



## Determination

of representation arrangements to apply for the  
election of the Taranaki Regional Council to be held  
on 8 October 2022

### Background

1. All regional councils are required under section 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Representation reviews are to determine the number of constituencies, the name and boundaries of those constituencies and the number of councillors to be elected by each constituency.
2. The Taranaki Regional Council (the Council) last reviewed its representation arrangements prior to the 2019 local authority elections. In April 2021 it resolved to establish a Māori constituency. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. No appeals or objections were received on the Council's last review. However, as two of the constituencies did not comply with fair representation requirements, the Commission was required to determine representation arrangements to apply for the 2019 election.
4. Consequently, for the 2019 elections, the Council comprised 11 councillors elected from four constituencies as follows:

Constituency	Electoral population estimate*	Number of councillors per constituency	Population per councillor	Deviation from region average pop <sup>n</sup> per councillor	% deviation from region average pop <sup>n</sup> per councillor
North Taranaki	23,000	2	11,500	775	+7.23
New Plymouth	57,700	5	11,540	815	+7.60
Stratford	9,270	1	9,270	-1,455	-13.57
South Taranaki	28,000	3	9,333	-1,392	-12.98
<b>Total</b>	<b>117,970</b>	<b>11</b>	<b>10,725</b>		

\*Based on Tauranga Aotearoa Stats NZ 2017 electoral population estimates

## Current review: Council process and proposal

### *Preliminary consultation*

- Between May and June 2021, the Council held workshops to identify communities of interest in the region and to consider potential representation arrangements.

### *The Council's initial proposal*

- On 29 June 2021 the council resolved as its initial representation proposal a council comprising 11 members elected from five constituencies.
- The initial proposed constituency arrangements were as follows:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop <sup>n</sup> per councillor	% deviation from district average pop <sup>n</sup> per councillor
North Taranaki General	21,500	2	10,750	-248	-2.25
New Plymouth General	55,900	5	11,180	182	+1.65
Stratford General	8,980	1	8,980	-2,018	-18.35
South Taranaki General	23,600	2	11,800	802	+7.29
<b>Total General</b>	<b>109,980</b>	<b>10</b>	<b>10,998</b>	N/A	N/A
Taranaki Māori	14,600	1	14,600	N/A	N/A
<b>Total</b>	<b>124,580</b>	<b>11</b>	N/A	N/A	N/A

\*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

- In the initial proposal all general constituencies aside from the Stratford Constituency complied with section 19V(2) of the Act (the '+/-10% rule').
- The Council notified its proposal on 9 July 2021 and received 14 submissions by the deadline of 13 August 2021. Five submitters were heard by Council on 24 August 2021.
- Of the 14 submissions received, two submissions supported or were neutral on the Council's initial proposal, seven did not support all aspects of the proposal, and five were considered out of scope.
- Key themes in the submissions were:
  - A desire for increased Māori representation on the Council, through a greater number of Māori constituency members than the one member included in the Council's initial proposal (seven submissions); and
  - A desire for increased rural representation on the Council, by adding a third South Taranaki Constituency member, and thereby increasing membership of the Council to at least 12 (two submissions).

12. In deliberations following the hearing of submissions the Council discussed the number of members in the proposal. It was agreed that the report informing the final representation proposal should consider options for both an 11-member Council (as per the initial proposal) and a 13-member Council.
13. At a meeting on 21 September 2021, the Council resolved to confirm its initial proposal as its final proposal for the 2022 local elections without any changes.
14. The Council publicly notified its final proposal on 24 September 2021.

### **Appeals/objections against the council's final proposal**

15. Two appeals received on the Council's final proposal were considered valid or partially valid. Both requested increased Māori representation on the Council, by way of an additional Māori constituency member.
16. The Council referred the appeals to the Commission, in accordance with section 19Q of the Act.
17. The only possible way to increase Māori representation on the Council in line with the formula in Schedule 1A of the Act for calculating the number of Māori and general constituency members would be to increase the total number of councillors from 11 to 13. The Commission therefore treated both appeals as requesting an increase in the number of councillors to provide for additional Māori representation.

