



## Determination

of representation arrangements to apply for  
the election of the Northland Regional Council  
to be held on 12 October 2019

### Background

1. All regional councils are required by section 19I 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 constituencies, the name and boundaries of those constituencies and the number of councillors to be elected by each constituency.
2. The Northland Regional Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2019.
3. As a result of appeals/objections on its last review, the representation arrangements that applied for the 2013 and subsequent 2016 elections were determined by the Commission and were for nine councillors elected seven constituencies as follows.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Te Hiku	17,650	1	17,650	+72	+0.41
Hokianga-Kaikōhe	15,350	1	15,350	-2,228	-12.67
Coastal North	34,300	2	17,150	-428	-2.43
Coastal Central	16,550	1	16,550	+1,028	+5.85
Whangarei Urban	38,900	2	19,450	+1,872	+10.65
Coastal South	19,200	1	19,200	+1,622	+9.23
Kaipara	16,200	1	16,200	-1,378	-7.84
<b>Total</b>	<b>158,200</b>	<b>9</b>	<b>17,578</b>		

\* These are 2011 population estimates

4. The council began its current representation review with a number of workshops in early 2018 considering issues and possible representation options with a view to achieving both fair and effective representation for the region. The review was also seen as an opportunity to address some perceived shortcomings from the previous review.

5. At these workshops it was noted, using 2017 population estimates, that currently two constituencies (Hokianga-Kaikōhe and Coastal South) did not comply with the '+/-10% rule'. It was considered that an exemption was likely in respect of the Hokianga-Kaikōhe Constituency given this had previously been granted in 2013. However, the Coastal South Constituency was likely to continue to grow and changes were seen as necessary.
6. The council also considered the option of splitting the present Coastal North Constituency into two smaller constituencies (i.e. a total of eight constituencies) while still retaining a total of nine members.
7. Four other boundary alterations were addressed as follows:
  - a. shift Te Hiku boundary so communities around Mangonui Harbour are in the same constituency
  - b. make the Coastal South Constituency smaller to reflect that this constituency's population has grown by almost 20% since the last review
  - c. adjust the Whangarei Urban Constituency boundary slightly so the semi-rural area in the north-west becomes part of the Coastal North Constituency
  - d. adjust the boundary between Coastal Central and Coastal North slightly for expected future population growth.
8. At a meeting on 21 June 2018 the council, under section 19I of the Act, resolved its initial representation proposal. The proposal was for the retention of seven constituencies, subject to some minor boundary alterations, represented by nine councillors as set out in the following table.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Te Hiku	19,860	1	19,860	+363	+1.86
Hokianga-Kaikōhe	16,120	1	16,120	-3,377	-17.32
Coastal North	42,160	2	21,080	+1,583	+8.12
Coastal Central	20,070	1	20,070	+573	+2.94
Whangarei Urban	41,440	2	20,720	+1,223	+6.27
Coastal South	17,760	1	17,760	-1,737	-8.91
Kaipara	18,060	1	18,060	-1,437	-7.37
<b>Total</b>	<b>175,470</b>	<b>9</b>	<b>19,497</b>		

\* These are 2017 population estimates

9. The council notified its initial proposal on 23 June 2018. In doing so it explained the proposed boundary alterations were to better reflect regional communities of interest and to improve effective representation for communities of interest. It also acknowledged that one of the proposed constituencies was outside the statutory +/- 10% fair representation requirement.
10. The council received four submissions on its initial proposal by the deadline of 24 July 2018. One submission supported the proposal and three opposed it.

11. At a meeting on 21 August 2018, the council, after considering the submissions, resolved to adopt its initial proposal as its final representation proposal.
12. The council notified its final proposal, including advice of the non-compliance of one constituency with the fair representation requirement, and invited appeals by 26 September 2018.
13. Given the non-compliance of one constituency, the council was required under section 19V(4) of the Act to refer its proposal to the Local Government Commission for determination.
14. In addition, one appeal was received from Mr Joe Carr relating to the proposed constituency arrangements.

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

15. 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.
16. 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.
17. The matters in scope for the review are:
  - the number, boundaries and names of the proposed constituencies
  - the proposed number of councillors for each constituency.
18. 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 decision on whether to hold a hearing is based on the information provided by the parties and as a result of any further enquiries the Commission may make.
19. In the case of Northland Regional Council's proposal, we considered there was sufficient information in the documentation provided by the council on the process it had followed in making its decision and also in the appeal for us to proceed to a determination. Accordingly, we decided no hearing was required.

### **Key considerations**

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

21. We note regions must be divided into constituencies for electoral purposes (section 19E of the Act). For the purposes of effective representation of communities of interest, section 19U requires constituency boundaries, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
22. Given these requirements, we believe it is reasonable 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 regional council constituencies.
23. In the case of Northland, the region was divided into three constituencies coinciding fully with the boundaries of the region's three territorial authorities from 1992 until the 2013 elections. In that review the council proposed establishing seven constituencies "to better reflect regional communities of interest". These communities of interest were seen as being: urban (Whangarei the largest commercial hub); coastal recreation/ lifestyle; rural farming; Māori/DOC/forestry. The then Commission largely endorsed this proposal.
24. As a result, the constituencies still related reasonably closely to a mix of both territorial authority and territorial authority ward boundaries, with variations due primarily to effective water catchment management considerations.

