

NOTICE IS HEREBY GIVEN THAT THE ORDINARY MEETING OF THE GORE DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE, ON TUESDAY 28 APRIL 2009, AT 7.30 pm

- **A private briefing from the Chief Executive for elected members will commence at 6.45 pm.**

**Stephen Parry
CHIEF EXECUTIVE**

22 April 2009

A G E N D A

1. CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Monthly Meeting of the Gore District Council, held on Tuesday 24 March 2009.

Confirmation of the Minutes of the Extraordinary Meeting of the Gore District Council, held on Thursday 2 April 2009.

Confirmation of the Report of the Community Services Committee meeting, held on Wednesday 15 April 2009.

Confirmation of the Report of the Regulatory and Planning Committee meeting, held on Wednesday 15 April 2009.

Confirmation of the Report of the Finance and Policy Committee meeting, held on Wednesday 15 April 2009.

2. URGENT LATE BUSINESS – as tabled at the meeting, pursuant to Section 46 (a)(7) of the Official Information and Meetings Act 1987.

3. PRESENTATION FROM VENTURE SOUTHLAND – SUSTAINABLE BUSINESS STRATEGY

(Pages 1-4)

4. GORE SISTER CITY COMMITTEE (Pages 5-15)
5. SPARC RURAL TRAVEL FUND (Pages 16-18)
6. DISPOSAL OF FORMER MATAURA TOWN HALL (Pages 19-46)
7. MATAURA COMMUNITY BOARD REPORT (Pages 47-53)
8. AGRICULTURAL EFFLUENT PONDS (Pages 54-59)
9. ZONING OF CENTRAL GORE INDUSTRIAL AREA (Page 60)
10. PROPOSED BYLAW – KEEPING OF ANIMALS, POULTRY AND BEES IN AN URBAN ENVIRONMENT (Pages 61-69)
11. PROPOSED FEES AND CHARGES 209/10 (Pages 70-75)
12. OPERATIONS BULLETIN (Page 76)
13. REPORTS FROM COUNCILLORS
14. APPROVED URGENT LATE ITEMS
15. BUSINESS TO BE CONSIDERED PURSUANT TO THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987:

(i) CONFIRMATION OF MINUTES

Confirmation of the minutes of the ordinary monthly meeting of the Gore District Council, held in Committee, on Tuesday 24 March 2009.

Confirmation of the report of the meeting of the Finance and Policy Committee, held in Committee, on Wednesday 15 April 2009.

COUNCIL MEETING AGENDA

APRIL 2009

3. PRESENTATION FROM VENTURE SOUTHLAND – SUSTAINABLE BUSINESS STRATEGY

(Memo from Chief Executive – 16.04.09)

Councillors will recall at the February meeting receiving a copy of a strategy for sustainable business in Southland developed by Venture Southland with funding from the Ministry for the Environment. Development of the strategy was overseen by a steering group made up of a wide range of stakeholders. Gore District was invited to have a representative on the Steering Committee, but unfortunately the Eastern Southland Chamber of Commerce, when approached, was unable to secure sufficient interest from within its membership.

Overall, the strategy is about enhancing the ability for individual businesses in Southland to operate in a sustainable manner, environmentally, socially, culturally, and economically. The specific objectives of the strategy are:

- Identify gaps between the needs of Southland businesses and existing assistance.
- Identify a strategic and co-ordinated approach to the delivery of regional programmes to businesses.
- Provide direction for Venture Southland and programme partners on the next steps for assisting businesses.
- Identify opportunities for enhancing and strengthening existing regional programmes.
- Identify how best to generate long term commitment by businesses to implement sustainable business practices.

The strategy recognises that business sustainability is an evolving process. Many businesses start with one or two initiatives eg recycling, staff health day, sponsorship of community event; and build from there until all business decisions incorporate sustainability considerations.

The strategy proposes nine strategic actions. These are:

- Establish a regional liaison group of programme providers.
- Develop a business communication strategy.

- Provide those advising businesses with up to date and relevant information (including industry representative groups).
- Expand delivery (as planned) of current regional programmes.
- Assist businesses to move beyond initial steps towards having a more integrated approach.
- Develop a range of interactive tools.
- Develop case studies of businesses implementing sustainable practices.
- Identify larger businesses in the region who are able to influence others (lead by example and/or supplier contracts).
- Develop indicators for monitoring the effectiveness of regional programmes.

Venture Southland is now seeking endorsement of the strategy by all Southland Councils.

As the strategy looks to address sustainability broadly, ie economic, social, cultural as well as environmental, it aligns well with the four well-beings now and into the future. It also has the potential to contribute to community outcomes; in particular the following three outcomes are supported.

