



## Determination

of representation arrangements to apply for  
the election of the Waitaki District Council  
to be held on 12 October 2019

### Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Waitaki District Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Accordingly it was required to undertake a review prior to the next elections in October 2019.
3. The representation arrangements that applied for the 2013 and subsequent 2016 elections were determined by the council and were for ten councillors elected as follows.

| Wards        | Population*   | Number of councillors per ward | Population per councillor | Deviation from district average population per councillor | % deviation from district average population per councillor |
|--------------|---------------|--------------------------------|---------------------------|---|---|
| Ahuriri      | 1,250         | 1                              | 1,250                     | -839  | -40.16  |
| Oamaru       | 12,800        | 6                              | 2,133                     | +44   | +2.12   |
| Waihemo      | 2,290         | 1                              | 2,290                     | +201  | +9.62   |
| Corriedale   | 4,550         | 2                              | 2,275                     | +186  | +8.90   |
| <b>Total</b> | <b>20,890</b> | <b>10</b>                      | <b>2,089</b>              |   |   |

\* Based on 2011 population estimates

4. As can be seen from the table above the Ahuriri Ward did not comply with the '+/- 10% rule as provided for by section 19V(2) of the Act. At that time non-compliant arrangements were not required to be referred to the Commission.
5. For the current review, applying 2017 population estimates to the representation arrangements, the Ahuriri Ward remained non-compliant at -40.96%.

6. On 31 July 2018 the council, under section 19I of the Act, resolved its initial representation proposal for its latest review. The proposal was for the retention of existing representation arrangements subject to the transfer of an area from the Corriedale Ward to the Ahuriri Ward to deal with the non-compliance of the latter ward. This change would make the southern boundary of the Ahuriri Ward the same as the boundary between the Canterbury Region and the Otago Region, with the Ahuriri Ward comprising all of that part of the Canterbury Region in Waitaki District. An associated change was to extend the Ahuriri Community to cover the same extended area as the Ahuriri Ward. The new boundary made the Ahuriri Ward somewhat more compliant, but still not totally compliant.
7. This resulted in proposed arrangements as set out in the following table.

| Wards        | Population*   | Number of councillors per ward | Population per councillor | Deviation from district average population per councillor | % deviation from district average population per councillor |
|--------------|---------------|--------------------------------|---------------------------|---|---|
| Ahuriri      | 1,732         | 1                              | 1,732                     | -487  | -21.95  |
| Oamaru       | 13,715        | 6                              | 2,286                     | +67   | +3.02   |
| Waihemo      | 2,337         | 1                              | 2337                      | +118  | +5.32   |
| Corriedale   | 4,408         | 2                              | 2,204                     | -15   | -0.68   |
| <b>Total</b> | <b>22,190</b> | 10                             | 2,219                     |   |   |

\* Based on 2017 population estimates.

8. The council notified its initial proposal on 15 August 2018.
9. By the end of the consultation period the council had received five submissions, four of which related directly to the extension of the Ahuriri Ward. Three of those four submissions supported the extension unequivocally. These included submissions from the Ahuriri Community Board and the Duntroon & Districts Development Association. They referred to links between Duntroon and areas to the north in the Ahuriri Ward, particularly Kurow<sup>1</sup>. The other submission relating to the Ahuriri Ward supported the approach being taken to representation issues but expressed some concern about the impact the new ward boundary would have on rates for the area being transferred to the Ahuriri Ward. In its consideration the council separated the issues of representation and rating and made its decision solely on representation issues. It agreed to further investigate the issues raised about the rating impact.
10. After considering the submissions, the council resolved to adopt its initial proposal as its final representation proposal.
11. No appeals against the final proposal were received. However, in accordance with section 19V(4) of the Act, the council has referred its decision for the Ahuriri Ward not to comply with the '+/-10% rule' to the Commission for determination.

