



## Determination

of representation arrangements to apply for the election of the  
Selwyn 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 to provide fair and effective representation for individuals and communities.
2. The Selwyn District Council (the Council) last reviewed its representation arrangements prior to the 2016 local authority elections. 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 2016. The council's current representation arrangements have been in place since 2001, with some adjustments to ward boundaries over time, and comprise a mayor and 11 councillors elected 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 |
|----------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Malvern        | 8,460                          | 2                              | 4,230                     | -265  | -5.68   |
| Selwyn Central | 17,830                         | 4                              | 4,458                     | 37  | +0.83   |
| Ellesmere      | 9,100                          | 2                              | 4,550                     | 55  | +1.22   |
| Springs        | 14,050                         | 3                              | 4,683                     | 188   | +4.19   |
| <b>Total</b>   | <b>49,440</b>                  | <b>11</b>                      | <b>4,495</b>              |   |   |

\*Based on Tauranga Aotearoa Stats NZ 2014 electoral population estimates

4. The current arrangements include a Malvern Community Board, as follows:

| Subdivision  | Electoral population estimate* | Number of members per subdivision | Population per member | Deviation from community average population per member | % deviation from community average population per member |
|--------------|--------------------------------|-----------------------------------|-----------------------|--|--|
| Tawera       | 3,250                          | 2                                 | 1,625                 | -67  | -3.96  |
| Hawkins      | 5,210                          | 3                                 | 1,737                 | 45   | +2.64  |
| <b>Total</b> | <b>8,460</b>                   | <b>5</b>                          | <b>1,692</b>          |  |  |

\*Based on Tauranga Aotearoa Stats NZ 2014 electoral population estimates

- There are also two appointed members to the Malvern Community Board, being the two councillors representing the Malvern Ward.

## Current review: Council process and proposal

### *Preliminary consultation*

- The Council set up a Representation Review Subcommittee (the Subcommittee) to lead the representation review process. Between January and June 2021, the Subcommittee undertook research to identify communities of interest, and held workshops to identify early options.
- This work culminated in the Council releasing a pre-engagement survey that contained four potential ward options for the district. The results of the pre-engagement survey were used to inform the Council's initial proposal.

### *The Council's initial proposal*

- On 25 August 2021 the Council resolved as its initial representation proposal a council comprising 10 members elected from four wards, plus the mayor. The Council's initial representation proposal also included an expanded Malvern Community Board.
- 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 |
|--------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Ellesmere    | 12,700                         | 2                              | 6,350                     | -618  | -8.87   |
| Malvern      | 14,900                         | 2                              | 7,450                     | 482   | +6.92   |
| Rolleston    | 22,390                         | 3                              | 7,463                     | 495   | +7.10   |
| Springs      | 19,690                         | 3                              | 6,563                     | -405  | -5.81   |
| <b>Total</b> | <b>69,680</b>                  | <b>10</b>                      | <b>6,968</b>              |   |   |

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

- The proposed arrangements for the Malvern Community Board were as follows:

| Subdivision  | Electoral population estimate* | Number of members per subdivision | Population per member | Deviation from community average population per member | % deviation from community average population per member |
|--------------|--------------------------------|-----------------------------------|-----------------------|--|--|
| Tawera       | 3,030                          | 1                                 | 3,030                 | 50   | +1.68  |
| Hawkins      | 6,000                          | 2                                 | 3,000                 | 20   | +0.67  |
| West Melton  | 5,870                          | 2                                 | 2,935                 | -45  | -1.51  |
| <b>Total</b> | <b>14,900</b>                  | <b>5</b>                          | <b>2,980</b>          |  |  |

