

Report 12.72  
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Committee Council  
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## Initial representation proposal for the 2013 triennial elections

### 1. Purpose

To resolve the Council's initial representation proposal for the 2013 triennial elections, and establish a committee to hear and consider submissions on the initial proposal and make a recommendation to Council on the shape of its final representation proposal.

### 2. The decision-making process and significance

Officers recognise that the matters referenced in this report may have a high degree of importance to affected or interested persons.

The subject matter of this report is part of a decision-making process that will lead to the Council making a decision of low significance within the meaning of the Local Government Act 2002.

The decision-making process is explicitly prescribed for by the Local Electoral Act 2001. The Local Electoral Act 2001 provides that the Council's initial representation proposal shall be subject to public consultation, and that the Council must consider the matters raised in the consultation in resolving its final proposal.

## Background

### 2.1 Statutory requirements

Under the Local Electoral Act 2001 (LEA), local authorities are required to review their representation arrangements at least once every six years. The Council carried out its first review under the LEA in 2006, for the 2007 elections, and is therefore legally required to carry out its next review in 2012, for the 2013 elections.

## 2.2 Key factors for consideration

In preparing for and carrying out a representation review the Council must bear in mind the relevant provisions of the LEA, the Local Government Act 2002 (LGA) and the guidelines that are issued by the Local Government Commission (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 **Attachment 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.

These are the factors that the LGC will focus on if appeals and/or objections are received against the Council's final proposal, or if the Council's final proposal needs to be referred to the LGC for determination.

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

## 2.3 Process

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 constituencies there should be, define their boundaries and name the constituencies.

### 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 constituency.
- 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 constituency boundaries or reconfiguring constituency arrangements, to the extent practicable to provide effective representation for communities of interest, so that the constituency ratios fall within the required range.

## 2.4 Timetable

The LEA 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 Council has resolved its initial decision there is no opportunity to delay or stop the statutory process.

The following table sets out the statutory deadlines and the proposed timeframes for the Council’s representation review.

<b>Task</b>	<b>Proposed date</b>	<b>Statutory deadline</b>
Council decision on initial representation proposal for the 2013 elections	13 June 2012	No deadline prescribed, but public notice of the resolution must be issued within 14 days of the resolution and no later than 8 September 2012
Public notification of initial proposal	16 June 2012	8 September 2012
Close of public submissions	16 July 2012	8 October 2012  (No less than one month after the date of public notice)
Committee to hear and consider submissions	2 August 2012	Before 19 November 2012  (Within six weeks of the close of the submissions)
Council to consider committee recommendations on final proposal, and to adopt final proposal	21 August 2012	Before 19 November 2012  (Within six weeks of the close of the submissions)

Public notice of final proposal	25 August 2012	19 November 2012  (Within six weeks of the close of the submissions)
Close of period for appeals and objections on final proposal	25 September 2012	20 December 2012  (No less than one month after date of public notice of final proposal)
All relevant information to be provided to LGC, if appeals and/or objections received, and/or Council's final proposal does not comply with the "+/-10% rule" of fair representation	2 November 2012	15 January 2013
LGC to determine representation arrangements, if required.	To be determined by LGC	No later than 10 April 2012

If no submissions are made on the Council's initial proposal, the proposal becomes the final proposal which will take effect for the 2013 election, unless the proposal does not comply with the +/- 10% rule of fair representation, in which case it must be referred to the LGC for determination.

If submissions are received on the Council's initial proposal, the Council must consider each submission and resolve a final proposal based on its consideration of submissions. It is proposed that the Representation Review 2012 Hearing Committee be established to consider and hear the submissions on the initial proposal and to recommend to Council the shape of the final representation proposal. The proposed terms of reference for the committee are attached as **Attachment 3**.

The Council must demonstrate that it has considered submissions by providing in its public notice of the final proposal, reasons for any amendments to its initial proposal and reasons for any rejection of submissions. If there are no objections or appeals following public notice of the final proposal, then the final proposal will take effect for the 2013 election, unless the proposal does not comply with the +/- 10% rule of fair representation, in which case it must be referred to the LGC for determination. Any objections or appeals following the public notice of the final proposal must be lodged with Greater Wellington within the prescribed timeframe, and they must then be forwarded to the LGC

which will then make a binding determination. LGC determinations may only be appealed on a point of law to the High Court.

