

TARARUA DISTRICT COUNCIL

Background

- 1 The Tararua District Council (hereafter referred to as “the Council”), as required by section 101H of the Local Government Act 1974 (hereafter referred to as “the Act”), considered its membership prior to the local authority elections to be held in October 1998, and resolved to restructure its wards and membership. Its present membership and basis of election has not altered since the district was established in 1989. The current membership is a Mayor and 12 members elected as follows -

Wards	Members
Dannevirke Ward	4
Norsewood Ward	1
Akitio Ward	1
Woodville Ward	2
Pahiatua Ward	3
Eketahuna Ward	1
Total	12.

- 2 The Council originally proposed no change to the existing structure, but, after considering objections, decided to alter its ward structure and the number of members. The proposed structure is as follows -

Wards	Members
Northern Ward	4
Southern Ward	4

There were a total of 67 appeals and counter-objections against the Council’s decision.

Council’s Consideration

- 3 After considering an officer’s report in March 1997, the Council resolved to engage in a thorough programme of public consultation prior to formulating its proposals for the 1998 elections. The Council adopted two methods of survey. One was carried out by a professional research company, and the other was a survey form distributed to households by the Council. In all, over 650 responses were considered.
- 4 In relation to the ward structure, 43% of respondents favoured 2 wards, 39% favoured the existing 6 wards, and 13% favoured an election at large. Only 5% had some other alternative in mind. In terms of the number of councillors, the two major groups were 59% in favour of a council comprising between 6 and 10 members, and 33% in favour of a council with 11 or more members.

- 5 The Council, after considering the survey and the various alternatives, resolved in August to retain the existing ward structure and number of members. The Council received a total of 26 objections to its decision. Apart from an objection from the Pahiatua Community Board relating to community board representation, the other objections opposed the Council's resolution to remain with the existing structure. Apart from one objection which emanated from Federated Farmers, all the second group of objectors live in the northern part of the district.
- 6 After considering the objections, the Council resolved to make no change to its existing structure.

Subject Matter of Appeals and Counter-Objections

- 7 Mr Cammock's appeal was on the grounds that the Council had not taken the opportunity to include part of the old Woodville Ward, which has a community of interest with Dannevirke, in the Northern Ward. Mr Dodson and Ms Di Wilkinson, supported the council's proposals. All the other appeals or counter-objections opposed the Council's decision to constitute only 2 wards, and the great majority of these also favoured the retention of the existing system.

Preliminary Matters for Determination

- 8 The Commission received the appeals and counter-objections, and resolved, pursuant to section 101K of the Act, to meet the Council, the appellants, and counter-objectors in Dannevirke on 2 February 1998.
- 9 The Commission also resolved, pursuant to clause 2 of Schedule IIA of the Act, to appoint a committee (hereafter referred to as "the Committee"), comprising Commissioners Durbin (Chairman), and Wilkins to hear, consider, and determine the appeals and counter-objections.

The Hearing

- 10 The Mayor, Mr W Bly, appeared for the Council. Appellants and counter-objectors who appeared were -

Mr Cammock;
 Mr Sandbrook;
 Mr Peter Tourell;
 Ms Di Wilkinson
 Mr Dodson;
 Mr Clements, representing the Woodville Community Board;
 Mr Pollard;
 Mrs Van Oesten;
 Mr Henricksen;

Mr Cooper, representing the Eketahuna Community Board; and Mr Lea.

