



LOCAL GOVERNMENT COMMISSION

Determination

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

Background

1. The Masterton District Council (the Council) elected at the 2004 local election comprises the mayor and 10 councillors. There are no existing community boards in Masterton District. The 10 councillors were elected as follows:

Wards	Population*	No of councillors per ward	Population per councillor	Deviation from the district average population per councillor	Percentage deviation from the district average population per councillor
Rural	5,170	3	1,723	-607	-26.05
Urban	18,150	7	2,593	+263	+11.28
TOTALS	23,300	10	2,330		

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

2. To commence the review, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), a workshop of the Mayor and councillors identified the following options that the Council could consult on, each based on 10 councillors:
 - (a) retention of an urban and a rural ward;
 - (b) at large representation; and
 - (c) some councillors elected for urban or rural wards, and some elected at large (mixed representation), with two possible combinations:
 - i. two rural councillors, seven urban councillors and one councillor elected at large; or
 - ii. one rural councillor, four urban councillors and five councillors elected at large.
3. Following public feedback on these options and preliminary consultation with invited representatives of the rural and urban communities, the Council resolved its initial proposal for representation arrangements, as follows:
 - (a) the Council comprise the mayor and 10 councillors, elected at large; and
 - (b) there would be no community boards.
4. The proposal was publicly notified on 29 July 2006.

5. The Council received a total of 329 submissions on its proposal, including four late submissions. Twelve were individual submissions, and 317 were responses on forms distributed by private individuals to encourage retention of rural representation.
6. The main issue raised in the submissions concerned the basis of election. An analysis provided by the Council shows that six submissions were in favour of the Council's proposal to have 10 councillors elected at large. 321 submissions contained objections to the proposal as follows:
 - 14 preferred an urban and a rural ward;
 - 299 supported a combination of one rural, four urban and five at large representatives, to ensure the rural community had representation and to maintain the identity of the rural ward; and
 - eight submissions favoured some form of rural representation, with no preference expressed for either ward only or a combination.
7. Following consideration of the submissions, the Council consequently resolved on 27 September 2006 to amend its initial proposal, to a mixed wards/at large representation system with five councillors elected at large, and five elected by wards as follows:

Wards	Population*	No of councillors per ward	Population per councillor	Deviation from the district average population per councillor	Percentage deviation from the district average population per councillor
Rural	5,170	1	5,170	+510	+10.94
Urban	18,150	4	4,537	-123	-2.63
TOTALS	23,300	5	4,660		

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

8. The Council received one appeal and one objection against its final proposal. The sole issue for both the appellant and the objector was the Council's proposed method of election. Both were opposed to the Council's final proposal of a mixed system of representation and preferred an arrangement of 10 councillors elected at large.

Hearing

9. The Commission met with the Council, the objector and one submitter (in support of the Council's final proposal) on 8 February 2007. The Council was represented by Mayor Bob Francis, Wes ten Hove, Chief Executive Officer and Councillor Jane Terpstra. The objector was Jeff Workman, and the submitter was Bridget Canning.

Matters raised in appeals, objections and at the hearing

10. The main arguments presented against the proposed mixed system of representation (preferring instead an at large system of election) were:

- the concept of rural and urban wards is outdated and is a hangover from amalgamation. Rural and urban interests are not the only interest groups;
 - having only five at large representatives defeats the purpose of any at large representation;
 - councillors should act in the best interests of all ratepayers;
 - voters should be able to decide on all councillors;
 - rural representation is not effective in delivering rural services at present;
 - there are disadvantages for rural representation under the Council's proposal, because the best rural candidates will all compete for the one rural seat and other good candidates will not be elected to Council;
 - councillors should be informed and knowledgeable about all issues in the community;
 - majority voting at Council meetings does not provide for minority groups; and
 - Masterton District residents would be best served by 10 at large councillors who are well-informed about all issues brought before the Council.
11. The main arguments presented in support of the Council's proposal for mixed representation were that:
- the proposal would ensure the rural community had representation;
 - the identity of the rural ward would be maintained;
 - rural residents would have a point of contact. Rural people prefer to be able to approach a rural councillor, for reasons including time (rural people don't have time to come into town to the Council) and travel distance;
 - there would be increased accountability to the rural ward;
 - it would ensure there was a rural person to voice rural issues to the Council. Urban councillors do not always have rural interests at heart;
 - the rural community would have a larger number of councillors to vote for than under the ward-only option;
 - an at large system would risk a loss of focus on rural issues;
 - a mixed system would be the first step in demonstrating to electors the benefits of an at large system;
 - there has been a clear message from the public that the rural ward should be retained;
 - Masterton is a rural district and should continue in this vein;
 - the combination option will be important as the rural and urban sectors are very interdependent and need each other; and
 - the proposal has good support among councillors.

Matters for determination

12. The statutory provisions in respect of these objections and appeal 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.

Masterton District

16. The Council identified the urban and rural sectors as being the two major communities of interest in Masterton District. The Commission notes that this has general acceptance. Masterton District is predominantly rural in nature, with its township comprising less than 1% of the district's land area. However, 78% of the district's population live in the town.
17. The urban ward has a history of being a township managed by a borough council and characteristically depends on shared retail, leisure and cultural facilities within the urban area. Most of its residents are employed within the urban area, or service the rural areas, while some commute out of the district for employment. The rural ward, on the other hand, is made up of farms, lifestyle blocks and the coastal communities. There is some argument that the two groups are strongly interdependent and that there is no clear-cut split. The Commission notes that 43% of rural properties lie within a 10km radius of the urban area, and that a total of 58% lie within a 20km radius, with the remaining 42% being further than 20 km from the urban area. (Of these remaining properties, beach properties account for around 32%.)
18. The Commission notes that while the difference between the peri-urban area and fringe rural area may be small, there is nevertheless a clear distinction between the built-up urban area, and the rural area. While there are common concerns between the two groups, there are also separate concerns and related expectations of the Council, between rural and urban. For example, roading and access to services are common issues for the rural population, while water, sewerage and stormwater tend to be of greater concern to urban dwellers.
19. The Commission notes the existence of small pockets of communities in outlying areas (for example along the coast) but does not consider these are large enough to warrant separate representation. The Commission therefore accepts that rural and urban are the two principal communities of interest.
20. A key question the Commission has to consider in relation to this review is the extent to which the two communities will receive effective representation under the different options considered by the Council, and in particular, what is the best method of ensuring effective rural representation?

21. The Council considered three options for representation in the district, as outlined in paragraph 2 above, and initially proposed an at large method of election for the district. However, following a large number of submissions which supported instead the retention of rural representation in some form, the Council altered its proposal in favour of a mixed system.
22. The Commission agrees that an at large system might risk a loss of focus on rural issues, which are undoubtedly important to the district, and notes the clear message from submitters and appellants that rural representation needs to be maintained. We agree with the Mayor's view that an at large system is too great a change for the district at this time.
23. The Commission believes that remaining with a ward-only system would not be to the advantage of rural voters, as outlined above. In addition, the ward-only option exceeds fair representation requirements, and retaining a ward-only model would mean either reconfiguring the rural and urban ward boundaries, or considering having more councillors in total. The Commission notes that support for retaining a ward-only model was a minority view among submissions on the initial proposal (14 out of 321). It notes too that none of the submissions, or the appeal or objection, addressed the number of councillors, or challenged the proposed total of 10.
24. The Commission is persuaded that a mixed method of representation has definite advantages for the district. It will provide a dedicated rural representative and the opportunity for additional rural-based councillors to be elected, which should assist in securing the confidence of the rural community. A mixed system may enhance the diversity of opinion around the Council table, which can only be to the benefit of effective representation of the district's communities. Additional councillors elected by the district as a whole will help address some of the arguments in favour of an at large system, such as improving accountability to all sectors of the community and promoting unity between urban and rural populations.
25. In terms of the number of wards, we note that the current single urban and single rural wards in their present format appear to be well understood and accepted and were not challenged.
26. The next matter to be addressed is the number of councillors to be elected by wards and the number to be elected by the district as a whole. The Commission notes that the Council considered two options for mixed representation and chose the combination of one rural, four urban and five at large councillors, over the option of two rural, seven urban and one at large. This was because it considered that the latter combination did not give rural voters as much influence as the former. The proposal appears to have the support of the rural community, as evidenced by the strong support shown for that option during the submission process on the Council's initial proposal.
27. The Commission agrees that 10 councillors split as proposed by the Council (one rural, four urban, and five elected at large), is a reasonable outcome to ensure effective representation for the district's residents.
28. Using 2001 census figures and 2004 population estimates, the proposal complies with fair representation requirements. The Commission notes that the proposal did not comply using 2005 population estimates (the rural ward would be 10.94% above the district average population per councillor). To make the

