



LOCAL GOVERNMENT COMMISSION

Determination

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

Background

1. The Tasman District Council (the Council) elected at the 2004 local election comprises the mayor and 13 councillors. The 13 councillors were elected as follows:

Wards	Population*	No. of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Golden Bay	5,230	2	2,615	-969.62	-27.05
Motueka	11,550	3	3,850	+265.38	+7.40
Moutere-Waimea	12,150	3	4,050	+465.38	+12.98
Lakes-Murchison	2,720	2	1,360	-2,224.62	-62.06
Richmond	14,950	3	4,983.33	+1,398.72	+39.02
Total	46,600	13	3,584.62		

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

2. There are two community boards in the Tasman District:
 - the Golden Bay Community Board, covering the area of the Golden Bay Ward, comprises four elected members and two appointed members; and
 - the Motueka Community Board, covering the area of the Motueka Ward, comprises four elected members and two appointed members.
3. In 2005, the Council established a representation review subcommittee to conduct an initial investigation into possible representation arrangements for the district. The subcommittee sought public feedback on a proposal that:
 - (a) the Council comprise 12 councillors (plus the mayor) elected by the existing five wards;
 - (b) ward representation be as follows:

Golden Bay Ward:	1
Motueka Ward:	3
Moutere-Waimea Ward (excluding Wai-Iti area):	3
Lakes-Murchison Ward (including Wai-Iti area):	1
Richmond Ward:	4

- (c) the Golden Bays Community Board be retained;
- (d) the Motueka Community Board be abolished; and
- (e) community associations be promoted for the Motueka, Richmond, Moutere-Waimea and Lakes-Murchison Wards.

4. Following its consideration of residents' responses to the representation review subcommittee's model, the Council resolved, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), to retain existing representation arrangements for the 2007 local elections.
5. The Council received 733 written submissions on its initial proposal. Of these, 696 submitters expressed support for parts, or the whole, of the Council's proposal. Thirty-five submitters opposed the proposal, principally on the basis that it resulted in inequitable representation for electors across the district.
6. Following its consideration of submissions, the Council altered its initial proposal. Its final proposal was:
 - (a) the Council comprise 13 councillors (plus the mayor) elected by wards as follows:

Wards	Population	No. of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Golden Bay	5,230	2	2,615	-969.62	-27.05
Motueka	11,550	3	3,850	+265.38	+7.40
Moutere-Waimea	12,150	3	4,050	+465.38	+12.98
Lakes-Murchison	2,720	1	2,720	-864.62	-24.12
Richmond	14,950	4	3,737.5	+152.88	+4.26
Total	46,600	13	3,584.62		

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

- (b) the Motueka and Golden Bays Community Boards be abolished.

Hearing

7. The Commission met with the Council, appellants, objectors and submitters who had expressed a desire to be heard by it, on 20 and 21 December 2006 in Richmond, Murchison and Pohara. The Council was represented by the Mayor John Hurley, Councillor Michael Higgins, Chief Executive Bob Dickinson, and Electoral Officer Sandra Hartley. The appellants, objectors, and submitters present were as follows:

At Richmond:

Mary Lafranz, Seddon Marshall, Gordon Currie for Nelson Grey Power, Edwin Newport and Roy Bensman for Nelson Provinces Federated Farmers, Tony and Betty Fry, Cliff Satherley and Stuart Bean for the Motueka Community Board, Sharon McGuire for the Nelson/Tasman Chamber of Commerce, John Rogers, Jim Butler for Keep Motueka Beautiful Incorporated, Ian Davey for Motueka Valley Association, Mrs B.P. Borlase, Kerry Marshall, Brent Hodgkinson and Duncan McLean;

At Murchison:

David Seelye, Derry Kingston, Simon Blakemore for the Murchison Community Committee, Graeme Thompson, Phillip Borlase, Douglas McConachie, Andrew Dodge, Ted O'Regan, Dot Bradley for the Murchison Community Resource Centre and Stuart Bryant;

At Pohara:

Joe Bell chair and members of the Golden Bay Community Board, Bob Askew, David Morgan for The Friends of Golden Bay, Ian Watts, Sarah Chapma, Caroline McLellan, Charles Naylor and Wendy Croft, Celia Sowman and Graeme Ball for Golden Bay Federated Farmers, Murray Gavin, Chip Williams, Victoria Davis, Jo-Anne Vaughan, Alan Vaughan, Mark Manson, John Lee, David Ogilvie, Peter Foster, Moira Tilling, Sheryl Nalder, Andy Clarke, Carl Krijt, Duncan Eddy, Joe Bell, Roy Reid and R.A. Kenny for Golden Bay Grey Power, Tony Sandall, Joanna Piekarski for the Golden Bay Future Incorporated Society, Ro Piekarski, Leigh Gamby; and Trevor Riley.

