



RĀRANGI TAKE AGENDA

Hui Kaunihera | Council Meeting

**I hereby give notice that a Meeting of the Kāpiti Coast District Council
will be held on:**

Te Rā | Date: Thursday, 20 July 2023

Te Wā | Time: 9.30am

**Te Wāhi | Location: Council Chamber
Ground Floor, 175 Rimu Road
Paraparaumu**

**Darren Edwards
Chief Executive**

Kāpiti Coast District Council

Notice is hereby given that a meeting of the Kāpiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 20 July 2023, 9.30am.

Kaunihera | Council Members

Mayor Janet Holborow	Chair
Deputy Mayor Lawrence Kirby	Deputy
Cr Glen Cooper	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Rob Kofoed	Member
Cr Liz Koh	Member
Cr Jocelyn Prvanov	Member
Cr Kathy Spiers	Member
Cr Shelly Warwick	Member
Cr Nigel Wilson	Member

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1 NAU MAI | WELCOME

2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hāpori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

3 WHAKAPĀHA | APOLOGIES

**4 TE TAUĀKĪ O TE WHAITAKE KI NGĀ MEA O TE RĀRANGI TAKE |
DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

5 TE WHAKATAKOTO PETIHANA | PRESENTATION OF PETITION

Nil

6 NGĀ WHAKAWĀ | HEARINGS

Nil

**7 HE WĀ KŌRERO KI TE MAREA MŌ NGĀ MEA E HĀNGAI ANA KI TE RĀRANGI
TAKE | PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA**

8 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

(a) Leave of Absence

(b) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

9 TE PŪRONGO A TE KORORMATUA | MAYOR'S REPORT

Nil

10 PŪRONGO | REPORTS

10.1 PROGRESS AND NEXT STEPS ON THE WAINUIWHENUA PROJECT

Kaituhi | Author: **Hamish McGillivray, Manager Research & Policy**

Kaiwhakamana | Authoriser: **Kris Pervan, Group Manager Strategy & Growth**

TE PŪTAKE | PURPOSE

- 1 This report provides an update on the Wainuiwhenua Project and further work to inform council decisions in support of the project.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 The Wainuiwhenua Project is a community led initiative to secure surplus land from the Transmission Gully project for a range of public uses that will support mana whenua, community, district, and regional outcomes. This report provides background on the project, recent advice identifying potential pathways for how iwi/council ownership and management of surplus land could be achieved through land disposals processes, and further work to inform council's role in support of the project.

TE TUKU HAEPAPA | DELEGATION

- 3 Council has the authority to consider this matter.

TAUNAKITANGA | RECOMMENDATIONS

- A. Council notes progress on the Wainuiwhenua project.
- B. Council supports further work to scope options including shared ownership and management arrangements to inform decisions in support of the Wainuiwhenua project.

TŪĀPAPA | BACKGROUND

- 4 In 2014 Waka Kotahi purchased approximately 550 hectares of hill country surrounding Paekākāriki from the Perkins family under the Public Works Act 1981 (PWA), for the construction of the Transmission Gully Motorway.
- 5 With the advent of the motorway, several community groups in Paekākāriki raised the need to consider future opportunities in association with the new motorway. In December 2018, Council hosted a workshop bringing together local iwi/hapū, government agencies and a range of community groups to discuss potential interests and opportunities for the use of potential surplus land.
- 6 The Wainuiwhenua Group was established as an outcome from the workshop, with the purpose of identifying best future uses of surplus land from the Transmission Gully for the Kāpiti Coast District. The Group works closely with local hapu Ngāti Haumia ki Paekākāriki, and includes a range of local Community Groups and residents. The Group is represented by two Co-Chairs; Jenny Rowan (former Mayor), representing the wider interests of the local community, and the Kāpiti Coast District Mayor (then Mayor Gurunathan), representing Council interests supporting local outcomes.
- 7 In early 2019 a scoping report was produced by Ground Truth, a local environmental consultancy, to help identify the land types, productivity, and ecological and environmental values across the area. The report also set out management zones with shared attributes and drew from recent discussions with Ngāti Haumia ki Paekākāriki, the community and a number of community projects (Grow Paekākāriki), to identify a number of potential opportunities and actions towards developing an Iwi and community vision for the area.
- 8 These opportunities were developed into an overarching community proposal which was tested through further community engagement and hui; receiving community support at a

public hui held in late 2019, followed by endorsement from the Paekākāriki Community Board.

Identifying public goods and benefits

- 9 The community proposal identifies a range of public goods with benefits that support mana whenua, community district and regional outcomes from surplus land in the area. These include environmental protection and enhancement of hill country, mitigating climate change and flooding hazards, optimising opportunities for recreation and social and economic development and strengthening the connection of Ngāti Haumia ki Paekākāriki and Ngāti Toa Rangatira.
- 10 More specifically potential uses include:
 - Reforest the hill country and support recovery of native forest on the partially-forested escarpment and gully areas. This includes creating ecological corridor connections between Queen Elizabeth Park, Mt Wainui /Akatarawa Forest, and the Paekākāriki escarpment.
 - Protect and enhance the flood and flow-path management areas
 - Create a new regional park by joining up the management of the Wainuiwhenua lands with the neighbouring Queen Elizabeth Park, Whareroa Farm, Mt Wainui reserve, and the Paekākāriki-Pukerua Bay escarpment walkway.
 - Social and community housing, including housing for Ngāti Haumia ki Paekākāriki (where this can be supported by the environment).
 - Retain the sand dune area south of Mackays Crossing and east of the railway line for community or housing development should climate change impacts require a managed retreat from coastal properties, enabling planning for this contingency well in advance.
 - Investigate the heritage values and protection status of a range of sites southeast of SH1 with a view to establishing an historic precinct (this includes the Perkins' woolshed, farmhouse, WW2 fuel tank, radar station and kūmara pits on the ridgeline. Some of these sites are already legally protected under the Heritage New Zealand Pouhere Taonga Act).
 - Provide an area of the ridgeline west of the Transmission Gully route as a site for community wind turbines.
 - Provide for a neighbourhood park and community gardens in the Tilley Triangle.
- 11 The Wainuiwhenua proposal has been developed alongside a number of recent Council strategies and supports a range of local and district wide objectives identified across the Open Space Strategy, Housing Strategy (including Housing Needs Assessment) and Te Tupu Pai Growing Well. The proposal also has links and supports many of the local and community outcome identified for Paekākāriki from 2005. This work is currently being revisited through the Kāpiti Vision and Blueprint work and is discussed later in this paper under other supporting work.
- 12 A key proposition of the community proposal and project overall is the use of the Public Works Act 1981 as the means to securing the land for this range of public uses and benefits. Under the Public Works Act 1981 crown agencies, regional and district councils can use powers to acquire land for public uses for which they are financially responsible.
- 13 Further information on the Wainuiwhenua Group, members and the community proposal and proposed uses can be found at: <https://paekakariki.nz/listings/wainuiwhenua/>.

Building support and partnership for Wainuiwhenua

- 14 Over recent years the Wainuiwhenua Group has developed its partnership with Ngāti Toa Rangatira and Greater Wellington to advance project outcomes.

- 15 In March 2021 a collective letter was sent from the Wainuiwhenua Chair, Chief Executive of Ngāti Toa Rangatira, Chair of Greater Wellington and Mayor of Kāpiti Coast District Council to the Ministers of Transport and Land Information requesting that any disposal of the land in Paekākāriki be deferred until options under the Crown disposals could be explored.
- 16 In May 2022, Greater Wellington Councillors were updated on the project and agreed to commission technical advice on potential pathways for achieving iwi/council ownership of the land to help support and advance the project.
- 17 In October 2022, Buddle Findlay provided advice on a range of options to help identify potential pathways to achieve these objectives.
- 18 Most recently, Greater Wellington's Environment Committee received an update on the project's progress, Buddle Findlay's advice and identifying further work to understand options and potential arrangements. The report can be seen on the Greater Wellington's Environment Committee Agenda for the 27 April 2023 at [Greater Wellington Regional Council — Environment Committee \(gw.govt.nz\)](https://www.gw.govt.nz/council-agenda/2023-04-27).

