



Determination

of representation arrangements to apply for the
next election of the Tauranga City Council

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 Tauranga City Council (the Council) last reviewed its representation arrangements prior to the 2016 local authority elections. On 25 August 2020 it also resolved to establish Māori wards, a decision that was re-confirmed on 12 April 2021. 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 2016. The council's current representation arrangements have been in place since and comprise mixed-model representation arrangements with a mayor and 10 councillors elected as follows:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Mount Maunganui-Papamoa	43,400	2	21,700	+1,417	+6.98
Otumoetai-Bethlehem	40,700	2	20,350	+67	+0.33
Te Papa-Welcome Bay	37,600	2	18,800	-1,483	-7.31
Total wards	121,700	6	20,283	N/A	N/A
At-Large	121,700	4	N/A	N/A	N/A
Total	121,700	10	N/A	N/A	N/A

*Based on Tauranga Aotearoa Stats NZ 2014 electoral population estimates

4. Tauranga City is currently governed by a four-member Commission, appointed by the Minister of Local Government in February 2021 under section 258F of the Local Government Act 2002. On 11 March 2022, two days after we held a hearing in relation to the Tauranga City Council representation review, the Minister announced that the Commission’s term would be extended until July 2024. It is expected that an election will take place at that time to bring in new elected councillors and a mayor, although the exact date of the election is not known at this point. This determination sets out the representation arrangements that will apply to that election.
5. Where necessary, this determination refers to the Commission appointed by the Minister of Local Government as the ‘appointed commissioners’. However, to avoid confusion with the Local Government Commission and except where otherwise necessary, this determination generally refers to ‘the Council’ in relation to actions or decisions undertaken throughout the representation review process.

Current review: Council process and proposal

Preliminary consultation

6. Between July and August 2021, the Council undertook preliminary community engagement considering four potential representation options to help inform the development of the initial proposal.

The Council’s initial proposal

7. On 30 August 2021 the council resolved as its initial representation proposal a council comprising nine members elected from nine wards, plus the mayor. The Council also resolved not to establish community boards.
8. 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 ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Mauao/Mount Maunganui General	16,500	1	16,500	-556	-3.26
Arataki General	17,150	1	17,150	94	+0.55
Pāpāmoa General	16,850	1	16,850	-206	-1.21
Welcome Bay General	18,000	1	18,000	944	+5.53
Matua General	18,050	1	18,050	994	+5.83
Bethlehem General	17,550	1	17,550	494	+2.90
Te Papa General	16,400	1	16,400	-656	-3.85
Tauriko General	15,950	1	15,950	-1,106	-6.48
Total General	136,450	8	17,056		
Māori ward	15,300	1	15,300	N/A	N/A
Total	151,300	9			

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

9. The Council notified its proposal on 3 September 2021 and received 141 submissions by the deadline of 4 October 2021. 14 submitters were heard by the Council on 18 October 2021.
10. Of the 141 submissions received, 71 submissions supported or were neutral on the Council's initial proposal, 69 did not support all aspects of the proposal, and one did not answer this question.
11. Key themes in the submissions were:
 - a. Requests for general ward members to be elected 'at-large', that is, to be elected from a single district-wide general ward (26 submissions);
 - b. Requests for a mixed-model representation system, with a mix of councillors elected from wards and at-large across the city (16 submissions);
 - c. Requests for community boards to be established (14 submissions);
 - d. Comments relating to the number of councillors (14 submissions), with most requesting an increase in the council membership to either 10, 11 or 12;
 - e. Requests for an alternative representation model (11 submissions), including requests for multi-member wards rather than single-members wards (six submissions);
 - f. Requests for changes to proposed ward boundaries, particularly relating to the proposed Mauao/Mount Maunganui, Arataki and Pāpāmoa General Wards, the proposed Matua and Bethlehem Wards, and the proposed Te Papa and Tauriko Wards (seven submissions);
 - g. Requests for changes to proposed ward names, particularly relating to the proposed Māori ward and the proposed Matua General Ward (six submissions); and
 - h. Comments relating to matters outside of the scope of the representation review, such as comments relating to the establishment of the Māori ward or the commissioners having been appointed to the Council. Submissions that fell outside of the scope of the review process were treated as such and not considered.
12. On 8 November 2021 the Council met to deliberate on submissions received on its initial proposal. The Council endorsed the overall scheme of the initial proposal but included some changes to the Mauao/Mount Maunganui and Arataki General Ward boundary, the Arataki and Pāpāmoa Ward boundary and the names of the Māori ward and proposed Matua General Ward.

