

4 September 2024

#. Representation Review – Final Proposal

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Summary

- Council is required to undertake a representation review every six years, with the last review completed in 2018.
- An initial proposal was resolved on 5 June, and largely followed the status quo, with two boundary changes proposed – one the Methven Community Board boundary, and one to the Ashburton/Eastern Ward boundary. It was also proposed to reduce the number of elected members to the Methven Community Board to four from five.
- Consultation on the initial proposal was undertaken from 13 June – 21 July, and a total of 14 submissions were received.
- Submissions were considered at the hearing and deliberations on 7 August, and Council determined that one change was required to be made to the initial proposal in response to the submissions received (retaining the five elected and two appointed [total of seven members] on the Methven Community Board).
- The purpose of this report is for Council to resolve a final proposal, following consideration of submissions received on the initial proposal.
- Resolution of a final proposal will be followed by a public notice, and an appeals and objections period of one month.

Recommendation from Council Deliberations

- 1. That** Council resolves the following as the final proposal for the representation arrangements for the next triennial election of the Ashburton District Council and Methven Community Board, to be held on 11 October 2025:
 - a. The Council is made up of 9 members elected from three wards, plus the Mayor
 - b. The three wards will reflect the following identified communities of interest:

Ashburton Ward – the areas around and including Ashburton town and the area of Lake Hood which are serviced or have the potential to be serviced in the medium future.

Western Ward – the inland portion of the rural area of Ashburton District.

Eastern Ward – the seaward portion of the rural area of Ashburton District.

Please refer maps attached indicating boundaries of the Ashburton District Council wards.

- c. The population that each member will represent is as follows:

Ward	Population	Members	Ratio
Ashburton Ward	21,220	5	4,244
Eastern Ward	7,640	2	3,820
Western Ward	7,860	2	3,930
Total	36,720	9	4,080

- d. There will be one Community Board. The Community Board will be the Methven Community Board and will be representative of the services delivered to residential and commercial areas of Methven.

The Methven community will elect five members and have two appointed members. The Council's appointed members will be the two Western Ward councillors.

As part of the initial proposal, Council had proposed to reduce the elected number of members from five to four. However, in response to submissions received Council has amended its proposal to maintain the five elected members to the Methven Community Board. The reasons for retaining five elected members are:

- The current structure is working well
- Allows for a more diverse range of views, skills and experience
- The Methven Community Board boundary is extending
- The Methven population is expected to grow.

Refer map attached indicating the boundary of the Methven Community Board area.

Attachment

Appendix 1 Draft Public Notice

Appendix 2 Final Proposal Boundary Maps

Background

The current situation

1. Council is required to conduct a representation review at least once every 6 years. The last representation review was done in 2018, for the following local body elections. The next local body triennial elections are to be held on 11 October 2025.

About representation reviews

2. Representation reviews give the community an opportunity to consider if the existing representation arrangements are efficient and effective. This means looking at the number of councillors and how they are elected, the existence of wards (and their boundaries), community boards, and Māori wards.
3. More information regarding the representation review process is provided under the 'legal/policy implications' section.

Review timeline

4. The following table shows the steps and dates for this representation review. Completed steps are highlighted in green. The timeline for this representation review has been developed to comply with legislation.

Date	Stage
October-November-December 2023	Early engagement (Community & Rūnaka) - <i>complete</i>
15 November 2023	Council meeting – early engagement document approved - <i>complete</i>
22 November – 17 December 2023	Early engagement - <i>complete</i>
January – May 2024	Process early engagement and develop Initial Proposal - <i>complete</i>
5 June 2024	Resolution of Initial Proposal - <i>complete</i>
13 June 2024	Public notice on Initial Proposal - <i>complete</i>
13 June – 21 July 2024	Consultation on Initial Proposal - <i>complete</i>
7 August 2024	Council hearing on submissions and Final Proposal developed - <i>complete</i>
4 September 2024	Council resolution on Final Proposal (<i>today</i>)

