



## LOCAL GOVERNMENT COMMISSION

# Determination

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

### Background

1. The Hastings District Council (the Council) elected at the 2004 local elections comprises the mayor and 15 councillors. The 15 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
Clive	5,350	1	5,350	+592.67	+12.46
Flaxmere	9,770	2	4,885	+127.67	+2.68
Hastings	29,400	5	5,880	+1,122.67	+23.60
Havelock North	10,750	2	5,375	+617.67	+12.98
Heretaunga	4,920	1	4,920	+162.67	+3.42
Kaweka	3,240	1	3,240	-1,517.33	-31.89
Maraekakaho	2,480	1	2,480	-2,277.33	-47.87
Poukawa	3,420	1	3,420	-1,337.33	-28.11
Tutira	2,030	1	2,030	-2,727.33	-57.33
<b>TOTALS</b>	<b>71,360</b>	<b>15</b>	<b>4,757.33</b>		

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

2. Hastings presently has one community board for the rural area of the district. The Hastings District Rural Community Board comprises four elected members and two appointed members.
3. The Council commenced its review of representation arrangements for the district and its communities under sections 19H and 19J of the Local Electoral Act 2001 (the Act), by appointing a representation review subcommittee to identify possible options for its consideration. The subcommittee comprised both Council members and community representatives.
4. On 4 May 2006 the Council resolved its initial proposed representation arrangements to apply for the 2007 local elections. These were publicly notified on 13 May 2006.

5. The Council's initial proposal was as follows:
- (a) the district be divided into six wards;
- (b) the Council comprise a mayor and 14 councillors 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
Hastings	29,400	6	4,900	-197.14	-3.87
Havelock North	10,750	2	5,375	+277.86	+5.45
Flaxmere	9,770	2	4,885	-212.14	-4.16
Heretaunga	10,640	2	5,320	+222.86	+4.37
Northern	5,270	1	5,270	+172.86	+3.39
Southern	5,530	1	5,530	+432.86	+8.49
<b>TOTALS</b>	<b>71,369</b>	<b>14</b>	<b>5,097.14</b>		

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

- (c) one rural community board be established with four subdivisions each electing one member, plus two appointed members (from the proposed Northern and Southern Wards).
6. The Council received two submissions on its initial proposal. Both submitters sought the introduction of a mixed system of representation (i.e. a mix of at large and wards), as proposed by the representation review subcommittee, and enhanced representation for the rural area.
7. Following consideration of the submissions, the Council, on 29 June 2006, changed its initial proposal. Its final proposal was publicly notified on 15 July 2006, as follows:
- (a) the district adopt a mixed system of representation electing a total of 11 councillors;
- (b) the Council comprise a mayor and three councillors elected at large and eight councillors elected from six wards 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
Hastings	29,400	3	9,800	+880	+9.87
Havelock North	10,750	1	10,750	+1,830	+20.52
Flaxmere	9,770	1	9,770	+850	+9.53
Heretaunga	10,270	1	10,270	+1,350	+15.13
Northern	5,270	1	5,270	-3,650	-40.92
Southern	5,900	1	5,900	-3,020	-33.86
<b>TOTALS</b>	<b>71,360</b>	<b>8</b>	<b>8,920</b>		

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

- (c) one rural community board be established with four subdivisions each electing one member as follows, plus two appointed members (from the Northern and Southern Wards):

Subdivision	Population*	No. of members per subdivision	Population per member	Deviation from community average population per member	Percentage deviation from community average population per member
Tutira	2,495	1	2,495	-195	-7.25
Kaweka	2,775	1	2,775	+85	+3.16
Maraekakaho	2,630	1	2,630	-60	-2.23
Poukawa	2,860	1	2,860	+170	+6.23
<b>TOTAL</b>	<b>10,760</b>	<b>4</b>	<b>2,690</b>		

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

8. Ten objections were received against the Council's proposal. The main concerns of the objectors related to:
- achievement of fair and effective representation for all areas of the district;
  - the proposed over-representation for rural areas which could be further increased with the three at large positions;
  - likely public confusion with a mixed system of representation;
  - non-compliance with statutory requirements; and
  - the reduction in councillor numbers.

