Notice is given that an ordinary meeting of the Full Council will be held on:

Date:	**Wednesday 1 August 2018**
Time:	**9.30 am**
Meeting Room:	**Tasman Council Chamber**
Venue:	**189 Queen Street**
	Richmond

Full Council Meeting

For the Sole Purpose of Hearing and Deliberating on the Initial Representation Proposal and Adopting a Final Proposal for Public Consultation

AGENDA

MEMBERSHIP

Mayor	Mayor Kempthorne	
Deputy Mayor	Cr King	
Councillors	Cr Brown	Cr McNamara
	Cr Bryant	Cr Ogilvie
	Cr Canton	Cr Sangster
	Cr Greening	Cr Tuffnell
	Cr Hawkes	Cr Turley
	Cr Maling	Cr Wensley

(Quorum 7 members)

Contact Telephone: 03 543 8400
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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation
That apologies be accepted.

3 DECLARATIONS OF INTEREST

4 LATE ITEMS

5 REPORTS

6 HEARING OF SUBMISSIONS

9.45am Peter Foster (via speaker phone)
10.00am Liz Thomas

3 DELIBERATIONS

5 REPORTS

5.1 REPRESENTATION REVIEW HEARING/DELIBERATIONS AND DECISION REPORT

Decision Required

Report To:	Full Council
Meeting Date:	1 August 2018
Report Author:	Sandra Hartley, Policy Officer - Strategic Development
Report Number:	RCN18-08-01

1 Summary

1.1 Council is required to carry out and complete a review of its representation arrangements once every six years under the Local Electoral Act 2001 (LEA). The review must be completed this year, to allow time for any changes to be implemented before the 2019 triennial local elections.

1.2 Council resolved to adopt and consult on its Initial Representation Proposal on 24 May 2018. The Initial Proposal was to retain the existing wards, their names, boundaries and number of councillors. It also proposed to retain both the Motueka and Golden Bay Community Boards based on their current ward boundaries and number of members to be elected and appointed.

1.3 The Initial Proposal was publicly notified on 8 June 2018, with submissions closing on 9 July 2018. A total of 14 submissions have been received (copies appended – Attachment 1). Ten submissions were in support of the Initial Proposal, with two of those requesting additional delegations for community boards, one requested Councillors roles to be clarified, and one was partially in support for existing Golden Bay Ward arrangements but opposed to First Past the Post electoral system. One submitter disagreed people generally understood the current arrangements, including Councillors obligation to vote in the best interest of the District, not their Wards; and two discussed other topics (e.g. voting methods, Māori wards and casting vote). Several of the matters raised in the submissions are out of scope for consideration under a Representation Review.

1.4 Two submitters have requested to speak to their submission at today's hearing Peter Foster (191621) by speaker phone, and Liz Thomas (19162) in person.

1.5 Council now needs to consider all submissions, hear those submitters who wish to speak, and decide on a Final Representation Proposal. Public notification of the Final Proposal must take place on or before 20 August 2018.

1.6 Any amendments to Council's Initial Proposal for the Final Proposal should be made in response to submissions received, otherwise the community would not have had an opportunity to give feedback on all aspects of the proposal.

2 Draft Resolution

That the Full Council:

1. **receives the Representation Review Hearing/Deliberations and Decision Report; and**
2. **receives and considers all submissions, including the late submission, to the Council's Initial Representation Review proposal; and**
3. **agrees to the reasons for rejecting the requests in some submissions as outlined in Attachment 3; and**
4. **adopts the Final Representation Proposal contained in Attachment 3, which is based on the Initial Representation Proposal, including minor wording changes for clarity, and to respond to a comment by one submitter; and**
5. **agrees that public notice be given of Council's Final Representation Proposal in Newsline, inviting appeals from those people who submitted to the Initial Proposal, for a period of one month from 17 August 2018 until 18 September 2018; and**
6. **requests that staff advise all submitters on the Initial Representation Proposal of their right to appeal on matters contained in their submissions;**
7. **notes that as the Final Representation Proposal:**
   - **does not meet legislative requirements in terms of S19(V)ii of the LEA; and/or**
   - **if it attracts appeals**

   that appeals and other relevant information is required to be forwarded to the LGC for final determination for the 2019 triennial elections, and for further elections, including by-elections, until next reviewed.

3 Purpose of the Report

3.1 The purposes of this report are to:

3.1.1 provide background information on the representation review to date;

3.1.2 provide a summary of the submissions received to the Initial Proposal including staff comment; and

3.1.3 seek Council to hear and deliberate on the submissions received, and

3.1.4 request Council to make a decision on a Final Representation Review Proposal.

4 Background and Discussion

4.1 Under the Local Electoral Act 2001 (LEA) Council must review its representation arrangements at least once every six years to ensure fair and effective representation for individuals and communities. This review includes:

- the total number of councillors to be elected;
- whether councillors should be elected by ward, across the whole district, or a combination of both;
- if by ward, the boundaries, names and number of councillors elected from each; and
- whether there should be community boards and, if yes, the number, names, boundaries and number of members elected and appointed.

4.2 Prior to undertaking a representation review, Council is required to decide the electoral system for the District and whether or not to establish Māori Wards. Council resolved on 7 September 2017 to retain the First Past the Post Electoral System for the 2019 and 2022 triennial elections, and on 16 November 2017 resolved not to establish a Māori Ward for the 2019 triennial elections.