## 2.5 Current representation

The Council's current representation arrangements were determined in 2007 by the LGC, following the receipt of appeals and objections against the Council's final proposal for the 2007 triennial elections.

The Council is currently made up of 13 members, elected from six constituencies, as follows:

Constituency	Number of members	Geographical area covered by the constituency
Wellington	5	The area of Wellington City, excluding the area of the Tawa Community
Porirua-Tawa	2	The area of Porirua City, and the area of the Tawa Community of Wellington City
Kapiti Coast	1	The area of the Kapiti Coast District
Lower Hutt	3	The area of Lower Hutt City
Upper Hutt	1	The area of Upper Hutt City
Wairarapa	1	The area of South Wairarapa District, Carterton District and Masterton District, and that part of the Tararua District that falls within the Wellington region.

## 2.6 Councillor workshop

On 15 February 2012 a Councillor workshop on the 2012 representation review was held. This workshop, which was attended by all Councillors, provided the opportunity to discuss the legal requirements relating to representation reviews and a range of representation scenarios to assist Councillors in considering the shape of an initial proposal. The scenarios considered by Councillors are further discussed in section 3.1 of this report.

## 3. Comment

### 3.1 Identification of options

In the Councillor workshop of 15 February 2012 officers presented Councillors with information relating to four scenarios. The scenarios were based on options considered by the Council when developing previous representation proposals. No new scenarios were brought forward in this workshop, reflecting a general view at that time that the four scenarios represented the range of

reasonably practical options for consideration in developing the Council's initial representation proposal, taking into account the factors of fair and effective representation and the tension that can exist between these factors.

The options are:

- Option 1: The status quo, as outlined in section 2.5 above
- Option 2: The status quo, modified by the inclusion of the area of the Tawa Community in the Wellington Constituency
- Option 3: A merged constituency model, with the existing Upper Hutt and Lower Hutt constituencies merged into a single constituency and the Kapiti Coast Constituency and Porirua City part of the existing Porirua-Tawa Constituency merged into a single constituency
- Option 4: A modified merged constituency model, with the existing Upper Hutt and Lower Hutt constituencies merged into a single constituency and the Kapiti Coast Constituency and Porirua-Tawa Constituency merged into a single constituency.

Maps and statistical information for these options for total Council membership ranging from 10 to 14 members are included in **Attachment 4**.

There is the opportunity for the Council to identify and explore further possible options if it wishes. The Council is not required to resolve its initial proposal until the end of August 2012.

### **3.2 Issues to consider in assessing the options**

In addition to the process outlined in section 2.3 the following matters should be taken into account in developing the Council's initial representation proposal:

- The electoral system under which the next election will be conducted
- The appropriate number of Councillors to provide effective representation and to enable the Council to effectively undertake its governance responsibilities
- The extent to which population changes are impacting on the existing representation arrangements
- Any evidence of a desire in the community for change to the representation arrangements.

#### **3.2.1 Electoral system**

The Council has resolved that its election in 2013 will be conducted under the Single Transferable Vote (STV) electoral system. With regard to STV, the Local Government Commission makes the following comment in its

*Guidelines to assist local authorities in undertaking representation reviews (October 2011):*

*The Commission notes, for example, the argument that to gain the full benefits of proportional representation under STV, multi-member wards or constituencies of at least three members, but preferably five to seven members, are required. Clearly this should be considered by a local authority using STV when undertaking its representation review.*

In considering the Commission's commentary in developing its initial proposal, the Council should note that the STV electoral system applies to constituencies of any size, including single member constituencies.

### 3.2.2 Number of Councillors

The LEA requires that a regional council must be made up of between 6 and 14 members (inclusive). When initially established in 1989, the Council had 19 members; this was reduced by legislation to 14 members in 1992, and since 2001 the Council has comprised 13 members.

