



## LOCAL GOVERNMENT COMMISSION

### Determination

of the membership and basis of election for the  
general election of the Rodney District Council to be  
held on 31 March 2001

#### BACKGROUND

- 1 The Local Government (Rodney District Council) Amendment Act 2000 requires the Local Government Commission to review and determine the membership and electoral arrangements of the Rodney District Council by 3 November 2000. The legislation also requires the Commission to give consideration to the establishment of communities as part of the review.
- 2 The Rodney District Council elected at the 1998 general election comprised 12 members and the Mayor. The 12 members were elected as follows:

Wellsford Ward	1 member
Warkworth Ward	1 member
Matakana Ward	1 member
Helensville Ward	1 member
Kumeu Ward	2 members
Hibiscus Coast Ward	5 members
Wainui Ward	1 member
- 3 Currently, communities are not constituted in the District.

#### COMMISSION'S DRAFT PROPOSAL

- 4 On 28 June 2000 the Commission issued its draft proposal for the Council's membership and basis of election. The proposal was for the District to be divided

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into three wards and for the Council to comprise, in addition to the Mayor, 9 members elected as follows:

Northern Ward (The area of the existing Wellsford, Warkworth and Matakana Wards)	2 members
Western Ward (The area of the existing Helensville, Kumeu and Wainui Wards)	3 members
Eastern Ward (The area of the existing Hibiscus Coast Ward)	4 members

- 5 The Commission also proposed that communities not be constituted in the District.

## **THE SUBMISSIONS**

- 6 The Commission received 66 submissions on its proposal.
- 7 The Commission resolved, pursuant to clause 2 of Schedule 3A of the Local Government Act 1974 to appoint a committee (hereafter referred to as “the Committee”), comprising the Chairman and Commissioner Durbin to hear and consider the submissions and determine the electoral arrangements of the Rodney District Council.
- 8 A hearing of submissions was held on 6 and 7 September 2000, at which 30 submitters appeared before the Committee. A list of persons and organisations that made submissions on the Commission’s proposal is attached as an appendix to this determination. Those submitters that appeared before the Committee are highlighted in bold type.

## **Membership and Basis of Election of the Rodney District Council**

- 9 In terms of the Commission’s proposals for the membership and basis of election of the Council a wide range of matters was traversed, including the following:
- a large area and scattered population makes ward representation essential
  - the proposed reduction in ward numbers and representation disadvantages those in remote areas
  - the present ward arrangements represent distinct communities of interest

- a reduction in ward numbers would discourage parochialism in the Council
- the 3 proposed wards would place an excessive burden on Councillors
- more Councillors rather than less are required to manage and represent the growth in the Rodney District
- a population based division of the District does not take into account the diversity of the District
- factors in addition to population should be considered
- retain the status quo until the review of local government legislation is completed
- the present level of representation is working satisfactorily
- the proposed reduction in the number of Councillors would make it difficult for Councillors to keep in touch with their constituents.

10 Arguments were made in favour of:

- elections at large for either 9 or 12 members, and the Mayor
- the status quo (7 wards, 12 members and the Mayor)
- a modified status quo, with the inclusion of the Wainui Ward in the Hibiscus Coast Ward
- a modified status quo, with representation of the Kumeu Ward increased to three members
- a Northern Ward electing 2 members, a Western Ward electing 3 members and a Eastern Ward electing 4 members, as per the Commission's proposal
- a Northern Ward electing 3 members, a Western Ward electing 4 members and an Eastern Ward electing 5 members
- a Northern Ward electing 3 members, a Western Ward electing 4 members and an Eastern Ward electing 5 members, based on a ratio of 80% population, 10% area, 10% rateable value
- a Northern Ward electing 3 members, a Western Ward electing 3 members, and an Eastern Ward electing 6 members
- redefined Northern Ward electing 2 members, Western Ward electing 2 members, Eastern Ward electing 3 members, and a Wainui Ward electing 2 members
- a 3 ward structure generally.

11 Several submitters also sought the retention of the current Rodney District Commission on an ongoing basis or the election of a single member Council. Such proposals fall outside the provisions of the Local Government Act 1974, and have therefore not been considered by the Committee.

## **Communities**

12 Comments on the Commission's proposal to not constitute communities in the Rodney District included the following:

- the Commission's proposal gives little weight to the role and involvement of community boards
- community boards are a means of getting ideas out to the community
- community boards would complement a 3 ward structure
  
- there is no need for a further form of elected government in the Rodney District, and no need for community boards has been established
- the former community boards of the District were an expensive failure
- community boards are an expensive layer of bureaucracy
- ratepayer associations serve a more effective role in communities than community boards

13 Submitters in favour of the establishment of communities argued for:

- 3 community boards for the 3 proposed wards
- 4 community boards - 2 in the proposed Northern Ward, and 2 in the proposed Western Ward.

