Venue Policy in February 2007 as required by the Gambling Act 2003. Council is required to review its Gambling Venue Policy within three years after the policy is adopted.

Council is able to roll over its current policy without the requirement to undertake a full special consultation process as detailed in the Local Government Act 2002. If, however, Council decides changes to the policy are required, then this will need to include an appropriate consultation process.

A working group of four councillors has undertaken the policy review process. Taking into account a report on the social effects of class 4 gambling and relevant information provided by key stakeholders, it was found that there has not been any significant change in the state of gambling in the district that would warrant a change to the policy. The policy review working group recommend that the Gambling Venue Policy (2007) is rolled over and adopted by Council for a further three years.

#### 10.2 RECOMMENDATION

- |   |
|---|
| <ol style="list-style-type: none"><li>1. That the Environmental Services Committee receives the Gambling Venue Policy Review report.</li><li>2. That the Environmental Services Committee receives the Social Effects of Gambling in Ashburton District report.</li><li>3. That the Environmental Services Committee recommends Council adopts the current Ashburton District Council Gambling Venue policy for a further three year period."</li></ol> |
|---|

#### 10.3 BACKGROUND

Council adopted its Gambling Venue Policy in February 2007 as required by the Gambling Act 2003. This Act requires Council to review its Gambling Venue Policy within three years after the policy is adopted.

The current Gambling Venue Policy (2007) seeks to achieve a balance between allowing class 4 gambling as a responsible form of entertainment in the district, while minimising any potential gambling-related harm, and controlling the growth of machine numbers and venues. Specifically, the policy has the following aims:

- To ensure the Council and the community has influence over the provision of new TAB or class 4 gambling machines and/ or venues in the district.
- To allow those who wish to participate in class 4 gambling to do so within the district.
- To minimise potential negative impacts of TAB or class 4 gambling in the district.

## **Policy Review**

The purpose of the review of the Gambling Venue Policy was to assess the following:

1. If anything has changed in the gambling sector in the district that would warrant a change of policy
2. If the social impacts of gambling within the district have changed in ways that would warrant a change in policy
3. If the principles and objectives of the current policy are still relevant
4. If the current policy achieving the objectives it sets out.

A working group of four Councillors (Crs Kilworth, Tasker, Burgess and Lowe) was set up by the Environmental Services Committee on 10 June 2010, for the purpose of reviewing the current policy, reviewing available information, recommending any proposed changes to the current policy and, if changes are proposed, recommending an appropriate consultation process.

The policy review process has incorporated the following steps:

1. Advising key stakeholders of the process and inviting them to submit relevant information to inform the review.
2. Completion of a report assessing the overall social impact of gambling in the district, including any changes which have occurred since 2006 and any trends which have emerged.
3. Review of the report and submissions/information provided by stakeholders by the policy review working group.
4. Recommendation from the policy review working group regarding any changes to the policy.

## **Stakeholder Information**

A total of 41 key stakeholders were written to advising of the review process and invited to provide information to inform the review process. Nine responses were received.

Stakeholder submissions provided a range of information regarding gambling trends, which, where relevant, have been incorporated into the social assessment report.

The majority of submissions received from stakeholders were either advocating for the introduction of a sinking lid policy (to reduce the number of venues and machines in the district over time), or seeking an increase in the number of machines permitted at gaming machine venues. This was an expected response, with stakeholders such as problem gambling service providers advocating for more restrictive measures, and those seeking a relaxation of the current restrictions being mainly gambling venue operators.

One submission also suggested some minor changes to the policy text to provide more accurate linkages with the proposed District Plan.

## **Report on the Social Effects of Gambling in Ashburton District**

As part of the two previous gambling venue policy development/ review processes Council has received a social impacts of gambling report for the district prepared by staff. This report has been updated as part of this review process, incorporating, where relevant, new information and trends.

The 'Report on the Social Effects of Gambling in the Ashburton District' is provided for further information on the state of class 4 gambling both locally and nationally.

***Copy of report separately attached***

Important points from the latest social impact assessment report include:

- The gambling industry in Ashburton District, as in New Zealand as a whole, appears to have reached a point of maturity with:
  - A reduction in both the number of gambling venues and gambling machines
  - Total gambling expenditure stabilising
  - Expenditure on non-casino gaming machines declining significantly in recent years
- There has been a number of new licensed premises established in Ashburton District in the last three years, with only one of these applying for a gambling venue license.
- Although problem gambling does have significant social impacts for those affected, and is more prevalent among those who gamble on gaming machines, the prevalence of problem gambling remains much lower for Ashburton District than for New Zealand as a whole.
- Ashburton District remains somewhat unique in that the community funding available from over 70% of the gaming machines in the district is controlled locally, meaning that the majority of the proceeds generated in the district for the purpose of community funding, stays in the district.

Overall the report found class 4 gambling is decreasing in Ashburton District. There remains little change in the overall impacts of gambling in the district vis-à-vis New Zealand, with Ashburton District having less negative impacts and arguably better positive impacts (in terms of the amount of funding remaining in the district).

### **Conclusion & Recommendation from the Policy Review Working Group**

The review working group found the social impact assessment report and the information provided by key stakeholders in the gambling industry did not highlight any significant change in the state of gambling in the district that would warrant a change to the policy, with local trends reflecting, or in some cases, ahead of, national trends.

Council's current gambling venue policy is based on seeking a balance, or middle-ground, between restricting the proliferation of venues and machines and ensuring that venues are not established with pokies as the main revenue stream, on the one hand; and allowing venues to offer gambling as part of their entertainment mix, on the other.

The policy review working group believe that the existing policy is achieving this balance and therefore there is no rationale for taking either a more or less restrictive approach. The working group also considered that the existing policy objectives, and principles remain relevant, and that there is no rationale to alter these at this time.

Minor drafting changes to the policy were considered, such as clarifying that references to the District Plan in the policy relate to the 2001 District Plan rather than the proposed District Plan. These changes were not considered critical to the intent of the policy or to its effective implementation and were not sufficient, therefore, to warrant changing the policy. Such changes can be addressed if and when more significant changes to the policy are proposed in a future review.

The policy review working group concluded that the Gambling Venue Policy, (2007), should remain unchanged, subject to Committee and Council approval. Please refer to attached copy of Ashburton District Council's Gambling Venue Policy. **Pages 47-51**

If the Environmental Services Committee recommends the policy remains unchanged, it is expected that Ashburton District's Gambling Venue Policy (2010) will be adopted by Council at its meeting on 12 August 2010.

#### **10.4 OPTIONS**

1. The current Gambling Venue Policy (2007) is rolled over for a further three years.
2. Make changes to the Gambling Venue Policy, and undertake an appropriate consultative process.

