

Report No:	RCN11-08-03
File No:	C771
Date:	2 August
Decision Required	

REPORT SUMMARY

Report to: Full Council
Meeting Date: 11 August 2011
Report Author: Paul Wylie, Chief Executive
Subject: **Community Board Delegations**

EXECUTIVE SUMMARY

This report recommends an amendment to the Delegations Register to confirm the role and delegated powers applicable to the Motueka and Golden Bay Community Boards following consideration of the matter at the 30 June 2011 Council meeting and in light of recommendations included in the Local Government Commission's draft reorganisation scheme for the proposed union of Tasman District and Nelson City.

RECOMMENDATION/S

That the Council receive this report and adopts the draft resolution contained in the report.

DRAFT RESOLUTION

THAT the Council receives report RCN11-08-3 and agrees to amend Section 10.4 of the Council's Delegation Register as follows:

The powers of the Motueka and Golden Bay Community Boards, in respect of their wards, are as follows:

- (1) The role of Community Boards as defined in section 52 of the Local Government Act 2002, is to:**
 - (a) represent, and act as an advocate for, the interests of its community; and**
 - (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and**
 - (c) maintain an overview of services provided by the Tasman District Council within the community; and**

- (d) prepare an annual submission to the Tasman District Council for expenditure within the community; and**
 - (e) communicate with community organisations and special interest groups within the community; and**
 - (f) undertake any other responsibilities that are delegated to it by the territorial authority.**
- (2) In particular, Community Boards shall have responsibility to:**
- (a) facilitate engagement of their community in relation to policies, plans and projects proposed for their community as requested by the Council,**
 - (b) advise the Council on the priorities and preferences of their community in respect of the level and nature of local services to be provided by the Council in their community,**
 - (c) where preferred service levels in their community are higher than Council Annual Plan, advise the Council on any recommended funding mechanism**
 - (d) undertake activities for which a budget has been allocated by the Council to the Board**
 - (e) seek funding (to be held by the Council) from external organisations which can be applied to community projects within their community**
 - (f) make recommendations to the Council on the granting of leases or licences on reserves and public spaces in their community**
 - (g) make recommendations to the Council on proposed developments or activities on local parks, reserves and waterways in their community**
 - (h) make submissions and objections in relation to Council statutory processes and which affect interests within their community**
- (3) Community boards shall have delegated authority, in accordance with any statutory powers and the policies, plans and bylaws of the Council, to:**
- (a) allocate, within Council Policy guidelines, funding and operational grants to local community groups in their community from the Grants from Rates Programme within the budget allocated by Council**

- (b) manage and approve usage of any market place in their community with power to disburse any surplus, after costs, for purposes within the ward**
- (c) approve traffic control signs on streets (e.g. stop and give way signs etc), the design and location of bus stops and shelters in their community, provided that should the Board disagree with any technical advice tendered by Council staff that matter shall be referred to the Engineering Services Committee for decision**
- (d) approve the design and location of playground equipment, street furniture and street planting in their community, provided that, should the Board disagree with any technical advice tendered by Council staff, the matter shall be referred to the Community Services Committee for decision.**
- (e) approve names of streets and parks in their community**
- (f) grant consent for the removal of trees from parks, reserves, streets or other Council land in their community, provided that should the Board disagree with any technical advice tendered by Council staff that matter shall be referred to the relevant Council Committee for decision**
- (g) authorise, within approved budgets, board member attendance at appropriate conferences and training courses**

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1. Introduction

2. At its meeting on 30 June 2011 the Council passed the following resolution:

THAT the Tasman District Council receives the Community board Delegations report RCN11-06-18 and:

THAT the Council approve in principle the delegations proposed by the Local Government Commission, with the addition of the further delegations suggested by Council staff; and

THAT the proposal for delegations be immediately referred to the two Community Boards with a request that they consider the proposal urgently and provide advice to the Council in time for this to be included in the next Council meeting which is scheduled for the 11 August; and

THAT Council staff be directed to complete further evaluation of the Commission's proposed delegations and that a formal report be made available to the next Council's meeting in order that the delegations can be brought into effect as soon as is practically possible;

This report recommends how Council might refine the delegations for operational purposes and how they may be implemented. Discussions have taken place with the Motueka and Golden Bay Community Boards.

