



Tasman District and local boards: Option of a Golden Bay local board

Commission decisions

June 2020

Purpose of document

This document records the key decisions made by the Local Government Commission in relation to the Golden Bay local board application and the consultation document it decided to prepare as part of the investigation process on the application.

The Commission's decisions were made at meetings held on 5 February and 21 May 2020 following consideration of officers' reports on matters needing to be addressed.

Decisions

The Commission:

- a. **agrees** in relation to a Golden Bay local board:
 - i. the area be the same as the current Golden Bay Ward of Tasman District and current Golden Bay Community Board
 - ii. the name be Golden Bay/Mohua Local Board
 - iii. the board comprise six elected members (*subsequently changed to five*) and the two Golden Bay Ward councillors as appointed members
 - iv. *either* the chairperson of the board be elected by the electors of the local board area *or* the chairperson be elected by the members of the board
 - v. no provision be made for a Golden Bay deputy chairperson role
 - vi. the first election be held in October 2021
- b. **agrees** the consultation document provides for the allocation of decision-making responsibility in respect of the following activities and services in the local board area:
 - i. design and location of street furniture and street planting
 - ii. granting of consent for the removal of trees from streets
 - iii. parks and reserves including the administering body role under the Reserves Act
 - iv. cemeteries
 - v. playgrounds
 - vi. public toilets
 - vii. Takaka library
 - viii. community halls including appointments and oversight of hall committees
 - ix. Recreation Park Centre including adjoining fields
 - x. approving the final location and design of any new or upgraded community facilities in Golden Bay
 - xi. seeking funding from external organisations to be applied to community projects within the community
 - xii. approving and managing the use of market places in the community with power to disperse any surplus after costs for purposes within the ward
- c. **agrees** the consultation document provides for the delegation of decision-making responsibility in respect of the following activities and services in the local board area:
 - i. amendments to dog access rules
 - ii. objections to liquor licence applications

- iii. making, amending and revoking alcohol bans
 - iv. approving traffic control signs
 - v. approving the location and design of bus stops and shelters
 - vi. approving street names
 - vii. regulatory matters in respect of parks and reserves
 - viii. regulatory matters in respect of cemeteries
 - ix. regulatory matters in respect of playgrounds
 - x. regulatory matters in respect of market places
- d. **agrees** the consultation document identifies the following activities and services where greater collaboration in the local board area between the local board and Tasman District Council, including engagement with the community and as appropriate local iwi, is seen as possible and desirable:
- i. projects and programmes to improve local environments
 - ii. helping build community networks and relationships that strengthen community cohesion, preparedness and participation
 - iii. gathering information on coastal structures
 - iv. promoting recycling and providing public information and education on recycling and waste minimisation
 - v. recommendations on the use and allocation of special purpose committee funding/financial contributions from subdivisions and developments
- e. **agrees** the consultation document identifies the following activities within the local board area in relation to which the role of the local board would be one of advocacy and dispersal of funding determined at the district level:
- i. Collingwood library
 - ii. museum funding
 - iii. allocating funding and operational grants to community organisations
- f. **agrees** for the purposes of the Golden Bay local board consultation document no change to the council's decision-making responsibilities in its enterprises portfolio, relating to the two holiday parks in Golden Bay, Takaka aerodrome and Port Tarakohe, but that the document notes it is envisaged that the most appropriate mechanisms for representing local Golden Bay interests in relation to these facilities would be discussed with Tasman District Council in the event the commission decided to issue a reorganisation plan
- g. **agrees** to express its view that:
- i. continuation of a targeted rate for Golden Bay would be appropriate to cover the direct costs of any local board, namely elected member remuneration and provision for one full-time equivalent support officer
 - ii. indirect and overhead costs of a Golden Bay local board continue to be funded by rates struck across the district as a whole
- h. **notes** any reorganisation implementation scheme for a Golden Bay local board would include the detailed wording of all allocations and delegations of decision-making and in respect of other shared collaborative activities.

REPORT TO MEETING ON 5 FEBRUARY 2020

Background

1. As a result of the transitional provisions enacted as part of the Local Government Act 2002 Amendment Act 2019, the Commission is required to undertake an “investigation” of the Golden Bay local board application. Before doing so, however, it must first adopt and publish an “investigation process document”.
2. As part of the required consultation on the investigation process document, the Commission had two hui with iwi with interests in Tasman District. These hui were with Manawhenua ki Mohua on 9 October and Te Waka A Māui Iwi Chairs Forum on 29 October 2019.
3. A draft investigation process document was prepared and forwarded to Tasman District Council (the council) for comment as required. The council responded with its comments on the draft document on 12 December 2019 and these comments were circulated to commissioners. In light of the comments received, some minor amendments to the process document were made.
4. Early in the new year, the Commission was required, due to the ill health of the previous contractor, to contract a new person to undertake further necessary financial analysis relating to the application. Philip Jones (PJ & Associates) was subsequently contracted.
5. One consequence of the delay in undertaking the further financial analysis was been a need to amend the proposed investigation timetable by pushing proposed dates out by one month. Both the applicant (‘Working Group for a Golden Bay Local Board’) and Tasman District Council were advised of this change to the timetable and the necessary amendment to the investigation process document was made and notified.
6. Under the amended legislation, the preparation of a proposal document for consultation is no longer a mandatory requirement. However, in order to gauge the level of community support, the Commission decided, as part of the investigation process, it would prepare and release a document on the option of establishing a Golden Bay local board for consultation purposes.
7. This report identifies decisions required for the consultation document relating to a Golden Bay local board, what it might look like, what it might do and be responsible for, and what it might cost.

Nature of documentation and consultation process

8. Given the non-mandatory nature of the local board proposal, the Commission has discretion as to its contents. In addition, it is noted the required reorganisation plan (if the Commission decides to pursue the proposal) still has reasonably high-level mandatory content requirements under the new more flexible amended legislation. It is not until the “reorganisation implementation scheme” stage that matters such as the Commission’s initial allocation of decision-making responsibilities to the local board and any delegations are required to be specified.

9. Despite this, the Commission believes for the consultation on a Golden Bay local board proposal to be as effective as possible, a reasonable amount of detail on what the board would do and be responsible for needs to be provided. Balanced against this, however, is the technical nature of a number of the proposed allocations and delegations of decision-making (including the distinction between “regulatory” and “non-regulatory” activities) and on which Tasman District Council input into their actual scope, how they fit with existing delegations and their final wording is desirable. The Commission sees this needing to occur before the Commission makes its final decision on whether or not to proceed to a reorganisation plan.
10. Given this and with a view to ensuring the consultation document is as ‘user friendly’ as possible, the Commission agreed on the need to identify specific council activities and services without being definitive on the actual scope of particular proposed local board decision-making responsibilities including any possible exceptions or conditions which might ultimately apply. The final wording of allocations and delegations should also be with a view to achieving the most appropriate balance between democratic local decision-making and administrative efficiency and it is expected the council will wish to have input on this.
11. Finally, the Commission noted that while the option of a local board for Golden Bay only is being identified at this stage, the consultation needs to be with the Tasman District community as a whole given possible implications for the rest of the district and the possibility of establishing local boards elsewhere. Accordingly, the Commission sought the assistance of Tasman District Council to help ensure effective district-wide consultation occurs.

