



LOCAL GOVERNMENT COMMISSION MANA KĀWANATANGA Ā ROHE

Decision of the Local Government Commission under clause 8 of Schedule 3 of the Local Government Act 2002 on an application by the Far North District Council to become a unitary authority

Decision

1. The Local Government Commission has:
 - (a) agreed under *clause 8 of Schedule 3 of the Local Government Act 2002* that it has sufficient information to be satisfied that there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in Northland Region
 - (b) decided to proceed to notify the application by Far North District Council under *clause 9* and seek alternative applications within 20 working days from the date of the last public notice.

Introduction and background

2. On 23 January 2013, the Local Government Commission considered an application by the Far North District Council for it to become a unitary authority. The application was made under *section 24(1)(f) of the Local Government Act 2002* (the Act), and had been lodged with the Commission on 18 December 2012.
3. At this meeting the Commission made a declaration under *clause 2 of Schedule 3 of the Act* to the effect that the districts of Kaipara and Whangarei were also 'affected areas' pursuant to paragraph (c) of the definition of affected area. Therefore evidence of demonstrated community support for the application was required in each of these areas as well as in Far North District.
4. The Commission then examined the evidence contained in the application and further information provided by the applicant, and determined that the application did meet all of the requirements of *clauses 3 to 5 and 7 of Schedule 3*, including the requirement to demonstrate community support for the application in each of the affected areas.
5. Pursuant to *clause 6*, the Commission then decided to assess the application.
6. Under *clause 8(1)* however, "if the Commission decides to assess a reorganisation application, the Commission must first be satisfied that there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in the affected area." This is different from the requirement for community support for the original application.

7. Pursuant to the requirements of *clause 8(1)*, at a meeting held on 5 March 2013, the Commission made the following further decisions on the application.

Reasons for the decision

8. The Commission considered the following sources of evidence of community support for reorganising existing local government arrangements in Northland Region:
- material contained in the application and further evidence provided by the applicant to the Commission
 - material provided by Northland local authorities, including copies of previous surveys
 - presentations made by representatives of the four Northland local authorities, including the applicant during the week of 18 to 24 February 2013, when the Commission visited each of the Northland Councils¹
 - questions asked by the Commission of staff and elected and appointed officials of those authorities
 - letters and other submissions made by other parties, including organisations that made representations on behalf of a Northland membership
 - oral evidence presented by tangata whenua members of the Far North District Council's reorganisation working party².
9. On the basis of the above sources, the Commission came to the conclusion that there was demonstrable support for local government reorganisation in each of the districts of territorial authorities affected by the application.
10. The Commission further concluded that evidence of public input from early 2010, as shown in the record of surveys, reports and other media, clearly demonstrated that a non-negligible proportion of those who responded to questions about local government reform in Northland Region had indicated that they would consider and did support some form of change to existing local authority arrangements in the region.
11. In the meeting with some of the representatives of the tangata whenua in Northland and discussing the application made by the Far North District Council, the Commission was also satisfied that support from a number of iwi and other Māori groups for change and specifically reorganisation of local government in Northland Region was evident and that the group of iwi or other Māori leaders was representative of their iwi.

¹ The Commission met with the Kaipara District Commissioners and staff on 19 February at Dargaville; elected representatives and staff of Northland Regional Council on the morning of 20 February; the elected representatives and select staff of Whangarei District Council on the afternoon of 20 February; and elected representatives, community board members, staff and other parties in support of the Far North District Council on 21 February.

² The Commission met with tangata whenua of Northland iwi, including Rangitane Marsden of Ngai Takoto and Co-Chair of the Iwi Leaders Forum in Northland, an informal group who come together to discuss matters in common. Subsequent communications have reaffirmed views provided at the meeting and follow up discussions are to be held to deal with a range of matters relating to the arrangements for local government in Northland of interest to iwi and other Māori authorities.

12. In meetings with representatives of the Northland councils, the Commission was satisfied that support for change was demonstrable based on the material presented and the responses by council officers to the Commission's inquiries as to community knowledge and attitudes to change over a recent period. This period was defined by the Commission as beginning in 2009/10 when a series of reports on reorganisation were issued and surveys and other consultations conducted.

Relevant matters the Commission took into consideration

13. In all of its discussions and presentations, the Commission took into account the following matters:
 - whether support was demonstrable in each of the Northland Districts
 - whether the support was demonstrable from organisations and individuals who formed part of those affected areas, and/or represented part of those areas
 - whether the diverse sources of evidence corroborated or did not contradict each other in a general sense
 - whether stated positions of key groups with a kaitiaki and/or governance role in the community were based on support of the membership or the elected representatives of relevant groups and organisations in the affected area (the Northland Region).
14. The Commission was not required to take into consideration whether evidence of support for change was from the majority.
15. It was also considered that the evidence demonstrating support would not need to indicate a particular level or type of support in the affected area, as this was not a requirement in the Act at this stage.
16. Consequently the Commission did not undertake a comprehensive consultation process in seeking to satisfy itself under *clause 8 of Schedule 3* of demonstrable community support, but based its assessment on previous reports and surveys and recent presentations and discussions with the representatives of the affected parties.
17. The Commission will, however, progressively undertake a more comprehensive process of ascertaining community support when it receives alternative applications, selects its preferred option, notifies any draft proposal for submissions from the public, consults specific parties, and in the preparation of any final proposal.
18. Each of these steps involves a narrowing down of the options and the progressive development of a specified option. Each step requires greater surety as to whether an affected area would support a particular kind of change as opposed to change in general.
19. Under *clause 8 of Schedule 3* the Commission only needs to ascertain whether there is evidence of demonstrable community support from the affected areas that changing the existing local government arrangements would have some support in the communities of each affected area.

Summary and conclusion

20. In considering the above, the Commission came to the view that the application did satisfy the requirements of *clause 8 of Schedule 3* in terms of demonstrable community support for local government reorganisation in each of the affected areas.
21. The Commission came to that conclusion on the basis of its own inquiries, the evidence provided to it subsequent to the application, and the application material itself.
22. The Commission has therefore decided to assess the application. As required by *clause 9 of Schedule 3*, it will first notify the application made by the Far North District Council and invite alternative applications.
23. The period in which alternative applications will be accepted is to be no less and no later than 20 working days from the date of the last public notice. In the case of this application, all alternatives must be received by 15 April 2013.