



LOCAL GOVERNMENT COMMISSION MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Selwyn District Council
to be held on 8 October 2016

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.
2. 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.
3. The Selwyn District Council (the Council) last reviewed its representation arrangements prior to the 2010 local authority elections. Therefore it was required to undertake a review prior to the next elections in October 2016
4. The Council currently has a ward system of representation as set out in the following table.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Malvern	8,460	2	4,230	-265	-5.89
Selwyn Central	19,450	4	4,863	+368	+8.19
Ellesmere	7,480	2	3,740	-755	-16.79
Springs	14,050	3	4,683	+189	+4.20
Total	18,750	11	4,495		

*Based on 2014 population estimates provided by Statistics New Zealand

5. There are also two community boards in the district – the Selwyn Central Community Board and the Malvern Community Board.

6. The Selwyn Central Community Board comprises four elected members, elected at large across the community, and one appointed member.
7. The Malvern Community Board comprises five elected members and one appointed member. The elected members are elected from subdivisions as follows:

Subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Tawera	2,810	2	1,405	-287	-16.96
Hawkins	5,650	3	1,883	+191	+11.31
Total	8,460	5	1,692		

*Based on 2014 population estimates provided by Statistics New Zealand

The council's proposal and review process

8. The Council established a representation review sub-committee to develop a representation proposal for the Council to consider. The sub-committee included one councillor from each ward of the district and the two community board chairs.
9. After consulting on representation issues and considering feedback, the sub-committee recommended to the Council that it adopt the following proposal:
 - the Council comprise 11 councillors elected from four wards
 - the four existing wards be retained apart from the transfer of Burnham Camp and surrounding areas from the Selwyn Central Ward to the Ellesmere Ward (so that Ellesmere Ward complied with +/-10% fair representation requirement)
 - the name of the Selwyn Central Ward be change to Central Ward
 - the Malvern Community Board continue in existence with the boundaries of its two subdivisions redrawn so that they comply with the +/-10% requirement
 - the Selwyn Central Community Board be abolished.
10. The Council adopted the sub-committee's proposal as its initial representation proposal. The proposed ward arrangements were 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
Malvern	8,460	2	4,230	-265	-5.68
Central	14,050	4	4,458	+37	+0.83
Ellesmere	9,100	2	4,550	+55	-1.23
Springs	14,050	3	4,683	+188	+4.19
Total	18,750	11	4,495		

*Based on 2014 population estimates provided by Statistics New Zealand

11. The proposed arrangements for the Malvern Community Board were as follows.

Subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Tawera	3,250	2	1,625	-67	-3.96
Hawkins	5,210	3	1,737	+45	+2.64
Total	8,460	5	1,692		

*Based on 2014 population estimates provided by Statistics New Zealand

12. The Council received 226 submissions on its initial proposal which the Council summarised as follows:

- 139 supported the retention of the Malvern Community Board while two submissions did not support its retention
- 45 submissions supported the retention of the Selwyn Central Community Board while six submissions did not support its retention
- six submissions supported the proposal to have 11 councillors
- nine submissions supported the proposal to have four wards
- six submitters asked for the name 'Central' to be changed back to 'Selwyn Central' while two submissions asked that it be renamed 'Paparua'
- 11 submissions agreed with the entire proposal.

13. After considering the submissions, the Council resolved to adopt its initial proposal as its final proposal apart for changing the name of the Central Ward back to Selwyn Central.

Appeals

14. Twelve appeals were lodged against the Council's final proposal. The appellants were:

- Alan French
- Bruce Russell
- Gary Doyle
- John McKim
- Joyce Davey
- Liz Russell
- Marian Powell
- Myra Luxton
- Nathan Boshier
- Weedons Reserve Committee
- Brian Whittington

15. Each of the appeals sought the retention of the Selwyn Central Community Board.

16. In addition, a petition signed by 233 people supporting appeals against the abolition of the Selwyn Central Community Board was lodged with the Council. The Council forwarded the petition to the Commission along with the appeals. The petition has not been treated as an appeal but has been considered along with the other documents sent to the Commission by the Council.

Hearing

17. The Commission met with the Council and six of the appellants at a hearing held in the Selwyn District Council's chambers on 14 March 2016. The Council was represented at the hearing by the Mayor Kevin Coe, Councillor Mark Alexander and Chief Executive David Ward.

