



Ashburton District Council

AGENDA

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

Date: Thursday 6 December 2007

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)

AGENDA

	Page
1 APOLOGIES	
2 NOTIFICATION OF EXTRAORDINARY BUSINESS	
3 CONFIRMATION OF MINUTES – Environmental Services Committee – 8/11/07	1
4 MATTERS ARISING	
 MATTERS FOR COMMITTEE DECISION	
5 Application LUC 07/0116 – Proposed Dwelling exceeding building height and coverage – 4 Coniston Drive, Ashburton	5
6 Town Centre Subcommittee – 29 November 2007 – Recommendations <i>Loading Zones</i> – Recommendation <i>East St / Kermode St Intersection</i>	12
 ACTIVITY REPORTS	
7 Environmental Services Department	15
8 District Licensing Agency – 29 November 2007	Tabled

30 November 2007

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: LUC07/0116
DATE: 8 November 2007
REPORT TO: Environmental Services Committee
FROM: Graduate Planner
SUBJECT: Proposed dwelling exceeding building height & coverage – 4 Coniston Drive

5. PROPOSED DWELLING EXCEEDING BUILDING HEIGHT & COVERAGE AT 4 CONISTON DRIVE, ASHBURTON

Pages 21-25

5.1 SUMMARY

- 5.1.1 This report provides an analysis of the resource management issue in respect to LUC07/0116. The assessment and recommendations contained in this report are not binding on the committee.
- 5.1.2 This report is prepared under Section 42A of the Resource Management Act 1991. The purpose of this report is to bring to the attention of the panel relevant information and issues that should be considered when deliberating on the proposal. This report confines itself to the matters relating to the land use consent made to the Ashburton District Council.

5.2 RECOMMENDATION

“That application LUC07/0116, being consent to construct a dwelling at 4 Coniston Drive, which exceeds the maximum building coverage and height, be approved subject to the following conditions:

1. That the building shall be constructed and sited in accordance with the plans (Job Reference: BM-07-008, dated 29/08/2007) lodged as part of the application.
2. That no further buildings, accessory or otherwise, shall be constructed or placed on the site.”

ADVICE NOTE:

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 Council Community Plan (LTCCP), 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 the building consent.

The applicant’s attention is drawn to the Council’s requirements for the construction of vehicular access from the road carriageway to the property boundary. In accordance with Bylaw 1628.2 the applicant shall be required to obtain a vehicle crossing permit from the Council before construction.

5.3 PROPOSAL

- 5.3.1 The applicant wishes to construct a dwelling that will exceed the maximum permitted building coverage at 4 Coniston Drive, Ashburton. The section is 1032m² in size and the proposed house will have a floor area of 373.9m² which will result in a total building coverage of 36.23%. The District Plan allows for 35% building coverage.
- 5.3.2 The proposed dwelling also exceeds the maximum height allowed in the Residential Zone. The maximum height permitted is 8m. The height of the proposed dwelling is 8.19m.
- 5.3.3 The dwelling will have vehicle access fronting Coniston Drive. A new vehicle crossing will be required to service the property.
- 5.3.4 The application was lodged at the Council 29 September 2007, further information was requested, and was then limited notified on 18 October 2007, pursuant to S93/94 of the Resource Management Act 1991.
- 5.3.5 The surrounding properties are all over 1000m², and most have large dwellings over 300m². The sites have been created from a relatively recent subdivision, and there continues to be construction in the immediate vicinity. The streetscape is pleasant with a grass berm and establishing trees and plants. Most nearby properties have generous areas of lawn and garden, which contribute to the visual amenity of the area.

5.4 SITE INFORMATION

Certificate of title	CB47D/1137
Legal Description	LOT 7 DP 82956ELD SD BLK IX ASHBURTON SD
Valuation Reference	2452480010

5.5 PERMITTED BASELINE

- 5.5.1 The term referred to as the “permitted baseline” relates to what is permitted by the District Plan in the Residential Zone.
- 5.5.2 There is no relevant planning history on the site, nor is the site covered by designation or scheduled activity status that would otherwise change the permitted baseline activity for the site.

5.6 DISTRICT PLAN MATTERS

7.2.5.1.2 Building Coverage

Maximum building coverage shall be 35%; except:

- 45% in area bounded by Oak Grove, River Terrace, Chalmers Avenues and Walnut Avenue; or
- 1% for recreational activities, excluding children’s play equipment.

The proposed dwelling is not located within the four avenues and therefore the maximum building coverage is 35%.

7.2.5.1.3 Height of Buildings

Maximum height of any building shall be 8m

Height definition:

In relation to a building means the difference in height between the average ground level along the external wall nearest to the street, and;

- the highest point of the parapet or coping in the case of a flat roof; or
- the highest level of the ridge in the case of a sloping roof.

Residential activity is a permitted activity at this site. The proposal complies with all of the relevant zone standards, however, fails to comply with all site standards 7.2.5.1.2 and 7.2.5.1.3.

The activity, therefore, is a **restricted discretionary** activity, with the Council's discretion being restricted to the matters which is not complied with.

