

Local Government Reorganisation Application

**To: Chief Executive Officer
Local Government Commission
Email: info@lgc.govt.nz**

For: Establishment of a Golden Bay Local Board

Applicant: Working Group for a Golden Bay Local Board

30 October 2018

Contents

1.	Introduction	4
1.1	Governance History	4
1.2	Golden Bay / TDC Relationship	4
1.3	Local Government Act and Local Boards	4
1.4	Research Based Analysis	4
1.5	Objective: ‘Good Local Government’ for Golden Bay and the District	5
1.6	Overview of Application.....	5
1.7	Statutory Requirements Checklist	6
2.	Applicants.....	7
2.1	Applicants.....	7
2.2	Representative of Applicants	7
3.	Change Being Sought	7
4.	Plan of Affected Area	8
5.	What the Proposed Change is Seeking to Achieve	9
5.1	Effective Representation.....	9
5.2	Democratic Local Decision Making	9
5.3	Council Services and Regulation ‘Appropriate to Circumstance’	9
5.4	Democracy Defaulting to Council Staff Views.....	10
5.5	Planning Driven by Regional Priorities.....	10
5.6	Local Leadership.....	10
5.7	Communication.....	11
5.8	Transparency and Accountability.....	11
5.9	Efficiency and Effectiveness of Local Governance Decision Making	11
5.10	Roading and Transport Issues	12
5.11	Community Assets	12
5.12	Environmental Care	12
5.13	Examples	13
6.	How the Proposed Change would be Achieved.....	14
6.1	Delegation to the Golden Bay Community Board.....	14
6.2	A Golden Bay Unitary Council	14
6.3	Golden Bay Local Board – Our Preferred Form of Representation	14
6.4	Responsibilities of a Golden Bay Local Board	15
6.5	Local Board Governance Framework.....	16
6.6	Community Participation in Local Board Elections	16
6.7	Local Board Governance Costs.....	17
6.8	Local Board Funding.....	18

6.9	Impact on the Wider Tasman District	19
6.10	Representation Ratios.....	19
6.11	Other Structural Change in Local Government.....	20
6.12	General Issues of Local Governance in NZ.....	20
7.	Improvements in ‘Good Local Government’ from Proposed Change.....	21
7.1	Local Representation	21
7.2	Democratic Local Decision Making	21
7.3	Simplified Planning and Decision Making	21
7.4	Accountability and Transparency.....	22
7.5	Communication and Responsiveness	22
7.6	Local Leadership.....	22
7.7	Efficiencies and Cost Savings	22
7.8	Productivity Improvements	23
7.9	Regulation and By-Laws Suitable for Local Circumstances.....	24
7.10	Environmental Protection.....	24
7.11	Transport.....	24
7.12	Cultural Relationships	25
8.	Community Support.....	26
8.1	Building Community Awareness	26
8.2	Working Group’s Local Board Residents Survey.....	26
8.3	Petition.....	27
8.4	Other Correspondence	27
8.5	TDC’s Annual Residents Survey.....	27
8.6	‘Understand First’ (Shattock) Report	28
8.7	Manawhenua ki Mohua	28
8.8	Public Meetings.....	28
8.9	The 2007 Tasman Representation Review.....	28
8.10	TDC Community Boards	29
8.11	Residents and Ratepayers Associations/Community Committees.....	29
9.	Summary	30
	Appendix I: Examples of TDC/GB Relationship Issues	31
	Appendix II: Aotea Great Barrier Island Local Board	33
	Appendix III: Financial and Economic Data.....	34
	Appendix IV: Petition	38

1. Introduction

1.1 Governance History

Mohua/Golden Bay is a *distinct community of interest*, covering a large geographic area in the north-west of the South Island. It has a population of approximately 5,000 people spread across two towns, a number of villages, rich farmlands and sparsely populated rural/forested areas. Golden Bay is deemed an *isolated community* requiring *specific representation* due to its remote and difficult geography and transport connections.

In 1989 the Golden Bay County Council was amalgamated with three adjacent councils to form the Tasman District Council (TDC), one of five unitary authorities in New Zealand. TDC's administrative centre is the town of Richmond, approximately 2-hours drive away for the average Golden Bay resident. Current representation is via a four-member community board and two ward Councillors. Golden Bay and Motueka, two of TDC's five wards, have been granted community boards. The other three communities are represented by community committees.

1.2 Golden Bay / TDC Relationship

Since amalgamation the TDC/Golden Bay relationship has experienced difficulties, at least partly due to the level of distinction and physical isolation between Golden Bay and its neighbouring communities. These issues came to a head in 2007 when TDC sought to disestablish the Golden Bay Community Board (GBCB). The community objected to the Local Government Commission (LGC), who ruled the GBCB should be retained as a valued body for local representation. Current research on the Golden Bay community's views on representation (refer section 8) indicate there has been no improvement in the relationship. Unlike some New Zealand community boards, there has been no delegation of decision-making powers to the GBCB over the 20 years of its existence. We believe this lack of democratic decision-making at the community level is the primary reason for the dissatisfaction expressed by the Golden Bay community with TDC. Unless this situation is addressed it is likely to lead to further disenfranchisement of the Golden Bay community from its governing body.

1.3 Local Government Act and Local Boards

In 2014 the Local Government Act (the Act) was amended to allow the LGC to establish local boards in existing unitary authorities to provide effective democratic governance at the community level, while achieving the benefits of scale by retaining centralised Council services.

The LGC can tailor local boards to the needs of different areas, constituting local boards for parts of a district where universal coverage is not appropriate for smaller/rural unitary authorities, and to ensure costs/membership are appropriate for smaller populations.

The Act promotes democratic community level decision-making as it leads to both greater community engagement, and more effective and efficient decisions for the affected community.

1.4 Research Based Analysis

This application focuses on deriving the optimal approach, under the Act, for the governance of our community based on research, and logic-based conclusions drawn from that research. To do this, we utilise all available research sources at our disposal – partly from reports commissioned by TDC, and partly research we have undertaken.

Our Working Group does not contain trained statistical analysts, and we provide our research on the basis that it is correct and suitable for purpose to the best of our knowledge and belief. We have sought to increase the validity of the research results by using multiple sources, some from professional sources, and cross-referencing between them.

Statements made in this application are not made to be critical of any party or individual, but rather to accurately reflect the community's view, and the underlying issues, as derived from

this research. We also, necessarily, draw conclusions from the research. We make all effort to do this logically, and objectively, based not just on research findings, but our group's considerable experience of the governance issues within our community.

A summary of the qualitative findings from two surveys (one commissioned by TDC, and a second undertaken by the Working Group, refer section 8.2 and 8.6) is as follows: that TDC is out of touch with the needs and culture of Golden Bay; that TDC's decisions lack respect for local knowledge and opinion; that value differences between Golden Bay and the rest of the Tasman district mean that the Golden Bay community's desires are rarely met; that Golden Bay's views on issues such as landscape, infrastructure, and the environment, are often out of line with TDC policies on these issues; that geographical isolation means Golden Bay is rarely fully heard and valued; that TDC is not listening to local views or submissions; that smaller communities are overlooked for the big (district-level) picture; and that the community board is valued but has insufficient powers to be effective representation.

The qualitative findings support the two quantitative research results (one survey commissioned by TDC and the second, a petition by the Working Group, refer section 8.3 and 8.5) which indicate an unacceptable level of dissatisfaction with local governance within the Golden Bay community, and a widely held community desire to investigate an alternative form of local representation that allows for local decisions by local people.

1.5 Objective: 'Good Local Government' for Golden Bay and the District

In our group's opinion, the best way to address these issues is by establishing a form of local representation for the Golden Bay community which has direct input into decision-making over local government issues by people elected from the local community with an understanding of local knowledge, values and customs. The group's objective is to do this whilst retaining Golden Bay's connections to the wider Tasman district, and meeting the requirements of the Act.

To deliver this objective, this application firstly identifies the key issues with the current local governance structure restricting the Golden Bay community's ability to achieve its desired community outcomes.

Secondly, the application will show that a local board is the logical representation option, under the Act, to provide the 'good local government' required to achieve these desired outcomes, and that neither delegation to the GBCB, nor de-amalgamation, are viable solutions. It shows that the legislative governance framework available to a local board, along with on-going LGC regulation, is essential to establish the policy boundaries required for the Golden Bay/TDC relationship to move to a more productive and healthier state – the key to a long-term effective solution for our community's governance.

And, it will show that a change to a local board would result in a 'win-win': for the Golden Bay community, other communities across Tasman, and the territorial authority itself.

1.6 Overview of Application

Sections two, three and four of this application cover the disclosure requirements under the Act for applicants, the legislative basis for the proposed change under the Act, and the plan of the affected area.

Section five covers what the proposed change (from community board to a local board) is seeking to achieve. We address each specific area of concern with the current local governance structure which the establishment of a local board is seeking to rectify, cross-referencing to the supporting research in section 8, and examples from members of the community in appendix I.

Section six details how these proposed changes identified in the previous section would be achieved via the implementation of a Golden Bay local board. Although this section repeats information available in the Act, as well as some of the information covered elsewhere in this application, we see this as being comprehensive rather than pedantic, and in doing so, seek to offer in-sight into specific implementation issues surrounding the efficient and effective functioning of a local board solution for our community's particular circumstances.

Section seven lists the potential improvements that logically result from the establishment of a local board for the Golden Bay community. It also addresses a number of improvements that would be achieved for the overall District. We do not cover the improvements a wider implementation of community-based democracy would achieve for the District as we see our application's scope as being our own community, although we do address specific issues where the establishment of a Golden Bay local board would have an impact on the district.

