



**Nelson City Council**  
te kaunihera o whakatū

# **Nelson City Council Governance Statement 2016 - 2019**

**Adopted 28 March 2017**

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## **1.0 Introduction**

### **1.1 What is a Local Governance Statement?**

A local governance statement is a requirement of Section 40 of the Local Government Act 2002. A new local governance statement is required within six months of each triennial election and is updated as necessary.

The Local Government Act 2002 requires a local governance statement to include information on the following matters:

- functions, responsibilities and activities of the Council
- local legislation and bylaws
- the electoral system and the opportunity to change it
- representation arrangements, and the way these can be changed
- members' roles and conduct
- governance structures, processes, membership and delegations
- meeting processes
- consultation policies
- policies for liaising with Māori
- the management structure and the relationship between elected members and management
- equal employment opportunities policies
- key planning and policy documents and the process for their development and review
- public access to the Council and the elected members
- processes for official information requests.

## **2.0 The Functions, Responsibilities and Activities of the Nelson City Council**

The purpose of the Nelson City Council, as set out in section 10 of the Local Government Act 2002, is to:

- enable democratic local decision making and action by, and on behalf of, communities; and
- to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- efficient; and
- effective; and
- appropriate to present and anticipated future circumstances

## 2.1 Essential Services and Activities

Section 11A of the Local Government Act 2002 also states that in performing its role, the Council must have particular regard to the contribution that the following core services make to its communities:

- Network infrastructure
- Public transport services
- Solid waste collection and disposal
- The avoidance or mitigation of natural hazards
- Libraries, museums, reserves, recreational facilities, and community amenities.

To achieve this purpose, the Nelson City Council has divided its work into the following significant activities; transport, water supply, wastewater, stormwater, flood protection, environment, social, parks and active recreation, economic, and corporate.

A full description of what activities the Nelson City Council does in each of these activity areas is available in the Nelson City Council Long Term Plan 2015 – 2025. Copies of this Long Term Plan are available on the Council's website or at the Council offices, refer to section 14 of this Governance Statement for contact details.

The Nelson City Council is also committed to taking a sustainable development approach through the services it provides and in the way that it operates as an organisation.

## 2.2 Nelson's Vision for the Future: Nelson 2060

Given the range of activities the Council engages in, a vision (of what Nelson would be like in 2060) has been developed to help the community understand what the Council thinks is important for guiding its work programme.

*Nelson is an inclusive city, with a diverse range of residents who can connect easily to each other and to the beautiful place that we call home. Our inclusive leadership style supports our unique approach to living, which is boldly creative, ecologically exemplary, socially balanced and economically prosperous.*

The vision covers four themes:

- A sustainable city of beauty and connectivity.
- Outstanding lifestyles, immersed in nature and strong communities.
- A strong economy built on knowledge and understanding.
- Successful partnerships providing good leadership.

Council has also worked with Tasman District Council to develop the following shared regional community outcomes:

- Our unique natural environment is healthy and protected

- Our urban and rural environments are people-friendly, well planned and sustainably managed
- Our infrastructure is efficient, cost effective and meets current and future needs
- Our communities are healthy, safe, inclusive and resilient
- Our communities have opportunities to celebrate and explore their heritage, identity and creativity
- Our communities have access to a range of social, educational and recreational facilities and activities
- Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement
- Our region is supported by an innovative and sustainable economy

Further information on Nelson 2060 and the Council's vision, goals, sustainability principles and community outcomes is available on Council's website [nelson.govt.nz](http://nelson.govt.nz).

## **2.3 Unitary Authority – a Dual Role for Nelson City Council**

As a unitary authority, the Nelson City Council has the combined responsibilities and functions of both a territorial (local) and regional council. This is different from most other local authorities in New Zealand. More often a regional council is a separate organisation with several territorial authorities (city or district councils) within its borders. Other unitary authorities are the Auckland Council, Gisborne District Council, Marlborough District Council, Tasman District Council and the Chatham Islands District Council.

The main effect of being a unitary authority is that Nelson City Council undertakes a wider range of functions and activities at both a local and regional level.

## **3.0 Local Legislation and Bylaws**

There is currently no local legislation that confers powers on the Nelson City Council. However, there are a number of bylaws that are currently enacted. These are listed in Appendix 1.

## **4.0 The Electoral System and the Opportunity to Change it**

Elections for the Mayor and Councillors are held once every three years.

### **4.1 The Voting System**

Regulation 8 of the Local Electoral Regulations 2001 allows for one of two electoral systems to be used for local body elections. Those two systems are First Past the Post (FPP) and Single Transferrable Vote (STV).

The Nelson City Council currently holds its elections under the First Past the Post electoral system. Electors vote by indicating their choice for Mayor by placing a tick beside one of the names and the person who receives the most votes becomes Mayor. Councillors are elected the same way, with the 12 candidates who each receive the most votes becoming Councillors. Voters in this system may vote for no more than 12 candidates. The elections are conducted by post over a three week period to make it as convenient as possible for people to vote.

