



Determination

of representation arrangements to apply for
the election of South Taranaki 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. 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 2019 local authority elections. That review resulted in a reduction in the number of wards from five to four. No appeals or objections were lodged against the final proposal for that review. However, in accordance with section 19V(4) of the Act, the council referred its decision not to comply with the +/-10% fair representation in respect of Pātea Ward to the Commission for determination.
3. The Commission upheld the council's decision not to comply with the +/-10% fair representation requirement in respect of Pātea Ward as it agreed that compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities with few commonalities of interest.
4. The representation arrangements applying for the 2019 local elections were for a council comprising the mayor and 12 councillors elected from four wards as follows:

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 Stats NZ 2017 population estimates

5. The previous review provided for four community boards with boundaries matching the four wards with each board comprising four elected members and one appointed member.
6. On 11 November 2020 the council resolved to establish Māori wards in the South Taranaki District for the 2022 triennial elections. This triggered the need for the council to undertake a representation review.

Current review

7. For its current review, the council began its consideration of representation issues and options through a series of workshops in 2021. Subsequently a round of informal consultation was undertaken before the council adopted its initial proposal on 4 August 2021.
8. The proposal was for a council comprising the mayor and 13 councillors elected from six 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
East Māori	2,980	1	2,980	410	+16.2
West Māori	2,160	1	2,160	-410	-15.8
Sub-total	5,140	2	2,570		
Taranaki Coastal General	4,970	2	2,485	+340	+15.78
Eltham-Kaponga General	4,120	2	2,060	-85	-4.02
Te Hāwera General	11,400	5	2,280	+135	+6.23
Pātea General	3,120	2	1,560	-585	-27.32
Sub-total	23,600	11	2,145		
Total	28,740	13			

*Based on Stats NZ 2020 population estimates

9. The proposal continued four community boards, with boundaries matching the four general wards with each board comprising four elected members, and one appointed member.
10. The council received 39 submissions on its initial proposal. Twenty-two submissions supported the Council's initial proposal, five supported the proposal with some changes to boundaries and the number of councillors, and six submissions did not support the proposal.
11. In addition, four submissions were unable to be considered as they did not relate to the representation review.

12. Key findings from the submissions were:
 - 24 submissions agreed to 13 councillors;
 - 3 submissions considered that 13 councillors were too many for the District;
 - 2 submissions considered that there should be an additional councillor allocated to the Taranaki-Coastal General Ward;
 - 2 submissions suggested that the Te Hāwera General Ward should be divided in two;
 - 4 submissions did not support the proposed boundary along Ōeo Road between the Eltham-Kaponga and Taranaki Coastal General Wards;
 - 27 submissions agreed to establish two Māori wards;
 - 26 submissions agreed to retain the four community boards;
 - 5 submissions proposed names for the two Māori wards.
13. As a result of the submissions received and to reflect communities of interest, the council amended the boundary between the Taranaki Coastal and Eltham-Kaponga general wards. The boundary moved from Ōeo Road to Auroa Road and follows the meshblock boundaries south of Skeet Road.
14. The council also resolved to name the proposed East Māori Ward, Te Tai Tonga Māori Ward and the proposed West Māori Ward, Te Kūrae Māori Ward as these names are considered more appropriate for these wards.
15. The Council rejected some matters raised in submissions for the following reasons:
 - Proposals to increase the number of councillors were rejected based on the support received in other submissions to retain the proposed number of 13 councillors;
 - Proposals to decrease the number of councillors were rejected based on the support received in other submissions to retain the proposed number of 13 councillors and because reducing the number of councillors would not provide effective representation;
 - Submissions recommending the Te Hāwera General Ward be divided into two were rejected as this would split a community of interest;
 - Submissions received on the principle of Māori wards were out of the scope of the representation review process.
16. The council adopted its final representation proposal on 11 October. It was notified on 21 October 2021 and appeals and objections invited by 26 November 2021. No appeals or objections were received. The final proposal was for a council comprising the mayor and 13 councillors elected from six 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
Te Tai Tonga Māori	2,980	1	2,980	410	+16.2
Te Kūrae Māori	2,160	1	2,160	-410	-15.8
Sub-total	5,140	2	2,570		
Taranaki Coastal General	5,090	2	2,545	+400	+18.62
Eltham-Kaponga General	3,990	2	1,995	-150	-7.01
Te Hāwera General	11,400	5	2,280	+135	+6.27
Pātea General	3,120	2	1,560	-585	-27.29
Sub-total	23,600	11	2,145		
Total	28,740	13			

