



**Nelson City Council**  
te kaunihera o whakatū

# **Nelson City Council Governance Statement 2013 - 2016**

**Adopted 17 April 2014**

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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 other community infrastructure.

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, corporate and Heart of Nelson.

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 2012 – 2022. 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

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.*

In addition to this vision, the Council has adopted outcomes to help set its priorities for the three years following the adoption of the Long Term Plan 2012 - 2022. These outcomes are broad goals the Council hopes to achieve through the implementation of the work outlined in the Nelson City Council Long Term Plan 2012 – 2022. The Council has also adopted a number of priorities to identify key focus areas to address.

A summary of the outcomes and priorities to help the Nelson City Council achieve its purpose is provided in the following table.

What we want – the outcomes	Council activities – deliver the outcomes	Council priorities – the proposed focus
Healthy land, sea, air and water	Transport, water supply, wastewater, stormwater, flood protection, environment	<ul style="list-style-type: none"> <li>• Rich, diverse community</li> <li>• Community hubs</li> <li>• Easy access to an active lifestyle</li> <li>• Nelson’s advantages</li> <li>• Edge/Natural Environment</li> <li>• Creativity</li> <li>• Leading lifestyle</li> </ul>
People-friendly places	Transport, water supply, wastewater, stormwater, flood protection, environment	
A strong economy	Economic	
Kind, healthy people	Social, parks and active recreation, economic	
A fun, creative culture	Social, parks and active recreation	
Good leadership	Corporate	

The Long Term Plan will next be adopted in 2015.

## 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

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 in Nelson, 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 2013, and the next elections will take place in October 2016.

## **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, and it must review this decision every six years. The Council undertook a review of the system in September 2008 and resolved to remain with First Past the Post. 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.

A referendum was held in 2003 to decide which electoral system would be used for the 2004 and 2007 Nelson City Council elections. The outcome was that the First Past the Post system was retained. The 2008 review retained that system for the 2010 and 2013 elections.

The next review of the electoral system will commence in 2014.

## **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 20 August 2009 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 2014.

## 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) and the establishment of a Maori Ward cannot be considered until after the 2016 local body elections.

### **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 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.

Proposals for a boundary alteration or transfer of functions from one local authority to another will be considered by one of the affected local authorities or by the Local Government Commission if the local authorities refer the proposal to the Commission or if they cannot agree on which of them should deal with the matter.

Proposals for the union of districts or regions, the establishment of a new district, the abolition of a district or region, or for the creation of a unitary authority will be dealt with by the Local Government Commission. These proposals cannot be implemented without a poll of electors.

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 against the proposal and 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 2013 - 2016 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 29 October 2013, and agreed to review the document and return it to Council for further approval. 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 (A249529) 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 Standing Orders (A692787) detail Council and Committee meeting procedures. Refer to section 8 for more information about these Standing Orders.

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 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 Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

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

### **7.1 Council**

The 2013 – 2016 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 a Committee meeting in week 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 four committees, and each has delegations specific to its topic area. These committees are:

- Works and Infrastructure
- Planning and Regulatory
- Governance
- Community Services

Council has a number of other committees that deal with matters relating to specific functions of the Council. A list of these committees is provided below, and a list of its members is provided in Appendix 2. The Nelson City Council Delegations Register (A257572) provides a full description of the functions, delegations and membership of all committees. A copy of the Nelson City Council Delegations Register (A257571) 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:

- Civil Defence Emergency Management Group
- Hearings Panel
- Joint Shareholders Committee

- Nelson Regional Sewerage Business Unit
- Resource Management Act Procedures Committee
- Regional Transport Committee
- Chief Executive Employment Committee

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 is provided in Appendix 3.

Further information about these organisations, including membership and delegation details and how directors to these organisations are appointed, is available in the Nelson City Council Delegations Register (A257571).

### **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 (A257571) 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 (A257571) 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 29 October 2013 meeting. The basis of the Standing Orders is the model Standing Orders (NZS 9202:2003 'Model Standing Orders for Meetings of Local Authorities and Community Boards') with amendments:

- the alteration of clause 3.4.4 to state that quorum at committee meetings consists of half of the members if the number of members is even, and a majority of members if the number of members is odd
- the alteration and addition of 2.6.1 and 2.7.1 to 2.7.5 to include Mayoral powers (Local Government Act 2002 section 41A) to appoint the Deputy Mayor, committee chairpersons and establish committees
- the addition of section 3.21 outlining the process for public forums at Council meetings.

