



## LOCAL GOVERNMENT COMMISSION

# Determination

of representation arrangements to apply for  
the election of the Hutt City Council  
to be held on 13 October 2007

### Background

1. The Hutt City Council (the Council) elected at the 2004 local elections comprises the mayor and 11 councillors elected as follows:

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from city average population per councillor	Percentage deviation from city average population per councillor
Northern	15,650	2	7,825	-1,315.91	-14.40
Western	12,950	1	12,950	+3,809.09	+41.67
Eastern	17,500	2	8,750	-390.91	-4.28
Central	18,900	2	9,450	+309.09	+3.38
Harbour	18,100	2	9,050	-90.91	-0.99
Wainuiomata	17,450	2	8,725	-415.91	-4.55
<b>TOTALS</b>	<b>100,550</b>	<b>11</b>	<b>9,140.91</b>		

\*These figures are rounded 2005 population estimates provided by the Government Statistician

2. Currently there are three community boards. The Wainuiomata Community Board covers the area of the Wainuiomata Ward and the Petone and Eastbourne Community Boards combined cover the area of the Harbour Ward.
3. On 20 July 2006 the Council resolved, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), its initial proposed representation arrangements to apply for the 2007 local elections. These were publicly notified on 29 July 2006.
4. The Council's initial proposal was as follows:
  - (a) the Council comprise 12 councillors (and the mayor) elected from six wards as follows:

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from city average population per councillor	Percentage deviation from city average population per councillor
Northern	15,650	2	7,825	-554.16	-6.61
Western	15,500	2	7,750	-629.16	-7.51
Eastern	17,500	2	8,750	+370.84	+4.43
Central	16,350	2	8,175	-204.16	-2.44
Harbour	18,100	2	9,050	+670.84	+8.01
Wainuiomata	17,450	2	8,725	+345.84	+4.13
<b>TOTALS</b>	<b>100,550</b>	<b>12</b>	<b>8,379.16</b>		

\*These figures are rounded 2005 population estimates provided by the Government Statistician

(b) the existing three community boards be abolished.

5. The Council received 1,665 submissions on its initial proposal. The submissions included two petitions with one signed by 956 residents in support of retaining the Wainuiomata Community Board, and one signed by 177 residents in support of the existing Northern Ward Committee. A total of 1,483 submissions was analysed by the Council (excluding 182 form submissions seeking the retention of the Wainuiomata Community Board). The vast majority of the submissions focused on community board issues and the response to the Council's proposal to abolish the existing community boards/ward committees was as follows:
  - oppose: 1,456 (98.2%);
  - support: 26 (1.8%);
6. The residence of those opposing the abolition of the community boards/ward committees was: Wainuiomata 544, Eastbourne 343, Petone 218, Harbour Ward 57, Western Ward 51, Central Ward 28, Northern Ward 35, Korokoro 30, and Eastern Ward 8.
7. Following consideration of submissions the Council, on 28 September 2006, confirmed its initial proposal in relation to the basis of election and the number of councillors (12 plus the mayor).
8. The Council, however, resolved to amend its initial proposal relating to community representation and to retain unchanged:
  - the communities of Eastbourne, Petone and Wainuomata each with its own community board;
  - the membership of each board (Eastbourne five elected and Petone and Wainuiomata six elected, and each with two appointed members); and
  - in each case the elected members be elected by the electors of the community as whole.
9. Fourteen appeals/objections were received against the Council's proposal. The main concerns of the appellants/objectors related to:
  - the increase in the number of councillors to 12;
  - the boundary of the Harbour Ward, and also of the Petone Community;

- the decision not to establish community boards across the city or at least establish a board in the Northern Ward; and
- the decision to retain the community boards in three areas.

## **Hearing**

10. The Commission met with the Council, appellants/objectors and two submitters who supported the Council's final proposal, at a hearing held in the meeting room at the Wainuiomata Library on 2 March 2007. The Council was represented by the Mayor David Ogden and the Electoral Officer Stuart Duncan. The appellants/objectors who appeared at the hearing were: Geoff Rashbrooke, Roydon McLeod, Kathryn McGavin, Max Shierlaw, Noeline Matthews (also on behalf of the Harbourview Residents' Association), Geoff Mann, Filomena Aukuso, Michael Grigg and Peter Matcham from the Normandale Residents' Association. Julie Sylvester and Reg Moore from the Wainuiomata Community Board appeared in support of the Council's final proposal.

