



Report 06.706
Date 4 December 2006
File E/01/04/01

Committee Policy, Finance and Strategy Committee
Author Margaret Shields Chairperson, Representation
Review Subcommittee

Objections/appeals on final representation proposal

1. Purpose

For Council to formally receive and note the appeals/objections on the Council's final representation proposal that have been sent to Greater Wellington and then forwarded to the Local Government Commission.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

On 12 September 2006 the Council decided on its final representation proposal. As required by legislation, the Council's final proposal, and the right of the public to object/appeal to the final proposal, was then publicly notified. Objections/appeals closed at 5pm on 27 October 2006.

The Representation Review Subcommittee met on 1 December 2006. Although there is no legal requirement to do so, the Subcommittee decided to recommend that the Council formally receive the objections/appeals sent to Greater Wellington on the Council's final representation proposal.

4. Comment

4.1 Objections/Appeals received

A bound copy of all the objections and appeals that Greater Wellington has received has already been distributed to all councillors. Three objections/appeals were received one or two days after the closing date. The Local Government Commission will have to decide whether or not it will accept these objections/appeals. For the purposes of this report it is assumed that these will be accepted.

4.2 Origin of appeals/objections

The Council received 26 appeals/objections in total, two of which were from the same person (Mr Michael Gibson). These comprised two organisations/groups (Kapiti Coast Grey Power Association and Kapiti Coast Chamber of Commerce), two local authorities (Porirua City Council and Kapiti Coast District Council) and 22 personal objections/appeals. Included in the appeal/objection from Kapiti Coast Grey Power Association was a petition with 564 signatures of people who wish to retain separate Kapiti representation on the Greater Wellington Regional Council.

Most appellants/objectors were from Kapiti. The table below shows which area the objectors/appellants came from.

Area	Number of appeals/objections
Kapiti	15 (As noted above, one of these includes a petition of 564 people.)
Porirua	1
Upper Hutt	1
Lower Hutt	3
Wellington	2 (Both of these are from the same person. One is an objection, the other is an appeal.)
Wairarapa	0
Unknown	4

4.3 Key points made by appellants/objectors

Officers have provided the following summary of the objections and appeals that were sent to Greater Wellington.

4.3.1 Against combining Kapiti and Porirua

The majority of appeals/objections (19) were against the current Kapiti and Porirua constituencies being combined to form one constituency. One person supported combining Porirua and Kapiti. Those who opposed combining Kapiti and Porirua said they did so for a variety of reasons, including:

- Kapiti and Porirua are separate communities of interest (16 appeals/objections). Objectors/appellants cited the following aspects which made them distinct communities:
 - Population demographics

- Geographic separation
 - Only 5% of Kapiti residents employed in Porirua
 - Social characteristics
 - Separate facilities (including schools) and events
 - Different physical environments, which result in different needs from a regional council in terms of harbour management, bulk water supply and flood protection
 - Transport requirements
 - No business linkages
- Kapiti would end up without a direct representative and would not, therefore, have a voice (11 appeals/objections).
 - Either Porirua or Kapiti would end up without a representative who lived in their area (four appeals/objections). They commented that representatives would not, therefore, be interested in promoting the needs of either community.
 - Concern with the Council's inconsistent application of the population formula and effective representation of communities of interest across the region (six appeals/objections). Objectors/appellants commented that Lower Hutt and Upper Hutt were treated differently to Kapiti and Porirua in relation to effective representation of communities of interest, and that erratic weighting was given to the population formula in Kapiti, Porirua and the Wairarapa.
 - The size of the large constituency will not enable access to representatives impacting on effectiveness of representation (two appeals/objections).

Two appellants/objectors expressed concern about how rates would be spread under the proposed arrangements and the impact on accountability and responsibility of elected members from the Porirua and Kapiti constituency. One objector said that if there was separate rating for Kapiti and Porirua, but members were elected from the combined constituency, none of the representatives would see themselves as advocating for Kapiti in the rating process.

