
Clutha District Council

Item for DECISION

Report	Representation Review 2024 – Final Proposal report
Meeting Date	23 October 2024
Item Number	2
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File Reference	917885

REPORT SUMMARY

The Local Electoral Act 2001 (LEA) requires local authorities to undertake a review of their representation arrangements at least once every six years, with the last review undertaken in 2018.

Current representation arrangements are the mayor (elected at large), 14 councillors (elected from eight wards) and 12 community board members (elected from two community boards). Three wards (West Otago, Bruce and Kaitangata-Matau) do not comply with the fair representation criteria (+/- 10% rule).

Following consideration of preliminary informal consultation and seven options, Council, at its meeting on 26 July 2024, adopted its initial proposal, comprising the mayor (elected at large), nine councillors (elected from eight wards), and 12 community board members (elected from two community boards). All wards complied with providing fair and effective representation to the various communities of interest within the district.

Following public notification of the initial proposal, submissions were invited from 1 August to 2 September 2024. 26 submissions were received, with 12 (or 52.17%) in support and 11 (or 47.83%) opposed, with the remaining three unclear.

At the submission hearing on 12 September 2024, four verbal submitters spoke to their submissions. The verbal submissions along with the written submissions were considered and deliberated at the workshop following the hearing.

Council determined that no changes were required to be made to the initial proposal in response to the submissions received.

The purpose of this report is to resolve a final proposal for the Representation Review 2024.

The resolution of the final proposal will be followed by a public notice on 28 October 2024, and a one-month appeals/objections period from 28 October 2024 to 28 November 2024 will apply.

RECOMMENDATIONS

- 1 That Council receives the 'Representation Review 2024 – Final Proposal' report.
- 2 That Council receives the '2024 Representation Review – Initial Proposal submission hearings, reviewing and deliberations of the submissions, and direction setting for the Final Proposal' report for the 12 September 2024 workshop.
- 3 That Council receives the 26 written submissions to its Initial Proposal including the minutes of the four verbal submissions heard on 12 September 2024.
- 4 That Council notes the initial proposal deliberations, following review and consideration of the submissions on 12 September 2024 at the Council workshop, including considering possible options based on the feedback.
- 5 That Council notes the justification of the rejection of submissions and the direction provided at the workshop for staff to develop the Final Proposal without any amendments to the Initial Proposal.
- 6 That Council, in accordance with sections 19H and 19J of the Local Electoral Act 2001, adopts its initial proposal as its final proposal for at least the 2025 triennial local elections, being:
 - 6.1 Clutha District Council to comprise nine councillors elected under the ward system, plus the mayor elected at large.
 - 6.2 Clutha District Council be divided into eight wards, these being:

Balclutha Ward (two councillors), comprising the urban area of Balclutha township, the boundaries of which are shown on Appendix 1 – Map 8

Bruce-Waihola Ward (one councillor), comprising rural areas north of Milton township, including Taieri Mouth, Waihola, and Milburn, the boundaries of which are shown on Appendix 1 – Map 4

Catlins Ward (one councillor), comprising the area from the southern Koau branch of the Clutha River Mata-Au, and including the rural areas of Paretai, Otanomomo and Romahapa, through to the southern coastline to the Otago and Southland regional border, and the Awatea and Slopedown areas, the boundaries of which are shown on Appendix 1 – Map 7

Clinton-Clydevale Ward (one councillor), comprising the inland rural area around Clinton (noting the addition to the existing Clinton Ward of Te Houka, Clifton, Clydevale and Rongahere, along with the Waipahi area along the northern boundary, the boundaries of which are shown on Appendix 1 – Map 9

Kaitangata-Matau Ward (one councillor), comprising the urban areas of Kaitangata, and including the urban and rural areas of Stirling, Benhar, Lovells Flat, Moneymore, Toko Mouth (from Koau Branch of the Clutha River on Inch Clutha), the boundaries of which are shown on Appendix 1 – Map 6

Lawrence-Tuapeka Ward (one councillor), comprising the urban area of Lawrence, and rural areas to include the south and southwest areas of Pukeawa, Hillend,

Awamangu, Adams Flat and Crichton, the boundaries of which are shown on Appendix 1 – Map 3

Milton Ward (one councillor), comprising the urban area of Milton township, the boundaries of which are shown on Appendix 1 – Map 5

West Otago Ward (one councillor), comprising the key areas around West Otago, including Tapanui and Heriot (noting some areas have been moved south into the Clinton-Clydevale Ward), the boundaries of which are shown on Appendix 1 – Map 2.

