LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Waikato District Council
to be held on 12 October 2013

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. These 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 Waikato District Council (the Council) last undertook a full review of its representation arrangements prior to the 2007 local authority elections. A partial review was undertaken in 2010 by the Local Government Commission, in consultation with the Council, as part of the Auckland governance reforms which resulted in the transfer of a significant area of the former Franklin District to Waikato District. The current review was, therefore, the first comprehensive review of representation arrangements since the Council's review prior to the 2007 elections.

3. As a result of the 2010 review, the representation arrangements that applied for the elections that year were for a council that comprised a mayor and 14 councillors elected as follows.

Wards	Population *	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Awaroa ki Tuakau	10,350	2	5,175	+586	+12.77
Onewhero	4,100	1	4,100	-489	-10.66
Whangamarino	5,460	1	5,460	+871	+18.98
Hukanui-Waerenga	4,640	1	4,640	+51	+1.11
Whaingaroa	4,280	1	4,280	-309	-6.73
Huntly	8,520	2	4,260	-329	-7.17
Ngaruawahia	9,030	2	4,515	-74	-1.61
Newcastle	4,070	1	4,070	-519	-11.31
Raglan	4,330	1	4,330	-259	-5.64
Eureka	4,800	1	4,800	+211	+4.60
Tamahere	4,670	1	4,670	+81	+1.76
Total	**64,250**	**14**	**4,589**		

* These are updated 2011 population estimates. At the time of the 2010 determination, all wards complied with the +/-10% fair representation requirement.

4. Waikato District currently has five community boards as a result of the 2010 review being Onewhero-Tuakau, Taupiri, Ngaruawahia, Raglan and Huntly Community Boards each electing six members and also including appointed ward councillor members.

5. The Council commenced its review of representation arrangements by conducting a series of workshops in the period February to May 2012. As a result of these workshops, communities of interest in the district were considered and a range of representation options identified.

6. On 22 May 2012 the Council, under sections 19H and 19J of the Act, resolved its initial proposed representation arrangements to apply for the 2013 elections. The proposal in relation to council representation was as follows.

Wards	Population	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Awaroa ki Tuakau	10,750	2	5,375	+433	+8.76
Onewhero-Te Akau	5,180	1	5,180	+238	+4.81
Whangamarino	5,300	1	5,300	+358	+7.24
Hukanui-Waerenga	5,250	1	5,250	+308	+6.23
Huntly	9,310	2	4,655	-287	-5.81
Ngaruawahia	9,090	2	4,545	-397	-8.03
Newcastle	5,170	1	5,170	+228	-4.61
Raglan	4,680	1	4,680	-262	-5.30
Eureka	4,860	1	4,860	-82	-1.66
Tamahere	4,670	1	4,670	-272	-5.50
Total	**64,250**	**13**	**4,942**		

7. The initial proposal was for the five community boards to be retained with an expansion of the existing Raglan Community Board area. All boards would continue to comprise six elected members and appointed ward councillor members.

8. In notifying its proposal, the Council summarised the proposed changes as follows:

    - reduce the number of wards from 11 to 10 through the merger of the Onewhero and Whaingaroa Wards to create a Onewhero-Te Aku Ward
    - slightly expand the boundaries of the Huntly, Raglan and Newcastle Wards
    - expand the Raglan Community Board boundary to include Ruapuke, Te Mata and Te Uku.

9. The Council notified its proposal on 31 May 2012 and a total of 34 submissions were received by the deadline of 2 July 2012.

10. Following consideration of submissions, the Council on 31 July 2012 resolved to adopt its initial proposal as its final proposal subject to an extension to the Raglan Ward boundary to include meshblocks along the Raglan deviation so as to better reflect communities of interest. The deviation, as a physical boundary, was also seen to better define the area.

11. The Council notified its final proposal on 7 August 2012 and called for appeals/ objections by 7 September 2012. Two appeals against the proposal were received.

Hearing

12. The Commission met with the Council and appellants at a hearing held in the Waikato District Council Chambers on 6 December 2012. The appellants who appeared at the hearing were Rosemarie Costar, Geoff Tucker and Bruce Cameron in respect of one appeal, and John Lawson. The Council was represented at the hearing by the Mayor Allan Sanson and Chief Executive Gavin Ion.

