

# REPORT

**TO:** GB Community Board  
**FROM:** The Chairman  
**REFERENCE:** E855  
**DATE:** 1<sup>st</sup> May 2006  
**SUBJECT:** May 2006 Report

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Events, activities and meetings attended during the month included:

**3 April Agenda setting for the 11<sup>th</sup> April Board meeting.**

**4 April Tour of Regional Museum facilities in Nelson and Stoke.** Excellent interpretation provided by Wayne Marriott resulted in a much better understanding of the Museum. A message of thanks has been extended to Wayne.

**5 April Farewell function for Jack and Ngirene Ainsworth,** long term residents of Tata Beach who are leaving the Bay.

**6 April Keep Golden Bay Beautiful meeting Onekaka,** update on various projects including stream side plantings and fencing for future plantings.

**11 April Community Board Meeting Takaka.**

**13 April Recorded radio programme for TDC 'Lowdown' at Fresh FM Motueka.**

**15 April Attended Totally Local Easter Fair at Golden Bay High School.** Drew Lucky number for "Gold Nugget" Spot Prize (actually \$200 cash - Chris Petyt the recipient). This Fair was a great success and could be run to good effect in future years. The event was similar to that held in Ferndale California and which was recommended to the Board as a focus of promotion for the Bay.

**17 April Inaugural meeting of a Milnthorpe Protection Group** which is a mix of the former Civil Defence Sector Warden System and Neighbourhood Watch roles. A briefing by the Fire Service is proposed to be held and various tasks allocated to participants for follow up. Other Bay communities may also wish to take up this initiative.

**18 April Abel Tasman National Park Forum meeting TDC Motueka.** Discussed forthcoming gazettal of Abel Tasman Foreshore Scenic Reserve (July), interim concessions, interim bylaws, management plan and sector representation.

**22 April Combined Community Boards meeting Appleby.** Meeting addressed by Kerry Marshall (former TDC Mayor and President of LGNZ, past member of Local Government Commission, Georgina Beyer (former councillor and Mayor of Carterton and present MP) and Stephen Phillips (former Council Executive and lately a Local Governance Educator). An interesting programme with opportunity for questions and interaction.

Thanks are due to Bob Askew and staff for all of the behind-the-scenes organization.

**23 April Friends of Mangarakau Swamp AGM Mangarakau.** Attended as the TDC representative on the Society. The meeting was advised of the year's activities of improvements to buildings, mowing of tracks, weed and pest control, plantings and dealing with the effects of the two large fires in the wetland (Easter 2004 and February 2006). The Volunteer Committee are doing a great job despite the setbacks caused by the fires.

**23 April Mangarakau community and Fire agencies meeting.** This was held following the AGM and included residents from the wider Mangarakau community, Takaka and Collingwood fire brigade representatives and members of the local fire party and the Mangarakau Swamp Society. A representative of Fulton Hogan was also present.

Points of discussion included: Both fires caused by "human activity"; wetland vegetation fire prone; strong prevailing Westerly wind influences spread; helicopters essential for control; DOC is the fire authority – the fire service the response agency; cost recovery is sought where possible; Mangarakau is 45 minutes by road from Collingwood - a timely local response is essential; fire ponds adjacent to road and fire breaks were suggested; hand held radios would be helpful to fire party.

**29 April Memorial planting for John Mitchell Onekaka.** A large community turnout resulted in renga renga lilies being planted amongst the native grasses in the roadside bed and the bed weeded.

## **ISSUES:**

### **Tarakohe Archway**

It was most disappointing to learn on the evening of April 11<sup>th</sup> that drilling of the rock in the archway had actually been undertaken on the day of the April Board meeting without any further consultation.

Iwi had not signed off their consent and, like the Community Board, had requested that the consent be notified so that the wider Community could be involved and alternatives considered.

We had previously been advised that quarrying of up to 50m<sup>3</sup> of rock within a twelve month period was possible as "a permitted minor activity". It is reported that 200m<sup>3</sup> was removed which must therefore equate to a "more than minor" notified consent process.

The Environment and Planning Manager reportedly claimed to not understand the Iwi position. One must fairly ask what part of 'no approval' and 'please notify the application' wasn't understood?

Iwi and Natural Feature concerns must be taken into account under PTRMP Rule 18.6.6 All Activities (11) and (12) which states that a consent is required and may be refused or conditions imposed.

On contacting a compliance officer I asked that an immediate abatement notice be served and that a stop work notice be issued.

