



Thursday, 14 October 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

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Te Take: Representation Review: Hearing of Submissions on Initial Proposal
Subject: and Determination of Final Proposal

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 On 26 August 2021, Council adopted its Initial Proposal for the Representation Review required ahead of the 2022 triennial election. This report presents the submissions received in response to the Initial Proposal together with commentary on the main themes contained in those submissions.
- 1.2 There is a mix of views and themes contained in the submissions. There is significant support for Council's Initial Proposal. The proposed rural representation arrangements and the Rural Community Board receive strong rural support, and there is notable (although not unanimous) support for the proposal as it relates to the structure of Māori wards. There are also a significant number of submissions expressing concern over under-representation of Flaxmere, and variously opposing an increase in the number of councillors or seeking to reduce the number of councillors below the current 14. There are a range of other issues such as ward structure changes, additional community boards, boundary adjustments and ward name changes that are the subject of submissions.
- 1.3 It is Council's role to hear and consider submissions on, and determine amendments, if any, to its Initial Proposal. A recommendation to enable the Council to confirm its Initial Proposal has been included as a starting point, however Council must consider all submissions that are within the legal scope of the Representation Review process with an open mind and determine its response to each. As signalled below, resolutions accepting or rejecting the submissions received (grouped by theme) will be prepared at the meeting as Council formulates its decisions.
- 1.4 Council can either confirm or amend its Initial Proposal. This is not an opportunity to start decision-making on the Representation Review afresh. Any departure from the Initial Proposal must be based on matters raised in submissions *that are relevant in terms of the statutory decision-making framework*. Key criteria within that framework are communities of interest, effective representation of communities of interest and fair representation of electors.
- 1.5 Following Council's deliberation on submissions and determination of its Final Proposal, public notice of the Proposal will be given in accordance with the requirements of the Local Electoral Act

2001. This notice will highlight the criteria and process for appeals and objections on the Final Proposal to the Local Government Commission.

- 1.6 If Council confirms its Initial Proposal, only those people who made submissions on the Initial Proposal can lodge appeals to the Local Government Commission. Appeals can only be made in relation to matters raised in their original submission. If Council amends its Initial Proposal, in addition to any appeals, any interested person or organisation can make an objection to the Final Proposal identifying the matter(s) to which their objection relates.

2.0 Recommendations - Ngā Tūtohunga

- A) That the Council Meeting receive the report titled Representation Review: Hearing of Submissions on Initial Proposal and Determination of Final Proposal dated 14 October 2021.
- B) That the following submissions be accepted for the reasons set out below: *[insert text as per Council decisions]*
- C) That the following submissions be rejected for the reasons set out below: *[insert text as per Council decisions]*
- D) That no changes/the following changes *[delete one as appropriate]* be made to the Initial Proposal adopted by Council at its meeting held 26 August 2021 *[insert any appropriate text]*, and that Council determines that the following representation arrangements *[amended if/as appropriate]* will apply for the triennial election of the Hastings District Council to be held on Saturday 8 October 2022:
 - i. Hastings District, as delineated on the plan attached (Appendix 1) to the report described in A) above, be divided into six wards, being five general wards and one Māori ward.
 - ii. Those six wards shall be:

General Wards

 - a. Flaxmere, comprising the area delineated on the plan attached (Appendix 2) to the report described in A) above
 - b. Hastings-Havelock North, comprising the area delineated on the plan attached (Appendix 3) to the report described in A) above
 - c. Heretaunga, comprising the area delineated on the plan attached (Appendix 4) to the report described in A) above
 - d. Kahurānaki, comprising the area delineated on the plan attached (Appendix 5) to the report described in A) above
 - e. Mohaka, comprising the area delineated on the plan attached (Appendix 6) to the report described in A) above

Māori Wards

 - f. Takitimu, comprising the area of the whole of the Hastings District as delineated on the plan attached (Appendix 7) to the report described in A) above.
 - iii. The Council will comprise the Mayor, and 15 Councillors elected as follows:
 - a. 1 Councillor elected by the electors of the Flaxmere Ward
 - b. 7 Councillors elected by the electors of the Hastings-Havelock North Ward
 - c. 2 Councillors elected by the electors of the Heretaunga Ward

- d. 1 Councillor elected by the electors of the Kahurānaki Ward
 - e. 1 Councillor elected by the electors of the Mohaka Ward
 - f. 3 Councillors elected by the electors of the Takitimu Ward.
- iv. There will be a Hastings District Rural Community as delineated on the plan attached (Appendix 8) to the report described in A) above, comprising the area of the Kahurānaki and Mohaka Wards.
- v. The community will be subdivided into four for electoral purposes.
- vi. Those four subdivisions will be:
 - a. Tūtira subdivision, comprising the area delineated on the plan attached (Appendix 9) to the report described in A) above
 - b. Kaweka subdivision, comprising the area delineated on the plan attached (Appendix 10) to the report described in A) above
 - c. Maraekākaho subdivision, comprising the area delineated on the plan attached (Appendix 11) to the report described in A) above
 - d. Poukawa subdivision, comprising the area delineated on the plan attached (Appendix 12) to the report described in A) above.
- vii. The membership of Hastings District Rural Community Board will be as follows:
 - a. 1 member elected by the electors of the Tūtira subdivision
 - b. 1 member elected by the electors of the Kaweka subdivision
 - c. 1 member elected by the electors of the Maraekākaho subdivision
 - d. 1 member elected by the electors of the Poukawa subdivision
 - e. 3 members of the Council, 1 representing each of the Kahurānaki, Mohaka and Takitimu wards, appointed to the community board by the Council.
- E) That, as required by sections 19T(1)(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities coincide with the current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.
- F) That, as required by sections 19T(1)(a) and 19W(b) of the Local Electoral Act 2001, the six wards and one community being created and the number of members of each ward and community and subdivision will provide effective representation of communities of interest within Hastings District because:
 - i. The five General wards are considered to effectively and fairly represent the current distinct communities of interest that the Council has identified within the Hastings District, namely –
 - a. Flaxmere
 - b. Hastings-Havelock North
 - c. Heretaunga
 - d. Kahurānaki
 - e. Mohaka
 - ii. The Takitimu Māori ward will improve the effective representation of Māori interests within Hastings District, and in particular, those on the Māori Electoral Roll.

- iii. The Hastings District Rural Community Board and its four subdivisions set out in D)vi. above provide fair and effective representation of the communities of interest of the large and sparsely populated rural areas of Hastings District.
 - iv. The 15 Councillors will provide for effective representation, good governance of the district and a Council that works effectively.
- G) That in accordance with section 19K of the Local Electoral Act 2001, the Council hereby records that the following changes have been made to the basis of election, membership and ward, community and subdivision boundaries within the Hastings District for the reasons set out:
- i. The total number of Councillors to be elected is increased by one – the Council considers an additional Councillor will allow a Māori ward to be introduced while still maintaining effective representation across the District. It will also provide sufficient Council members to share the governance workload and provide for good governance.
 - ii. Introduction of the Takitimu Māori Ward – Council has determined to introduce a Māori Ward to improve effective representation for Māori within the District. Based on the total number of Councillors to be elected via wards, a single ward with three Māori Ward Members is introduced on the basis that this will provide for fair and effective representation across the District of those electors who opt to be on the Māori Electoral Roll when exercising the Māori Electoral Option.
 - iii. The following boundary adjustments to Council general electoral ward boundaries, namely –
 - a. Meshblock **4015648** (Gracelands) – from Heretaunga Ward to Hastings-Havelock North Ward
 - b. Meshblock **4005098** (Summerset Retirement complex) – from Heretaunga Ward to Hastings-Havelock North Ward
 - c. Meshblock **4013349** (Sir James Wattie Retirement Village) – from Heretaunga Ward to Hastings-Havelock North Ward
 - d. Meshblock **1469704** (Ōmāhu Road) – from Flaxmere Ward to Heretaunga Ward
 - e. Meshblock **1469708** (Ōmāhu Road) – from Flaxmere Ward to Heretaunga Ward
 - f. Meshblock **1473300** (Ōmāhu Road) – from Flaxmere Ward to Heretaunga Ward
 - g. Meshblock **1473400** (Ōmāhu Road) – from Flaxmere Ward to Heretaunga Ward
 - h. Meshblock **1473500** (Ōmāhu Road) – from Flaxmere Ward to Heretaunga Ward
 - i. Meshblock **1473600** (Ōmāhu Road) – from Flaxmere Ward to Heretaunga Ward
 - j. Meshblock **1462901** (Ngātarawa Road/State Highway 50/Maraekākaho Road Triangle) – from Kahurānaki Ward to Heretaunga Ward
 - k. Meshblock **1462902** (Ngātarawa Road/State Highway 50/Maraekākaho Road Triangle) – from Kahurānaki Ward to Heretaunga Ward

