



RĀRANGI TAKE AGENDA

Extraordinary Hui Kaunihera | Council Meeting

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

Te Rā | Date: Tuesday, 6 August 2024

Te Wā | Time: 12.00pm

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

**Darren Edwards
Chief Executive**

Kāpiti Coast District Council

Notice is hereby given that a meeting of the Kāpiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Tuesday 6 August 2024, 12.00pm.

Kaunihera | Council Members

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

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1 NAU MAI | WELCOME

2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro *As we deliberate on the issues before us,*

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

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

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

Ka taea te arahi i roto i te kotahitanga me te aroha. *We provide positive leadership in a spirit of harmony and compassion.*

3 WHAKAPĀHA | APOLOGIES

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

Notification from Elected Members of:

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

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

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

6 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

(a) Leave of Absence

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

7 PŪRONGO | REPORTS

7.1 CONSIDERATION TO AFFIRM OR RESCIND DECISION TO ESTABLISH MĀORI WARD

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

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

TE PŪTAKE | PURPOSE

- 1 This report asks the Council to consider its options to either affirm or rescind its decision to establish a Māori ward which it resolved on 14 November 2023.
- 2 As a result of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the 'Bill') receiving royal assent on 30 July 2024, councils that have decided to establish Māori ward(s) or constituencies without a referendum ('poll') are now required to conduct a poll at the next local body elections in 2025. In addition, these councils are now also required to formally affirm or rescind their decision to establish a Māori ward.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

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

TE TUKU HAEPAPA | DELEGATION

- 4 The Council has the authority to resolve to affirm or rescind its decision to establish a Māori ward under the amended Local Electoral Act 2001, the provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act (attached in Appendix 1) and section A.2 of the Council's Governance Structures and Delegation 2022 – 2025 document.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Council resolves to **affirm** its decision from 14 November 2023 to establish a Māori ward for electoral purposes under the Local Electoral Act 2001 ahead of the 2025 local body elections and therefore decides to continue with the current representation review process underway. As a result of this decision, the Council will be required to hold a poll at the 2025 local body elections to determine whether the Māori ward will remain in place or be disestablished ahead of the 2028 local body elections.

OR

- B. That the Council resolves to **rescind**, under clause 29 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act, its decision from 14 November 2023 to establish a Māori ward for electoral purposes under the Local Electoral Act 2001 ahead of the 2025 local body elections and therefore decides to cease the current representation review underway,

AND

- B.1 That the Council resolves, under clause 33 (4) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act, to continue to use the **existing representation arrangements** set by the Local Government Commission determination in April 2022 (attached in Appendix 2) for electoral purposes. This decision will be publicly notified in accordance with clause 27 of the same Bill.

OR

- B.2 That the Council resolves, under clause 33 (2) and (3) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act, to complete a **shortened representation review process** in accordance with the requirements of clauses 22 to 28 to determine the representation arrangements for the 2025 local body elections without the establishment of a Māori ward.

TŪĀPAPA | BACKGROUND

Why is the Council conducting a representation review?

- 5 The Local Electoral Act 2001 ('LEA') requires all local authorities to review their representation arrangements at least once every six years to ensure the arrangements continue to provide fair and effective representation of their district's communities of interest. The process and timeframes to carry out a representation review is mandated through the LEA (primarily section 19).
- 6 The Council carried out its last representation review in 2021 ahead of the 2022 local body elections. Under the standard 6-yearly cycle of representation reviews, another review was next required in 2027 ahead of the 2028 local body elections.
- 7 However, the LEA sets out circumstances where a review may be required earlier, including where a territorial authority resolves to establish Māori ward(s) under section 19Z of the LEA. On 14 November 2023, Council resolved to establish a Māori ward which triggered a representation review. This is to determine how Māori ward(s) fit within a district's wider representation arrangements.

Initial Proposal Decision by the Council

- 8 The Council undertook preliminary community engagement for the representation review in March 2024. The key finding of the preliminary community engagement was that the majority of respondents support the status quo and would prefer minimal adjustments for the inclusion of the Māori ward.
- 9 On 30 July 2024, the Council resolved its [initial proposal](#) (please refer to the report for more information) as follows:
- 9.1 The Kāpiti Coast District Council will comprise of the Mayor elected at large and ten councillors, two elected at large, seven elected by ward and one Māori ward councillor elected by the district's Māori electoral roll voters.
- 9.2 The Kāpiti Coast District will be divided into five wards:
- 9.2.1 Kāpiti Coast Māori Ward represented by one Māori ward councillor with the ward boundaries aligning with the district's boundaries.
- 9.2.2 Ōtaki General Ward represented by one general ward councillor.
- 9.2.3 Waikanae General Ward represented by two general ward councillors.
- 9.2.4 Paraparaumu General Ward represented by three general ward councillors.
- 9.2.5 Paekākāriki-Raumati General Ward represented by one general ward councillor.
- 9.2.6 In addition, all electors of the Kāpiti Coast District (both general electoral and Māori electoral voters) will elect two councillors at large.
- 9.3 The Kāpiti Coast District will be divided into five community board areas and the community board membership will comprise four members elected from their relevant areas and a specified number of ward councillors as follows:
- 9.3.1 The Ōtaki Community Board will comprise four members elected from the Ōtaki Community Board area, and one appointed member of the Council from either the Ōtaki General Ward or Kāpiti Coast Māori Ward.

- 9.3.2 The Waikanae Community Board will comprise four members elected from the Waikanae Community Board constituency, and one appointed member of the Council from either the Waikanae General Ward or Kāpiti Coast Māori Ward.
- 9.3.3 The Paraparaumu Community Board will comprise four members elected from the Paraparaumu Community Board constituency, and two appointed members of the Council from either the Paraparaumu General Ward or Kāpiti Coast Māori Ward.
- 9.3.4 The Raumati Community Board will comprise four members elected from the Raumati Community Board constituency, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or Kāpiti Coast Māori Ward.
- 9.3.5 The Paekākāriki Community Board will comprise four members elected from the Paekākāriki Community Board constituency, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or Kāpiti Coast Māori Ward.
- 10 The initial proposal by the Council will need to be publicly notified by 8 August 2024, in accordance the provisions of the LEA, which commences the formal consultation period inviting community submissions from 8 August to 12 September 2024.
- 11 If the Council decides to rescind its decision to establish a Māori ward as a result of this report, all requirements to meet legislative timeframes for the representation review process underway cease.

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

- 12 On 4 April 2024, the Minister for Local Government, Simeon Brown, announced the upcoming introduction of a Bill to honour the Coalition Agreements between the New Zealand National Party, ACT and New Zealand First committing to *“restore the right to local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without referendum at the next local body elections”*.
- 13 The Bill was introduced into the House on 20 May 2024 and proposed the following amendments to the LEA:
- 13.1 Re-introducing the requirement for polls for councils wishing to establish Māori ward(s) and requiring all councils that have established Māori ward(s) without a poll to hold one at the next local body elections in 2025.
- 13.2 Allowing councils that have made a decision to establish Māori ward(s) without a poll to rescind their decision (or disestablish their Māori ward(s)) and:
- 13.2.1 Discontinue the representation review process currently underway and possibly revert to existing representation arrangements, OR
- 13.2.2 Decide to conduct a shortened representation review process instead.
- 14 During the Bill’s second reading, an amendment was recommended which requires councils, once the Bill is enacted, to make an active decision to affirm or rescind its decision to establish a Māori ward. The Bill provides that councils must make this decision before 6 September 2024. The Bill received royal assent on 30 July 2024 which means the amended provisions in the LEA have now taken effect.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 15 The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act (the ‘Act’) now requires Council to decide on the following options:

- 15.1 to affirm the decision to establish a Māori ward for electoral purposes as planned and hold a poll on the future of the Māori ward at the next local body elections in 2025. The representation review timeframes would remain the same as previously communicated to the Council.
- 15.2 to rescind the decision to establish a Māori ward for electoral purposes and either:
- 15.2.1 cease the representation review process and revert to the existing representation arrangements, or
- 15.2.2 conduct a shortened representation review.
- 16 The shortened review process, as prescribed by clauses 22 to 28 of Part 3 of the Act, requires the Council to:
- 16.1 resolve its initial proposal (without the inclusion of a Māori ward) by 13 September 2024
- 16.2 publicly notify the initial proposal by 20 September 2024
- 16.3 provide an opportunity for community submissions on the proposal for a minimum of three weeks in September/October (by 11 October 2024)
- 16.4 within six weeks of the closing of submissions to resolve its final representation proposal
- 16.5 provide an opportunity for community appeals/objections for a minimum of three weeks (latest date for appeal/objection period to close is 13 December 2024)
- 16.6 forward any objections/appeals to the Local Government Commission by 23 December 2024.
- 17 Under clause 29 Part 3 of the Act, Council's decision to affirm or rescind the decision to establish a Māori ward must be done by 6 September 2024.