### **Other Matters**

14 A number of submitters raised issues in their submissions which either fall outside the ambit of the Commission's review or are not provided for in legislation. Arguments were made in favour of:

- amalgamation of parts of the Rodney District with other local authority districts
- instituting the Single Transferable Vote voting system for the 2001 general election of the Council
- abandoning postal voting
- the Commission issuing instructions to the newly elected Council on how it should operate
- the general election of the Council being held on 13 October 2001.

### **MATTERS FOR DETERMINATION**

15 The Local Government (Rodney District Council) Amendment Act 2000 requires that the Commission in making its determination must have regard to:

- the written and oral submissions made to its draft proposal
- the matters set out in sections 101L (Factors in determination of membership and basis of election) and 101ZL (Matters to be considered when constituting community) of the Local Government Act 1974
- such other matters as the Commission considers, on reasonable grounds, to be relevant to that determination.

16 Section 101L(2) and (3) provide as follows:

*“(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of 2 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.”*

17 Section 101ZL provides as follows:

*“In deciding whether or not a community should be constituted, -*

- (a) The territorial authority; or*
- (b) Where appropriate, the Commission, -*

*shall have regard to such of the criteria that apply to reorganisation proposals by virtue of this Act as the territorial authority or Commission considers appropriate in the circumstances.”*

## **CONSIDERATION BY THE COMMITTEE**

18 The Committee 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,

the only criterion to be met within the terms of section 101L(2) of the Act is the provision of effective representation for the various communities of interest within the

district. This can be achieved by any ward encompassing one or more communities of interest.

- 19 The Committee further considers that, when fixing 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 of the electors of the various wards within the district. In deciding this fairness of representation, the Committee must have regard primarily to population, but if this factor alone does not, in the opinion of the Committee, 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 Committee, population must remain the predominant factor, but different weightings or even no weighting can be applied to all factors as are appropriate in any given circumstances. The Committee 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. The final decision must be that which the Committee considers will, after having regard to the various factors set out in the Act, provide fair representation for the electors of any ward.
- 20 In the Committee's opinion, its first responsibility 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.
- 21 The Rodney District is a large and diverse area. It is made up of urban communities, life-style and tourist orientated areas and rural areas. 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.

### **Appropriate Ward System**

- 22 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.
- 23 The Committee emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 24 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. The Committee prefers that wards have more than one member, except when circumstances require otherwise.

- 25 The Committee is also of the view that, as a general rule, effective representation is most easily achievable if wards have approximately similar representation. If some wards have significantly more members than others, there could be a perception among the electors of smaller wards that their representation was less effective than that of a larger ward.
- 26 Taking the matters raised above into account, and after considering the many and various views of submitters on the Commission's draft proposal, the Committee has decided to confirm the Commission's proposal for the Rodney District to be divided into three wards. These wards will be:

The *Northern Ward*, comprising the area of the current Wellsford, Warkworth and Matakana Wards;

The *Western Ward*, comprising the area of the existing Helensville, Kumeu and Wainui Wards;

The *Eastern Ward*, comprising the area of the existing Hibiscus Coast Ward.

The Committee is satisfied that the groupings of communities of interest are appropriate to achieve effective representation.

### **Number of Members**

- 27 Having decided that there will be three wards, the Committee is then required to determine what would be fair representation for the electors of the various wards.
- 28 The Commission's draft proposal was for the Council to be elected in 2001 to have 9 members and a Mayor. The majority of submissions on the Commission's proposal favoured a Council comprising 12 members and a Mayor, regardless of whether the members were elected from the 3 proposed wards, or the 7 existing wards.
- 29 A consideration for the Committee in determining the membership of the Council is the fact that the Rodney District is growing rapidly. Between the time of the 1996 census and June 1999, the estimated resident population increased by approximately 7300, to 73800 persons. The District is one of the fastest developing territorial authority areas in New Zealand.

- 30 The population of the three wards, based on the estimated resident population as at 30 June 1999, provided by Statistics New Zealand is as follows:

Northern Ward	17460
Western Ward	24920
Eastern Ward	31500

- 31 The possible ward memberships, based on the populations of the wards, are set out in the following table:

				MEMBERS					
Ward	Population	8	9	10	11	12	13	14	
Northern	17460	1.89	2.13	2.36	2.60	2.84	3.07	3.31	
Western	24920	2.70	3.04	3.37	3.71	4.04	4.38	4.72	
Eastern	31500	3.41	3.83	4.27	4.69	5.12	5.55	5.97	
Total	73880	8	9	10	11	12	13	14	

- 32 The table indicates that if population was the only criterion for fairness, the fairest result would be achieved with a total Council membership of 9 or 12 members. In light of information gained by the Committee from the submissions on the Commission's draft proposal, the Committee has decided that fair representation may effectively be achieved with the following numbers of elected members:

Northern Ward	3 members
Western Ward	4 members
Eastern Ward	5 members

- 33 The Committee's decision is based on population alone. Several submitters argued that the factors of rateable value and area should be applied to determine the membership of each ward. While the Committee is satisfied that fair representation is achieved through the use of the population factor alone, it notes that a weighting of 80% population, 10% rateable value and 10% area would achieve the same level of membership for each ward. This weighting has been commonly applied by the Commission in the past in determining the membership of other districts.