The Council's right of reply was made by Councillor Michael Higgins.

Matters raised in appeals, objections and at the hearing

8. Matters raised in appeals, objections and at the hearing covered the following themes:
 - the overall representation structure for the district (i.e. the most appropriate balance of councillors, wards, community boards and community committees);
 - whether the requirements for fair representation should be complied with and the extent and impact of isolation on the effective representation of communities of interest in the Lakes-Murchison and Golden Bays Wards;
 - the advantages and disadvantages of potential, or proposed, ward boundary changes on the effective representation of communities of interest; and
 - the advantages and disadvantages of community boards and community committees with respect to various areas of the district.

9. The main arguments presented in relation to the overall representation structure for the district (i.e. the most appropriate balance of councillors, wards, community boards and community committees) were:
 - the district should comprise nine wards and 14 councillors (this would avoid grouping together communities of interest with few commonalities in the way that existing wards do, and would enable a fairer spread of councillors across the district);

- the district should comprise five wards and nine councillors (and additional community boards);
 - when compared to some areas, the district is generally over-represented; and
 - the Council is responsible for territorial authority and regional council functions, and this should be taken into account when considering the number of councillors.
10. The main points made in relation to whether the requirements for fair representation, under section 19V(2) of the Act, should be complied with, and the extent and impact of isolation on the effective representation of communities of interest in the Lakes-Murchison and Golden Bays Wards were:
- the Council's main office is in Richmond, enabling easy access to services, councillors and the mayor;
 - population growth in the Richmond Ward will perpetuate its under-representation;
 - communities of interest in the Golden Bay Ward should be treated as isolated communities, exempt from the requirements of section 19V(2), because:
 - there is a very clear geographic line that separates the Bay from the balance of the district;
 - weather patterns can vary considerably from the rest of the district, with heavy rain causing flooding and slips that can isolate the Bay;
 - Council contracts for roading, parks and reserves are all carried out from depots based in the Bay;
 - the Bay has a relatively small permanent population which swells considerably during the holiday season with people using the camping grounds and baches that remain empty at other times;
 - a reduced number of councillors will compromise the rural voice;
 - there are four distinct communities of interest within the ward;
 - there are significant distances and travel times between communities of interest within the ward (e.g. it takes 90 minutes to travel from Takaka to Mangarakau);
 - some routes within the ward are subject to closure due to environmental conditions; and
 - councillors are the eyes and ears of the community, and often the first point of contact for the ward's ratepayers and residents.
 - communities of interest in the Lakes-Murchison Ward should be treated as isolated communities, exempt from the requirements of section 19V(2), because:
 - the ward comprises approximately 522,500 hectares (approximately 53% of the total area of the district);
 - Murchison is 120 kilometres from Richmond, with the ward extending a further 55 kilometres south of Murchison. Tapawera and Lake Rotoiti are 55 and 75 kilometres from Richmond respectively;

