

REPORT

TO: Golden Bay Community Board

FROM: Chairperson

REFERENCE: E855

SUBJECT: **Chairperson's Report for 9th September 2009 Golden Bay Community Board Meeting**

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

3 August: Agenda setting for 11 August Board meeting Takaka

3 August: Onekaka - met with DoC Area Manager, John Mason and Community Relations Manager, Greg Napp, together with Sustainable Building director Michael Thomas to discuss a possible contribution to the proposed Washbourne Road upgrade. DoC unable to assist.

4 August: TDC Dog Control By-law Hearing Motueka - presented submission together with Board members Carolyn McLellan and Karen Brookes.

11 August: Community Board meeting Takaka - unconfirmed Minutes are available on: <http://www.tdc.govt.nz/pdfs/GB090811%20Minutes.pdf>

11 August: Community Board workshop to discuss Ligar Bay issues

12 August: Met with Eric Verstappen, TDC coastal engineer - on behalf of Milnthorpe Park Scenic Reserve Society to discuss concerns about erosion of estuary margin being administered as part of the Milnthorpe Quay Esplanade Reserve.

12 August: Public meeting, Takaka, to discuss the Kahurangi National Park Partial Review - Presentation by DoC Planning Manager Rod Witte and discussion on mountain biking and air access proposals.

13 August: Community Board submission on West Coast Marine Protected Areas compiled

14 August: Hiroshima Day Peace gathering Village Green Takaka

14 August: Met with owner of Pohara General Store business, Mike Hargreaves regarding the renewal of his lease with TDC

14 August: Visited Ligar Bay and walked the Reserve, beach front and road to refresh knowledge of the road reserve and the areas with 'licenses to occupy'

14 August: Board met with artist Robin Slow - to discuss a commissioned art work for the Golden Bay Service Centre meeting room on behalf of our community. Board is to fund raise for this. Mr Slow is very supportive and generous to the proposal.

14 August: Board workshop to further discuss Ligar Bay issues

19 August: Collingwood Hall Committee meeting at Hall - investigation into excessive power bills continuing. It appears that the Public Toilet lights and hand dryers are drawing power through the Hall meter. Price also obtained to replace security and verandah lights and sensor.

20 August: Full Council Meeting Richmond - whole Board attended. Spoke in Public Forum:

- A 'thank you' to Tasman District Council acknowledging the amendments made to the draft Dog By-law arising from submissions.
- A request to be present for the proposed 'in-committee' discussion on the Golden Bay Medical Centre as the Board is appointed as an advisory body for Tasman District Council property sales and purchases within the Ward. (It was subsequently decided to hold discussion in open meeting for which we were present.)
- Concern about the CEO Report on re-organization proposal petition.

Also invited to speak about the Mayor's report on Southland governance during the meeting.

21 August: Swearing in Ceremony for appointment as a Justice of the Peace in the Nelson Court.

22 August: Met with a young family from Canterbury who are hoping to settle in Golden Bay. Copies of soil maps were previously provided to them.

25 August: Community Whanau meeting Takaka. Katherine Cole of Public Trust was the guest speaker and explained about arranging enduring Powers of Attorney as one of the services that Public Trust offers. Other matters raised were:

- The amalgamation petition as a means to have Nelson and Tasman governance studied.

- Age concern seminar on ‘Self neglect and managing hoarding behaviour’ being held at Victory Square Community Centre 21st September 9am – 12.30.
- Adult Learners Week 7th – 13th Sept, acknowledging both tutors and students.
- H.A.N.D.S is offering classes on H.A.N.D.S.

25 August: Board meeting with mayor and ward councillors Takaka

Agenda items were:

- Staff time charge-outs that the Mayor offered to take up on our behalf.
- Our letter to the Mayor regarding the CEO report on Amalgamation petition.
- Councillor appointment to Boards.
- Council/Community Board relationship.
- Delegations, targeted rates and ‘Think District’.
- Other Community Board models besides Southland.
- The Citizenship Ceremony during the full Council meeting being held in the Bay in October.
- District’s facilities rate and Golden Bay.
- No access to the Tasman District Council Training for Elected Members budget for Community Board members.

