



NOTICE OF AN EXTRA ORDINARY COUNCIL MEETING

**Opotiki District Council Chambers, 108 St John Street, Opotiki
Tuesday, 30 July 2024
Commencing at 9.00am**

ORDER PAPER

APOLOGIES

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

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ITEM 01 REPRESENTATION ARRANGEMENTS REVIEW – INITIAL PROPOSAL	3

Chair: His Worship the Mayor – David Moore

Members: Cr Shona Browne (Deputy Mayor)

Cr Tom Brooks

Cr Barry Howe

Cr Maxie Kemara

Cr Steve Nelson

Cr Dean Petersen

Committee Secretary: Gae Finlay

Quorum: 4

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Councillors are reminded that if you have a pecuniary or non-pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the Council chamber.

Stace Lewer

CHIEF EXECUTIVE OFFICER

COUNCIL REPORT

Date : 16 July 2024
To : Extra Ordinary Council Meeting, 30 July 2024
From : Group Manager Finance and Corporate Services, Peter Bridgwater
Subject : **REPRESENTATION ARRANGEMENTS REVIEW – INITIAL PROPOSAL**
File ID : A1245192

EXECUTIVE SUMMARY

- Under the Local Electoral Act 2001 all councils must conduct a representation review at least once every six years. In the case of Opōtiki District Council, the last representation review was conducted in 2021 for the 2022 local body elections. The next review was due in 2027 (for the 2028 triennial election), however in November 2023 Council resolved to establish one or more Māori wards and therefore a review must now be undertaken in 2024 for the 2025 local body elections.
- Representation reviews determine the detailed arrangements for the number of electoral wards, their boundaries, names and number of members, and the Local Electoral Act 2001 sets the parameters within which the representation review process must be undertaken.

RECOMMENDATIONS

- 1) **That the report titled "Representation Arrangements Review – Initial Proposal" be received.**
- 2) **That the Council notes that on 20 November 2023 Council resolved it 'establishes Māori Wards for the 2025 election, and therefore undertakes a representation review in 2024.'**
- 3) **That the Council confirms the membership of Council be a total of seven elected members, plus the Mayor.**
- 4) **That the Council determines, pursuant to section 19H of the Local Electoral Act 2001, the proposed number of general and Māori wards, proposed names of each general and Māori ward, the number of members proposed to be elected by the electors of each general and Māori ward, and the proposed boundaries (as set out in the maps appended to this report) are as follows:**

Urban General Ward	Two Councillors
Rural General Ward	Two Councillors
Ōpōtiki Māori Ward	Two Councillors
Coast Māori Ward	One Councillor

5) That the Council determines, pursuant to section 19J of the Local Electoral Act 2001 that there should be one community board (being the existing community board):

- Coast Community Board comprising four elected members and one appointed member, being the councillor representing the Coast Māori Ward.

6) That under section 19K of the Local Electoral Act 2001 the reasons for the proposed changes to the number of members and wards are:

that the Ōpōtiki District Council resolved to establish one or more Māori wards and based on a membership of a total of seven councillors results in:

- the total number of members elected from one or more general wards is four
- the total number of members elected from one or more Māori wards is three.

7) That Council notes under section 19T of the Local Electoral Act 2001 that:

- a) The proposed number of wards and their boundaries, and the community board will provide for effective representation of communities of interest in the district
- b) The proposed ward and community board boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
- c) The proposed ward boundaries coincide with the community board boundaries.

8) That under section 19V of Local Electoral Act 2001, council has determined that the number of members to be elected by the electors of the proposed wards and Community Board will ensure that the electors of the wards and community board receive fair and effective representation having regard to the population of each ward and community board in the district.

The general wards, number of councillors per general ward, the general ward population estimates (as of 30 June 2023) and the population ratio per general ward councillor are as follows:

General Ward	Population	Number of councillors	Population per councillor	Difference from quota
Urban General	2,790	2	1,395	-3.79%
Rural General	3,010	2	1,505	+3.79%
Total	5,800	4		

The Māori wards, number of councillors per Māori ward, the Māori ward population estimates (as of 30 June 2023) and the population ratio per Māori ward councillor are as follows:

Māori Ward	Population	Number of councillors	Population per councillor	Difference from quota
Coast Māori	1,140	1	1,140	-28.30%
Ōpōtiki Māori	3,630	2	1,815	+14.15%
Total	4,770	3		

- 9) That the Council's proposed initial proposal does not comply with section 19V(2) (fair representation criteria) of the Local Electoral Act 2001 and therefore must be referred to the Local Government Commission for determination.
- 10) That the Council delegates to the Chief Executive whatever is necessary for the Council to meet its obligations under the Local Electoral Act 2001 to:
 - a) distribute copies of the resolution (section 19L)
 - b) give public notice of the proposal and responsibilities in relation to submissions (section 19M)
 - c) give public notice following consideration of public submissions (section 19N)
 - d) forward appeals and objections as well as Councils decisions under section 19V(4) to the Commission (section 19Q).

