

## PALMERSTON NORTH CITY COUNCIL

### Background

- 1 The Palmerston North City Council (hereafter referred to as the “Council”), in accordance with section 101H of the Local Government Act 1974 (hereafter referred to as the “Act”), carried out a review of its membership and the basis of the election of its members prior to the triennial general election to be held in October 1998.
- 2 The present membership is a Mayor and 15 members elected from the following wards -

<b>Ward</b>	<b>Members</b>
Papaioea	4
Takaro	3
Awapuni	3
Hokowhitu	3
Fitzherbert	1
Ashhurst	1

- 3 After carrying out its review, the Council resolved that it retain the existing membership and basis of election.
- 4 The Council received one objection to its proposal, from Dr Brian Booth. The basis of Dr Booth’s objection was that the current wards do not reflect communities of interest and that the City should be divided into single member wards.
- 5 After considering the objections, the Council declined to amend its original proposal for the following reasons -
  - “(a) Only one objection had been received to the Council’s proposals, whereas 69.5% of 200 submissions made on the electoral system as part of the Annual Plan process favoured a ward system based on the six existing wards;
  - “(b) While a system of single-member wards may be appropriate for a planned city with recognised distinctive suburbs, this was not the case for Palmerston North which had developed in a less-planned manner and where, in many cases, boundaries between suburbs are not distinct;
  - “(c) Multi-member wards in the central city area enabled electors to vote for three or four councillors rather than one councillor, and also recognised that, within each such ward, different councillors could provide a diversity of ideas; and

- “(d) It was unrealistic for each separate community in the City to be represented directly on the Council, although consideration could be given to the representation of communities on ward committees which were being reviewed independently of the formal objection/appeal procedure provided for in section 101J of the Local Government Act.”

## **Appeal**

- 6 Dr Booth appealed against the decision on his objection.

## **Matter for Preliminary Determination**

- 7 The Commission on receiving advice of the appeal, resolved that, before making a determination of this appeal, it would meet with the Council and with the appellant if he wished to be heard. The date of the meeting was fixed for 5 November 1997.

## **The Hearing**

- 8 The Commission met with representatives of the Council and with the appellant. Appearing for the Council were the Mayor, Mr Paul Rieger; Councillor Marilyn Brown; the Chief Executive, Mr Michael Willis; and Mr John Annabell, Corporate Secretary.
- 9 John Annabell spoke on behalf of the Council. He stated that, as part of the 1997-98 annual planning process, residents were asked if they wanted to continue with the present ward system, abolish it, or whether they would prefer changes to the existing system. They were also asked how many councillors there should be.
- 10 He said that nearly 80% of the 200 respondents supported the retention of a ward system, and most favoured keeping their existing wards. Respondents generally favoured there being either 14 councillors, or 15 councillors as at present. After taking this into account the Council agreed to continue with the existing 6 ward system and the current distribution of councillors between wards. The Council considered that the current boundaries dividing the urban area - Fitzherbert Avenue, Main Street, and Rangitikei Street - provide recognised lines which are accepted by the community, and therefore should be used as ward boundaries.
- 11 Dr Booth contended that the existing ward boundaries bore no relationship to actual communities of interest. He also contended that the basis of communities of interest were individual suburbs and that these should be the areas used to elect members to the Council. Dr Booth considered that wards based on such boundaries would help engender a greater sense of community, which in turn would have benefits for the health and social well-being of those communities. He saw the councillor elected from each community being the “leader” of a committee for that community.

## Matters for Determination

- 12 The statutory provisions in respect of this appeal are contained in sections 101K and 101L of the Act. Section 101K(1) states -
- "(1) The Commission shall before the 29th day of March of the year of each triennial election -*
- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under Section 101J of this Act; and*
  - (b) Subject to Section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole."*
- 13 The relevant provisions of Section 101L are subsections (2) and (3) which state:
- "(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure -*
- (a) that the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*
  - (b) that ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
  - (c) that, so far as is practicable, ward boundaries coincide with community boundaries.*
- (3) In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards."*

## Consideration by the Commission

- 14 The Commission considers that when deciding -

- (a) whether the election of the members of the Council (other than the Mayor) be by the electors of the whole district or on a ward basis; and
- (b) if on a ward basis, the number and boundaries of those wards,

the only criterion to be met within the terms of section 101L(2) is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest.

- 15 The Commission considers that, when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation of the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must remain the predominant factor, but different weightings, or even no weighting can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied, and consequently, any mathematical calculation should be seen only as indicative as to a level of fairness which can be achieved on the basis of the factors required to be taken into account under the provisions of the Act. The final decision must be that which, the Commission considers will, after having regard to the various factors set out in the Act, provide fair representation for the electors of any ward.
- 16 To recap, what the Commission is required to do is -
- (a) decide whether the Council should be elected from wards or from the district as a whole;
  - (b) if the district is to be divided into wards, decide what the boundaries of those wards should be; and
  - (c) fix the number of members to be elected from each ward, or, if there are no wards, from the district as a whole.
- 17 In the case of Palmerston North City the Commission considered that there are a number of communities of interest and that these would be most effectively represented if the City was to continue to be divided into wards.
- 18 The next issue to be determined was what are the most appropriate boundaries for those wards. In this regard, the Commission considered Dr Booth's proposals for a number of single member wards. The maps provided by Dr Booth indicated 16 wards for the core urban area, with presumably two additional wards for the Massey-Linton and Ashhurst areas.
- 19 The Commission carried out a preliminary examination of the wards suggested by Dr Booth. Taking as a working number 18 members, and leaving aside the

