



Determination

of representation arrangements to apply for
the election of the Southland 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 Southland 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. At the time of the last review, the council's initial and final proposals were to retain a council comprising the mayor and 12 councillors. However, the 12 councillors were to be elected from five wards rather than the previous 12 single-member wards. It was also proposed initially to reduce the number of community boards to seven from the previous 12 boards, then to eight in the final proposal. Six appeals were received against the council's final proposal.
4. After considering the appeals, the Commission determined that the council would comprise a mayor and 12 councillors elected from the five proposed wards as follows. These arrangements applied for the 2013 and subsequent 2016 elections.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Mararoa Waimea	6,891	3	2,297	-75	-3.16
Waiau Aparima	7,830	3	2,610	+238	+10.03
Winton Wallacetown	8,124	3	2,708	+336	+14.17
Waihopai Toetoe	5,217	2	2,609	+237	+9.99
Stewart Island/Rakiura	396	1	396	-1,976	-83.31
Total	28,458	12	2,372		

* Based on 2006 census statistics

5. The Commission also upheld the council's broad proposals for community boards.

Preliminary consultation on current representation review

6. In preparation for this review, the council in 2015 commenced a community governance review project aimed at achieving a representation structure that was effective and equitable for Southland District. It was also aimed at empowering and growing local communities in the district. For the representation review process, the council reconvened the community governance - elected representatives working group comprising the mayor, three councillors, two community board chairpersons and two community development area (CDA) sub-committee chairpersons, to provide feedback and inform the development of options.
7. The council and working group undertook a preliminary consultation phase for the representation review. This included council workshops, discussion at community board and CDA meetings, presentations and discussions at a series of 18 community conversations and a community fete. These activities were attended by a total of 300 people. In addition, information was provided in 'First Edition' distributed to most households in the district and a survey was available online and at the community conversations and council offices. Feedback sessions were also held for community board and CDA members.
8. The preliminary consultation found:
 - 66% of respondents supported the council comprising 12 councillors
 - 56% of respondents thought councillors should be elected by wards (compared with 18% who supported an at large system and 25% who supported a mix of at large and wards)
 - 80% of respondents thought Stewart Island/Rakiura should continue to be a separate ward.
9. The council also reported there was consensus for the principle of district-wide coverage of community boards.

The council's initial proposal

10. At a meeting on 20 April 2018, the council resolved its initial representation proposal. This proposal was for retention of a council comprising the mayor and 12 councillors elected from five wards (with some alterations to existing ward boundaries to achieve closer compliance with statutory fair representation requirements) 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
Mararoa Waimea	7,803	3	2,601	+131	+5.30
Waiau Aparima	8,139	3	2,713	+243	+9.84
Winton Wallacetown	7,890	3	2,630	+160	+6.48
Waihopai Toetoe	5,421	2	2,711	+241	+9.76
Stewart Island/Rakiura	384	1	384	-2,086	-84.45
Total	29,637	12	2,470		

* Based on 2013 census statistics

11. The initial proposal was also for the constitution of eight communities to cover, for the first time, the whole district represented by the following community boards:

- Fiordland (six elected members plus one appointed member)
 - Northern (six elected members plus one appointed member)
 - Ardlussa (six elected members plus one appointed member)
 - Taramea Te Waewae (six elected members plus one appointed member)
 - Takitimu (six elected members plus one appointed member)
 - Oreti (eight elected members plus one appointed member)
 - Waihopai Toetoe (seven elected members plus one appointed member)
 - Stewart Island/Rakiura (four elected members plus one appointed member).
12. The council notified its initial proposal on 30 April 2018 including the following reasons for its decisions on community boards:
- council wishes to see equity of representation across Southland District by having district-wide coverage of community boards, enabling local decision-making across the district
 - council believes this model better reflects the community feedback on communities of interest and effective representation.
13. By the deadline of 6 June 2018, the council had received 153 submissions.

The council's final proposal

14. Following the hearing of submissions by a hearings panel, consisting of the full council and members of the elected representatives working group, the panel recommended some amendments to the initial proposal. These recommendations were:
- divide the Taramea Te Waewae community board area in two (subsequently named Tuatapere Te Waewae and Oraka Aparima)
 - increase the number of elected members on the Stewart Island/Rakiura Community Board from four to six
 - some boundary changes to reflect communities of interest between the proposed Oreti and Waihopai Toetoe community board areas
 - change the name of the Takitimu Community Board to Wallace Takitimu.
15. At a meeting on 11 July 2018, the council adopted its initial proposal as its final representation proposal subject to the above changes.
16. The final proposal was publicly notified on 20 July 2018.

