



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the
general election of the South Taranaki District Council
to be held on 9 October 2004

BACKGROUND

1 The South Taranaki District Council (“the Council”) undertook a review of the membership and basis of election of the Council and of community boards under sections 19H and 19J of the Local Electoral Act 2001 (“the Act”). On 18 August 2003 the Council resolved the initial proposed electoral arrangements to apply for the general election of the Council to be held in October 2004.

2 The Council elected at the 2001 general election comprises 12 members and the Mayor. The 12 members were elected as follows:

Hawera Ward	3 members
Tangahoe Ward	2 members
Eltham Ward	2 members
Patea Ward	2 members
Egmont Plains Ward	3 members

3 There are four community boards in the District – Hawera-Tangahoe, Eltham, Patea and Egmont Plains. Each board comprises elected 6 members. The Hawera-Tangahoe Community Board comprises 4 members elected from the Hawera Ward and 2 members elected from the Tangahoe Ward. No members are appointed by the Council on to the boards.

4 Following its review, the Council proposed that its membership comprise a Mayor and 12 members elected as follows:

Hawera-Tangahoe Ward	5 members
Eltham Ward	2 members
Patea Ward	2 members
Egmont Plains Ward	3 members

The Council also proposed to abolish the community boards.

- 5 The Council received 123 submissions to its initial proposal. The submissions covered a range of issues including:
- Opposition to the abolition of community boards
 - Opposition to the amalgamation of the Hawera and Tangahoe wards
 - Support for the abolition community boards and the wards system
 - Membership of community boards to comprise 4 elected members and 2 appointed members.
- 6 Following consideration of the submissions, the Council amended its initial proposal to provide for the retention of the existing community boards. The membership of the boards was proposed to be 4 members from the area of each community.
- 7 One appeal and nine objections were received against the Council's final proposal. The subject matter of the appeals and objections included the following:
- There should continue to be separate Hawera and Tangahoe wards
 - The community boards should continue to comprise six members
 - There should be no community boards.

Hearing

- 8 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council, the appellants and objectors if they wished to be heard. A quorum of the Commission comprising Commissioners Linda Constable and Kerry Marshall met with the Council, the appellants and the objectors in Hawera on 22 January 2004.
- 9 The Council, the appellant and seven objectors appeared before the Commission at the hearing. The Council outlined its proposal, and the appellant and objectors spoke to their submissions.

MATTERS FOR DETERMINATION

- 10 The statutory provisions in respect of these appeals and 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.*

- 11 When applying the provisions detailed above, the principles of the Act (set out in section 4 of the Act) need to be taken into account, particularly the principle of fair and effective representation for individuals and communities.

Consideration by the Commission

- 12 The Commission considers that when deciding the basis of election of the Council, i.e. whether the Council should be elected at large, or by wards, or partly by wards and partly at large, the criterion to be met within the terms of section 19T is the provision of effective representation of the various communities of interest within the District. The Commission must determine which communities of interest or groupings of communities of interest require

representation. If wards to considered appropriate, then any particular ward may encompass one or more communities of interest.

- 13 Section 19V provides that the electors of the various wards within the district must receive fair representation. Section 19V(3) provides that the requirements of section 19V(2) may only be set aside in the circumstances where the Commission considers that island or isolated communities require specific representation. The provisions of section 19(V) which are relevant to the Commission's consideration are subsections (1), (2) and (3), as follows:

19V. Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.*
- (2) *For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community divided by the total number of elected members (other than the mayor, if any).*
- (3) *Despite subsection (2),—*
- (a) *if the territorial authority or the Commission considers that the effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2):*
- (b) *if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).*

- 14 The Commission notes that any preliminary ward arrangements determined to reflect communities of interest may need to change to ensure that the population to member ratio requirement of section 19V(2) is met, unless it is satisfied that island or isolated communities require separate representation to achieve effective representation.

- 15 The Commission's first responsibility was to decide whether or not the district should be divided into wards. If wards were to apply then it had to determine the number and boundaries of those wards to provide effective representation of communities of interest within the district.