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. Clauses 3.19 and 3.21 of the Nelson City Council Standing Orders explain this process. Copies of the Nelson City Council Standing Orders are available by contacting an Administration Adviser at the Council offices, refer to section 14 of this Governance Statement for contact details.

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 Live 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 public libraries, refer to section 14 of this Governance Statement for contact details.

## **9.0 Consultation Policies**

### **9.1 Special Consultative Procedure**

The Local Government Act 2002 sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, the special consultative procedure, is regarded as a minimum process.

Consultation is defined as the seeking and obtaining of information and feedback from the community to assist the Council to make informed decisions. The basic requirements for any consultation undertaken are set out in section 82 of the Local Government Act 2002. The main points are that:

- persons affected by or have an interest in a decision or matter should be given information about it
- the Council should encourage people to provide feedback on issues that affect them
- the Council should consider people's views with an open mind and give them due consideration
- the Council should provide information about the decision, and the reasons for it, to the people who presented their views to the Council.

The special consultative procedure consists of the following steps and is outlined in sections 83 – 87 of the Local Government Act 2002:

#### **Step One - Preparation of a Statement of Proposal and a Summary**

The Council must prepare a description of the proposed decision or course of action. The Statement of Proposal must be available throughout the community and must be available for inspection at the Council office. The Council also has to prepare a full and fair summary of the proposal which must be distributed as widely as the Council considers being reasonably practicable. The Statement of Proposal must be included on an agenda for a Council meeting.

#### **Step Two - Public Notice**

The Council must publish a notice in a daily newspaper, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.

### **Step Three - Receive Submissions**

The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make a verbal submission. The Council must allow at least one month (from the date of the notice) for submissions to be received.

### **Step Four - Deliberate in Public**

All meetings where the Council deliberates on the proposal or hears submissions must be open to the public (unless there is some reason to exclude the public under the Local Government Official Information and Meetings Act 1987). All submissions must be made available to the public unless there is reason to withhold them under the Local Government Official Information and Meetings Act 1987.

### **Step Five - Follow Up**

A copy of the outcome and a summary of the reasons for the decision must be provided to submitters. There is no prescribed format for such a summary.

Under the Local Government Act 2002 a special consultative procedure is required for certain significant decisions, including the adoption or amendment of a Long Term Plan, Annual Plan and the adoption, review or amendment of bylaws. Council's Significance Policy sets out the approach Council takes to determining the significance of proposals and decisions and includes a list of strategic assets. The Council is likely to use a special consultative procedure where a change is proposed to a policy in a significant activity area that is not outlined in a Long Term Plan or Annual Plan.

Changes to the Nelson Resource Management Plan also require a specific process to be followed as outlined in the First Schedule of the Resource Management Act 1991. The review and adoption of Reserve Management Plans requires a specific consultation process under the Reserves Act 1977.

## **9.2 Community Engagement**

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

- Live Nelson, a free fortnightly publication sent to households and non resident ratepayers on request that details Council news and information (contact Angela Ricker, 03 546 0343 or [angela.ricker@ncc.govt.nz](mailto:angela.ricker@ncc.govt.nz))
- the Council website at [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.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 with, and Memoranda or Agreements with Māori

The Nelson City Council 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. This is currently done by agreement through the Kotahitanga Forum (a joint forum for Iwi chairs, representatives of Matawaka and Councillors).

The Council Kaumātua supports the Mayor and Chief Executive on tikanga (Māori customs), pōwhiri (welcomes on the marae), blessings and other ceremonies.

The Nelson City Council is currently negotiating Memoranda of Understanding (MOU) with each of the eight mana whenua iwi of Te Tau Ihu (Top of the South), as required by the pending Treaty of Waitangi Settlement Act for Te Tau Ihu (due for its final reading on 13 March 2014). Nelson City Council currently works with Māori groups on projects that benefit both Maori and wider community of Whakatū (Nelson). The original Memorandum of Understanding was first signed in 2005 and is currently due to be reviewed in the context of the Treaty of Waitangi Settlement Acts currently before Parliament. Until new MOU are in place with each Iwi, the 2005 MOU will be the primary document for Council to coordinate its efforts to provide opportunities for all Māori to participate in its decision-making processes, whilst recognising the mana of the tangata whenua iwi and the legislative and community obligations of Council. The Kotahitanga Hui is where iwi representatives, Matawaka, Councillors and senior managers meet to discuss issues of mutual interest.

Representatives of the Māori community are also 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.

Council has also created a Kaihautū position which reports directly to the Chief Executive and provides advice to Council and Councillors on Māori issues and to liaise

between Iwi and the Council. Further detail about this position can be found in the Management Diagram in Appendix 4.