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

11. The initial representation proposal included a single appointed member to the Malvern Community Board, being one of the Malvern Ward councillors.
12. The Council notified its proposal on 3 September 2021 and received 14 submissions by the deadline of 4 October 2021. Three submitters were heard by the Council at a hearing held on 13 October 2021, with one of the submitters also appearing on behalf of a fourth submitter.
13. Of the 14 submissions received, five supported the Council's initial proposal and nine did not support all aspects of the proposal.
14. Key themes in the submissions were:
  - a. Concern regarding whether the proposal reflected communities of interest in the district. This concern was reflected as follows:
    - i. Against the proposal to move West Melton from the current Selwyn Central Ward to the Malvern Ward, with eight submitters objecting to this;
    - ii. Against the proposed expansion of the Malvern Ward, on the basis that it would reduce the effectiveness of representation by elected members (one submitter);
    - iii. Against the proposed Rolleston Ward boundaries, with a request that an area of West Rolleston be retained in the Rolleston Ward rather than moved into the Ellesmere Ward (two submitters);
    - iv. A request that the initial proposal be replaced with 'Option Two' from the Council's pre-engagement survey, a 10-member three-ward option loosely based on an enlarged Malvern Ward, a smaller Selwyn Central Wars and a combined Springs and Ellesmere Ward, which two submitters considered better reflected communities of interest in the district; and
    - v. Against the inclusion of a West Melton Subdivision for the Malvern Community Board.

- b. Commentary regarding the proposed reduction in members from the current 11 members plus the mayor to 10 members plus the mayor, with one submitter against the proposed reduction and three submitters indicating that they were comfortable with a 10-member council.

### *The Council's final proposal*

15. On 27 October 2021 the Council met to deliberate on submissions and resolved to confirm the Council's initial proposal as its final representation proposal.
16. The Council publicly notified its final proposal on 10 November 2021.

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

17. One appeal was received on the Council's final proposal. It was considered valid and covered the following matters:
  - a. Whether the Council's final representation proposal resulted in effective representation of communities of interest in the district, in particular relating to the townships of West Melton, Weedons and the semi-rural area immediately south of the Rolleston urban area; and
  - b. Whether the ward structure included in Option Two of the Council's pre-engagement survey would provide for more effective representation of communities of interest in the district.
18. Option Two of the Council's pre-engagement survey (hereafter referred to as 'Option Two') was for a 10-member three-ward council. This option included reasonably significant adjustments to current ward boundaries to meet the requirements of section 19V(1) of the Act (the '+/-10% rule'), albeit drawing on the same ward names:

| 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 |
|-------------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Springs-Ellesmere | 27,490                         | 4                              | 6,873                     | -95   | -1.36   |
| Selwyn Central    | 28,310                         | 4                              | 7,078                     | 110   | +1.58   |
| Malvern           | 13,880                         | 2                              | 6,940                     | -28   | -0.40   |
| <b>Total</b>      | <b>69,680</b>                  | <b>10</b>                      | <b>6,968</b>              |   |   |

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

19. The Council referred the appeal to the Commission, in accordance with section 19Q of the Act.

### **Hearing**

20. The Commission met with the Council and the appellant, Mark Alexander, at a hearing held online on 1 March 2022. The Council was represented at the hearing by Mayor Sam Broughton and Deputy Mayor Malcolm Lyall. They were supported by

Chief Executive David Ward and Group Manager Communication and Customers Stephen Hill.

***Matters raised at the hearing***

21. Mayor Sam Broughton, supported by Deputy Mayor Malcolm Lyall, explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:
- a. The Council had considered whether to establish a Māori ward. However, feedback from the local runanga and the current Māori Electoral Population in the district led the Council to decide not to proceed with a Māori ward for this review.
  - b. Selwyn is one of the fastest growing districts in New Zealand and is now the third largest district in the South Island in terms of population, but growth in the district was unevenly spread. Maintaining the status quo was not an option for the Council in undertaking this review, as three of the four wards fell well outside the +/-10% rule.
  - c. The district traditionally perceived itself as largely rural with small towns, however Rolleston was now a large town with a population of over 20,000. The challenge for the Council in undertaking the review was to ensure effective representation both for small towns in the rural areas, as well as Rolleston.
  - d. The Council was aware of private plan changes that could potentially add an additional 10,000 sections around the Rolleston area. The Council decided to base the representation review on the certainty of 2020 population estimates, rather than assuming outcomes for any of the private plan change processes underway. The Council acknowledged that this decision meant that a further review may be required sooner than six years' time.
  - e. The Council felt that a reduction in membership to 10 members plus the mayor would enable efficient and effective decision-making, whilst maintaining an appropriate councillor to population ratio. It was also felt that increased remuneration levels may lead to more effective representation, by encouraging a wider range of candidates to stand for election.
  - f. The Council had undertaken pre-consultation with the community to identify communities of interest in the district. The results suggested that residents had strong links to their local town but did not feel particularly connected to the ward they lived in or the Selwyn District as a whole. There was no particular desire for change indicated by the community, aside from the changes necessary for wards to meet the +/-10% rule.
  - g. The Subcommittee had considered a wide range of ward options and had carefully considered questions of effective representation for communities of interest alongside fair representation considerations. The current ward boundaries were reflective of the communities that combined for the 1989