#### **10.5 STATUTORY IMPLICATIONS**

Section 102 (5) of the Gambling Act 2003 requires local authorities to review a class 4 gambling venue policy within three years of adoption of the current policy.

All statutory requirements relating to the review of the policy have been followed.

#### **10.6 CONSULTATION**

Key stakeholders have been invited to provide information to inform the review process.

No further consultation is required if the policy is rolled over. If the policy is amended, a consultation process meeting the requirements of the special consultative procedure as outlined in the Local Government Act 2002 would need to be undertaken.

#### **10.7 STRATEGIC LINKS**

##### **Community Outcomes**

- Outcome 5: Healthy, Active People enjoying a good quality of life in a caring and safe community.
- Outcome 6: A community with access to a variety of cultural, recreational and heritage experiences and facilities that enrich out quality of life.

#### **10.8 FINANCIAL**

There will be no financial requirements if the recommendation to roll over the policy is followed. If the recommended option is not adopted, minor costs associated with a consultation process, such as advertising, will be incurred.

##### **Prepared By**

J SCOTT  
Policy Advisor

##### **Approved By**

G THOMAS  
Community Planning Manager

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:**

**DATE:** 22 July 2010

**REPORT TO:** Environmental Services Committee

**FROM:** Town Centre Subcommittee

**SUBJECT:** Ashburton Town Centre Concept – upgrade of Baring Square

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### 11. ASHBURTON TOWN CENTRE CONCEPT PLAN – UPGRADE OF BARING SQUARE

#### 11.1 RECOMMENDATION

“That the minutes of the Town Centre Subcommittee meetings held on 29 April, 1 July and 15 July 2010, be received.”

**REPORT and MINUTES** of a meeting of the **TOWN CENTRE SUBCOMMITTEE** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 29 April 2010, commencing at 10.30 am.

**PRESENT:** Councillors J Leadley (Chair); R Kilworth, K Holmes and J Kingsbury.

Also in attendance Councillors J Burgess, P Reveley and B Tasker; Environmental Services Manager, Senior District Planner, Parks Manager, Customer Services Manager and Committee Secretary.

Boffa Miskell Consultant, Nik Kneale attended the meeting.

**APOLOGIES:** Mayor B O'Malley, Cr J Sparks (lateness)

**Sustained**

#### *Confirmation of Minutes*

“That the minutes of the Town Centre Subcommittee meeting held on 22 February 2010, be taken as read and confirmed.”

Holmes/Kingsbury

**Carried**

#### *Ashburton Town Centre Concept Plan – Upgrade of Baring Square*

Nik Kneale provided an update on the development design phase, following approval of the concept design phase in February. The next level of detail has been developed – ie how spaces work, materials, furniture and connections to the broader area.

- The plan has retained a central axis with its relationship to the four monuments
- Magnolia trees to be retained
- Activity plan – incorporates open green space, flexible use plaza, east / west axis, roadside buffer, movement spaces and pedestrian-friendly street
- Kerb extensions proposed – in front of clock tower (it's a large structure currently lacking in space around it) also signals to motorists entering centre of town, only protrudes into parking space – still to be checked by traffic engineer
- While not proposing a playground, the area is family-friendly.

### **Circulation plan**

- Details the way people will filter through the plaza without having to stay on paths.
- Free movement along all edges of square – increasing amount of pedestrian space and decreases distance to cross road (Havelock & East)
- Still propose Baring Sq East road to be two-way.

Cr Kilworth questioned the function of the kerb build-outs and asked whether it's necessary to retain all of them and if there's a less expensive way of doing that.

N Kneale explained the function is to improve the pedestrian environment – it's likely that kerbs will need to be altered / replaced as part of the work, therefore not necessarily a large expense to change alignment.

M Stevenson suggested one option would be to take out the extension opposite the church. He sees some benefit at the corners where there are greatest pedestrian flows and one at East St but perhaps the middle extension on the northern end and one outside the church could be dispensed with.

Cr Kilworth suggested that a swale type gradient be used, rather than a kerb step-down (similar to outside the Event Centre).

N Kneale agreed that would be an option but he's uncertain whether it would be more cost effective.

If a flush surface (shared space) was used, there would be a need to mitigate traffic – ie from parking on footpath etc – could use planters, bollards, wheel stops (ie obstacles to discourage vehicles). That's one of the advantages of staying with kerb line and road lower.

The only build-out on the Havelock / East Street corner will be on the existing kerb line.

Cr Holmes noted that the plan doesn't reflect the Subcommittee's earlier decision which supported paths going to either end so people don't create their own. He also asked what would be planted in the median strip along East Street.

N Kneale explained the painted median has been used to show a planting option. Planting will be low to ensure visibility. The reason is to slow traffic speed and to improve the visual connection between the square and green. He recalled discussion about the pathways but didn't come to a conclusion.

M Stevenson said that can be incorporated in a more detailed plan.

Cr Brown attended the meeting at 10.57 am.

### **Water Plan**

- Want to test whether people are open to option of alternative ways of getting rid of water (currently road surface stormwater etc into drains)
- Could be a good opportunity for Council to lead the way
- With the proposed concept design it increases the paved area of the square so could aim to have minimal run-off.
- Water feature, soft landscape (infiltration to ground), pedestrian paving (surface water passed through rain garden and into sub surface infiltration system, vehicle paving – surface water passed through sub surface filter system and into stormwater network. (An underground storage tank that could slowly filter water back without needing treatment).
- Have considered holding and reusing on site (water feature) but the feeling was that water during winter will fill the tank then either flow back to ground or into stormwater (in summer it's taken for irrigation) – it made sense to put it in ground in a controlled manner.
- Cr Tasker agreed that re-using would boost the underground aquifer. If water can be dealt with simply in this area, catchment requirements would reduce.

- J McKenzie said there could be a cost benefit – if other developers are encouraged to follow suit – an overall saving to the community in the long term because there won't be a need to receive large volumes of stormwater and treating it in another location.
- Cr Reveley said there has been water run-off from the square for a number of years and it's not causing a problem. There's little drainage under the square (blue clay).
- Cr Kilworth believes this type of collection is worth investigating.

The Subcommittee agreed to seek costings on the option of a flat surface, rather than kerb and channel.

N Kneale said there's probably less flexibility on Havelock and East St frontages where kerb & channel will likely still be required.

### **Green Plan**

- lawn (at a range of heights) raised lawn bed has added benefit of being used for seating.
- Garden bed and bedding plants – will incorporate native / exotic. Floral bed near clock tower – 6/7 metres wide. Two water features behind clock either side of path to keep symmetry.
- Cherry trees won't be replanted (they are almost past their best)
- Rain garden – site appropriate native plants to improve quality of surface water before it enters stormwater system.
- Some small scale tree (seasonal colour) around east / west axis.
- Suggested planting within private land to improve relationship between private and public space.
- Plan will need to be reviewed to determine whether the diagonal path isn't shown because of the position of the existing magnolias.