PURPOSE

The purpose of this report is to recommend Council resolves its initial representation arrangements proposal for public consultation.

The report details the process of a representation review, outlines the matters Council has considered to develop an initial proposal, and the next steps required of Council to confirm its representation arrangements for the 2025 election.

STRATEGIC ALIGNMENT

1. The matters detailed in this report relate to the following priorities from Ōpōtiki District Council's Long Term Plan 2021-2031:

- Development and protection of the natural environment.
- Services and facilities meet our needs.
- Fair and efficient leadership.
- A strong and effective community spirit.
- Purposeful work and learning opportunities.
- Development supports the community.
- Culture and history are treasured.

BACKGROUND

A representation arrangements review is required to be undertaken by all local authorities at least once every six years. The last review for the Ōpōtiki District Council was undertaken in 2021 (for the 2022 triennial election). The next review was due in 2027 (for the 2028 triennial election), however a review must be undertaken in 2024 as Council is introducing one or more Māori wards.

A representation arrangements review considers whether Councillors are elected by electors from wards 'at large' or from a mixture (wards and 'at large'), the total number of Councillors, whether community boards are retained, altered etc. The current arrangements are the Mayor and six councillors elected from three wards, plus one community board electing four members.

Prior to undertaking a representation arrangements review, two other issues required Council consideration – the choice of electoral system, and whether Māori wards are introduced.

Both of these issues were considered by Council where it was resolved to retain the first past the post (FPP) electoral system (31 August 2023) and to establish one or more Māori wards (20 November 2023). The decision to establish one or more Māori wards was made after a non-binding poll was run in the 2022 local elections that resulted in the majority of voters (50.23%) supporting the establishment of one or more Māori wards.

LEGISLATIVE REQUIREMENTS

The legal considerations for a territorial authority representation review are:

Territorial Authority		
Membership (including Mayor)	To be not less than six nor more than 30 councillors, including the Mayor	s19A
Basis of election of Mayor	To be elected district-wide, and at the same time as the general council election	s19B
Basis of election of territorial authority	Councillors may be elected by ward, district-wide or a mix. Each ward must elect at least one councillor.	s19C
Fair representation	<p>Arrangements must:</p> <ul style="list-style-type: none"> • Provide effective representation of communities of interest within the district • Ensure electors receive fair representation having regard to the +/-10% rule as set out in section 19V(2) • Ensure that ward and community board boundaries coincide with current statistical meshblock areas. <p>Section 19V(3)(a) provides a ground for not complying with the +/-10% rule as set out in section 19V(2). Wards and subdivisions may be set out in a way that does not comply with the +/-10% rule if this is required to ensure effective representation of communities of interest.</p> <p>All exceptions to the +/-10% rule must be approved by the Local Government Commission. The approval of the Local Government Commission is required whether or not appeals or objections are lodged against a territorial authorities decision.</p>	s19V
Community Boards		
Membership	To be not less than four nor more than 12 members, including at least four elected members and may include appointment members	s19F
Review of Community Boards	To decide if there should be community boards and the nature and structure of any Community Board	s19J

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 contain the following information:

Communities of interest

Communities of interest are not defined in the legislation and are an essential part of the review process. Communities of interest can mean different things to different people. A community of interest is an area where one feels a sense of belonging; an area where one looks for social, service and economic support. Sense of belonging can be influenced by geographical features such as rivers, catchments and roads etc. A community of interest can be identified by; access to goods and services needed every day; rohe and takiwa of tangata whenua may also be factors; similarities in economic activities; dependence on shared facilities (schools, recreational, retail, cultural); physical and topographical features; history of an area; and transport and communication links.

Communities of interest may change over time and must be able to be defined as a single geographical area i.e. a physical boundary.

Effective representation

- once communities of interest are 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?
- need to ensure ward boundaries coincide with mesh block boundaries.