18. The appellants appearing at the hearing were:

- Alan French
- Bruce Russell
- John McKim
- Liz Russell
- Marian Powell
- Weedons Reserve Committee

In addition Geoff Bland appeared in place of Joyce Davey and Mick Lester, Chair of the New Zealand Community Boards Executive appeared in support of Alan French.

19. The following is a summary of the main points made at the hearing in support of the Council's proposal.

- The Council as part of its consultation process had put the issue of whether to retain community boards to the community.
- Strong support was received through that process for the retention of the Malvern Community Board but views on the retention of the Selwyn Central Community Board were mixed.
- The Rolleston Residents' Association (from the largest town in the Selwyn Central Ward) had supported the dis-establishment of the Selwyn Central Community Board.
- There were some well-reasoned submissions arguing against the continuation of the Selwyn Central Community Board.
- The Selwyn Central Ward has four councillors for a population of 20,000 and approximately 10 residents associations.
- The Selwyn Central Ward is, geographically, the smallest ward and the Council considered that the councillors and residents associations could provide adequate representation.
- By comparison, the Malvern Ward is many times larger geographically and only has two councillors.
- The Springs Ward (which does not have a community board) also has high population growth.

- The Council deals with issues impacting on the Selwyn Central Ward such as heavy traffic.
 - The vast majority of work done in the Selwyn Central Ward is done with the support of councillors and staff; the community board has not led work or done things that a community committee could not have done.
 - The Council did not consider that dis-establishment of the community board would have a significant effect on councillors' workloads.
20. The following is a summary of the main points made at the hearing in opposition to the Council's proposal to abolish the Selwyn Central Community Board.
- Selwyn Central is a growing area, with much of the growth being because of population movement resulting from the Canterbury earthquakes.
 - Developments such as the establishment of an inland port at Rolleston will have a significant impact on the area.
 - The Council's representation review took a narrow approach based on whether boards should be disestablished, rather than considering how boards could play a constructive role in the district.
 - The board throughout its existence has suffered from a lack of commitment from the Council, lack of meaningful delegations and an unclear role.
 - Community board members act as the 'eyes and ears' of local government, and with a more intimate knowledge of the community can help to resolve issues that would otherwise get lost in the system.
 - Residents associations do a good job but at a different level; they are outside the Council structure and therefore do not have the same impact as a community board can.
 - Community boards provide a training ground for those wishing to progress in local government.
 - The Selwyn Central Community Board has been active in a number of local projects and activities, e.g. helping facilitate the development of facilities at Weedons Reserve, advocating on issues such as safe crossings and dog control, and supporting youth through the discretionary fund.

Requirements for determination

21. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals are contained in sections 19R, 19H and 19J of the Act.

19R. Commission to determine appeals and objections

(1) The Commission must—

- (a) Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and**
- (b) Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—**

- (i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
 - (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
- (a) *May make any enquiries that it considers appropriate; and*
 - (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

19H. Review of representation arrangements for elections of territorial authorities

- (1) *A territorial authority must determine by resolution, and in accordance with this Part,—*
- (a) *Whether the members of the territorial authority (other than the mayor) are proposed to be elected—*
 - (i) *By the electors of the district as a whole; or*
 - (ii) *By the electors of 2 or more wards; or*
 - (iii) *In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
 - (b) *In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
 - (c) *In any case to which paragraph (a)(iii) applies,—*
 - (i) *The proposed number of members to be elected by the electors of the district as a whole; and*
 - (ii) *The proposed number of members to be elected by the wards of the district; and*
 - (d) *In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—*
 - (i) *The proposed name and the proposed boundaries of each ward; and*
 - (ii) *The number of members proposed to be elected by the electors of each ward.*
- (2) *The determination required by subsection (1) must be made by a territorial authority —*
- (a) *On the first occasion, either in 2003 or in 2006; and*
 - (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —*
- (a) *There should be communities and community boards; and*
 - (b) *If so resolved, the nature of any community and the structure of any community board.*
- (2) *The resolution referred to in subsection (1) must, in particular, determine—*

