



LOCAL GOVERNMENT COMMISSION

Determination

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

Background

1. The Hurunui District Council (the Council) elected at the 2004 local election comprises the mayor and nine councillors. The nine 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
Hanmer Springs	1,110	1	1,110	-93.33	-7.76
Hurunui	1,410	1	1,410	+206.67	+17.17
Amuri	1,920	2	960	-243.33	-20.22
Amberley	3,940	2	1,970	+766.67	+63.71
Glenmark	1,180	1	1,180	-23.33	-1.94
Cheviot	1,270	2	635	-568.33	-47.23
TOTALS	10,830	9	1,203.33		

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

2. The Hanmer Springs Community Board comprises five elected members and the councillor elected from the Hanmer Springs Ward. The boundaries of the community are the same as the boundaries of the Hanmer Springs Ward.
3. Prior to the formal representation review process, the Council established a working group comprising the Mayor, all councillors, the Chief Executive and the Electoral Officer. As part of its investigations, the working group posted a survey to all residents of the district. This was also published in the *Hurunui News*. The survey asked residents to identify their community of interest and where they live, shop and go for medical and business services. Two hundred and sixty-five responses were received. Based, in part, on these responses, the working group developed three options for representation arrangements. It then sought public responses to these options via the *Hurunui News*. The options identified by the working group were:
 - six wards and nine councillors (requiring small adjustments to the boundaries of the existing Amuri, Cheviot and Hurunui Wards);

- eight councillors elected at large; and
 - four wards and seven councillors (requiring the amalgamation of the Hanmer Springs Ward and most of the Amuri Ward, the amalgamation of the Amberley and Glenmark Wards, and small adjustments to the Cheviot and Hurunui Wards).
4. On 10 August 2006, the Council resolved its initial proposal, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), as follows:
- (a) the Council comprise nine councillors (and the mayor) 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
Hanmer Springs	1,110	1	1,110	-93.33	-7.73
Hurunui	1,220	1	1,220	+16.67	+1.41
Amuri	2,170	2	1,085	-118.33	+9.81
Amberley	3,940	3	1,313.33	+110.00	+9.17
Glenmark	1,180	1	1,180	-23.33	+1.91
Cheviot	1,210	1	1,210	+6.67	+0.58
TOTALS	10,830	9	1,203.33		

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

5. In notifying its proposal, the Council noted that it had generally sought to retain existing ward boundaries, with small adjustments between wards in order to comply with the requirements for fair representation under section 19V(2) of the Act. It described these alterations as relating to:
- the southern and eastern boundaries of the Amuri Ward;
 - the western boundary of the Cheviot Ward;
 - the northern boundary of the Glenmark Ward; and
 - the north-west boundary of the Hurunui Ward.
6. The Council received 235 written submissions on its initial proposal. Submitters sought, variously:
- four wards, electing either seven or nine councillors;
 - five wards and nine councillors (with two in Amberley and two in Cheviot);
 - the election of councillors at large;
 - the retention of the Hanmer Springs Community Board;
 - recognition of Hanmer Springs as an isolated community requiring representation beyond the flexibility allowed under section 19V(2);
 - the establishment of community boards for other areas of the district;
 - a reduction in the number of councillors elected from the Amberley Ward; and
 - to overturn the Council's proposed alterations to wards on the basis that they split distinct groups of communities of interest between wards.

7. Following consideration of submissions, the Council resolved its final proposal¹ as follows:

(a) the Council comprise eight councillors, elected by five 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
Hanmer Springs-Amuri	3,030	2	1,515	+161.25	+11.91
Hurunui	1,410	1	1,410	+56.25	+4.16
Amberley	3,940	3	1,313	-40.75	-3.01
Glenmark	1,180	1	1,180	-173.75	-12.83
Cheviot	1,270	1	1,270	-83.75	-6.19
TOTALS	10,830	8	1,353.75		

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

(b) the Hanmer Springs Community Board be retained and continue to comprise five elected members and one appointed member. Its boundaries remain, covering the area of the existing Hanmer Springs Ward; and

(c) no other community boards be constituted.

