



Determination

of representation arrangements to apply for
the election of the Ashburton 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 Ashburton 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. Ashburton District Council's last review was carried out prior to the 2013 local elections. That review did not have to be considered by the Commission. That review provided for:
 - A Mayor and 12 councillors elected from 3 wards
 - A Methven Community Board with 5 elected members and 2 appointed councillors
4. The ward and council membership arrangements were as follows.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Western	5,238	2	2,619	+33	+1.26
Eastern	8,298	3	2,766	+180	+6.94
Ashburton	17,502	7	2,500	-86	-3.33
Total	31,038	12	2,586		

*2013 Census population statistics

5. As can be seen from the above table, using 2013 census statistics, these arrangements complied with the +/-10% rule. They continue to do so when 2017 population estimates are used.
6. In April 2018 the council decided to collect community views on representation through a survey. The primary option in the survey included the following changes to the status quo:
 - Reducing the number of councillors from 12 to 9
 - The transfer of an area from the Eastern Ward to the Western Ward
 - The transfer of two areas from the Eastern Ward to Ashburton Ward (Lake Hood and Tarbottons Road)
7. The survey had 131 responses. The findings are summarised as follows:

Issue	Level of support
Number of wards	65%
Reduction in members (12 to 9)	75%
Election by:	Ward (40%) At large (30%) Mix (26%) Don't know (4%)
Boundaries	Eastern Ward to Western Ward(48%) Lake Hood (85%) Tarbottons Road (78%)
Methven Community Board (in principle)	67%
Methven Community Board (number of members)	48%

8. In May 2018 the council's representation review working group and then the council itself considered the results of the survey and information from officers. In addition to the status quo and the option highlighted in the survey, the officers presented five other options with total council membership ranging from 8 to 12. Four of those options did not comply with the +/-10% rule and a fifth was predicted not to comply by 2023.
9. The council agreed on an initial proposal based on the proposal it had sought feedback on through its survey, subject to the retention of a small area in the Eastern Ward originally proposed to be transferred to the Western Ward.

10. The proposed councillor and ward arrangements were as follows.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Western	6,417	2	3,209	-243	-7.04
Eastern	6,535	2	3,268	-184	-5.33
Ashburton	18,111	5	3,622	171	4.95
Total	31,063	9	3,451		

*2013 census statistics population statistics

11. The Methven Community Board was proposed to be retained on its existing boundaries with 5 elected members and 2 appointed councillors.
12. The submission period ran from 18 May to 18 June 2018. The council received 33 submissions of which:
 - 22 supported the proposal
 - 11 opposed the proposal
 - 13 specifically supported the number of councillors
 - 9 specifically opposed the number of councillors
13. Those supporting the reduction in the number of members generally considered that it would lead to better decision-making by the council. Those opposing the reduction in the number of members generally considered that it would result in poorer representation of the community. Some questioned the robustness of the survey and questioned whether its construction had weighted the results in favour of the council's proposal.
14. On 26 July 2018, the Council resolved that its initial proposal be adopted as its initial proposal.

Appeals against the council's final proposal

15. The final proposal attracted three appeals from:
 - Gordon Mockford
 - Margaret Livingstone
 - Marion Bartlett
16. The appeals, either implicitly or explicitly oppose the reduction in the number of councillors from 12 to 9. Each raises concern about the survey, suggesting that its construction led people to support the reduction in the number of councillors.

Hearing of appeals

17. The Commission met with the council and two of the three appellants at a hearing held in Ashburton on 21 March 2019.

18. The council was represented by mayor Donna Favel, and Toni Durham, Strategy and Policy Manager.

Matters raised at hearing and in appeals

Ashburton District Council

19. The Mayor advised that the reasons for change included:
- A desire for more effective representation and better accountability
 - Having councillor numbers more in line with other, similar councils
 - A reduction in the number of councillors having the support of the community and a majority of councillors
 - Better meeting legislative requirements, i.e. the +/-10% rule.
20. The council has more members than most other councils of a similar size and a smaller member to population ratio than other neighbouring councils.
21. The annual residents survey had shown a low level of satisfaction with the mayor and councillors and there was a desire to improve that. It was also hoped that reducing the number of councillors would result in more interest in people standing for election. There had in the past been a number of occasions when candidates had been elected unopposed.
22. The purpose of boundary changes to wards was twofold – to better reflect communities of interest, and to ensure future compliance with the +/-10% rule. The reduction in the number of councillors also provided a scenario that future-proofed wards as far as the +/-10% rule is concerned.
23. The intention of the survey was to test the community's appetite for change. The council acknowledged that there had been lessons learnt from the survey possibly leading to other surveys being done differently in the future.
24. The survey did, however, show majority support for what became the council's initial proposal. This support was also reflected in the submissions on the initial proposal.

Gordon Mockford

25. Gordon Mockford did not consider there were any real benefits from a reduction in the number of councillors. Many in the community possibly thought there would be savings but in reality, the same pool of remuneration would be shared around a smaller group of councillors. Other savings would be negligible at best.
26. The population of Ashburton District is growing and this must increase the workload of councillors. Instead the council had used population growth for reducing the number of councillors. At a time when the population of the district is becoming more diverse the reduction in councillors could act to reduce diversity on the council.
27. He considered the content of the council's survey to have the effect of leading people to favour the sole option include in the survey for people to respond to.