HE KŌRERORERO | DISCUSSION

- 19 The Wainuiwhenua project is shifting from an initial consultation and information gathering phase, into developing options around how the project's objectives can be achieved.
- 20 Given the complexity of the Public Works Act and the suite of proposed uses sitting across both Kāpiti Coast District Council and Greater Wellington areas of responsibility, achieving the aspirations of the project would require both Councils to be prepared to consider a potential share in ownership of the land, including commitments to costs and resourcing; and to work in formal partnership with iwi/hapu. This is discussed further below.
- 21 Buddle Findlay's recent advice (Advice) (Attachment One) identified a number of potential pathway(s) for securing public/iwi ownership of surplus land under the Public Works Act and Crown Clearance (land disposal) processes.

Public Works Act (1981) implications

- 22 The Advice identifies three broad pathways for achieving the above outcomes:
 - One is for the Crown to hold the land as a Reserve.
 - The second, is where the Public Works Act does not apply to the land, the Crown is free to offer the land to any third party subject to Crown Clearance processes.
 - The third pathway is disposal of land through the PWA process, which we initially understand the land is subject to. The first step in this process is to determine whether Offer Back Obligations apply to the previous owner. There is potential for exceptions to be made to the Offer Back Obligations under section 40 of the PWA. If an exception to the Offer Back Obligation exists, then the land can be offered to any third party for any use subject only to the Crown's land disposal process.
- 23 If there is no exception to the Offer Back Obligation, then the next step is whether the land is needed for any other public work. In this case, one or both Greater Wellington or Kāpiti Coast District Council could acquire the land if they are able to show that the land is required for a 'local work' for which they have 'financial responsibility'.
- 24 If land is not taken for another public work, it is offered back to the previous owner. If the previous owner does not want the land or waives their PWA rights, the land can be used for Treaty Settlement purposes.
- 25 Lastly, if none of the above options are exercised the land can be cleared for public sale.

Options for shared ownership and management

- 26 Several blocks of land listed in the Te Rūnanga o Toa Rangatira Inc Deed of Settlement Attachments General Right of First Refusal Land¹ lie either within the Wainuiwhenua block or adjacent to it. For those within, the extent to which the land will become surplus to either the operation of the road or associated infrastructure (e.g. the proposed weigh station) is not yet known. It is expected that fulfilling these Treaty settlement obligations will be a priority consideration for the Crown, ahead of any transfer to councils.
- 27 In discussion on the Wainuiwhenua project, Ngāti Toa Rangatira has expressed an interest in acquiring the land, to support their relationship and association with Paekākāriki and their interests in environmental protection, housing and public amenity. Council is also aware that Ātiawa ki Whakarongotai Charitable Trust have yet to settle their Treaty claims and may have overlapping interests in this area with Ngāti Toa Rangatira. A hui is due to take place to discuss the project and officers will seek further direction from our partners to inform next steps on the project.
- 28 The Advice identifies one potential option for holding land in partnership with mana whenua through the potential use of a Council Controlled Organisation. While land cannot be directly acquired by a Council Controlled Organisation under the PWA, once legitimately acquired for a local work, councils could transfer ownership of land into a Council Controlled Organisation.
- 29 Ownership could then be shared between mana whenua (50%) and the two councils (50%), being Greater Wellington and Kāpiti Coast District Council, with the exact share and terms of ownership to be agreed. Ngāti Toa Rangatira have expressed their confidence that a 50/50 partnership with Greater Wellington and/or Kāpiti Coast District Council would achieve this outcome. A Council Controlled Organisation could be established as a Charitable Trust or similar which provides an appropriate ownership model. This is yet to be formally scoped and determined.
- 30 The timing of this advice coincided with an enquiry from the Minister of Transport's office around any plans for a future ownership entity for the surplus land. To respond to this query, the Greater Wellington Chair, the Chair and Chief Executive of Te Rūnanga o Toa Rangatira Inc and the Mayor of Kāpiti Coast District Council met in late February 2023 to discuss the proposition for a Council Controlled Organisation. At the meeting, Ngāti Toa Rangatira indicated that they were supportive in principle and that such a shared ownership model would be acceptable to them.
- 31 Following this meeting the parties co-signed a letter to the Minister of Transport (Attachment to be added). The letter identified initial partner support for the Council Controlled Organisation model as a prospective ownership entity, subject to agreement by the respective councils and noting the requirements for formal consultation and approval.
- 32 With the motorway construction potentially altering the lands previous uses, the partners also requested that the Crown obtain a Section 40 report to help clarify whether the Offer Back Obligations exist, and whether any statutory exceptions will apply. No response to this letter has yet been received.

Advice on other options for ownership

- 33 The Advice also identifies a number of other options that could enable iwi ownership of surplus land. These include where the PWA may not apply or where an exception might exist (section 40 report requested to clarify), or through options where the previous owner has a first right of refusal. All these options need to be considered and can be further discussed as part of a strategy as suggested in the Advice. However, some present higher levels of risk than others. Details of options will be further analysed as part of further work and on receiving the outcomes of the section 40 request.

Other supporting work

¹ Ngāti Toa Rangatira Deed of Settlement Attachments General RFR land and early RFR NZTA land – pgs159- 160, 162

- 34 Kāpiti Coast District Council is currently developing the Kāpiti Vision and Blueprint - a vision for the Kāpiti District out to 2060, which describes the future life wanted for residents in terms of the environment, how people will live and the supports that will be needed to make that happen. Kāpiti Coast District Council will be working with local townships to develop community visions of the future – which will also provide an opportunity to link and reflect outcomes developed as part of the Wainuiwhenua project into the visions and blueprint for Paekākāriki and the wider district.
- 35 The potential to meet iwi and community housing needs is one of the proposed uses of surplus land as part of the Wainuiwhenua project. The extent and type of housing that could be achieved on surplus land is not yet clear. Work is underway to investigate the potential for housing alongside other local infrastructure needs relating to the surplus land to further inform the project. Officers will keep Greater Wellington and Ngāti Toa Rangatira up to date on further housing assessment work as it progresses.

Next Steps

- 36 The concept of a Council Controlled Organisation would require approval of both Greater Wellington and Kāpiti Coast District Council followed by a statutory consultation process on the proposed formation of the Council Controlled Organisation.
- 37 Subject to agreement around prioritisation of resource to focus on this work – we will continue to work with project partners to understand potential options and pathways and any arrangements for ownership and management through an entity like a Council Controlled Organisation. Providing advice to council ahead of the next Long Term Plan process will help inform decisions around Council's role and any future funding arrangements to support a partnership approach, including potential acquisition or operational costs.

He take | Issues

- 38 No further issues have been identified in this report.

Ngā kōwhiringa | Options

- 39 This paper is for primarily for noting purposes and does not present options for decision on project at this stage. Subject to agreement, further analysis of options and requirements for any supporting partnership arrangements will be undertaken over the next six months and brought back to council to inform decisions alongside the upcoming Long term Plan process.

Tangata whenua

- 40 The Wainuiwhenua Group has worked closely with Ngāti Haumia ki Paekākāriki and Ngāti Toa Rangatira to develop the community proposal for Wainuiwhenua and a working partnership to support and progress the opportunity to achieve mana whenua, local, district and regional outcomes in the area.
- 41 An update on the project was due to be given at the May 2023 Te Whakameinga o Kāpiti meeting. Timing prevented the full update being given but a brief summary and discussion identified an interest in the project from Ātiawa ki Whakarongotai Charitable Trust who were to meet and discuss the project with Ngāti Toa Rangatira.
- 42 Following the May meeting a draft of this paper was provided to iwi partners for information and comment. This was also followed with the update on the project background and next steps to Te Whakameinga o Kāpiti meeting on 20 June 2023.
- 43 At the June meeting the Chair identified general support for the project and its ability to provide opportunities to support Ngāti Haumia ki Paekākāriki and mana whenua outcomes and for future operational discussions to include Ātiawa ki Whakarongotai Charitable Trust's Taiao unit as the project progresses.

Panonitanga āhuarangi | Climate change

- 44 A number of the proposed uses for the surplus land are to help mitigate impacts of climate change and support improved resilience of Paekākāriki. This includes reforestation of the surround steep hillsides, potential for carbon sequestration, improved water run-off and flood management, renewable energy generation from the proposed wind farm as well as a strategic provision for future community facilities and development displaced from sea level rise.