Section eight covers the community support elements of the application. It lists the research sources used to derive community view, and from which the observations and conclusions in this application are derived from. It also provides the quantitative measures of community support required for the acceptance of this application by the LGC.

1.7 Statutory Requirements Checklist

LGA Schedule 3 Clause 5: Contents of Local Government Reorganisation Application		
LGA Reference	Requirement	Application Section
5(1)(a)	name and address of the persons making the application	2.1
5(1)(b)	name and address of the person who is the representative of the applicants	2.2
5(1)(c)(i)	which of the matters listed in section 24(1) of the Act is being sought	3
5(1)(c)(ii)	a plan or other description sufficient to identify the affected area or areas concerned	4
5(1)(d)	what the proposed changes are seeking to achieve	5
5(1)(d)	how the changes would be achieved	6
5(1)(e)	the potential improvements that would result from the proposed changes	7
5(1)(f)	information that demonstrates that the application has community support in the district of each affected territorial authority	8

Note: terms appearing in *italics* in this application are intended to reflect their specific definition under the Local Government Act 2002

2. Applicants

2.1 Applicants

This application is made by the Working Group for a Golden Bay Local Board (the Working Group);

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3. Change Being Sought

This application requests the establishment of a local board area, including the establishment of a local board for that local board area, for the community of Golden Bay, pursuant to section 24(l)(g) of the Local Government Act (the 'Act'). The proposed Golden Bay local board would replace the existing community board, and the local board area would constitute the same area as the existing Golden Bay ward and community board area.

4. Plan of Affected Area

The plan shows the existing five wards within TDC. The boundaries for the proposed local board area are the same as the existing Golden Bay ward. All other ward boundaries, and that of the territorial authority, would be unaffected by the proposal. The boundaries of the Golden Bay local board area coincide with boundaries of the current statistical meshblock areas determined by Statistics NZ and used for parliamentary electoral purposes for the Golden Bay ward. The boundaries also conform with catchment boundaries. This application requires no change to regional boundaries or functions of the affected local territorial authority.



5. What the Proposed Change is Seeking to Achieve

5.1 Effective Representation

One of the Golden Bay Community Board's (GBCB) roles is to recommend and advocate on local issues. However, TDC are not obliged to, and often do not, act on these recommendations. Golden Bay's ward councillors, under the Act, are mandated to act in the best interests of the district and not the ward from which they are elected. This means Golden Bay's Councillors are unable to represent Golden Bay's distinct interests on the governing body when these are at variance with regional interests. These factors lead to a lack of effective representation and accountability for our local community.

Isolated communities, of which Golden Bay is one of a handful in NZ, the only one in Tasman, require *specific representation* to be effective. Typically, the level of distinction of a community correlates with isolation - the greater the distinction the more different the needs and aspirations in respect of growth, environment, social and cultural values, a community has from its governing district. The greater the affected community's level of distinction/remoteness, the greater the case, and expected benefits, for subsidiarity.

A local board, whilst not addressing representation effectiveness on the governing body, would mean local residents' opinions are reflected in decisions over local community issues, addressing effective representation for those issues.

5.2 Democratic Local Decision Making

Currently, decisions over issues specific to the Golden Bay community are made by the territorial authority's governing body. LGC have suggested TDC delegate to the GBCB (refer the 2007 Tasman Representation Review, section 8). However, to date, there has been no delegated decision-making powers to the GBCB. This means that council decisions on local Golden Bay issues often do not reflect the local context, identity and values of the Golden Bay community. A local board, however, would mean decision-making is far more responsive to local needs and priorities.

Subsidiarity, a fundamental principle of good local government under the Act, implies that the closer a decision is made to the community affected by the decision, the higher the quality of that decision in respect of effectively and efficiency delivering the desired community outcomes. A governing body whose members largely live 2-hours drive away are likely to make sub-optimal decisions over issues principally affecting the Golden Bay community compared to a locally elected representative body, as they do not know what the residents of the community value, or wish for their futures, as well as the residents of that community. TDCs governing body should only make decisions which cannot be made at a local community level. This is, currently, not the case.

Local government exists to allow communities to make decisions about those issues which primarily affect them, and for which they receive the benefits. The more decision-making by communities themselves, the better policy outcomes are likely to be. A local board would strengthen social capital by providing better opportunities for Golden Bay residents to contribute to the governing of their community.

5.3 Council Services and Regulation 'Appropriate to Circumstance'

The Act requires council services and regulation to be effective, efficient and appropriate to the affected community's circumstances.

Centralised decision-making bodies often (and TDC is certainly no exception) take a 'one size fits all' approach to policy making, instead of close examination of each community's individual

circumstances. This is contrary to the Act's requirement that services and regulation should be appropriate to the circumstances of the affected community.

Councils therefore are obliged to consider, for each of their communities, whether the one-size-fits-all services/regulation approach is appropriate, and where more flexibility should be introduced to meet the differing needs of its communities. Flexibility is likely to be easier for those communities where service delivery and decision-making is not heavily interdependent with neighbouring communities. For example, more localised procurement in Golden Bay should be considered if that would be more effective, including cost-effective, than a district-wide approach.

Where a localised procurement model is adopted, it also makes sense to decentralise the governing body's decision making to ensure local knowledge is utilised to ensure decentralisation is efficient and effective. Increasing delegations, via local boards, in these circumstances clearly not only makes sense, but is fundamental to any political structure whose objective is to deliver effective and efficient local government.

5.4 Democracy Defaulting to Council Staff Views

Councillors face enormous workloads in a diverse region, especially for unitary councils with their wide responsibilities. TDC, especially, is a territorial authority covering a large, diverse area with many communities –with different interests, views, and needs. Many Councillors claim they find little time to devote to any one issue – particularly those relating to a specific community rather than regional.

Due partly to this time constraint, it has been observed that Council decisions frequently have a strong reliance on TDC staff recommendations, tempered with limited understanding of local community issues by the members of the governing body. This leads to council decisions overly weighed to quantitative/financial views versus qualitative issues.

Local board members would have the time (given they focus largely on local community issues), and the inherent knowledge of the local community and environment, to provide a more effective governing function over local issues without needing to rely heavily on staff recommendations. A local board's regular interaction directly with its community would provide a much-enhanced platform for democratic community involvement in the decision-making process.

5.5 Planning Driven by Regional Priorities

Survey respondents identify lack of planning for the social, economic, environmental, and cultural development of Golden Bay as one significant shortcoming. We believe this reflects TDCs planning process which typically focusses on 'top-down' regional initiatives, and is exacerbated by a further survey result indicating that the community view is that TDC does not respond adequately to public submissions on the LTP from the Golden Bay community.

We believe these results reflect over-complexity in TDCs planning process. The planning process for the Golden Bay community could be very much simplified by refocusing on a community driven, 'bottom-up' planning approach. Planning under a local board emphasises local community consultation to establish the community's needs and preferences as the starting point, rather than as an after-thought.

5.6 Local Leadership

Regional level leadership does not equate to local leadership. Survey feedback indicates the community's view is that the Cyclone Gita Takaka Hill road closure response from TDC (refer

Appendix I) illustrated that in times of disaster district-wide leadership by a Mayor with district-wide priorities is no replacement for community-specific leadership. Many business leaders have expressed a view that the lack of leadership exacerbated the economic effect of the Takaka Hill road closure on the local business community.

Lack of community leadership also shows through in a failure to foster economic development. For example, one community concern that has been expressed is that there is no plan to apply to the Provincial Growth Fund for infrastructure developments for Golden Bay, such as tourist-grade cycleways. This compares to the Buller District Council's application for \$7million for similar infrastructure.

5.7 Communication

One of the issues common across the different research results is the difficulty in communication between Golden Bay residents and TDC. This is partly driven by the time/cost of travelling two hours to the Council offices in Richmond, and the lack of effective public transport. It is also likely driven by the differences in community values compared to TDC policy on issues such as the environment, street lighting etc.

A local board would shorten the communication lines between the affected community and the decision-makers, and given that the decision makers are from the same community they would be able to more clearly and concisely communicate about the reasons and effects of Council decisions and policies.

5.8 Transparency and Accountability

Lack of transparency on how rates are spent on local council services is a particular local concern. TDC, like most councils, do not record many expenditure categories at the community level. The local board planning process would provide greater transparency over the level of rates spent in the local board area, and how those rates are spent, and in conjunction with the annual agreement, allow the community, via its local board, to gauge the efficiency and effectiveness of council spending in delivering community services.

As the GBCB, the local community's representative body, has no responsibility for decision making over issues affecting the community, there is no clear line of accountability back to the community for poor decisions. Who does the community hold responsible for non-delivery of community goals? The Golden Bay ward councillors constitute only two of the fourteen voting members of the District's governing body, and are required to vote for the regional interest as opposed to the ward's interest. Where a community's collective vote is a small percentage of the overall District vote, the community is unable to effectively hold the District's governing body (or its members) accountable for its decisions over local Golden Bay issues. This lack of accountability leads to a feeling amongst the community that 'your vote doesn't count', and eventually disenfranchisement of the electorate.

5.9 Efficiency and Effectiveness of Local Governance Decision Making

The governance of our community suffers from 'middle-man' syndrome. A commonly held opinion by residents, and some community board members, is that a community board without any decision-making powers, or budgetary responsibility, merely acts as a buffer between the community and the (remote) decision-makers. Further, there is a secondary organisational disconnect when the centralised decision-making governing body then has to translate its decisions, via the TDC organisation and its staff, back to the remote community. The organisational capacity of the territorial authority could be easily streamlined to deliver more effective and efficient local decisions via implementing a decision-making body (a local board) within the community itself.

