



## LOCAL GOVERNMENT COMMISSION

# Determination

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

### Background

1. The Rodney District Council (the Council) elected at the 2004 local election comprises the mayor and 12 councillors. The 12 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
Northern	20,800	3	6,933	-500	-6.72
Western	29,600	4	7,400	-33	-0.44
Eastern	38,800	5	7,760	+327	+4.40
<b>TOTALS</b>	<b>89,200</b>	<b>12</b>	<b>7,433</b>		

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

2. There are currently no community boards in Rodney District.
3. The current arrangements were developed by the Local Government Commission after consultation with the Commission appointed by the Minister of Local Government in 2000 to act in place of the Rodney District Council. Previously the district had been divided into seven wards with 12 councillors.
4. On 27 April 2006 the Council resolved its initial representation proposal, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), as follows:
  - the district continue to be divided into the three existing wards electing 12 councillors; and
  - no community boards be established.
5. In resolving its initial proposal, the Council agreed that:
  - in view of the size and diversity of the district it is necessary to divide the district into wards to provide for effective representation of the communities of interest of the district;

- the three current wards appropriately reflect the broad communities of interest of the district; and
  - community boards not be established as in the Council's view:
    - the proposed ward structure and membership of the Council will provide for the effective and efficient governance of the Rodney District;
    - the establishment of community boards would not significantly enhance the governance arrangements of the district and would impose a cost to the community;
    - the former community boards, which had wide ranging delegated powers, consented to their disestablishment;
    - there is little indication of a desire in the district for the re-establishment of community boards; and
    - there is a range of other mechanisms available to the Council and utilised by the Council for effectively obtaining local community views.
6. The Council received 36 submissions on its initial proposal. The subject matter of the submissions can be summarised as follows:
- three supported the Council's initial proposal;
  - 10 supported a proposal for 12 single-member wards;
  - 19 supported establishment of community boards (with 14 of the 19 from the Whangaparaoa Peninsula);
  - other proposals/requests:
    - including the old Wainui Ward in the Eastern Ward;
    - including Dairy Flat in the Eastern Ward;
    - renaming the Eastern Ward as the Hibiscus Coast Ward;
    - forming a Southern Ward consisting of all countryside living areas and adjoining rural land to the south and west of Silverdale;
    - creating a new Central South-East Ward comprising the former Wainui Ward and the southern part of the former Hibiscus Coast Ward including Stillwater and Redvale;
    - splitting the Northern Ward into three – Wellsford, Matakana, and Warkworth;
    - altering the current representation to three councillors from each of the Northern and Western Wards and six from the Eastern Ward;
    - altering the current representation to three councillors each from the Northern Ward, Western Ward, a Whangaparaoa Ward and an Orewa/Red Beach/Silverdale Ward; and
    - reducing councillor numbers to 11 by removing one ward representative from the existing Western Ward.
7. On 1 August 2006 the Council agreed its final proposal for a total of 12 councillors (plus 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
Northern	20,800	3	6,933	-500	-6.72
Western	22,600	3	7,533	+100	+1.34
Central	8,000	1	8,000	+567	+7.63
Hibiscus Coast	37,800	5	7,560	+127	+1.71
<b>TOTALS</b>	<b>89,200</b>	<b>12</b>	<b>7,433</b>		

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

8. In its statement of final proposal, the Council stated the following reasons for changes to its initial proposal for the introduction of a new Central Ward:
- the residents of this area share a community of interest that is predominantly centred on lifestyle blocks and small farms, and has a general orientation in terms of schooling, employment, services etc. towards the east coast (Orewa and Silverdale) and the south (North Shore) as opposed to the west coast;
  - in terms of effective representation, most of this area is currently in the Western Ward. Due to the population distribution in that ward, members are normally elected from the Kumeu-Huapai-Waimauku and Helensville areas, both near the west coast. It is difficult for those elected members to effectively represent the population of the proposed Central Ward. Discontent over representation arrangements was one of the issues emphasised in the recent local government reorganisation proposal from residents living in the vicinity of Okura in the south-east of the district;
  - it differs from the other three wards by the absence of any significant residential areas; and
  - in the south-east of the district, the area in the vicinity of Okura is currently split somewhat artificially into the Western and Eastern Wards. The proposed Central Ward will unite much of that area for representation purposes.
9. The Council considered that the name change from “Eastern Ward” to “Hibiscus Coast Ward” was appropriate in that the term “Hibiscus Coast” is universally recognised in the area which the ward comprises and will be much more readily identifiable in the minds of residents and others than “Eastern Ward”.
10. The Council rejected the proposal by submitters that it establish community boards.
11. A total of 28 appeals and objections were received against the Council’s proposal. The main points raised by the appellants and objectors were:
- that meshblock 0175816 should be included in the proposed Central Ward;
  - that a system of community boards or area committees should be established across the district; and
  - that the number of wards should be increased.

