



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Whakatane District Council
to be held on 8 October 2016

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years.
2. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
3. The Whakatane District Council (the Council) last reviewed its representation arrangements prior to the 2010 local authority elections. Therefore it was required to undertake a review prior to the next elections in October 2016.
4. The Council currently has a ward system of representation as set out in the following table.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Rangitāiki	9,690	3	3,230	-198	-5.75
Whakatāne-Ōhope	17,850	5	3,570	+142	+4.14
Tāneatua-Waimana	3,570	1	3,570	+142	+4.14
Galeatea-Murupara	3,170	1	3,170	-258	-7.73
Total	34,280	10	3,428		

* Based on 2014 population estimates provided by Statistics NZ

5. There are also five community boards in the district. The Murupara, Rangitāiki and Tāneatua boards cover the area of their respective wards. The Whakatāne and Ōhope Beach boards between them cover the area of the Whakatāne-Ōhope Ward. All boards comprise six elected members and one appointed member with the Murupara board, only, being subdivided for electoral purposes.

The Council's proposal and review process

6. In its initial representation proposal, the Council proposed to:
 - retain the 10-member council (excluding the mayor)
 - retain the existing four wards
 - combine the Whakatāne and Ōhope Beach community boards and retain the other three boards with each board comprising six elected members and one appointed member.
7. The Council received 36 submissions on its initial proposal summarised as follows:
 - 7 supported or were neutral on the proposal
 - 1 sought a reduction in the number of councillors to one per ward
 - 28 opposed the proposed merging of the Whakatāne and Ōhope Beach community boards.
8. Following consideration of submissions, the Council resolved to adopt its initial proposal as its final proposal including the proposed merging of the Whakatāne and Ōhope Beach community boards.

Appeals

9. Five appeals against the Council's final proposal were received and all five related to the proposed merging of the Whakatāne and Ōhope Beach community boards. The appeals were from the Ōhope Beach Community Board, Michael King, Mike Morgan, Haldane Wrathall and Christine Bowering.

Referral of proposal to Commission

10. The Council's proposal included the retention of Te Urewera subdivision for the Murupara Community Board despite the subdivision not complying with the section 19V(2) fair representation requirement. Under section 19V(4) of the Act, the Council was required to refer this specific proposal to the Commission for a determination.

Hearing

11. A hearing of appeals was held in the Whakatane District Council chambers on 15 March 2016. All five appellants appeared before the Commission, with the chair of the Ōhope Beach Community Board, Gerard Casey, also supported by Mick Lester, chair of NZ Community Boards Executive.
12. In addition to the appellants, the Commission invited the Whakatāne Community Board to the hearing to express its views on the proposed merger of the Whakatāne and Ōhope Beach community boards. The board was represented at the hearing by its chair Tony Hall who confirmed his board still supported the Council's proposal.
13. The Council was represented by the mayor Tony Bonne and chief executive Marty Grenfell.

14. The following is a summary of the main points made at the hearing in support of the proposal to merge the Whakatāne and Ōhope community boards.
- The Council recognises that Ōhope and Whakatāne township each have a sense of identity on a perceptual level, but that on political and functional levels the areas are very much connected and dependent on one another.
 - On the political level, unlike the rest of the district, the Whakatāne and Ōhope community boards do not align with the ward in which they are located.
 - Functionally, many council services overlap the two areas and are not defined by community board boundaries, as reflected in the Council's funding policy, but with two exceptions: stormwater services and servicing of the community boards.
 - Combining the boards would result in an equalised community board rate over the combined area and a reduction in the per property rate in Ōhope given its smaller ratepayer base, and a small increase in Whakatāne.
 - Shared non-council services include retail activities, schools and the hospital.
 - Whakatāne township and Ōhope are only three kilometres apart compared to other community board areas which are vast.
 - At the last census, 20.7% of Ōhope residents worked in Ōhope, 47.1% worked in Whakatāne township and 9.3% worked in other parts of the district.
 - Ōhope and Whakatāne are co-dependent in terms of activities and attractions as demonstrated by the national surf lifesaving competitions about to be held in Ōhope and with accommodation fully booked in both areas.
 - Politically the two areas are one community of interest with three of the five current ward councillors living in Ōhope as well as the mayor.
 - Public engagement is more often with the mayor and councillors, than with community board members.
 - Administration of a discretionary grants scheme is an important function for the district's community boards and the council proposes the total amount available would remain the same under a combined board.
 - Applications for grants are often from organisations covering both areas.
 - At the 2013 elections there were only three candidates for the six positions on the Ōhope Beach Community Board, requiring a byelection for the three vacant positions, with a combined board expected to result in better participation by limiting the number of positions.
 - At present there is an imbalance in representation, with there being one board member per 520 electors in Ōhope compared to one board member per 2,500 electors in Whakatāne.
 - Whakatāne Community Board want an increase in the number of elected members, from six to eight, for the combined board to provide it with more clout and to help members share the burden of the enlarged area.
 - The increased number would also provide a better opportunity for Ōhope residents to be elected to the combined board.