5.7 OBJECTIVES AND POLICIES OF THE PLAN

The relevant objectives and policies of the District Plan are as follows:

4.2.3.7 Character and Scale – Objective 4

4. Residential development and associated activities at a scale, intensity and character which is consistent with, and/or an enhancement of, the existing identity and services of settlements and their rural-residential surrounds.

Policy 1 & 6

1. To ensure an essentially low density, low scale suburban living environment within the District's settlements, with a dominance of open space and plantings over buildings.
6. In assessing resource consent applications, to avoid development which would detract from the predominant character and scale of the particular residential or rural residential environment.

4.2.3.13 Pleasantness and Amenity – Objective 8

8. Individual and community expression in built form, with development otherwise limited in order to achieve a pleasant residential or rural-residential environment.

Policy 4, 5 & 11.

4. To ensure that the design and siting of development – building height, building coverage, recession lines and setbacks, provision of outdoor living and service areas – is such that:
 - development will not unreasonably deny neighbouring properties of privacy, outlook, sunlight or daylight;
 - ample on-site provision of outdoor living space orientated to the sun;
 - an open and attractive street scene; and
 - maintenance of a character and scale of buildings and open space which is compatible with the anticipated residential environment.
5. To ensure an essentially low density, low scale residential environment within the District's settlements, with a dominance of open space and plantings over buildings, in order to retain the pleasantness and amenity of the residential areas.
11. In assessing resource consent applications, to avoid or mitigate development which would detract from the predominant character, scale and amenity of the particular residential or rural-residential environment.

Summary

The objectives and policies of the plan seek to ensure that any development in the Residential Zone is congruent with the existing surroundings and do not impede on the neighbouring properties.

In response to this, the Council sought the written approval from immediate neighbours. There responses can be read in full in section 9.0 of this report.

The ability of the proposed dwelling to detract from the predominant character, scale and amenity of the area will be considered in the assessment of effects.

Policy 4 of Objective 8 contain requirements for the occupants of the dwelling itself. These ideas are further expanded in the District Plan Assessment Matters.

5.8 DISTRICT PLAN ASSESSMENT MATTERS

7.9.2.1 Residential Density and Building Coverage – Residential, Rural-Residential and Township Zones and the Recreational and Residential Areas of the Aquatic Park Zone.

- a) **The extent to which the character of the site will remain dominated by open space and garden plantings, rather than buildings.**
- b) **The ability to provide adequate opportunity for garden and tree planting around buildings.**
- c) **The extent to which there is a need for the decreased site size or increased building coverage in order to undertake the proposed activities on the site.**
- d) **The extent to which any buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.**
- e) **The ability to provide adequate vehicle parking and manoeuvring space on site.**
- f) **The extent to which decreased site size or increased building coverage would have any adverse effects on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and day light and loss of opportunities for views.**
- g) **The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.**
- h) Whether the residential units are to be used for elderly persons housing and the extent to which a decreased site size will adequately provide for the outdoor needs of the activities on the site, and retain a dominance of open space over buildings.
- i) **The ability to mitigate any adverse effects of increased coverage or site density.**
- j) In the case of recreational activities and scheduled private recreational facilities, the extent to which the additional building coverage will affect the degree to which the land is able to be enjoyed by the general public; will result in a loss of open space which is valuable with the built environment; or will enable the establishment of activities which could adversely affect the surrounding environment by way of noise, glare, traffic generation, loss of privacy or security.

Summary

The most relevant assessment matters are points A-G & I, which have been highlighted. These points will be discussed as part of the assessment of effects - Section 11.0 of this report. They relate to the openness of the site and dominance of buildings which affects visual amenity. The ability of the site to serve the residential activity must also be considered.

5.9 STATUTORY CONSIDERATIONS

Applying for discretionary and non-complying activities is considered under Section 104 of the Resource Management Act 1991.

- (a) any actual or potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of –
 - (i) a national policy statement;
 - (ii) a New Zealand Coastal policy statement;
 - (iii) a regional policy statement or proposed regional policy statement;
 - (iv) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 104C Particular restrictions for restricted discretionary activities

When considering an application for a resource consent for a restricted discretionary activity, a consent authority –

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and
- (b) may grant or refuse the application; and
- (c) if it grants the application, may impose conditions under Section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.

5.10 NOTIFICATION

5.10.1 The application was processed by way of limited notification pursuant to Section 93(1) of the Resource Management Act 1991.

5.10.2 Submissions on the applications closed on the 19 November 2007.

5.10.3 The following parties were served with notice pursuant to Section 94(1) of the Resource Management Act 1991:

<i>GM & SA Gilbert</i>	<i>1 Country Place</i>
<i>GE & DA McCann</i>	<i>18 Country Place</i>
<i>WG & SC Deaker & PA Finnigan</i>	<i>69 Farm Road</i>
<i>SW & JM Gerken</i>	<i>67 Farm Road</i>
<i>RJ & LT Scammell & BK & P Trustee Ltd</i>	<i>59 Farm Road</i>
<i>IF & DM Trounce & Falloon Myers Trustees Ltd</i>	<i>3 Coniston Drive</i>
<i>LR & WS Rolston</i>	<i>5 Coniston Drive</i>

5.11 SUBMISSIONS

Two submissions were received in response to the application. A summary of submissions is provided below.

