



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the
general election of the Christchurch City Council to be
held on 9 October 2004

BACKGROUND

- 1 The Christchurch City Council (“the Council”) undertook a review of the membership and basis of election of the Council and of community boards under sections 19H and 19J of the Local Electoral Act 2001 (“the Act”). On 28 August 2003 the Council resolved the initial proposed electoral arrangements to apply for the general election of the Council to be held in October 2004.
- 2 The Council elected at the 2001 general election comprises 24 members and the Mayor. The 24 members were elected as follows:

Burwood Ward	2 members
Fendalton Ward	2 members
Ferrymead Ward	2 members
Hagley Ward	2 members
Heathcote Ward	2 members
Papanui Ward	2 members
Pegasus Ward	2 members
Riccarton Ward	2 members
Shirley Ward	2 members
Spreydon Ward	2 members
Waimairi Ward	2 members
Wigram Ward	2 members.
- 3 Elections were held for six community boards in the City at the 2001 general election. Each community board has six elected members (three from the area of each ward falling within the boundaries of the community) and three appointed members. The six community boards are:
 - The Burwood-Pegasus Community Board
 - The Shirley-Papanui Community Board
 - The Fendalton-Waimairi Community Board

- The Riccarton-Wigram Community Board
- The Spreydon-Heathcote Community Board
- The Hagley-Ferrymead Community Board.

4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

Council

The Council would comprise the Mayor, and 16 members elected from eight wards as follows:

Pegasus Ward	2 members
Shirley Ward	2 members
Papanui Ward	2 members
Waimairi Ward	2 members
Wigram Ward	2 members
Hillmorton Ward	2 members
Port Hills Ward	2 members
Linwood Ward	2 members.

Communities

The six existing communities would be abolished.

Eight new communities would be constituted. Each community would cover the area of a proposed ward, and the community board for the community would have four elected members and two appointed members.

5 The Council received 128 submissions to its initial proposal. The submissions covered a range of issues, including:

- The Council's proposal is supported
- The current electoral arrangements should be retained
- Six wards and six communities should be created based on the existing community board boundaries
- There should be fewer than 18 councillors and fewer than 32 community board members
- Councillors should be elected either wholly at-large, or through a mix of at-large or by ward
- The boundaries of the proposed wards and communities should be altered
- There should be four communities
- The eight community boards should each comprise four elected members and one appointed member
- The proposed community boards should be subdivided
- There should be nine wards
- The names of the proposed wards should be changed
- One councillor should be elected to represent the interests of rural residents and ratepayers.

- 6 Following consideration of the submissions, the Council amended its initial proposal as its final proposal. The amendments involved the renaming of some of the proposed wards and a redefining of their boundaries. The final proposal was as follows:

Council

The Council would comprise the Mayor, and 16 members elected from eight wards as follows:

New Brighton Ward	2 members
Shirley Ward	2 members
Papanui Ward	2 members
Fendalton Ward	2 members
Riccarton Ward	2 members
Hillmorton Ward	2 members
Port Hills Ward	2 members
Linwood Ward	2 members.

Communities

The six existing communities would be abolished.

Eight new communities would be constituted. Each community would cover the area of a proposed ward, and the community board for the community would have four elected members and two appointed members.

- 7 Eighteen appeals and twenty-four objections were received against the Council's final proposal. The subject matter of the appeals and objections included the following:
- The current electoral arrangements should be retained
 - An increase in the number of community boards is opposed
 - A six ward option, based on the boundaries of the current community boards, is favoured
 - A six ward option, with 12 or 18 councillors is favoured
 - A six ward option, based on the boundaries of the current community boards, is favoured, with each ward electing three councillors and four community board members
 - The name "Hagley" should be retained as the name of a ward
 - The boundaries of the Council's proposed eight wards are opposed
 - A six ward option, based on the boundaries of the current community boards, is favoured, with each ward electing two councillors and three community board members
 - A six ward option, based on the boundaries of the current community boards, is favoured, with each ward electing two councillors and four community board members

- A six ward option, based on the boundaries of the current community boards, is favoured, with each ward electing two councillors and six community board members
- A six ward option, based on the boundaries of the current community boards, is favoured, with each ward electing three councillors and six community board members
- The Council's eight proposed wards are too large and unmanageable
- The current electoral arrangements should be retained, subject only to minor boundary adjustments
- The boundaries of the proposed Port Hills Ward do not enhance communities of interest.

Hearing

- 8 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council, the appellants and objectors if they wished to be heard. A quorum of the Commission, comprising the Chairman, Grant Kirby and Commissioner Kerry Marshall, met with the Council, appellants and objectors in Christchurch on 9 February 2004.
- 9 The Council and 24 appellants/objectors appeared before the Commission at the hearing. The Council outlined its proposal, and the appellants and objectors spoke to their submissions.

MATTERS FOR DETERMINATION

- 10 The statutory provisions in respect of these appeals and objections 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.*

- 11 When applying the provisions detailed above, the principles of the Act (set out in section 4 of the Act) need to be taken into account, particularly the principle of fair and effective representation for individuals and communities.

