

13. REPRESENTATION REVIEW 2008/2009: ADOPTION OF COUNCIL'S "INITIAL PROPOSAL"



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| General Manager responsible: | General Manager Peter Mitchell, DDI 941 8462 |
| Officer responsible: | Democracy Services Manager |
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PURPOSE OF REPORT

1. To present to the Council the results of its recent review of representation arrangements for the 2010 and 2013 elections and to recommend the adoption of the Council's initial proposal to be distributed for public consultation.

EXECUTIVE SUMMARY

2. The Local Electoral Act 2001 requires local authorities to review their representation arrangements at least once every six years. The Christchurch City Council carried out its last review in 2003 and must complete the current review before September 2009.
3. As part of the current review, the Council resolved on 11 September 2008:
 - (a) That the next two triennial elections will be held using the same electoral system as that used for the 2007 election; and
 - (b) To note that a Maori ward could not be established because there would be insufficient Maori ward members to reach the threshold required by the Local Electoral Act 2001.
4. The Council has yet to decide on other aspects of the review, namely whether the members of the Council are elected by:
 - (a) The electors of the Christchurch City Council district as a whole; or
 - (b) By the electors of two or more wards; or
 - (c) In some cases by the electors as a whole and in the other cases by the electors of each ward.
5. A number of workshops with Councillors and Community Boards have been held to date on these issues, and this report's recommendations reflect the general consensus reached at those workshops; that the 'status quo' is the preferred representation model, though with small changes to the boundaries of four wards to bring the Riccarton/Wigram and Shirley/Papanui wards into line with the requirements for population equality under the legislation. One issue that has not yet been resolved is whether the Janet Stewart Reserve should remain as part of the Burwood/Pegasus ward or shift to the Shirley/Papanui ward.
6. Should the initial proposal for representation arrangements be adopted by the Council, it will be publicly notified on 20 November 2008 and available for public consultation until 9 February 2009. It is proposed that any oral submissions received be heard in the first week of March 2009. The Council is required to have considered and heard submissions and given public notice of its final proposal by 23 March 2009.

FINANCIAL IMPLICATIONS

7. There are no costs associated with the recommendations of this report other than those associated with the public consultation process, which can be absorbed within operational budgets.

LEGAL CONSIDERATIONS

8. The process to be adopted by the Council for its representation review is set out in the Local Electoral Act 2001. The Council is also required to comply with the decision making procedures contained in the Local Government Act 2002.
9. The Council must have regard to the Guidelines that the Local Government Commission published in June 2005 for the purpose of assisting local authorities undertaking representation reviews. A copy of the Guidelines has previously been distributed to all elected members.

10. In carrying out its review, the Council must ensure that there is fair and effective representation for individuals and communities, one of the principles set out in section 4(1) of the Local Electoral Act 2001.
11. The Council is also required to act in accordance with a number of provisions in the Local Government Act 2002. Section 14 states, amongst other things, that:
 - (a) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (b) when making a decision, a local authority should take account of –
 - i. the diversity of the community, and the communities' interests, within its district or region; and
 - ii. the interests of future as well as current communities; and
 - iii. the likely impact of any decision on the social, economic, environmental, and cultural wellbeing of the communities.
12. These principles and provisions are referred to further in the Background section of this report.

Procedural Steps and Timeline for the Representation Review

13. The Council is required to adopt an initial proposal as contained in the staff recommendations section of this report, on its representation arrangements for the 2010 election, followed by a period of public consultation, with public notice of the final decision to be given before 8 September 2009. Once the initial decision is made, the formal statutory review process commences. The initial decision is publicly notified and must be open for public consultation for a period of at least one month. The Council is required to consider any submissions it receives on its initial decision, and then either confirm or amend its earlier decision and issue its final decision.
14. The Council's final decision must be publicly notified, and if any appeals or objections are received to that proposal the matter must be referred to the Local Government Commission for determination. This is to be made no later than 11 April 2010, with the Commission's decision being subject to judicial review or appeal on a point of law.
15. It is important to note that once the initial decision has been made there is no opportunity to stop or delay the statutory process. As discussed at previous workshops for Councillors, it is desirable to embark on public consultation on an initial proposal before the end of 2008 given the heavy work programme for the Council in early to mid 2009 (i.e. adoption of the LTCCP and continuation of the By-law Review process).
16. The proposed submissions/objection/appeal process timetable is:

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| 13 November | The Council resolves on an initial representation review proposal. |
| 20 November | Public Notice of the Council's proposal, public consultation period begins. |
| 9 February 2009 | Last date for public submissions on the initial representation review proposal (Note: if no submissions are received then the Council's initial proposal becomes its final proposal). |
| 3-5 March 2009 | Hearing of submissions (if any). |
| 23 March 2009 | Last date by which the Council must have considered and heard submissions and publicly notified its final proposal. |
| 23 April 2009 | Date for appeals/objections to the Council's final proposal to be filed. (no later than 20 December 2009). |

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| 15 January 2010 | Last date for the Council to send appeals/objections to the Local Government Commission. |
| 11 April 2010 | Last date for the Local Government Commission to issue its determination. |