A diverse economy built from our strengths for growth and prosperity

- The strategy will support *innovation* and sharing learning about sustainable practices, supporting businesses. Ultimately this will reduce input costs for businesses, as well as providing additional marketing tools through sustainable products and services.
- Regulation (national and local) is likely to become more focussed on sustainable practice, particularly environmental sustainability. By supporting businesses now, the Strategy will help businesses transition, ie this is a non-regulatory tool for creating a *business friendly environment*.
- By promoting sustainable business using practical tools, the strategy will also assist in *keeping the things about living in Southland that we value*, both the characteristics of our communities, and the environment that we live in.

We are a healthy people

The strategy incorporates social well-being, as well as environmental. As such it assists businesses to recognise the benefits of contributing to healthy people.

- Staff well-being programmes (already run at some level by many businesses) contribute to *healthy lifestyles*.
- Business engaging with the community, through consultation, sponsorship, and/or in-kind support, contributes to a compassionate, caring community.

A treasured environment which we care for and which supports us now and into the future

- A key component of the strategy is communication. That is keeping businesses and business groups *informed* about the support that is already available and sharing success stories.
- Improving businesses' sustainability will *protect the environment from the negative effects of human activities*.

Given the strong alignment with well-being and community outcomes, this report recommends that the strategy be endorsed.

Policy and Plan Considerations

There are no implications for policy or plans at this stage. Documents such as the LTCCP and District Plan are likely to be used as resources in developing material during implementation.

Consideration of Community Views

The project steering group was made up of a range of stakeholders including representatives from local authorities, Department of Conservation, Te Ao Mārama Incorporated, and a range of private businesses. Development of the Strategy included primary research (phone interviews and workshops with local business). Key findings included:

- Southland businesses have a relatively high awareness of sustainability issues;
- many businesses are already undertaking actions to improve sustainability in specific areas, including staff well-being, minimising resource use, recycling and participation in community programmes;
- barriers to implementing sustainable business practices are time, cost, and not knowing what to do; and
- the majority of businesses believe there is more they could or should be doing, with 64% keen to learn of further assistance available to them.

These findings have been taken into consideration in developing the Strategic Actions.

Financial Considerations

The strategic actions listed above will be addressed over the next two years using the remaining funding from the Ministry for the Environment, and existing resources of regional programme providers. The implementation phase will also establish the level and sources for ongoing funding required. Funding may be sought from a range of central government, local government, community funders, and/or private sources eg user pays where there are clear economic benefits to participating businesses.

At its February meeting, the Council left the matter on the table until a representative from Venture Southland made a presentation to a future Council meeting. To that end, Ms Karen Owen, will be in attendance at the meeting and provide a presentation on the strategy.

RECOMMENDATION

THAT the report on the Strategy for Sustainable Business in Southland be received,

THAT the Strategy for Sustainable Business in Southland, Resources and Opportunities be endorsed,

AND THAT as the costs associated with implementing the Strategy have yet to be established, any funding implications of the Strategy be considered as they arise.

4. GORE SISTER CITY COMMITTEE: RESIGNATION OF CHAIRPERSON

(Memo from Chief Executive – 03.04.09)

- ↳ Enclosed is a letter received from Barbara MacKay, Chairperson of the Gore Sister City Committee, advising of her resignation from the position of Chairperson and the Committee itself. Mrs MacKay has been a member of the Sister City Committee for the best part of 10 years and has made a valuable contribution to the relationship between Gore District and Tamworth City.

Mrs MacKay has also hinted in her letter that it may be time for the Council to review the operation of the Sister City Committee in order that it can be rejuvenated.

- ↳ The concept of reinvigorating the Sister City Committee was last traversed in 2002. I enclose background material relating to the last review which culminated in an amendment of the Constitution of the Sister City Committee. The Council may therefore wish to consider whether the current structure of the Committee is appropriate.

The 2002 constitution has been updated to recognise the existence of the Local Government Act 2002 and the disestablishment of the District Promotions Manager's position.

RECOMMENDATION

THAT the letter of resignation from Mrs Barbara MacKay be received,

THAT the Council formally acknowledge Mrs MacKay's contribution to the Sister City relationship between Tamworth City and Gore District,

THAT invitations be invited for a community representative to replace Mrs MacKay on the Gore Sister City Committee,

AND THAT the Council review the Constitution and operations of the Gore Sister City Committee and make any amendments it deems appropriate in the interests of fostering a productive and energetic Committee.

GORE SISTER CITY COMMITTEE CONSTITUTION

1. NAME

- a. The Committee, as appointed under the provisions of Clause 30, Schedule 7 of the Local Government Amendment Act 2002.
- b. **GORE SISTER CITY COMMITTEE** is hereinafter referred to as the “General Committee”.

2. OBJECTIVES

- a. To provide a forum for cultural, educational, sporting and trade interchange between Gore and its Sister Cities;
- b. To encourage friendship, co-operation and understanding between citizens of the District of Gore and the citizens of Gore Sister Cities;
- c. To encourage residents of the District to appreciate the benefits of Sister City programmes;
- d. To actively participate in the planning and implementation of Sister City programmes with adjoining areas where considered appropriate.

