



LOCAL GOVERNMENT COMMISSION

Determination

of representation arrangements to apply for the election
of the New Plymouth District Council
to be held on 13 October 2007

Background

1. The New Plymouth District Council ("the Council") elected at the 2004 local election comprises 14 councillors and the Mayor. The 14 members were elected as follows:

<i>Wards</i>	<i>Population*</i>	<i>Councillors</i>	<i>Population per councillor</i>	<i>Deviation from city average population per councillor</i>	<i>% Deviation from city average population per councillor</i>
North	10,100	2	5,050	106.43	+2.15
New Plymouth City	49,600	10	4,960	16.43	+0.33
South-West	9,510	2	4,755	-188.57	-3.81
TOTALS	69,210	14	4,944		

*These figures are population estimates provided by the Government Statistician at 30 June 2005.

2. There are 4 community boards in the New Plymouth District, for the Clifton, Waitara, Inglewood, and Kaitake communities. Each community board comprises 4 elected members and 1 member appointed by the Council.
3. The Council agreed on an initial proposal on 16 May 2006, as follows:
 - (a) The Council should comprise 14 Councillors and the Mayor, elected by the electors of the city as a whole; and
 - (b) The existing arrangements for the Clifton, Waitara, Inglewood, and Kaitake Community Boards should be retained.
4. The Council received 153 written submissions on its initial proposal. It held a hearing of submitters, at which 9 submitters made oral presentations.
5. Following its consideration of submissions, the Council decided to confirm its initial proposal. It received 5 appeals against this proposal. All appeals were solely focused on the Council's decision to move from a ward system to an at large system for electing councillors.

Hearing

6. The Commission met with the Council, community boards, appellants, and submitters who had expressed a desire to be heard by it, on 25 October 2006. The Council was represented by the Mayor Peter Tennant, the Chief Executive, Rodger Kerr-Newell, and the Manager Secretariat, Barry Rollo. The appellants were Brian Hocken and Aaron Boddington, representing Taranaki Federated Farmers, and Trent Hall and Ken Bedford, representing the Waitara Community Board. Jean Pierce and Richard Jordan, representing the Inglewood Community Board, Ian Victers, representing the Clifton Community Board, Barbara and Brent Jury, Merle Clarke, and Fay Looney also spoke to the Commission.

Matters raised in appeals and at the hearing

7. The main arguments presented in support of the Council's proposal may be summarised as follows:
 - The South-West Ward combines two distinct communities centred around Okato and Inglewood, and the only access between these two communities is via New Plymouth;
 - Okato residents are not well served by their placement in the South-West Ward because the majority of the population of the Ward resides in Inglewood, and elections will tend to favour candidates who are better known to Inglewood residents;
 - New Plymouth District comprises one principal community of interest, and is not divided by social, geographic, or socio-economic differences;
 - Ninety-nine percent of residents of the district are within 30 minutes drive from New Plymouth;
 - A ward system is not suitable for representing demographic issues or district wide constituencies;
 - Wards are unfair in that residents of the South-West and North Wards are only able to vote for 2 councillors, whereas residents of the New Plymouth Ward are able to vote for 10 councillors;
 - The Council applies a uniform rating structure across the district;
 - The district's outlying areas are too small to warrant specific Council representation;
 - Community boards provide a sufficient mechanism for ensuring effective representation for rural and outlying communities;
 - Sub-geographic issues are better dealt with by community boards;
 - There are clear channels of communication between community boards and the Council, including the opportunity for Board Chairs to speak at Council meetings at the Chair's discretion; and
 - The Council is recognised as having excellent processes for residents' participation in local governance.
8. The main arguments presented in opposition to the Council's decision to move to an at large system of representation may be summarised as follows:
 - It would remove the principal mechanism of ensuring the Council's accountability to rural and outlying communities;
 - It would have a negative effect on the Council's ability to understand and respond to rural concerns and issues;

- Wards ensure there are councillors who genuinely understand the interests of distinct communities in the rural and outlying areas;
- The district is sufficiently large, and comprises sufficiently distinct communities, to warrant the continuation of the ward system;
- It would exacerbate the existing urban focus of the Council;
- It would be difficult for rural candidates to seek election;
- Rural residents pay 15.8% of the total rates in New Plymouth District; and
- The Council's decision went against the majority of submitters' wishes.

Matters for Determination

9. The statutory provisions in respect of these appeals and objections are contained in sections 19R, 19I and 19J of the Local Electoral Act 2001 (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 representation of communities of interest

11. Representation arrangements for the New Plymouth District were reviewed by the Council and the Commission prior to the 2004 local elections. At that time the Commission decided to:
 - (i) Reduce the number of wards from 5 to 3;
 - (ii) Reduce the number of councillors from 16 to 14; and
 - (iii) Retain the four community boards.
12. The Council has proposed a further change to its existing arrangements – to move from a ward system to an at large system for electing councillors. This was the only matter raised in appeals against the Council's proposal, and is therefore the principal matter the Commission must determine.
13. The requirement to *ensure effective representation for communities of interest* applies when deciding whether the Council should be elected at large, or by wards, or by a mixed at large/wards system.
14. The Council's proposal is based, in part, on the idea that the district comprises a single community of interest because it is not divided by economic, demographic, socio-economic, or ethnic distinctions. However, the Waitara Community Board submitted that there are demographic differences between Waitara and New Plymouth. Analysis of 2001 census data supports this view, in respect to residents' median income, the unemployment rate, the number of residents with tertiary qualifications, and the ethnic make-up of communities.
15. Regardless, the Council, the community boards, and the majority of submitters and appellants acknowledge that the district comprises distinct geographically defined communities, in New Plymouth, Waitara, Inglewood, Okato, Oakura, and the Clifton rural area. The Council also recognises that the outlying and rural communities require specific representation. It argues that community boards provide an appropriate level of representation for them.
16. The Council argued that a ward system is not suitable for providing local government representation for district-wide communities that are defined by some common social interest or demographic characteristic. The examples it cited were women, Māori, youth, and mountain bikers. The Commission believes that, in the case of New Plymouth District, the ward structure does not directly impact on the Council's ability to represent social communities. Even where the use of a ward system will achieve more effective representation of communities, the members elected under that system have the same obligation to the district as the members elected at large. The Council has developed good processes, through its community outcomes, and its committee structure, to ensure that social communities are represented and can participate in local governance.
17. The Council's 2005 community survey indicates that most of the residents of the rural and outlying areas tend to make contact with members of their respective community board rather than the councillors elected from their ward. This indicates that the community boards are effective at performing the role that the Council has set out for them in accordance with sections 49 to 54 of the Local Government Act 2002 (The LGA). This role is one of advocacy for, and