The eight wards, the population per ward, the number of councillors per ward and the population per councillor is as follows:

Ward	Population	Councillors	Ratio
Balclutha	4,270	2	2,135
Bruce-Waihola	1,990	1	1,990
Catlins	1,910	1	1,910
Clinton-Clydevale	2,150	1	2,150
Kaitangata-Matau	2,140	1	2,140
Lawrence-Tuapeka	2,010	1	2,010
Milton	2,140	1	2,140
West Otago	2,270	1	2,270
Total	18,880	9	2,098

In accordance with section 19V(2) of the Local Electoral Act 2001, the population that each councillor represents must be within the range of 2,099 plus or minus 10% (1,888-2,308). All of the proposed wards comply with this range.

- 7 The reason the total number of councillors is proposed to be reduced from 14 to nine is to ensure effective representation of communities of interest in both rural and urban areas.
- 8 The reason for the boundary changes is to accommodate the reduction in the number of elected members and to ensure fair representation is provided.
- 9 Two community boards electing 12 members, these being:

Lawrence-Tuapeka Community Board (six members elected from the community at large, plus one councillor representing the Lawrence-Tuapeka Ward as appointed by Council), comprising the existing Lawrence-Tuapeka ward area as delineated on Plan LG072-2019-W-2 deposited with the Local Government Commission, the boundaries of which are shown on Appendix 1 – Map 18.

West Otago Community Board (six members elected from the community at large, plus one councillor representing the West Otago Ward as appointed by Council) comprising the existing West Otago ward area as delineated on Plan LG-0722013-W-1 deposited with the Local Government Commission, the boundaries of which are shown on Appendix 1 – Map 19.

The boundaries of the community boards are proposed to be retained as status quo under the existing ward boundaries. The reason for retaining the existing communities and their boundaries is to ensure the communities of interest in West Otago and Lawrence-Tuapeka continue to be effectively represented by their respective community boards.

- 10 The final proposal be publicly notified on 28 October 2024, providing the opportunity for appeals/objections to be lodged in the period 28 October 2024 to 28 November 2024, noting that any appeal or objection received must be forwarded on to the Local Government Commission for determination.

REPORT

1 Background

The Local Electoral Act 2001 (LEA) requires local authorities to undertake a review of their representation arrangements at least once every six years. The last review was undertaken in 2018, and therefore Council is required to undertake a review in 2024 for at least the 2025 triennial elections. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of these wards. Reviews also include whether there are to be community boards and if so, arrangements for these boards. Representation arrangements must provide fair and effective representation for communities.

Current representation arrangements, in addition to the mayor elected at large, are 14 councillors elected from eight wards, and 12 community board members elected from two community boards:

Ward	Councillors
Balclutha	4
Bruce	3
Catlins	1
Clinton	1
Clutha Valley	1
Kaitangata-Matau	1
Lawrence-Tuapeka	1
Community Board	Members
Lawrence-Tuapeka	6*
West Otago	6*

* plus one appointed member (councillor from the respective ward)

In undertaking a review of representation arrangements, three key principles must be considered:

- communities of interest
- effective representation
- fair representation

Communities of interest

A community of interest is usually defined as having a number of characteristics, which may include:

- a sense of community identity and belonging
- similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community
- similarities in economic activities
- dependence on shared facilities in an area, including schools; recreational and cultural facilities and retail outlets
- physical and topographic features
- the history of the area and
- transport and communication links.

