

# MINUTES

**TITLE:** Special Council  
**DATE:** Monday 31 July 2006  
**TIME:** 9.30 am  
**VENUE:** St John's Building, Courtney Street, Motueka  
**PRESENT:** Mayor J C Hurley, Crs T B King, R G Currie, J L Inglis, E J Wilkins, R G Kempthorne, N Riley, T E Norriss, P K O'Shea, S G Bryant, M J Higgins, E E Henry, S J Borlase, E M O'Regan

**IN ATTENDANCE:** Chief Executive (R G Dickinson), Community Services Manager (L L Kennedy), Administration Advisor (S E Hartley), Minute Secretary (V M Gribble)

Mr Dickinson noted that at closing date there were 732 submissions received and a further 29 received since which were ruled invalid.

**Moved Crs Kempthorne/Currie  
CN06/07/16**

**THAT the 29 late submissions not be considered.  
CARRIED**

## **1 LEGAL OPINION**

Cr Higgins said some submissions were made by people now sitting in judgement. They should assure Council that their submissions supported the way they voted at the Council meeting.

Mayor Hurley noted these submissions have been withdrawn, and that our legal opinion clarified this issue.

**Moved Crs Henry/Wilkins  
CN06/07/17**

**THAT the legal opinion dated 28 July 2006 from Fletcher Vautier Moore be received.  
CARRIED**

## **2 HEARING OF SUBMISSIONS**

### **2.1 Nelson Tasman Chamber of Commerce**

Ms S McGuire was in attendance and spoke to the Chamber's submission. They support the changes proposed by the Local Government Act.

In the case of Golden Bay and Murchison which sees a reduction from two Councillors to one Councillor respectively, the Chamber would want to ensure that the Community Boards are strengthened and given more delegated authority.

Ms McGuire suggested there should be Community Boards in Golden Bay and Murchison and the Motueka situation should be reviewed.

## **2.2 Community Action People and Planet**

Mr D Eddy was in attendance and spoke to the submission from Community Action People and Planet, which supported the status quo. They like the option of increasing the size of the Motueka Ward to include Motueka Valley, along with increasing Community Board responsibilities.

Cr Norriss said Motueka Valley is already included in the Motueka Ward.

Mr Eddy said he wished to see the Ward extended to include Tasman and Mapua.

## **2.3 Kiyosata/Motueka Friendship Committee**

Gloria Pegg was in attendance to speak to the submission on behalf of Kiyosata/Motueka Friendship Committee.

The Committee support the continuation of the present ward and community board representation within the Tasman District. They believe that lesser representation in all wards and community boards will lead to unfair representation of the communities as people with young families or full time work are unable to offer themselves to stand for Council representation.

## **2.4 M J Lafrentz**

Mrs Lafrentz spoke to her submission, which supported the continuation of the present ward and community board representation within the Tasman District.

She considered it would not be any cheaper to downsize Council.

## **2.5 Motueka Community Board**

Mr Cliff Satherley, Chair of Motueka Community Board, was present to speak to the submission on behalf of the Board. He tabled a supplementary submission.

The Board confirmed that the status quo, including retention of the Motueka Community Board, complies with the fundamental Government principles requiring consideration of communities of interest, effective representation and fair representation.

Cr O'Shea asked if the Board had considered having community boards in each Ward.

Mr Satherley said their original submission was to have community boards in each ward.

## **2.6 Joy Fowler**

Mrs Fowler was in attendance and submitted that the present system be retained as local knowledge is very important so that each area, whether town or country gets their share.

In answer to a question from Cr Henry, Mrs Fowler said she doesn't have the experience to comment on the need for community boards in each ward.

## **2.7 Golden Bay Community Board**

Mr J Bell, Chair, Golden Bay Community Board was in attendance and spoke to the submission on behalf of the Board. He tabled and spoke to a supplementary report. The Board supports the status quo.

Mr Bell said the Board has been seeking meaningful delegated authority for some time. He said if the Board had delegated authority over safe walking access it could get on and do it. He submitted the Chamber of Commerce submission fits with the Board, but he questioned whether one Councillor in Golden Bay could carry the load. He said Lakes/Murchison also deserves special consideration.

Cr O'Regan asked Mr Bell if there was anything in the Act which is specific to unitary councils.

Mr Bell said there is nothing that refers specifically to unitary councils but he believes they do deserve special consideration.

Cr Norriss said we are a regional and district council but we are compared with district councils with no relevance to regional representation over and above it.

## **2.8 NZ Federated Farmers**

An apology from Mr E Newport, President of Nelson Province NZ Federated Farmers was received.