The Subcommittee suggested that narrow diagonal paths be investigated – include ability to have mobile scooter access.

Cr Kilworth suggested that one rain garden, rather than four, be constructed.

N Kneale explained that a conflict with the space will require the food stalls to face the square. The topography of the land means water flows to the south east corner. He agreed the proportion isn't yet right.

Cr Tasker suggested opening the area up more (from East Street / Havelock Street corner).

### **Shelter plan**

- raised planters, screen structures (shelter from sun and wind), small scale tree (shade – deciduous to allow sun in winter) , medium scale tree and use of existing magnolias
- Balance between providing wind / shade shelter and blocking visibility. Staggering helps – rather than creating one long wall.

J McKenzie asked whether the screen structures are to be permanent – could they be blinds that could roll down?

- Hedges have been considered but haven't been shown on the plan. All concerns raised about shelters (vandalism, maintenance , blocking visibility are valid but some sort of shelter is needed.

D Askin noted that people like 'garden rooms' and the ability to be away from the crowd.

Cr Holmes expressed concern at the plan. He recalled that the Subcommittee had approved an open space concept – with the number of trees now proposed, it's coming back now with something quite different.

Cr Leadley agreed and said the concept appears cluttered and not the concept of an open space agreed to.

Cr Tasker is uncertain about the angles of the shelter proposed – she supported the basic concept and said that if it becomes apparent in the future that shelters are needed, they can be addressed then.

Cr Kilworth said that one or two hedges would achieve the purpose of providing shelter.

Cr Kingsbury also considered that some of the ‘obstructions’ should be removed and the old plan be referred back to.

N Kneale said that since February, they have looked at the broader plan, dropping to pedestrian level. He showed the ‘eye level’ shots on the powerpoint presentation.

- Access from Havelock St (Somerset lane) would have flexible furniture – planters etc that can be moved back for big events
- Raised lawns – 3 along East St at different heights. A raised area near the magnolia could be lawn or planted. All lawns would be flat – one with ramp up but others not.

Crs Beavan and Sparks attended the meeting at 11.51 am.

D Askin spoke about the use of ramps to get mowers onto the raised lawns, as well as providing access for disabled people. He referred to the Methven Memorial Hall and said that once grass was planted, there was an immediate difference and improvement.

### **Paving materials**

- pre-empting what might happen in East St and how to integrate. Put up 3 options . paving that would eventually link to East St, hard stand paving, and central axis paving.
- Materials – to link with East St - clay paver (provides warmth) medium quality with good life span. Preference for Australian clay – more weather resistant.
- Carpet material – suitable for pedestrian – local aggregates possibly used.
- Central axis use high quality eg Timaru bluestone – possible use of recycled material (bricks/ glass).

N Kneale said the proposal is to use the spectrum of materials. The material throughout town currently is standard – that will continue to be used but with other options for treating the surface. Some existing pavers can be salvaged and re-used, although it's unlikely they have 20 years life left. (These pavers are generally around the intersections).

### **Furniture Plan**

- raised platforms, litter / recycling, cycle racks, seating, flexible space, edges that can be sat on, screens drinking fountain / bottle refilling facility.
- Lighting – off poles at back edge rather than along pathways – lighting then goes into street edges and into the space – better link. Lighting on pole has two levels (road and pedestrian). Can also install cctv on the poles.
- Feature lighting on memorials, clocktower, feature trees and aesthetic pathway lighting.

M Stevenson summarised the actions to be taken –

- Review space
- Reduce cluttering to reflect the earlier concept design (diagonal paths)
- Seek feedback on Subcommittee's preference for paving options – calculate costs for overall project using different elements, staged over a period of time.
- Report back to the Subcommittee in June / July.

The meeting concluded at 12. 22 pm.

**REPORT and MINUTES** of a meeting of the **TOWN CENTRE SUBCOMMITTEE** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 1 July 2010, commencing at 1 pm.

**PRESENT:** Councillors J Leadley (Chair), K Holmes, J Sparks and J Kingsbury.

Also in attendance Councillors J Burgess and B Tasker; Senior District Planner and Committee Secretary.

Boffa Miskell Consultant, Nik Kneale attended the meeting.

**APOLOGIES:** Mayor B O'Malley, Cr R Kilworth

**Sustained**

***Confirmation of Minutes***

"That the minutes of the Town Centre Subcommittee meeting held on 29 April 2010, be taken as read and confirmed."

Kingsbury/Holmes

**Carried**

***Ashburton Town Centre Concept Plan – Upgrade of Baring Square***

N Kneale reported that the Subcommittee's comments from 29 April have been taken on board and further feedback is now being sought on the developed design before final approval on 15 July.

It was noted that one line item had been left off the spreadsheet of costings (services) and an updated copy was tabled. The total amounts were unchanged.

Mr Kneale said the reconfigured design has less trees, the space has been opened up and seeks to incorporate the road as part of the square.

M Stevenson reported that the staff reference group met this morning where roading issues were discussed. He referred in particular to the kerb extension in front of the clock which is seen by roading staff as a possible traffic hazard.

N Kneale explained the extension will slow traffic and keep cars from parking in front of the clock. The seating on the kerb faces towards the square, giving another aspect and 'breaking' the square in half.

Council's Parks Manager has been asked to provide his comments and suggestions in writing before 15 July. The Subcommittee discussed the plan's tree layout and it was agreed that trees should be kept back from the kerb and instead planted parallel to the green areas, which are setback from the road. It was also suggested that consideration be given to planting trees that do not limit the visibility of traffic. It was noted that Council's Proposed District Plan will require 1.5m deep root barriers around trees planted in public areas, to help prevent damage being caused to paving and underground services. Council's bylaw requires trees to be trimmed up to 8ft above the ground (2.4 metres).

**Paving material**

From the Subcommittee's comments at the last meeting it was established that clay pavers would not be appropriate and preference was for local materials.

Two materials are being considered –

- 1) carpet material – suitable for pedestrian and vehicle areas, local aggregate showcased, possible permeable paving options. There would be the option to continue this along East Street and into Baring square West when it is developed;
- 2) accent the central access – quality material providing visual accent to 'carpet'. Exposed aggregate, honed, possible use of recycled material. Timaru bluestone could be used in small accent areas.

There is an option to use larger pavers than indicated on the plan (up to 1m x 600mm) but they are less effective where cross fall occurs or on undulating ground.