Fair representation

If wards, or subdivisions of community boards are established, population equity applies (plus/minus 10% of average representation) – basically each member represents approximately the same number of people. This is called the +/-10% rule.

If a territorial authority does not comply with the +/-10% criteria, this is permissible, but the matter is automatically referred to the Local Government Commission for determination.

The fair representation criteria applies for general wards or Māori wards, but does not apply between general and Māori wards.

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 wards or by a mixture, in order that members are effective (are able to listen to and represent constituents effectively);
3. if wards, or subdivisions of Community Boards, are adopted, 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);
4. determine whether or not to introduce/retain/abolish/alter communities and Community Boards.

Communities of Interest

The district's land use is predominantly rural and includes largescale agriculture development and kiwifruit businesses. The rohe of the three main iwi of Ngaitai, Te Whanau a Apanui and Whakatōhea are within the district. Community hubs spread from the council's northern boundary at Cape Runaway down its coastline through: Waihau Bay, Te Kaha, Omaio, Maraenui, Hawaii, Torere, Ōpōtiki, Kutarere and Wainui, with the largest residential and commercial concentrations in the Ōpōtiki township.

OPTIONS

Developing a preferred option

Since January 2024 four workshops were held with Council that explained the representation review process and explored a number of representation options available to Council under the Local Electoral Act 2001, as well as a bespoke option. Options were also presented to the Coast Community Board.

These discussions resulted in a preferred option to establish a seven member council comprising four members elected from two general wards and three members elected from two Māori wards, plus the Mayor elected at large. It was also agreed to maintain the current Coast Community Board structure comprising four elected members and one councillor representing the new Coast Māori Ward. Council noted its preferred option did not meet the +/- 10% rule for the two Māori wards, as follows:

Māori Wards	Population	Number of councillors	Population per councillor	Difference from quota
Coast Māori	1,140	1	1,140	-28.30%
Ōpōtiki Māori	3,630	2	1,815	+14.15%
Total	4,770	3		

Recognising that the Māori ward boundaries in the preferred option did not comply with the +/- 10% rule, other scenarios were explored to reduce the level of non-compliance. These other scenarios were based on shifting the proposed Coast Māori Ward boundary westwards. After considering these, the Council and the Community Board did not support any of the alternative scenarios. There was a strong view that the community board boundary be maintained and aligning it with the preferred Coast Māori Ward boundary made sense –it has been in place for some time, is well understood, and has worked well.

It is this preferred option - a seven member council comprising four councillors elected from two general wards and three councillors elected from two Māori wards (plus the Mayor elected at large) the Council now wishes to consider, and if resolved, consult with the community – noting it does not comply with the +/-10% rule and therefore must be forwarded to the Local Government Commission for determination.

The options explored

OPTION 1: Eight councillors elected from three wards and district wide	
Description	Bespoke model – six councillors from three wards (current wards), two Māori ward councillors elected district-wide
Advantages	Considers fair and effective representation under the Local Electoral Act 2001
Disadvantages	Not permitted under the Local Electoral Act and the Local Government Commission does not have the power to consider this option
Impact on mana whenua	Mana whenua has an interest in the review and understanding what introducing Māori wards at the local body elections in 2025 means. A programme of hapori/community engagement to introduce the changes is proposed
Strategic alignment	Each option has had regard to legal compliance under the Local Electoral Act and fair elector and community of interest representation
Associated risks	The Local Government Commission does not have the power to permit this option

OPTION 2: Six councillors elected from three general wards and three Māori wards

Description	Keep the current boundaries with three general ward councillors elected from three general wards, and three Māori ward councillors elected from three Māori wards
Advantages	Considers fair and effective representation under the Local Electoral Act 2001
Disadvantages	Does not comply with the +/-10% rule <ul style="list-style-type: none">• Coast General (-68.97%), Waioeka-Waiōtahe-Otara General (+24.66%), Ōpōtiki General (+44.31%).• Coast Māori (-28.30%), Waioeka-Waiōtahe-Otara Māori (-35.22%), Ōpōtiki Māori (+63.52%)
Impact on mana whenua	Mana whenua has an interest in the review and understanding what introducing Māori wards at the local body elections in 2025 means. A programme of hāpori/community engagement to introduce the changes is proposed
Strategic alignment	Each option has had regard to legal compliance under the Local Electoral Act 2001 and fair elector and community of interest representation
Associated risks	There are no identified risks

