



## **LOCAL GOVERNMENT COMMISSION**

### **Decision on proposal to constitute a Rotorua Lakes Community Board**

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## **INTRODUCTION**

1. This decision relates to a proposal initiated by 646 electors of the Rotorua District to establish a Rotorua Lakes Community (“the proposal”).

## **BACKGROUND**

2. On 29 September 2005 the Rotorua District Council (the Council) confirmed that it had received a valid proposal to constitute a Rotorua Lakes Community, signed by 646 registered electors. The total number of registered electors for the proposed community is 2528. The proposal meets the requirements of clause 3(1) of Schedule 6 of the Local Government Act 2002 (“the Act”), which specifies that not less than 10% of the electors of a continuous area, having a population of 1500 or more, can propose that a community be constituted.
3. On 25 October 2005 the Council considered and rejected the proposal.
4. The Commission subsequently received an appeal against the Council’s decision, dated 1 November 2005, in accordance with clause 7(1) of Schedule 6 of the Act, which provides that “if, following a proposal to constitute a community, a territorial authority resolves not to constitute a community, a signatory to the proposal may appeal to the Commission”. The appeal had seven signatories, which the Council confirmed were also signatories to the proposal.
5. The Commission subsequently issued a media release and public notices in several local newspapers, calling for public submissions on the matter.
6. A total of 61 submissions were received. 58 were in favour of the proposal and 3 opposed. 6 submitters expressed a desire to be heard by the Commission.

## **SUMMARY OF MATTERS RAISED IN SUBMISSION**

7. Common themes raised by submitters in favour of the proposal were as follows:
  - The Lakes area has distinctive differences (for example, a high proportion of holiday homes with owners living elsewhere);
  - Lakes area interests are quite different to those of Rotorua urban dwellers; a community board would better represent those interests;
  - The area is under represented in Council affairs; none of the present councillors reside in the Lakes area;
  - Ward councillors are failing to consult with or adequately represent the Lakes community;

- Issues of concern to the community include the need for satisfactory services (such as waste treatment), fairness of the rating system, and lakes water quality;
  - A community board would improve dialogue with the Council, reduce the current adversarial atmosphere, and ensure concerns are heard;
  - A community board would provide more information about local issues;
  - Council will be able to set policy from a more informed position;
  - Delegating local or neighbourhood responsibilities to a community board would free up Council to consider more complex policy issues;
  - The costs of a community board (estimated at around \$70,000) are not high compared with the Council's total rate take (in excess of \$50 million).
8. The concerns of those against the proposal (including the Council) were:
- The proposed area does not include all lake communities in Rotorua;
  - The community is already well served by the Rotorua Combined Lakes Ratepayers Association;
  - It would not be representative of the community (the signed petition of 646 electors was not seen as a sufficiently large proportion of the 2500 electors);
  - It would be an unnecessary expense for the community, and the costs have not been discussed or considered by residents;
  - Other organisations such as the Lakes Water Quality Society and the Rotorua Lakes Protection and Restoration Action Programme are also being successful in representing the wishes of the community;
  - The area is not a strong "community of interest";
  - Good governance and representation is already available to residents;
  - The establishment of community boards should be considered as part of the overall representation review.

## **THE HEARING**

9. The Commission held a hearing of submitters on 23 August 2006, at the Rotorua District Council Chambers. The Commission heard submitters in the following order: Geoff Turner for the proposers; Sally Brock on behalf of the Lake Rotoiti Community Association, John Dyer on behalf of the Lake Tarawera Residents Association, Peter Christophers on behalf of the Council, Mayor Kevin Winters, Brentleigh Bond on behalf of the Rotorua Combined Lakes Ratepayers Association, Geoff Palmer on behalf of the Lake Okareka Ratepayers Association, and in right of reply Mr Turner on behalf of the proposers.

