



# Ashburton District Council

## AGENDA

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

**Date:** Thursday 8 February 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 D Glass  
Cr L J Leadley  
Cr K L P Lowe  
Cr B A Tasker  
Cr M J Urquhart  
Mayor M B O'Malley (ex officio)

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# AGENDA

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	<b>Page</b>
<b>1 APOLOGIES</b>	
<b>2 NOTIFICATION OF EXTRAORDINARY BUSINESS</b>	
<b>3 CONFIRMATION OF MINUTES –</b> Environmental Services Committee – 30/11/06	<b>1</b>
<b>4 MATTERS ARISING</b>	
 <b>MATTERS FOR COMMITTEE DECISION</b>	
<b>5</b> Application LUC 060071 – Tricroft Properties Ltd	<b>5</b>
<b>6</b> Road Closure – Ashburton Car Club	<b>13</b>
 <b>ACTIVITY REPORTS</b>	
<b>7</b> Environmental Services Department	<b>15</b>
<b>8</b> Ashburton District Licensing Agency – Unconfirmed Minutes 7/12/06	<b>21</b>
 <b>Business transacted with the public excluded</b>	
<b>9</b> Confirmation of Minutes – 30/11/06 Resource Consent Matter Section 7(2)(h) Commercial activities [now in open meeting]	<b>59</b>

2 February 2007

## ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: LUC 060071  
DATE: 8 February 2007  
REPORT TO: Environmental Services Committee  
FROM: Senior Planner  
SUBJECT: Application LUC 060071- Tricroft Properties Ltd

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### 5. APPLICATION LUC 060071 – TRICROFT PROPERTIES LTD

*Pages 25-46*

#### 5.1 SUMMARY

**Applicant:** Tricroft Properties Ltd  
**Site location:** 363 West Street  
**Legal description:** Lots 1, 2 DP 1563 and Lot 1 DP 21503  
**Description of application:** Land use consent to establish and operate a hardware, garden and building supplies outlet including retail sales and to establish and operate a Café at 363 West Street, Ashburton.  
**Zoning:** Business 3A  
**Status of activity:** Discretionary (restricted)

#### 5.2 RECOMMENDATION

“That application LUC 060071 being consent to establish and operate a hardware, garden and building supplies outlet, including retail sales, and to establish and operate a Café at 363 West Street, Ashburton, be granted subject to the following conditions:

1. The consent is to proceed in general accordance with site plan 8306C03C dated 15 November 2006, and details included with the application dated 11 December 2006.
2. No goods deliveries to the site are to occur outside the hours 0700 – 1700, Monday to Friday, through the south side goods access. A gate is to be installed, preventing access along the south side goods access, which is to be locked in accordance with the above hours.
3. The consent holder shall, following six weeks from the opening of the building supply / hardware store, provide a noise report to show compliance with the District Plan’s residential zone noise standards.
4. A noise management brief shall be provided to the Council’s Environmental Services Manager prior to the opening of the building supply outlet to outline what the methodology for condition 3 will be.
5. Should non compliance with the District Plan noise requirements be detected in 3 above, remedial measures shall be undertaken to achieve compliance within one month from the date the non compliance was detected.

6. All exterior lighting shall be directed away from adjoining properties and roads.
7. No activity shall result in greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than two metres inside the boundary of the adjoining property.
8. The hours of operation for the building supply outlet shall not exceed 8.00 am – 6.00 pm on Saturdays, Sundays and public holidays.
9. The Ashburton District Council may, within 20 working days following each anniversary of the granting of this consent, serve notice of its intention to:
  - a. Review the conditions of this consent for the purposes of dealing with any adverse effects on the environment that may arise from the exercise of this consent in regard to effects on the surrounding environment from the scale, frequency and duration of the activity for which consent has been granted. The actual and reasonable costs of conducting such a review shall be payable by the consent holder.
  - b. Carry out monitoring of the activity for the purposes of assessing compliance with the resource consent and / or dealing with any adverse effects on the environment that may arise from the exercise of this consent in regard to effects on the surrounding environment from the conduct of the activity for which consent has been granted. The actual and reasonable costs of conducting such a monitoring shall be payable by the consent holder and shall be in accordance with fees adopted by the Council from time to time.

**Advice Note:**

1. Pursuant to the Council's LTCCP, development contributions are payable at the time of building consent.

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 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 resource consent, however 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.

2. The proposal should comply with all relevant standards in the District Plan with regards to hazardous substance storage and use.
3. The consent holder should obtain any necessary discharge permits for on-site stormwater disposal from Environment Canterbury prior to commencing this consent.