- 11 ***The Council:*** The evidence given by Mr Bly may be summarised as follows -
- The Tararua District is made up of the territories of what were previously 8 territorial authorities which reduced to 5 and then to the present single district;
 - The population of the district is decreasing;
 - The district is supported almost entirely by pastoral and agricultural farming and is therefore very susceptible to the benefits and disadvantages accruing to the rural sector;
 - At present, counting councillors and community board members, the district has one elected representative for each 530 residents;
 - The costs of democracy are almost 10% of the district's income;
 - As a result of the public consultation process, there was significant support for a change to the ward structure, and the number of councillors;
 - In deciding upon the allocation of members to the wards, the Council took account almost entirely of population;
 - The proposed Northern and Southern Wards represent a natural division of the district between the traditional Hawke's Bay area centred around Dannevirke, and the mixed Manawatu and Wairarapa linkage from Woodville southwards;
 - There are no urban wards in the present district, each ward is a mixture of the towns of the area and their surrounding rural hinterland;
 - He was quite confident that a total council membership of 9 would be sufficient to administer the district in an efficient and effective manner;
 - He produced a map relating to Mr Cammock's objection and subsequent appeal relating to a proposal for a change to the boundary between the Northern and Southern wards to exclude from the Southern ward, an area which has more of a community of interest with Dannevirke; he said the Council was relaxed about this;
 - The Tararua District is still settling down, which is not surprising given that there was little real community of interest between the southern and northern parts of the district in 1989; and
 - He considers the two parts of the district are now growing together.

Mr Pollard made an oral submission. His comments and responses to questions may be summarised as follows -

- He believes the existing 12 councillors are very busy now and a smaller number could be overloaded;
- At the second Council vote, the decision for radical change was carried by the casting vote of the Mayor, which he considered was an improper use of this vote;
- His impression is that the southern part of the district did not want any change in the present wards or representation;

- Woodville in particular may lose its representation if it were included with Pahiatua and Eketahuna because of the population disparity;
- Although he is frequently invited to meetings, it is a long way to travel from the south to the north of the district;
- Agrees that it is appropriate that there are no specifically urban or rural wards because town and country are in the same boat;
- The retention of the existing communities within the old ward areas is no substitute for ward representation, because the community boards do not have delegated powers of any consequence; and
- The only satisfactory electoral division of the district would be the retention of the present 6 wards;

Mr Cammock produced a new submission which may be summarised as follows -

- The existing ward structure does not conform to section 101L of the Act on two counts, namely -
 - it does not fairly reflect the communities of interest within the district; and
 - it does not provide fair representation for the electors of the various wards;
- The Dannevirke-Woodville boundary should be adjusted to include Maharahara, Kiritaki, Oringi, and Waiaruhe in the Dannevirke Ward; and
- While he supported the reduction in the number of wards in principle, he believed the effect on the representation of community of interest in the more remote areas should be considered.

His responses to questions may be summarised as follows -

- the population in the area proposed for the boundary alteration would be about 400; and
- he is concerned at the possibility of the loss of effective votes in smaller areas that would be included with larger areas in the new ward structure.

Mr Sandbrook made an oral submission which can be summarised as follows -

- His major concern is about the costs of local government;
- While there is benefit in an at large system, it is probably a bit too radical for the people in the south of the district; and
- For that reason, the constitution of two wards as proposed is probably better.

Mr Tourell's submission may be summarised as follows -

- He wishes to see the retention of the current communities of interest;
- In this regard, he observed that Woodville and Pahiatua have an increasing community of interest with Palmerston North, and Eketahuna retains its community of interest with Masterton;

- If the number of wards are reduced, the existing community boards should be given appropriate powers, but, so far, this has not happened;
- He does not consider the current costs of democracy in the district to be excessive;
- The best way of keeping a separate councillor for Eketahuna would be by retaining the present Woodville, Pahiatua, and Eketahuna Wards; and
- There is not much community of interest between Eketahuna and Pahiatua.

Ms Di Wilkinson made a submission in support of the Council proposal. Her additional comments may be summarised as follows -

- She has lived 17 years in the district, first in a remote area and now in Dannevirke;
- She believes many of the counter-objectors are motivated by a desire to return to the situation before 1989;
- The district would be better served if it were not divided into wards; and
- Even though she is well aware of the size of Council agendas, still believes that a smaller number of councillors would be more efficient.

