



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 8 October 2016

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.
2. 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.
3. The Christchurch City Council (the Council) last reviewed its representation arrangements prior to the 2010 local authority elections. Therefore it was required to undertake a review prior to the next elections in October 2016.

Overview of current representation arrangements

4. The Council's current representation arrangements are as follows:
 - the Council comprises a mayor and 13 councillors elected from seven wards
 - six of those wards elect two councillors and the other, Banks Peninsula Ward, elects one councillor
 - based on the 2013 census, three wards fall outside the +/-10% fair representation requirement
 - there are eight community boards, six of which cover the area of a ward, while there are two community boards in the Banks Peninsula Ward (Akaroa-Wairewa and Lyttelton-Mount Herbert)
 - the community boards each comprise five elected members and the two ward councillors as appointed members, or in the case of the community boards on Banks Peninsula, one appointed member
 - the Akaroa-Wairewa Community is elected from two subdivisions.

5. Details of the specific ward arrangements are set out in the following table.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Shirley-Papanui	62,500	2	31,250	+3,410	+12.25
Fendalton-Waimairi	59,800	2	29,900	+2,060	+7.40
Burwood-Pegasus	50,300	2	25,150	-2,690	-9.66
Riccarton-Wigram	69,900	2	34,950	+7,110	+25.54
Hagley-Ferrymead	52,100	2	26,050	-1,790	-6.43
Spreydon-Heathcote	58,600	2	29,300	+1,460	+5.24
Banks Peninsula	8,720	1	8,720	-19,120	-68.68
Total	361,920	13	27,840		

* These figures are 2013 estimates provided by Statistics New Zealand

6. Details of the community board arrangements are set out in the following table.

Community	Population*	Elected members
Shirley-Papanui	62,500	5
Fendalton-Waimairi	59,800	5
Burwood-Pegasus	50,300	5
Riccarton-Wigram	69,900	5
Hagley-Ferrymead	52,100	5
Spreydon-Heathcote	58,600	5
Lyttelton-Mount Herbert	5,640	5
Akaroa-Wairewa	3,080	5

* These figures are 2013 estimates provided by Statistics New Zealand

7. Details of the subdivisions of the Akaroa-Wairewa Community Board area are set out in the following table.

Subdivision	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Wairewa	1,150	2	575	-41	-6.66
Akaroa	1,930	3	643	+27	+4.44
Total	3,080	5	616		

* These figures are 2013 estimates provided by Statistics New Zealand

Historical development of current arrangements

8. The current representation arrangements date from 2004, and were adjusted in 2006 when the former Banks Peninsula District was included in Christchurch City.
9. Between 1989, when the current Christchurch City was constituted, and 2004 the Council comprised 24 councillors elected from 12 wards. There were also six community boards, each with areas covering two wards.

10. The Council's representation review carried out in 2003 was appealed against to the Commission. The then Commission reduced the number of councillors from 24 to 12. The number of wards was reduced from 12 to six, each made up of two of the former wards. Community board arrangements remained unchanged. The Commission's decision was the subject of a judicial review. The High Court upheld the Commission's decision.
11. In 2006, Banks Peninsula District was abolished and included in Christchurch City. In its reorganisation scheme the Commission provided for:
 - a Banks Peninsula Ward comprising the area of the former district
 - the Banks Peninsula Ward to elect one councillor to the new Christchurch City Council (increasing the number of councillors from 12 to 13)
 - two community boards – Akaroa-Wairewa and Lyttelton-Mount Herbert.
12. The Banks Peninsula Ward had a population to councillor ratio that fell outside the +/-10% requirement. The Commission justified this on the basis that:

Banks Peninsula has a geography that is quite distinct from that of the existing Christchurch City. Its mix of urban areas, small 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.
13. The Council's 2010 representation review continued a Banks Peninsula Ward outside the +/-10% requirement. The Council's final proposal was appealed against to the Commission. The Commission upheld the decision to maintain the Banks Peninsula Ward, but in doing so stated that:

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 Lyttelton-Mt Herbert community and the Akaroa-Wairewa community.
14. The Canterbury earthquakes of 2010 and 2011 have obviously altered the shape of communities in Christchurch and where people live. Population movement has resulted in the distribution of population between wards changing significantly. This has been most marked in the Burwood-Pegasus, Riccarton-Wigram and Hagley-Ferrymead wards.
15. The issue of Banks Peninsula representation and the impact of the earthquakes were therefore significant factors to be taken into account by the Council in tackling its current representation review.

16. It is acknowledged that population movement in Christchurch City as a result of the earthquakes has not finished and that the next representation review will also have to deal with the consequences of the earthquakes.

The council's proposal and review process

Preliminary consultation

17. Preliminary consultation with the community was carried out by the Council's citizen participation and representation review working group. The working group carried out a process involving:
- a community mapping exercise
 - 91 'community conversations'
 - a 'where is my community' questionnaire
 - an exercise by Canterbury University students interviewing people about how they identify their community of interest
 - 23 community engagement meetings (involving public meetings and meetings with community boards and residents' associations).
18. Input from councillors was received through a series of councillor workshops.