There are six local Iwi associated with Whakatū Marae in Nelson:

- Ngāti Kuia
- Ngāti Koata\*
- Ngāti Rārua\*
- Ngāti Tama\*
- Ngāti Toa Rangatira
- Te Ātiawa\*

Treaty Settlement will require Nelson City Council to establish a formal relationship with Rangitane ki Wairau and Ngāti Apā ki te Rā Tō Trust.

Representatives of four (\*) of these Iwi meet six-weekly as Tiakina te Taiao Limited to consider resource management issues, replacing a former Nelson Iwi Resource Management Advisory Komiti. Tiakina te Taiao provides advice about which Iwi need to be consulted about specific resource consent applications, explains Iwi environmental concerns, and sets up hui to assist good decision-making. Council officers hold similar separate hui with Ngāti Kuia and Ngati Toa on resource management and environmental issues.

## **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 4. 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 section 42 and Schedule 7 sections 33 - 36 and are also outlined in the Nelson City Council Delegations Register (A257571). 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 2012 – 2022**

The Nelson City Council reviews and adopts a Long Term Plan every three years. The current Long Term Plan was adopted in July 2012. The main purpose of the Long Term Plan is to detail priority activities and spending for a ten year period.

The Long Term Plan is subject to consultation according to the special consultative procedure outlined in section 84 of the Local Government Act 2002.

### **Annual Plan**

The Nelson City Council develops and adopts an Annual Plan every year where a Long Term Plan is not adopted. The main purpose of an annual plan is to update the financial information from the current Long Term Plan and provide specific detail (including budgets) on proposed Council activities for that year.

The Annual Plan is subject to consultation according to the special consultative procedure outlined in section 85 of the Local Government Act 2002.

## **Annual Report**

The Annual Report is released each October and covers the previous financial year. The Council approved the Annual Report 2012 - 2013 in October 2013, and the next Annual Report will be adopted in October 2014.

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 or activity management plan is prepared for each of Council's significant assets, including water, transport, sewerage systems, storm water, solid waste, community facilities, community housing and parks and reserves.

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

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

## **Regional Policy Statement 1997**

The Regional Policy Statement was completed in 1997 with extensive public input and is currently overdue, however a review of the document is required to take place every 10 years. The Regional Policy Statement sets out how Council will achieve integrated management of the significant resource management issues of the area, including general principles by which Council will be guided in making decisions on these issues. The Regional Policy Statement is the overarching statement of resource management policy for the district.

## **Nelson Resource Management Plan**

The Nelson Resource Management Plan is a combined district and regional plan incorporating the Regional Coastal Plan. By law it must be reviewed at least every ten years. In November 2013, the Council agreed to undertake a full review of the Nelson Resource Management Plan. The result of this will be a new 'Nelson Plan' that encompasses a review of the Regional Policy Statement 1997.

## **Nelson Air Quality Plan**

The Nelson Air Quality Plan was approved by the Council in 2008 and is reviewed on a regular basis. The Plan promotes the sustainable management of Nelson's air resource and will be due for full review in 2018.

## **Social Wellbeing Policy**

The Council reviewed and adopted the Social Wellbeing Policy in 2011. The Social Wellbeing Policy outlines how the Council will promote the social wellbeing of its communities in the present and for the future.

## **Regional Arts Policy**

The Arts Policy provides detail on how the Nelson City Council plans to implement the objectives of the Nelson Tasman Regional Arts Strategy through its activities. The Arts Policy was adopted in July 2011.

## **Regional Land Transport Strategy**

This Regional Land Transport Strategy sets the direction for the development of Nelson's land transport system for the next 30 years. It aims to deliver a sustainable

transport network within Nelson to meet the current and future needs of the Nelson community and the wider region.

The Regional Land Transport Strategy was developed through extensive consultation with both the public and other government agencies, including Tasman District Council and the New Zealand Transport Agency.

## 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: <http://www.nelsoncitycouncil.co.nz>

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 0218 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 Ruth Copeland	<a href="mailto:ruth.copeland@ncc.govt.nz">ruth.copeland@ncc.govt.nz</a>	(03) 548 1771 027 694 4469
Councillor Eric Davy	<a href="mailto:eric.davy@ncc.govt.nz">eric.davy@ncc.govt.nz</a>	(03) 547 3322 027 262 3574
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>	(03) 548 1672 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 Pete Rainey	<a href="mailto:pete.rainey@ncc.govt.nz">pete.rainey@ncc.govt.nz</a>	(03) 546 7654 021 747 383
Councillor Tim Skinner	<a href="mailto:tim.skinner@ncc.govt.nz">tim.skinner@ncc.govt.nz</a>	(03) 548 8879 021 668 733
Councillor Mike Ward	<a href="mailto:mike.ward@ncc.govt.nz">mike.ward@ncc.govt.nz</a>	(03) 548 7838 (03) 539 4959

## 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).

The purpose of the law is to enable more effective participation by the public in the actions and decisions of local authorities and promote the accountability of local authority members and officials.