4.3 Council last reviewed its representation arrangements in 2012, for the 2013 and 2016 triennial elections. Council's final proposal for 2012 was referred to the Local Government Commission (LGC) for determination, as the proposal did not meet the requirements of the Local Electoral Act 2001 (LEA), specifically Section 19(V)(2). This section requires each elected member to represent +/- 10% of the population of the District.

4.4 With regard to non-compliance with S19(V)(2) of the LEA, the LGC deemed that:

(a) the Golden Bay Ward was an isolated community; and

(b) the Moutere/Waimea Ward's non-compliance was minor in terms of population numbers and any changes to ward boundaries could split communities of interest.

4.5 As a result the LGC upheld Council's final proposal, which was 13 councillors elected from five wards (plus the Mayor), and the retention of the Motueka and Golden Bay Community Boards.

Council's 2018 Representation Review – Initial Proposal

4.6 Council considered a staff report (RCN18-05-05) on the Representation Review at a meeting on 24 May 2018. The report outlined the three factors which Council must consider when undertaking a review, being:

- defining communities of interest;
- effective representation of communities of interest; and
- fair representation of electors.

4.7 Council resolved (C18-05-7) on 24 May 2018 to adopt its Initial Proposal for the representation review for public consultation.

4.8 The Initial Proposal was to retain the current representation arrangements:

4.8.1 That the District be divided into five wards (as per the maps in *Attachment 2*), with Councillors being elected by wards;

4.8.2 The Council will comprise a Mayor, who is elected at large, and 13 councillors elected by ward as follows:

- Richmond Ward – four councillors
- Motueka Ward – three councillors
- Moutere/Waimea Ward – three councillors
- Golden Bay Ward – two councillors
- Lakes/Murchison Ward – one councillor

4.8.3 The population (using population estimates from Statistics NZ as at 30 June 2017, based on the 2013 census) that each member will represent is as follows:

Ward	Population	Number of Councillors	Population per Councillor	% deviation from District average population per Councillor
Golden Bay	5,320	2	2,660	-32.43*
Motueka	12,300	3	4,100	4.14
Moutere/Waimea	13,500	3	4,500	14.30*
Lakes/Murchison	3,660	1	3,660	-7.03
Richmond	16,400	4	4,100	4.14
	51,180	13	3,937	

**Non-compliance with S19V(2) Local Electoral Act 2001 (LEA) (+/- 10% rule)*

4.8.4 The Golden Bay Ward be treated as an isolated community and depart from complying with S19V(2) of the LEA for the following reasons:

- the Local Government Commission (LGC) deemed the Golden Bay Ward to be an isolated community in both the 2006 and 2012 Representation Reviews;
- the Golden Bay Ward is an isolated community requiring specific representation in order to provide effective representation;
- it has a very clear geographic line that separates Golden Bay from the balance of the District;
- weather patterns can vary considerably from the rest of the District with heavy rain causing flooding that can isolate Golden Bay;
- recent storm events from Cyclone Gita have shown that access across the Takaka Hill can be cut off;
- contracts for roading, parks and reserves etc are all carried out from depots and staff based in Golden Bay;
- Golden Bay has a relatively small permanent population, which swells considerably during the holiday season when people stay at camping grounds and many of the baches (these baches generally remain empty for the remainder of the year);
- reducing the number of members from two to one would compromise the rural voice and increase the population per member to almost 5,000;

- there are four distinct settlements within the Golden Bay Ward, comprising of Collingwood, Pohara, Ligar Bay and Takaka, which make up the broader community of interest of Golden Bay;
- there are significant distance and travel times within the ward and to Council's Richmond office;
- elected members are the 'eyes and ears' of the community, and often the first point of contact for the ward's ratepayers and residents.

4.8.5 The Moutere/Waimea Ward departs from S19V(2) of the LEA for the following reasons:

- Council considered three scenarios to ensure Moutere/Waimea Ward would comply with S19V(2). Under each scenario, the size of the Moutere/Waimea Ward would be reduced and that of a neighbouring ward enlarged. These included an extended Motueka Ward to include Motueka Valley, an extended Motueka Ward to include Tasman/Kina, and an extended Richmond Ward to include Waimea West.
- Councillors were not in favour of extending the Richmond Ward to include Waimea-West, because it would split communities of interest, but requested the two Motueka Ward scenarios to be taken to their respective community associations for feedback.
- Both the Motueka Valley Association and the Tasman Area Community Association members rejected the scenarios, as they did not feel that their community of interest was with the Motueka Ward.
- Of note, the Richmond, Motueka and Moutere/Waimea Wards are all currently experiencing high growth in comparison with the Lakes/Murchison and Golden Bay Wards, which makes it difficult to accurately comply with the S19V of the LEA – as the latest statistics are unavailable for population and meshblocks.
- Council decided to stay with status quo for the Moutere/Waimea Ward, noting that S19V(3)(ii) of the LEA could apply, whereas compliance with the +/- 10% rule would limit effective representation of communities of interest, by dividing a community of interest between wards or subdivisions.
- Staying with the status quo for this Ward would only exceed the maximum allowed population formula by 170 per member, which is considered to be only a minor departure from S19V(2). In the 2012 review, the LGC also accepted that splitting this ward would also split communities of interest. At that time the exceedance was 264 per member/population ratio.