proposal comply with the +/-10% rule, a meshblock adjustment would be necessary in order to move a total of 44 people from the rural ward into the urban ward. However, the Council argued that future urban and rural subdivision development is consistent with the representation proposal, and that the Council proposes to review boundaries and meshblocks for the 2010 election. We note that some of the “target meshblocks” would be included in the urban area under the draft Wairarapa Combined District Plan. The Commission therefore accepts that, under these circumstances, use of the 2004 population estimates is appropriate and meets the requirements of section 19X of the Act. (This provides that census figures, other than those in the year before a triennial election, or any later population estimate may be used.)

29. The relationship between the Commission’s decisions on the number and configuration of wards, the number and division of councillors, and the requirements of section 19(V)(2) is illustrated in the following table:

Wards	Population*	No of councillors per ward	Population per councillor	Deviation from the district average population per councillor	Percentage deviation from the district average population per councillor
Rural	5,120	1	5,120	+460	+9.87
Urban	18,150	4	4,537	-123	-2.63
TOTALS	23,300	5	4,660		

*These figures are rounded 2004 population estimates provided by the Government Statistician

Communities and community boards

30. Section 19W of the Act sets out criteria for community board reviews. These include requirements for effective representation of communities of interest within the community and fair representation of electors.
31. A Council workshop considering representation review issues looked at the question of communities and community boards and noted that there could potentially be a need for these in future, if targeted rates were used at the coastal resorts. However these settlements (Castlepoint and Riversdale) have active ratepayers’ associations with whom the Council can and does consult. The Council as a whole was of the view that there was no community of interest that was sufficiently distinct to warrant the establishment of a formal community and that it preferred to consult on specific issues with affected parties (such as on the Riversdale sewerage scheme, or on rural landfill operations). The Commission notes that there were no submissions addressing the matter of communities or community boards, nor any apparent desire in the district to establish any. The Commission therefore upholds the Council’s decision not to establish any communities.

Commission’s Determination

32. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Masterton District Council to be held on 13 October 2007, the following representation arrangements shall apply –
- (1) Masterton District, as delineated on SO Plan 35990 deposited with Land Information New Zealand, shall be divided into two wards;

- (2) Those two wards shall be -
 - (a) the Urban Ward, comprising the area delineated on SO Plan 35991 deposited with Land Information New Zealand; and
 - (b) the Rural Ward, comprising the area delineated on SO Plan 35992 deposited with Land Information New Zealand;
 - (3) The Council shall comprise the mayor and 10 councillors elected as follows -
 - (a) four councillors elected by the electors of the Urban Ward;
 - (b) one councillor elected by the electors of the Rural Ward; and
 - (c) five councillors elected by the electors of the district as a whole.
33. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, 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

Sue Piper (Chair)
Gwen Bull (Commissioner)
Wynne Raymond (Commissioner)

29 March 2007