



# Ashburton District Council

## AGENDA

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

**Date:** Thursday 20 March 2008

**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 J A Kingsbury  
Cr L J Leadley  
Cr P W Reveley  
Cr J Sparks  
Cr B A Tasker  
Mayor M B O'Malley (ex officio)

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# AGENDA

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14 March 2008

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:** SUB 060067  
**DATE:** 20 February 2008  
**REPORT TO:** Environmental Services Committee  
**FROM:** Consultant Planner  
**SUBJECT:** Naming of Roads – J Millichamp & Sons Ltd

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### 5. NAMING OF ROADS – J MILLICHAMP & SONS LTD – CARTERS TCE

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#### 5.1 SUMMARY

To recommend the naming of two new roads within the J Millichamp & Sons subdivision, Carters Terrace, Tinwald.

#### 5.2 RECOMMENDATION

“That the new roads off Carters Terrace and Thomson Street within the subdivision of J Millichamp & Sons Limited, being consent 060067, be named Wisteria Lane (Stage 1) and Elmwood Grove (Stage 2).”

#### 5.3 BACKGROUND

On 20 July 2006, the Environmental Services Committee considered and approved a subdivision consent for J Millichamp & Sons Limited. The consent was approved in two stages.

The consent holder was requested to nominate three proposed road names for the new roads and provide a property numbering plan. The reason for the names Wisteria Lane and Elmwood Grove is that they follow the botanic theme and are in keeping with the history of the site.

#### 5.4 OPTIONS

The owners have provided three preferred names for the new roads as follows:

##### Stage 1

1. Wisteria Lane
2. Banksia Lane
3. Kowhai Place

##### Stage 2

1. Elmwood Grove
2. Picea Place (Picea is a type of conifer)
3. Silkwood Place

#### 5.5 STATUTORY IMPLICATIONS

Prior to the deposit of a survey plan and the issue of titles, all new roads to vest in Council must be named. This requirement of Land Information New Zealand is carried through to the District Plan.

#### 5.6 CONSULTATION

There is no consultation required in this instance.

## 5.7 STRATEGIC LINK

The road name becomes a primary identifier in the property address. This address is not only used for the delivery of mail but is also essential in terms of the electoral rolls and emergency services.

As mentioned above, Council's policy register has a policy which states –

### **NAMING OF NEW ROADS VESTING UPON SUBDIVISION OF LAND**

*The District Plan rules require that all new roads vesting in the Council shall be given distinctive names not already in use within the area controlled by the District Council. The name shall be agreed to by the Council.*

*Where a subdivision consent is lodged with the Council for consent, and the subdivision contains a new road that is to vest in Council, then the applicant shall provide to the Environmental Services Committee three proposed names for the new street, in order of preference.*

*The proposed name must not duplicate any other street or road in the District.*

*While a name may be suggested by the developer or applicant, the final decision as to the naming will be made by the Committee.*

*The Council reserves the right to refer a proposed name (or names) to Land Information New Zealand before giving final approval.*

## 5.8 FINANCIAL

Submission Rule 6.6.5.2.2 (k) of the District Plan states –

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

M SINGLETON  
Consultant Planner

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:**

**DATE:** March 2008

**REPORT TO:** Environmental Services Committee

**FROM:** Environmental Services Manager

**SUBJECT:** Water Storage Structures and the Building Act 2004

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### **6. WATER STORAGE STRUCTURES AND THE BUILDING ACT 2004**

#### **6.1 SUMMARY**

This report relates to the construction of water storage structures on farms and how the Building Act 2004 applies to such structures. The report is important for the fact that a building consent is required for on-farm reservoirs unless they are of a very small size and therefore exempt from the Building Act 2004.

#### **6.2 RECOMMENDATION**

- “1. That the report be received.
2. That a media release be made and public awareness raised on requirements for water storage structures set out in the Building Act 2004.”

#### **6.3 BACKGROUND**

Until recently, the construction of large water reservoirs for on-farm storage of water was uncommon. When such structures were considered the definition of a “dam” in the Building Act 2004 was usually considered and, providing that the proposed structure was below this threshold, a building consent was not applied for. This course of action overlooked the fact that the proposed reservoir was still a “structure” and as such required a building consent.