## SUMMARY OF MATTERS RAISED AT THE HEARING

10. The main arguments presented in support of the proposal were as follows:

### *Community of interest.*

- The area has distinct commonalities which include:
  - i. its unique topography (bush clad hills leading off lakes) and geography;
  - ii. community spirit;
  - iii. its interest in the welfare of the lakes;
  - iv. multiple hapu are represented in the area compared with urban Rotorua;
  - v. it has a common lack of facilities (such as reticulated sewerage, water, public transport and footpaths);
  - vi. it has a high proportion of holiday homes and absentee landowners.
- The area has distinctive differences from urban and farming communities, such as its geography and focus on the lakes.
- The area has distinct interests from those of semi-farming areas, such as around Lakes Rotomahana and Rerewhakaaitu (this is why these areas were not included).
- Residents do not want to be split into tiny communities, because it would be more efficient to include them as part of a larger group, where they could make a more effective contribution.
- The paramount issues for the group are seen as:
  - i. the wellbeing of the lakes and restoring water quality
  - ii. any planning/zoning/rating issues affecting the area
  - iii. adequate facilities to cope with recreational activities
  - iv. other environmental concerns (for example, gorse control near Lake Rotoiti).

### *Good governance:*

- The Council has failed to consult adequately over the community board proposal. It rejected the proposal without paying due diligence to the correct process. Its members have been “scaremongering” regarding the costs of a community board.
- The Council has failed to consult adequately in the area over plans such as the Open Space Strategy (where only 2 days’ notice was given) and the Lakes Recreation Strategy (no notice at all). Consultation by the Council needs to start earlier, and it is the quality of the consultation which is important.
- Quality, access to information, and timeliness are the important issues in regard to consultation.
- Community boards are helpful and successful elsewhere in the country.

- A Rotorua Lakes board could work well with goodwill from the Council. Residents have better information on local issues, which would lead to the Council being better informed.
- A community board would reduce the workload on the various lakes ratepayers associations. These associations are voluntary and have limited time and access to Council information.
- A community board would provide the improved representation residents of the area want. Individual ratepayer associations will be able to feed into a community board. There will be less, not more, bureaucracy.
- A community board would provide the legal status and standing required to maximise the contribution residents of the area make to Council planning and decision-making.
- There are major issues which would be better addressed by a community board, for example, lakes water quality. A board would have a statutory role and responsibilities under the Local Government Act.
- At present the Rotorua Combined Lakes Ratepayers Association has no greater standing than an individual ratepayer association, and no access to Council information. A community board would be able to see more detailed information from the Council.
- Residents concerns have been overlooked by Council, for example, their concerns over rates rises.
- When councillors do visit resident association meetings they are not always helpful, for example, simply expressing opposition to a community board.
- Community action has demonstrably led to improvement, for example, the community pushed for improved services such as reticulated sewerage.
- Residents would like to be involved in the Rotorua Lakes Strategy Group. They would also like to have input on tourism strategies, and all plans affecting them.
- A community board would support the positive promotion of tourism in the area, which the Council relies heavily on.
- The area is important not just to the district, but to the whole of New Zealand.

*Resourcing:*

- There appears to be consensus among all parties that there are sufficient resources to operate a community board.
- The costs of a community board are low compared with the total rate take.

11. The main arguments presented by the Council were that:

- There is no single or strong community of interest.
- The proposed area has a strong linkage with the Rotorua urban area.

- There has been no consultation with iwi on the proposal.
- There is a lack of awareness by residents of the role of a community board or the cost.
- A survey carried out by NRB did not indicate support for the establishment of community boards in the district.
- The consultation requirements of the 2002 Act mean that residents' concerns are receiving greater attention.
- It believes good representation is already provided for all of the district.

12. In rebuttal of points raised by the proposers the Council argued that:

- Farming families around Lakes Rotomahana and Rerewhakaaitu (excluded from the proposed community area) are also committed to the water quality of their lakes.
- There are ample opportunities for residents of the area to raise their concerns with Council. The Mayor holds monthly informal meetings, supplemented by councillors' monthly meetings.
- Another tier of governance is not needed. Input to Council is not fragmented and things are working well.
- The area is not geologically distinct - and all the lakes are linked.
- The Council goes out of its way to consult, for example, over the Long Term Council Community Plan (LTCCP).
- The Council did consult over the question of community boards, via the NRB survey.
- Residents concerns are being addressed, for example:
  - A workshop is forthcoming on rating policy;
  - The Council has committed \$100 million to sewerage schemes over the next 10 years.
- Residents have a choice over how they pay for their connection to new sewerage schemes.
- There are already a number of groups active in the area looking at water quality issues, such as those comprising the Lakes and Landcare Trust, and the Lakes Water Quality Society.