In considering the total number of members who should be elected to the Council the following matters are relevant:

- The principles of the Local Government Act 2002 place emphasis on the ability of local authorities to take into account the diversity of the community in their decision-making. A larger council may provide more effective representation for diverse communities through enabling Councillors to hear and meet with a wider variety of groups and individuals, and on a more regular basis, than may be the case with a smaller Council.
- The Council has a broad range of functions and responsibilities. A larger council may enable the workloads of individual Councillors to be more effectively managed through Councillors being able to share the work involved. One current example of this is the responsibility shared amongst various Councillors for engagement in the large number of river scheme committees and other issues in the Wairarapa.

### 3.2.3 Population changes

For the five year period from 30 June 2006 to 30 June 2011 the changes in the population of each district of the region are shown in the following table:

District	Estimated usually resident population as at 30 June 2006	Estimated usually resident population as at 30 June 2011	Change (and percentage change)
Wellington City	187,700	200,100	+12,400 (6.61%)
Porirua City	50,600	52,700	+2,100 (4.15%)
Kapiti Coast District	47,500	49,800	+2,300 (4.84%)
Lower Hutt City	101,300	103,000	+1,700 (1.68%)
Upper Hutt City	39,700	41,500	+1,800 (4.53%)
South Wairarapa District	9,120	9,420	+300 (3.29%)
Carterton District	7,260	7,650	+390 (5.37%)
Masterton District	23,200	23,500	+300 (1.29%)
Region	466,300	487,700	+21,400 (4.59%)

The information shows that over the five year period growth has been experienced across all districts of the region, with growth ranging from 1.29% in Masterton District to 6.61% in Wellington City. Wellington City's share of the region's population has increased from 40.25% to 41.03%.

The population changes across the region do not suggest there are any new "pressure points" or issues that were not present when the LGC issued its determination in 2007. At that time the LGC anticipated significant population growth in the Kapiti Coast Constituency which might warrant that area being entitled to an additional Councillor over time:

*Given the level of population growth in the [Kapiti Coast] area an additional councillor may be able to be provided in the near future.*

However, the statistical information provided above shows that the growth experienced in the Kapiti Coast District, which is the area of the current Kapiti Coast Constituency, is not disproportionate to the growth experienced in the region as a whole. If the existing representation arrangements were retained the under-representation of electors of the Kapiti Coast Constituency would decrease from 33.75% as at 30 June 2006 to 32.75% as at 30 June 2011.

#### 3.2.4 Desire for change

At this time officers are unaware of any desire from groups or individuals in the community for change. The public consultation process on the Council's



initial proposal will provide the opportunity for the public to formally express its views on the Council's proposal.

#### **4. Communities of interest and effective representation**

The LEA requires that constituency boundaries must comply with the boundaries of one or more territorial authority districts or the boundaries of wards, so far as is practicable.

Since the constitution of the Council in 1989 the Council's constituency arrangements have principally been aligned to territorial authority districts, or grouping of territorial authority districts in the case of the Wairarapa.

These arrangements have recognised that territorial authority areas provide a sense of community in terms of the day-to-day local authority services provided and utilised by individuals and communities. The development of regional council constituencies that overlay territorial authority areas has also reflected the delivery of the Council's functions, including in the areas of transport planning, whole catchment management, biosecurity, conservation forestry and bulk water supply.

For three previous elections there has been a departure, in part, from the alignment of constituencies with territorial authority boundaries:

- For the 1989 and 1995 elections the area of Wellington City formed two constituencies –Wellington North and Wellington South
- For the 2007 and 2010 elections the area of the Tawa Community was joined with the area of Porirua City to form the Porirua-Tawa Constituency.

The Council has previously explored options for merging its existing constituencies to form larger, multi-member constituencies. In 2006 the Council's initial proposal for the 2007 elections was similar to the arrangements proposed in Option 3. In resolving that proposal the Council took the following matters into account:

- Larger constituencies align with councillors' focus on the regional perspective and will help people move away from the idea that local regional councillors are the spokesperson for the territorial authority area with which their constituency is aligned
- Larger constituencies result in an increase in the number of members that electors can vote for.