The Council's final proposal

13. The Council's final proposal was as follows:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Mauao/Mount Maunganui General	15,650	1	15,650	-1,406	-8.24
Arataki General	17,050	1	17,050	-6	-0.04
Pāpāmoa General	17,800	1	17,800	744	+4.36
Welcome Bay General	18,000	1	18,000	944	+5.53
Matua-Otūmoetai General	18,050	1	18,050	994	+5.83
Bethlehem General	17,550	1	17,550	494	+2.90
Te Papa General	16,400	1	16,400	-656	-3.85
Tauriko General	15,950	1	15,950	-1,106	-6.48
Total General	136,450	8	17,056		
Te Awanui Māori	15,300	1	15,300	N/A	N/A
Total	151,300	9			

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

14. The Council publicly notified its final proposal on 12 November 2021.
15. Twelve appeals and five objections were received. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.

Appeals/objections against the council's final proposal

16. Twelve appeals and five objections received on the Council's final proposal were considered valid or partially valid and covered the following matters:
 - a. Concerns regarding the proposed number of elected members, with nine appellants/objectors requesting an increase in the number of members. Specified preferences included appeals/objections included 10, 11, 12 or 14 members;
 - b. Concerns regarding the proposed single-member ward-only model, with 10 appellants/objectors expressing concern at the inclusion of single-member wards and seven appellants/objectors specifically requesting the multi-member wards be used instead;
 - c. Concerns regarding the proposed ward-only representation model, with 12 appellants/objectors specifically requesting a mixed-model representation model incorporating some 'at-large' members;
 - d. Concerns regarding specific details relating to the Council's final representation proposal, including:

- Against the name of the proposed Arataki General Ward, with a request that it be changed to Mangatawa General Ward;
 - Against the proposed boundary between the Arataki and Pāpāmoa General Wards, with a request that it be adjusted to reflect the boundary as included in the Council’s initial proposal;
 - Against the proposed boundaries between the Matua-Otūmoetai and Bethlehem General Wards and the Te Papa and Tauriko General Wards, with a request to move to larger, multi-member wards to avoid the communities of Brookfield and Greerton being split between wards;
 - Against the grouping of communities of Judea and Bethlehem together to make up the Bethlehem General Ward, and the combination of communities making up the Te Papa Ward, with a request to move to larger, multi-member wards to provide a more natural grouping of communities together;
- e. Requests for community boards to be included in the determination of representation arrangements.
17. Alternative representation arrangements were also suggested through appeals and objections, as follows:
- a. Requests for an ‘at-large’ model, with a single district-wide Māori ward and a single district-wide general ward;
 - b. Requests for a hybrid ‘mixed/at-large’ model, with one member elected from a single district-wide Māori ward, some members elected from a single district-wide general ward and the remaining members elected ‘at-large’;
 - c. Requests for a mixed model based on current arrangements, with a single district-wide Māori ward electing one member, three general wards each electing two-three elected members and the remaining members elected ‘at-large’; and
 - d. An alternative mixed-model arrangement with a single district-wide Māori ward electing one member, four general wards each electing one-two members and the remaining members elected ‘at-large’.

Hearing

18. The Commission met with the Council and the seven appellants who wished to be heard at a hearing held online on 9 March 2022. The Council was represented at the hearing by Commissioners Anne Tolley, Stephen Selwood, Bill Wasley and Shadrach Rolleston. They were supported at the hearing by Chief Executive, Marty Grenfell, and Manager Democracy Services, Coral Hair.
19. The following appellants and objectors appeared at the hearing:
- a. Greg Brownless

- b. David Holland
- c. Barry Scott, also speaking on behalf of the Papamoa Residents and Ratepayers Association
- d. Hylton Rhodes
- e. Rob Paterson
- f. John Robson
- g. Sustainable Bay of Plenty Charitable Trust, represented by Glen Crowther

