



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the
general election of the Hastings District Council to be
held on 13 October 2001

BACKGROUND

- 1 The Hastings District Council (hereafter referred to as “the Council”), as required by section 101H of the Local Government Act 1974 (hereafter referred to as “the Act”), considered its membership and the basis of the election of the Council to apply for the general election of the Council to be held in October 2001.
- 2 The Hastings District Council elected at the 1998 general election comprises 14 members and the Mayor. The 14 members were elected as follows:

Tutira Ward	1 member
Kaweka Ward	1 member
Havelock North Ward	2 members
Flaxmere Ward	2 members
Hastings Ward	4 members
Heretaunga Ward	1 member
Clive Ward	1 member
Maraekakaho Ward	1 member
Poukawa Ward	1 member.

- 3 Following its review, the Council proposed to retain its current system of wards and membership.
- 4 The Council received two objections to its proposal. The objections were from:
 - Mrs Ann Dixon; and
 - Mr Allan Baldock.

-

Mrs Dixon sought the provision of a Plains Ward, based on an amalgamation of the existing Clive and Heretaunga Wards and some areas of the adjoining rural wards, and an increase in the representation of the Hastings Ward to five members.

Mr Baldock sought a fairer representation model for the electors of Hastings District, and supported the proposals put forward by Mrs Dixon.

- 5 Following consideration of the objections, the Council confirmed its original proposal. The two objectors each appealed the Council's decision based on the matters raised in their objections.

Preliminary Matter for Determination

- 6 The Commission, on receiving advice of the appeals, resolved that before making a determination of the electoral arrangements of the Council, it would meet with the Council and the appellants if they wished to be heard. The Commission resolved to meet the Council and the appellants in Hastings on 18 January 2001.

The Hearing

- 7 The Council was represented by the Mayor (Mr Jeremy Dwyer) and the Returning Officer (Mr Peter Woodroffe). Both appellants appeared before the Commission.

The Council: Mr Woodroffe outlined the technical processes followed by the Council in undertaking its review. His comments may be summarised as follows:

- the Council established a 10 member working party to make recommendations to it for the electoral arrangements to apply for the 2001 elections;
- the working party explored the option of elections at large, but considered that there were three main communities of interest requiring representation - the urban, plains and rural areas;
- the working party agreed to retain the four rural wards as at present;
- there was not strong support in the working party for changing the representation in the wards; and
- the Council decided that because of the large area of the District, and the sparseness of population in some areas, other factors should be applied to achieve fair representation between wards - the Council applied weightings of 60% population, 30% rateable land value and 10% area.

The Mayor commented on the Council's decision. His comments and replies to questions may be summarised as follows:

- the Council established in 1989 was a merger of a city, a county and a borough;
- the electoral arrangements that have applied to the Council recognise three distinct communities of interest - rural, plains and urban;
- the District's support for amalgamation with Napier City was strongly linked to the Commission's proposal to retain a structure of wards which reflected the rural, plains and urban communities of interest;
- the electoral working party was made up of Council and community representatives, and Ann Dixon was a member;
- a majority of the working party considered there was no need for substantive change;
- the ward system is working well, with councillors aware of their ward and district-wide responsibilities;
- the weighting of 60% applied to the population factor was originally a compromise, but it has worked well for the Council;
- the Council applied its formula and then looked at what would be a workable solution;
- the Flaxmere Ward has long-term concerns regarding its representation;
- the Mayor has personal sympathy with increasing the representation of the Hastings Ward; and
- the existing electoral arrangements have worked well for the District and the community is comfortable with them.

Ann Dixon addressed her appeal. Her comments and replies to questions may be summarised as follows:

- the Council's rating boundary is defined to show the delineation between the rural and plains areas, and would provide a good basis for determining wards;
- there is a commonly held view that rural wards are over-represented;
- taking rateable values into account will mean that the rateable value of the large rural area will disadvantage the representation of the plains area;
- Flaxmere is over-represented and this was recognised by the working party; and
- the Hastings Ward should have five members to achieve fair representation.

