

MATAURA COMMUNITY BOARD AGENDA

MONDAY 28 MAY 2012

2. OVERGROWN SECTIONS UPDATE (22.12)

(Memo from Parks and Recreation Manager – 17.05.12)

Following a request from the Board, the purpose of this report is to update members on this matter.

The question posed by the Board is “have absentee property owners been sent letters about their sections and notified of the state that they are in?” The process - as set out in the Council’s Long Grass/Overhanging Foliage Bylaw 2008 – and clarified under section five of the bylaw, is implemented by Council officers where applicable. This terminology is prescriptive and not subjective. Often the creator of a customer service request believes that “untidy” constitutes a bylaw breach which is often not the case.

5. Long Grass and Noxious Plants to be Controlled

Long or dry grass, and noxious plants on all urban land irrespective of whether the land is disused, used, vacant, developed or otherwise must be cut down and removed in order that such grass or plants are no greater in height than 0.5 metres in order that they do not constitute a fire hazard or nuisance to occupiers of surrounding land.

The way in which Council officers implement this bylaw is proactively and reactively, undertaking physical inspections from mid spring (October) until the end of summer (February) primarily focusing on the preceding years offenders as the starting point and responding to customer service requests received. Outside this time frame Council officers adopt a solely reactive stance by responding to customer service requests.

Over the spring summer 2011/12 period a total of 67 properties in Maitaura were found to be breaching the conditions of the bylaw. Of those properties identified, the owners of 45 properties dealt with the offending foliage after being contacted by the Council. The remaining 22 properties were mown by a Council contracted contractor with all costs, together with a \$50 booking fee, charged to the owner.

- ↳ Appended for the Board’s information, is a copy of the Long Grass/Overhanging Foliage Bylaw 2008.

RECOMMENDATION

THAT the information be received.

- (k) Nightshade (solanum nigrum)
- (l) Docks (rumex, obtusifolius rumex crispus)
- (m) Scotch Thistle (cirsium vulgare)
- (n) Nettle (urtica urens)

Occupier – in relation to any land; means any lessee, licensee, or other occupant of the land and includes the owner or the agent of the owner where there is no apparent occupier.

Officer – means an employee or servant of the Gore District Council.

Manager – means the Parks and Recreation Manager of the Gore District Council.

4. **Applicability of Bylaw**

This bylaw shall be applicable to the urban areas in the Gore District and as such includes the entire townships of Gore, Mataura, Mandeville, Pukerau and Waikaka.

5. **Long Grass and Noxious Plants to be Controlled**

Long or dry grass, and noxious plants on all urban land irrespective of whether the land is disused, used, vacant, developed or otherwise must be cut down and removed in order that such grass or plants are no greater in height than 0.5 metres in order that they do not constitute a fire hazard or nuisance to occupiers of surrounding land.

6. **Overhanging Shrubs and Trees to be Controlled**

Occupiers of land upon which trees or shrubs are situated and overhang and cause obstructions to public rights of way, footpaths, public roads or any other such public access ways must trim the offending trees or shrubs so that there are a minimum of two (2) metres above the public right of way, footpath or public road or any other such public access way.

7. **Council May Give Notice to Control Growth**

The Council may serve on the occupier of any land a notice in writing requiring the occupier within fourteen (14) days from the date of the said notice and to the satisfaction of the Inspector or Manager:

- (a) Cut down, remove and generally clear the subject land from all long grass, dry grass and noxious plants to a height no greater than 05 metres;

- (b) trim shrubs or trees overhanging and causing obstruction to a public right of way, footpath, public road or any other such public access way so that the said shrubs or trees are a minimum of two (2) metres above the public right of way, footpath, public road or any other such public access; and
- (c) remove shrubs or trees overhanging and causing obstruction to a public road or any other such public access way.

8. Powers of the Council on Occupiers Default

If any occupier on whom a notice is served under Clause 7 of this bylaw fails or neglects to do any act or thing specified in the notice before such date or in such manner as may be so specified, the Council may itself do, have done or complete the doing of that act or thing.

9. Recovery of Expenditure by the Council

Where any work is carried out by the Council or its agent on any land as a result of an occupier's failure to act on notice given by the Council, the full cost of undertaking the work including all labour, plant charges and any materials, shall be recovered from the occupier of the affected land and the said cost shall be a charge upon the land concerned.

10. Occupier May Appeal Notice

- (a) Within seven (7) days after service of a notice pursuant to Clause 8 of this bylaw, the occupier may apply to a District Court for an order setting aside the notice. Pending the determination of the application, the notice shall be deemed to be suspended.
- (b) On the hearing of the application, the Court whose decision shall be final shall determine whether the notice should or should not be set aside and in the former case the notice shall be deemed to be void.
- (c) In the case of a notice which is not set aside as aforesaid, if the occupier fails to do any such act in compliance therewith within fourteen (14) days after being notified of the decision of the Court, the Council may enter upon the land and do that act and recover the cost from the occupier as prescribed in Clauses 8 and 9 of this bylaw.

11. Officers Protected from Proceedings

No action or proceedings shall be brought against the Council, or any officer of the council or any person acting under instructions of any officer in respect of any action undertaken for the purpose of carrying out the provisions of this bylaw, where the Council or those persons have acted in good faith and with reasonable care.

12. Offence

Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out below.