Matters raised at the hearing

20. Commissioners Anne Tolley and Stephen Selwood, explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:
- a. Tauranga is New Zealand's fastest growing city, but under-investment by successive councils had led to significant deficits in infrastructure and community facilities. The 2019 council had faced a number of significant challenges and ultimately the Council had been replaced by Commissioners, appointed by the Minister for Local Government, with a range of skills in governance, infrastructure, planning, Te Ao Māori and with strong ties to local iwi.
 - b. The appointed commissioners' terms of reference included delivering a robust Long Term Plan 2021-2031, working to restore trust and confidence in the Council by creating a spirit of partnership between the Council, tangata whenua and the community, actively engaging with the community, effectively collaborating with regional partners to implement solutions for issues resulting from rapid growth in the Western Bay of Plenty, and facilitating a smooth transition back to democratic representation.
 - c. The appointed commissioners supported the Council's decision to establish a Māori ward, and re-confirmed this decision in April 2021.
 - d. As part of induction into the Council, the appointed commissioners engaged with Council's key community stakeholders, including iwi, business organisations and social service providers through a series of community meetings, information sessions, and meetings with individuals. Through this process, the Council became aware of issues perceived with the current representation arrangements, including communities that felt they had not had a clear voice at the council table and had been ignored by the Council over many years. This feedback was used to inform the options for preliminary engagement as part of the representation review.
 - e. The Strategy, Finance and Risk Committee (the Committee) led the early process for undertaking preliminary engagement on options for representation arrangements. Alongside the appointed commissioners, the

Committee included three tangata whenua representative, the Chairperson of Te Rangapū Mana Whenua o Tauranga Moana (an autonomous body made up of representatives of the 17 iwi and hapū in Tauranga City), and an independent finance and risk expert.

- f. The Committee developed four potential representation models and presented these to the community for feedback by way of a survey, alongside questions regarding the number of councillors, whether community boards should be established, and requesting comments on representation matters. Efforts were made to distribute the survey as widely as possible, including to iwi, the business community and young people. 825 responses were received, but it was acknowledged that responses were not representative across the community.
- g. The initial proposal took into account feedback gathered in the pre-engagement survey, community feedback gathered as part of the LTP process and an assessment of communities across the city. The initial proposal focused on achieving a spread of geographic representation across the city, with all communities having a direct voice at the council table and would allow ward councillors to have a closer relationship with their communities and vice versa. The proposal was felt to encourage closer ties across the city and would ensure accountability across the city.
- h. It was acknowledged that a single district-wide general ward had been the most popular choice in the pre-engagement survey, however it was felt that this may result in communities across the city continuing to feel unheard and ignored. It also resulted in an imbalance between voters on the general and Māori electoral rolls in terms of the number of votes that each could cast.
- i. While arguments could be made that multi-member wards or mixed-model representation systems are more likely to deliver more diversity on the Council, the example of previous councils elected in Tauranga had not proven this to be the case. It was felt that the benefits of ward councillors having a close connection with their immediate community and ensuring geographic representation across the council table were more important than having multi-member wards in place.
- j. Mixed model representation systems had been considered and rejected as it was felt that this would result in a power imbalance between ward councillors and councillors who were elected at-large. This had been highlighted as an issue by the Review and Observer Team that pre-dated the appointment of the commissioners, who had felt that the mixed model representation arrangements had undermined the position of the mayor.
- k. The number of elected members had been reduced from 10 members plus the mayor to nine members in response to feedback from the pre-engagement survey that favoured a council of 10 or less members and to encourage efficient and effective decision-making. An even overall number of elected members plus the mayor number had deliberately been chosen to elevate the status of the mayor and allow for a casting vote to be used,

although it was acknowledged that the mayor's casting vote was a function of the Council's Standing Orders and could not be guaranteed in the future.

