



LOCAL GOVERNMENT COMMISSION

Determination

of the representation arrangements to apply for
the election of the Wellington Regional Council
to be held on 13 October 2007

Background

1. The Wellington Regional Council (the Council) elected at the 2004 local election comprises 13 councillors. The 13 councillors were elected as follows:

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from the region average population per councillor	Percentage deviation from the region average population per councillor
Kapiti Coast	47,000	1	47,000	+11,584.62	+32.71
Porirua	50,500	1	50,500	+15,084.62	+42.59
Wellington	185,200	5	37,040	+1,624.62	+4.59
Lower Hutt	100,500	3	33,500	-1,915.38	-5.41
Upper Hutt	37,900	1	37,900	+2,484.62	+7.02
Wairarapa	39,300	2	19,650	-15,765.38	-44.52
TOTAL	460,400	13	35,415.38		

*These figures are rounded 2005 population estimates provided by the Government Statistician

2. On 1 June 2006 the Council resolved its initial representation proposal for the 2007 elections under section 19I of the Local Electoral Act 2001 (the Act). The proposal was for four constituencies electing 14 councillors as follows:

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from the region average population per councillor	Percentage deviation from the region average population per councillor
Kapiti-Mana	97,500	3	32,500	-385.7	-1.17
Wellington	185,200	5	35,040	+2,154.3	+6.55
Hutt Valley	138,400	4	34,600	+2,285.3	+5.21
Wairarapa	39,300	2	19,650	-13,235.7	-40.25
TOTAL	460,400	14	32,885.7		

*These figures are rounded 2005 population estimates provided by the Government Statistician

3. The Council publicly notified its initial proposal and called for submissions by 4 August 2006. The Council received a total of 84 submissions including two petitions. All but three submissions opposed the Council's proposal. The main issues identified from submissions were:
- separate constituencies and representation for Kapiti and Porirua (18 opposed the proposed merger of these two constituencies) and for Lower Hutt and Upper Hutt (51 opposed the proposed merger of these two constituencies);
 - the number of councillors for Wairarapa (four supported two councillors and four opposed two councillors as disproportionate representation); and
 - the name of the Kapiti-Mana Constituency.
4. Following the hearing of submissions, the Council, on 12 September 2006, amended its initial proposal. Its final proposal was for five constituencies electing 14 councillors as follows:

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from the region average population per councillor	Percentage deviation from the region average population per councillor
Porirua and Kapiti	97,500	3	32,500	-385.7	-1.17
Wellington	185,200	5	37,040	+4,154.3	+12.63
Lower Hutt	100,500	3	33,500	+614.3	+1.87
Upper Hutt	37,900	1	37,900	+5,014.3	+15.25
Wairarapa	39,300	2	19,650	-13,235.7	-40.24
TOTAL	460,400	14	32,885.7		

*These figures are rounded 2005 population estimates provided by the Government Statistician

5. In notifying its final proposal, the Council stated that it considered that the changes from its initial proposal (i.e. two separate Hutt constituencies and the renaming of the Porirua and Kapiti Constituency) were appropriate because:
- while the Council contends that the different needs of the separate communities of interest could be represented in the regional context by members elected from the merged Hutt Valley Constituency, it acknowledges that this would largely depend on the individuals who were elected e.g. how dedicated they are, how much effort and time they put into representing the views of those across the entire constituency and how open they are to others' views. A strong case was made by submitters that separate communities of interest would be best served by a separate constituency, as this would guarantee at least one representative is elected from their area;
 - while the Council generally agrees with submitters' comments on separate constituencies for Kapiti and Porirua, after exploring all the possible representation options, the Council has concluded that no representation option can accommodate having separate Kapiti and Porirua constituencies if the Council is to make every effort to comply with the requirements set out in the Local Electoral Act 2001 and provide for effective representation of the Wairarapa;