CONSULTATION FULFILMENT

17. Section 77 of the Local Government Act 2002 requires the Council, in the course of the decision-making process, to seek to identify and assess all reasonable practicable options for the achievement of the objectives of a decision.
18. As noted above, in the course of this review process elected members have considered the steps set out in the Local Government Commission Guidelines.
19. Section 78 of the Local Government Act requires the Council to give consideration to the views and preferences of persons likely to be affected by or have an interest in the decisions.
20. While the Council is required to give consideration of the views and preferences of such people, it is not obliged to engage in public consultation prior to the Council resolving on a particular proposal.
21. There is a public process outlined in this report in which the public can provide input into the electoral review process. This provides a period from 19 November 2008 until 9 February 2009 for submissions to be made. It is considered that the process adopted is an appropriate way to deal with this matter.
22. Section 79 of the Act provides the Council with a discretion to make judgements as to how to achieve compliance with Sections 77 and 78. This is largely in proportion to the significance of the matter affected by the decision, the extent to which different options are to be identified and assessed, the extent to which costs and benefits can be quantified, the extent and details of the information to be considered and the extent and nature of any written record to be kept.
23. The Council is required to have regard to the significance of all relevant matters including the principles relating to local authorities set out in Section 14 of the Act, the Council's resources and the extent to which the nature of the decision, or the circumstances in which the decision is taken, allows the Council scope and opportunity to consider a range of options or views and preferences of other persons.
24. Preliminary views of Community Boards have been sought through informal workshops and are reflected in paras 80-101 of this report.
25. As indicated in paragraph 16 above, public consultation on the Council's initial proposal will commence on 20 November 2008 until 9 February 2009.

STAFF RECOMMENDATIONS

26. Based on the discussions held during workshops of elected members, it is recommended:
 1. That the following proposal apply for the Christchurch City Council for the elections to be held in 2010 and subsequent elections until altered by a subsequent decision:
 - (a) That the Council continue to comprise 13 elected members elected from 7 wards, and the Mayor.
 - (b) That the Council continue to retain the existing ward names and communities of interest with the existing seven ward structure comprising the following wards: Spreydon/ Heathcote; Riccarton/Wigram; Fendalton/Waimairi; Shirley/Papanui; Burwood/Pegasus; Hagley/Ferrymead and Banks Peninsula.

(c) That the proposed boundaries of the 7 wards be:

Either:

(i) as shown on the map attached as **Appendix A(i)**, based on proposed boundary changes to four wards

Or:

(ii) as shown on the map attached as **Appendix A(ii)**, based on proposed boundary changes to four wards that include shifting the Janet Stewart Reserve from the Burwood/Pegasus ward to the Shirley/Papanui ward

(d) That the population each ward will represent be as follows:

Either:

(i) based on proposed boundary changes to four wards, excluding shifting the Janet Stewart Reserve to the Shirley/Papanui ward, as set out in the table below:

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 58,620 | 2 | 29,310 | +2,507 | +9.35 |
| Shirley/Papanui Ward | 57,657 | 2 | 28,829 | +2,026 | +7.56 |
| Burwood/Pegasus Ward | 57,768 | 2 | 28,884 | +2,081 | +7.77 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | +.83 |
| Fendalton/Waimairi Ward | 56,901 | 2 | 28,451 | +1,648 | +6.15 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

Or:

(ii) based on proposed boundary changes to four wards, including shifting the Janet Stewart Reserve to the Shirley/Papanui ward, as set out in the table below:

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 58,620 | 2 | 29,310 | +2,507 | +9.35 |
| Shirley/Papanui Ward | 57,711 | 2 | 28,856 | +2,053 | +7.66 |
| Burwood/Pegasus Ward | 57,714 | 2 | 28,857 | +2,054 | +7.66 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | +.83 |
| Fendalton/Waimairi Ward | 56,901 | 2 | 28,451 | +1,648 | +6.15 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

2. That there be communities and Community Boards in Christchurch City as follows:

(a) That there continue to be eight Community Boards, one for each ward, except with two for the Banks Peninsula ward.

- (b) That the names of the existing Community Boards be the same as for each of the existing wards, namely Riccarton/Wigram Community Board; Shirley/Papanui Community Board; Burwood/Pegasus Community Board; Hagley/Ferrymead Community Board; Spreydon/Heathcote Community Board and Fendalton/Waimairi Community Board; except for the two Banks Peninsula Community Boards which will continue to be known as the Akaroa/Wairewa and the Lyttelton/Mt Herbert Community Boards.
- (c) That the boundaries of the Community Boards be the same as for each of the wards, with the exception of the Banks Peninsula ward, as shown in:
- Either:*
- (i) **Appendix B(i):** Proposed Boundaries of Eight Community Boards (not including change to Janet Stewart Reserve)
- Or:*
- (ii) **Appendix B(ii):** Proposed Boundaries of Eight Community Boards (including change to Janet Stewart Reserve).
- (d) That each Community Board comprise five elected members.
- (e) That each Community Board have two appointed members, being the two persons elected from time to time as members of the Council representing the ward in which that Community Board is situated, except for Banks Peninsula where one person elected from time to time as a member of the Christchurch City Council is appointed to both Boards.
- (f) That the Community Boards not be subdivided for electoral purposes except for the Akaroa-Wairewa Community Board which shall be subdivided into two subdivisions, namely the Akaroa subdivision and the Wairewa subdivision.
- (g) The community board for the Akaroa-Wairewa Community shall comprise: three members elected by the electors of the Akaroa Subdivision; two members elected by the electors of the Wairewa Subdivision; and the person elected from time to time as a member of the Council representing the Banks Peninsula Ward and appointed to the Community Board by the Council.
- (h) That the population elected members of each Community Board represent be as follows:

Either:

Table (i): Population as per Community Board Boundaries in Appendix B(i)

| | Population | No of community board members per constituency | Population per community board member |
|--------------------------------------|-------------------|---|--|
| Riccarton-Wigram Community Board | 58,620 | 5 | 11,724 |
| Shirley-Papanui Community Board | 57,657 | 5 | 11,531 |
| Burwood-Pegasus Community Board | 57,768 | 5 | 11,554 |
| Hagley-Ferrymead Community Board | 55,272 | 5 | 11,054 |
| Spreydon-Heathcote Community Board | 54,051 | 5 | 10,810 |
| Fendalton-Waimairi Community Board | 56,901 | 5 | 11,380 |
| Lyttelton-Mt Herbert Community Board | 5,448 | 5 | 1,090 |
| Akaroa-Wairewa Community Board | 2,718 | 5 | 544 |
| Totals | 348,435 | 40 | |

Or:

Table (ii): Population as per Community Board Boundaries in Appendix B(ii)

| | Population | No of community board members per constituency | Population per community board member |
|--------------------------------------|-------------------|---|--|
| Riccarton-Wigram Community Board | 58,620 | 5 | 11,724 |
| Shirley-Papanui Community Board | 57,711 | 5 | 11,542 |
| Burwood-Pegasus Community Board | 57,714 | 5 | 11,543 |
| Hagley-Ferrymead Community Board | 55,272 | 5 | 11,054 |
| Spreydon-Heathcote Community Board | 54,051 | 5 | 10,810 |
| Fendalton-Waimairi Community Board | 56,901 | 5 | 11,380 |
| Lyttelton-Mt Herbert Community Board | 5,448 | 5 | 1,090 |
| Akaroa-Wairewa Community Board | 2,718 | 5 | 544 |
| Totals | 348,435 | 40 | |

3. That public notice be given of the proposals contained in this resolution.
4. That the entire Council sit to hear submissions on the Council's proposals.
5. That in the Council's judgement, the process followed by the Council in this electoral review meets the requirements of Sections 76 to 78 of the Local Government Act 2002.

BACKGROUND

27. On 11 September 2008 the Council resolved to:
- (a) Note that no Maori ward can be established in the Christchurch City Council district at this point in time because the legislative threshold used to qualify for the election of at least one member to a Maori ward has not been met.
 - (b) Retain the First Past the Post (FPP) electoral system for the 2010 City Council elections.
28. As required the Council has since given public notice of the right for 5 percent of electors to demand a poll on the electoral system to be used at the 2010 local elections.
29. Councillors have held a series of workshops to fully consider all of the Representation Review matters; on 10 April, 24 June, 26 August, 10 and 24 September 2008 (the latter with Community Board Chairs present). Each Community Board has also held a workshop to discuss the issues, and a summary of the Board Member views identified from those workshops is provided in paragraphs 80-101 of this report.

Local Government Commission Guidelines 2005

30. Consideration of the key representation matters at the workshops followed the broad parameters established in the 2005 Guidelines provided by the Local Government Commission. These are:
- (a) Step 1: Identify communities of interest.
 - (b) Step 2: Determine effective representation for identified communities of interest.
 - (c) Step 3: Consider fairness of representation for electors of the electoral subdivisions.
31. Elected members have considered each of these criteria in the course of the current representation review process, in respect of both Council and Community Board issues. They are referred to in more detail in the following paragraphs of this report.

Communities of Interest

32. In its 2005 guidelines the Commission states:

"The term "community of interest" is not defined by statute. It is a term that can mean different things to different people, depending on an individual's or group's perspective from time to time.

Giving proper consideration to defining local communities of interest, is however, an essential part of the representation review process. It is a necessary precursor to determining effective representation.

A community of interest usually has a number of defining characteristics, which may include:

- *A sense of community identity and belonging;*
- *Similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community;*
- *Similarities in economic activities;*
- *Dependence on shared facilities in an area, including schools, recreational and cultural facilities, and retail outlets;*
- *Physical and topographic features;*
- *The history of the area; and*
- *Transport and communication links.*

Communities of interest may alter over time. Local authorities need to give careful attention to identifying current communities of interest within their districts when undertaking representation reviews".

33. As part of the Council's 2003 Representation Review, work was undertaken by the Council to define its communities of interest. The 2003 Council working party took account of the following factors when identifying the communities of interest:
- Current and historic suburban and related boundaries.
 - Socio-economic groups and housing patterns (although it was noted that each ward could contain a mixture of different social-economic groups, rather than comprise a particular group or groups and could include a mix of urban, suburban and rural areas)
 - Business and education activities such as extensive industrial areas, defined shopping hubs and existing schools.
 - Residents' Association boundaries
 - Areas of significant open space and topographic and other features (such as rivers and major roads) which form natural boundaries.
 - Potential for future urban growth.
34. At that time it was observed that the generally flat and concentric nature of Christchurch means that communities of interest are not distinct. While communities of interest tend to merge into one another, for residents and particularly longstanding residents, their local communities can have a sense of local identity. Hence in 2003 the approach taken was to place some weight on traditional suburbs and the patterns of development. It was noted that by and large the suburban communities of interest in Christchurch tend to be smaller than the size of the wards and so each ward may have 2-3 distinct communities of interest within it. In summary, given the relatively large numbers of communities of interest it was not possible to have a ward for each community of interest, and accordingly wards themselves were identified as containing a number of different communities of interest.
35. Councillors have indicated agreement with the observations of the Commission in its past decisions that a number of communities of interest in Christchurch City are sufficiently disparate to require the constitution of wards for effective representation, and that the provision of effective representation can be achieved by a ward encompassing more than one community of interest.
36. In 2005 the Local Government Commission had to determine the representation for the Banks Peninsula area in the enlarged Christchurch City Council. Its conclusions were:
- "After a careful consideration of the issues the Commission came to the view that in the context of an enlarged Christchurch City Council the Banks Peninsula area could be considered to be an isolated community requiring specific representation in terms of Section 19B(3) of the Local Electoral Act 2001 for the following reasons:*
- *Road access to Christchurch City from the outer Peninsula can be restricted in winter storm conditions and roading access from Lyttelton to Christchurch may at times be totally dependent on the Lyttelton Tunnel being open for traffic;*
 - *Parts of the Peninsula are geographically isolated, with limited roading access; and*
 - *Significant travel times can be incurred from parts of the Peninsula and accessing Council services and in enabling effective representations.*
37. In light of the work undertaken in 2003 by the Council, the Local Government Commission's Determination in 2004 and the work in 2005 by the Local Government Commission to identify communities of interest within Christchurch and Banks Peninsula respectively, Councillors have generally indicated satisfaction that no developments have since occurred that would suggest any changes are required to the communities of interest reflected in the current wards.

