

REPORT

TO: GB Community Board
FROM: The Chairperson
REFERENCE: E855
DATE: 5th December 2005
SUBJECT: December Report

Meetings, activities and events attended during the past month included:

November 1 - Agenda setting for the 8 November Community Board meeting.

November 1 - Annual Plan/Long Term Council Community Plan (LTCCP) meeting Pakawau

November 3 - Attended full Council meeting Richmond, invited to table. Discussions of particular interest included the drinking water standards and Representation Review proposals.

November 3 - Annual Plan/LTCCP meeting Bainham.

November 4 - Meeting with Iwi representatives to discuss TDC proposals to widen the archway on Abel Tasman Drive Tarakohe.

November 8 - Chaired Community Board meeting Collingwood.

November 9 - Attended Golden Bay High School Senior School prize giving Takaka.

November 10 - Annual Plan/LTCCP meeting Collingwood.

November 11 - Fresh FM Radio interview about matters discussed during the 8 November Board meeting.

November 11 - Attended Collingwood Area School Senior Prize giving.

November 14 - Attended Village Green Management Committee meeting Takaka.

November 14 - Attended a talk about Tajikistan and the Silk Road. It was interesting and especially relevant to hear how population manipulation had been used in the Soviet Union to create sufficient numbers to enable communities to meet threshold requirements for local representation. This has proved very disruptive to the peoples concerned with many social issues remaining. Our own representation review criteria should not be using a failed Soviet model.

November 15 - Annual Plan/LTCCP meeting Upper Takaka.

November 16 - Annual Plan/LTCCP meeting Onekaka

November 21 - Attended Golden Bay Community Workers AGM Takaka.

November 22 - Attended Community Whanau meeting Takaka. The guest speaker was Trish Benvin from Advocacy Services South Island who spoke about her role in advocating for individuals and families concerning Health and Disability matters.

November 23 - Attended site inspection and subsequent meeting with Omya NZ Ltd as Community Board Environment and Planning representative regarding their application for renewal of Mining approvals for Mt Burnett dolomite.

November 28 - Chaired Community Board workshop to compile the priority list of Annual Plan/LTCCP items from the recent round of eight Community meetings together with matters brought forward from the 2005-6 round.

November 28 - Attended a site meeting at Tangmere Rd to discuss with residents and TDC Roding Engineer maintenance issues including the road width and profile, rocks, dust and possible mitigation measures for these.

ISSUES

Road access to road end properties

There are repeated requests for formation and maintenance of legal roads where extensions are needed resulting from subdivisions and/or new building sites. These situations cause difficulties for the ratepayers concerned and sometimes degenerate into neighbourhood disputes too. Areas to date have included Takaka Hill, Wainui Bay, Bird's Clearing, Rameka, Anatoki Track, Kill Devil Track and Rainbow Valley.

We need to request that a TDC policy be prepared to deal with such extensions. In most cases it should be a requirement on the developer to form a viable

access as a condition of subdivision consent. However, in cases where viable access has been overlooked or the titles concerned have existed for many years, responsibility must fall on TDC by default.

It is unjust for ratepayers to have inadequate access or for other land owners to compromise legal road access with fences, gates, ditches, livestock stand-off areas, etc and impede access along legal road.

It is understood that maintenance contracts are for specified lengths of road. These contracts must be flexible enough to take changed circumstances and extended responsibility of Council into account.

Recommendation

“That the Golden Bay Community Board requests that where responsibility for forming legal road access has not been assigned by agreement as a consent condition incumbent on a property developer or land owner then this responsibility becomes that of TDC as the local roading authority and that a policy be prepared clearly setting out the nature of this responsibility”.

Representation Review

The Golden Bay Community Board should make a submission to this stage of the Representation Review process. Submissions close on 16 December. I suggest that the Board base this submission on the one made earlier incorporating additional relevant material.

A draft copy is attached for consideration.

Recommendation

“That the Golden Bay Community Board makes a submission to the Tasman District Council Representation Review.”

G.E. Governance Northland District Council Model

Northland has been pursuing Local Government controls for Genetic Engineering and has subsequently become supported by several other Councils.

A summary of their position is:

““Community Management of GMOs II: Risks and Response Options” was commissioned by the Far North, Kaipara, Rodney and Whangarei District Councils and the Waitakere City Council. It was written by Simon Terry Associates and Mitchell Partnership and comes with a legal opinion by Dr Royden Somerville QC. The options considered were - making all GMO land

uses discretionary activities, blanket prohibitions on all GMO land uses, and two combinations of those two approaches for various activities. All are local safeguards over and above those set by ERMA as the national regulator.”