### **5.3 BACKGROUND**

The proposal is to convert the former PGG Wrightsons building to a hardware, garden and building supply outlet. The site is some 1.56 ha in area and contains the existing buildings which have ceased to have been used for over a year. The existing buildings comprise a large single storey warehouse / building of some 4510m<sup>2</sup> gross floor area and setback 56m from SH1. The proposal utilises the existing building with no new buildings proposed.

The site is located within a Business 3A zone which in this vicinity is dominated by mixed business / industrial activities. There is a residential zone to both the south of the site and the land to the west, nearest the proposal, is a stormwater retention pond owned by Environment Canterbury.

The application is as described below by way of recent history. The proposal now includes the hardware building supply store and the veterinary / café building.

In August 2006, an application was lodged for a building supply outlet only within the former PGG Wrightsons building. At this time a separate building was under construction near the West Street road frontage to relocate the existing veterinary practice.

No resource consent was required for the veterinary practice as it is not a retail activity subject to any restriction for retail sales fronting SH1. The separate building had a balance area which at this time had no confirmed tenant and no resource consent would have been required if the tenancy was to have been used for a non retail type activity.

This resource consent application for the building supply outlet was lodged separately which included affected party approvals from adjoining neighbours, however Transit New Zealand, which is an affected party, was not prepared to provide written approval unless amendments were made for access from SH1.

Essentially, the original application was amended and re-submitted in December 2006, to provide a single access / egress point to SH1 (previously there were two). The original application was deficient in car parking numbers but this has now been amended to comply.

As part of the amended application a café tenant was confirmed as the ground floor tenant adjoining the separate vet clinic building. This café requires a resource consent as it is a retail activity fronting SH1 which does not meet the relevant standards in the District Plan.

The applicant has now amended the application to include both the café and building supply outlet together as one single application.

### **Building Supply Outlet**

The proposed building supply outlet will stock and sell a range of products, which includes –

- timber and panel products
- building hardware
- tools
- plants and gardening supplies
- paint and home decorating supplies
- landscape supplies
- bathroom and kitchen fittings
- outdoor furniture.

The proposed hours of operation will be 7.00 am to 7.00 pm, Monday to Friday, and 8.00 am to 6.00 pm on weekends and public holidays. The occasional use of the building for small group meetings, builder trade demonstrations and DIY workshop classes are proposed for weekday evenings concluding before 9.00 pm.

The existing car park will provide up to 171 car parking spaces which exceeds the minimum requirement of 164 spaces.

There are vehicle crossings proposed to West Street as shown on the Traffic Design Group site plan appended to this report. The crossings have been proposed following consultation with Transit New Zealand who was not comfortable with the original application for two separate access / egress points.

**Pages 29-32**

There is a sealed access proposed along the north side of the building which will provide access to car parks alongside customer access to drive-through facilities to a timber yard at the rear of the building.

Goods access will be via the existing 5m wide access along the southern side of the building. It is estimated that goods deliveries will average up to 10 per day. There will be two major deliverers per week by either B-Train or articulated trucks. The remainder of deliveries will be by medium trucks and courier vans. Goods deliveries will only be between 7.00 am to 5.00 pm, Monday to Friday. Inwards goods will not be accepted after these hours.

In terms of services the building has access to reticulated water and sewer. Stormwater disposal will be into the existing stormwater system which is located on the northern side of the present car park. The building is already connected to stormwater and there is no increase in roof area, however there may well be resource consents required for discharge of stormwater under ECan's NRRP. The applicant has undertaken consultation with ECan to determine if resource consent is required as there is the possibility of an existing use right for stormwater disposal being applicable.

With regards to the proposed Café it will have seating for up to 64 persons and a public floor area of 87m<sup>2</sup>. The café will be a typical café serving coffee, teas and other refreshments as well as food and snacks. It will not be licensed. It will operate seven days per week to similar hours as the building supply depot.

The café would normally be permitted within a Business 3a zone; however resource consent is required due to it being a retail activity accessing SH1.

The vet clinic will adjoin the café as two separate ground floor tenancies. A small 101m<sup>2</sup> mezzanine office is proposed above the vet clinic.

The building supply outlet and café are both described as commercial activities in the District Plan which are permitted in the Business 3a zone subject to compliance with relevant site and zone standards. A table demonstrating the consideration of all relevant standards is shown on pages 5, 6 and 7 of the application.

The only matters of non compliance are –

- Retail uses (building outlet and café) do not comply with site standard 7.7.5.1.11(b) – Commercial Activities, as access is from SH1.
- The vehicle crossing width exceeds 9m on an arterial road as required by Appendix 12 to the Transportation Rules – Rule 6.5.2.2.6.
- No 2m landscaping strip is provided along the residential boundary to the south – Site Standard 7.7.5.1.10.
- The hours of operation contravene site standard 7.7.5.1.17 as the building supply outlet will operate outside of the hours of 9.00 am – 5.00 pm, on Saturdays, Sundays and public holidays (8.00 am – 6.00 pm proposed).