OPTION 3: Six councillors elected from three general wards and one district-wide Māori ward

Description	Three councillors elected from three general wards (current ward boundaries), and three councillors from one district-wide Māori ward
Advantages	Considers fair and effective representation under the Local Electoral Act 2001
Disadvantages	General wards do not comply with the +/-10% rule as per Option 2 - Coast General (-68.97%), Waioeka-Waiōtahe-Otara General (+24.66%), Ōpōtiki General (+44.31%)
Impact on mana whenua	Mana whenua has an interest in the review and understanding what introducing Māori wards at the local body elections in 2025 means. A programme of hāpori/community engagement to introduce the changes is proposed
Strategic alignment	Each option has had regard to legal compliance under the Local Electoral Act 2001 and fair elector and community of interest representation
Associated risks	There are no identified risks

OPTION 4: Eight councillors elected from two general wards and two Māori wards

Description	Four councillors elected from two general wards, and four councillors elected from two Māori wards
Advantages	Complies with both schedule 1A of the Local Electoral Act 2001 and the +/- 10% rule
Disadvantages	None identified
Impact on mana whenua	Mana whenua has an interest in the review and understanding what introducing Māori wards at the local body elections in 2025 means. A programme of hapori/community engagement to introduce the changes is proposed
Strategic alignment	Each option has had regard to legal compliance under the Local Electoral Act 2001 and fair elector and community of interest representation
Associated risks	There are no identified risks

OPTION 5: Preferred Option - Seven councillors elected from two general wards and two Māori wards

Description	Four councillors elected from two general wards, and three councillors elected from two Māori wards
Advantages	Considers fair and effective representation under the Local Electoral Act 2001
Disadvantages	Māori wards do not comply with the +/-10% rule as per Coast Māori Ward (-28.30%), Ōpōtiki Māori (+14.15%)
Impact on mana whenua	Mana whenua has an interest in the review and understanding what introducing Māori wards at the local body elections in 2025 means. A programme of hapori/community engagement to introduce the changes is proposed
Strategic alignment	Each option has had regard to legal compliance under the Local Electoral Act 2001 and fair elector and community of interest representation
Associated risks	There are no identified risks.

DISCUSSION

The recommended option is Option 5.

Maps showing the proposed ward boundaries are appended to this report (Appendix 1).

Financial/budget considerations

The cost of the representation review and associated unbudgeted expenditure was considered in Council's decision to implement Māori wards. Costs to date include consultant and staff time to develop the proposal.

Policy and planning implications

The recommended decision being considered is not significantly inconsistent with and is not anticipated to have consequences that are significantly inconsistent with any of Council's policies or plans.

Impact on mana whenua

Mana whenua has an interest in the review and understanding what introducing Māori wards at the local body elections in 2025 means. A programme of hapori/community engagement to introduce the changes and the initial representation proposal is planned for all the community.

Climate impact considerations

There is no identified impact on climate change in relation to this report.

Risks

The recommended option does not comply with the +/- 10% rule and therefore is automatically referred to the LG commission. The LG commission may in their review not approve the preferred option.

Community wellbeing considerations

The purpose of Local Government now includes promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').

The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT**Assessment of significance**

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be high and is subject to a formal public consultation process.

Assessment of engagement

The level of significance has been determined to be high as the representation review and establishment of Māori wards is expected to have an impact on the current and future wellbeing of our communities and the district.

The level of engagement required for this decision is 'Consult' and 'Inform' according to the Engagement Framework of the Significance and Engagement Policy.

INFORM	To provide balanced and objective information to assist understanding about something that is going to happen.
CONSULT	To obtain public feedback about ideas on rationale, alternatives, and proposals to inform decision making.

The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media. In terms of 'Consult', Council will use public consultation methods including receiving submissions/holding a hearing/providing updates to the public about the decision.

CONCLUSION

It is recommended that Council adopt Option 5 as its initial representation proposal for public consultation.

The initial proposal of a representation arrangements review must be resolved by Council by 31 July 2024, with public notice made within 14 days following the resolution. A public notice is planned for 6 August 2024, and a formal public consultation process to occur from 6 August to 6 September 2024. It is proposed that any submissions received to the initial proposal be heard by Council at a hearing on or about 17-18 September 2024.

It is noted that the preferred option does not comply with the +/-10% rule and would require a Local Government Commission for determination.