Alan Baldock addressed his appeal. His comments and replies to questions may be summarised as follows:

- better representation for the plains area is important;
- the Hastings District Rural Community Board has lost interest in the plains area; and
- the plains area has been recognised as a separate community of interest and deserves separate representation.

The Council in reply: The Mayor's comments may be summarised as follows:

- no specific lobby group has expressed concerns about the representation of the Hastings District;
- the Council has a good record of listening to the concerns of the residents of the plains area;
- there is a huge commitment of time by rural Councillors to deal with the issues of their wards;
- the Council found a representation formula, first used in 1992, that has worked for the District;
- Flaxmere has a unique socio-economic profile and there has not been concern expressed about that ward having two members; and
- the Hastings Ward is a compact, defined area that has been well served with four Councillors.

MATTERS FOR DETERMINATION

- 8 The statutory provisions in respect of these appeals are contained in sections 101K and 101L of the Act. Section 101K(1) states:

“(1) The Commission shall, before the 29th day of March of the year of each triennial general election,-

- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
- (b) Subject to section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole.”*

- 9 The relevant provisions of section 101L are subsections (2) and (3) which state:

“(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure-

- (a) That the election of members of the council by the electors of the district as a whole or by the electors of the 2 or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*

- (b) *That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes; and*
 - (c) *That, so far as is practicable, ward boundaries coincide with community boundaries.*
- “(3) *In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.*”

Consideration by the Commission

10 The Commission considers that when deciding:

- (a) whether the election of the members of a council (other than the Mayor) be by the electors of the whole district or on a ward basis;
- and
- (b) if on a ward basis, the number and boundaries of the wards,

that the only criterion to be met within the terms of section 101L(2) is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest. What the Commission has to do then is determine which communities of interest or groupings of communities of interest require representation.

11 The Commission further considers that when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation for the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must constitute the predominant factor, but if other factors are applied, different weightings can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied and consequently, any mathematical calculation should be seen only as a guide to a level of fairness which can be achieved on the basis of the factors required to be taken into account under the provisions of the Act. In the end though, the final decision must be that which the Commission considers will, after having regard to the various criteria set out in the Act, provide the fairest representation on balance for the electors of each ward.

- 12 In the Commission's opinion, its first responsibility, which also applied to the Council, was to decide whether or not the District should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the District.
- 13 The Hastings District is a large and diverse area. It contains a diversity of geographical characteristics, with the urban area of Hastings, the principally residential areas of Flaxmere and Havelock North, the intensely farmed Heretaunga Plains and the extensive farming areas to the north, west and south. The Commission came to the view that because of the size and diversity of the District, effective representation of the various communities of interest could only be achieved at this time by councillors being elected on a ward basis.
- 14 In reaching its decision, the Commission noted that the appellants did not object to the provision of a ward system for the District.

Appropriate Ward System

- 15 Having decided that the basis of election would be the ward system, the Commission then had to consider the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the District. The Commission does not consider that section 101L envisages that individual communities of interest need separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 16 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 17 In the Commission's view, where it is appropriate for a district to be divided into wards, there should be such number as is necessary and consistent with the concept of effective representation of various communities of interest.
- 18 The Council has proposed that the District be divided into 9 wards, based on the wards that applied for the 1998 election of the Council.
- 19 The appellants seek the establishment of a Plains Ward, based on the area of the existing Clive and Heretaunga Wards, and incorporating small block intensively farmed holdings and lifestyle blocks of the adjacent rural wards.
- 20 The Clive and Heretaunga Wards were initially established by the Commission in its determination for the 1992 election of the Council. At that time, the Commission recognised that the Heretaunga Plains and coastal areas were less well defined in terms of established communities of interest when compared with the urban areas of

the District, but considered that the establishment of the two wards was appropriate in order to provide for the effective representation of the electors residing in those areas.

