



Local Government Commission

Mana Kāwanatanga ā Rohe

Determination of representation arrangements to apply for the election of the Ōpōtiki District Council to be held on 11 October 2025

Introduction

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. Under Section 19R of the Act, the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities.
2. Having completed its considerations, the Commission's determination upholds the Ōpōtiki District Council's final representation proposal as set out below.

Commission's determination¹

3. In accordance with section 19R of the Local Electoral Act 2001, the Local Government Commission determines that for at least the triennial general election of the Ōpōtiki District Council to be held on 11 October 2025, the following representation arrangements will apply:
 - a. Ōpōtiki District, as delineated on Plan LG-027-2025-W-1 will be divided into four wards and will be represented by a Council comprising the mayor and seven councillors elected as follows:

Ward	Councillors	Plan delineating area
Coast Māori Ward	1	LG-027-2025-W-2
Ōpōtiki Māori Ward	2	LG-027-2025-W-3
Rural General Ward	2	LG-027-2025-W-4
Urban General Ward	2	LG-027-2025-W-5

- b. There will be one community with a community board as follows:

¹ All plans referred to in this determination are deposited with the Local Government Commission.

Community/ Community Board	Area	Subdivision	Members*	Appointed members
Coast Community Board	Representing the area of the Coast Māori Ward	n/a	4	One elected member representing the Coast Māori Ward

*Number of members elected by the electors of each subdivision

4. The ratio of population to elected members for each ward will be as follows:

Wards	Population*	Number of members	Population per member	Deviation from district average population per member	% deviation from district average population per member
Rural General	2,790	2	1,395	-55	-3.79%
Urban General	3,010	2	1,505	55	+3.79%
Total general wards	5,800	4	1,450		
Coast Māori	1,140	1	1,140	-450	-28.30%
Ōpōtiki Māori	3,630	2	1,815	225	+14.15%
Total Māori wards	4, 770	3	1,590		
Total	10,570	7			

*Based on Stats NZ Tatauranga Aotearoa 2023 population estimates (2018 census base)

5. The community board will not be subdivided for electoral purposes.

Community board	Population*	Number of members^	Population per member	Deviation from community board average population per member	% deviation from community board average population per member
Coast Community Board	1,740	4	435	N/A	N/A

*Based on Stats NZ Tatauranga Aotearoa 2023 population estimates (2018 census base)

6. Under section 19V(6) of the Local Electoral Act 2001, the Commission upholds the decision of the Council not to comply with section 19V(2) in respect of the Coast Māori Ward and Ōpōtiki Māori Ward, as compliance would limit effective representation of communities of interest within the isolated communities of the Coast Māori Ward.
7. As required by section 19T(1)(b) of the Local Electoral Act 2001, the boundaries of the above wards and the community coincide with the boundaries of current statistical

meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

Background

8. Under sections 19H and 19J of the Local Electoral Act 2001 (the Act) territorial authority 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.
9. The Council last reviewed its representation arrangements prior to the 2022 local authority elections. In November 2023, it resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2025.
10. The Council's decision to establish Māori wards followed a non-binding poll in 2022. Because of this poll, the Ōpōtiki District Council was exempt from the amendments to the Local Electoral Act in 2024, and was not required to decide whether to rescind or affirm its decision to establish Māori wards.

Current representation arrangements

11. The Council last reviewed its representation arrangements prior to the 2022 local authority elections. The Council's current representation arrangements determined in 2022 are as follows:
 - a. A council comprising:
 - 6 members elected from 3 wards
 - Coast Ward (1 councillor)
 - Ōpōtiki Ward (3 councillors)
 - Waiokea-Waiōtahe-Otara Ward (2 councillors)
 - The Mayor elected at large.
 - b. A Coast Community Board, comprising 4 members plus one appointed member representing the Coast Ward.