### Hearing

9. The Commission met with the Council, objectors and one submitter who accepted an invitation to appear in support of the Council's proposal, at a hearing held in the Hastings District Council chambers on 10 October 2006. The Council was represented by the Mayor Lawrence Yule and the Council's Electoral Officer Peter Woodroffe. The objectors who appeared at the hearing were: Rod Heaps, John McNair, Pamela Rawle, Kevin Watkins, Keriana Poulain, David Pearse, Margaret Twigg, Paddy Twigg and Richard Jones. Tania Kerr appeared as a submitter in support of the Council's proposal.

### Matters raised in objections and at the hearing

10. The main arguments presented against the proposed mixed system, the balance of representation and the reduction in councillor numbers were:
- the importance of fair and effective representation for all electors and the failure of the Council to appropriately address fair representation in its final proposal;
  - certain communities of interest such as Heretaunga and Havelock North were under-represented while the rural areas were over-represented, particularly given the rural community board;
  - the role technology can play in relation to physical remoteness;
  - all councillors have an interest in and responsibility for district-wide issues;
  - a questioning of the value added by having three councillors elected at large under a mixed system, and the claims it will increase the calibre of candidates;

- at large arrangements are appropriate for compact districts with a shared community of interest;
  - the diversity of communities of interest in the Hastings District;
  - the Council's initial proposal was fairer and more appropriate, and attracted only two submissions;
  - the final proposal being quite different from the initial proposal, the lack of consultation on the proposed mixed system and the public's understanding of this system, and the lack of opportunity for the public to defend the ward system;
  - the increased workload for the reduced number of councillors, which would result in retired people only being able to stand, impacting in turn on diversity and effectiveness of representation;
  - the role remuneration may have had in determining the number of councillors;
  - lack of awareness of the review process; and
  - the existence of support for the establishment of community boards elsewhere in the district such as Flaxmere.
11. Tania Kerr, as a submitter in support of the Council's proposal, was invited to appear at the hearing. Arguments presented in support of the proposal included:
- concerns that one or even two councillors may not be able to effectively represent the rural area given the vast area involved and its diversity;
  - the representation review subcommittee's proposal for a mixed system provides opportunities for these concerns to be addressed;
  - a modification of the subcommittee's proposal to provide for 11 rather than 10 councillors (three elected at large and eight by wards) is even more likely to provide effective representation for the rural area by splitting the area into northern and southern wards each electing one councillor;
  - at large councillors can support the ward councillors, further improving representation;
  - support for a smaller council; and
  - while the proposal may not meet the +/-10% rule, the Council needed to show leadership on this issue and propose it to the Commission.

### **Matters for Determination**

12. The statutory provisions in respect of objections are contained in sections 19R, 19H and 19J of 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*

13. 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).
14. 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'.

15. 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 the statutory criteria:
  - (a) identify the district's communities of interest;
  - (b) determine the best means of providing effective representation of the communities of interest; and
  - (c) determine fair representation of electors for the district.

#### *Hastings District*

16. In notifying its final proposal, the Council identified the following communities of interest in Hastings District:
  - Hastings, Flaxmere and Havelock North urban areas;
  - Heretaunga plains and small urban communities; and
  - rural (in particular pastoral farming), forestry and conservation lands.
17. Based on these communities of interest, the Council, in both its initial and final proposals, proposed six wards including two rural wards (the proposed Northern and Southern Wards). The Commission notes that there has been no opposition to the proposed ward structure based on the current nine wards (i.e. three urban wards unchanged and the remaining six wards combined into three with minor boundary adjustments).
18. The Commission heard from the Mayor on the history of the district established in 1989 with the amalgamation of three councils. He said he saw the mixed system of representation as an interim step in bringing the district together more with additional councillors being elected at large over time.
19. While a mixed system may facilitate this bringing together, the Commission notes that councillors are required to make a declaration that they will act in the interests of the district as a whole. It also notes that while the representation review subcommittee recommended a mixed system, the Council's initial proposal was for a full ward system and on this basis only two submissions were received from the public.
20. A number of the objectors submitted that as the Council's final proposal was significantly different from its initial proposal, the public had not had a reasonable opportunity to consider the merits or otherwise of a mixed system of representation. The Commission acknowledges that there has not been a strong call for change from a full ward system or wide public debate on the issue. On this basis it does not consider a change to a mixed system is appropriate at this time and that the present full ward system, given the size and geography of the district, should be retained.
21. Given this decision, the Commission then has to consider a ward structure that will ensure both effective and fair representation of the recognised communities of interest and of electors. The key issue, raised by objectors and also the submitter supporting the Council's final proposal, is the

achievement of effective and fair representation for both the proposed rural and non-rural wards.