3. ROLE AND AUTHORITIES

- a. The General Committee is appointed by the Gore District Council under Clause 30, Schedule 7 of the Local Government Act 2002 to exercise the function of management of the Council’s Sister City programme.
- b. The General Committee has delegated authority to exercise the following functions:
 - (i) To manage Sister City programmes drawn up for recognition of Sister City relationships, subject to, at all times, funds being available and voted by the Council.
 - (ii) To raise funds through sponsorship, donation or other fundraising ventures.

- (iii) To decide expenditure on Sister City programmes or projects within the limits of the budget as provided by the Council.
 - (iv) Manage funds raised by the General Committee or Sub-Committee by way of Sister City fundraising activities or the like. These funds to be separately identified within the Council's accounting system and held by the Council.
 - (v) To establish Sub-Committees, either permanent or for limited terms, to carry out specified investigations or other tasks nominated by the Committee. Persons not already members of the Committee may be co-opted to such Sub-Committees for limited periods of time.
 - (vi) To bring to the Council's attention by way of recommendation any item requiring a policy decision outside the authority of the Committee.
- c. Any recommendation of the General Committee or any portion thereof may be amended by the Council in any manner it may think fit, or may be referred back to the Committee for further consideration.
 - d. The Gore Sister City Committee shall not have power to incur expenditure or to bind the Council, other than as delegated.

4. TERM

- a. The General Committee and Sub-Committees shall cease to hold office at the expiration of three months after the general election of the Council, subject to:
 - (i) The General Committee and Sub-Committees may be dissolved by Council resolution at any time;
 - (ii) Any authority conferred by the Council under this resolution may be withdrawn by the Council by a subsequent resolution either in whole or in part.
- b. The General Committee and Sub-Committees shall, at the expiration of three (3) months after the general election of the Council, be eligible for reappointment.

5. MEMBERSHIP

- a. The General Committee shall consist of:

- (i) One Councillor of the Gore District Council;
- (ii) Two Country Music representatives;
- (iii) Gore Ambassador to Tamworth;
- (iv) One Eastern Southland Chamber of Commerce representative;
- (v) One representative from Gore High School;
- (vi) One representative from St Peters College;
- (vii) Three members of the community;

6. PROCEDURES AND GENERAL

- a. At the next meeting of the General Committee after the month of October every third year, one of its members shall be elected as its Chairman and another as Deputy Chairman, provided however that the Chairman of the Committee shall not be either an elected member or staff member of the Gore District Council.
- b. The Gore District Council will provide a Secretary to the Gore Sister City Committee who will be responsible for distribution of minutes, preparation of reports and correspondence associated with the General Committee.
- c. The names of all persons appointed to the Sub-Committees shall be submitted to the Chief Executive Officer for approval by the Council.
- d. Extraordinary vacancies on the General Committee and Sub-Committees shall be appointed by the Council on the advice of the General Committee, or through public advertisement as resolved by the Council.
- e. If decided by the Council to fill extraordinary vacancies by newspaper advertisement, any applications so received shall be first referred to the General Committee for subsequent recommendation for appointment by the Council.
- f. Members of the General Committee and Sub-Committees shall cease to hold office:
 - (i) If the Committee is dissolved by the Council;
 - (ii) By the death or written resignation of any member;

- (iii) If a member is absent without leave for four (4) consecutive meetings without having obtained leave of absence beforehand.
- g. The Council shall each three (3) year period place advertisements inviting applications for the position of General Committee citizen representatives. Such applications shall be referred to the Council for appointment.
- h. No meeting of the General Committee or Sub-Committee shall be convened unless three (3) clear days notice thereof has been given to all members.
- i. Meetings of the General Committee and Sub-Committees shall be held on a regular basis, as required.
- j. The Secretary shall place a copy of all minutes on the Community Services Committee agenda of the month following the Committee meeting for the Council's information.
- k. At any meeting of the General Committee or Sub-Committees, the Chairman, in addition to his primary vote, shall, in the event of equality of votes, have a casting vote.
- l. The rules and regulations governing procedure of the General Committee and Sub-Committees shall be those prescribed and as altered from time to time under the Council's adopted Standing Orders.
- m. Any members having a pecuniary interest in any matters being discussed by the General Committee or Sub-Committees shall declare same at the meeting of the Committee and refrain from voting or discussion thereon.
- n. Recommendations of the General Committee outside of the delegated authority shall be submitted to the Council for adoption.
- o. Subject to the Local Government Official Information and Meetings Act 1987, any meeting of the General Committee and Sub-Committees shall be open to the press and the public.
- p. The General Committee and Sub-Committees may resolve that the press and the public be excluded from the whole or any part of any meeting of the Committee under the

provisions of the Local Government Official Information and Meetings Act 1987.

