



## LOCAL GOVERNMENT COMMISSION

### Determination

of the representation arrangements to apply for the election of the Manawatu-Wanganui Regional Council to be held on 13 October 2007

#### Background

1. The Manawatu-Wanganui Regional Council (the Council) elected at the 2004 local election comprises 11 councillors. The councillors were elected as follows:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
Ruapehu	13,350	1	13,350	-7,204.55	-35.05
Wanganui	43,300	2	21,650	+1,095.45	+5.33
Rangitikei	14,600	1	14,600	-5,954.55	-28.97
Manawatu	21,600	1	21,600	+1,045.45	+5.09
Kere Kere-Kairanga	15,350	1	15,350	-5,204.55	-25.32
Horowhenua	21,900	1	21,900	+1,345.45	+6.55
Palmerston North	78,400	3	26,133.33	+5,578.79	+27.14
Tararua	17,600	1	17,600	-2,954.55	-14.37
<b>TOTALS</b>	<b>226,100</b>	<b>11</b>	<b>20,554.55</b>		

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

2. On 14 March 2006 the Council's strategy and policy committee resolved to recommend to the Council, as part of its review of representation arrangements under section 19I of the Local Electoral Act 2001 (the Act), that it retain existing arrangements for the 2007 election.
3. On 28 March 2006, the Council adopted its existing arrangements as its initial proposal. This was publicly notified on 1 July 2006. The Council received five submissions in support of the proposal.
4. Following its consideration of submissions, the Council adopted its initial proposal as its final proposal. This was publicly notified on 26 August 2006. No appeals were received.

5. As the proposal did not comply with the requirements of section 19V(2) of the Act, it was referred to the Commission to determine, as required under section 19V(3)(b).

## **Hearing**

6. The Commission met with the Council at the Manawatu-Wanganui Regional Council Chambers on 26 February 2006. The Council was represented by Garry Murfitt, Chairperson, Michael McCartney, Chief Executive, Craig Grant, Electoral Officer, and Kay Booth, Deputy Electoral Officer.

## **Matters raised by the Council**

7. The Council identified the following matters in support of its proposal:
  - the retention of the non-complying Ruapehu and Tararua Constituencies is supported because of significant geographical and isolation factors;
  - the Palmerston North Constituency non-compliance is supported because of Palmerston North City Council's proposal to be elected at large in 2007, reflecting the city as one clear community of interest. In addition, a division of this constituency may result in confusion for voters in both the Palmerston North and Kere Kere-Kairanga Constituencies;
  - the Rangitikei Constituency is retained as a non-complying constituency as any change to it would impact on adjoining constituencies negatively in terms of population numbers;
  - the Manawatu, Wanganui and Horowhenua Constituencies fully comply with the +/-10% fair representation rule. Any changes to other constituencies are likely to adversely affect these constituencies complying with the +/-10% rule;
  - many communities of interest within the region relate to river and drainage schemes. These schemes are based on catchments and their purpose is to provide flood and erosion protection for particular communities;
  - existing constituencies represent logical communities of interest based on geographic features, utility services (river and drainage schemes, state highways) and urban/provincial towns;
  - Hill country farming in the region is a significant activity and impacts on sparse population numbers which impacts on representation numbers;
  - much of the region is sparsely populated;
  - compliance with the +/-10% rule will create unnatural communities of interest without necessarily providing better representation;
  - adherence to the +/-10% rule is difficult for a regional council such as Horizons with large areas and sparse populations across the region. Using the boundaries of territorial authorities for constituency boundaries makes sense in terms of community of interest and reducing voter confusion; and
  - the Council has received substantive support from four of the councils in the region, through submissions, along with Tararua Federated Farmers. There were no submissions opposing the Council's initial or final proposal. This support indicates that the retention of existing constituency boundaries is a good decision for the region's communities.