Appeals/objections against the council's final proposal

17. Six appeals and two objections against the council's final proposal were received by the deadline of 22 August 2018.
18. In summary, these appeals and objections were against:
- replacement of the CDA subcommittees by community boards either generally or in particular areas
 - the boundary between the Northern and Oreti community board areas
 - combining the existing Wallacetown Community Board with the Winton Community Board in a wider Oreti Community Board.

Hearing

19. The Commission met with the council and those appellants/objectors who wished to be heard at a hearing held in Invercargill on 5 December 2018.
20. The council was represented by Mayor Gary Tong, Councillor Julie Keast, Chief Executive Steve Ruru and Governance and Democracy Manager Clare Sullivan with each reading a prepared statement.
21. The appellants/objectors appearing at the hearing were:
 - Chris Henderson
 - Rob Scott
 - Alanna Barrett
 - Rae Wilson representing Wallacetown Community Board and supported by Mick Lester Chairman of the NZ Community Boards Executive Committee
 - Frank Shearing
 - Treena Symons

Matters raised in appeals/objections and at the hearing

Southland District Council

22. Mayor Gary Tong provided an overview of Southland District and the context for the council's representation review. This included the separate but related community governance review process the aim of which was to modernise the council's approach to community governance and, in particular, to recognise the need to empower communities to do things for themselves rather than have an ongoing reliance on the council. This review arose in part from the community questioning the bureaucracy and length of time it takes for things to happen when they get caught up in the formality of council processes. At the same time other communities, outside of the present structures, can get on and make things happen. He said, as part of the process, the council had gone out to the community with a blank sheet to identify communities of interest and from this information the council had identified its initial proposal.
23. Council chief executive Steve Ruru introduced the guiding principles on which the representation review was based. He described the council's approach to community development as being community-led and this was a key pillar along with representative leadership. The broad strategic change the council was trying to achieve was about empowering and encouraging communities to contribute to their own futures outside of formal council structures. This is reflected in the principle of 'small council big community'. The council was also aiming to achieve representation equity by way of district-wide coverage of community boards thereby enabling democratic local decision-making by and on behalf of the district's communities.
24. Council Governance and Democracy Manager Clare Sullivan outlined the process the council had gone through from the informal pre-engagement phase through to the formal representation review final proposal. This included the changes made in the final proposal as a result of submissions.
25. Councillor Julie Keast provided comment on the way the council works with communities and community groups. This included examples of local community

initiatives carried out in areas where no council governance structures currently exist. She also outlined the history of the CDAs which were originally set up as rating areas providing services to local areas which are now provided on a district-wide basis. She said it was intended that community boards have a wider role under the new model working with and supporting the range of groups in their community.

Appellants/objectors appearing at the hearing

26. **Chris Henderson** described the proposal in relation to the CDAs as a pre-emptive strike effectively making them redundant. She said she had 40 years' experience with the Lumsden community, a small community which practised grassroots democracy but this was now being eroded by amalgamation of power and big vested interests. She said the CDAs needed more power and autonomy, without the need to keep referring issues back to the council which resulted in a lot of bureaucracy and frustration.
27. **Rob Scott** said the council's proposal does not reflect community needs and won't achieve what is intended. The council had reduced the effectiveness of CDAs including removing the right for them to make submissions. These issues needed to be sorted out. He said he was also speaking on behalf of other CDA chairpersons. He described the council's consultation as ineffective with poor quality information and only one option being put to the community. While change was required, the status quo was still better than the council's proposal.
28. **Alanna Barrett** said she was not currently on an elected body but was concerned about local groups and their relationships with the council, including CDAs not being able to make submissions on the representation review. She said the demographics of the district were misaligned and suggested the council office should be in Winton. She was also concerned about what she considered to be misuse of funds by the council including those relating to the former Ohai Railway Board.
29. Mick Lester, on behalf of **Wallacetown Community Board**, read a statement appealing against the amalgamation of that board with the Winton board. This was on the basis of a clear Wallacetown community of interest with very little, if any, connection with Winton. The Wallacetown board had been in existence since 1989 and the current board unanimously opposes the amalgamation. Given its size, Winton (population of 5,100 compared to 560 for Wallacetown) would dominate on any such combined board including issues raised. The board's appeal against the proposal was supported by a petition signed by 303 Wallacetown residents. Rae Wilson, a Wallacetown Community Board member also spoke in support of retaining the current board to make local decisions for local people on local issues.
30. **Frank Shearing** spoke against the amalgamation of the Wallacetown Community Board with Winton. He said he had had 20 years' experience on the Wallacetown board and had a good knowledge of this community which he described as having nothing in common with Winton. He also suggested that the rest of New Zealand was jealous about Southland's CDAs but that their performance was hindered now by health and safety and other regulations in terms of the activities they can be responsible for.
31. **Treena Symons**, a new member of the Wallacetown Community Board, described the council's proposal as resulting in unfair representation with the coverage of the proposed new community board being too large, and with small communities losing their identity as a result. She said ratepayers needed to feel that they are being heard and are being represented.