### **Matters for determination by the Commission**

12. Section 19V(3)(a) of the Act makes it clear that if a territorial authority or the Commission considers that one or more of the following apply, wards may be defined

---

<sup>1</sup> Duntroon is in the area proposed to be included in the Ahuriri Ward.

and membership distributed between them in a way that does not comply with the ‘+/-10% rule’:

- a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority
  - b. compliance would limit effective representation of communities of interest by dividing a community of interest between wards
  - c. compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities of interest with few commonalities of interest.
13. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
- a. uphold the decision of the territorial authority, or
  - b. alter that decision.
14. Accordingly, the matters for determination by the Commission are limited to the council’s decision to have an Ahuriri Ward with one councillor, it not complying with the ‘+/-10% rule’. It is noted, however, that if the Commission does not uphold the council’s decision, alteration of that decision may impact on the other ward arrangements.

### **Key considerations**

15. Based on the legislative requirements, the Commission’s *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
- a. communities of interest
  - b. effective representation of communities of interest
  - c. fair representation for electors.

### **Communities of interest**

16. The Guidelines identify three dimensions for recognising communities of interest:
1. *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
  2. *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
  3. *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
17. In addition to evidence demonstrating communities of interest, evidence also needs to be considered about *differences* between neighbouring communities, i.e. that they may have “few commonalities of interest”. This could include the demographic characteristics of an area and how these differ between areas, and evidence of how

different communities rely on different services and facilities. Equally it could include the issues faced by different communities.

***Effective representation of communities of interest***

18. Section 19T of the Act requires that the Commission ensures that:
  - a. the election of members of the council will provide effective representation of communities of interest in the district
  - b. ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
  - c. so far as is practical, ward boundaries coincide with community boundaries.
19. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered to the extent possible:
  - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
  - b. not splitting recognised communities of interest between electoral subdivisions
  - c. not grouping together two or more communities of interest that share few commonalities of interest
  - d. accessibility, size and configuration of an area including access to elected members and vice versa.
20. Waitaki District has had a ward system of representation since its constitution in 1989 and the present four ward system, existing since 2007, can be seen to be very familiar to residents.
21. The council's argument in support of the Ahuriri Ward (both as a separate ward and as a ward based on the proposed boundaries) are as follows:<sup>2</sup>
  - *There is a community of interest between those in the Duntroon area and the balance of the Ahuriri Ward in that the links between them are stronger than other links*
  - *Altering the boundaries of the Ahuriri Ward further to make it compliant would limit effective representation of communities of interest by dividing a community of interest between wards*
  - *The Ahuriri Ward comprises a number of isolated communities and consequently needs a separate councillor to be effectively represented*
  - *The extended area proposed for the Ahuriri Ward is included in the identified outstanding natural landscape area*

---

<sup>2</sup> Minutes of Waitaki District Council meeting 30 October 2018.

- *There is considerable growth in tourism and holiday activity in a number of the key isolated communities within the Ahuriri Ward (e.g. Omarama, Otematata, Kurow and Ohau) that results in them having much larger population bases during the summer months, and in them having a unique identity within the Ahuriri Ward and the Waitaki District as a whole that needs separate representation for effective representation to be achieved.*
22. The council's argument, therefore, is based on the distinctive character of the Ahuriri Ward, its isolation and the linkage between Duntroon and communities already in the ward.
  23. To this the Commission would add that the proposed new ward boundary is the boundary between the Canterbury and Otago regions, and a catchment boundary. It is therefore both an administrative and functional boundary and a geographic boundary. Although not constituting a precise boundary in this respect it also helps mark the transition in topography and in a change of farming type from intensive to extensive pastoralism.