## **Matters for determination**

8. The statutory provisions in respect of appeals and objections are contained in sections 19R and 19I 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).*

### **19I. Review of representation arrangements for elections of regional councils**

- (1) *A regional council must determine by resolution, and in accordance with this Part,—*
- (a) *the proposed number of constituencies; and*
  - (b) *the proposed name and the proposed boundaries of each constituency; and*
  - (c) *the number of members proposed to be elected by the electors of each constituency.*
- (2) *The determination required by section (1) must be made by the regional council,—*
- (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.*

## Consideration by the Commission

### *Effective and fair representation*

9. A review of representation arrangements under the Act is to ensure that:
  - the number and boundaries of constituencies will provide effective representation of communities of interest within the region (section 19U); and
  - in determining the number of members to be elected by each constituency, electors of that constituency will receive fair representation (section 19V).
10. For the purpose of achieving fair representation, section 19V(2) of the Act requires that the population of each constituency divided by the number of members to be elected by that constituency produces a figure no more than 10% greater or smaller than the population of the region divided by the total number of elected members. The Act, however, does not define 'effective representation' or 'communities of interest'.
11. Subsection 19V(3)(b) of the Act provides that where a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and members distributed between them in a way that does not comply with the +/-10% rule. Subsection 19V(4) provides that in these circumstances the regional council must refer the matter to the Commission for determination.
12. The steps in the representation review process are not statutorily prescribed. The Commission believes, however, that the following process for determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
  - (a) identify the region'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 region.

### *Manawatu-Wanganui Region*

13. The Council proposed that the region's communities of interest relate primarily to territorial authorities. This is consistent with section 19U of the Act, which provides that, so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
14. On this basis, the Council proposed:
  - a Ruapehu Constituency covering Ruapehu District;
  - a Wanganui Constituency covering Wanganui District;
  - a Rangitikei Constituency covering Rangitikei District;
  - a Manawatu Constituency covering the Feilding and Kiwitea-Pohangina Wards of the Manawatu District;

- a Palmerston North Constituency covering Palmerston North City;
- a Kere Kere-Kairanga Constituency covering the Kairanga Ward of the Manawatu District and the Kere Kere Ward of the Horowhenua District;
- a Horowhenua Constituency covering the Levin, Waiopahu and Miranui Wards of the Horowhenua District; and
- a Tararua Constituency covering Tararua District.

#### *Tararua Constituency*

15. We first addressed the issue of the proposed Tararua Constituency and its non-compliance with the +/-10% rule. After considering the points raised by the Council, we agree that a separate Tararua Constituency is necessary to ensure effective representation of this community of interest. In summary we agree that:
- Tararua is a large area (429149.3 ha) comprising farming and coastal environments. It contains many distinct townships and settlement areas;
  - effective representation of this community of interest is most unlikely to be achieved by merging Tararua into another constituency or by merging the Ashhurst area of Palmerston North City into Tararua (in order to comply with the +/-10% rule) as this would combine areas on both sides of the Ruahine and Tararua Ranges;
  - effective representation would be compromised in terms of both access to a councillor and representation of the diversity of the constituency; and
  - the demands on a councillor servicing such a large area would be unreasonable.

#### *Ruapehu Constituency*

16. We then addressed the issue of the proposed Ruapehu Constituency and its non-compliance with the +/-10% rule. After considering the points raised by the Council, we agree that a separate Ruapehu Constituency is also necessary to ensure effective representation of this community of interest. In summary we agree that:
- the constituency covers a large area (760074.5 hectares) including the Tongariro National Park;
  - the constituency comprises many small rural communities that, collectively, identify with the Ruapehu District;
  - the majority of residents would travel north to access services unavailable in Ruapehu District rather than south to the remainder of the region;
  - the distance between small rural communities within the constituency, and the distance between the constituency and the Council's main offices in Palmerston North, result in a significant travel requirement for one councillor; and
  - compliance with the 10% rule would require merging large areas of the Wanganui and/or Rangitikei Constituencies with the Ruapehu District. This would split distinct communities of interest in the Wanganui and Rangitikei Constituencies and create unreasonable pressures on one councillor to effectively represent this extended area.