Ahumoni me ngā rawa | Financial and resourcing

- 45 To date council has supported the Wainuiwhenua project through secretariat support from the Research and Policy Team in the Strategy and Growth Group. Further work to analyse the potential pathways and any supporting arrangements will require additional staff and budget over the next year.
- 46 This Additional resource is estimated at 0.5 full time equivalent to liaise with partners and progress policy work but will also require legal support and advice on options and advice provided to Council with an estimated budget cost of up to \$30,000 to support this work. While this work will be absorbed into existing budgets to meet these costs, we want to identify this work as a priority if council considers it appropriate to support, alongside other current projects.
- 47 The identification of costs and benefits, including potential capital and operational costs involved in any future acquisitions and partnerships will be identified as part of further analysis and reported back to Council for consideration alongside potential provision into the Long Term Plan 2024.

Ture me ngā Tūraru | Legal and risk

- 48 This report does not identify legal issues or risks as at this point there are no decisions being sought on potential ownership or supporting arrangements relating to the Wainuiwhenua project.
- 49 It is important that Council recognises the different roles it plays in considering surplus land. This includes its consideration of public good and needs to support efficient and effective infrastructure networks across the district, as well as its role in supporting local and community outcomes. Both will be clearly identified and considered as part of future advice on potential next steps on the project.
- 50 Further analysis on potential options and supporting arrangements will be undertaken over the next six months and reported back to council – including analysis of potential risks and supporting legal advice relating to potential acquisitions of land under the PWA.

Ngā pānga ki ngā kaupapa here | Policy impact

- 51 The Wainuiwhenua project supports a variety of objectives identified across a number of Council strategies identified earlier in this report. The project also provides a key input into the current Kāpiti Vision and Blueprint work, which is looking to identify local and district outcomes across the district and each of its townships, including Paekākāriki.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 52 While the Wainuiwhenua project has links to local community outcomes, mana whenua interests and potential infrastructure interests, which are of high potential significance, this report has low significance and provides an update on progress and further work to provide advice and options to inform council decision and direction on the project later in the year.

Whakatairanga | Publicity

- 53 There are no decisions to be communicated from this report, but an update will be provided to the wider Wainuiwhenua Group and through the regular update to the Paekākāriki Community Board on the project and next steps.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Advice on Public Works Act Pathways [↓](#)

BUDDLE FINDLAY

DRAFT

7 October 2022

To: Zoe Genet

From: Brannavan Gnanalingam, Paul Beverley

Public Works Act 1981 (PWA) advice – Greater Wellington Regional Council – Kāpiti Coast District Council – Ngāti Haumia ki Paekākāriki – Ngāti Toa Rangatira – PRIVATE AND CONFIDENTIAL

Background

1. We are advised that the Crown currently holds approximately 550ha land for the Transmission Gully project. Waka Kotahi and the Wellington Gateway Partnership have not yet fulfilled all of the consenting requirements for construction of Transmission Gully, and accordingly, the land is not surplus and will not be, for the immediate future.
2. However, Greater Wellington Regional Council (**GWRC**) would like advice on potential options once approximately 450ha of the land is no longer needed following final completion of the project. GWRC would like advice on whether (and how) the land could be transferred for further public works.
3. We note that the land in question is comprised in a number of blocks, and was acquired from a number of different previous owners. The Crown / local authorities will need to go through the exercises below for *each* block of land.
4. GWRC's strategic priorities include:
 - (a) Working with Ngāti Haumia ki Paekākāriki, who are mana whenua for Paekākāriki, to fulfil their aspirations, in the following priority order (where possible):
 - (i) Ngāti Haumia obtaining and retaining local control of these lands.
 - (ii) Looking after the environment, and protecting / restoring the environmental values of the area.
 - (iii) Providing opportunity for housing for Ngāti Haumia and the community.
 - (b) Using the land for the following:
 - (i) promotion of healthy ecosystems;
 - (ii) kaitiakitanga, and working in partnership with Ngāti Haumia;
 - (iii) community support, including soil and water protection, carbon and climate change resilience, cultural strength, community housing, recreation and amenity, food production from versatile soils, energy, and economic development.
5. We also understand that any project is likely to involve involvement with GWRC, Kāpiti Coast District Council (collectively **Councils**), Ngāti Haumia and Ngāti Toa Rangatira (all four parties comprising the **Rōpū**).

buddlefindlay.com

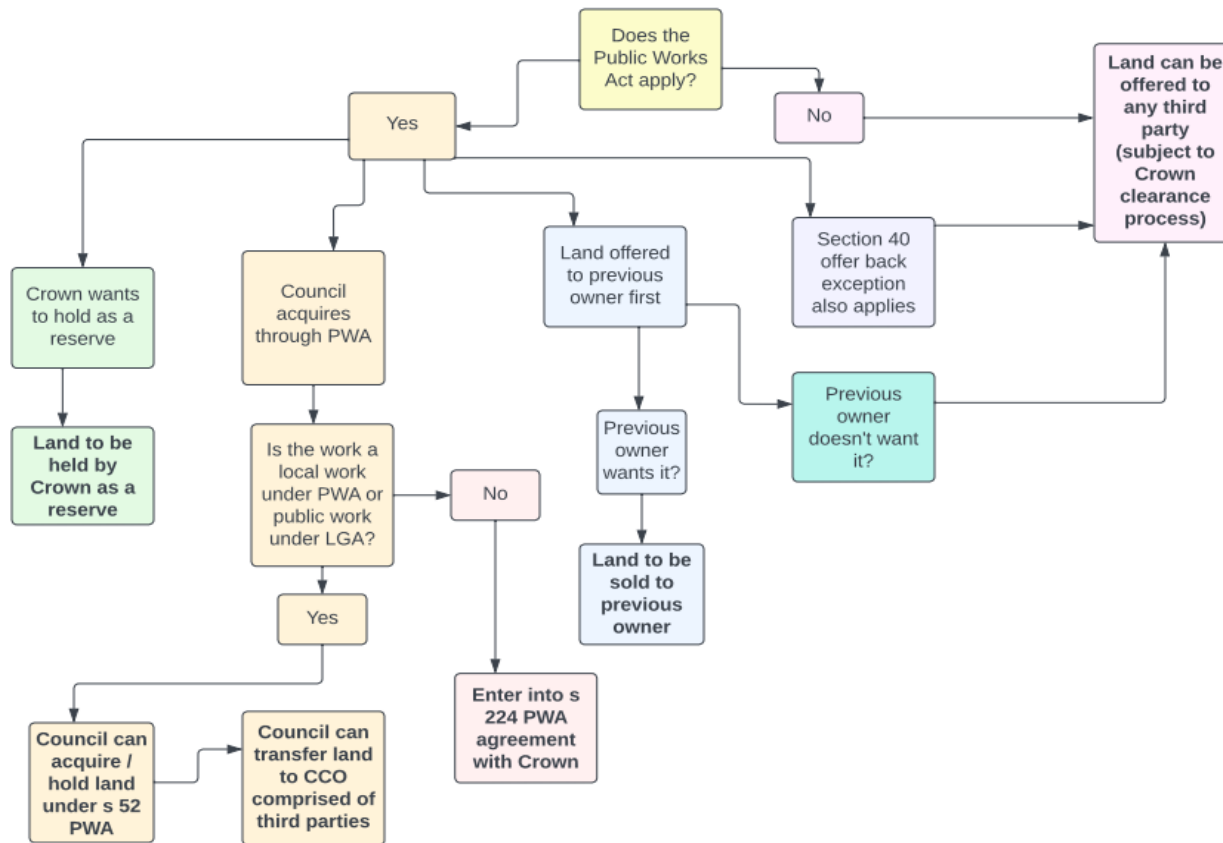
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6. This memo sets out:
 - (a) A legal analysis of the Public Works Act 1981 (**PWA**), and options for Ngāti Haumia and/or the Councils to secure the land within the PWA framework.
 - (b) The availability of non-PWA options to achieve the above.

