

**NOTICE IS HEREBY GIVEN THAT AN EXTRAORDINARY MEETING OF THE GORE DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE, ON TUESDAY 29 MAY 2012, AT 4.30 pm**



**Stephen Parry  
CHIEF EXECUTIVE**

**24 May 2012**

## ***A G E N D A***

1. REPRESENTATION REVIEW – CONSIDERATION OF SUBMISSIONS RECEIVED TO THE COUNCIL'S PROPOSAL

## EXTRAORDINARY COUNCIL MEETING

TUESDAY 29 MAY 2012

### 1. REPRESENTATION REVIEW – CONSIDERATION OF SUBMISSIONS RECEIVED TO THE COUNCIL’S PROPOSAL

(Memo from Chief Executive – 23.05.12)

- ✦ I refer to the attached submission from Mrs Laurel Turnbull and eleven others, which advocates the abolition of the Mataura Ward and its union with the Gore Ward to form a single urban ward. Mrs Turnbull made a presentation to the last Council meeting on 15 May, with the Council now requiring to make its decision on the issue and notify the public of its final proposal by 1 June 2012. A copy of the excerpt of minutes of the last Council meeting pertaining to Mrs Turnbull’s presentation is also attached.

To assess the merits and legality of the submission I have reproduced Sections 3-6 of my earlier report to the Council in November last year, when the review of representation arrangements was first contemplated:

#### **3.0 Legislative Imperatives**

- ✦ *Section 19 of the Local Electoral Act 2001 details criteria that must be satisfied when local authorities conduct their representation reviews. This criteria is used when determining issues in relations to wards, ward boundaries, the number of members to be elected to the Council, the question of whether separate major representation should be provided for and whether representation should be made for community boards. A copy of Section 19H of the Local Electoral Act is attached as Appendix 3.*

*3.1 The three key factors that comprise this criteria and must be carefully considered by local authorities when determining representation proposals are:*

- (a) community of interest;*
- (b) effective representation; and*
- (c) fair representation.*

*Each of these factors and how they impact on the Gore District are discussed below.*

#### **4.0 Community of Interests**

*4.1 The term “community of interests” is not defined by statute. It is a term that can mean different things to different people, depending on an*

*individual's or group's perspective from time to time. It is therefore fair to suggest that it is both subjective and at times emotive.*

*4.2 That said, a community of interest generally has a number of defining characteristics that may include:*

- a sense of community and belonging;*
- similarities in the demographic, socio economic and/or ethnic characteristics of the residents of the community;*
- similarities in economic or social activities;*
- dependence on shared facilities in an area, including schools, recreational and cultural facilities and retail outlets;*
- physical and topographical features;*
- the history of the area; and*
- transportation and communication links.*

*4.3 The urban centre of Gore is recognised as the principal servicing area for Eastern Southland. There is a strong district wide community of interest centred around Eastern Southland. This is evident in the form of recreational, social, cultural and economic interests that converge and form on the District. Because of its compact nature, the Gore District has a strong community of interest across the fronts mentioned above which resonates throughout the district without a great deal of dilution. This was recognised by the Local Government Commission when introducing three members to be elected at large across the entire District.*

*4.4 Beneath the District wide identity of being a part of the Gore District and the wider Eastern Southland area, lie more localised communities of interest. The town of Gore for reasons of being the largest urban centre in Eastern Southland has a definite community of interest providing the bulk of the District's retail outlets, the only secondary schools in the District and its own sense of identity and history.*

*4.5 In a similar vein, the town of Mataura, whilst being considerably smaller, has its own sense of identity and history together with providing for the largest industrial enterprise in the District, in the form of the Alliance Freezing Works. Like the Gore Township, Mataura previously had its own Borough Council and therefore has many years of history to assist with the ready identification of its boundaries.*

*4.6 The other readily identification community of interest within the Gore District is what is commonly known as the rural area. This community of interest is based around the basic economic activity, ie agriculture.*

4.7 Up until 2007, there were three separate rural wards within the Gore District. Prior to 1989 these wards were part of the former Southland County Council.

