

QLDC Council
30 June 2021**Report for Agenda Item | Rīpoata moto e Rāraki take 4****Department: Corporate Services****Title | Taitara Representation Review 2021****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

The purpose of this report is to present the recommendations of the Representation Review Advisory Group and for the Council to agree its initial representation proposal on which to conduct public consultation.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Adopt** for the purposes of public consultation that:
 - a. All Councillors are elected in wards;
 - b. The names of the wards shall be: Whakatipu, Kawarau and Wānaka-Hāwea;
 - c. The boundaries of each ward are described as being:
 - a. the boundary of the Wānaka-Hāwea Ward shall be as the current Wānaka Ward;
 - b. the external boundary of the Whakatipu and Kawarau Wards combined shall be the same as the present Queenstown-Wakatipu Ward;
 - c. the Kawarau Ward shall incorporate the present Arrowtown Ward;
 - d. the boundary between the Whakatipu and Kawarau Wards shall generally follow the line of the Shotover River and the eastern boundary of the lower part of Lake Whakatipu;
 - e. the Whakatipu Ward shall be located *generally* to the west of the Shotover River and eastern boundary of the lower part of Lake Whakatipu and the Kawarau Ward to the east *except* diverting to include meshblocks 3038219, 3039406, 3039504, 3040604, 4000906, 4000907, 4001002, 4001003, 4010441, 4010442;
 - d. The voters in each ward will elect four Councillors;
 - e. There will be no community boards in the district;

3. **Agree** that submissions will be received on the proposal between 5 July 2021 and 6 August 2021 and that the Council will hear submissions in Queenstown on 26 August 2021 and in Wānaka on 27 August 2021; and
4. **Note** that the final proposal will be considered at the ordinary Council meeting scheduled to take place on 16 September 2021.

Prepared by:



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14/06/2021

Reviewed and Authorised by:



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CONTEXT | HOROPAKI

Background

- 1 Councils are required by the Local Electoral Act 2001 ['LEA'] to review their representation arrangements at least once every six years and *may* undertake a review every three years.
- 2 The Council last undertook the representation review in 2018 which was in effect for the 2019 election. At the time, it was noted that the present ward structure had been in place since 2006 and had been used for four election cycles. A submission to the 2018 review urged the Council in the near future to undertake a 'blue sky' review of its representation arrangements which had not changed substantially since nationwide local government reorganisation in 1989.
- 3 The 2018 representation review resulted in some minor boundary changes to the Arrowtown Ward to bring it into closer compliance with the calculation for 'fair' representation, defined under s.19V(2) and commonly known as the '+/- 10%' rule. At the time of the 2018 review, the figure for the Arrowtown Ward was -21.09%. The 2018 review added six meshblocks to the Arrowtown Ward from the Queenstown-Wakatipu Ward and reduced the Arrowtown Ward's non-compliance to -12.74%. Millbrook and areas down MacDonnell Road were added to the Arrowtown Ward, but it also took in parts of Speargrass Flat Road, potentially grouping together communities of interest with few commonalities, that is, extending the boundary beyond the true 'village' community of interest.
- 4 The Council agreed at the time of the 2018 review that it would be appropriate to undertake the review again prior to the 2022 triennial election, although not legislatively compelled to do so. This was in acknowledgement both of the ongoing issue with the Arrowtown Ward remaining non-compliant with the s.19V(2) rule and the significant population and community changes elsewhere in the district that had occurred since the last comprehensive review of representation arrangements.

Earlier decisions

- 5 Council considered its process for undertaking the representation review at the meeting held on 3 September 2020. At this meeting, it agreed to establish a discretionary¹ Advisory Group to assist in the development of options for the 2021 Representation Review. The membership would comprise three appointed/invited members and two-three selected from a public call for Expressions of Interest. It was suggested that the three appointed members be a political science academic, a representative of Aukaha and Te Ao Marama and a legal Counsel. Representatives from the community would be sought via an 'Expression of Interest' process.
- 6 The Chief Executive and Mayor were delegated authority to finalise the appointment of members to the Advisory Group and expressions of interest were sought through a variety of media. The membership was as follows:
 - Bruce Robertson (Chair)

¹ Note, the convening of an advisory group is not a mandatory aspect of the representation review process.

- Clive Geddes (Former Mayor)
- Dean Whaanga (Te Ao Marama)
- Professor Janine Hayward (University of Otago)
- John Glover (District resident appointed by the Expression of Interest process)
- Viv Milsom (District resident appointed by the Expression of Interest process)
- Ian Hall (District resident appointed by the Expression of Interest process)

7 The considerations of the advisory group are discussed further below.

8 Although the choice of electoral system is not formally part of representation reviews, it is generally considered as part of the overall review of representation, as is the establishment of Māori wards. At the meeting on 3 September 2020 the Council resolved to retain First Past the Post (FPP) for its electoral system and not to establish a Māori Ward at the present time.

Legislative Framework of Representation Reviews

9 Section 19H of the LEA requires the Council to consider:

- The basis of election (by wards, at large or a combination);
- The number of Councillors;
- The names and boundaries of wards;
- Community Boards (should there be community boards and if so, the nature of any community and the membership and structure of any community board).

The position of Mayor is not part of this review and is always elected at large.

10 In reviewing their representation arrangements, councils must have regard to the following three principles which are defined by the Local Government Commission:

- Communities of interest,
- Effective representation of communities of interest, and
- Fair representation of electors.

11 As part of the review, Council is required by statute to determine whether, in order to achieve fair and effective representation for individuals and communities:

- a. there should be communities and community boards; and
- b. if so resolved, the nature of any community and the structure of any community board.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

12 The Advisory Group met on four occasions and its second meeting included a discussion with the Chair and Deputy Chair of the Wānaka Community Board.

13 The Advisory Group considered the current scenario with the existing representation:

Ward	Population	Members	Population: member ratio	Difference from quota	% difference from quota
Queenstown-Wakatipu Ward	22,998	6	3,833	-82	-2.09
Wānaka Ward	13,044	3	4,348	433	11.06
Arrowtown Ward	3,108	1	3,108	-807	-20.61
Total	39,150	10	3,915		

14 Both the Arrowtown and Wānaka Wards do not meet the ‘fair’ representation rule under s.19V(2) of LEA.

15 The Advisory Group concluded that under the present scenario:

- a. The Arrowtown Ward is non-compliant and cannot meaningfully be expanded to become compliant and meet the +/-10% requirement,
- b. The Wānaka Ward is statistically (based on its population size) under-represented at Full Council by having only three elected Councillors, This assessment must be based on Councillors only.
- c. However the Wānaka Ward also has a Community Board which creates an additional level of bureaucracy in decision-making. The existence of the Wānaka Community Board creates an inequity in representation at a district level as no other community in the district has a Community Board. Based on ward population size (approx. one third of the district), retaining the Community Board adversely creates proportional over-representation in the total number of elected members within the Wānaka Ward with a combined seven positions including three Councillors and four Community Board members.

17 The Advisory Group asked staff to prepare a new scenario that would address these inequities and non-compliances. Accordingly, a proposal which involved splitting the district into three wards of roughly equivalent size with no community board was developed and the following model for the whole district was prepared:

Ward ²	Population	Members	Population: member ratio	Difference from quota	% difference from quota
Whakatipu Ward (largely west of Shotover River)	12,768	4	3,192	69	2%
Kawarau Ward (largely east of Shotover River)	13,314	4	3,329	-68	-2%
Wānaka-Hāwea Ward	13,050	4	3,263	-2	0%
Total	39,132	12	3,261		

18 The meshblock data used for this scenario was provided by Statistics New Zealand and is the district statistical Area 1 dataset for 2018 census, updated March 2020.

19 This is a compliant model in terms of the Local Electoral Act.

² Note, the proposed ward names reflect significant geographic features in each ward.

- 20 The Wānaka-Hāwea Ward is the same geographic area as the present Wānaka Ward.
- 21 The proposed Whakatipu Ward is largely west of the Shotover River and includes the communities of:
- Central Queenstown
 - Closeburn and Wilsons Bay
 - Frankton Flats
 - Frankton residential area
 - Frankton Road and Queenstown Hill
 - Fernhill
 - Glenorchy
- 22 The proposed Kawarau Ward is largely east of the Shotover River and includes the communities of:
- Arrowtown
 - Arthurs Point
 - Gibbston Valley
 - Jack's Point, Lakeside Estates and Hanley's Farm
 - Kelvin Heights
 - Kingston
 - Ladies Mile
 - Lake Hayes Estate and Shotover Country
- 23 The proposal is illustrated as follows and is presented as **Option 1**:

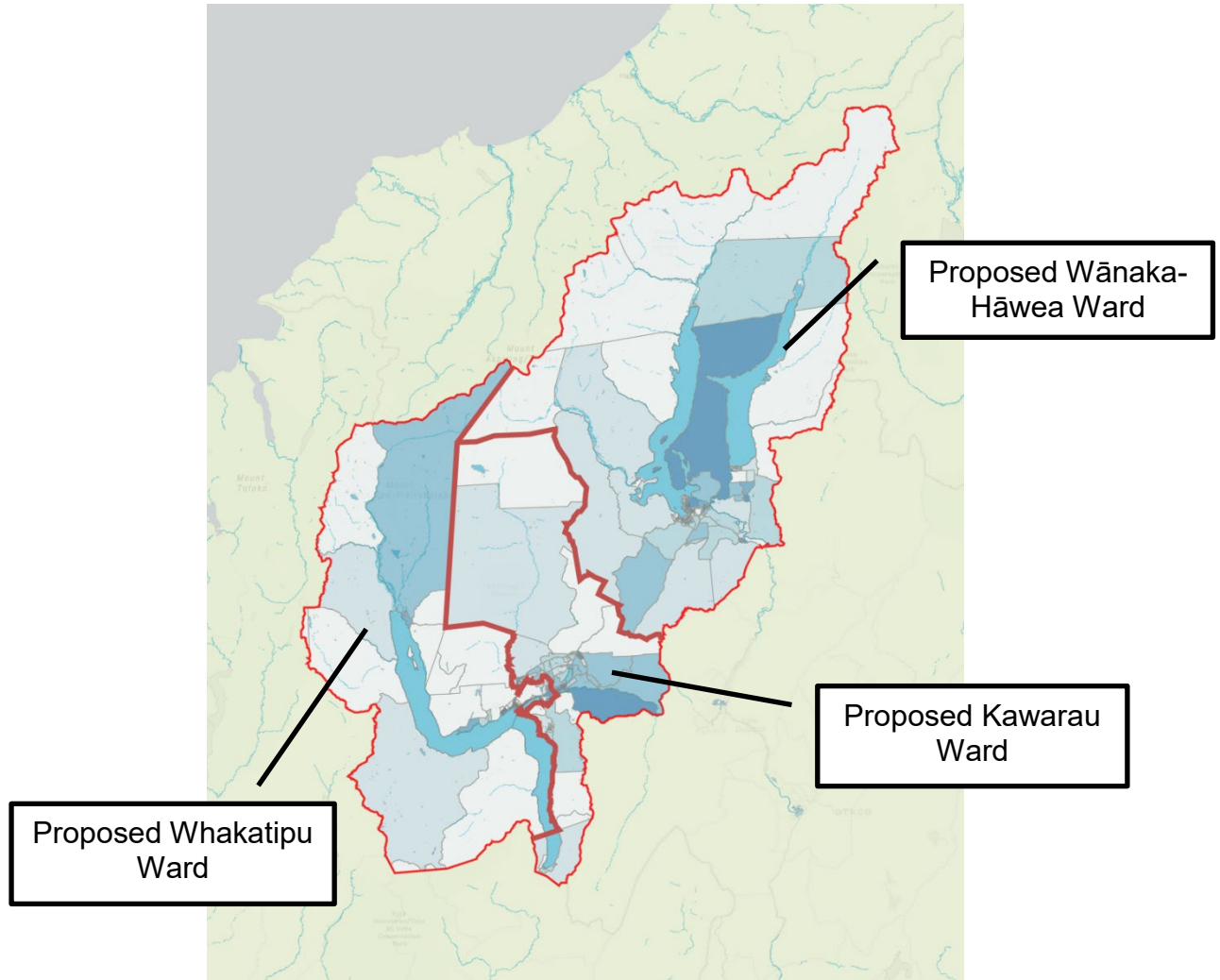


Fig 1: Proposed Three-Ward Structure

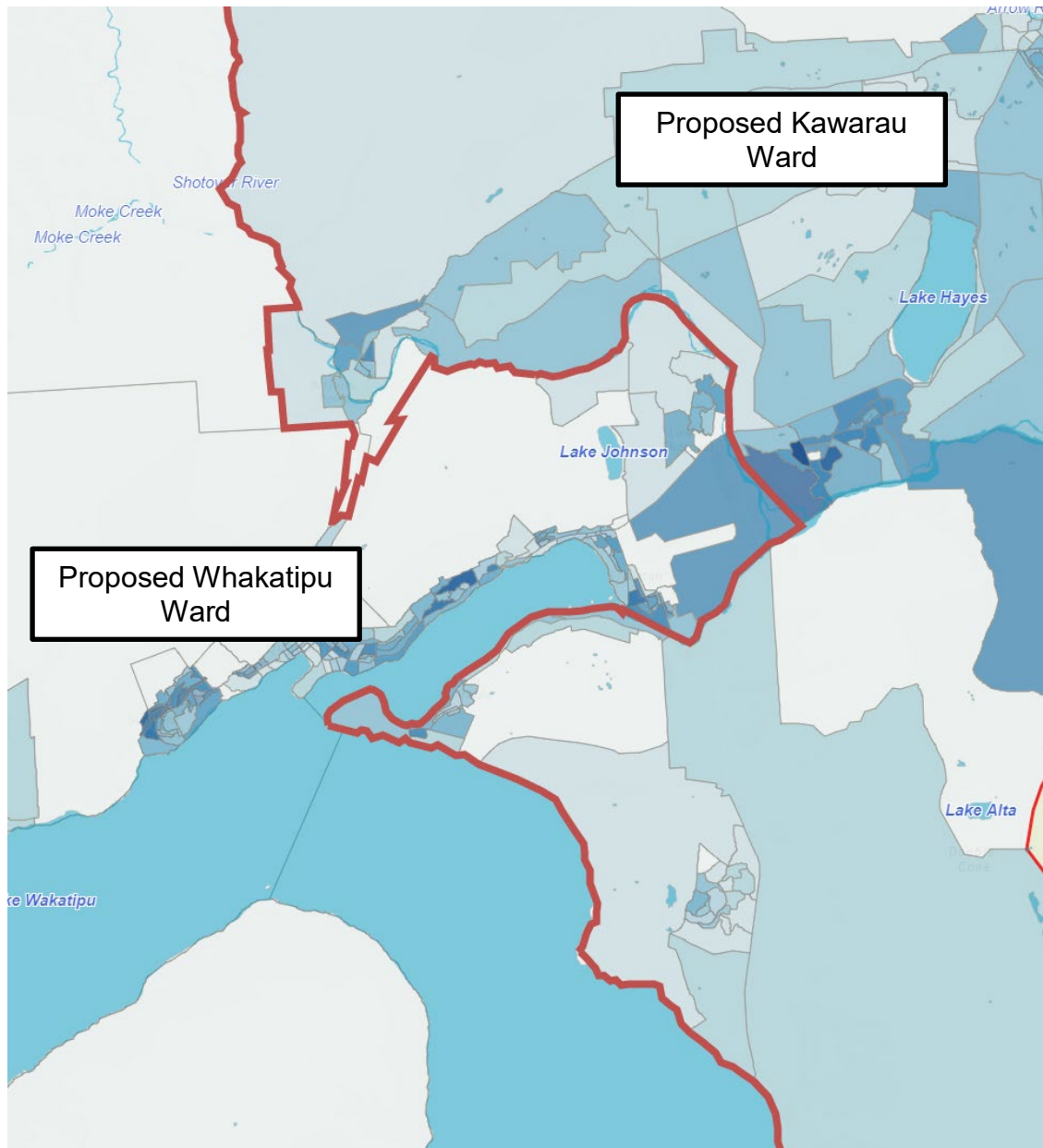


Fig 2: Detail of ward boundary with proposed Kawarau Ward to the right of the red line and the proposed Whakatipu Ward to the left of the red line

Option Two

24 Whilst at present the populations of each of the proposed wards is reasonably even, officers have noted that communities that can anticipate major growth over the next 10-15 years are contained in the proposed Kawarau Ward, whereas those within the proposed Whakatipu Ward will grow only moderately.

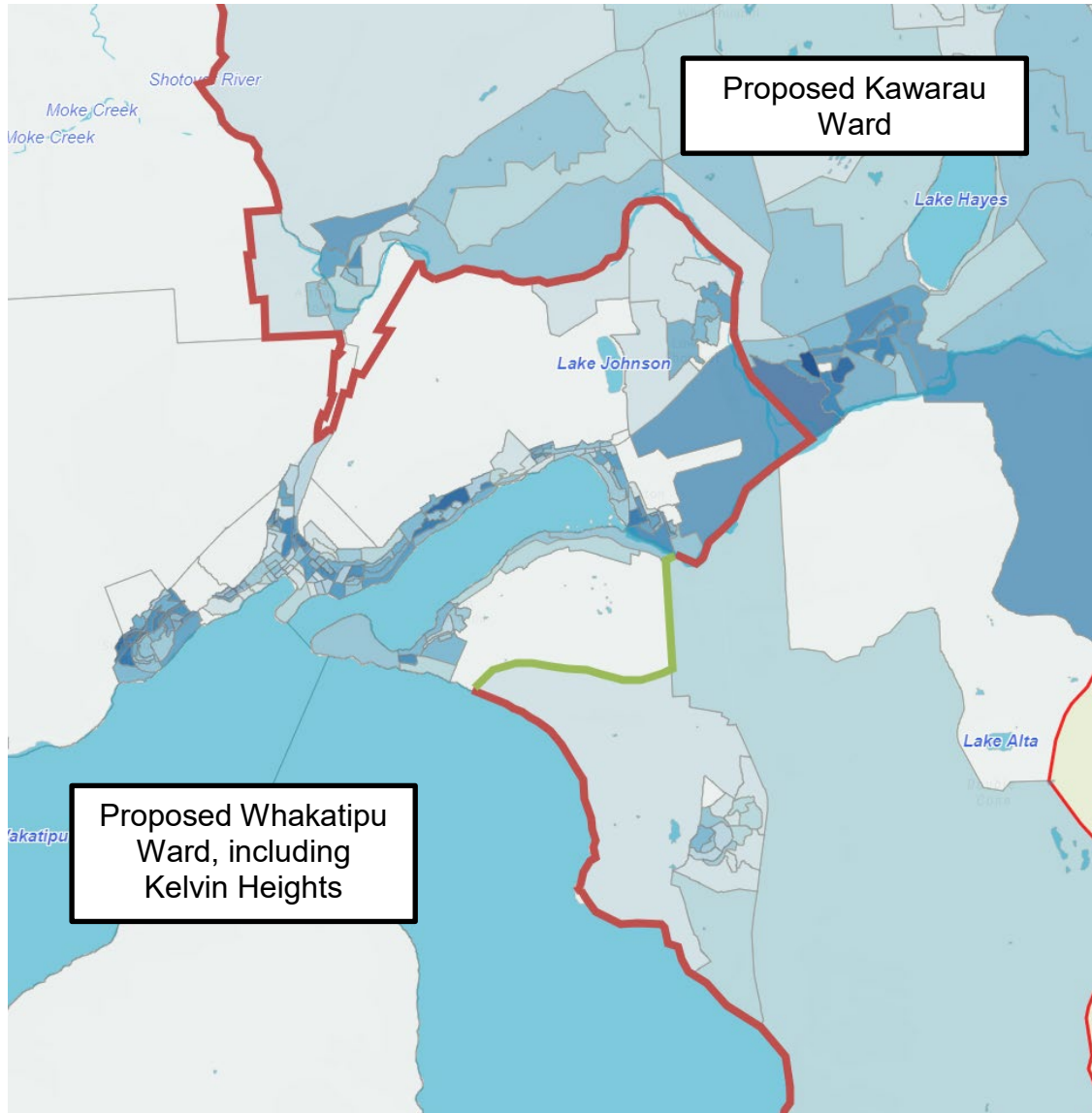


Fig 3: Proposed alternative boundary line (Option 2) represented by the green line, locating Kelvin Heights within the proposed Whakatipu Ward

- 25 Population projections used for developing the Spatial Plan were applied to the Option 1 model to test the longevity of the proposal. Modelling showed that the proposed Whakatipu Ward would start to exceed the 10% variance permissible under LEA after 2031, whilst the other two wards would remain compliant.
- 26 Changing the boundary between Whakatipu and Kawarau to move Kelvin Heights³ into Whakatipu creates a model with increased longevity of compliance through to 2051, and retains the equity evident in Option 1. Note that the Statistics New Zealand figures used here are from the Spatial Plan modelling which differ from the Statistics New

³ Note that Kelvin Heights was identified as an established area with little potential for development of growth and therefore an area that could potentially exist within the proposed Whakatipu Ward. This is due to the fact that a matter of commonality for the majority of townships within the proposed Kawarau Ward is that they are or will be subject to shared pressures regarding growth.

Zealand Meshblock figures referenced above but provide a comparative model for consideration.

