



Determination

of representation arrangements to apply for
the election of the Taupo 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 Taupo 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. Taupo District's current representation arrangements have been in place for a number of years. They are:
 - A mayor and 10 councillors elected from 3 wards
 - A Turangi-Tongariro Community Board comprising 6 elected members and 2 appointed councillors
4. The ward arrangements are 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
Mangakino-Pouakani	2,860	1	2,860	-821	-22.30
Taupo-Kaingaroa	29,000	7	4,143	+462	+12.55
Turangi-Tongariro	4,950	2	2,475	-1,206	-32.76
Total	36,810	10	3,681		

*Based on 2017 population estimates

5. Taupo District Council's representation arrangements have not had to be considered by the Commission since 1995 as none of the council's reviews have been appealed against since then. Although those arrangements have not been compliant with the

+/-10% rule since the rule was introduced in 2001, the requirement to refer non-compliant reviews to the Commission was not enacted until 2013. This is the first review the council has been required to do since 2013.

6. Prior to developing its initial representation review proposal, the council considered the issues involved through several workshops, including meeting with the Turangi-Tongariro Community Board, the Mangakino-Pouakani Representative Group and the Kinloch Representative Group. A survey was carried out as part of Long Term Plan consultation.
7. The broad outcome of those considerations was that:

“... Council considers that the current ward structure does not reflect the district’s communities of interest. The review of representation arrangements provides the opportunity for council to amend the wards to better reflect the communities of interest and to provide fairer representation”
8. The council’s conclusions did not expand on how the current boundaries do not reflect communities of interest but it can be observed that the Taupo-Kaingaroa Ward combines both Taupo Town and an expansive rural area.
9. Arising out of that the council developed an initial proposal increasing the number of councillors from 10 to 11 and increasing the number of wards from 3 to 5. The boundaries of the new wards for the most part differed significantly from existing boundaries.
10. The proposed ward arrangements were 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
Mangakino-Pouakani	3,035	1	3,035	-319	-9.50
Kinloch-Oruanui	3,565	1	3,565	+211	+6.30
Taupō Town	23,920	7	3,417	+63	+1.89
Turangi Town	3,300	1	3,300	-54	-1.60
Southeast Rural	3,070	1	3,070	-284	-8.46
Total	36,890	11	3,354		

*Based on 2017 population estimates

11. As can be seen in the above table, all the wards complied with the +/-10% rule.
12. The council also proposed that in place of the Turangi-Tongariro Community there would be a Southeastern Community Board covering the Turangi Town and Southeast Rural ward (a larger area than that covered by the exiting board).
13. Consultation on the initial period ran from 8 June to 20 July 2018. The council received 28 submissions. The submissions covered a number of issues. Key issues were:
 - General support for increasing the total number of councillors from 10 to 11

- A desire for Kinloch to be included with the Taupō Town Ward, on the basis of community of interest, and because of a lack of community of interest with Oruanui and Wairakei to the north
 - A desire for Turangi Town and the Southeast rural area to be combined in one ward (as at present) based on a common community of interest
 - Concern about the geographic extent of the proposed Southeast Rural Ward, particularly in relation to the Rangitaiki and Broadlands area in the north and Waitahanui on the lakeshore to the south of Taupō town.
14. On 20 August 2018, the council amended its initial proposal to reflect concerns raised in submissions about communities of interest as follows:
- The Taupō Town Ward was enlarged to include areas to the west and south, including Kinloch (formerly in the proposed Kinloch-Oruanui Ward), and Waitahanui (formerly in the proposed Southeast Rural ward)
 - A new Taupō East Rural Ward was established including the northern part of the initially proposed Kinloch-Oruanui Ward (Oruanui and Wairakei), and the northern part of the initially proposed Southeast Rural Ward, i.e. the Rangitaiki and Broadlands areas
 - The remainder of the Southeast Rural Ward and the proposed Turangi Town Ward were combined into the Turangi-Tongariro Ward (with almost the same boundaries as the existing ward of that name)
15. The resulting ward and membership arrangements were 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
Mangakino-Pouakani	2,900	1	2,900	-454	-13.53
Taupō East Rural Ward	3,067	1	3,067	-287	-8.55
Taupō Town	25,953	7	3,708	+354	+10.55
Turangi-Tongariro	4,970	2	2,485	-869	-25.90
Total	36,890	11	3,354		

*Based on 2017 population estimates

16. With the reversion back to a Turangi-Tongariro Ward the council decided to retain the Turangi-Tongariro Community Board. The community would be subdivided for electoral purposes with 4 members being elected from a Turangi Town Subdivision and 2 members being elected from a Tongariro Subdivision.
17. As can be seen from the above table, three of the wards do not comply with the +/- 10% rule. As required by section 19V(4), the council referred its review to the Commission.

