



LOCAL GOVERNMENT COMMISSION

Determination

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

Background

1. The Waimate District Council (the Council) elected at the 2004 local election comprises the mayor and eight councillors. The eight 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
Hakataramea	300	1	300	-580	-65.91
Pareora-Otaio-Makikihi	1,720	2	860	-20	-2.27
Waihao	1,140	1	1,140	+260	+29.55
Deep Creek	1,200	1	1,200	+320	+36.36
Waimate	2,680	3	893.33	+13.33	+1.52
TOTALS	7,040	8	880		

*These figures are from the 2001 census and rounded

2. There are no community boards in the Waimate District.
3. On 15 August 2006, the Council resolved, under sections 19H and 19J of the Local Electoral Act 2001 (the Act) its initial representation proposal as follows:
 - (a) the Council comprise eight councillors (and the mayor), elected by four 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
Waimate Urban	3,620	4	905	+31.25	+3.57
Rural North	1,690	2	845	-28.75	-3.29
Rural South	890	1	890	-16.25	-1.86
Rural West	790	1	790	83.75	-9.59
TOTALS	6,990	8	873.75		

*These figures are rounded 2006 population estimates provided by the Government Statistician

- (b) No community boards be constituted.
4. In notifying its proposal, the Council described the four proposed wards as relating to communities of interest as follows:
- Rural North: Pareora, Otaio and Makikihi;
Rural South: Willowbridge, Morven, and Glenavy;
Rural West: Waihaorunga and Hakataramea; and
Waimate Urban: extended boundaries from the existing Waimate Ward.
5. The Council received one submission on its initial proposal. The submission:
- opposed the enlargement of the area of, and number of councillors elected from, the proposed Waimate Urban Ward on the basis that it would not provide effective representation for rural residents included in the enlarged urban-based ward;
 - opposed the amalgamation of the Hakataramea Valley and Waihao areas into the proposed Rural West Ward on the basis that it combines communities of interest that are sufficiently distinct to warrant separate ward representation; and
 - sought greater consideration for exemption from the requirements of section 19V(2) of the Act on the basis of isolation of the Hakataramea Valley and Waihao areas.
6. Following its consideration of the submission, the Council confirmed its initial proposal. It received one appeal. The appeal reiterated the issues identified in paragraph 5 above.

Hearing

7. The Commission met with the Council and appellant on 15 February 2006. The Council was represented by the Mayor John Coles and Chief Executive John Maxwell. The appellant was Waimate Branches, South Canterbury Federated Farmers.

Matters raised at the hearing

8. In addition to the arguments outlined in paragraph 5, the appellants identified:
- travel times and occasional adverse weather conditions as contributing to the isolation of Hakataramea from the Waimate urban area; and
 - land use patterns as evidence of the distinctiveness of some parts of the existing Pareora-Otaio Ward that the Council proposed to include in the Waimate Urban Ward.

Matters for Determination

9. The statutory provisions in respect of the appeal 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

Effective and fair representation

10. 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).
11. 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'.

12. The steps in the representation review process are not statutorily prescribed. The Commission believes that the following approach to determining representation arrangements will achieve a robust outcome that is in accordance with statutory criteria:
- (a) identify communities of interest;
 - (b) determine the best means of providing effective representation for identified communities of interest; and
 - (c) determine fair representation for the electors of the City.