- q. The General Committee and Sub-Committees shall be permitted to invite as observers, citizens or other representatives from time to time for the purpose of clarifying certain given matters, such observers however, will not be permitted to vote on any issue.

5. SPARC RURAL TRAVEL FUND

(Memo from Parks and Recreation Manager – 09.04.09)

- ↳ Attached for the information of Councillors are the minutes of the SPARC rural travel fund meeting held on 31 March 2009.

RECOMMENDATION

THAT the information be received.

MINUTES OF A SPARC RURAL TRAVEL FUND COMMITTEE MEETING, HELD IN THE COUNCIL CHAMBERS, GORE DISTRICT COUNCIL, 29 CIVIC AVENUE, GORE ON TUESDAY 31 MARCH 2009, AT 5:10 PM

PRESENT Ian Soper (Chairman), Cr P Grant, Cr G Sharp (from 5.37pm) and Richard Pasco.

IN ATTENDANCE Corporate Support Officer (Mrs Tracey Millan)

APOLOGY Cr Gardyne apologised for absence.

1. CONFIRMATION OF MINUTES

RESOLVED on the motion of Cr P Grant, seconded by R Pasco, **THAT** the minutes of the meeting held on 23 June 2008, be confirmed as a true and complete record.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. FUNDING ALLOCATION

The Rural Travel Fund allocation for the Gore District in 2009/2010 had increased to \$9,500 + GST. This would be split into 2 rounds of \$4,750 for each round and last year's carryover of \$1410 would be included in the first round.

4. MARCH 2009 APPLICATIONS

Funds totalling \$6,160 were available for distribution. A total of 10 applications had been received for consideration.

I Soper suggested that the Committee peruse the applications on a per person basis. Applications were then reassessed considering the information provided.

2009 grants were allocated as follows:

| Organisation | Amount Allocated |
|--|-------------------------|
| Excelsior Rugby Football Club Inc | 1,000 |
| Mataura Hockey Club | 1,500 |
| Eastern Southland Hockey Assn Inc | 0 |
| Hokonui Aquatics | 360 |
| Hokonui Hockey Club | 560 |

| | |
|--|-------|
| Gore High School Netball Club | 250 |
| Gore High School Cricket Club | 0 |
| Gore High School Trap Shooting Team | *290 |
| Gore High School Hockey Club | 1,000 |
| Gore High School Rugby Club | 1,200 |

TOTAL FUNDS ALLOCATED \$6160

RESOLVED on the motion of Cr Grant, seconded by R Pasco, THAT grant monies totalling \$6,160 be allocated as per the above schedule, for the 2009 SPARC Rural Travel Fund funding round.

The balance of \$5,177.46, less administration costs would be carried forward to the August 2009 funding round.

*T Millan would write to the Gore High School Trap Shooting Team seeking clarification that the team was competing in a local competition, not just requesting funding for practising. The funds of \$290 would be held until confirmation was received that the criteria had been met. If not, the funds would be carried over to the August round.

T Millan would write to Gore High School cricket explaining the criteria and would offer to carry over the application until the August round for summer sport.

The Eastern Southland Hockey Club did not meet the criteria as the application was not seeking funding for a regular weekly competition but was for a representative team. The Club would be advised.

It was decided that the March funding round should be allocated to winter code sport and the August round would be dedicated to the summer code sports.

The Committee perused the criteria. I Soper clarified that some sports teams travel was regional based, but benefited teams from the Gore district.

Cr Grant would like more clarity around the rules of the criteria. Information about the criteria would be included with the August agenda and applications.

He thought the total amount available for allocation should be included in the criteria, to help applicants to be realistic.

The meeting concluded at 6.25pm.

6. DISPOSAL OF FORMER MATAURA TOWN HALL

(Memo from Chief Executive – 20.04.09)

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide information to support a recommendation from the Mataura Community Board to dispose of the now disused Mataura Town Hall to a local Youth Trust.
- 1.2 The minutes of the March meeting of the Mataura Community Board in which this recommendation is submitted for Council endorsement appear as the next item on the Council agenda.

2.0 BACKGROUND

- 2.1 The new Mataura Community Centre which was officially opened in November last year, has superseded the old town hall in River Street. The Community Centre was designed inter alia to accommodate all uses (eg funerals, weddings, community meetings, fire brigade functions etc) that had been previously centred at the old town hall.
- 2.2 Since the opening of the Community Centre, the old town hall has been used by the Mataura Youth Centre Trust as a venue for local youth.
- 2.3 At the November meeting of the Mataura Community Board the following recommendation was passed in respect of the former town hall:

THAT the board agree in principle, and subject to an endorsement to the proposal being received at a public meeting, to sell the Mataura Town Hall to the Mataura Youth Centre Trust on terms and conditions to be agreed upon in consultation with the Council.