Now that the construction of water storage reservoirs on farms is becoming common, the issue of statutory compliance for such structures has been considered and a legal opinion obtained from the Council’s Solicitor.

There are potential risks to owners of non-complying structures that could arise at the time of property conveyancing (sale), or from failure of the structure and any consequential loss that the insurance industry may involved in.

The Building Act 2004 contains provision for a retrospective Certificate of Acceptance, (section 96), that the Building Consent Authority may issue in certain circumstances. Potential exists that owners of reservoirs that have been constructed without a building consent could provide a Producer Statement for the design and supervision of construction from an appropriately qualified person, so that a Certificate of Acceptance could be issued after construction has been completed.

#### **6.4 OPTIONS**

There is only one option available to the Council and that is adhere to the provisions of the Building Act 2004 that requires a building consent to first be issued for all structures to be constructed unless specifically exempted by that Act.

#### **6.5 STATUTORY IMPLICATIONS**

The Building Act 2004 is very specific with definitions for a “building”, “dam” and “building work”, plus the First Schedule lists minor work that is exempt from the Act. Section 40 of that Act stipulates that construction of a “building” without a building consent is an offence; this section sets out that a maximum fine of \$100,000 is attached to this offence, with a further daily maximum of \$10,000 per day that the offence continues.

#### **6.6 CONSULTATION**

The Council will make a media release on the implications of this matter, plus consult with the Ashburton Branch of Federated Farmers of New Zealand and notify earthmoving contractors known to operate within the district.

#### **6.7 STRATEGIC LINKS**

The Long Term Council Community Plan (Outcome 1) lists a thriving and diverse local economy that provides the foundation for a quality lifestyle. Building regulation is consistent with this outcome.

#### **6.8 FINANCIAL**

Additional building consents for these structures are expected to provide additional income and processing costs. Potential exists for the schedule of fees and charges to list a fee specifically for a building consent where Producer Statements are provided for design and supervision during construction. Levies will still be payable to the Department of Building & Housing and BRANZ when a building consent application is processed.

JOHN MCKENZIE

**Environmental Services Manager**

## ACTIVITY REPORTS

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### 7. ENVIRONMENTAL SERVICES DEPARTMENT

#### 7.1 *General*

While the number of resource consent applications being received by the Council have 'cooled' in the first two months of 2008, there has been a noticeable increase in building consent activity. Building consents issued in the month of January 2008 were amongst the three highest months in the last four years. Already, new dwelling building consents are trending above the previous four years. The percentage of building consents issued within the statutory time frame of 20 working days has risen to 82%, (this percentage has been achieved by using outside contractors to process applications). An additional Building Official is to be employed and we are currently advertising that vacancy, this action has been approved by the Council previously.

Activity graphs for consents are attached.

*Pages 26-28*

The financial report for the period 1 July 2007 to 29 February 2008, is attached. *Page 29*

#### 7.2 *Building Consent Authority*

Considerable effort has been made by staff to prepare the Council's building regulation systems for the site assessment by International Accreditation New Zealand, (IANZ). At this time we are yet to receive a firm date from IANZ as to when they will carry out their site assessment. As time 'ticks away' towards the deadline of 30 June 2008, the Council will have less time to respond to corrective actions issued by IANZ as a result of their site assessment and after the deadline date it will not be possible to issue building consents in accordance with the Building Act 2004.

#### 7.3 *District Plan Review – Ashburton Tour 25 March*

An itinerary has been prepared that will provide coverage of key urban issues of concern, plus a visit to the Hakatere Hut Settlement to consider the changing nature of recreational hut settlements in the district. This tour will be an 'in-house workshop'.

#### 7.4 *NZ Historic Places Trust – Heritage Tour 7 April*

The Ashburton branch of the Trust will be hosting this tour of heritage sites for Councillors and staff on the above date. Christchurch branch members will also be present. This tour will be important for the District Plan review.