The other option permitted under the Local Electoral Act 2001, but not currently used by the Council, is the Single Transferable Vote system. Electors vote by ranking

candidates in order of preference by placing a number beside each candidate's name. The elector can vote for one or up to the total number of candidates on the paper. The number of votes required for a candidate to be elected, the quota, depends on the number of positions to be filled and the number of valid votes. The successful candidates are worked out as follows:

- first, by counting the first preferences of all the electors and allocating these to the respective candidates
- then by transferring a proportion of each vote received by any candidate whose number of first preferences exceeds the quota, in accordance with their electors' second preferences
- then by excluding the lowest polling candidate and transferring their votes in accordance with their electors' second preferences
- this process is continued until the required number of members has been elected.

The last local body elections took place in October 2016, and the next elections will take place in October 2019.

## **4.2 Deciding on which Electoral System to Use**

Under the Local Electoral Act 2001, the Nelson City Council can resolve to change the electoral system to be used for the next two elections. In August 2014, Council resolved to retain the status quo of using the First Past the Post system.

The Local Electoral Act 2001 provides three methods in which a council can change their voting system:

- the Council can resolve to change the voting system
- the Council can conduct a binding poll of eligible electors on which electoral system to use
- or a binding poll can be initiated by at least five percent of eligible electors signing a petition demanding that a poll be held.

Once changed, an electoral system must be used for at least the next two triennial general elections. The electoral system cannot be changed for one election and then changed back for the next election.

The Council may choose to review the electoral system in future, and any resolution must be made by 12 September two years before the next triennial local election, i.e. by 12 September 2017 for the 2019 local election.

Regardless of whether Council wishes to change the system or remain with the existing system, public notice must be given of the electoral system to be used and the right of the public to demand a poll to change that system. This notice must be given prior to 19 September two years before the next triennial election, i.e. by 19 September 2017 for the 2019 local election.

## **5.0 Representation Arrangements**

The Nelson City Council does not have any wards, constituencies or community boards.

## 5.1 Electoral Representation and Boundary Review

The Nelson City Council is required to review its representation arrangements at least once every six years. This review must include the following:

- the number of elected members (within the legal requirement to have a minimum of six and a maximum of 30 members, including the Mayor)
- whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of voting as a city as a whole or on a wards basis
- if election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward
- whether or not to have separate wards for electors on the Māori electoral roll
- whether to have community boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

The Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review, and should also follow guidelines published by the Local Government Commission. The Local Electoral Act 2001 gives members of the public the right to make a written submission to the Council, and the right to be heard on this submission, with respect to any reorganisation proposal.

Members of the public also have the right to appeal any decisions on the above to the Local Government Commission which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

The Nelson City Council at its meeting on 23 July 2015 decided that the Council shall consist of 13 members, including the Mayor, and that the members of the Council shall be elected by the electors of the City as a whole, meaning there would be no wards and that there shall be no community boards established within the Nelson City Council area.

The next representation review will commence in 2021.

## 5.2 Māori Wards

The Local Electoral Act 2001 (section 19Z) gives the Council the ability to establish separate wards for Māori electors. The Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by five percent of eligible electors within the district at any time.

If Māori wards are implemented, the numbers of seats in that ward will be allocated according to the percentage of voters who are registered on the Māori electoral roll. In Nelson the number of such voters would only allow one ward.

In November 2011 the Council decided to establish a Māori Ward for the 2013 local body elections. Nelson residents initiated a petition for a poll of voters on this issue. The 2012 poll result was against establishing a Māori Ward. Under the Local Electoral Act 2001 (section 19 ZF(5)) the result of that poll is effective for the next two triennial elections (i.e. 2013 and 2016). Council may choose to review the matter of separate Māori wards no later than 23 November 2017 for the 2019 local election.

### **5.3 The Reorganisation Process**

The Local Government Act 2002 states that local government reorganisations may apply for one or more of the following matters:

- the union of districts or regions
- the constitution of a new district or region, including a new local authority
- the abolition of a district or region, including the abolition of a local authority
- the alteration of the boundaries of the district
- the transfer of statutory obligations from one local authority to another
- the assumption by a territorial authority of the powers of a regional council
- the establishment of a local board area, how the chairperson is elected and whether the local board may include appointed members
- the abolition of a local board area
- the alteration of the boundaries of a local board area
- the union of two or more local board areas

The procedures for resolving each type of proposal are slightly different. In general they begin with a proposal to the Local Government Commission either from the local authority, the Minister of Local Government, or by any person, body or group.

Further information on these requirements can be found in the Local Government Act 2002. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

In July 2010 a petition for the union of Nelson and Tasman Councils was assessed by the Local Government Commission. In early 2012 the Local Government Commission announced that it had approved a new local government structure for the Nelson and Tasman areas which would be put to the electors of both districts for approval in separate polls in April 2012. The results of this poll were not in favour of the proposal, therefore separate councils for the Nelson and Tasman regions remain.

In December 2013, the Local Government Commission received an application for a reorganisation proposal for Nelson City and Tasman District Councils. The Local Government Commission decided not to proceed with the application due to a lack of detailed information.

## **6.0 Members' Roles and Conduct**

The roles of elected members, the Mayor and Deputy Mayor are explained below. The names of the 2016 - 2019 Nelson City Council elected members and the Mayor are provided in Appendix 2.

### **6.1 The Councillors**

The role and responsibilities of a Councillor fall into two main categories:

- being a member of the governing body of the Council
- being an elected representative of the community.

Elected members are responsible for setting the policy direction of the Council, monitoring the performance of the Council and employing the Chief Executive.

