



Ashburton District Council

AGENDA

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

Date: Thursday 19 October 2006

Time: 1.30 pm

Venue: Council Chamber
5 Baring Square West
Ashburton

B LESTER
Chief Executive

MEMBERS:

Cr R J Kilworth (Chairman)
Cr R C Beavan
Cr I J Burgess
Cr D Glass
Cr L J Leadley
Cr K L P Lowe
Cr B A Tasker
Cr M J Urquhart
Mayor M B O'Malley (ex officio)

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13 October 2006

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: LUC 060064
 DATE: 19 October 2006
 REPORT TO: Environmental Services Committee
 FROM: Senior Planner
 SUBJECT: Resource Consent Application by Ireland Developments Ltd

5. APPLICATION LUC 06/0064 – IRELAND DEVELOPMENTS LTD*Pages 61-81***5.1 SUMMARY**

Applicant: Ireland Developments Ltd
Site location: 122 -124 Harrison St, Ashburton
Legal description: Lot 7 DP 367294
Description of application: To establish and operate a purpose built education and childcare facility with a floor area of 502m² and ancillary outdoor activity and vehicle parking areas on a combined site total of 1851m².
Zoning: Residential
Status of activity: Non-complying

5.2 RECOMMENDATION

“That application LUC 06/0064, being consent to establish and operate a purpose built education and childcare facility with a floor area of 502m², and ancillary outdoor activity and vehicle parking areas at 122-124 Harrison Street, be granted subject to the following conditions: The consent is to proceed in general accordance with the plans and details included with the application dated 28 July 2006.

1. The numbers of children enrolled at this facility shall not exceed 60 at any given time.
2. The hours of operation for the facility shall not exceed 7.00 pm to 6.00 pm, Monday to Friday. The facility shall not open at weekends or public holidays.
3. A solid 2 metre high fence shall be constructed and maintained along the northern and eastern boundaries of Lot 7, DP367294 with a minimum of 25mm thick overlapping “board-batten” fencing.
4. The consent holder shall provide evidence that all necessary consents have been obtained from Environment Canterbury with respect to the disposal of stormwater from the subdivision. If consents are not required the consent holder shall provide written evidence from Environment Canterbury to this effect.
5. The Ashburton District Council may, within 20 working days following each anniversary of the granting of this consent, serve notice of its intention to –

- a. Review the condition of this consent for the purposes of dealing with any adverse effects on the environment that may arise from the exercise of this consent in regard to effects on the surrounding environment from the frequency and duration of the activity for which consent has been granted. The actual and reasonable costs of conductions such a review shall be payable by the consent holder.
- b. Carry out monitoring of the activity for the purposes of assessing compliance with the resource consent and / or dealing with any adverse effects on the environment that may arise from the exercise of this consent in regard to effects on the surrounding environment from the conduct of the activity for which consent has been granted. The actual and reasonable costs of conductions such a monitoring shall be payable by the consent holder and shall be in accordance with fees adopted by the Council from time to time.”

5.3 BACKGROUND

The applicant has provided a detailed introduction for the proposed development in their application. This application is appended to this agenda.

The proposed operator of the facility is ABC Developmental Learning Centres (NZ) Ltd who are part of the largest childcare providers in the world.

The property is located at Lot 7 DP367294, 122-124 Harrison Street, Ashburton. The total site area is some 1851m², is part of a recent seven lot subdivision of the former Woodham's Woolstore and is within the residential zone.

The surrounding land uses to the north, west and south are residential whilst the remainder to the eastern sector is Allenton Primary School.

The actual facility is an education and care facility for 60 pupils catering for 24 under two-year-olds and 36 over two year old children.

The building will be a single storey 502m² floor area building with ancillary outdoor activity areas, signage, vehicle parking and landscaping. The building itself features four classrooms, two sleeping rooms, reception and staff offices, a kitchen, bathroom and toilet facilities. The design and appearance of the building will be finished with coloursteel corrugated roofing, brick veneer finished walls and powder coated aluminium joinery.

The normal outdoor activity and utility areas will be provided which will include purposely designed play structures, sandpits with shade sail for sun protection and the garden sheds will be used for the storage of outdoor activity equipment.

It is proposed the facility will employ up to eleven full-time equivalent staff and will operate between the hours of 7.00 am to 6.00pm, Monday to Friday. This facility will be licenced by the Ministry of Education in accordance with their early childhood procedures and policies.

A combined vehicle entry and exit point from Harrison Street is provided to a 14 on-site car parks for staff and parents.

On-site fencing is provided along all boundaries to aid in mitigating effects of noise. It is proposed that acoustic fencing along both the northern and eastern boundary will consist of a 2m high, 25mm thick timber, overlapped board, batten configured design. The remaining fencing will be 2m high 25mm vertical wooden paling construction.

It should be noted that the applicant considers they cannot meet the District Plan noise standard for the residential zone of 40dBA(L1⁰). A noise assessment accompanied the application and essentially the noise standards were considered stringent for daytime noise in a residential area and consequently, this non-compliance is a zone standard in the District Plan which makes the activity non-complying.

The proposal includes some landscaping along the road frontage and eastern and southern boundaries which is anticipated to be some 2 metre wide and include a number of specimen trees proposed to be 2.5 metres high at the time of planting. Gardens are also proposed at the extreme to the building to ensure a more residential look to the exterior of the building.

A double sided sign of some 1200mm x 630mm is proposed on the Harrison Street frontage. The sign exceeds the 0.5m² permitted area for a double-sided sign as it is some 0.99m² in area. This non-compliance however is considered as a discretionary activity.

A community activity in a residential zone is considered as a full discretionary activity however the noise non-compliance makes this proposal overall a non-complying activity.

5.4 OPTIONS

The Committee has the following options:

1. to grant the consent
2. to decline the consent
3. if granting the consent it may impose conditions under Section 108 of the Resource Management Act 1991.

5.5 STATUTORY IMPLICATIONS

The Resource Management Act sets the process for considering applications for resource consents.

Section 104 – Consideration of applications

- (1) When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (b) any relevant provisions of –
 - (i) a national policy statement
 - (ii) a New Zealand coastal policy statement
 - (iii) a regional policy statement or proposed regional policy statement
 - (iv) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2) When forming an opinion for the purposes of subsection (1)(a) a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.
- (3) A consent authority must not –
 - (a) have regard to trade competition when considering an application:
 - (b) when considering an application, have regard to any effect on a person who has given written approval to the application:
 - (c) grant a resource consent contrary to –
 - (i) section 107 or section 107A or section 217
 - (ii) an Order in Council in force under section 152
 - (iii) any regulations:
 - (iv) a Gazette notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004:
 - (d) grant a resource consent if the application should have been publicly notified and was not.
- (4) Subsection 3(b) does not apply if a person has given written approval in accordance with that paragraph but, before the date of the hearing (if a hearing is held) or otherwise before the determination of the application, that person gives notice in writing to the consent authority that the approval is withdrawn.

- (5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.

Section 104D Particular restriction for non-complying activities

- (1) Despite any decision made for the purpose of Section 93 in relation to minor effects, a consent authority may grant a resource consent for a non complying activity only if it is satisfied that either –
- (a) the adverse effects of the activity on the environment (other than any effect to which Section 104(3)(b) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of –
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, Section 104(2) applies to the determination of an application for a non-complying activity.

Effects on the Environment

Section 104 of the Resource Management Act states the “consent authority” shall have regard to any actual and potential effects on the environment of allowing the activity. In considering the assessment matters set out from pages 7-128 of the District Plan and the potential effects on the environment, the Council believes the following effects require consideration.