### *Other Constituencies*

17. Given the decision to make exceptions to the +/-10% rule in respect of the Tararua and Ruapehu Constituencies, we were then required to address requirements for effective representation of communities of interest and fair representation of electors for the balance of the region. We note firstly the discretion that section 19V(3)(b) of the Act provides the Commission in respect of the balance of the region. The section provides that constituencies may be defined and membership distributed between them in a way that does not comply with subsection 19V(2).
18. In the absence of other guidance, the Commission believes the principle of fair representation of electors, as defined in the Act by the +/-10% rule, remains an important criterion. It also notes that the requirements for effective representation of communities of interest and other factors, as set out in section 19U of the Act, still apply. This section provides that the Commission must ensure that the number and boundaries of constituencies will provide effective representation of communities of interest and, so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
19. Applying these considerations to the other proposed constituencies, we then addressed the proposed Palmerston North Constituency. With a councillor to population ratio of 1:26,133, residents of this constituency are under-represented. While generally supportive of the Council's proposal, the Palmerston North City Council submitted to the Council that it was unlikely, given population growth within the constituency compared to other constituencies, to accept continued under-representation for Palmerston North electors as part of future representation reviews.
20. We do not accept that under-representation for Palmerston North electors can be justified at this time, unless compliance with the +/-10% rule were to negatively impact on the effective representation of communities of interest across the balance of the region. We note that the region is the second largest in the country, and comprises eight sparsely populated constituencies. We believe that the existing numbers of councillors spread between these constituencies is the minimum required to provide reasonable access between councillors and residents. We believe a reduction in councillors representing communities of interest within these areas (if this were a result of providing fair representation for Palmerston North electors), would unduly compromise their effective representation, both in terms of access and because it would require extensive alterations to constituency boundaries.
21. Following consideration of these arguments, we agree to proceed on the basis of increasing the total membership of the Council from 11 to 12 councillors, with four councillors elected from the Palmerston North Constituency.
22. This decision to increase the number of councillors to 12 results in the Palmerston North Constituency now complying with the +/-10% rule. The Wanganui, Rangitikei, Manawatu, Kere Kere-Kairanga and Horowhenua Constituencies, however, do not comply.

23. We then considered whether under-representation of the Horowhenua Constituency and over-representation of the Kere Kere-Kairanga Constituency was necessary to ensure the effective representation of these communities of interest. While both constituencies align with territorial authority ward boundaries, we note that the Kere Kere-Kairanga Constituency is inconsistent with the Council's earlier argument that territorial authority boundaries within the Manawatu-Wanganui region provided the best basis for recognising distinct communities of interest<sup>1</sup>.
24. On this basis, we considered aligning the Horowhenua Constituency with the Horowhenua District, represented by two councillors. This would result in over-representation for electors of the constituency in the order of one councillor to 15,260 electors (-19.01% outside the regional average). We do not believe this is necessary in order to provide effective representation for communities of interest within Horowhenua.
25. We then considered enlarging the Horowhenua Constituency to comprise the Horowhenua District and the Kairanga Ward of the Manawatu District<sup>2</sup>, represented by two councillors. This would result in a councillor to elector ratio of 1 to 18,225 (-3.27% outside the regional average councillor to elector ratio). This would meet the requirements of section 19V(2) of the Act. We believe these arrangements will provide effective representation of distinct communities of interest. This is based on the following factors:
- the expanded area shares similar characteristics, comprising farming and coastal land, and a number of small settlements;
  - many residents would look to Palmerston North to access services unavailable in their local area;
  - the area is interconnected via State Highways 1 and 3 and Highways 56 and 57, which provide excellent access within the constituency, and between the constituency and the Council's main offices in Palmerston North; and
  - the enlarged area aligns with the boundaries of the Horowhenua District and the Kairanga Ward of the Manawatu District, which is consistent with the requirement for effective representation under section 19U(c) of the Act.
26. We then considered whether under-representation of the Wanganui and Manawatu (excluding Kairanga Ward) Constituencies and over-representation of the Rangitikei Constituency was necessary to ensure effective representation for distinct communities of interest. We note that, in order for the Wanganui Constituency to comply with the fair representation requirement, parts of the Marton or Bulls urban areas would need to be included in it. We believe this would unduly compromise effective representation of distinct communities of interest.

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<sup>1</sup> The Commission notes that the Council subsequently identified river catchment areas as the strongest indicator (above territorial authority or ward boundaries) of distinct groups of communities in the region.

<sup>2</sup> The Commission notes that, as part of its representation review, the Manawatu District Council has transferred some small areas from the Kiwitea-Pohangina Ward to the Kairanga Ward. No appeals were received against the Council's proposal. Therefore, these arrangements will apply for the 2007 election of the Manawatu District Council. The Commission's considerations regarding the regional arrangements are based on this ward alteration.

