



Meeting of the Corporate and Strategic Committee

LATE ITEMS

Date: 18 Aug 2021
Time: 9.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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HAWKE'S BAY REGIONAL COUNCIL
CORPORATE AND STRATEGIC COMMITTEE

18 August 2021

Subject: HBRC REPRESENTATION ARRANGEMENTS REVIEW

Item 6

Reason for Report

1. This item provides options and information to enable the Committee to resolve a recommendation to Council on its preferred Representation Arrangements for public notification, as required by the Local Electoral Act as the result of Council's 19 May 2021 resolution:
 - 1.1. Agrees to establish one or more Māori constituencies in accordance with Schedule 1, Part 1, 2(2) of the Local Electoral Act, for voters on the Māori electoral roll to elect Councillors on to Hawke's Bay Regional Council in the 2022 and 2025 local elections.

Officers' Recommendations

2. Council officers recommend that councillors consider the options provided by staff in accordance with the requirements of the Local Government Act (LGA) and Local Electoral Act (LEA), to enable resolution of the proposed Representation Arrangements for the 2022 and 2025 local elections.

Executive Summary

3. The Council is required to review its Representation Arrangements as a result of the resolution to establish one or more Māori constituencies in May 2021, in accordance with the Local Government Act and Local Electoral Act.
4. The options presented for consideration include:
 - 4.1. the total number of elected representatives being either 9 or 11
 - 4.2. the establishment of two Māori constituencies as recommended by tangata whenua representatives of the Māori and Regional Planning committees
 - 4.3. retention of the number and boundaries of the five General constituencies as supported and determined by the Local Government Commission in the 2018 and 2012 representation reviews, and changing the names of three of those five constituencies to include the Māori name
 - 4.4. extending the boundary of the current Wairoa constituency southward to increase the population to better meet the +/-10% requirement.

Background

5. In conducting the representation review, the key components Council must determine by resolution are:
 - 5.1. The proposed number of constituencies – having given consideration to, and identified, communities of interest.
 - 5.2. The proposed name and the proposed boundaries of each constituency – ensuring, as far as practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
 - 5.3. The number of members proposed to be elected by the electors of each constituency – a regional council is required to have between 6 and 14 members.

Considerations of Tangata Whenua

6. Māori representation is premised on Māori being a distinct ‘community of interest’. With the establishment of Māori constituencies, it is intended that Māori on the Māori roll will have guaranteed representation proportional to the percentage of the voting population they make up as determined by LEA clause 4 of Schedule 1A and shown following.

$$nmm = \frac{mepr}{mepr + gepr} \times nm$$

nmm is the number of councillors elected in Māori constituencies

mepr is the number of Māori in the region enrolled on the Māori electoral roll

gepr is the number of voters in the region enrolled on the General electoral roll

nm is the (proposed) total number of elected members (councillors) of the Regional Council

Fractions are rounded up or down to the nearest whole number.

Region	Maori Electoral Population	General Electoral Population	Total Population	Total Members	Maori Constituency Members	Maori Constituency Members (Rounded)
Hawke's Bay Region	29,685	136,680	166,365	9	1.61	2

7. Following the Council’s resolution to establish Māori constituencies for Hawke’s Bay, staff set about consulting with tangata whenua in line with a pre-engagement plan agreed by the Māori Committee. The plan was centred on holding a hui a iwi in each of the four Taiwhenua areas to seek feedback on:
 - 7.1. whether there should be one or two Māori constituencies, and
 - 7.2. if two, what the boundaries and names might be.
8. In response to the invitations sent out to the four Taiwhenua, staff were advised that rather than hosting hui a iwi, the subject would be put to the Taiwhenua Board meetings for consideration. The views expressed at those Board meetings would then be communicated to Council via the Taiwhenua representatives at the 11 August Māori Committee meeting. Staff accepted this was the preference of tāngata whenua and offered to be available to attend meetings if requested.
9. In response to the staff request for feedback the Māori Committee, at its meeting on 11 August 2021, resolved:
 - 9.1. recommends that Hawke’s Bay Regional Council considers the following when deciding on the proposed Representation Arrangements for the 2022 and 2025 local elections.
 - 9.2. The preference of Taiwhenua representatives on the Māori Committee is for Council to establish two Māori constituencies for the election of one representative of each by voters enrolled on the Māori roll.
 - 9.3. The preference of Taiwhenua representatives on the Māori Committee is that the names of the Māori constituencies be determined in consultation with kaumatua.
 - 9.4. Supports the Council including the Māori names for Napier, Hastings and Central Hawke’s Bay in the names of the General constituencies.

10. In relation to the boundary between the Northern and Southern Māori constituencies, Māori Committee Taiwhenua representatives advised that it would be more culturally appropriate if that was formed by the naturally occurring geographical boundary formed by an awa.
11. At a Zoom hui on 11 August, six representatives of the Post Settlement Governance Entities on the RPC considered the same information that was presented to the Māori Committee before resolving their feedback, being:
 - 11.1. The preference of tangata whenua representatives on the Regional Planning Committee is for Council to establish two Māori constituencies for the election of one representative of each by voters enrolled on the Māori roll.
 - 11.2. The preference of tangata whenua representatives on the Regional Planning Committee is that the names of the Māori constituencies be determined in consultation with those kaumatua nominated and agreed by the Māori representatives on the Regional Planning and Māori committees.
 - 11.3. Supports the Council including the Māori names for Napier, Hastings and Central Hawke’s Bay in the names of the General constituencies, and if the boundary of the Wairoa constituency is changed, to seek input into what the name of the new constituency is to be from those kaumatua nominated and agreed by the tangata whenua representatives on the Regional Planning and Māori committees.
12. Like the Māori Committee representatives, the RPC representatives expressed their desire for the boundary between the two constituencies to be formed by the naturally occurring geographical boundary of an awa.
13. In accordance with the preference of tangata whenua representatives staff therefore propose the following two constituency model of representation.
14. The establishment of two Māori constituencies for the election of one councillor from each, being:
 - 14.1. Māori Constituency 1 (Northern) – name to be determined - the constituency boundary being that area which encompasses the Wairoa District Council and Napier City Council areas, parts of the Hastings District Council area north of the Ngaruroro River, as well as meshblocks within the regional boundary belonging to Taupo District Council.
 - 14.2. Māori Constituency 2 (Southern) – name to be determined - the constituency boundary being that area which encompasses the Central Hawke’s Bay District Council area, parts of the Hastings District Council area south of the Ngaruroro River, as well as meshblocks within the regional boundary belonging to Rangitikei District Council.
 - 14.3. A map showing the “Māori Constituencies” is attached and the corresponding population statistics are provided (using Statistics NZ GIS statistical areas data) following.

Table 1: Māori Constituencies’ Populations

Constituency	Māori Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
1 – Northern	12,519	1	12,519	1,494	10.66%
2 – Southern	15,507	1	15,507	-1,494	-10.66%
Totals	28,026	2	Av = 14,013		

15. Although, strictly speaking, this proposal does not meet the +/-10% threshold staff believe that the Local Government Commission may consider that:
 - 15.1. the boundary set by Ngaruroro Awa is one that tangata whenua have requested as being more relevant to Māori
 - 15.2. the +/-10% threshold exceedance is less than 1%.

16. The alternative for Council is to propose a single Māori Constituency covering the whole of the Region, for the election of 2 councillors. In considering the option of a single Māori Constituency Council may want to consider the practicalities involved in terms of constituents' access to representatives and the size, nature, and diversity of the constituency those councillors will be expected to represent, in addition to the preference of tangata whenua as expressed by the tangata whenua representatives of the RPC and Māori Committee.

General Constituencies Options Assessment

17. All of the calculations for the General constituency options proposed use the population figures provided by Statistics NZ, based on the 2018 census, in the following table.

Table 2: Hawke's Bay Regional Council General Electoral Population (GEP) 2018

Constituency	General Electoral Population
Central Hawke's Bay	11,955
Napier	53,940
Wairoa	4,320
Hastings	47,928
Ngaruroro	18,618
Total	136,761

18. In response to a suggestion from councillors, and supported by Māori and Regional Planning Committee tangata whenua representatives, staff have included the Māori names of the Central Hawke's Bay, Napier and Hastings General constituencies for all options.

Option 1 – Status Quo for General Constituencies and Council of 9

19. Option 1 retains the existing five General constituencies and their boundaries. This proposes a Council comprised of nine (9) councillors total; seven (7) elected from the General constituencies and two (2) elected from the Māori constituencies.
20. This option was developed to retain the 'proportionality of Māori representation' as determined by LEA clause 4 of Schedule 1A based on the Council being comprised of nine councillors (*refer to paragraph 6*) and the current constituencies as considered to represent the region's communities of interest. To arrive at nine councillors total, one representative has been taken from each of Ahuriri-Napier and Heretaunga-Hastings. These two constituencies cover the smallest land areas, and have the highest population concentrations.

Table 3: Five existing General constituencies, including their boundaries, for election of 7 councillors (7 General + 2 Māori = 9 total)

Constituency	General Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Tamatea- Central Hawke's Bay	11,955	1	11,955	7,582	-39%
Ahuriri-Napier	53,940	2	26,970	7,433	38%
Wairoa	4,320	1	4,320	-15,217	-78%
Heretaunga-Hastings	47,928	2	23,964	4,427	23%
Ngaruroro	18,618	1	18,618	-919	-5%
Total	136,761	7	Av: 19,537		

21. Although this proposal does not meet the +/-10% threshold for four of the five constituencies (highlighted), staff believe that the Local Government Commission may consider an application from Council for exemptions based on:
- 21.1. proportionality of Māori representation (total number of councillors)
 - 21.2. identified communities of interest as determined previously in 2012 and 2016 LGC determinations
 - 21.3. the size, nature, and diversity of the constituencies
 - 21.4. geographical separation between population centres and land area (distance) in terms of “access to representation”.

Option 2 – Status Quo for General Constituencies and Council of 11

22. Option 2 is for Council to retain the existing General constituencies and their boundaries, and increase the total number of councillors to eleven (11) including the two Māori Constituency councillors.

Table 4: Five existing General constituencies, including their boundaries, for election of 9 councillors (9 General + 2 Māori = 11 total)

Constituency	General Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Tamatea-Central Hawke’s Bay	11,955	1	11,955	-3,241	-21%
Ahuriri-Napier	53,940	3	17,980	2,784	18%
Wairoa	4,320	1	4,320	-10,876	-72%
Heretaunga-Hastings	47,928	3	15,976	780	5%
Ngaruroro	18,618	1	18,618	3,422	23%
Total	136,761	9	Av: 15,196		

23. Although this proposal does not meet the +/-10% threshold for four of the five constituencies (highlighted), staff believe that the Local Government Commission may consider an application from Council for exemptions based on:
- 23.1. identified communities of interest as determined previously in 2012 and 2016 LGC determinations
 - 23.2. geographical separation between population centres and land area (distance) in terms of “access to representation”
 - 23.3. the increased total number of councillors (11) more closely meets the +/-10% threshold for the General constituencies
 - 23.4. to the contrary however, the Commission may put more weight on proportional Māori representation (2 of 9) when considering the total number of councillors.

Extended Wairoa Constituency Options

24. Councillors requested that staff investigate the potential for increasing the number of General electors in the Wairoa constituency by extending the boundary with Ngaruroro Constituency southward, to achieve a ratio closer to the LEA Schedule 1A clause 4 threshold of +/-10%. The following options extend the Wairoa-Ngaruroro boundary to varying degrees.

Option 3 – Extended Wairoa General Constituency (Proposal C) for Council of 9

25. Option 3 (Proposal C map attached) moves the Wairoa boundary southward to take the General Electoral Population (GEP) from Ngaruroro necessary to increase the Wairoa population to 45% of the average per representative as per the arrangement in place for the 2019 election, which was:

Constituency	Population*	Number of Councillors
Central Hawke's Bay	14,150	1
Hastings	59,150	3
Napier	62,800	3
Ngaruroro	20,850	1
Wairoa	8,220	1

26. Option 3 has been developed to retain the 'proportionality of Māori representation' as determined by LEA clause 4 of Schedule 1A based on the Council being comprised of nine councillors (*refer to paragraph 6*). As with Option 1, one representative has been taken from each of Ahuriri-Napier and Heretaunga-Hastings. These two constituencies cover the smallest land areas, and have the highest population concentrations.

Table 5: Extended Wairoa Constituency Proposal C for election of 7 councillors (7 General + 2 Māori = 9 total)

Constituency	General Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Tamatea-Central Hawke's Bay	11,955	1	11,955	-7,582	-39%
Ahuriri-Napier	53,940	2	26,970	7,433	38%
Extended Wairoa	6,867	1	6,867	-12,670	-65%
Heretanga-Hastings	47,928	2	23,964	4,427	23%
Ngaruroro	16,095	1	16,095	-3,442	-18%
Totals	136,761	7	Av: 19,537		

27. Although this proposal does not meet the +/-10% threshold for any of the General constituencies (highlighted), the Local Government Commission may consider an application from Council for exemptions based on:
- 27.1. proportionality of Māori representation (total number of councillors)
 - 27.2. the size, nature, and diversity of the constituencies
 - 27.3. geographical separation between population centres and land area (distance) in terms of "access to representation"
 - 27.4. the extended Wairoa Constituency brings the population per representative for that constituency closer to compliance with the +/-10% threshold
 - 27.5. to the contrary, however, the LGC may give more weight to the identified communities of interest as determined previously in 2012 and 2016 LGC determinations.

Option 4 – Extended Wairoa General Constituency (Proposal C) for Council of 11

28. Option 4 has the same constituency boundaries as option 3, but with the total number of councillors being 11.

**Table 6: Extended Wairoa Constituency Proposal C for election of 9 councillors
(9 General + 2 Māori = 11 total)**

Constituency	General Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Tamatea – Central Hawke’s Bay	11,955	1	11,955	-3,241	-21%
Ahuriri - Napier	53,940	3	17,980	2,784	18%
Extended Wairoa	6,867	1	6,867	-8,329	-55%
Heretaunga-Hastings	47,928	3	15,976	780	5%
Ngaruroro	16,095	1	16,095	899	6%
Total	136,761	9	Av: 15,196		

29. Although this proposal does not meet the +/-10% threshold for three of the General constituencies (highlighted), the Local Government Commission may consider an application from Council for exemptions based on:
- 29.1. the increased total number of councillors (11) more closely meets the +/-10% threshold for the General constituencies
 - 29.2. the size, nature, and diversity of the constituencies and the geographical separation between population centres and land area (distance) in terms of “access to representation”
 - 29.3. the extended Wairoa Constituency brings the population per representative for that constituency closer to compliance with the +/-10% threshold
 - 29.4. to the contrary, however, the LGC may give more weight to proportional Māori representation (2 of 9) when considering the total number of councillors, and/or give more weight to the identified communities of interest as determined previously in 2012 and 2016 determinations.

Option 5 – Extended Wairoa General Constituency (Proposal A) for Council of 9

30. Option 5 (Proposal A map attached) moves the Wairoa boundary southward to the Napier-Taupo Highway to include meshblocks in the Tutira and Esk Valley areas in order to increase the population of the ‘Wairoa’ population to bring the representation ratio closer to the +/-10% threshold while attempting to retain a semblance of “community of interest” identity.
31. Option 5 was developed to retain the ‘proportionality of Māori representation’ as determined by LEA clause 4 of Schedule 1A based on the Council being comprised of nine councillors (*refer to paragraph 6*). As with Options 1 and 3, one representative has been taken from each of Ahuriri-Napier and Heretaunga-Hastings. These two constituencies cover the smallest land areas, and have the highest population concentrations.

**Table 7: Extended Wairoa Constituency Proposal A for election of 7 councillors
(7 General + 2 Māori = 9 total)**

Constituency	General Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Tamatea-Central Hawke's Bay	11,955	1	11,955	-7,582	-39%
Ahuriri-Napier	53,940	2	26,970	7,433	38%
Extended Wairoa	5,127	1	5,127	-14,410	-74%
Heretanga-Hastings	47,928	2	23,964	4,427	23%
Ngaruroro	17,835	1	17,835	-1,702	9%
Totals	136,761	7	Av: 19,537		

32. Although this proposal does not meet the +/-10% threshold for four of the General constituencies (highlighted), the Local Government Commission may consider an application from Council for exemptions based on:
- 32.1. proportionality of Māori representation (total number of councillors)
 - 32.2. the size, nature, and diversity of the constituencies
 - 32.3. geographical separation between population centres and land area (distance) in terms of "access to representation"
 - 32.4. the extended Wairoa Constituency brings the population per representative for that constituency closer to compliance with the +/-10% threshold, however, the LGC may give more weight to the identified communities of interest as determined previously in 2012 and 2016 determinations.

Option 6 – Extended Wairoa General Constituency (Proposal A) for Council of 11

33. Option 6 has the same constituency boundaries as option 5, but with the total number of councillors being 11.

**Table 8: Extended Wairoa Constituency Proposal A for election of 9 councillors
(9 General + 2 Māori = 11 total)**

Constituency	General Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Tamatea – Central Hawke's Bay	11,955	1	11,955	-3,241	-21%
Ahuriri - Napier	53,940	3	17,980	2,784	18%
Extended Wairoa	5,127	1	5,127	-10,069	-66%
Heretaunga-Hastings	47,928	3	15,976	780	5%
Ngaruroro	17,835	1	17,835	-2,639	-17%
Total	136,761	9	Av: 15,196		

34. Although this proposal does not meet the +/-10% threshold for four of the General constituencies (highlighted), the Local Government Commission may consider an application from Council for exemptions based on:
- 34.1. the increased total number of councillors (11) more closely meets the +/-10% threshold for the General constituencies, however the Commission may put more weight on proportional Māori representation (2 of 9) when considering the total number of councillors
 - 34.2. the size, nature, and diversity of the constituencies and the geographical separation between population centres and land area (distance) in terms of "access to representation"

- 34.3. the extended Wairoa Constituency brings the population per representative for that constituency closer to compliance with the +/-10% threshold
- 34.4. to the contrary, however, the LGC may give more weight to the identified communities of interest as determined previously in 2012 and 2016 LGC determinations.

Summary options analysis

35. The following table summarises a staff assessment of whether the various options for the General constituencies meet the requirements of the LEA.

Table 9: Staff assessment

Option	Identifiable Communities of interest	Meets +/- 10%	Māori Rep Proportion	Aligns to previous LGC decisions
Option 1 – Status Quo for General Constituencies and Council of 9	5 of 5	1 of 5	Yes	Yes
Option 2 – Status Quo for General Constituencies and Council of 11	5 of 5	1 of 5	No	Yes
Option 3 – Extended Wairoa General Constituency (Proposal C) for Council of 9	4 of 5	0 of 5	Yes	No
Option 4 – Extended Wairoa General Constituency (Proposal C) for Council of 11	4 of 5	2 of 5	No	No
Option 5 – Extended Wairoa General Constituency (Proposal A) for Council of 9	4 of 5	1 of 5	Yes	No
Option 6 – Extended Wairoa General Constituency (Proposal A) for Council of 11	4 of 5	1 of 5	No	No

Considerations for Council

36. The Local Electoral Act 2001 (LEA), together with the Local Government Act 2002 (LGA), specify the requirements for representation arrangements, including:
- 36.1. LEA Part 1A states “... *the paramount consideration that local authorities, elected officers and other electoral officials must, in making decisions under the Act, adhere to is "fair and effective representation for individuals and communities".*”
- 36.2. LGA Section 3 states “*The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities...*”
37. In conducting the representation review the Council must determine by resolution:
- 37.1. The proposed number of constituencies
- 37.2. The proposed name and the proposed boundaries of each constituency
- 37.3. The number of members proposed to be elected by the electors of each constituency.
38. The term "community of interest" is not defined by statute. Common features of a community of interest are geography and social, economic and cultural connections, all of which contribute to the development of a shared identity.
39. The Commission’s ‘*Guidelines to assist local authorities in undertaking representation reviews*’ provides three dimensions for recognising communities of interest, being:
- 39.1. perceptual: a sense of belonging to an area or locality
- 39.2. functional: the ability to meet the community’s requirements for services
- 39.3. political: the ability to represent the interests and reconcile conflicts of the community.

40. The principles identified by the Commission, for Councils considering this issue are:
 - 40.1. A recognised community of interest should not be split between electoral subdivisions.
 - 40.2. Avoid grouping together two or more communities of interest that share few commonalities of interest.
 - 40.3. Consider the accessibility, size and configuration of an area – with the population having reasonable access to its elected members and vice versa. For example would elected members be able to attend public meetings throughout their area and provide reasonable opportunities for their constituents to have face-to-face meetings?
 - 40.4. Would elected members be able to effectively represent the views of their electoral subdivision?
41. The key requirement for Fair Representation is to comply with the basic principle of population equality unless there are good reasons not to. A Regional Council can decide to not comply with Section 19(v)(ii) if it considers that effective representation of communities of interest so requires. Such a decision then requires referral of the proposal to the LGC for determination specifically stating the reasons for that decision.
42. In the case of regional councils, constituencies may be defined in such a way that does not comply with *section 19V(2)* if it is considered that this is required to achieve effective representation of communities of interest (*s19V(3)(b)*).
43. A decision not to comply with *section 19V(2)* must be referred to the Commission for determination. Referral to the Commission is required whether or not appeals or objections have been lodged against the Council's proposal. That referral is treated by the Commission as an appeal under the *Local Electoral Act 2001*.
44. While it is guided by the principle of fair representation defined in the Act by the +/-10% rule, the Commission considers it is also appropriate to be guided by the requirement to ensure, so far as is practicable, constituency boundaries coincide with territorial authority boundaries. The Commission sees this as important as territorial authorities reflect communities of interest based on the delivery of a wide range of day-to-day services. Territorial authority districts are also areas that electors closely identify with which in turn encourages participation in local government such as by voting or standing as a candidate at local elections.

Previous Local Government Commission Determinations

45. Because the constituency boundaries have been agreed by the Local Government Commission through Determination as representing the region's communities of interest for the last two review cycles, staff have concluded that applications for 'community of interest' exemptions will be considered favourably by the LGC. Past Determinations noted the following.
46. *The Ngaruroro constituency was created to recognise the distinct communities of interest within Hastings District as subdivided into urban, and plains and rural, and aligned with the Hastings District Rural Community Board boundaries, to provide more effective representation for these communities. The Commission's (2013) determination ruled:*
 - 46.1. "...we have decided to adopt the urban-rural split proposed by the Hastings District Council. This also entails the addition of some meshblocks around the three urban wards which the Council identified as having commonalities in community of interest with the proposed Hastings Urban Constituency, such as Whakatu with its large industrial focus. We note the Hastings Rural Constituency (now **Ngaruroro**) does not comply with the '+/-10% rule' but, as argued above, we believe this to be necessary for achievement of effective representation for the community of interest in this constituency."

47. The Wairoa constituency was accepted by the Local Government Commission in 2007, 2013 and 2019 as a 'community of interest', with the size and diversity of the constituency and reasonable access to representation having been proved. In releasing their 2018 decision, the Commission stated:
- 47.1. *In relation to the Wairoa Constituency, we note this constituency has been well outside the '+/-10% rule' since the introduction of this requirement in 2004 and has twice been endorsed by the Commission. In its most recent determination in 2013, the Commission agreed that a separate Wairoa Constituency is necessary to ensure effective representation of this community of interest. This was based on arguments that:*
- 47.1.1. *Wairoa has a community of interest distinct from the rest of the region, both physically and socio-economically, and this presents particular challenges for community consultation and provision of services*
- 47.1.2. *the physical realities of the area give rise to particular issues not experienced elsewhere including hill country erosion, pressure on coastal development, pest management, transport infrastructure, biodiversity protection, wetland enhancement, flooding and other natural hazards*
- 47.1.3. *effective representation is most unlikely to be achieved by merging Wairoa into another constituency in order to comply with the '+/-10% rule' as this would result in a very large area (70 per cent of the land area of the region) with few commonalities of interest and still eligible for only one councillor*
- 47.1.4. *effective representation would be compromised in terms of both access to a councillor and representation of the diversity of the constituency*
- 47.1.5. *the demands on a councillor servicing an enlarged area would be unreasonable.*
48. *In 2013 the Commission also determined that the Central Hawke's Bay Constituency would not comply with the '+/-10% rule'. It noted that in 2007 the Commission had heard from the council that "the arguments were not strong for an exception to the +/-10% rule" and as a result it added some areas of Hastings District to this constituency in order that it did comply. In 2013, however, the Commission heard that this adjustment had caused confusion for residents living relatively close to the Hastings urban area but who were now located in the Central Hawke's Bay Constituency - an area with which they had few connections. The Commission was also advised that the area of the proposed constituency, based solely on Central Hawke's Bay District, was already a significantly large area for one councillor to service with its own issues of concern.*
- 48.1. *As a result, the then Commission was satisfied, on the basis of the arguments put to it, that there was a case for reducing the size of Central Hawke's Bay Constituency to coincide with Central Hawke's Bay District, consistent with section 19U(c), notwithstanding it would not comply with the '+/-10% rule'.*
49. *"Given the numbers involved and the predominantly urban nature of the Napier Constituency, we note that a large segment of the outlying area of Napier City would have to be transferred to the adjoining Hastings Constituency (now Ngaruroro). We also note that the neighbouring parts of ... (this constituency) are primarily rural or semi-rural in nature. While it is guided by the principle of fair representation defined in the Act by the '+/-10% rule', the Commission considers it is also appropriate to be guided by the requirement to ensure, so far as is practicable, constituency boundaries coincide with territorial authority boundaries."*
50. *"In summary, we consider the circumstances of the Wairoa, Ngaruroro, Napier and Central Hawke's Bay constituencies can be seen to be very similar to those applying at the time of the council's last review in 2013, subject only to some small boundary adjustments between the Hastings and Ngaruroro constituencies.*

51. *We note that the council did consider the option of increasing the number of councillors from nine to eleven. This resulted in the Napier and Central Hawke's Bay constituencies complying with the '+/-10% rule' but the large Ngaruroro Constituency would then be significantly under-represented.*
52. *In conclusion, we consider existing arrangements do provide an appropriate balance between the requirements for both fair and effective representation. On this basis we have decided to uphold the decision of the council for the four identified constituencies not to comply with the '+/-10% rule'."*

Consultation

53. To date, consultation has been undertaken through the *Māori Constituencies* public consultation process and directly with tangata whenua representatives of the Māori and Regional Planning committees on the question of whether there should be one or two Māori constituencies.
54. Following a Council resolution of its "Initial Proposed Representation Arrangements" there will be a public consultation period of one month, during which people will have the opportunity to submit on the proposal. If submitters wish to speak to their submissions these will be "heard" by the Council at an Extraordinary meeting scheduled for that purpose, on 13 October.
55. To meet the statutory timeframes, the timelines for consultation and decision making are provided in the following table, with Council/Committee dates highlighted.

Milestone	Date	Description
1. Corporate & Strategic Committee meeting	18 August 2021	Present options for recommendation to Regional Council
2. Regional Council	25 August 2021	Council selects and resolves preferred option as Initial Proposal for public notification
3. Public Notice	1 September 2021	Public notification of Council's initial proposal and submissions open
4. Submissions Close	8am, Monday 4 October 2021	Close of submissions on Council's Initial Proposal
5. Extraordinary Regional Council meeting	13 October 2021	Council to consider/hear submissions within 6 weeks of submissions closing
6. Regional Council meeting	27 October 2021	Final Proposal (as amended from submissions hearing if appropriate) to be Resolved
7. Public Notice of Final Proposal	30 October 2021	Public notice of Council's Final proposed representation arrangements
8. Appeals/Objections period	30 November 2021	Appeals and objections period closes
9. Regional Council meeting	15 December 2021	If no Appeals/Objections received by 30 November, Council confirms proposed representation arrangements as Final
10. Lodge Final Proposal with LGC	17 December 2021	Staff forward all documentation, including any Appeals/Objections, to LGC for final Determination
11. LGC Determination	By 15 Jan 2022	LGC to advise Determination to Council by 10 April 2022

Decision Making Process

56. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 56.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 56.2. The use of the special consultative procedure is not prescribed by legislation, and public consultation will be undertaken in accordance with the consultation procedures required for Representation Reviews under the Local Electoral Act (sections 19M and 19N).
 - 56.3. The persons affected by this decision are the residents of Hawke's Bay, particularly those enrolled to vote.

Recommendations

1. That the Corporate and Strategic Committee receives and considers the "*HBRC Representation Arrangements Review*" staff report.
2. The Corporate and Strategic Committee recommends that Hawke's Bay Regional Council:
 - 2.1. Agrees that the decisions to be made are significant, and acknowledges the consultation procedures required for Representation Reviews under the Local Electoral Act (sections 19M and 19N).
 - 2.2. In accordance with sections 19H and 19J of the Local Electoral Act 2001, adopts as its initial proposal for the review of representation arrangements:

And either: (9 councillors)

- 1.1. Hawke's Bay Regional Council comprising **nine** councillors elected as follows:
 - 1.1.1. One (1) member elected by the Māori Constituency 1 - Northern (name to be determined)
 - 1.1.2. One (1) member elected by the Māori Constituency 2 - Southern (name to be determined)
 - 1.1.3. One (1) member elected by the Tamatea-Central Hawke's Bay Constituency
 - 1.1.4. Two (2) members elected by the Heretaunga-Hastings Constituency
 - 1.1.5. Two (2) members elected by the Ahuriri-Napier Constituency
 - 1.1.6. One (1) member elected by the Ngaruroro Constituency
 - 1.1.7. One (1) member elected by the Wairoa Constituency.

Or (11 councillors)

- 1.2. Hawke's Bay Regional Council comprising **eleven** councillors elected as follows:
 - 1.2.1. One (1) member elected by the Māori Constituency 1 - Northern (name to be determined)
 - 1.2.2. One (1) member elected by the Māori Constituency 2 - Southern (name to be determined)
 - 1.2.3. One (1) member elected by the Tamatea-Central Hawke's Bay Constituency
 - 1.2.4. Two (3) members elected by the Heretaunga-Hastings Constituency
 - 1.2.5. Two (3) members elected by the Ahuriri-Napier Constituency
 - 1.2.6. One (1) member elected by the Ngaruroro Constituency
 - 1.2.7. One (1) member elected by the Wairoa Constituency.

And either:**(retain current 5 constituencies & their boundaries)**

- 1.3. Agrees to retain the five General constituencies, as the identified communities of interest in Hawke's Bay, the proposed names and boundaries of each of the five to be:
 - 1.3.1. **Tamatea-Central Hawke's Bay**; the constituency boundary being the same as that for the Central Hawke's Bay District Council area.
 - 1.3.2. **Heretaunga-Hastings**; the constituency boundary being that area which encompasses the wards of Flaxmere, Hastings-Havelock North and most of Heretaunga within the Hastings District Council area.
 - 1.3.3. **Ahuriri-Napier**; the constituency boundary being the same as that for the Napier City Council area.
 - 1.3.4. **Ngaruroro**; the constituency boundary being that area which encompasses the wards of Mohaka, Kahuranaki and parts of Heretaunga within the Hastings District Council area as well as meshblocks within the Regional boundary belonging to Rangitikei and Taupo District councils.
 - 1.3.5. **Wairoa**; the constituency boundary being the same as that for the Wairoa District Council area.

Or**1.4. Option 3, 4, 5 or 6**

- 1.4.1. *Relevant details of option to be inserted*

And either:

- 1.5. Two Māori constituencies, the proposed names and boundaries of each being:
 - 1.5.1. Māori Constituency 1 (Northern) – name to be determined - the constituency boundary being that area which encompasses the Wairoa District Council and Napier City Council areas, parts of the Hastings District Council area north of the Ngaruroro River, as well as meshblocks within the Regional boundary belonging to Taupo District council.
 - 1.5.2. Māori Constituency 2 (Southern) – name to be determined - the constituency boundary being that area which encompasses the Central Hawke's Bay District Council area, parts of the Hastings District Council area south of the Ngaruroro River, as well as meshblocks within the Regional boundary belonging to Rangitikei District council.

Or

- 1.6. One Māori Constituency (name to be determined) encompassing the whole of the Wairoa District, Napier City, Hastings District and Central Hawke's Bay District Council areas as well as meshblocks within the Regional boundary belonging to Rangitikei District and Taupo District councils.

And

- 1.7. Notes that the proposal for General Constituencies does not fully comply with the *Local Electoral Act 2001* section 19V(2), but that the proposal is considered the most appropriate solution for Hawke's Bay.
- 1.8. Applies to the Local Government Commission, clearly identifying the grounds for the proposed non-compliance, for approval to not comply with the LEA section 19V(2) +/-10% fair representation requirement as shown following.

Authored by:

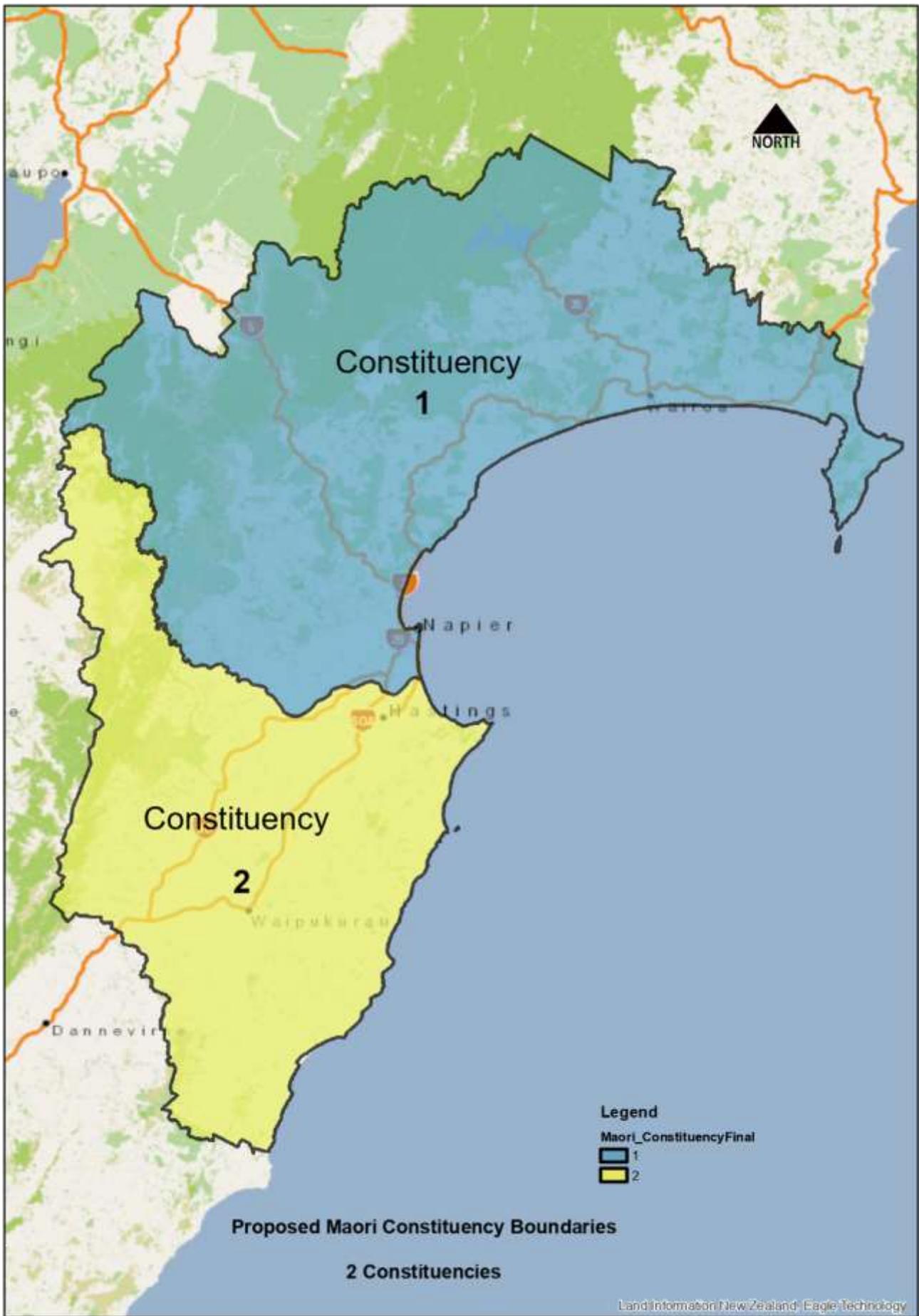
**Leeanne Hooper
TEAM LEADER GOVERNANCE**

Approved by:

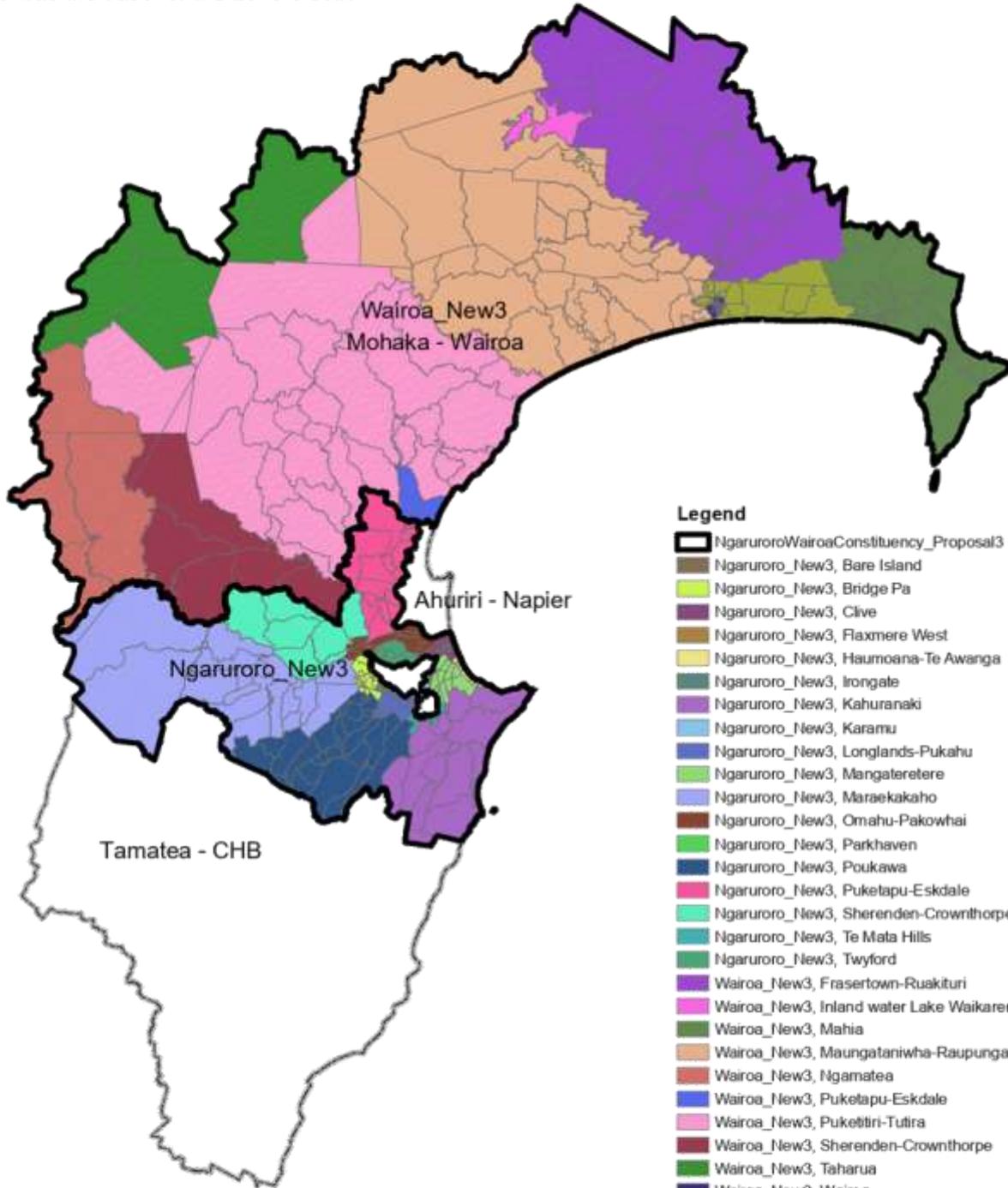
**Desiree Cull
STRATEGY & GOVERNANCE MANAGER**

Attachment/s

- 1 [↓](#) Two Maori Constituencies Proposal
- 2 [↓](#) Extended Wairoa Constituency Proposal C
- 3 [↓](#) Extended Wairoa Constituency Proposal A



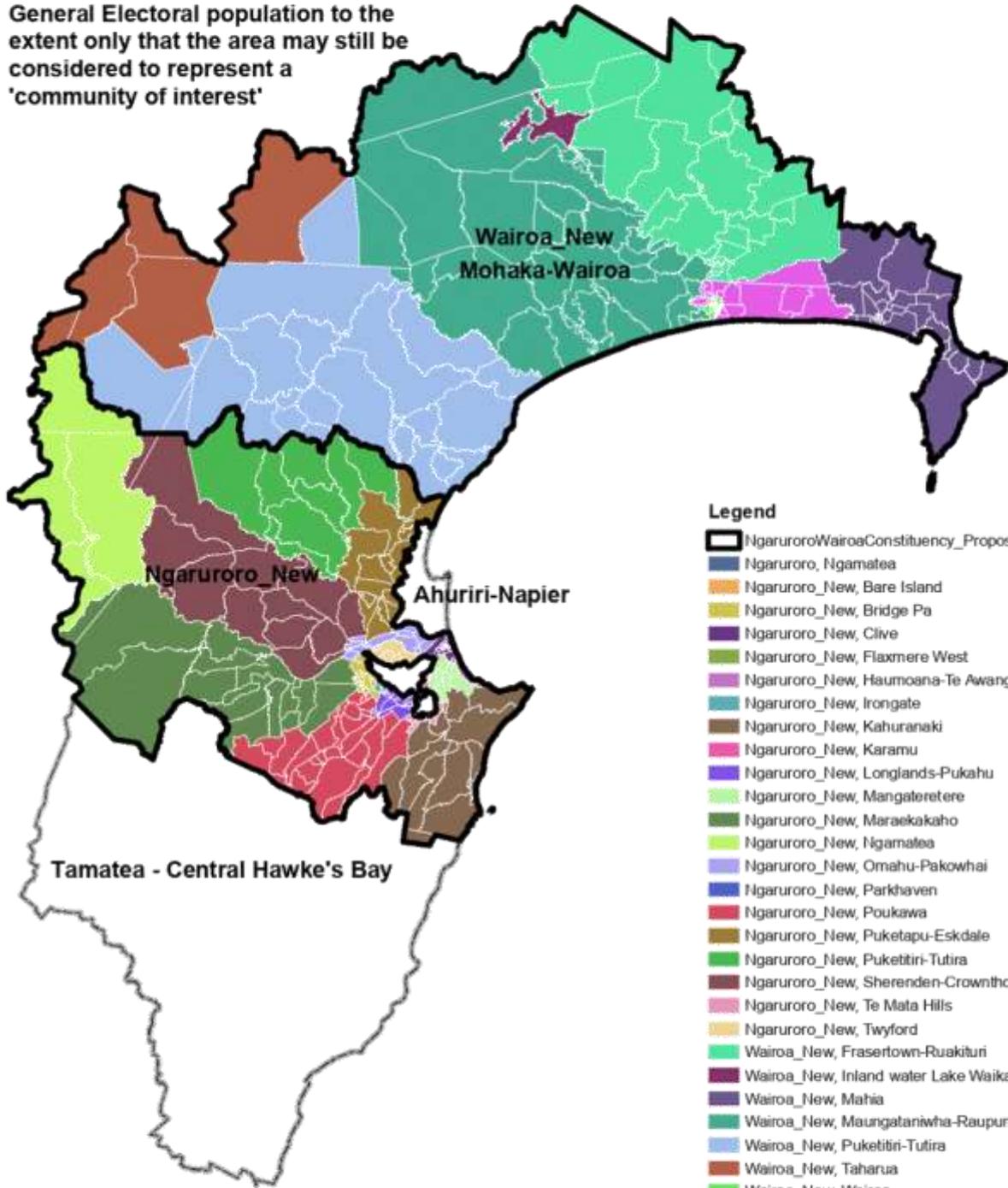
This map shows the area required to be included in a 'new' Mohaka-Wairoa constituency in order to bring the General population in that constituency to 45% of the average number of constituents per councillor as was the case for the 2019 election



Constituency & SA 2 Boundaries

Ngaruroro & Wairoa - Proposal C

This map shows an extended Wairoa constituency - South to include Esk Valley in order to increase the General Electoral population to the extent only that the area may still be considered to represent a 'community of interest'



Legend

- NgaruroroWairoaConstituency_Proposal
- Ngaruroro, Ngamatea
- Ngaruroro_New, Bare Island
- Ngaruroro_New, Bridge Pa
- Ngaruroro_New, Clive
- Ngaruroro_New, Flaxmere West
- Ngaruroro_New, Haumoana-Te Awanga
- Ngaruroro_New, Irongate
- Ngaruroro_New, Kahuranaki
- Ngaruroro_New, Karamu
- Ngaruroro_New, Longlands-Pukahu
- Ngaruroro_New, Mangaleretere
- Ngaruroro_New, Meraekakaho
- Ngaruroro_New, Ngamatea
- Ngaruroro_New, Omahu-Pakowhai
- Ngaruroro_New, Parkhaven
- Ngaruroro_New, Poukawa
- Ngaruroro_New, Puketapu-Eskdale
- Ngaruroro_New, Puketitiri-Tutira
- Ngaruroro_New, Sherenden-Crownthorpe
- Ngaruroro_New, Te Mata Hills
- Ngaruroro_New, Twyford
- Wairoa_New, Frasers town-Ruakituri
- Wairoa_New, Inland water Lake Waikaremoana
- Wairoa_New, Mahia
- Wairoa_New, Maungataniwha-Raupunga
- Wairoa_New, Puketitiri-Tutira
- Wairoa_New, Taharua
- Wairoa_New, Wairoa
- Wairoa_New, Whakaki

Constituency & SA 2 Boundaries

Ngaruroro & Wairoa - Proposal A

**HAWKE'S BAY REGIONAL COUNCIL
CORPORATE AND STRATEGIC COMMITTEE**

Wednesday 18 August 2021

**Subject: PUBLIC EXCLUDED REPORT FROM THE FINANCE, AUDIT AND RISK
SUB-COMMITTEE**

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 15 Public Excluded Report from the Finance, Audit and Risk Sub-committee with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	FOUNDATIONS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Public Excluded Report from the Finance, Audit and Risk Sub-committee	7(2)(f)(ii) The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

**Liana Monteith
MANAGER PEOPLE AND CAPABILITY**

Approved by:

**James Palmer
CHIEF EXECUTIVE**