## STATUTORY CRITERIA

13. Provisions relating to the constitution of communities are set out in Schedule 6 of the Act. The relevant provisions pertaining to the Commission's consideration of this matter are set out below:

### 1. **Constitution of communities**

- (1) *A community may be constituted in any part of a district in accordance with this schedule and must be wholly within 1 district.*
- (2) *A community may not be constituted for any part of a district if a community is already constituted for that part of that district.*

**2. Matters pertaining to constitution of communities**

- (1) *An Order in Council or resolution constituting a community must –*
- (a) *fix the boundaries of the community and describe them in a manner that makes them readily capable of identification; and*
  - (b) *assign a name to the community; and*
  - (c) *fix the date of the first election of members of the board of the community, which may not be a date within 12 months before the date of the next triennial general election of members of the territorial authority in which the community is situated.*
- (3) *The boundaries of a community must coincide with the boundaries of the statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.*
- (4) *The community must come into existence on the day after the day on which the electoral officer declares the result of the first election of the members of the community board.*

**6. Matters to be considered when constituting a community**

*In deciding whether or not to constitute a community, the territorial authority or, if appropriate, the Commission must have regard to the criteria as set out in clause 3 of Schedule 3 that apply to reorganisation proposals that the territorial authority or Commission considers appropriate in the circumstances.*

**7. Appeal against refusal to constitute community**

- (1) *If, following a proposal to constitute a community, a territorial authority resolves not to constitute a community, a signatory to the proposal may appeal to the Commission.*
- (2) *The Commission has all the powers of the territorial authority in respect of the constitution of the community, and may determine the functions of the community board for a period of up to 3 years.*
- (3) *Nothing in subclause (2) prevents the territorial authority from conferring further responsibilities on the community board.*

14. The criteria that apply to reorganisation schemes, as referred to above, are contained in clause 3 of Schedule 3 of the Act:

- (1) *When considering a reorganisation proposal or scheme, the Commission must satisfy itself that the proposal or scheme will -*
- (a) *promote good local government of the districts or regions concerned; and*
  - (b) *ensure that each local authority provided for under the proposal will-*
    - (i) *have the resources necessary to enable it to carry out its responsibilities, duties, and powers; and*

- (ii) *have a district or region that is appropriate for the efficient and effective performance of its role as specified in section 11; and*
    - (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.*
  - (2) *When considering the matters specified in subclause (1) in relation to any reorganisation proposal or scheme, the Commission must have regard to -*
    - (a) *the area of impact of the responsibilities, duties, and powers of the local authorities concerned; and*
    - (b) *the area of benefit of services provided; and*
    - (c) *the likely effects on a local authority of the exclusion of any area from its district or region; and*
    - (d) *any other matters that it considers appropriate.*
15. The Commission believes that the principles contained in sections 10 and 14 of the Act need to be taken into consideration, as do the provisions of the Act dealing with community boards (Schedule 7 and Subpart 2 of Part 4).
16. Section 10 of the Act states that the purpose of local government is –
- (a) *to 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.*
17. Section 14 sets out principles relating to local authorities, which include:
- conducting business in an open, transparent, and democratically accountable manner;
  - being aware of and having regard to, the views of all of its communities;
  - when making decisions, taking into account
    - the diversity of the community, and the community’s interests
    - the interests of future as well as current communities
    - the likely impact of any decision on the social, economic, environmental and cultural well-being of its communities;
  - prudent stewardship and the efficient and effective use of its resources in the interests of its district.
18. Subpart 2 of Part 4 describes the role of a community board, which is to:
- act as an advocate for the interests of its community;
  - consider and report on matters referred to it by the local authority, or on any matter of interest or concern to the community board;

- maintain an overview of services provided by the territorial authority within the community;
  - prepare an annual submission to the territorial authority on expenditure within the community;
  - communicate with community organisations and special interest groups within the community; and
  - undertake any responsibilities delegated to it by the territorial authority.
19. Schedule 7 deals with administrative provisions relating to local authorities and community boards, including delegations from a local authority to a community board.

