



LOCAL GOVERNMENT COMMISSION

Determination

of representation arrangements to apply for the
election of the Western Bay of Plenty District Council to be held on
13 October 2007

BACKGROUND

Current situation

1. The Western Bay of Plenty District Council ("the Council") elected at the 2004 local election comprised the Mayor and 12 councillors elected by 5 wards. The 12 councillors were elected as follows:

Wards	Population	No. of councillors per ward	Population per councillor	Deviation from the district average population per councillor	Percentage deviation from the district average population per councillor
Waihi Beach	3048	1	3048	-137	-4.30
Katikati	6765	2	3383	+198	+6.21
Kaimai	13887	4	3472	+287	+9.01
Te Puke	8184	3	2728	-457	-14.34
Maketu	6339	2	3170	+15	+0.47
TOTALS	38,223	12	3185		

Note: the population figures are taken from the 2001 census, in accordance with section 19X(1)(a) of the Act.

2. There are also 5 community boards in the district as follows: Waihi Beach, Katikati, Omokoroa, Te Puke and Maketu.

Ward	Community	Elected Members	Appointed Members	Population
Waihi Beach	Waihi Beach	4	1	3048
Katikati	Katikati	4	2	2916
Kaimai	Omokoroa	4	2	1746
Te Puke	Te Puke	6	3	6771
Maketu	Maketu	4	2	999

3. In October 2005 the Council undertook a review of the representation arrangements for the Council and of community boards under sections 19H and 19J of the Local Electoral Act 2001 ("the Act"). On 10 November 2005 the Council resolved its initial proposal for representation arrangements to apply for the 2007 local election. This was publicly notified on 10 December 2005.

Initial Proposal

4. The Council's initial proposal was as follows:
- (a) that there be no change to the current representation for Council, comprising twelve members elected from five wards, and the Mayor elected at large;
 - (b) that the status quo apply for all ward boundaries, with the exception of the Kaimai Ward and the Te Puke Ward. Kaimai Ward would be reduced by five meshblocks (1207600, 1206600, 1206401, 1206402 and 1206403) which would be transferred to the Te Puke Ward. The proposed movement of five meshblocks from the Kaimai Ward to the Te Puke Ward, would align the ward boundaries with the area unit boundary and would mean a transfer of 393 people from the Kaimai Ward to the Te Puke Ward:

Wards	Population	No. of councillors per ward	Population per councillor	Deviation from the district average population per councillor	Percentage deviation from the district average population per councillor
Waihi Beach	3048	1	3048	-137	-4.30
Katikati	6765	2	3383	+198	+6.21
Kaimai	13494	4	3373	+188	+5.90
Te Puke	8577	3	2859	-326	-10.23
Maketu	6339	2	3170	+15	+0.47
TOTALS	38,223	12	3185		

Note: the population figures are taken from the 2001 census, in accordance with section 19X(1)(a) of the Act.

- (c) that the five existing community boards remain with unchanged boundaries and membership.
5. The Council received 36 submissions on its initial proposal. Most of these supported the status quo with regard to the method of election, number of wards and number of councillors. A number of submissions, however, opposed the movement of meshblocks from the Kaimai Ward to the Te Puke Ward, on the grounds that communities of interest would be severed. With regard to community board representation, again, most submissions supported the status quo; however, there were a number which supported the extension of community board boundaries (except in the case of Waihi Beach Community Board and Maketu Community Board). There were also a number of submissions in favour of reducing elected representation.
6. Having considered the submissions received, the Council resolved on 13 March 2006 to amend its initial proposal.