Mr Dodson read a new submission in support of an election at large for a Council of no more than 7 including the Mayor. In his view, the survey conducted by the Council prior to making its decision indicated that that was the wish of the residents of the district, and that there are too many elected representatives within a district at present. He considered an election at large would encourage the candidacy of people who were not parochial, and prepared to work for the good of the district as a whole. Other comments he made in response to questions may be summarised as follows -

- He has seen the whole district work together on other issues, so he knows it can happen;
- Community boards are there to represent the parochial concerns;
- The towns in the district depend upon rural activities; and
- He believes that the councillors understand their duty but get side-tracked by detail.

The Woodville Community Board, represented by Mr Clements. The submissions on behalf of the board may be summarised as follows -

- The board is very concerned at the proposal to change the electoral structure of the district because it believes it is essential to retain a Woodville Ward;
- The community boards do not have any executive powers;
- It is not the time to reduce the number of brains available to serve the district when the population of the district is decreasing;
- Agrees with the reasonableness of the boundary alteration proposed by Mr Cammock;

- An election of the Council at large would be even worse than the present proposal, because there is a need for people to have a choice between approaching the local community board and the local member; and
- The present ward divisions mean that at present local people are heard at least some of the time.

Mrs Van Oesten made an oral statement which supported the submission from Mr Tourell. The comments she made may be summarised as follows -

- The concept of the Tararua District is still not accepted in Pahiatua;
- Parochialism is a good and necessary thing;
- The total number of responses to the surveys conducted by the Council was small;
- The cost of councillors is little in the overall Council budget, and a reduction of 4 will not reduce the amount paid very much at all; and
- She thought it a significant comment that this was the first time she had been in Dannevirke since 1989.

Mr Henricksen made a submission in support of the Council proposal. He said that although he voted for the two ward system, he believes this was only a compromise, and the most appropriate system of representation for the district would be to have 8 or fewer elected representatives elected, like the Mayor, by the electors of the whole district. He suggested that the Council should comprise the Chairpersons of the 4 community boards plus 4 other members elected at large.

The Eketahuna Community Board, represented by Mr Cooper. Mr Cooper spoke to the board's original appeal. The points he made may be summarised as follows -

- The board does not agree with the Council's proposal and wants to keep the present representation for Eketahuna;
- He believes this represents the view of the people in Eketahuna;
- His experience has been that rural people like to contact their elected representatives;
- The board would have no problem with a Council of 9 councillors so long as community boards were given added responsibility; and
- His board-proposed 9 member council would be elected as follows -

Wards	Members
Eketahuna	1
Pahiatua	2
Woodville	1
Dannevirke	3
Norsewood	1
Akitio Ward	1

Mr Lea made an oral submission which may be summarised as follows -

- Parochialism is good because councillors can bring local concerns to the Council;
- The majority support for a two ward concept comes from the north of the district;
- He only comes to Dannevirke for Council meetings, and his experience is that people in Pahiatua and Woodville seldom come to Dannevirke;
- He finds, as a councillor, that the workload for 12 councillors is very heavy; and it is very hard for ordinary employed people to find the time to serve on councils; and
- At the second meeting councillors did not have the opportunity to properly consider the number of different possible scenarios presented to them.

Council in reply. Mr Bly's responses may be summarised as follows;

- Despite Mr Lea's statement, the Council did have all the various options available to it at the second meeting;
- Candidates from smaller areas can be elected; he cited his own example as a resident of Woodville yet succeeding in being elected as Mayor of the district;
- Council's policy has been to endeavour to keep its residents fully informed;
- All councillors have a good understanding of urban and rural issues; and
- The Council only formally debated two issues at the second meeting because none of the other options were raised by any councillor.

- 12 At the conclusion of the Council's response the Chairman said the Committee reserved its decision and declared the meeting closed.

