



# Ashburton District Council

## AGENDA

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

**Date:** Thursday 17 March 2011

**Time:** 1.30 pm

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

B LESTER  
Chief Executive

### **MEMBERS:**

Cr R J Kilworth (Chair)  
Cr L J Leadley (Deputy Chair)  
Cr I J Burgess  
Cr D G McLeod  
Cr P W Reveley  
Cr J Sparks  
Cr A B Totty  
Cr R S Wilson  
Mayor A R McKay (ex officio)

---

# AGENDA

---

	Page
<b>1 APOLOGIES</b>	
<b>2 NOTIFICATION OF EXTRAORDINARY BUSINESS</b>	
<b>3 CONFIRMATION OF MINUTES –</b> – Environmental Services Committee – 3/02/11	<b>1</b>
<b>4 MATTERS ARISING</b>	
<b>MATTERS FOR COMMITTEE DECISION</b>	
Nil.	
<b>ACTIVITY REPORTS</b>	
<b>5 5.1 Variance Reports</b>	<b>5</b>
5.2 Building Services	<b>5</b>
5.3 Planning	<b>7</b>
5.4 Regulatory	<b>9</b>
<b>6 Joint Air Quality Working Party Meeting – 22/02/11</b>	<b>11</b>
<b>BUSINESS TRANSACTED WITH THE PUBLIC EXCLUDED</b>	
<b>7 [Now in open meeting]</b> Resource consent appeal – Mockford Investments Ltd	<b>25</b>

10 March 2011

## 5. ACTIVITY REPORTS

---

### 5.1 Variances Report – Period ending January 2011

*Pages 15-17*

### 5.2 Building Services

#### 5.2.1 Building Consents

The number of building consents issued during February was 66. This is a decrease of seven building consents from the same month in the previous year. The number of applications received for the month was 76; this is a decrease of eight applications from the same month in the previous year.

Month	Building Consents Received	Building Consents Issued	% Processed within 20 Days	Inspections Carried Out	CCC Issued within 20 Days of Application
November	70	81	99%	416	100%
December	67	59	100%	338	100%
January	50	60	100%	268	100%
February	76	66	100%	337	95%

*Pages 18-19*

#### 5.2.2 Building Consent Processing Times

Processing times are currently a concern. Two staff have been on leave and staff resourcing is barely adequate. Currently applications are being processed by the 16<sup>th</sup>-17<sup>th</sup> day of the 20 day statutory requirement.

#### 5.2.3 Inspection Times

There is currently a 3-4 day waiting period for inspections. This is due in part to an increase of rural inspections and the travel times required between inspections.

#### 5.2.4 Earthquake 22 February 2011

The disaster of a 6.3 magnitude earthquake in Canterbury is also having an effect on the Ashburton district. While the main earthquake and many of the 'after shocks' have been felt in the Ashburton district, damage has been considerably less than in Christchurch city. The Building Services Manager, Mark Fields, has previously reported on the need for building owners to assess the structural safety of public buildings as a result of the 4 September earthquake. The more severe February earthquake has now increased the importance of this matter and the importance that the Council fulfils its statutory obligations with regard to dangerous buildings. Consequently, renewed efforts will be made to have building owners confirm the safety of their buildings.

The staff of the Building Services Department have been actively involved in providing assistance to the community with regard to buildings damaged from seismic activity. Older masonry structures have proven to be the most vulnerable, particularly commercial buildings that have parapets, often supporting verandas.

The Council's role, when encountering a building of concern, is to arrange for access to the building to be controlled, (relative to the degree of risk), possibly cordoned off from public access and to assist the building owner to commission an inspection by an appropriately qualified engineer. The Council staff are empowered to declare a building 'dangerous' and have coloured notices to effect this:

**Green Notice** – Inspected and considered Safe

**Yellow Notice** - Inspected and some concerns held, Engineers inspection required but considered safe for restricted access.

**Red Notice** - Inspected and considered unsafe, Engineers inspection required no access.

In all cases it is the building owner's responsibility to ensure that their building is safe for its intended use. As a result of the 22 February earthquake a small number of commercial buildings and two dwellings have had red notices affixed by the Building Services Department staff.