Final Proposal

7. The Council's final proposal was publicly notified on 1 April 2006 as follows:
- (a) that there be no change to the current representation for Council, comprising twelve members elected from five wards, and the Mayor elected at large;

- (b) that existing ward boundaries be retained, with the exception of the Kaimai Ward and the Te Puke Ward. Kaimai Ward would be reduced by two meshblocks (1206600 and 1206403) which would be transferred to the Te Puke Ward. This would mean a transfer of 96 people;

Ward	Population	No of councillors per ward	Population per member	Deviation from the district average population per councillor	Percentage deviation from the district average population per councillor
Waihi Beach	3048	1	3048	-137	-4.30
Katikati	6765	2	3383	198	+6.21
Kaimai	13791	4	3448	263	+8.25
Te Puke	8280	3	2760	-425	-13.34
Maketu	6339	2	3170	15	+0.47
Totals	38,223	12	3185		

- (c) that the five existing community boards should remain, with the following boundaries:
- i. the Waihi Beach Community boundary would be the same as that of the Waihi Beach Ward (no change);
 - ii. the Katikati Community boundary would be extended to be the same as that of the Katikati Ward;
 - iii. the Omokoroa Community boundary would be extended to include one additional meshblock (1187500). This would extend the boundary of the community board to State Highway 2;
 - iv. the Te Puke Community boundary would be extended to be the same as that of the Te Puke Ward; and
 - v. the Maketu Community boundary would remain unchanged.
- (d) that membership of the above community boards should remain unchanged, with the exception of Te Puke Community Board, which would reduce to 4 elected members.

Appeals and objections

8. Six appeals or objections were lodged against the Council's final proposal. The issues raised by the appeals and objection were as follows:

Council representation:

- method of election:
 - some members should be elected at large (one appeal supported 2 at large, one appeal supported 3);
- configuration of wards:
 - the number of wards should be reduced from 5 to 3;
- ward boundaries:
 - opposed to extending the Te Puke boundary west/moving 2 meshblocks from Kaimai to Te Puke;
 - communities of interest are not adequately represented. There are commonalities of interest/links between communities such as Katikati and Waihi Beach, which would be better served by 3 wards. 4 appeals

- suggested there be a west ward, central ward and east ward. One of these appeals did not suggest boundaries, the others suggested combining Katikati and Waihi Beach Wards (to form the “west” ward), combining Te Puke and Maketu Wards (to form an “east” ward), and that the current Kaimai Ward should become a “central” ward;
- rural interests are not receiving the same level of attention as urban interests;
 - number of members:
 - reduce to 8 or 10 councillors;

Community boards:

- need for community boards:
 - community boards should be abolished completely;
 - community boards should be replaced by council-appointed ward boards, with local councillors;
 - community boards are problematic, for example, there is irregular attendance by elected members, they represent only half the population, and they hamper district wide attempts to provide services;
 - community boards do little.
- nature of communities/boards:
 - number and boundaries:
 - community boards should be reduced to three, based on proposed 3-ward boundaries.
 - opposed to the Council’s resolution to extend the boundaries of some community boards (Katikati and Omokoroa), as consultation was inadequate;
 - all community board areas should be extended to the ward boundary; (rural Kaimai and rural Maketu should not be excluded)
 - numbers of community board members:
 - there should be 21 community board members across the district, spread over 3 wards;
 - there should be 12-14 members over 3 wards;
 - opposed to reducing Te Puke Community Board numbers from 6 to 4. All 6 would be needed to provide comprehensive representation, if the proposal to extend the Te Puke Community Board boundary adopted,
 - there are too many elected members per head of population.

Council’s recommended proposal

9. Prior to the hearing, the Council presented the Commission with an alternative representation option, which was the same as the final proposal with the following exception. In addition to transferring two meshblocks from Kaimai Ward to Te Puke Ward, (resulting in the transfer of 96 people), Maketu Ward would be reduced by three meshblocks (1210000, 1210100 and 1210200) which would be transferred west to the Te Puke Ward. This would result in the transfer of an additional 369 people into Te Puke Ward.