Ngā kōwhiringa | Options

- 18 The following table presents the three options for Council to consider:

Option	Description	Impact
1	Affirm the decision to establish a Māori ward for the 2025 local body elections	<ul style="list-style-type: none"> The current representation review process would continue as planned. The newly established Māori ward would be in place for the 2025 local body elections and a councillor would be elected into the vacancy at the next elections. A poll is required to be held at the same time as the next elections in 2025 to determine whether the Māori ward would still be in place at the 2028 local body elections. If the outcome of the poll was to disestablish the Māori ward, it would not be in place for the 2028 local body elections and a further representation review would be required in 2027. If the outcome of the poll was to retain the Māori ward, it would be in place for

Option	Description	Impact
		the 2028 local body elections and a further review is not required until 2030.
2	Rescind the decision to establish a Māori ward and revert back to the existing representation arrangements	<ul style="list-style-type: none"> The Māori ward would no longer be established for the 2025 local body elections and the current representation review process would cease. The representation arrangements that are currently in place would be used for the 2025 local body elections. A poll would not be required at the 2025 local body elections. A Māori ward councillor would not be elected at the 2025 local body elections. Council would conduct a representation review again in 2027 as part of the six yearly cycle.
3	Rescind the decision to establish a Māori ward and conduct a shortened representation review	<ul style="list-style-type: none"> The Māori ward would no longer be established for the 2025 local body elections and the current representation review process would cease. A poll would not be required at the 2025 local body elections. A Māori ward councillor would not be elected at the 2025 local body elections. Council completes a shortened representation review in 2024. The next representation review would be required in 2030. The initial proposal for the shortened representation review must be completed by 13 September. A new preliminary community engagement phase is not feasible; however, insights from the engagement conducted in March 2024 could be considered by Councillors.

Mana whenua

- 19 Mana whenua partners affirmed their strong support for Council to not rescind their decision to establish a Māori ward and continue with our initial proposal.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 20 There are no climate change and/or environment considerations relevant to this report.

Ahumoni me ngā rawa | Financial and resourcing

- 21 The total cost for the representation review is estimated at \$240,000.00 which includes the preliminary community engagement costs and formal consultation.
- 22 The cost of the formal consultation is estimated at approximately \$15,000 which includes the design of a survey questionnaire, radio and newspaper advertising as well as printing and distribution of the collateral.
- 23 This overall budget also covers costs incurred for technical advice being sought from our electoral officer (Election Services) as well as administration costs to cover printing, advertising, venue hire and catering for community engagement session during the preliminary community engagement phase.
- 24 If the Council decides to continue with the current representation review and the establishment of the Māori ward, the resourcing and budget requirements remain unchanged.
- 25 If the Council decides to rescind its decision to establish a Māori ward and revert to existing representation arrangements, the current representation review process would cease. No further budgetary or resourcing requirements are anticipated.
- 26 If the Council decides to rescind its decision to establish a Māori ward and conduct a shortened representation review process, the current representation review process will cease. The shortened representation review process comprises the same steps as the standard representation review process and therefore the same resourcing and budget requirements would be required.

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

- 27 There are no further legal considerations in addition to those already outlined in this report.

Ngā pānga ki ngā kaupapa here | Policy impact

- 28 This decision does not have a direct impact on any existing or planned policies.

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

- 29 The Act confirms that the special consultative procedures under section 83 of the Local Government Act 2002 are not triggered and there is no requirement for Council to consult with the community on this decision.

Whakatairanga | Publicity

- 30 If the Council decides to rescind its decision to establish a Māori ward ahead of the 2025 local body election and revert to the existing representation arrangements for electoral purposes, this decision must be publicly notified in line with clause 37 of Part 3 of the Act.
- 31 In addition, Council's will be made public through the Council's website and will be communicated to the media.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Appendix 1 - Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 [↓](#)
2. Appendix 2 - Local Government Commission Determination 2022 for Kapiti Coast District Council [↓](#)



Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

Public Act 2024 No 28
Date of assent 30 July 2024
Commencement see section 2

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Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024		2024 No 28
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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

2 Commencement

- (1) Sections 4, 8, 9, 10 to 15, and 30 to 35 come into force on 1 April 2025.
- (2) Sections 5 to 7 and 16 come into force on 12 October 2025.
- (3) Sections 17 and 19 to 28 come into force on the day after Royal assent.

Part 1**Amendments to Local Electoral Act 2001****3 Principal Act**

Sections 4 to 17 amend the Local Electoral Act 2001.

4 Section 5 amended (Interpretation)

- (1) In section 5(1), definition of **nomination day**, replace “57th day” with “71st day”.
- (2) In section 5(1), definition of **voting period**, paragraph (b), replace “22 and a half days” with “32 and a half days”.

5 Section 9 amended (Holding of referendum)

Replace section 9(7) with:

- (7) The result of any referendum conducted as a consequence of a direction under this section is not binding on the local authority unless it resolves otherwise or any enactment provides otherwise.

6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)

- (1) After section 19Z(2), insert:
 - (2A) The powers in subsections (1) and (2) to resolve to establish Māori wards and Māori constituencies for electoral purposes include the powers to disestablish them.
 - (2B) The requirements that apply in relation to establishing Māori wards and Māori constituencies for electoral purposes also apply, with all necessary modifications, to their disestablishment.
- (2) In section 19Z(3)(a), replace “23 November” with “12 September”.
- (3) Replace section 19Z(3)(c) with:

- (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until—
- (i) a further resolution under this section takes effect; or
 - (ii) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.

- (4) Replace section 19Z(4) with:
- (4) This section is subject to section 19ZE and to clauses 2(5) and 4(4) of Schedule 1A.
- (5) In section 19Z(5), after “In this section”, insert “and in sections 19ZB to 19ZG”.

7 New sections 19ZA to 19ZG inserted

After section 19Z, insert:

19ZA Public notice of right to demand poll

- (1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under section 19ZB, a poll on the question whether,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
 - (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) The public notice under subsection (1) must include—
- (a) notice of the resolution under section 19Z; and
 - (b) a statement that a poll is required to countermand that resolution.
- (3) In subsection (1), **required date** means,—
- (a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 12 September of the year that is 2 years before the next triennial general election, 19 September in that year;
 - (b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution.
- (4) This section is subject to section 19ZE.

19ZB Electors may demand poll

- (1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) This section is subject to section 19ZE.
- (3) In this section and section 19ZC,—
- demand** means a demand referred to in subsection (1)
- specified number of electors**, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.
- 19ZC Requirements for valid demand**
- (1) A demand must be made by notice in writing—
- (a) signed by a specified number of electors; and
- (b) delivered to the principal office of the territorial authority or regional council.
- (2) An elector may sign a demand and be treated as one of the specified number of electors only if,—
- (a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or
- (b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector’s address as shown on that roll is within the region; or
- (c) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a) or (b),—
- (i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and
- (ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or
- (d) the address given by the elector who signed the demand is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector and the address—
- (i) is, if the demand was given to a territorial authority, within the district of the territorial authority; or
- (ii) is, if the demand was delivered to a regional council, within the region of the regional council; or

19ZE Limitation on division into Māori wards or Māori constituencies

Sections 19Z to 19ZD do not apply, in relation to a territorial authority or regional council, if—

- (a) a poll on the question described in section 19ZB or section 19ZD held under section 19ZF took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or
- (b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies.

19ZF Poll of electors

- (1) If the electoral officer for a territorial authority or regional council receives notice under section 19ZC(5) or section 19ZD(4), the electoral officer must, as soon as practicable after receiving that notice, give public notice of the poll under section 52.
- (2) Despite subsection (1), if an electoral officer for a territorial authority or regional council receives 1 or more notices under both section 19ZC(5) and section 19ZD(4), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined.
- (3) A poll held under this section must be held not later than 103 days after the date on which—
 - (a) the notice referred to in subsection (1) is received; or
 - (b) the last notice referred to in subsection (2) is received.
- (4) Subsection (3) is subject to subsection (2), section 19ZC(4), and section 138A.
- (5) Every poll under this section that is held in conjunction with a triennial general election, or held after that date but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held, determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,—
 - (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
 - (b) the region of the regional council is to be divided into 1 or more Māori constituencies.
- (6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following triennial

niel general election for the territorial authority or regional council and any associated election,—

- (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
- (b) the region of the regional council is to be divided into 1 or more Māori constituencies.

(7) Subsections (5) and (6) are subject to clauses 2(5) and 4(4) of Schedule 1A.

19ZG Effect of poll

- (1) Subsection (2) applies to a poll held in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held.
- (2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—
 - (a) in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and
 - (b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and
 - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.
- (3) Subsection (4) applies to a poll held at some other time.
- (4) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—
 - (a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and
 - (b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and
 - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the

Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.

(5) This section is subject to clauses 2(5) and 4(4) of Schedule 1A.

8 Section 28 amended (Public notice of right to demand poll on electoral system)

In section 28(2A), replace “14 March” with “28 March”.

