



# **RĀRANGI TAKE AGENDA**

## **Additional Kaunihera | Council Meeting**

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

**Te Rā | Date: Tuesday, 30 July 2024**

**Te Wā | Time: 1.30pm**

**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 Tuesday 30 July 2024, 1.30pm.**

**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

**Te Raupapa Take | Order Of Business**

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2 **Karakia a te Kaunihera | Council Blessing**..... 5

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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 *As we deliberate on the issues before us,*

E pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. *We trust that we will reflect positively on the communities we serve.*

Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, *Let us all seek to be effective and just,*

Ā, mā te māia, te tiro whakamua me te hihiri *So that with courage, vision and energy,*

Ka taea te arahi i roto i te kotahitanga me te aroha. *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 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

## 6 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)

## 7 PŪRONGO | REPORTS

### 7.1 REPRESENTATION REVIEW 2024 - INITIAL PROPOSAL

Kaituhi | Author: **Steffi Haefeli, Manager Governance**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

#### TE PŪTAKE | PURPOSE

- 1 This report asks Council to:
  - 1.1 formally receive the analysis of the preliminary community engagement conducted to understand the community's views around how it would like to be represented, and
  - 1.2 resolve its initial proposal for the representation arrangements for the 2025 local body elections in line with the provisions of section 19K of the Local Electoral Act 2001.

#### HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 As a result of Council resolving on 14 November 2023 (ahead of the statutory deadline of 23 November 2023) to establish a Māori ward for the 2025 local body elections, under clause 1 schedule 1A of the Local Electoral Act 2001 a representation review must be carried out in 2024. The parameters, deliverables and timeline for this review are mandated through legislation, the Local Electoral Act 2001 (LEA) and the Local Government Act 2002 (LGA).
- 3 On 14 December 2023, Council approved a staff-led approach to the representation review and approved that a preliminary community engagement process be undertaken to get an insight into the views of the community on how they would like to be represented.
- 4 As a result, preliminary community consultation was undertaken in March 2024 and the results of the engagement highlighted that the majority of submitters supported retaining the current representation arrangements and for Council to consider the inclusion of the Māori ward with minimal alterations to other arrangements in place.
- 5 This report asks Council to formally receive the submissions and confirm its initial representation proposal, which under the current provisions of the LEA must be confirmed no later than 31 July 2024. Once made, the initial representation proposal decision by Council must be publicly notified no later than 8 August 2024, which will commence a formal consultation process seeking public submissions on the proposal.

#### TE TUKU HAEPAPA | DELEGATION

- 6 Council has the authority to resolve an initial representation proposal under the Local Government Act 2002, section 19K of the Local Electoral Act 2001 and section A.2 of Council's Governance Structure and Delegation 2022 – 2025 document.

#### TAUNAKITANGA | RECOMMENDATIONS

- A. That Council formally receives the 285 submissions received in response to the preliminary community engagement conducted in relation to the 2024 representation review attached in Appendix 1 and notes the analysis of the submissions report attached in Appendix 2.
- B. That Council, in accordance with sections 19H and 19J of the Local Electoral Act 2001, agrees to adopt its initial representation proposal for the 2025 local body elections as follows:
  - B.1 The Kāpiti Coast District Council will comprise of the Mayor elected at large and ten councillors, two elected at large, seven elected from four general wards and one Māori ward councillor elected by the district's Māori electoral roll voters.

- B.2 The Kāpiti Coast District will be divided into five wards with the proposed boundaries as shown in Appendix 3:
- B.2.1 Kāpiti Coast Māori Ward represented by one Māori ward councillor with the ward boundaries aligning with the district's boundaries.
  - B.2.2 Ōtaki General Ward represented by one general ward councillor.
  - B.2.3 Waikanae General Ward represented by two general ward councillors.
  - B.2.4 Paraparaumu General Ward represented by three general ward councillors.
  - B.2.5 Paekākāriki-Raumati General Ward represented by one general ward councillor.
  - B.2.6 In addition, all electors of the Kāpiti Coast District (both general electoral and Māori electoral voters) will elect two councillors at large.
- B.3 The Kāpiti Coast District will be divided into five community board areas with the proposed boundaries as shown in Appendix 3 and the community board membership will comprise four members elected from their relevant areas and a specified number of ward councillors as follows:
- B.3.1 The Ōtaki Community Board will comprise four members elected from the Ōtaki Community Board area, and one appointed member of Council from either the Ōtaki General Ward or Kāpiti Coast Māori Ward.
  - B.3.2 The Waikanae Community Board will comprise four members elected from the Waikanae Community Board area, and one appointed member of the Council from either the Waikanae General Ward or Kāpiti Coast Māori Ward.
  - B.3.3 The Paraparaumu Community Board will comprise four members elected from the Paraparaumu Community Board area, and two appointed members of the Council from either the Paraparaumu General Ward or Kāpiti Coast Māori Ward.
  - B.3.4 The Raumati Community Board will comprise four members elected from the Raumati Community Board area, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or Kāpiti Coast Māori Ward.
  - B.3.5 The Paekākāriki Community Board will comprise four members elected from the Paekākāriki Community Board area, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or Kāpiti Coast Māori Ward.
- C. That Council notes that the total number of councillors will remain at 10 with a mixed representation model, comprising eight ward councillors (seven general ward and one Māori ward) and two councillors elected at-large, plus the Mayor, to provide effective and fair representation for the Kāpiti Coast District.
- D. That Council notes:
- D.1 That the Ōtaki Ward as proposed above is non-compliant with the fair representation criteria (+/-10% rule), and if retained in the final proposal this must be automatically referred to the Local Government Commission for a binding determination under section 19V(4) of the Local Electoral Act 2001.
  - D.2 That the rationale for non-compliance with the fair representation rule for the Ōtaki Ward as proposed is to ensure that the Te Horo community of interest, which community feedback suggests identifies more closely with the Ōtaki Ward, is not separated by ward boundaries.
- E. That Council notes that if no submissions are received on the initial proposal, in accordance with section 19Y(1) of the Local Electoral Act 2001, this proposal must become the final proposal.

- F. That Council confirms that the initial proposal is publicly notified within 14 days of this decision (no later than 8 August 2024), in accordance with section 19M(1) of the Local Electoral Act 2001 and submitted for formal public consultation inviting submissions from 8 August to 12 September 2024.
- G. That Council confirms the establishment of a representation review editorial committee constituting the Mayor, Deputy Mayor and Chair of the Strategy and Operations Committee with the delegated authority to approve the consultation material ahead of the public notice on 8 August 2024.
- H. That Council notes the information provided in the report in relation to the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill and that, once the Bill is enacted (expected by the end of July 2024), Council will be provided with a further report to consider its options (whether to hold a poll at the same time as the 2025 local body elections OR rescind the decision to establish a Māori ward and cease the representation review process).

