



LOCAL GOVERNMENT COMMISSION

Determination

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

Background

1. The Porirua City Council (the Council) elected at the 2004 local elections comprises the mayor and 13 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	20,100	5	4,020	+135.38	+3.48
Western	10,200	3	3,400	-484.62	-12.47
Eastern	20,200	5	4,040	+155.38	+3.99
TOTALS	50,500	13	3,884.62		

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

2. Currently Porirua City has no community boards.
3. It is noted that Porirua City Council uses the STV electoral system.
4. On 29 May 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 6 June 2006.
5. The Council's initial proposal was as follows:
 - (a) a mixed system of representation be established with three councillors elected at large and 10 councillors elected by wards;
 - (b) the 10 ward councillors be 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	20,100	4	5,020	-25	-0.50
Western	10,200	2	5,100	+50	+0.99
Eastern	20,200	4	5,050	0	0
TOTALS	50,500	10	5,050		

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

- (c) no community boards be established.
6. The Council received 51 submissions on its initial proposal. Submissions covered a range of issues relating to the basis of election (i.e. at large, wards, or a combination of both), ward boundaries, the number of councillors and community boards.
 7. Following consideration of submissions the Council, on 9 August 2006, changed its initial proposal by removing that part of the proposal for three councillors to be elected at large. Again it resolved that community boards not be established. Its final proposal was publicly notified on 22 August 2006.
 8. Twenty appeals/objections were received against the Council's proposal. The main concerns of the appellants/objectors related to:
 - the abandonment of the mixed system of representation;
 - the number of councillors to be elected; and
 - the decision not to establish a community board for Titahi Bay.

Hearing

9. The Commission met with the Council, appellants/objectors and two submitters who accepted an invitation to appear in support of the Council's proposal, at a hearing held in the Porirua City Council Chambers on 22 November 2006. The Council was represented by the Deputy Mayor Euon Murrell, the Council's Chief Executive Officer Roger Blakeley and the Electoral Officer Mike Chapman. The appellants/objectors who appeared at the hearing were: Phil O'Connell, John Seddon, Barbara Donaldson, John Watson, Nick Leggett, Don Borrie, Graeme Ebbett of the Titahi Bay Residents' Association, Ann Mills and Michael Wareham. Helen Chipper and Tim Shepherd from the Plimmerton Residents' Association appeared as submitters in support of the Council's proposal.

Matters raised in appeals, objections and at the hearing

10. The main arguments presented in relation to a mixed system of representation were:
 - a mixed system would be another step in the progressive enhancement of local democracy following the introduction of postal voting, wards and STV;
 - a mixed system provides a good balance between representation of city-wide interests and local parochial concerns;
 - a mixed system can enhance representation, including that for minority groups;
 - a mixed system is seen to operate effectively in neighbouring Kapiti Coast District which also has distinct communities within its district and a relationship with Wellington City similar to that of Porirua;
 - wards alone tend to differentiate small communities while there is a need for a more cohesive city focussing on city-wide issues;

- a mixed system would be a useful transition to an at large system and a smaller more efficient council;
 - a mixed system provides the opportunity for additional councillors in future if desired;
 - support for a mixed system was on the basis of a reduction in councillor numbers;
 - concerns about the influence of political groups under a mixed system were not borne out in reality, for example Porirua's three mayors had come from all three wards;
 - under a mixed system, voters are able to vote for more candidates including outstanding candidates from other areas;
 - local residents' associations support the present ward system;
 - local communities are not balanced and an at large system would favour the more populous areas and disenfranchise others;
 - the initial proposal for a mixed system was not subjected to rigorous public debate;
 - councillors elected at large will be subject to political capture; and
 - ward councillors know best what the community is thinking.
11. The main arguments presented on the issue of the number of councillors were:
- a reduction in numbers is appropriate given the need for a focus on infrastructural issues which don't need to be addressed by large committee meetings;
 - a reduction is warranted given the size of Porirua in comparison to many overseas cities with a much higher ratio of population to elected members;
 - opportunities for input via consultation exercises mean there is less need for face-to-face meetings with representatives;
 - representation reviews are as much about governance issues, efficiency and effectiveness and should properly be considered under the Local Government Act;
 - all interests should be taken into account and fair representation should consider both who it benefits and who it hurts;
 - councillors are not required to live in the ward they represent;
 - a reduction in numbers would reduce diversity of representation and Porirua is a very diverse community; and
 - the Council's current meeting arrangements, particularly daytime meetings, discourage participation by some sectors of the community both in standing for the Council and attending Council meetings.
12. The main arguments presented relating to a community board for Titahi Bay were:
- Titahi Bay will suffer a deterioration in representation under the Council's final proposal with a reduction to two councillors;

- only one of the current three councillors for the Western Ward is actively involved in addressing local Titahi Bay concerns;
- community boards have more status than residents' associations;
- community boards are a good model for bottom-up participatory democracy;
- there is a history of community involvement by Titahi Bay residents;
- a Titahi Bay Community Board would help address concerns about resources and communications by the Council;
- a Titahi Bay Community Board was seen as an integral part of the village plan and attracted strong community support;
- Titahi Bay has a well-defined geographical identity;
- while Titahi Bay is the only area seeking a board at this stage, it could provide a model for other areas in future;
- Titahi Bay comprises only part of the Western Ward;
- a Titahi Bay Community Board would replicate and unnecessarily institutionalise the effective role currently played by the Residents' Association;
- community boards tended to struggle to get candidates;
- experience tended to suggest public apathy towards boards and a tendency to leave issues to the Council; and
- a question as to the future role of a community board in the event of local government reorganisation and establishment of an enlarged Wellington City.

