



Ashburton District Council

AGENDA

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

Date: Thursday 30 April 2009

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 – 19/03/09	1
4 MATTERS ARISING	
MATTERS FOR COMMITTEE DECISION	
5 Subdivision Consent 090021 – Woodhams Properties Ltd	5
6 Private Plan Change Application – G & A McPhail – Trevors Road, Ashburton	10
7 District Plan Review – Carryover of Budget Allocation	13
8 Relocation of a Category B Heritage Building – 117 Walnut Avenue	15
9 Lochhead Charitable Trust – Plan Change Decision	17
ACTIVITY REPORTS	
10 10.1 Building Services	19
10.2 Planning	20
10.3 Regulatory	21
11 District Licensing Agency – 12 March 2009	24
BUSINESS TRANSACTED WITH THE PUBLIC EXCLUDED	
12 Police Report – Senior Sergeant Grant Russell – 3.30 pm Section 7(2)(f) Maintain the effective conduct of public affairs	Verbal

24 April 2009

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 090021
DATE: 30 April 2009
REPORT TO: Environmental Services Committee
FROM: Consultant Planner
SUBJECT: Subdivision Consent 090021- Woodhams Properties Ltd

5. WOODHAMS PROPERTIES LTD – SUBDIVISION CONSENT

Page 27

5.1 SUMMARY

To consider an application for consent to subdivide the land at Alford Forest Road being the old woollen mill and wool scour.

5.2 RECOMMENDATION

“That subdivision consent 090021 be granted subject to the following conditions:

1. The easements shown in the memorandum on the plan accompanying the application are to be granted or reserved.
Note: The Ashburton District Council shall not be responsible for the construction and maintenance of easements A and B. The documents creating these rights of way shall clearly state this provision.
2. That the rights of way shown A, G, L and M shall be formed and sealed with a minimum carriageway width of 4.0 metres.
3. The car parking areas as indicated on the plan accompanying the application and located in Lots 2, 3 and 5 and the vehicle manoeuvring areas associated with those car parking spaces are to be formed and sealed. The car parking spaces are to be clearly marked on the ground.
4. That an independent connection to the Council’s sanitary sewage reticulation shall be laid at least 600mm into the net area of Lot 1-4, 6, 7 and 10.
5. That an independent connection to the Council’s high pressure water reticulation shall be laid to the boundary of the net area of Lot 1-4, 6,7 and 10.
6. That electricity supply and telecommunications shall be supplied to the net lot area of Lots 1-4, 6, 7 and 10 by way of underground reticulation in accordance with the standards of the relevant network utility operator.
7. That the consent holder shall provide evidence in writing from the relevant authorities that electrical and telephone service connections have been installed to each lot.
8. That a connection to the Council’s stormwater reticulation (side channel) shall be laid at least 600mm into the net area of Lot 1-7 and 10. Stormwater from the new road and the rights of way is to be disposed into the treatment ponds on Lot 9.
9. That a vehicle crossing shall be installed to provide access to Lots 2,3,4,6 and 10 from the new road; to Lot 10 from Alford Forest Road; to rights of way A, G and M off the new road; and to right of way G from Alford Forest Road.

(In accordance with Bylaw 1628.2 the applicant will be required to obtain a vehicle crossing permit from the Council before construction.)

10. As built information showing potable water, stormwater, sanitary sewer systems to the Council's outfall; and roads and footpaths, shall be prepared in accordance with Schedule 1D of NZ4404:2004 and provided to the Council's Water Services Manager.
11. The consent holder shall supply property numbers for all allotments created prior to the issue of the S224 Certificate. Property numbering shall be in accordance with the Australian – New Zealand Standard 4819:2003.
12. The proposed new road and essential services are to be constructed in accordance with the Council's Code of Urban Subdivision and to the satisfaction of the Operations Manager. Prior to the commencement of construction works, plans and specifications of construction and services are to be approved by the Operations Manager. The road is to vest in the Council. The cost of approving plans and on site inspection of the works associated with the above conditions, are to be borne by the applicant.
13. The consent holder is to meet all requirements of the Inland Revenue Department in respect to Goods and Services Tax including any requirements that may be made in respect to proposed public services and land to vest in the Council. Such requirements must be satisfied before a Section 224 Certificate is issued.
14. The consent holder shall provide the Council with a breakdown of costs of each infrastructural component of assets that are to vest in the Council and documented evidence to support those costs.
15. The consent holder shall provide evidence to satisfy the Council that the building adjacent to the common boundary of Lots 1 and 2 meets the required fire rating provisions of the Building Act.
16. Landscaping of the Alford Forest Road frontage is to be carried out as indicated in the report accompanying the application. Prior to this work being carried out, landscape plans shall be forwarded to the Parks Manager for his approval.
17. Lot 20 shall vest in the Ashburton District Council as road.
18. The applicant shall provide three proposed names (in order of preference) for the new road. The consent holder shall supply and erect a standard road sign bearing the approved name.
19. Lot 9 shall vest in the Ashburton District Council as Local Purpose Reserve.
20. The common boundaries of Lots 3 and 9; and Lots 8 and 9 are to be fenced to rural boundary fence standards (either post and wire or post and netting) and a standard rural farm gate not less than 3.6 metres in width is to be constructed where easement B adjoins Lot 9.
21. Easement A as shown on Plan 418127 and attached memorandum is to be registered in favour of the Ashburton District Council.
22. The old Alford Forest Mill buildings (currently being removed) which generally straddle Lots 3,4,6,7 and 20 are to be demolished and removed from the site.”