30 August: Keep Golden Bay Beautiful AGM Onekaka

Annual Report and summary of activities and achievements was presented and discussed. The provision of \$16.00 worth of goods and services resulted from each \$1 of grant funding which is a great outcome.

Committee re-elected together with an additional member. The meeting resolved to continue efforts on the various projects of riparian and reserve planting projects; trees for new babies; annual clean up of roadsides and beaches together with other beautification contributions. A special vote of thanks to Kathy Hindmarsh and also the Hindmarsh-Walls family for their great efforts on projects.

Field visit to Onekaka Stream postponed due to weather.

31 August: Agenda setting for the 8 September Board meeting

ISSUES

Complaints Register

It was good to see the Tasman District Council requesting a complaints/feedback register to be kept as a condition of a tenancy.

In 2007 following community concerns the Board developed a draft complaints/compliments feedback policy for TDC to consider. We resolved to hold the matter in abeyance. With Council seeking a complaints/feedback register to be held by a tenant, in all fairness, Council needs to have a policy itself.

Accordingly it is recommended:

“That the Golden Bay Community Board requests that Tasman District Council adopts a complaints/feedback policy and the Board sends the Draft policy and guidance papers we have developed to Council for consideration”.

Reorganisation Suggestions

There is considerable concern and disquiet from reading the Report on the Amalgamation Petition from the Tasman District Council’s CEO to the Full Council for the meeting to be held on 20 August 2009 and which was subsequently summarized on the Tasman District Council website.

The CEO states *“if the requisite number of signatures is gained, the Local Government Commission will be obliged to proceed solely on the basis of a union. Legally the other five possibilities are excluded”*

This is not correct.

Under LGA s26 Power to amend re-organization schemes

The Commission may issue a determination amending a re-organization scheme if satisfied that –

- a) some further or other provision is necessary to enable or better enable the intention of the scheme;*

and under:

Schedule 3 clause 39: Decisions on proposals

After the Commission has complied with clause 37(1) (consultation) and conducted any inquiries and consultations it considers appropriate under clause 37(4), it must –

- a) prepare a draft re-organisation scheme based on the proposal or on some modification or variation of the proposal resulting from the consideration of submissions, consultations, or inquiries, and the consideration of matters under clause 40; or*
- b) decide not to proceed with the proposal and give public notice accordingly.*

Clause 40 Commission may consider wider issues

- 1) *In considering a reorganization proposal, the Commission may consider how that proposal affects the system of local government of any district or region affected by the reorganization proposal.*
- 2) *In particular, the Commission may consider under sub clause (1) –*
 - a) *Which system of local government in the district or region best meets the criteria set out in subpart (2)*
 - b) *Whether or not good local government be promoted by the inclusion of any part of the district or region in the district or region of another local authority (whether by the constitution of a new district or region or by the alteration of boundaries).*
NB [This clause provides the opportunity to consider alternatives such as a Motueka – Golden Bay District Council or a separate Nelson/Tasman Regional Council].
 - c) *Whether or not the system of representation in the district or region best meets the criteria in clause 5.*
 - d) *Whether or not good local government of the district or region would be best promoted by –*
 - (i) *the system of communities (if any) and the responsibilities, duties and powers of the community boards in the district or region; or*
 - (ii) *an alternative system of communities; or*
 - (iii) *a change in the responsibilities, duties and powers of the community boards in the district or region.*
 - e) *any other matters the Commission considers appropriate.*
- 3) *The Commission may consider a reorganization proposal together, or in conjunction with any other reorganization proposal or proposals.*

Other proposals will undoubtedly be put forward during the submission process. For example, with legislation change, there could be eight empowered Community Boards for Nelson North, Nelson City, Nelson South, Stoke, Richmond, Waimea/Moutere/Lakes, Motueka and Golden Bay as the only elected representatives. These Boards subsequently elect/appoint their Councillors and those Councillors elect/appoint their Mayor/Chair.