Effective Representation

(a) Election at large, by Ward or Mixed

38. The second of the three factors is effective representation. In its 2005 guidelines the Commission states:

“Determining effective representation is based on considering the identified communities of interest.

Effective representation for communities of interest is the determinant in selecting the overall representation arrangements of the local authority. While the members of a regional council must be elected on a constituency basis, members of a territorial authority may either be elected at large (i.e. by the electors of the district as a whole), by ward, or partially by ward and partially at large. The members of community boards may be elected at large, by subdivision of the community, or by ward if the community contains two or more whole wards of a district.

The arrangements chosen must, in the view of the Commission, be those which, out of the various possible options, best provide for effective representation of communities of interest”.

39. The following is an extract from the Local Government Commission’s 2004 Determination of the membership and basis of election for the 2004 Christchurch City Council election:

“The Commission considered the six ward option favoured by a number of submitters, objectors and appellants and came to the view that:

- *The six wards, based on the boundaries of the existing communities, better reflected communities of interest in the city than the Council’s proposal*
- *Six wards would have familiarity to residents and electors given that they would be based on the existing community board boundaries*
- *The six wards would provide effective representation for communities of interest...”*

After taking all the information presented to it into account, the Commission considered that at this time the division of the City into six wards would better reflect the various communities of interest in the City and would provide effective representation for those communities. It therefore determined that the City shall be divided into six wards based on the boundaries of the existing community boards”.

40. In 2005, the Local Government Commission’s conclusions regarding representation for the Banks Peninsula area in the enlarged Christchurch City Council were as follows:

“Having determined that the Banks Peninsula area would be an isolated community requiring specific representation in order to provide effective representation for the area; the Commission is satisfied that a single member Banks Peninsula ward should be constituted”.

41. Given the issues identified in paragraphs 38-40 above, the general consensus of Councillors at recent workshops on this issue has been that the seven ward system that currently operates, as a basis for the election of the Council and Community Boards, still provides effective representation of the communities of interest within the Christchurch area:

- Banks Peninsula ward
- Spreydon/Heathcote ward
- Riccarton/Wigram ward
- Fendalton/Waimairi ward
- Shirley/Papanui ward
- Burwood/Pegasus ward
- Hagley/Ferrymead.

42. Therefore, while Councillors have given some consideration to an at-large (city-wide) system of effective representation, the general consensus was that at this point in time the existing model of ward representation continues to be an effective one.

43. Although Banks Peninsula falls outside the principle of population equality based formula in s19V of the LEA (Banks Peninsula is under the formula by 15,956 electors) Councillors have generally indicated that the area should be retained as a separate ward with its existing boundaries. In addition to the isolated community rationale identified in 2005 by the Local Government Commission, Councillors have also noted that Banks Peninsula residents are still adjusting to the present representation arrangements since merger with Christchurch City, and that for continuity and stability's sake the arrangements should be bedded in as an established representation arrangement for the 2010 election.

(b) Community Boards

44. In undertaking a review of community boards the Council is required to consider:
- Whether there should be communities and community boards; and
 - If it resolves there should, the nature of any community and the structure of any community board.
45. The Local Electoral Act provides that community boards may have between 4 and 12 members. Each Board must include at least four elected members and may include appointed members. The number of appointed members must be less than half the total number of members.
45. The Council's resolution must also determine:
- (a) Whether one or more communities should be established;
 - (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;
 - (e) Whether the boundaries of a subdivision should be altered;
 - (f) The number of members to be elected should be elected:
 - From the community as a whole; or
 - From subdivisions; or
 - Where the community comprises two or more wards, from wards;
 - (g) Where members are to be elected from subdivisions
 - The name and boundaries of subdivisions; or
 - The number of members to be elected from each subdivision.
47. Councillors have considered the issues of existence, nature and structure of the existing community boards. There has been general agreement at the workshops that the current number of eight Boards and the number of members elected to those Boards ensures effective advocacy of local community interests to the Council, and effective decision-making at the local level in areas where the community boards have delegations.
48. Hence no changes are proposed to the current Community Board structure of:
- Six Community Boards, one for each of the metropolitan wards, each comprising five elected members (and two appointed members, being the Councillors representing a ward), and
 - Two Community Boards for the Banks Peninsula ward; covering the Lyttelton/Mt Herbert and Akaroa/Wairewa subdivisions and each comprising five elected members (and one appointed member being the Councillor representing the Banks Peninsula Ward).