question of whether this is an appropriate number for the Council, the average population per ward would be 4,060. The populations of the wards contained in the map provided by Dr Booth ranged from approximately 1,783 to 6,451. This would not, in the Commission's view, meet the requirement in section 101K(3) of the Act that the electors of each ward receive fair representation having regard to population (and other factors if the circumstances require). There can be significant variations in the populations of wards where the district contains a number of communities of interest with significantly different characteristics. For example, where a district contains a mixture of urban and large rural areas; or where parts of a district are separated by significant geographic features. This is not the case with Palmerston North. It covers a relatively compact area, and the communities of interest within the City are largely of an urban or semi-urban nature.

- 20 This is not intended as a criticism of Dr Booth, and the Commission acknowledges that Dr Booth stated that there was nothing unmovable about the boundaries contained in his map. What it does indicate to the Commission, however, is the difficulty in determining boundaries for such small areas which reflect both communities of interest and fairness of representation in terms of population.
- 21 Additionally, in looking at the nature of the areas Dr Booth proposed as wards the Commission did not consider that these neighbourhood areas were discrete enough to be readily identified as distinct communities of interest. As such, the Commission considered that they did not require separate representation.
- 22 Although the Commission understood Dr Booth's desire for the benefits a greater sense of community might bring, it did not consider that his proposal easily met the criteria contained in the Act.
- 23 The Commission has therefore decided that the existing ward boundaries should be retained as providing the most appropriate grouping of communities of the four "urban" wards. It considers that while the existing boundaries running along the main streets dissecting the City may appear a simplistic device, they are nonetheless effective in grouping communities of interest of a like nature. Whether or not these boundaries continue to effectively group communities of interest is of course a matter the Council should consider closely in future triennial reviews. In respect of the Ashhurst Ward, the Commission considered that the ward centred on a discrete community of interest - the township of Ashhurst. The Fitzherbert Ward contains a series of communities of interest defined by the Manawatu River.
- 24 The remaining question to be addressed by the Commission is how many members are to be elected for each ward. The following sets out the statistical entitlement for a member for each ward based on the usually resident population as at the 1996 Census, based on a 14, 15 and 16 member Council.

Ward	Population	%	Members		
			14	15	16
Papaioea	19,024	26.03	3.64	3.90	4.16
Takaro	15,955	21.83	3.06	3.27	3.49
Awapuni	13,524	18.50	2.59	2.78	2.96
Hokowhitu	15,412	21.08	2.95	3.16	3.37
Fitzherbert	5,575	7.63	1.07	1.14	1.22
Ashhurst	3,605	4.93	0.69	0.74	0.79
<b>Total</b>	<b>73,095</b>	<b>100.0</b>	<b>14</b>	<b>15</b>	<b>16</b>

- 25 None of these options provide an absolutely tight statistical fit, however the Commission considers that a 15 member Council with each ward retaining its existing representation, provides the most reasonable fit overall.

### Determination

- 26 Pursuant to section 101K of the Act, the Commission hereby determines that for the triennial general election in 1998 -
- (1) Palmerston North City, as delineated on SO Plan No 36029, deposited with the Chief Surveyor of the Wellington Land District, shall continue to be divided into six wards:
  - (2) Those six wards shall be:
    - (a) the Papaioea Ward, comprising the area delineated on SO Plan No 36030 deposited with the Chief Surveyor of the Wellington Land District:
    - (b) the Takaro Ward, comprising the area delineated on SO Plan No 36033 deposited with the Chief Surveyor of the Wellington Land District:
    - (c) the Awapuni Ward, comprising the area delineated on SO Plan No 36032 deposited with the Chief Surveyor of the Wellington Land District:
    - (d) the Hokowhitu Ward, comprising the area delineated on SO Plan No 36031 deposited with the Chief Surveyor of the Wellington Land District:
    - (e) the Fitzherbert Ward, comprising the area delineated on SO Plan No 36034 deposited with the Chief Surveyor of the Wellington Land District:
    - (f) the Ashhurst Ward, comprising the area delineated on SO Plan No 36035 deposited with the Chief Surveyor of the Wellington Land District:
  - (3) The Council shall comprise a Mayor and 15 members of whom -

- (a) Four members shall be elected by the electors of the Papaioea Ward; and
- (b) Three members shall be elected by the electors of the Takaro Ward; and
- (c) Three members shall be elected by the electors of the Awapuni Ward; and
- (d) Three members shall be elected by the electors of the Hokowhitu Ward; and
- (e) One member shall be elected by the electors of the Fitzherbert Ward; and
- (f) One member shall be elected by the electors of the Ashhurst Ward.

28 As required by s 101L of the Act, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

### **The Local Government Commission**

Ian Lawrence, Chairman  
Barbara Durbin, Commissioner  
Robin Wilkins, Commissioner

27 March 1998