Current review

Preliminary consultation

12. The Council undertook preliminary engagement including a survey that opened on 23 February 2024 and closed on 25 April 2024. The survey comprised multi-choice questions, and a section for more in-depth feedback where submitters were invited to write their responses. The Council received seventeen responses, with the majority responding to the multi-choice questions only. Council also had drop-in sessions at three East Coast locations – Pahaoa Marae, Te Kaha Resort and Waihau Bay. Different options were also presented to the Coast Community Board. Additionally, the Council engagement team had stalls at Tōrere for the regional kapa haka competition held on 23 and 24 February 2024, and also attended some of the regular markets in Ōpōtiki.

The Council's initial proposal

13. On 30 July 2024 the Council resolved its initial representation proposal for a council comprising the mayor and four councillors elected from 2 general wards and three councillors elected from two Māori wards. The proposal retained the Coast Communities and community board.

14. The initial proposed ward arrangements were as follows:

Wards	Population*	Number of members	Population per member	Deviation from district average population per member	% deviation from district average population per member
Rural General	2,790	2	1,395	-55	-3.79%
Urban General	3,010	2	1,505	55	+3.79%
Total general wards	5,800	4	1,450		
Coast Māori	1,140	1	1,140	-450	-28.30%
Ōpōtiki Māori	3,630	2	1,815	225	+14.15
Total Māori wards	4, 770	3	1,590		
Total					

*Based on Stats NZ Tatauranga Aotearoa 2023 population estimates (2018 census base)

15. The proposed community board arrangements were as follows:

Community board	Population*	Number of members^	Population per member	Deviation from community board average population per member	% deviation from community board average population per member
Coast Community Board	1,740	4	435	N/A	N/A

Submissions

16. The Council notified its initial representation proposal on 1 August and received twelve submissions by the deadline date of 6 September 2024. Seven submissions supported the Council's initial proposal; four did not support the proposal proposing changes to the number of councillors, or to the split of Māori and general ward councillors.

17. Key themes in the submissions were:

- One submitter sought fewer councillors
- One submitter supported the current arrangements
- One submitter sought four Māori ward councillors and four general ward councillors
- One submitter sought three Māori ward councillors and three general ward councillors

- One submitter sought two Māori ward councillors and five general ward councillors
18. At a meeting on 18 September 2024, the Council adopted its initial proposal as its final representation proposal.

The Council's final proposal

19. The Council publicly notified its final proposal on 27 September 2024. The public notice advised that the Coast Māori Ward and Ōpōtiki Māori Ward do not comply with the fair representation requirement of section 19V(2) of the Act (the +/-10% rule) as achieving compliance would require either of the below scenarios:
- (a) Increasing the number of councillors elected to the Ōpōtiki Māori Ward from two to three; or
 - (b) Moving the boundary between the Māori wards significantly west to increase the population of the Coast Māori Ward
20. Due to the non-compliance of the proposed the Coast Māori Ward and Ōpōtiki Māori Ward, the Council was required by section 19V(4) of the Act to refer its proposal to the Commission for determination. In addition, one appeal against the Council's proposal was received.

Appeal against the Council's final proposal

21. The Council referred the appeal to the Commission, in accordance with section 19Q of the Act.
22. The appeal was within the Commission's scope of powers to consider and was therefore considered valid.
23. The appeal argued that for Māori Wards, the proposed representation model does not meet the fair and effective representation principles and suggests that the Council introduce four Māori wards as opposed to three.

Hearing

24. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. The Commission is not limited to holding a hearing purely in response to appeals or objections. Rather, the need for a hearing is determined by the information provided by the relevant parties and as a result of any further inquiries the Commission may wish to make.
25. In the case of Ōpōtiki District Council's final proposal, the Commission considered it appropriate to further explore the matters to be determined. Accordingly, the Commission decided that a hearing was required.
26. The Commission met with the Council and the appellants and objectors who wished to be heard at a hearing held online on 25 February 2025. The Council was represented at the hearing by Mayor David Moore, Councillor Maxie Kemara and Stace Lewer, Chief Executive.
27. Jodi Porter spoke on behalf of Toi Rāwhiti, the appellant, representing a collective of three iwi, Whakatōhea, Ngāi Tai and Te Whānau a Apanui.
28. The Commission also invited a representative from the Coast Community Board to speak at the hearing. The community was represented by its chairperson, Linda Steele.