### **Hearing**

18. The Commission met with the Council and the two appellants at a hearing held in the Taranaki Regional Council Boardroom on 15 December 2021. The Council was represented at the hearing by Chair David MacLeod and Chief Executive Steve Ruru. They were supported by Director – Corporate Services, Mike Nield, and Consultant, Dale Ofoske.
19. The following appellants appeared at the hearing:
  - a. Paora Laurence
  - b. Emily Bailey

### ***Matters raised at the hearing***

20. Chair David MacLeod and Chief Executive Steve Ruru explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:
  - a. The Council is one of the smaller regional councils in geographic size, with much of the population based around the urban New Plymouth area. The region covers a variety of environments, including hill country, national park/bush reserve, rural plains and urban towns alongside the New Plymouth urban area. The Council acknowledged the iwi of Taranaki and the relationship each had with the Council.

- b. Following the decision to establish a Māori constituency, the Council held workshops to consider different representation options, which included options ranging from nine to 13 members. The Council wished to retain existing constituencies as much as possible as these reflected communities of interest and were familiar to electors. It was felt that adjusting constituency boundaries to ensure the +/-10% rule was met would result in a complicated constituency system that did not match territorial authority boundaries or ward boundaries, nor communities of interest.
- c. The Council had been mindful of the submissions seeking an increase in the number of Māori constituency members and retention of the same weighting of rural members that the Council currently has. The Council had rigorously debated whether to increase membership to 13 to achieve both of these objectives, however had ultimately concluded that an 11-member council was appropriate for the region. Given the relatively compact size of the region and the work undertaken by the Council, it was felt that a 13-member Council would result in over-governance for the region.
- d. The Council also took into consideration that its two main committees, the Policy and Planning Committee and the Consents and Regulatory Committee, carry a heavy workload and provide focus to the decisions of Council. Each of these committees has three direct iwi appointments, and the Policy and Planning Committee also included a Federated Farmers' appointee and territorial authority appointees. The Council appreciated the input of appointees to these committees and felt well-informed of iwi and rural perspectives in its decision-making as a result.
- e. The Council acknowledged that its relationship with iwi and Māori across the district was still developing, and the establishment of a Māori constituency was seen by the Council as another step towards a more robust partnership. The Council understood the challenges for one Māori constituency member in representing the aspirations of iwi and Māori in the region, but the most important aspect for the Council was to have a Te Ao Māori perspective at the Council table.
- f. The Council acknowledged that the Stratford Constituency did not meet the +/-10% rule but considered there was a clear community of interest and that a separate Stratford Constituency was required for effective representation. The Council noted that the Stratford Constituency had never met the +/-10% rule but it had been upheld by the Commission in past determinations.
- g. The Council's representation review process had progressed more quickly than the New Plymouth District Council representation review process. The Council was aware that the New Plymouth District Council was considering a wide range of different ward boundary options, but the Council's decision on its final representation proposal had occurred while the New Plymouth District Council initial proposal submission period was still open and at that point the New Plymouth District Council final ward structure was not known. The Council would accept the New Plymouth and North Taranaki Constituency boundaries being adjusted to coincide with the New Plymouth District Council

ward boundaries but observed that this may put pressure on adherence to the +/-10% rule.

21. The appellants emphasised the following points in opposition to the Council's proposal:
- a. One of the main objectives of the Council was to manage and protect the environment, however it was felt that economic interests were often prioritised over environmental interests. The appellants believed that two Māori constituency members would ensure a greater focus was placed on environmental protection matters, and that the issue of environmental management would be considered from a more holistic perspective.
  - b. Taking a Te Ao Māori approach to environmental management would provide additional perspectives in the management of natural resources that were currently missing from Council decision-making. By upholding the mana of natural resources such as waterways, the mana of local residents would also be upheld, thereby ensuring a stronger and more resilient community.
  - c. A single Māori constituency member would carry a heavy burden in bringing the Te Ao Māori perspective to the council table. It was noted that there were 62 hapū and 46 marae across the region, which would lead to accessibility barriers for the single Māori constituency member being able to reach Māori constituents and vice versa. There were socio-economic barriers that had traditionally led to low participation from Māori in engaging with Council issues, which could be alleviated and enhanced with a second Māori constituency member.
  - d. While there were three iwi appointees on each of the Consents and Regulatory Committee and Policy and Planning Committee, these committees did not participate directly in, and at best could only influence, the overall strategic direction of the Council. While the committees had participated in the workshops relating to the representation review, the significance of the decisions relating to representation matters had not been emphasised to the committees and it was possible that the opportunity to influence the representation review process had not been understood by all committee members.
  - e. The iwi of Taranaki traced their whakapapa back to three waka, and there were differences in tikanga practices between the north and south of the region. The way constituency boundaries were drawn meant that there was a heavy weighting of members representing the northern half of the region, whereas the southern part of the region was geographically much larger. The weighting between the north and south of the district could be more balanced with a council of 13 members.