2. Commentary

2.1 The proposed delegations were modelled on those included in the Local Government Commission (LGC) draft reorganisation scheme for the union of Nelson City and Tasman District. In trying to operationalise the proposed delegations we have come across some difficulties of interpretation and have attempted to come up with a modified, and more understandable, set of delegations.

- 2.2 Appendix 1 includes the powers of the Community Board as defined in the LGC draft reorganisation scheme. Unfortunately, the way the LGC has presented delegated powers is unclear in parts and some provisions do not easily relate to the statutory role of the Community Board, which is already provided for in Section 52 of the Local Government Act.
- 2.3 For instance, Section (1) of the draft scheme restates powers already conferred on the Board under Section 52 of the Local Government Act 2002. In relation to paragraph (a) it is unclear as to what this meant as the community board already plays a role in representing the interests of the community and can do that through facilitating discussion with people in the community. The draft scheme should acknowledge that a community board can undertake its own engagement processes but it can also assist Council in engaging with their respective communities when requested by Council. This leaves open the option that if the Council is undertaking district-wide consultation on particular matters it can still do that, liaising with the community board where appropriate. Paragraphs (c) and (d) are also unclear in their intent, although staff assume that they were designed to allow a community board to identify levels of services at either a higher or lower level than the district-wide level of service. If there was a higher level of service to be agreed to, then there needed to be some agreement on how that would be funded in respect of the particular community.
- 2.4 Section (2) of the draft scheme purports to be specifically related to delegated powers. Some of the matters included however are simply recommendatory and would come within the powers of the Board in any event. Others are beyond the legal powers of community boards eg parking restrictions can only be amended through the Traffic Bylaw and community boards do not have bylaw making powers.

3. Community Board Comments

- 3.1 Both Community Boards have responded to the invitation to comment on proposed delegations outlined in the report to Council meeting of 30 June 2011. The responses are attached as Appendix 2. It is understood that the Golden Bay Community Board submission is likely to be ratified at its meeting to be held on 9 August 2011. The Motueka Community Board response is understood to currently only have the status of 'Chair's Recommendation'. The Motueka Community Board will also meet on 9 August 2011 and it is hoped that a collective Community Board response will be available at the Council meeting of 11 August 2011. The Golden Bay Community Board submission raises some issues about relationship with the Council that are more appropriately dealt with in Council's Governance Statement. The Board has also identified what are referred to as "consultation delegations", the inference being that for any of the matters concerning Golden Bay, the Board will be consulted. This level of detail is considered unnecessary and can be covered in intent in a revised delegation.

- 3.2 The Motueka Community Board has also proposed additional delegations, specifically relating to the review and amendment of reserve management plans within the Ward; the allocation of \$300,000 towards kerb and channel and footpath projects; and for the board to make decisions on the programmes, likewise powers of decision in relation to the Motueka Water Account, and power to decide on the location and construction of buildings, fences, and other structures on Council reserves. It is considered these latter delegations are too extensive and will lead to consistency and programming issues for related district wide programmes, notwithstanding the suggestion that the ward be separately rated to cover associated costs.

4. Proposed Amendments

- 4.1 We have however taken the opportunity to redraft the schedule as a specific amendment to the Council's Delegations Register (see Section 8 of this report). We have, for the sake of completeness, restated the role of the Community Board as defined in Section 52 in Section (1) of the redrafted schedule which picks up on some matters raised by the Community Boards in their response. Section (2) is an expansion of responsibilities that can be expected of the Community Board and draws particular attention to certain activities and responsibilities where the Council could expect the Community Board to proffer a view or recommendation. Section (3) relates specifically to those delegated powers where the Community Board will stand in the stead of the Council, a Council Committee, or Council staff. As with any delegated power the delegate has to act in accordance with the underlying statutory powers and, in the case of the Community Board (as with any committee or staff delegation), in accordance with any Council policies, rules, or bylaws.
- 4.2 While it is acknowledged that Council is able to delegate the powers of recommendation rather than decision, staff have redrafted the order to differentiate these roles.

