



## **Determination**

of representation arrangements to apply for the election of the  
Taupō 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. 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.
2. The Taupō District Council (the Council) last reviewed its representation arrangements prior to the 2019 local authority elections. In November 2020 it resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. The Commission last made a determination in relation to the Council's representation in 2019. The council's current representation arrangements have been in place since as follows:
  - (a) a council comprising 11 members elected from four wards as below, plus the Mayor elected at large
    - Mangakino-Pouākani Ward, electing one councillor
    - Taupō Ward, electing seven councillors
    - Taupō East Rural Ward, electing one councillor
    - Turangi-Tongariro Ward, electing two councillors
  - (b) The Turangi-Tongariro Community Board comprised of 6 members elected from subdivisions as below and two members appointed by Council:
    - Turangi Town Subdivision, electing four members
    - Tongariro Subdivision, electing two members

### **Current review: Council process and proposal**

4. On 29 June 2021 the Council resolved as its initial representation proposal a Council comprising 12 members elected from 5 wards, plus the mayor. The Council also resolved to dis-establish the Turangi-Tongariro Community Board.

5. The initial proposed ward 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
Taupō General	24,400	7	3,486	+244	+7.52%
Mangakino-Pouakani General	2,230	1	2,230	-1,012	-31.22%
Taupō East Rural General	2,640	1	2,640	-602	-18.57%
Turangi-Tongariro General	3,150	1	3,150	-92	-2.84%
<b>Total General wards</b>	32,420	10	Avg 3,242		
Te Papamārearea Māori	7,710	2	3,855	N/A	N/A
<b>Total</b>	<b>40,130</b>	<b>12</b>			

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

6. The Council received 119 submissions on its initial proposal, with submissions expressing both support and opposition.
7. The Council indicated it rejected submissions against the proposal as these submissions suggested options that would not provide fair and effective representation for the district's people and their communities.
8. After considering all submissions the Council resolved its initial proposal as its final proposal with no amendments, on 13 September 2021.
9. The Council publicly notified its final proposal, including advice that the Mangakino-Pouakani General Ward and Taupō East Rural General Ward did not comply with the fair representation criteria. The Council provided the following reasons:
- *Council has extensively canvassed views from the community to establish 'common ground' on where distinct communities of interest exist. The existing ward structure is understood by electors and Council considers the ward boundaries in the proposal will continue to provide effective representation for the distinct communities of interest, in particular Mangakino-Pouakani and Taupō East Rural Wards*
  - *Altering the boundaries of either the Mangakino-Pouakani and Taupō East Wards to create a compliant situation would limit effective representation of communities of interest and would locate people in wards that they do not associate with*
  - *The communities of interest within the Mangakino-Pouakani Ward are historical and it is considered that the variation based on population, at 21% over the +/-10% rule is necessary to ensure at least one member provides representation for that part of the district*

- *The Taupō East Rural Ward was introduced through the previous representation review in 2018. Since being introduced it has provided a valuable voice for the rural community and it is considered that the variation based on population, at 9% over the +/-10% rule is necessary to ensure at least one member provides representation for that part of the district*

10. Given the non-compliance of the proposed ward, the Council was required under section 19V(4) of the Act to refer its proposal to the Commission for determination. In addition, one appeal against the proposal was received. The Council referred the appeal to the Commission, in accordance with section 19Q of the Act.

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

11. The appeal received on the Council's final proposal was considered valid. The appellant objects to the locality of Oruanui being included in the Taupō East Rural Ward on the basis that it has more commonalities with the Taupō Ward.

### **Need for a hearing**

12. 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. There is no obligation on the Commission to hold a hearing and the need for a hearing is determined by the information provided by the parties and as a result of any further inquiries the Commission may wish to make.
13. In the case of Taupō District Council's final proposal, the Commission considered there was sufficient information in the documentation provided by the Council on the process it had followed in making its decision and in the appeal for the Commission to proceed to a determination. Accordingly, it was decided no hearing was required.

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

14. 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 territorial authority, 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.
15. 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.

16. 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.

### Key considerations

17. 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

18. 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.
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 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. The appeal received against the Council's proposal objects to the locality of Oruanui being included in the Taupō East Rural Ward on the basis that it has more commonalities with the Taupō Ward.
22. The Council's 2019 initial proposal was to establish a Kinloch-Oruanui Ward. In response to submissions at that time, the Council amended its final proposal to incorporate the town of Kinloch into the Taupō Ward, and Oruanui into the newly established Taupō East Rural Ward. The reason for this change, upheld by the Commission's determination, was because Kinloch had *a lack of community of interest with Oruanui and Wairakei to the north*, Oruanui being described as one of a *collection of rural communities of interest*<sup>1</sup>. There were no appeals or objections to the inclusion of Oruanui in the Taupō East Rural Ward in the 2019 review. This suggests that the issue raised in the appeal against the 2021 review has already been well tested through the Council's consultative processes.

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

23. 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).
24. '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).
25. 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.

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<sup>1</sup> Taupō District Council Determination 2019, <http://www.lgc.govt.nz/representation-reviews/current-determinations/view/taupo-district-council-2019/?step=main>

26. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, a mixture of wards and at large. As the Council has resolved to establish Māori wards, it must also establish at least one general ward.