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

The best way is to put your request in writing to:

The Chief Executive  
Nelson City Council  
PO Box 645  
NELSON 7040

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

### 15.2 Can the Council Withhold Information?

Once a request is made, the Council must supply the information promptly 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. In summary, these are if the information would:

- endanger the safety of any person;
- prejudice maintenance of the law;
- compromise the privacy of any person;
- reveal confidential or commercially sensitive information;
- cause offence to tikanga Māori or would disclose the location of wāhi tapu;
- prejudice public health or safety;

- compromise legal professional privilege;
- disadvantage the local authority while carrying out negotiations or commercial activities; or
- allow information to be used for improper gain or advantage.

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

There may be a charge, but the Local Government Official Information and Meetings Act 1987 states that:

- you should be told of the charge, or given an estimate, before the information is provided,
- that any charge will be related to the reasonable cost of the labour and materials involved in making the information available, and
- if you think the charge is unfair you can raise any issues with the Ombudsmen (see below).

Charges may include photocopying of up to 20 cents per A4 page when more than 20 pages are copied, and a labour charge after the first hour of \$38 per half hour or part thereof. The Council will only charge for information if the total cost is greater than \$10. Therefore if less than half an hour is needed to obtain the information, the Council will provide up to 50 pages free of charge. Council's charges may be reviewed from time to time.

### **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 directed to one of the Offices of the Ombudsmen. The main office is:

PO Box 10 152  
The Terrace  
WELLINGTON 6143

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

Freephone: (0800) 802 602

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

## Appendix 1 Nelson City Council Bylaws April 2014

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.

Number	Name	General Description	Effective Date	Review Date
No 206	Control of Drinking in Public Places	Establishes areas within the urban area of the City where the possession or drinking of alcohol is prohibited.	1 December 2003 and reviewed in 2009.	16 April 2019
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.	31 December 2004 and reviewed in December 2011.	15 December 2016
No 208	Advertising Commercial Sexual Services	Controls advertising associated with brothels.	20 May 2011	20 May 2016
No 210	Speed Limits	Provides the means for the Council to introduce different speed limits for different parts of the City.	24 December 2004	24 November 2016
No 211	Reserves	Provides some additional controls in relation to the public use of reserves.  The 2006 reserves bylaw expired in July 2013. A new bylaw is currently being consulted on, with deliberations on submissions to occur on 8 May 2014.	Mid 2014	Mid 2019

<b>Number</b>	<b>Name</b>	<b>General Description</b>	<b>Effective Date</b>	<b>Review Date</b>
No 212	Stormwater	Provides minimum standards for discharges and sets out procedures required to be followed to prevent contaminants entering the Council stormwater system.  This bylaw will expire in April 2014. No review is proposed.	13 April 2007	
No 213	Trading in Public Places	Provides for the licensing of street traders and regulates the use of public places for trading and soliciting.	5 June 2007	5 June 2017
No 214	Trade Waste	Provides the minimum standards for, and the means to control, discharges to the Council wastewater system.  This Bylaw is currently under review and will likely be replaced with a new 'Wastewater Bylaw'.	1 October 2007	1 October 2012
No 215	Miscellaneous Matters	Provide controls in relation to barbed wire fences, animals, caravans, and refuse disposal.  This bylaw will expire in June 2015 if it is not reviewed before that date.	9 June 2008	9 June 2013
No 216	Burial and Cremation	Regulating the use of the Council cemeteries.  This bylaw will expire in June 2015 if it is not reviewed before that date.	25 August 2008	25 August 2013
No 217	Water Supply	Providing for the supply and use of the Council water supplies and the catchments.  This Bylaw is currently under review.	13 October 2008	13 October 2013

Number	Name	General Description	Effective Date	Review Date
No 218	Navigation and Safety	This Bylaw regulates all navigable waters within Nelson City.	October 2011 and reviewed on 1 December 2012	1 December 2022
No 219	Numbering of Buildings	Requiring the display of street numbers for buildings within the City.	2 June 2009	2 June 2014
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

