



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, 31 October 2024

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 31 October 2024, 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

Te Raupapa Take | Order Of Business

1	Nau Mai Welcome	5
2	Karakia a te Kaunihera Council Blessing	5
3	Whakapāha Apologies	5
4	Te Tauākī o Te Whaitake ki ngā Mea o te Rārangi Take Declarations of Interest Relating to Items on the Agenda	5
5	Te Whakatakoto Petihana Presentation of Petition	5
	Nil	
6	Ngā Whakawā Hearings	6
6.1	Proposed Dangerous, Affected, and Insanitary Buildings Policy Submissions Hearing	6
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	7
8	Ngā Take a ngā Mema Members' Business	7
9	Te Pūrongo a te Koromatua Mayor's Report	8
9.1	Mayoral Activities - 10 May to 23 October 2024	8
10	Pūrongo Reports	13
10.1	Adoption of the Annual Report and Summary Annual Report for 2023/2024	13
10.2	Representation Review 2024 - Final Proposal.....	44
10.3	Waikanae Property Fund.....	160
10.4	Reports and Recommendations from Community Boards	165
10.5	Amendments to Council Delegations to Staff	169
10.6	Proposed Road Stopping and Taking Plan - Waterfall Road, Paraparaumu	192
10.7	Notice of Motion - Coastal Hazard Risk Assessment for the Kapiti Coast Report	199
11	Te Whakaū i ngā Āmiki Confirmation of Minutes	200
11.1	Confirmation of Minutes	200
12	Te Whakaūnga o Ngā Āmiki Kāore e Wātea ki te Marea Confirmation of Public Excluded Minutes	209
13	Purongo Kāore e Wātea ki te Marea Public Excluded Reports	209
	Resolution to Exclude the Public	209
12.1	Confirmation of Minutes	209
14	Karakia Whakamutunga Closing Karakia	210

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 TE WHAKATAKOTO PETIHANA | PRESENTATION OF PETITION

Nil

6 NGĀ WHAKAWĀ | HEARINGS

6.1 PROPOSED DANGEROUS, AFFECTED, AND INSANITARY BUILDINGS POLICY SUBMISSIONS HEARING

TE PŪTAKE | PURPOSE

- 1 This hearing is for Council to hear from those who made submissions on the Proposed Dangerous, Affected, and Insanitary Buildings Policy during the public consultation period over September and October.

**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 KOROMATUA | MAYOR'S REPORT

9.1 MAYORAL ACTIVITIES - 10 MAY TO 23 OCTOBER 2024

Author: Mayor Janet Holborow

TE PŪTAKE | PURPOSE

- 1 To provide an overview of activities undertaken by the Mayor from 10 May 2024 to 23 October 2024.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Mayoral Activities - 10 May to 23 October 2024 [↓](#)

MAYORAL ACTIVITIES 10 May – 21 October 2024

May

- Attended the Wellington Region Mayoral Forum: 10 May
- Attended the Advisory Oversight Group: 10 May
- Attended Toi Mahara: Adrienne Riseley floor talk: 12 May
- Regular catch up with MP Tim Costley, Darren Edwards and Deputy Mayor Lawrence Kirby: 10 May
- Attended 'PRIMA FACIE' reception and performance: 10 May
- Attended hui with Roger Blakeley – Wellington Heritage Festival: 13 May
- Attended the Pasifika Graduation Celebration: 13 May
- Spoke at the Disabilities Awareness Course: 14 May
- Met with Hayden Brodie – Department of Corrections: 15 May
- Attended and spoke at the Gifting of Name for the new Waikanae Library: 15 May
- Visit to Nga Manu with Darren Ponter & Councillor Rob Kofoed: 17 May
- Collected for Mary Potter Hospice Street Appeal: 18 May
- Regular catch up with NZ Police Kāpiti/Mana: 22 May
- Attended the Digital Seniors Paraparaumu Launch: 23 May
- Attended and performed at Sir Jon Trimmer Fundraiser: 24 May
- Attended Coasters Musical Theatre: 26 May
- Presented Royal Humane Society Medals to three officers: 30 May

June

- Visit to Music Group Kāpiti: 5 June
- Attended the Beehive to Business Breakfast: 6 June
- Attended the Te Ara Korowai Exhibition: 6 June
- Visit to Day Hospital Medical Centre: 7 June
- Attended the Kāpiti Choral Concert: 9 June
- Attended monthly Mayoral Taskforce for Jobs update: 11 June
- Attended, spoke, and presented Certificates at the Disabilities Awareness Course: 11 June
- Attended the LGNZ Infrastructure Symposium: 14 June
- Regular catch up with Barbara Edmonds: 17 June
- Quarterly Catch up with Greater Wellington: 17 June
- Attended the National Volunteer Week at Kāpiti Cottage: 19 June
- Attended the Pop-in Vison Kāpiti Engagements session: 19 June
- Regular catch up with MP Tim Costley, Darren Edwards and Deputy Mayor Lawrence Kirby: 21 June
- Standard & Poor's Annual Visit: 21 June

- Attended and preformed - Kāpiti Celebs – Concert to the memory of Sir Jon Trimmer: 22 June
- Attended the Paekākāriki Surf Lifeguards AGM: 23 June
- Attended Te Hokinga Mai – Maramataka 2024-2025 Launch: 24 June
- Visited and spoke at the U3A Kaleidoscope group: 24 June
- Attended the 248th Anniversary of the Independence of USA: 25 June
- Attended Toi Mahara – Matariki weekend: Panel talk with John Baxter, Gary Freemantle and Mark Amery: 29 June
- Attended the closing ceremony of the Ōtaki Pottery Club: 30 June
- Attended Matariki Street Party, Paekākāriki: 30 June

July

- Met with the Goods Sorts Judging Panel to review nominations: 1 July
- Attended and spoke at the Electra Business Breakfast: 3 July
- Hosted the Electra Business & Innovation Kāpiti Entrants Event: 3 July
- Attended monthly Mayoral Taskforce for Jobs update: 4 July
- Attended Book Launch: Power to Win - The Living Wage Movement by Lyndy McIntyre: 4 July
- Attended the Advisory Oversight Group Wellington Regional Water: 5 July
- Attended Guru of Chai in Kāpiti: 6 July
- Mayor Janet Holborow on leave from 8 – 19 July
- Met Tracey Bridges – Chair of WellingtonNZ 22 July
- Attended Regional Transport Committee 23 July
- Regular catch up with NZ Police Kāpiti/Mana: 24 July
- Regular catch up with Hamish Campbell – ZEAL 24 July
- Attended the celebrations of Ōtaki Playcentre turns 70: 27 July
- Regular catch up with Barbara Edmonds: 29 July
- Attended and spoke at Youth Council's ThinkBig Ceremony: 29 July
- Attended the Ōtaki Symposium: 31 July

August

- Guest speaker at the Kāpiti Rotary Dinner: 1 August
- Regular catch up with MP Tim Costley: 2 August
- Attended and spoke at the Electra Business Breakfast: 7 August
- Met with Ngātiawa Tai Kāpiti: 8 August
- Hosted the Zone 4 Hui: 9 August
- Attended the Advisory Oversight Group – Wellington Regional Water: 9 August
- Attended Multi-Fest 2024: 10 August
- Met with Kainga Ora in Ōtaki: 12 August
- Attended the Mini Golf Event: 13 August
- Attended and spoke at the Wellington Regional Waste Forum: 16 August
- Attended the LGNZ Super Local Annual Conference: 21 – 23 August
- Attended the Simpson Grierson Dinner: part of the LGNZ conference

10 PŪRONGO | REPORTS

10.1 ADOPTION OF THE ANNUAL REPORT AND SUMMARY ANNUAL REPORT FOR 2023/2024

Kaituhi | Author: **Sheryl Gavin, Principal Advisor Corporate Services**

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

TE PŪTAKE | PURPOSE

- 1 This report seeks adoption of the audited Annual Report and Summary Annual Report for the year ended 30 June 2024.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 This report does not require an executive summary.

TE TUKU HAEPAPA | DELEGATION

- 3 Council has delegated authority to consider this report under the Governance Structure, Section A2 Council and Mayoral Powers which includes adopting an Annual Report

TAUNAKITANGA | RECOMMENDATIONS

- A. **That Council adopts** the Annual Report and the Summary Annual Report for the year ended 30 June 2024 attached as Appendix 1 and 2 to this report; and
- B. **That Council delegates** to the Mayor and the Chief Executive authority to approve minor editorial changes as required by Council and/or Council's auditors, Ernst & Young (if any), to the Annual Report and Summary Annual Report for the year ended 30 June 2024, prior to its publication.

TŪĀPAPA | BACKGROUND

- 4 Council is required under the Local Government Act 2002 to adopt an audited Annual Report and audited Summary Annual Report for the preceding financial year ending on 30 June no later than 31 October.
- 5 Drafts of the Annual Report and Summary Annual Report were provided to the Risk and Assurance Committee for endorsement on 15 October 2024. After due consideration and agreed edits and additions, the Committee now recommends these reports be adopted by the Council.

HE KŌRERORERO | DISCUSSION

- 6 The Annual Report compares the financial and non-financial performance of Council with the performance forecast in the 2023/24 Annual Plan.

Financial performance

- 7 A non-cash operating surplus of \$85.2 million was recorded for 2023/24, including \$82 million non-cash revenue from the vesting of Old State Highway One roading assets.
- 8 Council's net value on 30 June 2024 was \$2.05 billion, with assets valued at \$2.4 billion.
- 9 Capital spend for the 2023/24 financial year was \$81.7 million, \$20.1 million higher than the previous year, demonstrating the steady increase in recent years as we invested for growth and resilience.

- 10 Net debt (total borrowings less term deposits, borrower notes, and cash) on 30 June 2024 was \$244.6 million, representing 215 percent of operating income against the upper limit of 280 percent and preferred limit of 250 percent set out in the financial strategy.
- 11 Council retained its S&P Global AA credit rating. The rating again comes with a 'negative outlook', driven by rising infrastructure costs and responsibilities, and uncertainty about central government water reform policy. The negative outlook has no financial consequences on our borrowing costs.
- 12 The Disclosure Statement for the year ending 30 June 2024 presents Council's financial performance in relation to eight prudence benchmarks set by the Department of Internal Affairs to enable assessment of whether Council is prudently managing its revenue, expenses, assets, liabilities, and general financial dealings. Council met six of the benchmarks.

Non-financial service performance

- 13 79 percent of service performance targets were achieved. This is an improvement of 3 percent on the 76 percent achieved in 2022/23.
- 14 Residents' satisfaction with Council's performance was recorded at 63 percent, a slight decrease of 1 percent from the 64 percent achieved in 2022/23. The result is calculated using the results of quarterly Residents Opinion Surveys gathering feedback from a total of 800 residents (considered to be a statistically valid sample size) throughout the year.

Amendments following Risk and Assurance Committee meeting 15 October 2024

- 15 Following the Risk and Assurance Committee meeting a range of requested minor wording changes and error corrections were applied. In addition, it was agreed to extend the Governance section to include Councillors and Appointed Members attendance at Council and committee/subcommittee meetings. The added material can be found on pages 169-171.

He take | Issues

- 16 There are no issues arising in addition to those already highlighted in this report and attachments.
- 17 Subject to adoption by Council, the Annual Report and Summary Annual Report for the year ended 30 June 2023 will receive an unqualified (clean) audit opinion from Council's auditors, Ernst & Young, on behalf of the Office of the Auditor General (OAG).

Ngā kōwhiringa | Options

- 18 There are no options arising from this report.

Tangata whenua

- 19 The Iwi Partnerships Group coordinated the development of the Mihimihi greeting with iwi. The tangata whenua and governance activities in the report describe progress against key pieces of work for the year and progress against performance measures.

Panonitanga āhuarangi | Climate change

- 20 The Annual Report provides an update on progress towards reducing carbon emissions and coastal adaptation.

Ahumoni me ngā rawa | Financial and resourcing

- 21 There are no financial and resourcing considerations to note in addition to the information included in the Annual Report and Summary Annual Report.

Ture me ngā Tūraru | Legal and risk

- 22 The report has been prepared in accordance with the Local Government Act 2002 and all relevant financial reporting and accounting standards.