M Stevenson said the idea of 'banding' or stripes of paving is to break up what would otherwise be a large, monotonous paved space. There's the option to reflect local identify, eg waving lines could represent braided rivers.

Cr Brown attended the meeting at 1.30 pm.

### **Roadway**

Where previously the plan had raised platforms and kerb lines along the edge between the Square and the road on the east side of the square, this has been replaced with a flush surface between vehicle and pedestrian areas. This will signal to vehicles the need to drive with caution. N Kneale said that by addressing through traffic and incorporating traffic calming measures, vehicle numbers will be reduced. Roading staff have provided comments in the staff reference group, with matters of safety to be addressed in the next stage of design. The road will remain two lane but there will be less than 3m on each side, therefore oncoming traffic will need to give way. The option of making the road one-way was considered but decided against.

N Kneale spoke briefly about Auckland City's project where the proposal is to create areas where no delineation exists between vehicle and pedestrian space. M Stevenson said this is an example of where the two distinct views of traffic engineers and urban designers can exist.

The Baring Square plan is yet to have a traffic design prepared. This is being scoped and will be referred to an engineer to finalise.

Cr Holmes said he would prefer less green area and suggested the removal of a further section, but agreed to compromise on the basis that there will be some space gained with the road space being able to be closed off and used as part of the overall square when required.

The Subcommittee agreed with the road design configuration proposed on page 3 of the plan.

The Environmental Services Manager attended the meeting at 1.40 pm.

### **Built Screens**

The proposed screens have been removed from previous plan at the Subcommittee's request. Instead, the option of hedging has been included. Hedges will run north-south with the gardens to be planted in an east-west configuration. The floral beds have been focused in the central axis area.

The plan has taken into account the need to 'block' the view across the central axis into the alleyway between the church and the museum/gallery, while still allowing pedestrian access.

### **Small gardens**

Either raised gardens or standard gardens. Raised gardens will be at seat height (450mm).

Cr Sparks suggested that coloured lighting under the seats be added to create further interest.

J McKenzie agreed that the night time features of the square also need to be considered.

N Kneale said there had been general consensus at the last meeting on lighting. Streets and square would have lighting from poles and options for feature lighting walls and furniture can be explored.

### **Moveable furniture**

If a significant event is held in the square the expectation would be to use forklift to remove / relocate furniture (constructed with steel and concrete). For a large event there's the option to close East / Havelock Streets around the square.

M Stevenson noted that the paved area of the square will be constructed to a similar standard as the road – it will be possible for a mobile stall holder (such as the Cornish Pasty seller) to park in the square instead of on the roadside.

### **Trees**

The 'green' trees proposed will be deciduous and on a bigger scale to help achieve a better relationship between Baring Squares East and West. Cherry blossoms etc will be planted to create more interest.

N Kneale suggested that consideration be given to reflecting Ashburton's sister city relationships in the square through a choice of trees.

Cr Tasker said that this had been done in Methven where cherry blossoms from Shiozawa have been planted. It was noted that the magnolias to remain in the square are of Chinese origin. Cr Tasker also recommended that Council continues to use the flag pole on the Council Offices, rather than in the square, noting that this issue had come up for discussion in Methven where flag poles have been suggested for the new heritage centre.

Council's Parks Manager has been asked to report back on whether there are any trees in the Domain that have been planted to acknowledge sister city relationships.

### **Diagonal paths**

The reviewed plan now includes the diagonal paving on the northern end of the square, as requested by the Subcommittee.

Edge lawns adjacent to the path will be raised and the larger, central lawn will be flush. N Kneale explained that the edge lawns will be raised a step (155mm) to provide some separation from the adjacent roadside parking. Because cars park parallel to the kerb on the northern end, the central lawn will be flush.

### **Cost estimates**

Costs are estimates only and have been broken down into areas of work. The water feature is now included as part of the total cost, at the Subcommittee's request. The cost of the water feature is estimated to be \$250k.

Costs for the recommended scheme have been shown as two options – either to construct as one project or staged. The staged option recommends that work be carried out in two stages, to first complete the square, then undertake work on the edges and road spaces.

Work is yet to be priced by a contractor.

Council has funding provision to complete the design work but the LTCCP has no further funding provision over the next 9 years. It was noted that \$150k was budgeted in the 2009-10 year to complete first stage concept designs for Baring Squares East and West, and development of the second and final stages for Baring Square East. A further \$50K in this year's budget is for the Baring Square West design work which will reflect the planned work on Baring Square East.

The Subcommittee supported the changes and the revised plan, as presented today.

Comments from today's meeting will be incorporated, the plan will be further revised and a report and recommendation will be referred to the Subcommittee meeting on 15 July, seeking final approval of the developed design.

The Environmental Services Manager reminded the Subcommittee that with the design plan adopted, Council will have the ability to undertake some work if there is other infrastructural work being carried out in the area as part of Council's maintenance programme.

### ***Next Meeting***

The next meeting of the Town Centre Subcommittee will be held on Thursday 15 July 2010, commencing at 10.30 am in the Council Chamber.

The meeting concluded at 2.20 pm.

**REPORT and MINUTES** of a meeting of the **TOWN CENTRE SUBCOMMITTEE** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 15 July 2010, commencing at 10.30 am.

**PRESENT:** Councillors J Leadley (Chair), K Holmes, J Sparks and J Kingsbury.

Also in attendance Councillors J Burgess and B Tasker; Senior District Planner, Parks Manager, Environmental Services Manager (10.40 am), Customer Services Manager and Committee Secretary.

**APOLOGIES:** Mayor B O'Malley, Cr R Kilworth

**Sustained**

### ***Confirmation of Minutes***

It was noted that Cr Kingsbury had spoken about safety issues if the two trees shown on the plan facing East Street are retained in the position identified on the plans presented (1 July). Their proximity to the kerb could impact on traffic safety. Reference was also made by Cr Sparks to the need for signs warning traffic to slow down on the road to the immediate east of the square.

"That the minutes of the Town Centre Subcommittee meeting held on 1 July 2010, as amended, be taken as read and confirmed."

Kingsbury/Holmes

**Carried**

### ***Matters Arising***

#### **Trees**

D Askin confirmed that trees have been planted in the Domain in recognition of Ashburton's sister city links. These include three cherry trees representative of Shiozawa.

There are no plaques identifying the trees and this will be given further consideration.

### ***Ashburton Town Centre Concept Plan – Upgrade of Baring Square***

The Senior District Planner reported on the fundamental changes that have been made to the design report, including the removal of the two trees facing East Street, reflecting discussion at the 1 July meeting.

A financial summary was also tabled. Because of delays to the detailed design work, \$60,000 of the \$150,000 budgeted in 2009-10 has been rolled over into the 2010-11 year.

