



LOCAL GOVERNMENT COMMISSION MANA KĀWANATANGA Ā ROHE

Determination of representation arrangements to apply for the election of the Waimakariri District Council to be held on 9 October 2010

Background

1. The Waimakariri District Council (the Council) elected at the 2007 local elections comprised a mayor and 10 councillors. The councillors were elected by wards as follows:

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district population per councillor
Oxford-Eyre	7,263	2	3631	-60.6	-1.64
Woodend-Ashley	7,638	2	3819	+126.9	+3.44
Rangiora	11,076	3	3692	-0.1	0.00
Kaiapoi	10,944	3	3648	-44.1	-1.19
Total	36,921	10	3692.1		

* 2001 Census

2. There is also a Kaiapoi Community Board comprising six members and three appointed members. The Oxford-Eyre, Rangiora and Woodend-Ashley Wards have ward advisory boards.

Preliminary consideration

3. The Council was required by the Local Electoral Act to carry out a review of representation arrangements prior to the 2010 local elections. In November 2008 the Council established a working party to investigate the District's representation arrangements and report back to the Council with recommendations for future arrangements. The members of the working party were Therese Arsenau (a Political Scientist) as an independent chair, the Mayor, Deputy Mayor and three councillors
4. The working party consulted with the Kaiapoi Community Board, the three ward advisory boards, Te Ngai Tuahuriri Runanga and the Woodend Residents Association. Views of the wider community were also sought.

5. The working party proposed the following:
- retaining a 10 member council elected from wards
 - modifying the current ward boundaries by –
 - extending the boundary of the Rangiora Ward to include an area out to Fernside in order to comply with the +/-10% rule
 - Extending the boundary of the Kaiapoi Ward to take in the Barkers Road area to better reflect the community of interest of that area
 - retaining, as adjusted above, four wards in the district
 - retaining the Kaiapoi Community Board
 - recommending to the incoming Council the re-establishment of the ward advisory boards for the Oxford-Eyre, Rangiora and Woodend-Ashley Wards
 - offering to the community the option of a community board for each of the other three wards to replace the ward advisory boards
 - consulting with local iwi in 2011 on Maori representation.
6. The ward arrangements proposed by the working party were as follows:

Wards	Population	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district population per councillor
Oxford-Eyre	9,790	2	4895	+287	+6.23
Woodend-Ashley	9,240	2	4620	+12	+0.26
Rangiora	14,100	3	4700	+92	+2.0
Kaiapoi	12,950	3	4317	-291	-6.32
Total	46,080	10	4608		

* 2008 Population Estimates

Council's initial proposal

7. The Council adopted the working party's proposal and notified it on 15 August 2009.
8. Thirty submissions were received on the proposal. The Council summarised these as follows:

Councillors: Seven submitters supported the current arrangement of election by wards, albeit some of those submitters did not support the current ward boundaries. Two submitters supported councillors elected at large (i.e. 10 councillors elected across the district). There was no support for mixed representation (i.e. some by ward and some at large)

Ward boundaries: Seven submitters agreed with the proposed ward boundaries. Five submitters disagreed with the ward boundaries. Three of these submitted that there should be two wards in the district, one to the east and one to the west. One submitter gave a detailed analysis of the Lees Road proposed change and submitted that this boundary should not change. Another submitter recommended an additional 600 people be shifted to the Kaiapoi Ward from the Oxford-Eyre Ward by extending the boundary further west.

Community boards: Twenty four of the thirty submitters supported one or more community boards, including the Kaiapoi Community Board, and the Rangiora and Woodend-Ashley Ward Advisory Boards. Eight of these submitters directly supported a community board in Rangiora. Four submitters supported a community board centred around the Woodend township, in an area less than the existing Woodend-Ashley ward. Eight of the submitters supported community boards for the district. One submitter recommended two community boards with two wards and another multiple community boards but with two wards. Three submitters recommended the status quo.

