



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the
general election of the Waikato District Council to be
held on 13 October 2001

BACKGROUND

- 1 The Waikato 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 and the basis of the election of the Council to apply for the general election of the Council to be held in October 2001.
- 2 The Council elected at the 1998 general election comprises 14 members and the Mayor. The 14 members were elected as follows:

Whangamarino Ward	1 member
Whangape Ward	1 member
Huntly Ward	3 members
Rangiriri Ward	1 member
Ngaruawahia Ward	2 members
Hukanui Ward	1 member
Eureka Ward	1 member
Whaingaroa Ward	1 member
Newcastle Ward	1 member
Raglan Ward	1 member
Tamahere Ward	1 member

- 3 Following its review, the Council proposed the following changes to its existing system of wards and membership:
 - (a) an alteration to the boundaries of the Ngaruawahia, Newcastle and Hukanui Wards to include the Taupiri and Horotiu areas in the Ngaruawahia Ward;
and

- (b) a reduction in the membership of the Huntly Ward from three members to two members.

The reasons outlined by the Council for the proposed changes may be summarised as follows:

- in terms of the proposed boundary alteration the Council considered that the communities of interest for the Horotiu and Taupiri areas are focussed within the Ngaruawahia Ward and that both areas receive water, and in the case of the Horotiu area wastewater services from within the Ngaruawahia Ward; and
- in the case of the Huntly Ward it was considered that this ward was over-represented when considering population and when applying weighted factors of area and rateable value in addition to population.

4 The Council received three objections to its proposal from:

- Huntly Community Board;
- Elva Gouk; and
- Greypower Huntly and Districts

The subject matter of the objections may be summarised as follows:

- more effective representation of communities of interest in the District would be achieved through the division of the District into 5 wards, with the wards primarily based on groupings of the existing wards;
- the fairest representation would be achieved through having fewer wards with multi-representation;
- the status quo should be retained; and
- the Huntly Ward should retain three members.

5 Following consideration of the objections, the Council confirmed its original proposal. Each of the objectors appealed the Council's decision.

Subject Matter of Appeals

6 The Huntly Community Board argued for the District to be divided into five wards, electing a total of 13 members and the Mayor on the basis of population only. Huntly Greypower and Districts put forward a variation to the proposals of the Huntly Community Board. Elva Gouk indicated that she favoured fewer wards, each with multi-member representation, but sought to retain the current electoral arrangements until a comprehensive and in-depth study of the District is carried out.

Preliminary Matter for Determination

7 The Commission, on receiving advice of the appeals, resolved that before making a determination of the electoral arrangements of the Council, it would meet with the Council and the appellants if they wished to be heard. It also resolved, under clause

2 of Schedule 3A of the Act, to appoint a committee (hereafter referred to as “the Committee”), comprising the Commission’s Chairman (Sir Ross Jansen) and Commissioner Durbin to hear, consider and determine the appeals. The Committee resolved to meet the Council and the appellants in Ngaruawahia on 16 October 2000.

The Hearing

8 The Council was represented by the Mayor (Angus MacDonald). The Huntly Community Board was represented by Graeme Tait, and Greypower Huntly and Districts was represented by Tom Hunt. Elva Gouk was also present.

The Council: The Mayor spoke to a submission. The content, his comments and replies to questions may be summarised as follows:

- the working party convened by the Council to develop and consider options was a well balanced one consisting of experienced and long serving councillors;
- the Council considers that the effective and fair representation of the various communities of interest in the District could only be achieved by continuing with the present ward system;
- ward names and their boundaries, apart from the boundary of the Ngaruawahia Ward are considered to be appropriate;
- in considering membership, statistics based purely on population indicated that a Council of 13 members achieved the best result statistically. However the Council considered the use of other factors justified, with the area factor recognising the roading responsibility and expenditure of the Council, and the rateable value factor reflecting development pressures in certain parts of the District. A weighting of 80% population, 10% area, and 10% rateable capital value was decided upon as recognising these factors. The application of these factors indicated that a membership of 13 was the most appropriate;
- the Council is of the view that there is a high level of acceptance in the District that the wards and their boundaries are correctly defined based on communities of interest;
- the Council considers that the proposal submitted by the Huntly Community Board, the variation of the Board’s proposal put forward by Greypower Huntly and Districts, and the arguments of Evla Gouk do not adequately address the matters of fair representation or the hopes and aspirations of the communities of interest in the Waikato District; and
- the proposed changes to the boundary of the Ngaruawahia Ward reflect the supply of water and wastewater services to the Taupiri and Horotiu areas.

