



AGENDA

Ordinary meeting of the

**Nelson City Council to Deliberate on
Submissions to the Proposed Representation
Arrangements 2016-2019**

**Tuesday 15 September 2015
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership: Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, Matt Lawrey, Paul Matheson (Deputy Mayor), Brian McGurk, Gaile Noonan, Pete Rainey, Tim Skinner and Mike Ward

Opening Prayer

Apologies

1. Confirmation of Order of Business

2. Interests

2.1 Updates to the Interests Register

2.2 Identify any conflicts of interest in the agenda

3. Deliberation on Submissions to the Proposed Representation Arrangements 2016-2019

3 - 11

Document number R4840

Recommendation

THAT the report Error! No document variable supplied. (A1416714) and its attachments (A1393937 and A1376423) be received;

AND THAT having considered both of the submissions to its initial representation proposal for 2016 and 2019, Council rejects the objections raised for the following reasons:

- ***Populations in the areas suggested for wards do not meet the fair representation threshold for a ward;***
- ***There is insufficient evidence to suggest the Whangamoia area is a community of interest distinct from the rest of the district.***

AND THAT Council adopts its initial representation proposal for the 2016 and 2019 local elections as the Council's final proposal for public notification.

Deliberation on Submissions to the Proposed Representation Arrangements 2016-2019

1. Purpose of Report

- 1.1 To provide information that assists Council in making decisions on submissions to the proposed representation arrangements for the 2016 and 2019 local elections.

2. Delegations

- 2.1 Deliberation on submissions to Council's proposed representation arrangements is a matter for full Council.

3. Recommendation

THAT the report Deliberation on Submissions to the Proposed Representation Arrangements 2016-2019 (A1416714) and its attachments (A1393937 and A1376423) be received;

AND THAT having considered both of the submissions to its initial representation proposal for 2016 and 2019, Council rejects the objections raised for the following reasons:

- ***Populations in the areas suggested for wards do not meet the fair representation threshold for a ward;***
- ***There is insufficient evidence to suggest the Whangamoā area is a community of interest distinct from the rest of the district.***

AND THAT Council adopts its initial representation proposal for the 2016 and 2019 local elections as the Council's final proposal for public notification.

4. Background

- 4.1 On 23 July 2015, Council resolved its initial representation proposal for the 2016 and 2019 elections:

THAT the report Representation Review 2015 (R4510) and its attachment (A1376423) be received;

AND THAT in accordance with Section 19H of the Local Electoral Act 2001:

- 1. The Council shall consist of 12 members, plus the Mayor;*
- 2. The members of the Council shall be elected on an at large basis by the electors of the City as a whole;*

AND THAT in accordance with Section 19J of the Local Electoral Act 2001, there shall be no communities or community boards established.

- 4.2 In line with the Local Electoral Act 2001 (the LEA), the initial proposal was publicly notified and submissions invited.
- 4.3 The submission period ran from 25 July to 26 August 2015 and Council received two submissions. The submissions are included as Attachment 1 to this report.
- 4.4 Neither submitter wished to speak to Council about their submission.
- 4.5 The issues raised by the submitters were:
- 4.5.1 At large representation instead of representatives elected by districts within the city, i.e. by wards
 - 4.5.2 Accessibility (ease of contact)
- 4.6 Council must now consider submissions and decide whether to alter its initial representation proposal based on the submissions. Council may only make alterations to its initial proposal on the basis of a submission. It must provide reasons for the acceptance or rejection of submissions.
- 4.7 Once resolved, Council's final representation proposal will be publicly notified in line with statutory requirements. The statutory timeframe for Nelson's representation proposal, and the subsequent appeal period is included as Attachment 2.
- 4.8 Issues raised by submitters and officer comments are outlined below.

5. Discussion

Wards - Submissions

- 5.1 Both submitters suggested that more effective representation would be achieved if local areas within Nelson City (the district) elected their own representatives rather than electing members at large. Submitter 1 highlighted Nelson East and the Brook; and submitter 2 highlighted Whangamoia Riding, Stoke, Tahunanui and the 'rural district', as communities of interest that currently lack the opportunity for effective representation.
- 5.2 A ward system is the alternative to an at large system (or a mix of the two), allowing for the election of local representatives by a community within the district.

