

Whangarei District Council Meeting

Supplementary Agenda

Date: Thursday, 27 September, 2018

Time: 10:30 am

Location: Committee Room 1
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.

6. Decision Reports

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6.2 Representation Review 2018 – Final Proposal

Meeting: Whangarei District Council
Date of meeting: Thursday 27 September 2018
Reporting officer: Kathryn Candy, Senior Legal Advisor

1 Purpose

To resolve a final proposal for the review of representation arrangements that will apply for the Whangarei District Council 2019 and 2022 triennial elections.

2 Recommendations

That Council:

1. Receives this report.
2. Approves the submissions report attached to this report.
3. Resolves, pursuant to section 19N of the Local Electoral Act 2001 and having considered and deliberated on the submissions received, to adopt the initial proposal as the final proposal for the review of representation arrangements for the 2019 and 2022 triennial elections as follows:
 - (i) Whangarei District Council to comprise 13 councillors elected under the ward system, plus the mayor elected at large;
 - (ii) Whangarei District Council be divided into six wards, these being:

Bream Bay Ward (two councillors) being the existing ward comprising the area delineated on Plan LG-002-2012-W-4 deposited with Land Information New Zealand with the exclusion of a small northern area (Smeaton Drive, Acacia Drive, Wattle Lane area). The proposed new ward boundary is shown on Attachment 1;

Denby Ward (three councillors) being the existing ward comprising the area delineated on Plan LG-002-2012-W-5 deposited with Land Information New Zealand, with the inclusion of a small northern area from the current Hikurangi-Coastal Ward (Dip Road, Georgia Lane, Waipanga Road, Springs Flat Road). The proposed new ward boundary is shown on Attachment 2;

Hikurangi-Coastal Ward (two councillors), being the existing ward comprising the area delineated on Plan LG-002-2012-W-3 deposited with Land Information New Zealand, with the exclusion a small southern area (Dip Road, Georgia Lane, Waipanga Road, Springs Flat Road). The proposed new ward boundary is shown on Attachment 2;

Mangakahia-Maungatapere Ward (one councillor) being the existing ward comprising the area delineated on Plan LG-002-2012-W-2 deposited with Land Information New Zealand;

Okara Ward (four councillors) being the existing ward comprising the area delineated on Plan LG-002-2012-W-6 deposited with Land Information New Zealand, with the inclusion of a small southern portion (Smeaton Drive, Acacia Drive, Wattle Lane area). The proposed new ward boundary is shown on Attachment 1;

Whangarei Heads Ward (one councillor) being the existing ward comprising the area delineated on Plan LG-002-2012-W-7 deposited with Land Information New Zealand;

no community boards be established;

- (iii) The reason for the minor ward boundary alterations is to better reflect communities of interest.

4. Notes the submissions opposed to the initial proposal be declined on the following grounds:

- having considered the size, nature and diversity of the District, the total number of councillors remains at 13 (plus the mayor);
- the ward system best reflects the District's communities of interest and provides for better representation and councillor workload;
- the Bream Bay Ward name, boundaries and number of councillors remain, as this provides fair and effective representation to this particular community of interest;
- the issues of the electoral system and Māori wards have been previously considered and are outside of this review;
- the issues of candidate expenditure limits and the rating system in regard to the central business district are outside of this review;

5. Issues a public notice on 3 October 2018, providing the opportunity for appeals to be lodged in the period 3 October 2018 to 2 November 2018, noting that any appeal received is to be forwarded to the Local Government Commission for determination.

3 Background

3.1 The Local Electoral Act 2001 (LEA) requires every local authority to undertake a review of their representation arrangements at least once every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of these wards. Reviews also include whether there are to be community boards and if so, arrangements for these boards. Representation arrangements must provide fair and effective representation for individuals and communities.

3.2 Council last reviewed its representation arrangements before the 2013 triennial elections and is therefore required to undertake a review before the 2019 triennial elections.

3.3 Current representation arrangements are the mayor elected at large and 13 councillors elected from six wards:

Ward	Councillors
Bream Bay	2
Denby	3
Hikurangi-Coastal	2
Mangakahia-Maungatapere	1
Okara	4
Whangarei Heads	1

3.4 On 26 July 2018 Council considered options for representation of the Whangarei District and resolved to adopt the following initial proposal:

- retain 13 councillors elected from six wards with no community boards;
- the mayor to be elected at large;
- change the following ward boundaries to better reflect communities of interest:
 - a. move the Bream Bay/Okara Ward boundary so that the area around Smeaton Drive, Acacia Drive and Wattle Lane move from being in the Bream Bay Ward to being in the Okara Ward.
 - b. move the Denby/Hikurangi-Coastal Ward boundary so that the area around Dip Road, Georgia Lane, Waipanga Road and Springs Flat Road move from being in the Hikurangi-Coastal Ward to being in the Denby Ward.

3.5 Notice of the initial proposal was published on 1 August 2018 advising of the initial proposal and inviting public submissions. The submission period was from 1 to 31 August 2018.

3.6 Council received six submissions on the initial proposal with no submitters wanting to be heard on their submission.

3.7 On Tuesday 11 September 2018 Council considered those submissions and approved the recommendations in the submissions report which was for no change to the initial proposal.

4 Discussion

4.1 Out of the six submissions that were received four were against the initial proposal, one in favour and one was focused purely on Māori representation.

4.2 The submissions received raised the following issues:

- the Bream Bay Ward – change the name, keep the current ward boundary and increase the number of councillors in that ward;
- introduce Māori Wards;
- recognise the central business district as a separate community of interest;
- not to introduce community boards;
- reduce the number of councillors;
- have an at large system;
- replace first past the post with single transferable vote electoral system;
- limit campaign spending during elections.

- 4.3** Council considered those submissions and has approved the submissions report attached.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

6 Attachment

Submissions Report

Representation Review 2018

Issues raised from submissions

Rename the Bream Bay Ward

Staff analysis:

As part of the representation review Council must consider whether the names of the wards are appropriate. Council resolved on 26 July 2018 to keep the Bream Bay ward name. The submitter has not proposed any alternative name.

Staff recommendation:

As no alternative name has been proposed, staff recommend that the ward name remains as the Bream Bay Ward and the initial proposal is not changed

Keep the current boundary for the Bream Bay Ward

Staff analysis:

The submission on this point appears to be focused on the Takahiwai area and not the area that is proposed to be moved from the Bream Bay Ward into the Okara Ward. The initial proposal does not move the Bream Bay Ward boundary at any other point.

Staff recommendation:

That due to the identification of the Smeaton Drive area as being more connected to the urban ward of Okara than to the rural ward of Bream Bay, it is recommended that this boundary change remain and the initial proposal is not changed.

Increase the number of councillors for the Bream Bay Ward from two to four

Staff analysis:

A review of the representation arrangements of Council must consider whether there is fair representation of the citizens of the District. That requires that each councillor represents about the same number of people, within a plus or minus ten percent range.

The population of the Bream Bay Ward (whether including the proposed change to the ward boundary or not) does not support an increase in the number of councillors from two to four. If four councillors were to represent that ward the variation from the average number of councillors would be in a range of between -51.09 and -54.09.

Council can go outside this plus/minus ten percent range, but if so the final proposal would be referred to the Local Government Commission to determine whether the proposal is appropriate. Due to the substantial variance, it is unlikely that the Commission would agree to such a proposal without considerable evidence of the benefit of such a variance.

Staff recommendation:

No change to the initial proposal.

Introduce Maori Wards

Staff analysis:

The issue of whether Maori Wards should be introduced does not form part of this representation arrangements review. Council resolved on 26 October 2017 to retain the status quo of no Maori Wards for the 2019 election.

Council can, however, resolve at any time to introduce Maori Wards or hold a poll to determine the issue. Electors can also demand a poll. If Maori Wards were to be introduced for the 2019 election, Council would have had to have resolved to do so by 23 November 2017. For the results of a poll on this issue to take effect for the 2019 election, a demand for a poll by electors, or a resolution by Council to hold a poll must have been made by 21 February 2018.

If a resolution to introduce Maori Wards or a demand for a poll/resolution to hold a poll occurs after these dates, the effect of that decision or poll will apply to subsequent elections (i.e. the 2022 and 2025 elections).

Any introduction of Maori Wards will trigger a further representation arrangements review.

Staff recommendation:

As Maori Wards are out of the scope of this representation arrangements review, staff recommend that the initial proposal is not changed.

Recognise the Whangarei central business district as a separate community of interest – the current proposal does not comply with the requirement for fair representation

Staff analysis:

Currently the central business district is located in the Okara Ward which is represented by four councillors. The requirements for fair representation are that each councillor represents about the same number of people, within a plus or minus ten percent range. The current proposal meets this fair representation requirement.

Staff recommendation:

No change to the initial proposal.

No community boards

Staff analysis:

The initial proposal does not introduce community boards, therefore there is no need to change the initial proposal based on this submission.

Staff recommendation:

No change to the initial proposal.

Other cities and communities in New Zealand produce good results with one councillor per 15000 population. Why are we so different?

Staff analysis:

Council must choose between 5 and 29 councillors for the Whangarei District. When deciding on how many councillors there should be, Council must consider the size, nature and diversity of the District. Through the review process Council considered fewer councillors. Having considered the size, nature and diversity of the District, Council resolved through the initial proposal to retain 13 councillors.

Staff recommendation:

No change to the initial proposal.

Reduce the number of councillors

Six "at large" elected councillors plus the Mayor elected "at large"

Staff analysis:

Through the review process Council did consider having fewer councillors. Having considered the size, nature and diversity of the District, Council resolved through the initial proposal to retain 13 councillors.

Staff recommendation:

No change to the initial proposal.

**Abolish the ward system
Adopt an “at large” system**

Staff analysis:

As part of this representation review Council did consider abolishing the wards and having an “at large” system. Council resolved to retain the ward system, noting that an “at large” system may result in councillors coming from one area of the District and that an at large system could be difficult in regard to travelling around the community as the distances would be great.

Staff recommendation:

No change to the initial proposal.

Reduce the number of councillors from 13 to nine to allow for better remuneration (and therefore more qualified candidates) and the opportunity to make decisions more quickly

Staff analysis:

The remuneration of councillors is set by the Remuneration Authority. The Authority takes into consideration the following factors when setting remuneration.

- the fair relativity with comparable positions,
- the need to be fair to both the councillors and the ratepayer,
- the requirements of the job,
- the need to recruit and retain competent individuals; and
- any prevailing adverse economic conditions.

Through the review process Council considered fewer councillors. Having considered the size, nature and diversity of the District, Council resolved through the initial proposal to retain 13 councillors.

Staff recommendation:

No change to the initial proposal.

Replace the electoral system from first past the post to single transferable vote

Staff analysis:

As the decision about which electoral system to use for the next election has already been made, Council is not now able to consider this issue.

Staff recommendation:

No change to the initial proposal.

Limit campaigning spending to ensure an even playing field during election periods

Staff analysis:

The limits on electoral expenses are set by the Local Electoral Act 2001 and depend on the population of the district. Council is not able to consider this issue within this representation review process.

Staff recommendation:

No change to the initial proposal.

The ward system does not act fairly to the central business district – has failed to review the SUIPs rating system

Staff analysis:

The ward system is not connected to the setting of rates, therefore Council is not able to consider this issue within this representation review process.

Staff recommendation:

No change to the initial proposal.

Wards promote parochial decision making instead of acting in the best interests of the whole district.

Staff analysis:

Councillors are required to act in the best interests of the Whangarei district as a whole. This requirement is captured in the oath that each elected member takes when coming into office.

Staff recommendation:

No change to the initial proposal.

6.2 Representation Review 2018 – Final Proposal – additional information

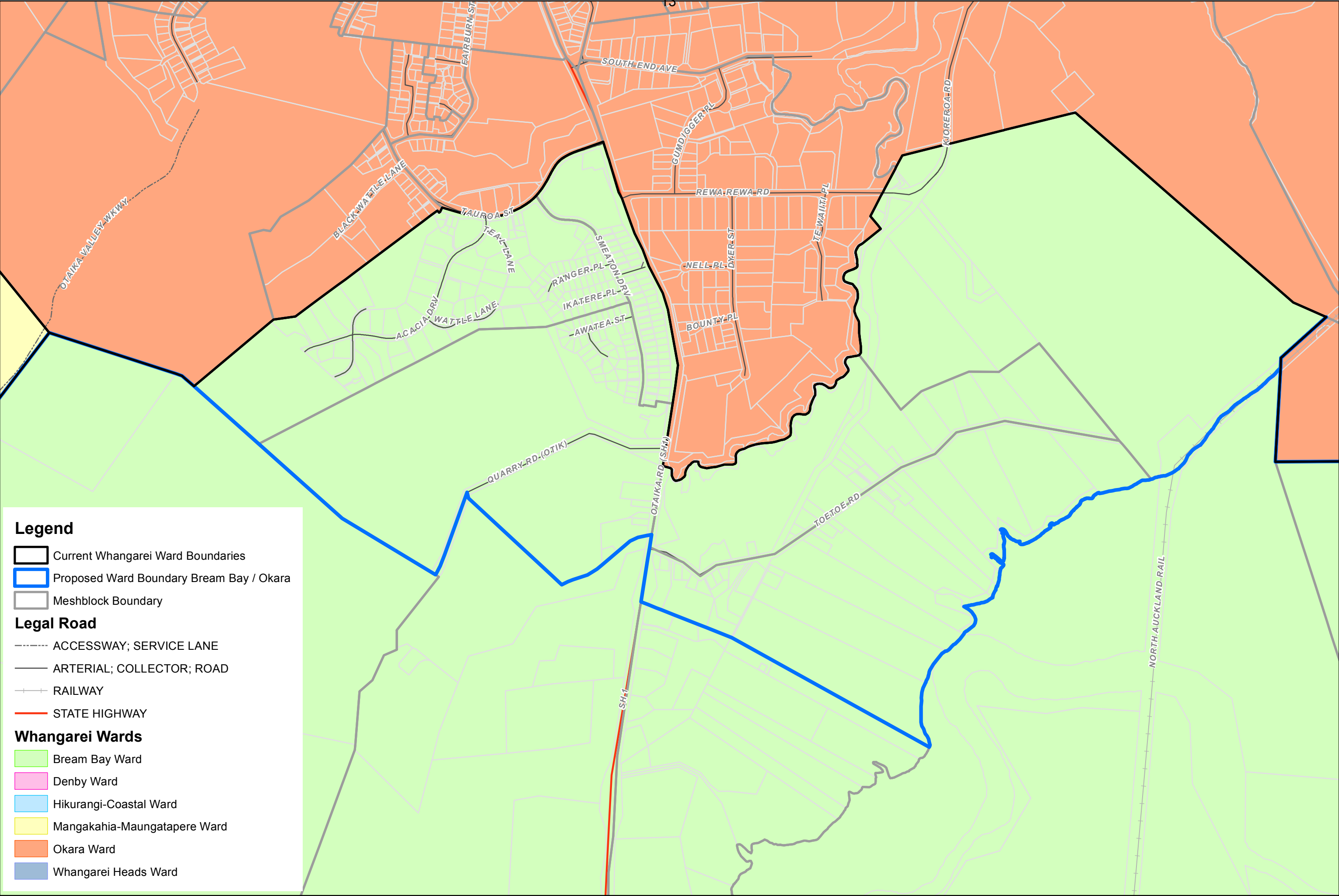
Meeting: Whangarei District Council
Date of meeting: 27 September 2018
Reporting officer: Kathryn Candy, Senior Legal Adviser

1 Purpose

To provide the maps of the proposed ward boundary changes that were inadvertently missed off the agenda item Representation Review 2018 – Final Proposal.