- l. The Council understood the value community boards could offer but felt that it was not an appropriate time to introduce community boards, taking into account the changes underway in the local government sector and the additional costs to the community and Council in terms of establishing and supporting community boards. It was felt that there were alternative community forums that would ensure that local communities were advocated for and had their views heard.
 - m. In relation to specific ward details raised in appeals and objections, it was felt that the ward names and boundaries included in the final proposal reflected communities of interest in each ward. It was acknowledged that there were some pinch points, including around the suburb of Greerton but it was felt that Greerton would benefit by being represented by two councillors. The Matua-Otūmoetai/Bethlehem Ward boundary was another pinch point, although the boundary followed a main arterial route. It was possible that parts of the area around Brookfield Primary School could be considered for inclusion in the Matua-Otūmoetai Ward without breaching the +/-10% rule.
 - n. The proposed representation model was seen as a solid representation model that represented the journey that the city had been on from the appointment of commissioners and to reflect the moment in time at which democracy would return to the city. It was felt that the community had been fragmented and the proposed representation model would be an important step in bringing the community back together.
21. The appellants and objectors appearing at the hearing emphasised the following points in opposition to the Council's proposal:
- a. Concerns were expressed regarding the proposed decrease in the number of elected members. It was felt that undue reliance was placed on the mayor having a casting vote when this could not be guaranteed to remain in the Council's Standing Orders. It was also felt that nine members was too small a council for the city's population, noting that significant population growth was also occurring, and that a reduction in numbers was likely to lead to reduced diversity around the council table.
 - b. Concerns were expressed regarding the model relying on single-member wards. It was felt that single-member wards would not allow the city to take advantage of all the benefits of STV voting and may result in parochialism between different areas of the city. It was also felt that single member wards could dissuade potential candidates from standing, as they may perceive a lower chance of being elected than in a multi-member ward.
 - c. Appellants against single-member wards also emphasised the loss in voting power they felt had occurred with the proposed representation model. It was noted that under the current arrangements the mix of ward and at-large members meant that every elector had seven votes, being one for mayor, two

for ward members and four for at-large members. However, under the Council's proposal, each elector would only have two votes, one for mayor and one for ward councillor. It was felt that this could dissuade electors from voting.

- d. It was suggested further that the single-members wards were not representative of communities of interest, and in some cases divided communities. Appellants suggested that the single-member ward system had been designed to address issues faced by the previous council rather than addressing the needs of the city in the future.
- e. Multi-member wards were perceived as having advantages over single-member wards, particularly with regards to the diversity of candidates likely to stand, and to be elected. The Council had suggested that multi-member wards had previously not delivered a diverse council, but the 2019 election held using the STV voting system had delivered greater diversity in age and political viewpoints than previous FPP elections had. There was concern that the benefits of the STV voting system in delivering a more diverse council would be lost when used with a single-member ward system.
- f. Appellants who preferred a mixed-model representation system emphasised that many of the issues facing the city were city-wide issues. There was concern that ward councillors may be susceptible to being captured by ward interests rather than taking a city-wide view. Mixed model systems would also allow electors to be able to vote for the at-large candidates that they perceived to be the best candidates for the city, rather than being restricted to only voting for candidates in their ward plus the mayor.
- g. Concerns were expressed regarding the decision not to introduce community boards at this time. It was felt that community boards could act as a bridge between Council and the community, and support community consultation for proposed Council activities and projects. It was also felt that community boards could also provide support for single-ward members and in particular the proposed Te Awanui Ward member, being elected from a district-wide ward. Community boards could also assist with building community resiliency and provide a useful resource for the Council to draw in in the face of issues such as civil defence events.
- h. Several appellants disagreed with the Council that it was not appropriate to introduce community boards through this review. It was felt that the costs of setting community boards up should be measured against the value to be gained by having community boards. While it was acknowledged that Tauranga had a range of community and residents' organisations, these tended to be more concentrated in the wealthier areas of the city, rather than spread evenly across the city. Having community boards could help to empower all communities and create better awareness across the city as a whole.
- i. One appellant felt that the name of the Arataki Ward was not representative of the proposed ward, and that Mangatawa was a more appropriate name for

the area. The appellant also suggested that Domain Road was a better boundary line between the proposed Arataki and Pāpāmoa Wards, as it was easier to follow and better reflected communities in the area.

- j. Another appellant highlighted issues with ward boundaries whereby the suburbs of Greerton and Brookfield had each been split between two wards. It was suggested that the split of suburbs between wards indicated that the Council had attempted to retro-fit communities of interest within population-based boundaries, rather than letting the communities of interest in the city lead the process.