Councillors in Nelson are elected by the city as a whole. Councillors have equal voting rights and may be appointed to one or more committees and working parties. They also may represent the Council on outside organisations and through attendance at civic events.

## **6.2 The Mayor**

The Mayor is elected by the city as a whole and, as one of the elected members, shares the same responsibilities as other members of Council. In addition, the Mayor has the following roles:

- leadership of the community and the other elected members
- advocate on behalf of the community and representing its interests
- chairing Council meetings and being responsible for ensuring the orderly conduct of business as set out in the Council's standing orders (a set of procedures adopted by it for the conduct of its meetings)
- acting as the ceremonial head of the Council on behalf of Nelson.

Section 41A of the Local Government Act 2002 outlines new Mayoral powers in relation to the appointment of the Deputy Mayor and committee chairpersons, and the establishment of committees. The new provision also empowers the Mayor to lead the development of the Council's plans, policies and budgets.

## **6.3 The Deputy Mayor**

The Deputy Mayor may be appointed by the Mayor or by the Council at its first meeting. The Deputy Mayor steps in when the Mayor is unavailable.

## **6.4 Code of Conduct**

The Local Government Act 2002 (schedule 7 part 1 (15)) requires that all councils have a Code of Conduct for their elected members. The Nelson City Council adopted its Code of Conduct on 20 November 2014, and it was most recently updated in October 2015. A minor review of the Code of Conduct was undertaken in mid-2016 but no changes were made. The Code of Conduct may be amended or replaced at a meeting of the full Council, provided that this motion is supported by 75 percent of the members present, but cannot be revoked without replacement.

The main principles in the Code of Conduct are that elected members are obliged to act in good faith and conscientiously perform their duties in a professional manner with honesty and integrity as well as with reasonable care and diligence. The Code of Conduct also sets out principles for working with the public, staff, and provides processes to be followed in the event of an alleged breach. Copies of the Nelson City Council Elected Members' Code of Conduct (A1181923) are available on the Council's website or at the Council offices, refer to section 14 of this Governance Statement for contact details.

## **6.5 Statutory Requirements**

There are a number of specific pieces of legislation applying to the conduct of elected members, including the following:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current code of conduct and standing orders
- the Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)
- The Local Government Official Information and Meetings Act 1987, which covers the fundamental principle of availability of information, along with provisions for the conduct of Council meetings
- the Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- the Financial Markets Conduct Act 2013, which imposes on elected members the same responsibilities as company directors whenever Council offers securities (debt or equity) to the public.
- the Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.
- the Health and Safety at Work Act 2015, which allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes.
- the Protected Disclosures Act 2000, which encourages people to report serious wrongdoing in their workplace by providing protection for employees who want to 'blow the whistle'. This applies to public and private sector workplaces.

## **7.0 Governance Structures and Processes, Membership and Delegations**

### **7.1 Council**

The 2016 – 2019 Nelson City Council has decided to deal with all business through a Committee structure that reports through to full Council. This structure generally operates in a six-weekly cycle with Committee meetings in weeks one to four of the cycle and a Council meeting in week six to consider all recommendations from Committees.

A schedule of Council and Committee meeting dates can be found on the Nelson City Council website.

### **7.2 Committees**

The Council has established five governing committees, and each has delegations specific to its topic area. These committees are:

- Works and Infrastructure
- Planning and Regulatory
- Governance

- Community Services
- Sports and Recreation

Council has a number of other committees and subcommittees that deal with matters relating to specific functions of the Council. A list of these committees is provided below. The Nelson City Council Delegations Register (A1183061) provides a full description of the functions, delegations and membership of all committees and subcommittees. A copy of the Nelson City Council Delegations Register is available on the Council's website or at the Council offices, refer to section 14 of this Governance Statement for contact details. The Nelson City Council Delegations Register is discussed in more detail in section 7.4 of this Governance Statement.

Other Council Committees:

- Chief Executive Employment Committee
- Civil Defence Emergency Management Group
- District Licensing Committee
- Hearings Panel – Resource Management Act
- Hearings Panel - Other
- Joint Shareholders Committee
- Joint Committee
- Nelson Regional Sewerage Business Unit
- Resource Management Act Procedures Committee
- Regional Transport Committee
- Regional Pest Management Committee
- Saxton Field Committee

Council Subcommittees

- Audit, Risk and Finance Subcommittee
- Commercial Subcommittee

The Council also establishes working parties. These are similar to a committee but less formal and are assigned to a single issue or project for a specific time. Working parties may include members of the public and staff members and usually oversee the drafting of policies or plans before they are considered by the Council, however are not delegated decisions-making bodies.

### **7.3 Council Organisations**

The Nelson City Council also has links with many organisations that may be public, private, for profit or non-profit. A list of Council Controlled Trading Organisations (CCTO), Council Controlled Organisations (CCO) and other Council Organisations, including membership and delegation details and how directors to these organisations are appointed, is available in the Nelson City Council Delegations Register (A1183061).

## **7.4 Delegation of Responsibilities**

To ensure efficiency and effectiveness in the conduct of a local authority's business, Schedule 7 section 32 of the Local Government Act 2002 enables local authorities to delegate most of its responsibilities, duties, or powers to committees, subordinate decision making bodies, members, or officers. There are some exceptions where specific powers cannot be delegated and these are listed in Schedule 7 section 32 of the Local Government Act 2002.

