Local Government Commission
Mana Kāwanatanga ā Rohe

# Determination

of representation arrangements to apply for the election of the
Waikato District Council to be held on 8 October 2022

## Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.

2. The Waikato District Council (the council) last reviewed its representation arrangements prior to the 2019 local elections. In May 2021 it resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2022.

3. The Commission last made a determination in relation to Waikato District Council's representation in 2019. The council's current representation arrangements have been in place since 2013 with some small boundary changes endorsed by the Commission in 2019. Consequently, for the 2019 elections, the council comprised a mayor and 13 councillors elected as follows:

| Ward | Population* | Number of councillors per ward | Population per councillor | Deviation from district average population per councillor | % deviation from district average population per councillor |
|---|---|---|---|---|---|
| Awaroa ki Tuakau | 12,769 | 2 | 6,385 | +720 | +12.71 |
| Onewhero-Te Akau | 5,400 | 1 | 5,400 | -265 | -4.68 |
| Whangamarino | 6,058 | 1 | 6,058 | +393 | +6.94 |
| Hukanui-Waerenga | 5,953 | 1 | 5,953 | +288 | +5.08 |
| Huntly | 10,300 | 2 | 5,150 | -515 | -9.09 |
| Ngāruawāhia | 10,400 | 2 | 5,200 | -465 | -8.21 |
| Newcastle | 5,720 | 1 | 5,720 | +55 | +0.97 |
| Raglan | 5,790 | 1 | 5,790 | +125 | +2.21 |
| Eureka | 5,600 | 1 | 5,600 | -65 | -1.15 |
| Tamahere | 5,650 | 1 | 5,650 | -15 | -0.26 |
| **Total** | **73,640** | **13** | **5,665** | | |

*Based on Stats NZ 2017 population estimates however proposed boundary alterations are shown using 2013 meshblock populations

4. The current arrangements include five community boards: Huntly, Ngāruawāhia, Onewhero-Tuakau, Raglan, and Taupiri.

## Current review: Council process and proposal

### *Preliminary consultation*

5. The Council undertook preliminary consultation with the community to identify the district's communities of interest and community preferences for a representation structure. Engagement included a community survey, focus groups with the community and stakeholders, and discussions with Waikato Tainui. Council officers summarised the community feedback as follows:

   *The preliminary community engagement identified that a number of people felt connected to more than one community of interest. Indeed for some there were multiple communities of interest including some outside of the district (particularly those communities neighbouring Hamilton or in the northern part of the district).*

   *The online survey indicated the following were key factors in determining communities of interest in the district:*

   *a) Land use (rural/urban/residential etc);*

   *b) Activities and shared community services – in particular, sports/recreational and community facilities;*

   *c) Geography/landscape;*

   *d) Business and retail services*

   *e) Social connection with immediate neighbours.*

6. Council officers summarised the key findings from focus groups as:

   - *Problems or obstacles shared by a community, and shared dependence on water resources were factors identifying communities of interest (in addition to those already mentioned).*
   - *Preferred number of councillors was between 14 and 16.*
   - *Preferred number of wards was between 6 and 8.*
   - *Community boards remain popular as a form of local representation.*
   - *Consideration should be given to establishing rural community boards, separate from neighbouring urban towns.*

### *The Council's initial proposal*

7. On 7 July 2021 the council resolved as its initial representation proposal a council comprising 13 members elected from eight wards, plus the mayor. The Council also resolved to retain five community boards, being:

a. Huntly Community Board (six elected members and two appointed member)

b. Ngāruawāhia Community Board (six elected members and two appointed members)

c. Tuakau Community Board (six elected members and two appointed members)

d. Raglan Community Board (six elected members and two appointed members)

e. Taupiri Community Board (four elected members and two appointed members)

8. The initial proposed ward arrangements were as follows:

| Ward | Population* | Number of councillors per ward | Population per councillor | Deviation from district average population per councillor | % deviation from district average population per councillor |
|---|---|---|---|---|---|
| Central General | 12,400 | 2 | 6,200 | 31 | +0.50 |
| Pōkeno-Hunua General | 6,510 | 1 | 6,510 | 341 | +5.53 |
| Port Waikato General | 6,520 | 1 | 6,520 | 351 | +5.69 |
| Tamahere-Newcastle General | 17,150 | 3 | 5,717 | -452 | -7.33 |
| Tuakau General | 6,420 | 1 | 6,420 | -190 | +4.07 |
| Waerenga-Hukanui General | 12,250 | 2 | 6,125 | -44 | -0.71 |
| Whaaingaroa General | 6,610 | 1 | 6,610 | 441 | +7.15 |
| **Total General wards** | **67,860** | **11** | **6,169** | | |
| Te Takiwaa Maaori | 15,150 | 2 | 7550 | | |
| **Total District** | **82,850** | **13** | **6373** | | |

*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates. Totals may not sum exactly due to rounding

9. The Council notified its proposal on 14 July 2021 and received 228 submissions by the deadline of 30 August 2021. A further 12 submissions were received after the deadline. These were accepted on the basis that there had been significant postal delays under the COVID-19 Public Health Response alert level 4 restrictions in force at the time. Thirty seven submitters were heard by the Council on 9, 10 and 14 September 2021.

