



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 8 October 2016

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.
2. 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.
3. The Waimakariri District Council (the Council) last reviewed its representation arrangements prior to the 2010 local authority elections. Therefore it was required to undertake a review prior to the next elections in October 2016.
4. The Council currently has a ward system of representation 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
Oxford-Eyre	11,691	2	5,845.50	+846.90	-16.94
Woodend-Ashley	10,995	2	5,497.50	+498.90	-9.98
Rangiora	16,233	3	5,411.00	+412.40	-8.25
Kaiapoi	11,067	3	3,689.00	-1,309.60	-26.20
Total	49,986	10	4,998.60		

* These are 2013 census figures provided by Statistics New Zealand

5. As can be seen in the table above, three of the four wards fall outside the +/-10% fair representation requirement of the Act. The principal reason for this is the high population growth the district has experienced for some years along with population movement caused by the Canterbury earthquakes (particularly in Kaiapoi township).
6. There are also three community boards – Kaiapoi, Woodend-Ashley and Rangiora – each covering the wards of the same name. Each board has six elected members and either two or three members appointed by the Council.
7. The Oxford-Eyre Ward has an advisory board rather than a community board. Its function is to advise the Council on matters relating to the ward. The members of the board are appointed by the Council.

The council's proposal and review process

Representation review working party

8. The Council established a representation review working party comprising the Mayor, one councillor from each ward, one representative of each community board and a representative of the Oxford-Eyre Advisory Board. The working party's task was to develop a proposal for the Council to consider.
9. The working party proposed the following four options for ward and membership arrangements for preliminary consultation with the community:
 - options A and B: two different options for four wards with 10 councillors
 - option C: three wards with 10 councillors
 - option D: 10 councillors elected across the district.
10. The working party did not develop options for community boards, instead seeking views on what sort of community board arrangements there should be in the district.
11. After considering the feedback received, the working party's recommendation to the council was for:
 - a council comprising a mayor and of 10 councillors
 - three wards, as per option C, a major feature of which was the combining of the Kaiapoi and Woodend-Ashley wards and the transfer of the Ashley area and other rural areas into the Rangiora Ward
 - up to four community boards – two in the eastern (Kaiapoi-Woodend) ward, up to two in the central (Rangiora-Ashley) ward, and the retention of the Oxford-Eyre Ward Advisory Board.
12. Features of this arrangement were that the Kaiapoi-Woodened Ward would continue to have two community boards and the Rangiora-Ashley Ward either one or two boards.
13. The Oxford-Eyre Ward Advisory Board would also continue in existence.

Council's initial proposal

14. The Council adopted the working party's proposal for wards as part of its formal initial proposal. The proposed representation arrangements were 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
Kaiapoi-Woodend	18,408	4	4,602	-397	-7.94
Rangiora-Ashley	21,309	4	5,327	+328	+6.57
Oxford Eyre	10,272	2	5,136	+137	-2.74
Total	49,989	10	4,999		

* These are 2013 census figures provided by Statistics New Zealand

15. The Council's proposed that there be three community boards as follows:
- in the Kaiapoi-Woodend Ward, there be two boards – Kaiapoi-Tuahiwi Community Board and Woodend-Sefton Community Board – each with five elected members and two appointed members
 - in the Rangiora-Ashley Ward, there be one community board with eight elected members and four appointed members.
16. The Rangiora-Ashley Community Board was to be elected from subdivisions (reflecting to a degree, an urban-rural split) as follows:

Subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Rangiora	13,326	5	2,665	+2	+0.06
Ashley	7,983	3	2,661	-3	-0.10
Total	21,309	8	2,664		

* These are 2013 census figures provided by Statistics New Zealand

17. Features of this arrangement were that the Kaiapoi-Woodened Ward would have two community boards and the Rangiora-Ashley Ward one.
18. The Oxford-Eyre Ward Advisory Board was to continue in existence.
19. The Council received 36 submissions on its initial proposal which the Council summarised as follows:
- three supported the Council's proposal
 - six objected to the name of the Oxford-Eyre Ward
 - 23 sought a community board for the Oxford-Eyre Ward

