

Mayor and Councillors
COUNCIL

27 AUGUST 2015

Meeting Status: **Public**

Purpose of Report: For Decision

2015 REPRESENTATION REVIEW - CONSIDERATION OF SUBMISSIONS AND FINAL PROPOSAL

PURPOSE OF REPORT

- 1 This report asks Council to consider submissions to the Council's initial proposal for representation arrangements for the 2016 local body elections, and decide on a final proposal for those arrangements.

DELEGATION

- 2 Only Council may make this decision.

BACKGROUND

- 3 The Local Electoral Act (LEA) 2001 requires all councils to review their representation arrangements at least once every six years, with the intention of ensuring fair and effective representation for individuals and communities. Specifically the review should examine:
 - The membership of the local authority
 - The basis of election (by ward, or districtwide or a mixed system such as Kāpiti has)
 - The names and proposed boundaries of each ward and how those meet the test for fair representation under section 19V of the LEA (i.e. the '+/- 10% rule')
 - The names, membership and structure of community boards should they be retained or created. (Alternatively they may be disestablished).
- 4 After convening a Working Party in December 2014 to manage a preconsultation process the Council considered the recommendations of the Working Party on 16 June and issued an initial proposal for representation arrangements. A copy of the Council report (Corp-15-1591) and Council's resolutions are at Appendix 1.
- 5 In summary, Council's initial proposal maintained the status quo in respect of the number of Councillors (ten), the basis for their election (mixed system of wards and districtwide), and the names, numbers and membership of community boards (four boards, four elected members each, same names). This decision was based on a continuing 'best fit' for meeting the development needs of the District while also recognising the representation needs of geographically distinct communities. Council also accepted the recommendation of the Working Party to change the Ward boundary between Waikanae and Ōtaki Wards to match the community board boundaries, so that residents of Reikorangi and Huia Street,

formerly divided across Ward boundaries, would then reside in the same Ward and Community Board area (ie Waikanae). This decision was made with reference to the new enabling section 19V(3)(ii) of the LEA.

- 6 In accordance with statutory provisions Council advertised its initial proposal in local newspapers on 24 and 25 June, inviting submissions from the community. The decision was also publicised through public displays of the resolution, background material and maps in District Libraries and the Service Centres and followup explanatory articles. The deadline for submissions was 31 July.
- 7 The initial proposal was formally circulated through all four Community Boards, two of whom endorsed the initial proposal without amendment (Ōtaki and Paekākāriki), and two of whom decided to make a submission (Waikanae and Paraparaumu-Raumati). Copies of resolutions from the Community Board meetings are at Appendix 2. A number of submissions were also received from other organisations and members of the community. Four submitters indicated they wished to speak and Council heard three of these at the Council meeting on 11 August (the fourth could not attend due to illness). Although Council has already received all submissions in preparation for the hearing on 11 August, copies of them are at Appendix 3 for reference.
- 8 Council received a total of ten submissions summarised as follows:

| SUB | NAME | COMMENTS |
|-----|-------------------------------------|--|
| 1 | Lynette Wharfe | Supports the initial proposal especially in respect of the Ward boundary change |
| 2 | Federated Farmers of New Zealand | Generally supportive of Council's proposal to retain mixed system, Ward boundary change and retention of Community Boards. However, it is important to ensure stronger representation of rural concerns. Representation shouldn't be based purely on population. Isolated communities should be recognised as a special case. Proposes Council introduce a Rural Board to act as reference group to Council on rural issues |
| 3 | Waikanae Community Board | Supports the proposed boundary change but asks that the initial proposal be amended to include an additional meshblock so that residents of Aston Road and Kebbel Drive (Waikanae Downs) can be included in the Waikanae Ward area |
| 4 | Paraparaumu-Raumati Community Board | Requests the initial proposal be amended to include an additional elected member for the Board , bringing the number of elected members to five |

| | | |
|----|------------------------------|---|
| 5 | ART Forum | Supports the initial proposal, noting the proposed ward boundary change better aligns with recognised iwi boundaries between Ngāti Raukawa and Te Āti Awa |
| 6 | Chrissie and John Greenhough | Asks Council to amend the initial proposal to include the residents of Aston Road and Kebbel Drive in the ward boundary change so that these residents are in the Waikanae Ward as well. |
| 7 | Gwynn Compton | Supports the initial proposal |
| 8 | Kapiti Grey Power | Supports the initial proposal |
| 9 | Neil Woodbury | Supports the initial proposal with regard to the ward boundary change |
| 10 | Murray Ballinger | Supports the initial proposal with regard to the ward boundary change |

ISSUES AND OPTIONS

Preliminary considerations

- 9 The Council needs to consider all submissions received, and must be able to demonstrate that it has done this by providing reasons for the acceptance or rejection of submissions. The final proposal must be based on submissions or else the initial proposal needs to be retained. Otherwise the community has not had an opportunity to give feedback on the proposal and the community then has grounds to submit appeals and/or objections (see paras 52-53). This was borne out by legal advice obtained in relation to the 2009 review: “A section 19N decision that is not based on submissions may be unlawful or unreasonable.”
- 10 The Council must also ensure that it acts in a legally fair way in considering submissions. In particular, if any person exercises the right to be heard under section 19M (3) of the LEA, the LGC Representation Review Guidelines recommend that only local authority members who hear the submissions participate in the decision-making on those submissions¹.
- 11 The Council’s public notice of its final proposal under section 19N(2) LEA is required to state the reasons for any amendments and the reasons for any rejection of submissions, so the reasons must be recorded in the Council’s resolution on its final proposal.

Discussion of Issues raised in Submissions

- 12 All submissions generally support the Council’s initial proposal:

¹ LGC Guidelines: Representation Reviews (October 2014) p33, para 8.22

- A. Six of the ten submissions state particular support or draw particular attention to the Ward boundary change. Two submissions are from residents in Huia Street and one submission from a resident in Reikorangi – all supporting the proposed boundary change. Two submissions request the adjustment of the proposed boundary change to add another area into the Waikanae Ward.
- B. One submission requests Council consider the representation needs of the rural population and proposes that a Rural Board be set up to advise Council (as a reference group).
- C. One submission asked Council to add another elected member to the membership of a Community Board.

13 Each of the proposals at A, B and C are discussed in turn below.

A. Include additional area in the Ward boundary change

14 Residents in the Waikanae Downs area (Submission 6) argue that they should also be brought into the Waikanae Ward area, (they are currently in the Paraparaumu Ward) as they are closer to all the services in Waikanae, indeed much closer than residents of Reikorangi and Huia Street. They were 'astonished' on moving into the area to find that they were unable to vote for a Waikanae Community Board member or a Waikanae Ward Councillor, instead having to vote for Paraparaumu Ward Councillors when they are ten minutes' drive away from Paraparaumu and do not consider themselves Paraparaumu 'locals'. Their submission is supported by the Waikanae Community Board (Submission 3).

15 A map showing current Ward boundaries is at Appendix 4.

16 If Council decided to accept this amendment it would require the adjustment of the Ward and Community Board boundaries around an additional meshblock. The population of the Waikanae Downs area is around 150 people, so it would be a case of taking this group out of the Paraparaumu Ward/Paraparaumu-Raumati Community Board areas and placing them within the Waikanae Ward and Waikanae Community Board areas). As far as is practicable Ward and Community Board boundaries should align, and the splitting of meshblocks should be avoided (and in fact would *not* need to be split in this instance). A map at Appendix 5 shows the adjustment, and an accompanying table shows the impact of the addition on the +/- 10% rule. It does increase the degree of non-compliance but only minimally, and the same argument being made for the boundary change in the initial proposal could be made here ie reference to clause 19V(3)(ii) of the LEA, that the change is being made to avoid splitting a community of interest.

B. The representation needs of the rural community

17 The submission from Federated Farmers (Submission 2) argues that 'the weighting of representation solely on population takes insufficient consideration of rural communities and the particular financial and regulatory impact that council decision making has on the rural area and rural people'. The submission cites clause 19V(3)(a)(i) of the LEA which provides for non-compliance with the +/-10% rule for island communities or isolated communities. While supporting Community Boards, the submission argues that Board members do not have voting power around the Council table and calls for 'specific rural representation at the Council table' involving a Councillor that is 'in tune with the needs and issues of the farming community'. This could be achieved, the submitter

suggests, by Council establishing a formal Rural Board – not a rural ward - that acts as a reference group to Council on rural issues.

- 18 The arguments for the representation needs of the rural population are strongly articulated. However, the establishment of a Rural Board as a reference group is outside the scope of the representation review. The Council already has a number of Advisory Groups, and a number of other special interest groups with which it engages. With respect to the request for a Rural Advisory Board, either the present Council could consider it at a later meeting as part of a wider review of such advisory groups or make a recommendation to the incoming Council in 2016 to consider the issue. Either way, the proposal would carry resource implications which require a considered assessment. As it stands, the request cannot form part of today's deliberations.
- 19 Councillors, whether they are Ward Councillors or elected Districtwide, make a declaration of office to represent the interests of the whole District, not just any one group.
- 20 Although the submitter is not requesting the establishment of a separate rural ward, it is worth noting that this would be a matter for a representation review and indeed the model was proposed in the 2009 review but without gaining any traction amongst the community or elected members at the time, and it has not surfaced significantly in this current review during the preconsultation or submission phases. Since 2009 the District's rural population has decreased from 9% to 7%, (around 4,000 people, most of whom reside in Ōtaki) which is not to say that the argument for a rural ward is moot. The issue of ensuring fair and effective representation for communities is key and rests on more than the +/-10% rule compliance. However the Local Government Commission (LGC) Representation Review guidelines offer these comments on clause 19V(3)(a)(i) pertaining to isolated communities:
 - Isolation needs to relate to the ability of a community to receive appropriate representation by elected members
 - Isolation needs to be evidenced by things such as significant distance or travel time, or other physical/practical travel, and/or communications difficulties, or service reliability problems
 - For a community to have enhanced representation on the grounds of isolation, a significant proportion of the population of the area should be physically isolated
 - Physical separation alone may not necessarily constitute isolation
 - An area may not be isolated simply because it is rural in nature

C. Additional elected member for the Paraparaumu-Raumati Community Board

- 21 The submission from this Board (Submission 4) asks Council to amend its initial proposal by adding another elected member to the membership of the Board 'on the grounds of having the largest population in the District to represent, and due to the increasing workload of the Board'. The Board also cites as an additional rationale for the request: 'on a number of occasions the Ward Councillors have abstained from voting on issues brought before the Board, bearing in mind their obligation to vote at the Council table in the interests of the whole District'. An additional elected member, they argue, would 'provide fairer and more effective

representation at the grassroots level for the largest group of communities of interest’.

- 22 The Paraparaumu-Raumati Community Board represents at present a population of 28,500 (56% of the District), and has four elected members, which is 7,125 people per elected member. If an additional elected member was added this would reduce to 5,700 people per elected member. The Board currently has the same number of elected members as all the other boards.
- 23 Under clause 19F of the LEA every community board is to consist of not fewer than four members nor more than 12 members, and is to include at least four elected members. There may be appointed members also but the number of these is to be less than half the total number of members. Where there is a ward system in place the Ward Councillor/s must be appointed back to the Board (19F(3)(b)).
- 24 The request by the Board for additional membership was also raised during the 2009 review. At that time the Board did not think that appointing back two Ward Councillors would sufficiently address the greater workload of that Board. They requested an increase of the number of elected members from four to six.
- 25 The LGC in its 2010 determination, reflected:

We are not persuaded that population of the community is a sufficient argument to increase the number of elected members of the board. We understand that all boards, regardless of their respective populations, have a similar role. On this basis we have determined that the Paraparaumu-Raumati Community Board will continue to have four elected members. However, in line with the Council’s initial proposal we have determined that both ward councillors will be appointed to the Paraparaumu-Raumati Community Board. This is in recognition of the size of the community, and to provide for all ward councillors in the district to be appointed members of their local community board.

- 26 If Council agreed to increase the membership this would increase the overall numbers of elected members to 28. The Representation Review Working Party recommended that the total number of elected members not be increased as a result of the Review.