- 21 While the Clive and Heretaunga Wards are both intensively farmed due to their high soil fertility, and the underlying aquifer, in the view of the Commission the existing wards continue to reflect communities of interest. The Clive Ward has a coastal aspect, with the Tukituki River being a major geographic feature. The Heretaunga Ward surrounds the urban and suburban areas of the Hastings and Flaxmere Wards and adjoins three of the District's large rural wards.
- 22 The Commission is of the view that the distinctions between the Clive and Heretaunga Wards, in terms of the need for separate representation, are blurring over time, and if the trend towards smallholdings and lifestyle blocks in these wards continues, the need to retain the two wards as separate electoral subdivisions of the District will need to be reviewed. However, after considering the evidence presented to it, the Commission is not satisfied that, at this time, the merging of the Heretaunga and Clive Wards would enhance effective representation for those areas or for the District as a whole.
- 23 Having considered the evidence presented to it at the hearing of the appeals, and other material gathered by it, the Commission is satisfied that the wards proposed by the Council more or less equate to the communities of interest requiring separate representation on the Council. In coming to that conclusion, the Commission considered the distinct nature of each community and the geographical characteristics of the District.

Number of Members

- 24 Having decided that there will be 9 wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 25 As noted above, the number of members to be elected by each ward is to be determined on the basis of providing fair representation for the electors of the various wards having regard to population and, if the circumstances so require, the rateable value and area of every ward. However, inherent in the decision to create an area as a ward is a requirement that the ward be represented by at least one member.
- 26 Set out below are two tables. Table 1 shows the number of members that each ward would be entitled to taking into account population only with a total membership of 14 (excluding the Mayor) as proposed by the Council, or with a total membership of 13, 15 or 16. Table 2 shows the same information taking into account the three factors of population weighted at 75%, rateable land value

weighted at 12.5%, and area weighted at 12.5%, which are the weightings that have been applied by some local authorities with a mix of urban land, lifestyle blocks and large tracts of rural land. Table 3 shows the results of applying the weightings adopted by the Council - population 60%, rateable land value 30% and area 10%. The population figures applied in the tables are 1999 estimated resident population figures provided by Statistics New Zealand.

Table 1

Ward	Population	%	13 members	14 members	15 members	16 members
Tutira	1920	2.82	0.36	0.39	0.42	0.45
Kaweka	2810	4.13	0.54	0.58	0.62	0.66
Havelock North	9370	13.77	1.79	1.93	2.07	2.20
Flaxmere	9900	14.55	1.89	2.04	2.18	2.33
Hastings	28300	41.59	5.41	5.82	6.24	6.66
Heretaunga	4550	6.67	0.87	0.93	1.00	1.07
Clive	5190	7.63	0.99	1.07	1.14	1.22
Maraekakaho	2340	3.44	0.45	0.48	0.52	0.55
Poukawa	3670	5.40	0.70	0.76	0.81	0.86

Table 2

Ward	Factor Value	13 members	14 members	15 members	16 members
Tutira	7.03	0.91	0.98	1.05	1.12
Kaweka	8.88	1.15	1.24	1.33	1.42
Havelock North	11.99	1.56	1.68	1.80	1.92
Flaxmere	11.30	1.47	1.58	1.70	1.81
Hastings	34.46	4.48	4.82	5.17	5.51
Heretaunga	6.86	0.89	0.96	1.03	1.10
Clive	6.70	0.87	0.94	1.01	1.07
Maraekakaho	6.02	0.78	0.84	0.90	0.96
Poukawa	6.76	0.88	0.95	1.01	1.08

Table 3

Ward	Factor Value	13 members	14 members	15 members	16 members
Tutira	7.15	0.93	1.00	1.07	1.14
Kaweka	9.58	1.25	1.34	1.44	1.53
Havelock North	12.19	1.58	1.71	1.83	1.95
Flaxmere	9.55	1.24	1.34	1.43	1.53
Hastings	32.73	4.25	4.58	4.91	5.24
Heretaunga	7.95	1.03	1.11	1.19	1.27
Clive	6.76	0.88	0.95	1.01	1.08
Maraekakaho	6.68	0.87	0.94	1.00	1.07
Poukawa	7.41	0.96	1.04	1.11	1.19