5. Implementation

- 5.1 Council staff have not assessed the powers proposed by the Local Government Commission against any efficiency test. The reality is that in giving the boards the proposed powers of decision there will be associated transaction costs but in some circumstances they may be little different from reporting to a committee of Council. Where decisions are currently made under staff delegation there will be an increase in associated time costs.
- 5.2 Where necessary, a staff member will prepare reports for the Community Board agendas when particular matters need to be discussed. Equally, the Board will be able to request reports from staff when matters within their delegated powers arise through representations or by some other means. For instance, advice will need to be given on any Council policy or rule currently in place and how they may apply in a particular situation, e.g. the street naming policy in relation to the power to name streets.

- 5.3 The revised delegation provides that in relation to items (c), (e) and (f), if the Board comes to a position that differs from any technical advice given, the matter will be referred back to the respective Council Committee. The reason for this is that the Council, at the end of the day, will be the body that will have to defend any particular decision in Court. If, for instance, the Community Board wishes to set a design standard that is considered inappropriate or wish to remove a tree for reasons that are not supported by technical advice, then the delegation provides that the Council can intervene to resolve the matter. This is not inconsistent with the general principles surrounding the exercise of delegated powers which are always capable of qualification.
- 5.4 Delegations are also meant to be reviewed from time to time by both the delgatee and delegate. It is suggested the delegations should be reviewed after six months to assess their effectiveness.
- 5.5 The delegations included in this paper do not in any way undermine the work that the Golden Bay Community Board is involved in on Council's behalf in relation to the Golden Bay facility project or the Old Library Site.

6. Community Grants Funding

- 6.1 One of the delegations proposes that the Community Boards be given the delegation to disburse Grants from Rates funding within their respective wards. The question arises how to allocate a proportion of the available funds to these wards while still allowing the other wards to access an equal share of the funding.
- 6.2 Of course, allocating some of the funds by ward may affect those groups in either of the wards who currently get assistance from the larger pool. But if the delegation is taken up, this is an inevitable consequence.
- 6.3 There are a range of possibilities for dividing up the \$164,000 Grant from Rates budget. We could use a per capita split, a split based on general rate or UAGC taken in each ward, or a proportion of capital value by ward. Table 1 identifies these current ratios by ward. Table 2 summarises an average ratio which is the recommended split on the basis that it represents the fairest way in which to apportion the funds available given the way they are obtained and used.

Table 1: Possible Apportionment ratios

Ward	Capital Value (\$000)	%	Population (2006 census)	%	General Rate Taken (\$000)	%	UAGC Taken (\$000)	%
Golden Bay	1,911,543	15.7	4,830	10.8	4,340	15.7	925	14.9
Lakes Murchison	1,050,570	8.6	2,421	5.4	2,291	8.3	495	8.0
Motueka	2,545,070	20.9	10,602	23.8	5,673	20.9	1,490	24.0
Moutere Waimea	3,515,321	28.8	12,366	27.7	8,076	29.3	1,575	25.3
Richmond	3,177,441	26.0	14,406	32.3	7,122	25.8	1,729	27.8
Totals	12,199,945	100	44,625	100	27,592	100	6,215	100

Table 2: Averaging Ratio

Ward	Average Ratio	Grants from Rates Allocation (\$)
Golden Bay	14.3	23,416
Lakes Murchison	7.6	12,431
Motueka	22.4	36,687
Moutere Waimea	27.8	45,564
Richmond	27.9	45,902
Totals	100	164,000

7. Community Halls

- 7.1 The Local Government Commission Draft reorganisation scheme suggests that Community Boards shall 'manage, maintain and approves usage (including hireage charges) of community halls in their community.'
- 7.2 At present, this role is part of the duties of a Council staff member. Sixteen halls have their own hall committees who operate in accordance with council policy and receive an annual subsidy direct from Council. Two other halls (Motueka Memorial Hall and the Pohara Hall) do not have hall committees and these are directly administered by the Council staff member.
- 7.3 The Golden Bay Community Board does not want to change the present system and has requested that this proposed delegation be deleted. The Motueka Community Board position is unclear but the Chair does wish the Board to be given the delegation for the Community Halls.

