



Determination

of representation arrangements to apply for
the election of the Waimate 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 Waimate 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 eight councillors elected as follows.

Wards	Population*	Number of councillors per constituency	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Hakataramea-Waihaorunga	860	1	860	-95	-9.95
Pareora-Otaio-Makikihi	1,810	2	905	-50	-5.24
Lower Waihao	960	1	960	+5	+0.52
Waimate	4,010	4	1,003	+48	+4.97
Total	7,640	8	955		

* Based on 2011 population estimates

4. For the current review, applying 2017 population estimates to the representation arrangements results in the Lower Waihao Ward becoming non-compliant with the +/-10% fair representation rule at +11.39%.

5. On 26 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 arrangement. This resulted in the following proposed 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
Hakataramea-Waihaorunga	900	1	900	-88	-8.86
Pareora-Otaio-Makikihi	1,910	2	955	-33	-3.29
Lower Waihao	1,100	1	1,100	113	+11.39
Waimate	3,990	4	998	10	+1.01
Total	7,900	8	988		

* Based on 2017 population estimates.

6. The council notified its initial proposal on 5 July 2018. No submissions were received on the council's initial proposal and it therefore became final. The council was, however, required by section 19V(4) of the Act to refer its proposal to the Commission for determination as the Lower Waihao Ward did not comply with the fair representation requirement of subsection (2), i.e. the '+/-10% rule'.

Matters for determination by the Commission

7. 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':
- 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
 - compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - 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.
8. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
- uphold the decision of the territorial authority, or
 - alter that decision.
9. Accordingly, the matters for determination by the Commission are limited to the council's decision to have a Lower Waihao 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

10. 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

11. 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.
12. 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.

Effective representation of communities of interest

13. 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.
14. 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.
15. Waimate District has had a ward system of representation since its constitution in 1989 and the present four ward system, existing since 2007, can be seen to be very familiar to residents. With no submissions being received the council's proposal did not draw out any support for changes to the current ward system.

16. The council's arguments in support of the Lower Waihao Ward were as follows:¹

It has a very clear geographic line that separates the Lower Waihao Ward from the other wards

That the current representation arrangements appear to be generally well accepted by residents of the District, which was reflected in the 2012 representation review where nil submissions were received

Retaining the current ward boundaries may not comply with the population requirements in Section 19V(2) of the LEA, but Council considers:

- *the current ward boundaries reflect the existing communities of interest; and*
- *the alternatives, such as those considered by Council as part of this review were not desirable*

17. The Commission's own analysis indicates that the boundaries of the Lower Waihao Ward constitute a reasonably marked demarcation between it and neighbouring wards. The boundary to the west with the Hakataramea-Waihaorunga Ward marks both a change in topography and farming type. The boundary to the north-west with the Waimate Ward indicates a transition to a more densely settled area and then the town of Waimate itself, and the boundary to the north-east with the Pareora-Otaio-Makikihi Ward is in large part formed by the Wainono Lagoon.

Fair representation for electors

18. 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').
19. The prescribed exceptions relevant in this case are:
- 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.

¹ Waimate District Council's public notice of its initial proposal, 5 July 2018.

20. We conclude that, based on the discussion about communities of interest above, the Lower Waihao Ward constitutes a distinctive community of interest. It follows that changes to ward structure may lead to one or other of the situations described in paragraph 19 occurring.
21. We would also observe that the Lower Waihao Ward's non-compliance with the '+/-10% rule' is 14 people short of being within the +/-10% range. We also observe that, in this case, the council's review has been carried out using 2017 population estimates. For an area with the population of the Lower Waihao Ward those estimates are rounded to the nearest 10. This makes the deviance from the +/-10% range potentially even more minimal. Under the 2018 population estimates the deviance is even less with the Lower Waihao Ward falling at 10.97%, or 10 people. While a ward is either compliant or it is not, caution needs to be exercised when contemplating the need for change based on this level of deviance.
22. Based on this analysis we agree that the council's proposal that the Lower Waihao Ward not comply with section 19V(2) be endorsed.

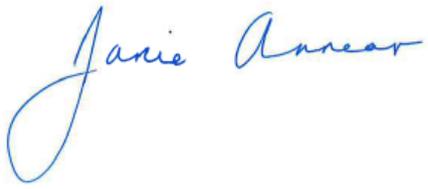
Commission's determination

23. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of the Waimate District Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of the Lower Waihao Ward, as compliance would limit effective representation of communities of interest by either uniting within a ward two communities of interest with few commonalities of interest or dividing a community of interest.
24. Therefore, for those elections for the Waimate District Council, covering the area delineated on SO 386468, the following arrangements will apply:
 - a. Hakataramea-Waihaorunga Ward, comprising the area delineated on SO 19416, electing one councillor
 - b. Pareora-Otaio-Makikihi Ward, comprising the area delineated on SO 301222, electing two councillors
 - c. Lower Waihao Ward, comprising the area on SO 386465, electing one councillor
 - d. Waimate Ward, comprising the area on SO 386466, electing four councillors

Local Government Commission



Commissioner Pita Paraone (Chairperson)



Commissioner Janie Annear



Commissioner Brendan Duffy

4 April 2019