## **Matters raised in appeals, objections and at the hearing**

11. The main arguments presented in relation to wards and the number of councillors were:
  - councillors' role was to act in the interests of the city as a whole and this is quite different from community board members' advocacy role;
  - 12 councillors were too many given the existence of community boards, and the number could be reduced to 10 with six elected by wards and four elected at large;
  - a mixed system would provide a good balance between representation of city-wide interests and local parochial concerns;
  - the Harbour Ward should be split in two to ensure representation for both Petone and Eastbourne Communities;
  - no ward should have only one councillor as in his/her absence the area was disenfranchised; and
  - Korokoro had more of a community of interest with the Western Ward than the Harbour Ward.
12. The main arguments presented on the issue of community boards/ward committees were:
  - it was unfair to have community boards only in some areas of the city;
  - this inequity led to the Council consulting the community on preferences for either none or six community boards across the city;
  - the establishment of ward committees in areas which did not have community boards was also aimed at addressing this imbalance;
  - all areas in the city need to have a mechanism for accessing the Council;
  - community boards and ward committees were treated the same by the Council in terms of delegations, administrative support and remuneration of members;

- the performance of ward committees across the city was mixed and they had no “performance contract”;
- the areas that had community boards strongly supported their board and this was clearly demonstrated in the Council’s consultation exercises;
- the three community boards reflected distinctive communities of interest;
- the different wards had different needs in terms of representation;
- there was some support for the establishment of a community board in the Northern Ward (Taita and Stokes Valley) but mixed views in the Western Ward and little support in the Eastern and Central Wards;
- the Council’s final proposal to retain the existing community boards was simply a response to the communities’ reaction to abolition rather than a considered decision on fair representation across the city;
- the secession movement (i.e. proposal for the Harbour Ward moving to Wellington City) was seen by some as symptomatic of a breakdown in relations between the boards in that ward and the Council;
- the Council needed to work on its relationship with the community boards;
- the different roles of councillors and community board members meant councillors should not be appointed to the boards;
- the number of appointed members should be reduced;
- existing residents associations, particularly in the Western Ward, were effective and did a good job in advocating for the interests of their communities; and
- there was no guarantee that future councils would retain ward committees.

### **Matters for Determination**

13. The statutory provisions in respect of 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.*

### **Consideration by the Commission**

#### *Effective and fair representation*

14. A review of representation arrangements under the Act is to ensure that:
- the method adopted for the election of members (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district (section 19T); and
  - in determining the number of members to be elected by each ward, electors of that ward will receive fair representation (section 19V).
15. For the purpose of achieving fair representation, 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 Act does not define 'effective representation' or 'communities of interest'.
16. The steps in the process for achieving effective and fair representation are not statutorily prescribed. The Commission believes that the following approach to 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 communities of interest; and
  - (c) determine fair representation of electors for the district.

