



Ashburton District Council

AGENDA

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

Date: Thursday 10 September 2009

Time: 1.30 pm

Venue: Council Chamber
5 Baring Square West
Ashburton

B LESTER
Chief Executive

MEMBERS:

Cr R J Kilworth (Chairman)
Cr L J Leadley
Cr R C Beavan
Cr I J Burgess
Cr J A Kingsbury
Cr P W Reveley
Cr J Sparks
Cr B A Tasker
Mayor M B O'Malley (ex officio)

AGENDA

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4 September 2009

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File
DATE: 10 September 2009
REPORT TO: Environmental Services Committee
FROM: Senior District Planner
SUBJECT: Carters Estate Limited - Application for a Private Plan Change

5. PRIVATE PLAN CHANGE – CARTERS ESTATE LIMITED (Known as the ‘Redmond Plan Change)

5.1 SUMMARY

This report relates to an application by Carters Estate Ltd for a Private Plan Change to the Operative Ashburton District Plan. The purpose of the Proposed Plan Change is to provide for residential development on land identified in Appendix A through changes to the zoning and rules of the District Plan. *Page 25*

5.2 RECOMMENDATION

“1. That the report be received.
2. That Council accepts the Redmond Proposed Private Plan Change for public notification.”

5.3 BACKGROUND

Urbis, on behalf of Carters Estate Ltd, has prepared an application for a Private Plan Change. 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 and the application is now considered to be complete.

5.4 DETAILS OF THE PROPOSED PLAN CHANGE

The Proposed Plan Change seeks to change the zoning of the site on Racecourse Road and Carters Road (refer to Appendix 1 for Outline Development Plan) from Rural A to Residential, and includes additions to rules in the District Plan.

The site is currently in four separate legal parcels within a larger block bordered by Farm Road, Carters Road, Allens Road and Racecourse Road. Between the site of the Proposed Plan Change and Allens Road is a property zoned Rural A with an existing dwelling. The land to the north and east across Racecourse Road, and south west across Carters Road is zoned Rural A and comprises lots of between 2 and 8 hectares. Land to the south of Allens Road is zoned Residential in the District Plan, some of which has existing residential dwellings.

The Proposed Plan Change would provide for a residential subdivision of up to 26 residential allotments, with a minimum allotment size of 2,000 m² proposed for each dwelling. The total area of the site is approximately 9 ha.

The Proposed Plan Change includes an Outline Development Plan (ODP) for the site, which forms part of the Proposed Plan Change with any development to be in accordance with the ODP.

The applicant has undertaken preliminary consultation with the Council and infrastructure providers prior to submission of the request for the Private Plan Change.

5.5 OPTIONS

There are four options available to the Council 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 Council may decide to deal with the request as if it were an application for resource consent.
4. The Council 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; or
 - 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 2 years; or
 - The request or part of the request is not in accordance with sound resource management practice; or
 - The request or part of the request would make the District Plan inconsistent with Part 5; or
 - The District Plan has been operative for less than 2 years.

5.6 STATUTORY IMPLICATIONS – ADOPTION vs. ACCEPTANCE

If the Council 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.

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

The request for a plan change cannot be rejected in this instance as none of the criteria can be applied.

5.7 CONSULTATION

The statutory process specified in the First Schedule requires that any Proposed Plan Change is publicly notified. In addition to public notification, all persons the Council considers may be affected by the Proposed Plan Change will be sent the public notice and any further information the Council considers relevant. Once the Proposed Plan Change is notified anyone may make a submission before the closing date, at least 20 working days from the date of public notification (16th September), following which submissions will be summarised and notified with the opportunity for further submissions to be made.

5.8 STRATEGIC LINKS

Long Term Council Community Plan - Community Outcome #2;

Natural and developed environments are sustained for the enjoyment of current and future generations.