Fairness of Representation

(a) Electors

49. The third factor is fair representation for electors. In its 2005 guidelines the Commission states:

“Section 19V of the Act details the factors to be applied in determining the membership for wards, constituencies and subdivisions.

Under this provision, membership for each form of electoral subdivision is required to comply with the basic principle of population equality unless there are good reasons to depart from it.

Section 19V(2) of the Act outlines the specific requirements in this regard. These include that:

*The territorial authority or regional council and, where appropriate, the Commission **must ensure** that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or small than the population of the district or region or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any)*

In respect of territorial authorities and communities, Section 19V(3)(a) provides the only grounds for not complying with the provisions of Section 19V(2). These grounds are to provide for effective representation for communities of interest within island communities or isolated communities.

Any local authority proposing membership for any of its electoral subdivisions involving a member to population ratio falling outside the +/- 10% provided for under Section 19V(2) would need to specifically identify its reasons for doing so and justify its decision. Separate justification should be provided for each individual electoral subdivision receiving enhanced representation, rather than a blanket justification being provided for a number of subdivisions. Any such decisions are likely to be the subject of considerable public scrutiny and would be carefully assessed by the Commission.

The population figures in this report and the accompanying options are based on Statistics New Zealand's official latest estimated population figures for Christchurch City.

50. The Local Electoral Act requires the Council to determine by resolution:
- Whether councillors are proposed to be elected at large, by wards or by a mix of at large and by wards; and
 - If by wards the proposed name and boundaries of each ward, and the number of councillors to be elected from each ward.
51. In making this determination the Council must ensure:
- (a) That the election of councillors will provide "... effective representation of communities of interest within the city"; and
 - (b) That ward boundaries coincide with the boundaries of current statistical mesh block areas determined by Statistics New Zealand; and
 - (c) That, as far as practicable, ward boundaries coincide with community boundaries.
52. In deciding the number of councillors to be elected from any ward the Act requires the Council to ensure that the electors of each ward receive "fair representation" having regard to the population of the city and each ward.
53. This requirement is given effect to by the Council ensuring that the population of each ward divided by the number of councillors 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 councillors.

54. In considering this matter to date the general consensus from the Councillor workshops is that the ward representation ratio should be within the 10 per cent tolerance specified in the Local Electoral Act except for the ward of Banks Peninsula which should be granted a dispensation from this tolerance as currently exists, due to the rationale that the area covered by the ward is a distinct community of interest.
55. Councillors have considered the issues of existence, nature and structure of the existing community boards. There has been general agreement at the workshops that the current number of eight Boards and the number of members elected to those Boards ensures effective advocacy of local community interests to the Council, and effective decision-making at the local level in areas where the community boards have delegations.
56. Hence no changes are proposed to the current Community Board structure of:
- Six Community Boards, one for each of the metropolitan wards, each comprising five elected members (and two appointed members, being the two Councillors for the ward in which that community is situated, and
 - Two Community Boards for the Banks Peninsula ward; the Lyttelton/Mt Herbert and Akaroa/Wairewa Community Boards, each comprising five elected members (and one appointed member being the Councillor representing the Banks Peninsula Ward).

(b) Number of Councillors

57. The Local Electoral Act requires the Council to determine the number of councillors to be elected from each ward. The membership of a territorial authority should be no fewer than six and no more than 30 members (including the Mayor). This range is set to enable the community to settle upon a system of representation which allows for the variety and complexity of local needs and the range of functions being undertaken by a territorial authority.
58. The current elected membership of Christchurch City Council is 13 (excluding the Mayor) and was decreased to 12 plus the Mayor, from 24 in 2004 (as determined by the Local Government Commission). The additional Councillor was elected from the Banks Peninsula ward in 2005. the following is an excerpt from the Local Government's 2004 Determination on this matter:

Given that the City has complete community board coverage, and that the community boards have comprehensive delegations and are seen by both the Council and those who made submissions to the review as generally effective in dealing with local issues, the Commission reached the decision that a Council comprising 12 members and the Mayor will be effective in dealing with City-wide issues as well as providing effective representation for the residents of the city."

59. The general consensus from the Councillor workshops is that the existing number of Councillors is sufficient for the variety and complexity of local needs and the range of functions being undertaken by the Council, and that the rationale of the Local Government Commission's Determination in 2004 as outlined in paragraph 58 above still stands.

(c) Ward Boundaries

60. Consideration has also been given to fair representation for electors of the electoral subdivisions. This requires that the Council takes into consideration the principle of population equality based formula in s19V of the Local Electoral Act (referred to in paragraph 49 above).

(i) **Status Quo**

61. Firstly Councillors have considered the existing boundaries, referred to here as the “status quo” ward boundaries. The ‘status quo’ (with no boundary adjustments) is not a possible option because the +/-10% fairness rule of the Local Electoral Act is not met:

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

62. Under the status quo (with no boundary adjustments) the population ratios per member of Riccarton/Wigram, Shirley/Papanui and Banks Peninsula Wards are outside the permitted range of +/-10% of 26,803 (i.e. 24,122 to 29,483). Riccarton/Wigram exceeds the population limits by 930 per councillor (a total of 1,860 per ward), Shirley/Papanui by 589 per councillor (a total of 1,178 per ward) and Banks Peninsula is under by 15,956.

