



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination
of representation arrangements to apply for
the election of the Christchurch City Council
to be held on 9 October 2010

Background

1. The Christchurch City Council (the Council) elected at the 2007 local elections comprises the mayor and 13 councillors elected as follows:

| Wards | Population* | No. of councillors per ward | Population per councillor | Deviation from city average population per councillor | % deviation from city average population per councillor |
|--------------------|--------------------|------------------------------------|----------------------------------|--|--|
| Shirley-Papanui | 60,144 | 2 | 30,072 | 3,269 | 12.2 |
| Fendalton-Waimairi | 52,959 | 2 | 26,480 | -323 | -1.21 |
| Burwood-Pegasus | 57,018 | 2 | 28,509 | 1,706 | 6.37 |
| Riccarton-Wigram | 60,825 | 2 | 30,413 | 3,610 | 13.47 |
| Hagley-Ferrymead | 55,272 | 2 | 27,636 | 833 | 3.11 |
| Spreydon-Heathcote | 54,051 | 2 | 27,026 | 223 | 0.83 |
| Banks Peninsula | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| TOTALS | 348,435 | 13 | 26,803 | | |

*Based on the ordinarily resident population as shown in the 2006 census.

2. Currently there are eight community boards in Christchurch City. There is one community board for each ward of the City, except for the Banks Peninsula Ward which contains two – the Akaroa-Wairewa and Lyttelton-Mt Herbert Community Boards. The boundaries and names of the Shirley-Papanui, Fendalton-Waimairi, Burwood-Pegasus, Riccarton-Wigram, Hagley-Ferrymead, and Spreydon-Heathcote Community Boards are the same as for the wards.

3. Each of the City's community boards comprises five elected members and either one or two appointed members. The single councillor representing the Banks Peninsula Ward is appointed to both the Akaroa-Wairewa and Lyttelton-Mt Herbert Community Boards. The remaining six community boards have two appointed members, these being the two councillors representing the ward in which the community board is situated.
4. Only one community board area is subdivided for electoral and representation purposes. The Akaroa-Wairewa Community Board comprises three members elected by the electors of the Akaroa subdivision and two members elected by the electors of the Wairewa subdivision. The following table illustrates the subdivision arrangements for the Akaroa-Wairewa Community Board:

| Subdivision | Population* | No. of members per subdivision | Population per member | Deviation | % deviation |
|---------------------|--------------|--------------------------------|-----------------------|-----------|-------------|
| Wairewa subdivision | 1,026 | 2 | 513 | -30.60 | -4.75 |
| Akaroa subdivision | 1,692 | 3 | 564 | 20.40 | 3.75 |
| TOTALS | 2,718 | 5 | 543.6 | | |

*Based on the ordinarily resident population as shown in the 2006 census.

5. Between April and September 2008, the Council held a series of representation review workshops for the Mayor, councillors and community board members. It also sought initial views on options and issues from its community boards.
6. On 13 November 2008 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 2010 local elections. The Council's initial proposal was as follows:
 - (a) the Council comprise the mayor and 13 councillors elected from seven wards as follows:

| Wards | Population* | No. of councillors per ward | Population per councillor | Deviation from city average population per councillor | % deviation from city average population per councillor |
|--------------------|----------------|-----------------------------|---------------------------|---|---|
| Fendalton-Waimairi | 56,901 | 2 | 28,451 | -1,648.31 | 6.15 |
| Burwood-Pegasus | 57,714 | 2 | 28,857 | -2,054.31 | 7.66 |
| Riccarton-Wigram | 58,620 | 2 | 29,310 | -2,507.31 | 9.35 |
| Hagley-Ferry-mead | 55,272 | 2 | 27,636 | -833.31 | 3.11 |
| Spreydon-Heathcote | 54,051 | 2 | 27,026 | -223.31 | 0.83 |
| Shirley-Papanui | 57,711 | 2 | 28,856 | -2,054.31 | 7.66 |
| Banks Peninsula | 8,166 | 1 | 8,166 | 18,636.69 | -69.53 |
| TOTALS | 348,435 | 13 | 26,802.69 | | |

*Based on the ordinarily resident population as shown in the 2006 census.