STEPS IN THE PROCESS

- 27 Taking into account the issues raised by the submitters as outlined above and at Appendix 3, the review needs to follow a step by step process:
 1. Identify the communities of interest in the District
 2. Review the number of members on the Council and decide what the appropriate number is required for the effective governance of the District
 3. Determine fair and effective representation for identified communities of interest of the District, including a review of the ward structure and ward boundaries
 4. Review Community Boards:
 - the need for existing and/or additional Community Boards
 - Community Board boundaries

- the number of members for each Community Board

Step 1 – identify communities of interest

- 28 While there is no legal definition of the term ‘communities of interest’, there are a number of defining characteristics which may be considered:
- A sense of community identity and belonging
 - Similarities in the demographic, socioeconomic and/or ethnic characteristics of the residents
 - Similarities in economic activities
 - Dependence on shared facilities in an area, including schools, recreational facilities and retail outlets
 - Physical and topographical features
 - The history of the area
 - Location of marae
 - Transport and communication links
- 29 There have been no new communities of interest identified through submissions.
- 30 It is notable that a number of submitters have pointed to the proximity of shared facilities (shopping outlets) and unique transport links (only one road in and out of areas) as reinforcing their support for the boundary change and that they identified more as part of one community over another.
- 31 For these reasons the recommendation is to retain the five communities of interest identified in Council’s initial proposal, as per recommendation 57.

Step 2 - review the number of Councillors required for effective governance

- 32 There were no submissions specifically on this issue so therefore no changes are recommended to the initial proposal of a Mayor (elected at large) and ten Councillors. However, it should be noted that if the request for an additional community board member is met, that will increase the overall number of elected members for the District.

Step 3 – determining fair and effective representation for the communities of interest including wards and ward boundaries

- 33 The Council must consider which basis for election (wards, districtwide or mixed) best meets the needs of the identified communities of interest. The legislation is neutral on whether a district should be divided into wards – where communities of interest are located in geographically distinct areas a ward system may be appropriate.
- 34 In its initial proposal the Council considered that continuing with a mixed system of five Ward Councillors and five Districtwide Councillors was the best fit for the District, enabling representation of its communities of interest in a way that recognised their geographically distinct natures, while also meeting the wider developmental needs of the District as a whole.

- 35 There were no submissions received objecting to the mixed system proposed. Six submissions supported the proposed structure (and the other submissions focussed more on the boundary issue).
- 36 In its initial proposal Council also voted to maintain the status quo in respect of the Ward boundaries except with a change that would align the Waikanae/Otaki Ward and Community Board boundaries. The LEA (clause 19T(1)(c)) says that so far as is practicable, ward boundaries should coincide with community boundaries. Council proposed the change in response to a longstanding issue identified by residents. The adjustment would see residents in Huia Street and Reikorangi brought into the Waikanae Ward area. As indicated above a number of submissions from residents support this change. Two submissions ask for the boundary change to go further and include an additional meshblock in the Waikanae Ward (moving it from the Paraparaumu Ward/Paraparaumu-Raumati Community Board) for the same reason ie to avoid splitting a community of interest.
- 37 If the boundary change, with or without this additional meshblock, is adopted as the final proposal the matter must automatically be referred to the LGC for final determination, as the change is non-compliant with the +/-10% rule for proportional representation. A recent amendment to the LEA allows Council to now make the argument to the LGC that keeping a community together is more important than mathematical conformity.
- 38 It is recommended that Council confirm its initial proposal in respect of a mixed system with five Ward Councillors and five Districtwide Councillors and confirm the same Ward structure and boundaries with the exception of an additional adjustment to the proposed boundary change for Waikanae and Ōtaki by adding an additional meshblock as per Appendix 5.

Step 4 – review of Community Boards

- 39 There were no submissions requesting that the Community Boards be disestablished or reduced so no changes to the initial proposal are proposed.
- 40 However, there was one submission calling for an increase in a Board's elected membership and Council may decide to do this, noting however that it would increase the overall number of Elected Members for the District, and that the two Ward Councillors must be appointed back to the Board.

CONSIDERATIONS

Policy considerations

- 41 There are no policy considerations.

Legal considerations

- 42 This report has been reviewed by legal counsel. The representation review is a statutory process prescribed in section 19 of the Local Electoral Act. Other relevant sections of local government legislation include Section 3, Section 10(1), Section 13, Section 14(1), and Sections 76(5), 77, 78, 81, and 82 of the Local Government Act 2002. Council may only amend its initial proposal in the light of submissions.

Financial considerations

- 43 Financial considerations should not dictate the kind of representation arrangements required to most fairly and effectively represent individuals and communities.

Tāngata whenua considerations

- 44 The ART forum has submitted (Submission 5) supporting Council's initial proposal and noting that the proposed boundary change aligns with recognised iwi boundaries for Ngāti Raukawa and Te Āti Awa.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 45 This matter has a high degree of significance under Council policy.

Consultation already undertaken

- 46 The initial proposal was formally circulated through a round of Community Board meetings during July.

Engagement planning

- 47 Engagement has occurred through prescribed statutory processes, including the calling and hearing of submissions.
- 48 Council's final proposal will be widely disseminated including through the next round of Community Board meetings and through Council Services Centres and Libraries as well as being advertised in local newspapers. The community's right to lodge appeals or objections will be highlighted.

Publicity

- 49 The Council's decision on its final proposal will be publicly advertised in accordance with statutory requirements in local newspapers on 2 and 3 September.

NEXT STEPS

- 50 When Council's final proposal is advertised this will signal the opening of a period when appeals and objections may be submitted against the proposal.
- 51 An appeal may be made by a submitter on the initial proposal on matters related to their original submission (clause 19O LEA).
- 52 An objection may be lodged by any person or organisation if a local authority's final proposal differs from its initial proposal (clause 19P LEA). The objection must identify the matters to which the objection relates.
- 53 The period for appeals and objections will close on Monday 5 October. There is no provision in the LEA for the acceptance of late appeals or objections.
- 54 If there are appeals or objections received the Council must refer the matter to the LGC for the final decision. However, if no appeals or objections are received

the Council will still have to refer the matter to the LGC as the final proposal would not comply with the '+/- 10% rule' (clause 19V).

CONCLUSION

- 55 Council is required to make a decision on its final proposal for representation arrangements applying to the 2016 local authority elections. This decision should be in the light of submissions received. Ten submissions were received, and four submitters spoke to their submissions. Council may consider additional amendments on two matters: an extension to the proposed boundary change, and an additional elected member for the Paraparaumu-Raumati Community Board.

RECOMMENDATIONS

- 56 That the Council receives Submissions 1 to 10 to the Council's initial proposal for representation arrangements, as adopted on 18 June 2015 and notes that these submissions are considered as part of the Council's deliberation and final proposal on representation arrangements for the 2016 local authority elections.

Communities of interest

- 57 That after considering the submissions the Council confirms its initial proposal and identifies that the distinct geographic communities of interest for the Kapiti Coast District are as follows, and notes that these will form the basis for consequent decisions regarding fair and effective representation:

| Community | Descriptor/Reasons |
|-------------|---|
| Ōtaki | Separate township/s with associated rural areas, a major river and its own water supply |
| Waikanae | Separate geographic community of interest, with major river |
| Paraparaumu | Paraparaumu is the largest central community and therefore warrants separate recognition |
| Raumati | Although closely linked geographically with Paraparaumu it identifies itself as a distinct community |
| Paekākāriki | Separate village with a strong community of interest with a natural boundary at Queen Elizabeth Park in the north, and its own water supply |

Number of Councillors

- 58 That after considering submissions Council confirms its initial proposal that for the 2016 local authority elections the Kapiti Coast District Council shall comprise a Mayor elected at large and ten Councillors, for the reason that there has been no call for change, and that the number of members has been working well to provide representation for a District of this size.

Ward system and basis of election

- 59 That after considering submissions Council confirms its initial proposal that for the 2016 local authority elections the Kapiti Coast District Council shall be

divided into four wards to provide the various geographically distinct communities of interest with effective representation. The four wards will be:

Ōtaki Ward

Waikanae Ward

Paraparaumu Ward

Paekākāriki-Raumati Ward

60 That after considering submissions Council confirms its initial proposal that for the 2016 local authority elections the Kapiti Coast District Council shall comprise a mixed system of representation and that the ten Councillors shall be elected as follows:

- 1 member from the Ōtaki Ward
- 1 member from the Waikanae Ward
- 2 members from the Paraparaumu Ward
- 1 member from the Paekākāriki-Raumati Ward (current boundary)

- 5 members elected Districtwide

61 That Council considers, in the light of submissions, to amend its initial proposal in respect of a change to ward boundaries:

Pursuant to clause 19V(3)(ii) of the Local Electoral Act 2001, the Council agrees:

(a) that the boundaries of the Ōtaki Ward and the Waikanae Ward be changed, to match those of the Ōtaki and Waikanae Community Boards, which will involve the addition of the following meshblocks to the existing Waikanae Ward (and removal of same from the Ōtaki Ward): 1883500, 1883600, 1883701, 1883703, 1883807, 1883808, 1883901, 1883902, 1883903, 1883904, 1884801, 1998502, 1998600, 1998700; and

(b) that the additional meshblock 1998404 be removed from the current Paraparaumu Ward and Paraparaumu-Raumati Community Board areas and added to the Waikanae Ward and Waikanae Community Board areas.

62 That, for the 2016 local authority elections the communities of the Kapiti Coast District will be represented by

EITHER: (status quo)

| | |
|-------------------------------------|--|
| Ōtaki Community Board | 4 elected members and 1 Ward Councillors |
| Waikanae Community Board | 4 elected members and 1 Ward Councillors |
| Paraparaumu-Raumati Community Board | 4 elected members and 2 Ward Councillors |
| Paekākāriki Community Board | 4 elected members and 1 Ward Councillors |

OR: (an amendment to the initial proposal in response to a submission by the Paraparaumu-Raumati Community Board)

| | |
|-------------------------------------|--|
| Ōtaki Community Board | 4 elected members and 1 Ward Councillors |
| Waikanae Community Board | 4 elected members and 1 Ward Councillors |
| Paraparaumu-Raumati Community Board | 5 elected members and 2 Ward Councillors |
| Paekākāriki Community Board | 4 elected members and 1 Ward Councillors |

63 That the reasons for any amendment to the Council's initial proposal is as follows: (to be completed in session).....

64 Pursuant to section 19N (2)(b) of the Local Electoral Act 2001, Council indicates that the submissions as listed at Appendix 3 of report Corp-15-1671 are accepted or rejected for the following reasons (to be completed in session):

| SUB | NAME | Accepted/Rejected because... |
|-----|-------------------------------------|------------------------------|
| 1 | Lynette Wharfe | |
| 2 | Federated Farmers of New Zealand | |
| 3 | Waikanae Community Board | |
| 4 | Paraparaumu-Raumati Community Board | |
| 5 | ART Forum | |
| 6 | Chrissie and John Greenhough | |
| 7 | Gwynn Compton | |
| 8 | Kapiti Grey Power | |
| 9 | Neil Woodbury | |
| 10 | Murray Ballinger | |

Report prepared by **Approved for submission** **Approved for submission**

Vyvien Starbuck-Maffey Stephen McArthur Wayne Maxwell

Democracy Services Manager **Group Manager Strategy and Planning** **Group Manager Corporate Services**

ATTACHMENTS

Appendix 1 – copy of Council report on the initial proposal (Corp-15-1591) presented to Council on 18 June and the resolutions from that meeting

Appendix 2 – copies of the resolutions from Community Board meetings on the Council's initial proposal

Appendix 3 – copies of submissions to the Council's initial proposal

Appendix 4 – map showing current boundaries

Appendix 5 - map showing the additional meshblock adjustment to proposed Ward and Community Board boundaries

**APPENDIX 1 – COPY OF COUNCIL REPORT FROM 16 JUNE
2015 MEETING ON COUNCIL'S INITIAL PROPOSAL AND THE
RESOLUTIONS FROM THAT MEETING**

**RESOLUTION FROM COUNCIL MEETING THURSDAY 18 JUNE 2015
REGARDING COUNCIL'S INITIAL PROPOSAL FOR REPRESENTATION
ARRANGEMENTS FOR THE KAPITI COAST DISTRICT COUNCIL**

In accordance with section 19H of the Local Electoral Act 2001, Council made a resolution on 18 June concerning its initial proposal for representation arrangements for the 2016 local body elections.

KCDC 15/06/387

**2015 REPRESENTATION REVIEW – DECISION ON INITIAL PROPOSAL
(CORP-15-1591)**

MOVED (Welsh/M Scott)

That the Council receives the recommendations of the Representation Review Working Party and thanks the Working Party for its efforts, and notes that the preliminary decisions made today will be subject to a formal consultation process in accordance with the Local Electoral Act 2001.