Decisions required

Area and name of local board

12. The Golden Bay Ward of the current Tasman District along with the Golden Bay Community Board were established in 1989 when Golden Bay County was merged with the then Tasman District. Accordingly, both the ward and community board, covering the same area, are well established and identified as representing a distinct geographical community of interest. The distinctiveness of the community of interest, and absence of viable options to adjust its boundaries, have been recognised by the Commission in regularly approving a variation from the +/-10% fair representation requirement introduced in the Local Electoral Act 2001.
13. Accordingly, it is recommended that the area of the proposed Golden Bay local board be the same as the existing Golden Bay Ward and community board.
14. In 2014, the NZ Geographic Board determined, as a consequence of Treaty settlement legislation, that the official geographic name for the area is Golden Bay/Mohua. The Māori name has become increasingly recognised and we recommend the dual name be adopted for the local board proposal.

Number of members

15. The current Golden Bay Community Board has four elected members as well as the two ward councillors as appointed members.

16. In recognition of the increased responsibilities proposed for the local board, and to emphasise this point with the community, it is recommended that the local board comprise six elected members.
17. Two additional elected members will result in an increase in remuneration expenses over and above an increase reflecting the change in responsibilities from community board to local board. The latter change is reflected in the following table comparing current remuneration for the two smallest Auckland local boards with that for the current two Tasman District community boards.

Local/community board	Remuneration
Auckland Council – Great Barrier Local Board (pop. 990): <ul style="list-style-type: none"> • Chairperson • Deputy Chairperson • Member 	\$57,000 \$34,200 \$28,500
Auckland Council – Waiheke Local Board (pop. 9,330): <ul style="list-style-type: none"> • Chairperson • Deputy Chairperson • Member 	\$68,700 \$41,200 \$34,400
Tasman District Council – Golden Bay Community Board (pop. 5,320): <ul style="list-style-type: none"> • Chairperson • Member 	\$13,103 \$6,551
Tasman District Council – Motueka Community Board (pop. 12,300): <ul style="list-style-type: none"> • Chairperson • Member 	\$14,606 \$7,303

18. We are seeking an indicative assessment of likely local board remuneration rates for a Golden Bay local board from the Remuneration Authority.
19. It is a matter of discretion for the Commission whether the proposed Golden Bay local board has appointed members. Given the desirability of close liaison between the new board as it 'finds its feet' and Tasman District Council, it is recommended provision be made for the two Golden Bay Ward councillors to be appointed members of the board.

Election of board chairperson

20. Under the legislation, there are two options for election of the chairperson of the board: elected by the electors of the local board area or elected by the board.
21. There are arguments for and against each option. It can be argued, given the new extended role of the proposed local board and its legislatively prescribed democratic accountability to the local community, the chairperson needs to have the confidence of the community and therefore should be elected directly by the community. On the other hand, it is important, given the significant change in the board's role, the chairperson has the full confidence of the board particularly in relation to its dealings with Tasman District Council. The officers are not making a recommendation on this matter.

First election

22. As previously noted by the Commission, the Local Electoral Act 2001 provides that the maximum term for any body elected under that Act is four years. There has been support for this maximum term when the issue has been raised locally, and we recommend the proposal document provide for the first election of any local board(s) be October 2021.

Purpose, functions, duties, powers and responsibilities of the local board

23. In deciding what a Golden Bay local board should actually do and be responsible for, the Commission needs first to note the statutory purpose of local boards and their prescribed functions, duties, powers and decision-making responsibilities.
24. The purpose of local boards (*section 48C*) is to:
 - a. enable democratic decision-making by, and on behalf of, communities within the local board area
 - b. better enable the purpose of local government (democratic local decision-making and community well-being) to be given effect to within the local board area.
25. To help achieve this purpose, local boards (*section 48H*):
 - a. must exercise the decision-making responsibilities conferred on them
 - b. must monitor and report on the implementation of the local board agreement
 - c. must communicate with community organisations and special interest groups within their local board area
 - d. must undertake any responsibilities or duties delegated to them
 - e. may consider and report to the governing body on any matter of interest or concern whether or not the matter is referred to them by the governing body
 - f. may exercise any powers that are delegated to them.
26. More specifically (*section 48k*), local boards are responsible and democratically accountable for:
 - a. the decision-making of the unitary authority in relation to the non-regulatory activities allocated to them
 - b. identifying and communicating to the unitary authority the interests and preferences of the people in the local board area in relation to the content of the strategies, policies, plans and bylaws of the unitary authority
 - c. identifying and developing bylaws specifically for their local board area and proposing them to the governing body
 - d. reaching agreement with the governing body (as set out in the local board agreement) in respect of local activities in their local board area.
27. Given the purpose and the prescribed functions, duties, powers and responsibilities of a local board, it is not necessary to allocate or delegate any decision-making responsibilities already covered by these.

28. Within this 'mandate', there is potential for a Golden Bay local board to undertake a range of further activities that do not fall within the scope of formally allocated or delegated decision-making responsibilities. These activities may often be of a shared collaborative nature involving the board working closely with the council, including council officers, to promote community well-being within Golden Bay. It is suggested the proposal document notes the Commission considers collaboration would be more easily achieved by a local board, as distinct from a community board, given its enhanced status and responsibilities.
29. Greater collaboration is seen as having significant benefits for both Golden Bay and the council given the strained relationship between the two dating back to 1989. A significant level of dissatisfaction amongst Golden Bay residents is still evident today as reflected in the council's recent community satisfaction survey. Golden Bay respondents:
- had the lowest level of community satisfaction of the district's five wards (28%) with the way the council consults the public in the decisions it makes and the highest level of dissatisfaction (41%)
 - were the least likely (5%) to agree with the statement "the council listens and acts to the needs of residents" and the most likely (49%) to disagree with the statement.
30. The suggested collaborative approach is also in light of statements by the council in its long-term plan that it lacks information about some local infrastructure in particular areas and, more generally, it wishes to engage with local communities more.
31. In respect of community engagement, the council has previously made commitments relating to the existing community boards, which could be given better effect i.e. by way of a local board as distinct from a community board. These commitments include the council setting out the following board "responsibilities" in its delegations register:
- a. facilitate engagement of their community in relation to policies, plans and projects proposed for their community as requested by council
 - b. advise the council on the priorities and preferences of their community in respect of the level and nature of local services to be provided by the council in their community
 - c. where preferred service levels in their community are higher than the council annual plan, advise the council on any recommended funding mechanism.
32. The facilitating of local community engagement, the opportunity to identify preferred different levels of service locally and recommended funding mechanisms, are enshrined in mandatory requirements for local boards. In particular, local boards are required to prepare 3-year plans to reflect local priorities and preferences (*section 48N*) and then to reach an annual agreement with the governing body on services to be provided that year and how these are to be funded (*section 48O*). This advantage of local boards over community boards will be spelt out in the proposal document.
33. A further dimension to necessary local engagement is with local iwi. As the Commission is aware, Manawhenua ki Mohua has been formed as a mandated organisation representing three local iwi (Ngāti Tama, Te Ātiawa and Ngāti Rārua). This organisation has been formally recognised by the council and Golden Bay Community Board with the standing orders for the latter allowing for a representative to attend board meetings with speaking rights.

34. As for community boards, there is no legislative provision for separate Māori representation on local boards. However, based on feedback received to date, it is considered possible that local iwi in Golden Bay will be more inclined to engage with a local board for the area given its enhanced decision-making powers. Individual Māori could also be appointed to board committees.
35. In light of the above, we identify below, in addition to proposed allocated and delegated decision-making responsibilities, other activities and areas where a more collaborative approach could be adopted for Golden Bay. It is proposed these also be identified in the Golden Bay local board proposal document.

