



## LOCAL GOVERNMENT COMMISSION

# Determination

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

### Background

1. The South Wairarapa District Council (“the Council”) elected at the 2004 local election comprises 9 members and the Mayor. The 9 members were elected as follows:

Wards	Population	Members	Population per member	Deviation from the district average population per member	Percentage deviation from the district average population per member
Greytown	2814	3	938	-33.33	-3.43
Featherston	3423	3	1141	169.67	17.47
Martinborough	2505	3	835	136.33	-14.04
TOTALS	8742	9	971.33		

\* Note: These figures are taken from the 2001 census.

2. The South Wairarapa District has community boards for each of the three existing wards – Greytown, Featherston, and Martinborough. None of these are subdivided for electoral purposes. The membership of each board is as follows:

Greytown – 4 elected members and 3 appointed members.

Featherston – 5 elected members and 3 appointed members.

Martinborough – 6 elected members and 3 appointed members.

3. In November 2005, the Council reviewed the representation arrangements for the district and its communities under sections 19H and 19J of the Local Electoral Act 2001 (“the Act”). On 23 November 2005 it resolved the initial proposed representation arrangements that are to apply for the 2007 local election. These were publicly notified on 14 December 2005.

4. The Council's initial proposal was as follows:

- (a) the existing ward boundaries should be retained;
- (b) the Council should comprise a Mayor and 9 members, elected as follows:

Wards	Population	Members	Population per member	Deviation from the district average population per member	Percentage deviation from the district average population per member
Greytown	2814	3	938	-33.33	-3.43
Featherston	3423	3	1141	169.67	17.47
Martinborough	2505	3	835	136.33	-14.04
TOTALS	8742	9	971.33		

\* Note: These figures are taken from the 2001 census.

- (c) the community boards should be retained for each of the 3 wards;
- (d) each community board should comprise 4 elected members and 3 appointed members; and
- (e) the communities should not be subdivided for electoral purposes.

5. The Council received 190 submissions on its initial proposal. Following consideration of these, it amended its initial proposal. Its final proposal was publicly notified in March 2006, as follows:

- (a) the boundaries of the existing Greytown Ward should be retained, and the boundary between the Featherston and Martinborough Wards should be altered to align with the Tauherenikau River<sup>1</sup>;
- (b) the Council should comprise a Mayor and 9 members, elected as follows:

Wards	Population	Members	Population per member	Deviation from the district average population per member	Percentage deviation from the district average population per member
Greytown	2814	3	938	-33.33	-3.43
Featherston	2925	3	975	3.67	0.38
Martinborough	3003	3	1001	26.67	2.6
TOTALS	8742	9	971.33		

Note: These figures are taken from the 2001 census.

- (c) community boards should be retained for each of the 3 wards;
- (d) the communities should not be subdivided for electoral purposes; and
- (e) each community board should comprise 4 elected members and 2 appointed members.

<sup>1</sup>This would result in meshblocks 2270900, 2271000, 2271100, 2271200, 2271300, 2271400, 2272502, 2276702 and 2276902 being transferred from the Featherston Ward to the Martinborough Ward. The current boundary follows the Ruamahanga River.

6. Four appeals or objections were lodged against the final proposal. Every appellant argued that the Council's proposed arrangements would not provide effective representation for rural communities and that a rural ward, or rural wards, should be established. Arguments were also made for:
- the abolition of community boards; and
  - the electoral recognition of South Wairarapa's isolated communities.

## Hearing

7. The Commission met with the Council, the appellants, and delegations from the Greytown, Featherston, and Martinborough Community Boards in Martinborough on 28 August 2006. The Council was represented by the Mayor, Adrienne Staples and the Chief Executive Officer, Griff Page. The appellants were John Coveney, Richard Airey, A.J. Barton, and Ian Cresswell. The Featherston Community Board was represented by Dean Davies and Bob MacFarlane. The Greytown Community Board was represented by Robyn Drapen and Jenny Tossville. The Martinborough Community Board was represented by Peter Craig.