Ward Advisory Boards: Five submitters supported ward advisory boards in some form, including the Oxford –Eyre Ward Advisory Board. One submitter proposed that the boards be either all community boards or all ward advisory boards. One submitter supported district committees based on the communities' interests.

Council's final proposal

9. After considering submissions the Council, on 3 November 2010, confirmed its original proposal except for establishing two additional community boards covering the Rangiora and Woodend-Ashley Wards. It recorded the following reasons for deciding matters raised in submissions to its initial proposal:

Issue	Council's reasons
Overall structure	<i>The role of the Council is to govern the district as a whole and allow a level of decision making at the local community level. These arrangements provide fair and effective representation. There was a high level of community support through the submissions for this. The emphasis in the Local Government Act 2002 is on Councillors having greater focus on governance issues</i>
Ward boundaries	<i>The changes to the ward boundaries to include an area adjacent to the west of the Rangiora Ward, including Fernside, to the Rangiora Ward reflects a community of interest of that area with Rangiora and secondly to extend the Kaiapoi Ward to the north to include the Barkers Road area. These changes also establish population numbers in each ward which comply with section 19V(2) known as the "+or- 10% rule".</i>
Retain Kaiapoi Community Board	<i>The majority of submissions that commented on this issue supported the retention of a Kaiapoi Community Board.</i>
Establish a Rangiora Community Board and a Woodend-Ashley Community Board	<i>The Council sought specific comment during public consultation on whether communities in the district, other than Kaiapoi, wish to retain the present ward advisory board system. Most of the submitters supported community boards in some or all wards, except the Oxford-Eyre Ward. There were a number of submissions supporting a reduced area for a community board to be established around the Woodend township and environs. However, it was considered a</i>

	<i>community board should be established in the first instance for the whole ward area and this can be reviewed at the next representation review.</i>
That the incoming Council appoints an Oxford-Eyre Ward Advisory Board based on the existing criteria for the appointment of ward advisory boards, subject to the following change: - Elected Waimakariri District community board members should not be on a ward advisory board.	<i>Whilst there were submissions received which supported four community boards in the district, there was insufficient support for a community board in the Oxford-Eyre Ward area. Concern was raised about the election criteria and this is recommended to be changed so that one person is unable to be on a community board and an advisory board</i>
Maori wards	<i>In practical terms, the first local body elections in which Maori representation could be provided is 2013, provided the Council has made a resolution to that effect before 23 November 2011. Further, the local Runanga has indicated that it wishes our relationship to continue to evolve and it is their wish to address representation at a later date.</i>

The appeal

10. One appeal, from Alan McRobie, was received against the Council's proposal. The appeal was against –
 - the transfer of the Barkers Road area from the Woodend-Ashley Ward to the Kaiapoi Ward because it is rural in nature and a change not necessary to comply with the +/-10% requirement
 - the failure to establish a community board for the Oxford-Eyre Ward.
11. The appeal also asked the Commission to determine a minimum set of delegations for the community boards, and records the appellant's opposition to a proposal raised at the submission stage of a two ward option (with an east ward and a west ward). With regard to delegations to community boards, the Commission does not have the power to specific community board delegations through the representation review process.

Hearing

12. The Commission met with the Council and the appellant at a hearing held at the Waimakariri District Council on 6 April 2010. The Council was represented by the Mayor Ron Keating and Kevin Lamb, Administration Manager. The appellant also appeared at the hearing.

Matters raised at the hearing

13. The main points presented by the Council were that:

- it had been invaluable having an independent chair as part of the Council's representation review working party
- the Kaiapoi Community Board had sought the inclusion of the Barkers Road area within the Kaiapoi Ward, to better reflect the community of interest of the area
- the inclusion of additional areas in the Rangiora Ward was necessary to comply with the +/-10% requirement, but the Council had attempted to transfer those areas with the greater urban association
- projected growth in Pegasus township will create pressure for further changes to the ward structure in the future
- five submitters had supported the Oxford-Eyre Ward retaining a ward advisory board
- the culture of the community in the Oxford-Eyre Ward is such that a voluntary and less formal structure is preferable to the more formal structure provided by a community board
- despite some comments to the contrary, the Oxford-Eyre Ward Advisory Board had been active in pursuing and consulting over several issues with the community
- no criticism of the board's achievements had been received from within the community