*Based on Stats NZ 2020 population estimates

17. 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 Te Tai Tonga Māori Ward, Te Kūrae Māori Ward, Taranaki Coastal General Ward and Pātea General Ward to the Commission for determination.

Matters for determination by the Commission

18. 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':
- 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
 - compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities with few commonalities of interest.
19. Section 19V(6) provides that on receiving a reference under Section 19V (4), the Commission must determine whether to:

- a) uphold the decision of the territorial authority, or
 - b) alter that decision.
20. Accordingly, the matters for determination by the Commission are limited to the council's decision to establish Te Tai Tonga Māori Ward and Te Kūrae Māori Ward, and continue the Taranaki Coastal General Ward and Pātea General Ward with their current membership despite not complying with the '+/-10% rule'.

Key considerations

21. 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

22. 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.
23. 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.
24. 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.

Effective representation of communities of interest

25. 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 district

- ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
26. '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).
27. 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.
28. South Taranaki District has had a ward system of representation since 1989 when five wards were established based on communities of interest relating to the former Eltham, Hawera, Patea, and Waimate Plains districts and Egmont County. In 2019 the number of wards reduced to 4 and the current proposal increases the number to 6, including 2 Māori wards.

Fair representation for electors

29. 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').
30. 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).
31. In relation to Māori wards, clause 6, Schedule 1A of the Act requires that they meet the +/-10% rule to the extent reasonably practicable and having regard to "the boundaries of any existing Māori electoral district¹, and communities of interest and tribal affiliation".

Te Kūrae Māori Ward and Te Tai Tonga Māori Ward

32. Early in the council's process, Iwi indicated that in principle their preferred option was for two Māori wards. The council's initial proposal included two Māori wards, neither

¹ "Māori electoral district" means a Parliamentary Māori electorate.

of which were compliant with the “+/- 10% rule” The rationale for this was that the boundary between the two wards reflects communities of interest and rohe boundaries. Support for two wards and the associated boundary was confirmed in the council’s submission process.

33. In making its final proposal the council noted that the boundary between the Māori wards was defined by Ngāruahine and Ngāti Ruanui in relation to the Te Kūrae Māori Ward and by Ngāti Ruanui and Ngaa Rauru Kītahi for the Te Tai Tonga Māori Ward, as reflecting the rohe of those iwi.
34. In light of the above information, the Commission has determined to uphold the council’s proposal for Te Kūrae Māori Ward and Te Tai Tonga Māori Ward not to comply with the ‘+/-10% rule’ on the basis that it has regard to “tribal affiliations”.

Pātea General Ward

35. In making its final proposal, the council noted that the wards reflect identified communities of interest while also providing fair and effective representation of those communities of interest while recognising the needs of geographically distinct communities.
36. The Commission considered the matter of non-compliance for the Pātea ward in 2019. In its 2019 determination the Commission noted that the council had concluded that compliance in relation to the Pātea ward would limit effective representation of communities of interest by uniting within a ward, two or more communities with few commonalities of interest.
37. Factors leading the council to make that decision included that:
 - a) The Pātea Ward is geographically isolated from the other wards, with transport connections relying on the State Highway.
 - b) Moving boundaries to achieve compliance would result in the grouping together of areas with no community of interest
 - c) 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.²
38. The factors identified in 2019 are considered to still be applicable. In light of this, the Commission has determined to uphold the council’s proposal for Pātea General Ward not to comply with the ‘+/-10% rule’.

