



## LOCAL GOVERNMENT COMMISSION

# Determination

of the membership and basis of election for the  
general election of the Selwyn District Council to be  
held on 9 October 2004

### BACKGROUND

1 The Selwyn District Council (“the Council”) undertook a review of the membership and basis of election of the Council and of community boards under sections 19H and 19J of the Local Electoral Act 2001 (“the Act”). On 13 August 2003 the Council resolved the initial proposed electoral arrangements to apply for the general election of the Council to be held in October 2004.

2 The Council elected at the 2001 general election comprises 11 members and the Mayor. The 11 members were elected as follows:

Springs Ward	3 members
Malvern Ward	3 members
Selwyn Central Ward	3 members
Ellesmere Ward	2 members.

3 Elections were held for one community board in the District at the 2001 general election – the Malvern Area Community Board. The board comprised six elected members and three appointed members.

4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

#### *Council*

The Council would comprise the Mayor, and 10 members elected as follows:

Springs Ward	3 members
Malvern Ward	2 members
Selwyn Central Ward	3 members

*Communities*

The Malvern Community Board was to be abolished.

- 5 The Council received over 2500 submissions to its initial proposal. The submissions principally sought retention of the Malvern Area Community Board or the constitution of new community boards.
- 6 Following consideration of the submissions, the Council confirmed its initial proposal in respect of the membership of the Council but decided to retain the Malvern area Community Board.
- 7 Nine appeals and two objections were received against the Council's final proposal. The subject matter of the appeal included the following:
  - A reduction in the number of councilors
  - The constitution of community boards throughout the district
  - The constitution of a Prebbleton Community Board
  - The constitution of a Selwyn Central Community Board
  - The district to have no community boards
  - Community boards to have five members rather than four

**Hearing**

- 8 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council and the appellant if they wished to be heard. A quorum of the Commission, comprising Commissioners Grant Kirby and Linda Constable met with the Council and the appellants and objectors in Rolleston on 12 February 2004.
- 9 The Council, eight appellants and the two objectors appeared before the Commission at the hearing. The Council outlined its proposal, and the appellant spoke to his submission.

**MATTERS FOR DETERMINATION**

- 10 The statutory provisions in respect of these appeals and objections are contained in sections 19R, 19I 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.*

11 When applying the provisions detailed above, the principles of the Act (set out in section 4 of the Act) need to be taken into account, particularly the principle of fair and effective representation for individuals and communities.

**Consideration by the Commission**

12 The Commission considers that when deciding the basis of election of the Council, i.e. whether the Council should be elected at large, or by wards, or

partly by wards and parts at large, the criterion to be met within the terms of section 19T is the provision of effective representation of the various communities of interest within the District. The Commission must determine which communities of interest or groupings of communities of interest require representation. If wards are considered to be appropriate, then any particular ward may encompass one or more communities of interest.

- 13 Section 19V provides that the electors of the various wards within the District must receive fair representation. Section 19V(3) provides that the requirements of section 19V(2) may only be set aside in the circumstances where the Commission considers that island or isolated communities require specific representation. The provisions of section 19(V) which are relevant to the Commission's consideration are subsections 1, 2 and 3, as follows:

**19V. Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions**

- (1) *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.*
- (2) *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 subdivision, 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 than the population of the district or region or community divided by the total number of elected members (other than the mayor, if any).*
- (3) *Despite subsection (2),—*
  - (a) *if the territorial authority or the Commission considers that the effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2):*
  - (b) *if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).*

- 14 The Commission notes that any preliminary ward arrangements determined to reflect communities of interest might need to change to ensure that the population to member ratio requirement of section 19V(2) is met, unless it is

satisfied that island or isolated communities require separate representation to achieve effective representation.

