



An ORDINARY MEETING of the ASHBURTON DISTRICT COUNCIL  
will be held as follows:

Date: Thursday 18 May 2006

Venue: Council Chamber  
5 Baring Square West  
Ashburton

Time: 1.30 pm

MEMBERS:

His Worship the Mayor, M B O'Malley  
Cr R C Beavan  
Cr N A Brown  
Cr I J Burgess  
Cr D Glass  
Cr K L Holmes  
Cr R J Kilworth  
Cr L J Leadley  
Cr K W P Lowe  
Cr D N Nelson  
Cr P W Reveley  
Cr B A Tasker  
Cr M J Urquhart

**B LESTER**  
Chief Executive

12 May 2006

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**AGENDA**

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5.1.4	Finance & Corporate Services Committee – 11/05/06 Property Matters Section 7(2)(h) Commercial activities	50
5.2	Property Matter Section 7(2)(h) Commercial activities	52
5.3	Property Matter Section 7(2)(h) Commercial activities	54

## Timetable

1.30 pm	Ordinary Meeting Commences – Opening Prayer Salvation Army – Major Fairhurst
2.45 pm	Afternoon Tea

12 May 2006

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/1  
DATE: 18 May 2006  
REPORT TO: Ordinary Meeting of Council  
FROM: Mayor

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### 4.1 MAYOR'S REPORT

#### **4.1.1 Ashburton Community Water Trust - Annual General Meeting**

Because the ACWT was still awaiting the outcome of the Barrhill Chertsey Irrigation re-consent process, the main agenda item referred to the Memorandum of Agreement between CPWT, CPW Ltd and ACWT. The Agreement formalises the taking of water that may be available from the Rakaia and that the parties to the agreement will act jointly.

#### **4.1.2 Transit New Zealand <sup>3</sup>/<sub>4</sub> 10 Year Plan**

Mr Lester and I spoke to Ashburton District Council's formal submission and our primary concerns were:

- Transit NZ consideration of the input provided by the regional Land Transport Committee when developing the Forecast.
- Lack of clear identification of and variances between the input provided by the RLTC and the content of the draft Forecast.

- The exclusion of the Racecourse Road/West Street intersection from the Forecast.
- The exclusion of a number of intersection upgrades on the State Highway through the urban area of Ashburton. The Ashburton District Council however has taken account of the transportation study currently underway.
- The exclusion of the passing lanes to the south of Ashburton.

It was pointed out that Ashburton District Council was pleased to be a partner with Transit New Zealand on the transportation study currently under way and looks forward to working with Transit on areas of common interest arising from this study and Council's Development Plan.

The Transit representation accepted our concerns.

#### **4.1.3 National Party M P**

The National M P's with a rural focus have been on a familiarisation tour during the Parliamentary break and we had the opportunity to update them on issues that impact on Ashburton. The meeting in the Rakaia Gorge included a visit to Lake Coleridge and presentations were made by A McFarlane, R Curd, E Glass, B Engelbrecht and M Lemon.

#### **4.1.4 Safer Community Council**

Tony Henderson visited and asked for my support in convening a meeting of like-minds to try and address the various forms of vandalism, prevalent in our community at present. As a community, we are conservative in nature and often reluctant to become involved in the reporting of misdemeanours. The meeting was very positive and decided to promote "Pride in our Community: and agreed to meet in 4-6 weeks to further discuss what progress had taken place.

#### **4.1.5 Principal, Ashburton College**

The retirement of Mr Digby Prosser was marked by a farewell function in which staff, students and Board of Trustees (both past and present) paid tribute to his contribution to College life over the past 23 years. Mr Prosser has clearly had a huge impact on our community during this time and actively involved himself in community affairs. I well remember my first Pool Board meeting and was surprised that he made himself available, while the Safer Community Council was another community organisation that benefited from his presence. To remain in such a demanding position for so long required a very special person and we are especially indebted to his family for the sacrifices they obviously would have had to make.

#### **4.1.6 Calendar**

Some of the meetings and functions I have attended since reporting to the last Council meeting on 6 April are as follows:

- 6 April                      Attended Ashburton Community Water Trust Meeting
- 7 April                      Visited Rakaia School to read to students as part of the School's Book Week  
Presented ADC's submission on Transit NZ's 10 year plan, with CEO
- 8 April                      Attended Ashburton Trust function – farewell to retiring Trustees
- 9 April                      Took part in Celebrity Tractor Driving event
- 10 April                     Attended Methven Community Board Meeting
- 11 April                     Hosted Advance Ashburton function for local businesses
- 12 April                     Fox FM Radio Talkback  
Attended Ashburton District Health Committee Meeting  
Guest Speaker at Rakaia Lions Club
- 19 April                     Met with representative from Ashburton Resource Centre  
Attended Hinds Public meeting on LTCCP