Matters raised in appeals and at the hearing

13. The Mayor and Council Chief Executive addressed the Commission and gave presentations describing the nature of Waikato District, being primarily rural, and outlining the background and process adopted for the review. The process involved a series of council workshops and also discussions with local communities and people on representation issues and options with a view to the Council getting a balance of views. A range of options were initially identified including one with fewer multi-member wards. Specific options considered included expansion of the Raglan Ward and Community Board and the merger of the Ngaruawahia and Taupiri Community Boards which was not favoured. In relation to the Raglan Ward and Community Board, meetings were held with the local community to discuss possible new boundaries. Some issues relating to council processes were raised such as delegations to the community board, but it was considered these needed to be the subject of detailed submissions in order for them to be properly addressed. The Council had subsequently been through its delegations register. Raglan Community Board indicated it would support proposed changes on the basis they received community support through submissions. The option of fewer wards was seen as requiring changes to the whole representation structure and on the basis of only eight submissions supporting this approach, was not pursued by the Council.

14. Rosemarie Costar, Bruce Cameron and Geoff Tucker read prepared statements in support of their joint appeal, which was also on behalf of John Mitchell. They suggested that the district should be divided into combined rural/urban multi-member wards as they considered this would provide more effective representation, with teams of councillors elected in each ward able to divide up the work. They believed councillors would then be in a better position to work for the good of the community, have a greater sense of ownership with more of the district, and provide electors with more points of contact and perspectives. They suggested the amalgamation of the Tuakau and Onewhero Wards as an example of what could be achieved, saying these two wards have traditionally had more in common than Onewhero and Whaingaroa Wards which the Council was proposing to combine. They considered it was not consistent to argue that the Waikato River was a logical geographical boundary between Onewhero and Tuakau when the community board straddled the river. They said the Council proposal in this area was not supported by submissions and did not reflect communities of interest or allow for effective and fair representation, rather it meant one councillor would represent 30% of the land mass of the district. The appellants tabled a suggested division of the district into six multi-member wards.

15. John Lawson appeared before the Commission in support of his appeal that the Raglan Community Board boundary should be extended to be the same as the Raglan Ward and have three subdivisions. Mr Lawson said voter turnout for the Council at the last elections at 34% was one of the lowest in the country and he believed people in the district had lost contact with the Council. One way to address this was to have strong community boards with meaningful delegations. He said he believed there was confusion in the Council's position on the Raglan Community Board saying on one hand the board had always focused on town issues but on the other hand it was now proposing an extension to include other areas. He also said the Council had failed to explain statements that an extension of the board area to that of the ward, would dilute the ward councillor's role.

Requirements for determination

16. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals 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.*

(2) *The determination required by subsection (1) must be made by a territorial authority —*

(a) *On the first occasion, either in 2003 or in 2006; and*

(b) *Subsequently, at least once in every period of 6 years after the first determination.*

(3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. ***Review of community boards***

(1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —*

(a) *There should be communities and community boards; and*

(b) *If so resolved, the nature of any community and the structure of any community board.*

(2) *The resolution referred to in subsection (1) must, in particular, determine—*

(a) *Whether 1 or more communities should be constituted:*

(b) *Whether any community should be abolished or united with another community:*

(c) *Whether the boundaries of a community should be altered:*

(d) *Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*

(e) *Whether the boundaries of any subdivision should be altered:*

(f) *The number of members of any community board:*

(g) The number of members of a community board who should be elected and the number of members of a community board who should be appointed:

(h) Whether the members of a community board who are proposed to be elected are to be elected—

(i) By the electors of the community as a whole; or

(ii) By the electors of 2 or more subdivisions; or

(iii) If the community comprises 2 or more whole wards, by the electors of each ward:

(i) in any case to which paragraph (h)(ii) applies, -

(i) The proposed name and the proposed boundaries of each subdivision; and

(ii) The number of members proposed to be elected by the electors of each subdivision.

(3) Nothing in this section limits the provisions of section 19F.

17. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

18. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission believes that the following steps in determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:

a) identify the district's communities of interest

b) determine the best means of providing effective representation of the identified communities of interest

c) determine fair representation for electors of the district.

Communities of interest

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

- perceptual: a sense of belonging to an area or locality
- functional: the ability to meet the community's requirements for services
- political: the ability to represent the interests and reconcile conflicts of the community.

20. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.

Effective representation of communities of interest

21. Section 19T of the Act requires the Commission to ensure that:

- 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

- ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
- so far as is practicable, ward boundaries coincide with community boundaries.

22. While not a prescribed statutory requirement, the Guidelines also 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.

23. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor). The Council has comprised either 14 or 13 elected members (excluding the mayor) since its constitution in 1989. We note the current 14 members gives the lowest ratio of population per member for districts across the country in the 50,000 to 100,000 population range.

24. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the district level for the community of interest. From its constitution in 1989, Waikato District has been divided into wards with a high proportion of these being single-member wards. For example, nine of the eleven wards established in 1989 were single-member wards.

25. We heard that Waikato District is primarily rural (88%) with a number of urban centres of different sizes originally including Ngaruawahia, Huntly and Raglan and, since the addition of the former Franklin District area, Mercer, Pokeno and Tuakau. This raises for us questions about the identifiable communities of interest in the extended district including relationships between urban and rural areas across the district. The Council advised us it had considered a range of ward options including a five-ward structure based on communities of interest, along with a structure based on a rural/ urban split. We were told that a straw poll was conducted by the Council on councillor preferences with only three councillors supporting the five-ward option.

26. As outlined above, we believe that the requirement in the Act for effective representation of communities of interest relies first on identification of current communities of interest. While the Council told us it did consider communities of interest in the district, we believe further supporting evidence of these is required, including the impact of the addition of the former Franklin District area, as the basis for an effective ward structure. We encourage the Council to undertake such further study, in consultation with local communities in the district, in its next review.

27. The number of wards and number of members per ward was the main issue raised by one of the appellants. The appellant suggested combined urban/rural wards represented by more than one member would provide more effective representation, a greater sense of ownership with more of the district by councillors, and multiple points of contact with the Council for members of the public. In line with this suggestion, the appellant tabled a possible division of the district into six wards

28. We believe that the relative merits of single- versus multi-member wards is an important debate for councils and their communities to have when considering proposed representation options. It appears to us that such a council-community

discussion needs to be held in Waikato District, along with the discussion on communities of interest in the district as suggested above.

29. We note that the appellant's suggested division of the district into six wards would actually have less impact on existing communities of interest reflected in the Council's proposed 10-ward model. However, as the appellant acknowledged, the six-ward option was conceptual rather than identifying exact boundary locations in relation to meshblocks and population estimates. The concept which was one that the Council appeared not to have considered, would also require consultation with the community before it could reasonably be implemented. On this basis, while the option had some appeal to us, we did not consider we were in a position to implement it at this stage in the review process.

30. Accordingly we then turned our attention to the Council's proposed 10-ward model. We note that it proposes the amalgamation of the current Onewhero and Whaingaroa Wards with some areas of the former ward transferring into other neighbouring wards to reduce the current 11 wards to 10. As a result there are extensions of the Huntly, Ngaruawahia, Newcastle and Raglan Wards. There are also adjustments to the Hukanui-Waerenga Ward boundaries. As noted, these are reasonably significant ward changes but they were the subject of consultation in both the Council's initial and final proposal with only one minor adjustment to the Raglan Ward boundary in the final proposal.

31. Given the current wards are reasonably well established, albeit with some significant proposed boundary adjustments, we accept they reflect what are currently seen by the Council as communities of interest within Waikato District. We have therefore decided to endorse the Council's final ward proposal while reiterating that we believe the Council should undertake a more comprehensive investigation of communities of interest in the expanded district and engage the community in this consideration, prior to undertaking its next representation review.

Fair representation for electors

32. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, 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 '+/-10% fair representation rule').

33. We understand a main driver for the Council's review was compliance with the '+/-10% rule' and as a result all 10 wards in the Council's final proposal do comply.

Communities and community boards

34. 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. The particular matters the territorial authority must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W sets out further criteria, as

apply to local government reorganisation proposals, for determinations relating to community board reviews as considered appropriate in the circumstances.

35. Three community boards (Huntly, Ngaruawahia and Raglan) were constituted in Waikato District in 1989. In 1992 three further boards (Taupiri, Te Kauwhata and Meremere) were constituted though only the Taupiri Community Board has survived. A fifth community board (Onewhero-Tuakau) was constituted in 2010 as a result of the transfer of part of the former Franklin District to Waikato District.

36. The Council was proposing that the five existing community boards be retained with a limited extension to the boundaries of the Raglan Community Board. The proposed extension was the subject of one of the appeals to the Commission with the appellant seeking further extension of the boundaries to coincide with the Raglan Ward boundaries.

