
REPORT 1

(1225/07/06/IM & 1215/52/IM)

**REVIEW OF REPRESENTATION ARRANGEMENTS FOR
THE 2007 LOCAL AUTHORITY ELECTIONS**

1. Purpose of Report

The purpose of this report is to:

- present for the Committee's consideration the submissions received on the Council's notified representation arrangement proposal for the 2007 local authority elections and to provide relevant background information on these submissions
- provide relevant information to enable the Committee to develop a set of recommendations for the Council's consideration at its meeting on 27 September 2006
- outline the process the Council is required to follow now that the submissions have closed.

2. Executive Summary

A total of 598 submissions have been received on the Council's initial representation review proposal.

The Council is required to consider these submissions and to hear oral submissions from any of the submitters who wish to appear before the Council in support of their written submissions. All submitters were advised of their right to be heard and twenty eight accepted the invitation to do so.

Following its consideration of both the written and oral submissions the Council is required to either confirm or amend its initial proposal and to publicly notify its final decision, all within six weeks of the closing date for the receipt of the submissions.

If any appeals or objections are received on the Council's final proposal the matter must be referred to the Local Government Commission (LGC) for its determination. The Commission's decision, which must be issued no later than 11 April 2007, is final and can only be appealed to the High Court as being erroneous in point of law. The determination will come into force for the 2007 local authority elections.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Consider the written and oral submissions received on the Council's proposed representation arrangements for the 2007 local authority elections, as publicly notified on 8 July 2006.*
3. *Recommend to Council that:*
 - (i) *The decision to elect the members of the Wellington City Council (other than the Mayor) under the ward system for the 2007 local authority elections be confirmed.*
 - (ii) *The Council's initial proposal to divide the city into five wards for electoral purposes, as approved by the Council at its meeting on 28 June 2006 and publicly notified on 8 July 2006, be confirmed and that the names of those wards and the suburban communities of interest comprised within each of those wards be as follows:*
 - (a) **Northern Ward**
Comprising Churton Park, Glenside, Grenada North, Grenada Village, Horokiwi, Johnsonville, Newlands, Ohariu, Paparangi, Takapu Valley, Tawa and Woodridge (the boundaries of which are as shown on the attached Northern Ward Boundary Map dated 28 June 2006 - Appendix 1).
 - (b) **Onslow/Western Ward**
Comprising Broadmeadows, Crofton Downs, Kaiwharawhara, Karori, Khandallah, Makara, Makara Beach, Ngaio, Ngauranga, Northland, Wadestown and Wilton (the boundaries of which are as shown on the attached Onslow/Western Ward Boundary Map dated 28 June 2006 - Appendix 2).
 - (c) **Lambton Ward**
Comprising Aro Valley, Part Brooklyn, Highbury, Kelburn, Mt Cook, Mt Victoria, Oriental Bay, Pipitea, Te Aro, Thorndon and Wellington Central (the boundaries of which are as shown on the attached Lambton Ward Boundary Map dated 28 June 2006 - Appendix 3).
 - (d) **Southern Ward**
Comprising Berhampore, Part Brooklyn, Island Bay, Kingston, Mornington, Newtown, Owhiro Bay, and Vogeltown (the

boundaries of which are as shown on the attached Southern Ward Boundary Map dated 28 June 2006 - Appendix 4).

(e) ***Eastern Ward***

Comprising Breaker Bay, Hataitai, Houghton Bay, Karaka Bays, Kilbirnie, Lyall Bay, Maupuia, Melrose, Miramar, Moa Point, Rongotai, Roseneath, Seatoun, Southgate and Strathmore Park (the boundaries of which are as shown on the attached Eastern Ward Boundary Map dated 28 June 2006 - Appendix 5).

Note

The current ward boundaries do not comply with the “fairness” provisions of the Local Electoral Act 2001 (LEA) in that the Lambton Ward is under represented by 13.77% and the Eastern Ward is over represented by 12.66%.

Three relatively major changes to the current boundaries are proposed in order to ensure that the fairness provisions of the Act are met. The proposal recommends the transfer of Roseneath from the Lambton Ward to the Eastern Ward, Wadestown from the Lambton Ward to the Onslow/Western Ward and Southgate from the Southern Ward to the Eastern Ward.

A number of very minor meshblock adjustments were also incorporated in the Council’s initial proposal. These adjustments were proposed in an endeavour to ensure that the proposed ward boundaries followed the Council’s suburb boundaries (i.e. its communities of interest) as closely as possible. These meshblock adjustments affect approximately 20-30 properties only.

(iii) *The decision to retain the level of elected members (excluding the Mayor) at 14 be confirmed and that the distribution of those members between the five wards be as follows:*

<i>Northern Ward</i>	<i>3 Councillors</i>
<i>Onslow/Western Ward</i>	<i>3 Councillors</i>
<i>Lambton Ward</i>	<i>3 Councillors</i>
<i>Southern Ward</i>	<i>2 Councillors</i>
<i>Eastern Ward</i>	<i>3 Councillors</i>

(iv) (a) *The decision to extend the existing Makara/Ohariu Community to include the rural suburbs of Takapu Valley (excluding the suburban centre in Takapu Road) and Horokiwi (excluding Hutt Road) and for the altered community to be named the Wellington Rural Community (the boundaries of which are*

shown on the attached Wellington Rural Community Board Map dated 28 June 2006 - Appendix 6), be confirmed.

OR

- (b) *The decision to extend the existing Makara/Ohariu Community to include the rural suburbs of Takapu Valley (excluding the suburban centre in Takapu Road) and Horokiwi (excluding Hutt Road) and for the altered community to be named the Wellington Rural Community, be amended to include the suburb of Glenside as part of the proposed Wellington Rural Community (the boundaries of which are shown on the attached Wellington Rural Community Board Map dated 27 September 2006 - Appendix 7).*

OR

- (c) *The decision to extend the Makara/Ohariu Community to include the rural suburbs of Takapu Valley (excluding the suburban centre in Takapu Road) and Horokiwi (excluding Hutt Road) and for the altered community to be named the Wellington Rural Community be rescinded and that the Council resolve that the existing Makara/Ohariu Community Board continue to operate within its current boundaries, that the community not be subdivided for electoral purposes and that its existing membership of six elected members (and no appointed members) continue to be elected by the electors of the Makara/Ohariu community as a whole.*
- (v) (a) *The decision that the membership of the Wellington Rural Community Board consist of seven elected members and no appointed members be confirmed.*

OR

- (b) *The decision that the membership of the Wellington Rural Community Board consist of seven elected members and no appointed members be rescinded and that the Council resolve that the membership of the Wellington Rural Community Board consist of ten elected members and no appointed members.*
- (vi) (a) *The decision that the Wellington Rural Community not be subdivided for electoral purposes be confirmed.*

OR

- (b) *The decision that the Wellington Rural Community not be subdivided for electoral purposes be rescinded and that the Council resolve that the Wellington Rural Community be*

subdivided into three subdivisions for electoral purposes and that the names of the three subdivisions be as follows:

- *Makara*
- *Ohariu*
- *Horokiwi/Takapu*

(vii) (a) *The decision that the members of the Wellington Rural Community Board be elected by the electors of the community as a whole be confirmed.*

