



## LOCAL GOVERNMENT COMMISSION

### Determination

of the representation arrangements to apply for  
the election of the Canterbury Regional Council  
to be held on 13 October 2007

#### Background

1. The Canterbury Regional Council (the Council) elected at the 2004 local election comprises 14 councillors. The councillors were elected as follows:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
North Canterbury	55,300	2	27,650	-9,535.71	-25.64
Christchurch North	92,100	2	46,050	+8,864.29	+23.84
Christchurch West	85,200	2	42,600	+5,414.29	+14.56
Christchurch East	81,300	2	40,650	+3,464.29	+9.32
Christchurch South	85,500	2	42,750	+5,564.29	+14.96
Selwyn-Banks Peninsula	39,100	1	39,100	+1,914.29	+5.15
Ashburton	26,700	1	26,700	-10,485.71	-28.20
South Canterbury	43,100	1	43,100	+5,914.29	+15.90
Waitaki	12,300	1	12,300	-24,885.71	-66.92
<b>TOTALS</b>	<b>520,600</b>	<b>14</b>	<b>37,592.86</b>		

\*These figures are rounded 2004 population estimates provided by the Government Statistician

2. In March 2005, the Council established a representation review committee to report back with recommendations on representation arrangements to apply for the 2007 local elections. The committee:
  - initially considered advantages and disadvantages of a range of options;
  - consulted with key stakeholders; and
  - considered a report detailing community of interest factors as they related to territorial authority boundaries, territorial authority ward boundaries and the Council's functions and responsibilities.

3. Two broad options were presented to the Council to assist it in making a decision on its initial proposal. The options were:
- 14 councillors distributed between nine constituencies in a manner compliant with the requirements for fair representation under section 19V(2), with every effort being made to avoid splitting well-defined communities of interest between constituencies; and
  - a separate Waitaki Constituency with a councillor to elector ratio of 1:12,300, every effort being made to avoid splitting well-defined communities of interest between constituencies, and complying with the requirements of section 19V(2) throughout the remainder of the region.
4. On 27 July 2006, the Council resolved its initial proposal under section 19I of the Local Electoral Act 2001 (the Act). The proposal was for nine constituencies electing 14 councillors as follows:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
North Canterbury	68,840	2	34,420	-2,769	-7.45
Christchurch North	80,400	2	40,200	+3,010	+8.09
Christchurch West	81,680	2	40,840	+3,651	+9.82
Christchurch East	84,170	2	42,085	+4,896	+13.17
Christchurch South	83,410	2	41,700	+4,511	+12.13
Selwyn/Banks Peninsula	36,870	1	36,870	-319	-0.86
Rakaia	32,480	1	32,480	-4,709	-12.67
South Canterbury	43,100	1	43,100	+5,911	+15.89
Waitaki	12,300	1	12,300	-24,889	-66.93
<b>TOTALS</b>	<b>520,600</b>	<b>14</b>	<b>37,189</b>		

\*These figures are rounded 2004 population estimates provided by the Government Statistician

5. In notifying its initial proposal, the Council:
- (a) described the nine proposed constituencies as relating to communities of interest as follows:

<u>Constituency</u>	<u>Communities of interest</u>
North Canterbury:	The Kaikoura, Hurunui and Waimakariri Districts and the Belfast, Styx and Sawyers Arms statistical areas of Christchurch City
Christchurch North:	Northern areas of Christchurch City
Christchurch West:	Western areas of Christchurch City
Christchurch East:	Eastern areas of Christchurch City
Christchurch South:	Southern areas of Christchurch City

Selwyn/Banks Peninsula:	The Malvern, Selwyn Central and Springs Wards of Selwyn District, the Banks Peninsula Ward of Christchurch City, and the McLeans Island, Yaldhurst and Templeton statistical areas of Christchurch City
Rakaia:	Ashburton District and the Ellesmere Ward of Selwyn District
South Canterbury:	Timaru District
Waitaki:	The Mackenzie and Waimate Districts and part of the Ahuriri-Corriedale Ward of Waitaki District

(b) noted that its proposal did not meet the requirements of section 19V(2) of the Act because the Waitaki Constituency contained a distinct group of communities of interest warranting specific representation and that, as a consequence, some other constituencies also did not comply with section 19V(2).

6. The Council received 369 submissions on its proposal. Three hundred and twenty submissions were in favour of the Council's proposal to retain Waitaki as a separate constituency. The Council publicly notified the objections to various elements of its initial proposal as follows:

- support for the status quo with constituency boundaries aligned to territorial authority boundaries;
- support for a nine- or 13-member Council;
- support for adherence to the +/-10% population rule;
- support for nine Christchurch and five rural constituencies;
- support for various combinations of constituencies, including Christchurch as one constituency; and
- support for a separate Timaru urban area constituency.