- Voting at large over the combined area of the community board is seen as fairer than if the area was subdivided for electoral purposes.
- The merger would bring the two areas closer together and help in board dealings with the Council.

15. The following is a summary of the main points made at the hearing in opposition to the proposal to merge the Whakatāne and Ōhope community boards.

- Ōhope Beach Community Board is in the top 15% of boards across the country for its work and achievements, and achieves real benefits for its community.
- Ōhope is an identifiable community of interest with its board established in 1992.
- Ōhope is seen as quite separate from Whakatāne physically and as a community and its residents identify with Ōhope.
- The combined Whakatāne-Ōhope Ward remains a live issue for some.
- There are clear demographic and socio-economic differences between the two communities in terms of age, ethnicity, numbers of children, income, house selling prices, median rentals, deprivation.
- People identify most with the area where they live not where they work.
- There are separate challenges for Ōhope Beach Community Board arising from the large visitor/non-permanent population, its unique beaches and Ohiwa harbour.
- A merger of the boards would see a watering down of the effectiveness and achievements of the Ōhope board which would be to the detriment of the district as a whole.
- There would be a loss of funding for local Ōhope projects and groups.
- Residents need to know who their representatives are and have easy access to them.
- Residents can feel intimidated when attending full council meetings compared to community board meetings.
- The Council's reference to low levels of public engagement with community boards does not take into account phone calls to board members often late at night.
- There is a world-wide movement to more grassroots representation such as through community boards.
- The Council's review was focussed on structure not strategy and the Ōhope board wants to work more collaboratively with the Council.
- There was no cost-benefit analysis undertaken for the proposal.
- Board meetings can go for 2.5 hours on Ōhope issues and a combined board would struggle with the workload.

Requirements for determination

16. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals are contained in sections 19R, 19H and 19J of the Act.

19R. Commission to determine appeals and objections

- (1) *The Commission must—*
- (a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
 - (b) *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.

17. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

Procedural issues

18. Some of the appellants referred to what they saw as deficiencies in the Council's review process including the consultation on its initial proposal and the notification of its final proposal. As noted in the Commission's *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission is required to make its own determination on the matters set out in sections 19H and 19J of the Act. While it notes the concerns raised, these are not matters, in this case, that directly impact on the Commission's ability to make its own determination.

19. The Commission notes firstly that the Council did undertake some preliminary (non-statutory) consultation prior to resolving its initial proposal. Any perceived shortcomings in consultation after the decision was made, could not impact on the validity of that initial decision. It does appear that the Council was deficient in relation to its public notice of its final proposal by not providing reasons for its rejection of submissions. However it is unlikely that the deficiency in the public notice would have disadvantaged any submitter in relation to their right of appeal, given the notice did direct readers to the Council's resolution where further information relating to the reasons for the Council's decision and rejection of submissions could be found.
20. In noting the deficiencies in the Council's public notice, the Commission recommends that the Council carefully considers the points raised and addresses them in its next review of representation arrangements.

Commission's approach

21. In addition to determining the substantive matters raised in the appeals, the Commission is required by the Act to determine the ward and membership arrangements for the Council and community board arrangements generally.
22. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its guidelines, the Commission believes that the following steps in determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
 - (a) identify the district's communities of interest
 - (b) determine the best means of providing effective representation of the identified communities of interest
 - (c) determine fair representation for electors of the district.

Communities of interest

23. Both wards and community boards need to be based on distinct and recognisable communities of interest.
24. The Guidelines identify three dimensions for recognising communities of interest:
 - perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
25. The Commission considers that the case for specific representation of distinct and recognisable communities of interest within a district, should reflect these dimensions.

Effective representation of communities of interest

26. Section 19T of the Act requires the Commission to ensure that:

- the election of members of the Council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries.
27. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the number of elected members and the appropriate basis of election of members for a particular district.
 28. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward.
 29. Section 19A of the Act provides that a territorial authority shall consist of between five and 29 elected members (excluding the mayor), i.e. councillors. The Council comprised 15 councillors when it was constituted in 1989 until the 2001 elections when this was reduced to 13. In 2004, the number was reduced further to 10.
 30. The Council is proposing retention of 10 councillors and this appears to be appropriate for a district of Whakatane's geographic area and population, and in line with districts of a similar size and population elsewhere in the country.
 31. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the district level for the community of interest. The options for the basis of election provided in the Act are: at large across the district as a whole, division of the district into wards, or a mix of at large and wards. In relation to wards, it is noted wards may contain more than one distinct community of interest, but that these communities have sufficient commonalities to be grouped together.
 32. Since its constitution in 1989, Whakatane District has been divided into wards (initially 10 wards, reduced to five in 2001 and to the current four wards in 2004).
 33. The current four-ward structure introduced in 2004, was established as a result of appeals to the Commission on the Council's final representation proposal. That proposal included establishment of two wards for the district, one urban and one rural, with equal representation. The Commission, however, "was not satisfied that the single rural ward proposed by the Council would provide effective representation on the Council for all communities of interest outside of the town of Whakatane". In reaching this conclusion the Commission considered the distinct nature of each community and the geographical characteristics of the district.

34. Accordingly the Commission determined that the existing three rural wards would be retained, but that the Whakātane Urban Ward and the Ōhope Ward would be combined to comply with the section 19V(2) +/-10% fair representation requirement.
35. The Council did give consideration to the ward structure as part of its current review including options of combining two or all three rural wards. It noted geographic features tended to separate Whakatane District into natural communities of interest and that these were reflected in how the wards are currently defined. It subsequently resolved to remain with the status quo in relation to wards i.e. three rural wards in addition to the urban ward of Whakatāne-Ōhope.
36. No submissions on the ward structure were received by the Council in response to its initial proposal. However, in the preliminary consultation stage the Whakatāne Community Board suggested an extension to both the Whakatāne Ward and community board area. Council officers noted that while the suggested extended area concerned may become urbanised, the zoning of the area for residential purposes had not yet been confirmed through the district plan review, and development “may be many years away”.
37. One appellant did comment that the issue of separate Whakatāne and Ōhope wards was still a live issue, however this was not formally the subject of an appeal.
38. It may be concluded from the above, that there is a level of acceptance in Whakatane District that the size and diversity of the district warrants retention of a ward structure. Further, that the current four-ward structure meets the district’s need for effective representation of communities of interest within the district and results in wards which residents feel a sense of identity with and belonging to. There appears to be no strong push for change to the current structure.
39. In addition to the sense of identity with and belonging to wards, the current wards are at a scale that makes them appropriate areas, functionally and politically, as wards for Whakatane District. Accordingly the Commission concludes these ward arrangements meet the requirement for effective representation of communities of interest in the district.

Fair representation for electors

40. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward, produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members (the +/-10% fair representation requirement).
41. As can be seen from the table in paragraph 4, the Council’s final proposal for wards and membership complies with this requirement.

Communities and community boards

42. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
43. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. The Commission is also required by section 19W to have regard to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as it considers appropriate. Two of these criteria are seen to be particularly appropriate for consideration of proposals relating to community boards as part of a representation review:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
44. The statutory role of a community board is to:
- represent and advocate for the interests of its community
 - consider and report on matters referred to it by its parent council
 - maintain an overview of council services provided in its community
 - prepare an annual submission to the council for expenditure within its community
 - communicate with community organisations and special interest groups within its community
 - undertake any other responsibilities delegated to it by its parent council.
45. The Council's proposal is for retention of the three existing rural community boards and the merger of the Whakatāne and Ōhope boards. No appeals have been received in relation to the three rural boards and these appear to be accepted as providing effective representation of distinct communities of interest in the rural area. The Commission received no information suggesting the area for these boards was inappropriate for the efficient and effective performance of their role.
46. In relation to the proposal to merge the Whakatāne and Ōhope Beach community boards, all the parties agree that perceptually the two areas are distinct communities to which local residents identify and have a sense of belonging. This distinction is reinforced by a physical separation as well as particular demographic and socio-economic characteristics.

47. On the other hand, the Council points out that, functionally, the two areas are interconnected with most council services delivered over the combined area with no recognition of the community board boundary. The exceptions are stormwater services and servicing of the community boards. Water, for example, is supplied to the two communities from the same scheme with the water source and treatment infrastructure located in Whakatāne township. Sewerage systems serve the two communities independently but are funded through an equalised rate with, as a result, changes in one area impacting on the other area.
48. As noted, one of the reorganisation criterion is that an area is appropriate for the efficient and effective performance of the community board role. Given this role includes maintaining an overview of council services provided within the community, the above information suggests the proposed combined area would better meet the criterion than the existing two board areas.
49. In relation to non-council services, the proximity of the two areas (3 kilometres at the nearest point) facilitates strong functional connections between the two areas. These connections include place of work, shopping and recreational activities.
50. As the Council noted, at the last census, 20.7% of Ōhope residents worked in Ōhope, 47.1% worked in Whakatāne township and 9.3% worked elsewhere in the district. In addition, it noted Ōhope residents are reliant on other facilities and services not available in Ōhope including supermarkets, retailers, most sports clubs and facilities, gymnasiums, aquatic centre, library and exhibition centre, movie theatre, restaurants, bars and Whakatāne hospital. While Ōhope has a primary school and two early childhood education centres, it has no intermediate, high schools or higher education institutions which are all available in Whakatāne township.
51. At the same time, Whakatāne residents have close connections with Ōhope and make use of its facilities and attractions particularly related to the beach and Ōhiwa harbour. Frequent reference was made at the hearing to the upcoming national surf lifesaving competitions at Ōhope. While the competitions are to be held at Ōhope, clearly there are joint interests in this event with accommodation and other ancillary services and activities located in both areas.
52. From the perspective of the functional dimension of community of interest, the Commission concludes that Whakatāne township and Ōhope are not distinct communities of interest.
53. Given the different scales of the perceptual and functional dimensions of community of interest in the area, as outlined above, the Commission needs now to consider carefully the political dimension. This relates to the ability to represent the interests and reconcile conflicts of the respective communities.
54. Since 2004, there has been a Whakatāne-Ōhope Ward combining the two areas for the purposes of achieving both fair and effective representation at the council table. Contrary to what a number of appellants expressed, ward councillors are elected to represent their ward not the district as a whole. Once elected, they are then required

to make a declaration to act in the best interests of the district as a whole. This declaration is not in conflict with representing a particular ward and communicating the views of that ward at the council table.

55. At present, Ōhope is well represented within the combined ward with three of the five ward councillors residing in Ōhope in addition to the mayor. While these numbers are not guaranteed into the future, the present situation demonstrates that Ōhope community is capable of being well represented in a joint arrangement with Whakatāne township, despite it having only one-fifth of the population of the latter.
56. The Commission concludes that with an appropriate number of members, there is no reason why a Whakatāne-Ōhope community board covering the same area, could not also provide effective representation for all parts of the area as in the case of the ward. A combined board would then meet the reorganisation criterion of having an area appropriate for the efficient and effective performance of its role in respect of representing, and acting as an advocate for, the interests of its community.
57. The Council suggests the effectiveness of the representation and advocacy role is likely to be enhanced with a combined community board, given decisions on council services are made in respect of the combined area. It gives the combined water supply scheme as an example and the recent decision to retain fluoride in the water which needs to apply in both areas. More generally, the Commission considers a collective view of priorities in a larger board area will help the two communities to gain leverage in relation to delivery of both council and non-council services in the area.
58. The Commission considers that a combined board will also allow greater collaboration within the wider urban area of Whakatane District to assist the achievement of desired community outcomes.
59. The political dimension of community of interest also involves ability to reconcile conflicts within the community. The Commission heard at the hearing that there are significant differences in the make-up of Ōhope and the perspectives of its residents compared to Whakatāne township. While clearly there are differences, the Council did point out that two of the five area units that comprise the area of the Whakatane Community Board have demographic and socio-economic characteristics more aligned with Ōhope. The proposed combined board would then bring those areas with commonalities in the two communities closer together.
60. The ability to reconcile conflicts is particularly important in relation to the decision-making role of the body concerned. However, in Whakatane District, limited delegations of decision-making have been made to the community boards. As a result, representation and advocacy is their primary function.
61. One of the few delegations made to the community boards is administration of a discretionary grants fund. Concerns were expressed that the Ōhope community may be disadvantaged, given its smaller population and therefore representation, in the dispersing of grants under a combined board. However, as noted above in respect of ward representation, levels of representation are not simply the product of population size.

62. The Commission considers that decision-making in respect of grants may in fact be facilitated under a combined board. This is on the basis that the Council is proposing to provide the same level of funding to the combined board as it does to the two separate boards, and a combined board will be able to more effectively manage applications made by organisations covering the combined area.
63. In conclusion, in relation to the political dimension of community of interest as applied to the role of community boards in Whakatane District, the Commission considers the representation and advocacy role to be of primary importance. Performance of this role will be enhanced with a combined board covering the area over which most council services are delivered. In addition the proposed arrangement will assist achievement of the further board role of preparing an annual submission to the council for expenditure within the community.
64. The Commission also considers that other aspects of the community boards' role, namely reporting on matters of interest or concern referred to the community board and communicating with community organisations and special interest groups, can be carried equally effectively by a combined board as with the current two boards.
65. Accordingly, after careful consideration of the dimensions of community of interest in the area and the appropriate area for efficient and effective performance of the prescribed community board role, the Commission determines to endorse the Council's proposal to combine the Whakatāne and Ōhope Beach community boards.
66. The Commission turns next to representation arrangements for the combined board. Under section 19G of the Act, it has the options of either election of members at large or by subdivisions.
67. Given the section 19V(2) +/-10% fair representation requirement applies to community board subdivisions, there are two possible subdivision scenarios:
- a Whakatāne subdivision electing 5 members and an Ōhope subdivision electing 1 member
 - a Whakatāne subdivision electing 9 members and an Ōhope subdivision electing 2 members.
68. The Commission considers that the current arrangement for a ward councillor to also be appointed to community boards is appropriate and should continue. Given the maximum possible number of members of a community board, including appointed members, is twelve, the second scenario above would only allow for one appointed member to the combined board. The Commission, however, considers two councillors should be appointed to the combined board, to allow ideally for appointment of one Whakatāne-based councillor and one Ōhope-based councillor. Accordingly it dismisses the second scenario.
69. The Commission considers the first scenario of five Whakatāne elected members and one Ōhope elected member is too limiting in respect of Ōhope representation. In contrast, at large elections could well result in more than one Ōhope-based person

being elected despite the size of Ōhope's population, as occurs currently in the equivalent case of the Whakatāne-Ōhope Ward.

70. In line with the membership of the other community boards in the district, the Council proposes the combined board comprise six elected members, elected at large, and one appointed member. The Commission considers, however, that the potential role of the combined board covering all the urban area of the district and the particular interests of Ōhope warrant a larger board. The Whakatāne Community Board suggested the combined board should comprise eight elected members and the Commission agrees this would be appropriate. In addition, as noted, it believes there should be two appointed members.
71. The Commission notes a Whakatāne-Ohope community board comprising a total of ten members is a relatively large board but considers this appropriate, at least as a transition measure, given the nature of the area and its potential role. The Council could, for example, consider further delegations to this board given its scope and scale. After the board has been established following the 2016 elections and become fully operational, the Council will be able to review the board's membership as part of its next review of representation arrangements either after three or six years.
72. Finally the Commission is required, under section 19V(6) of the Act, to determine whether to uphold or alter the Council's decision to retain Te Urewera subdivision of the Murupara Community Board. Under the most recent population estimates supplied by Statistics New Zealand (2015), the population of this subdivision is two persons short of the required +/-10% fair representation range from the average population per member for the Murupara board area as a whole.
73. The area of Murupara Community Board has been subdivided for electoral purposes since 2004 and therefore the subdivisions can be seen to be reasonably well established and likely to be recognised by the community. The Commission was advised that the three subdivisions of the board area reflect distinct communities of interest in terms of economic activity, geography and iwi affiliation. Given the geography of the area and sparse population, a large area would have to be transferred to Te Urewera subdivision in order for it to comply with the fair representation requirement. This would entail splitting some communities of interest and grouping other communities of interest with few commonalities. In addition the Council described the area as the most geographically isolated part of the district.
74. In light of the above information, the Commission determines, under section 19V(3)(i) (ii) and (iii), to uphold the Council's decision to retain Te Urewera subdivision of the Murupara Community Board as currently defined.

Commission's Determination

75. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Whakatane District Council to be held on 8 October 2016, the following representation arrangements will apply:

- (1) Whakatane District, as delineated on SO Plan 61545 deposited with Land Information New Zealand, will be divided into four wards.
- (2) Those four wards will be:
 - (a) Whakatāne-Ōhope Ward, comprising the area delineated on SO Plan 334315 deposited with Land Information New Zealand
 - (b) Tāneatua-Waimana Ward, comprising the area delineated on SO Plan 58063 deposited with Land Information New Zealand
 - (c) Galatea-Murupara Ward, comprising the area delineated on SO Plan 58062 deposited with Land Information New Zealand
 - (d) Rangitāiki Ward comprising the area delineated on SO Plan 61546 deposited with Land Information New Zealand.
- (3) The Council will comprise the mayor and 10 councillors elected as follows:
 - (a) 5 councillors elected by the electors of Whakatāne-Ōhope Ward
 - (b) 1 councillor elected by the electors of Tāneatua-Waimana Ward
 - (c) 1 councillor elected by the electors of Galatea-Murupara Ward
 - (d) 3 councillors elected by the electors of Rangitāiki Ward.
- (4) There will be four communities in Whakatane District as follows:
 - (a) the Whakatāne-Ōhope Community, comprising the area of Whakatāne-Ōhope Ward
 - (b) the Tāneatua Community, comprising the area of Tāneatua-Waimana Ward
 - (c) the Murupara Community, comprising the area of Galatea-Murupara Ward
 - (d) the Rangitāiki Community, comprising the area of Rangitāiki Ward.
- (5) The Murupara Community will be subdivided for electoral purposes as follows:
 - (a) the Murupara Subdivision, comprising the area delineated on SO Plan 334319 deposited with Land Information New Zealand
 - (b) the Galatea-Waiohau Subdivision, comprising the area delineated on SO Plan 334320 deposited with Land Information New Zealand
 - (c) Te Urewera Subdivision comprising the area delineated on SO Plan 334321 deposited with Land Information New Zealand.
- (6) For the Whakatāne-Ōhope Community, there will be a Whakatāne-Ōhope Community Board comprising:
 - (a) eight members elected by the electors of the community as a whole
 - (b) two members of the Council representing Whakatāne-Ōhope Ward who will be appointed to the community board by the Council.

- (7) For the Tāneatua Community, there will be a Tāneatua Community Board comprising:
 - (a) six members elected by the electors of the community as a whole
 - (b) one member of the Council representing Tāneatua-Waimana Ward who will be appointed to the community board by the Council.

 - (8) For the Murupara Community, there will be a Murupara Community Board comprising:
 - (a) six members elected as follows:
 - i) 3 members elected by the electors of Murupara Subdivision
 - ii) 2 members elected by the electors of Galatea-Waiohau Subdivision
 - iii) 1 member elected by the electors of Te Urewera Subdivision
 - (b) one member of the Council representing Galatea-Murupara Ward who will be appointed to the community board by the Council.

 - (9) For the Rangitāiki Community, there will be a Rangitāiki Community Board comprising:
 - (a) six members elected by the electors of the community as a whole
 - (b) one member of the Council representing Rangitāiki Ward who will be appointed to the community board by the Council.
76. 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.

**REPRESENTATION REVIEWS COMMITTEE
FOR LOCAL GOVERNMENT COMMISSION**

A handwritten signature in blue ink, appearing to read 'J Annear'.

Commissioner Janie Annear (Chair)

A handwritten signature in blue ink, appearing to read 'Leith Comer'.

Temporary Commissioner Leith Comer

A handwritten signature in blue ink, appearing to read 'Dr Pauline Kingi'.

Temporary Commissioner Dr Pauline Kingi

30 March 2016