



## LOCAL GOVERNMENT COMMISSION

# Determination

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

### BACKGROUND

- 1 The Waimakariri 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 20 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 14 members and the Mayor. The 14 members were elected as follows:

Rangiora Ward	4 members
Ashley-Eyre Ward	4 members
Oxford Ward	2 members
Kaiapoi Ward	4 members.
- 3 Elections were held for the Kaiapoi Community Boards at the 2001 general election. Its membership is 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:

Rangiora Ward	3 members
Ashley-Eyre Ward	2 members
Kaiapoi Ward	3 members

Oxford Ward 2 members

### *Communities*

The Kaiapoi Community Board was to be abolished.

- 5 The Council received 995 submissions to its initial proposal. Following consideration of the submissions, the Council amended its initial proposal. Its final proposal was as follows:

### *Council*

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

Rangiora Ward	3 members
Woodend-Ashley Ward	2 members
Kaiapoi Ward	3 members
Oxford-Eyre Ward	2 members

### *Communities*

The Kaiapoi Community Board was to be retained.

- 6 Six appeals and objections were received against the Council's final proposal. The subject matter of the appeal included the following:
- Opposition to the reduction in the number of members on the Council
  - Support for the retention of the Kaiapoi Community Board
  - Retention of existing wards
  - The inclusion of an additional area in the Kaiapoi ward and community
  - A reduction in the number of members on the Kaiapoi Community Board to 5 – 3 elected and 2 appointed
  - Support for a different option for ward boundaries involving minimal change to the boundary between the Oxford and Ashley-Eyre wards
  - Opposition to the exclusion of the Eyre area from the Ashley-Eyre Ward

## **Hearing**

- 7 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council and the appellants and objectors 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 Rangiora on 12 February 2004.
- 8 The Council and four appellants appeared before the Commission at the hearing. The Council outlined its proposal, and the appellants spoke to their submissions.

## MATTERS FOR DETERMINATION

- 9 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.*

10 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**

11 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.

12 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).*

- 13 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.
- 14 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.
- 15 The Waimakariri District covers a diverse area. It includes the significant urban areas of Kaiapoi and Rangiora, a number of townships, a developing area between State Highway 1 and the coast, and a large rural area with a variety of topography and land uses. 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 appeals objecting to this element of the Council's proposal.

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

- 16 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.
- 17 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 18 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.
- 19 The Council has proposed four wards as outlined in paragraph 5. Those arrangements attracted the following appeals:
- that the existing ward system be retained

- that a different option identified in the Council’s representation review process (“Option 1”) be adopted
  - that Eyre remain within an Ashley-Eyre Ward rather than being included in an Oxford-Eyre Ward
- 20 Under the existing ward system the population-member ratio for the Oxford does not fall within the +/-10% requirement set out in section 19V(2) of the Act. The Commission does not consider that non-compliance with this requirement is justified on the basis of any need to better provide for the effective representation of isolated communities of interest. Therefore some change to the ward structure was required.
- 21 The Council’s option 1 involved minimum change to bring the Oxford Ward within the +/-10% range and the alteration of the boundary between the Ashley-Eyre and Rangiora Wards to transfer into the Rangiora Ward areas recently re-zoned for urban purposes. However the option chosen by the Council involved more extensive change. The major changes contained in the Council’s final proposal were:
- expansion of the Rangiora and Kaiapoi Wards;
  - transfer of the Ohoka, Fernside, Swannanoa, Mandeville and Eyreton areas from the former Ashley-Eyre Ward to the proposed Oxford-Eyre Ward; and
  - transfer of the Okuku area from the former Oxford Ward to the proposed Woodend-Ashley Ward.
- 22 The result of these changes is a very identifiable boundary between the proposed Oxford-Eyre and Woodend-Ashley Wards formed by the Ashley River and the Rangiora and Kaiapoi urban areas. The information available to the Commission indicates that these features define strong communities of interest and would therefore make very appropriate ward boundaries.
- 23 The Commission is, therefore, satisfied that the wards proposed by the Council identify 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.
- 24 One appellant sought the inclusion of a small area in the Bayons Road vicinity in the Kaiapoi Community. Section 19T(c) of the Act requires that the boundaries of wards coincide, so far as is practicable, with community boundaries. The appellant’s request appeared reasonable to the Commission. It has therefore determined that the area requested by the appellant be included in both the Kaiapoi Ward and the Kaiapoi Community.

- 25 Those wards applied to a total membership of 10 (excluding the Mayor) as proposed by the Council results in the following:

Ward	Members	Population per member	Ward Population (2001 Census)
Rangiora	3	3692	11076
Oxford-Eyre	2	3631	7263
Kaiapoi	3	3648	10944
Woodend-Ashley	2	3819	7638

(The population per member falls within the range of 3692+/-10% (3323 to 4061). The District's total usually resident population at the time of the 2001 Census was 36921.)

- 26 The Commission considered the proposition put by some appellants that the Council should continue to comprise 14 members (excluding the Mayor) but came to the view that a Council of 10 members (excluding the Mayor) is sufficient to ensure effective representation of communities of interest within the District.
- 27 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

- 28 The Council proposed that the existing Kaiapoi Community Board should be retained. The Commission is satisfied that the Board continues to fulfill a useful local governance function and has therefore determined that the Kaiapoi Ward should continue to have community board coverage.
- 29 The Council proposed that the membership of the Kaiapoi Community Board be six elected members and three appointed members. The Commission has determined that these arrangements should continue.
- 30 Two appellants sought the constitution of a Woodend Community Board covering the area of Woodend township. The Commission considers there is merit in a community board in this area of the district. However, it came to the view that the area proposed by the appellants was too limited to allow for the effective exercise of community board functions. A larger area would be more appropriate, for example the general area between Rangiora and the coast. The Commission did not consider it appropriate to constitute such a community by this determination. It would be a significant change to what has been discussed in the earlier stages of the representation review process and residents outside Woodend have not had the opportunity to make their views known on such a proposal. The concept is one that could be considered in a future review or through the process for constituting community boards set out in Schedule 6 to the Local Government Act 2002.

## GENERAL COMMENTS

- 31 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

- 32 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 Waimakariri District as delineated on S.O. Plan 334508 deposited with Land Information New Zealand, shall be divided into four wards;
  - (2) Those four wards shall be -
    - (a) The Rangiora Ward, comprising the area delineated on S.O. Plan No. 334509 deposited with Land Information New Zealand;
    - (b) The Oxford-Eyre Ward, comprising the area delineated on S.O. Plan No. 334510 deposited with Land Information New Zealand;
    - (c) The Kaiapoi Ward, comprising the area delineated on S.O. Plan No. 334511 deposited with Land Information New Zealand;
    - (d) The Woodend-Ashley Ward, comprising the area delineated on S.O. Plan No. 334512 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 Rangiora Ward;
    - (b) two members shall be elected by the electors of the Oxford-Eyre Ward;

- (b) three members shall be elected by the electors of the Kaiapoi Ward; and
  - (c) two members shall be elected by the electors of the Woodend-Ashley Ward.
- (4) There shall be a Kaiapoi Community, comprising the area of the Kaiapoi Ward.
- (5) The membership of the Kaiapoi Community Board shall be six elected members and three appointed members.
- 33 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