

Minutes of a meeting of the Nelson City Council – Community Services

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Tuesday 31 January 2012, commencing at 9.02am

Present: His Worship the Mayor (A Miccio), Councillors I Barker, G Collingwood, R Copeland, P Matheson, J Rackley, P Rainey, D Shaw and M Ward

In Attendance: Chief Executive (K Marshall), Executive Manager Community Services (S Coleman), Executive Manager Network Services (A Louverdis), Executive Manager Community Relations/Kaihautu (G Mullen), Executive Manager Regulatory (R Johnson), Chief Financial Officer (N Harrison), Manager Strategic Response (C Ward), Manager Community Development (K Inwood), Manager Parks and Facilities (Paul McArthur), Manager Environmental Inspections Limited (S Lawrence), Principal Adviser Reserves and Community Facilities (A Petheram), Policy Adviser (S Yarrow), Planning Adviser (D Bradley), and Administration Adviser (E-J Ryan)

Apologies: Apologies were received and accepted from Councillors A Boswijk, E Davy, K Fulton and R Reese, and from Councillor M Ward for lateness.

Opening Prayer

His Worship the Mayor gave the opening prayer.

1. Conflicts of Interest

No updates to the Conflict of Interest Register were noted.

Councillor Shaw declared an interest in relation to item 9.2 of the agenda (Brook Waimarama Sanctuary Trust). In relation to item 8 of the agenda (Review of Dog Control Policy and Bylaw), Councillor Barker declared an interest in that he was a dog owner, but he did not think this represented a conflict of interest and would participate in the discussion of the item.

2. Confirmation of Minutes

15 December 2011

Document number 1210204, agenda pages 1-14 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Governance and Policy and Planning, held on Thursday 15 December 2011, be confirmed as a true and correct record.

His Worship the Mayor/Collingwood

Carried

3. Mayor's Report

Document number 1225940, supplementary papers refer.

His Worship the Mayor noted that he was looking forward to the Local Government Commission's announcement regarding amalgamation.

3.1 Mayor and Councillor Training and Travel Arrangements

His Worship the Mayor explained the proposal from Mr Bill Findlater of the Nelson Regional Economic Development Agency that he accompany a delegation of Nelson business people to Huangshi, China.

There was general agreement that it was appropriate for the Mayor to lead such a delegation. It was noted that the China Friendship Association agreed that having the Mayor lead the trip would raise the status of the trip.

Resolved

THAT Council approves travel, accommodation, transfers and meal costs of approximately \$5,000 for the Mayor to lead a delegation of Nelson business people to China in March 2012.

Matheson/Rackley

Carried

4. Status Report – Community Services

Document number 1034860, agenda page 15 refer.

Resolved

THAT the Status Report – Community Services (1034860) be received.

Barker/Copeland

Carried

5. Chief Executive Report – Community Services

Document number 1204743, agenda pages 16-24 refer.

Executive Manager Community Services, Susan Coleman, presented the report, and Councillors went through the report page by page. In

response to a question, Ms Coleman explained that a financial summary and economic impact assessment relating to the Rugby World Cup 2011 activities was expected to be available around mid-February, and would be reported back to the Economic Development Committee and Council in due course.

5.1 Saxton Field

Councillors discussed the proposal to name the southern driveway to the Saxton Field Athletics track after the late Mr Harold Nelson. It was suggested that this approach was both consistent with Council Policy regarding naming rights and sponsorship for community services facilities, as well as giving Council the opportunity to recognise individuals.

There was a brief discussion regarding Council's normal naming process, and the Chief Executive explained that the proposed resolution sought to bring any naming issue to the full Council table where there was a potential conflict with the Naming Rights and Sponsorship Policy for Community Services Facilities.

In response to a question, Manager Strategic Response, Chris Ward, explained that Vern Mardon and Mr Nelson's family had been contacted and the proposed compromise explained.

Resolved

THAT the southern driveway to the Saxton Field Athletics Track be named 'Harold Nelson Way';

AND THAT the Delegations Register (specific delegations of Hearings Panel, item 15) be amended to include:

- ***Where the naming of a feature impacts upon an existing or potential naming rights agreement (as defined by the Naming Rights and Sponsorship Policy for Community Services Facilities), it should be approved by full Council.***

Matheson/Barker

Carried

Councillor Rackley requested that his vote against this motion be recorded in the minutes.