- 2.4 Since the passing of this recommendation a public meeting held in Mataura has given the Board a mandate to pursue its disposal strategy in favour of the Mataura Youth Centre Trust.
- 2.5 The latest recommendation contained in the minutes of the March meeting of the Mataura Community Board affirms the November recommendation and proposed a sale to the Mataura Youth Centre Trust for the nominal consideration of \$1, subject to clearing a number of

hurdles. Apart from Council approval, these hurdles are Section 40 of the Public Works Act 1981 and the Council's policies on tendering and the disposal of land.

3.0 PUBLIC WORKS ACT 1981

3.1 Under Section 40 of the Public Works Act 1981, the Council has an obligation to offer land acquired for a public work that is no longer required back to the former owner or successor in title. An exemption from this obligation can be secured if it can be proven that there was no element of compulsion involved in the purchase, there has been a significant change in character of the land or it would be impracticable to offer back due to the size, shape or location of the land.

3.2 Investigations conducted by Land Information Services Limited have revealed that as the Maitaha Borough Council came into ownership of the land by virtue of it formerly being a street, Section 40 of the Public Works Act 1981, does not apply. A copy of this advice is attached.

4.0 LAND DISPOSAL POLICY

4.1 A copy of the Council's current Land Disposal Policy is attached.

4.2 Clause 3 of the policy mentions disposal methods of public tender and public auction. The Council will therefore need to depart from this policy if it is to embrace the recommendation of the Maitaha Community Board.

5.0 TENDERING POLICY

5.1 The Council does have a tendering policy. This policy (copy attached) relates however to the purchase of services and assets and is therefore not relevant to the disposal of Council property.

6.0 SIGNIFICANCE POLICY

6.1 The Council's Significance Policy prepared pursuant to Section 90 of the Local Government Act 2002. The policy (copy attached) provides a guide to the Council on the significance of proposed decisions and whether a special consultative procedure should be embarked on prior to a decision being made.

- 6.2 Community halls are listed as a strategic asset in the policy along with civic centres and community centres. Disposal of strategic assets would be deemed to be a significant decision due to its impact on community wellbeing.
- 6.3 It is important to note however that Clause 4.3 of the Significance Policy refers to strategic decisions only concerning the whole asset class, not individual components, unless that component substantially affects the ability of the Council to deliver the service.
- 6.4 In the case of the old town hall at Matura, the construction of the new community centre has meant that there has been no reduction in the ability of the Council to provide community hall/centre facilities in Matura. Therefore the proposed sale of the old town hall of Matura is not considered to be a significant decision in terms of the Council's Significance Policy.

7.0 OPTIONS

There appears to be three options available to the Council in considering this issue:

7.1 Option 1 – Retain the Building

This option is not favoured. The building is no longer required for use as a community hall. The building is outmoded and the rear portion particularly, is in a state of disrepair. It presents a high maintenance liability in the future.

7.2 Option 2 – Disposal via Public Tender

In assessing the merits of this option the Council needs to ponder the likelihood of attracting interest from buyers. Although the property has a 2007 rating value of \$38,000, its market value in all probability will be considerably less. A community hall as dated and in need of modernisation and renovation, such as the old Matura Town Hall, is unlikely to find a large pool of interested purchasers.

7.3 Option 3 – Disposal to Matura Youth Centre Trust

Given the condition of the building, the limited demand for non-residential property in Matura (as evidenced by the number of empty commercial buildings) and the

community benefit occurring from having a permanent base for local youth, this option is favoured.

8.0 IMPACT ON COMMUNITY WELLBEING

8.1 Social Wellbeing

The recommendation of the Mataura Community Board is likely to have a positive impact on social wellbeing in Mataura. Fostering youth activities in Mataura via the provision of a building is considered to promote the concerns and interests of local youth, which in turn assists community cohesion.

8.2 Economic Impact

Overall this is viewed as being neutral. On the negative side, the transfer of the asset for a nominal consideration, means that ratepayers will be denied a higher return if it was sold on the open market. However this needs to be balanced against the likelihood that any sale could be some time away, with the Council being left with absorbing property holding costs in the meantime.

8.3 Environmental Wellbeing Impact

If anything this could be a slight positive as the town hall being owned and used regularly will reduce the prospect of it becoming unsightly through a lack of care and attention in the future.

8.4 Cultural Wellbeing Impact

Negligible

9.0 IMPACT ON PROMOTION OF COMMUNITY OUTCOMES

The following intermediate outcomes are viewed as being positively influenced by the Mataura Community Boards' recommendation:

- We live in a compassionate, caring community
- Citizens and communities are inspired, motivated and empowered.

10 IMPACT ON LTCCP

The proposed sale of the former Mataura Town Hall has no impact on the 2006-16 LTCCP.

11 COMMUNITY VIEWS

A public meeting convened by the Maitaura Community Board indicated there was support from the local community to divesting ownership of the old town hall to the Maitaura Youth Centre Trust. Further, the issue has been discussed at two recent Board meetings and has not generated a contrary view within the community.

