



# Ashburton District Council

## AGENDA

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

**Date:** Thursday 2 September 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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27 August 2010

## 5. ACTIVITY REPORTS

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### 5.1 VARIANCES REPORT

– Period ending

*Pages 17-26*

The graphs included in the agenda now cover a financial year as opposed to a calendar year.

### 5.2 BUILDING SERVICES

#### 5.2.1 Staff

The Building Services Manager attended a workshop for the review of Earthquake Prone Building Policy and the Senior Building Officials Forum.

#### 5.2.2 Building Consents

The number of building consents issued during July was exactly 100. This is a decrease of six building consents from the same month in the previous year. The number of applications received for the month was 89; this is an increase of nine applications from the same month in the previous year.

#### 5.2.3 Building Consent Processing Times

Month	Building Consents Received	Building Consents Issued	% Processed within 20 Days	Inspections Carried Out	CCC Issued within 20 Days
May	87	120	82.76%	464	100%
June	109	112	94.64%	428	98%
July	89	100	97%	418	100%

The number of building consent applications processed within the 20 day timeframe continues to improve and is expected to be maintained in the future. The reliance on outside contractors for processing has decreased due to additional staff being employed. Processing applications in house will provide an even greater consistency and oversight during the process. *Pages 27-37*

#### 5.2.4 Project Information Memoranda (PIM's)

There were six applications for PIM only during the month of July with 100% being processed within the statutory timeframes.

#### 5.2.5 Inspection Times

Currently the waiting period for inspections is 2-3 days which is at an acceptable level. Any inspections which have been considered as urgent are addressed on a case by case basis and can generally be expedited.

#### 5.2.6 Certificates of Acceptance

There were no new Applications for Certificates of Acceptance for July.

#### 5.2.7 Building Act Review

The Government has released the proposals for changes to the Building Act 2004. Included in the review it is intended to clarify accountabilities and responsibilities surrounding building work, introduce required contracts for some work, and exempt a broader range of minor work from the requirements of a building consent.

There is also a future consideration noted that to increase consistency throughout the building consent process that there be some type of reduction in the number of building consent authorities from the current 75 BCA's. This is to be considered during the first half of next year.

## 5.3 PLANNING

### 5.3.1 Resource Consents

- **Mockford Campground**

The decision of an Independent Commissioner, Mr Bob Batty to refuse an application for a campground and 20 re-locatable units on Bridge Street, Ashburton, has been appealed to the Environment Court by the Applicant. The Council as Respondent and Mockford Investments, the Appellant have agreed to enter mediation to reduce the potential costs to the parties in having this matter heard before the court.

- **Rosebank Retirement Village**

The Independent Commissioner, Mrs Jane Whyte, appointed to hear the application for 27 residential villas and a community centre on Creek Road, Ashburton, has issued her decision, granting resource consent for a staged development of the site.

- **Proposed Art Gallery and Museum**

A hearing on the proposed Art Gallery and Museum was held on 10 and 11 August. An independent commissioner, Mr Bob Batty, adjourned the hearing for the right of reply from the Council as applicant to be submitted in writing. This followed evidence presented by submitters, the Council as Planning Authority and also the Council as Applicant. The right of reply was completed and forwarded on 13 August.

The Commissioner's decision will be issued following consideration of the application and evidence presented.

- **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 on 2 July 2010. Five submissions have been received, four opposing the application, and therefore a hearing will take place. An Independent Commissioner will hear the application on 15 September.

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

The consultants acting for the Council as Planning Authority have determined that the application for a retirement village at 35 - 37 Carters Terrace, Tinwald, should be notified to the wider public. The application was formally notified on 19 August with the period for submissions ending on 16 September 2010.

- **Ashburton Golf Course Subdivision**

Resource consent applications for a 27 lot subdivision and associated residential development off Golf Links Drive are being processed with the applications on hold awaiting further information to address officer's initial comments.

