

Report No:	RCN12-07-02
File No:	E313-2
Date:	10 July 2012
Decision Required	

REPORT SUMMARY

Report to: Full Council
Meeting Date: 19 July 2012
Report Author: Sandra Hartley
Subject: **Representation Review – Consideration of Submissions to Initial Proposal, and Deliberation for Final Proposal**

EXECUTIVE SUMMARY

Council is required to carry out and complete a review of its representation under the Local Electoral Act 2001 (LEA). The review must 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, including the Electoral System and Māori ward option, with Council deciding to retaining the status quo for both.

Council's initial representation proposal was to retain the existing ward boundaries, number of councillors and Community Boards. The proposal has been advertised and submissions were invited. Submissions have now closed, and eight submissions have been received (appended to this report). Council now needs to consider these submissions, hear the submitters that wish to be heard and decide on its final representation model.

DRAFT RESOLUTION

THAT Tasman District Council:

- 1. Receives the Representation Review Report RCN12-07-02; and**
- 2 Notes the submissions received and presented; and**
- 3 Decides that the final representation proposal will be for Councillors to be elected from wards and to retain the existing:**
 - **Five wards of Golden Bay, Lakes-Murchison, Motueka, Moutere-Waimea and Richmond; and**
 - **Ward boundaries, as set out in the map in Attachment One; and**

- **A Mayor and thirteen councillors with two councillors for Golden Bay, one councillor for Lakes-Murchison, three councillors for Motueka, three councillors for Moutere-Waimea and four councillors for Richmond; and**
 - **Motueka and Golden Bay Community Boards; and**
 - **Four elected Community Board members and the two Tasman District Council Ward councillors for the Golden Bay Community Board; and**
 - **Four elected Community Board members and the three Tasman District Council Ward councillors for the Motueka Community Board; and**
 - **Election process for the Chairs and Deputy Chairs of the Golden Bay and Motueka Community Boards with their election by the respective members of the boards; and**
 - **Boundaries for the Golden Bay and Motueka Community Boards, being the same as the Tasman Bay District Council wards of Golden Bay and Motueka respectively; and**
 - **Community Board election boundaries and not subdivide the Community Board areas for electoral purposes; and**
- 4 Instructs staff to advertise the final representation proposal and advise submitters that any appeals must be in accordance with the requirements of the Local Electoral Act 2001;**

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1. Purpose

- 1.1 The purpose of this report is to outline what has been achieved to date and what needs to be carried out to complete Council's representation review.

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. This Council last completed a review in 2006 for the 2007 local body elections, and is therefore required to conduct a representation review in time for the next local body elections in October 2013.

The review comprises of three parts – the electoral system; Māori wards and representation review.

- 2.2 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. Council did not receive a demand for a poll, therefore the FPP electoral system will be used for the 2013 and 2016 local body elections.
- 2.3 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, and if Council received such a demand prior to 28 February 2012, the result of any poll held before 21 May 2012 would take effect for the 2013 local body elections. No such demand was received.

2.4 On 22 March 2012, Council considered various options for a representation model, and resolved that the following model be the Council's initial proposal. Council resolved to retain the status quo for:

- The ward system
- The ward names and current boundaries
- Councillors being elected from "wards"
- The number of councillors per ward
- The two community boards and current membership arrangements.

The Council is aware that the Act requires that it must ensure that the fair representation rule or test in the Act is met by the proposal. The Act requires population equivalence per member (the +/- 10% rule) unless there are good reasons to depart from it. For territorial authorities the two statutory grounds for not complying are that the community of interest to be represented is an island or is isolated. Some departure from strict compliance is possible if effective representation of communities of interest would be so compromised by trying to achieve population equivalence per member that strict compliance would be unreasonable. Non-compliance in a ward may be accepted if it is a consequence of having an isolated community of interest in another ward in the mix. The Council believes that the isolated communities' definition applies to the Golden Bay Ward for the reasons set out in the Local Government Commission's 2007 determination for Tasman District Council.

The Moutere/Waimea Ward also does not comply with the +/- 10% rule. It is slightly under represented (exceeds the rule by 7.14%). The Ward area comprises a single community of interest which is different to the communities of interest that surrounds it. As a consequence of achieving effective representation in the rural and isolated wards in the District, the Moutere/Waimea ward does not comply with the fair representation test and is therefore under represented. Effective representation of communities of interest would be compromised by strict adherence to the rule. Staff believe that if the 2011 Census figures were available, this Ward would comply with the +/- 10% rule.