The Nelson City Council Delegations Register (A1183061) sets out:

- the background to the responsibilities of the Council, individual Councillors and the Chief Executive
- the principles of delegation
- the actual delegations made by the Council to its Committees and the Chief Executive.

When deciding which powers to delegate, and to what level, the Council and the Chief Executive will balance the following needs:

- for the Council to operate efficiently and effectively
- for the Council to concentrate on its policy-making role and for the Chief Executive and staff to implement Council policy and administer Council facilities and services
- for the Council's operations to be carried out in an open and fair manner
- for those with responsibility for a task or function to have the authority necessary to carry it out effectively
- for all statutory requirements to be properly observed.

Principles relevant to the Nelson City Council Delegations Register are that:

- delegations are made to positions, not to specific persons
- delegations must be recorded in the Nelson City Council Delegations Register
- decisions made under delegated authority cannot be subsequently overturned by the Council.

Copies of the Nelson City Council Delegations Register (A1183061) are available on the Council's website or at the Council offices, refer to section 14 of this Governance Statement for contact details.

## **8.0 Meeting Processes**

The legal requirements for Council meetings are set down in Schedule 7 of the Local Government Act 2002 and Part VII of the Local Government Official Information and Meetings Act 1987.

All Council and Committee meetings must be open to the public unless there is good reason to consider an item in a public excluded part of the meeting. When the item is deemed to be public excluded, members of the public are asked to leave the room until discussion on the item is complete. The Local Government Official Information and Meetings Act 1987 section 48 contains a list of the limited circumstances where Council may consider items with the public excluded. These circumstances generally relate to the protection of personal privacy, legally privileged information or

information subject to commercial activities or negotiations and the maintenance of public health, safety and order.

For an ordinary meeting of Council, at least 14 days' notice of the time and place of the meeting must be given to members. Extraordinary meetings generally can be called with three working days' notice.

The Council agenda is a public document, although parts of it may be withheld if the public excluded circumstances apply. Minutes of meetings must be kept as evidence of the proceedings of the meeting. Agendas and minutes of meetings must be made available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987.

During meetings the Mayor and Councillors must follow standing orders. Council may suspend parts of the standing orders by a vote of 75 percent of the members present and voting. The Nelson City Council adopted its Standing Orders (A691137) at the 27 October 2016 meeting.

The Mayor or committee chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with standing orders.

Members of the public are able to attend Council and Committee meetings. Members of the public do not have speaking rights at meetings unless the Chairperson invites someone to speak.

However, members of the public are welcome to attend and address a meeting of the Council or its committees through a public forum or petition. Nelson City Council Standing Orders explain this process. Copies of the Nelson City Council Standing Orders are available on Council's website or by contacting an Administration Adviser at the Council offices, refer to section 14 of this Governance Statement for contact details.

Council and governing Committee meetings are currently live-streamed to YouTube. To access live streaming or previous recordings of meetings you can search for the Nelson City Council page on [www.youtube.com](http://www.youtube.com).

If you are interested in attending a Council meeting, or require any information about a Council meeting, you can contact an Administration Adviser at the Council offices. All public meetings are advertised in Our Nelson (a free fortnightly publication that details Council news and information) or the Nelson Mail, and the meeting agendas and minutes are available on the Council's website, at the Council offices, and at public libraries, refer to section 14 of this Governance Statement for contact details.

## **9.0 Consultation Policies**

### **9.1 Significance and Engagement Policy**

The basic principles of consultation are set out in section 82 of the Local Government Act 2002.

Council has adopted a Significance and Engagement Policy which lets both Council and the community identify the degree of significance attached to particular decisions, to understand when the community can expect to be engaged in Council's decision making processes, and know how this engagement is likely to take place.

The Policy covers how significance is determined, community engagement, special consultative procedure, information requirements and engagement with iwi.

The Significance and Engagement Policy is available on Council's website, or a copy can be requested at the Council offices, refer to section 14 of this Governance Statement for contact details.

## 9.2 Community Engagement

The Council engages with the public through a range of methods and media including:

- Our Nelson, a free fortnightly publication sent to households and non-resident ratepayers on request that details Council news and information (contact Paul Shattock, (03) 546 0301 or [Paul.Shattock@ncc.govt.nz](mailto:Paul.Shattock@ncc.govt.nz))
- the Council website at [nelson.govt.nz](http://nelson.govt.nz)
- newspaper advertisements with legal announcements such as resource consent or election notices, and others such as calls for tenders
- press releases, radio interviews, public presentations and forums
- social media
- consultation and engagement activities.

The Nelson City Council also conducts frequent surveys as well as an annual telephone survey of a sample of residents.

## 10.0 Policies for Liaising and Relationships with iwi and Māori

The Nelson City Council – Te Kaunihera o Whakatū encourages all residents including Māori to participate in Council's decision-making processes.

The Local Government Act 2002 Part 6 provides principles and requirements for local authorities that facilitate the participation of Māori in decision-making processes.

This is to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Māori to contribute to local authority decision-making processes.

