



# **Nelson City Council**

**Record of powers exercised during the local transition period for the Severe Weather event emergency**

# Report to Director of Civil Defence Emergency Management – use of powers during local transition period for the Severe Weather Event in August 2022.

To the Director of Civil Defence Emergency Management

70-84 Lambton Quay  
PO Box 5010  
Wellington 6145

Copied to the Nelson Tasman Civil Defence Emergency Management Group

2 November 2022

## Introduction

This report is intended to meet the Recovery Manager’s obligation under section 94P of the Civil Defence Emergency Management Act 2002 (the Act) to report on the exercise of statutory powers during a transition period.

## Statutory requirement

Pursuant to section 94P, within seven days of the end of the transition period, the Recovery Manager, or person acting under the authority of the Recovery Manager, is required to provide a report to the Director of Civil Defence Emergency Management outlining:

- (a) The power or powers exercised under the Act
- (b) The person who exercised the powers
- (c) The reasons for the exercise of those powers.

## Powers exercised

Under section 94H(a)(i) of the Act which provides the Recovery Manager the power to carry out or require to be carried out Works. Clare Barton and Neville Reilly, Recovery Managers, exercised this power five (5) times for the purposes listed in the table below.

Reporting requirements – explanation of powers used					Factors considered by the Recovery Manager for tests of exercise of powers		
Power used (section of the CDEM Act and description of power)	Number of times power exercised	Date	By whom (name, title, Territorial Authority)	Reason for use	In the public interest	Necessary or desirable to ensure a timely and effective recovery	Proportionate in the circumstances
Section 94H: A Recovery Manager may (a) carry out or require to be carried out (ii) clearing roads and other public places	1	14 September 2022	Clare Barton Recovery Manager	To protect public safety while accessing the Maitai Valley road and further scouring of the bank and undermining of the road.	<a href="#">Supporting information</a>		
Section 94H: A Recovery Manager may (a) carry out or require to be carried out (i) works	1	14 September 2022	Clare Barton Recovery Manager	To install a PE or PVC pipe to remove the risk of this pipe failing and sewer overflowing into private properties as a temporary long-term fix until we find an alternative sewer alignment.	<a href="#">Supporting information</a>		

Section 94H: A Recovery Manager may (a) carry out or require to be carried out (i) works	1	14 September 2022	Clare Barton Recovery Manager	Culvert remedial works to reinstate access to cut off property.	<a href="#">Supporting information</a>		
Section 94H: A Recovery Manager may (a) carry out or require to be carried out (i) works	1	14 September 2022	Clare Barton Recovery Manager	Remove large landscaping rocks located on private property to remove the rockfall hazard onto the Atawhai shared path and State Highway 6.	<a href="#">Supporting information</a>		
Section 94H: A Recovery Manager may (a) carry out or require to be carried out (i) works	1	12 October 2022	Neville Reilly Recovery Manager	Request from a private resident to work in river to enable protection of house. The works will involve the diversion of the river back to the riverbed from where it breached its bank.	<a href="#">Supporting Information</a>		

Recovery Manager name: Neville Reilly and Clare Barton

Group Recovery Manager: Richard Kirby

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