

MINUTES OF A MEETING OF THE GOVERNANCE COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 7 AUGUST 2008 COMMENCING AT 9.00AM

- PRESENT:** Councillor G Thomas (Chairperson), His Worship the Mayor (K Marshall), Councillors I Barker, A Boswijk, G Collingwood, D Henigan (Deputy Chairperson), M Holmes, E McAlpine, A Miccio, P Rainey and D Shaw
- IN ATTENDANCE:** Divisional Manager Community Services (S Coleman), Chief Financial Officer (F Fitchett) and Administration Adviser (A Rose)
- APOLOGIES:** Apologies were received and accepted from Councillors M Cotton and R Reese and, for lateness, from His Worship the Mayor
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1.0 PUBLIC FORUM

There was no Public Forum.

2.0 HEARING OF SUBMISSIONS TO THE CEMETERIES BYLAW – BYLAW 216

2.1 Francis Day (Agenda Pages 86-92 and 102)

Mr Day spoke to his submission and tabled photographs that he had taken the previous day, showing where grave memorial plaques had been splattered by mud from the tractor used at the Cemetery. He said that the Nelson City Council was not keeping up with cemeteries in New Zealand and it needed to convert the cemetery at Marsden Valley from a lawn cemetery to a beam cemetery. He urged the Council to look at the way the Tasman District Council operate their cemeteries.

Mr Day also questioned the process by which Council dealt with cremations, saying that it was important that the medical referee is kept anonymous and separate in the process, so they do not come under pressure from relatives of the deceased. He said this is an issue that has been concerning medical referees.

Attendance: His Worship the Mayor arrived at 9.20am.

Mr Day also advised Council that, with regard to embalming, all chemicals used in the process in New Zealand are biodegradable and are not harmful to the environment. He said by burying corpses without embalming the result is putrefaction and, in the worst cases, disease. He warned Council against the practise of natural burials because of the potential for disease and the danger from storms like had been experienced in Nelson recently, where windfalls could open up these natural burial sites.

In answer to a question from Councillor Rainey, Mr Day said that with regard to converting to bench cemeteries, he was looking at the future. He was not contemplating that the Council should retrofit existing graves in the cemetery.

Mr Day also gave notice to Council that he was not prepared to do anymore exhumations at Marsden Cemetery, as he felt that he was too old for this work and he pointed out that everywhere else in New Zealand it is done by the Sextons.

The Chairperson thanked Mr Day for his submission.

2.2 Patrick Day (Agenda Pages 95-98)

Mr Day presented his submission. He urged Council to have some procedure in place that if a family has a problem within a cemetery, the complaint can be channelled towards the Council. At the moment, he said, all the complaints are going to the undertaker and Council are not hearing these complaints.

He also urged that the permitted height of cemetery memorials be at least one metre above ground level, to be in keeping with the rest of the country. He said that Council should suggest what might go onto a memorial, but in the end it must be the family's choice exactly what details, name etc, goes onto a memorial.

Mr Day also pointed out that with regard to the interment of ashes, the plots at the Bell Bird Ashes Lawn at Marsden Cemetery currently accept eight sets of ashes, and that consequently the memorial plaque should be allowed to be larger, to accommodate the details. He said that it was particularly important that the details are clear, because many older people had difficulty with their sight. He also urged that the Council to ensure that it was easy within the cemetery to find plots from the reference given on the computer.

2.3 Harvey Whakaruru

Mr Whakaruru said he was speaking on behalf of Te Atiawa, and in his position as Police Liaison Officer for the Top of the South Police District. He advised that he was also an ordained Anglican priest.

With regard to the Bylaw, he pointed out that the Maori people will not bury a body at night time, but will want to bury a body at any time between sunrise and sunset, and he asked that some flexibility be written into the Bylaw so that this could happen without incurring extra charges.

He also said that Maori have a number of professional grave diggers located in Marlborough who can be available for digging graves. He said that the Maori people would sometimes want to plant a Totara tree on some of their graves to symbolise the mana of the deceased.

He supported the height of the monuments being increased from what was proposed in the bylaw, but said that what was written on the memorial was up to the family, rather than simply for governmental or bureaucratic purposes.