- the size of the ward would create an excessive workload and travel obligations for one councillor, and would restrict holiday and sick leave. This could dissuade candidates from standing;
 - access within the ward is restricted by the topography and the roading network, and also by occasional heavy rainfall, frosts and snow;
 - three community committees, as well as hall and reserve committees, function in the ward, and councillors are expected to attend meetings of these committees;
 - councillors are the eyes and ears of the ward;
 - the population of the ward increases over summer;
 - the rural sector (including agriculture, horticulture, fishing and tourism) contributes significantly to the character of Tasman District and requires effective representation;
 - Council roading contracts are carried out from depots in the ward;
 - the Council's offices are so far removed from the ward that Council staff have a poor understanding of the issues facing it;
 - the ward contains the three largest catchments in the district; and
 - regional council functions impact on the Lakes-Murchison Ward more so than on other wards.
11. The specific arguments relating to potential or proposed ward boundary changes included the following:
- the transfer of the Wai-Iti or Wakefield areas from the Moutere-Waimea Ward to the Lakes-Murchison Ward is supported because:
 - it enables compliance with section 19V(2), and
 - councillors travel through Wai-Iti in order to access Richmond;
 - the transfer of the Wai-Iti or Wakefield areas from the Moutere-Waimea Ward to the Lakes-Murchison Ward is opposed because:
 - the Spooners Range separates Wai-Iti from the remainder of the Lakes-Murchison Ward; and
 - this would further expand the Lakes-Murchison Ward, which already suffers governance pressures due to its size and geography;
 - Pokororo and Ngatimoti should be transferred to the Motueka Ward because residents of these areas generally use services in Motueka.
12. The Council's reasons for abolishing existing community boards were:
- if community boards were retained, the Motueka and Golden Bay Wards would be over-represented compared to the other wards;
 - constituents within the other three wards showed little interest in having community boards for their wards;
 - the Council resolved that two councillors should be elected from the Golden Bay Ward on the basis of its isolation and further representation is not required;

- the Motueka Ward is in close proximity to the Council's headquarters; and
 - community boards' role is similar to that of community associations and ratepayers/residents associations, which are already established throughout the district. These groups are financially supported by the Council, provide a forum for communities to air their concerns, and are attended regularly by ward councillors.
13. The main arguments presented in support of establishing or retaining community committees rather than establishing or retaining community boards were:
- a series of community committees would better represent the various small communities (Tapawera, Saint Arnaud and Murchison) comprising the Lakes-Murchison Ward, than a community board would;
 - a community board would not provide the level of representation provided by councillors in the Lakes-Murchison Ward;
 - a community board would create inefficiencies in governance processes;
 - the legislation governing community boards restricts their capacity to contribute to community governance;
 - community committees enable members to commit to a one-year term (rather than a three-year term in the case of community boards);
 - community committees provide a more inclusive and informal structure;
 - community committees enable a direct community link to the Council;
 - Tasman is the only unitary authority with community boards;
 - the cost of community board elections is excessive;
 - the Council remains ultimately liable for community board decisions; and
 - the Council has a policy for funding community committees.
14. The main arguments presented for retaining the Golden Bay Community Board were:
- the ward covers a large area with numerous settled communities;
 - the distance between the ward and Richmond can result in ward councillors being absent from the ward for extended periods;
 - the distance between the ward and Richmond creates a barrier to residents appearing before the Council in Richmond;
 - there is a strong commitment amongst residents to local governance, which the board is able to facilitate;
 - there are many community groups in the ward, and the board provides a forum for groups to engage with each other;
 - there are many holiday homes in the ward, and the population increases dramatically during summer. Infrastructural services must be maintained to a standard that will cope with this influx;
 - the community board has a significant role in supporting the Council's regional council responsibilities, which include responsibility for 4762 square kilometres of territorial sea;

- the board has a strong history of initiating and contributing to community-based projects; and
 - all electors within the community have an opportunity to vote for community board candidates, and residents desire this level of democratic accountability.
15. The main arguments presented for retaining the Motueka Community Board were:
- the board has a strong history of initiating and contributing to community-based projects;
 - Motueka Community area contains about 25% of the district's population, and contains many community committees and groups;
 - community board members are represented on many of the community's interest groups and committees;
 - the board enables residents and community groups to discuss matters of local concern in a community-oriented forum, and is an efficient and effective vehicle for reporting community concerns and interests to the Council;
 - local concerns can be diffused at a community board level;
 - the board has well-developed channels of communication with community groups, including tangata whenua. However, board members retain a community-wide perspective, which helps to link the localised or specific perspectives of community groups and residents with the Council's district-wide perspective;
 - the board has been effective at working in partnership with the Council in providing community representation, communication and coordination for the delivery of community services (this could be improved through further delegations of responsibility);
 - Motueka is 38 kilometres from Richmond;
 - there is no public transport between Motueka and Richmond;
 - it is a toll call from Motueka to Richmond;
 - traveling to speak at the Council's public meetings takes a half or full day;
 - Motueka is distinct from Richmond in terms of income levels of residents, the proportion of elderly residents, a shared sense of the unique Motueka identity, its dependence on primary industries (horticulture, orcharding, fishing) and tourism, residents' desire to contribute to their community demonstrated by the many community groups and committees that exist, and the size and diversity of the community;
 - the board is a key component of the Council's ability to consult and liaise at community level.