- (b) the existing eight community boards be retained subject to boundary adjustments to reflect the modified ward boundaries.¹
7. The initial proposal involved the following ward boundary changes to address non-compliance with the +/-10% fair representation rule:
- moving a total population of 1,737 from the Shirley-Papanui Ward to the Fendalton-Waimairi Ward;
 - moving a population of 2,205 from the Riccarton-Wigram Ward to the Fendalton-Waimairi Ward;
 - moving a population of 750 from the Shirley-Papanui Ward to the Burwood-Pegasus Ward; and
 - moving a population of 54 (incorporating the Janet Stewart Reserve) from the Burwood-Pegasus Ward to the Shirley-Papanui Ward.
8. The Council notified its proposal on 20 November 2008 and called for submissions by 9 February 2009.² In notifying its initial proposal for wards, the Council noted its reasons for the ward boundary alterations were that it considered that retaining seven wards and 14 elected members (the mayor and 13 councillors) provided citizens of Christchurch City with fair and effective representation and that the revised ward boundaries and subsequent ward population adjustments complied with the Act.
9. In notifying its initial proposal on community boards, the Council noted its reasons as being based on:
- (a) its belief that the current number of boards and the number of members elected to those boards ensured effective advocacy of local community interests to the Council and effective decision-making at the local level where community boards had delegations; and
- (b) the requirement for boundaries of communities to coincide, as far as practicable, with ward boundaries and that the changes to community boundaries reflected this.
10. The Council received 38 submissions on its initial proposal.
11. An analysis by the Council recorded that four submissions were wholly in support of the Council's proposal and 18 submissions supported parts of the proposal. In summary, submitters objecting to the Council's proposal variously argued that:
- the Council's public consultation and identification of communities of interest had been too restrictive and/or was outdated;
 - the Council should:

¹ This is consistent with section 19T(c) of the Local Electoral Act 2001 which provides that, so far as is practicable, the Council must ensure that ward boundaries coincide with community boundaries.

² The Council's initial proposal was also made available at the Council offices, libraries and service centres and could be accessed on the Council's website along with relevant Council reports. The Council wrote to key stakeholders inviting comment.

- create eight or nine new wards that complied with fair representation requirements (i.e. including the Banks Peninsula Ward), with two councillors elected from each ward;
 - divide the current six metropolitan wards into 12 or 18 wards, each electing one councillor, with the Banks Peninsula Ward retained;
 - divide only the Shirley-Papanui and/or Riccarton-Wigram Wards;
 - retain existing ward boundaries but elect one additional councillor from each of the metropolitan wards (i.e. 19 councillors);
 - re-examine its proposed boundary changes (particularly in respect of the Janet Stewart Reserve proposal and the area of change to the Shirley-Papanui Ward);
 - subdivide the metropolitan community board areas, with three members elected from each of two subdivisions;
 - reconstitute and align community board boundaries with the boundaries of eight or nine new wards;
 - double the number of metropolitan community boards but reduce their membership;
- further weight be given to regional council constituency boundaries;
 - the non-exclusion of the Banks Peninsula Ward from the calculation for determining fair representation across the remainder of the City was flawed;
 - the name of the Spreydon-Heathcote Ward be changed because the area known as Heathcote was located in the Hagley-Ferrymead Ward.
12. On 3 and 5 March 2009, a hearings panel comprising all members of the Council heard oral and written submissions made in response to the initial proposal. The panel reported to the Council its general recommendation that the initial proposal be adopted as the final proposal, and its reasoning.
13. The Council, on 19 March 2009, agreed that its final proposal would be the same as its initial proposal, subject to Statistics New Zealand moving the northern boundary of meshblock 2503701 from the Styx River to Lower Styx Road to enable the Janet Stewart Reserve to be located in the Shirley-Papanui Ward. This meshblock boundary movement would enable only the land area of the reserve to be transferred. Residents within the affected meshblock would remain within the Burwood-Pegasus Ward. Statistics New Zealand agreed to the movement of the meshblock boundary.
14. In its statement of final proposal, the Council stated that the main reasons for its rejection of submissions seeking changes to its initial proposal were:
- it considered that the seven-ward (eight-community board) structure which operated for the 2007 elections was the option which most effectively reflected communities of interest and provided the most effective governance of the City and its communities;
 - the proposal would result in the election of the same number of councillors and community board members as elected at the 2007 elections and the Council considered that there was no reason to increase the number of elected members as the present system

provided effective representative governance of the City and its communities;

- it considered that communities should not be subdivided for electoral purposes except in the Akaroa and Wairewa communities of the Banks Peninsula Ward;
- it was unable to modify its initial proposal so that ward and community boundaries coincided with regional council constituency boundaries and/or parliamentary electorate boundaries because:
 - the Canterbury Regional Council would not be undertaking a review of its boundaries again until 2011/2012; and
 - in carrying out its review the Council was required to independently decide its electoral arrangements, based on the guidelines for such reviews issued by the Local Government Commission;
- it considered that the names of the existing wards and community boards reflected the principal communities or suburbs or geographical features within each ward and community;
- it considered that the Banks Peninsula community should be seen as an 'isolated community' for representation review purposes; and
- its method for calculating the population required to achieve fair representation for electors across the City was in accordance with the provisions of the Local Electoral Act 2001 and the Local Government Commission's Guidelines for Representation Reviews.