CARRIED

MOVED (Welsh/M Scott)

That the Council identifies the distinct geographic communities of interest for the Kapiti Coast District are as follows, together with respective reasons:

| Community | Descriptor/Reasons |
|--------------------|--|
| Ōtaki | Separate township/s with associated rural areas, a major river and its own water supply |
| Waikanae | Separate geographic community of interest, with major river |
| Paraparaumu | Paraparaumu is the largest central community and therefore warrants separate recognition |
| Raumati | Although closely linked geographically with Paraparaumu it identifies itself as a distinct community |
| Paekākāriki | Separate village with a strong community of interest with a natural boundary at Queen Elizabeth Park in the north, and its own water supply |

Mayor and Councillors
COUNCIL

18 JUNE 2015

Meeting Status: **Public**

Purpose of Report: For Decision

2015 REPRESENTATION REVIEW - DECISION ON INITIAL PROPOSAL

PURPOSE OF REPORT

- 1 This report seeks Council's consideration of the recommendations from the Representation Review Working Party and a decision on the initial proposal for representation arrangements for the Kapiti Coast District local body elections in October 2016, in accordance with the provisions of the Local Electoral Act 2001.

DELEGATION

- 2 Council has the authority to make this decision.

BACKGROUND

- 3 The last Representation Review was carried out in 2009. Under the Local Electoral Act 2001 (LEA) Council is required to undertake a review at least once every six years, so this process must be completed by Council this year. Relevant extracts of legislation and a timetable are at Appendix 1.
- 4 Notwithstanding the current process by the Local Government Commission (LGC) involving possible change for governance arrangements at the regional level, the law requires the Representation Review proceed until such time as changed governance arrangements in the region are inevitable.
- 5 There are two preliminary matters for councils to consider before initiating a review: the establishment of a Māori Ward and the choice of electoral system. In June last year iwi indicated there was no consensus support for Council to pursue the question of a Māori Ward so this matter did not progress. On 4 September 2014 Council resolved to retain the Single Transferable Vote (STV) system as its electoral system for the 2016 local body elections.
- 6 In December 2014 Council convened a Working Party to manage the pre-consultation phase and make a recommendation to Council on its initial proposal. Members of the Working Party included two Councillors, an iwi representative, a community boards' representative, the Electoral Officer and other key staff. The Terms of Reference for the Working Party are at Appendix 2.
- 7 Under legislative parameters Council must decide on an initial proposal for representation arrangements by 31 August 2015 and publicly advertise this decision within two weeks of the resolution. This is the first step in a formal consultation process involving submissions and hearing of submissions, the issuing of a final proposal and the receipt of any appeals and objections to that final proposal. Leading in to the process was an informal consultation phase, undertaken by the Working Party, the primary aim of which was to make the

community aware that the Review was starting and what it was all about and also to receive any preliminary ideas or comments.

- 8 Preconsultation communications included:
- publicising the Review at the Sustainable Home and Garden Show and as part of the Long Term Plan 'Open Days' held throughout the District
 - promotion through the Mayoral column
 - four public workshops hosted by Community Boards
 - two major articles in local newspapers
 - a page on the Council website
 - Facebook notifications
 - stakeholder engagement (Youth Council, Older Persons' Council, Kapiti Accessibility Advisory Group)
 - a briefing for Elected Members
- 9 The Working Party met a number of times during March to May to consider profile information about the Kapiti Coast District and its communities, any public feedback from the workshops and other sources and some possible models including an all Districtwide model, an all Wards model (with various combinations of Wards and Ward Councillors), as well as the status quo mixed system. In summary the Working Party is recommending to Council:
- a) there be no increase in the total number of elected members (currently 27) or in the allocation of elected members ie. keep ten Councillors plus four elected members for each of the four Community Boards;
 - b) that the anomaly occurring as a result of the mismatch between Ward and Community Board boundaries for Waikanae and Ōtaki be fixed (further details below at paras 32-40);
 - c) the basis for election be either:
 - Option 1: retain the status quo (mixed system plus Community Boards) and fix the Waikanae/Ōtaki boundary; or
 - Option 2: change to an all Wards model (ten Councillors elected from the current four Wards), fix the Waikanae/Ōtaki boundary and retain Community Boards;
 - d) retain Community Boards as they currently are, same names, boundaries and membership.
- 10 Further detail on these recommendations is in the following sections.

ISSUES AND OPTIONS

Issues

- 11 The primary objective of a representation review is to ensure fair and effective representation for individuals and communities. There are three key factors which must be dealt with:

- a) Defining communities of interest
 - b) Effective representation for communities of interest
 - c) Fair representation of electors
- 12 Specifically examining each of these factors will answer the following questions:
- Where are our communities of interest?
 - How many councillors are required to represent them effectively?
 - How should those councillors be elected (districtwide, by ward or through a mixed system of both districtwide and ward)?
 - If a ward system is favoured what should the names and boundaries of those wards be and do they comply with the '+/-10 % rule'?
 - Are community boards still required, and if yes, what should their names, boundaries and memberships be?
- 13 An important aspect of the process is that the reasons for each decision need to be recorded.

Step 1 – Identify communities of interest

The Working Party recommends that the following communities of interest be retained:

| Community | Descriptor/Reasons |
|------------------|---|
| Ōtaki | Separate township/s with associated rural areas, a major river and its own water supply |
| Waikanae | Separate geographic community of interest, with major river |
| Paraparaumu | Paraparaumu is the largest central community and therefore warrants separate recognition |
| Raumati | Although closely linked geographically with Paraparaumu it identifies itself as a distinct community |
| Paekākāriki | Separate village with a strong community of interest with a natural boundary at Queen Elizabeth Park in the north, and its own water supply |

Considerations

- 14 There is no legal definition of a 'community of interest' but the Representation Review Guidelines published by the LGC (October 2014) suggest some defining characteristics, which may include:
- Distinctive physical features
 - A sense of belonging

- Similar economic and social activities and access to services
 - Similar demographic or ethnic groups
 - Distinct local history
 - Rohe of local iwi
 - Accessibility to elected member/s
- 15 A consideration in the Review is how representation arrangements for communities of interest apply not just now but in the future and this depends on an analysis of how communities may change over time. Some observations on this point and the characteristics above could reference:
- The Kāpiti Coast District is a 40km ribbon of coastline punctuated by a number of clustered coastal communities with a major commercial/retail centre at Paraparaumu. Its rural areas are intermingled with the township settlements to the north. About 40% of the District lies in the Tararua Forest Park which forms the eastern boundary with the Wairarapa councils. A natural boundary to the east is the Tararua Ranges and to the west, the Tasman Sea: natural boundaries are also formed by the Waikanae and Ōtaki Rivers. There is a strong identification with Kāpiti Island, located five kilometres off Paraparaumu.
 - Although there has been some population growth since the last review (from 49,100 to 51,090), arguably the District's growth has not been as accelerated as previously predicted. For some years the District was one of the fastest growing population areas in New Zealand, with the usually resident population increasing by 8.8% from 2001 to 2006. This rapid growth has slowed since the global financial crisis. A table at Appendix 3 shows the population changes since the last Review in 2009.
 - Also included is a table which shows medium population growth plus a medium Expressway impact 2018-2038. Most new growth has focussed on Waikanae North and Ōtaki, although the number of new dwellings built every year has slowed. The population is expected to reach 57,415 by 2038. At a sub district level Waikanae Park, Raumati South and Paraparaumu Central are forecast to have the largest increase in population growth over the next 26 years. Paraparaumu Beach North, Paraparaumu Beach South, Waikanae West, Waikanae Beach, Paekākāriki, Te Horo and Ōtaki are expected to initially experience a decline in population over this time.
 - Kapiti is notable for, amongst other things, its ageing population. In 2013, 25% of the population were over 65, compared with 13% for the Wellington Region, and is expected to age more rapidly than the rest of the Region. By 2038 it is projected that the population aged over 65 will have increased to 37%, resulting in a shrinking working age group, and concomitant implications for workforce demands, social services, infrastructure investment and the community's economy.¹
 - The District is home to three iwi who identify as tāngata whenua, with marae located throughout the District, and the strongest iwi presence at Ōtaki.

¹ See Part A of the 2014/15 Activity Management Plans

- 16 Notwithstanding the past and projected changes wrought by development the Working Party did not identify any new communities of interest during the pre-consultation phase that would warrant specific recognition.

Step 2 – Reviewing the number of Councillors to ensure effective governance of the District

The Working Party recommends that the Council comprises a Mayor who shall be elected at large and ten Councillors

- 17 The Council may decide on any number of elected members to be represented on the Council within a legal range of five and 29 members (excluding the Mayor) (clause 19A LEA). In the 2004 review the Council comprised 14 Councillors. Submissions, objections and appeals suggested that the Council's membership should be somewhere in the range of 6 to 15 (excluding the Mayor). The LGC considered that 10 Councillors was an optimal number and that number of members has applied since then and has been working well.
- 18 The Working Party concluded that an increase in the number of Councillors was not required nor desirable as that would increase the overall number of elected members if Community Boards were to be retained (and the Working Party recommends they should be – see paras 41-46), and a decrease was not seen as warranted in view of the workload of Council and the growth of the District.

Step 3 – determine the basis of election for effective representation of the District's communities of interest (ie districtwide or wards or a mixed system).

The Working Party is recommending two options for Council to consider, either:

- (a) the status quo be retained – 10 Councillors, five elected from four Wards and five elected on a Districtwide basis, or**
- (b) a change to an all Wards system where 10 Councillors are elected on the following basis (ie a doubling of current Ward Councillors)**

Ōtaki – 2

Waikanae – 2

Paraparaumu – 4

Paekākāriki-Raumati - 2

(NB: both recommended options include fixing the boundary problem but this is discussed separately at paras 32-38)

Considerations

- 19 The Council must consider which system best ensures effective representation of communities of interest.
- 20 The following factors should be considered to the extent possible:
- the legislation is neutral on whether a district should be divided into wards – where communities are located in geographically distinct areas a ward system may be appropriate
 - avoiding arrangements that may create barriers to participation

- not splitting recognised communities of interest between electoral subdivisions
- not grouping together two or more communities across electoral boundaries
- accessibility, size and configuration of an area including:
 - would the population have reasonable access to its elected members and vice versa?
 - would elected members be able to effectively represent the views of their electoral area, including accessibility?

Considerations for option (a) Status Quo System, 5 Councillors per 4 Wards, 5 Councillors Districtwide and fix the boundary problem

- 21 The status quo has applied for the last four local body elections (2004, 2007, 2010, 2013) and appears to be working well.
- 22 The status quo arrangements are familiar to the community and, given the poor attendance at public workshops it would appear there is no real appetite for change.
- 23 In view of continuing uncertainty at the regional governance level, sticking with the status quo may be more prudent than moving to change.
- 24 The Kāpiti Coast District Council is one of only five councils that operate under a mixed system (Tauranga, Napier, Gore and Masterton are the others); 52 territorial authorities operate under a ward system, and 10 use Districtwide.²

Considerations for option (b) 10 Councillors elected from Four Wards

- 25 Notwithstanding population growth and development the Working Party believes the District's communities of interest are still geographically distinct enough to warrant a ward system. For example, there is still continuing interest in and requests by the community for Local Outcomes Statements for particular areas, such as Waikanae Beach and Paekākāriki.
- 26 In the 2004 Review Council in its initial proposal resolved to disestablish wards and move to a Districtwide system, a proposal which was strongly resisted by the community at the time: 542 out of 561 submissions requested Council retain the ward system.
- 27 In its 2004 determination the LGC noted that although the District's population was growing at a relatively rapid rate the distinctive characteristics of the existing communities of interest in the district warranted the continued division of the District into wards.
- 28 The Wards system would see a doubling of Councillors in each Ward which could support the argument that multi-member wards under an STV electoral system better reflect community views³.
- 29 Residents of each Ward would have more representation and a greater choice of Councillor to approach about local issues.

² Appendix C: LGC Representation Review Guidelines October 2014

³ Page 6, The Local Government Electoral Option 2008

- 30 Representation of communities would be strengthened at a local level, thereby enhancing local decision-making on matters affecting those most closely affected, and may also 'future-proof' representation arrangements in terms of evolving District growth and development. This would particularly assist the outer areas of the District, Ōtaki and Paekākāriki who would have two Ward Councillors instead of one.
- 31 Having all Ward Councillors helps ensure that people are elected from the spread of communities; candidates standing for Districtwide Councillor positions are likely to come from the central areas.

Step 4 – where wards are recommended, applying the '+/- 10% rule'

The Working Party recommends that regardless of whether Council adopts option (a) or option (b), the boundary problem between Waikanae and Ōtaki Wards should be fixed, even though the solution would result in non-compliance with the +/-10% rule.