5.9 FINANCIAL

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

Prepared By

M STEVENSON
Senior District Planner

Approved By

J McKENZIE
Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File
DATE: 10 September 2009
REPORT TO: Environmental Services Committee
FROM: Senior District Planner
SUBJECT: Application for a Private Plan Change – J Skevington and J Ruane -

6. PRIVATE PLAN CHANGE – J SKEVINGTON AND J RUANE

6.1 SUMMARY

This report relates to an application by John Skevington and Jo Ruane for a Private Plan Change to the Operative Ashburton District Plan. The purpose of the Proposed Plan Change is to provide for a clustered housing development in a semi-rural environment through changes to the zoning and rules of the District Plan, and the identification of the Lake Hood Storage Park as a Scheduled Activity in the District Plan.

6.2 RECOMMENDATION

“1. That the report be received.
2. That Council accepts the Skevington Proposed Private Plan Change for public notification.”

6.3 BACKGROUND

Davis Ogilvie on behalf of John Skevington and Jo Ruane has prepared an application for a Private Plan Change. 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 and the application is now considered to be complete.

6.4 DETAILS OF THE PROPOSED PLAN CHANGE

The Proposed Plan Change seeks to change the zoning of the site referred to in the application as ‘The Village Green’ on the corner of Huntingdon Road and Stranges Road from Rural B to Residential (refer to Appendix 1 for Outline Development Plan), and amend rules in the District Plan to provide for future development of the land. The site is to the immediate west of the Aquatic Park zone and is surrounded to the north, west and south by open farmland, zoned Rural B in the District Plan. **Page 26**

The Proposed Plan Change would provide for a residential subdivision of 35 residential allotments, each of approximately 1,000 m² in 4 clusters, surrounded by an area of open space and farmland of approximately 13 ha. The total area of the site is approximately 20 ha.

The Proposed Plan Change also seeks the identification of the Lake Hood Storage Park as a Scheduled Activity in the District Plan, consistent with the Resource Consent issued for the site (RC040165 To establish a Boat Storage Facility).

The Proposed Plan Change includes a Outline Development Plan (ODP) for the site, which forms part of the Proposed Plan Change with any development to be in accordance with the ODP. The proposed open space and farmland surrounding the 4 residential clusters will be managed in accordance with a Farm Management Plan, which confirms the preferred use of this land for sheep grazing.

The applicant has undertaken preliminary consultation with a range of stakeholders prior to submission of the request for a Private Plan Change including officers at the Council.

6.5 OPTIONS

There are four options available to the Council 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 Council may decide to deal with the request as if it were an application for resource consent.
4. The Council 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; or
 - 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 2 years; or
 - The request or part of the request is not in accordance with sound resource management practice; or
 - The request or part of the request would make the District Plan inconsistent with Part 5; or
 - The District Plan has been operative for less than 2 years.

6.6 STATUTORY IMPLICATIONS – ADOPTION vs. ACCEPTANCE

If the Council 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.

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

The request for a plan change cannot be rejected in this instance as none of the criteria can be applied.

6.7 CONSULTATION

The statutory process specified in the First Schedule requires that any Proposed Plan Change is publicly notified. In addition to public notification, all persons the Council considers may be affected by the Proposed Plan Change will be sent the public notice and any further information the Council considers relevant. Once the Proposed Plan Change is notified anyone may make a submission before the closing date, at least 20 working days from the date of public notification (16th September), following which submissions will be summarised and notified with the opportunity for further submissions to be made.

6.8 STRATEGIC LINKS

Long Term Council Community Plan - Community Outcome #2;

Natural and developed environments are sustained for the enjoyment of current and future generations.

6.9 FINANCIAL

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

Prepared By

M STEVENSON
Senior District Planner

Approved By

J McKENZIE
Environmental Services Manager

7. ACTIVITY REPORTS

Introduction:

Now that two months of the new financial year have passed, the Environmental Services Department activity reports are being progressively amended to report on the key performance indicators contained in the Long Term Council Community Plan. We intend to continue to provide at least the same amount of information previously provided, but to add monthly reporting on KPIs. This development will assist in end of year reporting, as well as enable elected members to track progress towards meeting the KPIs that have been adopted. **Pages 27-33**

Additionally, we are striving for a culture of continual improvement in internal business systems and service delivery that will add efficiencies and reinforce the Key Performance Indicator reporting.

7.1 BUILDING SERVICES

7.1.1 Building Consents

The number of building consents issued during August was 88. This is an increase of four building consents from the same month in the previous year. The number of applications received for the month was 51; this is a decrease of 44 applications from the same month in the previous year.