One measure of the efficiency and effectiveness of Council's decisions is the timeliness of its provision of services and regulation in response to community priorities. An example of where the current decision-making process has not been timely, and resulted in significant delays and associated costs, is the Pakawau community's experience in getting Council approval for a sea-wall to protect residential properties from coastal erosion. Another example of lack of efficiency is the \$200,000 in legal costs incurred by ratepayers in TDC first deciding to demolish an historic grandstand, then later (after significant local protest) to retain it. There are many such examples of Council ineffectiveness and indecision in its decision making over local issues relating to a lack of understanding of local issues and appreciation of local priorities by Council staff and the governing body. We believe these issues relate to the isolation and distinction of the local community, which could be effectively addressed by the establishment of a local decision-making body.

5.10 Roothing and Transport Issues

Transport is TDCs largest expenditure category. It is unclear how much is spent on roading within Golden Bay. There are currently 1,751 km of roading in the Tasman district, 967km sealed, and 784km unsealed. Within Golden Bay there are 169km (17%) of sealed, and 231km (29%) of unsealed roading. Fulton Hogan are the current holders of the 3-year roading maintenance contract for Golden Bay, which is likely to have some association with contracts in the wider Tasman district.

A local board would be in a much stronger position than TDC to firstly review this contract in respect of costs and service levels compared to local contractors, and on an ongoing basis, overview the performance of the contractor.

Cycleways are of particular concern to the community. Seven years ago, TDC decided not to support a local initiative to develop a tourist-grade cycleway at far less cost than TDC's proposal, which is still to be implemented. The main reason the community proposal to extend an existing cycleway to go over the Motupipi Estuary and in to Takaka township failed to go ahead was the estimate for a Resource Consent by the TDC of approximately \$100,000 with no clear guidance on the factors affecting the outcome (we note this lack of clarity has also impacted commercial investment in the Bay which we cover latter in this application). This meant a potentially valuable public facility, principally to be funded by local voluntary labour and donations, was not progressed with by the community.

5.11 Community Assets

A number of Golden Bay community assets have been entrusted to TDC, at little or no cost, for the ongoing benefit of local residents. These include community halls, parks and reserves, marinas, wharfs and boat ramps. Examples provided by the community indicate TDCs centralised decision-making often fails to appreciate the public good derived by a community from the use of these assets, nor understand and respect the history and cultural attachment of a community to particular assets.

A local board would be in a stronger position to assess the wider public good (not just the financial aspect) in decision-making over these assets, and be able to implement cost effective strategies in line with local commercial and voluntary services, to maintain these assets.

5.12 Environmental Care

We believe that a local board would be able to build direct partnerships with the local DOC area office (Takaka) and Manawhenua ki Mohua, to ensure environmental care programmes for the local environment are more effectively and efficiently run and coordinated with the other

stakeholders than under regional-level approach. There are other environmental groups focused on Golden Bay that would also logically benefit from a closer relationship a local board, with a greater understanding of the local environmental priorities, would provide (e.g. Project De-Vine).

It is important to note that TDCs unitary authority status has already caused significant environmental care concerns with the local community. Two examples given to us by the community are TDCs opposition to the Te Waikoropupu Water Conservation Order, and TDCs opposition to central government initiatives to get Councils to foster programmes to fence stock from water-ways.

5.13 Examples

Appendix I provides examples, for each main category of Council function, of the difficulties inherent in TDC's governance of Golden Bay. These examples provide insight into the loss of effectiveness and efficiency of decision-making over local issues relating to the remoteness and distinction of the Golden Bay community from the rest of the Tasman district.

Members of the GB community involved in each of these issues are willing to discuss in further detail with the LGC in the event this application is accepted.

6. How the Proposed Change would be Achieved

6.1 Delegation to the Golden Bay Community Board

The Act permits TDC to delegate a wide range of responsibilities over local issues to the existing GBCB. Other community boards in New Zealand operate effectively with greater delegated responsibilities than the GBCB. This option would be the easiest to implement as it does not require a local government reorganisation.

The main issue with this form of representation is that it lacks a governance framework under which the GBCB would engage with its community, interact with TDC staff, or resolve disputes that would inevitably arise with TDC, especially over the funding of these delegated responsibilities. Delegations are at the discretion of TDC and can be withdrawn at any time. In the 2007 Tasman Representation Review, the LGC stated that "...the extent of [TDCs] delegated decision-making responsibilities are insufficient... other councils delegate [far more responsibilities] to community boards. LGC suggested the need for a review of TDC's community board delegations and were assured that this would occur. A decade later there are still no delegated responsibilities to the GBCB.

It is symptomatic of the attitude of TDC to its community boards that their governance costs, along with any delegated budget (in 2018 TDC allocated a discretionary budget to the GBCB of \$10,000, compared to a general rate collected from the community in excess of \$5million p.a.) is target rated back to the community. We note that the Act states (schedule7, cl.39) the expenses of community boards should be borne by the Council.

For this option to achieve good local governance a significant change in the current GB/TDC political relationship would be required. Historically, TDC has not shown willingness to review the situation. We believe a local board structure would be far more effective and efficient in delivering the desired changes, irrespective of the community/governing body relationship.

6.2 A Golden Bay Unitary Council

An application could also be made to the LGC to return to the past Golden Bay County Council. This would have to be for a unitary council as there is no regional council for this area. Recent applications for independent councils for North Rodney and Waiheke Island communities (population 24,000 and 8,000 respectively) were rejected as these areas were deemed too small to be effective and efficient, so it is unlikely an application for a separate Council for Golden Bay (population 5,000), requiring its own staff and service delivery capabilities, would be accepted as promoting good local government.

6.3 Golden Bay Local Board – Our Preferred Form of Representation

The Act recognises that community boards do not always provide effective representation and local decision-making, and so allows distinct communities to apply to the LGC to establish local boards "to ensure that an effective and appropriate balance is reached between regional and local interests" (LGC website).

Under this form of local representation, the existing centralised Council services and staff functions are retained but decision-making responsibility and accountability on a range of agreed matters is carried out by local people at the local community level. Moving decision-making closer to the community means decisions can be made more effectively and efficiently and enhances planning and accountability. If implemented, the local board would replace our community board.

Every 3 years Golden Bay residents would elect local people to the Board, who in turn elect a chairperson. Alternatively, the chair could be elected 'at large' directly by the community. There

may be sound reason to adopt the latter approach, at least initially, as a strong chair elected on principles by the community may be required through the establishment phase to ensure the community's preferences are accurately reflected in the final structure of the board and its agreements with the territorial authority.

All decision-making, meetings and public consultation would follow the existing protocols used by TDC. The Chair would represent Golden Bay in community roles (such as citizenship ceremonies) and as the Golden Bay spokesperson for the media and, with support from the District Mayor, to Central Government (e.g. in event of a disaster). The Board would provide local leadership and develop partnerships with, and makes decisions in conjunction with, local community, business, iwi and advisory groups.

We feel the important difference between the GBCB with delegated responsibilities option, and a local board with allocated responsibilities, is that the local board makes decisions on certain local areas of responsibly permanently allocated to it by the LGC under an established governance framework. The local board structure provides distinct communities decision making autonomy in a very different fashion to that under a community board, and this different structure means Golden Bay's desired community outcomes have a far higher chance of being attained.

6.4 Responsibilities of a Golden Bay Local Board

Under a local board governance is shared. TDC would focus on region-wide strategic decisions while the local board would be responsible for making decisions on many issues affecting the Golden Bay community. The local board would provide the leadership required to build a progressive community and make decisions about how our rates are spent locally, how our businesses and community groups operate, and the way we care for our natural environment. Local decisions would be made by local people that we know, we vote for, and who are directly accountable to the community. The local board would seek to resolve disputes with TDC directly. If this proves ineffective, disputes would be independently resolved by the LGC.

The Act provides that 'non-regulatory activities' must be allocated to local boards unless there are particular reasons why territorial authorities should be responsible (the reasons are set out in s. 48L(2)(b) of the Act). These allocated responsibilities are the key distinction between local boards and community boards. The local board would then be accountable for these activities to the Golden Bay community.

We believe a Golden Bay local board should have decision-making powers over all non-regulatory local activities unless there is a compelling case for particular activities to be allocated to TDC. Non-regulatory activities that could be included: parks and reserves, community halls, recreation facilities, events, local community development initiatives, cycle-ways, campgrounds, marinas, boat-ramps, roads, footpaths, aerodrome, and coastal care.

In addition, under the principle of subsidiarity, there is a strong case for many regulatory decision-making responsibilities of TDC for local area activities to be delegated to the local board (e.g. dog control, building consents, by-laws) due to the benefits of ensuring regulation is appropriate for local circumstances and preferences. We note that these delegations are different in that they are more discretionary and may be withdrawn by TDC at any time, if for example, it can be shown centralisation or a uniform District approach, would lead to better community outcomes for either Golden Bay or the District.

We note that a local board would remain part of TDC and cannot own property, enter into contracts or legal proceedings, nor appoint or remove TDC employees. This restriction on local board scope safeguards the community against ultra-vires acts by the local board.

The LGC would make the initial allocations and delegations as part of a reorganisation scheme, then TDC would be responsible for these on an ongoing basis.