Considerations

What is the +/-10% rule?

- 32 Section 19V of the LEA details the factors to be applied in determining the membership for wards in order to achieve fair representation of electors: Under this provision membership of wards is required to provide approximate population equality per member, that is, all votes are of approximately equal value, unless there are good reasons to depart from this requirement. The specific requirement is 19V(2):

....'the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).

- 33 The current mixed system does meet this rule (see Appendix 4 for a map and maths) but there is a problem.
- 34 At the public workshop in Waikanae (which featured the largest turnout) members of the community expressed their continuing frustration with the Ward boundary between Waikanae and Ōtaki. The Waikanae Ward boundary does not match its Community Board boundary which means that for some residents of Huia Street and for Reikorangi residents they are in the Waikanae Community Board but in the Ōtaki Ward. They want to be in the Waikanae Ward, not the Ōtaki Ward. When considering the importance of defining communities of interest this situation is anomalous because:
- For both groups of residents there is only one road in and out and both lead directly to Waikanae CBD where they access all their services on a daily basis;
 - If residents want changes where they live they cannot help effect these at a political level as they have to vote for the Ōtaki Ward Councillor.
- 35 This issue is not new. The 2009 review identified both community board and ward boundaries between Waikanae and Ōtaki as problematic and the bulk of

submissions and one appeal were on this issue. In its 2010 Determination the LGC moved the Community Board boundary to fix one problem but could not move the Ward boundary due to non-compliance with the 10% rule. They said:

We acknowledge there are concerns about the impact of the +/- 10% rule on the location of particular ward boundaries. This was the subject of the appeal in relation to the Waikanae/Ōtaki ward boundary.

We looked closely at options to include all of Huia Street in the Waikanae Ward as sought by the appellant. Unfortunately this was not possible, within the current constraints of the section 19V(2) +/- 10% fair representation requirement, without splitting another area from its Waikanae community of interest. (In its Review of the Local Government Act 2002 and Local Electoral Act 2001, the Commission has recommended amendments to the Local Electoral Act to provide more flexibility around the requirements for fair representation under section 19V.) We do note that under our determination relating to community boards all of Huia Street will be within the Waikanae Community Board area.

We note that section 19T of the Act requires that, so far as is practicable, ward boundaries coincide with community boundaries. In the case of Waikanae and Ōtaki Wards, the ward boundary will not coincide with the community boundary as a result of our decision. We believe the arguments to include Reikorangi and Peka Peka in the Waikanae community are compelling on community of interest grounds as witnessed by the number of submissions on this issues. While there is an argument to include these areas in the Waikanae Ward as well, as noted above this is not possible given the only exception to the section 10V +/- 10% requirement for ward boundaries is on the grounds of isolated communities of interest which cannot be applied in this case. (The Commissioners went on to note that the differences in the boundaries between Paraparaumu, Raumati, and Paekākāriki community boards and wards had not excited any comment.)

- 36 However there is a possible solution, as legislation has changed since 2010. Clause 19V(3)(ii) of LEA says:

Despite subsection (2)-

(a) if the territorial authority or the Commission considers that 1 or more of the following apply, wards and subdivisions of a local board or a community may be defined and membership distributed between them in a way that does not comply with subsection (2):

(ii) compliance with subsection (2) would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions.

- 37 The LEA also says that wherever practicable the boundaries of both wards and community boards should coincide (clause 19T(1)(c) LEA) as this:

- Supports communities of interest and local electors' identification with their area
- May encourage participation, such as voting or standing as a candidate⁴.

⁴ Page 19, LGC Representation Review Guidelines

- 38 By matching the Ōtaki and Waikanae boundaries for both Wards and Community Boards the affected residents would then belong to both the Waikanae Ward and the Waikanae Community Board. Non-compliance with the +/-10% rule could be argued as justifiable on the grounds that not dividing a community of interest is more important than meeting a mathematical formula. If Council wished to pursue this option it would automatically have to refer the matter to the LGC at the end of the objections and appeals period.
- 39 Appendix 5 shows how the new matching boundaries would look and how the +/-10% rule would apply in options 1 and 2.
- 40 Note that regardless of whether Council chooses option (a) or (b) the Working Party is recommending that the boundary problem be fixed. This means that both option (a) and (b) would be non-compliant with the +/-10% rule.
- 41 The rule does not apply to Community Boards.

Step 5 – reviewing the need for Community Boards

The Working Party recommends that the District representation arrangements include four Community Boards within the existing community board boundaries with four elected members each.

Considerations

- 42 The Council is required under legislation to include a review of the need for Community Boards, and if they are required, their nature and structure.
- 43 The District has had community boards in some format since 1989. In the 2003 review Council sought to disestablish them in its initial proposal but due to the protest expressed in submissions reinstated them. In the 2009 review a move was also made (through an objection) to reduce community boards to two, one at either end of the District. The LGC did not agree.
- 44 In its submission to the LGC on the draft proposal for regional governance arrangements the Council indicated its support for structures (ie community boards) that support local decision-making, representation and advocacy.
- 45 There has not been any public feedback to date about disestablishing community boards; in fact the only issue that had come up was the question of the restricted nature of community board delegations, a matter which is outside the scope of this Review.
- 46 Under clause 19F of the LEA the number of Community Board members may be within a 4-12 range, with at least 4 elected members.
- 47 Ward Councillors are appointed back to their respective community boards but there is restriction on their number which must be less than half the total number of members (LEA clause 19F). If option 2 is adopted the four Ward Councillors in Paraparaumu Ward could not all be appointed back to the Paraparaumu-Raumati Community Board. Local Government New Zealand has advised that this is purely a governance matter for the 2016-2019 Council, (the appointments of Ward Councillors to their respective Boards are made after the new Council is sworn in), and other councils with similar structures have chosen to rotate the Ward Councillors through the community board/s.

CONSIDERATIONS

Policy considerations

48 There are no policy considerations at this point.

Legal considerations

49 The representation review process is required by legislation, primarily the Local Electoral Act 2001 clauses 19A – 19Y. This report has been subject to internal legal review and external independent review.

Financial considerations

50 Financial considerations are not to form part of the review.

Tāngata whenua considerations

51 The Working Party included an iwi representative who had input to deliberations, and regular briefings have been given to Te Whakaminenga o Kāpiti concerning the Review.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

52 This matter has a high degree of significance, and it is significant under Council policy.

Consultation already undertaken

53 Community Boards hosted a series of public workshops held in April/May. Waikanae Community Board has indicated its support for the residents of Reikorangi and Huia Street in respect of the Waikanae/Ōtaki Ward boundary problem.

Engagement planning

54 Engagement with the community will be undertaken as per legislative parameters which will include the special consultative process.

Publicity

55 The Council's initial proposal must be publicly advertised within 14 days of the resolution being made, in accordance with clause 19M of the Local Electoral Act 2001. A communications strategy has been developed to ensure that Council's decision is comprehensively disseminated, so that the community may make fully-informed submissions on the matter.

CONCLUSION

56 In accordance with legislative provisions, Council must release its initial proposal for representation arrangements for the Kapiti Coast District by 31 August 2015. This report presents the recommendations of the Representation Review Working Party.

- 57 The Working Party is presenting two options for Council consideration, either to maintain the status quo or to move to a wards system (doubling the current number of ward councillors). Both of these options also include the recommendation to align the Waikanae and Otaki Ward boundaries with their respective community board boundaries under LEA provision 19V(3)(ii).
- 58 If Council decides to endorse the proposed boundary change under either option the matter must automatically be referred to the LGC after the deadline for appeals/objections to the final proposal.

RECOMMENDATIONS

- 59 That the Council receives the recommendations of the Representation Review Working Party and thanks the Working Party for its efforts;
- 60 That the Council identifies the distinct geographic communities of interest for the Kapiti Coast District are as follows, together with respective reasons:

| Community | Descriptor/Reasons |
|-------------|---|
| Ōtaki | Separate township/s with associated rural areas, a major river and its own water supply |
| Waikanae | Separate geographic community of interest, with major river |
| Paraparaumu | Paraparaumu is the largest central community and therefore warrants separate recognition |
| Raumati | Although closely linked geographically with Paraparaumu it identifies itself as a distinct community |
| Paekākāriki | Separate village with a strong community of interest with a natural boundary at Queen Elizabeth Park in the north, and its own water supply |

- 61 That the Council shall comprise a Mayor who shall be elected at large and ten Councillors as the most appropriate number of members.
- 62 That the 10 Council members shall be elected as follows:

Either:

Option 1 – A mixed system of representation, with 5 members elected from the Wards as follows:

- 1 member from the Ōtaki Ward
- 1 member from the Waikanae Ward
- 2 members from the Paraparaumu Ward
- 1 member from the Paekākāriki-Raumati Ward; and
- 5 members elected Districtwide,

Or

Option 2 – That 10 members shall be elected from the Wards as follows:

- 2 members from the Ōtaki Ward (changed boundary)
- 2 members from the Waikanae Ward (changed boundary)

- 4 members from the Paraparaumu Ward (current boundary)
- 2 members from the Paekākāriki-Raumati Ward (current boundary)

AND

- 63 That, for either Option 1 or Option 2, pursuant to clause 19V(3)(ii) of the Local Electoral Act 2001, the Council agrees that the boundaries of the Ōtaki Ward and the Waikanae Ward be changed, to match those of the Ōtaki and Waikanae Community Boards, which will involve the addition of the following meshblocks to the existing Waikanae Ward (and removal of same from the Ōtaki Ward):
1883500, 1883600, 1883701, 1883703, 1883807, 1883808, 1883901, 1883902, 1883903, 1883904, 1884801, 1998502, 1998600, 1998700.
- 64 That for the 2016 triennial elections the communities of the Kapiti Coast District will be represented by:

| | |
|-------------------------------------|--|
| Ōtaki Community Board | 4 elected members and 2 Ward Councillors |
| Waikanae Community Board | 4 elected members and 2 Ward Councillors |
| Paraparaumu-Raumati Community Board | 4 elected members and 2 Ward Councillors |
| Paekākāriki Community Board | 4 elected members and 2 Ward Councillors |

Report prepared by

Approved for submission

Approved for submission

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ATTACHMENTS

- Appendix 1 Relevant extracts from the Local Electoral Act 2001 and Local Government Act 2002 and review timeline
- Appendix 2 Terms of Reference for the Representation Review Working Party
- Appendix 3 Population changes and medium Expressway impact
- Appendix 4 Map showing current Ward and Community Board boundaries plus a table showing how the +/-10% rule currently applies
- Appendix 5 Map and application of the +/-10% rule for Options 1 and 2 with matching boundaries

**Reprint
as at 8 August 2014**



Local Electoral Act 2001

Public Act 2001 No 35
Date of assent 29 May 2001
Commencement see section 2

4 Principles

- (1) The principles that this Act is designed to implement are the following:
 - (a) fair and effective representation for individuals and communities:
 - (b) all qualified persons have a reasonable and equal opportunity to—
 - (i) cast an informed vote:
 - (ii) nominate 1 or more candidates:
 - (iii) accept nomination as a candidate:
 - (c) public confidence in, and public understanding of, local electoral processes through—
 - (i) the provision of a regular election cycle:
 - (ii) the provision of elections that are managed independently from the elected body:
 - (iii) protection of the freedom of choice of voters and the secrecy of the vote:
 - (iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:
 - (v) the provision of impartial mechanisms for resolving disputed elections and polls.
- (2) Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.
- (3) This section does not override any other provision in this Act or any other enactment.