22. The Council proposed combining the current Tutira and Kaweka Wards into a northern rural ward, and combining the current Maraekakaho and Poukawa Wards into a southern rural ward subject to a minor boundary adjustment (with four meshblocks from the Poukawa Ward to be included in the new Heretaunga Ward rather than the new southern ward).
23. The Commission questioned the objectors, the submitter and the Council on the nature of the proposed rural wards and in particular the size, geography and accessibility of communities within these wards. The Commission considers that, while particular communities may be seen to be remote and difficult to access given roading patterns, neither of the two proposed wards in their entirety can be seen to be isolated. Therefore an exception to the fair representation requirement (+/-10% rule) cannot be justified.
24. In line with this finding, the Commission considers that establishment of a northern rural ward and a southern rural ward with one representative each can provide effective representation of these communities of interest. This may be further enhanced if a rural community board (addressed later in this determination) is established.
25. The Commission notes the Council's proposal to modify the proposed southern ward, as a combination of the current Poukawa and Maraekakaho Wards, by transferring four meshblocks into the Heretaunga Ward. On investigation the Commission finds that the transfer of a further two meshblocks would avoid Endsleigh Drive and Lane Road being divided between wards. It also finds that the transfer of an adjoining meshblock from the current Poukawa Ward to the Havelock North Ward would avoid the division of Breadalbane Avenue between wards.
26. When undertaking these adjustments, the Commission identified more meshblocks currently in the Poukawa Ward which, if transferred to the Havelock North Ward, would avoid further roads being split between wards. The roads concerned are Margaret Avenue, Selwyn Avenue, Rochfort Road, Kopanga Road, Hikanui Drive and Hikanui Place. In order not to split recognisable communities of interest, the Commission determines that a further six meshblocks be transferred from the current Poukawa Ward to the Havelock North Ward.
27. The Commission is satisfied generally that the proposed ward structure adequately reflects the three principal communities of interest identified by the Council viz. rural (northern and southern wards), urban (Hastings, Flaxmere and Havelock North Wards) and plains (Heretaunga Ward). The Commission, therefore, endorses the proposed six-ward structure with the boundary adjustments identified above.
28. The Commission noted the Māori names of the current rural wards and questioned the Council whether it had considered Māori names for the proposed combined wards as opposed to "Northern" and "Southern" names which could be found in a number of districts around New Zealand. On being informed that the Council had not done so, the Commission invited the Council to consider this matter should the Commission determine northern and southern rural wards would be retained. The Council subsequently

suggested the names of Mohaka (for the northern area) and Kahuranaki (for the southern area). The Commission believes that these are appropriate names and determines that they be adopted for the northern and southern wards respectively.

29. The Commission believes that the above decisions will provide effective representation for the communities of interest of the Hastings District. They also comply with the requirement for fair representation of electors. The relationship between the Commission's decisions on ward boundaries, the number of councillors, 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
Hastings	29,500	6	4,917	-213	-4.15
Havelock North	11,150	2	5,575	+445	+8.67
Flaxmere	9,720	2	4,860	-270	-5.26
Heretaunga	10,850	2	5,425	+295	+5.75
Mohaka	5,380	1	5,380	+250	+4.87
Kahuranaki	5,220	1	5,220	+90	+1.75
<b>TOTALS</b>	<b>71,820</b>	<b>14</b>	<b>5,130</b>		

\*These figures are rounded 2006 population estimates, being the most up-to-date available, as provided by the Government Statistician

#### *Communities and community boards*

30. Section 19W of the Act sets out the criteria for community board reviews. These include requirements for effective representation of communities of interest within the community and fair representation of electors.
31. The Commission notes that a rural community board currently exists for the district. A number of the objectors supported retention of a full ward system with two rural wards electing one councillor each, on the basis that this arrangement supported by a rural community board would provide effective representation for the rural area of the district.
32. One objector did propose the establishment of community boards elsewhere in the district including urban areas like Flaxmere. The Commission believes strong community support is vital for the effective functioning of community boards. It has not identified other support for an extended board structure. It finds, therefore, that further boards should not be established at this time. The Commission also notes that electors may initiate a poll calling for the establishment of a community board at any time and not just at the time of periodic reviews of representation arrangements.
33. Based on the levels of support indicated, including as an effective means of enhancing representation for the large rural area of the district, the Commission determines that the Hastings District Rural Community Board should be retained covering the area of the two rural wards.
34. The Council proposed that the rural community board be subdivided into four for electoral purposes. The subdivisions would largely mirror the four existing

