



Determination

of representation arrangements to apply for
the election of the Rangitikei 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 Rangitikei District Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Therefore, it was required to undertake a review prior to the next elections in October 2019.
3. The council currently has the following ward arrangements:

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Taihape	3,630	3	1,210	-155	-11.38
Huntermville	1,260	1	1,260	-105	-7.72
Bulls	2,680	2	1,340	-25	-1.86
Marton	6,170	4	1,543	+177	+12.97
Turakina	1,280	1	1,280	-85	-6.26
Total	15,020	11	1,365		

*Based on 2017 population estimates

4. These arrangements date from 2007. Prior to then (and since 1989) Rangitikei District had four wards – Taihape, Huntermville, Marton and Bulls. In its 2006 review the council proposed to reduce the number of wards from four to three. The Commission, after considering 70 appeals against proposal, decided on a five-ward structure, with the main changes being to keep the Marton and Huntermville wards separate and to establish a new Turakina Ward based on the Turakina Valley comprising parts of the Bulls, Marton and Huntermville Wards.

5. At its 2013 review the council retained the same structure, apart from a boundary alteration between two wards to ensure compliance with the +/-10% rule.
6. Prior to adopting its initial proposal, the council carried out some pre-consultation. That consultation showed a preference for retaining the Ratana and Taihape community boards. On the matters of wards, the council sought views on two options:
 - An amended status quo (the current 5 wards but with some boundary alterations to ensure compliance with the +/-10% rule)
 - A three-ward option (broadly merging the Bulls and Turakina wards, merging the Marton Ward with most of the Hunterville Ward, and shifting part of the Hunterville ward into the Taihape Ward)
7. Feedback on the options for wards was evenly split. Forty-six responses were received on this matter.
8. Previously the council had considered a range of options involving 7, 8, 9, 10, 11 and 13 members and between 3 and 8 wards. It decided that its preference was for 11 members and the consultation proceeded on the ward options that provided for that.
9. On 26 July 2018 the Council determined its initial proposal:
 - A council of 11 councillors and the Mayor
 - The councillors to be elected from three wards
 - Retention of the Ratana and Taihape community boards as presently constituted¹
10. The ward structure was therefore to be 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
Northern	3,700	3	1,233	-130	-9.56
Central	7,410	5	1,482	+118	+8.68
Southern	3,890	3	1,297	-67	-4.91
Total	15,000	11	1,364		

*Based on 2017 population estimates

11. The council received 12 submissions on its initial proposal. Four were in favour. Eight submissions contained objections to various elements of the proposal as follows:
 - *Three submitters considered that Ratana would not be represented fairly*
 - *One submitter considered the present five-ward structure allows a better chance of a representative from Ratana and/or the surrounding area*
 - *One submitter considered that Ratana needs a local representative*
 - *One submitter considered that the voice of the western areas of the district would less likely to be heard in the proposed Southern Ward and there needs to be representation by someone who understood the needs of the present Turakina Ward*

¹ Note that the area of the Taihape Community Board was to remain unchanged although the ward it is situated in was to be enlarged.

- *One submitter considered that there was no commonality between Bulls and Turakina and the chance of someone from the western communities being elected in the proposed Southern Ward was small*
 - *One submitter considered that the proposed change to three wards put voting power in the hands of larger concentrations of population.*
12. After considering submissions the council decided to retain its initial proposal for councillors and wards. The reasons cited for doing this were as follows:
- *The changes in relative population of the district's different communities have been addressed by the proposed three ward structure*
 - *The proposed three ward structure increases accessibility of elected members as each ward has at least three elected members. At present, the Turakina and Hunterville Wards have only one member each*
 - *Council considers that the number of elected members in each ward is sufficient to ensure representation of all communities of interest*
 - *Council considers that combining communities of interest for Hunterville and Marton is a more desirable solution than splitting these communities of interest (which is what occurs under the present five ward structure)*
 - *The district's smaller communities in Turakina and Hunterville are represented well by their respective community committees (which Council intends to retain if supported by those communities)*
 - *Council has proposed the continuation of the Ratana Community Board.*
13. It did decide to alter the boundaries of the Taihape Community Board so that they would be the same as those of the proposed Northern Ward.

Appeals against the Council's final proposal

14. Four appeals against the council's final proposal were received from:

- Soroya Peke-Mason who seeks retention of the Turakina Ward on the grounds that it is unlikely that anyone from the current Turakina Ward would be elected from a ward containing Bulls, which has a larger population; and because there are a number of unique communities with the Turakina Ward which require direct representation
- Ratana Community Board which believes the current ward arrangements best represents the Ratana area
- Rick Rourangi who seeks retention of the status quo
- Turakina Community Committee which is concerned about whether Turakina will get effective representation under the proposed ward arrangements and arguing about a lack of community of interest between Turakina and Bulls.

