



# Ashburton District Council

## AGENDA

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

**Date:** Thursday 9 June 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

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2 June 2011

# Ashburton District Council Report

File No LUC11/0033  
Date 9 June 2011  
Report to Environmental Services Committee  
From Resource Management Planner  
Subject Land use consent LUC11/0033 – Londale Developments Ltd

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## 5 Londale Developments Ltd – Land use consent

### 5.1 Summary

To consider an application for land use consent to create a fifth tenancy within an existing building and allow a third retail unit to have a gross floor area of less than the required minimum of 500m<sup>2</sup> in the Business 3C Zone. **Page 19**

### 5.2 Recommendation

**That** pursuant to Sections 104, 104D and 108 of the Resource Management Act 1991, the Ashburton District Council grants Resource Consent Application LUC11/0033 to create an additional under sized 464m<sup>2</sup> retail outlet within a suite of 4 retail units, Lot 5 DP320224, and Sections 64 and 66, Town of Ashburton, at 5 Kermode Street, Ashburton, subject to the following conditions –

- 1 That the application shall proceed in general accordance with the application and attached approved plan (Ref Intrados Architecture Drawing A1.01 dated 14/04/2011);
- 2 That there shall be no direct public access to the retail outlets from the Park Street car park.

Advice Note:

- (a) This consent does not authorise the erection of any outdoor advertising for the proposed activities in Unit 5. Any such advertising will need to be assessed for compliance with the provisions of the District Plan and may require a further resource consent from Council. Please contact a Council Planner should you wish to discuss this matter further.
- (b) The consent holder is advised that pursuant to Part 8, sub-part 5 of the Local Government Act 2002 and the Council's financial and development contributions policy contained in the Long Term Plan (LTP), there is a requirement that Development Contributions to fund growth related investment in network infrastructure and community facilities be imposed. Development contributions are not conditions of this land use consent, however please note that development contributions for high pressure water supply, sewage disposal and a community infrastructure payment may be payable at the time of uplifting a building consent.

### 5.3 Background

A building consent (BC0002/09) was lodged in March 2009 to establish a suite of four retail shops bounded by Moore Street (State Highway 77), Kermode Street and Park Street.

The gross floor space of the building is 2340m<sup>2</sup> which provided for an average area of 585m<sup>2</sup> per unit. The original consent (LUC09/0022) proposed to establish two undersized retail units- one of 201m<sup>2</sup> (Video Ezy) and the other of 414m<sup>2</sup> (Avanti Cycles). It should be noted that floor areas differ slightly between the earlier approved plan and the proposed plan due to the latter being measured from the external walls. The building is located in the Business 3C Zone where single retail outlets are required under Business Rule 7.7.5.2.1 *Commercial Activities and Retail Floorspace* of the Operative District Plan to have a minimum gross floor area of 500m<sup>2</sup> except for the following relevant retail spaces:

- Service stations where the indoor retail floor space does not exceed 150m<sup>2</sup>; and/or
- Restaurants and takeaway outlets; and/or
- Goods produced or processed on the site and ancillary products to goods produced or processed on the site; and/or
- Vehicle sales and other outdoor display and sales

The proposal is to create two tenancies from the 1108m<sup>2</sup> Unit 4 of which 811m<sup>2</sup> is presently being occupied by Warehouse Stationery. The proposal is to reduce the floor space of the unit further to 644m<sup>2</sup> and enlarge the new unoccupied unit to 464m<sup>2</sup>. As the above rule is a Zone Standard, the proposal is a non-complying activity.

Public access to all shops is from the existing car park to the south which is shared with Mega Mitre 10. There is a 16 space car park on the Park Street frontage which provides for staff parks which is a condition of consent.

### 5.4 Statutory Implications

#### **Section 104D Threshold Test for a Non-complying Activity**

Section 104(1) of the Resource Management Act 1991 sets out the matters which must be considered by the Ashburton District Council in considering an application for resource consent. All matters listed in Section 104(1) are subject to Part II of the Resource Management Act 1991, which contains its purposes and principles. In this case the relevant matters include:

- Any actual and potential effects of allowing the activity (s104(1)(a));
- The objectives, policies and rules of the District Plan (s104(1)(b)); and
- Any other matters the consent authority considers relevant (s104(1)(c)).

#### **Assessment of Environmental Effects**

##### *Scale of Activity*

The District Plan exempts certain retail activities that have a floor area that is less than 500m<sup>2</sup>. Restaurants and takeaway shops are specifically named as being exempt. The proposal is to divide the existing Unit 4 which contains Warehouse Stationery into two tenancies with the additional unit being 38m<sup>2</sup> below the minimum floor area permitted in the Zone. A retail activity is to occupy the undersized unit.