4.8.6 Generally Council agreed that:

- the current representation arrangements appear to be generally well understood and accepted by residents of the District, which was reflected in the 2012 representation review where only eight submissions and one appeal were received;
- the ± 10% formula for fair representation does not fit unitary authorities;
- there are five broad distinct communities of interest based on the current wards;
- the present system provides for fair and effective representation and is generally accepted throughout the District;

- retaining the current ward boundaries may not comply with the population requirements in Section 19V(2) of the LEA, but Council considers that:
  - the current ward boundaries reflect the existing communities of interest;
  - the Golden Bay Ward has been, and still is, considered to be an isolated community/ward; and
  - the alternatives for the Moutere/Waimea Ward (such as those considered by Council as part of this review and the LGC in the former amalgamation proposal, which put Tasman and Kina into the Motueka Ward) – although they may meet the population requirements – will split existing communities of interest.

4.8.7 Two communities each be represented by a community board:

Golden Bay Community Board	Area covered by the present Golden Bay Ward boundaries.
Motueka Community Board	Area covered by the present Motueka Ward boundaries.

4.8.8 The Golden Bay and Motueka Community Boards will each elect four members. They will not be subdivided for electoral purposes. They would each have their respective elected Ward members appointed to the Boards as follows:

Golden Bay Community Board	Two elected Golden Bay Ward councillors
Motueka Community Board	Three elected Motueka Ward councillors.

4.8.9 The two Community Boards would carry out their role as per S52 of the Local Government Act 2002 (LGA), along with the responsibilities and powers set out in Council's Delegation Register.

4.9 The Initial Proposal was publicly notified, inviting submissions from 8 June to 9 July 2018.

Community Engagement

4.10 Council undertook an online survey prior to resolving its Initial Proposal and, although the survey was advertised through several editions of Newsline, we only received a total of 46 responses. Due to the limited response, the sample size is too small to give a true analysis of ratepayers and residents views/opinions.

4.11 Council also considered three options for ensuring that the Moutere/Waimea Ward would comply with S19(V)(2) of the LEA, for fair representation of electors. Two of the options to enlarge the Motueka Ward population and reduce the population in the Moutere/Waimea Ward to ensure compliance with this rule were referred to their respective Community Associations, both of which were rejected citing Motueka is not their community of interest.

4.12 The full Initial Proposal was notified in Council's Newsline, a fortnightly publication which is sent to every ratepayer in the District, and also made available on Council's website.

4.13 The full initial representation proposal, all Council reports and background information were also put on a dedicated webpage on Council's website, linked by a banner on the homepage.

4.14 There has also been promotion of the initial representation review on social media and on the local radio station.

Submissions Received

4.15 Council received 14 submissions on its Initial Proposal, including one late submission (19163 Golden Bay Community Board) which staff recommend be accepted. *Attachment 1* outlines the submissions received.

4.16 Ten submissions were in support of the Proposal, with two of those requesting additional delegations for community boards, one requesting Councillors roles to be clarified, and one was partially in support for existing Golden Bay Ward arrangements but opposed to First Past the Post electoral system. One submitter disagreed people generally understood the current arrangements, including Councillors obligation to vote in the best interest of the District, not their Wards; and two discussed other topics (e.g. voting methods, Māori wards and casting vote). Two submitters have requested to speak to their submission at today's hearing, Peter Foster (19161) by speaker phone, and Liz Thomas (19162) in person.

Submitters in Support of the Initial Proposal

4.17 The seven submitters generally in support of the Initial Proposal in its entirety outlined the following reasons for their support:

4.17.1 Submitter 19148 (Motueka Community Board) believes that the current representation model provides the best outcome for representation for all members of our district, as it is a diverse and geographically spread region.

4.17.2 Submitter 19163 (Golden Bay Community Board - late submission) strongly supports the initial proposal and agrees with the status quo.

4.17.3 Submitter 19149 (Rita Virtama) is happy to see that the status quo remains, and Golden Bay's Community Board is retained.

4.17.4 Submitter 19150 (Joan Butts) supports the status quo model for the next six years. The submitter pointed out that Golden Bay councillors travel long distances to both local and Richmond meetings, and this extra time component makes a huge difference to the commitment needed by these representatives to fulfil their roles.

4.17.5 Submitter 19155 (Elizabeth Lee) supports the proposal as Golden Bay is an isolated community that needs two councillors and a vibrant Community Board.

4.17.6 Submitter 19156 (Tom Veitch) strongly supports the initial proposal (no reason provided).

4.17.7 Submitter 19160 (Matt Rountree) supports the initial proposal (no reason provided).

Staff Comment: *That submissions 19148, 19149, 19150, 19155, 19156, 19160 and 19163 all support Council's Initial Proposal, be acknowledged and accepted.*

Please note that submission 19163 was received two days after submissions closed, and staff recommend that this submission be accepted.

4.17.8 Submitter 19151 (Geoff Aitken) supports the boundaries and the number of representatives for Golden Bay. However, the submitter disagrees with the adoption of First Past the Post (FPP) as the electoral system for voting for local elections.

Staff Comment: *That the support for the boundaries and number of elected representatives for the Golden Bay Ward as outlined in the Initial Proposal be acknowledged and accepted.*

The choice of electoral systems is outside the scope of the representation review, and therefore staff recommend this part of the submission be rejected. Staff also recommend that the submitter be advised that Council resolved in 2017 that First Past the Post (FPP) be the electoral system for the 2019 and 2022 triennial elections, and the only recourse to change this decision is a demand for a poll.

Council is also aware that there is a petition circulating around the District for a poll on electoral systems, but this cannot now result in a change for the 2019 triennial elections.