**CONSIDERATION OF THE PROPOSAL UNDER THE STATUTORY CRITERIA (SCHEDULE 3, SUBPART 2, CLAUSE 3)**

***Clause 3(1)(a) – Will the proposal promote the good local government of the parent district and the proposed community?***

20. The Commission is required to assess proposals having regard to such of the criteria that apply to reorganisation proposals, as the Commission considers appropriate.
21. Clause 3(1)(a) requires the Commission to satisfy itself that the proposal will “promote the good local government” of the district and area concerned. For the proposal before it, the Commission concentrated primarily on whether the proposal would promote the good local government of the Rotorua Lakes area which is the subject of the proposal, and also considered the impact of the proposal on the good local government of Rotorua District as a whole.
22. With regard to the word “promote”, the Commission believes that the legislative intent is that the word means “to advance, help forward, enhance, or improve”.
23. The expression “good local government” is not defined in the Act. However, the Commission has adopted the view that the achievement of the purposes of local government, and principles relating to local authorities, contained in sections 10 and 14 of the Act (as quoted in paragraphs 16 and 17) are the basis of good local government. The Commission therefore is required to determine whether the proposal will enhance the ability of the proposed community, and more generally Rotorua District, to achieve these purposes and principles.
24. The broad purpose of local government in New Zealand is to:
- *enable democratic local decision-making and action by, and on behalf of, communities; and*
  - *promote the social, economic, environmental, and cultural well-being of present and future communities.*

25. Considering the purpose of local government set out in section 10 of the Act and the principles relating to local authorities contained in section 14 of the Act, the Commission found it first necessary to assess whether the area of the proposed community is a distinct community of interest.
26. The area of the proposed community is located mostly in the North Ward of Rotorua District, with a smaller portion located in the East Ward. It includes Lakes Rotoma, Rotoehu, Rotoiti, Okataina, Okareka, Tikitapu and Tarawera. The area has a unique bush clad topography and is sparsely populated, with a number of small lake side settlements. These settlements include a high proportion of holiday homes, resulting in the usually resident population of the area being only 6% of the district population.
27. The settlements of the proposed area are not isolated from the Rotorua urban area (the furthest community, Lake Rotoma, is no more than 30 minutes from Rotorua) and certainly look to the Rotorua urban area for social, service and economic support. Services such as shopping, banking, emergency and medical facilities, and secondary schooling, are all provided by Rotorua city. Nevertheless, residents of the area, as demonstrated by submissions, clearly feel a sense of belonging to their particular geographic area. There are active ratepayer associations for each of Lakes Rotoiti, Rotoma, Okareka and Tarawera. The Commission also noted the strong sense of community identity, evidenced by the fact that these ratepayer groups have combined to form the Combined Lakes Ratepayers Association, which has actively lobbied for residents' interests.
28. Those common interests and concerns of residents include:
  - the wellbeing of the lakes and restoring water quality;
  - access to Council;
  - costs and services associated with living in the area (in particular those associated with rating, and the new sewerage schemes);
  - other environmental concerns (such as gorse control);
  - the positive promotion of tourism in the area, and the need for adequate planning and facilities to cope with recreational activities.
29. The Council argued that the interests of these residents are not distinctive enough from those of other rural, and semi-rural dwellers around Rotorua District. It considers that Lakes Rotomahana and Rerewhakaaitu should be included. However, the Commission agrees with the view expressed at the hearing that residents of the proposed area are mostly lakeside dwellers, as distinct from rural farming communities around Lakes Rotomahana and Rerewhakaaitu, and do not generally share the same commonalities of interest.
30. After studying the submissions received on the proposal, visiting the area and hearing submitters, the Commission is satisfied that, in the context of the proposal before it, the area of the proposed community

does reflect a distinct community of interest. Having reached this conclusion, the Commission is satisfied that the establishment of a community for the Rotorua Lakes area would:

- recognise the distinct community of interest of the Rotorua Lakes area which is the subject of this proposal; and
- promote awareness of that community's views.

