



T +64 9 973 5212
E info@electionservices.co.nz
W electionservices.co.nz

PO Box 5135, Wellesley Street, Auckland 1141, New Zealand
Level 2, 198 Federal Street, Auckland

Title: 2015 Representation Arrangements Review
Report to: Thames-Coromandel District Council
Author: Dale Ofoske, Electoral Officer
Date: 11 March 2015

1.0 Summary and conclusions

At the 26 February 2014 Council meeting, a project plan '2016 Representation Review Project' was considered and approved. It was resolved that (i) the Policy Committee undertake the review; (ii) Community Board member Paul Kelly be appointed to the review project; and (iii) Council will consider and determine submissions to the review of representation arrangements.

Three key reviews form part of the project plan, the first being consideration of the electoral system, the second whether or not Māori representation should be introduced and the third the representation arrangements review (wards, number councillors, community boards etc). The 'steer' given by Council relating to these three reviews was for minimum change.

Regarding the first review, the electoral system, Council resolved on 13 August 2014 to retain for the 2016 triennial elections the First Past the Post (FPP) electoral system.

Regarding the second review, whether to introduce Māori representation, Council resolved on 23 September 2014 not to introduce Māori representation for the 2016 triennial elections.

The final review required under the Local Electoral Act 2001 is for Council to complete a representation arrangements review (review of membership, wards, boundaries etc) by 31 August 2015, effective for the 2016 triennial elections. The Policy Committee, originally tasked to undertake the review, was disbanded in December 2014 so the responsibility of the review reverted to Council.

Council met on 4 March 2015, by way of a workshop, to consider the relevant issues when undertaking a review, including consideration of several options (including a mixture of wards and 'at large'). Council however is of the view that the current arrangements should prevail for the 2016 triennial elections as these currently best reflect communities of interest and provides for fair and effective representation.

It is noted that one ward (Coromandel-Colville) does not meet the legislative criteria of fair representation (+/- 10% criteria) but that this ward be considered an 'isolated community' due to its location and isolating natural features. This being the case, legislation requires the matter to be referred to the Local Government Commission for determination (as if an appeal had been received to the final proposal). The normal representation review process however must still be undertaken.

Council, at its 25 March 2015 meeting, is to resolve to adopt an initial proposal, this being the status quo, as outlined in the recommendations (Section 2.0), with the formal consultation process to occur from 2 April 2015 to 31 July 2015.

2.0 Recommendations

It is recommended that Council makes the following resolutions:

1. The Thames-Coromandel District Council resolves as its initial proposal for the 2015 representation arrangements review that there be:
 - (i) 8 councillors, plus the Mayor (being the status quo);
 - (ii) four wards, being the Coromandel-Colville, Mercury Bay, South Eastern and Thames Wards (being the status quo);
 - (iii) one councillor elected from the Coromandel-Colville Ward, two councillors elected from each of the Mercury Bay and South Eastern Wards and three councillors elected from the Thames Ward (being the status quo) - noting that the Coromandel-Colville Ward's fair representation criteria (+/- 10% criteria) does not comply;
 - (iv) five community boards, being the Coromandel-Colville, Mercury Bay, Tairua-Pauanui, Whangamata and Thames Community Boards (being the status quo);
 - (v) four members elected from each of the Coromandel-Colville, Mercury Bay, Tairua-Pauanui, Whangamata and Thames Community Boards (being the status quo).
2. That the formal legislative consultative process and timetable contained in this report be adopted.
3. That the hearing of any representation arrangements review submissions that may be received be heard by Council in May/June 2015.

3.0 Narrative

3.1 Background

The Local Electoral Act 2001 (LEA) requires every local authority to undertake a representation arrangements review at least once every six years, on the first occasion either in 2003 or 2006. As Council's last review occurred in 2009, a review must be undertaken in 2015, effective for the 2016 triennial elections.

The current 2009 representation arrangements are:

<u>Ward</u>	<u>Councillors</u>
Coromandel-Colville	1
Mercury Bay	2
South Eastern	2
Thames	<u>3</u>
	8

<u>Community Board</u>	<u>Members</u>
Coromandel-Colville	4
Mercury Bay	4
Tairua-Pauanui	4
Whangamata	4
Thames	<u>4</u>
	20

Council has previously considered two other representation issues - the choice of electoral system (resolved to retain the FPP electoral system) and Maori representation (resolved not to have Maori representation [wards] for the 2016 triennial elections).