engagement with, the residents of the community. The Council has not delegated any financial decision-making responsibilities to its community boards¹. The Commission is not able to determine the powers and responsibilities of community boards. This is the responsibility of the Council. However, there is no indication that the Council would delegate decision-making powers to its community boards.

18. Submissions generally indicated an open and healthy relationship between the Council and its community boards. However, community board members cannot participate in all parts of the Council's deliberations. In this case, community boards do not have the capacity to make decisions on behalf of their community. This is ultimately the Council's responsibility. Given the size of the district, and the population of the outlying and rural communities, the Commission is of the view that their effective representation would only be ensured through specific representation on the body making decisions that impact on community wellbeing.
19. Based on these considerations, the Commission believes a ward structure is necessary to ensure effective representation for communities of interest in New Plymouth District. When determining a ward structure, section 19V(2) of the Act requires the Commission to ensure 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.
20. In its 2004 determination, the Commission acknowledged concerns regarding the discrete communities that make up the existing South-West Ward, and the fact that there is no access between these communities other than via New Plymouth. At that time, the Commission recognised that both Inglewood, and the communities to the west of New Plymouth, were distinct from communities in New Plymouth. However, with regard to the requirements of section 19V(2), the population of the coastal area to the west of New Plymouth is too small to warrant specific representation on the Council without dramatically increasing the total number of district councillors.
21. The physical separation between Inglewood and Okato is recognised in the continued existence of separate community boards for the Inglewood Community, and the Kaitake Community. These community boards provide a mechanism to enable more effective communication between residents and the Council, as evidenced by the Council's 2005 community survey.
22. The majority of the population of the South-West Ward resides in Inglewood township. The 2004 local elections resulted in the election of 2 candidates who were (at that time) residents of Inglewood. There may be some validity to the argument that, because the majority of the total population of the South-West Ward resides in Inglewood township, elections would tend to favour candidates who are better known to the Inglewood community, rather than the coastal communities to the west of New Plymouth. Some residents of Okato and Oakura argued they would have better access to local government representation under an at large system than under the existing ward structure. However, for the same reasons that the structure of the South-West Ward may tend to benefit candidates who reside in Inglewood, district-wide voting may tend to benefit candidates who

¹ Section 52(f) enables a council to delegate a wider range of responsibilities under clause 32 of Schedule 7 of the LGA

reside in New Plymouth (which comprises approximately 70% of the district's total population).

23. The unusual combination of communities in the South-West Ward is an insufficient reason for removing the principle mechanism for ensuring effective representation for the District's rural and outlying communities. These, in total, comprise approximately 25-30% of the district's population.
24. The Commission believes that the existing ward structure would ensure better overall representation for New Plymouth's communities of interest than an at-large system. It believes the existing ward structure would continue to ensure effective representation for communities and fair representation for electors. It has therefore decided that the existing ward structure should be retained for the 2007 local elections.
25. The Council has proposed to retain 14 councillors. This was not a matter raised in appeals. The Commission is satisfied that a 14 member Council (and the Mayor), elected from the three existing wards, will ensure effective representation for communities. It therefore upholds this part of the Council's proposal.

Fair representation

26. As noted above, section 19V (2) of the Act requires the Commission to ensure 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 current ward system and allocation of members comply with this requirement.

Communities and community boards

27. The commission is also required to determine whether there should be communities and community boards and, if so, the nature of those communities and the structure of the boards.
28. The Council's review process indicates wide support for the retention of existing arrangements for the Waitara, Inglewood, Clifton, and Kaitake Community Boards. From the evidence presented to it the Commission is satisfied they contribute to the good local government of the district. The Commission therefore upholds this part of the Council's proposal.

DETERMINATION

29. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the New Plymouth District Council to be held on 13 October 2007 the following representation arrangements shall apply:
 - (1) The New Plymouth District as delineated on SO 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 SO Plan 334330 deposited with Land Information New Zealand;

- (b) the New Plymouth City Ward, comprising the area delineated on SO Plan 334331 deposited with Land Information New Zealand; and
 - (c) the South-West Ward, comprising the area delineated on SO Plan 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 delineated on SO Plan 334333 deposited with Land Information New Zealand;
 - (b) the Waitara Community, comprising the area delineated on SO Plan 334334 deposited with Land Information New Zealand;
 - (c) the Inglewood Community, comprising the area delineated on SO Plan 334335 deposited with Land Information New Zealand; and
 - (d) the Kaitake Community, comprising the area delineated on SO Plan 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.
30. 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.

THE LOCAL GOVERNMENT COMMISSION

Sue Piper (Chair)

Gwen Bull (Commissioner)

Wynne Raymond (Commissioner)

7 December 2006