



**LOCAL GOVERNMENT COMMISSION
MANA KĀWANGATANGA Ā ROHE**

**PROPOSAL FOR TRANSFER OF WAIHI BEACH WARD
FROM WESTERN BAY OF PLENTY DISTRICT TO
HAURAKI DISTRICT**

CALL FOR SUBMISSIONS

27 May 2010

The Proposal

The Local Government Commission has received a proposal for the transfer of Waihi Beach Ward from Western Bay of Plenty District to Hauraki District.

The proposal was initiated by a petition signed by over 10% of the electors living within the area. The proposal was referred to the Commission by the affected local authorities – the Western Bay of Plenty and Hauraki District Councils and the Waikato and Bay of Plenty Regional Councils - for consideration and decision.

A map of the affected area can be found in *Attachment A*.

The Process

The procedure the Commission must use to deal with the proposal is set out in subpart 4 of Schedule 3 of the Local Government Act 2002. That procedure is briefly summarised below.

- The Commission invites public submissions on the proposal. The Commission is now calling for submissions with a closing date of 27 July 2010. (Information about how to lodge a submission is set out later in this document.)
- The Commission gives the submissions received to the 'representative of electors' (representative of those who signed the petition) and provides the opportunity for the representative to withdraw the proposal.
- If the proposal is not withdrawn the Commission consults with the affected and adjoining local authorities, the representative of electors, relevant government agencies, affected Māori organisations and those other people and organisations who have made submissions. This is usually done at a hearing or hearings in the affected areas.
- The Commission may carry out other investigations and inquiries so that it has enough information on which to make a decision.
- The Commission then decides whether to issue a draft reorganisation scheme (based on the proposal or on a modification or variation of the proposal) or not to proceed with the proposal.
- If the Commission issues a draft reorganisation scheme it then invites submissions on the draft scheme. The scheme includes the detail of how a proposal would be implemented.
- The Commission considers submissions received on the draft. It then decides whether to issue a final reorganisation scheme based on the draft scheme (with or without modifications) or to decline to proceed with the scheme.
- If the Commission issues a final scheme it would be implemented by an Order in Council signed by the Governor-General.

Potential impact of the proposal on the boundaries of regions

The proposal relates to a transfer between two territorial authority districts that are within two different regions (i.e. Bay of Plenty Region and Waikato Region). It does not specifically seek the transfer of Waihi Beach Ward from Bay of Plenty Region to Waikato Region.

The Commission's first task will be to consider the merits of the proposal (i.e. whether a transfer between territorial authority districts will promote good local government). If the Commission were to issue a draft reorganisation scheme for the transfer of Waihi Beach Ward from Western Bay of Plenty District to Hauraki District, it would have scope to determine whether the Waihi Beach Ward area should also be transferred from Bay of Plenty Region to Waikato Region. Consideration of this matter would be based on the criteria set out in clauses 3 to 7 of Schedule 3 of the Act.

How will the Commission decide?

When making decisions on the proposal, the Commission is required to satisfy itself that the proposal will meet the criteria set out in clauses 3 to 7 of Schedule 3 of the Local Government Act 2002. Broadly speaking, these criteria relate to 'good local government', boundaries and representation. The criteria are contained in Attachment B of this document. In order to assess whether a reorganisation proposal will promote 'good local government' in a particular area, the Commission has identified the following questions that need to be addressed:

- (a) How would the proposed districts/regions better recognise distinct communities of interest?
- (b) How would the proposal provide for more effective representation of communities of interest?
- (c) Why would the proposal provide for more effective governance of the districts/regions concerned including meeting decision-making requirements?
- (d) Why would the proposal facilitate more effective planning for meeting the immediate and long-term needs of the districts/regions concerned?
- (e) How would the proposal facilitate more efficient and effective service delivery in the districts/regions concerned?
- (f) How would the proposal provide for enhanced financial capacity in the districts/regions concerned?
- (g) How would the proposal provide for enhanced local government management and organisational capacity in the districts/regions concerned?

Making a Submission

Any person or organisation wishing to make a submission to the Local Government Commission on the proposal may do so by **27 July 2010**.

Submissions may be made on any matter relevant to the proposal, including:

- whether or not the proposal should proceed (with or without modifications)
- the advantages and disadvantages of the proposal compared to the status quo
- whether the Waihi Beach Ward area should also be transferred from Bay of Plenty Region to Waikato Region.

Submissions may be forwarded to the Commission by:

- Post: Chief Executive Officer
Local Government Commission
PO Box 5362
WELLINGTON 6145
- Fax: 04 460 2201
- Email: info@lgc.govt.nz

Anyone making a submission should clearly state whether they wish to meet with the Commission to speak about their submission (along with a daytime contact telephone number). If this information is not provided, the Commission may assume that the submitter does not wish to appear at a hearing.