### 5.3.2 District Plan Review

The period for submissions on the Proposed District Plan ended on 18 June with a total of 657 submissions and eight late submissions being received. Submissions have been summarised with the key issues being

- Minimum lot size for a dwelling in Rural zones
- Alignment of the Rural A/ B boundary
- Alignment of the Rural A/ Residential D boundary
- Residential zoning proposed.

A second period of consultation will commence in early September with the opportunity for certain persons to make further submissions on submissions made in the first round.

### 5.3.3 Public Information Improvements

The Planning Department has recently produced

- New application forms for resource consents and certificates of compliance
- Information sheets providing an explanation for the public on

- Determining if you need resource consent and applying for resource consent
- Outdoor Advertising
- Relocating buildings

Work is also progressing on improving templates for resource consent decisions and the Council's Property and Rating database to improve the processing of applications.

### **5.3.4 Ashburton Biodiversity Action Plan**

The Action Plan is to be prepared to identify specific actions and projects for sustaining and enhancing biodiversity in Ashburton District to reflect the Canterbury Regional Biodiversity Strategy and to align with the Canterbury Water Management Strategy.

A meeting was held with the Regional Biodiversity Co-ordinator, Wayne McCallum on 25 August to discuss the relevant actions in the Regional Strategy that can be implemented at a District level and to gather information on work to date across the Region.

A working group is being established to have input into the preparation of the Action Plan, therefore ensuring it is a joint document reflecting the actions of a number of agencies in the District including Ashburton District Council, Environment Canterbury, Royal Forest and Bird Protection Society, Queen Elizabeth II National Trust, Fish and Game, Department of Conservation, Te Runanga o Arowhenua, Federated Farmers, Fonterra and Synlait.

The first meeting of the working group is to be held on 6 September following which work will progress on a draft of the Action Plan.

#### **PERFORMANCE**

The review of resource consent decisions for the 2009/10 year shows the majority (97%) were processed within the statutory timeframe. Of the 184 decisions, 98% were non-notified, with 106 or 58% being for land use consent and the remaining 78 (42%) being subdivision consents.

### **5.3.5 Consents Granted under Delegation**

*Pages 38-41*

## **5.4 REGULATORY**

### **5.4.1 Staff**

The Regulatory Manager made a presentation to the Ashburton Probus Club on the roles of the Council Regulatory Department.

### **5.4.2 Meetings**

During the reporting period meetings were held with:

- NZ Police regarding enforcement issues.
- The Mid-Canterbury Canine Obedience Club regarding education programmes for dog owners.
- The NZ Food Safety Authority regarding the new Food Act.
- A representative of St Josephs Church re pigeons.

### **5.4.3 Environmental Health**

#### **• Food safety**

Sixty one food premises were inspected, the overall standard was good but two premises were re-inspected to enforce requirements raised on the initial inspection. Twenty of the premises visited were clubs.

Two new food premises have opened in the District.

One mobile food vendor was also visited and found to be satisfactory.

- **Hairdressers**

Twenty two hairdressing premises were inspected and all were in good condition.

- **Nuisances** – the following nuisances have been dealt with:

- A total of 75 noise complaints were received, 14 Noise Directions were issued and one stereo seized.
- 1 complaint about smoke nuisance from a commercial premise has been dealt with.
- 1 complaint about chickens in town.
- 1 complaint about bees in town.
- 1 complaint about litter in a commercial area.
- 1 complaint about the actions of neighbours – being dealt with using Police assistance.
- 1 complaint relating to the condition of a residential section is being investigated.