6.5 Local Board Governance Framework

The Act provides a governance framework to support the efficient and effective operation of local boards. We view this framework as a key point of difference between community boards and local boards, without which, especially given the TDC/GB relationship, the chances of achieving the desired community outcomes from a change in local representation would be significantly diminished.

The first element of the framework is the Local Board Plan, produced every 3 years laying out the Board's vision and initiatives reflecting the community's priorities based on local consultation. This plan would act as the framework for decision-making for the following three years and is the basis for accountability of the Board to the community. The plan must be agreed with and included in TDC's regional plan.

Secondly, each year there would be a Local Board Agreement negotiated with TDC. This would contain all the agreed activities/services to be provided in the Golden Bay area over the coming year including those specific responsibilities allocated or delegated to the Board, along with the allocated funding for these. The Local Board would monitor and report to the local community on performance in relation to these activities and services.

Thirdly, in certain aspects, disputes with TDC would be resolved by applying to the LGC. The framework also specifies to some extent allocation of responsibilities and a local boards' role in setting by-laws, plus ways to interact with Council staff. The Act also contains a process to 'equitably' allocate Local Board funding based on number of people, geographic size & socio-economic needs.

TDC staff would provide agreed services to the community under the direction and supervision of the local board in respect of allocated and delegated responsibilities, and support the Board to fulfil its governance role for these activities through the provision of advice and administrative services.

The TDC chief executive would be responsible for implementing the decisions of the Local Board and accountable to the Board (and thus the local community) for results. We believe, to significantly enhance overall efficiency of the organisational structure, the TDC CEO should have a dotted-line reporting responsibility to the Local Board for local issues, and the Local Board, along with other stakeholders, should be represented on the TDC CEO review committee.

6.6 Community Participation in Local Board Elections

Golden Bay has one of the highest ratios of university graduate qualifications per capita (20%) of any community in NZ, and our high schools often come in the top percentiles for academic results. Frequently our community makes more submissions on local government issues and the LTP process than any other Tasman community, irrespective of population. Although the latest community board election provided only four candidates (i.e. non-contested) we believe that is a result of waning community interest in the current form of representation for the reasons outlined in this application, and is not symptomatic of a lack of community interest in local democracy. We have a very diverse, well informed and educated, community minded, and active population who, we feel, will be willing to participate in a suitably empowered representative body.

We also point out that a Local Board would be the ideal vehicle to introduce STV voting, which would produce a more democratic result with fairer representation for the community. In combination with greater local democracy at the community level as afforded by a local board, this could significantly enhance community engagement in local politics. Given the unacceptable voter participation rates in local government elections, it is well past time central government took affirmative action to address this area.

6.7 Local Board Governance Costs

Governance costs consist of the remuneration and related costs of the elected members on the local board, plus the TDC staff costs for the decision-support function to assist the local board.

The direct remuneration costs of a local board will be higher than for the GBCB, which is funded by a targeted annual rate on the Golden Bay community of \$18 per ratepayer or approximately \$70,000 p.a. A local board would have more members (between 5 & 12 is permitted – we suggest 6 may be an appropriate number, as opposed to 4 for the GBCB) with more responsibilities, and this may warrant a higher targeted rate. We believe the Chair of a Golden Bay local board would warrant remuneration similar to a Councillor, given the importance of such a role in an *isolated community*.

The existing TDC Service Centre premises and administration support function in Takaka currently utilised by the GBCB would be adequate for local board purposes without any need for additional expenditure. There is facility to cater for larger public participation in meetings at the new recreational facility or other existing community halls.

The majority of governance costs associated with local boards are the costs for the TDC decision-support staff. However, as a local board is taking over decision-making roles currently performed by TDC, the functions supporting these decision-makers are (or should be if TDC are fulfilling their obligations under the Act) already being performed and funded from existing general rates, including rates from Golden Bay. The management information (planning, financial and managerial advice from TDC staff) would, under a local board, be provided to local decision makers as opposed to members of the governing body in Richmond. There should be little or no extra costs within TDC, and so these decision support costs for a local board should be funded out of the same general rates as currently collected in Golden Bay.

We believe the general rule for local board governance costs should be that they are funded from general rates, with any increase offset by a commensurate decrease in the budget of the governing body. Local boards are not 'add-ons' or 'extras' for a particular community, but rather perform core territorial authority decision-making functions unable to be performed efficiently and effectively by a centralised governing body. It is up to the territorial authority to recognise the enhanced efficiency and effectiveness of decision making over community-level decisions afforded by community-level democratic decision-making bodies, and structure their organisational processes and cost basis to take advantage of this structure. We believe there will be scope for the LGC to transfer the learnings under the Auckland local board implementations to enable TDC to efficiently deliver any changes required.

We stress that given the significant potential to provide lower-cost and more efficient council services and regulation to facilitate economic productivity improvements, if a local board is granted sufficient powers to do so, there should be significant scope for economic benefits to outweigh any increased governance costs.

As part of the reorganisation process the LGC would investigate and identify the costs (and benefits) of a local board, and consult with both TDC and the Golden Bay community on affordability to ratepayers. The LGC is required by the Act to be satisfied any proposed changes have demonstrable community support and clearly this would need to take account of the likely cost of a Golden Bay Local Board. Given the low average incomes in Golden Bay (\$23k pa) and the already high rates (TDCs rates are rated third highest in NZ, with limited services especially for rural areas) any charges will need community support and will need to be shown as affordable to the local community.

TDCs current operating surplus (approx. \$10million dollars), and an overall budget well in excess of \$100 million p.a., indicates there is scope to afford higher governance costs to deliver 'good local government' to all its communities as required under the Act without suffering reduction in

its service provision levels. We note that in Auckland, where local boards cover the whole district, the governance costs are funded entirely from general rates.

6.8 Local Board Funding

TDC would be obliged to produce a funding policy stating an equitable formula (typically based on number of people, geographic size and socio-economic needs) for allocating funds to the local board. This policy must contain funding for agreed locally-driven initiatives (e.g. local events, community grants, increases to library opening hours, feasibility studies, youth connections, enhancing local playgrounds etc), running costs of the Council assets in Golden Bay (operating, maintenance and staff costs for the library, parks, community and recreation centres etc) and capital expenditure funding (new or renewal of community assets, such as a swimming pool, library). The local board would decide how the funds are spent and would have the governance oversight of these assets.

Transport NZ provides funding for local boards' local transport initiatives, and a Golden Bay board would have the ability to propose a targeted rate within Golden Bay to fund projects, improve service levels, or for new assets not funded district-wide by TDC if that was the desire of the Golden Bay community.

One issue on funding is transportation (principally roading). Golden Bay has a large roading network (29% of the Tasman district's unsealed roads are in Golden Bay, with many bridges susceptible to wash-outs in bad weather events), and two long roads (Cobb valley and Totaranui) designated as special purpose roads which have been largely funded by NZTA but switch to 51% funding going forward.

A local board would provide greater transparency than at present to the Golden Bay community about what portion of our rates are spent locally on particular activities, about the decisions on how those rates are spent, and about how the decision makers are accountable to the community.

We are aware of issues on funding of local boards in Auckland due to use of a funding formula that is heavily weighted towards population (90 per cent) compared to deprivation (5 per cent) and land area (5 per cent). We are of the opinion that a funding method heavily weighting for population would be inappropriate for Golden Bay due to its geographic size, length of roads, large seasonal population variation, extensive use of infrastructure by tourists, and other socio-economic differences to regional averages, which would, over time, result in disparities in service provision.

There are also legacy inequalities to be addressed in deriving an equitable funding formula, as required under the Act. There are disparities in services and community asset levels that reflect the different levels of investment in both pre-amalgamation councils and the 20-years since (for example, the level of road sealing and cycleways). These historic disparities will remain embedded unless addressed in the funding formulae.

One related issue is a perception held by some residents that TDC spends more in Golden Bay than the rates collected (i.e. 'subsidises' Golden Bay). This has resulted in some concern being expressed that a move to a Golden Bay local board may mean this perceived subsidy is removed. However, we can find no evidence of a subsidy. TDC have stated they are unable to identify expenditure by community. What is known is that TDC collect higher revenues per person in Golden Bay than the district average (15% of TDC's general rate is collected in Golden Bay versus a population basis of 10% of the District), but approximately the same revenues per ratable unit. We believe, based on conversations we have had with the community, the perception of a subsidy may relate to the amount of roading in Golden Bay (23% of district roading). However, it is uncertain whether residents are aware of NZT roading subsidies or take into account factors

such as roading quality (42% of Golden Bay roads are sealed v 55% for Nelson) or level of maintenance due to volume of usage.

Irrespective of subsidisation, the importance of a local board to improve the effectiveness and efficiency of Council spending remains. Whether the local board acts as guardians of solely the local community's rates, or some greater portion of the over district's rates that TDC is required to spend in Golden Bay to ensure adequate local government services, a local board would still provide a valuable enhancement to local decision-making that would ensure greater effectiveness and efficiency of Council spending, and enhance financial control.

6.9 Impact on the Wider Tasman District

The LGC is required to consider the impact of establishing a local board for Golden Bay on the entire *affected area*, defined as the entirety of the Tasman district. The level of distinction of the Golden Bay community, supported by the research results on the varying community views on TDCs reputation across the district, indicate that the Golden Bay community may be the sole community within the district to show wide-spread support for a local board (refer TDCs annual residents survey, section 8).

