
REPORT 2
(1215/13/IM, 1225/07/07/IM)

REPRESENTATION REVIEW – INITIAL REPRESENTATION PROPOSAL FOR THE 2013 LOCAL AUTHORITY ELECTION

1. Purpose of Report

The purpose of the report is:

- to provide information on the process the Council must follow and the key factors it is required to consider in deciding its representation arrangements for the 2013 local authority elections;
- to submit a range of representation arrangement options that have been developed for the Makara/Ohariu Community Board's consideration and to recommend a preferred option for referral to Council for adoption as its "initial" representation proposal.

2. Executive Summary

The *Local Electoral Act 2001 (LEA)* requires local authorities to carry out a review of their representation arrangements at least once every six years. The Council carried out its last review in 2006 (in time for the 2007 local authority elections) and is therefore required to carry out another review before the 2013 local authority elections.

All Councils are required to carry out a review of community boards as part of their representation reviews, whether or not they are part of their current governance structure. The Council must, as part of every representation review it undertakes, consider whether community boards are necessary to provide fair and effective representation for individuals and communities in its district. The review provides a process whereby a council can propose the constitution of new boards or the disestablishment of existing boards.

The Council must adopt its "initial" representation proposal by no later than 31 August 2012. Following its adoption the proposal will be publicly notified allowing the public the opportunity to make submissions on it. The Council must consider, and hear if requested, any submissions received and then, based on those submissions, either confirm or amend the proposal as its "final" proposal. The Council's "final" proposal must be adopted before 19 November 2012.

A range of representation arrangement options have been developed to enable the Board to recommend an "initial" proposal to the Council for its adoption.

3. Recommendations

Officers recommend that the Board:

1. *Receive the information.*
2. *Note that the Local Electoral Act 2001 requires local authorities to carry out a representation review at least once every six years and that, as the Wellington City Council carried out its last representation review in 2006 (in time for the 2007 local authority elections), it is required to carry out its next review in time for the 2013 local authority elections.*
3. *Note the statutory requirements and processes that the Council must consider and comply with when undertaking its representation review (attached as Appendices 1, 2 and 3 to this report).*
4. *Note the timetable to be followed for this review (attached as Appendix 4 to this report).*
5. *Note that the Local Government Commission has released guidelines to assist local authorities in carrying out their representation reviews and that although these guidelines are not legally binding, local authorities are required to have regard to them in undertaking their reviews.*
6. *Note that the “estimated resident population” figures, as at 30 June 2011, are now available and that those figures have been used when developing the various representative arrangement options contained in this report.*
7. *Agree to recommend to Council that the members of the Wellington City Council (other than the Mayor) be elected under the ward system for the 2013 local authority elections.*
8. *Agree to recommend to Council that the city be divided into five wards for the 2013 local authority elections 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 July 2012 – Appendix 6).
 - (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 July 2012 - Appendix 7).

- (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 July 2012 - Appendix 8).*
- (d) *Southern Ward
Comprising Berhampore, Part Brooklyn, Island Bay, Kingston, Mornington, Newtown, Owhiro Bay Southgate and Vogeltown (the boundaries of which are as shown on the attached Southern Ward Boundary Map July 2012 - Appendix 9).*
- (e) *Eastern Ward
Comprising Breaker Bay, Hataitai, Houghton Bay, Karaka Bays, Kilbirnie, Lyall Bay, Maupuia, Melrose, Miramar, Moa Point, Rongotai, Roseneath, Seatoun, and Strathmore Park (the boundaries of which are as shown on the attached Eastern Ward Boundary Map dated July 2012 - Appendix 10).*

Note: The recommendation is to retain the status quo with no boundary changes.

9. *Agree to recommend to Council that the number of elected members (excluding the Mayor) be retained at 14 and that the distribution of those numbers 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>

10. *Agree to recommend to Council that, subject to the approval of the boundary alteration referred to in recommendation 11, the existing Makara/Ohariu Community Board continue to operate within its current boundaries (as shown in Appendix 11), 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.*
11. *Agree to recommend to Council that the boundary of the Makara/Ohariu Community Board be adjusted to exclude meshblock 2104603 from the current board area, as shown on the map attached to this report (Appendix 11).*

12. *Agree to recommend to Council that no further community Boards be established across the city at this time.*

4. Background

All local authorities are required to review their representation arrangements at least once every six years (*section 19H(2)(a) of LEA*). The Council undertook its last review in 2006 and is therefore required to carry out its next review in time for the 2013 local authority elections.

Representation reviews are defined by the *LEA* as reviews of the particular representation arrangements for a local authority. In the case of territorial authorities, they include the basis of election (i.e. whether Councillors are elected at large, wards or a mix of both) and the establishment of communities and community boards. The review determines for each local authority the detailed arrangements on the number of electoral subdivisions (if any), their boundaries, names and number of members.

The Council must also comply with strict legislative timeframes throughout the process and a copy of the timetable which is proposed we follow is attached as Appendix 4.

In addition to the representation arrangements, territorial authorities and communities have the opportunity to consider the electoral system to be used for their elections i.e. either first past the post (FPP) or single transferable vote (STV) and the establishment of Māori wards.

The options around the choice of electoral system and the establishment of Māori wards are not formally part of the representation review process. Although they are matters for local discretion, on which there is no right of appeal to the Local Government Commission (LGC), these issues are closely linked to the identification of the most appropriate representation arrangements for a district or region. They need to be resolved before detailed ward arrangements can be determined.

The Commission is required under the *LEA* to publish guidelines identifying factors and considerations for local authorities to take into account when undertaking representation reviews. The guidelines outline the key matters that local authorities should consider and detail a process that could be used to assist in the formulation of a local authority's representation proposal.

As well as requirements for reviews, the Commission's guidelines discuss the interrelationship of options on the electoral system and Māori wards with reviews of representation arrangements. Beyond the statutory requirements, there is no obligation for local authorities to comply with these guidelines. They do, however, set out recommended good practice for the review process. They also identify the considerations and processes that the Commission will adopt in considering appeals, objections and referrals of local authority representation proposals.

All elements of a local authority representation proposal, including the elements relating to community boards, are subject to the rights of appeal and/or objection to the LGC. It is therefore important that the issues relating to community boards receive the same detailed consideration as all other elements of the review.

Although not a mandatory requirement, the Council has in the past invited preliminary feedback from the public on issues relating to the representation review prior to commencing the formal statutory review process. However given the current consultation and discussions on broader regional governance matters and the introduction of the Local Government Act Amendment Bill, which amongst other things aims to facilitate governance changes, it was not considered appropriate to undertake any preliminary consultation [on this matter] on this occasion.

5. Discussion

5.1 Key Factors and considerations

In preparing for and carrying out a representation review the Council must bear in mind the relevant provisions of the LEA, the LGA and the guidelines issued by the LGC to assist local authorities to identify the factors and considerations that they should take into account when developing their representation proposals. These principles are set out in Appendix 1.

There are three key factors that must be carefully considered by the Council when determining its representation proposal. They are:

- communities of interest
- effective representation of communities of interest; and
- fair representation of electors.

These are the factors that the LGC will focus on if appeals and/or objections are received against the Council's final proposal.

A detailed explanation of these factors is set out in Appendix 2.

5.2 Process

Although there is no prescribed process that must be followed when undertaking a representation review, the LGC recommends that the following process be followed to achieve a robust outcome that complies with the statutory criteria:

Step 1 Identify communities of interest

- Determine communities of interest in the region.

Step 2 Determine effective representation for identified communities of interest

- Consider whether each identified community of interest needs separate representation, or whether communities of interest can be grouped together to achieve effective representation
- Determine how many wards there should be, define their boundaries and name the wards.

Step 3 Consider fairness of representation for electors of the constituencies

- Consider a range of options for the total membership of the Council. Under each option, determine the ratio of population per member for each proposed ward.
- For each option, compare the subdivision ratios calculated with the average population per member for the Council.
- Ensure that the subdivision ratios under the options for total membership fall within +/- 10% of the average population per member (this is known as the “+/- 10% rule”). If they do not comply, consider altering ward boundaries or reconfiguring ward arrangements, to the extent practicable to provide effective representation for communities of interest, so that the ward ratios fall within the required range.

When determining the ratio of Councillor per head of population, the Council is required to use the most up to date population figures available from Statistics New Zealand. These are the figures on which the fairness criteria must be based and are the figures that will be applied by the Local Government Commission if the matter is referred to them for consideration and determination.

The estimated resident population for the existing five wards of Wellington City (as at 30 June 2011) is as follows:

Northern Ward	45,700
Onslow/Western Ward	43,300
Lambton Ward	43,800
Eastern Ward	39,700
Southern Ward	27,700
Total	200,200

More detail on the recommended “good practice” process steps is set out in Appendix 5.

5.3 Review of the Electoral System and Establishment of Maori Wards

As a result of a poll of electors held in 2008, the Council is required to carry out its 2013 triennial election under the STV system. Any decision to change that

system cannot be made until after the 2013 election (i.e. in time for the 2016 local authority election).

Council has been briefed on the Maori representation options available under the LEA and the discussions that had been held with local iwi representatives on the possible establishment of Maori wards in Wellington City. The conclusion reached at the briefing was that the current representation and participation mechanisms were working well for the city and for Maori. As a result of our discussions with them, local iwi have expressed a desire for the issue of Maori representation to be considered as part of any future discussions on amalgamation and regional governance issues as they consider the current legislation to be sub-optimal.

5.4 Review of Community Boards

Community boards are established under the *LGA* to perform such functions and duties and exercise such powers as are delegated to them by the Council. They are not however committees of the council. Community boards cannot set rates, raise funds, enter into contracts, deal in property, pass bylaws or appoint staff.

All territorial authorities are required to carry out a review of community boards as part of their representation reviews, whether or not they are part of their current governance structure. The territorial authority must consider whether community boards would be appropriate to provide fair and effective representation for individuals and communities in its district. The review provides a process whereby a council can propose the constitution of new boards, the alteration of existing boards or the disestablishment of existing boards.

In carrying out such a review two levels of decisions are required:

- whether there should be communities and community boards within the council's district; and if so
- the nature of any community and the structure of any community board.

In undertaking its community board review, the Council is required to have regard to the relevant sections of the *LEA* and the reorganisation criteria detailed the *LGA*. Applying those criteria for community board reviews means that the following matters need to be considered by Council:

- will the proposal promote the good local government of the parent district and the community area concerned?
- will the district and the community have the resources necessary to enable them to carry out their respective responsibilities, duties and powers?
- will the district and the community have areas that are appropriate for the efficient and effective performance of their role?
- will the district and community contain a sufficiently distinct community

- of interest or sufficiently distinct communities of interest?
- will the district and the community be able to meet the decision-making requirements of section 76 of the *LGA*, to the extent that they are applicable?

An existing community board may be abolished or united with another community board, and the boundaries of a community board may be altered, by:

- (a) an Order in Council giving effect to a reorganisation scheme; or
- (b) the territorial authority or the LGC as part of a review of the territorial authority's representation arrangements.

A community board may be established in any part of a council district but must be wholly within that district. Unless an existing board is abolished a new community board cannot be constituted for any part of a district if a community board is already constituted for that part of that district. The boundaries of any community board must be of a continuous area.

The *LEA* allows the area of a community board to be subdivided for electoral purposes. The division of a community board into electoral subdivisions may be appropriate when the community board area is made up of a number of distinct communities of interest at the local level, and the formation of subdivisions will provide effective representation of communities of interest. The members of a community board may therefore be elected at-large by the community, by a subdivision of the community, or by ward if the community contains two or more wards in the city.

Details of the key statutory provisions that need to be considered and on which decisions have to be made as part of its review of community boards are set out in Appendix 3.

5.5 Timetable

The *LEA* clearly sets out the legislative timeframes the Council is required to comply with in carrying out its representation review. It is important to note that once the initial decision has been made there is no opportunity to stop or delay the statutory process.

A proposed timetable has been developed based on those timeframes and is attached as Appendix 4. The legislative deadlines that must be met have been bolded for easy reference.

If no submissions are made on the Council's "initial" proposal, the proposal becomes the final proposal which will take effect at the 2013 elections.

If submissions are made on the "initial" proposal, Council must consider each submission and resolve a "final" proposal based on its consideration of the submissions.

Council must demonstrate it has considered submissions by providing reasons for its rejection or acceptance of submissions and including this information in the public notice advising the final proposal. If there are no objections or appeals following public notice of the final proposal, then the final proposal stands and will take effect from the 2013 election.

Any objections or appeals following the public notice advising the final proposal must be lodged with the Council within the prescribed timeframe. Council must then forward these appeals/objections to the LGC for them to consider and make a binding determination. LGC determinations may only be appealed on a point of law to the High Court.

5.6. Options for consideration

5.6.1 Council

Effective representation for communities of interest is the defining factor in selecting the overall representation arrangements of the Council.

Once the community or communities of interest have been identified the Council is required to consider whether each identified community of interest needs separate representation, or whether communities of interest can be grouped together in certain ways to achieve effective representation.

Based on that information the Council must decide whether effective representation is best achieved by way of:

- an at-large system (where all members are elected by all voters across the city); or
- a ward system; or
- a mixed system, with election of members partially at-large and partially by ward.

The following issues need to be determined depending on which basis of election is chosen:

- At large system: ▫ the proposed number of elected members to be elected by the electors of the district as a whole.
- Ward system: ▫ the proposed name and boundaries of each ward; and
▫ the number of members to be elected by the electors of each ward.
- Mixed system: ▫ the proposed number of members to be elected by electors of the district as a whole; and
▫ the proposed number of members to be elected by the wards of the district; and
▫ the proposed name and boundaries of each ward;

and

- the number of members to be elected by the electors of each ward.

Communities Should there be communities and community boards and, if so, the nature of any community and the structure of any community board.

The number of possible options would be endless if it were not for the legislative requirement to meet the fairness criteria (i.e. the +/- 10% rule) and the fact that identified communities of interest should not be split in order to achieve these ratios.

An extensive review of the city's suburb boundaries was undertaken in 2003 and this information was used extensively by the Council when determining its ward boundaries for the last two representation reviews (in 2003 and 2006). These suburb boundaries are under constant review and a number of minor amendments have been made since 2003. The suburb boundaries were determined largely on communities of interest and it is therefore proposed that they be used again as the basis for this review.

A number of possible representation options have been developed by officers (for each of the representation systems available), including the status quo, and are outlined as follows:

(A) Elect Councillors under an "at-large" system

A range of at large options are as follows:

Population (Estimated as at 30 June 2011)	Number of Councillors	Ratio Councillor per Population
200,200	12	1:16,683
200,200	13	1:15,400
200,200	14	1:14,300
200,200	15	1:13,347
200,200	16	1:12,513
200,200	17	1:11,776
200,200	18	1:11,122

Note:

- The Local Government Commission has, in its most recent determinations, agreed with the Council's long standing view that, because of the city's diversity, the effective representation of city's communities of interest is best achieved by councillors being elected on a ward basis.
- If an at-large system is proposed the Council would need to determine what membership numbers would be appropriate to provide effective representation for the district as a whole. The councillor:population ratio (based on the estimated population as at 30 June 2011) is currently 1:14,300.

- The adoption of an at-large system may require the establishment of more Community Boards in order to achieve “effective representation of communities of interest” (i.e. there is a chance that some communities of interest may not be represented on the Council under the at-large system).
- The population numbers and ratios are based on the “estimated resident population” numbers, as at 30 June 2011; released by Statistics New Zealand earlier this year.

(B) Elect all Councillors under the Ward System

(i) Status quo (i.e. five wards electing 14 Councillors).

Ward	Population (Estimate as at 30 June 11)	Percentage of Population	Entitlement	Proposed Members	Ratio Population Per Councillor	Variance
Northern	45,700	22.83%	3.20	3	1:15,233	+ 6.52%
Onslow- Western	43,300	21.63%	3.03	3	1:14,433	+ 0.93%
Lambton	43,800	21.88%	3.06	3	1:14,600	+ 2.10%
Eastern	39,700	19.83%	2.78	3	1:13,233	- 7.46%
Southern	27,700	13.84%	1.94	2	1:13,850	- 3.15%
Totals	200,200	100%		14	Ave 1:14,300	

Note:

- The population numbers and ratios are based on the “estimated resident population” numbers, as at 30 June 2011; released by Statistics New Zealand earlier this year.
- This option complies with the “fairness of representation” factors the Council is required to meet, without any boundary changes. It complies more closely now than it did when the Local Government Commission approved the Council’s final proposal in April 2007. The “spread” between the five wards is now 13.98% compared with 15.37% in 2007.
- Any increase in the number of members (elected from five wards) would require significant changes to the current boundaries.

(ii) Amalgamate the existing five wards into three wards with each ward electing four, five or six Councillors each (i.e. options with total membership of twelve, fifteen or eighteen Councillors respectively).

Ward	Population (Estimate as at 30 June 11)	Percentage of Population	Entitlement	Proposed Members	Ratio Population Per Councillor	Variance
Northern- Onslow	63,900	31.92%	3.83	4	1:15,975	- 4.24%
Western - Lambton	68,900	34.41%	4.13	4	1:17,225	+ 3.25%
Eastern - Southern	67,400	33.67%	4.04	4	1:16,850	+ 1.00%
Totals	200,200	100%		12	Ave 1:16,683	

Ward	Population (Estimate as at 30 June 11)	Percentage of Population	Entitlement	Proposed Members	Ratio Population Per Councillor	Variance
Northern-Onslow	63,900	31.92%	4.79	5	1:12,780	- 4.25%
Western - Lambton	68,900	34.41%	5.16	5	1:13,780	+ 3.24%
Eastern - Southern	67,400	33.67%	5.05	5	1:13,480	+ 1.00%
Totals	200,200	100%		15	Ave 1:13,347	

Ward	Population (Estimate as at 30 June 11)	Percentage of Population	Entitlement	Proposed Members	Ratio Population Per Councillor	Variance
Northern-Onslow	63,900	31.92%	5.75	6	1:10,650	- 4.24%
Western - Lambton	68,900	34.41%	6.19	6	1:11,483	+ 3.25%
Eastern - Southern	67,400	33.67%	6.06	6	1:11,233	+ 1.00%
Totals	200,200	100%		18	Ave 1:11,122	

Note:

- With the exception of the split of the current Onslow/Western Ward these options follow existing ward boundaries and comply with the fairness criteria without adjustment.
- In order to achieve the perceived benefits that the STV electoral system brings (i.e. an increase in the diversity of representation), supporters of that system strongly advocate fewer (and therefore larger) wards electing 3-5 members per ward. These options achieve that and comply with the fairness criteria (i.e. +/- 10%).
- The adoption of an election system is not a statutory criterion in the consideration of the basis of representation and is a matter for the Council to consider at its discretion.
- The population numbers and ratios are based on the “estimated resident population” numbers, as at 30 June 2011; released by Statistics New Zealand earlier this year.

(C) Elect Councillors Under a Mixed System

- (i) **Three wards electing three (or four) members each and a further five (or four) members being elected at large across the city.**

Ward	Population (Estimate as at 30 June 11)	Percentage of Population	Entitlement	Proposed Members	Ratio Population Per Councillor	Variance
Northern/ Onslow	63,900	31.92%	2.87	3	1:21,300	- 4.24%
Western/ Lambton	68,900	34.41%	3.10	3	1:22,967	+ 3.25%
Eastern/ Southern	67,400	33.67%	3.03	3	1:22,467	+ 1.00%
Total Wards	200,200	100%		9	Ave 1:22,244	
At Large	200,200	100%		5	1:40,040	
Totals	200,200			14		

Ward	Population (Estimate as at 30 June 11)	Percentage of Population	Entitlement	Proposed Members	Ratio Population Per Councillor	Variance
Northern/ Onslow	63,900	31.92%	3.83	4	1:15,975	- 4.24%
Western/ Lambton	68,900	34.41%	4.13	4	1:17,225	+ 3.25%
Eastern/ Southern	67,400	33.67%	4.04	4	1:16,850	+ 1.00%
Total Wards	200,200	100%		12	Ave 1:16,683	
At Large	200,200	100%		4	1:50,050	
Totals	200,200			16		

Note:

- This “mixed” system is currently operating in Gore, Kapiti Coast and Masterton District Councils and Napier and Tauranga City Councils.
- The population numbers and ratios are based on the “estimated resident population” numbers, as at 30 June 2011; released by Statistics New Zealand earlier this year.

Comment

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”

The Commission also made the following comments in its determination dated 10 April 2007:

“We are satisfied that the current ward structure does reflect an appropriate grouping of communities of interest in the city”.

In relation to the Council’s decision to use suburb boundaries as a basis for identifying wards it made the following comment:

“We are satisfied, in the absence of evidence of a more appropriate method and of widespread dissatisfaction with this approach, that the use of suburbs is an appropriate mechanism. We note also that the Council undertook an extensive review of suburb boundaries in 2003 that included public consultation”.

It is therefore recommended that the Council resolve to elect its Councillors under the ward system for the 2013 local authority elections.

Of the options identified in this report it is recommended that the status quo option (five wards electing 14 Councillors) be retained for the 2013 elections. The five ward option has been in place now since October 2004 and has been the option most favoured by the public in previous consultations that have taken place on the issue. The five ward structure continues to provide effective representation of communities of interest and fair representation of electors. The fact that the proposal fully complies with the fairness requirement (using the most up to date population estimates) without any changes to the current ward boundaries is also a compelling factor in retaining the status quo. If ward boundaries are regularly changed it is confusing for electors and can become a disincentive for people to vote in local authority elections.

Other ward options may well be submitted when the Council’s initial proposal is publicly notified and those options will need to be considered before the Council adopts its final proposal in November 2012.

5.6.2 Community Boards

(A) Status Quo Options

Community Board	Population (Estimate as at 30 June 11)	Elected Members	Ratio Population Per Elected Member	Appointed Members
Tawa	14,900	6	1:2,483	2
Makara/ Ohariu	870	6	1:145	Nil
Total		12		

Note:

- No change to the existing community board arrangements apart from one minor boundary adjustment to the Makara/Ohariu Community Board.

(B) Establishment of Boards across the City

If Boards were to be established across the city the boundaries of those Boards could be based on the existing ward boundaries (or any proposed boundary changes) and subdivided if necessary (e.g. the existing Tawa CB could remain as a subdivision of a Northern Community Board whose boundaries could cover the existing Northern Ward).

There are a number of options that could be developed around the possible establishment of more community boards and a resulting reduction in the number of Councillors elected.

An option of three wards electing four Councillors each with three Community Boards (based on the same ward boundaries) electing six members each is as follows.

Ward	Population (Est. as at 30 June 11)	% Pop	Entitlement	Proposed Members	Ratio Population per Member	Variance
Northern/ Onslow	63,900	31.92%	3.83	4	1:15,975	- 4.24%
Western/ Lambton	68,900	34.41%	4.13	4	1:17,225	+ 3.25%
Eastern/ Southern	67,400	33.67%	4.04	4	1:16,850	+ 1.00%
	200,200	100		12	Ave 1:16,683	
Community Board						

Northern/ Onslow	63,900	31.92%	5.75	6	1:10,650	
Western/ Lambton	68,900	34.41%	6.19	6	1:11,483	
Eastern/ Southern	67,400	33.67%	6.06	6	1:11,233	
	200,200	100		18		
Total				30		

Note:

- This is a similar arrangement to that currently operating in Christchurch City.
- The larger community boards identified in this example could be subdivided to take account of the Council's existing boards and any other appropriate subdivisions.
- The population numbers and ratios are based on the "estimated resident population" numbers, as at 30 June 2011; released by Statistics New Zealand earlier this year.

Another option based on the existing five wards (electing 14 Councillors) and five Community Boards (based on the current ward boundaries) electing five or six members each is as follows.

Ward	Population (Est. at 30 June 2010)	%	Entitlement	Proposed Members	Ratio Population per Member	Variance
Northern	45,700	22.83%	3.20	3	1:15,233	+ 6.52%
Onslow- Western	43,300	21.63%	3.03	3	1:14,433	+ 0.93%
Lambton	43,800	21.88%	3.06	3	1:14,600	+ 2.10%
Eastern	39,700	19.83%	3.01	3	1:13,233	- 7.46%
Southern	27,700	13.84%	1.94	2	1:13,850	- 3.15%
Totals	200,200	100%		14	Ave 1:14,300	
Community Board						
Northern	45,700	22.83%	6.16	6	1:7,617	
Onslow - Western	43,300	21.63%	5.84	6	1:7,217	
Lambton	43,800	21.88%	5.91	6	1:7,300	
Eastern	39,700	19.83%	5.35	5	1:7,940	
Southern	27,700	13.84%	3.74	4	1:6,925	
	200,200	100%		27		

Note:

- No boundary adjustments are required in order to comply with the fairness provisions.

- The community boards identified in this example could be subdivided to take account of the Council’s existing boards and other appropriate subdivisions.
- The population numbers and ratios will require some adjustment once the “estimated resident population” numbers, as at 30 June 2011, have been released at the sub-district level by Statistics New Zealand in February 2012.

Comment

(1) Review of Existing Boards

Although no preliminary consultation has been undertaken this year (for reasons outlined earlier in this report) it is clear that the level of community support for the retention of both the Tawa and Makara/Ohariu Community Boards current arrangements remains high.

The future of both the Boards was fully canvassed during the 2007 representation review and as a result of the number and quality of the submissions received on the Council’s initial proposal (which was to abolish the Tawa Community Board and to extend the Makara/Ohariu Community Board to include the rural suburbs of Takapu Valley and Horokiwi), the Council agreed to retain both Boards under their existing arrangements. That decision was supported by the LGC in its determination issued on 10 April 2007.

Nothing appears to have changed since then. Both Boards have retained the strong support of their respective communities and their work is valued by their residents. The valid reasons they put forward for their retention in 2007 still stand and both Boards continue to carry out their roles to the Council’s satisfaction.

It is therefore recommended that both the Tawa and Makara/Ohariu Community Boards be retained and continue to operate under their current arrangements.

(2) Establishment of More Community Boards

Although the legislation provides the opportunity for any interested community to request the establishment of a community board any time outside of the representation review process, no such requests have been received. There appears to be no public support for this to happen

The question of fairness (i.e. some areas have a community board and an additional level of representation while others don’t) is often raised but the fact that other communities appear not to want community boards is not a valid reason for existing boards to be abolished. It is also appropriate to 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 member under the ward system) and to the election of community board members only when a community board has been subdivided for electoral purposes. Neither the Tawa nor Makara/Ohariu Community Boards are subdivided for electoral purposes. This view is supported by the Local Government Commission

It is therefore recommended that because of the absence of evidence that there is any interest in the establishment of more community boards in the city, the Council agree that no more community boards be established in the city at this time.

(3) Boundary Adjustment – Makara/Ohariu Community

A review of the community board boundary maps has identified the need to make a minor boundary change to the Makara/Ohariu Community Board district.

As a result of ongoing sub-divisional work in Churton Park a number of properties in the upper end of Downing Street are now located within the Makara/Ohariu Community Board district. The residents in these properties have no community of interest with the remainder of the Board’s district. Their community focus is with the remainder of Churton Park and it is therefore inappropriate that they be entitled to vote for the election of members to the Makara/Ohariu Community Board.

It is therefore recommended that the boundary of the Makara/Ohariu Community Board be adjusted by the exclusion of meshblock No 2104603, within which the properties in question are located, from the Board’s district. The area in question is shown on the map attached (Appendix 11).

Because the properties are well within the current Onslow/Western Ward boundaries there is no need to change any ward boundaries as a result.

The need for this adjustment has been discussed with the Chair of the Makara/Ohariu Community Board and the matter will be referred to the Board for its consideration and approval at its meeting on 19 July 2012.

5.7 Consultation and Engagement

The “initial” proposal will be publicly notified and will be open to public submissions and hearings before a final decision is made.

5.8 Financial considerations

There are no financial considerations.

5.9 Climate change impacts and considerations

There are no climate change impacts or considerations required.

5.10 Long-term plan considerations

There are no long term plan considerations.

6. Conclusion

This report outlines the procedures, processes and timelines the Council is required to comply with in undertaking this review.

It also recommends the adoption of an “initial” proposal for the Committees consideration and, if adopted, referral to Council for its adoption.

Contact Officer: *Ross Bly, Special Projects and Electoral Officer*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

This project supports Outcome 7.2.B – More actively engaged: Wellington will operate an open and honest decision making process that generates confidence and trust in the democratic system.

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

The project relates to C534: Elections, Governance and Democratic Process.

3) Treaty of Waitangi considerations

No Treaty implications.

4) Decision-making

This is not a significant decision. The report sets out a number of representation options which have been developed for consideration.

5) Consultation

a) General consultation

The “initial” proposal will be publicly notified and will be open to public submissions and hearings before a final decision is made.

b) Consultation with Maori

Some initial discussions have been held with local iwi representatives on the possible establishment of Maori Wards and Maori representation generally.

6) Legal implications

There are no legal implications.

7) Consistency with existing policy

There are no implications for Council policy – the report is consistent with existing Council policy.

Principles and Statutory Framework

In addition to the specific requirements of *Part 1A* of the *Local Electoral Act (LEA)*, details of which are set out in Appendices 2 - 4, local authorities preparing for and carrying out representation reviews need to consider other relevant provisions of that *Act* and the *Local Government Act 2002 (LGA)*.

Local Electoral Act 2001

Section 3(c)(ia) provides that the purpose of the *Act* is to allow diversity, through local decision-making, in relation to:

“the regular review of representation arrangements for local authorities”.

Section 4(2) requires local authorities:

“in making decisions under this Act or any other enactment, (to) take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances”.

Section 4(1)(a) provides that one of the principles the *Act* is designed to implement is the provision of:

“fair and effective representation for individuals and communities”.

Local Government Act 2002

It is also necessary for local authorities to consider the purpose and principles of local government and the consultation and decision-making requirements set out in the *LGA* when undertaking their review of representation arrangements.

Section 3 of the *LGA* provides that:

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

Section 10 provides that the purpose of local government is:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future”.*

Section 14 sets out principles for local authorities and these include the following provisions that a local authority must comply with in performing its role:

- (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*
- (iii) *the likely impact of any decision on each aspect of well-being referred to in section 10".*

Sections 77, 78 and 81 set out the requirements for local authorities when making decisions including contributions to decision-making by Māori, and *section 82* sets out principles of consultation. *Subsection 76(1)* provides that every decision must be in accordance with these sections (i.e. *sections 77 to 82*).

The provisions relating to reviews of community boards are set out in *Section 19W* of the *LEA*. It provides that a local authority in undertaking a review under *section 19J*, or the Commission in determining a local authority's community board arrangements, must have regard to the criteria for reorganisation proposals specified in the *LGA*, as considered appropriate in the circumstances.

The general role of community boards is set out in *section 52* of the *LGA*. To a significant extent, the role of particular community boards will be determined by the specific matters that are referred or responsibilities that are delegated to boards by the parent territorial authority under *section 52(b) and (f)*.

Relationship of Local Government Act and Local Electoral Act

In summary, the above provisions of the *LGA*, to the extent they are not inconsistent with the *LEA*, apply to local authorities making decisions under the *LEA* including on representation reviews.

Specific provisions of the *LEA* reflect, to a large extent, the philosophy of the *LGA* which recognises the diversity of New Zealand communities.

These provisions provide local choice in respect of:

- the electoral system to be used
- the establishment of Māori wards or constituencies
- representation arrangements (subject to appeal/objection to the Local Government Commission) including:
 - the number of members of the elected body (within a prescribed range)
 - (for territorial authorities) the basis of election i.e. at large, wards or a mix of both
 - (for territorial authorities) the establishment of community boards.

It should be noted that in both the *LEA* and the *LGA*, the word 'community' is used in two different senses. Sometimes it refers to a community constituted under *Schedule 6* of the *LGA* and relating to a community board, and sometimes it refers to a broader community of interest within the district or region.

Key factors for consideration

The Council must carefully consider the following three key factors when determining its representation proposal:

- communities of interest;
- effective representation of communities of interest; and
- fair representation of electors.

Communities of interest

The Council must ensure that the election of its members provides effective representation of the community or communities of interest within its district.

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 or groups perspective. Giving proper consideration to defining local communities of interest is, however, an essential part of the representation review process. It is a necessary precursor to determining effective representation.

Communities of interest may alter over time. Local authorities need, therefore, to give careful attention to identifying current communities of interest within their district or region when undertaking representation reviews.

Communities of interest exist at different levels. Local authorities themselves are distinct and identifiable communities of interest. For the purposes of determining appropriate representation arrangements, territorial authorities need to determine firstly the extent to which there are identifiable communities of interest below the district level. They then need to determine whether these communities of interest are located in identifiable geographical areas, justifying the establishment of wards, or whether they are spread across the district.

In a general sense the Local Government Commission’s view of community of interest is the area to which one feels a sense of belonging and to which one looks for social, service and economic support.

A community of interest usually has a number of defining characteristics, which may include:

- a sense of community identity and belonging reinforced by:
 - similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community
 - similarities in economic or social activities carried out in the area
 - distinctive physical and topographical features (e.g. rivers, principal roads, hill ridge lines)
 - distinct local history of the area
 - the rohe or takiwā of local iwi
- dependence on shared facilities and services in an area, including:
 - schools, recreational and cultural facilities

- retail outlets
- transport and communication links.

Any decisions relating to the representation of communities of interest need to take account of the extent that distinct geographical communities of interest can be identified i.e. a physical boundary is able to be defined below the district or region level for the community of interest concerned.

Effective representation of communities of interest

While not a prescribed statutory consideration, local authorities need to consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district or region as a whole. This consideration will be in light of such factors as the size, nature and diversity of the district or region.

The achievement of effective representation requires consideration of the identified communities of interest and the extent these are geographically distinct and warrant specific representation. Effective representation for these communities of interest determines the basis of election for territorial authorities.

The basis of election chosen for territorial authorities (at large, by ward, or partly by ward and partly at large) is required to be, in the view of the territorial authority, that option which best provides for effective representation of communities of interest.

While what constitutes effective representation will be specific to each local authority area, the following factors should be considered to the extent possible:

- avoiding arrangements that may create barriers to participation, such as at elections, for example by not recognising residents' familiarity and identity with an area
- not splitting recognised communities of interest between electoral subdivisions
- not grouping together two or more communities of interest that share few commonalities of interest
- accessibility, size and configuration of an area including:
 - 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 area?
 - would elected members be able to attend public meetings throughout the area, and provide reasonable opportunities for face-to-face meetings?

In cases where district-wide communities of interest are seen to prevail, elections at large may be appropriate. On the other hand, wards are likely to be

appropriate in circumstances where a territorial authority district contains a number of distinct, geographically identifiable communities of interest best served by separate representation.

In deciding on ward arrangements, it should be noted that a separate ward/constituency might not be necessary or practicable for the effective representation of each community of interest. Where there are a large number of communities of interest, practicality suggests that it may be appropriate to consider the linkages between these various interests so that those that display linkages could be combined together into one or more larger wards.

It is also relevant for the local authority to consider the electoral system used when addressing particular configurations of wards or constituencies. Multi-member wards of at least three members are seen to be more conducive to achieving the benefits of proportionality under the STV electoral system.

As another option to provide effective representation of communities of interest, the *LEA* now provides that the members of a territorial authority may be elected partly by wards and partly at large. This option may best reflect the existence of clear district-wide communities of interest in tandem with specific geographically based communities of interest.

All members elected under a ward or mixed system make a declaration on coming into office to act in the best interests of the whole district. In other words, even where the use of a ward or mixed system will achieve more effective representation, the members under that system have the same obligation to the district as members elected at large. Therefore, in terms of the duties of elected members there is no functional difference in the decision-making role of members elected at large and members elected by way of a ward system.

Fair representation of electors

Section 19V of the *Local Electoral Act* details the factors to be applied in determining the membership for wards in order to achieve fair representation of electors.

Under this provision, membership of wards is required to provide approximate population equality per member i.e. all votes are of approximately equal value (referred to as the ‘+/-10% rule’) unless there are good (prescribed) reasons to depart from this requirement. *Section 19V(2)* outlines the specific requirements as follows:

“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

APPENDIX 2

members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any)."

In respect of territorial authorities, *section 19V(3)(a)* provides two grounds for not complying with the fair representation requirements of *section 19V(2)*.

These grounds are to provide for effective representation of communities of interest within island communities or within isolated communities and are unlikely to apply in Wellington city.

Any local authority proposing membership for any of its electoral subdivisions involving a member to population ratio not complying with the '+/-10% rule' of *section 19V(2)*, needs to specifically identify its reasons for doing so to support its decision. This is required for the public notice it is required to give and will also assist the Commission in its deliberations should the matter be referred to them for determination.

Review of Community Boards – Key Statutory Provisions

Section 19J of the *LEA* requires the Council to carry out a review of community boards every time it carries out a representation review.

The Council must take the following factors into account in carrying out its review of community boards.

- (1) Every community board:
 - (a) is to consist of not fewer than four members nor more than 12 members
 - (b) is to include at least four elected members
 - (c) may include appointed members.
- (2) The number of appointed members is to be less than half the total number of members.
- (3) The persons who are appointed under subsection (1)(c) as members of the community board must:
 - (a) be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted
 - (b) if the territorial authority is divided into wards, also be members of the territorial authority representing a ward in which the community is situated.
- (4) The part of a district in respect of which a community is constituted may be subdivided for electoral purposes.
- (5) Each subdivision must elect at least one member of the community board.
- (6) If a community comprises two or more whole wards, the elected members of the community board may be elected by the electors of each ward.
- (7) If the community is not subdivided for electoral purposes, the members of the community board must, unless they are to be elected in any case to which paragraph (6) above applies, be elected by the electors of the community as a whole.
- (8) If a community is subdivided for electoral purposes or if the members of the community board are to be elected in any case to which paragraph (6) above applies
 - (a) each member of the community board who represents a

APPENDIX 3

- (b) subdivision must be elected by the electors of the subdivision
each member of the community board who represents a ward
must be elected by the electors of that ward.

The resolution the Council is required to pass must determine:

- (a) whether one or more communities should be constituted
- (b) whether any community should be abolished or united with another community
- (c) whether the boundaries of a community should be altered
- (d) whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require
- (e) whether the boundaries of any subdivision should be altered
- (f) the number of members of any community board
- (g) the number of members of a community board who should be elected and the number of members of a community board who should be appointed
- (h) whether the members of a community board who are proposed to be elected are to be elected:
 - (i) by the electors of the community as a whole
 - (ii) by the electors of two or more subdivisions
 - (iii) if the community comprises two or more whole wards, by the electors of each ward.
- (i) in any case to which paragraph (h)(ii) applies:
 - (i) the proposed name and the proposed boundaries of each subdivision
 - (ii) the number of members proposed to be elected by the electors of each subdivision.

APPENDIX 4

Suggested Timetable for Representation Review

Task	Proposed Date	Legislative Deadline
Report to Tawa Community Board: <ul style="list-style-type: none"> • outlining process and timeframes • recommending an “initial” proposal 	12 July 2012	N/A
Report to Makara/Ohariu Community Board: <ul style="list-style-type: none"> • outlining process and timeframes • recommending an “initial” proposal 	19 July 2012	N/A
Report to Strategy and Policy Committee: <ul style="list-style-type: none"> • outlining process and timeframes • recommending an “initial” proposal (incorporating recommendations from Tawa and Makara/Ohariu Community Boards) 	9 August 2012	N/A
Council to adopt its “initial” proposal	29 August 2012	31 August 2012
Public notification of initial proposal (calling for submissions)	5 September 2012	8 September 2012
Close of public submissions	5 October 2012	8 October 2012
Council to hear/consider submissions	Week commencing 8 October 2012	Before 19 November 2012
Report to Strategy and Policy Committee recommending “final” proposal	18 October 2012 (or report straight to Council)	Before 19 November 2012
Council decision on “final” proposal	24 October 2012	Before 19 November 2012
Public notice of the Council’s “final” decision	3 November 2012	19 November 2012
Close of public appeals/objections to “final” proposal	4 December 2012	20 December 2012
All documentation to LGC (if any appeals/objections are received)	24 December 2012	15 January 2013

Recommended 'Good Practice' Process Steps

Step 1. Is a review required?

- Local authorities are required to undertake a representation review at least once every six years. They can however, carry out a review three years after the last review (ie. every three years) if they so wish.

(The Council carried out its last review in 2006 and is therefore legally required to undertake another review in time for the 2013 local authority elections).

Step 2. Consider preliminary consultation

- When a representation review is to be undertaken, consideration should be given to the need for preliminary consultation with the community, including with local Maori, on the range of representation issues including the electoral system, Maori representation and communities of interest.

(The Council has carried out preliminary consultation as part of its representation reviews in the past. However, following a briefing Councillors received on 20 March 2012 on the local government sector reforms the government has indicated it intends to implement before the end of the year, it was agreed not to carry out any preliminary consultation on this occasion.

As a result of a poll of electors held in 2008, the Council is required to carry out its 2013 triennial election under the STV system. Any decision to change that system cannot be made until after the 2013 election (i.e. in time for the 2016 local authority election).

Councillors will recall that they have been briefed on the Maori representation options available under the LEA and the discussions that had been held with local iwi representatives on the possible establishment of Maori wards in Wellington City. The conclusion reached at the briefing was that the current representation and participation mechanisms were working well for the city and for Maori. As a result of our discussions with them, local iwi have expressed a desire for the issue of Maori representation to be considered as part of any future discussions on amalgamation and regional governance issues as they consider the current legislation to be sub-optimal.

Step 3. Identify communities of interest

- Identify the communities of interest of the district taking into account the requirements of *LEA* and *LGA 2002* and any other information available to the Council.

(An extensive review of the city's suburb boundaries was undertaken in 2003 and this information was used extensively by the Council when determining its ward boundaries for the last two representation reviews in 2003 and 2006. These suburb boundaries are under constant review and a number of minor amendments have been made since 2003. The suburb boundaries were specifically determined on communities of interest and it is therefore proposed that they be used again as the basis for this review).

Step 4. Determine effective representation for identified communities of interest of the district

- Consider whether effective representation for identified communities of interest is best achieved by way of elections held at large, wards or a mix of both.

(The Council has elected its members under the ward system since 1986. This decision has been supported by the Local Government Commission).

- Consider what council size, or range in membership, would be appropriate to provide effective representation for the district as a whole.
- In relation to wards, consider whether each identified community of interest needs separate representation, or whether communities of interest can be grouped together in certain ways to achieve effective representation.

(The Council has decided in the past that the city's communities of interest can be grouped together to achieve effective representation. Again this decision has been supported by the Local Government Commission).

- In relation to wards determine:
 - (i) the number there should be (based on communities or groupings of communities of interest);
 - (ii) their boundaries; and
 - (iii) their names.

Step 5. Consider fairness of representation for electors of wards

- Consider a range of options for the total membership of the local authority. Under each option, determine the ratio of population per member for each proposed ward.
- For each option, compare the ward ratios calculated with the average population per member for the Council as a whole.
- Ensure that the subdivision ratios under the options for total membership fall within +/- 10% of the average population per member. If they don't comply, consider altering ward boundaries or reconfiguring these arrangements (to the extent practicable to provide effective representation of communities of interest) so that the ratios fall within +/- 10% of the average population per member.

It is important to note that the fairness criteria do not need to be considered if the Council decides to elect its Councillors and any community board members at-large.

(The Government has announced that it will be promoting changes to the LEA to provide territorial authorities with further exceptions to the "fair representation" requirement where compliance would:

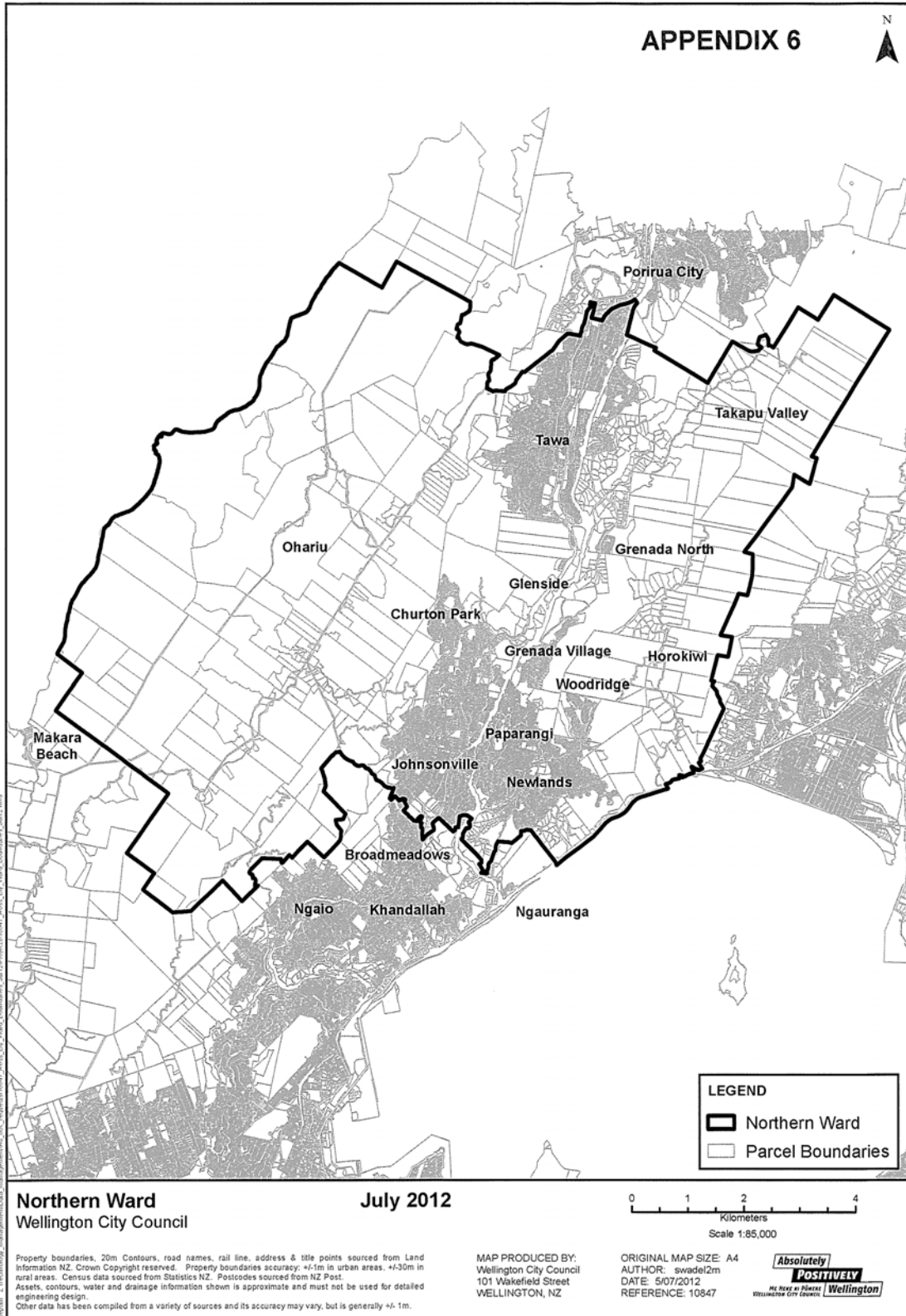
- *limit effective representation of communities of interest by dividing them between wards; or*
- *limit effective representation by grouping two or more separate communities of interest which have few recognisable common interests.*

If approved, these changes will not take effect in time for this years review and the advice is that we need to complete the current review in compliance with the existing legislation).

Step 6. Consider communities and community boards

- In light of the principle of fair and effective representation for individuals and communities, territorial authorities **are required** to consider whether there should be communities and community boards and the nature of any community and the structure of any community board.
- Where community boards are to be established, Councils must consider whether effective representation for identified communities of interest is best achieved by way of an at large system, by subdivisions of the community or by elections from wards within the community.

(The Council's two Community Boards have always been elected on an at-large basis).