#### 7.5 *Regulatory Department*

The following is a summary of the key activities carried out by the Regulatory Department over the reporting period

- **Staff Training**

Two members of the Regulatory Team attended a site safety course run through the building department.

Six Regulatory Team members attended training in the use of the new RICOH photocopiers.

- **Food safety**

Twenty eight existing food premises were inspected and graded. Five re-grading visits were also conducted. Most displayed a Good or Excellent standard of food safety. Two premises falling below these standards have been instructed on requirements and will be re-inspected.

Five mobile shop applications were processed.

- **Nuisances**

- A total of 86 noise complaints were received; 20 noise directions were issued. Three stereos were seized. Three additional complaints related to audible bird scarers.
- Three complaints relating to cats.
- Fifteen complaints of littering / illegal dumping were received; the waste dumped varied from domestic refuse to beer bottles. Suspects have been identified in four cases and enforcement action is being taken against them.
- Five complaints of smoke nuisance were received. Two of these related to businesses burning tyres.
- Four complaints of refuse dumped on domestic dwellings have been investigated.

- **Swimming Pools**

Five public/school swimming pools were visited.

- **Recreational water quality**

Since the last meeting water quality in the District has been generally good. The sampling information is freely available on the ECan website and is updated throughout the summer.

- **Disease**

Over the period the following disease notifications were made to the District Health Board. None were passed to Ashburton District Council for further investigation, hence it is assumed that no cases were found to be related and considered to be outbreaks.

Disease	Number	Remarks
Campylobacter	8	Lower than normal.
Salmonella	3	
Cryptosporidiosis	1	Lower than normal
VTEC/STEC Infection	1	
Leptospirosis	2	

## 7.6 **Animal Control**

- **Registration status**

The breakdown is as follows:

Category	Number
Dogs registered in 2007/ 2008	6638
New registrations	1009
Dogs re-registered from 2006	5616
2006/ 2007 registered dogs not accounted for	139
Percentage re-registered in 2007	95.28%

- **Court Case**

Two prosecutions for a dog attacking persons are underway. One is in court on 10 March and the other on 26 March.

- **Infringement Notices**

13 infringement notices have been served since 1 July 2008.

- **Dog and stock control reports**

The report for February 2008 is attached.

**Pages 30-33**

## **7.7 Water Monitoring**

Due to staff sickness the water sampling regime requirements have been spread over the whole Regulatory Team. Good results have been achieved across all public supplies in the District. Two private supplies were found to have E Coli contamination and the necessary action has been taken.

## **7.8 General Inspections**

The Methven Skatepark was declared to be a “*Dangerous and Insanitary Building*” and the owner was served with a Notice to Fix.

In the reporting period, the following inspections have been carried out:

- Seven warrant of fitness audits
- Four investigations of illegal dumping activities – nine infringement notices issued.
- Overgrown section -

### **Overgrown section**

A letter has been sent to the owners of a property in Ashburton and non compliance will result in action this month.

## **7.9 Liquor Licensing**

The District Licensing Agency met on 28 February 2008; the minutes are included with this agenda. Consideration was given to the need to review how the New Years Eve Street Party is conducted, plus the desire to be represented at the Local Government Act 2002 ‘Planning for Alcohol in the Community’ Conference on 10 – 11 April 2008.

## **7.10 Planning**

Emma Lynch has been employed as the Graduate Planner and commenced on 10 March. Emma has just completed her Masterate in Geography at the University of Otago and is originally from Christchurch.

Two members of the Planning Team are attending the New Zealand Planning Institute Annual Conference in Greymouth from 3 to 5 April 2008.

