

Mayor and Councillors
COUNCIL

15 OCTOBER 2015

Meeting Status: **Public**

Purpose of Report: For Information

**2015 REPRESENTATION REVIEW: FINAL PROPOSAL –
APPEALS AND OBJECTIONS**

PURPOSE OF REPORT

- 1 This report provides an update on the outcomes of the appeals/objections period for Council's final proposal for representation arrangements.

DELEGATION

- 2 Council has the authority to consider this matter.

BACKGROUND

- 3 Council commenced its review of representation arrangements earlier this year, a process which is run according to statutory timeframes. This included Council releasing an initial proposal in June 2015; receiving and hearing submissions on that initial proposal and releasing a final proposal on 27 August 2015. The final proposal was subject to a one-month period in which appeals or objections to the proposal could be submitted. Any submitter to the initial proposal could submit an appeal; any party could submit an objection to the final proposal provided it was changed from the initial proposal (which it was).
- 4 The final proposal was circulated formally through all four Community Boards, none of whom wished to submit an appeal. The Paekākāriki Community Board resolved the following, with the rationale that the review process was unduly lengthy:

That the Board recommend to Council that it take appropriate steps for Local Government NZ to have the representation review every 9 years.

- 5 The deadline for appeals and objections was Monday 5 October. Under the Local Electoral Act provisions, if appeals or objections are received the matter must then be referred to the Local Government Commission for a final determination. No appeals or objections have been received, but a letter from a submitter, Federated Farmers of New Zealand, was received (this was not put forward as an appeal). This letter (copy at Appendix 1) expressed disappointment in Council's decision not to create as part of the Review a Rural Advisory Group.

ISSUES AND OPTIONS

Issues

- 6 Council's initial proposal maintained the status quo in terms of structure and also included a change to the boundary between Otaki and Waikanae Wards, so that

residents in Reikorangi and all of Huia Street would be located within the Waikanae ward and community board area. Previously, some residents of Huia Street and all of Reikorangi were within the Waikanae Community Board but in the Otaki Ward, a situation which the residents had long found anomalous. This situation had arisen because under the legislation ward boundaries had to conform to a mathematical formula – the ‘+/-10% rule’ (Section 19V of the Local Electoral Act 2001). However a subsequent amendment to the legislation relaxed this rule and so Council was able to make an argument that it was more important not to divide a community across ward boundaries than observe a mathematical rule.

- 7 As a result of two submissions received on the initial proposal Council decided that its final proposal would also include a further adjustment to this changed ward boundary to include residents in Kebbell Drive and Aston Road Waikanae (these residents had previously been lodged in the Paraparaumu Ward) for the same reasons as the previous adjustment. This means that Council’s final proposal is now not compliant with the +/-10% rule.
- 8 A response to the letter at Appendix 1 has been forwarded to Federated Farmers stating that Council thought the proposal to create a Rural Advisory Group was more appropriately considered by the incoming Council in 2016 when it deliberates on its governance structure and associated engagement bodies.
- 9 With regard to the recommendation by the Paekākāriki Community Board, the timing of representation reviews is enshrined in the Local Electoral Act 2001 (Section 19H(2)) and full reviews currently must be held at least every six years. Changing this cycle would require an amendment to the Act.
- 10 Although no appeals or objections have been received on the Council’s final proposal, the non-compliant boundary issue is required under legislation to be treated as if it were an appeal, meaning that the matter must now be referred to the Local Government Commission no later than 15 January 2016 for its consideration.
- 11 The LGC will examine the matter afresh and this may involve holding further hearings of submitters. A final determination must be reached and promulgated by the LGC no later than early April 2016 and the final arrangements whatever the LGC thinks these should be will apply to the local body elections in October 2016.

CONSIDERATIONS

Policy considerations

- 12 There are no policy considerations.

Legal considerations

- 13 These matters fall under sections 19A-19ZI of the Local Electoral Act which pertain to the representation review process.

Financial considerations

- 14 There are no financial considerations.

Tāngata whenua considerations

15 There are no tangata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

16 This matter has a high degree of significance, and it is significant under Council policy.

Consultation already undertaken

17 The final proposal was widely publicised and formally circulated through all four Community Boards.

Engagement planning

18 Engagement is not relevant as this is for information only.

Publicity

19 There are no publicity considerations.

RECOMMENDATIONS

20 That Council note the information provided in report Corp-15-1723, including the requirement to refer the Council's representation review process information to the Local Government Commission for final determination, in accordance with the provisions of the Local Electoral Act 2001.

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Appendix 1 Letter from Federated Farmers of New Zealand