Allocated/delegated decision-making responsibilities and collaborations

36. *Section 48L* provides that decision-making for the non-regulatory activities of the unitary authority within a local board area *should* be exercised by the local board for that area unless one or more of the following apply:
 - a. the impact of the decision will extend beyond the local board area
 - b. effective decision-making will require alignment or integration with other decisions that are the responsibility of the governing body
 - c. the benefits of a consistent or co-ordinated approach will outweigh the benefits of reflecting the particular needs and preferences of the communities within the local board area.
37. *Clause 36C of Schedule 7* provides that, with certain exceptions, delegations of governing body responsibilities, duties and powers may also be made to local boards.¹ The exceptions, however, do not restrict delegations to do things precedent to the exercise of the power by the governing body.
38. This clause also provides that, in deciding whether to make delegations, the benefits of reflecting local circumstances and preferences must be weighed against the importance and benefits of using a single approach in the district.
39. In the case of Tasman District, a number of council activities and services are seen as appropriate for local board decision-making responsibility. Either allocation or delegation of these responsibilities is recommended accordingly.
40. We note there are other activities and services which also, on the surface, appear to be appropriate for allocation or delegation. However, they are either seen to be not of sufficient scale to warrant being ‘divvied up’ to a ward level with discreet budgets, or we believe the Golden Bay community would prefer to have access to a larger ‘pot of money’ determined at the district level.
41. An example of the first ‘scale’ activity is the area of community information and publicity generally, distinct from specific exercises. Unless the local board agrees to provide an additional local budget, likely involving a targeted Golden Bay rate, formal allocation of decision-making responsibility for this is not seen as appropriate or practical. It may also cause concerns in other areas of the district without local boards.

¹ The exceptions are the power to: make a rate; make a bylaw; borrow money or purchase or dispose of an asset other than in accordance with the council’s long-term plan; adopt a long-term plan, annual plan or annual report; appoint a chief executive; adopt policies required to be adopted and consulted on as part of the long-term plan or developed for the purpose of the local governance statement; adopt a remuneration and employment policy (*clause 32(1) of Schedule 7, LGA*).

42. An example of the second larger 'pot of money' activity is community grants. Again, it is seen as unlikely the Golden Bay community would agree to a local rate to increase the current size and number of local grants.
43. Despite these practical considerations and also the statutory grounds for *not* allocating or delegating decision-making responsibilities to a local board, there are likely to still be concerns that allocations and delegations will lead to undesirable variations in council services in certain areas. A further safeguard against this is the ability of the governing body to adopt district-wide policies on particular matters, including in some cases the identification of mandatory standards, within which local board decisions would need to be made. Again, this point should be made in the consultation document.
44. To assist the Commission's consideration of possible allocated and delegated decision-making responsibilities to a Golden Bay local board, Gavin Beattie met with Tasman District Council officers to discuss possible board responsibilities. As a result of this meeting, the following allocated and delegated decision-making responsibilities along with areas for suggested collaborative approaches are identified (using the council's groupings of activities) for consideration.
45. In identifying areas for consideration, we have also considered, and applied in some cases, the comprehensive and expansive approach to community board delegations adopted by Christchurch City Council.

Environmental management

46. There is provision in the Resource Management Act to transfer to another public authority including a local board, specific functions, duties or powers under that Act or to delegate these to local boards and community boards where the matter is of significance to the local community. The officers are not aware of these provisions being used elsewhere but will confirm this with the Ministry for the Environment.
47. It is noted that in the most recent community satisfaction survey, in relation to the council's resource management policy and planning work, Golden Bay had the lowest satisfaction of the five wards (5% compared to 84% in Richmond).
48. We believe there is scope within this functional area to give more effect to the current stated community board responsibility to "facilitate engagement of their community in relation to policies, plans and projects proposed for their community as requested by council". This is based on what appears to be the case now of the council, rather than using the community boards to facilitate local community engagement in their area, treating the boards as just another stakeholder to be consulted.
49. It is noted, Auckland Council identifies four broad areas of local board activities. One of these is 'local environmental management' which it describes as "work in partnership with local communities and iwi to deliver projects and programmes to improve local environments". It is recommended this activity be identified in the proposal document as an area where greater collaboration is desirable, including engagement with the local community and iwi. We note the applicant also identified "coastal care" as an area for more local decision-making.

50. There is also scope for more board involvement in the resource consent process. The council's delegations register identifies a responsibility of community boards is to "make submissions and objections in relation to council statutory processes and which affect interests within their community". This would also be a responsibility of a Golden Bay local board and likely be more effective given a local board's more explicit democratic accountability to its local board area for its decisions. In addition, local board members could be encouraged to become accredited to sit on hearing panels.
51. Finally, it is noted that the Auckland Council has delegated to its local boards "input into notification decisions for resource consent applications". The officers intend discussing this particular delegation with Auckland Council officers.

Public health & safety

52. This is primarily a regulatory area involving legislative standards and council bylaws. As noted, part of a local board's role is to identify and develop bylaws specifically for their local board area and proposing them to the governing body. Accordingly, no specific allocation of decision-making to the local board is proposed in this area.
53. There may be scope, however, for some delegations in this area. We note Auckland Council has delegated to local boards:
 - a. authorising the destruction of wandering stock on Great Barrier Island
 - b. amendments to the policy on dogs in relation to any dog access rules in local parks, local beaches or local foreshore areas in their local board area
 - c. making objections to liquor licensing applications
 - d. making, amending or revoking alcohol bans except in areas of regional significance.
54. We recommend identification of delegations relating to local dog access rules; objections to liquor licence applications; and making, amending or revoking alcohol bans be included in the proposal document.
55. We note there is scope for board members to be appointed to hearing panels for bylaw matters and we understand this occurs at present in respect of local dog hearing panels which make recommendations to the council. A variation of this adopted by Christchurch City Council on liquor licensing applications, is the ability of its community boards to appear and be heard at hearings for the purpose of providing community input.
56. The council includes emergency management in this group of activities. The council has combined with Nelson City Council to produce the required emergency management group plan. The plan provides for three local emergency operations centres with local controllers and their own community response plans, including one based in Takaka, given the potential for community isolation in an emergency.
57. The Nelson Tasman Civil Defence Emergency Management Group was last reviewed in 2015 and achieved "very positive results with an overall score of 82.1%, above the MCDEM target of 79%". While this was a positive result, a number of areas for improvement were still identified. These included 'community resilience and social capital' with a need to "continue to build community networks and relationships that strengthen community cohesion, preparedness and participation". This need may be reflected in the community satisfaction survey, with Golden Bay having the lowest satisfaction of the five wards (52% compared to 88% in Richmond).

58. Given the current plan in place and the legislative requirements for group plans, no specific allocation of decision-making to the local board is proposed in this area. However, there does appear to be scope for a Golden Bay local board to be encouraged to help “build community networks and relationships that strengthen community cohesion, preparedness and participation”.