9 Section 30 amended (Requirements for valid demand)

In section 30(3A)(a), replace “14 March” with “28 March”.

10 Section 33 amended (Poll of electors)

- (1) In section 33(3), replace “89 days” with “103 days”.
- (2) In section 33(4), replace “14 March” with “28 March”.

11 Section 34 amended (Effect of poll)

In section 34(1), replace “14 March” with “28 March”.

12 Section 52 amended (Notice of election or poll)

In section 52(2), replace “28 days before” with “25 days before”.

13 Section 102 amended (New election or poll if election or poll declared void)

In section 102(2),—

- (a) replace “8 November” with “25 October” in each place; and
- (b) replace “89 days” with “103 days” in each place.

14 Section 120 amended (Election to fill extraordinary vacancy)

In section 120(1)(b), replace “89 days after” with “103 days after”.

15 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

- (1) In section 138A(1)(a),—
 - (a) replace “28 September” with “14 September”; and
 - (b) replace “17 February” with “3 March”.
- (2) In section 138A(1)(b), replace “14 March” with “28 March”.
- (3) In section 138A(1)(c), replace “11 April” with “24 April”.

16 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

Replace section 138A(1) with:

- (1) Despite section 19ZF(3), section 33(3), and section 120(1),—

- 23 Section 13 amended (Section 19L amended (Distribution of copies of resolution))**
Repeal section 13(2).
- 24 Section 19 amended (Section 19R amended (Commission to determine appeals and objections))**
Repeal section 19(1) and (2).
- 25 Sections 20 to 23 repealed**
Repeal sections 20 to 23.
- 26 Section 36 amended (Schedule 1 amended)**
Repeal section 36(1) and (2).
- 27 Section 37 amended (Schedule 1A amended)**
Repeal section 37(1), (3), (5), (6), and (8).
- 28 Schedule 2 amended**
In Schedule 2, Part 1, repeal the item relating to Canterbury Regional Council (Ngāi Tahu Representation) Act 2022 (2022 No 1 (L)).

Part 3

Amendments to Local Electoral Regulations 2001

- 29 Principal regulations**
Sections 30 to 35 amend the Local Electoral Regulations 2001.
- 30 Regulation 10 amended (Relevant date for inclusion of electors on roll)**
- (1) In regulation 10(1), replace “7 July” with “18 June”.
 - (2) In regulation 10(2), replace “6 July” with “17 June”.
 - (3) In regulation 10(3), replace “57th day” with “71st day”.
 - (4) In regulation 10(4), replace “57th day” with “71st day”.
- 31 Regulation 21 amended (Closing of roll)**
In regulation 21, replace “57th day” with “71st day”.
- 32 Regulation 22 amended (Certification of roll)**
In regulation 22, replace “25th day” with “36th day”.
- 33 Regulation 23 amended (When roll in force)**
In regulation 23, replace “25th day” with “36th day”.

Schedule

New Part 3 inserted into Schedule 1 of Local Electoral Act 2001

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Part 3

Provisions relating to Local Government (Electoral Legislation and
Māori Wards and Māori Constituencies) Amendment Act 2024

10 Interpretation

- (1) In this Part, unless the context otherwise requires,—
- amendment Act** means the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024
- associated election** has the same meaning as in section 19Z
- commencement date** means the date on which section 17 of the amendment Act comes into force
- group 1 local authority** means a territorial authority or regional council named in the first column of the table in subclause (2)
- group 2 local authority** means a territorial authority or regional council named in the second column of the table in subclause (2)
- transition period** means the period starting on the commencement date and ending on 6 September 2024.

(2)

Group 1 local authorities

Far North District Council
 Gisborne District Council
 Hamilton City Council
 Hastings District Council
 Hawke's Bay Regional Council
 Horowhenua District Council
 Kaipara District Council
 Manawatu District Council
 Manawatū-Whanganui Regional Council
 Marlborough District Council
 Masterton District Council
 Matamata-Piako District Council
 Nelson City Council
 New Plymouth District Council
 Northland Regional Council
 Ōtorohanga District Council
 Palmerston North City Council
 Porirua City Council

Group 2 local authorities

Central Hawke's Bay District Council
 Hauraki District Council
 Hutt City Council
 Kapiti Coast District Council
 Kawerau District Council
 Napier City Council
 South Wairarapa District Council
 Tasman District Council
 Thames-Coromandel District Council
 Upper Hutt City Council
 Wellington Regional Council
 Western Bay of Plenty District Council
 Whanganui District Council

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Group 1 local authorities

Rangitikei District Council
 Rotorua District Council
 Ruapehu District Council
 South Taranaki District Council
 Stratford District Council
 Taranaki Regional Council
 Tararua District Council
 Taupo District Council
 Tauranga City Council
 Waikato District Council
 Waipa District Council
 Wellington City Council
 Whakatane District Council
 Whangarei District Council

Group 2 local authorities*Provisions relating to group 1 local authorities***11 Group 1 local authority must resolve to retain or resolve to disestablish Māori wards or Māori constituencies**

- (1) This clause applies to a group 1 local authority.
- (2) A group 1 local authority must, by 6 September 2024,—
 - (a) resolve to retain the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020; or
 - (b) resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020.
- (3) A resolution under subclause (2)(b) takes effect for the 2025 and 2028 triennial general elections of the local authority, and for any associated election, and continues in effect until—
 - (a) a resolution under section 19Z takes effect; or
 - (b) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.
- (4) *See* clause 39 concerning the requirement for a group 1 local authority to hold a binding poll if it resolves under subclause (2)(a) to retain the 1 or more Māori wards or Māori constituencies it has established.

12 Special consultative procedure does not apply to resolution

A group 1 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 11(2)(a) or (b).

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Wards and Māori Constituencies) Amendment Act 2024

Schedule

13 Effect of resolution to disestablish

- (1) A resolution of a group 1 local authority to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b) does not affect—
 - (a) any decision of the local authority made after the local authority's resolution under section 19Z to establish those Māori wards or Māori constituencies; or
 - (b) any elections held after the resolution referred to in paragraph (a) and before the commencement date.
- (2) Subclause (1) is subject to subclause (3).
- (3) If a group 1 local authority resolves to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b),—
 - (a) any determination of the group 1 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under the provisions of Part 1A of this Act); and
 - (b) any proceedings before the Local Government Commission under section 19R relating to a determination referred to in paragraph (a) also come to an end and the Commission is not required to take any further action in respect of the determination.
- (4) Subclause (3) applies regardless of whether public notice of the proposal contained in the resolution under section 19H, 19I, or 19J has been published under section 19M or 19N.

14 Local authority resolving to disestablish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set

- (1) A group 1 local authority that resolves to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b) must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.
- (2) For the purposes of subclause (1), the local authority may—
 - (a) resolve to revert to its representation arrangements that applied at the 2019 triennial general elections (**pre-2020 representation arrangements**), if the requirements in clause 15 are satisfied; or
 - (b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections in accordance with sections 19H to 19Q and 19T to 19Y, as modified by clauses 21 to 28.
- (3) A group 1 local authority must undertake a shortened review of its representation arrangements for elections, in 2024, if the requirements in clause 15 are not satisfied (*see* clauses 21 to 28).

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(4)	To avoid doubt, sections 19R and 19S continue to apply in relation to a shortened review of representation arrangements that a local authority resolves, or is required, to undertake under subclause (2)(b) or (3).	
15	Requirements to be satisfied for local authority to revert to pre-2020 representation arrangements	
(1)	A group 1 local authority may resolve under clause 14(2)(a) to revert to its pre-2020 representation arrangements only if the arrangements will provide fair and effective representation of communities of interest in accordance with sections 19T to 19W.	
(2)	The local authority must, before passing a resolution referred to in subclause (1),—	
(a)	request 2023 population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the pre-2020 representation arrangements; and	
(b)	provide to Statistics New Zealand such information that it may require concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and	
(c)	table the following at the meeting at which the resolution is to be considered:	
(i)	the 2023 population estimates;	
(ii)	an explanation of how the requirements for fair and effective representation of communities of interest in accordance with sections 19T to 19W will be met if the local authority reverts to the pre-2020 representation arrangements;	
(iii)	a statement from the Local Government Commission on the consistency of the pre-2020 representation arrangements with section 19V(2), taking into account the 2023 population estimates.	
(3)	For the purposes of considering the fair and effective representation of communities of interest in accordance with sections 19T to 19W, if an exception from compliance under section 19V(3) has been upheld on a determination by the Local Government Commission under section 19V(6) relating to specific wards, constituencies, or subdivisions in the local authority's pre-2020 representation arrangements, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).	
16	Objections process does not apply to resolution to revert to pre-2020 representation arrangements	
	Section 19P does not apply in respect of a resolution made by a group 1 local authority under clause 14(2)(a).	