IF & DM Trounce - 3 Coniston Drive, Ashburton.

The submitter **opposes** the application and **does not wish to be heard** in support of their submission. The submitter considers that the proposal will affect their ability to receive winter sun. They also feel that the scale and density of the proposal is above that already present in Coniston.

The submitter **supports** the application and **does not wish to be heard** in support of their submission. The submitter states that the proposal does not, and cannot affect them in any way.

The application contained written approval from all other parties considered affected by the Council. These parties were re-notified pursuant to S93 of the Resource Management Act 1991 however, no further submissions were received in response.

5.12 ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT

Visual Effects

- 5.12.1 Buildings often appear different to what was drawn once constructed. It can safely be assumed that the proposed dwelling will appear large as viewed from the street and neighbouring properties.
- 5.12.2 The most significant visual effects will be experienced by the adjoining neighbour at the rear of the site. The proposed house may shade and impede views from this position. However, written approval has been obtained from this neighbour and therefore cannot be considered when assessing the effects of the application.
- 5.12.3 The proposed dwelling will exceed the maximum height permitted of 8m in the Residential Zone. When the dwelling is measured from ground level to the highest point of the roof the height is 8m. However, the proposed attached garage will be set 380mm below the ground level of the house.
- 5.12.4 The District Plan defines height as the difference in height between the average ground level along the external wall nearest to the street, and the highest level of the ridge in the case of a sloping roof.
- 5.12.5 The height of the proposed dwelling, therefore, is 190mm above what is permitted. This non-compliance will only be able to be seen from certain angles. The amount of sunlight that will be impeded will be minor, and the ability for neighbours to enjoy views will not be adversely affected.

Effects on occupants

- 5.12.6 The Plan requires an assessment of the effects of the activity on the occupants of the dwelling. An increased building coverage restricts the total amount of outdoor living space available to the dwelling. The table below shows the respective figures for site area and building coverage. Once the total building area and driveway are deducted the remaining site area is 536.02m².

Site area	1032m ²
Building area	373.9m ²
Building coverage	36.23%
Hotmix/Driveway area	122.08m ²
Remaining site area	536.02m ²

5.12.7 The site and proposed dwelling are 1032m² and 373.9m² respectively. That leaves 658.1m² of site not covered by building. A further 122.08m² will be covered hotmix driveway and concrete kerbing, leaving 536.02m² for outdoor living, garden and service space. This space should sufficiently provide for the requirements and needs of the occupants of the proposed dwelling. It should also provide adequate space for plantings which will further screen the dwelling from the street.

Scale & Intensity

- 5.12.8 The effects of scale and intensity affect a wider range of people, notably those with clear views to the site. The proposed dwelling will be large and easily seen, as it is positioned on a corner site. However, the proposal will not be dramatically out of context with the current residential environment. Most of the surrounding houses are over 300m², which generally constitutes a large dwelling.
- 5.12.9 The height and building coverage is marginally over and above that which is permitted in the Residential Zone. The intensity of the development will not be such that it is dominant over the surrounding residences, and existing trees along with future plantings should mitigate against the scale and intensity of the proposed dwelling.

JEREMY FRANCE
Graduate Planner

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 2/26/1 cc 5/1/6/2 & 5/0/7/1
DATE: 6 December 2007
REPORT TO: Environmental Services Committee
FROM: Town Centre Subcommittee

6. TOWN CENTRE SUBCOMMITTEE

REPORT and MINUTES of a meeting of the **TOWN CENTRE SUBCOMMITTEE** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 29 November, 2007, commencing at 9.30 am.

PRESENT: Councillors J Leadley (Chair), R Kilworth, J Kingsbury, K Holmes and J Sparks.

Also in attendance Councillors J Burgess and J Everest; Environmental Services Manager, Roading and Street Services Manager, Administration Officer and Committee Secretary.

APOLOGIES: Crs Brown and Beavan (absence); Mayor B O'Malley (lateness) **Sustained**

Confirmation of Minutes

"That the minutes of the Town Centre Subcommittee meetings held on 30 October 2007, be taken as read and confirmed."

Sparks/Kingsbury **Carried**

Matters Arising

Fire Station site

The Roading and Street Services Manager reported that consultation has been completed and the consent application will be lodged with the Planning department in December.

"That the minutes of the Town Centre Subcommittee meetings held on 2 August 2007, be taken as read and confirmed."

Holmes/Kilworth **Carried**

Matters Arising

Parking meters

The Roading and Street Services Manager reported that options for replacing parking meters were considered within the design brief for the parking study, including the possibility of withdrawing them from operation completely. Mr Robertson said that the cost of replacing the remaining old meters is around \$80,000 and a decision on the future use of meters will be needed before committing this expenditure.

He acknowledged that there is an issue with meters failing in wet weather, however investigations have shown that it is not possible to obtain replacement parts.

Town Centre Upgrade **- Presentation from Boffa Miskell Consultants**

Marc Baily and Tim Church were welcomed to the meeting.