The anticipated outcome for the Business 3C Zone is for a dominance of large, stand alone retail warehouse activities where there is sufficient onsite car parking to accommodate the traffic likely to be generated by the activity and that there is sufficient onsite manoeuvring.

The District Plan seeks to retain and consolidate small retail shops in the town centre area (Business 1 Zone). Assessment matters to be considered include the following:

*The likelihood of adverse effects on the compactness, convenience, vitality and pleasantness of the Business 1 Zone:* The retail activity that will occupy the proposed undersized unit is part of a large national chain that provides a wide range of outdoor clothing and gear.

Because of the range of goods sold, the store needs to have a larger floor area than normally available in the Business 1 Zone. Furthermore, the floor area of the proposed unit is 38m<sup>2</sup> smaller than the minimum permitted for the Business 3C Zone and therefore any effect is negligible.

*The degree to which retailing will adversely affect the consolidation of the Business 1 Zone and the effect this may have on the use of existing infrastructure such as car parking and amenity of that zone:* As discussed above, the floor area shortfall is de minimus (so minor as to be disregarded) and will not be discernable from a complying 500m<sup>2</sup> unit. Therefore, it is not considered that the establishment of a fifth retail tenancy will adversely affect the consolidation of the Business 1 Zone.

#### *Access and Parking*

Ninety-seven car parks associated with the retail complex are provided. With a gross floor area of 2340m<sup>2</sup>, the parking rules require the provision of 70 parks based on a requirement of three car parks per 100m<sup>2</sup> gross floor area. The number of parks to be provided is in excess of that required in the Plan.

There are two parking areas proposed. One has access directly off Park Street approximately midway between Moore and Kermodie Streets. It is noted that the proposed shops face south into the parking area shared with Mega Mitre 10 and Retrovision. The car park accessing Park Street will provide 16 parks which caters for staff parking only. The remaining parks will connect with the shared parking. Access to this park utilises the existing access/egress onto Moore Street (State Highway 77). It is noted that Council's roading department have not expressed any concerns with the proposal.

#### *Signage*

Detail of proposed signage is not known as the tenant will have their own requirements and preferences. Consequently, it is considered appropriate to place an advice note on the decision bringing to the applicant's attention that further resource consents may be required for any non-complying signage.

For the reasons above, I conclude that any adverse effects of a new unit of less than 500m<sup>2</sup> within the complex will be no more than minor.

## **5.5 Options & Risks Considered**

The Committee has the option to refuse consent on a non-notified basis should it come to a different conclusion as recommended in the findings of this report. In doing so, the Committee must find that the effects on the environment of granting consent are more than minor or alternatively, is contrary to the objectives and policies of the Plan.

## **5.6 Consultation**

No consultation is required as there will be no adverse effects provided that the conditions of LUC11/0033 are complied with.

## **5.7 Strategic Links**

The following Community Outcomes from the LTCCP are relevant;-

*Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations*

*Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community.*

## **5.8 Financial**

The cost of providing the infrastructure associated with this development and the processing this application will be borne by the applicant.

Prepared By:

G BROCKIE  
**Resource Management Planner**

Approved by:

M STEVENSON  
**Senior District Planner**

# Ashburton District Council Report

File No SUB 09/0021 5/1/11/2  
Date 9 June 2011  
Report to Environmental Services Committee  
From Senior District Planner  
Subject Woodham Properties Subdivision – Naming of Road

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## 6 Woodham Properties Subdivision – Naming of Road

### 6.1 Summary

To recommend the naming of a proposed road in the Woodham Properties subdivision, off Alford Forest Road, Ashburton. **Page 20**

### 6.2 Recommendations

**That** the item of business referred from 28 April 2011, be uplifted.

- 1 **That** the report be received.
- 2 **That** the new road in the subdivision of 211 – 233 Alford Forest Road (approved by resource consent SUB09/0021) be named Woollen Mills Drive (refer to Appendix for a plan identifying the road).
- 3 **That** the Developer be responsible for erecting name plates at the entrance to the subdivision on Alford Forest Road to indicate the name of the road and that this is done after consultation with and to the satisfaction of the Council's Roading Manager.
- 4 **That** the Developer be responsible for paying to the Council all costs associated with the manufacture and erection of all necessary name plates.

### 6.3 Background

On 1 May 2009, resource consent was granted to Woodham Properties Ltd for a subdivision comprising 10 allotments in the Business 3A zone and Rural A zone for business / commercial activities. A cul-de-sac has been constructed as part of the subdivision, the naming of which is the subject of this report. Development of the site has been made possible by the Woodham family, who has undertaken a significant environmental cleanup with soils being remediated after years of contamination.