As two merged constituency models (Options 3 and 4) are currently identified for consideration by the Council it will be important for the Council to consider whether these options provide more effective representation for communities of interest and fairer representation for electors over the current representation arrangements.

In terms of the mathematical requirements for fair representation Options 3 and 4 meet the requirements for fair representation with a 13 member Council. The Council would therefore need to consider whether adopting one of these options provides more effective representation for communities of interest, and overall a more balanced set of representation arrangements than either Options 1 or 2.

It should be noted that the LEA requires that any resolution by the Council to change the current representation arrangements must include a statement of reasons for the proposed change.

## **5. Discussion on the options**

### **5.1 Option 1: status quo**

This option retains the representation for communities of interest determined by the LGC in 2007. At that time the LGC decided that the Kapiti Coast Constituency should be retained, notwithstanding its significant non-compliance with the +/- 10% rule on the basis that it is a distinct community of interest requiring its own representation.

In order to achieve compliance with the +/-10% rule across the remainder of the region to the extent practicable the LGC determined that the area of the Tawa Community of Wellington City should be merged with the area of Porirua City to form the Porirua-Tawa Constituency. In making this change to constituency boundaries the LGC noted the geography of the area, in particular the Porirua-Tawa basin and the location of the catchment of the Porirua Stream, and the close proximity of Porirua to Wellington City.

As the table in **Attachment 4** shows, the application of the latest population statistics for a 13 member Council shows that the non-compliance with the +/- 10% rule, when comparing the 30 June 2006 and 2011 statistics, has slightly diminished in the Kapiti Coast Constituency (2006: 33.75%, 2011: 32.75%), while the Upper Hutt Constituency is now marginally non-compliant (2006: 6.32%, 2011: 10.62%).

Other than for the 2007 inclusion of the Tawa community area with the area of Porirua City to form the Porirua-Tawa Constituency this option generally reflects communities of interest recognised for electoral purposes since the constitution of the Council in 1989.

### **5.2 Option 2: modified status quo**

This option would place the Tawa Community area back in the Wellington Constituency, which would result in the areas of the Porirua and Wellington constituencies aligning with the boundaries of the Porirua and Wellington city council areas.

The outcome of this realignment is that the Porirua Constituency becomes over-represented by 29.76% in a thirteen member Council.

While this option would realign the constituency boundaries to those that existed prior to the 2007 elections, it would result in deterioration of electoral fairness when compared with the option outlined in section 5.1. In its 2007 determination the LGC considered that the location of Porirua, being in close proximity to Wellington City, and the geography of the area, did not warrant an exemption to the +/-10% rule for the Porirua area.

### **5.3 Option 3: merged constituency scenario**

This option would merge the existing Upper Hutt and Lower Hutt constituencies into a single constituency and the existing Kapiti Coast constituency and the Porirua City part of the existing Porirua-Tawa Constituency into a single constituency.

From an electoral fairness point of view this option, for a 13 member Council, fully complies with the +/-10% rule of fair representation. However, the matter of whether this scenario would provide effective representation for communities of interest would also need to be considered by Council.

The Hutt River is a common dominant feature of Lower Hutt and Upper Hutt. The Council has made major investments in flood protection and river management on the Hutt River over many years, with the current focus of its work on areas close to the Lower Hutt CBD. Matters that may be relevant to the Council's considerations include:

- The mix of urban and rural, particularly in Upper Hutt
- Upper Hutt is the location of some significant regional resources, including the Stuart Macaskill water storage lakes at Te Marua, regional parks and forests
- The Upper Hutt and Lower Hutt Police districts have recently united to form a single Hutt Police district
- Greater Wellington's catchment management, biosecurity, flood protection and biodiversity activities in the Hutt Valley are undertaken on a Hutt Valley catchment-wide basis.

