



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 for the establishment of a Golden Bay local board

Introduction

1. On 31 October 2018, the Local Government Commission received a local government reorganisation application from the 'Working Group for a Golden Bay Local Board', under clause 3 of Schedule 3 of the Local Government Act 2002 (the Act), for the establishment of a Golden Bay local board.
2. Specifically, the application is for the establishment of a local board for the current Golden Bay Ward of Tasman District which would replace the current Golden Bay Community Board.
3. At a meeting on 29 November 2018, the Commission considered this application and made a number of decisions pursuant to Schedule 3 of the Act. This document sets out those decisions and the reasons for them, and identifies the next steps which the Commission must take.

Decisions

4. At its meeting on 29 November 2018, the Commission:
 - noted** that under clause 2 of Schedule 3 of the Act the affected area for the application is Tasman District
 - agreed** that there are no grounds to decline to assess the application under clause 7, including it not containing the necessary information specified in clause 5 of Schedule 3
 - agreed** to assess the application and to notify the applicant and the affected local authority (Tasman District Council) of the decision under clause 6 of Schedule 3
 - agreed** it is satisfied, under clause 8(1) of Schedule 3, that there is demonstrable community support for local government reorganisation in the district of the affected territorial authority, in order to proceed to assess the application.

Reasons for the decision

5. The Commission was required under clause 6 of Schedule 3 to consider the application as soon as practicable after receiving it, which was on 31 October 2018, 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 Golden Bay local board application.
7. Among other things, the Commission was required to consider the information provided demonstrating community support in the district of the affected territorial authority for the application. For this purpose it considered the following information it had received:
 - a survey conducted by the Working Group for a Golden Bay Local Board which included 112 signatories supporting the proposal for the Commission to investigate the possibility of a local board for Golden Bay
 - a petition which accompanied the application which contained 501 valid signatures requesting the Commission investigate the possibility of a Golden Bay local board.
8. On the basis of the above information, the Commission came to the conclusion that there was sufficient information demonstrating community support in Tasman District for the application.
9. As there were no further grounds to decline to assess the application, the Commission agreed to assess the application.
10. Before proceeding to assess the application, however, the Commission must first be satisfied, under clause 8(1) of Schedule 3, that there is demonstrable community support in the district of the affected territorial authority for local government reorganisation (as distinct from support for the application) in the affected area.
11. The Commission considered that it did have sufficient information to satisfy itself of this. The basis for this decision was the information referred to in paragraph 7 along with further information provided including the responses to additional questions in the community survey relating to local government arrangements in the area.
12. The Commission was aware that the evidence demonstrating community support does not need to indicate a particular level or type of support, such as whether there is majority support, as this is not a requirement in the Act.
13. As part of its future consideration of whether to proceed to issue a draft reorganisation proposal and then, possibly, a final proposal, the Commission will need to continue to assess levels of community support for local government reorganisation in the affected area, 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

14. The next steps in the process are set out in clause 9 of Schedule 3. These are for the Commission to:
 - advise each local authority that adjoins the 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 application including the type of reorganisation proposed, the local authorities affected and the extent of the affected area
 - where further information about the application 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 and that applications received after this date may be declined.

15. The Commission will consider the timing of these next steps in the New Year. This is because the Commission did not consider that commencing the next steps in the process immediately before the summer break would be conducive to effective community engagement. It also wishes to take the opportunity to meet with the applicant and Tasman District Council to ensure they are fully informed about the process set out in Schedule 3 of the Act before taking the next formal step.

30 November 2018