Marion Bartlett

28. Marion Bartlett considered that it is important to have more councillors rather than fewer:
- to have balanced representation on the council

- to ensure that councillors workload is not increased
 - to deal with a growing and more diverse population
29. She also considered that the council's survey was leading and directed to a particular outcome by focusing on one option (which the council had already developed). She also thought that the survey was misleading by stating that the survey results would help create an initial proposal.

Matters for determination by the Commission

30. 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.
31. 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.
32. 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

33. 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

34. 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.
35. 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.
36. 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.
37. In the Ashburton District Council’s review, the demarcation of communities of interest does not appear to have been an issue of contention. The council has recognised changing communities of interest by expanding the Ashburton Ward to include additional areas of urban development.
38. A particular feature here has been the inclusion of the Lake Hood development in the Ashburton Ward despite it being physically separate. This was done because Lake Hood is an urban development, it is relatively close to Ashburton, it uses urban facilities along with Ashburton and is rated on that basis, and therefore has common interests.

Effective representation of communities of interest

39. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a 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).
40. ‘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).
41. 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.
42. Ashburton District has been divided into three wards – one urban and two rural – since 1995, although adjustments have been made to boundaries over that time. Although the council's survey showed some support for either an at large system or a mixed system, the largest group of support was for a ward system. No suggestion was raised during the council's submission process that there be a move away from a ward system or the current overall ward structure.
43. The key issue to be addressed relating to effective representation is whether the reduction in the number of councillors will result in less effective representation. This is raised by the appellants in two contexts:
- The first, directly:
 - Questioning what the benefit will be
 - Arguing that a reduction in the number of councillors will not result in cost savings, and many people have misunderstood this
 - Suggesting that the district's population growth is an argument for retaining a higher number of councillors
 - The second, arguing that the construction of the survey skewed the survey results in favour of the council's preference
44. The council's rationale for reducing the number of councillors was that:
- A nine-member council would help ensure compliance with the +/-10% rule into the future. This was illustrated using population projections showing the Eastern ward becoming non-compliant by 2023
 - There was support for a reduction in the number of members in the survey – 75% of the 131 responses
 - A comparison with other councils showed that a nine-member council would not be out of keeping with other councils of a similar size.

45. In relation to the last point, comparison was made to the following councils:

District	Population	Councillors	Population per member
Ashburton	33,040	12	1:2,808
Ashburton	33,040	9	1:3,671
Matamata-Piako	34,200	11	1:3,109
Taupo	36,200	10	1:3,620
Whakatane	35,100	10	1:3,510
Manawatu	29,900	10	1:2,990
Horowhenua	31,900	11	1:2,900
Southland	30,900	12	1:2,575

46. The principal issue to be determined by the Commission, therefore, is whether effective representation for Ashburton District will be best be provided by the nine members proposed by the council, by the 12 members sought by the appellants, or by some other number.
47. The appellants have made some valid points. However, notwithstanding their concern about the construction of the council’s survey, the support for the council’s proposal was echoed in the submissions on the initial proposal. We would also observe that the proposal to reduce the number of councillors did not generate widespread opposition. To a degree this must indicate some level of acceptance of a reduced number of councillors.
48. We also note the argument made by the council about the number of other similar sized councils with a similar number of members. To that list could be added others such as Queenstown-Lakes District Council (with 10 members for a population of 37,130) and Thames-Coromandel District Council (with 8 councillors for a population of 29,060), albeit with a comprehensive community board structure. Conversely one could point to councils with smaller populations but a higher number of members. The point is, however, that a council of the size being proposed is not outside the norm showing some acceptance that it can provide effective representation.
49. Accordingly, we have agreed to the council’s proposal for a 9-member council.

Fair representation for electors

50. 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’).
51. We note that the proposed three wards, electing a total of nine councillors, do meet the requirement for fair representation for electors.

Communities and community boards

52. 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.
53. 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?
54. The council has proposed retaining the Methven Community Board. No issues relating to community boards are raised in the appeals, and we uphold the council's proposal in this regard.

Commission's determination

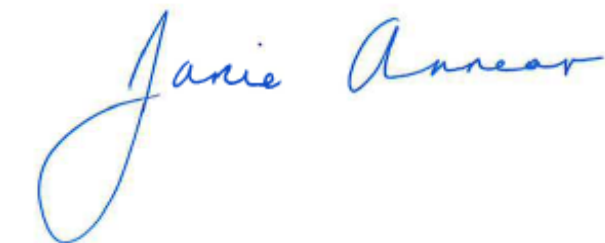
55. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Ashburton District Council to be held on 12 October 2019, the following representation arrangements will apply:
1. Ashburton District, as delineated on Plan LG-063-2019-W-1 deposited with the Local Government Commission, will be divided into three wards.
 2. Those three wards will be:
 - i. Western Ward, comprising the area delineated on Plan LG-063-2019-W-2 deposited with the Local Government Commission
 - ii. Eastern Ward, comprising the area delineated on Plan LG-063-2019-W-3 deposited with the Local Government Commission
 - iii. Ashburton Ward, comprising the area delineated on Plan LG-013-2019-W-4 deposited with the Local Government Commission
 3. The Council will comprise the mayor and nine councillors elected as follows:
 - i. 2 councillors elected by the electors of Western Ward
 - ii. 2 councillors elected by the electors of Eastern Ward
 - iii. 5 councillors elected by the electors of Ashburton Ward
 4. There will be a Methven Community, comprising the area delineated on Plan LG-063-2019-Com-1 deposited with the Local Government Commission

5. The Methven Community Board will comprise five elected members and two members appointed to the community board by the council representing Western Ward
56. 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

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Commissioner Pita Paraone (Chairperson)

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Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

10 April 2019