- 23 The Council is required under the Local Government Act 2002 to adopt an audited Annual Report and audited Summary Annual Report on or before the 31 October, for the preceding financial year ending on 30 June.

Ngā pānga ki ngā kaupapa here | Policy impact

- 24 There are no policy considerations arising from this report.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 25 The Annual Report and Summary Annual Report have a low level of significance under the Council's Significance and Engagement Policy and do not require community engagement.

Whakatairanga | Publicity

- 26 Following Council adoption, the Annual Report and Summary Annual Report will be published on the Council website, and physical copies will be available at Council service centres and libraries within two weeks.
- 27 A media release will be issued

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Annual Report for 2023/2024 (under separate cover) [⇒](#)
2. Summary Annual Report for 2023/2024 [↓](#)

10.2 REPRESENTATION REVIEW 2024 - FINAL PROPOSAL

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

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

TE PŪTAKE | PURPOSE

- 1 The report asks Council to resolve its final proposal for the representation arrangements for the 2025 local body elections in line with the provisions of the Local Electoral Act 2001 (LEA).

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 On 14 November 2023, Council resolved to establish a Māori ward for the 2025 local body elections which, under the provisions of the LEA, triggered a representation review in 2024.
- 3 In line with best practice, preliminary community engagement was undertaken in March 2024 which asked the community how it would like to be represented. The engagement highlighted that the majority of submitters supported retaining the current representation arrangements and that Council should consider the inclusion of the Māori ward with minimal alterations to other arrangements in place.
- 4 On 30 July 2024, Council confirmed its initial proposal, which, in line with the LEA must occur no later than 31 July 2024. The initial proposal was publicly notified on 8 August 2024, which commenced a formal consultation process seeking public submissions on the initial proposal.
- 5 This report summarises the submissions, both written and oral, received in response to the initial proposal and provides Council with options to consider for resolving a final proposal. The final proposal options in this report have been prepared taking into account the submissions received during the formal consultation period, the oral submissions presented to councillors at the submission hearing on 24 September 2024 and discussions by elected members during public briefings on 8 and 22 October 2024.

TE TUKU HAEPAPA | DELEGATION

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

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council:
 - A.1 formally receives the 442 submissions, written (attached in Appendix 1) and oral (attached in Appendix 2, including the tabled documents presented at the submission hearing) in response to the initial proposal for the representation arrangements for the 2025 local body elections.
 - A.2 formally receives the submissions analysis report summarising the written submissions (attached in Appendix 3).
- B. That Council resolves, having reviewed its representation arrangements in accordance with sections 19H of the Local Electoral Act 2001, to amend its initial proposal and agrees to adopt its final proposal for the 2025 local body elections as follows:
 - B.1 The Kāpiti Coast District Council will comprise the Mayor elected at large and ten councillors, two elected at large, seven elected from four general wards and one elected from one Māori ward.

- B.2 The Kāpiti Coast District will be divided into five wards with the boundaries as shown in Appendix 4:
- B.2.1 Kapiti 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 boundaries as shown in Appendix 4 and the community board membership will comprise four members elected from their community board areas and a specified number of ward councillors appointed with voting rights 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 the Kapiti 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 the Kapiti Coast Māori Ward.
 - B.3.3 The Paraparaumu Community Board will comprise four members elected from the Paraparaumu Community Board area, and one appointed members of the Council from either the Paraparaumu General Ward or the Kapiti 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 the Kapiti 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 the Kapiti 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 elected at-large, to provide effective and fair representation for the Kāpiti Coast District Council.
- D. That the Council notes the following in relation to the final proposal:
- D.1 that the boundary between the Ōtaki Ward and the Waikanae Ward is not adjusted as proposed in the initial proposal as this aligns with the feedback received from residents directly affected by the proposal who preferred that the boundary remain where it is.
 - D.2 that the boundary between the Paraparaumu Ward and Paekākāriki-Raumati Ward is to move further inland as proposed in the initial proposal to include meshblocks 2010100, 4013496, 4013497, 1997802 and 1997902 to better reflect that the Emerald Glen and Valley Road communities of interest are incorporated into the Paekākāriki-Raumati Ward and the Paekākāriki Community Board area which aligns with the feedback received during the formal consultation period.
 - D.3 that the name of the Māori ward is amended to Kapiti Coast Māori Ward without the macron which aligns with feedback received from Council's mana whenua partners.

- D.4 That the Councillor appointments to community boards be adjusted to one appointed representative to the Paraparaumu Community Board from either the Paraparaumu General Ward or the Kapiti Coast Māori Ward.
- E. That Council notes that public notice of its final proposal must be given within 8 weeks of close of submissions and no later than 3 November 2024.
- F. That Council notes that if any objections are received on the final proposal, Council must forward the objections and the final proposal to the Local Government Commission for determination in accordance with section 19Q of the Local Electoral Act 2001.
- G. That Council notes that in adopting its final proposal, in accordance with section 19N of the Local Electoral Act 2001, it accepts and rejects the following submissions received during the consultation on the initial proposal:

Treatment	Reason
Accept the majority of submissions who agree with retaining 10 councillors and the Mayor and reject the minority of submissions who disagree with this view.	The minority view is rejected in favour of the majority view who consider 10 councillors plus the Mayor a number of representatives that is working as it provides fair representation and diversity but does not create inefficiencies and bureaucracy.
Reject the majority of submissions who disagree with the Council structure of two at-large (districtwide), seven general ward and one Māori ward councillor and accept the minority view of those who agree with the structure.	<p>The majority view is rejected in favour of the minority view who consider the structure to be fair and representative. This view is reflected in the submissions from the preliminary community engagement conducted in March 2024 that highlighted the community’s overall support of the existing arrangements and a majority support for including the Māori ward councillor by replacing a at-large (districtwide) councillor.</p> <p>The majority view is also rejected as a greater number of those submissions disagreed with the proposed Council structure due to the addition of the Māori ward which Council affirmed in August 2024 and can no longer decide to rescind at this point in time.</p>
<p>Accept the majority of submissions who agree with the community board structure and membership and reject the minority view who disagree with this view.</p> <p>Council also decides to amend the councillor to community board appointment structure and reduces the number of appointees to the Paraparaumu Community Board to one from either the Paraparaumu General Ward or the Kapiti Coast Māori Ward.</p>	<p>The minority view is rejected in favour of the majority view who consider the community board structure and membership is working as it provides fair representation and is valuable to local democracy.</p> <p>Council accepts the submissions recommending that the discrepancy of councillor appointments to community boards be considered. The number of appointees to the Paraparaumu Community Board is reduced to one so it is consistent with all other community boards.</p>
Accept the majority of submissions who agree with the ward and community board area boundary changes resulting in the Emerald Glen/Valley Road meshblocks (2010100, 4013496, 4013497, 1997802 and 1997902) being included in the Paekākāriki-Raumati	The minority view is rejected in favour of the majority view who consider the changes appropriate considering the affected communities feel more strongly aligned with Paekākāriki.

<p>Ward and the Paekākāriki Community Board area.</p> <p>Council rejects the minority of submissions who disagree.</p>	
<p>Reject the majority of submissions who agree with the ward and community board area boundary changes resulting in the Te Horo meshblocks being included in the Waikanae Ward and Community Board area.</p> <p>Council will instead accept the minority of submissions disagreeing with the changes and suggest retaining the current ward and community board boundaries in place between Waikanae and Ōtaki.</p>	<p>The majority view is rejected in favour of the minority view who consider the boundary changes unnecessary and prefer to retain the status quo. This decision is giving special consideration to the responses from residents that are directly affected by the boundary changes who support retaining the boundaries as they are.</p>
<p>Accept the submission made by Council's mana whenua partners to change the name of the Māori ward to Kapiti Coast Māori Ward.</p>	<p>The submission is accepted as the views of Council's mana whenua partners are considered valuable and appropriate when considering the naming of the newly established Māori ward.</p>

- H. That Council authorises the Chief Executive and delegated staff to make any minor, necessary corrections in the documents prior to issuing the public notice of the final proposal by 3 November 2024 to ensure clarity and legislative compliance.

TŪĀPAPA | BACKGROUND

What is a representation review

- 7 The LEA requires all councils to review their representation arrangements at least once every six years to ensure the arrangements provide fair and effective representation for their communities. The process, deliverables and timeframes to carry out a representation review are mandated through the LEA (primarily section 19 - attached in Appendix 5).
- 8 Best practice guidance provided by the Local Government Commission (LGC)¹ suggests councils consider the following 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.
- 9 Council carried out its last representation review in 2021 and under the standard six-yearly cycle, another review was scheduled for 2027. However, the LEA also sets out circumstances where a review may be required earlier, including where a council resolves to establish a Māori ward. On 14 November 2023, Council resolved to establish a Māori ward which triggered a representation review for 2024. This is to determine how the Māori ward fits into the district's wider representation arrangements.

¹The 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.

What is a Māori ward?

- 10 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. These two forms of representation are not mutually exclusive and can co-exist.
- 11 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; however, only those on the Māori electoral roll can nominate that person and vote for the person to be elected.

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act

- 12 The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act received royal assent on 30 July 2024 and made the following amendments to the LEA:
 - 12.1 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 since 2020 without a poll to hold a poll at the next local body elections in 2025.
 - 12.2 Requiring councils that have resolved to establish a Māori ward without a poll to affirm or rescind this decision (or disestablish their Māori ward) before 6 September 2024.
- 13 On 6 August 2024, Council considered its options provided by the Act and affirmed its decision from 14 November 2023 to establish a Māori ward for electoral purposes ahead of the 2025 local body elections. This meant that the representation review process already underway continued as planned and Council will be required to conduct a poll of its electors on the future of the Māori ward at the 2025 local body elections.²

Representation Review process steps and timeline milestones

- 14 To review and confirm the arrangements in place provide fair and effective representation, the LGC recommends that councils engage with their community early and conduct preliminary community engagement to inform Council's initial proposal rather than elected members considering the initial proposal without insights into the views of the community. This preliminary engagement process is not mandated by legislation and it takes place before beginning the formal statutory process outlined in the LEA.
- 15 As Council undertook a comprehensive representation review in 2021, reconsidering all possible representation arrangements so soon was not seen as necessary and Council approved a staff-led, streamlined preliminary community engagement approach that balanced the statutory requirements with limiting staff time, budget and resources spent to facilitate the process. The preliminary community engagement took place in March 2024 and formed the basis for the initial proposal considered by Council.
- 16 In line with the LEA, Council resolved its initial proposal on 30 July 2024 which was publicly notified on 8 August 2024. The public notice of the initial proposal commenced a formal community consultation from 8 August 2024 to 12 September 2024 to provide the community with the opportunity to submit on the proposal. The consultation involved a range of consultation activities such as media advisories, newspaper and radio advertising, webinar and face-to-face drop-in sessions, a consultation questionnaire available online and in hardcopy (at our service centres and libraries), a frequently asked questions document, website updates, and targeted letter drops for residents affected by the boundary changes.

²The outcome of the poll in 2025 will determine whether a further representation review is needed in 2027. If the poll confirms the continuation of the Māori ward, no further representation review would be needed until 2030. If the poll outcome requires the disestablishment of a Māori ward, a further representation review would be required in 2027.

- 17 Following this, Council provided those submitters that indicated they wished to present their submission to councillors the opportunity to do so at a formal and public submission hearing held on 24 September 2024.
- 18 In line with the LEA, Council is now required to approve a final proposal, within 8 weeks of submissions closing, that reflects the community's views on fair and effective representation by considering all submissions received during the formal consultation period. Once Council has resolved its final proposal, the proposal will again be publicly notified. If there are any changes to the initial proposal, any person or organisation may object to the final proposal. If the initial proposal is adopted as the final proposal, only those persons or organisations who made a submission on the initial proposal may appeal the final proposal. If an objection or appeal is received, or the approved final proposal arrangements do not comply with the fair representation criteria (the +/-10% rule), the final proposal must be referred to the LGC, who will determine the final representation arrangements by 10 April 2025.
- 19 The table below sets out key milestones and timeframes in the representation review process which are mandated through the LEA.