- l. Meshblock **1470209** (Ngātarawa Road/State Highway 50/Maraekākaho Road Triangle) – from Kahurānaki Ward to Heretaunga Ward
- m. Meshblock **1470211** (Ngātarawa Road/State Highway 50/Maraekākaho Road Triangle) – from Kahurānaki Ward to Heretaunga Ward
- n. Meshblock **1408402** (Ōmāhu Village) – from Mohaka Ward to Heretaunga Ward
- o. Meshblock **1409100** (Ōmāhu Village) – from Mohaka Ward to Heretaunga Ward,

are made as Council considers they will improve the effective representation of communities of interest (by shifting areas of the district into wards where they share greater commonalities with adjoining areas) and assist in achieving fair representation.

- iv. The following boundary adjustments to Rural Community Board Subdivision boundaries, namely –
 - a. Meshblock **1463602** (Paki Paki) – from Poukawa Subdivision to Maraekākaho Subdivision
 - b. Meshblock **1463700** (Paki Paki) – from Poukawa Subdivision to Maraekākaho Subdivision,

are made as Council considers they will assist in achieving fair representation and continue to provide effective representation of communities of interest.

- v. Representation for the Hastings – Havelock North General ward is reduced from eight members to seven members – given the introduction of a Māori Ward and the resulting reallocation in voters from the General Electoral Roll to the Māori Electoral Roll, this reduction is made to achieve fair representation across wards.
- vi. Representation for the Flaxmere General ward is reduced from two members to one member – given the introduction of a Māori Ward and the resulting reallocation in voters from the General Electoral Roll to the Māori Electoral Roll (which particularly impacts the number of electors in Flaxmere Ward), this reduction is made to achieve fair representation across wards.

- H) That as required by section 19N of the Local Electoral Act 2001, public notice of the proposals contained in this resolution be given.

3.0 Background – *Te Horopaki*

- 3.1 Pursuant to the Local Electoral Act 2001, the Council is required to make decisions about its representation arrangements at least once every six years. The last time the Hastings District Council did this was in 2018, however the Council's decision on 18 May 2021 to introduce Māori Wards into its representation arrangements triggered the requirement to undertake a review this

year. The outcome of this review will apply to the 2022 and 2025 local elections unless Council opts to undertake a review ahead of the 2025 election.

- 3.2 The Local Electoral Act 2001 places responsibility for undertaking the Representation Review on the elected Council. The Council must adopt an initial proposal, publicly notify that proposal and consider any public submissions, and determine and notify its Final Proposal. Once it has completed these steps, any subsequent appeals or objections are forwarded to the Local Government Commission. The Commission considers any appeals and objections and makes a final determination as to representation arrangements.
- 3.3 The Council considered a report on the Representation Review at its meeting held on Thursday, 26 August 2021. The report presented significant background work the Council had undertaken on the Representation Review, the results of preliminary community engagement on representation issues and options and recommendations relating to the adoption of an Initial Proposal by Council.
- 3.4 After due consideration of relevant matters, the Council adopted an Initial Proposal at that meeting. The Initial Proposal set out representation arrangements in respect of both the Council and the Hastings District Rural Community Board. The Initial Proposal can be summarised as follows:

Council

- Council made up of the Mayor, and 15 Councillors, 12 elected from a slightly modified version of the existing five general wards structure (Flaxmere 1, Hastings-Havelock North 7, Heretaunga 2, Kahurānaki 1 and Mohaka 1), and 3 elected from the newly created Takitimu Māori Ward.
- A number of boundary adjustments to the general wards to assist with the provision of effective representation of communities of interest and fair representation of electors.

Community Board

- Retention of the Hastings District Rural Community Board.
 - The Hastings District Rural Community Board to be made up of 7 members, 4 elected Community Board Members, elected from a slightly modified version of the existing four electoral subdivisions (Tutira 1, Kaweka 1, Maraekākaho 1, and Poukawa 1), and 3 appointed Community Board Members, being 1 Councillor elected to represent the Mohaka Ward, 1 Councillor elected to represent the Kahurānaki Ward, and 1 Councillor from among those elected to represent the Takitimu Ward.
 - A number of boundary adjustments to the electoral subdivisions, one shifting meshblocks at Paki Paki from the Poukawa Subdivision to the Maraekākaho Subdivision to assist with the fair representation of electors, and others in line with the boundary adjustments affecting the Mohaka and Kahurānaki general electoral wards for Council.
- 3.5 A copy of Council's resolution adopting its Initial Proposal is attached.
 - 3.6 The Council ward structure and final population estimates (after Statistics NZ review) in the Initial Proposal were as follows:

Initial Proposal

Ward	Estimated Population	No. of Councillors per Ward	Population per Councillor	Deviation from Average General population per Councillor	% deviation from Average General population per Councillor
Hastings-Havelock North	43,200	7	6,171	204	3.42%
Flaxmere	6,830	1	6,830	863	14.46%
Heretaunga	10,600	2	5,300	-667	-11.18%
Mohaka	5,780	1	5,780	-187	-3.13%
Kahurānaki	5,250	1	5,250	-717	-12.02%
Total General	71,600	12	5,967		
Takitimu (Māori) Ward	16,400#	3	5,467^		
Totals	88,000#	15			

difference is in rounding

^indicative purposes only

- 3.7 The Rural Community Board subdivision structure and final population estimates (after Statistics NZ review) in the Initial Proposal were as follows:

Rural Community Board

Subdivisions	Estimated Population	No. of Members per Subdivision	Population per Board Member	Deviation from District Average population per Board Member	% deviation from District Average population per Board Member
Tūtira	3,090	1	3,090	-53	-1.69%
Kaweka	3,220	1	3,220	77	2.45%
Maraekākaho	2,890	1	2,890	-253	-8.05%
Poukawa	3,370	1	3,370	227	7.22%
Totals	12,570	4	Avg 3,143		

- 3.8 In accordance with the requirements of the Local Electoral Act 2001 and the resolution of Council, public notice of the Initial Proposal was given on 30 August 2021. Public submissions on the Initial Proposal were able to be made between 30 August 2021 and 1 October 2021.
- 3.9 The Initial Proposal was also publicised widely and supported by a communications plan to encourage submissions. Communications activities included:
- Public notification of the initial proposal on 30 August 2021 in *Hawke's Bay Today*
 - A submission form and background information that went live on the MyVoiceMyChoice page on 1 September 2001
 - **Online** advertising (a clickable banner ad on Baybuzz.co.nz that led people to the MyVoiceMyChoice page, displayed for two weeks), **print** advertising (3 full-page ads in *Hastings Leader*, *HB Today*, *Tihei Kahungunu*) and **radio** advertising (audio played on 4 mainstream radio channels & rural shows: Rural Exchange, The Country)
 - Printed information packs and surveys were made available at the 3 Council libraries and the customer service centre (delayed until Covid-19 restrictions entered Level 2)

- Flyers went out to approximately 4800 rural households (10 – 17 September)
- A press release, boosted social media posts (Facebook, LinkedIn, Neighbourly, Instagram), and use of the Council website and the digital screens in the Council libraries (activated at level 2)
- An electronic direct mailout went out to 1,080 people who had submitted on Māori wards and subscribed to the 'newsletter' – of those, 68 % opened the email (which is well above the government benchmark of around 30 %) and 138 people clicked on the MyVoiceMyChoice button
- A personalised email went out to all Youth Councillors, contacts at Ngāti Kahungunu Iwi Inc, Te Taiwhenua o Heretaunga and the Multicultural Association in order to spread awareness through relevant networks
- Digital information packs (maps and proposal information) were available on a dedicated web page with the ability for interested persons to ask questions and request print copies of proposal information.