27. We then turned our attention to the Manawatu and Rangitikei Constituencies. In order to retain separate constituencies, approximately 3,500 electors would have to be transferred from the Manawatu Constituency to the Rangitikei Constituency. This would result in considerable expansion of the area of the Rangitikei Constituency and would reduce the Manawatu Constituency to little more than the Pohangina and Feilding areas. We then considered combining the Rangitikei and Manawatu Constituencies, represented by two councillors. This results in a councillor to elector ratio of 1:17,000, which represents a deviation beyond the regional average of -9.78. These arrangements satisfy the requirements for fair representation for electors under section 19V(2). We believe they will provide effective representation for distinct communities of interest. We note that:
- the landscape within the expanded area is characterised by a similar landscape, in particular the impact of rivers and streams;
  - the Rangitikei and Manawatu Districts both have shared, strong connections to the agricultural sector, and similar farming patterns apply<sup>3</sup> (i.e. the Branch of Federated Farmers covers the combined Rangitikei and Manawatu Districts);
  - State Highway 1 travels through the middle of both districts, communities within the enlarged area are interconnected via this highway, Highway 54, and a series of sealed and unsealed rural roads; and
  - the enlarged area aligns with the boundaries of the Manawatu and Rangitikei Districts, which is consistent with the requirement for effective representation under section 19U(c) of the Act.
28. We then considered whether non-compliance with the +/-10% rule could be justified in the case of the Wanganui Constituency at this time. With two councillors elected from a constituency population of 43,300, the constituency exceeds the regional average councillor to elector ratio by 14.90%. After consideration we believe this is warranted in order to provide effective representation of distinct communities of interest. We note that:
- while large, the majority of the population of the district is within 15 minutes of the Wanganui urban area;
  - the Whanganui River is a major defining feature of the district, both for rural and urban residents;
  - compliance would require inclusion in the constituency of large rural areas of the Ruapehu Constituency or the Rangitikei District. We believe this would unduly compromise the effective representation of these areas; and
  - the Wanganui urban area comprises urban communities that would have different interests and concerns (in particular, those pertaining to regional functions) to those of residents of the Ruapehu and Rangitikei Constituencies.
29. In summary, we believe that the above decisions will provide effective representation of the communities of interest of the Manawatu-Wanganui Region. They also provide fair representation of electors to the extent that

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<sup>3</sup> The Commission acknowledges that there are different farming requirements in different areas of the Manawatu and Rangitikei Districts. It believes that all farmers in both districts would have strong associations with Feilding township.

this does not compromise effective representation of communities of interest. The relationship between our decisions on constituency boundaries, the number of councillors per constituency, and the requirements of section 19V(2), is illustrated in the following table:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
Ruapehu	13,350	1	13,350	-5,495.83	-29.16
Wanganui	43,300	2	21,650	+2,804.17	+14.88
Manawatu-Rangitikei	34,000	2	17,000	-1,845.83	-9.79
Horowhenua - Kairanga	39,500	2	19,750	-904.17	-4.80
Palmerston North	78,400	4	19,600	+754.17	+4.00
Tararua	17,600	1	17,600	-1,245.83	-6.61
<b>TOTALS</b>	<b>226,150</b>	<b>12</b>	<b>18,845.83</b>		

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

## Determination

30. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the election of the Manawatu-Wanganui Regional Council to be held on 13 October 2007, the following representation arrangements will apply -
- (1) The Manawatu-Wanganui Region, as delineated on S.O. Plan 36010 deposited with Land Information New Zealand, shall be divided into six constituencies;
  - (2) Those six constituencies shall be -
    - (a) the Ruapehu Constituency, comprising the area delineated on SO Plan 36017 deposited with Land Information New Zealand;
    - (b) the Wanganui Constituency, comprising the area delineated on SO Plan 36016 deposited with Land Information New Zealand;
    - (c) the Manawatu-Rangitikei Constituency, comprising the area delineated on SO Plan 386070 deposited with Land Information New Zealand; and
    - (d) the Horowhenua-Kairanga Constituency, comprising the area delineated on SO Plan 386069 deposited with Land Information New Zealand;
    - (e) the Palmerston North Constituency, comprising the area delineated on SO Plan 36013 deposited with Land Information New Zealand; and
    - (f) the Tararua Constituency, comprising the area delineated on SO Plan 37400 deposited with Land Information New Zealand;
  - (3) The Manawatu-Wanganui Regional Council shall comprise 12 councillors elected as follows -
    - (a) one councillor shall be elected by the electors of the Ruapehu Constituency;

- (b) two councillors shall be elected by the electors of the Wanganui Constituency;
- (c) two councillors shall be elected by the electors of the Manawatu-Rangitikei Constituency;
- (d) four councillors shall be elected by the electors of the Palmerston North Constituency;
- (e) two councillors shall be elected by the electors of the Horowhenua-Kairanga Constituency; and
- (f) one councillor shall be elected by the electors of the Tararua Constituency.

31. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies comply 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)

30 March 2007