These non compliances make this activity restricted discretionary with Council's discretion being limited to these matters only.

Consideration is also required as a controlled activity (which must be granted) for water supply sewage disposal and community infrastructure from the café. These are calculated in the form of development contributions under Council's LTCCP policy and will be charged at the time of building consent uplift. These contributions have been calculated by the Council's Water Services Manager and they equate to three water and wastewater contributions totaling \$10,590.75.

No development contributions are applied to the building supply outlet or veterinary building as it is an existing commercial use in accordance with Council's Development Financial

Contributions policy. The reason for this is that the change of use will not create any additional demand on water or wastewater services.

The application has been processed under Section 94(2) of the Resource Management Act 1991. The Council is not required to serve notice of this application as all persons who, in the opinion of the consent authority may be adversely affected by the activity, have given their written approval to the proposal.

The amendments made to the application essentially make potential effects less than what was originally sought in August 2006.

## **5.4 OPTIONS**

The Committee has the following options regarding this application –

1. To grant the consent; or
2. To decline the consent.

If granting the consent, Council may impose conditions under Section 108 of the Resource Management Act only for those matters specifically in the District Plan which it has restricted the exercise of its discretion.

## **5.5 STATUTORY IMPLICATIONS**

The Council must consider this application with regard to the relevant provisions of the Resource Management Act. These are considered to be –

### **Section 104**

#### **- Matters to be considered**

- (1) Subject to Part II when considering an application for a resource consent and any submissions received, the consent authority shall have regard to:
  - (a) Any actual and potential effects on the environment of allowing the activity
  - (b) Any relevant regulation
  - (c) Any relevant National Policy Statement, New Zealand Coastal Policy Statement, Regional Policy Statement and Proposed Regional Policy Statement
  - (d) Any relevant objectives, policies, rules or other provisions of a plan or proposed plan
  - (e) Any relevant Regional Plan or Proposed Regional Plans where the application is made in accordance with a District Plan
  - (f) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

### **Section 104 (C)**

#### **- 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 for those matters specified in the Plan to which discretion is restricted.

## **Assessment of Environmental Effects**

All the matters of non-compliance are restricted discretionary activities which limits Council's discretion to the matters subject to these standards only. However, the applicant has volunteered conditions for both noise and lighting to ensure these meet the District Plan minimum standards. In this regard the Council can impose the conditions without fear of an objection from the applicant.

## **Retail and Traffic Effects**

Site Standard 7.7.5.1.11 in the District Plan places control on vehicle crossings and access for retail activities specifically from SH1.

The building supply outlet and café comply with the minimum retail floor space limitations that otherwise apply in the Business 3a zone. This zone does anticipate retail activities occurring which are vehicle oriented and include sales of bulky materials such as building supplies. The café is specifically excluded from the retail floor space limitations. Therefore the outlet and café would therefore be permitted in any other Business 3a zone if it did not have access to the highway. Transit has given written approval to the amended access / egress to the site and therefore any effects in this regard can be said to be minor.

The applicant assessed the reason for Council's rule for retail activity which states –

*“Retail activities are considered to be a significant determinant of the number of vehicle movements to and from a site and require assessment as to the effects on the safety and efficiency of State Highway One ...”*

The reason for the rule 7.7.5.1.11 does not prevent retail activities with access to the State Highway but assesses the effects of each proposal on a case by case basis.

Transit New Zealand provided written approval to the amended application based on the access being changed to a single access. The access has been designed with separate in / out lanes being marked on site, separated by a raised median; turning curves for B-Trains are shown and the applicant will provide a painted flush median on that part of SH1 fronting the site. All costs of providing the painted median strip will be met by the applicant. Finally, all on-site lighting will be designed and located so that no direct glare from external lighting will affect traffic on SH1.

Transit New Zealand has taken into account the proposed café and has said it has no concerns with these amendments in relation to this development.

A traffic impact report from Traffic Design Group was included with the application. The assessment addresses the likely traffic generation of the proposal and effects on the highway. An initial traffic report was prepared in August 2006, which concluded that the 144 car parks then shown (153 were required to meet the District Plan) and the two separate vehicle crossings, were not expected to adversely affect public safety or affect the efficient operation of the local traffic network. Overall the proposed design will be able to be properly and safely accommodated without any noticeable adverse effects on the existing traffic environment.

The amended traffic report, following amendment to the site access of two access points to one, reassessed the potential effects.

The inclusion of the café and office area increases the required car parking from 153 to 164 car parks. The applicant is now supplying a total of 171 car parking spaces. The traffic assessment report provided details that the maximum parking demand for the building supply outlet would not exceed 126 spaces.

This demand, including the 16 spaces required for the veterinary clinic, would represent approximately 80% of the parking spaces supplied on the site. Therefore 171 car parking spaces are considered more than adequate to meet the demand.