8. The Council received 12 appeals against its final proposal.

Hearing

9. The Commission met with the Council and appellants/objectors wishing to be heard by it on 14 February 2006. The Council was represented by the Mayor Garry Jackson, Chief Executive Paddy Clifford and Audrey van der Monde Electoral Officer. The appellants were: Alice Steilow (for the Hanmer Springs Community Board), Norm Williamson, Barney Beaven (for the Rotherham Citizens' Association and the Amuri Ward Committee), D.B. Norrie (also representing Peter and Jocelyn Kinney), Graham Sutherland, Michael Raymer (for the Hanmer Springs Business Association Incorporated), Peter and Rosemary Ensor, Professor Roger Keey, and Pat Huben (on behalf of Y.M. Cheney for the Culverden Community Committee).

Matters raised in appeals and at the hearing

10. The main arguments presented in relation to the general electoral structure for the district were:

- the proposal does not achieve fair representation for electors and does not comply with the requirements of section 19V(2) of the Act. The proposal results in over-representation for residents of the Glenmark Ward and under-representation for residents of the Amuri-Hanmer Springs Ward;
- the status quo should be retained;

¹ In summary, the Council proposed to retain its existing ward boundaries, except for the amalgamation of the existing Amuri and Hanmer Springs Wards.

- it is not possible to achieve fair representation without splitting recognised communities of interest, as demonstrated by the Council's initial proposal;
 - there should be four wards and seven councillors (supported by community boards); and
 - the Amuri and Hurunui Wards should be amalgamated.
11. The main arguments presented in support of combining the Amuri and Hanmer Springs Wards were:
- it achieves fairer representation of electors;
 - it aligns with previous county boundaries;
 - some Amuri Ward residents work in Hanmer Springs; and
 - some pupils residing in the Hanmer Springs Ward attend schools in the Amuri Ward.
12. The main arguments presented in opposition to combining the Amuri and Hanmer Springs Wards were:
- communities of interest within each ward are distinct from each other;
 - communities in the Amuri Ward have strong agricultural interests, while Hanmer Springs is a tourism-focused area; and
 - the population of the Amuri Ward is almost twice that of the Hanmer Springs Ward, which may disadvantage candidates known only within the Hanmer Springs community.
13. The main arguments presented in support of combining the Amuri and Hurunui Wards were:
- there are similar land use patterns within the two wards;
 - both wards contain farming communities; and
 - both wards contain a collection of small settlement areas or townships, and each provides services to areas of surrounding rural hinterland.
14. The main arguments presented for the Hanmer Springs Ward being allowed exemption from the +/-10% fair representation requirement were:
- the community is distinct from other areas of the district;
 - all residents of the community are approximately 60 minutes from Amberley; and
 - there is only one access route between Hanmer Springs and the remainder of the district and this is prone to occasional closure due to fallen trees and ice.
15. The main arguments presented in relation to community boards and ward committees were:
- ward committees and community boards serve almost identical functions within the district;
 - ward committees are well-established and strongly supported by communities;

- the election process for, and three-year term of, community boards may act as a disincentive for people willing to stand for election to ward committees;
- significant development pressures in Hanmer Springs require strong local governance; and
- the Hanmer Springs Community contains many community groups, and the board provides a mechanism to coordinate these.

Matters for Determination

16. 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—*
- Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
 - 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, -*
 - In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
 - In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - 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—*
- May make any enquiries that it considers appropriate; and*
 - 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, -*
- Whether the members of the territorial authority (other than the mayor) are proposed to be elected -*
 - By the electors of the district as a whole; or*
 - By the electors of 2 or more wards; or*
 - 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*
 - 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

17. 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).
18. 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 does not define 'effective representation' or 'communities of interest'.
19. The steps in the representation review process are not statutorily prescribed. The Commission believes 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.

