



LOCAL GOVERNMENT COMMISSION

Determination

of representation arrangements to apply for
the election of the Gore District Council
to be held on 13 October 2007

Background

1. The Gore District Council (the Council) elected at the 2004 local election comprises the mayor and 11 councillors. The 11 councillors were elected as follows:

Wards	Population*	No. of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Waikaka	1,430	1	1,430	+305.45	+27.16
Waimumu	980	1	980	-144.55	-12.85
Gore	7,690	6	1,281	+157.12	+13.97
Mataura	1,610	2	805	-319.55	-28.42
Kaiwera	660	1	660	-464.55	-41.31
TOTALS	12,370	11	1,124		

*These figures are rounded 2005 population estimates provided by the Government Statistician

2. The Mataura Rural Community Board has five elected members. The boundaries of the community are the same as those for the Mataura Ward.
3. The Council commenced its review of representation arrangements, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), by establishing a representation review committee. The Committee comprised the Mayor and four members of the public. Following public consultation and deliberation, the committee recommended that –
 - the Council comprise eight councillors (and the mayor);
 - councillors be elected at large; and
 - the Mataura Community Board continue.
4. The Council affirmed the recommendations of the representation review committee in determining its initial representation proposal.
5. The Council received seven written submissions on its initial proposal. Submissions sought -
 - the retention of wards or a mixed system of representation;
 - a greater number of councillors than that proposed by the Council; and

- the constitution of a rural community board.
6. Following its consideration of submissions, the Council amended its initial proposal. It publicly notified its final proposal on 7 July 2006, as follows:
 - the Council comprise 10 councillors (and the mayor);
 - councillors be elected at large; and
 - the Mataura Community Board continue.
 7. The Council received six appeals against its final proposal. Each of the appeals was against the proposed at large system of representation. Appellants proposed a number of alternatives as follows:
 - three wards – Gore, Mataura and a rural ward;
 - four wards – Gore, Mataura and two rural wards; and
 - two urban wards, two rural wards, and a third of the councillors being elected at large.

Hearing

8. The Commission met with the Council, appellants and submitters who had expressed a desire to be heard by it, on 6 December 2006. The Council was represented by the Mayor, Tracy Hicks, Chief Executive Steve Parry, and Councillors Cliff Bulgar and Nicky Davis. The appellants were Andrew Copeland, K.D. Broome, Mark Copeland and Peter Hargest for the Gore Rural Ratepayers' Group, Bill Sutherland, Des Pringle, and R.S.J Hargest.

Matters raised in appeals and at the hearing

9. The main arguments presented in support of an at large system were:
 - Gore District consists of a single community of interest;
 - the district is compact, and almost all residents are within 20 minutes of Gore township;
 - there is a high level of interdependence between Gore and Mataura townships and the rural sector;
 - generally, residents know all councillors;
 - wards contribute to parochial, unconstructive debate at the Council table;
 - most resolutions made by the Council relate to the district as a whole;
 - at large representation may result in a greater number of rural residents being elected to the Council;
 - wards restrict the number of councillors able to be elected from rural and outlying areas;
 - most rural residents have family or friends in Gore township;
 - all voters would have equal influence in electing councillors;
 - Gore District electoral boundaries have not changed since 1989;
 - Gore is the location of two secondary schools; and
 - the majority of rural residents are within 20 minutes of Gore township.

10. The main arguments presented in support of retaining wards were:
- there are a number of distinct communities of interest in the district;
 - an at large system does not guarantee effective representation of those distinct communities of interest;
 - there is no alternative mechanism, other than rural ward-elected councillors, to ensure rural representation at Council level;
 - Gore township voters would dominate election results;
 - the residents of rural and outlying areas are required to be more proactive in their identified community of interest;
 - rural and urban residents have different foci;
 - rural residency requires a greater degree of reliance on neighbours than urban residency; and
 - many rural residents identify primarily with their local rural community, but they also have links with Gore township, Invercargill, other urban centres, and the greater rural area generally.
11. The main arguments presented in support of constituting a rural community board were:
- it could oversee the maintenance of rural amenities and roading issues;
 - it may reduce perceived rural/urban tensions at Council level; and
 - it would facilitate a closer connection between rural residents and the Council.
12. The main arguments for not constituting a rural community board were:
- while there are rural commonalities of interest such as rural roads, the rural area comprises many discrete, small communities, each with distinct, local interests;
 - most resolutions made by the Council relate to the district as a whole rather than the rural community only; and
 - access between small rural settlements often requires traveling through Gore.