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Schedule

17 Adjustments to boundaries by group 1 local authority

- (1) This clause applies to a group 1 local authority that resolves under clause 14(2)(a) to revert to its pre-2020 representation arrangements.
- (2) The group 1 local authority must seek and consider advice from Statistics New Zealand as to any adjustments that Statistics New Zealand has made to the boundaries of relevant statistical meshblock areas since—
 - (a) notice of a Local Government Commission determination was given under section 19S(1); or
 - (b) public notice of the proposed pre-2020 arrangements was given under section 19M, if there were no submissions on the proposal; or
 - (c) public notice of the pre-2020 arrangements was given under section 19N(1), if there were no appeals or objections made to the Local Government Commission.
- (3) The group 1 local authority must determine by resolution any necessary adjustments to be made to the boundaries of any ward, constituency, community, or subdivision to ensure that they coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand.

18 Local authority must notify resolution to revert to pre-2020 representation arrangements

A group 1 local authority that resolves under clause 14(2)(a) to revert to its pre-2020 representation arrangements must—

- (a) give public notice of the resolution, including the following information for the next triennial general election:
 - (i) the number of elected positions the local authority will have:
 - (ii) the number of appointed positions for community boards (if any):
 - (iii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each:
 - (iv) whether any adjustments have been made by Statistics New Zealand to the meshblocks aligning with the ward, constituency, community, or subdivision boundaries used for the 2019 or 2016 triennial general elections and whether adjustments have been made to boundaries under clause 17; and
- (b) as soon as practicable, send a copy of the notice to the following:
 - (i) the Local Government Commission:
 - (ii) the Surveyor-General:
 - (iii) the Government Statistician:
 - (iv) the Remuneration Authority:

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- (v) such other local authorities as may be required under section 19Y(2)(b) and (c); and
- (c) provide to the Surveyor-General—
- (i) a copy of the plans for the arrangements they are reverting to; or
 - (ii) in a case where minor changes have been made to boundaries in accordance with clause 17, new plans for the arrangements incorporating those changes.
- 19 When notified basis for election for next triennial election has effect**
- (1) If a group 1 local authority has, under clause 18, given public notice of the basis of election for the next triennial election of the local authority, no such basis has effect unless—
- (a) a description or plan of each ward or constituency or community or subdivision has been sent to the Surveyor-General; and
 - (b) the Surveyor-General, or a person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward or constituency or community or subdivision capable of identification.
- (2) If the description of any ward or constituency or community or subdivision to which subclause (1) applies is defective, but the Surveyor-General, or a person appointed by the Surveyor-General, certifies that it can be amended and the defect overcome without making any change in what was evidently intended to be the area comprised in the description, the description—
- (a) may be so amended by resolution; and
 - (b) if so amended, has effect as if the provisions of subclause (1) had been complied with.
- 20 Group 1 local authority reverting to pre-2020 electoral arrangements: representation review after 2025 triennial general elections**
- A group 1 local authority that resolves to disestablish its Māori wards or Māori constituencies and revert to its pre-2020 electoral arrangements must complete its next representation review in the 2025 to 2028 local government term.
- Shortened representation review process*
- 21 Application of clauses 22 to 28**
- Clauses 22 to 28 apply to a group 1 local authority that resolves under clause 11(2)(b) to disestablish the 1 or more Māori wards or Māori constituencies it has established since 2020 and—
- (a) resolves under clause 14(2)(b) to undertake, in 2024, a shortened review of its representation arrangements for the 2025 triennial general election; or

- (b) is required under clause 14(3) to undertake a shortened review of its representation arrangements for the 2025 triennial general election.

22 Requirements for resolution

Section 19K applies as if, in subsection (1AA), the words “must be passed no earlier than 20 December of the year that is 2 years before the year of the election and no later than 31 July of the year that is immediately before the year of the election” were replaced with “must be passed by 13 September 2024”.

23 Public notice of proposals and responsibilities

Section 19M applies as if,—

- (a) in subsection (1), the words “must, within 14 days after making the resolution (but, in the year immediately before the year of a triennial general election, not later than 8 August)” were replaced with “must, within 7 days after making the resolution and not later than 20 September 2024”; and
- (b) in subsection (2)(d), the words “specify a period of not less than 1 month from” were replaced with the words “specify a period that ends not later than 11 October 2024 and that is of not less than 3 weeks from”.

24 Response to submissions

Section 19N applies as if, in subsection (1), the words “must, within 8 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M” were replaced with “must, within 6 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M”.

25 Appeals

Section 19O applies as if,—

- (a) in subsection (2)(a), the words “must not be earlier than 1 month” were replaced with “must not be earlier than 3 weeks”; and
- (b) the words in subsection (2)(b) were replaced with “must not, in the year before the 2025 triennial general election, be later than 13 December 2024”.

26 Obligation to forward appeals and objections to Commission

Section 19Q applies as if the reference to “20 December,” were replaced with “23 December 2024,”.

27 Commission to determine appeals and objections

Section 19R applies as if, in subsection (3), the words “before 11 April in the year of a triennial general election” were replaced with “before 11 April 2025”.

28 Group 1 local authority completing shortened representation review process: representation review after 2025 triennial general election

A group 1 local authority that completes a shortened review process must undertake its next review of representation arrangements in accordance with the requirement in section 19H(2)(b) or 19I(2)(b) (whichever applies).

Provisions relating to group 2 local authorities

29 Group 2 local authority must resolve to affirm or resolve to rescind resolution to establish Māori wards or Māori constituencies

- (1) A group 2 local authority must, by 6 September 2024,—
- (a) resolve to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election; or
 - (b) resolve to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election.
- (2) *See* clause 39 concerning the requirement for a group 2 local authority to hold a binding poll if it resolves under subclause (1)(a) to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.

30 Special consultative procedure does not apply to resolution

A group 2 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 29(1)(a) or (b).

31 Effect of resolution to rescind

- (1) If a group 2 local authority passes a resolution under clause 29(1)(b) to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election, any determination of the group 2 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under Part 1A of this Act).
- (2) Subclause (1) applies regardless of whether public notice of the proposal has been published under section 19M or 19N of this Act.

32 Group 2 local authority rescinding resolution to establish Māori wards or Māori constituencies must decide how representation arrangements for 2025 triennial general election to be set

A group 2 local authority that resolves under clause 29(1)(b) to rescind its resolution to establish 1 or more Māori wards or Māori constituencies must, by

6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.

33 Options for representation arrangements for 2025 triennial general election if representation review completed since 2019

- (1) This clause applies to a group 2 local authority if it has completed a representation review since the 2019 triennial general election.
- (2) For the purposes of clause 32, the group 2 local authority is not required to, but may, resolve to complete a shortened representation review process in 2024.
- (3) If the group 2 local authority resolves to complete a shortened representation review process, that process must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.
- (4) If the group 2 local authority does not resolve to complete a shortened review process in 2024, its existing representation arrangements continue to apply for the 2025 triennial general election in accordance with section 19H(2)(b) or 19I(2)(b) (whichever applies).

34 Options for representation arrangements for 2025 triennial general election if no representation review completed since 2019

- (1) This clause applies to a group 2 local authority if it has not completed a representation review since the 2019 triennial general election.
- (2) The group 2 local authority may, for the 2025 triennial general election,—
 - (a) resolve to continue its existing representation arrangements, if the requirements in clause 35 are met; or
 - (b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections.
- (3) A group 2 local authority must undertake a shortened review of its representation arrangements, in 2024, if the requirements in clause 35 are not met.
- (4) A shortened review process undertaken under subclause (2)(b) or (3) must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.

35 Requirements to be satisfied for group 2 local authority to continue existing representation arrangements

- (1) A group 2 local authority that has not completed a representation review since 2019 may continue its existing representation arrangements only if the arrangements will provide fair and effective representation of communities of interest in accordance with sections 19T to 19W.
- (2) The local authority must, before passing a resolution under clause 34(2)(a) to continue its existing representation arrangements,—

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- (a) request 2023 population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the local authority's existing representation arrangements; and
- (b) provide to Statistics New Zealand such information as may be required by it concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and
- (c) table the following at the meeting at which the resolution is to be considered:
- (i) the 2023 population estimates:
 - (ii) an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority continues its existing representation arrangements:
 - (iii) a statement from the Local Government Commission on the consistency of the existing representation arrangements with section 19V(2), taking into account the 2023 population estimates.
- (3) For the purposes of considering the fair and effective representation of communities of interest in accordance with sections 19T to 19W, if an exception from compliance under section 19V(3) has previously been upheld on a determination by the Local Government Commission under section 19V(6) relating to specific wards, constituencies, or subdivisions in the local authority's pre-2020 representation arrangements, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).
- 36 Objections process does not apply to resolution to continue existing representation arrangements**
- Section 19P does not apply in respect of a resolution made by a group 2 local authority made under clause 34(2)(a).
- 37 Group 2 local authority must notify resolution to continue existing representation arrangements**
- (1) A group 2 local authority that resolves under clause 34(2)(a) to continue its existing representation arrangements must—
- (a) give public notice of the resolution, including the following information for the next triennial general election:
 - (i) the number of elected positions the local authority will have:
 - (ii) the number of appointed positions for community boards (if any):
 - (iii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each; and