The revised access has been at the request of Transit New Zealand as previously the traffic impact report assessed the location of two separate crossings to the site as having minor effects. Provision has been made for turning circles for B-Train vehicles entering from the south and departing to the north onto SH1.

A key point is that the turning requirements for these larger vehicles means the access width of 20 metres at the kerb will exceed the allowable width of 9 metres required by the District Plan.

The assessment of this non-compliance provides good vehicle access and caters for pedestrians moving between West Street and the main building entrance.

The question of effects becomes one of whether having one 20m vehicle crossing compared with two 9m crossings would create any issues. The new access design will allow easier site access for heavy vehicles. These vehicles are not anticipated to cause any adverse effect on the safety and efficiency of vehicles on SH1. The proposed access and associated traffic effects are therefore not anticipated to affect public safety or the efficient operation of SH1.

### **Landscaping**

The District Plan requires a two metre landscaping strip as per rule 7.7.5.1.10 in the Business zone site standards in the District Plan. Essentially this requires the planting of species along the boundary and the inclusion of a minimum 1.8m fence.

The landscape strip would be required along the southern boundary with the residential zone. The situation is existing as there has never been a two metre landscape strip on this boundary. No new buildings are proposed and the use of the southern boundary area for rear site access will not change.

The existing wall of the building closest to this access will be improved as it will be repaired and painted. There is an existing fence along the residential / business zone boundary which will meet the screening aspect of the site standard in the District Plan.

Further to this, all residential landowners on this boundary have provided written approval to the proposal.

### **Hours of Operation**

The non-compliance with the hours of operation is for the weekend and public holidays only. The breach in the prescribed hours is 8.00 am to 9.00 am and 5.00 pm to 6.00 pm. It is considered that these hours are not excessive considering the level of surrounding activity at these times, ie vehicle movements on the State Highway and the operation of the businesses located on the opposite side of SH1.

No goods deliveries will occur during the weekends or public holidays.

The applicant mentions there will be small amounts of activities in the open timber yard at the rear of the building which may generate noise – ie trucks, vehicle movements including forklifts. The applicant has proposed that, alongside the proposed noise mitigation conditions, that investigation into an acoustic fence may be possible along the south side of the timber yard. My suggestion is to await the outcome of the proposed noise monitoring condition which will determine if there is any breach of noise standards.

Otherwise, it is not considered there are any significant issues with the increase in trading hours.

## **Financial Contributions**

The proposed café will be subject to financial contributions for high pressure water supply and sewerage disposal in the form of development contributions imposed under the Council's Long Term Council Community Plan in accordance with the Local Government Act 2002; a community infrastructure fee is also payable. These development contributions will be imposed at the time of building consent uplift.

## **Other Matters**

As far as stormwater disposal is concerned, the applicant is investigating whether a resource consent for the discharge of stormwater is required from Environment Canterbury.

The plans for stormwater disposal on site include interceptors and sumps which will be designed to trap any debris or foreign material prior to entering the nearby waterway, Wakanui Creek. Council's Water Services Manager provided comment to this effect.

In any event this resource consent application is for a restricted discretionary activity and stormwater disposal is not a matter for Council's discretion, therefore no condition can be imposed. An advice notice to this effect has been recommended.

## **Objectives and Policies of the District Plan**

The relevant objectives and policies relate to transport matters for the potential effects of traffic efficiency and safety of activities which require access / egress from SH1. Based on the assessment provided with the application and the details outlined in this application it is not considered that this proposal is contrary to the relevant objectives and policies of the District Plan.

## **Other Relevant Matters**

Part II of the Resource Management Act 1991 includes the purpose and principles of the Act, Matters of National Importance and Other Matters. This proposal is not considered to be contrary to any of those principles.

## **5.6 CONSULTATION**

The proposal was processed by way of non-notification pursuant to Section 94(2) of the Resource Management Act 1991. Written approvals were sought from the following persons who were considered to be adversely affected by the proposal.

1. Transit New Zealand
2. D & S Moore, 18 Queens Drive, Ashburton
3. E Day, 12 Queens Drive, Ashburton
4. F Whitelaw, 20 Queens Drive, Ashburton
5. M L Gundry, 2 Queens Drive, Ashburton
6. B P Margaret, 16 Queens Drive, Ashburton
7. M W Nicoll, 22 Queens Drive, Ashburton
8. N & M Hosking, 10 Queens Drive, Ashburton
9. K S Small, 6 Queens Drive, Ashburton
10. B C Cui, 8 Queens Drive, Ashburton
11. L W & N J Coleman, 359 West Street, Ashburton
12. S Lyons, 14 Queens Drive, Ashburton
13. N Rickard, 4A Queens Drive, Ashburton

Pursuant to Section 104(3)(b) of the Resource Management Act, the Council cannot have any regard to any effect on those persons who have provided written approvals to this proposal.