Taranaki Coastal General Ward

39. In making its initial proposal, the council acknowledged that the Taranaki Coastal General Ward would have two councillors instead of the current three councillors. This resulted in the ward being under represented instead of being slightly over represented. The initial proposal provided in order to partially address the non-compliance, moving part of the boundary from Auroa Road to Ōeo Road.

² The full list of factors can be found in paragraph 29 of the Commission’s 2019 determination. See [LGC South Taranaki District determination 2019](#)

40. In response to submissions against the moving of this boundary, the council's final proposal returned it to Auroa Road, to avoid splitting a community of interest. This resulted in an increase in non-compliance to +18.6%.
41. In making its final proposal, the council noted that the wards reflect the identified communities of interest while also providing fair and effective representation of those communities of interest while recognising the needs of geographically distinct communities. The Commission does not agree that this provides "fair representation" as this is defined by section 19V(2) of the Act as compliance with the +/-10% rule. The Commission does agree, however, that non-compliance for the Taranaki Coastal Ward is justified to reflect the council's conclusion that the ward comprises geographically distinct communities.
42. In light of this, the Commission has determined to uphold the council's proposal for the Taranaki Coastal General Ward not to comply with the '+/-10% rule'.

Commission's determination

43. 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 Te Tai Tonga Māori Ward, Te Kūrae Māori Ward, Taranaki Coastal General Ward and Pātea General 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.
44. 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-035-2022-W-1 deposited with the Local Government Commission, will be divided into two Māori wards and four general wards.
 2. Those six wards will be:
 - a) Te Kūrae Māori Ward, comprising the area delineated on LG-035-2022-W-2
 - b) Te Tai Tonga Māori Ward, comprising the area delineated on LG-035-2022-W-3
 - c) Taranaki Coastal Ward, comprising the area delineated on LG-035-2019-W-4 deposited with the Local Government Commission
 - d) Eltham-Kaponga Ward, comprising the area delineated on LG-035-2019-W-5 deposited with Local Government Commission
 - e) Te Hāwera Ward, comprising the area delineated on LG-035-2019-W-6 deposited with the Local Government Commission
 - f) Pātea Ward, comprising the area delineated on SO 13066 deposited with Land Information New Zealand.
 3. The council will comprise the mayor and 13 councillors elected as follows:
 - a) 1 councillor elected by the electors of Te Kūrae Māori Ward
 - b) 1 councillor elected by the electors of Te Tai Tonga Māori Ward
 - c) 2 councillors elected by the electors of Taranaki Coastal General Ward

- d) 2 councillors elected by the electors of Eltham-Kaponga General Ward
 - e) 5 councillors elected by the electors of Te Hāwera General Ward
 - f) 2 councillors elected by the electors of Pātea General Ward.
4. There will be four communities as follows:
- a) Taranaki Coastal Community, comprising the area of Taranaki Coastal General Ward
 - b) Eltham-Kaponga Community, comprising the area of Eltham-Kaponga General Ward
 - c) Te Hāwera Community, comprising the area of Te Hāwera General Ward
 - d) Pātea Community, comprising the area of Pātea General 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 either the Taranaki Coastal General Ward or Te Kūrae Māori Ward
 - b) Eltham-Kaponga Community Board will comprise four elected members and one member appointed to the community board by the council representing either the Eltham-Kaponga General Ward or Te Kūrae Māori Ward
 - c) Te Hāwera Community Board will comprise four elected members and one member appointed to the community board by the council representing either Te Hāwera Ward or Te Tai Tonga Māori Ward or Te Kūrae Māori Ward
 - d) Pātea Community Board will comprise four elected members and one member appointed to the community board by the council representing either the Pātea General Ward or Te Tai Tonga Māori Ward.
2. 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 Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Sue Piper



21 February 2022