## **7.11 Planning**

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## 7.12 Resource Consents Granted Under Delegated Authority

Consents granted in period 29/01/08 to 7/03/08

### LAND USE

<i>Application</i>	<i>Applicant</i>	<i>Proposal</i>	<i>Consent Type</i>
LUC06/0061	Rangitata Diversion Race	Proposed installation of a gallery intake structure in the bed of the South Branch of the Ashburton River at 893 Tramway Road. RS 38368.	Land Use Discretionary
LUC07/0135	BP Oil New Zealand Limited	Proposed 40,000 Litre Above Ground Diesel Tank at 360 West Street Ashburton	Land Use Discretionary
LUC07/0136	McIlwrick Pamela Kathleen	Proposed Garage to Exceed 10 Metres on Internal Boundary at 11 Reed Street Hinds	Land Use Discretionary
LUC07/0138	McCrostie Family Trust	Proposed Establishment and Operation of KiwiSpan building business and Demolition of Building at 35 Archibald Street Tinwald.	Land Use Non Complying
LUC07/0140	Pearce Vivienne Nanette	Proposed Addition to Dwelling to Encroach Into 20 Metre Road Boundary at 428 Longbeach Road	Land Use Discretionary
LUC07/0143	Longbeach Estate Limited	extract gravel and soil stockpile screen and crush and transport from a site of 2.47 hectares among other lands contained in CB26F/691	Land Use Discretionary
LUC08/0004	Orton Holdings Limited	erect a grainstore which exceeds the height allowed in Rural Zone Farquhars Road Lot 2 DP 44501	Land Use Discretionary
LUC08/0009	Grand Estates Limited	Proposed Visitor Accommodation Business at 566 Blackford Road Rakaia.	Land Use Discretionary
LUC08/0010	Wright Tania Elizabeth	Existing Building to be Within Minimum Setback from Boundary as a result of Boundary Adjustment at 474 Waimarama Road, Methven.	Land Use Discretionary
LUC08/0011	Headstart Early Learning Centre Limited	Proposed Daycare Centre Within Township Zone Without Business Frontage at 30 Rogers Street, Hinds.	Land Use Discretionary
LUC08/0012	Ye Olde Barber Shop Limited	Proposed Establishment of a Barber Shop at 131 Walnut Avenue, Ashburton.	Land Use Discretionary
LUC08/0013	Hurley Melissa Jane	Proposed Relocation of a Dwelling to the Rear of 28 Oxford Street, Ashburton.	Land Use Discretionary
LUC08/0014	Holy Name Church	Proposed Installation of Seismic Bracing in Roof of Holy Name Church.	Land Use Discretionary
LUC08/0015	Lifestyle Motorhomes Limited	Proposed Building Extension to Encroach Minimum Zone Boundary Setback at 199 Dobson Street, Cnr Chalmers Avenue, Ashburton.	Land Use Discretionary

LUC08/0016	Fulton Hogan Limited	Proposed Use of Land to Deposit Cleanfill at Cnr Maronan and Lills Roads Ashburton.	Land Use Discretionary
LUC08/0025	Stoddart Judith Anne	Proposed Dwelling in an Area Identified as Low Level Flooding at 312 Grahams Road, Tinwald.	Land Use Discretionary
LUC08/0026	Osborne Robert Alexander	Proposed Dwelling in an Area Identified as Low Level Flooding at 703 Grahams Road, Tinwald.	Land Use Discretionary