## TŪĀPAPA | BACKGROUND

### *What is a representation review*

- 7 The Local Electoral Act 2001 (LEA) requires all local authorities to review their representation arrangements at least once every six years to ensure the arrangements continue to provide fair and effective representation of their district’s communities of interest. The process and timeframes to carry out a representation review are mandated through the LGA and the LEA (primarily section 19 - attached in Appendix 7). To aid councils with their representation reviews, the Local Government Commission (LGC) publishes detailed guidelines identifying the factors and considerations that territorial authorities must take into account and what the associated timeframes are (guidelines attached in Appendix 8).<sup>1</sup>
- 8 Best practice provided by the LGC provides that the following should be considered in a representation review process:
  - 8.1 What the district’s communities of interest are and/or whether they have changed since the last review.
  - 8.2 Representation arrangements need to be fair and effective and comply with the ‘fair representation rule.’ The guidance suggests that effective and fair representation is achieved if all elected members represent roughly the same number of constituents. This is called the +/- 10% rule.
  - 8.3 Questions that will need to be answered are:
    - 8.3.1 Has the population grown and is there significant change impacts to consider?
    - 8.3.2 Do the current arrangements have the right number of councillors and how should these councillors be elected (by ward or districtwide, or should there be a mixed system of both), and how does the Māori ward fit into these arrangements?
    - 8.3.3 Are the names and boundaries of the wards still fit for purpose and do they comply with the fair representation rule of +/- 10%?
    - 8.3.4 How do community boards fit into the current arrangements and what is their role? And are their boundaries, names and membership still fit for purpose?
- 9 To review and confirm this, the LGC recommends as best practice that Councils conduct preliminary community engagement to inform Council’s initial representation proposal. This preliminary engagement process is not mandated by legislation and consultation takes place before beginning the formal statutory process outlined in the LEA. It aims to engage with the

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<sup>1</sup>The LGC is the body that provides guidance and oversight of the representation review process and determines representation arrangements if the community object or appeal Council’s final proposal or if the final proposal is non-compliant with the +/-10% fair representation rule.



community early to inform the initial proposal rather than elected members considering their initial proposal without insights into the views of the community. This step is not a substitute for the formal statutory consultation process which are the minimum mandatory requirements that need to be met by councils when conducting representation reviews.

- 10 Council carried out its last representation review in 2021 ahead of the 2022 local body elections. Under the standard 6-yearly cycle of representation reviews under the LEA, another review was scheduled for 2027 ahead of the 2028 local body elections.
- 11 However, the LEA sets out circumstances where a review may be required earlier, including where a territorial authority resolves to establish a Māori ward under section 19Z of the LEA by the 23 November two years before the next local body elections.
- 12 On 14 November 2023, within the statutory timeframes, Council resolved to establish a Māori ward which, under clause 1 schedule 1A of the LEA, triggers a representation review ahead of the next local body elections. This is to determine how a Māori ward fits within a district’s wider representation arrangements taking into account the factors set out above. Under the current version of the LEA, the Māori ward will be in effect for both the 2025 and 2028 elections unless there is a change to relevant provisions in legislation.
- 13 Council’s last representation review process undertaken in 2021 was very comprehensive and included qualitative preliminary engagement. As a result of the qualitative preliminary engagement results, the initial and final representation proposal included significant changes to the representation structure in place at the time. After Council resolved its final representation proposal on 11 November 2021, objections by the community and non-compliance of the proposal with the fair representation criteria meant that the decision on Council’s representation arrangements was referred to the LGC who in its determination dated 11 April 2022, determined the district’s representation arrangements. The final representation arrangements set by the LGC were more aligned with the status quo at the time with some boundary alterations, a reduction of councillors elected at large and an increase in the number of ward councillors.

**What is a Māori ward?**

- 14 A Māori ward is a distinct form of representation under the LEA which is different to the appointment of mana whenua representatives to Council’s governance structure. While these two forms of representation are distinct, they are not mutually exclusive and can co-exist.
- 15 A Māori ward is a representation structure which allows Māori electors enrolled on the Māori electoral roll 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 roll can nominate that person and vote for the person to be elected.
- 16 Once the Māori ward vacancy has been created, Māori electors enrolled on the Māori electoral roll will vote for the Māori ward candidates in place of voting for the general ward candidates as has been the case to date. Māori electoral roll electors will be able to cast the same number of votes as electors on the general roll as illustrated in the table below:

Māori electoral roll electors can vote for	General electoral roll electors can vote for
<b>Mayoral seat</b>	
<b>District-wide seats</b>	
<b>Māori ward seat</b>	General ward seat(s) <sup>2</sup>
<b>Community Board seats (in the community they reside in)</b>	

<sup>2</sup> Under the current representation arrangements this can be up to three ward councillors depending on the ward an elector is able to vote in.

- 17 As Council has made the decision to introduce a Māori ward at the 2025 local body elections, under the current provisions of the LEA, Council is required, as part of the representation review process, to confirm the number of Māori wards, their names and boundaries.
- 18 The LEA sets out a formula to determine how many Māori wards may be established which is based on the Māori electoral population relative to the total electoral population of the territorial authority area and the total number of ward councillors in proportion to Māori ward councillors. Based on 2023 electoral population data from Statistics New Zealand, a total of 6-17 general ward councillors would result in 1 Māori ward councillor. A total of 18 general ward councillors would result in 2 Māori ward councillors. As Council is not considering increasing the total number of general ward councillors to 18 or more, the initial proposal includes one Māori ward councillor seat.

***What are the existing representation arrangements***

- 19 The current representation arrangements in the Kāpiti Coast district comprises ten councillors plus the Mayor, with the Mayor and three of the councillors elected 'at large' (district-wide) and seven councillors elected from four general wards:
  - 19.1 Paekākāriki-Raumati ward – represented by one ward councillor
  - 19.2 Paraparaumu ward – represented by three ward councillors
  - 19.3 Waikanae ward – represented by two ward councillors
  - 19.4 Ōtaki ward – represented by one ward councillor
- 20 The district's representation arrangements also include 20 community board representatives elected from five community boards (four members each), all elected from their community board areas: Paekākāriki, Paraparaumu, Raumati, Waikanae and Ōtaki.
- 21 Each community board also has a determined number of ward councillors appointed back by Council to the community board to ensure an effective relationship between Council and the community boards is in place. To give effect to that principle:
  - 21.1 the Paekākāriki-Raumati ward councillor is appointed back to the Paekākāriki and Raumati Community Boards;
  - 21.2 two of the three ward councillors are appointed back to the Paraparaumu Community Board;
  - 21.3 one of the two ward councillors is appointed back to the Waikanae Community Board; and
  - 21.4 the Ōtaki ward councillor is appointed back to the Ōtaki Community Board.
- 22 A map of the current ward and community board boundaries determined by the LGC in 2022 has been attached to this report in Appendix 9.