- **Disease**

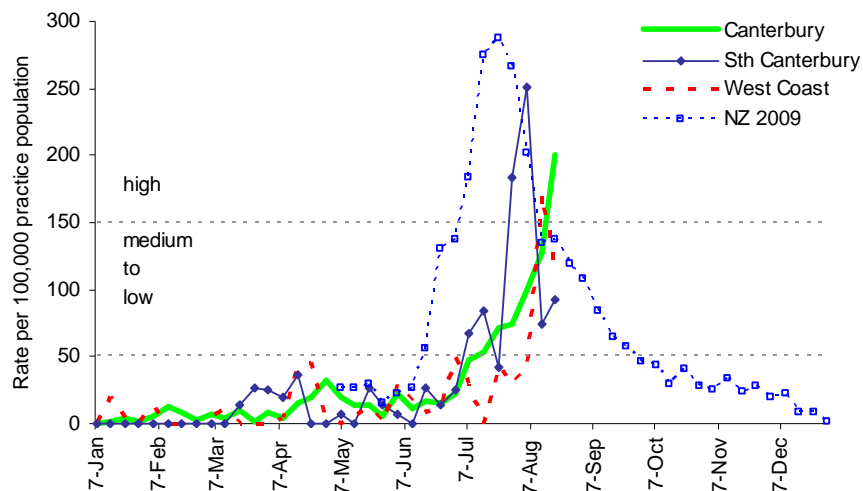
During the reporting period the following disease notifications were made from Ashburton to the District Health Board:

Disease	Number
Campylobacteriosis	4
Giardiasis	12
Salmonellosis	1
Non seasonal influenza A (H1N1)	13
Cryptosporidiosis	1
VTEC/STEC infection	2

Notifications of Giardiasis have been unusually high. An in depth investigation is being carried out by the DHB and Ashburton District Council has assisted with this.

Rates of Influenza-like Illness by Sentinel Practice Surveillance  
In The C&PH DHBs 2010  
Week ending Thursday 19 August 2010

Summary graph of influenza-like illness surveillance by 22/27 Canterbury (including 3/3 Ashburton), 4/5 South Canterbury and 6/7 West Coast sentinel medical centres.



#### 5.4.4 Liquor Licensing

Work has started with the Police, ACADs, Methven Community Board and the Methven Rodeo Committee to pre-empt potential alcohol related issues at this year's event.

#### 5.4.5 Water and Wastewater Monitoring

Drinking water sampling indicated good results have been achieved across all public drinking water supplies in the district.

The sampling of the closed landfills has been completed.

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

#### 5.4.6 Groundwater Quality Monitoring

Following discussion from the meeting of 22 July, contact has been made with ECan. We are waiting for information and it is anticipated this may be available for this meeting.

#### 5.4.7 General Inspections

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

- **Building Act 2004**

Time has been invested in catching up with processing of building warrant of fitness paperwork which had built up during staff absence.

- **Resource Management & District Planning**

An application has been received following an investigation into a chicken farm; another alleged intensive chicken farm is currently under investigation.

A complaint has been received and investigated into a breach of conditions of a resource consent. An abatement notice and a request for an application to vary conditions are in the process of being requested.

A further investigation is underway into a mining operation.

- **Regulatory**

Continuous monitoring of illegal dumping hotspots and calls from the public and colleagues has led to six infringements being issued for littering.

Sixteen infringements have been issued under bylaws, some of which have been issued by the Police for breaches to the liquor ban and for abuse of Council litterbins.

#### 5.4.8 Trade Waste

The monitoring programme continues 27 visits have been carried out since 1 July.

#### 5.4.9 Animal Control

- **Registration status:**

The annual breakdown is as follows:

<b>Category - Known Dogs</b>	<b>Number</b>
Dogs registered in 2009/ 2010	7164
New registrations	333
Total	<b>7497</b>
<b>Category - Accounted for Dogs</b>	
Dogs re-registered from 2009/2010	5200
Dogs reported dead from 2009/2010	533
Dogs reported as having left District from 2009/10	308
New Registrations	333

Total	6374
<b>Total Dogs Not Accounted For</b>	<b>1123</b>
% of Known Dogs registered in 2010/2011	<b>85.02%</b>

- **Court Cases**

Four court cases are coming up:

- Where a dog classified as menacing was not contained and charged at and bit a woman on the foot while she walking past the house. The owner is being prosecuted and the dog has been put down.
- Where a dog jumped a fence and attacked another dog being walked by mother and daughter. The victim's dog required almost \$300 of vet treatment. The offending dog has been surrendered, destroyed and the owner is being prosecuted
- Two dogs are being held at the pound until a decision is made by the Court. They are owned by two separate owners and believed to have involved in a series of cat attacks, death of a pet goat and death of pet rabbits in the Hampstead area.