Matters for Determination

16. The statutory provisions in respect of appeals and objections against the representation proposal of a unitary authority are contained in sections 19R, 19H and 19J of the Local Electoral Act 2001 (the Act).

19R. Commission to determine appeals and objections

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

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

- (1) A territorial authority must determine by resolution, and in accordance with this Part, -
- (a) Whether the members of the territorial authority (other than the mayor) are proposed to be elected -
 - (i) By the electors of the district as a whole; or
 - (ii) By the electors of 2 or more wards; or
 - (iii) In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and
 - (b) In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and
 - (c) In any case to which paragraph (a)(iii) applies, -
 - (i) The proposed number of members to be elected by the electors of the district as a whole; and
 - (ii) The proposed number of members to be elected by the wards of the district; and
 - (d) In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies, -
 - (i) The proposed name and the proposed boundaries of each ward; and
 - (ii) The number of members proposed to be elected by the electors of each ward.
- (2) The determination required by subsection (1) must be made by a territorial authority -
- (a) On the first occasion, either in 2003 or in 2006; and

- (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

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

Consideration by the Commission

Procedural issue

- 17. The Commission notes that the representation review criteria to be applied to the Tasman District are those applied to territorial authorities. However, in considering the principles of effective and fair representation, the Commission notes that, as a unitary authority, the Council is charged with both territorial authority and regional council functions and responsibilities.

Effective and fair representation

- 18. A review of representation arrangements under the Act is to ensure that:

- the method adopted for the election of members (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district (section 19T); and
 - in determining the number of members to be elected by each ward, electors of that ward will receive fair representation (section 19V).
19. For the purpose of achieving fair representation, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members. The Act does not define 'effective representation' or 'communities of interest'.
20. The steps in the process for achieving effective and fair representation are not statutorily prescribed. The Commission believes that the following process for determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
- (a) identify the district's communities of interest;
 - (b) determine the best means of providing effective representation for the communities of interest; and
 - (c) determine fair representation of electors for the district.

Tasman District

21. The district covers an area of 9,786 square kilometres¹. It is characterised by a diverse range of coastal, mountainous, plain, valley and river landscapes. The size and nature of this environment appear to be a contributing factor to many residents' strong sense of distinct local, community identity, and of belonging to a particular area of the district, in addition to the district as a whole. This community diversity was strongly demonstrated at the hearings.
22. It is not surprising to us, therefore, that the representation review process generated very little support for an at large representation model. We support this general sentiment, believing, in this case, that a ward structure provides a better basis for ensuring the effective representation of the different communities of interest within the district.
23. The review process also strongly indicated that many residents identify with the current ward boundaries. These boundaries provide for the following broadly defined groupings of communities of interest:
- the Richmond Ward – the Richmond urban area;
 - the Motueka Ward – the Motueka urban area and an area of rural hinterland;
 - the Golden Bay Ward – the settlements stretching around the Golden Bay coastline, including Tata Beach, Takaka, Collingwood, plus small settlements to the west and north of Collingwood, and Upper Takaka;
 - the Lakes-Murchison Ward – the settlements of Murchison, Saint Arnaud/Lake Rotoiti, Tapawera and other small rural settlements; and

¹ 58% of this land area comprises national park land.