Matters raised at the hearing

29. Mayor David Moore, supported by Councillor Maxie Kemara and Stace Lewer, Chief Executive explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:
- a. Council undertook consultation and preliminary consultation with the community.
 - b. The Council believes that the East Coast area could be described as a remote and isolated community, and under sec 19V (3)(a)(i) non-compliance for the proposed Coast Māori ward (and therefore the Ōpōtiki Māori Ward) is required to ensure effective representation of communities of interest within the East Coast isolated community.
 - c. The Council sees that introducing a third councillor for the Ōpōtiki Māori Ward, while making the proposal compliant with the +/-10% rule would diminish the voice of the Coast Māori ward.
 - d. The proposed ward boundaries support communities of interest.
30. Jodi Porter, on behalf of Toi Rāwhiti, raised the following points in opposition to the Council's proposal:
- a. The proposed representation model does not meet the fair and effective representation principles of the Local Electoral Act, nor does it meet Toi Rāwhiti's partnership expectations as iwi, with recognised rights as mana whenua.
 - b. The Commission should meaningfully explore how the rohe of Whakatōhea, Ngāi Tai and Te Whānau a Apanui could be grouped as Māori wards to ensure effective iwi representation.
 - c. The Council's proposal would mean Ngāi Tai and Te Whānau a Apanui would share a Māori Councillor and Whakatōhea would have 2 in its rohe.
 - d. The appellant argued for an equal number of elected members across the Māori and general wards.
 - e. The appellant noted that the level of engagement from Council to ensure hapu and iwi were supported to be able to effectively engage was short of what would be expected in a Tiriti led partnership.
31. Linda Steele on behalf of the Coast Community Board made the following points:
- a. She acknowledged that Toi Rāwhiti's appeal reflected a broader conversation on equity, governance and the rights of Māori as mana whenua.
 - b. Ms Steele noted that the council needed to ensure both cultural sensitivity and be pragmatic, reflecting the community's needs across the ward structure and taking into account other considerations such as socio-economic factors.
 - c. Ms Steele noted that the Coast Community Board gives representation to the areas of Ngāi Tai and Te Whānau a Apanui.
 - d. On the subject of engagement, Ms Steele said that the Coast Community Board were fully engaged on the process.

Matters for determination by the Commission

32. 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 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.
33. 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
 - Whether wards may be defined and membership distributed between them in a way that does not comply with the +/-10% rule
34. The Council's review process is not one of the matters set out in sections 19H and 19J. Any concerns expressed by appellants and objectors relating to the Council's review process are not a basis for the Commission to overturn a council's proposal. The Commission may, however, comment on a council's process as part of its determination.
35. The appeal to the Council's final proposal raises the following overarching issues for the Commission to resolve:
- Are communities of interest for the Māori wards appropriately represented by the Council's final proposal?
 - Should there be four Māori ward councillors, in order to achieve compliance with the +/-10% rule?

Key considerations

36. 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:
- Communities of interest
 - Effective representation of communities of interest
 - Fair representation for electors