15. A total of nine appeals against the Council's final proposal were received.

Hearing

16. The Commission met with the Council, appellants and representatives of seven of the eight community boards who accepted an invitation to appear in support of the Council's proposal, at a hearing held at the Christchurch City Council on 10 July 2009. The Council was represented by the Mayor Bob Parker, who was supported by Ian Thomson (Solicitor), Jenny Hughey (Community Board Advisor), Lisa Goodman (Democracy Services Manager), and Peter Mitchell (General Manager Regulation and Democracy Services). The community board representatives who appeared at the hearing were: Val Carter (for the Fendalton-Waimairi Community Board), Peter Laloli (for the Riccarton-Wigram Community Board), Phil Clearwater, Oscar Alpers and Karolin Potter (for the Spreydon-Heathcote Community Board), Yvonne Palmer, Pauline Cotter and Peter Croucher (for the Shirley-Papanui Community Board), Paula Smith and Jeremy Agar (for the Lyttleton-Mt. Herbert Community Board), Stewart Miller and Pamela Richardson (for the Akaroa-Wairewa Community Board) and Bob Todd (for the Hagley-Ferrymead Community Board). The appellants who appeared at the hearing were: Christchurch Independent Citizens Association (represented by Paul Young), David Close, Labour Local Government Committee (represented by Alec Ford), Alec Ford, Kyle Millar, Christchurch 2021 (represented by Dr. Megan Woods), Aranui Community Trust Incorporated Society (represented by Rob Davidson), Central Riccarton Residents' Association (represented by Tony Milne JP), and Environment Canterbury (represented by Chair Sir Kerry Burke).

Matters raised in appeals, objections and at the hearing

17. The main arguments presented in relation to overall Council membership (i.e. mayor and 13 councillors) were:
 - the existing number of councillors was sufficient for the variety and complexity of local needs and the range of functions being undertaken by the Council;
 - the existing representation model had enabled more efficient and effective governance processes;
 - the current population to councillor ratio of approximately 1:27,000 created barriers to resident and community participation in democratic processes; and
 - the Christchurch City councillor to resident ratio significantly exceeded that of other New Zealand city councils.
18. The main arguments presented in relation to the basis of election (i.e. ward structure) were:
 - the nature of Christchurch communities of interest had not changed markedly since comprehensive reviews of representation were undertaken in 2003-04 and 2005 and there was little basis to change existing arrangements;
 - substantive changes at this time would be unnecessarily disruptive to residents;
 - it was appropriate to wait for information collected as part of the 2011 census before undertaking a comprehensive review of Christchurch City communities of interest;
 - alternative ward structures proposed by some submitters would tend to fragment existing communities of interest;
 - it was hard to distinguish between, and create clear ward boundaries around, Christchurch communities of interest based on demographic characteristics;
 - there was no evidence that the existing wards prevented some candidates standing, or had resulted in lower voter turnout;
 - it was too early to judge the effectiveness of the current arrangements;
 - the existing arrangements created barriers to participation, split recognised communities of interest between electoral subdivisions and grouped together two or more communities of interest that shared few commonalities of interest;
 - because of their size, the existing wards encompassed a range of communities of widely differing social, economic and ethnic characteristics;
 - alternative models provided for wards that distinguished between community centres or 'hubs', while the current model tended to combine two discrete community hubs within one ward;
 - the current and proposed arrangements had a structural bias because there were higher voter turnout rates in areas of the wards that were characterised by higher socio-economic indicators and as a result it was

less likely that a candidate from a lower socio-economic area/ community within the ward would be elected;

- the connection between electors and the elected was not as close as it would be under smaller wards;
- the (large) size of the existing and proposed wards created barriers to candidates standing;
- an eight- or nine-ward model would enable fairer representation for electors across the City;
- an eight- or nine-ward model would enable fairer representation arrangements for electors of the Canterbury Region given the requirement that regional council constituency boundaries align, where practicable, with territorial authority ward boundaries;
- the proposed boundaries of the Riccarton-Wigram and Shirley-Papanui Wards should be redrawn to better reflect the requirements for fair and effective representation;
- some existing ward/community names did not reflect the principal communities of interest within the ward/community; and
- the existing ward/community board names were those that, at this time, best reflected the principal communities of interest and/or landmarks within the ward/ community.

