



## Determination

of representation arrangements to apply for the election of the  
Porirua City Council to be held on 8 October 2022

### Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Porirua City Council (the council) last reviewed its representation arrangements prior to the 2019 local authority elections. In May 2021 it resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. The Commission last made a determination in relation to Council's representation in 2012 ahead of the 2013 elections. The council's current representation arrangements comprise a mayor and 10 councillors elected from three wards with no community boards.

### Current review: Council process and proposal

4. On 19 August 2021 the Council resolved as its initial representation proposal a council comprising 10 members elected from 3 wards, plus the mayor. The Council also resolved not to establish community boards.
5. The initial proposed ward arrangements were as follows:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average pop <sup>n</sup> per councillor	% deviation from district average pop <sup>n</sup> per councillor
Pāuatahanui General	22,900	4	5,725	-153	-2.60%
Onepoto General	30,000	5	6,000	122	+2.08%
<b>Total general wards</b>	<b>52,900</b>	<b>9</b>	<b>Avg 5,878</b>		
Parirua Māori	8,220	1	8,220	N/A	N/A
<b>Total</b>	<b>61,120</b>	<b>10</b>			

\*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

6. The Council received 17 submissions to its initial proposal. Of these, six submissions supported the proposal, five asked for a rural ward, three asked for various alternative wards structures or all councillors elected at-large and one asked for a district-wide general ward.
7. Having considered all submissions, the Council adopted its initial proposal as its final proposal without amendment.
8. The Council publicly notified its final proposal on 16 November 2021 and received one appeal. The final proposal is otherwise compliant with the requirements of the Act.

### **Appeals/objections against the council's final proposal**

9. The appeal received on the Council's final proposal was considered valid. The appeal seeks a single district wide general ward and raises the following matters:
  - a. Concern that the proposed two general wards combine dissimilar communities of interest.
  - b. Concern the proposed general ward boundaries have been chosen primarily to balance the population per councillor numbers and are therefore "a gerrymander".
  - c. The proposed general wards do not provide for fair and effective representation.
  - d. Voters in the general wards will not be able to choose from a district-wide pool of candidates while voters in the Māori ward will.
10. In relation to (a) above it appears that the appellant's reference for the term 'community of interest' is based on everyday English language usage. In the context of a local authority representation review, the term 'community of interest' is understood to have a more specific meaning as reflected in the Commission's Guidelines for local authorities undertaking representation reviews.
11. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.

### **Need for a hearing**

12. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing and the need for a hearing is determined by the information provided by the parties and as a result of any further inquiries the Commission may wish to make.
13. In the case of Porirua City Council's final proposal, the Commission considered there was sufficient information in the documentation provided by the Council on the process it had followed in making its decision and in the appeal for the Commission to proceed to a determination. Accordingly, it was decided no hearing was required.

## Matters for determination by the Commission

14. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
15. The Council's review process is not one of the matters set out in sections 19H and 19J. Any concerns expressed by appellants and objectors relating to the council's review process are not a basis for the Commission to overturn a council's proposal. The Commission may, however, comment on a council's process as part of its determination.
16. The matters in the scope of the review are:
  - whether the council is to be elected from wards, the district as a whole, or a mixture of the two
  - the number of councillors
  - if there are to be wards, the area and boundaries of wards and the number of members to be elected from each ward
  - whether there are to be community boards
  - if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.

## Key considerations

17. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* (the Guidelines) identify the following three key factors when considering representation proposals:
  - a. communities of interest
  - b. effective representation of communities of interest
  - c. fair representation for electors.

## Communities of interest

18. The Guidelines identify three dimensions for recognising communities of interest:
  - a. *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
  - b. *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links

- c. *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.

19. We note that in many cases councils, communities and individuals tend to focus on the ‘perceptual’ dimension of communities of interest. That is, they focus on what intuitively they ‘feel’ are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the ‘functional’ one, are important and that they can also reinforce the ‘sense’ of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
20. In addition to demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities, i.e. that they may have “few commonalities”. This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
21. The Council has described its communities of interest as contained within wards as follows:

Pāuatahanui General Ward	Pukerua Bay, Paekākāriki Hill, Judgeford, Plimmerton, Hongoeka, Cambourne, Paremata, Whitby, Pāuatahanui, Papakōwhai
Onepoto General Ward	Mana Island, Titahi Bay, Takapūwāhia, Elsdon, Kenepuru, Porirua City Centre, Ranui, Cannons Creek, Aotea, Waitangirua, Ascot Park
Parirua Māori Ward	Whole of district