Wards – Officer Comments

- 5.3 The LEA (s19V(2)) ensures fair representation under a ward system by requiring that all votes are approximately of equal value (the +/- 10% rule). Based on the current number of elected members (12 not including the Mayor) and Nelson's estimated 2014 total general electoral population (49,300), a ward within Nelson must have 4,108 people plus or minus 10% (3,697-4,519 people), living within its boundaries for each elected representative of that ward.
- 5.4 Submitter 1 indicated that a lack of local representation for Nelson East and the Brook has resulted in lengthy resolution to such issues as traffic and parking. The submitter did not identify any specific current characteristics of communities of interest in these locations that would distinguish them from the rest of the district.
- 5.5 Population size is also an issue for these areas. The LEA requires that ward boundaries coincide with the boundaries of Statistics New Zealand meshblock areas. Meshblocks are aggregated by Statistics New Zealand to create unit areas.
- 5.6 Nelson East is not an identified unit area but could reasonably be made up of the Atmore and Maitai unit areas, giving a combined estimated 2014 population of 1,960. The Brook unit area has an estimated 2014 population of 1,490. Neither of these areas, separately or combined, meet the fair representation threshold for a ward (the +/- 10% rule) outlined at 5.3 above.
- 5.7 With neither a distinctly identified community of interest, nor a sufficient resident population, wards cannot be justified in either Nelson East or the Brook.
- 5.8 Submitter 2 suggested that the rural nature of the area formerly known as Whangamoia Riding identified it as a community of interest. This area approximates to the Statistics New Zealand unit area known as Whangamoia. Statistics New Zealand 2014 population estimate of 930

does not meet the fair representation threshold for a ward (the +/- 10% rule) outlined at 5.3 above. On that basis, a ward for this area is not justified.

- 5.9 However, the Whangamoia unit area's rural nature is a distinct characteristic that may identify it as a community of interest. Conversely, the submission does not address to what extent residents rely on shared facilities in the Whangamoia area, separate transport and communication links, or economic activities specific to the Whangamoia area, rather than in the urban hub (shops, schools, roads and employment). In the absence of submissions on these key factors, and given the relative proximity of the Whangamoia area to central Nelson, it is considered sufficiently focused towards the urban centre that it does not warrant identification as a community of interest.
- 5.10 Submitter 2 also said that Stoke and Tahuna areas are represented in Council. While some elected members are resident in these areas, it is important to note that whether members are elected from wards or at large, they have the same obligation to act in the best interests of the whole district.

Accessibility – Submissions

- 5.11 Submitter 2 suggested that all Councillors should have their addresses and telephone numbers listed in the telephone directory.

Accessibility – Officer Comments

- 5.12 There is no statutory requirement for elected members to list their address or telephone number in a public telephone directory.
- 5.13 It is noted that all elected members' contact telephone numbers are listed on the Nelson City Council website at <http://nelson.govt.nz/council/mayor-councillors/contact-a-councillor> and are also available from the Council's customer services centre.

6. Options

Option 1 – Retain the initial proposal to become the final proposal

- 6.1 Based on the reasons outlined in section 5 above, the recommended option is that, having considered the submissions, Council makes no changes to its initial representation proposal. Council's resolution of its final proposal must state the reasons for any rejection of submissions.

Option 2 – Alter the initial proposal based on submissions

- 6.2 Council may decide to alter its initial representation based on information in the submissions received. Council's resolution of its final proposal must state the reasons for any amendments.

6.3 For the reasons outlined in section 5 above, this option is not recommended.

7. Alignment with relevant Council policy

7.1 The decision called for in this report is required under the Local Electoral Act 2001. It is not inconsistent with any other previous Council decision.

7.2 Any final changes to the existing representation arrangements that involve cost implications must then be allowed for in the Long Term Plan 2015-25. Final changes will also be reflected in the Governance Statement when it is next reviewed.

8. Assessment of Significance against the Council's Significance and Engagement Policy

8.1 This decision is moderately significant in terms of the Council's Significance and Engagement Policy, as it is the final proposal for how the residents of Nelson (and non-resident ratepayers) will be represented in Council.

8.2 This decision will be publicly notified, and the public will have an opportunity to lodge appeals or objections prior to the Local Government Commission issuing its determination.

9. Consultation

9.1 Council's initial representation proposal was publicly notified on 25 July 2015. Submissions were invited and submitters were offered the opportunity to be heard by Council. No submitter wished to be heard.

10. Inclusion of Māori in the decision making process

10.1 No specific consultation has been undertaken with Māori on the matter of this representation proposal.

11. Conclusion

11.1 For the reasons outlined in section 5 above, it is recommended that Council makes no changes to its initial representation proposal and resolves that it becomes its final representation proposal, for public notification.