The Mayor attended the meeting at 9.50 am.

The presentation from Boffa Miskell showed the preliminary options they have developed following the analysis carried out earlier this year. Feedback from Council is sought before going to public consultation.

The Parks Manager attended the meeting at 10.00 am.

Councillors were asked to participate in a 'mind map' exercise to list their perception of key issues for the town centre development. This information was then collated and discussed and will be used for future reference by the consultants.

Examples of issues raised included –

- Environment needs to be comfortable
- Need to include traffic, including that from state highway
- People first – infrastructure – accessibility
- Open air cafes – place to relax
- Ablution facilities
- Baring Sq (East & West)
- Visitor opportunity to interact
- The Triangle – specialty supplies (could be further developed through District Plan review)
- Linkages – such as 'green' pedestrian bridge
- Things that currently don't work
- Civic activities
- Large format issues
- Traffic speed / movement
- Railway
- Extend direction
- Green frame
- Retain The Green
- Water – celebrate

The Mayor spoke about the importance of working with and including other business operators in the development. He sought clarification on the budget provision.

The Roding and Street Services Manager reported that Council's LTCCP has carry-over funding of around \$2m, however this year's budget is only for consultancy services.

The Consultants confirmed the intention to include key users and stakeholders in the development process and that there should also be private initiatives linking with Council development.

The Mayor referred to the large scale development (Somerset) taking place and the various cafés and amenities in this area. He asked why consideration was being given to moving the 'centre' further away from this area towards Baring Square.

The Environmental Services Manager explained that the plan is to provide for growth, as well as identifying a 'town centre'.

The Mayor reiterated the need for a mandate from those most affected, noting this consultation has not yet taken place.

The Mayor left the meeting at 10.20 am.

The meeting adjourned for morning tea at 10.23 am and resumed at 10.35 am.

The presentation continued with options proposed by Boffas, ie enhancement of the skatepark, the railway line and approaches to the town.

The consultants advised that the next stage will be to identify the key people / groups to consult with. A number of options will be developed for consultation by Boffa Miskell in conjunction with relevant key technical service providers including Transit and On Track.

The consultants were requested to meet again in a Council workshop to discuss the consultation material before involving other groups. The programme and timeline will be provided by Boffa Miskell.

The presentation concluded at 12.20 pm.

Loading Zone – Cass Street outside Briscoe’s service lane

The Roding and Street Services Manager reported that a request has been made for Council to provide a loading zone on Cass Street at the rear of the Briscoes premises on Cass Street, however the location is unsuitable for this activity.

RECOMMENDATION TO ENVIRONMENTAL SERVICES COMMITTEE

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|--|
| <p>“1. That the application for a loading zone on Cass St be declined; and
2. That Briscoe’s be requested to provide space within their own property to provide room for off-loading of commercial vehicles without this operation occurring on the street or footpath.”</p> |
|--|

Leadley/Kilworth

Carried

The Subcommittee heard that a similar issue is occurring at the New World and Countdown supermarket loading zone areas and the businesses are in breach of their resource consents. It was reported that both businesses are occupying their loading bays with storage of goods and the loading activities are being carried out on the footpath areas.

The Roding and Street Services Manager advised that he is in discussion with New World personnel and work is underway to address the problem. Mr Robertson said there is kerb and channel work programmed for Tancred Street which will impact on this. The Subcommittee agreed that New World be given six months to comply.

RECOMMENDATION TO ENVIRONMENTAL SERVICES COMMITTEE

<p>“That New World and Countdown Supermarkets be advised that the practice of off-loading commercial vehicles on footpath areas must cease.”</p>
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Leadley/Kilworth

Carried

Visibility Issues – East St/ Kermode St Intersection

The Roding and Street Services Manager reported that pre-cast units (recycled rubber) would be used for easy removal at a later date if necessary. He acknowledged that future development of the town centre may require further change to this intersection. He advised that over 4000 vehicles / day use the intersection.

RECOMMENDATION TO ENVIRONMENTAL SERVICES COMMITTEE

- | |
|---|
| <p>“1. That the proposed kerb protrusions be installed at the intersection of Kermode Street and East Street; and
2. That the work be funded from the minor improvements budget in the subsidised roading account.”</p> |
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Kilworth/Holmes

Carried

The meeting concluded at 12.43 pm.

ACTIVITY REPORTS

7. ENVIRONMENTAL SERVICES DEPARTMENT

7.1 *General*

The department is already experiencing the 'Christmas Rush'. Staff are endeavouring to fulfil customer expectations of issuing consents and licences before Christmas, however it is unlikely that applications received in December 2007 can be processed and granted in that month.

Activity graphs for consents are attached.

Pages 26-31

7.2 *Valetta Stopbank*

This resource consent application has been received from the applicant, Environment Canterbury. Joint processing and decision making is to occur. We would anticipate that an Independent Hearing Commissioner and public notification will be carefully considered also. Communication with ECan on a joint process is currently underway.

7.3 *Air Plan Joint Committee*

A meeting of the joint committee occurred on 23 November 2007. Minutes of the meeting are attached.

