



Determination

of representation arrangements to apply for
the election of the Wellington City Council
to be held on 12 October 2019

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. These 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, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Wellington Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2019.
3. The representation arrangements that applied for the 2013 and subsequent 2016 elections were determined by Commission after consideration of an appeal against the council's final proposal. The Commission upheld the council's proposal which was 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
Northern	45,700	3	15,233.33	933.33	+6.53
Onslow-Western	43,300	3	14,433.33	133.33	+0.93
Lambton	43,800	3	14,600.00	300.00	+2.10
Eastern	39,700	3	13,233.33	-1,066.67	-7.46
Southern	27,700	2	13,850.00	-450.00	-3.15
Total	200,200	14	14,300.00		

* Based on 2011 population estimates

4. In addition, the council's proposal and the Commission's determination provided for the retention of the Makara-Ohariu and Tawa community boards.

5. For the current review, applying 2017 population estimates to the representation arrangements, the Eastern Ward and the Lambton Ward were now non-compliant with the '+/-10% fair representation rule' at -13.95% and +14.14% respectively.
6. On 28 March 2018 the council, under section 19I of the Act, resolved its initial representation proposal for its latest review. The proposal was broadly for the retention of existing representation arrangements being:
 - 14 councillors elected from 5 wards
 - The retention of the Makara-Ohariu and Tawa community boards with existing membership arrangements
7. The following changes were however proposed:
 - The wards were to have dual Māori/English names
 - The transfer of a small area in the Ohariu Valley from the Wharangi/Onslow-Western Ward to the Takapū/Northern Ward
 - The transfer of part of the Brooklyn suburb from the Pukehīnau/ Lambton Ward to the Paekawakawa/ Southern Ward
 - The transfer of a rural area to the west of Brooklyn and Owhiro Bay from the Wharangi/Onslow-Western Ward to the Paekawakawa/ Southern Ward (and the exclusion of that area from the Makara-Ohariu Community)
 - The transfer of the Southgate area from the Paekawakawa/ Southern Ward to the Motukairangi/ Eastern Ward
8. The council stated that the changes relating to Brooklyn were to unite the Brooklyn community of interest within one ward, and the transfer of Southgate between wards was to achieve closer compliance with the '+/-10% rule'.
9. This resulted in proposed arrangements as 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
Takapū/ Northern	48,030	3	16,010	817	5.38
Wharangi/ Onslow- Western	44,610	3	14,870	-323	-2.13
Pukehīnau/ Lambton	46,120	3	15,373	180	1.19
Motukairangi/ Eastern	40,430	3	13,477	-1,716	-11.30
Paekawakawa/ Southern	33,510	2	16,755	1,562	10.28
Total	212,700	14	15,193		

* Based on 2017 population estimates.

10. The council notified its initial proposal on 4 April 2018. In doing so it noted that, despite the shifting of Southgate, the proposed Motukairangi/Eastern and

Paekawakawa/Southern wards were marginally non-compliant with the ‘+/- 10% rule’, being -11.3% and +10.3% respectively.

11. The Council received 52 submissions in response to its initial proposal, with 19 in support and 33 opposed. The Council’s proposal to move Southgate into the Eastern Ward resulted in the most opposition; 25 of the 33 opposing submissions were from Southgate. However, submissions showed support for the proposal to change ward boundaries to unite Brooklyn in one ward.
12. After considering submissions the council decided to alter its initial proposal to retain Southgate in the Paekawakawa/Southern Ward, the council noting that to not do so would have split a community of interest.
13. The representation ratios for the wards as finally resolved by the Council, 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 population per councillor
Takapū/ Northern	48,030	3	16,010	+817	+5.38
Wharangi/ Onslow- Western	44,590	3	14,863	-330	-2.17
Pukehīnau/ Lambton	46,160	3	15,387	+194	+1.28
Motukairangi/ Eastern	39,210	3	13,070	-2,123	-13.97
Paekawakawa/ Southern	34,710	2	17,355	+2,162	+14.23
Total	212,600	14	15,193		

*based on Statistics NZ 2017 population estimates

14. No appeals against the final proposal were received. However, in accordance with section 19V(4) of the Act, the council has referred its decision for the Motukairangi/Eastern Ward and the Paekawakawa/Southern Ward not to comply with the ‘+/-10% rule’ to the Commission for determination.