- while the Council has identified many aspects that align Upper Hutt and Lower Hutt in a regional council context when it decided on its initial proposal, submitters feel strongly that there are numerous differences which make Upper Hutt and Lower Hutt separate communities of interest;
 - the Council generally agrees with submitters' comments on separate constituencies for Upper Hutt and Lower Hutt, and notes that this can be achieved without compromising the effective representation of the Wairarapa and the Council's efforts to comply as best it can with the requirements of the Local Electoral Act 2001; and
 - the constituency name of "Porirua and Kapiti" would be a more appropriate name for the merged constituency because:
 - most people know the area as Porirua, not Mana;
 - Porirua should go first as it has the largest population; and
 - the word "and" signifies that there are two communities in the one constituency.
9. Twenty-four appeals/objections were received in response to the Council's final proposal. The main concerns of appellants/objectors were:
- removal of separate Kapiti representation;
 - over-representation for Wairarapa with two councillors; and
 - the total number of councillors, including proposals for nine or 10 councillors.

Hearing

10. The Commission met with the Council and appellants/objectors at a hearing held in the Greater Wellington Regional Council Chambers on 18 December 2006. The Council was represented by Ian Buchanan, Chairperson and Amy Norrish, Electoral Officer. The appellants/objectors who appeared at the hearing were Kapiti Coast District Mayor Alan Milne, Cathy Strong from the Otaki Community Board, Chris Turver, Porirua City Council, Michael Gibson, and Betty van Gaalen from the Kapiti Coast Grey Power Association.

Matters raised in appeals, objections and at the hearing

11. The main arguments presented relating to separate representation for Kapiti Coast were:
- electors relate to 'their' local councillor despite their oath to act in the best interests of the region as a whole;
 - provision of regional council functions, such as flood management, rural land management, transport and civil defence, relate directly to the Kapiti Coast area;
 - the Council's regional growth strategy identifies the area specifically as a principal growth area for the region;
 - concerns that the three councillors proposed for the combined area will all come from Porirua given the relative populations of the two areas, disenfranchising Kapiti Coast electors (one appellant noted that this concern was acknowledged by the Commission in its 1998 determination);

- the combined area is very large stretching up to Otaki which has very few commonalities with Porirua;
 - Porirua has 50% Māori and Pacific Island population while Kapiti Coast has 90% European;
 - voter turnout in the two areas is quite different;
 - media sources are quite different in the two areas;
 - the river catchment in Porirua connects this area more to Wellington;
 - the natural hazards of the two areas are quite different with flooding the principal risk in Kapiti and earthquakes in Porirua;
 - the Kapiti Coast District Council has developed a close relationship with Ngāti Raukawa relating specifically to the Kapiti Coast;
 - merging of Kapiti Coast and Porirua cannot be reasonably justified on any grounds, apart from compliance with the +/-10% rule, and the combined area doesn't have a 'broad community of interest' as claimed by the Council;
 - a 10-councillor model allows retention of the Kapiti Coast Constituency and compliance with the +/-10% rule; and
 - no submitters sought or support the proposed merger of the two current constituencies.
12. The main arguments presented relating to representation for Wairarapa were:
- historically this area has had two councillors back to 1989 recognising the size, sparse population and rural nature of the area;
 - Wairarapa is a distinct community of interest comprising over 70% of the area of the region and is sparsely populated, as a consequence it requires two councillors to ensure effective representation;
 - two councillors are required given the nature of functions the Council provides to the area which directly impact on individual landowners;
 - the numerous river and catchment scheme meetings provide the opportunity for councillors to engage with landowners;
 - the area should comply with the +/-10% rule;
 - there is no need for councillors to attend catchment committee meetings given appropriate delegations and reporting structures, and statutory consultation requirements; and
 - the Council has focussed too much in the review on the needs of Wairarapa at the expense of other areas and Wellington in particular.
13. A number of the appellants/objectors indicated support for a reduced number of councillors, particularly nine or 10, saying this with five constituencies would allow compliance with the +/-10% rule. They also felt this would not present councillors with an unreasonable workload.

