



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the general election of the Palmerston North City Council to be held on 13 October 2001

BACKGROUND

- 1 The Palmerston North City Council (hereafter referred to as “the Council”), as required by section 101H of the Local Government Act 1974 (hereafter referred to as “the Act”), considered its membership and the basis of the election of the Council to apply for the general election of the Council to be held in October 2001.
- 2 The Palmerston North City Council elected at the 1998 general election comprises 15 members and the Mayor. The 15 members were elected as follows:

Papaioea Ward	4
Takaro Ward	3
Awapuni Ward	3
Hokowhitu Ward	3
Fitzherbert Ward	1
Ashhurst Ward	1
- 3 Following its review, the Council proposed to retain the existing system of wards and membership, except for the transfer of a small area from the Ashhurst Ward to the Papaioea Ward.
- 4 The Council received 5 objections to its proposal from:
 - Dr Brian Booth, who submitted that wards should reflect individual communities, effectively proposing that the entire City be divided into single member wards;
 - W J Regnault who proposed that the City be divided into a greater but unspecified number of wards;

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- M J Crowther who proposed that the Council comprise 12 members elected “at large”, and that if wards are retained there be a lesser number with members appointed by the Mayor; and
 - P Hood and D Rix who proposed that the Council be elected “at large”.
- 5 Following consideration of the objections, the Council confirmed its original proposal. The Council’s decision was appealed by Dr Brian Booth.

Preliminary Matter for Determination

- 6 The Commission, on receiving advice of the appeal, resolved that before making a determination of the appeal it would meet with the Council and the appellant if he wished to be heard. The Commission resolved to meet the Council and the appellant in Palmerston North on 22 February 2001.

The Hearing

- 7 The Council was represented by the Deputy Mayor (Jim Jefferies), and Corporate Secretary (John Annabell). Dr Booth attended to speak to his appeal.

The Council: The Council’s representatives outlined the process the Council had undertaken and the reasons for its decisions. Their comments can be summarised as follows:

- the Council engaged in public consultation prior to the formal review process by way of a discussion paper;
- 703 submissions were received. Some submitters spoke to a special committee meeting of the Council;
- analysis of the submissions showed that 51.4% of respondents favoured a ward system of one sort or another, and that 47.9% opposed the ward system;
- the existing ward system was the most favoured of each of the ward systems canvassed;
- the views formed by Councillors drew on wider sources than just the submissions, including general interaction with the public and their experience as representatives;
- the Council’s decision was based on the following considerations:
 - * the proposed size of the Council would be appropriate for the conduct of the Council’s business;
 - * the boundaries of the wards provide for effective representation of the City’s communities of interest. The communities of interest within each ward were identified:
 - * the electors of each ward would receive fair representation;
 - * statistically the difference in the member:population ratio is most marked for the Ashhurst Ward, however the ward is recognised as having a separate community of interest requiring separate representation:

- a boundary alteration between the Ashhurst and Papaioea Wards had been proposed to reflect the urban development and changing community of interest that had occurred in the area. The proposal had been supported by a majority of residents responding to a survey of the area;
- the Fitzherbert ward contains the most diverse communities of interest, including a large rural area, Massey University, Linton Army camp and an developing residential area;
- the objections from Dr Booth and W R Regnault had been rejected by the Council because the submissions received by the Council favoured a lesser number of wards, the boundaries between suburbs are not distinctive enough to allow such a ward structure, and multi-member wards allow for a greater diversity of councillors for each ward;
- objections seeking an “at large” system were rejected by the Council because the majority of submission favoured a ward system, and the ward system ensures effective representation of different communities existing in the City and ensures that Councillors are elected from all parts of the City;
- an analysis was displayed showing what a 15 ward structure might look like; and
- ward committees are currently elected from public meetings.

Dr Booth: Dr Booth’s comments can be summarised as follows:

- he sought smaller wards as a mean of promoting a return to healthier communities;
- smaller wards would be the basis of greater community participation and involvement;
- there is not enough recognition of small scale communities by the Palmerston North City Council;
- under Dr Booth’s proposal each ward would elect its own management;
- he pointed to the benefits of such a system by reference to the example of Columbia in the United States;
- he believed that institutions such as local government will not survive if not secure at their base which is the community; and
- he referred to the book “Sustainability in Cities” by Newman and Kenworthy which discusses the environmental problems created by over-reliance on the private motor vehicle. They stated that “In the matter of urban community, precinct or ward, it is difficult to be precise. It is clear however that if electors are to have a hand in their own destiny smaller boundaries are necessary”.

The Council in reply: The Deputy Mayor’s comments can be summarised as follows:

- During the review two specific debates emerged - whether to have 6 wards or 15 wards, and whether to have a ward system or an “at large” system;
- the City does not easily divide into 15 wards that meet the statutory criteria; and

- the current ward arrangements are a simplistic but pragmatic approach to grouping communities of interest together and has been reasonably well recognised since 1989.

MATTERS FOR DETERMINATION

- 8 The statutory provisions in respect of these appeals 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 general 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 City as a whole.”