In its 29 March 2007 determination, the Local Government Commission made the following comments at paragraph 27 in relation to the establishment of two rural wards:

*The commission believes the creation of two rural wards would provide for better representation for rural and outlying communities than the creation of a single rural ward. This is because two wards are more likely to result in a geographical spread of Councillors to the north and south of the District.*

4.8 Notwithstanding these comments, it is worth noting that most of the issues that come before the Gore District Council which pertain to the rural area tend to be pan-rural and not focussed on any one of the two wards. It would seem from this vantage point that very localised communities of interest exist and tend to centre around the hall, school or the small rural hamlets of Pukerau and Waikaka. However these communities of interest do not appear to extend out to the entire rural wards in which these facilities are located. To illustrate this point, the settlements of Knapdale and Waikaka although both located in the same rural ward, have their own individual and intimate community of interest.

4.9 On this basis there is a potential argument that the two rural wards could be amalgamated into one larger rural ward. Such an approach would confer greater choice in regard to election of councillors than what is currently offered via two separate wards.

## **5.0 Effective Representation of Communities of Interest**

5.1 Under Section 19(T) of the Local Electoral Act, a territorial authority must ensure that its representation proposals will provide effective representation of the communities of interest in the District. Determining effective representation is based on considering the identified communities of interest.

5.2 Once again effective representation is somewhat subjective and no doubt will be open to considerable discussion and debate by the wider public who may submit on any proposal that the Council develops. However if the comments above in respect of communities of interest are accepted, then a representation structure which focuses on the distinct communities of interest of Gore, Mataura and Rural, has considerable appeal.

5.3 This contention can be measured against guidelines provided by the Local Government Commission when assessing effective representation. The Commission has identified the following factors which should be considered to the extent possible:

- (a) avoiding arrangements that may create barriers to participation such as at elections, i.e 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 commonality of interest;
- (d) accessibility, size and configuration of an area including:
  - i. would the population have reasonable access to its elected members and vice versa?;
  - ii. would elected members be able to effectively represent the views of the elected area?; and
  - iii. would elected members be able to attend public meetings throughout the area and provide reasonable opportunities for face to face meetings.

## **6.0 Fair Representation**

6.1 Under this provision membership for each form of electoral subdivision is required to comply with the basic principle of population equality unless there are good reasons to depart from it. Section 19(V) of the local Electoral Act outlines the specific requirements in this regard:

*For the purposes of giving effect to subsection (1), the territorial authority or regional council and where appropriate, the Commission must ensure that the population of each ward, or constituency or subdivisions, divided by the number of members to be elected by that ward or constituency or subdivision produces a figure no more than 10% greater or smaller of the population of the District origin or community, divided by the number of elected members, other than members elected by the electors of a territorial authority as a whole, if any, and the Mayor, if any.*

6.2 This is commonly referred to as the “+/- 10% rule”. By way of explanation I should point out that constituencies refer to regional councils and subdivision relates to community board areas.

6.3 As can be seen from table A provided in this report, the wards of Kaiwera–Waimumu and Mātaura fall outside this rule and will therefore require modification to comply with the statute. In the case of Kaiwera–Waimumu the population is too large while Mātaura has 19 too few people to fall within -10% of the District average. Options to address these

*anomalies will be canvassed under the Electoral Subdivision section of this report.*

*6.4 In regard to territorial authorities and communities, Section 19(V)(3)(a) provides the only grounds for not complying with the provisions of Section 19(V)(2). These grounds are to provide for effective representation of communities of interest within island communities or isolated communities. The Act does not specify the criteria to be met for an isolated community to warrant specific representation. However the local Government Commission has identified some factors that a local authority may wish to take into account in considering this issue:*