5.3 BACKGROUND

The proposal is for the subdivision of land at Alford Forest Road being the old woollen mill and wool scour.

The subdivision creates eight Business lots which can be used for a range of commercial and industrial purposes; a utilities lot to contain stormwater disposal facilities and which will vest in the Council, a balance lot within the rural zone; and an allotment to vest as road.

The old woollen mills building is under demolition, there are recently constructed buildings on Lots 1, 2 and 5, and a new wool store is under construction on Lot 3.

The applicants have obtained resource consents from Environment Canterbury for the disposal of the woollscour sludge which was residue left on the proposed Lot 8 and for the disposal of contaminated material on the terrace on Lot 3.

Stormwater from the subdivision is to be directed to the ponds on Lot 9 and then to the river. Consents from ECan for this discharge are being finalised, and an easement in favour of the Council is being created over the adjoining land to enable the stormwater to pass over that land.

Access to 5, 6, 7 and 10 is available from Alford Forest Road; and all of the lots in the subdivision have legal frontage or access to the new road.

Lot 3 straddles the zone boundary, and is partly Business 3a and partly Rural A. A land use consent LUC 070053 has been granted for the construction of the woolstore on that part of Lot 3 within the Rural A zone. The subdivision rules provide that there shall be no minimum area in any rural zone for any allotments containing (inter alia) industrial activities, providing any balance allotment which does not conform with the minimum standard for the zone is amalgamated with land in an adjoining certificate of title.

The subdivision does not completely meet this standard as Lot 8, which contains 1.3ha, is to stand alone and does not meet the 8ha minimum area for Rural A zones. Therefore the application is for a non complying activity.

5.4 STATUTORY IMPLICATIONS

Section 104 RMA Matters

Section 104(1) of the Resource Management Act 1991 sets out the matters which must be considered by Ashburton District Council in considering an application for resource consent. In this case the relevant matters include:

- Any actual and potential effects of allowing the activity (Section 104(1)(a))
- The objectives, policies and rules of the District Plan
- All matters listed in Section 104(1) are subject to Part II of the Resource Management Act 1991 which contains its purposes and principles.

Assessment of Environmental Effects

The proposed subdivision takes place predominantly in the Business 3A zone, and the proposal meets the subdivision and standards for that zone with the exception of the new road having a footpath on one side only.

The land adjoining the subdivision is zoned and used for Business A purposes that is light industry. The land across Alford Forest Road is zoned and used for residential purposes. The standards of the District Plan address the cross boundary effects and are intended to mitigate such effects. Therefore it is considered that the adverse effects on the surrounding environment resulting from the subdivision and subsequent activities on the sites will be minor.

Alford Forest Road is a State Highway, and the applicant has obtained engineering approval from N Z Transport Agency which is the road controlling authority.

The new road meets the Transport rules in respect to its position (intersection with Alford Forest Road, legal width, carriageway width; but it is proposed to have a footpath on one side only: whereas the District Plan requires a footpath both sides.

The Rooding Manager advises that this is not a problem as the road serves an industrial subdivision which is likely to have low volumes of pedestrian traffic and that a single footpath is adequate to serve the anticipated needs of pedestrians. It is considered that the adverse effects on the safety and functioning of traffic on the new road and the adjoining state highway will be minor.

Lot 8 is less than the 8ha prescribed by the District Plan for Rural AQ zones, and it is intended that this lot stand alone rather than being amalgamated with an adjoining title (separate ownership). The initial area of the applicant's land within the Rural A zone is 2.57ha, therefore the balance at 1.3ha (Lot 8) although half the original size, is unlikely to have any significant adverse effects on the surrounding environment, given that it is less than the residential area for the zone (8ha); is removed and not visible from the residential zone, and there are no land use changes signalled for this parcel. Furthermore, given the location of the parcel, its initial size, adjoining land uses (Allenton Sports Grounds to the north west and Rooneys Earthmoving to the south east) and size of adjoining parcels it is also very unlikely that granting consent to a subdivision containing this lot will set a precedent which might commit the Council to grant similar applications in the future. In other words, the current situation is considered to be an exception.

Objectives and Policies

The objectives and policies seek the following

Transport Objective 2

The maintenance and improvement of the safety and ease of pedestrian and vehicle movement throughout the District

Policy 1 to maintain and, where necessary, improve safety and accessibility within the District by adopting and applying a road hierarchy with associated standards for design, vehicle access and vehicle crossings based on the intended function of each road

Subdivision Objective 1

The provision of necessary services to subdivided allotments, in anticipation of the likely effects of land use activities on those allotments

Policy 1 To integrate subdivision roading with the existing roading network in an efficient manner which reflects expected traffic levels and the safe manage of vehicles and pedestrians

Rural Areas Objective 5

A level of amenity values in rural areas adjacent to settlements, which protects the residential amenity of people living and working an adjoining settlements and retains the quality of the rural environment

It is considered that the proposed subdivision is not contrary to the Transport objective insofar that the new roading layout and the intersection of that road with Alford Forest Road is in accordance with the District Standards (with the exception of the single footpath on the new road), and the roading authority, NZ Transport Agency has given engineering approval.