- Amenity Effects
- Noise
- Traffic
- Signage

Amenity Effects

The building is a large 502m² floor area building on a 1851m² site which is within the maximum permitted site coverage (31%) of 35%. The building has been designed such that it would resemble a building residential in its character. Considering the elevation detail provided with the application and the proposed cladding and roofing I agree with the applicant that it would not look out of place in this location.

The key points are the building meets all relevant bulk and location standards in terms of height, recession planes, boundary setbacks and outdoor living required within a residential zone. The addition of landscaping around the site perimeter aid in providing some amenity to the site and a more attractive appearance from the road frontage.

The facility will operate from 7.00am, Monday to Friday which will create some early morning activity on-site in terms of vehicle movements and parents/caregivers and children moving to and from the building however with the carparking provided on-site to the south of the site, the adjoining Allenton School site is not considered to be adversely affected as it will not be open at this time of morning. The site of the new facility is within a seven lot subdivision of which the remaining 6 lots are all sold for new residential dwellings. As part of the consultation and limited notification process all of these landowners have been advised of the childcare facility proposal and none have expressed any objection to the proposal.

Noise

A noise assessment was provided with the application which is a typical assessment provided with similar applications such as this in residential locations throughout New Zealand. Although not stated on the Noise Assessment Report, it has been completed by qualified acoustic specialist based on knowledge and findings of similar facilities. In reading the level of detail in the assessment it can be understood that this is the case.

In summary the provision of overlapped acoustic fencing, location of the quieter under two-year-old activity area nearer to the neighbouring properties, location of outdoor play equipment, the surface of the playground being astro-turf and on-site noise control by staff the acoustic specialist states ambient noise levels (background or existing environment) will be consistent however the 40dBA requirement of the District Plan will not be able to be met. The levels of on-site noise will vary depending on weather and certain times when activities will not be outdoors during daytimes under staff control.

Traffic

A traffic assessment has been provided with the application. Like the noise assessment, the traffic impact assessment report has been based on similar childcare centres in New Zealand. In considering this Harrison Street site, of which Harrison Street is a principal road in the District Plan which can average some 6300 vehicles per day, I discussed this traffic assessment provided with the actual traffic engineer, responsible for providing the assessments at two Christchurch ABC Centres. He had reviewed this particular assessment and verified the data provided is accurate for this site.

In summary, when operating at full capacity it is anticipated that some 214 vehicle trips per day are possible. Peak drop-off times are between 7.00am-9.00am (which are considered busy traffic times with daily commuters) and estimated to be 35-40 vehicle movements per hour. A 12.00pm to 1.00pm creates a small peak traffic loading for children being picked up or dropped off for half-day childcare and the end of the day pick ups from 4.00pm onwards once again, during peak commuter traffic.

This area being so close to Allenton Primary School, does generate a lot of off-site car parking for the primary school children (8.15am-8.45am) which will coincide with the morning pre-school drop off as well. The pre-school site does provide 14 off-site car parks which exceeds the minimum District Plan requirements by two car parks but at times when the on-site car park is full there is the ability to park on Harrison Street if necessary.

From a roading impact it is not anticipated that site generated traffic will place large demand on the existing user of traffic on Harrison Street. Site visibility at this location is good with visibility good in both easterly and westerly directions, the general alignment of Harrison Street.

The Ashburton District Council's Roading Manager has been consulted about this proposal and is satisfied there are no effects that create concern to the safety and efficiency of the road network.

On-Site Signage

The sign proposed by the applicant exceeds the maximum surface area requirements for outdoor advertising in the residential zone of 0.5m² which is just under 1.0m² in area. In considering this non-compliance and the appearance of the sign (as shown on page 6 of the application) it is not considered to be obtrusive sign and can be said to meet the lettering size and scale depicted in the District Plan for a sign in a 50 km/hour zone. The

sign is considered to be a discretionary activity under the Outdoor Advertising Standards.

Other Matters

It can be said that at present there is a local demand for early childhood care in Ashburton with large waiting lists not uncommon for those existing childcare centres in operation. The applicant provides some data on page 14 of their application which demonstrates an identified need for additional childcare in Ashburton.

There would be a positive employment effect with the proposed facility employing 11 full-time staff and perhaps part time staff where necessary.

Objectives, Policies of the District Plan

The relevant objectives and policies of the District Plan are considered to be the following:

Transport – Section 3.7 of District Plan

3.7.3.1 Efficiency – Objective

1. *The efficient use of the District's existing and future transport infrastructure and of fossil fuel usage associated with transportation.*
6. *To limit congestion and has of efficiency of adjacent roads, by ensuring off-road parking and loading is provided for most activities.*
7. *To promote efficiency of road functioning, by ensuring vehicle accesses and vehicle crossing to properties are of an adequate size, location and type, depending upon the intended function of each road.*

3.7.3.5. Safety and Accessibility – Objective

2. *The maintenance and improvement of the safety and ease of pedestrian and vehicle movement throughout the District.*

Policies

5. *To ensure that convenient parking is available for people using facilities and activities throughout the District, including for use by people with disabilities*.*
6. *To preserve road safety and efficiency by ensuring that standards of road design, vehicle access, vehicle crossings, loading and parking are related to intended use of each site and the relationship to the adjoining roading classification.*

3.7.3.9 Environmental Effects of Transport

3. *Transport, which avoids, remedies or mitigates adverse effects on the surrounding environment.*

Policy

6. *To ensure adequate parking and loading provision is made in association with all activities, which is sufficient to cater for anticipated demand and avoids the adverse effects of on-street parking and loading.*

4.2.3.13 Pleasantness and Amenity – Objectives 7

7. *The location at appropriate activities within residential or rural-residential areas which benefit local communities or constitute an appropriate interim use of residential land, but do not detract from the amenities of the area.*

Policies

2. *To allow non-residential activities to establish in residential and rural residential areas, provided the activity is compatible in terms of its potential effects on residential amenity values, and in particular, does not adversely impact on residential coherence.*
6. *To ensure on-site parking and manoeuvring areas of vehicles and to limit traffic in residential areas, for the convenience and safety of residents and visitors and to maintain the residential amenity of residential streets.*

The activity to be established at this site is not anticipated to create any significant adverse effects. The proposal is not considered by Council to be inconsistent with these policies given the effects of the proposal have been assessed and found to be minor.

Consideration of Section 93 and 94 of the Resource Management Act

Section 93(1) of the Resource Management Act 1991 requires that a consent authority must notify an application for resource consent unless it is satisfied that the adverse effects of the activity on the environment will be minor.

It has been concluded that the adverse effects of the activity will be minor and therefore the application has not been notified.

Section 94(1) of the Resource Management Act provides that if notification is not required under section 93(1) the consent authority must serve notice of the application on all persons, who in the opinion of the consent authority, may be adversely affected by the activity, even if some of those persons have given written approval.

Notice has been served on all surrounding landowners in accordance with Section 94(1).

No written approvals were provided with the application and the Council considered that an activity such as this could have potential effects on some landowners and therefore notice was served for this community activity within a residential zone.

At the close of submissions on 29 September 2006, only one submission in support had been received from Allenton Primary School who did not wish to be heard. Their submission did note however a matter concerning the boundary fence. A verbal agreement had been reached that Ireland Developments would install posts, erect railings and “board and batten” timber palings at their cost and the Allenton School Board of Trustees would attach railings on our side of the fence at the school’s cost, so corrugated iron could be attached and thus continue the existing fence pattern along the boundary. This is essentially an agreement between two adjoining landowners and it is not appropriate that this particular matter should be conditional upon the consent.

