



LOCAL GOVERNMENT COMMISSION

Determination

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

BACKGROUND

1 The Manawatu 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 Manawatu District Council elected at the 1998 general election comprises 13 members and the Mayor. The 13 members were elected as follows:

| | |
|----------------|---|
| Pohangina Ward | 2 |
| Kiwitea Ward | 2 |
| Feilding Ward | 6 |
| Kairanga Ward | 3 |

3 Following its review, the Council proposed to retain the existing four wards electing eight members as follows:

| | |
|----------------|---|
| Pohangina Ward | 1 |
| Kiwitea Ward | 1 |
| Feilding Ward | 4 |
| Kairanga Ward | 2 |

4 The Council received 13 objections to its proposal. They were generally opposed to a reduction in the number of members on the Council. Some objections proposed an alternative arrangement. Two objections had attached to them petitions containing a significant number of signatures. The Council also received

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three submissions in support of its proposal for a reduction in the number of Councillors.

5 Following consideration of the objections, the Council confirmed its original proposal. The Council's decision was appealed by:

- Ian Sandilands
- Kimbolton Community Committee
- Ashley Gloyn
- A G Billet and B Worboys
- John Culling
- Manawatu/Rangitikei Province Federated Farmers of New Zealand (Inc.)

The Commission also received requests under section 101K(2) of the Act to be heard from Eric Linklater and Alison Short. The Commission agreed to those requests.

Preliminary Matter for Determination

6 The Commission, on receiving advice of the appeals, resolved that before making a determination of the appeal 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 Feilding on 23 February 2001.

The Hearing

7 The Council was represented by the Mayor (Audrey Severinsen) and the Chief Executive (Rod Titcombe). Ian Sandilands, Ashley Gloyn, A G Billet, and representatives from Federated Farmers (David Meads, Sam Strachan and Chris Wall) attended the hearing to speak to their appeals. Eric Linklater and Alison Short also attended the hearing to speak to the Commission.

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

- she outlined the process the Council had gone through in reaching its decision;
- in its 1997 review there was a view expressed from within the Council that the number of members on the Council should be reduced. The Council therefore started its most recent review early to provide for adequate consultation with the community;
- despite these views the Council entered the review with no preconceived ideas;
- at the initial stages of its review the Council had given consideration to merging the Kiwitea and Pohangina Wards but generally considered that the ward structure was reasonable. The two areas had a similar although not identical set of land uses and a similar history, but the Council developed a perception that separate wards was the preference of the community and that the strong identities of each of those wards would work to prevent combining them;

- through community consultation the Council formed the view that a smaller Council would be acceptable;
- concern was expressed by Councillors about officer dominance with a smaller Council, but the general conclusion reached was that this would not happen if Councillors were doing their job properly;
- population was considered be the most appropriate factor for determining the number of members to be elected from each ward. There was no desire in the Council or the community to use rateable value or area as a factor in this process;
- under a four ward system the best fit from a statistical point of view is either eight or 13 members;
- there was more vigorous debate on the number of Councillors than on the ward structure. Views on the Council became polarised and a consensus or compromise was unable to be achieved; and
- some areas of the District had community committees , each of which had a liaison Councillor.

Ian Sandilands: His comments may be summarised as follows:

- he opposed the reduction in the number of members to be elected from the Pohangina Ward;
- prior to amalgamation the Pohangina County Council comprised 7 members. Representation had already decreased significantly from that time;
- the strong feeling in the northern wards is for 11 Councillors or the status quo of 13;
- he was concerned that the decision for eight councillors was made on the casting vote of the Mayor;
- he could go along with a compromise but only under duress; and
- he did not believe that a compromise was the appropriate solution because it fell short of the ideal.

Federated Farmers: This organisation's representatives comments can be summarised as follows:

- they agreed that a full and exhaustive consultative process had been undertaken, however there was compelling evidence that a majority of residents in the northern area were not happy with the process. Their members were still confused as to how they had got from initial consultation to a decision for eight councillors;
- their preference had been for two wards for the northern area but believed that a compromise needed to be considered and on that basis would be accepting of a single northern ward if it resulted in an acceptable level of representation; and
- they considered that 11 members from three wards would have been an achievable compromise. They did not accept that it was not achievable.

Ashley Gloyn: His comments may be summarised as follows:

- prior to amalgamation in 1989 the southern part of the district had two Councils - Kairanga and Manawatu County Councils. There had, therefore, already been a considerable reduction in the number of Councillors representing the area and he was concerned about a further reduction in the number of councillors;
- he could accept 11 elected members with one northern ward; and
- eight members would result in full-time councillors limiting who could stand for election.

A G Billett: His comments may be summarised as follows:

- his preference was for two councillors for each of the northern wards but considered that Federated Farmers had a reasonable approach to the issue;
- because of the size of the district and its wards and distances involved a reasonable number of councillors is required to adequately represent the wards;
- the remuneration paid to additional members is not significant when compared to the Council's total budget;
- the two northern wards have similarities although some differences. Pohangina is not as affluent as Kiwitea although the difference is decreasing;
- the lowest number of members he would wish to the Council would be 11, although his preference would be 13; and
- he considered that three wards would be acceptable.

Eric Linklater: His comments may be summarised as follows:

- his preference was for 11 members and recognised that in order for this to be achieved the two northern wards would have to be amalgamated;
- his perception was that the natural inclination in the northern area would be for two wards. The area is divided by three rivers. Pohangina has a greater focus on Palmerston North while Feilding has a greater focus on Feilding;
- there was a risk of not achieving quorums if the number of Councillors is too low; and
- there was a reasonable consensus among the Council for a reduction in the number of councillors but a concern among many about too drastic a reduction and the impact this would have on workload and representation.