Cr Everest and the Environmental Services Manager attended the meeting at 10.40 am.

The next stage (detailed design) will involve the preparation of plans showing details on the tree species to be planted. There will be some flexibility and opportunity to discuss and make changes to the design at that time. Mr Askin said the plan proposes deciduous trees. He referred to the existing windmill palm trees (two in each corner) and the magnolia tree on the corner of Baring Square East and Cameron Street, suggesting that consideration should be given to retaining them. The palms could be removed, stored and then transplanted if necessary.

Mr Askin would prefer not to use flowering cherries but confirmed that a similar type of tree which does not cause root damage could be planted. He also spoke about the importance of retaining the flagpole in the square.

There was some discussion on whether the green area should be extended east into the area currently road. Mr Stevenson explained that there is flexibility of space with the proposed paving of the road and square being the same, however extending the green towards the church would need to be balanced against parking requirements. The intention is to retain 22 of the 23 parking spaces.

Cr Holmes asked why this was being readdressed when it was understood that the design had been signed off by staff.

M Stevenson confirmed that staff met to discuss the changes and concerns held by roading staff relating to traffic speed. This will be addressed through the next stage of detailed design. He said that it would be a policy decision if Council wanted to sacrifice parking for green space. The road is designed as two-way and as such will need to accommodate parking.

The Subcommittee supported retaining the parking as presented in the design report. It was noted that the adjacent church needs the additional parking and the design of the parks is such that it gives people the opportunity to park with a view into the square.

The Subcommittee then discussed the synergies between Baring Squares East and West but acknowledged that they are not intended to be identical. Reference was made again to whether the palms will be retained or relocated.

Mr Stevenson reminded the Subcommittee that details relating to tree specimens will be addressed at a later stage and the purpose of today's meeting is to confirm the design for Baring Square East. He referred to the overall objective of Council's town centre plan – to attract people to the town centre.

The Subcommittee supported the developed design report and agreed that it should now be costed and progressed in one stage.

Capital works have not been funded and the budget allocated will complete the developed and detailed design work. Mr Stevenson referred to the recommended option to construct in one stage, including a water feature, which has been estimated at \$2,766,181 excluding GST.

"That the report be received."

Holmes/Kingsbury

**Carried**

## 11.2 RECOMMENDATION TO COUNCIL

"That the Town Centre Subcommittee recommends to Council the adoption of the final developed design for Baring Square East, to be completed as one project so that work can commence on the final stage of a detailed design."

Holmes/Kingsbury

**Carried**

### *Parking Reserve Account*

Cr Leadley said that the possibility of using some of the parking budget where it relates work on the town centre upgrade has been raised and it may be appropriate to consider this further next year.

It was also reported that the parking study, which is currently on hold, will resume in the new term of Council. Councillors Holmes and Tasker see that the parking reserve budget should be retained for work associated with this strategy to develop parking.

### *Next Meeting*

The next meeting of the Town Centre Subcommittee will be advised.

The meeting concluded at 11.20 am.

## 12. ACTIVITY REPORTS

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### 12.1 VARIANCES REPORT – Period ending 30 June 2010

*Pages 52-56*

### 12.2 BUILDING SERVICES

#### 12.2.1 Development Contributions

Public information and the Customer Guide relating to Council's policy on Development Contributions are being reviewed to improve communication relating to when these Council charges become payable. Most customers do not welcome the opportunity to make these contributions and staff regularly spend significant time in dealing with customer objections.

The Long Term Council Community Plan sets out that contributions are payable when any of the following instances occurs:

- Application for a building consent for new build / additions – alterations / change of use
- Application to connect to council infrastructure
- Any situation where the Council reasonably believes that there is an increase in demand on service capacity.

Development Contributions relate to development that creates an increased demand for infrastructural services provided by the council and how that added demand / capacity is paid for.

#### 12.2.2 Staff

During the month the month Mark Fields, Building Services Manager, attended a training course regarding Quality Management Systems (ISO 9001) and internal auditing of Quality Management Systems.

Lindsay Barnett attended a Fire Safety training course for Building Code compliance.

A new Staff member Paul Buckley began work on 12 July. Paul is a qualified Building Official previously from Auckland area and has relocated to the area along with his family.

Another new member of staff, Philip Beck, will be starting on 2 August. Philip is a qualified Building Official coming to us from Nelson and is will be welcomed along with his wife to the district.

Robert Banks, Building Official, has tendered his resignation and will be leaving on 23 July 2010.

#### 12.2.3 Building Consents

The number of building consents issued during June was 112. This is an increase of nine building consents from the same month in the previous year. The number of applications received for the month was 109; this is a decrease of 18 applications from the same month in the previous year.

Month	Building Consents Received	Building Consents Issued	% Processed within 20 Days	Inspections Carried Out	CCC Issued within 20 Days
March	120	90	90%	454	
April	141	130	88%	392	100%
May	87	120	82.76%	464	100%
June	109	112	94.64%	428	98%

*Pages 57-66*

#### **12.2.4 Building Consent Processing Times**

The number of building consent applications processed within the 20 day timeframe has increased to levels of substantial compliance. There is still a reliance on outside contractors for processing to be able to keep numbers at an acceptable level. Over the past month approximately 40% of the building consent applications processed were completed by an outside contractor. Additional staff coming on line will see less reliance on contractors in the future.

#### **12.2.5 Project Information Memoranda (PIM's)**

There was one stand alone PIM application for a residential dwelling this month which was processed within the timeframe.

#### **12.2.6 Inspection Times**

Currently the waiting period for inspections is 2-3 days which is at an acceptable level. The number of inspections continues to be above average and one Building Official from the processing stream had to be reassigned to inspection duties on a part time basis. This also has had the effect of increasing the number of applications being sent off to be externally processed.

#### **12.2.7 BCA Accreditation**

We have received notification from IANZ that our Accreditation will continue following a satisfactory reassessment. This will be dependent reporting for three months on our Building Consent processing performance to statutory timeframes and completion of the remainder of our quality assurance programme prior to 17 October.

### **12.3 PLANNING**

#### **12.3.1 Plan Changes**

On 7 July 2010, public notification was given of the Operative Date (15 July 2010) for the following Private Plan Changes – Trevors Road (G and A McPhail), Carters Estate (Racecourse Road and Carters Road), and Village Green (J Skevington and J Ruane), and the Council's own Plan Change for Areas of Significant Nature Conservation Value. These Plan Changes have now been incorporated into the Operative District Plan.

#### **12.3.2 Resource Consents**

- **Golf Driving Range**

An application for a driving range to the south east of the golf course, on land adjacent to SH1 was granted resource consent on 24 June 2010. The application was processed by an independent consultant given the Council's position as landowner.