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

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 to the extent possible:
  - 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.
26. In the current review the council said it was taking the opportunity to make a number of relatively small boundary alterations to the current seven constituencies in order to achieve what it saw as more effective representation for communities of interest and also better alignment with territorial authority ward boundaries. These are as follows:
  - a. A boundary alteration to move an area from the Coastal North Constituency to Te Hiku Constituency to keep the community of interest surrounding Mangonui Harbour in the same constituency and to align the constituency boundary with the Far North District Council's Te Hiku Ward boundary.
  - b. A boundary alteration to move an area from the Coastal South Constituency to the Coastal North Constituency to meet the fair representation requirement and to align the constituency boundary with the Whangarei

District Council's Mangakahia-Maungatapere Ward boundary. The alteration is also a response to the Coastal South Constituency's population growth.

- c. A boundary alteration to move an area from the Whangarei Urban Constituency to the Coastal North Constituency given the Whangarei Urban Constituency is very close to the upper fair representation limit and the recent population growth in the constituency which is expected to continue. The alteration is seen to be a better match in terms of communities of interest as the affected areas are largely semi-rural/lifestyle properties more closely matching the demographic profile of the Coastal North Constituency.
  - d. Boundary alterations to move two areas from the Coastal North Constituency to the Coastal Central Constituency to partly align with the Whangarei District Council's Whangarei Heads Ward boundary and ensure that neighbouring areas are within the same constituency wherever possible. This alteration is also in anticipation of future population growth.
27. We acknowledge the work undertaken by the council as part of this review and particularly the efforts made to align constituency and ward boundaries in particular areas. We see this as important for the achievement of effective representation of communities of interest by recognising residents' identity and affinity with their local area and thereby avoiding barriers to their participation such as in local elections. However, two areas did raise some questions.
28. The first of these was the Whangarei urban area generally and its boundaries with surrounding areas. We note that Whangarei District Council was also undertaking a representation review to come into effect for the October 2019 elections. While the council was aware of the district council's proposals, particularly boundary alterations around the Whangarei urban area, the rationale for some of its proposed variations in constituency and ward boundaries is not clear to us.
29. We suggest residents' identify with and have an affinity to the urban area that, generally, is common to the functions of both the territorial authority and the regional council. Given the requirement in section 19U(c) of the Act for constituencies, so far as is practicable, to coincide with territorial authority/ward boundaries, we see it is as up to the regional council to demonstrate why the coincidence of boundaries is not practicable in particular cases. This appears to require more work by the council with a view to ensuring ongoing achievement of effective representation for the community or communities of interest in this area.
30. The second area which raised some questions for us was the boundary between the Coastal South and Kaipara constituencies. Like Whangarei, the Kaipara District Council was also undertaking a representation review prior to the upcoming elections. Again, the council was aware of this review and the officers kept the elected members apprised of progress on the district council's review.
31. A focus for us was the eastern area of Kaipara District, particularly Mangawhai and Kaiwaka and the surrounding areas, which are part of the proposed regional Coastal South Constituency. The district council was proposing a new ward for this area but also extending south to the Oneriri Peninsula. The proposed constituency, however, divided the proposed ward i.e. did not coincide with ward boundaries.

32. We note the regional council did receive submissions on its initial proposal in relation to this area, with one pointing out the proposed Coastal South Constituency boundary would divide what she saw as her community of interest including requiring her to drive through the Coastal South Constituency to reconnect with the remainder of the Kaipara Constituency.
33. We understand the council's rationale for the configuration of the constituencies in this area, and particularly the regional community of interest considerations in relation to connections with the Kaipara harbour catchment. However, it does seem to us more work should be carried out on communities of interest in this area in particular.
34. We are not in a position, in relation to either the Whangarei urban area or the Coastal South/Kaipara constituency boundary to make determinations other than those proposed by the council in the absence of further work which we recommend the council carries out as part of the council's next representation review.

### ***Fair representation for electors***

35. 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').
36. However, section 19V(3)(b) provides 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).
37. The council is proposing, for the purposes of effective representation of communities of interest, the Hokianga-Kaikohe Constituency (-17.32%) not comply with 'the +/-10% rule'.
38. The Hokianga-Kaikohe Constituency largely coincides with the Kaikohe-Hokianga Ward of Far North District with some variation in its eastern boundary and a small extension in the south-east into Whangarei District reflecting water catchments in the area generally flowing westward into Hokianga harbour.
39. We needed to consider whether closer compliance with the '+/-10% rule' is desirable, possibly at the expense of effective representation of communities of interest.
40. The Hokianga-Kaikohe Constituency is described as having a rugged topography with limited infrastructure and is sparsely populated with a distinct demographic profile. This includes it having the highest proportion of young people under the age of 15 in the region (25 per cent of the population). The constituency has the highest proportion of households (30 per cent) with a total income of less than \$30,000 with only 16 per cent having a total income over \$70,000 which is the lowest across all constituencies. It has the highest proportion of Maori (56 per cent) of all the constituencies.
41. Given these characteristics, the council sees an extension of the boundaries of the Hokianga-Kaikohe Constituency, in order to comply with the '+/-10% rule', as resulting in the combining of communities of interest with few commonalities. The Commission agreed with a similar assessment in 2013 and endorsed the council's proposal for the constituency not to comply with the '+/-10% rule'.