Matters for Decision

- 13 The legislation relating to the determination of appeals and counter-objections, is contained in sections 101K and 101L(2) and (3) of the Act. Section 101K provides as follows -

*“Section 101K. Commission to determine wards and constituencies -
(1) The Commission shall, before the 29th day of March of the year of each triennial general election, -*

- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
- (b) Subject to section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole.*

- (2) *For the purposes of making a determination under subsection (1)(b) of this section, the Commission may, but shall not be obliged to, hold meetings with the council or any persons or organisations who have indicated a desire to be heard by the Commission.*
- (3) *Notice in writing of every determination under subsection (1)(b) of this section, setting out the reasons for the determination, shall be given by the Commission to the council concerned, and by public notice.*
- (4) *Forthwith upon the publication of a public notice under subsection (2) of this section, the Commission shall send a copy of that notice to -*
- (a) *The Surveyor-General; and*
 - (b) *The Government Statistician.*
- (5) *Subject to section 37ZE of this Act, the determination of the Commission made under subsection (1)(b) of this section shall be final and shall come into force for the next triennial general election.”*

14 Section 101L(2) and (3) provides as follows -

“(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure-

- (a) *that the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*
- (b) *that ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
- (c) *that, so far as is practicable, ward boundaries coincide with community boundaries.”*

“(3) In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.”

Consideration by the Committee

15 The Commission considers when deciding:

- (a) whether the election of the members of a council (other than the Mayor) be by the electors of the whole district or on a ward basis; and
- (b) if on a ward basis, the number and boundaries of the wards,

that the only criterion to be met within the terms of section 101L(2) of the Act is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest.

- 16 The Commission further considers that when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation of the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must remain the predominant factor, but different weightings or even no weighting can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied and consequently, any mathematical calculation should be seen only as a guide to a level of fairness which can be achieved on the basis of the factors required to be taken into account under the provisions of the Act. The final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide fair representation for the electors of any ward.
- 17 Three major possibilities were presented for the Committee's consideration. These were -
- (a) the preservation of the existing electoral system;
 - (b) the division of the district into 2 wards; or
 - (c) the election of the Council at large.
- 18 The Committee notes that the northern part of the district which centres upon Dannevirke, has had a relatively long and successful history of progressive unions of territorial authority districts. The fact that these were also voluntary unions has obviously been of great assistance in promoting a feeling of unity in that part of the district. In the southern part of the district the only union in the 1980's was that of Woodville Borough and Woodville County. Therefore, there is not the same history of progressive unions in that part of the district.
- 19 The constitution of a Tararua District, with its present makeup, may not have been contemplated by the Commission in 1989 were it not for the decision of Parliament to require that regions be constituted along

catchment boundaries. Up till that time, both Pahiatua and Eketahuna had always been a part of the Wairarapa and were members of the then existing Wairarapa United Council. This has meant that the coming together of the Tararua District has necessarily been a protracted affair. In the circumstances, the Committee considers that the communities of interest within the Tararua District are still sufficiently different to warrant the continued division of the district into wards.

- 20 The Committee notes that the proposal for a single Northern Ward has apparently been accepted. However, the concept of a single Southern Ward, has met with considerable resistance.
- 21 The most southern community of interest of the Tararua District is Eketahuna. The Committee notes that although this area has a close relationship with Pahiatua - in fact in the sporting arena both areas are part of the Bush Rugby Union. Nevertheless, it is clearly separated from Pahiatua, and is about an hour's travel from the district headquarters in Dannevirke. Even though the Council proposes that Eketahuna, like Pahiatua and Woodville, will retain a community, the Committee believes that the remoteness of Eketahuna in the context of the Tararua District is sufficient to warrant the retention of a ward for the effective representation of the Eketahuna community of interest.
- 22 While Woodville and Pahiatua are separate centres, the Committee notes that, in terms of the Tararua District, they are close together and are not separated by any major geographic features. On balance, the Committee accepts the view of the Council that the unity of the district will be improved if the present Woodville and Pahiatua Wards are united. The Committee is satisfied that the small Woodville community of interest will be effectively represented in the combined ward, which does not have in national terms, a very large population. In addition as already noted, both areas will retain their communities at this time.
- 23 The Committee therefore does not uphold those appeals and counter-objections seeking the election of the Council over the whole district, nor those counter-objections seeking the continuation of separate Woodville and Pahiatua Wards. The counter-objections seeking the retention of an Eketahuna Ward are upheld. There is one other appeal relating to the ward structure; and that is Mr Cammock's appeal seeking the inclusion within the Dannevirke Ward of the localities known as Maharahara, Kiritaki, and Waiaruhe, all presently within the Woodville Ward. The Committee noted that the Woodville Community Board had no opposition to this proposal, and neither did the Council although there was a caveat there that its agreement be conditional upon the establishment of only two wards for the district. The Committee was satisfied that the proposed boundary alteration will give more effective representation to the communities of interest affected. It therefore upholds Mr Cammock's appeal in this regard.

