

Council Briefing Agenda

Date: Thursday, 1 April, 2021

Time: 1:00 pm

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)

Cr Gavin Benney

Cr Vince Cocurullo

Cr Nicholas Connop

Cr Ken Couper

Cr Tricia Cutforth

Cr Shelley Deeming

Cr Jayne Golightly

Cr Phil Halse

Cr Greg Innes

Cr Greg Martin

Cr Anna Murphy

Cr Carol Peters

Cr Simon Reid

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Apologies

2. Reports

2.1. Representation Review 2021 - Considerations and principles

1

3. Closure of Meeting

Representation Review 2021 Briefing – Considerations and principles

Meeting:	Council Briefing
Date of meeting:	1 April 2021
Reporting officer:	Nicolene Pestana – Team Leader Democracy Dale Ofsoske – Electoral Officer, Election Services Limited

1 Purpose

To brief Council on the considerations and principles when undertaking a representation review to promote discussion and to update Council on communication and engagement for preliminary informal consultation.

2 Background

Two years prior to local body elections, Council is required by the Local Electoral Act (2001) (LEA) to consider two matters:

- The choice of electoral system (either FPP or STV); and
- Whether or not to establish Māori wards.

In 2020, Council elected to retain the FPP electoral system for the 2022 triennial elections and establish Māori wards for the 2022 and 2025 triennial elections.

Council's decision to establish Māori wards triggered a review of the representation arrangements to be held in 2021, with the outcome to apply for the 2022 and 2025 triennial elections.

This review will cover the representation of communities within the district for the existing general wards and the new Māori wards.

The LEA provides for three core (legal) considerations for Council to consider when undertaking a representation review. These are:

- Identifying the district's communities of interest;
- Establishing effective representation for the district's communities of interest; and
- Ensuring that each community of interest is fairly represented.

The briefing paper for the briefing held on 4 March 2021, which provides some details on the above considerations is attached here to as **Attachment A**.

It is recommended that councils undertake preliminary consultation to seek community views on these core considerations. This consultation can assist councils to identify issues relevant to the review process and enable them to consider a wider range of representation options when developing the initial proposal. This consultation is set to take place in April and May 2021.

There are other non-legal considerations that are often raised when undertaking a representation review. These other considerations could include councillor remuneration and workload, councillor visibility, diversity on Council and the roles of councillors, community boards and Te Kārearea. Dale Ofsoske, Council's Electoral Officer will be workshopping these considerations with councillors at today's session.

Representation Review Communications and Engagement

The guidance for councils undertaking representation reviews, published by the Local Government Commission provides that preliminary informal consultation can be done in various ways. These include community surveys, newspaper advertising and focus groups.

Communications and engagement for preliminary informal consultation includes:

- **Informal survey**

An informal survey will run from 7 April to 7 May 2021. The survey will be available online as well as in a printed booklet with the survey attached. Copies of the booklet will be available at all WDC library branches (including the mobile library bus) and WDC customer service counters (Ruakaka and Forum North).

- **Communication and advertising**

- Social media campaign, explaining process, first steps, what happens next etc – directing to online forms and physical forms. Channels will include Facebook, Neighbourly and Community Groups.
- Dedicated WDC website page in 'Have Your Say' section, with overview and informal survey link.
- Printed stories and ads in the Leader (Wednesdays) and Advocate (Saturdays)
- Advertising on TVNZ OnDemand. This will consist of a 15 second animated video advertisement targeted to the district.
- Communication with resident and ratepayers groups, providing information on the review and offering to attend their meetings in April or May.

- **Engagement**

- Engagement sessions with Council's Youth, Positive Ageing and Disability Advisory Groups and the Multi Ethnic Collective.
- Drop-in sessions at the Central Library throughout April.
- Briefings with Te Kārearea Standing Committee in April and May.

3 Attachments

Attachment A : Briefing paper for the briefing held on 4 March 2021.

Representation Review 2021

Meeting:	Council Briefing
Date of meeting:	4 March 2021
Reporting officer:	Nicolene Pestana (Team Leader Democracy) Dale Ofoske, Electoral Officer, Election Services Ltd

1 Purpose

To provide information on the representation review process, timetable and preliminary consultation.