***What is the impact of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill***

- 23 On 4 April 2024, the Minister for Local Government announced the introduction of a Bill to amend the LEA. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (as attached in Appendix 10) was introduced into the House on 20 May 2024 and referred to the Justice Select Committee and the submission period concluded with an oral submission hearing on 4 June 2024. On 21 June 2024, the Justice Select Committee reported back to the House on the Bill after considering all written and oral submission material and recommended that the amendments suggested in the Bill be passed. Once passed, the Bill proposes the following amendments:
  - 23.1 Re-introducing the ability for electors to demand polls for councils wishing to establish a Māori ward and requiring all councils that have established a Māori ward without a poll to hold a poll at the next local body elections in 2025.

- 23.2 Allowing councils that have resolved to establish a Māori ward without a poll to rescind this decision (or disestablish their Māori ward) and:
- 23.2.1 Discontinue the representation review process currently underway and revert to existing representation arrangements; OR
  - 23.2.2 Decide to conduct a shortened representation review process instead.
- 24 The introduction of the Bill directly affects 45 New Zealand councils' representation review processes currently underway.
- 25 While the introduction of the Bill has occurred, current legislative provisions remain in force until the Bill is enacted.
- 26 Under section 19Z of the current version of the LEA, a local authority may resolve whether to establish a Māori ward no later than 23 November of the year that is two years before the next local body elections. The exact wording in the Act provides that a decision under section 19Z "takes effect, for two triennial elections". Further, under clauses 1 and 3 schedule 1A of the LEA, if a territorial authority decides to establish a Māori ward, a representation review must be carried out.
- 27 As such, under the current provisions of the LEA, territorial authorities do not have the ability to change their position on whether to establish a Māori ward or carry out a representation review once it is triggered under the LEA, until legislation is changed.
- 28 The LEA sets out strict timeframes for conducting representation reviews and non-adherence to the LEA requirements may be subject to judicial review and further present a reputational risk to Council and its partnership with mana whenua.
- 29 The Bill is expected to come into effect in late July 2024 which coincides with the deadline, under the current legislation, for councils to resolve their initial representation proposals. Once the Bill is enacted, Council will have the following options:
- 29.1 to continue to establish a Māori ward as planned and hold a poll on the future of the Māori ward at the 2025 local body elections. The representation review timeframes would remain the same as previously communicated to Council.<sup>3</sup>
  - 29.2 to rescind the decision to establish a Māori ward and either:
    - 29.2.1 conduct a shortened representation review;<sup>4</sup> or
    - 29.2.2 cease the representation review process and revert to the existing representation arrangements.<sup>5</sup>
- 30 The Bill indicates that the decision under clause 29 Part 3 above will be possible during a transition period from the day after the Bill receives royal assent to the 6 September 2024.
- 31 The shortened review process, as prescribed in the Bill, would require Council to:
- 31.1 rescind its decision to establish a Māori ward by 6 September 2024
  - 31.2 resolve its initial representation proposal by 13 September 2024
  - 31.3 provide an opportunity for community submissions on the proposal for a minimum of three weeks in September/October (by 11 October 2024)
  - 31.4 within six weeks of the closing of submissions to resolve its final representation proposal

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<sup>3</sup> If Council decided to continue to establish a Māori ward, the outcome of the poll in 2025 would determine whether a further representation review is needed in 2027. If the poll confirmed the continuation of the Māori ward, no further representation review would be needed until 2030. If the poll outcome required the disestablishment of a Māori ward, a further representation review would be required in 2027.

<sup>4</sup> If Council decided to conduct a shortened representation review, the next representation review would be required under the LEA in 2030.

<sup>5</sup> If Council decided to revert back to the existing representation arrangements, a further representation review would be required in 2027.

- 31.5 provide an opportunity for community appeals/objections for a minimum of three weeks (latest date for appeal/objection period to close is 13 December 2024)
- 31.6 forward any objections/appeals to the Local Government Commission by 23 December 2024.

32 The below table summarises the options Council can consider and the implications of each option:

Option	Description	Impact
1	Continue the current course, establish a Māori ward for the 2025 local body elections and finish the representation review process as planned.	This option would mean the newly established Māori ward would be in place for the 2025 local body elections and a councillor would be elected into the vacancy at the next elections. If Council choses this option, a poll is required to be held at the same time as the next elections in 2025 to determine whether the Māori ward would still be in place at the 2028 local body elections. If the poll outcome was to disestablish the ward again, the Māori ward would not be in place for the 2028 local body elections and a further representation review would be required in 2027. If the outcome was to retain the ward, a further review is not required until 2030.
2	Rescind* the decision to establish a Māori ward and not further conduct a representation review this year and instead revert back to the existing representation arrangements as per the Local Government Commission determination from 2022.  * The Bill confirms that the special consultative procedures under section 83 of the Local Government Act 2002 are not triggered and there is no requirement for councils to consult with the community on this decision.	The Bill provides councils with the option to consider rescinding their decisions to establish a Māori ward during a transition period. The transition period commences the day after the Bill receives royal assent until 6 September 2024. This option would mean the Māori ward would no longer be established for the 2025 local body elections and the current representation review process would cease. A poll would also not be required at the next local body elections. A Māori ward councillor would not be elected at the 2025 local body elections and Council would instead conduct a representation review again in 2027 as part of the six yearly cycle. The representation arrangements that are currently in place would be used for the 2025 local body elections.
3	Rescind* the decision to establish a Māori ward and conduct a shortened representation review ahead of the 2025 local body elections to determine the representation arrangements.  * The Bill confirms that the special consultative procedures under section 83 of the Local Government Act 2002 are not triggered and there is no requirement for councils to consult with the community on this decision.	This option would mean Council is, during the transition period, exercising the option to rescind its decision to establish a Māori ward and the Māori ward would no longer be established for the 2025 local body elections and the current representation review process would not proceed as planned and communicated. Instead, a shortened representation review process would be conducted to determine the representation arrangements for the 2025 local body elections which would not contain a Māori ward. This option would give Council an opportunity to consider minor boundary alterations that would otherwise remain in place for the 2025 local body elections. The shortened representation review process and timeframes are prescribed in the Bill.

To conduct the shortened representation review within the required timeframes, Council would need to:

- Rescind its decision to establish a Māori ward by 6 September 2024
- Resolve its initial representation proposal by 13 September 2024
- Provide an opportunity for submissions (minimum of three weeks) in September/October
- Within 6 weeks of close of submissions (date would have to be confirmed) resolve its final proposal

Considering the short timeframes another preliminary community engagement phase would not be feasible. Preliminary engagement is not mandatory and the insights from the engagement conducted in March 2024 can still be considered by councillors.