- **Hearings**

One Hearing was held during the period where the defendant was ordered to pay fines and court costs. This is being appealed in the Timaru Court on 31 June 2010

Another hearing is to be held in Ashburton on 7 September where a disqualified owner is objecting to the disqualification.

- **Dog Control Act Infringement Notices**

Twenty four infringement notices have been served from 31 July to 24 August 2010 making a total of 24 since 1 July 2010.

- **Impounding**

Fifty nine dogs have been impounded from 1 July 2010. This has been a particularly busy month. There are currently five dogs in the pound (as at 23 August)

- **Rehoming**

Five dogs have been re-homed direct to new owners between 1 July 2010 and 23 August 2010.

- **Euthanized**

Two dogs were euthanized at request of owners.

- **Signs**

Signs have been produced for use around Argyle Park and the rest of the town, these will erected shortly.

- **Dog & Stock report**

The contractors report for April is attached.

**Pages 42-46**

J McKENZIE  
**Environmental Services Manager**

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:** 6/8/1  
**DATE:** 2 September 2010  
**REPORT TO:** Environmental Services Committee  
**FROM:** District Licensing Agency  
**SUBJECT:** Unconfirmed minutes of meeting held 22/07/10

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### 6. ASHBURTON DISTRICT LICENSING AGENCY

**MINUTES** of a meeting of the **ASHBURTON DISTRICT LICENSING AGENCY** held on Thursday 22 July, 2010, in the Council Chamber, 5 Baring Square West, Ashburton, commencing at 11 am.

**PRESENT:** Councillors J Burgess (Chair); J Kingsbury and J Sparks; S Newton (Community Public Health).

In attendance Crs R Kilworth, J Leadley and B Tasker; Licensing Secretary, J Rollinson; Licensing Inspector, A Batcheler; and Committee Secretary.

**APOLOGIES:** Senior Sergeant G Russell and C Clark **Sustained**

#### *Confirmation of Minutes – 10 June 2010*

"That the minutes of the Ashburton District Licensing Agency meeting held on Thursday 10 June 2010, be taken as read and confirmed."

Burgess/Kingsbury **Carried**

#### *Matters Arising*

##### Allenton Bottle Store application

Cr Burgess clarified his reference to the number of licensed premises in Allenton, noting that with the granting of the application to establish a bottle store, there will be three distinct licensed premises – the supermarket off-licence, the restaurant on-licence and, the new bottle store off-licence.

#### *Reports*

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

Kingsbury/Sparks **Carried**

#### *Community Public Health Report*

##### Controlled Purchase Operation

S Newton reported that she was part of a controlled purchase operation carried out last Friday night for premises with on-licences only. Twelve premises were visited and one sale to a minor was observed. The matter is being followed up by Police.

#### *Licensing Inspector's Report*

##### Methven Squash Club

It was noted that a representative of the Squash Club will attend the meeting at 11.30 am in support of their application to renew the Club's on-licence.

### **Mt Hutt Ski Area**

The Licensing Inspector reported that an application has been received from NZ Ski Ltd for a renewal and variation of the Mt Hutt Ski Area's on-licence. The variation is sought to permit organised trips to the "Dining with the Stars" experience at the ski field's restaurant.

The Medical Officer of Health has requested additional time to complete a report; further information was requested of the applicant on their policies and procedures. The Police and Licensing Inspector have not opposed the application. To date, interim special licences have been granted and there have been no issues of concern.

S Newton agreed to progress the matter to ensure that the application can be processed as quickly as possible.

### **Tinwald Club**

Advice has been received that the Club is to come out of recess and will operate from its bowling club premises which was previously part of the Club's licensed area. The application to renew and redefine the licence will now be processed and issued.

### **Allenton Bottle Store**

The Licensing Inspector will be visiting the new premises this week to ensure it meets requirements and the intention is to then issue the off-licence.

### **Licensed to operate on footpath areas**

Applications have been received from the managers of two licensed premises in Methven who wish to include their footpath areas within their liquor licence renewals.