## SUBDIVISION

<i>Application</i>	<i>Applicant</i>	<i>Proposal</i>	<i>Consent Type</i>
SUB07/0054	Stoddart Judith Anne	Proposed Subdivision at Grahams, Boundary, Stranges, Gartarton & Grove Farm Roads	Subdivision Controlled
SUB07/0121	Parkin Robyn	Proposed Three Lot Subdivision at 9B Bridge Street Ashburton. Lot 2 DP 343594	Subdivision Controlled
SUB08/0006	Cornwall Family Trust	Proposed Two Lot Subdivision at 49 Mitcham Road Ashburton. Lot 2 DP 54738.	Subdivision Controlled
SUB08/0007	Ortongreen Farm Limited	Proposed 2 lot subdivision 526 Isleworth Road Hinds being RS 41136	Subdivision Controlled
SUB08/0008	Grand Estates Limited	Proposed Six Lot Subdivision at 566 Blackford Road Rakaia. Lot 4 DP 395526.	Subdivision Discretionary
SUB08/0009	Hewitt Sheila Jean	Proposed 2 lot subdivision of Lot 6 DP 10571 CB504/197 60 Creek Road Ashburton	Subdivision Controlled
SUB08/0010	Camrose Village Properties Limited C/O Urbis Ashburton Limited	Subdivision by unit title units 5 and 6 legally described as Units 1 - 6 DP 324369 on Lot 1 DP 83742 Grace Ireland Drive	Subdivision Non Complying
SUB08/0011	Martin Thomas Joseph	Proposed Three Lot Subdivision at Cnr of South Town Belt and Railway Terrace East Rakaia.	Subdivision Controlled
SUB08/0012	Longbeach Estate Limited	Proposed Two Lot Subdivision and Amalgamation at 1718 Longbeach Rd, Cnr Lower Beach Road, Ashburton	Subdivision Controlled
SUB08/0013	Foster Graham Pringle	Proposed Two Lot Subdivision / Boundary Adjustment at 111 and 113 Cass Street, Ashburton.	Subdivision Discretionary
SUB08/0014	Wright Andrew Duncan	Proposed Four Lot Subdivision / Boundary Adjustment at 474 Waimarama Road Methven.	Subdivision Discretionary
SUB08/0015	Lynch Kevin Hugh	Proposed Two Lot Subdivision at 100 Creek Road, Ashburton. Lot 6 DP 18645.	Subdivision Controlled
SUB08/0016	Mcperson Margaret Mary	Proposed Two Lot Subdivision at 25 Allison Street Ashburton. Lot 39 DP 430.	Subdivision Controlled

SUB08/0017	Townshend Rosemary Anne	Proposed Three Lot Subdivision at 1521 Longbeach Rd, Cnr Lower Beach & Grahams Roads, Longbeach.	Subdivision Controlled
SUB08/0018	Smitheram Development Trust	Proposed Two Lot Subdivision at 83 Trevors Road, Ashburton. Lot 1 DP 34116.	Subdivision Controlled
SUB08/0019	Smith Barbara	Proposed Two Lot Subdivision at 15 Robinson Street, Rakaia. Lot 5 DP 61243.	Subdivision Controlled
SUB08/0020	Moffett Thomas John	Proposed Two Lot Subdivision at 141 Harland Street, Tinwald. Lot 519 DP 456.	Subdivision Controlled
SUB08/0021	Cereza Limited	Proposed Two Lot Subdivision at 19 Anne Street, Tinwald. Lot 252 DP 91.	Subdivision Controlled
SUB08/0022	Harmer Jeanette Mavis	Proposed Two Lot Subdivision / Boundary Adjustment at 20 & 22 Thomas Street Ashburton.	Subdivision Controlled
SUB08/0023	Johnson Janine Margaret	Proposed Three Lot Subdivision and Amalgamation at 948 Westerfield School Road, Westerfield.	Subdivision Controlled
SUB08/0024	Skevington Judith Ann	Proposed Seven Lot Subdivision at 832 Grahams Rd, Griffiths Rd and Stranges Rd, Huntingdon.	Subdivision Controlled
SUB08/0025	Cone Robin John	Proposed Two Lot Subdivision at 39 Reed Street, Hinds. Sections 7-8 Blk VII Town of Hinds.	Subdivision Controlled
SUB08/0026	Chalmers Contracting Company Limited	Proposed Three Lot Subdivision at 127 Williams Road, Waterton.	Subdivision Controlled
SUB08/0027	Allred Mark Selwyn	Proposed Two Lot Subdivision at 15 Racecourse Avenue Methven. Lot 3 DP 360755.	Subdivision Controlled
SUB08/0028	Pelf Limited	Proposed Two Lot Subdivision / Amalgamation at 1071 Hinds Lismore Road, Maronan.	Subdivision Controlled
SUB08/0030	Van Der Krogt Mitchel Gerard Nicolaas	Proposed Two Lot Subdivision at 67 Havelock Street Ashburton. Section 1198 Town of Ashburton	Subdivision Controlled
SUB08/0032	Geejay Holdings Limited	Proposed Two Lot Subdivision at 132 Thomson Street, Ashburton. Lot 148 DP 91	Subdivision Controlled

**J McKENZIE**  
**Environmental Services Manager**