7. Following its consideration of submissions, the Council:

(a) resolved, on 27 July 2006, to adopt its initial proposal as its final proposal subject to the following amendments:

- the Kaimahi statistical unit area being included in the North Canterbury Constituency;
- the Harewood statistical unit area being included in the Christchurch West Constituency;
- the Parklands statistical unit area being included in the Christchurch North Constituency;
- the Cathedral Square and Hagley Park statistical unit areas being included in the Christchurch East Constituency; and
- the Hornby North statistical unit area being included in the Christchurch South constituency;

(b) noted that the amendments to its initial proposal were appropriate as they enabled the +/-10% rule to be met in the Christchurch constituencies;

(c) noted that it had rejected some matters raised in submissions for the following reasons:

- some suggestions raised by submitters resulted in non-compliance with the +/-10% rule without sufficient justification;
- Canterbury is geographically the largest region in New Zealand with the second highest population, and this suggests that the maximum number of councillors (14) is needed to ensure that councillors are able to engage effectively with communities of interest and vice versa;
- the size and complexity of the stewardship and the sustainability and developmental challenges of the region (which includes 10 major river systems, extensive groundwater resources and seven airsheds), and councillors' workload were not taken into account sufficiently by some submitters;
- accessibility is restricted for some residents in rural areas, particularly for those in areas not currently well served by telecommunication access; and
- the Council believes that the Waitaki Constituency is a community of interest warranting a separate constituency in order to provide effective representation of this community of interest (in accordance with section 19V(3)(b) of the Act).

8. The following table illustrates the Council's final proposal relating to the distribution of councillors between constituencies and the requirements of section 19V:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
North Canterbury	73,620	2	36,810	-380	-1.02
Christchurch North	79,230	2	39,615	+2,425	+6.52
Christchurch West	81,290	2	40,645	+3,455	+9.29
Christchurch East	80,620	2	40,310	+3,120	+8.39
Christchurch South	81,130	2	40,565	+3,375	+9.08
Selwyn/Banks Peninsula	36,870	1	36,870	-320	-0.86
Rakaia	32,480	1	32,480	-4,710	-12.66
South Canterbury	43,100	1	43,100	+5,910	+15.89
Waitaki	12,300	1	12,300	-24,890	-66.93
<b>TOTALS</b>	<b>520,640</b>	<b>14</b>	<b>37,190</b>		

\*These figures are rounded 2004 population estimates provided by the Government Statistician

9. As the proposal did not comply with the requirements of section 19V(2) of the Act, it was referred to the Commission to determine, as required under section 19V(3)(b).

## Hearing

10. The Commission met with the Council at the Canterbury Regional Council Chambers on 26 February 2006. The Council was represented by Kerry Burke Chairperson, and Robert Johnston Deputy Chairperson. A joint appeal from all territorial local authorities in the Canterbury Region was presented by Ashburton District Council Mayor Bede O'Malley and Chief Executive Brian Lester. The appellants were Ashburton District Council, Selwyn District Council, Waitaki District Council, Hurunui District Council, Timaru District Council, Mackenzie District Council, Waimate District Council, Christchurch City Council, Waimakariri District Council, Guardians, Royal Forest and Bird Protection Society, the Lower Waitaki Management Society, Struan Munro, Alan McRobie, Canterbury Branches of Federated Farmers, Christchurch Combined Residents' Association, Jane Demeter, Halswell Residents Association, David Chamberlain, Spreydon-Heathcote Community Board, Beckenham Neighbourhood Association and Bill Woods.

## Matters raised in appeals and at the hearing

11. A wide range of issues were raised in appeals and objections, relating to both the Council's interpretation of the legislative criteria and the Council's application of this criteria in relation to the Canterbury Region. Broadly, appellants represented two groups of opinion:
  - those advocating for fair representation of all electors as provided by the +/-10% rule, or a fairer distribution of councillors based on population than that provided by the Council's proposal; and
  - those advocating for the retention of existing constituency boundaries, which align with territorial authority boundaries.
12. The main arguments presented in support of fairer representation of electors (relating to compliance with +/-10% rule) in the region were:
  - the Council has not sufficiently demonstrated *how* effective representation of communities of interest requires non-compliance in respect to the Waitaki, South Canterbury and Rakaia Constituencies;
  - Christchurch City accounts for approximately two thirds of the total population of the region, which should be reflected in the distribution of councillors;
  - if the purpose of constituency boundaries is to provide effective regional representation, the Christchurch City boundary is a poor reflection of distinct groups of communities of interest;
  - the existing North Canterbury Constituency demonstrates that effective representation can be achieved for large constituencies containing both rural and urban communities;
  - failure to ensure fair representation of electors in Christchurch undermines the Council's ability to provide effective representation of communities of interest because it fails to recognise the significance of the Council's regional functions in the area, such as public transport and air quality management;
  - issues relating to the problems of representation for large, sparsely populated areas should be addressed by remuneration and expense

reimbursements for councillors representing such areas, rather than inequitable representation;