Matters for determination

14. The statutory provisions in respect of appeals and objections are contained in sections 19R and 19I of the Act.

- 19R. Commission to determine appeals and objections**
- (1) *The Commission must—*
- (a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
- (b) *Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—*
- (i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
- (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
- (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
- (a) *May make any enquiries that it considers appropriate; and*
- (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*
- 19I. Review of representation arrangements for elections of regional councils**
- (1) *A regional council must determine by resolution, and in accordance with this Part,—*
- (a) *the proposed number of constituencies; and*
- (b) *the proposed name and the proposed boundaries of each constituency; and*
- (c) *the number of members proposed to be elected by the electors of each constituency.*
- (2) *The determination required by section (1) must be made by the regional council,—*
- (a) *on the first occasion, either in 2003 or in 2006, and*
- (b) *subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

Consideration by the Commission

Effective and fair representation

15. A review of representation arrangements under the Act is to ensure that:
- the number and boundaries of constituencies will provide effective representation of communities of interest within the region (section 19U); and

- in determining the number of members to be elected by each constituency, electors of that constituency will receive fair representation (section 19V).
16. For the purpose of achieving fair representation, section 19V(2) of the Act requires that the population of each constituency divided by the number of members to be elected by that constituency produces a figure no more than 10% greater or smaller than the population of the region divided by the total number of elected members. The Act does not define 'effective representation' or 'communities of interest'.
 17. The steps in the process for achieving effective and fair representation are not statutorily prescribed. The Commission believes that the following process for determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
 - (a) identify the region's communities of interest;
 - (b) determine the best means of providing effective representation of the communities of interest; and
 - (c) determine fair representation of electors for the region.

Wellington Region

18. The Council proposed that the region's communities of interest relate primarily to territorial authority areas. This is consistent with section 19U of the Act which provides, among other things, that so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
19. On this basis, the Council proposed:
 - a Kapiti and Porirua Constituency covering the areas of Kapiti Coast District and Porirua City;
 - a Wellington Constituency covering Wellington City; and
 - a Lower Hutt Constituency covering Lower Hutt City;
 - an Upper Hutt Constituency covering Upper Hut City;
 - a Wairarapa Constituency covering the areas of Masterton, Carterton and South Wairarapa Districts and the area of the Tararua District in Wellington Region.
20. The Council's final proposal does not comply with the fair representation requirement (+/-10% rule) in respect of the Upper Hutt, Wellington and Wairarapa Constituencies.
21. Subsection 19V(3)(b) of the Act provides that where a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and members distributed between them in a way that does not comply with the +/-10% rule. Subsection 19V(4) provides that in these circumstances the regional council must refer the matter to the Commission for determination.

Proposed Kapiti and Porirua Constituency

22. We first addressed the issue of the proposed Kapiti and Porirua Constituency and its non-compliance with the +/-10% rule. We heard from a number of appellants/objectors that the Kapiti Coast and Porirua areas had very little in common with each other and that they were separate communities of interest. The Council itself noted that it agreed with many of the arguments of submitters for separate constituencies for these two areas, but that it was unable to identify a representation option that allowed for this to happen while at the same time complying with the +/-10% rule and providing effective representation for Wairarapa.
23. We agree that Kapiti Coast and Porirua are distinct communities of interest to the extent that they require separate representation. While the two areas have an adjoining coastline and some common interests such as in the provision of public transport, they are distinctly different in terms of their:
- physical demarcation (Pukerua Bay escarpment);
 - rural/urban balance, with one being a series of smaller coastal communities in some cases servicing surrounding rural (pastoral and horticultural) areas, and the other a larger diverse urban area;
 - population size and socio-economic and ethnic make-up;
 - physical environmental concerns such as flood management and coastal erosion; and
 - service provision issues including, in particular, bulk water supply.
24. The latest population estimate for Kapiti Coast is 47,800 (compared to the 2005 estimate of 47,000) and if provided with one councillor, would translate to under-representation of 33.75% based on the current 13 councillors. While this is not desirable, and it does not comply with the +/-10% rule, we understand that residents of Kapiti Coast would prefer this situation to a combined constituency (with Porirua) with three councillors. We do not believe that it would be appropriate at this stage for an additional councillor to be provided as this would result in over-representation of 27.98%. Given the level of population growth in the area an additional councillor may be able to be provided in the near future. On this basis, we find that a separate Kapiti Coast Constituency should be retained electing one councillor.