- 21 April Met with Hon John Carter, National Party Local Government Spokesman,  
at ADC  
Met with Duncan Storrier
- 24 April Met with Tony Henderson, Safer Community Council
- 25 April Attended Anzac Day services at 9 am and 10.45 am
- 26 April Met with representatives from Ashburton Trust  
Judging for Trustpower Awards
- 27 April Met with National MP rural delegation at Rakaia Gorge  
Attended Zone 5 & 6 Meeting in Dunedin, evening part
- 28 April Attended Zone 5 & 6 meeting in Dunedin  
Attended Mid-Canterbury Sports Awards function
- 1 May Met with Chairman of ACL  
Attended Robert Clark Trust AGM  
Met with representatives from Ashburton Business Association  
Attended Mayfield Public Meeting on LTCCP
- 2 May Attended Ashburton Resource Centre Board Meeting  
Met with Garth Bateup from Ashburton Hospital  
Attended Sport Mid-Canterbury social function  
Guest Speaker at Salvation Army Ladies' Meeting
- 4 May Met with representatives from Canterbury Opera Company  
Attended Methven Public Meeting on LTCCP
- 5 May Attended Red Cross Candle Lighting Ceremony  
Opened National Altrusa Conference in Ashburton  
Attended Zonta's fundraising evening at Regent Theatre
- 8 May Attended Ashburton Public Meeting on LTCCP
- 10 May Fox FM Radio Talkback  
Hosted meeting on vandalism issues in Ashburton at ADC  
Attended farewell function for Digby Prosser at Ashburton College
- 11 May Opened Federated Farmers Conference in Ashburton
- 12 May Welcomed SOLGM Branch Members meeting at ADC  
Visited Netherby School to read to students as part of the School's Book Week
- 13 May Attended Plunket Gala Auction Function
- 15 May Attended meeting on Methven Water Development
- 16 May Attended Stadium Trust Meeting
- 17 May Attended RDR Directors meeting  
Attended Ashburton Trust Charitable Foundation Meeting

**BEDE O'MALLEY**  
**Mayor**

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/3  
DATE: 18 May 2006  
REPORT TO: Ordinary Meeting of Council  
FROM: Chief Executive

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### 4.2 CHIEF EXECUTIVE'S REPORT

#### **4.2.1 Proposed Health (Drinking Water) Amendment Bill**

This Bill is yet to be released for submission, however we have had acknowledgement now that the science underlying the Bill may be weak in establishing a causal link between gastroenteritis and water quality. When the Bill is available, LGNZ intend to focus on risk avoidance / management / mitigation, and to ensure that consequences are well understood and communities are not disadvantaged through compliance issues and costs. This may focus on the extent to which government should be responsible for funding the services gap (capex and opex) between the acceptable community level and that required by government.

The LGNZ focus is essentially business as normal.

#### **4.2.2 Transit New Zealand 10 Year Draft Works Programme**

The Council's submission was presented in Christchurch on 7 April. The Transit Board will consider recommendations at its meeting at the end of May. It is expected Government will include roading capital in its Budget next week.

There were three further accidents (non-injury) at the East Street / West Street intersection through the Easter/ANZAC period. Transit has been advised of these.

#### **4.2.3 Road Funding**

I attended a workshop in Wellington on 10 April on road funding. There appears to be little willingness at central government level to address the inequities of the current FAR formula, even though the various reports to date indicate inequities disadvantaging rural communities with large roading networks. I am seeking access to further studies as part of a workgroup to progress this problem.

If the pie remains the same size, LGNZ is again caught in the middle. There has been a signal that a further type of 'R' funding is being considered, however the allocation of the current 'R' funding causes concern, based on a 'disconnect between messages' (Wayne Donnelly, LTNZ, Zone 5/6 meeting).

#### **4.2.4 Zone 5/6 Meeting – Dunedin, 27/28 April**

Attended by the Mayor (part), Deputy Mayor and myself (after a detour).

The minutes will be circulated when available. The LGNZ report has been circulated. Early attendance was limited due to the weather conditions (flooding).

##### • **LGNZ Report**

- Dog microchipping was the big issue. I will be presenting the resultant submission to the Local Government and Environmental Select Committee on 10 May (back to House in June).
- Glass recycling. The Ministry for the Environment is not supportive of glass deposits. They prefer a light handed approach. The Government at present is not confident on any legislative changes and is

keen to be seen as business friendly. There is a discussion on waste levies across all landfills, possibly to allocate to local authorities (50%), and contestable (50%).

- Local Government Commission. The Commission's power to alter electoral recommendations has been restrained. Two challenged decisions came out last week, one proposal included the abolition of a community board. Both territorial authority proposals were upheld.

- **Gore District Council – refundable deposits on glass bottles**

This was a similar resolution previously supported by Zone 5. There was support for this concept being progressed.

- **New Zealand Community Boards' Executive Committee**

The Committee sought support to pursue with the IRD and ACC, the levies charged on elected members' remuneration. This was supported.

- **Road Transport Forum New Zealand – Tony Friedlander**

This presentation looked at the funding of South Island roads, and the significance of road transport on regional economics. Road transport accounts for a larger share of economic activity in rural economies than for the economy as a whole. (Infometrics Report 2003). Any cost / operation change has a larger impact in regions.

Comparing	Gross Output	Value Added	Jobs
New Zealand	1.4	1.4	1.5
Bay of Plenty	1.9	1.7	1.6
Southland	2.5	2.6	2.4

- Higher freight costs encourage businesses to relocate. This now includes Melbourne and Sydney.
- 1% increase in GDP translates to 1.4 / 1.5% increase in truck activity.
- Based on Treasury estimates, freight is expected to double between 2005 and 2020.

- **Mayor's Taskforce**

An update on programmes was provided. Taskforce membership is now 94%. It was noted that youth unemployment (16-24 year olds) has reduced from 50,000 to 15,000, but is still double the rate for the general population. Total beneficiaries in this age group have reduced from 80,000 to 55,000, meaning other benefits have increased by 10,000.

- **Meridian Presentation – DC link**

The presentation refers to the Electricity Commission findings on the funding of the DC link. It is noted that 20% of the transmission are from north to south, and without the link there would be no national energy market. Meridian believes the costs should be charged to all off take customers as opposed to the Commission finding that the charges should be to the South Island generators. The EC believe this will encourage increased generation cluster to the North Island markets.

