



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 the Western Bay
of Plenty District Council for an alteration to the boundary
between the district and Tauranga City**

Introduction

1. On 1 November 2018 the Local Government Commission received an application from the Western Bay of Plenty District Council under clause 3 of Schedule 3 of the Local Government Act 2002 (the Act), for an alteration to the boundary between the district and Tauranga City.
2. Specifically the application seeks to move an area of approximately 189 hectares of rural land currently in the district into the city so that it can be developed for future housing and adequately serviced.
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. 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

4. At its meeting on 29 November 2018, the Commission:
 - (a) **agreed** that the “affected area” in respect of the reorganisation application is the area which the application proposes be included within Tauranga City, comprising approximately 189 hectares of rural land identified as meshblock 1191301.
 - (b) **agreed** that the affected local authorities are Western Bay of Plenty District Council and the Bay of Plenty Regional Council;
 - (c) **agreed** that there are no grounds to decline the application under *clause 7*, and that it contains the necessary information specified in *clause 5*;
 - (d) **agreed** to assess the application and to notify the applicant, the affected local authorities, and Tauranga City Council of the decision under clause 6;
 - (e) **agreed** under *clause 8(1)* that it has sufficient information to be satisfied there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in the affected area;
 - (f) **agreed** to meetings with the applicants, affected local authorities, Tauranga City Council and possibly other interested groups and individuals before

deciding to publicly notify the application and call for alternative applications under *clause 9*.

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 1 November 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 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 which are the affected territorial authorities.
8. An affected territorial authority is, under 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 area was the area that it was proposed should move from the Western Bay of Plenty District into Tauranga City. The affected local authorities are the Western Bay of Plenty District and the Bay of Plenty Regional Council.
9. 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 for the application in the district of each affected territorial authority. For this purpose it considered the following information it had received:
 - (a) The council wrote to each of the owners of the properties within the area of the proposed boundary change (a total of 37 letters relating to 28 properties). The reported results were that the owners of 19 properties accounting for 93% of the affected land area supported the change. Two properties (representing 0.04% of the affected area) opposed it. No response was received from 7 owners (representing around 7% of the affected land):
 - (b) Te Kauae a Roopu (a collective of six hapu with interests in the Tauriko West area) at a meeting on 9 July 2018 expressed unanimous support for the proposal;
 - (c) Tauranga Maona Iwi Authorities representatives of Ngati Ranginui, Ngai Te Rangi, and Ngati Pukenga expressed unanimous support for the proposed change at a meeting with the district, city and regional councils on 24 August 2018.
 - (d) During August the district and city council undertook public opinion surveying (with a sample of 804 people) on the proposed change in both the district and the city. This revealed support levels of 68% in the city and 61% in the district.
 - (e) The application also records that both Tauranga City Council and the Bay of Plenty Regional Council support the proposed change.

10. On the basis of the above information, the Commission concluded that there was sufficient information demonstrating community support for the application from the districts of the affected territorial authority. As there were no further grounds to decline to assess the application, the Commission agreed it would assess the application.
11. Prior to proceeding to assess and 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 each affected territorial authority for local government reorganisation in the affected area. It concluded it did have sufficient information. The basis for this decision was the same as that described in paragraph 9 above. In doing so the Commission was conscious 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.

Next steps

12. The next formal 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 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 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.
13. The Commission will consider the timing of these further steps in the New Year. 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 interested local authorities to ensure they are well informed about the process set out in Schedule 3 before taking the next formal step.