



## LOCAL GOVERNMENT COMMISSION

### Determination

**of the membership and basis of election for the  
general election of the Kapiti Coast District Council to  
be held on 9 October 2004**

#### BACKGROUND

- 1 The Kapiti Coast District Council (“the Council”) undertook a review of the membership and basis of election of the Council and of community boards under sections 19H and 19J of the Local Electoral Act 2001 (“the Act”). On 14 August 2003 the Council resolved the initial proposed electoral arrangements to apply for the general election of the Council to be held in October 2004.
- 2 The Council elected at the 2001 general election comprises 14 members and the Mayor. The 14 members were elected as follows:

Otaki Ward	3 members
Waikanae Ward	3 members
Paraparaumu Ward	5 members
Paekakariki-Raumati Ward	3 members.
- 3 Elections were held for three community boards in the District at the 2001 general election. The boards and their membership are:
  - The Otaki Community Board – six elected members and one appointed member
  - The Waikanae Community Board – six elected members and one appointed member
  - The Paekakariki Community Board – five elected members and one appointed member.
- 4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

### *Council*

The Council would comprise the Mayor, and 10 members elected at large.

### *Communities*

The three existing community boards would be abolished.

- 5 The Council received 561 submissions to its initial proposal. The submissions covered a range of issues including:
- The Council's proposal is supported
  - The current electoral arrangements should be retained
  - Wards and community boards should be retained
  - Wards and community boards should be retained – the number of councillors should range between 9 and 15 inclusive
  - Wards and community boards should be retained, with 10 councillors elected by wards and two councillors elected at large
  - Community boards should be retained and the number of councillors reduced
  - Community boards should be abolished, and the Council elected at-large, with the number of councillors in the range of 6 to 10 inclusive
  - A referendum on community boards should be held.
- 6 Following consideration of the submissions, the Council amended its initial proposal as its final proposal. The final proposal was as follows:

### *Council*

The Council would comprise the Mayor, and 12 members elected at large.

### *Communities*

The three existing community boards would be retained. Each community board would have five elected members. No members of the Council would be appointed to the community boards.

- 7 A total of thirty-four appeals and objections were received against the Council's final proposal. The subject matter of the appeals and objections included the following:
- Wards should be retained
  - Ward councillors should be appointed to community boards
  - A community board or community boards should be established for the Raumati and Paraparaumu areas
  - The reduction in the number of councillors to 12 is opposed
  - There should be two community boards in the Paekakariki-Raumati Ward
  - There should be a mix of ward and district-wide representation on the Council

- The Council should comprise the Mayor and 10 councillors (five elected at large and five by wards)
- The Council's initial proposal should be implemented
- The existing electoral arrangements should be retained
- The Council should comprise the Mayor, and six councillors elected at large
- The Council should comprise the Mayor and 9 members elected by wards (the current wards subject to boundary alterations)
- The reduction in the number of councillors to 12 is opposed, unless wards are reinstated
- The District should have full coverage by community boards, with each community board electing four or five members, and having two appointed members.

## Hearing

- 8 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council, the appellants and objectors if they wished to be heard. The hearing was held in Paraparaumu on 19 February 2004.
- 9 The Council and 14 appellants/objectors appeared before the Commission at the hearing. The Council outlined its proposal, and the appellants and objectors spoke to their submissions.

## MATTERS FOR DETERMINATION

- 10 The statutory provisions in respect of these appeals and objections are contained in sections 19R, 19I and 19J of the Act.

### *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).*

**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.*
- (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 first determination.*
- (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.*

- 11 When applying the provisions detailed above, the principles of the Act (set out in section 4 of the Act) need to be taken into account, particularly the principle of fair and effective representation for individuals and communities.