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 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.
23. 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 if it considers it necessary.
24. While a number of appeals and objections included statements disapproving of some the processes followed by the Council in this review, we have not identified any procedural deficiencies. We do not have any specific comments to make regarding the process followed by the Council in this review.
25. The matters in the scope of the review are:
 - The number of councillors
 - whether the council is to be elected from wards, the district as a whole, or a mixture of the two
 - 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

26. 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

27. 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.
28. 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.
29. 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.
30. At the hearing we were told that some of the key responsibilities the appointed commissioners were tasked with by the Minister of Local Government was to create a spirit of partnership between the Council, tangata whenua and the community, and to actively engage with the community with integrity and transparency. The appointed commissioners described to us the way in which they had engaged with the community in order to achieve these outcomes, and the knowledge about the various communities of interest around the city they had gained as a result.

31. We also heard that the identification of communities of interest had included a mapping exercise to understand the boundaries of iwi and hapū rohe and how these related to potential ward boundaries. The Council had established a principle at an early stage that potential ward boundaries should be consistent with iwi and hapū rohe boundaries where possible. We appreciate the significance of this guiding principle and commend the Council for undertaking this exercise.
32. We note that the various representation options considered by the Council at an early stage of the process were based on established suburbs that residents would identify with, feel a connection to, and visit in order to undertake activities or use services. We are satisfied that the Council appropriately identified communities of interest for the purpose of the representation review.
33. We also acknowledge the suggestion from several appellants that there is a higher-level, city-wide community of interest. Appellants suggested that this is supported by the fact that many people move across the city on a daily basis for employment or education purposes, to undertake activities or use services. We note that different layers of community of interest are a feature of all cities, districts and regions. We discuss this aspect further below as we consider the effectiveness of the proposed representation arrangements for the city.

Effective representation of communities of interest

34. 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).
35. '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).
36. 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.
37. 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 a Māori wards, it must also establish at least one general ward. This means that the Council was unable to consider a purely at-large representation model in this review.

Number of elected members

38. While not a prescribed statutory requirement, 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 district 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 ward, if there are to be wards.
39. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. The Council comprised a mayor and 14 councillors on its constitution in 1989, which was reduced to 13 councillors in 1998 and to 10 in 2004. The Council was originally divided into five ward, which was reduced to four wards in 1998. Since 2004, the Council has utilised a mixed-model representation system, with the city divided into three wards and at-large councillors also being elected.
40. In the Council's final proposal, the number of councillors was reduced from 10 to nine, plus the mayor. The Council described at the hearing the importance it placed on efficient and effective decision-making. It was felt that a smaller council making decisions in a more efficient and effective manner would allow more time for councillors to engage more with their communities.
41. We heard from appellants that reducing the number of councillors would likely lead to reduced diversity around the council table, and that the proposed number of members was too small given that significant population growth was forecast to continue. Appellants also felt that undue reliance was placed on the mayor having a casting vote when this could not be guaranteed to remain within the Council's Standing Orders.
42. We note that it is unusual for a city with a rapidly growing population to reduce its overall membership. However, we also note that the results of the pre-engagement survey indicated strong support for a council of 10 or fewer members.
43. We also note that the city itself is geographically small, and we were told at the hearing that outside of peak traffic times, it is possible to drive from most areas of the city to the city centre within 15 minutes. We consider that reducing the number of councillors would not place undue pressure on councillors in terms of them being able to interact with communities across the city and vice versa.

44. In the context of the return of democracy to the city, we uphold the Council's proposal for a council of nine members plus the mayor.

Representation model – single-member wards, multi-member wards or a mixed model?