## *Lower Hutt City*

17. In notifying both its initial and final proposals, the Council identified the current wards as appropriate groupings of communities of interest as follows:
  - Northern Ward: Stokes Valley (including Tawhai, Holborn, Delaney and Manuka) and Taita;
  - Western Ward: Normandale, Maungaraki, Belmont, Kelson and Haywards-Manor Park, with the addition of Melling and Alicetown currently in the Central Ward;
  - Eastern Ward: Naenae North and South, Epuni East, Waiwhetu North and Waterloo East;
  - Central Ward: Avalon East and West, Boulcott, Hutt Central, Woburn North, Waterloo West, Epuni West and Naenae West;
  - Harbour Ward: Waiwhetu South, Woburn South, Moera, Wilford, Petone Central, Esplanade, Gracefield and Eastbourne; and
  - Wainuiomata Ward: Fernlea, Homedale, Glendale, Parkway, Arakura and Pencarrow.
18. We note that there was a large measure of support for the current six-ward structure. This appears to reflect reasonably distinct communities of interest, both geographically and socio-economically, with some adjustments to meet the fair representation +/-10% rule.
19. One appellant did propose a mixed system of representation still based on a six-ward structure. We did hear some appellants say they identified first and foremost with their community rather than with Lower Hutt City. A mixed system could be an option for the future as a way to address concerns about the cohesiveness of the city since reorganisation in 1989. We do not believe, however, that there has been sufficient public debate at this stage on possible benefits of a mixed system. Given the general support for a full ward system, we therefore uphold the Council's proposal in this respect.
20. We did hear suggestions that Korokoro, currently in the Harbour Ward, would be better located in the Western Ward given common geography and residents' general way of life including use of community services. We were advised that the Council did initially consider transferring Korokoro to the Western Ward on the basis that this was necessary to comply with the +/-10% rule. When this was subsequently seen as not necessary, the Council did not pursue this option. Given the Council's decision and the fact that Korokoro was part of the old Petone Borough and has been in the Petone Community since 1989, we believe that Korokoro should remain in the Harbour Ward.
21. Another appellant proposed separate wards for the Petone and Eastbourne Communities in order to ensure representation for both communities. We heard that both current Harbour Ward councillors come from Eastbourne despite it being slightly more than a third of the population of the Harbour Ward. We note that the Harbour Ward has existed in its current form since 1989. We have subsequently been advised that in both the 1989-1992 and 1995-1998 trienniums, two councillors came from Petone and one from Eastbourne. Since 1995, both councillors have come from Eastbourne.

22. Splitting the Harbour Ward in two based on the two communities, and at the same time complying with the +/-10% rule, would translate to a 20-member council based on one councillor for Eastbourne with its population of just under 5,000 people. We do not believe that this is appropriate or would be generally acceptable. We believe that if there is widespread dissatisfaction with the balance of representation in the Harbour Ward, the solution lies in the hands of Petone electors to both stand as candidates and support Petone candidates at elections.
23. Lower Hutt City has a number of geographically distinct communities of interest as well as a high degree of socio-economic diversity as identified in the Atlas of Socio-Economic Difference based on 2001 census data. Given this, we were not convinced by the appellant proposing a mixed system of representation, that one councillor per ward would be able to ensure effective representation of the city's communities of interest. On this basis we believe the election of two councillors per ward is desirable.
23. We uphold the Council's decision in relation to wards and determine that there will be six wards electing a total of 12 councillors. We believe that this will provide effective representation for the communities of interest of Lower Hutt City. These arrangements also comply with the requirement for fair representation of electors.

#### *Communities and community boards*

24. Section 19W of the Act sets out criteria for community board reviews. These include requirements for effective representation of communities of interest within the community and fair representation of electors.
25. We note the consultation that the Council has undertaken on the city's representation arrangements including community level representation. This included a referendum conducted in conjunction with the 2004 elections and preliminary consultation prior to the commencement of the formal representation review involving a household survey, focus groups and telephone survey. We note that this consultation and the formal review consultation indicated strong support for community boards where these currently exist. We also acknowledge the concern raised by one appellant that the briefing provided to the Commission, based on information provided by the Council, may not have accurately reflected the level of community support for the current boards. We have studied the information provided, both prior to and at the hearing, and now have a good appreciation of support levels.
26. We note the concerns raised, and share these concerns, at the apparent imbalance of representation across the city with three community boards in only two of the six wards. We note that ward committees have been appointed by the Council in the other four wards in response to this situation.
27. We considered the following options to address this situation:
  - the status quo (i.e. community boards in two wards and appointment of ward committees at the discretion of the Council);
  - extension of community board coverage across the city; or
  - abolition of the existing formal board structure and reliance on other mechanisms at the discretion of communities concerned.