- the Moutere-Waimea Ward – the settlements located on State Highway 6 between Brightwater and Belgrove, including Wakefield, Spring Grove, and Wai-iti; coastal settlements located on Highway 60 northwest of Richmond; settlements located inland of Highway 60 including Upper Moutere and Harakeke; and small settlements situated southwest of Motueka including Pangatotara, Ngatimoti, Woodstock and Dovedale.
24. From a community of interest perspective, some of the existing ward boundaries appear somewhat arbitrary (e.g. the combining of Ngatimoti and Brightwater in the Moutere-Waimea Ward, and Murchison and Tapawera in the Lakes-Murchison Ward). It is clear that some communities in some wards share strong social and service links with communities in neighbouring wards. Future reviews may require re-examination of ward boundaries in light of changing social, demographic, environmental and economic characteristics. On this occasion, however, we agree generally that existing wards appropriately reflect broad differences between groups of communities of interest, and, therefore, provide a good basis for ensuring their effective representation. This general belief does not preclude us from examining whether alterations to these boundaries would improve the balance between the principles of effective representation of communities of interest and fair representation of electors.
25. Ensuring effective representation of communities of interest is a principal determinant for determining the total number of councillors. We note that the Council appears to have considered from the outset of the review that a similar number of councillors (i.e. 12 or 13) was appropriate for achieving effective and fair representation, and also sufficient to meet the Council's statutory and other responsibilities.
26. In relation to the Council being a unitary authority responsible for both territorial authority and regional council functions, we note that:
- the district is characterised by a diverse range of landscapes and land uses and we believe that the Council's capacity to understand and respond appropriately to environmental pressures would be diminished through a reduction in the size of the Council;
 - the district contains a large number of discrete communities of interest, many of which are considerable distances from each other. Many infrastructure and community facility projects undertaken by the Council benefit from a close working relationship with community groups within specific geographical areas. We believe a reduction in the number of councillors would have a negative effect on the Council's ability to represent this diversity and its capacity to appropriately consult on, prioritise, and plan community projects; and
 - the total population of the district has increased by approximately 8.9% between 1996 and 2006, and is projected to increase at a similar rate.
27. Some appellants suggested the Council should be reduced to nine members. However, many of these appellants predicated their argument on the establishment of community boards across the district. Regardless of our determinations regarding community boards, we do not agree that, in this case, the constitution of community boards should have such an effect on the size of the Council. This is because the role of community boards is primarily to advocate on behalf of their community. It remains for the Council to assess

needs, and prioritise expenditure across the district as a whole. In this case, we believe this responsibility requires a level of knowledge and expertise that might be compromised by a significant reduction in Council membership.

28. On the basis of these factors, we proceed on the assumption of retaining 13 councillors for the district.

Isolated communities

29. Section 19V(2) of the Act requires that the distribution of councillors between wards complies with the requirements for fair representation i.e. the +/-10% rule. It also provides that if the Council or the Commission considers that effective representation of communities of interest within isolated communities so requires, wards may be defined and membership distributed between them in a way that does not comply with section 19V(2).
30. The Council's proposal does not comply with the requirements of section 19V(2) in the case of the Lakes-Murchison, Golden Bay and Moutere-Waimea Wards. We considered each of these wards in turn.
31. We noted firstly the Commission's "Guidelines to Assist Local Authorities in Undertaking Representation Reviews" identifies factors which may be taken into account when considering the matter of isolated communities. These factors are:
 - physical separation alone may not necessarily constitute isolation;
 - for a community to have enhanced representation on the grounds of isolation, a significant proportion of the population of the area should be geographically isolated;
 - an area may not be isolated simply because it is rural in nature;
 - isolation should be evidenced by significant distance or travel time, or other physical/practical travel and/or communications difficulties or reliability problems;
 - isolation should relate to the ability of a community to receive appropriate representation by elected members; and
 - isolation may justify one member instead of no separate representation for a community based on an application of the "+/-10% rule", but caution would need to be applied in allocating additional members on that basis.
32. On this basis we examined the extent to which physical barriers (such as proximity, means of access, geography, and weather conditions) limit the ability of councillors to reasonably engage with residents and communities of interest, and to represent community views at council level.
33. The existing representation arrangements for the Lakes-Murchison Ward present the most significant anomaly in respect of the above statutory criteria. The Council proposed retaining the ward's existing boundaries, and reducing the number of councillors from two to one. Many residents appealed this. They wanted to retain the representation provided by two councillors and the Tapawera, Murchison and Saint Arnaud community committees.

