



LOCAL GOVERNMENT COMMISSION

Determination

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

BACKGROUND

1 The Waitaki 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 Waitaki District Council elected at the 1998 general election comprises 15 members and the Mayor. The 15 members were elected as follows:

Ahuriri Ward	2 members
Corriedale Ward	3 members
Oamaru Ward	8 members
Waihemo Ward	2 members.

3 Following its review, the Council proposed to retain its current system of wards and membership.

4 The Council received one objection to its proposal, from Mr RW Pile. Mr Pile sought the inclusion of the Weston area in the Corriedale Ward and a reduction in the number of members of the Oamaru Ward from 8 to either 6 or 7.

5 Following consideration of the objection, the Council confirmed its original proposal. Mr Pile appealed the Council’s decision based on the matters raised in his objection.

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Preliminary Matter for Determination

- 6 The Commission, on receiving advice of the appeal, resolved that before making a determination of the electoral arrangements of the Council, it would meet with the Council, and the appellant if he wished to be heard. The Commission resolved to meet the Council and the appellant in Oamaru on 13 February 2001.

The Hearing

- 7 The Council was represented by the Mayor (Mr Duncan Taylor) and the Chief Executive (Ms Helen Barker). Mr Pile also appeared before the Commission.

The Council: Ms Barker spoke to a submission. Its contents, her comments and replies to questions may be summarised as follows:

- the Council sought the views of the public on the number of Councillors to be elected through the 1999-2000 and 2000-2001 Draft Annual Plans - of the 87 responses received on the issue, 45 favoured a smaller Council, 40 favoured no reduction in the number of Councillors and 2 expressed no opinion on the size of the Council;
- the Council resolved to retain the current electoral arrangements at its meeting on 15 August 2000;
- after consideration of Mr Pile's objection the Council decided to confirm its proposal;
- the Council considered the relevance of factors other than population, including area, rateable values and annual levies before making its decision, but did not apply any specific formula;
- the Council believes that the proposed wards appropriately reflect the communities of interest in the District, having regard to the factors of urban and rural character, historical community of interest, and distance factors;
- the Council considers that Weston belongs in the Oamaru Ward because of its predominantly urban character and because the township's community of interest for employment, education and health services is Oamaru - this linkage was reinforced with Weston's connection in 1999 to the Oamaru Sewerage Treatment System;
- in reaching its decision, the Council considered a range of options, including population alone, as well as population modified for rateable land area and population modified for annual rates dollars, and concluded that the existing basis of election provides fairer and more effective representation than any of the alternatives proposed;
- the Council considered the points raised by Mr Pile in his objection, but remained of the view that the existing basis of election provides fairer and more effective representation than any of the alternatives proposed.

The Mayor made the following additional comments:

- in considering the issue of representation, the Council considered that the Ahuriri and Waihemo Wards each required two Councillors because of their sheer size and the burden this places on the Councillors representing those wards; and
- the Corriedale Ward does not have a centre of interest, but has a number of townships that provide a local focus for communities.

RW Pile: Mr Pile spoke to his appeal. His comments and replies to questions may be summarised as follows:

- Mr Pile is seeking the incorporation of Weston in the Corriedale Ward and more balanced representation for the District;
- in constituting the District in 1989 the Commission could only apply population to determine representation;
- a recognition by Government that rural areas were disadvantaged through determining representation on the basis of population alone, led to the provision for the additional factors of area and rateable value to be taken into account;
- the Waitaki District has the fourth largest territorial local authority area;
- reducing the representation of the Oamaru Ward to six members would reduce the negative views of the Council among rural residents, particularly those residing in the Waihemo Ward;
- Weston is an urban area, and its transfer would provide Corriedale with an urban focus; and
- the Weston Progress League is interested in the formation of a community board for the Corriedale-Weston area.

The Council in reply: The Mayor made the following comments:

- the Council respects Mr Pile's experience in local government;
- the Council endeavours to operate as a Council of the whole District; and
- the Corriedale Ward has a number of small townships, including Kakanui and Duntroon, which might also be seen as a logical centre for the Corriedale Ward.

MATTERS FOR DETERMINATION

8 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.”*

9 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

10 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.

- 11 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.
- 12 In the Commission'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.
- 13 The Waitaki District is a large and diverse area. It contains the large urban area of Oamaru, a number of townships, and the large rural area on the southern side of the Waitaki catchment and extending beyond the township of Palmerston to the south. The Commission came to the view that because of the size and diversity of the District, effective representation of communities of interest could only be achieved by councillors being elected on a ward basis.
- 14 In reaching its decision, the Commission noted that the appellant did not oppose the provision of a ward system for the District.