This would ensure connection to local communities through the District and Region in a responsive 'bottom-up' governance model.

The law provides for consideration of re-organization proposals.

It is not up to Council staff to seek to influence this process. There is a responsibility to ensure that matters are considered impartially on the facts.

Potential Costs

The Council corporation costs will depend on its attitude. If it is determined to try to defeat the proposal at every turn costs could be made high.

Conversely, if Council co-operates with the Commission, costs will be minimal.

Most of the information is held and accessible in the LTCCP's and other records.

The costs will largely depend on the Council corporation trying to defeat the proposal as with the claims of \$80,000 for a declaratory judgment on the legality of targeted rates on Communities with Community Boards.

Council **could have** spent that much obstructing and opposing a declaratory judgment.

However, had they simply supported the need for clarity to be determined by the Court we were advised it would only have cost \$2,000 to \$8,000.

As for the "\$200,000" no doubt Council **could** spend that much obstructing and opposing a re-organisation proposal.

Open co-operation with information already held, will cost a fraction of that.

We must also question the priorities of a Council which is currently proposing to borrow \$310,500.00 for "Motorsports - Feasibility Cost".

Additional Options

The Local Government Act 2002 Schedule 3 Part 1 (1) also has provision under 'Initiation' "**Who may make re-organization proposal**" for affected local authorities to make proposals.

The councils can make their own proposals to the Local Government Commission.

The Commission can also consider more than one re-organization proposal under Schedule 3 Part 1 clause 40:

(3) "*The Commission may consider a reorganization proposal together or in conjunction with any other reorganization proposal or proposals*".

Nelson City and Tasman District councils are not necessarily restricted to re-organization proposals put forward by others. The whole range of possibilities can be considered under s24 (1) of the Local Government Act. These could

include a separate Motueka-Golden Bay District council or a separate Nelson/Tasman Regional council which have also been raised as options.

Our councils can be positive and proactive in seeking an independent study to identify the very best governance options for our region. It is their choice.

Southland Model of Local Governance

During the full Council meeting of 20 August it became clear that there was little factual knowledge of how the Southland model is set up. The following information is from the Southland District Council Governance Policy:

“Community Boards

The Southland District Council has 12 Community Boards. Five of the Community Boards have boundaries identical with the Ward in which they are situated. The other seven Community Boards have boundaries around the township only.

The 12 Community Boards are as follows:

*Balfour Community Board
Edendale Community Board
Lumsden Community Board
Riversdale Community Board
Riverton/Aparima Community Board
Stewart Island Community Board
Te Anau Community Board
Tuatapere Community Board
Wallace Community Board
Wallacetown Community Board
Winton Community Board
Wyndham Community Board.*

*All 12 Community Boards are comprised of six members elected by the community **plus one Councillor appointed by the Council.***

The Councillor representing the Ward in which the community is situated is appointed to that respective Community Board.

In terms of Section 52 of the LGA 2002 these Community Boards:

- Represent and act as an advocate for the interests of their community.*
- Consider and report on any matter referred to it by the Council and any issues of interest or concern to the Community Board.*
- Make an annual submission to the Council on expenditure in the community.*

- *Maintain an overview of services provided by the Council within the community.*
- *Communicate with community organisations and special interest groups in the community.*
- *Undertake any other responsibilities delegated by the Council.*

The Council has a policy of decentralising responsibilities as necessary to provide an effective means of ensuring local input into decision-making. An extensive range of delegated powers given to the Community Boards within the District by the Council allows for and encourages decision-making at the local level.

Each Community Board elects its own chairperson at its first meeting after the triennial election.