22. The appellant states the community of Titahi Bay to the west of Porirua City has few interests in common with communities in the suburbs that make up the eastern part of the proposed Onepoto General Ward. Within the appellant’s definition of a community of interest as a group of people sharing a common interest or passion, this may be true. However, from a functional perspective the two communities share the main urban centre of Porirua City with its larger recreational, cultural and shopping services. The two localities are each 3 to 4 kilometres (around a 10 minute drive) from the city in either direction.
23. During preliminary consultation, youth in the area of the proposed Onepoto Ward noted that the proposed ward reflects their community of interest, with their identity being across the Titahi Bay and Porirua East area. This link is supported by the #220 bus route they often rely on which runs from Titahi Bay through the Porirua City Centre, then Ascot Park in the east before ending at Aotea.
24. Te Awarua-o-Porirua harbour has two arms, as discussed the proposed Onepoto General Ward covers the south branch. The proposed Pāuatahanui General Ward covers the north. This brings together the northern coastal suburbs of and associated inland communities and rural parts of the City. It has existed as a ward for a number of years, firstly as the Northern Ward and since 2016 as the Northern ward/Pukerua kit e Raki. As such it constitutes a recognised part of the City’s representation structure.

25. We are satisfied that, as a starting point, the above table outlines reasonable groupings of communities of interest.

### **Effective representation of communities of interest**

26. Section 19T of the Act requires the Commission to ensure that:
- a. the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
  - b. ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
  - c. so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
27. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
28. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
- a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
  - b. not splitting recognised communities of interest between electoral subdivisions
  - c. not grouping together two or more communities of interest that share few commonalities of interest
  - d. accessibility, size and configuration of an area including access to elected members and vice versa.
29. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, a mixture of wards and at large. As the Council has resolved to establish Māori wards, it must also establish at least one general ward.
30. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards. The Porirua City Council has comprised 10 councillors for some time.
31. Porirua City has been divided into wards since its constitution in 1989. Initially there were five wards which were reduced to three for the 1998 elections with the amalgamation of the Cannons Creek and Tairangi Wards into the Eastern Ward, and the amalgamation of the Horokiri and Plimmerton Wards into the Northern Ward. The current three wards have been in place since 1998.

32. On making its proposal, the Council stated that its reasons for making a change to its representation arrangements were as follows:
- to reflect the establishment of a Māori ward
  - to better reflect the communities of interest within Porirua City
  - to reflect the population growth across the city since the last representation review and the associated effect on communities of interest within the city
33. It is worth noting that the proposed ward structure has been recognised by Ngāti Toa by the gifting to the City of names for each of the three wards. Ngāti Toa and Muaūpoko are the two iwi with an interest in the rohe.
34. In addition, the wider community feedback supplied throughout the Council’s review process does not support the appellant’s request for a single district-wide general ward.
35. We conclude from the above discussion that the proposed wards do reflect appropriate groupings of communities of interest and that they have broad support. We reject the appellant’s argument that the proposed general ward boundaries have been chosen primarily to balance the population per councillor numbers and are therefore “a gerrymander”.
36. Given the above we consider that the proposed membership and ward arrangements will provide effective representation for the communities of interest in Porirua City. Accordingly, we uphold the Council’s proposal.

### **Fair representation for electors**

37. For the purpose of achieving fair representation for the electors of a district, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the ‘+/-10% rule’).
38. The Council’s proposal for a council comprising the Mayor and 10 councillors elected from 3 wards, complies with the rule.

### **Communities and community boards**

39. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
40. In the current review, there were no appeals against the proposal not to establish community boards.

## Commission's determination<sup>1</sup>

41. 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 8 October 2022, the following representation arrangements will apply:
- a. Porirua City, as delineated on Plan LG-044-2022-W-1, will be divided into three wards.
  - b. Those three wards will be:
    - (i) Parirua Māori Ward, comprising the area delineated on Plan LG-044-2022-W-2
    - (ii) Pāuatahanui General Ward, comprising the area delineated on Plan LG-044-2022-W-3
    - (iii) Onepoto General Ward, comprising the area delineated on Plan LG-044-2022-W-4
  - c. The Council will comprise the mayor and 10 councillors elected as follows:
    - (i) 1 councillor elected by the electors of the Parirua Māori Ward
    - (ii) 4 councillors elected by the electors of the Pāuatahanui General Ward
    - (iii) 5 councillors elected by the electors of the Onepoto General Ward
42. As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

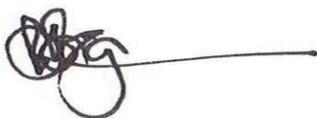
## Local Government Commission



Commissioner Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham

---

<sup>1</sup> Plan references preceded by LG are deposited with the Local Government Commission



Commissioner Sue Piper

6 April 2022