- one, supported by a petition, sought (the inclusion of the Ohoka-Mandeville area in the Kaiapoi Ward rather than the Oxford-Eyre Ward)
- one sought a boundary adjustment in the Kaiapoi-Woodend Ward to better reflect community of interest
- 20 considered there should only be one community board in the Kaiapoi-Woodend Ward.¹

Final proposal

20. After considering submissions, the Council resolved to make the following changes to its initial proposal:

- the Oxford-Eyre Ward was renamed the Oxford-Ohoka Ward
- there was to be a community board covering the Oxford-Ohoka Ward, rather than an advisory board
- the Oxford-Ohoka Community Board was to comprise six members elected from two subdivisions as follows:
 - Ohoka-Swannanoa Subdivision – 3 members
 - Oxford Subdivision – 3 members
- there was to be one community board for the Kaiapoi-Woodend Ward (instead of the two originally proposed) with eight members elected from two subdivisions as follows:
 - Woodend-Sefton Subdivision – 5 members
 - Kaiapoi-Tuahiwi Subdivision – 3 members
- the boundary between the two subdivisions of the Kaiapoi-Woodend Community board be altered slightly to take into account linkages between Tuahiwi Marae and the block of land called Maori Reserve 873.

21. Membership details for the proposed subdivisions for the Oxford-Ohoka and Kaiapoi-Woodend communities was follows:

Oxford-Ohoka Community

Subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Oxford	5,510	3	1,837	+125	+7.28
Ohoka-Swannanoa	4,762	3	1,587	-125	-7.28
Total	10,272	6	1,712		

* These are 2013 census figures provided by Statistics New Zealand

¹ See paragraph 57 for the objectors' view on this.

Kaiapoi-Woodend Community

Subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Kaiapoi-Tuahiwi	11,514	5	2,303	+2	+0.08
Woodend-Sefton	6,894	3	2,298	-3	-0.13
Total	18,408	8	2,301		

* These are 2013 census figures provided by Statistics New Zealand

22. The major change was the combining of the Kaiapoi-Tuahiwi Community Board and the Woodend-Pegasus Community Board into one board. The reason for this given in the Council's public notice of its final proposal, was that "it provides consistency across the district". The Council's record of the debate held on its final proposal suggests a line of thinking that having two boards in one ward and one board in other wards is anomalous and unfair.

Appeals

23. One appeal and two objections were lodged against the Council's final proposal. They were from:
- Alan McRobie (appeal)
 - Pegasus Residents' Group (objection)
 - Woodend Community Association (objection).
24. The two objections had petitions attached to them supporting the retention of a separate Woodend-Sefton Community Board, with 169 and 42 signatures respectively.

Hearing

25. The Commission met with the Council and the appellant and the objectors at a hearing held in the Waimakariri District Council chambers on 9 March 2016. The Council was represented at the hearing by the Deputy Mayor Kevin Felstead and the Chief Executive Jim Palmer.

Matters raised at the hearing

26. The following is a summary of the main points made at the hearing in support of the Council's proposal.
- Since the last representation review there has been significant population growth in the district, and this has accelerated since the Canterbury earthquakes.

- The earthquakes had a direct impact on the district with over 1,000 properties included in the residential red zone resulting in a redistribution of population.
- There are several new subdivisions in the eastern part of the district.
- Ward options were tested to see how they would be impacted by projected population growth.
- The rationale for an eastern ward included: a commonality of issues; reserve land stretching the entire length of the coast; issues related to the MR 873 block of Māori land; natural hazards such as liquefaction, tsunami and flooding issues; significant population growth; beach settlements along the coast; issues related to State Highway 1; and shared secondary schooling.
- The decision to establish an Oxford-Ohoka Community Board was tested with the community.
- Generally there were few submissions, either in support or otherwise, other than a substantial number and petition from Mandaville and Ohoka residents who wanted coverage by a community board.
- Submissions sought inclusion in a community board area with Kaiapoi on the basis of community of interest.
- From a statistical point of view it was not feasible to include those areas in a ward with Kaiapoi or Rangiora. They were therefore kept in a ward with Oxford which is where they are located under the existing ward system.
- The Council's hearings panel decided to propose an Oxford-Ohoka Community Board.
- Having provided for an Oxford-Ohoka Community Board, a majority of the hearings panel, noting no strong support for against a Woodend-Sefton board, considered that having two community boards in the Kaiapoi-Woodend Ward was not treating all parts of the district the same.
- The panel considered the option of the Kaiapoi-Woodend Ward having only one community board would not negatively impact on in the communities in the ward in a significant way, and subdivisions for electoral purposes would guarantee representation on a single community board from each area.
- The panel considered there would be some administrative efficiency in having one board as the two areas in the ward had many issues in common.
- If time had permitted, the Council might have consulted further on the change. However the statutory timetable did not permit this.
- If any change were made now by the Commission it would be important to consider the impact on submitters from Mandaville and Ohoka as they could argue that their area should have a community board on the same basis.