A Fire Safety inspection was carried out at the Ashburton Evacuation Centre at the request of the New Zealand Fire Service, occupation loads and means of escape were found to be compliant.

Council's Environmental Health Officer assisted with food hygiene advice for the Ashburton Evacuation Centre and was able to supply hair nets for food preparation volunteers. Information on keeping food safe and safe drinking water in emergency situations was also widely distributed.

The Building Services Manager, Mark Fields, was away managing building evaluation teams in Christchurch, as a way of assisting with the recovery from the earthquake. There has been a request for this assistance for 4 to 6 weeks which will be looked at if possible. I would record my appreciation for the extra assistance of the Building Services staff and Customer Services staff for making this contribution by Mark Fields possible, also their dealing with the community at this stressful time.

### **5.2.5 Roller Flour Mill**

The disaster of a 6.3 magnitude earthquake in Canterbury is also having an effect on the Roller Flour Mill fire. The fire that destroyed the Canterbury Roller Flour Mill on West Street, on Thursday 17 February 2011, involved the Council in two ways. Firstly, as a listed heritage building in the District Plan, (category II). Liaison with the New Zealand Historic Places Trust occurred on the day and they sent a staff member to Ashburton. A retrospective resource consent will be required to alter or demolish the building.

Secondly, the New Zealand Fire Service had closed the State Highway / West street for operational reasons, but as the fire progressed it became obvious that the risk of building collapse would endanger persons travelling on the roadway, if it was reopened. Therefore the Fire Service requested the Council to act in its capacity to declare the buildings dangerous and arrange for their demolition. This decision was made on the advice of a qualified Engineer commissioned by the Council. Additionally, demolition contractors were commissioned by the council. Costs for this work will be recovered from the building owner.

## 5.3 PLANNING

### 5.3.1 Resource Consents

Page 20

- **Subdivision**

Applications for subdivision and land use consents for the creation of 15 allotments with an average area of 1502m<sup>2</sup> and the associated residential development, off Golf Links Drive and adjacent to the Ashburton Golf Club have been notified for submissions. This is within the Rural A zone where the minimum allotment size is 8 ha. The period for submissions ends on the 23rd March 2011.

An application for the subdivision of a 1.2 ha site on the corner of Allens Road and Carters Road into two allotments of 9,850 m<sup>2</sup> and 2,340 m<sup>2</sup> has been notified with the period for submissions ending on 10 March 2011. This is also within the Rural A zone.

A subdivision of a 4 ha site into two 2 ha allotments on Johnston Road, west of the Rakaia township, was notified with the period for submissions ending on 9 February 2011. Two submissions were received, one in support and the other in opposition. This is also within the Rural A zone.

- **Land use**

Resource consent was granted on 18 January 2011, for a factory farming operation on Frasers Road comprising 3,000 free range hens, following a hearing before a panel of three Councillors on 9 December 2010. Resource consent was required as the buildings for the hens were within 100 metres of the nearest boundary.

The owners of an existing quarry off Ashburton Gorge Road have applied for resource consent, which is pending further information. This follows a complaint and subsequent investigations by Council staff.

An application for increasing the scale and intensity of a meat processing business in Methven was notified to affected persons on a limited basis with the period for submissions ending on 23 February 2011. One submission has been received opposing the application, which will be heard at a later date.

At the time of writing this report, applications were also being processed for the following (amongst other applications) –

- Commercial development on the corner of Grey Street and East Street
- Additional storage units at the Lake Hood Storage Park
- Salmon habitat enhancement project at Ealing Springs involving disturbance of the bed of the Rangitata River flood plain

- **Late processing**

A resource consent issued in February for a commercial activity in a residential zone (Amicus Legal on Cameron Street) was outside the statutory timeframe and a refund of \$61.34 is therefore due under the Resource Management (Discount on Administrative Charges) Regulations 2010. This was due to an oversight which has since been rectified.

### 5.3.2 Monitoring / Enforcement

A process has been established for monitoring conditions of land use consents. This has demonstrated to consent holders that there must be continuing compliance with resource consent conditions and if this is not achieved the Council will take enforcement action.

### **5.3.3 Appeals**

- **Mockford**

The decision of an Independent Commissioner, Mr Bob Batty, to refuse an application for a campground and 20 re-locatable units on Bridge Street, Ashburton, was appealed to the Environment Court by the Applicant with mediation held on 7 February 2011, in Christchurch.

