



## **Determination**

of representation arrangements to apply for the election of the  
Rangitikei District Council to be held on 8 October 2022

### **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. Representation 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, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Rangitikei District Council (the council) last reviewed its representation arrangements prior to the 2019 local authority elections. In April 2021 it resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. The Commission last made a determination in relation to the Council's representation in 2019. The council's current representation arrangements have been in place since and are as follows:
  - a. a council comprising 11 members elected from the following three wards, plus the Mayor elected at large
    - Northern Ward (3 councillors)
    - Central Ward (5 councillors)
    - Southern Ward (3 councillors)
  - b. two community boards, being
    - Taihape Community Board (four elected members and two appointed members)
    - Ratana Community Board (four elected members and one appointed member)

### **Current review: Council process and proposal**

4. On 26 August 2021 the council resolved as its initial representation proposal a council comprising 11 members elected from 5 wards, plus the mayor. The Council also resolved to retain the two existing community boards.
5. The initial proposed ward arrangements were as follows:

| Ward                 | Electoral population estimate* | Number of councillors per ward | Population per councillor | Deviation from district average pop <sup>n</sup> per councillor | % deviation from district average pop <sup>n</sup> per councillor |
|----------------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Northern General     | 2,800                          | 2                              | 1,400                     | -33   | -2.33%  |
| Central General      | 6,960                          | 5                              | 1,392                     | -41   | -2.88%  |
| Southern General     | 3,140                          | 2                              | 1,570                     | 137   | +9.54%  |
| <b>Total General</b> | <b>12,900</b>                  | <b>9</b>                       | <b>Avg 1,433</b>          |   |   |
| Northern Māori       | 1,450                          | 1                              | 1,450                     | 15  | +1.05%  |
| Southern Māori       | 1,420                          | 1                              | 1,420                     | -15   | -1.05%  |
| <b>Total Maori</b>   | <b>2,870</b>                   | <b>2</b>                       | <b>1,435</b>              |   |   |

\*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

6. The Council received 11 submissions on its initial proposal. Of these, six were in favour of the proposal, four disagreed with the proposal and one did not specify support or opposition.
7. Requested changes to the initial proposal included:
  - Two submitters requested part of the area Turakina Valley proposed to be moved from the Southern Ward to the Central Ward remain with the Southern Ward
  - Two submitters requested that Council establish one Māori Ward (instead of two)
  - Two submitters disagreed with the establishment of Māori Wards generally. It is noted that submissions on this topic are not within the scope of the submissions process, as establishment of Māori Wards was a decision Council previously made.
8. Having considered all of the submissions, the Council resolved to adopt its initial proposal as its final proposal, subject to the following amendments:
  - Retaining two meshblocks near Turakina in the Southern Ward
  - Changing the names of the Māori Wards as follows:
    - i. Northern change to Tiikeitia ki Uta (Inland)
    - ii. Southern change to Tiikeitia ki Tai (Coastal)
9. The Council considered that the name changes for the Māori wards are appropriate based on their recommendation by Te Roopuu Ahi Kaa Komiti. Inclusion of the English equivalent was considered appropriate to ensure all members of the community understand the intent of the names.
10. The Council rejected the request for the establishment of only one Māori Ward with two councillors, as the recommendation from the Te Roopuu Ahi Kaa Komiti, Council's key connection with Iwi and hapu in the district, was for two Māori Wards.

11. The arrangements in the Council's final proposal are as follows:

| Ward                             | Electoral population estimate* | Number of councillors per ward | Population per councillor | Deviation from district average pop <sup>n</sup> per councillor | % deviation from district average pop <sup>n</sup> per councillor |
|----------------------------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Northern General                 | 2,800                          | 2                              | 1,400                     | -33   | -2.33%  |
| Central General                  | 6,860                          | 5                              | 1,372                     | -61   | -4.28%  |
| Southern General                 | 3,240                          | 2                              | 1,620                     | 187   | <b>+13.02%</b>  |
| <b>Total General</b>             | <b>12,900</b>                  | <b>9</b>                       | <b>Avg 1,433</b>          |   |   |
| Tiikeitia ki Uta (Inland) Māori  | 1,450                          | 1                              | 1,450                     | 15  | +1.05%  |
| Tiikeitia ki Tai (Coastal) Māori | 1,420                          | 1                              | 1,420                     | -15   | -1.05%  |
| <b>Total Maori</b>               | <b>2,870</b>                   | <b>2</b>                       | <b>1,435</b>              |   |   |

\*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

12. The Council also confirmed its proposal to retain the existing Taihape and Ratana community boards, each electing four members.
13. Given the non-compliance of the proposed Southern General Ward, the council was required under section 19V(4) of the Act to refer its proposal to the Commission for determination. In addition, one objection against the proposal was received.