3.2 Issues

3.2.1 Legislative Requirements

Part 1A of the LEA sets out the requirements for a representation arrangements review. Issues that a local authority is required to consider include:

- whether councillors (other than the Mayor) are to be elected by electors of the district as a whole (at large), by electors of two or more wards, or in some cases by a mix of electors of the district (at large) and by electors of wards;
- the proposed number of councillors to be elected in each category (at large/ward/mixture - if applicable);
- the proposed name and boundaries for each ward;

- whether there should be communities and community boards, and if so the nature of a community and structure of a community board;
- whether one or more communities should be retained/abolished/united/alter boundaries;
- whether a community should be subdivided for electoral purposes ;
- the number of members of a community board (including the number elected and appointed);
- whether members of a community board to be elected by electors of a community as a whole, or by electors of two or more subdivisions, or by electors of each ward (if community comprises two or more wards);
- the name, boundaries and number of members of each subdivision of a community (if adopted).

3.2.2 Key Principles

In undertaking a representation arrangements review, the following key principles are required to be considered:

- communities of interest
- effective representation
- fair representation

The Local Government Commission Guidelines on undertaking a Representation Arrangements Review contains the following information:

Communities of Interest

- not defined in legislation
- essential part of review process
- can mean different things to different people
- is an area where one feels a sense of belonging
- is an area where one looks for social, service and economic support
- sense of belonging can be influenced by geographic features such as a roading network
- community of interest can be identified by access to goods and services needed every day
- Rohe, Takiwa area of Tangata whenua may also be factors
- defining characteristics may include:
 - sense of community and belonging
 - similarities in demographic, socio-economic and/or ethnic characteristics
 - similarities in economic activities
 - dependence on shared facilities (schools, recreational, retail, cultural)
 - physical and topographical features
 - history of area
 - transport and communication links communities of interest may change over time
- must be able to be defined as a single geographical area ie a physical boundary must be able to be defined

Effective Representation

- once communities of interest defined by geographical boundaries, need to consider how these communities will be most effectively represented
- does each community of interest require separate representation?
- can communities of interest be grouped together to achieve effective representation?
- is effective representation best achieved by an at large system, a ward system or a mixed system?
- if at large - how many members would provide effective representation for the district as a whole
- if wards - how many members for each ward would provide effective representation?
- should there be communities and community boards?
- ward boundaries to coincide with mesh block boundaries

Fair Representation

- population equity (plus/minus 10% of average representation) – basically each member represents approximately the same number of people.

3.3 Process

The process to follow when undertaking a representation arrangements review is:

1. identify the district's communities of interest;
2. determine the effectiveness of members by looking at the overall number of members, whether they represent the district as a whole or from wards or by a mixture, in order that members are effective (are able to listen to and represent constituents effectively);
4. determine that members fairly represent their constituents by ensuring the average population ratio is no more than a +/- 10% variance (noting the provision that this ratio can fall outside the range under certain circumstances);
5. determine whether or not to retain/abolish/alter communities and community boards.

3.3.1 Communities of Interest

The Thames-Coromandel district is a large peninsula containing forestry, conservation, farming and coastal lifestyle land uses with a number of service towns. Thames is the largest centre in the district.

The current four wards and five community boards are still considered to reflect the district's communities of interest.

3.3.2 Effective Representation

The current number of councillors is 8 (plus the Mayor). In determining the number of councillors, the district's population needs effective representation that enables:

- good public accessibility and availability to councillors; and
- an appropriate share of councillor workload.

The current number of community board members is 20. In determining the number of community board members, the district's population needs effective representation that enables:

- good public accessibility and availability to community board members; and
- an appropriate share of community board member workload.

The current number of elected representatives is considered to adequately provide for effective representation.

3.3.3 Fair Representation

The requirement that the average number of resident population to councillors cannot exceed +/- 10% must be taken into account when undertaking a representation arrangements review.

The latest population estimates (as at 30 June 2014), obtained from the Department of Statistics, confirm that for 8 councillors, all but one ward complies with the fair representation criteria.

27,530/8 Councillors = 3,441, Range +/- 10% = 3,096 – 3,785

Ward	Pop	Cnrs	Average	Fits 10% Rule
Coromandel-Colville	2,950	1	2,950	No (-14.27%)
Mercury Bay	7,510	2	3,755	Yes (+9.13%)
South Eastern	6,520	2	3,260	Yes (-5.26%)
Thames	10,550	3	3,516	Yes (+2.18%)

Under the Local Electoral Act 2001, there is an ability for a local authority not to comply with the +/- 10% criteria on the following grounds:

- non-compliance with the +/- 10% criteria is required for effective representation of communities of interest within island or isolated communities;
- compliance with the +/-10% criteria would limit effective representation of communities of interest by dividing a community of interest between wards;
- compliance with the +/-10% criteria would limit effective representation of communities of interest by uniting within a ward two or more communities of interest with few commonalities of interest.