Section 104(D) Assessment

This section of the Resource Management Act is a test that must be applied to applications for non-complying activities. If an application cannot satisfy the requirements of Section 104D(1)(a) or (b), then consent must be refused.

In my summary above, I have concluded that the effects of the environment of noise from an early childhood centre at the hours proposed and day time activities undertaken will be no more than minor and on balance this non-compliance will not be contrary to the relevant objectives and policies of the Plan.

In conclusion the effects of any noise will pass both the first leg of Section 104D(1) and the second leg as well. I note that even where one (or both) “gateways” are satisfied, the consent authority retains a discretion to decline consent if it considers the proposal will not achieve the purpose of the Act. For the reasons discussed earlier, it is considered that the proposal will achieve the purpose of the Act.

5.6 CONSULTATION

The proposal was processed by way of Limited Service pursuant to Section 94(1) of the Resource Management Act. Notice was served on several landowners and only one submission in support was received. The applicant has undertaken consultation with the site owner, Ngai Tahu Property Ltd, all owner(s) of the new residential sections on Woolstore Mews and Allenton Primary School.

Council’s District Environmental Health Officer has made comments on the proposal and stated.

1. All areas must comply with Section 70 of the Education Act and associated legislation laid down by the Ministry of Conservation.
2. The likely minor breach of the noise levels indicated in the District Plan is not seen as being of significance.
3. Glazing throughout must comply with the NZ Building Code – Grade A or B.
4. Play equipment and surrounding surfaces must comply with the standards laid down by Standards NZ (new 2005).
5. Kitchen areas must comply with the requirements of the Food Hygiene Regulations 1974.

5.7 STRATEGIC LINKS

Environment Canterbury’s Proposed Natural Resources Regional Plan –water Quality Chapter-Stormwater Management

5.8 FINANCIAL

Development Contributions will be incurred for high pressure water supply and sewage disposal and a fee for community infrastructure will also be payable. These fees will be levied at the time of building consent issue.

D HARFORD
Senior Planner

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: LUC 06/0087
 DATE: 19 October 2006
 REPORT TO: Environmental Services Committee
 SUBJECT: Proposed erection of 4 greenhouses on Section at Barrhill Village
 FROM: Assistant Planner

6. APPLICATION LUC 06/0087 – G J KING & J S PEGG, BARRHILL VILLAGE**6.1 SUMMARY***Pages 82-100*

The applicant is proposing to erect four greenhouses on a section at the corner of Birch Avenue and Poplar Avenue, Barrhill Village.

Applicant:	Gary John King & Joanne Susan Pegg
Site location:	Corner Birch Avenue and Poplar Avenue Barrhill
Legal description:	Lot 28 DP 144
Description of application:	To erect a four 6metre x 18 metres steel truss style plastic covered greenhouses for the production of fruit and vegetables for local restaurants and cafes on a site at the intersection of Poplar Avenue and Birch Avenue Barrhill. The proposal, under Site Standard 7.4.5.1.17 requires that all new buildings or exterior alterations to existing buildings shall be Controlled Activities in respect of their design and appearance.
Zoning	Township
Status of activity:	Controlled

6.2 RECOMMENDATION

“That application LUC06/0087 be granted subject to the following conditions:

1. The greenhouses shall be sited on Lot 28 DP 144 and shall be 6 metres from all internal boundaries and 4.5 metres from each roadside boundary in order to comply with the District Plan rule for a building used for a farming activity.
2. That in the event of the exterior cladding (ie plastic) being torn or otherwise damaged, the cladding is to be replaced within one month or, alternatively, the total structure is to be removed.”

6.3 BACKGROUND

The applicants live in The Gatehouse which fronts to Sycamore Avenue on Lot 26 DP 144. This gatehouse was relocated to Barrhill in 1994 (Resource Consent File No 940032) and came from 61 Colombo Street, Christchurch. It was the gatehouse to Thorington Homestead. When the gatehouse was relocated to Barrhill and situated on Lot 26 DP 144, the original application stated that the intention was to utilise Lot 27 and part of Lot 26 as grazing land and plant a small orchard in this area. The gatehouse measures approximately 8.1 metres x 7.2 metres and is sited approximately 27 metres back from Poplar Avenue and 10 metres from Sycamore Avenue.

In June 2004 the Applicants were granted resource consent to erect a new barn. This has been erected. A corner of the barn is visible in the photographs attached to this report.

The Applicants are seeking resource consent to erect four 6 metre x 18 metre steel truss-style plastic covered greenhouses for the production of fruit and vegetables for local restaurant and cafes. The produce is to be sold off site.

These greenhouses are to be erected on Lot 28 DP 144 which is at the intersection of Poplar Avenue and Birch Avenue Barrhill (refer to site plan attached to this report).

Within the Township Zone section of the District Plan, Section 7.4.5.1. Site Standards – Non Notified Resource Consents (page 7-37) states:

“Resource consents in relation Barrhill shall not be notified and the written approval of affected persons need not be obtained – refer to Section 1.8 Resource Consents.”

District Plan Township Zone Rule 7.4.5.1.17 (pages 7-41 and 7-42) states:

Barrhill - *“Within the Township Zone at Barrhill all new buildings or exterior alterations to existing buildings shall be Controlled Activities, in respect of their design and appearance and residential activities shall be limited to detached residential units designed for and occupied exclusively as a single household unit.”*

The Council must grant consent for a controlled activity, but in granting its consent the Council may impose conditions.

The Council has discretion only to impose conditions in respect to design characteristics and appearance.

The purpose of this rule is to protect the historic and architectural character and form of Barrhill. The District Plan states-

“Barrhill village is unique within the District with much of its original design and form intact. Further development within the village has the potential to alter significantly the character, form and scale of the village unless there are controls to preserve its special values for future generations.”(Page 7-188)

Assessment of proposal pursuant to s. 104 of the RMA

When considering this proposal, Section 104 of the Resource Management Act 1991 instructs the Council is to have regard to its effects on the environment, the objectives and policies of the District Plan, and any other relevant matters, such as the purpose and principles of the Act and relevant plans or policy statements.

Effects on the Environment

Section 104 of the RMA states the “consent authority shall have regard to any actual or potential effects on the environment of allowing the activity”. In considering the assessment matters set out in the District Plan and the potential effects on the environment, the Council believes the following effects require consideration –

- b The degree to which the development maintains the historical form of Barrhill of separated workers cottages on small holdings. Condominium or lodge type developments are not consistent with this form.**
- c The extent to which the building forms, materials and colours are in harmony and context with the existing historical buildings. Generally, simple buildings will fit in best.**
 - i Buildings should be kept low in height so as not to dominate the church.**
 - ii Buildings should have gables or hipped roof. Large flat or low pitched roofs, mansard roofs and A-frames generally would not be appropriate.**
- d Buildings should be kept in context with the visual size and scale of the significant buildings at Barrhill. Larger buildings proposed should be visually broken into smaller units to achieve this.**
- e Building material should be compatible with the rural environment and should be plain and simple. For example, plastered or weatherboard cladding, and corrugated iron roofs would be more appropriate. Brick or Summerhill stone walls and tile profiled roofs which are more suitable to an urban environment would not be appropriate. Aluminium joinery would also generally not be appropriate.**
- f Colours on buildings should reflect the rural setting and should draw from the natural environment. The use of bright or strong colour should be restricted to small areas and should be used as an accent only.**

It is considered that the potential effects of these greenhouses or the like in Barrhill is the distraction of the historic appearance of the village particularly in respect to the Church, Old School and Schoolhouse. However the applicant’s site is at the extreme eastern corner of the village and is not visible from the Market Place where the Church, old School and Schoolhouse are located.