BUDDLE FINDLAY

Executive Summary

7. We summarise the PWA position in the flow chart below.



8. Separately, we note the following in the context of Ngāti Haumia's aspirations.

PWA applies?	Option	Level of Ngāti Haumia's ownership / control
No	Land can be transferred directly to Ngāti Haumia	Full control / ownership. Subsequent arrangements can be entered into with the Rōpū, more generally
Yes	Land offered to previous owner to clear PWA obligations. Previous owner wants to acquire land	No control / ownership. Ngāti Haumia would need to enter into separate arrangement with the landowner directly
Yes	Land offered to previous owner who does not want land / waives PWA rights. Land can be transferred directly to Ngāti Haumia	Full control / ownership. Subsequent arrangements can be entered into with the Rōpū, more generally
Yes	The Rōpū sets up a CCO and the land is transferred from Crown to Council to the Rōpū. Ongoing use must comply with the PWA and/or Local Government Act 2002 (LGA).	Co-ownership / co-management. Process subject to compliance with LGA / Rōpū agreeing form of CCO entity
Irrelevant	Crown retains ownership and sets up reserve. Ongoing use must comply with the Reserves Act 1977 (Reserves Act)	Crown will own land. Ngāti Haumia will not own land, and will be involved (at best) from a management perspective
Irrelevant	Land transferred to Council for reserve. Ongoing use must comply with the Reserves Act	Council will own land. Ngāti Haumia will not own land, and will be involved (at best) from a management perspective

10.2 CYCLEWAYS, WALKWAYS, AND BRIDLEWAYS ADVISORY GROUP - REVISED TERMS OF REFERENCE FOR 2022-2025

Kaituhi | Author: **Tracey Waye, Executive Secretary to Group Manager Place and Space**

Kaiwhakamana | Authoriser: **Mike Mendonça, Acting Group Manager Place and Space**

TE PŪTAKE | PURPOSE

- 1 This report seeks the Council's approval for amendments to the Terms of Reference for the Cycleways, Walkways and Bridleways Advisory Group (CWBAG) for the 2022-2025 triennium.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

TE TUKU HAEPAPA | DELEGATION

- 2 The Council has the authority to approve the Terms of Reference for the CWBAG.

TAUNAKITANGA | RECOMMENDATIONS

That Council approves the revised Terms of Reference for the Cycleways, Walkways and Bridleways Advisory Group.

TŪĀPAPA | BACKGROUND

- 3 The purpose of the CWBAG is to advise Council on issues and opportunities within the CWB network. It is a voluntary group that seeks to extend the network and to improve the CWB and other outdoor experiences on the Kāpiti Coast.
- 4 The terms of reference are required to be reviewed at the beginning of each triennium.

HE KŌRERORERO | DISCUSSION

- 5 The CWBAG identified minor amendments are required to the terms of reference to better reflect:
 - Changes in interest and user groups, such as *small wheels*.
 - Changes in Council responsibilities and appointment titles.
 - Clarity around delegated authority for expenditure and expenses.
- 6 The CWBAG has collectively amended the terms of reference and ratified the attached draft at its meeting of 23 May 2023, requesting the document be submitted to Council for approval.

He take | Issues

- 7 There are no issues for consideration.

Ngā kōwhiringa | Options

- 8 There are no options for consideration.

Tangata whenua

- 9 The draft has been circulated to the CWBAG iwi representative.

Panonitanga āhuarangi | Climate change

- 10 The CWB network is central to promoting active transport over private automobiles, this is reflected in the amended terms of reference.

Ahumoni me ngā rawa | Financial and resourcing

- 11 There are no financial issues for consideration.

Ture me ngā Tūraru | Legal and risk

- 12 There are no legal issues for consideration.

Ngā pānga ki ngā kaupapa here | Policy impact

- 13 There are no current or future impacts to Council policies.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**Te mahere tūhono | Engagement planning**

- 14 There is no requirement for engagement planning.

Whakatairanga | Publicity

- 15 There is no requirement for specific publicity. Officers will communicate the amended CWBAG terms of reference through Council channels.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. CWB Advisory Group Terms of Reference, 2022-2025 [↓](#)

10.3 ASSET MANAGEMENT PLAN HALLS AND COMMUNITY CENTRES

Kaituhi | Author: **Claire Winter, Contractor to Kāpiti Coast District Council**

Kaiwhakamana | Authoriser: **Mike Mendonça, Acting Group Manager Place and Space**

TE PŪTAKE | PURPOSE

- 1 To seek the Council's approval of the Asset Management Plan Halls and Community Centres in order to inform discussions around the Long-Term Plan 2024.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

TE TUKU HAEPAPA | DELEGATION

TAUNAKITANGA | RECOMMENDATIONS

That the Council:

- A. Notes the Asset Management Plan Halls and Community Centres (Enclosure 1).
- B. Approves in principle the Asset Management Plan as the basis for long term planning.
- C. Notes that funding options will be presented as part of the process for the Long-Term Plan 2024.

TŪĀPAPA | BACKGROUND

- 2 Asset management and planning is critical for the delivery of sustainable outcomes for our communities.
- 3 This is the second in a series of asset management plans for Council assets which is planned for presentation to the Committee in the coming months.
- 4 A summary of the Asset Management Plan (AMP) for halls and community centres was presented to the Social Sustainability Sub-Committee on 22 June 2023.
- 5 This AMP sets out to describe:
 - The asset and the current condition.
 - Current and future levels of service.
 - Demand management, particularly around usage rates, growth, changing expectations and changing needs.
 - Lifecycle analysis including capital and operating costs.
 - The financial implications of owning and operating this asset class.

HE KŌRERORERO | DISCUSSION

- 6 The draft AMP is enclosed.
- 7 Some key considerations include:
 - Council does not own all of the facilities in the District and does not need to own them all to achieve positive community outcomes.
 - These assets are all ageing – and starting to show it. This is likely to flow into increased renewals and maintenance funding requirements.
 - There are no plans (or budget) for new facilities, although there are opportunities to upgrade existing facilities at Waikanae (town) and Ōtaki.

- The Waikanae Beach Hall is earthquake prone and in its current state it cannot be occupied after 2033.

He take | Issues

8 There are no issues within this report.

Ngā kōwhiringa | Options

9 There are no options for this report.

Mana whenua

10 Where assets are to be created or substantially modified (such as Te Newhanga Community Centre), partnership with mana whenua will be undertaken by individual project managers.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

11 Adaptation. Where halls or community centres are in flood, liquefaction, or tsunami zones there are obvious consequences for asset planning - these are covered in the AMP.

12 Mitigation. The Council is sensitive to the carbon demand of owning and operating all its buildings. Carbon is a consideration prior to upgrade or renewal, and the ongoing operations of halls and community centres.

Ahumoni me ngā rawa | Financial and resourcing

13 All financial decisions are processed through the Long-Term Plan.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

14 Good asset management is a control for risks identified in the Council's risk framework

Ngā pānga ki ngā kaupapa here | Policy impact

15 There are no policy impacts.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

16 There is no specific communications engagement planned for this Asset Management Plan. The Long-Term Plan is the appropriate vehicle for this to occur.

Te mahere tūhono | Engagement planning

17 See item 13.

Whakatairanga | Publicity

18 See item 13.

NGĀ ĀPITIHINGA | ATTACHMENTS

1. Community Halls - Asset Management Plan [↓](#)

10.4 ESTABLISHMENT OF A MĀORI WARD

Kaituhi | Author: **Steffi Haefeli, Manager Democracy Services**

Kaiwhakamana | Authoriser: **Janice McDougall, Group Manager People and Partnerships**

TE PŪTAKE | PURPOSE

- 1 This report asks Council to consider the establishment of a Māori ward for the 2025 local body elections.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required for this report.

TE TUKU HAEPAPA | DELEGATION

- 3 Section A.2 of the Governance Structure and Delegations for the 2022-2025 triennium provides Council with authority to consider this matter.
- 4 Section A.1 provides that Council's decision-making is guided by a partnership between elected members and the mana whenua of the district comprising the iwi and hapu of Ngā Hapū o Ōtaki (Ngāti Raukawa), Ngāti Toa Rangatira and Ātiawa ki Whakarongotai Charitable Trust (together forming the A.R.T. Confederation).

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council either:
 - A.1 Resolve not to establish a Māori ward for electoral purposes under section 19Z of the Local Electoral Act 2001 ahead of the 2025 local body election.

Or

 - A.2 Resolve to proceed with wider community consultation with tangata whenua and other communities ahead of a final decision on whether to establish a Māori ward this triennium prior to 23 November 2023.