## **Matters for determination by the Commission**

22. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation

proposal, is required to determine, in the case of a regional council, all the matters set out in section 19I which relate to the representation arrangements for regional councils. 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.

23. The matters in the scope of the review are:
- the overall number of councillors
  - the area and boundaries of constituencies and the number of members to be elected from each constituency

### Key considerations

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

### Communities of interest

25. 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.
26. Under section 19E of the Act, regions must be divided into constituencies for electoral purposes. For the purpose of effective representation of communities of interest, section 19U(c) requires constituency boundaries, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
27. The Taranaki Regional Council representation process proceeded ahead of the New Plymouth District Council representation review. The final New Plymouth District Council representation model has resulted in significant changes to its ward

structure. The Commission has issued its determination on the New Plymouth District Council representation arrangements and has upheld the District Council's ward model. This means that the proposed New Plymouth and North Taranaki Constituency boundaries no longer coincide with territorial authority boundaries or territorial authority ward boundaries.

28. Therefore, the Commission is now required to consider whether the proposed North Taranaki and New Plymouth Constituency boundaries should be upheld or adjusted to match the New Plymouth District Council ward boundaries as determined by the Commission. We consider this matter further below.
29. Despite the additional issues relating to the proposed constituency boundaries, we consider that it was reasonable for the Council to take the communities of interest reflected in existing territorial authorities or their wards as a starting point for communities of interest to be reflected in constituencies. We note that the Council has been divided into the same four constituencies since its constitution in 1989, with minor boundary changes to reflect territorial authority ward boundary changes and would be familiar to electors.
30. We are satisfied that the Council appropriately identified broad communities of interest for the purpose of its representation review.

### **Effective representation of communities of interest**

31. 'Effective representation' is not defined in the Act. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
  - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
  - b. not splitting recognised communities of interest between electoral subdivisions
  - c. not grouping together two or more communities of interest that share few commonalities of interest
  - d. accessibility, size and configuration of an area including access to elected members and vice versa.
32. 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 region 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 constituency.

### ***Number of elected members***

33. Section 19D of the Act provides that regional councils shall consist of between six and 14 members. The Council comprised of 11 members from 1989 to 1992, 10 members from 1992 to 2007, and has remained at 11 members since 2007.

34. The number of members is the key issue in the appeals to the Council's final representation proposal. With a Council of 11 members as in the Council's final representation proposal, the formula in Schedule 1A to the Act provides for one Māori constituency member. If the number of members is raised to 13, the formula in Schedule 1A to the Act will provide for two Māori constituencies, as the appellants have requested.
35. We note that the Council specifically considered a 13-member option when resolving its final proposal but confirmed its 11-member initial proposal instead. At the hearing, the Council explained that a 13-member council would be too large for the geographic size of the Council and the issues it faced – essentially it would result in over-governance for the region. We heard that the Council had strong iwi representation on its two main committees, as well as access to rural views to help inform its decision-making.
36. The Council also emphasised that the establishment of the Māori constituency was just one of the steps the Council had taken in its journey to a more robust partnership with iwi and the wider Māori population of the Taranaki region.
37. We heard from the appellants that they felt a Te Ao Māori perspective has been missing from discussions and decision-making at the council table. We heard of the impact that taking a Te Ao Māori approach could have on Council's responsibilities, particularly with regards to environmental management. The appellants described how, when the environment was healthy and thriving, so would be the communities living there, and the important responsibilities the Council held in striving to achieve this balance.
38. The appellants also emphasised that a single Māori constituency member would carry a heavy burden in representing the aspirations of Māori across the region. Taking into account regional tikanga differences and the number of hapū and marae across the region, the appellants suggested that this was too large a responsibility for one member. They also emphasised the benefits of a diversity of experience and views that a second Māori constituency member could bring to the Council table.
39. The appellants were generous with their knowledge of tikanga and Te Ao Māori and how it could be applied to achieve robust and wholistic decision-making at Council, particularly with regards to environmental management issues. We acknowledge their passion for these issues.
40. The overarching question for the Commission to consider is the total number of members necessary to provide effective representation for the region as a whole. While we accept that there would be benefits to the Council with a second Māori constituency member, the only possible way to achieve this would be to increase the number of councillors to 13. This is two more members than the current council size and would represent a significant increase.
41. We acknowledge the views of the Council that, while covering a diverse range of environments, the geographic size of the region and the overall population is relatively small when compared against other regional councils in the country. We

also note that the Council has always maintained a membership of either 10 or 11 members, so an increase to 13 members would be significant.