Further the adjoining roads are poorly formed and do not encourage vehicles into that vicinity. Also it is considered that the greenhouses will have a limited life and could be easily dismantled in the event of the site being required for a future residence.

Although the design and appearance will have some adverse effects on the historical appearance of Barrhill, these effects are minor because of the location and duration.

Council may only impose conditions to mitigate appearance and design and in this case such conditions do not seem appropriate.

The applicant’s proposal is not on the same site as their residence and therefore the greenhouses cannot be considered accessory buildings.

They have been described in the resource consent application as greenhouses for the production of fruit and vegetables for local restaurants and cafes. Therefore the proposal is for a “farming” activity which is a permitted activity within the Township Zone.

Within the District Plan Definitions a Farming Activity means

“The use of land and buildings for the primary purpose of the production of vegetative matter and/or commercial livestock, and including the packing, storage, and/or processing of the vegetative matter and/or commercial livestock produced on/in that land and buildings or on other land owned or managed by the same person(s)”.

Within the District Plan Township Zone rules farm buildings must be situated six (6) metres from all internal boundaries and 4.5 metres from roadside boundaries.

The width of Lot 28 DP 144 is approximately 34 metres wide by 52 metres in length.

Objectives and Policies of the District Plan

4.4.3.7 Barrhill - Objective 3

3. Preservation of the historical form and character of Barrhill.

Policies

1. To conserve the original planning and street pattern of Barrhill represented in its largely symmetric layout within narrow shingled avenues.
2. To conserve the significant existing buildings with associations to Wason and his ideas for Barrhill, and where feasible encouraging a return to their earlier form while otherwise recognising the need for these buildings to be used and lived in today.
3. To maintain the social significance of the church and school within the Village setting.
4. To ensure that the design and appearance of new buildings, additions or alterations to buildings and associated site development, recognise the historical scale and context of Barrhill, characterised by the small cottage, mellow organic building colours and domestic scale of buildings on small lots.

Although not strictly in accordance with the objectives and policies it is considered that greenhouses would not be repugnant. In any event the controlled activity status of this application has already determined that relevant matters have been addressed within the District Plan.

2.3 Other Relevant Matters

Part II of the Resource Management Act 1991 includes the Purpose and Principles of the Act, Matters of National Importance, and Other Matters.

It is considered that Part II of the Act is not relevant.

Consideration of Section 93 & 94

Section 93(1) of the Resource Management Act provides that a consent authority must notify an application for resource consent unless –

- (a) the application is for a controlled activity; or
- (b) the consent authority is satisfied that the adverse effects of the activity on the environment will be minor.

The application is for a “controlled” activity.

Section 94B (3) (b) A person in relation to a controlled or restricted discretionary activity must not be treated as being adversely affected if the adverse effects of the activity on the environment do not relate to a matter specified in the plan or proposed plan as a matter for which – (i) control is reserved for the activity; or (ii) discretion is restricted for the activity.

The Council’s consideration is restricted to “design” and “appearance”.

Section 94D (3) of the Resource Management Act provides that a consent authority is not required to serve notice of an application for a resource consent for a controlled or restricted discretionary activity if a rule in a plan or proposed plan expressly provide that notice of such applications does not need to be served.

The District Plan expressly states that notice of such an application does not require to be served. However, despite this condition, the applicants did consult with the residents of Barrhill and their application was accompanied by written approvals from the following:

1	Danny Wood	7 Birch Avenue	Barrhill	Lot 13 DP 144
2	Gail King	7 Birch Avenue	Barrhill	Lot 13 DP 144
3.	Margaret Nell	8 Sycamore Avenue	Barrhill	Lot 11 DP 144
4.	Doreen Joy Nell	8 Sycamore Avenue	Barrhill	Lot 11 DP 144
5.	Malcolm Nell	8 Sycamore Avenue	Barrhill	Lot 11 DP 144
6.	George Nell	8 Sycamore Avenue	Barrhill	Lot 11 DP 11
7.	Chris King	7 Birch Avenue	Barrhill	Lot 13 DP 144
8.	Simon Hempseed	9 Sycamore Avenue	Barrhill	Lot 5 DP 144
9.	Kathleen Hempseed	9 Sycamore Avenue	Barrhill	Lot 5 DP 144
10	Alan Tinkler	6 Oak Avenue	Barrhill	Lot 1, 2, 3, 4 DP 144
11	Scott Tinkler	6 Oak Avenue	Barrhill	Lot 1, 2, 3, 4 DP 144
12	Suzanne Tinkler	6 Oak Avenue	Barrhill	Lot 1, 2, 3, 4 DP 144

Discussion about this application has been held with representatives of the New Zealand Historic Places Trust both at Regional and Local levels. They have appreciated the Council’s position in respect to the restriction of a

Controlled Activity. The Regional Office has indicated that they will be contacting Mr King to acquaint him with the NZ Historic Places Act and their interest in respect to potential archaeological sites. This is to enable recording to be done should any relics of early settlement be discovered during excavation for the building or cultivation.

C C YATES

Assistant Planner

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/1/8
DATE: 19 October 2006
REPORT TO: Environmental Services Committee
FROM: Community Consultation Manager
SUBJECT: Gambling Venue Policy Review

7. GAMBLING VENUE POLICY REVIEW**7.1 SUMMARY**

The Gambling Act 2003 requires Council to review its Gambling Venue Policy within three years of the adoption of its current policy. A subcommittee of Council has been formed to undertake the review process.

The Subcommittee has recommended that Council adopt the current Gambling Venue Policy as its draft reviewed policy for the purposes of community consultation.

7.2 RECOMMENDATION

- “1. That the Council receives the “Report on the Social Effects of Gaming Machine Gambling in Ashburton District.
2. That the the Council adopts the Statement of Proposal which includes the current Gambling Venue Policy as the draft reviewed policy for the purposes of community consultation.”

7.3 BACKGROUND

A subcommittee of Council has been formed to undertake the review process.

A “Report on the Social Effects of Gaming Machine Gambling in Ashburton District” has been presented to the Subcommittee for consideration as part of the policy review process. The Gambling Venue Policy Review Subcommittee has decided to retain the current policy in its entirety for the purposes of community consultation.

The Gambling Act 2003 requires that a review of the Gambling Venue Policy must use the special consultative procedure provisions of section 83 of the Local Government Act 2002.

7.4 OPTIONS

1. Adopt the Statement of Proposal for the purpose of community consultation.
2. Make changes to the Statement of Proposal.

7.5 STATUTORY IMPLICATIONS

The Gambling Act 2003 requires the review of Council’s Gambling Venue Policy at least every three years and requires that the review uses the special consultative procedure of the Local Government Act 2002.

7.6 CONSULTATION

The Statement of Proposal will be available for public inspection at the Ashburton District Council civic offices, Ashburton District Library, Methven i-SITE Visitor Centre, Rakaia Health, Post & Photo, and will be posted to identified key stakeholder organisations and individuals. The Statement of Proposal will also be posted on the ADC website.

A Summary of Proposal advertisement will be placed in all newspapers in the district and will be posted on the ADC website.

The community consultation period will be from 20 October 2006 to 5.00 pm on 20 November 2006.

Submitters wishing to present their submission in person will be heard in the Council Chambers on Wednesday 22 November 2006.

7.7 STRATEGIC LINKS

Community Outcomes

Outcome 5: Healthy, Active People enjoying a good quality of life in a caring and safe community.

Outcome 7: A community that contributes to improving our quality of life through democratic participation.

