



## LOCAL GOVERNMENT COMMISSION MANA KĀWANATANGA Ā ROHE

### Determination of representation arrangements to apply for the election of the Dunedin City Council to be held on 9 October 2010

#### Background

1. The Dunedin City Council (the Council) elected at the 2007 local elections comprised the mayor and 14 councillors. The councillors were elected by wards as follows:

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from City average population per councillor	% deviation from City population per councillor
Waikouaiti Coast-Chalmers	8,760	1	8,760	-25	-0.28
Cargill	26,100	3	8,700	-85	-0.97
Hills	26,300	3	8,767	-18	-0.21
Green Island-Saddle Hill	9,880	1	9,880	+1,095	+12.46
South Dunedin	35,200	4	8,800	+15	+0.17
Mosgiel-Taieri	16,750	2	8,375	-410	-4.67
<b>Total</b>	<b>122,990</b>	<b>14</b>	<b>8,785</b>		

\* Based on 2008 population estimates

2. There are six community boards within Dunedin City. These are –

Strath Taieri Community Board  
Waikouaiti Community Board  
Mosgiel Taieri Community Board  
Saddle Hill Community Board  
Chalmers Community Board  
Otago Peninsula Community Board

3. One community board, Mosgiel Taieri, is subdivided for electoral purposes. The boards cover virtually all the City outside the central urban core.

4. In November 2008 the Council established an independent review team to investigate the City's representation arrangements and report back to the Council with recommendations for future arrangements. The members of the review team were Judge John McDonald (Chair), Hilary Allison, Professor Geoff Kearsley, Colin Scurr and the Mayor.
5. The review team recommended that –
  - the council continue to comprise 14 members
  - the Cargill, Hills, South Dunedin and Green Island-Saddle Hill Wards and an area of the Mosgiel-Taieri Ward be combined into a Central Ward
  - the Waikouaiti Coast-Chalmers Ward and Mosgiel-Taieri Ward continue in existence
  - the six existing community boards be retained
  - an area be transferred from the Mosgiel Taieri Community to the Saddle Hill Community and a further area be excluded from the Saddle Hill Community
  - the Mosgiel Taieri Community no longer be subdivided for electoral purposes.
6. The creation of a Central Ward was the main change proposed to the existing system of representation. The review team's reasons for proposing a Central Ward were set out in its report to the Council. In brief the review team's reasons were that a Central Ward –
  - optimises the advantages of an at large system and minimises the disadvantages;
  - takes into account broader public opinion as identified during the review team's investigations; and
  - continues separate representation for rural and outlying areas.
7. The other significant change was the proposed discontinuance of subdivisions in the Mosgiel Taieri Community. The review team's report states that –
  - the community board members it talked to were generally in support of the discontinuance of subdivisions
  - the community of interest is the whole board area rather than divisions of it
  - the distinction between urban and rural parts of the community had become blurred because of the expansion of Mosgiel and lifestyle block developments on the outskirts of Mosgiel and in North Taieri.

### **Council's initial proposal**

8. On 22 June 2009 the Council resolved, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), its initial proposed representation arrangements to apply for the 2010 local elections. The Council's initial proposal reflected the review team's recommendations. This resulted in the following arrangements.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from City average population per councillor	% deviation from City population per councillor
Central	97,880	11	8,898	+113	+1.29
Mosgiel-Taieri	16,350	2	8,175	-610	-6.94
Waikouaiti Coast-Chalmers	8,760	1	8,760	-25	-0.28
<b>Total</b>	<b>122,990</b>	<b>14</b>	<b>8,785</b>		

\* Based on 2008 population estimates

9. The proposed community board arrangements were as follows:

Community Board	Population	Elected members	Appointed members
Waikouaiti Coast	3,330	6	1
Chalmers	5,430	6	1
Otago Peninsula	4,330	6	1
Saddle Hill	5,510	6	1
Strath Taieri	680	6	1
Mosgiel Taieri	16,050	6	1

10. Apart from the discontinuance of electoral subdivisions in the Mosgiel Taieri Community and boundary changes affecting the Mosgiel Taieri and Saddle Hill Communities, these arrangements carried forward the status quo.
11. The Council notified its initial proposal on 4 July 2009 and called for submissions by 4 August 2009. A total of 41 submissions were received on the Council's initial proposal. The Council noted that these submissions covered 17 different matters.