- (a) *Whether 1 or more communities should be constituted:*
 - (b) *Whether any community should be abolished or united with another community:*
 - (c) *Whether the boundaries of a community should be altered:*
 - (d) *Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*
 - (e) *Whether the boundaries of any subdivision should be altered:*
 - (f) *The number of members of any community board:*
 - (g) *The number of members of a community board who should be elected and the number of members of a community board who should be appointed:*
 - (h) *Whether the members of a community board who are proposed to be elected are to be elected—*
 - (i) *By the electors of the community as a whole; or*
 - (ii) *By the electors of 2 or more subdivisions; or*
 - (iii) *If the community comprises 2 or more whole wards, by the electors of each ward:*
 - (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *The number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

22. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

23. In addition to determining the substantive matter raised in the appeals, the Commission is required by the Act to determine the ward and membership arrangements for the Council and community board arrangements generally.
24. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission believes that the following steps in determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
- (a) identify the district's communities of interest
 - (b) determine the best means of providing effective representation of the identified communities of interest
 - (c) determine fair representation for electors of the district.

Communities of interest

25. Both wards and community boards need to be based on distinct and recognisable communities of interest.
26. The Guidelines identify three dimensions for recognising communities of interest:

- perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
27. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.

Effective representation of communities of interest

28. 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 combination of both) will provide effective representation of communities of interest within the district
 - 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.
29. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the number of elected members and the appropriate basis of election of members for a particular district.
30. 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.
31. 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 comprised 13 councillors when it was constituted in 1989. Since the 2001 local elections it has comprised 11 councillors.
32. The Council is proposing retention of 11 councillors and no appeals were received on this issue. The Commission believes this number is appropriate for a district of Selwyn's geographic area and population.
33. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the district level for the community of interest. The options for the basis of election provided in the Act are: at large across the district as a whole, division of the district into wards, or a mix of at large and wards. In relation to wards, it is noted wards may contain more than one distinct community of interest, but that these communities have sufficient commonalities to be grouped together.

34. Since its constitution in 1989, Selwyn District has been divided into wards (six wards from 1989 until 2001, and four wards since 2001).
35. In its current review the Council proposed retention of the existing four wards. Their retention had broad support in both of the Council's consultation exercises and there were no appeals against these arrangements. The four wards have existed for some time and can be seen to be accepted as reflecting distinct communities of interest in the district and with which residents have a sense of identity and belonging.
36. Each of the wards is centred on one of the larger towns of the district, while the Malvern Ward contains the entirety of the hill and high country portion of the district plus the adjacent service town of Darfield. The wards are at a scale that makes them appropriate areas, functionally and politically, for wards for Selwyn District. Accordingly the Commission concludes that these arrangements meet the requirement for effective representation of communities of interest in the district.

Fair representation for electors

37. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members (the +/-10% fair representation requirement).
38. The Council proposes a change to ward boundaries through a transfer of an area including Burnham Camp from the Selwyn Central Ward to the Ellesmere Ward. This ensures that the Ellesmere Ward now complies with the +/-10% requirement of section 19V(3), as do the other ward and membership arrangements in the Council's final proposal as can be seen from the table in paragraph 10.

Communities and community boards

39. 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.
40. 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 appropriate 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?
41. The statutory role of a community board is to:
- represent and advocate for the interests of its community
 - consider and report on matters referred to it by its parent council
 - maintain an overview of council services provided in its community
 - prepare an annual submission to the council for expenditure within its community
 - communicate with community organisations and special interest groups within its community
 - undertake any other responsibilities delegated to it by its parent council.
42. Community boards do not exist in the Ellesmere and Springs wards. There was no demand for boards in these areas expressed in the initial part of the Council's review and no appeals seeking such boards.
43. The Council has proposed that the Malvern Community Board be retained. There was strong support for the continuation of this board expressed in the Council's initial engagement with the community and through submissions on the Council's initial proposal. In addition to this support, the Council's representation review sub-committee noted the workload associated with attending meetings of community committees in the ward, and the beneficial relationship the board has established with its community, particularly through quarterly 'on-the-road' meetings. The Council, at the hearing, also referred to the geographic size of the Malvern Community and the fact it was represented by only two councillors.
44. The Commission concludes that the Malvern Community is an appropriate area for the efficient and effective performance of the community board role and contains a distinct grouping of communities of interest. As a result it provides effective representation for communities of interest within the area and should continue in existence.
45. The board currently comprises five elected members elected over two subdivisions. The Council redrew the boundaries of the two subdivisions in order that they comply with the +/-10% fair representation requirement. The Commission endorses this part of the proposal. The Commission understands that the Council now appoints both ward councillors to the board and it also endorses the proposal the board comprise two appointed members along with the five elected members.
46. As far as the Selwyn Central Community Board is concerned the Council based its initial proposal to disestablish the board on the following considerations:
- some submitters had made strong arguments for disestablishment

