



Determination

of representation arrangements to apply for the elections of the Manawatu District Council to be held on 8 October 2022

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Manawatu District Council (the Council) last reviewed its representation arrangements prior to the 2019 local authority elections. In addition, in May 2021 it resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. The Commission was not required to make a determination in relation to the Council's 2019 representation review as no appeals or objections were received and all wards complied with section 19V(2) of the Act (the '+/-10% rule').
4. The Council's current representation arrangements have been in place since 2019 and comprise a mayor and 10 councillors elected as follows:

Ward	2020 population data	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Rural	15,100	5	3,020	-195	-6.07
Fielding	17,050	5	3,410	195	6.07
Total	32,150	10	3,215		

*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

5. The Council does not have any community boards.

Current review: Council process and proposal

Preliminary consultation

6. In June 2021 the Council undertook preliminary engagement with the community by way of a survey. A Council workshop was subsequently held in August 2021 to consider potential options for representation models.

The Council's initial proposal

7. On 19 August 2021 the Council resolved as its initial representation proposal a council comprising 11 members elected from three wards, plus the mayor. The Council also resolved not to establish community boards.
8. The initial proposed ward arrangements were as follows:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Manawatū Rural General Ward	14,000	5	2,800	-100	-3.32
Feilding General Ward	15,050	5	3,010	110	3.79
Total General	29,000	10	2,900		
Māori Ward	3,120	1	3,120	N/A	N/A
Total0	32,120	11			

*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

9. The Council notified its proposal on 26 August 2021 and received 34 submissions by the deadline of 27 September 2021. Two submitters were heard by the Council on 7 October 2021.
10. Of the 34 submissions, 19 submissions supported or were neutral on the Council's initial proposal, 13 did not support all aspects of the proposal, and two did not clearly answer this question.
11. Key themes in the submissions were:
 - a. Commentary regarding the proposed number of elected members, with the majority of submissions in support of the Council's proposal but several submitters requesting a decrease to 10 members or less. Several submitters also expressed concern that increasing the number of members would impact the proportion of general members as against the Māori Ward member.
 - b. Commentary regarding the proposed representation model. The majority of submissions supported ward-based representation, but there were some submissions requesting a mixed model of representation, with some members elected from wards and some elected at large.

- c. One submission requested that the Council engage with tangata whenua to seek a more suitable name for the Māori ward.

The Council's final proposal

12. At a meeting on 4 November 2021, the Council amended its initial proposal to the following final proposal for the 2022 local elections:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Manawatū Rural General Ward	14,000	4	3,500	-125	-3.45
Feilding General Ward	15,050	4	3,763	138	+3.81
Total General	29,000	8	3,625		
Māori Ward	3,120	1	3,120	N/A	N/A
Total	32,120	9			

*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

13. The Council publicly notified its final proposal on 11 November 2021.

Appeals/objections against the council's final proposal

14. Two appeals and two objections received on the Council's final proposal were considered valid or partially valid and covered the following matters:
- The overall number of councillors, with three appellants/objectors requesting that the Council comprise of 11 members plus the mayor.
 - The name of the Māori ward, with one objector requesting that the name 'Māori Ward' as included in the Council's final proposal be replaced with 'Ngā Tapuae o Matangi', a name gifted by Te Kōtui Reo Taumata Collective (representing the marae, hapū and iwi of the Manawatū District).
15. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.

Hearing

16. The Commission met with the Council and the four appellants and objectors who wished to be heard at a hearing held online on 24 February 2022. The Council was represented at the hearing by Mayor Helen Worboys. She was supported by Chief Executive Shayne Harris, General Manager – Corporate, Cathy Robinson and Governance Manager, Allie Dunn.
17. The following appellants and objectors appeared at the hearing:
- Rangiwahia Community Committee, represented by Fiona Morton

- b. Shelley Dew-Hopkins
- c. Āpiti Community Committee, represented by Felicity McKay
- d. Te Kōtui Reo Taumata Collective, represented by Meihana Durie

Matters raised at the hearing

18. Mayor Helen Worboys explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:
 - a. The Council considered that it had conducted a robust review process, including seeking community feedback via a pre-engagement survey and considering a variety of options through a workshop prior to adopting the initial proposal.
 - b. The Council adopted the initial proposal on the basis that it was close to the status quo which was working well. There were concerns regarding future population growth and it was noted that councillors currently had a high workload. It was also noted that the district was large and included a variety of communities of interest within.
 - c. In adopting the initial proposal, a reasonable proportion of councillors did not have strong feelings about whether the council should comprise of 11 members plus the mayor with five members in each of the general wards and a single Māori ward member, or nine members plus the mayor, with four members in each of the general wards and a single Māori ward member.
 - d. Councillors who preferred a council of nine members did so on the basis that:
 - projected population growth meant that the ward variances may come under pressure in coming years;
 - the inclusion of the Māori ward member meant that there would only be a reduction by one member;
 - a smaller group around the council table would be more likely to result in streamlined discussions and enhanced quality of decision-making;
 - reforms underway in the local government sector may result in lower workloads in the future; and
 - higher remuneration may attract a great diversity of candidates.
 - e. The debate regarding the overall size of the Council continued at the meeting to adopt the final proposal. At this meeting, one councillor changed their position which resulted in the final proposal for a nine-member council being adopted.