With respect to the subdivision objective, the imposition of conditions requiring the supply of essential services and access to all allotments ensures consistency.

The rural objectives and policies quoted above seek to preserve the openness of rural areas close to urban areas. It is acknowledged that the area of the applicants land within the Rural A zone is small, 2.57ha, and that the area remaining undeveloped, that is Lot 8 is 1.3ha.

The applicant has submitted that the effects of reducing the rural land by 50% in this instance is minor, and this has been supported by the author of this report. It is also acknowledged that although this reduction may not be strictly consistent with the objectives and policies, it is not repugnant to them.

SECTIONS 93 & 94

Section 93(1) of the Resource Management Act requires that a consent authority must notify an application for resource consent unless the consent authority is satisfied that the adverse effects of the activity on the environment will be minor.

It has been concluded that the adverse effects on the environment will be minor and the application has not been notified.

Section 94(1) of the Resource Management Act provides that if notification is not required under Section 93(1) the consent authority must serve notice of the application on all persons who, in the opinion of the consent authority, may be adversely affected by the activity, even if some of those persons have given their written approval.

Because the effects on the environment are found to be minor, and because the matters of non compliance (being the size of Lot 8 and the single footpath on the new road) are of no consequence to other parties, it is considered that no persons are adversely affected by the proposed subdivision.

Section 104D

Section 104D of the Act provides that a consent authority may grant a resource consent for a non complying activity only if it is satisfied that either –

- (a) The adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or
- (b) The application is for an activity that will not be contrary to the objectives and policies of the relevant plan

It has been concluded that the adverse effects on the environment will be minor, and the application is for an activity that will not be contrary to the objectives and policies of the District

5.5 OPTIONS AND RISKS CONSIDERED

The Committee has the option to refuse consent should it conclude contrary to the recommendations and findings of this report. In doing so the Committee must find that the effects on the environment of granting consent are greater than minor, or alternatively the activity (subdivision) is contrary to the objectives and policies of the Plan.

5.6 STRATEGIC LINKS

Not applicable.

5.7 CONSULTATION

The applicant has consulted with NZ Transport Agency in respect to the location of the new road.

Given that the only matters of non compliance are in respect to the single footpath on the new road, and the size of Lot 8; and as the adverse effects on the surrounding environment are found to be minor, it is considered that no neighbours are adversely affected by the subdivision

5.8 FINANCIAL IMPLICATIONS

The cost of providing the infrastructure associated with this development is borne by the developer.

Prepared By

M A SINGLETON
Consultant

Approved By

J McKENZIE
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File
DATE: 30 April 2009
REPORT TO: Environmental Services Committee
FROM: Environmental Services Manager
SUBJECT: Private Plan Change Application, G & A McPhail - Trevors Road.

6. PRIVATE PLAN CHANGE APPLICATION – G & A MCPHAIL – Land at Trevors Road, Ashburton

Pages 28-37

6.1 SUMMARY

This report relates to an application by G & A McPhail for a private Plan Change to the Operative Ashburton District Plan. The purpose of the Plan Change is to rezone approximately 66 hectares of land on the eastern boundary of the Ashburton community that is currently zoned Rural A, to a range of Residential, Rural Residential, Open Space and Commercial Zones.

6.2 RECOMMENDATION

- “1. That the report be received.
2. That in accordance with Schedule 1 Part 2, Clause 25 2(b) of the Resource Management Act 1991, the Environmental Services Committee resolves to accept in whole the proposed Private Plan Change and that, in accordance with Clause 25 (4):
 - It is not frivolous or vexatious;
 - The substance of the whole or part of the Plan Change has not been considered and given effect to or rejected by the Ashburton District Council or Environment Court within the last two years;
 - It is in accordance with sound resource management practice;
 - It, in part or whole, would not make the District Plan inconsistent with Part V of the Resource Management Act 1991; and
 - The Ashburton District Plan has been operative for more than two years.
3. That in accordance with clause 26 of the First Schedule of the Resource Management Act 1991, the Ashburton District Council resolves to publicly notify the proposed Private Plan Change to its Operative District Plan on 6 May 2009, with the closing date for submissions being 5 June 2009.”

