

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 19 MARCH 2009**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

# AGENDA - OPEN



## CHRISTCHURCH CITY COUNCIL

**Thursday 19 March 2009 at 9.30am  
in the Council Chamber, Civic Offices**

**Council:** The Mayor, Bob Parker (Chairperson).  
Councillors Helen Broughton, Sally Buck, Ngaire Button, Barry Corbett, David Cox, Yani Johanson,  
Claudia Reid, Bob Shearing, Gail Sheriff, Mike Wall, Sue Wells, Chrissie Williams, and Norm Withers.

ITEM NO	DESCRIPTION
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- |    |   |
|----|---|
| 1. | APOLOGIES   |
| 2. | REPRESENTATION REVIEW 2008 – 2009: ADOPTION OF FINAL PROPOSAL |

## 1. APOLOGIES

## 2. REPRESENTATION REVIEW 2008 – 2009: ADOPTION OF FINAL PROPOSAL

<b>General Manager responsible:</b>	General Manager Regulation & Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Democracy Services Manager
<b>Author:</b>	Ian Thomson – Solicitor, Jenny Hughey – Community Board Adviser

**PURPOSE OF REPORT**

1. To put before the Council the recommendations of the hearings panel (comprising all Councillors) that heard and considered submissions made in response to the Initial Proposal prepared and consulted on as part of the Council's representation review. **The report of the hearings panel is attached as Attachment A.**

**FINANCIAL IMPLICATIONS**

2. There are no costs associated with the recommendations of this report, other than those associated with publication of the public notice of the Council's Final Proposal on its representation arrangements, which can be absorbed within operational budgets.

**LEGAL CONSIDERATIONS**

3. The legal considerations are addressed throughout this report.

**CONSULTATION FULFILMENT**

4. The legislative requirements for consultation on the Council's Initial Proposal have been fulfilled. Public notice was given of the Initial Proposal, with the consultation period running from 20 November 2008 to 9 February 2009. Copies of the Initial Proposal were available at all libraries and service centres. Council staff also wrote to key stakeholders on 19 November 2008 inviting comment.

**BACKGROUND**

5. Prior to the current process, the Council carried out a review of the representation arrangements for its district in 2003. The Council's proposed arrangements were to apply for the 2004 elections and subsequent elections unless further decisions were made to the contrary.
6. Ultimately, following appeals and objections heard by the Local Government Commission and an unsuccessful application for judicial review, the Commission eventually determined the representation arrangements for the Christchurch City Council district. Under Section 19(S) of the Local Electoral Act 2001, this arrangement was used for the 2004 elections and it continues until a subsequent determination comes into effect.
7. Section 19(H) of the Local Electoral Act required the Council, after the 2004 determination, to review the representation arrangements for its district at least once in the next period of six years. Given that there was no review prior to the 2007 elections, the Council is required to carry out its next review before 8 September 2009. That review is about to be completed.
8. Initially the Council undertook preliminary consultation with members of its Community Boards. Each Board had the opportunity to consider key issues based on local knowledge and experience, before joining with Councillors in two workshops to discuss the review.
9. This process was carried out prior to a report to the Council being prepared and considered at a meeting on 13 November 2008. The report had previously been circulated to Community Boards. The Council's Initial Proposal, adopted at that meeting, was publicly notified on 20 November 2008 and was available for public consultation until 9 February 2009.