4.17.9 Submitter 19157 (Penny Griffith) supports the Initial Representation Proposal and considers that the present structure seems to be working reasonably well, though feels Murchison is at a disadvantage with the current councillor being based at Tapawera. The submitter understands other wards are not interested in having Community Boards. Submitter requests greater delegation be given to the two Community Boards, to make best use of members' local knowledge and ability to consult on specific issues to reach informed decisions.

Staff Comment: *That the support for the Initial Representation Proposal be acknowledged and accepted.*

Further delegations for Community Boards is outside the scope of this Review, although Council can consider and amend its Delegations Register at any time. This part of the submission is therefore rejected.

Council is also aware that there is a proposal being put forward in Golden Bay for establishing a Local Board. The establishment of a Local Board is through the "reorganisation" provisions in Part 3 and Schedule 3 of the Local Government Act 2002, and has no link to this Representation Review Process which is carried out under the Local Electoral Act 2001.

4.17.10 Submitter 19158 (Jennifer Maclaren) supports the Initial Proposal, with a caveat. The submitter feels the role of councillors needs to be spelt out more clearly as they understand that at present councillors are always supposed to be thinking of the whole district when they make decisions, yet sometimes they are the only ones on the Council who know the priorities for their area, and they need to be the voice for their own ward.

Staff Comment: *That the support for the Initial Proposal be acknowledged and accepted.*

The caveat is rejected, as all elected members must make a declaration under Schedule 7, S14 of the Local Government Act 2002 (LGA), attesting they "execute and perform in the best interests of the District".

See general staff comment below.

4.17.11 Submitter 19162 (Liz Thomas) supports the Initial Proposal including retaining the Motueka and Golden Bay Community Boards, however she requests Council to ask the other wards if they would like to have a Community Board, and if so,

then set up Boards in those areas. Furthermore, the submitter requests that Council delegate more powers to the Community Boards.

Staff Comment: *That the support for the Initial Proposal be acknowledged and accepted.*

Councillors have been advised in the past by ratepayer groups/community associations in Wards that do not have a Community Board that they do not support the establishment of such.

Also these communities had the opportunity to ask for community boards through this representation review process, and no such requests were received. This part of the submission should therefore be rejected.

Regarding additional community board delegations, this part of the submission is outside the scope of this review and is rejected. Please refer to staff comment under 4.17.9 above.

4.18 One submitter opposing the Initial Proposal identified the following issues:

4.18.1 Submitter 19161 (Peter Foster) disagrees that "the current representation arrangements appear to be generally well understood", noting the absence of any definition of representation in the Local Government Act 2002 or the Local Electoral Act 2001. The submitter pointed out that people were not aware that councillors have to vote in the best interests of the District, not their Wards which elected them, and requested a clear statement of Council policy on councillors' voting, where wards views conflict with District preferences.

Staff Comment: *That the submitter's comments regarding "the representation arrangements appear to be generally well understood" be accepted, and the wording in the Final Proposal has been subsequently amended.*

The submitters further comments be noted acknowledged, but rejected, as they are outside the scope of this Review.

Please refer to general staff comment below.

4.19 Two submitters made comments that are not about the Initial Proposal, but are related to earlier aspects of the wider representation review process:

4.19.1 Submitter 19152 (Philip de Weck) made the following comments on three topics:

- Requests that there be a poll on electoral systems in conjunction with the triennial elections.
- Considers a Māori Ward is both unnecessary and undesirable.
- Requests the Casting Vote in Standing Orders be rescinded.

Submitters 19153 (David and Marilyn Ferguson) supports the Council recommendation to stay with First Past the Post for the next six years. They do not see the need for Māori Wards.

Staff Comment: *The review of Electoral Systems and establishment of Māori Wards were considered by Council in 2017, and were publicly notified advising electors of their right to demand a poll to countermand Council's decisions. No demand for a poll was received for either, and therefore Council's decisions to retain the First Past the Post Electoral System for the 2019 and 2022 triennial elections,*

(although Council is aware that a petition is being circulated around the District for a poll on electoral systems), and not to establish a Māori Ward for the 2019 triennial election, will remain.

Casting vote under Council's Standing Orders is also outside the scope of this Review, and any changes to the Standing Orders can be considered by Council at any time.

That submissions 19152 and 19153 be noted but rejected, as they are outside the scope of this review.

Please refer to general staff comment below.

General Staff

Comment: *Some of the matters raised in the submissions that are out of scope of this Review could be possibly addressed by the Communications Team including some articles in Updates and the Newsline explaining Council's processes and roles.*

5 Options

5.1 Council must consider all submissions and decide whether to accept or reject the matters raised.

5.2 Any amendments to the Initial Proposal should be made in response to the submissions received, otherwise the community would not have had an opportunity to provide feedback on all aspects of the proposal.

5.3 Apart from submissions in support of the Initial Proposal, there were submissions made on matters/issues outside the scope of this Review, which cannot be included in the Final Proposal.

5.4 Staff consider the preferred option is to uphold the Initial Proposal as the Final Representation Proposal.

5.4.1 The advantage of upholding the Initial Proposal, including minor wording changes, as the final Proposal *(Attachment 3)* is that these representation arrangements have been in effect since 2007, they reflect the communities of interest in the District, and residents/ratepayers in the District are familiar with these arrangements. This was evident in the 2012 representation review, where only eight submissions were received, and in this current review, where only 14 submissions were received, 10 of which supported the Initial Proposal. Staff recommend this option.