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Katikati	6765	2	3383	+198	+6.21
Kaimai	13791	4	3448	+263	+8.25
Te Puke	8649	3	2883	-302	-9.48
Maketu	5970	2	2985	-200	-6.27
TOTALS	38,223	12	3185		

HEARING

10. The Commission met with the Council and four of the appellants or objectors who had expressed a desire to be heard by it, in Tauranga on 3 October 2006. The Commission also invited those persons who had made submissions in support of the Council's general direction to appear before it, four of whom wished to do so.
11. The Council was represented by the Mayor, Graeme Weld, the Chief Executive, Glenn Snelgrove, and the Manager, Democracy Services, Blaise Williams. The appellants appearing before the Commission were:
- Councillor Sam Dunlop
 - Councillor Jo Gravit
 - Councillor Norm Bruning
 - Councillor Margaret Murray-Benge

Submitters appearing in support of the Council's proposal were as follows:

- Derek Spratt
- Glenn Whittaker (with Peter Rae)
- Paul Hickson
- Harold Cameron

MATTERS RAISED IN APPEALS AND AT THE HEARING

12. The main arguments presented in support of the Council's final proposal were as follows.

Council Representation

- The majority of submissions supported the status quo and submissions requesting alterations to wards, numbers of representatives, and form of election (i.e. at large as opposed to ward by ward election of councillors), were rejected on this basis.
- There were a number of submissions in regard to communities of interest which would be severed with the movement of meshblocks from the Kaimai Ward to the Te Puke Ward, and it was for this reason that the mesh blocks proposed to be moved differed from those originally proposed.

Community Board Representation

- The majority of submissions supported the status quo with minor amendments and it was for this reason that those submissions requesting significant amendment to community boards were rejected.
 - There were submissions supporting the extension of community boundaries in all cases, except for Waihi Beach Community and Maketu Community, and it was for this reason that the boundaries of the Katikati, Omokoroa and Te Puke Communities were extended. Katikati and Te Puke Community boundaries were extended to include the new proposed ward boundaries. The boundary of Waihi Beach Community already takes in the whole ward.
 - The Omokoroa Community boundary is extended by the addition of one meshblock back to State Highway 2, which is a natural boundary. This meshblock is very much part of the peninsula, there is a natural community of interest. It is also an identified area of strong growth.
 - There were submissions in favour of reducing elected representation, and it was for this reason that the number of elected members on the Te Puke Community Board was reduced.
 - There were more submissions in favour of retaining the Maketu Community Board until community consultation could occur than for dissolving the Board, and it was for this reason that the Community Board's initial submission to dissolve the Board was rejected. The results of a community consultation exercise now indicates community support for its continuation.
13. The Council further submitted, at the hearing, that its recommended proposal (as per paragraph 9 above) should be adopted because:
- it will enable compliance with the +/- 10% rule.
 - it allows for potential growth in Te Puke (Te Puke is predicted to be a "growth node").
 - The additional meshblocks (to be transferred to Te Puke Ward from Maketu Ward) have strong educational links to Te Puke. The area is a strong community of interest, and is a strong transport corridor.
14. The main arguments presented by appellants in support of their appeals were that:

Council Representation

- The pre-consultation process was inadequate.
- Council's final proposal does not adequately address issues of community of interest, effective and fair representation.
- Many areas have significant commonalities of interest and interdependencies (such as schooling, employment, recreation and shared infrastructure); for example, Waihi Beach and Katikati, or Maketu and Te Puke. These would be enhanced by combining communities to form 3 wards.
- A 3 ward structure would better reflect existing communities of interest, and would better meet growth requirements.
- A 3-ward structure would encourage a more holistic view of the district, more strategic thinking (especially as more local issues would be resolved by new community boards), more robust collective planning and priority setting.

- Communities are now very mobile – historic divisions are breaking down.
- There is an Eastern, Central and Western based approach by Council already, for example, with regard to water schemes and community safety.
- Some councillors should be elected at large as an additional resource, to take a strategic overview of the district, and to counter the current perceived parochialism or “patch protection”.
- The 2 meshblocks proposed to be moved have no community of interest between, with Te Puke Ward, as they fall into the catchment area of Tauranga harbour characteristic of Kaimai Ward.
- Te Puke in particular is over-represented and there has been no move to address this. Moving additional mesh blocks into Te Puke is about retaining current councillor numbers and displays patch protection.
- The Council is over-represented with councillors in both community board and ward areas.
- Council's recommended proposal was not consulted on. Moreover a further boundary review will be required in 6 years' time.