**2 Cont'd**

10. The Local Government Commission Guidelines (2008) state that preliminary consultation can be used to seek views on particular representation options as well as on factors such as current communities of interest. However the Commission also advises that while preliminary consultation can be a useful component of the representation review process, it is not a substitute for the formal statutory steps. Neither is it a requirement.
11. Elected members have acknowledged the Local Government Commission's hearing of appeals and objections arising from the Council's 2003 decision and Determination of the issues at that time. The majority of Community Board members and Councillors are of the view that they have been sufficiently aware of the views of their communities and have considered the communities of interest in their wards.
12. The Legal Services Unit has advised Councillors, sitting as the hearings panel, that the level of consultation complies with the Council's obligations under the Local Electoral Act.
13. If the Council accepts the recommendations of the hearings panel attached to this report and adopts its Final Proposal, this will be publicly notified on 23 March 2009. This is the last day allowed by the Local Electoral Act.
14. Prior to undertaking its review of representation arrangements the Council carried out a review of the electoral system used to conduct the triennial election of Councillors and Community Board members. Section 27 of the Local Electoral Act enables the Council to resolve that the next two triennial general elections will be held using an electoral system other than that used for the previous general election. This resolution must be made no later than 12 September in the year that is two years before the year in which the next triennial or general election is to be held. In the current process that is 12 September 2008.
15. Section 19(Z) of the Local Electoral Act enables the Council to resolve that its district be divided into one or more Maori wards for electoral purposes.
16. There is no public consultation process required before the Council can make these two decisions. A report from staff was prepared and considered at the Council's meeting on 11 September 2008. The report noted that no Maori ward could be established in the Christchurch City Council district at that time because the threshold used to qualify for the election of at least one member to a Maori ward had not been met.
17. The Local Government Commissions Guidelines (2008) note that given the nature of the Maori electoral population and the mathematical calculation that must be made, there may be very limited options available to a local authority in terms of numbers of elected members from Maori wards or constituencies. The calculation may mean that no members could be elected from such wards or constituencies. This is the case with regard to the Christchurch City Council district.
18. The Local Electoral Act offers the Council the choice between two electoral systems for its triennial general elections. These are first past the post (FPP) and the single transferable vote (STV). At its meeting on 11 September 2008 the Council decided to retain the FPP electoral system for the 2010 elections.
19. As required by the Local Electoral Act, the Council gave public notice of its decision with regard to Maori wards by 13 November 2008. This included a statement that a poll could be sought to challenge the Council's resolution.
20. Under the Local Electoral Act 5% of electors may demand a poll at any time on whether a district should be divided into one or more Maori wards. Alternatively, the Council may resolve at anytime to conduct a poll on this issue. A valid demand or a Council resolution is required prior to 28 February in the year before the next triennial local election, in this case 2009. No such demand or resolution was made.

## 2 Cont'd

21. Also as required by the Local Electoral Act, the Council publicly notified its decision not to change the electoral system for the 2010 triennial general election. This included a statement that 5% of electors had the right to demand a poll. If a valid demand was made before 28 February 2009 then the result of the poll would determine the electoral system to be used for the 2010 and 2013 elections. If a valid demand is made after 28 February 2009, the result would determine the electoral system to be used for the 2013 and 2016 elections. The Council itself may resolve to hold a poll but this would have been required before 28 February 2009.
22. When the Council began its process of reviewing representation arrangements, it did so in accordance with the Local Government Commission guidelines current at that time. In November 2008 new guidelines were published, including a comment that the Commission considers it good practice for local authorities not to resolve their initial representation proposals until the time for lodging demands for a poll on the electoral system has expired, that is after 28 February in the year before the next triennial local election.
23. By then the Council had publicly notified its decisions with regard to the establishment of a Maori ward and the electoral system to be used for the next two triennial general elections. Given that the mathematical calculation meant that no members could be elected from a Maori ward and there was no indication that electors were pushing for a change in the electoral system it was decided to proceed with a representation review and to publicly notify the Councils Initial Proposal.
24. It has previously been explained to elected members that if a demand for a poll on either issue was made before 28 February 2009 the representation review process could have been changed to accommodate the results of the poll. It has to be remembered however that decisions relating to the choice of electoral system and the establishment of Maori wards are not formally part of a representation review. The Local Government Commission's role in determining appeals and objections does not extend to these two matters. The Council has been aware, however, that they could have had an impact on the representation review process.
25. In the event, no valid demand for a poll has been made.