## **Appendix 2 Nelson City Council Mayor and Elected Members and Committees (2013 - 2016)**

### **Mayor (ex-officio on all Committees except Hearings Panel and Regional Transport Committee)**

Rachel Reese

### **Deputy Mayor**

Paul Matheson

### **Committees**

#### **Works and Infrastructure Committee**

Councillor Davy (Chairperson)

Councillor Lawrey (Deputy Chairperson)

Councillor Acland

Councillor Barker

Councillor Copeland

Councillor Noonan

Councillor Skinner

Mayor

#### **Planning and Regulatory Committee**

Councillor McGurk (Chairperson)

Councillor Fulton (Deputy Chairperson)

Councillor Barker

Councillor Copeland

Councillor Davy

Councillor Lawrey

Councillor Ward

Mayor

#### **Governance Committee**

Councillor Barker (Chairperson)

Councillor Acland

Councillor Davy

Councillor Fulton

Councillor McGurk

Councillor Matheson

Councillor Noonan

Councillor Rainey

Mayor

### **Community Services Committee**

Councillor Rainey (Chairperson)

Councillor Noonan (Deputy Chairperson)

Councillor Copeland

Councillor Lawrey

Councillor Matheson

Councillor Skinner

Councillor Ward

Mayor

### **Civil Defence Emergency Management Group**

Mayor

Deputy Mayor

Note: This Committee also includes the Mayor and Deputy Mayor of Tasman District Council.

### **Hearings Panel – Resource Management Act**

Commissioner Barker

Commissioner Davy

Commissioner Fulton

Commissioner Reese

### **Hearings Panel - Other**

All Councillors

### **Nelson City Council Tasman District Council Joint Shareholders Committee**

Mayor

Deputy Mayor

#### Chairperson Governance Committee

Note: This Committee also includes The Mayor, Deputy Mayor and a Councillor representative from Tasman District Council.

#### **Nelson Regional Sewerage Business Unit**

Councillor Copeland

Mr Derek Shaw

Note: This Committee also includes two representatives from Tasman District Council, and an Independent Chairperson.

#### **Resource Management Act Procedures Committee**

Mayor

Deputy Mayor

Councillor Fulton

#### **Chief Executive Employment Committee**

Mayor

Deputy Mayor

Councillor Acland

#### **Regional Transport Committee**

TBC

### Appendix 3 Council Organisations

A Council Organisation is considered to be an organisation in which one or more local authorities control any proportion of the voting rights or rights to appoint a director/trustee.

<b>Council Controlled Trading Organisations</b>	<b>Council Controlled Organisations</b>	<b>Council Organisations</b>  These organisations are where the Council controls any portion of the voting rights, or rights to appoint directors/trustees.	<b>Other Organisations with Official Council Representation</b>  These organisations are external to the Council, yet have Council representation.
<p>Nelmac Nelson Airport** Tourism Nelson/Tasman Ltd** Stoke Heights Joint Venture (The Ridgeways) Port Nelson** (not strictly classified as a Council Control Trading Organisation but is considered a commercial trading enterprise)</p>	<p>The Nelson Regional Economic Development Agency The Bishop Suter Trust The Tasman Bays Heritage Trust** The City of Nelson Civic Trust Nelson Municipal Band Trust</p>	<p>Arts Council Nelson Broadgreen Society Cawthron Institute Board Kahurangi Employment Trust Nelson Tasman Business Trust Nelson Tasman Mayoral Relief Trust** Safer Community Council Sport Tasman Trust Tahunanui Beach Holiday Park Talking Heads Top of the South Scenic and Heritage Trails Trust Trustpower Community Awards Whakatu Marae Youth and Community</p>	<p>Marina Users Group Te Tau Ihu Sustainability Forum Nelson Biodiversity Forum Nelson City Physical Activity Fund Nelson Tasman Connections Steering Group** Positive Ageing Forum Regional Funding Forum** Sister Cities Tasman Bay Heritage Trust Appointments Committee** Waimea Water Augmentation Committee** Community Action Youth and Drugs (CAYAD)</p>

<b>Council Controlled Trading Organisations</b>	<b>Council Controlled Organisations</b>	<b>Council Organisations</b>	<b>Other Organisations with Official Council Representation</b>
		<p>These organisations are where the Council controls any portion of the voting rights, or rights to appoint directors/trustees.</p> <p>Facilities Trust (The New Hub) Youth Nelson Community and Whanau Group* Nelson Youth Council*</p>	<p>These organisations are external to the Council, yet have Council representation.</p>

\* These are organisations where elected representatives do not have voting rights

\*\* These are joint organisations with Tasman District Council

Appendix 4 Nelson City Council Management Structure