Communities of interest

37. 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.
38. All three dimensions are important and often interlinked. We note however, that there is often a focus on the perceptual dimension. That is, what councils, communities or individuals intuitively feel are communities of interest. It is not enough to simply state that a community of interest exists because it is felt that it exists; councils must provide evidence of how a sense of identity is reinforced, or how a community is distinct from neighbouring communities. Such evidence may be found by considering, for example:
 - How communities rely on different services and facilities to function as part of the wider district, city or region.
 - Demographic characteristics of an area (for example age, ethnicity or deprivation profiles) and how these differ from other areas.
 - How particular communities organise themselves and interact with others as part of the wider district, city or region.
39. The Council proposed that the general wards reflect the urban and rural components of the district. This seems to the Commission to be an accurate reflection of communities of interest.
40. Toi Rāwhiti suggested, however, that communities of interest are not appropriately represented by the proposed Māori wards. It argued that it is critical that a “community of interest” be explored within the context of iwi as tangata whenua and partners of Te Tiriti o Waitangi.
41. This was supported by a suggestion that the Commission determine new boundaries that are aligned with iwi boundaries. This is an option that the Commission was open to exploring and requested that Toi Rāwhiti provide guidance and/or maps outlining where these boundaries lay in order to be considered as a way of defining communities of interest.
42. This guidance was unable to be provided by Toi Rāwhiti in the timeframe required to meet the Commission’s statutory timeframes. Therefore, using these as a basis for identifying community of interest was not able to be considered by the Commission in making this determination.
43. Toi Rāwhiti advised that this would be an ongoing piece of work for them and once a map with greater detail is approved by iwi it will be a significant resource for all matters pertaining to the three iwi represented by Toi Rāwhiti within the Ōpōtiki District. This map would be an ideal resource for Ōpōtiki District Council’s next representation review, and we recommend that conversations with iwi are started early and this map, if complete and approved by all three iwi entities, be used as a key resource to assist in defining communities of interest.

44. The Council noted that the Coast Māori Ward area covers from Cape Runaway down the coastline to Tōrere and is widely accepted as a unique and isolated area, particularly due to the long distance from the furthest extent of the ward to Ōpōtiki. Furthermore, the Council noted that the Coast Māori Ward area aligns more or less with the rohe of Ngāi Tai and Te Whānau a Apanui and recognising their rohe in the ward enhances the opportunity for members of those iwi to be elected to the Council.
45. The Council explained that it seriously considered trying to shift the boundaries to meet the +/- 10% rule. However, either this did not make much difference to the proportions or meant splitting a community of interest.
46. Based on the above, communities of interest have been adequately identified, notwithstanding the opportunity to revisit this concept and consider iwi boundaries for Māori wards in the next representation review.

Fair and Effective representation of communities of interest

47. 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).
48. As the Council has resolved to establish Māori wards, it must also establish at least one general ward.
49. '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).
50. The 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.
51. 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.
52. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. Ōpōtiki District Council comprised a mayor and ten

- councillors from four wards on its constitution in 1989. This changed in 2004 when the Commission determined that there should be six councillors from three wards, and a Coast Community Board, which remains today.
53. Section 19V of the Act sets out the requirement for the Commission to ensure that electors receive fair representation. Section 19V(2) establishes fair representation as a population per member ratio per ward type (i.e. general or Māori) that does not differ by more than 10% across the district. This is also referred to as 'the +/- 10% rule'.
 54. Section 19V(3) of the Act provides that, despite subsection (2), if a territorial authority or the Commission considers one or more of certain prescribed conditions apply, wards may be defined and membership distributed between them in a way that does not comply with subsection (2). The prescribed conditions are:
 - a. Non-compliance is required for effective representation of communities of interest within island or isolated communities situated within the district of the territorial authority
 - b. Compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - c. Compliance would limit effective representation of communities of interest by uniting within a ward two or more communities of interest with few commonalities of interest.
 55. In the case of Māori wards, Schedule 1A of the Act provides that the boundaries of exiting Māori parliamentary electoral districts², and the rohe of iwi and hapu can also be considered when applying the +/-10% rule.
 56. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
 - a. Uphold the decision of the council, or
 - b. Alter that decision
 57. The Council's proposal results in two wards not complying with the +/-10% rule. The Coast Māori Ward has a non-compliance of -28.30% and the Ōpōtiki Māori Ward a non-compliance of +14.5%.
 58. The Council currently has six councillors. Under the Council's final proposal there would be seven councillors. Increasing the number of Māori ward councillors to four, as proposed by Toi Rawhiti, would bring the total number of councillors to eight.
 59. The statutory formula for determining the number of members to be elected by the electors of 1 or more Māori wards of the district of a territorial authority (Māori ward members) set out in Schedule 1A of the Act, is shown below:

$$nmm = mepd \div (mepd + gepd) \times nm$$
 where—
 - (a) **nmm** - is the number of Māori ward members
 - (b) **mepd** is the Māori electoral population or estimated Māori electoral population of the district

² No boundaries of Māori parliamentary electoral districts traverse Ōpōtiki District.