creation of the Selwyn District, and it was felt that combining any of the current wards would not result in more effective representation. Three of the four ward options considered through the pre-engagement survey received similar levels of support, which meant the Subcommittee could not identify an option with clear majority support in the community.

- h. The Council acknowledged that residents of West Melton strongly associated with Rolleston, however the Council stated that the same was also true for other communities in the current Springs and Ellesmere Wards that also associated with Rolleston. The Council felt that West Melton would benefit from the final proposal as it would form part of the Malvern Community Board as well as having representation through the Malvern Ward.
  - i. The Council had publicised the review process through a range of mediums, including traditional and social media, a representation review website and by holding drop-in sessions around the district. However, levels of engagement were low, and the Council did not receive as much feedback through the process as it would have liked.
  - j. The Council felt that all options considered included a degree of compromise, and none provided an ideal solution for both fair and effective representation of communities of interest. The Council felt that the final representation proposal was the most appropriate model for the 2022 election but, given the likelihood of continued population growth, the Council would consider undertaking a further review in three years' time.
22. The appellant, Mr Alexander, emphasised the following points in opposition to the Council's proposal:
- a. Within the current ward structure, all wards include a mix of urban and rural areas. This ensured that councillors were aware of the issues faced by different sectors of the district. The Council's proposal to include a small and highly urban Rolleston Ward was likely to contribute to a growing urban/rural divide in the district.
  - b. By drawing a tight boundary around the urban Rolleston area in the final proposal, the Council had cut off residents living just outside of Rolleston from their communities, including residents of Weedons and in the semi-rural area immediately south of the Rolleston urban area. Residents living just kilometres from Rolleston and who strongly identify with Rolleston were instead being grouped with communities in the Ellesmere or Springs Ward, the main towns for which are located up to 30km away.
  - c. In the Council's final representation proposal, the township of West Melton has been severed from the Rolleston community with which it affiliates and instead has been grouped with the Malvern community. Historically West Melton had reasonably close links to Darfield and the rural areas of the Malvern Ward, however in more recent years the township has grown to strongly identify with Rolleston, with residents travelling there for education and employment reasons and to access many services and activities.

- d. Under the Council's final representation proposal, there has been a large increase in the size of the Malvern Ward but without any corresponding increase in the number of elected representatives – the ward is still to be represented by two councillors and community board membership maintained at five. The size and geography of the proposed Malvern Ward will provide challenges for effective representation of the communities within the Malvern Ward.
- e. Option Two from the Council's pre-engagement survey provides more effective representation for communities of interest as it results in less disruption to the current ward system. Under Option Two, a larger Malvern Ward and a smaller Selwyn Central Ward are retained, and the Springs and Ellesmere Wards are combined. The Springs and Ellesmere Wards were previously combined into one authority prior to 1989 so there are shared histories and characteristics in the two wards that link them together and provide a basis for combining them into one ward.

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

23. 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.
24. The matters in the scope of the review are:
  - the number of councillors
  - 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.
25. The appeal to the Council's final proposal raises the following overarching issues for the Commission to resolve:
  - a. Whether communities of interest have been appropriately identified in the district, particularly with regards to the townships surrounding the urban Rolleston area.
  - b. Whether the Council's final four-ward representation proposal or the three-ward system contained in Option Two results in the most effective representation of communities of interest; and

- c. Any consequential amendments to the composition of the proposed Malvern Community Board should any changes to the Council's final representation proposal be required.