- the Selwyn Central Ward is geographically compact and well represented with four councillors
 - there is a duplication of roles with, for example, councillors, as well as community board members, attending most community committee meetings.
47. The Commission believes the key issues to be addressed are the requirement for effective representation of communities of interest and the contribution community boards can and do make to the governance of their district.
48. In relation to effective representation, the Commission notes that Selwyn District Council has a relatively high level of councillor representation for districts in the 20 – 50,000 population range. It also agrees with the Council’s assessment that the Selwyn Central Ward is compact and from that point of view able to receive effective representation from the four councillors the ward elects. These characteristics are seen by the Council to have led to a degree of duplication of roles between ward councillors and the community board.
49. At the hearing Commissioners questioned appellants, including some who are community board members, about the role and activities of the board. While acknowledging the passion of board members for their work and for their community, they did not convey the impression that the activities they were involved in could not be carried out equally well by a combination of councillors and community committees.
50. Although one of the arguments put forward by appellants for the retention of the community board was the high population growth in the ward, the Commission, despite questioning about this matter, did not receive a clear indication that the community board had an active role in strategic or growth-related issues affecting the community.
51. Finally, the Commission notes that the board itself was not unanimous on whether or not it should continue in existence.
52. In light of the above, the Commission determines to endorse the Council’s proposal to disestablish the Selwyn Central Community Board. This decision is also made in light of the assurances given by the Council that councillors will continue to work with and support the network of community organisations in the ward.
53. The Commission notes that if the residents of the Selwyn Central community believe this is the wrong decision they can make their concerns known at the upcoming elections. It is noted, further, that 10% of electors of any community are able to petition for the establishment of a community board at any time under Schedule 6 of the Local Government Act 2002.

Commission's Determination

54. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Selwyn District Council to be held on 8 October 2016, the following representation arrangements will apply:
- (1) Selwyn District, as delineated on LG-062-2016-W-1 deposited with Land Information New Zealand, will be divided into four wards.
 - (2) Those four wards will be:
 - (a) Malvern Ward, comprising the area delineated on SO 300824 deposited with Land Information New Zealand
 - (b) Selwyn Central Ward, comprising the area delineated on LG-062-2016-W-2 deposited with the Local Government Commission
 - (c) Ellesmere Ward, comprising the area delineated on LG-062-2016-W-3 deposited with the Local Government Commission
 - (d) Springs Ward, comprising the area delineated on LG-062-2016-W-4 deposited with the Local Government Commission.
 - (3) The Council will comprise the mayor and 11 councillors elected as follows:
 - (a) 2 councillors elected by the electors of Malvern Ward
 - (b) 4 councillors elected by the electors of Selwyn Central Ward
 - (c) 2 councillors elected by the electors of Ellesmere Ward
 - (d) 3 councillors elected by the electors of Springs Ward.
 - (4) There will be a Malvern Community, comprising the area of the Malvern Ward.
 - (5) The Malvern Community will be divided into two subdivisions as follows:
 - (a) Tawera Subdivision comprising the area delineated on LG-062-2016-S-1 deposited with the Local Government Commission
 - (b) Hawkins Subdivision comprising the area delineated on LG-062-2016-S-2 deposited with the Local Government Commission.
 - (6) For the Malvern Community, there will be a Malvern Community Board comprising:
 - (a) two members elected by the electors of the Tawera Subdivision
 - (b) three members elected by the electors of the Hawkins Subdivision
 - (c) the two councillors representing the Malvern Ward who will be appointed to the community board by the Council.
55. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and community coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

**REPRESENTATION REVIEWS COMMITTEE
FOR LOCAL GOVERNMENT COMMISSION**

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Commissioner Janie Annear (Chair)

A handwritten signature in blue ink, appearing to read 'Leith Comer', written in a cursive style.

Temporary Commissioner Leith Comer

A handwritten signature in black ink, appearing to read 'Dr Pauline Kingi', written in a cursive style.

Temporary Commissioner Dr Pauline Kingi

7 April 2016