At the Environmental Services Committee meeting on 28 April 2011 it was decided that the matter of naming the cul-de-sac lies on the table until the next committee meeting due to the options put forward (Robert Woodham Place, Robert Woodham Drive, and Woodhams Mill Place) being too similar to Woodham Drive and therefore inappropriate.

Since the meeting, the developer has provided at least 3 additional options in accordance with the Council's policy being

1. Woollen Mill Lane/ Drive/ Crescent
2. Romney/ Merino Drive
3. Yarns Lane

As outlined in the previous report, the use of 'lane' is not considered appropriate as a private right of way must be called a 'lane' in accordance with the Council's policy and the proposed access is a road, not a right of way.

Furthermore, a Crescent is considered to have a separate entry and exit and therefore the naming of the road as a Crescent is not appropriate.

The Roading Manager suggested that a no exit road such as this be named Place or Drive, consistent with elsewhere in the district.

Having regard to the above, and the site's history, having been occupied by old Woollen mills, the preferred option is Woollen Mills Drive.

While Woolstore Mews nearby in Allenton is similar, there is considered to be sufficient distinction between the names to avoid confusion. Comments were invited from the Emergency Management Officer who did not have any concerns. The recommendation also reflects the preferred road name offered by the developer.

#### **6.4 Options and Risks Considered**

The names put forward for the proposed road within the subdivision are as follows as shown on the Plan accompanying this report.

1. Woollen Mill Lane/ Drive/ Crescent
2. Romney/ Merino Drive
3. Yarns Lane

#### **6.5 Statutory Implications**

Any resource consent for subdivision that creates a new road to be vested in Council shall comply with subdivision rules 6.6.5.2.2 (j) and (k) of the District Plan, which states –

- (j) *All new roads vested upon subdivision of land shall be given distinctive names not already in use within the area covered by the District Council. The name shall be agreed to by the Council.*
- k) *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.*

#### **6.6 Consultation**

Not applicable.

#### **6.7 Strategic Links**

The following Community outcome from the LTCCP is relevant –

***Outcome 3: A community with a strong sense of identity and heritage, which welcomes new residents and encourages diversity***

- *Our district has a strong sense of identity and people who participate in community life. Ashburton District is a community that attracts and retains new residents.*
- *Our community recognises and preserves the cultural and social heritage of our district.*

#### **6.8 Financial**

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.*

Prepared By:

M STEVENSON

**Senior District Planner**

Approved by:

J McKENZIE

**Environmental Services Manager**

## **7. ACTIVITY REPORTS**

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### **7.1 Variances Report – Period ending April 2011**

*Pages 21-23*

### **7.2 Building Services**

#### **7.2.1 Staff**

The Building Services Manager and one Building Official attended the Building Officials Institute Annual Conference. Presenters at the conference included the Minister for Building and Construction, the Chief Executive of the Department of Building and Housing and Christchurch City Council staff who provided an overview of recent earthquakes. Training updates were also provided for a number of legal and technical issues.

#### **7.2.2 Building Consents**

The number of building consents issued during April was 113. This is a decrease of 17 building consents from the same month in the previous year. The number of applications received for the month was 138; this is a decrease of three applications from the same month in the previous year. Of note is a reduction in the number of solid fuel heater applications this year for the month of 22.

*Pages 24-41*

<b>Month</b>	<b>Building Consents Received</b>	<b>Building Consents Issued</b>	<b>% Processed within 20 Days</b>	<b>Inspections Carried Out</b>	<b>CCC Issued within 20 Days of Application</b>
January	50	60	100%	268	100%
February	76	66	100%	337	95%
March	95	93	100%	392	100%
April	138	113	100%	397	100%

Building consent statistics for May will be distributed at the Committee meeting.

#### **7.2.3 Building Consent Processing Times**

Building consents are being processed within timeframes and averaging approximately 16-17 days. Processing has extended out from our 14-15 day target due to one processing Building Official being required for inspection duties and increased volume of applications.

#### **7.2.4 Project Information Memoranda (PIM's)**

There was one application for a standalone PIM during the month which was processed within the timeframes.

#### **7.2.5 Inspection Times**

Inspection times for the month have varied with maximum inspection waiting periods of 4-5 days. This has been due to an increase in inspections and distances that are travelled.

#### **7.2.6 Certificates of Acceptance**

There have been no new applications for COA's. As a result of information passed on the Plumbers, Gasfitters and Drainlayers Board, the Council has been notified of a prosecution planned for gasfitting done by an unqualified individual.