The application was refused on the basis that the proposal to include 20 relocatable units for potentially permanent accommodation was contrary to the objectives, policies and provisions of the Operative District Plan. Progress was made in mediation and this will be reported to Councillors once formal agreement has been reached.

### **5.3.4 District Plan Review**

The next stage in review of the District Plan commenced on 23 February, with a hearing of the Takata Whenua chapter of the Proposed District Plan at Arowhenua Marae. Three submissions were considered at the hearing with one submitter in attendance, being Ashburton District Council. The involvement of Te Runanga O Arowhenua in hearing the submissions and participating in decision making on this chapter is in recognition of the partnership that Arowhenua have with the Council.

The hearings on the Introduction and Signs chapters were scheduled for the afternoon of 23 February, but these have been postponed to a future date due to the effects of the Christchurch earthquake on those involved with the District Plan Review. A letter has also been sent to all submitters on the following chapters advising that hearings are to be postponed to a future date - *Introduction, Signs, Hazardous Substances, Aquatic Park, Relocated Buildings/ Temporary Activities, Definitions*.

### **5.3.5 Draft Regional Policy Statement**

The Regional Policy Statement (RPS) provides an overview of resource management issues affecting the Canterbury region, and sets out objectives, policies and methods to address these issues and achieve the integrated management of resources across the region. The RPS specifies requirements of territorial authorities to give effect to objectives and policies in the RPS and therefore the implications for Ashburton District Council are significant from a Planning and Operations perspective.

Following a workshop that Commissioner Skelton had with the territorial authorities from the Canterbury region on 2 February 2011, a presentation was due to take place on 16 March of the changes ECan staff would be recommending to the Commissioners, however this may be postponed in light of the Christchurch earthquake.

### **5.3.6 Ashburton Biodiversity Action Plan**

Following the decision of Environmental Services Committee on 10 June 2010, work commenced on preparation of a Biodiversity Action Plan for Ashburton District. The Action Plan is to provide for a planned approach to the protection and enhancement of biodiversity in the District and ensure that resources are directed appropriately.

A working group was established and has met on a number of occasions to ensure input from a range of stakeholders to the Action Plan. The working group includes representatives from Ashburton District Council, Department of Conservation, Environment Canterbury, Forest and Bird, Fish and Game, QEII Trust, Federated Farmers, Foothill landowners and other representatives of the farming community.

A workshop involving members of the working group was held on 24 January to carry out a SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) of Biodiversity in the district, and identify actions to inform the drafting of the action plan. A draft Action Plan is currently being prepared and a workshop will be held with Councillors at a future date to identify actions and discuss those actions put forward by the working group ahead of adoption at a later Council meeting.

### **5.3.7 Baring Square East project**

Designs for the upgrade of Baring Square East are being progressed with input from traffic, stormwater and civil engineers as well as staff through a Town Centre Staff Reference Group established in 2010. Following technical input the designs will be presented to the Town Centre Subcommittee.

The engineering plans for implementation of the design are likely to be completed by June. It is proposed that the funding for projects in the town centre is reviewed at the time of preparing the next Long Term Plan for Ashburton.

### **5.3.8 Consents Granted by Delegated Authority**

**Page 21**

## **5.4 Regulatory**

### **5.4.1 Community & Public Health**

Summary of notifications for January 2011.

**Page 22**

### **5.4.2 Liquor Licensing**

Applications received for February 2011:

- On/Off/Club new: 1
- On/Off/Club renewal: 1
- Temporary Authority: Nil
- Specials: 10
- Manager's certificates new and renewal: 25

On/Off/Club Applications being processed:

- Country Club – Club licence renewal
- Ashburton RSA – Club Licence renewal and Off Licence renewal
- Harrisons Bar/Café – On Licence renewal
- Topp Lodge (was Korobahn) – new On Licence for Café/Lodge

Files referred to the Liquor Licensing Authority:

- Hinds On the Spot Convenience Store. Reason – Not a grocery or supermarket therefore not entitled to hold an Off Licence
- Allenton Liquor Store. Reason – public objections

Special Events:

- Rakaia Fishing Competition
- "A Feminine Affair"
- Aviation Superhanger Opening
- Mayfield A & P, Methven A & P show
- Savage Club

Other Issues:

- Twelve Wine Bar – proposed outdoor area in Tancred Street
- Braided Rivers – proposed outdoor area in Burnett Street
- Security Guard legislation enacted 1 April, will affect Licensed premises door staff.