Alison Short: Her comments may be summarised as follows:

- she said had sought to be heard because she felt another point of view was required to be put before the Commission;
- the Council could be compared with a business corporation and very few businesses would have a board of 13 members;
- Council business should be able to be conducted more efficiently with a reduced number of Councillors;
- with eight councillors and 16 community committees she did not think there should be a problem with the level of representation; and
- her preference would be for an "at large" system.

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

- she accepted that the model of a corporate board is not an appropriate model for a Council. Some acknowledgement had to be given to the representational roles of a Council;
- from experience she did not see a reduction in the number of members as being a problem in respect of Councillor's workload;
- she had canvassed a compromise with Councillors by way of a memo because she perceived a stronger lobby against the reduction in the number of Councillors rather than against a reduction in the number of wards. However views had become too fixed to achieve a compromise; and
- her personal preference was to not have single member wards.

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-*
- Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
 - 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-*
- 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*
 - That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes; and*
 - 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 factors 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 Manawatu District contains a reasonably large area and a number of different communities of interest. The District contains a number of different land uses, and farming and topographical types. The Commission came to the view that because of the number and diversity of the communities of interest in the District, effective representation of the various communities of interest could only be by councillors being elected on a ward basis.

Appropriate Ward System

- 14 Having decided that the basis of election will be a 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 every individual community of interest requires separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 15 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 16 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.
- 17 The existing wards appear to the Commission to reasonably define groupings of communities of interest as follows:
- the Feilding Ward contains an established urban area:
 - the Kairanga Ward contains generally undulating farming areas with some small townships:
 - the Kiwitea and Pohangina Wards which each contain a series of river valleys, and hillier country extending to the Ruahine Ranges. The greater part of these two wards are less densely populated than the Kairanga Ward.
- 18 The question that has to be determined is what the appropriate groupings of communities of interest to achieve effective representation of those communities of interest. For the reasons of effective representation discussed in paragraph 23 the Commission has determined that those groupings are:
- the existing Feilding Ward;
 - the existing Kairanga Ward; and
 - a ward comprising the areas of the existing Kiwitea and Pohangina Wards.
- 19 The Commission is satisfied that the commonality of interests and similarities between the Kiwitea and Pohangina Wards are sufficient to justify a single ward for this area.

Number of Members

- 20 Having decided that there will be three wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 21 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.
- 22 The Act does not specify what weightings are to be given to particular factors, however it does require the allocation of members to wards to result in fair representation for each ward. The Council used population as the sole criterion for the determining the number of members to be allocated to wards. The Commission agrees that this is most appropriate approach for the Manawatu District.
- 23 The Commission considered information showing what would happen with an allocation of members under a four ward system. However, for the level of membership that was required for effective representation over all, the Commission concluded that the existing Kiwitea and Pohangina Wards would receive the most effective representation if those wards were to be combined into a single ward. Under most models those two wards would in total be entitled to a lesser number of members than if combined as one ward. As noted in paragraph 18 the similar characteristics of those wards would result in a combined ward with a cohesive grouping of communities of interest.
- 24 Set out below is a table showing the number of members that each of the isthmus wards would be entitled to using total numbers of members ranging from 8 to 13 members.

| Ward | Population | % | Members | | | | | |
|-------------------|------------|--------|---------|------|------|------|------|------|
| | | | 8 | 9 | 10 | 11 | 12 | 13 |
| Kiwitea-Pohangina | 7627 | 27.16 | 2.17 | 2.44 | 2.72 | 2.99 | 3.26 | 3.53 |
| Feilding | 13721 | 48.87 | 3.91 | 4.40 | 4.89 | 5.38 | 5.86 | 6.35 |
| Kairanga | 6730 | 23.97 | 1.92 | 2.16 | 2.40 | 2.64 | 2.88 | 3.12 |
| Total | 28078 | 100.00 | 8 | 9 | 10 | 11 | 12 | 13 |

- 25 The Commission concludes from this table that that fairness can be best achieved between the representation of each ward with a Council of 10 members.
- 26 Therefore, having considered all aspects of the matter of representation the Commission has concluded that the membership of the Council should total 10

members and the Mayor, taking into account the population of each ward on the following basis:

| | |
|------------------------|---|
| Kiwitea-Pohangina Ward | 3 |
| Feilding Ward | 5 |
| Kairanga Ward | 2 |

DETERMINATION

- 27 Under section 101K of the Act, the Commission, determines that for the general election of the Manawatu District Council to be held on 13 October 2001 -
- (1) Manawatu District, as delineated on SO Plan No 36036 deposited with the Chief Surveyor of the Wellington Land District, shall be divided into three wards:
 - (2) those three wards shall be:
 - (a) the Kiwitea-Pohangina Ward, comprising the area delineated on SO Plan No 38353 deposited with the Chief Surveyor of the Wellington Land District;
 - (b) the Feilding Ward, comprising the area delineated on SO Plan No 37880 deposited with the Chief Surveyor of the Wellington Land District; and
 - (c) the Kairanga Ward, comprising the area delineated on SO Plan No 36041 deposited with the Chief Surveyor of the Wellington Land District.
 - (3) The Council shall comprise a Mayor and 10 members of whom:
 - (a) three members shall be elected by the electors of the Kiwitea-Pohangina Ward;
 - (b) five members shall be elected by the electors of the Feilding Ward; and
 - (c) two members shall be elected by the electors of the Kairanga Ward.
- 28 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