### Council's final proposal

12. Following its consideration of submissions, the Council, on 7 September 2009, agreed that its final proposal be the same as its initial proposal.
13. The Council publicly notified its final proposal on 15 September 2009. It recorded the following reasons for rejecting matters raised in objections to its initial proposal:

Issue	Number of submitters	Council's reason for rejecting submission
Request current ward system remain in place	6	Majority of respondents to pre-consultation surveys preferred other systems of representation. There was no strong support for this in the submission process.
Opposition to the Central Ward proposal	5	City wards can be argued to be artificial. The community of interests for the majority of residents is the entire urban area.
Request for election at large	13	There is still a need to provide separate representation for some areas of the

		City to ensure the voice of rural and outlying areas continues to be heard.
Requests West Harbour suburbs (or other parts of Waikouaiti Coast-Chalmers Ward) be included in Central Ward	5	The remainder of the ward will not meet the +/-10% requirement.
Opposition to Waikouaiti and Chalmers being in the same ward	3	Neither will meet the +/-10% requirement on their own.
Alternative ward systems proposed	4	These generally did not meet the +/-10% requirement.
Green Island-Saddle Hill remain a separate ward.	2	Community of interest is compromised if the +/-10% requirement is adhered to.
Suggestion of a rural ward (with variations of what areas would be included)	3	There was no strong support for this suggestion. Community of interest may be compromised depending on area included in ward.
Request for an increase in number of councillors	2	There was no strong support for this in pre-consultation or submission processes.
More community boards or boards to cover whole of City	4	There was no strong support for this in pre-consultation or submission processes.
Abolition of all or particular community boards	4	There was no strong support for this in pre-consultation or submission processes.
Request for community board covering Strath Taieri and Taieri Subdivision of Mosgiel Taieri Community Board	1	There were no other submissions in support of this suggestion.
Retain Mosgiel and Taieri subdivisions of Mosgiel Taieri Community Board	2	The distinction between urban and rural parts of the community is becoming blurred. It was considered that the need for subdivision has passed.
Decrease number of community board members, given current delegations	1	There were no other submissions in support of this suggestion.
Increase powers of community boards	3	There was no strong support for this suggestion.
Suggested alternative name for ward/community board	2	One suggestion is redundant with the adoption of the Central Ward. The other related to a future review.

## Appeals

14. A total of ten appeals against the Council's final proposal were received. The appellants and the issues raised by them were:

Issue	Appellants
Maintain current ward structure	Linda Hamill, Leonie Rousselot, Pam & Rod Mason and Geraldine Tait
Support an at-large system	Joe Enright, Doug Jackson, Cyril Childs/Christine Thomson, John Neilson and Brian Miller

Include Port Chalmers and West Harbour in the Central Ward	Ian Church, Cyril Childs/Christine Thomson
Combine Strath Taieri Community and the Taieri Subdivision of the Mosgiel Taieri Community as a larger rural community	Brian Miller
Establish Hills, South Dunedin and Cargill Community Boards	John Neilson
Reduce number of community board members to 4 per board unless boards have meaningful delegations	John Neilson

## Hearing

15. The Commission met with the Council and appellants at a hearing held at the Dunedin City Council on 16 December 2009. The Council was represented by the Mayor Peter Chin and Councillor Richard Walls (supported by Manager Governance, Sandy Graham, Electoral Officer, Pam Jordan and Professor Geoff Kearsley). The appellants who appeared at the hearing were: Brian Miller, Doug Jackson, Geraldine Tait, Ian Church and John Neilson. The chair of the Mosgiel Taieri Community Board, Barry Barbour, attended the hearing at the request of the Commission along with other members of the Board.

## Matters raised in appeals and at the hearing

16. The main points presented by the Council were that:
- under its proposal, a large proportion of the population would be able to vote for 11 councillors and is not limited to the choice that the current ward system offers
  - some communities of interest would retained separate representation to ensure that the voice of rural and outlying areas continues to be represented on the Council
  - the ability to vote for a reasonable number of councillors had been indicated as something that people want, while recognising that rural areas have different characteristics
  - under a ward system, voters in the two outlying wards were more likely to know candidates standing in their wards and can make an informed choice, while the argument applied to the at large system that Dunedin is small enough to ensure that most candidates would be known across the city and not necessarily just by people within their own wards, could also be applied to the proposed Central Ward
  - while there are communities of interest within Dunedin's central wards, generally the urban population of Dunedin is focused on the urban area as a whole for work, education, shopping and social activities
  - Dunedin's urban area is compact and people undertake activities all over the City without being restricted to their own wards. Essentially the community of interest for the majority of residents is the entire urban area
  - the STV system used in Dunedin City is more suitable for wards with larger numbers of members
  - including the West Harbour suburbs in the Central Ward was not possible within the constraints of the +/-10% requirement of the Local Electoral Act

- a solely rural ward would have to include parts of both the Waikouaiti-Coast Chalmers and Mosgiel-Taieri Wards and would be an artificial combination of communities of interest.