It later transpired that a non-notified consent had already been issued. This whole incident leaves a nasty taste and is another example where Unitary Authority District Councils are found wanting without separate arms-length Regional Council oversight.

At the very least, Iwi and the Community Board, on behalf of the wider Community, should have been informed that a consent had been issued despite our request and that work was imminent.

I therefore recommend that **“The Golden Bay Community Board writes to the TDC CEO expressing strong concern about the way the consent was issued and the non notification of the affected/interested parties that this had happened and require, as a matter of policy, that meaningful consultation and communication is entered into with the Golden Bay Community in future”**.

### **RMA making good decisions accreditation**

As recommended by a councillor who felt that the request would now be supported this matter was taken back to Council for their 20<sup>th</sup> April meeting.

The outcome was totally negative with some of the reported comments giving cause for grave concern. Although Board members may 'volunteer' for accreditation training we are first and fore-most *community representatives elected by the same process as councillors*. This seems to be mis-understood by some councillors who have reportedly suggested that we are lesser beings than they and could not be trusted with confidential information and we should become councillors if we want RMA accreditation. Such comments are ignorant and insulting.

Other, more enlightened and inclusive councils support and encourage Community Board accreditation and Tasman District Council already appoints Hearing Commissioners who are not councillors. I wonder if they are 'accredited'? They are certainly not 'elected'.

### **Community Board Delegations**

A copy of the letter sent to Council prior to the 20<sup>th</sup> April meeting is attached. Although the letter was tabled it appears that its content was not heeded and a nonsensical resolution resulted. It is of real concern that there is such a lack of comprehension by TDC of the difference between the word 'role' and the word

'delegation'. This is despite it having been carefully explained by Council solicitor Stuart Ritchie.

### **Affordable Housing Trust**

It was disappointing to read about the negativity of the majority of councillors to this project without waiting for the full information. This was an innovative idea that deserved to be considered properly on its merits. It is understood the project will continue without Council involvement.

### **Golden Bay Wharves**

This was also on the 20 April Council Agenda and resulted in their again trying to avoid their responsibility.

I would very much like to make the case for continued wider community (Tasman District Council) ownership of these structures for several reasons:

- Heritage Values - these structures are an integral part of the history of Golden Bay. Especially Westhaven, Milnthorpe and Waitapu. Collingwood is also valuable as a replica replacement of earlier structures on the same site. A case is to be made for inclusion of these structures in the Heritage Register.
- Future usefulness – especially Waitapu and Collingwood, a Golden Bay aquaculture expansion is imminent. With rising fuel prices sea transport is recommended as an option to replace road transport where practical.
- Community assets - viewing and fishing platforms, small boat berthage.
- Recognition and avoidance of possible problems is essential i.e. oversight and control of possible harmful/undesirable activities (another 'Arrow' - type adventure?, inappropriate long term 'houseboat' berthage with inadequate facilities, future aquaculture equipment dump sites)
- Compatibility with adjacent designations i.e. Westhaven Marine Reserve, Milnthorpe Scenic and Esplanade Reserves. This is especially important for the adjacent LINZ land. For example here at Milnthorpe this forms an integral part of the adjacent TDC Milnthorpe Quay Esplanade Reserve by providing a vehicle turning area, parking and picnic table facilities.

The abandonment of these Golden Bay jetties parallels someone abandoning a vehicle on public land. TDC did have responsibility for these wharves and jetties. We are advised that TDC held the appropriate licenses; the jetties/wharves were also listed in the TDC asset register and listed in the TDC Annual Plan/LTCCP in recent years including the current 2005-06 Plan. TDC had sign-posted the Milnthorpe jetty declaring its ownership with the Richmond office contact telephone number listed and had also undertaken decking repairs there. When TDC let the licenses lapse the wharves became the responsibility of DoC **by default** in the same way as TDC becomes responsible for abandoned vehicles on Council roads. We do not look kindly on those who abandon their vehicles so that they become someone else's

problem and we should not look kindly on TDC when they abandon their structures either.

Perhaps TDC should re-register and retain ownership of these assets and appoint elected management for them in a similar way to that of Hall and Reserve Committees. This ensures ownership on behalf of a whole community with local input to the day to day management. I'm sure there would be no problem with an elected/appointed mix serving as the management committee for one or more of these assets. In effect this happens now with TDC Halls/Reserves.

From previous community feedback, and as with the similar issue of the Salisbury swing bridge, this would be far preferable to actual ownership being transferred to a small group. As with Salisbury Swing-bridge there are outside funding opportunities available under TDC ownership.