- **Secondary Futures – Chief Executive, Nicola Meek**

This is a Government funded project to create a vision for secondary education in 20 years' time. They are inviting members of the public to participate in this visioning exercise.

It can be viewed at [www.secondaryfuture.co.nz](http://www.secondaryfuture.co.nz)

- **New Zealand Army**

The army (led by Brigadier Brewer) talked about territorial activities in the South Island, and the benefits of

army training in the ordinary workplace.

• **Other presentations included:**

- Robin Dunlop / Wayne Donnelly, Ministry of Transport
- Mike Reid (LGNZ), Code of Conduct review of effectiveness
- Bruce Robertson / Dave Foster, Office of Auditor General
- John Carter, National Party Local Government spokesman
  - ¾ wanting to listen to local government and establish relationships
  - ¾ referred to the current “incremental compliance creep”
  - ¾ impact of proposed health regulations on homestays
- Mike Reid (LGNZ) on Commonwealth Local Government Forum
- Federated Farmers (Grant Bradfield) – roading
- Nigel Ingram (Department of Internal Affairs) on linkages with central government
- Extension to day light saving period. A proposal to extend the period by Nelson City was not supported. Ashburton District Council delegates were split. (1 week in Spring, 23 weeks in Autumn).

**4.2.5 Bremners Road Industrial**

A meeting with representatives was held on 9 May. Discussions were around the traffic on this road (heavy), condition of the road, the possible impact of the proposed north east industrial development. It is likely we will receive a submission to the LTCCP for this road to be upgraded.

**4.2.6 Representation Review**

The Council’s proposal for representation for the triennial elections in October 2007, was advertised on 12 April 2006, with the period for submissions closing on 10 May, 2006. No submissions have been received.

This follows a pre-consultation process late last year and further extensive publicity being given this year. Where no submissions are received on a Council’s proposal, the proposal automatically becomes the final proposal.

**4.2.7 Local Government New Zealand Conference and Annual General Meeting**

The Conference and Annual General Meeting will be held in Wellington this year from Sunday 16 to Wednesday 19 July. The Council’s suggested guidelines for a North Island Conference, are that Council be represented by the Mayor, CEO and up to two Councillors.

Crs Beavan, Holmes, Kilworth and Leadley have registered their definite interest in attending.

Since 2000 attendance has been as follows:

2000	Christchurch	Mayor, CEO, Crs Barrett, Beavan, Nelson & Stroud
2001	Wellington	Mayor, Acting CEO, Cr Leadley
2002	Rotorua	Mayor & CEO, Cr Tasker
2003	Queenstown	Mayor & CEO, Cr Kilworth
2004	Auckland	Mayor & CEO, Cr Leadley
2005	Christchurch	Mayor & CEO, Crs Holmes, Lowe & Tasker

**RECOMMENDATION**

- “1. That the Mayor, Chief Executive and Councillors ..... and .....represent the Ashburton District Council at the Local Government New Zealand Conference in 2006.
2. That the Mayor be the Presiding Delegate to vote on behalf of the Ashburton District Council at the Annual General Meeting.
3. That the Chief Executive be the Alternate Delegate to vote at the Annual General Meeting in the absence of the Presiding Delegate.”

B LESTER  
Chief Executive

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/4/1  
DATE: 18 May 2006  
REPORT TO: Ordinary Meeting of Council  
SUBJECT: Ashburton District Plan – Proposed Plan Changes No's 1 and 8 Decision  
FROM: Environmental Services Manager

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### 4.6 ASHBURTON DISTRICT PLAN – PROPOSED PLAN CHANGES N<sup>O</sup>,<sup>S</sup> 1 AND 8 DECISION

#### 4.6.1 BACKGROUND

The Ashburton District Council publicly notified four Proposed Plan Changes on 27 July 2005. These were:

- Proposed Plan Change 1 – Various minor changes
- Proposed Plan Change 3 – Geopreservation Sites
- Proposed Plan Change 4 – Heritage and Notable Trees
- Proposed Plan Change 8 – Filming

The Council gave 20 working days for people to lodge submissions in either support or opposition to the Proposed Plan Changes with the submission period closing on 31 August 2005.

Four submissions were received in relation to Proposed Plan Change 1. Of these submissions two related to the liberalisation of control over the erection of smaller buildings in the Rural C Zone – one in support and one in opposition. One of the submissions supported the change to the Rural B/C boundary and one opposed the deletion of the Tree Planting / Shading and Intersection Visibility rule. One submission supported Proposed Plan Change 8.

The Council then summarised these submissions and called for further submissions in support or opposition. Public notification for further submissions occurred on 9 November 2005 and closed 20 working days later on 9 December 2005. No further submissions were received in relation to Proposed Plan Changes 1 or 8.

Due to the significance of issues associated with Proposed Plan Change No. 3 the hearing of those submissions and further submissions is to occur separately from the submissions on Proposed Plan Changes Nos 1 and 8. Accordingly, the Council only heard those submissions relating to Proposed Plan Changes 1 and 8.

A hearing was held in the Ashburton District Council Chambers on Tuesday 7 March 2006.

#### **Proposed Plan Change No 1**

Proposed Plan Change No. 1 makes amendments to a number of provisions in the District Plan which have been grouped together as they are all considered to be of a minor nature or significance. The Council heard submissions relating to the rules applying to Smaller Buildings in the Rural C Zone, the Rural B/C Boundary and Landscape Area, and Tree Shading and Intersection Visibility.

