



## **Determination**

of the appeal against the decision of Palmerston North City Council not to establish a Greater Bunnythorpe Community

### **Introduction**

1. This determination relates to a proposal initiated by electors of Palmerston North City to establish a Greater Bunnythorpe Community (the proposal).
2. The proposal was delivered to Palmerston North City Council (the Council) on 14 June 2021. On 4 August 2021 the Council considered and rejected the proposal.
3. The Local Government Commission (the Commission) subsequently received an appeal against the Council's decision on 21 December 2021.
4. The proposal and appeal use the name 'Greater Bunnythorpe' to describe an area of Palmerston North City that includes Bunnythorpe village and the surrounding rural areas identified in the proposal and appeal. We understand the community is more commonly known as Bunnythorpe. In this determination we refer instead to the Bunnythorpe community, to have the same meaning as the area identified as 'Greater Bunnythorpe' in the proposal and appeal.
5. The key decision points in this determination can be found in paragraphs 53, 60 and 74-75. We also make recommendations at paragraph 88.

### **Background**

6. Bunnythorpe is a small rural village located between Palmerston North and Feilding. The village formed part of Manawatu District from 1989 until 2012, when it was moved along with additional rural areas into Palmerston North City as part of a boundary alteration that was upheld by the Commission.
7. There are currently several large public infrastructure projects planned for Bunnythorpe and the surrounding area, linked to Te Utanganui Central New Zealand Distribution Hub, a multi-modal distribution hub being developed across Palmerston North, Manawātū and surrounding districts. Projects likely to directly impact the Bunnythorpe community include a KiwiRail freight hub that is planned to span the rural area between Bunnythorpe and the North-East Industrial Zone on the edge of Palmerston North City (the freight hub), and a Waka Kotahi Regional Freight Ring Road (the ring road), the exact location for which is yet to be determined.

8. These are not Council-led projects, although the Council has signalled its general support for the Te Utanganui initiative. We acknowledge that the progression of these projects will not be impacted by our decision of whether to establish a Bunnythorpe community. However, throughout our consideration of the appeal, we have heard about the sense of uncertainty that these projects have raised in the Bunnythorpe community, and they have been relevant to some of our deliberations on the appeal.

### ***Matters raised in the appeal***

9. The appeal identifies the proposed Te Utanganui infrastructure projects as specific challenges facing the Bunnythorpe community. The appeal document also raises additional issues and opportunities for the Bunnythorpe community:
  - On-going infrastructure issues in and around Bunnythorpe village, including narrow roads, under-sized bridges and other safety concerns relating to transport matters, and inadequate three waters infrastructure
  - A desire for greater representation at the Council, including having a formalised point of contact for future consultation and engagement with the Council and Horizons Regional Council, as well as with other government agencies
  - Opportunities to build on the strengths of the Bunnythorpe community, including opportunities for placemaking initiatives and community events, and the potential to develop and promote participatory democracy in the community.

## **Legislative provisions and process followed**

### ***Legislative provisions relating to establishing a community board***

10. Schedule 6 of the Local Government Act 2002 (the Act) provides a process by which proposals for communities can be developed by electors living within the proposed community area. The proposal met the requirements of Schedule 6,<sup>1</sup> and the Council considered the proposal within the required timeframes.
11. The proposal was considered and rejected by Palmerston North City Council on 4 August 2021. Reasons for rejecting the proposal are not recorded in the meeting minutes. However, the main reasons for rejecting the proposal raised in the report to Council and during debate at the Council meeting appear to have been:
  - Bunnythorpe was not considered to be a cohesive community distinct from the city-wide community of Palmerston North;
  - The Council considered there were alternative methods or opportunities for Bunnythorpe residents to engage with the Council and/or other agencies planning developments in the Bunnythorpe area; and

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<sup>1</sup> The proposal was unanimously endorsed at a public meeting on 13 June 2021 and signed by 128 people, 112 of whom were subsequently verified as qualified electors.