Mr R Bensemman, Vice President and Alicia Duddy, Policy Advisor were in attendance to present the submission on behalf of NZ Federated Farmers.

Ms Duddy said Federated Farmers supports Council's stand in proposing to retain the status quo.

Mr Bensemman said Federated Farmers has never pushed for lesser representation as a means of cost-saving.

## **2.9 Bruce Dyer**

Mr Dyer requested that Tasman District Council take the steps necessary to merge with Nelson City Council.

Mr Dyer said national geographic boundaries are the key to the area to be covered. The case for joining with Marlborough has foundered before. In areas such as Golden Bay and Murchison to be adequately represented there needs to be care taken to ensure their needs are fully addressed.

Cr Borlase asked how Golden Bay and Murchison representation would be enhanced by amalgamating with Nelson City.

Mr Dyer said there is an issue as to what level your territorial authority would be aimed at. Are you suggesting Golden Bay should be on its own?

Cr Borlase said Golden Bay is happy being with Tasman, but wouldn't be happy joining with Nelson City Council.

Cr King asked if the submission can be given any relief during this process.

Mr Dickinson said the amalgamation process is different to the representation review and Council can't consider amalgamation as part of this review.

Cr Higgins said the submission made has its validity in the bigger picture. It would be fair to record that if Council is of a mind to pursue it, it could be picked up from this process and followed through another process.

## **2.10 Murchison District Community Council**

Mr Blakemore, Chairman of Murchison and Districts Community Council presented the submission. The Board considers it is vital to retain two Councillors in the Lakes/Murchison Ward. He said rural issues are very different to urban ones. They are in favour of keeping the status quo.

Cr Bryant asked if one Councillor could represent the Ward adequately and asked if there is support for a Community Board within the Ward.

Mr Blakemore said one Councillor would be inadequate because of the area covered. He didn't know whether a Community Board would work as they struggle to get people to be involved in the Community Council.

Cr Kempthorne asked would Murchison/Lakes be better represented with a series of associations.

Mr Blakemore said there is an established Community Council at the moment, so why change it. To create something new will cost more. The Community Council is a local group and they don't have interaction with other groups outside the area.

## **2.11 K Marshall**

Mr Marshall was in attendance to present his submission.

He felt Council had failed in its duty to consider the new legislation requirements that have come into force since the last time Council undertook the exercise. He didn't believe the Local Government Commission would allow so much discrepancy. He noted that the trend in New Zealand is to reduce the numbers of councillors.

Cr Riley said you now support increased delegations to community boards. Do you believe that one councillor from Golden Bay or Murchison can represent their ward properly and then be on all committees and portfolios?

Mr Marshall said community boards were established in 1989. He said there were two boards, but if Tasman and Nelson amalgamated the boards would have a bigger responsibility. He said if there are community boards in each ward, then there could be a smaller Council. He said boards need to be effective.

Cr Norriss asked what Mr Marshall thought the Commission's view may be when this district has been through amalgamation and serves both territorial and regional roles. He asked should Tasman have been put with regional councils on representation. He noted that Christchurch City Council may have been reduced, but they have a regional council.

Mr Marshall said the regional council being abolished was not a good move. He said Council should make the point about Tasman being regional.

In answer to a question from Cr Henry about community boards, Mr Marshall said Motueka is not that far from Richmond but one is needed in Golden Bay.

Mr Marshall said delegating to Community Boards is fine, but accountability on delegations needs to be undertaken diligently by Council.

Cr O'Regan said as the Local Electoral Act is constituted, is it clear that unitary authorities are to be treated as territorial and not as regional.

Mr Marshall said historical reference was always territorial, with unitary functions.

Cr Higgins commented on community associations that meet regularly and noted that Council is funding those groups to some extent. He asked if there is a similar model where that has been included as part of the governance structure?

Mr Marshall said there are community associations elsewhere but he doesn't know how effective they are.

Cr Borlase noted the Act is strong on effectiveness and said that Golden Bay would have one Councillor on all committees and questioned the effectiveness of one councillor in this situation.

Mr Marshall said you need to think of what your core job is. You've got a three year contract and should do what you can for the district in that time.

## **2.12 Mrs N Burnett**

Mrs Burnett was in attendance to present her submission. She submitted the ward system has functioned well and fairly and is totally against amalgamation with Nelson City Council. She supports the status quo.

Cr Norriss said there has been discussion on community boards in each ward.

Mrs Burnett said Wakefield changed their system several years ago which just catered for Wakefield and formed a Community Council which includes outer areas.