The Council's initial proposal

19. After considering the views gathered by the working group, the Council resolved its initial proposal. This involved:
- a council of 16 councillors with each councillor elected from a single member ward
 - Banks Peninsula being included in a ward with Sumner and other adjacent areas (thereby being in a ward complying with the +/-10% requirement)
 - seven community boards, made up of:
 - five boards in the main urban area, each covering three wards
 - two boards in the Banks Peninsula-Sumner Ward, being Lyttelton-Sumner and Akaroa-Wairewa
 - the five boards in the main urban area comprising six members with two elected from the area of each ward in the community board area
 - the boards in the Banks Peninsula-Sumner Ward made up as follows:
 - Lyttelton-Sumner – five members elected from two subdivisions
 - Akaroa-Wairewa – four members elected from two subdivisions.
20. Reasons given by the Council for its proposal included that:
- the model adopted complied with the fair representation requirements of the legislation

- it was consistent with the communities of interest identified in community engagement
- it reflected the support in that engagement for a lower ratio of population to councillor than currently exists, i.e. more councillors than at present
- it reflected feedback for retaining a similar number and distribution of community boards
- it took into account feedback supporting retention of a Banks Peninsula Ward, by having the Peninsula covered by two community boards.

Submissions

21. The Council received 128 submissions on its initial proposal.

The Council's final proposal

22. Following consideration of submissions, the Council agreed its final proposal.

23. Features of the final proposal were:

- confirmation of 16 councillors elected from single member wards
- a separate Banks Peninsula Ward, not complying with the +/-10% requirement on the basis that the Council considered non-compliance was required for the effective representation of isolated communities, and that including Banks Peninsula in a ward with other communities would limit effective representation by including in the same ward communities with few commonalities
- a number of changes to the proposed ward boundaries, either required by the reinstatement of the Banks Peninsula Ward or to meet issues raised in submissions
- the number of community boards remained at seven but their make-up was changed, largely by having a single Banks Peninsula Community Board and Sumner becoming part of a Linwood-Central-Heathcote Community Board.

Appeals and objections

24. Seven appeals and 18 objections were received against the Council's final proposal.

25. The appeals and objections cover the following topics:

- the number of councillors
- whether there should be single-member wards or multi-member wards
- whether there should be a Banks Peninsula Ward that is not compliant with the +/-10% requirement
- whether there should be a Banks Peninsula Community Board
- the number of members on the Banks Peninsula Community Board

- the number of community boards and community board members generally
- requests for specific boundary changes.

26. An overview of the appeals and objections is set out below.

Issue	Appellant/Objector
PROCEDURAL	
Postpone representation review	Christchurch Independent Citizens Association
SYSTEM OF REPRESENTATION	
Supports 19 councillors, 19 wards with six community boards	Melanie Coker
Supports 17 councillors, 17 wards and eight urban community boards of five members each	Paul McMahon
Supports 14 councillors with some different boundaries	<ul style="list-style-type: none"> • Cashmere Residents Association, Concerned Christchurch Citizens, Barrington Issues Group • Lois Wells • Lower Cashmere Residents' Association
Supports the existing 13-member model	Christchurch Independent Citizens Association
Opposes single-member wards and supports three-member wards	Christchurch Independent Citizens Association
Supports two-member wards	G J Wilson
Align ward boundaries and parliamentary boundaries as much as possible	Shirish Paranjape
BANKS PENINSULA	
Opposes Banks Peninsula Ward	<ul style="list-style-type: none"> • Cashmere Residents Association, Concerned Christchurch Citizens, Barrington Issues Group • Lois Wells
Opposes Banks Peninsula Community Board	Halswell Residents Association
Considers Banks Peninsula has too many community board members and is over-represented	<ul style="list-style-type: none"> • Shirish Paranjape • G J Wilson
Wairewa subdivision should have two members not one	<ul style="list-style-type: none"> • Victoria Andrews • Lyttelton-Mt Herbert Community Board • Akaroa-Wairewa Community Board • Paul McMahon • Michael O'Donnell
COMMUNITY BOARDS	
Questions some urban community boards having nine members and some six members	Christchurch Independent Citizens Association
Concern at reduction in number of community board members	Burwood-Pegasus Community Board
Community boards should not be elected from subdivisions, i.e. members should be elected from the community board area as a whole	G J Wilson
Seeks eight community boards	Cashmere Residents Association, Concerned Christchurch Citizens, Barrington Issues Group
Prefers five urban boards not six	Helen Broughton

SPECIFIC BOUNDARIES	
Addington, Sydenham and Waltham	<ul style="list-style-type: none"> • Paul McMahon • Addington Well-being Group, Manuka Cottage, Cherylan Davies • Sarah Pullman • Addington Neighbourhood Assoc. • Parents of Selwyn Street Kindy • Allan Hudson • Mike Burdon
Heathcote Estuary	Avon Heathcote Estuary Ihutahi Trust
Preston Subdivision	Burwood-Pegasus Community Board
St Albans	St Albans Residents Association
Sydenham	Paul McMahon
Waltham	<ul style="list-style-type: none"> • Petition from Waltham residents • Paul McMahon
WARD NAMES	
Wards and community boards should have Māori or dual names	Paul McMahon

Referral of proposal

27. As noted above, the proposed Banks Peninsula Ward has a population to member ratio outside the +/-10% fair representation requirement set out in section 19V(2) of the Act. Section 19V(4) required the Council, whether or not there were appeals/objections to its final proposal, to refer this part of its decision to the Commission. Under section 19V(6) the Commission must determine whether to uphold or alter that decision.
28. The issue of a Banks Peninsula Ward not complying with the +/-10% requirement is integral to decisions about the representation arrangements for the City as a whole. Because of this and because objections have been received specifically on this issue, the Commission decided to deal with the Banks Peninsula Ward as part of its overall consideration of representation arrangements.