- f. The agenda for the final proposal meeting had included an option for a nine-member council, although the officer recommendation was to confirm an 11-member Council as the final proposal.
 - g. The Council had engaged with Te Kōtui Reo Taumata Collective regarding the name for the Māori ward, but timing constraints meant that the name was not available at the time at which the Council approved its final proposal. This meant that the name proposed by Te Kōtui Reo Taumata Collective for the Māori ward had been processed as an objection to the Council's final proposal.
 - h. The Council noted that there were no requests from the community for community boards to be established, and it was felt that current system of community committees, each with a liaison councillor, was working well.
19. The appellants and objectors appearing at the hearing emphasised the following points in opposition to the Council's proposal:
- a. Fiona Morton, on behalf of the Rangiwahia Community Committee, Felicity McKay, on behalf of the Āpiti Community Committee, and Shelley Dew-Hopkins emphasised their understanding that the initial proposal was based on a total of 11 members, including five members from the proposed Manawatū Rural General Ward. They did not recall public discussion regarding a possible reduction in the number of members and accordingly had not commented extensively on this matter in submissions to the initial proposal.
 - b. The appellants noted that 21 submissions had supported the Council's increase in the number of councillors to 11. Therefore, it came as a shock when the Council reduced its membership through its final proposal. There was concern that the decision had been based on assumptions about potential outcomes of reforms in the local government sector that were not yet clear, such as an assumption that there would be lower workloads.
 - c. The appellants were concerned that the reduction in councillor numbers was likely to result in the rural voice being minimised at the council table. The rural area was vast and spanned a variety of geographies, from the mountains to the coast. Rural communities were diverse, had different needs, and some were comparatively isolated. Rural communities faced a number of challenges, including economic wellbeing and mental health issues, and it was felt that a reduction in representation would be detrimental for communities.
 - d. It was further noted that the district's population was growing and a reduction in councillor numbers would place pressure on residents' access to councillors and vice versa. It was also felt that a reduction in councillor numbers may lead to reduced diversity around the council table.
 - e. Meihana Durie, on behalf of Te Kōtui Reo Taumata Collective, explained the korero undertaken by Te Kōtui Reo Taumata Collective in developing a name for the Māori ward. He noted that the district covered a variety of takiwā a

iwi, with a large number of hapū and marae, and that centuries of relationships had been formed in the district through whakapapa, alliances and migration from other areas.

- f. Mr Durie explained the oral tradition of the area included korero regarding the explorer Matangi, who traversed a number of regions but was well known for his expeditions in the Manawatū district. Matangi had given names to many places in the district, including Aorangi/Feilding.
- g. The name Ngā Tapuae o Matangi spoke not only of the district as a whole but also of the areas occupied by whanau, hapū and iwi. The footprints of Matangi indicate the connected nature of the district, as ngā tapuae o Matangi bind and connect the people of the district. As such, Ngā Tapuae o Matangi was felt to be an appropriate name for the Māori ward.

Matters for determination by the Commission

20. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
21. The matters in the scope of the review are:
 - the number of councillors
 - if there are to be wards, the area and boundaries of wards and the number of members to be elected from each ward

Key considerations

22. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* (the Guidelines) identify the following three key factors when considering representation proposals:
 - a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

23. The Guidelines identify three dimensions for recognising communities of interest:

- a. *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - b. *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - c. *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
24. In this review, the Council recognised the urban Feilding area and the rural parts of the district as distinct communities of interest and recognised each as such in both the initial and final proposal. We are satisfied that the Council has appropriately identified communities of interest in the district for the purposes of this review.

Fair and effective representation of communities of interest

25. For the purpose of achieving fair representation for the electors of a district, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
26. With regards to effective representation, section 19T of the Act requires the Commission to ensure that:
- a. the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
 - b. ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - c. so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
27. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
28. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
- a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area

- b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest
 - d. accessibility, size and configuration of an area including access to elected members and vice versa.
29. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, a mixture of wards and at large. As the Council resolved to establish a Māori ward, it was also required to establish at least one general ward.

Number of elected members

30. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards.
31. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. The Council currently comprises 10 councillors plus the mayor. The initial proposal therefore represented an increase of one member, and the final proposal represented a reduction by one member.
32. The number of members is one of the main issues before us in this review, with three of the four appeals and objections relating to this point.
33. We heard from the Council that reasons for reducing the number of members in the final proposal were to streamline discussions and enhance the quality of decision-making, to attract greater diversity in candidates standing for the Council and reflected a potential reduction in workload as a result of local government reforms currently underway.
34. We heard from appellants and objectors on this point that the rural parts of the district were vast, diverse and included a variety of different villages and townships. It was felt that a reduction in councillor numbers would minimise the rural voice at the council table and may also lead to less diversity at the council table.
35. We note on this point that the council officer report regarding the final representation proposal recommended that the Council confirm its initial proposal for an 11-member Council plus the mayor as its final proposal. The report referenced factors to ensure the decision on the final proposal supported fair and effective representation for the district.
36. The report noted:

4.38 These factors include consideration of the size, configuration and accessibility of the Ward area, allowing for reasonable access for the

population to its elected members and vice versa and considering whether the number of elected members would allow sufficient diversity to effectively represent the views of their electoral subdivision. The Council is also mindful of the community view that there should be a balance of rural and urban interests on the elected Council to ensure a balanced approach to Council's decision-making relating to areas that impact the rural sector.