34. The Lakes-Murchison Ward comprises approximately 53% of the total area of the district. The Nelson Lakes National Park accounts for a large proportion of this area. The ward contains three main settlement areas – Murchison, Saint Arnaud/Lake Rotoiti and Tapawera. The majority of residents live in close proximity to one of these settlements.
35. Tapawera is located approximately 35 minutes from Richmond via State Highway 60. This is a similar distance from Richmond as other areas in the Motueka and Moutere-Waimea Wards. Saint Arnaud is located approximately an hour from Richmond via Stock Road and State Highway 60. Stock Road is a well-maintained arterial route. This distance between a settlement and a council's headquarters is not unusual in New Zealand.
36. Murchison is located on State Highway 60, approximately 80 to 90 minutes from Richmond. We heard that councillors were required in Richmond approximately three days per week. We accept that a three hour return trip to Richmond every three days would require some stamina. While time consuming, the risk of temporary isolation from the Council's main offices due to road closures is minor.
37. We note that the ward extends an additional 55 kilometres south of Murchison. The most populous areas south of Murchison are located on Highway 65. Less than 7% of the total population of the ward live in these areas. The Murchison area (including its rural hinterland area) accounts for less than half of the total residents of the Lakes-Murchison Ward.
38. Submissions made and our examination of the extent of services available in Murchison, Tapawera, and Saint Arnaud², strongly suggest that these settlements provide community focal points for outlying residents. Residents of areas further removed from these settlements would travel regularly to one of them in order to access available services. Given the small number of people located in rural and outlying areas, we believe it is equally reasonable, in most cases, to expect outlying residents to travel to these main settlement areas in order to talk to their councillor. The vast majority of rural and outlying residents are connected to Murchison, Saint Arnaud and Tapawera by good rural roads. The highway network provides multiple accesses between these settlements and Richmond.
39. Some submitters suggested that councillors were the first point of contact regarding specific regulatory and consent matters. We believe these services are more appropriately provided by Council staff, who are available at the Richmond and Murchison service centres. We also believe that the Council will be able to remain responsive to community interests, and residents and community groups will continue to contribute to their local communities as required, whether one or two councillors are elected from the ward.
40. In summary we are not satisfied that communities of interest in the Lakes-Murchison Ward are isolated to the extent that their effective representation

² Tapawera is the location of a small supermarket, a service station, various recreational facilities, a camping ground, an area school, a library, a volunteer fire service and an ambulance service. Saint Arnaud is the location of a Department of Conservation office and camping ground, a rural fire service, a community hall and a small general store. Murchison contains a range of retail shops, a postal agency, a service station, a veterinary clinic, a RSA hall, a police station, an ambulance service, a Department of Conservation office, a community health centre, an area school, a range of recreational services, a Council service centre and library, and the Murchison Community Resource Centre.

requires enhanced representation beyond that allowed under section 19V(2) of the Act.

41. We then considered the extent to which physical circumstances would impact on the effective representation of communities of interest within the Golden Bay Ward. We note that the ward may only be accessed from the remainder of the district via Highway 60, which crosses the Takaka Hill. This is a particularly challenging road, prone to occasional closure due to slips and ice. It takes approximately 90 minutes to reach Richmond from Takaka. There is additional travel time for the residents of Collingwood and other settlements.
42. We note that compliance with section 19V(2) would require parts of Takaka to be excluded from the Golden Bay Ward, or the addition of areas currently located in the Motueka Ward, to the east of the Takaka Hill. We believe these alterations would either split a well-defined and established community of interest between electoral subdivisions, or group together communities of interest on either side of Takaka Hill sharing few commonalities of interest.
43. The population of the Golden Bay Ward entitles its electors to elect approximately 1.6 councillors. We considered whether it was appropriate to increase or decrease this entitlement in order to provide effective representation of communities of interest.
44. The majority of the population of the ward is spread amongst various coastal settlements between Tata Beach, which is approximately 25 minutes from Takaka, and Collingwood, which is approximately 30 minutes from Takaka. Some distinct but small settlements are located north and west of Collingwood, such as Rockville, Pakawau and Mangarakau. Access between some areas may be hampered due to heavy rainfall, slips and tides.
45. The ward covers an area of approximately 2,675 square kilometres. Coastal, farming, national park and residential land provide for a diverse landscape. As a unitary authority, the Council is responsible for environmental management of this area.
46. While the Golden Bay Community Board provides a well-established and strongly supported consultation and advocacy structure, we believe that the extent of its present delegated decision-making responsibilities are insufficient for it to reasonably compensate for reduced representation at Council level.
47. In summary, we do not believe the requirements of section 19V(2) can be applied to the Golden Bay Ward without excessively compromising effective representation of communities of interest. This is because of the isolated circumstances of the ward, both within it, and between it and the remainder of the district. We therefore find that, in order to satisfy the requirement of effective representation of communities of interest, it is necessary for the Golden Bay Ward to be represented by two councillors.
48. No evidence was presented to justify non-compliance with section 19V(2) in the case of the Moutere-Waimea Ward. We consider that decisions regarding the application of subsection 19V(3)(a) to the Lakes-Murchison and Golden Bay Wards produce no flow-on effects to justify non-compliance. We believe that compliance with section 19V(2) can be achieved in the case of the Lakes-Murchison and Moutere-Waimea Wards without unduly compromising effective representation of communities of interest.