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.

Porirua 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: rural community, Pukerua Bay, Plimmerton, Camborne, Mana, Hongoeka, Paremata, Papakowhai, Whitby;
 - Western Ward: Titahi Bay, Onepoto, Takapuwahia; Elsdon, City Centre, Kenepuru; and
 - Eastern Ward: Ascot Park, Aotea, Waitangirua, Cannons Creek, Ranui Heights, Porirua East.
18. We note that there was no opposition to the proposed ward structure based on the current three wards and that these have been in place since the 1998 local elections. The three wards are quite distinct in terms of the communities or villages that they group together.
19. The Council has established a community (village) plan project to enhance and protect the special character of the city's village communities. The Council states in its long-term council community plan that it is committed to continuing to work with communities on community planning as a way of facilitating local action and fostering a sense of local identity. It says this will influence the way the Council plans and provides services. We see the ward system as a way of helping achieve these objectives and accordingly endorse the current three-ward structure.
20. We were advised that Porirua City is a significantly more diverse community than New Zealand as a whole. Based on 2001 census data, its population, on average, is younger, and it has more Māori (20%) and more Pacific Island people (26%) than New Zealand as a whole (12% and 8% respectively). Household incomes also range significantly across the city and it has significantly more people in both decile 1 (least deprived) and decile 10 (most deprived) than the other deciles according to the 2001 New Zealand Deprivation Index.
21. Given the Council strategy to work closely with local communities throughout the city and the demographic, ethnic and socio-economic diversity of the city, we are particularly concerned to ensure that effective representation of communities of interest is maintained.
22. We also heard from some appellants/objectors that residents of Titahi Bay in the Western Ward were concerned about the effectiveness of the representation they were currently receiving from their three councillors. This was one of the reasons behind calls for the establishment of a Titahi Bay Community Board.
23. In light of the characteristics of Porirua City identified above and some concerns about current representation arrangements, we are not persuaded that the Council's proposed reduction in councillors (from 13 to 10) will enable effective representation of communities of interest to be maintained. We also note that the Council initially proposed the retention of 13 councillors with three elected at large and 10 by wards. On this basis, a total of 51 submissions were received on the initial proposal.

24. After hearing a range of views expressed, we are unconvinced by the case for a reduction in the number of councillors and also the level of community support for a reduction. We note that some councillors opposed the reduction in the Council's final proposal. We also heard of future population growth projections for Porirua City. On balance we believe that the number of councillors should not be reduced at this time and should be retained at 13.
25. Given this decision to retain 13 councillors and the retention of three wards, we are then required to consider how those councillors should be elected to best achieve effective and fair representation.
26. The Council initially proposed that three councillors be elected at large and 10 be elected by the current three wards. We did hear some concerns about the impact on electors of further change in election systems, in this case the introduction of a mixed system of representation. This follows the introduction of STV in 2004 and of local elections for district health boards in 2001.
27. We note the benefits of a mixed system claimed by a number of the appellants/objectors, such as encouraging a city-wide perspective as distinct from local community (parochial) concerns. We are concerned, however, that there has not been wide public debate in Porirua on possible benefits of the mixed system as opposed to a full ward system and there appeared to be limited support for a mixed system from submitters on the Council's initial proposal. On this basis the Commission does not believe it is appropriate to introduce a mixed system of representation in Porirua at this time.
28. We note that the current three-ward configuration electing 13 councillors does not comply with the fair representation +/-10% rule. We also note that the Council identified at an early stage, the option of altering the boundary between the Eastern and Western Wards (by transferring the Ranui Heights area to the Western Ward), which would result in compliance by all three wards with the +/-10% rule.
29. After further investigation, we have confirmed what we believe is an appropriate area of Ranui Heights to be transferred from the Eastern Ward to the Western Ward to allow both wards to retain their current level of representation (five and three councillors respectively) and comply with the +/-10% rule. The area concerned comprises 14 meshblocks and lies generally between State Highway 1, Mungavin Avenue, Awatea Street and part of Arawhata Street to a point before its junction with Mapuia Place, then running south to the boundary with Wellington City.
30. We consider the area comprising these 14 meshblocks is a distinct area and different in character from the adjoining older Porirua East area including Porirua East School, Porirua Park and nearby Mungavin Avenue shops. While the motorway and main trunk railway line do create a physical barrier, the Mungavin interchange provides easy access to the Western Ward and residents of Ranui Heights are likely to currently use facilities and services such as the main Porirua shopping centre located in the Western Ward.
31. We believe that the above decisions will provide effective representation for the communities of interest of Porirua City. They also comply with the requirement for fair representation of electors. The relationship between these decisions on ward boundaries, the number of councillors per ward, and the requirements of section 19V(2) is illustrated in the following table:

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	20,300	5	4,060	+160	+4.10
Western	11,300	3	3,766.66	-133.34	-3.42
Eastern	19,100	5	3,820	-80	-2.05
TOTALS	50,700	13	3,900		

*These figures are rounded 2006 population estimates, being the most up-to-date available, provided by the Government Statistician

Communities and community boards

32. 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.
33. We note that the Council began its review by producing a background paper on community boards and seeking community feedback. Three submissions were received in favour of the establishment of community boards and three opposed.
34. The Council identified the following three overriding considerations in determining whether community boards should be established:
- would incorporating community boards enhance effective representation?
 - is there a community of interest so unique that it warrants a community board? and
 - is the city best represented by a comprehensive set of community boards?
35. The Council used the following criteria for assessing whether community boards be established:
- distinctiveness of the community and sense of identity;
 - (direct) representation of the community may not occur;
 - access as a result of physical proximity or absence of other representation mechanisms; and
 - effective governance including devolved decision-making.
36. The Council subsequently resolved, as part of its initial proposal, that community boards not be established based on the following grounds:
- it is not in the interests of Porirua City to establish community boards;
 - effective representation will not be enhanced by establishing community boards having considered the identified communities of interest in terms of distinctiveness, representation, access and governance; and
 - if wards are confirmed, ward councillors are likely to provide sufficient representation of communities of interest and therefore will ensure adequate mechanisms of representation and access between elected members and the population.

37. The Council received 30 submissions supporting the establishment of a community board for Titahi Bay, five opposing the establishment of community boards and one supporting establishment where “the need is established”. The Council subsequently confirmed its initial decision and declined the submissions seeking the establishment of a community board for Titahi Bay saying it did not believe there is anything unique about Titahi Bay that warrants establishment of a board for that area.
38. In considering the establishment of a community board for Titahi Bay, we are required to have regard to any of the criteria for the promotion of good local government, set out in clause 3 of Schedule 3 of the Local Government Act 2002 (LGA), that we consider appropriate. These criteria relate to:
- the promotion of good local government in the city and community concerned;
 - the resources necessary for carrying out required responsibilities, duties and powers;
 - an appropriate area for the efficient and effective exercise of responsibilities, duties and powers;
 - a sufficiently distinct community of interest; and
 - ability to meet the decision-making requirements of section 76 of the LGA.
39. We heard of the concerns of some Titahi Bay residents about the effectiveness of representation provided by their current representatives. This appears to be more about the interests and activities of the councillors concerned and ultimately is in the hands of electors at the upcoming local elections. We also understand that some support for the establishment of a community board may be on the premise that ward representation will be reduced to two councillors and that this will result in a saving for the Council. As noted above, we have determined that three councillors will be retained for the Western Ward. In any event, a reduction in the number of councillors does not automatically result in a financial saving as the total remuneration pool determined by the Remuneration Authority does not take into account the current number of elected members.
40. Titahi Bay is a relatively distinct geographic area. We did, however, question community board supporters about whether they had or would consider supporting a board covering more of or all the Western Ward. While they said this could be considered, we are unsure of the level of support or otherwise from the Elsdon and Takapuwahia areas, for example, for an extended area for a community board. We were not convinced by appellants that a community board should necessarily be established, at this time, just for the Titahi Bay area of the Western Ward.
41. We were impressed, however, with the level of involvement of Titahi Bay residents in local community activities including, for example, development of the Titahi Bay village plan setting out a vision for the area. The Titahi Bay Residents’ Association appears to be an active body effectively representing the interests of local residents, as do other associations in the city. It is not clear to us what residents believe a community board may offer the Titahi Bay community that the Residents’ Association currently does not.

42. 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 and something the parties may wish to consider before further pursuing the establishment of community boards in Porirua City.
43. For the reasons stated above, we find that a Titahi Bay Community Board should not be established at this time.

Commission's Determination

44. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Porirua City Council to be held on 13 October 2007, the following representation arrangements shall apply –
 - (1) Porirua City as delineated on SO Plan 35967 deposited with Land Information New Zealand, shall be divided into three wards;
 - (2) Those three wards shall be -
 - (a) the Northern Ward, comprising the area delineated on SO Plan 37881 deposited with Land Information New Zealand;
 - (b) the Western Ward, comprising the area delineated on SO Plan 37895 deposited with Land Information New Zealand; and
 - (c) the Eastern Ward, comprising the area delineated on SO Plan 37882 deposited with Land Information New Zealand; and
 - (3) The Council shall comprise the mayor and 13 councillors elected as follows -
 - (a) five councillors elected by the electors of the Northern Ward;
 - (b) three councillors elected by the electors of the Western Ward; and
 - (c) five councillors elected by the electors of the Eastern Ward.
45. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards, communities and subdivisions 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)

2 April 2007