- unfair representation fails to recognise the extent to which the Act and the Local Government Act 2002 (LGA) encourages councillors to focus on their governance role rather than operational issues, which are more appropriately dealt with by Council staff;
- water use, rivers and aquifers are important to the whole region, not just those residents adjacent to rivers;
- issues of accessibility do not limit effective representation to the extent they did before the introduction of the LGA because the LGA encourages councils to engage in ongoing and extensive consultation and planning procedures. These processes should support the Council's ability to understand and respond to distinct community interests in a manner that does not compromise democratic government;
- unfair distribution of membership between constituencies:
  - results in undemocratic regional governance;
  - perpetuates the unfair influence of the agricultural lobby;
  - perpetuates the idea that regional functions are less relevant to urban areas than they are to rural areas;
  - compromises the Council's ability to make decisions that promote sustainable environmental management; and
  - fails to take into account the fact that urban residents contribute a high portion of the Council's general rates revenue, which is then used by the Council in undertaking its resource management functions in rural areas;
- the overall number of councillors should be re-explored because:
  - a smaller council would enable councillors to focus on their governance role and would increase individual councillors' salaries;
  - a nine-member council would enable a fairer distribution of councillors between Christchurch City and rural constituencies;
  - the Council's early decision to retain 14 councillors has limited its ability to create representation arrangements that provide fair and effective representation for the region as a whole, and of communities of interest and electors within the region;
- effective representation of the Waitaki Constituency does not require over-representation of Waitaki electors to the degree proposed by the Council because:
  - it is the collective responsibility of the Council to provide effective representation, not the responsibility of a single councillor;
  - the Council's functions in respect to the Waitaki Constituency impact on communities of interest within the region as a whole. This has been made evident by the high number of submissions from residents outside of the constituency on matters such as Meridian's proposed Project Aqua and resource consent applications;

- much of the Waitaki Constituency is uninhabited conservation land, unoccupied Crown land or extensively grazed Crown pastoral lease land. Large parts of the proposed constituency are uninhabited;
- the majority of the residents of the proposed Waitaki Constituency are in reasonable proximity to the Council's Timaru service centre;
- there are good roads connecting Waitaki to the remainder of the region;
- Waitaki has a declining population, in contrast to other parts of the region; and
- accessibility to councillors and regional services is more difficult for residents of Kaikoura and Hurunui given the lack of a service centre as there is in Timaru.

13. The main points presented in support of the retention of existing constituency boundaries, which align with territorial authority boundaries, were:

- section 19U(c) recognises the significance of territorial authority boundaries for determining distinct communities of interest and section 19V(3)(b) provides for exemption from the requirements for fair representation of electors if the effective representation of communities of interest so requires;
- territorial authority boundaries are:
  - by definition, a community of interest, or comprise a distinct grouping of communities of interest;
  - well understood by electors and generally align with significant natural landscape features; and
  - represent clearly defined rating areas, pest districts, groundwater management areas, irrigation schemes and civil defence areas;
- residents' sense of community belonging and identity is diminished by cross-territorial authority boundary constituencies;
- approximately 25% of the total population of the proposed North Canterbury Constituency resides in the northern suburbs of Christchurch City. There is little commonality of interest between residents of this area and residents of, for example, Hanmer Springs, Kaikoura or Culverden;
- the Waimakariri River provides a strong natural boundary for the North Canterbury Constituency;
- Kaiapoi residents share a strong sense of identity with the Waimakariri District, as evidenced by their desire to retain a greenbelt between them and communities to the south of the river;
- communities of interest in the Timaru District share a strong sense of identity based on territorial authority boundaries;
- Timaru is a significant rural service town for the southern part of the region;
- the Ellesmere Ward of Selwyn District should not be included in the Rakaia Constituency because:

- townships within the Ellesmere Ward look northward for services; and
- the environmental well-being of Te Waihora/Lake Ellesmere is a significant regional function, undertaken in cooperation with Selwyn District and Christchurch City Councils. Inclusion of this area in the Rakaia Constituency compromises this relationship;
- the inclusion of portions of the Christchurch urban area in the proposed Selwyn/Banks Peninsula Constituency fails to recognise residents' sense of identity to the Selwyn District;
- the inclusion of parts of Christchurch City in rural constituencies may result in a maximum of three rural councillors;
- population growth in the Selwyn and Waimakariri Districts may result in these districts having sufficient populations to justify, under section 19V(2), specific regional councillor representation based on territorial authority boundaries;
- exclusion of the Banks Peninsula Ward from Christchurch City fails to recognise that the electors of this ward voted to include themselves in Christchurch City;
- it is important to maintain a 6/8 mix of rural-elected and urban-elected councillors because:
  - a range of views are needed at council level to ensure effective water management;
  - the region cannot be governed effectively from a central office;
  - the workload and expectations on rural councillors exceed the workload and expectations on urban councillors;
  - effective representation in the rural constituencies requires councillors to attend many local meetings;
  - effective representation requires the Council's buy-in to the rules and culture of constituents, which is made possible by strong rural representation; and
  - alignment of constituencies with irrigation schemes, which operate differently on either side of many rivers, provides assurance to rural constituents of effective representation;
- the Council's identification of communities of interest in relation to regional functions, which contributed to the development of its proposed boundaries, is:
  - confusing and unnecessarily complex;
  - indicates that territorial authority boundaries would best enable the Council to perform its functions; and
  - fails to recognise that each identified regional function (i.e. groundwater, river catchments and river rating districts, passenger transport, air sheds, civil defence, regional transport, pest districts and irrigation) is of different significance to different parts of the region;
- effective representation of communities of interest in the Waitaki Constituency requires exemption from the 10% rule because:

- compliance would reduce or dilute the level of specific local knowledge of the local councillor;
  - accessibility between the residents of the Waitaki Constituency and its elected representative would be compromised. The Waitaki Constituency comprises 38% of the land area of the region and travel distances and weather conditions already impact on the ability of constituents and the Council to have reasonable access to each other;
  - the Council needs to ensure good management of the Waitaki River. This is enabled by a strong relationship between Waitaki residents and the Council;
  - travel times from parts of the Waitaki Constituency to Christchurch City range from 2.5 hours to 4-5 hours;
  - Waitaki contains distinct communities with common resource management concerns relating to the Waitaki River; and
  - the regional functions provided in Waitaki are significantly different from, and more diverse than, those provided in the balance of the region.
14. The main points presented by the Council in support of non-alignment of constituency boundaries with the boundaries of Christchurch City were:
- many residents in the northern extreme of Christchurch City (the Belfast and Styx areas) use services in Rangiora and have common interests with residents on either side of the Waimakariri River;
  - land use and development patterns to the immediate north and south of the Waimakariri River and in areas surrounding the south and west boundaries of Christchurch City are similar;
  - there is reasonable consistency of regional functions in the urban/peri-urban area surrounding the Waimakariri River and to the south and west of the boundary of Christchurch City compared to regional functions required in the northern, rural areas of the proposed North Canterbury Constituency, and rural areas further south and west of Christchurch City; and
  - the Council's ability to perform regional functions effectively in the Christchurch urban and peri-urban areas requires it to structure much of its management and planning (i.e. land transport, air pollution management and groundwater discharge) for an area extending beyond the boundaries of Christchurch City.
15. Issues relating to potential constituency boundaries in the central urban area of Christchurch City were also canvassed.

### **Matters for determination**

16. The statutory provisions in respect of appeals and objections are contained in sections 19R and 19I 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).
- 19I. Review of representation arrangements for elections of regional councils**
- (1) A regional council must determine by resolution, and in accordance with this Part,—
- (a) the proposed number of constituencies; and
  - (b) the proposed name and the proposed boundaries of each constituency; and
  - (c) the number of members proposed to be elected by the electors of each constituency.
- (2) The determination required by section (1) must be made by the regional council,—
- (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.

## **Consideration by the Commission**

### *Effective and fair representation*

17. A review of representation arrangements under the Act is to ensure that:
- the number and boundaries of constituencies will provide effective representation of communities of interest within the region (section 19U); and
  - in determining the number of members to be elected by each constituency, electors of that constituency will receive fair representation (section 19V).

18. For the purpose of achieving fair representation, section 19V(2) of the Act requires that the population of each constituency divided by the number of members to be elected by that constituency produces a figure no more than 10% greater or smaller than the population of the region divided by the total number of elected members. The Act does not define 'effective representation' or 'communities of interest'.
19. The steps in the representation review process are not statutorily prescribed. The Commission believes that the following process for determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
  - (a) identify the region's communities of interest;
  - (b) determine the best means of providing effective representation of the communities of interest; and
  - (c) determine fair representation of electors for the region.