- **RURAL C BOUNDARY AND LANDSCAPE AREA**

The Council firstly considered the change to the Rural C Boundary and the Landscape Area. The rules in the District Plan for “Areas of Significant Landscape” only apply to the Rural C Zone and the notation identifying “Areas of Significant Landscape” on the planning maps is therefore only applied to Rural C Zoned land.

The Council understood from the Council’s Planning report that Variation number 15 to the Proposed District Plan amended the boundary between the Rural B Zone and the Rural C Zone in the Mt Somers / Cavendish area. Unfortunately, at the time Variation 15 rezoned the land in the Mt Somers/Cavendish area the notation for “Area of Significant Landscape” shown on the planning map was not changed as a consequential amendment to follow the new zone boundary.

The Council noted that only one submission, from Federated Farmers Mid-Canterbury Province, had been received on this matter and that this was in support of this change.

In its deliberations the Council considered the Section 32 assessment which noted that the Proposed Change was an efficient and appropriate amendment to ensure the District Plan was correct and consistent. The Council agreed that this assessment was still valid and on this basis **accepted** the submission of Federated Farmers Mid-Canterbury Province to amend the Rural B/C Boundary line in the Mt Somers / Cavendish area.

### **Decision**

**Accept** the submission of Federated Farmers Mid-Canterbury Province to amend the Rural B/C Boundary line in the Mt Somers / Cavendish area.

- **TREE PLANTING – SHADING AND INTERSECTION VISIBILITY**

*The Council then went onto consider the Proposed Change to delete Rural Zone Site Standard 7.6.5.1.17 Tree Planting – Shading and Intersection Visibility.*

*The purpose of this rule is described in the District Plan as controlling the planting of trees to avoid the icing of road surfaces and obstruction of visibility at road intersections.*

*The Planning Report presented to Council set out the background leading to the Proposed Plan Change. The District Council had experienced some difficulty with administration of this rule which prevented the planting of any tree, regardless of species or shape, near carriageways and intersections, and was perceived as being overly controlling.*

*The Council also has a Policy that it administers under the Local Government Act for the removal of vegetation that is damaging district roads or creating a safety hazard. This Policy has been effective in assisting Council control hazardous road conditions created by trees eg, the obstruction of road signage, deterioration of road surfaces and road side drainage as well as providing for the trimming, pruning and removal of trees. This led Council to consider that the rule in the District Plan was no longer necessary.*

The Planning Report noted that the Local Government Act empowers the Council to address a wide range of issues associated with road safety.

Both the Local Government Act and the Transit Act give roading authorities the power to require trees to be removed or trimmed for traffic safety reasons. It does not, however, enable the Council to control the planting of new trees which may create future problems.

One submission opposing the Proposed Plan Change and seeking to retain the rule was lodged by Federated Farmers Mid-Canterbury Provincial District.

The Council heard evidence from Federated Farmers that removing the rule from the District Plan denied landowners the planning and appeal processes available under the Resource Management Act as well as existing use rights.

Having regard to the statutory context created by the combination of the Local Government and Resource Management Acts, the Council considered that although Council Policy could assist with existing tree related problems only the District Plan could control future land use development. On this basis the Council perceived the District Plan rule as being complementary to the Council's Policy rather than being redundant as a result of the Policy.

The Council went on to consider if a rule controlling planting at intersections was unnecessarily onerous on landowners. The Council recognized the important role of shelterbelts to farming in Canterbury and the need to balance the benefits of trees in relation to risks to road safety. Having regard to the flat topography of the Canterbury Plains with its long, straight roads, the predominance of shelter-belt planting and the cold winter temperatures the Council considered that the effects of trees causing icing is a significant issue. Driver complacency on long, straight roads and failure to see intersection or signage is also a serious traffic safety issue.

The Council placed some weight on the evidence of Federated Farmers in its decision-making. Despite the potential for the rule to "trigger" a resource consent for even minimal planting near an intersection Federated Farmers was supportive of the certainty created by the rule. This enabled farmers to make decisions and provided certainty in terms of process and rights under the Resource Management Act. By comparison, Federated Farmers considered the Local Government Act to be less "accessible" to the general public.

Having regard to this evidence and the relationship between the District Plan and administration of the Policy under the Local Government Act the Council **accepted** the submission of Federated Farmers Mid-Canterbury Provincial District to retain *Rural Zone Site Standard 7.6.5.1.17 Tree Planting – Shading and Intersection Visibility*. The Council was of the opinion that the District Plan rule did provide greater certainty in terms of the location of future tree planting and in this context was complementary to the powers of the Local Government Act to address existing problems. The Council did, however, note that even where consents were granted, if a problem was to arise at a later date that trimming or removal of trees could still be required under either Act.

### **Decision**

**Accept** the submission of Federated Farmers Mid-Canterbury Province by retaining *Rural Zone Site Standard 7.6.5.1.17 Tree Planting – Shading and Intersection Visibility*.

### **• RURAL C ZONE – SMALLER BUILDINGS**

The Council then considered the Proposed Plan Change concerned with small rural farm buildings in the Rural C Zone. The Planning Report noted that currently, all buildings in the Rural C Zone are a Controlled Activity in respect of the siting, design, and colour of the building and associated landscape plantings. Administration of the District Plan has however revealed that smaller buildings, such as covered foot-rot troughs or storage sheds, which are typically situated amongst larger buildings have very minor effects. Often the larger buildings will screen the smaller building. In addition, land in the immediate vicinity of homesteads and woolsheds is often surrounded by shelter trees which provide effective additional screening of the smaller building.

The Proposed Plan Change aimed to exclude small buildings in existing homestead settings from a resource consent process but still control the erection of buildings located in the open landscape.