The linkages between Porirua City and Kapiti Coast District in terms of community of interest also need to be considered. While a single State Highway and rail line runs through both areas there are quite significant differences in terms of:

- The demographics of the communities – the age profiles of each area show important differences. This, combined with the differing ethnic and income compositions of sub-districts, particularly in Porirua City, gives rise to a different mix of social and cultural issues in each district. Information provided by Statistics New Zealand, as at 30 June 2011, shows that Porirua has the highest percentage (25%) of persons aged from 0-14 years (Kapiti Coast 18%, New Zealand average 20%), while

the Kapiti Coast has the highest average (25%) of persons aged 65 and over (Porirua 9%, New Zealand average 13%).

- Geography – Porirua Harbour is a focus for Porirua City and for regional council activities in the Porirua area, while the Kapiti Coast has a long stretch of open coastline, dissected by significant river systems. The Pukerua Bay escarpment is an important physical demarcation between the rolling topography of Porirua and the coastal plain of the Kapiti Coast.
- Community structure – Porirua City is principally a large and diverse urban area, with rural areas on its fringes. The Kapiti Coast is a series of smaller urban communities and adjoining rural areas.
- Community issues – the nature of the Council’s activities differ across these areas. By way of example, management of the Porirua Harbour is an important component of the Council’s activities in Porirua City, while flood protection and wetland restoration are key activities on the Kapiti Coast. Also, Greater Wellington supplies bulk water to Porirua City while the Kapiti Coast has its own local water supply arrangements.
- Some Kapiti communities look northwards to the Horowhenua for their social, cultural and business connections.

It should be noted that the reorganised arrangements for civil defence emergency management in the Wellington region identify four areas for the region: Wellington, Hutt Valley, Kapiti-Porirua, and Wairarapa.

#### **5.4 Modified merged constituency scenario**

The option is the same as that outlined in section 5.3, except that the Kapiti Coast Constituency and the Porirua-Tawa Constituency would be united to form a new constituency.

For a 13 member Council this option fully complies with the +/-10% rule of fair representation and achieves a greater degree of electoral fairness (electoral equality per member) than the 13 member option outlined in section 5.3.

Similar issues to those identified in section 5.3 apply to this option.

### **6. Next steps**

Once the Council has made a decision on its initial representation proposal for the 2013 elections, the proposal will be publicly notified in the region’s main newspapers and the public will have the opportunity to make submissions on the Council’s initial proposal.

As mentioned earlier in this report, it is proposed that a committee be established to consider and hear all submissions on the proposed representation arrangements. The committee will then make a recommendation to the Council on the shape of its final representation proposal.

If any appeals against and/or objections to the Council's final representation proposal are received, or the Council's final proposal does not meet the requirements of the LEA regarding fair representation, then the final proposal must be referred to the LGC for determination.

## 7. **Communication**

In addition to the public notification of the Council's initial representation proposal the following organisations will be informed of the Council's initial representation proposal in accordance with the requirements of the LEA: each territorial authority in the Wellington region, LGC, Surveyor-General, Government Statistician and Remuneration Authority.

## 8. **Recommendations**

*That the Council:*

1. ***Receives** the report.*
2. ***Notes** the content of the report.*
3. *Either:*

***Agrees** that the four options outlined in section 3.1 of this report represent the range of reasonably practicable options for consideration*

*Or:*

***Identifies** any further options for consideration.*

4. ***Notes** that any resolution to change the existing representation arrangements must include an explanation for the reasons for the proposed change.*
5. ***Resolves** its initial representation proposal for the 2013 triennial elections, by specifying:*
  - i. *the proposed number of constituencies*
  - ii. *the proposed name and the proposed boundaries of each constituency*
  - iii. *the number of members proposed to be elected by the electors of each constituency.*
6. ***Resolves** to establish the Representation Review 2012 Hearing Committee and **adopts** the terms of reference for the Committee, as set out in Attachment 3 to this report.*
7. ***Appoints** Crs Aitken, Brash, Bruce, Donaldson, Glensor, Laidlaw, Lamason, McPhee, Ponter, Swain, Wilde and Wilson to the Committee and **appoints** Cr Wilde as Chair.*

Report prepared by:

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Attachment 1: Legislative requirements and statutory framework for local authority  
representation reviews

Attachment 2: Key factors for consideration

Attachment 3: Terms of reference for Representation review Hearing Committee

Attachment 4: Statistical information and maps relating to options for consideration