



Determination

of representation arrangements to apply for
the election of Whanganui 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. Whanganui 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, there were no appeals/objections against the council's final proposal. As a result, the representation arrangements determined by the council applied for the 2013 and subsequent 2016 local authority elections. These arrangements were for a council comprising the mayor and 12 councillors elected at large.
4. In addition, there was the Wanganui Rural Community Board comprising seven elected members elected from three subdivisions as set out in the following table, along with two appointed members.

Community board subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Whanganui	1,180	2	590	-156	-20.91
Kaitoke	1,520	2	760	+14	+1.88
Kai Iwi	2,520	3	840	+94	+12.60
Total	5,220	7	746		

*Based on Statistics NZ 2011 population estimates

5. In its current review, the council adopted its initial representation proposal at a meeting on 12 June 2018. The proposal was for the retention of a council comprising the mayor and 12 councillors elected at large.
6. The proposal was also for retention of the one community board, proposed to be renamed Whanganui Rural Community Board, comprising seven elected members elected from three subdivisions, and two appointed members. The seven elected members were to be elected from subdivisions as set out in the following table.

Community board subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Whanganui	1,308	2	654	-165	-20.15
Kaitoke	1,772	2	886	+67	+8.18
Kai Iwi	2,650	3	883	+64	+7.81
Total	5,730	7	819		

*Based on Statistics NZ 2017 population estimates

7. The council notified its initial proposal on 20 June 2018 and called for submissions by 3 August 2018.
8. In notifying its proposal, the council noted two of the subdivisions (Whanganui and Kaitoke) do not currently comply with statutory requirements for fair representation. It proposed, therefore, a boundary alteration between the two subdivisions involving the transfer of two meshblocks (1684900 and 1685000) from the Kaitoke subdivision to the Whanganui subdivision. It stated further that: *“although the proposal will not completely comply with the Act’s population rule it is considered that this is the most appropriate demarcation given the importance of retaining the existing Fordell community in its entirety within the Kaitoke subdivision. The proposal also provides the opportunity to incorporate larger farming blocks into the Whanganui subdivision. This is believed to be a better community of interest alignment than the current relationship with Kaitoke.”*
9. In summary, the council advised that *“this proposal has been selected as it provides the following benefits:*
 - a) *retains existing communities of interest*
 - b) *provides minimal upheaval for affected parties and recognises that the current split appears to have worked well*
 - c) *offers only small scale change but will generally address the population equality rule*
 - d) *provides the potential to create more accurate representation through refining existing communities of interest (i.e. getting the split between Whanganui and Kaitoke right).”*
10. The council received 10 submissions on its initial proposal with eight of these responding to questions about the proposed community board arrangements. The majority of these, five including Whanganui Rural Community Board, supported the proposed change, one was neutral and two opposed the proposal.

11. At a meeting on 11 September 2018, the council, after considering the submissions, resolved to adopt its initial proposal as its final representation proposal.
12. The final representation proposal was notified on 9 August 2018 and appeals/objections were invited by 10 September 2018. No appeals/objections have been received.
13. In accordance with section 19V(4) of the Act, the council has referred its decision not to comply with the statutory +/-10% fair representation requirement in respect of the Whanganui subdivision, to the Commission for determination.

Matters for determination by the Commission

14. Section 19V(3)(a) of the Act makes it clear that if a territorial authority or the Commission considers that one or more of the following apply, wards may be defined and membership distributed between them in a way that does not comply with the '+/-10% rule':
 - 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 with few commonalities of interest.
15. Section 19V(4) then provides that in such a case, the territorial authority must refer its decision to the Commission for determination.
16. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
 - a) uphold the decision of the territorial authority, or
 - b) alter that decision.
17. Accordingly, the matters for determination by the Commission are limited to the council's decision to retain the Whanganui subdivision of the community board with its current representation, despite this subdivision not complying with the '+/-10% rule'. It is noted, however, that if the Commission does not uphold the council's decision, alteration of that decision may impact on the other representation arrangements for the community board.

History of community board arrangements

18. Two community boards covering the rural area of Whanganui District were established when the district was constituted in 1989. These two boards were combined into one rural board in 1992 and this board has remained in place, covering the rural area of the district, since that time. The three current community board subdivisions were established by the Commission in 2007 when the council's final proposal was appealed against.
19. Accordingly, the community board, and to only a slightly lesser extent its subdivisions, are well established in Whanganui District and are familiar to residents.

Fair and effective representation

20. The council acknowledged, as part of its review, that two of the subdivisions did not currently comply with the '+/-10% rule' and made efforts to achieve compliance. As a result, one of the proposed subdivisions does now comply and the other is slightly more compliant (at -20.15%).
21. The council considers this is an appropriate balance between the requirements for both fair and effective representation. The Wanganui Rural Community Board supports the council's proposal.
22. In these circumstances, we believe it is appropriate to uphold the decision of the council for the Whanganui subdivision not to comply with the '+/-10% rule' on the grounds that compliance would limit effective representation of communities of interest by dividing a community of interest between subdivisions.

Name of community board

23. We note the council is proposing to rename the community board the Whanganui Rural Community Board for the October 2019 local authority elections. This is in line with the name of both the district and the council. While technically beyond the scope of this determination, we endorse the council's decision on the name of the community board for the purposes of clarity, and we incorporate it into our own determination that follows.

Commission's determination

24. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of Whanganui District Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of the Whanganui subdivision of the renamed Whanganui Rural Community Board as compliance would limit effective representation of communities of interest by dividing a community of interest between subdivisions.
25. Accordingly, for the general election of Whanganui Rural Community Board to be held on 12 October 2019, there will continue to be a Whanganui subdivision electing two members.
26. Therefore, for the elections for Whanganui District Council and Whanganui Rural Community Board, the following representation arrangements will apply:
 1. Whanganui District, as delineated on SO Plan 36047 deposited with Land Information New Zealand, will not be divided into wards.
 2. The council will comprise the mayor and 12 councillors elected by the electors of the district as a whole.
 3. There will be a Whanganui Rural Community, comprising the area delineated on Plan LG-037-2019-Com-1.
 4. The Whanganui Rural Community will be divided into three subdivisions.
 5. Those three subdivisions will be:
 - a) Whanganui subdivision, comprising the area delineated on Plan LG-037-2019-S-1 deposited with the Local Government Commission
 - b) Kaitoke subdivision, comprising the area delineated on Plan LG-037-2019-S-2 deposited with the Local Government Commission

- c) Kai Iwi subdivision, comprising the area delineated on SO Plan 386526 deposited with Land Information New Zealand.

6. The Whanganui Rural Community Board will comprise:

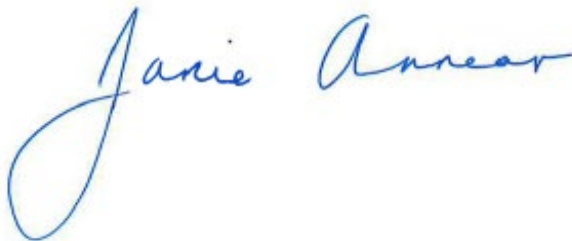
- a) 2 members elected by the electors of the Whanganui subdivision
- b) 2 members elected by the electors of the Kaitoke subdivision
- c) 3 members elected by the electors of the Kai Iwi subdivision
- d) 2 members appointed to the community board by the council elected by Whanganui District as a whole.

27. As required by section 19W(c) of the Local Electoral Act 2001, the boundaries of the above community 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 Pita Paraone (Chairperson)



Commissioner Janie Annear



Commissioner Brendan Duffy

10 April 2019