RECOMMENDATION

THAT the Council endorse the recommendation of the Maitaura Community Board to dispose of the former town hall in River Street, Maitaura to the Maitaura Youth Centre Trust for the nominal consideration of \$1.00,

AND THAT the Council note that the sale to the Maitaura Youth Centre Trust will be a departure from its Land Disposal Policy.

7. MATAURA COMMUNITY BOARD REPORT

(Memo from Chief Executive – 15.04.09)

A copy of the report of the ordinary meeting of the Maitaura
Community Board held on 16 March 2009 is attached.

RECOMMENDATION

THAT the report of the meeting held on 16 March be received,

AND THAT the recommendations contained within the report be ratified.

8. AGRICULTURAL EFFLUENT PONDS

(Memo from Planning Consultant – 20.04.09)

Further to Clause 1 of the April Regulatory and Planning Committee report, attached is a copy of a submission to Environment Southland on agricultural effluent ponds for consideration by the Council.

RECOMMENDATION

THAT the submission be approved and forwarded to Environment Southland.

9. ZONING OF CENTRAL GORE INDUSTRIAL AREA

(Memo from Planning Consultant – 20.04.09)

I will provide a verbal update on the consultation undertaken to date on the proposal to rezone that portion of the industrial zone between the railway and north of Oldham Street and that portion fronting the State Highway to enable a mixture of commercial and industrial uses.

10. PROPOSED BYLAW: KEEPING OF ANIMALS, POULTRY AND BEES IN AN URBAN ENVIRONMENT

(Memo from Chief Executive – 20.04.09)

I refer to the draft Gore District Council Keeping of Animals, Poultry and Bees Bylaw 2009 which was considered at this months Regulatory and Planning Committee.

- ✦ A revised bylaw is now attached, which hopefully addresses some areas of ambiguity identified at the Regulatory and Planning Committee meeting.

The refinements and amendments made to the bylaw are:

- The introduction of two new definitions. “Permitted livestock” and “Prohibited livestock” are defined in Section 3. This change makes it clear that pigs, cattle, goats and roosters are not permitted to be kept in the urban areas that fall under the purview of the bylaw.
- The definition provided to an “urban area” in Section 3 has been refined to make it clear that the bylaw only affects Gore and Mataura and excludes the area occupied by the Gore A & P Association. A map is also attached to the bylaw.
- ✦ Section 5, listing special requirements for the keeping of pigs, has been deleted. It is the staff’s strong recommendation that pigs should not be allowed to be kept in an urban environment – hence the removal of any conditions relating to keeping pigs.

RECOMMENDATION

THAT the Council resolve pursuant to Section 146 of the Local Government Act 2002, that the adoption of a bylaw is the most appropriate way of addressing the control of the keeping of animals, bees and poultry in an urban area

AND THAT the Council approve the release of the draft Gore District Council Keeping of Animals, Bees and Poultry Bylaw 2009, for public consultation.

GORE DISTRICT COUNCIL
KEEPING OF ANIMALS, POULTRY AND BEES BYLAW 2009

The Local Government Act 2002 allows the Council to control the keeping of animals, poultry and bees within the District. This bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.

1. Title, Purpose and Commencement

This bylaw shall be known as Keeping of Animals, Poultry and Bees Bylaw 2009.

This bylaw shall come into force on 1 July 2009.

2. Objective

- (1) This bylaw controls the keeping of pigs, livestock, poultry, bees and other birds and animals in localities where the keeping of them is, or is likely to become, a nuisance or a threat to public health or safety.
- (2) This bylaw is made under Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.
- (3) Nothing in the bylaw shall derogate from any provision of, or the necessity for compliance with, any statute, regulation, rule of law or permission relating to the welfare or keeping of any animals, poultry or bees.

3. Definitions and Interpretation

For the purpose of this bylaw the following definitions shall apply:

Animal means livestock, poultry and any other vertebrate animals of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance.

Authorised Officer means any person warranted by Council in accordance with Section 177 of the Local Government Act 2002 to enforce this bylaw.

Chief Executive means the Chief Executive of the Gore District Council.

District Plan means the operative Gore District Plan.

Permitted Livestock includes any age or sex of any sheep, deer, horse, donkey, hinny, mule, thar, alpaca, llama or any other herd animal.

Prohibited Livestock includes pigs, cows, bulls, steers, calves, goats and roosters.

Nuisance shall have the meaning assigned to it by Section 29 of the Health Act 1956 and its amendments.

Person includes a corporate sole and also a body of persons, whether corporate or unincorporated.

Poultry means any chickens, geese, ducks, pigeons, turkeys, guinea-fowl, peafowl, game birds and domestic fowls of all descriptions including roosters.

Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, building, and places adjoining each other and occupied together shall be deemed to be the same premises.

Public place means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain and recreational grounds under the control of the Council.

Rural area means rural living zones as defined in the District Plan.