These principles and requirements are as follows:

- a local authority must establish and maintain processes to provide opportunities for Māori to contribute to their decision-making processes and to consider ways to foster the development of Māori capacity
- consultation with Māori – a local authority must ensure that it has in place processes for consulting with Māori that are in accordance with the principles of consultation as set out by section 82 of the Local Government Act 2002
- local authority decision making - where, in the course of the decision-making process, a significant decision relates to land or a body of water, the local authority must take into account the relationship of Māori and their culture and their traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga
- working with Māori – the Long Term Plan must outline how the local authority will work with Māori to further community outcomes
- the Local Government Act 2002 requires Council to build the capacity of Māori to engage with local government.

Representatives of the Māori community are involved in Council working groups on relevant issues, and the Mayor (or the Mayor's nominated representative) is a standing member of the Whakatū Marae Management Kōmiti.

Nelson City Council currently works with Māori groups on projects that benefit both Māori and the wider community of Whakatū (Nelson).

Prior to the Treaty of Waitangi Settlements, Councillors and senior managers engaged with iwi representatives and mātāwaka to discuss issues of mutual interest through Te Kotahitanga Forum.

Council also had Memorandum of Understanding (MoU) with six of the local iwi from 2005. These MoU have become out of date as a result of Treaty of Waitangi Settlements.

Statutory responsibilities Council enacts under the various Treaty of Waitangi Settlements across the eight iwi derive from the:

- Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014;
- Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014, and;
- Ngati Toa Rangatira Claims Settlement Act 2014

The Treaty of Waitangi Settlements Acts above clearly outline each area of interest including statutory acknowledgements over land, water, sites, wāhi tapu, valued flora and fauna, and other taonga for the eight iwi.

Council works closely with the iwi in ensuring their interests in the above in relation to specific resource consent applications, iwi environmental issues of concern and possible solutions and hui to assist good decision-making takes place.

There is also a commitment to establish a Freshwater Committee with the eight iwi and the three unitary authorities across Nelson, Tasman and Marlborough.

Opportunities of mutual benefit to Council and iwi to work together in a post-settlement environment also exist in continuing to raise social, cultural and economic outcomes for iwi, Māori and the broader region.

In supporting the Council to enact its responsibilities to iwi and Māori under The Local Government Act 2002 and the various Treaty of Waitangi Settlement Acts 2014, the Council has two key positions.

- The Council Kaumātua supports the Mayor and Chief Executive on tikanga (Māori customs), pōwhiri (welcomes on the marae), blessings and other ceremonies.
- The Council also has a Kaihautū – General Manager Māori position which reports directly to the Chief Executive and is part of the senior leadership team. The Kaihautū is leading Councils work in our ongoing relationship with iwi and Māori and provides advice to Council and Councillors on Māori issues. Further detail about this position can be found in the Management Diagram in Appendix 4.

In the meantime, Council continues to consult with the eight iwi authorities to identify resource management issues of concern and possible solutions to them.

The Iwi Working Group (IWG) has been established with the following role and purpose:

- Identify the strategic outcomes to lead the development of the Nelson Plan

- Identify resource management issues of significance to iwi
- To consider and comment on draft provisions of the Nelson Plan to ensure adequate cultural perspective is provided and outcomes and issues identified by Iwi are addressed. Where necessary IWG will assist to develop appropriate responses with agreement of the Manager Planning
- To work collaboratively on the development of freshwater provisions including engaging with the Freshwater Advisory Committee from Treaty Settlements when it is established.

Iwi representation also occurs on the committee in charge of the Nelson Regional Sewerage Business Unit (a jointly owned resource between the Council and Tasman District Council) as well as the Tasman Bays Heritage Trust and Suter Gallery Trust Board.

Finally, Council actively participates in the Regional Inter-sector Forum (RIF).

## **11.0 The Management Structure and Relationship between Management and Elected Members**

A diagram illustrating the management structure of the Nelson City Council is provided in Appendix 3. This diagram also explains the responsibilities of each area of the Council's management.

### **11.1 The Chief Executive**

The Chief Executive is the only person directly employed by the Council. The role and responsibilities of the Chief Executive are listed in the Local Government Act 2002 section 42 and Schedule 7 sections 33 - 36 and are also outlined in the Nelson City Council Delegations Register (A1183061). The Chief Executive is employed by the Council for a term of up to five years, and in some circumstances this may be increased for an additional two years.

The Chief Executive implements and manages the Council's policies and objectives within the budgetary constraints established by the Council. Under section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- implementing the decisions of the Council
- providing advice to the Council
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the Council effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- providing leadership for the staff of the Council
- employing staff (including negotiation of the terms of employment for the staff).

All other Council officers are employed by the Chief Executive. The Chief Executive is therefore the only person that can give an instruction to a staff member. For this reason, complaints about a Council staff member should be directed to the Chief Executive rather than elected members. The Chief Executive can be contacted at the Council offices, refer to section 14 of this Governance Statement for contact details.

## **12.0 Equal Employment Opportunities Policy**

The principle of equal employment opportunities is an essential component of staff management and the Nelson City Council is committed to integrating it into human resource management strategies. Equal employment opportunities are not just about creating a workforce where men and women are treated equally, rather it is recognition that diversity is appreciated and valued. Equal employment opportunities enhance the work and personal environments of employees, both current and future.

The Nelson City Council will continue with the on-going development of human resource policies, practices and procedures to ensure that the recruitment, development and advancement of staff as well as the availability of opportunities occurs in an open and transparent manner regardless of age, gender, ethnicity, religion, sexual preference, disability and/or political beliefs. These strategies will recognise diversity, enhance the workplace and enable staff to contribute to the on-going success of the organisation.