Community Board Representation

- The current 5 community boards are ineffective, as they: represent only half the population, frustrate the Council in attempts to provide essential services to communities, have a poor attendance record, and are not necessary for consultation purposes. (Council already has many processes in place to consult with its communities).
- Community boundaries should instead be based on ward boundaries, to ensure that all communities have the same level of access to the two levels of representation (i.e. ward councillors and community board representatives). Rural Maketu and rural Kaimai should not be excluded as they are under the current final proposal. Rural interests in the district are not given adequate attention.
- The work of the community boards could easily be done by the ward councillors, who should instead form ward committees, who could meet with ratepayer groups/hall committees/others, as necessary. Not enough use is currently made of the councillors.
- There has been inadequate consultation with those communities that are proposed to be extended.
- Te Puke Community Board members should not be reduced from 6 to 4. If the area is extended, all 6 members will be needed to provide comprehensive representation of both urban and rural interests.

MATTERS FOR DETERMINATION

15. The statutory provisions setting out the scope of the Commission's determination of Western Bay of Plenty District Council's representation arrangements are contained in sections 19R, 19H, 19J and 19W of the Act.

19R. *Commission to determine appeals and objections*

(1) *The Commission must—*

- Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
- Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine, —*

- (i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
 - (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
- (a) *May make any enquiries that it considers appropriate; and*
 - (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

19H. Review of representation arrangements for elections of territorial authorities

- (1) *A territorial authority must determine by resolution, and in accordance with this Part,—*
- (a) *Whether the members of the territorial authority (other than the mayor) are proposed to be elected—*
 - (i) *By the electors of the district as a whole; or*
 - (ii) *By the electors of 2 or more wards; or*
 - (iii) *In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
 - (b) *In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
 - (c) *In any case to which paragraph (a)(iii) applies,—*
 - (i) *The proposed number of members to be elected by the electors of the district as a whole; and*
 - (ii) *The proposed number of members to be elected by the wards of the district; and*
 - (d) *In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies, —*
 - (i) *The proposed name and the proposed boundaries of each ward; and*
 - (ii) *The number of members proposed to be elected by the electors of each ward.*
- (2) *The determination required by subsection (1) must be made by a territorial authority —*
- (a) *On the first occasion, either in 2003 or in 2006; and*
 - (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —*
- (a) *There should be communities and community boards; and*
 - (b) *If so resolved, the nature of any community and the structure of any community board.*
- (2) *The resolution referred to in subsection (1) must, in particular, determine—*

- (a) *Whether 1 or more communities should be constituted:*
 - (b) *Whether any community should be abolished or united with another community:*
 - (c) *Whether the boundaries of a community should be altered:*
 - (d) *Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*
 - (e) *Whether the boundaries of any subdivision should be altered:*
 - (f) *The number of members of any community board:*
 - (g) *The number of members of a community board who should be elected and the number of members of a community board who should be appointed:*
 - (h) *Whether the members of a community board who are proposed to be elected are to be elected—*
 - (i) *By the electors of the community as a whole; or*
 - (ii) *By the electors of 2 or more subdivisions; or*
 - (iii) *If the community comprises 2 or more whole wards, by the electors of each ward:*
 - (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *The number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