## **7.2.7 Earthquake Prone Buildings**

During the month Council received information from a local building owner in the form of an Engineer's report identifying issues with their building. The danger identified to adjoining buildings resulted in the issuing of one red notice and one yellow notice. The tenants have been able to still maintain some use of their buildings. There has been a limited response from building owners to date in providing engineer assessments of earthquake affected buildings.

## **7.2.8 Building Services Information Night**

An information night is scheduled for June 1<sup>st</sup> with attendance of over 100 expected. This meeting will provide tradesmen designers and architects with information regarding the latest changes to standards and legislation. Also addressed will be issues that are common throughout the whole building process from the building consent application stage to completion

## **7.3 Planning**

### **7.3.1 Resource Consents**

- **Subdivisions**

An application has been received for the subdivision of land to the immediate north of the former Tinwald Club into 88 residential allotments over three stages. A previous consent was granted for 21 residential allotments as the first stage of a proposed subdivision. Following assessment of the application it will be determined whether it needs to be notified to affected parties.

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, were notified with the period for submissions ending on 23 March 2011. One submission was received in opposition from the New Zealand Transport Agency. A hearing is scheduled for 3 June 2011, which will be chaired by an Independent Commissioner, Patricia Harte.

An application for the subdivision of a 1.2ha 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>, was notified with the period for submissions ending on 10 March. No submissions were received and the application is currently on hold. A separate application has since been received for the subdivision of the same site into allotments of 2,000 m<sup>2</sup> (proposed Lot 1) and 1.0172 ha (proposed lot 2) together with an application for land use consent for a existing residential unit on lot 1 and a proposed residential unit on lot 2, being less than the minimum allotment size of 2 ha for the rural zones.

- **Land use**

An application for increasing the scale and intensity of a meat processing business at a residential property in Methven was heard by a Hearings Panel on 2 May, with one submitter, opposing the application, being heard. A decision was issued on 20 May approving the extension of the hours of operation, the employment of up to two staff who don't reside on the site and signage, but not allowing the retailing of meat products as applied for.

An application for a residential unit on a 1.6 ha allotment on Arundel Rakaia Gorge Road, south of Mt Somers, was notified with the period for submissions ending on 29 March.

A total of 7 submissions were received 6 of which oppose the application, with a hearing scheduled for 7 June. This requires resource consent as the minimum allotment size for a dwelling in rural zones is 2 ha.

An application is being processed for additional antennae to an existing mobile phone mast in Hinds as part of the 2 degrees mobile phone network.

An application for the development of four buildings for commercial activities including a Chipmunks Playland and Redpaths Electrical wholesalers, on the corner of Grey Street and East Street, was notified to affected parties with no submissions being received. A decision will be issued shortly.

A retrospective application for resource consent for a quarry off Ashburton Gorge Road remains on hold with further information requested from the applicant.

- **Resource consents granted under delegated authority** **Pages 42-43**

### **7.3.2 Appeals**

The appeal of Council's decision to refuse resource consent for a campground including potentially permanent relocatable units at a site on Bridge Street, Ashburton, has been subject to mediation and is currently before the Environment court for their consideration, with a consent order expected to be issued in due course.

The appeal on the proposed art gallery and museum, 325 – 333 West Street, Ashburton is currently before the Environment Court for their consideration, following mediation between the parties.

As reported at the last Committee meeting, an appeal has been lodged over the Council's refusal of resource consent for a subdivision of a 4ha site into two 2ha allotments in the Rural A zone to the west of Rakaia Township. The reasons for the appeal are that the proposal will be in keeping with the character and amenity of the surrounding area and will not create a precedent for further subdivisions less than the minimum allotment size of 8 ha for the Rural A zone.

### **7.3.3 Monitoring / Enforcement**

The Planning Officer vacancy has been filled by Liz Davidson, whose role will be to monitor the conditions of all resource consents, therefore ensuring consent holders are complying with the requirements of their consents.

Complaints have been received over the farming of chickens in a location to the east of Tinwald, which does not comply with the District Plan. For clarification, the farming of chickens (where the regular feed source is substantially from a source other than grazing the site concerned) requires resource consent in the Rural A zone, the rural zone closest to the urban area. In the Rural B zone, which covers the majority of the plains, the farming of chickens is permitted if there are no more than 10,000 birds and the buildings for the housing of birds are no closer than 100 m from the nearest property boundary.

The Council remains vigilant on signs that appear in public places that are unlawful, with a number of signs having been confiscated recently. It should be noted that temporary signs are only permitted where they are for a community, recreational or educational event, are not greater than 2m<sup>2</sup> and are not displayed more than 6 weeks prior to the event, or more than 1 week after the event.