Hearing

29. The Commission met with the Council and 15 of the appellants and objectors at a hearing held in the Christchurch City Council chambers on 11 March 2016. The Council was represented at the hearing by Mayor Lianne Dalziel, Councillor Yani Johanson and Councillor Andrew Turner. They were supported by Jenny Hughley and Vivienne Wilson.
30. The following appellants appeared at the hearing:
- Lyttelton-Mount Herbert Community Board (Paula Smith, Chairperson)
 - Akaroa-Wairewa Community Board (Pam Richardson, Chairperson)
 - Burwood-Pegasus Community Board (Andrea Cummings, Chairperson)
 - Waltham Petitioners (Adrienne Carmichael and Jillie Toogood)
 - Christchurch Independent Citizens Association (Helen Broughton, Val Carter and Jamie Gough)
 - Helen Broughton

- St Albans Residents Association (Emma Twaddell)
- Avon Heathcote Estuary Ihutai Trust (Chrissie Williams)
- Cashmere Residents Association, Concerned Christchurch Citizens, and Barrington Issues Group (Rick Tindall)
- Lois Wells
- Victoria Andrews
- Halswell Residents Association (David Hawke and Ross McFarlane)
- Lower Cashmere Residents Association (Sue Bye)
- Addington Well-being Group, Manuka Cottage and Cherylan Davies (Cherylan Davies and Karolin Potter)
- G J Wilson

Matters raised at hearing

31. The Council's representatives made the following comments in relation to its proposal.

- The Council's working group, which developed the original options for the Council to consider, followed an engagement process designed to reach out to residents in ways that encouraged significant participation and provide a rich source of intelligence into how people feel about their communities and proximity to decision-makers.
- The Canterbury earthquakes have resulted in population movements that have not yet ended in terms of settlement patterns. The legal requirement to undertake this representation review coupled with the need to use 2013 census data means that the true population of some of these wards – particularly in the South-West – is significantly understated.
- The inclusion of Banks Peninsula in Christchurch City in 2005 had a significant impact which is still being felt.
- In 2010 the then Local Government Commission had given the Council a clear steer to review the situation of Banks Peninsula Ward being outside the +/- 10% fair representation requirement.
- In response to this, the Council had decided in its initial proposal to include Banks Peninsula in a ward that complied with +/-10% requirement. This was met by a negative reaction on both sides of the Port Hills from Lyttelton to Sumner and Ferrymead. There is no natural connection to Banks Peninsula from the south-west as when travelling south through Tai Tapu one has to pass through the Selwyn District.
- The final proposal is a result of the Council listening to communities and adhering to the principles in the legislation. The increase in the number of councillors is not a result of increased workload or the pressure councillors and community board members are under, rather it reflects what people told the Council. They clearly understood what their community was. They wanted to personally know the people that made decisions on their behalf, but in particular they wanted to know who their councillor was.
- A number of submissions, including some from the "city-side" supported specific representation for Banks Peninsula

- In developing boundaries the Council had tried to be faithful to the messages coming through the first round of engagement
- There had been particularly strong support for a Central Ward through that process
- Changes had been made to the proposal as a result of what people had said through the submission process; this included the re-institution of a Banks peninsula Ward but also included a number of changes to ward and community boundaries
- The Council is reviewing delegations to community boards so that they can be put in place ahead of the elections, mindful that they will have to be reinstated by the incoming council.

32. The main points made at the hearing seeking change to the Council's proposal included the following.

- Banks Peninsula community board members have to deal with issues a city-side member would not deal with because of the nature of Peninsula and its physical environment
- Banks Peninsula communities had been heavily impacted on by the earthquakes and continued to be so because of road closures and restrictions on use of the tunnel
- Banks Peninsula constitutes a unique and well defined community
- The proposed ward boundaries in some places cut through communities of interest or didn't take into account historical links between communities
- Those community linkages had a practical effect as they related to how community organisations work together or because they connected communities with a similar make up or characteristics
- The Central Ward cuts through a number of communities
- A 14 ward model would be more sympathetic to the boundaries of communities
- Some believed that the current structure had served the City well and an on-line poll had supported that view (as well as opposing the increase in the number of councillors)
- The review should be deferred to enable the council to focus on earthquake recovery
- Councillors should be able to take a strategic view and the proposed structure did not encourage that
- It would be easier for communities to have to deal with one councillor than several which would be the case where communities are split
- Banks Peninsula is significantly over-represented, both by having a ward and a community board, and should be split between Heathcote and Halswell based wards

Requirements for determination

33. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals 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.

34. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

Procedural issues

35. One objector sought the deferral of the Council's representation review until 2019. However there is no provision in the Act that would permit the Commission to defer a determination on the Council's representation arrangements and it does not propose to pursue this matter further. In making this decision it is also noted that the Council's hearing panel, comprising all members of the Council, considered the question of deferral at its meeting on 9 November 2015. By a vote of 13 to one, it decided not to seek any deferral.

36. A further point of process raised by some objectors related to the fact that the Council's final proposal differed from its initial proposal, in particular by providing for the retention of the Banks Peninsula Ward with a population to member ratio outside the +/-10% requirement, and by providing for a separate Banks Peninsula Community Board. They argued that this denied them an opportunity to make submissions on this to the Council.
37. It is not the role of the Commission to make rulings on the process and it is certainly not able to overturn parts of a Council's proposal because of procedural issues. It must be said, however, that the process in the Act specifically allows for changes to be made to a council's proposal following consideration of submissions on the council's initial proposal (see section 19N, Local Electoral Act). The possibility that some parties may not be happy with such a change is contemplated by the Act allowing any person being able to lodge an objection to the final proposal where it differs from the initial proposal, and for those objections to be considered by an independent body, the Commission. However the Commission's determination of those objections must be based on the criteria contained in sections 19T, 19V and 19W, not a judgement based on procedural matters.

Commission's approach

38. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission believes that the following steps in 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 identified communities of interest
 - (c) determine fair representation for electors of the district.

Communities of interest

39. Both wards and community boards need to be based on distinct and recognisable communities of interest.
40. The Guidelines identify three dimensions for recognising communities of interest:
- perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
41. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.

Effective representation of communities of interest

42. Section 19T of the Act requires the Commission to ensure that:
- 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
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries.
43. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the number of elected members and the appropriate basis of election of members for a particular district.
44. 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.
45. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor), i.e. councillors. The Council is proposing a council comprising 16 councillors.
46. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the district level for the community of interest. The options for the basis of election provided in the Act are: at large across the district as a whole, division of the district into wards, or a mix of at large and wards. In relation to wards, it is noted that wards may contain more than one distinct community of interest, but that these communities have sufficient commonalities to be grouped together.

Overall representation structure

47. Some appellants and objectors sought either different numbers of councillors, or a smaller number of wards and a larger number of councillors elected from each ward.
48. These matters are issues of judgement or choice according to how one views governance and representation. The Commission is mindful that the Council's proposal is a result of a significant engagement process that pointed to a desire for a lower ratio of population to councillors and a more direct relationship between

councillors and residents than currently exists. These conclusions were endorsed by the general tenor of submissions on the Council's proposal.¹

49. The Commission does not wish to overturn a proposal that appears to be the result of a robust engagement process which reflects the views of those engaged in the process. An important element of effective representation is that the arrangements designed to provide it, should reflect the views of the community and have broad buy-in from the community. The Commission therefore upholds the general model proposed by the Council of 16 councillors with each councillor elected from a single-member ward.

General approach to boundaries

50. One appellant requested the boundaries and names of wards to be the same as the boundaries and names of parliamentary electorates. While this may be seen as a commendable aim, the Commission's consideration of this matter finds that it would be difficult to achieve in practice. In particular it notes that:
- The criteria for determining local authority wards and parliamentary electorates are different, with, amongst other things, the criteria for parliamentary electorates being far more focused on population equality, i.e. a population to member ratio of +/-5% rather than +/-10%.
 - While five general electorates are wholly within Christchurch City, two electorates, Selwyn and Waimakariri, are only partly within the city.
 - The general electorates are based on the general electoral population and do not take into account the Māori electoral population. Applying the total population to the general electorate boundaries could, therefore, result in some population inequalities between areas.
 - The boundaries of parliamentary electorates will be reviewed after the 2018 census. Population changes, both in Christchurch and in other parts of the South Island, could result in significant change to the boundaries of Christchurch electorates.

Banks Peninsula Ward

51. The next issue to be addressed is whether there should be a Banks Peninsula Ward which does not comply with the +/-10% fair representation requirement of section 19V(2).

¹ While only 39.5% of submissions on the initial proposal supported 16 councillors, it was the largest group of submissions, and when combined with those who wanted an even higher number of councillors (between 19 and 24 councillors), the proportion of submissions was 68.75%. The proportion of submissions supporting 16 wards was 58%, with the remainder divided between those wanting a fewer or larger number of wards.