## REPRESENTATION REVIEW PROCESS

26. The Local Government Commission Guidelines (2008) note that Part 1(A) of the Local Electoral Act sets out requirements for conducting representation reviews, including the provision of an opportunity for the public to make submissions on an Initial Proposal. These provisions have been complied with by the Council.
27. In addition, the consultation and decision making obligations imposed by the Local Government Act 2002 apply. In particular the Council is required to consider the views of affected and interested persons, provide opportunities for Maori to contribute to decision making and to act in accordance with the principles of consultation set out in the Act. The Council has established a working relationship with Te Runanga o Ngai Tahu through Mahaanui Kurataiao Limited. It has also complied with the statutory consultation requirements set out in sections 19 M and N of the Local Electoral Act. These are based on the special consultative procedure provided for in the Local Government Act 2002.
28. The Council's Initial Proposal was publicly notified and available at the Civic Offices, Christchurch City Council Libraries and Service Centres. It could also be accessed on the Council's website, along with the reports from staff presented to and considered by elected members at their meetings on 11 September and 13 November 2008.
29. Thirty eight submissions in response to the proposal were received and 12 submitters wished to be heard.
30. All submissions were heard by a hearings panel comprising all Councillors on Tuesday 3 March and Thursday 5 March 2009. Copies of all submissions were provided to the hearings panel, all members of which heard the oral submissions and were present when the panel deliberated afterwards. A report on the submissions process and the hearing panel's deliberations is attached as **Attachment A**.

31. The Council's Democracy Services Manager provided all members of the panel with a memorandum setting out the process to be followed, a proposed format for considering the submissions and extracts from the Local Government Commission Guidelines (2005 and 2008). The panel was advised that it must act in a legally "fair" way in considering the submissions and that the Council must provide reasons for the acceptance or rejection of submissions. Its Final Proposal should be made in light of those submissions. The hearings panel complied with this important aspect to the process.
32. The Council meeting on 19 March 2009 will receive this report and consider the recommendations made by the hearings panel. If the Council adopts the recommendations of this report, then its decisions will form the Council's Final Proposal for this Representation Review.
33. When publicly notifying its Final Proposal, the Council is required to state the reasons for any amendment of the Initial Proposal and for rejecting any submissions.
34. Following the Council meeting the first available date for publication of the notice is Monday 23 March 2009. This is the last date for publication allowed by the Local Electoral Act.

#### **APPEALS AND OBJECTIONS**

35. Any submitter may lodge a written appeal against the Council's decision in respect of its Final Proposal. Appeals must be lodged with the Council on or before the date specified in the public notice.
36. The Local Electoral Act requires the date to be no earlier than one month after the publication of the public notice and no later than 20 December 2009. The Council will be complying with its statutory obligation if it specifies 23 April 2009 as the date by which appeals are to be lodged.
37. Any appeal must raise only those matters that were raised in the appellants submissions on the Initial Proposal.
38. If the Council's Final Proposal is different to the Initial Proposal, the Local Electoral Act allows any interested person or organisation (including a Community Board) to lodge a written objection to the amended resolution. The date by which objections are to be lodged is the same as the date specified in the notice for lodging an appeal.
39. An objector does not necessarily have to have made a submission on the Initial Proposal. The objection may be in relation to any element of the Council's Final Proposal although it could be expected that the objection would be directed at the nature and effect of an amendment rather than matters that an objector could have submitted on but elected not to do so. At the end of the day, it will be for the Local Government Commission to determine how it deals with objections.
40. There is no provision in the Local Electoral Act for the acceptance of late appeals or objections.
41. The Local Electoral Act requires the Commission to consider the resolutions, submissions, appeals, objections and any other information forwarded to it by the Council. The Commission may make any enquiries that it considers appropriate and may hold, but is not obliged to hold, meetings with the Council or any appellants or objectors indicating a desire to be heard. The process must be completed and a determination made before 11 April in the year of a triennial general election, which in the case of the current representation review is 11 April 2010.
42. The Local Government Commission Guidelines (2008) note that the role of the Commission is to determine the matters required to complete the review and representation arrangements. It is not restricted merely to checking that the Council has followed a correct process and has referred to all relevant factors. The Commission is also required to form its own view on the matters that are within the scope of the review.