Matters for determination by the Commission

15. Section 19V(3)(a) of the Act makes it clear that if a territorial authority or the Commission considers that one or more of the following apply, wards may be defined and membership distributed between them in a way that does not comply with the ‘+/-10% rule’:
 - a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority
 - b. compliance would limit effective representation of communities of interest by dividing a community of interest between wards

- c. compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities of interest with few commonalities of interest.
- 16. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
 - a. uphold the decision of the territorial authority, or
 - b. alter that decision.
- 17. Accordingly, the matters for determination by the Commission are limited to the Motukairangi/Eastern and Paekawakawa/Southern wards, them not complying with the '+/-10% rule'. It is noted, however, that if the Commission does not uphold the council's decision, alteration of that decision may impact on the other ward arrangements.

Key considerations

- 18. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* 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

- 19. The Guidelines identify three dimensions for recognising communities of interest:
 - *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
 - *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
 - *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.
- 20. In addition to evidence demonstrating communities of interest, evidence also needs to be considered about *differences* between neighbouring communities, i.e. that they may have "few commonalities of interest". This could include the demographic characteristics of an area and how these differ between areas, and evidence of how different communities rely on different services and facilities. Equally it could include the issues faced by different communities.

Effective representation of communities of interest

- 21. Section 19T of the Act requires that the Commission ensures that:
 - a. the election of members of the council will provide effective representation of communities of interest in 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 practical, ward boundaries coincide with community boundaries.
- 22. 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 to the extent possible:
 - 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.
- 23. Wellington City has had a ward system of representation since its constitution in 1989 and the present five ward system, existing since 2004, can be seen to be very familiar to residents.
- 24. The topography of Wellington creates natural boundaries between various communities of interest. The boundary separating the Motukairangi/Eastern Ward from the Pukehinau/Lambton and Paekawakawa/Southern wards runs along a ridgeline (including Mount Victoria) and through the town belt.
- 25. Topography also naturally encloses the proposed Paekawakawa/Southern Ward. The ridgeline along the eastern boundary separates it from the Motukairangi/Eastern Ward. To the west are extensive and rugged areas, either farmed or in scrub.
- 26. The Paekawakawa/Southern Ward is separated from the Pukehinau/Lambton Ward, in the most part, by parks and reserves and other open space. Much of those areas are in bush and there is also a very definite slope for much of the length of the boundary. Topography forms a natural boundary between communities and any alteration would inevitably would split communities of interest. The only section where the boundary is not a topographical divide is between Mount Cook in Pukehinau/Lambton Ward and Newtown in the Paekawakawa/Southern Ward. There are some similarities between the two suburbs. However it is the Paekawakawa/Southern Ward that needs to lose population and the transfer of all or part of Newtown to the Lambton Ward would either split Newtown or split it from other linked suburbs, e.g. Berhampore.
- 27. A feature of the council's proposal has actually been to reunite all of the suburb of Brooklyn into the Paekawakawa/Southern Ward, part of it currently being in the existing Lambton Ward. The council received no submissions opposing the inclusion of all of Brooklyn in a single ward.
- 28. The only possible boundary change between the Paekawakawa/Southern and Motukairangi/Eastern wards identified by the council was moving Southgate into the Eastern Ward. However, as many submitters argued, there is a far closer connection to Island Bay in the Paekawakawa/Southern Ward for services. It is more accessible

than Lyall Bay or Kilbirnie (the next closest town hubs in the Motukairangi/Eastern Ward).

29. In addition, it can be observed that:
- There is a steep bush covered escarpment separating Southgate from the east
 - The only roading link eastwards from Southgate is at its extreme north.
30. It is also noted that all bus services serving Southgate link with it through the Paekawakawa/Southern Ward (either through Berhampore in the north or Island Bay in the west).