### **Submissions and Consideration**

Two submissions were received in relation to this Proposed Change. One was from Federated Farmers Mid-Canterbury Province in support of the Change. The second submission was from Environment Canterbury which is generally supportive of the Change but seeks amendments to the wording to clarify that smaller buildings are permitted only in the immediate vicinity of farm homesteads and the core farm building area but still controlled in areas remote from these locations.

Environment Canterbury's submission expressed concern that the term 'farm accessory building' could be

interpreted in a very general way and include huts or other buildings which are located in remote areas of the Rural C Zone, away from the homestead and core farm buildings, such as the woolshed. Taking this interpretation, Environment Canterbury was concerned that further built development could occur which would detract from the landscape values of the Rural C Zone.

Evidence was presented by Federated Farmers confirming its support for the proposed change. Federated Farmers was however critical of the wording recommended in the Council Planning report to meet Environment Canterbury's request for tighter control.

It's evidence stated that the suggested text for a new rule, which was based on a MacKenzie District Plan standard controlling planting, was not applicable to the control of building size in Ashburton District.

Federated Farmers also did not accept that controls were necessary on buildings up to 100m<sup>2</sup> throughout the Rural C Zone and that diversification of high country business was creating a potential demand for buildings such as visitor accommodation sited beyond the homestead nodes.

The Council recognised that although there are not a large number of high country farms there is variability within each farm as to where buildings are sited and the grouping of buildings in terms of numbers and types eg, haysheds can be located away from the homestead cluster in locations convenient to access tracks for feeding out but are still "core" farm buildings. The Council was of the opinion, that although some major farm buildings may be removed from the homestead cluster they still have the ability to absorb further small scale development.

The Council also noted that many high country homestead complexes are quite land extensive with the "cluster" of buildings being spread over many hundreds of metres and are not closely spaced. Some flexibility could therefore be provided in siting of new buildings without detracting from the existing character and spread of development in these locations.

Acknowledging the potential issue raised by Environment Canterbury for the rule to provide for a spread of buildings in the Rural C Zone the Council remained committed to the intent of the Plan Change, which is to minimise the need for resource consents for very small sized buildings in "core" areas of built development. The Council was of the opinion however that it is difficult to develop rules which will fit all variables influencing the location of farm buildings and recognised that over time these variables could change as farming changed.

The Council reminded itself that the proposed change was intended to be minor in influence or scope and was not intended to open up the appropriateness of wider building controls in the Rural C Zone. The Council was of the opinion that providing for buildings throughout the wider Rural C Zone would require a more comprehensive review of the District Plan objectives and policies.

This would be more appropriately undertaken as part of a District Plan review than a Proposed Plan Change intended to reduce the need for resource consent for very small buildings in specific locations.

The Council re-familiarised itself with the District Plan objectives and policies relating to landscape in the Rural C Zone which are concerned with the importance and sensitivity of this area. Having regard to the policy direction of the District Plan and the detail of Environment Canterbury's submission the Council considered that the threshold of 100m<sup>2</sup> was too large for a building provided for as a permitted activity in this zone and should be reduced to 50m<sup>2</sup>. However, the Council remained satisfied that it is appropriate to enable smaller "permitted" buildings to be located close by either homestead or other major farm accessory buildings.

The Council agreed with the evidence of Federated Farmers that the wording in the Planning Report for a new rule, which was based on a tree planting rule in MacKenzie District, was not applicable to the siting of buildings in the Rural C Zone in Ashburton District.

The Council generally supported the form of the suggested rule but considered it too complex for efficient administration. The Council considered that reducing the size of the permitted building to 50m<sup>2</sup> was a more effective mechanism to ensure that any new building would not adversely impact on the Rural C values and

therefore the number of criteria applied to the siting of the building could be made less complex. The Council was of the opinion that the new permitted building must however always be sited in association with existing homestead or farm accessory buildings.

Accordingly, Council **accepted in part** the submissions of Federated Farmers Mid-Canterbury Province and Environment Canterbury by amending the proposed changes to the District Plan rules as follows:

Amend 7.6.4.1 Permitted Activities by adding a new activity m) as follows:

- m) Farm Accessory Buildings in the Rural C Zone of ~~10~~50m<sup>2</sup> or less in area which are located within 50 metres of any:
- existing homestead buildings; or
  - ~~cluster of~~ farm accessory buildings which includes at least one~~two~~ of the following – animal handling shed, implement shed, stock yards, staff accommodation, hay barn or other major farm building.

Amend Section 7.6 Rural Zones Site Standard **7.6.5.1.15 a) General Landscape Values** by adding the wording underlined as follows:

*“The erection of buildings in the Rural C Zone shall be a Controlled Activity in respect of the siting, design, and colour of the building and associated landscape plantings, except for those buildings ~~10~~50m<sup>2</sup> or less in area which are to be located within 50 metres of any existing homestead building or ~~cluster of~~ farm accessory buildings which ~~includes~~ at least one~~two~~ of the following – animal handling shed, implement shed, stock yards, staff accommodation, hay barn or other major farm building. Appendix 6 provides guidelines for siting, design, and colour of buildings or structures.”*

### **Decision**

**Accept in part** the submissions of Federated Farmers Mid-Canterbury Province and Environment Canterbury by amending the proposed changes to the District Plan rules for siting of buildings in the Rural C Zone as follows:

Amend 7.6.4.1 Permitted Activities by adding a new activity m) as follows:

- m) Farm Accessory Buildings in the Rural C Zone of ~~10~~50m<sup>2</sup> or less in area which are located within 50 metres of any:
- existing homestead buildings; or
  - ~~cluster of~~ farm accessory buildings which includes at least one~~two~~ of the following – animal handling shed, implement shed, stock yards, staff accommodation, hay barn or other major farm building.

