



Determination

of representation arrangements to apply for
the election of South Taranaki District Council
to be held on 12 October 2019

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. These 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, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The South Taranaki District Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Therefore, it was required to undertake a review prior to the next elections in October 2019.
3. At the time of the last review, there were no appeals/objections against the council's final proposal. As a result, the representation arrangements determined by the council applied for the 2013 and subsequent 2016 local authority elections. These arrangements are set out in the following table.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Egmont Plains	6,540	3	2,180	-65	-2.90
Eltham	4,210	2	2,105	-140	-6.24
Tangahoe	2,700	1	2,700	+455	+20.27
Hawera-Normanby	9,630	4	2,408	+163	+7.26
Patea	3,860	2	1,930	-315	-14.03
Total	26,940	12	2,245		

*Based on Statistics NZ 2011 population estimates

4. For its current review, the council began its consideration of representation issues and options at four workshops in 2017 and 2018. Subsequently a proposal for four wards electing a total of 12 councillors along with four community boards matching the four wards, was developed for community feedback.
5. Nine persons/organisations, including the existing community boards and Iwi Liaison Committee, provided feedback on the proposal.
6. At a meeting on 28 May 2018, the council adopted its initial representation proposal. The proposal was for the retention of a council comprising the mayor and 12 councillors elected from four wards as set out in the following table.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Ōpūnake-Manaia	6,940	3	2,313	-20	-0.86
Eltham-Kaponga	4,570	2	2,285	-48	-2.06
Hāwera-Tangahoe	12,580	5	2,516	+183	+7.84
Pātea	3,930	2	1,965	-368	-15.77
Total	28,000	12	2,333		

*Based on Statistics NZ 2017 population estimates

7. The proposal was also for four community boards with boundaries matching the four wards with each board comprising four elected members and one appointed member.
8. The council notified its initial proposal on 14 June 2018 and called for submissions by 16 July 2018.
9. The council received 21 submissions on its initial proposal with 14 of these in support of the proposal and one “neutral”. Eight submitters sought changes to the names of the wards/community boards.
10. At a meeting on 30 July 2018, the council, after considering the submissions, resolved to adopt its initial proposal as its final representation proposal subject to:
 - the proposed Ōpūnake-Manaia ward and community board being renamed Taranaki Coastal
 - the proposed Hāwera-Tangahoe ward and community board being renamed Te Hāwera.
11. The final representation proposal was notified on 9 August 2018 and appeals/objections invited by 10 September 2018. No appeals/objections have been received.
12. In accordance with section 19V(4) of the Act, the council has referred its decision not to comply with the statutory +/-10% fair representation in respect of Pātea Ward to the Commission for determination.

Matters for determination by the Commission

13. Section 19V(3)(a) of the Act makes it clear that if a territorial authority or the Commission considers that one or more of the following apply, wards may be defined and membership distributed between them in a way that does not comply with the '+/-10% rule':
 - a) non-compliance is required for effective representation of communities of interest within island communities 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 with few commonalities of interest.
14. Section 19V(4) then provides that in such a case, the territorial authority must refer its decision to the Commission for determination.
15. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
 - a) uphold the decision of the territorial authority, or
 - b) alter that decision.
16. Accordingly, the matters for determination by the Commission are limited to the council's decision to retain the current Pātea Ward with its current membership despite this ward not complying with the '+/-10% rule'. It is noted, however, that if the Commission does not uphold the council's decision, alteration of that decision may impact on the other ward arrangements.

Key considerations

17. Based on legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* 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

18. The Guidelines identify three dimensions for recognising communities of interest:
 - *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.
19. 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.
 20. In addition to evidence 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.
 21. In the case of South Taranaki, the district was constituted in 1989 as a union of the districts of Eltham, Hawera, Patea, Waimate Plains and Egmont County. Five wards were established for the new district based on communities of interest relating to the former districts and county.

Effective representation of communities of interest

22. Section 19T of the Act requires the Commission to ensure that:
 - the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a mix of both) will provide effective representation of communities of interest within the city
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
23. ‘Effective representation’ is not defined in the Act, but the Commission sees this as requiring consideration of factors including the appropriate total number of elected members and the appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
24. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members excluding the mayor. South Taranaki District Council has comprised a mayor and 12 councillors since its constitution in 1989.
25. The Commission’s Guidelines note the following factors need to be considered when determining effective representation:
 - avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents’ familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest

- accessibility, size and configuration of an area including access to elected members and vice versa.
26. South Taranaki District has had a ward system of representation since 1989 when the present five wards were established. While the proposal is now for four wards, Pātea Ward remains the same as the present ward and is clearly very familiar to residents.