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- (b) as soon as practicable, send a copy of the notice to the following:
- (i) the Local Government Commission:
 - (ii) the Surveyor-General:
 - (iii) the Government Statistician:
 - (iv) the Remuneration Authority:
 - (v) such other local authorities as may be required under section 19Y(2)(b) and (c).
- (2) If either Western Bay of Plenty District Council or Central Hawke's Bay District Council gives public notice under subclause (1), the local authority must, in addition, meet the requirements specified in clause 19(1) and (2) as if the reference to a group 1 local authority were a reference to a group 2 local authority.
- 38 Group 2 local authority: representation review after 2025 triennial general election**
- (1) A group 2 local authority that has not completed a representation review since the 2019 triennial general election and that resolves under clause 34(2)(a) to continue its existing representation arrangements for the 2025 triennial general election must complete its next representation review in the 2025 to 2028 local government term.
 - (2) A group 2 local authority that has completed a representation review since the 2019 triennial general election or that completes a shortened representation review process in accordance with the provisions of this Part must complete its next representation review in accordance with the requirements in section 19H(2)(b) or 19I(2)(b) (whichever applies).
- Conduct of binding polls in conjunction with 2025 triennial general election*
- 39 Local authority resolving to retain, or to affirm resolution to establish, Māori wards or Māori constituencies must conduct binding poll in 2025**
- (1) This clause applies to—
 - (a) a group 1 local authority that resolves under clause 11(2)(a) to retain the 1 or more Māori wards or Māori constituencies it has established:
 - (b) a group 2 local authority that resolves under clause 29(1)(a) to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.
 - (2) A group 1 or group 2 local authority to which this clause applies must hold a poll on the question whether, from the 2028 triennial general election,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

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- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (3) The poll must be conducted using the First Past the Post electoral system.
- (4) The poll must, in each case, be held—
- (a) in conjunction with the 2025 triennial general election; and
 - (b) in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.
- (5) Every poll held under this Act as required by this clause determines the question referred to in subclause (2)(a) or (b) (whichever applies) for the next 2 triennial general elections for the territorial authority or regional council, and for any associated election, after the 2025 triennial general election.
- 40 Notice of poll must be included in public notice for 2025 triennial general election**
- If a local authority is required under clause 39 to hold a poll in conjunction with the 2025 triennial general election, the electoral officer responsible for the conduct of the election must—
- (a) include public notice of that poll in the notice of the election required to be given under section 52; and
 - (b) conduct the poll in conjunction with the election accordingly.
- 41 Application of limitation on division into Māori wards or Māori constituencies**
- Section 19ZE applies as if a poll held under clause 39 on the question specified in clause 39(2) were a poll on a proposal described in section 19ZE(a) held under section 19ZF.
- 42 Review of representation arrangements following conduct of poll**
- Poll resulting in “Yes” vote*
- (1) Subclauses (2) and (3) apply to a group 1 or group 2 local authority if 50% or more of the valid votes cast in a poll held by the local authority as required by clause 39 are “Yes” votes.
 - (2) The local authority must follow the process set out in Schedule 1A of this Act in the 2025 to 2028 electoral term if it has not completed a representation review since the 2022 triennial general election.
 - (3) The local authority may continue its existing representation arrangements in the 2025 to 2028 electoral term if it has completed a representation review since the 2022 triennial general election.
- Poll resulting in “No” vote*
- (4) If more than 50% of the valid votes cast in a poll held by a group 1 or group 2 local authority under clause 39 are “No” votes, the local authority—

- (a) must complete a representation review in the 2025 to 2028 electoral term; and
 - (b) must not follow the process set out in Schedule 1A in the 2025 to 2028 electoral term.
- (5) Subclause (4) applies despite section 19Z(3)(c).

*Group 1 and group 2 local authorities:
extension to 31 July 2024 deadline for initial representation review proposals*

43 Application of clauses 44 to 46

Clauses 44 to 46 apply—

- (a) only if they commence on or before 31 July 2024; and
- (b) only to a group 1 or group 2 local authority that is required to pass a resolution under section 19H, 19I, or 19J by 31 July 2024 but has not passed the resolution by that date.

44 Extension of time for passing initial representation review resolution

A local authority to which this clause applies may pass the resolution referred to in clause 43(b) by 13 September 2024.

45 Local authority using extended time must follow shortened representation review process

A group 1 or group 2 local authority that passes a resolution in accordance with clause 44 must undertake a shortened review of its representation arrangements in accordance with the requirements of clauses 23 to 27.

46 When next representation review required

A group 1 or group 2 local authority that undertakes a shortened review under clause 45 must undertake its next review of representation arrangements in accordance with the requirement under section 19H(2)(b) or 19I(2)(b) (whichever applies).

Provisions applying to Tauranga City Council

47 Application of clauses 48 to 54

Clauses 48 to 54 apply to Tauranga City Council (the **Council**).

48 Council must resolve to disestablish Māori ward or resolve to hold poll

The Council must, by 30 November 2026,—

- (a) resolve to disestablish (for the 2028 triennial general election onwards) its Māori ward; or
- (b) resolve to hold, by 28 March 2027, a poll on the question whether the district should be divided into 1 or more Māori wards.

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49 Effect of resolution to disestablish

- (1) A resolution of the Council to disestablish its Māori ward under clause 48(a) does not affect—
 - (a) any decision of the Council made after the Council’s 2021 resolution under section 19Z that its district be divided into its Māori ward (the **2021 resolution**); or
 - (b) elections held since the 2021 resolution and before the commencement date.
- (2) A resolution of the Council to disestablish its Māori ward applies for the next 2 triennial general elections of the Council.

50 Council must hold binding poll in accordance with resolution and specified requirements

- (1) This clause applies if the Council resolves under clause 48(b) to hold a poll.
- (2) The Council must, by 28 March 2027, hold a poll on the question whether the district should be divided into 1 or more Māori wards.
- (3) The poll must be held in accordance with the requirements in clause 52.

51 Application of limitation on division into Māori wards

Section 19ZE applies as if a poll held under clause 50 on the question specified in clause 50(2) were a poll on a proposal described in section 19ZE(a) held under section 19ZF.

52 Requirements for binding poll

- (1) The Council chief executive must notify the electoral officer, by 1 December 2026, of the date on which the poll under clause 50 is to be held.
- (2) The date specified for the holding of the poll must not be a date that would require deferral of the poll under section 138A.
- (3) The electoral officer must give public notice of the poll under section 52 as soon as practicable after receiving the notice under subclause (1).
- (4) The poll must be conducted using the First Past the Post electoral system.
- (5) The poll must be held in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act (as modified by this Part) that concern the conduct of a poll.

53 Effect of poll

- (1) If 50% or more of the valid votes cast in the poll are “Yes” votes, the Council must follow the process set out in Schedule 1A in the 2025 to 2028 term.
- (2) If more than 50% of the valid votes cast in the poll are “No” votes, the Council must not follow the process set out in Schedule 1A.
- (3) Subsection (2) applies despite section 19Z(3)(c).

- (4) The outcome of the poll determines whether, for the next 2 triennial general elections of the Council, the district is to be divided into 1 or more Māori wards.
- (5) The outcome of the poll must be included in the Council's 2027 representation review.

54 Obligations of electoral officer if notice requirements for binding poll not met

- (1) This clause applies if the electoral officer does not receive a notice that accords with clause 52(1) and (2) by 1 December 2026.
- (2) The electoral officer must—
- (a) fix a date, which must be not later than 28 March 2027, for the holding of the poll; and
 - (b) give public notice of the poll in accordance with section 52; and
 - (c) conduct the poll on the date fixed for holding it.

Guidelines

55 Commission must issue guidelines for resolutions and determinations under transitional provisions

- (1) The Commission must issue guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account in passing resolutions and making determinations referred to in the provisions of this Part.
- (2) The Commission may, from time to time, amend or revoke guidelines issued under subclause (1).
- (3) Guidelines issued under subclause (1) may relate to group 1 or group 2 local authorities generally or to a specific class of those authorities.
- (4) The Commission must, as soon as practicable after issuing guidelines under subclause (1),—
- (a) send a copy of those guidelines to every group 1 and group 2 local authority; and
 - (b) publish in the *Gazette* a notice—
 - (i) stating that the guidelines have been issued; and
 - (ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase at a reasonable price.
- (5) Subclauses (3) and (4) apply, with all necessary modifications, in respect of any amendment to or revocation of guidelines issued under subclause (1).