Huntly Community Board: Graeme Tait, Chairman, spoke to a submission. The content, his comments and replies to questions may be summarised as follows:

- the current ward structure has essentially been in place since 1989, but since then the District has grown and the dynamics and mix of properties has altered considerably;
- the Board agrees with the Council's proposal to reduce membership numbers to 13;
- most existing wards now comprise some urban areas, some rural residential development and some farming properties;
- the Board believes that 5 wards will better serve the communities of interest within the District;
- a 5 ward structure would mean that each ward would have a good mix of urban, rural residential, rural and commercial interests;
- multi-member wards would give communities more opportunities to review their representation through the election process, rather than having uncontested elections;
- the proposed grouping of wards would strengthen the links with community Boards and Committees;
- the Council's proposals are deficient as they do not address the needs of a growing and changing community; and
- the Board believes that there is public support for fewer wards, however the issue has not been canvassed with the public.

Greypower Huntly and Districts: Tom Hunt, Secretary, spoke to a submission. The content, his comments and responses to questions may be summarised as follows:

- Greypower suggests that wards should be reconfigured so that each ward has a fair mix of rural and urban areas;
- Greypower supports the Council's decision to reduce membership to 13, but seeks a reduction in the number of wards from 11 to 5;
- the reduction in ward numbers would address the existing problem of members being elected unopposed; and
- a 5 ward district is the best way to balance representation between rural and urban areas.

Elva Gouk: Ms Gouk spoke to a submission. The content, her comments and responses to questions may be summarised as follows:

- the Council did not adequately consult with the community in developing and considering options for the future membership and basis of election of the Council;
- larger wards with multiple councillors in each is a fairer system, providing for more access to councillors and offering a consensus of opinion; and
- serious consideration should be given to the proposal put forward for multiple ward representation and fewer wards.

The Council in reply: The Mayor's comments can be summarised as follows:

- the Council’s proposals drew only three objections and appeals, principally from organisations based in the Huntly area. It should be noted that no objections or submissions were received from the remainder of the District. The rest of the District, where the majority of the population resides, seems to be satisfied with the Council’s proposals.

MATTERS FOR DETERMINATION

- 9 The statutory provisions in respect of these appeals are contained in sections 101K and 101L of the Act. Section 101K(1) states:

“(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.”

- 10 The relevant provisions of section 101L are subsections (2) and (3) which state:

“(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 2 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 Statistics New Zealand 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 Commission

11 The Commission considers that 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) 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. What the Commission has to do then is determine which communities of interest or groupings of communities of interest require representation.

12 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 for 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 constitute the predominant factor, but if other factors are applied, different weightings 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. In the end though, the final decision must be that which the Commission considers will, after having regard to the various criteria set out in the Act, provide the fairest representation on balance for the electors of each ward.

13 In the Committee’s opinion, its first responsibility, which also applied to the Council, was to decide whether or not the district should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the district.

14 The Waikato District is a large and diverse area. It contains a diversity of geographical characteristics, including land types, and a mix of urban areas, rural farming areas and increasing areas of rural /residential development and lifestyle

blocks. The Committee came to the view that because of the size and diversity of the District, effective representation of the various communities of interest could only be achieved at this time by councillors being elected on a ward basis. In reaching its decision, the Committee noted that both the Council and the appellants sought a ward system for electoral purposes.