31. The Commission next considered whether the establishment of a community for the Rotorua Lakes area would also, in keeping with the purposes of local government:

- assist in addressing the needs of the community;
- promote fair and effective representation;
- promote the accountability of the Council to residents of the area;
- enable democratic local decision making;
- promote the social, economic, environmental and cultural well-being of residents
- effectively carry out the role and functions of a community board, as set out in the Act.

32. In considering these issues, the Commission was mindful of the matters raised in the submissions to it on the proposal. Matters of importance to submitters included:

- the concerns of the residents of the Lakes area are not being listened to by the Council;
- ward councillors are failing to consult with or adequately represent the Lakes community;
- a community board would improve dialogue with Council and ensure concerns are heard;
- a community board would have more information about local issues;
- a community board would reduce the workload on the various voluntary ratepayer associations, which could feed into the processes of a community board;
- a community board would have legal status and standing and have access to Council information which the Combined Lakes Ratepayers Association does not presently have.

33. The Commission noted in submissions and in the course of the hearing, a consistent theme of distrust and dissatisfaction among lakeside residents with the level of attention given by Council to its concerns, and the level of representation provided by ward councillors. While the Council considers it has met its responsibilities, it was nevertheless clear to the Commission that there is a need for improvement in accountability to residents of the area, whose wish to be involved in local issues is natural, and consistent with democratic principles. The establishment of a community board could improve that accountability, provided it is approached by both sides in a spirit of trust and optimism. It needs to be

understood, as pointed out in the Commission's determination on the Buller District Council representation review, that the role of community boards is complementary to that of councils in that they seek to advance the same purposes and principles of local government. Good integration and communication between the board and Council, and clear definition and agreement about the roles of the board and the Council in any particular circumstance will assist in achieving those principles.<sup>1</sup>

34. Given the importance of the area to the district as a whole (and wider) in terms of its tourism activity, environmental values (especially pertaining to water quality) and lifestyle opportunities, the Commission considers that the establishment of a community board will have a positive benefit for both residents and Council. Empowered with appropriate functions, a community board can act as an advocate for local views and provide the Council with valuable local knowledge. It has the potential to enhance the efficiency of the Council, as the Council will be able to utilise the community board as a sounding board for its proposals, and as a means of gaining feedback from the Community of issues of concern.
35. The Commission also considers that the establishment of a community board will promote democratic local decision making, through the process of local people standing as candidates for the community board, and through the provision of a formal forum for local people. Given proper resourcing, a community board should, with continuation of its current community support, also assist in addressing the needs of the community.
36. Based on the above considerations, the Commission believes that the proposal would promote the good local government both of the Rotorua Lakes area, and the Rotorua district more broadly.

***Clause 3(1)(b)(i) – Will the district and the proposed community have the resources necessary to enable them to carry out their respective responsibilities, duties and powers?***

37. Clause 38 of Schedule 7 of the Act provides for the provision of administrative and other facilities for community boards as follows:

*“A territorial authority within whose district the community of a community board is situated must provide the necessary administrative and other facilities for that community board”.*

38. Clause 39 of Schedule 7 of the Act provides for the expenses of community boards:

*“The expenses of the performance and exercise by a community board of its responsibilities, duties and powers must be paid by the territorial*

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<sup>1</sup> Determination of representation arrangements to apply for the election of the Buller District Council to be held on 13 October 2007 (Local Government Commission, September 2006), page 11.