- 16 The South Taranaki District contains a number of discernable communities of interest focused on the various towns of the district and their surrounding rural areas. The Commission came to the view that because of the nature of the District, effective representation of the various communities of interest could only be achieved through councillors being elected on a ward basis. The Commission noted that the Council's final proposal put forward a ward system, and that the appellant and some objectors sought a ward system for electoral purposes.

Appropriate Ward System and Membership

- 17 Having decided that the basis of election would be the ward system, the Commission then considered 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 19T envisages that individual communities of interest need separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 18 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 19 In the Commission's view, where a district is to be divided into wards, there should be such number of wards as is necessary and consistent with the concept of effective representation of various communities of interest. In this regard the requirements of section 19V(2) also need to be taken into account, as the population that each ward member represents must be generally similar across the District.
- 20 The Council had proposed that the District be divided into four wards. It considered that the proposed structure takes into account the distinct communities of interest within the District while complying with the +/-10% rule of section 19V(2).
- 21 The Eltham, Egmont Plains and Patea Wards each contain rural service towns and their surrounding rural areas. The Commission considers that these wards constitute communities of interest requiring separate representation on the Council.
- 22 Concern was, however, expressed by the appellant about the merging of the Hawera and Tangahoe Wards into a single ward. The existing Hawera and Tangahoe Wards do not conform with the +/-10% rule. The Council had proposed combining them to create a ward that did comply.
- 23 Hawera is significantly larger than any other urban area in the District and would comprise about 67% of the population of a combined ward. The Commission did not consider that merging the two wards would ensure the effective representation of the communities of interest in the Tangahoe Ward. It therefore came to the view that a separate Tangahoe ward should continue in

existence. As noted above neither of the two existing wards comply with the +/-10% requirement. The Commission did not consider there to be any evidence of isolation in either ward that would justify a level of representation that does not comply with section 19V(2). It was therefore left to the Commission to delineate a boundary between the two wards that ensures they both comply.

- 24 In reports to the Council it was stated that an alteration in the boundaries between the Hawera and Tangahoe Wards “would not be a practicable solution because to alter the boundaries would remove the clear definition of the distinct communities of interest”. This comment was made on the basis that there is currently a very distinct boundary between the urban Hawera Ward and the rural Tangahoe Ward. The Commission considered that this involved an overly conservative interpretation of what communities of interest are and ignored the likely social and economic interchange that takes place across the boundary.
- 25 The Commission has accordingly decided to establish a Hawera-Normanby Ward and retain a smaller Tangahoe Ward. The Hawera-Normanby Ward will comprise the area of the existing Hawera Ward, Normanby, the area situated between Hawera and Normanby and an area to the west of Hawera. It is noted that the area between the two towns includes the Hawera Racecourse and the Hawera Aerodrome. The Hawera-Normanby Ward would also include the following meshblocks currently in the Tangahoe Ward:

1653000	1652700
1653100	1652900
1653200	1653901
1653300	1653805
1653400	1653701
1653500	1653702
1654000	1650101
1654101	

- 26 Having considered the information presented to it, the Commission is satisfied that the wards determined above more or less equate to the communities of interest requiring separate representation on the Council. In coming to that conclusion, the Commission considered the distinct nature of each community and the geographical characteristics of the District.
- 27 The ward structure proposed by the Council involved a total Council of 12 members. The allocation of members between the revised wards enables the requirements of section 19V(2) to be met, as follows:

Ward	Members	Population per member	Ward Population
Egmont Plains	3	2317	6951
Eltham	2	2085	4170
Tangahoe	1	2499	2499
Hawera-Normanby	4	2404	9615
Patea	2	2148	4296

(The population per member falls within the range of 2295+/-10% (2065 to 2525). The District's total usually resident population at the time of the 2001 Census was 27537)

- 28 Having considered all aspects of the matter of Council representation the Commission has concluded that the membership of the Council should total 12 members elected from the five wards, and the Mayor.