Hurunui District

20. The Council identified distinct communities of interest in the district as follows:

Amberley:	the Amberley urban area (and rural areas south of the Waipara River);
Amuri:	the Culverden, Rotherham, Waiau and Mount Lyford areas;
Cheviot:	the Gore Bay, Cheviot, Parnassus and Conway Flat areas;
Glenmark:	the Waipara, Greta Valley, Scargill and Motunau areas;
Hurunui:	the Waikari and Hawarden areas; and
Hanmer Springs	Hanmer Springs (including rural areas to the west of Hanmer River and the north of State Highway 7).
21. The representation review process generated no support for an at large representation model. We support this general sentiment, believing, in the case of Hurunui District, that a ward structure provides a better basis for ensuring the effective representation of the communities of interest of the district.
22. The Council's proposal does not comply with the requirements for fair representation under section 19V(2) in respect to the proposed Hanmer Springs-Amuri and Glenmark Wards.

23. Section 19V(2) of the Act requires that the distribution of councillors between wards complies with the requirements for fair representation i.e. the +/-10% rule. Section 19V(3) provides that if the Council or the Commission considers that effective representation of communities of interest within isolated communities so requires, wards may be defined and membership distributed between them in a way that does not comply with section 19V(2).
24. The Council noted that its attempts to achieve compliance with section 19V(2) had required it to split recognisably distinct communities of interest between wards. It believed this compromised effective representation of a number of communities of interest.
25. We acknowledge the preliminary investigations and community consultation undertaken by the representation review working group particularly in relation to communities of interest. We recognise that the district is characterised by significant mountain ranges and rivers, and that many residents have a strong sense of association with communities of interest within their existing ward. These factors create barriers to reconfiguring wards by the transfer of small areas from one ward to another.
26. We considered the appeals of residents affected by the Council's initial proposal to transfer small areas between existing wards in order to comply with the requirements of section 19V(2) of the Act. We agree with the Council and appellants that those proposed alterations would have separated some residents from their recognised community of interest and, in some cases, not provide for reasonable access between councillors and constituents. We decided it was preferable to proceed on the basis of retaining recognised groups of communities of interest (as identified above) within wards, and minimising the need to transfer small areas between wards, in order to comply with the requirements for fair representation.
27. We considered the impact of compliance with section 19V(2) on the effective representation of communities of interest in the Hanmer Springs Ward. Hanmer Springs township is located approximately 60 minutes from Amberley, via State Highway 7. This road provides good access between the ward and the remainder of the district. We believe the quality of this road is demonstrated by the fact that over 500,000 tourists visit the area annually. Representation of communities of interest within the Hanmer Springs Ward is supported by the Hanmer Springs Community Board, which is provided with extensive delegations by the Council. We accept that Hanmer Springs is a distinct community of interest within the district in respect of its tourism focus and location to the north of the Amuri Ranges. We are not satisfied, however, that communities of interest in the Hanmer Springs Ward are isolated to the extent that their effective representation requires enhanced representation beyond that allowed under section 19V(2) of the Act. We also note that a Hanmer Springs Ward complies with the +/-10% rule for a 9-member council.
28. We considered the appeal of the Hanmer Springs Community Board. The board argued that it was inappropriate to combine the Hanmer Springs and Amuri Wards because communities within each of these wards have distinct interests and concerns. Hanmer Springs is located on the northern side of the Amuri Ranges and depends primarily on tourism. The vast majority of the population of the ward resides within the Hanmer Springs township. The Amuri Ward is located to the south of the Amuri Ranges. It comprises a collection of small, discrete, settlement areas, each of which supports an area of rural hinterland. The residents of the ward depend primarily on agriculture.