Regarding the Sexton responsibility, he said he would like to know who Maori people can go to if they need more consultation than could be provided by the Sexton.

2.4 Natural Burials

The Chairperson explained that the other part of the consultation on the draft bylaw sought comments on alternative methods of burial, and in particular natural burial. The following submitters, he said, wished to speak with regard to natural burials.

2.5 Peter Sutton

Mr Sutton said he was in favour of natural burials, saying they were an increasing part of the burial system in the UK, the USA and Europe. He said he and his wife wanted their leaving of the planet to be no more environmentally damaging than their lives had been, and the contribution bodies can make to the natural environment should be pursued.

He said he had been impressed by the way the Tasman District Council has designated three areas for natural burials which would become operative towards the end of the year.

He said that he and his wife had been citizens of Nelson for 24 years, and if sites for natural burials are not established within the city, then he would be seeking to have his natural burial in Tasman District. He said that all that was required was a flat area, not designated for residential or industrial use at this time, and to allow the corpse to be buried in a shroud.

He said that suitable areas exist already in the Maitai and Brook Valleys, and he asked Council to take steps to establish natural burial sites as soon as possible.

2.6 Bob Straight

Mr Straight spoke in support of natural burials. He said he was opposed to the use of the term 'cemetery'. His reasons for supporting the use of natural burials were a personal aversion to cemeteries. He said it was time for urgent action and that the movement for natural burials is growing worldwide. He identified areas suitable for natural burials as on top of the Grampians and in the Brook Reserve. He pointed out that by designating an area for natural burial, Council would be getting an area developed at no cost, and this would be a saving to the rates. It would become an area of community use and should have an emphasis on simplicity and be maintained as a totally natural area. It should be open to all religions and atheists for their use.

He proposed that the burial take place with a post hold borer, with the body lowered in feet first in a shroud, and then a tree – preferably a native tree – planted on top. He asked Council to look urgently at designating areas for natural burial.

The Chairperson thanked the Submitters and after asking if there were any other people who wished to be heard in support of their submission, said that completed the hearing of submissions.

Attendance: The meeting adjourned for coffee from 10.20am to 10.35am.

3.0 CONFIRMATION OF MINUTES

Resolved

THAT the minutes of a meeting of the Corporate Governance Committee, held on Thursday 26 June 2008, be confirmed as a true and correct record.

Miccio/Barker

Carried

4.0 GOVERNANCE COMMITTEE STATUS REPORT FOR AUGUST 2008

Agenda page 8 refers.

With regard to the item concerning the development plan for the airport, it was agreed to leave this in future Status Reports as a “waiting report”, until Nelson Airport Ltd had presented the Development Plan to the Committee.

Resolved

THAT the Governance Status Report for August 2008 be received.

Holmes/McAlpine

Carried

5.0 IMPLEMENTATION OF EVENTS STRATEGY

Document No 681553, dated 21 July 2008, agenda pages 43-59 refer.

Mr Paul Davis, CEO of Tourism Nelson Tasman Limited, and Mr Bill Findlater, Chief Executive of Nelson Regional Economic Development Agency, accompanied by Pip Jamieson, joined the meeting.

The Divisional Manager Community Services presented the report, which sought approval of the implementation and management plan for the Events Strategy and associated events funding.

While the majority of the Committee was in favour of the recommendation set out in the report, there was a minority of the Committee who had reservations expressing disappointment about how the funding was to be used, and expressing the view that Council needs to spend more time discussing what they want the money allocated to achieve and that the fund should be a contestable one.

In answer to a question, it was pointed out by the Chief Executive of the Economic Development Agency that the Event Strategy has never been an ‘EDA Strategy’. The EDA, he said, were approached by the previous Mayor and senior Council management to take the stewardship of this project. He also pointed out that all of the EDA’s funding comes from the Nelson City Council and that the EDA reports to the Nelson City Council twice per year.

In answer to a question from Councillor Shaw, the Divisional Manager Community Services said that the Events Management Committee would comprise of the Chief Executive of Nelson Tasman Tourism Limited, the Chief Executive of the Nelson Regional Economic Development Agency, Economic Development Officer Nelson Regional Economic Development Agency and the Divisional Manager Community Services Nelson City Council.