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43. The guidelines refer to a High Court decision that found that a proposal for representation arrangements is one of a number of matters that the Commission is required to take into account. However, the weight accorded to the proposal is a matter for the Commission to determine. The court stated that the weight of numbers in favour of a particular view point cannot be a mandatory consideration. One compelling submission might provide sufficient material for the Commission to reach a decision.
44. The Local Government Commission Guidelines (2008) state that the Commission's decisions take account of the matters that come before it through appeals and objections. However it may also take into account matters raised in submissions to an Initial Proposal and information gained through any further enquiries the Commission considers appropriate.
45. The Commission may rectify any element of the Council's proposal that it considers does not comply with statutory provisions, whether or not that element of the proposal was the subject of an appeal or objection. Therefore there may be occasions when the Commission makes a determination that is not founded on any proposal, submission, objection or appeal.

**MATTERS CONSIDERED IN THE REVIEW PROCESS**

46. All Councillors, sitting as members of the hearings panel, were given information about the requirements of the representation review process. This reiterated earlier advice given to Councillors when they began the process. Copies of the Local Government Commission Guidelines (2005), which were current at the time, were distributed then as well. Councillors received and were briefed on the 2008 guidelines when these were published in November 2008.
47. In the course of determining its Initial and Final Proposals and consulting with interested parties, the Council has had regard to the following matters:
  - a) fair and effective representation for individuals and communities (Local Electoral Act 2001 – Section 4.1.a).
  - b) democratic and effective local government that recognises the diversity of New Zealand communities (Local Government Act 2002 – Section 3).
  - c) the views of all of its communities (Local Government Act 2002 – Section 14).
  - d) the diversity of the community, and the communities interests, within its district (Local Government Act 2002 – Section 14).
  - e) the reorganisation of the Banks Peninsula and Christchurch City districts in 2005.
  - f) the general role of community boards (Local Government Act 2002 – Section 52).
  - g) effective representation of communities of interest (Part 1A Local Electoral Act 2001).
  - h) fair representation of electors (Part 1A Local Electoral Act 2001).
48. In considering these matters, the Council has also had regard to the three key factors identified by the Local Government Commission as being relevant to determining representation. These are:
  - a) communities of interest.
  - b) effective representation of communities of interest.
  - c) fair representation of electors.

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**Communities of Interest**

49. In its 2008 Guidelines the Commission states:

*"The term "community of interest" is not defined in the Act. It is a term that can mean different things to different people. 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.*

*Communities of interest may alter over time. Local authorities need, therefore, to give careful attention to identifying current communities of interest within their district or region when undertaking representation review.*

*The community of interest can often be identified by access to the goods and services needed for ordinary day-to-day living. Boundaries based on prominent physical characteristics of an area (e.g. rivers, principal roads, hill ridge lines) are likely to provide strong visual reminders for the residents of the community of interest and may assist in engendering feelings of belonging and empowerment. Another community of interest factor could be the rohe or takiwa area of tangata whenua.*

*Local authorities themselves are distinct and identifiable communities of interest. For the purposes of determining appropriate representation arrangements, territorial authorities need to determine firstly the extent to which there are identifiable communities of interest below the district level. Next they need to determine whether these communities of interest are located in identifiable geographical areas or are spread across the district.....*

*...In short, a particular community of interest can be defined in terms of the following characteristics:*

- a) *A sense of community identity and belonging reinforced by:*
  - i) *similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community*
  - ii) *similarities in economic or social activities*
  - iii) *physical and topographical features*
  - iv) *the history of the area*
- b) *dependence on shared facilities and services in an area, including:*
  - i) *schools, recreational and cultural facilities*
  - ii) *retail outlets*
  - iii) *transport and communication links.*

*Decisions relating to the representation of communities of interest (the political aspect) 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 or regional level for the community of interest.*

50. The Council has considered the current communities of interest within its district in the course of undertaking this representation review. In light of the work undertaken in 2003 by the Council to identify communities of interest, 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, i.e. Spreydon/Heathcote; Riccarton/Wigram; Fendalton/Waimairi; Shirley/Papanui; Burwood/Pegasus; Hagley/Ferrymead, and Banks Peninsula.