### Appeals/objections against the council's final proposal

14. The objection received on the Council's final proposal was considered valid. The objector asserts that, in implementing the Māori ward seats, the Council should have increased the overall number of members by two (from 11 to 13), rather than reducing the number of general ward seats by two. They state that the Northern Ward will be disadvantaged by a decrease in general ward members from three to two. While the objection focuses on the implementation of Māori wards in the district, the issues raised in the objection are the overall number of councillors and the number of members in the Northern Ward.
15. The Council referred the objection to the Commission, in accordance with section 19Q of the Act.

### Need for a hearing

16. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing and the need for a hearing is determined by the information provided by the parties and as a result of any further inquiries the Commission may wish to make.
17. In the case of Rangitikei District Council's final proposal, the Commission considered there was sufficient information in the documentation provided by the Council on the process it had followed in making its decision and in the objection, for the

Commission to proceed to a determination. Accordingly, it was decided no hearing was required.

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

18. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
19. The Council's review process is not one of the matters set out in sections 19H and 19J. Any concerns expressed by appellants and objectors relating to the council's review process are not a basis for the Commission to overturn a council's proposal. The Commission may, however, comment on a council's process as part of its determination.
20. The matters in the scope of the review are:
  - whether the council is to be elected from wards, the district as a whole, or a mixture of the two
  - the number of councillors
  - if there are to be wards, the area and boundaries of wards and the number of members to be elected from each ward
  - whether there are to be community boards
  - if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.

### **Key considerations**

21. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* (the Guidelines) 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**

22. The Guidelines identify three dimensions for recognising communities of interest:
  - a. *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

- b. *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
  - c. *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.
- 23. We note that in many cases councils, communities and individuals tend to focus on the 'perceptual' dimension of communities of interest. That is, they focus on what intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the 'functional' one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
- 24. In addition to demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities, i.e. that they may have "few commonalities". This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
- 25. Aspects of the Council's community of interest assessments undertaken as part of this review are discussed below in conjunction with consideration of fair representation.

### Effective representation of communities of interest

- 26. Section 19T of the Act requires the Commission to ensure that:
  - a. the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within 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 practicable, ward boundaries coincide with community boundaries (where they exist).
- 27. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
- 28. 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:
  - 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.
29. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, a mixture of wards and at large. As the Council has resolved to establish Māori wards, it must also establish at least one general ward.
  30. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards.
  31. The Council considered numerous different potential options in developing its proposal, including a 13-member option based on the current three general wards with the addition of two Māori wards. This option resulted in both the Central and Northern Wards proving non-compliant with the +/-10% rule.
  32. The 2019 determination also records that a range of options involving between seven and 13 members, and between three and eight wards, was considered before the Council decided on its preference for 11 members. None of the submissions, appeals or objections in the 2018 review process considered the number of elected members or requested any increase or decrease from 11.
  33. The objection states that Taihape and the northern area is more sparsely populated than the Central and Southern Wards, faces more serious challenges, and needs more support from Council rather than less. The objector does not expand on the challenges they consider the Northern Ward faces.
  34. The objection does, however, note that the sparse population of the Northern Ward means that it will be disadvantaged with two councillors rather than three. It goes on to state that the Northern Ward covers a far larger area than the Southern and Central Wards and its population is widely dispersed. Taihape, the sole main urban centre of the Northern Ward, is relatively geographically isolated in comparison to the main urban centres of the Southern and Central Wards.
  35. However, the Northern Ward is also supported by the Taihape Community Board, which covers the entire Northern Ward area. The Community Board has been retained through the representation review process, with four elected members and two appointed members
  36. The existence of the Community Board ensures that there is good geographic representation for Northern Ward electors, despite the decrease in councillors from three to two.
  37. The higher number of councillors sought for the Northern Ward would result in non-compliances for both the Northern and Central Wards of a greater magnitude than the Council's proposed non-compliance for the Southern Ward. Although the 13-member option proposed by the objector would result in the Southern Ward becoming compliant at -7.93%, the Northern and Central Wards become non-compliant, at -20.46% and +16.97% respectively.