Matters for determination by the Commission

32. 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.
33. 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.
34. The matters in scope of the review include:
 - 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

35. 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

36. 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.

37. 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.
38. 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.
39. In the case of Southland, the district is the largest in New Zealand but with large areas uninhabited including the approximate half of the district comprising Department of Conservation estate. The main economic base is primary production and tourism. The population is scattered across the district centred on more than 30 small towns, villages and settlements. Te Anau and Winton, with populations just over 3,000, are the largest of these. Stewart Island/Rakiura is also within the district. The geography and settlement patterns of the district were reflected in the 12 wards which were established with the constitution of the district in 1989. While these could be seen to reflect the most local communities of interest, there are also commonalities between certain communities as reflected in the move to the current five wards introduced for the 2013 elections. Particular areas of the district can also be seen to have a community of interest with Invercargill City a separate neighbouring territorial authority.

Effective representation of communities of interest

40. 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).
41. ‘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).
42. Southland District has been divided into wards since its constitution in 1989 and we see this as appropriate given the size and geography of the district. While there was some support for at large or a mixed system of representation during the review process, we note there was majority support for retention of the ward system from the community.

43. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards.
44. 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 has comprised a mayor and 12 councillors since the 1995 local authority elections. This number of councillors is therefore well established and appears to be largely supported by the community. It is also within a range that is appropriate for the population of the district compared to other districts in the country.
45. 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.
46. The current five wards, replacing the previous 12 wards, were established as a result of the 2013 representation review. These appear generally to be well accepted by the community as providing effective representation for the communities of interest making up the district. There were submissions, however, on some particular ward boundaries in response to the council's initial proposal and the council responded to these (discussed below). There are no appeals or objections in relation to the wards.

Fair representation for electors

47. For the purposes of fair representation for the electors of a district, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
48. 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.
49. We note, with the exception of the Stewart Island/Rakiura Ward, the wards in the council's final proposal do comply with the '+/-10% rule'.

50. The Stewart Island/Rakiura Ward does not comply with the '+/-10% rule' being 84.45% based on 2013 census statistics. The retention of this ward was endorsed by the Commission in its 2012 determination and again is proposed by the council in the current review. As an island community, we believe this is appropriate to ensure effective representation of this distinctive community of interest. We also note the significant level of support for retention of this ward across the district.
51. We note the wording of section 19V(3)(a) provides that if it is agreed one ward not comply with the '+/-10% rule', then wards (generally) may be defined and membership distributed between them in a way that does not comply with the rule. We see this as reflecting the likely need for there to be some compensation for the either over- or under-representation in the non-complying ward. However, we consider the principle of fair and effective representation still generally applies.
52. Currently the Winton Wallacetown Ward does not comply with the '+/-10% rule'. As a result, the council made a number of alterations to this ward's boundaries to ensure compliance is achieved. In the council's initial proposal, these adjustments involved exclusion of an area around Dipton, Dipton West and Benmore, (proposed to become part of the Mararoa Waimea Ward) and some other small alterations to the boundaries with the Waimea Aparima and Waihopai Toetoe wards.
53. While we commend the council for its endeavours to achieve compliance, we consider the proposed alterations need to be carefully considered so as to ensure not only compliance with fair representation requirements, i.e. the '+/-10% rule', but also achievement of effective representation of communities of interest. In particular, will the final proposal result either in dividing communities of interest between electoral subdivisions and/or the grouping of communities with few commonalities?
54. In making the proposed adjustments to the Winton Wallacetown Ward boundaries, the council conceded these did negatively impact on communities of interest with, for example, the community of interest of the Dipton area being to the south with Winton Wallacetown. It considered this could be addressed by the proposed community board boundaries in the area as good reflections of the communities of interest.
55. In addition to the council acknowledging that community board arrangements in this area better reflect communities of interest, two submissions were received on the council's initial proposal requesting that the Dipton area remain in the Winton Wallacetown Ward.
56. We note further that section 19T(1)(c) provides that, so far as is practicable, ward boundaries should coincide with community boundaries. We see this as desirable to assist public understanding of electoral arrangements and to not create barriers to participation such as at elections by not recognising residents' familiarity and identity with an area. We believe this provides support for retention of the existing Winton Wallacetown Ward boundaries in the Dipton area and for these to also coincide with community boundaries, so as to better reflect communities of interest.
57. The exceptions to the fair representation requirement, so as to avoid splitting communities of interest or unifying communities of interest lacking commonalities, were included in the Act after the council's last representation review in 2013. To our mind they increase the importance of communities of interest in the representation review process and are justifiably applied in this case. Accordingly, we determine that the existing ward boundaries in the Dipton area remain as currently defined.