45. The representation model is one of the key issues in this review. The Council has proposed to use a single-member ward model. Appellants seek a range of different outcomes, including multi-member wards or mixed-model systems incorporating at-large councillors.
46. The Council's single-member ward proposal is closely associated with its identification of communities of interest. The Council identified early in the process that under the previous representation model, many communities had felt ignored and without a voice at the council table. The Council explained that the proposal sought to ensure that no parts of the city were left behind, and that all communities had an equal opportunity to influence outcomes at the council table.
47. The main issues by appellants and objectors against the use of single-member wards are the effect single-member wards might have on the diversity of council, and the relative loss of voting power of electors as against multi-member ward systems of mixed-model representation systems. The appellants drew links between both of these issues and the use of the STV voting system, suggesting that multi-member wards were required in an STV system to achieve the benefits of increased diversity. Other appellants pointed to a higher-level city-wide community of interest and suggested that single-member wards would not allow for the effective representation of this community of interest.
48. We acknowledge the points made by appellants in relation to the potential for STV voting to encourage diversity and we accept that it is possible that multi-member wards may lead to greater diversity than single-member wards might. We appreciate the concerns put forward by appellants in this vein.
49. Ultimately, however, we are guided by the context in this review of the city transitioning from appointed commissioners back to representative democracy. In this context, we see great value in ensuring that communities across the city are clearly represented and feel connected to the council.
50. We appreciate the argument put forward by appellants regarding representation of a city-wide community of interest, and we have considered whether a mixed-model representation system is appropriate, with at-large councillors included alongside the proposed single-member ward system. However, we consider that effective representation of all parts of the city needs to be clearly established as a first step as democracy returns to the city. To do otherwise may risk undermining the effective representation of communities of interest, especially those that have felt undermined in previous representation models.
51. The particular context of the return of democracy to Tauranga has been central to our decision-making. We have considered all aspects in this light and acknowledge that weight has been given to matters that may not have required the same level of attention in a representation review of a city with a strong and well-functioning

democracy underpinning it. We are mindful that the newly elected Council should be given the best opportunity to succeed and we agree with the commissioners that this is best achieved through a close relationship between elected members and the community they represent, especially when each community can see that its voice is represented and valued at the council table.

52. We therefore uphold the Council's representation proposal for a council of nine members, with eight members elected from eight single-member general wards and one member elected from a district-wide Māori ward, plus the mayor.
53. We consider that our determination is the right approach for the city at this time. We encourage the Council in its next representation review to carefully consider the arguments put forward by the appellants in this review, and to have a conversation with the wider community about whether to consider multi-member wards or other methods of recognising the close ties that exist across the city.

These observations should not be construed as the Local Government Commission expressing a particular opinion about what representation arrangements might look like in the future. Rather, our intention is to encourage an in-depth conversation with the community at the next review.

Specific issues relating to ward names and boundaries

54. Having upheld the Council's single-member ward representation model, we need to consider the specific issues raised by appellants and objectors in relation to the proposed ward names and boundaries.
55. One appellant requested that the name of the Arataki General Ward be changed to 'Mangatawa General Ward'. It was suggested that the name Arataki only reflected a small part of the geography of the ward and that Mangatawa was a more appropriate name for the area, taking into account Māori history in the area. The appellant stated that he had discussed his ideas with a representative of Ngā Pōtiki, although it was not clear that he had specific endorsement from the hapū.
56. We heard from the Council that its understanding was that Mangatawa referred to the specific area of Mangatawa Marae, and that the Council would not consider using this name without the clear endorsement of mana whenua. We also heard from the Council that Arataki is a well-established name, the translation for which matches characteristics of the area as a natural junction point between the central city and coastal areas of Tauranga. We uphold the name of the Arataki Ward.
57. One appeal also included a request for the boundary between the Arataki and Pāpāmoa Wards to be adjusted to align along Domain Road. This was the boundary line used by the Council between the two wards in its initial proposal. We note that the Council responded to submissions to include Fashion Island Shopping Centre, Papamoia Plaza and the surrounding residential areas in the Pāpāmoa Ward rather than the Arataki Ward. We consider it was appropriate for the Council to adjust the ward boundary in response to submissions, and we uphold the boundary as identified by the Council in its final proposal.

58. Several appeals addressed the suburb of Greerton being split between the Te Papa and Tauriko General Wards. Other appeals also noted that the suburb of Brookfield was split between the Matua-Otūmoetai and Bethlehem General Wards. We note that ward systems can lead to pinch points that may result in compromises for individual communities. The risk of pinch points between ward boundaries increases with a larger number of wards.
59. The Council advised at the hearing that it was not possible to move Greerton in its entirety into a single ward without resulting in a significant variance from the +/-10% rule for other wards.
60. In the case of Brookfield, we were told at the hearing that it may be possible to move Brookfield Primary School, a nearby park and some of the residential area into the Matua-Otūmoetai Ward. We are not convinced that it is appropriate for us to disturb the ward boundary in this case. We understand that to move the boundary in this way would still result in the suburb of Brookfield being split across wards. It was also unclear to us where the boundary would move to, and what possible affects moving the boundary might have on the community. We therefore prefer to leave the boundary as it stands in the Council's final proposal.
61. We acknowledge that the single-member ward system does not result in perfect outcomes for the Greerton and Brookfield communities. We emphasise again in this regard that the single-member ward model is considered to be an appropriate model in the context of the return of Tauranga to democracy. We have already encouraged the Council to carefully consider in its next review whether there are benefits in considering a multi-member ward system and we suggest that the Council be mindful of the Greerton and Brookfield communities as part of the conversation underpinning its next representation review.