19. The main arguments presented in relation to the Banks Peninsula Ward were:

- there had been no substantive changes in the nature of Banks Peninsula communities of interest to alter the rationale provided by the Commission in 2005 for the constitution of the Banks Peninsula Ward (see paragraph 35);
- the current arrangements were working well;
- the Peninsula area was distinct from the remainder of the City in respect of its land forms and rural communities;
- communities of interest on the Peninsula faced isolating factors such as travel times and weather-affected road conditions which created pressures not experienced elsewhere in the City in providing effective representation;
- substantial numbers of residents of the Lyttelton Harbour Basin area travelled daily to Christchurch for work and had a lot in common with others living on the Port Hills;
- Akaroa and its surrounds were isolated and, while the area had a population of approximately 2,000 residents, the needs of this community were well met by having its own specific community board;
- by being part of a larger ward or wards, Banks Peninsula residents would have two councillors that they could contact for assistance whilst still having their own community board to represent their special interests;
- by splitting the Banks Peninsula Ward and spreading it across two City wards, any extra load on councillors due to remoteness or isolation would be spread across four councillors; and

- there were important distinctions between the Lyttleton-Mt. Herbert community and the Akaroa-Wairewa community (relating to transport routes to the metropolitan area, participation in sports leagues, school attendance, health provision and rural/urban distinctions) that could be reflected in a ward structure.
20. The main arguments presented in relation to community board arrangements were:
- current arrangements should be retained because:
 - in most cases current members resided fairly evenly across the community board areas;
 - there was no evidence that the boards were not operating effectively or providing effective representation;
 - there were other mechanisms to ensure effective representation and good local government across community board areas, such as holding meetings in different locations and using a range of community engagement strategies and methods;
 - subdividing each of the six metropolitan community boards (with three members elected from each subdivision) would enable:
 - better community board member coverage across the area and better representation for the various recognisably distinct communities of interest that make up each community board area (for some community boards, the current members resided predominantly in one part of the community board area);
 - boards to have a more strategic focus on the different communities of interest within the community/ward;
 - a stronger focus on each individual ward (based on a 13-ward model) within the community board area thereby promoting advocacy and leverage of residents' views and the boards' knowledge;
 - co-operation and social networking with the ward;
 - better representation of the diversity of cultures and communities;
 - better accountability to communities; and
 - more candidates to consider standing.

Matters for Determination

21. The statutory provisions in respect of objections and appeals 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.*

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.*

Consideration by the Commission

Effective and fair representation

22. 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).
23. 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'.
 24. 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 city's communities of interest;
 - (b) determine the best means of providing effective representation of the communities of interest; and
 - (c) determine fair representation for electors of the city.

Christchurch City

25. The Council last reviewed its representation arrangements in 2003-04 prior to the incorporation of the former Banks Peninsula District in the enlarged City.³ The Council's final proposal was for 16 councillors elected by eight wards, with eight community boards covering the City in alignment with wards. Following the hearing of appeals, the Commission determined that there would be 12 councillors elected from six wards, with six community boards aligned to the wards.⁴
26. In February 2006 the area of the former Banks Peninsula District was included in Christchurch City.
27. The Commission's 2005 reorganisation scheme provided for a single-member ward to cover the area of the former Banks Peninsula District and the constitution of two community boards (Akaroa-Wairewa and Lyttleton-Mt. Herbert). In constituting the Banks Peninsula Ward, the Commission considered that non-compliance with the 10% fair representation rule was necessary in order to provide effective representation of communities of interest.
28. The reorganisation scheme noted that, in providing for the above representation arrangements for the Banks Peninsula area, the provisions of Schedule 3 of the Local Government Act 2002 did not allow the Commission to make changes to the Christchurch City representation arrangements in existence at that time. In addition, the Commission used its powers under clause 59(1)(f)(ii) of Schedule 3 of the Act to determine that the boundaries and membership of the Banks Peninsula Ward would be fixed for a period of three years. The Commission noted that the Council would have the first

³ At that time (i.e. for the 2001 elections), the Council's representation arrangements provided for 24 councillors elected by 12 wards and six community boards covering the City.

⁴ The Commission's determination was the subject of a judicial review by the High Court. The Court upheld the Commission's determination.

opportunity to review representation arrangements across the enlarged city in a representation review undertaken for the 2010 local elections.