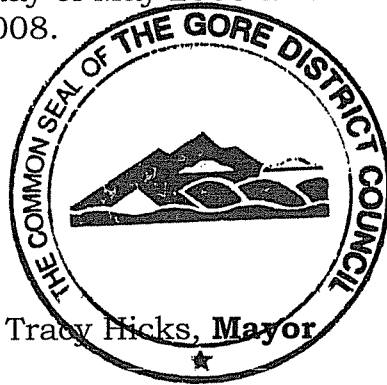
13. Penalty for Breach of Bylaw

Any person convicted of an offence against this bylaw is liable, on conviction, to a fine not exceeding \$20,000.



The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on the 27th day of May 2008 and ordered to come into force on the 1st day of July 2008.

The Common Seal of the Gore District Council was hereunto Affixed this 27th day of June 2008, in the presence of:



Mr Tracy Hicks, **Mayor**

Mr Stephen Parry, **Chief Executive**

3. STREET CLEANING (3.24.3)

(Report from the Roding Manager – 21.05.12)

Maintenance Contract Background

The current road maintenance contract through which urban street cleaning is undertaken has been in place since October 2005. The contract is due to finish at the end of September 2012. The new contract will be tendered out over the next few weeks. Downer is the incumbent contractor.

A wide range of tasks, both urban and rural, are carried out through the contract. Some activities in the contract are performance based where the contractor is required to maintain a standard, within set tolerance levels. Other activities in the contract are based on the measured quantity of approved work done. The Council roading staff, particularly the urban and rural roading officers, monitor the work done to verify that standards are being maintained and that the quantity and quality of approved work claimed is correct.

Mataura Street Cleaning

Street cleaning is a performance based activity carried out under the road maintenance contract. Downer is expected to maintain the street sweeping to the standards set in the contract. There are two components to the street sweeping in Mataura. A biannual sweep of all of the streets in Mataura is one requirement. The other requirement is the cleaning of various specified streets in the commercial business area (CBD) several days per week. Gore streets are cleaned on the same basis with a higher frequency of cleaning in the CBD required due to its greater use. Monitoring of this activity by the Council roading staff confirms that this activity has been performed satisfactorily.

Tulloch Park Public Toilets

Maintenance and cleaning of the public toilets at Tulloch Park is not included in the road maintenance contract. This work is carried out by a separate contractor employed by the Council.

Broken Glass on Footpaths

Removal of broken glass on footpaths in Mataura (and Gore) is carried out under the contract but generally as a last resort and as a result of a report from a member of the public. In the residential areas the adjacent resident normally removes broken glass on the footpath outside their property. The same often happens in the CBD. This is by far the quickest means of removal and is also least costly to ratepayers.

Contractor Commitments

As described in the items above the contractor is required to either carry out a certain quantity of work or maintain a certain standard. There is no requirement to carry out a defined number of hours of work.

Standard of Maintenance

It is suggested that the standard of urban maintenance being achieved is too low. Monitoring by Council roading staff confirms that the contract standards

are being maintained. The same standards apply to the Gore urban area including its CBD. A significant part of the funding for street cleaning especially for the state highway parts of the CBD is paid by the New Zealand Transport Agency (NZTA). No reports have been received from NZTA expressing concern that its standards are not being met in Mataura. A check of the Council's customer service request database revealed that there have been only five reports regarding detritus in the gutter or on the footpath since June 2010. Three of these were requesting the removal of glass from footpaths and one was complaining that the street sweeper was operating too early in the morning (6:15am). The very low number of reports indicates that generally the Mataura community is reasonably happy with the level of service provided and there is not a significant call for a higher level of service which would require increased rate funding.

RECOMMENDATION

THAT the information be received.

4. REPORT OF THE ROADING MANAGER (3.34)

Paving Stone Cleaning

Cleaning of the paving stones in the plots in the Maitava CBD has been programmed and hopefully will be completed prior to the meeting.

Main Street “No Stopping” Markings

These markings have been requested to be completed prior to the meeting.

Main Street Footpath Upgrade

Subject to funding being available, a chip sealed footpath will be provided along the west side of Main Street from Carteret Street to Cardigan Bay Road.

River Street Footpath

Reseal of the section of River Street from Bridge Street to Lodge Street is programmed. Footpath kerbs needing upgraded will be repaired prior to the reseal.

RECOMMENDATION

THAT the report be received.

5. CUSTOMER SERVICE REQUESTS (46.34.2)

(Memo from Administration Manager – 22.05.12)

The Board has enquired about whether those people logging a customer service request are responded to. As has been explained previously, the system is used for operational purposes and the customer service staff ask a caller if they wish to be notified when the problem has been rectified. However, the Board will appreciate that some problems that are notified are of a minor nature and people do not wish to be advised.

The system has been further enhanced to ensure calls are directed to the right staff members.

A review of the CSR system relating to Maitua calls for the period 2 January until 21 May 2012 reveals a total of 316 requests logged. A high volume of calls related to the new refuse collection service and water supply issues.

A summary of the categories is as follows:

- Building control
- Council buildings and public conveniences
- Dogs – barking, found, lost, general, wandering
- Stock – general
- Drainage – blocked pumps, general, blocked drains, surface flooding
- Refuse – bin enquiries , general, litter bins, ordering rubbish bags, refuse not collected, reporting dumped refuse, transfer station
- Regulatory - abandoned vehicles, health, noise, planning, smell
- Reserves – cemeteries, gardens, general, overgrown sections, playgrounds, sports fields, trees,
- Roading (urban and rural) – consents, state highway issues, street lighting, unsafe parking spaces, rural, gravel maintenance, roadside drainage, sealed roads, emergency work, footpaths, signs, vehicle crossings, street addressing-RAPID
- Swimming pool
- Water – billing, general, leaks, shutdowns, taste-smell-colour, toby taps
- Miscellaneous

RECOMMENDATION

THAT the information be received.