## Hearing

12. The Commission met with the Council, and eight appellants and objectors who had expressed a desire to be heard, at a hearing held in the Rodney District Council Chambers on 15 December 2006. The Council was represented by the Mayor, John Laws, and the Council's Executive Officer, Paul Garbett. The appellants and objectors who appeared at the hearing were: South-East Rodney Ratepayers and Residents Association (Beverley Powell), Ross Craig, Wayne Wyburn, Brian Smith, Whangateau Ratepayers and Residents Association (Elizabeth Foster), John Watson, Wayne Walker and Jean Taylor Bell.

## Matters raised in appeals, objections and at the hearing

13. The main arguments presented by the Council were that:
- the reintroduction of community boards would not promote the good local government of the district;
  - community boards were disestablished in 1992 with the agreement of the boards;
  - there are a large number of ratepayers' groups in the district with whom the Council liaises;
  - the Council undertakes soundly based research into the thinking of the community;
  - there are a large number of individual communities in the district and this is not conducive to a system of community boards; and
  - the Council is not opposed to a readjustment of the ward boundary in the Okura area, provided the +/-10% requirement can be complied with.
14. Other arguments presented included:
- the proposed ward boundary in the Okura area splits a community of interest, the Okura catchment and the Council's Okura Policy Area;
  - a community board system would result in a larger number of people participating in the district's governance;
  - ratepayer groups are self selected and therefore not a suitable substitute for community boards;
  - the district is large and diverse in nature and community boards would allow for better local knowledge in decision-making; and
  - currently there is poor consultation on local issues.

## Matters for Determination

15. The statutory provisions in respect of objections are contained in sections 19R, 19H and 19J of the Act.

**19R. Commission to determine appeals and objections**

(1) *The Commission must—*

- (a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*

- (b) *Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—*
  - (i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
  - (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
  - (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
  - (a) *May make any enquiries that it considers appropriate; and*
  - (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

**19H. Review of representation arrangements for elections of territorial authorities**

- (1) *A territorial authority must determine by resolution, and in accordance with this Part,—*
  - (a) *Whether the members of the territorial authority (other than the mayor) are proposed to be elected—*
    - (i) *By the electors of the district as a whole; or*
    - (ii) *By the electors of 2 or more wards; or*
    - (iii) *In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
  - (b) *In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
  - (c) *In any case to which paragraph (a)(iii) applies,—*
    - (i) *The proposed number of members to be elected by the electors of the district as a whole; and*
    - (ii) *The proposed number of members to be elected by the wards of the district; and*
  - (d) *In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—*
    - (i) *The proposed name and the proposed boundaries of each ward; and*
    - (ii) *The number of members proposed to be elected by the electors of each ward.*
- (2) *The determination required by subsection (1) must be made by a territorial authority —*
  - (a) *On the first occasion, either in 2003 or in 2006; and*
  - (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

**19J. Review of community boards**

- (1) A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —
- (a) There should be communities and community boards; and
  - (b) If so resolved, the nature of any community and the structure of any community board.
- (2) The resolution referred to in subsection (1) must, in particular, determine—
- (a) Whether 1 or more communities should be constituted:
  - (b) Whether any community should be abolished or united with another community:
  - (c) Whether the boundaries of a community should be altered:
  - (d) Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:
  - (e) Whether the boundaries of any subdivision should be altered:
  - (f) The number of members of any community board:
  - (g) The number of members of a community board who should be elected and the number of members of a community board who should be appointed:
  - (h) Whether the members of a community board who are proposed to be elected are to be elected—
    - (i) By the electors of the community as a whole; or
    - (ii) By the electors of 2 or more subdivisions; or
    - (iii) If the community comprises 2 or more whole wards, by the electors of each ward:
  - (i) in any case to which paragraph (h)(ii) applies, -
    - (i) The proposed name and the proposed boundaries of each subdivision; and
    - (ii) The number of members proposed to be elected by the electors of each subdivision.
- (3) Nothing in this section limits the provisions of section 19F.