5 Interpretation

- (1) In this Act, unless the context otherwise requires,—
allotment has the meaning given by [section 218\(2\)](#) of the Resource Management Act 1991

candidate—

- (a) means a person who has been nominated as a candidate in any election; and
- (b) includes, in [Parts 5](#) and [5A](#), a person who has declared his or her intention of becoming a candidate

census means the census of population and dwellings carried out by Statistics New Zealand under the [Statistics Act 1975](#)

close of nominations, in relation to any election, means 12 noon on nomination day

close of voting, in relation to any election or poll, means,—

- (a) if booth voting is the method of voting used at the election or poll, 7 pm on polling day:
- (b) if postal voting is the method of voting used at the election or poll, 12 noon on polling day:
- (c) if any other method of voting is used at the election or poll, the prescribed time and day at which the period during which an elector may cast a vote at an election or poll ends

Commission means the Local Government Commission continued by [section 37V](#) of the Local Government Act 1974 or [section 28](#) of the Local Government Act 2002

community has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002

community board has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002

constituency means a constituency established under this Act and resulting from the division, for electoral purposes, of a region

counting program is a computer application program used to implement the New Zealand method of counting single transferable votes that must operate within a particular operating environment

district means the district of a local authority; and includes a region

election means election to any office in, under, or in connection with any local authority, local board, community board, or other body required by law to be filled by the election of the electors of any local government area

elector means any person entitled under any law for the time being in force to vote at an election or poll, as the case may be, held under this Act

Electoral Commission means the Electoral Commission established by [section 4B](#) of the Electoral Act 1993

electoral officer means a person appointed under [section 12\(1\)](#); and includes any person for the time being exercising all or any of the duties and powers of that person

electoral official means an electoral officer, a deputy electoral officer, and any person authorised to exercise any power or perform any duty of an electoral officer under [section 12\(2\)](#)

electoral system means any of the following electoral systems that are prescribed for use at an election or poll:

- (a) the system commonly known as First Past the Post:
- (b) the system commonly known as Single Transferable Voting (STV) using the New Zealand method of counting single transferable votes

electronic includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic

extraordinary vacancy means a vacancy occurring in any elective office except for the purpose of any triennial or other general election

First Past the Post means the electoral system that is described generally in [section 5A](#)

general constituency, in relation to a region, means every constituency of the region that is not a Māori constituency

general electoral population has the same meaning as in [section 3\(1\)](#) of the Electoral Act 1993

general ward, in relation to the district of a territorial authority, means every ward of the district that is not a Māori ward

local authority means a territorial authority or regional council; and also includes any other elected or partly-elected body (other than a local board or a community board) to which this Act, or any of its predecessors, is applied or has been made to apply by any other enactment

local board has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002

local board area has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002

local government area means the area comprised within the jurisdiction of a local authority; and includes a subdivision of that area

Māori constituency means a Māori constituency created in accordance with [Schedule 1A](#)

Māori electoral district has the same meaning as in [section 3\(1\)](#) of the Electoral Act 1993

Māori electoral population has the same meaning as in [section 3\(1\)](#) of the Electoral Act 1993

Māori ward means a Māori ward created in accordance with [Schedule 1A](#)

member of a local authority, in relation to a local authority, includes the mayor

Minister means the Minister of Local Government

New Zealand method of counting single transferable votes means the method of counting votes described in [Schedule 1A](#) of the Local Electoral Regulations 2001

nomination day means the 57th day before polling day

official document includes any facsimile, electronic document, or electronic message created or transmitted by or to an electoral officer or other electoral official under this Act or regulations made under this Act

official place means any place at which there are provided, for the time being, opportunities or facilities for members of the public to—

- (a) vote; or
- (b) apply for an ordinary or special vote; or
- (c) inspect the electoral roll; or
- (d) apply for enrolment or for amendment of the electoral roll; or
- (e) lodge nominations of candidates for an election

poll means the submission to the vote of electors for decision of a proposal or the provision of opinion on a proposal or other matter, other than an election, that is required to be submitted under this Act or any other Act to which this Act, or any of its predecessors, is applied or has been made to apply

polling day means the day on which the voting period for an election or poll ends

region has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002

regional council has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002

Registrar of Electors means a person who is a Registrar as defined in [section 3\(1\)](#) of the Electoral Act 1993

roll or **roll of electors**, in relation to any local authority, means any list or roll made in a manner provided by law that contains the names of the persons entitled to vote at an election or poll

Single Transferable Voting means the electoral system described generally in [section 5B](#)

subdivision means a ward of a district of a territorial authority, a constituency of a region, a subdivision of a local board area or community, or any other division of a local government area for electoral purposes or for the purposes of any poll

territorial authority has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002; but does not include the Minister of the Crown who is responsible for the administration of that Act

voting document includes, if appropriate provision for electronic voting is made in regulations under this Act,—

- (a) an electronic document or electronic message that is designed to enable a voter to record his or her vote at an election or poll and transmit it electronically for counting; and
- (b) any copy of that document or message (with or without the voter's vote recorded); and
- (c) any record of that document or message with the voter's vote recorded

voting method means any of the following methods of voting that are prescribed for use at an election or poll:

- (a) the method of voting commonly known as booth voting:

- (b) the method of voting commonly known as postal voting:
- (c) any form of electronic voting:
- (d) any method of voting involving a combination of more than 1 of the methods of voting referred to in paragraphs (a) to (c):
- (e) any other method of voting (however described)

voting period, in relation to an election or poll, means—

- (a) if booth voting is the method of voting used at the election or poll, the period between 9 am and 7 pm on polling day and any earlier prescribed period:
- (b) if postal voting is the method of voting used at the election or poll, the period of 22 and a half days ending with 12 noon on polling day:
- (c) if any other method of voting is used at the election or poll, the prescribed period during which an elector may cast a vote at the election or poll

ward means a ward established under this Act and resulting from the division, for electoral purposes, of the district of a territorial authority.

(2) In this Act, every reference to the electoral officer is, unless the context otherwise requires, a reference to the electoral officer responsible for the conduct or undertaking of the election or poll or other thing to which the reference relates.

(3) In this Act, every reference to an election on a specified date or day is, unless the context otherwise requires, a reference to an election, the polling day for which is on that date or day.

19A Membership of territorial authorities

- Every governing body of a territorial authority is to consist of not fewer than 6 members nor more than 30 members, including the mayor, who are the members of the territorial authority.

19B Basis of election of mayor of territorial authority

- (1) The mayor of a territorial authority is to be elected by the electors of the district as a whole.
- (2) The election of the mayor is to be held at the same time as the general election of the other members of the territorial authority.

Section 19B: inserted, on 25 December 2002, by [section 6](#) of the Local Electoral Amendment Act 2002 (2002 No 85).

19C Basis of election of members of territorial authority

- (1) A district of a territorial authority may be divided into wards for electoral purposes.
- (2) If a district is divided into wards, some of the members of the territorial authority may be elected by the electors of the district as a whole, but, in that case, the other members of the territorial authority must be elected by the electors of each ward of the district.
- (3) Each ward must elect at least 1 member of the territorial authority.

(4) If a district is not divided into wards, the members of the territorial authority must be elected by the electors of the district as a whole.

(5) If a district is divided into wards, each member of the territorial authority representing a ward must be elected by the electors of that ward.

19F Membership of community boards

- (1) Every community board—
 - (a) is to consist of not fewer than 4 members nor more than 12 members; and
 - (b) is to include at least 4 elected members; and
 - (c) may include appointed members.
- (2) The number of appointed members is to be less than half the total number of members.
- (3) The persons who are appointed under subsection (1)(c) as members of the community board must—
 - (a) be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted; and
 - (b) if the territorial authority is divided into wards, also be members of the territorial authority representing a ward in which the community is situated.

19G Basis of election of members of community board

- (1) The part of a district in respect of which a community is constituted may be subdivided for electoral purposes.
- (2) Each subdivision must elect at least 1 member of the community board.
- (3) If a community comprises 2 or more whole wards, the elected members of the community board may be elected by the electors of each ward.
- (4) If the community is not subdivided for electoral purposes, the members of the community board must, unless they are to be elected in accordance with subsection (3), be elected by the electors of the community as a whole.
- (5) If a community is subdivided for electoral purposes or if the members of the community board are to be elected in accordance with subsection (3),—
 - (a) each member of the community board who represents a subdivision must be elected by the electors of the subdivision; and
 - (b) each member of the community board who represents a ward must be elected by the electors of that ward.

19H Review of representation arrangements for elections of territorial authorities

- (1) A territorial authority must determine by resolution, and in accordance with this Part,—

- (a) whether the members of the territorial authority (other than the mayor) are proposed to be elected—
 - (i) by the electors of the district as a whole; or
 - (ii) by the electors of 2 or more wards; or
 - (iii) in some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and
- (b) in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and
- (c) in any case to which paragraph (a)(iii) applies,—
 - (i) the proposed number of members to be elected by the electors of the district as a whole; and
 - (ii) the proposed number of members to be elected by the wards of the district; and
- (d) in any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—
 - (i) the proposed name and the proposed boundaries of each ward; and
 - (ii) the number of members proposed to be elected by the electors of each ward; and
- (e) the proposed number of elected members of any local board and, if an Order in Council under [section 25](#) of the Local Government Act 2002 so provides, the proposed number of appointed members of that board; and
- (f) whether the elected members of any local board are proposed to be elected—
 - (i) by the electors of the local board area as a whole; or
 - (ii) by the electors of 2 or more subdivisions of the local board area; or
 - (iii) if the local board area comprises 2 or more wards, by the electors of each ward; and
- (g) in any case to which paragraph (f)(ii) applies,—
 - (i) the proposed name and the proposed boundaries of each subdivision; and
 - (ii) the number of members proposed to be elected by the electors of each subdivision; and
- (h) in any case to which paragraph (f)(iii) applies, the number of members of the local board proposed to be elected by the electors of each ward; and
- (i) the proposed name of any local board.

(2) The determination required by subsection (1) must be made by a territorial authority,—

- (a) on the first occasion, either in 2003 or in 2006; and
- (b) subsequently, at least once in every period of 6 years after the year in which the first determination was made.

(2A) To avoid doubt, subsection (2) is subject to [sections 19K\(1AA\)](#) and [19M\(1\)](#).

(3) This section must be read in conjunction with [section 19ZH](#) and [Schedule 1A](#).

19J Review of community boards

- (1) A territorial authority must, on every occasion on which it passes a resolution under [section 19H](#), determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in [section 4\(1\)\(a\)](#) (which relates to fair and effective representation for individuals and communities),—
 - (a) there should be communities and community boards; and
 - (b) if so resolved, the nature of any community and the structure of any community board.
- (2) The resolution referred to in subsection (1) must, in particular, determine—
 - (a) whether 1 or more communities should be constituted:
 - (b) whether any community should be abolished or united with another community:
 - (c) whether the boundaries of a community should be altered:
 - (d) whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:
 - (e) whether the boundaries of any subdivision should be altered:
 - (f) the number of members of any community board:
 - (g) the number of members of a community board who should be elected and the number of members of a community board who should be appointed:
 - (h) whether the members of a community board who are proposed to be elected are to be elected—
 - (i) by the electors of the community as a whole; or
 - (ii) by the electors of 2 or more subdivisions; or
 - (iii) if the community comprises 2 or more whole wards, by the electors of each ward:
 - (i) in any case to which paragraph (h)(ii) applies,—
 - (i) the proposed name and the proposed boundaries of each subdivision; and
 - (ii) the number of members proposed to be elected by the electors of each subdivision.
- (3) Nothing in this section limits the provisions of [section 19F](#).

19K Requirements for resolution

(1AA) A resolution under section 19H, 19I, or 19J that affects the next triennial general election of members of a territorial authority,

regional council, local board, or community board must be passed no earlier than 1 March of the year before the year of the election.

(1) Every resolution specified in subsection (3) must include or be accompanied by a description of each proposed ward, constituency, community, or subdivision, and its proposed boundaries, so as to make each proposed ward, constituency, community, or subdivision readily identifiable to the public.

(2) If any resolution under section 19H or section 19I or section 19J proposes any change to the basis of election, membership, or ward, constituency, community, or subdivision boundaries which applied at the last triennial general election of members of the territorial authority, regional council, local board, or community board, that resolution must include an explanation of the reasons for the proposed change.

(3) Subsection (1) applies to every resolution under section 19H(1)(a)(ii) or section 19H(1)(a)(iii) or section 19H(1)(g) or section 19I(1) or section 19J(2)(a) or section 19J(2)(b) or section 19J(2)(c) or section 19J(2)(d) or section 19J(2)(e) or section 19J(2)(h)(iii).

19L Distribution of copies of resolution

If a territorial authority or regional council makes a resolution under section 19H or section 19I or section 19J, that territorial authority or regional council must, as soon as practicable after making that resolution,—

(a) send a copy of that resolution to—

(i) the Commission; and

(ii) the Surveyor-General; and

(iii) the Government Statistician; and

(iv) the Remuneration Authority; and

(b) in the case of a resolution made by a regional council, send a copy of that resolution to every territorial authority whose district or a part of whose district is within the region; and

(c) in the case of a resolution made by a territorial authority, send a copy of that resolution to any regional council for a region in which the district of the territorial authority or any part of that district is situated.

19M Public notice of proposals and responsibilities in relation to submissions

(1) A territorial authority or regional council that makes a resolution under section 19H or section 19I or section 19J 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 September), give public notice of the proposals contained in the resolution.