5.2 Arts Festival

Ms Coleman explained that preliminary costs for moving the Arts Festival hub from Founders Park back to the central city for the 2013 Festival was around \$60,000, due to logistical issues, additional venue hire and services required. She added that Council could further consider whether to move the Arts Festival hub in 2013 through the Long Term Plan.

5.3 Enviroschools

Councillor Shaw noted that he had been present at the Nayland Primary School award ceremony, and its Green Gold Award was a significant achievement.

5.4 Significant Cable Bay Road Land Purchase Completed to Protect Options for the Future in the Hira Area

In response to a question, Manager Parks and Facilities, Paul McArthur, explained that the land was currently leased back to the previous owner, and the house currently tenanted.

5.5 Maitai Club

There was a brief discussion regarding the Maitai Club, and the various groups that previously used the Club. In response to a question, Mr McArthur confirmed that most of the smaller clubs had amalgamated into the City Club, and the rebranding of the complex as the Nelson Haven Sports Complex had come from the club users.

Resolved

THAT the Chief Executive Report – Community Services (1204743) be received.

Rackley/Collingwood

Carried

6. Landscape Conservation Plan for Queen’s Gardens – Public Consultation

Document number 1213862, agenda pages 25-34 refer.

Principal Adviser Reserves and Community Facilities, Andrew Petheram, and Policy Adviser, Sarah Yarrow, joined the meeting. Ms Yarrow said that the Landscape Conservation Plan for Queen’s Gardens was developed with the aim of acknowledging the heritage aspects of Queen’s Gardens, particularly as and when the Suter Art Gallery re-development occurs. She added that the plan contained implications for the Suter Gallery development with regards to two large oak trees currently located by the Suter cafe.

Ms Yarrow explained the different options that were recommended to be put to public consultation. She said the central issue was the two large oak trees currently located outside the Suter Gallery cafe, which if retained, would prevent the Suter Gallery development going ahead as currently planned.

In response to a question, Mr Petheram explained that a two story building on the current Suter Gallery had been investigated. He said that there was significant public opposition to a large two story building fronting the pond, and instead a two story building on the Western side was being considered. He added that the architects had advised that it is

possible to retain smaller native trees alongside the stream, as well as the larger Plane and Beech trees identified in the report, however the development would not be possible without removal of the two large oak trees by the cafe.

Discussion then turned to the potential option of moving the Suter Gallery to a new site, and Councillors questioned whether this was a feasible option. Debate centred on whether this option should be put to public consultation, or whether it should be removed, so that the issue at public consultation focused on whether to retain the oak trees and alter the Suter redevelopment, or whether to give precedence to the Suter redevelopment and remove the oak trees.

Attendance: Councillor Ward joined the meeting at 9.37am.

In response to a question, Mr Petheram explained that the brief for the Suter redevelopment had gone out for tender and concept plans were expected in mid-February. The Chief Executive explained that the Queen's Gardens Conservation Plan had been produced at Council's request, particularly in light of the potential redevelopment of the Suter Gallery, and it had produced a difficult issue that Council would need to grapple with, having regards to the views of the public put forward during the consultation period.

Councillor Matheson, seconded by Councillor Rainey moved the recommendation with an amendment to the second paragraph

AND THAT the public is consulted on the recommendations contained within the Landscape Conservation Plan for Queen's Gardens including implications for the Suter Art Gallery development, subject to the removal of option 3 from paragraph 4.16 on the accompanying staff report (1213862).

The motion was put and was carried, and became the substantive motion.

Resolved

THAT The Landscape Conservation Plan for Queen's Gardens be approved for public consultation;

AND THAT the public is consulted on the recommendations contained within the Landscape Conservation Plan for Queen's Gardens including implications for the Suter Art Gallery development, subject to the removal of option 3 from paragraph 4.16 on the accompanying staff report (1213862).