Urban area means any urban areas of Gore and Mataura but does not include the land occupied by the Gore A & P Association as shown on the attached plans.

4. Keeping of Animals Generally

No person shall:

- (a) keep any animal that is or is likely to be a nuisance or a threat to public health or safety;
- (b) keep any animal in conditions that are or are likely to be a nuisance or threat to public health or safety;
- (c) keep, or allow any animal in a public place in a manner that is or is likely to be a nuisance or a threat to public health or safety;
- (d) slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any property or premises so as to cause or be likely to cause a nuisance or threat to public health or safety;
- (e) use for the purposes of human habitation any portion of any building used as a stable or for the housing or sheltering of animals, unless that habitable area is separated from that part of the stable or building used for the housing or sheltering of animals by a passageway or breezeway at least two metres wide

and open to the exterior of the building at each end or a firewall with no interconnecting doorways;

- (f) The following stock are not permitted to be kept in any urban area:
 - Pigs
 - Cattle and/or calves
 - Goats
 - Roosters
- (g) All gates shall be padlocked;
- (h) A maximum of 2 horses may be kept on any one property in an urban area;
- (i) The minimum area for keeping of horses shall be not less than 1012m² for each horse (1/4 acre);
- (j) Leading or riding any horse on any footpath, berm or reserve is not permitted;
- (k) Horses must not be left tethered in any unfenced areas;
- (l) Fresh water (preferably a running water supply) must be available at all times;
- (m) All land where stock are kept shall be 'mucked out' on a regular basis so as not to cause a nuisance to neighbouring properties, and all manure removed from the site;
- (n) Stock must not be able to reach over any fence. This may require land to be double fenced;
- (o) The fencing must be adequate to ensure that the animal cannot escape. All fencing will be checked by an authorised officer before any approval to keep animals on that land is granted.
- (p) Electric fences, hot wires and barbed wire fencing is not permitted in any urban area; and
- (q) Dead animals must be removed immediately. Failure to do so will result in the Council arranging removal with costs being charged to the landowner

5. Special Requirements for Keeping of Permitted Livestock

- (1) Unless in receipt of a permit from the Council, no person shall keep any livestock in any urban area or within 100 metres of any urban area.
- (2) Any person permitted to keep livestock in an urban area shall ensure that the premises where the livestock are kept meet

such conditions as may be prescribed by the Chief Executive or authorised officer.

6. Special Requirements for Keeping of Poultry and Other Birds

- (1) In any urban area, within 100 metres of any urban area:
 - (a) no person shall keep any rooster or cockerel;
 - (b) no person shall keep any more than 12 head of poultry unless in receipt of a permit from the Council;
 - (c) no person shall construct or maintain any poultry house, poultry run, aviary or pigeon coop within 2 metres of any adjoining property boundary and within 10 metres of any dwelling on any adjoining property unless in receipt of a permit from the Council.
- (2) No person shall keep any poultry except in a properly constructed rain-proof poultry house to which a poultry run may be attached;
- (3) Every poultry run shall be enclosed to confine the poultry;
- (4) Every poultry house, poultry run, aviary or pigeon coop shall be maintained in good repair in a clean condition free from any offensive smell or overflow and free from vermin.

7. Special Requirements for Keeping of Bees

- (1) Unless in receipt of a permit from the Council, no person shall keep bees in any urban area or within 100 metres of any urban area.
- (2) Any licence granted under Clause 7(1) may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area or within 100 metres of an urban area of the District.
- (3) Bees may be kept in a rural area provided the hives are not located within 50 metres of any adjoining property boundary.

9. Application for Permit

- (1) Applications for permits required under clauses 5, 6 and 7 of this Bylaw shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.
- (2) A permit issued under Clause 5, 6 or 7 is subject to conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be in breach of this bylaw. Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the

premises, the owner or occupier thereof or the animals kept or remaining on such premises.

- (3) No permit shall be granted to the owner or occupier of any premises if such premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the keeping of animals concerned.
- (4) All applications for permits must be accompanied by written consent of adjoining property occupiers and owners in respect of the land on which the animals are proposed to be kept.
- (5) If the property or land upon which the animals are proposed to be kept is leased or rented, the written consent of the property owner is required before any consideration for a permit will be given. A copy of such consent must be forwarded to the Council.

10. Alteration or Removal of Unauthorised Works

- (1) Council may remove or alter any poultry house, poultry run, aviary, pigeon coop or any other structure used to house or contain birds of any nature that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004.
- (2) Council may remove or alter any pen, shed, cage or other structure used to house or contain any animal(s) or bees that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004.
- (3) The cost incurred in removing or altering the structure concerned shall be recoverable as a debt against the owner of that structure or the owner of the land on which the structure was placed or located.

11. Keeping of Rodents as Pets

- (1) The keeping of rodents (rats, mice, ferrets and the like) is not strictly prohibited, but these types of pets shall be contained at all times within the property on which they are kept. They shall be kept in cages (or contained within the dwelling) at all times and are not permitted to roam free.