52. As explained earlier in this determination, the Commission, when including the former Banks Peninsula District in Christchurch City in 2005, provided for a Banks Peninsula Ward not complying with section 19V(2) on the basis that Banks Peninsula included isolated communities of interest. On reviewing Christchurch City's representation arrangements in 2010 the then Commission, while permitting the Banks Peninsula Ward to continue, stated that its 2010 determination was not an enduring justification for the ward and the Council should give careful consideration to the situation in its next review.
53. In its initial proposal in the current review the Council responded to the Commission's comments by including Banks Peninsula in a ward that complied with section 19V(2) along with Sumner, Mount Pleasant and Redcliffe.
54. The Council received 33 submissions on the proposed Banks Peninsula-Sumner Ward. The Council's hearing panel made the following comments about this issue in its report to the Council:

Thirty-three submitters objected to the Initial Proposal to integrate Banks Peninsula into Banks Peninsula-Sumner Ward. Repeatedly and emphatically, submitters commented that the Peninsula's unique landscapes, ecological and diversity features, distance from the rest of the city, rurality or township-based population and lifestyles, and specific issues relating to tourism and economic development, meant that it is a distinct and separate community of interest, with few commonalities with Sumner or other communities on the western side of the Port Hills. The often isolated nature of Peninsula life and communities was described by many submitters supporting the retention of a separate community board and councillor, to ensure effective representation. However, six submissions supported the initial proposal to integrate Banks Peninsula into a Banks-Peninsula-Sumner ward, citing their commonality as hills and coastal oriented communities.

After considering submissions, the Panel agreed that the Banks Peninsula Ward warrants being considered as an isolated community under s19V(3) of the Local Electoral Act 2001.

55. The Commission has received two objections to the Banks Peninsula Ward arguing that this is unfair on population grounds and gives Banks Peninsula residents an advantage at the expense of those living in the main urban area. As noted previously, the Council was also required by section 19V(4) to refer its proposal for a Banks Peninsula Ward to the Commission for consideration.
56. Section 19V(3) provides that a ward may be defined in a way that does not comply with section 19V(2) if:
- (i) non-compliance is required for effective representation of communities of interest within island communities or isolated communities; or
 - (ii) compliance would limit effective representation of communities of interest by dividing a community of interest between wards; or

- (iii) compliance would limit effective representation of communities of interest by uniting within a ward 2 or more communities of interest with few commonalities of interest

57. What the Commission has to determine is whether any of these situations apply to Banks Peninsula.
58. The starting point for considering this is the conclusions reached by the Commission when previously considering this matter. As noted above, in 2005 the Commission considered that:
- “Banks Peninsula has a geography that is quite distinct from that of the existing Christchurch City. Its mix of urban areas, small 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”.*
59. Although the Commission stated in 2010 this was not an enduring situation, it does act as a baseline. On assessing the situation of Banks Peninsula in the course of this review the Commission has found that the issue of isolation of parts of Banks Peninsula continues. If anything the situation has worsened. The earthquakes have resulted in Sumner Road, the only direct road between Sumner and Lyttelton, becoming impassable. This may be rectified but at best it will in the medium term rather than in the near future. This has created another issue. As Sumner Road is not able to be used, certain types of dangerous goods in transit to or from the Port of Lyttelton are transported through the Lyttelton Road Tunnel. This results in the tunnel being closed to other traffic while the dangerous goods are in the tunnel. While this may seem a minor issue, it is important when combined with the other issues facing Banks Peninsula, and adds to the ward’s status as being isolated.
60. Since the Commission last addressed the issue two additional grounds have been included in section 19V permitting non-compliance with the +/-10% requirement. Both are relevant in this case.
61. The first ground, that “compliance would limit effective representation of communities of interest by dividing a community of interest between wards” is of relevance because of a suggestion that Banks Peninsula Ward could be split between two wards – Heathcote and Halswell. The Commission takes the view that the Banks Peninsula Ward comprises a group of communities of interest that collectively have considerably more in common than any of them do with other communities of interest in Christchurch City, and have very distinctive boundaries. Splitting Banks Peninsula between wards would in the view of the Commission limit effective representation of those communities of interest.

62. The second ground that “compliance would limit effective representation of communities of interest by uniting within a ward 2 or more communities of interest with few commonalities of interest” is also considered to be relevant. The grouping together of Banks Peninsula in a ward with Sumner and adjacent suburbs or with Halswell is seen by the Commission as uniting communities within a ward that have few commonalities of interest, again limiting effective representation of those communities of interest.
63. In light of the above, the Commission determines, under section 19V(3)(i), (ii) and (iii), to uphold the Council’s proposal for a Banks Peninsula Ward.

Specific boundaries and areas

64. A number of appeals and objections sought changes to specific boundaries. These are as follows.

Preston’s Subdivision

65. The Burwood Community Board suggested that the whole of the Preston’s Subdivision be included in the Burwood Ward. The Council’s final proposal had split the subdivision between the Burwood and Innes wards.
66. The Commission agrees to the community board’s suggestion as it will allow this community of interest to be included in one ward (and one community board). It will also have the benefit of including an area of projected population growth in the Burwood Ward. The population of the proposed Burwood Ward will have decreased significantly since the last census because of population movement out of the residential red zone. The inclusion of the Preston’s Subdivision in the Burwood Ward will help balance that loss of population.
67. To help accommodate this change within the +/-10% rule a small area of “red zoned” land Bexley has been transferred to the Coastal Ward to join that part of Bexley already in the Coastal Ward.