## **13.0 Key Approved Planning and Policy Documents and the Process for their Development and Review**

The Nelson City Council has a large number of policy and planning documents that are available on the Council website and at the Council offices, refer to section 14 of this Governance Statement for contact details.

The key approved documents are:

### **Long Term Plan 2015 – 2025**

The Nelson City Council adopts a Long Term Plan every three years. The current Long Term Plan was adopted in June 2015. The main purpose of the Long Term Plan is to detail priority activities and spending for a ten year period.

As part of the Long Term Plan, Council must adopt an Infrastructure Strategy which identifies the key strategic infrastructure issues over the next 30 years and describes options for managing those issues, and the implications of those options. It must also adopt a Financial Strategy which aims to facilitate prudent financial management and guide consideration of proposals for funding and expenditure.

The Long Term Plan is subject to consultation according to the special consultative procedure outlined in sections 83 and 93A-93G of the Local Government Act 2002.

### **Annual Plan**

The Nelson City Council develops and adopts an Annual Plan every year. The main purpose of an annual plan is to contain budget and funding information for the year to which the annual plan relates, and identify any variation from the Long Term Plan.

The Annual Plan is subject to the principles of consultation outlined in section 82 of the Local Government Act 2002 unless the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.

### **Annual Report**

The Annual Report must be prepared by October each year and covers the previous financial year. The Council adopted the Annual Report 2015/16 in October 2016, and the 2016/17 Annual Report will be adopted in October 2017.

The Annual Report is the Council's key accountability report and covers its financial and service performance for the previous year.

## **Asset/Activity Management Plans**

An asset management plan is prepared for each of Council's significant assets, including water supply, transport, wastewater, stormwater and flood protection, solid waste, property and facilities, and parks and reserves. There are also activity management plans for environment, community partnerships, arts, heritage, and building and regulatory.

These documents are key planning tools that outline how agreed levels of service will be delivered for the key infrastructural assets and activities of Nelson City Council.

Asset/Activity Management Plans are reviewed every three years and inform the Long Term Plan.

## **Nelson Plan**

The Council is working on a full review of all of its plans developed under the Resource Management Act 1991 ("RMA Plans"). Once prepared, the reviewed plan will be called the Te Māhere mō Whakatū Nelson Plan.

Nelson's RMA Plans include the Nelson Regional Policy Statement, Nelson Air Quality Plan and the Nelson Resource Management Plan which incorporates the district plan, regional plan and regional coastal plan. The Nelson Plan will integrate all of these Plans into the one document.

The Nelson Plan will set out how we manage the growth, development and protection of our built and natural environment; for example setting limits for subdivision, building height, earthworks or managing water quality and quantity.

It is a requirement that plans developed under the RMA are reviewed every ten years.

Council aims to release a draft Nelson Plan before the end of 2017, with notification of the Nelson Plan to follow in 2018.

The current Nelson Resource Management Plan, Air Quality Plan and Regional Policy Statement can be found on Council's website and at the Council offices, refer to section 14 of this Governance Statement for contact details.

## **Other Planning and Policy Documents**

Council has a number of other policy and planning documents which guide decision-making, these include:

- Heart of Nelson
- Iwi Management Plans
- Nelson 2060 (refer section 2.2 of this Governance Statement)
- Nelson Biodiversity Strategy
- Out and About - Active Travel and Pathway-based Recreation Policy and Out and About – On Tracks Strategy
- Regional Arts Strategy and Arts Policy
- Regional Land Transport Strategy and Regional Land Transport Plan
- Reserve Management Plans
- Regional Pest Management Strategy (under review in 2017/18)

- Significance & Engagement Policy (refer section 9.1 of this Governance Statement)
- Social Wellbeing Policy
- Whakatu Nelson Heritage Strategy

## 14.0 Public Access to Council Services and Elected Members

### 14.1 Contact Details for the Council Offices

General enquiries:

Civic House  
PO Box 645  
110 Trafalgar Street  
NELSON 7040

Telephone: (03) 546 0200 (24 hour service)

Fax: (03) 546 0239

E-mail: [enquiry@ncc.govt.nz](mailto:enquiry@ncc.govt.nz)

Website: [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz)

Civic House Opening Hours are:

Monday, Tuesday, Wednesday and Friday 8.30am to 5.00pm  
Thursday 9.00am to 5.00pm

Written correspondence to the Council may be addressed to the Chief Executive or appropriate staff member at the postal and email address above.