Date	Stage
By 12 September 2024	Public notice on Final Proposal
12 September – 12 October 2024	Appeals/objections period
12 October 2024	Public appeals/objections to Final Proposal due
20 December 2024	Latest date that appeals/objections can be forwarded to the Local Government Commission (if any)
No later than Thursday 10 April 2025	Determinations by Local Government Commission on representation arrangements review (if required)

Feedback on the initial proposal

5. The initial proposal was resolved by Council on 5 June, and consultation with the community took place from 13 June to 21 July 2024.
6. A total of 14 submissions were received, with two submitters speaking at the hearing. Six submissions were in favour of the proposal, and eight submissions contained objections to various elements of the proposal, as follows.
 - six submitters objected to the reduction of Methven Community Board members (proposed total from seven to six).
 - one submitter suggested different extension options of the Methven Community Board boundary (extended either along both sides of Mt Hutt Station Rd past Holmes Road, or neither side and only extend to include the golf course and up to Holmes Road).
 - one submitter mentioned that while they supported the proposal, their second preference was to reduce the Ashburton Ward councillors to three, while retaining the two councillors for each of the Western and Eastern Wards.

Council direction at deliberations

7. Direction given by Council at the deliberations on 7 August indicated the preference to adopt its initial proposal as the Council's final proposal, subject to the following amendment:
 - the Methven Community Board membership will remain at five elected members plus two appointed members (seven total).
8. The Council considered this change to be appropriate for the following reasons:
 - the total of seven members is currently working well
 - more members allows for a more diverse range of views, skills and experience

- the Methven Community Board boundary is extending and more people will be represented
 - the Methven population is growing.
9. The Council rejected the other matters raised in objections for the following reasons:
- the suggestion of amendments to the Methven Community Board boundary was rejected because there was no clear reasoning provided for these suggestions, and Council considers the proposal to appropriately cover the community of interest and those properties that receive a benefit from the Methven Community Board. Any changes made to the boundaries needed to coincide with Statistics NZ meshblock boundaries under the Local Electoral Act.
 - the suggestion to retain two councillors for each Western and Eastern Ward and to reduce the Ashburton Ward councillors to three was rejected because this does not meet the population to member ratio requirement (+/- 10% rule) and Council considered that this would not provide fair representation.

Options analysis

Option one – Resolve the final proposal (as recommended at deliberations)

10. Council could resolve the final proposal as set out in the recommendation. This is what was indicated during deliberations and is the recommended option.
11. As this option includes an amendment to the initial proposal, the final proposal will be open to *both* appeals and objections between 12 September – 12 October. If any appeals or objections are received, they will be forwarded to the Local Government Commission to make the final determination.

<p>Advantages:</p> <ul style="list-style-type: none"> • This option is in line with the direction given by Council during deliberations • This is the next required step in the Representation Review process 	<p>Disadvantages:</p> <ul style="list-style-type: none"> • Not in line with what was proposed to the community
<p>Risks:</p> <ul style="list-style-type: none"> • A final proposal that differs from an initial proposal is open to being appealed or objected to the Local Government Commission for a final decision, however this is the process allowed for under the Local Electoral Act. 	

Option two – Resolve the Initial proposal as the Final proposal (without amendment)

12. Council can choose to resolve the Initial proposal as the Final proposal. This would mean no changes are made to the Initial proposal.

<p>Advantages:</p> <ul style="list-style-type: none"> The Initial proposal would only be open to appeals and not objections under the Local Electoral Act. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> This option is not in line with direction given by Council during deliberations and would not address the issues that had been raised by submitters.
<p>Risks:</p> <ul style="list-style-type: none"> Potentially a higher risk of being open to appeal by submitters, due to the perception that the issues raised has not been considered. 	

Option three – Resolve a different final proposal (from that recommended from deliberations)

13. Council may choose to make other amendments to the final proposal before resolving it.
14. Any changes made under this option should be related to an objection/submission received on the initial proposal, which Council already considered at the hearings and deliberations on 7 August.
15. If Council does decide to make last minute amendments, it is important that the rationale for these changes are recorded as this is required in the final proposal public notice.