Linda Canton
Administration Adviser

Attachments

Attachment 1: A1393937 - Proposed Representation Arrangements 2016 Submissions

Attachment 2: A1421603 - Representation Review 2015/2016 Timetable

Melissa Ramsay

From: Submissions
Sent: Saturday, 25 July 2015 2:15 p.m.
To: Administration Support
Subject: FW: council representation

Categories: Melissa

From: Dan McGuire[SMTP:DAN.SULLIVAN@KINECT.CO.NZ]
Sent: Saturday, July 25, 2015 2:14:46 PM
To: Submissions
Subject: council representation
Auto forwarded by a Rule

It is very disappointing that council has chosen to have at large representatives for the city, rather than have individual districts elect their own representatives.

Nelson East has generally not received good representation from the at-large elections, and neither has the Brook. It has taken years for issues such as the boy racers, or traffic and parking issues, to be addressed because of the lack of local representatives in the past.

What we have is a council based on vested interests of the individual councillors, which is not serving the community well.

Dan McGuire
45 Domett St.
Nelson ph.5483458
0272466155

Melissa Ramsay

From: Submissions
Sent: Wednesday, 26 August 2015 12:37 p.m.
To: Administration Support
Subject: FW: Representation Arrangements 2016

Categories: Melissa

From: Kempthorne[SMTP:KEMPTHORNE@XTRA.CO.NZ]
Sent: Wednesday, August 26, 2015 12:36:35 PM
To: Submissions
Subject: Representation Arrangements 2016
Auto forwarded by a Rule

Representation Arrangements 2016

from Ren Kempthorne
 546 7447
 140 Nile St. 7010
 I don't wish to be heard in support of this submission on
Representation Arrangements 2016

(5.7,14) On accessibility to elected members, while councillors are surely entitled to enjoy a private life, they are more easily accessible when their addresses and numbers are listed in the phone book. In the 2015 book only Crs Barker, Copeland, Davy, Matheson and Rainey appear to be listed (though I recall Cr Ward used to be found, alongside his wife's name Joy). I know some people now prefer to rely on a mobile instead of a "proper phone", but those numbers are hard to find. I should guess a personal conversation may be worth a vote at the next election.

(5.1-9) I find it strange that there are thought to be no distinct 'Communities of interest', when the rural Whangamoia Riding in the northern part of the former Waimea county was earlier integrated in the City, and there are other identifiable regions like Stoke and Tahunanui (which are indeed represented in Council). Perhaps the rural district may be also, I cannot be sure (see above), and if those people are happy with the 'at large' system, then there may well be no need for division into wards (5.9).

Representation Review 2015/2016 Timetable

	Process	LEA Ref.	Legislation Timetable	Council Timetable
1	Council Workshop on Representation Review	-	-	Tue 30 Jun
2	Council determines proposed representation arrangements	19H & 19J	No earlier than 1 March 2015	Thu 23 Jul
3	Public notice of initial proposal and invite submissions, within 14 days of resolution	19M	By 8 September 2015	Sat 25 Jul
4	Submissions close	19M(2)(d)	No less than one month after public notice	Wed 26 Aug

If no submissions received:

5	Council meeting to note that proposal is now final.		Initial proposal becomes final if no submissions. No statutory requirement for a further Council resolution (s 19Y(1)).	Thu 15 Oct
6	Public notice of "final" proposal.	19Y(1)	No fixed date	Sat 17 Oct

If submissions received:

6	Hear submissions (if required)-Not required	19N(1)(a)	Within 6 weeks of close of submissions	Tue 15 Sep
7	Deliberate on submissions and amend proposal if required	19N(1)(a)	Within 6 weeks of close of submissions	Tue 15 Sep
8	Council meeting to adopt final proposal			Thu 1 Oct
8	Give public notice of "final" proposal	19N(1)(b)	Within 6 weeks of close of submissions	Sat 3 Oct
9	Appeals and objections close	19O 19P	No less than one month after public notice, and by 20 December 2015	Wed 4 Nov
10	If no appeals or objections then proposal becomes final and must be publicly notified.	19Y(1)	No fixed date	Sat 7 Nov
11	If appeals or objectives received – forward to Local Government Commission.	19Q	By 15 January 2016	

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12	Local Government Commission issues a final determination.	19R 19S	By 11 April 2016	
13	Determination subject to appeal to High Court on a point of law.	S.5, Cl.2, LGA	Within 1 month of determination	