7.8 FINANCIAL

Not applicable.

GAVIN THOMAS

Community Consultation Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/9/44
 DATE: 19 October 2006
 REPORT TO: Environmental Services Committee
 SUBJECT: Heritage Grants
 FROM: Heritage Subcommittee (Crs Beavan, Kilworth & Tasker)

8. HERITAGE GRANTS**8.1 SUMMARY**

The purpose of this report is to allocate Heritage grants for the current financial year. Funding provision is \$28,791.

Schedule of Applications for Funding Assistance

- House at 21 Philip Street (No. 42)
- St Aidans Church Mayfield Mt Somers Anglican Parish (No. 24)

8.2 RECOMMENDATION

“1. That the Heritage grant for the current year be allocated as follows:

Peter Luxton, 21 Philip Street, Ashburton for bargeboard replacement	\$ 417.00
Mayfield-Mt Somers Anglican Parish, c/- M Jacobson, RD 5, Ashburton, \$4,177.00 for St Aidans Church, Hoods Road, Mt Somers - oiling and polyurethane of all interior stained woodwork	

2. That the balance of the unallocated funding of \$24,197 be carried over.”

8.3 BACKGROUND

On Thursday, 14 September 2006, the Council’s Heritage Sub Committee met to consider applications made for Heritage Grants.

Present: Cr Beavan (Chair), Cr Kilworth and Tasker.
 In attendance Assistant Planner, Mrs C C Yates.

The Subcommittee was mindful of the Council’s policy for Heritage grants, and in particular the following:
That the maximum individual grant be no more than 50% of the approved project or no more than \$5,000.

- *Projects must relate to items scheduled Category A in the District Plan.*
- *Projects must provide for specialised maintenance.*

Two applications were received.

- House at 21 Philip Street (No. 42 Category A with Internal and External Protection)
- St Aidans Church Mayfield Mt Somers Anglican Parish (No. 24 Category A with external protection only).

“That the sum of \$417.00 be granted to Peter Luxton for the bargeboard restoration project at 21 Philip Street, Ashburton.”

Tasker/Kilworth

Carried

“That the sum of \$4,177.00 be granted to St Aidans Church for the oiling and polyurethane of all interior stained woodwork.”

Kilworth/Tasker

Carried

The Sub-committee considered the two requests and has allocated the funds as requested, having regard to the cost of the project, the important of the Heritage item and the contribution that the proposed work will make to the conservation of the scheduled heritage item.

8.4 OPTIONS

The Subcommittee considers that its recommendation on the two applications is soundly based and fair.

However, the Subcommittee does intend to review the Heritage Policy prior to the invitation for heritage grants in 2007 for the following reasons:

1. As it is five years since the policy was adopted, the Subcommittee believes an increase in the maximum amount that can be applied for through the Heritage Grant funding should be considered.

2. The Subcommittee is also aware that changes to the Building Act in respect to earthquake strengthening associated with Change of Use applications of existing buildings could impact on heritage buildings.
3. The Subcommittee also believes that Category B buildings should now be considered for funding with or without conditions.
4. The Subcommittee believes that any Council owned heritage buildings should also be considered for funding and if so, the Policy should specify this fact.

8.5 STATUTORY IMPLICATIONS

There are no known statutory implications. The allocations of the funds are at the Council's discretion and subject to Council policy.

8.6 CONSULTATION

Every owner of a Category A heritage building was invited by formal letter from this Council to apply for a grant. This was seen as a more equitable form of consultation as opposed to a newspaper advertisement only.

8.7 STRATEGIC LINKS

The Council's Community Plan 2006/2016 provides as follows:

Page 160 Environmental Services District Planning –

Community Outcomes	Strategic Objective	How District Planning contributes
<i>A community with a strong sense of identity and heritage which welcomes new residents and encourages diversity</i>	<i>A community which recognises and preserves the cultural and social heritage of our district.</i>	<i>As part of its district planning and resource consent activities, the Council has regard to issues relating to the preservation of heritage sites and features as required by Resource Management Act and the Local Government Act</i>

8.8 FINANCIAL

Council has budgeted \$28,791 in the current year for Heritage Grants. \$4,594.00 has been allocated and the Subcommittee recommends that the balance of \$24,197.00 be carried over. *NB* Council can consider any other application before 30 June 2007 in accordance with the Policy.

C C YATES
Assistant Planner

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 5/1/8/2
DATE: 19 October 2006
REPORT TO: Environmental Services Committee
FROM: Administration Officer
SUBJECT: Road Closure – Ashburton Car Club

9. ROAD CLOSURE – ASHBURTON CAR CLUB**9.1 SUMMARY**

To recommend the temporary closure of roads in Ashburton, for the purpose of allowing the Ashburton Car Club and the Canterbury ATV Club to hold a Shingle Sprint meeting.

9.2 RECOMMENDATION

“That the following road be closed to ordinary vehicular traffic from 10.00 am to 6.00 pm on Saturday 11 November 2006, for the purpose of allowing the Ashburton Car Club and the Canterbury ATV Club to hold a Shingle Sprint meeting:

RUTHERFORDS ROAD, from Lambies Road to Boyds Road.”

9.3 BACKGROUND

The Ashburton Car Club has applied for a temporary road closure, on behalf of themselves and the Canterbury ATV Club, for the purpose of holding a Shingle Sprint meeting, on the following road in Ashburton:

- Rutherfords Road, from Lambies Road to Boyds Road.

The approved detour for traffic is as follows:

Boys Road, Arundel Rakaia Gorge Road, Prices Road, and Cox's Road, Ashburton.

This application must be considered by Council because New Zealand Motorsport, of which the Ashburton Car Club is a member, requires roads to be closed for motor sport events under the Local Government Act, as event participants may be under 15 years of age.

The Ashburton Car Club has been advised of the conditions of closure as follows:

1. Approval by this Committee.
2. No objections being upheld against the closure in response to the statutory advertisement.
3. Arrangements are to be made for a pre-event and post-event inspection with a representative from the Council's Operations Department. The inspections are to be completed within three days of the event and results of the inspections will be recorded by Council.
4. The road must be reinstated to the condition prior to the event. Any costs incurred by the Council as a result of this event, including maintenance costs or reinstatement costs, will be charged to the Ashburton Car Club. Any restoration work required is to be carried out to an arranged programme with Council.
5. Necessary arrangements are made for the tidying and clearing of the road on the closed section of the road and the disposal of any litter.

6. The Ashburton Car Club is required to arrange adequate insurance against its liability to pay damages to any person or entity in respect of any claim on account of damage to property or injury to persons where the damage or injury results from the holding of this event.
7. Provision of a Traffic Management Plan, conforming with the requirements of the Transit NZ Code of Practice for Temporary Traffic Management.
8. The Ashburton Car Club shall be responsible to ensure that the correct road signs and barricades are in place during the full period of the closure and promptly removed after the conclusion and clearance of the road.
9. The Ashburton Car Club is required to provide adequate safety marshals in distinctive clothing for the event.
10. Should weather conditions become sufficiently adverse that the road could be damaged as a result of holding the event the organisers shall take the necessary steps to protect the road. This may include delaying or cancelling the event.

The applicant has advised that the Canterbury ATV Club will also be using the closed section of road. As the applicant, the Ashburton Car Club is responsible for ensuring that the conditions of the road closure are complied with by the Canterbury ATV Club. The Canterbury ATV Club is required to arrange insurance against its liability to pay damages to any person or entity in respect of any claim on account of damage to property or injury to persons where the damage or injury results from the holding of this event. A copy of this insurance must be provided to Council prior to the event.