It is understood that several other Councils have also adopted this strategy following the initiative of those listed above.

As Tasman is a District Council serving an area heavily reliant on Primary Production and marketing sensitivities in conjunction with this the following suggestion is made:

“That the Golden Bay Community Board recommends that the Tasman District Council considers joining with the initiative adopted by Northland and other Councils to include controls on Genetic Engineering in the proposed Tasman District Resource Management Plan (PTRMP).”

Garden Competition

I understand that the Garden Competition was a great success once again, with some 20 properties entered. Thanks are extended to our judges Nancy Heyes, Kathy Tohill and Kirsty MacLeod. However, it was disappointing that the two judges originally appointed from the Board were not able to attend and concerns have been expressed about this. As it is run as a Community Board competition we should ensure that Board members are available for the judging panel. The results have been tallied and prizes calculated and a draft advertisement prepared.

Recommendation

“That the Golden Bay Community Board thanks the three Garden Competition judges and continues with the competition with the date set to ensure that Board judges will be available and that the results and prize allocations be made as calculated.

John McLellan

The Board’s best wishes have been extended to John and Carolyn McLellan following John’s recent illness. They are most appreciative of the community caring and support extended during this time. John is making good progress and we look forward to Carolyn being able to resume her wonderful community contributions in due course.

Zone 5 Community Board meeting

A Zone 5 Community Board meeting is being planned for Saturday 28th January 9.30am – 3pm at the Rolleston Community Centre, Rolleston. Yvonne Palmer is hoping to have the minister of Local Government in attendance.

Approval is sought to send members contact details to the Zone 5 Committee.

Christmas Wishes

I feel we are making progress on a myriad of issues both as a Board and as part of 'Team Golden Bay' and look forward to the current planning process being firmed up in the next 6 months.

Sincere thanks to all who have contributed to the smooth working of the Board over the past year.

Seasons greetings are extended to all Board Members, Staff and their families for an enjoyable holiday period and a bright, healthy and positive New Year.

Joe Bell

Tasman District Council Representation Review

DRAFT Golden Bay Community Board Submission

The Board is unanimous in its view that the status quo i.e. two Ward Councilors and the four person elected Community Board should be retained. It is felt that this provides the appropriate opportunity for fair and effective representation for the Golden Bay Ward.

In considering this perspective we need to take into account the relevant provisions of the Electoral Act 2001, Local Government Act 2002 and the Local Government Commission Representation Review Guidelines. It must be noted that the 'Guidelines' are simply that. Given the great variety of Local Authorities it is impossible to have a 'one size fits all' type regime. Each component community must be provided with an opportunity for fair and effective representation.

Factors to be considered for Golden Bay governance include the following:

Legislation

Local Electoral Act 2001 s4 (1) (a) provides that one of the principles of the Act is: "fair and effective representation" for individuals and communities. s19f LEA 2001 provides that a Community Board shall consist of between 4 and 12 members (inclusive) and shall have at least 4 elected members. s19w requires that a local community undertaking a review of a Community Board under 19J must have regard for the re-organisation proposals specified in the Local Government Act 2002. The purpose of the LGA 2002 is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. s10 LGA 2002 provides the purpose of local government as:

- a) To enable democratic local decision making and action by and on behalf of communities; and
- b) To promote the social, economic, environmental and cultural well-being of communities in the present and for the future.

s14 LGA requires under (1) (b) A local authority should make itself aware of, and should have regard to, the views of all its communities; and

(1) (c) when making a decision, a local authority should take account of –

- (i) the diversity of the community and the community's interests, within its district or region; and

(ii) the interests of future as well as current communities, and
(iii) the likely impact of any decision on each section as well being referred to in s10.

Section 52 sets out the role of Community Boards. This is determined by the responsibilities delegated under s52 (b) and (f).

The three key factors are:-

- Community of interest.
- Effective representation.
- Fair representation.

Giving proper consideration to defining local communities of interest is an essential part of the Representation Review process.

Characteristics can include:

- A sense of community identity and belonging.
- Similarities in the demographic, socio-economic and/or ethnic characteristics of the Residents of a community.
- Dependence on facilities including schools, recreational and cultural facilities and Commerce.

- Physical and topographical features.
- The history of the area.
- Transport and communication links.