## Key considerations

- 26. 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

- 27. 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.
- 28. 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.
- 29. 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.
- 30. The identification of communities of interest is a key first step for all councils in undertaking a representation review. In this review, the Council's investigation into communities of interest in the district indicated that residents felt strongly connected to the immediate town or township they lived in or near to but did not identify strongly with the current ward structure or to the district as a whole.

31. We have some concerns regarding the identification of communities of interest in this review and their application in the ward models considered by the Council. We sense that the identification of communities of interest was weighted towards the perceptual dimension, with a focus on the towns or townships that residents 'feel' connected to.
32. There seems to have been less of a focus placed on the functional perspective, of how residents interact with different towns or townships in the district, in particular in relation to how residents living in townships outside of Rolleston interact with the town of Rolleston itself. The identification of communities of interest appears to have stopped at 'the immediate town or township in which residents live', rather than identifying communities of interest in the district per se.
33. The Council explained at the hearing that there did not seem to be much appetite for change in the community. It seems apparent to us that the Council relied on this feedback in developing its ward options. However, the Council also stated at the hearing that the current ward structure was based on the communities that pre-dated the 1989 creation of the district. We felt that there was an unusually heavy emphasis placed on the pre-1989 communities of the district at the hearing.
34. Given the significant population growth and corresponding changes that have occurred in the district in more recent years, we are intrigued by the emphasis on pre-1989 communities. This view was heightened by the finding of the Council's investigations that residents did not feel a strong connection to the ward in which they resided.
35. We note further that the investigation into communities of interest does not appear to have closely considered that many residents in the north-east of the district are in close commuting distance to Christchurch City. We suspect that for some residents in this part of the district, there may be a greater sense of identity with Christchurch City, in both a perceptual and functional sense, than with the Selwyn District. We do not know the extent to which the Council considered this aspect or took it into account in identifying communities of interest in this part of the district.
36. While we have concerns regarding some aspects of the Council's investigation into communities of interest in the district, we note that both the Council's final proposal and Option Two were developed using the same community of interest information. We consider that we are still able to equally evaluate the extent to which each model results in effective representation of communities in the district.

### **Fair and effective representation of communities of interest**

37. 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').
38. 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.
39. We note that all wards in the Council's final proposal meet the +/-10% rule, as do the wards proposed as part of Option Two.
40. In relation to effective representation, 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).
41. '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).
42. 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.
43. 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.

44. 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.

### ***Number of elected members***

45. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. Selwyn District Council comprised a mayor and 13 councillors on its constitution in 1989 and has comprised a mayor and 11 councillors since 2001. The District has been divided into the same four wards since 2001, with boundary changes occurring since that time to ensure adherence to the +/-10% rule.
46. The Council has proposed to reduce the number of members of the Council from 11 to 10 plus the mayor as part of this review. The Council stated at the hearing that a reduction in members would enable efficient and effective decision-making whilst maintaining an appropriate councillor to population ratio, but also emphasised that a reduction in the number of councillors would lead to increased councillor remuneration, which the Council felt could lead to more effective representation by encouraging a wider range of candidates to stand for election.
47. While we appreciate that remuneration levels are a concern for many councils, we are not convinced that reducing the membership of Council to increase remuneration will ultimately lead to more effective representation in the form of a greater range of candidates standing for election. We also note that it is unusual for a council in a district experiencing significant population growth to consider reducing the number of elected members.
48. Despite these observations, we also note that there was some support for a reduction in councillor number expressed through submissions on the Council's initial proposal. We also note that there are no appeals on this point, with the appellant expressing support at the hearing for a reduction in the number of councillors to 10.
49. We therefore confirm the Council's proposal for a council of 10 members plus the mayor.