3.10 This report presents information on the submissions received in relation to the Initial Proposal. Council is required to consider the submissions received and adopt a Final Proposal for public notification.

4.0 Discussion – Te Matapakitanga

The Representation Review

- 4.1 Representation reviews are carried out under the provisions of the Local Electoral Act 2001 (the Act). The principles of the Act are intended to implement “*representative and substantial electoral participation in local elections and polls*”, “*fair and effective representation for individuals and communities*” and all qualified persons having a “*reasonable and equal opportunity*” to vote, nominate candidates and accept nomination as a candidate.
- 4.2 There are specific requirements relating to representations reviews. Councils and the Local Government Commission **must ensure representation arrangements will provide for effective representation of communities of interest**. They must also **ensure there is fair representation of electors**.
- 4.3 The Act does not mention issues such as remuneration or the removal of barriers to standing for election caused by individual circumstances. While addressing barriers to participation is a worthwhile pursuit, the Council (and the Government) have other avenues available to it to address these.
- 4.4 In making decisions on the Representation Review, Council needs to ensure the decisions it takes fit within the framework established by the Act.

Submissions

- 4.5 A total of 153 valid or partially valid submissions were received on Council's Initial Proposal.
- 4.6 Decisions on the 'first past the post' voting system and on the introduction of Māori wards were determined prior to the Representation Review and were not within scope for the submission process. In August 2021, the Local Government Commission issued guidance to councils undertaking reviews stating:

*“Submissions, appeals and objections **cannot** be made on Councils' decisions to establish (or not establish) Māori wards and constituencies. These are decisions of Council made prior to the representation review process commencing and, similar to the decision on voting system, form the context of the representation review.*

Submissions, appeals and objections relating to Māori wards and constituencies can be made:

- *regarding the names of Māori wards and constituencies; and*
- *where more than one member is eligible to be elected via Māori wards and constituencies, whether there should be one or more Māori wards or constituencies, and the boundaries of any such ward or constituency; and*
- *regarding the total number of members to be elected.”*

- 4.7 Based on that guidance, attempted submissions relating solely to the decision to establish Māori wards or the voting system are not being accepted. Submissions that relate in part to those matters and in part to matters within the scope of the review are being accepted, with the out-of-scope matters being redacted. Persons who have sent submissions of this nature have been advised accordingly.
- 4.8 A copy of the submissions made on the Initial Proposal (Volumes 1 and 2), along with an index and summary, are attached to the Agenda.
- 4.9 There are a number of submission themes that emerge from the submissions. These are listed in the following table:

2021 Representation Review Submission Themes

Submission Theme	Sub-Themes/Points
Support for overall Proposal	<ul style="list-style-type: none"> • Several (28) submissions support the proposal overall • One submission explicitly supports the ward basis of election • A number of submission do not support the proposal without giving further reasons
Number of Councillors	<ul style="list-style-type: none"> • Some submissions see the proposal as providing for too many Councillors with sub-themes including: <ul style="list-style-type: none"> ○ Unwieldy, not needed for good governance ○ Reduction in councillors allows higher payments to individuals possibly reducing barriers to individuals standing for election ○ Perceived increase in costs • Of these: <ul style="list-style-type: none"> ○ Some submissions seek no increase in councillors from current numbers ○ Some submissions seek to reduce councillor numbers from current to varying other numbers (including 12, 10, 9, 8) • 28 submissions support the proposal overall/proposed numbers of Councillors • Some submissions support retention of a number of Councillors elected from wards (at least 14) that provides for three Councillors elected from Māori wards • One submitter seeks 14 councillors to avoid diluting influence of Māori Ward councillors • One submitter seeks 14 councillors to avoid diluting influence of rural councillors • Some submissions call for an additional Councillor for Flaxmere but a reduction in Councillors overall

Submission Theme	Sub-Themes/Points
	<ul style="list-style-type: none"> One submission states that all wards should have at least two councillors
Under-representation of Flaxmere	<ul style="list-style-type: none"> Concern at under-representation of Flaxmere – Initial proposal sees Flaxmere under-represented – outside the +/- 10% average population per Councillor Some submitters call for two general ward councillors for Flaxmere Some submitters wish for one of the Māori Ward councillors to be elected from a Flaxmere Māori Ward One submitter suggests the introduction of a Flaxmere Community Board to improve representation for Flaxmere
Structure of Māori Wards	<ul style="list-style-type: none"> Support for single Takitimu Ward with three councillors Some submitters would prefer two Māori wards with one ward (electing one Councillor) dedicated to the Flaxmere Māori electoral population (to aid with the effective representation of Flaxmere) One submitter seeks three Māori wards
Rural Representation	<ul style="list-style-type: none"> Support from rural submitters for retention of two rural wards with one councillor each Small number of submitters (3) say rural areas are over-represented and seek decreased representation, particularly if Flaxmere is under-represented
Rural Community Board	<ul style="list-style-type: none"> Strong rural support for retention of Rural Community Board Support for one Takitimu Ward Councillor on Rural Community Board One submitter concerned over the appointment of Takitimu Ward councillor to Rural Community Board on basis they could be an urban based councillor
Additional Community Boards	<ul style="list-style-type: none"> Submission supporting Community Board for Flaxmere Submission supporting Community Board for Havelock North
Separate Ward for Havelock North	<ul style="list-style-type: none"> Several submitters suggest that Havelock North should be a separate ward from Hastings
Number of Hastings-Havelock North councillors	<ul style="list-style-type: none"> Reduction in councillor numbers in this ward proposed by some submitters Retention of eight councillors in this ward proposed by one submitter
Non-compliance with +/-10%	<ul style="list-style-type: none"> One submitter wishes Council to reach a proposal that complies with +/-10%
Boundary adjustments	<ul style="list-style-type: none"> Tauroa Valley into Havelock North Ward (1 submission) Opposition to Ngātarawa Triangle boundary changes (1 submission) Proposed shift of Ōmahu Road meshblocks to Hastings-Havelock North Ward rather than Heretaunga Ward (1 submission)

Submission Theme	Sub-Themes/Points
	<ul style="list-style-type: none"> Suggestion Council should investigate putting Ōmahu Village meshblocks into Flaxmere Ward. (1 submission)
Ward names	<ul style="list-style-type: none"> Suggestion that Mohaka Ward should be renamed based on input from relevant Kaumatua (1 submission) Suggestion that Māori Ward/s should be named based on input from relevant Kaumatua (1 submission) Support for Takitimu ward name
At-large	<ul style="list-style-type: none"> One submission appears to suggest an at-large structure (this is not possible given the introduction of Māori wards)

General discussion on submissions

- 4.10 Each of the themes raised in the submissions is discussed below. However, there are some comments and submission points made in some of the submissions that are outside of or contrary to aspects of the legal framework for the Review. Some submissions seem to be premised on a misunderstanding of the proposal and/or the current arrangements. There are also elements of inconsistency in some of the submissions. It is considered worthwhile discussing some of these matters at a general level before dealing with submission themes in more detail. It is also worth touching again on the statutory framework for Council decision-making and on the representation context that Council is operating within in the Hastings District.
- 4.11 Several submissions suggest that councillors voting on the number of councillors to be elected, or representation issues more broadly, represents a conflict of interest. By virtue of statutory provision, this is incorrect. Section 19H of the Local Electoral Act 2001 places responsibility for determining representation arrangements for elections of the Council on the Council itself. Similarly, section 19J places responsibility for determining representation arrangements in respect of Community Boards on the Council.
- 4.12 There can be no conflict of interest on the part of Councillors where, despite the potential for official and personal interests to overlap, the law clearly requires them to make a decision. In the context of the Representation Review, the Council's decision-making powers are qualified by the right of Appeal and Objection to the Local Government Commission.
- 4.13 Several submissions raise issues or comments that are **out of scope** for the review or contrary to the relevant statute. These include:
- The suggestion of transferring the Mohaka Ward to Napier City Council
 - The establishment of a Multi-Cultural Standing Committee
 - Term limits on how long councillors can serve for
 - Addressing greater ethnic and age diversity within the representation system (other than via Māori wards specifically provided for by law)
 - Councillor numbers outside the statutory range
 - Determining the representation review and ward structure via referendum or poll
 - Councillor remuneration (this is commented on in detail below).
- 4.14 The Council cannot address these matters via the Representation Review. Where ideas may have merit and are within Council's decision-making domain (e.g., a Multi-Cultural Committee), they have been forwarded to appropriate officers for consideration.