*(e) Isolation should relate to the ability of a community to receive appropriate representation by elected members.*

- Isolation should be evidenced by significant distance or travel time, or other physical/practical travel, and/or other communications difficulties or service reliability problems.*

*(f) For a community to have enhanced representation on the grounds of isolation, a significant proportion of a population of an area should be physically isolated.*

- Physical isolation alone may not necessarily constitute isolation.*
- An area may not be isolated simply because it is rural in nature.*
- Isolation may justify one member instead of no separate representation for a community based on an application of the “+/- 10%” rule, but caution would need to be applied in allocating additional members on that basis.*

The observations made in paragraph 4.5 may be of particular interest. In terms of compliance with the fair representation provisions of Section 19(V) of the Electoral Act 2001. The table below illustrates that should the Council adopt the submission, the proposed urban ward would be within the legislative tolerances for equality of population per elected members:

<b>Ward</b>	<b>Number of elected members</b>	<b>Estimated Resident Population as at 30 June 2011</b>	<b>Ratio Population: Elected Member</b>
Urban	6	9110	1518:1
Kaiwera-Waimumu	1	1602	1602:1
Waikaka	1	1568	1568:1

Note: Total Estimated Population of District = 12,280  
Number of Councillors elected by ward = 8

On a + or – 10% range: Highest possible ratio = 1688:1  
Lowest possible ratio = 1381:1

Whether the submitter's proposal should be adopted is a matter for political consideration. As the foregoing illustrates there is no legal impediment preventing its adoption. The big questions for the Council appear to be:

- i. whether the definitive community of interest in Mataura needs to be recognized via the retention of a specific electoral ward, and
- ii. whether there is sufficient support within the Mataura community to justify the abolition of the ward?

What is not in doubt and mentioned in Mrs Turnbull's submission is that the merger of the Mataura Ward with the Gore Ward will provide voters in Mataura with far greater choice and influence when selecting elected representatives of the Gore District Council.

If the Council prefers to adopt the proposal publicly notified and decline the submission of Mrs Turnbull and eleven others, the following recommendation is submitted.

#### **RECOMMENDATION**

**THAT pursuant to Section 19N of the Local Electoral Act 2001, the Gore District Council resolves to confirm its review of representation arrangements on the following basis:**

- (1) The Gore District, as delineated on SO 11804 deposited with Land Information New Zealand, shall be divided into four wards.**
- (2) The four wards shall be –**
  - (a) the Gore Ward, comprising the area delineated on SO Plan 11903 deposited with Land Information New Zealand,**
  - (b) the Mataura Ward, comprising the area delineated on SO Plan 11488 deposited with Land Information New Zealand,**
  - (c) the Waikaka Ward comprising the area delineated on SO Plan 11482, deposited with Land Information New Zealand; plus the addition of meshblocks 3054900, 3055000 and 3003602, to ensure fair representation,**

- (d) the Kaiwera-Waimumu Ward comprising the area delineated on SO Plan 386071 deposited with Land Information New Zealand less meshblocks 3054900, 3055000 and 3003602.
- (3) The Council shall comprise a Mayor and 11 Councillors, elected as follows:
- (a) five Councillors elected by the electors of the Gore Ward,
  - (b) one Councillor elected by the electors of the Maitara Ward,
  - (c) one Councillor elected by the electors of the Waikaka Ward,
  - (d) one Councillor elected by the electors of the Kaiwera-Waimumu Ward,
  - (e) three Councillors elected by the electors of the District as a whole.
- (4) There shall be a Maitara Community, comprising the area of the Maitara Ward as defined in 2(b) above; and
- (5) The Maitara Community Board shall comprise five elected members and one member of the Council representing the Maitara Ward and appointed to the Community Board by the Council.