58. We understand that the proposed small boundary alteration with the Waimea Aparima Ward was also designed to assist achievement with the '+/-10% rule' rather than to better reflect communities of interest. Accordingly, we also determine that this boundary alteration should not proceed.
59. The proposed small boundary alteration between the Winton Wallacetown and Waihopai Toetoe wards is encompassed by other suggested boundary alterations arising out of submissions on the council's initial proposal which we address next.
60. The council received submissions on its initial proposal suggesting that certain areas including Te Tipua, Mabel Bush, Roslyn Bush, Rakahouka and Grove Bush move from the Winton Wallacetown Ward to the Waihopai Toetoe Ward.¹ The suggested change was based on communities of interest considerations reflected in the use of schools, kindergartens, sports grounds and local halls.
61. The council decided not to adopt the suggested boundary changes between the two wards as they were seen to result in quite significant non-compliance with the '+/-10% rule' (approximately +24%) for the Waihopai Toetoe Ward. However, the council did adopt the suggested changes in respect of community board boundaries in this area accepting resident views in respect of communities of interest.
62. In adopting these changes, the council's hearings panel considered the proposed altered community board boundary for this area was appropriate "as that is where local community decisions will be made and the board will be able to reflect the interests of the people in that community at a local level". We see this as accurately reflecting the community of interest in the area and, as we have argued in relation to the Dipton area, we believe the ward boundary should also coincide with the community boundary for the area in accordance with section 19T(1)(c) of the Act. We believe this will achieve effective representation of communities of interest and, despite it not complying with the '+/-10% rule', we determine accordingly.
63. One of the appeals sought a small alteration to the boundary between the Oreti and Northern community board areas (involving two meshblocks²) to ensure the Josephville area was completely within the Northern community. The council advised us that it supported this adjustment. Given the two community board areas are in different wards (Winton Wallacetown and Mararoa Waimea), again we believe, in accordance with sections 19T(1)(c), the ward boundary should also be altered to reflect this change and we determine accordingly.
64. Given the above changes and the result that Winton Wallacetown Ward will now coincide with the area of the proposed Oreti community (addressed in the next section), we believe it would be appropriate to rename the Winton Wallacetown Ward the Oreti Ward and we determine accordingly.
65. Subject to the above changes to the area of the Winton Wallacetown Ward (now the Oreti Ward), to better balance fair and effective representation requirements, we uphold the decision of the council in respect of ward boundaries for Southland District. In summary, this will result in the following ward arrangements.

¹ The meshblocks concerned for the Te Tipua area are: 3087302, 3087400 and 3087600 (population: 99); and for the remaining areas: 3089000, 3089100, 3089200, 3089300, 3089400, 3092000, 3092100, 3092200, 3092300, 3092401 and 3091201 (population: 609).

² The two meshblocks are 3045001 and 3046001 (population: 18).

