



Determination

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

Background

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

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from region average population per councillor
Queenstown-Lakes	16,600	6	2,767	-103	-3.60%
Wanaka	9,650	3	3,217	347	12.08%
Arrowtown	2,450	1	2,450	-420	-14.63%
Total	28,700	10	2,870		

* Based on 2011 population estimates

4. As can be seen from the table above two wards – Wanaka and Arrowtown – did not comply with the ‘+/-10% rule as provided for by section 19V(2) of the Act. At that time non-compliant arrangements were not required to be referred to the Commission.

5. For the current review, applying 2017 population estimates to the representation arrangements, the Wanaka Ward has become compliant (at +4.1%) but the Arrowtown Ward has become less compliant (at -21.09%).
6. On 14 June 2018 the council, under section 19I of the Act, resolved its initial representation proposal for its latest review. The proposal was for the retention of existing representation arrangements subject to the transfer of six meshblocks from the Queenstown-Wakatipu Ward to the Arrowtown Ward to deal with the non-compliance of that ward. This resulted in proposed arrangements as set out in the following table.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from region average population per councillor	% deviation from district average population per councillor
Queenstown-Lakes	22,290	6	3,715	2	+0.05%
Wanaka	11,600	3	3,240	153	+4.1%
Arrowtown	3,240	1	3,866	-473	-12.74%
Total	37,130	10	3,713		

* Based on 2017 population estimates.

7. The council notified its initial proposal on 8 September 2018. In doing so it acknowledged that, despite the proposed transfer of an additional area to the Arrowtown Ward, the ward still did not comply with the statutory +/-10% fair representation requirement.
8. The council received 37 submissions and categorised these as follows:
 - 18 supported the proposal
 - 4 wanted the present Arrowtown Ward boundaries to be retained
 - 4 wanted the Arrowtown Ward merged with the Queenstown-Lakes Ward
 - Other submissions contained objections to other elements of the proposal.
9. After considering the submissions, the council resolved to adopt its initial proposal as its final representation proposal, subject to the inclusion of a small additional area in the Arrowtown Ward made necessary by Statistics NZ altering meshblock boundaries.
10. No appeals against the final proposal were received. However, in accordance with section 19V(4) of the Act, the council has referred its decision for the Arrowtown Ward not to comply with the '+/-10% rule' to the Commission for determination.

Matters for determination by the Commission

11. Section 19V(3)(a) of the Act makes it clear that if a territorial authority or the Commission considers that one or more of the following apply, wards may be defined and membership distributed between them in a way that does not comply with the '+/-10% rule':
 - a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority

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

Key considerations

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

Communities of interest

15. The Guidelines identify three dimensions for recognising communities of interest:
 - *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
 - *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
 - *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.
16. In addition to evidence demonstrating communities of interest, evidence also needs to be considered about *differences* between neighbouring communities, i.e. that they may have "few commonalities of interest". This could include the demographic characteristics of an area and how these differ between areas, and evidence of how different communities rely on different services and facilities. Equally it could include the issues faced by different communities.
17. The nature of the community of interest comprising the proposed Arrowtown Ward is discussed below in paragraph 21.

Effective representation of communities of interest

18. Section 19T of the Act requires that the Commission ensures that:
- a. the election of members of the council will provide effective representation of communities of interest in the district
 - b. ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - c. so far as is practical, ward boundaries coincide with community boundaries.
19. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered to the extent possible:
- a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest
 - d. accessibility, size and configuration of an area including access to elected members and vice versa.
20. Queenstown-Lakes District has had a ward system of representation since its constitution in 1989 and the present three ward system, existing since 1998, can be seen to be very familiar to residents. The council's submission process did not draw out any support for an at-large system without wards, although there were varying views about what the configuration of wards should be.
21. The council's argument in support of the Arrowtown Ward (both as a separate ward and as a ward based on the proposed boundaries) are as follows:¹

The council ... considers that the Arrowtown Ward is unique within the district, particularly due to its historical importance. Arrowtown has a distinct national identity and has always been recognised as a stand-alone community; this is supported by the council's planning processes. The proposed district plan protects the distinct character of Arrowtown with a variety of objectives and policies to preserve the special heritage character of the town centre and the historic residential zone. At a more localised level the Arrowtown Design Guidelines (2016) reinforce the aims of the district plan by providing a comprehensive design response for Arrowtown as a whole.

An urban growth boundary is established for Arrowtown under the district plan "to manage the scale and location of urban growth" and to "limit the spatial growth of Arrowtown". These objectives indicate the physical 'separateness' of Arrowtown from other urban growth areas identified in the district plan, namely Queenstown and Wanaka.