- **Mockford Campground**

A hearing took place on 12 May for an application to establish a camping ground and permanent accommodation on Bridge Street, Ashburton. The decision of the Independent Commissioner, Mr Bob Batty, has been received with the application being refused on the basis that the 20 relocatable units for potential permanent accommodation would be contrary to the objectives, policies and provisions of the Operative District Plan.

- **Rosebank Retirement Village**

A hearing took place on 5 July 2010 with Jane Whyte, an Independent Commissioner, hearing the application for 27 residential villas and a community centre. One submission was heard in support from Ashburton College. At the hearing the applicant sought an amendment to allow the development to be staged. A decision will follow soon.

- **Proposed Art Gallery & Museum**

A hearing has been scheduled for 10 and 11 August, with 13 August as a reserve day if required. An independent Commissioner, Mr Bob Batty, will hear the application for the proposed art gallery and museum and submissions received. This follows a pre-hearing on 19 April, which was intended to address issues raised in submissions. The report of the pre-hearing from the Chairperson, Robyn Grigg, will be circulated to all parties.

- **Brethren Church, 121 Racecourse Road**

An application for a church hall of 1151 m<sup>2</sup> for up to 644 people at 121 Racecourse Road was 'limited notified' with the period for submissions ending 2 July 2010. Five submissions have been received, four opposing the application, and therefore a hearing will take place.

- **Retirement Village, 35-37 Carters Terrace**

An application for a retirement village at 35-37 Carters Terrace has been received. The site is within the preferred route for the second bridge and is therefore being processed by consultants to ensure an independent assessment and avoiding any perceived conflict of interest.

- **Ashburton Golf Course Subdivision**

Resource consent applications have been received for a 27 lot subdivision and associated land use off Golf Links Drive. The Council is awaiting additional information before the application is accepted as complete.

Resource consent data

*Pages 67-68*

### **12.3.3 District Plan Review**

The period for submissions on the Proposed District Plan ended on 18 June with a total of 657 submissions and five late submissions. This is significantly more than predicted. The submissions are currently being summarised and will be subject to a second period of consultation when further submissions can be made on submissions made in the first round. Currently a summary of submissions is being prepared to enable the next stage of consultation to commence.

The late submissions will need to be considered at a future meeting as to whether they are accepted.

### **12.3.4 Ashburton Railway Station – resource consent to demolish**

The working party appointed by the Environment Court continues to consider viable alternate options to demolition. The parties to this appeal met on 16 June 2010 in the Court to assess progress. It was noted that agreement had not been reached to date, but that progress was being made. The Court has indicated that the appeal will be heard after 1 November 2010, or possibly early in 2011.

### **12.3.5 Proposed Natural Resources Regional Plan**

At the Environment Canterbury meeting of 24 June 2010, staff reported that decisions on submissions for chapters 4 to 8 will be released on or about 30 August 2010. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 took away the right of appeal on Policy & Plans released by ECan, therefore it would be beneficial for the territorial local authorities of Canterbury to be consulted on the content of those decisions before release. Senior ECan staff have received our request in this regard. However, Commissioner Skelton has indicated that the 6,000 pages of decisions will not be subject to any non-statutory consultation before release and that he intends for the decisions to be released / notified in September 2010.

### **12.3.6 Navigational Safety Bylaw**

ECan is to review this Bylaw, a Special Consultative Procedure was notified on 3 July 2010 with submissions closing on 13 August 2010. Staff are not aware of issues that require change in the Ashburton district, unless changes are proposed – a submission will likely be made seeking the status quo for the new bylaw in the district.

### **12.3.7 Heritage Grant Policy**

The Heritage Subcommittee met on 8 July to discuss the current grant policy for heritage buildings/ items. It was agreed that a report be presented to the next Finance and Community Services Committee and/or Council for consideration of amendments to the funding criteria. This includes a proposal to allow heritage buildings/ items in Groups A and B of the Proposed District Plan to be considered for funding, if applications are received. Also proposed is an increase to the maximum limit for a grant on an individual project from \$5,000 to \$7,000.

### **12.3.8 Regional Policy Statement (RPS) Review**

Following a meeting of senior staff from Canterbury councils in May, a request to Environment Canterbury for a joint working party to review the draft RPS was agreed. The working party comprises staff from the Regional Council and a number of territorial authorities who have reviewed and redrafted the RPS. Issues are being worked through but it is expected that when the RPS is publicly notified there will be less time and work in preparing a submission.

### **12.3.9 Planning Officer**

A new Planning Officer has been appointed who will start in the role on 19 July. The role is intended to develop the compliance and monitoring functions of the Council under the RMA while resourcing other aspects of the Planning section.

### **12.3.10 Consents Granted under Delegation**

*Pages 69*

## **12.4 REGULATORY**

### **12.4.1 Staff**

Mr William Liebisch has taken up the Environmental Health Officer position from 1 July 2010.

Adrian Humphries attended an Internal Auditing Course in preparation for changes to the Food Act and the need to audit Food Safety Plans.

### **12.4.2 Meetings**

During the reporting period meetings were held with NZ Police regarding enforcement issues; specifically regarding damage to Council property and interpretation of information gathered using surveillance cameras.

### **12.4.3 Environmental Health**

- **Food safety**

Eighteen food premises were inspected under Food Hygiene Regulations, the overall standard was good but three premises were re-inspected to enforce requirements raised on the initial inspection.

Three food premises were audited under the new food legislation and were found to be fully compliant. This food premises will now be exempt from the Food Hygiene Regulations. The other will be re-visited once it has completed the required administrative requirements.

- **Noise from Commercial Buildings**

Action was taken in relation to noise emanating from two commercial buildings which are near to residential areas. One problem has been resolved the other is still under investigation.

- **Nuisances**

- A total of 30 noise complaints were received, two noise directions were issued and one stereo seized.
- Two complaints about smoke nuisances both domestic, have been dealt with.