### *Canterbury Region*

20. The Council proposed that, in some areas, the region's communities of interest relate to territorial authority district or ward boundaries. The Council also proposed that, in other areas, this was not practicable without unduly compromising the principles of fair and effective representation of electors and communities of interest. The Council's approach is consistent with section 19U of the Act, which provides that so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
21. On this basis, the Council proposed:
  - a North Canterbury Constituency covering the areas of the Kaikoura, Hurunui and Waimakariri Districts, and parts of the Shirley-Papanui Ward of Christchurch City (as defined by the Belfast, Styx and Sawyers Arms statistical area units);
  - a Selwyn/Banks Peninsula Constituency covering the areas of the Malvern, Selwyn Central and Springs Wards of Selwyn District, the Banks Peninsula Ward of Christchurch City, and parts of the Fendalton-Waimairi and Riccarton-Wigram Wards of Christchurch City (as defined by the McLeans Island, Yaldhurst and Templeton statistical area units);
  - a Rakaia Constituency covering the areas of Ashburton District and the Ellesmere Ward of Selwyn District;
  - a South Canterbury Constituency covering the area of Timaru District;
  - a Waitaki Constituency covering the areas of Mackenzie and Waimate Districts and part of the Ahuriri-Corriedale Ward of Waitaki District; and
  - the division of the remainder of Christchurch City into four constituencies, these being Christchurch North, Christchurch South, Christchurch East and Christchurch West.
22. Appellants argued that the Council's grouping of communities of interest failed to meet the requirements of sections 19U and 19V. Generally, two broad criticisms were raised of the Council's approach to grouping communities of interest into constituencies. Appellants argued that reasonable application of the requirements of sections 19U and 19V should result in either:

- better recognition of territorial authority boundaries as the basis for constituency boundaries; or
  - better recognition of the relative population of Christchurch City (approximately 67% of the total population of the region) compared to the relative population of the remainder of the region as the basis for determining constituency boundaries.
23. We believe that territorial authority district and ward boundaries provide a useful starting point for considering appropriate constituency boundaries, and that section 19U(c) should be adhered to as far as is practicable to achieve fair and effective representation. However, after hearing submissions and as a result of further investigations, we understand that this approach presents particular challenges in respect of the Canterbury Region.
24. The size and population of the region, diversity of land use patterns and geography, and the 'rural/urban' balance between the rapidly growing Christchurch metropolitan area and the remainder of the region, compound the complexities of satisfying the principles of fair and effective representation. These regional characteristics necessitate examination of the extent to which the principles of fair and effective representation have to be balanced between one area and the remainder of the region.
25. The defining purpose of constituency boundaries is to provide for the effective representation of distinct regional communities of interest. We agree with the Council and some appellants that the Christchurch City boundary is a poor reflection of this purpose. We agree that, from a regional perspective of communities of interest, the impact of the Christchurch metropolitan area obscures the community distinctions provided by territorial authority boundaries in the areas of Christchurch City, Selwyn District and Waimakariri District.
26. Section 19U(c) does not establish a priority between recognising communities of interest as defined by territorial authority district or by ward boundaries. Alignment with ward boundaries may satisfy the requirement of section 19U(c) to the same extent as alignment with district boundaries. Both ward and district boundaries can recognise groups of communities that are sufficiently distinct to warrant specific representation. The advantages and disadvantages of alignment with ward or district boundaries must be considered on a case-by-case basis and with regard to the principles of fair and effective representation of individuals and communities.
27. We note that section 19D of the Act limits regional council membership to a maximum of 14 councillors. We agree with the Council and some appellants that, in the case of Canterbury, this limit has compounded the potential complexities of constructing constituency boundaries in accordance with the principles of fair and effective representation. A decision based on the effective representation of communities of interest in Waitaki, for example, has a direct impact on the fair and effective representation of electors and communities of interest in other parts of the region.
28. The Council's final proposal does not comply with the fair representation requirement (+/-10% rule) in respect of the Waitaki, South Canterbury and Rakaia Constituencies.

29. Subsection 19V(3)(b) of the Act provides that where a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and members distributed between them in a way that does not comply with the +/-10% rule. Subsection 19V(4) provides that in these circumstances the regional council must refer the matter to the Commission for determination.