<p>Advantages:</p> <ul style="list-style-type: none"> None identified 	<p>Disadvantages:</p> <ul style="list-style-type: none"> This option is not in line with direction given by Council during deliberations
<p>Risks:</p> <ul style="list-style-type: none"> There is a risk that last minute updates may impact on meeting our compliance with legislation (e.g. +/-10% rule), as officers may not have had sufficient time to consider implications of proposed changes. A final proposal that differs from an initial proposal is open to being appealed or objected to the Local Government Commission for a final decision. However this is the process allowed for under the Local Electoral Act. Reputational risk involved as it may look like Council's decision making processes are not working well. 	

Legal/policy implications

Representation review process

16. The review process in brief, as provided by the Local Government Commission:

- A council's initial representation review proposal must be publicly notified no later than 8 August in the year before an election.
- Any person or organisation can make a submission on a council's proposal. If a council receives no submissions, the proposal becomes the basis for election at the next triennial election and the council gives public notice accordingly.
- If the council receives submissions, it considers these and may change its proposal as a result. If a person or organisation who made a submission is not satisfied with the council's amended final proposal, they can appeal against it. Alternatively, if a council changes its proposal, any person or organisation (whether or not they made a submission) may object to the amended proposal.
- If there are no appeals or objections, the proposal becomes the basis of election at the next triennial election and the council must give public notice accordingly.
- If a council receives any appeal or objection, it must refer its proposal to the Local Government Commission for determination along with the appeals and objections received. The Local Government Commission's determination is final and becomes the basis for election at the next triennial election.

Local Electoral Act 2001 (LEA)

17. The Representation Review process is governed by the [Local Electoral Act 2001](#) (the Act) with the Local Government Commission acting as the authority charged with making the final decision on arrangements. Statutory requirements are extensive and are provided for in the Act, with the review process set out in section 19H to 19Z of the Act. The Act prescribes the dates by which the various steps in the review process must occur, Therefore, it is critical that Council and officers adhere to the dates provided in the 'Review timeline' section of this report.
18. In terms of the final proposal, Council is required ([under section 19O & 19P](#)) to provide a minimum of one month appeals and objections period.

Appeals vs objections

19. 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.
20. 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.

21. 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.

Climate change

22. Council's representation arrangements should not have a direct impact on climate change.

Review of legal / policy implications

Reviewed by In-house Counsel	<i>Tania Paddock; Legal Counsel</i>
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Strategic alignment

23. The recommendation relates to Council's community outcome of 'Residents are well represented, included and have a voice', because the Final Proposal aims to ensure fair and effective representation.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Having suitable representation arrangements will contribute to all four well-beings for the community, including enabling democratic representation and decision-making.
Environmental	✓	
Cultural	✓	
Social	✓	

Financial implications

Requirement	Explanation
What is the cost?	Costs involved with consultation (completed)
Is there budget available in LTP / AP?	Yes, covered by existing budgets
Where is the funding coming from?	Funding to come from existing budgets - Strategy & Policy, Communications & Governance Teams
Are there any future budget implications?	Representation changes to the status quo will not significantly impact budgets. Elected Member Remuneration is set by the Remuneration Authority.
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	The community are likely to be interested in this decision as representation reviews only occur once every six years and impacts on whether people are fairly and effectively represented. However, the impacts are low as only minor changes are being proposed from the current representation arrangements.
Level of engagement selected	3. Consult
Rationale for selecting level of engagement	Council has (as legally required) consulted on its initial proposal from 13 June – 21 July. Following resolution of the final proposal (assuming changes are made from the initial proposal), Council must publicly advertise it as open for appeals and objections for a month, proposed from 12 September to 12 October.
Reviewed by Strategy & Policy	Mark Low, Strategy and Policy Manager

Next steps

Date	Action / milestone	Comments
27 November 2024	Local Government Commission hearing scheduled	Only required if appeals or objections are received by 12 October 2024
By 10 April 2025	Last day by which the Local Government Commission can make a determination	If required