27. The following is a summary of the main points made at the hearing by the appellant and objectors:

- Mr McRobie covered the issues of the adequacy of boundary descriptions and the use of statistics (expanded on in paragraphs 30 to 34).
- There would continue to be significant population growth in the district with further change to ward boundaries inevitable. It might therefore have been better to make minor changes only at this review and wait for population change to stabilise.
- The Mayor had placed a constraint on the review by requiring equal representation for Kaiapoi and Rangiora and this in turn had required Kaiapoi and Woodend to be combined in one ward.
- Mr McRobie's desired outcome was that the final result of the representation review was compliant with section 19T and 19V.
- Groups from Pegasus and Woodend had not made submissions on the Council's initial proposal because they were happy with what was being proposed.
- The process followed was not considered to fair and had disadvantaged Pegasus and Woodend.
- Pegasus is less than 10 years old but has a population of more than 2,000 and will continue to grow.
- Pegasus has strong links with Woodend, and with the opening of Kaiapoi Pa Road stronger links with Waikuku.
- Kaiapoi has different issues and there is no particular alignment between it and Woodend and Pegasus.

Requirements for determination

28. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals 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.*
- (2) *The determination required by subsection (1) must be made by a territorial authority —*
 - (a) *On the first occasion, either in 2003 or in 2006; and*
 - (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —*
 - (a) *There should be communities and community boards; and*
 - (b) *If so resolved, the nature of any community and the structure of any community board.*
- (2) *The resolution referred to in subsection (1) must, in particular, determine—*
 - (a) *Whether 1 or more communities should be constituted:*
 - (b) *Whether any community should be abolished or united with another community:*
 - (c) *Whether the boundaries of a community should be altered:*
 - (d) *Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*
 - (e) *Whether the boundaries of any subdivision should be altered:*
 - (f) *The number of members of any community board:*

- (g) *The number of members of a community board who should be elected and the number of members of a community board who should be appointed:*
- (h) *Whether the members of a community board who are proposed to be elected are to be elected—*
 - (i) *By the electors of the community as a whole; or*
 - (ii) *By the electors of 2 or more subdivisions; or*
 - (iii) *If the community comprises 2 or more whole wards, by the electors of each ward:*
- (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *The number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

29. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

Preliminary issues

30. Mr McRobie raised two issues in his appeal that need to be dealt with before dealing with actual representation arrangements.
- He considers that the Council’s final resolution is deficient because it refers to boundaries following unformed roads, thereby not clearly identifying ward boundaries and not complying with section 19K(1) of the Local Electoral Act which requires a Council’s resolution to be accompanied by a description of proposed boundaries that are readily identifiable to the public.
 - He notes that the Council has used different sets of statistics during its process – from the 2013 census and from more recent population estimates; he states that statistics from the 2013 census will be three and a half years out of date by the time of the 2016 local elections; he questions whether the Council ever applied to the Government Statistician for a certificate containing an up to date estimate of population.
31. Presumably Mr McRobie’s concern about boundaries is that the boundaries described by the Council are not clear enough for the public to understand them. As well as the written descriptions, the Council did provide maps of the proposed boundaries, at a fairly general level but probably sufficient for most people to gain a general idea of where boundaries were to be. Any lack of clarity of boundaries described in the Council’s resolution is not something that can be undone at this stage. At the end of the process the Commission will arrange for very precise plans of the boundaries to be prepared and these will be sent to the Surveyor-General for certification.
32. As far as the use of statistics is concerned, section 19X of the Act provides that in carrying out a representation review a Council may use either statistics from the most recent census or statistics from a more recent estimate certified by the Government Statistician. In practice:

- Census statistics will most often be used when designing new ward boundaries, as the building blocks for these are meshblocks and statistics at the meshblock level are only available from the census, not from estimates.
- Annual estimates are produced for wards and community board areas and Councils will use these when boundaries are not proposed to be changed.
- When a Council proposes new ward boundaries it can request from Statistics New Zealand a population estimate for the area of a new ward (i.e. a collection of meshblocks) but it is not always the case that they do this.
- The development of new wards using census data at the meshblock level and then seeking up-to-date estimates for those new wards can become an iterative, lengthy and expensive process as modifications to those wards might have to be made several times.