- 4.15 There are a number of submissions where internal inconsistencies and/or a lack of understanding of the legal framework are apparent. Several submissions state concern that Flaxmere is under-represented and ask that two councillors be elected to represent Flaxmere, while also calling for the overall number of councillors to be reduced. A further submission asks for Hastings-Havelock North Ward to have eight councillors, Flaxmere to have two while also seeking to reduce councillor numbers overall. One submission asks for three Māori ward councillors out of a total of 12 councillors. This is inconsistent with the formula set out in the Act.
- 4.16 Submitters, unlike Council, are free from having to comply with the legal framework. Council must have regard to the requirement of the Act and seek to balance the fair representation and effective representation requirements throughout its decision-making.
- 4.17 As noted above, some submissions seem to be premised on a misunderstanding of the proposal and/or the current arrangements. For instance, a couple of submitters initially opposed reductions in rural representation when the Initial Proposal did not include any such reduction. Another submitter has called for 'first-past-the-post' elections for all positions when this is precisely the system Council had earlier decided upon (it is also out of scope for the Representation Review). Where it makes sense to do so, staff have attempted to contact submitters that have made submissions that appear to be based on misunderstandings to see if they wish to amend them. Some of these amendments have been incorporated in revised submissions.
- 4.18 Other submissions ask for Council to pursue objectives that the Representation Review, and indeed the Local Electoral Act 2001, are not set up to achieve. Objectives such as increased diversity in representation are worthy objectives however the Act does not provide a basis or tools for explicitly pursuing these objectives. Even some of the ideas submitted, such as reducing councillor numbers to increase salaries and enable greater diversity, are highly contestable. No evidence has been submitted to support the link between fewer councillors and greater diversity. Indeed, it could easily be argued that reducing the number of councillors could work against increased diversity – by reducing the number of positions available and advantaging those with more resources in the more intense contest for fewer positions.
- 4.19 Whether or not considering individual remuneration levels as a factor in the Remuneration Review is in fact lawful is considered below.
- 4.20 Looking at the Representation Review overall, Council's decision-making is not a 'blue sky exercise', but instead must take place within the provisions of the Act and related guidelines issued by the Local Government Commission, which sets out principles, requirements, and factors to be considered in decision-making.
- 4.21 As Council has previously been advised, the purpose of the Representation Review is to enable Council to adopt a set of representation arrangements that provide for effective representation of communities of interest and fair representation of electors.
- 4.22 In reaching its Initial Proposal, Council undertook an extensive examination of the legislative framework for the Review, the communities of interest in the district, the make-up and spread of the electoral population and the impact of the introduction of Māori wards. Council examined a total of 36 options or variations of ward, and ward and at-large representation structures.
- 4.23 Having studied this material at length, Councillors have a strong understanding of both the statutory framework they must make decisions within and the 'representation equation' in the Hastings District. Councillors have an appreciation that the existing general ward structure works well in providing effective representation for communities of interest. Councillors are aware of the impact of the introduction of Māori wards on the electoral populations of the general wards, and of the difficulties in finding a ward structure that provides for both effective representation of communities of interest and compliance with the +/-10% fair representation 'rule'.
- 4.24 It is noted that many submitters will not be aware of the requirements on Council under the Local Electoral Act. Many may not have had the opportunity to build the level of understanding of

communities of interest within the district and the representation mathematics facing Council in its decision making.

- 4.25 After considering all of that information and all of the matters relevant to decision-making, Council resolved to adopt its Initial Proposal. Council is not able to start afresh at this stage. Council is able to either confirm or amend its Initial Proposal, however any departure from that proposal must be based on matters raised in submissions *that are relevant in terms of the statutory decision-making framework*. That is, any amendments must be such that the Final Proposal provides for effective and fair representation of communities of interest and electors.
- 4.26 Weighing submissions is not a ‘numbers game’. While the number of submitters supporting something can be relevant, of greater importance is the detail and merits of matters raised in submissions. How submissions relate to and engage with the legislative framework is also important in weighing submissions.

Specific Submission Themes

Overall support for Initial Proposal

- 4.27 There are a number of submissions (28) that have expressed support for the Council’s initial proposal. Many of these do not provide further detail.

Size of Council/Number of Councillors

- 4.28 A number of submissions have opposed an increase in the number of councillors from 14 to 15. Other submissions call for a reduction in councillors below 14. Other submissions (28) support the proposal, including the provision for an increased number of councillors.
- 4.29 The number of Councillors is legitimately a matter to be determined within the scope of the Representation Review.
- 4.30 Of those submissions calling for a reduction in the number of councillors, a number do not list reasons. Of those that do list reasons, generalised comments such as “inefficient”, “unwieldy” and “too many cooks” are used. Some submissions make comparisons to other council areas with greater populations and the number of councillors they have, suggesting that Council can make do with fewer councillors if other councils have a higher populations per member. Other submitters equate a higher number of councillors with increased remuneration costs.
- 4.31 A number of these submissions seek to reduce the number of Councillors on the grounds that this will allow individual councillor remuneration to be increased. Increasing councillor remuneration is held by these submitters to be an action that would remove a barrier to standing for office for young people and those less well off. Some submitters have said that this will lead to greater level of diversity among Councillors which they see as being needed.
- 4.32 Residents are entitled to their views as to what represents the optimal number of councillors for effective representation and good governance in the district. However, the Council is faced with making decisions within the framework and constraints imposed by the Act, and in the extant circumstances and representation context in the Hastings District.
- 4.33 Comparisons to the number of councillors in other councils may be interesting but do not necessarily aid the Council in arriving at a proposal. The Council is permitted in law to have anywhere between 6 and 29 members (including the Mayor). If the Council was satisfied that there was a rationale for it, in line with the requirements of the legal framework, any number within this range would be valid. In determining councillor numbers (and all other representation arrangements), Council must identify communities of interest within the district, and turn its mind to how these can be effectively represented. This is what should drive decisions as to Council size. The Council must also turn its mind to achieving fair representation.
- 4.34 It is noted that Hastings is ranked 9th out of 61 territorial authorities in terms of the size of its governance role.

