

Report No:	RCN12-03-02
File No:	E313-2
Date:	14 March 2012
<b>Decision Required</b>	

## REPORT SUMMARY

**Report to:** Full Council  
**Meeting Date:** 22 March 2012  
**Report Author:** Sandra Hartley  
**Subject:** Representation Review

### EXECUTIVE SUMMARY

Council is required to carry out and complete a review of its representation under the Local Electoral Act 2001. The review is required to be completed by Council this year so that any changes can be implemented in time for the 2013 triennial elections.

Part of the review has been completed, in regard to the Electoral System and Māori Ward option, and Council now needs to decide how it wishes to proceed with the review of the representation arrangements.

### RECOMMENDATION/S

That Report RCN12-03-02 Representation Review be received, and the draft resolution adopted.

### DRAFT RESOLUTION

**THAT the Tasman District Council receives Report RCN12-03-02 Representation Review; and**

**THAT the Tasman District Council, pursuant to section 19H and 19J of the Local Electoral Act 2001, agrees to retain the current number of councillors, the current election of councillors by ward, the ward names, and the current two community boards; and**

**THAT the Tasman District Council retain the current ward boundaries with the exception of moving the Motueka Ward Boundary to increase the population and ward area, and therefore reduce the population of the Waimea/Moutere ward so it more closely aligns with the population requirements according to Section 19V(2) of the Local Electoral Act 2001; as shown on Appendix 2 of Report RCN102-03-02.**

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## 1. Purpose

- 1.1 Council is required to carry out and complete a review of its representation under the Local Electoral Act 2001 (LEA). The review is required to be completed by Council this year so that any changes can be implemented in time for the 2013 triennial elections.
- 1.2 Part of the Review has been completed, in regard to the Electoral System and Māori ward option, and Council now needs to decide how it wishes to proceed with the review of the representation arrangements.

## 2. Background

- 2.1 The Local Electoral Act 2001 (LEA) requires all local authorities to review their representation arrangements at least once every six years. Tasman District Council last completed a review in 2006. In this review, the final scheme received objections and appeals, and therefore had to be referred to the Local Government Commission for consideration and final determination. The Local Government Commission noted that the Council's final proposal did not comply with Section 19V(2) of the LEA. It resolved that the Golden Bay ward could be determined an 'isolated community under the LEA, and therefore not comply with Section 19V(2), however the Local Government Commission shifted the boundaries of both the Moutere/Waimea ward and Lakes/Murchison ward so both these wards complied with this Section.
- 2.2 Council is now required to conduct a representation review in time for the next local body elections in October 2013. The representation review comprises three parts – the electoral system, Māori wards, and representation review.
- 2.3 On 11 August 2011 Council resolved to retain the First Past the Post (FPP) Electoral System. This decision was publicly notified, advising electors of their right to a valid demand for a poll on electoral systems by 28 February

2012. No demand was received; therefore the FPP electoral system will be used for the 2013 and 2016 local body elections.

- 2.4 On 23 November 2011 Council resolved not to establish a Māori ward for Tasman District. Once again, the public could seek a poll on the issue through a valid demand. No such demand was received.
- 2.5 Council now needs to review its representation arrangements, making decisions on:
- How many councillors there should be on Council
  - Whether councillors should be elected by ward or at large (the whole district), or both
  - If by ward, the number of councillors and boundaries and names of the wards
  - Whether or not to have community boards, and if so, the number, boundaries and names of the boards, and number of members.

### **3. Present Situation/Matters to be Considered**

- 3.1 The Council must determine by resolution the basis of election, whether councillors, excluding the Mayor, are elected on a “ward” basis or “at large” basis, or a combination of both. If wards are used Council must also determine the number, boundaries and names of those wards and the number of members per ward. Council must also review the structure and membership of any Community Boards.
- 3.2 For the 2006 representation review, Council appointed a subcommittee to look at several scenarios, which were reported to Council for consideration and decision.
- 3.3 Council needs to decide whether to appoint a subcommittee to carry out its review, or that Full Council carry out the review, and make a decision on this matter by resolution at its meeting of 22 March 2012.