33. The following table compares the population of each of the existing wards in Waimakariri District as they were at the time of the 2013 census and as shown by 2015 population estimates.

Ward	2013 census	% of district total	2015 estimates	% of district total
Oxford-Eyre	11,691	23.38	13,150	23.33
Woodend-Ashley	10,995	21.99	12,500	22.18
Rangiora	16,233	32.47	18,250	32.38
Kaiapoi	11,067	22.14	12,450	22.09
Total	49,986		56,350	

34. This table shows that while the population of each ward has changed significantly, the proportion of the district's total population that each ward makes up has not changed significantly. As a general principle the Commission prefers to use an up-to-date estimate but it would appear not to be necessary in this case as the distribution of population across the district has not changed.

Commission's approach

35. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission believes that the following steps in 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 identified communities of interest
- (c) determine fair representation for electors of the district.

Communities of interest

36. Both wards and community boards need to be based on distinct and recognisable communities of interest.
37. The Guidelines identify three dimensions for recognising communities of interest:
 - perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
38. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.

Effective representation of communities of interest

39. Section 19T of the Act requires the Commission to ensure that:
 - 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
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries.
40. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the number of elected members and the appropriate basis of election of members for a particular district.
41. 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.
42. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor), i.e. councillors. The Council comprised 13 councillors when it was constituted in 1989, from 1992 to 2001 it comprised 14 councillors, and since 2001 it has comprised 10. The Council is proposing retention of 10 councillors and the Commission believes this is appropriate for a district of Waimakariri District's geographic area and population.
43. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is

able to be defined below the district level for the community of interest. The options for the basis of election provided in the Act are: at large across the district as a whole, division of the district into wards, or a mix of at large and wards. In relation to wards, it is noted that wards may contain more than one community of interest, but that these communities have sufficient commonalities to be grouped together.

44. Since its constitution in 1989, Waimakariri District has been divided into four wards, although the nature of those wards has varied over time.
45. Mr McRobie's appeal (along with his submission) states that he is more concerned with the process the Council went through and some of the parameters it set itself than the actual outcomes. For example he is concerned that presumptions or decisions that:
 - Kaiapoi and Rangiora based wards should have equal representation and
 - there should not be any single member wardshad the effect of limiting the possible representation arrangements that could have considered.
46. His overall concern is that the three-ward option does not provide effective representation, in particular for the Kaiapoi and Woodend communities of interest, which he sees as being quite distinct. Implicitly, he favours separate Kaiapoi and Woodend wards as currently exist, not the combined ward proposed by the Council.
47. He also has concerns about how effectively rural voters might be represented. He notes that the combining of rural and urban areas in wards could lead to eight out of 10 councillors coming from urban areas. He suggested that the balance could be redressed by expanding the Oxford-Eyre Ward (as it was called in the initial proposal) to include Ashley and other areas (included by the Council's proposal in the same ward as Rangiora). This would create a predominantly rural ward entitled to three members (instead of the proposed two).
48. Although Mr McRobie has referred in his appeal to aspects of the Council's decision-making, the underlying question is what type of ward structure would best provide effective representation for the communities of interest in Waimakariri District.
49. Mr McRobie's appeal was well thought through and clear in how it could be implemented. The Commission does, however, note that the Council's ward proposals have gone through a reasonably comprehensive consultation process and that there are no other appeals on the issue of wards.
50. On examining the proposed Kaiapoi-Woodville Ward, the Commission concludes that there is enough of a commonality of interests at a district that a combined ward can be justified. Any differences between the Kaiapoi and Woodend communities of interest can be reflected in the subsequent decisions in this determination on community boards.