Amend Section 7.6 Rural Zones Site Standard **7.6.5.1.15 a) General Landscape Values** by adding the wording underlined as follows:

*“The erection of buildings in the Rural C Zone shall be a Controlled Activity in respect of the siting, design, and colour of the building and associated landscape plantings, except for those buildings ~~10~~50m<sup>2</sup> or less in area which are to be located within 50 metres of any existing homestead building or ~~cluster of~~ farm accessory buildings which ~~includes~~ at least one~~two~~ of the following – animal handling shed, implement shed, stock yards, staff accommodation, hay barn or other major farm building. Appendix 6 provides guidelines for siting, design, and colour of buildings or structures.”*

### **Proposed Plan Change No 8**

Proposed Plan Change No. 8 incorporates new rules into the District Plan for commercial film making.

The Council’s Planning Report provided the background to the Proposed Change. In response to the increasing

profile of movie making in New Zealand, the Local Government Association had prepared guidelines to assist District Councils to provide for filming in their District.

The Ashburton District Council reviewed these and considered that temporary or short term filming operations are unlikely to cause any adverse effects on the surrounding environment or community, subject to meeting the environmental standards for the relevant zones relating to noise, hours of operation, lighting, vegetation clearance or excavation. Under the provisions of Proposed Plan Change No. 8 a resource consent would not be required in these circumstances. However, where long term filming or filming within a sensitive area is proposed e.g., land above the Altitudinal Land Use Line (900m a.s.l) or in Significant Nature Conservation Areas, Proposed Plan Change No. 8 would require a resource consent to enable any adverse effects to be identified and conditions imposed.

One submission in support of this Proposed Plan Change has been received from Federated Farmers Mid-Canterbury Province. The Council reviewed the purpose and costs and benefits of the Proposed Plan Change and was satisfied that it remained a valid method to efficiently and effectively provide for commercial filming within the District. Accordingly, the Council **accepted** the submission of Federated Farmers Mid-Canterbury Province to adopt Proposed Plan Change No 8.

### **Decision**

Accept the submission of Federated Farmers Mid-Canterbury Province to incorporate the provisions of Proposed Plan Change No 8 for commercial filming.

## 4.6.2 RECOMMENDATION



- "1 That pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, the Ashburton District Council gives its decisions on, and its reasons for accepting or rejecting, all submissions received on Proposed Variations 1 and 8 to the Ashburton District Plan, as set out in the attached Reports.
- 2 That pursuant to Section 32 of the Resource Management Act 1991, the Ashburton District Council:
  - i has had regard to the matters specified in subsection (1)(a) of the Section;
  - ii has carried out an evaluation, which it is satisfied is appropriate to the circumstances, of the matters specified in subsection (1)(b) of that Section; and

- iii is satisfied that the objectives, policies, rules and other methods contained in Variations 1 and 8 to the District Plan, as amended by its decisions on the submissions received, are necessary in achieving the purpose of the Act and are the most appropriate means of exercising the Council's functions under the Act, having regard to efficiency and effectiveness relative to other means."

J McKENZIE  
Environmental Services Manager

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:** 5/4/4/1  
**DATE:** 18 May 2006  
**REPORT TO:** Ordinary Meeting of Council  
**FROM:** Water Services Manager  
**SUBJECT:** North East Ashburton Water Servicing Proposal

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### 4.7 NORTH EAST ASHBURTON WATER SERVICING PROPOSAL

#### 4.7.1 SUMMARY

As a result of concerns in regard to low groundwater levels and reports of failure of some bores; further consultation was undertaken with property owners in the rural residential area to the north-east of Ashburton Township about the potential servicing of the area with a reticulated water supply.

This consultation was completed in December 2005, and as a result of the support received at that time, Council approved proceeding with a public meeting to provide further clarification on the project.

The purpose of this report is to advise the results of the second round of consultation and to seek Council approval for the future direction of the proposal.

#### 4.7.2 RECOMMENDATION

"That the proposed water servicing of the north-east rural residential area of Ashburton be deferred and reviewed once servicing requirements of possible future developments in north-east area have been determined."

#### 4.7.3 BACKGROUND

In 2000, Council undertook consultation with property owners in the north-east rural residential area of Ashburton regarding the provision of a reticulated potable water supply to the area. The results of the consultation showed a very low level of support for the project at that time ie 12% support for a submission return rate of 68%. Council agreed to revisit the proposal at some point in the future.

In December 2005, as a result of increasing concerns in regard to low groundwater levels and reports of failure of some bores, further consultation was undertaken with property owners in this area. The results were reported in detail to the 15 December meeting of Council. Support for the project had increased significantly ie

41.2% support (*final*) for a submission return rate 76.4%. As a result of the increased interest in the project, and concerns over the level of misunderstanding, Council approved proceeding with a public meeting to provide further information and clarify the drivers for the project.

A public meeting was held on Wednesday 1 March 2006, at the Celtic Rugby Football Club clubrooms. This was very well attended with in excess of 200 people present. The meeting was generally well received and the standard of questions from the floor indicated a reasonable consideration of the project and associated issues. It was agreed at the meeting to resurvey property owners to confirm the level of support for the project.

The questions and answers from the meeting were presented back to the community as part of the consultation survey.