The number of applications received in the month of June has shown an inflated rate of activity which was a result of customers submitting applications to lock in charges prior to the fee changes. This is partly responsible for the decrease in building consent applications in the following months.

Building consent data and activity graphs are attached.

Pages 34-42

Month	Building Consents Received	Building Consents Issued	% Processed within 20 Days	Inspections Carried Out
June 2009	127	103	85%	358
July 2009	80	109	70%	367
August 2009	51	88	65%	365

7.1.2 Building Consent Processing Times

There has been a noted drop in the amount of building consent applications processed within the statutory 20 day timeframe. The major contributing factor to the decrease for the months of July and August was staff absences which at one time saw three staff members off ill during one week with the flu. Staff away for holidays has also reduced staffing levels causing more of processing to be outsourced. This highlights the delicate balance of staff numbers and the issue of staff being away for holidays, training and sick leave in relation to work loads.

For the month of July, 39% of building consent applications were processed by our contractor and 11% for August. Staff leave over the next 6-8 weeks will see our contractor employed full time and generally based in house. Additional contractors can be available if the work flow increases.

7.1.3 Project Information Memoranda (PIM's)

There were two applications for PIM's for the month of August with both processed within the 20 day timeframe.

7.1.4 Inspection Times

Requests for building inspections are available in 1-2 days. This is within acceptable levels with a slight demand for inspections. Building Officials have been able to complete their work without the need for additional hours being worked.

7.1.5 Claims

The Council has made settlement of \$4000 on a claim on the advice of our insurance carrier regarding building work.

7.1.6 Financial Report

Variance comments for the month are not included at this stage of the year.

7.2 PLANNING

7.2.1 Plan Changes

- **Ashburton Aquatic Park Charitable Trust Private Plan Change – Lake Hood**

The appeal period ends on 11 September. Subject to there being no appeals a report will go to Council on 24 September to formally approve the Plan Change.

- **Lochhead Trust Private Plan Change, Methven**

The Lochhead Trust Private Plan Change became operative on 27 August following the Council's approval on 13 August.

- **G & A McPhail (Trevors Road) Private Plan Change,**

The period for further submissions ended on 21 July 2009. The Council is currently awaiting comments from the applicant on issues raised in submissions. A report will then be prepared summarising all submissions and assessing the issues raised, following which there will be a hearing for decision.

- **Areas of Significant Conservation Value (Group 2 sites) Plan Change**

The Plan Change was publicly notified on 12 August with the period for submissions ending 10 September.

7.2.3 Resource Consent Applications

At the end of the agenda, it is reported that two of the 16 resource consents granted in August were not processed within the statutory timeframe. The time limit for Resource Consent LUC09/0049 (storage of greater than 3,000 litres of diesel in a rural zone being Lot 1 DP41616 – 605 Main South Road, Winslow) was extended in accordance with section 37 of the Resource Management Act to enable joint processing of resource consents with Environment Canterbury. As the time limit was extended, the resource consent was processed within the statutory timeframe.

The second Resource Consent LUC09/0043 (consent to operate a commercial helicopter base within an existing building on RS 34563 at 198 Ensors Road, Rakaia Gorge) was not granted within the statutory timeframe due to resourcing at the time of preparation of reports for two hearings.

- **Ashburton Business Estate**

Resource consent was granted on 27 August 2009, for subdivision of the estate into 31 industrial / business lots ranging in size between 0.5ha and 10ha. This decision was made under delegated authority by an Independent Hearing Commissioner, Mr Bob Batty.

An application has been received to erect promotional signage associated with the Business estate.

- **Proposed Ashburton Art Gallery & Museum**

The resource consent application for the proposed Art Gallery and Museum is currently on hold pending a request for further information.

- **Methven Trotting Club/ Farmers Corner**

A Hearing was held on 1 September for –

1. Staged subdivision of 11.47 ha of land into 104 allotments by Methven Trotting Club; and
2. Proposed new signage and extended hours of operation at Farmers Corner. An update will be provided at the meeting.

