

Chairperson and Community Board Members
ŌTAKI COMMUNITY BOARD

21 JULY 2015

Meeting Status: **Public**

Purpose of Report: For Decision

2015 REPRESENTATION REVIEW - COUNCIL'S INITIAL PROPOSAL

PURPOSE OF REPORT

- 1 This report asks the Ōtaki Community Board to consider Council's decision made on 18 June regarding an initial proposal for the District's representation arrangements for the 2016 local body elections. The decision marks the opening of a formal consultation period which runs until 31 July 2015 and the Board may wish to make a submission.

DELEGATION

- 2 The Board has the delegation to consider this matter under clauses 10.5 and 10.7 of the Governance Structure and Delegations (11 June 2015 version):

"Authority to listen, articulate, advise, advocate and make recommendations to Council on any matter of interest or concern to the local community."

"Authority to receive matters referred to the Board by Council or its Standing Committees for consideration and reporting on a local perspective."

BACKGROUND

- 3 A representation review is a process all councils are required to undertake under the provisions of the Local Electoral Act 2001. Council's last review was in 2009. The primary objective of a review is to ensure fair and effective representation for individuals and communities. There are three key factors which must be dealt with:
 1. defining communities of interest
 2. effective representation for communities of interest
 3. fair representation of electors
- 4 In December 2014 Council decided to convene a Working Party to manage the informal preconsultation process and make recommendations to Council. A report on the review and Working Party membership was circulated through all Community Boards with a view to finding a member to represent all four Boards on the Working Party. Jonny Best, Deputy Chair of the Paraparaumu-Raumati Community Board was chosen. Other members of the Working Party were two Councillors (Crs Gaylor and Cardiff), an iwi representative (Ann-Maree Ellison), the Electoral Officer (Jude Wadsworth), the Group Manager of Corporate Services (Wayne Maxwell) and the Democracy Services Manager (Vyvien Starbuck-Maffey).

- 5 The Working Party carried out a range of preconsultation activities across the community to raise awareness and start the discussions about key issues and steps in the review. These included a series of public workshops hosted by Community Boards. The one hosted by the Ōtaki Community Board was held on 21 April and was attended by Board members, and two members of the public.
- 6 After considering a range of information, issues, and models the Working Party made recommendations, considered by Council on 18 June. Of the two options put forward by the Working Party Council decided to maintain the status quo and also make one boundary change. That means for the 2016 local body elections the District's representation arrangements are proposed as:
 - A Mayor and 10 Councillors
 - Five Councillors to be elected on a Districtwide basis
 - Five Councillors to be elected from the 4 Wards of: Ōtaki (1), Waikanae (1), Paraparaumu (2) and Paekākāriki-Raumati (1)
 - Four Community Boards covering the District (boundaries unchanged) each with four elected members, and the Ward Councillor/s appointed back.
- 7 Council decided to change the boundary between Waikanae and Ōtaki Wards in response to longstanding requests from residents, which would ensure that residents in all of Huia Street, and in Reikorangi would be in the Waikanae Ward area as well as in the Waikanae Community Board area, thereby avoiding splitting a community across different ward boundaries.
- 8 A copy of the report that went to Council on 18 June is at Appendix 1, and the appendices of that report show maps of the current boundaries and proposed boundaries.
- 9 A copy of the Council resolution regarding its initial proposal is at Appendix 2 and a key requirement of legislation is that the reasons for each decision in the process are spelled out.

ISSUES AND OPTIONS

Issues

- 10 The issue with the proposed boundary change is that it triggers non-compliance with the +/-10% rule prescribed in section 19V of the Local Electoral Act 2001. The intent of this rule is to ensure proportionality between elected members and populations. However, an argument for non-compliance could be supported by a recent legislative change in which a new clause (19V(3)(ii)) potentially allows for non-compliance if compliance would mean splitting a community across ward boundaries.
- 11 The Board is invited to consider making a submission about the initial proposal. Council will hear submitters on 11 August and then make a decision on its final proposal on 27 August. That decision point will be publicly notified and appeals or objections invited. If Council decides to maintain its stance on the boundary issue in its final proposal the matter will automatically have to be referred to the Local Government Commission (LGC) for a final determination. The LGC's powers are broad in shaping a determination and may include holding its own hearings.

CONSIDERATIONS

Policy considerations

- 12 There are no policy considerations.

Legal considerations

- 13 The representation review process is required by legislation, primarily the Local Electoral Act 2001, clauses 19A-19Y.

Financial considerations

- 14 Financial concerns are not to form part of the review.

Tāngata whenua considerations

- 15 The Working Party included an iwi representative who attended the public workshops and meetings of the Working Party.

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 During March-May the Working Party carried out a series of informal communication activities (in accordance with a communications strategy), including four public workshops hosted by Community Boards.
- 18 Information about the review's process and background information was also conveyed to the community via the Council's website, Facebook page, and articles in local newspapers, as well as the mayoral column.

Engagement planning

- 19 Engagement with the community will be undertaken as per legislative parameters and will include the special consultative procedure.
- 20 Details of the Council's initial proposal and invitation to develop a submission will be circulated through all Community Board public meetings for consideration.

Publicity

- 21 In accordance with legislative requirements Council's initial proposal was publicly notified in local newspapers on 24 and 24 June, with an invitation for the public to make submissions. Submitters will also be asked if they wish to be heard. The Council decision, displays and submission forms have also been made available through the Council website, and at Council Service Centres in Ōtaki, Waikanae and Paraparaumu, and District Libraries (Ōtaki, Waikanae, Paraparaumu, and Paekākāriki.)

RECOMMENDATIONS

22 That the Ōtaki Community Board notes the decision made by Council on 18 June 2015 on its initial proposal for representation arrangements and basis of election for the 2016 local body elections, as required by the Local Electoral Act 2001, and:

(a) Endorses the initial proposal without amendment, *or*

(b) Wishes to make a submission on the initial proposal, including/not including the wish to be heard, noting the deadline of 31 July 2015, and authorises the Chair to provide the final signoff of the submission, *or*

(c) Recommends to Council that the initial proposal be varied in the following ways and for the reasons outlined below:.....

| Report prepared by | Approved for submission | Approved for submission |
|---------------------------------------|--|---|
| Vyvien Starbuck-Maffey | Stephen McArthur | Wayne Maxwell |
| Democracy Services Manager | Group Manager Strategy and Planning | Group Manager Corporate Services |

ATTACHMENTS

Appendix 1 Copy of the Council report (plus appendices) Corp-15-1591, which includes maps of current and proposed ward boundaries

Appendix 2 Council resolution on the initial proposal from Council meeting on 18 June 2015