Objection against the council's final proposal

18. One objection to the council's final proposal was received, from Bernhard Chrustowski. He objected to the council's final proposal in its entirety, but his main concern is the final proposal's lack of compliance with the +/-10% rule, particularly in relation to the Turangi-Tongariro Ward.

Hearing of appeals

19. The Commission met with the council and the objector at a hearing held in Taupo on 21 February 2019.
20. The council was represented by mayor David Trewavas. Members of the Turangi-Taupo Community Board also spoke.

Matters raised at hearing and in appeals

Taupo District Council

21. The Mayor explained the process the council had gone through and how it had arrived at its final proposal. This had involved an initial proposal that complied with the +/-10% rule' but which was changed after consideration of submissions to better reflect communities of interest.
22. This had resulted in Kinloch being included in the Taupo Ward, reversion to the Turangi-Tongariro Ward (with minor boundary alterations), and the creation of the Taupō East Rural Ward largely based on the rural parts of the current Taupo-Kaingarua Ward. He described the wards, the communities that make them up, and their commonalities of interest. The Mayor noted that the desire for Kinloch to be included in the Taupō Ward had been particularly strong.
23. He discussed the sub-district representative structures existing – the Turangi-Tongariro Community Board, the Managkino-Pouakani Representative Group and the Kinloch Representative Group – and their history. He noted that the Kinloch group had been formed relatively recently in response to requests from the Kinloch community brought about by the growth Kinloch has experience in recent years.
24. The large number of holiday homes in the district, particularly at the southern end of Lake Taupo, was cited as meaning that councillors were representing a higher number of people than the usually resident population.

Turangi-Tongariro Community Board

25. The community board members described:
 - The various communities of interest within Turangi-Tongariro Ward and their linkage with Turangi¹
 - The spirit of volunteerism within the community and the active community organisations
 - The work undertaken by the community board and its constructive relationships with the council

¹ These include Turangi Township, Tokaanu and Waihi, Whareroa, Omori, Kuratau, Pukawa, Korohe, Rongomai, Rangipo, Papakai, Otukou, Motuoapa, Te Rangiita, Moututere and Hatepe.

- The size of the ward and the issues that created for elected members
- The fact that the last election for the board was “fiercely” contested

Bernhard Chrustowski

26. Mr Chrustowski was concerned about the over-representation of the Turangi-Tongariro Ward and, as a result, the fairness of the council’s proposal for the town of Taupō. Specific concerns included:
- That the decision about representation should have been made by the council. It should have developed a final proposal that complied with the fair representation requirements rather than responsibility being abdicated to the Commission
 - The high level of over-representation for the Turangi-Tongariro Ward, it being at -25.90%
 - Areas outside Taupō town receiving a higher level of representation through the Turangi-Tongariro Community Board, the Managkino-Pouakani Representative Group and the Kinloch Representative Group
 - The lack of a similar representative arrangement for the town of Taupō

Matters for determination by the Commission

27. 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.
28. Given this requirement, any concerns expressed by appellants/objectors relating to the council’s review process are not matters that the Commission needs to address. We may, however, comment on a council’s process if we believe it would be of assistance to the council in a future review.
29. The matters in scope of the review are:
- whether the council is to be elected from wards, the district as a whole, or a mix of the two
 - the number of councillors
 - if there are to be wards, the area, boundaries and names of wards and the number of councillors to be elected from each ward
 - whether there are to be community boards
 - if there are to be community boards, the area, boundaries and names of their communities, and the membership arrangements for each board.