6.3 BACKGROUND

Urbis Ashburton Ltd has prepared a private Plan Change incorporating an Outline Development Plan to the Ashburton District Plan on behalf of the G & A McPhail. Any person may request a change to a District Plan under Schedule 1, Part 2, Clause 21 of the Resource Management Act 1991. Boffa Miskell Ltd has reviewed the application on behalf of Ashburton District Council. Requests for further information to the applicant have been made and responded to. Boffa Miskell Ltd have now advised that “*We consider the application is sufficiently complete and ready to be accepted for notification.*”

6.4 OPTIONS

There are four options available to the Committee in this matter –

It may either

1. Adopt the request as if it were a proposed plan change made by the Council itself and, if it does so,—
 - (i) The request must be notified in accordance with clause 5 of the First Schedule within 4 months of the local authority adopting the request; and
 - (ii) The provisions of Part 1 of the First Schedule must apply; and
 - (iii) The request has effect once publicly notified; or
2. Accept the request, and proceed to notify the Plan Change within 4 months of the Council accepting the request,
3. The Committee may decide to deal with the request as if it were an application for resource consent.
4. The Committee may reject the request in whole or in part, but only on the grounds that —
 - The request or part of the request is frivolous or vexatious;
 - The substance of the request or part of the request has been considered and given effect to or rejected by Ashburton District Council or the Environment Court within the last two years;
 - The request or part of the request is not in accordance with sound resource management practice;
 - The request or part of the request would make the District Plan inconsistent with Part 5 of the Resource Management Act 1991; or
 - The District Plan has been operative for less than two years.

6.5 STATUTORY IMPLICATIONS – ADOPTION vs ACCEPTANCE

If the Council accepts the Plan Change all costs associated with the Plan Change are borne by the Applicant.

If the Committee adopts the Plan Change request it implies the Council supports it and it will be administered as if it were a Plan Change made by Ashburton District Council itself. The expectation is that Council will therefore bear all costs associated with the Plan Change from the date of adoption onwards.

Other statutory obligations are addressed in the Options above.

6.6 CONSULTATION

The applicant states within the Plan Change documentation that:

The applicant has ... undertaken consultation with the following groups:

- *Ashburton District Council – Planning, Parks Manager, Water Services Manager and Senior Rooding Officer*
- *Environment Canterbury – Mr Bob Willis*
- *Residents of Wakanui Rd, Trevors Rd and Beach Rd areas*
- *Telecom*
- *Electricity Ashburton*
- *Transit New Zealand*

The statutory process specified in the First Schedule requires that any Plan Change is publicly notified. In addition to public notification all persons that the Council considers may be affected by the proposal Plan Change will be sent the public notice and any further information the Council considers relevant. Once the Plan Change is notified any person may make a submission to the Plan Change.

6.7 STRATEGIC LINKS

The Ashburton District Plan is the principal document involved in this matter. In June 2005 the Council adopted the *Ashburton District Development Plan, Planning for the future of our district to 2021*. This document is effectively a blueprint for the future and identifies the areas where growth and development of the district may be accommodated in a planned manner. This location is shown in the Development Plan as being suitable for future residential development.

6.8 FINANCIAL

If the Committee chooses to adopt the privately initiated Plan Change there may be substantial costs incurred to the Council. A budgetary provision for such expenditure has not been made.

If the Committee accepts the privately initiated Plan Change all costs will rest with the applicant.

A deposit of \$10,000 has been paid and additional costs will be invoiced to the applicant if this deposit is exceeded by actual and reasonable processing costs.

Prepared by:

JOHN MCKENZIE
Environmental Services Manager

Approved by:

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File
DATE: 30 April 2009
REPORT TO: Environmental Services Committee
FROM: Environmental Services Manager
SUBJECT: District Plan Review Carry-over of Budget Allocation

7. DISTRICT PLAN REVIEW – Carry-over of Budget Allocation

7.1 SUMMARY

The report relates to the budget and actual expenditure for the District Plan Review. Authority is now being sought to carry over unspent budget allocation from year one of the project to use in the current year.

7.2 RECOMMENDATION

- “1. That the report be received.
2. That the unspent budget allocation from the 2007 / 2008 year be made available, should it be required in subsequent years of the District Plan Review project, to a maximum value of \$89,685.”

7.3 BACKGROUND

Council has accepted an offer of service from Boffa Miskell Ltd to conduct the District Plan Review along with a cost estimate of \$885,000 for a three year project to public notification. The Council decided to loan fund this cost and spread the repayments over the ten year life of the District Plan. As such the annual expenditure does not have a direct affect on rates as the principal and interest is being paid in ten annual instalments.

Originally the budget was set over three years and expenditure incurred to date is as follows:

	Budget	Year End Actual	Variance
2007 / 2008	\$295,000	\$205,315	\$89,685 Favourable
2008 / 2009	\$295,000	\$347,000 (estimate)	(\$52,000) Unfavourable
2009 / 2010	\$295,000	\$295,000 (estimate)	

The level of work has been reflected in the level of expenditure incurred to date on this project. In the first year the level of work and expenditure was below that budgeted for. It is likely that the current year budget will be exceeded by the work currently underway for the balance of the year to 30 June 2009, and therefore authority is sought to use the unspent monies from the 2007 / 2008 year.

7.4 STATUTORY IMPLICATIONS

The Council is required to review its District Plan every ten years by the Resource Management Act 1991. The Long Term Council Community Plan has already indicated that expenditure of \$295,000 would be incurred on each of the three years of the project.

7.5 OPTIONS AND RISKS CONSIDERED

1. To cease work on the project until funds from the 2009 / 2010 year become available.
This option will only defer the work load, delay the project and risk the project running into another Council Term, it will not save on costs.
2. To carry over the unspent budget allocation from the 2007 / 2008 year. This option will not have a greater effect on the rate requirement than originally planned for.