The LGC can establish local boards for all or any part of a district as it sees appropriate for the circumstances of each community, but must ensure any such reorganisation provides for democratic local decision making, fair and effective representation, and for the current and future well-being of all the communities within the District. It must consider the benefits to all communities of a consistent/co-ordinated approach, but must also consider the benefits of reflecting the needs and preferences of each community under a local board.

We feel that a variant approach to community representation has little downside, whilst considerable upside. It reflects the existing current variant approach to community representation across Tasman communities (mixture of community boards and community committees). TDC would face reduced complexity in its long-term planning via a local board 'bottom-up' consultation process, and be able to focus on regional decision-making. There is little inter-connection of Council services to consider, and typically there are separate third-party service contracts for infrastructure such as roading. Importantly, there are no cross-overs in Iwi, DOC, communities of interest or water/river catchments, and no impact to regional boundaries.

Given that Golden Bay is the sole isolated community (requiring specific representation) in the district, we feel that local board representation for Golden Bay would meet the fairness/equity considerations for cross-community representation under the Act. We note that in the 2007 Tasman Representation Review, the LGC concluded a variant approach to community representation across the Tasman district was not disadvantageous to its communities.

If the LGC deem a wider spread of local board representation across the Tasman communities is warranted, we point out that the allocations and delegations of each board can be tailored to the circumstances of the community and its interconnectedness to its neighbours. The limited inter-networking of Council services in Golden Bay may warrant greater powers for its local board than for a board for a community with closely networked council services which may benefit from a centralised approach to decision-making over service delivery to ensure efficiency and fairness across communities.

6.10 Representation Ratios

Given forecast population changes, at some stage ward councillor representation may need to change (already significantly outside the 10% resident/councillor relationship). Although we note that the LGC can, and does, allow far greater variations in the ratio, effective representation of

an isolated community may be better achieved via a local board representation than further widening of the representation to population ratio.

There have been a number of residents express to us the view that having a higher councillor/resident ratio does afford the community increased effective representation. We believe the research findings in this application supports this supposition (refer section 8). This community view is likely to at least partially relate to the Act requirement for ward Councillors to reflect the district view rather than the view/interests of their ward of election.

6.11 Other Structural Change in Local Government

We believe that enabling democratic local decision-making by communities has priority over wider structural change. TDC/NCC amalgamation or other structural change due to, for example, service centralisation resulting from the 3-Waters-Review, should not affect Golden Bay's application for community-level democracy. Increased centralisation of the Council services increases the need for greater devolution of democratic decision making for local issues to the community level. In fact, we believe a local board would allow further centralised services without risking increasing dis-enfranchisement levels within our community, and is a possible solution to this issue across the wider Tasman/Nelson region.

6.12 General Issues of Local Governance in NZ

We acknowledge that local boards are a relatively new structure in New Zealand local government, and are in an evolutionary stage. Although feedback from Auckland is mixed, our interpretation is that local boards can provide effective community representation if given sufficient powers, responsibilities, and the budget to perform these responsibilities. We believe there is a strong case, given the circumstances of the Golden Bay community, particularly from an effectiveness and efficiency perspective, and due to the level of community distinction, to justify the LGC granting significantly extended allocations and delegations to a Golden Bay local board, in line with the current Governance Framework Review for Waiheke Island.

We would also stress that, given the history of the GB/TDC relationship, for the proposed changes to be implemented effectively and efficiently, there would be a need for ongoing LGC regulation in respect of dispute resolution and general adherence to the wording and spirit of the Act by the territorial authority, at least through the transition phase.

7. Improvements in 'Good Local Government' from Proposed Change

7.1 Local Representation

Golden Bay's isolated community status reflects a high level of distinction in the community's needs and aspirations in respect of economic/growth, environment, social, and cultural values compared to the wider Tasman district. The establishment of a local board, and along with it, subsidiarity for decision-making, will have a significant beneficial impact on the capacity of the community's elected representation to provide effective local government.

Local government exists to allow communities to make decisions about those issues which primarily affect them, and for which they receive the benefits. The more decision-making by communities themselves, the more effective the local representative body will be in making decisions which reflect the affected communities needs and priorities. A local board would strengthen social capital by providing better opportunities for Golden Bay residents to contribute to the governing of their community. People feel a greater connection to their community and its governance when decisions about how they are governed reflect the local context, identity and values of their community.

7.2 Democratic Local Decision Making

Golden Bay has a strong culture of community engagement in local issues, with typically the highest number of submissions per capita, of the five Tasman communities, on Council planning, and with voluntary work on projects directly related to local government functions (e.g. cycleways and coastal care).

However, the latest community board election was un-contested due to lack of candidates, and voter participation rates have fallen. We believe this is largely due to a growing disenfranchisement of the community from its current elected representative bodies. This is unfortunate as the Golden Bay community has the ability to play an important role in local decision making and participation in the state of the local environment, and in contributing to the overall wellbeing of the local community.

A local board will enable democratic local decision making by the Golden Bay community whilst avoiding the costs of a separate Council. Feedback from surveys (refer section 8) indicates community participation in local government would increase if there was a higher level of community autonomy and decision making, as under a local board.

7.3 Simplified Planning and Decision Making

In a district with significant geographic, demographic and economic differences between its communities, Councillors frequently rely on staff recommendations in their decision making. A local board member will be able to make a more efficient and effective decision over local issues than a Councillor from another community over 2-hours drive away. Decisions would be able to be made quicker using local knowledge and understanding of the local social and commercial environment.

Under the local board planning process, local board members, elected from the local community, engage directly with their own community to understand its needs and priorities, which are then incorporated into its 3-year plan. This 'bottom-up' planning process would significantly simplify TDCs current regional initiative-based ('top-down') planning with its complex and inefficient consultation process, a main area for negative comments about TDC.

TDC would also face reduced complexity in its decision making, being able to focus on regional policies and planning without the distraction of attempting to understand issues about remote community assets in Golden Bay.

7.4 Accountability and Transparency

A local board's clearly defined responsibilities provide the community with transparency and understanding about who is responsible for delivering the agreed community goals in the local board plan. There is direct accountability of the local board for its actions to its electorate at election time. We believe this would be a significant enhancement over the current situation with the GBCB.

There would also be greater clarity and transparency of the information that can be made available to the community to facilitate decision making and the ability to determine costs against benefits. The local board plan and the annual agreements provide the basis for fairness and transparency on spending of rates and community understanding of Council's performance on service delivery to agreed targets.

Local board's decisions are open for public scrutiny, and the local media would play a major part in forming the community's view of the Board's performance. We have a strong and well-read local press, who, under the greater transparency and accountability of a local board structure, could significantly enhance community awareness, understanding and engagement with Council activities and performance.

Feedback on the performance of TDCs service delivery under the annual agreement will be more immediate than is possible under TDCs current reporting mechanisms. The greater scrutiny and feedback from an engaged community, and local board members, is likely to ensure improved governance, clearer accountability and more scope for improvement in the efficiency and effectiveness of TDCs operations.

7.5 Communication and Responsiveness

Communication lines between residents and local government decision makers for local issues is greatly simplified. At the regular public forums, or directly via mail or phone, local residents can get a direct response from local board members who make actual decisions over local issues, and who, collectively, can directly hold TDC to account for any failure in service delivery to agreed targets. Again, this would be a significant improvement over the current situation where, commonly, the response at the GBCB public forum to a query from a resident is "we will write to TDC on your behalf for a response (hopefully) ..."

7.6 Local Leadership

In the event of a disaster, or for example in applying for regional development grants, a local board chair would demonstrate direct and appropriate leadership for our isolated community, liaising closely with the District Mayor. Current arrangements have shown to fall well short of local expectations over recent disasters (refer examples in appendix I).

7.7 Efficiencies and Cost Savings

Based on anecdotal evidence (examples given in appendix I), we believe there is significant scope for improved cost effectiveness in Council spending across Golden Bay. We have also received a number of comments where residents believe Council have been overcharged for services compared to the 'normal' cost of a similar service to non-council entities.

With more direct control and community vigilance, a local board would be better suited to ensure ratepayers get value for their rates. A local board member with direct knowledge and experience of the relative costs and efficiency in their particular community, and who has responsibility to manage community spending to a budget, is far better placed (and motivated) to act as guardian of the ratepayer purse than a Councillor from a remote community. We believe a local board would significantly enhance the financial responsibility of the Council.

Appendix I discusses, in brief, a number of examples where a local board would significantly improve the effectiveness and efficiency of Council decision making, with respective savings to ratepayers. Again, these represent a small sample, but indicate there is evidence to warrant investigation by the LGC in order to establish the potential cost savings to the ratepayers from the establishment of a local board and the enhanced cost controls that that may effect. And we stress these would be savings not just to Golden Bay ratepayers, but ratepayers across the Tasman district.

Golden Bay has a strong tradition of volunteerism in respect of community assets. There is also scope for considerable cost savings via a local board's closer relationship to its community than a large, complex and geographically separate body. For example, establishment of cycleways, coastal care, and maintenance of community halls are areas where greater community engagement can significantly reduce Council costs in the provision of community services, or more services can be provided for the same amount of spending of ratepayer's money.

7.8 Productivity Improvements

Golden Bay has lower productivity (absolute and growth) measures than national averages, and lower personal income levels (refer appendix III). Although we do not have sufficient data to draw conclusions about the underlying factors behind these statistics, these numbers, at least, reflect the importance of pursuing enhancements in delivery of local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

An important area, where we have identified potentially significant productivity improvements, is in ensuring Council's building and resource consenting functions are appropriately and efficiently applied given the community's local circumstances. Local businesses need clarity and an implicit understanding that their needs will be met in a timely, cost-effective, and unambiguous way that is appropriate for the local commercial environment, allowing them to plan and invest with certainty.