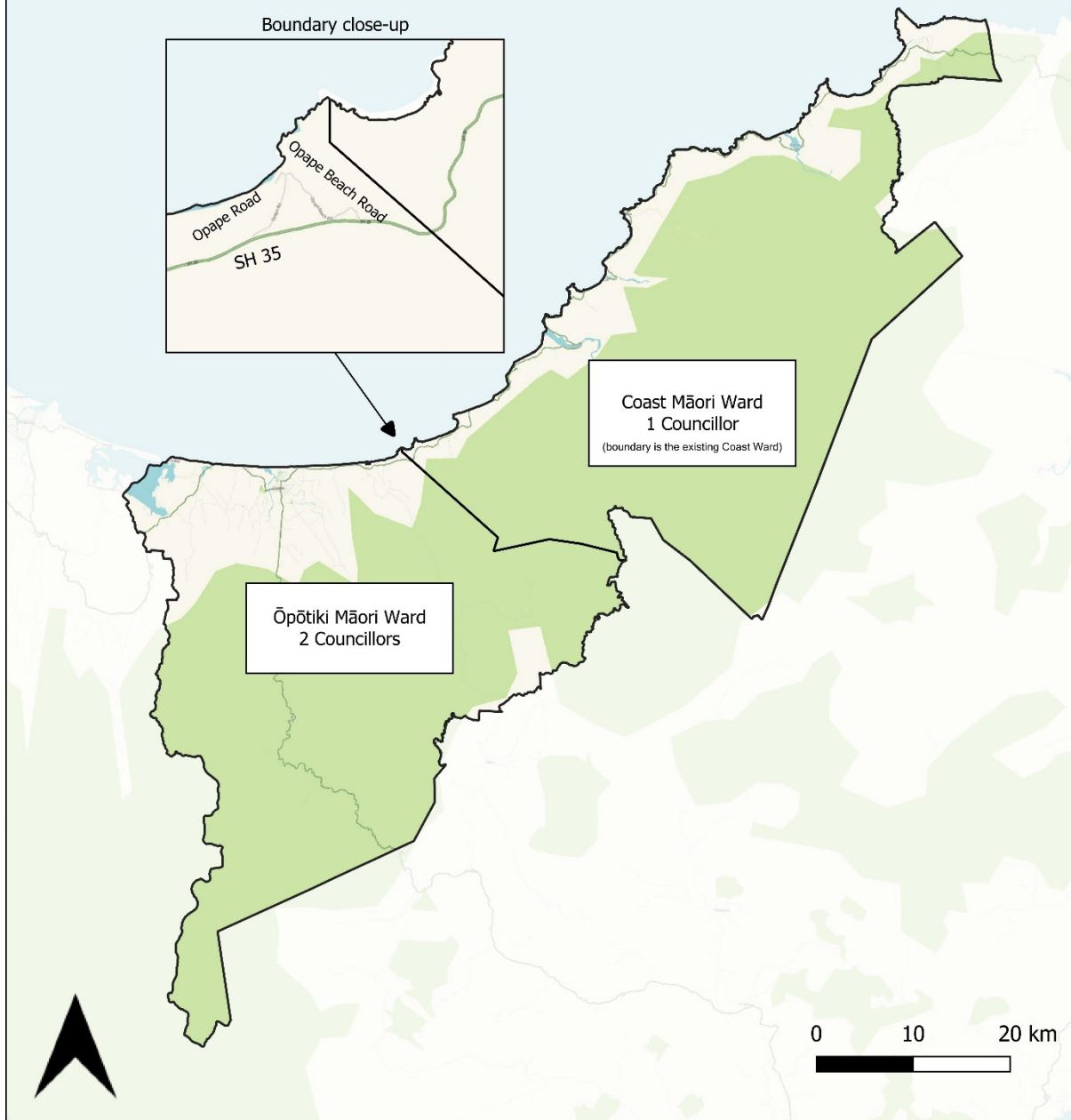
Peter Bridgewater

GROUP MANAGER FINANCE AND CORPORATE

APPENDIX 1

**Ōpōtiki Māori Wards
(3 Councillors from 2 Wards)
Māori Wards Non-Compliant**

Māori Ward	Population	Councillors	Ratio	# Difference	% Difference
Coast Māori	1,140	1	1,140	-450	-28.30%
Ōpōtiki Māori	3,630	2	1,815	+225	+14.15%
Total	4,770	3	1,590		



Coast Community Board

Community Board	Population	Members	Ratio
Coast Community Board	1,740	4	435