Appropriate Ward System

- 15 Having decided that the basis of election would be the ward system, the Commission 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 Commission 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 Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 17 In the Commission'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 4 wards, based on the wards that applied for the 1995 and 1998 elections of the Council. One of the proposed wards encompasses the urban areas of Oamaru and Weston, while the three other wards are principally rural with a number of townships scattered throughout.
- 19 The appellant argued for the inclusion of the Weston area in the Corriedale ward, as a means of providing more effective representation of that area and providing an urban centre for the Corriedale Ward. The appellant also considered that the community of interest of the Weston area was more closely associated with the Corriedale Ward than the urban area of Oamaru.
- 20 The Weston area was integrated with the Oamaru urban area as the Oamaru Ward for the purposes of the 1995 and 1998 elections. The Weston area is primarily urban and its residents look to Oamaru as a source of employment and for educational, health, social and recreational purposes. From the evidence submitted to it, the Commission is satisfied that the community of interest of the Weston area is with the Oamaru urban area and that it should remain part of the Oamaru Ward.
- 21 Having considered the evidence presented to it at the hearing of the appeal, and other material gathered by it, the Commission 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 Commission considered the distinct nature of each community and the geographical characteristics of the District.

Number of Members

- 22 Having decided that there will be 4 wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 23 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.

- 24 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 15 (excluding the Mayor) as proposed by the Council, or with a total membership of 13 or 14. Table 2 shows the same information taking into account the three factors of population weighted at 80%, rateable land value weighted at 10%, and area weighted at 10%. The population figures applied in the tables are 1996 Census population figures provided by Statistics New Zealand.

Table 1

Ward	Population	%	13 members	14 members	15 members
Ahuriri	1758	8.15	1.06	1.14	1.22
Corriedale	5022	23.28	3.03	3.26	3.49
Oamaru	12750	59.10	7.68	8.27	8.87
Waihemo	2043	9.47	1.23	1.33	1.42

Table 2

Ward	Factor Value	13 members	14 members	15 members
Ahuriri	12.76	1.66	1.79	1.91
Corriedale	26.65	3.46	3.73	4.00
Oamaru	49.31	6.41	6.90	7.40
Waihemo	11.28	1.47	1.58	1.69

- 25 Given the diversity of the District in terms of its rural and urban communities, the Commission has given consideration to applying factors of rateable value and area, in addition to that of population. 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.
- 26 The Commission is of the view that fairness in representation between the electors of each ward is better achieved through the application of the factors of population, rateable value and area, as weighted above, than through the application of population alone. Through applying the weighted factors, the Commission is of the view that fairness of representation between wards is more or less achieved with a

15 member Council. The Ahuriri and Waihemo Wards will each have two members as proposed by the Council, while the Corriedale Ward will have four members and the Oamaru Ward will have seven members. This ward representation largely addresses the concern of the appellant for a more balanced representation between wards.

- 27 Having considered all aspects of the matter of representation, the Commission has concluded that the membership of the Council should total 15 members and the Mayor, taking into account population, rateable value and area on the basis outlined above.

DETERMINATION

- 28 Under section 101K of the Act, the Commission determines that for the general election of the Council to be held on 13 October 2001 -
- (1) The Waitaki District as delineated on S.O. Plan 23106 deposited with the Chief Surveyor of the Otago Land District, shall be divided into 4 wards;
 - (2) Those 4 wards shall be -
 - (a) The Ahuriri Ward, comprising the area delineated on S.O. Plan No. 23107 deposited with the Chief Surveyor of the Otago Land District;
 - (b) The Corriedale Ward, comprising the area delineated on S.O. Plan No. 24255 deposited with the Chief Surveyor of the Otago Land District;
 - (c) The Oamaru Ward, comprising the area delineated on S.O. Plan No. 24253 deposited with the Chief Surveyor of the Otago Land District;
 - (d) The Waihemo Ward, comprising the area delineated on S.O. Plan 24254 deposited with the Chief Surveyor of the Otago Land District;
 - (3) The Council shall comprise the Mayor and 15 members who shall be elected as follows -
 - (a) two members shall be elected by the electors of the Ahuriri Ward;
 - (b) four members shall be elected by the electors of the Corriedale Ward;

- (c) seven members shall be elected by the electors of the Oamaru Ward; and
- (d) two members shall be elected by the electors of the Waihemo Ward.

- 29 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 LOCAL GOVERNMENT COMMISSION

Sir Ross Jansen (Chairman)
Barbara Durbin (Commissioner)
Bruce Anderson (Commissioner)

27 March 2001