(ii) **Status Quo with Minor Boundary Adjustments**

63. This option assumes that Banks Peninsula is accepted as an isolated community. The minor boundary adjustments that are proposed involve moving population between four wards: Riccarton/Wigram Ward, Shirley/Papanui Ward, Burwood/Pegasus Ward and Fendalton/Waimairi Ward. The proposals that have been discussed at recent workshops with Councillors and Community Boards are set out in paragraphs 64-71 below.

• **Proposal for Riccarton/Wigram Boundary (refer to map in Appendix C)**

64. One proposed boundary change for the Riccarton/Wigram Ward would involve moving 2,205 people within an area bounded by Staveley Street, Avonhead Road, Montclare Avenue and Solway Avenue to the Fendalton/Waimairi Ward. This would reduce the population of Riccarton/Wigram Ward to 58,620 as set out in the table below.

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 58,620 | 2 | 29,310 | +2,507 | +9.35 |
| Shirley/Papanui Ward | 60,144 | 2 | 30,072 | +3,269 | +12.2 |
| Burwood/Pegasus Ward | 57,018 | 2 | 28,509 | +1,706 | +6.37 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | +0.83 |
| Fendalton/Waimairi Ward | 55,164 | 2 | 27,582 | +779 | +2.91 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

- **Proposals for Shirley/Papanui Boundaries (refer to map in Appendix D)**

65. One option for boundary changes for Shirley/Papanui Ward would involve moving a total population of 2,487. Three areas have been suggested: an area bounded by Mays Road, Rutland Street and St Albans Street comprising of 1,320 people; an area bounded by Holly Road and Springfield Road comprising of 417 (both areas to be moved to Fendalton/Waimairi Ward); and an area bounded by North Parade which includes Medway Street, Poulton, Woodchester and Flesher Avenues comprising of 750 people (to be moved to Burwood/Pegasus). This would reduce the population of Shirley/Papanui Ward to 57,657 as set out in the table below.

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 60,825 | 2 | 30,413 | +3,610 | +13.47 |
| Shirley/Papanui Ward | 57,657 | 2 | 28,829 | +2,026 | +7.56 |
| Burwood/Pegasus Ward | 57,768 | 2 | 28,884 | +2,081 | +7.77 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | +0.83 |
| Fendalton/Waimairi Ward | 54,696 | 2 | 27,348 | +545 | +2.03 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

66. A request has been made by the Shirley/Papanui Board for the meshblock that contains Janet Stewart Reserve, comprising 54 people, to be moved from Burwood/Pegasus Ward to Shirley/Papanui Ward. This move is not supported by the Burwood/Pegasus Board. With the other proposed boundary changes, this would increase Shirley/Papanui Ward's population to 57,771 which would still be within the +/-10% fairness rule.

- **Proposal for Burwood/Pegasus Boundary (refer Appendix E)**

67. The proposed boundary change for Burwood/Pegasus Ward would involve moving 750 people in the area bounded by North Parade which includes Medway Street, Poulton, Woodchester and Flesher Avenues from the Shirley/Papanui Ward to Burwood/Pegasus Ward. This would increase the Burwood/Pegasus Ward's population to 57,768, as set out in the table below.

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 60,825 | 2 | 30,413 | +3,610 | +13.47 |
| Shirley/Papanui Ward | 57,657 | 2 | 28,829 | +2,026 | +7.56 |
| Burwood/Pegasus Ward | 57,768 | 2 | 28,884 | +2,081 | +7.77 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | +0.83 |
| Fendalton/Waimairi Ward | 54,696 | 2 | 27,348 | +545 | +2.03 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

- **Proposal for Fendalton/Waimairi Boundaries (refer to map in Appendix F)**

68. The proposed boundary changes to the Riccarton/Wigram Ward (2,205 people) and Shirley/Papanui Ward (1,737 people) as outlined in paragraphs 64 and 65 above would increase the Fendalton/Waimairi Ward's population by 3,942 people; from 52,959 to 56,901.

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 58,620 | 2 | 29,310 | +2,507 | +9.35 |
| Shirley/Papanui Ward | 58,407 | 2 | 29,204 | +2,401 | +8.96 |
| Burwood/Pegasus Ward | 57,018 | 2 | 28,509 | +1,706 | +6.37 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | + .83 |
| Fendalton/Waimairi Ward | 56,901 | 2 | 28,451 | +1,648 | +6.15 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

- **Combination of all proposed changes in paragraphs 64-65 and 67-68 (excluding changes to Janet Stewart Reserve) - refer to map in Appendix G)**

69. All of the above proposed boundary changes (with the exception of any changes regarding Janet Stewart Reserve) would involve the moving of populations between four wards: 2,205 from Riccarton/Wigram Ward to Fendalton/Waimairi Ward; 1,737 from Shirley/Papanui Ward to Fendalton/Waimairi Ward; and 750 from Shirley/Papanui Ward to Burwood/Pegasus Ward.

