



LOCAL GOVERNMENT COMMISSION

Determination

**of the membership and basis of election for the
general election of the New Plymouth District Council
to be held on 9 October 2004**

BACKGROUND

- 1 The New Plymouth District 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 24 June 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 16 members and the Mayor. The 16 members were elected as follows:

Clifton Ward	1 member
Waitara Ward	2 members
Inglewood Ward	2 members
Kaitake Ward	1 member
New Plymouth Ward	10 members.
- 3 Elections were held for four community boards in the District at the 2001 general election. The boards and their membership are:
 - The Clifton Community Board – four elected members and one appointed member
 - The Waitara Community Board - four elected members and two appointed members
 - The Inglewood Community Board – four elected members and two appointed members
 - The Kaitake Community Board – four elected members and one appointed member.
- 4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

Council

The Council would comprise the Mayor, and 14 members elected at large.

Communities

The four existing communities – Clifton, Waitara, Inglewood and Kaitake – would be retained. Each community board would comprise four elected members and two appointed members. The area of each community board would not be subdivided for electoral purposes.

- 5 The Council received 416 submissions to its initial proposal. The submissions covered a range of issues including:
- the Council’s proposal was supported
 - a ward system of election should be retained
 - community boards should be retained
 - a Kaitake Ward should be retained
 - the Omata/Oakura area should be placed within a New Plymouth Ward
 - the Okato and Inglewood areas should not be placed within the same ward
 - the current electoral arrangements should be retained
 - a mixed system of representation should be implemented
 - community boards should be disestablished
 - alternative ward and community board representation arrangements should be put in place.
- 6 Following consideration of the submissions, the Council amended its initial proposal. The Council’s final proposal was as follows:

Council

The Council would consist of the Mayor, and 14 members elected from three wards as follows:

New Plymouth City Ward	10 members
South-West Ward	2 members
North Ward	2 members.

The proposed New Plymouth City Ward would encompass the area of the existing New Plymouth Ward and the Omata and Oakura areas.

The proposed South-West Ward would encompass the area of the existing Inglewood Ward and the Okato area.

The proposed North Ward would encompass the areas of the existing Clifton and Waitara Wards.

Communities

The Waitara and Clifton Communities would be retained. The community board for each community would have four elected members and one appointed member.

A new community – the Inglewood-Okato Community – would be constituted, covering the area of the proposed South-West Ward. Its community board would have four elected members and two appointed members.

The existing Inglewood and Kaitake Communities would be abolished.

No communities would be subdivided for electoral purposes.

- 7 Three appeals and thirteen objections were received against the Council's final proposal. The subject matter of the appeals and objections included the following:
- the proposal does not provide fair representation for rural communities
 - the loss of the Kaitake Ward is opposed – Inglewood and Okato do not have common interests
 - the reduction in the number of wards fails to recognise the existing communities of interest and the isolation of rural communities
 - the Kaitake and Clifton Wards should be reinstated
 - the current electoral arrangements should be retained
 - the residents of Okato, Oakura and Omata have a strong shared community of interest and would be best represented by an at-large system subject to the existing community boards being retained
 - Inglewood and Okato should not be placed within one community board
 - the Kaitake area is geographically isolated from Inglewood, and has no affiliation with Inglewood
 - amalgamation of the Waitara and Clifton Wards will not provide effective representation
 - the fragmentation of the Omata, Oakura and Okato community of interest is objected to, as is the loss of community board representation for the Omata and Oakura area.

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. The hearing was held in New Plymouth on 20 November 2003.
- 9 The Council, two appellants and five 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 District. 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 district 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 may 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 District 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 district.
- 16 The New Plymouth District is a relatively diverse district. While a significant majority of the District's population is located in a relatively compact urban area close to the New Plymouth central business district, there are a number of smaller urban areas, as well as large rural areas in the north and south-western parts of the District. The Commission came to the view that because of the diversity of the District, effective representation of the various communities of interest could only be achieved at this time through councillors being elected on a ward basis. The Commission noted that the Council's final proposal put forward a ward system, and a number of the appellants and objectors sought a ward system for electoral purposes.

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 District. 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 district 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 District be divided into three wards. The Council considers that the proposed structure takes into account the distinct

communities of interest within the District while complying with the +/-10% rule of section 19V(2).

- 21 The concerns of appellants and objectors relating to the wards generally fall into two main areas:
- The rural areas of the District warrant separate representation to achieve effective representation,
 - The proposed South-West Ward groups together communities with little commonalities of interest.
- 22 The Commission considers that there is no evidence of isolation in the rural communities of the District. In reaching this decision the Commission has applied the following criteria:
- Physical separation alone is not isolation
 - For a community to have enhanced representation on the grounds of isolation a significant proportion of the population of the area must be isolated
 - Rural areas are not automatically isolated
 - Isolation must be evidenced by significant distance or travel time, or other physical/practical travel and/or communications difficulties or reliability problems
 - Isolation must relate to the ability of a community to receive appropriate representation by elected members
 - Isolation may justify one member instead of no separate representation for a community but caution would need to be applied in allocating additional members on that basis.
- 23 In considering the three-ward proposal put forward by the Council, the Commission noted that the current ward arrangements do not comply with the requirements of section 19V(2). The Council was therefore required to amend its wards so that they did comply with the statutory requirements.
- 24 The Proposed North and South-West Wards encompass the areas of the District which are principally rural. The Commission has noted the concerns of appellants and objectors regarding the discrete communities that make up the proposed South-West Ward and the limited sense of connectedness between the residents of the Inglewood area and the more coastal communities located to the west and north-west of Mount Taranaki. While these concerns are acknowledged, the Commission considers that the proposed South-West Ward appropriately reflects the rural nature of the southern part of the District, as does the proposed North Ward in the northern part of the District. The Commission considers that there should be an appropriate network of community boards in the District to deal with the local concerns raised by the appellants and objectors.
- 25 Having considered the information presented to it, the Commission is satisfied that the wards proposed by the Council more or less equate to the communities of interest requiring separate representation on the Council. In coming to that

conclusion, the Commission considered the distinct nature of each community and the geographical characteristics of the District.