Resolved

THAT the Nelson Regional Economic Development Agency be appointed as the lead Agency for the management and implementation of the Nelson Events Strategy;

AND THAT the Implementation and Management Plan outlined in attachment 2 of report 681553 be approved;

AND THAT an Events Management Committee be established to jointly manage the strategic decision-making on event development and funding allocation;

AND THAT the Chief Executive be asked to appoint a senior staff member to the Events Management Committee.

Miccio/McAlpine

Carried

Councillor Barker requested his vote against the motion be recorded.

There was some further discussion that the Events Strategy, as set out, needed to be reviewed by the Events Management Committee.

Resolved

THAT the Events Strategy is to be reviewed by the Events Management Committee and come back to the Governance Committee for future discussion.

His Worship the Mayor/Boswijk

Carried

6.0 FINANCE STATEMENT FOR THE 11 MONTHS ENDED 31 MAY 2008

Document No 678699, dated 28 July 2008, agenda pages 9-18 refer.

Resolved

THAT the Finance Statement for the 11 months ended 31 May 2008 be received and the variations noted.

Collingwood/Holmes

Carried

7.0 SCHEDULE OF DOCUMENTS SEALED FROM 13 JUNE 2008 TO 21 JULY 2008

Agenda pages 19-20 refer.

Resolved

THAT the information be received.

Holmes/Shaw

Carried

8.0 REVIEW OF DEPRECIATION AND BORROWING POLICIES

Document No 637925, dated 8 July 2008, agenda pages 21-42 refer.

The Chief Financial Officer presented the report, which as part of the process of developing the Long Term Council Community Plan considered the depreciation and borrowing policies of Council.

In answer to a question from the Chairman, the Chief Financial Officer said that the life of an asset has little relevance to the term of the loan. If there is a process in place to fund depreciation and the funding of the loan repayment does not have to

relate to the life of the asset. The life of the asset is taken into account in the calculation of depreciation.

Councillor Miccio said that the Policy does not go far enough, and he would prefer a policy more flexible, particularly with regard to asset worth of \$2 million. These, he said, should be considered on a case by case basis.

The Chief Financial Officer pointed out that Council could always make exceptions, so long as they state the reasons.

Councillor Collingwood said that she supported the status quo regarding borrowing and depreciation.

There was general agreement within the Committee that the wording and recommendation could be changed so that loans be repaid over a period not exceeding fifty years.

Recommendation to the Council

THAT Council's borrowing policy be amended so that for all projects involving borrowings of under ten million dollars (\$10,000,000), the loans be repaid over a period not exceeding fifty years;

AND THAT for all projects involving borrowings of over ten million dollars, (\$10,000,000), the annual payments of interest, depreciation and principal repayments be smoothed by way of a table mortgage type repayment schedule repayable over a period not exceeding fifty years with each years payment increasing by the inflation rate.

Thomas/Barker

Carried

9.0 PROPOSED BYLAW – BURIAL AND CREMATION

Document No 682544, dated 24 July 2008, agenda pages 60-104.

The Manager Parks and Facilities, Paul McArthur, together with the Administration Adviser Richard Palmer joined the meeting and presented the report.

Mr Palmer said that the draft Bylaw, as attached to the agenda, had incorporated a lot of the points raised in the submissions. Following discussion the additional points were agreed to be incorporated in the Bylaw.

- The responsibilities of the various people concerned in cremations are spelt out in the conditions of cremation.
- The words proposed by the genealogists be included as a suggestion for the wording for the headstone but the final decision was to be left to the family of the deceased.
- People purchasing grave plots will be given a list of conditions/regulations together with the location of their plot.
- The height of headstones to be increased to 1200mm above ground level.

- The plaque for the Bellbird Ashes Lawn to be increased in size to 800mm x 600mm.
- Allowance be made for the planting of bulbs or similar plants in historic cemeteries.

The Committee also noted that the Manager Parks and Facilities would be reporting to the Community Services Committee in due course regarding natural burials and what provision, if any, could be made for such ‘burials’ in Nelson.

