

Requirements of Alternative proposals as prescribed by Schedule 3 Local Government Act 2002

“Alternative applications are effectively a counter-proposal. They should explain how the alternative ideas would lead to improvements and what the changes are designed to achieve. They are not an opportunity to lobby for the status quo (existing structures)”.

(Reproduced from LGC website)

To assist anyone considering making an alternative (to NAG’s) reorganisation proposal the relevant sections of the legislation have been reproduced below. This is not intended to be a comprehensive reproduction of the whole reorganisation legislation but merely the main points of what needs to be considered in making an alternative proposal. They have been ordered in the sequence in which they will be encountered in the process.

Users are urged to view the whole reorganisation process as is described in detail on the Local Government Commission website here:

<http://www.lgc.govt.nz/the-reorganisation-process/>

And the full Local Government Act 2002 can be found here;

<http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170873.html#DLM4926378>

Clause 9 Commission to seek alternative applications

- (1) If the Commission is satisfied about community support, as required by **clause 8**, the Commission must give—
 - (a) public notice; and
 - (b) notice to—
 - (i) the affected local authorities; and
 - (ii) each local authority whose district or region adjoins the district or region of an affected local authority; and
 - (iii) any other person, body, or group that the Commission considers should be notified.
- (2) A notice given under subclause (1) must—
 - (a) state that a reorganisation application has been received by the Commission; and
 - (b) describe the type of reorganisation proposed, the affected local authorities, and the extent of the affected area; and
 - (c) indicate where further information about the application can be obtained; and
 - (d) invite persons, bodies, and groups to submit, by a date specified in the notice, alternative applications in relation to the affected area; and

- (e) indicate that any alternative applications received after the date specified under paragraph (d) may be declined.

(3) The date specified by the Commission under subclause (2)(d) for the receipt of alternative applications must not be earlier than 20 working days after the last notice given under subclause (1).

(4) In the case of a local board reorganisation application, the Commission—

- (a) must give notice under subclause (1) to any community boards and local boards within the district of the affected local authority; and
- (b) must, in every notice under subclause (1), outline the limitation on the scope of alternative applications set out in [clause 10\(2\)](#); but
- (c) is not required to give notice under subclause (1)(b)(ii).

Schedule 3 clause 9(4): inserted, on 8 August 2014, by [section 69](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Clause 10 Alternative applications

- (1) An alternative application must comply with [clause 5](#) as if it were a reorganisation application.

(2) However, an alternative application is not required to comply with [clause 5\(1\)\(f\)](#) in relation to a district of a territorial authority in which community support has been demonstrated in the reorganisation application received under [clause 3](#).

(3) In the case of a local board reorganisation application, an alternative application may not propose the abolition or union of the affected local authority, or any changes to the boundaries or functions of that local authority.

Schedule 3 clause 10(3): inserted, on 8 August 2014, by [section 69](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Clause 5 Contents of reorganisation application

- (1) A reorganisation application must include the following:
 - (a) the name and address of the person making the application; and
 - (b) if more than 1 person is making the application, the name and address of the person who is the representative of the applicants; and
 - (c) a description of the proposed changes, including (but not limited to)—
 - (i) which of the matters listed in [section 24\(1\)](#) is being sought; and
 - (ii) a plan or other description sufficient to identify the affected area or affected areas concerned; and

- (d) a full and detailed explanation of what the proposed changes are seeking to achieve and how the changes would be achieved by the approach proposed in the application; and
 - (e) a description of the potential improvements that would result from the proposed changes and how they would promote good local government as described in [clause 12](#); and
 - (f) information that demonstrates that the application has community support in the district of each affected territorial authority.
- (2) A reorganisation application may include—
- (a) any information requested or recommended in any guidelines issued by the Commission; and
 - (b) any other information that the applicant considers relevant to the Commission's consideration of the application.
- (3) A reorganisation application may be accompanied by a petition of affected electors for the purposes of [clause 8\(2\)](#).
- (4) If a reorganisation application is accompanied by a petition, each elector who signed the petition must state, against his or her signature, the person's name and address in sufficient detail to enable the person to be identified as an elector.

Clause 12 Promotion of good local government

- (1) For the purposes of [clause 11\(8\)](#), the Commission must be satisfied that its preferred option—
 - (a) will best promote, in the affected area, the purpose of local government as specified in [section 10](#); and
 - (b) will facilitate, in the affected area, improved economic performance, which may (without limitation) include—
 - (i) efficiencies and cost savings; and
 - (ii) productivity improvements, both within the local authorities and for the businesses and households that interact with those local authorities; and
 - (iii) simplified planning processes within and across the affected area through, for example, the integration of statutory plans or a reduction in the number of plans to be prepared or approved by a local authority.
- (2) For the purposes of [clause 11\(8\)\(a\)](#), the Commission must be satisfied that its preferred option—
 - (a) will best promote, in the affected area, the purpose of local government as specified in [section 10](#); and
 - (b) will best promote the interests of the communities in the district in terms of—
 - (i) the benefits to all communities of a consistent or co-ordinated approach in the district; and

- (ii) the benefits to particular communities of reflecting the particular needs and preferences of each community.

Schedule 3 clause 12(2): inserted, on 8 August 2014, by [section 69](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Reproduced from main body of LG act 2002

Subpart 1—Purpose of local government

Section 10 Purpose of local government

- (1) The purpose of local government is—
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

Section 10(1)(b): replaced, on 5 December 2012, by [section 7\(1\)](#) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 10(2): inserted, on 5 December 2012, by [section 7\(2\)](#) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).