Other constituencies

25. Given the decision to make an exception to the +/-10% rule in respect of the Kapiti Coast Constituency, we are then required to address the requirements for effective representation of communities of interest and fair representation of electors for the balance of the region. We note firstly the discretion that section 19V(3)(b) of the Act provides the Commission in respect of the balance of the region. The section provides that constituencies may be defined and membership distributed between them in a way that does not comply with subsection 19V(2).
26. In the absence of other guidance, the Commission believes the principle of fair representation of electors, as defined in the Act by the +/-10% rule, remains an important criterion. It also notes that the requirements for effective representation of communities of interest and other factors, as set

out in section 19U, still apply. These provide, among other things, that the Commission must ensure that the number and boundaries of constituencies will provide effective representation of communities of interest and, so far as is practicable, that constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.

27. Applying these considerations to the other proposed constituencies, we then addressed the residue of the proposed Kapiti and Porirua Constituency. The population of Porirua City, based on the most recent estimates, is 50,700. This is too much for one councillor to represent, given the fair representation +/-10% rule (based on 13 councillors), but not sufficient for two councillors. Given the decision to separate Porirua from Kapiti Coast, we then looked at options for a Porirua Constituency to enable it to comply with the +/-10% rule.
28. We do not believe, given the location of Porirua in close proximity to Wellington City and the geography of the area, that an exception to the +/-10% rule can be considered. In these circumstances we believe the only practical option to achieve compliance is to extend the current Porirua Constituency to include the Tawa Community of Wellington City. This will enable the constituency to have two councillors and comply with the +/-10% rule. We believe this is appropriate given the geography of the area, in particular the Porirua-Tawa basin and location of the catchment of the Porirua Stream the source of which is in Wellington City. We find that there will be a Porirua Constituency comprising Porirua City and Tawa Community electing two councillors. The name of this constituency will be Porirua-Tawa.
29. As a consequence of the transfer of Tawa Community from the Wellington Constituency, this constituency now has 173,700 people, based on 2006 estimates. This enables the constituency to still elect 5 councillors and comply with the +/-10% rule. We determine accordingly.
30. We then considered the proposed Upper Hutt and Lower Hutt Constituencies. We note that the Council initially proposed that these two constituencies be merged. The Council received 51 submissions opposing the proposed merger and subsequently resolved to retain two separate constituencies. While there is an argument to combine the two constituencies, as identified by the Council, we agree that two separate constituencies be retained.
31. Finally we considered the proposed Wairarapa Constituency. Based on the current two constituency councillors and a 13-member council, this constituency does not comply with the fair representation +/-10% rule.
32. We agree that this constituency reflects a distinct community of interest combining those based on the territorial authority districts of Masterton, Carterton and South Wairarapa and part of Tararua District. Given the Rimutaka and Tararua Ranges, which separate this constituency from the rest of the region, we believe there are no practical options to either extend or reduce the size of the constituency to make it comply with the +/-10% rule.
33. We heard that historically two councillors have been seen as necessary to represent this area given its size, sparse population and the large number of river and catchment scheme meetings across the constituency which provide an important mechanism for councillors to engage with ratepaying landowners. On the other hand, some appellants/objectors argued there was no strong case for special treatment for the Wairarapa Constituency, by

allowing an exception to the +/-10% rule, vis-a-vis the interests of other constituencies.