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-----------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 58,620 | 2 | 29,310 | +2,507 | +9.35 |
| Shirley/Papanui Ward | 57,657 | 2 | 28,829 | +2,026 | +7.56 |
| Burwood/Pegasus Ward | 57,768 | 2 | 28,884 | +2,081 | +7.77 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | + .83 |
| Fendalton/Waimairi Ward | 56,901 | 2 | 28,451 | +1,648 | +6.15 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

- **Combination of all Proposed Changes in paragraphs 64-68 (including changes to Janet Stewart Reserve) - refer to map in Appendix H)**

70. All of these proposed boundary changes would involve the moving of populations between four wards: 2,205 from Riccarton/Wigram Ward to Fendalton/Waimairi Ward; 1,737 from Shirley/Papanui Ward to Fendalton/Waimairi Ward; 750 from Shirley/Papanui Ward to Burwood/Pegasus Ward.

| | Population | No of councillors per constituency | Population per councillor | Deviation from region average population per councillor | Percentage deviation from region average population per councillor |
|-----------------------------|----------------|------------------------------------|---------------------------|---|--|
| Riccarton/Wigram Ward | 58,620 | 2 | 29,310 | +2,507 | +9.35 |
| Shirley/Papanui Ward | 57,711 | 2 | 28,856 | +2,053 | +7.66 |
| Burwood/Pegasus Ward | 57,714 | 2 | 28,857 | +2,054 | +7.66 |
| Hagley/Ferrymead Ward | 55,272 | 2 | 27,636 | +833 | +3.11 |
| Spreydon/Heathcote Ward | 54,051 | 2 | 27,026 | +223 | + .83 |
| Fendalton/Waimairi Ward | 56,901 | 2 | 28,451 | +1,648 | +6.15 |
| Banks Peninsula Ward | 8,166 | 1 | 8,166 | -18,637 | -69.53 |
| Totals | 348,435 | 13 | 26,803 | | |

71. Extensive discussions have been held among Community Boards on the boundary options outlined above. The Community Boards covering the wards affected – Riccarton/Wigram, Fendalton/Waimairi, Burwood/Pegasus and Shirley/Papanui – have indicated general agreement to these proposals with the exception of the issue of Janet Stewart Reserve. **Councillors will therefore need to make a decision on the issue of that Reserve; whether to retain the status quo and keep the Reserve within the Burwood/Pegasus ward, or change the current boundaries to place the Reserve within the Shirley/Papanui ward.**

OBJECTION PROCESS

72. If the Council passes a resolution at its meeting on 13 November 2008, it must then give public notice of the proposal in that resolution, including specifying the communities of interest considered by the Council and reasons for change from the current system.
73. The Council must give not less than one month's notice within which any person, including Community Boards, may make submissions on the proposal to the Council. The timetable set out in this report allows a period of five weeks for submissions to be made on the Council's proposal.
74. The Council must then consider the submissions received and give submitters an opportunity to be heard. The Council may then make such amendments to its November proposal resolution as it thinks fit and must then give public notice of its decision on these submissions, including any amendments.
75. If no submissions are received then the Council's initial proposal becomes its final proposal and this is publicly notified.
76. The Council's public notice given on any amended proposal must incorporate any amendments agreed to by the Council, and the reasons for the amendments, the reasons for the rejection of any submissions and advise of the right of appeal of those persons who made submissions. Also it must advise that any other person has a right to object to the amended proposal.
77. Community Boards are given a statutory right to appeal if they have made a submission to the Council. An appeal must identify the matter to which the appeal relates and may only raise those matters which were raised in the appellants' submission.
78. If any appeals or objections are lodged, then the Council must forward those to the Local Government Commission, together with any other relevant information. The Commission will then consider the Council's resolutions, submissions, appeals and objects and make a determination on the matter. This must be done by 11 April 2010.
79. Any determination of the Commission is subject to an application for judicial review and/or an appeal to the High Court on a point of law.
80. The Council needs to determine whether or not the process it has followed in this representation review, and the reasons for not engaging with the public to date, meet the requirements of sections 77 and 78 for the purpose of section 79. It is the view of the Legal Services Unit that the Council can fairly reach that conclusion based on the process to date. Consultation with the public will take place, in accordance with the consultant principles in the Local Government Act 2002, once the Council's initial proposal is notified and distributed.

SUMMARY OF COMMUNITY BOARD VIEWS

80. Each Community Board has considered the key issues covered by the Representation Review in a workshop, and informally fed its views to a Councillors workshop (through the Community Board Chair).
81. There is a general consensus among most Community Boards that the status quo regarding the number and composition of the Council and Community Boards should be retained. As noted in paragraph 71 above, after discussion between the Boards for the affected wards, the boundary arrangements as reflected in the recommendations of this report were agreed as being the best options for boundary adjustments to meet the principle of population equality based formula in section 19V of the LEA. The one exception to this agreement is the issue of Janet Stewart Reserve.

82. Further details of the Boards' views are summarised below, drawn from records of the workshops of individual Boards and the subsequent workshop between Councillors and Community Board Chairs.

Spreydon/Heathcote Community Board

83. In general:
- There should be a "level playing field" in relation to fair representation of all electors.
 - A wish to see three Councillors elected per ward with a total of 18 Councillors.
 - Does not support the election at-large system.
 - Consideration should be given to the creation of a new inner city ward because of population increases and the urban development strategy.
84. Board members considered three options to enlarge the Spreydon/Heathcote ward:
- One option taking the meshblocks associated with Westmorland and the meshblocks running around the back of Halswell following Cashmere Road over to Halswell Road. This would take some population pressure off Riccarton/Wigram and join the hill areas of Westmorland with surrounding hill suburbs which better reflect the community of interest.
85. The second and third related to Banks Peninsula. The principle of population equality should be applied to all electors in the city and therefore the situation in relation to the under representation of Banks Peninsula should be changed. There are two possible options, both involve electing three Councillors to a newly created ward area and retaining the existing two community boards.
- The first option would include taking parts of Banks Peninsula along the meshblock 201 at Cass Bay and the rest of the Peninsula into the Spreydon/ Heathcote ward with the rest being allocated to the Hagley/Ferrymead Ward. The bottom line would be for Banks Peninsula to retain its strong local identity and community of interest through the retention of the existing two Community Boards.
 - The other option would involve moving all of the Banks Peninsula Ward into the Spreydon/Heathcote ward with three Councillors being elected to represent the area. Under both these options Banks Peninsula would retain two community Boards.