### **7.3.4 District Plan Review**

Hearings on the Proposed District Plan were held on 4, 5 and 25 May, with submitters presenting in support of their submissions on the following chapters – Relocated Buildings and Temporary Activities, Definitions and Noise. Decisions on these topics will be released at the end of all hearings.

The next hearing is scheduled for 15 and 16 June when submissions on the Transport chapter will be considered.

### **7.3.5 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.

On 13 May 2011, Environment Canterbury staff presented to planning staff from District Councils on the changes made to the Draft RPS following consultation from September to December last year. A submission was made by a 'Territorial Authority Group' comprising Ashburton, Hurunui, Selwyn, Waimakariri, Waimate and Waitaki District Councils. This reflected the commonality of issues raised by Councils and enabled the sharing of resources in preparing a submission. Since consultation on the draft, the most significant changes have been made to the Land Use and Infrastructure, Water and Coastal Environment chapters. The Land Use and Infrastructure chapter of the draft that was released in September 2010 included policies for Regional Growth and New Settlements, which set criteria that any new development would be subject to. Significant concerns were raised by District Councils over the criteria, with the policies redrafted as a result.

These changes will be considered along with other issues raised with the draft in preparing a submission to the notified RPS. The RPS is to be formally notified to the public on 18<sup>th</sup> June 2011 for a period of 40 working days, during which time the draft submission will be brought to the Committee for consideration before lodgement.

### **7.3.6 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 that met on 14 April. Following technical input the designs will be presented to the Town Centre Subcommittee on 14 June. Funding will be sought for the implementation of these designs and other projects in the town centre as part of the review of the Long Term Plan.

### **7.3.7 Biodiversity Action Plan**

A working group established on 6 September 2011, comprising representatives of various organisations including Forest and Bird, Fish and Game, Federated Farmers, Environment Canterbury and the Department of Conservation, received a draft Action Plan in March, with initial feedback being provided at a meeting on 28 March 2011. The working group is meeting in Methven on 14 June to discuss further refinements to the draft, following which a workshop will be held with Councillors on 30 June. The Action Plan was initiated to identify actions linked with work being progressed by the Zone Committee for the Canterbury Water Management Strategy. A separate working group comprising ECan staff, Zone Committee members and Runanga representatives has been delegated responsibility for Biodiversity actions required to achieve targets in the CWMS. Those not currently on the Ashburton District working group been invited to the next meeting on 14 June to ensure linkages are strengthened between the respective groups.

## **7.4 Regulatory**

### **7.4.1 Air Quality**

A meeting was held with ECan on 23 May 2011, to discuss the promotion of the Clean Air programme within the District. A number of ideas were raised regarding the methodology which will be adapted to get the message out within the District. A follow-up meeting will be arranged shortly to outline the action plan and to commence activities.

### 7.4.2 Environmental Health

Sixteen food premises were inspected under Food Hygiene Regulations, for grading. The overall standard was good. Three new licence applications were received; one was approved and the others are still in the process.

Several food premises were visited regarding the Food Control Plans and they are nearing completion, they will be in contact as soon as they are ready. One premise has been audited and found to be very good.

One mobile food shop was inspected as a result of a licence application and was approved.

Thirty other events relating to food premises and requirements for selling and operating food shops were attended to including re-inspections at premises where requirements were outstanding. Two of these inspections required further notices being served with deadlines to comply included.

The following complaints were attended to-

- Several complaints were received regarding the odour from Lignotech in the industrial are, there is presently no health issues around this and complainants were reverred to ECan as this is a problem with emissions to the air.
- One complaint regarding noise from a chipper at the saw mill was received and attended to.
- Complaints were received about audible bird scarers, however none breached the code of practice.
- Complaints were also received about a rooster crowing and a cat being a problem, several visits to these premises found no people at home and also no nuisance
- Fourteen noise complaints were investigated by First security with one notice given.
- Two Campylobacter cases were reported.
- One offensive trade licence was received and the matter referred to ECan for consideration.
- Sixteen building consent applications for potable water were completed; most complied with the water standards.
- One premise was inspected for suitability as a hairdresser; the application is awaited.
- A dead sheep was removed from the river bed.

### 7.4.3 Community & Public Health

Summary of notifications for May 2011.

*[not yet available – to be circulated]*

### 7.4.4 Liquor Licensing

The Licensing Inspector has met with applicants for club manager's certificates at Tinwald Golf Club, and Methven United Club.

Late night monitoring of licensed premises has been carried out in the CBD in conjunction with the Police and Community Public Health.

