



## LOCAL GOVERNMENT COMMISSION

# Determination

of the membership and basis of election for the  
general election of the Wellington City Council to be  
held on 9 October 2004

### BACKGROUND

- 1 The Wellington City 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 21 August 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 19 members and the Mayor. The 19 members were elected as follows:

Northern Ward	4 members
Onslow Ward	2 members
Western Ward	2 members
Lambton Ward	4 members
Eastern Ward	4 members
Southern Ward	3 members
- 3 Elections were held for two community boards in the City at the 2001 general election. The boards and their membership are:
  - The Tawa Community Board - six elected members and two appointed members
  - The Makara-Ohariu - Community Board – six elected members.

- 4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

#### *Council*

The Council would comprise the Mayor and 19 members elected from the existing wards, in some cases with altered boundaries.

#### *Communities*

The two existing communities – Tawa and Makara-Ohariu – would be retained.

- 5 The Council received 53 submissions to its initial proposal. The submissions covered a range of issues including:
- different ward arrangements;
  - differing sizes of council ranging from 14 to 21 members;
  - changes to boundaries;
  - a desire for additional community boards; and
  - a desire for community boards to be abolished.
- 6 Following consideration of the submissions, the Council confirmed its initial proposal as its final proposal.
- 7 Sixteen appeals were received against the Council's final proposal. The subject matter of the appeal included the following:
- Opposition to the transfer of the Raroa area from the Northern Ward to the Onslow Ward
  - Proposals for additional minor boundary alterations and opposition to some minor boundary alterations
  - Proposals for
    - a three ward system
    - different ward options electing either a 17 or 18 member council
    - a seven ward system electing 21 members
  - Amalgamation of the Western and Onslow wards
  - Opposition to the decision not to establish more community boards
  - A proposal for the constitution of a Newlands-Paparangi Community Board
  - Opposition to the inclusion of Willowbank in the Tawa Community

### **Hearing**

- 8 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council and the appellants if they wished to be heard. The Commission resolved to meet with the Council and appellants in Wellington on 20 February 2004.

- 9 The Council and 12 appellants appeared before the Commission at the hearing. The Council outlined its proposal, and the appellants 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 City as a whole; or*
    - (ii) *by the electors of 2 or more wards; or*
    - (iii) *in some cases by the electors of the City as a whole and in the other cases by the electors of each ward of the City; and*

- (b) *in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the City 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 City as a whole; and*
    - (ii) *the proposed number of members to be elected by the wards of the City; 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 account of, 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 parts 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 City. The Commission must determine which communities of interest or groupings of communities of interest require representation. If wards are considered 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 City 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 19(V) which 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 City or region or community and every ward or constituency or subdivision within the City 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 City 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 City 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 might need to change to ensure that the population to member ratio 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 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.

16 In a determination issued by a previous Local Government Commission in 2001 it was stated that –

*“Wellington City is a diverse area, with the Central Business District focussed on Lambton Harbour, suburban areas, and rural areas on its western periphery. The topography and geographic features of the City have been factors in fostering distinct communities of interest over time.”*

17 The Commission is satisfied that this continues to be the case and that because of the diversity of the City; effective representation of communities of interest could only be achieved by councillors being elected on a ward basis.

### **Appropriate Ward System and Membership**

18 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 City. 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.

19 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.

- 20 In the Commission’s view, where a City 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, as the population that each ward member represents must be generally similar across the City.
- 21 As noted above appeals were lodged against a number elements of the Council’s proposals for wards and membership. These included alternative numbers of members and wards and alternative boundaries.
- 22 The Commission had to consider a number of appeals and objections, (some with conflicting aims). In its determination it has to ensure effective representation of communities of interest and the requirement for the population to member ratio of each ward to comply with the +/-10% requirement of section 19V(2) of the Act.
- 23 Taking into account the resolutions of the Council and the submissions and appeals and other information forwarded to it under section 19Q of the Act, the Commission has decided to design a ward system and a level of membership that meets the obligations set out above. The Commission also came to an overall conclusion that a 19 member council is more than is required to ensure effective representation of communities of interest. The system the Commission has devised is broadly as follows:

<b>Ward</b>	<b>Area encompassed by ward</b>
Northern	The area of the proposed Northern Ward and the Raroa area proposed to be transferred to the Onslow Ward
Onslow-Western	The area of the proposed Onslow Ward (excluding the Raroa area proposed to be transferred from the Northern Ward) and the area of the proposed Western Ward
Lambton	The area of the proposed Lambton Ward, <ul style="list-style-type: none"> <li>• excluding meshblock 21861100 transferred to the Eastern Ward;</li> <li>• including the Mortimer Terrace area proposed by the Council to be transferred from the Lambton ward to the Southern Ward; and</li> <li>• the following Brooklyn area transferred from the Southern Ward, specifically meshblocks - 2160000, 2160101, 2160200, 2160301, 2160302, 2160303, 2160400, 2160500, 2160600, 2160700, 2160801, 2160802, 2160900, 2160102, 2161000, 2161100, 2161201, 2161202, 2161300, 2161400, 2161500, 2161600, 2161700, 2161800, 2161900, 2162000, 2162100, 2162300, 2162400, 2162600, 2162700, 2162800, 2162900, 2163000, 2163100, 2163200, 2187201, 2187202, 2187203, 2187304, 2187306</li> </ul>
Eastern	The area of the proposed Eastern Ward, and including meshblock 2190002 transferred from the Southern Ward and meshblock 2186110 transferred from the Lambton Ward
Southern	The area of the proposed Southern ward less – <ul style="list-style-type: none"> <li>• excluding the Mortimer Terrace area proposed by the Council to be transferred from the Lambton ward to the Southern Ward; and</li> <li>• those areas transferred to the Lambton Ward and the Eastern Ward</li> </ul>

- 25 The Commission has decided that a Council of 14 members (excluding the mayor) can best achieve effective representation for communities of interest. It also does not require the division of communities of interest in a way that other levels of representation may have required. Applying the above boundaries to a Council of 14 members enables the requirements of section 19V(2) to be met, as follows:

Ward	Members	Population per member	Ward Population (2001 Census)
Northern	3	13321	39964
Onslow-Western	3	11890	35670
Lambton	3	13215	39645
Eastern	3	11207	33621
Southern	2	12610	25220

(The population per member falls within the range of 12437+/-10% (11193 to 13681). The City's total usually resident population at the time of the 2001 Census was 174120.)

## Community Boards

- 26 The Council proposed that the existing Tawa and Makara-Ohariu Community Boards should be retained. The Commission is satisfied that they continue to fulfil a useful local governance function and has therefore determined the Tawa and Makara-Ohariu areas should continue to have community board coverage.
- 27 Three appeals sought the exclusion of the Willowbank area from the Tawa Community. The Commission did not consider that Willowbank was geographically so distinct to justify its exclusion from the Tawa Community. The Commission therefore determined that the boundaries of the Tawa Community should remain as proposed by the Council.
- 28 The Council proposed that both community boards should each have six elected members and that the Tawa Community Board should also have two appointed members. The Commission considers that this will provide effective representation for the residents of each community.
- 29 Appeals were received that sought the constitution of a community board for the Newlands-Paparangi area, and for the City as a whole. The Commission was not satisfied that the area proposed for this community is the most appropriate area for a community board in this part of Wellington City. It considers that it may be too confined an area to provide community-level governance for Council services in this part of the City. Overall the Commission was not persuaded that community boards should be constituted for the other areas of the City at this time. The Commission notes that the Council intends to review the issue of community boards on a city-wide basis prior to the 2007 local elections. This would seem to be the appropriate mechanism for consideration of this issue. The Commission looks forward to seeing that the outcome of that review.

## GENERAL COMMENTS

- 30 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 two 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

- 31 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) Wellington City as delineated on S.O. Plan 35959 deposited with Land Information New Zealand, shall be divided into five wards;
  - (2) Those five wards shall be -
    - (a) The Northern Ward, comprising the area delineated on S.O. Plan No. 37883 deposited with Land Information New Zealand;
    - (b) The Onslow-Western Ward, comprising the area delineated on S.O. Plan No. 335633 deposited with Land Information New Zealand;
    - (c) The Lambton Ward, comprising the area delineated on S.O. Plan No. 37886 deposited with Land Information New Zealand;
    - (d) The Eastern Ward, comprising the area delineated on S.O. Plan No. 37887 deposited with Land Information New Zealand;
    - (e) The Southern Ward, comprising the area delineated on S.O. Plan No. 37888 deposited with Land Information New Zealand
  - (3) The Council shall comprise the Mayor and 14 members who shall be elected as follows -
    - (a) three members shall be elected by the electors of the Northern Ward;
    - (b) three members shall be elected by the electors of the Onslow-Western Ward;

- (c) three members shall be elected by the electors of the Lambton Ward;
  - (d) three members shall be elected by the electors of the Eastern Ward; and
  - (e) two members shall be elected by the electors of the Southern ward.
- (4) There shall be two communities as follows:
- (a) The Tawa Community, comprising the area of the Tawa Community as previously defined by the Wellington City Council; and
  - (b) The Makara-Ohariu Community, comprising the area as delineated on S.O. Plan No. 36004 deposited with Land Information New Zealand.
- (5) The membership of the community board for each community shall be as follows:
- (a) The Tawa Community Board shall comprise six elected members and two members of the Council representing the Northern Ward and appointed to the community board by the Council; and
  - (b) The Makara-Ohariu Community Board shall comprise six elected members.

32 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