- 15 The Commission's first responsibility was to decide whether or not the District should be divided into wards. If wards were to apply it then had to determine the number and boundaries of those wards to provide effective representation of communities of interest within the District.
- 16 The Selwyn District covers a reasonably large and geographically diverse area. It includes a number of small towns such as Darfield, Prebbleton, Lincoln and Rolleston, as well as Lincoln College. It runs from the outskirts of Christchurch City to the Southern Alps. The Commission came to the view that because of the size and diversity of the District effective representation of communities of interest could only be achieved by councillors being elected on a ward basis. In reaching this decision the Commission noted that there were no submissions or appeals objecting to this element of the Council's proposal.

### **Appropriate Ward System and Membership**

- 17 Having decided that the basis of election would be the ward system, the Commission then considered the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the District. The Commission does not consider that section 19T envisages that individual communities of interest need separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 18 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 19 In the Commission's view, where a district is to be divided into wards, there should be such number of wards as is necessary and consistent with the concept of effective representation of various communities of interest. In this regard the requirements of section 19V(2) also need to be taken into account.
- 20 The Council has proposed that the existing four-ward arrangement of the District be retained. The Commission is satisfied that the wards proposed by the Council more or less equate to the communities of interest requiring separate representation on the Council. In coming to that conclusion, the Commission considered the distinct nature of each community and the geographical characteristics of the District.
- 21 The proposed representation of the Springs Ward did, however, fall slightly outside the +/-10% requirement of section 19V(2) of the Act. The Commission did not consider that the circumstances of the ward justified a level of representation outside that required by section 19V(2). The Council proposed the transfer of two areas from the Selwyn Central Ward to the Springs Ward to enable the requirements of that section to be complied with.

Those areas were situated in the following meshblocks – 2496700, 2496800 and 2500300.

- 22 Applying the ward changes outlined above to a total Council of 10 members (excluding the Mayor) enables the requirements of section 19V(2) to be met, as follows:

Ward	Members	Population per member	Ward Population (2001 Census)
Springs	3	2774	8321
Malvern	2	3200	6400
Selwyn Central	3	3093	9279
Ellesmere	2	2900	5800

(The population per member falls within the range of 2980+/-10% (2682 to 3278). The District's total usually resident population as at 30 June 2002 was estimated by the Government Statistician to be 29800.)

- 23 The Commission considered one appellant's proposition that the Council should comprise eight members (excluding the Mayor) and came to the view that a Council of 10 members (excluding the Mayor) is necessary for the effective representation of communities of interest and in particular to ensure that wards cover areas that reasonably relate to communities of interest.
- 24 Having considered all aspects of the matter of Council representation the Commission has concluded that the membership of the Council should total 10 members elected from four wards, and the Mayor.

### Community Boards

- 25 The Commission had a number of issues to consider relating to community boards. These included:
- The retention of the Malvern Area Community Board;
  - The constitution of a Selwyn Central Community Board;
  - The constitution of a Prebbleton Community Board;
  - No community boards in the district; and
  - Community boards throughout the district.
- 26 The Commission is satisfied that the existing Malvern Area Community Board continues to fulfil a useful local governance function and has therefore determined the Malvern area should continue to have community board coverage.
- 27 Three appellants specifically sought the constitution of a Selwyn Central Community Board. The area of the Selwyn Central Ward currently has an "Area Board". This board is established by the Council and appears to operate in a similar way to a community board. The Commission considers that the continuation of community level governance for the area would be desirable. It considers that this would best be achieved through the constitution of a community board for the area. This would ensure that the area's community governance is carried out under the normal accountability arrangements and framework of responsibilities for community boards.

28 Two appellants sought the constitution of a Prebbleton Community Board. The population of Prebbleton is approximately 1900. Prebbleton is situated in the Springs Ward, which also includes Lincoln township, Lincoln College and Sringston. The Commission considers that a community board might be beneficial for local government in the area of the Springs Ward as a whole. However it also considers that the population of Prebbleton is not sufficient to support a community board and that the confined area of such a community would not enable the functions of a community board to be exercised in an optimal manner. The Commission has therefore decided that a community board should not be established for the Prebbleton township.

