



**LOCAL GOVERNMENT COMMISSION**  
**MANA KĀWANATANGA Ā ROHE**

**Determination**

of representation arrangements to apply for  
the election of the New Plymouth District 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 New Plymouth District 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.
4. The Council currently has a ward system of representation 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
North	11,050	2	5,525	-61	-1.09
New Plymouth City	55,800	10	5,580	-6	-0.11
South-West	11,350	2	5,675	+89	+1.59
<b>Total</b>	<b>78,200</b>	<b>14</b>	<b>5,586</b>		

\* Based on 2014 population estimates provided by Statistics NZ

5. There are also four community boards in the district – for Kaitake, Inglewood, Clifton and Waitara. Each board comprises four elected members and one appointed member.

## The Council's proposal and review process

6. In its initial representation proposal, the Council proposed to:
  - retain the 14-member council (excluding the mayor)
  - retain the existing three wards
  - retain the current four community boards and their current membership.
  
7. The Council received 84 submissions on its initial proposal which it summarised as follows:
  - support for initial proposal in its entirety:
    - yes: 31
    - no: 53
  - support for ward structure options:
    - council proposal/status quo arrangements (three wards): 40
    - at large: 20
    - eight-ward structure: 12
    - five-ward structure: 8
    - four-ward structure: 4
  - support for community board structure options:
    - council proposal/status quo arrangements (four boards): 44
    - establish Bell Block community board: 12
    - establish Bell Block board & Princess St/Tikorangi adjustment: 21
    - no response: 7
  - support for community board membership options:
    - council proposal/status quo (four elected & one appointed member): 57
    - five elected and no appointed members: 27.
  
8. Following consideration of submissions, the Council resolved to confirm the retention of status quo arrangements in relation to the Council, i.e. a 14-member council (excluding the mayor) elected from three wards as its final proposal. It also resolved to retain the four existing community boards with each having four elected members and one appointed member.

## Appeal

9. One appeal against the Council's final proposal was received from Mr Bill Simpson. This related to the Council's decision to remain with status quo arrangements for Bell Block, and particularly a decision not to establish a Bell Block community board. The appeal was made "until such time as the whole of Bell Block community is given a democratic opportunity to have their say and vote (if necessary) on this matter".

10. Given the nature of the appeal and his desire for the local community to be given the opportunity to have a say on the specific matter of a community board for Bell Block, Commission officers contacted Mr Simpson to discuss options for achieving his objective. These options include submitting a proposal to the Council at any time, under Schedule 6 of the Local Government Act, for the establishment of a community board. Such a proposal needs to be signed by 10 percent of the electors in the Bell Block area.
11. The Commission was subsequently advised that Mr Simpson had initiated a proposal under Schedule 6 of the Local Government Act. Despite this, Mr Simpson wished to proceed with his appeal against the Council's representation proposal.
12. The Commission considered the matters covered by the appeal were clear and as they related only to the single issue of community boards, a hearing was not necessary.

### Requirements for determination

13. 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.*

14. 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 issue*

15. Along with the substantive matter of establishing a Bell Block community board, Mr Simpson's appeal also referred to what he saw as deficiencies in the Council's consultation and engagement processes. As noted in the Commission's '*Guidelines to assist local authorities in undertaking representation reviews*', the Commission is required to make its own determination on the matters set out in sections 19H and 19J of the Act. While it notes the concerns raised, these are not matters, in this case, that directly impact on the Commission's ability to make its own determination.

### *Commission's approach*

16. In addition to determining the substantive matter raised in the appeal, the Commission is required by the Act to determine the ward and membership arrangements for the Council and community board arrangements generally.
17. 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*

18. Both wards and community boards need to be based on distinct and recognisable communities of interest.
19. 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.
20. 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*

21. 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.
22. '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.
23. 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.
24. 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 comprised 16 councillors when it was constituted in 1989 until the 2004 elections when the number was reduced to 14.
25. In its current review, the Council is proposing retention of 14 councillors and this appears to be appropriate for a district of New Plymouth's geographic area and population and in line with districts of a similar size and population elsewhere in the country.
26. 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.
27. Since its constitution in 1989, New Plymouth District has been divided into wards (initially eight wards, reduced to five in 1995 and then to three in 2004).
28. The Council has in the past considered moving to the at large basis of election and proposed this on at least two occasions. This reflected arguments that in some respects the district can be seen as one community of interest with rural areas well connected to the dominant urban area containing 70% of the district's population. These previous proposals were, however, appealed to the Commission and these appeals were subsequently upheld.

29. In 2007 the Commission said it was of the view that the effective representation of the outlying and rural communities of the district would only be ensured “through specific representation on the body making decisions that impact on community wellbeing”. In the absence of significant delegations to the community boards in the district, the Commission concluded the ward system should be retained.
30. In the current review the Council proposed retention of the existing three wards as part of its initial proposal. This received the most support in the submissions received of the options identified for the basis of elections. No appeals have been received against this aspect of the Council’s final proposal. On this basis, the wards can be seen to be accepted as reflecting distinct communities of interest in the district and with which residents have a sense of identity and belonging.
31. The current wards are at a scale that makes them appropriate areas, functionally and politically, for wards for New Plymouth District. Accordingly the Commission concludes that these arrangements meet the requirement for effective representation of communities of interest in the district.

#### *Fair representation for electors*

32. 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).
33. As can be seen from the table in paragraph 4, the Council’s final proposal for wards and membership complies with this requirement.

#### *Communities and community boards*

34. 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.
35. 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?
36. The statutory role of a community board is to:
- represent and advocate for the interests of its community
  - consider and report on matters referred to it by its parent council
  - maintain an overview of council services provided in its community
  - prepare an annual submission to the council for expenditure within its community
  - communicate with community organisations and special interest groups within its community
  - undertake any other responsibilities delegated to it by its parent council.
37. The Council's initial proposal was for the retention of the four existing community boards in the district. In considering submissions on the proposal, the Council noted while there was support for a Bell Block community board, slightly over half the submissions supported retention of status quo community board arrangements. It then proceeded to endorse its initial proposal as its final proposal. In response to the final proposal, the appeal by Mr Simpson has been received.
38. The Commission has subsequently been advised that Mr Simpson has initiated a proposal under Schedule 6 of the Local Government Act for establishment of a Bell Block community board.
39. Schedule 6 provides that a territorial authority on receiving a proposal for the establishment of a community board, must either resolve to give effect to the proposal and invite public submissions, or reject the proposal and give public notice of the rejection. It also provides that if a territorial authority resolves not to constitute a community board, a signatory to the proposal may appeal that decision to the Local Government Commission.
40. The Commission notes it is possible, therefore, that under this other process it will be required to determine whether or not a Bell Block community board is established in New Plymouth District. In light of this possibility and an associated risk of perceived pre-determination, the Commission resolves not to make a determination on the appeal relating to a new Bell Block community board as part of this representation review determination.
41. Accordingly the Commission is left, at this time, to determine whether or not to endorse the Council's proposal for retention of the existing four community boards.

42. The Commission notes section 19T(1)(c) of the Act provides that, so far as is practicable, ward boundaries coincide with community board boundaries. In New Plymouth District these boundaries do not coincide. Council officers did identify an option in relation to this matter prior to the Council's adoption of its initial proposal, but the Council resolved to adopt status quo arrangements in relation to community boards and wards.
43. The Commission also notes that the suggestion of establishment of a Bell Block community board could have an impact on the boundaries of the existing Waitara and Inglewood community boards.
44. In light of the above, and subject to the outcome of the Schedule 6 proposal, the matter of particular community board and ward boundaries may in future have to be considered further.
45. At this time the Commission notes there was a slight majority in support of retention of status quo community board arrangements in response to the Council's initial proposal. Apart from Mr Simpson's, no appeals against the Council's final proposal have been received. Based on the above information, the Commission determines, subject to one minor membership change, existing community board arrangements should continue and endorses the Council's proposal accordingly. The minor membership change is that, as proposed by the Council, its appointee to the Kaitake Community Board may come from either the South-West Ward or the New Plymouth City Ward recognising the fact that the board straddles both wards.

### **Commission's Determination**

46. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the New Plymouth District Council to be held on 8 October 2016, the following representation arrangements will apply:
  - (1) New Plymouth District, as delineated on SO Plan 334329 deposited with Land Information New Zealand, will be divided into three wards.
  - (2) Those three wards will be:
    - (a) North Ward, comprising the area delineated on SO Plan 334330 deposited with Land Information New Zealand
    - (b) New Plymouth City Ward, comprising the area delineated on SO Plan 334331 deposited with Land Information New Zealand
    - (c) South-West Ward, comprising the area delineated on SO Plan 334332 deposited with Land Information New Zealand.
  - (3) The Council will comprise the mayor and 14 councillors elected as follows:
    - (a) 2 councillors elected by the electors of North Ward
    - (b) 10 councillors elected by the electors of New Plymouth City Ward
    - (c) 2 councillors elected by the electors of South-West Ward.

- (4) There will be four communities as follows:
    - (a) the Clifton Community, comprising the area delineated on SO Plan 334333
    - (b) the Waitara Community, comprising the area delineated on SO Plan 334334
    - (c) the Inglewood Community, comprising the area delineated on SO Plan 334335
    - (d) the Kaitake Community, comprising the area delineated on SO Plan 334336.
  
  - (5) For the Clifton Community, there will be a Clifton Community Board comprising:
    - (a) four elected members
    - (b) one member of the Council representing North Ward who will be appointed to the community board by the Council.
  
  - (6) For the Waitara Community, there will be a Waitara Community Board comprising:
    - (a) four elected members
    - (b) one member of the Council representing North Ward who will be appointed to the community board by the Council.
  
  - (7) For the Inglewood Community, there will be an Inglewood Community Board comprising:
    - (a) four elected members
    - (b) one member of the Council representing South-West Ward who will be appointed to the community board by the Council.
  
  - (8) For the Kaitake Community, there will be a Kaitake Community Board comprising:
    - (a) four elected members
    - (b) one member of the Council representing either South-West Ward or New Plymouth City Ward who will be appointed to the community board by the Council.
47. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

**REPRESENTATION REVIEWS COMMITTEE  
FOR LOCAL GOVERNMENT COMMISSION**

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Commissioner Janie Annear (Chair)

A handwritten signature in blue ink, appearing to read 'Leith Comer'.

Temporary Commissioner Leith Comer

A handwritten signature in black ink, appearing to read 'Dr Pauline Kingi'.

Temporary Commissioner Dr Pauline Kingi

4 April 2016