Appropriate Ward System

- 15 Having decided that the basis of election would be the ward system, the Committee then had to consider the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the District. The Committee does not consider that section 101L 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.
- 16 The Committee emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 17 In the Committee's view, where it is appropriate for a district to be divided into wards, there should be such number as is necessary and consistent with the concept of effective representation of various communities of interest.
- 18 The Council has proposed that the District be divided into 11 wards, which would remain based on those determined by the Local Government Commission in its 1989 reorganisation scheme constituting the District. The Council considers that the proposed structure takes into account the distinct communities of interest within the District.
- 19 The appellants argue that the differentiation of the District in terms of urban and rural areas has changed significantly since the District was constituted, particularly with increasing rural/residential development and the increasing number of lifestyle properties.
- 20 The appellants seek the division of the District into 5 wards, based on groupings of the current wards. They argue that this would ensure that each ward would contain a mix of urban and rural areas, and a good mix of land uses and land types.
- 21 The scenario put forward by the appellants would see 4 of the proposed 5 wards each encompassing a major township and large tracts of rural and semi-rural land. The Committee is concerned that at this time such a proposal is likely to group together communities of interest that do not share a specific enough commonality of interest.
- 22 Having considered the evidence presented to it at the hearing of the appeal, and other material gathered by it, the Committee is satisfied that the wards proposed by

the Council more or less equate to the communities of interest requiring separate representation on the Council. In coming to that conclusion, the Committee considered the distinct nature of each community and the geographical characteristics of the District.

Number of Members

- 23 Having decided that there will be 11 wards, the Committee is then required to determine what would be fair representation for the electors of the various wards.
- 24 As noted above, the number of members to be elected by each ward is to be determined on the basis of providing fair representation for the electors of the various wards having regard to population and, if the circumstances so require, the rateable value and area of every ward. However, inherent in the decision to create an area as a ward is a requirement that the ward be represented by at least one member.
- 25 Set out below are two tables. Table 1 shows the number of members that each ward would be entitled to taking into account population only with a total membership of 13 (excluding the Mayor) as proposed by the Council, or with a total membership of 14 as at present. Table 2 shows the same information taking into account the three factors of population weighted at 80%, rateable land area weighted at 10%, and area weighted at 10%, as were applied by the Council. The population figures applied in the tables are 1999 estimated resident population figures provided by Statistics New Zealand.

Table 1

Ward	Population	%	13 members	14 members
Whangamarino	2860	6.97	0.91	0.97
Whangape	2270	5.53	0.72	0.77
Huntly	7120	17.35	2.26	2.43
Rangiriri	2880	7.02	0.91	0.98
Ngaruawahia	7350	17.90	2.32	2.51
Hukanui	2700	6.59	0.86	0.92
Eureka	3040	7.41	0.96	1.04
Whaingaroa	3580	6.29	0.82	0.88
Newcastle	3120	7.60	0.99	1.07
Raglan	3330	8.11	1.05	1.14
Tamahere	3790	9.23	1.20	1.29

Table 2

Ward	Population	Factor Value	13 members	14 members
Whangamarino	2860	7.68	1.00	1.08
Whangape	2270	6.35	0.83	0.89
Huntly	7120	14.95	1.94	2.09
Rangiriri	2880	8.50	1.10	1.19
Ngaruawahia	7350	15.29	1.99	2.14
Hukanui	2700	6.94	0.90	0.96
Eureka	3040	7.76	1.01	1.09
Whaingaroa	3580	9.14	1.19	1.28
Newcastle	3120	7.47	0.97	1.05
Raglan	3330	7.14	0.93	1.00
Tamahere	3790	8.76	1.14	1.23

- 26 As can be seen from Table 1, the application of ward population shows that a reasonable degree of fairness can be achieved between the representation of each ward with a Council of 13 members, as proposed by the Council. The Committee notes that the appellants also generally support a Council of 13 members.
- 27 Given the diversity of the District, the Committee has given consideration to applying factors of rateable land value and area, in addition to that of population. The weighting applied to each factor is the same as the Commission usually applies to districts with a significant proportion of rural land. The inclusion of the two additional factors of area and rateable value enable two measures of Council activity to be taken into account. The use of area as a factor enables recognition to be given to the fact that land-based activities over less densely populated areas are a significant part of the responsibilities and expenditure of the Council. The use of rateable value enables due regard to be given to people-based activities which require the provision of services and infrastructure and the regulation of development in more closely settled areas.
- 28 Applying the formula to a Council of 13 members achieves a greater degree of fairness in representation for the electors of each ward than is achieved through the application of population alone.
- 29 Having considered all aspects of the matter of representation the Committee has concluded that the membership of the Council should total 13 members and the Mayor, taking into account population, rateable value and area on the basis outlined above.

