

Agenda

SOUTH WAIRARAPA DISTRICT COUNCIL

**19 KITCHENER STREET
MARTINBOROUGH**

**ORDER PAPER FOR AN EXTRAORDINARY MEETING
TO BE HELD IN THE
DISTRICT COUNCIL CHAMBERS,
KITCHENER STREET, MARTINBOROUGH
ON
24 October 2018**

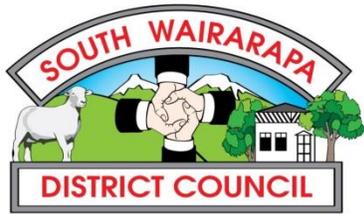
**MEMBERSHIP OF COUNCIL
HER WORSHIP THE MAYOR
Mrs Viv Napier**

(Deputy Mayor Brian Jephson)

Cr P Ammunson
Cr L Carter
Cr P Colenso
Cr M Craig

Cr P Maynard
Cr C Olds
Cr C Wright

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS
COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**



SOUTH WAIRARAPA DISTRICT COUNCIL EXTRAORDINARY MEETING

AGENDA 24 October 2018

EXTRAORDINARY MEETING (HEARING):

The meeting will be held in the South Wairarapa District Council Chambers, 19 Kitchener Street, Martinborough and will commence at 10:30am. The meeting will be held in public with the express purpose of hearing and deliberating on submissions to the Representation Review Proposal.

- 1. Apologies**
- 2. Conflicts of Interest**
- 3. Submissions Hearings as per Schedule**

No.	Submitter	Start Time
2	Claire Bleakley	10:30am
8	Robyn Ramsden	10:40am

- 5. Representation Review Report**

Pages 1-13

- 6. Deliberations**

SOUTH WAIRARAPA DISTRICT COUNCIL

24 OCTOBER 2018

AGENDA ITEM 5

REPRESENTATION REVIEW

Purpose of Report

To report to Council on the representation review.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *That the South Wairarapa District Council adopts its Final Proposal for the Representation Review for the local election to be held in 2019 and subsequent elections until altered by any subsequent decisions the following.*
3. *Council may choose to adopt the status quo which is as follows:*
 - (a) *That the Council comprise nine (9) councillors elected from three (3) wards, and the Mayor elected at large;*
 - (b) *That the Council retain the existing ward names of Featherston, Greytown and Martinborough;*
 - (c) *That the proposed boundaries of the three (3) wards remain as they are at present;*
 - (d) *That there be three (3) community boards representing the communities of Featherston, Greytown and Martinborough;*
 - (e) *That the proposed boundaries of the three (3) communities remain as they are at present;*
 - (f) *That the membership of the Featherston, Greytown and Martinborough Community Boards be retained at four (4) members elected at large from the respective communities and two members appointed by the Council representing the respective wards;*

OR

4. *Council may choose to agree to change boundaries in response to submissions.*
5. *Council may choose to alter the number of councillors who have membership on community boards.*
6. *That public notice is given of the Final Proposal as contained in this resolution.*

1. Introduction

The Local Electoral Act requires local authorities to carry out a review of their representation arrangements at least once every six years. Having previously conducted a representation review in 2012 for the 2013 and 2016 local elections, the Council is now required to undertake a representation review for the 2019 and 2022 local elections. Representation reviews are defined by the Local Electoral Act 2001 as reviews of the representation arrangements for a local authority. Those arrangements include:

- a. The number of councillors to be elected to the Council;
- b. Whether councillors are elected by wards or by the district as a whole (or a mixture of both systems);
- c. If elected by wards, the number, boundaries and names of these wards and the number of councillors that will represent them; and
- d. Whether to have community boards, and if so how many, their boundaries and membership.

The Council is required to adopt an initial proposal for public consultation on its representation arrangements for the 2019 and 2022 elections. Following adoption, the proposal must be publicly notified inviting the public to make submissions on it. The Council must consider, and hear if requested, any submissions received on its proposal. Based on those submissions, the Council needs to either confirm or amend the proposal as its "final" proposal, which is also notified. The Council's "final" proposal must be adopted and public notice given within six (6) weeks of the close of submissions on the Initial Proposal. If there are appeals and objections to the "final" proposal, then the Local Government Commission makes the final determination. The Commission determination must be made no later than 10 April 2019 and is subject to judicial review or appeal on a point of law. The process must adhere to a statutory timeline and process.