One example of this, included in the appendices, is a (previously) planned investment at the local marina which would have potentially enabled a productive local marine service industry providing jobs and investment in the local economy. The investor was forced to pull out of the project as they were unable to obtain certainty from TDC on an appropriately priced resource consent.

A local board with appropriate powers would likely be more able to work with TDC staff to ensure the regulatory environment our local businesses work within reduces their business risk in investing in the local economy. We would expect this would achieve not at extra cost to ratepayers, but through leverage of the greater knowledge of local board members and their greater inter-action with Council staff in an over-seeing role to ensure local circumstances are fully incorporated in local regulation.

We also believe that there is significant scope to improve the productivity within Council itself. At times, TDC departments appear to function with little inter-departmental cooperation or 'outside the box' thinking, which is possibly necessary for larger urban areas due to their greater complexities. Unfortunately, a 'one-size-fits-all' approach means many opportunities are being overlooked in smaller communities such as Golden Bay through lack of seeking innovative solutions made possibly by specific local circumstances and co-operation with local resources.

We have received feedback from the local community that in dealings with Council a common reply would be “oh, that’s not my department, you will have to speak to ...”. An example of this is roading maintenance not being coupled with cycle path development.

A local board will be better placed to understand the local environment council operates within, its costs and potential revenues. They would be able to make better decisions, and/or determine service enhancements, to make conscious trade-offs between council provision and voluntary activity, understand the regulatory and other bottlenecks to economic investment, and take into account wider community benefits of an issue that are not obvious to remote Councillors.

7.9 Regulation and By-Laws Suitable for Local Circumstances

Unitary Councils are, by design, structurally weak in separating regulatory and non-regulatory governance functions. TDC face a number of issues due to an historically mixing environmental regulation with their other responsibilities, for example overallocation of irrigation extraction rights. To some extent delegation of local governance to a local board will mitigate this risk.

A local board is a more powerful platform than a community board to propose (and get implemented) by-laws for its community. Being elected directly from a community, the local board will have a closer understanding of the prioritisation and appropriateness to local circumstances of proposed (or existing) by-laws. Many by-laws, to be effective, need an understanding of, and granularity suitable to, individual sub-parts of the community (e.g. village-specific), for which a local board is far better placed to implement an effective and efficient approach.

7.10 Environmental Protection

Separation of the regulatory functions of the unitary council from local decision making would potentially have a positive impact on the local environment. For example, TDC did not support the previous National government’s proposal to require stock fencing of on-farm water-ways. A local board, reflecting local circumstances, could have worked with local farmers and conservation groups to implement an appropriate solution in conjunction with our farming communities.

Another example of where TDC’s vision of the environment varies from views held by many local residents is the Water Conservation Order being pursued by Golden Bay groups to ensure protection of Te Waikoropupu, against the wishes of TDC. The issues are not simply, and they involve trade-offs, but a local board would be far better placed to understand the local community’s cultural, environmental and economic needs and priorities are met in the regulation of its water catchments.

We believe a local board would be able to work along-side Iwi and DOC to plan and implement council spending on environmental programmes more efficiently and effectively than currently. This is supported by the experience from the Aotea Great barrier Island local board (refer appendix II).

7.11 Transport

There are a number of issues around transport where a local board would provide more effective, efficient, and suitable for local circumstances, than under the current decision-making process, by a closer understanding of local issues.

One example is weighing the overall costs to the local community of unsealed roads, and the prioritisation of Council spending in this area. There are a number of roads heavily used by tourists which present a danger in their current unsealed, unmarked state.

A local board would have a clearer understanding of the community's priorities, and ability to judge qualitative community benefits, in Council roading and cycleway investment.

7.12 Cultural Relationships

Local board members will have a greater understanding and appreciation of Mohua/Golden Bay specific (local) Iwi issues, and would be able to build stronger, direct relationships to ensure an understanding of cultural issues and ideas are incorporated in local government decision making.

Feedback from our case-study local board – Aotea Great Barrier Island Local Board (appendix II) – is that the enhanced powers of a local board over a community board, in conjunction with a naturally closer association with tangata whenua, can lead to greater opportunities for understanding and working together, particularly for environmental projects.

8. Community Support

8.1 Building Community Awareness

Since the Working Group first approached local media in late June 2018, there have been over six articles published on local boards across three different local newspapers (Nelson Mail/Stuff, GB Weekly, Tasman Leader), informing residents about local boards and the Working Group's proposal to measure community support for an application to the LGC for a Golden Bay local board. There has also been national coverage with articles on TV One and Radio NZ.

Through these articles, advertisements, and social media (the community Facebook page 'Takaka Noticeboard'), residents have been asked to visit the Working Group's website www.gblocalboard.co.nz for information on a local board option for Golden Bay. The website has received (to end October 2018) 339 individual visitors. The LGC has reviewed the website for factual accuracy in respect of the ACT.

8.2 Working Group's Local Board Residents Survey

A request for Golden Bay residents to complete an on-line survey relating to a local board option was advertised in the local press. To date 115 people have provided responses.

The analysis of the first 100 respondents is as follows;

Question: How satisfied are you with the Tasman District Council's performance in governing Golden Bay local issues? *Satisfied: 2; Not satisfied 98*

Question 3: How well informed are you about local government alternatives? *Informed: 92; Not Informed 8*

Question 4: Do you believe change is required in order for Golden Bay to have good local government? *Change required: 96; More Information 4*

Question 5: Do you support a proposal for the Local Government Commission to investigate the possibility of a Local Board for Golden Bay? *Support proposal: 96; Need more Information 4*

Question 6 (optional): Rank the options for future local government in Golden Bay in order of your preference;

% of respondents ranking following representation options in order of preference

Local Board: 73% first, 21% second; 5% third

Golden Bay Council: 26% first; 29% second

Community Board + more delegated powers: 1% first; 43% second; 42% third

No change: 0% first; 1% second; 15% third

Question 7 (optional): Which 'community' do you most strongly feel you belong to?

% of respondents ranking following 'community of belonging' options in order of preference

Golden Bay: 96% first; 1% second; 3% third

Tasman District: 2% first; 49% second; 48% third

Nelson/Tasman Region; 2% first; 49% second; 48% third

In summary, the responses indicate that the people who completed the survey overwhelmingly support that change is required in local governance of their community, and that they support an investigation by the LGC of a local board option for Golden Bay.

A summary of responses to a request for their comments is as follows;

- TDC not listening to local views or submissions

- Lack of transparency & effective consultation on local issues
- TDC out of touch with needs & culture of Golden Bay
- Value differences between GB & rest of Tasman mean that our desires are rarely met
- GB views (e.g. landscape, infrastructure, environment) out of line with TDC policies
- Smaller communities overlooked for the big picture
- Geographical isolation means we are rarely fully heard and valued
- Two hours travel to participate in local govt decision-making precludes full participation
- Our community needs a voice with more power than the community board
- Current structure inadequate to represent us
- Local governance would increase community participation in decision making

Individual responses are available on request.

We note that, as for the petition, individual responses are strictly confidential to the LGC, and can be supplied directly to the LGC on request.

8.3 Petition

A petition has been undertaken seeking public support for the following proposition: “We, the undersigned, want effective and efficient local decision-making by local people, and request the Local Government Commission to investigate the possibility of a Golden Bay Local Board, with more powers to make local decisions than the present Community Board”. The petition wording was agreed with the LGC.

To the end of October 2018, the petition has received 650 signatories (approx. 17% of the Golden Bay electorate). Further support is shown in the survey, although some of these will be duplicates (i.e. we allowed people to complete the survey and sign the petition), but combined community support shown is approaching 20% of the electorate.

The original petition papers will be separately mailed by registered post to the Commission, with the Working Group maintaining a copy.

8.4 Other Correspondence

Over the last dozen-plus years there have been many newspaper articles addressing specific issues between TDC and the GB community. Some of the main issues are addressed by case studies in appendix I. We note that the local press, particularly the GB Weekly, is known for balanced and fair reporting of issues regarding TDC.

Letters to the editor, particularly in the main local community newspaper by circulation (The GB Weekly), reflect dissatisfaction within the Golden Bay community with the GB/TDC relationship. We have not attempted to quantify this; however, we believe this indicator quantitatively supports the results of TDC’s annual residents surveys (section 8.5) and qualitatively support the key findings in the Shattock report (section 8.6).

If requested, the Working Group will collate press articles and public letters for the LGC. We note that these are available on-line for at least the last couple of years.

8.5 TDC’s Annual Residents Survey

As required under legislation, TDCs annual residents survey (National Research Bureau’s COMMUNITRAK™ survey) measures residents view on TDCs reputation. The results are published on TDCs website.

The 2017 survey found 59% of GB residents rated TDC’s ‘reputation’ as ‘Not Good’, versus 33% ranking TDC as ‘Good’. The 2018 survey shows 50% of Golden Bay residents rated TDCs ‘reputation’ as ‘Poor or Very Poor’. We note rankings vary significantly across the communities

within the district, indicating community differences significantly affect TDC's reputation across its five communities.