CONSIDERATION BY THE COMMISSION

The Council

Requirements for effective representation

16. In reviewing the Council's decisions under section 19H of the Act, the Commission is required to ensure that representation arrangements ensure effective representation for communities of interest. This is provided for by section 19T of the Act.
17. The requirement to ensure effective representation for communities of interest applies when deciding whether the Council should be elected at large, or by wards, or partly at large and partly from wards.
18. The Commission noted that the Western Bay of Plenty District is a district of marked diversity. Geographical features and land use range from forested areas to farming (dairying on the flats, and mixed farming elsewhere), to horticulture. It comprises a number of distinct communities including service towns (such as Te Puke, Katikati and Paengaroa), beachside settlements (such as Waihi Beach and Pukehina Beach), and pockets of urban development around the shores of Tauranga Harbour (such as Athenree, Te Puna and Omokoroa). It is also one of New Zealand's fastest growing districts, with over 10% growth between 2001 and 2006. In response to this rapid growth rate, the Council is jointly leading the SmartGrowth project, a 50-year growth management strategy for the Western Bay of Plenty subregion, along with Environment Bay Of Plenty, Tauranga City Council and local iwi.
19. The Commission believes that a ward-based system still best serves the range of interests represented, particularly the urban/rural mix. The ward system appears to be generally accepted, with no demonstrable support among the district's population

for an at-large system of representation. While there were no submissions favouring the Council being elected at large, we note that several appeals favoured a mixed system of representation, with several councillors (two or three) to be elected at large. The thinking behind this suggestion appeared to be concern that ward councillors are overly concerned with “patch protection”, and that this could be countered by those councillors elected at large taking a more strategic overview. We acknowledge this perception, but do not consider it warrants the establishment of some councillors elected at large. All councillors should be thinking strategically and working in the best interests of the district as a whole, as required by the declaration under Schedule 7(14)(3) of the Local Government Act 2002 (the LGA).

20. Having decided that the Council should remain with a ward-based system of representation, the Commission next considered the number and boundaries of wards. The Council has recommended remaining with five wards, with the final configuration largely based on the need to meet the +/-10% rule (see the discussion below).
21. Several appeals proposed instead that the district should reduce to three wards: a Western Ward, (combining the current Waihi Beach and Katikati Wards), a Central Ward (which would have the current Kaimai Ward boundaries) and an Eastern Ward (combining the current Te Puke and Maketu Wards). There were a number of arguments presented in favour of this option, including that it would promote a more holistic view of the district, and that many areas already have significant commonalities of interest and interdependencies. It was also argued that Council is already taking an Eastern, Central and Western based approach, for example, with regard to water schemes and community safety.
22. Another option submitted was that there should be 5 wards, by splitting Kaimai Ward into a Te Puna Ward and a Waimapu Ward. The proposed Waimapu Ward would take in some of the area currently in Te Puke Ward. However, as boundaries were not suggested for this option, the Commission considers that there could be difficulties in ensuring that communities of interest are not split, and that fair representation requirements are met.
23. The Commission considered the arguments put forward with regard to the 3-ward option. However, it believes there are some compelling reasons to retain 5 wards. We note that while some townships and communities have shared interests and interdependencies, it is noticeable that these communities also have equally distinct differences. Waihi Beach, for example, is a coastal beachside settlement with a large proportion of holiday homes. It could be argued that it has closer links with the neighbouring town of Waihi (outside the district) than that of Katikati, or that its nature as a beachside settlement has more in common with an area such as Papamoa Beach (in Te Puke Ward). Unlike most other parts of the district, it has also had a small population decrease over the last 5 years (-3.5%). Katikati, on the other hand, is an identified growth node (20.6% population growth between 2001 and 2006), and has its own distinct character as an inland service town, with a growing emphasis on arts and crafts and the country lifestyle. Waihi Beach and Katikati, in their geography, topography and character, are two quite different settlements. Another example is Te Puke and Maketu. Te Puke is a larger service town, with a significant emphasis on its horticultural and agricultural links. It is experiencing a slower growth rate (9.7% in Te Puke East). Maketu by contrast is a small but fast growing seaside town (20.2% growth in the last 5 years) with important historical and cultural links. It also has unique concerns, such as environmental issues (the estuary is to become the outfall for treated sewage from Rotorua District) which are not shared by Te Puke. The Maketu Ward as a whole is larger and more rural in nature than Te Puke Ward, which

tends to focus on the township. We also note that while there is an integrated approach by Council towards certain services, such as water, other plans are tailored more towards the growth and development of individual communities. For example, Katikati and Te Puke each have 20-year development plans, and one is currently in preparation for Maketu.