## Matters for Determination

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

**19W. Factors in determination of matters in relation to community boards—**

*In determining the matters specified in paragraphs (a) to (i) of section 19J(2), the territorial authority and, where appropriate, the Commission must ensure—*

- (a) *That, in the case of the matters specified in paragraphs (a) to (g) of section 19J(2), it has regard to such of the criteria as apply to reorganisation proposals under the Local Government Act 1974 or the Local Government Act 2002 as the territorial authority or the Commission considers appropriate in the circumstances; and*
- (b) *That the election of members of the community board, in 1 of the ways specified in subparagraphs (i) to (iii) of section 19J(2)(h), will provide effective representation of communities of interest within the community and fair representation of electors; and*
- (c) *That the boundaries of every community, and of every subdivision of a community, coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.*

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

## **Consideration by the Commission**

### ***Requirements for effective representation and other factors***

10. Representation arrangements must ensure effective representation for communities of interest, and fair representation of the electors of each ward or subdivision. When considering these fundamental electoral principles, the Commission is required to apply the criteria contained in sections 19T and 19V of the Act.
11. The requirement to ensure effective representation for communities of interest applies when deciding whether the Council should be elected at large, or by wards, or partly at large and partly from wards.

12. Some submitters and appellants argued that some or all members of the Council should be elected at large. They argued that a governance structure based on at large representation would:
  - mitigate the negative consequences of parochialism or patch-protection within the district and amongst existing council members;
  - better reflect the significance of district-wide interests; and
  - provide a greater opportunity for electors to vote for candidates they felt were able to represent rural interests.
13. The South Wairarapa District is the largest by area in the Wellington Region. It comprises the 3 towns of Featherston, Greytown, and Martinborough, the 3 coastal settlements of Tora, Lake Ferry, and Ngawi, and the rural settlements of Kahutara and Pirinoa. The district also includes large rural areas.
14. The Commission believes these communities are sufficiently distinct to warrant continuation of a ward structure to ensure their effective representation. It believes a spread of members across the District enhances the Council's ability to understand, and respond to, local issues with reasonable efficiency. It does not believe that at large representation would ensure effective representation for the communities in the South Wairarapa District.
15. It notes that, regardless of whether members are elected at large or by wards, all members, upon election, pledge an oath to represent the interests of the whole district.
16. 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. In doing so, it must also have regard to the fundamental electoral principle of fair representation, or equal right to representation for electors. Section 19V(2) of the Act, 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*". Balancing these two principles requires the Commission to consider how best to group communities of interest to ensure that all residents have access to effective local government representation.
17. The Act does not enable the Commission to consider such factors as rateable values, size of areas, or other characteristics of the various wards when determining fair representation<sup>2</sup>, as some appellants proposed. Section 19V(3) provides that the only ground for exemption from the requirements for population to member equality prescribed under section 19V(2) is where this is necessary for the effective representation of isolated communities.
18. The main dispute throughout the Council's representation review process was over the Council's decision not to create distinctly rural wards. Appellants and submitters advocating for rural wards argued they were necessary to ensure effective representation for rural communities.
19. The Commission agrees that residents of South Wairarapa who live outside the Featherston, Greytown, and Martinborough townships have shared

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<sup>2</sup> Prior to the enactment of the Act, section 101L(3) of the Local Electoral Act 1974 enabled the consideration of fair representation to include "...the population of every ward within the district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various wards."

perspectives, and common interests that are different from some of the perspectives and interests of residents who live in these townships. Rural residents are typically affected by environmental conditions in ways that do not affect urban dwellers to the same extent. A difference is also apparent in the level of water, waste water and other services expected by residents and provided by the Council.