### 14.2 Contact Details for the Mayor and Elected Members

Mayor Rachel Reese	<a href="mailto:mayor@ncc.govt.nz">mayor@ncc.govt.nz</a>	(03) 546 0242 027 246 7766
Councillor Luke Acland	<a href="mailto:luke.acland@ncc.govt.nz">luke.acland@ncc.govt.nz</a>	(03) 539 1359 021 477 634
Councillor Ian Barker	<a href="mailto:ian.barker@ncc.govt.nz">ian.barker@ncc.govt.nz</a>	(03) 547 3448 027 496 6864
Councillor Mel Courtney	<a href="mailto:mel.courtney@ncc.govt.nz">mel.courtney@ncc.govt.nz</a>	(03) 553 0687 022 079 6250
Councillor Bill Dahlberg	<a href="mailto:bill.dahlberg@ncc.govt.nz">bill.dahlberg@ncc.govt.nz</a>	(03) 548 8655 0274 674 100
Councillor Kate Fulton	<a href="mailto:kate.fulton@ncc.govt.nz">kate.fulton@ncc.govt.nz</a>	(03) 546 4704 027 844 3197
Councillor Matt Lawrey	<a href="mailto:matt.lawrey@ncc.govt.nz">matt.lawrey@ncc.govt.nz</a>	027 406 3434

Councillor Brian McGurk	<a href="mailto:brian.mcgurk@ncc.govt.nz">brian.mcgurk@ncc.govt.nz</a>	(03) 544 1955 027 444 0170
Councillor Paul Matheson	<a href="mailto:paul.matheson@ncc.govt.nz">paul.matheson@ncc.govt.nz</a>	(03) 548 5653 027 444 9680
Councillor Gaile Noonan	<a href="mailto:gaile.noonan@ncc.govt.nz">gaile.noonan@ncc.govt.nz</a>	(03) 548 2688 027 518 8812
Councillor Mike Rutledge	<a href="mailto:mike.rutledge@ncc.govt.nz">mike.rutledge@ncc.govt.nz</a>	021 242 5592
Councillor Tim Skinner	<a href="mailto:tim.skinner@ncc.govt.nz">tim.skinner@ncc.govt.nz</a>	(03) 548 8879 021 668 733
Councillor Stuart Walker	<a href="mailto:stuart.walker@ncc.govt.nz">stuart.walker@ncc.govt.nz</a>	(03) 547 6305 0274 432 528

## 15.0 Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987 any person may request information from the Council. All requests for information are deemed to be a request made under the Local Government Official Information and Meetings Act 1987. Requests need to be specific about the information to be provided. Once a request is made, Council must supply the information within 20 working days (there are certain circumstances where this time-frame may be extended).

### 15.1 How do I Make a Request for Information?

You can put your request in writing to:

Nelson City Council  
PO Box 645  
NELSON 7040

or email to [enquiry@ncc.govt.nz](mailto:enquiry@ncc.govt.nz).

You are also welcome to phone our Customer Service Centre +64 3 546 0200, or ask in person at the Customer Service Centre.

### 15.2 Can the Council Withhold Information?

Once a request is made, the Council must supply the information as soon as reasonably practicable unless good reason exists for withholding it. The Local Government Official Information and Meetings Act 1987 sections 6 and 7 provide the reasons for a local council to withhold official information.

Examples of common reasons to withhold information are to:

- protect peoples' privacy
- maintain legal privilege
- enable the Council to carry on its commercial activities

### **15.3 Will I have to Pay for the Information?**

If a request is for a significant amount of information, or requires substantial collation and research, Council is entitled to charge and those charges are based on guidelines from the Ministry of Justice.

Under these guidelines you are entitled to:

- The first hour of time free
- Twenty pages of free photocopying
- We can recover any other actual costs (e.g. reproducing a photograph)
- Time in excess of an hour is charged at \$38/half hour
- Additional copying is charged at 20 cents per page

Where charges are payable Council will advise you of the cost of processing your request before officers begin working on it. You can then decide if you want to continue, withdraw or refine your request. A deposit of 50% of the cost in advance may be required.

All requests will be dealt with under the terms of Section 13 of the Local Government Official Information and Meetings Act 1987.

### **15.4 Can I Complain about a Decision?**

You can complain to the Ombudsmen if:

- you are refused access to any information, and you disagree with the grounds on which it was refused
- the person handling your request does not reply to you within the time limit
- you are not happy with the length of an extended time limit
- you believe that you have been charged an unreasonable amount for the information
- you are not happy with the way the information has been made available or with any conditions placed on the use of the information.

Complaints about refusals to release official information should be made in writing and directed to one of the Offices of the Ombudsmen. The main office is:

PO Box 10152  
WELLINGTON 6143

[www.ombudsmen.parliament.nz](http://www.ombudsmen.parliament.nz)

Freephone: (0800) 802 602

Email: [info@ombudsmen.govt.nz](mailto:info@ombudsmen.govt.nz)

## Appendix 1 Nelson City Council Bylaws as at March 2017

Part 8 of the Local Government Act 2002 allows councils to create and apply bylaws in their areas. Bylaws are to be reviewed five years after the date they were enacted. After that, bylaws are to be reviewed every 10 years. Council's bylaws are available on the Council website and at the Council offices, refer to section 14 of this Governance Statement for contact details.