## 4. Options

### 4.1 Status Quo

Council could retain the status quo, that is

- Retain the ward system
- Retain the ward names and current boundaries
- Councillors elected from “wards”
- Retain the number of councillors per ward
- Retain the two community boards and current membership

4.1.1 In a ward based system, the LEA Section 19V(2) states a requirement for fair representation.

*“For the purposes of giving effect to subsection (1), 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 region or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any)”*

4.1.2 The national census did not proceed as planned in 2011, and accordingly, the 2011 population figures to be used by Council to establish whether it meets the ‘+ or – 10% rule’ under Section 19V(2) are estimates, sourced from Statistics New Zealand, and based on the 2006 census.

4.1.3 A comparison of estimated population figures from 2005 to 2011 is outlined in Table 1. Note that in 2006 Golden Bay was given the “isolated community” status by the Local Government Commission (LGC), and therefore did not need to comply with the LEA ‘+ or – 10% rule’ under Section 19V(2). The 2011 estimated population figures show that both the Golden Bay Ward and Moutere/Waimea Ward do not comply with this rule, although it would be expected that Golden Bay would be able to retain its “isolated community” status.

**Table 1: Population thresholds**

2005: population per councillor = 3,585    +10% = 3,944    -10% = 3,226  
 2011: population per councillor = 3,699    +10% = 4,069    -10% = 3,329

Ward	2005 est. population <sup>#</sup>	Number of Councillors	Population per Councillor	2011 est. population	Number of Councillors	+/- 10%
GB	5,230	2	*2,615	4,950	2	*2,475
Motueka	11,500	3	3,850	11,050	3	3,683
M/W	11,300	3	3,767	13,000	3	*4,333
L/M	3,570	1	3,570	3,540	1	3,540
Richmond	14,950	4	3,737	15,550	4	3,887
TOTAL	46,600	13	3,585	48,090	13	3,699

<sup>#</sup> final representation review figures based on rounded 2005 population estimates provided by Statistics New Zealand via the Local Government Commission

\*does not comply with rule

4.1.4 By retaining the status quo, the Moutere/Waimea ward falls outside the ' + or – 10% rule' under Section 19V(2) but some 264 people.

## 4.2 Status Quo with Amended Boundaries

4.2.1 Another option is to retain the current number of wards, their names and number of councillors, and two community boards, but to move the Motueka Ward boundary to incorporate a part of the current Moutere/Waimea Ward, as shown in Appendix Two. It is worth noting this would reflect the Motueka Ward boundaries as proposed by the Local Government Commission in its reorganisation scheme for the Nelson and Tasman Councils. This would reduce the area and population of the Moutere/Waimea ward and increase the area and population of the Motueka ward.

4.2.2 The 2011 estimated population figures used in this review do not provide the detail at meshblock level, which are needed to calculate the extra area and population of the enlarged Motueka ward. Unfortunately these figures are only updated at each census, so Council is required to use the 2006 census data.

4.2.3 The proposed change to the Ward boundary would increase the Motueka ward population by 744, and subsequently reduces the Moutere/Waimea ward by the same.

Ward	2011	Number of Councillors	+/- 10%
GB	4950	2	*2475
Motueka	11050 + 744 = 11794	3	3931
M/W	13000 – 744 = 12256	3	*4085
L/M	3540	1	3540
Richmond	15550	4	3887
TOTAL	48090	13	3699

Although the Moutere/Waimea ward still does not quite comply with the ‘+ or – 10% rule’, the extent of the non-compliance is only 16 people and compliance could possibly be met under the next census figures.

#### 4.3 Complete Review

Council could appoint a subcommittee to look at various options, which would then be reported back to the Full Council for consideration.

### 5. Pros and Cons of Options

5.1 The pros of option 4.1 would be that it could be advertised as Council’s initial proposal, inviting public submissions, and would complete the review in a shorter timeframe. This is currently an understood and familiar model for representation of the District.