- 4.35 Interestingly, from 2001 until the 2007 election the Council was made up of 15 councillors and the Mayor. That is why the Council table has an additional seat – it was expanded for the 2001 elections to accommodate 15 councillors.
- 4.36 Under the current remuneration arrangements, increasing the number of councillors does not drive cost increases. While this could change in the future, at present the Remuneration Authority sets a pool for remuneration of councillors and this total amount is divided among however many elected members there are. A greater number of councillors results in lower individual remuneration, a lesser number higher individual remuneration.
- 4.37 As was canvassed with Councillors ahead of the Council meeting of 26 August 2021, there is doubt as to whether remuneration is a relevant consideration in representation review decision-making. Councillor remuneration is determined under its own legislative regime (under the Local Government Act 2002 and the Remuneration Authority Act 1977) by an independent statutory authority (the Remuneration Authority). The Remuneration Authority is required, among other things, to consider the *attraction and retention of competent persons* as part of its decision-making. The Authority has also stated that the impact of differing numbers of councillors on relative total governance pools remains an issue for active consideration when it is setting local government remuneration.
- 4.38 On the other hand, representation reviews are conducted under the provisions of the Local Electoral Act 2001. Administrative law principles apply. Decisions must be reasonable, relevant matters must be considered and matters that are not relevant must not be considered. Under the Act, the primary consideration in decision-making in representation reviews is to provide for effective representation of communities of interest and fair representation of electors. Neither the Act nor the Local Government Commission Guidelines make mention of councillor remuneration as a decision-making criterion within a representation review.
- 4.39 On that basis, there is considerable doubt as to whether councillor remuneration is a relevant matter to be considered when determining the number of councillors to be elected in the context of the Representation Review
- 4.40 If Council considers diversity of representation to be an issue worthy of attention, it could explore other avenues to reduce barriers to standing for office. These might include outreach activities in the run up to the election, mentorship programmes or a range of other ideas. These issues do not fit within the framework of the Act, however.
- 4.41 Two submitters seek a Council size of 14 Councillors plus the Mayor to avoid the influence of, respectively, Māori Ward and rural ward councillors, being ‘diluted’ in a larger Council. These submission points are not strong in terms of the legal framework for the Review. The number of Māori Ward councillors is set by a legislative formula. The Council’s Initial Proposal complies with this formula. The Proposal also provides for effective representation the Māori electoral population. One of the rural wards is already over-represented and the other sits squarely within the fair representation range. Both rural wards have been retained by Council specifically to ensure effective representation of rural communities. It is difficult to see the merit in these submission points in that context.
- 4.42 Several submissions have raised under-representation of Flaxmere Ward as a reason for dissatisfaction with Council’s initial proposal.
- 4.43 Historically, there have been two councillors elected to represent the Flaxmere Ward. This has worked well in terms of effective representation considerations and compliance with the +/-10% ‘rule’.
- 4.44 The introduction of Māori wards has however significantly affected the electoral populations of the ward structure. The impact has not been even. Flaxmere has a significant Māori population. Whereas previously the electoral population of the Flaxmere ward was estimated at over 12,000

people, the introduction of a Māori ward has reduced it to an estimated 6,830. The remainder of its former estimated population now sit within the Māori electoral population.

- 4.45 Council's Initial Proposal provides for the election of one councillor to represent Flaxmere within a total number of councillors elected by ward of 15. With a population per councillor of 6,830, Flaxmere sits outside the +/-10% range from the average of population per councillors at 14.46%.
- 4.46 While this means the Proposal, if retained, would need to be considered by the Local Government Commission regardless of any appeals or objections, recent decisions by the Commission in other parts of the country suggest that a reasonably small departure outside the +/-10% guide such as this would have a good chance of being approved. This seems more likely if the departure helps achieve effective representation as it does in this case.
- 4.47 If Council is swayed by the submitters who regard this level of under-representation as problematic, there are a number of ways Council could act to address the issue. These are:
- Abolish the Flaxmere Ward and merge Flaxmere with the Hastings-Havelock North Ward to create a large urban ward with eight councillors.
 - Modify the initial proposal to have 14 councillors elected by ward (option B in the report considered at the meeting of 26 August 2021)
 - Add a second councillor to the Flaxmere ward, increasing the number of councillors to either 16 or 17 (if the flow on impacts are dealt with).
 - Modify the initial proposal to have two Māori wards with one for Flaxmere/Pāharakeke (representing the Māori electoral population of Flaxmere).
 - Consider the introduction of a Flaxmere Community Board to increase representation for Flaxmere.
- 4.48 Each of these options is addressed in turn below.
- 4.49 Merging the Flaxmere Ward with the Hastings-Havelock North Ward would solve the fair representation issue. Those on the General Electoral Roll in Flaxmere would vote for up to eight councillors and the new ward would be comfortably within the +/-10% range. This approach also has a precedent in the Hastings District. When the Havelock North Ward was under-represented in a similar fashion during the 2013/2014 Representation Review, the Local Government Commission merged it with Hastings to form the Hastings-Havelock North Ward and achieve compliance with the +/-10% 'rule'.
- 4.50 This approach has also been taken by the Commission in respect of representation for the Hawke's Bay Regional Council. The Hastings Urban Constituency includes Flaxmere, Hastings and Havelock North.
- 4.51 This option does however raise concerns regarding effective representation. With a separate ward, Flaxmere has an identifiable representative elected by the community. Under this option, the Flaxmere community would help elect eight councillors. While this would potentially spread the workload and provide a greater number of representatives for the ward, the councillors would also be focused on community issues and concerns across Havelock North and Hastings. There is a danger that effective representation for Flaxmere could be reduced under this approach.
- 4.52 The option of having 14 councillors (rather than 15) resolves the under-representation of Flaxmere Ward in the Initial Proposal. It does this mathematically rather than by changing the number of councillors in Flaxmere – there is still only one councillor representing Flaxmere. The Flaxmere Ward councillor is one of 14 rather than one of 15, raising the average population per councillor and bringing Flaxmere within the +/-10% range.

- 4.53 As canvassed at the meeting of 26 August 2021, this option has other issues of non-compliance with the +/-10% 'rule' – in fact, Flaxmere is the only ward that complies and would still have one councillor. Hastings- Havelock North Ward is marginally under-represented, while the Mohaka, Kahurānaki and Heretaunga Wards are all over-represented, the latter two at in excess of -18%
- 4.54 Adding a second councillor to the Flaxmere Ward would create significant issues in terms of the fair representation requirement. Flaxmere Ward's average population per councillor would be 3,415. The addition of a councillor would also mean the number of councillors would increase to 16. At 16 councillors, the average per councillor would be 5,508, the Hastings - Havelock North Ward would be under-represented (at 12.04%) and Flaxmere would be significantly over-represented at around -38%. To solve the Hastings - Havelock North Ward under-representation, a further councillor could be added taking total councillor numbers to 17. Hastings - Havelock North Ward would be within the +/-10% but Flaxmere would still be significantly over-represented at -33.22%.
- 4.55 In looking at other determinations made by the Local Government Commission, these levels of over-representation are usually only put in place where wards or communities are isolated (a criteria recognised in the Act). That criteria does not apply to Flaxmere which is only a five to ten minute drive from Hastings.
- 4.56 It seems unlikely that this option would be acceptable to the Local Government Commission when other options closer to achieving fair representation compliance exist. It is also noted that several submitters asked for both increased representation for Flaxmere and an overall reduction in councillor numbers on the initial proposal. It is difficult to see how both of these things could be achieved within the framework of the Local Act. A reduction in councillor numbers while providing two councillors for Flaxmere only exacerbates issues of unfair representation.
- 4.57 The option of creating a dedicated Māori ward for Flaxmere would provide a second councillor to represent the interests of the Flaxmere community. This option received some support in the submission process. In some ways, it would maintain the status quo situation of two councillors representing the village, albeit elected by different electoral constituencies.
- 4.58 The detail of this option is discussed further below. It is noted however that this option is counter to guidance received from the Māori community through the Hui-a-iwi held in early August. It also runs counter to a number of written submissions received through this submission process.
- 4.59 Ngāti Kahungunu Iwi Incorporated has submitted that representation in Flaxmere could be improved through the establishment of a Flaxmere Community Board. If Council is concerned about representation in Flaxmere, this idea could have considerable merit.
- 4.60 A detailed discussion on the mechanics of a Flaxmere Community Board is discussed below under the Additional Community Boards heading.
- 4.61 From the viewpoint of strengthening representation of Flaxmere, a Community Board could work well. It would enable the election of 4-5 representatives, solely focused on Flaxmere issues, to consider community priorities and issues and work with Council. The elected Community Board members would be augmented on the Board by the appointment of the Flaxmere Ward councillor and up to three councillors from the Takitimu Ward. Electors on both the general and Māori roll would vote in Community Board elections. The Board would also allow Takitimu Ward councillors a structured mechanism to engage with Flaxmere issues and concerns.
- 4.62 There would be additional costs associated with a Flaxmere Community Board. Based on the current costs associated with the Rural Community Board and a board with five elected members, member remuneration would be one Chairperson @ \$15,262 and four members @ \$7,631, totalling \$45,786. These costs would be met from rates on properties within the area covered by the Board.