OR

(b) *The decision that the members of the Wellington Rural Community Board be elected by the electors of the community as a whole be rescinded and that the Council resolve that the distribution of those members between the three subdivisions be as follows:*

- *Makara Subdivision* 4 members
- *Ohariu Subdivision* 3 Members
- *Horokiwi/Takapu Subdivision* 3 Members

(viii) (a) *The decision to abolish the existing Tawa Community and the Tawa Community Board be confirmed.*

OR

(b) *The decision to abolish the existing Tawa Community and Tawa Community Board be rescinded and that the Council resolve that the Tawa Community Board continue to operate within its current boundaries, that the community not be subdivided for electoral purposes and that its existing membership of six elected members continue to be elected by the electors of the Tawa community as a whole, plus two appointed members.*

(ix) *The decision that no further community boards be established across the city at this time be confirmed.*

(x) *Agree that, once a decision has been made on which proposal the Committee supports, the Portfolio Leader Governance and the Chief Executive Officer be given authority to prepare the necessary resolutions in accordance with that decision, and in compliance with the relevant provisions of the Local Electoral Act, for consideration and adoption by the Council at its meeting on 27 September 2006.*

Note

Section 19N of the Local Electoral Act 2001 requires Council to give public notice of its final proposal following the consideration of submissions on its initial proposal. This public notice must "state the reasons for [any] amendments [to the earlier resolution] and the reasons for any rejection of submissions". In the event of

any appeals or objections to the Local Government Commission, these reasons are to be referred to the Commission. An outline of the reasons for any amendment to the Council's initial proposal or any rejection of submissions will be included in the Committee's recommendation to Council on 27 September 2006.

4. Background

The Council's "initial" representation proposal was adopted on 28 June 2006 and, in accordance with legislative requirements, the decision was publicly notified in the Dominion Post on 8 July 2006. The notice invited persons with an interest in the Council's proposed representation arrangements to make written submissions on it, with submissions closing at 5pm on Monday 28 August 2006.

In addition to the statutory requirements, the proposal was also notified to a significant number of stakeholders who had been identified, in the consultation plan approved by the Council on 28 June 2006, as having a particular interest in this issue. A copy of the Council's decision was also sent to the 198 people and organisations who had taken part in the "pre-review" consultation on the Council's review of its representation arrangements.

The basis of the Council's initial proposal was that:

- the members of the Wellington City Council (other than the Mayor) would be elected under the ward system for the 2007 local authority elections
- the city would be divided into five wards for electoral purposes and that the names of those wards, and the communities of interest comprised within each of the wards would be as they currently exist, with the exception of the following suburb transfers and minor meshblock boundary adjustments:
 - Roseneath from the Lambton Ward to the Eastern Ward
 - Wadestown from the Lambton Ward to the Onslow/Western Ward, and
 - Southgate from the Southern Ward to the Eastern Ward and
 - Minor meshblock boundary adjustments to follow the approved suburb boundaries between:
 - Johnsonville and Broadmeadows (affecting 12 properties)
 - Wadestown and Pipitea (affecting 9 properties)
 - Roseneath and Oriental Bay (no population involved)
 - Southgate and Island Bay (affecting 13 properties)
 - Takapu Valley and Tawa (no population involved)
 - Takapu Valley and Grenada North
 - Grenada Village and Grenada North (no population involved)

- the number of members to be elected by the electors of each of the wards, would be as follows:

Northern Ward	3 Councillors
Onslow/Western Ward	3 Councillors
Lambton Ward	3 Councillors
Southern Ward	2 Councillors
Eastern Ward	3 Councillors

- the existing Tawa Community and Tawa Community Board would be abolished.
- the Makara/Ohariu Community Board would be extended to include the rural suburbs of Takapu Valley and Horokiwi and that the altered community be named the Wellington Rural Community.
- the Wellington Rural Community Board would:
 - consist of seven elected members and no appointed members
 - not be subdivided for electoral purposes and its members would be elected by the electors of the community as a whole.
- no further communities would be constituted.

When submissions closed (at 5pm on Monday 28 August 2006) a total of 598 submissions had been received.

A further 35 submissions have been received since the closing date but, because they were received out of time, any appeal rights these submitters might have had against the Council's final decision will not apply on this occasion. These submitters have been advised of their position in this regard.

A full set of all written submissions, including those received after the closing date, has been sent to all elected members.

As required by section 19M(3)(ii) of the LEA, all submitters were given the opportunity to be heard by the Council in support of their submissions. A total of 28 submitters accepted the opportunity and were heard by the Strategy and Policy Committee over two days (i.e. 7 and 14 September 2006).

The Council is now required to consider these submissions and either confirm or amend its initial proposal.

5. Discussion

5.1 Summary of submissions received

A breakdown of the 598 submissions received is as follows:

Category	Number Received	Submission Numbers
General submissions	14	1 - 14
Submissions opposed to the proposed ward boundary options	12	15 - 26
Submissions proposing alternative ward boundaries	4	27 - 30
Submissions opposed to the abolition of the Tawa Community Board	538	31 - 568
Submissions in support of the abolition of the Tawa Community Board	13	569 - 581
Submissions on the proposal to extend the Makara/Ohariu Community Board	17	582 - 598
Submissions received out of time	35	599 - 633

5.2 Comment on submissions received

5.2.1 General submissions (Nos 1-14)

Fourteen submissions covering a range of issues were received. The issues raised in these submissions, some of which are not specifically related to the representation review, were as follows:

- Election of Councillors under the at large system
- Election of Councillors under a mixed system of representation (i.e. some elected by ward and some at large)
- Proposed ward boundaries
- Number of Councillors
- Retention and/or abolition of Community Boards
- Value of “pre-review” consultation
- Ward meetings
- Mayor’s casting vote
- Order of candidates’ names on voting documents

Of the fourteen submissions, four submitters supported the Council's proposal in all respects.

(a) Elections at large

A number of submitters (Nos 1, 2, 9, 11 and 13) indicated a preference for Councillors to be elected under an at large system. Their reasons for supporting a change of system included the following:

- It enables a more diverse representation of community of interests to be considered by the voting public
- An at large electoral system or a ward system with fewer (and therefore larger) wards electing more Councillors per ward is the most effective way of electing members under the STV electoral system
- Once elected Councillors are required to act in the best interests of the district as a whole (i.e. their primary responsibility is to all the communities of interest in the city ahead of acting in the best interests of their ward)
- The system ensures the best qualified candidates are elected and that all electors have the democratic right to have a say in the election of all Councillors
- Discourages the introduction of competing suburban interests at Councillor level, as are encouraged and promoted in a ward system
- All Councillors should be accountable to all the electors.

Comment

It is reasonably well acknowledged that an election at large, particularly under the STV voting system, is more likely to achieve diverse representation than an election held under a ward system would. It is also accepted that wards are for electoral purposes only and that, once elected, Councillors are required to act in the best interests of the city as a whole. The argument that increased accountability results if electors are given the opportunity to vote on all Councillors, is also valid.

The Council has elected its members under the ward system since 1986. The general feedback from the vast majority of electors over many years is that they prefer to elect their Councillors under the ward system. Electors are more likely to know the candidates standing in their ward and are therefore more likely to vote (in the first instance) and to approach them directly if and when they are elected. The chances of a more even spread of Councillors across the city is also much greater under the ward system.