### **Consideration by the Commission**

- 12 The Commission considers that when deciding the basis of election of the Council, i.e. whether the Council should be elected at large, or by wards, or partly by wards and partly at large, the criterion to be met within the terms of section 19T is the provision of effective representation of the various communities of interest within the City. The Committee must determine which communities of interest or groupings of communities of interest require representation. If wards are considered to be appropriate, then any particular ward may encompass one or more communities of interest.
- 13 Section 19V provides that the electors of the various wards within the District must receive fair representation. Section 19V(3) provides that the requirements of section 19V(2) may only be set aside in the circumstances where the Commission considers that island or isolated communities require specific representation. The provisions of section 19V that are relevant to the Commission's consideration are subsections 1, 2 and 3, as follows:

**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 community and every ward or constituency or subdivision within the district or region 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 community divided by the total number of elected members (other than the mayor, if any).*
- (3) *Despite subsection (2),—*
  - (a) *if the territorial authority or the Commission considers that the effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2):*
  - (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).*

- 14 The Commission notes that any preliminary ward arrangements determined to reflect communities of interest might need to change to ensure that the population per member requirement of section 19V(2) is met, unless it is satisfied that island or isolated communities require separate representation to achieve effective representation.
- 15 The Commission's first responsibility was to decide whether or not the District should be divided into wards. If wards were to apply it then had to determine the number and boundaries of those wards to provide effective representation of communities of interest within the City.
- 16 At the hearing the Council brought forward a number of arguments in support of its proposal for an at-large system of election, including the following:
  - The District has evolved into a group of diverse communities having a sense of belonging to a coherent whole district with common interests
  - A change to at-large elections is necessary to bring the electoral representation more into line with the District's needs in the future
  - The District is a compact community geographically

- The towns of the District are located within a short distance from each other.
- 17 The Commission acknowledges that the Kapiti Coast District is relatively small in area and most of its population is concentrated along a relatively narrow coastal strip. In its 2001 determination of the electoral arrangements of the Council the Commission noted that the District at that time contained a number of different and clearly identifiable communities of interest, including the urban areas of Paekakariki, Raumati, Paraparaumu, Waikanae and Otaki and smaller settlements such as Te Horo and a significant rural area in Otaki. At that time the Commission came to the view that effective representation of the various communities of interest could only be achieved through councillors being elected by wards.
- 18 The Commission notes that the population of the Kapiti Coast District is growing at a relatively rapid rate and that subdivision of land is occurring in the areas between many of the urban areas referred to above. Despite this trend of development, the Commission is of the view that the distinctive characteristics of the existing communities of interest in the District warrant the continued division of the District into wards.
- 19 The Commission is also of the view that some of the members of the Council should be elected at large. There was some support among submitters and appellants for a mixed system of election. The Commission also notes that in a survey commissioned for the Council approximately 48% of respondents favoured a mixed system of election, while 26% favoured elections by ward only and 26% favoured elections at-large only. The Commission considers that in the case of the Kapiti Coast District a mixed system of election will assist the Council in having a district-wide focus to its decision-making while still ensuring that it takes into account local issues of concern.

### **Appropriate Ward System and Membership**

- 20 Having decided that the basis of election would include a ward system, the Commission then considered the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the District. The Commission does not consider that section 19T envisages that individual communities of interest need separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 21 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 22 In the Commission's view, where a district is to be divided into wards, there should be such number of wards as is necessary and consistent with the concept of effective representation of various communities of interest. In this regard the requirements of section 19V(2) also need to be taken into account.

- 23 As its starting point for a ward system the Commission looked at the existing ward system of the District. In doing so it noted the strong support of those submitters, objectors and appellants who favoured a ward system that the wards should be based on the existing wards. While the Commission was satisfied that the existing ward system generally reflected the nature of the communities of interest of the District it noted that the existing ward membership arrangements do not comply with the requirements of section 19V(2) of the Act:

Ward	Number of members	Statistical entitlement for members	Population per member	Population
Otaki	3	18.29%	2587	7761
Waikanae	3	23.83%	3371	10113
Paraparaumu	5	35.81%	3040	15201
Paekakariki-Raumati	3	22.07%	3123	9369

The District's usually resident population at the time of the 2001 Census was 42444. To comply with the +/- 10% requirement of section 19V(2) of the Act the population per member would need to fall in the range of 2729 to 3335 (3032+/-10%).

