

## Council Briefing Agenda

**Date:** Wednesday, 28 February, 2018

**Time:** 10:30 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

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

Cr Stu Bell

Cr Gavin Benney

Cr Crichton Christie

Cr Vince Cocurullo

Cr Tricia Cutforth

Cr Shelley Deeming

Cr Sue Glen

Cr Phil Halse

Cr Cherry Hermon

Cr Greg Innes

Cr Greg Martin

Cr Sharon Morgan

Cr Anna Murphy

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

**1. Apologies**

**2. Reports**

**2.1 Representation Review**

**1**

**3. Closure of Meeting**

## 2.1 Representation Review

<b>Meeting:</b>	Council Briefing
<b>Date of meeting:</b>	28 February 2018
<b>Reporting officer:</b>	Kathryn Candy, Senior Legal Advisor Dale Ofoske, Electoral Officer, Independent Election Services Ltd

### 1. Purpose

To inform Council of the upcoming representation review and obtain Council's view on whether there should be any change to the current representation arrangements. Guidance will also be sought on a consultation plan for the review.

### 2. Background

#### 2.1. The Local Electoral Act 2001

The Local Electoral Act 2001 (LEA) requires all local authorities to undertake a representation arrangements review at least once every six years. Council's last review of its representation arrangements was undertaken in 2012, which took effect for the 2013 and 2016 triennial elections. That review tweaked some of the ward boundaries and retained the 13 councillors plus the Mayor as follows:

- Bream Bay Ward (2 councillors)
- Denby Ward (3 councillors)
- Hikurangi-Coastal Ward (2 councillors)
- Maungakahia-Maungatapere Ward (1 councillor)
- Okara Ward (4 councillors)
- Whangarei Heads Ward (1 councillor)

A review for the Whangarei District Council is now due to be undertaken in 2018, effective for at least the 2019 triennial elections.

The preliminary steps for this current review required Council to consider two issues - the choice of electoral system (FPP or STV) and whether to establish Māori wards. Council resolved on 12 September 2017 to retain the FPP electoral system (status quo) and resolved on 26 October 2017 not to establish Māori wards (status quo).

#### 2.2. Local Government Act 2002

In carrying out its review, Council is required to consider the purposes and principles of local government as set out in sections 3, 10 and 14 of the Local Government Act 2002 (LGA). The LGA places considerable emphasis on the ability of local authorities to reflect community diversity in their decision-making.

Section 3 of the LGA states:

*“The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities...”*

Section 10 of the LEA states:

*“The purpose of local government is:*

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.”*

Section 14 of the LGA includes the provisions that a local authority must act in accordance with, in performing its role. These principles include among others:

*“(1)(b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and*

*(1)(c) when making a decision, a local authority should take account of:*

- (i) the diversity of the community, and the community’s interests, within its district or region: and*
- (ii) the interests of future as well as current communities; and*
- (ii) the likely impact of any decision on each aspect of well-being referred to in subparagraphs (i) and (ii); and*

*(1)(d) a local authority should provide opportunities for Māori to contribute to its decision-making processes.”*

### **2.3. Local Electoral Act 2001**

Part 1A of the LEA sets out the processes and timeframes for local authorities to follow when undertaking representation arrangement reviews. Included in this section are the three key principles that territorial authorities must consider when undertaking a review. These are:

- (i) communities of interest*
- (ii) effective representation*
- (iii) fair representation (+/- 10% rule)*

Territorial authorities are also required to consider:

- total number of councillors
- number of wards, boundaries and names
- number of councillors to be elected from each ward
- communities and community boards

#### **(i) Communities of Interest**

The Local Government Commission (LGC) in its June 2017 ‘Guidelines for local authorities undertaking representation reviews’, advises territorial authorities to ensure that representation proposals provide effective representation of communities of interest in their district. Determining effective representation is based on considering the identified communities of interest which in turn becomes the determinant in selecting the overall representation arrangements of a territorial authority.