51. In relation to the idea of including the Ashley area in an extended Oxford-Ohoka Ward (instead of a ward with Rangiora), the Commission has some concerns. A change of this nature could result in a boundary fairly tightly drawn around Rangiora. This leads to two concerns – that it cuts through some of Rangiora’s broader community of interest and that through future population growth it creates a ward structure that could be susceptible to change.
52. On this basis the Commission decides to uphold the ward arrangements proposed by the Council.

Fair representation for electors

53. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, 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 +/-10% fair representation requirement).
54. As can be seen from the table in paragraph 4, the Council’s final proposal for wards and membership complies with this requirement.

Communities and community boards

55. 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.
56. 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 appropriate 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 of interest or sufficiently distinct communities of interest?
57. The statutory role of a community board is to:
 - represent and advocate for the interests of its community
 - consider and report on matters referred to it by its parent council

- maintain an overview of council services provided in its community
 - prepare an annual submission to the council for expenditure within its community
 - communicate with community organisations and special interest groups within its community
 - undertake any other responsibilities delegated to it by its parent council.
58. The concern raised in the objections from Pegasus Residents' Group and the Woodend Community Association is the Council's decision to combine the Kaiapoi and Woodend community into a single board.
59. Particular concerns are:
- the belief that a change as significant as this should not have been made at the final stage of the process
 - a perception that the Council's decision on this was based on submissions on the Council's prepared questionnaire form, that the question about two community boards was ambiguous, and that responses stating that having two community boards in the Kaiapoi-Woodend Ward was "not very important" or "not at all [important]" were translated by the Council into submissions opposing having two boards
 - none of these submissions having come from the area of the proposed Kaiapoi-Woodend Ward.
60. The question these objections are asking is whether the Council's decision was appropriately made. The underlying question, however, is which option – two community boards as per the status quo, and as contained in the Council's initial proposal, or one community board as contained in the Council's final proposal – provides the best form of local government for the areas concerned.
61. The working party's recommendation was for two community boards in the eastern ward, i.e. a Kaiapoi Community Board and a Woodend Community Board. An officer's report to the Council stated that:
- The establishment of two community boards for the eastern ward was supported because the differences of community of interest between Kaiapoi and Woodend/Pegasus was supported by the working party.*
62. The Council accepted the working party's recommendation and the initial proposal provided for a Kaiapoi-Tuahiwi Board and a Woodend-Sefton Board. The Council did not state a reason, but it is presumed that it was for the reasons expressed by the working party – differences of community of interest. In effect this answers one of the questions posed in paragraph 56 above - will the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
63. The Commission's analysis of the Council's process, largely confirmed by the Council and the objectors, is that:

- there were no submissions on the Council’s initial proposal actively seeking the combining of the Kaiapoi-Tuahiwi Board and the Woodend-Sefton Board into one board
 - there was no argument put forward in submissions or in the Council’s hearing that the working party’s assertion that there are differences in community of interest between Kaiapoi and Woodend-Sefton was incorrect or overstated
 - the decision to combine the two boards only came after a decision had been made to establish a community board in the Oxford-Ohoka Ward as part of a balancing exercise.
64. Although the Council did refer to the common issues faced by Kaiapoi and Woodend-Sefton when addressing the Commission, in its hearing this does not appear to have been a consideration in councillors’ decision-making. From a procedural point of view the reasons for the Council’s proposal for two community boards stands unchallenged.
65. A Council is entitled to make changes to its proposal as a result of considering submissions. On occasions those changes might be ones not explicitly contemplated in submissions as one change might have an effect on other components of the Council’s representation arrangements. However it would seem in this case better for the Council to have teased out the issue of whether there should be one board or two in the eastern part of the district earlier in the process.
66. The Commission notes with interest comments some councillors are reported as having made while deliberating on this issue while finalising the Council’s proposal. More than one councillor commented that if the two boards were combined and if it was later considered desirable to have two community boards this could be dealt with in a future review.
67. The Woodend Community Board was established as a result of the Council’s 2010 representation review. The Commission’s determination on that review quotes the Council’s reasoning for its final proposal
- 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 community board should be established in the first instance for the whole ward area and this can be reviewed at the next representation review.*
68. The Commission would have some concern if a Woodend-based community board established in 2010, was disestablished in 2016 after only six years in existence and were to be re-established in say 2022. There is no certainty this would happen, but it is certainly a scenario painted by councillors in their deliberations. It is one the Commission would not view as promoting good local government.