Waimate District

13. The Council identified distinct communities of interest in the district as follows:
- Pareora, Otaio, and Makikihi to the north of the district;
 - Willowbridge, Morven, and Glenavy to the south of the district;
 - Waihaorunga and Hakataramea to the south of the district; and
 - the Waimate urban area and a surrounding area of rural hinterland.
14. The appellant did not appeal the Council's decision to retain a ward structure. We agree that a ward structure provides the best basis for ensuring effective representation of the different communities of interest within the district.
15. The requirement to ensure fair representation for electors applies when a district is divided into wards. Any representation arrangements that do not comply with this requirement may only be allowed if the Commission believes it meets the test contained in section 19V(3)(a), which is whether this *is necessary to ensure the effective representation of communities of interest within isolated communities situated within the district*.
16. The appellant argued that the physical circumstances of the Hakataramea Valley area would compromise the effective representation of communities of interest if the requirements of section 19V(2) were adhered to. The Hakataramea settlement is approximately 45 minutes from the Waimate urban area. The population of the settlement is approximately 300. The adjacent Hakataramea Valley area is sparsely populated. Non-compliance would result in significant over-representation for residents of Hakataramea. We agree with the Council that the residents of the Hakataramea and Waihoa areas have common interests relating to agriculture, shared landscape and access routes, and the Waitaki River. We believe the Council's proposal, which combines these areas, will provide effective representation for these communities of interest.
17. The district's ward boundaries have not altered since 1989. The boundaries of the Waimate Urban Ward now contain only part of the Waimate urban area. The remainder of the urban area is included in the existing Deep Creek Ward, which surrounds the Waimate Urban Ward. The Deep Creek Ward also contains some lifestyle blocks and some areas of agricultural land. We agree with the Council that the boundaries of the existing Waimate and Deep Creek Wards split a clearly defined community of interest.
18. The appellant sought to retain these arrangements. We agree, however, with the Council that the Waimate Urban Ward should be enlarged, and that parts of the Deep Creek Ward should be included in the Waimate Urban, Rural

North and Rural South Wards. We are satisfied that the Council's proposal will result in effective representation for communities of interest and fair representation for electors.

19. While the enlarged ward includes some areas of rural land, the extent of this is minimal. As required under section 19T(b) of the Act, the Council's proposal aligns with current meshblock boundaries. We do not believe it is necessary to seek alterations to these boundaries for the small areas involved. We believe that all residents of the enlarged ward would regularly access services in the Waimate urban area. The proposed ward boundary aligns with roads and natural features that are easily recognisable.
20. We believe these boundaries will provide for effective representation of communities of interest. We also note that electoral boundaries have no bearing on the Council's rating policy.
21. The Council proposed to retain eight councillors. The effect of the appeal would be to increase the number of councillors to nine. We believe there is general community acceptance of the current size of the Council. We agree that an eight-member council will ensure effective representation of communities of interest. Accordingly we uphold this part of the Council's proposal.
22. The Commission is also required to determine the names of the wards. We asked the Council at the hearing to consider names that are more descriptive of the communities of interest. Based on suggestions from the Council, our decisions on ward names are as follows:
 - the proposed Waimate Urban ward will be called the Waimate Ward;
 - the proposed Rural North Ward will be called the Pareora-Otaio-Makikihi Ward;
 - the proposed Rural South Ward will be called the Lower Waihao Ward; and
 - the proposed Rural West Ward will be called the Hakatamea-Waihaorunga Ward.
23. The relationship between the Commission's decisions on ward boundaries, the number of councillors per ward, 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
Waimate	3,620	4	905	+31.25	+3.57
Pareora-Otaio-Makikihi	1,690	2	845	-28.75	-3.29
Lower Waihao	890	1	890	-16.25	-1.86
Hakatamea-Waihaorunga	790	1	790	-83.75	-9.59
TOTALS	6,990	8	873.75		

*These figures are rounded 2006 population estimates, being the most up-to-date available, provided by the Government Statistician

Commission's Determination

24. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Waimate District Council to be held on 13 October 2007, the following representation arrangements shall apply:
- (1) Waimate District as delineated on SO Plan 386468 deposited with Land Information New Zealand, shall be divided into four wards;
 - (2) Those four wards shall be -
 - (a) the Waimate Ward, comprising the area delineated on SO Plan 386466 deposited with Land Information New Zealand;
 - (b) the Pareora-Otaio-Makikihi Ward, comprising the area delineated on SO Plan 301222 deposited with Land Information New Zealand;
 - (c) the Lower Waihao Ward, comprising the area delineated on SO Plan 386465 deposited with Land Information New Zealand; and
 - (d) the Hakataramea-Waihaorunga Ward, comprising the area delineated on SO Plan 19416 deposited with Land Information New Zealand;
 - (3) The Council shall comprise a mayor and eight councillors, elected as follows:
 - (a) four councillors elected by the electors of the Waimate Ward;
 - (b) two councillors elected by the electors of the Pareora-Otaio-Makikihi Ward;
 - (c) one councillor elected by the electors of the Lower Waihao Ward; and
 - (d) one councillor elected by the electors of the Hakataramea-Waihaorunga Ward.
25. 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

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| Sue Piper | (Chair) |
| Gwen Bull | (Commissioner) |
| Wynne Raymond | (Commissioner) |

2 April 2007