Transportation & roading

59. In the recent survey, Golden Bay community satisfaction on local roads was in a similar range to the other wards (Richmond had the lowest satisfaction), while in relation to footpaths Golden Bay had the lowest satisfaction (44% compared to 80% in Richmond).
60. The applicant argues that a local board should have some decision-making responsibility in respect of local roads, particularly on matters such as the proportion of unsealed roads, and on footpaths.
61. Apart from the advocacy role and the making of submissions, it is difficult to identify a specific decision-making responsibility in this area. This reflects the fact the council agrees its annual roading/footpath programme in accordance with district-wide priorities which also reflect national priorities and the associated subsidies available through NZTA. In this case, non-allocation of decision-making responsibility can be justified on *section 48L* grounds relating to the benefits of a consistent or co-ordinated approach (i.e. maximising external funding) outweighing the benefits of reflecting particular local needs and preferences.
62. It is noted, however, the sealing of unsealed roads is not subsidised unless a business case is made showing savings in maintenance arising from sealing. Any sealing work carried out is therefore totally funded by council in accordance with district-wide priorities. Beyond the advocacy and submissions role, it would be a matter for the local community to agree whether it wished to raise new or reprioritise existing local funding. A local board would be well placed to determine this for the Golden Bay community.
63. This is demonstrated particularly in relation to footpaths. This is an area where the formal council approach, reflected in its delegations register relating to community boards, appears to not align well with local community aspirations and perceptions. The statutory role of community boards includes to “prepare an annual submission to the council on expenditure in the community” while Tasman District Council identifies a specific responsibility of community boards in its delegations register is to “make recommendations on the annual work programme priorities for new and renewal footpaths within their wards for consideration and potential inclusion in the district-wide annual work programme”.
64. While the community board may make recommendations on its footpath priorities, it is not clear what steps are taken to ensure these actually reflect community preferences and priorities. The advantage of a local board would be that the level of activity would be agreed as part of the annual agreement and this would relate to the level of service the board consulted with its community on in developing its 3-year community plan and for which it would be democratically accountable.
65. For other transport and roading activities, Golden Bay Community Board currently has the following delegated powers:

- a. approve traffic control signs on streets and the design and location of bus stops and shelters but subject to referral to council for decision if there is disagreement with the technical advice given to the board
 - b. approve street names
 - c. approve design and location of street furniture and street planting but subject to referral to council for decision if there is disagreement with the technical advice given to the board
 - d. grant consent for removal of trees from streets but subject to referral to council for decision if there is disagreement with the technical advice given to the board.
66. In discussing these delegations with council officers, it was not clear in some cases whether these delegations are actually operating. This included comments such as the need for officers to act quickly if a tree is seen as an immediate danger to the public. This does not appear to us to be a reason to not implement the delegation rather, if necessary, there should be contingency procedures in place to address any need for urgency including provision such as to confer with the board chairperson where appropriate.
67. Christchurch City Council's approach to community board delegations in this area is useful though technical in nature. Its delegations firstly refer to council's roading powers as still provided by the Local Government Act 1974 and by the council's own policies. These delegations are wider, but incorporate those adopted by Tasman District Council, providing for community board decision-making in relation to:
- a. diverting or altering the course of any road
 - b. increasing or diminishing the width of any road subject to and in accordance with the district plan, the LGA 1974 and any other Act
 - c. determining what part of a road shall be carriageway, footpath or cycle track
 - d. naming and altering the name of any road including placement of name signs
 - e. approving concept/landscape plans for forming or upgrading footpaths, kerbs and channels
 - f. constructing, removing or altering:
 - i. pedestrian safety areas
 - ii. grass plots, flower beds or trees
 - iii. facilities for the safety, health, or convenience of the public, or the control of traffic or the enforcement of traffic laws (excluding traffic lights)
 - g. determining objections to notices issued in relation to vehicle crossings
 - h. erecting bus shelters
 - i. determining applications for stopping roads
 - j. authorising school boards of trustees to appoint school patrols
 - k. controlling vehicle stopping and parking
 - l. restricting road usage by certain vehicles and for the movement of stock.
68. It would be desirable to discuss these delegations with Tasman District Council in some detail to ascertain how they would fit with existing delegations including those to council officers. As noted, we envisage this happening at the reorganisation implementation scheme stage if the Commission were to proceed with the proposal.

69. For the purposes of the consultation document, and assuming some familiarity of those concerned with the current delegations, we recommend identifying allocated and delegated decision-making responsibilities based on the current Tasman District Council delegations to community boards. The document could still refer to the potential for wider local decision-making in this area.
70. The proposed delegations are a mix of both regulatory and non-regulatory activities and we believe it is important to maintain this distinction as far as possible. Therefore, we recommend the Golden Bay local board proposal identify:
 - a. allocated decision-making responsibility in the local board area for:
 - i. design and location of street furniture and street planting
 - ii. granting of consent for the removal of trees from streets
 - b. delegated decision-making responsibility in the local board area for:
 - i. approving traffic control signs
 - ii. approving the location and design of bus stops and shelters
 - iii. approving street names.

Coastal structures

71. This group of services includes such things as protection structures, jetties, boat ramps, access points, markers and signs. This appears to be an area where there is scope for some local decision-making with the applicant identifying marinas and boat ramps as examples. Local jetties, and particularly access to them, may be another example.
72. It is also an area where the council acknowledges it has insufficient knowledge of particular assets, their condition and in some cases their ownership. A necessary first step, therefore, appears to be a more comprehensive listing of the assets concerned.
73. We note the applicant identifies a “strong tradition of volunteerism in respect of community assets” in Golden Bay. This could be tapped in undertaking a ‘stocktake’ of coastal structures in Golden Bay including, where appropriate, research into ownership and possibly, with the necessary professional assistance, some preliminary condition assessments. It is suggested a local board would be in a good position to coordinate such an exercise.
74. A further reason not to allocate decision-making locally at this stage is that more information is required on the area of benefit of particular assets and therefore the area that should pay. This will then determine the decision-making body with the most appropriate jurisdiction.
75. It is recommended that gathering information on coastal structures be identified in the proposal document as an area where greater collaboration between the local board and the council is seen as possible and desirable.

The three waters

76. Golden Bay has local drinking water schemes for Collingwood, Pohara and Upper Takaka. There is also a non-potable firefighting scheme for Takaka. The council operates a district-wide 'club' approach for drinking water under which local communities that have opted in (includes Golden Bay) are subsidised at the district level for scheme maintenance and upgrades. Golden Bay has the lowest community satisfaction of the five wards (16% compared to Richmond 72%) in relation to drinking water.
77. Golden Bay has local wastewater schemes for Collingwood and for Takaka. The council's 'club' approach also applies to wastewater and for which Golden Bay has opted in. Golden Bay has the lowest community satisfaction of the five wards (32% compared to Richmond 92%) in relation to wastewater.
78. Golden Bay has urban drainage areas in Takaka, Pohara, Ligar Bay/Tata Beach, Patrons Rock and Collingwood. The council's 'club' approach also applies to stormwater and for which Golden Bay has opted in. Golden Bay has the lowest community satisfaction of the five wards (24% compared to Richmond 84%) in relation to stormwater.
79. Given the district-wide nature of the 'club' approach and Golden Bay community support for involvement, there appears to be limited scope for local decision-making on capital and maintenance expenditure in any of the three waters areas. This reflects the *section 48L* grounds for not allocating decision-making responsibility relating to the benefits of a consistent or co-ordinated approach (the 'club' approach) outweighing the benefits of reflecting particular local needs and preferences. A local board would, however, be in a stronger position to advocate for its local board area through the mechanisms of its 3-year plan and annual agreement with the council.