10. Of the 240 submissions, 52 supported or were neutral on the Council's initial proposal, 175 did not support all aspects of the proposal, and 13 did not answer this question.

11. Key themes in the submissions were:

a. Calls for at least two Māori wards and five supported increasing the number of Māori ward councillors to three (17 submissions)

b. Too many councillors for the proposed Tamahere-Newcastle General Ward and/or the ward grouped incompatible communities (14 submissions).

c. Some general wards would be too large for effective representation:
    - Waerenga-Hukanui (23 submissions), including that the boundaries do not reflect current communities of interest;
    - Central (29 submissions), including that smaller towns may be overlooked;
    - Port Waikato (18 submissions), including that the boundaries divide existing communities.
d. Te Akau was split across wards (43 submissions).
e. Both Te Akau and Glen Massey would be better placed in the Port Waikato General Ward as they have no relationship to Raglan.
f. The proposed boundaries do not keep communities of interest together and therefore weakened their voice and representation (57 submissions)
g. Opposing the proposal to split the Onehwero-Tuakau Community Board into an expanded Tuakau Community Board and an Onewhero Community Committee (112 submissions)
h. Calls to expand the Raglan Community Board area (13 submissions).

12. On 14 September 2021 the Council deliberated on submissions and discussed the following alterations to the initial proposal:
    a. Dividing the proposed Te Takiwaa Maaori Ward into two wards.
    b. Dividing the proposed Tamahere-Newcastle General Ward into two separate wards, Tamahere-Woodlands and Newcastle-Ngāruawāhia.
    c. Reducing the size of the Waerenga-Hukanui General Ward.
    d. Reducing the Central Ward to Huntly communities of interest and renaming it Huntly General Ward.
    e. Moving the boundaries of the proposed Port Waikato General Ward to the Waikato River and the Tawatahi River and renaming it Western Districts General Ward.
    f. Expanding the proposed Tuakau General Ward to incorporate part of the proposed Pōkeno General Ward.
    g. Combining the remaining sections of the proposed Pōkeno and Port Waikato General Wards into one general ward joined via a corridor running south of Tuakau-Pōkeno.
    h. Establishing a sixth community board encompassing the northern part of the Western Districts General Ward and the Onewhero section of the existing Onewhero-Tuakau Community Board, with north and south subdivisions.
    i. Expanding the Raglan Community Board area and creating rural and urban subdivisions.

13. The initial proposal for the Council to comprise the mayor plus 13 members, being 11 elected by general wards and two by Māori wards, was retained.

### *The Council's final proposal*

14. At a meeting on 28 September 2021, the Council amended its initial proposal to the following final proposal for the 2022 local elections:

| Ward | 2020 general electoral population estimate* | Number of councillors | Population per councillor | Deviation from district average population per councillor | % deviation from district average population per councillor |
|---|---|---|---|---|---|
| Awaroa-Maramarua General | 5,750 | 1 | 5,750 | -412 | -6.68 |
| Huntly General | 6,210 | 1 | 6,210 | 48 | +0.78 |
| Newcastle-Ngāruawāhia General | 13,450 | 2 | 6,725 | 563 | +9.14 |
| Tamahere-Woodlands General | 13,350 | 2 | 6,675 | 513 | +8.33 |
| Tuakau-Pōkeno General | 11,750 | 2 | 5,875 | -287 | -4.65 |
| Waerenga-Hukanui General | 6,500 | 1 | 6,500 | 338 | +5.49 |
| Western Districts General | 5,070 | 1 | 5,070 | -1,092 | -17.72 |
| Whaaingaroa General | 5,700 | 1 | 5,700 | -462 | -7.49 |
| **Total General wards** | **67,780** | **11** | **6,162** | | |
| Te Raki o te Takiwaa Maaori | 7,980 | 1 | 7,980 | 405 | +5.35 |
| Te Tonga o te Takiwaa Maaori | 7,170 | 1 | 7,170 | -405 | -5.35 |
| **Total Māori wards** | **15,150** | **2** | **7,575** | | |
| **Total District** | **82,850** | **13** | **6373** | | |

* Based on Stats NZ Tatauranga Aotearoa 2020 population estimates. Totals may not sum exactly due to rounding.

15. The Council also resolved to retain the existing five community boards with some alterations to communities, membership and names, and to establish the Rural-Port Waikato Community Board, with the Rural-Port Waikato and Raglan Communities being subdivided for electoral purposes.

16. The Council publicly notified its final proposal on 1 October 2021, including advice that the Western Districts General Ward and the Raglan Community Board Rural Subdivision did not comply with the fair representation criteria.

17. Given the non-compliance of the proposed ward and community board subdivision, the Council was required under section 19V(4) of the Act to refer its proposal to the Commission for determination. In addition, seven appeals and 21 objections against the proposal were received.

## Appeals/objections against the council's final proposal

18. Six appeals and 21 objections received on the Council's final proposal were considered valid or partially valid and covered the following matters:

    a. Number of councillors elected from Māori wards

b. Names of Māori wards

c. The splitting of several communities across ward boundaries and/or community board subdivisions

d. Opposition to the Tamahere-Woodlands General Ward

e. Names of general wards and community boards

f. Raglan Community Board area

g. Over-representation of the Western Districts General Ward (-17.7%) and the Raglan Rural subdivision of Raglan Community Board (-11.6%)

19. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.

## Hearing

20. The Commission met with the Council and the eight appellants and objectors who wished to be heard at a hearing held online on Thursday 27 January 2022. The Council was represented at the hearing by Mayor Allan Sanson.

21. The following appellants and objectors appeared at the hearing:

a. John Burns

b. Onewhero Residents & Ratepayers Group represented by John Burns

c. John Bridgman

d. Mercer Community Committee represented by Liam McGrath, Committee Chair

e. Rosemary Costar

f. Federated Farmers represented by Bruce Cameron and Hilary Walker, Policy Advisor

g. Tamahere Community Committee represented by Charles Fletcher, Leo Koppens, and Sue Robertson

h. John Lawson

i. Raglan Community Board represented by Chris Rayner

### *Matters raised at the hearing*

22. Mayor Allan Sanson, supported by Council Chief Executive Gavin Ions explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:

a. The Council considered it important to protect the rural voice in the representation arrangements.

b. The Council had undertaken a "ground up" review bearing in mind the Commission's 2019 recommendation to create multi-councillor wards wherever possible.

c. The proposed Awaroa-Maramarua General Ward was originally suggested by staff as a non-contiguous ward of two sections two the east and west of the

Tuakau-Pōkeno General ward. However the Council decided to include a connecting corridor to the south of Tuakau-Pōkeno General Ward to ensure contiguity.

d. The Council considered the initial proposal as the vehicle to consult with iwi on the preferred structure of Māori wards. The Council supported the appeal proposing name changes for both Māori wards.

e. The Council's proposal extends the existing Raglan Community Board area and establishes a rural subdivision to protect the rural voice. Extending the boundary further would create confusion for the rural community around who do deal with, given that rural people connect to the Council rather than community boards for services, and would have a cost impact in the form of a targeted rate.

f. The existing Onewhero-Tuakau Community Board extends into a large area to the south of the Waikato river. The community supported removing the rural portion as they felt dominated by the rural voice, and on the basis that a new rural community board be established for the rural area south of the Waikato River. This is reflected in the proposed new Rural-Port Waikato Community Board.

23. The appellants and objectors appearing at the hearing emphasised the following points in opposition to the Council's proposal:

a. The two Māori ward councillors have an unfair representation burden, given the large geographic size of the two proposed Māori wards.

b. The Onewhero and Pukekawa communities are split between the Western Districts and Awaroa-Maramarua General Wards.

c. A non-contiguous Awaroa-Maramarua General Ward would group Auckland facing rural communities of interest together more appropriately.

d. The proposed Tuakau-Pōkeno General Ward splits the Mercer community from the Mercer airfield.

e. The Waikato River serves as a natural boundary between the northern wards.

f. The Tamahere community of interest is more residential than the rural communities it has been combined.

g. The area formerly known as Hukanui (now Gordonton), and the Hukanui Marae are both located outside of the proposed Waerenga-Hukanui General Ward.

h. Council and community boards serve different but complementary functions and opportunities for rural people to engage.

i. The proposed Raglan Community Board area does not fulfil community requests and splits the communities of Te Uku and Te Mata.

j. The Raglan community itself does not perceive a clear rural/urban split and subdivisions are therefore unnecessary.

k. Community board subdivisions ensure rural representation at community level.

## Matters for determination by the Commission

24. 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.

25. The matters in the scope of the review are:

- whether the council is to be elected from wards, the district as a whole, or a mixture of the two
- the number of councillors
- if there are to be wards, the area and boundaries of wards and the number of members to be elected from each ward
- whether there are to be community boards
- if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.

## Key considerations

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:

- communities of interest
- effective representation of communities of interest
- fair representation for electors.

## Communities of interest

27. Many of the appeals/objections relate to the way the Council's final proposal combines or splits communities of interest.

28. The Guidelines identify three dimensions for recognising communities of interest:

- *perceptual:* a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
- *functional:* ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
- *political:* ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.

29. 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.

30. 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.

31. At the hearing, the Mayor described Waikato as a high growth district, designated Tier 1 under the national policy statement on urban development, with a population growing at double the national rate. The district includes the larger townships of Huntly, Ngāruawāhia, Pōkeno, Raglan, and Tuakau, and a proliferation of small villages but remains 65-70% rural.

32. In its 2019 determination for Waikato District Council, the Commission repeated, with increased emphasis, its 2013 recommendation that the council undertake a more comprehensive investigation of communities of interest in the district as part of its next representation review. This recommendation was made in light of recent uneven population growth in the district and the resulting impact on the evenness of representation across the district in terms of both wards and community boards/committees.

33. The Council has done this work for the current review in relation to its general wards, undertaking extensive preliminary engagement with the community. The results indicated that many people in the district connect to more than one community of interest, particularly the Auckland-facing communities in the north, and those neighbouring Hamilton. Focus group participants were asked to group localities together keeping communities of interest in mind and the results were mapped to show the strongest connections. These groupings were largely reflected in the Council's initial proposal and amended to reflect submissions in the final proposal.

## Effective representation of communities of interest

34. Section 19T of the Act requires the Commission to ensure that:

- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
- ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
- so far as is practicable, ward boundaries coincide with community boundaries (where they exist).

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:

- avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
- not splitting recognised communities of interest between electoral subdivisions
- not grouping together two or more communities of interest that share few commonalities of interest
- accessibility, size and configuration of an area including access to elected members and vice versa.

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 Waikato District Council has resolved to establish Māori wards, it must also establish at least one general ward.

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. As a result of its 2013 review, the Waikato District Council reduced the number of councillors from 14 to 13 and this number of councillors remains today. The district was divided into eleven wards at its constitution in 1989. This number was retained through until the 2013 elections when it was reduced to ten wards, which was retained for the 2019 elections. All wards have been either single-member or two-member wards throughout this period.

40. The Commission commented in its 2019 determination that there had been periodic calls for fewer and/or multi-member wards as an appropriate way to balance rural and urban interests and to address concerns about uncontested elections. The Council's preliminary engagement also showed a majority (64%) preference for fewer wards. The Council attempted to reflect this in the current review, initially proposing to reduce the number of general wards to seven, three of which were multi-member wards (compared to three of 10 under the current arrangements). The Council commented at the hearing that submissions to the initial proposal included strong opposition to multi-member wards, although we note three of the seven general wards in the final proposal are two-member wards.

## Fair representation for electors

41. 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').

42. However, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are where:

- non-compliance is required for effective representation of communities of interest within island communities or isolated communities
- compliance would limit effective representation of communities of interest by dividing a community of interest
- compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.

43. The appeals and objections raise concerns on a number of matters related to the effective representation of specific communities of interest.

## Number of councillors elected from Māori wards

44. The 2020 Tatauranga Aotearoa Stats NZ (Stats NZ) population estimates for Waikato District are a total population of 82,850 of which the Māori electoral population comprises 15,150 or 18.29%.

45. The Council is proposing two members elected from two Māori wards, one covering the north of the district and one covering the south.

46. Two appellants, John Lawson and the Mercer Community Committee asked that the number of members elected from the proposed Māori wards be increased. They argue that under the Council's proposal, the two Māori ward councillors will be required to cover the entire district and sit on three community boards each. The appellants propose increasing the total number of councillors to provide for, variously, three Māori ward councillors in total, or two councillors per Māori ward.

47. According to the formula for calculating the number of Māori ward members (LEA, Schedule 1A, clause 2), increasing the number of Māori ward councillors to three would require a total membership of 14 councillors plus a mayor. Increasing the number of Māori ward councillors to four would require a total membership of 20 councillors plus a mayor.

48. In addition to the appeals, five submissions to the Council's initial proposal for a single district-wide Māori ward supported increasing the number of Māori ward councillors to three, to ensure the responsibility and representation of such a geographically large ward was manageable. To address this, the Council amended its final proposal to establish two Māori wards, reducing the area each councillor would represent. The proposed ward boundaries are similar to the informal demarcation proposed by Waikato Tainui – Te Whakakitenga o Waikato in its submission to the initial proposal as a way of mitigating the onerous representation requirements for two councillors over such a large geographic area.

49. We consider that the proposal to increase the number of Māori ward councillors has merit given the challenges inherent in ensuring effective representation of communities of interest by just two Māori ward councillors under the Council's proposal. However, it would be a significant change for the Commission to make at this stage in the review process. It is also a change that would be difficult to justify without discussion with Māori on how, and how many, additional Māori ward councillors would most effectively represent communities of interest within the rohe. We strongly recommend that the Council starts these conversations early in the next review.

50. The Commission does not consider it appropriate to alter the Council's proposal for two Māori ward councillors.

## Names of Māori wards

51. One appellant, Te Whakakitenga o Waikato objects to the names of the proposed Māori wards, Te Raki o te Takiwaa Maaori Ward, and Te Tonga o te Takiwaa Maaori Ward. Te Whakakitenga o Waikato is the post-settlement governance entity (PSGE) for Waikato Tainui, one of four principal iwi in the Waikato Tainui confederation. It can be considered to represent a number of hapū, marae and individuals.

52. The PSGE proposes the alternative names Tai Raro Takiwaa Maaori (Northern Boundary) and Tai Runga Takiwaa Maaori (Southern Boundary) respectively. At the hearing, the Council explained that initial feedback from engagement with iwi, marae, and hapū focussed on ward boundaries rather than names. The Council supported changing the names of the Māori wards as proposed by the appellant.

53. It is noted that Stats NZ has specifically requested that Councils include the categorisations 'General Ward' or 'Māori Ward' in any ward names, to assist with distinguishing the populations represented.

54. Accordingly, the Commission supports the appellants proposed names for the district's two Māori wards, excluding the bracketed portion, being Tai Raro Takiwaa Maaori Ward and Tai Runga Takiwaa Maaori Ward.

## Community of Mercer

55. One appellant, the Mercer Community Committee opposes the boundary between Tuakau-Pōkeno and Awaroa-Maramarua General Wards, arguing that it splits part of the community of Mercer, including the Mercer Airport, from the northern communities it identifies with.

56. In its 2019 determination the Commission addressed a similar proposal by the Council, altering the ward boundary to ensure the Mercer airport and its surrounding rural area was not split across the ward boundary from the Mercer community. The Commission commented that this better reflected the wider Mercer community of interest and noted the Council's comments that Mercer's communities of interest were to the north (in Awaroa ki Tuakau Ward) in particular the village of Pōkeno and the town of Tuakau. The Council's preliminary engagement suggests that this remains the case. The meshblock in question has a Stats NZ 2020 estimated population of 90. Moving the Mercer airfield into Tuakau-Pōkeno from Awaroa-Maramarua has the following effect:

| Ward | 2020 general electoral population estimate* | Number of councillors | Population per councillor | Deviation from district average population per councillor | % deviation from district average population per councillor |
|---|---|---|---|---|---|
| Awaroa-Maramarua General | 5,660 | 1 | 5,660 | -502 | -8.14 |
| Tuakau-Pōkeno General | 11,850 | 2 | 5,925 | -237 | -3.84 |

57. We endorse a minor change to the proposed boundary of the Tuakau-Pōkeno General Ward to include the meshblock incorporating Mercer airfield as sought by Mercer Community Committee.

## Communities of Onewhero and Pukekawa

58. Seventeen objections oppose the boundary between the proposed Awaroa-Maramarua and the Western Districts General Wards. They argue that it divides the communities of Onewhero and Pukekawa between the two wards, splitting residents from their schools, reserves, early childcare, fire brigades and other services, and splits residential areas from each other. Objectors also argued that these communities are more strongly affiliated with communities in the Western Districts General Ward and, though rural, they do not share common interests such as transport links with the north-facing Awaroa-Maramarua General Ward.

59. We note that the Council's proposed arrangement for wards on the district's northern border responded to submissions to the initial proposal asking the Council to group together communities that have communities of interest across other local authority boundaries. Auckland-facing urban communities form the Tuakau-Pōkeno General Ward, while Auckland-facing rural communities form the Awaroa-Maramarua General Ward. This also ensures ward-based representation for the rural communities, a key principle for the Council in this review.

60. At the hearing, the Council explained that it had endeavoured to maintain a contiguous boundary for Awaroa-Maramarua by encompassing meshblocks to the south of Tuakau-Pōkeno and the Waikato River (the bottom of the 'U'). The Council acknowledged in deciding its final proposal that the inclusion of these meshblocks would split the Onewhero and Pukekawa communities however overall, the final proposal reduced the number of communities that were split in the initial proposal.

61. A number of objectors proposed alternative arrangements based on extending the Western Districts General Ward boundary to the Waikato River, thereby creating a non-contiguous Awaroa-Maramarua General Ward. A non-contiguous ward is unusual but not unprecedented and can be considered where it provides for more effective representation of communities of interest. This must of course be weighed against the requirement for fair representation for electors.

62. There are two options open to the Commission for creating a non-contiguous Awaroa-Maramarua General Ward by extending the Western Districts General Ward to the Waikato River. These either include or exclude the two meshblocks south of the Waikato River (Mercer Ferry Road to Mercer Bridge) located in the Tuakau-Pōkeno General Ward in the Council's proposal. Both of these options result in a

non-compliance with the '+/-10% rule' for the Awaroa-Maramarua General Ward that exceeds -24%. This is a significantly larger non-compliance than that for the Western Districts General Ward which is -17.63% in the Council's proposal.

63. In our view this is a significant deviation from the '+/-10% rule' that is difficult to justify for an Awaroa-Maramarua General Ward that does not contain particularly isolated communities, taking under 40 minutes to access Tuakau or Pōkeno from most points in the district.

64. This leaves us to consider the alternative means of representation available to the Onewhero and Pukekawa communities. Both communities are included in their entirety within the proposed new Rural-Port Waikato Community Board area. From an effective representation point of view, this provides the communities with access to the two councillors appointed to the community board from the Western Districts General Ward and the Tai Raro Takiwaa Maaori Ward.

65. The Mayor explained at the hearing his view that people deal directly with the Council rather than community boards for services. However, community boards also have a role in advocating at for services and as such, we consider this offers a channel for representation of community needs and issues at the council level.

66. We acknowledge the concerns of the Onewhero and Pukekawa communities but we do not consider the alternatives to the Council's proposal to provide a more reasonable balance of the principles of fair and effective representation.

## Tamahere-Woodlands General Ward

67. Two appeals and one objection oppose the two-member Tamahere-Woodlands General Ward arguing that the Tamahere community is a distinct community that needs dedicated representation by a single ward councillor.

68. The proposed Tamahere-Woodlands General Ward is a two-member ward in the southeast of the district that incorporates the current Tamahere Ward and most of the current Eureka Ward. The Council's preliminary engagement suggests strong linkages between communities in the proposed new ward, including from Tamahere northwards to Eureka and Gordonton. The feedback also indicated majority support (64%) for fewer wards in the district.

69. At the hearing, objectors speaking on behalf of the Tamahere Community Committee highlighted the residential "country living" nature of the Tamahere area and an associated focus on roading and community projects. The Council in turn noted that while Tamahere was some five years ahead of its neighbouring areas in terms of intensity, there was a trend towards increased country living in other parts of the proposed ward.

70. Given the Commission's 2019 recommendation of more multi-member wards and the projected growth for the district, we consider it appropriate for representation arrangements to reflect emerging similarities between communities. Accordingly, we endorse the Council's proposal for a two-member Tamahere-Woodlands General Ward.

## Names of general wards and community boards

### *Tamahere-Woodlands General Ward*

71. One appeal and two objections propose alternative names for the Tamahere-Woodlands General Ward. They propose instead *Tamahere-Hukanui General Ward* on the basis that the ward incorporates the Hukanui Marae and the locality of Gordonton, formerly known as Hukanui. Alternatively, *Tamahere Woodlands Eureka General Ward* is proposed to reflect that the ward also encompasses the current Eureka Ward.

72. The New Zealand Geographic Board describes Gordonton as an informal name for a locality which largely aligns to the north-western part of the Tamahere-Woodlands General Ward. According to Place Names of New Zealand (2010), the name Gordonton was given to honour John Gordon of the New Zealand Land Association who "did much for the district, then known as Hukanui, and when a post office was established and a name change was needed to avoid confusion with Hukanui in Wellington, local residents (both Maori and Pakeha) agreed to preserve his memory."[1]

73. The Council has conferred with local marae on the matter of general ward names, and they have not indicated any preferred alternatives or opposition to the Council's proposal.

74. We observe that *Tamahere-Woodlands* recognises the Woodlands Road boundary, and the Woodlands area comprises a significant portion of the farmland in this ward. We also note that the nearby Hukanui Primary School (Hamilton City) and Hukanui Golf Course (Waerenga-Hukanui General Ward) are not located in the Tamahere-Woodlands General Ward. Given this, and the fact that a current ward name also incorporates *Hukanui* there is considerable potential for confusion if we were to determine a name change at this point.

75. We are satisfied that name *Tamahere-Woodlands General Ward* is appropriate.

### *Waerenga-Hukanui General Ward*

76. Appellants and objectors also argue that *Hukanui* is not relevant for the Waerenga-Hukanui General Ward for the reasons outlined above. The alternative *Waerenga-Woodlands General Ward* is proposed as recognition of the Woodlands Homestead/Estate situated within the ward, or *Waerenga-Whitikahu General Ward* as reflecting the geographic extent of the ward.

77. Under the Council's initial proposal a much larger Waerenga-Hukanui General Ward encompassed Gordonton/Hukanui. The final proposal transferred it to Tamahere-Woodlands but the name remained. Given the location and significance of *Hukanui*, we do not consider it an appropriate name for this ward. Waerenga-Whitikahu does reflect the names of two localities in the southern and northern parts of the ward.

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[1] Reed, A.W. & Peter Dowling, *Place Names of New Zealand*, 2010. Sourced from New Zealand Geographic Board, https://gazetteer.linz.govt.nz/place/21601

On balance, we think this name better reflects the ward while also avoiding confusion with the locality still informally known as Hukanui.

### *Non-compliance - Western Districts General Ward*

78. The Council's proposal, with a small boundary alteration to include Mercer Airfield in the Tuakau-Pōkeno General Ward, results in the Western Districts General ward not complying with the '+/-10% rule'. One objector opposes the proposed over-representation of -17.63% for the ward arguing that this shows a bias in favour of rural areas.

79. The Act provides for flexibility in balancing fair and effective representation. This means that where the Commission deems it appropriate, under certain prescribed conditions, it may determine ward and subdivision boundaries that do not comply with the +/-10% rule. This includes where non-compliance is necessary to provide effective representation for an isolated community.

80. The Western Districts General Ward is characterised by large farms and sparse population towards the south. Submissions to the initial proposal highlighted that residents in parts of the area often travel over an hour to access the nearest purchasing facilities. We also note that the Council initially proposed a larger ward that was compliant. Submitters opposed this ward primarily because its geographic size made it too large for one councillor to represent effectively.

81. We are satisfied that the Western Districts General Ward contains sufficiently isolated communities to justify the proposed level of representation.

## Communities and community boards

82. 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.

83. 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?

84. In the current review, the council has proposed to retain the existing five community boards with some alterations to communities, membership and names, and to establish the Rural-Port Waikato Community. Under the proposal, members will be elected as follows:

| Community | Subdivisions | Number of elected board members | Number of appointed board members | Subdivision population | Subdivision population per member | % deviation from subdivision average population per member |
|---|---|---|---|---|---|---|
| Huntly | -- | 6 | 2 | -- | -- | -- |
| Ngāruawāhia | -- | 6 | 2 | -- | -- | -- |
| Rural-Port Waikato | North | 2 | | 2,460 | 1,230 | +8.13% |
| | South | 2 | | 2,090 | 1,045 | -8.13% |
| | **Total** | 4 | 2 | | Avg 1,032 | |
| Raglan | Urban | 4 | | 3,780 | 945 | +5.82% |
| | Rural | 2 | | 1,580 | 790 | -11.53% |
| | **Total** | 6 | 2 | | Avg 893 | |
| Taupiri | -- | 4 | 2 | -- | -- | -- |
| Tuakau | -- | 6 | 2 | -- | -- | -- |

85. The Council's preliminary consultation showed 71.8% of those engaged with supported community boards as a form of local representation while 42.3% believed community boards should cover smaller, more focussed areas than they currently do.

### *Rural-Port Waikato Community Board subdivisions*

86. One appellant argues that the boundary between the Rural-Port Waikato North and South subdivisions splits Onewhero across the two subdivisions.

87. The Community encompasses most of the Western Districts General Ward and extends north and east to the Waikato River. It also includes part of the Tuakau-Pōkeno and Awaroa-Maramarua General Wards lying south of the River.

88. We observe that while Onewhero and Pukekawa are each in different subdivisions, the subdivision boundary runs to the east of Onewhero's residential and community facilities, grouping them together within the North subdivision. We do not consider it necessary to alter the subdivision boundary.

### *Raglan Community area*

89. Two appeals and one objection oppose the Raglan Community Board area and the proposal to subdivide the community, arguing that the Council's proposal does not reflect community preferences. One appeal also opposes the non-compliance of the Rural subdivision (-11.53%).

90. The current Raglan Community area is restricted to the predominantly urban area of Raglan township. Thirteen submitters to the initial proposal, including the Community Board, requested that the Community be expanded to include six meshblocks comprising rural land and the localities of Te Mata, Te Uku, and Okete.

In its final proposal, the Council added three of the requested meshblocks and created the Urban and Rural subdivisions as a means of protecting a rural voice on the Community Board.

91. The appeals and objections argue that adding just three of requested six meshblocks does not reflect the wider community's calls for inclusion in the Community area and splits the communities of Te Uku and Te Mata. At the hearing we heard that Raglan rural and urban residents move between rural and urban areas for education, work, sports, and shopping, and have the strongest connection to Raglan as a whole rather than to rural or urban areas within Raglan.

92. In response to questions, the Council acknowledged that there was some value in expanding the Raglan Community but it was mindful of the associated impact on targeted rates for residents. The reasons for not including the additional three meshblocks were that residents of the meshblock on the west coast (Ruapuke) were more strongly linked to Hamilton for education, work, and goods and services, and residents in the two meshblocks relating to Te Mata and Te Uku were considered too distant from Raglan at around 20 kilometres. The Council also explained that it had proposed the subdivision to reflect the desire to maintain a rural voice.

93. Having heard the views of the Council and appellants and objectors, including the Raglan Community Board, we consider that there is little reason to exclude the additional three requested meshblocks from the Raglan Community area given that they all have strong connections with Raglan while sharing in common access to a different level of services in Hamilton. In this respect they are appropriately grouped as a community of interest.

94. We also observe that the Community area has a relatively small footprint. Given this and the crossover of interests between rural and urban residents, we do not consider there are sufficiently distinct sub-communities within Raglan, nor a sufficiently large geographic area, to justify the Council's proposal to subdivide the Community at this time.

## Commission's determination[2]

95. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Waikato District Council to be held on 8 October 2022, the following representation arrangements will apply:

    a. Waikato District, as delineated on Plan LG-013-2022-W-1, will be divided into ten wards.

    b. Those ten wards will be:

        (i) the Awaroa-Maramarua General Ward, comprising the area delineated on Plan LG-013-2022-W-2

        (ii) the Tuakau-Pōkeno General Ward, comprising the area delineated on Plan LG-013-2022-W-3

[2] All plans referred to in this determination are deposited with the Local Government Commission

(iii) the Western Districts General Ward, comprising the area delineated on Plan LG-013-2022-W-4

(iv) the Waerenga-Whitikahu General Ward, comprising the area delineated on Plan LG-013-2022-W-5

(v) the Huntly General Ward, comprising the area delineated on Plan LG-013-2022-W-6

(vi) the Newcastle-Ngāruawāhia General Ward, comprising the area delineated on Plan LG-013-2022-W-7

(vii) the Tamahere-Woodlands General Ward, comprising the area delineated on Plan LG-013-2022-W-8

(viii) the Whaaingaroa General Ward, comprising the area delineated on Plan LG-013-2022-W-9

(ix) the Tai Raro Takiwaa Maaori Ward, comprising the area delineated on Plan LG-013-2022-W-10

(x) the Tai Runga Takiwaa Maaori Ward, comprising the area delineated on Plan LG-013-2022-W-11

c. The Council will comprise the mayor and 13 councillors elected as follows:

(i) 1 councillor elected by the electors of the Awaroa-Maramarua General Ward

(ii) 2 councillors elected by the electors of the Tuakau-Pōkeno General Ward

(iii) 1 councillor elected by the electors of the Western Districts General Ward

(iv) 1 councillor elected by the electors of the Waerenga-Whitikahu General Ward

(v) 1 councillor elected by the electors of the Huntly General Ward

(vi) 2 councillors elected by the electors of the Newcastle-Ngāruawāhia General Ward

(vii) 2 councillors elected by the electors of the Tamahere-Woodlands General Ward

(viii) 1 councillor elected by the electors of the Whaaingaroa General Ward

(ix) 1 councillor elected by the electors of the Tai Raro Takiwaa Maaori Ward

(x) 1 councillor elected by the electors of the Tai Runga Takiwaa Maaori Ward

d. There will be six communities as follows:

(i) Tuakau Community, comprising the area delineated on Plan LG-013-2022-Com-1

(ii) Rural-Port Waikato Community, comprising the area delineated on Plan LG-013-2022-Com-2

(iii) Huntly Community, comprising the area delineated on Plan LG-013-2022-Com-3

(iv) Taupiri Community, comprising the area delineated on Plan LG-013-2013-Com-3

(v) Ngāruawāhia Community, comprising the area delineated on Plan LG-013-2022-Com-4

(vi) Raglan Community, comprising the area delineated on Plan LG-013-2022-Com-5

e. The Rural-Port Waikato Community will be subdivided into two for electoral purposes. Those two subdivisions will be:

(i) North Subdivision, comprising the area delineated on Plan LG-013-2022-S-1

(ii) South Subdivision, comprising the area delineated on Plan LG-013-2022-S-2

f. The membership of each community board will be as follows:

(i) Tuakau Community Board will comprise 6 elected members and 2 members appointed to the Community Board by the Council being one representing Tuakau-Pōkeno General Ward and one representing Tai Raro Takiwaa Maaori Ward

(ii) Rural-Port Waikato Community Board will comprise 2 members elected by the electors of the North subdivision, 2 members elected by the electors of the South subdivision, and 2 members appointed to the Community Board by the Council being one representing Western Districts General Ward and one representing Tai Raro Takiwaa Maaori Ward

(iii) Huntly Community Board will comprise 6 elected members and 2 members appointed to the Community Board by the Council being one representing Huntly General Ward and one representing Tai Raro Takiwaa Maaori Ward

(iv) Taupiri Community Board will comprise 4 elected members and 2 members appointed to the Community Board by the Council being one representing Newcastle-Ngāruawāhia General Ward and one representing Tai Runga Takiwaa Maaori Ward

(v) Ngāruawāhia Community Board will comprise 6 elected members and 2 members appointed to the Community Board by the Council being one representing Newcastle-Ngāruawāhia General Ward and one representing Tai Runga Takiwaa Maaori Ward

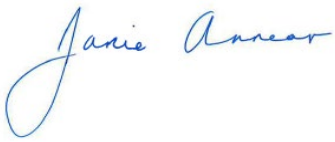
(vi) Raglan Community Board will comprise 6 elected members and 2 members appointed to the Community Board by the Council being one representing Whaaingaroa General Ward and one representing Tai Runga Takiwaa Maaori Ward

96. 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

28 March 2022