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

Approach and timeline for Kāpiti Coast District Council representation review (from preliminary engagement to initial proposal and development of final proposal)

Preliminary Community Engagement

- 20 To conduct preliminary community engagement, a survey questionnaire was available to members of the public from 4 March to 2 April (5pm) 2024. The survey and the 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. Further to that, 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.
- 21 The survey aimed to understand the community's views on how it would like to be represented by asking whether they community thought that the existing arrangements provided fair and effective representation, how the Māori ward should be included in the

representation arrangements and what the community thought about the current community board structure and membership arrangements.

- 22 In response to the preliminary engagement, Council received 285 responses which highlighted that the majority of respondents supported the status quo and did 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. The majority of respondents also supported the existing community board structure and councillor to community board appointment arrangements.

Initial Proposal Options

- 23 Using the insights gained from the preliminary community engagement, the following practicable and lawful Council structure options were provided for consideration by councillors on 30 July 2024:

Option	Details
Based on existing ward structure	
1	Retain the same number of councillors - 10 councillors (2 at-large (districtwide) councillors, 7 general ward councillors and 1 Māori ward councillor) plus the Mayor
2	Increase the number of councillors - 11 councillors (3 at-large (districtwide) councillors, 7 general ward councillors and 1 Māori ward councillor) plus the Mayor
New structure presented to Council by a member of the community	
3	10 councillors (1 general ward with 9 general ward councillors (ward boundaries to match with district's boundaries) and 1 Māori ward councillor) plus the Mayor

- 24 All three options included retaining the existing community board structure of five community boards consisting of four elected representatives plus the existing councillor appointment arrangements.

- 25 In addition to the above, for options 1 and 2, it was further proposed that the ward boundaries at Te Horo and Emerald Glen/Valley Road be adjusted to incorporate Te Horo into the Ōtaki Ward and Emerald Glen/Valley Road into the Paekākāriki-Raumati Ward as follows:

- 25.1 The boundary between the Ōtaki Ward and the Waikanae Ward (and the respective community boards) was proposed to be moved south past Te Hapua Road and therefore include all of Te Horo in the Ōtaki Ward and Community Board area to provide more appropriate representation for Te Horo within the ward structures considering this community of interest has traditionally identified more strongly with Ōtaki.

- 25.2 The boundary between the Paekākāriki-Raumati Ward and the Paraparaumu Ward was proposed to move inland (east) to include Emerald Glen and Valley Road in the Paekākāriki-Raumati Ward and the Paekākāriki Community Board area to reflect that the community of interest has traditionally identified more strongly with Paekākāriki.

- 26 For option 3, the suggestion included removing all existing ward boundaries but also adjust the community board boundaries in the same manner as proposed for options 1 and 2 to reflect that the distinct communities of interest would be represented through the five community boards.

- 27 The proposed 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 to include Te Horo in the Ōtaki Ward are not compliant with the requirements.

- 28 Further to the above, to achieve a fair and equitable councillor to community board appointment structure, it was proposed that the current structure be retained, and the Māori ward councillor be appointable to community boards as an 'and/or' option.³ The current structure consists of five community boards and the membership of comprises four members directly elected from their relevant areas and a specified number of ward councillors. The arrangement of appointing either the general ward or Māori ward councillor back to community boards 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, and set its Governance Structure arrangements as follows:

Community Board	Councillor Appointments ⁴
Ōtaki Community Board	one appointed member from either the Ōtaki General Ward or the Kāpiti Coast Māori Ward
Waikanae Community Board⁵	one appointed member from either the Waikanae General Ward or the Kāpiti Coast Māori Ward
Paraparaumu Community Board⁶	two appointed members from the Paraparaumu General Ward and/or the Kāpiti Coast Māori Ward
Raumati Community Board	one appointed member from either the Paekākāriki-Raumati General Ward or the Kāpiti Coast Māori Ward
Paekākāriki Community Board	one appointed member from either the Paekākāriki-Raumati General Ward or the Kāpiti Coast Māori Ward

Initial Proposal Resolution

- 29 On 30 July 2024, Council resolved its initial proposal to be option 1 and for the Kāpiti Coast District Council:
- 29.1 to comprise of the Mayor (elected at large), ten councillors with two elected at large and seven elected from four general wards and one Māori ward councillor elected by the district's Māori electoral roll voters.
- 29.2 to be divided into five wards:
- 29.2.1 Kāpiti Coast Māori Ward represented by the Māori ward councillor,
- 29.2.2 Ōtaki General Ward represented by one general ward councillor
- 29.2.3 Waikanae General Ward represented by two general ward councillors
- 29.2.4 Paraparaumu General Ward represented by three general ward councillors
- 29.2.5 Paekākāriki-Raumati General Ward represented by one general ward councillor
- 29.3 to be divided into five community board areas and the community board membership to comprise four members elected from their relevant areas and a specified number of ward councillors as follows:
- 29.3.1 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.

³All community board areas in the Kāpiti Coast district 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 would benefit more than others from the appointment of the Māori ward councillor to that community board.

⁴ It was proposed that the number of appointed councillors to community boards remain the same.

⁵ Under section 19F of the LEA, the number of appointed members must be less than half of the total number of members.

⁶ As above.

- 29.3.2 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.
- 29.3.3 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.
- 29.3.4 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.
- 29.3.5 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.
- 29.4 Further to the above, Council resolved that the ward and community board boundaries be adjusted at Te Horo and Emerald Glen/Valley Road to include all of Te Horo in the Ōtaki Ward and community board area and all of Emerald Glen/Valley Road in the Paekākāriki-Raumati Ward and the Paekākāriki Community Board area (Initial Proposal attached in Appendix 6).

Consultation Period and Final Proposal Development

- 30 After Council resolved its initial proposal, a public notice was issued on 8 August 2024 (latest date under LEA to do so) which commenced a formal submission period between 8 August and 12 September 2024. During this period, the public had an opportunity to consider and make submissions on the initial proposal.
- 31 The consultation involved a range of consultation activities such as media advisories, newspaper and radio advertising, webinar and face-to-face drop-in sessions, a consultation questionnaire available online and in hardcopy (at our service centres and libraries), a frequently asked questions document, website updates and a targeted letter drop for residents affected by the proposed boundary changes.
- 32 The formal consultation (by way of the consultation questionnaire attached in Appendix 7) aimed to understand the community's views on the initial proposal and specifically asked:
- 32.1 Whether the community agreed with the number of councillors remaining at 10 which includes seven general ward councillors, two districtwide councillors and one Māori ward councillor plus the Mayor.
- 32.2 What changes the community would like to make to the initial proposal.
- 32.3 Whether the community agreed with keeping the number of community boards to five (represented by four elected members each and including a specified number of appointed councillors).
- 32.4 Whether the community agreed with the boundary adjustments at Te Horo (Ōtaki and Waikanae Ward and community board boundary) and Emerald Glen/Valley Road (Paraparaumu and Paekākāriki-Raumati Ward and Paraparaumu and Paekākāriki Community Board boundary).
- 33 After close of submissions (5pm on 12 September 2024) the responses (attached in Appendix 1) were collated, analysed by Public Voice and summarised in an analysis report (attached in Appendix 3).
- 34 In line with the LEA, Council was required to provide reasonable opportunity for those who made submissions on the initial proposal to be heard. Submitters were provided the opportunity to speak to their submission at a submission hearing on 24 September 2024.

- 35 All submissions received (written and oral) have been taken into account to shape the final proposal outlined in this report. On 8 and 22 October 2024, public briefings were held to summarise the submissions received and provide councillors with an opportunity to discuss the submissions and indicate which submissions should be accepted and which will be rejected, including reasons for these decisions.

Next steps – Final Proposal and Local Government Commission

- 36 This report contains a final proposal for Council to consider and resolve in accordance with the provisions of the LEA. Once Council has resolved its final proposal, public notice of this must be issued within 8 weeks of the submission period closing (which was 5pm on 12 September 2024) and no later than 3 November 2024. A direct notice (via email or post) will be sent to all submitters on the initial proposal (if they have supplied contact emails or postal addresses), so they are aware of the content of the final proposal. The notice will be made available on the website and will contain details on how the public can object to the decision. Any objections can be sent to Council's governance inbox governance@kapiticoast.govt.nz. The objections period will be open for approximately one month until 6 December 2024.
- 37 Under the provisions of the LEA, if any objections are received, Council is required to refer these and all information on its final proposal to the LGC by 20 December 2024 for consideration and determination. Council is also required to refer the proposal to the LGC if it does not comply with the fair representation criteria (the +/-10% rule). If the decision is referred to the LGC, the commission may rectify any element of Council's final proposal that it does not consider complies with the statutory provisions.
- 38 The LGC may hold a hearing for members of the community to speak to the commission before it makes a determination on the representation structure, however, this is at the commission's discretion. To enable good diary management, the LGC has notified Council officers that it has tentatively held the 6 March 2025 to hold a hearing on the representation arrangements for the Kāpiti Coast District Council. A final and binding determination by the LGC, expected by 10 April 2025, may only be appealed on a point of law or on matters of process.
- 39 If the final proposal complies with the fair representation criteria and no objections are received the final proposal will become the basis for election at the 2025 local body elections.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 40 This report seeks Council to:
- 40.1 formally receive the submissions made in response to Council's initial proposal (both written and oral),
 - 40.2 deliberate on which submissions to accept or decline, and
 - 40.3 resolve its final proposal, which will be publicly notified on 1 November 2024 ahead of the legislated last date of 3 November 2024.

What needs to be considered in a representation review?

- 41 The representation review process is mandated by legislation (primarily section 19 of the LEA). Under section 19T, when reviewing its representation arrangements, Council must provide for 'effective representation of its communities of interest'⁷ and 'fair representation of electors'.

⁷ 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. Communities of interest take into account distinct and recognisable geographical boundaries, similarities in activities and characteristics. Wards may contain more than one distinct community of interest, but these communities must have sufficient commonalities to be grouped together.

- 42 If the district is divided into wards⁸, 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 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. The quota also does not apply to the Mayor, districtwide councillors and community boards.
- 43 Under the LEA, there are grounds for not complying with the '+/-10% rule' if there are good reasons such as:
- 43.1 to provide effective representation of communities of interest within island communities or isolated communities
- 43.2 where compliance would limit effective representation by either dividing a community of interest or grouping together communities of interest with few commonalities.
- 44 Further to the above, under the provisions of the LEA, councils must also determine whether there should be community boards in the district and, if so, the nature, structure and memberships of the community boards.
- 45 Ward boundaries and community board boundaries must coincide with current statistical meshblock areas determined by Statistics New Zealand.

Summary of Submissions

- 46 Council received 442 (433 written and 9 oral) submissions on the initial proposal. On Tuesday 24 September 2024, Council heard from submitters who, in their written submission, indicated that they wished to speak to elected members.
- 47 Public Voice was engaged to analyse all written submissions received and a summary of both quantitative and qualitative results are set out in a submission analysis report.
- 48 All written submissions received, the analysis of the written submission as well as the minutes and the tabled documents from the submission hearing have been appended to the report:
- 48.1 Written submissions – in Appendix 1.
- 48.2 Unconfirmed Council Minutes and tabled documents from submission hearing – in Appendix 2.
- 48.3 Analysis report – in Appendix 3.

Council and Community Board Structure Feedback

- 49 The consultation feedback indicates that the majority of respondents (76%) support keeping the number of councillors at 10 and support the proposed number and membership of community boards (80%). However, over half of respondents (55%) disagree with the proposed structure of having two districtwide, seven general ward and one Māori ward councillors. 39 % of those that disagreed with the proposed structure, disagreed with it because of the addition of the Māori ward, which was affirmed by Council and can no longer be rescinded.
- 50 The figure below shows a breakdown of responses to the question '*Do you agree with having seven ward councillors, two districtwide councillors and one Māori ward councillor?*'

⁸As 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



Ward and Community Board Boundary Feedback

- 51 In relation to the proposed ward boundary adjustments, overall the majority of respondents support the alterations at both Te Horo (70%) and Emerald Glen/Valley Road (79%).
- 52 Of those directly affected by the changes, the majority also support the proposed alterations at Emerald Glen/Valley Road (67%), but the majority oppose the proposed changes at Te Horo (71%).