### ***Ward representation models and effective representation***

50. An important issue before the Commission in this review is which ward representation model provides for the most effective representation of communities of interest. The main questions before us are whether communities of interest have been split between wards, or whether communities of interest that share few commonalities of interest have been grouped together. Taking into account our earlier comments regarding the identification of communities of interest, we have considered these matters in relation to the Council's final representation proposal, and Option Two as preferred by the appellant.

51. With regards to the Council's final representation proposal, the appellant emphasised that the Council's representation proposal had split communities of interest between wards. He emphasised the strong links that West Melton, Weedons, and the semi-rural area immediately south of the urban Rolleston area shared with Rolleston and suggested that by not including these areas in a ward with Rolleston, the Council had cut these communities from their natural community of interest.
52. The appellant also contended that communities with few commonalities were grouped together into wards. For example, the appellant stated that West Melton had much stronger links with Rolleston than with the communities of Darfield and beyond in the Malvern Ward, which had a more rural focus than West Melton.
53. We heard from the appellant that Option Two results in less change for most residents, despite being a three-ward system rather than a four-ward system. The appellant emphasised that Option Two would retain a Selwyn Central Ward, albeit smaller than its current form, and that wards with a mix of urban and rural interests, rather than an urban-focused ward, would encourage councillors to better understand the different urban and rural perspectives across the district.
54. In terms of the Council's perspective, at the hearing we were told that one of the challenges of the review had been to ensure effective representation both for towns in the rural areas of the district as well as Rolleston. We heard that the Council had created a small, urban-focused Rolleston Ward, and that Rolleston was recognised as the main hub of the district for many services and activities. For example, the Council advised at the hearing that an indoor sports facility has been developed in Rolleston, which attracted participants from across the district, and netball and football leagues for the district are run from Rolleston. We observe that if strong population growth continues in Rolleston, this will increase the justification for a separate Rolleston Ward.
55. The Council acknowledged at the hearing that its final representation proposal included compromises to be able to meet the +/-10% rule. One of the compromises involved in creating a small, urban focused Rolleston Ward was that some of the smaller townships near to Rolleston, such as West Melton and Weedons, were no longer located in the same ward as Rolleston.
56. However, the Council also emphasised that other nearby townships, including those in the Springs and Ellesmere Wards, could claim to have a similar level of connection with Rolleston given its role as the main service hub of the district. That is, the Council did not believe that the communities of West Melton had been treated any differently through the review than any other townships in the district. From the Council's perspective, communities of interest outside of Rolleston had been grouped with other communities into wards in a consistent manner.
57. On balance, we favour the Council's final representation proposal. While we have expressed some concerns regarding the identification of communities of interest in the district, we consider that the Council has reflected a clear urban community of interest with regards to the Rolleston Ward, and has deliberately grouped smaller townships together in the surrounding wards to reflect their less urban characteristics.

58. We acknowledge that the Council's final representation proposal may feel like a significant compromise to communities that are currently in the Selwyn Central Ward, which will move into surrounding wards through the creation of the Rolleston Ward.
59. However, we note that Option Two also included reasonably significant movements of residents from one ward to another, with the Malvern Ward extending into the current Ellesmere Ward and including parts of the current Selwyn Central Ward. Option Two also relied heavily on combining the Springs and Ellesmere Wards into a single Springs-Ellesmere Ward. We are not confident that the identification of communities of interest in the district provides a strong basis for combining the Springs and Ellesmere Wards, nor that there was sufficient evidence provided by the appellant to justify the Springs and Ellesmere Wards being combined into one ward.
60. We acknowledge that Option Two was the preferred option in the Council's pre-engagement survey. However, with 30% of support, it had only marginally more support than the option that became the Council's final representation proposal (with 26% support) and a further four-ward option with a smaller Council size (with 24% support). We consider that the Council was appropriately able to confer from the survey that there was a reasonable degree of support in the community for maintaining a four-ward model. We also note that five of the submissions to the initial proposal expressed support for the Council's proposal.
61. On balance, we uphold the four-ward representation model as set out in the Council's final representation proposal.
62. The Council indicated at the hearing that it intends to undertake a further representation review in three years' time. We strongly encourage the Council to do so. As part of the next review, we encourage the Council to undertake a robust examination of communities of interest in the district, and to ensure that there is an appropriate mechanism for feeding community views into the process. For example, this could be assisted by including independent or community appointees onto any subcommittees formed to lead the process, to ensure that community views are drawn in at an early stage.
63. We suggest that, in its next review, the Council not only identify the towns or townships that residents feel a sense of connection to, but also examine how residents interact with surrounding towns. Doing so will allow the Council to be confident that its identified communities of interest take account of both perceptual and functional aspects relating to communities of interest. We suggest that an examination of communities of interest in the district also consider the affect that parts of the district being within easy commuting distance of Christchurch City has on communities of interest in the Selwyn District.
64. We consider that undertaking these steps early in the next review cycle will support the Council to undertake a more meaningful conversation with the wider community, which will better inform decisions regarding fair and effective representation in a district experiencing significant population growth and rapid change.