**AND THAT it be noted that the reason for rejecting the sole submission advocating the abolition of the Maitara Ward is the need to identify a community of interest within Maitara in representation arrangements**

OR if the Council wishes to adopt the submission presented by Mrs Turnbull the following recommendation would be appropriate:

#### **RECOMMENDATION**

**THAT pursuant to Section N of the Local Electoral Act 2001, the Gore District Council resolves to publicly notify its review of representation arrangements on the following basis:**

- (1) The Gore District, as delineated on SO 11804 deposited with Land Information New Zealand, shall be divided into three wards.
- (2) The three wards shall be –



- (a) the urban ward, comprising the existing Gore and Maitara wards as delineated in SO Plans 11903 and 11488, deposited with Land Information New Zealand.
  - (b) the Waikaka Ward comprising the area delineated on SO Plan 11482, deposited with Land Information New Zealand; plus the addition of meshblocks 3054900, 3055000 and 3003602, to ensure fair representation,
  - (c) the Kaiwera-Waimumu Ward comprising the area delineated on SO Plan 386071 deposited with Land Information New Zealand less meshblocks 3054900, 3055000 and 3003602.
- (3) The Council shall comprise a Mayor and 11 Councillors, elected as follows:
- (a) six Councillors elected by the electors of the Urban Ward,
  - (b) one Councillor elected by the electors of the Waikaka Ward,
  - (c) one Councillor elected by the electors of the Kaiwera-Waimumu Ward,
  - (d) three Councillors elected by the electors of the District as a whole.
- (4) There shall be a Maitara community, comprising the area delineated on SO Plan 11488, deposited with Land Information New Zealand; and
- (5) The Maitara Community Board shall comprise five elected members and one member of the Council representing the Maitara Ward and appointed to the Community Board by the Council.

**AND THAT** it be noted that the reason for the union of the Gore and Maitara wards to form a new urban ward is that there is a singular urban community of interest and that any issues pertaining specifically to Maitara, can be addressed by the Maitara Community Board.

9 Scott St

Mataura

20<sup>th</sup> April 2012

Gore District Council C.E.O

Dear Steve,

These are the full names, in order, of the people who have signed this submission.

Myself and Basil,

Helen Pewhairangi

Kiri Matahiki

Jennifer Fisken

Sue Gray

Lindsay Fisken

Harvey Dunstan

David Carse

Alister Derek Gray

Wiluke Pewhairangi

Linda Dunstan

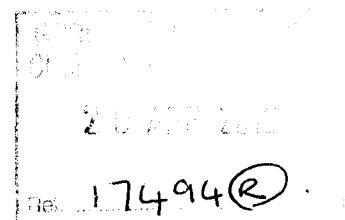
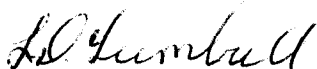
Given more time I could have had a lot more as people feel very strongly that they should be able to vote for all those making decisions for them.

We believe this needs a lot more than just a notice at the back of the paper about submissions for this which none of these signees even saw.

I hope you will talk to the councillors and Tracy about this, it is a very important issue.

Yours faithfully

Laurel Turnbull



9 Scott St

Mataura

16<sup>th</sup> April 2012

C.E.O Gore District Council

Submission regarding Representation review

Since Gore and Mataura are now combined in every way including the rating base we are one urban district.

We the undersigned therefore believe that the Gore and Mataura wards should also be combined into one.

The Mataura Community Board are advocates for Mataura issues and this was not in place when the wards were set up.

We would ask that the council consider abolishing the Mataura Ward and combining the two areas giving a wider voting chance and also taking away the them and us mentality which exists at present in some peoples perception.

Last time the review was done Mataura lost one Councillor and we believe the time has come for us all to be one in every sense.

We trust you will give this your full consideration as it makes no sense to have separate wards any longer.