Matters for Determination

13. The statutory provisions in respect of these appeals and objections are contained in sections 19R, 19H and 19J of the Local Electoral Act 2001 (the Act).

19R. Commission to determine appeals and objections

(1) *The Commission must—*

(a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*

(b) *Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine, -*

(i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*

- (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
 - (a) *May make any enquiries that it considers appropriate; and*
 - (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

19H. Review of representation arrangements for elections of territorial authorities

- (1) *A territorial authority must determine by resolution, and in accordance with this Part, -*
 - (a) *Whether the members of the territorial authority (other than the mayor) are proposed to be elected -*
 - (i) *By the electors of the district as a whole; or*
 - (ii) *By the electors of 2 or more wards; or*
 - (iii) *In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
 - (b) *In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
 - (c) *In any case to which paragraph (a)(iii) applies, -*
 - (i) *The proposed number of members to be elected by the electors of the district as a whole; and*
 - (ii) *The proposed number of members to be elected by the wards of the district; and*
 - (d) *In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each ward; and*
 - (ii) *The number of members proposed to be elected by the electors of each ward.*
- (2) *The determination required by subsection (1) must be made by a territorial authority -*
 - (a) *On the first occasion, either in 2003 or in 2006; and*
 - (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section*

- 4(1)(a) (which relates to fair and effective representation for individuals and communities) -
- (a) There should be communities and community boards; and
- (b) If so resolved, the nature of any community and the structure of any community board.
- (2) The resolution referred to in subsection (1) must, in particular, determine -
- (a) Whether 1 or more communities should be constituted:
- (b) Whether any community should be abolished or united with another community:
- (c) Whether the boundaries of a community should be altered:
- (d) Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:
- (e) Whether the boundaries of any subdivision should be altered:
- (f) The number of members of any community board:
- (g) The number of members of a community board who should be elected and the number of members of a community board who should be appointed:
- (h) Whether the members of a community board who are proposed to be elected are to be elected -
- (i) By the electors of the community as a whole; or
- (ii) By the electors of 2 or more subdivisions; or
- (iii) If the community comprises 2 or more whole wards, by the electors of each ward:
- (i) in any case to which paragraph (h)(ii) applies, -
- (i) The proposed name and the proposed boundaries of each subdivision; and
- (ii) The number of members proposed to be elected by the electors of each subdivision.
- (3) Nothing in this section limits the provisions of section 19F.

Consideration by the Commission

Effective and fair representation

14. A review of representation arrangements under the Act is to ensure that:
- the method adopted for the election of members (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district (section 19T); and
 - in determining the number of members to be elected by each ward, electors of that ward will receive fair representation (section 19V).
15. For the purpose of achieving fair representation, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members. The Act, however, does not define 'effective representation' or 'communities of interest'.
16. The steps in the process for achieving effective and fair representation are not statutorily prescribed. The Commission believes, however, that the following approach to determining representation arrangements will achieve a robust outcome that is in accordance with statutory criteria:
- (a) identify communities of interest;

- (b) determine the best means of providing effective representation for identified communities of interest; and
- (c) determine fair representation for the electors of the District.

Gore District

17. Gore District is relatively compact when compared with other districts. It covers an area of 1,251 square kilometres. In addition to the townships of Gore and Mataura, it comprises a number of small rural settlements and significant areas of farm land.
18. Appellants against the Council's proposal argued that at large representation would not ensure effective representation for distinct rural and outlying communities of interest. They argued for a mixed system of representation, identifying two benefits relevant to the district at this time:
 - it would ensure specific representation for rural and outlying communities through the retention of wards; and
 - a mixed system would ensure effective representation for the district as a whole through the election of additional at large councillors.
19. Appellants argued that, while many rural residents used services and facilities in Gore, many of them also used services and facilities in other towns such as Invercargill, Riversdale, or Balclutha. Some appellants argued that rural residents had stronger commonalities of interest with the residents of other rural areas and settlements within the Southland Region than with the residents of Gore township. They argued that these distinct commonalities of interest related to issues such as roading and the maintenance of infrastructure in rural settlement areas. They believed that the residents of rural and outlying settlements generally had stronger, and more direct, connections to the agricultural sector than the residents of Gore and Mataura townships had.
20. Appellants also suggested that residents in the rural and outlying areas invested relatively more personal time and resources in their community demonstrating their commitment to and identification with their respective communities of interest. The appellants illustrated their point by comparing the good attendance at the long-term council community plan seminar in Waikaka with the poorly attended seminar in Gore township. This, they maintained, was also typical of the Council's annual planning meetings in these two areas.
21. Gore township is situated in the centre of the district and can be accessed via State Highway 1 and Highways 90 and 94. The Commission believes the boundaries of the existing Gore Ward reflect the communities of interest within Gore township. It accepts that many residents of Gore township also have social or business associations with the rural sector. The extent of services and facilities available in Gore, and the proximity of rural and outlying areas to it, suggests that rural residents regularly travel, and have social and business connections, there. Indeed, the Commission accepts that many people would view Gore as principally a rural service town with strong connections to the agricultural sector generally.
22. The township of Mataura is situated approximately 10 to 15 minutes south of Gore via State Highway 1. The population of the existing Mataura Ward is 1610. One important factor that distinguishes Mataura township from other