28. We do not believe, given the level of response to the Council's initial proposal to abolish the existing community boards, that abolition is an acceptable or even sensible option.
29. We are also aware that the option of extending community board coverage across the city is not uniformly supported in the areas where new boards would be established. There appears to be more support in the Northern and Western Wards for a form of community representation than in the Eastern and Central Wards.
30. We are left, consequently, with the status quo. We note firstly that the three community boards in Petone, Eastbourne and Wainuiomata appear to operate efficiently and clearly are well supported by their local communities. We determine that the three existing boards will be retained.
31. While we did hear a call for a reduction in the number of members appointed to some boards by the Council, there did not appear to be strong concerns with present arrangements and, accordingly, we uphold the Council's decision in respect of current arrangements for membership of community boards.
32. There is a network of residents' associations currently on the Western Hills which we were informed works well alongside the current ward committee. We were also told that the Northern Ward Committee operates with a level of community support.
33. We were advised that the Council treated the current ward committees the same as community boards in terms of delegations, administrative support and remuneration of members. We were also advised that the cost of triennial elections was approximately \$25,000 per community board. In light of this information, we believe it is appropriate for the communities concerned to weigh the costs and benefits of establishment of a community board compared to a ward committee. We note further that electors of a particular area may initiate a poll calling for the establishment of a community board at any time and not just at the time of periodic reviews of representation arrangements.
34. At this time, we are not convinced there is sufficiently strong community support for an extended board structure across the city. We find that further boards should not be established at this time. We note a statement by the Mayor at the hearing that he believed the new Council elected after the October 2007 elections, would consider the retention of ward committees in the areas not covered by community boards.
35. Community boards can and do play an important and effective role in local communities around the country. In the cases where this occurs there is evidence of a close and effective working relationship between the board and the council including, for example, mutually agreed levels of delegations. This appears to us to be an important prerequisite for the successful operation of community boards. This is something that the Council and the existing community boards, as well as any area aspiring to the establishment of a community board, may wish to reflect on in order to maximise the potential that community boards have to offer in local governance.

## Commission's Determination

36. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Hutt City Council to be held on 13 October 2007, the following representation arrangements shall apply –
- (1) Lower Hutt City as delineated on SO Plan 35979 deposited with Land Information New Zealand, shall be divided into six wards;
  - (2) Those six wards shall be -
    - (a) the Northern Ward, comprising the area delineated on SO Plan 37405 deposited with Land Information New Zealand;
    - (b) the Western Ward, comprising the area delineated on SO Plan 37406 deposited with Land Information New Zealand;
    - (c) the Eastern Ward, comprising the area delineated on SO Plan 37407 deposited with Land Information New Zealand;
    - (d) the Central Ward, comprising the area delineated on SO Plan 37409 deposited with Land Information New Zealand;
    - (e) the Harbour Ward, comprising the area delineated on SO Plan 37408 deposited with Land Information New Zealand;
    - (f) the Wainuiomata Ward, comprising the area delineated on SO Plan 35984 deposited with Land Information New Zealand; and
  - (3) The Council shall comprise the mayor and 12 councillors elected as follows -
    - (a) two councillors elected by the electors of the Northern Ward;
    - (b) two councillors elected by the electors of the Western Ward;
    - (c) two councillors elected by the electors of the Eastern Ward;
    - (d) two councillors elected by the electors of the Central Ward;
    - (e) two councillors elected by the electors of the Harbour Ward; and
    - (f) two councillors elected by the electors of the Wainuiomata Ward;
  - (4) There shall be three communities as follows:
    - (a) the Eastbourne Community, comprising the area delineated on SO Plan 36005 deposited with Land Information New Zealand;
    - (b) the Petone Community, comprising the area delineated on SO Plan 36006 deposited with Land Information New Zealand; and
    - (c) the Wainuiomata Community, comprising the area of the Wainuiomata Ward;
  - (5) The membership of the community board for each community shall be comprised as follows:
    - (a) the Eastbourne Community Board: five elected members and two members of the Council representing the Harbour Ward and appointed to the community board by the Council;
    - (b) the Petone Community Board: six elected members and two members of the Council representing the Harbour Ward and appointed to the community board by the Council;

- (c) the Wainuiomata Community Board: six elected members and two members of the Council representing the Wainuiomata Ward and appointed to the community board by the Council.

36. 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.

**FOR THE LOCAL GOVERNMENT COMMISSION**

Wynne Raymond (Commissioner)

Colin Dale (Temporary Commissioner)

5 April 2007