Hearing of appeals

15. The Commission met with the council and one appellant – Soraya Peke-Mason - at a hearing held in Marton on 1 March 2019.
16. The council was represented by mayor Andy Watson.

Matters raised at hearing and in appeals

Rangitikei District Council

17. The Mayor made the following points at the hearing:
- The Local Government Commission has a valuable role to play in representation reviews, particularly where there has been poor process or where the community has felt aggrieved in large numbers
 - He considered that neither had been the case in this review and that the council's process had been robust and inclusive, and that the vast majority of people in the district supported the proposed structure
 - Rangitikei District has a vast land area with a large number of small communities that are quite distinct. There is no urban/rural divide as the towns have largely been built around servicing the rural community.
 - It is difficult meeting the +/-10% rule in such a district, and attempting to do so had not always worked well in the past
 - As far as whether Turakina would continue to have a voice:
 - Ratana Community Board and Turakina Community Committee will be retained
 - Koitiata has a very active residents group
 - Ratana has a member on the council's Iwi engagement board, which makes recommendations to the council and nominates members to standing committees of council
 - In the mayor's view there is a very strong chance of a member of the council from Turakina being elected from the Southern Ward
 - Currently the council's Iwi staff liaison member resides in Ratana
 - With a three-councillor ward, councillors from the ward will have a better support system enabling better coverage at community meetings and the like
 - The council engages with communities beyond the councillor ward structure as follows:
 - Council supports community committees, currently in Bulls, Hunterville, Marton and Turakina, with the potential for more if requested
 - Council regularly sets up groups to examine specific issues as a way of involving and consulting the community on those issues. These include park user groups, waste treatment groups and a group on the Mangaweka Bridge
 - The council has an Iwi engagement group, TRAK, and involvement of iwi nominees on council committees
 - The council has also established a Youth Council

18. Points raised by Soroya Peke-Mason were as follows:

- It is important that the Turakina area has sound representation. The proposed Southern Ward is large, and the likelihood of someone being elected from Turakina is small. Given the population of the area it is likely they would come from Bulls. The travelling involved for councillors based in Bulls would be significant
- The Turakina Ward has a number of unique communities, each with their own history and identity. These include Koitiata, Turakina Village, Whangaehu, Fordell, Kauangaroa, and Ratana. Ratana is especially unique with it being the heart of the Ratana faith and movement
- The Ratana Community Board also opposes the proposed changes to the ward structure. Historically the council had not supported the community board to actively build its capacity and capability. More recently that situation had improved but there is always more work to do
- Recent announcements by the Crown that it would invest \$1.9 million in infrastructure for Ratana should be taken into account in determining representation for the area, along with work being undertaken by Wairiki Ngati Apa as a settled Treaty partner and a proposed housing project at Ratana. Collectively these point to where the greatest growth in the district will take place
- Taking into account the community identities in the Turakina Ward and its future, the promotion of good local government should result in the retention of the status quo or the establishment of a sixth ward
- Accepting the changed ward system risks a ward where some voters may not know candidates and may not vote.

Matters for determination by the Commission

19. 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.
20. Given this requirement, any concerns expressed by appellants/objectors relating to the council's review process are not matters that the Commission needs to address. We may, however, comment on a council's process if we believe it would be of assistance to the council in a future review.
21. The matters in scope of the review are:
- whether the council is to be elected from wards, the district as a whole, or a mix of the two
 - the number of councillors

- if there are to be wards, the area, boundaries and names of wards and the number of councillors to be elected from each ward
- whether there are to be community boards
- if there are to be community boards, the area, boundaries and names of their communities, and the membership arrangements for each board.

Key considerations

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

Communities of interest

23. 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.
24. 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.
25. In addition to evidence 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.

26. The council gave consideration to the communities of interest within the district and the linkages within them. One high level analysis was as follows:

The results were that elected members considered that the District has many similar small communities which are self-sufficient, have a high sense of local pride, have few Council services and some local organisations but relate to different places:

- *Koitiata, Ratana, Turakina, Kauangaroa, Whangaehu → Whanganui*
- *Mangaweka, Moawhango, Mataroa, Pukeokahu, Utiku → Taihape*
- *Scotts Ferry → Bulls, Palmerston North, Feilding*

The District also has larger communities, which are distinct and have a larger range of services, however, still rely on larger places such as Palmerston North or Whanganui:

- *Marton, Bulls, Taihape.*
- *Hunterville is smaller, yet is distinct, but some services are drawn from Marton (doctor).*

Effective representation of communities of interest

27. 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 mix of both) will provide effective representation of communities of interest within the city
 - 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 (where they exist).
28. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the appropriate total number of elected members and the appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
29. The Commission's Guidelines note the following factors need to be considered when determining effective representation:
- avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.

30. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. The Rangitikei District Council has comprised 11 councillors since it was constituted in 1989.
31. From its constitution in 1989, Rangitikei has been divided into wards. Originally it was divided into four wards. A fifth was introduced by the Commission in 2007 to better provide for the representation of the Turakina Valley. As part of the current process, the Council identified several alternative ward structures, ranging from three to eight wards. As noted above the council refined those down to the current five ward structure (on amended boundaries) and the three-ward structure as per its proposal.
32. Effective representation of communities of interest forms the key debate between the council and the appellants.
33. The council has devised a plan to reconfigure wards, its reasons for which are spelt out in paragraph 12. The new ward structure appears to have broad support from the community, or least a lack of opposition. The exception is the submitters and appellants from the current Turakina Ward.
34. The appellants and, in the earlier part of the process, the submitters are concerned about the effect of the proposed ward structure on communities in the Turakina Ward, in particular:
 - The fact that the distinctive nature of the communities in the ward warrant specific representation
 - Concern that, in a larger ward, Turakina will not be able to elect a member to the council.
35. The contrary view put forward by the mayor was that:
 - He was confident that Turakina would be able to elect a member to the council under the new ward structure
 - In addition to councillors there are several ways in which communities can be represented or participate in the local government system, a number of which the Turakina community or parts of it already benefitted from
36. Any prediction, on either side of the argument, about whether a councillor from Turakina could be elected under the proposed ward structure is very speculative. However, we note that the current Turakina Ward makes up about a third of the electoral roll of the proposed Southern Ward. Based on our experience we consider that could well be enough for a councillor to be elected in a larger ward. We reiterate the speculative nature of this and have not based our decision on this but do wish to make the observation.
37. The key to making a decision are the actualities of representation based on our knowledge of Rangitikei District gained through the representation review process, our experience, and what we know occurs in local government generally.
38. Based on that we consider that the proposed ward structure, the various existing mechanisms for participation and engagement in Rangitikei District referred to in the hearing, and what appears to us to be the local government culture in the district will provide the means for effective representation of communities of interest in the district as a whole and in the current Turakina Ward. We have, therefore, decided to uphold the council's proposal.

Fair representation for electors

39. For the purposes of fair representation for the electors of a district, section 19V(2) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
40. However, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are:
- non-compliance is required for effective representation of communities of interest within island or isolated communities
 - compliance would limit effective representation of communities of interest by dividing a community of interest
 - compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.
41. As noted above, two of the existing wards fall outside the +/-10% range – Taihape Ward (-11.38%) and Bulls Ward (+12.97%). The proposed ward structure is compliant. Upholding the appeals would result in either non-compliant arrangements or in different boundaries that do comply.

Communities and community boards

42. 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.
43. 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?
44. The council has proposed retaining the Ratana and Taihape community boards (the last with expanded boundaries). No issues relating to community boards are raised in the appeals.

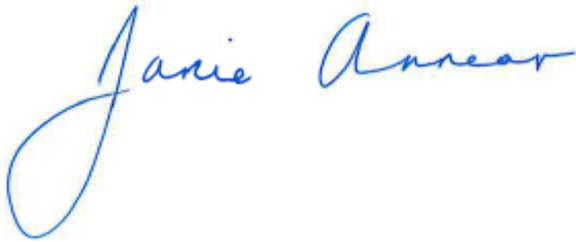
Commission's determination

45. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Rangitikei District Council to be held on 12 October 2019, the following representation arrangements will apply:
1. Rangitikei District, as delineated on Plan LG-038-2019-W-1 deposited with the Local Government Commission, will be divided into three wards.
 2. Those three wards will be:
 - i. Northern Ward, comprising the area delineated on Plan LG-038-2019-W-2 deposited with the Local Government Commission
 - ii. Central Ward, comprising the area delineated on Plan LG-038-2019-W-3 deposited with the Local Government Commission
 - iii. Southern Ward, comprising the area delineated on Plan LG-038-2019-W-4 deposited with the Local Government Commission.
 3. The Council will comprise the mayor and 11 councillors elected as follows:
 - i. 3 councillors elected by the electors of Northern Ward
 - ii. 5 councillors elected by the electors of Central Ward
 - iii. 3 councillors elected by the electors of Southern Ward.
 4. There will be two communities as follows:
 - i. Ratana Community, comprising the area delineated on SO 36060 deposited with the Land Information New Zealand.
 - ii. Taihape Community, comprising the area of the Northern Ward.
 5. The membership of each community board will be as follows:
 - i. Ratana Community Board will comprise four elected members and one member appointed to the community board by the council representing Southern Ward
 - ii. Taihape Community Board will comprise four elected members and two members appointed to the community board by the council representing Northern Ward.
46. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

LOCAL GOVERNMENT COMMISSION



Commissioner Pita Paraone (Chairperson)



Commissioner Janie Annear



Commissioner Brendan Duffy

10 April 2019