



# Local Government Commission

## Mana Kāwanatanga ā Rohe

### Determination

on a decision of the Bay of Plenty Regional Council to  
adopt representation arrangements for the local authority  
elections to be held on 11 October 2025

### Introduction

1. All regional councils are required under sections 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years.
2. The matters for this determination by the Commission are limited to the Bay of Plenty Regional Council's (the Council) decision to retain the boundaries of the Eastern Bay of Plenty constituency with its current membership of 2 members and the Tauranga constituency with its current membership of 5 members, despite not complying with section 19V(2) of the Act (the '+/-10% rule').

### Commission's determination<sup>1</sup>

3. Under section 19V(6) of the Local Electoral Act 2001, the Commission upholds the decision of the Bay of Plenty Regional Council not to comply with section 19V(2) in respect of the Eastern Bay of Plenty and Tauranga general constituencies, as compliance would limit effective representation of communities of interest in the Eastern Bay of Plenty General Constituency.
4. Accordingly, for at least the triennial general election of the Bay of Plenty Regional Council to be held on 11 October 2025, the following representation arrangements will apply.

Bay of Plenty Region, as delineated on Plan LG-04-2024-Con-1 will be divided into 7 constituencies and will be represented by a Council comprising 14 councillors elected as follows:

Constituency	Councillors	Plan delineating area
Mauao Māori Constituency	1	LG-04-2013-Con-3
Kōhi Māori Constituency	1	LG-04-2013-Con-2
Ōkurei Māori Constituency	1	SO 334948

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<sup>1</sup> 1 Plans referred to in this determination that are preceded by LGC are deposited with the Local Government Commission; plans preceded by SO are deposited with Land Information New Zealand.

Western Bay of Plenty General Constituency	2	LG-04-2024-Con-2
Tauranga General Constituency	5	LG-04-2024-Con-3
Rotorua General Constituency	2	SO 386695
Eastern Bay of Plenty Constituency	2	SO 334946

5. The ratio of population to elected members for each constituency will be as follows:

Constituencies	Population*	Number of members	Population per member	Deviation from region average population per member	% deviation from region average population per member
Western Bay of Plenty General	53,640	2	26,820	696	+2.67
Tauranga General	145,830	5	29,166	3042	+11.65
Rotorua General	52,410	2	26,205	81	-0.31
Eastern Bay of Plenty	35,480	2	17,740	-8384	-32.09
<b>Total general constituencies</b>	<b>287,360</b>	<b>11</b>	<b>26,124</b>		
Mauao Māori	23,500	1	23,500	1,133	+5.07
Kōhi Māori	21,700	1	21,700	-0667	-2.98
Ōkurei Māori	21,900	1	21,900	-467	-2.09
<b>Total Māori constituencies</b>	<b>67,100</b>	<b>3</b>	<b>22,367</b>		
<b>Total</b>	<b>354,460</b>	<b>14</b>			

\*Based on Stats NZ Tauranga Aotearoa 2023 population estimates (2018 census base)

6. As required by section 19T(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.

## Background

7. Under section 19I of the Local Electoral Act 2001 (the Act) regional council representation reviews are to determine the number of councillors to be elected, and the boundaries and names of constituencies. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
8. The Council last reviewed its representation arrangements prior to the 2019 local authority elections.
9. Māori constituencies were established for the region by the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001.

## Current representation arrangements

10. The Commission last made a determination in relation to Bay of Plenty Regional Council's representation in 2019. The Commission has previously noted that the Bay of Plenty Region's territorial authorities were a good reflection of current sub-regions and natural communities of interest. Other than population growth, little change has occurred to alter these distinct and natural communities of interest.
11. Tauranga City Council and Western Bay of Plenty District Council, however, underwent a series of boundary reorganisations in 2020 and 2021, which included:
  - (a) the transfer of areas at Tauriko West, Belk Road, Keenan Road and Tara Road from Western Bay of Plenty District to Tauranga City; and
  - (b) the transfer of an area south of the Tauranga Eastern Link Toll Road from Tauranga City to Western Bay of Plenty District
12. The Orders in Council implementing the boundary alterations altered the constituency boundaries to match the new territorial authority boundaries.
13. In the Commission's 2019 determination, the non-compliance related to the Rotorua and Eastern Bay of Plenty constituencies. The way the population growth has occurred across the region means that in this representation review round, the constituencies with non-compliance are now the Tauranga and Eastern Bay of Plenty constituencies.
14. The Council's current representation arrangements have been in place since. These are a council comprising:
  - 11 members elected from 4 general constituencies
  - 3 members elected from 3 Māori constituencies.

## Current review

### Preliminary consultation

15. The Council undertook preliminary engagement with its community from 15 January to 23 February 2024. The aim of this pre-consultation was to provide information about the representation review to the community and to gauge satisfaction levels with the current arrangements.

16. The format was a short online survey via the BOPRC Participate page, or else people were invited to provide feedback via email or phone. The majority of this feedback supported the status quo.

## The Council's initial proposal

17. On 9 May 2024 the Council resolved its initial representation proposal for a council 14 members, with three members elected from three Māori Constituencies and 11 elected from four General Constituencies, this being no change to the current representation arrangement.
18. The initial proposed constituency arrangements were as follows:

Constituencies	Population*	Number of members	Population per member	Deviation from region average population per member	% deviation from region average population per member
Western Bay of Plenty General	53,640	2	26,820	696	+2.67
Tauranga General	145,830	5	29,166	3042	+11.65
Rotorua General	52,410	2	26,205	81	-0.31
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<b>Total Māori constituencies</b>	<b>67,100</b>	<b>3</b>	<b>22,367</b>		
<b>Total</b>	<b>354,460</b>	<b>14</b>			

\*Based on Stats NZ Tatauranga Aotearoa 2023 population estimates (2018 census base)

## Submissions

19. The Council notified its initial representation proposal on 9 May 2024, and received 29 submissions by the deadline of 10 July 2024.
20. Key themes in the submissions were:
- Three submitters sought a variation in the number of councillors
  - One submitter preferred the Council's "discarded option" one that Maketū-Te Puke Ward be moved to Eastern Bay of Plenty constituency, Pāpāmoa Ward be moved to Western Bay of Plenty constituency and status quo for Rotorua constituency

- Four submitters sought the number of councillors to be allocated to constituencies be based on environmental factors such as the land size
  - Two submitters sought increased representation for Māori and Pasifika
  - Two submitters sought an increase to the number of Māori constituency councillors
  - One submitter sought boundaries based on cultural perspectives
  - Ten submitters sought the removal of Māori constituencies
21. The Council rejected the following matters raised in submissions for the following reasons:
- Any variation to the proposed councillor numbers in the general constituencies would worsen the discrepancy to the +/-10% rule
  - Altering the constituency boundaries would reduce alignment with territorial authority boundaries, and the Act requires conformity of the two where practicable
  - The Local Electoral Act requires representation arrangements based on population size and community locations
  - The formula which determines the number of councillors representing Māori constituencies is set out in section 6 of the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001
  - The removal of Māori Constituencies is outside the scope of this review
  - Moving Maketū/Kaituna from Mauao to Ōkurei would combine areas with differing interests, being lakes and coastal
22. On 13 August 2024, the Council adopted its initial proposal as its final representation proposal and publicly notified its final proposal on 15 August 2024.
23. No appeals or objections against the Council's final proposal were received. The Council was, however, required by section 19V(4) of the Act to refer its proposal to the Commission for determination as of the Eastern Bay of Plenty constituency with its current membership of 2 members and the Tauranga constituency with its current membership of 5 members do not comply with the fair representation requirement of section 19V(2) of the Act (the +/-10% rule).

### Need for a hearing

24. 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. Rather, the need for a hearing is determined by the information provided by the relevant parties and as a result of any further inquiries the Commission may wish to make.
25. In the case of Bay of Plenty Regional Council's final proposal, the Commission considered there was sufficient information in the documentation provided by the Council for the Commission to proceed to a determination. Accordingly, no hearing was required.

## Matters for determination by the Commission

26. The matters for determination by the Commission are limited to the Bay of Plenty Regional Council's (the Council) decision to retain the Eastern Bay of Plenty Constituency with its current membership of 2 members and the Tauranga Constituency with its current membership of 5 members, despite not complying with section 19V(2) of the Act (the '+/-10% rule').

### Key considerations

27. 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

28. 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
29. All three dimensions are important and often interlinked. We note however, that there is often a focus on the perceptual dimension. That is, what councils, communities or individuals intuitively feel are communities of interest. It is not enough to simply state that a community of interest exists because it is felt that it exists; councils must provide evidence of how a sense of identity is reinforced, or how a community is distinct from neighbouring communities. Such evidence may be found by considering, for example:
  - how communities rely on different services and facilities to function as part of the wider district, city or region
  - demographic characteristics of an area (for example age, ethnicity or deprivation profiles) and how these differ from other areas
  - how particular communities organise themselves and interact with others as part of the wider district, city or region
30. 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.

31. In the case of Bay of Plenty Region, the general constituencies reflect territorial authority boundaries, with the Rotorua Constituency comprising that part of Rotorua District and that part of Taupo District in the Bay of Plenty Region, and the Eastern Bay of Plenty Constituency comprising Whakatane, Kawerau and Ōpōtiki districts. Accordingly, the current regional constituencies, as groupings of sub-regional communities of interest, can be seen as largely coinciding with territorial authority communities of interest.

## Effective representation for communities of interest

32. '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).
33. The 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
34. The Bay of Plenty Region has been divided into four general constituencies, reflecting territorial authority boundaries, since its constitution in 1989. Accordingly, these general arrangements are now well established and are familiar to residents.
35. The Local Government Commission has previously noted that the Bay of Plenty Region's territorial authorities were a good reflection of current sub-regions and natural communities of interest.
36. The Eastern Bay of Plenty Constituency was formed by combining Kawerau, Whakatane and Opotiki districts into one constituency. The Local Government Commission has previously noted that this was sensible given the similarities of terrain, settlement patterns and their focus on Whakatane as the main service town. The Commission identified strong commonalities between these three areas noting as examples, the collaborative nature of the three sub-regional district councils and shared business and professional links. These commonalities are as strong today as previously and require separate effective representation.
37. Current boundaries cannot be realigned in a way that will not divide communities of interest or create unnatural geographical boundaries.

## Fair representation for electors

38. Section 19V(3) of the Act provides that, despite subsection (2), 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 subsection (2).
39. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
  - a. uphold the decision of the council, or
  - b. alter that decision
40. The council is proposing, for the purposes of effective representation of communities of interest, the Tauranga and Eastern Bay of Plenty constituencies not comply with 'the +/-10% rule'. Accordingly, we needed to consider whether compliance, or closer compliance with the '+/-10% rule' is desirable, possibly at the expense of effective representation of communities of interest.
41. The constituency boundaries coincide with the boundaries of the territorial authorities. Current boundaries cannot be realigned in a way that will not divide communities of interest or create unnatural geographical boundaries.
42. The wording of section 19V(3)(b) is such that once the Commission agrees that effectiveness of representation requires non-compliance with the '+/-10% rule' in a particular constituency, then generally "constituencies may be defined and membership distributed between them in a way that does not comply" with this rule. Accordingly, the other Bay of Plenty constituencies can technically also not comply with the '+/-10% rule'. However, the overriding 'fair and effective representation' principle of the Act does still apply.
43. In summary, we consider the circumstances of the Tauranga and Eastern Bay of Plenty constituencies can be seen to be very similar to those applying at the time of the council's last review in 2019, despite the non-compliance now being in the Tauranga constituency and not Rotorua as was in 2019. At that time the then Commission upheld the council's proposal not to comply with the '+/-10% rule' in respect of those two constituencies.
44. Accordingly, the matters for determination by the Commission are limited to the Council's decision to retain the boundaries of the of the Eastern Bay of Plenty constituency with its current membership of 2 members and the Tauranga constituency with its current membership of 5 members, despite not complying with the '+/-10% rule'.

## Proposed non-compliance of Tauranga constituency

45. The Tauranga constituency has experienced significant population growth since the last review in 2018, from 102,500 to 145,830. This has impacted in that the constituency is now non-compliant with the +/-10% rule. This is a slight non-compliance of 11.65%.
46. Alternative arrangements could be explored, such as increasing the number of councillors representing this constituency to six. This would lessen the level of non-compliance for the Eastern Bay of Plenty Constituency, but not remove it. It would also result in the Western Bay of Plenty Constituency being non-compliant and push the Rotorua Constituency closer to non-compliance.



## Proposed non-compliance of Eastern Bay of Plenty constituency

47. The Eastern Bay of Plenty constituency has also experienced population growth, but not to the same extent as Tauranga, growing from 33,000 to 35,480. The Eastern Bay of Plenty constituency has a representative per 17,740 members in the population, as opposed to the regional average of 26,124.
48. A possible solution might be to reduce the number of councillors representing this constituency to one. However, this would result in a non-compliance of +23.47% as opposed to the current -32.09%.
49. However, a reduction in the number of councillors may lessen effective representation particularly given the make-up of the Eastern Bay being a combination of several districts and communities, and a large geographic area. It seems appropriate that to enable effective representation the number of members remains at two.

## Discussion

50. The Commission is satisfied that the proposed Eastern Bay of Plenty constituency arrangements appropriately balance the requirements for fair and effective representation of the Eastern Bay of Plenty and Tauranga areas. The Commission upholds the Eastern Bay of Plenty constituency boundaries proposed by the Council.

## Commission recommendations

51. The Commission strongly recommends that in its next representation review, the Council carefully considers/explores the impacts of any further population growth and how this affects the compliance with the fair and effective representation rule. Due to the rapid population growth that continues to occur, it would be appropriate for council to consider if a representation review is appropriate prior to the 2028 local government elections. This would particularly give an opportunity to explore population growth in Tauranga and Eastern Bay of Plenty.

## Conclusion

52. We have made this determination pursuant to section 19R of the Local Electoral Act 2001 having considered the information before the Commission and the requirements of sections 19U and 19V of the Act.

### **Local Government Commission**

Commissioner Brendan Duffy (Chair)

Commissioner Bonita Bigham

Commissioner Sue Bidrose

11 November 2024