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Mararoa Waimea	7,215	3	2,405	-65	-2.63
Waiau Aparima	7,767	3	2,589	+119	+4.82
Oreti	8,166	3	2,722	+252	+10.20
Waihopai Toetoe	6,105	2	3,053	+583	+23.58
Stewart Island/Rakiura	384	1	384	-2,086	-84.45
Total	29,637	12	2,470		

* Based on 2013 census statistics

Communities and community boards

66. 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.
67. 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 of interest or sufficiently distinct communities of interest?
68. There have been communities and community boards in Southland District since its constitution in 1989. Initially there were six community boards covering six of the twelve wards, with a further six boards for other designated communities within the district. In addition to community boards, the district has also had a structure of CDAs for particular communities in the district with there being at times up to 19 CDAs.
69. CDAs were established as subcommittees of the council and as such have the role and powers determined by the council, are subject to the direction of the council in all matters and can be disestablished by the council at any time. It is not clear to us whether the continued existence of the CDAs was in fact regularly reviewed by the council at each triennium, which the council is entitled to do, but in any event the CDAs have remained in place for many years. As such they are a very familiar structure to residents of the district and as one appellant suggested, something over which residents of other districts are jealous.

70. We note that the continued existence of CDAs is not a matter for us to determine as they do not fall within the scope of a representation review under the Act. Rather, the matter is one for the council of the day to resolve.
71. Having said this, we note the current council has been very clear throughout the review process it wishes to see community boards covering the district. In light of this, the continued existence of the CDAs and, more particularly, their role vis-à-vis community boards has understandably been seen by some as in question. We note simply that if community boards are to cover the district that, given the size of the district and the relatively few number of boards proposed i.e. nine, there could still be scope for additional local community structures in parts of the district representing particular communities. These structures could work with and complement the role of the proposed community boards.
72. In respect of those appellants and objectors expressing concern about what is seen as the imminent demise of the CDAs, we suggest they continue to engage with the council and, where they presently exist, community board in their area, on the best arrangements for that area. This may include for the larger community board areas, the need/retention of more localised structures for community representation and advocacy in the interests of the communities concerned. We believe such structures will actually have more flexibility to work in the interests of their communities than the current CDAs as subcommittees of the council.
73. Apart from those relating to CDAs, the appeals and objections relate to two aspects of the community board proposals:
 - the proposed combining of the current Wallacetown Community Board with the Winton Community Board as part of a wider Oreti Community Board
 - the boundary between the Northern and Oreti community boards.
74. One appeal and two objections relate to the proposed combining of the Wallacetown and Winton community boards. These are based on the well-established nature of the Wallacetown board; the perceived lack of community of interest between Wallacetown and Winton; concern about effective representation for Wallacetown given its size in relation to Winton; and the level of support for retention of the board from the Wallacetown community.
75. We understand the concerns expressed by the appellants/objectors given the well-established nature of the board and the support for its continued existence from the Wallacetown community.
76. We note the perceived lack of community of interest between Wallacetown and Winton expressed by appellants/objectors. However, we also note that the two areas were combined in the Winton Wallacetown Ward in 2013, suggesting at least a degree of commonality of interest, and that there are no appeals/objections on this aspect of the council's proposal.
77. Some of the appellants/objectors commented they are far more likely to travel to Invercargill than Winton for services. We observe the city is a separate territorial authority and to that extent, consideration of any associated community of interest between Wallacetown and Invercargill is beyond the scope of a representation review.

- 78. To us, the issue comes down to the council’s overall goal in respect of district-wide coverage of community boards; what is then equitable community board representation across the district; and, related to these matters, what is a practical number of boards with which the council can establish efficient and effective working relationships. In this regard, the council representatives made it clear to us that if the Wallacetown Community Board was to be retained this would raise questions about the retention/establishment of further boards in the district. In relation to this point, we note the number of proposed community boards with areas larger than the proposed Oreti board encompassing both the Wallacetown and Winton areas.
- 79. As part of the goal to achieve district-wide coverage by community boards, the council made it clear it wishes to establish boards for areas extending beyond the towns and villages covered by a number of boards at present. Accordingly, we did consider the option of retaining the Wallacetown Community Board but extending its boundaries. However, we were not provided with evidence to suggest such a board covering a wider area would have a community of interest that is sufficiently distinct to warrant the establishment of another board additional to that proposed by the council.
- 80. Having weighed the above factors along with the matters raised by the appellants/ objectors, we have decided to uphold the council’s proposal for nine community boards across the district, generally with the membership as proposed by the council.
- 81. We do understand concerns about the relative sizes of Wallacetown and Winton and related issues about ensuring an effective voice on the proposed Oreti Community Board. As a result, we sought the advice of the council on possible electoral subdivisions for this board area.
- 82. We note the council’s proposal is for eight elected members for the Oreti Community Board. However, given community board subdivisions are subject to the ‘+/-10% rule’, we believe an appropriate balance of both fair and effective representation requirements, is for a total of seven elected members elected from three subdivisions, suggested by the council, as set out in the following table.³