7.6 STRATEGIC LINKS

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

- a. Water, land and air are managed sustainably. **(Priority)**
- b. Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. **(Priority Objective)**
- c. Our community understands the need to protect our natural environment and acts to do so.

7.7 CONSULTATION

Consultation via the Long Term Council Community Plan has already been carried out relating to this level of expenditure.

7.7 FINANCIAL IMPLICATIONS

The apparent 'saving' from year one of this project is proposed to be used to fund work that was always anticipated to be carried out and funded.

Prepared by:

JOHN MCKENZIE
Environmental Services Manager

Approved by:

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/9/44
DATE: 30 April 2009
REPORT TO: Environmental Services Committee
FROM: Assistant Planner
SUBJECT: Relocation of a Category B Heritage Building

8. RELOCATION OF A CATEGORY B HERITAGE BUILDING

Pages 38-40

8.1 SUMMARY

Notice was received on 22 April 2009, from R E & M P McMillan to relocate the dwelling at 117 Walnut Avenue, Ashburton, legally described as Lot 10 DP 23494, and rebuild on the site.

The dwelling is Category B Heritage Building No 116 listed in Appendix 3 of the District Plan.

8.2 RECOMMENDATION

- “1. That the request to relocate the dwelling from its present site at 117 Walnut Avenue, Ashburton, legally described as Lot 10 DP 23494, be accepted, and that the Council advises the owners that it will not be seeking to negotiate the preservation of the building on its present site.
2. That no work be undertaken to relocate the dwelling prior to 22 June 2009; and
3. That a satisfactory digital record of the dwelling (internal and external features) be provided to the Ashburton District Council prior to 22 June 2009, together with any other historic information associated with this dwelling.”

8.3 BACKGROUND

The property at 117 Walnut Avenue is zoned Residential. It was listed in the District Plan as a Category B because -

- (a) it demonstrates the continuity or distinctive characteristics of a way of life, philosophy, religious or other beliefs, customs or practices
- (b) is clearly related to other buildings or structures or makes a contribution to a group or piece of townscape
- (c) is enhanced by or enhances its garden or landscape setting
- (d) demonstrates or represents important developments, styles or periods in architecture.

The house is constructed of a corrugated iron roof, double gable with weatherboards, bay windows, brick chimneys and terracotta pots. The history of this dwelling is unknown.

The owners wish to relocate the dwelling and rebuild on the site. The owners have not indicated at this stage where the dwelling is going to be relocated.

8.4 STATUTORY IMPLICATIONS

District Plan Rules

The Heritage Section of the District Plan states:

*“Any demolition or removal of a heritage building, object, property or place identified as Category B in Appendix 3 and noted on the planning maps shall be a **PERMITTED***

ACTIVITY, subject to written notice being given to the Council, followed by a two month period during which no work shall be undertaken by or on behalf of the owner or occupier, and:

- *the owner and/or occupier shall provide satisfactory photographs or other information held by them to Council, of the building, place or object, and;*
- *the Council may negotiate with the owner and/or occupier or other parties to explore options for the preservation of the building, place or object in whole or in part.”*

Reason for Rules

The Category B heritage items are of interest to the District’s community.

The conservation of these items is desirable.

They are listed in Appendix 3 for information purposes, and so that their values can be recorded. The Council will use this information along with other non-regulatory implementation methods to encourage the owners of the heritage items to conserve their values.

The only rule that applies to Category B heritage items specifies a process that must be followed if the demolition or removal of a Category B heritage item is proposed.

This time delay is to enable records to be taken or discussions regarding alternatives to the demolition or removal of the heritage item.

8.5 OPTIONS AND RISKS CONSIDERED

Compliance with the District Plan.

8.6 STRATEGIC LINKS

- (a) Ashburton District Council District Plan
- (b) LTCCP

Outcome 6: A community with access to a variety of cultural, recreational and heritage experiences and facilities that enrich our quality of life

- a. Cultural, recreational and heritage facilities are maintained and developed to meet community needs. **(Priority)**
- b. Cultural, recreational and heritage experiences and facilities are accessible to the community and actively used.

8.7 CONSULTATION

Emails and formal letters of notice have been sent to the NZ Historic Places Trust, Christchurch, and the NZ Historic Places Trust (Ashburton Branch).

8.8 FINANCIAL IMPLICATIONS

Not applicable.

Prepared By

C C Yates
Assistant Planner

Approved By

J McKENZIE
Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File
DATE: 30 April 2009
REPORT TO: Environmental Services Committee
FROM: Environmental Services Manager
SUBJECT: Release of Plan Change Decision – Lochhead Charitable Trust

9. LOCHHEAD CHARITABLE TRUST – PLAN CHANGE DECISION

Pages 62-84

9.1 SUMMARY

The Lochhead Charitable Trust has applied to for a Private Plan Change to change the zoning of rural land on the edge of Methven to residential. A Hearings Panel heard this matter on 31 March 2009 and a written decision has now been prepared for release to all parties. This decision is now being provided to the Environmental Services Committee before it is released, enclosed with the meeting papers as an attachment.

9.2 RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none">“1. That the report be received.2. That the decision of the Hearings Panel be released.” |
|---|

9.3 BACKGROUND

Private Plan Change applications are not uncommon; in this case the Lochhead Charitable Trust has applied to for a Private Plan Change to change the District Plan and the process prescribed in the Act has been followed.

