



## **Determination**

on a decision of the Far North District Council to adopt representation arrangements for the local authority elections 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 Far North District Council (the council) last reviewed its representation arrangements prior to the 2016 local authority elections. Accordingly, it was due to undertake a review prior to the next elections in October 2022.
3. On 4 May 2021 the council resolved to establish one or more Māori wards which also requires a review of representation arrangements.
4. The Commission last made a determination in relation to Far North District Council's representation in 2010. The council's current representation arrangements have been in place since then, with minimal changes made in 2015. The arrangements are as follows:
  - (a) a council comprising 9 members elected from 3 wards as follows, plus the Mayor elected at large
    - Te Hiku ward, electing three councillors
    - Kaikohe-Hokianga ward, electing two councillors
    - Bay of Islands-Whangaroa ward, electing four councillors

(b) Three community boards electing 19 members from subdivisions as follows:

Community Board	Subdivision	Members elected
Te Hiku	North Cape	1
	Whatuwhiwhi	1
	Doubtless Bay	1
	Kaitaia	3
Kaikohe-Hokianga	North Hokianga	1
	South Hokianga	2
	Kaikohe	3
Bay of Islands-Whangaroa	Whangaroa	1
	Kerikeri	3
	Paihia	1
	Russell-Opua	1
	Kawakawa-Moerewa	1

### Current review

5. On 12 August 2021 the council resolved its initial representation proposal as follows:

(a) a council comprising 10 members elected from four wards as follows, plus the Mayor elected at large

- Ngā Tai o Tokerau Māori Ward, electing four councillors
- Te Hiku General Ward, electing two councillors
- Kaikohe-Hokianga General Ward, electing one councillor
- Te Pēwhairangi-Whangaroa General Ward, electing three councillors

(c) Three community boards and subdivisions for electoral purposes, being:

Community Board	Subdivision	Members elected
Te Hiku	North Cape	1
	Whatuwhiwhi	1
	Doubtless Bay	1
	Kaitaia	3
Kaikohe-Hokianga	North Hokianga	1
	South Hokianga	2
	Kaikohe	3
Te Pēwhairangi-Whangaroa	Whangaroa	1
	Waipapa	1
	Kerikeri	2
	Paihia	1
	Russell-Opua	1
	Kawakawa-Moerewa	1

6. The council received 129 submissions on its initial proposal with the following key themes:
- The communities of Maromākū and Waiomio relate more to the Kawakawa-Moerewa subdivision than the Russell-Ōpua subdivision of the Bay of Islands-Whangaroa community
  - The Purerua Peninsula has a closer association with the Kerikeri subdivision than the Waipapa subdivision of the Bay of Islands-Whangaroa community
  - The name Te Pēwhairangi-Whangaroa should revert back to Bay of Islands-Whangaroa for the General Ward and Community Board
7. As a result of the submissions received the council reverted to the name Bay of Islands-Whangaroa for the General Ward and Community Board and adjusted the boundaries between the ward subdivisions as outlined above. This resulted in some changes for these subdivisions in relation to compliance with the fair representation requirement of Section 19V(2), i.e. the '+/-10% rule', including making the Kerikeri subdivision non-compliant.
8. The council adopted its final representation proposal on 4 November 2021. No appeals or objections were received. The final proposal was for a council comprising the mayor and 10 councillors elected from 4 wards as set out in the following table.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Te Hiku	13,260	2	6,630	-1,045	-13.61%
Kaikohe-Hokianga	7,630	1	7,630	-45	-0.58%
Bay of Islands-Whangaroa	25,160	3	8,387	+712	+9.27%
<b>Total General Wards</b>	<b>46,050</b>	<b>6</b>	<b>7,675</b>		
Ngā Tai o Tokerau	25,100	4	6,275		
<b>Total</b>	<b>71,150</b>	<b>10</b>	<b>7,115</b>		

\*Based on 2020 population estimates

9. In addition, three community boards and subdivisions for electoral purposes are proposed as follows:

Community Board/Subdivision	Population*	Number of members	Population per member	Deviation from district average population per member	% deviation from district average population per member
<b>Te Hiku</b>			3,693		
North Cape	3,250	1	3,250	-446	-12%
Whatuwhiwhi	3,620	1	3,620	-73	-1.97%
Doubtless Bay	4,010	1	4,010	+317	+8.58
Kaitāia	11,280	3	3,760	+67	+1.81%
<b>Kaikohe-Hokianga</b>			2,658		
North Hokianga	2,490	1	2,490	-168	+6.3%
South Hokianga	4,660	2	2,330	-328	-12.35%
Kaikohe	8,800	3	2,933	+275	+10.34%
<b>Bay of Islands-Whangaroa</b>			4,705		
Whangaroa	4,160	1	4,160	-545	-11.54%
Waipapa	4,590	1	4,590	-115	-2.46%
Kerikeri	10,390	2	5,195	+490	+10.4%
Paihia	5,030	1	5,030	+325	+6.89%
Russell-Ōpua	3,970	1	3,970	-735	-15.63%
Kawakawa-Moerewa	4,800	1	4,800	+95	+2.0%
<b>Total</b>	<b>71,150</b>	<b>19</b>	<b>7,115</b>		