Solid waste

80. The council operates kerbside recycling and waste collection services across the district while it runs a joint operation with Nelson City Council for bulk waste. It has resource recovery centres in Takaka (currently being upgraded) and Collingwood which are operated under district-wide contracts which include operating hours. The council also runs waste minimisation initiatives involving public information and education. Golden Bay has the second lowest level of community satisfaction of the five wards (55% compared to Richmond 86%) for kerbside recycling and mid-range satisfaction for rubbish collection.
81. Given the district-wide nature of these services, there appears to be limited scope for local decision-making. Once again, this reflects the *section 48L* grounds for not allocating decision-making responsibility relating to the benefits of a consistent or co-ordinated approach outweighing the benefits of reflecting particular local needs and preferences.
82. A local board would, however, be in a stronger position to advocate for its local board area through the mechanisms of its 3-year plan and annual agreement with the council. In addition, there appears to be scope for the board to be involved in collaborative exercises to promote recycling and provide public information and education. We recommend this be identified in the proposal document. Council officers have pointed out these activities currently have very small budgets and are staff run.

Flood protection & river control

83. The work in this area is presently limited to maintenance of certain classified rivers enabling the council to carry out its statutory role to promote soil conservation and mitigate damage caused by floods and riverbank erosion.
84. The officers commented that the public would like more to be done in this area including removal of gravel from rivers. This activity also has a limited budget at present. Again, a local board would be in a stronger position to advocate for its local board area through the mechanisms of its 3-year plan and annual agreement with the council.

Parks & reserves

85. The council's Golden Bay Reserves Management Plan (2003) identifies 76 reserves classified or proposed to be classified as either recreation or local purpose reserves under the Reserves Act. The management plan includes a number of provisions aimed at encouraging community involvement in reserve management including protocols for community group involvement and liaison with support groups.
86. While the management plan is dated, we see the aims of community involvement as still relevant and desirable. More local decision-making responsibility in respect of Golden Bay parks and reserves would assist this.
87. At present Golden Bay Community Board has:
 - a. "responsibilities" to:
 - i. make recommendations on: the granting of leases and licences on reserves and public spaces; proposed developments and activities on local parks, reserves and waterways; and the use and allocation of special purpose committee funding/reserve financial contributions received from subdivisions and developments
 - ii. work with staff on: preparing recommendations on proposals to declare/classify reserves under the Reserves Act; and draft content for inclusion in draft management plans for parks and reserves within their wards
 - b. "powers" to:
 - i. approve names of parks
 - ii. grant consents for the removal of trees from parks and reserves but subject to referral to council for decision if there is disagreement with the technical advice given to the board.
88. We suggested to council officers there was scope for more local decision-making in respect of both reserves classified under the Reserves Act and other local parks. Their response included comments that the delegation of ministerial powers under this Act, made in July 2013, was to the territorial authority and could not be sub-delegated. We believe this over simplifies what is a complex issue involving two different roles under the Reserves Act, namely the 'administering body' role and the 'supervisory' role undertaken either by the Minister of Conservation or delegated to local authorities (July 2013).

89. A review in 2016 into the unique Auckland shared governance model between the governing body and local boards (Auckland governance framework review) described the administering body role as “the primary decision-making element, and considers the underlying merits of a proposal related to the purpose, use and activities on the reserve; develops reserve management plans; grants leases, licences and easements; grants consents for the use of the reserve (e.g. for events), and carries out consultation processes in respect of these decisions”. The review described the supervisory role as “ratifies the administering body decision, and ensures it is lawful and has followed the appropriate Reserves Act processes”. It noted the two roles are required to be clearly distinguished when a council is making a decision.
90. The Auckland governance framework review noted that where the supervisory role has been delegated to councils, the practice in Auckland had been for this to be undertaken by a council committee or delegated to council staff. “This has meant that for local board administering body decisions, they are ratified either by staff or a governing body committee when they undertake the supervisory role. Local boards do not carry out the supervisory role”. It also noted that any delegations to committees or officers “need to be consistent with the legislation and to be supported by the minister”.
91. The Auckland governance framework review went on to question whether this approach should continue and identified several different options. We will confirm with Auckland Council officers which option the council has finally adopted.
92. We note under current local board agreements, Auckland Council has delegated to local boards the following (administering body) powers under the Reserves Act for local reserves: declaring, classifying or reclassifying a reserve and proposing revocation of reserve status in order to manage the land under the Local Government Act.
93. We believe it is unlikely the public would be able to distinguish between reserves classified under the Reserves Act and non-classified parks and, therefore, the proposed local board should have the same decision-making powers in respect of both. This should include the administering body role under the Reserves Act in relation to classified reserves. Given the decision-making includes both regulatory and non-regulatory matters, we recommend that the proposal document provide for, as appropriate, either allocation or delegation of decision-making responsibilities for parks and reserves to the local board.
94. In addition to meeting legislative requirements, local decision-making would be within any policy framework set by the council and within the agreed budget. This budget would reflect the annual agreement reached between the council and the local board including agreed levels of service and funding mechanisms.
95. We believe the local board should also retain the current power to at least make recommendations to the council in respect of the use and allocation of special purpose committee funding/financial contributions received from subdivisions and developments. This is another area, however, where input from the council is required before finalising actual decision-making or recommendatory powers.

Community facilities

96. Golden Bay has the following community facilities: 5 cemeteries, 10 playgrounds, 25 public toilet facilities, 2 libraries, 6 council-owned community halls, Recreation Park Centre and fields, community centre, 2 museums and 4 community housing units.
97. Within the overall functional area, the council has identified in its delegations register the powers of community boards to approve the design and layout of playground equipment, subject to referral to council for decision if there is disagreement with the technical advice given to the board.
98. Golden Bay community satisfaction in relation to certain community facilities was as follows: toilets 76% (highest of all wards), libraries 85% (highest of all wards), public halls and community buildings 70% (lowest of all wards).
99. We recommend the proposal document identify local board responsibility for decision-making in the local board area in respect of cemeteries and playgrounds. This may be a mix of both regulatory and non-regulatory decision-making therefore involving both allocations and delegations. Local decision-making would be within any council policy framework and within the agreed budget reflecting the annual agreement including service levels and funding mechanisms.
100. Local decision-making responsibility in respect of public toilets is also seen as appropriate. It needs to be noted that these are currently funded on a district-wide basis and largely under 'tourism facilities infrastructure' funding. While district-wide prioritisation is appropriate to maximise the benefit of this funding, there should also be the opportunity for an increase in the local level of service if Golden Bay supports this. In addition, the local board should also have decision-making responsibility in respect of such matters as approval of the final location and design of new facilities funded at the district level. We recommend these comments be reflected in the proposal document.
101. The council operates a library in Takaka and also provides support to a community library, maintained and operated by volunteers, in Collingwood. We recommend decision-making responsibility for the Takaka library be allocated to the local board. Again, local decision-making would be within any council policy framework and within the agreed budget reflecting the annual agreement including service levels and funding mechanisms. The operation of the Collingwood library is not a council responsibility and its decision-making is limited to providing financial support. The role of a Golden Bay local board would largely be one of advocacy on behalf of the library in relation to the pool of funding available at the district level.
102. Local community halls in Golden Bay are operated by volunteer hall committees. We were advised that one hall (Pohara) was unable to attract the necessary volunteers and, as a result, responsibility for the hall was transferred to the council. We recommend allocation of existing council decision-making responsibility in respect of local community halls to the local board including appointments and oversight of hall committees. Again, this would be within any council policy framework and agreed budget reflecting the annual agreement reached between the council and local board.