9.4 OPTIONS

Not applicable.

9.5 STATUTORY IMPLICATIONS

Clause 11 of the Tenth Schedule of the Local Government Act 1974 provides –

“That Council may, subject to such conditions as it thinks fit... close any road or part of a road to all traffic (e)... for any exhibition, fair, market, concert, film making, race or other sporting event or public function.”

9.6 CONSULTATION

The proposed road closure has been publicly notified in the Ashburton Guardian on Wednesday, 4 October 2006 and objections called for by 4.00 pm Wednesday 18 October 2006.

9.7 STRATEGIC LINKS

Not applicable.

9.8 FINANCIAL

Not applicable.

SHARON ROBINSON
Administration Officer

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 5/1/8/2
DATE: 19 October 2006
REPORT TO: Environmental Services
FROM: Administration Officer
SUBJECT: Road Closure – Tinwald Cycling

10. ROAD CLOSURE – TINWALD CYCLING**10.1 SUMMARY**

To recommend the temporary closure of roads in Ashburton, for the purpose of allowing Tinwald Cycling to hold the Ashburton Club and MSA / Robert Grice Furniture Christmas Criterium.

10.2 RECOMMENDATION

“That the following roads be closed to ordinary vehicular traffic from 1.30 pm to 7.30 pm on Sunday 7 January 2007, for the purpose of allowing Tinwald Cycling to hold a Christmas Criterium.

- EAST STREET, from Havelock Street to Wills Street
- HAVELOCK STREET, from East Street to Cass Street
- CAMERON STREET, from East Street to William Street
- VICTORIA STREET, from Cameron Street to Wills Street
- CASS STREET, from Havelock Street to Wills Street
- BARING SQUARE EAST, from Havelock Street to Cameron Street, Ashburton.”

10.3 BACKGROUND

Tinwald Cycling has applied for a temporary road closure, for the purpose of holding a Christmas Criterium, using the roads named above named roads.

This event is part if a series of three Criterium, including Timaru on 26 December 2006, and Waimate on 28 December 2006.

Tinwald Cycling has been advised of the conditions of closure as follows:

1. Approval by this Committee.
2. No objections being upheld against the closure in response to the statutory advertisement.
3. Arrangements are to be made for a pre-event and post-event inspection with a representative from the Council’s Operations Department. The inspections are to be completed within three days of the event and results of the inspections will be recorded by Council.
4. The road must be reinstated to the condition prior to the event. Any costs incurred by the Council as a result of this event, including maintenance costs or reinstatement costs, will be charged to the Ashburton Car Club. Any restoration work required is to be carried out to an arranged programme with Council.
5. Necessary arrangements are made for the tidying and clearing of the road on the closed section of the road and the disposal of any litter.

6. Tinwald Cycling is required to arrange adequate insurance against its liability to pay damages to any person or entity in respect of any claim on account of damage to property or injury to persons where the damage or injury results from the holding of this event.
7. Provision of a Traffic Management Plan, conforming with the requirements of the Transit NZ Code of Practice for Temporary Traffic Management.
8. Tinwald Cycling shall be responsible to ensure that the correct road signs and barricades are in place during the full period of the closure and promptly removed after the conclusion and clearance of the road.
9. Tinwald Cycling is required to provide adequate safety marshals in distinctive clothing for the event.
10. Should weather conditions become sufficiently adverse that the road could be damaged as a result of holding the event the organisers shall take the necessary steps to protect the road. This may include delaying or cancelling the event.

Tinwald Cycling have advised that they are applying to host the 2008 New Zealand Criterium Championships in 2008, the course being the same as this application.

10.4 OPTIONS

Not applicable.

10.5 STATUTORY IMPLICATIONS

Clause 11 of the Tenth Schedule of the Local Government Act 1974 provides –

“That Council may, subject to such conditions as it thinks fit... close any road or part of a road to all traffic (e)... for any exhibition, fair, market, concert, film making, race or other sporting event or public function.”

10.6 CONSULTATION

The proposed road closure has been publicly notified in the Ashburton Guardian on Wednesday, 4 October 2006, and objections called for by 4.00 pm Wednesday 18 October 2006.

10.7 STRATEGIC LINKS

Not applicable.

10.8 FINANCIAL

Not applicable.

SHARON ROBINSON
Administration Officer

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 2/22
DATE: 19 October 2006
REPORT TO: Environmental Services Committee
FROM: Administration Officer
SUBJECT: Glass Ban – Lions Club of Rakaia

11. GLASS BAN – LIONS CLUB OF RAKAIA**11.1 SUMMARY**

The Lions Club of Rakaia Inc is holding a fireworks display at the Rakaia Domain on Saturday 4 November, 2006. In order to maintain safety, for approximately 1500 attendees the Club is requesting that a glass ban be imposed from 6.00 pm until midnight on Saturday 4 November 2006.

11.2 RECOMMENDATION

“That pursuant to the provisions of Chapters 16 (A) 01.5 and 01.6 of the Ashburton District Council Bylaw 1999, a ban on the possession of glass drinking vessels and containers be imposed, from 6.00 pm to 12.00 midnight on Saturday 4 November, within the Rakaia Domain.”

11.3 BACKGROUND

The Lions Club of Rakaia has requested that a glass ban be imposed in the Rakaia Domain during the fireworks display, to maintain safety. A glass ban was imposed for this event last year.

11.4 STATUTORY IMPLICATIONS

Chapter 16 (A) 01.5 of the Ashburton District Council Bylaw 1999 provides that –

“Council may from time to time and by publicly notified resolution place a temporary ban on the possession of glass drinking vessels and containers from any public place throughout the district.”

Chapter 16 (A) 01.6 of the Ashburton District Council Bylaw 1999 provides that –

“A resolution imposing a temporary ban pursuant to clause 16 (A) 01.5 shall clearly specify and describe the public place on which a temporary ban is to be imposed and shall set out the duration of such a ban.”

Chapter 16 (A) 01.7 of the Ashburton District Council Bylaw provide that –

“Where a temporary ban on the possession of glass drinking vessels or containers from any public place has been imposed and that ban has been publicly notified there shall be displayed at that public place a notice informing the public of the time and duration of that ban.”

Glass ban notices will be provided by Council to be displayed in Methven.

11.5 CONSULTATION

The proposed glass ban has been publicly notified in the Ashburton Guardian and the Rakaia News on Wednesday 4 October, and objections called for by Wednesday 18 October 2006.

11.6 FINANCIAL

The Lions Club of Rakaia are required to pay \$172 for advertising costs.

S ROBINSON
Administration Officer

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/4/1
DATE: 19 October 2006
REPORT TO: Environmental Services Committee
FROM: Environmental Services Manager
SUBJECT: Delegations to Staff – Environmental Health Officer & General Inspectors

12. DELEGATIONS TO STAFF – ENVIRONMENTAL HEALTH OFFICERS AND GENERAL INSPECTORS**12.1 SUMMARY**

This report is intended to result in appropriate delegations being granted to staff, to empower them to act in their respective roles.

12.2 RECOMMENDATION TO COUNCIL

“That the Committee recommends to Council that it formally delegates authority to act in accordance with the provisions of the Health Act 1956, Local Government Act 2002, Resource Management Act 1991, Building Act 2004 and the Fencing of Swimming Pools Act 1987, as detailed in the attached schedule, to the following staff:

- Adrian John Humphries – Environmental Health Officer
- David McLean – Environmental Health Officer
- Alison Batchelor – Environmental Health Officer & Liquor Licensing Inspector
- Robert Alastair Banks – General Inspector & Building Official.”