9.4 STATUTORY IMPLICATIONS

The Resource Management Act 1991 First Schedule sets out the statutory process for changing a District Plan. Clause 10 of the First Schedule provides for the decision of council to be released to all parties and that an appeal period of 30 working days ensues, after which time the Council makes a formal decision to adopt the decision and amend its District Plan.

9.5 OPTIONS AND RISKS CONSIDERED

There are only two options;-

1. Release the Hearings Panel decision and commence the appeal period as intended by the Act.
2. Decline to release the decision of the Hearings Panel and recommence the hearing process.

Option 2 is not a practical option.

9.6 STRATEGIC LINKS

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

- d. Water, land and air are managed sustainably. **(Priority)**
- e. Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. **(Priority Objective)**
- f. Our community understands the need to protect our natural environment and acts to do so.

9.7 CONSULTATION

Extensive consultation has been undertaken and formal submissions received and considered.

9.8 FINANCIAL IMPLICATIONS

This private Plan Change is funded by the Applicant.

Prepared By:

JOHN MCKENZIE
Environmental Services Manager

Approved by:

B LESTER
Chief Executive

ACTIVITY REPORTS

10.1 BUILDING SERVICES

10.1.1 Building Consents

The number of building consents issued during March was 113. This is an increase of two building consents from the same month in the previous year. The number of applications received for the month was 83; this is a reduction of 42 applications from the same month in the previous year. These numbers represent an improvement over the previous month of 45 building consents issued and eight applications received. Current numbers are showing a decrease in applications across the board and housing in particular.

Building consent data and activity graphs are attached.

Pages 41-49

10.1.2 Building Services Information Night

Following a successful builders' information night, the Building Services Department is organising a similar presentation for plumbers and drain layers. The night will consist of the Council passing information to local tradesmen regarding changes in the legislation and regulations. Environment Canterbury has agreed to provide support in passing along information in regards to on site wastewater disposal and storm water issues as related to the NRRP. Additional support is to be provided by a specialist plumbing inspector for the Timaru District Council.

10.1.3 Building Consent Processing Times

Currently building consent applications being processed within the statutory timeframe is 65.5%. This improvement in processing times reflects the number of building consent applications being processed by outside contractors in an effort to meet the statutory requirements. The use of outside contractors is necessary to be able to continue to increase the performance of building consent application processing, and gives flexibility in uncertain times. Year to date costs for this is \$20,000. Staffing levels will continue to be reviewed against consistency of work levels and cost effectiveness.

10.1.4 Inspection Times

Currently the waiting time for building inspections is 2-3 days. This is within acceptable levels, but any increase in activity will increase the waiting times to unacceptable levels again.

10.1.5 Other Issues

Building Services has been advised that legal action is being sought regarding two separate building consents. The value of these claims is approximately \$58,000 and has been referred to the Council's insurance carrier.

10.1.6 Financial Report

The Building Control Department's efforts to recover actual building consent costs as well as an increase in consent applications has resulted in an increase in income to the department in March. As a consequence the unfavourable income variance has reduced over the previous month by \$9,758.00. In time it is expected that this diligence will continue to decrease the negative variance.

Variance comments for the month are attached.

Pages 50-52

10.2 PLANNING

10.2.1 Ashburton Railway Station, Redson Corporation Holdings

Environment Court appointed mediation has been ongoing with the most recent working party meeting held on 20 April 2009. The parties are examining options for the retention and viability of the Railway Station. The Court requires steady progress and set the first progress report at 31 March 2009. The Working Party applied for a month's extension so that possible use concepts could be developed further and this was agreed to by the Court. Following the 20 April meeting, it was apparent that the parties involved will need more time to reach agreement and a further request will be made of the Court to extend the time to 29 May 2009.

10.2.2 Ashburton Community Water Trust Interim Decision Appeal

An Ecological Assessment has been prepared, plus a Management Plan has been prepared on how construction can be carried out with mitigation measures for the identified ecological values. The hearing will be reconvened to enable the Commissioners to consider this matter.

10.2.3 Lochhead Private Plan Change, Methven

The hearing was held on 31 March 2009. Councillors Beavan (Chair), Leadley and Tasker made up the Hearings Panel. A decision has been prepared and is the subject of a stand-alone report to the Committee.

10.2.4 Ashburton Aquatic Park Charitable Trust Private Plan Change – Lake Hood

Further submissions have closed on 20 March 2009. The Applicant is conducting some consultation with submitters to resolve aspects raised in submissions ahead of a hearing. An Officer report is yet to be prepared and a date for the hearing has not yet been set.

10.2.5 District Plan Review - Workshops

The next workshop on the District Plan Review will take place on 5 May 2009, the topic will be the business zones, and noise and transport provisions.

10.2.6 Hazard Register

In an effort to record information and knowledge held by staff on hazards that exist on properties within the district, a project has been initiated to compile an electronic Hazard Register with both mapping and text document links. Such a resource will assist staff when processing building consents and resource consents, as well as LIMs. Dialogue with ECan will be necessary to obtain ECan information on Contaminated Sites, at this time ECan will only release the information to the Ashburton District Council if the information is not released publicly. This is problematic as the Council, once in possession of property information is legally bound to release the information on request. This matter will be worked through with ECan.