42. Ultimately, we agree with the Council that 13-members would be likely to lead to over-governance of the region and we agree that an 11-member council is more appropriate for the size of the region. We therefore uphold the Council's final representation proposal of an 11-member council, with 10 general constituency members and one Māori constituency member.
43. However, we acknowledge the issues raised by the appellants regarding the burden that a single Māori constituency member will face in representing the entire region. We recommend that the Council ensure that sufficient support is provided to the Māori constituency member to recognise the larger geographic area and diversity of communities that the Māori constituency member will be representing.

### *Constituency boundaries*

44. As described above, one of the issues before us is whether to uphold the proposed New Plymouth and North Taranaki Constituency boundaries, noting that they do not coincide with territorial authority boundaries or territorial authority ward boundaries, or whether to adjust the boundaries so that they do coincide.
45. This issue rests on the changes that the New Plymouth District Council has made to its ward structure as part of its recently concluded representation review. The New Plymouth District Council was previously divided into three wards, being the New Plymouth City Ward and two predominantly rural wards, the North Ward and the South-West Ward. The New Plymouth Constituency coincided with the boundaries of the previous New Plymouth City Ward, and the North Taranaki Constituency followed the boundaries of the combined North and South-West Wards.
46. In its final representation proposal, the New Plymouth District Council altered its ward structure so that the urban New Plymouth area is located within a geographically larger Kaitake-Ngāmotu General Ward, which covers the coastline south of New Plymouth City and much of the south-western part of the New Plymouth District. The previous South-West Ward has been re-configured into a smaller Kōhanga Moa General Ward and the North General Ward is largely unchanged. The Commission upheld the New Plymouth District Council ward structure in its determination dated 28 March 2022.
47. The requirement in section 19U(c) of the Act is for constituency boundaries to coincide, so far as is practicable, with territorial authority boundaries or territorial authority ward boundaries. We interpret this requirement to mean that there should not be needless deviation from territorial authority boundaries or territorial authority ward boundaries and that where deviation does occur, there should be good reason for doing so. An example of good reason for deviating from territorial boundaries or ward boundaries would be to achieve more effective representation of communities of interest, for example where constituency boundaries follow communities based around river catchments rather than territorial authority ward boundaries.

48. In this case, we do not think that good reason exists to deviate from territorial authority ward boundaries. Instead, we consider that in this case the deviation from territorial authority ward boundaries represents an accident of timing, in that the Taranaki Regional Council representation review processes concluded at an earlier stage than the New Plymouth District Council representation review.
49. The Council explained at the hearing that it was comfortable with the constituency boundaries being adjusted to align with the New Plymouth District Council ward boundaries – from the Council’s perspective the only potential effect would be to affect adherence to the +/-10% rule.
50. If the constituency boundaries were to be adjusted, the variances from the +/-10% rule would be as follows:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop <sup>n</sup> per councillor	% deviation from district average pop <sup>n</sup> per councillor
North Taranaki General (corresponding to NPDC North and Kōhanga Moa General Wards)	19,300	2	9,650	-1,358	-12.34
New Plymouth General (corresponding to the NPDC Kaitake-Ngāmotu General Ward)	58,200	5	11,640	632	+5.74
Stratford General	8,980	1	8,980	-2,028	-18.42
South Taranaki General	23,600	2	11,800	792	+7.19
<b>Total General</b>	<b>110,080</b>	<b>10</b>	<b>11,008</b>	N/A	N/A
Taranaki Māori	14,600	1	14,600	N/A	N/A
<b>Total</b>	<b>124,680</b>	<b>11</b>	N/A	N/A	N/A

\*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

51. The variances for the Stratford and South Taranaki General Constituencies remain similar to the variances in the Council’s final proposal. The main changes are for the North Taranaki and New Plymouth Constituencies. The New Plymouth Constituency goes from a variance of +1.65% in the Council’s final proposal to +5.74%, but still remains within the +/-10% rule. However, the North Taranaki Constituency goes from -2.25% in the Council’s final proposal to -12.34%, outside the +/-10% rule.
52. Despite the non-compliance of the North Taranaki Constituency with the +/-10% rule in this model, we do not consider that good reason exists to deviate from the updated New Plymouth District Council ward model. . While electors are undoubtedly familiar with the current constituency boundaries, we do not think that maintaining these boundaries in perpetuity would enhance effective representation of communities of interest. We consider that effective representation of communities of interest is better served by the North Taranaki and New Plymouth

Constituency boundaries coinciding with the New Plymouth District Council ward boundaries.