12.3 BACKGROUND

With changes in staff and legislation it is important that staff hold appropriate delegations to enable them to discharge their responsibilities that are set out in their job descriptions.

12.4 OPTIONS

There are no other options available to the Council if functions under the Building Act 2004 are to be carried out.

12.5 STATUTORY IMPLICATIONS

There are significant statutory implications with this new legislation. This report is based on legal advice received by the Council to enable statutory compliance.

12.6 CONSULTATION

The Council is not required to carry out consultation in delegating normal regulatory functions.

12.7 STRATEGIC LINKS

The delegations referred to in this report enable the strategic directions of the Council to be fulfilled.

12.8 FINANCIAL

Adequate financial provision has been made for the conduct of staff functions subject to this report.

J McKENZIE
Environmental Services Manager

Updated Regulatory / Building Act Delegation

The Council delegates to the staff listed in the attached report, the following delegations:-

Environmental Health Officers to act as & in accordance with:

- 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 168 of the Local Government Act 2002.
- Has authority to enter any dwelling house, 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 Inspector under the Food Act 1981 Part 3 Sections 12 & 13.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- As an Authorised Officer under the Ashburton District Council Bylaws.

This Warrant is issued pursuant to 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.

ACTIVITY REPORTS

13. ENVIRONMENTAL SERVICES DEPARTMENT

13.1 *General*

Building consent values have continued to climb throughout 2006; the year appears set to exceed the two previous years measured on the graphs used by the department. The current level of activity appears to set to continue well into the coming year, 2007. Some large resource consent applications also relate to the building activity that we are experiencing and this has kept the staff very busy during the year.

Pages 101-105

13.2 *Reassessment of Group 2 Areas of Significant Conservation Value*

Section 6 of the Resource Management Act places the responsibility on the Council for the protection of natural and physical resources and the recognition of matters of national importance which includes –

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

At the time of preparing the District Plan in the early 1990's, the only data source for these resources came from various Crown agencies and in particular from the Department of Conservation who provided data from their Protected Natural Area programmes. These areas were known as Recommended Areas for Protection (RAPs) and the inclusion of these sites into the proposed District Plan caused a measure of concern for the rural community and in particular high country farmers. A number of submissions were lodged with the Council both in opposition and in support of these sites and the decisions of the Council in respect to these submissions were referred to the Environment Court. In or about 1997/98, the affected parties, being predominantly the high country land owners represented by Messrs Grigg and Todhunter; the Royal Forest & Bird Society, the Department of Conservation and Environment Canterbury, spent some 12 months in negotiation in order to reach agreement. This was successfully achieved and a Consent Order was referred to the Environment Court.

In order to progress the District Plan, that Consent Order contained a provision whereby any areas of significant conservation value that were in dispute because of concerns as to their values or in respect to their mapping; would be indicated on the District Plan as Group 2 sites. Uncontested sites became Group 1 sites. The District Plan in 3.1.3.3 on page 3-14 has a provision that the Group 2 sites await the confirmation of their boundaries and their values and the Council anticipates the process will be completed within a five year period after which the Council will introduce a change to the District Plan. That five year period, being from 8 October 2001, is almost expired.

Progress to date

It will be fair to say that the Council distanced itself from the high country farming community as a result of including the RAPs in the Proposed District Plan.

Early communication with the high country farming community was commenced shortly after the District Plan became operative in 2001, and was initially a matter of gaining the confidence of those persons. Council staff requested presence at meetings of the High Country Branch of Federated Farmers and a number of means of progressing the reassessment of the Group 2 sites were discussed; by and large the majority of land owners were willing to have their properties revisited as the means of clarifying matters with both the Council and its consultants.

Running parallel with the Council's process at this time was the Tenure Review of the Pastoral Leases, and around 2002/03 the representatives of the High Country Branch of Federated Farmers suggested to the Council that it might be prudent to defer visiting all of the Group 2 sites until such time as the tenure review process had progressed and there was some clear understanding of which areas of the Pastoral Leases might be returned to total Crown ownership. This was a sensible suggestion insofar that any Group 2 sites that might be contained on land in total Crown ownership could readily be moved to Group 2 sites as the Department of Conservation would have no objection to this process.

As a result of this, in 2004 or thereabouts, the Council commenced the reassessment of sites on land that was clearly not to be affected by the tenure review process.

Current Efforts

In the past few weeks the Council has sent out letters to various affected parties, being –

- i) Those groups that were initially involved in the consent order process, being the Department of Conservation, Royal Forest & Bird Society, Federated Farmers and Environment Canterbury.
- ii) Those persons whose properties have been visited and where the sites have been reassessed and re-mapped.
- iii) Those properties which have been through Tenure Review but where the Group 2 sites have not been visited.
- iv) Those properties for which a tenure review has not been completed.

The letters sent out to the various parties informs them of the process to date and the Council's intention of continuing with the reassessment. For those sites already visited and for which re-mapping has taken place, those property owners have been asked to confirm their agreement with the consultant's recommendations.

For the properties which have been through Tenure Review and have not been visited, those owners have been asked to confirm their approval for site visits.

For the properties where Tenure Review has not taken place, these land owners have been advised that the Council will be approaching them in due course and seeking consent for site visits.

Conclusion

The purpose of this report is to inform the Environmental Services Committee of the ongoing progress to resolving the issues of the Group 2 areas of significant conservation value, advising the reasons that the process has not been completed to date, ie the Tenure Review process for Crown pastoral leases; and confirming that the Council staff are continuing to progress the matter to completion.

13.3 Ashburton District Development Plan – Small Villages

A further iteration of development plans have been received for the small communities of Hinds, Mt Somers, and Barrhill. These will be assessed by staff and will soon be publicly released to the communities involved to progress consultation.

13.4 Ashburton District Development Plan – NE Ashburton

The North East Ashburton Business Area Plan Change is progressing. Soon the infrastructural design and roading solutions will be defined to the point that Boffa Miskell Ltd will be able to participate in a policy workshop with the Council. At this time I hope to hold that workshop on 1 November 2006.

13.5 Visit to Arowhenua

The Marae visit on 28 September 2006, with Te Runanga O Arowhenua, appeared to go very smoothly. The consultation and resultant sound relationship will help not only the Council, but many ratepayers that seek input from the Runanga for resource management issues.

13.6 Environment Canterbury – Natural Resources Regional Plan

Hearings on the Natural Resources Regional Plan have commenced. Council is a participant in a consortium with several Canterbury territorial local authorities that use the same planning consultancy. That consultancy is appearing at the hearings and managing the Ashburton District Council cases. Hearings will progress into 2007, when the significant Chapters of Water Quality and Water Quantity are to be heard.

13.7 Environment Canterbury – Air Plan

Environment Canterbury has indicated that the National Environmental Standards, (NES), require all regional

councils in New Zealand to ensure air quality standards prescribed in the NES are met by 2013. To this end the Ashburton District Council staff will be working with ECan staff to ensure that an acceptable process is planned and implemented to improve winter-time air quality in the Ashburton community. As this important matter evolves I will report further to the Committee.

13.8 Liquor Licensing

A meeting of the District Licensing Agency meeting will be held at 11 am on 19 October 2006. The Agency will be considering a report on the proposed Alcohol Strategy / Liquor Licensing Policy and a recommendation will be made to the Committee that a review of Council's liquor licensing policy be undertaken.

13.9 Public Health Matters

Below is a summary of the key activities carried out by the Environmental Health Department over the reporting period.