5.4.2 The disadvantage of upholding the Initial Proposal as the Final Proposal is that both the Golden Bay and Moutere/Waimea Wards do not comply with the +/- 10% rule, therefore Council's Final Representation Proposal will need to be forwarded to the LGC for their final determination. The LGC's decision may not be acceptable for any communities that are affected by their determination, if their decision departs from Council's proposal.

6 Strategy and Risks

6.1 Should Council resolve to uphold its Initial Proposal as the Final Proposal, which does not comply with S19(V)(2) of the LEA, the Final Proposal will be referred to LGC for final determination.

6.2 There is also a small risk that submitters to Council's Initial Proposal, should Council resolve to make its' Initial Proposal the Final Proposal, may appeal.

6.3 There is a risk that the LGC may not accept Council's preferred option, and they could impose something that is unacceptable to both our communities and Council.

7 Policy / Legal Requirements / Plan

7.1 The representation review process is a requirement of Sections 19A-19Y of the LEA. Council must carry out the review at least once every six years. Council's last review was in 2012, and therefore has to be undertaken again this year for the 2019 triennial elections.

8 Consideration of Financial or Budgetary Implications

8.1 The representation review is covered by the Governance activity budget.

8.2 The main budgetary implications, aside from Council meetings and public consultation, would be if Council or the LGC decided to change the ward boundaries, and new plans were required to be drafted and certified by Land Information New Zealand.

9 Significance and Engagement

9.1 The decision sought in this report is of relatively low significance if Council retains the current representation arrangements, given that only 14 submissions have been received, with 10 of those in support of the Initial Proposal. The level of significance is likely to change if Council (or the LGC) considers changing the current representation arrangements.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low-Moderate	Ratepayers/residents appear to be familiar and accept the status quo on the representation arrangements. If Council decides to deviate from that, it could result in a higher level of public interest.
Is there a significant impact arising from duration of the effects from the decision?	Low	The duration of the decision sought in this is six years, but could be reviewed again prior to the 2024 triennial elections.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
Does the decision create a substantial change in the level of service provided by Council?	N/A	

Issue	Level of Significance	Explanation of Assessment
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	N/A	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	N/A	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	N/A	

10 Conclusion

10.1 As required by the LEA Council has reviewed its representation arrangements, and has undertaken consultation on its Initial Proposal.

10.2 Fourteen submissions were received, 10 in support of the Initial Proposal, with two of those submitters seeking additional community board responsibilities, one submitter was partially in support of the Proposal but opposed to the First Past the Post electoral system, one submitter disagreed people generally understood the current arrangements, including Councillors obligation to vote in the best interest of the District, not their Wards; and several submitters raised matters outside the scope of this Review.

10.3 Two submitters requested to speak to their submissions.

10.4 Council today has to consider all submissions, hear those submitters that wish to speak, deliberate on the same, and resolve a Final Representation Proposal for public consultation.

10.5 Any amendments to Council's Initial Proposal for the Final Proposal should to be made in response to submissions received, otherwise the community would not have had an opportunity to give feedback on all aspects of the proposal.

11 Next Steps / Timeline

11.1 After Council has considered submissions, deliberated and adopted a Final Representation proposal for consultation, the proposal will be publicly notified in the Newsline on 17 August 2018, inviting appeals and/or objections for a period of one calendar month, closing 18 September 2018. There is no provision in the LEA for the acceptance of late appeals or objections.

11.2 If the Final Proposal remains the same as the Initial Proposal, only submitters to the Initial Proposal will have the opportunity to appeal.

11.3 If the Final Proposal differs from the Initial Proposal, any person may object to the proposal.

11.4 The Final Proposal will be referred to the Local Government Commission (LGC) for determination if:

- the proposal does not comply with S19(V)(2) of the LEA; and/or
- any appeals or objections are received to the Final Proposal.

11.5 The LGC will make their final determination early 2019 so that the representation arrangements are in place for the 2019 triennial elections.