- 27 Given the diversity of the District, the Commission has given consideration to applying factors of rateable value and area, in addition to that of population. The inclusion of the two additional factors of area and rateable value enable two measures of Council activity to be taken into account. The use of area as a factor enables recognition to be given to the fact that land-based activities over less densely populated areas are a significant part of the responsibilities and expenditure of the

Council. The use of rateable value enables due regard to be given to people-based activities which require the provision of services and infrastructure and the regulation of development in more closely settled areas.

- 28 As can be seen from Table 3, the Council's application of weightings of 60% population, 30% rateable value and 10% area does not achieve the level of representation for the Flaxmere Ward proposed by the Council. Also, under a 14 member Council, the Hastings Ward would statistically be entitled to five members, rather than the four members proposed by the Council. These were matters of concern noted by Mrs Dixon in her appeal.
- 29 The Commission is of the view that the weightings applied by the Council have not been appropriate to achieve fair representation between the electors of each ward. Given the particular characteristics of the District, the Commission has considered whether weightings of 75% population, 12.5% rateable value and 12.5% area would achieve fairness of representation between the electors of each ward.
- 30 Table 2 shows the indicative level of membership achieved through applying the weightings of 75% population, 12.5% rateable value and 12.5% area. It indicates that fairness of representation is more or less achieved with a 15 member Council, including the provision of two Councillors for the Flaxmere Ward and five Councillors for the Hastings Ward. Having considered all aspects of the matter of representation, the Commission has concluded that the membership of the Council should total 15 members and the Mayor, taking into account population, rateable value and area on the basis outlined above.

DETERMINATION

- 31 Under section 101K of the Act, the Commission determines that for the general election of the Council to be held on 13 October 2001 -
- (1) The Hastings District as delineated on S.O. Plan 10297 deposited with the Chief Surveyor of the Hawke's Bay Land District, shall be divided into 9 wards;
 - (2) Those 9 wards shall be -
 - (a) The Tutira Ward, comprising the area delineated on S.O. Plan No. 10298 deposited with the Chief Surveyor of the Hawke's Bay Land District:

- (b) The Kaweka Ward, comprising the area delineated on S.O. Plan No. 10299 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (c) The Havelock North Ward, comprising the area delineated on S.O. Plan No. 10304 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (d) The Flaxmere Ward, comprising the area delineated on S.O. Plan No. 10302 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (e) The Hastings Ward, comprising the area delineated on S.O. Plan No. 10303 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (f) The Heretaunga Ward, comprising the area delineated on S.O. Plan No. 10300 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (g) The Clive Ward, comprising the area delineated on S.O. Plan No. 10301 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (h) The Maraekakaho Ward, comprising the area delineated on S.O. Plan No. 10305 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (i) The Poukawa Ward, comprising the area delineated on S.O. Plan No. 10306 deposited with the Chief Surveyor of the Hawke's Bay Land District;
- (3) The Council shall comprise the Mayor and 15 members who shall be elected as follows -
- (a) one member shall be elected by the electors of the Tutira Ward;
 - (b) one member shall be elected by the electors of the Kaweka Ward;
 - (c) two members shall be elected by the electors of the Havelock North Ward;
 - (d) two members shall be elected by the electors of the Flaxmere Ward;
 - (e) five members shall be elected by the electors of the Hastings Ward;
 - (f) one member shall be elected by the electors of the Heretaunga Ward;
 - (g) one member shall be elected by the electors of the Clive Ward;

- (h) one member shall be elected by the electors of the Maraekakaho Ward; and
- (i) one member shall be elected by the electors of the Poukawa Ward.

32 As required by section 101L(2) of the Act, 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

Sir Ross Jansen	(Chairman)
Barbara Durbin	(Commissioner)
Bruce Anderson	(Commissioner)

27 March 2001