Fair representation for electors

27. For the purposes of fair representation for the electors of a district, section 19V(2) 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’).
28. However, as noted, section 19V(3) provides discretion for a territorial authority or the Commission to define wards and distribute membership among them in a way that does not comply with subsection (2).
29. In relation to Pātea Ward, the council resolved, in accordance with section 19V(3)(iii) of the Act, that compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities with few commonalities of interest. This decision was based on the following information.
- a) The weighting of representation solely on population would take insufficient consideration of communities of interest of the residents of the current Pātea Ward and would limit effective representation of communities of interest by uniting two communities with few commonalities of interest.
 - b) The Pātea Ward is geographically isolated from the other wards, with transport connections relying on the State Highway.
 - c) The Pātea Ward consists of a large coastal area and three main valley systems – the Pātea, Whenuakura and Waitōtara Valleys – and the smaller Ngutuwerā-Mangawhio area that all feed to State Highway 3, and the towns of Pātea and Waverley. In order to achieve compliance with the +/-10% requirement, the boundary of the Pātea Ward would need to move to include 280 people who live in the current Tangahoe (proposed Te Hāwera Ward).
 - d) The residents of the affected meshblocks have no shared communities of interest with the residents of the Pātea Ward. The Manawapou River creates a natural physical boundary. Access to the Pātea Ward is only available along State Highway 3. While the eastern parts of the current Eltham (proposed Eltham-Kaponga) and Tangahoe (proposed Te Hāwera) wards have similar landforms (valleys), there are no functional links between the three areas i.e. no local roads connect the wards in the eastern area. The residents in the affected meshblocks look to Hāwera for their functional communities of interest, and have a perceived community of interest towards the north rather than the south of the district. The extent of the boundary changes to achieve compliance fails to meet the requirement of communities of interest, as it would merge different communities that have little in common.
 - e) People in the Pātea ward have a strong historical association with the current Pātea Ward boundary as this was the previous Pātea District Council boundary, and prior to that the Pātea County Council boundary.

30. In light of the above information, we have determined to uphold the council's proposal for Pātea Ward not to comply with the '+/-10% rule'.

Commission's determination

31. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of South Taranaki District Council not to comply with the section 19V(2) +/- 10% fair representation requirement in respect of Pātea Ward as compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities with few commonalities of interest.
32. Accordingly, for the general election of South Taranaki District Council to be held on 12 October 2019, there will continue to be the Pātea Ward, electing two councillors.
33. Therefore, for those elections for South Taranaki District Council, the following representation arrangements will apply:
1. South Taranaki District, comprising the area delineated on Plan LG-035-2019-W-1 deposited with the Local Government Commission, will be divided into four wards.
 2. Those four wards will be:
 - a) Taranaki Coastal Ward, comprising the area delineated on Plan LG-035-2019-W-2 deposited with the Local Government Commission
 - b) Eltham-Kaponga Ward, comprising the area delineated on Plan LG-035-2019-W-3 deposited with Local Government Commission
 - c) Te Hāwera Ward, comprising the area delineated on Plan LG-035-2019-W-4 deposited with the Local Government Commission
 - d) Pātea Ward, comprising the area delineated on SO Plan 13066 deposited with Land Information New Zealand.
 3. The council will comprise the mayor and 12 councillors elected as follows:
 - a) 3 councillors elected by the electors of Taranaki Coastal Ward
 - b) 2 councillors elected by the electors of Eltham-Kaponga Ward
 - c) 5 councillors elected by the electors of Te Hāwera Ward
 - d) 2 councillors elected by the electors of Pātea Ward.
 4. There will be four communities as follows:
 - a) Taranaki Coastal Community, comprising the area of Taranaki Coastal Ward
 - b) Eltham-Kaponga Community, comprising the area of Eltham-Kaponga Ward
 - c) Te Hāwera Community, comprising the area of Te Hāwera Ward
 - d) Pātea Community, comprising the area of Pātea Ward.
 5. The membership of each community board will be as follows:
 - a) Taranaki Coastal Community Board will comprise four elected members and one member appointed to the community board by the council representing Taranaki Coastal Ward

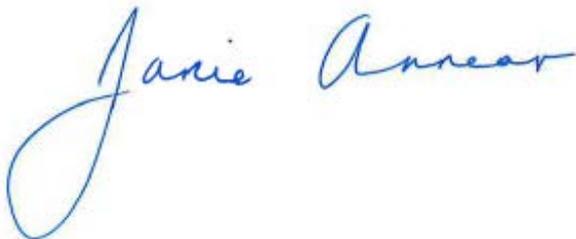
- b) Eltham-Kaponga Community Board will comprise four elected members and one member appointed to the community board by the council representing Eltham-Kaponga Ward
- c) Te Hāwera Community Board will comprise four elected members and one member appointed to the community board by the council representing Te Hāwera Ward
- d) Pātea Community Board will comprise four elected members and one member appointed to the community board by the council representing Pātea Ward.

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

LOCAL GOVERNMENT COMMISSION



Commissioner Pita Paraone (Chairperson)



Commissioner Janie Annear



Commissioner Brendan Duffy

10 April 2019