In its determination issued on 7 April 2004, the LGC made the following comments in relation to the effective representation of communities of interest within Wellington city:

“that because of the diversity of the city, effective representation of communities of interest could only be achieved by Councillors being elected on a ward basis”

That statement was made knowing that the Council was required to hold its 2004 election under the STV voting system.

It is therefore recommended that the Council confirm its decision to elect its Councillors under the ward system for the 2007 local authority elections.

(b) Election under the mixed system

Two submitters (Nos 11 and 13) were in support of the Council being elected under a mixed system (i.e. some at large and some under the ward system). The general view was that a mix of both systems would give residents “personal” representation whilst giving the city the chance to secure the services of the best candidates available.

Comment

This system was first introduced in time for the 2004 elections and was used to elect members to the Tauranga City Council and the Kapiti Coast District Council. Because members are required to act in the best interests of the city as a whole, there is no functional difference in the decision-making role of members elected at large and members elected by the ward system.

Feedback on an option proposing the use of the mixed system was sought in the Council’s discussion document on the representation review. Although the at-large component (and fewer larger wards electing more members per ward) was identified as being an option that was likely to achieve the perceived benefits that the STV electoral system brings, only 11% of those who responded favoured this system for electing their Councillors.

(c) Proposed ward boundaries

One submitter (No 3) was opposed to the proposed transfer of both Wadestown (from Lambton to Onslow/Western) and Southgate (from Southern to Eastern) when just the transfer of Roseneath (from Lambton to Eastern) is sufficient to achieve the required fairness criteria.

Comment

See comments under Section 5.2.2.

(d) Number of Councillors

Three submitters (Nos 2, 4, and 9) expressed the view that the number of Councillors currently elected should be reduced (with numbers ranging from 7 to 10) for the following reasons:

- 10 well qualified candidates elected on a city-wide basis should be able to effectively and efficiently discharge the required Council responsibilities

- A smaller body concentrating on policy and legislative requirements and leaving implementation to its paid staff should provide decisive management of the City's assets and needs
- Easier for electors to select their preferred candidates under an at-large system
- Increase the accountability of the governing body.

Two submitters (Nos 10 and 13) wanted the numbers increased (one to 15 and the other to at least 23) for the following reasons

- By increasing the number to 15 will obviate the need for the Mayor to have a casting vote
- An increase to 23 will allow 3 or 4 people representing ethnic minorities to be elected to the Council.

Comment

There has been no strong push from the community for either an increase or a reduction in the number of elected members. The Council's membership was reduced from 20 (including the Mayor) to 15 by the LGC in 2004. To significantly reduce the numbers again so soon is unlikely to receive wide support from the community.

Although the LEA allows for the establishment of separate Maori Wards, there is no provision in the Act which allows for the election of people to represent ethnic minorities as proposed.

(e) Community Boards

One submitter (No 14) was strongly opposed to the abolition of the Tawa Community Board and favoured the introduction of other community boards across the city.

Four submitters (Nos 4, 9, 10 and 13) supported the abolition of both the existing community boards and were opposed to the establishment of any more.

One submitter (No 2) supported the proposal to create a Wellington Rural Community Board but considered that a membership of 5 (rather than the proposed 7) should be sufficient to cover the special responsibilities for the common issues arising in the rural community of interest.

One submitter (No 11) supported the Council's proposal to abolish the Tawa Community Board and to extend the Makara/Ohariu Community Board into a Wellington Rural Community Board.

Comment

See comments under Sections 5.2.4, 5.2.5 and 5.2.6.

(f) Pre-review consultation

One submitter (No 1) questioned the validity and the value of the results of the pre-review consultation that the Council undertakes prior to the formal statutory representation review process.

Comment

While not a legal requirement, this pre-review consultation has been undertaken by the Council for at least the last four representation reviews.

It is acknowledged that the number of people who take part in this process is not large; however it is still considered appropriate to invite input into the review process before the Council adopts its initial decision.

(g) Ward meetings

Two submitters (Nos 5 and 12) requested that the previous practice of holding of regular ward meetings be reinstated. The reasons why these meetings should be re-introduced are strongly advocated in a submission from Mr Andis (Submission No 12).

Comment

This is not a representation review matter. The issues raised in these submissions are being considered under the Communication and Participation Project where Council has been looking at different methods for engaging with the public.

(h) Mayor's casting vote

The issue of the Mayor having a casting vote was raised by three submitters (Nos 5, 12 and 13). In their view it is undemocratic for the Mayor to have the power to exercise a casting vote particularly if there are 15 members on Council (including the Mayor).

Comment

This is not a representation review issue. Council has resolved to keep the casting vote provision in its Standing Orders.

(i) Order of candidates names on voting document

One submission (No 8) was received in respect of the order in which candidates names should appear on the voting document when the election is being held under the STV system. In the submitter's view the candidates' names should be listed in a random order.

Comment

The submitter has been advised that his concerns will be referred to the Council for its consideration when this issue is discussed next year as part of the election process.

5.2.2 Submissions opposed to the proposed ward boundaries (Nos 15-26)

Eighteen submissions were received opposing the proposed ward boundaries identified by the Council in its notified proposal. Eleven of these submissions related to the proposal to transfer Roseneath from the Lambton Ward to the Eastern Ward, one against the proposal to shift Wadestown (from Lambton to Onslow/Western) and two against the transfer of Southgate from (Southern to Eastern). Five submitters offered alternative ward boundary options for the Council's consideration.

Comment

If the Council chooses to divide its district into wards (to elect its Councillors) or subdivisions (to elect its community board members), it must ensure that all electors receive fair representation, taking into account the population of every ward or subdivision within its district.

Section 19V(2) of the Local Electoral Act 2001 requires the Council to 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 (other than the Mayor, if any).”

In carrying out its review, the Council is required to use the “ordinarily resident population” figures derived from either the most recent Census or, if those figures are out of date, from a more recent population estimate prepared by Statistics New Zealand.

Because the 2006 census night figures were not going to be available until later this year and the 2001 figures are now well out of date, the Council obtained a certificate from Statistics New Zealand providing the city's estimated population figures as at 30 June 2005, at both the ward and suburb level. These updated figures were used to develop the various proposals that the Council looked at and included in its public discussion document before adopting its initial proposal in June 2006. They are also the figures used when calculating the population per member ratios for the alternative proposals put forward by some of the submitters.

The updated figures were based on the existing ward boundaries and are as follows:

Northern Ward	42,400
Onslow/Western Ward	37,000
Lambton Ward	45,200
Eastern Ward	34,700
Southern Ward	25,800
Total	185,100

Although the feedback from the community indicated that no major changes to the current 5 ward, 15 member Council (including the Mayor) were required, the retention of the “status quo” was not an option because the fairness criteria could not be met. Under the status quo (i.e. with no boundary adjustments) the population ratio per member for both the Lambton and Eastern Wards are now outside the permitted variance of +/- 10%. Lambton Ward is 13.77% under represented and Eastern Ward is over represented by 12.66%.

If the 5 ward, 15 member option is to be retained some boundary adjustments are therefore required.