#### *Waitaki and South Canterbury Constituencies*

30. We first considered the Waitaki and South Canterbury Constituencies' non-compliance with the +/-10% rule and whether this was necessary in order to provide effective representation of the communities of interest concerned. The Council's proposal results in significant over-representation of the Waitaki Constituency (a councillor to population ratio of 1:12,300), and under-representation of the South Canterbury constituency (a councillor to population ratio of 1:43,100).
31. The proposed Waitaki Constituency comprises 38% of the Canterbury Region. We understand that the Council is required to invest considerable time and resources in relation to matters specific to the constituency.
32. We agree with the Council and some appellants that the Waitaki Valley area encompasses a distinct community of interest. We do not believe, however, that this broadly defined community is representative of the diversity of community interests within the constituency as a whole. We were told that many residents located in close proximity to State Highway 1 north of Waimate township, travelled regularly to Timaru to access services. Residents of the Opuha Ward of the Mackenzie District have good access to Timaru, and would travel regularly there to access services unavailable in Fairlie. Submitters confirmed that Timaru is a service town for the southern, rural part of the region, and that many residents of Timaru have strong rural interests, and social and business connections with rural communities.
33. We do not accept that access between the Council and residents is restricted within the proposed Waitaki Constituency to the degree suggested by the Council and some appellants. We were told that travel from Kurow to a small Council service centre in Twizel, via Highway 83 and State Highway 8, would take one hour. Travel from Kurow to Fairlie requires two hours. Travel from Fairlie to the Council's strongly supported service centre<sup>1</sup> in Timaru requires an additional 45 minutes. We believe that these travel distances, and the location of Council service centres in Twizel and Timaru, enable the facilitation of reasonable access between residents and the Council.
34. We note that travel from the Waitaki Constituency to the Council's main offices in Christchurch takes approximately three hours. We accept that this would be taxing on a councillor elected from the constituency and may require overnight trips to Christchurch. This is the nature of governance responsibilities in large regional council areas.
35. We are not satisfied that effective representation of communities of interest in the proposed Waitaki Constituency requires specific representation that translates to one councillor for 12,300 electors or 66.93% above the regional average population per councillor.

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<sup>1</sup> We were told that between 40 and 50 staff were stationed at the Timaru service centre.

36. We then considered the impact of combining the proposed Waitaki Constituency with areas of the proposed South Canterbury Constituency. We believe that there are sufficient commonalities between areas of these constituencies to ensure effective representation of distinct communities of interest. We believe that many residents of the proposed Waitaki Constituency have shared interests with communities in Timaru District. The combined area is characterised by a distinctly mountainous and hilly topography, which is distinct from the Canterbury Plains to the north.
37. It is not possible to achieve compliance with section 19V(2) without combining the proposed Waitaki Constituency with the Timaru Ward of Timaru District. The combined population of these areas is 42,000. Representation of a combined Waitaki/Timaru Ward Constituency by one councillor would result in slight under-representation (a +11% deviation from the regional average councillor to elector ratio).
38. The population of a combined Waitaki/South Canterbury Constituency is approximately 55,320. Representation of this combined area by one councillor would result in significant under-representation (a +47% deviation from the regional average councillor to elector ratio). Representation by two councillors would result in some over-representation (a -26% deviation from the regional average councillor to elector ratio). These ratios are based on the Council's proposal to retain 14 councillors in total.
39. Some appellants suggested that the Council should comprise 13, 12 or nine councillors in total. We note that a 13-member council could ensure compliance with section 19V(2) in respect of a combined Timaru Ward/Waitaki constituency. Any reduction in total Council membership, however, requires consideration in relation to the region as a whole. Our consideration of a reduction in overall membership identified the following issues:
- the Council and the majority of appellants supported the retention of 14 councillors. Those advocating a reduction in total membership generally did so on the basis that it would enable fairer distribution of councillors between constituencies, without compromising effective representation. Our analysis of the application of the +/-10% rule to other areas of the region suggests that a 13- or 12-member council would require compromises to effective representation in these areas in order to comply with the +/-10% rule;
  - Canterbury is the largest region in New Zealand and contains a population in excess of 520,000. We believe a reduction in Council membership would have a negative effect on the Council's ability to understand and respond appropriately to its communities; and
  - the region is very diverse with respect to land use patterns and geography, the environmental management functions required of the Council, and its communities of interest.
40. On the basis of these factors, we decided to proceed on the basis of retaining 14 councillors for the region.

41. We applied the principle of fair and effective representation of individuals and communities to the various constituency options for the areas of the proposed Waitaki and South Canterbury Constituencies: We find that:
- achievement of the principle of effective representation of communities of interest does not justify the significant over-representation of electors in the proposed Waitaki Constituency (66.93%), in relation to its size, geography, nature of communities and distance from Christchurch;
  - splitting Timaru District between constituencies would not be consistent with effective representation of this community of interest;
  - the transfer of some Timaru District wards to the proposed Rakaia Constituency similarly is not consistent with the principle of effective representation of Timaru or the balance of the region; and
  - in the context of the region, there are sufficient commonalities of interest between communities of interest in the proposed Waitaki and South Canterbury Constituencies to enable councillors elected from a combined area to understand the concerns and interests of constituents of both areas and to effectively represent these.
42. On the basis of the above factors, we determine that there will be a combined Waitaki-South Canterbury Constituency, represented by two councillors. We are satisfied that effective representation of the communities of interest in this constituency, given its size, geography and communities of interest, requires enhanced representation beyond the requirements for fair representation provided under section 19V(2). We are satisfied that the degree of over-representation (a -25.52% deviation from the regional average councillor to elector ratio) in this case will not unreasonably compromise fair and effective representation across the balance of the region.