Applications received for the month of May 2011

On/Off / Club new:	1
On/Off/Club renewal:	8
Specials:	11
Manager's certificates new and renewal	20
<b>Total for month</b>	<b>40</b>

### **On/Off/Club Applications being processed**

- County Club- Club Licence renewal
- Beach Road Store & video -off licence renewal
- Harrisons Bar/Café-On Licence renewal; objections received. File has gone to LLA.
- Blue Pub Methven, on licence and off licence renewal.
- Nosh Café on licence renewal.
- Ski Time restaurant and bar on licence renewal
- Aqua Japanese restaurant on licence renewal
- Thai Chilli new on licence application.
- Ashford's café-on licence renewal
- Methven Supervalue- off licence renewal.

### **Files referred to the Liquor Licensing Authority**

- Hinds On-the-Spot Convenience Store. Reason – the store is not a grocery or supermarket and therefore is not entitled to hold an Off Licence. The Liquor Licensing Authority hearing on 18 April 2011 resulted in a new Off Licence being issued.
- Allenton Liquor Store. A Public hearing was held on 18 April 2011, due to public objections. The Liquor Licensing Authority has approved extended hours and issued an amended licence.

### **Special Events**

- A "feminine affair" trade show rescheduled from February, to 10 July.
- Southern Rugby Club functions
- "Gourmet Tastes" stall at Glenfalloch Station open day in July
- Ashburton Licensing Trust- Mid Canterbury hunting competition
- Hampstead School fundraiser
- Wakanui hockey club fundraiser

### **Legislation**

Security Guard legislation, enacted on 1 April 2011, will affect licensed premises door staff. All door staff/crowd control working in licensed premises are required to be registered, and approved. This is seen as a positive step for improving the performance of licensed premises door staff throughout the country.

## **7.4.5 Water Monitoring**

E-coli testing of all District Council water supplies continues to achieve good results with no issues. Private community water supplies that Council tests on behalf of their owners are testing well with no E-coli contamination.

Methven and Rakaia wastewater plant sampling continues on a monthly basis with no issues to report.

Landfill monitoring bores around the closed Ashburton landfill are to have the immediate area around each one (six in total) cleared of blackberry, gorse, broom and weeds to keep them accessible for purging and sampling purposes.

This work is to be carried out by a Council engaged contractor and will be supervised by Environmental Services Regulatory staff, until contractor becomes familiar with bore locations.

## **7.4.6 Animal Control**

### **• Registration status**

The annual breakdown is as follows:

<b>Category - Known Dogs</b>	<b>Number</b>
Dogs currently registered	6767
Known unregistered dogs	125
% of know dogs registered	98.2%

- **Court cases**

On 18 April, the owner of a pitbull that attacked a five month old Shar Pei at the Ashburton Domain oval was prosecuted for being the owner of a dog which has attacked a domestic animal. The dog owner was convicted and ordered to pay \$1,304.20 reparation to the owner of the Shar Pei, as well as \$250 towards the Solicitor's cost and \$130 Court costs. The dog owner has been disqualified from dog ownership for five years.

- **Action Taken**

Dog Control Act Infringement notices:

11 infringement notices have been served from 14 April to 26 May making a total of 137 since 1 July 2010.

Impounding:

27 dogs have been impounded from 14 April to 26 May 2011. There are currently no dogs in the pound (as at 26 May).

Rehoming:

6 dogs have been rehomed to new owners from 14 April to 26 May.

Euthanized:

3 dogs were euthanized due to being unsuitable for rehoming.

### **Dog & stock control report**

The contractor's reports for April and May are attached.

**Pages 44-47**

### **7.4.7 Regulatory Enforcement Officer**

- 7 audits have been carried out for building warrants of fitness.
- 3 litter infringement notices and four bylaw infringement notices have been issued.
- 3 unauthorised advertising signs have been successfully dealt with. A request for an application for resource consent and an abatement notice issued for an unauthorised service activity. A number of consents continue to be monitored for compliance.

### **7.4.8 Trade Waste**

- Routine inspections of 22 (permitted category) have been completed
- Investigations – one blockage at the Netherby shopping centre
- Other comments  
No issues resulting from inspections  
Programme set to complete all permitted category holders by 30/6/11  
Conditional consents (4 renewed for 2011- 2012 period)  
Remaining conditional consents expire at the end of June 2012  
Prepare analysis of unpaid trade waste accounts.

### **7.4.9 Illegal Dumping**

- 8 incidents
- 4 investigations
- 4 infringements (2 - Litter Act, 2 - Bylaw breach)
- 63 site checks conducted.