33 Once the Bill is enacted, Council would be able to consider these three options. A summary of whether a poll would be required and whether the current representation review process would continue and whether a further representation review would need to be conducted next triennium, has been summarised below:

Option	What would happen/not happen
<b>Option 1</b>	<ul style="list-style-type: none"> <li>○ a poll would be required at the 2025 local body elections, and</li> <li>○ the current representation review would continue in line with the provisions in the LEA and the previously communicated timelines.</li> <li>○ Whether a representation review would need to be carried out next triennium, would depend on the outcome of the poll. If the poll result confirmed the retention of the Māori ward, no further representation review would be required until 2030. If the poll outcome requested the diestablishment of the ward, a further review would be required in 2027.</li> </ul>
<b>Option 2</b>	<ul style="list-style-type: none"> <li>○ a poll would not be required, and</li> <li>○ the current representation review process would cease and for the 2025 local body elections Council would revert to its existing representation arrangements.</li> <li>○ Council conducted its last full representation review in 2021 and is required to conduct a representation review every six years. If the 2024 representation review was stopped, Council would be required to conduct the next one in 2027.</li> </ul>
<b>Option 3</b>	<ul style="list-style-type: none"> <li>○ a poll would not be required, and</li> <li>○ the current representation review process would be replaced with a shortened representation review process as prescribed in the Bill.</li> <li>○ As Council would conduct a full representation review this year, another one would not be required until 2030.</li> </ul>

## HE KŌRERORERO | DISCUSSION

- 34 This report seeks Council’s confirmation of its initial proposal, which will be publicly notified on 8 August 2024. As per the provisions of the LEA (sections 19M(1) and (2)), the public notice will then commence a formal consultation process seeking public submissions on the proposal.
- 35 After the formal consultation, Council will be required to resolve a final proposal (which can be the same as the initial proposal or reflect changes resulting from the submissions process) no later than 3 November 2024. The final proposal will need to be referred to the Local Government Commission if any appeals or objections are received or if the proposal does not comply the fair representation criteria (+/-10% rule).
- 36 If no submissions are received through the formal consultation process and there is compliance with the fair representation criteria, the initial proposal will automatically become the final proposal and the basis of election.
- 37 If no objections/appeals are received, and there is compliance with the fair representation criteria, the final proposal also becomes the basis of election.

### He take | Issues

#### ***What needs to be considered in a representation review?***

- 38 The representation review process is mandated by legislation (primarily section 19 of the LEA), meaning that Council’s ability to change its approach at different stages of the process is limited.
- 39 The purpose of a representation review under Part 1A of the LEA is to determine the electoral representation arrangements which include determining:
- 39.1 the number of wards (if any) and, if there are wards, their boundaries, names and number of members (the total number of elected members, excluding the Mayor, must be between 5 and 29)<sup>6</sup>
- 39.2 how elected members are elected (district-wide, wards, or a mix of both)
- 39.3 whether to have community boards and, if so, how many and what their boundaries and membership should be.
- 40 Under sections 19T and 19V of the LEA, when reviewing its representation arrangements, Council must provide for ‘effective representation of its communities of interest’ and ‘fair representation of electors’. To achieve this, Council must take into account the nature and locality of those communities of interest and the size, nature and diversity of the district as a whole.
- 41 If the district is divided into wards, the membership of the general wards is required to provide approximate population equality per member, which means each elected member representing a general ward should represent about the same number of people. This is referred to as the fair representation ‘+/-10% rule’. To calculate this each general ward’s general electoral population is divided by the number of general ward councillors elected in each general ward, which should produce a figure no more than 10% greater or smaller (+/-10%) than the total general electoral population of the district divided by the total number of general ward councillors (the quota). The quota requirement does not apply to the Māori ward and as mentioned earlier, the LEA provides the calculation to determine whether a Council can establish a Māori ward based on its Māori electoral population compared to its general electoral population.
- 42 Under the LEA, there are grounds for not complying with the ‘+/-10% rule’ if there are good reasons such as:

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<sup>6</sup> As per schedule 1A(2) of the LEA, Council must establish at least one general ward if it decides to establish a Māori ward. This is the case for the Kāpiti Coast District Council, which means a fully district-wide representation arrangement is no longer possible.

- 42.1 to provide effective representation of communities of interest within island communities or isolated communities
- 42.2 where compliance would limit effective representation by either dividing a community of interest or grouping together communities of interest with few commonalities.
- 43 Further, under section 19J and 19W of the LEA, Councils must also determine whether there should be community boards in the district and, if so, the nature and structure of the community boards.
- 44 Ward boundaries and community board boundaries must coincide with current statistical meshblock areas determined by Statistics New Zealand. This also applies to the boundaries of community boards.

Communities of Interest

- 45 While the term ‘communities of interest’ is not defined in the LEA, the LGC guidelines include a definition describing it as a three-dimensional concept of perceptual, functional and political interests that make up a community.
  - 45.1 The perceptual interest of a community is its sense of belonging to a clearly defined area or locality.
  - 45.2 The functional interest of a community is its ability to meet requirements for comprehensive physical and human services with reasonable economy.
  - 45.3 The political interest of a community is the ability of the elected body to represent the community’s interests and reconcile conflicts of all its members.
- 46 Communities of interest take into account distinct and recognisable geographical boundaries, similarities in activities and characteristics of a community and services in an area. Wards may contain more than one distinct community of interest, but these communities must have sufficient commonalities to be grouped together.
- 47 The LGC recognises that communities of interest may alter over time, and as a result requires local authorities to identify their current communities of interest, and then determine whether these communities of interest are located in identifiable geographical areas, justifying the establishment of wards, or are spread across the district.

Community Boards

- 48 As part of the representation review Council must further determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards.
- 49 The legislative functions of a community board are to:
  - 49.1 represent and advocate for the interests of its community
  - 49.2 consider and report on matters referred to it by its council
  - 49.3 maintain an overview of council services provided in its community
  - 49.4 prepare an annual submission to the council for expenditure within its community
  - 49.5 communicate with community organisations and special interest groups within its community
  - 49.6 undertake any other responsibilities delegated to it by its parent council.

***What process steps and timeline milestones are required to be met as part of the representation review process?***

- 50 While not mandatory under legislation, the LGC recommends in its guidance that early community engagement be undertaken to engage with the community to determine their views on effective and fair representation arrangements for our district and shape the options for Council’s initial proposal.