## **5.7 STRATEGIC LINKS**

The joint ADC / Transit New Zealand Traffic Study is relevant as is Environment Canterbury's Natural Resources Regional Plan (Water Quality Chapter) and the Regional Policy Statement (Transport Chapter).

## **5.8 FINANCIAL**

As outlined in this report, development contributions are sought for high pressure water, sewage disposal and community infrastructure.

D HARFORD  
**Senior Planner**

## ASHBURTON DISTRICT COUNCIL REPORT

**FILE NO:** 5/1/8/2  
**DATE:** 8 February 2007  
**REPORT TO:** Environmental Services Committee  
**FROM:** Administration Officer  
**SUBJECT:** Road Closure – Ashburton Car Club

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### 6. ROAD CLOSURE – ASHBURTON CAR CLUB

#### 6.1 SUMMARY

To recommend the temporary closure of Malcolm McDowell Avenue in Ashburton, for the purpose of allowing the Ashburton Car Club to hold a Motorkhana meeting.

#### 6.2 RECOMMENDATION

“That the following road be closed to ordinary vehicular traffic from 10.00 am to 4.00 pm on Sunday 11 February 2007, for the purpose of allowing the Ashburton Car Club to hold a Motorkhana meeting:

MALCOLM MCDOWELL AVENUE, from Bremners Road to the end of the road.”

#### 6.3 BACKGROUND

The Ashburton Car Club has applied for a temporary road closure for the purpose of holding a Motorkhana meeting, on the following road in Ashburton:

- Malcolm McDowell Avenue, from Bremners Road to the end of the road.

This application must be considered by Council because New Zealand Motorsport, of which the Ashburton Car Club is a member, requires roads to be closed for motor sport events under the local Government Act, as event participants may be under 15 years of age.

The Ashburton Car Club has been advised of the conditions of closure as follows:

1. Approval by this Committee.
2. No objections being upheld against the closure in response to the statutory advertisement.
3. Arrangements are to be made for a pre-event and post-event inspection with a representative from the Council's Operations Department. The inspections are to be completed within three days of the event and results of the inspections will be recorded by Council.
4. The road must be reinstated to the condition prior to the event. Any costs incurred by the Council as a result of this event, including maintenance costs or reinstatement costs, will be charged to the Ashburton Car Club. Any restoration work required is to be carried out to an arranged programme with Council.
5. Necessary arrangements are made for the tidying and clearing of the road on the closed section of the road and the disposal of any litter.
6. The Ashburton Car Club is required to arrange adequate insurance against its liability to pay damages to any person or entity in respect of any claim on account of damage to

property or injury to persons where the damage or injury results from the holding of this event.

7. Provision of a Traffic Management Plan, conforming with the requirements of the Transit NZ Code of Practice for Temporary Traffic Management.
8. The Ashburton Car Club shall be responsible to ensure that the correct road signs and barricades are in place during the full period of the closure and promptly removed after the conclusion and clearance of the road.
9. The Ashburton Car Club is required to provide adequate safety marshals in distinctive clothing for the event.
10. Should weather conditions become sufficiently adverse that the road could be damaged as a result of holding the event the organisers shall take the necessary steps to protect the road. This may include delaying or cancelling the event.

#### **6.4 OPTIONS**

Not applicable.

#### **6.5 STATUTORY IMPLICATIONS**

Clause 11 of the Tenth Schedule of the Local Government Act 1974 provides –

*“That Council may, subject to such conditions as it thinks fit... close any road or part of a road to all traffic (e)... for any exhibition, fair, market, concert, film making, race or other sporting event or public function.”*

#### **6.6 CONSULTATION**

The proposed road closure has been publicly notified in the Ashburton Guardian on Wednesday, 10 January 2007 and objections called for by 4.00 pm Wednesday 7 February 2006.

The Ashburton Car Club has also been advised to contact the business in the area of the proposed road closure.

#### **6.7 STRATEGIC LINKS**

Not applicable.

#### **6.8 FINANCIAL**

Not applicable.

SHARON ROBINSON  
**Administration Officer**

## ACTIVITY REPORTS

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### **7. ENVIRONMENTAL SERVICES DEPARTMENT**

#### **7.1 *General***

The new year presents some large opportunities for the Council and its staff; of note the North East Ashburton Business Park Plan Change is currently open for the first submission round (submissions close on 16 February 2007); plus we commence a District Plan Review on 1 July 2007. A number of Plan changes are also currently under preparation.

The level of resource consents and building consents are still trending at a high level and our work on the Building Consent Authority project will need to be significantly progressed in the first half of 2007 to enable an application for accreditation to be approved by the required date of 30 November 2007.