#### **7.4.10 Signage**

- 6 incidents
- All signs removed  
Auction signs not retrieved by owner  
Gypsy fair sign returned to owner  
Knitwear signs returned to owner  
Ongoing problem with posters from 'The Shed' action pending

#### **7.4.11 Freedom Camping Bill**

The Government have announced a new Bill to control effects of freedom camping, while the text of the new bill is not yet available, the announcement indicates that instant fines will be available for councils to issue to people that camp in prohibited locations or camp in a manner that creates adverse effects.

The Ashburton District Council Public Places Bylaw provides for penalties in circumstances where offensive matter is deposited in a public place, but the difficulty of obtaining the identity of the person has always existed due to Local Government not having the powers of the Police. The Bill proposes to enable councils to issue an instant fine of \$200 to anyone who chooses to camp in prohibited locations or embarks on freedom toileting or illegal dumping. This may also require a council to first declare problem areas to be 'Prohibited Camping Areas'. Nick Smith MP indicated in his announcement of the Bill, that he expected Local Government and the Department of Conservation to provide alternate camping locations and facilities.

J McKENZIE

**Environmental Services Manager**

# Ashburton District Council Report

File No: 6/9/44/1  
Date: 9 June 2011  
Report to: Environmental Services Committee  
From: Heritage Assessment Subcommittee  
Subject: Heritage Grant Scheme

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## 8 Heritage Assessment Subcommittee

**Report and Minutes** of a meeting of the **Heritage Assessment Subcommittee**, held in the Council Chambers, 5 Baring Square West, Ashburton, on Thursday 31 March 2011, commencing at 11 am.

### Present

Cr J Sparks (Chair), Cr D McLeod, Cr M Nordqvist

### In attendance

Assistant Planner and Community Services Officer (minutes).

#### 1 Apologies

Nil

#### 2 Heritage Grants Policy

The Canterbury Earthquakes have highlighted the inflexibility of the Heritage Grants Policy to allow for financial assistance in emergency situations.

#### Recommendation to Finance & Community Services

**That** the Heritage Grants Policy be reviewed to allow for flexibility to the policy during exceptional/emergency circumstances.

Nordqvist/McLeod

Carried

#### Additional information:

The Finance & Community Services Committee (12/05/11) supported the proposal to review the Heritage grants policy in its entirety. It was suggested that information from other councils be obtained in respect to subsidies that may be provided when buildings are constructed or altered on historic sites. The review will include heritage trees.

#### 3 Correspondence

The Community Services Officer received a letter from the Methven Public Library expressing an interest in the funding but explaining that they are currently awaiting reassessment from their insurers. Several other enquiries have also been received via telephone with owners reporting that they are still awaiting assessments from EQC or Insurance companies.

#### 4 Schedule Of Applications For Funding Assistance

The Heritage Subcommittee met to allocate funding for Heritage items damaged in the Canterbury Earthquakes. The funding available was \$48,331 carried over from the 2010 funding round. The subcommittee was mindful of the Council's policy for Heritage grants, but also the exceptional circumstances for which the funding is being offered.

One (1) application was received:

**Rakaia Hut** – (Heritage Museum building at Rakaia Bach Settlement)

The Assistant Planner has confirmed that this building holds a Group B classification under the Proposed District Plan. District Plan ID 126.

Rakaia Hut sustained cracks to walls and chimney damage following the September 4 2010 earthquakes. EQC inspected the property and it was placed off limits until repair work had been completed. The South Rakaia Bach Owners Association undertook repairs to ensure the building was safe. They were unaware at that time that this funding would be available, hence the retrospective application.

The subcommittee agreed that this application was eligible.

**Recommendation to Council**

- 1 **That** the application from South Rakaia Bach Owners Association for Rakaia Hut, Rakaia Bach Settlement, for funding from the District Council's Heritage Reserve Fund be accepted and a grant of \$2500.00 made, subject to Council staff gaining reassurance that the reserves held are appropriate;
- 2 **That** the balance of the Heritage Grant fund stands at \$45,831 as a result of this decision;
- 3 **That** approval be granted to carry over the funds from (2) above to the 2011-12 funding round;
- 4 **That** the 2011-12 funding be available to consider applications from Heritage Items which sustained damage from the earthquakes, in conjunction with usual Heritage Grants requests.

McLeod/Nordqvist

Carried

**General Business**

A letter was received from New Zealand Historic Places Trust inviting Councillors on a trip to look at heritage buildings and heritage trail. The committee agreed it may be appropriate to decline the invitation due to potential conflicts of interest surrounding District Plan hearings.

Alex Shand and Company Ltd has advised that contractors will begin cleaning up the stock food and site following the recent fire. A resource consent application will be lodged to demolish parts of the building.

The meeting closed at 11.45am.