Other ward boundaries

49. We heard that residents of Pangatotara and Ngatimoti regularly used services in Motueka, and were consulted by the Council in respect of future infrastructural development in Motueka. We were advised that many residents of the Moutere-Waimea Ward regularly use services in Motueka and Richmond.
50. We examined whether areas located north of Tapawera on the Motueka Valley Road should be transferred to the Lakes-Murchison Ward. We found that, in order to comply with the requirements of section 19V(2), large areas would be required to be transferred to the Lakes-Murchison Ward. These areas have established connections with the Motueka and Moutere-Waimea Wards.
51. We then considered whether the Wai-Iti area of the Moutere-Waimea Ward should be transferred to the Lakes-Murchison Ward. Given the quality of roads connecting Wai-Iti and Belgrove with the remainder of the Lakes-Murchison Ward, we do not believe that the Spooners Range presents an obstacle to effective representation. The location of Wai-Iti between Richmond and the remainder of the Lakes-Murchison Ward would enable a councillor to meet with residents of the area without causing inconvenience. We believe that the linkages between Wai-Iti and other settlements within the Lakes-Murchison Ward are similar to the linkages that already exist between the settlements of Tapawera, Murchison and Saint Arnaud. We accept that enlarging the area of responsibility for a single councillor elected by the electors of the Lakes-Murchison Ward will present a challenge for that councillor in terms of travel and meeting times. We acknowledge that the changes we have made may require the Council, community groups and residents to re-examine service delivery and community governance arrangements. However, we remain confident that these arrangements for the Lakes-Murchison and Moutere-Waimea Wards will continue to provide a sound basis for the effective representation of communities of interest within them.
52. The relationship between the Commission's decisions on ward boundaries, the number of councillors per wards, and the requirements of section 19V(2), is illustrated in the following table:

Wards	Population*	No. of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Golden Bay	5,230	2	2,615	-969.62	-27.05
Motueka	11,550	3	3,850	+265.38	+7.40
Moutere-Waimea	11,300	3	3,766.66	+182.05	+5.08
Lakes-Murchison	3,570	1	3,570	-14.62	-0.41
Richmond	14,950	4	3737.5	+152.88	+4.26
Total	46,600	13	3,584.62		

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

Communities and community boards

53. The principles of effective representation of communities of interest and fair representation of electors (in the case of electoral subdivisions) continue to apply when considering the constitution or abolition of community boards. In addition, section 19W(a) of the Act requires the Commission to have regard to any of the criteria for considering local government reorganisation proposals under subpart 2 of Schedule 3 of the Local Government Act 2002 (LGA) that it considers appropriate. The key test is whether the proposal will promote good local government of the district and the community.
54. 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 Commission also has regard to the provisions of the LGA dealing with community boards, these being Schedule 7, and Subpart 2 of Part 4.
55. The Council’s review generated much discussion and debate about the relative merits of community boards and other community focused groups such as community associations and ratepayers’ and residents’ groups. We note that ten community groups (other than community boards) receive some level of financial support from the Council, provide a forum for residents to air their concerns in a community-oriented forum, and are regularly attended by ward councillors. We do not, however, accept the Council’s view that the role of the Golden Bay and Motueka Community Boards is the same as that of these groups. We believe that the Council’s reasons for proposing to disestablish the Motueka and Golden Bay Community Boards tend to relate to perceived fairness across the district, and the governance requirements of areas other than the Golden Bay and Motueka Communities. They do not refer to the likely and potential contributions to the promotion of good local government that each existing community board may make.
56. A number of submitters suggested that it was just as important for all Motueka and Golden Bay electors to have the chance to participate in the triennial election of community board members as it was for them to participate in the election of councillors. At the 2004 election, voter turnout rates for community board elections were similar to turnout rates for the election of councillors within the wards. In the case of the Motueka and Golden Bay Communities, we believe that this level of democratic accountability is important to many electors, and that it enhances their confidence in the elected body in a manner that would not be possible if the boards were replaced by a series of community committees.
57. We believe that many residents feel they are able to raise concerns and ideas, provide information, and engage in debate within the community board forum, in a manner they feel unable to do at the Council level. In part, this may relate to the isolated circumstances of the Golden Bay Community, and distinguishing factors characteristic of the Motueka Community³. We also