(c) **gepd** is the general electoral population or estimated general electoral population of the district

(d) **nm** is the proposed number of members of the territorial authority (other than the mayor).

60. Based on the above formula, both 3 or 4 Māori ward councillors, in a total number of councillors or 7 and 8 respectively, would be compliant with the statutory formula.
61. Therefore, the decision around whether to increase the number of Māori ward councillors (and therefore the total number of councillors in the district) rests on determining the most effective representation arrangements for communities of interest and for the district as a whole.
62. The Council has argued that the proposed Coast Māori Ward is isolated because of its distance from Opotiki town centre and the way the community organises itself and interacts with others as part of the wider district.
63. Based on the information provided by the Council and our own analysis and knowledge of this part of the District we agree that the ward contains isolated communities and an exception to the +/-10% rule would be necessary to ensure the effective representation of isolated communities, if the representation arrangements finally determined resulted in non-compliance.
64. We note that in 2004, the then Commission stated that it saw no evidence of isolation in the rural communities of the District, despite recognising the Coast Ward's remoteness, area, and sparse population. We have come to a different conclusion for the reasons outlined above. In addition, factors have changed in the context of this determination.
65. At the time of the 2004 determination there were no Māori wards, and the Commission determined three wards: Ōpōtiki, Coast and Waioeka-Waiotahi. For this 2025 review, the Waioeka-Waiotahi area has been included in the Ōpōtiki Māori ward. This increases the isolation of the Coast Māori Ward relative to that of the Ōpōtiki Māori Ward. At the time of the 2004 determination the Coast may not have been considered any more isolated than other rural areas. However since that time the community of interest has been further defined along with the ability of this community to receive appropriate representation by elected members.
66. The Coast Community is a distinct community of interest, this being further supported by the presence of a Coast Community Board. Ensuring appropriate representation of this community affects the representation for the Ōpōtiki Māori Ward also, particularly as there are only two Māori wards so any changes will directly impact the population-member ratio of the other.
67. A potential solution to the non-compliance of the areas would be to increase the number of members in the Ōpōtiki Māori Ward to 3 which would bring the percentage deviation from the district average population per member to -4.40% for the Coast Māori Ward and +1.47% for the Ōpōtiki Māori Ward.
68. The Council argued that having three members from the Ōpōtiki Māori Ward would diminish the voice of the Coast Māori Ward.
69. Noting this, it is appropriate to apply section 19V(3)(a)(i) non-compliance with subsection (2) is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority.

70. Furthermore, this would increase the total number of elected members for the district to eight, which is a significant number of members for a council of this size. We consider that a council of eight members (plus the Mayor and the Coast Community Board) may be likely to lead to over-governance of the district and agree that a seven-member council is more appropriate to a district of this size. The Commission is satisfied that the proposed Ōpōtiki Coast and Ōpōtiki Māori Ward arrangements appropriately balance the requirements for fair and effective representation and the Ōpōtiki Coast area can be considered an isolated community under section 19V(3) of the Act. The Commission upholds the Ōpōtiki Māori Ward and Coast Māori Ward's boundaries and allocation of members to them proposed by the Council.

Community Boards

71. 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.
72. The Council is proposing to maintain the Coast Community Board. There were no appeals in relation to this matter.
73. Having considered the Council's proposal we are satisfied that the proposed community board arrangements represent an appropriate area and contain a sufficiently distinct community of interest.
74. Accordingly, we endorse the Council's proposal in relation to this matter.

Commission recommendations

75. The Commission strongly recommends that in its next representation review, the Council work closely with iwi authorities and carefully explores how iwi boundaries might feed into understanding communities of interest.

Conclusion

76. We have made this determination pursuant to section 19R of the Local Electoral Act 2001 having considered the information before the Commission and the requirements of sections 19T and 19V of the Act.

Local Government Commission

Commissioner Brendan Duffy (Chair)

Commissioner Bonita Bigham

Temporary Commissioner Gwen Bull

7 April 2025