103. The council operates a major recreation facility, the Recreation Park Centre including adjoining fields, in Takaka. We recommend decision-making responsibility for this facility be allocated to the local board. Again, this would be within any council policy framework and within the agreed budget reflecting the annual agreement including service levels and funding mechanisms.
104. It is noted that the council also operates a 'club' approach across the district in respect of new community facilities and major upgrades and their associated budgets. This would continue as it is seen as distinct from the 'day-to-day' decision-making role as recommended above in respect of the existing Rec Park Centre. The local board should, however, have responsibility for the final location and design of any new/upgraded facilities.
105. The council provides funding for two museums in Golden Bay. The role of a Golden Bay local board would largely be one of advocacy on behalf of the museums in relation to the pool of funding available at the district level.

Community relations

106. This functional area covers the council's communications and community partnerships responsibilities including providing recreational opportunities and events, provision of advice and grants, educating and facilitating partnerships between the council and local communities. The Takaka Information Centre is owned and operated by a trust and, under this area, the council provides a grant to the trust.
107. In the recent survey, satisfaction in Golden Bay with community programmes and events was 65% (second lowest of the wards and compared to 89% in Richmond).
108. In relation to this area, the council has identified in its delegations register the responsibilities and powers of community boards as being to:
 - a. seek funding from external organisations which can be applied to community projects within their community
 - b. allocate, within council policy guidelines, funding and operational grants to local community organisations within the budget allocated by the council
 - c. manage and approve usage of market places in their community with power to disperse any surplus, after costs, for purposes within the ward.
109. It is recommended that the local board be allocated decision-making responsibility in relation to the seeking and application of externally derived funding and for community market places. We were advised that the Golden Bay community prefers funding and operational grants to community organisations come from the 'larger district-wide pot' as opposed to a local allocation of this based on population, which would then be allocated at local discretion. Therefore, the role of a Golden Bay local board would be limited to advocacy on behalf of Golden Bay organisations and the dispersal of funds within council guidelines and budget.
110. As already noted, the functional area of the council's general community information and publicity activities does not currently have a sufficient budget to warrant formal allocation of a component of this to the ward level.

Council enterprises

111. The council has a commercial committee “to monitor and improve the performance of the council’s commercial and semi-commercial activities”. In relation to Golden Bay, these activities are set out below. There may also be some forestry on reserve land.

(a) Collingwood & Pohara holiday parks

112. The council has four holiday parks/campgrounds in its commercial portfolio: Motueka, Murchison, Pohara and Collingwood. The council is nearing the end of a programme to buy back assets with its interest then being more operational in future. Pohara holiday park is the larger of the two in Golden Bay, providing a higher return, and is leased out. The Collingwood holiday park is run by 1.5 staff including the manager, and the council is looking to move to a lease arrangement and a break-even situation in the future.

113. We will undertake further investigation of the significance of these activities in relation to the council’s commercial portfolio and get an understanding of the role of the portfolio in the council’s overall financial strategy. This will help determine, for example, the scope for local decision-making in areas such as fees and charges.

(b) Takaka aerodrome

114. There are two aerodromes, Takaka and Motueka, in Tasman District. Takaka aerodrome was previously run by a local committee but has now moved to council control with a more commercial approach including in the setting of fees and charges. It is subject to civil aviation operational requirements. There is an aerodrome advisory group “as a means of engaging with the community on council commercial activities”. Golden Bay Community Board is represented on this group.

115. While we will investigate the impact of the aerodrome on the council’s commercial portfolio, it appears there may be more limited scope for local decision-making in respect of the aerodrome. The interests of the Takaka community specifically may be best addressed through the advisory group and we will investigate further the make-up of this group and appropriate representation for a local board.

(c) Port Tarakohe

116. There are two ports, Motueka and Tarakohe, in Tasman District. Port Tarakohe was bequeathed to the council in the 1990s and is classified as a local purpose reserve. There is a Port Tarakohe advisory group “as a means of engaging with the community on council commercial activities”. The two Golden Bay Ward councillors are on this group along with an iwi representative, a representative from Golden Bay Community Board and representatives of users and other interests up to a maximum of 10. Council officers commented these arrangements can be difficult.

117. The council has noted it is aiming to improve the facilities available so as “to promote both commercial and recreational opportunities of Golden Bay”. A new wharf/marina is under construction funded on a ‘private benefit’ basis, including ramp fee.

118. Again, it is important to understand the financial impact of the port on the council’s commercial portfolio and we will report further on this. It does appear the issue of public access to port facilities for recreational purposes is the main area of concern and we will undertake further work in relation to this including the make-up and role of the advisory group.

REPORT TO MEETING ON 21 MAY 2020

Local board responsibilities relating to council enterprises

1. The commission deferred consideration of possible responsibilities for a Golden Bay local board relating to two holiday parks in Golden Bay (Collingwood and Pohara), Takaka aerodrome and Port Tarakohe pending receipt of Mr Jones' report.
2. This report has been received and confirms governance responsibilities for these enterprises lies with the council's commercial committee which has the function "to monitor and improve the performance of the council's commercial and semi-commercial activities".

Collingwood and Pohara holiday parks

3. As we reported in February, the council has four holiday parks/campgrounds in its commercial portfolio: Motueka, Murchison, Pohara and Collingwood. The council is nearing the end of a programme to buy back assets with its interest then being more operational in future. Pohara holiday park is the larger of the two in Golden Bay, providing a higher return, and is leased out. The Collingwood holiday park is run by 1.5 staff including the manager, and the council is looking to move to a lease arrangement and a break-even situation in the future.
4. In its response to the call for alternative applications last year, the council noted it "manages the (commercial) portfolio as a whole to provide a return to ratepayers across the Tasman District. The commercial assets help off-set the need for council to increase rates." Mr Jones' report confirms this approach.
5. In light of this, the officers do not recommend a change in decision-making responsibilities relating to the Collingwood and Pohara holiday parks as part of the council's enterprises portfolio.

Takaka aerodrome

6. There are two aerodromes, Takaka and Motueka, in Tasman District. Takaka aerodrome was previously run by a local committee but has now moved to council control with a more commercial approach including the setting of fees and charges. It is subject to civil aviation operational requirements. There is an aerodrome advisory group "as a means of engaging with the community on council commercial activities". Golden Bay Community Board is represented on this group.
7. There appears to be limited scope for local decision-making on the operation of Takaka aerodrome given the current arrangements and requirements. We believe the interests of the Takaka community specifically are best addressed through representation on the advisory group.
8. In the event the commission decides to prepare a Golden Bay reorganisation plan, we believe it would be appropriate to first discuss detailed representation arrangements on this group with the council.

Port Tarakohe

9. There are two ports, Motueka and Tarakohe, in Tasman District. Port Tarakohe was bequeathed to the council in the 1990s and is classified as a local purpose reserve. There is a Port Tarakohe advisory group “as a means of engaging with the community on council commercial activities”. The two Golden Bay Ward councillors are on this group along with an iwi representative, a representative from the Golden Bay Community Board, and representatives from users and other interests up to a maximum of 10.
10. The council has noted it is aiming to improve the facilities available so as “to promote both commercial and recreational opportunities of Golden Bay”. A new wharf/marina is under construction funded on a ‘private benefit’ basis, including ramp fee.
11. It appears the issue of public access to port facilities for recreational purposes is the main area of concern. In the event of the commission preparing a reorganisation plan, we envisage a discussion with the council on representation of local interests and concerns as distinct from a change in overall decision-making responsibilities.

Financial implications of a Golden Bay local board

12. The officers see three cost components in establishing a Golden Bay local board:
 - (a) elected member remuneration
 - (b) board support costs
 - (c) other costs.
13. After identifying these costs, the next question is who should pay – Golden Bay, the district as a whole, or a combination of the two?