2 Attachments

1. Ward Boundary Map – Bream Bay and Okara Wards
2. Ward Boundary Map – Denby and Hikurangi-Coastal Wards



Proposed Ward Boundary - Bream Bay / Okara





Legend

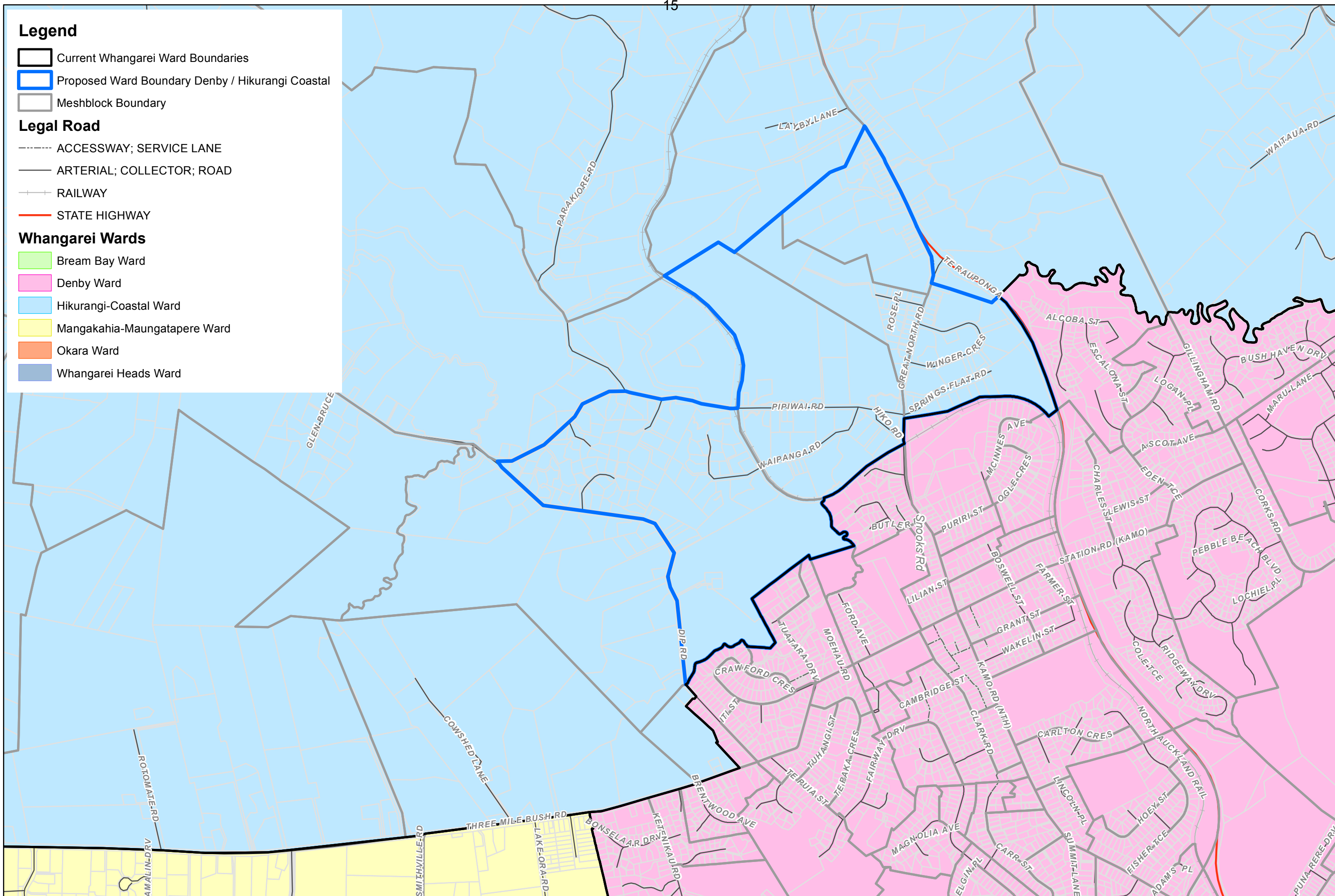
-  Current Whangarei Ward Boundaries
 Proposed Ward Boundary Denby / Hikurangi Coastal
 Meshblock Boundary

Legal Road

- ACCESSWAY; SERVICE LANE
 ————— ARTERIAL; COLLECTOR; ROAD
 + + + RAILWAY
 ——— STATE HIGHWAY

Whangarei Wards

-  Bream Bay Ward
-  Denby Ward
-  Hikurangi-Coastal Ward
-  Mangakahia-Maungatapere Ward
-  Okara Ward
-  Whangarei Heads Ward



Proposed Ward Boundary - Denby / Hikurangi-Coastal

RESOLUTION TO EXCLUDE THE PUBLIC**Move/Second**

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Closed Minutes Whangarei District Council Meeting 30 August 2018	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Appointment to Northland Events Centre Trust		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	For the reasons as stated in the open minutes	
1.2	To protect the privacy of natural persons including that of a deceased person.	Section 7(2)(a))

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note: Every resolution to exclude the public shall be put at a time when the meeting is open to the public.