- 26 The Council’s three-ward scenario proposed a total Council of 14 members. The allocation of members between the wards enables the requirements of section 19V(2) to be met, as follows:

Ward	Members	Population per member	Ward Population (2001 Census)
New Plymouth City	10	4781	47814
South-West	2	4523	9045
North	2	4878	9756

(The population per member falls within the range of 4758+/-10% (4282 to 5234). The District’s total usually resident population at the time of the 2001 Census was 66615.)

- 27 Having considered all aspects of the matter of Council representation the Commission has concluded that the membership of the Council should total 14 members elected from the three wards proposed by the Council, and the Mayor.

Community Boards

- 28 The Council proposed that the existing Clifton and Waitara Community Boards should be retained, and no appeals or objections have been received to this element of the Council’s final proposal. The Commission is satisfied that these community boards continue to fulfil a useful local governance function and has therefore determined that they will remain in existence.
- 29 The Council’s proposal to disestablish the Kaitake and Inglewood Community Boards and to constitute an Inglewood-Okato Community in their place generated considerable concern amongst appellants and objectors, who argued that there are few common links between the local communities that make up the existing Inglewood and Kaitake Communities. On the basis of the information presented to it, the Commission considers that retaining the current Kaitake and Inglewood Communities, with their existing boundaries, is appropriate at this time. While both areas are rural in nature, they are facing different local pressures. The Commission received information that in the area of the Kaitake Community, for example, there is significant subdivisional development along the coastal strip, resulting in infrastructural and other pressures in the area.
- 30 The Council proposed that the Waitara and Clifton Community Boards should each have four elected members and one appointed member, while the proposed Inglewood-Okato Community Board would have four elected members and two appointed members. The Commission has determined that the membership of each community board will be four elected members and one appointed member.

- 31 The Council did not propose that the communities would be subdivided for electoral purposes. The Commission is satisfied that subdivisions of the communities are not required for effective representation.

GENERAL COMMENTS

- 32 The Commission is of the view that the Council's membership, comprising 14 members and the Mayor, is greater than necessary to provide effective and efficient representation for residents of the City. With the Council being complemented by a system of community boards in the areas outside the New Plymouth City Ward the Commission considers that a smaller Council would be able to deal more effectively with the City-wide issues. However, as the total membership of the Council did not come forward as a significant matter of concern to submitters and appellants to the Council's representation proposals the Commission has decided that the Council's proposal in respect of total membership shall be retained at this time. The Commission would expect the Council to address this matter when undertaking its next representation review.
- 33 The Commission encourages territorial authorities that have community boards constituted within their areas to review the functions delegated to community boards. To maximise the effectiveness of the contribution of community boards to local governance the Commission is of the view that territorial authorities should consider providing the boards with a comprehensive set of delegated functions. The Commission considers that three current examples of effective community board delegations are:
- The delegations for the Otago Peninsula Community Board, as detailed in the Commission's determination of 11 October 2001, and
 - The delegations issued by the Thames-Coromandel District Council and Christchurch City Council for the community boards constituted in their districts.

DETERMINATION

- 34 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) The New Plymouth District as delineated on S.O. Plan 334329 deposited with Land Information New Zealand, shall be divided into three wards;
 - (2) Those three wards shall be -
 - (a) The North Ward, comprising the area delineated on S.O. Plan No. 334330 deposited with Land Information New Zealand:

- (b) The New Plymouth City Ward, comprising the area delineated on S.O. Plan No. 334331 deposited with Land Information New Zealand;
 - (c) The South-West Ward, comprising the area delineated on S.O. Plan No. 334332 deposited with Land Information New Zealand;
- (3) The Council shall comprise the Mayor and 14 members who shall be elected as follows -
- (a) two members shall be elected by the electors of the North Ward;
 - (b) ten members shall be elected by the electors of the New Plymouth City Ward; and
 - (c) two members shall be elected by the electors of the South-West Ward.
- (4) There shall be four communities as follows:
- (a) The Clifton Community, comprising the area as delineated on S.O. Plan No. 334333 deposited with Land Information New Zealand;
 - (b) The Waitara Community, comprising the area as delineated on S.O. Plan No. 334334 deposited with Land Information New Zealand;
 - (c) The Inglewood Community, comprising the area as delineated on S.O. Plan No. 334335 deposited with Land Information New Zealand; and
 - (d) The Kaitake Community, comprising the area as delineated on S.O. Plan No. 334336 deposited with Land Information New Zealand.
- (5) The membership of the community board for each community shall be as follows:
- (a) The Clifton Community Board shall comprise four elected members and one member of the Council representing the North Ward and appointed to the community board by the Council;
 - (b) The Waitara Community Board shall comprise four elected members and one member of the Council representing the North Ward and appointed to the community board by the Council;
 - (c) The Inglewood Community Board shall comprise four elected members and one member of the Council representing the South-West Ward and appointed to the community board by the Council; and
 - (d) The Kaitake Community Board shall comprise four elected members and one member of the Council representing the South-West Ward and appointed to the community board by the Council.

- 35 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)
Linda Constable (Commissioner)
Kerry Marshall (Commissioner)

7 April 2004