areas of Gore District is the presence of the freezing works as a major local employer. The existence of the Mataura Community Board, which the Council proposes to retain, is an acknowledgement of the distinctive nature of the community.

23. The Commission also notes the nature of outlying settlement areas in the district. The settlement of Waikaka is located in the north of the district within the existing Waikaka Ward. The settlement comprises a population of approximately 130 people. The Commission heard that the settlement supports a general store, hotel, petrol station, a transport company, sports and recreation facilities including a golf course and bowling green, a community hall, and a primary school. The extent of these services and facilities indicates that the Waikaka settlement area provides a strong social focus point for residents of the settlement and its surrounding rural hinterland.
24. In addition the district comprises a number of other smaller rural settlements and rural clusters centred on a school or community hall. Four hall committees and two water scheme committees operate within the district. The Commission believes that these structures help to strengthen residents' sense of belonging to distinct rural communities of interest.
25. The Commission notes the community of interest arguments presented to it against the criteria of ensuring effective representation of communities of interest. It notes that the population of the existing Gore Ward is 7690, which accounts for approximately two thirds of the total population of the district. This creates a risk that candidates' success within the district as a whole will depend on the impact of their election campaign on residents of Gore township. This may create a barrier for candidates who are able to demonstrate an affinity with and commitment to the district's rural areas, but who are not generally known to residents of Gore township.
26. Having noted and considered the arguments put to it, the Commission believes that, at this time, wards remain the best means to ensure effective representation for rural and outlying communities of interest. The Commission also believes the existing ward structure is well understood by electors. Population distribution between identified communities of interest in the district would enable the continuation of a ward structure based on modifications to existing arrangements. These arrangements need to comply with the requirement, under section 19V(2) of the Act, for fair representation for the electors of the district.
27. The Commission believes the creation of two rural wards would provide for better representation for rural and outlying communities than the creation of a single rural ward. This is because two wards are more likely to result in a geographical spread of councillors to the north and south of the district.
28. The Commission notes that the population of the existing Waikaka Ward is sufficient to enable its retention. The combined population of the existing Waimumu and Kaiwera Wards is also sufficient to allow a combined Kaiwera-Waimumu Ward to the south of State Highway 1 and Highway 94. The electors of this ward would be entitled, under section 19V(2), to elect one councillor.
29. The Commission considered the extent to which a ward boundary aligned with State Highway 1 would split a community centred on the settlement of Pukerau. The Pukerau area to the south of State Highway 1 has a distinctly

rural settlement character, while the area to the north of State Highway 1 has a generally farming character. The Commission believes the existing boundary is an easily identifiable and well-understood electoral boundary. On balance, it believes that the boundary between a combined Kaiwera-Waimumu Ward and a Waikaka Ward should continue to align with State Highway 1.