Elected member remuneration

14. The draft consultation document includes provision for a Golden Bay local board comprising six elected members and two appointed members. On this basis, we sought an assessment from the Remuneration Authority of likely remuneration costs.
15. The authority has provided the following indicative assessment with two options (with and without a deputy chairperson for the board):

Local/community board	Annual remuneration	Elected members	Total members	Annual governance costs	Costs per member	Costs per capita
<i>Option 1:</i> Chairperson	\$21,440	1				
Member	\$10,720	5	6	\$75,040	\$12,507	\$14.11
<i>Option 2:</i> Chairperson	\$20,843	1				
Deputy Chairperson	\$12,511	1				
Member	\$10,422	4	6	\$75,040	\$12,507	\$14.11
<i>Golden Bay Community Board:</i> Chairperson	\$13,103	1				
Member	\$6,551	3	4	\$32,756	\$8,189	\$6.16

16. The authority noted it could not use the model it had developed for assessing the Auckland local boards as the proposed Golden Bay local board is “unlikely to have significant responsibilities for operating expenditure or assets within their area”. This appears to refer to the fact we are not proposing the Golden Bay board would have decision-making responsibility for network infrastructure including roading or the ‘three waters’. Decision-making responsibility for assets like Takaka library, on the other hand, we see as relating to the day-to-day operations of the library as distinct from ongoing asset maintenance responsibilities. This latter responsibility would remain with the governing body reflecting Takaka library would continue to be part of the overall Tasman District library asset network.
17. Accordingly, the authority based its remuneration assessment on the following: population within the board area, number of elected members on the local board and the board’s responsibilities.
18. In relation to the authority’s options 1 and 2, it noted the position of deputy chair is a recent phenomenon introduced a couple of years ago at the request of Auckland Council. The authority noted “the council has very large boards that carry substantial workloads that had placed significant burden on their board chairs”. As noted, the authority sees the proposed Golden Bay local board has having fewer responsibilities.
19. The officers agree on the differences between the Auckland local boards and a possible Golden Bay local board in terms of scale, population and responsibilities and do not recommend provision be made for a Golden Bay local board deputy chairperson.
20. The authority is seeking comment on the rationale for six elected members while noting the Waiheke Local Board “represents a much larger population and has much greater responsibilities than the proposed Golden Bay local board yet Waiheke has only five elected members”. Five is the legal minimum number of elected members.
21. The officers recommended an increase to six over the present four Golden Bay Community Board members “in recognition of the increased responsibilities proposed for the local board and to emphasise this point with the community”. We do not, however, have strong views on whether an increase to six is necessary to achieve this as opposed to an increase to five. We do note a total of five elected members plus the two appointed members, means an odd number of members overall which does have some advantages in relation to board decision-making.

22. Relating to the number of appointed members, we note, based on the most recent (2019) estimates, Golden Bay has a ratio of population to councillor of -36.23% (i.e. over-representation) with its current two councillors (agreed by the commission in 2019 given this was outside the '+/-10% rule'). If the number of councillors was reduced to one, Golden Bay Ward would have a ratio of +17.72% (under-representation).
23. The current over-representation was justified on the basis of Golden Bay being an isolated community of interest and this would not change in the event a local board was established in Golden Bay. However, if a local board was established, some may argue that, resulting from the enhanced representation, both in terms of numbers and also local decision-making responsibilities, 'fairness' would suggest there be a reduction in the number of Golden Bay councillors.
24. We note, under the Local Electoral Act, 'fair representation' is defined simply in terms of the '+/-10% rule'.
25. We also note clause 14(2)(c)(ii) of Schedule 3 of the LGA requires the commission, in the event it decides to issue a local board reorganisation plan, to "describe (in that plan) the nature and extent of any proposed changes to the representation arrangements of the local authority". It is not clear to us whether the word "describe" allows, or perhaps requires, the commission to review representation arrangements for Tasman District Council. We are seeking legal advice on this matter and hope to be able to provide that advice at the meeting.
26. We note that the question of a possible reduction in the number of Golden Bay councillors, if a local board was to be established, has already been raised including by the council. In its latest communication, the applicant has also raised it and suggested "the community should be given the option of funding a portion of any local board governance costs from the regional savings via reduction in the number of ward councillors".
27. Given the issue has already been raised, we believe, subject to the legal advice, that if the commission was able to, and wished to, reduce the number of Golden Bay councillors, it would be desirable for the consultation document to foreshadow this.
28. If the number of councillors was reduced to one, then the number of appointed members would also be reduced to one bringing total board membership back to an even number in the event the elected members were reduced to five.
29. Putting aside the matter of the number of Golden Bay ward councillors, the officers are seeking the further views of commissioners on the number of elected members of any Golden Bay local board in relation to its suggested responsibilities, the comparison with Auckland local boards and the desirability of having an uneven number of total board members. Based on the Remuneration Authority's assessment, a reduction in the number of elected members, from six to five, would result in a cost saving of \$10,720 p.a.

Board support costs

30. Mr Jones has identified a need for one full-time equivalent staff member (FTE) to support a Golden Bay local board. This contrasts with the 4.5 FTEs suggested by Tasman District Council.
31. Mr Jones has identified the key roles for this person as:

- direct board support including advice on process and development of policy
 - ensuring good decision-making
 - liaison with board members
 - liaison with key staff concerning reporting requirements.
32. As Mr Jones points out, this would need to be a reasonably senior and experienced local government officer.
33. The council advised the commission, following a meeting with an Auckland Council officer, it estimated that “at a minimum the following additional staff will be required to service each local board and that these staff would be located in the local board area”:
- meeting support team leader
 - customer support officer
 - senior adviser
 - part-time adviser (to also carry out engagement work with the community)
 - PA/community liaison officer.
34. It is not clear to us why some of these roles would be directly attributable to the establishment of one or more local boards as distinct from the council’s own ongoing responsibilities. This is addressed further below under ‘Who should pay?’
35. Mr Jones does identify further impacts on council staffing in addition to the identified one FTE. He identifies the following additional requirements on staff based in Richmond:
- development of the required local board funding policy
 - development and reporting of services delivered in Golden Bay area
 - development of local asset management plans
 - development of local bylaws
 - consultation and communication.
36. Mr Jones assesses the impact of these requirements as follows:
- asset management: 0.2 of an FTE
 - finance: 0.25 of an FTE
 - community engagement & consultation: 0.25 of an FTE
 - regulatory: 0.2 of an FTE.
37. ‘Who should pay’ for these impacts is also addressed below.

Other costs

38. The council advised in its response to the call for alternative applications last year, that the district's service centres were "nearing capacity in terms of staff numbers" and therefore envisaged additional accommodation costs. Given the suggested requirement for only one additional FTE, this appears to be less of an issue. We also note the council's comment that "as a growing region we will need additional office space" which suggests an impact with or without the establishment of a local board(s).

Who should pay?

39. As previously noted, the related issues of the costs of a Golden Bay local board and who would pay, are probably the single most important questions for the community and which will largely determine the level of support for any local board(s).
40. While the commission would not be able to determine the rating arrangements if a local board(s) was to be established (only the council has the power to set rates), the officers believe the commission should set out its views as clearly as it can in order to facilitate the most effective possible consultation process.
41. Accordingly, this section sets out what the officers see as the key principles and considerations in relation to costs and the funding of these. Once these are agreed, we will be in a position to draft the outstanding section in the consultation document.
42. Section 101(3) of the LGA requires the funding needs of a local authority to be met from those sources that the local authority determines to be appropriate following consideration of, in relation to each activity to be funded, "the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals". In relation to a Golden Bay local board, the main issues to be addressed, after costs have been identified, are 'what are the benefits, who are the beneficiaries and, therefore, who should pay'?