8.6 'Understand First' (Shattock) Report

In response to continual low ratings from Golden Bay residents in its annual residents survey, in 2017 TDC contracted a consulting firm (Autonomy Solutions) to research the relationship between TDC and the Golden Bay community. This was based on an interview of 26 Golden Bay residents active in the community. The report, 'Understand First', lists 2 pages positive comments, 2 pages neutral comments & 11 pages negative comments. The report's main conclusions on the Golden Bay community's views on the TDC/GB relationship are as follows;

- Frustration in dealing with TDC
- Cost/time travelling to Richmond impacts community engagement
- Lack of respect for local knowledge/opinion
- Some trust in staff but not in TDC overall
- Desire for more local autonomy
- Community Board valued but insufficient powers to be effective
- No plan for social, economic, environmental, cultural development

The report is available on-line at www.gblocalboard.co.nz/downloads.

8.7 Manawhenua ki Mohua

We have met with Manawhenua ki Mohua, the umbrella organisation representing the three iwi in Mohua/Golden Bay. They expressed understanding of the objectives of the Working Group. We believe they will be interested in discussions with central government on whether a local board for Mohua/Golden Bay could improve cultural relations and more productive interaction with the territorial authority. We note that our benchmark case study of the Aotea Great Barrier Island Local Board (appendix I) indicates a number of areas where a local board can lead to improved interrelationships with iwi, particularly in environmental management.

8.8 Public Meetings

Following a number of public discussions and a presentation by the Working Group to the GBCB, the LGC was asked by the GBCB to hold a public meeting in Golden Bay to present on local boards. In early October, an initial presentation was made by the LGC at public forum during the GBCB monthly meeting, followed by an evening community meeting. This meeting was well attended by approximately 40 members of the local public. The feeling of this meeting was supportive of further investigation by the LGC of a local board option for Golden Bay.

8.9 The 2007 Tasman Representation Review

As part of territorial authorities obligations to periodically review its representation arrangements, TDC proposed, in 2007, to disestablish both of its community boards. Under objection from the two communities, the LGC replied as follows;

Para. 46. While the Golden Bay Community Board provides a well-established and strongly supported consultation and advocacy structure, [LGC] believe that the extent of its present delegated decision-making responsibilities are insufficient

Para. 60. [TDC] presented to [LGC] that councils should be wary of delegating responsibilities to community boards because they ultimately remain liable and accountable for community board decisions. [LGC reply] this not a concern shared by many other councils...highlights the degree to which the effectiveness of community boards depends on the quality of their relationship with the parent council...the above argument strongly suggests the need for a thorough review of community board delegations in the Tasman District. [LGC] were assured that this will occur...

The full 2007 representation review document is available on the LGC website.

8.10 TDC Community Boards

The Working Group has had a number of discussions with both the GBCB and the Motueka community board, the two community boards within the Tasman District. In summary, some members of the community boards support a switch to a local board form of community representation, whilst other members prefer to pursue a community board with greater delegated powers as a way to attain greater community-level democracy. At least some level of change appears to be widely supported by members of both boards.

We have already discussed in more detail with the LGC our views on the factors leading some elected members to support greater delegations to the existing community boards rather than allocations to a local board. We believe the combination of candidates with differing skills putting their names forward for election, more information and training on the advantages of local boards compared to community boards, a change in remuneration structure, and most importantly, actual experience of what a local board could achieve for its community, would significantly move views towards favouring local boards over community boards as the preferred form of community representation, for at least the Golden Bay community.

We note with interest that during this period TDC has begun to made overtures to both boards about delegating aspects of certain specific projects to its community boards. The Working Group encourages both TDC and the community boards to pursue this as the start of an enhanced working relationship between TDC and its communities.

However, there are clear reasons, which we have covered in this application, why a local board structure is the preferred representation structure to enable our community to achieve 'good local government'.

8.11 Residents and Ratepayers Associations/Community Committees

Currently within Golden Bay there is one residents and ratepayers association – the Pakawau Community Residents' Association. We have informed this organisation of the Working Group's intentions. The main focus of this body is the current negotiations with TDC on the resource consent for a sea-wall to prevent coastal erosion threatening private properties, and as such they feel they are not in a position currently to take an official position.

There are currently twelve community associations listed on TDCs website. None of these are within Golden Bay. Although we have not discussed the application directly with these organisations, we have had discussions with the Department of Internal Affairs Community Advisor for the Nelson/Tasman region, who is in contact with at least some of these organisations and, we understand, has raised the issue with them.

9. Summary

This application has shown that the Golden Bay community's current representation fails to deliver democracy at the community level, fails to provide effective and efficient local decision-making over local issues, and fails to provide regulation that is appropriate for our community's circumstances. We have provided evidence that there is wide-spread community support for a change in local representation.

We have also shown that a local board would provide the best platform for local governance to foster 'good local government' within the Golden Bay community, improving the effectiveness and efficiency of local decision-making, providing regulation appropriate to the particular circumstances to allow our business to meet their productive potential, and improving transparency, accountability and engagement of the community in local governance. We have provided qualitative and quantitative evidence that the local community supports an application to the LGC for the investigation of a local board for Golden Bay.

The Local Government Act clearly promotes community-level decision making. In many ways Golden Bay is the ideal community to be the first to be granted a local board outside of a wider reorganisation. With its level of distinction from the wider Tasman district, and its educated and outspoken residents, it is well placed to handle the challenges, and in so doing may well move the NZ local government political scene a significant step forward towards the aspirations embodied in the principles underlying our local government legislation.

We acknowledge that these enhancements will not be achieved without significant regulatory oversight from the LGC, especially over the transition phase of a local board implementation, until the relationship between Golden Bay and its territorial authority moves to a sustainably productive one. We are aware that TDC will politically resist change, and we acknowledge there are related structural concerns affecting the wider governance of the region which remain unaddressed after the failed NCC/TDC amalgamation application which may have a bearing on this application.

However, Golden Bay is at a critical time in its history. Our community's population and economic base is poised for substantial growth. There is a planned 10-fold growth in one of our main industries – aquaculture. We have a summer population explosion to 25,000, likely to grow with planned increases in domestic and international tourism. We are a highly desirable retirement destination for New Zealand's aging population. And we are evolving infrastructure to meet these needs with new subdivisions recently approved. But without local political leadership to manage these economic opportunities, our community's unique lifestyle, culture and environment will be at risk. Issues over affordable housing, regulation, environmental care, freedom camping and tourism management, unoccupied dwellings, high dependency ratio, transportation, employment/productivity, flood and erosion control, cost of living, and community services need careful management with appropriate recognition of our community's distinct requirements.

If we are to be a proactive community, taking ownership of our future, now is the time to implement a governance structure which empowers this community to participate in good quality local decision-making. If not, there is a real risk this community will fail to reach its goals of harmony whilst respecting diversity, economic growth whilst respecting the environment, and enhancing our economic and social well-being whilst protecting and fostering our distinct way of life.

Section 24AA of the Local Government Act requires the LGC, in consultation with communities, to identify, develop, and implement in a timely manner the option that best promotes good local government. Our community looks forward to working with the Commission to do so.

The Working Group for a Golden Bay Local Board

Appendix I: Examples of TDC/GB Relationship Issues

a. Community Recreational Asset – Grandstand

The historic grandstand is a Golden Bay recreational asset, used by, and paid for largely by a targeted rate on locals. Yet the decision to demolish this facility was made by Councillors in Richmond without due note of the recommendation of the Golden Bay Community Board to retain the structure (at least initially, and not until after legal costs in excess of \$200,000).

b. Community Commercial Asset - Tarakohe Marina

Port Tarakohe, a dual use (commercial/recreational) marina gifted to the 'people of Golden Bay', is another dispute between the GB community and TDC demonstrating a lack of regard for local priorities and interests in Council decision making. A local business proposal to develop a travel lift / marine service industry at the marina was not supported by TDC. Other decisions over usage and fees&charges for this facility have been based solely on staff and consultant reports without regard to local circumstances.

c. Disaster Recovery - Cyclone Gita Takaka Hill Closure

After the cyclone Gita Takaka Hill closure, local businesses claimed TDC lacked leadership to ensure road links were re-established efficiently and tourism marketing and Government disaster funds effectively utilised to minimise the effect on our community.

d. Tourism Infrastructure / Cycleway

Other Councils have applied for regional development funding to develop economic infrastructure, e.g. Buller Council's application for \$7M for a tourist cycle route. A similar Golden Bay cycle route could economically be the equivalent of the Otago rail-trail. Compare this to TDC's past refusal to support a proposed locally-funded Pohara/Takaka cycleway via a Motupipi estuary bridge. Golden Bay is missing out on investment crucial to our future well-being.

e. Environmental Regulation - Water Conservation Order

TDC's objection to an expert witness presenting crucial evidence at the Water Conservation Order hearing based on an administrative technicality, highlights TDCs fundamentally different approach to the environment from that prevalent in Mohua/Golden Bay. Common opinion is that we will not accept a trade-off of environmental risk for economic gain which could affect our taonga - Te Waikoropupu, Farewell Spit and the Kahurangi National Park. Golden Bay's distinct cultural values and relationships with tangata whenua and our natural surrounds make TDC's environmental regulation not appropriate to circumstances.

f. Coastal Care – Pakawau Seawall

TDC's decision-making around the Pakawau seawall consent process was neither cost- efficient nor appropriate to circumstances, causing significant stress and unnecessary cost and time delays for residents.

g. Removal of community boat ramp. A frequently used boat ramp, deemed unsafe, was removed with no notification to residents. A number of residents have stated they would have provided the updates to meet safety requirements (largely the addition of a hand rail) rather than have it removed. Residents report it is now difficult to access the beach particularly for elderly users, and summer holidaymakers may cause environmental damage due to the changed access. The direct communication lines between a community and a local board would ensure these types of misunderstandings are avoided.

h. A Grey Power request for a pedestrian crossing in Motupipi street for safe mobility scooter access to the supermarket was interpreted by Council for a main road access (possibly so NZTA would fund it), but ended up not delivering the community requirement for safe access for the elderly.

i. Lack of transparency on sale of public land at Port Tarkohe: against public protests, public land was sold to private interests for a planned fish factory (which did not eventuate) to supply local jobs. Many local residents feel there was lack of transparency over selection of the purchaser, and the end result did not serve the greater public good. There has never been any accountability to the community of Council members or staff for this issue. A local board, with an understanding of local priorities, would likely at a minimum avoided the lack of transparency in its decision making, and may well have ensured a better outcome for the community.