24. While the Commission respects the views of those experienced councillors who comprised most of the appellants, we believe that the current ward structure is a good reflection of existing communities of interest, and that the wards are distinctive enough to warrant continuing separate representation. We also note that there is support among the general populace for retaining the status quo of 5 wards. Further, we agree with the view expressed by the Mayor that at this time of growth and change the district needs incremental and evolutionary change.
25. The next issue to be considered is the specific boundaries of the wards. The Council initially proposed moving 5 meshblocks from Kaimai Ward into Te Puke Ward. This was abandoned due to contentions that it would split existing communities of interest. (It also did not meet fair representation requirements; see below.) In response, the Council's final proposal was to move 2 rather than 5 meshblocks (those meshblocks where residents had not commented on the change.) One appeal argued that there is no community of interest between these meshblocks and Te Puke Ward, as the meshblocks fall into the catchment area of Tauranga harbour characteristic of Kaimai Ward. While it may be correct that those meshblocks fall into the Tauranga harbour catchment area, we note that this option does not split any communities of interest.
26. The Council's recommended proposal expands the Te Puke Ward by a further 3 meshblocks, which would be moved west from Maketu Ward. The Council assured the Commission at the hearing that this option would not split any communities of interest, and that in fact the additional meshblocks have strong educational links to Te Puke. It also allows for potential growth in Te Puke. Based on this evidence, the Commission believes that the boundaries as recommended by the Council represent an appropriate collection of communities of interest. It also meets the +/- 10% rule (see para 31 below).
27. The Council's proposal is to continue with 12 members, plus the Mayor. This conforms to the requirements of section 19(a) of the Act which sets upper and lower limits of 6 and 30 members. Several appeals sought a reduction in the number of members, to 8, 9 or 10 members, but these were on a 3-ward basis. The Commission has already decided that a 5-ward structure should remain.
28. The Commission did not receive any evidence that led it to believe that a decrease in the total number of councillors is justified. On the contrary, the Commission formed the view that councillors' present workload, and the continued unprecedented population growth across the district (it is forecast that the district will have increased its population 45% by 2021 and 102% by 2051) means that it would not be logical to reduce the number of councillors. The status quo should ensure continued effective representation and access to councillors, in accordance with section 19T of the Act.
29. We also consider that the number of councillors is not inconsistent with the number of councillors in other districts with a similar population and similar rural/urban mix, such as Waikato District (which has a population of 39,831 and 13 members). This, and the factors mentioned above have led the Commission to the view that the number of councillors should remain at 12.

Requirement for fair representation of electors

30. We note that both the Council's initial and final proposals do not meet the requirements of section 19V(2) of the Act, which provides that the population of each ward, divided by the number of members to be elected by that ward, must produce a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members.
31. The Council's recommended proposal (see paragraph 9 above) does meet the +/- 10% rule. We note that under this option Te Puke Ward will be at -9.48% and Kaimai Ward at +8.25%. This will mean that by the time of the next required representation review (2012), when the population of the district is likely to have reached 46,900¹, the boundaries will almost certainly need alteration once more, if the existing 5 ward structure remains. The Council has a good understanding of this.