A meeting of the District Licensing Agency is scheduled for Monday 14 March.

### 5.4.3 Animal Control

- **Court Cases**

A dog classified as menacing was not contained and charged at and bit a woman on the foot while she walking past the house. The owner is being prosecuted and the dog has been euthanized. The dog owner has pleaded not guilty in the court and the case was adjourned till 25 January. It has since been adjourned again until 15 March 2011.

The owner of a pitbull that attacked a 5 month old Shar Pei at the Ashburton Domain oval is being prosecuted for failing to comply with the menacing dog classification and being the owner of a dog which has attacked a domestic animal. The Shar Pei died from its injuries despite receiving intensive veterinary care. The attack occurred in front of many concerned onlookers. This case is yet to be heard.

- **Dog Control Act Infringement Notices**

Seventeen infringement notices have been served from 21 January to 7 March making a total of 116 since 1 July 2010.

- **Impounding**

Fifty dogs have been impounded from 21 January to 7 March. There are currently five dogs in the pound (as at 4 March 2011).

- **Re-homing**

One dog has been rehomed to new owners between 21 January to 7 March.

- **Euthanized**

Six dogs were euthanized due to being unsuitable for rehoming.

- **Dog & Stock Control report**

The contractor's reports for January and February 2011 are attached.

**Page 23**

J McKENZIE  
**Environmental Services Manager**

# Ashburton District Council Report

File No: 6/8/1  
Date: 17 March 2011  
Report to: Environmental Services Committee  
From: District Licensing Agency  
Subject: Unconfirmed Minutes of Meeting – 14/03/11

---

## District Licensing Agency

Minutes of the District Licensing Agency meeting held on 14 March, 2011, commencing at 10.40 am, in Meeting Room 2, 5 Baring Square West, Ashburton.

### Present

Councillors J Burgess (Chair), D McLeod, M Nordqvist and A Totty;  
C Clark (Community Public Health).

### In attendance

Councillor R Kilworth; J Rollinson (Manager Democracy & Community Services), A Batcheler (Licensing Inspector), J McKenzie (Environmental Services Manager) and Committee Secretary.

### 1 Apologies

Senior Sergeant G Russell (Ashburton Police) Sustained

### 2 Extraordinary Business

It was agreed that the Agency's agenda compilation and report process would be discussed later in the meeting.

### 3 Confirmation of Minutes – 8/09/10

**That** the minutes of the Environmental Services Committee meeting held on 8 September, 2010, be received.

Totty/Nordqvist Carried

### 4 Matters Arising

#### • Rugby World Cup

J Rollinson reported that the creation of an Ashburton 'Fan Zone', and its associated activities, continues to be a significant part of the official programme of events.

It was noted that the secondary event planned by the Ashburton Trust is yet to be confirmed.

### 5 Reports

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

Totty/McLeod Carried

## 5.1 Licensing Inspector

### • Licensed Premises

Three licensed premises in Methven are currently out of operation, following earthquake damage in September 2010. The Licensing Inspector reported that all three premises are likely to re-open and their licences remain valid at this time.

The Braided Rivers On-licence renewal sought a redefinition to provide for outdoor dining. The liquor licence has been issued for the premises but amended to exclude the redefinition. It was noted that an earlier request made to Council for use of the footpath area was declined by staff because of roading issues. A revised plan has since been submitted to Council's roading division for consideration.

A number of events issued with special licences have had to be cancelled or postponed, due to the effect of the 22 February earthquake. The Licensing Inspector will assist the applicants who are proposing alternative dates and want to retain their licences.

### • County Club

Representatives of the Ashburton County Club, Barry Hunt and Guilford Lane, attended the meeting at 10.50 am.

The Licensing Inspector reported that the County Club's licence application has been referred to the Agency because its hours of operation exceed liquor licensing policy.

The Club representatives explained that the licence renewal was sought on the same terms and conditions because their activities hadn't changed over the years and, historically, there have been no issues with their liquor licence. In discussion they agreed that a 12 midnight closing time would be acceptable to the Club as most events are finished by that time.