17. The main points raised in support of the status quo were:

- the Central Ward would not produce a good democratic outcome for the city and may reduce voter turnout
- the number of people responding to the review team's surveys was small
- the Central Ward, with its larger number of members, would result in personality politics dominating the election
- voters would have to choose between a larger number of candidates, risking confusion and disengagement
- the proposed changes may result in a reduced number of women councillors
- the argument made by the review team that the Central Ward was justified because the +/-10% rule made it too difficult to establish smaller wards was an insufficient argument
- a larger ward would distance voters from councillors
- socio-economic, cultural and age disparities between different areas in Dunedin warranted separate wards for specific areas.

18. The main points presented in favour of at large representation arrangements were:

- Members representing rural wards would comprise a minority of the Council and those representing the Central Ward would dominate decision-making
- Every voter should have the opportunity to vote for all councillors when decisions are made on a city-wide basis
- Rural representatives had not always supported rural interests, thereby removing the argument to retain separate rural wards
- There are ways other than separate wards to preserve a rural voice

19. Points raised in relation to community boards were:

- the surveys conducted for the review team indicated strong support for the retention of community boards but little support for the creation of more boards. There seemed to be no strong desire among the survey respondents to change the number and composition of community boards
- most members of the Mosgiel Taieri Community Board considered that the board should be elected at large
- the expansion of Mosgiel and new lifestyle block developments on the outskirts of Mosgiel and in the North Taieri meant that the distinction between urban and rural in this area had become blurred
- since the Mosgiel and Taieri Wards have been combined into a single ward electors had so far managed to elect an "urban" and a "rural" councillor at each election
- alternatively, a community board combining Strath Taieri Community and the Taieri Subdivision would provide a stronger rural voice

## **Matters for Determination**

20. The statutory provisions in respect of objections and appeals are contained in sections 19R, 19H and 19J of 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.*

**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.*

**Consideration by the Commission**

*Effective and fair representation*

21. 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).
22. 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'.

23. The steps in the process for achieving effective and fair representation 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 the statutory criteria:
  - (a) identify the city's communities of interest;
  - (b) determine the best means of providing effective representation of the communities of interest; and
  - (c) determine fair representation for electors of the city.

#### *Basis of election*

24. As noted above, the Council's proposal is for a three ward system combining the four urban wards into a Central Ward and retaining the two mainly rural wards. The appellants sought either retention of the status quo or an at large system. Our consideration was principally around these three options.
25. The first question we are required to answer is whether Dunedin City should be divided into wards. Dunedin City contains a diversity of communities and a large rural area. In dealing with previous reviews of Dunedin City the Commission has heard evidence that the areas comprising the two current rural wards comprise distinct communities of interest and that the rural nature of those wards, their size and the relative isolation of some areas requires separate representation. Our observation is that, not only do these conditions continue to apply, roading access in many parts of these wards is difficult and travelling times lengthy with a resulting impact on the ability to provide effective representation for those areas.
26. One argument put forward by supporters of an at large system in Dunedin is that because decisions made by councillors are made on a city-wide basis, all voters should be able to vote for all councillors. This appears to us to ignore some fundamental issues. The purpose of wards is, where they are necessary, to ensure effective representation of communities of interest, both at election time and on an on-going basis through effective engagement between councillors and the community. If the geography or other characteristics of an area create barriers to engagement and representation the ward system is likely to be an effective way of overcoming those barriers.
27. We have decided that wards based on the current Waikouaiti Coast-Chalmers Ward and Mosgiel-Taieri Ward are necessary to ensure effective representation of the communities of interest within those wards and therefore the members of the council should be elected through a ward system.
28. The next question is what the ward system in the remainder of Dunedin City should be.
29. The proposed Central Ward includes a cohesive urban community, with distinct boundaries. The ward would include some rural and semi-rural communities but we note that these areas are included in the areas of the Otago Peninsula and Saddle Hill Community Boards and will receive additional representation through those boards. The bulk of the proposed ward is relatively compact and there are no particular issues of access or transport. Travel distances within the urban part of the proposed ward are relatively short.

30. An argument put forward by the Council was that elections in Dunedin City are conducted using the STV system. An attribute of the STV system is that for the full benefits of proportionality in representation to be evident, a larger rather than a smaller number of members is required. The proposed Central Ward with its 11 members enables such proportionality and creates the potential for a diversity of members from different geographic communities and social groupings. An argument made in favour of the current ward system was that a Central Ward might mean a lack of representation for areas of socio-economic deprivation. However, under an STV system this is less likely depending on levels of voter turnout of different groups.
31. We would not necessarily agree, however, that every ward under a STV system should be a large multi-member ward. There will be some cases where geography and distance require wards with smaller numbers of members to maintain reasonable access between electors and elected members. However in the case of the proposed Central Ward issues of distance do not apply.
32. On the above basis we have determined that the three-ward system proposed by the Council should be the basis of elections for the 2010 local elections.