Key considerations

30. 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

31. 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.
32. 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.
33. 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.
34. The ward structure in the final proposal reflects communities of interest as follows:
- Mangakino-Pouakani Ward contains a largely rural community of interest north-west of Lake Taupo with some linkages with Tokoroa in South Waikato District
 - Taupō East Rural Ward contains a collection of rural communities of interest in a semi-circle around Taupo Town – Oruanui and Wairakei (to the north), Broadlands (to the north-east) and Rangitaiki (to the east on the Napier-Taupo Road)
 - Taupō Town ward contains Taupo Town, the immediately surrounding bays, and, further out, Kinloch to the west and Waitahanui to the south
 - Turangi-Tongariro Ward is centred on Turangi Township, nearby Tokaanu and the western bays of Pukawa, Omori and Kuratau, settlements on the south-

eastern lakeshore such as Motuoapa, Moutere and Hatepe, and a large rural area, much of which is forest or conservation estate

35. The boundaries reflect the views put forward in many of the submissions made on the initial proposal.

Effective representation of communities of interest

36. 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).
37. '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).
38. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. The number of members on the Taupo District Council has varied over the years. On its constitution in 1989 it had 15 members, 12 members from 1992 to 2001, 11 members at the 2001 elections, 12 again at the 2004 elections, and from 2007 onwards 10 members.
39. Taupo District has been divided into wards since its constitution in 1989 and we see this as appropriate given the size and geography of the district. The concept of a ward system was also very well supported in the council's preliminary consultation.
40. 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.

Fair representation for electors

41. 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').

42. However, section 19V(3)(a) permits non-compliance with the ‘+/-10% rule’ for territorial authorities in some circumstances. Those circumstances are:
- non-compliance is required for effective representation of communities of interest within island 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.
43. Where a council decides on representation arrangements that do not comply with the +/-10% rule it must refer those arrangements to the Commission. The Commission must decide whether to uphold that decision or alter it to something that is compliant or more compliant.
44. The council has based its decision on the view that compliance would limit effective representation of communities of interest by dividing communities of interest between wards. The essence of its argument is that compliance would require additional areas being included in the Mangakino-Pouakani and Turangi-Tongariro wards that would involve communities of interest being split.
45. In summary the role of the Commission in this instance is to decide whether to:
- Uphold the council’s proposal in relation to non-compliance
 - Alter the proposal so that it is more compliant
 - Alter the proposal so that is totally compliant (and therefore uphold Mr Chrustowski’s objection)
46. In varying the proposal, the Commission has the following choices:
- Provide for the council to be elected at large in which the issue of fair representation would not be an issue (although it is noted that this did not gather support through the council’s consultation process)
 - Alter ward boundaries so that the arrangements are compliant (which is what the council’s initial proposal attempted to do)
 - Alter the total number of councillors
47. In making any such changes the Commission would also need to be satisfied that the requirement for effective representation of communities of interest is being met. The two criteria – effective representation and fair representation – cannot be considered in isolation.
48. As an overall observation we consider that Taupo District has reasonably clear communities of interest and that, based on the consultation that took place as part of the representation review process that those communities of interest are reflected in the proposed wards. Outside the Taupō Ward, those wards cover large areas. We have concluded earlier in this determination that the district should be divided into wards and, therefore, that an at large system is not appropriate for the district. Following on from that the proposed wards and their boundaries appear to provide effective representation of communities of interest.

49. As far as the number of councillors is concerned we have done some modelling of what number of councillors would result in compliance with the +/-10% rule under the proposed ward structure. The only option identified (using the wards in the final proposal) that resulted in complete compliance was a 14-member council with Taupō Town Ward having 10 members. All other things being equal, we consider that a 14-member council is more than is necessary to provide effective representation for Taupo District.
50. The remaining issue is that of fair representation, in particular in relation to the Turangi-Tongariro Ward.
51. One option might be to reduce the number of members representing that ward from two to one. However, that would result in the Turangi-Tongariro Ward becoming under-represented at +34.72%. This would also increase the over-representation of the Mangakino-Pouakani and Taupō East Rural wards to -21.39% and -16.86%. This is clearly not an option.
52. The only other remaining option apparent to us is altering the boundaries of the Turangi-Tongariro Ward to either add or subtract population from that ward. Given the strength of boundaries of communities of interest explained to us, and evident from our observations and general knowledge, it is clear that this would result in communities of interest being split. We think the splits would be of such a nature that they would limit effective representation of those communities. Community views on this were evident from the submissions made on the council's initial representation review proposal.
53. The population shifts that would have to be made for the Turangi-Tongariro Ward to be compliant with the '+/-10% rule' would not be insignificant. For a one-member ward to be compliant at least 1244 people would have to shift; for a two-member ward to be compliant at least 392 people would have to shift. As well as splitting communities of interest there would be impacts on each of the other wards with community of interest issues having to be considered for all of them.
54. At this point we would state that the '+/-10% rule' is not an absolute rule. It is a standard that councils and the Commission should do their best to achieve. However, if it is not possible to do so without limiting effective representation of communities of interest than non-compliance is permissible.
55. Accordingly, we have decided to endorse the council's proposals for wards and membership.
56. We note that a component of Mr Chrustowski's concerns were the additional representative structures given to areas outside Taupō town and the disadvantage this gave the town. Based on our experience we do not see this as being a problem. Our reasons for this view are that:
 - Under the new structure Taupō Ward will have seven out of eleven members
 - The new ward structure decouples Taupō town from the extensive surrounding rural area that is included in the current Taupo-Kaingaroa Ward, allowing ward councillors, from a representational point of view, to focus on the needs and issues of the town