(2) The public notice must—

(a) include a statement about how persons interested in the proposals may inspect the full proposals; and

(b) specify the communities of interest considered by the territorial authority or regional council as required by section 19T and section 19V or, as the case may require, section 19U and section 19V; and

(c) specify the ratio of population to proposed members for each proposed ward (if any) or constituency or subdivision (if any), and the reasons for those proposals in terms of section 19V(2) and, if applicable, section 19V(3); and

(d) specify a period of not less than 1 month from the date of the first or only publication of the notice within which persons interested in the resolution may make submissions on the resolution to the territorial authority or regional council.

(3) A territorial authority or regional council to whom subsection (1) applies must—

(a) ensure that any person who makes a submission on the proposal within the period referred to in subsection (2)(d)—

(i) is sent a written notice acknowledging receipt of that person's submission; and

(ii) is given a reasonable opportunity to be heard by the territorial authority or regional council (if that person so requests); and

(b) ensure that the notice given to a person under paragraph (a) contains information—

(i) advising that person of that person's opportunity to be heard; and

(ii) explaining how that person may exercise that person's opportunity to be heard; and

(c) ensure that, except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every

meeting at which submissions on a resolution referred to in subsection (1) are heard or at which the territorial authority or regional council deliberates on the proposal is open to the public; and

(d) subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on a resolution of that kind available to the public.

19N Response to submissions

(1) The territorial authority or regional council 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,—

(a) consider all submissions received and may, by resolution, make such amendments to the resolution made under section 19H or section 19I or section 19J, as the case may be, as it thinks fit; and

(b) give public notice of its proposals.

(2) The public notice must—

(a) incorporate any amendments resolved under subsection (1)(a); and

(b) state both the reasons for the amendments and the reasons for any rejection of submissions; and

(ba) specify the communities of interest considered by the territorial authority (as required by sections 19T and 19V) or regional council (as required by sections 19U and 19V); and

(bb) specify the ratio of population to proposed members for each proposed ward, constituency, or subdivision, and the reasons for those proposals in terms of section 19V(2) and, if applicable, section 19V(3); and

(c) specify the right of appeal conferred by section 19O, including the place and closing date for the receipt of appeals; and

(d) if the territorial authority or regional council has amended its proposals under subsection (1)(a), specify the right of objection conferred by section 19P, including the place and closing date for the receipt of objections.

(3) The territorial authority or regional council by which the public notice was given must—

(a) send a copy of that notice to—

(i) the Commission; and

(ii) the Surveyor-General; and

(iii) the Government Statistician; and

(iv) the Remuneration Authority; and

(b) if that notice was given by a territorial authority, send a copy of that notice to any regional council for a region in which the district of the territorial authority or any part of that district is situated; and

(c) if that notice was given by a regional council, send a copy of that notice to every territorial authority whose district or a part of whose district is within the region.

19O Appeals

(1) Any person who or organisation (including a local board or community board) that has made submissions on a resolution made under section 19H or section 19I or section 19J may lodge a written appeal against the decision of the territorial authority or regional council at the principal office of the territorial authority or regional council on or before the date specified in the public notice of that decision.

(2) That date—

(a) must not be earlier than 1 month after the date of the first or only publication of the public notice; and

(b) must not, in a year immediately before the year of a triennial general election, be later than 20 December.

(3) An appeal lodged under this section—

(a) must identify the matters to which the appeal relates:

(b) may raise only those matters that were raised in the appellants' submissions.

19P Objections

(1) If the territorial authority or regional council has, under section 19N(1)(a), amended the resolution made by it under section 19H or section 19I or section 19J, any interested person or organisation (including a local board or community board) may lodge a written objection to the amended resolution at the principal office of the

territorial authority or regional council on or before the date specified in the public notice, which date must be the same date as that specified for the closing of receipt of appeals under section 19O.

(2) An objection lodged under this section must identify the matters to which the objection relates.

19Q Obligation to forward appeals and objections to Commission

If the territorial authority or regional council receives any appeal under section 19O or any objection under section 19P, the territorial authority or regional council must, as soon as practicable, but, in the year of a triennial general election, in no case later than 15 January, forward to the Commission—

(a) the resolution made under section 19H or section 19I or section 19J and any resolution made under section 19N(1)(a) that made amendments to the resolution made under section 19H or section 19I or section 19J; and

(b) a copy of the public notice given under section 19N(1)(b); and

(c) every submission made to the territorial authority or regional council on the resolution made by the territorial authority or regional council under section 19H or section 19I or section 19J; and

(d) every appeal and objection received by the territorial authority or regional council under section 19O or section 19P; and

(e) such information concerning the communities of interest and population of the district or region or local board area or community, or any proposed ward or constituency or subdivision, as is held by the territorial authority or regional council and is necessary for the purposes of section 19R.

19R Commission to determine appeals and objections

(1) The Commission must—

(a) consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and

(b) subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—

(i) in the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:

(ii) in the case of a regional council that has made a resolution under section 19I, the matters specified in that section:

(iii) in the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.

(2) For the purposes of making a determination under subsection (1)(b), the Commission—

(a) may make any enquiries that it considers appropriate; and


(b) may hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.

(3) The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).

19S Determination of Commission

(1) Notice in writing of every determination made under section 19R(1)(b), setting out the reasons for the determination, must be given by the Commission to the territorial authority or regional council concerned, and by public notice.

(2) As soon as practicable after the publication of a public notice under subsection (1), the Commission must send a copy of that notice to—

- 
- (a) the Surveyor-General; and
 - (b) the Government Statistician; and
 - (c) the Remuneration Authority; and

(d) the Secretary for Local Government.

(3) Subject to Part 2AA of the Local Government Act 1974 or Schedule 5 of the Local Government Act 2002, the determination of the Commission made under section 19R(1)(b) is final and comes into force for the next triennial general election, and continues in effect until a subsequent determination under this Part comes into effect.

19T Requirement for effective representation and other factors in determination of membership and basis of election of territorial authorities and local boards

(1) In determining the matters specified in paragraphs (a) to (d) of section 19H(1), the territorial authority and, where appropriate, the Commission must ensure—

(a) that the election of members of the territorial authority (other than the mayor), in one of the ways specified in subparagraphs (i) to (iii) of section 19H(1)(a), will provide effective representation of communities of interest within the district; and

(b) that ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(c) that, so far as is practicable, ward boundaries coincide with any local board area or community boundaries.

(2) In determining the matters specified in section 19H(1)(e) to (h), the territorial authority and, where appropriate, the Commission must ensure—

(a) that the election of members of the local board, in one of the ways specified in section 19H(1)(f)(i) to (iii), will provide effective representation of communities of interest within the local board area; and

(b) that the boundaries of subdivisions coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(c) that, so far as is practicable, subdivision boundaries coincide with ward boundaries.

19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or local board area or community and every ward or constituency or subdivision within the district or region or local board area or community.
- (2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of

the district or region or local board area or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).

(3) Despite subsection (2),—

- (a) if the territorial authority or the Commission considers that 1 or more of the following apply, wards and subdivisions of a local board area or a community may be defined and membership distributed between them in a way that does not comply with subsection (2):
 - (i) non-compliance with subsection (2) is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority; or
 - (ii) compliance with subsection (2) would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions; or
 - (iii) compliance with subsection (2) would limit effective representation of communities of interest by uniting within a ward or subdivision 2 or more communities of interest with few commonalities of interest:
- (b) if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).

(4) A territorial authority or regional council that decides under subsection (3) not to comply with subsection (2) must refer that decision to the Commission together with the information specified in [section 19Q\(a\) to \(e\)](#).

(5) A reference under subsection (4) must be treated as if it were an appeal against the decision of the territorial authority or regional council, for the purposes of [sections 19R](#) (other than subsection (1)(b)), [19S](#), and [19Y](#), which apply with any necessary modifications.

(6) On receiving a reference under subsection (4), the Commission must determine, under [section 19R\(1\)](#), whether—

- (a) to uphold the decision of the territorial authority or regional council; or
- (b) to alter that decision.

19W Factors in determination of matters in relation to community boards

- In determining the matters specified in paragraphs (a) to (i) of [section 19J\(2\)](#), the territorial authority and, where appropriate, the Commission must ensure—
 - (a) that, in the case of the matters specified in paragraphs (a) to (g) of [section 19J\(2\)](#), it has regard to such of the criteria as

apply to local government reorganisation under the [Local Government Act 1974](#) or the [Local Government Act 2002](#) as the territorial authority or the Commission considers appropriate in the circumstances; and

- (b) that the election of members of the community board, in one of the ways specified in subparagraphs (i) to (iii) of [section 19J\(2\)\(h\)](#), will provide effective representation of communities of interest within the community and fair representation of electors; and
- (c) that the boundaries of every community, and of every subdivision of a community, coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

19X Certificate of Government Statistician

- (1) For the purposes of [sections 19H to 19W](#), the certificate of the Government Statistician as to the population of any region, district, local board area, constituency, ward, community, or subdivision or any proposed constituency, ward, community, or subdivision is to be—
 - (a) a certificate of the ordinarily resident population as shown by the figures for the most recently published census (other than the figures for a census carried out in the year before a triennial general election of a territorial authority or regional council or the year in which such an election is to be held); or
 - (b) a certificate of the ordinarily resident population as assessed by the Government Statistician at any later date assessed by the Government Statistician.

(2) Every territorial authority and every regional council must supply to the Government Statistician such information as may be required by the Government Statistician concerning the definition of any area to which any certificate of the kind referred to in subsection (1) is to relate.

19Y When determinations take effect

- (1) If there are no submissions on the proposal publicly notified under [section 19M](#) by a territorial authority or regional council, or if there are no appeals against, or objections to, a resolution publicly notified under [section 19N\(1\)](#) by a territorial authority or a regional council, the proposal or amended proposal, as the case may be, becomes the basis for election at the next triennial general election of the territorial authority or regional council or local board or community board, and continues in effect until a subsequent determination under this Part comes into effect, and the territorial authority or regional council must give public notice accordingly of that basis for election.

(2) As soon as practicable after the publication of a public notice under subsection (1), the territorial authority or regional council by which that notice was given must—

- (a) send a copy of that notice to—
 - (i) the Commission; and
 - (ii) the Surveyor-General; and
 - (iii) the Government Statistician; and
 - (iv) the Remuneration Authority; and
 - (v) the Secretary for Local Government; and
- (b) if that notice was given by a territorial authority, send a copy of that notice to any regional council for a region in which the district of the territorial authority or a part of that district is situated; and
- (c) if that notice was given by a regional council, send a copy of that notice to every territorial authority whose district or a part of whose district is within the region.

(3) If a territorial authority or a regional council has, under subsection (1), or the Commission has, under [section 19S\(1\)](#), given public notice of the basis of election for the next triennial general election for a territorial authority or regional council or local board or community board, 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.

(4) If the description of any ward or constituency or community or subdivision to which subsection (3) 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 subsection (3) had been complied with.

(5) The territorial authority or regional council must reimburse the Commission for any costs incurred by the Commission in obtaining the certificate required by subsection (3) or must meet the cost of the production of that certificate if required to do so by the Surveyor-General.

(6) The following provisions apply to every determination of the Commission under this section:

- (a) it is to come into force at the next triennial general election, except so far as may be necessary to provide for that election; and

- (b) a copy must be kept at the office of the territorial authority or regional council, and must be available for inspection without fee by any person during normal office hours.

COPY

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Local Government Act 2002

Public Act 2002 No 84

Date of assent 24 December 2002

Commencement see section 2

10 Purpose of local government

- (1) The purpose of local government is—
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- (a) efficient; and
- (b) effective; and
- (c) appropriate to present and anticipated future circumstances.

14 Principles relating to local authorities

- (1) In performing its role, a local authority must act in accordance with the following principles:
 - (a) a local authority should—
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:
 - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (c) when making a decision, a local authority should take account of—
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):

- (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes;
- (e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically—
 - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
- (h) in taking a sustainable development approach, a local authority should take into account—
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.

(2) If any of these principles conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

76AA Significance and engagement policy

- (1) Every local authority must adopt a policy setting out—
 - (a) that local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and
 - (b) any criteria or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
 - (c) how the local authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and
 - (d) how the local authority will engage with communities on other matters.

(2) The purpose of the policy is—

- (a) to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
- (b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and
- (c) to inform the local authority from the beginning of a decision-making process about—
 - (i) the extent of any public engagement that is expected before a particular decision is made; and
 - (ii) the form or type of engagement required.

(3) The policy adopted under subsection (1) must list the assets considered by the local authority to be strategic assets.