Appendix II: Aotea Great Barrier Island Local Board

The Aotea Great Barrier Island Local Board (AGBI) governs a small (pop. 1,000) remote area with difficult transport links, and is a good case study for our community to see the positives and negatives of a functioning local board and how a small remote community can operate under a local board 'shared governance' arrangement. Aotea Great Barrier Island and Mohua Golden Bay share many similarities, with small rural/village-based populations (1,000 and 5,000 respectively) spread over remote farmed and forested areas. Both are attached (politically) to districts with larger urban populations, have difficult transport links to the outside, low wages compared to the District average, and rely principally on forestry, fishing, farming, and tourism for employment. Both have a significant DOC presence, are renowned for their 'artistic and bohemian' elements, and deal with an influx of summer holiday-makers (and a winter shortfall).

GBILB was established in the 2010 Auckland amalgamation which created the Auckland Council for regional governance and 21 local boards for local governance. The GBILB consists of five locally elected members and, as for all local boards, does not own premises or employ staff. The board meets at the local Council offices and has 2 administration staff assigned from the Council. This setup is similar to staffing and services at the Takaka TDC Service Centre but, what is noticeably different is that there is a far closer relationship between the Council staff and the local board, with the board overseeing Council staff to ensure Council services are delivered as specified in 'annual agreements' between GBILB and the Auckland Council.

The chair of the local board, who was on the AGBI community board before the 2010 amalgamation and says the board has really enjoyed the differences between being on the local board compared to the community board. The most important difference is around the Local Board plan. "Every three years local board members spend significant time in discussion with local residents and community groups to understand their needs and priorities. These are incorporated into the GBILB Plan, a guiding document for the community laying out the local board's activities and goals over the next three years". The planning process is "bottom-up planning compared to the top-down approach under the previous 'Council+Community Board' structure. It's about focusing on local community needs and priorities and less about finances or initiatives pushed down from the Council with different priorities".

The other significant difference is the focus on the care for the environment. Communities in remote natural areas have a closer relationship with their environment than that often found in urban-based communities. Local people are better able to understand and appreciate the environmental priorities and needs of their area, and the Local Board is better placed to ensure these needs are met.

However, the local board 'shared-governance' model doesn't address all the issues inherent with the 'Council+community board' model. The chair explained that "our local board plan is still limited in what it can do for our community by the overall budget restraints set by the Auckland Council". The Council sets the overall funding constraints on the local board under a 'funding policy' which sets out an 'equitable formula typically based on number of people, geographic size and socio-economic needs' by which District-wide rates are allocated to the local board. This funding restraint dictates how much of the local community's needs can be met in the current local board plan.

Interestingly, the GBILB has found that "other Auckland communities now express greater respect for AGBI's uniqueness since the establishment of the GBILB". When a community takes ownership of how it operates and portrays itself, celebrating its differences without pulling away from its neighbouring communities, then those surrounding communities can see that uniqueness as something to appreciate and respect, and, by doing so, enrich the region as a whole. Perhaps this is the way forward for the Golden Bay community. By taking ownership of our local governance under a local board, Golden Bay could move to a mutually beneficial shared-governance approach with our District Council based on celebrating our differences rather than our differences being an ongoing point of conflict.

Appendix III: Financial and Economic Data

	Golden Bay	Tasman	New Zealand
Population			
- population (2017 estimate)	5,432	53,490	
- % of district	10%		
- Growth for year	+1.5%		+2.1%
- Growth annual avg last 5yrs	+0.7%pa		+1.7%pa
- population (2013 Census)	3,756	47,154	
- % of district	8%		
- % 65+years (2013 Census)	18.3%	17.9%	
- % 0-14years (2013 Census)	18.5%	20.0%	
Population Age Profile (2017 estimate)			
Working age (15-64)	60.2%		65.4%
Young people (0-14)	17.4%		19.5%
Older people- 65 years+	22.6%		15.1%
Dependency ratio (note 2)	66.5%		52.8%
Cultural Diversity (2013 Census)			
European	94.5%	93.1%	
Māori	6.6%	7.6%	
Pacific Peoples	0.7%	1.1%	
Asian	1.7%	1.9%	
Middle East, Latin America, Africa	0.4%	0.3%	
Other	2.2%	2.4%	
% of residents born overseas	22.3%	17.8%	
% of German speakers	4%	1.9%	
Ratable Units (2017)			
- No. units	3,290	22,720	
- % of district	14.5%		
General Rates (from Communities) (2017)			
- \$ million	\$5.1M	\$34.8M	
- % of TDC Total	15%		
Total Council Revenues (from Communities) (2017) - Estimate			
- \$ million	\$15M	\$108M	
- % of TDC Total	13.8%		
Council Revenue collected per person (from Communities) (2017) - Estimate			

- General rates per person	\$936	\$650	
- Total revenues per person	\$2,761	\$2,032	
Roading 2017			
- Sealed KM	169km	967km	
- %	17%		
- Un-Sealed KM	231km	784Km	
- %	29%		
Personal Income – for 15+yr Age (2013 Census)			
- Median personal income	\$23,300	\$25,700	
- Income less than \$20,000pa	42.7%	39.3%	
- Income more than \$50,000pa	42.7%	20.9%	
- Median Age	16.3%	44	
Household Data (2013 Census)			
- Avg household size (persons)	2.3	2.5	
- Number of Dwellings	2,523	21,582	
- Occupied dwellings	1,725	18,882	
- Unoccupied dwellings	798	2,700	
- % dwellings unoccupied	32%	13%	
Education (2013 Census)			
- % with degrees or higher qualification	20%	14%	
Economy – GDP (2017 estimates)			
GDP \$million	\$164M		
GDP Growth for year	-0.1%		+3.6%
GDP Growth 10years (annual avg p.a.)	+1.1%p.a.		+2.0%p.a.
GDP By Broad Sector (note 1) (2017 Estimates)			
Primary Industries	17.8%		6.8%
Secondary industries	11.4%		19.1%.
Tertiary industries	39.4%		28.7%
Quarternary industries	14.8%		31.6%
GDP By Industry Sector (top 3) (2017 Estimates)			
Agriculture, Forestry and Fishing	17.6%		
Rental, Hiring and Real Estate Services	11.2%		
Transport, Postal and Warehousing	10.4%		

GDP By Industry (top 3) (2017 Estimates)			
Property Operators/Real Estate Services	10.0%		
Dairy Cattle Farming	9.8%		
Road Transport	8.3%		
Employment by Industry (2013 Census)			
Agriculture, forestry & fishing	330	4,980	
	35%	26%	
Accommodation & Food	150	1,540	
	16%	8%	
Transport, postal, warehousing	140	770	
	15%	4%	
Retail	70	2,030	
	7.5%	11%	
Construction	55	1,140	
	5.9%	6%	
Employment (2013 Census)			
- Unemployment (15+ years)	3.3%	4.0%	
Employment (2017 Estimates)			
Numbers	2,067		
Growth from previous year	+0.09%		+2.4%
Growth last 10 years (annual average)	+0.6%pa		+1.2%pa
Employment By Broad Sector (1) (2017 Estimates)			
Primary Industries	22.9%		6.1%
Secondary industries	11.4%		19.5%
Tertiary industries	47.1%		38.2%
Quarternary industries	18.5%		36.3%
Jobs Growth for year by Industry (Top 3) (2017 Estimates)			
Retail Trade	+9		
Manufacturing	+9		
Accommodation and Food Services	+8		
Productivity (2017 Estimates)			
GDP per Employee	\$79,139		\$97,702
Productivity growth for year	-0.2%		+1.2%
Productivity growth annual 10year	+0.6%pa		+0.9%pa

average			
Business Units (2017 estimate)			
Number	687		
Growth for year	-4.2%		+ 2.1%
Growth - annual 10year average	-2.7%pa		+1.1%pa

Sources: NZ Statistics / TDC Website

Notes:

Comparative Advantage

The industries in which Golden Bay has the largest comparative advantages are:
Fishing & Aquaculture; Road Transport; Dairy Product Manufacturing

(1) GDP by Broad Sector:

Primary industries - direct use of natural resources- extracts/harvests products from the earth

Secondary industries -produces manufactured and other processed goods

Tertiary industries - includes the lower value-adding service industries

Quarternary industries - includes the higher value-adding, knowledge-based service industries

(2) Dependency ratio expresses the number of persons outside of the working age as a proportion of the number of persons of working age (15 to 64 years).

Appendix IV: Petition

Original petition sheets have been mailed to the LGC.

Sheet No	Signature Count
1	29
2	30
3	30
4	29
5	29
6	29
7	30
8	8
9	20
10	23
11	2
12	14
13	1
14	17
15	29
16	7
17	12
18	10
19	13
20	29
21	29
22	28
23	29
24	29
25	29
26	29
27	2
28	24
	60 on-line
Total	650
Electorate (est)	3800
Percentage	17%