## 2 Cont'd

### Effective Representation

51. The Local Government Commission's 2008 Guidelines state:

*"Achievement of effective representation requires consideration of the identified communities of interest and the extent these are geographically distinct and warrant specific representation. Effective representation for these communities of interest determines the basis of election for territorial authorities (regions must be divided into constituencies).*

*The basis of election chosen for territorial authorities (at large, by ward, or partly by ward and partly at large) is required to be in the view of the territorial authority or, as the case may be the Commission, that which best provides for effective representation of communities of interest".*

52. The Council has looked at the total number of elected members necessary to provide effective representation for its district. Although it was suggested that the number of Councillors and Community Board members should be increased, it was felt that there was insufficient evidence to show that this was justified at this time. There was no indication from Councillors that they were unable to cope with their current workload or provide effective representation. The basis of election chosen (by ward) has been considered to be the best for effective representation of communities of interest.
53. The following factors in particular have been considered (as set out in the Local Government Commission Guidelines (2008)):
- 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.*
54. Some submitters suggested that the current wards (except Banks Peninsula) be subdivided with one Councillor and an additional Community Board member elected to represent each new ward. The hearings panel carefully considered this option before determining that the current ward system presented the same, if not more, opportunity for effective representation. It was noted that the availability of two Councillors in each ward, even though they represented a larger population base, ensured more effective representation.
55. The Local Government Commission Guidelines (2008) notes that a separate ward might not be necessary or practicable for the effective representation of each community of interest. It is appropriate to consider the linkages between various interests so that they can be combined together into one or more larger ward.
56. The guidelines also note that whilst single member wards can be seen to provide a close direct link between local electors and their representative, multi-member wards can provide greater choice for voters and then for residents with regard to who to approach on local issues. They can also allow sharing and specialised responsibilities between the ward representatives.
57. The Council is entitled to decide that the current ward system allows for effective representation in the Christchurch City Council district.

### Fair Representation

58. The final key factor to be considered is the fair representation of electors. Section 19(V) of the Local Electoral Act sets out the criteria to be used in determining this.

## 2 Cont'd

*"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 smaller than the population of the district or regional 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)".*

59. The Council's Initial Proposal set out proposed boundary changes to meet this population requirement, which 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, and moving a population of 54 (incorporating the Janet Stewart Reserve) back from the Burwood/Pegasus Ward to the Shirley/Papanui Ward.
60. Recommendation 8.(b) of the attached Hearings Panels report requests the Council to agree to moving the northern boundary of mesh block 2503701 from the Styx River to the Lower Styx Road to allow the Janet Stewart Reserve to be located in the Shirley/Papanui ward. Statistics New Zealand has advised that:
- The proposed change is a simple one and does not involve any population, so splitting a meshblock is not likely to be required, only a movement.
  - Because this is a current ward and community boundary, which has to remain in place in theory until 6 months before the 2010 local body elections, Statistics New Zealand will not be in a position to action the change until the early part of 2010, after the 2010 digital meshblock pattern and higher hierarchies are finalised. The digital boundaries for the 2010 local body elections will be created as the 2011 pattern, but will be done in the middle of 2010, after the local government reviews have finished. This will also be after Statistics New Zealand has finalised the pattern for use for the 2011 Census of Population & Dwellings.
61. If the Council adopts the hearings panel recommendation to request Statistics New Zealand to move the meshblock to ensure the Janet Stewart Reserve remains in the Shirley/Papanui ward, the process will be:
- confirmation from the Council to Statistics New Zealand that the representation review has been completed and the meshblock change is still required
  - action of the meshblock boundary change early in 2010
  - provision of boundaries for the 2010 local body elections to the Electoral Enrolment Centre in April 2010 (though in this instance no electors are affected)
  - provision of the digital boundaries relating to the 2010 local body elections to external users, sometime in the second half of 2010.
62. The table below reflects all of the proposed boundary changes and shows compliance with the requirement that each ward is to provide approximate population equality per member, with the exception of the Banks Peninsula ward. (These boundaries are also shown in the map provided in **Attachment B**). All votes are of approximate equal value (referred to as the +/- 10% rule), unless there are good reasons to depart from this.