7.2.4 District Plan Review

- **Public Open Days**

Open Days have been held to date in Methven, Rakaia, Hinds, Mayfield and Barrhill. There has been a good response with a range of issues being raised at all the workshops. A summary of the issues will be presented at the District Plan Review workshop on 8 September 2009.

The remaining Open Days are scheduled for -

Wednesday 2 September	Mt Somers Mt Somers Hall	3pm – 7pm
Friday 11 September	Hut settlements Masonic Lodge, Ashburton	3pm – 7pm
Wednesday 16 September	Chertsey/Fairton Chertsey Hall	3pm – 7pm
Thursday 24 September	Ashburton Masonic Lodge	3pm – 7pm

7.2.5 National / Regional Guidance

- **Resource Management Act Amendments**

On 18 August, the Local Government and Environment Select Committee reported on the Resource Management Act (Simplifying and Streamlining) Amendment Bill, recommending it be passed with amendments. A summary of changes and their implications will be presented as a report at the next Environmental Services Committee. The Bill now needs to progress through Parliament with final enactment of the bill expected the end of September. The Select Committee's recommendations may or may not be accepted. A report outlining the amendments will be presented at the Environmental Services Committee on 22 October.

A member of the Planning team will be attending training on the amendments and their implications on 12 October 2009.

- **Proposed Regional Policy Statement**

The Draft chapters of the Regional Policy Statement will be presented to Councillors on 8 October 2009. This will include the following chapters –

- Landscape
- Soils
- The Coastal Environment
- Ecosystems and Indigenous Biodiversity
- Beds of Lakes and Rivers and Their Riparian Margins

7.2.6 Resource Consents granted by delegated authority

Pages 43-44

7.3 REGULATORY

7.3.1 Staff

Three staff attended four wheel drive training.

Adrian Humphries attended a three day Local Government prosecutions course in Auckland.

7.3.2 Meetings

During the reporting period meetings were held with:

- NZ Police regarding enforcement issues.
- Canterbury Food Cluster Group
- NZ Food Safety Authority Compliance Group
- Medical Officer of Health EHO/HPO Group
- Enterprise Ashburton - Migrant Services

7.3.3 Environmental Health

• Food safety

Representatives from twenty food premises attended a briefing on the implications of the proposed Food Act. The briefing centred on the need to operate under a Food Control Plan and provided them with the material to set such a plan up. Registration under the new food regime will begin in September.

Two food complaints were received from the public. These were investigated and resolved.

• Nuisances

- A total of 63 noise complaints were received, 18 noise directions were issued and two stereos seized.
- Five outdoor burning complaints were received. Two were regarding commercial areas in Ashburton and in one case the perpetrator was fined \$500 as they had failed to heed previous warnings.
- One complaint about cats.
- One complaint about rats
- Two complaints about dangerous and insanitary buildings. Both investigations are ongoing.
- Two odour complaints – one relating to a stock truck, the other a portaloos.
- One noise complaint from a commercial premises was investigated and resolved.

• Disease

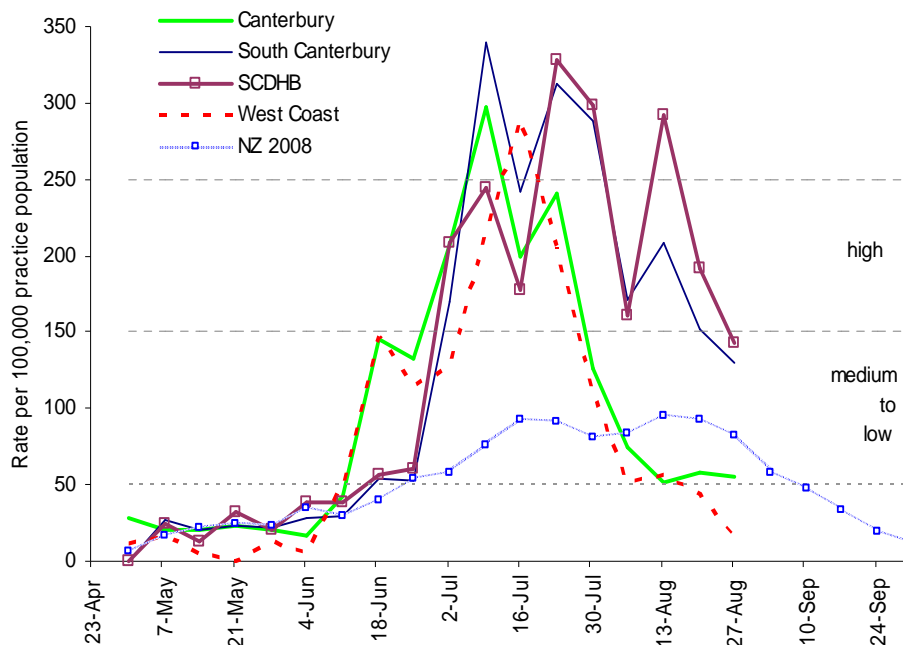
During the reporting period the following disease notifications were made from Ashburton to the District Health Board:

DISEASE	Number
Leptospirosis	1
Measles	2
Yersiniosis	1
Non seasonal Influenza A (H1N1)	8

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.

C&PH Influenza Surveillance In Regional Health Districts* And The SCDHB – 2009

Summary graph of influenza-like illness surveillance by 15/23 Canterbury, 1/1 Ashburton, 9/9 South Canterbury and 6/8 West Coast sentinel medical centres for the week ending Thursday 27 August 2009, and for New Zealand 2008.

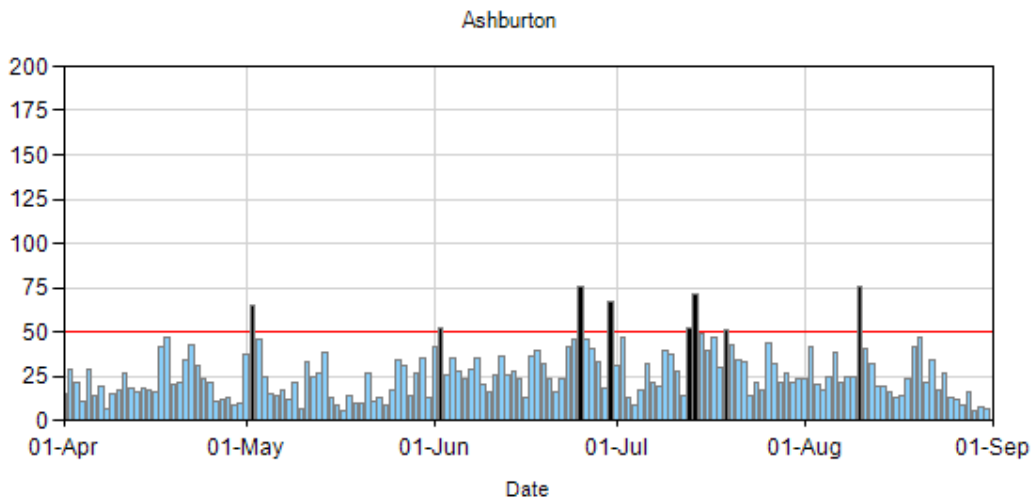


- Air Quality**

High pollution nights for 2009

Location	Pollution Level Yesterday	No. of High Pollution Nights	Highest Pollution Level	2nd Highest Pollution Level
Rangiora	5	2	54	53
Kaiapoi	6	23	86	80
Christchurch - St Albans*	13	12	86	83
Christchurch - Burnside	-1	7	107	72
Christchurch - Woolston	12	15	88	88
Ashburton	7	8	76	76
Timaru - Anzac Park*	13	34	135	124
Timaru - Washdyke	9	2	60	55
Waimate	8	8	89	67
Geraldine	7	7	67	59

24 hour average PM₁₀ concentrations for winter 2009



These are the figures from the ECan website (1st September 2009). Last year we had a total of 15 exceedences.

7.3.4 Water and Wastewater Monitoring

Sampling indicates that good results have been achieved across all public drinking water supplies in the District. One private supply tested positive for E Coli, this has since shown clear results.

Monthly waste water monitoring is on target with no concerns reported.