12. Impounding of Animals

- (1) Council have the ability to impound any animal which is wandering or in breach of this bylaw without warning.
- (2) Any animal impounded will be kept for 7 days.
- (3) Every effort will be made to contact the owner to advise that their animal has been impounded.

- (4) Council will recover all costs associated with the impounding of the animal. These costs are defined in Council's Fees and Charges.
- (5) After 7 days the animal will either be sold to defray costs or destroyed.

13. Temporary Pound

- (1) Council have the ability to acquire any land in an emergency situation to house any impounded animal. The landowner will be reimbursed for the cost of keeping/feeding the animal.

11. Offences and Penalties

- (1) Every person who breaches the bylaw commits an offence and is liable on summary conviction to the penalty set out in Section 242(2) of the Local Government Act 2002

The foregoing Bylaw was duly adopted at a meeting of the Gore District Council on the day of June 2009 and ordered to come into force on 1st day of July 2009.

The common seal of the
Gore District Council was
hereunto affixed this
day of June 2009 in
the presence of:

Tracy Hicks JP, Mayor

Stephen Parry, Chief Executive

11. PROPOSED FEES AND CHARGES 2009/10

(Memo from General Manager Corporate Services – 20.04.09)

- ↳ Enclosed for consideration is a copy of the proposed fees and charges for the year commencing 1 July 2009.

In summary, the bulk of proposed fees are similar to those for the 2008/09 year, with the major exceptions being as follows:

- Street Asset deposits
 - Certificates of Registration
 - Building Consent fees
- ↳ Supporting reports for these increases are attached. By way of clarification, the fees for Certificates of Registration have remained unchanged for the last six years whilst the charges from our service provider for monitoring the respective premises have been reviewed upwards on an annual basis, consequently there has been a disparity in cost recovery for these certificates over a considerable period of years. This is in essence a catch up of an ongoing shortfall of cost recovery.

RECOMMENDATION

THAT the fees and charges report be received,

AND THAT the fees proposed in the Fees and Charges Schedule 2009/10 be approved for adoption, with effect from 1 July 2009.

PROPOSED BUILDING CONSENT FEES 2009/10

As the Building Control Department of Gore District Council funds itself from building consent fees, without any input from rates, a general fee increase is proposed to meet the budgeted requirements.

A general 10% increase is proposed to most fees, although several have been left unaltered due to my consideration of the current fee being fair and sufficient for the input received from this Department for the particular categories. A new feature is a levy to cover some of the on-going accreditation costs. This levy is proposed at the rate of \$1 per \$1,000 value of works.

The standard fees see some additional categories at the lower end of the value brackets. These are proposed to spread the values better and not disadvantage an applicant whose 'value of works' is at the lower end of a fee bracket. Also the 'value of works' is increasing so extra brackets have been introduced at the top end to accommodate larger or more expensive work currently not really captured by a fee bracket.

The one exception is the proposed reduction to the new dwelling per square metre rate \$18/m² to \$15/m². This change is suggested following the concerns expressed by some builders and homeowners. Additionally, it appears that applications and documentation for new dwellings have improved to a level where I feel a reduction for a one-year period is viewed as reasonable to ascertain if costs incurred are met during the process of consenting a new house to completion and Code of Compliance issue. It should be noted that the \$15/m² charge is limited to 15 inspections, after which additional charges are incurred.

Second hand heaters are a concern and close scrutiny is required to check them out either prior to or during installation. This can incur an extra inspection which is the justification for the fee increase. The same is appropriate where a wetback is fitted. Frequently the plumber has not been on site when the fire is installed so an additional visit is required.

Boilers are a similar nature to heater with wetbacks and often include liquid fuel tanks, supply lines and radiator systems during inspection, hence the increase in fee.

An annual charge is proposed for all Compliance Schedule holders when details are forwarded for update on our register. The \$80 fee will also contribute towards the audits our staff do of the 120 or so buildings in our district that require Building Warrants of Fitness.

This is a new charge for us, but one that is very common with several other authorities and continues the theme of user pays.

The minor building consent will be retained but the fee increased to \$100. This is still lower than any neighbouring authority base fee, and aimed at encouraging clients to obtain consent for the jobs of a minor nature. Vigilance will be used to limit the minor consents in value and in nature. Only one inspection is allowed for under a minor consent.

I regard the proposed new fees as a fair proposal to reflect the increased processing and audit resources required in the current Building Act requirements and to continue to meet the terms of Accreditation as agreed to in its acceptance by the Gore District Council earlier this year.

Russell Paterson
BUILDING CONTROL MANAGER

20 April 2009

12. OPERATIONS BULLETIN

The Operations Bulletin containing reports from the Roding Manager, Asset Manager, Utilities and the Animal Control Contractor is enclosed with the agenda.

RECOMMENDATION

THAT the bulletin be received.