The results of this consultation are set out below:

Summary of Consultation (April 2006)	Total
Consultation documents sent out	255
Submissions received	198
Rate of return	77.6%

Submission on Water Servicing	Response		
	N <sup>o</sup>	% of Subs	% of Total
Not indicated	5	2.5	2.0
Do not support	122	61.6	47.8
Support	71	35.9	27.8

Timing to Connect	Response	
	N <sup>o</sup>	% of Support
No Preference Indicated	8	11.3
Immediately	28	39.4
1 – 2 Years	17	23.9
3 – 5 Years	18	25.4

An analysis was undertaken of the submissions in terms of relative position ie December 2005 to April 2006. This is set out below:

Relative Position	Response	
	N <sup>o</sup>	% of Subs
No Change <sup>1</sup>	125	63.1
Now Not Indicated <sup>2</sup>	1	0.5
Now Does Not Support <sup>3</sup>	28	14.1
Now Supports <sup>4</sup>	9	4.5
New Submitters <sup>5</sup>	35	17.7

Notes:-

1. Indicated in same way as last time
2. *Did Not Support* or *Supported* last time and now *Did Not Indicate*
3. *Did Not Indicate* or *Supported* last time and now *Does Not Support*
4. *Did Not Indicate* or *Did Not Support* last time and now *Supports*
5. Did not submit on the project last time

#### 4.7.4 OPTIONS

The options available to Council:

##### **Option 1 – Do Nothing**

This would involve individual property owners either separately (or jointly) dealing with water supply issues as they arise.

##### **Option 2 – Limited Implementation in Areas of Support**

This option involves constructing water mains in areas where there is full or majority support. These areas could be satisfactorily serviced from existing mains in the area. Areas identified as candidates for limited implementation are set out below:

###### **Option 2a – Bremners Road**

This option involves construction of a pipeline from the intersection of Glassworks Road toward the northeast to 160 Bremners Road.

There are 8 properties in this section and all properties support the reticulation proposal. *Total Estimated Cost \$113,625.*

###### **Option 2b – Seafield Road**

This option involves construction of a pipeline from the intersection of Bridge Street to Company Road.

There are 6 properties in this section. Two of those are already connected; three indicated support for the proposal; and the last has not taken part in either of the recent consultation rounds. *Total Estimated Cost \$132,750.*

###### **Option 2c – Smithfield Road**

This option involves construction of a pipeline from the intersection of Bridge Street to Tuarangi Road.

There are 12 properties in this section. Of this number, 10 properties on the south-west side were not included in the consultation because it was considered that they were already serviced. We have since been made aware that at least two of these properties are presently un-serviced and the owners have expressed interest in connecting but the existing pipeline will not support the extra demand.

Of the two other properties in the section; the Collegiate Rugby Club is already connected and the other expressed support for the proposal. Given the number of existing users on this section, a portion of this project should be considered a cyclic renewal with the appropriate contribution from that programme's budget. *Total Estimated Cost \$85,500.*

All pipelines will be sized to service the wider area if required in the future.

##### **Option 3 – Defer Project**

Under this option, no work would take place in the short term. The project would be reviewed once the servicing requirements of future possible developments in the north-east area have been determined.

This will allow any potential savings from economies of scale to be quantified and therefore provide more accurate costing of the final scheme.

##### **Option 4 – Proceed with Full Implementation**

This option involves proceeding with the scheme as originally proposed. There are the options of modifying the funding formula to redistribute costs.

###### **Option 4a – Funding as per Consultation**

Funding formula to remain as per that outlined in the consultation material but taking account of forecasts in the draft community plan\*.

	Payment Method 1		Payment Method 2	
	Lump Sum	Annual Rates	Lump Sum	Annual Rates

Amount (Inc GST)	\$ 0	\$ 970*	\$ 8,027	\$ 254*
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#### **Option 4b – Capacity Costs met by Ashburton Scheme**

Under this option the additional charges per subdividable property would be removed and the loan servicing costs for the unfunded portion would be met by the wider Ashburton scheme (including the NE Ashburton ratepayers).

The interest only costs for the unfunded portion equate to approximately \$ 9 per Ashburton urban and NE property. Note:- This option appears to be at variance to Council's funding policy and the funding proposal for Farm Rd / Racecourse Road development.

	Payment Method 1		Payment Method 2	
	Lump Sum	Annual Rates	Lump Sum	Annual Rates
Amount (Inc GST)	\$ 0	\$ 979*	\$ 8,027	\$ 265*

#### **Option 4c – Funding Formula modified to per Property Basis**

Under this option the additional charges per subdividable property would be removed but the full cost of the scheme would still lie with the property owners in that area ie the scheme would be fully funded by NE Ashburton ratepayer.

	Payment Method 1		Payment Method 2	
	Lump Sum	Annual Rates	Lump Sum	Annual Rates
Amount (Inc GST)	\$ 0	\$ 1,287*	\$ 12,075	\$ 254*

\*Note:- Figures in the original consultation material were based on the current annual rates for the Ashburton water supply of \$211. The Draft Community Plan indicates that this rate is forecast to increase to \$254 in 2006/07 so the figures have been amended to reflect the forecast amount.

The recommended option is **Option 3**. There is no mandate to proceed with the project at this point in time.

#### 4.7.5 STATUTORY IMPLICATIONS

There are no specific statutory implications arising from the above options.

The proposal to progressively provide reticulated potable water supply to the presently un-serviced area of north east Ashburton area would be consistent with policies outlined in the NRRP.