- 9 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 City 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 City as a whole or by the electors of the 2 or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the City; and

(b) That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand 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 City and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.”

Consideration by the Commission

10 The Commission considers that when deciding:

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

that 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 City. This can be achieved by any ward encompassing one or more communities of interest. What the Commission has to do then is determine which communities of interest or groupings of communities of interest require representation.

11 The Commission further 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 for the electors of the various wards within the City. 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 constitute the predominant factor, but, if other factors are applied, different weightings 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 a guide 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. In the end though, the final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide the fairest representation on balance for the electors of each ward.

12 In the Commission's opinion, its first responsibility, which also applied to the Council, was to decide whether or not the City should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the City.

13 The Commission considers there are a number of communities of interest in Palmerston North City. Those within the Ashhurst and Fitzherbert Wards are the most obvious. However based on the information provided to the Commission it concludes that within the remainder of the City a number of other identifiable communities of interest exist. The Commission concluded that these communities of interest would be most effectively represented if the City was to continued to be divided into wards.

Appropriate Ward System

- 14 Having decided that the basis of election will be a ward system, the Commission then had to consider 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 101L envisages that every individual community of interest requires separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 15 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 16 In the Commission's view, where it is appropriate for a City to be divided into wards, there should be such number as is necessary and consistent with the concept of effective representation of various communities of interest.
- 17 The appellant, Dr Booth, proposed that the City be divided into a number of single member wards. As noted above this was based on the view that such wards will help create more involved and participatory communities and in turn lead to healthier communities.
- 18 The Commission has considerable sympathy for the ends Dr Booth is attempting to achieve. It shares his desire for more involved communities. As noted above, however, wards exist as a device for electing members of the Council. The Commission is required to apply certain criteria in making its decision on the ward structure. Those criteria include effective representation of communities of interest on the Council and when it comes to allocating members to wards, fairness of representation between those wards.
- 19 Implicit in the last point is a requirement for the creation of wards that are reasonably able to permit fair representation between those wards. The Commission is not convinced from the information put before it that a 15 ward structure, or a similar alternative, would result in a system that meets the criteria. The varying population of suburbs makes it difficult to achieve wards that recognise communities of interest and have a reasonable degree of equity of representation.
- 20 Having decided that there shall not be a 15 ward structure the Commission is required to determine what the ward structure will be. In 1998 the then Commission had the following to say of the City's ward boundaries:

“The Commission has therefore decided that the existing ward boundaries should be retained as providing the most appropriate groupings of communities of the “urban” wards. It considers that while the existing boundaries running along main streets dissecting the City may appear a

simplistic device, they are nonetheless effective in grouping communities of interest of a like nature. 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.”

- 21 The current Commission considers that this statement continues to be applicable in 2001. The Commission has therefore concluded that, subject to a small adjustment proposed by the council between the Ashhurst Ward and the Papaioea Ward, the ward structure of the city determined in 1998 should apply for the 2001 election.

Number of Members

- 22 Having decided that there will be 6 wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 23 As noted above, the number of members to be elected by each ward is to be determined on the basis of providing fair representation for the electors of the various wards having regard to population and, if the circumstances so require, the rateable value and area of every ward. However, inherent in the decision to create an area as a ward is a requirement that the ward be represented by at least one member.
- 24 The Act does not specify what weightings are to be given to particular factors, however it does require the allocation of members to wards to result in fair representation for each ward. The Council used population as the sole criterion for the determining the number of members to be allocated to wards. The Commission agrees that this is most appropriate approach for Palmerston North City.
- 25 Set out below is a table showing the number of members that each of the wards would be entitled to using total numbers of members ranging from 13 to 17.

Wards	Population	%	Members				
			13.00	14.00	15.00	16.00	17.00
Papaioea	19327	26.45	3.44	3.70	3.97	4.23	4.50
Takaro	15736	21.53	2.80	3.01	3.23	3.45	3.66
Awapuni	15483	21.19	2.75	2.97	3.18	3.39	3.60
Hokowhitu	13721	18.78	2.44	2.63	2.82	3.00	3.19
Fitzherbert	5279	7.22	.94	1.01	1.08	1.16	1.23
Ashhurst	3534	4.84	.63	.68	0.73	0.77	0.82
Total	73080	100.00					

- 26 As can be seen from the above table, the application of ward population shows that fairness can be achieved between the representation of each ward with a Council of

15 members as proposed by the Council. It should also be noted that because of rounding to the nearest whole number the calculations based on a 14 or 16 member Council each result in a total number of members of 15.

- 27 Therefore, having considered all aspects of the matter of representation the Commission has concluded that the membership of the Council should total 15 members and the Mayor, taking into account the population of each ward on the basis outlined above.

DETERMINATION

- 28 Under section 101K of the Act, the Commission, determines that for the general election of the Council to be held on 13 October 2001 -
- (1) Palmerston North City, as delineated on SO Plan No 36029, deposited with the Chief Surveyor of the Wellington Land District, shall 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.

29 As required by section 101L(2) 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

Sir Ross Jansen (Chairman)
Barbara Durbin (Commissioner)
Bruce Anderson (Commissioner)

27 March 2001