29. The Council's current proposal was to retain existing representation structures with small adjustments to the boundaries of some metropolitan wards to achieve legislative compliance. The rationale for the Council's proposal recognised the considerable amount of work undertaken between 2003 and 2005 to identify communities of interest within the City and on the Peninsula.
30. For this review, the Council's preliminary investigations did not identify any changes to the nature of communities of interest across the City that would result in existing arrangements failing to provide effective representation of communities of interest. However, the Council acknowledged some change in the spread of population across the City and that, as a result, the existing arrangements no longer complied with the requirements for fair representation (the 10% rule).
31. The Council's position was that this non-compliance was best remedied by small boundary adjustments rather than more substantive changes that, it believed, would be unnecessarily disruptive and potentially confusing. The Council acknowledged that projected changes to the population composition of the City⁵ would require a more thorough re-examination of the nature of communities of interest in a representation review prior to the 2013 or 2016 local elections.
32. Some submitters and appellants were critical of a perceived lack of depth to the Council's current review. We note that our prime responsibility is to determine representation arrangements for the 2010 elections that, in our judgment, meet the requirements of sections 19V and 19T of the Act.

Basis of election

33. The Council did not receive any appeals opposed to the concept of a ward system for the City. A ward system has been in place in Christchurch City for many years. We are satisfied that there are a number of sufficiently distinct communities within the City to warrant separate representation on the Council through the continuation of a ward structure.

Banks Peninsula Ward

34. As noted, the Banks Peninsula Ward does not comply with the fair representation requirement (+/-10% rule) set out in section 19V(2). Section 19V(3)(a) provides that where the Council or the Commission considers that the effective representation of communities of interest within island or isolated communities so requires, wards may be defined and membership distributed between them in a way that does not comply with subsection (2).
35. The Commission considered this matter in 2005 and agreed as follows:

“Banks Peninsula has a geography that is quite distinct from that of the existing Christchurch City. Its mix of urban areas, small

⁵ For example, the Greater Christchurch Urban Development Strategy (UDS) identified areas for likely intensified development in the City and around key activity centres, and major 'greenfield' development sites in the Belfast and Halswell areas.

settlements and dispersed rural communities, spread over a wide geographical area, with difficult and weather-affected roading access in places, creates a unique set of factors that underpin the provision of specific council representation on the basis of isolation for the Banks Peninsula area”⁶.

36. We agree with the Council that, to a substantive extent, this rationale for specific treatment of Banks Peninsula continues to apply at this time.
37. The Council and Banks Peninsula Community Board representatives submitted to us that the processes of giving effect to the reorganisation had been working well. The majority of submitters and appellants to the Council's proposal supported the continuation of current arrangements for the Banks Peninsula Ward.
38. We believe that the initial representation arrangements for Banks Peninsula have enabled the Council to give effect to the restructuring in a manner that appears to have the support of Peninsula residents. The Council and other submitters suggested that to change current representation arrangements for the Peninsula area would undermine the developing relationship between Peninsula residents and their new Council.
39. The single member Banks Peninsula Ward ensures that there is a 'Peninsula voice' at the Council table. The current arrangement enables coordination between the two Peninsula community boards and the Council. The arrangements appear to have integrated well into the Council's current governance structure (and supporting administrative arrangements). Based on the considerations above, we are satisfied that at this time retention of the Banks Peninsula Ward is required in order to provide effective representation of communities of interest.

Other Christchurch Wards

40. Given the decision to make an exception to the +/-10% rule in respect of the Banks Peninsula Ward, we are next required to address requirements for effective representation of communities of interest and fair representation of electors for the balance of the City.
41. We note firstly the discretion that section 19V(3)(b) of the Act gives the Commission in respect of the balance of the City. The section provides that wards may be defined and membership distributed between them in a way that does not comply with subsection 19V(2). However, in the absence of other guidance, the Commission believes the principle of fair representation of electors, as defined in the Act by the +/-10% rule, remains an important criterion for the remaining wards. We also note that the requirements for effective representation of communities of interest and other factors, as set out in section 19T of the Act, still apply. These provide, among other things, that the Commission must ensure that the number and boundaries of wards will provide effective representation of communities of interest.
42. We considered the eight- and nine-ward models proposed by some appellants. Proponents of these models also proposed that the boundaries of

⁶ 'Reorganisation Scheme for the abolition of Banks Peninsula District and its inclusion in Christchurch City', Local Government Commission, August 2005, p. 7

wards be aligned with the boundaries of eight, nine, or ten community boards (there was support for the retention of an additional board for the Akaroa-Wairewa community).