Subdivisions	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Hokonui	1,071	1	1,071	-96	-8.23
Midlands	4,917	4	1,229	+62	+5.31
Makarewa	2,178	2	1,089	-78	-6.68
Total	8,166	7	1,167		

* Based on 2013 census statistics

- 83. Similar concerns about an effective voice for small communities in the area of the proposed Northern Community Board, such as Mossburn and Lumsden which currently have CDAs, were also raised by several appellants. Given the size of this proposed board area, its geography and the existence of CDAs at present in the area, we also sought advice from the council on possible subdivisions for this board area.

³ The Hokonui subdivision is the northern and eastern area of the community including Dipton, the Midlands subdivision includes Winton and the Makarewa subdivision in the south includes Wallacetown.

84. In light of the advice we received, we believe it would be appropriate to establish three subdivisions for this board area. We note the council’s proposal for the Northern Community Board to comprise six elected members, in line with similar sized boards in the district. Accordingly, we believe a board comprising six elected members elected from three subdivisions, suggested by the council, and set out in the following table would be appropriate.⁴ We note these arrangements do not comply with the ‘+/-10% rule’, but consider they provide an appropriate balance between both fair and effective representation requirements.

Subdivisions	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Parawa-Fairlight	216	1	216	-74	-25.52
West Dome	723	2	362	+72	+24.83
Mid Dome	855	3	285	-5	-1.7
Total	1,794	6	290		

* Based on 2013 census statistics

85. Finally, as noted above, one of the appeals raised the matter of the boundary between the Oreti and Northern community boards in the Josephville area. The council supported the suggested boundary alteration to better recognise the community of interest of the area lies with the Northern community rather than the Oreti community. We determine that this community board boundary alteration be made.

86. In light of all our decisions, the nine community boards will coincide with the five wards, in accordance with section 19T(1)(c), as follows:

- Maraora Waimea Ward: Fiordland, Northern and Ardlussa community boards
- Waiau Aparima Ward: Tuatapere-Te Waewae, Wallace-Takitimu and Oraka-Aparima community boards
- Oreti Ward: Oreti Community Board
- Waihopai Toetoe Ward: Waihopai-Toetoe Community Board
- Stewart Island/Rakiura Ward: Stewart Island/Rakiura Community Board.

87. With the exception of the Oreti Community Board, the boards will have the membership as proposed by the council including appointed members.

Commission’s determination

88. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Southland District Council to be held on 12 October 2019, the following representation arrangements will apply:

- a) Southland District, as delineated on Plan LG-073-2019-W-1 deposited with the Local Government Commission, will be divided into five wards.

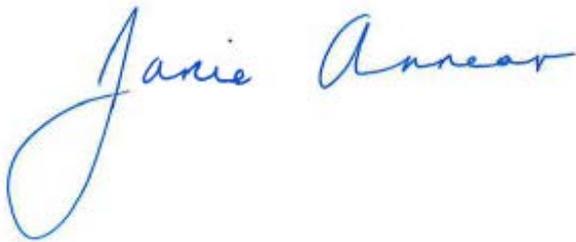
⁴ The Parawa-Fairlight subdivision is the north-eastern area of the community including Garston and Athol, the West Dome subdivision is the western area including Mossburn and the Mid Dome subdivision is the eastern area including Lumsden.