30. The Commission also examined the number of councillors necessary to ensure effective representation for communities of interest in Gore District. The following factors were significant to its considerations:
 - the district is relatively compact and most residents are within 20 minutes of Gore township;
 - it is likely that most members of the Council will continue to have other jobs;
 - engagement between councillors and residents occurs in the context of everyday encounters, and residents expect this sort of access to councillors;
 - an increased councillor workload may act as a disincentive to candidates with heavy business, employment, or social and family commitments; and
 - the Council proposed that it consist of the mayor and 10 councillors. Appellants either agreed with the Council, or argued that it retain its existing membership of 11 councillors.
31. Based on consideration of these factors and arguments raised by appellants, the Commission does not support a reduction in the number of councillors at this time. It would not be possible, however, to retain the present ward structure, including a combined Kaiwera-Waimumu Ward, with 11 councillors and also comply with the +/-10% rule.
32. As noted, the Commission supports the retention of the current ward structure, with the combination of two current wards, as appropriately reflecting existing communities of interest and in particular the distinct rural and urban communities. To retain 11 councillors, the Commission considered the option of a mixed system as proposed by some appellants. On balance the Commission believes this to be the most appropriate option. It agrees with appellants regarding the need to retain rural wards to ensure effective representation of the distinct communities of interest. It also acknowledges points made by the Council that Gore is a comparatively compact district with a high degree of interdependence between the rural and urban sectors, and that an at large system allows voters, including rural voters, to vote for more councillors.
33. In these circumstances the Commission believes that a mixed system of representation will have advantages for Gore District. It will provide rural voters with more opportunity for representation than a ward system alone and at the same time provide opportunities for enhanced diversity of opinion around the Council table, which can only be to the benefit of effective representation of the district's communities. Additional councillors elected by the district as a whole will also help address some of the arguments in favour of an at large system, such as improving accountability to all sectors of the community, and promoting unity between urban and rural populations.

34. In order to retain 11 councillors, the Commission determines that three councillors are to be elected at large and eight by wards. The relationship between the Commission's decisions on the basis of election, the number boundaries of wards, the number of councillors per ward, and the requirements of section 19V(2) is illustrated in the following table:

Wards	Population*	No. of Councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Waikaka	1,430	1	1,430	-116.25	-7.52
Kaiwera-Waimumu	1,640	1	1,640	+93.75	+6.06
Gore	7,690	5	1,538	-8.25	-0.53
Mataura	1,610	1	1,610	+63.75	+4.12
TOTALS	12,370	8	1,546.25		

*These figures are rounded 2005 population estimates provided by the Government Statistician

Communities and community boards

35. The Council proposed to retain the existing membership arrangements and boundaries of the Mataura Community Board. This was not a matter raised in appeals. The Commission upholds the Council's decision to retain the existing board and boundaries, and the number of members elected to it. It also determines that one councillor, elected from the Mataura Ward, is to be appointed to the board. It believes this will ensure a robust link between the board and the Council.
36. The Commission also considered the constitution of a rural community board. Given the compact nature of the district, the location of rural settlements in relation to each other, and to the Council's central offices in Gore, and with regard to its decision to retain rural wards, the Commission does not believe a community board for the rural areas would promote good local government beyond the capacity afforded by a mixed system of representation. It believes the arrangements determined above ensure a robust link between the Council and rural communities. The Commission finds that a rural community board should not be constituted.

Commission's Determination

37. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Gore District Council to be held on 13 October 2007, the following representation arrangements shall apply –
- (1) Gore District, as delineated on SO Plan 11804 deposited with Land Information New Zealand, shall be divided into four wards;
 - (2) Those four wards shall be -
 - (a) the Gore Ward, comprising the area delineated on SO Plan 11803 deposited with Land Information New Zealand;
 - (b) the Mataura Ward, comprising the area delineated on SO Plan 11488 deposited with Land Information New Zealand;
 - (c) the Waikaka Ward, comprising the area delineated on SO Plan 11482 deposited with Land Information New Zealand; and

- (d) the Kaiwera-Waimumu Ward, comprising the area delineated on SO Plan 386071 deposited with Land Information New Zealand;
 - (3) The Council shall comprise a mayor and 11 councillors, elected as follows -
 - (a) five councillors elected by the electors of the Gore Ward;
 - (b) one councillor elected by the electors of the Maitara Ward;
 - (c) one councillor elected by the electors of the Waikaka Ward;
 - (d) one councillor elected by the electors of the Kaiwera-Waimumu Ward; and
 - (e) three councillors elected by the electors of the district as a whole;
 - (4) There shall be a Maitara Community, comprising the area of the Maitara Ward; and
 - (5) The Maitara Community Board shall comprise five elected members and one member of the Council representing the Maitara Ward and appointed to the community board by the Council.
38. As required by sections 19T(b) and 19W(c) 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.

THE LOCAL GOVERNMENT COMMISSION

Sue Piper (Chair)
Gwen Bull (Commissioner)
Wynne Raymond (Commissioner)

29 March 2007