Enhanced representation

43. Clearly, a Golden Bay local board, with either five or six elected members, would result in enhanced representation for Golden Bay relative to other local communities in Tasman District. This is currently recognised by a Golden Bay Community Board targeted rate to cover the direct costs of the community board, which has recently been extended to also provide a small fund for projects the community board wishes to undertake. A similar targeted rate also applies in Motueka the only other area in the district with a community board.
44. It is suggested that continuation of a Golden Bay targeted rate would be appropriate covering the direct costs of a Golden Bay local board particularly elected member remuneration.

Council obligations, desired outcomes and policy objectives

45. On the other hand, the officers believe there would be benefits for the district as a whole arising out of establishment of a Golden Bay local board primarily in the form of assisting Tasman District Council meet both its statutory obligations and also its own identified desired community outcomes and policy objectives.

46. The statutory purpose of local government (*section 10 LGA*) has two parts. Firstly, it is “to enable democratic local decision-making and action by, and on behalf of, communities”. This suggests decision-making should be as local as possible. Clearly a Golden Bay local board, with allocated responsibilities, provides the opportunity for more local decision-making on certain matters, reflecting the interests of the local community, than is the case under current arrangements.
47. The second part of the purpose of local government is “to promote the social, economic, environmental and cultural well-being of communities in the present and for the future”. To promote the well-being of communities, requires a certain capacity and to be able to do this efficiently and effectively, thereby promoting, among other things, the economic well-being of communities. This can still be achieved with the establishment of a Golden Bay local board, as the council organisation would continue to have the professional and technical capacity necessary to support the board. A local board is not able to employ its own staff.
48. There are further statutory requirements on local authorities emphasising the importance of local communities. For example, in performing their role, local authorities must act in accordance with certain principles (*section 14 LGA*) including:
 - a local authority should make itself aware of, and should have regard to, the views of all of its communities
 - when making a decision, a local authority should take account of: the diversity of the community, and the community’s interests, within its district.
49. An empowered Golden Bay local board, with a clear set of expectations and responsibilities placed on it, would assist Tasman District Council to act in accordance with these principles.
50. In addition, Tasman District Council has itself highlighted the importance of local communities. In its current 2018-28 long-term plan, it sets out its desired community outcomes including:
 - our communities are healthy, safe, inclusive and resilient
 - our communities have opportunities to celebrate and explore their heritage, identity and creativity
 - our communities have access to a range of social, educational and recreational facilities and activities.
51. In order to achieve these, the council needs to engage with the local communities concerned. The council acknowledges this with a further desired outcome of:
 - our council provides leadership and fosters partnerships, a regional perspective and community engagement.
52. At the same time, the council has identified further community outcomes which may be seen as focussing as much on the district as a whole:
 - our unique natural environment is healthy and protected
 - our urban and rural environments are people-friendly, well-planned and sustainably managed
 - our infrastructure is efficient, cost effective and meets current and future needs

- our region is supported by an innovative and sustainable economy.
53. There is a good argument to be made that the establishment of a local board(s) with a range of allocated local decision-making responsibilities, would also be of benefit to the district as a whole by allowing the governing body to focus its decision-making on achieving the outcomes relating more to strategic district-wide responsibilities.
54. Finally, it is noted that Tasman District Council has a further focus on local communities in both its significance and engagement policy and in its Tasman regional policy statement. Examples of these are provided in the *Appendix*. Again, an empowered local board(s) could assist the council achieve the desired policy objectives in these documents.

Who should pay for the additional costs arising from establishment of a local board(s)?

Direct costs

55. As noted, there are some direct costs of a Golden Bay local board which, in part at least, provide a direct benefit to Golden Bay residents. This benefit is primarily in the form of enhanced local representation with its associated cost of member remuneration. The one proposed FTE also relates directly to such a board with the role of assisting the board members to carry out their tasks and meet their responsibilities.
56. Given the current targeted rate for the direct costs of the Golden Bay Community Board, continuation of such a rate appears appropriate for the direct local board costs identified here.
57. The current community board rate also provides a small fund (\$13,000) for community board projects. A replacement local board targeted rate could be structured to allow such a fund to continue with the quantum agreed as part of the annual agreement between the board and governing body. The targeted rate would also provide the mechanism for funding any other agreed provisions, such as any increases in service levels for particular local activities, determined as part of the annual agreement.

Indirect costs

58. It has been argued here that the benefits of establishing a Golden Bay local board are not just for Golden Bay but for the district as a whole, by assisting the council meet its statutory obligations and achieve its own desired community outcomes and policy objectives. On this basis it would be reasonable for indirect costs, such as council officer time, identified above, to be met by way of rates across the district.
59. Mr Jones has found that Tasman District Council does not, as a matter of policy, allocate overhead costs to either of the current two community boards. This may or may not be a recognition of the argument outlined above, that there are benefits for the district from having the two community boards. In any event, non-allocation of indirect local board costs and overheads would provide consistency with present practice and allow a more accurate comparison of costs between a Golden Bay community board and a local board. It also has the advantage of providing flexibility in future funding which is important. For example, local board costs will be higher initially when the board(s) is being established and processes are being developed.

Council's 'Significance and engagement policy'

Tasman District Council's required significance and engagement policy includes the following:

- statements that for matters of medium to high significance, one or more approaches may be used including:
 - council seeks direct advice from the community in formulating solutions. This advice is incorporated in decisions to the maximum extent possible
 - the public is empowered to make the decision
- examples of engagement methods in Tasman include:
 - community led activities
- principles for engaging and consulting with communities including:
 - partnerships – in engaging and making decisions, council will work in partnership with appropriate representative and special interest groups
 - responding to diversity – council will endeavour to seek the views of a wide cross section of the community, using the most appropriate ways of engaging with various representative groups in the community (17 urban and village settlements and many more dispersed communities) ... electronic communication challenges in some remote rural locations. There are long distances from rural areas to larger urban centres, wide ranging age groups and time availability, and different social and environmental interests to account for. The geographic spread of these communities creates challenges for both council and community members in engaging in public meetings, workshops, open days and the like. The unique needs of each affected community will be factored into engagement exercises undertaken by council wherever possible
- engagement with elected representatives:
 - This policy recognises the role of elected representatives, both councillors and community board members, as valued and recognised conduits to the communities they represent.
 - Council, when engaging with affected or interested communities, will recognise the relationship elected members have with the location, specific communities and individuals affected by consultation or engagement initiatives.
 - Participation of elected representatives is an essential step to consider, in light of broader community good, when initiating any project requiring engagement.
- Planning for community engagement, including:
 - (council will) work in partnership with members and/or associations within particular communities to engage with the wider community where appropriate or cost-effective, and within time constraints.

N.B. Under this policy, it is noted that district libraries and reserves and cemeteries are deemed to be strategic assets.

'Tasman regional policy statement'

Tasman District Council's regional policy statement (operative from 1 July 2001) includes:

- *General objective 8: "Open, responsive, fair and efficient processes for all resource management decision-making"*
 - *Reasons: ...Local government exists to provide for different values, rights and services that are chosen by the community, through appropriate processes. The council acknowledges its responsibility to provide opportunities for the effective participation by all members of the community affected by council actions. This means clear and open procedures and adequate consultation with the community in the development of policy and the regulation of resource use activities...*