TŪĀPAPA | BACKGROUND

- 5 On 6 May 2021, following the recommendation of its three iwi partners, Te Āti Awa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki (Ngāti Raukawa) and Ngāti Toa Rangatira Council resolved not to establish a Māori ward for electoral purposes under section 19Z of the *Local Electoral Act 2001* before the 2022 local body elections. As part of this decision, Council committed to reconsidering the question this triennium.

Current Legislative Context

- 6 On 26 July 2022, the Government announced the introduction of the Local Government Electoral Legislation Bill (the Bill). The Legislation Bill is currently progressing through Parliament and was expected to come into force mid-2023. Initially, if passed, the Bill would have enacted amendments to the Local Electoral Act 2001 making revisions to the process that local authorities are required to follow in deciding their representation arrangements, making the consideration of a Māori ward a mandatory step in the representation review process. These would have taken effect ahead of the 2025 local authority elections. Under the proposed provisions:
 - 6.1 Local authorities that had not established a Māori ward in the last triennium, would be required to reconsider whether to create a Māori ward; and

- 6.2 Local authorities would be required to engage with 'Māori and other communities' and to 'have regard to' this engagement in deciding whether to establish a Māori ward.
- 7 On 6 April 2023, after the Bill's second reading, Parliament made changes to timeframes proposed under the initial Bill and delayed the introduction of certain provisions to reduce the impact of the new requirements especially for those councils affected by Cyclone Gabrielle and subsequent flooding events. Changes to the bill include delaying provisions requiring Councils to consider Māori representation as part of their representation review until after the 2025 Local Body Elections. As a result, the proposed Māori ward requirements will not be in force for 2025 elections. The intention is that they will be in force for the 2028 elections and the provisions are expected to remain the same.
- 8 Councils still have the ability to optionally consider Māori representation, but it will no longer be a legal requirement ahead of the next elections.
- 9 The impact of the delay in provisions is that the legislative status quo under the Local Electoral Act 2001 remains. This is that Council may, but is not required to, resolve whether to establish a Māori ward ahead of the elections in 2025. In the last triennium, Council guided by mana whenua resolved not to establish a Māori ward, however, committed to reconsidering the question this triennium. As such, it is appropriate that Council and mana whenua consider the matter again this triennium.
- 10 Under the current provisions of the Local Electoral Act 2001, a resolution to establish a Māori ward must be made by 23 November 2023, which is the 23 November of the year that is 2 years before the next triennial general election, to take effect for that next election. If Council did resolve to establish a Māori ward, then a representation review would need to take place in 2024 ahead of the 2025 elections.

What is a Māori Ward?

- 11 The Local Government Act 2002 requires Council to provide for Māori participation in decision-making, but it does not prescribe how this should happen. The establishment of one or more Māori wards is one avenue to be considered under the Local Electoral Act 2001.
- 12 A Māori ward is a representation structure which would allow tangata whenua electors enrolled on the Māori electoral role to directly elect a Councillor to Council. The person standing for the Māori ward vacancy does not have to identify as mana whenua or tangata whenua to stand; however, only those on the Māori electoral role can nominate that person and vote for the person to be elected.
- 13 The Electoral Act 2001 sets out a formula to determine how many Māori wards may be established which is based on population size of the territorial authority area.
- 14 Previous amendments to the Local Electoral Act 2001 under the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021:
- 14.1 removed the ability for electors to bring a petition requiring a poll on the introduction of Māori wards (only the Council will be able to undo a decision to establish a Māori ward or constituency);
- 14.2 removed the ability for local authorities to resolve to hold binding polls on whether to establish Māori wards or constituencies (although non-binding polls may continue to be conducted);
- 14.3 provided that past polls, or Council resolution to hold binding polls, on whether to establish Māori wards or constituencies cease to have any effect.

Engagement Planning

- 15 If a decision is made by Council that the establishment of a Māori ward should be considered, an engagement plan should be considered and developed in line with mana whenua advice on what type of engagement would be appropriate.
- 16 Input on engagement could be sought via Te Whakaminenga o Kāpiti and then Council on what the proposed engagement plan with mana whenua, tangata whenua and other

communities should look like in the lead up to a final decision on whether to establish a Māori ward this triennium.

Future for Local Government Review

- 17 Current local governance structures and systems were designed many years ago and are now facing considerable pressure. Over the past three years an independent review has been conducted by the Future for Local Government Review panel which is an opportunity to find new approaches to local governance that create the conditions for communities to prosper and thrive.
- 18 While the recently released final report from the panel conducting the Review into the Future for Local Government recommend that the threshold for Māori wards in legislation be reduced, it also acknowledges that changes to legislative frameworks alone are not sufficient to ensure a Te Tiriti based partnership between local government and Māori.
- 19 The panel recommends councils develop partnership frameworks with hapū/iwi and Māori to give effect to Te Tiriti provisions and enabling Tiriti-based appointments to councils for iwi and hapu who want to participate in the kāwanatanga sphere.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 20 Council's current governance structure allows for the appointment of mana whenua representatives to its committees and subcommittees with full voting rights which currently provides a mechanism for all of Council's mana whenua partners to be represented around the Council and committee table.
- 21 If a Māori ward is established, Māori electors enrolled on the Māori electoral roll will need to vote for Māori ward councillors in the place of general ward councillors. Māori electoral roll electors will still be able to vote for the Mayor, district-wide councillors and community board representatives of the community they reside in. This could be perceived as less representation across the wards. In comparison, general roll electors would be able to vote for the Mayor, three district-wide councillors, community board representatives and up to three ward councillors depending on the ward they are able to vote for. For example, for a Māori elector voting for the Paraparaumu ward electorate, establishing a Māori ward would mean that instead of voting for three ward councillors they might only be able to vote for one Māori ward councillor.
- 22 The exact number of Māori ward councillors would not be known with certainty until a representation review has taken place, however, this is determined by a 'fair representation' ratio in the Local Electoral Act 2001 and based on population numbers from the previous representation review, there would likely be one Māori ward councillor to 10 general ward councillors. As the legislative ratio is between Māori ward and general ward councillors, a decision to establish a Māori ward would likely impact on Council's representation structure including the type and number of ward versus district-wide councillors and consequentially, the total number of councillors.
- 23 While Māori electors are able to switch between the Māori electoral roll and the general electoral roll easily due to a recent change in electoral legislation, this can still only be done up to three months before the relevant elections. Messaging around these considerations for Māori electors can be incorporated in pre-election communications and engagement to ensure Māori are aware of the impacts of the different rolls.

Ngā kōwhiringa | Options

- 24 In the last triennium, Council guided by mana whenua resolved not to establish a Māori ward and committed to reconsidering the question this triennium. The options are:

- 24.1 For Council to resolve not to establish a Māori ward at this point in time (as there is no legislative requirement in force to require Council to consider it this triennium and as such this is discretionary).
- 24.2 For Council to resolve to proceed with wider community consultation with tangata whenua and other communities in a lead up to a final decision on whether to establish a Māori ward this triennium.

Mana whenua

- 25 At the 20 June 2023 Te Whakaminenga o Kāpiti meeting the chair, André Baker, noted that Council was subject to timeframes in making these decisions and that a response had been provided directly to the Mayor. Through the chair of Te Whakaminenga o Kāpiti, the A.R.T Confederation reflected that work they are committing themselves to, in terms of a review of the Memorandum of Partnership, and opportunities for mana whenua to be represented at Council and committee meetings through the Governance Structure, is still in its infancy. These relationships will continue to evolve following the recent appointment of a Group Manager Iwi Partnerships.
- 26 The A.R.T Confederation have indicated they would like to embed the new partnership arrangement and new relationship with the newly appointed iwi partnerships group this triennium and do not consider the establishment of a Māori ward a priority at present. They have indicated that they will continue to consider this matter throughout the triennium.

Panonitanga āhuarangi | Climate change

- 28 There are no climate change considerations as part of this report.

