



## **LOCAL GOVERNMENT COMMISSION MANA KĀWANATANGA Ā ROHE**

### **Decisions of the Commission under clauses 6, 8 and 9 of Schedule 3 of the Local Government Act 2002 on an application by Greater Wellington Regional Council for reorganisation of local government in Wellington Region**

#### **Introduction**

1. On 21 June 2013 the Local Government Commission received an application from the Greater Wellington Regional Council (GWRC), under clause 3 of Schedule 3 of the Local Government Act 2002 (the Act), for reorganisation of local government in Wellington Region. The application is for the constitution of a unitary authority, that is a territorial authority also responsible for carrying out regional council functions, covering the area of the existing Wellington Region with the exception of a small area of Tararua District which would be transferred to Manawatu-Wanganui Region. The proposed authority would comprise two tiers. The first tier would be a governing body comprising 21 councillors elected from eight wards and a mayor elected at large. A second tier would comprise eight local boards, each with up to nine elected members, with a chairperson elected by the members of each board.
2. At a meeting on 4 July 2013, the Commission considered the application and made a number of decisions pursuant to Schedule 3 of the Act. The purpose of this document is to set out those decisions and the reasons for them, and to identify the next steps which the Commission must take.
3. The decisions of the Commission were made following earlier decisions made in respect of an application from the three Wairarapa councils, which form part of Wellington Region, for those three districts to unite and be constituted as a Wairarapa unitary authority. In considering the earlier application, the Commission declared the affected area as being the whole Wellington Region. The Commission agreed to assess the Wairarapa councils' application and was also satisfied that there was demonstrable community support in the district of each affected territorial authority for local government reorganisation.

#### **Decisions**

4. At its meeting on 4 July 2013, the Commission in respect of the GWRC application:
  - (a) agreed that the affected area, under clause 2(a) of Schedule 3 of the Local Government Act 2002, is Wellington Region including an area of Tararua District proposed to be transferred to Manawatu-Wanganui Region
  - (b) agreed, under clause 6 of Schedule 3, to assess the application

- (c) agreed, under clause 8(1) of Schedule 3, that the Commission has sufficient information to be satisfied there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in Wellington Region
- (d) decided, under clause 9, to proceed to publicly notify the GWRC application and the Wairarapa councils' application and seek alternative applications within 20 working days from the date of the last public notice.

### **Reasons for the decision**

5. The Commission was required under clause 6 of Schedule 3 to consider the GWRC application as soon as practicable after receiving it and to decide whether or not to assess the application.
6. Clause 7 sets out the grounds on which the Commission may decline to assess an application. The Commission found that none of these grounds applied in respect of the GWRC application.
7. Among other things, the Commission was required to consider information provided demonstrating community support in the district of each affected territorial authority for the application. In order to satisfy itself on this requirement, the Commission needed to determine the affected territorial authorities.
8. An affected territorial authority is, under the amended section 5 of the Act, a territorial authority that contains an affected area. An affected area is defined under clause 2 of Schedule 3 and includes an area that would be included in a new or different local authority if the reorganisation were to proceed. On this basis, the Commission agreed that the affected areas included the districts of Kapiti Coast, Porirua, Wellington, Upper Hutt, Lower Hutt, Masterton, Carterton and South Wairarapa.
9. The Commission agreed that the small part of Tararua District currently in Wellington Region but proposed to be transferred to Manawatu-Wanganui Region, is also an affected area.
10. Having agreed the affected areas and therefore the affected territorial authorities, the Commission was then in a position to assess whether there was information demonstrating community support in the district of each affected territorial authority for the application. For this purpose it considered the following information:
  - letters of support for the application from 15 organisations, groups and individuals across the region
  - the extensive range of region-wide engagement processes on local government reorganisation since 2010 including the following four processes in particular:
    - PricewaterhouseCoopers report (2009) and responses received following its release
    - an independent Wellington region-wide public opinion survey of all eight territorial authority areas undertaken by Colmar Brunton in June/July 2012
    - the Wellington Region Local Government Review Panel (October 2012) engagement exercise