Matheson/Rainey

Carried

There was also a brief discussion regarding the history of the Suter Gallery and adjacent sites. It was noted that the Conservation Plan explained that the land adjacent to the Suter Gallery had originally been owned by Council, and that it was later sold to become a school. Councillors suggested that, if the Ministry of Education no longer required the adjacent site, it may be able to be offered back to Council under Public Works Act provisions, thereby potentially increasing the space available for the Suter Gallery Redevelopment. Councillors asked staff to research whether there was any possibility of acquiring the adjacent sites in this manner.

Councillors commended the author of the Landscape Conservation Plan for Queen's Gardens on an excellent and comprehensive piece of work.

7. Review of the Dog Control Policy and Bylaw

Document number 1193808, agenda pages 35-81 refer.

The Chief Executive explained that Councillors Boswijk and Fulton were part of the working party for the review of the dog control policy and bylaw, and that while neither were present at today's meeting, the working group was happy with the recommendations put forward to Council.

Councillors discussed the draft bylaw. In response to a question, the Chief Executive explained that the entire bylaw was open for public consultation, and that members of the public were also entitled to include in their submissions any issue that was not already covered in the draft bylaw. He added that, if new issues did arise during the public consultation process, Council could either decide to re-consult on such issues, or decide not to re-consult and take the risk of any potential judicial review.

7.1 The Grampians

There was a brief discussion regarding the inclusion of the Grampians as a dog exercise area, given that trapping had also taken place in this area in an effort to increase birdlife. In response to a question, Ms Bradley explained that the Grampians were currently a dog exercise area and the working party had not recommended changing this. Manager Environmental Inspections Limited, Stephen Lawrence, suggested that this issue should be considered further through the consultation process.

7.2 Miyazu Reserve

Concern was expressed at the inclusion of Miyazu Reserve, between Neale Park and Paremata Street), given that there were three roads, including a state highway, immediately adjacent to the reserve. In response to a question, Planning Adviser, Debra Bradley, and Manager Parks and Facilities, Paul McArthur, explained that the reserve provided a large area of open space, and the working party was looking for opportunities to provide dog exercise areas in the Atawhai area.

Councillor Collingwood, seconded by Councillor Rainey, moved an amendment to the first paragraph of the recommendation

THAT the draft Dog Control Policy and Bylaw be approved for public notification, subject to the removal of Miyazu Reserve (between Neale Park and Paremata Street) as an exercise area.

Councillors debated the proposed amendment. Several Councillors expressed safety concerns, particularly regarding the lack of delineation between the reserve and the State Highway, as well as potential confusion for users between having an off-leash exercise area at Miyazu reserve, alongside an on-leash requirement for the Atawhai Shared Pathway, which ran across Miyazu Reserve. Other Councillors suggested that there were other examples within Nelson of parks alongside roads, as well as mixed on-leash/off-leash areas such as Tahunanui Beach, that did not cause any confusion. The suggestion was made that it would be better to retain all options at this point in order to receive public feedback.

The motion was put, and lost 5-4 on a show of hands.

7.3 Barking Dogs

There was a brief discussion regarding barking dogs, and how to enforce the bylaw provisions against barking dogs during evening hours. Mr Lawrence explained that the noise control provisions within the Resource Management Act did not cover barking dogs, rather this was regulated by the Dog Control Act. He said that current management policy regarding barking dogs was to respond to all complaints during working hours, as there were occupational safety and health implications regarding approaching barking dogs at night, but that all complaints were logged and followed up. He added that most issues with barking dogs could be resolved by owner education, but where there was a consistent problem, abatement notices could be issued.

7.4 Good Dog Owner Policy

Concern was expressed that the Good Dog Policy was being removed, and replaced with an incentive for dog owners paying fees early. In response to a question, Mr Lawrence explained that amendments to the Dog Control Act had superseded the Policy, so that almost all aspects of the Good Dog Owner Policy were now legal obligations of dog owners under the Dog Control Act. He said that if the Good Dog Owner Policy were to be maintained, the criteria would need to be altered to include additional requirements, and the Working Party had instead preferred to treat all dog owners as good dog owners until proved otherwise.

7.5 Requirement for Dogs to be on Leash in Urban areas

There was also a discussion regarding the change to require dogs to be on a leash in public urban places. In response to a question, Mr

Lawrence explained that while many dogs are well controlled off the lead, many others are not, and there was increasing anecdotal feedback that people are not comfortable being confronted by off-lead dogs, regardless of how well controlled such dogs are.