#### **7.2 *Ashburton Stop Bank Project***

Environment Canterbury has now completed the stop banks that provide flood protection to the Ashburton community. ECan Engineers have advised that the stop banks will provide the design protection against a 200 year flood event once the vegetation (grass and willow trees) has been established. This protection could be achieved in two years time if flooding in the interim does not damage the newly constructed stop banks.

The District Plan rule (6.6.5.1.3 Natural Hazards, page 6-68) requires that new allotments are not created until this level of protection is provided, however subdivision consents can still be granted to enable developers to prepare subdivision developments in anticipation of the protection being provided; a s224 certificate would not be approved by the Council to enable titles to be raised until protection from a 200 year event was provided. This is consistent with the policy developed by the Environmental Services Committee.

#### **7.3 *Hanham Property***

The Committee decision to place the non-compliance of activities at Mr Hanham's Grove Farm Road before the Environment Court has been actioned and Council's Solicitor instructed. The consent holder has been advised.

#### **7.4 *Proclaim Computer Upgrade***

Considerable effort is being made to progress the regulatory programmes of Proclaim so that meaningful management reports can be produced. Frank Clausen of the Information Service has made significant progress, however he has now resigned.

The Liquor module has been advanced to the stage where annual and monthly reports can be made to the Liquor Licensing Authority.

#### **7.5 *Leaky Homes – Waitakere City Council***

The recent Court decision to award \$250,000 to an owner of a 'Leaky Home' has implications for all ratepayers. The building company involved is in liquidation so it is likely that the bulk of damages will be funded by the Council's Insurers. Consequently, insurance premiums nationally are likely to reflect the potential costs in resolving this construction defect, as such the impact of the 'Leaky Homes Syndrome' will be experienced by ratepayers and building consent applicants nationally.

The Ashburton District had one dwelling with defects that were resolved through the Leaky Homes Resolution Service.

#### **7.6 Building Consent Authority**

The Department of Building & Housing has announced an initiative to provide financial assistance to territorial local authorities for them to meet their statutory requirements of accreditation as building consent authorities. I have responded to the Department of Building & Housing and indicated that the additional costs being incurred in this project by the Ashburton District Council are worthy of funding assistance. As a result the Department of Building & Housing has interviewed me on the progress currently being made by the Ashburton District Council.

#### **7.7 Building Statistics**

**Pages 47-49**

Statistical reports on building activity are included with the agenda. It is of note that the value of building consents issued by the Council have increased in value by 50% in a three year period and the average construction value of a new dwelling has increased to \$251,600.

#### **7.8 Land Information Memoranda**

A report on Land Information Memorandum performance is included with the agenda. To date 99.4% of LIMs have been issued within the statutory time frame of ten working days.

**Pages 50-51**

#### **7.9 Staff Matters**

Regrettably I report the resignation of Council's Senior Planner, David Harford. David is making a career move to a private consultancy and will finish with the Council on 1 March 2007. Advertising of the vacancy has commenced.

The vacancy created when Karen Noble accepted the departmental Secretary position has been advertised and the position has been accepted by a person commences work with the Council in four weeks time.

#### **7.10 Dog Registration**

Ongoing attention to unregistered dogs has further reduced the number of known dogs in the district that remain unregistered. At this time a registration level of 98.7% has been achieved. Unregistered dogs will be seized until registered and their owners fined – when encountered. This is a very satisfactory result that staff and the contractor have achieved.

#### **7.11 Animal Control**

The report of Council's dog and stock control service provider for the months of December 2006 and January 2007 is attached.

**Pages 52-57**

#### **7.12 Liquor Licensing**

A meeting of the Ashburton District Licensing Agency is scheduled for Thursday 8 February 2007. Minutes of the meeting held on 7 December 2006 are included with this agenda.

### **7.13 Public Health Matters**

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

- **Food Registration**

Four new food premises were visited – Salmon Tales, Robbie's, Speights Ale House and The Warehouse; the standard of food safety was found to be good.

- **Mobile Shops**

Approximately 25 food vendors were visited at the Woollymunchers Show. The information package provided well in advance for the organisers proved to be very effective and the standards of food safety throughout were good. The organisers opted for an events licence to cover mobile shops not already registered in the District.

It is believed that there would be value in having an event licence for mobile shops to cover those vendors who only operate in the District once or twice a year. This could be set at 40% of the annual fee ie \$20, \$30 or \$40 depending on the risk rating of the food sold. This would encourage some food vendors to operate in the District who are currently discouraged by what they see as an excessive annual charge.

- **Complaints**

Two abatement notices served on individuals to curb excessive noise and other anti-social behaviour seems to have been effective. There has also been liaison with the Safer Community Coordinator reference the need to have a coordinated response to this issue. A leaflet to inform residents of possible actions when faced with problem neighbours is being produced. An insanitary house was visited and the owner required to remove offensive waste.