**Consideration by the Commission**

*Effective and fair representation*

16. 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).
17. 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”.

18. The steps in the process for achieving effective and fair representation 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 district's communities of interest;
  - (b) determine the best means of providing effective representation for the communities of interest; and
  - (c) determine fair representation of electors for the district.

*Rodney District*

19. In notifying its final proposal the Council identified the proposed wards as comprising the following communities of interest:

Northern Ward	The townships of Warkworth, Wellsford, Snells Beach and Algies Bay and other adjacent communities, settlements and rural areas;
Western Ward	The township of Helensville, the settlements of Kumeu and Huapai and other adjacent communities, settlements and rural areas;
Central Ward	The predominantly rural area from Coatesville to the north of Wainui, and including Dairy Flat, Redvale and the Okura area; and
Hibiscus Coast Ward	Orewa, Waiwera, Hatfields Beach, Silverdale, Stillwater and the Whangaparaoa Peninsula.

20. There appears to be reasonably wide community acceptance of a ward system of representation to reflect communities of interest. The wards proposed by the Council appear to the Commission to appropriately reflect distinct groupings of communities of interest. One appellant called for an increase in the number of wards to better provide for effective representation of communities of interest. No indication was given, however, as to what areas such wards should include. The Council's proposal to establish a Central Ward does represent a significant change to the existing ward structure.
21. The issue raised by most appellants was the proposition that an area comprised in meshblock 0175816 be included in the Central Ward rather than in the Hibiscus Coast Ward as proposed by the Council. This was argued on the grounds that the immediate community of interest of this area is with other areas to be included in the Central Ward.
22. The Council had noted during its review that an argument in favour of the appellants' proposition "*would be that it would effectively combine most of the 'small block' area in the vicinity of Okura in one ward (community of interest consideration)*".

23. After the receipt of appeals/objections, the Council further considered its approach to the objections relating to the proposed ward boundary in the Okura area. At its meeting on 23 November 2006, the Council resolved:

*“That the Council advise the Local Government Commission that it is not opposed to an alteration to the boundary of the proposed Central Ward with the Hibiscus Coast Ward in the vicinity of Okura, involving a split of meshblock 0175816; however what appears to be the most logical way of doing this does not meet the requirements of section 19V(2) of the Local Electoral Act 2001 (the +/- 10% population requirement).”*

24. The resulting population to councillor ratios would be 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
Northern	20,800	3	6,933	-500	-6.72
Western	22,600	3	7,533	+100	+1.34
Central	8,200	1	8,200	+767	+10.32
Hibiscus Coast	37,600	5	7,520	+87	+1.17
<b>TOTALS</b>	<b>89,200</b>	<b>12</b>	<b>7,433</b>		

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25. At the hearing the Council identified an area of the proposed Central Ward that it considered would be more appropriately included in the Northern Ward.<sup>1</sup> The current boundary in this area appears to be an arbitrary straight line. The topography of the area and the roading pattern flow from this area to the north. The effect of including this area in the Northern Ward would mean that the inclusion of meshblock 0175816 in the Central Ward could be achieved while meeting the requirements of section 19V(2). The Commission considers that both these changes would better reflect the pattern of communities of interest in the district.
26. One appellant sought a reduction in the number of councillors by an unspecified number. However the Commission believes that the current number of councillors results in effective representation across the district and also enables a pattern of wards that appropriately reflects communities of interest. The Commission determines that there shall continue to be a total of 12 councillors elected from four wards, modified as described in paragraph 25 above.
27. The Commission believes that these arrangements will provide effective representation for the communities of interest of Rodney District. They also comply with the requirement for fair representation of electors. The relationship between the Commission’s decisions on ward boundaries, the number of councillors, and the requirements of section 19V(2) is illustrated in the following table:

<sup>1</sup> Meshblock 0176900

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
Northern	21,100	3	7,033	-400	-5.38
Western	22,600	3	7,533	+100	+1.34
Central	7,900	1	7,900	+467	+6.28
Hibiscus Coast	37,600	5	7,520	+87	+1.17
<b>TOTALS</b>	<b>89,200</b>	<b>12</b>	<b>7,433</b>		

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### *Communities and community boards*

28. 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.
29. The Commission is required to determine whether there should be communities and community boards in the district and, if so, the nature of those communities and the structure of the boards.
30. In carrying out its review the Council rejected the proposal by submitters that it establish community boards because:
  - it did not consider community boards would promote the good local government of the district and the local communities;
  - the number and diversity of the different communities in Rodney means that it would be difficult for community boards to perform their prime function as a “sounding board” for local views unless a large number of boards were established, and there is another mechanism available – ratepayers and residents associations – of which there are over 50 in the district representing most communities that perform the “sounding board” role;
  - there has been major growth in the extent and complexity with which councils consult their communities and the mechanisms used (including focus groups, reference groups and special surveys) can be far more effective as a “sounding board” for the local community;
  - the introduction of community boards would involve another layer of governance and impose significant costs on the community;
  - community boards did exist in Rodney from 1989 to 1992 and were dis-established following the unanimous agreement of all three boards and the Council, and until now there has been little indication of public support for their reintroduction; and
  - the expectation that locally elected community board members would make decisions for that area would be subject to the discretion of the Council of the day in terms of delegations made to boards.
31. Until 1999 the Council had a system of area committees. These were committees of the Council with responsibility for decision-making and expenditure for their geographic area.

32. The Commission notes that the majority of support for community boards was as an alternative to the establishment of area committees. Some appeals went further and explicitly asked the Commission to establish area committees. The establishment of area committees is outside the Commission's jurisdiction.
33. There are already a number of community organisations in the district that have established relationships with the Council. These groups assist the Council to consult and engage with the community. These exist at the township and locality level as do a number of the Council's more formal mechanisms for consultation. This reflects the dispersed nature of settlement in the district and the existence of a large number of separate communities of interest.
34. The support of some appellants for community boards anticipated that the boards would make significant decisions for their communities. This would depend on suitable delegations being given by the Council. The Commission is mindful of the need for the Council, and the overall governance system, to act in the best interests of the district. It does not consider that a system of community boards as envisaged by the appellants would either enhance or add to the governance of the district.
35. The Commission believes that the history of the district has some relevance in consideration of this issue. The evidence put to the Commission suggests that the earlier system of area committees did not lead to integrated governance of the district. The Commission is also conscious of the circumstances leading to the appointment by the Minister of Local Government in 2000 of a Commissioner to run the Council. It believes that consolidation of the progress made since the reinstatement of an elected Council is important and the progress that has been made could be undermined by the changes to the governance structure proposed by appellants.
36. The Commission decides, therefore, not to constitute community boards in the district.

### **Commission's Determination**

37. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Rodney District Council to be held on 13 October 2007, the following representation arrangements shall apply –
  - (1) Rodney District as delineated on SO Plan 386184 deposited with Land Information New Zealand, shall be divided into four wards;
  - (2) Those four wards shall be –
    - (a) the Northern Ward, comprising the area delineated on SO Plan 386186 deposited with Land Information New Zealand;
    - (b) the Western Ward, comprising the area delineated on SO Plan 70325 deposited with Land Information New Zealand;
    - (c) the Central Ward, comprising the area delineated on SO Plan 386188 deposited with Land Information New Zealand;

- (d) the Hibiscus Coast Ward, comprising the area delineated on SO Plan 386187 deposited with Land Information New Zealand;
- (3) The Council shall comprise the mayor and 12 councillors, elected as follows –
- (a) three councillors elected by the electors of the Northern Ward;
  - (b) three councillors elected by the electors of the Western Ward;
  - (c) one councillor elected by the electors of the Central Ward; and
  - (d) five councillors elected by the electors of the Hibiscus Coast Ward.
38. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities 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 (Chairperson)  
Gwen Bull (Commissioner)  
Wynne Raymond (Commissioner)

28 March 2007