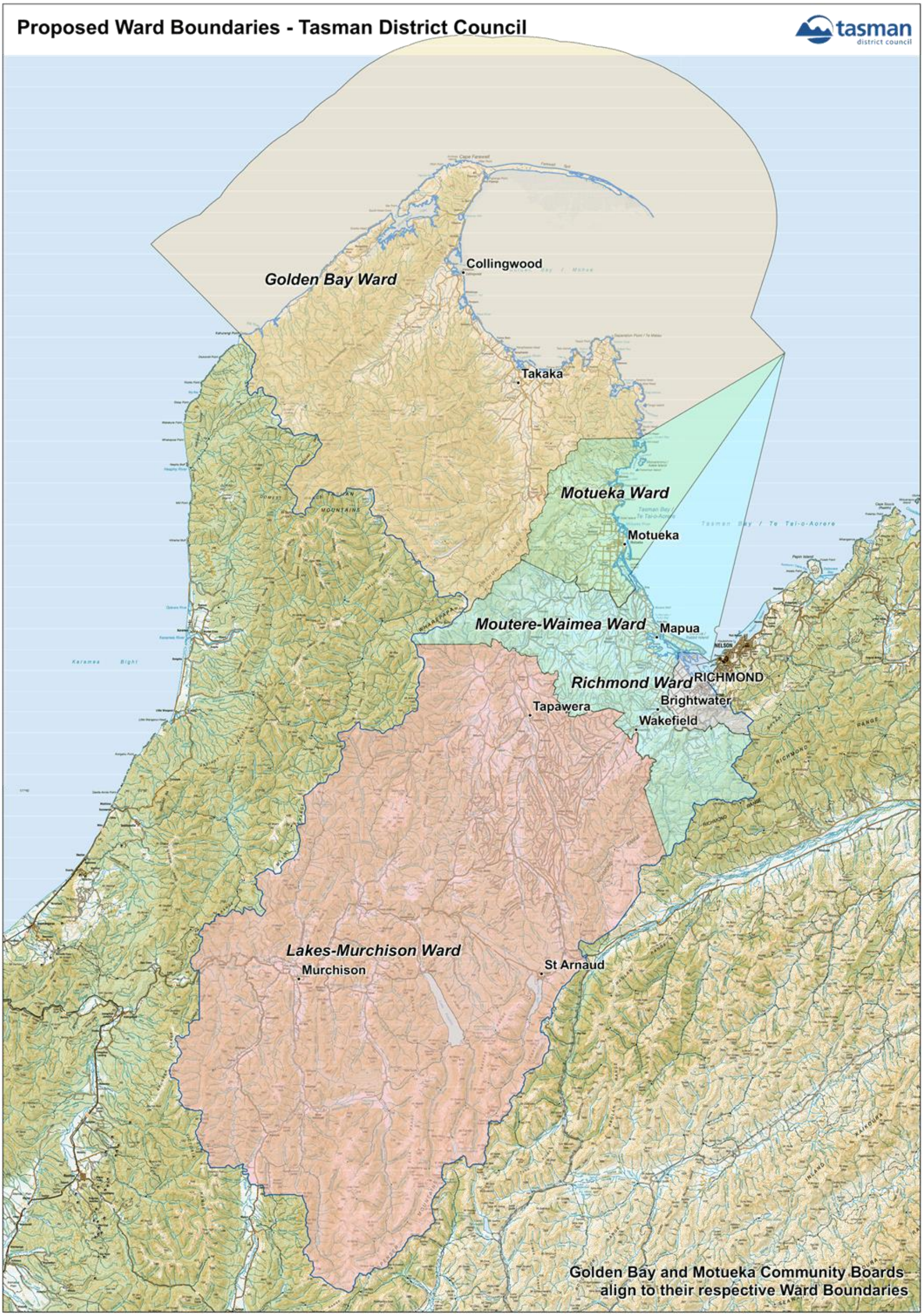
12 Attachments

Submission Responses, listed by Subject

ID	Submitter	Opinion	Summary
Do you support Council's initial representation proposal? Please tell us your reason(s), and if applicable, an alternative proposal.			
19161	Mr Peter Foster	Don't know/other	Representation Review Submission from Peter Foster I wish to be heard at a Hearing. I strongly disagree with the Newsline, 8 June, statement, under 'Generally Council Agrees', that "the current representation arrangements appear to be generally well understood". A major omission is the absence of any definition of representation, including indeed, in LGA and LEA. This is strongly shown by letters to local papers where the authors disagree with Golden Bay councillors. They are clearly not aware that councillors have to vote in the best interests of the District, not their Wards which elected them. The authors are unsurprisingly unaware of councillors' oath of office, which is to the whole District, and is buried in Schedule 7 of LGA as subclause14 (3), on page398, out of a total of 554 pages. I am not saying the oath needs correcting. Who would want the Council table to become a battleground for competing wards? What is required is a clear statement of TDC policy on councillors' voting, where wards' views conflict with District preferences.
19151	Mr geoff aitken	No	The boundaries are supported, as are the number of representatives for Golden Bay. However, the adoption of FPP voting for the election of councillors is offensive: considering the knowledge, education and interests of voters, the long-term financial implications for the community of TDC's grandiose infrastructure plans, and the unreal expectations of the current Mayor and Council.
19148	Mr Brent Maru	Yes	The Motueka Community Board wishes to support the TDC's resolution on 24 May 2018 proposing to maintain the status quo in terms of the representation arrangements for the Tasman District that results in the continuation of 13 Councillors across five wards with the addition of four Community Board members for both Motueka and Golden Bay Community Boards. As the Tasman District is a diverse and geographically spread region we believe the current representation model provides the best outcome for representation for all members of our district.
19149	Ms Rita Virtama	Yes	I an happy to see that the status quo remains, and Golden Bay's Community Board is retained. Thank you.

19150	Mrs Joan Butts	Yes	I am very pleased that the Council has supported the Status Quo model for the next 6 years. Tasman District has a huge area to cover to represent local issues. Golden Bay councillors travel long distances to both local and Richmond meetings. This extra time component makes a huge difference to the commitment needed by these representatives to fulfil their roles for our community. One councillor would struggle to handle this workload.
19152	Mr Philip de Weck	Yes	Don't know if this the appropriate forum but here goes anyway:- 1/ Electoral Reform : I believe that it has already been set by which means the next election will be conducted under, but I would urge that at that election there should be a box on the electoral paper enabling a referendum to be carried out on whether to retain the present FPP or change to the STV system. 2/ Maori Ward : Such a motion is both unnecessary and undesirable. 3/ Casting Vote : The motion passed on 25th October 2007 giving the Mayor, or Chairperson, a Casting Vote should be rescinded and Standing Orders be so amended.
19153	Mr & Mrs Ferguson David & Marilyn	Yes	We support the Council recommendation to stay with FFP. for the next six years. We do not see the need for Maori Wards, it would cause considerable extra cost.
19155	Mrs Elizabeth Lee	Yes	Golden Bay as an isolated community needs two councillors and a vibrant Community Board.
19156	Mr Tom Veitch	Yes	I strongly support this proposal
19157	Ms Penny Griffith	Yes	I support the initial representation proposal, mainly because it is based on maintaining the status quo of the present representation structure and numbers. The present structure seems to be working reasonably well, though Murchison feels at a disadvantage with the current councillor being based at Tapawera. (Personal comments made to me earlier this year.) While the structure is a mixed model (with only 2 wards having community boards, I understand other wards are not interested in having Community Boards. Specific request for consideration: There could/should be far greater delegation to the two Community Boards, to make best use of members' local knowledge and ability to consult on specific issues to reach informed decisions. This could save Richmond staff time and travel costs. Thank you for this opportunity to consider and comment on the review proposal. Penny Griffith
19158	Mrs Jennifer Maclaren	Yes	The proposal is fair for ratepayers, but the role of councillors needs to be spelt out more clearly. I understand that at present councillors are always supposed to be thinking of the whole district when they make decisions, yet sometimes they are the only ones on the Council to know the priorities for their area. In that case they need to be the voice for their own ward, especially if the Board (in the case of Motueka and Golden Bay) or the ratepayers of a ward have made known their opinion.