Communities

32. The Commission is also required to determine whether there should be communities and community boards in the district, and if so, the nature of those communities and the structure of the boards.
33. The Council has proposed that all 5 community boards be retained, but with altered boundaries and membership (based on public submissions on its initial proposal, which proposed no change to boards whatsoever). Katikati and Te Puke Community boundaries would extend to take in the entire ward areas, Omokoroa Community would extend by one meshblock, and Maketu and Waihi Beach Communities would have no changes. The number of members of the community boards would remain the same, with the exception of Te Puke Community Board, which would have its current 6 elected members reduced to 4, consistent with all the other boards.
34. There were two main issues raised in appeals regarding community boards - whether community boards should be abolished, or reduced in number, and how many members there should be. Appeals relating to community board structure proposed that:
- community boards be abolished; or
 - the number of community boards should be reduced from 5 to 3 (based on proposed 3-ward boundaries).
35. Appeals regarding community board membership proposed that:
- the total number of elected members should be reduced;
 - the total number of elected members should be 12 – 14, district-wide;
 - the total number of elected members should be 21, district-wide;
 - Te Puke Community Board membership should remain at 6 elected members.
36. In reviewing community boards the Commission is first required to consider whether there should be community boards within Western Bay of Plenty District. In doing so, section 19W(a) requires it to have regard to any of the criteria for considering reorganisation schemes, contained in subpart 2 of Schedule 3 of the Local Government Act 2002 ("the LGA"), as it considers appropriate. These are:

¹ Projected Population of Territorial Authorities 2001 – 2026, (Statistics New Zealand, March 2005).

- Will the proposal promote the good local government of the parent district and the community concerned?
 - Would the district and the community have the resources necessary to enable them to carry out their respective responsibilities, duties and powers?
 - Would the district and the community encompass an area that is appropriate for the efficient and effective exercise of their responsibilities, duties and powers?
 - Would the district and the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
 - Would the district and the community be able to meet the decision-making requirements of section 76 of the LGA, to the extent that they are applicable?
37. The Commission was also mindful of the overriding principle, contained in section 4(1)(a) of the Act, of fair and effective representation for individuals and communities.
38. While “good local government” is not defined in the Act or the LGA, the Commission believes that the purposes of local government, as contained in section 3 of the LGA, and the principles relating to local authorities, as contained in section 14, should be taken into consideration. The Commission has also had regard to the provisions of the LGA dealing with community boards, these being Schedule 7, and Subpart 2 of Part 4.
39. A structure of community boards has been long established in Western Bay of Plenty District, and there appears to be a general level of support for their continuation. Two appeals supported their disestablishment, with one of these suggesting instead that councillors form ward committees. These appeals consider that an extension of the community board base is not the way forward for the district. However, this suggestion appears to be in the minority as other appellants, and submitters, support the continuation of community boards.
40. The five community boards appear to be well integrated into the district’s governance structure. Taking into account the evidence presented to it, and the continued support for their existence, the Commission concluded that the five community boards do promote good local government in Western Bay of Plenty District, and should therefore continue.
41. Having decided that there should continue to be communities and community boards, the Commission then addressed the question of the nature and structure of those communities. There has been no suggestion that any community should be united with another community. Submissions indicate that most communities would prefer to retain their distinct identity. With regard to boundaries, there is support for extending the existing community boundaries to take in the entire ward area. This is seen as a way of ensuring that the interests of those outside current community boundaries (for example, in rural areas), who often share facilities, are represented, and that all constituents have access to both community board and councillor representation. The Council responded to these suggestions by proposing an extension of community boundaries in all but 2 cases: Waihi Beach and Maketu Communities. We note that Waihi Beach Community already takes in the entire ward area, and that in the case of Maketu Community, there was no support for extending the boundaries.
42. The Commission notes that the proposed changes reflect district planning priorities, and community of interest considerations. For example, the extension of the Omokoroa Community Board boundary is consistent with Stage 2 of the Structure Plan for the Omokoroa Peninsula, which extends future development work back to