### Fair representation for electors

27. For the purpose of achieving fair representation for the electors of a district, section 19V(1) 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, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are where:
- non-compliance is required for effective representation of communities of interest within island communities or isolated communities
  - compliance would limit effective representation of communities of interest by dividing a community of interest
  - compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.
29. The Council's proposal results in two wards (Mangakino-Pouakani General Ward and Taupō East Rural General Ward) not complying with the '+/-10% rule'.
30. In the case of this review, the Council has retained the General Ward boundaries proposed in its 2018 review and upheld by the Commission's 2019 determination. In 2019, this resulted in three wards being non-compliant with the +/- 10% rule. The current proposal results in two non-compliant wards, one of which was also non-compliant in 2019 (Mangakino-Pouakani General Ward) and one of which is newly non-compliant (Taupō East Rural General Ward). The percentage deviations from the average population per member for both 2018 and 2021 are shown in the following table:

Ward	% deviation 2021 proposal	% deviation 2018 determination
Taupō	+8%	+10.55%
Mangakino-Pouakani	-31%	-13.53%
Taupō East Rural	-19%	-8.55%
Turangi-Tongariro	-3%	-25.9%

31. Non-compliance has shifted for the following reasons:
- With the establishment of Māori wards and the separation of the general and Māori electoral population, we can see that the distribution pattern for the general electoral population is different to that of the combined populations.

- Population growth is unevenly distributed throughout the district.
32. The Council’s preliminary consultation and modelling indicated that little has changed with respect to its communities of interest. Non-compliance is considered necessary for both wards in order to ensure at least one member provides representation for those parts of the district. It identifies, as referenced previously, the following additional factors:
- Mangakino-Pouakani: Includes several historical and isolated communities of interest, as identified in the 2018 review and endorsed in the Commission’s 2019 determination.
  - Taupō East Rural: Newly established in 2018 to reflect a predominantly rural community of interest.
  - Altering boundaries of the non-compliant wards to achieve compliance would result in the splitting of communities of interest.
33. It is also likely, given the makeup of the communities of interest in these two wards, that boundary changes to achieve compliance would result in combining communities with little in common.
34. Alternative options would be:
- Merging two of the rural wards, Mangakino-Pouakani and Taupō East Rural. This would result in a very large rural ward with around 1.5 hours driving distance from one end to the other. This ward would still be non-compliant (-25.9%).
  - Merging both Mangakino-Pouakani and Taupō East Rural with the Taupō Ward. This would be compliant, but it would create a very large ward with the same issues as above, and the likelihood that representation would be skewed towards urban voters.
35. The Council has now conducted two consultative processes on its representation, three years apart. In that time the population has increased somewhat. The establishment of Māori representation has created an additional dimension for assessing fair and effective representation. Both factors have been considered by the Council in its latest review which concludes that little has changed in the makeup of its identified communities of interest.
36. In summary, we consider the Council’s proposal for the Mangakino-Pouakani General Ward and Taupō East Rural General Ward not complying with the ‘+/-10% rule’ should be upheld. The reasons being that compliance with the ‘+/- 10% rule’ in this case would limit the effective representation of communities of interest by either splitting communities of interest or uniting communities of interest with few commonalities.

## **Communities and community boards**

37. 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.

38. In the current review, the Council has proposed dis-establish the Turangi-Tongariro Community Board. The Council received submissions both in support and against this aspect of the proposal. Having considered all submissions, Council provided the following reasons for resolving to disestablish the Community Board”
- *Council is currently developing a Mana Whakahono a Rohe partnership agreement with Ngāti Tūrangitukua. A co-governance committee with equal representation from Council and Ngāti Tūrangitukua is to be established and this committee will effectively fulfil the role the Turangi-Tongariro Community Board plays within the Tūrangitukua rohe which includes the Turangi township and its immediate surrounds.*
  - *To ensure the wider Tongariro area is also fairly represented, a representative group is also proposed to be established by Council and delegated the powers and functions currently held by the Turangi-Tongariro Community Board for that area. This is similar to existing arrangements within the district to ensure effective representation such as the Kinloch, Mangakino-Pouakani and Taupō East Rural representative groups*
39. The dis-establishment of the Community Board was not the subject of an appeal and the Council has provided clear reasoning for this decision.

### **Commission’s determination**

40. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Taupo District Council to be held on 8 October 2022, the following representation arrangements will apply:
1. Taupo District, as delineated on Plan LG-021-2019-W-1, will be divided into five wards
  2. Those five wards will be:
    - i. Te Papamārearea Māori Ward, comprising the area delineated on Plan LG-021-2022-W-1
    - ii. Mangakino-Pouakani General Ward, comprising the area delineated on Plan LG-021-2019-W-2
    - iii. Taupō East Rural General Ward, comprising the area delineated on Plan LG-021-2019-W-3
    - iv. Taupō General Ward, comprising the area delineated on Plan LG-021-2019-W-4
    - v. Turangi-Tongariro General Ward comprising the area delineated on Plan LG-021-2013-W-5
  3. The Council will comprise the mayor and 12 councillors elected as follows:
    - i. 2 councillors elected by the electors of the Te Papamārearea Māori Ward



- ii. 1 councillor elected by the electors of Mangakino-Pouakani General Ward
- iii. 1 councillor elected by the electors of Taupō East Rural General Ward
- iv. 7 councillors elected by the electors of Taupō General Ward
- v. 1 councillor elected by the electors of Turangi-Tongariro General Ward

4. There will no longer be a Turangi-Tongariro Community Board

41. As required by sections 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.

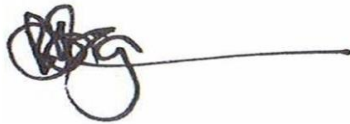
### Local Government Commission



Commissioner Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham



Commissioner Sue Piper

4 April 2022