### **2.13 Royal Forest and Bird Protection Society**

Jenny Treloar, Chairperson, presented the submission on behalf of the Society. They support the Council's decision under the representation review process to retain the status quo for Tasman District.

### **2.14 Sara Chapman**

Ms Chapman was in attendance and supports Council retaining the status quo. She submitted that to restrict Golden Bay to one Councillor would disadvantage the population and community.

Cr Norriss asked Ms Chapman if she would rather have two Councillors and no Community Board or one Councillor and a Community Board.

Ms Chapman said two Councillor representation is more important than one plus a community board, but the loss of the community board would be a huge loss.

### **2.15 Peter Foster**

Mr Foster spoke to his submission. He believed that Council has a responsibility to achieve a final resolution by consensus, that is, without formal division and recording of individual votes.

Cr Kempthorne said last time the issue was discussed, it became clear it was very difficult to come to a consensus. It only takes one person in the community to appeal Council's decision for it to go to the Local Government Commission. He asked what value would it be for Council consensus if one appeal from outside would have the same affect of sending it to the Local Government Commission.

Mr Foster said consensus should give a strong case for answering the Local Government Commission.

### **2.16 Rural Women NZ, Pakawau Branch**

Mrs J-A Vaughan presented the submission on behalf of Rural Women. They strongly support the Council's position of retaining the status quo and asked it to stand by its decision.

### **2.17 Jo-Anne Vaughan**

Mrs Vaughan spoke to her submission which supported Tasman District Council's status quo decision for the whole of Tasman District, especially supporting the retention of two Councillors for Golden Bay and keeping the Community Board.

Cr Henry asked if she would support community boards for all wards.

Mrs Vaughan said those who ask for them should be able to have them.

Cr Riley asked Mrs Vaughan her view on representation under the population criteria.

Mrs Vaughan said it is unfair as Golden Bay could lose their voice altogether and we need a ward system to represent communities of interest.

Cr Norriss asked if Council had to make a decision between two Councillors and no Community Board or one Councillor and Community Board what would you think.

Mrs Vaughan said Golden Bay community is 100% behind retaining two Councillors and Community Board.

## **2.18 A Vaughan**

Mr Vaughan was in attendance to speak to his submission. He supports the initial proposal by Tasman District Council to maintain the status quo in relation to the electoral system to be used at the next local body election and for the next six years. He supported retention of the two Golden Bay Councillors and the Community Board and asked for meaningful delegated authority to be given to the Board.

Cr Riley said some people have indicated a community board for each ward would be good.

Mr Vaughan said a community board is a good vehicle for the public to come and feel they have open access to board members and councillors and he would support it.

## **COUNCIL DELIBERATION**

Mayor Hurley said it is not vital that a decision be made today and should Council need more advice, that option is still available.

Cr King asked about the timeline for the procedure.

Cr Higgins advised that he would be on leave for two weeks from next weekend.

Cr Borlase asked if a workshop could be convened now and then it come back to a meeting at a later date.

Mayor Hurley said information needed may not be readily available. He said if there was a need for further information we need to plan for it.

Cr Henry said the public would see that as us having tried to reach some agreement behind closed doors. At this stage it needs to be debated in the open. She asked Mr Kennedy, if we decide that our position is different from the proposal put before the public, can any member of the public lodge a submission? Does any member of the public include a councillor as an individual?

Mayor Hurley said submissions would be dealt with by the Local Government Commission.

Mr Kennedy said we would need to take advice on whether councillors, as individuals, can submit. Because it is not being heard by Council he didn't see it as a problem.

Cr Higgins said he hoped we would get agreement amongst ourselves that no councillor will make a submission. It would damage our credibility as a group. He is willing to accept the decision whatever it is.

Cr O'Regan said while that might be a laudable thing to aim for, in his discussion Mr Marshall spoke of cases where a Mayor submitted to the Commission against their own Council.

Mr Dickinson noted theoretical numbers of council members under the  $\pm 10\%$  rule. He suggested considering one of three options:

- 1) If Council thinks there is a compelling reason to retain all five wards and the rural representation in the two smallest wards of two members, then one option is to have 14 councillors and put the extra councillor into Richmond Ward.
- 2) If it is difficult to justify Murchison/Lakes Ward having two members, there could be a combined Waimea/Moutere/Murchison/Lakes with four elected members. This would permit four members in Richmond whilst maintaining Council size at 13.
- 3) If Council wants to retain 13 councillors and believes Lakes/Murchison needs to be a separate ward then we can only justify one in that ward.

He noted the strong community support for both retaining community boards and thought it would be wise to leave them as they are. There has also been strong reaction when Council suggested election at large as a way around the problem and thought that idea should not be pursued. He then suggested Council focus on councillor numbers and how to get somewhere near the 10% rule.