- Efficient and effective governance of the city was not served by the establishment of a community board.
12. The Commission received an appeal on 21 December 2021 from Dr Aaron Fox, one of the signatories to the original proposal. There is no timeframe specified in the Act by which the Commission must receive an appeal.
  13. By way of context, the proposal ran parallel to the representation review undertaken by Palmerston North City Council under the Local Electoral Act 2001. As part of this, the Council was required to consider whether there should be communities and community boards in Palmerston North<sup>2</sup>. No communities or community boards were established through the representation review, and no valid appeals or objections were lodged against the Council's final representation proposal. The Council's representation proposal<sup>3</sup> became final and the Commission was not required to issue a determination in respect it.

#### *Matters to be considered in considering the appeal*

14. We consider that there are three issues to be addressed deciding the appeal.
15. The first is whether the Bunnythorpe area identified in the proposal is a sufficiently distinct community of interest. The report to and debate at the Council meeting of 4 August 2021 suggested that Bunnythorpe was not a cohesive community distinct from the city-wide community of Palmerston North. If the Bunnythorpe community cannot be considered a sufficiently distinct community of interest, it would be difficult for us to justify establishing a community regardless of any other legislative considerations.
16. The second is whether the establishment of a community board would assist in addressing the issues facing the Bunnythorpe community, considering the roles of community boards set out in section 52 of the Act. If a community board would not assist, it would also be difficult for us to justify establishing one.
17. If both of these issues are answered in the affirmative, we can then turn to the requirements of clause 6, Schedule 6 of the Act, which states:

In deciding whether or not to constitute a community, the territorial authority or, if appropriate, the Commission must have regard to the criteria set out in clause 19 of Schedule 3 that apply to draft proposals that the territorial authority or Commission considers appropriate in the circumstances.

18. The relevant criteria contained in clause 19(a), Schedule 3 is:

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<sup>2</sup> Section 19J Local Electoral Act 2001

<sup>3</sup> The final proposal was for two city-wide wards, being the Te Pūao Māori ward with two members, and the Te Hirawanui general ward with 13 members.

whether good local government of any affected district would be best promoted by a system of communities and the responsibilities, duties, and powers of the community boards in the district.<sup>4</sup>

19. There is no definition of 'good local government' in the Act. Nor are there any specific measures in the Act for considering how a system of communities might promote good local government.
20. The Commission has previously interpreted the legislative intent of the word 'promote' to mean 'to advance, help forward, enhance, or improve'.<sup>5</sup> In the absence of a specific definition of good local government, we consider that we must have regard to the purpose of local government (set out in section 10 of the Act) and, to the extent that they are relevant to the appeal, the principles relating to local authorities (set out in section 14 of the Act).
21. Section 10 states that the purpose of local government is:
  - (a) To enable democratic local decision making and action by, and on behalf of communities; and
  - (b) To promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future.
22. The principles relating to local authorities contained in section 14 of the Act that we consider are relevant to the appeal are:
  - (1) In performing its role, a local authority must act in accordance with the following principles:
    - (a) A local authority should-
      - (i) Conduct its business in an open, transparent, and democratically accountable manner; and
      - (ii) Give effect to its identified priorities and desired outcomes in an efficient and effective manner:
    - (b) A local authority should make itself aware of, and should have regard to, the views of all of its communities; and
    - (c) When making a decision, a local authority should take account of
      - (i) The diversity of the community, and the community's interests, within its district or region; and

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<sup>4</sup> The criteria included in clauses 19(b) and (c) relate to situations in which a system of communities already exists. As there are currently no communities in Palmerston North City, these criteria are irrelevant to this appeal.

<sup>5</sup> Local Government Commission decision on proposal to constitute a Rotorua Lakes Community Board, 7 November 2006

- (ii) The interests of the future as well as current communities; and
  - (iii) The likely impact of any decision on each aspect of well-being referred to in section 10:
- (d) A local authority should provide opportunities for Māori to contribute to its decision-making processes; and (...)
  - (g) A local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its districts or region, including by planning effectively for the future management of its assets.
23. To determine this appeal, therefore, we consider that we must examine whether ‘good local government’, as informed by the purpose of local government and the relevant principles relating to local authorities, will be advanced, helped forward, enhanced or improved not just for the community of Bunnythorpe, but for all of Palmerston North City.

#### ***Powers of the Commission in respect of the appeal***

24. Clause 7(2) of Schedule 6 of the Act states that the Commission has all the powers of the territorial authority in respect of the constitution of the community, and may determine the functions of the community board for a period of up to 3 years.
25. Clause 5(2) of Schedule 6 requires the council to either resolve to give effect to the proposal and invite public submissions on it or to reject the proposal and give public notice of the rejection.
26. We consider that clause 7(2) requires us to either uphold the appeal or dismiss it in its entirety.
27. Section 30(2) of the Act empowers the Commission to provide information about local government and to promote good practice relating to a local authority or to local government generally. We consider that this section empowers us to make any recommendations that we consider appropriate as part of this determination.

#### ***The process followed by the Commission in considering the appeal***

28. There is no specific process in the Act for the Commission to follow in considering and determining appeals made under Schedule 6. Clause 13 of Schedule 4 to the Act specifies that, except as otherwise provided in the Act, the Commission may regulate its own procedure.
29. We approached this appeal by taking the following steps:
- Requesting further information from the appellant and the Council, to understand the issues and opportunities facing the Bunnythorpe community and the current channels of communication between the Council and the community

- Identifying key stakeholders in the appeal process, being the appellant and key supporters of the proposal, the Bunnythorpe Community Centre Association Incorporated (BCCA), Ngāti Kauwhata, Rangitāne o Manawatū and Palmerston North City Council
  - Meeting individually with key stakeholders who wished to do so, to further explore issues relating to the appeal, including
    - the issues facing the Bunnythorpe community and the various matters leading to the proposal and subsequent appeal;
    - if, and if so, how, the Bunnythorpe community was distinct to other communities in Palmerston North; and
    - whether the issues identified in the appeal were best supported through the creation of a Bunnythorpe community or if there were potential alternatives that could achieve a closer relationship and enhanced communication between the Bunnythorpe community and the Council.
30. Rangitāne o Manawatū advised that the iwi was aware of the appeal but did not wish to engage in the process.
31. Representatives of the BCCA agreed to meet and discuss the matters outlined above in their individual capacity, rather than representing a BCCA position.
32. We met with the following parties on 15 December 2022:
- The appellant, Dr Aaron Fox
  - Flo and Athol Gibson and Peter Russell, representatives of the BCCA but providing individual perspectives
  - Palmerston North City Council, represented by Mayor Grant Smith, Chief Executive Waid Crockett, Chief Planning Officer David Murphy and Governance Manager Hannah White
33. On 3 April 2023 we met with Dale O’Reilly and Mike Mudford, key supporters of the proposal.
34. On 23 May 2023 we met with Ngāti Kauwhata representatives Dennis Emery, Tiratahi Taipana and George Davis.
35. Notes of each meeting were kept and circulated to all other parties following each meeting.

***Matters raised at meetings between the Commission and stakeholders***

36. Relevant points raised by stakeholders during these meetings are outlined below.

*Is Bunnythorpe a distinct community?*

37. Points raised include:

- Bunnythorpe is strong, diverse, vibrant and growing. The school and local churches are well supported and there are active community groups including the rugby club and volunteer fire brigade
- The community maintains strong connections with Ngāti Kauwhata and Aorangi Marae
- The rohe of Ngāti Kauwhata includes the Bunnythorpe community but does not extend into the Palmerston North urban area. Aorangi Marae is very close to Bunnythorpe village, although it is in Manawatu District
- Bunnythorpe was traditionally an important transit area for whānau travelling towards the Ruahine foothills. Mangaone Stream, which flows through Bunnythorpe, was an important food source
- The railway line in the area was developed on Ngāti Kauwhata land taken for this purpose without compensation, and was routed through a marae
- The appellant considers the 'lights of the village' to be the heart of the community, but it maintains good links to both Palmerston North and Feilding
- Ngāti Kauwhata whānau in Bunnythorpe perceive that the community traditionally had closer ties with Feilding than Palmerston North
- The Council perceives that Bunnythorpe has had a long history of strong connections to Palmerston North

*Issues facing the Bunnythorpe community*

38. Points raised include:

- There is uncertainty as to what the freight hub and ring road will mean for Bunnythorpe. The community is not necessarily against the freight hub despite concerns regarding noise and 24/7 operation, but would like KiwiRail to positively contribute to the community
- The community has not been well involved in discussions to date regarding the freight hub and ring road developments
- The lack of certainty regarding the likely location of the ring road is frustrating for community members whose land has been purchased for the freight hub and who wish to remain in the community, but are uncertain about re-investing without knowing the proposed location of the ring road
- The Council acknowledges uncertainty in the community relating to the freight hub and considers that its value proposition has not necessarily been well communicated to the community

- The community considers there are issues with roads, including narrow, under-weight bridges and unsupported intersections, and a lack of footpaths and street lighting
- It is likely that the freight hub and ring road developments will result in more heavy traffic in the immediate area
- There is lime build up in the water system, and stormwater feeding into the sewerage system results in sewerage overflows
- The BCCA has kept an action sheet of issues in the community, including roading, grass verges, overhanging trees, drains, sewerage and other water issues
- The community experiences issues with the postal system, with multiple rural delivery routes tracking through the community
- There are some challenges in finding volunteers in the community prepared to take on responsibilities such as producing a community newsletter

*The relationship between the Bunnythorpe community and the Council*

39. Points raised include:

- From the appellant and key supporters:
  - The Council engages with the community when necessary but strategic oversight is not apparent, and there is an information and resourcing gap
  - Council staff and/or elected members attend meetings in the community and are well-intentioned, however staff turnover requires relationships to be constantly re-established, information is not always complete and identified issues do not appear to be followed up
  - There has been little progress towards solving issues identified by the community and insufficient information provided by the Council about how concerns can be addressed
  - The community is concerned that it is perceived in a negative light by the Council
  - Construction of the community centre has been a positive development for the community, and Council support for the war memorial restoration is appreciated
  - A mayoral fund donation was made to the community newsletter, however on-going difficulties with the postal system has created challenges to the viability of the newsletter
- From individual members of the BCCA:



- The current mayor is well connected to the Bunnythorpe community and there is a history of strong support from elected members and council staff attending community meetings
- Staff turnover at the Council results in changed lines of communication and requires new relationships to be built, which is frustrating for community members
- Recently there has not been much feedback from the Council on action sheet items
- There is frustration with the city-wide application of service charges and operations, without regard to the specific circumstances of Bunnythorpe
- There is uncertainty regarding the freight hub, including issues relating to land suitability, noise monitoring and the construction timetable. It is perceived that the Council could provide more information and assistance with these matters
- From Ngāti Kauwhata representatives
  - Ngāti Kauwhata are mana whenua for Bunnythorpe and the surrounding area and acknowledge Rangitāne o Manawatū as mana whenua of Palmerston North City. There are close ties between Ngāti Kauwhata and Rangitāne o Manawatū
  - It is important that there is representation for the Bunnythorpe community at the Council
- From the Council:
  - The STV voting system provides good representation across the city. Outer villages are well represented, possibly more so than some city suburbs
  - Elected members and council officers attend all community meetings and work with the community with regards to community projects
  - Council officers work well with the BCCA, but acknowledge staff turnover in recent years
  - The Council inherited significant infrastructure challenges in the 2012 boundary change and has worked to fix many of the issues in the Bunnythorpe area relating to water and roading
  - Council expenditure in the area has been far more than its rates take. The community centre development was a significant project
  - Issues with mail delivery in Bunnythorpe are acknowledged and materials sent by the Council have not always been received by community members

- There is not necessarily a 'community view' on matters related to Bunnythorpe, rather there is a diversity of views in the Bunnythorpe community

*Are the issues facing Bunnythorpe best supported by a community board?*

40. Points raised include:

- Stakeholders are open to alternative solutions that can achieve better communication with, and accountability from, the Council
- There is concern that a targeted rate could be applied to fund a community board, which would have a negative effect on the reasonably small population
- The BCCA is primarily focused on the operation and maintenance of the community centre and does not have a direct voice at the Council other than through submissions processes
- There is interest in the idea of a community committee as an alternative to a community board
- There is no provision for specific iwi representation on community boards, however this could be achieved through a community committee
- The Council noted the potential to undertake a village master-planning exercise, taking into account the freight hub, the ring road and the master plan for the Airport/Industrial Park area, to help provide some certainty for the community
- The Council suggested it could encourage Waka Kotahi to engage better with the community, and encourage NZ Post to address mail delivery issues

***Summary of issues***

41. The meetings traversed a range of issues. Different stakeholders emphasised their severity to a greater or lesser degree, but there was a similar understanding across stakeholders as to the issues facing the community.

42. We consider that the issues can be broadly classified as follows:

- The relationship between the Bunnythorpe community and the Council currently is not as strong as it could be
- There are issues with communication between the Bunnythorpe community and the Council, resulting in a lack of clarity and frustration for community members who wish to advocate and secure outcomes for the community
- There is uncertainty in the Bunnythorpe community, largely stemming from the potential effects that the freight hub and ring road may have on the community

## Matters for determination by the Commission

### *Is the Greater Bunnythorpe area a sufficiently distinct community of interest?*

43. The first question for us to consider is whether Greater Bunnythorpe can be considered a sufficiently distinct community of interest.
44. In its guidelines for local authorities undertaking representation reviews, the Commission notes that communities of interest are a three-dimensional concept, taking in the following aspects:
- *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
  - *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
  - *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.
45. All three aspects are equally important in identifying communities of interest. Communities of interest may also exist at different levels. For example, local authorities can be considered distinct and identifiable communities of interest but can also contain distinct communities of interest within their boundaries.
46. One of the key arguments in the Council's rejection of the proposal appears to have been that the Council did not consider Bunnythorpe to be a cohesive community distinct from the city-wide community of Palmerston North. The report to Council of 4 August 2021 notes:
- The Bunnythorpe community was not located very far away from the Palmerston North urban area, and the functional community of most residents of Bunnythorpe was Palmerston North in terms of employment, education and social activities;
  - The Bunnythorpe community was well-represented through district-wide wards, and well-catered for in terms of Council budgets;
  - Bunnythorpe was insufficiently different from other communities on the rural outskirts of Palmerston North which also shared infrastructure challenges, for example Longburn, Ashhurst and Aokautere;
  - It was unclear why some rural meshblocks closer to the urban area had been included in the proposal but others had not been.
47. With regards to the perceptual aspects of a community of interest, we heard that Bunnythorpe and the surrounding area is a well-connected community. Examples were given of the school, churches and other community clubs and organisations being

well supported and providing a sense of belonging in the community. The appellant considered that 'the lights of the village' were the heart of the community, but that surrounding rural areas were integral parts of the community.

48. We consider that the freight hub and ring road proposals give rise to unique challenges for the Bunnythorpe community. These developments are likely to result in economic benefits for the entire city, including Bunnythorpe, however the immediate burden of their construction is likely to be felt much more directly by the Bunnythorpe community than by other Palmerston North communities.
49. The rohe of local iwi is also an important factor in considering communities of interest. The rohe of Ngāti Kauwhata takes in Bunnythorpe and its immediate surroundings but does not extend into urban Palmerston North.
50. With regards to the functional aspects of communities of interest, Bunnythorpe village is small, but supports a primary school, a small shop and pub, a rugby club, volunteer fire brigade and several active churches. These meet some of the functional needs of the community.
51. As with other rural areas, Bunnythorpe residents seek some services, employment and education opportunities in nearby urban areas. For many residents, these functional needs are met in Palmerston North, but we also heard that residents maintain strong links with Feilding too. Bunnythorpe falls roughly halfway between Palmerston North and Feilding and we accept that the community's links with Feilding differentiate it from other communities of Palmerston North.
52. In terms of the political aspect of communities of interest, there is a long history of community groups in Bunnythorpe. There was an appeal and accompanying petition to the Council's 2018 representation review requesting the establishment of a Bunnythorpe Community. We heard that community groups were integral to the construction of the community centre and have advocated for the community for some years.
53. Taking into account the perceptual, functional and political aspects of communities of interest outlined above, we are satisfied that the Bunnythorpe community as identified in the proposal and appeal document is a distinct community of interest in Palmerston North.

***Could a community board assist in addressing the issues facing the Bunnythorpe community?***

54. In answering this question, we have considered the roles of community boards set out in section 52 of the Act, and whether they would be likely to improve the relationship between Council and community, provide better communication between Council and community and ease some of the uncertainty facing the community.
55. Under section 52, the roles of community boards are to:
  - a) Represent, and act as an advocate for, the interests of the community; and

- b) Consider and report on all matters referred to it by the territorial authority, or any other matter of interest or concern to the community board; and
  - c) Maintain an overview of services provided by the territorial authority within the community; and
  - d) Prepare an annual submission to the territorial authority for expenditure within the community; and
  - e) Communicate with community organisations and special interest groups within the community; and
  - f) Undertake any other responsibilities that are delegated to it by the territorial authority
56. A key role of community boards is to advocate for the community and to maintain an overview of services to the community. Community boards are a formal vehicle embedded within a council's governance structure, with specific responsibility for preparing an annual submission for expenditure within the community. Along with any other specifically delegated responsibilities, the legislative roles of community boards enable them to achieve specific goals within their communities.
57. The advocacy role of community boards could potentially assist the Bunnythorpe community, by providing a clear channel of communication between the community and the Council. The responsibility to maintain an overview of services provided by the territorial authority within the community could also potentially alleviate the concern that issues raised with the Council are not addressed in a timely manner.
58. Section 52 expressly gives community boards the power to consider and report on all matters referred to it by the territorial authority, or any other matters of interest or concern to the community board, and to prepare an annual submission for expenditure within the community. This could assist the community in advocating for itself at the Council and provides a formal mechanism by which issues facing the community might be directly addressed through future Long Term or Annual Plans.
59. It is possible that the establishment of a community board could assist the Bunnythorpe community in addressing some of the communication issues between the Council and the community. The formal structure of a community board may assist in improving the relationship between the community and the Council. However, a community board would not necessarily assist with the uncertainty regarding the freight hub and ring road developments.
60. We consider that this question can be answered sufficiently in the affirmative to consider whether a Bunnythorpe Community Board would promote good local government in Palmerston North City. However, we also note that it is equally possible that these outcomes could also be achieved by mechanisms other than a community board.

### ***Will a Bunnythorpe Community Board promote good local government in Palmerston North City?***

61. As set out in paragraphs 17-23 above, answering this question involves consideration of whether the establishment of a Bunnythorpe community would advance, move forward, enhance or improve the purpose of local government and the principles relating to local authorities, such that there would be an overall improvement in good local government, not just for the Bunnythorpe community, but across Palmerston North City as a whole.
62. We acknowledge that some aspects of the purpose of local government and the principles relating to local authorities may be enhanced by the establishment of a Bunnythorpe community. Establishing a Bunnythorpe community would likely improve democratic local decision making and action on behalf of the Bunnythorpe community. It is also possible that the social wellbeing of the Bunnythorpe community could be enhanced by there being a clear method by which the Council could hear directly from the community.
63. Likewise, several of the principles relating to local authorities may be enhanced by the establishment of a Bunnythorpe community. These include the principles in section 14(1)(a)(i), that a local authority should conduct its business in an open, transparent, and democratically accountable manner; and section 14(1)(c)(i), that when making a decision, a local authority should take account of the diversity of the community, and the community's interests within its district or region.
64. It is possible that a Bunnythorpe community would enhance transparency around matters relating to Bunnythorpe and ensure that the Council was aware of the views and interests of the Bunnythorpe community when making its decisions.
65. However, there are three matters that raise concerns for us as to whether establishing a Bunnythorpe community would promote good local government in Palmerston North City. These are:
  - The costs associated with the establishment, and on-going operational costs of, a community board;
  - The inability of community boards to provide for direct Māori or iwi representation; and
  - The possibility that establishing a community board would result in an imbalance in governance arrangements across the city.

#### *Costs associated with community boards*

66. We clearly heard the concerns of several stakeholders that the Council may possibly choose to fund a community board via a targeted rate on the Bunnythorpe community. If a targeted rate were imposed on the Bunnythorpe community to support a community board, the resulting increase in rates could result in a decrease in the economic wellbeing of residents in the Bunnythorpe community.

67. The costs associated with a community board also call into question the principle in section 14(1)(g), under which a local authority should ensure prudent stewardship and the efficient and effective use of its resources. A targeted rate may have a detrimental impact on the Bunnythorpe community. However, it is also unclear whether a community board funded from within the Council's current budget would be an efficient and effective use of its resources, especially if a more cost-effective method exists for addressing the issues the community is facing. We consider this point in more detail below.

#### *Māori representation*

68. One of the purposes of local government is to promote the cultural wellbeing of communities in the present and for the future. We have considered whether the establishment of a community board would be likely to promote the cultural wellbeing of Māori in the Bunnythorpe area, and what effect it may have on the cultural wellbeing of Māori across Palmerston North City.
69. We heard from stakeholders as to the strength of the relationship between the Bunnythorpe community and Ngāti Kauwhata. We also heard about the close links that exist between Ngāti Kauwhata and Rangitāne o Manawatū, and that an 'alliance approach' has been taken by Ngāti Kauwhata, Rangitāne o Manawatū and Ngāti Raukawa ki te Tonga to assist with interactions with KiwiRail in relation to the freight hub.
70. Given the level of proposed developments in the Bunnythorpe area, we think it is important that any enhanced representation of the Bunnythorpe community within the Council structure should allow for direct iwi participation. However, the Act does not provide for either direct Māori or iwi representation on community boards, and we are not convinced that enhanced representation of Bunnythorpe as a community should be at the expense of a specific Māori voice as part of that representation.
71. Given the large-scale developments planned for the Bunnythorpe area, we consider there is a risk that the lack of a direct Māori voice may result in the cultural wellbeing of the wider Palmerston North community being diminished. A similar question exists around the principle set out in section 14(1)(d), requiring local authorities to provide opportunities for Māori to contribute to its decision-making processes. As we go on to discuss below, we consider there may be other options available that are more likely to enhance the cultural wellbeing of the Bunnythorpe and wider Palmerston North communities.

#### *Balanced governance arrangements*

72. Our final concern is that the establishment of a Bunnythorpe community may result in an imbalance in governance arrangements across the city. That is, while there is the potential for enhanced democratic local decision, social wellbeing and increased transparency around matters relating to Bunnythorpe, these benefits do not necessarily extend city-wide.
73. It is possible that a greater emphasis on the issues of the Bunnythorpe community through the establishment of a community could be to the detriment of issues facing

other communities across the city. It is also possible that the establishment of a Bunnythorpe community may result in requests for other communities across the city, which would also result in similar issues in terms of costs and Māori representation as discussed above.

74. Taking the matters discussed above into account, we consider that the establishment of a Bunnythorpe Community and Bunnythorpe Community Board would not promote good local government in Palmerston North City.

## **Determination of the appeal**

75. For the reasons set out above, the Commission does not uphold the appeal.

## **Potential alternatives to a Bunnythorpe Community Board**

76. While we have not upheld the appeal in this instance, we have considered whether there are any alternatives that could result in a stronger relationship and improved communication between the Council and the community, and ease some of the uncertainty the Bunnythorpe community faces.
77. We are aware that many councils around the country utilise alternative arrangements to formal, elected community boards to facilitate community representation in a more informal manner. Examples include ward committees, community committees or community forums, with a focus on enhancing the relationship and communication links between councils and their various communities (alternative arrangements).
78. Alternative arrangements vary from council to council. Some are formal community committees forming part of the council's governance structure, whereas others are informal forums to allow the council to hear directly from the community. Likewise, there is a spectrum of delegated responsibilities, ranging from specific terms of reference, delegated responsibilities, budgets for placemaking activities and the ability to make recommendations to council, through to no specific responsibilities at all.
79. A common strand across alternative arrangements is a focus on relationship building and communication between the council and community. A strength of alternative arrangements is that there is flexibility in their structure, operation and membership. In particular, specific iwi representation is possible. The establishment and running costs of alternative arrangements are also lower than community boards, as formal elections are not required.
80. We think there is merit in considering alternative arrangements that would allow for representation of the Bunnythorpe community at the Council.
81. We have considered whether alternative arrangements at the less formal end of the spectrum would be likely to result in an improved relationship and communication between the Council and the community. For example, if the relationship between the