42. We believe the case remains largely the same today. Accordingly, we have decided to endorse to council's proposal for the retention of this constituency, as currently defined, with its current representation despite it not complying with the '+/-10% rule'.
43. The other proposed constituencies do comply with the '+/-10% rule'.
44. The appellant submitted on the council's initial representation proposal (and resubmitted this as the basis of his appeal) that he considered status quo arrangements met the key principles of fair and effective representation. To the extent that the council's proposal better aligns with territorial authority ward boundaries, i.e. avoids creating barriers to participation by not recognising residents' familiarity and identity with an area, it can be seen to *better* achieve effective representation than status quo arrangements. In addition, the Coastal South Constituency does not currently comply under status quo arrangements with the '+/-10% rule' for fair representation.
45. We note that in some cases, particularly the changes around the Whangarei urban area and in the Coastal South Constituency, the council has also justified its proposed changes as "future proofing" the constituencies in light of projected population growth. The appellant also raised this issue.
46. Projected population growth is not a statutory criterion for determining constituency arrangements. However, after the statutory criteria have been met, or met as far as seen practicable in the circumstances, we believe there is nothing to prohibit the council using projected growth to further support the case for any proposed changes.
47. On the other hand, we believe there is scope within the provisions of section 19V of the Act for a regional council, and if necessary the Commission, to achieve an appropriate balance between the requirements for fair representation for electors (the '+/-10% rule') and effective representation of communities of interest. We see these two requirements as equally important, with the need for effective representation of communities of interest actually allowing variations to the '+/-10% rule' now and in the future.
48. In conclusion, we have determined to endorse the council's final representation proposal providing for the council to continue to comprise nine councillors elected from the current seven constituencies, subject to minor boundary alterations involving the transfer of small areas between the Coastal North and Te Hiku constituencies, between the Coastal South and Coastal North constituencies, between the Whangarei Urban and Coastal North constituencies and between the Coastal Central and Coastal North constituencies, despite one constituency not complying with the '+/-10% rule'. We believe this provides an appropriate balance of fair representation for electors and effective representation of communities of interest in Northland Region.

### **Commission's determination**

49. Under section 19R of the Local Electoral Act 2001, the Local Government Commission determines that for the general election of the Northland Regional Council to be held on 12 October 2019, the following arrangements will apply:
  - 1) Northland Region, as delineated on Plan LG-01-2019-Con-1 deposited with the Local Government Commission, will be divided into seven constituencies.

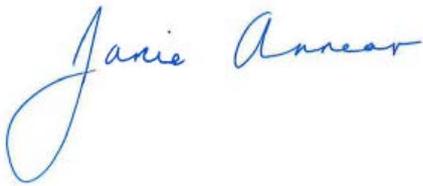
- 2) Those seven constituencies will be:
- a) Te Hiku Constituency, comprising the area delineated on Plan LG-01-2019-Con-2 deposited with the Local Government Commission, electing one councillor
  - b) Hokianga-Kaikohe Constituency, comprising the area delineated on Plan LG-01-2013-Con-3 deposited with the Local Government Commission, electing one councillor
  - c) Coastal North Constituency, comprising the area delineated on Plan LG-01-2019-Con-3 deposited with the Local Government Commission, electing two councillors
  - d) Coastal Central Constituency, comprising the area on Plan LG-01-2019-Con-4 deposited with the Local Government Commission, electing one councillor
  - e) Whangarei Urban Constituency, comprising the area delineated on Plan LG-01-2019-Con-5 deposited with the Local Government Commission, electing two councillors
  - f) Coastal South Constituency, comprising the area on Plan LG-01-2019-Con-6 deposited with the Local Government Commission, electing one councillor
  - g) Kaipara Constituency, comprising the area on Plan LG-01-2013-Con-8 deposited with the Local Government Commission, electing one councillor.
- 3) The Northland Regional Council will comprise 9 councillors elected as follows:
- a) one councillor elected by the electors of Te Hiku Constituency
  - b) one councillor elected by the electors of Hokianga-Kaikohe Constituency
  - c) two councillors elected by the electors of Coastal North Constituency
  - d) one councillor elected by the electors of Coastal Central Constituency
  - e) two councillors elected by the electors of Whangarei Urban Constituency
  - f) one councillor elected by the electors of Coastal South Constituency
  - g) one councillor elected by the electors of Kaipara Constituency.

50. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

**Local Government Commission**

A handwritten signature in black ink, appearing to read 'P. Paraone', with a large, stylized initial 'P'.

Commissioner Pita Paraone (Chairperson)

A handwritten signature in blue ink, appearing to read 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

1 April 2019