Heathcote Estuary

68. The Avon Heathcote Estuary Ihutai Trust suggested that the boundary between the Coastal and Heathcote wards be moved to the middle of the estuary so that the estuary is included in both of the relevant community board areas – Coastal-Burwood and Linwood-Central-Heathcote. The rationale for this was that both community boards adjacent to the estuary would take an interest in the estuary if it was in both their areas. The Commission agrees to this change.

St Albans

69. The St Albans Residents Association sought the inclusion of the whole of St Albans in one ward, not three wards as provided by the Council’s proposal. Agreeing to this appeal would mean moving into the Innes Ward, an area to the west of Papanui Road and an area north of Bealey Avenue.

70. The Commission notes that in its submissions on the Council's initial proposal, the Fendalton-Waimairi Community Board expressed concern that the Merivale area was split by the proposed ward and community boundaries. The boundary in this area was changed to take these concerns into account by moving the area east of Papanui Road into the Fendalton Ward.
71. The Commission understands that information gathered in the working group's engagement process indicated that the boundary between St Albans and the central city could be considered to be a soft boundary and that St Albans has linkages with the central city. The Commission was advised by Council staff involved in the work party's community engagement that:
- When residents from the lower part of St Albans were asked they said that their community of interest is inwards towards the central city. They said they easily walk into the centre and engage with central city activities and communities. At one community meeting held in this area there was a strong view that the residents in this area relate inwards.*
- It seemed that residents living close to the "Four Avenues" in the north and west particularly have strong connections to the inner city communities and see themselves as inner city people. This view was heard at various engagements. Many of the issues on the city side of Bealey Avenue impact on the northern side of Bealey Avenue.*
- It is worth noting that residents over Fitzgerald Avenue to the east also reported a strong relationship to the inner city.*
72. It can be concluded from this that the boundaries of suburbs and communities in this part of Christchurch are not precise and can be subject to change or influences from a number of directions. In light of this, the Commission decides that the boundaries in this area should remain as provided for in the Council's final proposal.

Addington, Sydenham and Waltham

73. Several appellants and objectors sought either different boundaries in these areas or a different configuration of wards. In general terms what was sought was:
- Addington having its own ward
 - keeping Addington in one ward, not split between the Central Ward and Spreydon-Cashmere Ward, with the eastern boundary being at Antigua Street
 - Addington, Sydenham and Waltham being in one ward not split between several wards
 - including all of Sydenham in one ward – Central, Spreydon or Cashmere, but not Heathcote
 - including Waltham in the Spreydon-Cashmere Ward, not the Heathcote Ward.
74. The Commission has considered these suggestions carefully.
75. As far as an Addington Ward is concerned, Addington does not have sufficient population (at approximately 6,700) to have its own ward on a 16-member council.

76. The issue the other suggested changes present are that they are difficult to accommodate while still complying with the requirement in section 19V(2) that the population to member ratio for each ward fall within a +/-10% range. The alternative groupings suggested would either not meet this requirement or would require a large number of changes affecting adjacent wards.
77. The Commission could apply the grounds in section 19V(3) that permit non-compliance to avoid splitting communities of interest or grouping together communities of interest with few commonalities of interest. However it does not consider the circumstances warrant this. Within a large urban area the boundaries of communities are not always as well defined as they might be in areas where topography clearly defines communities of interest.
78. The Commission therefore decides not to make the changes suggested by appellants and objectors in this area.
79. A concern expressed by appellants and objectors was that the new ward and community boundaries would cut across existing relationships. This may be the case and the Commission appreciates these concerns. At the same time there is an opportunity to develop new relationships. One such opportunity is provided by the smaller size of wards which will allow the councillors and community board members elected from them to have a more intimate knowledge of the activities and concerns of the community.

Fair representation for electors

80. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, 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 +/-10% fair representation requirement).
81. As noted above, the Commission has determined, under section 19V(3)(i), (ii) and (iii), to uphold the Council's proposal for a Banks Peninsula Ward despite the fact that it does not comply with section 19V(2). All the other proposed wards comply with section 19V(2).
82. The wards, populations and population to membership ratios for each ward are as follows:

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Banks Peninsula	8,223	1	8,223	-13,120	-61.47
Heathcote	23,124	1	23,124	1,781	8.34
Waimairi	21,552	1	21,552	209	0.98
Innes	22,233	1	22,233	890	4.17
Burwood	23,472	1	23,472	2,129	9.97
Cashmere	20,985	1	20,985	-358	-1.68
Fendalton	22,569	1	22,569	1,226	5.74
Linwood	23,340	1	23,340	1,997	9.36
Central	21,333	1	21,333	-10	-0.05
Halswell	19,473	1	19,473	-1,870	-8.76
Hornby	21,654	1	21,654	311	1.46
Harewood	20,886	1	20,886	-457	-2.14
Coastal	23,253	1	23,253	1,910	8.95
Riccarton	23,181	1	23,181	1,838	8.61
Papanui	23,094	1	23,094	1,751	8.20
Spreydon	23,118	1	23,118	1,775	8.32
Total	341,490	16	21,343		

* These are 2013 census figures provided by Statistics New Zealand

Communities and community boards

83. 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.
84. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly appropriate for the consideration of proposals relating to community boards as part of a representation review:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
85. Some appellants and objectors sought either different numbers of community board members, different electoral arrangements or a different number of community boards.