Council's view is that boundaries between the Coromandel-Colville Ward and its neighbouring Thames or Mercury Bay Wards cannot be altered due to distinct different communities of interests

isolated by geographical features. Council contents the Coromandel-Colville Ward is deemed an isolated community under section 19V(3)(i) LEA. Accordingly under section 19V(4) LEA, Council is required to refer the non-compliance decision to the Local Government Commission and the matter is to be treated as if an appeal against the Council's decision had been received.

It should be noted the Local Government Commission in its determination of the Thames-Coromandel District Council's 2003/2004 representation arrangements review retained a Coromandel-Colville Ward with a statement:

'However, the evidence presented by other appellants that Coromandel-Colville has a sufficiently distinct community of interest to warrant its retention as a separate ward convinced the Commission'.

On this occasion the +/-10% criteria was just achieved (-8.6%).

3.3.4 Community Boards

At each representation review, Council is required to consider whether communities and community boards should be retained/abolished/united/alter boundaries.

Section 19 of the LEA sets out the requirements for this consideration. Community boards, where established, must each contain between 4 and 12 members, of which at least 4 members must be elected by the electors of that community, and may contain appointed members from the ward in which the community is situated. The number of appointed members must be less than half of the total number of members.

Community boards may be subdivided for electoral purposes – this is generally appropriate when the community board area is made up of a number of distinct communities of interest and the formation of subdivisions will provide effective representation of these communities of interest. The fair representation requirements (+/- 10% rule) apply in respect of subdivisions of communities.

3.3.5 Council Workshop

The Council held one workshop to consider the representation review on 4 March 2015. It was agreed after much discussion that the current arrangements (status quo) would be the preferred initial proposal.

3.3.6 Initial Proposal

Council at its 25 March 2015 meeting is required to adopt its initial representation proposal. It is therefore proposed that the following resolution be considered:

'The Thames-Coromandel District Council resolves as its initial proposal for the 2015 representation arrangements review that there be:

- (i) 8 councillors, plus the Mayor (being the status quo);
- (ii) four wards, being the Coromandel-Colville, Mercury Bay, South Eastern and Thames Wards (being the status quo);
- (iii) one councillor elected from the Coromandel-Colville Ward, two councillors elected from each of the Mercury Bay and South Eastern Wards and three councillors elected from the Thames Ward (being the status quo) - noting that the Coromandel-Colville Ward fair representation criteria (+/- 10% rule) does not comply (being an isolated community);
- (iv) five community boards, being the Coromandel-Colville, Mercury Bay, Tairua-Pauanui, Whangamata and Thames Community Boards (being the status quo);
- (v) four members elected from each of the Coromandel-Colville, Mercury Bay, Tairua-Pauanui, Whangamata and Thames Community Boards (being the status quo).

The four wards, the number of councillors per ward, the ward populations (estimated at June 2014) and the population ratio per councillor are as follows:

<u>Ward</u>	<u>No. Councillors</u>	<u>Pop</u>	<u>Pop Ratio</u>
Coromandel-Colville	1	2,950	2,950
Mercury Bay	2	7,510	3,755
South Eastern	2	6,520	3,260
Thames	3	10,550	3,516

In accordance with section 19V (2) of the Local Electoral Act 2001, the population that each councillor represents must be within the population range of 3,441 plus or minus 10% (3,096 – 3,785). As the Coromandel-Colville Ward does not comply with this criteria, pursuant to section 19V (4) of the Local Electoral Act 2001, the matter be referred to the Local Government Commission following the completion of the formal process’.

3.4 Formal Process

The following formal process is recommended:

Council resolution (initial)	25 March 2015	(section 19H, LEA)
Public notice	2 April 2015	(section 19M, LEA)
Public submission period	2 April – 15 May 2015 (one month)	(section 19M, LEA)
Submissions heard	period 16 May – 26 June 2015	(section 19M, LEA)
Council resolution (final)	24 June 2015	(section 19N, LEA)
Public notice	26 June 2015	(section 19N, LEA)

Public objection period 26 June – 31 July 2015 (one month) (section 19N, LEA)

Forward material to LGC August 2015 (section 19V(4), LEA)

3.5 Hearings

The formal consultative process involves the ability for the public to make submissions on the representation arrangements review. Any submissions received over the submission period (2 April to 15 May 2015) will need to be heard by Council prior to making its final proposal resolution on 24 June 2015.

	Name and title of signatory	Signature
Author	Dale Ofoske, Electoral Officer	