7.3.5 General Inspections

In the reporting period, the following activities have been undertaken:

- **Building Act 2004**

- Seven building warrant of fitness audits have been carried out.
- An existing Notice to Fix has been complied with. A further Notice to Fix has been served and is due for compliance within the next two weeks.
- An Infringement Notice for \$1000 was served on a company for the non-compliance with a Notice to Fix. This has been paid.
- A potentially dangerous building has been inspected and this matter is ongoing.

- **Resource Management & District Planning**

Complaints have been received regarding a number of matters including signs, relocation buildings and breaches of the District Plan.

- A sign has been assessed and is compliant.
- A relocatable house that has not been permanently placed is being monitored and should be placed on foundations within the next week as advised by the owner.
- A site has been visited as part of routine monitoring.
- A site where an abatement notice has been served has been visited and further action is likely as a breach of the notice was observed.
- A joint site visit by Environmental Health and Planning enforcement was carried out to assess nuisance and breaches under the District Plan. This matter is ongoing.

- **Regulatory**

Eight infringements have been served for littering. One infringement has been served for a breach of bylaw.

7.3.6 Trade Waste

Request for reviews have ceased. Statistics are:

- 36 reviews filed and complete (28 confirmed and 8 allowed)
- 1 report completed
- 3 other inspections waiting completion
- 2 additional re-inspections booked

Two ongoing investigations into partial or complete sewer blockages, both believed to be caused by registered businesses. The suspects are now working to ensure their grease converters are working properly. The Trade Waste Officer has posted out 54 letters to restaurants and cafes providing information on grease traps (38 registered and 16 unregistered) to prevent similar problems. This has resulted in one new registration and we anticipate more.

We are still waiting for a steer on 'conditions' for the 35 conditional consents.

7.3.7 Liquor Licensing

- **Law Commission Report**

The report "Alcohol in Our Lives" has been released by the Law Commission. This has been distributed to members of the DLA and key Council staff for perusal. Submissions are required by 30 October 2009.

- **Combined Agency Approach**

A document produced in collaboration by NZ Police, Palmerston North CC, Mid Central Health and NZ Fire Service is being modified to act as a service level agreement between the enforcement agencies in Ashburton.

- **Methven Rodeo**

The Licensing Inspector attended a meeting of the Methven Rodeo Committee.

- **Undie 500**

The "Undie" 500 is to run on 11 September this year. Organisers are keen to avoid problems caused in recent years and have worked with Christchurch Police to make the event possible.

- **Licences**

During the period one on-licence and 12 special licences have been issued.

- **Hearing**

A Hearing relating to a suspension of an Off Licence is to be held at the District Court on 23 September 2009.

7.3.8 Animal Control

- **Registration status:**

The annual breakdown is as follows:

Category	Number
Dogs registered in 2008/ 2009	7038
New registrations	640
Total	7678

Dogs re-registered from 2008/2009	5414
Dogs reported dead from 2008/2009	682
Dogs reported as having left District from 2008/09	342
2008/ 2009 registered dogs not accounted for	596
Total	7034
Percentage re-registered in 2009/2010	91.61%

- **Court Cases**

Since the last meeting one case is going before the Court on 7 September. In this case the dog had just been classified dangerous following charging complaints. This dog and another attacked and severely injured a cat which subsequently had to be euthanized. The second dog has yet to be found. The offending dog has been surrendered and destroyed.

- **Hearings**

Three hearings, one relating to a disqualification and two relating to infringement notices, have been heard by Councillors.

- **Dog Control Act Infringement Notices**

Twenty three infringement notices have been served since the last meeting making a total of 28 since 1 July 2009.

- **Impounding**

Thirty eight dogs have been impounded since the last meeting.

There are currently four dogs in the pound (at 31 August 2009).

- **Rehoming**

Five dogs have been rehomed direct to new owners between 20 July – 31 August 2009.

One dog has been destroyed humanely.

- **Pro active monitoring**

In order to deal with a number of issues the animal control contractor has been instructed to target specific areas of the District for whole day visits. Although this is manpower intensive it does allow a large number of issues to be dealt with at once.

- **Dog and stock control reports**

The reports for July and August are attached.

Pages 45-54

J McKENZIE
Environmental Services Manager