Mana Whenua Feedback on Māori Ward Name

- 53 In response to the initial proposal, Council's mana whenua partners submitted a letter dated 12 September 2024 (attached in Appendix 9) confirming that they:
- 53.1 are supportive of the name proposed for the Māori Ward subject to removing the macron from Kapiti so the ward's name is changed to Kapiti Coast Māori Ward, and
- 53.2 are supportive of the proposed boundary changes for the Ōtaki and Waikanae Wards and Community Boards, moving the boundary south to Te Hapua Road.

Submission Hearing Feedback

- 54 During the submissions hearing on 24 September 2024, presenters expressed the following views to councillors and community board members in attendance:
- 54.1 In relation to the proposed boundary adjustment at Te Horo, two submitters expressed a preference for the status quo or giving consideration to moving the boundary north to Ōtaki River instead. One submitter also highlighted that the view of the residents directly affected by the boundary adjustment should be weighted more when considering this matter;
- 54.2 In relation to community boards, multiple submitters expressed support for the role they play in local democracy and one submitter suggested aligning community board boundaries (specifically at Raumati) with ward boundaries and considering combining the Paeākākriki and Raumati boards to strengthen their influence on Council decision-making;
- 54.3 In relation to the proposed Council structure, one submitter presented an alternative structure which included more councillors and more wards and different ward boundaries as a result. They expressed that when Council was first formed in 1989, it was represented by more elected members that represented fewer constituents. They suggested that the number of councillors should increase to reflect adequate representation for a growing population. To accommodate that, they suggested that the districtwide positions should be removed and more wards with new boundaries should be established.
- 54.4 Two submitters spoke in support of the establishment of the Māori ward and two in opposition. All four submitters either raised concerns with the legislative changes enacted by the Government in relation to Māori wards or the costs associated with holding a poll with some submitters suggesting Council explore a refusal to hold a referendum.

Consideration of Submissions

- 55 In line with legislative provisions, Council is required to consider all submissions received on its initial proposal and decide whether to accept or reject the submissions and either to confirm or amend its earlier proposal by way of giving public notice of its final proposal within 8 weeks of the closing date of submissions (and no later than 3 November 2024).

- 56 At public briefings held on 8 and 22 October 2024, elected members and mana whenua representatives discussed the submissions and possible amendments to the initial proposal. Elected members considered the different options to respond to oral and written submissions and provided staff with direction to reject aspects of the initial proposal and retain other aspects of the proposal.
- 57 Elected members specially discussed the following submission topics and provided guidance to officers on a preferred approach.

Submission Topics	Discussion and Preferred Approach
Majority support for number of councillors	Retain proposed number of councillors at 10 plus the Mayor.
Majority disagreement with the proposed Council structure of two at-large (districtwide), seven general ward and one Māori ward councillor	Retain proposed Council structure of two at-large (districtwide), seven general ward and one Māori ward councillors.
Majority support for proposed community board arrangements	Retain the proposed community board structure of five community boards (at Ōtaki, Waikanae, Paraparaumu, Raumati and Paekākāriki) comprising four elected representatives but amend the councillor to community board appointment structure and reduce the number of appointees to the Paraparaumu Community Board to one from either the Paraparaumu General Ward or the Kapiti Coast Māori Ward.
Majority support for boundary alterations at Emerald Glen/Valley Road to move the five meshblocks back into the Paekākāriki-Raumati Ward and the Paekākāriki Community Board area	Retain proposed boundary alterations at Emerald Glen/Valley Road.
Majority support for the boundary alterations at Te Horo to move the fifteen meshblocks south to Te Hapua Road into the Ōtaki Ward and Community Board area, but majority disagreement with the proposal by residents directly affected by the alterations	Adjust proposal and revert back to the existing ward and community board boundaries down School Road and Te Horo Beach Road.
Support by mana whenua to rename the Māori Ward Kapiti Coast Māori Ward, without the proposed macron	<p>Receive the name gifted by mana whenua for the Māori ward and rename the ward Kapiti Coast Māori Ward without the macron.</p> <p>This will mean the name of the Māori ward is not in line with Council's current Macron Usage Policy. Council commits to reviewing the policy in 2025.</p>

Ngā kōwhiringa | Options

- 58 When determining whether to amend the initial proposal and resolve a final proposal, Council is required to do so in accordance with the provision in the LEA and the consultation and decision-making provisions of the LGA. As noted above, this includes considering all submissions received and clearly stating which submissions are accepted and which are

rejected and the reasons for the acceptance or rejection. Each acceptance and rejection decision must be specified in Council’s public notice of the final proposal. Council is also required to provide reasons for any amendments to its initial proposal and amendments may only be made to reflect feedback from submissions. If Council wishes to amend other aspects of its initial proposal it must do so based on submissions received through the formal consultation process.

- 59 In addition to the general decision-making provisions in the LGA, Council must also give effect to the provision relating to engagement with iwi/Māori⁹ and give effect to the principles of Te Tiriti o Waitangi (the Treaty of Waitangi).¹⁰

Consideration of options

- 60 The discussions by elected members at the 8 and 22 October 2024 public briefings centred around largely retaining the initial proposal but re-considering the name of the Māori ward, the placement of the boundary between the Waikanae and Ōtaki Wards and the councillor to community board appointment structure to achieve consistency across all community boards.

Māori Ward Name

- 61 In response to the formal consultation on the initial proposal, Council’s mana whenua partners submitted that they support the name of the Māori ward subject to the removal of the macron on ‘Kāpiti’. Council must consider the submission and decide whether to accept or reject the submission. In line with the provisions of the LGA, considering the views of Council’s mana whenua partners, is seen as appropriate when deciding the name of the Māori ward.

- 62 Council can consider the following options in relation to the name of the Māori ward:

Name of Māori Ward	Advantages	Disadvantages
Kāpiti Coast Māori Ward	As per the initial proposal and in line with Council's current macron usage policy ¹¹ .	Not in line with the submission of Council's mana whenua partners (A.R.T confederation members).
Kapiti Coast Māori Ward	As per the submission of mana whenua. Under the provisions of the LGA, and the memorandum of partnership, it is considered appropriate for councillors to consider the views of mana whenua when deciding a name for the Māori ward (and any other decisions in relation to the final proposal).	Not in line with Council's current macron usage policy. The policy is overdue for a review, which is considered timely and necessary in line with ongoing discussions with Council's mana whenua partners.

Ōtaki-Waikanae Ward and Community Board boundary

- 63 The analysis of the submissions received in response to the formal consultation on the initial proposal highlighted that the majority of submitters support the proposed boundary alteration between the Waikanae and Ōtaki Wards. However, the majority of respondents (71%)

⁹ Section 81 of the LGA provides that councils must provide opportunities for Māori to contribute in the decision-making processes of the local authority. Further to that, Section 82 provides that councils must ensure processes for consulting with Māori are in place when consultation is undertaken in relation to any decision.

¹⁰ Section 4 of the LGA provides that councils must take appropriate account of the principles of the Treaty of Waitangi and maintain and provide opportunities for Māori to contribute to local government decision-making processes.

¹¹ The macron usage policy was created in 2011 and last reviewed in 2020. The policy notes that 'Council passed a resolution on 22 April 2010 to use a macron in any spelling of the word Kāpiti in any Council papers, publications, maps or signage.' This approach is in line with advice on the usage of the macron by the New Zealand Geographic Board. The policy is overdue for a review. On 22 October 2024, a public briefing was held to summarise the background to the macron usage and outline the impacts and opportunities in relation to the removal of the macron.

directly affected by the change (those that are identified as owning property or residing in the area) disagree with the boundary alteration and would prefer the status quo or for the boundary to be moved north to Ōtaki river instead.

- 64 As a result of the feedback received, the following lawful and practicable boundary options are provided in this report for consideration by councillors:

Option	Advantages	Disadvantages
Option A - Move boundary south to Te Hapua Road (as per Initial Proposal)	<p>This option ensures the community of interest at Te Horo is not split between two wards and community boards.</p> <p>This option aligns the representation boundaries more closely with iwi boundaries.</p> <p>This option was considered during the last representation review and presented to the LGC during the hearing held to determine Council's final representation arrangements.</p> <p>70% of all submitters supported this option but only 29% of those residents directly affected by the change are in favour of this option.</p>	<p>This option does not comply with the fair representation requirements (+/-10% rule) prescribed in the LEA.</p> <p>30% submitters are not in favour of this option.</p> <p>71% of residents directly affected by the proposed changes are not in favour of this option</p>
Option B - Retain current boundary	<p>This option complies with the fair representation requirements (+/-10% rule) prescribed in the LEA.</p> <p>This option was determined by the LGC, in 2022, to provide fair and effective representation for the Kāpiti Coast District.</p> <p>9.6% of submitters in favour of this option.¹²</p>	<p>This option splits the community of interest at Te Horo with the residents south of School Road and Te Horo Beach Road voting in the Waikanae Ward and community board and the residents north of these roads voting in the Ōtaki Ward and community board.</p>
Option C - Move boundary north to Ōtaki River	<p>This option ensures the community of interest at Te Horo is not split between two wards and community boards.</p>	<p>This option does not comply with the fair representation requirements (+/-10% rule) prescribed in the LEA.</p> <p>Ngā Hapū o Ōtaki do not agree with moving the boundary north to Ōtaki river as it will separate one of the five Ōtaki hapū, Ngāti Huia</p>

¹²42 of 433 respondents indicated that there is no need for change, that Te Horo aligns with Waikanae or that they prefer the status quo. We are unable to comment whether other submitters would agree or disagree with this option as the question asked in the consultation questionnaire pertained to whether submitters support the initial proposal, i.e. moving the boundary south to Te Hapua Road.

2.5% of submitters in favour of this option. ¹³	ki Katihiku, from the rohe of their iwi Ngāti Raukawa ki Te Tonga.
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- 65 The relevant population data and statistics and maps showing the different boundary options are appended in Appendix 8.

Councillors to community board appointments

- 66 The analysis of the responses received highlights that the majority of submitters (80%) support the proposed community board structure and membership, including the councillor appointments to community boards.
- 67 At the briefings on 8 and 22 October 2024, councillors discussed the discrepancy between the number of appointees to the community boards whereby two of the three ward councillors are appointed to the Paraparaumu Community Board but only one ward councillor is appointed to the other community boards.
- 68 Council is able to amend its initial proposal if submissions have been received during the formal consultation period. In total, five submissions commenting on councillor appointments to community boards have been received.
- 68.1 Two written submissions were received outside the system and both submissions state the disparity between the appointment arrangements (both submissions use the same wording but were counted twice as the submitters/signatories were different):
- “There is disparity in the appointment process of councillors to community boards already – Paraparaumu has the right for two whilst Waikanae can only have one. Change this inequity so both councillors in both wards are seconded to the community board.”*
- 68.2 Three submissions were received commenting on removing councillors from community boards:
- ‘Community Boards should be realigned in sync with my suggestion to remove councillors.’*
- ‘While the current Community Board representation structure has worked well for the Kapiti Coast District the process of appointing Councillors to Community Boards causes friction.’*
- ‘Councillors are not elected and have a minimal role, if any. They diminish the role of elected community board members.’*
- 69 While the number of submissions on the subject is not significant, aligning the number of appointees to only appoint one councillor to each community board from either the General Ward or the Māori Ward creates a more equitable and consistent appointment structure.

Treatment of submissions

- 70 At the public briefings on 8 and 22 October 2024, councillors signalled an intention to largely retain the initial proposal but alter three aspects of the representation arrangements, in line with submissions received, as follows:
- 70.1 change the name of the Māori ward to Kapiti Coast Māori Ward (without the macron on Kapiti),
- 70.2 retain the current boundary line at Te Horo, as per the determination of the LGC in 2022, and

¹³ 11 of 433 respondents suggested in their submission that the boundary should be moved to Ōtaki river. We are unable to comment whether other submitters would agree or disagree with this option as the question asked in the consultation questionnaire pertained to whether submitters support the initial proposal, i.e. moving the boundary south to Te Hapua Road.

70.3 adjust the councillor appointment to community board structure to appoint one councillor to the Paraparaumu Community Board.