- **Disease**

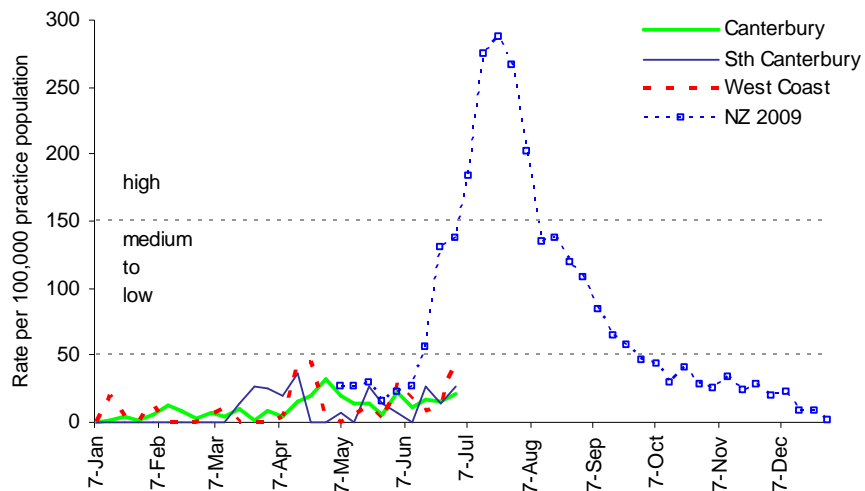
During the reporting period the following disease notifications were made from Ashburton to the District Health Board:

Disease	Number
Campylobacteriosis	9
Yersiniosis	1
Giardiasis	4
Salmonellosis	1

One group of notifications was passed on to Ashburton District Council for further investigation by the DHB. It was found that the family concerned had only eaten at home during the incubation period of the illness and not at a commercial outlet.

### Rates Of Influenza-like Illness By Sentinel Practice Surveillance In The C&PH DHBs 2010

Summary graph of influenza-like illness surveillance by 24/26 Canterbury, (including 2/2 Ashburton), 6/6 South Canterbury and 7/8 West Coast sentinel medical centres for the week ending Thursday 1 July 2010, and for New Zealand 2009.



#### 12.4.4 Liquor Licensing

Additional signs have been painted onto the pavements within the liquor ban area. NZ Police and ACADS are providing information regarding the most effective locations for these signs.

#### 12.4.5 Water and Wastewater Monitoring

Drinking water sampling indicated good results have been achieved across all public drinking water supplies in the district. One private supply has an ongoing problem with E Coli contamination; they have been advised and are taking action.

Monthly waste water monitoring is on target with no concerns reported.

#### 12.4.6 General Inspections

In the reporting period, the following activities have been undertaken:

- **Building Act 2004**

Four building warrant of fitness audits have been carried out. Council's Business Analyst is assisting with an improved business process to gain further efficiencies in how this role is conducted.

The Regulatory Enforcement Officer accompanied by the District Fire Officer visited a number of premises in Methven and Ashburton to audit building warrants of fitness ahead of the ski season.

- **Resource Management & District Planning**

An investigation is ongoing into an alleged illegal quarrying operation that a complaint has been received for.

An alleged illegal chicken farm has also been investigated.

An abatement notice was served on a business using a residential section for storage of materials and vehicles. This notice was not complied with in the required time. Two infringement notices have been served along with a further abatement notice.

- **Regulatory**

Continuous monitoring of illegal dumping hotspots and calls from the public and colleagues have lead to one infringement being issued for littering.

One infringement has also been issued under the bylaws for misuse of a litter bin.

#### 12.4.7 Trade Waste

The monitoring programme continues, graphs indicating progress are attached.

#### 12.4.8 Animal Control

- **Registration status:**

The annual breakdown is as follows:

Category - Known Dogs	Number
Dogs registered in 2008/ 2009	7038
New registrations	1263
Total	<b>8301</b>

<b>Category - Accounted for Dogs</b>	
Dogs re-registered from 2008/2009	5793
Dogs reported dead from 2008/2009	725
Dogs reported as having left District from 2008/09	457
New Registrations	1263
Total	<b>8238</b>
<b>Total Dogs Not Accounted For</b>	<b>63</b>
% of Known Dogs registered in 2009/2010	<b>99.31%</b>

- **Court Cases**

A court case is coming up on the 12 June 2010 where a dog classified as menacing bit a child on the face. The owner is being prosecuted and the dog has been put down.

- **Hearings**

One Hearing was held during the period where the defendant was ordered to pay fines and court costs. This was appealed and was heard in the Timaru Court on 31 June 2010. We are waiting for the outcome. One further Hearing was on 29 June 2010 where the decision has been deferred.

- **Dog Control Act Infringement Notices**

Fourteen infringement notices have been served from 31 May to 30 June 2010, making a total of 250 since 1 July 2009.

- **Impounding**

Twenty six dogs have been impounded from 30 June to 1 July 2010. There are currently five dogs in the pound (as at 9 July 2010).

- **Rehoming**

Five dogs have been rehomed direct to new owner between 31 May 2010 and 30 June 2010.

There is still a significant increase in the number of unclaimed dogs and puppies.

- **Euthanized**

Three dogs were euthanized due to aggressive nature. One at request of owner and two unclaimed.

- **Pro active monitoring**

In order to deal with a number of issues the animal control contractor has been instructed to target specific areas of the District for whole day visits. This continues to be effective in addressing dog control issues.

- **Signs**

Appropriate signs are now up at the Ashburton Dog Park. Review of signs for Argyle Park is underway.

- **Dog Policy 2010**

Twenty seven written submissions came in for the new dog policy. Two submitters appeared to speak.

As a result of the submissions the Hearings Panel resolved the following measures be taken:

- Council will trial for the 2011-12 registration year a discount fee for desexed urban dogs at the same cost as Selected Owner. There may be administrative problems as proof of desexing will be required, however we will work through this.
- A free micro-chipping day is planned for Ashburton and Methven. This will be for registered dogs only. We plan to combine this with an education programme with local vets and dog training organisations.

- **Dog & Stock report**

The contractors report for April is attached.

***Pages 70-73***

J McKENZIE  
**Environmental Services Manager**

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:** 6/8/1  
**DATE:** 22 July 2010  
**REPORT TO:** Environmental Services Committee  
**FROM:** District Licensing Agency  
**SUBJECT:** Unconfirmed minutes of 10 June meeting

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### 13. ASHBURTON DISTRICT LICENSING AGENCY

**MINUTES** of a meeting of the **ASHBURTON DISTRICT LICENSING AGENCY** held on Thursday 10 June, 2010, in the Council Chamber, 5 Baring Square West, Ashburton, commencing at 10.02 am.

**PRESENT:** Councillors J Burgess (Chair); J Kingsbury, and J Sparks; C Clark and S Newton (Community Public Health); Senior Sergeant G Russell (Police)  
In attendance Licensing Secretary, J Rollinson; Licensing Inspector, A Batcheler; Regulatory Manager, A Humphries, and Committee Secretary.

**APOLOGIES:** Crs P Reveley and J Leadley **Sustained**

#### Confirmation of Minutes – 25 February 2010

"That the minutes of the Ashburton District Licensing Agency meeting held on Thursday 25 February 2010, be taken as read and confirmed."

Sparks/Kingsbury **Carried**

#### *Matters Arising*

##### Liquor ban signage

A Humphries reported that pavement signs will be upgraded and maintained to ensure they remain legible. Additional hard signs have been constructed and will be erected once locations have been confirmed. It was noted that the liquor ban area extends to the West Street car park and new signs will be put in place there.