29 Although three appellants and one objector sought the constitution of community boards throughout the district the Commission did not consider that it had presented to it sufficient evidence to cause it to provide for community boards in the Springs and Ellesmere wards. It has therefore made no provision for community boards in those wards.

30 The Council proposed that the Malvern Area Community Board should have four elected members. It also proposed that the community be divided into two subdivisions - the Hawkins Subdivision and the Tawera Subdivision - and that two members be elected from each subdivision. No provision was made for a member of the Council to be appointed to the community board. The Commission observes that a membership of four would not permit an allocation of members to the subdivisions that would result in a population-membership ratio that complies with the +/-10% requirement of section 19V(2) of the Act. A total membership of five members would however comply as follows:

Subdivision	Members	Population per member	Population
Hawkins	3	1280	3840
Tawera	2	1085	2169

(The population per member falls within the range of 1202 +/-10% (1082 to 1322))

31 The Commission considers that a total of four elected members for the Selwyn Central Community Board will be sufficient to enable effective representation of communities of interest. As the community is a compact geographical area the Commission does not propose that it be divided into subdivisions.

## GENERAL COMMENTS

32 The Commission encourages territorial authorities that have community boards constituted within their areas to review the functions delegated to community boards. To maximise the effectiveness of the contribution of community boards to local governance the Commission is of the view that territorial authorities should consider providing the boards with a

comprehensive set of delegated functions. The Commission considers that two current examples of effective community board delegations are:

- The delegations for the Otago Peninsula Community Board, as detailed in the Commission's determination of 11 October 2001, and
- The delegations issued by the Thames-Coromandel District Council and Christchurch City Council for the community boards constituted in their districts.

## **DETERMINATION**

33 Under section 19R of the Act, the Commission determines that for the general election of the Council to be held on 9 October 2004 -

- (1) The Selwyn District as delineated on S.O. Plan 300822 deposited with Land Information New Zealand, shall be divided into four wards;
- (2) Those four wards shall be -
  - (a) The Springs Ward, comprising the area delineated on S.O. Plan No. 300823 deposited with Land Information New Zealand;
  - (b) The Malvern Ward, comprising the area delineated on S.O. Plan No. 300824 deposited with Land Information New Zealand;
  - (c) The Selwyn Central Ward, comprising the area delineated on S.O. Plan No. 300825 deposited with Land Information New Zealand;
  - (d) The Ellesmere Ward, comprising the area delineated on S.O. Plan No. 300826 deposited with Land Information New Zealand;
- (3) The Council shall comprise the Mayor and 10 members who shall be elected as follows -
  - (a) three members shall be elected by the electors of the Springs Ward;
  - (b) two members shall be elected by the electors of the Malvern Ward; and
  - (c) three members shall be elected by the electors of the Selwyn Central Ward; and
  - (d) two members shall be elected by the electors of the Ellesmere Ward.
- (4) There shall be two communities as follows:
  - (a) The Malvern Area Community, comprising the area of the Malvern Ward; and

- (b) The Selwyn Central Community, comprising the area of the Selwyn Central Ward.
- (5) The Malvern Area Community shall be divided into two subdivisions as follows:
- (a) the Tawera Subdivision, comprising the area delineated on S.O. Plan No. 300827 deposited with Land Information New Zealand; and
  - (b) the Hawkins Subdivision, comprising the area delineated on S.O. Plan No. 300828 deposited with Land Information New Zealand.
- (6) The membership of the community board for each community shall be as follows:
- (a) The Malvern Area Community Board shall comprise three members elected from the Hawkins Subdivision, two members elected from the Tawera Subdivision, and one member of the Council representing the Malvern Area Ward and appointed to the community board by the Council; and
  - (b) The Selwyn Central Community Board shall comprise four elected members and one member of the Council representing the Selwyn Central Ward and appointed to the community board by the Council.
- 34 As required by sections 19T(b) and 19W(c) of the Act, 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**

Grant Kirby (Chairman)  
Linda Constable (Commissioner)

7 April 2004