



LOCAL GOVERNMENT COMMISSION

Determination

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

BACKGROUND

- 1 The Tararua 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 23 July 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 8 members and the Mayor. The 8 members were elected as follows:

Northern Ward	4 members
Pahiatua-Woodville Ward	3 members
Eketahuna Ward	1 member.
- 3 Elections were held for three community boards in the District at the 2001 general election. Each community board has six elected members. Members of Council are not appointed to the community boards. The three community boards are:
 - The Dannevirke Community Board
 - The Pahiatua Community Board
 - The Eketahuna Community Board.
- 4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

Council

The Council would comprise the Mayor, and 8 members elected from two wards as follows:

North Tararua Ward	4 members
South Tararua Ward	4 members.

Communities

The three existing communities would be abolished.

- 5 The Council received 128 submissions to its initial proposal. The submissions covered a range of issues including:
- The Council's proposal is supported
 - An alternative structure of wards would be appropriate with 9 members: Dannevirke – 3 members, Pahiatua-Woodville - 2 members, North Rural – 2 members, South Rural – 2 members
 - A Woodville Ward, electing one councillor, should be established
 - The Eketahuna Ward and Eketahuna Community Board should be retained
 - The Council should be elected at large
 - The Community Boards should be retained
 - Subdivisions should be established for the Dannevirke Community Board
 - The disestablishment of the Dannevirke Community Board is supported
 - The disestablishment of the Eketahuna Community Board is supported
 - The disestablishment of the Pahiatua Community Board is supported.
- 6 Following consideration of the submissions, the Council amended its initial proposal as its final proposal. The final proposal was as follows:

Council

The current wards and membership would be retained.

Communities

The Eketahuna and Dannevirke Community Boards would be retained, with their current level of membership.

The Pahiatua Community Board would be disestablished.

- 7 One appeal, from Woodville Districts' Vision, was received against the Council's final proposal. The appellant sought that the southern area of the District be represented by one councillor from Eketahuna, two councillors from Pahiatua and one councillor from Woodville.

Hearing

- 8 The Commission, on receiving advice of the appeal, decided that it would meet with the Council and the appellant if they wished to be heard. The hearing was held in Dannevirke on 18 February 2004.

- 9 The Council and the appellant appeared before the Commission at the hearing. The Council outlined its proposal, and the appellant spoke to its submission.

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 are considered to be 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 19V that 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 might need to change to ensure that the population per member 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 it then had to determine the number and boundaries of those wards to provide effective representation of communities of interest within the District.
- 16 The Tararua District is a large and relatively diverse district. Although it is primarily a rural district it has four towns of significance: Dannevirke, Pahiatua, Woodville and Eketahuna. Each of these towns acts as a social and business focus for the surrounding rural communities. Given these characteristics the Commission is satisfied that the division of the District into wards continues to be appropriate at this time to provide effective representation for communities of interest. The Commission notes that a significant majority of submitters to the Council's initial proposal, including the appellant, sought the division of the District into wards 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.

- 20 After initially proposing to change its ward arrangements the Council reverted to its existing system of three wards as its final proposal. The membership information pertaining to those wards is shown in the following table:

Ward	Members	Population per member (2001 Census)	Population (2001 Census)
Northern	4	2438	9753
Pahiatua-Woodville	3	2135	6405
Eketahuna	1	1701	1701

(The population per member falls within the range of 2232+/-10% (2009 to 2455) for the Northern and Pahiatua-Woodville Wards only. The District's total usually resident population at the time of the 2001 Census was 17859.)

- 21 The Commission notes that the population per member for the proposed Eketahuna Ward does not comply with the population per member requirements of section 19V(2) of the Act.
- 22 In the public notice of its final proposal the Council gave the following reasons for retaining the Eketahuna Ward:

The Eketahuna Ward is an isolated community in the context of the Tararua District and thus warrants separate ward status for Council representation.

- 23 At the hearing the Council advised that it considered the Eketahuna area to be remote and warranting separate representation. It also stated that Eketahuna residents themselves generally considered that they lived in an isolated community.
- 24 The Commission accepts that the Eketahuna area is a considerable distance from the Council's office in Dannevirke. The Eketahuna township itself is located on State Highway 2, which provides good road access to both the north and south. While road access for those in the surrounding rural areas diminishes in its quality and coverage the Commission is not of the view that the Eketahuna township and its rural environs collectively constitute an isolated community warranting specific representation, the effect of which would be that the population per member requirement of section 19V(2) of the Act would be set aside.
- 25 In reaching this decision the Commission applied the following criteria:
- Physical separation alone is not isolation
 - For a community to have enhanced representation on the grounds of isolation a significant proportion of the population of the area must be isolated
 - Rural areas are not automatically isolated
 - Isolation must be evidenced by significant distance or travel time, or other physical/practical travel and/or communications difficulties or reliability problems

- Isolation must relate to the ability of a community to receive appropriate representation by elected members
- Isolation may justify one member instead of no separate representation for a community but caution would need to be applied in allocating additional members on that basis.