#### *Reports*

"That the Community Public Health, Police and Licensing Inspector's reports be received."

Kingsbury/Sparks **Carried**

#### *Community Public Health Report*

##### Proposed off licence application in Allenton

C Clark spoke about her concerns with the proposal to establish a new liquor outlet in Allenton, and referred to a similar application which was declined by the Liquor Licensing Authority in 2009 (B&D Co 2008 Ltd). In that case consideration was given to the effect on neighbouring land use when the issue become one of major concern for that community. A report of that decision was attached.

Cr Kilworth attended the meeting at 10.10 am.

### **Alcohol Accord**

Accord members have been undertaking a review which should be completed in July.

Councillors who took part in the early morning CBD 'walkabout' in April to look at street cleaning issues will be updated further.

### **Controlled purchase operation**

A CPO was carried out in April where 17 premises holding off-licences were visited. No sales to minors were observed.

## ***Police Report***

### **Liquor ban**

Senior Sergeant Russell reported that the liquor ban continues to be breached most weekends. Breaches are dealt with through the Court and, on occasions, by warnings. A total of 32 arrests and 42 warnings have resulted in the year to date. In the same period 208 drinking driving offences have been dealt with.

Licensed premises are checked by uniformed staff on a regular basis and Police are finding that the Alcohol Accord is working very well.

Police are trialling first time breaches of the liquor ban using Council's bylaw to issue infringements. To date, no infringements have been issued.

### **Staffing**

The new community constable position will take effect in two weeks. The role of the community constable is to assist with alcohol harm reduction. Senior Sergeant Russell explained that licensing officers have been replaced with 'alcohol harm reduction officers'.

## ***Licensing Inspector's Report***

### **Liquor licences**

The Licensing Inspector reported that a number of new applications are currently being processed. The total number of current licences in the district is 115.

### **Liquor Licensing Authority**

Three applications are currently before the LLA. Two for cancellation of general managers' certificates as a result of District Court convictions. The off licence application in respect of the Hinds On-the-Spot has yet to be heard by the Authority.

### **Monitoring**

The Licensing Inspector joined Police and Community Health staff on a monitoring exercise on 24 April. While no major licensing issues were observed, two issues with intoxicated minors in the street were dealt with by the Police.

It has been noted that more licensed premises are now adopting the practice of updating tills and staff authorisations regarding ID checks.

### **Allenton Off licence**

The Licensing Inspector referred to the application for an off licence to establish a bottle store at 87 Harrison Street, in the premises previously known as Allenton Toyworld. This application attracted an unprecedented level of interest and 42 objections were received. The reasons given for objecting to the application were deemed invalid as they do not meet the requirements of Section 32 of the Sale of Liquor Act 1989. Submitters were advised that their objections cannot be considered further. They were also invited to attend today's meeting to ask questions of clarification.

The Licensing Inspector advised that the application is to be amended to ensure the hours of operation on Saturday and Sunday comply with the District Plan requirements.

The Licensing Secretary reported that he had been in discussion with the Justice Department's licensing section who would usually deal with contentious applications such as this to remove the 'pressure' from the local community. However, in discussion with the DLA Chairman it was agreed that bringing the parties together at the Agency meeting would be the preferred approach.

C Clark reported that she has been approached by members of the Allenton community who are concerned about an additional liquor outlet that will be situated near a school, kindergarten and two churches. She referred to a decision made by the LLA in 2009, which recognised that an application had become a major local issue and took into account evidence that easier access and lower prices has led to higher alcohol consumption and increased liquor abuse. C Clark strongly recommended that the Agency listen to the objectors and base its decision not just on criteria but also taking into consideration S35 of the Sale of Liquor Act.

The Regulatory Manager confirmed that s37 (50) of the Sale of Liquor Act (*regard given to neighbouring land use*) was fully considered by Licensing and Planning staff when the application was received.

Cr Burgess noted that Ashburton no longer has a stand alone bottle store and while it could be argued that liquor can be purchased and 'taken away' from the two currently licensed premises in Allenton, they are limited to only wine and beer.

He said the application complies with the legislation, and while that is under review and may change, the Agency is required to operate within that Act.

Cr Burgess said that while the views expressed are all appropriate to consider under the Sale of Liquor Act, they are not valid reasons to decline the application which meets all of the Act's requirements.

Messrs Alan Reith, Kevin Geddes and Bob Imrie attended the meeting to represent the views of the objectors to the application.

Mr Reith cited, as their main concern, the proliferation and density of liquor outlets in the Allenton complex (20% of the shops) all within close proximity to a school and kindergarten.

As St Stephens Church warden, Mr Geddes said the church opposed the application with the view that the Agency should place a constraint on hours of operation and restrict hours of sale when children are likely to be around the area.

Cr Burgess advised that the hours sought are well within the DLA licensing policy.

Mr Shah, one of the two applicants in partnership, attended the meeting.

The Licensing Inspector advised that the applicant has given assurance that the premises will not have food products, other than those deemed acceptable for an off-licence premises. It will be illegal for any unaccompanied minor to be on the premises and the applicant will undertake to have a certificated manager on site at all times the premises is open.

The applicant has also sought to amend the hours of operation at the weekend. Previously application was sought for Monday to Sunday – 9am to 9pm. An earlier closing on Saturday and Sunday has been sought to comply with District Plan requirements.

Mr Shah said that he was unaware of the concerns of the neighbours until he was advised by the Licensing Inspector yesterday. He gave assurance that the business will operate within the terms of its licence and also noted that while the application is for a 9 am opening, it is generally intended to open at the later time of 10.30 am / 11 am. Signage will be minimal and non-promotional.

Senior Sergeant Russell confirmed that the Police do not oppose the application.

“That Allenton Liquor’s application to amend the hours of operation on Saturday and Sunday be granted to allow operation between the hours of 9.00 am and 5.00 pm.”

Burgess/Kingsbury

**Carried**

Mr Geddes asked how the behaviour of people around the premises will be monitored and whether a liquor ban could be applied.

Cr Burgess acknowledged the concern but doesn’t believe it will be an issue in this situation as the premises will be closed earlier than the time when intoxication and nuisance behaviour can generally be expected to occur.

Senior Sergeant Russell said the applicant will be part of the Police monitoring programme along with other licensed premises and, if any problems arise, the premises will be more closely observed.

“That Allenton Liquor’s application for an on-licence, with the hours of operation as amended, be granted.”

Burgess/Kingsbury

**Carried**

***Next Meeting***

The next meeting of the District Licensing Agency will be held on Thursday 22 July, 2010.

The meeting concluded at 11.02 pm.