

**Minutes of a meeting of the Nelson City Council - Governance**  
**Held in Council Chamber, Civic House, Trafalgar Street, Nelson**  
**On Tuesday 21 February 2012, commencing at 9.00am**

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- Present: Councillors I Barker, A Boswijk (Chair), G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, R Reese, D Shaw and M Ward
- In Attendance: Acting Chief Executive (R Johnson), Chief Financial Officer (N Harrison), Executive Manager Support Services (H Kettlewell), Executive Manager Community Relations/Kaihautu (G Mullen), Executive Manager Community Services (S Coleman), Executive Manager Strategy and Planning (M Schruer), Executive Manager Network Services (A Louverdis), Manager Strategic Response (C Ward), Manager Community Relations (A Ricker), and Administration Adviser (L Canton)
- Apologies: Apologies were received and accepted from His Worship the Mayor (A Miccio), and from Councillor R Reese for lateness

## **Opening Prayer**

Councillor Davy gave the opening prayer.

### **1. Conflicts of Interest**

No updates to the Conflict of Interest Register were noted and no conflicts of interest with any agenda items were declared.

Attendance: Councillor Fulton joined the meeting at 9.03am.

### **2. Public Forum**

#### **2.1 Rates Remission for Properties affected by Section 124 notices**

Ms Philippa Vine, a resident of Cable Bay, spoke to Council in support of rates remission for residents affected by Section 124 notices following the December 2011 rainfall event, and tabled a summary of her presentation (document 1242496).

Ms Vine said that although the Section 124 notice issued on her Cable Bay property following the December event had been removed, she and her husband were not happy to reoccupy as they believed slip material

poised above their property posed an ongoing safety risk. She said that private insurance was paying for alternative accommodation for her and her husband in a rental property they owned in Nelson city, but she was unsure how long that cover would last.

She also asked the Council to consider the possibility that the values of properties affected by the December 2011 event may be reduced.

Ms Vine also noted her appreciation for the assistance and communications received from the Recovery Office and Council staff during and following the December emergency.

The Deputy Mayor thanked Ms Vine for her presentation.

### 3. Confirmation of Minutes

#### 3.1 Community Services – 31 January 2012

Document No. 1230558, agenda pages 1-11 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Community Services, held on 31 January 2012, be confirmed as a true and correct record.***

Barker/Rackley

Carried

#### 3.2 Infrastructure – 2 February 2012

Document No. 1231852, agenda pages 12-20 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Infrastructure, held on 2 February 2012, be confirmed as a true and correct record.***

Barker/Collingwood

Carried

Attendance: Councillor Reese joined the meeting at 9.15am.

### 4. Mayor's Report

Document No. 1231812, agenda page 21 refer.

The Deputy Mayor noted that despite the upcoming poll on the union of Nelson City and Tasman District Councils, it was important to focus on Council business at hand, in particular the upcoming Long Term Plan.

4.1 Deputy Mayor Travel Arrangements

Resolved

***THAT Council approves travel, accommodation of approximately \$450 for the Deputy Mayor to attend the Local Government New Zealand Zone 5 meeting, 28 February 2012, at the Copthorne Commodore Christchurch.***

Matheson/Collingwood

Carried

**5. Status Report – Governance**

Document No. 1034743, agenda page 22 refer.

Resolved

***THAT the Status Report – Governance (1034743) be received.***

Barker/Collingwood

Carried

**6. Portfolio Holder’s Report**

Councillor Barker gave a brief verbal report. He advised Councillors that addressing the December 2011 rainfall event had put Council behind schedule for striking rates and had created considerable time pressure for determining the Long Term Plan 2012-2022. He further noted that the Long Term Plan process was likely to involve difficult financial decisions for the Council.

**7. Chief Executive Report - Governance**

Document No. 1224404, agenda pages 23-32 refer.

7.1 Local Authority Spending on Advertising Relating to Final Reorganisation Scheme

Councillors discussed the recommendation to commit no funds to advertising the Reorganisation Scheme. In response to a question, the Acting Chief Executive clarified that the recommendation related to Council’s stated intention to maintain a neutral position on the final reorganisation proposal. He advised that this did not preclude publicising information about the vote and the union process and confirmed that Council intended to do so. Resources for this existed within Council’s Communications budgets, he said.

Councillors then discussed their role as elected representatives in providing information about the Reorganisation Scheme. The Acting Chief Executive urged Councillors to encourage the public to inform themselves and exercise their vote. He also noted that it was important

for Councillors to distinguish between attempting to represent the view of the Council (which they should not do), and their individual right to express a view. He cautioned Councillors that if they were to express an individual view on the Scheme, they must be clear that they spoke as individuals rather than as elected representatives, as Council could not be seen to be promoting a view if the recommendation was passed.