Consideration by the Commission

- 12 The Commission considers that when deciding the basis of election of the Council, i.e. whether the Council should be elected at large, or by wards, or partly by wards and partly at large, the criterion to be met within the terms of section 19T is the provision of effective representation of the various communities of interest within the City. The Commission must determine which communities of interest or groupings of communities of interest require representation. If wards are considered to be appropriate, then any particular ward may encompass one or more communities of interest.
- 13 Section 19V provides that the electors of the various wards within the City must receive fair representation. Section 19V(3) provides that the requirements of section 19V(2) may only be set aside in the circumstances where the Commission considers that island or isolated communities require specific representation. The provisions of section 19V that are relevant to the Commission's consideration are subsections 1, 2 and 3, as follows:

19V. Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.*
- (2) *For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community divided by the total number of elected members (other than the mayor, if any).*
- (3) *Despite subsection (2),—*
 - (a) *if the territorial authority or the Commission considers that the effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2):*
 - (b) *if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).*

14 The Commission notes that any preliminary ward arrangements determined to reflect communities of interest might need to change to ensure that the population per member requirement of section 19V(2) is met, unless it is satisfied that island or isolated communities require separate representation to achieve effective representation.

15 The Commission's first responsibility was to decide whether or not the City should be divided into wards. If wards were to apply it then had to determine the number and boundaries of those wards to provide effective representation of communities of interest within the City.

16 In its 2001 and earlier representation determinations the Commission concluded that Christchurch City contained a large number of communities of interest, some of which are sufficiently disparate to require the constitution of wards for their effective representation. From the information presented to it, and its own knowledge of the City, the Commission is satisfied that the division of the City into wards continues to be necessary to provide effective representation for communities of interest. The Commission notes that almost

all submitters to the Council's initial proposal, and all the appellants and objectors favour a ward system of election in the City.

Appropriate Ward System and Membership

- 17 Having decided that the basis of election would be the ward system, the Commission then considered the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the City. The Commission does not consider that section 19T envisages that individual communities of interest need separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 18 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 19 In the Commission's view, where a city is to be divided into wards, there should be such number of wards as is necessary and consistent with the concept of effective representation of various communities of interest. In this regard the requirements of section 19V(2) also need to be taken into account.
- 20 The Council has proposed that the existing twelve-ward arrangement of the City be replaced with a new system of eight wards. In the resolution of its initial proposal the Council set out its reasons for the change as follows:

“That the explanation as to the reasons for the proposed change represented by this proposal from the current system of 12 wards electing two members, together with six community boards, be:

- a. the 1998 and 2001 decisions of the Local Government Commission requiring the Council to carry out a comprehensive review of its basis of election and membership;*
- b. The emphasis in the Local Government Act 2002 on councillors having a greater focus on governance issues;*
- c. Representations from members of the public that the Council reduce its number of members.”*

- 21 At the hearing the Council gave the following additional reasons in support of its proposal:
- The Council would function more efficiently with a lesser number of members
 - A Council of 16 plus the Mayor is intended to balance efficient decision-making with providing effective representation
 - The eight ward/community option aligns with communities of interest in most places.

- 22 Amongst submitters to the Council's initial proposal there was some support for the eight wards proposed by the Council, as well as the status quo. The other significant ward option suggested through the submissions process was the option of six wards, generally based on the existing community board boundaries.
- 23 The Commission satisfied itself that the division of the City into twelve wards is no longer necessary to provide effective representation for communities of interest. It then considered the Council's eight ward proposal against that of the six ward option favoured by a significant number of submitters, appellants and objectors.
- 24 In considering the Council's proposal for eight wards the Commission came to the view that the proposal:
- was a significant change to the electoral arrangements currently in place in Christchurch, and which were familiar to its residents
 - the proposal did not necessarily group together communities of interest in an appropriate manner – the Commission considers the proposed Port Hills Ward in particular contained distinct communities of interest that had disparate interests and concerns
 - implementation of the eight ward proposal would likely require significant administrative changes to enable local service delivery in each of the eight wards/communities.
- 25 The Commission considered the six ward option favoured by a number of submitters, objectors and appellants and came to the view that:
- the six wards, based on the boundaries of the existing communities, better reflected communities of interest in the City than the Council's proposal
 - six wards would have familiarity to residents and electors given that they would be based on the existing community board boundaries
 - the six wards would provide effective representation for communities of interest
 - a Council elected under a six ward model could have a reduced membership from the current membership of 24 (a Council of 12 or 18 members was generally favoured by those who sought the division of the City into six wards).
- 26 After taking all the information presented to it into account, the Commission considered that at this time the division of the City into six wards would better reflect the various communities of interest in City and would provide effective representation for those communities. It therefore determined that the City shall be divided into six wards based on the boundaries of the existing community boards.
- 27 Having determined that the City shall be divided into six wards the next matter to consider was the membership of each ward. In its 1998 and 2001 determinations of the electoral arrangements of the City, the Commission signalled its view that a Council comprising 24 members and the Mayor was larger than necessary or efficient to provide effective representation for the

residents of the City. The Commission notes that in the context of the current review the Council was of the view that it would function more efficiently with a lesser number of members.

- 28 Given the acceptance by the Council and most submitters and appellants that a lesser number of members than present would be desirable, the decision to constitute six wards, each with similar populations, led the Commission to consider whether a Council of 12 or 18 members, excluding the Mayor, would be appropriate. A number of submitters and appellants supported a Council of 12 or 18 members and the Mayor. In his presentation to the Commission the Mayor advised that his personal initial view on membership was that the Council should comprise 12 members.
- 29 Given that the City has complete community board coverage, and that the community boards have comprehensive delegations and are seen by both the Council and those who made submissions to the review as generally effective in dealing with local issues, the Commission reached the decision that a Council comprising 12 members and the Mayor will be effective in dealing with City-wide issues as well as providing effective representation for the residents of the City.
- 30 Applying the decision of the Commission to establish six wards to a total Council of 12 members (excluding the Mayor) enables the requirements of section 19V(2) to be met, as follows:

Ward	Members	Population per member	Population (2001 Census)
Burwood-Pegasus	2	26472	52944
Shirley-Papanui	2	26652	53304
Fendalton-Waimairi	2	25605	51210
Riccarton-Wigram	2	27470	54939
Spreydon-Heathcote	2	25901	51801
Hagley-Ferrymead	2	26012	52023

(The population per member falls within the range of 26352+/-10% (23717 to 28987). The District's total usually resident population at the time of the 2001 Census was 316221.)

- 31 Having considered all aspects of the matter of Council representation the Commission concluded that the membership of the Council should total 12 members elected from six wards, and the Mayor.

Community Boards

- 32 The Council proposed that the existing system of six community boards should be disestablished, and that eight new boards should be constituted, with the area of each board matching the area of one of the wards proposed by the Council.
- 33 Those submitters, appellants and objectors who were in favour of six wards, were also generally in favour of six communities, and for the boundaries of those communities to match the boundaries of the wards.

- 34 In the context of its decision to establish six wards based on the area of the existing communities, the Commission determined that the six existing communities should be retained. The Commission is satisfied that it is not necessary to subdivide the area of each community for electoral purposes in order to provide effective representation.
- 35 Each existing community board has six elected members and three appointed members. The Council proposed that its new community boards should each have four elected members and two appointed members. The Commission determined that the membership of each of the six community boards shall be five elected members and two appointed members. The Commission noted that its decision on membership falls within the scope of proposals brought forward by submitters, appellants and objectors.

DETERMINATION

- 36 Under section 19R of the Act, the Commission determines that for the general election of the Council to be held on 9 October 2004 -
- (1) Christchurch City as delineated on S.O. Plan 334960 deposited with Land Information New Zealand, shall be divided into six wards;
 - (2) Those six wards shall be -
 - (a) The Burwood-Pegasus Ward, comprising the area delineated on S.O. Plan No. 334962 deposited with Land Information New Zealand;
 - (b) The Shirley-Papanui Ward, comprising the area delineated on S.O. Plan No. 334964 deposited with Land Information New Zealand;
 - (c) The Fendalton-Waimairi Ward, comprising the area delineated on S.O. Plan No. 334965 deposited with Land Information New Zealand;
 - (d) The Riccarton-Wigram Ward, comprising the area delineated on S.O. Plan No. 334966 deposited with Land Information New Zealand;
 - (e) The Spreydon-Heathcote Ward, comprising the area delineated on S.O. Plan No. 334968 deposited with Land Information New Zealand;
 - (f) The Hagley-Ferrymead Ward, comprising the area delineated on S.O. Plan No. 334970 deposited with Land Information New Zealand;

- (3) The Council shall comprise the Mayor and 12 members who shall be elected as follows -
- (a) two members shall be elected by the electors of the Burwood-Pegasus Ward;
 - (b) two members shall be elected by the electors of the Shirley-Papanui Ward;
 - (c) two members shall be elected by the electors of the Fendalton-Waimairi Ward;
 - (d) two members shall be elected by the electors of the Riccarton-Wigram Ward;
 - (e) two members shall be elected by the electors of the Spreydon-Heathcote Ward; and
 - (f) two members shall be elected by the electors of the Hagley-Ferrymead Ward.
- (4) There shall be six communities as follows:
- (a) The Burwood-Pegasus Community, comprising the area of the Burwood-Pegasus Ward;
 - (b) The Shirley-Papanui Community, comprising the area of the Shirley-Papanui Ward;
 - (c) The Fendalton-Waimairi Community, comprising the area of the Fendalton-Waimairi Ward;
 - (d) The Riccarton-Wigram Community, comprising the area of the Riccarton-Wigram Ward;
 - (e) The Spreydon-Heathcote Community, comprising the area of the Spreydon-Heathcote Ward; and
 - (f) The Hagley-Ferrymead Community, comprising the area of the Hagley-Ferrymead Ward.
- (5) The membership of the community board for each community shall be five elected members and two members of the Council representing the ward in which the community is located and appointed to the community board by the Council.

37 As required by sections 19T(b) and 19W(c) of the Act, 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.

THE LOCAL GOVERNMENT COMMISSION

Grant Kirby (Chairman)
Kerry Marshall (Commissioner)

7 April 2004