14. The main points raised by the appellant were as follows:

- he generally supported the Council's review and process
- he had not become aware, through the public consultation process, of the reasons for the addition of the Barkers Road area to the Kaiapoi Ward
- transparency of changes to the electoral process is an important safeguard against manipulation of the process
- he traversed the history of advisory boards in Waimakariri District and observed that there is a perception that the boards do not add value to the District's governance
- a community board for the Oxford-Eyre Ward offered a more constructive addition to the governance of the District than an advisory board
- having a community board only in Kaiapoi had been a divisive element and had been a mistake made in 1989

Matters for Determination

15. The statutory provisions in respect of objections and appeals are contained in sections 19R, 19H and 19J of the Act.

19R. Commission to determine appeals and objections

(1) *The Commission must—*

- (a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*

- (b) *Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—*
 - (i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
 - (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
 - (a) *May make any enquiries that it considers appropriate; and*
 - (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

19H. Review of representation arrangements for elections of territorial authorities

- (1) *A territorial authority must determine by resolution, and in accordance with this Part,—*
 - (a) *Whether the members of the territorial authority (other than the mayor) are proposed to be elected—*
 - (i) *By the electors of the district as a whole; or*
 - (ii) *By the electors of 2 or more wards; or*
 - (iii) *In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
 - (b) *In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
 - (c) *In any case to which paragraph (a)(iii) applies,—*
 - (i) *The proposed number of members to be elected by the electors of the district as a whole; and*
 - (ii) *The proposed number of members to be elected by the wards of the district; and*
 - (d) *In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—*
 - (i) *The proposed name and the proposed boundaries of each ward; and*
 - (ii) *The number of members proposed to be elected by the electors of each ward.*

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.

Consideration by the Commission

Effective and fair representation

16. A review of representation arrangements under the Act is to ensure that:
 - the method adopted for the election of members (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district (section 19T); and
 - in determining the number of members to be elected by each ward, electors of that ward will receive fair representation (section 19V).
17. For the purpose of achieving fair representation, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members. The Act does not define 'effective representation' or 'communities of interest'.
18. The steps in the process for achieving effective and fair representation are not statutorily prescribed. The Commission believes that the following approach to determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
 - (a) identify the district's communities of interest;
 - (b) determine the best means of providing effective representation of the communities of interest; and

(c) determine fair representation for electors of the district.

Basis of election

19. As noted above, the Council's proposal is for a four ward system based on the current ward system but with two boundary changes.
20. The current ward system dates from 2004. The Commission's conclusion in 2004 was that the nature of Waimakariri District required wards to ensure effective representation of communities of interest. We consider that this remains the case and that the basic nature of those wards appropriately reflects the communities of interest of the District.
21. The only point of contention was a concern raised by the appellant about the area proposed to be transferred from the Woodend-Ashley Ward to the Kaiapoi Ward. His specific concerns were that -
 - section 19K(2) of the Local Electoral Act 2001 requires that where there is a change to ward boundaries the Council's resolution under section 19H is to include an explanation of the reasons for that change
 - neither the Council's August 2009 publication "Representation Review: How should these seats be filled?" or the minutes of the Council's November 2009 meeting record a reason for the change
 - it is important for reasons of transparency and avoidance of manipulation of the electoral system to explain such changes.
22. The appellant accepted the assurance of the Council that the reason for this change was to better reflect community of interest. In discussion the appellant identified additional reasons as to why the change might be desirable.
23. On the above basis we have determined that the four-ward system and boundaries proposed by the Council should be the basis of elections for the 2010 local elections. As identified in paragraph 6 the population to member ratio for each ward complies with the requirements of section 19V(2) of the Local Electoral Act (the +/-10% rule).