The discussion then focused on how best to provide information about the scheme. The Acting Chief Executive advised that Council's Community Relations team would be communicating information through Live Nelson and media releases. He said the information would be based on the Local Government Commission reports. It was suggested that both Nelson City Council and Tasman District Council might jointly issue an information document in simple form, as this would reach all potential voters and thus avoid any perceived bias. It would assist voters to make an informed judgement, and thus would be likely to encourage better participation in the vote.

Following a brief discussion about the role of the Local Government Commission in publicising information, there was general agreement that Council should enquire as to what measures the Local Government Commission was taking to ensure the public was well informed about the Reorganisation Scheme and the associated poll.

Resolved

***THAT the Deputy Mayor write to the Local Government Commission on behalf of Council to ascertain what the Commission is doing to publicise the Reorganisation Scheme for the Union of Nelson City and Tasman District.***

Reese/Fulton

Carried

After a brief discussion, it was agreed that the decision relating to advertising the scheme should reflect the neutrality of Council. Councillor Shaw, seconded by Councillor Reese, moved an amendment to the recommendation, adding the words 'or in opposition to' after the words 'in support of'. The amendment was put and was carried, and became the substantive motion.

Resolved

***THAT Nelson City Council commit no funds or resources to advertising in support of or in opposition to the Reorganisation Scheme for the Union of Nelson City and Tasman District, in accordance with Clause 55(2), Schedule 3 of the Local Government Act 2002.***

Shaw/Reese

Carried

7.2 Appointment of Deputy Chair of Regional Transport Committee

The Deputy Mayor called for nominations for the role of Deputy Chair of the Regional Transport Committee.

Resolved

***THAT Councillor Copeland be appointed deputy chairperson of the Regional Transport Committee, in accordance with section 105(6) of the Land Transport Management Act 2003.***

Shaw/Fulton

Carried

7.3 Conviction against Council for Traffic Infringement

In response to a question, the Acting Chief Executive noted that the convention within Council was that responsibility for paying fines rested with the particular driver of a Council vehicle at the time of the infringement. He added that the issue outlined in the report related to the fact the Council had been convicted as a vehicle owner because the fine had not been paid.

Councillors expressed disappointment that this item had been included on the public agenda.

Councillor Davy, seconded by Councillor Barker, moved an amendment to the recommendation to receive the report, with the exception of item 6. The amendment was put and carried, and became the substantive motion.

Resolved

***THAT the Chief Executive Report - Governance (1034743) be received with the exception of section 6. Conviction against Council for Traffic Infringement.***

Davy/Barker

Carried

**8. Rates Remission for Land Affected by Natural Calamity**

Document No. 1217818, agenda pages 33-40 refer.

Chief Financial Officer, Nikki Harrison, presented the report and Councillors considered the report page by page. Ms Harrison advised that under the rates policy within the current Community Plan, Council had no ability to remit rates. This report provided a mechanism for Council to consider remission on an event by event basis, she said.

There was general agreement that where landowners had been forced by a natural calamity out of their property through no fault of their own, and were therefore unable to use the services charged for under rates, Council should consider rates remission.

In response to a question, Ms Harrison advised that rather than attempting to capture every eventuality, the report was intended to provide an overall framework for rates remission. She added that for each natural calamity, Council would be presented with a document that recommended criteria and boundaries for rates remission for that particular event, to be applied solely at Council's discretion.

In response to further questions, Ms Harrison advised that by passing an amendment to the policy now, it could be applied in the current financial year, and retrospectively to the December 2011 rainfall event. She added that as the policy would be applied at Council's discretion, an exception to the three month deadline could be made for the December 2011 event. Following a brief discussion it was agreed that the recommendation should reflect this.

In response to questions about the definition of natural calamity, the Acting Chief Executive advised that the term was associated with erosion, subsidence, and submersion in the report because they were the most common issues. However he agreed that this could be open to interpretation and it was agreed that the recommendation should be reworded to reflect that the terms erosion, subsidence, and submersion were examples of natural calamity rather than definitions. The Acting Chief Executive added that it was important to specify that the policy applied only to 'natural' calamities, as that would avoid leaving Council open to covering calamities on too broad a scale, such as those caused by individual action. Further, he said that as a discretionary policy, it was enabling rather than prescriptive and therefore the scope and nature of a natural calamity would be determined by Council on case by case basis.

There was then a brief discussion about how the term 'uninhabitable' was defined and determined. The Acting Chief Executive clarified that there were two circumstances under which the policy could take effect; 'unable to be used for' which referred to fair and reasonable use and would require staff advice on suitable criteria, and 'uninhabitable' which was determined by the issue of Section 124 notices. The Manager Strategic Response, Chris Ward, confirmed that Council could also use information provided by other agencies, such as the Earthquake Commission or private insurers, to determine whether properties were uninhabitable or unable to be used for the activity for which they were used prior to the calamity.

The discussion then turned to the issue of property values raised by Ms Vine in her public forum. It was noted that the next valuation of properties was due in September 2012, and these would take effect from the next rating year, or the year following that if the proposed union of Councils went ahead.