A Batcheler reported that the Canterbury Hotel is licensed to operate from 7am until 3am and Delicious Methven Ltd from 7am to 1am the following day. These hours of renewal are supported by the Licensing Inspector, Police and the Medical Officer of Health, however the Police have asked for an earlier closing time for the footpath areas.

The Ashburton CBD policy for footpath seating areas allows licensed premises to operate until midnight and it was recommended that the same controls be put in place for the Methven premises. While not a reflection on the businesses, the view is that there's greater potential for disorder if drinking continues on the footpath area after midnight.

The Licensing Inspector has spoken to the managers of both premises who have accepted the recommendation and acknowledge the concerns of the Police.

It was noted that when the policy for footpath seating areas to be licensed was developed, it did not specifically include Methven, nor did it foresee applications from any of the townships for licences to operate outdoors beyond midnight.

"That the same controls that have been applied to Ashburton CBD licensed premises be applied to Methven, and that the footpath seating hours for the Canterbury Hotel and Delicious Methven Ltd be Monday to Sunday from 7 am to 12 midnight."

Kingsbury/Reveley

**Carried**

### **Methven Squash**

Mr Richard Redfurn attended the meeting at 11.25 am.

The Licensing Inspector advised that the Methven Squash Club has applied to renew their on-licence without variation to the current hours to supply and sell alcohol. The Club currently operates from Monday to Friday 6pm to 1am the following day, Saturday and public holidays from 11am to 1am the following day, and on Sundays from 3pm to 10pm. These hours exceed the Agency's policy – ie Sunday to Thursday from 9am to 10pm and Friday-Saturday from 9am to 12 midnight.

Mr Redfurn said the Club has two club league nights per week, being Wednesday and Thursday. Since a third court was built five years ago, the demand for court space has reduced. The Club has a high membership (around 90 members). On Club nights the last game scheduled is around 10pm and it's not unusual for some games to finish as late as 11.30pm.

To ensure all members are able to enjoy an after game drink, the Club is asking that the hours of operation be extended until 1am. It was noted that closing after midnight is not usual but does occur when the Club hosts 3-4 tournaments each year.

The application has received the support of the Police, Medical Officer of Health and the Licensing Inspector.

Mr Redfurn said that the Club would be happy to accept a 12.30am closing time, if that was the Agency's decision.

Mr Redfurn left the meeting at 11.40 am.

The Licensing Inspector recommended that the Agency vary its policy to allow the Club to operate until 1am from Tuesday to Saturday each week.

Cr Sparks supported this but suggested a 12.30 am closing time on Tuesdays to reinforce the message to young people that sport can be played without always being associated with alcohol.

"That the Methven Squash Club licence hours be –

Monday	6pm -10pm
Tuesday-Friday	6pm -1am
Saturday	11am -1am
Sunday	3pm -10pm

Kingsbury/Reveley

**Carried**

### **District Events**

The Big Air event at Methven and a Spring Festival have been brought to the Licensing Inspector's attention.

### **Sale of Liquor Act**

The outcome of the review of this legislation is awaited.

The Licensing Inspector has also received advice that the Rugby World Club 2011 (Empowering) Act will provide an alternative to the Sale of Liquor Act 1989 for the processing of applications for the world rugby cup event. The implications on licensing inspectors and DLAs are unclear at this stage and this will be addressed at the Licensing Conference in September. One issue is - *what constitutes a bona fide world cup event* and consensus will need to be reached nationally on this.

### **Liquor Licensing Authority**

Three applications are currently with the LLA – two for cancellation of general managers' certificates; the other relates to the Hinds On-the-Spot off-licence. A Batcheler reported that an application outside of this district (Victoria Night & Day) was appealed to the High Court on 5 July and similar applications are on hold pending the outcome of that decision. It is anticipated that there will be other stores in the district looked at when their licences come up for renewal.

### ***Next Meeting***

The Licensing Inspector will attend a conference for Liquor Licensing Inspectors on 2 September, the date scheduled for the next meeting. An alternative date for the Agency meeting will be advised.

The meeting concluded at 11.50 am.