Riccarton Wigram Community Board

86. The Board does not support the election of Councillors using the at-large election system.
87. The Board accepts the needs to adjust boundaries to meet the required population ratios, and is supportive of the proposed boundary changes to the Riccarton/Wigram as set out in paragraph 64 and Appendix C. The Board believes that the University of Canterbury and its environs is a community of interest and should be retained within one ward.

Fendalton/Waimairi Community Board

88. Discussions at the workshop indicated general agreement for the retention of Community Boards in Christchurch. There was a range of views expressed, with two members expressing a preference for the Council to recommend increasing the number of councillors to 16, though one noted it could be a difficult cause to pursue given earlier decisions of the Local Government Commission.
89. There was general agreement for adding sections from Shirley/Papanui and Riccarton/Wigram wards to the Fendalton/Waimairi boundaries, as set out in paragraph 68 above and Appendix F.

Shirley/Papanui Community Board

90. The Board is supportive of the changes proposed in paragraph 65 above to its boundaries with the Fendalton/Waimairi and Burwood/Pegasus wards.

91. The Board also desires the addition of the Janet Stewart Reserve/Prestons Road meshblock area, as set out in paragraph 66. This adjustment is proposed in recognition of the importance that the Janet Stewart Reserve plays for this Board in its long relationship with the 40 year vision for the Styx catchment. The Board has a history of financially assisting the Styx Living Laboratory.

Burwood/Pegasus Community Board

92. Members of this Board expressed their support for the retention of the existing seven wards, and election by ward rather than election at large or a mix of at large and by ward. In terms of population per Councillor ratios, in comparing Christchurch (26,352) with other Councils of a similar size, members were concerned at the much lower populations per Councillor in cities such as Manukau (18,065), North Shore (13,960) and Wellington (13,221).
93. Board members favour an increase in the number of Councillors to three per ward in the metropolitan area with a matching increase in community board members to six, thereby providing nine members for each of the metropolitan Boards. In relation to the matter of Banks Peninsula, Board members felt that some change should be contemplated by the Council to better reflect a more balanced representation across the city.
94. In relation to ward boundaries the Board can support the changes proposed to its boundaries as set out in paragraph 67 above. The Board feels that the natural community of interest lay with the nearby Shirley/The Palms facilities as this was the recognised 'community hub' for the immediate area.
95. On the matter of the Janet Stewart Reserve, members do not support this area being transferred to Shirley/Papanui. It is considered that the Styx River provides a logical boundary and therefore the Reserve should remain in the Burwood/Pegasus ward.
96. In relation to public consultation on the representation review, the Board members have real concerns that consultation is proposed over the Christmas/New Year holiday period. Given the impacts that this will have on the opportunity for individuals and community organisations to consider and then prepare submissions during this time, members request that the Council consider adjusting its intended consultation timetable to commence from February 2009.

Hagley/Ferrymead Community Board

97. Suggests that Banks Peninsula could be incorporated into the existing city wards to address an imbalance of fair representation. Lyttelton could be added to Hagley/Ferrymead as it is closely linked to the city via the tunnel, while the rest of Banks Peninsula could be added to Spreydon/Heathcote. The figures for population per Councillor across the City are skewed due to the large variation with Banks Peninsula.
98. Also suggested that the Council aim to keep its wards close to the "minus 10%" threshold rather than "plus 10%", to allow for future population growth to be accommodated.
99. The Council could also look at coordinating its representation review with the census schedule in the future, so that all information on population is as accurate and up to date as possible.

Akaroa/Wairewa Community Board and Lyttelton/Mt Herbert Community Board

100. The two Banks Peninsula Community Boards support retaining the status quo in terms of the representation structure.
101. The Boards put forward the following reasons in support of the Banks Peninsula ward being retained as it exists, with two community boards:
- There should be fair representation for communities of interest, right across the city. This could not be achieved for Banks Peninsula communities if there was not a separate Banks Peninsula Ward.

- Banks Peninsula communities can easily become isolated in winter or during storm events. In the past winter there have been several occasions when a large number of roads were closed. There are considerable travel times involved for many of the Banks Peninsula residents to access Council services and for elected representatives to meet with their constituents.
- Banks Peninsula is a dominant geographic feature within the Christchurch City Council boundaries. Its topography presents a natural geographic boundary. The area contains 70% of the land area of the City. The Banks Ecological Area is based on the geographic area of Banks Peninsula.
- There is a need to recognise that there are explicit issues that face rural communities that do not arise in urban areas. For example the distances that sport teams have to travel to compete in “local” competitions, the need to support rural health providers who could not retain a service to rural areas without support from the local authority.
- There are four Rūnanga on Banks Peninsula. There are no Rūnanga within any of the other six wards in the City.
- Banks Peninsula still operates under a separate District Plan which contains marked differences to the City Plan. There is a need to have local input (Councillor and Community Board members) on Resource Consent Hearing Panels.
- Banks Peninsula is within different areas for other authority boundaries, e.g. a different District Health Board area.