- 51 Once early engagement has been considered by councillors, options must be developed for the initial proposal and Council will be asked to approve an initial proposal which must occur before 31 July 2024 (final date). Once an initial proposal has been approved by Council, the proposal must be publicly notified, and the community will have the opportunity to submit on the proposal in accordance with the consultation requirements in the LEA.
- 52 Following this, Council will be required to consider the formal consultation submissions and approve a final proposal that reflects the community’s views on fair and effective representation. The final proposal will also be publicly notified, and the community has the opportunity to appeal or object to the final proposal. If such an objection or appeal is received, or the approved arrangements do not comply with the fair representation rule of +/- 10%, the decision on the final representation arrangements for the 2025 local body elections must be referred to the LGC, who will determine the final representation arrangements by 10 April 2025.
- 53 The table below sets out key milestones and timeframes in the representation review process. The statutory part of the process (from initial proposal decision onwards) must be completed within mandated timeframes and there is very little discretion for Council to adjust dates and timeframes.

Key Milestones (as per section 19H to 19R of the LEA)	Delivery dates (including statutory timeframes)
<b>Council decision on initial proposal</b>	30 July 2024 (no later than 31 July 2024)
<b>Public notice of initial proposal within 14 days</b>	8 August 2024 (no later than 8 August)
<b>Community submission period (minimum 1 month)</b>	8 August to 12 September 2024
<b>Community submissions close</b>	12 September 2024
<b>Analysis of submissions (maximum 8 weeks)</b>	September/October 2024
<b>Council decision on final proposal (within 8 weeks of submissions closing)</b>	31 October 2024
<b>Public notice of final proposal (within 8 weeks of submissions closing, and no later than 3 November)</b>	1 November 2024
<b>Appeal/Objection period (Council could set a different closing date but must not give less than 1 month)</b>	1 November to 6 December 2024
<b>Latest date for Council to forward objections/appeals to LGC (if required)</b>	By 20 December 2024
<b>LGC considers proposals and determines representation arrangements (if required)</b>	By 10 April 2025

- 54 The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill, while not proposing to amend the relevant sections of the Act setting out the above timeframes, will need to be adjusted if Council, once the Bill is enacted, wishes to rescind its decision to establish a Māori ward. If Council made a decision to rescind, then the proposed timeframes in paragraph 31 would have to be met instead.

**Ngā kōwhiringa | Options**

***Approach to preliminary engagement and initial proposal development***

- 55 On 14 December 2023, Council approved a staff-led preliminary community engagement approach for the representation review. As Council undertook a comprehensive representation review in 2021, reconsidering all possible representation arrangements so soon was not seen as necessary. This aligns with discussions had by Council in the lead up



to the decision to establish a Māori ward. In view of this, a streamlined preliminary engagement approach was suggested to balance the requirements mandated by legislation with reducing staff time, budget and resources spent to facilitate the process.

- 56 To conduct the preliminary community engagement, the following activities were undertaken:
- 56.1 a survey questionnaire (as attached in Appendix 11) was available to members of the public from 4 March to 2 April (5pm) 2024. The survey and an accompanying frequently asked questions document were available in both Te Reo Māori and English in hard copy at our libraries and service centres as well as online on Council's website.
  - 56.2 drop-in sessions were held in each of the community board areas to provide the community with an opportunity to ask questions and get clarification ahead of responding to the survey questions.
  - 56.3 early engagement with mana whenua representatives to understand mana whenua views on representation arrangements.
- 57 The drop-in sessions and the survey questionnaire were advertised through Council's website, media releases, Council's Everything Kāpiti newsletter, newspaper advertisements and social media posts.
- 58 The survey aimed to understand the community's views on how it would like to be represented and specifically asked:
- 58.1 Whether the community thought that the existing representation arrangements provided fair and effective representation and whether anything did not work well with the current arrangements.
  - 58.2 How the Māori ward should be included in the representation arrangements.
  - 58.3 Whether Ward councillors should be appointed back to community boards and, if so, how.
- 59 After the close of submissions, the survey responses (attached in Appendix 1) were analysed by Public Voice and summarised in an analysis report (attached in Appendix 2).

**Summary of Submissions**

- 60 Council received 285 submissions<sup>7</sup> and the key finding was that the majority of respondents support the status quo and do not believe that adjustments to the representation arrangements set in 2022 are required and would prefer minimal adjustments for the inclusion of the Māori ward.
- 60.1 74% of respondents agreed that existing representation arrangements provide fair and effective representation (26% disagreed),
  - 60.2 61% of respondents said that things are working well with the current arrangements (39% though that there are things that do not work well with the current arrangements),
  - 60.3 In total 63% of respondents preferred the concepts with minimal changes required for the inclusion of the Māori ward, and
  - 60.4 51% of respondents prefer to retain the current structure of appointing a defined number of ward councillors back to community boards.
- 61 In relation to what the community thought did not work well with the current structure that Council should consider as part of the representation review process, key comments were in relation to:
- 61.1 respondents supporting a more/fully ward-based representation model to ensure equitable representation of all localities

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<sup>7</sup> One submission was not attributed a position in the charts and the percentage numbers, resulting in a total of 284 responses represented in the graphics and numbers, while the total number of submissions received remains 285.

- 61.2 respondents supporting a more/fully districtwide representation model instead of a ward-based model to ensure matters of significance to the entire district are effectively represented
- 61.3 respondents scrutinising community board representation with some suggesting the appointment of councillors to community boards enhances governance whereas others advocated for a clear separation of roles and influence by only having directly elected representatives on boards.
- 62 These comments are not supported by the majority of respondents but provide an insight into the community’s views on what adjustments could be considered by elected members.
- 63 Public briefings were held on 23 April 2024 and 21 May 2024 to share the key findings from the preliminary community engagement with elected members and mana whenua representatives and to provide them with the detailed population data and boundary maps to consider practicable representation arrangement options reflecting the feedback received.
- 64 During the public briefings outlined above, councillors raised that a member of the community with expertise in representation reviews had provided an alternative representation option. This option, as it is practicable and meets legislative requirements, has been included in the options presented in this report. It is unclear whether the wider community would support this option as the analysis of the submissions suggests a majority support of the status quo.

**Consideration of options**

- 65 When resolving its initial proposal, Council is required to do so in accordance with the requirements of the LEA and the consultation and decision-making provisions of the LGA.