86. As with the Council's proposed wards, these matters are issues of judgement or choice according to how one views governance and representation. The Commission is not convinced that a different number of community boards would contribute to better local government or would lead to better groupings of communities.
87. As far as the number of members of community boards is concerned, although what is proposed is a marginal decrease in the total number of board members, the Commission considers the number of members to be reasonable given the size of the communities concerned.
88. Several objections either opposed the proposal for a Banks Peninsula Community Board or argued that it has too many members and is over-represented. Both sets of objections appear to have the same intent and the same concern. They considered that having a community board of seven members for a population of 8,226 gave Banks Peninsula an advantage over urban community boards which are proposed to have either four or six elected members and have populations ranging from 45,000 to 65,000.
89. The requirements for the establishment of community boards do not require a statistically even distribution of boards and members across a district. However, in many cases this will be appropriate where population is evenly distributed and topography is fairly uniform as it is over most of Christchurch City. But a community board structure must also reflect the varying nature of particular communities where these differ.
90. As noted, the law relating to the establishment of community boards provides for this variation by requiring the following questions to be considered:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
91. In the view of the Commission the proposed Banks Peninsula Community meets both these criteria, while a community covering all or part of Banks Peninsula along with other areas would not. The Commission therefore upholds the Council's proposal for a Banks Peninsula Community.
92. Several objections sought an increase in the number of members to be elected from the Wairewa Subdivision of the Banks Peninsula Community from one to two.
93. The membership arrangements proposed in the Council's final proposal were as follows:

Subdivisions	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Akaroa	1,857	2	929	-247	-20.99
Wairewa	1,098	1	1,098	-77	-6.56
Mt Herbert	2,661	2	1,331	155	13.22
Lyttelton	2,610	2	1,305	130	11.05
Total	8,226	7	1,175		

* These are 2013 census figures provided by Statistics New Zealand

94. As can be seen, to accommodate the proposed membership arrangements, three of the four subdivisions do not comply with the +/-10% rule in section 19V(2).
95. The following would be the situation if the Wairewa Subdivision elected two members as suggested. As can be seen, the degree of non-compliance with the +/-10% requirement would be significantly increased under the suggested arrangements.

Subdivisions	Population*	Number of members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Akaroa	1,857	2	929	-100	-9.70
Wairewa	1,098	2	549	-479	-46.61
Mt Herbert	2,661	2	1,331	302	29.39
Lyttelton	2,610	2	1,305	277	26.91
Total	8,226	8	1,028		

* These are 2013 census figures provided by Statistics New Zealand

96. As with wards, section 19V(3) provides that a subdivision may be defined in a way that does not comply with section 19V(2) if:
- (i) non-compliance is required for effective representation of communities of interest within island communities or isolated communities; or
 - (ii) compliance would limit effective representation of communities of interest by dividing a community of interest between wards; or
 - (iii) compliance would limit effective representation of communities of interest by uniting within a ward 2 or more communities of interest with few commonalities of interest.
97. Within the context of the proposed Banks Peninsula Community, the Commission does not consider that the Wairewa Subdivision can be considered to be isolated. The Commission therefore decides to uphold the membership arrangements proposed by the Council.

98. This still leaves a representation arrangement (as described in paragraph 93) that does not comply with the +/-10% requirement. Any alternative to these arrangements that does comply would require either grouping subdivisions together to form larger subdivisions or splitting communities of interest. The Commission does not consider that either option would provide effective representation and therefore determines under section 19V(3) (ii) and (iii) to uphold the Council's proposed subdivisions in the Banks Peninsula Community.
99. The Commission therefore endorses the Council's overall proposal for community boards.

Commission's Determination

100. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Christchurch City Council to be held on 8 October 2016, the following representation arrangements will apply:

- (1) Christchurch City, as delineated on LG-060-2016-W-1 deposited with Land Information New Zealand, will be divided into 16 wards.
- (2) Those 16 wards will be:
 - (a) Harewood Ward, comprising the area delineated on LG-060-2016-W-2 deposited with the Local Government Commission
 - (b) Waimairi Ward, comprising the area delineated on LG-060-2016-W-3 deposited with the Local Government Commission
 - (c) Papanui Ward, comprising the area delineated on LG-060-2016-W-4 deposited with the Local Government Commission
 - (d) Fendalton Ward, comprising the area delineated on LG-060-2016-W-5 deposited with the Local Government Commission
 - (e) Innes Ward, comprising the area delineated on LG-060-2016-W-6 deposited with the Local Government Commission
 - (f) Burwood Ward, comprising the area delineated on LG-060-2016-W-7 deposited with the Local Government Commission
 - (g) Coastal Ward, comprising the area delineated on LG-060-2016-W-8 deposited with the Local Government Commission
 - (h) Hornby Ward, comprising the area delineated on LG-060-2016-W-9 deposited with the Local Government Commission
 - (i) Halswell Ward, comprising the area delineated on LG-060-2016-W-10 deposited with the Local Government Commission
 - (j) Riccarton Ward, comprising the area delineated on LG-060-2016-W-11 deposited with the Local Government Commission
 - (k) Spreydon Ward, comprising the area delineated on LG-060-2016-W-12 deposited with the Local Government Commission