- 24 The effect of the Committee's decision then is that there will be 3 wards for the Tararua District, namely -

Ward	Population	Members
Northern Ward	10,340	4
Pahiatua-Woodville	6,850	3
Eketahuna	1,878	1
Total	19,068	8

- 25 One consequential effect of this decision is that the boundaries of the Dannevirke and Woodville Communities do not comply with ward boundaries. The Committee holds that, because the Commission does not have the power to initiate a change of community boundaries, in this instance, it is not practicable for ward boundaries to coincide with community boundaries. However it is open for the Council, pursuant to section 101ZO of the Act to alter the boundaries of the two communities so that they would comply with the new ward boundaries. If either or both of the community boards should not agree to this alteration, the Council could ask the Commission for the appropriate determination to give effect to such a change.¹
- 26 The Council resolved as part of the review, to reduce the total of its membership to 8 plus the Mayor. The Committee was assured by the Council's representative that this number was quite adequate for the efficient conduct of the Council's business. The Committee accepted this assessment and, after considering the populations of the 3 wards, which it has determined for the Tararua District, is satisfied that the electors of those wards will receive fair representation having regard to their populations.

Determination

- 27 Pursuant to section 101K of the Act, the Committee, acting under delegated authority from the Commission, determines that for the triennial general election in 1998 -
- (1) The Tararua District as delineated on S.O.Plan 36018 deposited with the Chief Surveyor of the Wellington Land District, shall be divided into 3 wards;
 - (2) Those 3 wards shall be -

¹ The boundaries of the Dannevirke and Woodville communities were altered by the Tararua District Council to conform with the new ward boundaries by resolution made on 27 May 1998.

- (a) the Northern Ward, comprising the area delineated on S.O.Plan No. 37889 deposited with the Chief Surveyor of the Hawkes Bay Land District;
 - (b) the Pahiatua-Woodville Ward, comprising the area delineated on S.O. Plan No. 37890 deposited with the Chief Surveyor of the Hawkes Bay Land District;
 - (c) the Eketahuna Ward, comprising the area delineated on S.O.Plan No. 30624 deposited with the Chief Surveyor of the Wellington Land District;
- (3) The Council shall comprise 8 members of whom -
- (a) four members shall be elected by the electors of the Northern Ward;
 - (b) three members shall be elected by the electors of the Pahiatua-Woodville Ward; and
 - (c) one member shall be elected by the electors of the Eketahuna Ward.
- 28 As required by section 101L(2) of the Act, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by the Statistics New Zealand and used for Parliamentary electoral purposes, but it is not practicable for these boundaries to coincide with the boundaries of the Dannevirke and Woodville Communities.
- 29 As required by section 101M(3) of the Act, plans of the Northern and Pahiatua-Woodville Wards have been sent to the Chief Surveyor of the Hawkes Bay Land District, and the Chief Surveyor has certified that those plans are sufficient to render the boundaries of the wards capable of identification.

The Committee of the Commission

Barbara Durbin (Chairman)
Robin Wilkins (Commissioner)

27 March 1998