*authority within whose district the community is situated out of the general revenues of the district”.*

39. As noted in the Commission’s determination on the Grey District Council’s representation review, these provisions highlight the view that community boards are best considered as part of the overall governance structure of a district, and should not be seen as independent of, separated from, or additional to, the district-wide representation of a council<sup>2</sup>.
40. The Council has estimated the cost of the proposed community at between \$30 – \$70,000 per annum. It has expressed concern that this would be an unnecessary expense for the community, and the costs have not been discussed or considered by residents. While it is correct that costs have not been set out to all residents, we also note that the Council did not (and was not required to at that point) make any decision about whether a community board would be funded from the general rate, or a targeted rate from the community board area.
41. The Local Government Rating Act 2001 provides councils with flexible powers to collect rates to fund specific local government activities. However, the Commission finds it appropriate to repeat its observation, as expressed in the Grey District Council determination, that many councils within New Zealand regard their community boards as benefitting the entire district, and do not set targeted rates on specific communities to cover the cost of their community boards. Governance expenditure is treated by the majority of councils as a cost to be met by the whole district<sup>3</sup>.
42. The Commission is satisfied that the estimated costs are in line with the costs of other community boards elsewhere in the country, and that there is no reason why the proposed community could not be properly resourced.

***Clause 3(1)(b)(i) – Will the district and the proposed community encompass an area that is appropriate for the efficient and effective exercise of their responsibilities, duties and powers?***

43. The boundary of the proposed community area excludes Lake Rotokakahi to the south west, which is privately owned. It also excludes Lakes Rotomahana and Rerewhakaaitu to the south, which, as noted above, are rural and semi-rural farming communities which do not have the same commonalities of interest with the communities in the proposed area.
44. Having visited the proposed community area, the Commission is also of the view that the boundary of the community to the west, which runs

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<sup>2</sup> Determination of representation arrangements to apply for the election of the Grey District Council to be held on 13 October 2007 (Local Government Commission, May 2006), page 6.

<sup>3</sup> *ibid*, pages 6-7.

along the shores of Lake Rotorua north of the airport, should not include Brunswick Park. Brunswick Park is clearly a residential area, which is not adjacent to Lake Rotorua. The Commission has decided to exclude the Brunswick Park area, by removing meshblocks 1252100 and 1251605 from the community area, and by splitting meshblock 1251601 (the new meshblock 1251607 will be excluded). This has been agreed to by Statistics New Zealand.

45. The proposal has no impact on the boundaries of Rotorua District.

***Clause 3(1)(b)(iii) – Will the district and the proposed community contain a sufficiently distinct community of interest or sufficiently distinct communities of interests?***

46. As discussed above, the Commission is satisfied that the area of the proposed community appropriately reflects a distinct community of interest in the context of the proposal before it.
47. Rotorua District has within it a number of distinct communities of interest (see our determination on the Rotorua District Council's representation review). The proposal will have no impact on the other established communities of interest in the district. Some concerns were expressed at the hearing that the establishment of a Rotorua Lakes community would set a precedent for other communities to be established. However, the Commission agrees with the counter argument that the establishment of a community or communities can be beneficial to the district as a whole. As stated in the Grey District determination, a community board that is well integrated within the wider governance framework of a district will be to the benefit of the entire district<sup>4</sup>.

***Clause 3(1)(b)(iii) – Will the district and the proposed community be able to meet the decision-making requirements of section 76 of the Act, to the extent that they are applicable?***

48. Section 76 outlines the manner in which a local authority is to conduct its affairs with regard to planning and decision-making.
49. The Commission considers that the proposal would have no negative impact on the ability of the Council to comply with this section. Indeed it is likely to enhance the Council's ability to seek and consider community views and meet consultation requirements.

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<sup>4</sup> *ibid*, page 6.

50. With regard to the proposed community, some of the requirements will not be applicable. With regard to those that are, we expect that experienced Council staff would be able to provide advisory and administrative support. The Commission is satisfied that the proposed community board would be able to meet applicable requirements of section 76.