Ahumoni me ngā rawa | Financial and resourcing

- 29 There are no direct financial and resourcing implications as a result of this report. If Council supported the establishment of a Māori ward, community engagement would need to be planned and implemented. Community engagement would have a budgetary impact.
- 30 If a decision was then made to establish a Māori ward as a result of the engagement, a representation review would need to take place in 2024, also with a budget impact.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 31 As Council considered whether to establish a Māori ward last triennium, under the Local Electoral Act 2001 Council is not required to consider the establishment of a Māori ward until next triennium ahead of the 2028 Local Body Elections. Consideration of this matter this triennium is optional (noting that Council and mana whenua committed to revisiting this matter this triennium when they resolve not to establish a Māori ward last triennium).
- 32 Under the Local Electoral Act 2001, if Council wishes to establish a Māori ward ahead of the 2025 elections, it must make a decision by 23 November 2023 and give public notice in accordance with the timeframes in the Act.

Ngā pānga ki ngā kaupapa here | Policy impact

- 33 There will be no direct impact on any existing or planned policies as a result of this decision.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 34 If required, an engagement plan would be developed by Council Officers with input from mana whenua and presented to Council for endorsement at a Council meeting at the end of August 2023. Any community engagement would need to take place between mid-August and October 2023 to make a decision in line with legislative timeframes.

- 35 Any input provided by mana whenua as part of the discussions on this report will be presented to Council to inform the proposed engagement approach.

Whakatairanga | Publicity

- 36 If a decision is made to consider the establishment of a Māori Ward, publicity will be in line with an agreed communications and engagement plan. The decision on whether or not to establish a Māori ward will also be publicly notified.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. 19Z Local Electoral Act 2001 [↓](#)
2. Schedule 1A Local Electoral Act 2001 [↓](#)

10.5 SELECTING THE ELECTORAL SYSTEM FOR LOCAL BODY ELECTIONS 2025

Kaituhi | Author: **Jessica Mackman, Senior Advisor, Democracy Services**

Kaiwhakamana | Authoriser: **Janice McDougall, Group Manager People and Partnerships**

TE PŪTAKE | PURPOSE

- 1 This report provides Council with the opportunity to consider reviewing the electoral system ahead of the 2025 local body elections.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required for this report.

TE TUKU HAEPAPA | DELEGATION

- 3 Under section 27 of the Local Electoral Act 2001 (the “Act”) Council has the authority to consider this matter.

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council consider the electoral system for the 2025 local body elections and either:
 - A.1. Retain the Single Transferable Vote (STV) system as the electoral system for the 2025 local body elections, and this decision be publicly notified by 19 September 2023 in accordance with statutory requirements;
or
 - A.2. Introduce the First Past the Post (FPP) system as the electoral system for the 2025 local body elections, and this decision be publicly notified by 19 September 2023 in accordance with statutory requirements;
or
 - A.3. Resolve to undertake a poll of electors on the electoral system to be used for the next two triennial elections, in accordance with the provisions in the Local Electoral Act 2001.

TŪĀPAPA | BACKGROUND

- 4 The local body elections 2025 will be held on 11 October 2025.
- 5 There are two electoral systems in use for local body elections in Aotearoa New Zealand, the Single Transferable Vote (STV) system and the First Past the Post (FPP) system.
- 6 The Act provides local authorities or their communities with three options for selecting the electoral system to be used for two consecutive local body elections:
 - a local authority may resolve to change its electoral system; or
 - a local authority may resolve to hold a poll to determine which system should be used; or
 - electors may demand that a poll be held on the matter.
- 7 STV is a proportional electoral system where voters use numbers to rank candidates in their order of preference. Voters can rank as many or as few candidates as they wish. To cast a valid vote, voters need to rank at least one candidate and use sequential numbering. A candidate must reach a vote quota to be elected.
- 8 FPP is a very simple electoral system where voters tick their preferred candidate(s) up to the number of vacancies. Candidates with the highest number of votes are elected.

- 9 The Kāpiti Coast District Council has used the STV system for every local body election since the option first became available for the 2004 local body elections.
- 10 For the 2022 local election, STV was used by 15 councils (out of 67) in Aotearoa New Zealand, including Kāpiti Coast District Council, Porirua City Council and Wellington City Council.
- 11 Council last resolved to confirm the STV system as the preferred electoral system on 27 August 2020. This resolution continues to be in force for two consecutive elections unless Council resolves to adopt a different electoral system. This means that Council is not required to make a decision on its electoral system this triennium, in which case the STV system would automatically remain the electoral system to be used for the 2025 local body elections. However, due to the number of newly elected Councillors this triennium, Council officers are bringing the decision to this Council for consideration.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 12 The Act prescribes that Council may, no later than 12 September 2023, being two years before the year in which the next triennial general election is to be held, resolve the electoral system for the next two triennial local body elections of the Kāpiti Coast District Council and its community boards, and any associated election. This includes the election of the Kāpiti Coast district representative on the Greater Wellington Regional Council.
- 13 While a resolution is not required to retain the STV electoral system for the 2025 local election, one is required if Council wishes to change the electoral system or demand a poll of its electors in accordance with sections 29 and 31 of the Act.
- 14 Public notice is required by 19 September 2023 notifying the electoral system to be used and containing a statement that a poll can be demanded by 5% of electors to change the electoral system. If there was a change in electoral system, the notice would also include the Council resolution.
- 15 In practice, this would mean if Council resolved to introduce the FPP electoral system, approximately 2,155 electors (based on the number of electors in the district as at the 2022 local body elections), which is equal or greater than 5% of enrolled electors under section 29(3) of the Act, would be required in writing containing all signatories to demand a poll. Once such notice has been received, sections 33 and 34 of the Act prescribes that a poll would be required to be held no later than 21 May 2024, being the year immediately before the year of the next elections. The poll would ask voters to decide the electoral system to be used for the next local body elections.
- 16 Under section 31 of the Act, Council can alternatively consider holding a poll of electors on which electoral system is to be used for the 2025 local election. A decision to hold a poll is required no later than 21 February 2024. If a date for the poll is not specified in the resolution, the poll must be held as soon as practicable. However, the Act prescribes that a poll should be held no later than 89 days after the date of the notice given to the electoral officer.

Ngā kōwhiringa | Options

- 17 Council has the option to consider the electoral system for the 2025 local body elections and either:
 - A.1. Retain the Single Transferable Vote (STV) system as the electoral system for the 2025 local body elections, and this decision be publicly notified by 19 September 2023 in accordance with statutory requirements (no resolution required);or

- A.2. Introduce the First Past the Post (FPP) system as the electoral system for the 2025 local body elections, and this decision be publicly notified by 19 September 2023 in accordance with statutory requirements;
- or
- A.3. Resolve to undertake a poll of electors on the electoral system to be used for the next two triennial elections, in accordance with the provisions in the Local Electoral Act 2001.

Electoral Systems

Single Transferable Vote

- 18 STV is a proportional electoral system where voters use numbers to rank candidates in their order of preference. Voters can rank as many or as few candidates as they wish. To cast a valid vote, voters need to rank at least one candidate and use sequential numbering. A candidate must reach a vote quota to be elected. The quota is calculated by a formula set out in the Local Electoral Regulations 2001. This system was first introduced in 2004.

Advantages and disadvantages

- 19 Under the STV representation system electors can cast votes for multiple candidates in one voting document. Voters may be more likely to vote for their preferred candidate as they are still able to rank all other candidates in order of preference and those votes are still counted and therefore voters will not feel they are casting a 'wasted vote' by voting for a candidate that may not have as much community support.
- 20 Using this system votes cast are not lost. If a candidate has received enough votes to be elected all surplus votes for the candidate are then transferred to the next preferred candidate.
- 21 Early research demonstrates that STV leads to improvements in the diversity of representation, specifically the representation of women. However, the representative benefits of STV work best when there is a large pool of candidates and wards with more than one seat being contested.
- 22 Due to its impact on greater diversity, in its final report released in June 2023, the panel for the Review into the Future for Local Government recommended adopting STV as the nationwide method for local elections.
- 23 Kāpiti Coast District voters are familiar with the STV system which has been used in every local body election since the system was introduced in 2004.
- 24 However, STV is a more complex system which requires a candidate to reach a certain quota prescribed by the Local Electoral Regulations 2001 to be elected. The quota calculation is complex and requires a specialist designed computer program (provided by the Department of Internal Affairs) to calculate multiple rounds of vote redistribution each time a candidate meets the quota. So, depending on the number of seats this will require considerable time to produce voting result.

First Past the Post

- 25 FPP is a very simple electoral system where voters tick their preferred candidate(s) up to the number of vacancies. Candidates with the highest number of votes are elected.