Community Boards

- 29 As part of its representation review the Council considered whether community boards should be established in the district. The Council's initial proposal had been to disestablish community boards but after considering submissions decided to retain them. Several objections requested the Commission to reverse the Council's second decision and determine that the boards be disestablished.
- 30 The Commission considers that the community board structure provides the opportunity for local issues to be dealt with at a local level and for local concerns to be effectively communicated to the Council. This is in keeping with the intent of the new Local Government Act. This results in a model where the Council can focus on strategic and district-wide concerns. This is in keeping with the intent of the new Local Government Act.
- 31 The Commission is therefore satisfied that the existing system of community boards should continue.
- 32 The Council proposed that the membership of each board comprise four members elected from the area of the board. The appellant and one objector sought the retention of six members. The Commission considers that four directly elected members should be sufficient to ensure effective representation. However it also considers that each board should also include one member appointed by the Council.
- 33 The membership of each community board will therefore comprise:
- Four elected members
 - One member appointed by the Council from the members representing the appropriate ward or wards.

In the case of the Hawera-Tangahoe Community Board three members shall be elected from the Hawera-Normanby ward and one member shall be elected from the Tangahoe Ward.

GENERAL COMMENTS

- 34 The Commission encourages the South Taranaki District Council to review the delegations issued to the Community Boards within its district. To maximise the effectiveness of the contribution of community boards to local governance the Commission is of the general view that territorial authorities should consider providing the boards with a comprehensive set of delegated

functions. The Commission considers that two current examples of effective community board delegations are:

- The delegations for the Otago Peninsula Community Board, as detailed in the Commission's determination of 11 October 2001, and
- The delegations issued by the Thames-Coromandel District Council and Christchurch City Council for the community boards constituted in their districts.

DETERMINATION

35 Under section 19R of the Act, the Commission determines that for the general election of the Council to be held on 9 October 2004 -

- (1) The South Taranaki District as delineated on S.O. Plan 13063 deposited with Land Information New Zealand, shall be divided into five wards:
 - (2) Those five wards shall be -
 - (a) The Egmont Plains Ward, comprising the area delineated on S.O. Plan No.13064 deposited with Land information New Zealand:
 - (b) The Eltham Ward, comprising the area delineated on S.O. Plan No. 13065 deposited with Land Information New Zealand:
 - (c) The Tangahoe Ward, comprising the area delineated on S.O. Plan No. 13067 deposited with Land Information New Zealand:
 - (d) The Hawera-Normanby Ward, comprising the area delineated on S.O. Plan No. 334337 deposited with Land Information New Zealand:
 - (e) The Patea Ward, comprising the area delineated on S.O. Plan No. 13068 deposited with Land Information New Zealand:
- (3) The Council shall comprise the Mayor and 12 members who shall be elected as follows -
 - (a) three members shall be elected by the electors of the Egmont Plains Ward; and
 - (b) two members shall be elected by the electors of the Eltham Ward.
 - (c) one member shall be elected by the electors of the Tangahoe Ward
 - (d) four members shall be elected by the electors of the Hawera-Normanby Ward
 - (e) two members shall be elected by the electors of the Patea Ward

- (4) There shall be four communities as follows:
- (a) The Egmont Plains Community, comprising the area of the Egmont Plains Ward;
 - (b) The Eltham Community, comprising the area of the Eltham Ward;
 - (c) The Hawera-Tangahoe Community, comprising the areas of the Hawera-Normanby Ward and the Tangahoe Ward;
 - (d) The Patea Community, comprising the area of the Patea Ward;
- (5) The membership of the community board for each community shall be as follows:
- (a) The Egmont Plains Community Board shall comprise four elected members and one member of the Council representing the Egmont Plains Ward and appointed to the community board by the Council;
 - (b) The Eltham Community Board shall comprise four elected members and one member of the Council representing the Eltham Ward and appointed to the community board by the Council;
 - (c) The Hawera-Tangahoe Community Board shall comprise –
 - (i) Three members elected from the area of the Hawera-Normanby Ward;
 - (ii) One member elected from the area of the Tangahoe Ward; and
 - (iii) One member of the Council representing either the Hawera Ward or the Tangahoe Ward and appointed to the community board by the Council
 - (d) The Patea Community Board shall comprise four elected members and one member of the Council representing the Patea Ward and appointed to the community board by the Council;

36 As required by sections 19T(b) and 19W(c) of the Act, 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

Linda Constable (Commissioner)
Kerry Marshall (Commissioner)

7 April 2004