71 The discussions by elected members result in the following treatment of submissions:

Treatment	Reason
Accept the majority of submissions who agree with retaining 10 councillors and the Mayor and reject the minority of submissions who disagree with this view.	The minority view is rejected in favour of the majority view who consider 10 councillors plus the Mayor a number of representatives that is working as it provides fair representation and diversity but does not create inefficiencies and bureaucracy.
Reject the majority of submissions who disagree with the Council structure of two at-large (districtwide), seven general ward and one Māori ward councillor and accept the minority view of those who agree with the structure.	<p>The majority view is rejected in favour of the minority view who consider the structure to be fair and representative. This view is reflected in the submissions from the preliminary community engagement conducted in March 2024 that highlighted the community’s overall support of the existing arrangements and a majority support for including the Māori ward councillor by replacing a at-large (districtwide) councillor.</p> <p>The majority view is also rejected as a greater number of those submissions disagreed with the proposed Council structure due to the addition of the Māori ward which Council affirmed in August 2024 and can no longer decide to rescind at this point in time.</p>
<p>Accept the majority of submissions who agree with the community board structure and membership and reject the minority view who disagree with this view.</p> <p>Council also decides to amend the councillor to community board appointment structure and reduces the number of appointees to the Paraparaumu Community Board to one from either the Paraparaumu General Ward or the Kapiti Coast Māori Ward.</p>	<p>The minority view is rejected in favour of the majority view who consider the community board structure and membership is working as it provides fair representation and is valuable to local democracy.</p> <p>Council accepts the submissions recommending that the discrepancy of councillors appointments to community boards be considered. The number of appointees to the Paraparaumu Community Board is reduced to one so it is consistent with all other community boards.</p>
Accept the majority of submissions who agree with the ward and community board area boundary changes resulting in the Emerald Glen/Valley Road meshblocks (2010100, 4013496, 4013497, 1997802 and 1997902) being included in the Paekākāriki-Raumati Ward and the Paekākāriki Community Board area. Council will also reject the minority of submissions who disagree.	The minority view is rejected in favour of the majority view who consider the changes appropriate considering the affected communities feel more strongly aligned with Paekākāriki.
Reject the majority of submissions who agree with the ward and community board area boundary changes resulting in the Te Horo meshblocks being included in the	The majority view is rejected in favour of the minority view who consider the boundary changes unnecessary and prefer to retain the status quo. This decision is giving special

<p>Waikanae Ward and Community Board area.</p> <p>Council will instead accept the minority of submissions disagreeing with the changes and suggest retaining the current ward and community board boundaries in place between Waikanae and Ōtaki.</p>	<p>consideration to the responses from residents that are directly affected by the boundary changes who support retaining the boundaries as they are.</p>
<p>Accept the submission made by Council's mana whenua partners to change the name of the Māori Ward to Kapiti Coast Māori Ward.</p>	<p>The submission is accepted as the views of Council's mana whenua partners are considered valuable and appropriate when considering the naming of the newly established Māori ward.</p>

Mana whenua

- 72 To consider 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 (Ngāti Raukawa ki Te Tonga) and Ngāti Toa Rangatira (the A.R.T Confederation).
- 73 As part of the representation review process, to understand what fair and effective representation arrangements for the Kāpiti Coast district look like, the project team sought advice from Council's iwi partners to understand their views. Apart from engaging with mana whenua on the same questions posed to the wider community around representation, Council's iwi partners have been specifically consulted on two key aspects of representation in the Kāpiti Coast district:
- 73.1 what the Māori Ward's name should be, and
- 73.2 where the boundary lines between the Ōtaki General Ward and Waikanae General Ward (at Te Horo) should lie.
- 74 During the formal consultation period between 8 August and 12 September 2024, mana whenua provided a written submission (attached in Appendix 9), and confirmed that they:
- 74.1 are supportive of the name proposed for the Māori ward with the condition that the macron be removed from Kapiti changing the ward's name to Kapiti Coast Māori Ward instead.
- 74.2 are supportive of the proposed boundary changes for the Ōtaki and Waikanae Wards and Community Boards which would entail moving the boundary south past Te Hapua Road.
- 75 Separate to the formal submission received from Council's mana whenua partners, Ngā Hapū o Ōtaki (Ngāti Raukawa ki Te Tonga) have verbally confirmed that they do not agree with moving the boundary north to Ōtaki river as it will separate one of the five Ōtaki hapū, Ngāti Huia ki Katihiku, from the rohe of their iwi Ngāti Raukawa ki Te Tonga.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

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

Ahumoni me ngā rawa | Financial and resourcing

- 77 Conducting a representation review has an impact on the budget which has been factored into the planning for the long-term plan. In November 2023, the total cost for the representation review was estimated at \$240,000 which included preliminary and formal community engagement costs. Due to the streamlined approach to the review process, savings have been realised throughout the process and it is estimated that the total cost will be \$160,000.

- 78 This budget includes costs incurred for technical advice being sought from our Electoral Officer (Election Services) as well as administration costs to cover printing, advertising, community engagement sessions during the preliminary community engagement and formal consultation phases. A referral of the final proposal to the LGC does not incur significant additional costs for Council but minor administrative costs that may be incurred have been included in the budget.
- 79 A poll on the future of the Māori ward will be included in the planning for the 2025 Local Body Elections and is not included in the budget to finalise the representation review. The poll is estimated to cost \$13,500. The poll will be held at the same time as the triennial elections which means it can be completed at a significantly lower cost than a standalone poll (around \$100,000 - \$120,000) as certain processes such as running educational campaigns, preparing electoral rolls, and organising the mail-out to electors occur regardless of whether a poll is included or not. The estimated amount covers extra printing costs and processing time required to calculate the poll results.

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

Legal Considerations

- 80 The parameters, deliverables and timeframes of the representation review are mandated by legislation under the LGA and LEA (primarily section 19). The review process has been planned and executed in accordance with these legislative requirements.
- 81 Once a local authority has resolved its final proposal, it must refer the proposal to the LGC for a binding determination by 10 April 2025 if it does not comply with the fair representation rule (+/-10% rule) or if any appeals or objections are received after the proposal has been publicly notified.
- 82 Under the amended provisions of the LEA¹⁴, Council will be required to hold a poll at the 2025 Local Body Elections to determine the future of the Māori ward. During consultation, submitters raised that Council should direct officers to seek legal advice on not conducting the poll. Council has not sought legal advice itself but is aware of legal advice that has been sought by Taituarā (New Zealand's membership network for local government professionals). The legal advice received confirms that councils are not in a position to decide not to hold a poll. The statutory requirement to hold a poll, once triggered, fully rests with the Electoral Officer who is independent of Council to ensure elections and polls are conducted in a politically neutral manner. Any decision not to hold a poll would result in non-compliance with legislation.

Risk Management

- 83 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.

Ngā pānga ki ngā kaupapa here | Policy impact

- 84 There will be no direct impact on any existing or planned policies as a result of this decision.
- 85 If Council decides to change the name of the Māori ward to Kapiti Coast Māori Ward without the macron on Kapiti, this decision will not be in line with Council's macron usage policy resulting in an inconsistency. This can be addressed by considering a review of the policy.

¹⁴ The LEA was amended on 30 July 2024 as a result of the enactment of the Local Government (Local Electoral and Māori Wards and Māori Constituencies) Amendment Act.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 86 As per the provisions of the LEA, Council undertook a formal consultation process on the initial proposal to inform the final proposal.
- 87 The consultation period was open from 8 August to 5pm on 12 September 2024 and involved a range of consultation activities including:
- 87.1 A Statement of Proposal (explaining the submission process, outlining the proposal and rationale including maps to show changes)
 - 87.2 A formal submission consultation questionnaire
 - 87.3 Media advisories, newspaper, radio and online advertising (including Facebook)
 - 87.4 A consultation website using Council's Have Your Say platform
 - 87.5 Everything Kāpiti e-newsletter
 - 87.6 Webinar and face-to-face community drop-in sessions to ask questions of staff and elected members
 - 87.7 Targeted communications (email and letter-drop) for residents in areas affected by the proposed boundary changes.

Whakatairanga | Publicity

- 88 Community interest in this decision is expected to be high. The decision will be published through Council's usual channels and notified publicly. The LEA mandates that Council's decision on its final representation proposal must be publicly notified within 8 weeks of the submission period closing (and no later than 3 November 2024).
- 89 The final proposal decision will also be communicated by providing:
- 89.1 a written response to all submitters that have provided email or postal addresses to confirm Council's final proposal, and to provide information on the objections process;
 - 89.2 a media advisory from the Mayor outlining the final proposal and reasons for some of the changes (promoted through our e-newsletter Everything Kāpiti and other usual communications channels)
 - 89.3 updates to the website and digital channels (i.e. Facebook page).
- 90 Once Council's decision has been publicly notified, the community will have an opportunity to object to the decision by emailing Council directly (governance@kapiticoast.govt.nz). The objections process will be open for one month until 6 December 2024. After this date, any objections will be forwarded to the LGC to consider. If the final proposal complies with the fair representation criteria and no objections are received the final proposal will become the basis for election at the 2025 local body elections.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Appendix 1 - Formal Consultation Submissions (under separate cover) ⇒
2. Appendix 2 - Unconfirmed Council Minutes and Tabled Documents ↓
3. Appendix 3 - Submissions Analysis Report ↓
4. Appendix 4 - Ward and Community Board Boundaries ↓
5. Appendix 5 - Section 19 Local Electoral Act 2001 ↓
6. Appendix 6 - Initial Proposal ↓
7. Appendix 7 - Consultation Questionnaire ↓
8. Appendix 8 - Population Data Statistics ↓
9. Appendix 9 - A.R.T Confederation Submission Letter ↓

10.3 WAIKANAE PROPERTY FUND

Kaituhi | Author: **Morag Taimalietane, Principal Advisor Customer and Community**

Kaiwhakamana | Authoriser: **Brendan Owens, Group Manager Customer and Community**

TE PŪTAKE | PURPOSE

- 1 This report provides options for projects the Waikanae Property Fund could be used to fund in the 2024/25 financial year, ensuring these projects are based in the Waikanae Ward and are occurring on Council-owned properties.

HE WHAKARĀPOOTO | EXECUTIVE SUMMARY

- 2 The Waikanae Property Fund (the Fund) is a restricted equity reserve created for the purpose of funding improvements to Council-owned properties in Waikanae.
- 3 The Fund is currently the only ward specific property fund and has not been used in recent years.
- 4 There is currently \$154,000 capex remaining in the Fund, and this report focuses on options for projects the Waikanae Property Fund could be used to fund in the 2024/25 financial year (FY 2024/25), with the intention of disestablishing the Fund this financial year.

TE TUKU HAEPAPA | DELEGATION

- 5 Council has delegated authority to consider this under section A of the 2022-2025 Triennium Governance Structure and Delegations.

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council note the projects that are supported by the Waikanae Community Board for use of funding from the Waikanae Property Fund.
- B. That Council approve the use of funding from the Waikanae Property Fund in accordance with:
 - B.1 Option A
 - B.2 Option B
 - B.3 Option C
 - B.4 Option D
- C. That Council approve the disestablishment of the Waikanae Property Fund, following the full utilisation of funding as agreed through recommendation B.

TŪĀPAPA | BACKGROUND

- 6 The Waikanae Property Fund is a restricted equity reserve created for the purpose of funding improvements to Council-owned properties in Waikanae. The source of the Fund is the proceeds from the sale of other Council property in the Waikanae ward (excluding districtwide funded properties).
- 7 The Fund, which totalled \$189,000 capex for FY 2024/25, is currently the only ward specific property fund and has not been used in recent years.
- 8 At the Council hui on 27 June 2024, the 'Reports and Recommendations from Committees and Subcommittees' paper included a recommendation from the Waikanae Community Board to allocate \$35,000 of the total \$189,000 to assist with the cost of installing a playground at the Reikorangi Hall.