Councillor Barker, seconded by Councillor Matheson, moved a further amendment to the first paragraph of the recommendation

THAT the draft Dog Control Policy and Bylaw be approved for public notification, subject to the following alterations:

- *Removal of the requirement in paragraph 2.5 of the draft Bylaw, requiring dogs to be kept on a leash in all public areas in the urban area; and*
- *Maintaining the current Good Dog Owner Policy.*

The amendment was put and lost.

7.4 Dog Breeds

In response to a question, Mr Lawrence explained that the Dog Control Act specified particular menacing and dangerous breeds and types of dogs, and the working party had not otherwise specifically addressed this issue.

Resolved

THAT the draft Dog Control Policy and Bylaw be approved for public notification;

AND THAT the special consultative procedure be adopted, in accordance with section 83 of the Local Government Act, and that the consultation period be from 4 February to 5 March 2012;

AND THAT a hearing date of 20 March 2012 be scheduled for Council to hear submitters and make decisions on submissions.

Ward/Rackley

Carried

His Worship the Mayor commended Councillors on their thorough discussion and consideration of the draft Bylaw.

Attendance: The meeting adjourned for morning tea from 10.38am-10.59am.

REPORTS FROM COMMITTEES

8. Regional Funding Forum – Friday 25 November 2011

Document number 1220494, agenda pages 82-87 refer.

Resolved

THAT the minutes of the Nelson City Council – Tasman District Council Regional Funding Forum, held on Friday 25 November 2011, be received.

Barker/Rainey

Carried

8.1 Saxton Velodrome

There was a brief discussion regarding the Saxton Velodrome. It was agreed that Nelson City Council should make a submission to the Tasman District Council Long Term Plan regarding funding for the Saxton Velodrome, and should speak to its submission during the hearings.

In response to a question, Principal Adviser Reserves and Community Facilities, Andrew Petheram, confirmed that there would be extra parking spread throughout the different venues at the Saxton Field complex. It was also noted that there was still ample green space that could be used for parking for larger events.

8.2 Brook Waimarama Sanctuary Trust

Attendance: Councillor Shaw sat back from the table and did not take any part in the discussion or voting on this matter.

Resolved

THAT Nelson City Council maintains its current funding commitments to the Brook Waimarama Sanctuary, subject to receiving an acceptable operation feasibility budget forecast from the Brook Waimarama Sanctuary Trust, and subject to the Long Term Plan process.

His Worship the Mayor/Matheson

Carried

8.3 Membership of the Regional Funding Forum

Resolved

THAT Nelson City Council agree to increase the number of forum members from two to three voting members per council;

AND THAT the Forum continues to report back to both councils.

Barker/His Worship the Mayor

Carried

9. **Civil Defence Emergency Management Group – 5 December 2011**

Document number 1222227, agenda pages 88-91 refer.

Resolved

THAT the minutes of the Civil Defence Emergency Management Group, held on Monday 5 December 2011, be received.

His Worship the Mayor/Collingwood

Carried

Councillors thanked staff for the excellent communications they had received during the civil defence response in December, and acknowledged the huge contribution of everyone during the response.

Resolved

THAT Council acknowledge the contribution of everyone involved in the Civil Defence response in December and since, including Council staff and associated organisations, emergency and welfare services, contractors and all others who assisted.

Collingwood/Shaw

Carried

10. **Youth Council Update**

Youth Councillors Allister Meffan and Connor Ward said that the first meeting of the Youth Council for 2012 would take place in mid-February, and they would ask Youth Councillors to consider making submissions to the public consultations processes regarding the Queen's Gardens Conservation Plan and the Dog Control Policy and Bylaw.

11. **Exclusion of the Public**

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of this part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Nelson City Council Public Excluded Minutes – 15 December 2011	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
2	Civil Defence Emergency Management Group Public Excluded Minutes – 5 December 2011	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations

His Worship the Mayor/Barker

Carried

The meeting went into public excluded session at 11.20 and resumed in public session at 11.24am .

12. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Ward

Carried

There being no further business the meeting ended at 11.25am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date