37. The appellant noted that twenty submissions seeking an extension of the Raglan Community Board boundary to coincide with that of the Raglan Ward were received on the Council's initial proposal. We understand the community board itself was prepared to accept the Council's proposal subject to submissions that may have been received. Only one appeal on the final proposal, which confirmed the initial proposal on this issue, was received. On this basis we are not convinced there is strong community support for a further extension of the community board boundary.

38. We believe, as noted above, that the Council should undertake a more comprehensive study of communities of interest in the district as a basis for identifying the most appropriate wards for the future. Accordingly we do not believe it is appropriate at this time to change community board boundaries to align with ward boundaries. We therefore have decided to endorse the Council's proposal in respect of community boards including only a limited extension of the Raglan Community Board boundary.

Commission's Determination

39. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Waikato District Council to be held on 12 October 2013, the following representation arrangements will apply:

    (1) Waikato District, as delineated on LGC-013-2013-W-1 deposited with the Local Government Commission, will be divided into ten wards.

    (2) Those ten wards will be:

        (a) Awaroa ki Tuakau Ward, comprising the area delineated on LGC-013-2013-W-2 deposited with the Local Government Commission

        (b) Onewhero-Te Akau Ward, comprising the area delineated on LGC-013-2013-W-4 deposited with the Local Government Commission

        (c) Whangamarino Ward, comprising the area delineated on LGC-013-2013-W-3 deposited with the Local Government Commission

        (d) Hukanui-Waerenga Ward, comprising the area delineated on LGC-013-2013-W-6 deposited with the Local Government Commission

        (e) Huntly Ward, comprising the area delineated on LGC-013-2013-W-5 deposited with the Local Government Commission

(f) Ngaruawahia Ward, comprising the area delineated on LGC-013-2013-W-7 deposited with the Local Government Commission

(g) Newcastle Ward, comprising the area delineated on LGC-013-2013-W-9 deposited with the Local Government Commission

(h) Raglan Ward, comprising the area delineated on LGC-013-2013-W-8 deposited with the Local Government Commission

(i) Eureka Ward, comprising the area delineated on LGC-013-2013-W-10 deposited with the Local Government Commission

(j) Tamahere Ward, comprising the area delineated on LGC-013-2013-W-11 deposited with the Local Government Commission.

(3) The Council will comprise the mayor and 13 councillors elected as follows:

(a) 2 councillors elected by the electors of Awaroa ki Tuakau Ward

(b) 1 councillor elected by the electors of Onewhero-Te Akau Ward

(c) 1 councillor elected by the electors of Whangamarino Ward

(d) 1 councillor elected by the electors of Hukanui-Waerenga Ward

(e) 2 councillors elected by the electors of Huntly Ward

(f) 2 councillors elected by the electors of Ngaruawahia Ward

(g) 1 councillor elected by the electors of Newcastle Ward

(h) 1 councillor elected by the electors of Raglan Ward

(i) 1 councillor elected by the electors of Eureka Ward

(j) 1 councillor elected by the electors of Tamahere Ward.

(4) There will be five communities as follows:

(a) Onewhero-Tuakau Community, comprising the area delineated on LGC-013-2013-Com 1 deposited with Land Information New Zealand

(b) Huntly Community, comprising the area delineated on LGC-013-2013-Com-2 deposited with Land Information New Zealand

(c) Taupiri Community, comprising the area delineated on LGC-013-2013-Com-3 deposited with Land Information New Zealand

(d) Ngaruawahia Community, comprising the area delineated on LGC-013-2013-Com-4 deposited with Land Information New Zealand

(e) Raglan Community, comprising the area delineated on LGC-013-2013-Com-5 deposited with Land Information New Zealand.

(5) The membership of each community board will be as follows:

(a) Onewhero Community Board will comprise six elected members and two members appointed to the community board by the Council being one member representing the Awaroa ki Tuakau Ward and one member representing the Onewhero-Te Akau Ward

(b) Huntly Community Board will comprise six elected members and two members appointed to the community board by the Council representing the Huntly Ward

(c) Taupiri Community Board will comprise six elected members and two members appointed to the community board by the Council representing the Ngaruawahia Ward

(d) Ngaruawahia Community Board will comprise six elected members and two members appointed to the community board by the Council representing the Ngaruawahia Ward

(e) Raglan Community Board will comprise six elected members and one member appointed to the community board by the Council representing the Raglan Ward.

40. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

THE LOCAL GOVERNMENT COMMISSION

Basil Morrison (Chair)

Anne Carter (Commissioner)

Grant Kirby (Commissioner)

22 March 2013