Proposed Council Representation Structure Options

- 66 The following practicable and lawful options are provided for consideration by councillors:

Option	Details
<b>Based on existing ward structure (2 districtwide councillors, 7 general ward councillors) and one Māori ward</b>	
<p><b>1 10 Councillors and the Mayor (recommended option)</b></p> <p>Retain the same number of councillors by reducing the number of districtwide councillors and including the Māori ward councillor.</p> <p>The Māori ward boundaries will align with the district’s boundaries.</p>	<p>One Mayor elected at large</p> <p>Two districtwide councillors elected at large</p> <p>Seven general ward councillors elected from four general wards</p> <p>One Māori ward councillor elected by voters on the Māori electoral role from the entire district</p> <p>Five community boards consisting of four elected representatives elected by the community board area plus councillor appointments</p> <p><i>(Refer to Appendix 3 for a map of the ward and community board boundaries for this option)</i></p>
<b>Based on existing ward structure (3 districtwide councillors, 7 general ward councillors) and one Māori ward</b>	
<p><b>2 11 Councillors and the Mayor</b></p> <p>Increase the number of councillors to 11 by adding the Māori ward councillor to the existing arrangements.</p> <p>The Māori ward boundaries will align with the district’s boundaries.</p>	<p>One Mayor elected at large</p> <p>Three districtwide councillors elected at large</p> <p>Seven general ward councillors elected from four general wards</p>

	<p>One Māori ward councillor elected by voters on the Māori electoral role from the entire district</p> <p>Five community boards consisting of four elected representatives elected by the community board area plus councillor appointments</p> <p><i>(Refer to Appendix 4 for a map of the ward and community board boundaries for this option)</i></p>
<b>General ward (9 general ward councillors); Māori ward (1 Māori ward councillor)</b>	
<p><b>3 10 Councillors and the Mayor</b></p> <p>Retain the same number of councillors but change the ward structure to one general ward and one Māori ward. This would remove current ward boundaries and all councillors would be elected by all voters in the district (Māori and general roll respectively).</p> <p>The Māori ward boundaries will align with the district's boundaries.</p> <p>The Māori ward councillor would be elected by those on the Māori electoral roll and the nine general ward councillors by those on the general electoral roll.</p>	<p>One Mayor elected at large</p> <p>Nine general ward councillors elected by the voters on the general electoral roll of the entire district</p> <p>One Māori ward councillor elected by voters on the Māori electoral roll from the entire district</p> <p>Five community boards consisting of four elected representatives elected by the community board area plus councillor appointments</p> <p><i>(Refer to Appendix 5 for a map of the ward and community board boundaries for this option)</i></p>

67 Option 3 was presented to elected members by a member of the community on 16 May 2024 and it is unclear whether the majority of the community would support this option as it did not come through as a preferred representation structure through comments received. Over the past few representation review cycles, the community has generally been more supportive of a ward-based model to representation which the LGC has confirmed in each of their determinations (in 2015 and 2022). The option has been included as it is legislatively compliant and practicable and is another feasible option to structure the district's representation arrangements. A number of comments received through the preliminary engagement would suggest that there is some support for a more districtwide approach to representation. However, as outline earlier in the report, these comments were not supported by the majority of respondents.

Proposed Ward and Community Board Boundary Adjustments

68 For both Council representation structure option 1 and 2 proposed above, the ward boundaries at Te Horo and Emerald Glen/Valley Road are proposed to be adjusted to incorporate Te Horo into the Ōtaki ward and Emerald Glen/Valley Road into the Paekākāriki-Raumati ward. These boundary changes reflect concerns raised by members of the community in response to the determination made by the LGC in 2022 in relation to these two boundaries and the changes are supported by the qualitative findings of the comprehensive community engagement undertaken as part of the 2021 representation review. Therefore, the adjustments are considered to align with the community's views on where the boundaries should be drawn.

69 In detail, the following adjustments to the ward and community board boundaries are proposed (and recommended):

*Ōtaki and Waikanae Ward boundary*

- 69.1 The boundary between the Ōtaki Ward and the Waikanae Ward (and the respective community boards) is to move south to include the 15 meshblocks numbered 1883901, 1883902, 1884001, 1884002, 1884003, 1884004, 1884006, 1884100, 1884600, 1884701, 1884702, 1884802, 4011904, 4018272 and 4018273. This boundary change addresses concerns raised around the 2022 LGC determination to move the then existing boundary north and only include half of Te Horo (north of Te Horo Beach Road) in the Ōtaki Ward and the other half in the Waikanae Ward. Given Te Horo has traditionally identified more strongly with Ōtaki, this arrangement provides more appropriate representation for Te Horo within the ward structure considering specific communities of interest in the area. In 2015, the LGC directed Council to specifically look into three roads (Derham Road, Paul Faith Lane and Pukenamu Road) dissected by the ward boundary and as a result, in the 2021 final representation proposal it was suggested that these meshblocks be moved into the Ōtaki Ward.
- 69.2 In relation to the community board boundaries, it is proposed that the above adjustments at Te Horo are also reflected for the community board areas of Ōtaki and Waikanae.
- 69.3 A detailed map of the proposed ward and community board area changes has been attached in Appendix 6.

*Paekākāriki-Raumati and Paraparaumu Ward boundary*

- 69.4 The boundary between the Paekākāriki-Raumati Ward and the Paraparaumu Ward is to move east to include the five meshblocks numbered 2010100, 4013496, 4013497, 1997802 and 1997902. This boundary change addresses concerns raised by residents on Emerald Glen Road around the 2022 LGC determination to move these three meshblocks into the Paraparaumu ward when this community of interest has traditionally identified more strongly with Paekākāriki.
  - 69.5 It is further proposed that the five meshblocks also be moved into the Paekākāriki Community Board area to and reflect the Paekākāriki community of interest.
  - 69.6 A detailed map of the proposed ward and community board constituency changes has been attached in Appendix 6.
- 70 For Council representation structure Option 3 presented above, the existing ward boundaries would be completely removed and replaced with one general ward and one Māori ward with both ward boundaries aligning with the district's boundaries. Under this option, distinct communities of interest would be represented by:
- 70.1 nine councillors elected by all voters on the general electoral roll of the entire district, and
  - 70.2 one Māori ward councillor elected by all voters on the Māori electoral roll of the entire district.
- 71 For option 3, distinct communities of interest would be represented through the five community boards. It is therefore proposed that the community board boundaries are also amended as suggested in paragraph 69.

Population data supporting boundary alterations

- 72 The boundary changes to include Emerald Glen/Valley Road in the Paekākāriki-Raumati ward are legislatively compliant with the effective and fair representation requirements. However, the boundary changes proposed above to include Te Horo in the Ōtaki ward are not compliant with the requirements as depicted in the table containing the relevant population data and statistics below:

Population Data						
Ward	Māori Electoral Population	General Electoral Population	Members	Population per Member	Difference from Quota (7,644)	% Difference from Quota
Ōtaki General Ward	N/A	8,510	1	8,510	866	11.32% (underrepresented)
Paraparumu General Ward	N/A	22,900	3	7,633	-11	-0.14% (overrepresented)
Waikanae General Ward	N/A	13,800	2	6,900	-744	-9.74% (overrepresented)
Paekākāriki-Raumati General Ward	N/A	8,300	1	8,300	656	8.58% (underrepresented)
Kāpiti Coast Māori Ward	4,930	N/A	1	4,930	N/A	The quota requirement does not apply to the Māori ward.
<b>District Total</b>	4,930 (Māori electoral population) + 53,510 (General electoral population) = <b>58,470</b>					

- 73 The table outlines the per general ward councillor representation quota for the proposed representation arrangements based on the 2023 population data provided by Statistics New Zealand<sup>8</sup>. As per provisions in the LEA (section 19V), the quota is calculated by dividing the general population of the district by the total number of general ward councillors in the district.
- 74 The quota requirement does not apply to the Māori ward as the LEA provides a separate calculation to determine whether a council can establish a Māori ward based on its Māori electoral population compared to its general electoral population.
- 75 Although the recommended boundary changes at Te Horo are not compliant as proposed, adopting the initial proposal with these adjustments would benefit the communities of interest in the area that have historically been split to some extent between two wards. The proposed adjustment would ensure the communities of interest identifying with Te Horo are more appropriately presented as one community while largely retaining the current ward structure.
- 76 For option 3, as both the general ward boundaries and the Māori ward boundaries align with the district’s boundaries, the fair representation requirement prescribed in the LEA is not relevant.