20. These differences are important to Councils, but within the context of a broader role. The role of a local authority, under section 11 of the Local Government Act 2002 (the LGA), is to:

- (a) in relation to its district, give effect to the following purpose of local government stated in section 10 -
  - (i) to enable democratic local decision-making and action by, and on behalf of, communities; and
  - (ii) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.
- (b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

21. "Community of interest" is not defined in local government legislation. By necessity, any definition must be broad in scope, and allow for the recognition of the diverse factors that contribute to the construction, and reconstruction over time, of communities of interest in New Zealand. It must be open to the fact that divergent and overlapping communities of interest may exist within districts. In order to retain a necessarily broad definition, the Commission must consider communities of interest on a case-by-case basis, and from the evidence and submissions presented to it. However, for the purposes of defining local government boundaries, it is likely that the communities of interest the Commission is required to identify cover an adjoining geographic area.

22. In considering communities of interest, the Commission finds the following definitions helpful:

*"In broad terms a community of interest will be the collection of people in an area where the level of social and economic interaction and shared interest and identity are greater within the area than outside the area."*<sup>3</sup>

*"The concept of community of interest in the context of local government applies to a group of people in a residential locality having one or more of the following three dimensions:*

1. *Perceptual. A sense of belonging to an area or locality, which can be clearly defined.*
2. *Functional. The ability to meet with reasonable economy the community's requirements for comprehensive physical and human services.*
3. *Political. The ability of the elected body to represent the interests and reconcile the conflicts of all its members."*<sup>4</sup>

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<sup>3</sup> From a report prepared for the Commission by Martin Ward in September 1988.

<sup>4</sup> From a discussion paper prepared in January 1991 by Helen Fulcher for the South Australian Department of Local Government.

23. The Commission is not convinced that dairy, sheep and beef farmers, grape growers and viticulturalists, the residents of 'lifestyle' blocks, fishermen, and others who live in rural areas in the South Wairarapa share distinctly rural interests that outweighs the connections and interests they share with the residents of the townships of Featherston, Martinborough, and Greytown. It believes the distinction between rural and urban interests in South Wairarapa relies on a level of abstraction that should not be reflected in the district's local government electoral structure. It is unconvinced, in this case, that members elected from distinctly rural wards would be able to represent the diverse range of rural interests, or meet the reasonable expectations of present and future rural residents and communities more effectively than members elected from the existing wards, which combine rural and urban areas.
24. The Commission notes that, at the time of the 2001 census, approximately 9% of the residents of the Greytown urban area, approximately 8% of the residents of the Featherston urban area, and approximately 22% of the residents of the Martinborough urban area, were employed in the agriculture, forestry, and fishing industries<sup>5</sup>. It also notes that some rural residents work in industries based in Greytown, Featherston, and Martinborough, as well as other parts of the Greater Wellington Region.
25. It believes that most rural residents would use the services, facilities and opportunities in Martinborough, Featherston, or Greytown on a regular basis. The nearness and the layout and quality of roads between the District's outlying areas and the three townships would result in a wide range of shared social and cultural interests being developed between rural and urban residents. The Commission believes that many rural residents would identify strongly with one or more of South Wairarapa's three townships.
26. The Commission does not believe that any outlying communities in South Wairarapa are isolated to the extent that their effective representation requires exemption from the requirements for elected member to population equality under section 19V(2).
27. The ratio of rural and urban dwellers in the South Wairarapa District is approximately 65% urban and 35% rural. Broadly speaking, if one or more rural wards were created, the principle of fair representation would require the electors of the rural ward or wards to have the opportunity to elect this proportion of the total number of councillors. The Commission understands that, since 1998, rural councillors have held 6/10, 5/10, and 6/10 of the positions available on the Council (including that of the Mayor). It believes the creation of distinctly rural wards would disturb this historical record, which, it believes, demonstrates effective democratic representation for rural communities in South Wairarapa.
28. The Commission accepts the fact that recognition of, and debate about, South Wairarapa's rural interests is very important to the present and future wellbeing of communities in the District. However, it believes that the creation of rural wards would result in an elected body less capable of representing the interests of rural based residents and rural communities in South Wairarapa. It believes the existing electoral structure provides for a system of democracy very capable of recognising, understanding, and responding to rural interests, whether this be by way of the electoral process, or communication processes that could be established by the Council and rural

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<sup>5</sup> These figures are based on area units determined by Statistics New Zealand and used for statistical purposes only.

residents. The Commission notes that the Council has resolved to establish a rural services committee to advise it on rural matters.

