



**AGENDA FOR A MEETING OF THE FINANCE AND OPERATIONAL PERFORMANCE  
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON TUESDAY, 16 MAY 2006,  
COMMENCING AT 3.30 PM.**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 REPRESENTATION REVIEW - HEARINGS**

**PURPOSE OF THE REPORT**

The purpose of this report is to inform the Finance and Operational Performance Committee of the schedule of submissions received on the Initial Proposal for the Basis of Election, to enable the Finance and Operational Performance Committee to hear from submitters, deliberate and make a recommendation to the Council on the Final Proposal.

**BACKGROUND**

One of the reforms introduced by the Local Electoral Act 2001 was to reduce the frequency of reviews of the basis of elections by local authorities from every three years to at least one every six years. Only 23 out of 85 local authorities in New Zealand conducted Reviews in 2003, with all others therefore required to undertake these in 2006. The Local Government Commission has advised that its workload to deal with any appeals and objections when considering Final Proposals from territorial authorities and regional councils is likely to be substantial and that if a local authority is able to make its determination ahead of the statutory deadlines then it is much more likely that local hearings will be possible. Because the Council chose not to undertake a review in 2003 it must do so in the 2006 year.

The Council has therefore determined that it would commence the process in 2005 and continue on to 2006 seamlessly, so that it makes a determination well ahead of the statutory time lines, and as soon as possible, after robust consultation with the community.

## STRATEGIC CONTEXT

Active Democracy is one of the Council's nine strategic platforms identified in its Long Term Council Community Plan and Annual Plan 2005/2006. This platform supports the involvement of citizens in the Council's decision-making process through education, removing barriers, developing partnerships, improving information flows and supporting the communities' own ways of interacting with the Council.

The Council measures its success in meeting active democracy targets by conducting regular household surveys. Although the public's perception of engagement in the Council's decision-making processes has improved since 2001/2002, (partly due to this Council's extensive community consultation processes), the voter turnout for Council elections remains low. Voter turnout was only 35.68% at the last triennial election and only 27.28% at the recent Waitakere Ward By-Election. The electoral representation review process addresses issues around Communities of Interest and how to structure a system that is more conducive to active voter participation.

## ISSUES

The Representation Review is required to determine the method of election of the Council and of its Community Boards, in order to provide for fair and effective representation, as defined in the Local Electoral Act 2001.

The Electoral Officer started this process for Council by preparing a Discussion Document for Elected Members, which was presented to Councillors in a workshop held on 15 June 2005, and was the subject of reports to all four Community Boards in August 2005. Concurrently the Electoral Officer commissioned a consultant to undertake a study identifying Communities of Interest and that report was presented to a workshop of Councillors and Community Board Chairs on 17 August 2005. This workshop identified ideas and issues for further investigation. A revised report was presented to a workshop for Community Board Members on 27 September 2005 and then to a workshop for Councillors and Community Board Chairs on 4 October 2005.

At the workshop on 4 October 2005, the consensus of Councillors present was in favour of a three Ward model, with 14 Councillors, all elected by Wards, plus the Mayor. It was further suggested that there be three Community Boards (one for each proposed Ward), with six elected Community Board Members, elected at large from within the Community, for each. This proposal represented a significant departure from existing arrangements, which at least for Council, could no longer be retained due to changed statutory provisions.

A further workshop, on 14 October 2005, which was attended by 16 out of the 22 Community Board Members, together with five Councillors, considered three final Options as to the basis of the Initial Proposal. The consensus of this workshop was in favour of supporting Option One as the basis for the draft Initial Proposal with the increase of the number of elected Community Board Members to seven per Board.

Feedback from all four Community Boards was sought by Council at their meetings held between 31 October 2005 and 3 November 2005. Two Community Boards (Henderson and Waitakere) did not support Option One as the basis for a draft Initial Proposal as suggested at the Council workshop whilst Massey and New Lynn Community Boards did support that Option. On 7 November 2005 the Finance and Operational Performance Committee resolved to undertake an informal information process finishing at the end of February 2006 prior to Council making its decision on the Initial Proposal for formal consultation in March 2006. Public meetings were held in each of the current four Wards during the month of February. A total of 575 submissions were received by Council as a result of the informal community information process.