43. We heard that the main advantages of these models were that:
- they would provide fair representation for all Christchurch City electors (including Banks Peninsula electors);
 - Council service centres and major shopping centres tended to be located in the centre of the wards outlined in these models; and
 - the models would enable fairer representation arrangements for electors of the Canterbury Region given the requirement for regional constituency boundaries to align, where practicable, with territorial authority ward boundaries.
44. In 2004 the Commission rejected an eight-ward model for the following reasons:
- it was a significant change to the electoral arrangements currently in place in Christchurch which were familiar to its residents;
 - the proposal did not necessarily group together communities of interest in an appropriate manner – the Commission considered the proposed Port Hills Ward in particular contained distinct communities of interest that had disparate interests and concerns; and
 - implementation of the eight-ward proposal would likely require significant administrative changes to enable local service delivery in each of the eight wards/communities.
45. We continue to believe that eight- and nine-ward/community board models, if implemented at this time, would cause unnecessary confusion for electors, and be unnecessarily disruptive to established relationships, particularly between community boards and groups/schools/communities of interest within their community board area. Neither suggestion appeared to have as wide a support base as the Council's final proposal.
46. We considered the suggestion to constitute 12 single-member wards (based broadly on the 12 wards in existence prior to 2004). In summary, proponents of this model submitted that:
- the current wards combine dissimilar communities of interest;
 - a 12-ward model would better structure wards around social amenities and recognised community centres;⁷
 - the 12-ward model would enable councillors to have a more specific community focus and this would assist:
 - councillors' ability to manage workloads;
 - the promotion of local community wellbeing at the appropriate local level;

⁷ It was submitted that the Greater Christchurch Urban Development Strategy (the UDS) identified 12 to 14 community centres or social hubs based on the location of social amenities. Proponents of the 12-ward model suggested that it was broadly reflective of the community centres identified in the UDS.

- the current model tended toward structural bias in that successful candidates were more likely to reside in one defined area of the ward, thereby disenfranchising other recognisably distinct communities of interest (characterised, in part, by lower socio-economic indicators) located in other parts of the ward;
 - smaller wards would enable a closer, more specific or intimate connection between councillors/candidates and residents/electors and may lead to higher turnout at local elections; and
 - new candidates needed to spend more to become known and the candidate expenditure limit under the current ward structure of \$30,000, compared to \$20,000 under a 12-ward model, would disadvantage some potential candidates while favouring incumbents.
47. At the heart of the argument for a 12-ward model was the suggestion that some identifiable communities of interest with specific needs are missing out on effective councillor representation. However we were not convinced by the information presented to us that the Council's proposal would disadvantage some communities.
48. We acknowledge the information presented to us about the differences between identifiable communities of interest located in the same ward. This included the information that:
- some wards contained two discrete 'community hubs', as defined by the location of community amenities and facilities; and
 - in the case of some wards, there existed a degree of difference in the demographic characteristics of the communities of interest within it.
49. However, we believe that the application of the concept of community of interest to Christchurch City can be viewed as a spectrum ranging from up to 90 communities of interest based on suburbs or mini-suburbs (as identified by one submitter) through to recognition of the community of interest of Christchurch City as a whole. As such, the division of the City into wards will inevitably lead to tensions based on perceptions that the boundaries either:
- combine recognisably discrete communities of interest; or
 - split recognisably distinct communities of interest between electoral subdivisions.
50. The 12-ward model would be more exposed than the current six-ward model to the criticism that it splits recognisably distinct communities of interest between electoral subdivisions. The requirements of section 19V(2) will tend to exacerbate this.
51. We believe it is important, in the context of Christchurch City, to enable residents and community groups to have a choice of ward councillors to engage with about local issues and concerns. In addition we note that councillors are members of the community boards to which their ward aligns. The information presented to us suggested that community boards were effectively engaged, and had good networks, with residents and groups within their community board area. This led us to believe that councillors were able to gain a good understanding of local issues and concerns from their community board involvement, and, as a result, provided effective