BCCA and the Council could be strengthened, or whether a separate community association could be established.<sup>6</sup>

82. However, we have some concerns as to whether less formal alternative arrangements would be likely to result in the improved relationship and communication that the community is seeking. We note that there have been community associations in the Bunnythorpe community for some time, including the current BCCA. While elected members and council officers have regularly attended its meetings, it has not resulted in the strong relationship and communication channels with the Council that the community is seeking.
83. We suggest that establishment of a formal Bunnythorpe Community Committee would be more likely to improve the relationship and communication between the Council. While we do not have the power to make a binding determination on this point, it is our strong recommendation that a formal committee be established.
84. In our view, a formal Bunnythorpe Community Committee should:
- Be embedded within the Council’s governance structure, to ensure a clear channel of communication between the Council and the community
  - Have terms of reference that include, at a minimum, events and placemaking activities in the community, and oversight of the provision of services in the community
  - Have the power to report on matters and make recommendations to the Council/the relevant committee of the Council
  - Have a modest budget for community events and/or placemaking projects, as well as the ability to request council consideration of funding for larger specific projects via the Long Term or Annual Plan
  - Be provided with regular updates regarding the freight hub, ring road or any other major developments in the community
  - Be supported by Council staff, with agendas and minutes issued in accordance with the Local Government Official Information and Meetings Act 1987
  - have membership comprised, at a minimum of:
    - At least four community members, one of whom could be a current member of the BCCA to ensure a close connection between the BCCA and the Community Committee;
    - No less than two members representing Ngāti Kauwhata;

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<sup>6</sup> We have become aware in the latter stages of our deliberations that the Bunnythorpe community is considering establishing an additional community association separate to the BCCA.

- Appropriate elected member representation, for example, the elected member/s holding the Neighbourhoods, Villages and Rural Portfolio

85. With regards to committee membership, we note that Rangitāne o Manawatū are mana whenua in Palmerston North. We have not engaged directly with Rangitāne o Manawatū during this process, however we heard from both the Council and Ngāti Kauwhata of the strong relationship each has with Rangitāne o Manawatū. As a result, we consider the door should be left open for Rangitāne o Manawatū membership on the committee if this is desired.

86. We acknowledge that there are costs associated with the establishment and operation of a community committee. These costs are lower than those associated with a community board, and we would encourage the Council to absorb these costs into current budget lines where possible.

#### *Opportunities for resolving uncertainty in the community*

87. We acknowledge that neither a formal community board, nor a community committee would necessarily alleviate the sense of uncertainty in the community resulting from the freight hub and ring road developments. However, the following actions may assist:

- The council's suggestion of undertaking a village master-planning exercise, which could assist the Bunnythorpe community to identify potential opportunities arising from the freight hub and ring road developments
- The Council's suggestion of encouraging external organisations such as KiwiRail, Waka Kotahi and NZ Post to liaise with the community to address some of the specific issues facing the community.

### **Recommendations of the Commission**

88. The Commission makes the following recommendations:

- That the Council liaise with the Bunnythorpe community, Ngāti Kauwhata and Rangitāne o Manawatū to establish a formal Bunnythorpe Community Committee, noting the considerations in paragraphs 83-85 above
- That the Council undertake a village master-planning exercise with the Bunnythorpe community
- That the Council encourage KiwiRail, Waka Kotahi and NZ Post to liaise with the Bunnythorpe community to address the specific issues of the community relating to each organisation

### **Conclusion**

89. While we have not upheld the appeal, we have made recommendations aimed at improving the relationship and communication between the Council and the Bunnythorpe community and alleviating the sense of uncertainty in the community

identified both by the appellant in the appeal document and discussed during stakeholder meetings.

90. We will monitor progress in these areas and will contact all parties in 2024 to assess developments.

### **Local Government Commission**

A handwritten signature in black ink, appearing to read "B. J. Duffy".

Commissioner Brendan Duffy (Chair)

A handwritten signature in blue ink, appearing to read "Sue Bidrose".

Commissioner Sue Bidrose

20 July 2023