Fair representation for electors

62. 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').
63. However, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are where:
 - a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities
 - b. compliance would limit effective representation of communities of interest by dividing a community of interest
 - c. compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.

64. We have upheld the Council's representation proposal for nine single-member wards. We note that the eight general wards as proposed by the Council all comply with the +/-10% rule, and the +/-10% rule does not apply to the single district-wide Te Awanui Māori Ward.

Communities and community boards

65. 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.
66. 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?
67. In the current review, the council has proposed not to establish community boards. The Council explained that on-going reform in the local government sector and the costs involved in establishing community boards had been key factors in its decision not to establish community boards, and that alternative community forums existed and could be nurtured by the Council to ensure community views are heard.
68. Appellants who supported the introduction of community boards highlighted the role they could play as a bridge between the Council and the community. It was suggested that community boards could provide support for single-ward members and could also play a role in community-building and ensuring more resilient communities.
69. The establishment of community boards would be a significant change for the city. We do not feel that the case for establishing community boards has been clearly articulated at this time. We uphold the Council's decision not to establish community boards through this review.
70. However, we appreciate the strength of the arguments put forward by appellants in relation to community boards, in particular the illustration of community boards acting as a bridge between the Council and the community. We consider that it is possible that community boards could be a good addition to the council's governance

structure in the future. We strongly encourage the Council as part of its next representation review to explore with the wider community the potential benefits of community boards in bolstering a strong local democracy in Tauranga.

Commission's determination¹

71. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Tauranga City Council to be held on 8 October 2022, the following representation arrangements will apply:
1. Tauranga City, as delineated on Plan LG-023-2022-W-1, will be divided into nine wards.
 2. Those nine wards will be:
 - a. the Te Awanui Māori Ward, comprising the area delineated on Plan LG-023-2022-W-2
 - b. the Mauao/Mount Maunganui General Ward, comprising the area delineated on Plan LG-023-2022-W-3
 - c. the Arataki General Ward, comprising the area delineated on Plan LG-023-2022-W-4 deposited
 - d. the Pāpāmoa General Ward, comprising the area delineated on Plan LG-023-2022-W-5
 - e. the Welcome Bay General Ward, comprising the area delineated on Plan LG-023-2022-W-6
 - f. the Matua-Otūmoetai General Ward, comprising the area delineated on Plan LG-023-2022-W-7
 - g. the Bethlehem General Ward, comprising the area delineated on Plan LG-023-2022-W-8
 - h. the Te Papa General Ward, comprising the area delineated on Plan LG-023-2022-W-9
 - i. the Tauriko General Ward, comprising the area delineated on Plan LG-023-2022-W-10
 3. The Council will comprise the mayor and nine councillors elected as follows:
 - a. 1 councillor elected by the electors of the Te Awanui Māori Ward
 - b. 1 councillor elected by the electors of the Mauao/Mount Maunganui General Ward

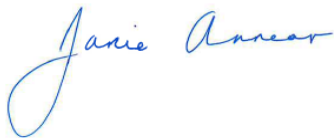
¹ All plans referred to in this determination are deposited with the Local Government Commission.

- c. 1 councillor elected by the electors of the Arataki General Ward
 - d. 1 councillor elected by the electors of the Pāpāmoa General Ward
 - e. 1 councillor elected by the electors of the Welcome Bay General Ward
 - f. 1 councillor elected by the electors of the Matua-Otūmoetai General Ward
 - g. 1 councillor elected by the electors of the Bethlehem General Ward
 - h. 1 councillor elected by the electors of the Te Papa General Ward
 - i. 1 councillor elected by the electors of the Tauriko General Ward
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 Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham



Commissioner Sue Piper

6 April 2022