The Arrowtown design guidelines divide Arrowtown into three broad character areas being the 'town centre', 'old town residential' and 'new town'. Whilst the guidelines

¹ From letter from Chief Executive, Queenstown-Lakes District Council, 22 November 2018.

assert that it is the town centre and old town residential areas that give rise to Arrowtown's special identity, the Arrowtown community has expressed through several tranches of consultation the strong desire for there to be a relationship, a visual cohesion and a physical connection between 'old' Arrowtown and the more recently developed parts. The guidelines for the 'new town' have therefore been prepared to encourage opportunities to be taken to develop and strengthen links to Arrowtown's historic core.

The proposed district plan acknowledges Arrowtown's physically compact size and this means that it has limited opportunities for expansion. Rules for the residential historic management zone seek to retain the early subdivision character and streetscape, meaning that future development must be of a sympathetic scale and design and unlike in other residential zones, infill housing is not anticipated. This highlights fundamentally why the population of Arrowtown Ward has not increased in proportion with elsewhere in the district. Furthermore as the district-wide population continues to rise, this disparity in proportionate growth will become even more marked. However, this does not remove the need to acknowledge the different issues and challenges facing the Arrowtown Ward and the importance of considering them separately from the rest of the district.

... the council considers that the Arrowtown population has a 'perceptual' community of interest, in that the population generally has a sense of belonging to a clearly defined area or locality. There are social activities specific to the area that connect the community (e.g. Arrowtown Autumn Festival, Arrowtown Spring Arts Festival), there is a dependence upon local facilities which are separate from the facilities elsewhere in the district (e.g. Arrowtown School, Arrowtown Volunteer Fire Brigade, Arrowtown Police) and there are separate sporting codes. Importantly the Arrowtown Promotion and Business Association is a locally elected group which promotes both Arrowtown's businesses and tourism and in this way acts as the town's RTO and Chamber of Commerce. All these factors point to a separate cultural and social identity of this community.

22. The council's argument, therefore, is based on the distinctive character of Arrowtown, the issues it faces and the fact that it has several activities and services specific to Arrowtown that differ from those in neighbouring areas. Collectively these set it apart from the rest of the district.

Fair representation for electors

23. Section 19V(2) of the Act requires that, with certain prescribed exceptions, the population of each ward divided by the number of members to be elected by that ward produces a figure of no more than 10 per cent greater or smaller than the population of the district divided by the total number of elected members (the '+/- 10% rule').
24. The prescribed exceptions relevant in this case are where:
- a. compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - b. compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities of interest with few commonalities of interest.
25. One of the arguments put forward by the council is that the inclusion of additional areas beyond what is proposed to be added to the Arrowtown Ward would result in uniting within the ward communities of interest with few commonalities of interest.

The Arrowtown 'commonality of interest' include the specific planning and heritage issues relating to Arrowtown and the unique activities cited by the council. We agree that beyond Arrowtown interest in those matters may become dissipated and less immediate. It can also be observed that beyond the confines of the Arrowtown township and immediately adjacent urban areas there is an expansive rural area. Any decision to divide that rural area by including some of it in the Arrowtown Ward would be quite arbitrary.

26. Based on that analysis we agree that the council's proposal that the Arrowtown Ward not comply with section 19V(2) be endorsed

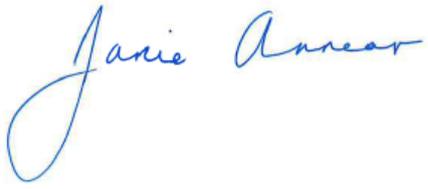
Commission's determination

27. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of the Queenstown-Lakes District Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of the Arrowtown Ward, as compliance would limit effective representation of communities of interest by uniting within a ward two communities of interest with few commonalities of interest.
28. Accordingly for the triennial Queenstown-Lakes District elections to be held on 12 October 2019, there will continue to be Queenstown-Wakatipu, Wanaka and Arrowtown Wards, subject to the transfer of six meshblocks (3039806, 4001187, 4001188, 4001189, 4011665 and 4011666) from Queenstown-Wakatipu Ward to Arrowtown Ward, electing six, three and one councillors respectively.
29. Therefore, for those elections for the Queenstown-Lakes District Council, covering the area delineated on LG-070-2019-W-1 deposited with the Local Government Commission, the following arrangements will apply:
 - a. Queenstown-Wakatipu Ward, comprising the area delineated on LG-070-2019-W-2 deposited with the Local Government Commission, electing six councillors
 - b. Wanaka Ward, comprising the area delineated on SO 23114 deposited with Land Information New Zealand, electing three councillors
 - c. Arrowtown Ward, comprising the area on LG-070-2019-W-3 deposited with the Local Government Commission, electing one councillor.

Local Government Commission



Commissioner Pita Paraone (Chairperson)



Commissioner Janie Annear



Commissioner Brendan Duffy

4 April 2019