\*Based on 2020 population estimates

10. The council was required by section 19V(4) of the Act to refer its proposal to the Commission for determination as Te Hiku General Ward, the North Cape subdivision of the Te Hiku Community, Kerikeri, Russell-Ōpua and Whangaroa subdivisions of the Bay of Islands-Whangaroa Community and Kaikohe and South Hokianga subdivisions of the Kaikohe-Hokianga Community do not comply with the fair representation requirement of section 19V(2), i.e. the '+/-10% rule'.

### Matters for determination by the Commission

11. Section 19V(3) provides that, despite subsection (2), if a territorial authority or the Commission considers one or more of certain prescribed conditions apply, ward and subdivisions may be defined and membership distributed between them in a way that does not comply with subsection (2). The prescribed conditions are:
- non-compliance is required for effective representation of communities of interest within island or isolated communities situated within the district of the territorial authority

- (b) compliance would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions
  - (c) compliance would limit effective representation of communities of interest by uniting within a ward or subdivision two or more communities of interest with few commonalities of interest.
- 12. 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.
- 13. Accordingly, the matters for determination by the Commission are limited to the council's proposal for the Te Hiku General Ward, North Cape subdivision of the Te Hiku Community, Kerikeri, Russell-Ōpua and Whangaroa subdivisions of the Bay of Islands-Whangaroa Community and Kaikohe and South Hokianga subdivisions of the Kaikohe-Hokianga Community, despite not complying with the '+/-10% rule'.

### **Key considerations**

- 14. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
  - a. communities of interest
  - b. effective representation of communities of interest
  - c. fair representation for electors.
- 15. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered to the extent possible:
  - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
  - b. not splitting recognised communities of interest between electoral subdivisions
  - c. not grouping together two or more communities of interest that share few commonalities of interest
  - d. accessibility, size and configuration of an area including access to elected members and vice versa.

### **Communities of interest**

- 16. The district's land use is predominantly rural with supporting service towns. The largest residential concentrations are Kaitāia, Kaikohe and Kerikeri.
- 17. The district is currently divided into three wards and the council considers that the current ward boundaries still reflect the district's communities of interest (Te Hiku, Kaikohe-Hokianga and Bay of Islands-Whangaroa). There are three community boards, each covering the area of one of the three wards. Within these communities are a number of subdivisions for electoral purposes which the Council also still considers appropriate to reflect the district's communities of interest.

18. However, some minor boundary alterations between wards and subdivisions are included in the council's proposal in order to better group communities of interest together within wards and subdivisions. A Waipapa subdivision within the Bay of Islands-Whangaroa community has also been created to reflect that community of interest.

*Effective representation and fair representation*

19. The Te Hiku General Ward is non-compliant at -13.61% (or a population of 554). Most of the ward's southern boundary follows very distinct geographic features, in particular the Maungataniwha Range and the Maungataniwha and Otangaroa forests. The only possible extensions of the ward would be:
- In the north by transferring part of the Bay of Islands-Whangaroa General Ward in the vicinity of Taupo Bay and beyond
  - In the west by transferring part of the Kaikohe-Hokianga General Ward in the Northern Hokianga
20. However, both these areas are sparsely populated, and it would be necessary to transfer large areas into the Te Hiku ward for that ward to become compliant with the +/-10% rule. In both cases, this would result in dividing communities of interest.
21. The North Cape subdivision of the Te Hiku Community, the Whangaroa, Kerikeri, and Russell-Ōpua subdivisions of the Bay of Islands-Whangaroa Community and the South Hokianga and Kaikohe subdivisions of the Kaikohe-Hokianga Community also do not comply with the +/-10% rule. In some cases that non-compliance is a result of the boundary changes referred to in paragraph 18 designed to better reflect communities of interest.
22. Our examination of the proposed subdivisions leads us to agree with the council that they do reflect communities of interest, and that the changes proposed to existing boundaries do better reflect those communities of interest. It follows that changing boundaries to ensure compliance would result in dividing communities of interest and in uniting communities of interest with few commonalities.
23. In each case the level of non-compliance seems reasonable compared to the consequences of alternative arrangements for communities of interest and their effective representation.
24. In summary, we consider the council's proposal for the Te Hiku General Ward, North Cape subdivision of the Te Hiku Community, Kerikeri, Russell-Ōpua and Whangaroa subdivisions of the Bay of Islands-Whangaroa Community and Kaikohe and South Hokianga subdivisions of the Kaikohe-Hokianga Community not complying with the '+/-10% rule' should be upheld. The reasons being that compliance with the '+/- 10% rule' in this case would limit the effective representation of communities of interest by either splitting communities of interest or uniting communities of interest with few commonalities.

## Commission's determination

25. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of the Far North District Council not to comply with section 19V(2) in respect of the Te Hiku General Ward, North Cape subdivision of the Te Hiku Community, Kerikeri, Russell-Ōpua and Whangaroa subdivisions of the Bay of Islands-Whangaroa Community and Kaikohe and South Hokianga subdivisions of the Kaikohe-Hokianga Community, as compliance would limit effective representation of communities of interest by dividing a communities of interest between wards or subdivisions or uniting within a ward or subdivision two or more communities of interest with few commonalities of interest.
26. Therefore, for at least those elections for Far North District Council to be held on 8 October 2022, the following representation arrangements will apply:
  - (a) Far North District as delineated on LG-001-2022-W-1, is divided into one Māori ward and three general wards
  - (b) Those four wards will be:
    - (i) Ngā Tai o Tokerau Māori Ward, comprising the area delineated on LG-001-2022-W-2, electing four councillors
    - (ii) Te Hiku General Ward, comprising the area delineated on SO 430085, electing two councillors
    - (iii) Kaikohe-Hokianga General Ward, comprising the area delineated on LG-001-2022-W-4, electing one councillor
    - (iv) Bay of Islands-Whangaroa General Ward, comprising the area delineated on LG-001-2022-W-3, electing three councillors
  - (c) The district is divided into three communities as follows:
    - (i) Te Hiku Community, comprising the area of the Te Hiku Ward
    - (ii) Kaikohe-Hokianga Community, comprising the area of the Kaikohe-Hokianga Ward
    - (iii) Bay of Islands-Whangaroa Community, comprising the area of the Bay of Islands-Whangaroa Ward
  - (d) The Te Hiku Community is divided into four subdivisions as follows:
    - (i) (a) the North Cape Subdivision comprising the area delineated on LG-001-2022-S-1
    - (ii) the Whatuwhiwhi Subdivision comprising the area delineated on LG-001-2022-S-2
    - (iii) the Doubtless Bay Subdivision comprising the area delineated on SO Plan 430093 deposited with Land Information New Zealand.
    - (iv) the Kaitāia Subdivision comprising the area delineated on SO Plan 430094 deposited with Land Information New Zealand

- (a) The Kaikohe-Hokianga Community is divided into three subdivisions as follows:
- (i) the North Hokianga Subdivision comprising the area delineated on SO Plan 430098 deposited with Land Information New Zealand
  - (ii) the South Hokianga Subdivision comprising the area delineated on LG-001-2022-S-3
  - (iii) the Kaikohe Subdivision comprising the area delineated on LG-001-2022-S-4
- (b) The Bay of Islands-Whangaroa Community is divided into five subdivisions as follows:
- (i) the Whangaroa Subdivision comprising the area delineated on SO Plan 430092 deposited with Land Information New Zealand
  - (ii) Waipapa Subdivision comprising the area delineated on LG-001-2022-S-5
  - (iii) the Kerikeri Subdivision comprising the area delineated on LG-001-2022-S-6
  - (iv) the Paihia Subdivision comprising the area delineated on SO Plan 430090 deposited with Land Information New Zealand
  - (v) the Russell-Opua Subdivision comprising the area delineated on LG-001-2022-S-7
  - (vi) the Kawakawa-Moerewa Subdivision comprising the area delineated on LG-001-2022-S-8
- (c) The membership of the Te Hiku Community Board is comprised as follows:
- (i) one member elected from the North Cape Subdivision
  - (ii) one member elected from the Whatuwhiwhi Subdivision
  - (iii) one member elected from the Doubtless Bay Subdivision
  - (iv) three members elected from the Kaitāia Subdivision
  - (v) one member of the Council representing the Te Hiku Ward and appointed to the community board by the Council.
- (d) The membership of the Kaikohe-Hokianga Community Board is comprised as follows:
- (i) one member elected from the North Hokianga Subdivision
  - (ii) two members elected from the South Hokianga Subdivision
  - (iii) three members elected from the Kaikohe Subdivision
  - (iv) one member of the Council representing the Kaikohe-Hokianga Ward and appointed to the community board by the Council.
- (e) The membership of the Bay of Islands-Whangaroa Community Board is comprised as follows:
- (i) one member elected from the Whangaroa Subdivision



- (ii) one member elected from the Waipapa Subdivision
- (iii) two members elected from the Kerikeri Subdivision
- (iv) one member elected from the Paihia Subdivision
- (v) one member elected from the Russell-Opua Subdivision
- (vi) one member elected from the Kawakawa-Moerewa Subdivision
- (vii) one member of the Council representing the Bay of Islands-Whangaroa Ward and appointed to the community board by the Council.

27. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards, communities and subdivisions 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