4.3.2 Support reduction in number of elected members

Of the 19 that opposed combining Porirua and Kapiti, four specifically stated they would be happy if this meant reducing to 10 elected members. The rest did not state.

Four other appellants/objectors (who didn't comment on the Kapiti/Porirua situation) wanted a reduction to either nine or 10 elected members.

4.3.3 Oppose two elected members in the Wairarapa

Four appeals/objections explicitly opposed provision being made for two elected members in the Wairarapa.

Some of those who advocated for nine or 10 councillors also intimated that they would support a reduction to one elected member in the Wairarapa. Two appeals/objections commented that there were other constituencies of comparable size where there is one member. One said that the large land area of the Wairarapa did not equate to more work than someone in a smaller area with a higher population.

4.3.4 Other

One submitter said there was a need for more than one representative in Upper Hutt.

Another submitter said that the Commission should treat material from Greater Wellington with less regard than usual because of the inadequacy of the review process. The submitter discussed, among other things, that:

- councillors only met once before the initial proposal was decided upon
- the resolution on the initial proposal did not include reasons for deciding on that proposal, as required by legislation
- oral submissions were not reported on.

4.4 The process from here

There are no further decisions for the Council to make in relation to the 2006 representation review process.

All the appeals/objections that Greater Wellington has received have been forwarded to the Local Government Commission (the “Commission”), along with the other information that is required by section 19Q of the Local Electoral Act 2001. Other information that was of relevance was also sent.

The Commission must now make its determination on the Council’s representation arrangements. As part of its consideration process, the Commission will be holding a hearing on 18 December 2006. This will include half an hour at the beginning of the hearing for the Council to present their case and some time at the end for the Council to respond to issues raised by objectors/appellants. The hearing will be held in the Greater Wellington’s Council Chamber.

The Commission must make its determination on the Council’s representation arrangements by 11 April 2007. However, it is likely that the Commission will make its determination in late February 2007. The Council will be notified as soon as the Commission has made its decision.

4.5 The Council's presentation to the Commission

The Council's presentation to the Commission on 18 December 2006 will be made by the Council Chairman. All councillors will be invited to attend the hearing.

The Council's presentation will be based on the decisions made by the Council, the information set out in the relevant Council and Committee reports, and discussions at the Representation Review Subcommittee workshops. It is proposed that the Council's presentation on 18 December 2006 covers the following matters:

- An overview of the process undertaken by the Council, including workshops, the public meeting with key stakeholders, Representation Review Subcommittee and Council meetings and public notices.
- An outline of the approach taken by the Council, including:
 - Greater Wellington's current representation arrangements and how they relate to the population formula prescribed by the Local Electoral Act 2001.
 - The current constituencies with different numbers of elected members, and the impact each scenario has on the number of people per councillor.
 - The communities of interest in the region that were considered, including exploring communities of interest from a regional council perspective. This should include the exploration of scenarios which based constituencies on water catchments.
 - The different scenarios that were explored based on the identified communities of interest. This should start with those based on territorial authority boundaries, then ward boundaries and finally the addition/removal of appropriate meshblocks in an effort to meet the population formula.
- The options that were deemed to be reasonably available to Council, given the requirements of the Local Electoral Act 2001.
- The reasons the Council chose the initial and final proposal. The fact that Council's decisions were not made unanimously and that there were differing points of view will also be acknowledged.
- Responses to specific points made by appellants/objectors.
- The dilemma the Council faced in balancing the two key requirements of the Local Electoral Act 2001 – effective representation and fair representation.

A copy of the final presentation will be circulated to all councillors before 15 December 2006.

5. Communication

As stated above, all councillors will be invited to attend the Commission's hearing on 18 December 2006 and sent a copy of the Council's presentation.

6. Recommendations

That the Committee recommends that Council:

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Receives and notes the content of objections/appeals on the Council's final representation proposal that have been sent to Greater Wellington and forwarded to the Local Government Commission.*

Report approved by:

Margaret Shields

Chairperson, Representation Review Subcommittee