- results of the Joint Working Party on Local Government Reform engagement (March 2013)
  - survey results from Porirua City Council, Wellington City Council, Kapiti Coast District Councils, Upper Hutt City Council and Hutt City Council on local government reform.
11. In respect of the area of Tararua District currently in Wellington Region, the Commission received information demonstrating community support for the application as follows:
    - one survey response supporting the application
    - information previously provided with the Wairarapa councils' application for the transfer of the area to Manawatu-Wanganui Region.
  12. On the basis of the above information, the Commission came to the conclusion that there was sufficient information demonstrating community support for the application in the districts of all the affected territorial authorities. The Commission also concluded that the application included all the other information required by clause 5(1) of Schedule 3. As there were no further grounds to decline to assess the application, under clause 7, the Commission agreed it would assess the application.
  13. Prior to proceeding to assess and application, the Commission must first be satisfied, under clause 8(1) of Schedule 3, that there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in the affected area. (NB this requirement is different from the community support *for the application* set out under clause 5(1)(f) of Schedule 3 referred to above.)
  14. The Commission had previously agreed, as part of its decision on the Wairarapa councils' application, that there was sufficient information to satisfy itself under clause 8(1) on demonstrable community support for local government reorganisation in Wellington Region. At its meeting on 4 July 2013, the Commission again considered there was sufficient information under clause 8(1). The basis for this decision was the numerous recent consultation exercises in Wellington Region. These included the independent region-wide public opinion survey of all eight territorial authority areas undertaken by Colmar Brunton in June/July 2012. Based on this survey, there is evidence of support in each affected territorial authority for some form of local government reorganisation.

### **Relevant matters the Commission took into consideration**

15. In its considerations relating to community support, the Commission took into account whether community support was demonstrated or was demonstrable in each of the affected areas, and whether the support was demonstrated or demonstrable from organisations and individuals located within the affected areas and/or representing parts of those areas.
16. The Commission noted that the evidence demonstrating community support did not need to indicate a particular level or type of support in the affected area, such as whether there was majority support, as this is not a requirement in the Act.

17. As a result, and being satisfied with the level of information provided, the Commission considered it did not need to undertake any consultation of its own at this time.
18. As part of its consideration in future, as to whether to proceed to issue a draft reorganisation proposal and then a final proposal, the Commission will need to continue to assess levels of community support for local government reorganisation in Wellington Region and for particular options that may be identified during the process. At each step in this process the Commission will need to continue to satisfy itself on the existence of demonstrable community support.

### **Next steps**

19. Having agreed to assess the GWRC application and having satisfied itself there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in the affected area i.e. Wellington Region, the Commission is next required to take further prescribed steps including notification of its decisions.
20. The Commission previously decided at its meeting on 13 June 2013, to publicly notify the Wairarapa councils' application and any further Wellington application together.
21. Therefore, having now agreed to assess the GWRC application and having satisfied itself there is demonstrable community support from the district of each affected territorial authority for local government reorganisation in Wellington Region, the Commission must now take the following prescribed steps:
  - advise the applicant and affected local authorities of the Commission's decisions, under clauses 6 and 8 of Schedule 3 of the Local Government Act 2002, on the GWRC application
  - advise each local authority that adjoins an affected local authority and any other person, body or group the Commission considers should be notified, of the Commission's decisions
  - give public notice of:
    - the receipt of the reorganisation applications from GWRC and the Wairarapa councils including the type of reorganisation proposed, the local authorities affected and the extent of the affected area
    - where further information about the applications can be obtained
    - an invitation for persons, bodies and groups to submit alternative applications in relation to the affected area
    - when alternative applications for each application must be received, and that applications received after this date may be declined.
22. The date by which alternative applications must be received is **16 August 2013**.