Pages 32-34

7.4 *Staff Accommodation*

With the availability of staff accommodation in the Villa, rearrangement of staff accommodation will be possible and the Environmental Services Department will expand from some rather cramped conditions on the ground floor. This will be a small improvement until such time as more appropriate accommodation can be prepared which the departmental staff look forward to.

7.5 *Public Health*

The following is a summary of the key activities carried out by the environmental Health department over the reporting period

- **Food safety**

Four new food premises were registered:

- 1) Ashburton Farmers Market Inc
- 2) Pizza Pie Kitchen
- 3) European Bakery
- 4) Grandview Partners

Fourteen existing food premises were inspected and graded. Most displayed a Good or Excellent standard of food safety, those falling below the required standard have been instructed on requirements and will be re-inspected within three months.

- **Nuisances**

- A total of 40 noise complaints were received; one noise direction was issued.
- Two odour complaints were received - one related to movement of mixed top soil at the former wool scourers on Alford Forest Road, and the other emanated from a stock truck parked in a residential area.
- One complaint related to unauthorised breeding of cats.

- One complaint related to throwing dog faeces onto the footpath.
- One complaint on the activities of a dumped rooster.
- One complaint on the easy accessibility of alcohol.
- Six complaints of littering / illegal dumping were received; the waste dumped varied from domestic refuse to beer bottles. Suspects have been identified in two cases and enforcement action is being taken against them.

- **Recreational water quality**

Further to the last Environmental Services Committee meeting, attached is the most up to date information relating to water quality in Canterbury Rivers in our district and some of the adjacent areas. This information is freely available on the ECan website and is updated throughout the summer. **Pages 35-36**

- **Disease**

Over the period the following disease were reported 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	5	Over the period 18 Oct – 23 Nov 2006, there were 23 cases of Campylobacter.
Salmonella	2	
Giardia	2	

7.6 Animal Control

- **Registration status**

The breakdown is as follows:

Category	Number
Dogs registered in 2006 / 2007	7040
Deceased	774
Left district	532
Total remaining	5734
Dogs registered in 2007/ 2008	6429
New registrations	847
Dogs re-registered from 2006	5570
2006/ 2007 registered dogs not accounted for	152
Percentage re-registered in 2007	97.35%

- **Court Case**

One aggressive dog case was taken to Court and the defendant pleaded not guilty. The case will go to a preliminary hearing on 18 December 2007.

- **Infringement Notices**

So far this year, six infringement notices have been issued under the Dog Control Act.

- **Dog and stock control reports**

The report of Council's dog and stock control service provider for the months of August and October 2007 will be circulated to the Committee.

7.7 **Water Monitoring**

Good results have been achieved across all monitored supplies in the district.

7.8 **General Inspections**

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

- 10 warrants of fitness audits
- 3 investigations of illegal dumping activities
- 3 complaints relating to resource consents – one resolved and two ongoing
- **Overgrown sections**

Sections and properties requiring action are as follows:

Location	Number	Remarks
Ashburton	15	Letters have been sent to the owners of all of the properties and non-compliance will result in action in early December.
Methven	8	
Other areas	0	

7.9 **Liquor Licensing**

The Liquor Licensing Officer attended a Hearing in Christchurch. The Hearing concerned a recommendation to not grant a Club Licence. The Judge has set a date for a further hearing once he has made himself conversant with all of the details.

A preliminary meeting was held with the Councillors who will be members of the District Licensing Agency to inform them of the roles of the Agency. The report of the District Licensing Agency meeting held on 29 November 2007, will be circulated.

7.10 **Staff development and Training**

As we progress towards accreditation as a Building Consent Authority, staff training and development has become very important with a need for a formal training programme that relates to our formal competency assessment system. Staff have been attending Site Courses that are operated by the Auckland University and course results are NZQA accredited. A Site Safety course has been arranged for January 2008, as many larger construction sites restrict entry to only persons holding this safety qualification.

7.11 **Building Projects and Issues**

• **Somerset Hotel Right of Way**

Progress has been made in resolving the problem of the new Somerset being built over a shared right of way. Interested parties have signed to give up their right to use the walkway and Council's Consultant Planner is checking to confirm. NK Salter Surveying advises that no other parties have any interest.

Building consents have been issued for 18 new motel units on the West Street / Saunders Road corner. Work is not expected to start before 2008. These units are two storeys and are of concrete block and tilt panel construction.

A new child care centre is to be constructed at 80-82 Peter Street. This facility has the capability to mind up to 70 children. Again work is expected to start early in 2008.

Calder Stewart has applications in progress to build a very large storage shed for Pacific Timber on Halliday's land at Alford Forest Road. This building has been sent to a structural engineer to have a peer review done on the structural design; when this has been satisfactorily completed the building consent can be issued. Calder Stewart also has an application to build a new factory on Alford Forest Road on the old Woollen Mill site for Macrocraft Furniture.

This factory will also have a retail outlet facility. It is anticipated that IANZ will confirm a date to complete our assessment for BCA status after the Christmas period.