19162	Ms Liz Thomas Thomas	Yes	I totally support keeping the ward system with the boundaries proposed. I support the number of councillors. I support retaining the Motueka and Golden Bay Community Boards. However, I request that Council ask the other wards if they would like to have a Community Board, and if so, then set up Boards in those areas. Furthermore, I would request that Council delegate more powers to the Community Boards - which they are able to do under the Local Government Act. Decisions should be made at the appropriate level by the people affected by the decisions.
19163	Ms Abbie Langford	Yes	The Golden Bay Community Board strongly supports the initial proposal and agrees with the status quo.
19160	Matt Rountree	Yes	No reason provided


Proposed Ward Boundaries - Tasman District Council
tasman district council
Golden Bay Ward
Collingwood
Takaka
Motueka Ward
Motueka
Moutere-Waimea Ward
Mapua
Richmond Ward
RICHMOND
Brightwater
Wakefield
Tapawera
Lakes-Murchison Ward
Murchison
St Arnaud
Golden Bay and Motueka Community Boards align to their respective Ward Boundaries

FINAL PROPOSAL FOR REPRESENTATION ARRANGEMENTS FOR THE 2019 LOCAL ELECTIONS

On 1 August 2018, the Tasman District Council (Council) considered the submissions received on its Initial Proposal regarding the representation arrangements for Council and Community Boards for the elections to be held on 12 October 2019 and 2022.

The Council received 14 submissions on its proposal. Ten submissions were in support of the Initial Proposal, one partially in support, one in opposition and two submitted on matters outside of the Review.

- Seven submissions were in support of the Initial Proposal in its entirety.
- One submitter was in support of the Initial Proposal but sought greater delegation for the community boards.
- One submitter supported the Initial Proposal, but requested Council to ask other wards if they would like a community board, and if so set up Boards in those areas, and also requested further community board delegations.
- One submitter supports the initial proposal with a caveat that, although Councillors are supposed to think of the district as a whole when they make decisions, sometimes they are the only ones on Council who know the priorities for their area, and they need to be the voice for their own Ward.
- One submission was in support of the representation arrangements for the Golden Bay Ward, but was opposed to the First Past the Post electoral system
- One submitter strongly disagreed "that the current representation arrangements appear to be well understood" (this wording has been amended in the Final Proposal), and noted the definition of representation was not in either the Local Government Act 2002 (LGA) or the Local Electoral Act 2001 (LEA). The submitter also pointed out that people were not aware that councillors have to vote in the best interests of the district, not their Wards, and requested a clear statement of TDC policy on councillors voting, where wards views conflict with district preferences.
- One submitter: requested a vote on electoral systems in conjunction with the triennial elections; felt Maori Wards were unnecessary and undesirable; and requested the Casting Vote to be rescinded in Standing Orders.
- One submitter supported Council's decision to stay with First Past the Post electoral system for the next six years, but opposed the establishment of a Maori Ward.

Rejection of Submissions hich are outside the scope of this Review

- Requests for further Community Board delegations – Council rejects these two requests as being out of scope of this Review, and as any additional delegations can be made by Council at any time as an amendment to the Delegations Register.
- Request to offer Community Boards to those wards that do not have them – Council rejects this request as Councillors have been advised in the past that ratepayer groups in Wards that do not have a Community Board do not support the establishment of such. Also, these communities had the opportunity to ask for community boards through this Review process, and no such requests were received.
- Caveat that Councillor roles are spelt out more clearly regarding acting and making decisions district wide as against in their own Ward – Council rejects this submission, as all elected members must make a declaration under Schedule 7,

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S14 of the Local Government Act 2002, attesting they "execute and perform in the best interests of the District".

- No legislative definition of "representation", and lack of understanding of Councillors oath of office and voting – Council notes and acknowledges the submitters comments, but rejects them as they are outside this Review, but will consider ways of explaining Council's processes and roles to its communities.
- First Past the Post (FPP) Electoral system (two requests in favour of changing this system, and one in favour of retaining it) – Council rejects these submissions, as they are out of scope of this Review, and as it resolved in 2017 to retain FPP for the 2019 and 2022 triennial elections, and the public can at any time present a petition to Council requesting a poll on electoral systems.
- Establishment of Maori Wards (two submissions opposed to this) – Council rejects these submissions as they are out of scope of this Review and as it resolved in 2017 not to establish a Maori Ward for the 2019 elections.
- Removal of casting vote from Standing Orders – Council rejects this submission as it is outside the scope of this Review, and changes to the Standing Orders can be considered by Council at any time.