#### *Other constituencies*

43. We note that, from the perspective of fair representation, the electors of Christchurch City would be entitled to elect nine councillors from the proposed total membership of 14. We also note that one third of the Council's 2007/08 draft operating budget is allocated to land transport management and 10% is allocated to air quality management. Pest management and water management account for 9.9% and 14.8% respectively. We believe the significance of the land transport and air quality management functions, which impact predominantly on the Christchurch metropolitan area, brings into question the assertion made by some appellants that regional functions are more important to rural areas than they are to urban areas. The extent of these budget allocations underscores the equal importance of effective regional governance of the Christchurch metropolitan area.
44. We agree with the Council and some appellants that the alignment of constituency boundaries with the boundaries of Christchurch City would provide a poor basis for effective regional council representation of distinct communities of interest. We accept that the Council's 'fuzzy edges' approach to constituency boundaries in the peri-urban area within and surrounding Christchurch City provides a mechanism to ensure a better balance between the principles of fair and effective representation of individuals and communities in the area. We note that population projections indicate that the impact of metropolitan Christchurch will continue to extend outward.

45. We considered the southern and western boundary of Christchurch City. We note that the Greater Christchurch urban development strategy includes large areas of the Selwyn District. The Council's Land Transport Strategy extends to the towns of Rolleston, Lincoln, Springston, West Melton, Tai Tapu, and Templeton which are located in the Selwyn District. We heard that the Council's air quality management functions impact on areas south and west of the boundaries of Christchurch City. Land use and development patterns in the area immediately surrounding Christchurch City are similar to some areas within the boundary of Christchurch City.
46. We considered the constitution of a peri-urban ward surrounding the west and south of the Christchurch urban area, based on the Banks Peninsula, Springs and Selwyn Central Wards. We believe this could provide a mechanism to better reflect the impact of metropolitan Christchurch in relation to the Council's functions. It could also enable the transfer of the Malvern and Ellesmere Wards to the Council's proposed Rakaia Constituency and compliance with the +/-10% rule in the case of this constituency.
47. We believe there are some areas within the Christchurch City boundary that are similar in character to adjacent areas in the Selwyn District. We found, however, that it is not possible to achieve compliance with section 19V(2) in respect of a south-west peri-urban constituency without including clearly urban areas of Christchurch City. We were not satisfied that this resulted in superior representation arrangements than those proposed by the Council.
48. We also considered these options in light of updated population estimates. The 2005 and 2006 population estimates confirmed the rate of growth of Christchurch City but did not assist identification of a solution that would address the issues and concerns identified above about providing for fair and effective representation of the communities of interest of metropolitan Christchurch. As a consequence we are not able at this stage to identify representation arrangements relating to the peri-urban area of metropolitan Christchurch City demonstrably superior to those proposed by the Council.
49. We are satisfied that the Templeton, Yaldhurst and McLeans Island areas are similar in character to neighbouring areas of the Selwyn District. The transfer of these areas to the proposed Selwyn-Banks Peninsula Ward will continue to provide effective representation. The Banks Peninsula Ward of Christchurch City is characterised by an environment that is unique within the region. We believe its retention in the Selwyn-Banks Peninsula Constituency will continue to ensure effective representation for the area. The inclusion of the Malvern Ward of Selwyn District enables compliance with the 10% rule. There is good access between Malvern and the remainder of the Council's proposed Selwyn-Bank Peninsula Ward. We are satisfied this proposed constituency will provide effective representation of communities of interest. We determine accordingly to uphold the Council's proposal for this constituency.
50. We do not accept that the transfer of the Ellesmere Ward to the proposed Rakaia constituency will compromise the Council's management responsibilities in respect to Te Waihora/Lake Ellesmere. We reject the argument that effective water management is compromised by the non-alignment of constituency boundaries with the Rakaia River. We are satisfied that the Council's proposed Rakaia Constituency also provides fair and effective representation.