7.12 Resource Consents Granted Under Delegated Authority

Consents granted under delegation for the period 29 October 2007 until 27 November 2007.

Subdivision	Name of Applicant	Proposal	Type of Consent
SUB07/0132	Shearer John W c/o David Smith Surveying Limited	Proposed Subdivision Boundary Adjustment at 765 Ealing Montalto Road Carew Zoned Rural B	Subdivision Controlled
SUB07/0135	Coulter Andrew Farley, Vucetich Paul John c/o N K Salter Surveying Limited	Proposed two lot Subdivision at 89 Dunford Street Rakaia Zoned Residential	Subdivision Controlled
SUB07/0136	Avetar Properties Ltd c/o David Smith Surveying Limited	Proposed three lot Subdivision / Boundary Adjustment at 311 Tancred Street, Ashburton Zoned Residential	Subdivision Controlled
SUB07/0137	BMC Holdings Limited c/o David Smith Surveying Limited	Proposed two lot Subdivision at 69 McMurdo Street, Tinwald. Zoned Residential	Subdivision Controlled
SUB07/0138	O'Malley Family Trust c/o Davis Ogilvie And Partners Limited Christchurch	Proposed two lot Subdivision / Amalgamation at 135 Racecourse Road, Ashburton. Zoned Residential	Subdivision Controlled
SUB07/0139	Schikker Farms Limited c/o David Smith Surveying Limited	Proposed Subdivision / Amalgamation at Coxs, Peaches, Hoods, Ashburton Gorge & Prices Roads, Mt Somers Zoned Rural A	Subdivision Controlled
SUB07/0143	Maw Richard David Eliot Sinclair And Partners Limited	Proposed two lot Subdivision under Section 226 of RMA at 328 Mount Hutt Station Road Zoned Rural B	Subdivision Controlled
SUB07/0146	Barnett Lindsay John, Barnett Diane Margaret c/o David Smith Surveying Limited	Proposed three lot Subdivision at 249 Tancred Street, Ashburton Zoned Residential	Subdivision Controlled
SUB07/0151	Tozer Neil Wayne, Tozer Erlene Karen David Smith Surveying Limited	Proposed two lot Subdivision / Boundary Adjustment at 249 Normanby Road, Ashburton. Zoned Rural A	Subdivision Controlled

Land Use Consents

The following consents were granted by delegated authority:

Subdivision	Name of Applicant	Proposal	Type of Consent
LUC07/0113 APPLIC. WITHDRAWN 8/11/2007	Tricroft Properties Limited c/o: Urbis Ashburton Limited	Proposed Construction and Operation of two commercial businesses at 360 West Street, Ashburton Zoned Business 3A	Land Use Non Complying
LUC07/0114	Skene Robert John, Skene Margaret May c/o David Smith Surveying Limited	Proposed building encroaching recession plane at proposed Lot 2 of 100 Middle Road, Ashburton Zoned Residential	Land Use Discretionary
LUC07/0118	Lane Margaret Annette and Prendergast Colleen Mary	Proposed dwelling intruding road boundary setback at 13 Burnett Street, and Cnr Sealy Street Zoned Residential	Land Use Discretionary
LUC07/0120	Going Kenneth William, Miller Keith Brian, Going Joanne Marie c/o Grieve Construction Limited	Proposed new dwelling within 20metre internal boundary setback Fords Road, Flemington Zoned Rural B	Land Use Discretionary
LUC07/0123	Skevington John William, Skevington Judith Ann c/o Davis Ogilvie And Partners Limited Christchurch	Change of condition to RC040165 at Huntingdon Avenue, Lake Hood, to allow a second boat storage at 36 Huntingdon Avenue Zoned Rural B	Section 127 of RMA Change of Condition Land Use Discretionary
LUC07/0124	Rolken Builders Limited	Proposed dwelling (Unit 3) not complying with minimum dimension of 5m outdoor living space 33 Chalmers Avenue	Land Use Discretionary

Limited Notified Consents

- LUC07/0116 - May Peter Matson and Toni Margaret c/o Value Plus Builders Limited Trading as Benchmark Homes - Proposed Dwelling at 4 Coniston Drive Ashburton Exceeding Site Coverage (Land Use Discretionary) Submissions close 19 November 2007 and two submissions were received. This consent is to be heard as part of the Environmental Services Meeting 6 December 2007.

Publicly Notified Consent

The following application has been publicly notified:

- LUC07/0121 – Lochhead Charitable Trust c/o Urbis Ashburton Limited – land use to erect two remaining elderly persons housing units to complete the six units as part of Stage 1 of Camrose Retirement Village development. The original consent has lapsed. Publicly notified on 14 November 2007. Submissions close on Thursday 13 December 2007.