- 9 A recommendation was also included in the 27 June 2024 paper, that requested Council officers investigate the possibility of delegating the authority to administer and disburse the Waikanae Property Fund to the Waikanae Community Board by providing the Mayor with advice on the options.
- 10 The 'Reports and Recommendations from Committees and Subcommittees' paper was left to lie on the table, with no further work undertaken by Council staff on the report's recommendations.
- 11 However, while no further work was undertaken by Council staff on the report recommendations, Council was provided with further contextual information about the Waikanae Property Fund during a briefing on 23 July 2024.
- 12 This briefing included background information about the Fund, thoughts about an approach going forward for the use and proposed disestablishment of the Fund in FY 2024/25, and potential projects in Waikanae which the Fund could be used to support (additional to the playground at the Reikorangi Hall).
- 13 At the Council hui on 25 July 2024 the 'Reports and Recommendations from Committees and Subcommittees' paper consideration continued, resulting in the Council approving a Waikanae Property Fund grant to the Reikorangi Residents' Association of \$35,000 to assist with the cost of playground equipment and installation at the Reikorangi Hall.
- 14 Therefore, with \$154,000 capex remaining in the fund, this report is focused on options for projects the Waikanae Property Fund could be used to fund in FY 2024/25.

HE KÖRERORERO | DISCUSSION

- 15 Council owns many properties in the Waikanae ward, however to enable the utilisation of the Fund in FY 2024/25, the scope was narrowed to only consider properties where Council has projects / initiatives included in planning or underway and:
- the project / initiative supports our top 10 priorities; and
 - the project would benefit from additional capex funding in FY 2024/25.
- 16 A benefit, as noted above, included considerations such as (but not limited to):
- the project is underway and currently overbudget.
 - the project has been approved by the Senior Leadership Team but is unable to progress due to a lack of available funding in FY 2024/25.
 - the projects positive outcomes would be notably increased by additional funding.

Waikanae Community Board

- 17 The Fund has been discussed with the Waikanae Community Board (WCB) at two hui, on 20 August 2024 and 24 September 2024.
- 18 At the 20 August hui, a report was presented to the WCB which outlined three potential projects for consideration. These were:
- 18.1 Public Toilets - Waikanae Boating Club: There is a requirement for new public toilets to be installed this financial year. The installation was not planned, and therefore was unbudgeted with a shortfall of funding totalling approximately \$180k.
- 18.2 Te Ara Whetū: Te Ara Whetū is a key project within the Waikanae Town Centre. Additional funding could be used to enable opportunities that improve the integration of Te Ara Whetū to Mahara Place and support the activation of Mahara Place.
- 18.3 Waikanae Park – Stage Two: Council currently has a helicopter view of the future Waikanae Park development. Additional funding would provide an opportunity to bring forward stage two (feasibility and more detailed design planning for the precinct).
- 19 After considering the report, the Waikanae Community Board resolutions state:

- 19.1 That the Waikanae Community Board **does not** support any of the three projects noted in the report.
- 19.2 That the Waikanae Community Board **supports** using the Waikanae Property Fund for the Waikanae Beach Tennis and Basketball Court upgrade.
- 20 Using the direction provided by the WCB, Council staff undertook a costing exercise for the upgrade of the Waikanae Beach Tennis and Basketball Court, which was estimated at \$20,000. Therefore, if this was approved by Council, there would still be \$134,000 remaining in the Fund.
- 21 A second report was presented to the WCB on 24 September 2024, which provided additional options (including the Waikanae Beach Tennis and Basketball Court resurfacing as noted above) for the WCB to consider with regard to the use of the Fund. These were:
- 21.1 Court Resurfacing - Two court areas within Waikanae would benefit from resurfacing, total estimated cost \$60,000
- Waikanae Beach Tennis and Basketball Court – \$20,000
 - Waikanae Memorial Tennis Court, which would include resurfacing plus additional markings to include netball and pickleball courts – \$40,000
- 21.2 Additional funding for Reikorangi Playground - \$25,000
- To support further earthworks and supplying safety surface (bark) for the new playground (above the \$35,000 already allocated).
- 22 The two options above totalled \$85,000, with Council officers recommending that the remaining \$69,000 be used to support the completion of the new public toilets by the Waikanae Boating Club.
- 23 After considering the report, the Waikanae Community Board resolutions state:
- 23.1 That the Waikanae Community Board support Option A – \$60,000 to enable court resurfacing of the Waikanae Beach Tennis and Basketball Court and the Waikanae Memorial Hall Tennis Courts.
- 23.2 That the Waikanae Community Board support Option B - \$25,000 additional funding for Reikorangi Playground to enable further earthworks and supplying safety surface.
- 23.3 The Waikanae Community Board support any remaining funds be used for improving community amenities at both the Waimeha Domain, and the Waikanae township.
- 24 Therefore, the projects stated in paragraph 23 above are the projects that are supported by the Waikanae Community Board for use of the remaining \$154,000 funding through the Waikanae Property Fund.
- 25 The Waikanae Community Board clearly re-stated during the hui that they did not support the Fund being used for the completion of the new public toilets by the Waikanae Boating Club, as per their resolution at the WCB 20 August 2024 hui.

He take | Issues

- 26 While discussions have been had with the Waikanae Community Board about their preferences for how they would like the Fund to be utilised, the delegation for decisions around the Waikanae Property Fund currently sits with Council, and therefore this report to Council is required to enable approval of any grant from the Fund.

Ngā kōwhiringa | Options

- 27 The table below provides several options for Council's consideration with regards to how the Waikanae Property Fund could be utilised to support funding improvements to Council-owned properties in Waikanae.

Table 1: Table Name

Kōwhiringa Options	Hua Benefits	Tūraru Risks
<p>Option A (recommended)</p> <p>Waikanae Court Resurfacing \$60,000</p> <p>Additional Funding for Reikorangi Playground \$25,000</p> <p>Improvement of community amenities at both the Waimeha Domain, and the Waikanae township \$69,000</p> <p style="text-align: right;">Total \$154,000</p>	<p>Supported by the Waikanae Community Board.</p> <p>All projects able to be progressed in FY 2024/25.</p> <p>Projects spread across three Waikanae communities (beach, township and Reikorangi).</p>	<p>Opex and renewal costs for Reikorangi Playground not included in future budgets.</p>
<p>Option B</p> <p>Waikanae Court Resurfacing \$60,000</p> <p>Additional Funding for Reikorangi Playground \$25,000</p> <p>Public Toilets - Waikanae Boating Club \$69,000</p> <p style="text-align: right;">Total \$154,000</p>	<p>All projects able to be progressed in FY 2024/25.</p> <p>Projects spread across three Waikanae communities (beach, township and Reikorangi).</p>	<p>Opex and renewal costs for Reikorangi Playground not included in future budgets.</p> <p>Not all projects supported by the Waikanae Community Board.</p>
<p>Option C</p> <p>Public Toilets - Waikanae Boating Club</p> <p>Te Ara Whetū – integration with, and activation of, Mahara Place</p> <p>Waikanae Park – Stage two (feasibility and more detailed design)</p> <p style="text-align: right;">Total \$154,000</p> <p><i>Funding allocation for projects within this option to be discussed and agreed at the Council hui, if this is Council's preferred option to progress.</i></p>	<p>Total funding amount provided to any of the three projects would enable progress in FY 2024/25.</p>	<p>Projects not supported by the Waikanae Community Board.</p> <p>If funding spread across projects, amount of funding may not be sufficient to allow significant progress in 2024/25.</p> <p>Reikorangi Playground may not progress / pace of progress may be impacted without additional funding support from Council.</p>
<p>Option D</p> <p>No projects are progressed, with further time taken to consider the best utilisation of the Waikanae Property Fund.</p>		<p>No benefits provided to the Waikanae community through the Waikanae Property Fund.</p>

Mana whenua

28 Mana whenua were not specifically consulted for this report.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

29 There are no specific climate change and environment considerations arising from this report.

Ahumoni me ngā rawa | Financial and resourcing

- 30 While Council has previously provided financial support through the Waikanae Property Fund to enable progress of the Reikorangi Playground, the ongoing operational and renewal costs for Council acquiring an additional playground are not included in future budgets. These will need to be included through an upcoming annual or long-term plan.
- 31 All other projects proposed can be undertaken within current resource and budget.
- 32 If the Council fully utilises the funding available from the Waikanae Property Fund, and agrees to disestablish the Fund, the council's Finance team will undertake the necessary steps to permanently disestablish the Waikanae Property Fund.

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

- 33 There are no legal or risk considerations relevant to this report.

Ngā pānga ki ngā kaupapa here | Policy impact

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

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

- 35 An engagement plan is not needed to implement this decision. Council will communicate this decision through its established communication channels.

Whakatairanga | Publicity

- 36 Council will use its established communications channels to inform the community of this decision and to explain the rationale for why it made this decision.

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

10.4 REPORTS AND RECOMMENDATIONS FROM COMMUNITY BOARDS

Kaituhi | Author: **Evan Dubisky, Advisor Governance**

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

TE PŪTAKE | PURPOSE

- 1 This report presents items considered and recommendations made to Council by community boards between 17 August 2024 and 24 September 2024.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 Council has received three recommendations from the Waikanae Community Board to consider:
 - 2.1 working with the Waimanu Lagoons Focus Group to resolve the issues with the Waimanu Lagoon Weir.
 - 2.2 reviewing the categorisation of the Waikanae Gymnastics Club from Category A to Category C for the calculation of room hire charges.
 - 2.3 addressing the implementation of the Pop-Up space by 1 December 2024.

TE TUKU HAEPAPA | DELEGATION

- 3 In line with Council's Governance Structure and Delegations 2022-2025, Council has the authority to consider recommendations made by community boards and provide direction to Council officers to action these recommendations.

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council **receives** this report.
- B. That Council **notes** the three recommendations from the Waikanae Community Board meeting of 20 August 2024:
 - B.1 That the Waikanae Community Board recommends to Council to work with the Waimanu Lagoons Focus Group to resolve the issues with the Waimanu Lagoon Weir.
 - B.2 That the Waikanae Community Board recommend to Council to review the categorisation of the Waikanae Gymnastics Club from Category A to Category C for the calculation of room hire charges.
 - B.3 That the Waikanae Community Board recommend to Council to address the implementation of the Pop-Up space by 1 December 2024.
- C. That Council **notes**:
 - C.1 That Council officers are progressing the recommendations relating to the Waimanu Lagoon Weir and the pop-up space, and
 - C.1 That the recommendation regarding the Waikanae Gymnastics Club does not align with the current room hire framework, as it does not include categories for users, and a review will not be conducted as a result.

TŪĀPAPA | BACKGROUND

- 4 During the period of 17 August 2024 to 24 September 2024, the following community board meetings took place:

Waikanae Community Board	Tuesday, 20 August 2024
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Ōtaki Community Board	Tuesday, 27 August 2024
Paekākāriki Community Board	Tuesday, 3 September 2024
Paraparaumu Community Board	Tuesday, 10 September 2024
Raumati Community Board	Tuesday, 17 September 2024
Waikanae Community Board	Tuesday, 24 September 2024

5 The following items were discussed at each of the meetings:

5.1 On Tuesday, 20 August 2024 the Waikanae Community Board met to discuss:

- Update on 56-65 Main Road, Waikanae
- Waikanae Property Fund
- Consideration of Applications for Funding
- Amendment to Standing Orders for Meetings of the Waikanae Community Board
- Matters Under Action

5.2 On Tuesday, 27 August 2024 the Ōtaki Community Board met to discuss:

- Amendment to Standing Orders for Meetings of the Ōtaki Community Board
- Consideration of Applications for Funding
- Matters Under Action

5.3 On Tuesday, 3 September 2024 the Paekākāriki Community Board met to discuss:

- Consideration of Applications for Funding
- Matters Under Action

5.4 On Tuesday, 10 September 2024 the Paraparaumu Community Board met to discuss:

- Amendment to Standing Orders for Meetings of the Paraparaumu Community Board
- Consideration of Applications for Funding

5.5 On Tuesday, 17 September 2024 the Raumati Community Board met to discuss:

- Deputation from Ōtaki Community Board
- Emergency Management Update – The Community Approach
- Consideration of Applications for Funding
- Matters Under Action

5.6 On Tuesday, 24 September 2024 the Waikanae Community Board met to discuss:

- Matters of an Urgent Nature
- Emergency Management Update – The Community Approach
- Waikanae Property Fund
- Draft Calendar of Meetings 2025
- Consideration of Applications for Funding
- Matters Under Action

HE KŌRERORERO | DISCUSSION

He take | Issues

- 6 The Waikanae Community Board made three recommendations to Council at their meeting on 20 August 2024. The other four community boards made no recommendations between 17 August 2024 and 24 September 2024.
- 7 At the Waikanae Community Board meeting on Tuesday, 20 August 2024, the board made three recommendations to Council:
 - 7.1 That the Waikanae Community Board recommends to Council to work with the Waimanu Lagoons Focus Group to resolve the issues with the Waimanu Lagoon Weir.
 - 7.2 That the Waikanae Community Board recommend to Council to review the categorisation of the Waikanae Gymnastics Club from Category A to Category C for the calculation of room hire charges.
 - 7.3 That the Waikanae Community Board recommend to Council to address the implementation of the Pop-Up space by 1 December 2024.