**Local Government (Electoral Legislation and Māori
Wards and Māori Constituencies) Amendment Act 2024**

2024 No 28

Legislative history

20 May 2024	Introduction (Bill 46–1)
23 May 2024	First reading and referral to Justice Committee
21 June 2024	Reported from Justice Committee (Bill 46–2)
23 July 2024	Second reading
25 July 2024	Committee of the whole House (Bill 46–3)
30 July 2024	Third reading
30 July 2024	Royal assent

This Act is administered by the Department of Internal Affairs.

Wellington, New Zealand:

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Local Government Commission
Mana Kāwanatanga ā Rohe

Determination

of representation arrangements to apply for the election of the
Kapiti Coast District Council to be held on 8 October 2022

Background

- All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
- The Kapiti Coast District Council (the Council) last reviewed its representation arrangements prior to the 2016 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
- The Commission last made a determination in relation to Kapiti Coast District Council's representation in 2016. The council's current representation arrangements comprise a mayor and 10 councillors elected as follows:

Ward	2020 electoral population estimate*	Number of councillors	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Ōtaki	9,870	1	9,870	-1,544	-13.53
Waikanae	14,450	1	14,450	3,036	+26.60
Paraparaumu	21,800	2	10,900	-514	-4.50
Paekākāriki-Raumati	10,950	1	10,950	-464	-4.07
Total ward councillors	57,070	5	11,414		
At large councillors		5			
Total District		10			

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

- The current arrangements include four community boards: Ōtaki, Waikanae, Paraparaumu-Raumati, and Paekākāriki.

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Current review: Council process and proposal

Preliminary consultation

5. For the current review, the Council undertook preliminary engagement with the community comprising street intercept interviews (28), market pop-ups (80 people/engagements), an online survey (19 responses), community workshops (20 people), and long semi-structured interviews (18). The Council also engaged with stakeholder groups and community boards. Key outcomes of the preliminary engagement were:
 - a. People believe the district has many communities of interest, distinct suburbs, and particularly distinct Ōtaki, Paekākāriki, and rural communities
 - b. Many people use the whole district
 - c. Geographic communities of interest run west to east and north to south (rural, urban, coastal)
 - d. People believe a diverse elected council is very important, and want councillors to come from across the district
 - e. Councillors need to know the people and issues of the district
 - f. It's currently hard to hear from the diverse range of voices; community boards might only amplify voices already heard
 - g. Councillors should do what's best for Kapiti as a whole and councillor capability is very important

The Council's initial proposal

6. On 26 August 2021 the Council resolved as its initial representation proposal a council comprising the mayor plus 10 members; five elected at large and five elected by three wards. The Council also resolved not to establish community boards.
7. The initial proposed ward arrangements were as follows:

Ward	Electoral population estimate*	Number of councillors	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Kapiti ki te Raki/Northern	10,050	1	10,050	-1,364	-11.95
Kapiti ki Waenga/Central	35,500	3	11,833	419	+3.67
Kapiti ki te Tonga/Southern	11,500	1	11,500	86	+0.75
Total ward councillors	57,070	5	11,414		
At large councillors		5			
Total councillors		10			

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

8. The Council notified its proposal on 1 September 2021 and received 532 submissions by the deadline of 4 October 2021. The Council heard 59 submitters on 19 and 20 October 2021.
9. Key themes in the submissions were:
- Retaining 10 councillors and a mayor: 66% agree, 19% disagree, 15% neutral or don't know
 - Five ward councillors and five district-wide councillors: 61% agree, 28% disagree, 11% neutral or don't know
 - Combining most of the current Paraparaumu and Waikanae wards: 19% agree, 67% disagree, 14% neutral or don't know
 - Removal of community boards: 25% agree, 69% disagree, 6% neutral
 - Proposed boundary lines: 19% agree, 53% disagree, 27% neutral or don't know
10. A Council briefing on 28 October 2021 provided direction to Council officers for a final proposal. The Council's officers' report on the final proposal set out the following options:
- Option A: Seven councillors elected from six wards, three elected at large. Four community boards. All wards comply with the '+/- 10% rule'
 - Option B: As per Option A but with subdivisions for two of the community boards. All wards comply
 - Option C (modified status quo): Five councillors elected from four wards, five elected at large. Five community boards. Two non-compliant wards
 - Option D (modified status quo): As per Option C but with four community boards, one larger than existing. Two non-compliance wards.

The Council's final proposal

11. At a meeting on 11 November 2021, the Council amended its initial proposal to the following final proposal for the 2022 local elections:

Ward	Electoral population estimate*	Number of councillors	Population per councillor	Deviation from district average pop ⁿ per councillor	% deviation from district average pop ⁿ per councillor
Ōtaki	10,050	1	10,050	-1,370	-12.00
Waikanae	14,250	1	14,250	2,830	+24.79
Paraparaumu	21,300	2	10,650	-770	-6.74
Paekākāriki-Raumati	11,500	1	11,500	80	+0.70
Total ward councillors	57,100	5	11,420		
At large councillors		5			
Total District		10		N/A	N/A

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

12. The Council also resolved to retain the existing community boards (Ōtaki, Waikanae, Paekākāriki) and to split the existing Paraparaumu-Raumati Community into two (Paraparaumu and Raumati), each electing four members with one or two appointed members.
13. The Council publicly notified its final proposal on 13 November 2021, including advice that in order to avoid splitting communities of interest the Ōtaki and Waikanae Wards did not comply with the fair representation criteria.
14. Given the non-compliance of the proposed ward, the Council was required under section 19V(4) of the Act to refer its proposal to the Commission for determination. In addition, 11 appeals against the proposal were received.

Appeals/objections against the Council's final proposal

15. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.
16. Ten appeals were considered valid or partially valid and covered the following matters:
 - a. Underrepresentation for the Waikanae Ward (+24.79%)
 - b. Alteration to the boundary between Waikanae Ward and Ōtaki Wards
 - c. All appellants propose alternative representation arrangements, as follows:
 - 11 or 12 councillors elected by wards, none at large
 - A mixed model of seven councillors elected by wards, three at large
 - Options A or B from the Council officer's report on the final proposal

Hearing

17. The Commission met with the Council and the seven appellants who wished to be heard at a hearing held online on Thursday 3 February 2022. The Council was represented at the hearing by Deputy Mayor Janet Holborow and Councillor James Cootes.
18. The following appellants and objectors appeared at the hearing:
 - a. Chris Turver
 - b. Chris Mitchell
 - c. Richard Mansell
 - d. Royd Sampson
 - e. Waikanae Community Board, represented by James Westbury (Chair)
 - f. Patrick Duignan
 - g. Waikanae Beach Residents Society Inc, represented by Dr Gerald Rys (Chair) and Patrick Duignan

Matters raised at the hearing

19. Deputy Mayor Holborow, supported by Councillor Cootes, explained the process the Council had followed in carrying out its representation review and reaching its final proposal. They emphasised the following points:
 - a. It had been challenging to develop an arrangement that reflected communities of interest while complying with the Act
 - b. The Council's approach to preliminary engagement deliberately sought voices not previously heard
 - c. The initial proposal reflected that Ōtaki and Paekākāriki communities were highlighted as clear communities of interest in the preliminary engagement
 - d. The tension between the community's twin desires for representation of local issues and a district wide view supported a mixed large/wards structure
 - e. Some in the community felt community boards provided a confusing layer of governance, while others valued them but felt they needed more "teeth"
 - f. It was difficult to consult on different representation options as the Act only allowed for one option to be presented as the initial proposal
 - g. The district has a strong centre in Paraparaumu and Waikanae; the more distinct communities to north and south risk being marginalised if there is a strong block vote in the centre.
20. The appellants and objectors appearing at the hearing emphasised the following points in opposition to the Council's proposal:
 - a. Concern about the Council's approach to preliminary engagement and the restrictions on in-person engagement due to Covid-19 restrictions.
 - b. The Council has not provided a clear rationale for the 5:5 wards/at large split nor the proposed under-representation of Waikanae.
 - c. A larger proportion of councillors elected by wards would ensure more effective representation.
 - d. Voters in the more densely populated central wards could dominate voting for at large councillors, skewing representation to those wards.
 - e. Waikanae is identified as a growth area in the Council's district plan, suggesting the proposed under-representation will worsen.
 - f. The proportion of permanent residents in Waikanae Beach is increasing, reducing the difference in residence types between beach and town.
 - g. The expressway disrupts the community of interest link between Waikanae Beach and Waikanae town.
 - h. Waikanae Beach has unique coastal issues and features that require distinct representation.
 - i. Community boards are vital but need strengthening in terms of their delegations and support in the form of training for members.