The term “community of interest” is not defined by statute. It is a term that can mean different things to different people, depending on an individual’s or group’s perspective from time to time.

In a general sense, the LGC is of the view that a community of interest is the 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*. Geographic features and the roading network can affect the sense of belonging to an area. The community of interest can often be identified by access to the goods and services needed for ordinary everyday existence. Another community of interest factor could be the rohe or takiwa area of tangata whenua.

The LGC, through previous reviews, views a community of interest as usually having a number of defining characteristics, which may include:

- a sense of community identity and belonging;
- similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community;
- similarities in economic activities;
- dependence on shared facilities in an area, including schools; recreational and cultural facilities and retail outlets;
- physical and topographic features;
- the history of the area; and
- transport and communication links.

As communities of interest may alter over time, territorial authorities need to give careful attention to identifying current communities of interest within their region when undertaking representation reviews.

## **(ii) Effective Representation**

The number of councillors for territorial authorities must fall within the statutory limits of between 5 and 29. Section 19T of the LEA requires territorial authorities to ensure:

- that the number and boundaries of wards will provide effective representation of communities of interest within the district; and
- that ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
- that so far as is practicable, ward boundaries coincide with the boundaries of any community boards.

The LGC in its guidelines provides the following principles that territorial authorities could apply when considering this issue:

- a recognised community of interest should not be split between electoral boundaries;
- grouping together two or more communities of interest that share few commonalities of interest should be avoided;
- accessibility, size and configuration of an area should be considered:
  - would the population have reasonable access to its elected members and vice versa?
  - would elected members be able to effectively represent the views of their electoral constituency?
  - would elected members be able to attend public meetings throughout their area, and provide reasonable opportunities for their constituents to have face-to-face meetings?

## **(iii) Fair Representation**

Fair representation is defined as a democratic model where there is a reasonable ratio of elected members per head of population; assurance that elected members are in reasonable geographic proximity to citizens for easy contact, and there is sufficient opportunity for representation and involvement of communities of interest. There should be a strong link between elected members and their wards so as to promote a healthy democracy, protect citizens' rights and ensure that

their views and opinions are heard. For this to be achieved, elected members must be able to respond to the interest and demands of their wards (if applicable).

Section 19V of the LEA, as it relates to wards, states:

1. *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.*
2. *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.*

In essence, this is the requirement for the population of each ward (if applicable) divided by the number of elected councillors to be elected by that ward, so that it does not exceed +/-10% of the population of the region divided by the total number of elected councillors.

### 3. Process

The formula for calculating the number of elected councillors outlined in legislation is based on principles that promote fair and effective representation of communities of interest. It is also clear that contradictions can arise between a population-based formula for calculating councillor numbers and the number of councillors that are actually needed to effectively represent particular interests.

This briefing is to consider different representation arrangements scenarios, in order that a preferred option can be identified and actioned as per the timetable outlined in this report.

#### 3.1. Identifying Communities of Interest

The first process is to identify the territorial authority's communities of interest, which reflect the various (and can sometimes be quite different) communities. Similar communities of interest can be grouped together e.g. rural farming could consist of a number of similar communities of interest, so could be grouped together into one. The Whangarei urban area could also be categorised as one cluster of similar communities of interest.

Council at their 2012 review, considered the following communities of interest:

- urban Whangarei (Denby and Okara Wards)
- coastal/farming north and northeast (Hikurangi-Coastal and Whangarei Heads Wards)
- coastal/farming south (Bream Bay Ward)
- hinterland rural/farming (Mangakahia-Maungatapere Ward)

The above communities of interest are not definite boundaries and may only provide a basis for representation. However, it is considered that they are still relevant when undertaking the 2018 representation arrangements review.

### **3.2. Identifying Effective Representation**

There can be between 5 and 29 councillors. In determining the exact number, elected members must be mindful of the physical size of the district, the number of communities of interest, and the need to meet the workload requirements of the Council. Workloads involve not only the operational demands of attending Council and committee meetings but also the demands that individual councillors face in order to provide effective representation and engagement.

In considering the effectiveness of representation, members will need to consider the following factors:

- a district-wide approach to the optimum number of elected councillors for successful governance;
- an elected councillor focuses on long-term planning, setting of policy, community consultation and advocacy;
- a management focus on operational improvements and greater performance;
- a robust and sustainable government and management structure to meet demands such as legislative requirements, population growth, economic development and lifestyle trends.

### **3.3. Identifying Fair Representation**

Once communities of interest and effective representation have been established (number of councillors in total, number and boundaries of wards and number of councillors per ward, if applicable), elected members will need to apply the principles of fair representation and ensure the +/- 10% rule is met - if at all practicable. There is some lee-way in the +/-10% rule (splitting communities of interest, isolation) but should the +/-10% rule not comply, the review process will need to be forwarded to the LGC for their determination.

### **3.4. Communities and Community Boards**

Each territorial authority is also required to consider communities and community boards (section 19J LEA). Such consideration is to include:

- whether there should be communities and community boards;
- if so, the nature and structure of any community board (includes number, names, boundaries, number members to elected and appointed, whether subdivided or not etc.).

Whangarei District Council currently does not have community boards established.

### **3.5. Population Estimates**

The LEA requires Council to use the most up to-date population statistics, available from Statistics New Zealand. Table One, overleaf, shows the estimated population (as at 30 June 2017) of each of Council's current wards.

**Table 1 – Current situation**

<i>Ward</i>	<i>Pop</i>	<i>Crs</i>	<i>Average</i>	<i>Fits Rule</i>	<i>% Variation</i>
Bream Bay	13,500	2	6,750	Yes	-2.18%
Denby	21,400	3	7,133	Yes	+3.37%
Hikurangi-Coastal	13,250	2	6,625	Yes	-4%
Maungakahia-Maungatapere	6,330	1	6,330	Yes	-8.27%
Okara	28,300	4	7,075	Yes	+2.52%
Whangarei Heads	6,930	1	6,930	Yes	+0.42%

89,710 divided by 13 members = 6,901. +/- 10% would equal a range of 6,211 – 7,591.

## 4. Options

The following are some options Council could consider. Maps detailing these options will be provided at the briefing.

### Option 1 (status quo):

- 13 councillors
- 6 wards (1-4 councillors per ward as in above table)
- complies with fair representation (+/- 10% rule)
- no community boards

### Option 2 (modified status quo)

- 13 councillors
- 6 wards (1-4 councillors per ward as in above table)
- slightly modified boundaries to better reflect communities of interest (e.g. Bream Bay Ward)
- complies with fair representation (+/- 10% rule)
- no community boards

### Option 3 (reduced wards)

- 13 councillors
- 3 wards
  - Urban (Denby and Okara Wards), 7 councillors
  - Northeastern (Hikurangi-Coastal and Whangarei Heads Wards), 3 councillors
  - Southwestern (Bream Bay and Maungakahia-Maungatapere Wards), 3 councillors
- complies with fair representation (+/- 10% rule), however, a total of 10, 11 or 12 councillors would not comply with the +/-10% rule using current amalgamated ward boundaries.
- no community boards
- 89,710 divided by 13 members = 6,901. +/- 10% would equal range of 6,211 – 7,591
- Table 2, overleaf, describes the effects of this option



**Table 2: Option 3**

<i>Ward</i>	<i>Pop</i>	<i>Crs</i>	<i>Average</i>	<i>Fits Rule</i>	<i>% Variation</i>
Urban (Denby & Okara Wards)	49,700	7	7,100	Yes	+2.88%
Northeastern (Hikurangi-Coastal & Whangarei Heads Wards)	20,180	3	6,727	Yes	-2.52%
Southwestern (Bream Bay & Mangakahia-Maungatapere Wards)	19,830	3	6,610	Yes	-4.22%

**Option 4 (reduced number of councillors and wards)**

- 9 councillors
- 3 wards
  - Urban (Denby and Okara Wards), 5 councillors
  - Northeastern (Hikurangi-Coastal and Whangarei Heads Wards), 2 councillors
  - Southwestern (Bream Bay and Maungakahia-Maungatapere Wards), 2 councillors
  - complies with fair representation (+/- 10% rule), however, a total of 10, 11 or 12 councillors would not comply with the +/-10% rule using current amalgamated ward boundaries
  - no community boards
- 89,710 divided by 9 members = 9,967. +/- 10% would equal range of 8,970 – 10,963

**Table 3: Option 4**

<i>Ward</i>	<i>Pop</i>	<i>Crs</i>	<i>Average</i>	<i>Fits Rule</i>	<i>% Variation</i>
Urban (Denby & Okara Wards)	49,700	5	9,940	Yes	-0.27%
Northeastern (Hikurangi-Coastal & Whangarei Heads Wards)	20,180	2	10,090	Yes	+1.23%
Southwestern (Bream Bay & Mangakahia-Maungatapere Wards)	19,830	2	9,915	Yes	-0.52%

**Option 5 (at large)**

- at large (no wards)
- between 5-29 councillors (could be 13, or more, or less)
- compliance with fair representation (+/- 10% rule) not applicable
- could introduce community boards to provide local representation

**Option 6 (mixture)**

- mixture (at large and wards)
- 13 councillors
  - 4 elected at large
  - 9 elected from 3 wards
    - Urban (Denby and Okara Wards) 5 councillors

- Northeastern (Hikurangi-Coastal and Whangarei Heads Wards) 2 councillors
- Southwestern (Bream Bay and Maungakahia-Maungatapere Wards) 2 councillors
- complies with fair representation (+/- 10% rule)
- no community boards
- 89,710 divided by 9 members = 9,967. +/- 10% would equal range of 8,970 – 10,963

**Table 4: Option 6**

<i><b>Ward</b></i>	<i><b>Pop</b></i>	<i><b>Crs</b></i>	<i><b>Average</b></i>	<i><b>Fits Rule</b></i>	<i><b>% Variation</b></i>
Urban (Denby & Okara Wards)	49,700	5	9,940	Yes	-0.27%
Northeastern (Hikurangi-Coastal & Whangarei Heads Wards)	20,180	2	10,090	Yes	+1.23%
Southwestern (Bream Bay & Mangakahia-Maungatapere Wards)	19,830	2	9,915	Yes	-0.52%

## 5. Process of the review

### 5.1. Informal Consultation

It is recommended that informal consultation of the options be made to the following key partners and stakeholders over the next several months in order to provide feedback to elected members prior to their resolution of the initial proposal:

- Community and commercial groups/organisations;
- Iwi;
- Federated Farmers;
- Other identified key community and business stakeholders.

### 5.2. Proposed Review Timetable

Following informal consultation and once Council has identified and agreed its initial proposal, public notice is given providing a minimum 1-month submission period.

Following this, and within a 6-week period, Council must hear any submissions, agree to a final proposal and make a further public notice. A minimum 1-month objection/appeal period then occurs. Should any objection or appeal be received, the whole review process is required to be referred to the Local Government Commission for their determination.

The proposed representation arrangements review timetable is provide at Table 5 below.

**Table 5: Representation review timetable**

Council Workshop 1 (overview)	16 August 2017
Council Workshop 2 (briefing)	28 February 2018
Te Karearea Meeting (briefing)	21 March 2018
Key stakeholders' pre-consultation	March – May 2018
Council Workshop 3 (options considered)	May 2018
Council meeting (initial proposal)	31 May 2018
Public notice	6 June 2018
Submission period	6 June – 6 July 2018
Hearings	30 July – 3 August 2018
Council meeting (final proposal)	6 - 10 August 2018
Public notice	15 August 2018
Objection/appeal period	15 August – 14 September 2018
Forward material to LGC (if required)	1 October 2018
LGC decision (if required)	by 10 April 2019