- 7.4 It is difficult to be sure of any benefit for anyone in the delegation. The Community Boards are not resourced for this function, and inevitably the administration would fall back on to Council staff.
- 7.5 In this circumstance, it is not recommended that this delegation be included.

8. Committee membership and speaking rights

- 8.1 At present the Chairs of each Community Board attend Council meetings and are accorded speaking rights at the discretion of the Chair of the Committee.
- 8.2 The same arrangements exist for Committees, where either the Community Board Chair, or a portfolio holder Community Board member, attends and speaks.
- 8.3 There have been some suggestions that the arrangement be formalised by creating some form of non-voting membership for Council Committees. Such a move would require changes to Standing Orders, and could create some difficulties especially in respect of procedure when going 'into committee' (public excluded part of the meeting).
- 8.4 The present arrangements appear to be working well, with Community Board input valued and recognised, without compromising the role of elected Councillors.
- 8.5 No change is recommended.

9. Significance

- 9.1 This is not a significant decision according to the Council's Significance Policy.

10. Recommendation

- 10.1 That the Council receive this report and adopts the draft resolution contained in the report.

11. Draft Resolution

THAT the Tasman District Council receives report RCN11-xx-xx and agrees to amend Section 10.4 of the Council's Delegation Register as follows:

The powers of the Motueka and Golden Bay Community Boards, in respect of their wards, are as follows:

- (1) The role of Community Boards as defined in section 52 of the Local Government Act 2002, is to:**
 - (a) represent, and act as an advocate for, the interests of its community; and**
 - (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and**
 - (c) maintain an overview of services provided by the Tasman District Council within the community; and**
 - (d) prepare an annual submission to the Tasman District Council for expenditure within the community; and**
 - (e) communicate with community organisations and special interest groups within the community; and**
 - (f) undertake any other responsibilities that are delegated to it by the territorial authority.**

- (2) In particular, Community Boards shall have responsibility to:**
 - (a) facilitate engagement of their community in relation to policies, plans and projects proposed for their community as requested by the Council,**
 - (b) advise the Council on the priorities and preferences of their community in respect of the level and nature of local services to be provided by the Council in their community,**
 - (c) where preferred service levels in their community are higher than Council Annual Plan, advise the Council on any recommended funding mechanism**
 - (d) undertake activities for which a budget has been allocated by the Council to the Board**
 - (e) seek funding (to be held by the Council) from external organisations which can be applied to community projects within their community**
 - (f) make recommendations to the Council on the granting of leases or licences on reserves and public spaces in their community**
 - (g) make recommendations to the Council on proposed developments or activities on local parks, reserves and waterways in their community**

- (h) make submissions and objections in relation to Council statutory processes and which affect interests within their community**
- (3) Community boards shall have delegated authority, in accordance with any statutory powers and the policies, plans and bylaws of the Council, to:**
- (a) allocate, within Council Policy guidelines, funding and operational grants to local community groups in their community from the Grants from Rates Programme within the budget allocated by Council**
 - (b) manage and approve usage of any market place in their community with power to disburse any surplus, after costs, for purposes within the ward**
 - (c) approve traffic control signs on streets (e.g. stop and give way signs etc), the design and location of bus stops and shelters in their community, provided that should the Board disagree with any technical advice tendered by Council staff that matter shall be referred to the Engineering Services Committee for decision**
 - (d) approve the design and location of playground equipment, street furniture and street planting in their community, provided that, should the Board disagree with any technical advice tendered by Council staff, the matter shall be referred to the Community Services Committee for decision.**
 - (e) approve names of streets and parks in their community**
 - (f) grant consent for the removal of trees from parks, reserves, streets or other Council land in their community, provided that should the Board disagree with any technical advice tendered by Council staff that matter shall be referred to the relevant Council Committee for decision**
 - (g) authorise, within approved budgets, board member attendance at appropriate conferences and training courses**