29. The Commission is satisfied that the existing ward structure provides effective representation for all communities in the South Wairarapa. However, the Council has proposed to transfer part of the Kahutara area from the Featherston Ward to the Martinborough Ward. This would affect the 498 people who reside in meshblocks 2270900, 2271000, 2271100, 2271200, 2271300, 2271400, 2272502, 2276702, and 2276902. The proposed transfer would shift the existing boundary between the Featherston and Martinborough Wards from the Ruamahanga River to the Tauherenikau River.
30. The main reason for the proposed change to boundaries is to ensure that the requirement, under section 19V(2), for fairness of representation between wards is met.
31. While the Kahutara area comprises a school and community hall, it is generally a sparsely populated rural area. Most residents would rely on regular travel to a nearby township to take advantage of social and cultural opportunities, and to use necessary services. The quality of roads between, and close proximity of, the affected area to either Martinborough or Featherston, and the fact that each town offers a distinct range of social opportunities and services, suggests that the residents of Kahutara are able to exercise a degree of choice as to whether to travel to either Featherston or Martinborough depending on their interests and circumstances at any one time.
32. The Commission believes that the transfer of the Kahutara area from the Featherston ward to the Martinborough Ward would continue to ensure effective representation for the community and its residents.
33. The Council proposes that its membership for the 2007 local elections should be 9 elected members and the Mayor.
34. In considering the appropriate number of elected members, the Commission took into account the following matters, which relate to the ability of residents and elected members to have access to each other:
  - the District covers a large area;
  - the District comprises many communities with distinct interests;
  - many of these communities are considerable distances from each other;
  - it is likely that most members of the Council will continue to have other jobs; and
  - engagement between elected members and residents occurs in the context of everyday encounters, and residents expect this sort of access to their elected members.
35. Based on its considerations, the Commission upholds this part of the Council's proposal.

### ***Communities***

36. Sections 4(1)(a) and 19W of the Act require the Commission to consider the constitution or abolition of community boards with respect to:

- (a) the fundamental principles of fair and effective representation for residents and communities; and
  - (b) any of the criteria for considering local government reorganisation under subpart 2 of Schedule 3 of the LGA that the Commission considers appropriate. These criteria raise the following questions:
    - (i) Will the proposal promote the good local government of the parent district and the community concerned?
    - (ii) Will the district and the community have the resources necessary to enable them to carry out their respective responsibilities, duties and powers?
    - (iii) Will the district and the community encompass an area that is appropriate for the efficient and effective exercise of their responsibilities, duties and powers?
    - (iv) Will the district and the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
    - (v) Will the district and the community be able to meet the decision-making requirements of section 76 of the LGA?
37. While “good local government” is not defined in the Act or the LGA, the Commission believes that the purposes of local government contained in section 3 of the LGA, and the principles relating to local authorities contained in section 14, should be taken into consideration. The purpose of local government is to:
- (a) enable democratic local decision-making and action by, and on behalf of, communities; and
  - (b) promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.
38. The Commission has also had regard to the provisions of the LGA dealing with community boards, these being Schedule 7, and Subpart 2 of Part 4.
39. The Council proposes to retain community boards for the Featherston, Greytown, and Martinborough Wards. Some submitters and appellants argued that community boards create an additional layer of bureaucracy and cost which reduces the efficiency and effectiveness of the district’s governance processes.
40. However, submissions made by community board members and the Council indicate a positive, well understood, and clearly defined relationship between the community boards and the Council. The Commission heard that the Mayor and Chief Executive of the Council attend all community board meetings when possible. Community board members are represented on several subcommittees, which oversee projects specific to their community. The Commission believes that this level of integration has strengthened the ability of the Council and community boards to deal with matters of community interest in an efficient and effective manner.
41. The Commission believes that the community boards provide a level of access to the Council’s governance and decision-making processes that is both convenient and reassuring for the residents of the Featherston, Greytown, and Martinborough communities. They are also seen as a means of strengthening the Council’s accountability to residents and communities.