Roseneath

The Roseneath Residents’ Association is strongly opposed to the proposed transfer of Roseneath from Lambton to Eastern. In their submission (No 15) they have clearly indicated the reasons why their community of interest is focused towards the city (and therefore the Lambton Ward) and not with the Eastern Ward.

Their position is supported by the Oriental Bay Residents Association (Submission No 16) who has also set out a number of valid “community of interest” reasons why Roseneath should not be transferred to the Eastern Ward.

Both Associations were heard by the Strategy and Policy Committee on 7 September 2006 in support of their submissions. Nine individual submitters also put forward strong arguments against the proposed transfer.

The arguments and concerns put forward by the submitters are well understood; however the legislation requires the Council to provide fair representation for all electors. Without significant boundary changes (which appear to have little or no support) there are no other logical communities of interest that can be transferred to resolve the fairness issue.

It is important to remember that wards are for electoral purposes only and that once elected, members are required to act in the best interests of the city as a whole. Although not a compelling factor, it is of interest to note that Roseneath is included in the Rongotai Parliamentary Electorate and not Wellington Central (i.e. the Council’s

proposed ward boundary will be consistent with the existing parliamentary electorate boundary).

Wadestown and Southgate

The Wellington Chamber of Commerce (No 3) are quite right to point out that the transfer of either Wadestown or Southgate is not needed in order to achieve the required fairness criteria. The criteria can be met (although marginally) by the transfer of Roseneath to the Eastern Ward alone.

Their point that any boundary changes under a ward system should be kept to a minimum in order to maintain the integrity of the ward system, is well made. The electors need to have a reasonable level of surety that the boundaries are not going to change every time a review takes place if Council wants them to show some interest in the process.

The Council is not required to carry out another representation review until 2012 (in time for the 2013 local authority election). Because of the disproportionate population growth that has occurred (and is forecast to continue) in the Lambton Ward and the fact that the fairness criteria is only marginally met by the transfer of Roseneath alone, it was considered appropriate to include the transfer of both Wadestown into Onslow/Western (and Southgate from Southern into Eastern) to achieve a fairer balance of representation across wards into the immediate future.

5.2.3 Submissions proposing alternative ward boundaries (Nos 27-30)

Five submitters proposed alternative ward boundaries for the Committee's consideration. Details of those alternatives are as follows:

(a) Wellington Labour Local Body Committee (Submission No 27)

Whilst generally in favour of the Council's notified proposal, this submission advocates an adjustment to the boundaries of the Onslow/Western and Northern Wards in order to achieve a fairer balance of representation for the electors of the Northern Ward (in particular) and to anticipate the disproportionate population growth that is forecast for the Northern Ward over the next few years.

Comment

It is accepted that, based on numbers alone, the proposal put forward by the Wellington Labour Local Body Committee would achieve fairer representation than is currently provided under the Council's notified proposal.

However their proposal requires the transfer of the Raroa statistical area from the Northern Ward to the Onslow/Western Ward and this would involve the splitting of a recognised community of interest (i.e. the suburb of Johnsonville).

The Council proposed a similar shift in its 2003 representation review proposal in order to achieve a fairer balance of representation. That proposal was opposed by local residents at the time and they subsequently successfully appealed the Council's decision to the LGC. The LGC's guidelines state that a recognised community of interest should not be split between electoral subdivisions.

It is therefore recommended that the ward boundary adjustment proposed by the Wellington Labour Local Body Committee not be agreed to.

(b) Southern Branch, Wellington Residents' Coalition (Submission No 28)

This submission proposes the election of 15 Councillors (plus the Mayor) from five wards and that boundary of the Southern Ward be amended to include Mt Cook, Southgate and all of Brooklyn, and that the Southern Ward elect 3 Councillors.

Comment

The estimated population (as at 30 June 2005) for the areas that are proposed be transferred to the Southern Ward (or retained in the case of Southgate) are as follows: Brooklyn (6,620), Mt Cook (5,920) and Southgate (880).

The table below shows, however, this option does not meet the fairness criteria required (i.e. Northern is under represented by 14.53% and Lambton is over represented by 11.78%). It is therefore recommended that this alternative proposal not be agreed to.

Ward	Population	% of Total	Entitlement	Proposed Councillors	Population per Councillor	Variance
Northern	42,400	22.91%	3.44	3	1:14,133	- 14.53%
Onslow-Western	37,000	19.99%	3.00	3	1:12,333	+ 0.06%
Lambton	32,660	17.64%	2.65	3	1:10,886	+ 11.78%
Eastern	34,700	18.75%	2.81	3	1:11,566	+ 6.27%
Southern	38,340	20.71%	3.11	3	1:12,780	- 3.57%
Totals	185,100	100%		15	Ave 1:12,340	

Note: In this option Wadestown and Roseneath remain in the Lambton Ward.

(c) Victor Davie (Submission No 29)

This submission proposes that the current boundaries of the Lambton Ward be left unchanged (i.e. that both Roseneath and Wadestown remain in the Lambton Ward), that the number of Councillors be increased from 14 to 15 and that the additional Councillor be appointed to the Lambton Ward.

This proposal has the official support of the Mt Victoria Residents' Association.

Comment

Although this option obviates the need to transfer both Wadestown and Roseneath out of the Lambton Ward, the end result is that the proposal does not meet the fairness criteria required (i.e. the Northern Ward is under represented by 14.53%). Unfortunately there are no obvious transfers out of the Northern Ward, without splitting recognised communities of interest (i.e. either Johnsonville or Newlands), to resolve that imbalance.

In his oral submission to the Committee on 14 September Mr Davie stressed the importance of using the most up to date population figures available. The Council is required to use either the most recent Census figures (i.e. 2001) or population estimates prepared by Statistics New Zealand. The most recent population estimates available from Statistics New Zealand are as at 30 June 2005 and these are the figures that have been used throughout the current review process.

Ward	Population	% of Total	Entitlement	Proposed Councillors	Population per Councillor	Variance
Northern	42,400	22.91%	3.44	3	1:14,133	- 14.53%
Onslow-Western	37,000	19.99%	3.00	3	1:12,333	+ 0.06%
Lambton	45,200	24.42%	3.66	4	1:11,300	+ 8.43%
Eastern	35,580	19.22%	2.88	3	1:11,860	+ 3.89%
Southern	24,920	13.46%	2.02	2	1:12,460	- 0.97%
Totals	185,100	100%		15	Ave 1:12,340	

(d) Patrick O'Rourke (Submission No 30)

This submission proposes that the number of Councillors remain at 14, that Brooklyn and Mt Cook be transferred from the Lambton Ward to the Southern Ward and that the number of Councillors in the Southern Ward be increased from 2 to 3 and the number of Councillors in the Lambton ward be reduced from 3 to 2.

Comment

Whilst this option does meet the fairness requirements it requires significant boundary changes in order to do so.

To make the proposal work not only does it require the transfer of both Mt Cook and Brooklyn out of the Lambton Ward but also needs Wadestown and Roseneath to be transferred from Lambton to Onslow/Western and Eastern respectively in order to achieve the fairness criteria.

The Council's notified proposal meets the required criteria with the minimum of disruption to electors. The option put forward by Mr O'Rourke involves boundary changes that will affect electors from five suburbs rather than the three under the Council's proposal.

The alternative option put forward by Mr O'Rourke is therefore not recommended.

Ward	Population	% of Total	Entitlement	Proposed Councillors	Population per Councillor	Variance
Northern	42,400	22.91%	3.21	3	1:14,133	- 6.90%
Onslow-Western	40,250	21.74%	3.04	3	1:13,416	- 1.47%
Lambton	27,810	15.02%	2.10	2	1:13,905	- 5.17%
Eastern	37,180	20.09%	2.81	3	1:12,393	+ 6.26%
Southern	37,460	20.24%	2.83	3	1:12,486	+ 5.56%
Totals	185,100	100%		14	Ave 1:13,221	

Note: In this option Wadestown and Roseneath are transferred from Lambton to Onslow/Western and Eastern respectively and Southgate is transferred from Southern to Eastern.

(e) Rosamund Averton (Submission No 13)

This submission proposes a five ward Council with the following ward boundary adjustments, with each ward electing 3 Councillors and four Councillors being elected at large:

Northern Ward:	with the addition of Makara/Makara Beach
Onslow/Western Ward:	with the addition of Highbury and Wadestown but without Makara/Makara/Beach
Lambton Ward:	without Roseneath, Highbury or Wadestown
Eastern Ward:	with Roseneath but without Hataitai
Southern Ward:	with Hataitai

Comment

As the figures in table below show the variance for three of the proposed wards is well outside the plus or minus 10% permitted. It therefore could not be recommended on those grounds alone.

Ward	Population	% of Total	Entitlement	Proposed Councillors	Population per Councillor	Variance
Northern	42,880	23.16%	3.47	3	1:14,293	- 15.83%
Onslow-Western	40,550	21.91%	3.29	3	1:13,516	- 9.53%
Lambton	39,570	21.38%	3.21	3	1:13,190	- 6.89%
Eastern	30,200	16.32%	2.45	3	1:10,066	+ 18.43%
Southern	31,900	17.23%	2.58	3	1:10,633	+ 13.83%
Sub Total	185,100	100%		15	Ave 1:12,340	
At Large				4		
Totals				19		

5.2.4 Submissions opposed to the abolition of the Tawa Community Board (Nos 31- 568)

A significant number of submissions (539) were received opposing the proposed abolition of the Tawa Community Board (i.e. 90% of the total number of submissions received). This equates to almost 6% of the eligible voting population of Tawa which would indicate that the issue is of some importance to the local community.

Of these submissions:

- 518 were from individuals, 508 of whom, live within the Tawa Community Board area
- 58 of the 518 submissions were “signed” by two people
- 20 were from organisations based in the Tawa area, including one from the Tawa Community Board (Submission numbers 551 – 568).

Approximately 100 of the submitters gave no specific reasons why they thought the Board should be retained (i.e. they simply ticked or circled one of the options provided).

A petition, signed by over 700 people, opposing the Council’s decision and supporting the continued existence of the Tawa community and the retention of the Tawa Community Board, has also been received. A number of the people who signed this petition have also lodged individual submissions. A small number of those are not Tawa residents.

Comment

The submission from the Tawa Community Board (No 31) is comprehensive, well researched and covers all relevant matters.

It clearly sets out the reasons why it is opposed to the abolition of the Board. It also provides a range of reasons why it believes the Tawa community of interest is distinct

and unique when compared with other communities in the city and argues why, in their view, the retention of the Board is necessary if the effective representation of communities of interest within its community and fair representation of electors living within its area (as required by the LEA) is to be maintained. It also touches on some of the concerns it has about the process the Council followed in undertaking its review.

A number of the issues/concerns identified by the Board have also been expressed by many of the other submitters opposed to the abolition of the Tawa Community Board. A summary of the main reasons why the submitters believe the Tawa Community Board should be retained are as follows:

- Tawa is geographically defined and is isolated from the rest of Wellington.
- It has a unique identity and a specific community of interest which the community wish to preserve.
- There are valid historic reasons why the Tawa Community Board should be retained.
- Tawa was forced into amalgamation against the wishes of its residents. The merger was on the understanding that Tawa would retain its community board.
- No good or valid reasons have been given for the abolition of the Board. Just because other suburbs do not have or want community boards is no reason why Tawa should have its Board taken away.
- The Tawa model works well and should be used as a “blue print” in other areas.
- Residents are happy with the efforts of the Board and what they have been able to achieve for the community.
- The Board is cost effective and the additional costs involved in running it are justified.
- The Board provides an independent (non party) voice that is more representative of the interests and needs of the community than can be given by the Northern Ward Councillors.
- Community Board members are accessible, Councillors are not.
- The Board provides a valuable and relevant conduit between Wellington City Council and Tawa residents.
- The Board advocates to government agencies serviced by a different area than the rest of Wellington City. Some of its services are provided by Porirua City.
- The needs of the community need to be represented on the Wellington City Council. As Wellington’s most northerly suburb, Tawa is too often forgotten.

The following comments are made on some of the issues raised by submitters.

Amalgamation of Tawa into the city

It is clear from the submissions received that there is still some “feeling” amongst long time residents of the Tawa community about the decision to amalgamate Tawa Borough Council with the Wellington City Council in 1989. This amalgamation was part of a major reorganisation of local government in New Zealand (undertaken by the Local Government Commission at the request of the Government) and resulted in the reduction of 217 territorial local authorities, which existed at the time, to just 73.

The decision to amalgamate Tawa Borough with Wellington City was therefore not a decision of the Wellington City Council's.

A number of submitters have indicated that the Council would be renegeing on promises it has made in the past that, as a condition of the amalgamation, Tawa would continue (forever) to retain its own level of local representation. No evidence can be found which would support such a view.

In its final reorganisation scheme for the Wellington Region (released in September 1989), the Commission determined that:

“The members of the Wellington City Council to be elected at the first election of the Council shall be elected as follows:

- (a) Two members shall be elected by the electors of the Tawa Ward: and.....*

There shall be constituted a community for the area of the Tawa Ward, to be known as “The Tawa Community”.

The community board for the Tawa Community shall consist of:

- (a) Six members elected by the electors of that community; and*
- (b) The persons elected from time to time as members of the Wellington City Council representing the ward comprising the area of that community, and appointed by the City council to the community board.”*

The following condition was also included:

“The Wellington City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

- (a) Tawa; and*
- (b) not less than two other localities within Wellington City.”*

The full service delivery centre operation, as originally provided, remained in place until late in 2001 and a reduced service is still provided from the Mervyn Kemp Library.

The provision of a separate Tawa Ward continued through to, and including, the 1995-1998 triennium (not 1993 as stated in the Board's submission). The question of its “fairness” was considered as part of the 1998 representation review.

In its determination on that review (dated 27 March 1998), the Commission stated:

“In the case of Tawa it is likely that a separate ward will be either under-represented with one member or over-represented with two members unless the total membership of the Council was to be decreased to 12 members or increased to 25 members. The Commission had to consider whether there are

any circumstances requiring Tawa to be over-represented (in statistical terms), and whether the community requires separate representation.

The Commission does not consider it appropriate for there to be either under or over-representation for Tawa. Under-representation is markedly unfair to Tawa. If Tawa is over-represented it will be at the expense of other communities.

A number of appellants and counter-objectors referred to the distinctive nature of Tawa and the degree of self-containment in terms of community facilities. The Commission does not consider that these make Tawa so different as to warrant continued separate representation.

The Commission has, therefore, concluded that a case does not exist for a separate ward for Tawa.”

Section 19H of the Local Electoral Act 2001 requires the Council to undertake a review of its representation arrangements at least once every six years. The Act (section 19J) provides that every time it carries out a representation review the Council must consider whether community boards are necessary in order to provide fair and effective representation for individuals and communities in its district. Section 19J(2) also requires the Council to consider whether any existing communities should be abolished or united with another community.

The Council is therefore legally required to consider the continued operation of existing community boards as part of its representation review. If it believes that their (or its) retention is not needed in order to provide fair and effective representation for individuals and communities in its particular district, it does have the ability to propose their abolition, subject to the final decision being determined by the Local Government Commission if the community board is opposed to the Council’s decision.

It is therefore not possible for the Council to guarantee that a level of local representation in Tawa will continue ad infinitum.

Ability of other communities to establish community boards

As pointed out by the Board and a number of other submitters, the legislation does provide the opportunity, and a process that can be followed, if a community is interested in establishing a community board for their community.

The Board has submitted that the fact that no communities have chosen to do so should not be held against the Tawa Community Board nor used as a reason to support its abolition.

Fairness of representation

In their submissions, both the Tawa Community Board (No 31) and Richard Herbert (No 547) have raised concerns about the Council's apparent decision to abolish the Tawa Community Board on "fairness" grounds.

They point out that under the review of community boards there is no requirement for the Council to take into account the "fairness of representation" criteria when considering whether other areas of the local authority district have, or do not have, community boards. The "fairness" principle applies to the representation of Councillors (in respect to population distribution per elected Councillor under a ward system), and to the election of community board members (elected from a community board that has been subdivided for electoral purposes).

This view is supported by the Local Government Commission in a decision it has recently released in relation to the review undertaken by the Buller District Council on its representation arrangements. The relevant paragraphs are as follows:

"The Commission notes that while having community boards across the whole district might be seen to be "fair" within the broader meaning of the term, this is not the meaning provided under section 19V of the Act. In this context, "fair representation" relates to electoral fairness or population equality in respect to:

- (a) the member to elector ratio between wards within a district; or*
- (b) the community board member to elector ratio between subdivisions within a community.*

The argument that if one ward has a community board then all wards should have a community board is not, in itself, a criteria for considering the constitution or abolition of community boards."

Mr Herbert also draws attention to the fact that the "Council is required to ensure that effective representation is provided for communities of interest within island communities or isolated communities within the district". He contends that the Tawa Community represents such an isolated community in that many of the issues faced by the people of Tawa Community are not shared by the rest of Wellington and are brought about by a number of factors identified in his submission.

The LEA does not specify the criteria to be met for isolated or island communities to warrant specific representation, but given the requirements of subsection (1) and (2) of section 19V, the Commission has in the past applied a significant test in this regard.

An example of this is contained in the following extract from the Commission's decision in relation to the Council's 1998 representation review:

"It is true that a rural area separates Tawa from the nearest significant urban area. Apart from the situation of the small settlements of Makara and Makara

Beach, this probably makes Tawa unique among communities in Wellington. However, this does not equate to isolation. The travelling time between Johnsonville and Tawa is a matter of minutes.”

It is therefore unlikely that the Commission would support this part of the argument.

Geographic and unique features

It could be argued that some of the reasons put forward in support of its contention that Tawa’s community of interest is distinct and unique in Wellington, are present in other communities throughout the city. It is difficult to dispute however that it is more geographically defined than most other communities and that view is substantiated by the Commission in its 1998 decision.

The fact that the Tawa Community Board advocates to government and other agencies serviced from a different local authority area than the rest of Wellington city (e.g. Police, Fire and Health), puts them in a unique position in this regard. Details of these “unique” arrangements are clearly set out in the submissions from the Board (No 31), Mark Oliver (No 541) and Peter Lockery (No 549).

In summary the Tawa Community Board has identified some valid reasons why Tawa is distinct and unique (when comparing it with other communities in the city) and has provided reasons why it believes the Board should not be abolished. These reasons, and those raised in the other submissions opposed to the Council’s initial decision, must be carefully considered by the Council before deciding whether it will confirm or amend its initial proposal in regard to the future of the Board.

5.2.5 Submissions in support of the abolition of the Tawa Community Board (Nos 569 – 581)

Seventeen individual submissions were received in support of the Council’s decision to abolish the Tawa Community Board. Seven of those were from residents who live outside of the Tawa Community Board area.

A range of comments were made by submitters in support of their opposition to the continued operation of the Board and some of those were as follows:

- There is no evidence that its abolition will result in any degradation of services, facilities or interest by the Wellington City Council
- Cannot be justified on fairness grounds as it provides an additional level of representation not available to other urban residents
- The Board is superfluous and its retention is inconsistent with the philosophy of less government and cost of government
- Time to move on from results of last major review of local government – the relevance of the Board has passed
- The city needs to be managed by broad interests not lobby groups
- Tawa does not need two levels of local body representation.

Comment

See comments under Section 5.2.4.

5.2.6 Submissions on the proposal to extend the Makara/Ohariu Community Board (Nos 582 – 598)

Twenty nine submissions were received on the Council's proposal to extend the boundaries of the Makara/Ohariu Community Board to include the rural suburbs of Takapu Valley and Horokiwi and for the altered community be named the Wellington Rural Community.

Of these:

- 14 were in support of the retention of the existing Makara/Ohariu Community Board in preference to the establishment of a larger Wellington Rural Community Board.
- 7 supported the abolition of the Makara/Ohariu Community Board and also therefore the proposal to extend its current boundaries
- 8 were in support of the Council's proposal subject to certain conditions.

Comment

Retention of the existing board

Although not totally opposed to the establishment of a Wellington Rural Community Board, the Makara/Ohariu Community Board's strong preference is for the Board to be retained in its current form. It strongly believes that the Board represents a distinct community of interest in the Wellington district, sufficient to be retained in its current form. If a new board is established to include the rural areas of Horokiwi, Takapu Valley and possibly Glenside, then the definition of the Makara/Ohariu Community Board's community of interest would almost certainly have to change.

It has concerns about a re-definition that changes the Makara/Ohariu Community Board from representing the community of interest/communities in a particular contiguous geographic area, to a board that is more representative only of rural issues across the district in general. In other words, confining the board's reason for existence to a 'rural' one is to limit its existing rationale, watering down the community board's role, and by association, the character of the community of interest.

In their submission they identify a number of differences between the existing community of interest and the new ones that will be added with the proposed inclusion of Takapu Valley and Horokiwi. These differences include (but are not restricted to):

- no shared roading network;
- no natural flow between the areas i.e. few work or family relationships, few common historic connections;

- no natural affinity or sense of community with the additional areas;
- no shared facilities;
- limited recreational activities;
- smaller landholdings.

These views are strongly endorsed by a number of individual submitters. They are happy with the way the Board is currently operating and are concerned about the adverse effects that would occur if this proposal was to proceed.

Inclusion of Horokiwi

The Horokiwi Residents' Association (No 585) strongly endorse the Council's proposal to form a new Wellington Rural Community Board. In their view it is entirely appropriate that all those communities who share rural identities and values to have the opportunity to join together in forming a community board to express and facilitate their common concerns.

They also proposed that each of the rural communities on the Board have direct representation based on population and suggested that Horokiwi be represented by at least one elected position on a board with a total membership of seven.

Options for the subdivision of the proposed Wellington Rural Community Board, and the resulting number of elected representatives under each of those options, are covered later in this section of the report.

Inclusion of Takapu Valley

The submissions from the Takapu Valley Residents Association (No 566) and Bruce Maroc (No 543) are opposed to the abolition of the Tawa Community Board at the expense of the proposal for the creation of a "special interest" community board with a rural focus.

In their view they do not believe there has been any rural focus by the Council thus far and they fail to see why adding a "disjointed" rural area such as Takapu Valley to the present catchment will change that position.

To quote from their submission:

"Our argument is that Council has failed to grasp aspects of Council providing services to Makara Ohariu – so there is little hope of extending this to Takapu Valley and its proximity to the Tawa community when the latter is sometimes forgotten as its inclusion in Wellington City and the pending proposal advocates abolition of the only "grassroots" voice in close proximity to Takapu Valley."

Inclusion of Glenside

A submission was received from the Glenside Residents' Association (No 586) requesting that Council include all or part of Glenside in the proposed Wellington Rural Community Board. The Association indicated that there were 21 properties in Glenside with a rural land use and that the majority of these are zoned rural, with one or two zoned rural residential or outer residential.

The concerns expressed by the Association are appreciated and understood; however there are some problems that need to be resolved if their requests are to be met.

The possibility of including Glenside was investigated by officers when the boundaries for the initial proposal were being developed. The reasons why it was not included in the proposal at that time were:

- The suburb boundaries approved by Council in 2003, including Glenside, were based on communities of interest
- It is a requirement of the Act that communities of interest not be split when identifying electoral boundaries (i.e. the whole suburb should be included or none at all)
- The bulk of Glenside is zoned rural; however the vast majority of the population live outside of that zoning
- The inclusion of the whole of Glenside and its estimated population of 760 (as at 30 June 2005) has the potential to cause significant membership imbalance in representation terms on the proposed Board
- In the case of both Horokiwi and Takapu Valley, the whole suburb is zoned rural and the proposal is to include the whole suburb (with two very minor exceptions) in the proposed Wellington Rural Community.

The problems which influenced the decision not to include all or part Glenside in the proposal still exist.

Options for subdivision of the proposed board

If a community board is to be subdivided for electoral purposes, the Council must ensure that its proposal meets the fairness criteria required by section 19V of the Local Electoral Act. The legislation also requires that the membership of any community board:

- is to consist of not fewer than four members and no more than 12
- is to include at least four elected members
- may include appointed members (whose numbers must be less than half the total membership of the board).

The populations of the areas in question (estimated as at 30 June 2005) are as follows:

Makara/South Karori	530
Ohariu	450
Glenside	760
Takapu Valley	170
Horokiwi	240
Total	2,150

With the population spread the way it is, it is not possible to provide separate representation for each community (i.e. five) and either stay within the maximum number of members permitted or achieve the fairness requirements that must be met.

In the event that the Tawa Community Board is retained and Takapu Valley remains within its boundary and the request of the Glenside Residents' Association to be included in the proposed Wellington Rural Community Board is not agreed to, the following compliant subdivision options are possible:

(a)	Makara/South Karori	530	2 members	(1:265)	(- 8.61%)
	Ohariu	450	2 members	(1:225)	(+ 7.79%)
	Horokiwi	240	1 member	(1:240)	(+ 1.64%)
	Total	1,220	5 members	(1:244)	

(b)	Makara/South Karori	530	4 members	(1:132)	(- 8.20%)
	Ohariu	450	4 members	(1:112)	(+ 8.20%)
	Horokiwi	240	2 members	(1:120)	(+ 1.64%)
	Total	1,220	10 members	(1:122)	

If Takapu Valley is retained in the proposed Wellington Rural Community Board but Glenside is not included, the following subdivision options are possible:

(a)	Makara/Ohariu	980	5 members	(1:196)	(+ 1.51%)
	Horokiwi/Takapu	410	2 members	(1:205)	(- 3.02%)
	Total	1,390	7 members	(1:199)	

(b)	Makara/South Karori	530	4 members	(1:132)	(+ 5.03%)
(c)	Ohariu	450	3 members	(1:150)	(- 7.91%)
	Horokiwi/Takapu	410	3 members	(1:136)	(+ 2.16%)
	Total	1,390	10 members	(1:139)	

In its submission the Makara/Ohariu Community Board identifies a number of reasons why it currently supports the election of its members at large and recommends that the most practical option, if the proposed Wellington Rural Community Board is to proceed, would be to retain voting at large (i.e. all residents of all represented areas can vote for all candidates).

Because it is not possible to develop an option that would allow for the subdivision of the proposed board in the event that Glenside is included, the election of its members at large would help solve the problem.

5.2.7 Submissions on the establishment of community boards across the city

A number of submitters (in their submissions opposing the abolition of the Tawa Community Board) indicated that they would not be opposed to the establishment of more community boards across the city if communities wanted them. Because of their support for the way in which the Tawa Community Board operates, many of them suggested that the establishment of any new community boards should be based on the Tawa model.

No specific proposals or submissions were received for the establishment of any new community boards. This would appear to support the Council's position that there is no strong push for the establishment of any more community boards in the city at this time.

5.2.8 Submissions received out of time (Nos 599 – 633)

A further 35 submissions have been received since submissions closed on Monday 28 August 2006. Thirty three were in support of the retention of the Tawa Community Board, one was opposed to expanding the Makara/Ohariu Community Board and one supported the Council's initial proposal but raised an additional issue in relation to the reinstatement of Ward meetings in suburban locations.

Comment

Because these submissions were received "out of time", any appeal rights the submitters would have had against the Council's final decision will not apply on this occasion. These submitters have been advised of their position in this regard.

A copy of these submissions has also been sent to all Councillors for their information (Refer to submission numbers 599 – 633).

5.3 Minor meshblock adjustments

Apart from the proposed relatively major shifts of Roseneath (from Lambton to Eastern), Wadestown (from Lambton to Onslow/Western) and Southgate (from Southern to Eastern), a number of minor meshblock adjustments were also included in the Council's initial proposal. These adjustments were included in an endeavour to ensure that the proposed ward boundaries followed the city's suburb boundaries as closely as possible. A number of meshblock adjustments were also proposed when defining the boundaries of the proposed Wellington Rural Community.

We have received confirmation from Statistics New Zealand that they are prepared to approve these adjustments if the Council confirms its decision to retain the proposed ward and community board boundaries. Only a handful of properties are affected by

these proposed adjustments and in many cases (particularly those in relation to the proposed Wellington Rural Community) no population numbers are involved.

Details of those meshblock boundary adjustments are as follows:

- (i) Ward boundary changes
 - (a) Adjust the boundary of meshblock number 2186700 to follow the approved Roseneath/Oriental Bay suburb boundary (shown as Area 1 on Appendix A)
 - (b) Adjust the boundary between meshblock numbers 2117200 and 2099500 to follow the approved Wadestown/Pipitea suburb boundary (shown as Area 2 on Appendix B)
 - (c) Adjust the boundary between meshblock numbers 2117100 and 2099400 to follow the approved Wadestown/Pipitea suburb boundary (shown as Area 3 on Appendix B)
 - (d) Adjust the boundary between meshblock numbers 2085202 and 2085204 to follow the approved Johnsonville/Broadmeadows suburb boundary (shown as Area 4 on Appendix C)
 - (e) Adjust the boundary between meshblock numbers 2191601 and 2194001 to follow the approved Southgate/Island Bay suburb boundary (shown as Area 5 on Appendix D)
 - (f) Adjust the boundary between meshblock numbers 2191601 and 2191603 to follow the approved Southgate/Island Bay suburb boundary (shown as Area 6 on Appendix D)
 - (g) Adjust the boundary between meshblock numbers 2191702 and 2191701 to follow the approved Southgate/Island Bay suburb boundary (shown as Area 7 on Appendix E)
 - (h) Adjust the boundary between meshblock numbers 2191702 and 2194003 to follow the approved Southgate/Island Bay suburb boundary (shown as Area 8 on Appendix E)
 - (i) Transfer meshblock number 2085304 from Johnsonville to Broadmeadows to follow the approved boundary between those two suburbs (as shown on Appendix F)

- (ii) Wellington Rural Community boundary changes
 - (a) Adjust the boundary between meshblock numbers 2053816 and 1996900 to follow the approved Tawa/Takapu Valley suburb boundary (shown as Area 9 on Appendix G)
 - (b) Adjust the boundary between meshblock numbers 2053815 and 2053816 to follow the approved Tawa/Takapu Valley suburb boundary (shown as Area 10 on Appendix G)
 - (c) Adjust the boundary between meshblock numbers 2086102 and 2053816 to follow the approved Grenada North/Takapu Valley suburb boundary (shown as Area 11 on Appendix H)

- (d) Adjust the boundary between meshblock numbers 2053812 and 2086101 to follow the approved Grenada North/Takapu Valley suburb boundary (shown as Area 12 on Appendix H)
- (e) Adjust the boundary between meshblock numbers 2086311 and 2086312 to follow the approved Grenada Village/Grenada North suburb boundary (shown as Area 13 on Appendix I)
- (f) Adjust the boundary between meshblock numbers 2086313 and 2086403 to follow the approved Grenada Village/Grenada North suburb boundary (shown as Area 14 on Appendix I)

5.4 Funding the cost of community boards

When speaking to their submissions at the Strategy and Policy Committee meeting on 14 September, both the Tawa and Makara/Ohariu community boards raised the point that, if the cost of running a community board was a factor taken into account by the Council in determining whether a community board should continue to operate or not, the Council had the ability to set a special rate to cover those “additional” costs. Officers were asked to verify that statement and to report back to the Committee.

Sections 16 – 18 of the Local Government Rating Act 2002 give Council the ability to set targeted rates on a group of properties for a particular function, provided the function is identified in its funding impact statement as a function for which the targeted rate is to be set. The appropriate sections are as follows:

- 16(1) A local authority may set a targeted rate for 1 or more activities or groups of activities if those activities or groups of activities are identified in its funding impact statement as the activities or groups of activities for which the targeted rate is to be set”*
- 16(3) A targeted rate may be set in relation to-*
 - (a) all rateable land within the local authority’s district; or*
 - (b) 1 or more categories of rateable land under section 17*
- 16(4) A targeted rate may be set-*
 - (a) on a uniform basis for all rateable land in respect of which the rate is set or*
 - (b) differentially for different categories of rateable land under section 17.*
- 17(1) For the purposes of section 16(3)(b) and 4(b), categories of rateable land are categories that-*
 - (a) are identified in the local authority’s funding impact statement as categories for setting the targeted rate; and*
 - (b) are defined in terms of 1 or more of the matters listed in Schedule 2.*
- 18(1) The calculation of liability for a targeted rate set under section 16 must utilise only a factor or factors that-*

- (a) *are identified in the local authority's funding impact statement as factors that must be used to calculate the liability for the targeted rate; and*
- (b) *despite subsection (1), the liability for a targeted rate may be calculated as a fixed amount per rating unit.*

This function is not identified in the Council's current funding impact statement. If Council decided to implement this rate the function would need to be added to the funding impact statement when the draft 2007/2008 Annual Plan is considered.

There would be an administrative cost involved in setting this rate up. The costs involved in doing that would need to be assessed against the income likely to be received (i.e. the additional costs involved in running the community board) before deciding to proceed.

5.5 Notification of final decision

The Council is required to publicly notify its final decision within six weeks of the closing date for the receipt of submissions on its initial proposal.

The public notice must:

- incorporate any amendments that the Council may resolve to make to its initial proposal
- state both the reasons for any amendments to its initial proposal and the reason for any rejection of the submissions
- specify the right of appeal, informing the place and closing date for the receipt of appeals
- in the event that the Council amends its initial proposal, specify the right of objection, indicating the place and closing date for the receipt of objections.

The closing date for the receipt of appeals or objections must be no earlier than one month after the date of the public notification of the Council's decision.

An outline of the reasons for any amendments to the initial proposal and any rejection of the submissions received will be recommended to Council after the submissions have been considered and decided on by the Strategy and Policy Committee at its meeting on 21 September 2006.

If no appeals or submissions are received the Council's "final" proposal becomes the basis on which the 2007 local authority elections are held.

If appeals or objections are received they must be referred to the Local Government Commission for its decision. The determination released by the Commission is final and must be issued no later than 11 April 2007.

6. Conclusion

The Council is now required to consider the submissions received on its initial proposal and, following those considerations, either confirm or amend its earlier decision and publicly notify its final decision.

The Council's final decision must be publicly notified within six weeks of the closing date for the receipt of the submissions (i.e. by 8 October 2006).

Contact Officer: *Ross Bly, Special Projects Officer*

Supporting Information

1) Strategic Fit / Strategic Outcome

*This supports objective 7.2B of the Governance Strategy:
Wellington will operate an open and honest decision-making process that generates confidence and trust.*

2) LTCCP/Annual Plan reference and long term financial impact

Relates to C534: Elections, governance and democratic services. The review will have no long term financial impact.

3) Treaty of Waitangi considerations

There are no Treaty implications.

4) Decision-Making

This is not a significant decision in accordance with Section 79 of the Local Government Act 2002.

5) Consultation

a) General Consultation

b) Consultation with Maori

The Council carried out some pre-review consultation before commencing the formal statutory representation review process. It has notified its initial decision and now that submissions have closed it is required to decide, having considered the submissions received, whether to confirm or amend its initial decision.

6) Legal Implications

There are various legal requirements and processes that must be adhered to as part of this review and these requirements have been complied with. The Council's legal advisors are aware that the review is underway and have provided advice as and when required.

7) Consistency with existing policy

The report is consistent with existing policy and complies with the requirements of the Local Electoral Act 2001.