(4) A policy adopted under subsection (1) may be amended from time to time.

(5) When adopting or amending a policy under this section, the local authority must consult in accordance with [section 82](#) unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

(6) To avoid doubt, [section 80](#) applies when a local authority deviates from this policy.



Decision-making

76 Decision-making

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of [sections 77, 78, 80, 81, and 82](#) as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with [sections 77 and 78](#), to the judgments made by the local authority under [section 79](#).
- (3) A local authority—
 - (a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
 - (b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.
- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of

the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.

(6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,—
 - (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - (b) assess the options in terms of their advantages and disadvantages; and
 - (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- (2) This section is subject to [section 79](#).

78 Community views in relation to decisions

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
- (2) *[Repealed]*
- (3) A local authority is not required by this section alone to undertake any consultation process or procedure.
- (4) This section is subject to [section 79](#).

79 Compliance with procedures in relation to decisions

- (1) It is the responsibility of a local authority to make, in its discretion, judgments—
 - (a) about how to achieve compliance with [sections 77](#) and [78](#) that is largely in proportion to the significance of the matters affected by the decision as determined in accordance with the policy under [section 76AA](#); and
 - (b) about, in particular,—
 - (i) the extent to which different options are to be identified and assessed; and
 - (ii) the degree to which benefits and costs are to be quantified; and
 - (iii) the extent and detail of the information to be considered; and
 - (iv) the extent and nature of any written record to be kept of the manner in which it has complied with those sections.

(2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—

- (a) the principles set out in [section 14](#); and
- (b) the extent of the local authority's resources; and
- (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.

(3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the [Resource Management Act 1991](#)).

(4) Subsection (3) is for the avoidance of doubt.

80 Identification of inconsistent decisions

- (1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—
 - (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and
 - (c) any intention of the local authority to amend the policy or plan to accommodate the decision.

(2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.

81 Contributions to decision-making processes by Māori

- (1) A local authority must—
 - (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
 - (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
 - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

(2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—

- (a) the role of the local authority, as set out in [section 11](#); and
- (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Consultation

82 Principles of consultation

- (1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:
 - (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
 - (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:
 - (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
 - (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
 - (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
 - (f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.
- (2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).
- (3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.
- (4) A local authority must, in exercising its discretion under subsection (3), have regard to—
 - (a) the requirements of [section 78](#); and
 - (b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
 - (c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons

who will or may be affected by, or have an interest in, the decision or matter; and

- (d) the provisions of [Part 1](#) of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and
- (e) the costs and benefits of any consultation process or procedure.

(5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

Schedule 3 Clause 12 Promotion of good local government

- (1) For the purposes of [clause 11\(8\)](#), the Commission must be satisfied that its preferred option—
 - (a) will best promote, in the affected area, the purpose of local government as specified in [section 10](#); and
 - (b) will facilitate, in the affected area, improved economic performance, which may (without limitation) include—
 - (i) efficiencies and cost savings; and
 - (ii) productivity improvements, both within the local authorities and for the businesses and households that interact with those local authorities; and
 - (iii) simplified planning processes within and across the affected area through, for example, the integration of statutory plans or a reduction in the number of plans to be prepared or approved by a local authority.
- (2) For the purposes of [clause 11\(8\)\(a\)](#), the Commission must be satisfied that its preferred option—
 - (a) will best promote, in the affected area, the purpose of local government as specified in [section 10](#); and
 - (b) will best promote the interests of the communities in the district in terms of—
 - (i) the benefits to all communities of a consistent or co-ordinated approach in the district; and
 - (ii) the benefits to particular communities of reflecting the particular needs and preferences of each community.

2015 REPRESENTATION REVIEW - SCHEDULING OPTIONS
(as approved by Working Party 23 March 2015)

| | DATE | ACTIVITY | LEGISLATION |
|--|--|---|--|
| PRELIMINARY | 11 December 2014 | Decision by Council to convene Working Party | None applicable |
| | 20 January 2015 | Report to TWOK mtg re iwi member appt | |
| | 27 Jan – PCB 3 Feb – OCB 10 Feb – WCB 17 Feb - PRCB | Reports to CB meetings inviting CB member of WP | |
| | By 6 March | WP membership finalised | |
| | | | |
| PHASE ONE – WORKING PARTY PRE-CONSULTATION | 2-10 March | Preparation of WP folders for first meeting | None applicable |
| | Week commencing 16 March | <u>First meeting of WP</u> - approve TOR - approve timetable - scope work programme – lessons learned from 2009 - approve comms strategy - agree on next steps | |
| | End of March/early April | <u>Second meeting of WP</u> - develop models for pre-consultation - confirm material for pre-consultation (District profiling, model maps, key issues) | |
| | April/May/June | WP pre-consultation with community on repn models as per comms strategy (ie public workshops morning and evening, EM briefings, input to FB, website, libraries, Kapiti Update) | |
| | Early June | <u>Third meeting of WP</u> WP comes to a view about initial proposal recommendation to Council, based on public feedback and discussions | |
| | Thurs 18 June (Council meeting) | Initial proposal adopted by Council as per recommendation of WP | |
| PHASE TWO – CONSULTATION ON INITIAL | Thurs 25 June | Initial proposal public notice, inviting submissions | Must be published within 14 days of Council resolution (19M1) and no later than 8 Sept |
| | Fri 31 July | Deadline for submissions | Must be not less than one month after public notice date (19M2d) |
| | Tues 11 August (Special Council meeting) | Council to hear submissions to draft proposal | Submissions hearing , consideration, final proposal AND the |

| | | | |
|-------------------------------------|--------------------------------------|--|--|
| | | | advertising of final proposal must occur within six weeks of closing date for submissions (19N1a and b) ie by Fri 11 September |
| PHASE 3 – FINAL PROPOSAL AND LGC | Thurs 27 August (Council meeting) | Council considers and resolves its final proposal | As above |
| | Thurs 3 September | Final proposal public notice, inviting appeals or objections | As above |
| | Mon 5 October | Deadline for appeals or objections to final proposal | Not less than one month after the date of the public notice, and not later than 20 December |
| | As soon as practicable | If appeals and/or objections received Council to forward all info to LGC for consideration | No later than 15 January 2016 (19Q) |
| | By 10 April 2016 | LGC issues its final determination – one month for appeals to the High Court on point/s of law | (19R) |

Terms of Reference for Representation Review Working Party

Purpose

- a) To develop representation options for the Kapiti Coast District Council which address the issues raised in sections 19H and 19J of the *Local Electoral Act 2001*, having regard to the factors specified in sections 19T and 19V.
- b) To present options for consideration by the Council to enable an initial proposal to be adopted for consultation with the community under section 19M of the Local Electoral Act
- c) The Council requires that the Review Working Party report will allow the Council to make fully informed decisions on the options, including arguments and implications for each alternative, for the future governance structure of the District for the period 2016 – 2019. The work undertaken by the panel will comply with the requirements of the *Local Electoral Act 2001*.

Tasks

- 1) Identify and define communities of interest.
- 2) Conduct such research, enquiries or other work as considered necessary to complete this brief.
- 3) Determine if early community input required and seek input as necessary.
- 4) Consider and recommend fair and effective representation arrangements throughout and for the District, including the election of councillors (at large, by ward or mixed) and community boards, if required.
- 5) Develop the reasonable alternatives available to the Council in regard to governance structures for the period 2016 - 2019 (including Community Boards if required) having regard to the legal tests.
- 6) Present and explain the panel's conclusions as necessary in front of the community, the Council and anybody charged with statutory responsibility for this function.
- 7) Report to Council on the representation options, including community boards, that were developed, the feedback and results of any community consultation, including the communities' views of the options and their desire (if any) for more or different representation.
- 8) Recommend options and a preferred structure.
- 9) Other such tasks as may be identified during the process.

Draft Process

A draft process to be followed by the Working Party may include the following steps:

- 1) Establishment of a work programme
- 2) Development of draft options and material for pre-consultation
- 3) Pre-consultation with community
- 4) Finalisation of option(s) and recommendation to Council
- 5) Presentation of option(s) and recommendation to Council.

The Panel will determine the final process to be followed to achieve the tasks outlined above.

Panel Makeup

Council appointed two Councillors to the Working Party and delegated to the Working Party the ability to co-opt additional members, which it has done, in confirming an iwi representative and one member chosen by the Community Board Chairs to represent Community Boards.

Estimated Time Involvement

Meetings will be held as required. An estimated time involvement for the process is between 25-30 hours, depending on the process undertaken.

| | |
|--|----------|
| Pre meeting background reading | 3 hours |
| Meeting 1: Confirmation of 'infrastructure' (terms of reference, timetable, communications strategy etc) | 6 hours |
| Meeting 2: Development of models for public consultation with a range of public meetings following | 10 hours |
| Meeting 3: Discussion and development of report to Council | 6 hours |
| Attendance at Council meeting to present findings | 1 hour |

APPENDIX 3 – POPULATION CHANGES 2009-2014 (sourced from Statistics NZ)

| Year at 30 June | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|--------------------------------|-------|-------|-------|-------|-------|-------|
| Sex | | | | | | |
| Area | | | | | | |
| Kapiti Coast district | 49100 | 49700 | 50200 | 50400 | 50700 | 51100 |
| 563701 Waikanae Beach | 3110 | 3130 | 3170 | 3160 | 3160 | 3170 |
| 563703 Waikanae East | 2110 | 2150 | 2160 | 2170 | 2240 | 2290 |
| 563704 Peka Peka | 310 | 320 | 340 | 370 | 380 | 370 |
| 563705 Waikanae Park | 2000 | 2020 | 2020 | 1980 | 1990 | 2000 |
| 563706 Waikanae West | 3540 | 3560 | 3520 | 3520 | 3530 | 3760 |
| 563920 Kaitawa | 540 | 560 | 580 | 590 | 570 | 550 |
| 564022 Otaki Forks | 1500 | 1510 | 1530 | 1530 | 1540 | 1560 |
| 564023 Te Horo | 750 | 770 | 790 | 810 | 840 | 820 |
| 564400 Otaki | 5750 | 5790 | 5860 | 5820 | 5960 | 6060 |
| 565901 Paraparaumu Beach North | 3470 | 3530 | 3600 | 3640 | 3680 | 3670 |
| 565902 Otaihanga | 1190 | 1220 | 1250 | 1260 | 1250 | 1290 |
| 565903 Paraparaumu Beach South | 5000 | 5060 | 5060 | 5110 | 5080 | 5070 |
| 566000 Paraparaumu Central | 8700 | 8780 | 8850 | 8900 | 8950 | 8940 |
| 566101 Raumati Beach | 4810 | 4850 | 4920 | 4940 | 5000 | 5050 |
| 566102 Raumati South | 3750 | 3790 | 3820 | 3810 | 3720 | 3700 |
| 566200 Paekakariki | 1660 | 1720 | 1740 | 1740 | 1740 | 1730 |
| 566301 Kapiti Island | 10 | 10 | 10 | 10 | 10 | 10 |
| 566302 Maungakotukutuku | 920 | 970 | 1000 | 1010 | 1030 | 1030 |

MEDIUM GROWTH PLUS MEDIUM EXPRESSWAY IMPACT 2013-2038

| Area | 2018 | 2023 | 2028 | 2033 | 2038 |
|-------------------------|-------|-------|-------|--------|--------|
| Waikanae Beach | 2,975 | 2,934 | 2,855 | 2,767 | 2,671 |
| Waikanae East | 2,495 | 2,859 | 3,218 | 3,569 | 3,866 |
| Peka Peka | 364 | 390 | 384 | 426 | 482 |
| Waikanae Park | 2,506 | 3,102 | 3,671 | 4,254 | 4,825 |
| Waikanae West | 3,374 | 3,284 | 3,252 | 3,192 | 3,133 |
| Kaitawa | 579 | 596 | 646 | 664 | 701 |
| Otaki Forks | 1,648 | 1,841 | 2,032 | 2,205 | 2,350 |
| Te Horo | 786 | 791 | 778 | 775 | 767 |
| Otaki | 5,953 | 5,925 | 5,903 | 5,838 | 5,726 |
| Paraparaumu Beach North | 3,448 | 3,348 | 3,241 | 3,114 | 2,906 |
| Otaihanga | 1,243 | 1,278 | 1,289 | 1,306 | 1,338 |
| Paraparaumu Beach South | 4,888 | 4,837 | 4,720 | 4,584 | 4,459 |
| Paraparaumu Central | 9,088 | 9,516 | 9,958 | 10,287 | 10,535 |
| Raumati Beach | 4,833 | 4,829 | 4,761 | 4,717 | 4,667 |
| Raumati South | 4,023 | 4,491 | 4,891 | 5,301 | 5,652 |
| Paekakariki | 1,551 | 1,517 | 1,432 | 1,376 | 1,340 |
| Maungakotukutuku | 1,230 | 1,477 | 1,721 | 1,960 | 2,201 |

APPENDIX 4

MAP SHOWING CURRENT WARD AND COMMUNITY BOARD BOUNDARIES FOR THE KAPITI COAST DISTRICT

APPLICATION OF THE +/-10% RULE

A note on statistics – use of population data

When carrying out its representation review the Council must (clause 19X LEA) apply the 'ordinarily resident population' figures derived from either the most recent census (Census 2013) or population estimates prepared by Statistics New Zealand. The LGC recommends that the most recent population estimates are used, so that each council applies population data that most accurately reflects its current situation (which applies here). When obtaining population estimates from Statistics NZ a certificate from the Government Statistician is not required.