42. The South Wairarapa's community boards are actively involved in processes for identifying community views about, visions for, and potential contributions to, the intermediate and long term future of their community and the District. This has been fundamental to the production of the South Wairarapa District's Long Term Council Community Plan. These processes are central to the framework for local government decision making, planning and reporting set out in Part 6 of the LGA.
43. The principles of, and broad requirements relating to, councils' decision-making and consultation processes are set out in section 76 of the LGA. These provisions provide a best practice approach to decision making that includes providing appropriate opportunities for community involvement at each stage of decision-making, actively engaging with community groups and residents, and providing residents with reasonable opportunities to contribute to decision-making processes.
44. The principles and requirements relating to Council's decision-making and consultation are reinforced by the purpose of local government and the principles relating to local authorities, as set out in sections 10 and 14 of the LGA. These principles form the basis of the Commission's consideration of good local government. In particular, the Commission notes the following principles, as set out in sections 14(1)(b), (c), and (e):
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities;*
  - (c) when making a decision, a local authority should take account of—*
    - (i) the diversity of the community, and the community's interests, within its district or region;*
    - (ii) the interests of future as well as current communities; and*
    - (iii) the likely impact of any decision on each aspect of well-being referred to in section 10: and*
  - (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources;*
45. The Commission believes that South Wairarapa's community boards make an important contribution to the Council's ability to act in accordance with each of these principles. The size of the District, and the diversity of its communities, are important contributing factors.
46. The Council has proposed that the boundaries of communities should align with ward boundaries. As previously noted, the Commission believes the ward boundaries proposed by the Council appropriately reflect communities of interest. It believes the resultant community areas are appropriate for the efficient and effective exercise of local government responsibilities, duties and powers.
47. Based on these considerations, the Commission upholds the Council's decision to retain community boards for the Featherston, Martinborough, and Greytown Wards.
48. The Council proposes that the Featherston, Martinborough, and Greytown Community Boards should each comprise 4 elected members and 2 appointed members. This part of the Council's proposal generated little

disagreement. The Commission is satisfied that these membership arrangements would ensure the effective representation of communities.

### **Commission's Determination**

49. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the South Wairarapa District Council to be held on 13 October 2007, the following representation arrangements shall apply –

- (1) South Wairarapa District as delineated on S.O. Plan 35998 deposited with Land Information New Zealand, shall be divided into three wards;
- (2) Those three wards shall be -
  - (a) The Featherston Ward, comprising the area delineated on S.O. Plan No. 36000 deposited with Land Information New Zealand;
  - (b) The Greytown Ward, comprising the area delineated on S.O. Plan No. 36001 deposited with Land Information New Zealand;
  - (c) The Martinborough Ward, comprising the area delineated on S.O. Plan No. 35999 deposited with Land Information New Zealand;
- (3) The Council shall comprise the Mayor and 9 members, elected as follows -
  - (a) three members shall be elected by the electors of the Featherston Ward;
  - (b) three members shall be elected by the electors of the Greytown Ward; and
  - (c) three members shall be elected by the electors of the Martinborough Ward.
- (4) There shall be 3 communities as follows:
  - (a) The Featherston Community, comprising the area of the Featherston Ward;
  - (b) The Greytown Community, comprising the area of the Greytown Ward;
  - (c) The Martinborough Community, comprising the area of the Martinborough Ward;
- (5) The membership of the community board for each community shall be as follows:
  - (a) The Featherston Community Board shall comprise 4 elected members and 2 members of the Council representing the Featherston Ward and appointed to the community board by the Council;
  - (b) The Greytown Community Board shall comprise 4 elected members and 2 members of the Council representing the Greytown Ward and appointed to the community board by the Council;
  - (c) The Martinborough Community Board shall comprise 4 elected members and 2 members of the Council representing the Martinborough Ward and appointed to the community board by the Council.

50. 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 (Chair)

Gwen Bull (Commissioner)

12 October 2006