Recommendation to Council

THAT Bylaw 216 “Burial and Cremation” be adopted subject to the following amendments, and any other changes which the Committee might decide following the hearing of the submitters:

- 1) ***THAT a new clause 17 be inserted to read:***

Change of Conditions

The Council may from time to time after consultation with the Nelson Funeral Directors or Monumental Masons, as the case might require, add to or amend any forms to be used or any condition to be complied with pursuant to this bylaw.

- 2) ***THAT Clause 5 be amended to read:***

- (i) ***No cremation shall take place in any crematorium provided by the Council unless the provisions of the applicable regulations have been complied with and the requisite fees have been paid.***
- (ii) ***All necessary applications, certificates and approvals shall be made or obtained or deposited with the Council, as the case might require, prior to the cremation taking place.***

- 3) ***THAT Clause 8(i) be amended by adding a provision authorising the planting of bulbs or similar plants on graves in historic cemeteries.***

- 4) ***THAT Clause 8(ii) be amended as follows:***

No person shall plant anything on any plot or grave in other than a natural burial cemetery, however during a period of two (2) weeks following interment, or such longer time as may be agreed with the family of the deceased, a wreath or wreathes or other tributes may be placed on the grave, but shall be removed at the expiration of the agreed period.

- 5) ***THAT Clause 8(iv) be amended to read:***

The Sexton may at any time remove damaged receptacles or dead flowers or foliage or inappropriate tributes, and at the expiration of any period agreed with the family in accordance with Clause 8(ii) may remove any excess tributes.

AND THAT the standards relating to headstones and other memorials and the Conditions of Interment and Conditions of Cremation be amended as follows:

- 1) ***A new Clause 5 be added to the “Standards for the Erection of Memorials, Headstones or other Structures” to read:***

5.0 GENERAL REQUIREMENTS

Subject to Clause 12(ii) of the Burial and Cremation Bylaws:

Any headstone, plaque, or other memorial placed on any grave may contain such wording as the family of the deceased might wish to have inscribed.

However it is suggested that for future research purposes the inscription include the following information:

- (a) ***The full registered name (and aliases) of the deceased***
 - (b) ***The full dates of birth and death of the deceased (in dd/mm/yy format)***
 - (c) ***Place of birth***
 - (d) ***Place of death***
 - (e) ***Name of spouse/partner***
- 2) ***Add a second note to the Conditions of Purchase of the Exclusive Right of Burial, to read:***
- The purchaser of the exclusive right of burial will be provided with a copy of these conditions and a plan showing the location of the plot purchased.***
- 3) ***Clause (ii), (iii) and (iv) of the Conditions of Interment be amended to read as follows:***
- (ii) ***Notification of the proposed burial shall be given to the Sexton as far as possible in advance of the time fixed for the funeral to ensure the plot is able to be prepared by the required time. The Council shall endeavour to accommodate all requests however it reserves the right to decline the request or impose additional charges as a result of late notification.***
 - (iii) ***Funerals shall generally be held between the hours of 9.00am and 4.00pm Monday to Friday or 9.00am to 1.00pm on Saturday however funerals outside of these hours, but within daylight hours, will as far as possible be accommodated subject to availability of necessary resources and the payment of any further fee set by the Council resulting from additional costs incurred.***
 - (iv) ***No person other than the Sexton or the Sexton’s assistant or any other person meeting the necessary health and safety standards and directly supervised by the Sexton or other***

suitably qualified person approved by the Sexton shall dig any grave, or open the ground for the burial of any body or ashes in any part of any cemetery.

- 4) *Clause (v) of the Conditions of Interment be amended by replacing “500mm” with “1000mm”.*

- 5) *Clause (i) of the Conditions of Cremation be amended by changing the second sentence to read:*

“A cremation may take place on any Sunday or Public Holiday where the contractor and the family agree to any special arrangement, and any additional fees are paid.”

- 6) *The Conditions of Cremation be amended as follows:*

The last 3 paragraphs of Clause (iii) be deleted and the following clauses inserted:

The casket shall not contain any non-combustible material, or material that may endanger the cremation process i.e. bullets, cigarette lighters etc.