Once the initial proposal is agreed, the formal statutory review process commences.

In preparing for and carrying out a representation review, the Council must be aware of the relevant provisions of the Act and the Local Government Act 2002. The Council must also consider the guidelines issued by the LGC to assist local authorities in identifying the factors and considerations that they should take into account when developing their representation proposals

2. Community Boards and Maori Representation

Recommendations were sought from the three community boards and the Maori Standing Committee and these have been considered. Their recommendations supported maintaining the status quo.

The recommendations were approved by Council at the August council meeting the advertisement was placed in the local press the following week. Information was also placed on the Council's website regarding the representation review and residents were encouraged to make submissions.

The Council at its workshops agreed that more research be done on separate electoral representation for Māori for further consideration prior to the next representation review.

3. Communities of Interest and Fair and Effective Representation

Council prepared the initial proposal for public review. The initial proposal reflected the following key principles:

3.1 Identifying Communities of Interest:

South Wairarapa district is a territorial authority with urban townships surrounded by rural farmland. The review took into account a number of factors when identifying the communities of interest, including:

- Current and historic boundaries
- Housing and development patterns, and potential for urban growth
- Business and education activities such as industrial areas, defined shopping hubs and existing schools
- Community organisation’s boundaries
- Areas of significant open space, topographic and other features and natural landscapes (such as major roads and transport corridors, rivers, local beaches, hills and valleys)
- Provision of utilities
- Rural character
- Opportunities for planned and random social interactions
- Services and local places, including marae, schools, medical facilities, libraries, community centres, churches, cafes and shops
- Open spaces and recreational spaces and facilities, including parks, pools and walking tracks

Effective Representation - that identified communities of interest are adequately represented by a council structure elected by wards, at large or a mixture of both.

Fair Representation – that any ward structure (if adopted) ensures that electors receive fair representation from an appropriate number of elected members per ward and that the ratio of electors per ward member is consistent across the whole district ($\pm 10\%$).

Table 1: Estimated Resident Population at 30 June 2017

Ward	Estimated Resident Population	Members	Population Per Member
Featherston	3,180	3	1,060
Greytown	3,460	3	1,153
Martinborough	3,600	3	1,200
Totals	10,240	9	

In accordance with section 19V(2) of the Local Electoral Act 2001 the population that each member represents must be within the range of 1,138

$\pm 10\%$ (1,024 to 1,252) unless particular community of interest considerations justify otherwise. The proposed ward representation structure meets that population test.

4. Submissions

A total of 8 submissions were received regarding the proposal to continue with the status quo. A summary of these submissions is included in Appendix 1.

Two submissions supported moving the Featherston/Greytown ward boundary so that the area known as Tauherenikau up to No. 1 Line would be in the Featherston rather than the Greytown ward.

Three submissions supported moving the Featherston/Martinborough ward boundary so that the area known as Kahutara would be in the Featherston ward rather than the Martinborough ward.

Two submissions discussed the number of councillors being members of the community boards. One submitter supported having one councillor on each community board. One submitter supported having all three councillors on each community board.

One submission discussed consistency of consulting with the community and gaining community input. Another raised the issue of including more provisions for Tangata Whenua in the standing orders.

The latter two submissions are outside the scope of this review but Council may choose to consider them at a later date.

Two submitters asked to speak to their submissions so a hearing has been scheduled at 10.30am on 24 October 2018 to be followed by deliberations on submissions.

5. Conclusions

The reasons for the Council's initial proposal included:

- All wards comply with the legislative requirements and provide for fair representation;
- The growth patterns predicted in the district growth projections prepared as part of the long term plan process indicate that compliance will continue in future years;
- The existing ward and community board structure is well understood by the electors;
- The Council is satisfied that the existing structure will continue to provide effective representation for the district's distinct communities of interest; and
- No significant changes have occurred since 2012 to indicate that the Council should be proposing changes to its representation arrangements at this time.

A small number of submitters have requested a change to boundaries. Council is required to consider these requests but not compelled to make any changes, especially due to the small number of submissions.