Rural Representation

- 4.63 Submitters from or representing the rural community have supported Council's overall proposal and in particular the retention of the Mohaka and Kahurānaki Wards. These wards and the two

councillors they elect are seen as important in providing effective representation of the geographically spread rural communities of interest of the district.

- 4.64 Counter to this submission theme, there was a view expressed by 3 submitters that the rural areas of the district were over-represented. However, Council has examined this issue in determining the Initial Proposal. It accepted the view that the over-representation is minor under the Initial Proposal and that with councillors elected by urban areas outnumbering those elected by rural areas to a significant extent, a small degree of rural over-representation is acceptable.

Rural Community Board

- 4.65 Submitters from or representing the rural community have supported the retention of the Rural Community Board. The Board is seen as having worked well with Council over many decades to help provide effective representation of the district's rural communities of interest.
- 4.66 One submitter queried the appointment of a Takitimu Ward Councillor to the Rural Community Board on the basis the person may come from an urban area.
- 4.67 The Takitimu Ward covers the rural area of the district. The Mohaka and Kahurānaki Wards have a combined estimated Māori electoral population of 1,540. Councillors from the ward will have an interest in representing that population and will likely work to ensure that the Council appoints a Councillor with a strong interest in the rural area. Even if it were to be the case that an urban based Councillor is appointed, it is difficult to see this causing great difficulty. The other six members of the Board would be wholly elected by rural communities. And there is no prohibition currently on someone from an urban area standing in rural wards or community board subdivisions in any case.
- 4.68 The rationale for appointing a Takitimu Ward Councillor to the Board is clear. Those on the General Electoral Roll are represented on the Board by the elected board member from the subdivision they reside in, and the Councillor appointed from their ward. Without the appointment of a Takitimu Ward Councillor, those on the Māori Electoral Roll would not be represented on a similar basis. This would be inequitable.

Structure of Māori wards

- 4.69 There are a number of submissions that relate to the structure of Māori wards. Several of them support the single Māori ward structure proposed, including the submission from Ngāti Kahungunu Iwi Incorporated. Common themes among these submissions are that this arrangement will allow the best three candidates to be elected to represent the Māori electoral population of the district and will enable workload to be shared.
- 4.70 There are submissions that favour other configurations for the Māori wards. The first of these options relate to a Māori ward representing Flaxmere. This option was canvassed in the report considered on 26 August 2021. In terms of the Māori wards, the option looks like this:

Māori Ward Three Councillors, Two Ward Option	Māori Electoral Population (Estimated)^	No. Councillors per Ward	Population per Councillor	Deviation from Māori Wards average population per Councillor	% deviation from Māori Wards average population per Councillor
Takitimu Ward (Hastings-Havelock North, Heretaunga, Mohaka, Kahurānaki)	11,000	2	5,500	33	0.61%
Pāharakeke Ward (Flaxmere)	5,350	1	5350	-117	-2.14%
Totals	16,400^	3	5,467		

^ Differences in Statistics NZ rounding of estimates

- 4.71 This option would substantively address many of the representation concerns about the Initial Proposal in respect of the Flaxmere Ward. However, this option is counter to feedback received from the Māori community through the Hui-a-iwi held in early August. It also runs counter to written submissions received from Ngāti Kahungunu Iwi Incorporated and a number of other submitters.
- 4.72 Maungaharuru Tangitū have submitted in support of the three Māori ward option canvassed in the Discussion Document Council considered earlier in its Representation Review process. They consider that voters on the Māori roll living in rural communities are a sufficiently distinct group with a distinct set of interests which justifies separate representation from voters on the Māori roll living in urban areas. The structure and population estimates for this option work out as follows:

Māori Wards – Three Ward Option	Māori Electoral Population (Estimates)	No. Councillors per Ward	Population per Councillor	Deviation from Māori Wards average population per Councillor	% deviation from Māori Wards average population per Councillor
Hastings – Havelock North Māori Ward	7,350	1	7,350	1,883	34.44%
Flaxmere Māori Ward	5,350	1	5,350	-117	-2.14%
Rural - Heretaunga Māori Ward	3,650	1	3,650	-1,817	-33.24%
Totals	16,400[^]	3	5,467		

Difference in Statistics NZ rounding

- 4.73 While this option does provide effective and fair representation for the Māori electoral population in Flaxmere, it is very difficult to make a case for the significant under-representation of the urban Māori electoral population. The Heretaunga Plains and rural Māori electoral populations are also significantly over-represented.
- 4.74 It is also noted that a greater number of other submitters prefer a single Māori ward, and that the Hui-a-iwi held as part of the pre-proposal community engagement process strongly supported the single ward model.

Additional Community Boards – Flaxmere and Havelock North

- 4.75 There have been submissions in support of two additional community boards – one for Havelock North and one for Flaxmere.
- 4.76 As noted above, a ***Flaxmere Community Board*** could help address representation concerns relating to Flaxmere being represented by one Councillor in the Initial Proposal.
- 4.77 A Flaxmere Community Board could be structured as follows:
- Five elected community board members, elected by all electors within the Flaxmere Ward area from both the General and Māori electoral populations
 - The Councillor representing the Flaxmere Ward, appointed by the Council
 - Three Councillors representing the Takitimu Ward, appointed by the Council.
- 4.78 Having five elected community board members would enable all three Takitimu Ward Councillors to be appointed to the board. This may be desirable given the large Māori electoral population in

Flaxmere. If the board were to be constituted with only four elected members, the Flaxmere Ward councillor and up to two Takitimu Ward councillors would be able to be appointed.

- 4.79 If Council were to incorporate a Flaxmere Community Board into its Final Proposal, some thought would need to be given as to the role of the board and how it would work effectively as part of Council's governance structures. Flaxmere is a distinctive community. However, there may not be as many easily separable council-related issues in Flaxmere as there are in the rural areas (e.g., Separate Rating Areas, Rural Roding programme). There would need to be care that such input did not blur into management responsibilities or Council's overall governance role or create confusion and conflicting direction in respect of Council's policy directions or asset management strategies.
- 4.80 Officers consider that a Flaxmere Community Board could add significant value in terms of representation for the Flaxmere community. There is significant growth occurring in Flaxmere currently, with even more projected over the next five to ten years. This will involve significant Council focus on spatial planning and planning for enhanced infrastructure, facilities, and community programmes. A community board could provide a valuable forum for focused community led input into Council's larger-scale work programme in Flaxmere.
- 4.81 It is not known whether there is strong community demand for a community board in Flaxmere. However, the idea has been raised by an organisation with strong links into the community (Ngāti Kahungunu Iwi Incorporated) and seems well worth considering should Council wish to respond to submitter concerns about under-representation for Flaxmere.
- 4.82 One submissions has suggested that a **community board** could be established **for Havelock North**.
- 4.83 Were Council of a mind to proceed with this idea, the Board could be structured as follows:
- Five elected community board members, elected by all electors from both the general and Māori electoral populations within the Havelock North area of the Hastings-Havelock North Ward (as defined in appendix 3).
 - Up to four councillors appointed by the Council. Councillors would need to be appointed from both the Hastings-Havelock North and Takitimu Wards.
- 4.84 Council would need to consider whether there is a need for a Havelock North Community Board in terms of providing effective representation for the Havelock North community. Havelock North does not appear to have ever struggled to gain effective representation on the Council. It is a relatively affluent community, with residents and institutions well able to raise and represent issues of interest or concern. As noted below, there have always been councillors from Havelock North around the Council table, whether or not there has been a separate Havelock North Ward.
- 4.85 If Council were to incorporate a Havelock North Community Board into its Final Proposal, some thought would need to be given as to the role of the board and how it would work effectively as part of Council's governance structures. There may not be as many easily separable council-related issues in Havelock North as there are in the rural areas (e.g., Separate Rating Areas, Rural Roding programme). A board could provide oversight and prioritisation advice on parks and infrastructure issues within the ward, input into community facilities planning, and advice into planning matters (excluding resource consents). However, there would need to be care that such input did not blur into management responsibilities or Council's overall governance role or create confusion and conflicting direction in respect of Council's policy directions or asset management strategies.
- 4.86 Council will form its own view, but from an officer and advisor perspective, there does not seem to be as strong a case for a Havelock North Community Board as there might be for a board in Flaxmere, or as there is for the retention of the Rural Community Board.
- Separate Ward for Havelock North**
- 4.87 Several submissions have suggested that Havelock North should be represented by its own electoral ward separate from Hastings.