# **Environmental Service Variance Report**

## **For the end of April 2011**

### **Health Monitoring**

#### **Income \$16,399 Favourable against year to date budget**

- Infringement fees (for breaches of bylaws and legislation) are \$18,819 against the year to date budget of \$8,333, a positive variance of \$10,486.
- Health Licence income is \$42,937 against the year to date budget of \$38,333, a positive variance of \$4,604. This should balance out over the full year.

#### **Operating Expenditure \$18,558 Unfavourable against year to date budget**

- The Salary & Wages costs incurred are \$142,833 against the year to date budget of \$116,678, a negative variance of \$26,155. (This relates to salary debited to this account which is now unable to be 'split' to other accounts and will require a journal adjustment to correct)

### **Building**

#### **Income \$ 300,299 Unfavourable against year to date budget**

- Building Consent income is \$687,219 against the year to date budget of \$951,479, an unfavourable variance of \$264,278. Building Consent income shows approximately 28% below the year to date budget at the end of April 2011. This is a result of the recession when lower value building work was applied for.

#### **Operating Expenditure \$216,619 Favourable against year to date budget**

- Salary & Wages shows \$125,846 favourable variance against the year to date budget. (This variance relates to an approved Building Official role not being filled due to the recession, plus a Systems Officer position that vacant for a number of months )
- While DHB and BRANZ levies income is \$32,215 below the year to date budget, we have also paid (via expenditure) \$45,886 below the year to date budget. So the net levies show \$13,671 below the year to date budget.
- Consultancy costs are \$79 against the year to budget of \$20,833 and it was below the YTD budget of 20,755.
- The favourable variances also include \$11,457 in Legal expenses and \$7,650 in Staff Training.
- The above is partially offset by the unfavourable variance of \$8,133 in the Contractors costs. This reflects the reliance on contractors to fill a staffing shortfall.

### **Liquor Licensing**

#### **Income \$23,184 Unfavourable against year to date budget**

- The actual Licence Fees are \$46,977 against the year to date budget of \$70,833, a negative variance of \$23,856.

## **Operating Expenditure \$13,718 Favourable against year to date budget**

- Salary & Wages shows \$19,180 favourable variance against the year to date budget. (This relates to salary debited to the health account which is now unable to be 'split' to other accounts and will require a journal adjustment to correct)

## **Animal Control**

### **Income \$ 17,232 Unfavourable against year to date budget**

- The Dog Registration fees and Licences are \$218,327 against year to budget of \$252,627, a negative of \$ 34,300. (The budgeted figure was calculated in error on the total number of dogs in the district, this includes dogs that have left the district or died. This error has been corrected for the following year)

### **Operating Expenditure \$19,719 Favourable against year to date budget**

- Salary & Wages shows \$22,159 favourable against the year to date budget. (This relates to salary debited to the health account which is now unable to be 'split' to other accounts and will require a journal adjustment to correct)

## **Planning**

### **Income \$25,929 Favourable against year to date budget**

- Planning recoveries (code 10113) are \$88,265 against year to date budget of \$41,667, a positive variance of \$46,599. These recoveries relate to work on-charged for resource consents, the majority of which relates to processing of the application for the proposed Art Gallery and Museum. The expense side shows \$13,250 unfavourable so the net effect of recovery shows favourable of \$33,349. The costs recovered are the fees charged by consultants acting for the Council as Planning Authority including planning, noise and transport specialists as well as time of the Independent Commissioner. These are on-charged to the Council as applicant as would be done for any resource consent application from a private interest.
- The Consents income (including both non-notified and notified) are \$126,413 against the year to date budget of \$142,625, a negative variance of \$16,212.
- Hearing fees are \$3,111 against the year to date budget of \$10,938, a negative variance of \$7,826.

### **Operating Expenditure \$320,421 Favourable against year to date budget**

- The cost (Maintenance contracts 30504) associated with the District Plan review is \$264,799 against year to date budget of \$431,667, a favourable variance of \$166,867. Any unspent budget will be considered for 'carry over' to the following year.
- The favourable variances also include \$62,251 in Consultancy cost and \$61,620 in Salary /Wages cost.

## **Water Monitoring**

### **Income \$3,622 Unfavourable against year to date budget**

- Variance not significant

**Operating Expenditure \$25,012 Favourable against year to date budget**

- Favourable variances of \$13,953 in the laboratory costs.

**Environmental Administration**

**Income \$ 2,790 Unfavourable against year to date budget**

- Variance is not significant.

**Operating Expenditure \$ 7,292 Favourable against year to date budget**

- Salary & Wages shows \$11,574 favourable against the year to date budget.