- The fact that Taupō town is the largest centre in the district and the location of the council headquarters inevitably means that it will receive significant attention from the council
- There are a variety of form of types of engagement that the council and individual councillors have with the community, in addition to the formal representative group structure
- Should individuals or interest groups within Taupō town feel that there is a need for a specific representative structure for Taupō town they have the opportunity to make their views about that known to the council.

Communities and community boards

57. 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.
58. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community or communities of interest?
59. Mr Chrustowski's objection argues that the Turangi-Tongariro Community Board adds to the over-representation of the Turangi-Tongariro Ward. We do not interpret this as a request for the Turangi-Tongariro Community Board to be dis-established. Rather we interpret it as being part of an argument for enhanced representation for Taupo town.
60. The information provided to us about the Turangi-Tongariro Community Board suggests that it provides a useful role. Accordingly, we endorse the council's proposal to retain the board and for its electoral arrangements to be altered to provide for the board's members to be elected from two subdivisions. We note that the subdivision and membership arrangements comply with the '+/-10% rule' as required by section 19V(2).

Commission's determination

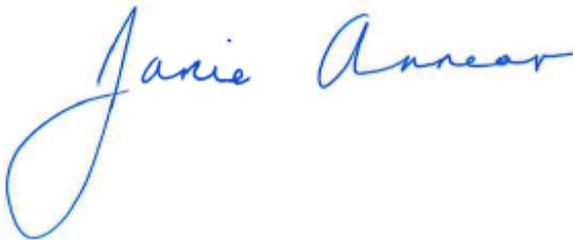
61. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Taupo District Council to be held on 12 October 2019, the following representation arrangements will apply:
1. Taupo District, as delineated on Plan LG-021-2019-W-1 deposited with the Local Government Commission, will be divided into four wards.

2. Those four wards will be:
 - i. Mangakino-Pouakani Ward, comprising the area delineated on Plan LG-021-2019-W-2 deposited with the Local Government Commission
 - ii. Taupō East Rural Ward, comprising the area delineated on Plan LG-021-2019-W-3 deposited with the Local Government Commission
 - iii. Taupō Ward, comprising the area delineated on Plan LG-021-2019-W-4 deposited with the Local Government Commission
 - iv. Turangi-Tongariro Ward comprising the area delineated on Plan LG-021-2013-W-5 deposited with the Local Government Commission.
 3. The Council will comprise the mayor and 11 councillors elected as follows:
 - i. 1 councillor elected by the electors of Mangakino-Pouakani Ward
 - ii. 1 councillor elected by the electors of Taupō East Rural Ward
 - iii. 7 councillors elected by the electors of Taupō Ward
 - iv. 2 councillors elected by the electors of Turangi-Tongariro Ward.
 4. There will be a Turangi-Tongariro Community, comprising the area delineated on LG-021-2019-Com-1.
 5. The Turangi-Tongariro Community will be divided into two subdivisions as follows:
 - i. Tongariro Subdivision, comprising the area delineated on LG-021-2019-S-1 deposited with the Local Government Commission
 - ii. Turangi Town Subdivision, comprising the area delineated on LG-021-2019-S-1 deposited with the Local Government Commission
 6. The Turangi-Tongariro Community Board will comprise:
 - i. 2 members elected by the electors of the Tongariro Subdivision
 - ii. 4 members elected by the electors of the Turangi Town Subdivision
 - iii. 2 members appointed to the community board by the council representing the Turangi-Tongariro Ward.
62. 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

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Commissioner Pita Paraone (Chairperson)

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Commissioner Janie Annear

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Commissioner Brendan Duffy

9 April 2019