Final Representation Proposal

Having considered all submissions and objections, Council resolved to adopt its Initial Proposal as Council's Final Proposal, including minor wording changes for clarity and in response to one submitter's comment.

Council Representation

It is proposed that the Council will comprise 13 members elected from five wards, and the Mayor.

The five wards reflect the following identified communities of interest:

- Golden Bay Ward
- Motueka Ward
- Moutere/Waimea Ward
- Lakes/Murchison Ward
- Richmond Ward

The population that each member will represent is as follows:

Ward	Population[1]	Members	Population Ratio per member	% deviation from District average population per Councillor
Golden Bay	5,320	2	2,660*	-32.43*
Motueka	12,300	3	4,100	4.14
Moutere/Waimea	13,500	3	4,500*	14.30*
Lakes/Murchison	3,660	1	3,660	-7.03
Richmond	16,400	4	4,100	4.14
Total	51,180	13	3,937	

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[1] Population figures are based on Estimated Residential Population as at 30/06/17, provided by Statistics New Zealand, based on the 2013 census

* does not comply with Section 19V(2) of the Local Electoral Act 2001

Section 19V(2) of the Local Electoral Act 2001 (LEA) requires the population that each member represents must be within the range of 3937 ± 10% (3544 to 4330), unless particular community of interest considerations justify otherwise. This is known as the "+/- 10% rule".

Reasons for Departing from 19V(2) LEA

The Golden Bay Ward be treated as an isolated community for the following reasons:

- The Local Government Commission (LGC) deemed the Golden Bay Ward to be an isolated community in the previous two Representation Reviews;
- The Ward is an isolated community requiring specific representation in order to provide effective representation;
- Reducing the number of members will compromise the rural voice and increase the population per member to almost 5,000;
- It has a very clear geographic line that separates Golden Bay from the balance of the District;
- Weather patterns can vary considerably from the rest of the District that can isolate the Bay, as shown recently by Cyclone Gita;
- Contracts for roading, parks and reserves etc. are all carried out from depots and staff based in the Bay;
- Has a relatively small permanent population which swells considerably during the holiday season with domestic and international visitors;
- There are four distinct settlements within the Golden Bay Ward which make up the broader community of interest;
- Significant distance and travel times within the ward to Council Richmond office;
- Elected members are the 'eyes and ears' of the community, and often their first point of contact.

The proposed Moutere/Waimea Ward depart from the requirements of S19V(2) LEA for reasons of:

- Council resolved to stay with status quo for the Moutere/Waimea Ward noting that S19V(3)(ii) of the LEA would apply, whereas compliance with the +/- 10% rule would limit effective representation of communities of interest by dividing a community of interest between wards.
- Richmond, Motueka and Moutere/Waimea Wards are all currently experiencing high growth, which makes it difficult to comply with the S19V LEA, as the latest statistics are unavailable for population and meshblocks.
- Staying with the status quo for this Ward only exceeds the maximum allowed population formula by 170 per member, which was considered to be only a minor departure from S19V(2) LEA. In the 2012 review, the LGC also accepted that splitting this Ward would also split communities of interest. At that time the exceedance was higher at 264 per member/population ratio.

Generally Council agrees:

- The current representation arrangements have been effective since 2007, and residents of the District are familiar with these arrangements;
- The ± 10% formula for fair representation does not fit unitary authorities;

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- There are five broad distinct communities of interest based on the current wards boundaries;
- The present system provides for fair and effective representation;
- Retaining the current ward boundaries may not comply with the population requirements in S19V(2) of the LEA, but Council considers;
  - the current ward boundaries reflect the existing communities of interest;
  - the Golden Bay Ward has been, and still is, considered to be an isolated community/ward; and
  - the alternatives for the Moutere/Waimea Ward, which were considered by Council as part of this review, and the LGC in the 2012 proposal (which put Tasman and Kina into the Motueka Ward), although they may meet the population requirements, will split existing communities of interest.

Community Board Representation

It is proposed that two community boards will be elected. The two community boards would be:

Golden Bay Community Board	Area covered by the present Golden Bay Ward boundaries.
Motueka Community Board	Area covered by the present Motueka Ward boundaries.

The Golden Bay and Motueka Community Boards will each elect four members. They will not be subdivided for electoral purposes. They would each have their respective elected Ward members appointed to the Boards as follows:

Golden Bay Community Board	Two elected members appointed from the Golden Bay Ward
Motueka Community Board	Three elected members appointed from the Motueka Ward

The Final Representation Proposal, along with the Council's resolution and maps setting out the areas of the proposed wards/communities may be viewed online at http://www.tasman.govt.nz/policy/public-consultation/representation-review/ or viewed at any Tasman District Council office or library.

Appeals

Any person who made a submission on the Council's initial proposal may lodge an appeal against the Council decision. An appeal must relate to the matters raised in that persons' submission.

Appeals must be made in writing and must be received by Council no later than 18 September 2018.

Online submissions can be made at www.tasman.govt.nz/feedback

Submissions can also be:
- delivered to any Council office
- mailed to: Tasman District Council, Private Bag 4, Richmond 7050; or
- emailed to: info@tasman.govt.nz

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Appeals must be received by Council no later than 18 September 2018.

Janine Dowding
Chief Executive

17 August 2018

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