- representation without the need for the division of the current six wards into 12.
52. The Council's proposal would result in the same number of councillors and community board members as elected at the 2007 elections. We agree with the Council that there is insufficient reason to increase the number of elected members at this time. On the basis of these considerations, we find that, of the options considered in this review, the Council's proposal best provides for the effective representation of communities of interest in the City at this time.
 53. The Council's proposal was to retain its existing ward structure with only small adjustments to the boundaries of some wards to ensure legislative compliance. These adjustments had the support of community boards. Few appellants raised specific issues regarding the adjustments.
 54. We note that the changes are necessary in order to re-balance the populations of wards in accordance with section 19V(2) of the Act. We are satisfied that the boundary adjustments proposed by the Council will result in a ward structure that will continue to provide effective representation of communities of interest.
 55. Given our decision to uphold the Council's proposal regarding the ward structure, we believe it is also appropriate to retain the existing names of wards/communities.
 56. 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* | No. of councillors per ward | Population per councillor | Deviation from city average population per councillor | % deviation from city average population per councillor |
|--------------------|--------------------|------------------------------------|----------------------------------|--|--|
| Fendalton-Waimairi | 56,901 | 2 | 28,451 | -1,648.31 | -6.15 |
| Burwood-Pegasus | 57,768 | 2 | 28,884 | -2,081.31 | -7.77 |
| Riccarton-Wigram | 58,620 | 2 | 29,310 | -2,507.31 | -9.35 |
| Hagley-Ferrymead | 55,272 | 2 | 27,636 | -833.31 | -3.11 |
| Spreydon-Heathcote | 54,051 | 2 | 27,026 | -223.31 | -0.83 |
| Shirley-Papanui | 57,657 | 2 | 28,829 | -2,026.31 | -7.56 |
| Banks Peninsula | 8,166 | 1 | 8,166 | 18,636.69 | 69.53 |
| TOTALS | 348,435 | 13 | 26,802.69 | | |

*Based on the ordinarily resident population as shown in the 2006 census.

Communities and community boards

57. 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 for electors.

58. We note that the Council in both its initial and final proposals proposed the retention of the existing eight community boards subject to any boundary changes to wards. Appellants' counter-proposals were as follows:
- disband the existing community boards and constitute eight, nine or ten boards aligned with eight or nine new wards; and
 - constitute two subdivisions for each of the six metropolitan community boards, with three community board members elected from each subdivision.
59. We dismiss the suggestions to constitute eight, nine or ten new community boards on the basis of our considerations relating to ward structures.
60. The rationale presented for the subdivision of the current six metropolitan community boards is generally consistent with that for the constitution of 12 wards. As noted, we are not convinced that the existing arrangements (that the Council was proposing to retain) disadvantage some communities.
61. It was also submitted that subdivisions would better enable community boards to develop linkages within, and fairly focus their efforts on, each of the two identified communities of interest within the ward/community board area (e.g. 'the Spreydon hub' and 'the Heathcote hub'). However, some community boards told us that their ability to effectively engage with, and represent, the various communities of interest located in different parts of the ward/community board area was enhanced by practices such as holding meetings in different locations across the ward/community, and through a variety of community engagement practices, some of which have been recognised nationally. As a result we are not convinced of the need for subdivision.
62. We are wary of the suggestion that the subdivision of community boards may enable, for example, a Spreydon sub-committee and a Heathcote sub-committee of the Spreydon-Heathcote Community Board. We perceive there is potential here to fragment the community board, weakening its ability to advocate community concerns and interests to the Council. Accordingly, we find that the subdivision of the six metropolitan community boards is unnecessary to their ability to provide effective representation and promote good local government in their community.
63. We considered the suggestion to disband the two Peninsula community boards and constitute a single board covering the whole Peninsula. We believe the division of the Peninsula into the Akaroa-Wairewa and Lyttleton-Mt. Herbert communities recognises important community of interest distinctions that were reaffirmed at the hearing. For example, we heard that:
- Lyttleton-Mt. Herbert residents generally travelled to the Christchurch metropolitan area via the Lyttelton Tunnel Road, while Akaroa-Wairewa residents generally used State Highway 75 via Halswell;
 - Lyttleton-Mt. Herbert residents generally played sport in city-based leagues, while Akaroa-Wairewa teams generally played in rural leagues; and
 - high school students residing in the Lyttleton Harbour Basin generally attended school in Christchurch City, while the majority of high school

students residing in the Akaroa-Wairewa Community Board area attended the Akaroa Area School.

64. Accordingly, we uphold the Council's proposal for community board arrangements including the retention of the Lyttleton-Mt Herbert Community Board and the Akaroa-Wairewa Community Board.