***Clause 3(2)(a) – What would be the area of impact of the responsibilities, duties, and powers of the proposed community and the local authority; and the area of benefit of services provided?***

51. The western boundary of the proposed community adjoins the Rotorua urban area, and then only on the outskirts. The remaining boundaries abut rural or semi-rural farming areas, which have a different focus from those communities within the proposed area.
52. The Commission agrees that the boundaries of the proposed community, with the modification mentioned in paragraph 44 above, are appropriate and effective for the operation of a community board.
53. We note that while the Council serves the whole district, including the areas represented by the proposed community, both the community and the Council will play complementary roles in advancing the purposes and principles of local government, as discussed above.

***Clause 3(2)(c) – What are the likely effects on the local authority of the exclusion of any area from its district or region?***

54. This criterion is not relevant in terms of this proposal, which does not exclude any area from the existing jurisdiction of Rotorua District Council.

**Overall assessment of the proposal against the criteria**

55. Having considered the proposal against the criteria as set out in clause 3 of Schedule 3 of the Act, and in terms of the purposes of local government as set out in sections 10 and 14 of the Act, the Commission is satisfied that the proposal meets the requirements of the criteria.
56. The Commission agrees that the proposed community area reflects a distinct community of interest, and that its establishment as a community will promote the good local government of the area concerned, and of Rotorua District as a whole. The Commission has therefore determined that the proposal for the constitution of a community for the Rotorua Lakes area shall be put into effect.

## **Matters relating to the constitution of the Community**

### *Name of community*

57. The Commission has determined that the community is to be known as the “Rotorua Lakes Community” and the community board for the area is to be known as the “The Rotorua Lakes Community Board”.

### *Boundaries*

58. Schedule 6(1)(2) of the Act provides that the boundaries of a community must coincide with the boundaries of the statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes. The boundaries of the community meet this requirement. A map showing the boundaries of the community is attached to this determination.

### *First election*

59. In accordance with Schedule 6, clause(2)(1)(c) of the Act, the Commission is required to set the date of the first election of the members of the Community Board. The Commission has determined in accordance with the legislation that the date of the election shall be 13 October 2007 (the date of the 2007 local elections).

### *Membership*

60. The Commission is able to determine membership in accordance with Schedule 6(7)(2) of the Act. It has decided that the membership of the initial Rotorua Lakes Community Board shall comprise 4 members to be elected from the community board area, and 2 to be appointed by the Council (one to be the North Ward member, and one to be the East Ward member; consistent with s.19F(3)(b) of the Local Electoral Act 2001).

### *Functions*

61. The Commission did not consider it appropriate to make any delegations to the Board pursuant to clause 32 of Schedule 7 of the Act. The functions of the Rotorua Lakes Community Board shall therefore be in accordance with section 52 of the Act, and any delegations will be a matter for the Council to determine, in accordance with clause 32 of Schedule 7 of the Act.

## **COMMISSION’S DETERMINATION**

62. Under Schedule 7 of the Act, the Commission upholds the appeal against the decision of the Council not to constitute a community for the Rotorua Lakes area, and provides for a community to be constituted, with the following arrangements:

- (1) The community shall be known as the “Rotorua Lakes Community” and the community board for that community shall be known as “The Rotorua Lakes Community Board”.
  - (2) The Rotorua Lakes Community shall comprise the area delineated on S.O. Plan No. 379278 deposited with Land Information New Zealand.
  - (3) The first election of the Rotorua Lakes Community Board shall be held on 13 October 2007.
  - (4) The initial Rotorua Lakes Community Board shall comprise:
    - (a) four elected members;
    - (b) two members of the Council to be appointed to the community board as follows:
      - (i) one member representing the North ward; and
      - (ii) one member representing the East ward.
  - (5) The Rotorua Lakes Community Board shall have those functions delegated to it by Rotorua District Council as the Council considers appropriate.
64. As required by Schedule 6(1)(2) of the Act, the boundaries of the Rotorua Lakes Community coincide with the boundaries of the statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

## **THE LOCAL GOVERNMENT COMMISSION**

Sue Piper (Chair)  
Wynne Raymond (Commissioner)  
Gwen Bull (Commissioner)

7 November 2006