



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

### **Decisions of the Commission under clauses 6 and 8 of Schedule 3 of the Local Government Act 2002 on an application by Masterton, Carterton and South Wairarapa District Councils for reorganisation of local government in Wairarapa**

#### **Introduction**

1. On 22 May 2013 the Local Government Commission received an application from Masterton, Carterton and South Wairarapa District Councils (herein the Wairarapa councils), under clause 3 of Schedule 3 of the Local Government Act 2002 (the Act), for reorganisation of local government in the Wairarapa. Specifically the application is for the three Wairarapa councils to be united and to assume the powers of a regional council i.e. to become a unitary authority. The application proposes that the unitary authority comprise a mayor and twelve councillors elected from seven wards to ensure good geographical distribution and local participation with no councillors elected at large. It also proposes the use of committees to address matters of special interest, such as Māori issues and rural issues.
2. At a meeting on 13 June 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.

#### **Decisions**

3. At its meeting on 13 June 2013, the Commission:
  - a) declared, under clause 2(c) of Schedule 3 of the Local Government Act 2002, that the affected area in respect of the Wairarapa councils' application is the area comprising Wellington Region as presently constituted
  - 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 to defer public notification of the application and invitation for alternative applications pending expected receipt and consideration of a further reorganisation application(s) relating to Wellington Region.

## Reasons for the decision

4. The Commission was required under clause 6 of Schedule 3 to consider the application as soon as practicable after receiving it, which was on 22 May 2013, and to decide whether or not to assess the application.
5. 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 Wairarapa councils' application.
6. 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 which were the affected territorial authorities.
7. 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 Masterton, Carterton and South Wairarapa.
8. The Commission also agreed that the small part of Tararua District currently within Wellington Region but proposed to be transferred to Manawatu-Wanganui Region was also an affected area.
9. Under clause 2(c), the Commission, after careful consideration, agreed that the Greater Wellington Regional Council (GWRC) would be materially affected in terms of its operational scale, scope and capability, if local government was to be reorganised in accordance with the application because:
  - 88 staff<sup>1</sup> (21% of GWRC staff) would be affected by the Wairarapa proposal and this is a significant proportion of GWRC staffing numbers which would materially affect the *scale* of the council's operations
  - the area of land GWRC would administer would reduce by 72%, which would affect the extent of the environmental management and flood management operations (i.e. *scope*) by covering a significantly reduced land area
  - the reduction in its area and in these functions could affect GWRC's ability to attract and retain specialist staff in functions that in future were primarily provided in Wairarapa, which would impact on the *capacity* of GWRC.
10. On the basis that GWRC would be materially affected, the Commission declared the areas of the territorial authorities comprising the balance of Wellington Region also to be affected areas.

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<sup>1</sup> These are staff that GWRC has identified as being located in Masterton.

11. Having agreed the affected areas and therefore the affected territorial authorities, the Commission was then in a position to assess whether there was the required information demonstrating community support in the district of each affected territorial authority for the application. For this purpose it considered the following information:
- the results of a Wairarapa Governance Review Working Party consultation exercise between December 2012 and February 2013
  - an independent Wellington-region-wide public opinion survey of all eight territorial authority areas undertaken by Colmar Brunton in June/July 2012
  - other local authority public consultation exercises indicating a level of support for a stand-alone Wairarapa council
  - letters of support from Māori/iwi based in Wairarapa
  - letters of support from the mayors of three territorial authorities in Wellington Region.
12. In respect of the areas of Tararua District currently within Wellington Region, the Commission received information demonstrating community support for the application as follows:
- support from the largest landholder in the area
  - local authority support for the present Masterton boundary becoming the new regional boundary
  - an email from forestry interests in the area supporting the proposed regional boundary change.
- 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). 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, however, the Commission must next 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 At its meeting on 13 June 2013, in addition to deciding whether to assess the application, the Commission also considered whether it had sufficient information to satisfy itself under clause 8(1). It concluded it did have sufficient information. The basis for this decision was the numerous consultation exercises that had occurred in Wellington Region over recent times. This included an independent Wellington-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, this includes 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 Wairarapa councils' application and 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 certain prescribed steps.
- 20 In the meantime, GWRC has advised the Commission that it intends lodging a reorganisation application relating to Wellington Region. In light of this advice, the Commission has decided to await receipt of this application and consider whether it meets necessary requirements, with a view to carrying out required public notification of both the Wairarapa application and any further Wellington application concurrently.
- 20 Accordingly the Commission has agreed to proceed, as required, to advise the Wairarapa councils and affected local authorities of its decisions in relation to the Wairarapa application. It will consider at its next meeting the appropriate timing to carry out the following further steps:
  - advising 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
  - giving public notice of:
    - receipt of reorganisation application(s) including the type of reorganisation(s) proposed, local authorities affected and extent of the affected area
    - where further information about the application(s) can be obtained
    - an invitation for persons, bodies and groups to submit alternative applications in relation to the affected area
    - when alternative applications must be received by.