rural wards with minor boundary adjustments to ensure compliance with the +/-10% rule. These adjustments (as noted above) entail the transfer of six meshblocks currently in the Poukawa Ward to the new Heretaunga Ward and the transfer of seven meshblocks currently in the Poukawa Ward to the Havelock North Ward. In addition, as identified by the Council, one meshblock currently in the Poukawa Ward needs to be transferred to the proposed Maraekakaho subdivision and three meshblocks currently in the Kaweka Ward need to be transferred to the proposed Tutira subdivision. The Commission supports the subdivisions as proposed by the Council, subject to these minor adjustments, with each subdivision electing one member of the community board.

35. The relationship between the Commission's decisions on subdivision boundaries, the number of elected members, and the requirements of section 19V(2), is illustrated in the following table:

Subdivision	Population*	No. of members per subdivision	Population per member	Deviation from community average population per member	Percentage deviation from community average population per member
Tutira	2,620	1	2,620	-25	-0.95
Kaweka	2,750	1	2,750	+105	+3.97
Maraekakaho	2,620	1	2,620	-25	-0.95
Poukawa	2,590	1	2,590	-55	-2.08
<b>TOTAL</b>	<b>10,580</b>	<b>4</b>	<b>2,645</b>		

\*These figures are rounded 2006 population estimates, being the most up-to-date available, as provided by the Government Statistician

36. The Council currently appoints two members to the existing community board and proposed that this be continued. The Commission agrees that the two councillors elected from the Mohaka and Kahuranaki Wards be appointed to the board and determines accordingly.

### Commission's Determination

37. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Hastings District Council to be held on 13 October 2007, the following representation arrangements shall apply –
- (1) Hastings District as delineated on SO Plan 10297 deposited with Land Information New Zealand, shall be divided into six wards;
  - (2) Those six wards shall be -
    - (a) the Hastings Ward, comprising the area delineated on SO Plan 10303 deposited with Land Information New Zealand;
    - (b) the Havelock North Ward, comprising the area delineated on SO Plan 10304 deposited with Land Information New Zealand;
    - (c) the Flaxmere Ward, comprising the area delineated on SO Plan 10302 deposited with Land Information New Zealand;
    - (d) the Heretaunga Ward, comprising the area delineated on SO Plan 386134 deposited with Land Information New Zealand;

- (e) the Mohaka Ward, comprising the area delineated on SO Plan 386135 deposited with Land Information New Zealand; and
  - (f) the Kahuranaki Ward, comprising the area delineated on SO Plan 386136 deposited with Land Information New Zealand;
- (3) The Council shall comprise the mayor and 14 councillors elected as follows -
- (a) six councillors elected by the electors of the Hastings Ward;
  - (b) two councillors elected by the electors of the Havelock North Ward;
  - (c) two councillors elected by the electors of the Flaxmere Ward;
  - (d) two councillors elected by the electors of the Heretaunga Ward;
  - (e) one councillor elected by the electors of the Mohaka Ward; and
  - (f) one councillor elected by the electors of the Kahuranaki Ward;
- (4) There shall be a Hastings District Rural Community, as delineated on SO Plan 386137 deposited with Land Information New Zealand, comprising the area of the Mohaka and Kahuranaki Wards;
- (5) The community shall be subdivided into four for electoral purposes;
- (6) Those four subdivisions shall be -
- (a) the Tutira subdivision, comprising the area delineated on SO Plan 386138 deposited with Land Information New Zealand;
  - (b) the Kaweka subdivision, comprising the area delineated on SO Plan 386139 deposited with Land Information New Zealand;
  - (c) the Maraekakaho subdivision, comprising the area delineated on SO Plan 386140 deposited with Land Information New Zealand; and
  - (d) the Poukawa subdivision, comprising the area delineated on SO Plan 386141 deposited with Land Information New Zealand;
- (7) The membership of the Hastings District Rural Community Board shall be comprised as follows:
- (a) Tutira subdivision: one elected member;
  - (b) Kaweka subdivision: one elected member;
  - (c) Maraekakaho subdivision: one elected member;
  - (d) Poukawa subdivision: one elected member; and
  - (e) two members of the Council representing the Mohaka and Kahuranaki Wards 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, communities and subdivisions 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)

28 March 2007