See more information about population estimates at:

http://www.stats.govt.nz/browse_for_stats/population/estimates_and_projections/frequently-asked-questions-population-statistics/faq-population-statistics-part-1.aspx#components

KAPITI COAST DISTRICT COUNCIL – CURRENT WARDS AND COMMUNITY BOARDS*

APPLICATION OF +/-10% RULE TO WARDS

(Rule does not apply to Community Boards)

| DISTRICT | COMMUNITY | Population | Members | Population-Member ratio | Difference from rule | % Difference from rule |
|-------------------------|------------------------------------|-----------------------------------|-----------|-------------------------|----------------------|------------------------|
| Kapiti Coast District | Ōtaki Ward | 9,690 | 1 | 9,690 | -528 | -5.17 |
| | Paraparaumu Ward | 20,100 | 2 | 10,050 | -168 | -1.64 |
| | Waikanae Ward | 11,100 | 1 | 11,100 | 882 | 8.63 |
| | Paekākāriki-Raumati Ward | 10,200 | 1 | 10,200 | -18 | -0.18 |
| | Sub total | 51,090 | 5 | 10,218 | | |
| | At large | 51,090 | 5 | <u>10,218</u> | | |
| | Total | 51,090 | 10 | 5,109 | | |
| Average = 10,218 | Upper limit (+10%) = 11,240 | Lower limit (-10%) = 9,196 | | | | |

| DISTRICT | COMMUNITY BOARDS | Population | Members | Population-Member ratio |
|-----------------------|-------------------------------|---------------|---------|-------------------------|
| Kapiti Coast District | Ōtaki Community | 8,470 | 4 | 2,118 |
| | Waikanae Community | 12,300 | 4 | 3,075 |
| | Paraparaumu-Raumati Community | 28,500 | 4 | 7,125 |
| | Paekākāriki Community | 1,800 | 4 | 450 |
| | Total | 51,070 | | |

APPENDIX 5

MAPS AND APPLICATION OF THE '+/-10%' RULE FOR:

OPTION 1 – STATUS QUO, MIXED SYSTEM, 5 DISTRICTWIDE COUNCILLORS, AND 5 COUNCILLORS ELECTED FROM 4 WARDS, PLUS BOUNDARY ADJUSTMENT

OPTION 2 – 10 WARD COUNCILLORS ELECTED FROM 4 WARDS, PLUS BOUNDARY ADJUSTMENT

COPY

OPTION 1 – STATUS QUO with Waikanae/Ōtaki Ward/Community Board boundaries matching

| DISTRICT | COMMUNITY | Population | Members | Population- Member ratio | Difference from rule | % Difference from rule |
|-----------------------|--------------------------|-----------------------------|-----------|-----------------------------|-------------------------|------------------------------|
| Kapiti Coast District | Ōtaki Ward | 8,470 | 1 | 8,470 | -1,744 | -17.1 |
| | Waikanae Ward | 12,300 | 1 | 12,300 | +2,086 | +20.4 |
| | Paraparaumu Ward | 20,100 | 2 | 10,050 | -168 | -1.64 |
| | Paekākāriki-Raumati Ward | 10,200 | 1 | 10,200 | -18 | -0.18 |
| | Sub total | 51,070 | 5 | | | |
| | At large | 51,070 | 5 | <u>10,214</u> | | |
| | Total | 51,070 | 10 | 5,107 | | |
| Average = 10,214 | | Upper limit (+10%) = 11,236 | | Lower limit (-10%) = 9,192 | | |

OPTION 2 – 4 WARDS 10 WARD COUNCILLORS with Waikanae/Ōtaki Ward/Community Board boundaries matching

| DISTRICT | COMMUNITY | Population | Members | Population-Member ratio | Difference from rule | % Difference from rule |
|-----------------------|--------------------------|----------------------------|-----------|----------------------------|----------------------|------------------------|
| Kapiti Coast District | Ōtaki Ward | 8,470 | 2 | 4,235 | | -17.1 |
| | Waikanae Ward | 12,300 | 2 | 6,150 | | +20.4 |
| | Paraparaumu Ward | 20,100 | 4 | 5,025 | | -1.6 |
| | Paekākāriki-Raumati Ward | 10,200 | 2 | 5,100 | | -0.1 |
| | Sub total | 51,070 | 10 | | | |
| | Total | 51,070 | 10 | 5,107 | | |
| Average = 5,107 | | Upper limit (+10%) = 5,618 | | Lower limit (-10%) = 4,596 | | |

MOVED (Welsh/M Scott)

That the Council shall comprise a Mayor who shall be elected at large and ten (10) Councillors as the most appropriate number of members.

The reasons for this decision include:

- There has been no call from the community to alter the number of members
- This number of members has been working well to provide representation across a District of this size.

CARRIED

MOVED (Welsh/M Scott)

That the ten (10) Council members shall be elected as follows:

A mixed system of representation, with 5 members elected from the Wards as follows:

- 1 member from the Ōtaki Ward
 - 1 member from the Waikanae Ward
 - 2 members from the Paraparaumu Ward (current boundary)
 - 1 member from the Paekākāriki-Raumati Ward (current boundary)
- 5 members elected Districtwide,**

The reasons for this decision include:

- There has been no signal from the community for arrangements to be changed
- The current mixed system is a familiar one for the community
- The balance of Districtwide and Ward Councillors provide multiple points of access of representation for communities
- Having both Districtwide Councillors and Ward Councillors caters to the dual nature of the Kapiti Coast District. The inclusion of Districtwide Councillors reflects the fact that many council services are funded on a districtwide basis and that the District is developing, while the inclusion of Ward Councillors provides representation for geographically distinct communities of interest and manifests the value the community continues to put on local democracy.

A division was requested:

For the motion: the Mayor, Cr Bell, Cr Cardiff, Cr Gurunathan, Cr D Scott, Cr Elliott, Cr Holborow, Cr Welsh, Cr M Scott

Against the motion: Cr Ammundsen, Cr Gaylor

CARRIED

MOVED (M Scott/Cardiff)

That, pursuant to clause 19V(3)(ii) of the Local Electoral Act 2001, the Council agrees that the boundaries of the Ōtaki Ward and the Waikanae Ward be changed, to match those of the Ōtaki and Waikanae Community Boards, which will involve the addition of the following meshblocks to the existing Waikanae Ward (and removal of same from the Ōtaki Ward): 1883500, 1883600, 1883701, 1883703, 1883807, 1883808, 1883901, 1883902, 1883903, 1883904, 1884801, 1998502, 1998600, 1998700.

The reasons for this decision include:

- There have been repeated and strong requests from affected residents over a number of triennia for Council to address the anomaly
- A change in legislation since the previous review in 2009 allows Council to address the issue and therefore prevent a community from being divided artificially across ward boundaries
- It enhances representation for affected residents by helping them affect political change in their community of interest

CARRIED**MOVED (Welsh/M Scott)**

That for the 2016 triennial elections the communities of the Kapiti Coast District will be represented by:

| | |
|--|---|
| Ōtaki Community Board | 4 elected members and 1 Ward Councillors |
| Waikanae Community Board | 4 elected members and 1 Ward Councillors |
| Paraparaumu-Raumati Community Board | 4 elected members and 2 Ward Councillors |
| Paekākāriki Community Board | 4 elected members and 1 Ward Councillors |

The reasons for this decision include:

- There has been no request for change from the community
- The four Community Boards have been working well and have a positive relationship with Council
- The Council and community have previously signalled their support for structures that support local democratic decision-making such as Wards and Community Boards
- Having Community Boards provides a choice of elected representatives for the respective communities to approach

CARRIED

RESOLUTIONS FROM COMMUNITY BOARDS RELATING TO THE INITIAL PROPOSAL

Paekākāriki Community Board (14 July)

MOVED (Eckett/Buchanan)

That the Paekākāriki Community Board notes the decision made by Council on 18 June 2015 on its initial proposal for representation arrangements and basis of election for the 2016 local body elections, as required by the Local Electoral Act 2001, and:

- (a) endorses the initial proposal without amendment.

CARRIED

Paraparaumu-Raumati Community Board (14 July)

MOVED (Spiers/Gurunathan)

That the Paraparaumu/Raumati Community Board notes the decision made by Council on 18 June 2015 on its initial proposal for representation arrangements and basis of election for the 2016 local body elections, as required by the Local Electoral Act 2001, and:

- (b) Wishes to make a submission on the initial proposal, including the wish to be heard, noting the deadline of 31 July 2015, and authorises the Chair to provide the final signoff of the submission, and

- (c) Recommends to Council that the initial proposal be varied in the following way:

That the Board membership be increased by one additional elected member in order to strengthen fair and effective representation for the Paraparaumu-Raumati community, especially in respect of an increased workload for Board members and in recognition of the Board's area of responsibility being the largest population in the District.

CARRIED

Ōtaki Community Board (21 July)

MOVED (Pearce/Papps)

That the Ōtaki Community Board notes the decision made by Council on 18 June 2015 on its initial proposal for representation arrangements and basis of election for the 2016 local body elections, as required by the Local Electoral Act 2001, and:

- a) Endorses the initial proposal without amendment.

CARRIED

Waikanae Community Board (21 July)

MOVED (Prvanov/Lloyd)

That the Waikanae Community Board notes the decision made by Council on 18 June 2015 on its initial proposal for representation arrangements and basis of election for the 2016 local body elections, as required by the Local Electoral Act 2001, and:

Wishes to make a submission on the initial proposal, including the wish to be heard, noting the deadline of 31 July 2015, and authorises the Chair to provide the final signoff of the submission, and

Recommends to Council that the initial proposal be varied in the following ways and for the reasons outlined below:

The Board supports the Council's initial proposal with regard to the proposed boundary change between the Waikanae and Ōtaki Wards, but requests that this change also include meshblock 1998404 which would see the residents of the Waikanae Downs area (and specifically those of Aston Road/Kebbel Drive) included in the Waikanae Ward and Waikanae Community Board. The reason the Board is requesting this variation is to avoid splitting a community of interest, as per section 19V(3)(ii) of the Local Electoral Act 2001.

CARRIED

**APPENDIX 3 – SUBMISSIONS TO THE COUNCIL’S INITIAL
PROPOSAL FOR REPRESENTATION ARRANGMENTS**

**APPENDIX 4 – CURRENT WARD/COMMUNITY BOARD
BOUNDARIES**

**APPENDIX 5 – ŌTAKI/WAIKANAE WARD BOUNDARY
ADJUSTMENT WITH ADDITIONAL MESHBLOCK ADDED**

BOUNDARY ADJUSTMENT WITH ADDITIONAL MESHBLOCK – APPLICATION OF +/-10% RULE

| DISTRICT | WARD | Population | Member | Population- Member ratio | Difference from rule | % Difference from rule |
|-----------------------|---------------------|---------------|-----------|-----------------------------|-------------------------|---------------------------|
| Kapiti Coast District | Ōtaki | 8,470 | 1 | 8,470 | -1,744 | -17.1 |
| | Waikanae | 12,450 | 1 | 12,450 | +2,236 | 21.8 |
| | Paraparaumu | 19,950 | 2 | 9,975 | -239 | 2.3 |
| | Paekākāriki-Raumati | 10,200 | 1 | 10,200 | -14 | -0.14 |
| | Sub total | 51,070 | 5 | | | |
| | At large | 51,070 | 5 | <u>10,214</u> | | |
| | Total | 51,070 | 10 | 5,107 | | |

Average = 10,214 Upper limit (+10%) = 11,235 Lower limit (-10%) = 9,192