Further feedback from the Community Boards was sought by Council in March 2006, following the closure of submissions under the informal community information process on 28 February 2006. The Henderson Community Board reaffirmed its support for Option Two and also requested the inclusion of a minor boundary adjustment. Massey Community Board rescinded its recommendation for Option One in favour of Option Two, with a request to retain the name Massey Ward for the proposed Northern Urban Ward and to include Ranui in this Ward. New Lynn Community Board reaffirmed its support of Option One as its preferred option. Waitakere Community Board rescinded its support for the enhanced status quo option (Option Three) in favour of Option Two, with a further request that Council seek "isolated community status" for the Waitakere Ward in order to retain representation of that Ward by three Councillors, to include all areas within the proposed Waitakere Ranges Protection Area, as well as Parris Park and the Hoani Waititi Marae, in that Ward, and to retain the existing Ward names for all the four Wards proposed under Option Two.

*A1-A13* The Council adopted the Initial proposal at its meeting on 15 March 2006 and commenced a Special Consultative Procedure that extended throughout March and April 2006. The Initial proposal is attached to this report at pages A1 to A13.

*A14-A20* The submission process closed on 3 May 2006 at 4.00 pm and 501 submissions were received. Copies of all submissions received are published and circulated separately. Of those submitting, 68 have sought to present their submission to the Council and a schedule of submitters wishing to be heard is attached to this Agenda at pages A14 to A20. A further 85 late submissions had been received at the time of the preparation of this report.

The Chairman of the Committee has determined that late submissions will be considered but that late submitters will not be given speaking rights. This determination is the same as for the Long Term Council Community Plan process.

At the conclusion of hearing the submissions and evaluating those received, the Committee will then deliberate and make its recommendation to the Council of the Final Proposal for representation arrangements on the basis of election.

This Hearing is a quasi-judicial Hearing that must be conducted within a set of rules that includes the provision that all Councillors deliberating and making the recommendation to the Council on the Final Proposal must have been present for the whole of the Hearing process. The Finance and Operational Performance Committee is conducting the Hearings under delegated authority, but must make a recommendation to the Council on the Final proposal, as that decision cannot be delegated. Councillors present at the Council meeting may support the recommendation or seek to have it referred back to the Finance and Operational Performance Committee for further consideration, but they cannot propose amendments to the recommendation.

The Council is required to give public notice of its decision and that notice is required to outline the process for appeals from any submitters against the Council's decision. In the event that the Council's decision is to approve a Final Proposal that is different from the Initial Proposal, this notice will also call for any interested parties to lodge objections. At least a one month period must be allowed for the submission of appeals and objections.

The Council's decision is then forwarded to the Local Government Commission with all appeals and objections, together with copies of all submissions and all other information provided as part of the process. The Local Government Commission will then consider the decision and deal with it through their process in accordance with the Local Electoral Act 2001. The process through which the Commission makes its Determination may include conducting a further Hearing process to consider appeals and objections, which Hearings may be conducted within the City. (The Commission has undertaken to conduct these Hearings where Councils provide their decision well ahead of the statutory process.) The Commission's Determination is final and is subject to appeal only on matters of law through the judicial process.

## RESOURCES

Provision has been made in the draft Annual Plan 2005/2006 to resource the Representation Review. With the Council decision to consult on the draft Initial Proposal as well as the Initial Proposal there have been costs incurred in excess of the budgeted sum. These will be able to be met within the overall Democracy and Support Services work programme.

## CONCLUSION

This report is brought to the Finance and Operational Performance Committee to enable the Finance and Operational Performance Committee to hear submissions on the Representation Review Initial Proposal and to recommend a Final Proposal to the Council.

## RECOMMENDATIONS

1. That the Representation Review - Hearings report be received.
2. That the Finance and Operational Performance Committee recommend a Final Proposal for representation arrangements for the basis of election to the Council following evaluation of the submissions received.