Communities and community boards

24. Section 19W of the Act sets out criteria for community board reviews. These include requirements for effective representation of communities of interest within the community and fair representation of electors.
25. As noted above the Council's proposal is retain the Kaiapoi Community Board and establish two additional community boards for the Rangiora and Woodend-Ashley Wards. The Oxford-Eyre Ward would continue to have a ward advisory board. The appellant considered that a community board should also be established for the Oxford-Eyre Ward.
26. We noted the rationale put forward by the appellant for a uniform system of community boards covering the whole district. We considered, however, that -
 - there was no overwhelming call from the community for an Oxford-Eyre Community Board

- the Oxford-Eyre Ward Advisory Board had expressed a preference for the continuation of the advisory board arrangement
 - the District's governance structure should be able to reflect the desires of different communities in the District.
27. Should the circumstances of the Oxford-Eyre Ward, or the District as a whole, change there are mechanisms for addressing the concept of an Oxford-Eyre Community Board – either a future representation review or the constitution of a community board under the process provided for in Schedule 6 of the Local Government Act 2002. The latter process may be used at any time by either the Council or the community by way of a petition.
28. We have noted the preference, expressed through the submission process for community boards in the remainder of the District. Community boards in the Kaiapoi, Rangiora and Woodend-Ashley Wards will provide a system of boards in the more densely populated eastern part of the District. We agree that boards over this area will enhance the governance of the District overall.
29. We have therefore confirmed the Council's proposal for community boards.

The Council's Process

30. We have been impressed with the process used by the Council in carrying out its representation review. The establishment of a working party with an independent chair, the actions taken to consult the community and the material provided to the public are examples of good practice which we would recommend to other local authorities carrying out reviews.

Commission's Determination

31. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Waimakariri District Council to be held on 9 October 2010, the following representation arrangements apply –
- (1) Waimakariri District, as delineated on SO Plan 334508 deposited with Land Information New Zealand, is divided into four wards;
 - (2) Those four wards are -
 - (a) the Oxford-Eyre Ward, comprising the area delineated on SO Plan No. 334510 deposited with Land Information New Zealand;
 - (b) the Woodend-Ashley Ward, comprising the area delineated on SO Plan No. 334512 deposited with Land Information New Zealand;
 - (c) the Rangiora Ward, comprising the area delineated on SO Plan No. 430807 deposited with Land Information New Zealand; and
 - (d) the Kaiapoi Ward, comprising the area delineated on SO Plan No. 334511 deposited with Land Information New Zealand.
 - (3) The Council comprises the Mayor and 10 members elected as follows -
 - (a) two members shall be elected by the electors of the Oxford-Eyre Ward;
 - (b) two members shall be elected by the electors of the Woodend-Ashley Ward;

- (c) three members shall be elected by the electors of the Rangiora Ward; and
 - (d) three members shall be elected by the electors of the Kaiapoi Ward.
- (4) There are three communities as follows -
- (a) the Woodend-Ashley Community, comprising the area of the Woodend-Ashley Ward;
 - (b) the Rangiora Community, comprising the area of the Rangiora Ward and; and
 - (c) the Kaiapoi Community, comprising the area of the Kaiapoi Ward.
- (5) The membership of the community board for each community is comprised as follows:
- (a) the Woodend-Ashley Community Board comprises six elected members and two member of the council representing the Woodend-Ashley Ward and appointed to the community board by the Council;
 - (b) the Rangiora Community Board comprises six elected members and three members of the council representing the Rangiora Ward and appointed to the community board by the Council; and
 - (c) the Kaiapoi Community Board comprises six elected members and three members of the council representing the Kaiapoi Ward and appointed to the community board by the Council.
32. As required by section 19W(c) of the Local Electoral Act 2001, the boundaries of the above community coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

THE LOCAL GOVERNMENT COMMISSION

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| Sue Piper | (Chair) |
| Gwen Bull | (Commissioner) |
| Grant Kirby | (Commissioner) |

9 April 2010