2 Background

The Local Electoral Act 2001 (LEA) requires local authorities to undertake a review of their representation arrangements at least once every six years. Council last reviewed its representation arrangements in 2018 which took effect for the 2019 and 2022 triennial elections. This review adjusted some of the ward boundaries and retained the 13 councillors elected from six wards, plus the Mayor elected at large. No community boards were established.

Council resolved on 3 November 2020 to establish Māori wards for the 2022 and 2025 triennial elections, necessitating a review of the representation arrangements in 2021, with the outcome to apply for the 2022 and 2025 triennial elections.

In reviewing its representation arrangements, Council is required to consult with the community. Due to Council's decision to establish Māori wards for the 2022 and 2025 triennial elections, obtaining feedback from Māori will be key to this process. Accordingly, Te Kārearea and Te Huinga have been invited to attend this briefing. This briefing will also be presented to Te Kārearea on 17 March 2021.

3 Discussion

Representation reviews determine the representation arrangements for the district of a territorial authority.

During the review, Council must consider:

- Communities of interest
- Effective Representation
- Fair Representation

The Local Government Commission (LGC) has published guidance for local authorities to consider when undertaking a representation review. This guidance is available at <http://www.lgc.govt.nz/representation-reviews/> and can be found at **Attachment A**.

3.1 Statutory provisions

Local Electoral Act 2001

The requirements relating to representation reviews are contained in sections 19A to 19Y of Part 1A, Local Electoral Act 2001 (LEA). These sections cover:

- Representation arrangements
- Representation reviews
- Procedural steps and timelines

When establishing Māori wards, the provisions of Schedule 1A substitute the Part 1A provisions, as required.

In addition to the specific requirements of Part 1A and Schedule 1A LEA, territorial authorities must also bear in mind other relevant provisions of the LEA, including the purpose of the Act (to allow diversity, through local decision-making) and the principles specified in section (1) LEA as follows:

- *Representative and substantive electoral participation in local elections and polls*
- *Fair and effective representation for individuals and communities*
- *Reasonable and equal opportunities to vote and nominate, or be nominated as candidates*
- *Public confidence in, and public understanding of, local electoral processes.*

3.2 Communities of interest

The term “community of interest” is not defined in legislation. It is a subjective term, meaning different things to different people, depending on an individual’s or group’s perspective from time to time.

The LGC views a community of interest as an area to which “*one feels a sense of belonging and to which one looks for social, cultural, service and economic support contributing to the development of a shared identity.*”

In previous reviews, the LGC has identified the defining characteristics of a community of interest, including the following:

- A sense of community identity and belonging;
- Similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community;
- Similarity in economic activities;
- Dependence on shared facilities in an area, including schools, recreational and cultural facilities and retail outlets;
- Physical, geographic and topographical features;
- The history of an area;
- Transport and communication links; and
- The rohe or takiwa area of tangata whenua.

As communities of interest may alter over time, Council must carefully consider and identify communities of interest within the district when undertaking representation reviews.

3.3 Effective representation

The LEA states that between 5 and 29 councillors can represent the district of a territorial authority. When considering the number of councillors to effectively represent the district, Council must be mindful of the physical size of the district, the number of communities of interest and the need to meet the operational workload requirements of both the Council and

individual councillors in attending Council and committee meetings and engaging with the community.

In reviewing effective representation, Council must consider the following:

- Total number of councillors.
- Should the district be divided into wards? Do the current wards and number of councillors in each ward provide for effective representation of communities of interest?
- Should general councillors (elected by all electors of the district whose names appear on the general electoral roll) be elected 'at large' (district-wide) or from wards or from a mix of 'at large' and wards?
- How does the establishment of Māori wards (councillors elected from electors of the district whose names appear on the Māori electoral roll) impact representation of the district?
- The proposed number of councillors to be elected in each category (at large/ward/mixture – if applicable).
- The proposed name and boundaries for each ward.
- Should there be communities and community boards, and if so, the nature of communities and structure of community boards?
- How many members should make up a community board and how many of these are elected and how many appointed?
- Whether members of a community board are to be elected by electors of a community as a whole, or by electors of two or more subdivisions?
- The names, boundaries and number of members of each subdivision of a community (if adopted).

3.4 Fair representation (+/- 10% rule)

Fair representation is defined as a democratic model with the following characteristics:

- there is a reasonable ratio of councillors per head of population;
- there is assurance that councillors are in reasonable geographic proximity to the community for easy contact; and
- there is sufficient opportunity for representation and involvement of communities.

Once communities of interest and effective representation have been established, Council must apply the principles of fair representation and ensure the +/- 10% rule is met, if practicable.

The +/- 10% rule requires that the population of each ward (if applicable) divided by the number of councillors to be elected by that ward must not exceed +/- 10% of the population of the district divided by the total number of councillors.

There is some room for exemption from the +/- 10% rule (splitting communities of interest, isolation etc) but should the +/- 10% rule not comply, the review process must be forwarded to the LGC for their determination.

3.5 Calculating the number of members

The process for determining the number of members to be elected from both Māori and general wards is set out in clauses 2 and 4, Schedule 1A, LEA which prescribes a set formula: $nmm = mepd / (mepd + gepd) \times nm$

- nmm is the number of Māori members

- mepd is the Māori electoral population of the district (a calculation based on the number of electoral on the Māori electoral roll and proportions of those of Māori descent not registered and under the age of 18 years of age)
- gepd is the general electoral population of the district (the total ordinarily resident population less the Māori electoral population)
- nm is the proposed number of members of the territorial authority (other than the Mayor)

As at June 2020 (the latest population estimates supplied by Statistics New Zealand), the mepd is 18,800 and the gepd is 79,600.

Options for calculating the number of members is contained in the presentation for this briefing.

3.6 Implementation timetable

The LEA prescribes the process that councils are required to followed when undertaking a representation arrangements review.

Key indicative dates, with legal requirements and dates for Council are as follows:

Date	Process task	Legal requirement	Last legal date
13 October 2020	Council Briefing - establishment of Māori wards		
3 November 2020	Council decision on establishment of Māori wards	Section 19Z LEA	23 November 2020
4 November 2020	Public notice of Council decision on establishment of Māori wards	Section 19ZA, LEA	30 November 2020
4 March 2021	Council Briefing - representation review process and considerations		
17 March 2021	Te Kārearea Briefing - representation review process and considerations		
1 April 2021	Council Briefing - considering various scenarios		
1 April 2021 – 31 May 2021	Informal preliminary public consultation		
21 April 2021	Te Kārearea Briefing - considering various scenarios		
19 May 2021	Te Kārearea Briefing - provide details on options and receive		

	recommendations for initial proposal		
1 June 2021	Council Briefing - present feedback from informal preliminary consultation, provide detail on options and seek preferred option for initial proposal		
24 June 2021	Council Meeting - resolve initial proposal	Sections 19H,19I, 19J,19K,19T,19V,19W LEA Clauses 1 and 3 of schedule 1A LEA	31 August 2021
30 June 2021	Public notice of initial proposal and invite submissions.	Section 19M LEA	8 September 2021
30 June 2021 - 30 July 2021	Submission period	Section 19M(3) LEA	8 October 2021
2 August 2021 - 6 August 2021	Collate submissions and advise submitters of hearing dates		
16 - 17 August 2021	Public hearings of submissions	Section 19M(3) LEA	
31 August 2021	Council Meeting - deliberation on submissions / final proposal indication		
7 September 2021	Council Meeting – resolve final proposal	Section 19N LEA	
Friday 10 September 2021	Public notice of final proposal	Section 19N LEA	19 November 2021
10 September - 11 October 2021	Public appeal / objection period	Section 19O, 19P LEA	20 December 2021
20 October 2021	Public notice - basis of election (if no appeals/objections received)	Section 19Y,19Q LEA	
November 2021	Forward material to LGC, if required	Section 19Q LEA	15 January 2022
By 10 April 2022	Determination by LGC	Section 19R LEA	
By 11 May 2022	Appeal to High Court (on process only)	(Schedule 5, Clause 4 LGA 2002)	

3.7 Informal preliminary public consultation

its It is recommended that Council undertakes informal preliminary public consultation on representation arrangements. Informal preliminary public consultation will take place from 1 April 2021 to 31 May 2021. The format of this informal preliminary public consultation is currently being worked through by relevant staff.

The Te Kārearea Strategic Partnership Standing Committee will be briefed throughout the process to obtain their feedback and recommendations on the process, especially around the Māori wards.

Feedback obtained from the informal preliminary public consultation and the Te Kārearea Strategic Partnership Standing Committee will be provided to Council to assist in their determination of an initial proposal.

4 Attachments

Attachment 1: Local Government Commission guidelines