51. We note that the Rakaia Constituency as proposed by the Council does not comply with the +/-10% rule. We see this as a consequence of accepting enhanced representation for the neighbouring South Canterbury area and the constraints arising from the 14-councillor limit. Accordingly we find that the over-representation of this area is acceptable and determine that there will be a Rakaia Constituency as proposed by the Council.
52. We examined the northern boundary of Christchurch City in relation to the proposed North Canterbury Constituency. We agree with some appellants that the Waimakariri River provides an easily identifiable constituency boundary. We agree with the Council, however, that this is an insufficient justification for exemption from the requirements of section 19V(2). We believe that it is reasonable to distinguish some areas of Belfast, Styx and Sawyers Arms from areas of Christchurch City characterised by denser urban development. We agree with the Council that these areas share land use and development characteristics with areas to the immediate north of the river. Many residents to the north of the river commute daily to Christchurch City for employment and social reasons. We do not accept that residents of the areas surrounding and including Kaiapoi and Woodend have stronger commonalities of interest with the residents of Kaikoura and Hanmer Springs than the residents of the Belfast and Styx areas do.
53. We note that the proposed North Canterbury Constituency includes part of the Christchurch urban area north of Harewood Road. We are satisfied that, in the context of this constituency and the region as a whole, this is appropriate in order to provide for fair representation of electors. We do not believe, in this case, that effective representation will be unduly compromised given the northern extension of metropolitan Christchurch.
54. We believe that many residents of areas immediately north and south of the Waimakariri River would associate with the Christchurch metropolitan area to a significantly greater extent than residents of the remainder of the North Canterbury Constituency. We therefore considered the impact of dividing North Canterbury into two constituencies. We concluded that effective representation would be better provided by two councillors over a combined area, than by creating a large constituency comprising Rangiora township, and the Kaikoura and Hurunui Districts.
55. Given the above decisions to uphold the Council's proposals relating to constituencies surrounding Christchurch, we finally addressed the four proposed constituencies for Christchurch City. We note that these constituencies do not align with either the Christchurch City boundary nor the city's ward boundaries. Again we applied updated population estimates but found that population growth of the city in relation to the rest of the region meant that alignment of constituencies with city wards would not result in fair representation for city electors. Accordingly we determine that there will be four Christchurch City constituencies as proposed by the Council.
56. We believe that the above decisions will provide effective representation of the communities of interest of the Canterbury Region at this time. They also provide fair representation of electors to the extent that this does not compromise effective representation of communities. The relationship between our decisions on constituency boundaries, the number of councillors, and the requirements of section 19V(2) is illustrated in the following table:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
North Canterbury	73,620	2	36,810	-379	-1.02
Christchurch North	79,230	2	39,615	+2,426	+6.52
Christchurch West	81,290	2	40,645	+3,456	+9.29
Christchurch East	80,620	2	40,310	+3,121	+8.39
Christchurch South	81,130	2	40,565	+3,376	+9.08
Selwyn-Banks Peninsula	36,870	1	36,870	-319	-0.86
Rakaia	32,480	1	32,480	-4,709	-12.66
South Canterbury	55,400	2	27,700	-9,489	-25.52
<b>TOTALS</b>	<b>520,600</b>	<b>14</b>	<b>37,189</b>		

\*These figures are rounded 2004 population estimates provided by the Government Statistician

## Determination

57. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the election of the Canterbury Regional Council to be held on 13 October 2007, the following representation arrangements will apply -
- (1) The Canterbury Region, as delineated on S.O. Plan 386833 deposited with Land Information New Zealand, shall be divided into eight constituencies;
  - (2) Those eight constituencies shall be -
    - (a) the North Canterbury Constituency, comprising the area delineated on SO Plan 386832 deposited with Land Information New Zealand;
    - (b) the Christchurch North Constituency, comprising the area delineated on SO Plan 386826 deposited with Land Information New Zealand;
    - (c) the Christchurch West Constituency, comprising the area delineated on SO Plan 386825 deposited with Land Information New Zealand; and
    - (d) the Christchurch East Constituency, comprising the area delineated on SO Plan 386824 deposited with Land Information New Zealand;
    - (e) the Christchurch South Constituency, comprising the area delineated on SO Plan 386823 deposited with Land Information New Zealand;
    - (f) the Selwyn-Banks Peninsula Constituency, comprising the area delineated on SO Plan 19407 deposited with Land Information New Zealand;

- (g) the Rakaia Constituency, comprising the area delineated on SO Plan 19408 deposited with Land Information New Zealand; and
  - (h) the South Canterbury Constituency, comprising the area delineated on SO Plan 306145 deposited with Land Information New Zealand;
- (3) The Canterbury Regional Council shall comprise 14 councillors elected as follows -
- (a) two councillors shall be elected by the electors of the North Canterbury Constituency;
  - (b) two councillors shall be elected by the electors of the Christchurch North Constituency;
  - (c) two councillors shall be elected by the electors of the Christchurch West Constituency;
  - (d) two councillors shall be elected by the electors of the Christchurch East Constituency;
  - (e) two councillors shall be elected by the electors of the Christchurch South Constituency;
  - (f) one councillor shall be elected by the electors of the Selwyn-Banks Peninsula Constituency;
  - (g) one councillor shall be elected by the electors of the Rakaia Constituency; and
  - (h) two councillors shall be elected by the electors of the South Canterbury Constituency.

58. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies comply with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

## **FOR THE LOCAL GOVERNMENT COMMISSION**

Sue Piper (Chair)

Gwen Bull (Commissioner)

10 April 2007