- b) Those five wards will be:
- i. Mararoa Waimea Ward, comprising the area delineated on Plan LG-073-2013-W-2 deposited with the Local Government Commission
 - ii. Waiau Aparima Ward, comprising the area delineated on Plan LG-073-2013-W-4 deposited with the Local Government Commission
 - iii. Oreti Ward, comprising the area delineated on Plan LG-073-2019-W-2 deposited with the Local Government Commission
 - iv. Waihopai Toetoe Ward comprising the area delineated on Plan LG-073-2019-W-3 deposited with the Local Government Commission
 - v. Stewart Island/Rakiura Ward comprising the area delineated on SO Plan 11492 deposited with Land Information New Zealand.
- c) The Council will comprise the mayor and 12 councillors elected as follows:
- i. 3 councillors elected by the electors of Mararoa Waimea Ward
 - ii. 3 councillors elected by the electors of Waiau Aparima Ward
 - iii. 3 councillors elected by the electors of Oreti Ward
 - iv. 2 councillors elected by the electors of Waihopai Toetoe Ward
 - v. 1 councillor elected by the electors of Stewart Island/Rakiura Ward.
- d) There will be nine communities as follows:
- i. Fiordland Community, comprising the area delineated on Plan LG-073-2019-Com-1 deposited with the Local Government Commission
 - ii. Northern Community, comprising the area delineated on Plan LG-073-2019-Com-2 deposited with the Local Government Commission
 - iii. Ardlussa Community, comprising the area delineated on Plan LG-073-2019-Com-3 deposited with the Local Government Commission
 - iv. Tuatapere Te Waewae Community, comprising the area delineated on Plan LG-073-2019-Com-4 deposited with the Local Government Commission
 - v. Wallace Takitimu Community, comprising the area delineated on Plan LG-073-2019-Com-5 deposited with the Local Government Commission
 - vi. Oraka Aparima Community, comprising the area delineated on Plan LG-073-2019-Com-6 deposited with the Local Government Commission
 - vii. Oreti Community, comprising the area of Oreti Ward
 - viii. Waihopai Toetoe Community, comprising the area of Waihopai Toetoe Ward
 - ix. Stewart Island/Rakiura Community, comprising the area of the Stewart Island/Rakiura Ward.
- e) The Northern Community will be divided into three subdivisions as follows:
- i. Parawa-Fairlight, comprising the area delineated on Plan LG-073-2019-S-1 deposited with the Local Government Commission

- ii. West Dome, comprising the area delineated on Plan LG-073-2019-S-1 deposited with the Local Government Commission
 - iii. Mid Dome, comprising the area delineated on Plan LG-073-2019-S-1 deposited with the Local Government Commission.
- f) The Oreti Community will be divided into three subdivisions as follows:
- i. Hokonui, comprising the area delineated on Plan LG-073-2019-S-2 deposited with the Local Government Commission
 - ii. Midlands, comprising the area delineated on Plan LG-073-2019-S-2 deposited with the Local Government Commission
 - iii. Makarewa, comprising the area delineated on Plan LG-073-2019-S-2 deposited with the Local Government Commission.
- g) The membership of each community board will be as follows:
- i. Fiordland Community Board will comprise six elected members and one member appointed to the community board by the council representing Mararoa Waimea Ward
 - ii. Northern Community Board will comprise:
 1. one member elected by the electors of the Parawa-Fairlight subdivision
 2. two members elected by the electors of the West Dome subdivision
 3. three members elected by the electors of the Mid Dome subdivision
 4. one member appointed to the community board by the council representing Mararoa Waimea Ward
 - iii. Ardlussa Community Board will comprise six elected members and one member appointed to the community board by the council representing Mararoa Waimea Ward
 - iv. Tuatapere Te Waewae Community Board will comprise six elected members and one member appointed to the community board by the council representing Waiau Aparima Ward
 - v. Wallace Takatimu Community Board will comprise six elected members and one member appointed to the community board by the council representing Waiau Aparima Ward
 - vi. Oraka Aparima Community Board will comprise six elected members and one member appointed to the community board by the council representing Waiau Aparima Waimea Ward
 - vii. Oreti Community Board will comprise:
 1. one member elected by the electors of the Hokonui subdivision
 2. four members elected by the electors of the Midlands subdivision
 3. two members elected by the electors of the Makarewa subdivision

- 4. one member appointed to the community board by the council representing Oreti Ward
 - viii. Waihopai Toetoe Community Board will comprise seven elected members and one member appointed to the community board by the council representing Waihopai Toetoe Ward
 - ix. Stewart Island/Rakiura Community Board will comprise six elected members and one member appointed to the community board by the council representing Stewart Island/Rakiura Ward.
89. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards, communities and subdivisions coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

LOCAL GOVERNMENT COMMISSION



Commissioner Janie Annear



Commissioner Brendan Duffy

7 March 2019