Waimanu Lagoon Weir

- 8 A weir provides for the effective management of water levels within a lagoon. Council officers have met with representatives of the Waimanu Lagoon Focus Group and agreed on a course of action to return the weir to effectively managing water levels. Further investigative work is required to determine the extent of the repair works needed. At this stage an accurate timeframe for the works cannot be provided but once the investigative work is completed, Council officers will liaise with the focus group on an updated work program and timeline.

Waikanae Gymnastics Club

- 9 When considering the Long-term Plan earlier this year, Council decided against an increase in charges of hall fees and the introduction of fees categories for users. This means a review of the user category for the Waikanae Gymnastics Club cannot be conducted.

Waikanae Pop-up Space

- 10 On 5 September 2024, elected members were briefed on the exploratory work underway in relation to the pop-up space in Waikanae. Elected members will be briefed on next steps and to confirm implementation timeframes once further exploratory work has taken place.

Ngā kōwhiringa | Options

- 11 There are no options in addition to those already discussed in this report.

Mana whenua

- 12 Mana whenua have not been consulted in relation to this report.

Panonitanga āhuarangi | Climate change and Environment

- 13 There are no direct climate change and environment considerations in relation to this report. Some of the actions that will be taken as a result of the recommendations concerning the weir will have environmental impacts, but this has not been explored as part of this report.

Ahumoni me ngā rawa | Financial and resourcing

- 14 There are no direct financial considerations resulting from the recommendations in this report.

Ture me ngā Tūraru | Legal and risk

- 15 There are no direct legal or risk considerations relevant to this report.

Ngā pānga ki ngā kaupapa here | Policy impact

16 There are no direct policy impacts relevant to this report. .

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

17 An engagement plan is not required for this report.

Whakatairanga | Publicity

18 The decision made in this report will be publicly available through Council's standard communications channel.

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

10.5 AMENDMENTS TO COUNCIL DELEGATIONS TO STAFF

Kaituhi | Author: **Sarah Wattie, General Counsel**

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

TE PŪTAKE | PURPOSE

- 1 This report seeks Council's consideration and approval of amendments to Council delegations to Staff, including changes to the Resource Management Act 1991 delegations.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required.

TE TUKU HAEPAPA | DELEGATION

- 3 Council has the authority to consider this matter. Clause 32, Schedule 7 of the Local Government Act 2002 empowers the Council to delegate its responsibilities, duties and powers in accordance with the restrictions set out in this provision.

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council **Adopts** the amended sections to 'Council Delegations to Chief Executive and Staff' as shown in Attachment 1 to the report 'Amendments to relevant sections of Council Delegations to Chief Executive and Staff'.
- B. That Council **Adopts** the amended Resource Management Act 1991 delegations to staff as shown in Attachment 2 to the report 'Amendments to Council to Staff RMA Delegations'.

TŪĀPAPA | BACKGROUND

- 4 The purpose of local government under clause 10(1) of the Local Government Act 2002 is to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Legislative compliance with central Government's legislative and regulatory programme supports Council to do this in a fair and efficient manner.
- 5 Council has a range of legislative functions, duties and powers. It is not always efficient or practical for elected members to carry out all of these functions, duties and powers, which is reflected in various statutes that provide Council with the legal authority to delegate to Council staff. Delegated authority allows for administrative efficiency and ensures timeliness in the conduct of Council's daily business.
- 6 In particular, Council has the authority to delegate to officers under clause 32 of Schedule 7 of the Local Government Act 2002. Clause 32 of the Local Government Act 2002 also sets out certain powers that cannot be delegated as follows:

"32. Delegations– (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except–

- (a) the power to make a rate; or*
- (b) the power to make a bylaw; or*
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
- (d) the power to adopt a long-term plan, annual plan, or annual report; or*
- (e) the power to appoint a chief executive; or*

(f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.*

(h) *the power to adopt a remuneration and employment policy.”*

- 7 Most legislation provides the Chief Executive with the discretion to sub-delegate to Council staff. However, some Acts prescribe the way delegations must be made. For example, section 34A of the Resource Management Act 1991 (RMA) provides local authorities with the power to delegate to an employee any functions, powers, or duties under these Acts however, they prohibit the power to sub-delegate and therefore these delegations must be approved by Council.
- 8 The Council’s delegations to Chief Executive and staff are monitored on a regular basis and reported back to Council for amendment as required, in response to changes in either staff or legislation.

HE KÖRERORERO | DISCUSSION

- 9 This report proposes amendments to Council delegations to the Chief Executive and Staff and Resource Management Act 1991 delegations to give effect to recommendations from staff.

He take | Issues

ORGANISATIONAL STRUCTURE CHANGE PROCESS

- 10 As of 29 October 2024, certain staff roles and titles have changed as part of an organisational structure change process. As such, amendments are required to the COVID-19 Recovery (Fast-track Consenting) Act 2020 delegations in the *Council Delegations to Chief Executive to Staff*.
- 11 These changes are highlighted in *Council Delegations to Chief Executive to Staff in Attachment 1*.

RESOURCE MANAGEMENT ACT 1991 (RMA) DELEGATIONS

- 12 Amendments are also required to Council’s delegations to staff under the RMA as part of the change process referred to in paragraph 10. These amendments are set out in the table overleaf and highlighted in detail in *Council to Staff RMA Delegations* in Attachment 2.

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
<i>Roles affected as part of the organisational structure process change</i>	
Affected Positions	Amendments to RMA delegations
Group Managers	
Group Manager Customer and Community	Position requires additional RMA for managing the Environmental Standards and Customer Experience teams.
Group Manager Infrastructure and Asset Management	Position requires additional RMA for managing the Development Management team.
Group Manager Regulatory and Environment	Position has been disestablished.
Group Manager Strategy and Growth	Position requires additional RMA for managing the Resource Consents team.
Other roles	
Chief Advisor Strategy and Growth and Principal Advisor Strategy and Growth	Positions require additional RMA to support the Group Manager Strategy and Growth.
Investigations, Monitoring and Compliance Officer	Position requires RMA to support the Compliance and Compliance and Monitoring Officers.
Manager Emergency Management	Position requires RMA to align with Infrastructure and Asset Management group.
Manager Environmental Standards	Position requires additional RMA for managing the Compliance and Monitoring Officers.
Manager Resource Consents	Replacement title for Manager Resource Consents and Compliance . The RMA delegations remain the same for this role.
Principal Advisor Customer and Community	Position requires additional RMA to support the Group Manager Customer and Community.
Principal Advisor Infrastructure and Asset Management	Position requires RMA to support the Group Manager Infrastructure and Asset Management.
Principal Advisor Regulatory and Environment	Position has been disestablished.
Team Leader Compliance	Position requires RMA to support the Compliance and Compliance and Monitoring Officers.
Team Leader Environmental Health and Licensing	Replacement title for Team Leader Environmental Health, Licensing and Compliance . The RMA delegations remain the same for this role.

- 13 Further RMA amendments relate to changes in roles or titles outside the organisational structure change as clarified in the table below and highlighted in detail in *Council to Staff RMA Delegations* in Attachment 2.

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Advisor Legal Compliance and Complaints	Replacement title for Advisor Legal Support Services and Official Information . The RMA delegations remain the same for this role.
General Counsel	Replacement title for Manager Governance and Legal Services . The RMA delegations remain the same for this role.
Manager Customer Experience	Position requires RMA to support team members with RMA.
Manager Legal Compliance and Complaints	Replacement title for Team Leader Legal Support Services and Official Information . The RMA delegations remain the same for this role.
Manager Iwi Partnerships	Position requires RMA under the Enforcement and Compliance Policy to support the Enforcement Decision Group decision-making.
Manager Utilities Infrastructure	Position no longer requires RMA.
Principal Advisor Iwi Partnerships	Position requires RMA under the Enforcement and Compliance Policy to support the Enforcement Decision Group decision-making.
Principal Advisor Recovery Lead	Position requires RMA to support the Strategy and Growth group.
Project Manager Stormwater and Coastal Assets	Replacement title for Projects Manager Stormwater and Coastal Assets . The RMA delegations remain the same for this role.
Senior Advisor Legal Compliance and Complaints	Replacement title for Senior Advisor Legal Support Services and Official Information . The RMA delegations remain the same for this role.
Senior Advisor Stormwater and Coastal Assets	New position requires RMA.
Stormwater and Coastal Asset Engineer	Replacement title for Stormwater and Coastal Assets Engineer . The RMA delegations remain the same for this role.

LOCAL GOVERNMENT (RATING) ACT 2002

- 14 Staff have recommended amendments to the Local Government (Rating) Act 2002 delegations as a result of an internal review of these delegations.

PLUMBERS, GASFITTERS, AND DRAINLAYERS ACT 2006

- 15 Staff require access to the Register of Self-Contained Vehicles to obtain information relating to the status of specific motor vehicles in regards to self-containment and in order to update the Register if a motor vehicle has been used in the commission of an offence under the Freedom Camping Act 2011.

STATUTORY LAND CHARGES REGISTRATION ACT 1928

- 16 The Statutory Land Charges Registration Act 1928 was repealed, on 12 November 2018, by section 248(2) of the Land Transfer Act 2017.
- 17 The changes outlined in paragraphs 14 to 16 are highlighted in the *Council Delegations to Chief Executive to Staff* in Attachment 1.
- 18 The above amendments are effective immediately, noting that titles and their associated delegations that are listed as amended or replaced will stay in effect until contracts have been signed for the amended or replacement positions. Delegations for positions that have been 'disestablished' will remain in place until affected contracts come to an end.

Ngā kōwhiringa | Options

- 19 The proposed options are set in paragraphs 10 through 18 of this paper.

Mana whenua

- 20 Where responsibilities and powers are delegated to staff, staff will be required to seek early input from Council's Iwi Partnerships Group on matters that are likely to impact on mana whenua or mana whenua interests. What is appropriate in view of Council's partnership with mana whenua and legislative provisions will depend on the nature of the delegated responsibility, duty or power. This report does not have direct implications on Council's partnership with mana whenua.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 21 There are no climate change considerations triggered by this report.

Ahumoni me ngā rawa | Financial and resourcing

- 22 There is no direct financial impact from these changes to delegations.

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

- 23 This paper has been reviewed by the Council's General Counsel.
- 24 The exercise of powers and functions by staff must adhere to legislative requirements. Managers are responsible for ensuring legislative compliance in the exercise of statutory powers in their area and are able to seek legal advice where required.

Ngā pānga ki ngā kaupapa here | Policy impact

- 25 Appropriate delegations facilitate efficiency and effectiveness in the conduct of Council business and assist staff to deliver on Council outcomes.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 26 This decision has a low level of significance under the Council's Significance and Engagement policy.

Te mahere tūhono | Engagement planning

- 27 No consultation or engagement is required relating to the process of making these amendments.

Whakatairanga | Publicity

- 28 No publicity is required for these minor amendments.

NGĀ ĀPITIHANGA | ATTACHMENTS

1. Amendments to relevant sections of Council Delegations to Chief Executive and Staff [↓](#)
2. Amendments to Council to Staff RMA Delegations [↓](#)

10.6 PROPOSED ROAD STOPPING AND TAKING PLAN - WATERFALL ROAD, PARAPARAUMU

Kaituhi | Author: **Kieran Lamberton, Senior Advisor Property**

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

TE PŪTAKE | PURPOSE

- 1 To seek Council approval:
 - 1.1 To commence road stopping procedures under the Public Works Act 1981 for an area of redundant road in Waterfall Road, Paraparaumu; or the Local Government Act 1974.
 - 1.2 The exchange of the road stopping land with land for (existing) formed road to resolve road encroachment.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

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

TE TUKU HAEPAPA | DELEGATION

- 3 The Council has the delegation to consider, approve and authorise this matter under Section A2 of the Governance Structure and Delegations - 2022-2025 Triennium.