It was then agreed that the recommendation should be reworded to incorporate the minor amendments suggested in the preceding discussions.

Resolved

***THAT the draft Rates Remission Policy for Land Affected by Natural Calamity as detailed in section 6 of document 1223215 be approved for public consultation, subject to the following minor amendments being made:***

- In section 5 of the policy the words '3 months' be replaced with '6 months'; and the following phrase be inserted at the end of the paragraph: 'or within such further time as Council in its sole discretion might allow.'***
- In the section titled Application, the following sentence be inserted at the beginning: 'Each natural calamity event will be considered for rates remission on a case by case basis by Council';***

***AND THAT the Statement of Proposal in document 1223215 be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act 2002), subject to the following minor amendments being made:***

- Under item 2.2, item 2.3.1, and item 6.1, the words 'erosion, subsidence, submersion, or other natural calamity' be replaced with 'natural calamity (such as erosion, subsidence, submersion, or earthquake).'***
- Under the section titled Background the following paragraph be inserted: 'Rates relief for those affected by the December 2011 rainfall event will be determined by Council through a separate process once this general Rates Remission Policy for land affected by natural calamity has been adopted.'***

Davy/Matheson

Carried

## REPORTS FROM COMMITTEES

### 9. Audit, Risk and Finance Committee – Tuesday 20 December 2011

Document No. 1217818, agenda pages 33-40 refer.

Resolved

***THAT the minutes of a meeting of the Audit, Risk and Finance Committee, held on Tuesday 20 December 2011, be received.***

Barker/Reese

Carried

### 10. District Licensing Authority – Wednesday 14 December 2011

Document No. 1209135, agenda pages 45-47 refer.

Resolved

***THAT the minutes of a meeting of the District Licensing Authority, held on Wednesday 14 December 2011, be received.***

Collingwood/Davy

Carried

### 11. Economic Development Committee – Tuesday 13 December 2011

Document No. 1211928, agenda pages 48-53 refer.

Resolved

***THAT the minutes of a meeting of the Economic Development Committee, held on Tuesday 13 December 2011, be received.***

Reese/Fulton

Carried

### 12. Kotahitanga Hui – Tuesday 6 December 2011

Document No. 1206928, agenda pages 54-58 refer.

Resolved

***THAT the minutes of a meeting of the Kotahitanga Hui, held on Tuesday 6 December 2011, be received.***

Collingwood/Shaw

Carried



**13. Nelson Tasman Joint Shareholders Committee – Monday 5 December 2011**

Document No. 1211928, agenda pages 59-62 refer.

Resolved

***THAT the minutes of a meeting of the Nelson Tasman Joint Shareholders Committee, held on Monday 5 December 2011, be received.***

Boswijk/Reese

Carried

**14. Public Forum Discussion**

**14.1 Recycling Organic Waste**

Discussion of this presentation to Council by Mr John Hill, was deferred from the Council – Infrastructure meeting on 2 February 2011. After a brief discussion, Council suggested that Mr Hill be advised to make a submission on this topic to the Joint Waste Minimisation and Management Plan hearings.

**14.2 Rates Remission for Residents Affected by Section 124 Notices – presentation to Council by Ms Philippa Vine on 21 February 2011**

Ms Vine’s presentation was discussed during consideration of the Rates Remission for Land Affect by Natural Calamity report, item 8 refers.

**15. Exclusion of the Public**

Resolved

***THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 7 and 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 – Community Services – 31 January 2011	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out</li> </ul>

		information for which good reason exists under section 7	commercial activities <ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
2.	Nelson City Council Public Excluded Minutes –Infrastructure – 2 February 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"> <li>Section 7(2)(a)</li> <li>To protect the privacy of natural persons</li> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
3.	Public Excluded Status Report – Governance This report contains information concerning the sale and purchase of land, and the negotiation of a service agreement.	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"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
4.	Public Excluded Chief Executive Report – Governance This report contains information regarding the appointment of trustees, and the Nelson Airport Limited Statement of Intent.	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"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
5.	Rates Remission for Land Affected by Natural Calamity This report contains legal advice.	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"> <li>Section 7(2)(g) To maintain legal professional privilege</li> </ul>
6.	Appointment to the Regional Transport Committee This report contains information concerning a	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the</li> </ul>

	committee appointment.	information for which good reason exists under section 7	privacy of natural persons
7.	District Licensing Authority Minutes – Wednesday 14 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"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
8.	Economic Development Committee Minutes – Tuesday 13 December 2012	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"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
9.	Nelson Tasman Joint Shareholders Committee Minutes – Monday 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"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

Collingwood/Ward

Carried

The meeting went into public excluded session at 10.26 am and resumed in public session at 11.13 am.

## 16. Re-admittance of the Public

Resolved

***THAT the public be re-admitted to the meeting.***

Collingwood/Boswijk

Carried

There being no further business the meeting ended at 11.14am.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date