69. On the basis of the above considerations, the Commission decides to uphold the objections and provide for a Kaiapoi-Tuahiwi Board and a Woodend-Sefton Board as provided for in the Council's initial proposal.
70. The Commission has also considered the proposed arrangements for a Rangiora-Ashley Community Board and an Oxford-Ohoka Community Board and endorses the Council's proposals for these boards.

Commission's Determination

71. 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 8 October 2016, the following representation arrangements will apply:
 - (1) Waimakariri District, as delineated on LG-059-2016-W-1 deposited with the Local Government Commission, will be divided into three wards.
 - (2) Those three wards will be:
 - (a) Kaiapoi-Woodend Ward, comprising the area delineated on LG- 059-2016-W-2 deposited with the Local Government Commission
 - (b) Rangiora-Ashley Ward, comprising the area delineated on LG- 059-2013-W-3 deposited with the Local Government Commission
 - (c) Oxford-Ohoka Ward, comprising the area delineated on LG- 000-2013-W-4 deposited with the Local Government Commission.
 - (3) The Council will comprise the mayor and 10 councillors elected as follows:
 - (a) 4 councillors elected by the electors of Kaiapoi-Woodend Ward
 - (b) 4 councillors elected by the electors of Rangiora-Ashley Ward
 - (c) 2 councillors elected by the electors of Oxford-Ohoka Ward.
 - (4) There will be four communities as follows:
 - (a) Rangiora-Ashley Community, comprising the area of the Rangiora-Ashley Ward
 - (b) Oxford-Ohoka Community comprising the area of the Oxford-Ohoka Ward
 - (c) Woodend-Sefton Community comprising the area delineated on LG-059-2016-Com-1
 - (d) Kaiapoi-Tuahiwi Community comprising the area delineated on LG-059-2013-Com-2.
 - (5) The Rangiora-Ashley Community will be divided into subdivisions as follows:
 - (a) Rangiora Subdivision comprising the area delineated on LG-059-2016-S-1
 - (b) Ashley Subdivision comprising the area delineated on LG-059-2016-S-2
 - (6) The Oxford-Ohoka Community will be divided into subdivisions as follows:

- (a) Oxford Subdivision comprising the area delineated on LG-059-2016-S-3
 - (b) Ohoka-Swannanoa Subdivision comprising the area delineated on LG-059-2016-S-4.
- (7) The Rangiora-Ashley Community Board will comprise:
- (a) 5 members elected by the electors of the Rangiora Subdivision
 - (b) 3 members elected by the electors of the Ashley Subdivision
 - (c) 4 councillors representing the Rangiora-Ashley Ward appointed to the community board by the Council.
- (8) The Oxford-Ohoka Community Board will comprise:
- (a) 3 members elected by the electors of the Oxford Subdivision
 - (b) 3 members elected by the electors of the Ohoka-Swannanoa Subdivision
 - (c) 2 councillors representing the Oxford-Ohoka Ward appointed to the community board by the Council.
- (9) The Woodend-Sefton Community Board will comprise:
- (a) 5 members elected by the electors of the Woodend-Sefton Community
 - (b) 2 councillors representing the Kaiapoi-Woodend Ward appointed to the community board by the Council.
- (10) The Kaiapoi-Tuahiwi Community Board will comprise:
- (a) 5 members elected by the electors of the Kaiapoi-Tuahiwi Community
 - (b) 2 councillors representing the Kaiapoi-Woodend Ward appointed to the community board by the Council.
72. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and community coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

**REPRESENTATION REVIEWS COMMITTEE
FOR LOCAL GOVERNMENT COMMISSION**

A handwritten signature in black ink, appearing to read 'J Annear', written in a cursive style.

Commissioner Janie Annear (Chair)

A handwritten signature in blue ink, appearing to read 'Leith Comer', written in a cursive style.

Temporary Commissioner Leith Comer

A handwritten signature in black ink, appearing to read 'Dr Pauline Kingi', written in a cursive style.

Temporary Commissioner Dr Pauline Kingi

8 April 2016