TAUNAKITANGA | RECOMMENDATIONS

That Council:

- A. **Approve** the:
 - A.1 Stopping of a section of Waterfall Road, Paraparaumu, being approximately 0.2600 hectares (subject to survey) adjoining 23 Waterfall Road (shown as Road to Stop, highlighted green, in Attachment 1).
 - A.2 Commencement of road stopping procedures under the Public Works Act 1981 (PWA).
- B. **Note** that road stopping under the PWA requires consent by the Minister for Land Information (LINZ).
- C. **Agree in principle** that should the Minister for LINZ not agree to stop the section of Waterfall Road (Road Stopping Land) under the PWA that:
 - C.1 Council and the applicant proceed with the road stopping under section 342 of the Local Government Act 1974 (LGA 1974).
 - C.2 Council staff initiate the road stopping procedures under the LGA 1974, should both Council and the applicant agree to proceed under that Act, including a full public consultation process.
- D. **Approve** the exchange of the Road Stopping Land described in Recommendation A with land on the adjoining landowner's property (the applicant) at 23 Waterfall Road, being 0.2400 ha (subject to survey), as per agreement with the landowner. The exchange will be subject to the successful road stopping process, under either mechanism as noted above.
- E. **Delegate** to the Chief Executive the power to:
 - E.1 Formally approve the public notice to declare the section of Waterfall Road stopped, under the PWA or LGA 1974, subject to all statutory requirements being met and no

objections by the adjoining owner or public being received (if completed under the LGA 1974).

- E.2 Negotiate the terms of sale, impose any reasonable covenants and easements, and enter into an appropriate exchange agreement in respect of the Road Stopping Land and Land to be taken for Road. Any such agreement is conditional upon the Road Stopping Land being stopped.

TŪĀPAPA | BACKGROUND

- 4 The intersection at Waterfall Road was closed as part of the double-tracking of the railway to Waikanae. In conjunction with KiwiRail and their Regional Rail Programme in Kāpiti, the New Zealand Transport Agency, Waka Kotahi closed the Waterfall Road (Lynch's Crossing) connection with State Highway 1 (SH1) on Monday 10 January 2011. A new route to/from SH1 via Emerald Glen Road now provides safer access for all road users.

Application regarding redundant road at 23 Waterfall Road

- 5 An application has been received from the landowners of 23 Waterfall Road, Paraparaumu to stop a section of road which adjoins their property (Waterfall Road Land). Of note:

5.1 The Waterfall Road Land is shown coloured green on the Proposed Road Stopping and Taking Plan in **Attachment 1**. As the Waterfall Road Land no longer provides access to any properties, it is no longer required for transport purposes.

5.2 The applicant noted that a section of Waterfall Road is located outside of the legal boundaries and is encroaching on their private land (23 Waterfall Road). This land is coloured yellow in **Attachment 1**, and is the 'land to be acquired for and declared road' for the purposes of this process.

- 6 For clarity, we have outlined the definitions for road stopping and road encroachment below:

Road stopping

6.1 Road stopping is the process of changing land with the legal status of road to fee simple land so that it can then be sold.

6.2 The road stopping and land to be acquired for and declared road is a statutory process managed by Council. In processing applications to stop a section of legal road, consideration is given to the impact on road users' immediate needs or future outcomes.

6.3 Before any road land can be stopped, confirmation is required that the road is no longer needed for transport purposes before carrying out the necessary road-stopping processes, including removing the road status of the land so that it is no longer subject to laws relating to roads, such as public access. Service authorities are also approached to advise if there are any assets that need protecting within the section of road proposed to be stopped.

6.4 The road-stopping process is governed by either the Local Government Act 1974 (LGA 1974) or the Public Works Act 1981 (PWA). Information in **Attachment 2** provides guidance on the different mechanisms for stopping roads.

6.5 Under the PWA, Council must grant consent (under delegation to the Chief Executive) to stop the road, obtain the consent of adjoining owner(s) to stop the road, and seek the agreement of the Minister for Land information (Minister) as part of the process.

6.6 If the Minister grants consent, a road stopping process progresses in accordance with the PWA. If the Minister declines the request to stop the road under the PWA, the proposal to stop and take the road is revised and, if not withdrawn by the applicant, will be progressed under the LGA 1974.

Road Encroachment

- 6.7 Road encroachment occurs when public access to a legal road is restricted, where an area of legal road has been occupied for private use or, where an area of legal road has been inadvertently located outside of the legal boundaries and encroaches on private land.

HE KŌRERORERO | DISCUSSION

- 7 Council officers propose to progress the road stopping application in accordance with the PWA, including:
- 7.1 Decision by Council to grant consent (under delegation to the Chief Executive) to stop the road:
- Multiple service requests have been received by Council since the Waterfall Road Land was severed requesting the removal of illegally dumped rubbish, green waste and abandoned cars. Council, as road owner currently bears responsibility and cost for clearing this.
 - The desired outcome is to stop the road which is redundant to Council's requirements due to the removal of the level crossing and connection from Waterfall Road and SH1 (Kāpiti Expressway), while that part of Waterfall Road which is encroaching on the applicant's land can be taken for and declared as legal road.
 - Given this, the road stopping application is proposed to be progressed under the provisions of the PWA.
- 7.2 Obtaining the consent of adjoining owner(s) to stop the road:
- To progress this application under the provisions of the PWA, the applicant will need to obtain the consent of the adjoining landowner. The section of road proposed to be stopped along Waterfall Road has one adjoining landowner.
 - Preliminary investigation also indicates that service authorities, including KiwiRail, have provided their agreement in principle to the stopping of that part of Waterfall Road described as the Waterfall Road Land, subject to appropriate easements for any purposes/access that may be required. This will be confirmed in the process to stop the road, should Council agree to proceed with the stopping.
- 7.3 Agreement of the Minister for Land information (Minister):
- Following Council decision, if approved, the Minister for Land Information will need to agree, and action the road stopping by notice in *the New Zealand Gazette*.
 - Should the Minister for Land Information decline to progress the road stopping, Council proposes that the next step would include taking action to progress it under the provisions of the Local Government Act, 1974 (note guidance in Attachment 2). This paper asks Council to approve progressing the road stopping under either mechanism, to cover the possibility that the Minister does not progress it.

He take | Issues

- 8 No issues have been identified as part of this process.
- 9 Of note, public notification will not be required under the PWA. However, if an adjoining owner does not provide their consent, then proceeding under the provisions of the LGA 1974 will require public notification to be undertaken.

Ngā kōwhiringa | Options

- 10 Three options are outlined in Table 1 below, with the preferred Option (A) seeking Council agreement to progress the application for road stopping through two-steps:

10.1 Firstly, to progress Road stopping of the Waterfall Road land under the PWA, and to amalgamate with the adjoining owner’s title; and

10.2 Secondly, to then take part of the applicant’s land and declare it as road under the PWA.

Table 1: Options for decision

Kōwhiringa Options	Hua Benefits	Tūraru Risks
<p><u>Option A (recommended):</u></p> <ul style="list-style-type: none"> Road stopping the Waterfall Road land under the PWA and amalgamate with the adjoining owner’s title. Take part of the applicant’s land and declare it as road under the PWA. 	<ul style="list-style-type: none"> All costs associated with the road stopping of the Waterfall Road land to be met by the applicant. The costs to Council to take the applicant’s land for road can be offset and deducted from the road stopping costs. Council will not be responsible for maintenance of the redundant area of Waterfall Road; and will also be able to remedy the encroachment on the applicant’s land. 	<ul style="list-style-type: none"> The road stopping under the PWA requires the consent of the Minister for Land Information and written consent of any adjoining owner.
<p><u>Option B (as alternative to Option A)</u></p> <ul style="list-style-type: none"> Road stopping the Waterfall Road land under the LGA 1974 and amalgamate with the adjoining owner’s title. Take part of the applicant’s land and declare it as road under the LGA 1974. 	<ul style="list-style-type: none"> All costs associated with the road stopping of the Waterfall Road land to be met by the applicant. The costs to Council to take the applicant’s land for road can be offset and deducted from the road stopping costs. Council will not be responsible for maintenance of the redundant area of Waterfall Road; and will also be able to remedy the encroachment on the applicant’s land. 	<ul style="list-style-type: none"> Potential for objections to be received through public notification. If objections cannot be resolved, a hearing in front of the appropriate Council Committee will be scheduled. If the objections are not upheld, and both the applicant and objector wish to continue, the case would need to be put to the Environment Court to rule on the validity of the objections and whether or not Council can stop the road.
<p><u>Option C (continuing with the status Quo):</u></p> <ul style="list-style-type: none"> The redundant section of Waterfall Road will remain under Council’s control and management. A formed section of Waterfall Road will be encroaching onto the neighbouring properties land. 	<ul style="list-style-type: none"> Council and other service authorities have use of the land without the need for easements. 	<ul style="list-style-type: none"> Financial risk as Council will be responsible for maintenance of a portion of road surplus to requirements. Risk of property rights dispute as the Council formed Road is encroaching on private property.

Mana whenua

- 11 Council staff have not specifically engaged mana whenua on this matter. The road to be stopped is not within an area marked as Waahi Tapu in the Operative District Plan 2021 overlay. The land to be taken for road is located on private land owned by the applicant.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 12 There will be no impact on climate change by undertaking the road stopping and creation of easements sought in this report.

Ahumoni me ngā rawa | Financial and resourcing

- 13 If approved, the Chief Executive will have the delegated authority to approve financial considerations in this matter. Of note:
- 13.1 All costs associated with the stopping of roads, including Council staff time are to be met by the applicant.
 - 13.2 The financial considerations for the section of road to be stopped will be in accordance with provisions and disposal requirement of the PWA or the LGA.
 - 13.3 Council and the applicant will work collaboratively to determine costs each party needs to pay with respect to the stopping of road and taking of land for road.

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

- 14 The road stopping and acquisition of land for road will be undertaken in accordance with legislative and Council requirements. Legal advice, from Council's legal team and solicitors, will be sought where required.

Ngā pānga ki ngā kaupapa here | Policy impact

- 15 There are no policy impacts.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 16 Consultation as required under the relevant legislation will take place. For the preferred process under the Public Works Act 1981, this will include obtaining consent from the Minister for Land Information for the road stopping and acquisition and declaration of land for road, and consultation and consent from the adjoining landowners and utility providers.
- 17 In the event that the Public Works Act process is unsuccessful for the road stopping, it would then be undertaken under the Local Government Act 1974 where full public consultation will be required.

Te mahere tūhono | Engagement planning

- 18 An engagement plan is not needed to implement this decision.

Whakatairanga | Publicity

- 19 No publicity is required.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Proposed Road Stopping and Taking Plan [↓](#)
2. Guidance on mechanisms for Stopping Roads [↓](#)

10.7 NOTICE OF MOTION - COASTAL HAZARD RISK ASSESSMENT FOR THE KAPITI COAST REPORT

I, Councillor Glen Cooper, give notice that at the next Meeting of Council to be held on 31 October 2024, I intend to move the following motion:

RATIONALE

I commend this Notice of Motion to Council.

The Coastal Hazard Risk Assessment for Kapiti Coast Report can be found via this link: [Coastal Hazard Risk Assessment for the Kapiti Coast Report](#).

MOTION

That the Kapiti Coast District Council:

- A. Receives the Coastal Hazard Risk Assessment for the Kapiti Coast Report, submitted by the Coastal Rate Payers' Union.



Cr Glen Cooper

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

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

Author: Kate Coutts, Advisor Governance

Authoriser: Mark de Haast, Group Manager Corporate Services

Taunakitanga | Recommendations

That the minutes of the Council meeting of 24 September 2024 be accepted as a true and correct record.

That the minutes of the Council meeting of 26 September 2024 be accepted as a true and correct record.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Council Meeting Minutes - 24 September 2024 [↓](#)
2. Council Meeting Minutes - 26 September 2024 [↓](#)

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

13 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
<p>12.1 - Confirmation of Minutes</p>	<p>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</p> <p>Section 7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	<p>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</p>

14 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>