Paul Wylie
Chief Executive

Appendix 1 – Powers of community Boards as defined in the Local Government Commission Draft order
Appendix 2 – Responses from Golden Bay and Motueka Community Boards

Schedule

Powers of Community Boards

- (1) Community boards shall have responsibility to:
 - (a) facilitate engagement of their community in relation to policies, plans and projects proposed for their community
 - (b) advise the Council on the priorities and preferences of their community in respect of the level and nature of local services to be provided by the Council –in their community
 - (c) advise the Council on variations in levels of service provided to their community compared to planned levels of service
 - (d) where preferred service levels in their community are higher than default levels, advise the Council on the recommended funding mechanism
 - (e) undertake activities for which a budget has been allocated by the Council to the Board.

- (2) Community boards shall have delegated authority, in accordance with the policies, plans and bylaws of the Council, to:
 - (a) allocate funding and operational grants to local community groups in their community
 - (b) manage, maintain and approve usage (including hireage charges) of community halls in their community
 - (c) seek funding (to be held by the Council) from external organisations which can be applied to community projects within their community
 - (d) make recommendations to the Council on the granting of leases or licences on reserves and public spaces in their community
 - (e) make recommendations to the Council on proposed developments or activities on local parks, reserves and waterways in their community
 - (f) make recommendations to the Council on submissions and objections in relation to statutory processes
 - (g) approve traffic control and constraint measures, parking restrictions and traffic control signs on streets in their community (e.g. stop and give way signs etc)
 - (h) approve the design and location of bus stops and shelters in their community
 - (i) approve the design and location of neighbourhood improvements, such as street furniture, in their community
 - (j) approve names of roads, streets and parks in their community

- (k) grant consent for the removal of trees from parks, reserves, streets or other Council land in their community
- (l) authorise, within approved budgets, board member attendance at appropriate conferences and training courses.

Notes:

The role of a community board is set out in section 52 of the Local Government Act 2002 as follows:

- *represent, and act as an advocate for, the interests of its community*
- *consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board*
- *maintain an overview of services provided by the territorial authority within the community*
- *prepare an annual submission to the territorial authority for expenditure within the community*
- *communicate with community organisations and special interest groups within the community*
- *undertake any other responsibilities that are delegated to it by the territorial authority.*

Clauses 38 and 39 of Schedule 7 of the Local Government Act 2002 contain the following provisions relating to administration and expenses of community boards:

- *Clause 38: A territorial authority within whose district the community of a community board is situated must provide the necessary administrative and other facilities for that community board.*
- *Clause 39: (1) The expenses of the performance and exercise by a community board of its responsibilities, duties, and powers must be paid by the territorial authority within whose district the community is situated. (2) The territorial authority may fix a limit within which expenditure may be incurred under subclause (1), and no community board may incur expenditure in excess of any limit so fixed without the prior approval of the territorial authority.*

Appendix 2

Community Board Delegations

1. Schedule of Delegations proposed by the Local Government Commission in the Draft Re-organisation Scheme.

[N.B. These were approved “in principle” by the Council at its 30 June 2011 meeting. These were supported by the Community Board at its 12 July 2011 meeting]

2. Further Delegations suggested by Council staff (Report RCN 11-06-18)

Oversee the community market in Motueka ... the Community Board could be empowered to retain any profits, and to use those profits for community purposes within their ward.

[N.B. Sunday market pays TDC a minimum of \$85 per week and a maximum of 20% of stall fees.]

3. Amendments and Additional Delegations Sought

- Amend the wording on the Schedule (2) (d) (e) by deleting the phrases: “make recommendations to the Council on” and replacing it with the single word “Approve”
- Review, and amend Motueka Ward Reserve Management Plans for parks and reserves under the Reserves Act and the Local Government Act. Reserve Management Plans to be reviewed every 10 years.
- (a) Approve the allocation of funds for projects and community groups from the Motueka Reserve Financial Contributions.
(b) The authority to manage the expenditure of those funds within the approved allocations.