Ward	Population In each Ward	Councillors per ward	Population per councillor	Departure from the average population per councillor	% of departure from the average population per councillor
GB	4,950	2	2,475	-1,224	-33.09
Motueka	11,050	3	3,683	-16	-0.43
M/W	13,000	3	4,333	+634	17.14
L/M	3,540	1	3,540	-159	-4.30
Richmond	15,550	4	3,888	+188	5.08
TOTAL	48,090	13	3,699		

*population figures supplied by LGC – Representation Analysis – 2011 Estimates as at 1 January 2012

Council's proposal to retain the existing representation and number of Councillors per ward was subsequently advertised and submissions on the proposal were invited.

- 2.5 Submissions closed on Monday 11 June 2012. Eight submissions have been received (appended to this report). Council now needs to consider these submissions and decide whether it proposes to retain or change the initial proposal, the decision will then be advertised inviting appeals or objections.
- 2.6 One submitter, on behalf of the Coastal Initiative Group and Mapua & Districts Business Association, wishes to speak to these submissions, and also a statement will be read out at the hearing on behalf of F Baker.

3. Present Situation/Matters to be Considered

Consideration of Submissions and Staff Recommendations

- 3.1 J Lee – submits that the Electoral System should be changed to the Single Transferable Vote system.

Officer's comment: This part of the process has been completed, and FPP will be in place for the 2013 and 2016 elections. Staff have advised the submitter that the Electoral System part of the process is already completed.

Staff recommend that no further action be taken on this matter.

- 3.2 G Batten – submits that a Rural Advisory Board (as suggested by the LGC in the amalgamation proposal) be established for the Moutere-Waimea and Lakes-Murchison wards to correct representational imbalance.

Officer's comment: The Council can only appoint a Rural Advisory Board as a Committee or Subcommittee of Council, which is outside the scope of a representation review. The other alternative would be to establish a community board covering the area, which would be within scope, but is not what the submitter has asked for. If the Council wishes to explore the option of a community board, a further report could be prepared on the implications of it and how it would be funded.

Staff recommend that Mr Batten be advised that the establishment of a Rural Advisory Board is out of scope of this representation review and that no further action be taken on this matter.

- 3.3 W K Darling – submits community boards are superfluous; there are too many subcommittees and council co-operative groups that dilute effective decision making; representation should be based on demographics of qualifying landowners/ratepayers with votes based on dollars paid in rates and charges.

Officer's comment: Representation has to comply with the LEA in relation to population and councillors (Section 19V (2)). This means that the basis for determining votes is on population only and cannot be based on landowners/ratepayers and the dollar amounts they pay in rates and charges, as requested by the submitter.

In the last representation review final proposal, Council resolved not to have any community boards. This attracted hundreds of submissions/appeals, which therefore led to the LGC making the final determination to retain the existing two community boards. The Golden Bay and Motueka Community Boards appear to be supported by their communities, as is evidenced by Council only receiving two requests to remove the Boards.

Staff recommend retaining the Boards as they reflect the communities of interest within the Tasman District. With regard to subcommittees and council co-operative groups, this matter is out of scope of a representation review.

- 3.4 F Baker – requests a boundary alteration so that her property can be included in Lakes-Murchison Ward, and not the Moutere-Waimea Ward.

Officer's comment: Staff note that on face value this seems like a reasonable request, as the submitter considers that her community of interest is with the Lakes-Murchison Ward. This could, however, be an costly

exercise, and the population in the meshblock(s) involved would not make any significant changes to the LEA + or – 10% rule (19V (2)), and subsequent councillor/ratepayer ratio.

A change to meshblock boundaries would require Statistics NZ approval. If approved there would need to be amendments to the plans defining the two wards, which would need to be certified by the Surveyor General Land Information New Zealand (LINZ). The approximate cost for this would be \$300 for the Surveyor General's fee, and \$1000 for amending the existing plans. The LINZ costings could be more expensive if the existing plans have had several amendments, in which case completely new plans would need to be drawn up.

Staff recommend retaining the existing ward boundaries for the Moutere-Waimea and Lakes-Murchison Wards.

- 3.5 R Hellyer – submits that community boards be removed so Council ward representation is on the same footing, which will enable fairer disbursement of funding for community associations across the District and encourage the formation of more associations where and when needed.

Officer's comment: In the last representation review final proposal, Council resolved not to have any community boards. This attracted hundreds of submissions/appeals, which therefore led to the LGC making the final determination. This determination included the retention of the two existing community boards. As noted above, the Golden Bay and Motueka Community Boards appear to be supported by their communities, as is evidenced by Council only receiving two requests to remove the Boards.

Staff recommend retaining the Boards with a chair elected by the members of the board.

- 3.6 P Borlase – submitted that Council return to the representation model it had prior to the last LGC termination, and in particular two councillors for Lakes-Murchison Ward.