38. The appropriate number of councillors for the district appears to have been explored to a reasonable extent by the Council in both the 2018 and 2021 representation reviews.

### **Fair representation for electors**

39. For the purpose of achieving fair representation for the electors of a district, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
40. However, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are where:
- a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities
  - b. compliance would limit effective representation of communities of interest by dividing a community of interest
  - c. compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.
41. The Council's proposal results in the Southern General Ward not complying with the '+/-10% rule' at +13.05.
42. The Council's communities of interest assessment recognises a number of small townships across the district that are self-sufficient, with a high sense of local pride, albeit with few Council services and/or local organisations. It identifies that such townships generally looked towards different larger urban areas for services, and communities of interest can be grouped by the common focus they share.
43. The Turakina Valley is the community of interest most affected by the boundary changes in the Council's initial proposal. Several meshblocks in the lower Turakina Valley had been moved from the Southern Ward into the Central Ward to ensure that both wards complied with the +/-10% rule.
44. The communities of interest assessment identified that Turakina, along with other townships in Southern Ward, generally looked towards Whanganui for services. In comparison, Central Ward townships tended to affiliate with Marton. Indeed, the Turakina Valley has a history of a strong sense of community in relation to representation matters as evidenced by submissions and appeals made to previous reviews.
45. Several submissions to the Council's current review opposed the boundary change. These argued that residents were being severed from their community of interest with the Southern Ward townships, and instead included with communities with which they had few commonalities.
46. For the final proposal, the Council weighed the strength of the lower Turakina Valley community of interest arguments against overall compliance with the +/-10% rule. The Council was persuaded that non-compliance for the Southern Ward was justified to avoid splitting the lower Turakina Valley community of interest.

47. In summary, we consider the Council’s proposal for the Southern General Ward and not complying with the ‘+/-10% rule’ should be upheld. The reason being that compliance with the ‘+/- 10% rule’ in this case would limit the effective representation of communities of interest by either splitting communities of interest or uniting communities of interest with few commonalities.

## **Communities and community boards**

48. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
49. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
  - Will the community contain a sufficiently distinct community or communities of interest?
50. In the current review, the retention of the existing Taihape and Ratana community boards was not the subject of any appeals or objections. We take it that the council’s decision to retain the community boards and the lack of appeals or submissions opposing community boards equates to broad support for them continuing. In addition we have noted in the discussion of representation for the Northern Ward that the Taihape Community Board forms an important part of the representation arrangements for that ward.

## **Commission’s determination**

51. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Rangitikei District Council to be held on 8 October 2022, the following representation arrangements will apply:
- a. Rangitikei District, as delineated on Plan LG-038-2019-W-1, will be divided into five wards
  - b. Those five wards will be:
    - (i) Tiikeitia ki Uta (Inland) Māori Ward, comprising the area delineated on Plan LG-038-2022-W1
    - (ii) Tiikeitia ki Tai (Coastal) Māori Ward, comprising the area delineated on Plan LG-038-2022-W2

- (iii) Northern General Ward, comprising the area delineated on Plan LG-038-2019-W-2
  - (iv) Central General Ward, comprising the area delineated on Plan LG-038-2022-W3
  - (v) Southern General Ward, comprising the area delineated on Plan LG-038-2022-W-4
- c. The Council will comprise the mayor and 11 councillors elected as follows:
- (i) 1 councillor elected by the electors of Tiikeitia ki Uta (Inland) Māori Ward
  - (ii) 1 councillor elected by the electors of Tiikeitia ki Tai (Coastal) Māori Ward
  - (iii) 2 councillors elected by the electors of Northern General Ward
  - (iv) 5 councillors elected by the electors of Central General Ward
  - (v) 2 councillors elected by the electors of Southern General Ward
- d. There will be two communities as follows:
- (i) Ratana Community, comprising the area delineated on SO 36060 deposited with the Land Information New Zealand
  - (ii) Taihape Community, comprising the area of the Northern General Ward
- e. The membership of each community board will be as follows:
- (i) Ratana Community Board will comprise four elected members and one member appointed to the community board by the council representing Southern General Ward
  - (ii) Taihape Community Board will comprise four elected members and two members appointed to the community board by the council representing Northern General Ward

52. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, 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.

## Local Government Commission



Commissioner Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham



Commissioner Sue Piper

4 April 2022