Advantages and disadvantages

- 26 FPP is a simple method of electing candidates and is widely used both in Aotearoa New Zealand and globally. Calculating the votes and whether a candidate has been elected does not require any specific programmes or expertise.
- 27 Each voter has once choice per vacancy and to make the vote count electors may vote strategically rather than voting for their most preferred candidate for the vacancy to avoid casting a 'wasted vote'. As a result, there is some argument that FPP may not reflect the majority of voters in the most representative or diverse way possible.

Mana whenua

- 28 As noted above, the STV system leads to more diversity amongst elected members. However, a decision to change the electoral system will not affect current Governance arrangements with mana whenua.
- 29 A decision on considering the establishment of a Māori ward will be brought to Council separately. This decision on the electoral system would have an impact on vote calculation for the Māori ward vacancy if established for the next local body election.

Panonitanga āhuarangi | Climate change

- 30 There are no climate change impacts or considerations arising from this report.

Ahumoni me ngā rawa | Financial and resourcing

- 31 There are no significant financial differences between the two systems. The estimated cost of holding a stand-alone poll is \$95,000 plus GST. There is no current budget to cover a poll, and should a poll be required this would have a budgetary impact.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 32 There are no additional legal or organisational risk implications arising from this report.
- 33 The local body election will need to meet the requirements of the Local Electoral Act 2001 and the Local Electoral Regulations 2001.

Ngā pānga ki ngā kaupapa here | Policy impact

- 34 There are no policy impacts arising from this report.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 35 There is no requirement in the Local Electoral Act 2001 to consult with the public on which electoral system to use and any ensuing action is prescribed by legislation.
- 36 However, when public notice is made as per legislation, it will include a statement that a poll can be demanded by five percent of electors.

Whakatairanga | Publicity

- 37 Council's decision regarding the electoral system must be publicly notified by 12 September 2023 and will also be communicated to the public as part of Council's communication plan for the 2025 local body election.

NGĀ ĀPITIHINGA | ATTACHMENTS

1. How STV and FPP Function as Electoral Systems [↓](#)
2. Timeframes and Statutory Provisions [↓](#)

10.6 ELECTED MEMBERS' REMUNERATION, EXPENSES AND ALLOWANCES POLICY 2022-2025 & NON-ELECTED MEMBERS' FEES FRAMEWORK 2022-2025 UPDATE

Kaituhi | Author: **Jessica Mackman, Senior Advisor, Democracy Services**

Kaiwhakamana | Authoriser: **Janice McDougall, Group Manager People and Partnerships**

TE PŪTAKE | PURPOSE

- 1 This report asks Council to note the updated Elected Members' Remuneration, Expenses and Allowances Policy 2022-2025 and the updated Non-Elected Members' Fees Framework 2022-2025.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required for this report.

TE TUKU HAEPAPA | DELEGATION

- 3 Under section A.2 of the 2022-2025 Triennium Governance Structure and Delegations, Council has the authority to consider this matter.

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council notes the updated Elected Members' Remuneration, Expenses and Allowances Policy in Appendix 2 – Elected Members' Remuneration, Expenses and Allowances Policy 2022-2025.
- B. That Council notes the updated Non-Elected Members' Fees Framework 2022-2025 in Appendix 3 – Non-Elected Members' Fees Framework 2022-2025.

TŪĀPAPA | BACKGROUND

Elected Members' Remuneration, Expenses and Allowances Policy 2022 - 2025

- 4 The Elected Members' Remuneration, Expenses and Allowances Policy 2022-2025 (the 'Policy') (appended to the report at Appendix 2) was adopted by Council on 26 January 2023 and provides a comprehensive overview of the remuneration, expenses and allowances payments to elected members.
- 5 The content of the Policy is informed by the annually gazetted determination of the Remuneration Authority ('the Authority'). The Authority is the independent body responsible for setting remuneration for elected local body representatives and sets the amounts for reimbursement of costs met by members in undertaking their duties.
- 6 The determination issued by the Authority prescribes the exact remuneration of the Mayor and community boards, and the expenses and allowances payments that elected members may claim. The determination also prescribes the minimum allowable remuneration for the councillor annual governance remuneration pool that territorial authorities can allocate amongst its councillors.
- 7 Council confirmed its proposed allocation of its governance remuneration pool for councillors set at \$545,969 for the 2022-2025 triennium at the 24 November 2022 Council meeting. The governance pool allocation was confirmed by the Authority in its amended determination in March 2023.
- 8 In June 2023, the Authority released its latest annual determination, the Local Government Members (2023/2024) Determination 2023 (appended to the report as Appendix 1), covering the period 1 July 2023 to 30 June 2024.

- 9 The Authority decided in its determination to:
 - 9.1 maintain the remuneration of elected members for the majority of local authorities including Kāpiti Coast District Council, as these elected members received an increase in remuneration post the 2022 local elections.
 - 9.2 increase the remuneration of all elected members of community boards by 4 percent as community boards did not receive any increase to their remuneration post the 2022 local elections.
 - 9.3 maintain the allowances and hearing fees covering the elected members of local authorities, local boards and community boards at their post 2022 local election levels, except for the vehicle-kilometre allowance which has been increased to reflect the rates prescribed by the Inland Revenue Department for the 2023 year.

Non-Elected Members Fees Framework 2022 - 2025

- 10 The Elected Members' Remuneration, Expenses and Allowances Policy is used to inform the Non-Elected Members' Fees Framework 2022-2025 (the 'Framework') (appended to the report at Appendix 3) which was adopted by Council on 26 January 2023. The Framework provides a fees structure and expenses policy for non-elected members appointed to Council decision-making bodies.
- 11 Section D 'Remuneration and Allowances Claims' of the Framework outlines the reimbursement claim amounts that non-elected members may claim to meet the costs of meeting their duties.

HE KŌRERORERO | DISCUSSION

He take | Issues

Remuneration of Mayor & Councillors

- 12 The Authority has confirmed the Mayor's remuneration will remain at \$145,588 and the governance remuneration pool at \$545,969.
- 13 The Authority has further confirmed the remuneration of councillors for the period beginning 1 July 2023 to 30 June 2024 will remain unchanged as shown in the table below.

Tier	Office	Annual Remuneration
Tier 1	Mayor – set by the Authority and not included in the governance remuneration pool	\$145,588
Tier 2	Deputy Mayor	\$66,293
Tier 3	Chair of Strategy, Operations and Finance Committee	\$59,964
Tier 4	Deputy Chair of Strategy, Operations and Finance Committee Chair of Social Sustainability Subcommittee Chair of Climate and Environment Subcommittee	\$56,964
Tier 5	Chair of the Grants Allocation Subcommittee	\$52,964
Tier 6	Councillors with additional responsibilities relating to appointments to community boards, advisory groups and other external bodies.	\$48,964
Tier 7	Councillors with no additional responsibilities – minimum allowable remuneration <i>Note: Under the Governance Structure and Delegations 2022-2025 Triennium, no appointments are remunerated at this level.</i>	\$38,964

Remuneration of Community Board Members

- 14 The Authority has increased the remuneration of all community board members of the Kāpiti Coast District by 4 percent to the amount shown in the table below.

Office	Annual Remuneration
Ōtaki Community Board	
Chairperson	\$15,561
Member	\$7,781
Paekākāriki Community Board	
Chairperson	\$8,241
Member	\$4,121
Paraparaumu Community Board	
Chairperson	\$19,864
Member	\$9,932
Raumati Community Board	
Chairperson	\$15,136
Member	\$7,568
Waikanae Community Board	
Chairperson	\$18,068
Member	\$9,034

Expense Claims and Allowances

- 15 The Authority has increased the vehicle-kilometre allowance for elected members for the period beginning 1 July 2023 to 30 June 2024.
- 15.1 The allowance payable to a member for eligible travel is increased to:
- (a) for a petrol or diesel vehicle;
 - (i) 95 cents per kilometre for the first 14,000 km per annum (increased from 83 cents)
 - (ii) 34 cents per kilometre after the first 14,000km per annum (increased from 31 cents)
 - (b) for a petrol hybrid vehicle;
 - (i) 95 cents per kilometre for the first 14,000 km per annum (increased from 83 cents)
 - (ii) 20 cents per kilometre after the first 14,000km per (increased from 18 cents)
 - (c) for an electric vehicle;
 - (i) 95 cents per kilometre for the first 14,000 km per annum (increased from 83 cents)
 - (ii) 11 cents per kilometre after the first 14,000km per (increased from 10 cents)
- 16 As a result of the most recent determination, both the Policy and Section D of the Framework have been revised to reflect the changes outlined above.