- State Highway 2. As the Council has stated, the affected meshblock also has a natural community of interest with the rest of the peninsula.
43. We also note that the Council's proposed changes are a good reflection of community views expressed throughout the representation review process. We consider that the proposed changes clearly take into account the purposes of local government and the principles relating to local authorities, in that they consider the diversity of the communities interests, and have regard to the views of communities. The Commission therefore supports the Council's final proposal with regard to community board boundaries.
 44. The Council has not proposed that any communities be subdivided for electoral purposes. There is therefore no requirement to meet the +/- 10% rule (as there would be if any community areas were subdivided). There is also no need to compare the populations of community board areas, with the implicit suggestion that a community with a lower population (such as Maketu) must be over represented and that this is unfair. Requiring conformity of population risks creating arbitrary and inappropriate areas that do not reflect the diversity of communities.
 45. With regard to the number of members of any community board, having considered the evidence, the Commission concurs with the Council view that there should be a consistent number of members across all 5 community boards. We note that each community board has unique concerns. For example, Maketu Community Board has significant planning and environmental issues to consider, Katikati and Omokoroa are identified growth nodes. The growth of Te Puke, on the other hand, is not expected to be as substantial as that of other areas. Although each community board area has different issues to address, the volume of work is likely to be broadly similar, therefore a standard number of members is appropriate. The Commission does not agree that a decrease in membership numbers, as has been suggested, is warranted at this time. The effective representation of communities needs to reflect the growth issues.
 46. In conclusion, the Commission is satisfied that the Council's final proposal provides fair and effective representation for individuals and communities across the district, and that it meets the criteria described in paragraph 35 above.

DETERMINATION

47. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Western Bay of Plenty District Council to be held on 13 October 2007, the following representation arrangements shall apply –
 - (1) Western Bay of Plenty District, as delineated on S0 Plan 58073 deposited with Land Information New Zealand, shall be divided into five wards;
 - (2) Those five wards shall be –
 - (i) the Waihi Beach Ward, comprising the area delineated on SO Plan 58078 deposited with Land Information New Zealand;
 - (ii) the Katikati Ward, comprising the area delineated on SO Plan 58074 deposited with Land Information New Zealand;
 - (iii) the Kaimai Ward, comprising the area delineated on SO Plan 58075 deposited with Land Information New Zealand;

- (iv) the Te Puke Ward, comprising the area delineated on SO Plan 58076 deposited with Land Information New Zealand; and
 - (v) the Maketu Ward, comprising the area delineated on SO Plan 58077 deposited with Land Information New Zealand;
- (3) The Council shall comprise the Mayor and 12 members, elected as follows:
- (a) one member shall be elected by the electors of the Waihi Beach Ward;
 - (b) two members shall be elected by the electors of the Katikati Ward;
 - (d) four members shall be elected by the electors of the Kaimai Ward;
 - (d) three members shall be elected by the electors of the Te Puke Ward; and
 - (e) two members shall be elected by the electors of the Maketu Ward;
- (4) There shall be five communities as follows:
- (a) the Waihi Beach Community, comprising the area delineated on SO Plan 58078 deposited with Land Information New Zealand;
 - (b) the Katikati Community, comprising the area delineated on SO Plan 58074 deposited with Land Information New Zealand;
 - (c) the Omokoroa Community, comprising the area delineated on SO Plan 382062, deposited with Land Information New Zealand;
 - (d) the Te Puke Community, comprising the area delineated on SO Plan 58076 deposited with Land Information New Zealand; and
 - (e) the Maketu Community, comprising the area delineated on SO Plan 58102 deposited with Land Information New Zealand;
- (5) The membership of each community board shall be as follows:
- (a) the Waihi Beach Community Board shall comprise four elected members and one member of the Council representing the Waihi Beach Ward and appointed to the community board by the Council;
 - (b) the Katikati Community Board shall comprise four elected members and two members of the Council representing the Katikati Ward and appointed to the community board by the Council;
 - (c) the Omokoroa Community Board shall comprise four elected members and two members of the Council representing the Kaimai Ward and appointed to the community board by the Council;
 - (d) the Te Puke Community Board shall comprise four elected members and three members of the Council representing the Te Puke Ward and appointed to the community board by the Council; and

- (e) the Maketu Community Board shall comprise four elected members and two members of the Council representing the Maketu Ward and appointed to the community board by the Council.

48. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

THE LOCAL GOVERNMENT COMMISSION

Sue Piper (Chair)

Gwen Bull (Commissioner)

Wynne Raymond (Commissioner)

21 December 2006