Activity	Remarks
Boulevard Day	A total of 17 food vendors were visited, the standards of food safety were variable but none were of a standard which required them to cease trading.
Mobile Shop Licensing	The system for issuing and renewing Mobile Shop licences has been investigated at length. Reminders are now sent annually to known licensees. Also a system which requires event organisers to take more responsibility for food vendors operating at their events and the possible reintroduction of itinerant traders' licences is being investigated.
Noise Complaints	Significant liaison with CHUBB has resulted in an improvement in the administration of noise complaints, issue of noise directions and seizure of equipment.
Insanitary Houses	Two houses in the District were deemed insanitary and notices to fix served upon the owners in accordance with Ashburton District Council Dangerous, Earthquake-prone and Insanitary Building Policy 2006 Section 5.4 (7).
Illegal Dumping	Liaison with ECan and other interested parties continues. ECan paid for 12 abandoned vehicles to be removed by a local scrap dealer. A meeting will be held on 18 th October to move this issue forward.

Communication	Improvements in internal communication continue. Access to information has been improved and the Proclaim system is being developed to make it more "user friendly".
Standard Operating Procedures (SOPs)	The first SOPs have been written to allow a standardised approach to tasks, these will assist standardisation of work processes and will assist at times when new or unfamiliar staff commence a task.
Training	Both EHOs attended a safe driving course.
Disease	There has been the usual increase in cases of Cryptosporidium. Predictably this has been in meat workers, farm workers and children living on farms. The potential for an education project coordinated with Canterbury Public Health will be investigated.

13.10 Animal Control

The report of Council's dog and stock control service provider for the month is attached.

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13.11 Resource Consents Granted Under Delegated Authority

Consents granted under delegation 28 August – 6 October 2006

Subdivision	Name of Applicant	Proposal	Type of Consent
SUB06/0064	RW & WE Lowe c/- NK Salter Surveying	Two lot Subdivision 36 Catherine Street Zoned Residential	Subdivision Controlled
SUB06/0065	JJ Clucas c/- David Smith Surveying	Five lot Subdivision 1221 Lismore Mayfield Road Zoned Rural B	Subdivision Controlled
SUB06/0066	DJ & JL Muir c/- Davis Ogilvie & Partners	Two lot Subdivision 38 Oxford Street Zoned Residential	Subdivision Controlled
SUB06/0068	PR Walls c/- David Smith Surveying	Two lot subdivision 1 Tarbottons Road Zoned Residential	Subdivision Controlled
	IM & JA Neumann c/- David Smith Surveying	Three lot subdivision 326 Fords Road Zoned Rural B	Subdivision Controlled

SUB06/0069			
SUB06/0070	PJ & HE Payne c/- David Smith Surveying	Four lot subdivision 514 Forks Road Zoned Rural B	Subdivision Controlled
SUB06/0079	Carr Group Investment c/- David Smith Surveying	Two lot subdivision Lismore Mayfield Road Zoned Rural B	Subdivision Controlled
SUB06/0080	RJ & LM Doyle c/- Middleton Williams	Two lot subdivision 81 Harland Street Zoned Residential	Subdivision Controlled
SUB06/0098	Dave McCrea Building c/- Davis Ogilvie & Partners	Three lot subdivision 155/157 Grove Street Zoned Residential	Subdivision Controlled
SUB06/0100	AB & SA Wright c/- Clark Land Surveyors	Boundary Adjustment subdivision 581 Thompson Track Zoned Rural B	Subdivision Controlled
SUB06/0101	TD Bennett c/- Davis Ogilvie & Partners	Four Lot Subdivision 319 Methven Chertsey Road Zoned Rural B	Subdivision Controlled
SUB06/0102	Lacmor Dairies c/- Survus Consultants	Boundary Adjustment subdivision 895 Timaru Track Zoned Rural B	Subdivision Controlled

SUB06/0104	McCaw Farming Ltd c/- David Smith Surveying	Three lot Subdivision 77 Spaxton Street Methven Zoned Residential	Subdivision Controlled
SUB06/0105	CRJ Bennett c/- David Smith Surveying	Two lot subdivision 33 Wakanui Road Zoned Residential	Subdivision Controlled

Land Use	Name of Applicant	Proposal	Type of Consent
LUC06/0065	Trustpower Limited	Certificate of Compliance for works at Highbank Station Zoned Rural B	Land Use Controlled
LUC06/0066	Salmon Tales Rakaia c/- RMG	Change of conditions to RC050045 Re Entrance Zoned Business 8	Section 127 Change of Condition
LUC06/0070	DJ and MC Schmack c/- Smitheram & Frew	Erect a dwelling in flooding low risk area 196 Tinwald Westerfield Road Zoned Rural A	Land Use Controlled
LUC06/0074	Transit New Zealand c/- Opus	Outline Plan to construct northbound/southbound passing lanes East Side SH1 5 kms south of Hinds	Outline Plan
LUC06/0075	Ashburton Regent Charitable Trust Board Consultant: N K Salter Surveying Limited	Land use consent to exceed maximum site coverage and non-compliance with outdoor living space- Peter St Ashburton Zoned Residential	Land Use Discretionary
LUC06/0078	Cooling Charles Henry, Cooling Jillian Christine	Proposed family flat at 177 Normanby Road Rakaia Sec 24 Block IV Rakaia Village Settlement. Zoned Rural A	Land Use Discretionary
LUC06/0079	Doyle Eric John, Doyle Lorna Marion Consultant: Middleton Williams And Company Limited	Proposed siting of a dwelling unit within 1.5 metres from a proposed internal boundary at 81 Harland Street Tinwald. Lot 26 DP 25454. Zoned Residential	Land Use Discretionary
LUC06/0081	Truelove Henry, Truelove Margaret Ann Consultant: Joseph Builders Limited	Proposed erection of a dwelling in a Low-Risk flooding area at 196 Tinwald Westerfield Road. Lot 3 DP 82688. Zoned Rural A	Land Use Controlled
LUC06/0082	Smith Ian Alexander Owner: Ashburton District Council	Proposed extension of a batch into the 2metre setback distance from the road at 105B Two Thumb Street Lake Clearwater. Lot 1 DP 13421. Zoned Residential	Land Use Discretionary

Panel Decisions on Resource Consent Applications

A panel consisting of Councillors Kilworth, Beavan & Tasker met to consider the following resource consent applications:

- LUC 06/0073 – The Warehouse Ltd – application for a 74m² liquor outlet within the “new Warehouse” building, Kermod Street
- LUC 06/0066 – Salmon Tales – amendment to previous resource consent condition to allow vehicle access, namely buses, from Michael Street.

Both of these applications were granted.

Limited Notified Consents

The following applications have been treated as limited notified applications:

- Cass Street Properties Ltd – expansion of existing Smith & Church Retravisio building, Kermod Street – dispensation in respect to car parking.
- Ireland Developments Ltd – application for a 60-child childcare centre, Harrison Street, Ashburton.
- Ireland Developments Ltd – application for a 75-child childcare centre, 80-82 Peter Street, Ashburton.
- D Shannon – proposed relocation of two 2 bedroom units to proposed Lot 1 fronting to Michael Street, Burrowes Road, Rolleston Street corner. Submissions on this application close 19 October 2006.

Decisions on these will be made by either by Environmental Services Committee or a Panel from the same

Committee.

Publicly Notified Consent

The following application has been publicly notified:

- Drummond and Etheridge Limited – relocate existing business including agricultural machinery sales and service and car sales – to East Street Site in the A&P Showgrounds area by the Veterinary Club. Submissions close 25 October 2006.

Hearings Held

Hearing of Objections to resource consent decisions (Section 357 of the RMA)

No hearings of objections during this period.

J MCKENZIE
Environmental Services Manager