### **Communities**

- 34 Three communities were constituted in the Rodney District at the time of the 1989 elections. The communities were disestablished by mutual consent at the time of the 1992 elections. The Commission, in its draft proposal, did not favour the establishment of new communities in the District.



- 35 While several submitters sought the establishment of communities, most submitters did not support their establishment in the District.
- 36 The Committee has considered the submissions in favour of communities, but is not satisfied that the establishment of communities will promote the good local government of the District. The Committee is therefore reluctant to impose a further form of governance on the District which would have an impact on its residents and ratepayers and on the general operations of the Council. The Committee has decided not to proceed with the establishment of communities.
- 37 The Committee notes that the Local Government Act provides the means by which a group of electors or a local authority may initiate a proposal for the constitution of a community.

## **DETERMINATION**

- 38 Under section 6(2) of the Local Government (Rodney District Council) Amendment Act 2000, the Committee, acting under delegated authority from the Commission, determines that for the general election of the Rodney District Council to be held on 31 March 2001 -
- (1) The Rodney District as delineated on S.O. Plan 67821 deposited with the Chief Surveyor of the North Auckland Land District, shall be divided into 3 wards;
  - (2) Those three wards shall be -
    - (a) The Northern Ward, comprising the area delineated on S.O. Plan No. 70324 deposited with the Chief Surveyor of the North Auckland Land District;
    - (b) The Western Ward, comprising the area delineated on S.O. Plan No. 70325 deposited with the Chief Surveyor of the North Auckland Land District;
    - (c) The Eastern Ward, comprising the area delineated on S.O. Plan No. 67825 deposited with the Chief Surveyor of the North Auckland Land District;

- (3) The Council shall comprise the Mayor and 12 members who shall be elected as follows -
- (a) three members shall be elected by the electors of the Northern Ward;
  - (b) four members shall be elected by the electors of the Western Ward;
  - (c) five members shall be elected by the electors of the Eastern Ward.

39 As required by section 101L(2) of the Local Government Act 1974, 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)

17 October 2000

## APPENDIX

### SCHEDULE OF SUBMITTERS

- 1 Mustafa Ibrahim
- 2 Elizabeth Foster
- 3 **E H Paxton**
- 4 **Leigh & Districts Ex Services and Community Club**
- 5 **Wellsford Citizens and Ratepayers Association**
- 6 **M A Longuet-Higgins**
- 7 B W Meyle
- 8 A C Mills
- 9 Buckleton Beach Ratepayers and Residents Association
- 10 R Lydford
- 11 P J Scherer
- 12 **Matheson Bay Neighbourhood Association**
- 13 Richard and Kate Joseph
- 14 Warkworth and District Grey Power Association
- 15 Isla Greenstreet
- 16 A C and B Mason
- 17 Sandspit Residents and Ratepayers Association

18 A R Dell  
19 Orewa Ratepayers and Residents Association  
20 **G E Hammonds**  
21 **Jill Jeffs**  
22 **D W Jackson**  
23 Tapora Citizen and Ratepayers Association  
24 I M Johnston and others  
25 K R and V B Winter  
26 Viv Davie-Martin  
27 Ray Anderson  
28 Omaha Beach Ratepayers and Residents Association  
29 **Dorothy Bauld**  
30 **Kumeu Riding and District Ratepayers Association**  
31 **W B Earwaker**  
32 **Business Whangaparaoa**  
33 **D T Steele**  
34 Taupaki Residents and Ratepayers Association  
35 **Mahurangi East Residents and Ratepayers Association**  
36 **Algies Bay Residents and Ratepayers Association**  
37 **Kaukapakapa Area Residents and Ratepayers Association**  
38 **Warkworth Community Liaison Group**  
39 A I Tomas  
40 Kourawhero Branch, Rural Women New Zealand

41 **Puhoi Landcare**  
42 Helensville/Parakai Urban Ratepayers Association  
43 **Audrey Ashton**  
44 **Brian and Margaret Landsey**  
45 **The Matakana Village Association**  
46 **W R Townson**  
47 **Murray Sampson**  
48 Silverdale Business and Ratepayers Association  
49 Arnold Gosling  
50 A A Pownall  
51 A and C Wornham  
52 Kawau Island Residents and Ratepayers Association  
53 D and R M Peate  
54 D and C Hill  
55 Jane Nilsson

56	<b>Destination Orewa</b>
57	<b>Red Beach Ratepayers and Residents Association</b>
58	<b>R Cameron</b>
59	Stillwater Ratepayers and Residents Association
60	<b>Coatesville Residents and Ratepayers Association</b>
61	<b>Patrick Delich</b>
62	B A and D H Griffin
63	<b>David Thornton</b>
64	Ron Sheen
65	<b>Geoffrey Hayes</b>
66	Helge Kristiansen