- LUC07/0122 - Sheds New Zealand Limited c/o Urbis Ashburton Limited - Proposed establishment of a business to display sheds at 55 Archibald Street, Tinwald. Residential Zone (Land Use Non Complying). Publicly notified on 30 October 2007. Submissions close on Wednesday 5 December 2007.
- LUC07/0105 - Willuna Properties Limited c/o Gravity Design Limited - Proposed 18 unit motel complex at 469 to 473 West Street, Ashburton, in residential zone (Land Use Discretionary). Notified on 4 October 2007. Submissions close 7 November 2007. No submissions received. Hearing to be held on 14 December 2007.
- LUC07/0091 - Mundy Kenneth John c/o Urbis Ashburton Limited - Proposed establishment of a commercial takeaway premises with attached residential accommodation at 30 Forest Drive, Methven, in Business 4 Zone. (Land Use Discretionary). Submissions closed on 25 October 2007. Two submissions were received, both opposing the proposal and both wishing to be heard. The Applicant advised on Friday 23 November 2007, that the application was withdrawn.

Hearings Held

- LUC07/0090 - Artz Rene Josephus c/o Consultant: Urbis Ashburton Limited. Application to establish four elderly persons housing units at 34 Wellington Street. Hearing held 10am on Thursday 8 November 2007. The decision will be available in about two weeks.

Land Information Memorandums

For the period from 29 October 2007 until 23 November 2007, Planning staff have provided planning information for 65 land information memorandum applications.

Private Plan Change

A pre-hearing meeting regarding the Methven Trotting Club Private Plan Change took place at the Methven Racecourse on Tuesday 13 November. The applicants have commissioned Mr Ray Edwards of Urbis Consultancy to prepare a transport report and furnish it to the Council. The Planner's report and recommendations to the submissions received will then be prepared and circulated prior to the hearing of submissions.

Electricity Ashburton Consent Applications

Due to a procedural error it was necessary to re-notify these applications. The closing date for submissions is 20 December 2007.

Hearings Pending

The Bella Vista Motels consent application hearing is scheduled for Friday 14 December 2007.

JOHN McKENZIE
Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/8/1
DATE: 6 December 2007
REPORT TO: Environmental Services Committee
FROM: District Licensing Agency

8. ASHBURTON DISTRICT LICENSING AGENCY

MINUTES of a meeting of the **ASHBURTON DISTRICT LICENSING AGENCY** held on Thursday 29 November, 2007, in the Council Chamber, 5 Baring Square West, Ashburton, commencing at 1.05 pm.

PRESENT: Councillors J Burgess (Convener), J Kingsbury and J Sparks; Senior Sergeant A Kelly (Ashburton Police).

In attendance J Rollinson (Licensing Secretary), J McKenzie (Environmental Services Manager), A Humphries (Regulatory Manager), A Batcheler (Licensing Inspector) and Committee Secretary.

APOLOGIES: Sergeant G Russell (absence), Mrs C Clark (lateness) **Sustained**

Confirmation of Minutes – 26 July 2007

Reference to the minutes of 26 July 2007 being confirmed (pg1) was deleted and with this amendment the minutes of the meeting were taken as read and confirmed.

Licensing Inspector's report

The Licensing Inspector presented her report and advised that representatives from the Collegiate South Club and Zeebos Café would attend the meeting in support of their liquor licence applications.

College South Squash Club

Mr J Leitch was welcomed to the meeting at 1.25 pm.

Mr Leitch spoke in support of the Collegiate South Club's application for renewal of its club licence and operating hours. He acknowledged that the hours being sought exceed Council's policy and accepted the recommendation of the Licensing Inspector in her report which provided for 1 am closing times on Friday and Saturday nights.

Senior Sergeant Kelly said that Police have concerns with the proposal to operate on a Friday and Saturday night until 1 am the following day because tournaments are only held twice a year on those days. Mr Leitch confirmed this.

A Batcheler sought an undertaking from Mr Leitch that the bar will only be opened on the two weekends that the tournaments are held. Mr Leitch gave is assurance that the intent of the renewed hours would be honoured. He said that he is aware that a special licence application could instead be made to operate the bar for the two tournaments referred to.

C Clark attended the meeting at 1.30 pm.

Mrs Clark reported that the Medical Officer of Health has no concerns with the application.

Mr Leitch left the meeting at 1.35 pm.

Zeebos Café / Bar

Mr Ryan Scott was welcomed to the meeting and invited to read the report of the Licensing Inspector who recommended that the hours of operation for the outdoor footpath area be from 7 am until 10 pm. He confirmed that his application is to operate the footpath area between 8 am and midnight.

Mr Scott said that he intends to ensure good management of the area and measures to be put in place to assist with this include a glass partition and surveillance monitoring. Door security staff would continue to be used at the premises from 10 pm.

A Kelly confirmed the report of Sergeant Russell which stated that the Police do not object to the application and would support the use of the footpath area until midnight. He said that there is a greater propensity for problems after that time, especially in this location where there is poor lighting, less through traffic (than East Street) and another licensed premises operating across the street. Mr Kelly acknowledged the good presence of security at the door of Zeebos.

R Scott confirmed that the bar becomes busier after midnight, the time where it is proposed to cease operating on the footpath area.

A Batcheler suggested that her recommendation for operating to cease at 10 pm be on a trial basis until September next year when the licence becomes due for renewal.

R Scott reiterated his request for operating hours of 8 am to 12 midnight and declined the offer of the trial period for the 8 am to 10 pm operating hours.