#### 4.7.6 CONSULTATION

The north east Ashburton rural residential property owners have been consulted on water servicing extensively to date. A summary of the results of the various consultative surveys undertaken is set out below:

	No: Sent	No: Received	Return Rate	Did Not Indicate	Do Not Support	Support
2000	212	145	68.0%	0.0%	88.3%	11.7%
2005	254	194	76.4%	6.7%	52.1%	41.2%
2006	255	198	77.6%	2.5%	61.6%	35.9%

Of the 198 received during the April consultation, 126 did not provide any additional comment. Where submitters chose to provide comment the general issues have been summarised and set out below: (*Only where raised on 4 or more submissions*)

Submitters against the project raised the following:

- Cannot afford, (*12 submissions*);
- Scheme too expensive, (*9 submissions*).
- Own supply is okay, (*9 submissions*).
- Funding formula for sub-dividable lots, (*7 submissions*).

- New bore recently installed (*7 submissions*).
- Own supply recently upgraded (*6 submissions*).
- Belief that the water supply for property owners was going to subsidise the proposed industrial area / airport developments, (*6 submissions*).
- Over allocation of water outside area, (*4 submissions*).
- Preference for wastewater servicing before water, (*4 submissions*).
- Concern for others who have paid for new bores, (*4 submissions*).

Submitters in favour of the project raised the following:

- Wastewater should be installed at same time, (*5 submissions*);
- Scheme too expensive, (*4 submissions*).
- Already connected but supports in principle, (*4 submissions*).
- Own supply recently upgraded (*4 submissions*).
- Should be installed as soon as possible, (*4 submissions*).

#### 4.7.7 STRATEGIC LINKS

The recommendation contained in this report is consistent with the *Ashburton Development Plan – adopted 30 June 2005*.

#### 4.7.8 FINANCIAL

Some discussion has been held in regard to the funding formula. During the development of the funding formula a number of options were considered and rejected for various reasons ie equity with other land owners in the area and some that required Council to act as “banker” for an extended period. Given that only a low number of submitters raised this as an issue, it is not considered necessary to revisit this aspect of the proposal.

There are no budget implications arising from adoption of the recommended option.

A R GUTHRIE  
**Water Services Manager**

### ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 5/5/3/4  
DATE: 18 May 2006  
REPORT TO: Ordinary Meeting of Council  
SUBJECT: Closure of Stockwater Race – Christys Road Area  
FROM: Assets Information Officer

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## 4.8 CLOSURE OF STOCKWATER RACE – CHRISTYS ROAD AREA – SPECIAL CONSULTATIVE PROCEDURE

### 4.8.1 SUMMARY

A section of stockwater race running from a junction above Christys Road, running parallel with Collisons Road to a

junction immediately below Buckleys Road – a distance of approximately 8 kilometres, has been investigated for closure. Full support has not been obtained.

The purpose of this report is to recommend proceeding with closing of the nominated race.

#### 4.8.2 RECOMMENDATION

"That the special consultative procedure be commenced to close the stockwater race from a junction situated on PT RS 27068 above Christys Road to a junction situated on Lot 1 DP 6649 below Buckleys Road."

#### 4.8.3 BACKGROUND

This race was nominated as suitable for closure by staff.

A standard letter and survey form was forwarded to all concerned property owners for an indication of support for closure of this race.

The results of this survey and consultation are summarised in the consultation section of this report. A plan showing the location of the race is appended to this report.

Full ratepayer support has not been obtained for the closure of this race. Preliminary investigations indicate that all properties opposed have "cost-effective" alternatives to the open stockwater race.

#### 4.8.4 OPTIONS

The Council has three options.

##### Option 1 – Retain the status quo

Race is retained. The Ranger will be obligated to maintain a service on this system.

##### Option 2 – Race closure

Race is closed from a race junction above Christys Road situated on PT RS 27068, to a junction below Buckleys Road situated on Lot 1 DP 6649. Total effective closure is 8.0km.

##### Option 3 – Partial race closure

Closing only the section of race from the upstream boundary of Lot 1 DP 65060 to a junction below Buckleys Road situated on Lot 1 DP 6649. Total effective closure is 2.5km.

Our preferred option is **Option 2**. This option is consistent with race rationalisation and water conservation, Council's stockwater race closure guidelines and the Local Government Act 2002.

#### 4.8.5 STATUTORY IMPLICATIONS

The closure mechanism will be in accord with the special consultative procedure as outlined in the Local Government Act 2002.

#### 4.8.6 CONSULTATION

A survey was carried out to establish whether this stockwater race was still required for stockwater purposes. The covering letter and survey forms were sent out to the property owners concerned. The initial response was that nine survey forms were returned, with five against race closure and four in agreement.

Following further consultation and a resurvey of the affected properties, one of the initial opposing parties indicated support for the race closure subject to approval for a small extension to a race, for which they have agreed to meet the cost.

The final results of the consultation process are set out below:

	Total
Properties affected	9
Surveys returned	8
Supporting for Closure	5

This leaves three properties opposed to closure. Note-: While the properties are in separate title there is some commonality of ownership.

The comments against closure were as follows:

- Stock do better on stock races
- Shortens life of underground pumps to start them up to fill troughs
- Trough water goes stagnant

A draft report on this race closure was considered by the Rural Water Subcommittee and the Subcommittee supports the recommendation.

#### 4.8.7 STRATEGIC LINKS

Closing this section of race is consistent with the strategy, in the Strategic Plan, to promote race rationalisation and water conservation. Council's Annual Plan also contains a target of 100 kilometres of stockwater race closure per year.

#### 4.8.8 FINANCIAL

There will be some minor physical works required to facilitate the closure of this race. There is sufficient budget provision for this type of work under the "Race Closure / Piping Investigations" budget item.

M C CROZIER  
**Assets Information Officer**