	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
<b>Totals</b>	<b>348,435</b>	<b>13</b>	<b>26,803</b>		

## 2 Cont'd

63. In August 2005 the Local Government Commission determined that the area of the Banks Peninsula district should form the Banks Peninsula ward of an enlarged Christchurch City. The Commission stated that the boundaries and membership of the Banks Peninsula ward were not to be altered within a period of three years. The effect of this is that the first opportunity to review the ward arrangements has arisen in the representation review currently being undertaken.
64. The Local Government Commission was satisfied that the proposed Bank Peninsula ward, in the context of the enlarged Christchurch City, is an isolated community requiring specific representation in order to provide effective representation for the Banks Peninsula area. The Commission found that Banks Peninsula has a geography that is quite distinct from the existing Christchurch City. Its mix of urban areas, small settlements and dispersed rural communities, spread over a wide geographical area with difficult and weather affected roading access in places, creates a unique set of factors that underpin the provision of specific Council representation on the basis of isolation for the Banks Peninsula area.
65. In the submissions made to the Council in response to its Initial Proposal there is general support for retaining the Banks Peninsula ward as an isolated community. The Council has decided that in view of the Commission's determination in 2005 and the lack of substantial support for any change to the current arrangement, the status quo should prevail.
66. The effect of identifying the Banks Peninsula ward as an isolated community is that the +/- 10% rule cannot be applied to that ward. However the Local Government Commission Guidelines (2008) state that regardless of whether any exceptions to the +/- 10% rule exist, the rule is calculated once over the whole district. The +/- 10% rule is not calculated again for the balance of the district.
67. This calculation has become an issue with one submitter in particular. He argues that the Banks Peninsula ward should be excluded from further calculation in respect of the balance of the Council's district. Council staff have specifically raised this issue with the Local Government Commission and have been advised that the +/- 10% rule is to be applied over the district as a whole, including the Banks Peninsula ward. The Commission has provided the Council with a legal opinion that states that even where exceptions do arise, the Commission's view should still be regarded as the best way of achieving, to the extent possible, the requirement for fair representation.
68. The Legal Service Unit's advice to the Council is that it is complying with the Council's statutory obligations by including the Banks Peninsula ward in the calculation of the +/- 10% rule. Neither staff at the Local Government Commission nor the Council believe that if the issue is addressed in this way the representation review will be fatally flawed, as suggested by the submitter referred to earlier.

## COMMUNITY BOARDS

69. As part of its representation review, the Council is required by the Local Electoral Act to consider whether there should be communities and Community Boards in its district and, if so, their nature and structure. This is to include determining whether or not Community Boards are appropriate for providing fair and effective representation for individuals and communities.
70. 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.
71. 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.

## 2 Cont'd

72. The Council 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 of a community board;
  - (g) The number of members of a community board who should be elected, and the number who should be appointed;
  - (h) whether the members to be elected should be elected:
    - From the community as a whole; or
    - From subdivisions; or
    - Where the community comprises two or more whole wards, from those 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.
73. The matters to be taken into account in dealing with Community Boards were provided to all elected members (including Community Board members) prior to consideration of the Council's Initial Proposal and again to all members of the hearings panel. Using these matters as a basis for its deliberations the panel concluded that the current Community Board structure was appropriate to providing fair and appropriate representation for individuals and communities in the Council's district. For the reasons contained in the information attached to this report, the panel did not accept that the level of representation would significantly improve by there being two Community Boards in each of the current wards, whether or not those wards were split, with one Councillor and four Community Board representatives.