Mr Scott left the meeting at 1.42 pm.

Decisions

• Collegiate South Club

A Kelly remained concerned with the application to extend the hours of operation on Fridays and Saturdays to 1 am the following day, again noting that this is to provide bar service to two events per year. He suggested that for these events, a special licence application should be made. He referred to previous discussions held with the Club by Police when it became apparent they were using their licence primarily as a fundraising operation. The Police are not aware of any problems associated with the two events for which the Friday/Saturday extension is being sought.

C Clark also expressed concern with this application noting that the Club lacks experience with Sale of Liquor Act legislation. She said that some training has been given but more is required.

Cr Kilworth said she would be concerned if the Agency deviated from recently adopted policy, which was fully consulted on by Council.

A Batcheler agreed that the Agency should not deviate from the policy and that the Collegiate Club's application should not be extended past midnight. She also agreed that more monitoring of clubs should be carried out by the Agency partnership; from discussion it has become apparent that when clubs let out their premises for private functions, where no sale of liquor takes place and therefore no licence is required, liquor related problems often arise. Ms Batcheler referred to the NZ Sporting Clubs Association's draft 'Hire-Out Agreement' and said that it is her intention to work with clubs to encourage them to adopt this policy.

A Batcheler advised that if the Agency declined the 1 am closing time on Friday and Saturday nights, in favour of 12 midnight, the applicant would have the right of appeal through the Liquor Licensing Authority.

J Rollinson said that the applicant, when he attended the meeting today, would have been under the impression that the Agency was supportive of the 1 am closing time and may have spoken further in support of his application had he known that 12 midnight would be the Agency's preference.

It was noted that the Agency had discussed with Mr Leitch the option for the Club to make applications for special licences on the two occasions during the year that the tournaments were held.

"That the hours applicable to the Collegiate South Club's liquor licence be as follows –

- Sunday, Monday, Wednesday – 5:00 pm to 10:00 pm
- Tuesday and Thursday -5:00 pm to 12:00 midnight
- Friday – 5:00 pm to midnight
- Saturday 12:00 noon to midnight."

Kingsbury/Burgess

Carried

Cr Sparks recorded her vote against the motion.

- **Zeebos Café / Bar**

A Kelly confirmed that the Police would not object to the area being used up until midnight, however he anticipates that there will be increased problems in this area as a result.

A Batcheler referred to s6.3 of the Council's Liquor Licensing Policy 2007, noting that applications may be considered on a case by case basis. She said that the business currently has approval to allow dining on the footpath area.

J Rollinson said that the policy also refers to the Agency being able to extend a licence to the footpath area providing the criteria is observed and provides a discretion on the hours to be applied.

Cr Kilworth referred to the Manager's advice that he will be installing a surveillance camera and would continue to use door security; also, the Police do not oppose the application and the criteria around the application has been addressed in the policy review.

C Clark said that there is insufficient evidence to support opposing the application for the midnight closing time, however a similar premises operating across the street may now want the same facility. She noted that problems mainly occur in this area after midnight.

Cr Kingsbury asked if it was reasonable for the applicant to effectively be made the scapegoat for all behavioural problems in the area.

A Batcheler advised that if the Agency approves the application, it would be difficult to retract when the licence comes up for renewal; the Agency would need to go through the Liquor Licensing Authority. She spoke of the overall amenity value of Tancred Street and its surrounding area, the recurring problems associated with liquor and the evidence which shows that a higher density of licensed premises will increase problems.

J Rollinson said that it would be unfair to a new applicant to be faced with any restriction / rebuttal simply because other facilities in the area may not be complying.

A Kelly said that Zeebos Café is tailoring its business to meet the needs of clientele who want to participate in street frontage liquor consumption.

Cr Sparks did not support the application to allow consumption of liquor on the footpath area because its visibility to younger members of the public.

"That the liquor licence hours applicable to Zeebos Café and Bar outdoor area of the footpath, for café/bar use on Monday to Sunday, be from 8:00 am to 12:00 midnight."

Kingsbury/Burgess

Carried

Cr Sparks recorded her vote against the motion.

Police Report

In the absence of Sergeant Russell, Senior Sergeant Kelly took the opportunity to acknowledge the work of the Agency and the partnership activities which have seen improved operations in the way licensed premises are being managed in this district. He said that while intoxication related issues are improving continued work in this area is needed.

Mr Kelly expressed the disappointment of the Police that Council will be lifting the liquor ban on New Year's Eve for the Street Party being held in East Street. He reminded Agency members of the issues that arose before the ban was introduced when licensed premises in the area closed early because they couldn't control what was happening outside their premises. He believes that the lifting the ban will again have an impact on licensees in the area.

ACADS

C Clark reported that advice has been received that the Undie 500 event is likely to be held again next year to celebrate its 20th anniversary. This is despite the general consensus that another event would not be supported because of the many liquor related problems that occurred this year.

ACADS staff were pleased with the way premises were managed and the measures that were put in place during the Methven Rodeo weekend. Some concerns that arose will be addressed before next year's event.

The meeting concluded at 2.30 pm.