Cr O'Regan suggested Council reaffirms the resolution of June 2006 for the status quo.

Cr Norriss was not prepared to offer up ratepayers in Murchison/Lakes Ward to fit a population criteria. He noted the huge number of submissions supporting the status quo.

Mayor Hurley said this message went out with a lack of information.

Cr Riley said he has faith in councillors and their integrity to consider all relevant issues and make a decision in the best interests of Tasman District.

Cr Borlase would like to see 13 councillors retained.

Mr Dickinson said while it is nice to achieve consensus but there is no legal impediment if an elected member wants to make a submission.

Cr Higgins put on the table the recommendation of the Representation Review Committee that met for over 12 months and considered all issues at length. It did endeavour to comply with the Local Government Electoral Act and tried to live within the  $\pm 10\%$  figure. The committee came with a recommendation to Council of 12 or 13 councillors and we didn't make a final decision regarding Golden Bay. We did conclude that for Murchison Lakes, one Council representative was acceptable to them and complied with legislation, provided we put in an additional area at the top of



Wakefield. He noted that community leaders are asking for two councillors, but notwithstanding that, it is widely agreed that Murchison wants to retain its identity. The recommendation was four for Richmond, three for Waimea Moutere and three for Motueka, with Golden Bay retaining its community board and either one or two councillors for Golden Bay. It recommended Motueka go to a community association structure. He hoped Council might have supported this recommendation. At the last decision there wasn't consensus and the status quo was the option that was adopted. The question now is do we retain the status quo or do we take more notice of the recommendation from the Representation Review Committee. He said he will back the recommendation from the Representation Review Committee of two councillors for Golden Bay and four councillors in Richmond, for a Council of 13 members.

Cr King said his personal view is at odds with the predominant point of view that has come through submissions. We should consider more than the status quo and the points put up by the Chief Executive. Mr Marshall's submission was very good. Retaining the ward system, and the balance between urban and rural, can all be achieved by nine representatives. He said he had received a clear steer from the community he represents to stay with the status quo, but equally there are other ways of meeting fundamental requirements that are quite far removed from the status quo. If meetings moved around the district a similar amount of community interaction and feedback would provide outlying areas with the opportunity for input.

Cr O'Shea concurred with Cr King. She said she hated the status quo since 1989 in terms of fairness, equity and logic. Proposals have been put forward that replace one unfair system with another unfair system. We have been given a clear steer from Mr Marshall on making the point about Tasman being a Unitary Council. What representation would we be entitled to if we had a regional council? She would be prepared to look at innovative ideas but wouldn't support reducing the number of councillors unless local community representation was brought in to strengthen that.

Cr Henry agreed with Crs O'Shea and King. She supported nine councillors, with community boards in each ward with comprehensive delegated authority.

Cr Inglis supports nine councillors, and keeping community boards and giving them more power. He doesn't like the status quo, but likes rural representation.

Cr Currie said the present member structure is not fair and to keep the status quo, he would need strong arguments to convince him it is fair and equitable.

Cr Bryant referred to Cr Higgins comments on the Representation Review Committee. He said that Committee supported a reduction in the number of Councillors. At that time we were lead to believe the status quo was not a legal option. One of the problems is, if you have one representative for a ward it is a huge workload, which would be the case in Murchison/Lakes. The status quo has difficulties in that it doesn't meet the  $\pm 10\%$  population threshold. One of ways around it would be to have four representatives in Richmond and retain the others as they are. We have good evidence that shows you need two councillors in rural wards.

Cr Wilkins concurred with Cr Bryant.

Mayor Hurley said Council should be entitled to, or endeavour to obtain dispensations that regional councils do, eg Ecan in Christchurch, where boundaries

are based on communities of interest and effective representation. It appears whatever comes out of this review that is the direction we should be going, with regional councils rather than territorial authorities. Would the Local Government Commission be prepared to treat our situation as a transitional or interim situation? He noted Mr Marshall's submission, where he stated "given past experience and observation, I feel that Council has failed in its duty to consider the new legislative requirements that have come into force since council last undertook the exercise". Mayor Hurley asked for a legal interpretation as to what our "duty" is.

It was decided to conclude this meeting, set up another meeting at a later date and get some legal advise for councillors to be able to establish a position.

Mr Dickinson said our target date was for Council to reach a final decision by 19 August 2006, with the absolute legal deadline being 19 November 2006. He suggested 10 August 2006 may be a free day.

The meeting concluded at 4.26 pm.

Date Confirmed:

Chair: