



# Local Government Commission

## Mana Kāwanatanga ā Rohe

### Determination of representation arrangements to apply for the election of the Southland Regional Council to be held on 11 October 2025

## Introduction

1. All regional councils are required under sections 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Under Section 19R of the Act, the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine all the matters set out in sections 19I which relate to the representation arrangements for regional authorities.
2. Having completed its considerations, the Commission's determination differs from the Southland Regional Council's (the Council) final representation proposal as set out below.

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

3. In accordance with section 19R of the Local Electoral Act 2001, the Local Government Commission determines that for at least the triennial general election of the Southland Regional Council to be held on 11 October 2025, the following representation arrangements will apply:
  - a. Southland Region, as delineated on Plan LG-015-2025-Con-1 will be represented by a Council comprising 12 councillors elected as follows:

Constituency	Councillors	Plan delineating area
Fiordland Constituency	1	SO 11503
Eastern-Dome Constituency	2	LG-015-2025-Con-2
Western Constituency	1	LG-015-2025-Con-3
Hokonui Constituency	1	LG-015-2025-Con-4

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

Southern Constituency	1	LG-015-2015-Con-5
Invercargill-Rakiura Constituency	6	SO 301281

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

Constituency	Population*	Number of members	Population per member	Deviation from region average population per member	% deviation from region average population per member
Fiordland	4,660	1	4,660	-4,000	<b>-46.19</b>
Eastern-Dome	17,350	2	8,675	15	0.17
Western	7,820	1	7,820	-840	-9.70
Hokonui	9,200	1	9,200	540	6.24
Southern	6,590	1	6,590	-2,070	<b>-23.90</b>
Invercargill-Rakiura	58,300	6	9,717	1,057	<b>12.20</b>
<b>Total</b>	<b>103,920</b>	<b>12</b>	<b>8,660</b>		

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

5. Under section 19V(6) of the Act, the Commission upholds the decision of the Council not to comply with the fair representation requirements of section 19V(2) (the '+/-10% rule') for the following electoral areas:
- Fiordland Constituency as compliance would limit effective representation of communities of interest due to the accessibility and size of the area including access to elected members and vice versa;
  - Southern Constituency as compliance would limit effective representation of communities of interest by splitting the Makarewa and Wallacetown communities of interest, which share a connection to Invercargill, between electoral subdivisions; and
  - Invercargill-Rakiura Constituency as there is insufficient evidence that a 13-member council is required for effective representation across the region, nor that a seven-member Invercargill-Rakiura Constituency would provide more effective representation for communities of interest in Invercargill-Rakiura.
6. As required by section 19U of the Act, the boundaries of the above constituencies coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

## Background

7. Under section 19I of the Act, regional council representation reviews are to determine the number of councillors to be elected, and the boundaries and names of constituencies. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
8. The Council, also known as Environment Southland, last reviewed its representation arrangements prior to the 2019 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2025.

## Current representation arrangements

9. The Commission last determined the Council's representation in 2019. In that determination, the Commission altered some proposed constituency boundaries to align with local authority ward boundaries, and determined that three of the six constituencies would not comply with the fair representation requirements.
10. The Commission's 2019 determination also retained one area of non-alignment between constituency boundaries and local authority ward boundaries, recommending that the Council consider this at its next review.
11. The Council's current representation arrangements have been in place since and comprise a council of 12 members elected from six constituencies.

## Current review

### Preliminary consultation

12. The Council undertook preliminary engagement including an online survey that generated seven responses. It conducted targeted stakeholder engagement with other Southland councils, Community Trust South, and Te Ao Marama Inc., the iwi liaison entity for Southland's four Ngāi Tahu rūnunga, which also assists engagement with ngā matawākā living in the Region. Southland District Council's preliminary engagement results were also considered.
13. During a council workshop held on 22 May 2024, three options were reviewed alongside the existing arrangements, all of which retained the existing number of councillors, constituencies and constituency names, with a range of boundary alterations. The workshops identified a preference for the existing arrangements with boundary alterations to reflect changes proposed by Southland District Council, to better reflect communities of interest.

### The Council's initial proposal

14. On 17 July 2024 the Council resolved its initial representation proposal for a council comprising 12 councillors elected from six constituencies.
15. The initial proposed constituency arrangements were as follows:

Constituencies	Population*	Number of members	Population per member	Deviation from region average population per member	% deviation from region average population per member
Fiordland	4,660	1	4,660	-3,999	<b>-46.18</b>
Eastern-Dome	17,350	2	8,675	16	0.18
Western	7,820	1	7,820	-839	-9.69
Hokonui	8,660	1	8,660	1	0.01
Southern	7,120	1	7,120	-1,539	<b>-17.77</b>
Invercargill-Rakiura	58,300	6	9,717	1,058	<b>12.21</b>
<b>Total</b>	<b>103,910</b>	<b>12</b>	<b>8,659</b>		

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

## Submissions

16. The Council notified its initial representation proposal on 19 July 2024 and received 18 submissions by the deadline date of 19 August 2024. Six submissions supported the initial proposal, three partially supported the proposal, and nine were opposed.
17. Key themes in the submissions were:
  - a. Increase the number of councillors to 13 to decrease the level of non-compliance with the +/-10% rule across the Region.
  - b. Increase representation for Stewart Island/Rakiura by creating a new constituency or including it in the Western Constituency.
  - c. Reconfigure the rural constituencies and number of constituencies to achieve more effective representation for specific local issues and/or closer compliance with the +/-10% rule.
18. The Council rejected the matters raised in submissions for the following reasons relating to effective representation:
  - a. The current number of councillors (12) is appropriate for the geography and population of the region. Increasing the total number of councillors may compromise effective representation.
  - b. Stewart Island/Rakiura has a functional community of interest with Invercargill as the only transport link.
  - c. The existing Eastern-Dome, Fiordland, Hokonui, Southern and Western Constituencies represent well defined and distinct communities of interest and combining these communities would not lead to better representation.

## The Council's final proposal

19. At a meeting on 25 September 2024 the Council adopted its initial proposal as its final representation proposal. The Council publicly notified its final proposal on 4 October 2024.
20. Due to the non-compliance of the proposed Fiordland, Southern, and Invercargill-Rakiura Constituencies the Council was required by section 19V(4) of the Act to refer its proposal to the Commission for determination. In addition, two appeals against the Council's proposal were received.

## Appeals against the Council's final proposal

21. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.
22. The appeals and the Council's proposal raise the following matters:
  - a. Alternative configuration of constituency boundaries and membership to improve governance skills and representation of a full range of views.
  - b. Number of members and proposed non-compliance with the +/-10% rule for Invercargill-Rakiura Constituency.
  - c. Proposed non-alignment of constituency boundaries with territorial authority boundaries.
  - d. Proposed non-compliance of the Fiordland and Southern Constituencies with the +/-10% rule.

## Hearing

23. The Commission met with the Council and both appellants at a hearing held online on 12 February 2025. The Council was represented at the hearing by Chair Nicol Horrell, Chief Executive Wilma Falconer, and Strategy Manager Dave Gibbs.
24. The appellants were Invercargill City Council (ICC), represented by Manager – Governance and Legal Michael Morris, and Lloyd McCallum.

## *Matters raised at the hearing*

25. Council Chair Nicol Horrell and Chief Executive Wilma Falconer explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points in their opening remarks and right of reply:
  - a. Preliminary feedback indicated no strong calls for change.
  - b. The Council aimed where possible to align constituency and territorial authority boundaries.
  - c. Constituency arrangements ensured representation for dispersed communities.
  - d. With only 18 submissions evenly split between support and opposition, the Council had limited scope to change its initial proposal.

- e. Stewart Island/Rakiura Community Board's request to join the Western Constituency did not align with its main transport connection to Invercargill. Council staff were developing options to enhance representation for Stewart Island/Rakiura residents.
  - f. Merging constituencies may compromise representation of communities of interest.
  - g. Fiordland has always been a distinct community of interest.
  - h. Adding a member to the Invercargill-Rakiura Constituency was considered the least disruptive option but the value of doing so was unclear.
  - i. Six councillors are sufficient for effective representation of Invercargill-Rakiura. Seven would also be effective.
  - j. The Council chose not to align the Southern Constituency boundary with the territorial authority ward boundary, as affected residents mainly connect with Invercargill.
26. ICC raised the following points in opposition to the Council's proposal:
- a. A continuing trend towards urbanisation means that the number of people under-represented in Invercargill-Rakiura is growing over time. Clarity is needed on when and how this will be addressed.
  - b. ICC's appeal was technical, made in the context of ongoing urbanisation. It did not provide evidence showing how Invercargill-Rakiura residents are disadvantaged by the under-representation.
  - c. The Council provided no rationale for stating that increasing councillor numbers for Invercargill-Rakiura would compromise effective representation. Comments that it would skew representation towards urban residents did not recognise the current rural skew.
27. Lloyd McCallum raised the following points:
- a. Representation based on communities of interest does not ensure the council has the necessary skillset required for governing a multi-million-dollar business. Single-member constituencies mean that the council can only benefit from the skills of one member, when there may be multiple skilled candidates.
  - b. Larger, multi-councillor constituencies could improve the council's skillset, with the council able to allocate councillors to represent geographic communities of interest.

## **Matters for determination by the Commission**

28. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections, is required to determine all the matters set out in section 19I of the Act, which relates to the representation arrangements for regional 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.

29. The matters in the scope of the review are:
- a. the number, boundaries and names of the proposed constituencies
  - b. the proposed number of councillors for each constituency
  - c. whether constituencies may be defined and membership distributed between them in a way that does not comply with the +/-10% rule

## Key considerations

30. 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

31. The Guidelines identify three dimensions for recognising communities of interest:
- a. *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
  - b. *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
  - c. *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
32. All three dimensions are important and often interlinked. We note however, that there is often a focus on the perceptual dimension. That is, what councils, communities or individuals intuitively feel are communities of interest. It is not enough to simply state that a community of interest exists because it is felt that it exists; councils must provide evidence of how a sense of identity is reinforced, or how a community is distinct from neighbouring communities. Such evidence may be found by considering, for example:
- how communities rely on different services and facilities to function as part of the wider district, city or region
  - demographic characteristics of an area (for example age, ethnicity or deprivation profiles) and how these differ from other areas
  - how particular communities organise themselves and interact with others as part of the wider region

33. The Council's documentation describes how it identified communities of interest but does not describe the current nature of each community. We expect councils to document descriptions of communities of interest and the reasons for grouping them together based on the factors in our Guidelines, even if those communities have not changed since the previous review. We recommend the Council do so in future reviews.
34. The Southland Region has had varying numbers of constituencies since 1989, with the current six established in 2007 and reconfirmed in 2013 and 2019. The Council's recent review found no significant changes in regional population or communities of interest, and this is supported by building consent data. We consider the Council's assessment reasonable given the relatively low population growth of 0.7% annually since 2008, the Region's stable geography, and the environmental nature of its responsibilities.

## Fair and effective representation

### *Number and boundaries of proposed constituencies*

35. Section 19U of the Act requires the Commission to ensure that:
  - a. the number and boundaries of constituencies will provide effective representation of communities of interest within the region
  - b. constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
  - c. so far as practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or boundaries of wards.
36. Mr McCallum proposes combining the areas outside of Invercargill-Rakiura into one or two constituencies, each electing multiple members to form a council of 11 or 12 members. In Mr McCallum's view, councillors need governance skills required to run a multi-million-dollar business. He argued that single member constituencies mean the Council misses out on the skills of unsuccessful candidates.
37. 'Effective representation' is not defined in the Act. The Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
  - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
  - b. not splitting recognised communities of interest between electoral subdivisions
  - c. not grouping together two or more communities of interest that share few commonalities of interest
  - d. accessibility, size and configuration of an area including access to elected members and vice versa.



38. Effective representation requires councillors to accurately represent the full range of views of their electoral area. It differs from effective local governance, which in Aotearoa New Zealand relies on a combination of the governance abilities of elected members, the council officers who advise them, and any appointed committee members. Larger constituencies electing multiple members would increase voter choice, but voter preference is influenced by many factors and is not limited to a candidate's governance experience.
39. The Council's proposal aimed to ensure representation for the Region's dispersed communities. Under the Council's current First Past the Post electoral system, geographically larger constituencies may result in skewing representation towards voters in more densely populated towns.
40. There is no evidence that creating larger, multi-member constituencies will improve effective representation for communities of interest in any of the ways described at paragraph 37 above. Accordingly, we do not uphold Mr McCallum's appeal.

### *Number of members and non-compliance for Invercargill-Rakiura Constituency*

41. The Council is proposing six members for the Invercargill-Rakiura Constituency, resulting in under-representation of +12.21%, or an additional 192 people per councillor beyond the 10% threshold. ICC proposes increasing the number of councillors for the Invercargill-Rakiura Constituency to seven to ensure fair and effective representation for the Invercargill-Rakiura community of interest and improve compliance with the +/-10% rule across the Region.
42. Section 19V of the Act sets out the requirement for the Commission to ensure that electors receive fair representation. Section 19V(2) establishes fair representation as a population per member ratio per constituency that does not differ by more than 10% across the region. This is also referred to as 'the +/- 10% rule'.
43. Section 19V(3) of the Act provides that, despite subsection (2), if a regional authority or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).
44. We note that the presence of one electoral area with a large non-compliance with the +/-10% rule can impact on the ability of other constituencies to comply.
45. ICC's proposal would result in the following arrangements:

<b>Constituencies</b>	<b>Population*</b>	<b>Number of members</b>	<b>Population per member</b>	<b>Deviation from region average population per member</b>	<b>% deviation from region average population per member</b>
Fiordland	4,660	1	4,660	-3,333	<b>-41.70</b>
Eastern-Dome	17,350	2	8,675	682	+8.53
Western	7,820	1	7,820	-173	-2.17

Hokonui	8,660	1	8,660	667	+8.34
Southern	7,120	1	7,120	-873	<b>-10.92</b>
Invercargill-Rakiura	58,300	7	8,329	335	<b>+4.20</b>
<b>Total</b>	<b>103,910</b>	13	7,993		

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

46. Our view is that Councils should test options that appear to provide effective representation and comply or significantly improve compliance with the +/-10% rule during preliminary engagement and/or consultation. Decisions against such options should be based on detailed evidence relating to effective representation factors.
47. Seven of the 18 submissions on the Council's initial proposal supported adding a councillor for Invercargill-Rakiura. The Council decided against doing so, stating that a council of 12 members was appropriate for the Region's geography and population, while 13 members might compromise effective representation.
48. At the hearing, ICC explained that their appeal was technical, made to advocate proactively for the Invercargill community. ICC did not believe that the Council failed to listen to the views of Invercargill-Rakiura residents. Rather, they argued the Council's proposal breached the +/-10% rule and lacked justification for not addressing this by adding a member to Invercargill-Rakiura. ICC suggested that under-representation for Invercargill-Rakiura skewed representation towards rural areas but could not provide any evidence of this.
49. The Council could not expand on its statement that increasing the number of councillors reasons may compromise effective representation. The Council Chair stated that six members provided effective representation for Invercargill-Rakiura, but seven members could also do so.
50. Without substantive justification favouring either six or seven members for Invercargill-Rakiura, we have considered the total council size appropriate for effective representation for the region.
51. Section 19D of the Act requires regional councils to have 6-14 members. The Guidelines suggest considering the total number of members necessary to provide effective representation for the region, accounting for the diversity of the region, the council's statutory obligations, and efficient and effective governance of the region.
52. Southland is the second largest region geographically, with the second smallest population. We did not hear any evidence to suggest that access between and councillors was an issue for residents of Invercargill.
53. Although not the subject of an appeal, both the appellant and the Council mentioned improving effective representation for the Stewart Island/Rakiura community of approximately 450 residents. The Council explained that it was exploring ways to improve representation for this community. We encourage the Council and the community to work together to address these concerns.

54. The Council explained that despite differing statutory responsibilities between rural and urban areas, economies across the region are interconnected. Councillors are aware of their obligation to make decisions in the interests of the region. Therefore, the under-representation for Invercargill-Rakiura does not skew representation towards rural areas.
55. We found no evidence that the Council's proposal would compromise effective representation for Invercargill-Rakiura. We are satisfied that the proposed Invercargill-Rakiura arrangements appropriately balance the requirements for fair and effective representation. The Commission upholds the Invercargill-Rakiura boundaries and membership proposed by the Council.
56. ICC questioned when under-representation for Invercargill-Rakiura would be addressed if not in the current review. At every review we expect to see evidence of the impact of non-compliance on effective representation for communities of interest. Councils must explain why arrangements are effective, drawing on the factors in the Guidelines. We recommend the Council provides more rigorous explanations in its next review for any non-compliant constituencies proposed.

## Other proposed non-compliances

57. 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
58. In addition to the Invercargill-Rakiura Constituency discussed above, the Council's proposal results in two additional constituencies not complying with the +/-10% rule.

### *Proposed non-compliance of the Fiordland Constituency*

59. The Council is proposing over-representation for the Fiordland Constituency of -46.19% due to the geographic, perceptual, functional and political characteristics that make it a distinct community of interest. The proposed over-representation is less than the -55.69% endorsed by the Commission in 2019.
60. Fiordland National Park constitutes a significant portion of the constituency, with the rest extending east of Lake Te Anau to the natural boundaries of the Ōreti River and Takitimu Mountains. The Fiordland Constituency aligns with Southland District Council's Fiordland Community. Although technically it does not coincide with ward boundaries as per section 19U(c) of the Act, we are satisfied that the boundaries are appropriate given the area's unique characteristics.
61. The Commission has previously acknowledged Fiordland's distinctiveness, noting that merging or extending it into another constituency would compromise effective representation by imposing undue demands on a single councillor covering a large area, hindering access to the councillor, and compromising representation of the constituency's diversity. The Council's proposal and the hearing have not presented any new information to suggest these considerations have changed.

62. We are satisfied that the proposed Fiordland Constituency arrangements appropriately balance the requirements for fair and effective representation of the Fiordland area. We uphold the Fiordland Constituency boundaries proposed by the Council.

### *Proposed non-compliance of the Southern Constituency and boundary alignment*

63. The Council is proposing over-representation of -17.77% for the Southern Constituency to avoid dividing the existing community of interest, which is largely aligned with Southland District Council's Waihōpai Toetoe Ward. Compliance would require extending the constituency into other areas, increasing the existing non-alignment with Southland District Council wards.
64. The proposed non-compliance is an increase from -16.77% endorsed in 2019, when the Commission altered the Southern Constituency boundaries to align better with the Waihōpai Toetoe Ward. The Commission recommended the Council consider a remaining non-alignment around the Makarewa area in the current review.
65. Given the statutory requirement for constituency boundaries to coincide with territorial authority district or ward boundaries as far as practicable, councils should clearly justify any non-alignment on community of interest and effective representation factors.
66. The Council's final proposal retains the non-alignment to avoid increasing non-compliance with the +/-10% rule. Aligning boundaries would require transferring the Makarewa area (540 residents) from the Southern Constituency to the Hokonui Constituency. This results in -23.90% over-representation for the Southern Constituency and +6.25% under-representation for the Hokonui Constituency.
67. The Council confirmed that Makarewa had its strongest functional links with Invercargill for services and facilities such as shopping, schools, and community organisations. We observe that other southernmost communities in the Hokonui Constituency, such as Wallacetown, also share this connection. The proposed boundary divides these communities despite their common interest in Invercargill.
68. We are not convinced that the non-alignment of the Southern Constituency boundaries with the Waihōpai Toetoe Ward boundary is justified, or that it balances fair and effective representation as required by sections 19U and 19V of the Act. Therefore, we determine that the boundaries of the Southern Constituency will align with the Southland District's Waihōpai Toetoe Ward boundary to comply with section 19U(c) of the Act, to avoid dividing the Wallacetown and Makarewa communities between constituencies.

## **Commission recommendations**

69. The Commission recommends that at its next representation review, the Council incorporates the following:
- Documented descriptions of communities of interest and why it has chosen to group them together, based on the factors in the Guidelines.

- Explanations of why the proposed arrangements for any non-compliant areas provide effective representation, based on factors in the Guidelines.

## Conclusion

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

### **Local Government Commission**

Commissioner Brendan Duffy (Chair)

Commissioner Bonita Bigham

Temporary Commissioner Gwen Bull

10 March 2025