The Council last reviewed the Community Board representation arrangements in June 2006. The next representation review will be undertaken in 2012 for the 2013 triennial elections. The process and requirements for the constitution of any new community within the District is prescribed in Schedule 6 to the Local Government Act 2002.

Community Development Area Subcommittees (CDAs)

Throughout the District 16 Community Development Areas have been identified and established. The purpose of CDAs is to further encourage local input in addressing the needs of local communities and assessing priorities. The Council has established CDA Committees as Sub-committees of the Council.

Community Development Area Committees have been established at Athol, Limehills/CentreBush, Browns, Nightcaps, Woodlands, Tokanui, Thornbury, Oha, Mossburn, Gorge Road and Districts, Waikaia, Manapouri, Dipton, Garston, Orepuki and Colac Bay.

A CDA Subcommittee comprises six members plus the Councillor of the Ward in which the CDA is established. The Subcommittee is elected and appointed via a public meeting called every three years in May, June or July in the year following the triennial elections”.

Peter Foster has subsequently provided the explanation as to how Area Development Committees are appointed:

From SDC Policy on Committees of Council, dated 28/1/99:

“Establishment Procedures

Community Development Areas and Subcommittees shall be established as follows:

- (i) *The initial approach by those interested in setting up a Community Development Area should be to the Chief Executive, Community Board if within their area, or the District Council.*
- (ii) *A public meeting will be called to elect a Steering Committee to identify the purposes and perceived needs of the proposed Subcommittee and area and organise a petition to gauge support for the proposal.*
- (iii) *The petition would require to demonstrate the support of over 50% of ratepayers in the proposed area. A petition indicating support of over 50% of electors in the area may also be acceptable.*
- (iv) *If the appropriate support is demonstrated by petition, the Chief Executive will organise a public meeting to elect a Sub-committee to represent the area.*
- (v) *The Sub-committee, assisted by Council Officers, will define the boundaries of the area.*
- (vi) *The Community Development Areas shall be established by special order in Council.*
- (vii) *A Community Development Area or Sub-committee can be dissolved by resolution of the Sub-committee or District Council, should the purpose for the formation of the area be completed or for some other practical reason.*
- (viii) *Appointment to the Sub-committee will be for a three year period, via a public meeting called within the first six months in the year following the election of District Council”.*

The Board’s response to the Mayor’s report is available on request.

Council Borrowing

Concern has been expressed about loan funding listed in a report to be discussed during the Corporate Services meeting of 3rd September 2009. There is much community concern about the level of TDC borrowing. The total amounts in this report result in additional debt of \$41,770,467.00. This debt is secured by rating our properties.

It appears that rate income is largely used to sustain the corporation, and projects, including the following, are undertaken by borrowing.

P10

- What does the \$103,210.00 upgrade of the Council chamber comprise?

- What does the \$1,032,100.00 proposed expenditure on the Main office comprise? We understood through the LTCCP process that a few recently installed partitions were being removed to make offices open plan and the work was able to be covered by funds available in the property budget.

- Why are we paying \$310,000.00 as a 'motor sport feasibility cost'?

It is understood some private entrepreneurs have undertaken a study of a motor sport park for their property near Tapawera.

Is this the study we are borrowing money to pay for? If so, why are we paying for it? If not, why are we paying for another study when one has already been done privately?

P11

- Why are we making a loan advance of \$402,000.00 to the Port Motueka Endowment Land Short Term Funding?

There should be ample funds in this account from previous land sales and rents.

Is there a five year summary balance sheet available for this account?

If so, could we have a copy please?

If not, why not?

- Why is there a \$220,000.00 budget increase for the Murchison Sports Centre?

We understood from last year's annual plan that the Centre was built 'on time and within budget'.

P12

- Property acquisition of \$564,982.00.
What property is this for?

We have written to the Mayor who has referred our questions to staff, and we will report to the community with the response.

Joe Bell