Proposed Councillor to Community Board Appointment Structure

- 77 The preliminary community engagement results show the community supports the current councillor appointment to community board structure and elected members also signalled an interest to largely retain this structure. During public briefings, elected members have raised an interest in exploring whether the new Māori ward councillor could be appointed to the community boards in a way to make the current appointment structure fair and equitable considering the Paekākāriki-Raumati Ward councillor is currently appointed back to two community boards (Paekākāriki Community Board and Raumati Community Board) whereas

<sup>8</sup> Statistics New Zealand support all Councils with their representation reviews. Instead of Councils calculating the fair representation quota themselves, Statistics New Zealand have asked council to send through the relevant geospatial data (meshblock numbers) for each representation option being considered and they will calculate the quota for councils. All calculations are based on 2018 census data (as the 2023 census data is not yet available) and meshblock data is not considered official statistics and can therefore only be used for the purposes of representation reviews. Any requests for specific meshblock data should be made directly to Statistics New Zealand.

other ward councillors are appointed to a maximum of one community board and in some cases to none.

- 78 Further to the above, all community board areas in the Kāpiti Coast area have a concentrated Māori population, or facilities, projects, sites or taonga of significance to the Māori population. So, there is not an identified rationale for why one community board area that would benefit more than others from the appointment of the Māori ward councillor to that community board.
- 79 To achieve a more fair and equitable appointment structure, it is proposed that the current structure be retained, which is supported by the community, and the Māori ward councillor be appointable to community boards as an ‘and/or’ option. This would mean the membership of the community boards would comprise four members directly elected from their relevant areas and a specified number of ward councillors as follows:
- 79.1 The Ōtaki Community Board will comprise four members elected from the Ōtaki Community Board area, and one appointed member of the Council from either the Ōtaki General Ward or the Kāpiti Coast Māori Ward.
- 79.2 The Waikanae Community Board will comprise four members elected from the Waikanae Community Board area, and one appointed member of the Council from either the Waikanae General Ward or the Kāpiti Coast Māori Ward.<sup>9</sup>
- 79.3 The Paraparaumu Community Board will comprise four members elected from the Paraparaumu Community Board area, and two appointed members of the Council from the Paraparaumu General Ward and/or the Kāpiti Coast Māori Ward.<sup>10</sup>
- 79.4 The Raumati Community Board will comprise four members elected from the Raumati Community Board area, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or the Kāpiti Coast Māori Ward.
- 79.5 The Paekākāriki Community Board will comprise four members elected from the Paekākāriki Community Board area, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or the Kāpiti Coast Māori Ward.
- 80 This community board appointment structure works with all three representation options and the ward boundary adjustments proposed earlier in the report and would allow Council to consider the most appropriate appointments to community boards at the start of each triennium based on councillors elected while balancing workloads. This arrangement allows flexibility that is not further set and restricted at this point by the representation arrangement proposal. Council would be able to appoint the Māori ward councillor to all or none of the community boards as it considers most appropriate at the start of the triennium.

### Mana whenua

- 81 At the 18 June 2024 Te Whakaminenga o Kāpiti hui, mana whenua partners affirmed their strong support for Council to proceed with the review process and not to rescind their decision to establish a Māori ward once permitted under amended legislation.
- 82 In accounting for the views of tāngata whenua, Council is guided by the partnership between elected members and mana whenua of the Kāpiti Coast District, namely, the iwi and hāpu of Te Āti Awa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki and Ngāti Toa Rangatira (the A.R.T Confederation).
- 83 As part of the representation review process, to understand what fair and effective representation arrangements for the Kapiti Coast district looks like, the project team sought early advice from Council’s iwi partners on the level of involvement on this project and to understand their views, in particular in relation to appropriate engagement and feedback on key conversations.

<sup>9</sup> Under section 19F of the LEA, when appointing councillors back to community boards at the start of the new triennium, Council will need to ensure that the membership of the board comprises less than half of the total number of members.

<sup>10</sup> As above.

84 In addition to engaging with mana whenua on the same questions posed to the wider community around representation, Council's iwi partners have been specifically asked about two additional aspects of representation in the Kāpiti Coast district:

84.1 what the Māori ward's name should be, and

84.2 where the boundary lines between the Ōtaki General Ward and Waikanae General Ward (at Te Horo) should lie.

85 Mana whenua have been invited to attend all Council briefings and meetings and can participate in the discussions around representation arrangements. Council will continue to engage with mana whenua and incorporate feedback received through the formal consultation process.

### Panonitanga Āhuarangi me te Taiao | Climate change and Environment

86 There are no climate change and environment considerations relevant to this report.

### Ahumoni me ngā rawa | Financial and resourcing

87 Conducting a representation review has an impact on the budget which has been factored into the planning for the long-term plan. The total cost for the representation review is estimated at \$240,000 which includes preliminary community engagement costs and formal consultation.

88 The cost of the formal consultation is estimated at approximately \$15,000.00 which includes the design of a survey questionnaire, radio and newspaper advertising as well as printing and distribution of the collateral.

89 This overall budget also covers costs incurred for technical advice being sought from our Electoral Officer (Election Services) as well as administration costs to cover printing, advertising, venue hire and catering for community engagement sessions during the preliminary community engagement phase.

90 Once the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill is enacted, Council will have the opportunity to consider rescinding its decision to establish a Māori ward. The financial and resourcing impacts differ slightly for each of the options:

90.1 If Council decides to continue with the current representation review and the establishment of the Māori ward, the resourcing and budget requirements communicated remain unchanged. The total cost for the representation review is estimated at \$240,000.

90.2 If Council decides to rescind its decision to establish a Māori ward and revert to existing representation arrangements, the current representation review process would cease. Once this decision has been publicly notified, further budgetary or resourcing requirements are not needed for this option.