Future Reviews

65. This decision is not an enduring justification for the retention of the Banks Peninsula Ward. We were told that the current arrangements, introduced with the 2006 reorganisation, have helped to integrate Banks Peninsula with Christchurch City. A change to these arrangements at this time, as part of the current review, is seen as a risk to the integration process. However, there are growing community of interest linkages between the Peninsula and the remainder of the City and we believe the Council should give careful consideration to these as part of its next representation review. This should include re-examination of the strength of commonality between the Lyttleton-Mt Herbert community and the Akaroa-Wairewa community.
66. Projected population changes across the City also signal the need for a comprehensive review of City-wide arrangements when the Council next undertakes a representation review. This should include the identification and evaluation of a range of ward options. The Council has assured us that this will happen.

Commission's Determination

67. Under section 19R of the Act, the Commission determines that for the general election of the Council to be held on 9 October 2010 -
- (1) Christchurch City as delineated on SO Plan 424030 deposited with Land Information New Zealand, shall be divided into seven wards;
 - (2) Those seven wards shall be -
 - (a) the Burwood-Pegasus Ward, comprising the area delineated on SO Plan No. 334962 deposited with Land Information New Zealand;
 - (b) the Shirley-Papanui Ward, comprising the area delineated on SO Plan No. 334964 deposited with Land Information New Zealand;
 - (c) the Fendalton-Waimairi Ward, comprising the area delineated on SO Plan No. 334965 deposited with Land Information New Zealand;
 - (d) the Riccarton-Wigram Ward, comprising the area delineated on SO Plan No. 334966 deposited with Land Information New Zealand;
 - (e) the Spreydon-Heathcote Ward, comprising the area delineated on SO Plan No. 334968 deposited with Land Information New Zealand;
 - (f) the Hagley-Ferrymead Ward, comprising the area delineated

- on SO Plan No. 334970 deposited with Land Information New Zealand;
- (g) the Banks Peninsula Ward, comprising the area delineated on SO Plan No. 424036 deposited with Land Information New Zealand;
- (3) The Council shall comprise the Mayor and 13 members who shall be elected as follows -
- (a) two members shall be elected by the electors of the Burwood-Pegasus Ward;
 - (b) two members shall be elected by the electors of the Shirley-Papanui Ward;
 - (c) two members shall be elected by the electors of the Fendalton-Waimairi Ward;
 - (d) two members shall be elected by the electors of the Riccarton-Wigram Ward;
 - (e) two members shall be elected by the electors of the Spreydon-Heathcote Ward;
 - (f) two members shall be elected by the electors of the Hagley-Ferrymead Ward; and
 - (g) one member shall be elected by the electors of the Banks Peninsula Ward;
- (4) There shall be eight communities as follows:
- (a) the Burwood-Pegasus Community, comprising the area of the Burwood-Pegasus Ward;
 - (b) the Shirley-Papanui Community, comprising the area of the Shirley-Papanui Ward;
 - (c) the Fendalton-Waimairi Community, comprising the area of the Fendalton-Waimairi Ward;
 - (d) the Riccarton-Wigram Community, comprising the area of the Riccarton-Wigram Ward;
 - (e) the Spreydon-Heathcote Community, comprising the area of the Spreydon-Heathcote Ward;
 - (f) the Hagley-Ferrymead Community, comprising the area of the Hagley-Ferrymead Ward;
 - (g) the Lyttleton-Mount Herbert Community, comprising the area delineated on SO Plan No. 424035 deposited with Land Information New Zealand; and
 - (h) the Akaroa-Wairewa Community, comprising the area delineated on SO Plan No. 362973 deposited with Land Information New Zealand;
- (5) The membership of the community boards for the Shirley-Papanui, Fendalton-Waimairi, Burwood-Pegasus, Riccarton-Wigram, Hagley-Ferrymead and Spreydon-Heathcote communities shall be five elected members and two members of the Council representing the ward in which the community is located and appointed to the community board by the Council;

- (6) The membership of the Lyttleton-Mount Herbert Community shall be five elected members and the member of the Council elected by the electors of the Banks Peninsula Ward and appointed to the community board by the Council;
 - (7) The Akaroa-Wairewa Community shall be divided into the following two subdivisions -
 - (a) the Akaroa subdivision, comprising the area delineated on SO Plan 424033 deposited with Land Information New Zealand; and
 - (b) the Wairewa subdivision, comprising the area delineated on SO Plan 424034 deposited with Land Information New Zealand;
 - (8) The Akaroa-Wairewa Community Board shall comprise the member of the Council elected by the electors of the Banks Peninsula Ward and five members elected by the electors of the subdivisions of the community, as follows -
 - (a) three members elected by the electors of the Akaroa Subdivision; and
 - (b) two members elected by the electors of the Wairewa Subdivision.
68. 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)

Grant Kirby (Commissioner)

4 September 2009