Please note that it has been the Commission's practice to make submissions publicly available on its website.

Further Information

The Local Government Commission comprises three members appointed by the Minister of Local Government. Its main tasks are to make decisions about the structure of local government and on representation arrangements for local authorities. More information about the Commission may be found on its website – www.lgc.govt.nz (click the 'About us' link)

The Commission will maintain a website page dedicated to this proposal and will periodically update this. You can access this page by clicking on the 'proposals' link.

Contact details

Local Government Commission
PO Box 5362
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Statutory criteria for considering reorganisation proposals (clauses 3 to 7 of Schedule 3 of the Local Government Act 2002)

Promoting good local government (Clause 3 of Schedule 3)

1. In order to proceed with the proposal, the Local Government Commission must:
 - (a) *be satisfied that it will promote good local government of the districts concerned; and*
 - (b) *ensure that each local authority provided for under the proposal will:*
 - (i) *have the resources necessary to carry out its responsibilities, duties and powers,*
 - (ii) *have a district or region appropriate for the efficient and effective performance of its role as specified in section 11 of the Act,*
 - (iii) *contain within its district or region a sufficiently distinct community of interest or sufficiently distinct communities of interests, and*
 - (iv) *be able to meet the requirements of section 76 of the Act, which relate to decision-making.*
2. When considering these criteria, the Commission must take into account:
 - *the area of impact of the responsibilities, duties, and powers of the local authorities concerned;*
 - *the area of benefit of services provided;*
 - *the likely effects on any local authority of excluding any area from its district or region; and*
 - *any other appropriate matters.*

Boundaries (Clause 4 of Schedule 3)

3. In determining the boundaries under a proposal or scheme, the Commission, must ensure that (where practicable):
 - *the boundaries of regions conform with water catchments; and*
 - *the boundaries of territorial authority districts conform with the boundaries of regions.*
4. Boundaries of regions and territorial authority districts must also conform with the boundaries of statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

5. In practical terms, the Commission may request Statistics New Zealand to split meshblocks if it believes this is appropriate. The fact that proposed boundaries do not initially conform with meshblocks does not mean that they cannot be considered. But before the Commission can issue a reorganisation scheme, boundaries must conform with meshblocks.

Representation (Clause 5 of Schedule 3)

6. When considering a proposal or a scheme, the Commission must ensure that the membership of a local authority will:
 - *provide fair and effective representation for individuals and communities of the local authority;*
 - *comply with the requirements of the Local Electoral Act 2001 (see particularly Part 1A of that Act); and*
 - *take into account the responsibilities, duties, and powers of the local authority.*

The role of, and guiding principles for, local authorities (sections 10, 11, 14, and 76 to 82 of the Local Government Act 2002)

7. When considering 'good local government', the Commission will take into account the role of local authorities and the principles guiding how a local authority must perform this role.
8. Under section 11 of the Local Government Act 2002 (the Act), the role of a local authority is to give effect, in relation to its district or region, to the purpose of local government stated in section 10 of the Act, and to perform the duties, and exercise the rights, conferred on it under the Act and any other enactment (such as the Resource Management Act 1991).
9. The purpose of local government, as outlined in section 10, is to:
 - (a) *enable democratic local decision-making and action, by, and on behalf of, communities; and*
 - (b) *to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.*
10. The principles guiding how a local authority must perform its role are set out in section 14 of the Act, as follows:
 - (1) *In performing its role, a local authority must act in accordance with the following principles:*
 - (a) *a local authority should—*
 - (i) *conduct its business in an open, transparent, and democratically accountable manner; and*
 - (ii) *give effect to its identified priorities and desired outcomes in an efficient and effective manner:*

- (b) *a local authority should make itself aware of, and should have regard to, the views of all of its communities; and*
 - (c) *when making a decision, a local authority should take account of—*
 - (i) *the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) *the interests of future as well as current communities; and*
 - (iii) *the likely impact of any decision on each aspect of well-being referred to in section 10:*
 - (d) *a local authority should provide opportunities for Māori to contribute to its decision-making processes:*
 - (e) *a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and*
 - (f) *a local authority should undertake any commercial transactions in accordance with sound business practices; and*
 - (g) *a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and*
 - (h) *in taking a sustainable development approach, a local authority should take into account—*
 - (i) *the social, economic, and cultural well-being of people and communities; and*
 - (ii) *the need to maintain and enhance the quality of the environment; and*
 - (iii) *the reasonably foreseeable needs of future generations.*
- (2) *If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).*

11. Sections 76 to 82 of the Act set out the principles and requirements needed for local authority decision-making and consultation. Broadly speaking, these sections of the Act reinforce the principles set out above.