10.2.7 Land Use and Subdivision Consents

Pages 53-58

10.3 REGULATORY

10.3.1 Staff

- Amy Hughes and Adrian Humphries attended a two day Food Safety Auditors Course.
- Don Boyd, Charlotte Spilman and Adrian Humphries attended a Hazardous Substances and New Organisms Course.
- Leanne Copland attended a customer service course.

10.3.2 Meetings

During the reporting period meetings were held with:

- MWH environmental contractors to discuss their capabilities.
- Food and Health Standards regarding public health contract work.
- The Operations Department and local contractors regarding use of gravel pits and disposal of building waste.
- ECan – the hearing on Variation 13 to the Air Plan.

10.3.3 Environmental Health

- **Food safety**

Eleven food premises have been inspected by Council EHOs, 15 by the Council Contractor. Most premises were found to be excellent or good; one premises was found to be unsatisfactory and is being followed up.

Mayfield and Methven A&P Shows were visited; 28 mobile food vendors were inspected.

One new food manufacturer was licensed for operation.

One new food premises was licensed for operation.

- **Nuisances**

- A total of 83 noise complaints were received, 22 noise directions were issued and two stereos seized. Police assistance was requested during one call out.
- Two odour complaints were investigated and resolved.
- One noise complaint relating to a bird scarer was investigated and resolved.

- **Disease**

During the reporting period the following disease notifications were made from Ashburton to the District Health Board:

Disease	Number
Campylobacteriosis	5
Gastroenteritis	1
Lead Absorption	1
Pertussis	3
Salmonellosis	3
Yersiniosis	2

No notifications were passed on to Ashburton District Council for further investigation, hence it is assumed that no cases were found to be related and considered to be outbreaks.

- **Camping Grounds**

All Camping grounds in the district were visited. The standards exhibited were generally good with areas needing improvement highlighted and necessary actions being required of the operators.

- **Insanitary Dwellings**

Three reports of insanitary dwellings were investigated. One has been discounted, two others are ongoing.

- **Health Education**

Environmental health fact sheets have been written/revised relating to the following:

- starting a food business,
- starting a mobile or home food business,
- keeping food safe in the kitchen,
- smoke nuisances
- odour nuisances
- outdoor burning

These will be posted on the web site as and when IT support allows.

10.3.4 Water Monitoring

Sampling indicates that good results have been achieved across all public and monitored private supplies in the district.

The annual laboratory accreditation visit was carried out by IANZ. The visit resulted in the laboratory passing with flying colours and no adverse recommendations being made.

10.3.5 General Inspections

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

- 3 building warrant of fitness audits.
- 10 litter infringements were served.
- 15 complaints of littering/illegal dumping were received. Twelve investigations of illegal dumping activities were carried out and 10 infringement notices issued.
- Planning matters, two matters relating to signs, one investigation into an unconsented activity and one investigation into a breach of consent conditions.

10.3.6 Bylaws

A system for the effective control of street trading/charity collections within the district has been devised to enforce the relevant bylaw.

Four unauthorised charity collection agents were moved on.

10.3.7 Liquor Licensing

The following issues are raised:

- The liquor process revamp continues. Destruction of out of date and unnecessary files has continued.
- Costs awarded from the recent CRT Court case have been received and these have covered 40% of the costs incurred by Council.
- The report of the District Licensing Agency meeting held on 12 March 2009, is included in the agenda. The Agency is seeking the Committee's approval to provide a budget to upgrade the liquor ban signs in the Ashburton CBD.

10.3.8 Animal Control

- **Registration status**

Since the last meeting dogs unregistered from last year have been identified and registered. The annual breakdown is as follows:

Category	Number
Dogs registered in 2007/ 2008	5394
New registrations	1141
Dogs re-registered from 2007/2008	5374
2007/ 2008 registered dogs not accounted for	20
Percentage re-registered in 2007/2008	99.6%

- **Court Cases**

One case went to court on 20 April, for being the owner of two dogs that attacked another dog. The two guilty dogs have been destroyed on request of the owner and case decided with the owner of the offending animals being required to compensate the owner of the injured animal and costs awarded to Council.

Another case is going before the Court on 4 May for being the owner of a dog that attacked another dog. This case was particularly distressing as it was witnessed by a classroom of primary school children. The offending dog came from a house where a dog owner had been recently disqualified. The offending dog has been destroyed at request of owner.

One hearing relating to objection to disqualification from dog ownership is coming before Councillors.

- **Dog Control Act – Infringement Notices**

Twenty infringement notices have been issued since the last meeting making a total of 230 since 1 July 2008.

- **Impounding**

Forty seven dogs have been impounded since the last meeting.

- **Rehoming**

Ten dogs have been rehomed direct to new owners.

One dog has been humanely destroyed.

- **Dog and stock control report**

The report for March 2009 is attached.

Pages 59-61

10.3.9 Trade Waste

A full report on trade waste has been made to the Operations Committee.