Local MP Damian O'Connor is aware of this issue and his office is prepared to assist where they can.

It is interesting that TDC still accepts responsibility for Mapua, Motueka and Torrent Bay harbours in Tasman Bay and continues to fund these.

### **Combined Boards Forum**

It is recommended that letters of thanks be sent to Georgina Beyer, Stephen Phillips and Kerry Marshall for being prepared to give up part of their weekend to informatively engage with our Boards.

### **Abbeyfield Finances**

Board Members will recall our advancing a \$50,000 interest free bridging loan to Abbeyfield from Golden Bay DILs. This came about because TDC had originally offered both Motueka and Golden Bay Abbeyfields funding on this basis. Motueka uplifted theirs but when it came to Golden Bay accessing theirs we were told that "the sum is too small for TDC to fund". In order to permit the GB Abbeyfield construction to start the Board approved the finance on a bridging loan basis. We need to go back to Council and ensure that our bridging funds are replaced with Council funds on the same terms as Motueka as soon as possible.

### **Foreshore Protection**

The Service Centres manager has suggested planting more ice plant to try to mitigate coastal erosion. Having been involved with Golden Bay Coast Care I would caution against this. We have been replacing both ice plant and marram with native pingau and spinifex which have evolved to provide the most appropriate protection for the coastal margin. From observation I would recommend planting these wherever coastal erosion is a problem in sandy foreshores instead of non-native species.

## **LTCCP Draft**

We need to set a Date for the Board to meet and discuss the LTCCP Draft and prepare a submission if necessary. This date will need to be between 10 and 17 May to allow time to lodge any submission.

## **Golden Bay Planning**

We need to set a date for our next Team Golden Bay meeting with Sonya Leusink. Sonya has been working on proposals but wishes to meet with the Board before these are developed further to ensure that she is on the right track. Please bring your diaries to help with setting these dates.

## **Takaka Car Parking Study**

This was completed some years ago but has not been discussed or acted upon since. We need to have this dusted off and considered by both the Board and Council.

## **Pakawau Motor Camp**

The new owner of the Pakawau Motor Camp is a community minded person who has advised that it is his intention to develop the camp into a viable facility with benefits for the wider Golden Bay community.

## **Attachment: Letter re Delegations**

19 April 2006  
Mr. Bob Dickinson  
Chief Executive Officer  
Tasman District Council  
Private Bag 4  
Richmond

Dear Bob,

Further to my letter of 24 March 2006 following the Community Board Delegations Sub committee meeting on 22 March 2006 at the Motueka Service Centre, I am disappointed that the points made do not appear to have been taken into account in your report to Council for the 20 April meeting.

I wish to make the following constructive comments and observations with the aim of encouraging positive outcomes/changes:

It is apparent that use of the word 'delegation' in the context of your report is a misnomer. Having had the definition of 'delegation' clarified by Council solicitor Stuart Ritchie there still seems no will to have meaningful delegation discussions. The matters in the proposed resolution fall within the Role of Community Boards s52 LGA 2002.

Under the Local Government Act 2002 Schedule 7 clause 32, TDC is required to consider **delegations** to Community Boards. There is ample scope for delegated decision making outside of the few specified exclusions. (Even in these the Board can be included as an advisory body.)

Council is avoiding its' responsibility by considering a resolution which doesn't review and discuss Board delegations in any meaningful way. Such inaction does not comply with the intent of the LGA and would not satisfy the Local Government Commission. The proposed resolution does not fit the delegation model at all. There are no defined delegations as covered in clause 32 Schedule 7 in it.

'Delegations' *per se* are not a new concept for TDC. There are many practical delegations within staff responsibilities. It makes sense for there to be practical, resourced delegations in 'governance' as well as in 'management'. There are models of governance delegations to Community Boards in other Councils. i.e. Southland District Council and Christchurch City Council.

The paper previously presented at the last two Delegation Subcommittee meetings is not appended to your report as stated.

Slightly amending the obsolete March 2000 staged resolution leaves us locked into a policy time warp which we, and the LGA, have moved on from.

The recommended resolution does not cover any 'delegations' and the use of this word in relation to it is erroneous i.e. in "Purpose/Reasons for Report"; "Background"; and "Comment/Discussion" paragraphs.

In order to take all of these matters into account, together with any other relevant issues, I respectfully request that the Report be reviewed before further consideration is undertaken.

Not to do so may result in a confused outcome which neither states the current situation correctly nor complies with the review provisions of the LGA 2002.

Yours sincerely

Joe Bell Chairperson  
Golden Bay Community Board