The Clutha District consists of eight defined communities of interest – these reflecting the proposed wards.

Effective representation:

Territorial authorities are also required to consider:

- the total number of councillors
- the number of wards, boundaries and names
- the number of councillors to be elected from each ward
- communities and community boards

When considering this issue, territorial authorities must also ensure:

- a recognised community of interest should not be split between electoral boundaries
- grouping together two or more communities of interest that share few commonalities of interest should be avoided
- accessibility, size and configuration of an area should be considered.

The number of councillors per ward, and the boundaries of wards need to provide effective representation of communities of interest within the district. The current number of councillors is 14. It is considered that nine councillors would provide more effective representation.

Fair representation:

The requirement is that each councillor should represent about the same number of people within a +/- 10% range, unless compliance would effectively split a community of interest or join together two quite different communities of interest.

For this review, population estimates as of 30 June 2023 have been used, which confirm the initial proposal complies with the fair representation criteria.

2 Timeline

The following steps have been taken in the representation review arrangements, including:

	Process	Timeline	Status
1	Agenda item for discussion and consideration	Council meeting: 7 Dec 2023	Completed
2	Council Workshop 1 - elected members provide direction on proposed options and development of scenarios, consultation method and questions for the preliminary consultation process.	11 April 2024	Completed
3	Council meeting – preliminary consultation – early feedback consultation document was approved by Council	9 May 2024	Completed
4	Preliminary consultation period	10 May – 2 June 2024	Completed
5	Council Workshop 2 Preliminary consultation feedback considered and development of scenarios.	Workshop: Thursday 20 June 2024	Completed
6	Council meeting to adopt the initial proposal.	Council meeting: 26 July 2024	Completed
7	Public notice of the initial proposal, and submission period.	1 August – 2 September	Completed
8	Council hearing with verbal submissions. Council workshop to deliberate submissions and consider options for Final Proposal.	12 September	Completed

Initial Proposal – feedback

Following consideration of the early feedback from the preliminary consultation and review of seven options, on 26 July 2024 Council adopted an initial proposal. There were significant changes made to the current arrangements.

The Initial Proposal and submission process were publicly notified on 1 August 2024, and the formal consultation period for submissions occurred from 1 August 2024 to 2 September 2024.

A total of 26 submissions were received, with four submitters speaking at the hearing. 52.17% (12) agreed with the initial proposal and 47.83% (11) disagreed. The following submissions contained support for against for the following areas of the proposal, including:

- 81.82% (18) agreed the ward boundaries appropriately reflected communities of interest
- 73.91% (17) agreed that there was the right number of councillors to represent the interests of the Clutha District. (Note that comments showed that there was

some confusion, and some respondents thought that it was referring to the current status quo arrangements rather than the initial proposal of which was being consulted on)

- 82.61% (19) agree with the proposed ward names
- 72.26% (18) agreed with keeping the arrangements the same for community boards.

The summary of themes from the comments provided in the submissions including:

- some supported the proposal as efficient, logical and providing fair compensation for their councillor's workload
- some felt well represented under the current arrangements
- one felt the proposal lacked rationale for the reduction
- others felt they will lose representation by reducing the number of councillors
- some felt concern over the reduction for Bruce and West Otago
- others felt reducing the number of councillors is reducing the diversity.

The hearing submissions minutes are included in *Appendix 2*.

Initial Proposal – options considered

Council considered five options following consideration of the hearing and written submission feedback at the Council workshop on 12 September 2024. These options included:

- Option 1: 9 councillors from 8 wards (initial proposal)
- Option 2: 9 councillors from 8 wards (but amend community boards to align with wards)
- Option 3: 14 councillors from 8 wards (current arrangements)
- Option 4: 9 councillors from 7 wards (combine Bruce-Waihola and Milton)
- Option 5: 9 councillors from 8 wards (establish community boards for all wards).