#### *Communities and community boards*

33. Section 19W of the Act sets out criteria for community board reviews. These include requirements for effective representation of communities of interest within the community and fair representation of electors.
34. Dunedin City has had community boards since its constitution in 1989. Initially there were five boards. In 2001 the Otago Peninsula Community Board was established. The Council's proposal was for the retention of each of the six boards but with two boundary changes and the abolition of the electoral subdivisions in the Mosgiel Taieri Community.
35. Two appellants sought changes to the community board structure as follows:
  - the establishment of three new community boards to cover the existing Hills, South Dunedin and Cargill Wards
  - a reduction in the number of members on each community board from six to four, unless the boards have meaningful delegations
  - the combining of the Strath Taieri Community and the Taieri Subdivision of the Mosgiel Taieri Community as a larger rural community.
36. In the absence of significant support for a wider system of community boards in the review team's consultation or the submission process, we decided not to pursue this matter. We were advised by the Council that, in the main, the boards are working effectively and therefore we do not consider that a decrease in the number of community board members is warranted.
37. As far as the combining of the Strath Taieri Community and the Taieri Subdivision of the Mosgiel Taieri Community is concerned, we heard evidence that significant parts of the Taieri Subdivision have undergone intensification of settlement through the expansion of Mosgiel and the development of lifestyle blocks. This was supported by a visit we made to the area. We concluded that the appellant's proposal would split Mosgiel's wider community of interest and decided not to proceed with it.

38. We have therefore confirmed the Council's proposal for community boards.
39. One appellant sought the appointment of councillors to community boards being done on a rotational basis. This matter is outside the scope of the Commission's responsibilities and is best addressed by the Council.

### **Commission's Determination**

40. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Dunedin City Council to be held on 9 October 2010, the following representation arrangements apply –
  - (1) Dunedin City, as delineated on SO Plan 430133 deposited with Land Information New Zealand, is divided into three wards;
  - (2) Those three wards are -
    - (a) the Mosgiel Taieri Ward, comprising the area delineated on SO Plan No. 430135 deposited with Land Information New Zealand;
    - (b) the Waikouaiti Coast-Chalmers Ward, comprising the area delineated on SO Plan No. 335079 deposited with Land Information New Zealand; and
    - (c) the Central Ward, comprising the area delineated on SO Plan No. 430136 deposited with Land Information New Zealand;
  - (3) The Council comprises the Mayor and 14 members elected as follows -
    - (a) two members shall be elected by the electors of the Mosgiel Taieri Ward;
    - (b) one member shall be elected by the electors of the Waikouaiti Coast-Chalmers Ward; and
    - (c) eleven members shall be elected by the electors of the Central Ward.
  - (4) There are six communities as follows -
    - (a) the Strath Taieri Community, comprising the area delineated on S.O. Plan No 335083 deposited with Land Information New Zealand;
    - (b) the Waikouaiti Coast Community, comprising the area delineated on S.O. Plan No 335085 deposited with Land Information New Zealand;
    - (c) the Mosgiel Taieri Community, comprising the area delineated on S.O. Plan No 335082 deposited with Land Information New Zealand;
    - (d) the Saddle Hill Community, comprising the area delineated on S.O. Plan No 335081 deposited with Land Information New Zealand;
    - (e) the Chalmers Community, comprising the area delineated on S.O. Plan No 335080 deposited with Land Information New Zealand;
    - (f) the Otago Peninsula Community, comprising the area delineated on S.O. Plan No 303092 deposited with Land Information New Zealand;
  - (5) The membership of the community board for each community is comprised as follows:

- (a) the Strath Taieri Community Board comprises six elected members and one member of the council representing the Mosgiel-Taieri Ward and appointed to the community board by the Council;
- (b) the Waikouaiti Coast Community Board comprises six elected members and one member of the council representing the Waikouaiti Coast-Chalmers Ward and appointed to the community board by the Council;
- (c) the Mosgiel Taieri Community Board comprises six elected members and one member of the council representing the Mosgiel-Taieri Ward and appointed to the community board by the Council;
- (d) the Saddle Hill Community Board comprises six elected members and one member of the council representing the Central Ward and appointed to the community board by the Council;
- (e) the Chalmers Community Board comprises six elected members and one member of the council representing the Waikouaiti Coast-Chalmers Ward and appointed to the community board by the Council;
- (f) the Otago Peninsula Community Board comprises six elected members and one member of the council representing the Central Ward and appointed to the community board by the Council.

41. As required by section 19W(c) of the Local Electoral Act 2001, the boundaries of the above community 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)
Grant Kirby	(Commissioner)

26 March 2010