



## **LOCAL GOVERNMENT COMMISSION**

### **STATEMENT OF REVIEW OF THE OTOROHANGA DISTRICT AND THE WAITOMO DISTRICT**

The Local Government Commission has resolved under section 37ZZTB of the Local Government Act 1974 (“the Act”) to carry out a review of the Otorohanga District and the Waitomo District.

This statement of review is prepared in accordance with section 37ZZTC of the Act.

#### **Background**

On 3 August 2001 the Waitomo District Council initiated a proposal for the union of the Waitomo District and the Otorohanga District to form a King Country District.

After receiving the valid reorganisation proposal, the Commission was required under section 37ZZS of the Act to firstly consider whether it should either:

- carry out a review of any of the districts affected by the proposal under section 37ZZTB of the Act; or
- issue a draft reorganisation scheme based on the specific proposal before it under section 37ZZV of the Act.

Before making a decision on undertaking a review or issuing a draft reorganisation scheme based on the proposal, the Commission met with representatives of the Otorohanga District Council and the Waitomo District Council. The Councils were also invited to make written submissions to the Commission.

As required by section 37ZZQB of the Act, the Commission also sought the views of:

- the Controller and Auditor-General
- the Parliamentary Commissioner for the Environment
- the Secretary for Local Government; and
- the Secretary for the Environment.

In addition, the Commission invited the following organisations and adjoining local authorities to comment on the proposal:

- Department of Conservation
- Ministry of Health

- Ministry of Maori Development
- Ministry of Transport
- New Plymouth District Council
- Ruapehu District Council
- Taupo District Council
- South Waikato District Council
- Waipa District Council
- Waikato District Council
- Waikato Regional Council
- Taranaki Regional Council
- Manawatu-Wanganui Regional Council.

### **Reasons for conducting the review**

Following the above consultations, and after considering the written comments received, the Commission formed the view that a comprehensive review of the structure of local government in the Otorohanga and Waitomo Districts is required.

The Commission heard arguments in favour of the proposal and for the status quo. Accordingly, it did not consider that it could reach a decision on the proposal on the basis of a consideration of the submissions received and has decided that it should arrive at its conclusion by way of a review of the two districts directly affected by the proposal.

Another consideration in deciding to proceed with a review is that the proposal submitted to the Commission may not represent the only option for the reorganisation of the two districts. The Commission has received one submission suggesting that a boundary alteration with another district may be appropriate, and has also received verbal comments in that regard. A review would allow this, and other issues that may be identified, to be considered.

The Commission noted that if it had decided not to carry out a review, the next step for it to take would have been to formally determine whether the proposal submitted to it complied with the criteria in sections 37ZQA to 37ZRA of the Act. In carrying out a review the Commission will still make that determination, but on a comparative basis with any other options identified through the review.

### **Matters to be considered**

In carrying out the review the Commission will consider:

- (a) what system of local government in the Otorohanga District and the Waitomo District would best meet the criteria specified in sections 37ZQA to 37ZRA of the Act;

*Note: The criteria specified in sections 37ZQA to 37ZRA are contained in the Appendix to this statement.*

- (b) whether good local government would be promoted by the inclusion of any part of the Otorohanga District and the Waitomo District in the district of another local authority (whether by the constitution of a new district or by alteration of boundaries);
- (c) whether the system of representation in the Otorohanga District and in the Waitomo District best meets the criteria specified in section 37ZRA of the Act;
- (d) whether the good local government of the Otorohanga District and the Waitomo District would be best promoted by -
  - the existing system of communities and the functions, duties and powers of the community boards in the two districts;
  - an alternative system of communities; or
  - a change in the functions, duties and powers of the community boards; and
- (e) any other matters which may be raised with the Commission, and which it could consider and determine, whether under Parts IIB or IIBB of the Act, or some other statutory provision.

*Note: This category is not intended to include consideration of the performance or management of either the elected members or the officers of a local authority. Rather it is intended to relate to matters that may arise during the course of the review where the Commission has authority to take some action or make some recommendation.*

## **Invitation to make submissions**

Any body or person interested in this review may make a submission on any of the matters to be addressed in the review, as set out in the preceding section of this Statement of Review.

Written submissions may be –

- sent to: The Chief Executive Officer  
Local Government Commission  
PO Box 5362  
WELLINGTON
- faxed to: 04 495 7287
- e-mailed to: [lgc@dia.govt.nz](mailto:lgc@dia.govt.nz)

Submissions may also be made through the submission form contained in the Local Government Commission's website: [www.lgc.govt.nz](http://www.lgc.govt.nz).

Submissions close on Friday 1 February 2002.

The Commission intends to hold hearings of submissions in the two affected districts.

Those making submissions are asked to provide a contact address and daytime telephone/fax number, and to state in their submission whether they would wish to appear before the Commission at a hearing.

Submitters should note that it is the policy of the Commission to make submissions publicly available on request.

## **THE LOCAL GOVERNMENT COMMISSION**

**7 November 2001**

## APPENDIX

### LOCAL GOVERNMENT ACT 1974

- 37ZQA. Criteria** - (1) The principal local authority or the Commission, as the case may be, shall, when considering any reorganisation proposal or any reorganisation scheme, satisfy itself that the proposal or scheme -
- (a) Will promote the good local government of the districts concerned; and
  - (b) Will, in particular, ensure that each proposed local authority and each local authority continued in existence under the proposal -
    - (i) Will have the resources necessary to enable it to carry out its functions, duties, and powers; and
    - (ii) Will have a district that is appropriate for the efficient and effective exercise of its functions, duties, and powers; and
    - (iii) Will contain within its district a sufficiently distinct community of interest or sufficiently distinct communities of interests; and
    - (iv) Will be able to meet the requirements of section 223C of this Act.
- (2) The principal local authority or the Commission, as the case may be, shall, when considering the matters specified in subsection (1) of this section in relation to any reorganisation proposal or any reorganisation scheme, consider -
- (a) The area of impact of the functions, duties, and powers of the local authorities concerned; and
  - (a) The area of benefit of services provided; and
  - (b) The likely effects on any local authority of the exclusion of any area from its district; and
  - (c) Such other matters as it considers appropriate.
- 37ZR. Boundaries** - The principal local authority or the Commission, as the case may be, shall, in determining boundaries under any reorganisation scheme, ensure that -
- (a) The boundaries of regions conform, where practicable, with catchment boundaries; and
  - (b) The boundaries of territorial authority districts conform, where practicable, with the boundaries of regions; and
  - (c) The boundaries of regions and the boundaries of territorial authority districts conform with the boundaries of statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

- 37ZRA. Membership** - Where a principal local authority or the Commission is required to determine the membership of a local authority as a consequence of any reorganisation scheme, the principal local authority, or the Commission, as the case may be, shall -
- (a) Provide for the effective representation of the electors of the local authority; and
  - (b) Comply with the requirements of sections 101C, 101CA, 101D, 101E and 101L of this Act; and
  - (c) Take into account the need to provide effective and accountable local government; and
  - (d) Take into account the functions, duties, and powers of the local authority.