## Communities and community boards

65. 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.
66. 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?
67. In the current review, the council has proposed to continue the Malvern Community Board, but with a change in membership to account for an additional West Melton Subdivision. There were no appeals regarding this aspect, and submissions to the Council's initial proposal were also largely silent on the proposed changes to the Malvern Community Board.
68. The Malvern Ward covers a vast geographic area, including the more sparsely-populated inland areas up to Arthur's Pass. It was suggested by the Council that the Malvern Community Board could support representation of the area by two ward councillors. We note that the Council has included a West Melton subdivision for the Community Board to recognise that the ward area now takes in additional communities, and we agree that this is an appropriate step for the Council to have taken.
69. Having upheld the Council's four-ward representation proposal, we also uphold the arrangements for the Malvern Community Board as set out in the Council's final representation proposal.

## Commission's determination

70. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Selwyn District Council to be held on 8 October 2022, the following representation arrangements will apply:
- (1) Selwyn District, as delineated on Plan LG-062-2022-W-1 deposited with the Local Government Commission, will be divided into four wards.

- (2) Those four wards will be:
  - a. the Malvern Ward, comprising the area delineated on Plan LG-062-2022-W-2 deposited with the Local Government Commission
  - b. the Rolleston Ward, comprising the area delineated on Plan LG-062-2012-W-3 deposited with the Local Government Commission
  - c. the Ellesmere Ward, comprising the area delineated on Plan LG-062-2022-W-4 deposited with the Local Government Commission
  - d. the Springs Ward, comprising the area delineated on Plan LG-062-2022-W-5 deposited with the Local Government Commission
- (3) The Council will comprise the mayor and 10 councillors elected as follows:
  - a. 2 councillors elected by the electors of the Malvern Ward
  - b. 3 councillors elected by the electors of the Rolleston Ward
  - c. 2 councillors elected by the electors of the Ellesmere Ward
  - d. 3 councillors elected by the electors of the Springs Ward.
- (4) There will be a Malvern Community, comprising the area of the Malvern Ward.
- (5) The Malvern Community will be divided into subdivisions as follows:
  - a. the Tawera Subdivision, comprising the area delineated on LG-062-2022-S-1 deposited with the Local Government Commission
  - b. the Hawkins Subdivision, comprising the area delineated on LG-062-2022-S-2 deposited with the Local Government Commission
  - c. the West Melton Subdivision, comprising the area delineated on LG-062-2022-S-3 deposited with the Local Government Commission.
- (6) For the Malvern Community, there will be a Malvern Community Board comprising:
  - a. One member elected by the electors of the Tawera Subdivision
  - b. Two members elected by the electors of the Hawkins Subdivision
  - c. Two members elected by the members of the West Melton Subdivision
  - d. One councillor representing the Malvern Ward who will be appointed to the community board by the Council.

- (7) As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

### **Local Government Commission**

A handwritten signature in black ink, appearing to read "B. J. Duffy".

Commissioner Brendan Duffy (Chair)

A handwritten signature in blue ink, appearing to read "Janie Annear".

Commissioner Janie Annear

A handwritten signature in blue ink, appearing to read "Sue Piper".

Commissioner Sue Piper

4 April 2022