³ The Commission notes that, whilst typically displaying low unemployment, the medium income of residents within the Motueka community is generally lower than the remainder of the district. While only 38 kilometres from Richmond, there is no public transport between the two towns. Compared to the spread of settlements within other wards, the Motueka Community is more compact.

believe that the board's structures and processes are well understood by residents, and that the inclusive and democratic nature of these structures, and the apparent receptiveness of board members to residents and community groups, also assures them of good opportunities to participate in local governance.

58. We believe that the Motueka and Golden Bay Community Boards provide a community-wide coherency to local government decision-making that would not exist to the same extent under a structure of discrete community groups. We are impressed at the extent to which both the Motueka and Golden Bay Community Boards have developed ongoing relationships with a large number of community groups and organisations within their area of responsibility. The community board forum enables residents and community groups to share ideas, and debate and prioritise issues in a manner that is not apparent in other wards. Both boards demonstrate good practices in reporting to the Council and residents. We believe these competencies clearly enhance the Council's capacity to:
- demonstrate accountability for its decisions and actions; and
 - promote local participation in local government decision-making.
59. We believe that, in the case of the Motueka and Golden Bay Communities, the community board structure promotes good local government beyond the capacity that would be afforded by their disestablishment and replacement with a number of discrete community associations. We determine that the Motueka and Golden Bay Community Boards will be retained for the 2007 elections.
60. We do take issue with the argument presented to us that councils should be wary of delegating responsibilities to community boards because they ultimately remain liable and accountable for community board decisions. This is not a concern shared by many other councils. It also highlights the degree to which the effectiveness of community boards depends on the quality of their relationship with the parent council. This relationship is the responsibility of both bodies working toward common purposes, as set out broadly in the LGA. The above argument strongly suggests the need for a thorough review of community board delegations in the Tasman District. We were assured that this will occur following the 2007 local elections.
61. Finally, we believe that strong community support is vital for the effective functioning of community boards. We have not identified support for an extended board structure in Tasman District. Accordingly we find that further boards should not be established at this time. We note that electors may initiate a poll calling for the establishment of a community board at any time and not just at the time of periodic reviews of representation arrangements.

Commission's Determination

62. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Tasman District Council to be held on 13 October 2007, the following representation arrangements shall apply:
- (1) Tasman District as delineated on SO Plan 14462 deposited with Land Information New Zealand, shall be divided into five wards;

- (2) Those five wards shall be:
 - (a) the Golden Bay Ward, comprising the area delineated on SO Plan 14463 deposited with Land Information New Zealand;
 - (b) the Motueka Ward, comprising the area delineated on SO Plan 14464 deposited with Land Information New Zealand;
 - (c) the Moutere-Waimea Ward, comprising the area delineated on SO Plan 14933 deposited with Land Information New Zealand;
 - (d) the Lakes-Murchison Ward, comprising the area delineated on SO Plan 386473 deposited with Land Information New Zealand; and
 - (e) the Richmond Ward, comprising the area delineated on SO Plan 14466 deposited with Land Information New Zealand;
- (3) The Council shall comprise a mayor and 13 councillors, elected as follows:
 - (a) two councillors elected by the electors of the Golden Bay Ward;
 - (b) three councillors elected by the electors of the Motueka Ward;
 - (c) three councillors elected by the electors of the Moutere-Waimea Ward;
 - (d) one councillor elected by the electors of the Lakes-Murchison Ward; and
 - (e) four councillors elected by the electors of the Richmond Ward;
- (4) There shall be a Golden Bay Community, comprising the area of the Golden Bay Ward;
- (5) The Golden Bay Community Board shall comprise four elected members and two councillors elected by the electors of the Golden Bay Ward and appointed to the Community Board by the Council;
- (6) There shall be an Motueka Community, comprising the area of the Motueka Ward; and
- (7) The Motueka Community Board shall comprise four elected members and two councillors elected by the electors of the Motueka Ward and appointed to the Community Board by the Council.

63. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards 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)

4 April 2007