4. To approve the design of landscape plans on parks and reserves and roads provided the design is within the District Council’s policy.
5. The power to make decisions as to alterations and / or additions to any building, fence or structure, or construction of the same, on any reserve land owned or leased by the Council, within the Ward.
6. The power to make decisions as to new footpaths, cycle lanes, “shared pathways”, and pram / mobile scooter crossings, within the ward. The Community Board to prepare a 3 year programme for these works

following public consultation. The District Council to provide funding of \$200,000 maximum annually for these capital works. The programme be managed by the Community Board.

7. The power to make decisions as to kerb and channel works within the ward. The Community Board to prepare a 3 year programme for these works following public consultation. The District Council to provide funding of \$100,000 annually for these works. The programme to be managed by the Community Board.
8. The power to make decisions on reticulation of the domestic Motueka Water supply. To approve the operation of the Motueka Water Account as a separate account from any District Water Accounts.

General Points

1. The objective is to actively promote local decisions being made by the local communities.
2. Delegations made by the Council, extend the power of Council itself to the Community Board. The decisions made by the Community Board legally binds the full Council.
3. Delegations made to the Community Board are to be incorporated in the Council's Long Term Plan and re-considered three-yearly as part of the LTP process. In the initial 3 year term, the Community Board would undergo annual reviews of its Delegations and would have the opportunity to amend (or possibly end) any Delegation.
4. The activities to be included as delegations cover the range of Local Government activities:-
 - Community Services: Parks & Reserves, Library, Museum, Halls
 - Engineering Services: Domestic Water, Wastewater, Stormwater, Wharves, Airport, Footpaths / Cycleways, Traffic Management, Street Lighting, Rivers
 - Environment & Planning: Long Term Planning, Landscape matters, Water management, Conservation, Advocacy and Compliance
 - Other Activities: Solid waste and litter, Camping Grounds
5. Delegations will have administrative and funding support. Where it is possible, local rating will cover the costs of these delegations. If this is not possible, the Council will acknowledge the rating / funding contribution by the Motueka community and apportion benefits / projects relative to contribution.

Philosophy

“A Community is more sustainable when all the threads pull together as one”

Governance Role Golden Bay Community Board

The Golden Bay Community Board shall be responsible for:

1. Representing and acting as an advocate for the interests of its Community.
2. Consideration of and/or reporting on all matters referred to by the territorial authority or any matter of interest or concern to the Community Board.
3. Overview of road works, water supply, sewerage, storm water drainage, parks, recreational facilities, community activities and traffic management projects within the community.
4. After consultation with the Community, preparation of an annual submission to the budgetary process of the Council for expenditure within the community.
5. Communication with community organizations and special interest groups within the community.
6. Arrange meetings and consult with the Community on issues and projects that have community impact.
7. Fulfil functions and or duties as delegated to the Board.

Governance Partnership with Tasman District Council

- The Board to be involved in all planning meetings and workshops for Long Term Planning, Annual Planning and Strategic Planning for optimal board/council interaction
- Pre-consultation with the Board on all decisions relating to planned work to be undertaken in Golden Bay. This may help minimise possible future community conflict.
- Any issues pertaining to or relevant to Golden Bay should trigger contact/information sharing/consultation with the Community Board. While we won't need to be involved in

Tasman District Council Email info@tasman.govt.nz Website www.tasman.govt.nz 24 hour assistance

Richmond	189 Queen Street, Private Bag 4, Richmond, Nelson 7050, New Zealand	Phone 03 543 8400	Fax 03 543 9524
Murchison	92 Fairfax Street, Murchison 7007, New Zealand	Phone 03 523 1013	Fax 03 523 1012
Motueka	7 Hickmott Place, PO Box 123, Motueka 7143, New Zealand	Phone 03 528 2022	Fax 03 528 9751
Takaka	78 Commercial Street, PO Box 74, Takaka 7142, New Zealand	Phone 03 525 0020	Fax 03 525 9972