53. We conclude that:

- the New Plymouth Constituency boundaries should be adjusted to coincide with the boundaries of the New Plymouth District Council Kaitake-Ngāmotu General Ward; and
- the boundaries of the North Taranaki Constituency should be adjusted to coincide with the boundaries of the New Plymouth District Council Kōhanga Mōa and North General Wards.

### **Fair representation for electors**

54. Section 19V(2) of the Act requires that the population of each constituency divided by the number of members to be elected by that constituency must produce a figure no more than 10 per cent greater or smaller than the population of the region divided by the total number of elected members (the '+/-10% rule').
55. Section 19V(3)(b) provides further that, if a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with section 19V(2).
56. In the Council's final representation proposal, the only constituency that did not comply with the +/-10% rule is the Stratford General Constituency, at -18.42%. Having determined that the constituency boundaries should be adjusted to coincide with the New Plymouth District Council ward boundaries, the North Taranaki Constituency is now also non-compliant with the +/-10% rule, at -12.34%.
57. We note that the Council considered a range of different options for constituencies in its early workshops, some of which would have been compliant with the +/-10% rule. However, these options were rejected on the grounds that they would not result in effective representation of communities of interest.
58. For the Stratford Constituency to become compliant with the +/-10% rule, at least 927 people would need to be moved from the South Taranaki Constituency into the Stratford Constituency. For the North Taranaki Constituency to become compliant with the +/-10% rule, a further 257 people would need to be moved into the North Taranaki Constituency, either from the New Plymouth Constituency or from the Stratford Constituency.
59. There is no easy way of achieving these movements of people from one ward to another in order to achieve compliance with the +/-10% rule. In particular, to achieve compliance with the +/-10% rule would require moving constituency boundaries away from territorial authority boundaries or territorial authority ward boundaries. We do not think that compliance with the +/-10% rule constitutes good reason for doing so. We also consider that moving people from one constituency to another in order to achieve compliance with the +/-10% rule would detract from

effective representation principles and be more likely to result in splitting communities of interest.

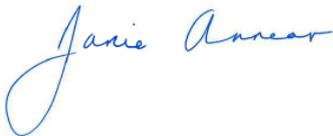
60. The Council has a history of one or more constituencies falling outside of the +/-10% range and the Commission has previously upheld variances outside the +/-10% rule for the South Taranaki and Stratford constituencies. We consider that variances, of -12.34% for the North Taranaki Constituency, and -18.42%, for the Stratford Constituency, are not significant in view of section 19V(3)(b) of the Act that provides that, if a regional council of the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with section 19V(2).
61. We consider that the non-compliance of the North Taranaki and Stratford Constituencies is justified in this case in the interests of effective representation of communities of interest. We therefore uphold the North Taranaki and Stratford Constituencies despite their non-compliance with the +/-10% rule.

### **Commission's determination**

62. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Taranaki Regional Council to be held on 8 October 2022, the following representation arrangements will apply:
  1. Taranaki Region, as delineated on Plan LG-07-2022-Con-1 deposited with the Local Government Commission, will be divided into five constituencies.
  2. Those five constituencies will be:
    - a. the Taranaki Māori Constituency, comprising the area delineated on Plan LG-07-2022-Con-2 deposited with the Local Government Commission
    - b. the North Taranaki General Constituency, comprising the area delineated on Plan LG-07-2022-Con-3 deposited with the Local Government Commission
    - c. the New Plymouth General Constituency, comprising the area delineated on Plan LG-07-2022-Con-4 deposited with the Local Government Commission
    - d. the Stratford General Constituency, comprising the area delineated on Plan LG-07-2022-Con-5 deposited with the Local Government Commission
    - e. the South Taranaki General Constituency, comprising the area delineated on LG-07-2022-Con-6 deposited with the Local Government Commission .
  3. The Council will comprise 11 councillors elected as follows:

- a. 1 councillor elected by the electors of the Taranaki Māori Constituency
  - b. 2 councillors elected by the electors of the North Taranaki General Constituency
  - c. 5 councillors elected by the electors of the New Plymouth General Constituency
  - d. 1 councillor elected by the electors of the Stratford General Constituency
  - e. 2 councillors elected by the electors of the South Taranaki General Constituency.
4. As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

### **Local Government Commission**



Commissioner Janie Annear (Chair)



Commissioner Sue Piper

6 April 2022