4.88 Prior to the 2013 election there were separate Hastings and Havelock North Wards. The Local Government Commission determined to merge the two wards as part of the appeal process of the Representation Review for that year. They did this because Havelock North had grown to the extent that it was under-represented with two councillors but would have been significantly over-represented with three. The Commission determined that moving the population to achieve compliance, either into the ward or out of it, would be contrary to communities of interest in both the Havelock North Ward and the adjoining Heretaunga and Kahurānaki Wards. It further determined that merging the Hastings and Havelock North Wards would provide effective representation across the two urban areas and would solve the issue of non-compliance with the +/-10% requirement.

4.89 Since the 2013 determination, further growth and the introduction on Māori wards have changed the representation picture further.

4.90 Taking the Initial Proposal and separating Havelock North and Hastings, the ward structure looks as follows:

Initial Proposal (15 Councillor option) with separate Hastings and Havelock North Wards

Wards	Population	No. of Councillors per Ward	Population per Councillor	Deviation from Average General population per Councillor	% deviation from Average General population per Councillor
Hastings	29,400*	5	5,880	-87	-1.46%
Havelock North	13,750*	2	6,875	908	15.22%
Flaxmere	6,830	1	6,830	863	14.46%
Heretaunga	10,600	2	5,300	-667	-11.18%
Mohaka	5,780	1	5,780	-187	-3.13%
Kahurānaki	5,250	1	5,250	-717	-12.02%
Total General	71,600#	12	5,967		
Māori Wards	16,400#	3	5,467^		
Totals	88,000#	15			

difference is in rounding

^indicative purposes only

*apportioned population estimate

4.91 The Hastings Ward would be compliant. The Havelock North Ward would be under-represented at 15.22%. The other wards would not change from the Initial Proposal.

4.92 For completeness, a 14 Councillor option was also modelled:

14 Councillor Option with separate Hastings and Havelock North Wards

Ward	Population	No. of Councillors per Ward	Population per Councillor	Deviation from Average General population per Councillor	% deviation from Average General population per Councillor
Hastings	29,400*	4	7,350	841	12.92%
Havelock North	13,750*	2	6,875	366	5.62%
Flaxmere	6,830	1	6,830	321	4.93%
Heretaunga	10,600	2	5,300	-1,209	-18.57%
Mohaka	5,780	1	5,780	-729	-11.20%
Kahurānaki	5,250	1	5,250	-1,259	-19.34%
Total General	71,600#	11	6,509		
Māori Wards	16,400#	3	5,467^		
Totals	88,000#	14			

difference is in rounding

^indicative purposes only

*apportioned population estimate

- 4.93 The Havelock North Ward would be compliant. The Hastings Ward would be under-represented at 12.92%. The other wards would not change from option B in the paper considered on 26 August 2021.
- 4.94 This is an issue that Council considered in formulating its Initial Proposal. Council considered a number of options that included separate wards for Hastings and Havelock North in its initial Discussion Document. In narrowing down the options to be considered more closely, Councillors opted not to include an option with separated wards.
- 4.95 While a separate Havelock North Ward is an idea that may be worthy of consideration (and indeed is one that has been considered as part of this process), it is hard to mount an argument that Havelock North struggles to achieve effective representation within the construct of the Hastings-Havelock North Ward. As noted in respect of the idea of a Havelock North Community Board, Havelock is a relatively affluent community, with residents and institutions well able to raise and represent issues of interest or concern. There have always been a number of councillors from Havelock North around the council table. Hastings and Havelock North are highly integrated in a commercial sense, and even when there were separate Hastings and Havelock North Wards prior to 2013, often a number of Hastings ward councillors lived in Havelock North.
- 4.96 None the less, the option of a separate Havelock North Ward is open to Council to consider further.

Boundary Adjustments

- 4.97 Three submitters have made submissions in relation to boundary adjustments. There are four different points of submission.
- 4.98 The first seeks to have the Tauroa Valley area moved from the Kahurānaki Ward into the Hastings-Havelock North Ward. The reason given is essentially that they relate to the Havelock North community of interest and have to travel through Havelock North to go anywhere else in the district.
- 4.99 The Council could consider this move; however, it would involve shifting a meshblock (4011086 with a general electoral population of 45) from the Kahurānaki Ward to the Hastings-Havelock North Ward. The Kahurānaki Ward is already over-represented under the Initial Proposal and a shift such as this would exacerbate the issue further.
- 4.100 The second opposes the transfer of meshblocks **1462901**, **1462902**, **1470209** and **1470211** (the area largely bounded by State Highway 50, Ngātarawa Road, and Maraekākaho Road and known as the Ngātarawa Triangle) from the Kahurānaki Ward to the Heretaunga Ward as per Council's Initial Proposal. The submitter suggests that the move divides the community in that area.
- 4.101 Council decided to shift these meshblocks to link the horticultural and viticultural land uses on the land with similar land uses on the Heretaunga Plains and assist in achieving fair representation. This was and remains a valid rationale.
- 4.102 That is not to say however that the submitter's views hold no merit. Sometimes at the boundary of wards there are links to more than one community of interest. This can mean there are linkages that are in conflict with each other. It is open to Council to shift some or all of the meshblocks in question back to the Kahurānaki Ward should it wish to do so, however the meshblock allocation included in the Initial Proposal remains a valid and defensible one.
- 4.103 The third suggests that Council should investigate shifting the Ōmahu Village area from the Heretaunga Ward (as per the Initial Proposal) into the Flaxmere Ward. While the submitter sees the logic of the shift of part of the village to the Heretaunga Ward in location terms, it queries whether there may be greater commonalities with the residential village context of Flaxmere than with the Heretaunga Plains.
- 4.104 It is noted that in addition to horticultural and viticultural production, the Heretaunga Ward also contains a number of village communities ranging from larger communities such as Clive, Whakatū,

Te Awanga and Haumoana through to smaller settlements such as Kohupātiki. Ōmahu is not out of place in this context.

- 4.105 It is noted that this aspect of the submission is not a firm recommendation to act but rather a recommendation to investigate. It is also noted that there is insufficient time to investigate this issue in depth at the current time and no significant knowledge base to support acting on it. Council may wish to consider the matter in consultation with affected communities at the next representation review.
- 4.106 The fourth seeks that the Ōmahu Road industrial area should be placed in the Hastings-Havelock Ward rather than the Heretaunga Ward based on greater commonalities of shared land use.
- 4.107 While the Council could opt to make this adjustment, much of the Ōmahu Road industrial area services or is linked to the land production activities of the Heretaunga Plains. This creates some commonality of interest with the other land uses of the Heretaunga Ward. In addition, while the meshblocks in the area are not population-rich, moving the industrial area out of the Heretaunga Ward would exacerbate the over-representation issue identified in the Initial Proposal.

Ward names

- 4.108 The name for the Māori ward, Takitimu, received strong endorsement through the Hui-a-Iwi held in August 2021. Several submitters have supported the Council's proposed arrangements in respect of Māori wards.
- 4.109 However, Maungaharuru Tangitū have submitted that the names of Māori wards should be selected by kaumātua who are mana whenua within those wards advised by the relevant PSGEs and Taiwhenua. They have also submitted that the Mohaka name does not reflect the community that lives in that ward, and that kaumātua from the ward should be involved in selecting a new name.
- 4.110 Council has been guided by the Māori community in selection of the name for the Māori ward. While Council would no doubt be open to further guidance from the community on ward names, this is the Council's last decision-making opportunity with the statutory process for this Representation Review. It needs to make a decision at this meeting. In the absence of firm alternative name proposals, and with the Takitimu name having received strong support previously, it is suggested that Council should confirm its proposal with the Takitimu name.
- 4.111 The Council may wish to consider engaging with kaumātua and relevant iwi organisations on Ward names ahead of the next representation review when sufficient time for in depth consultation with kaumātua would be available.
- 4.112 The same reasoning and suggested approach apply with respect to the name of the Mohaka Ward.