***Fair representation for electors***

24. Section 19V(2) of the Act requires that, with certain prescribed exceptions, the population of each ward divided by the number of members to be elected by that ward produces a figure of no more than 10 per cent greater or smaller than the population of the district divided by the total number of elected members (the '+/- 10% rule').
25. The prescribed exceptions are where:
  - a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority
  - b. compliance would limit effective representation of communities of interest by dividing a community of interest between wards
  - c. compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities of interest with few commonalities of interest.
26. We have concluded that each of these are to some degree relevant to the situation of the Ahuriri Ward.
27. We do not consider the entire Ahuriri Ward to be isolated. However, we consider that parts of the ward are isolated. The most northerly settled part of the ward, north of Lake Ohau, is 140 kilometres from the proposed new southern boundary, and 172 kilometres from Oamaru. Other parts of the north of the ward are equally remote. This has a definite impact on the ability for the ward to receive effective representation.
28. If full compliance with the '+/-10% rule' were to be achieved there are two options for doing this – including additional areas in the Ahuriri Ward or combining it with the Corriedale Ward. We do not consider that either are practicable.
29. We examined briefly the extent of the additional area that would need to be added to the Ahuriri Ward to achieve compliance. The minimum area required would result

in an arbitrary boundary cutting through communities of interest. Transferring larger areas would cut further into the broader community of interest, and commonality of interest, making up the Corriedale Ward.

30. Combining the two wards would result in a very large ward. The distance on main roads alone from one end of the ward to the other would be 198 kilometres. The issue of isolation, referred to in paragraph 27, would be exacerbated if the wards were to be combined. The combination of the two wards, both large areas by themselves, would also combine two distinct groupings of community of interest. In our view this would limit effective representation of the communities of interest involved.
31. Based on that analysis we agree that the council's proposal that the Ahuriri Ward not comply with section 19V(2) be endorsed.

### **Commission's determination**

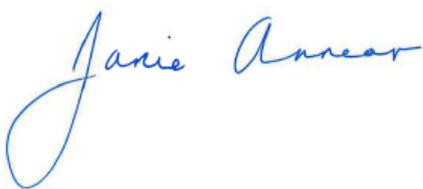
32. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of the Waitaki District Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of the Ahuriri Ward, as compliance would limit effective representation of communities of interest by either dividing a community of interest between wards or by uniting within a ward two communities of interest with few commonalities of interest.
33. Accordingly, for the triennial Waitaki District elections to be held on 12 October 2019, there will continue to be Ahuriri, Oamaru, Waihemo and Corriedale wards, subject to the transfer of an area from Corriedale Ward to Ahuriri Ward, electing one, six, one and two councillors respectively.
34. Therefore, for those elections for the Waitaki District Council the following arrangements will apply:
  1. Waitaki District, comprising the area delineated on LG-068-2019-W-1, deposited with the Local Government Commission, will be divided into four wards.
  2. Those four wards will be:
    - a) Ahuriri Ward, comprising the area delineated on LG-068-2019-W-2, deposited with the Local Government Commission
    - b) Oamaru Ward, comprising the area delineated on SO 24253, deposited with Land Information New Zealand
    - c) Waihemo Ward, comprising the area delineated on SO 24254, deposited with Land Information New Zealand
    - d) Corriedale Ward, comprising the area delineated on LG-068-2019-W-3, deposited with the Local Government Commission.
  3. The council will comprise a mayor and 10 councillors elected as follows:
    - a) 1 councillor will be elected by the electors of Ahuriri Ward
    - b) 6 councillors will be elected by the electors of Oamaru Ward
    - c) 1 councillor will be elected by the electors of the Waihemo Ward
    - d) 2 councillors will be elected by the electors of the Corriedale Ward.

4. There will be two communities as follows:
  - a) Ahuriri Community, comprising the area of Ahuriri Ward
  - b) Waihemo Community, comprising the area of the Waihemo Ward.
5. The membership of each community board will be as follows:
  - a) Ahuriri Community Board will comprise five elected members and one member representing the Ahuriri Ward appointed to the community board by the council
  - b) Waihemo Community Board will comprise five elected members and one member representing the Waihemo Ward appointed to the community board by the council.
35. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above ward and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

### **Local Government Commission**



Commissioner Pita Paraone (Chairperson)



Commissioner Janie Annear



Commissioner Brendan Duffy

8 April 2019