## FUTURE REVIEWS

74. As indicated earlier in this report, when they began this review Community Board members and Councillors were not aware of any groundswell of public opinion against the current representation arrangements nor was there any indication that the community wanted significant change. This was reflected in the Council's Initial Proposal which, with a few minor exceptions, retained the status quo.
75. However, the Canterbury Regional Council (Environment Canterbury) submitted that it has an interest in the Christchurch City Council's representation review because the Local Electoral Act requires the boundaries of Regional Council constituencies to align "where practicable" with those of their territorial authorities (or their wards). This view was further expanded on behalf of Environment Canterbury when oral submissions were presented to the hearings panel.
76. Whilst the Council's Final Proposal will substantially reaffirm the current representation arrangements, that is not to say that at some point in the future a more extensive review could not be carried out, perhaps at the same time that Environment Canterbury undertakes its next review in 2010/2011. There was an indication from Councillors that they would like to start that process either next year or soon after the 2010 elections.
77. The Council is required to review its representation arrangements at least once in every six year period. Apart from this, there are no other restrictions imposed by the Local Electoral Act although consistency of arrangements and the cost of change would be relevant considerations.
78. If there are no appeals or objections to the Council's Final Proposal or, if there are they are dealt with and determined by the Local Government Commission, the Council's Final Proposal will remain current for the next six years (including the 2010 and 2013 triennial general elections), unless the Council resolves otherwise before then. In other words, whilst the Final Proposal will remain in effect for the 2010 elections that doesn't mean that it necessarily would be the same for the elections in 2013.

**2 Cont'd**

79. The current Council cannot commit the Council elected at the 2010 triennial general elections to carrying out a representation review immediately afterwards. However, this Council could resolve to initiate a review prior to the 2010 elections and it would then be up to the next Council to determine whether or not it wished to pursue that review prior to expiry of the six year period from 2009 (2015).
80. In adopting its Final Proposal the Council may therefore indicate that it intends to initiate a further and more comprehensive representation review before the 2010 elections and then leave it to the next Council to decide whether or not that review is completed before 2013.

**STAFF RECOMMENDATIONS**

81. Based on the attached report of the hearings panel appointed to hear and consider submissions made in response to the Initial Proposal for Representation Arrangements for the Christchurch City Council District, it is recommended:
1. That the recommendations of the hearings panel contained in its report (**Attachment A**) be adopted.
  2. 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 as shown on the map attached as **Attachment C**, 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 represented in each ward be as follows:

	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	+0.83
Fendalton/Waimairi Ward	56,901	2	28,451	+1,648	+6.15
Banks Peninsula Ward	8,166	1	8,166	-18,637	-69.53
<b>Totals</b>	<b>348,435</b>	<b>13</b>	<b>26,803</b>		

3. 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.

## 2 Cont'd

- (b) That the names of the existing Community Boards remain 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 remain the same as for each of the wards, with the exception of the Banks Peninsula ward, as shown on the map attached as **Attachment D**.
- (d) That each Community Board comprises five elected members.
- (e) That each Community Board has 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 represents will be as follows:

	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
<b>Totals</b>	<b>348,435</b>	<b>40</b>	

- 4. That public notice be given of the final proposals contained in this resolution, including the following reasons for the Council's decision:
  - (a) The Council considered several ward/community options prior to approving its Initial Proposal. Of the options previously considered by the Council and those contained in the objections, the Council considers that the seven ward and eight Community Board structure which operated for the 2007 elections is the option which most effectively reflects communities of interest, and provides the most effective governance of the city and its communities.

**2 Cont'd**

- (b) The Council's Final Proposal will result in the election of the same number of councillors and community board members as elected at the 2007 elections. The Council considers that there is no reason to increase the number of elected members as the present system provides effective representative governance of the city and its communities.
  - (c) It is considered that communities should not be subdivided for electoral purposes except in the Akaroa/Wairewa community of the Banks Peninsula ward.
  - (d) The Council is unable to modify its Initial Proposal so that ward and community boundaries coincide with the boundaries of Canterbury Regional Council constituencies and/or parliamentary electorate boundaries, for the following reasons:
    - (i) The Canterbury Regional Council will not be undertaking a review of its boundaries again until 2010/2011
    - (ii) In carrying out its review the Council is required to independently decide its electoral arrangements, based on the guidelines for such reviews issued by the local Government Commission.
  - (e) The Council considers that the names of the existing wards and Community Boards reflect the principal communities or suburbs or geographical features within each ward and community.
  - (f) The Council considers that the Banks Peninsula community should be considered an 'isolated community' for representation review purposes.
  - (g) Calculating the population required to achieve fair representation for electors across the Council's district is in accordance with the provisions of the Local Electoral Act 2001 and the Local Government Commission's Guidelines for Representation Reviews.
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 and Part 1A of the Local Electoral Act 2001.