



Local Government Commission

Mana Kāwanatanga ā Rohe

Determination

on a decision of the Waitaki District Council to adopt representation arrangements for the local authority elections to be held on 11 October 2025

Introduction

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.
2. The matters for this determination by the Commission are limited to the Waitaki District Council's (the Council) decision to retain the Ahuriri Ward with its current membership, despite not complying with section 19V(2) of the Act (the '+/-10% rule').

Commission's determination¹

3. Under section 19V(6) of the Local Electoral Act 2001, the Commission upholds the decision of the Waitaki District Council not to comply with section 19V(2) in respect of the Ahuriri ward, as compliance would limit effective representation of communities of interest:
 - (a) by dividing the broader Corriedale community of interest, through including in the Ahuriri Ward the Ngapara community of interest which has fewer commonalities of interest due to its links to townships in the Corriedale Ward; and/or
 - (b) by uniting the Ahuriri and Corriedale wards into a single ward as the two areas lack sufficient commonalities of interest, and because the geographic size of such a ward; and/or
 - (c) within isolated communities of the northern parts of the Ahuriri Ward.
4. Accordingly, for at least the triennial general election of the Waitaki District Council to be held on 11 October 2025, the following representation arrangements will apply:

¹ All plans referred to in this determination are deposited with the Local Government Commission; plans preceded by SO are deposited with Land Information New Zealand.

(a) Waitaki District, as delineated on Plan LG-0068-2019-W-1 will be divided into wards and will be represented by a Council comprising the mayor and 10 councillors elected as follows:

Ward	Councillors	Plan delineating area
Ahuriri Ward	1	LG-0068-2019-W-2
Oamaru Ward	6	SO 24253
Waihemo Ward	1	SO 24254
Corriedale Ward	2	LG-00X-2019-W-3

(b) There will be two communities with community boards as follows:

Community/ Community Board	Area	Members *	Appointed members
Ahuriri Community	Ahuriri Ward	5	1 member, representing Ahuriri Ward
Waihemo Community	Waihemo Ward	5	1 member, representing Waihemo Ward

*Number of members elected by the electors of each community

(c) The ratio of population to elected members for each ward will be as follows:

Wards	Population *	Number of members	Population per member	Deviation from district average population per member	% deviation from district average population per member
Ahuriri Ward	2,040	1	2,040	-396	-16.26
Oamaru Ward	14,900	6	2,483	47	1.94
Waihemo Ward	2,500	1	2,500	64	2.63
Corriedale Ward	4,920	2	2,460	24	0.99
Total	24,360	10	2,436		

*Based on Stats NZ Tatauranga Aotearoa 2023 population estimates (2018 base)

(d) The community boards will not be subdivided for electoral purposes. The population they each represent will be as follows:

Community	Population*	Number of members [^]	Population per member
Ahuriri	2,040	5	408
Waihemo	2,500	5	500

*Based on Stats NZ Tatauranga Aotearoa 2023 population estimates (2018 base)

[^] Number of members elected by the electors of each community

5. As required by section 19T(b) 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.

Background

6. Under sections 19H and 19J of the Local Electoral Act 2001 (the Act) territorial authority representation 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, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
7. The Council last reviewed its representation arrangements prior to the 2019 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2025.

Current representation arrangements

8. The Commission last made a determination in relation to the Waitaki District Council's representation in 2019. In making that determination the Commission was required to consider the non-compliance of the Ahuriri Ward which, at that time, stood at -21.95%. The Council's current representation arrangements have been in place since and are as follows:
 - a. a council comprising:
 - 10 members elected from four wards
 - the Mayor elected at large.
 - b. Two community boards, being:
 - Ahuriri Community Board - five elected members and one appointed member

- Waihemo Community Board - five elected members and one appointed member.

Current review

Preliminary consultation

- Preliminary consideration of representation arrangements was given through workshops of councillors and community board members. Officer reports provided to the Council indicate that a range of issues were considered, including:
 - the overall representation structure with a preference being expressed for the current ward structure
 - several options for the total number of councillors
 - the Ahuriri Ward's non-compliance, the various ways in which compliance could be achieved, and the difficulties compliance would create.

The Council's initial proposal

- On 23 July 2024 the Council resolved its initial representation proposal for a council comprising the mayor and 10 councillors elected from the current four wards. The proposal retained the Ahuriri and Waihemo communities and community boards.
- The initial proposed ward arrangements were as follows:

Wards	Population*	Number of members	Population per member	Deviation from district average population per member	% deviation from district average population per member
Ahuriri Ward	2,040	1	2,040	-396	-16.26
Oamaru Ward	14,900	6	2,483	47	1.94
Waihemo Ward	2,500	1	2,500	64	2.63
Corriedale Ward	4,920	2	2,460	24	0.99

*Based on Stats NZ Tatauranga Aotearoa 2023 population estimates

- The proposed community board arrangements were as follows:

13. Community/ Community Board 14.	Area	Members*	Appointed members
Ahuriri Community	Ahuriri Ward	5	1 member, representing Ahuriri Ward

Waihemo Community	Waihemo Ward	5	1 member, representing Waihemo Ward
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*Number of members elected by the electors of each community

Submissions

15. The Council notified its initial representation proposal on 1 August 2024 and received 11 submissions by the deadline of 4 September 2024. The majority of submissions supported the Council's initial proposal, while a small number of submissions sought changes to the proposal, including a smaller number of councillors, a larger number of councillors but no community boards, and councillors being elected from the district as a whole.
16. Some submissions sought solutions not provided for or permitted by the Local Electoral Act, or outside the scope of a representation review.
17. The Council rejected matters raised in submissions for the following reasons:
 - a. *The Council considers the proposed number of councillors is appropriate to provide effective representation given the district's diverse communities of interest and geographic size.*
 - b. *A fully at large basis of election would be inappropriate given the district's distinct communities of interest which are best represented by the current ward-based system and ward boundaries.*
 - c. *For the same reasons, a single district-wide ward would be inappropriate for effective representation of communities of interest.*
 - d. *The suggestion that only Councillors representing specific wards should be able to vote on any changes to wards is not consistent with legislation.*
 - e. *The proposed community boards provide for effective representation of specific communities of interest at the local level, and are well accepted and supported by the district.*
 - f. *The suggested amalgamation of wards with other territorial authorities is outside the scope of the Representation Review.*
18. At a meeting on 29 October 2024 the Council adopted its initial proposal as its final representation proposal.

The Council's final proposal

19. The Council publicly notified its final proposal on 30 October 2024.
20. No appeals or objections against the Council's final proposal were received. The Council was, however, required by section 19V(4) of the Act to refer its proposal to the Commission for determination as Ahuriri Ward did not comply with the fair representation requirement of section 19V(2) of the Act (the +/-10% rule).

Need for a hearing

21. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing. Rather, the need for a hearing is determined by the information provided by the relevant parties and as a result of any further inquiries the Commission may wish to make.
22. In the case of Waitaki District Council's final proposal, the Commission considered there was sufficient information in the documentation provided by the Council for the Commission to proceed to a determination. Accordingly, no hearing was required.

Matters for determination by the Commission

23. The matters for this determination by the Commission are limited to the Waitaki District Council's (the Council) decision to retain the boundaries of the Ahuriri Ward with its current membership, despite not complying with section 19V(2) of the Act (the '+/-10% rule').

Key considerations

24. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* (the Guidelines) 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

25. The Guidelines identify three dimensions for recognising communities of interest:
 - a. *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
 - b. *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
 - c. *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
26. All three dimensions are important and often interlinked. We note however, that there is often a focus on the perceptual dimension. That is, what councils, communities or individuals intuitively feel are communities of interest. It is not enough to simply state that a community of interest exists because it is felt that it exists; councils must provide evidence of how a sense of identity is reinforced, or how a community is distinct from neighbouring communities. Such evidence may be found by considering, for example:

- how communities rely on different services and facilities to function as part of the wider district, city or region
 - demographic characteristics of an area (for example age, ethnicity or deprivation profiles) and how these differ from other areas
 - how particular communities organise themselves and interact with others as part of the wider district, city or region.
27. The Council's analysis of communities of interest indicate that the four current wards reflect reasonably distinct communities – the Oamaru Ward comprising the towns of Oamaru and Weston, and three rural wards distinguished by distance, landscape type and different transport links.
28. In addition, the boundary between the Ahuriri and Corriedale wards is also the boundary between the Canterbury and Otago regions, signifying both a geographic divide and differences in some functional relationships.
29. The Commission agrees that the communities of interest reflected by the proposed wards were adequately identified by the Council.

Effective representation for communities of interest

30. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
31. The 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.
32. Waitaki District has had a ward system since its constitution in 1989, and the current four ward system has existed since 2007. Both the concept of a ward system and its current configuration can be seen to be very familiar to residents. The size of the district and the nature of its geography and settlement suggest that an at large system would not be appropriate.
33. In addition, we observe that a Council comprising at least ten members would be necessary to provide separate representation for each of the current wards in a manner that is largely compliant with the +/-10% rule.

Fair representation for electors

34. Section 19V of the Act sets out the requirement for the Commission to ensure that electors receive fair representation. Section 19V(2) establishes fair representation as a population per member ratio per ward that does not differ by more than 10% across the district. This is also referred to as 'the +/- 10% rule'.
35. Section 19V(3) of the Act provides that, despite subsection (2), if a territorial authority or the Commission considers one or more of certain prescribed conditions apply, wards may be defined and membership distributed between them in a way that does not comply with subsection (2). The prescribed conditions are:
 - a. non-compliance is required for effective representation of communities of interest within island or isolated communities situated within the district of the territorial authority
 - b. compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - c. compliance would limit effective representation of communities of interest by uniting within a ward two or more communities of interest with few commonalities of interest.
36. Section 19V(3) of the Act provides that, despite subsection (2), if a territorial authority or the Commission considers that effective representation of communities of interest so requires, wards may be defined and membership distributed between them in a way that does not comply with subsection (2).
37. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
 - a. uphold the decision of the council, or
 - b. alter that decision.
38. Accordingly, the matters for determination by the Commission are limited to the Council's decision to retain the boundaries of the Ahuriri Ward with its current membership despite not complying with the '+/-10% rule'.