GENERAL COMMENTS

- 30 With the ongoing development of the District, including the development of rural/residential subdivisions and lifestyle blocks it will be important for the Council to carefully review and identify its communities of interest in undertaking any future review of membership and basis of election. The Committee would recommend that the Council give consideration to a range of models for effective representation in undertaking its next statutory review.

DETERMINATION

- 31 Under section 101K of the Act, the Committee, acting under delegated authority from the Commission, determines that for the general election of the Council to be held on 13 October 2001 -
- (1) The Waikato District as delineated on S.O. Plan 57988 deposited with the Chief Surveyor of the South Auckland Land District, shall be divided into 11 wards;
 - (2) Those 11 wards shall be -
 - (a) The Whangamarino Ward, comprising the area delineated on S.O. Plan No. 57989 deposited with the Chief Surveyor of the South Auckland Land District:
 - (b) The Whangape Ward, comprising the area delineated on S.O. Plan No. 60057 deposited with the Chief Surveyor of the South Auckland Land District:
 - (c) The Huntly Ward, comprising the area delineated on S.O. Plan No. 57992 deposited with the Chief Surveyor of the South Auckland Land District:
 - (d) The Rangiriri Ward, comprising the area delineated on S.O. Plan No. 57991 deposited with the Chief Surveyor of the South Auckland Land District:
 - (e) The Ngaruawahia Ward, comprising the area delineated on S.O. Plan No. 61547 deposited with the Chief Surveyor of the South Auckland Land District:
 - (f) The Hukanui Ward, comprising the area delineated on S.O. Plan No. 57994 deposited with the Chief Surveyor of the South Auckland Land District:

- (g) The Eureka Ward, comprising the area delineated on S.O. Plan No. 57995 deposited with the Chief Surveyor of the South Auckland Land District:
 - (h) The Whaingaroa Ward, comprising the area delineated on S.O. Plan No. 57998 deposited with the Chief Surveyor of the South Auckland Land District:
 - (i) The Newcastle Ward, comprising the area delineated on S.O. Plan No. 57997 deposited with the Chief Surveyor of the South Auckland Land District:
 - (j) The Raglan Ward, comprising the area delineated on S.O. Plan No. 57999 deposited with the Chief Surveyor of the South Auckland Land District:
 - (k) The Tamahere Ward, comprising the area delineated on S.O. Plan No. 57996 deposited with the Chief Surveyor of the South Auckland Land District;
- (3) The Council shall comprise the Mayor and 13 members who shall be elected as follows -
- (a) one member shall be elected by the electors of the Whangamarino Ward;
 - (b) one member shall be elected by the electors of the Whangape Ward;
 - (c) two members shall be elected by the electors of the Huntly Ward;
 - (d) one member shall be elected by the electors of the Rangiriri Ward;
 - (e) two members shall be elected by the electors of the Ngaruawahia Ward;
 - (f) one member shall be elected by the electors of the Hukanui Ward;
 - (g) one member shall be elected by the electors of the Eureka Ward;
 - (h) one member shall be elected by the electors of the Whaingaroa Ward;
 - (i) one member shall be elected by the members of the Newcastle Ward;
 - (j) one member shall be elected by the members of the Raglan Ward;
 - and
 - (k) one member shall be elected by the members of the Tamahere Ward.

- 32 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 Statistics New Zealand and used for Parliamentary electoral purposes.

THE COMMITTEE OF THE COMMISSION

Sir Ross Jansen (Chairman)
Barbara Durbin (Commissioner)

27 March 2001