Number	Name	General Description	Effective Date	Review Date
No 207	Parking and Vehicle Control	Provides the means for the Council to establish vehicle parking areas and other vehicle control measures, and to regulate their use.  Includes provisions banning the use of skateboards in high density pedestrian areas.	December 2011 and amended in December 2012	15 December 2021
No 210	Speed Limits	Provides the means for the Council to introduce different speed limits for different parts of the City.	November 2011 and amended in August 2013	24 November 2021
No 218	Navigation Safety	This Bylaw regulates all navigable waters within Nelson City.	1 December 2012	1 December 2022
No 221	Control of Dogs	This Bylaw gives effect to the Dog Control Policy by regulating the adverse impacts of dogs on the community.	25 February 2013	25 February 2018
No 223	Water Supply	This Bylaw covers the protection of water supply and water source, as well as metering of water supply.	4 March 2015	December 2019
No 224	Wastewater	Provides for the acceptance and control of Wastewater including Trade Waste to a Wastewater System operated by Council.	23 November 2015	December 2019
No 225	Urban Environments	This Bylaw covers: keeping of animals, urban amenity, trading in public places, control of alcohol in public places, reserves, and burial and cremations.	2 June 2015	June 2020

## **Appendix 2 Nelson City Council Mayor and Elected Members (2016 - 2019)**

### **Mayor**

Rachel Reese

### **Deputy Mayor**

Paul Matheson

### **Councillors**

Luke Acland

Ian Barker

Mel Courtney

Bill Dahlberg

Kate Fulton

Matt Lawrey

Brian McGurk

Mike Rutledge

Gaile Noonan

Tim Skinner

Stuart Walker

For a full list of Council Committees and Subcommittees, and their memberships, please refer to Council's Delegations Register (A1183061), available on Council's website and at the Council offices, refer to section 14 of this Governance Statement for contact details.

# Appendix 3 Nelson City Council Management Structure

As at January 2018

**Chief Executive  
Pat Dougherty  
(03) 546 0268**

**Senior Strategic Adviser  
Nicky McDonald  
(03) 546 0420**  
This team is responsible for developing and coordinating policies for the Long Term Plan, Annual Plan, Annual Report and major strategic projects. The Adviser also provides strategic advice to Council, Chief Executive and Senior Leadership Team.

**Group Manager Strategy and Environment  
Clare Barton  
(03) 546 0343**  
This team is responsible for developing strategic plans that drive long term objectives; delivers regulatory / non-regulatory programmes and projects that make Nelson a better place; develops resource management and Local Government policy; and delivers all consenting processes and relevant compliance and enforcement activities.

**Group Manager Infrastructure  
Alec Louverdis  
(03) 546 0271**  
This team is responsible for all matters relating to infrastructure, including strategic asset management, operational matters and delivering capital programmes from initiation to completion.

**Group Manager Community Services  
Chris Ward  
(03) 545 8729**  
This team is responsible for communications, libraries, heritage, social programmes, events and venue marketing, and

**Group Manager Corporate Services  
Nikki Harrison  
(03) 545 8841**  
This team is responsible for delivering financial and accounting services. Civil defence/emergency management. Organisational Assurance and Customer Services and IT and GIS

**Manager People and Capability  
Stephanie Vincent  
(03) 546 0253**  
This team is responsible for providing organisation-wide strategic people and capability advice and maintaining an oversight of the development and implementation of HR policy and practices.

**Kaihautū  
Vacant  
(03) 545 8730**  
The Kaihautū is a key adviser for relationships with Iwi, and for Iwi interaction on significant strategic, resource management, and non-regulatory programmes.

**Manager Building  
Martin Brown  
(03) 546 0302**  
This team is responsible for administering and enforcing legislation relating to building use and construction, Building Consents Authority and Territorial Authority functions.

**Manager Capital Projects  
Shane Davies  
(03) 546 0269**  
This team is responsible for providing detailed design and project management services for Nelson City Council's capital and renewals projects.

**Manager Community Partnerships  
Shanine Raggett  
(03) 546 0421**  
This team is responsible for delivering programmes promoting community development including events delivery and venue marketing.

**Manager Customer and Information Services  
Jane McLeod  
(03) 545 8816**  
This team is responsible for delivering a centralised Customer Service Centre providing excellent customer service to internal and external customers.

**Manager Consents and Compliance  
Mandy Bishop  
(03) 545 8740**  
This team is responsible for administering and enforcing legislation relating to land and natural resource use and development, navigational safety and pollution response, and oversee enforcement activities.

**Manager Parks and Facilities  
Rosie Bartlett  
(03) 546 0223**  
This team is responsible for developing Nelson City Council's asset management plans for parks and facilities and also provides operational management of these services.

**Manager Libraries  
Vacant  
(03) 546 0301**  
This team is responsible for providing Nelson's library services.

**Accounting and Property Services Manager  
Victoria Harper  
(03) 546 0449**  
This team is responsible for delivering a centralised Customer Service Centre providing excellent customer service to internal and external customers.

**Manager Environment  
Matt Heale  
(03) 539 5506**  
This team is responsible for developing policies (resource management and Local Government), strategies and plans, including the Long Term Plan and Annual Plan.

**Manager Roading and Utilities  
Marg Parfitt  
(03) 546 0390**  
This team is responsible for providing operational management of Nelson City Council's utilities, roading and solid waste, and parks and recreation services.

**Manager Administration  
Mary Birch  
(03) 546 0391**  
This team is responsible delivering administrative and democratic services, as well as records management.

**Manager Organisational Assurance and Emergency Management  
Roger Ball  
(03) 265 6938**  
This team is responsible for supporting the organisation in managing its risks - providing health and safety, legal, internal audit emergency management and risk management.  
  
The Nelson Tasman Emergency Management Office is responsible for delivering effective civil defence emergency management in the Nelson Tasman region.

**Manager Communications  
Paul Shattock  
(03) 546 0301**  
This team is responsible for focusing on the provision of relevant and timely information to the public and has oversight of community engagement and ownership of community engagement tools and resources.