The Club representatives left the meeting at 11.05 am.

The Licensing Inspector provisionally recommended that the County Club's hours of operation be 11am to 10 pm from Sunday to Wednesday and 11am to midnight from Thursday to Saturday.

It was noted that written information on the Club's activities, previously requested by the Licensing Inspector, had not been provided but will need to be considered before a final recommendation is made.

The Licensing Inspector will liaise with the Club's Chairman and a further report will be made to the Agency in June. In the meantime the Club's licence will continue with its existing hours of operation.

### • Ashburton RSA

The applicant's request for a renewal of its Club and Off-licences was initially for hours that exceed the liquor licensing policy. The RSA have since agreed to reduced hours of operation, with the exception of Anzac Day where they would like to retain the hours of 1 pm to 11 pm (off licence) and 7am to 11 pm (club licence).

The Licensing Inspector recommended that both licences be granted with the amendments sought.

**That** the Ashburton RSA Club licence hours approved be

Sunday to Thursday	10am – 10pm
Friday / Saturday	10am – 12 midnight
Anzac Day	7am – 11 pm

**and** the Off licence hours approved be

Sunday to Thursday	10am – 10pm
Friday / Saturday	10am – 11pm
Anzac Day	1pm – 11 pm.

Burgess/Nordqvist

Carried

- **Monitoring**

After hours monitoring was carried out, in conjunction with Police and ACADS, on 11 February. Non compliance was noted at one licensed premises. In addition, a number of people were observed drinking while walking towards the town. The monitoring team took the opportunity to remind those people of the consequences of entering the liquor ban area if alcohol is being carried or consumed.

The Licensing Inspector reported that a significant number of intoxicated people were observed around the town centre later that night.

- **Legislation**

A submission prepared by the Agency on the Alcohol Harm Reduction Bill has been lodged.

The Private Security Personnel and Private Investigators Act comes into force on 1 April this year. The Licensing Inspector advised that all door staff employed by licensed premises will be required to undergo training within the terms of this Act. There will be a lengthy transition period so that sufficient opportunity is given for the training to be carried out.

- **Liquor Licensing Authority**

Two applications remain with the LLA – Hinds on the Spot convenience store and Allenton Liquor. The application from Revival Bar has also been referred with a request for its hearing on 19 April 2011.

- **Liquor Licensing Policy**

The triennial review of the liquor licensing policy is pending the outcome of the Alcohol Reform Bill. (The last policy review took place in 2007).

The Agency agreed that the review should take into consideration the need to make a distinction between the requirements of sports clubs and, for example, chartered clubs. It was noted that issues associated with increased under-age drinking have been attributed in part to clubs that attract younger people.

J Rollinson left the meeting at 11.25 am.

## **5.2 Community Public Health**

Chris Clark reported that Community Public Health's Christchurch building has been severely damaged in the earthquake and much of their equipment and records may not be recovered. Files relating to the Ashburton district had been sent to the Ashburton office prior to the earthquake.

The Medical Officer of Health and his staff are focusing on the key health issues in Christchurch. In the interim this district's liquor licence applications will be signed off by Chris Clark unless there is an issue, in which case the application will be referred to an alternative MoH (South Canterbury/ Otago).

It was noted that the application from Revival Bar is awaiting MoH review and this will be followed up by Chris.

### **Agenda preparation**

Chris asked for clarification on the reporting process, referring to the request made by John Rollinson for contributors to have all reports submitted prior to DLA agendas being prepared. Her concern would be whether matters not previously submitted for inclusion on the agenda could still be raised at the meeting.

It was noted that a report from Community Public Health to the Agency is not mandatory but the practice has been for a verbal report to be given at the meeting.

The Agency heard that the intention is to apply Council's usual agenda preparation process, ie written reports are sought by a specific date to ensure the agenda is complete before being circulated.

Assurance was given that should other matters arise after the agenda has been circulated they could be tabled for the Agency's consideration ahead of or on the meeting day.

## **6 Next Meeting**

The next meeting of the DLA will be held on Tuesday 14 June, 2011, commencing at 10.30 am in the Council Chamber.

The meeting concluded at 11.45 am.