90.3 If Council decides to rescind its decision to establish a Māori ward and conduct a shortened representation review process, the current representation review process will cease. The shortened representation review process comprises the same steps as the standard representation review process and therefore the same resourcing and budget requirements communicated to Council as part of the current full representation review process would be required. The total cost to revert to a shortened representation review process is therefore also estimated at \$240,000.

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

91 The parameters, deliverables and timeframes of the representation review are mandated by legislation under the LGA and LEA (primarily section 19).

92 The representation review plan includes mitigations to ensure any risks to Council are addressed. One of the main mitigations is for the communications and engagement plan to

contain the right information to ensure that constituents understand how to participate in the review process and to provide for high levels of engagement during the formal submission phase. This also aims to decrease the likelihood of opposition and objection to the final proposal agreed by Council.

- 93 While the introduction of the Local Government (Electoral Legislation and Māori Ward and Māori Constituencies) Amendment Bill which, once enacted, will amend legislation relevant to this matter, until the amendments have passed through the house and have received royal assent, current legislation remains in force and will guide the conduct of the representation review process. The enactment of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill will require councils that have established a Māori ward without a poll to hold a poll at the next local body election in 2025. Alternatively, to avoid a poll, the Bill also provides councils with the option to rescind their decision to establish a Māori ward and either revert back to existing representation arrangements (if certain criteria are met) or conduct a shortened representation review to determine the representation arrangements for electoral purposes ahead of the 2025 local body election.
- 94 If Council does not make a decision in relation to this matter, the current representation review underway to establish a Māori ward will continue and Council will be required to hold a poll at the next local body election in 2025.
- 95 The report has been reviewed by Council's legal team.

**Ngā pānga ki ngā kaupapa here | Policy impact**

- 96 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**

- 97 Once a decision on initial representation arrangements has been made by Council a formal community consultation process is triggered under provisions of the LEA.

**Te mahere tūhono | Engagement planning**

- 98 A communications and engagement plan has been developed by Council Officers for the representation review underway. Any input provided by mana whenua as part of the discussions on this report has been/will be incorporated in the communication and engagement plan.
- 99 Formal community consultation on the initial representation proposal will take place in August/September 2024, in line with legislative provisions in the LEA. The formal engagement process will provide the community with an opportunity to submit on the proposal and for Council to consider the feedback ahead of considering and resolving its final representation arrangements in October 2024 ahead of the legislated due date of 3 November 2024.
- 100 The consultation process will include:
  - 100.1 a Statement of Proposal (explaining the submission process, outlining the proposal and rationale including maps to show changes)
  - 100.2 a formal submission form
  - 100.3 a media advisory, and newspaper, radio and online advertising
  - 100.4 a consultation webpage using Have Your Say
  - 100.5 Everything Kāpiti e-newsletter
  - 100.6 targeted communications for residents in areas affected by boundary changes.
- 101 The proposed timeline for the consultation is set out below in accordance with sections 19H, 19M and 19N of the LEA.



Timeframe	Milestone/Decision
Tuesday 30 July 2024	Council decision approving initial proposal
Thursday 8 August 2024	Public notice on Council’s website to notify the initial proposal and advise that submissions are open
Thursday 12 September 2024	Submissions close
Tuesday 24 September 2024	Submission hearing
Thursday 31 October 2024	Council decision approving final proposal
Friday 1 November 2024	Public notice of final proposal –appeal/objection period opens
Friday 6 December 2024	Appeal/objection period closes

102 If Council wanted to rescind its decision to establish a Māori ward once the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill has been enacted, the Bill confirms that the special consultative procedures under section 83 of the Local Government Act 2002 are not triggered and there is no requirement for councils to consult with the community for this decision. While wider community engagement in relation to this decision has not occurred and is not planned, engagement with Council’s mana whenua partners has taken place through Te Whakaminenga o Kāpiti.

**Whakatairanga | Publicity**

103 Community interest in this decision is likely high. The decision will be published through Council’s usual channels and notified publicly in line with provision in the LEA. The LEA mandates that Council’s decision on its initial representation proposal must be publicly notified within 14 days (no later than 8 August 2024) of the decision (as per section 19M(1) of LEA). Council is also required to notify the Local Government Commission, the Surveyor General, the Government Statistician and the Remuneration Authority of the initial proposal decision.

104 The public notice will be followed by a formal submission period between 8 August and 12 September 2024. During this period, the public will have an opportunity to consider and make submissions on the initial proposal ahead of an oral hearing process and a final proposal decision which must be made no later than 3 November 2024.

105 If Council decides to rescind its decision to establish a Māori ward ahead of the 2025 local body election and decides to revert to the existing representation arrangements for electoral purposes, this decision will also be publicly notified in line with provisions in the Bill.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

- Appendix 1 - Preliminary Community Engagement Detailed Submissions (under separate cover) [⇒](#)
- Appendix 2 - Preliminary Community Engagement Submissions Analysis Report (under separate cover) [⇒](#)
- Appendix 3 - Option 1 - Māori Ward, General Ward and Community Board boundaries (under separate cover) [⇒](#)
- Appendix 4 - Option 2 - Māori Ward, General Ward and Community Board boundaries (under separate cover) [⇒](#)
- Appendix 5 - Option 3 - Māori Ward, General Ward and Community Board boundaries (under separate cover) [⇒](#)
- Appendix 6 - Detailed GIS map of proposed boundary changes (under separate cover) [⇒](#)

7. Appendix 7 - Section 19 of Local Electoral Act 2001 (under separate cover) [⇒](#)
8. Appendix 8 - Local Government Commission Representation Review Guidelines 2023 (under separate cover) [⇒](#)
9. Appendix 9 - Current Representation Arrangements (under separate cover) [⇒](#)
10. Appendix 10 - Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill 2024 (under separate cover) [⇒](#)
11. Appendix 11 - Preliminary Community Engagement Survey Questionnaire (under separate cover) [⇒](#)

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

Nil

**9 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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>9.1 - 4 Kāpiti Road - Development and Reserve Contributions</b>	Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information  Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	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

## 10 KARAKIA WHAKAMUTUNGA | CLOSING KARAKIA

Kia tau ngā manaakitanga ki runga i a tātou katoa,	<i>May blessings be upon us all,</i>
Kia hua ai te mākihikihi, e kī ana	<i>And our business be successful.</i>
Kia toi te kupu	<i>So that our words endure,</i>
Kia toi te reo	<i>And our language endures,</i>
Kia toi te wairua	<i>May the spirit be strong,</i>
Kia tau te mauri	<i>May mauri be settled and in balance,</i>
Ki roto i a mātou mahi katoa i tēnei rā	<i>Among the activities we will do today</i>
Haumi e! Hui e! Taiki e!	<i>Join, gather, and unite! Forward together!</i>