Ngā kōwhiringa | Options

- 17 There are no options to consider in this report.

Mana whenua

- 18 Mana whenua remuneration is not set by the Remuneration Authority and is instead met by operational budget.
- 19 Council agreed that mana whenua representatives appointed to Council be remunerated on an equivalent basis to the remuneration of councillors under the Elected Members' Remuneration, Expenses and Allowances Policy 2022-2025 at a rate of \$48,964 per annum (the same level as a Tier 6 Councillor) for their attendance at Council, Committee and Subcommittee meetings.
- 20 It has been communicated to our mana whenua partners that the latest determination of the Authority maintains the remuneration of elected members of Kāpiti Coast District Council at the post 2022 local election levels and as such, the rate for mana whenua representatives remains unchanged at \$48,964.00 per annum from 1 July 2023 to 30 June 2024.
- 21 It has been further communicated that the latest determination of the Authority has increased the vehicle-kilometre allowance and that this has been updated in both the Policy and Framework and reflected in the expense claim process.

Panonitanga āhuarangi | Climate change

- 22 There are no climate change considerations arising directly from this report.

Ahumoni me ngā rawa | Financial and resourcing

- 23 The latest determination of the Authority signifies an increase in the budget required for Elected Member Remuneration as indicated in the body of the report.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

24 There are no additional legal considerations or organisational risks arising from this report.

Ngā pānga ki ngā kaupapa here | Policy impact

25 Elected Members' Remuneration, Expenses and Allowances Policy 2022-2025 has been updated and is appended to the report as Appendix 2.

26 The Non-Elected Members' Fees Framework 2022-2025 has been updated and is appended to the report as Appendix 3.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**Te mahere tūhono | Engagement planning**

27 An engagement plan is not required.

Whakatairanga | Publicity

28 The signed updated Elected Members' Remuneration, Expenses and Allowances Policy 2022-2025 and the updated Non-Elected Members' Fees Framework 2022-2025 will be made available on Council's website.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Local Government Members (2023/24) Determination 2023 [↓](#)
2. Elected Members' Remuneration, Expenses and Allowances Policy 2022-2025 [↓](#)
3. Non-Elected Members' Fees Framework 2022-2025 [↓](#)

10.7 REPORTS AND RECOMMENDATIONS FROM STANDING COMMITTEES AND COMMUNITY BOARDS

Kaituhi | Author: **Kate Coutts, Democracy Services Advisor**

Kaiwhakamana | Authoriser: **Morag Taimalietane, Principal Advisor**

TE PŪTAKE | PURPOSE

- 1 This report presents any reports up and recommendations to Council made by Standing Committees and Community Boards from 19 June 2023 to 27 June 2023.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required.

TE TUKU HAEPAPA | DELEGATION

- 3 The Council has the authority to consider recommendations made from Standing Committees and Community Boards to the Council.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Council receives this report.
- B. That the Council considers the following recommendation from the Waikanae Community Board meeting on 27 June 2023:
 - Recommends to Council to allocate funds in the first three years of the Long-Term Plan for the design and implementation of safety measures for pedestrian safety on Te Moana Road.

TŪĀPAPA | BACKGROUND

- 4 During the period of 19 June 2023 to 27 June 2023, Standing Committee and Community Board meetings took place on the following dates:

Social Sustainability Subcommittee	Thursday, 22 June 2023
Paekākāriki Community Board	Tuesday, 27 June 2023
Waikanae Community Board	Tuesday, 27 June 2023

- 5 Items discussed at each of the meetings listed in paragraph 4 are noted below:
 - 5.1 On Thursday, 22 June 2023 the Social Sustainability Subcommittee met to discuss:
 - Kāpiti Coast District Council's Age Friendly Approach
 - Forward Work Programme 2023 for the Social Sustainability Subcommittee
 - Update on the Asset Management Plan – Community Halls
 - Update on Implementing the Housing Strategy: Homelessness
 - 5.2 On Tuesday, 27 June 2023 the Waikanae Community Board met to discuss:
 - Te Moana Road – Safety and Speed Related Matters
 - Consideration of Applications for Funding

5.3 On Tuesday, 27 June 2023 the Paekākāriki Community Board met to discuss:

- Land Transport Rule: Street Layouts 2022
- Tilley Road Bus Stop and Line Marking
- Consideration of Applications for Funding

1

6 In addition, the following meetings took place:

Kāpiti Coast Older Persons' Council	Wednesday, 28 June 2023
Kāpiti Coast Youth Council	Monday, 19 June 2023

7 Details with regards to the discussion items of the meetings listed in paragraph 6 are noted below:

7.1 On 28 June 2023, the Kāpiti Coast Older Persons' Council met to discuss:

- Neighbourhood Support
- Age Friendly Strategy

7.2 On Monday, 19 June 2023 Kāpiti Coast Youth Council met to discuss:

- Work Ready Kāpiti
- Ministry of Youth Development
- Waikanae Library
- ThinkBIG Update
- Lions Foodbank Collection
- Kāpiti Enviro Youth Summit
- Careers Expo – 26 July

HE KŌRERORERO | DISCUSSION

He take | Issues

8 Within the reports and recommendations considered by Standing Committees and Community Boards from 19 June 2023 to 27 June 2023, there was one recommendation made to Council.

9 The recommendation was made at the Waikanae Community Board meeting on 27 June 2023 in relation to the Te Moana Road – Safety and Speed Related Matters report that came to the board for noting.

9.1 The recommendation was:

9.1.1 Recommends to Council to allocate funds in the first three years of the Long-Term Plan for the design and implementation of safety measures for pedestrian safety on Te Moana Road.

9.2 Council officers note that:

9.2.1 Feedback received as part of the Speed Management Plan consultation highlighted that the top priority for future speed management plans (Part B - beyond 2027) is Option 3: Road Corridors.

9.2.2 Option 3: Road Corridors includes 'installing infrastructure along road corridors to reduce travel speeds along the road and/or to provide opportunities for pedestrians/cyclists to cross the road corridors safely. For example (1)

Pedestrian Refuges (2) Extending kerbs at intersections to slow the entry/ exit speeds of vehicles.

9.2.3 Te Moana Road fits within Option 3 and is high priority.

9.2.4 The Kāpiti Coast District Council – Speed Management Plan 2023-33 (FINAL) will be coming to Council on 31 August 2023 for decision.

Ngā kōwhiringa | Options

10 Options are not required for this report.

Tangata whenua

11 Mana whenua were not specifically consulted for this report.

Panonitanga āhuarangi | Climate change

12 There are no climate change considerations relevant to this report.

Ahumoni me ngā rawa | Financial and resourcing

13 There are no financial and resourcing considerations relevant to this report.

Ture me ngā Tūraru | Legal and risk

14 There are no legal considerations relevant to this report.

Ngā pānga ki ngā kaupapa here | Policy impact

15 This report has no current or future impact on Council policies.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

16 An engagement plan is not required for this report.

Whakatairanga | Publicity

17 No publicity is required with regards to this report.

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

11 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES**11.1 CONFIRMATION OF MINUTES**

Author: Kate Coutts, Democracy Services Advisor

Authoriser: Janice McDougall, Group Manager People and Partnerships

Taunakitanga | Recommendations

That the minutes of the Council meeting of 29 June 2023 be accepted as a true and correct record.

APPENDICES

1. Council Meeting Minutes - 29 June 2023 [↓](#)

12 PURONGO KĀORE E WĀTEA KI TE MAREA | PUBLIC EXCLUDED REPORTS

RESOLUTION TO EXCLUDE THE PUBLIC

PUBLIC EXCLUDED RESOLUTION

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
12.1 - Property	Section 7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

13 TE WHAKAŪNGA O NGĀ ĀMIKI KĀORE E WĀTEA KI TE MAREA | CONFIRMATION OF PUBLIC EXCLUDED MINUTES

Nil

14 CLOSING KARAKIA