- (iv) *Any person properly concerned with the cremation of the deceased may, with permission of the operator see the casket placed in the incinerating hall. Such permission shall not be unreasonably withheld, which may be requested under religious or cultural grounds.*

- (v) *No casket shall be opened after admission to the crematorium.*

- (vi) *Should there be cause to reopen a casket it shall be first removed to any such place that is registered with the Council for that purpose e.g. Mortuary, unless the Operator is satisfied that the deceased has been embalmed.*

Should the casket need to be opened to satisfy Section 10 of the Cremation Regulations (which requires the Operator to be satisfied as to the identity of the occupant of the casket), it shall be removed to such registered place as in above, as directed by the Council unless the Operator is satisfied that the deceased has been embalmed.

- 7) *Size of Monuments*

- (i) *The height of 700mm in Clause 1(v) of the Standards for the Erection of Memorials, Headstones or Other Structures be replaced with 1200mm.*

- (ii) *The size of the plaque permitted in the Bellbird Ashes Lawn shown as C(ii) in the diagrams being part of the Standards for the Erection of Memorials, Headstones or Other Structures be amended to 800mm x 600mm and the size of the area to carry the inscriptions be correspondingly increased to 660mm x 400mm.*

Attendance: The meeting adjourned for luncheon from 12.25pm to 1.15pm. During this time, His Worship the Mayor and Councillor Holmes left the meeting.

10.0 CHARGES SPORTSGROUND AND RESERVES: FEES AND CHARGES POLICY

Document No 637341, dated 24 July 2008, agenda pages 105-115 refer.

The Parks and Facilities Manager, Paul McArthur, joined the meeting and presented the report, which considered a revised fees and charges and policy for Council owned charged sportgrounds and other reserves where entry charges are applied by the users.

Resolved

THAT the following fees and charges for Council owned reserves where entry charges apply:

Trafalgar Park

- ***\$2500 per event day or part thereof or 3.5% of gross gate take whichever is the greater***
- ***Plus additional charges for any use of change facilities, pavilion or floodlights***
- ***Plus responsibility for managing all other event costs such as rubbish disposal, cleaning and security etc.***
- ***Plus a bond of \$500***

Other Reserves

- ***\$900 per event day or part thereof or 2.5% of gross gate take plus GST whichever is the greater***
- ***Plus additional charges for any use of change facilities, pavilion or floodlights***
- ***Plus responsibility for managing all other event costs such as rubbish disposal, cleaning and security etc.***
- ***Plus a bond of \$500***

AND THAT these fees and charges apply for the period 1 January 2009 (and for Council run events from 1 July 2009) and be reviewed annually.

AND THAT the Chief Executive be delegated to implement the coverage of this policy on a 'case by case' basis as defined in Section 3.2 of Report number 637541.

Collingwood/McAlpine

Carried

Councillor Rainey flagged a proposal that he intended to make at some stage in the long term to somehow differentiate between the cost of attending events for Nelson residents and non residents, so that the city's ratepayers would be given a benefit for the facilities that they had helped create.

11.0 UPDATE ON THE STORM EVENT OF 30 JULY

The Manager Parks and Facilities, Paul McArthur, together with the Manager Technical Services, Alec Louverdis, briefed the Committee on the recent storm damage to the city as a result of the storm event on 30 July 2008.

Mr McArthur said that the cost to Community Services so far had been in the order of \$450,000. Mr Louverdis said with the regard to the infrastructure within the City, and in particular the pipeline, a detailed report would be going to the next Infrastructure Committee. He did report that the pipeline had been fractured in three places, and in addition to the trees that had come down in parks, nearly 400 trees had come down in road reserves.

He paid tribute to the staff and the staff of Nelmac and the other contractors involved in assisting the Council in repairing the pipeline, clearing the roads, etc.

Councillor Boswijk paid tribute to work done by staff with the media to keep the public informed about the water situation.

The Chair on behalf of the Committee thanked the Officers for the verbal report and expressed grateful thanks and appreciation of all the excellent work done by the staff and the assisting contractors.

12.0 PUBLIC EXCLUDED MINUTES

12.1 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.

i. Confirmation of Public Excluded Minutes – 26 June 2008

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and

To protect the privacy of natural persons.

ii. Corporate Governance Committee Status Report – July 2008

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and

To protect the privacy of natural persons.

McAlpine/Boswijk

Carried

The meeting went into public excluded session at 2.06pm and resumed in public session at 2.09pm.

12.2 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 closed at 2.09pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE