



Determination

of representation arrangements for the election of the Rotorua
District Council to be held on 8 October 2022

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. 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.
2. The Rotorua District Council, branded as Rotorua Lakes Council (the Council), last reviewed its representation arrangements prior to the 2016 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2022. In May 2021 it also resolved to establish Māori wards.
3. The Commission last made a determination in relation to the Council's representation in 2016. The council's current representation arrangements have been in place since and comprise a mayor and 10 councillors, all elected at large.
4. The current arrangements include two community boards, being:
 - Rotorua Lakes Community Board (four elected members and one appointed member)
 - Rotorua Rural Community Board (four elected members and one appointed member)

Current review: Council process and proposal

Preliminary consultation

5. The Council undertook preliminary engagement with the community by providing awareness material to community groups and associations and inviting responses to a survey on the Council's 'Let's Talk' platform.
6. Between June and August 2021, the Council also held four workshops to consider potential options for the initial proposal. Participants at the workshops included

elected members, community board members and representatives of Te Tatau o Te Arawa, the Te Arawa Partnership Board, which acts as the Council’s primary mechanism for engaging with tangata whenua.

7. Through workshops, the Council identified the following guiding principles on which to structure its initial proposal:¹

- Keep it simple
- Māori ward/s + General & “at large”
- 10 total members
- 1 ward with 3 Māori ward members

The Council’s initial proposal

8. On 31 August 2021 the council resolved as its initial representation proposal a council comprising 10 members plus the mayor, with two members elected from a district-wide Māori ward, four members elected from a district-wide general ward, and four members elected ‘at-large’. The Council also resolved to continue the current Rotorua Lakes and Rotorua Rural Community Boards.

9. The initial proposed ward arrangements were as follows:

Ward/At-large	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Te Ipu Wai Taketake Māori	21,700	2	10,850	N/A	N/A
Te Ipu Wai Auraki General	55,600	4	13,900	N/A	N/A
Total ward-based	77,300	6			
At-large	77,300	4			
Total	77,300	10			

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

10. The Council notified its proposal on 8 September 2021 and received 169 submissions by the deadline of 8 October 2021. Forty submitters were heard by the Council on 19 October 2021.

11. Of the 169 submissions, two submissions supported or were neutral on the Council’s initial proposal and 167 did not support all aspects of the proposal or did not state whether they supported the proposal.

12. Key themes in the submissions were:

¹ Council PowerPoint presentation – workshop held 6 August 2021.

- a. Requests that the representation model include three Māori ward members and seven general ward members, with submissions suggesting that this model would mirror the ratio of Māori and General Electoral Populations (assuming a Council of 10 members);
 - b. Requests that a rural ward be established;
 - c. Comments regarding the overall number of members, with a large number of submissions favouring a council of 10 members, and a small number of submissions requesting either an increase or a decrease in the number of members.
13. The Council also identified the following themes in online submissions (accounting for 80 submissions):
- a. 39 online submissions identified 'equity/equality' as an issue for consideration;
 - b. 16 online submissions identified 'co-governance' as an issue for consideration.
14. On 16 November 2021 the Council's Strategy, Policy and Finance Committee met to deliberate on submissions. The Committee report records that the Council had established the following set of guiding principles in leading to a final model:²
- Keep it simple
 - Total elected members – 10
 - Mixed model ("at large component") to create model based on equality
 - Fair and effective representation
 - Treaty of Waitangi/Rotorua Township (Fenton) Agreement
15. As part of the deliberations, a preferred mixed-model representation model was identified with district-wide general and Māori wards, each electing three members, and with four members to be elected at-large. It was acknowledged that this model did not comply with the Act and an alternative model was recommended to the Council for adoption as the final proposal, with district-wide general and Māori wards each electing one member and eight members elected at-large.

The Council's final proposal

16. At a meeting on 19 November 2021, the Council amended its initial proposal to the following final proposal for the 2022 local elections:

² Report to Strategy Policy and Finance Committee 16 November 2021

Ward/At-large	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Te Ipu Wai Taketake Māori	21,700	1	21,700	N/A	N/A
Te Ipu Wai Auraki General	55,600	1	55,600	N/A	N/A
Total ward-based	77,300	2			
At-large	77,300	8			
Total	77,300	10			

*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

17. The Council resolved to retain the existing Rotorua Lakes and Rotorua Rural Community Boards.
18. The Council also instructed the Chief Executive to pursue the necessary statutory reforms to allow the Council to adopt its preferred representation model. The Council is currently pursuing this via a Rotorua District Council (Representation Arrangements) Bill (the Bill). The Bill has been introduced to Parliament and had its first reading on 6 April 2022. Despite the Bill, the Commission retains its responsibility under the Act to issue a determination of the representation arrangements to apply for the election on 8 October 2022.
19. The Council publicly notified its final proposal on 19 November 2021.

Appeals/objections against the council's final proposal

20. Ten appeals and two objections received on the Council's final proposal were considered valid or partially valid and covered the following matters:
 - a. The number of Māori ward members that should be included in the Council's representation arrangements, with all appeals on this point requesting three Māori ward members (under the formula in Schedule 1A of the Act, this would require a representation model with at least six general ward members);
 - b. The issue of rural representation, and whether a specific rural general ward should be established;
 - c. The overall number of councillors, and whether this should be increased from 10, with appellants variously requesting an increase to 13 or 18 elected members;
 - d. The representation model, and whether this should be a ward-only model or a mixed representation model.
21. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.

Hearing

22. The Commission met with the Council and the eight appellants and objectors who wished to be heard at a hearing held online on 23 March 2022. The Council was represented at the hearing by Mayor Steve Chadwick, Deputy Mayor Dave Donaldson, and was joined during the hearing by Councillor Mercia Yates. They were supported by Deputy Chief Executive District Leadership and Democracy, Oonagh Hopkins, Pukenga Matauranga Māori/Cultural Adviser Māori, Kingi Biddle, Partnership Adviser, Kihī Tawhai, and Legal Counsel Lachlan Muldowney.
23. The following appellants and objectors appeared at the hearing:
 - a. Alan Wills
 - b. Justin Adams
 - c. Mike McVicker
 - d. Shirley Trumper
 - e. Rotorua District Residents and Ratepayers, represented by Reynold Macpherson
 - f. David McPherson
 - g. Federated Farmers, represented by Shaun Hazelton and Colin Guyton
 - h. Te Tatau o Te Arawa, represented by Jude Pani and Rawiri Waru.

Matters raised at the hearing

24. Mayor Steve Chadwick, supported by Deputy Mayor Dave Donaldson and Councillor Mercia Yates, explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:
 - a. The Council's decision to establish a Māori ward required the Council to introduce a ward system. The formula in Schedule 1A of the Act is complex, and it was difficult for the Council to balance the principles of fair and effective representation for communities of interest, whilst also striving to ensure that all electors had an equal opportunity to vote.
 - b. The Council had undertaken an awareness campaign and sought community feedback via an online survey. Council workshops had been held to define the principles against which the Council wished to structure its representation model and to consider a number of different potential representation models.
 - c. The Council had been motivated by principles of voter parity and fairness and wished to ensure that all electors had an equal opportunity to influence the make-up of the Council regardless of the electoral roll they were on. This had

led the Council to adopt a mixed model representation system, to ensure that all electors could cast the maximum number of votes possible.

- d. The Council had considered models including three Māori ward members, but these models depended on there being at least six general ward seats. In a ward-only model voters on the Māori electoral roll would be able to vote for three members, whereas votes on the general roll would vote for seven members. If the general seats were reduced to six and a single at-large member was introduced under a mixed-model, there would still be voter disparity with Māori roll electors voting for four members and general roll electors voting for seven members.
- e. The Council's initial proposal of two Māori ward members, four general ward member and four at-large members had been developed to provide as close to voter parity as possible. The Council recognised the following themes through submissions:
- Equity/equality, with everyone getting the same opportunity to influence the make-up of the Council;
 - Co-governance, and what this looked like for the Council;
 - Equal suffrage, where every voter had the same opportunity and right to vote;
 - Recognition and acknowledgement of the Rotorua Township Agreement, recognising the agreement of Ngāti Whakaue and the Crown whereby Ngāti Whakaue gifted land for the establishment of the Rotorua township; and
 - Consideration of the possibility of including a rural ward.
- f. The Council felt that the initial proposal was imbalanced as voters on the general electoral roll could vote for more members than voters on the Māori electoral roll and the Council sought to address equality in the final proposal.
- g. The Council's preferred model would have honoured the Rotorua Township Agreement by allowing voters on the Māori and general rolls to vote for three members each, with an additional four members elected at-large, but this was not possible under the formula in Schedule 1A of the Act. The Council had instead settled on the final proposal as a model that was lawful as well as meeting the principles of fairness, equity and parity.
- h. The Council felt that there was a desire in the community for equality of opportunity to be able to influence the make-up of the Council and that electors across both electoral rolls would take advantage of being able to vote for nine members.
- i. The Council noted that there were currently four Māori members on the Council, all of whom had been elected at large under the current representation arrangements. The Council felt confident that Māori

candidates would stand in the eight at-large seats. Overall, it was felt that guaranteeing equality of voting opportunity was more important than ensuring there were three Māori ward seats.

- j. The Council had been particularly influenced by the submission on behalf of Ngāti Whakaue Tribal Lands Inc, Ngāti Whakaue Assets Trust, Ngāti Whakaue Education Endowment Trust and Pukeora Oruawhata Trust in emphasising the importance of fairness and equity. The Council explained that it had notified the Chairperson of Te Tatau o Te Arawa of the representation model proposed for the final representation proposal the evening before it was considered at the Strategy, Policy and Finance Committee meeting.
 - k. The Council felt that 10 members was an appropriately-sized Council. There were good levels of community support for a Council of 10 members, with only a small number of submissions requesting an increase in size.
 - l. The Council had considered submissions relating to establishing a rural ward but felt that the Rotorua Rural Community Board provided effective advocacy model for residents in the rural community and noted that it had been instrumental in achieving some practical outcomes.
25. The appellants and objectors appearing at the hearing emphasised the following points in opposition to the Council's proposal:
- a. Representatives of Te Tatau o Te Arawa explained that Te Tatau o Te Arawa had undertaken extensive consultation with Te Arawa and Māori Electoral Roll electors to understand their preferred representation arrangements. A clear message had been received three Māori wards seats was the preferred outcome.
 - b. Consultation undertaken by Te Tatau o Te Arawa indicated that Māori roll electors were prepared to give up the opportunity of having a greater number of votes to ensure there would be three Māori voices at the council table. The Council had initially indicated that one of the guiding principles of the representation review was to have a Māori ward with three members, and Te Tatau o Te Arawa felt this principle had not been given sufficient weight through the process.
 - c. It was suggested that the lens of those for whom equity restoration was sought should be the guiding principle for decision-making through the representation review process. The clear message from Te Tatau o Te Arawa was that three Māori ward members was the preferred outcome, and concern was expressed that potential candidates would be dissuaded from standing in a single-member Māori ward.
 - d. Other appellants in favour of three Māori ward members, including Mike McVicker, Rotorua District Residents and Ratepayers and David McPherson, emphasised that to ensure fair and effective representation, the number of Māori ward members should reflect the proportion of the Māori Electoral Population as against the General Electoral Population.

- e. It was noted by these appellants that there was strong support in submissions for a model of three Māori ward members and seven general ward members. It was suggested further that the Council's final representation proposal was unlawful, violated principles of equal suffrage, or amounted to gerrymandering.
- f. Appellants in support of a rural ward, including Alan Wills, Shirley Trumper and Federated Farmers, explained that while they were supportive of the Rotorua Rural Community Board, there was no rural voice at the council table. It was acknowledged that Rural Community Board representatives sat on the main Council committees, however the committee were only able to make recommendations to Council and it was felt that a rural lens was missing from Council debate.
- g. It was difficult for rural members to be elected to the Council given the difference in population between the urban Rotorua area and the rural area. There were difficulties for rural residents in being able to connect with councillors, as urban-based councillors would not necessarily understand the impact of policies on rural residents.
- h. It was felt that the rural community was a distinct community of interest and deserving of a dedicated ward, even if a departure from the +/-10% rule was required to be able to establish one. It was felt that the rural community would rather be able to vote for one rural ward member than to be able to cast a greater number of at-large votes to potentially influence the make-up of the council. It was suggested further that a rural ward should align with the boundaries of the Rural Community Board area.
- i. Two appellants spoke about the proposed number of councillors, with Justin Adams seeking an increase to 13 members and David McPherson seeking an increase to 18 members.
- j. The suggestion for 13 members was based on the increase in population in the district and a sense that Māori wards should exist in addition to the current number of councillors. The appellant felt it was important to have three Māori ward seats and would prefer a mixed model representation system.
- k. The suggestion for 18 members was based on achieving a model whereby the Council would be made up of 28% of Māori ward members and 72% general ward members, which matched the proportion of the Māori Electoral Roll to the General Electoral Roll. It was suggested that this would also allow for greater diversity of members and viewpoints around the council table.

Matters for determination by the Commission

- 26. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation

arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.

27. The matters in the scope of the review are:
- whether the council is to be elected from wards, the district as a whole, or a mixture of the two
 - the number of councillors
 - if there are to be wards, the area and boundaries of wards and the number of members to be elected from each ward
 - whether there are to be community boards
 - if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.
28. Appeals/objections to the Council's final proposal raise the following overarching issues for the Commission to resolve:
- a. The overall representation structure and whether this should be ward-based, or a mixed representation model that includes some 'at-large' members;
 - b. The number of Māori ward members and whether this should be increased from one, as in the Council's final proposal to three, being the maximum number possible under the formula in Schedule 1A to the Act in a model with at least six general ward members;
 - c. Rural representation for the Council and whether the proposed Rotorua Rural Community Board provides sufficient representation of the rural community or whether a specific rural ward is required;
 - d. The overall number of councillors, and whether this should be 10 or a different number.

Key considerations

29. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* (the Guidelines) identify the following three key factors when considering representation proposals:
- a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

30. The Guidelines identify three dimensions for recognising communities of interest:
 - a. *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - b. *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - c. *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
31. We note that in many cases councils, communities and individuals tend to focus on the 'perceptual' dimension of communities of interest. That is, they focus on what intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the 'functional' one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
32. In addition to demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities, i.e. that they may have "few commonalities." This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
33. The Council's initial and final proposals rest on a position that there are district-wide Māori and general communities of interest. This is reflective of the district having been elected at-large since the 2010 election, although the continuation of the Rotorua Lakes Community (first established in 2007) and the Rotorua Rural Community (first established in 2016) reflect communities of interest below the district-wide level. With the establishment of these communities, it is also presumed that an urban community of interest exists in the urban Rotorua area.
34. We note that none of the submissions on the initial proposal, nor appeals or objections to the final proposal, explicitly requested more than one district-wide Māori ward. We can infer from this that there is general acceptance for a single district-wide Māori ward. The only issue relating to the Māori ward is the number of members that should represent it, and we discuss this further below.
35. However, appeals and objections requesting a separate rural ward suggests that there is some concern as to whether or not a single district-wide general ward appropriately provides fair and effective representation to the communities of interest of the general electorate. We also discuss this matter further below.

Fair and effective representation of communities of interest

36. For the purpose of achieving fair representation for the electors of a district, section 19V(1) of the Act requires 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 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
37. However, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are where:
 - a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities
 - b. compliance would limit effective representation of communities of interest by dividing a community of interest
 - c. compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.
38. With regards to effective representation, section 19T of the Act requires the Commission to ensure that:
 - a. 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
 - b. ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - c. so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
39. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
40. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
 - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest

- d. accessibility, size and configuration of an area including access to elected members and vice versa.
41. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, a mixture of wards and at large. As the Council has resolved to establish Māori wards, it must also establish at least one general ward.

Number of elected members

42. 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, if there are to be wards.
43. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. The Council comprised a mayor and 16 councillors on its constitution in 1989, which was reduced to 12 members in 1992. The Council moved to an at-large representation system in 2010 and reduced its membership to 10 councillors plus the mayor in 2016.
44. The Council's initial and final proposals were both based on a continuation of a Council of 10 members plus the mayor. We heard from the Council that this was considered an appropriate size for the Council and that there was strong community support for this size.
45. Two of the appellants sought a larger council, with one suggesting an increase to 13 and another suggesting an increase to 18. If the Council were increased to 18 members plus the mayor, it would become the largest council in the country aside from Auckland. We consider this would be too large for the district and would result in over-governance.
46. We have considered whether the Council's membership should be increased beyond 10, whether to 13 members or another number. We note that if the Council's membership were increased beyond 10 members, it would be easier for the Council to have a mixed-model representation system that incorporated three Māori ward members, although this would not result in an even number of votes for Māori and General Electoral Roll voters.
47. However, we note the strong support indicated through submissions to the initial proposal for the Council remaining at ten members plus the mayor. This mirrored similar levels of support in the 2016 representation review for the Council to reduce from 12 to 10 members plus the mayor.
48. On balance, and acknowledging these high levels of support, we uphold the Council's proposal for a Council of 10 members plus the mayor. However, we encourage the Council to carefully monitor the Council membership and consider through its next representation review whether there would be any benefits to be gained from an increase in the membership of the Council.

Number of Māori ward members

49. A key aspect of this review is how the Māori ward is expressed in the overall representation model.
50. At the hearing we heard from the Council that the initial and final proposals had been guided by principles of equity and fairness, especially as this related to the opportunity of electors to use their votes to influence as much of the entire make-up of the Council as possible.
51. At the hearing we heard from Te Tatau o Te Arawa that equity and fairness should result in the Māori voice being amplified at the Council table. While Te Tatau o Te Arawa acknowledged that a Council with an overall equal number of Māori and general ward members would have been the ideal outcome, this was not possible under the formula in Schedule 1A to the Act and that three Māori ward members was instead the preferred outcome.
52. We heard from some of the other appellants that three Māori ward members was preferred as this mirrored the proportion of the Māori Electoral Population as against the General Electoral Population. For these appellants, a proportional outcome was seen as fair and equitable and it was suggested by some that any models deviating from this would result in a loss of equal suffrage, amount to gerrymandering, or would be unlawful.
53. It is interesting that the Council and appellants seek different outcomes, yet the reasoning underpinning each argument is based on principles of fairness, equality or equity. Before continuing our consideration of the matter, however, we pause briefly to address the suggestions that anything other than a proportional allocation of Māori and general ward members would violate principles of equal suffrage, amount to gerrymandering, or be unlawful.
54. We note that the formula in Schedule 1A of the Act calculates the number of Māori ward members based on a proportion of the Māori Electoral Population as against the General Electoral Population. The formula is dependent on the overall number of ward members established by a council – the formula specifically excludes any members to be elected at-large.
55. The Act also specifically allows councils to establish a mixed model representation system, including both ward members and members elected at-large, if a council believes this will result in fair and effective representation for the city, district or region. If a council adopts a mixed representation model, this may affect the number of Māori ward seats available under the formula in Schedule 1A of the Act.
56. We discuss further below whether we consider that a mixed model representation system is an appropriate model for Rotorua District. However, at this point, we emphasise that the mixed models adopted by the Council in both its initial and final proposals were lawful representation models under the Act and we acknowledge that the Council believed that each would result in fair and effective representation for the district.

57. As the initial and final proposal were both lawful representation models that met the requirements of the Act, we do not believe that either model could be described as gerrymandering. Nor do we consider that either violates the principle of equal suffrage. We note that councils around the country adopt a range of representation models, many of which result in different numbers of votes for different electors, depending on the ward in which they reside and/or the electoral roll they are enrolled on. Every elector still has an equal opportunity to cast their vote in the election, even if other electors for the same council have an opportunity to cast a different number of votes.
58. Returning to the current review, the overarching question for us to consider is whether the Council's final representation proposal, with a single district-wide Māori ward with one member, a single district-wide general ward with one member, and eight at-large members results in fair and effective representation of communities of interest.
59. We do not think that it does. We note that the district-wide general ward covers a population of 55,600 and includes diverse communities of interest, including the urban Rotorua area, along with the Rotorua Lakes and rural communities. The district-wide Māori ward covers a population of 21,700 spread across the district and includes residents who whakapapa to various iwi and hapū within the district as mana whenua, and to iwi and hapū from outside of the district. There are well in excess of 50 marae across the district.
60. While we acknowledge that the Council's proposal also includes eight at-large members, we have serious doubts as to whether a single member could effectively represent either the district-wide general or the district-wide Māori wards. We also heard from Te Tatau o Te Arawa that the proposal to have a single Māori ward member would likely dissuade potential candidates from standing in the ward. This concerns us, and we consider it is a reasonable possibility that potential candidates in the general electorate may also be less inclined to stand in the single district-wide general ward as well.
61. While we acknowledge the spirit of the Council's proposal in seeking to achieve parity in voting opportunity, we note that an even spread of voter opportunity across the various wards of a representation model is not a factor to be considered under the Act.
62. We also heard from Te Tatau o Te Arawa that concepts of equity should be applied through the lens of those for whom equity is to be restored. We heard that there was strong support from Māori electors for three Māori ward members, which was accompanied by a clear understanding that equality in voting opportunity would be sacrificed in order to achieve this outcome. We acknowledge the strength of the arguments conveyed by Te Tatau o Te Arawa on this point.
63. Overall, we are convinced by the arguments presented by appellants that the Māori ward should be represented by three members, and we conclude that the Council's final representation proposal should be adjusted to reflect this.

Should a rural ward be established?

64. We have confirmed that there should be an overall Council of 10 members plus the mayor, and that the Māori ward should be represented by three members.
65. The next question for us to consider is how the remaining seven seats should be allocated. In particular, we need to consider whether there should be a single district-wide general ward of seven members or whether there should be a separate rural ward. We also need to consider whether representation should be by ward-only, or whether a mixed representation model including a single at-large member is appropriate.
66. We heard from the Council that the Rotorua Rural Community Board has successfully advocated for the rural community since its establishment in 2016 and has managed to secure some important practical outcomes for the rural community, such as kerbside rubbish collection. It was felt that the community board was working well, and no additional rural representation was required.
67. Appellants on this point agreed that the Rotorua Rural Community Board was a useful advocacy body for the rural community but felt an understanding of rural matters was missing from the council table. It was noted that rural community board members sat on the main Council committees, however there was no guarantee that this would continue in the future.
68. We agree that there is a clear rural community of interest in the district. We note that the Council uses the FPP voting system, and we appreciate that with the majority of the population located in the urban Rotorua area, this may present difficulties for rural-based candidates to attract sufficient votes to be elected.
69. We have considered whether it is possible to establish a rural ward that complies with the +/-10% rule within a Council comprised of 10 members plus the mayor. We note that this is, in fact, possible, as illustrated in the table below:

Ward description	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Rural general ward (area aligning with the boundaries of the Rural Community Board)	7,200	1	7,200	-744	-9.37
Remaining general ward (the remainder of the district excluding the Rural Community Board area)	48,410	6	8,068	124	+1.56
Total general ward	55,610	7	7,944		
Māori ward (district-wide)	21,700	3			
Total	77,300	10			

*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

70. On balance, we are satisfied that a single-member rural ward will result in more effective representation for the rural community of interest than would be provided by a district-wide general ward. We have concluded that a single-member rural ward should be established, the boundaries of which should align with the Rotorua Rural Community Board.
71. Accordingly, we uphold that there should be three wards for the Rotorua District, being a district-wide Māori Ward electing three members, a rural general ward corresponding to the boundaries of the Rotorua Rural Community Board electing one member, and a general ward corresponding to the remainder of the district (the urban Rotorua and Lakes areas) electing six members.
72. We have already concluded that a Council of 10 members plus the mayor is an appropriate size for the Council. On that basis, we conclude that the representation model for the Council should be adjusted to be a ward-only representation model rather than a mixed-model representation system.
73. We note that it would be possible to have a mixed model representation system with the ward membership that we have established if the size of the Council were increased. In its next review, we encourage the Council to explore with the wider community the relative benefits of retaining a council of 10 members elected by ward only or increasing the size of the council and moving to a mixed model of representation.

Ward names

74. The final aspect for us to consider is names of the three wards.
75. We note that the Council developed specific names for the district-wide Māori and general wards, as follows:³
 - Te Ipu Wai Taketake Māori Ward - *Te Ipu Wai Taketake or Wai Taketake refers to a collection of water that is originally sourced from this area. This water has been here within the district since the beginning to provide sustenance to the environment and the people.*
 - Te Ipu Wai Auraki General Ward – *Te Ipu Wai Auraki or Wai Auraki refers to a collection of water that has travelled from different areas. This water has assembled within the district from various sources to provide sustenance to the environment and the people.*
76. We acknowledge the significance of the proposed ward names, and we commend the Council for their work in developing them.

³ Explanations of ward names in italics are drawn from the Council's Initial Proposal Consultation Document.

77. We appreciate that the addition of a rural general ward does not fit easily with the ward names developed by the Council. However, we wish to respect the ward names developed through the representation review process. We consider that the names of the three wards should be:
- a. Te Ipu Wai Taketake Māori Ward, being a district-wide Māori ward;
 - b. Te Ipu Wai Auraki General Ward, being the district area excluding the Rotorua Rural Community Board area;
 - c. Rotorua Rural Ward, being the district area contained within the boundaries of the Rotorua Rural Community Board.
78. We encourage the Council to consider through its next review a name for the Rotorua Rural Ward that matches the significance and symbolism of the names of the Te Ipu Wai Taketake Māori Ward and Te Ipu Wai Auraki General Ward.

Fair representation

79. For completeness, we note that the Te Ipu Wai Auraki General Ward and the Rotorua Rural General Ward both comply with the +/-10% rule. We do not need to discuss further matters relating to fair representation of electors.

Communities and community boards

80. 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.
81. 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. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the 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 or communities of interest?
82. In the current review, the Council proposed that the Rotorua Lakes Community Board and the Rotorua Rural Community Board should continue to represent their respective communities. There were no appeals in relation to the Rotorua Lakes Community and we uphold both the community and the community board.

83. Having established a Rotorua Rural Ward, we considered whether there was still a need for the Rotorua Rural Community Board. At the hearing we heard from the Council that the Rotorua Rural Community Board has been a strong advocate for the rural community. Appellants who requested a rural ward also expressed their support for the continuation of the Rotorua Rural Community Board.
84. Based on the information provided to us and the points expressed at the hearing, we agree that the Rotorua Rural Community and Rotorua Rural Community Board should both be upheld.

Commission's determination⁴

85. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Rotorua District Council to be held on 8 October 2022, the following representation arrangements will apply:
 1. Rotorua District, as delineated on Plan LG-024-2022-W-1 deposited with the Local Government Commission, will be divided into three wards.
 2. Those three wards will be:
 - a. the Te Ipu Wai Taketake Māori Ward, comprising the area delineated on Plan LG-024-2022-W-2
 - b. the Rotorua Rural General Ward, comprising the area delineated on Plan LG-024-2022-W-3
 - c. the Te Ipu Wai Auraki General Ward, comprising the area delineated on Plan LG-024-2022-W-4.
 3. The Council will comprise the mayor and 10 councillors elected as follows:
 - a. 3 councillors elected by the electors of the Te Ipu Wai Taketake Māori Ward
 - b. 1 councillor elected by the electors of the Rotorua Rural Ward
 - c. 6 councillors elected by the electors of the Te Ipu Wai Auraki General Ward.
 4. There will be two communities as follows:
 - a. the Rotorua Lakes Community, comprising the area delineated on LG-024-2016-Com-1
 - b. the Rotorua Rural Community, comprising the area delineated on LG-024-2016-Com-2.

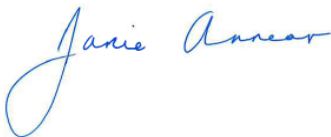
⁴ All plans referred to in this determination are deposited with the Local Government Commission

5. For the Rotorua Lakes Community, there will be a Rotorua Lakes Community Board comprising:
 - a. Four members elected by the electors of the community as a whole
 - b. One member of the Council representing either the Te Ipu Wai Taketake Māori Ward or the Te Ipu Wai Auraki General Ward who will be appointed to the community board by the Council.
6. For the Rotorua Rural Community, there will be a Rotorua Rural Community Board comprising:
 - a. Four members elected by the electors of the community as a whole
 - b. One member of the Council representing either the Te Ipu Wai Taketake Māori Ward or the Rotorua Rural General Ward who will be appointed to the community board by the Council.
7. As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

Local Government Commission



Commissioner Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham



Commissioner Sue Piper

8 April 2022