Officer's comment: This would be a significant departure from the LEA, and in particular Section 19V (2) – which is the +/- 10 % rule with regard to Councillor/ratepayer ratio. In the 2006 Representation Review Council resolved in its initial proposal to have two councillors. This deviated from the above rule by -62.06%. In the final proposal Council reduced the number of councillors to one for the Lakes-Murchison Ward. This deviated from the rule by -24.12%. Council asked that the Lakes-Murchison Ward be given isolated

community status, and submitted the following reasons for departing from Section 19V (2) of the LEA:

- Very large geographic area separated from other Wards by hills;
- River catchments include the Buller District;
- Effective representation for this large geographic area would be difficult with reduced ward members;
- Reduced number of elected members will compromise the rural voice;
- There are three distinct communities of interest within the Lakes-Murchison Ward;
- Council roading contracts for this Ward are carried out from depots based in the Ward;
- Elected members are the eyes and ears of the community, and often the first point of contact for the wards ratepayers and residents;
- There are significant distance and travel times.

As Council received appeals and objections to the final proposal, the final determination was made by the LGC. It did not give the Ward isolated community status, and subsequently enlarged the Lakes-Murchison Ward area to enable the councillor/ratepayer ratio to comply, and reduced the representation to one councillor.

Staff recommend retaining the existing one councillor only for the Ward.

- 3.7 Coastal Initiative Group – submitted that the Moutere-Waimea Ward boundaries be adjusted to provide a Ruby Coast Moutere Hills Ward, with two or three councillors and its own Community Board.

Officer's comment: I am unsure where the population figures in this submission were sourced, as they do not correlate with the figures supplied to us from the LGC – Representation Analysis – 2011 Estimates – Boundaries as at 1 January 2012. It is difficult to see whether the proposed wards (including alterations to the Moutere-Waimea and Motueka Wards) comply with the rule, as the population figures used differ from what Council has used. Council needs to be seen to use official and reliable statistics when undertaking the representation review, which is why we use the LGC sourced figures.

If Council wished to pursue the option of a Ruby Coast Moutere Hills Ward, a staff report would need to come back to Council. This would include a map delineating by meshblock the boundaries of such a ward (the map supplied by the submitters is very vague), identifying the population by meshblock, and calculating the councillor/population ratio to see whether this proposed ward, along with the Motueka and Moutere-Waimea Wards comply with LEA 19V(2).

An additional community board would have financial implications, in terms of the salary pool set by the Remuneration Authority and the need for a community board targeted rate over the area. Also additional administration costs would be incurred to ensure that statutory requirements around their governance processes are met. As noted above, if the Council wishes to explore the option of a community board, a further report could be prepared on the implications of it and how it would be funded. It should be noted that the existing Mapua and Districts Residents Association has strong community involvement and provides comments from a local point of view to Council on projects and plans.

Appended to this report is a draft map showing the proposed ward boundaries, based on the map submitted. Please note this map does not fit the meshblocks as it should, as it was unclear exactly where the proposed boundaries were to be.

Staff recommend retaining the existing Moutere-Waimea Ward, without a community board for the Mapua area.

- 3.8 Mapua & Districts Business Association – submitted that the Moutere-Waimea Ward boundaries be adjusted to provide a Ruby Coast Moutere Hills Ward, with two or three councillors and its own Community Board.

Officer's comment: This request is the same as the Coastal Initiative Group submission. Refer to the comments for that submission.

Staff recommend retaining the existing Moutere-Waimea Ward, without a community board for the Mapua area.

Discussion on Final Representation Model

- 3.9 Section 19J of the Local Electoral Act 2001 requires Council to resolve a number of points for communities and community boards, not all these were raised in submissions:

*(1)(a) there should be communities and community boards; and
(b) if so resolved, the nature of any community and the structure of any community board.*

(2)(a) whether 1 or more communities should be constituted:

(b) whether any community should be abolished or united with another community:

(c) whether the boundaries of a community should be altered:

Points 1(a) – 2(c) are covered as part of the consideration of submissions.

(d) whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:

(e) whether the boundaries of any subdivision should be altered:

There are no submissions requesting that either the Motueka or Golden Bay communities be subdivided and the current arrangement that Community Board members be elected at large appears to be working successfully.

Staff recommend that the communities not be subdivided.

(f) the number of members of any community board:

There were no submissions proposing changes to the number of members for the Community Boards. Increasing the number of members would add costs with little reduction in the workload for each Community Board member, conversely reducing the number of members would decrease costs and increase the workload of the remaining members.

In the absence of any evidence to the contrary the number of members of the community boards are recommended to continue.

(g) the number of members of a community board who should be elected and the number of members of a community board who should be appointed:

No submissions proposing changes to the appointment of Ward Councillors were received and this arrangement appears to be working well. Staff recommend that continuation of appointment of all Golden Bay and Motueka ward Councillors to their respective Community Boards.