[...]

4.41 One of the submissions commented on the impact of having more members on the length of discussions and efficiency of decision-making at the Council table. The number of members does not necessarily mean that discussions and decision-making would necessarily take more time. The Chairperson of a meeting can choose different methods for how matters are discussed and debated at Council, and it is under their control how focussed the debate needs to be, depending on the needs at the time.

38. We have concerns regarding the reasons relied on by the Council in reducing its membership in the final proposal to nine members plus the mayor. We do not see a clear connection between the reasons noted by the Council for its decision and effective representation of communities of interest, particularly those within the Rural Ward. The Council did not elaborate at the hearing how the reasons for its decision related to considerations of effective representation.
39. In contrast, feedback received through submissions to the Council's initial proposal showed a clear preference for an 11-member council, and the officer report elaborated on reasons directly relating to questions of effective representation in recommending that the Council confirm its 11-member initial proposal as its final representation proposal.
39. We note that the geography of the Rural Ward includes flat coastal plains and rolling country in the southern parts of the district, and more rugged hill country in the northern parts of the district. The transport networks in the northern parts of the district are characterised by roads travelling north to south along valleys, with few interconnecting roads in between. The communities in this part of the district are reasonably distant, with Āpiti and Rangiwahia located over 40 and 50km respectively from Fielding.
40. This geography gives context to loss of representation felt by appellants and objectors at the Council's proposal to reduce the Council to nine members plus the mayor, and their concerns that the rural voice would be minimised at the council table as a result. The issues raised by the appellants and objectors, of the size and configuration of the ward area and accessibility of residents to elected members and vice versa go to the heart of considerations of effective representation. We note that these are the same factors relied on by Council officers in recommending that the Council confirm its initial 11-member proposal as its final proposal.
41. We do not consider that a Council of nine members plus the mayor will provide effective representation for communities of interest in the district. We uphold the

appeals and objections on this point and determine that the ward structure should follow the structure contained in the Council's initial proposal, for a Manawatū Rural General Ward electing five members, a Feilding General Ward electing five elected members, and a district-wide Māori ward electing one member.

Name of the Māori ward

37. We are grateful to Meihana Durie for his generosity in sharing, on behalf of Te Kōtui Reo Taumata Collective, the stories of Matangi in the Manawatū district and the significance and symbolism behind the proposed name for the Māori ward, Ngā Tapuae o Matangi. We acknowledge the mana of the name proposed for the Māori ward, and we thank Mr Durie for his korero.
38. We also acknowledge the Council's confirmation of its support for naming the Māori Ward Ngā Tapuae o Matangi.
39. Accordingly, we confirm that the Māori ward be named Ngā Tapuae o Matangi Māori Ward.

Fair representation

40. We note that the Manawatū Rural General Ward and the Feilding General Ward both comply with the +/-10% rule, and there is no need to discuss matters relating to fair representation of electors for this review.

Communities and community boards

41. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
42. In the current review, the council has proposed not to establish community boards on the basis that there was no community demand for community boards, and the Council currently had active and successful community committees.
43. We note that there are no appeals or objections requesting that community boards be established. We do not consider it necessary to establish community boards in the district at this time.

Commission's determination¹

44. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Manawatu District Council to be held on 8 October 2022, the following representation arrangements will apply:

¹ All plans referred to in this determination are deposited with the Local Government Commission.

1. Manawatu District, as delineated on Plan LG-039-2022-W-1 deposited with the Local Government Commission, will be divided into three wards.
2. Those three wards will be:
 - a. the Ngā Tapuae o Matangi Māori Ward, comprising the area delineated on Plan LG-039-2022-W-2
 - b. the Manawatū Rural General Ward, comprising the area delineated on Plan LG-039-2022-W-3
 - c. the Feilding General Ward, comprising the area delineated on Plan LG-039-2022-W-4
3. The Council will comprise the mayor and 11 councillors elected as follows:
 - a. 1 councillor elected by the electors of the Ngā Tapuae o Matangi Māori Ward
 - b. 5 councillors elected by the electors of the Manawatū Rural General Ward
 - c. 5 councillors elected by the electors of the Feilding General Ward.
4. As required by section 19T(b) 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.

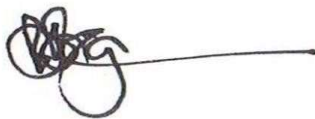
Local Government Commission



Commissioner Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham

8 April 2022