The cons would be that Council may consider that it needs to explore alternative options and it also does not meet Section 19V(2) of the LEA (+ or – 10% criteria).

5.2 The pros of option 4.2 would be that it could be advertised as Council’s initial proposal, inviting public submissions, and this option meets the ‘+ or - 10%’ criteria except for Golden Bay being an isolated community. This model could be undertaken within a relatively short timeframe. This option would retain the current representation model across the majority of the District.

5.3 Option 4.3 would allow a Subcommittee to look at various options. This could, however, be a more lengthy, time consuming process bearing in mind a decision needs to be made by 31 August 2012.

## **6. Evaluation of Options**

- 6.1 If Council was to accept either option 4.1 or 4.2 as the initial proposal, there is the opportunity for the public to object to either decision. If an appeal or objection was received to the final proposal, then the matter would be passed to the Local Government Commission for review.
- 6.2 Establishment of, and review by, a Subcommittee would inject a further step in the process before seeking public feedback, however, Council may consider that it has then explored all feasible options in the Representation Review.
- 6.3 Staff recommend that Council agrees to option 4.2, retaining the status quo with amended ward boundaries.

## **7. Significance**

- 7.1 This is not considered significant under Council's Policy on Significance.

## **8. Recommendation**

- 8.1 That Report RCN12-03-12 Representation Review be received, and the draft resolution adopted.

## **9. Timeline/Next Steps**

- 9.1 A draft timetable is attached as Appendix 1.

## **10. Draft Resolution**

**THAT the Tasman District Council receives Report RCN12-03-02 Representation Review; and**

**THAT the Tasman District Council, pursuant to section 19H and 19J of the Local Electoral Act 2001, agrees to retain the current number of councillors, the current election of councillors by ward, the ward names, and the current two community boards; and**

**THAT the Tasman District Council retain the current ward boundaries with the exception of moving the Motueka Ward Boundary to increase the population**

and ward area, and therefore reduce the population of the Waimea/Moutere ward so it more closely aligns with the population requirements according to Section 19V(2) of the Local Electoral Act 2001; as shown on Appendix 2 of Report RCN102-03-02.

## **APPENDICES**

**Appendix 1: Draft Timetable**

**Appendix 2: Map of Proposed Ward Boundary changes**



## PROCESS/TIMETABLE

	<b>Process</b>	<b>LEA Authority</b>	<b>Legislation Timetable</b>	<b>Council/ Committee Timetable</b>
<b>1</b>	Council identifies preferred option	-		
<b>2</b>	Council determines: <ul style="list-style-type: none"> <li>- proposed number of wards;</li> <li>- proposed name and boundaries of each ward;</li> <li>- number of members to be elected by the electors of each ward;</li> <li>- number of members proposed to be elected by whole district;</li> <li>- The existence and composition of community boards</li> </ul>	19H 19H 19H 19H 19J	By 31 August 2012	On or by 22 March 2012
<b>3</b>	Public notice of initial resolution	19M	By 8 September 2012	28 April 2012
<b>4</b>	Submissions close not less than one month after public notice.	19M(2)(d)	9 October 2012	28 May 2012
<b>5</b>	After close of submission period. No submissions received. Give public notice.	19Y(1)		
<b>6</b>	Submissions received: <ul style="list-style-type: none"> <li>- consider all submissions;</li> <li>- may amend the resolution;</li> <li>- give public notice</li> </ul>	19N(1)(a) 19N(1)(b)	By 19 November 2012	2 July 2012
<b>7</b>	Last day for lodging of appeals and objections to the Council's revised proposals.	19O 19P	20 December 2012	30 July 2012
<b>8</b>	No appeals or objections – give public notice.	19Y(1)		
<b>9</b>	Appeals or objectives received – refer to Local Government Commission.	19Q	15 January 2013	
<b>10</b>	Local Government Commission issues a final determination	19R 19S	11 April 2013	
<b>11</b>	Election day		13 Oct 2013	