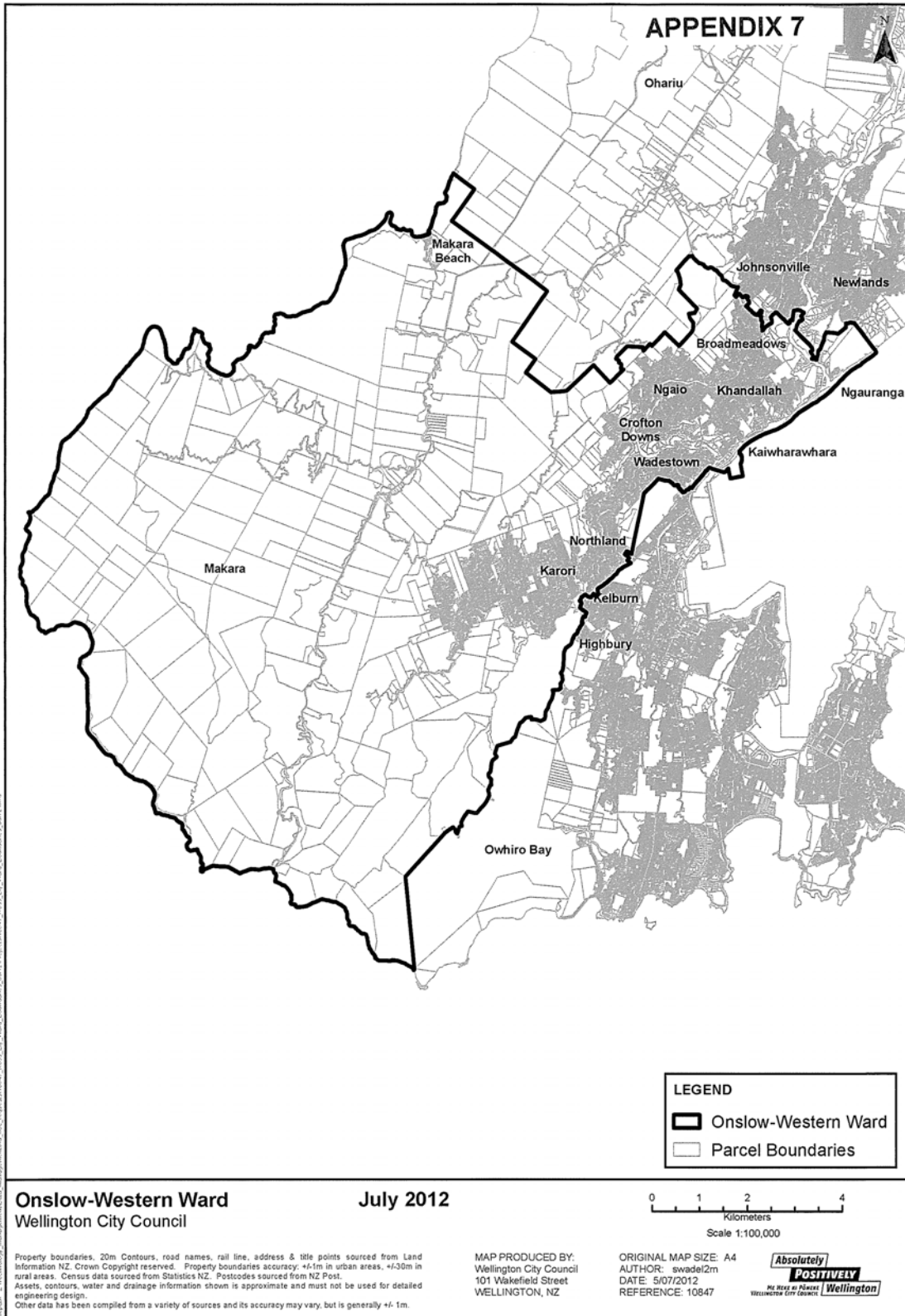
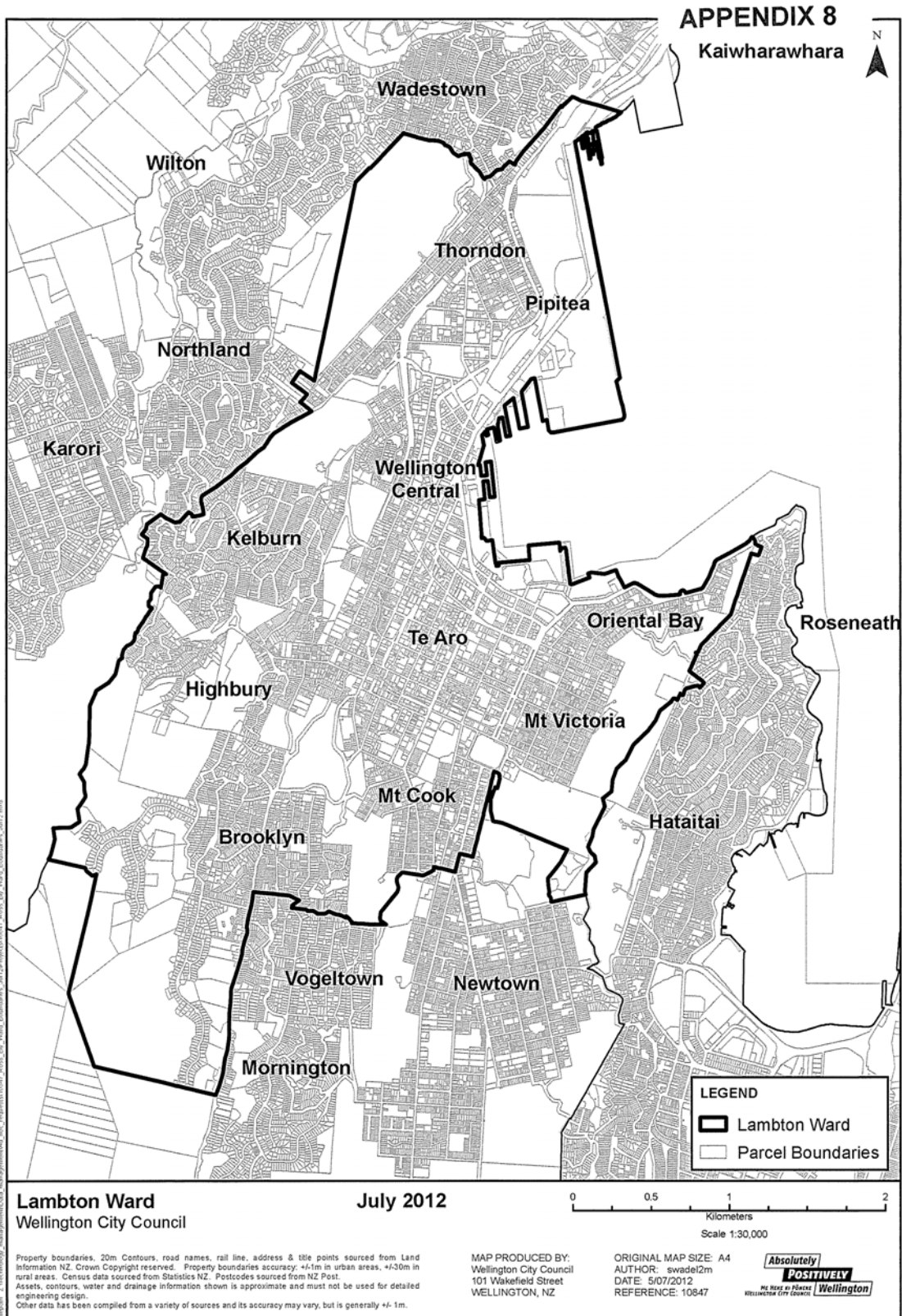
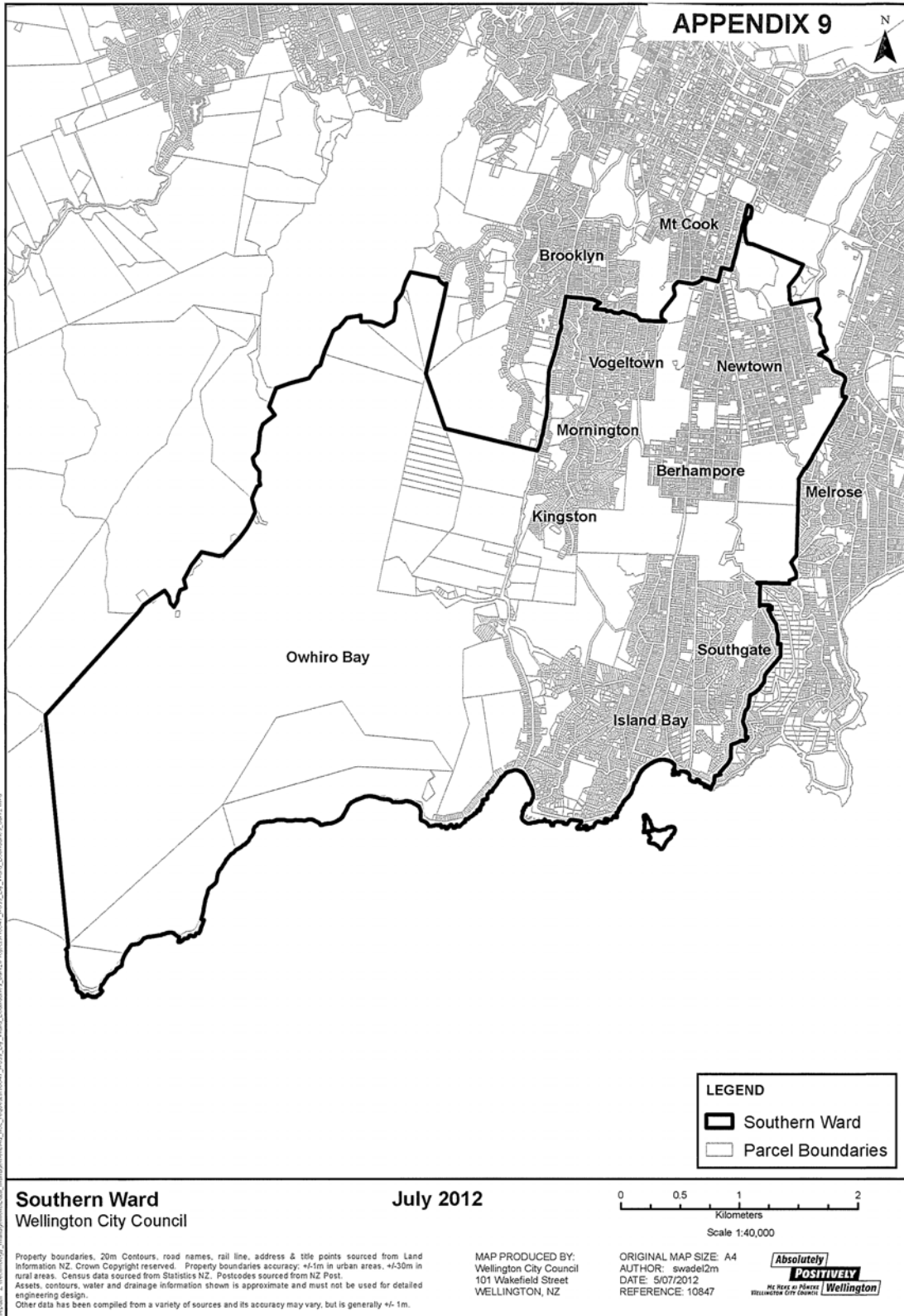


Figure 2: Technology Management Data Management 04_NZ_report011017_Boys_Eh_Ward_Boundaries_1612.mxd

Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas. Census data sourced from Statistics NZ. Postcodes sourced from NZ Post. Assets, contours, water and drainage information shown is approximate and must not be used for detailed engineering design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m.





APPENDIX 10