Matters for determination by the Commission

21. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
22. The Council's review process is not one of the matters set out in sections 19H and 19J. Any concerns expressed by appellants and objectors relating to the Council's review process are not a basis for the Commission to overturn a council's proposal. The Commission may, however, comment on a council's process as part of its determination.
23. Much of the preliminary engagement for this review used recognised social research techniques. The research appears to have produced mainly qualitative data and this drew criticism in submissions and appeals. We consider that the research provided valuable insights for the Council but acknowledge that it could have been strengthened by the addition of a substantive quantitative element.
24. We also heard the Council's frustration that the Act allows councils to formally consult on only one option as the initial proposal. However, preliminary consultation is a councils' opportunity to seek views on particular representation options to assist in developing its formal proposal. We recommend the Council factors this into its next review.
25. The matters in the scope of the review are:
 - whether the Council is to be elected from wards, the district as a whole, or a mixture of the two
 - the number of councillors
 - if there are to be wards, the area and boundaries of wards and the number of members to be elected from each ward
 - whether there are to be community boards
 - if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.

Key considerations

26. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* (the Guidelines) identify the following three key factors when considering representation proposals:
 - communities of interest
 - effective representation of communities of interest
 - fair representation for electors.

Communities of interest

27. The Guidelines identify three dimensions for recognising communities of interest:
- *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
28. We note that in many cases councils, communities and individuals tend to focus on the 'perceptual' dimension of communities of interest. That is, they focus on what intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the 'functional' one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
29. In addition to demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities, i.e. that they may have "few commonalities". This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
30. In its 2016 determination for Kapiti Coast District Council, the Commission recommended that in its next review the Council give particular consideration to the ongoing appropriateness of certain sections of the Waikanae/Ōtaki Ward/community boundary in light of developments in the area, specifically an area between State Highway 1 and the coast.
31. Also in 2016, the Commission considered that Waikanae and Ōtaki remained reasonably distinct communities of interest, each with a number of decentralised services, and distinct geographic, socio-economic and ethnic characteristics. This aligns with feedback received during this review, which also identifies strong communities of interest centred on individual towns and suburbs, and along coastal, rural and urban dimensions.

Effective representation of communities of interest

32. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes

- so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
33. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
34. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
- avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.
35. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, a mixture of wards and at large.
36. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards.
37. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. Kapiti Coast District Council has been divided into wards since its constitution in 1989. Since at least 2010 those wards have reflected a distinction between Paekākāriki, Paraparaumu, Waikanae and Ōtaki, and to an extent, Raumati. Over the same time, the Council has comprised a mayor and 10 councillors, five elected at large and five by wards.

Fair representation for electors

38. For the purpose of achieving fair representation for the electors of a district, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
39. However, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are where:
- non-compliance is required for effective representation of communities of interest within island communities or isolated communities

- compliance would limit effective representation of communities of interest by dividing a community of interest
 - compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.
40. The Council's proposal results in two wards, Ōtaki (-12.00%) and Waikanae (+24.79%) not complying with the '+/-10% rule'.
41. Ten appellants oppose the under-representation for the Waikanae Ward, arguing that not only does it not provide fair representation for electors, it does not provide a sufficient number of councillors to effectively represent the issues specific to the Ward.
42. The Commission's 2016 determination on Kapiti Coast District's representation arrangements permitted non-compliance for the Otaki Ward (-17.07%) and the Waikanae Ward (+20.42%). When this question was addressed by the Commission in 2016 the Commission explained that the communities were clearly distinct, and there were few options for ward boundaries that complied with the +/-10% fair representation while also meeting the requirements of the Act, that, so far as is practicable, ward boundaries coincide with community boundaries (section 19T).
43. The Commission has re-examined the issue of non-compliance of Ōtaki and Waikanae wards in the light of the proposed increase in non-compliance for Waikanae, and evidence presented to us in the course of this review about the expected growth in the district. A number of appellants provided anecdotal evidence of rapid current and expected growth in Waikanae.
44. In response to questions, the Council confirmed it was anticipating significant growth across the entire district over the next 20-50 years, but exactly how and where that growth might happen was still uncertain and subject to a number of factors. These included the Council's current work to develop a growth strategy and review the district plan, and the influence of government housing programmes.
45. To our mind, there is certainly potential for the non-compliance for Waikanae in particular to continue to increase. While we recognise the distinct nature of the Waikanae community, we do not believe it is reasonable to continue endorsing a non-compliance of this size.
46. This leaves the Commission to consider what alternative arrangements might provide a more reasonable balance of fair representation for electors and effective representation of communities of interest.

Alternative arrangements

47. Ten appellants propose alternative arrangements arguing that they provide for both fairer representation, and more effective representation for Waikanae specifically.

Alternative arrangement - 11 councillors elected by wards

48. One appellant proposed all councillors be elected by wards with none elected at-large. Based on the Council's proposed ward boundaries, this would increase the number of councillors elected by every ward. Increasing the total number of

councillors to 11 produces an arrangement that is largely compliant with the '+/-10% rule' with the Paekākāriki-Raumati Ward very slightly under-represented at 10.79%.

49. This arrangement was not directly tested in the Council's process although 66% of submitters to the initial proposal indicated their agreement to retaining 10 councillors and a mayor. The preliminary engagement also suggested a preference for a mixed wards/at large model on the basis it would ensure dedicated representation of specifically local, and district-wide issues. We note that the declaration by members as set out in Schedule 7 of the Local Government Act requires all members, regardless of whether they are elected by wards or at large, to declare that they will execute and perform their powers in the best interests of the district. However, we agree that councillors elected at large can reflect communities of interest that exist district-wide along demographic, social, and economic lines, such as youth and business.
50. Given the level of community support for a mixed wards/at large arrangement, we do not consider it appropriate to make such a significant change at this stage in the process.
51. The appellant's other proposed alternative arrangement is Option A in the Council officers' report on the final proposal, on the basis that the critical number of wards-based councillors for improved compliance with the '+/-10% rule' is seven.

Alternative arrangements – Options A and B

52. Ten appellants support one or both of two alternative options provided in the council officers' report on the final proposal. These options, referred to as Option A and Option B are both based on an arrangement of six wards in which all wards are compliant with the '+/-10% rule'. Both options provide for a council of 10 plus the mayor, comprising seven elected by wards and three at large. The difference between the two options is the variation on the existing community board structure.
53. Options A and B recognise the four key areas of Paekākāriki-Raumati, Paraparaumu, Waikanae and Ōtaki, but split the Waikanae and Paraparaumu Wards further into beach and town communities of interest. The main boundary differences between Options A and B and the Council's final proposal are:
 - a. The Ōtaki/Waikanae boundary moves north to Te Horo Beach Road and School Road.
 - b. No change to the Waikanae/Paraparaumu boundary.
 - c. The Paraparaumu/Paekākāriki-Raumati boundary moves south, largely aligning with Wharemauku Stream between the coast and State Highway 1.
 - d. The Paekākāriki-Raumati eastern boundary follows State Highway 1, the inland area to the east of State Highway 1 becoming part of Paraparaumu.
54. Most of the appellants oppose the Council's proposed number of five councillors elected at large because they consider it to be a key factor in the under-representation of the Waikanae Ward. The appellants argue that Options A and B allow for smaller wards that provide representation for the Waikanae communities of interest at a more granular level than the Council's proposal, while also complying with the '+/-10% rule'.

55. These options were discussed at a Council workshop prior to the Council resolving its final proposal but not pursued further. It was noted that a 7:3 wards/at large ratio of councillors surfaced during the Council's consultation as a minority view, while 61% of submissions on the initial proposal agreed or strongly agreed with a 5:5 wards/at large ratio. However, an analysis of geographic communities of interest provided to the workshop noted the following:

In the earlier design research, we heard the different geographic community hubs were seen as different communities of interest, including Waikanae Beach as distinct from Waikanae town, Raumati as distinct from Paekākāriki, and to a lesser degree Raumati separate from Raumati South. We also heard 'coastal' and 'rural' are geographic communities of interest (of secondary prominence to the hubs). In the consultation, people reinforced the differences between geographic communities, particularly that Waikanae is different from Paraparaumu, Ōtaki is distinct, and rural needs a voice. In the consultation, Waikanae beach wasn't specifically mentioned as distinct by many people; it was more about Waikanae compared to Paraparaumu.

56. The Council also commented at the hearing about the existence of many small communities of interest in the district and the challenge deciding how best to represent them. This suggests a key matter for the Commission to understand is the level at which communities of interest in the district are most effectively represented.
57. At the hearing, a number of appellants told us that the Waikanae Beach community is distinct from the wider Waikanae community. As well as discussing growth, they emphasised the geographic delineation of Waikanae Beach, being bounded by the beach, the expressway and the Waikanae River. Appellants also described the community's unique environmental representation issues, noting the community's success in advocating for the beach to be recognised as a special character area.
58. In response to our questions one appellant, the Waikanae Beach Residents Society Inc, said the lack of distinct representation for the community to date had resulted in a lack of attention to the issues they raised with the Council. They also argued that the community was now the highest rated area in the district, but Council expenditure did not reflect that.
59. As a counterpoint, the Waikanae Community Board described the beach and town as distinct but very integrated sub-communities within the wider Waikanae community of interest. The Community Board did not believe the differences justified splitting Waikanae into two for representation purposes.
60. We would observe that many of the appellants, in detailing the outcomes of their advocacy for the beach and in presenting their appeals to us, have demonstrated that the beach community has well-established engagement channels with the Council and a clear ability to advocate for itself. We also note that there were no appeals or objections from the Paraparaumu community to indicate support for the separation of beach and town in that ward.
61. Given the strength of feedback during the Council's process supporting representation at the level of four distinct communities within the district, we are not persuaded that the differences between beach and town outweigh their

common interests. Accordingly, we do consider separate ward representation is not warranted for the town and beach communities.