34. After considering the arguments put to us, we are not convinced there is a compelling argument for an exception to the +/-10% rule in respect of the Wairarapa Constituency. We accept the Wairarapa Constituency is a large constituency as are other constituencies across the country. We agree with one appellant who questioned whether it was necessary for councillors to attend the numerous river and catchment scheme meetings, given that this can be seen as a management/operational function which could be delegated to officers with appropriate reporting mechanisms to the Council. The appellant also pointed out the current consultation requirements on councils which can obviate the need for some direct face-to-face meetings between councillors and residents. We determine that the Wairarapa Constituency will elect one councillor to the Wellington Regional Council.
35. We did hear a range of views on whether the current number of councillors (i.e. 13) was appropriate or could be reduced or indeed increased to the statutory maximum of 14 (section 19D of the Act).
36. A number of appellants/objectors proposed a reduction to 10 councillors. This was in most cases on the basis of an outcome of a certain level of representation for a particular constituency (e.g. Kapiti) rather than a strong argument that the current number was unnecessary. We heard from the Council that it considered the current number of councillors was appropriate in relation to current workloads. It said that, if anything, workloads were likely to increase in future in relation to such matters as economic development, public transport, climate change issues and energy alternatives such as wind farms.
37. We also note that the Council, in notifying its initial proposal, commented that representation is more effective with a greater number of councillors as it is more likely to result in diversity of councillors who can represent the range of opinions within the region. We agree with the sentiments expressed by the Council and find that a total of 13 councillors is appropriate.
38. We believe the above decisions will provide effective representation of the communities of interest of Wellington Region. They also provide fair representation of electors to the extent that this does not compromise effective representation of communities. The relationship between the our decisions on constituency boundaries, the number of councillors, and the requirements of section 19V(2) is illustrated in the following table:

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from the region average population per councillor	Percentage deviation from the region average population per councillor
Kapiti Coast	47,800	1	47,800		+33.75
Porirua	65,400	2	32,700		-8.50
Wellington	173,700	5	34,740		-2.79
Lower Hutt	100,400	3	33,466.66		-6.36
Upper Hutt	38,000	1	38,000		+6.32
Wairarapa	39,300	1	39,300		+9.96
TOTAL	464,600	13	35,738.46		

*These figures are rounded 2006 population estimates, being the most up-to-date available, provided by the Government Statistician

Determination

39. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the election of the Wellington Regional Council to be held on 13 October 2007, the following representation arrangements will apply -

(1) The Wellington Region, as delineated on S.O. Plan 35951 deposited with Land Information New Zealand, shall be divided into six constituencies;

(2) Those six constituencies shall be -

(a) the Kapiti Coast Constituency, comprising the area delineated on SO Plan 35952 deposited with Land Information New Zealand;

(b) the Porirua Constituency, comprising the area delineated on SO Plan 35953 deposited with Land Information New Zealand;

(c) the Wellington Constituency, comprising the area delineated on SO Plan 37891 deposited with Land Information New Zealand; and

(d) the Lower Hutt Constituency, comprising the area delineated on SO Plan 35956 deposited with Land Information New Zealand;

(e) the Upper Hutt Constituency comprising the area delineated on SO Plan 35957 deposited with Land Information New Zealand;

(f) the Wairarapa Constituency comprising the area delineated on SO Plan 35958 deposited with Land Information New Zealand;

(3) The Wellington Regional Council shall comprise 13 councillors elected as follows -

(a) one councillor shall be elected by the electors of the Kapiti Coast Constituency;

(b) two councillors shall be elected by the electors of the Porirua constituency;

(c) five councillors shall be elected by the electors of the Wellington Constituency;

(d) three councillors shall be elected by the electors of the Lower Hutt Constituency;

(e) one councillor shall be elected by the electors of the Upper Hutt Constituency; and

(f) one councillor shall be elected by the electors of the Wairarapa Constituency.

40. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies comply with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

THE LOCAL GOVERNMENT COMMISSION

Sue Piper (Chair)

Gwen Bull (Commissioner)

Wynne Raymond (Commissioner)

5 April 2007