- (l) Central Ward, comprising the area delineated on LG-060-2016-W-13 deposited with the Local Government Commission
 - (m) Cashmere Ward, comprising the area delineated on LG-060-2016-W-14 deposited with the Local Government Commission
 - (n) Linwood Ward, comprising the area delineated on LG-060-2016-W-15 deposited with the Local Government Commission
 - (o) Heathcote Ward, comprising the area delineated on LG-060-2016-W-16 deposited with the Local Government Commission
 - (p) Banks Peninsula Ward, comprising the area delineated on SO 424036 deposited with Land Information New Zealand.
- (3) The Council will comprise the mayor and 16 councillors elected as follows:
- (a) 1 councillor elected by the electors of Harewood Ward
 - (b) 1 councillor elected by the electors of Waimairi Ward
 - (c) 1 councillor elected by the electors of Papanui Ward
 - (d) 1 councillor elected by the electors of Fendalton Ward
 - (e) 1 councillor elected by the electors of Innes Ward
 - (f) 1 councillor elected by the electors of Burwood Ward
 - (g) 1 councillor elected by the electors of Coastal Ward
 - (h) 1 councillor elected by the electors of Hornby Ward
 - (i) 1 councillor elected by the electors of Halswell Ward
 - (j) 1 councillor elected by the electors of Riccarton Ward
 - (k) 1 councillor elected by the electors of Spreydon Ward
 - (l) 1 councillor elected by the electors of Central Ward
 - (m) 1 councillor elected by the electors of Cashmere Ward.
 - (n) 1 councillor elected by the electors of Linwood Ward.
 - (o) 1 councillor elected by the electors of Heathcote Ward.
 - (p) 1 councillor elected by the electors of Banks Peninsula Ward.
- (4) There will be seven communities as follows.
- (a) Papanui-Innes Community, comprising the areas of the Papanui Ward and the Innes Ward
 - (b) Fendalton-Waimairi-Harewood Community, comprising the area of Fendalton Ward, Waimairi Ward and Harewood Ward
 - (c) Coastal-Burwood Community, comprising the area of Coastal Ward and Burwood Ward
 - (d) Halswell-Hornby-Riccarton Community, comprising the area of the Halswell Ward, Hornby Ward and Riccarton Ward

- (e) Linwood-Central-Heathcote Community, comprising the area of Linwood Ward, Central Ward and Heathcote Ward
- (f) Spreydon-Cashmere Community, comprising the area of Spreydon Ward and Cashmere Ward
- (g) Banks Peninsula Community, comprising the area of Banks Peninsula Ward.

(5) The Banks Peninsula Community is divided into four subdivisions as follows:

- (a) Wairewa Subdivision comprising the area delineated on SO 424034 deposited with Land Information New Zealand
- (b) Akaroa Subdivision comprising the area delineated on SO 424033 deposited with Land Information New Zealand
- (c) Mt Herbert Subdivision comprising the area delineated on LG-060-2016-S-1 deposited with the Local Government Commission
- (d) Lyttelton Subdivision comprising the area delineated on LG-060-2016-S-2 deposited with the Local Government Commission.

(6) The membership of each community board will be as follows:

Community board	Ward or subdivision	Elected members	Appointed members
Papanui-Innes	Papanui Ward	2	The councillors elected from the Papanui and Innes wards
	Innes Ward	2	
Fendalton-Waimairi-Harwood	Fendalton Ward	2	The councillors elected from the Fendalton, Waimairi and Harewood wards
	Waimairi Ward	2	
	Harewood Ward	2	
Coastal-Burwood	Coastal Ward	2	The councillors elected from the Coastal and Burwood wards
	Burwood Ward	2	
Halswell-Hornby-Riccarton	Halswell Ward	2	The councillors elected from the Halswell, Hornby and Riccarton wards
	Hornby Ward	2	
	Riccarton Ward	2	
Linwood-Central-Heathcote	Linwood Ward	2	The councillors elected from the Linwood, Central and Heathcote wards
	Central Ward	2	
	Heathcote Ward	2	
Spreydon-Cashmere	Spreydon Ward	2	The councillors elected from the Spreydon and Cashmere wards
	Cashmere Ward	2	
Banks Peninsula	Wairewa Subdivision	1	The councillor elected from the Banks Peninsula Ward
	Akaroa Subdivision	2	
	Mt Herbert Subdivision	2	
	Lyttelton Subdivision	2	

101. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and community coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

**REPRESENTATION REVIEWS COMMITTEE
FOR LOCAL GOVERNMENT COMMISSION**

A handwritten signature in black ink, appearing to read 'J Annear', written in a cursive style.

Commissioner Janie Annear (Chair)

A handwritten signature in blue ink, appearing to read 'Leith Comer', written in a cursive style.

Temporary Commissioner Leith Comer

A handwritten signature in black ink, appearing to read 'Dr Pauline Kingi', written in a cursive style.

Temporary Commissioner Dr Pauline Kingi

7 April 2016