Alternative four-ward option

62. We acknowledge the council's endeavours to retain the 5:5 wards/at-large councillor model in response to community feedback. However, we cannot endorse the proposal when a slightly different balance of wards/at-large reflects the principle of local plus district-wide representation while also ensuring fair representation for electors.
63. To this end, Options A and B do provide a basis for a wards arrangement that reflects the four key communities of interest while also ensuring fair representation for electors. Removing the town and beach distinction for the Waikanae and Paraparaumu Wards would produce four wards as follows:

Ward	2020 electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Ōtaki	8,900	1	8,900	750	9.20%
Waikanae	15,400	2	7,700	-450	-5.52%
Paraparaumu	24,100	3	8,033	-117	-1.43%
Paekākāriki-Raumati	8,650	1	8,650	500	6.13%
Total ward councillors	57,050	7	8,150		
At large councillors		3			
Total District		10			

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates.

64. The Council officer's report on the final proposal notes that under Options A and B, the Ōtaki/Waikanae boundary may split the Te Horo community along the inland section between the Waikanae wards and Ōtaki Wards. At the hearing, the Council and appellants again highlighted this and also noted that the Paraparaumu/Paekākāriki-Raumati boundary splits the Raumati community.
65. At the hearing, the Council described Te Horo as distinct but not large enough to make up a ward, with an estimated population of 1,810. The Council further noted that the community was split by links to larger communities in the north and south, with no local services and no economic or commercial hub. Given this fragmentation, we do not believe the ward boundary will impact greatly on the community.
66. By contrast, the Raumati community can be considered to have a strong community identity, reinforced by the Council's consultation. Under this option, the Paraparaumu/Paekākāriki-Raumati boundary starts at the coast just north of the Wharemauku Stream mouth then largely follows the stream inland to State Highway

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- 1, passing south of the Kapiti Coast Airport. As a result, 21 residential meshblocks and an estimated 1400 people are transferred from the current Paekākāriki-Raumati Ward to the Paraparaumu Ward. The Paekākāriki-Raumati Ward retains the main public access to Raumati Beach, the Raumati village, most of the Raumati residential area, and Raumati South.
67. To some extent this split already occurs at the current ward boundary, which also runs through a residential area west of the airport. The residential nature of the area means the delineation between Raumati and Paraparaumu is not clear cut. However, we acknowledge that altering this boundary will result in a change for residents who have historically been represented as part of Paekākāriki-Raumati.
68. Moving the Option A and B boundary to include the affected meshblocks in Paekākāriki-Raumati would result in a significant non-compliance for the Paekākāriki-Raumati Ward (+23.42%). This is not justified in the particular context of Kapiti Coast District, particularly given the links the wider Raumati community has with Paraparaumu as the nearest main commercial centre.
69. This leaves us to consider whether there is an alternative means of representation available to the Raumati community as a whole. The Council proposes distinct representation for the Raumati community distinct by a community board. We note the strong support for community boards in the district evidenced in this review. From an effective representation point of view, this provides a channel for the Raumati community to advocate for issues of importance to the community as a whole at the council level. Whilst we accept that two layers of representation each applied to a different geographic area might be confusing for electors, we consider it is justified by the benefits of community board representation for Raumati as a whole.
70. Based on the above considerations we have concluded that the ward and membership arrangements for the district should be as set out in the table at paragraph 63.

Ōtaki/Waikanae Ward boundary

71. Royd Sampson (appeal 10), opposes the Council's final proposal for the boundary between the Waikanae and Ōtaki Wards as it moves his family farm from the Waikanae Ward into the Ōtaki Ward. He argues that his family has lived on the property for 98 years and identifies strongly with Waikanae community facilities and activities.
72. The proposed transfer of Mr Royd's property between wards has come about as a consequence of the Council addressing a recommendation in the Commission's 2016 determination. The Commission recommended that the Council consider the placement of the Waikanae/Ōtaki ward boundary that meant roads presently in Ōtaki community only had access south through Waikanae community, while one further road (Pukenamu Road) crossed this community boundary.
73. The alternative four-ward option outlined above places the roads in question, and Mr Royd's property, wholly within the Waikanae Ward.

Communities and community boards

74. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
75. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community or communities of interest?
76. In the current review, as a result of strong community feedback during the review process, the Council's final proposal provides for five community boards. These are the current four community boards with a new community for the Raumati area of the current Paraparaumu-Raumati Community.
77. In resolving its final proposal the Council noted that a separate Raumati Community Board is necessary to ensure effective representation for Raumati as a community of interest and as already discussed, we agree that this is remains the case.
78. The Council's proposal was for the Ōtaki, Waikanae and Paraparaumu Communities to align with ward boundaries. The Paekākāriki Community was to remain as existing in the southern part of the Paekākāriki-Raumati Ward, while the Raumati Community was to comprise the remaining area of that Ward.
79. We agree with the principle of communities reflecting ward boundaries, albeit ward boundaries that are different to the Council's final proposal. The exceptions are the separate communities of Paekākāriki and Raumati. Under our preferred arrangements, this will result five communities as follows:

Community	Area
Ōtaki	Aligning to the Ōtaki Ward area
Waikanae	Aligning to the Waikanae Ward area
Paraparaumu	Aligning to the Paraparaumu Ward area excluding the part of the Raumati Community southwest of the Kapiti Coast Airport
Raumati	Aligning with the northern part of the Paekākāriki-Raumati Ward from Waterfall Road/Queen Elizabeth Park and extending into the Paraparaumu Ward to the northern end of Wharemauku Road and the southwestern boundary of the Kapiti Coast Airport
Paekākāriki	Aligning to the part of the Paekākāriki-Raumati Ward extending from Waterfall Road/Queen Elizabeth Park south

Commission's determination¹

80. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Kāpiti Coast District Council to be held on 8 October 2022, the following representation arrangements will apply:
- a. Kapiti Coast District, as delineated on Plan LG-043-2022-W-1, will be divided into four wards.
 - b. Those four wards will be:
 - (i) the Ōtaki Ward, comprising the area delineated on Plan LG-043-2022-W-2
 - (ii) the Waikanae Ward, comprising the area delineated on Plan LG-043-2022-W-3
 - (iii) the Paraparaumu Ward, comprising the area delineated on Plan LG-043-2022-W-4
 - (iv) the Paekākāriki-Raumati Ward, comprising the area delineated on Plan LG-043-2022-W-5
 - c. The Council will comprise the mayor and ten councillors elected as follows:
 - (i) 1 councillor elected by the electors of the Ōtaki Ward
 - (ii) 2 councillors elected by the electors of the Waikanae Ward
 - (iii) 3 councillors elected by the electors of the Paraparaumu Ward
 - (iv) 1 councillor elected by the electors of the Paekākāriki-Raumati Ward
 - (v) 3 councillors elected by the electors of the district as a whole
 - d. There will be five communities as follows:

¹ All plans referred to in this determination are deposited with the Local Government Commission

- (i) Ōtaki Community comprising the area of the Ōtaki Ward
 - (ii) Waikanae Community comprising the area of the Waikanae Ward
 - (iii) Paraparaumu Community comprising the area delineated on Plan LG-043-2022-Com-1
 - (iv) Raumati Community comprising the area delineated on Plan LG-043-2022-Com-2
 - (v) Paekākāriki Community comprising the area delineated on Plan LG-043-2022-Com-3
- e. The membership of each community board will be as follows:
- (i) Ōtaki Community Board will comprise 4 elected members and 1 member appointed to the Community Board by the Council being the councillor representing Ōtaki Ward
 - (ii) Waikanae Community Board will comprise 4 elected members and 1 member appointed to the Community Board by the Council being the councillor representing Waikanae Ward
 - (iii) Paraparaumu Community Board will comprise 4 elected members and 2 members appointed to the Community Board by the Council being councillors representing Paraparaumu Ward
 - (iv) Raumati Community Board will comprise 4 elected members and 1 member appointed to the Community Board by the Council being the councillor representing Paekākāriki-Raumati Ward
 - (v) Paekākāriki Community Board will comprise 4 elected members and 1 member appointed to the Community Board by the Council being the councillor representing Paekākāriki-Raumati Ward
81. As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

Local Government Commission



Commissioner Brendan Duffy (Chair)



Commissioner Bonita Bigham

4 April 2022

8 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>