26 Having decided that the Eketahuna area is not an isolated community warranting the provisions of section 19V(2) to be set aside, the Commission then turned its attention to the argument of the appellant that the southern area of the District should be divided into three wards based on the Pahiatua, Woodville and Eketahuna areas. Given the populations resident in each of these areas the Commission came to the view that the requirements of section 19V(2) could not be met without significant manipulation of the boundaries between the areas, which would result in wards which did not appropriately reflect the communities of interest in the southern area of the District.

27 Having dealt with the ward proposals of the Council and the appellant the Commission then decided that it needed to develop a system of wards that would comply with section 19V(2) of the Act. The Commission was drawn to the general concept of the initial proposal of the Council, as it involved generally minimal changes to the existing electoral arrangements to enable the statutory requirements to be met.

28 After considering all the information presented to it the Commission decided that the District should be divided into two wards. The North Tararua Ward would comprise the area of the existing Northern Ward and would have four members. A South Tararua Ward would comprise the areas of the existing Pahiatua-Woodville and Eketahuna Wards. The Commission is satisfied that the grouping of the Pahiatua-Woodville and Eketahuna Wards is appropriate because of the similarities in the nature of their communities of interest. The Commission’s decision also maintains the overall balance of representation between the southern and northern parts of the District.

29 Applying the Commission’s decision that the District should be divided into two wards to a Council with a total membership (excluding the Mayor) of eight members enables the requirements of section 19V(2) of the Act to be met:

Ward	Members	Population per member (2001 Census)	Population (2001 Census)
North Tararua	4	2438	9753
South Tararua	4	2027	8106

(The population per member falls within the range of 2232+/-10% (2009 to 2455).

30 The Commission is satisfied that at this time a Council comprising eight members, excluding the Mayor, will provide effective representation for the residents of the District.

Community Boards

- 31 In its final proposal the Council decided to retain the Dannevirke and Eketahuna Community Boards with their existing level of membership. However, the Pahiatua Community Board would be disestablished.
- 32 The Council's initial proposal was for the disestablishment of all three existing community boards. In respect of the Dannevirke and Eketahuna Community Boards this element of the Council's proposal drew a significant level of objection from the residents of the Dannevirke and Eketahuna areas, and from their community boards. However, the response from the Pahiatua area was muted, and the Pahiatua Community Board itself made a submission in support of its disestablishment. That board considered that a community committee was the best option for providing an effective structure for advocating in the best interests of Pahiatua residents.
- 33 Taking into account the fact that there were no appeals seeking a change to the Council's proposal to retain the Dannevirke and Eketahuna Community Boards and disestablish the Pahiatua Community Boards, and being satisfied from the information presented to it that the Dannevirke and Eketahuna Community Boards continue to play a meaningful role in their local areas, the Commission has determined that the Dannevirke and Eketahuna Community Boards should be retained. Given the Pahiatua Community Board has supported its disestablishment the Commission has decided that the Board shall be disestablished.
- 34 The Council has proposed that the Dannevirke and Eketahuna Community Boards should retain six elected members and no appointed members. At the hearing the Commission raised with the Council matters relating to the level of membership on each board and the fact that no Councillors are appointed to the Boards. Taking into account the information presented to it the Commission has come to the decision that each community board should have four elected members, reflecting their level of delegated responsibilities. It has also decided that a councillor should be appointed to each board as a means of further strengthening the working relationship between the boards and the Council.

GENERAL COMMENTS

- 35 The Commission encourages territorial authorities that have community boards constituted within their areas to review the functions delegated to community boards. To maximise the effectiveness of the contribution of community boards to local governance the Commission is of the view that territorial authorities should consider providing the boards with a comprehensive set of delegated functions. The Commission considers that three 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

- 36 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) Tararua District as delineated on S.O. Plan 36018 deposited with Land Information New Zealand, shall be divided into two wards;
 - (2) Those two wards shall be -
 - (a) The North Tararua Ward, comprising the area delineated on S.O. Plan No. 37889 deposited with Land Information New Zealand;
 - (b) The South Tararua Ward, comprising the area delineated on S.O. Plan No. 335013 deposited with Land Information New Zealand;
 - (3) The Council shall comprise the Mayor and 8 members who shall be elected as follows -
 - (a) four members shall be elected by the electors of the North Tararua Ward; and
 - (b) four members shall be elected by the electors of the South Tararua Ward.
 - (4) There shall be two communities as follows:
 - (a) The Dannevirke Community, comprising the area of the North Tararua Ward; and
 - (b) The Eketahuna Community, comprising the area delineated on S.O. Plan No. 36024.
 - (5) The membership of the community board for each community shall be four elected members and one appointed member.
 - (6) The Pahiatua Community shall be abolished, and the Pahiatua Community Board shall be dissolved.

- 37 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

Grant Kirby (Chairman)
Linda Constable (Commissioner)
Kerry Marshall (Commissioner)

7 April 2004