Proposed non-compliance of Ahuriri Ward

39. The Council has proposed under-representation for the Ahuriri Ward of -16.26%.
40. The Council's reasons for non-compliance were as follows:
 - (a) *That the Ahuriri Ward has previously been recognised by the Local Government Commission as an isolated community in representation reviews since 2007; and*
 - (b) *That compliance with Section 19V(2) would limit effective representation by dividing communities of interest between and within wards; and*
 - (c) *That the Ahuriri Ward spans a very large geographical area comprising isolated communities with separate and distinct needs which consequently require a separate Councillor and Community Board to be effectively represented; and*

- (d) *The Ahuriri Ward's character as a summer destination where small permanent populations in separate communities of interest are significantly increased by visitors during the holiday season; and*
- (e) *That the Ahuriri Ward's non-compliance ratio in 2023 of -16.26% is a considerable decrease in over-representation from the -21.95% ratio for that ward in the 2018 Representation Review, and that the Ward's population growth continues to trend upwards as a result of ongoing tourism and economic development.*

41. Specific options considered by the Council that would have made the Ahuriri Ward compliant were combining the Ahuriri and Corriedale wards or the transfer of the Ngapara area from the Corriedale Ward. Within the range of options considered by the Council these appear to have been the only options that would comply with the +/-10% rule. The Council's analysis of these options was that:

Neither of these received clear support, mainly due to the increasing differences in the demographics and industries of the two wards, and the significant geographical distances involved. It was considered that this option would limit effective representation by dividing communities of interests (i.e. splitting Ngapara from Corriedale Ward where it was more aligned to the rural townships there), or by creating a community of interest where there were no commonalities of interest (i.e. Ngapara is not a 'township hub' like many of the Ahuriri Ward communities and its growth is underpinned by increased farming (like Corriedale communities) and not the tourism-related growth that Ahuriri is experiencing).

42. We broadly agree with the Council's analysis (although we do note that an increase in the Ahuriri Ward's population over summer is not something that relates to any of the criteria for an exemption from the +/-10% rule set out in section 19V(3)).

43. The Commission has considered representation arrangements for Waitaki District, and particularly for the Ahuriri Ward, on a number of occasions, most recently in 2019. In its 2019 determination the Commission stated that:

The prescribed exceptions [to the +/-10% rule] are where:

- (a) *non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority*
- (b) *compliance would limit effective representation of communities of interest by dividing a community of interest between wards*
- (c) *compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities of interest with few commonalities of interest.*

We have concluded that each of these are to some degree relevant to the situation of the Ahuriri Ward.

We do not consider the entire Ahuriri Ward to be isolated. However, we consider that parts of the ward are isolated. The most northerly settled part of the ward, north of Lake Ohau, is 140 kilometres from the proposed new southern boundary, and 172 kilometres from Oamaru. Other parts of the north of the ward are equally remote. This has a definite impact on the ability for the ward to receive effective representation.

If full compliance with the '+/-10% rule' were to be achieved there are two options for doing this – including additional areas in the Ahuriri Ward or combining it with the Corriedale Ward. We do not consider that either are practicable.

We examined briefly the extent of the additional area that would need to be added to the Ahuriri Ward to achieve compliance. The minimum area required would result in an arbitrary boundary cutting through communities of interest. Transferring larger areas would cut further into the broader community of interest, and commonality of interest, making up the Corriedale Ward.

Combining the two wards would result in a very large ward. The distance on main roads alone from one end of the ward to the other would be 198 kilometres. The issue of isolation, referred to in paragraph 27, would be exacerbated if the wards were to be combined. The combination of the two wards, both large areas by themselves, would also combine two distinct groupings of community of interest. In our view this would limit effective representation of the communities of interest involved.

44. In relation to the current review, our conclusion, based on information provided by the Council, is the same as that reached by the Commission in 2019. The conditions described then remain today.
45. The Commission is satisfied that the proposed Ahuriri Ward arrangements appropriately balance the requirements for fair and effective representation of the communities in the Ahuriri Ward and the Corriedale Ward. We, therefore, uphold the ward boundaries proposed by the Council.

Conclusion

46. We have made this determination pursuant to section 19R of the Local Electoral Act 2001 having considered the information before the Commission and the requirements of sections 19T and 19V of the Act.

Local Government Commission

Commissioner Brendan Duffy (Chair)

Commissioner Bonita Bigham

Commissioner Sue Bidrose

Temporary Commissioner Gwen Bull

31 January 2025