David Turnbull	Jeff Puchanarangi
Basel Turnbull	Jeff Puchanarangi
J.P. Dingle	Mike Gray
L.A. Dink	H.J. Dunstan
Ray Rose	Mike Derek Gray
W.H. H. H.	
L.A. Dunstan	

***Excerpt from the minutes of the Gore District Council meeting held on Tuesday 15 May 2012***

**4. REPRESENTATION REVIEW – CONSIDERATION OF SUBMISSION RECEIVED (33.16.3)**

A memo had been received from the Chief Executive about the revised representation proposal which, apart from a boundary adjustment between the Kaiwera/Waimumu and Waikaka wards, advocated the retention of the present electoral structure and numbers of Councillors and had been duly advertised on two separate occasions.

One submission had been received to the proposal, from Mrs Laurel Turnbull on behalf of herself and 11 other electors. A copy had been circulated with the agenda.

The Chief Executive advised the Council should hear the submission and then reserve its decision in order that a report on the proposal could be provided for a later date. The Council needed to give public notice of its final proposal by 1 June 2012.

- ↳ Mrs Turnbull presented her additional submission and said the majority of people did not understand how local government worked. Mataura people did not understand why they could not vote for all Councillors. A copy of the additional submission is attached hereto and forms part of these minutes.

His Worship asked if there would be support from people in Mataura standing for a combined ward or was it not an issue.

Mrs Turnbull thought there may be more chance for Mataura people to be elected.

*The Youth Councillors departed the meeting at 8.09 pm*

Cr P Grant asked whether she was concerned that Mataura could end up with no representative.

Mrs Turnbull said it did not concern her. She felt all Councillors worked for the good of Mataura and the Community Board was in place to advocate for the Mataura community.

In response to Cr Beale, the Chief Executive said the Community Board would still be retained.

Cr Davis asked if all Mataura residents were aware of the submission and the implications.

The Chief Executive said it was publicly available via the Council agenda, but it was not available through cross submission as with resource management matters. If someone was aggrieved at the Council's decision, they would be entitled to put forward an objection to the Local Government Commission.

Mrs Turnbull advised there had been an article in the Ensign about the proposal.

His Worship said it would give the Council cause to stop and think about the proposal.

Cr Bolger thought it was a very clever submission but was concerned whether people understood the sophistication of it and what it could mean. He commended her for it.

**RESOLVED on the motion of Cr Redhead, seconded by Cr D Grant, THAT the Council reserve its decision on the submission and meet in the near future to consider it.**

**2012/42**

Good evening your worship, councillors, council staff, ladies and gentlemen.

Thank you for giving me this time to speak to my submission regarding the representation review.

There is not a lot more I can say that is not in the submission other than that the majority of people do not understand how local government works Matura.s voters have for a long time wondered why they cannot vote for all councillors so when I explained to them they said well you write the submission on our behalf and why don,t you get up a petition. There just was,nt time for this however but given more time I could have had a lot more signatures on this submissions.

When the amalgamation of Matura and Gore took place in 1989 the ward system was put in place whether for good or bad I am not sure. At that time things were not as they are now with Matura still retaining some funds and rates set at differentials etc and of course there was no Community Board.

Things have moved on and we are now one urban area in every sense with shared essential services,a combined rating area and decisions made around this table for Gore also apply to Matura for instance the recycling, water restrictions animal control the list goes on.

During the last review 5 years ago the council then, of which I was a part, had decided to change and have a district wide voting system. However this was set aside by a government review committee because of objections from some,none of which were from Matura, and we lost one of our representatives but the ward was retained.

The time has now come when history should be set aside and we move forward as one urban area giving people a wider voting choice We now have a community board to advocate for Matura issues. I have spoken to a lot of people about this issue and without exception they feel that this should happen.

We cannot see any justifiable reason to leave things as they are and would ask that you abolish the Matura ward and give people the chance of a fairer voting system.

I believe this would also help to take away the them and us attitude and might encourage more interest when voting time comes around as only approx 500 out of 1700 people in Matura voted last time.

Thank you for your time and we trust you will look favourably at this.

## **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.