5.0 Options – Ngā Kōwhiringa

- 5.1 It is Council's role to hear and consider submissions on, and determine amendments, if any, to its Initial Proposal. A recommendation to enable the Council to confirm its Initial Proposal has been included as a starting point, however Council must consider all submissions that are within the legal scope for the process with an open mind and determine its response to each.
- 5.2 The Initial Proposal was adopted after consideration of a substantive report considered at the meeting on 26 August 2021 together with two detailed Discussion Documents prepared ahead of that meeting and a series of workshops. While that material has not been recirculated, it is part of the public record of deliberation and Councillors should feel free to refer back to it if it aids decision-making at this stage. It is available to Councillors, and to members of the public online.
- 5.3 On this basis, officers and advisors have not provided significant commentary on the Initial Proposal in conjunction with these options.
- 5.4 The commentary made above on submission themes is designed to aid the Council in considering submissions and reaching decisions. In particular, comment is provided as to how submissions relate to effective and fair representation requirements, where submissions may be making

suggestions that are outside of the legal framework of the Representation Review process, or where there are inconsistencies within submissions.

Option One – Te Kōwhiringa Tuatahi – Confirm Initial Proposal

- 5.5 If the Council reaches the view, after considering the submissions received, that its Initial Proposal provides the most effective and fair representation of communities of interest, then it can confirm that Proposal.
- 5.6 If this is Council's preference, as part of the decision process Council will need to determine by resolution which submissions (or submission points) it will accept and which it will reject. By the time of the meeting, officers and advisors will have grouped submissions by theme to assist with this requirement.

Option Two – Te Kōwhiringa Tuarua – Amend Initial Proposal

- 5.7 If the Council reaches the view, after considering the submissions received, that there are amendments that can be made that improve the proposal, then it should proceed to amend its Initial Proposal.
- 5.8 Council should consider the submissions received and determine any amendments it wishes to consider at the meeting of 14 October 2021. Officers and advisors will be able to prepare amendments under guidance from the Council. A brief adjournment or adjournments may be necessary to allow proposed amendments to be finalised.
- 5.9 As per 5.4 above, as part of the decision process Council will need to determine by resolution which submissions (or submission points) it will accept and which it will reject.

6.0 Next steps – Te Anga Whakamua

- 6.1 Following adoption of the Final Proposal, Council must give public notice of the Proposal in accordance with the requirements of the Local Electoral Act 2001. The target date for this is 19 October 2021.
- 6.2 The public notice provides details on the process for making appeals or objections on the Final Proposal. Any person or organisation that has made a submission to the Initial Proposal is able to lodge an appeal against the Council's Final Proposal relating to matters contained in their submission. If the Council determines to amend its Initial Proposal in response to submissions, any person or organisation is able to lodge an objection to the Final Proposal. If the Final Proposal is unmodified from Council's Initial Proposal, there is no general right of objection.
- 6.3 The period for appeals and objections must run for at least one month from the date of the public notice and must not end later than 20 December 2021. The target dates for Council are for the submission/objection period to run from 19 October 2021 to 19 November 2021 inclusive.
- 6.4 Every appeal and objection received must be forwarded to the Local Government Commission, along with:
 - the resolution adopting the Initial Proposal,
 - the resolution adopting the Final Proposal,
 - the Public Notice given following adoption of the Final Proposal,
 - every submission made on the Initial Proposal,
 - and such information held by the Council concerning communities of interest and population estimates necessary for the Commission to discharge its responsibilities in relation to determining representation arrangements under the Local Electoral Act 2001.
- 6.5 If there are no appeals or objections received, the Final Proposal of a Council would normally stand. However, proposals that do not comply with the +/-10% fair representation requirement must be

referred to the Local Government Commission and treated as if they were an appeal against the decision of the Council. Based on the Council's Initial Proposal, it is likely, subject to final Council decision-making, that the Council will be referring its Final Proposal to the Commission.

- 6.6 The Commission, in determining representation arrangements, may decide to make enquiries in relation to the proposed arrangements and the appeals and objections received, and may meet with the Council and persons or organisations making appeals or objections.
- 6.7 The Commission must complete its determination before 11 April 2022.

Attachments:

1⇒	Resolution Council Meeting 26 August 2021 Representaton Review Initial Proposal	CG-16-2-00852	Under Separate Cover
2⇒	Map Appendices Representation Review	CG-16-2-00851	Under Separate Cover

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future. This report is central to democratic local decision-making. It relates to the representation arrangements on the basis of which the Hastings District communities will elect their Council representatives and Community Board members.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the overall wellbeing of communities in the present and for the future by allowing Council and the community to consider the democratic representation arrangements via which communities will elect their Council and Community Board representatives.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The report introduces Māori electoral wards into the Council's representation arrangements. This is the first occasion that Māori electoral wards have been part of the Hastings District representation arrangements. The introduction of Māori electoral wards will ensure direct elected Māori representation around the Council table. Members of the Māori community strongly supported the establishment of Māori electoral wards, and the views of Māori on what form a Māori electoral ward or wards should take have been taken account of through both the preliminary community engagement process and the formal submission process.:

Sustainability - *Te Toitūtanga*

The Representation Review process contributes to sustainability by enabling the community to have a say on the basis by which Councillors, who govern the District, the community's assets and the Council organisation, are elected.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The Representation Review process is a legal requirement that is provided for within Council's budget and work programme. There are no unexpected financial costs or risks associated with this process.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of moderate significance. Notwithstanding this rating, there is significant community engagement as part of the Representation Review process. Pre-engagement with the community has been carried out to ascertain community views on Council representation arrangements. Following on from the Council's adoption of its Initial Proposal, the public has been able to make submissions under the Local Electoral Act 2001 which will be considered as part of this report. In addition, the Act also provides for appeals and objections in respect of the final proposal determined by Council to be made to the Local Government Commission. Community engagement is well provided for.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Pre-engagement with the community was carried out to ascertain community views on Council representation arrangements and options. Specific engagement was undertaken with members of the Rural Community Board, members of Heretaunga Takoto Noa Māori Standing Committee and the Youth Council. Social media and media advertising, supported by an information brochure and questionnaire, access to detailed discussion documents and a public meeting enabled public engagement ahead of Council decision-making on the initial Representation proposal. Following on from the Council's decision in response to this report, the Representation Review process has involved public notification and submissions under the Local Electoral Act 2001. The Council will consider these submissions in conjunction with this report. In addition, the Act also provides for appeals and objections in respect of the final proposal determined by Council to be made to the Local Government Commission.

Risks

Opportunity: Representation arrangements are put in place that provide for good governance and effective representation for communities of interest within the Hastings District.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<p>Carrying out the review enables Council to:</p> <ul style="list-style-type: none"> Set in place a representation system that provides for good governance and effective representation of communities of interest and individuals in Hastings District. 	<p>Risks involved include:</p> <ul style="list-style-type: none"> Decisions on representation system erode effective representation and community confidence in Council. Council will manage this through community engagement and through careful deliberation on options and community feedback. Local Government Commission substitutes alternative set of arrangements for those favoured by Council and community. Council will manage this risk by careful consideration of community feedback and submissions and by taking account of communities of interest and effective and fair representation requirements in its deliberations. <p>Council does not meet legislative requirements. Council will manage this risk through effective project management.</p>

Rural Community Board – Te Poari Tuawhenua-ā-Hapori

The Representation Review process will determine the continuation of the Rural Community Board and the representation arrangements for it. Preliminary engagement was carried out with Board members, and rural communities of interest have been/will be able to participate in the various public engagement processes. A flyer was distributed to rural communities and the process was brought to the attention of the Rural Community Board.