If Council wishes to consider moving either of the boundaries, it will require complete population meshblocks to be moved from one ward to the other. These meshblocks are administered by the Department of Statistics.

Based on the 2013 census population numbers, 153 people live within the No. 1 Line meshblocks and 468 people live within the Kahutara meshblocks.

The change to the No. 1 line meshblock would have a minor impact on the representation levels of each ward and would be well within the +/- 10% tolerance.

The change to the Kahutara meshblocks would mean that the Featherston ward would have a population of 1216 per council member (the +/-10% maximum is 1252) and the Martinborough ward would have a population of 1044 per council member (the +/-10% minimum is 1024).

Should the Council determine to make both the changes sought then the Featherston ward would have a population of 1267 per council member (outside the maximum permitted by the +/-10% rule of 1252). Both the Greytown and Martinborough wards would remain compliant. If a change is approved that exceeds the +/-10% rule then the Council must refer its decision to the Local Government Commission for determination regardless of whether there are any appeals or objections from the community.

Council also needs to consider whether to change the number of councillors who are members of each community board.

If the final proposal differs from the original proposal advertised in the newspaper and on the Council website, residents can object to the changed proposal at which point anyone in the community may raise objections to the changes and these will be heard and resolved by the Local Government Commission. If the final proposal is unchanged only those who made a submission may appeal to the Local Government Commission.

6. Timeline

- **Wednesday 8 August 2018** - Council meeting resolved initial proposal which was to retain the status quo.
- **Wednesday 15 August 2018** - advertised initial proposal and consultation period (allowing one month to make submissions).
- **Friday 21 September 2018** - consultation closed. Eight submissions were received. A summary is included at Appendix 1.
- **Wednesday 24 October 2018** - Council meeting to include Representation Review hearing and deliberations. Council to then adopt final proposal (within 6 weeks of submissions closing).
- **Wednesday 31 October 2018** - Public Notice of final proposal (within 6 weeks of submissions closing).
- **Friday 2 November – Monday 3 December 2018** - appeals/objections period (at least one month).
- **By 14 December 2018** - Forward to LGC (if required).

7. Financial Implications

There are costs associated with representation. The costs will largely be associated with:

- Elected member remuneration and administrative costs and facilities, and
- Compilation of electoral rolls and administration of the election.

There are no additional costs should the Council retain the status quo.

There would be additional staff time involved if a boundary change were proposed and if there were objections to any proposed boundary changes.

Costs of the Representation Review consultation are covered by the election expenses budget.

8. Legal Implications

Local Electoral Act 2001 - Section 19 of the Local Electoral Act sets out the provisions for the Council's representation review. In particular, Sections 19T to 19V relate to the requirements around effective and fair representation when determining membership and basis of election.

Local Government Act 2002 - The Council is also required to comply with the decision-making procedures contained in Part 6 of the Local Government Act.

9. Appendices

Appendix 1 –Submissions to Representation Review

Prepared By: Jennie Mitchell, Group Manager Corporate Support
Reviewed By: Paul Crimp, CEO

Appendix 1 – Submissions to Representation Review

SWDC Representation Review 2018

#	Name of Submitter	I wish to speak to my submission	1. Do you agree with retaining the three wards?			2. Do you agree with retaining the current ward boundaries?			3. Do you agree that councillors are elected from inside each ward?			4. If you answered no or other to question three, would you prefer some or all crs to be			5. Do you agree with retaining the three community boards?			6. Do you agree with the number of elected members on community boards?			7. Do you agree with the no. of councillors appointed to community boards?		
			Yes	No	Other Option	Yes	No	Other Option	Yes	No	Other Option	Yes	No	Other Option	Yes	No	Other Option	Yes	No	Other Option	Yes	No	Other Option
1	Ian Mallett	No	1				1			1					1			1			1		
2	Claire Bleakley	Yes	1					1		1					1			1			1		
3	Sally Walker	No	1				1			1					1		1	1			1		1
4	Jack Sheppard	No	1			1				1					1			1			1		
5	Don Banham	No	1				1			1					1			1			1		
6	Peter Jackson	No	1			1				1					1			1			1		1
7	Colin Olds	No	1				1			1					1			1			1		
8	Robyn Ramsden	Yes	1					1		1			1		1					1			1
TOTAL			8	0	0	2	4	2	8	0	0	0	1	0	8	0	1	7	0	1	5	2	1

SWDC Representation Review 2018

Submission Details

Serial	Name of Submitter	Comments in support of choices/feedback on SWDC governance structure
1	Ian Mallett	I live 4.7 kms from Featherston yet the boundary at the Tauherenikau river puts me under the Martinborough ward. I know hardly anyone there and only visit to use the tip or go to Mitre 10, whereas I go to Featherston several times a week and know many more people. I feel like an alien at voting time! voting for issues that don't affect me and missing out on issues like the waste water debate which is less than 2kms from me.
2	Claire Bleakley	I think that Kahutara boundaries should be re- zoned as part of the Featherston ward.
3	Sally Walker	1. Featherston area should be extended to the west of Ruamahanga river extending the eastern border. This better reflects Featherston area. 2. Featherston community board has not delivered a community voice. I suspect this may be due to council influence. Fab Feathy appear to have delivered a better voice for the needs of the community.
4	Jack Sheppard	The structure seems to be quite positive and to allow for differing local community voices to be filtered through to Council. I support retaining the current structure. One comment to feedback on governance structure is that there appears to be a systemic problem related to corporate culture, rather than inherent structure. No structure can be useful if it doesn't function properly, and the communication mechanism linking the Featherston community through the FCB to SWDC seems broken. Can we please have better consultancy and community input that is listened to, as part of a healthy decision-making process?
5	Don Banham	Featherston is the largest town in South Wairarapa yet has the smallest ward representation. I live in Kahutara. All my local business is done in Featherston and all the services I receive (post, phone etc) are sourced from Featherston. The councillors who best represent my local interests are Featherston Ward councillors and I would like to be able to vote for these, not Martinborough Ward councillors. I respectfully submit that the Featherston Ward boundary be adjusted to include mesh blocks that incorporate Kahutara and environs.

6	Peter Jackson	<p>Regarding Question:</p> <p>3. Yes. Only those physically living within the ward should be eligible to represent it.</p> <p>7. No. I believe only one councillor is required on each Community Board, and that their role should be advisory in nature only. This councillor should have no right to vote on motions tabled at a Community Board meeting (just as Community Board members have no right to vote at a Council meeting). Should a motion passed at a Community Board meeting be raised for consideration at a Council meeting, this is when the councillors should have an opportunity to vote on the matter.</p>
7	Colin Olds	<p>I believe that the Boundary for the Featherston ward should include the area known as Tauherenikau up to No1 line.</p> <p>People living in this area associate Featherston as their town and not Greytown. All addresses are RD Featherston and in terms of travel time, Featherston is the closest town.</p>
8	Robyn Ramsden	<p>It seems to me that excluding one Ward Councillor from the make up of the Community Board causes conflict between Ward Councillors. It is clear from my current experience that the Ward Councillor excluded from the Community Board is not in touch with that is happening and can sometimes work against the Community Board and what it is trying to achieve for their Community.</p> <p>By including all the Ward Councillors into the Community Board, it may reduce the conflict and therefore have a better outcome for the Community.</p> <p>I have included in this submission a copy of standing orders from Lower Hutt City Council which detail provisions for Tangata Whenua. I think we need to be talking about Maori Ward options and have Communications Plan for bringing this to the Community.</p> <p>See attached</p>

31. Additional provisions for Te Taura Here O Te Awakairangi (referred hereafter as Taura Here)

31.1 Taura Here requests for items to be placed on agenda

Representatives of the Taura Here may on their own initiative request that any item which they wish to discuss be placed on the agenda for a meeting of the committee or subcommittee whose Terms of Reference cover that item. Any such request is to be in writing, signed on behalf of the Taura Here, stating the meeting at which it is proposed that the item be considered, and is to be delivered to the Chief Executive at least 10 clear working days before the date of such meeting.

31.2 Taura Here speaking rights at Council meetings

Representatives of the Taura Here have the right to address any meeting of the Council for a maximum period of 15 minutes on any items, matters, or issues which have been identified or initiated by the Taura Here and considered at a meeting of a Council committee or subcommittee. This right is in addition to, and separate from, those rights of public comment available to the Taura Here in terms of standing orders 15.1 and 15.2.