Options analysis and Council direction at deliberations

Direction given by Council following the deliberation of the options based on the submissions received indicated the preference to adopt the initial proposal (option 1) as Council's final proposal with no amendments.

The Council considered the following reasons for rejecting the matters raised in submissions, including:

- the suggestion to increase the number of councillors in one or more wards from what is proposed was rejected as it could create significant non-compliance with the fair representation criteria.
- the suggestion to establish additional community boards across the district or to establish one in Milton and Bruce was rejected as it did not have significant support across submissions.
- the suggestion to combine the Bruce-Waihola and Milton Wards was rejected as it did not have significant support across submissions.
- the suggestion to align community board boundaries with the proposed ward boundaries was rejected as the existing community board boundaries are considered appropriate for the respective communities.

3 Strategic Goals and Outcomes

- Vibrant Rural Towns and Communities
- Connected and Collaborative

Key Priority Areas

- Healthy Safe Communities

4 Policy Considerations

Significance and engagement considerations

Under the significance and engagement policy the level of significance for this matter is determined to be high. The rationale for determining this level of significance includes:

- This is a legal process that Council is required to undertake under the Local Electoral Act 2001, at least once every six years.
- There are significant changes to the representation arrangements that are currently in place, therefore it will impact all residents in the different communities in the Clutha District. Some of the specific changes may create higher interest than others.

Representation review process

The following table shows the next steps and key dates in the representation review process, and ensures all statutory deadlines are met.

	Process	Timeline	Statutory deadline	Status	LEA Ref
1	Council meeting to resolve final proposal following the submissions process (including any amendments)	Council meeting: 23 October 2024	3 November 2024		19N
2	Public notice of final proposal given; appeal/objection period opens	28 October 2024	3 November 2024		19N
3	Appeal/objection period closes	28 November 2024			19O

4	If no appeals/objections, give public notice of basis of election	December 2024			
5	If appeals/objections received, proposal is referred to Local Government Commission		20 Dec 2024		19Q
6	Provisional hearing date with Local Government Commission	26 February 2025 2.00pm-6.00pm			
7	Local Government Commission issues a final determination	by 10 April 2025	10 Apr 2025		19R
8	Election day	11 October 2025			

Appeals and Objections

Appeals - under section 19O, a person or organisation who made a submission on an initial proposal may lodge an appeal against the decision on the final proposal. An appeal must identify which matters it relates to and can only be related to the matters covered in the appellants' submissions on the initial proposal.

Objections – under section 19P, if Council decides to amend its initial proposal, it then also opens up to objections on the amended proposal from any interested persons or organisations (not just those who submitted). An objection lodged must identify the matters to which the objection relates. All aspects of the proposal are open for appeals/objections, whether they are the same as included in the initial proposal or changed in some way. If any appeals or objections are received, the representation review will be considered by the Local Government Commission, and the Commission will make the final determination.

5 Financial Impact

Financial	
Considerations and identified risks	Risk mitigation
The cost of the consultation process.	The consultation process has been allowed for in existing budgets.
The changes in elected member numbers will have budget implications.	Regardless of the changes in the number of elected members, the remuneration pool available to council for the costs of elected members is set by the Remuneration Authority and will not have a significant impact on budgets. Community boards are rated in their area of interest.

6 References – Tabled/Agenda Attachments

<https://www.legislation.govt.nz/act/public/2001/0035/latest/whole.html>

Appendix 1: Final Proposal map and boundaries.

Appendix 2: Hearing minutes 12 September 2024 (*refer to Agenda Item 5A - ID913704*)

Appendix 3: Link to: '2024 Representation Review – Initial Proposal submission hearings, reviewing and deliberations of the submissions, and direction setting for the Final Proposal' report for the 12 September 2024 workshop' report.

https://www.cluthadc.govt.nz/repository/libraries/id:2c0gik8bh17q9s5atec4/hierarchy/Meetings_documents/Council%20Workshops/2024-09-12/Council%20Workshop%20agenda%20-%2012%20September%202024.pdf