J McKENZIE
Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/8/1
DATE: 30 April 2009
REPORT TO: Environmental Services Committee
FROM: District Licensing Agency
SUBJECT: Minutes of Meeting 12/03/09 [Unconfirmed]

11. ASHBURTON DISTRICT LICENSING AGENCY

MINUTES of a meeting of the **ASHBURTON DISTRICT LICENSING AGENCY** held on Thursday 12 March, 2009, in the Council Chamber, 5 Baring Square West, Ashburton, commencing at 11.03 am.

PRESENT: Councillors J Burgess (Chair), J Kingsbury and J Sparks; Dr D Williams and C Clark (Community Public Health); Senior Sergeant G Russell (Police).

In attendance J Rollinson (Licensing Secretary), A Batcheler (Licensing Inspector), and Committee Secretary.

APOLOGY: Cr P Reveley **Sustained**

Confirmation of Minutes – 25 September 2008

“That the minutes of the meeting held on 25 September 2008, be taken as read and confirmed.”

Sparks/Kingsbury **Carried**

Licensing Inspector’s Report

A Batcheler referred to her 8 December activity report which was circulated after the cancellation of the Agency’s 27 November meeting.

CRT High Court Appeal

The High Court appeal by CRT, against the decision of the Liquor Licensing Authority, was postponed until 10 December 2008. The Court has since released its decision and the appeal has been refused. A Batcheler reported that CRT will be unable to hold an off-licence for its Ashburton premises.

Methven Rodeo

A debrief was held following the Rodeo on 27 October. It was reported that there had been a significant improvement in general behaviour both at the Rodeo and afterwards in the town. The Rodeo Committee was commended for their approach in responding to concerns and adopting and implementing the Methven Rodeo Strategy. Concerns raised about activities in the motor camp will be addressed before this year’s event.

DLA Newsletter

A Batcheler reported that a National Protocol on Alcohol Promotions, circulated with the DLA newsletter in December, has been adopted and will provide a useful reference to determine whether promotions are acceptable or not. Unacceptable promotions are those which encourage excessive alcohol consumption.

LLA Application

A joint agency application has been made for the suspension of a general manager's certificate on the basis that the holder is unsatisfactory. This matter will be dealt with through negotiation.

Liquor ban signage

A Batcheler spoke about her concerns that the liquor ban signage in the Ashburton CBD is unsatisfactory and needs to be upgraded. Examples of signage design used by other councils were tabled. It was noted that this concept has been used, and well received, in Methven where priority was given to upgrading the liquor ban area before the Rodeo last year.

The Licensing Inspector sought the Agency's support for the matter to be referred back to Council's Environmental Services Committee so that funding options can be considered, noting that the cost to upgrade Ashburton's signs will be significant.

The Police support the need for an upgrade. Senior Sergeant Russell said that the current signage is inappropriate and any prosecution could be subject to challenge.

RECOMMENDATION TO ENVIRONMENTAL SERVICES COMMITTEE

"That the Committee accepts that liquor ban area signage should be upgraded and budget provision made."

Kingsbury/Sparks

Carried

Police Report

Senior Sergeant Russell reported that the Police are continuing to encounter breaches of the liquor ban each week, most of which are dealt with through the Court.

Licensed premises are generally being well run in accordance with the Sale of Liquor Act and Police checks are regularly completed. Senior Sergeant Russell reported that 3-6 drink driving offences are occurring locally each week reflecting a national trend.

The Environmental Services Manager attended the meeting at 11.23 am.

Public Health Report

C Clark presented the Community Public Health and ACADS report.

Alcohol Accord

Funding has been obtained from 'ALAC and Emma Jackson has been employed as project coordinator. A working party has been set up with the licensed premises to get their feedback. The Accord is focusing on urban licensed premises and the mission statement developed for the working draft is –

To adopt and promote the safe sale and supply of alcohol and to address issues pertaining to alcohol and the consumption of alcohol, by all parties working together to find satisfactory outcomes and solutions.

The key issues identified by the licensed premises are intoxication (private residences and licensed premises), minors, vandalism and disorder (including violence) and trespassing. The premises are working well together with the next meeting to take place on 25 March. Adoption of the final strategy is anticipated around April / May and it is likely meetings will be on a 6-8 week basis once the strategy is in place.

The regulatory agencies (Police, ACADS, and Council Licensing) will keep in close communication.

C Clark said that it is planned to involve rural licensed premises at a later stage, as well as forming an agreement in principle with the Rugby Union and clubs. There is an expectation of greater success if licensed premises are the strategy's driver.

CAAP Mocktail Competition

A successful competition was held at the Speights Ale House on 5 March with a good response from licensed premises. Winning recipes if non alcoholic drinks will be collated by ACADS and distributed to the premises.

Partnership Meetings

C Clark reported that the three partnership agencies have met to plan monitoring nights and controlled purchase operations over the coming months. Since December, three night monitoring visits have been undertaken resulting in two premises being followed up.

“That the reports of the Licensing Inspector, Police and Community Public Health be received.”

Kingsbury/Sparks

Carried

Proposed Meeting dates

The Agency has tentatively scheduled meetings on 11 June, 10 September and 26 November 2009.

Next Meeting

The next meeting of the District Licensing Agency will be held on Thursday 11 June 2008, commencing at 11 am in the Councillors Lounge.

The meeting concluded at 11.38 am.