29. We examined the options considered by the representation review working group. All of these are based on a total council membership of between seven and nine councillors, with most based on a seven-member council. At the hearing, the Council said that its existing membership provided good representation for the diversity of communities within the district. It submitted that administrative savings resulting from a reduction in council membership would be minimal. At this stage, we decided to proceed on the basis of retaining nine councillors. We note that a nine-member council will enable compliance with the requirements of section 19V(2) in the case of the existing Amberley, Glenmark, Cheviot and Hanmer Springs Wards.
30. We then considered whether combining the existing Amuri and Hurunui Wards would unduly compromise effective representation of communities of interest. We agree with the Hanmer Springs Community Board that communities within the Amuri and Hurunui Wards have more in common with each other than with communities in the Hanmer Springs Ward. Both Amuri and Hurunui depend primarily on agriculture. Both are located within the same valley. Both comprise a collection of small, discrete settlement areas that support an area of surrounding rural hinterland. The settlements within Amuri and Hurunui are well connected to each other via State Highway 7 and Highway 70. It takes 15 minutes to travel from Culverden to Hawarden.
31. We are satisfied that these factors suggest sufficient commonalities of interest to enable effective representation of communities of interest within a combined ward area. We note the fact that the electors of a combined Amuri-Hurunui Ward would be entitled to elect three councillors. We also had regard to the strong community governance arrangements outlined to us in the form of ward and community committees. We see no reason to change these arrangements as a result of combining the Amuri and Hurunui Wards.
32. The relationship between our 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
Hanmer Springs	1,110	1	1,110	-99.33	-7.76
Amuri-Hurunui	3,330	3	1,110	-99.33	-7.76
Amberley	3,940	3	1,313.33	+110.00	+9.14
Glenmark	1,180	1	1,180	-23.33	-1.94
Cheviot	1,270	1	1,270	+66.67	+5.54
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Communities and community boards

33. The principles of effective representation of communities of interest and fair representation of electors (in the case of electoral subdivisions) continue to apply when considering the constitution or abolition of community boards. In addition, section 19W(a) of the Act requires the Commission to have regard to any of the criteria for considering local government reorganisation proposals under subpart 2 of Schedule 3 of the Local Government Act 2002 (LGA) that it considers appropriate. The key test is whether the proposal will promote good local government of the district and the community.

34. While good local government is not defined in the Act or the LGA, the Commission believes that the purposes of local government contained in section 3 of the LGA, and the principles relating to local authorities contained in section 14, should be taken into consideration. The Commission also has regard to the provisions of the LGA dealing with community boards, these being Schedule 7, and Subpart 2 of Part 4.
35. We agree with the Council that the Hanmer Springs Community Board should be retained for the 2007 elections. We believe that many residents feel they are able to raise concerns and ideas, provide information, and engage in debate within the community board forum, in a manner they feel unable to do at the Council level. This relates, in part, to the distance between Hanmer Springs and the Council's main offices. We also believe that the board's structures and processes are well understood by residents, and that the inclusive and democratic nature of these structures, and the apparent receptiveness of board members to residents and community groups, assures them of opportunities to participate in local governance. These factors, we believe, contribute to the promotion of good local government.
36. The Commission believes strong community support is vital for the effective functioning of community boards. We have not identified support for an extended board structure in Hurunui District. We find, therefore, that further boards should not be established at this time. We note 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.

Commission's Determination

37. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Hurunui District Council to be held on 13 October 2007, the following representation arrangements shall apply:
 - (1) Hurunui District as delineated on SO Plan 18052 deposited with Land Information New Zealand, shall be divided into five wards;
 - (2) Those five wards shall be -
 - (a) the Hanmer Springs Ward, comprising the area delineated on SO Plan 18053 deposited with Land Information New Zealand;
 - (b) the Amuri-Hurunui Ward, comprising the area delineated on SO Plan 386517 deposited with Land Information New Zealand;
 - (c) the Amberley Ward, comprising the area delineated on SO Plan 18058 deposited with Land Information New Zealand;
 - (d) the Glenmark Ward, comprising the area delineated on SO Plan 18057 deposited with Land Information New Zealand; and
 - (e) the Cheviot Ward, comprising the area delineated on SO Plan 18055 deposited with Land Information New Zealand;
 - (3) The Council shall comprise a mayor and nine councillors, elected as follows:
 - (a) one councillor elected by the electors of the Hanmer Springs Ward;

- (b) three councillors elected by the electors of the Amuri-Hurunui Ward;
 - (c) three councillors elected by the electors of the Amberley Ward;
 - (d) one councillor elected by the electors of the Glenmark Ward; and
 - (e) one councillor elected by the electors of the Cheviot Ward;
- (4) There shall be an Hanmer Springs Community comprising the area of the Hanmer Springs Ward; and
- (5) The Hanmer Springs Community Board shall comprise five elected members and one councillor elected by the electors of the Hanmer Springs 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 and community 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)

10 April 2007