2021:

Ward	Population	Members	Population: member ratio	Difference from quota	% difference from quota
Whakatipu Ward	14,260	4	3,565	-170	-5%
Kawarau Ward	12,842	4	3,211	185	5%
Wānaka-Hāwea Ward	13,644	4	3,411	-16	0%
Total	40,746	12	3,396		

2031:

Ward	Population	Members	Population: member ratio	Difference from quota	% difference from quota
Whakatipu Ward	17,488	4	4,372	86	-1%
Kawarau Ward	17,286	4	4,322	136	6%
Wānaka-Hāwea Ward	18,718	4	4,675.5	-222	-5%
Total	53,492	12	4,458		

Other recommendations of the Representation Review Advisory Group

27 The Advisory Group acknowledged the Council's earlier decisions on establishing a Māori Ward and the FPP vs STV voting system but recommended that both decisions be revisited within the next three years.

28 Option 1 Adopt the recommendation of the Representation Review Advisory Group, namely, a three-ward model electing four Councillors each and the disestablishment of the Wānaka Community Board.

Advantages:

29 It groups together realistic communities of interest.

30 It complies with the LEA and fulfils the legal test for fair and effective representation for electors.

31 It resolves the Arrowtown Ward and Wānaka Ward not complying with LEA.

32 It provides for greater choice in elections for voters in the Arrowtown Ward.

33 It resolves the perceived inequity of there being a community board in Wānaka but nowhere else in the district.

Disadvantages:

34 It begins to become non-complaint after 2031.

35 It removes the single member Arrowtown Ward and may perceptively reduce representation in Arrowtown.

36 It removes the Wānaka Community Board and may perceptively reduce representation in Wānaka.

37 Option 2 Adopt the recommendations of the Representation Review Advisory Group with one change to the boundary between Whakatipu and Kawarau to move Kelvin Heights into Whakatipu.

Advantages:

38 As above but with the additional advantage of having longevity until 2051.

Disadvantages:

39 As above.

40 Option 3: Direct staff to prepare a different model for public consultation

Advantages:

41 Any new model may serve to deliver all the advantages highlighted under Options 1 and 2.

Disadvantages:

42 Any new proposal will not have received the scrutiny of the Representation Review Advisory Group, a group specifically formed to develop new models for the Council's consideration.

43 Development of a new model may delay commencement of consultation and necessitate staff to review the timeframes for completing the project.

44 Option 3 Retain the status quo, namely the current ward boundaries and names, with the Queenstown-Wakatipu Ward electing six Councillors, the Arrowtown Ward electing one Councillor and the Wānaka Ward electing three Councillors; and retaining the Wānaka Community Board, electing four members.

Advantages:

45 This will address the perceived community concerns about changes to the present ward structure and the disestablishment of the Wānaka Community Board.

Disadvantages:

46 This is contrary to the stated objective to undertake a 'blue sky' review of the present representation arrangements.

47 It ignores the recommendation of the Representation Review Advisory Group, a group specifically formed to develop new models for the Council's consideration.

- 48 It retains a model of representation that does not comply with the provisions of LEA.
- 49 If adopted as the final proposal, it will be referred to the Local Government Commission to determine because it does not meet the requirements of the LEA.
- 50 This report recommends **Option 1** for addressing the matter because it is the recommendation of the Advisory Group and complies with the LEA's tests for fair and effective representation for electors.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 51 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because it will have a major impact upon the way residents and ratepayers vote for the Council and the Wānaka Community Board
- 52 The persons who are affected by or interested in this matter are the residents and ratepayers of the Queenstown Lakes District communities.
- 53 The Council will undertake public consultation on its proposal 5 July-6 August and will hear submissions in Queenstown on 26 August 2021 and in Wānaka on 27 August 2021.

> MĀORI CONSULTATION | IWI RŪNANGA

- 54 The Council has included iwi representation on the membership of the advisory group and has sought iwi feedback on the proposed Ward names.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 55 This matter relates to the Strategic/Political/Reputation. It is associated with RISK00043 Ineffective Electoral Process within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating.
- 56 The approval of the recommended option will support the Council by avoiding the risk. This shall be achieved by enabling public comment on representation models and the opportunity to adopt a model that will deliver fair and effective representation for residents/ratepayers.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 57 The cost of undertaking the Representation Review is covered by operational budgets.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

- 58 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy

- Local Electoral Act 2001

59 The recommended option is consistent with the principles set out in the named policy/policies.

60 This matter is included in the Ten Year Plan/Annual Plan.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

61 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.