Golden Bay qualifies on all of these counts as a separate community of interest.

Further:

- A recognised community of interest should not be split between electoral subdivisions.
- grouping together two or more communities of interest that share few commonalities of interest should be avoided.
- Accessibility, size and configuration of an area should be considered.
- The population should have reasonable access to its elected members and vice versa.
- Elected members should be able to effectively represent the views of their electoral subdivision.
- Elected members should be able to attend public meetings throughout their area and provide reasonable opportunities for their constituents to have face to face meetings.

Relevancies

Distances

Golden Bay Ward covers a large geographical area with numerous settled communities located across this.

Most Council meetings are held in Richmond some 1 1/2 - 2hrs away resulting in a 3-4 hour return traveling time. These factors take elected councilors out of the community for considerable periods.

As a recent example, with one Ward Councilor on leave for 2 months the other had a huge task trying to cover the work load. In the meantime the Community Board was able to continue to assist with handling local enquiries, facilitation of consultative meetings etc. This experience alone for even a short period has shown we need to retain our two Ward Councilors and the Community Board.

Population Figures

The surge in the seasonal Golden Bay population must be acknowledged in considering fair and effective community representation. Our facilities and infrastructure must be able to cope with an influx of three or four times the usual resident population for an extended period.

Remuneration and Conflict of Interest

One factor which may otherwise remain unspoken but really needs to be brought out into the open is the potential vested interest of those conducting the Review. With Councilor remuneration being paid from a fixed funding pool a reduction in the number of elected representatives could benefit those remaining. This situation must not be permitted to influence or override the key principle of **fair and effective representation**. Such a circumstance does give rise to a possible conflict of interest which must be openly acknowledged.

Fair Representation

Since its inception, the Golden Bay Community Board has attracted candidates representative of the various communities of interest across the Bay. For example, this term we have Board members resident in Upper Takaka, East Takaka, Takaka Township, Milnthorpe and Bainham. This is also very helpful in ensuring fair and effective Ward representation.

s19V of the LEA 2001 details factors to be considered in determining representation. This concerns a basic principle of population equality **unless there are reasons to depart from it.**

s19V (3) (a) provides for communities with lower populations to ensure these have effective representation as island communities or isolated communities.

Golden Bay clearly qualifies as an isolated community for the reasons listed previously and including:

- geographic separation and isolation.
- significant travel distances and difficult route over the tortuous Takaka Hill.
- large geographic spread of the Ward.
- the need to ensure effective fair representation.

Golden Bay Community Board

If the criteria under clause 3 schedule 3 of the LGA 2002 (appendix 1) are applied, the following can be determined:

- retaining the Golden Bay Community Board promotes effective local government of both the Tasman District and Golden Bay Ward.
- the District and the Ward will have the resources to carry out respective responsibilities, duties and powers if the Community Board is retained.
- retaining the Golden Bay Community Board would provide the opportunity for appropriate governance of the Ward to enable the efficient and effective exercise of responsibilities, duties and powers.
- retaining the Golden Bay Community Board would enable effective representation of a sufficiently distinct community of interest.
- retaining the Golden Bay Community Board would meet the decision making requirements of s76 of the LGA 2002 as applicable.
- Community Boards are established by different criteria than Councillors. There is no population threshold only a defined community. It is quite wrong to state that a Ward can have x councillors and a Community Board or y Councillors and no community Board. The only ways Community Boards can be dis-established are:
 1. by the defined Community no longer existing or
 2. by the defined Community no longer needing Community Board representation.

It must be noted that under s19 J of the LEA 2001 that Community Boards are to receive the same detailed consideration as other parts of the review.

Other Council Models

Alternatives also need to be considered during this review. These include:

The Motueka Community Board model of a reduced number of Councillors with Community Boards established in each Ward and delegated day to day governance responsibilities. Much has been made in Newsline and during meetings about the reduced number of Councillors serving Christchurch City. However the comments have been misleading because they fail to state that Christchurch Wards have Community Boards with delegated responsibility for most day to day governance. In addition Christchurch has Environment Canterbury for Resource Management whereas TDC carries those responsibilities as a Unitary Authority.

It is accepted that the legislation would need to be amended to enable the Community Council idea previously suggested to come to fruition. However, retaining the two Golden Bay Ward Councillors and Community Board would be compatible with the Community Council idea should this be possible in future.

Joe Bell
Chairperson Golden Bay Community Board