- **Illegal Dumping**

Infringement notices have been issued to three individuals for dumping cars and to four individuals for dumping refuse. A second meeting of the illegal dumping committee was held and representatives from DOC, NZ Police and Fish & Game attended in addition to the existing members. Liaison with the Corrections Service has enabled the use of Periodic Detention (PD) personnel for clearing litter and illegally dumped waste from specific areas in the District.

- **Graffiti**

Another Council initiative in coordination with the Corrections Department is the use of PD personnel to paint out graffiti with paint supplied free of charge by Resene paints.

- **Disease**

The usual notifications of Campylobacter infections continue. One case involving a food handler is still under investigation and they have been prevented from food handling until they are pronounced clear of infection.

- **Pest Control**

Complaints relating to rodents, pigeons and magpies have been received. A significant infestation of pigeons exists at the rear of the shops in the CBD and it is likely that the demolition of the Somerset Hotel in the near future will spread this problem further. A letter has been written to businesses in the area to advise them that it may be prudent to engage with a pest control firm to address this issue.

- **Noise Surveys**

Three noise surveys were carried out. One resulted in the relocation of noisy equipment at a commercial premises to abate a nuisance.

- **Recreational Water**

Liaison has been set up with Lake Hood to ensure that the water quality in the lake is maintained to the standards required by MOH and ECan.

- **Media**

Three articles were published in the District Diary relating to food safety and illegal dumping. One article relating to food safety was published for in the Courier.

- **Meetings**

A seminar hosted by the Ministry of the Environment and ECan on contaminated land was attended by the District EHO.

- **Contaminated Water Supplies**

A failure in the plant equipment resulted in contamination of the Montalto water supply. The contamination was discovered by the Council Monitoring Officer when E Coli bacteria were detected during the routine sampling programme. A boil all water notice was issued and actions taken in accordance with the Drinking Water Standards NZ guidelines to correct the problem. Additional daily monitoring and testing was required until the plant was functioning correctly and the water distribution network fully decontaminated. A letter detailing concerns and possible solutions to this problem was sent to the Operations Manager for consideration.

Staveley Camp and Methven Youth Lodge (both private water supplies) also suffered from E Coli contamination which was identified during routine sampling. Persons controlling both establishments were informed and given advice on remedial actions.

## 7.14 **Resource Consents Granted Under Delegated Authority**

Consents granted under delegation for the period 16 November 2006 to 31 January 2007.

Subdivision	Name of Applicant	Proposal	Type of Consent
SUB06/0121	Kenneth Cookson c/- David Smith Surveying	4 lot subdivision Westerfield School Road zoned Rural B	Subdivision Controlled
SUB06/0122	Surrey Hills Station Ltd c/- David Smith Surveying Ltd	Proposed Lot 1 and 2 being subdivision of Lot 2 Quarry Road zoned Rural B	Subdivision Controlled
SUB06/0123	LMC Developments Ltd c/- Survus Consultants	Unit title subdivision 53 Winter Street zoned Residential	Subdivision Controlled
SUB06/0124	Gerard Bruce Richardson c/- David Smith Surveying	2 lot subdivision Wilkinsons Road Chertsey	Subdivision Controlled
SUB06/0125	Pegasus Property Ltd c/- David Smith Surveying Ltd	2 Lot subdivision 58 Brucefield Street Ashburton zoned Residential	Subdivision Controlled
SUB06/0126	JY MacAskill c/- David Smith Surveying	2 lot subdivision 91 Cox Street Ashburton zoned Residential	Subdivision Controlled

SUB06/0127	Roman Catholic Bishop of Ch.Ch. c/- Glasson Potts Fowlers	2 lot subdivision 41 Burnett Street zoned Residential	Subdivision Controlled
SUB06/0128	Mt Aspiring Property c/- Davis Ogilvie & Partners	2 lot subdivision 17 Brucefield Avenue zoned Residential	Subdivision Controlled
SUB06/0129	TL & VM Beams c/- Middleton Williams	2 lot subdivision 86 Melcombe Street zoned Residential	Subdivision Controlled
SUB06/0130	VM Hewson c/- Connell Wagner	2 lot subdivision 17 Walshes Road zoned Residential	Subdivision Controlled
SUB06/0131	MAD Investments c/- David Smith Surveying	2 lot subdivision 80 Forest Drive Methven zoned Residential	Subdivision Controlled
SUB06/0132	Mt Hutt Station c/- Glasson Potts Fowler	3 lot subdivision 6269 Arundel Rakaia Gorge Road zoned Rural B	Subdivision Controlled
SUB06/0133	AJ & KE Dunlea c/- NK Salter	3 lot subdivision 746 Winslow Westerfield Road zoned Rural B	Subdivision Controlled
SUB07/0003	ME & DG Deaker c/o David Smith Surveying Ltd	2 lot subdivision 203 Walnut Avenue Ashburton Zoned Residential	Subdivision Discretionary
SUB07/0004	Hideaway Cove Ltd c/o Connell Wagner	6 lot subdivision 364 Blackford Street Zoned Rural B	Subdivision Non Complying
SUB07/0005	Richard Preston c/- David Smith Surveying Ltd	2 lot subdivision 102 Middle Road Ashburton Zoned Residential	Subdivision Controlled

<b>Land Use</b>	<b>Name of Applicant</b>	<b>Proposal</b>	<b>Type of Consent</b>
LUC06/0096	Valetta Holdings Ltd	Proposed siting of a relocated woolshed in a High Risk flooding area 1208 Valetta Westerfield Road Zoned Rural B	Land Use Discretionary
LUC06/0098	RX PlasticsLtd c/- RMG	Proposed Industrial Activity in Rural Zone 68 Hendersons Road	Land Use Discretionary
LUC06/0099	Warren Bryson Renee Boe	Proposed Industrial Activity in Rural Zone 340 Winterslow Road	Land Use Discretionary
LUC06/0101	Rooney Holdings c/- Incite Ch.Ch. Limited	Certificate of Compliance Telecommunication facility 153 Alford Forest Road	Certificate of Compliance
LUC06/102	Harborough Holdings	Dispensation from recession line and setback rules 41 Burnett Street Ashburton	Land Use Discretionary
LUC06/0103	Telecom NZ Ltd	Proposed Outline Plan Mayfield Telephone Exchange Designation No. 395	Outline Plan
LUC06/0104	Jack Ross Glebe Farming Ltd	Relocation of granny flat Barkers Road Methven	Land Use Discretionary
LUC06/0105	Rex W Bennett	Proposed Siting of cottage in flooding low risk area at 22 Melrose Road	Land Use Discretionary
LUC06/0106	BL & KJ Donaldson Hollands Road	Proposed siting of a dwelling in a flooding high risk area 162 Hollands Road	Land Use Non Complying
LUC06/0107	CE & RA Copland Waddells Road	Erect a farm shed within 20 metre setback	Land Use Non Complying
LUC06/109	DC & RC Tuck	Erect a dwelling in low risk flooding area 1092 Grahams Road	Land Use Controlled
LUC06/0110	MD Smith	Relocate dwelling and garage to 588 Frasers Road	Land Use Discretionary
LUC06/0111	Kat Ventures Ltd PO Box 13 360 Christchurch	Renovation of an existing business for commercial activities at 17 Railway Terrace East Rakaia	Land Use Controlled

LUC07/0001	Telecom Mobile Limited c/o Incite	Proposed upgrading of mobile phone transmission antenna at Rakaia Highway	Land Use Restricted Discretionary
LUC07/0003	Redson Corp Holdings Ltd c/-RMG	Delete two proposed loading bays and convert area to retail space and to amend floor areas in respect to two new commercial buildings to be erected either end of the Railway Station	Land Use Restricted Discretionary
LUC07/0006	J R McCormick 18 McCormicks Road	Erect a dwelling in a flooding low risk area Hepburns Road	Land Use Controlled
LUC07/0008	KF Early	Relocation of a Woolshed 437 Lyndhurst Road zoned Rural B	Land Use Discretionary

### **Panel Decisions on Resource Consent Applications**

LUC06/0076 – Hearing of application by Don Shannon to relocate a building containing two flats to be relocated to proposed Lot 1 of an 11 lot subdivision of Res 1654 was held on 13 December 2006. Panel consisting Cr Leadley, Lowe and Urquhart. Consent was granted.

### **Limited Notified Consents**

The following application has been treated as a Limited Notified application:

14/12/2006 Limited Notified Application LUC06/0025 - Lindsay Palmer - change of conditions of resource consent RC040188 to relocate a dwelling to 102 Rolleston Street, Rakaia.

### **Publicly Notified Consent**

The following application has been publicly notified:

LUC06/0097 – Rural Transport Ltd c/- Resource Management Group Ltd - Establish and operate a transport depot for Rural Transport Ltd, Northpark Road. Submissions have closed but the application is on hold.

### **Hearings Held**

LUC06/0047 – Stuart Tarbotton Contractors Ltd – extraction and stockpiling and transportation of gravel and related materials, ancillary crushing and screening etc.

Site at 203 Frasers Road Tinwald.

This was a joint application heard by a panel of three which included Mr Bob Batty representing both Council, Cr Angus McKay representing ECan and Cr Robin Kilworth, representing Ashburton District Council. The hearing was held on 4 December 2006.

J MCKENZIE  
**Environmental Services Manager**