- everything, it is important for our community that we are kept fully informed. In partnership with council we can then decide what if any further engagement may be necessary.
- Community Board chairs (or nominated representative) to be invited to attend and have speaking rights at full Council meetings.
- Community Board portfolio holders to be invited to attend and have speaking rights on standing committees.
- Community Board Chairs and members to receive the confidential material and be privy to these confidential items that relate to each members portfolio.
- As contracts come up for renewal we request consultation and where applicable the ability to recommend entering into contracts outside the Global contracts. If there is likely to be a cost saving or cost neutral we would prefer to have local contractors do the work and thus enhance employment opportunities in Golden Bay. We would see this being done in consultation with the relevant departmental Managers e.g. Engineering, Parks and Reserves, Environment and Planning.
- Council has occasional one-off or smaller projects which we request the opportunity to offer locally where cost savings can be achieved.
- Where community boards can recommend money saving strategies we request to have the ability to re-assign these savings to use for other services within the Ward.
- Notification of consent applications and planning information which relate to Golden Bay and consideration of modular planning appropriate to Golden Bay.
- That these delegations remain in force for 6 years as per the Local Government Commission recommendation.

Manawhenua ki Mohua partnership with Golden Bay Community Board

Golden Bay Community Board will work towards establishing a Memorandum of Understanding with Manawhenua ki Mohua representing Golden Bay iwi and until this formal agreement is achieved there will be free exchange of information between Manawhenua ki Mohua and the Golden Bay Community Board. This recognises and respects the relationship between both parties.

Delegations

To the extent permitted by law and in consultation with TDC, the Golden Bay Community Board will make recommendations or make decisions on:

Specific Delegations

- Takaka Market governance with the payments made to TDC passed to the Board;
- Golden Bay Facility project. The Board to continue to be the lead agency for proposals;
- Old Library Site- development of this has been delegated to the Community Board;
- Foot paths –consultation on, and decisions for, most appropriated safe walking

- access;
- Walkways and cycleways;
- Car Parks- consultation on, and decisions for, car parking issues as appropriate;
- Street Lighting - consultation on, and decisions for, most appropriated lighting;
- Public Toilets- including location of new toilets;
- Local Bylaws –for safety and good governance of Golden Bay;
- Street signage and naming of roads, streets and parks;
- Reserve management plans;
- Reserve Fund spending allocation.

Consultation Delegations

- Council Housing –consultation with Board in conjunction with appropriate staff with reference to the policy; (Policy to be developed between staff and community board);
- Early consultation if Council is considering purchase, or disposal of property in Golden Bay;
- GBCB to advise Council of any strategic land purchase that would be of benefit to Golden Bay;
- Infrastructure consultation – ongoing and new work;
- Annual River Plans (flooding, rivers etc);
- Port Tarakohe – Board representation on any committee or Board;
- Small wharves – consultation/collaboration DoC/TDC;
- All decisions/work to be undertaken in Golden Bay to be pre-consulted with the Board;
- Cemeteries including natural burial areas;
- Camping grounds;
- Speed limits;
- Safety signage;
- Planning and engineering standards;
- Hall governance in consultation with hall committees.

NB: This list may not be comprehensive, however, with good will and collaboration between the Board and Council, alterations, amendments and additions can be agreed upon.

These delegations should not limit any further delegations reciprocally recommended to Tasman District Council by the Community Board or to the Community Board by Tasman District Council.

Note:

- **Exclusions under Local Government Act 2002 s53 (3)**
 - (a) acquire, hold or dispose of property; (although the board is delegated the role of recommending on property purchases or sales within the Ward);
 - (b) appoint, suspend or remove staff; (although the board may make recommendations on staffing issues within the Ward).
- **Exclusions under Local Government Act 2002 Schedule 7 (1)**

- (a) The power to make a rate;
- (b) The power to make a by-law;
- (c) The power to borrow money, or to purchase or dispose of assets other than in accordance with the long term plan.
- (d) The power to adopt a long term council community plan, annual plan or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under this Act in association with the long term council community plan or developed for the purpose of the local governance statement;
- (g) The power to warrant officers.