Fair representation for electors

31. Section 19V(2) of the Act requires that, with certain prescribed exceptions, the population of each ward divided by the number of members to be elected by that ward produces a figure of no more than 10 per cent greater or smaller than the population of the district divided by the total number of elected members (the '+/- 10% rule').
32. The prescribed exceptions are where:
- a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority
 - b. compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - c. compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities of interest with few commonalities of interest.
33. Given the clearly defined suburbs and the topography of the city, any other boundary changes to the proposed wards in order to comply with the '+/- 10% rule' are likely to split communities of interest. Any such boundary changes are also likely to be fairly arbitrary. It is possible that such boundary changes would just shift the non-compliance with the '+/- 10% rule' to other wards.
34. The current arrangements do not meet the '+/- 10% rule' either; Lambton Ward has a deviation of +14.14% and the Eastern ward a deviation of +13.95%. In addition, as the Brooklyn suburb is currently split across three wards it is less desirable than the council's final proposal as Brooklyn residents would be less effectively represented.
35. Another option would be to reduce the wards from five to three. With three wards the Council could choose to have 9 or 14 councillors and still be comfortably within the '+/- 10% rule'. The three wards considered as an option by the council before it resolved its initial proposal were:
- Eastern/Southern/Brooklyn
 - Lambton/part of Onslow-Western/Ohariu
 - Northern/part of Onslow-Western
36. Although this would be compliant it is not an option that has been discussed with the community. Opting for that at this stage would be a drastic step given the degree of non-compliance to be dealt with. In addition, there may well be varying views about

the most appropriate groupings of communities of interest and a broader process would be required to identify those views.

37. In summary, we consider the proposed wards (including the non-complying Motukairangi/Eastern and Paekawakawa/Southern wards), reflect current communities of interest. Compliance with the section 19V(2) '+/- 10%' requirement for these wards would require arbitrary boundary change that would likely split communities of interest. It terms of section 19V(3)(ii) this would limit effective representation of communities of interest by dividing a community of interest between wards.
38. We therefore agree that the council's proposal that the Motukairangi/Eastern Ward and the Paekawakawa/Southern Ward not comply with section 19V(2) be endorsed.

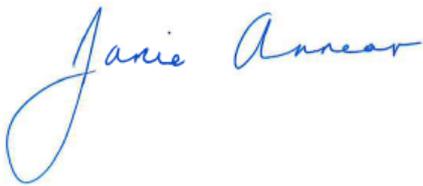
Commission's determination

39. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of the Wellington City Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of the and the Motukairangi/Eastern Ward and the Paekawakawa/Southern Ward, as compliance would limit effective representation of communities of interest by either dividing a community of interest between wards or by uniting within a ward two communities of interest with few commonalities of interest.
40. Therefore, for those elections for the Wellington City Council, covering the area delineated on LG-047-2019-W-1, the following arrangements will apply:
 - a. Takapū/Northern Ward, comprising the area delineated on LG-047-2019-W-2, electing three councillors
 - b. Wharangi/Onslow-Western Ward, comprising the area delineated on LG-047-2019-W-3, electing three councillors
 - c. Pukehīnau/Lambton Ward, comprising the area on LG-047-2019-W-4, electing three councillors
 - d. Motukairangi/Eastern Ward, comprising the area on SO 37887, electing three councillors
 - e. Paekawakawa/Southern Ward, comprising the area on LG-047-2019-W-5, electing two councillors.
41. There will continue to be two communities as follows:
 - a. Makara-Ohariu Community, comprising the area delineated on LG-047-2019-Com-1, with a community board comprising six elected members
 - b. Tawa Community comprising the area delineated on LG-047-2015-Com-1, with a community board comprising six elected members and two appointed members.

Local Government Commission

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Commissioner Pita Paraone (Chairperson)

A handwritten signature in blue ink, appearing to read 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

5 April 2019