30.6 Status of resolutions passed with Tangata Whenua represented

Any resolution passed by a meeting of a committee and subcommittee at which the Tangata Whenua are represented in accordance with standing order 30.4, which relates to an item identified by or included on the agenda at the request of the Tangata Whenua, is to be only a recommendation to either the Council or the appropriate standing committee as the case may be, unless a majority of the permanent members of the committee or subcommittee present and voting at that meeting vote in favour of that resolution, in which case that resolution is a final decision if it is within the Terms of Reference of that committee or subcommittee.

30.7 Quorum at meetings with Tangata Whenua representation

The quorum at any meeting of any committee or subcommittee at which the Tangata Whenua are represented in accordance with standing order 30.4 consists of one half the elected members (including vacancies) of that committee or subcommittee if that number is even or a majority of those elected members if that number of members is odd, plus in either case an equivalent number of representatives of the Tangata Whenua.

30.8 Chair at meetings of Tangata Whenua represented

The appointed Chair of a committee or subcommittee is to preside at all meetings of that committee and subcommittee at which the Tangata Whenua are represented in accordance with standing order 29.4, and in accordance with standing order 19.3, in the case of an equality of votes, also has a casting vote.

30.9 Application of standing orders to meetings with Tangata Whenua represented

These standing orders, so far as applicable, extend to the proceedings of all meetings of Council committees and subcommittees at which the Tangata Whenua are represented in accordance with standing order 30.4.

30.10 Tangata Whenua speaking rights at Council meetings

Representatives of the Tangata Whenua have the right to address any meeting of the Council for a maximum period of 15 minutes on any items, matters or issues which have been identified or initiated by the Tangata Whenua and considered at a meeting of a Council committee or subcommittee. This right is in addition to and separate from those rights of public comment also available to the Tangata Whenua in terms of standing orders 15.1 and 15.2.

30 Provisions for Tangata Whenua

30.1 Application of term Tangata Whenua

Tangata Whenua in the context of these Standing Orders refers to Te Runanganui O Taranaki Whanui Ki Te Upoko O Te Ika A Maui, Wellington Tenth Trust and Te Tatau O Te Po and the Port Nicholson Block Settlement Trust.

30.2 Tangata Whenua representation at meetings

Where representatives of the Tangata Whenua identify any item appearing on the agenda for a meeting of any Council committee or subcommittee, or any matter or issue arising from any such item which the Tangata Whenua wish to discuss, the Tangata Whenua are entitled to representation at that meeting for that purpose. These provisions do not extend to any meeting of a committee or subcommittee which is sitting in a quasi-judicial capacity in respect of any matter to be heard under the Resource Management Act 1991, Sale and Supply of Alcohol Act 2012, Reserves Act 1977 or Dog Control Act 1996, or exercising the powers, duties or discretions of a District Licensing Committee under the Sale and Supply of Alcohol Act 2012.

30.3 Tangata Whenua requests for items to be placed on agenda

Representatives of the Tangata Whenua on their own initiative may request that any item which they wish to discuss be placed on the agenda for a meeting of the committee or subcommittee whose Terms of Reference cover that item. Any such request is to be in writing, signed on behalf of the Tangata Whenua, stating the meeting at which it is proposed that the item be considered, and is to be delivered to the Chief Executive at least 10 clear working days before the date of such meeting.

30.4 Tangata Whenua representations on committees and subcommittees

Where any item appears on the agenda for a meeting of a committee or subcommittee of Council which representatives of the Tangata Whenua have, in accordance with standing order 30.2, identified as an item they wish to discuss at that meeting, or wish to discuss a matter or issue arising from such item, or there is on that agenda any item which has been included at the request of the Tangata Whenua in accordance with standing order 30.3, the Tangata Whenua may be represented at that meeting by such number of representatives as is equal to the number of permanent members of that committee or subcommittee who are present at that meeting.

30.5 Tangata Whenua speaking and voting rights at meeting

Representatives of the Tangata Whenua present at any meeting of a committee and subcommittee for the consideration of any item in accordance with standing order 30.4 have the same speaking and voting rights as the permanent members of that committee or subcommittee.