(h) whether the members of a community board who are proposed to be elected are to be elected—

(i) by the electors of the community as a whole; or

(ii) by the electors of 2 or more subdivisions; or

(iii) if the community comprises 2 or more whole wards, by the electors of each ward:

(i) in any case to which paragraph (h)(ii) applies,—

*(i) the proposed name and the proposed boundaries of each subdivision;
and*

(ii) the number of members proposed to be elected by the electors of each subdivision.

Refer to recommendation above that the Golden Bay and Motueka Communities not be subdivided.

Once Council has considered the above submissions and points set out in the legislation on Community Boards, it needs to decide whether to retain its initial proposal as the final proposal, or to amend the proposal to reflect some of the changes proposed by the submitters.

4. Financial/Budgetary Considerations

- 4.1 The undertaking of a representation review once every six years is provided for in Council's Long Term Plan.
- 4.2 The Remuneration Authority sets the remuneration pool for Mayor and Councillors salaries, along with half of the community board members salaries. Whether there are additional councillors or community boards/members, the pool will not change.

5. Options

- 5.1 Confirm the initial representation proposal as the final representation model, and advertise the same inviting appeals.
- 5.2 Amend the initial proposal to incorporate some or all the changes requested by the submitters, and advertise the same inviting appeals/objections.

6. Pros and Cons of Options

- 6.1 The analysis of the submissions in section 3 of this report discusses the merits of the suggested changes made by submitters and those points that require consideration for Community Boards.

The pros of the current model of representation, as originally determined by the Local Government Commission and proposed by Council to continue for the coming six years, are that it is a familiar model to the District, and did address many of the submitters concerns in the 2006 review. It is worth noting that Council received only eight submissions to this initial proposal, as against 732 in 2006.

If Council decided not to continue with the current representation model it may consider that it needs to explore alternative options to meet Section 19V (2) of the LEA (+/- 10% criteria).

- 6.2 Council needs to decide if the representation interests of the Tasman District are better served by making some of the changes proposed by the submitters or by retaining the existing representation model. A consideration is that only eight submissions were received, which suggests general satisfaction with the existing representation arrangements. Some of the submissions were in conflict with each other, for example the submitters that wanted community boards removed and those that wanted additional community boards. Any changes to the initial proposal may lead to greater levels of dissatisfaction and result in an influx of appeals/objections. If appeals/objections are received the LGC would make the final determination.

7. Significance

- 7.1 This is not considered significant under Council's Policy on Significance. The consultation process for undertaking a representation review is outlined in the LEA and Council's process complies with the legislative requirements. If Council resolved to make significant changes to the proposal that were not raised in submissions e.g. creation of subdivisions for Community Boards, further consultation would be required.

8. Recommendation

- 8.1 That Report RCN12-07- 02 titled the Representation Review – Consideration of Submissions to Initial Proposal, and Deliberation For Final Proposal be received, and consideration be given to the options presented.
- 8.2 Staff recommend that Council retains the initial proposal as advertised and that it does not make any changes to give effect to the requests made in the submissions.

9. Timeline/Next Steps

- 9.1 Once Council has considered and determined its final representation proposal, the proposal will be advertised inviting appeals/submissions.
- 9.2 If no appeals or objections are received, the final representation proposal will be Council's representation model for the 2013 local body elections.
- 9.3 If any appeals/objections are received, these will be forwarded to the Local Government Commission, who will ultimately determine Council's

representation model.

10. Draft Resolution

THAT Tasman District Council:

- 1 Receives the Representation Review Report RCN12-07-02; and**
- 2 Notes the submissions received and presented; and**
- 3 Decides that the final representation proposal will be for Councillors to be elected from wards and to retain the existing:**
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 - Ward boundaries, as set out in the map in Attachment One; and**
 - A Mayor and thirteen councillors with two councillors for Golden Bay, one councillor for Lakes-Murchison, three councillors for Motueka, three councillors for Moutere-Waimea and four councillors for Richmond; and**
 - Motueka and Golden Bay Community Boards; and**
 - Four elected Community Board members and the two Tasman District Council Ward councillors for the Golden Bay Community Board; and**
 - Four elected Community Board members and the three Tasman District Council Ward councillors for the Motueka Community Board; and**
 - Election process for the Chairs and Deputy Chairs of the Golden Bay and Motueka Community Boards with their election by the respective members of the boards; and**
 - Boundaries for the Golden Bay and Motueka Community Boards, being the same as the Tasman Bay District Council wards of Golden Bay and Motueka respectively; and**
 - Community Board election boundaries and not subdivide the Community Board areas for electoral purposes; and**
- 4 Instructs staff to advertise the final representation proposal and advise submitters that any appeals must be in accordance with the requirements of the Local Electoral Act 2001;**