- 24 In order to determine the future ward arrangements of the District the Commission found it first necessary to determine the Council's total membership, and the number of members who should be elected by wards and at large. The Council's current membership, excluding the Mayor, totals 14. Submissions, objections and appeals suggested that the Council's membership should be somewhere in the range of 6 to 15, excluding the Mayor. Given the nature of the District, and the issues that are particular to it, the Commission considers that a Council of 10 members, excluding the Mayor, will provide effective and efficient representation for the residents of the District. Also, it considers that five of the members should be elected at large to provide appropriate balance of local and district issues at the Council level.
- 25 Having determined that there shall be five councillors elected by wards the Commission found it necessary to adjust the boundaries of the four existing wards so that the requirements of section 19V(2) of the Act would be met. In making these adjustments the Commission was satisfied that there were no grounds for the provisions of section 19V(2) being set aside on the basis of island or isolated communities of interest requiring specific representation for effective representation.
- 26 The wards and membership entitlements determined by the Commission are set out in the following table:

Ward	Area encompassed by ward	Number of members	Population per member	Population (2001 Census)
Otaki	The area of the existing Otaki Ward, and including the following meshblocks: 1998700, 1998600, 1998502, 1883500, 1883600, 1883701, 1883703, 1884801, 1884802, 1883900, 188380 and 1883808.	1	8601	8601

Waikanae	The area of the existing Waikanae Ward, excluding the following meshblocks: 1998700, 1998600, 1998502, 1883500, 1883600, 1883701, 1883703, 1884801, 1884802, 1883900, 1883807 and 1883808.	1	9273	9273
Paraparaumu	The area of the existing Paraparaumu Ward, and including the following meshblocks: 2004400, 2004302 and 2004502.	2	7790	15579
Paekakariki-Raumati	The area of the existing Paekakariki-Raumati Ward, excluding the following meshblocks: 2004400, 2004302, 2004502.	1	8991	8991

To comply with the requirements of section 19V(2) of the Act the population per member must be in the range of 7640 to 9338 (8489+/-10%)

- 27 Having considered all aspects of the matter of Council representation the Commission concluded that the membership of the Council should total 10 members, with five members elected from four wards, five members elected at large, and the Mayor.

### Community Boards

- 28 The Council proposed that the existing system of three community boards should be retained, with each community board having five elected members and no appointed members.
- 29 Although there was some support among submitters, objectors and appellants for the Council's initial decision to disestablish the community boards, a significant majority was in favour of the retention of the boards. Some also sought to have complete community board coverage across the District.
- 30 Taking into account the information presented to it, the Commission has decided that the existing community boards in the District should be retained at this time. It is satisfied that there are significant local issues in each community that can be addressed through the existing system of community boards and that they complement the district-wide focus of the Council. Given the changes to the ward boundaries detailed above the Commission has determined that the boundaries of the existing community boards should also be changed so that the community board boundaries continue to match the ward boundaries.
- 31 The Commission has considered the issue raised by some submitters and objectors that there should be one or two community boards within the combined areas of the Paraparaumu Ward and that part of the Paekakariki-Raumati Ward that falls outside the boundaries of the Paekakariki Community Board. At the hearing the Council argued that this area did not require a community board because:
- It was primarily urban in nature

- There were few submissions from the Paraparaumu-Raumati areas seeking a community board for the area
  - The area is well served by the Southern Wards Committee.
- 32 The Commission is of the view that the residents of the Paraparaumu-Raumati area are disadvantaged with respect to the other residents of the District in that they do not have a formal community board structure to advocate for their local issues and concerns. This area contains a significant proportion of the population of the District and the residents of the area should be able to bring local matters to their own community board for appropriate local consideration. The Commission has therefore determined that a Paraparaumu-Raumati Community Board shall be constituted for the Paraparaumu-Raumati area.
- 33 The Council proposed that each community board should have five elected members and no appointed members. Taking into account the membership propositions brought forward by submitters, objectors and appellants and the existing delegated functions of the boards the Commission has determined that each board shall have four elected members and one appointed member. The Commission has determined that the area of each community shall not be subdivided for electoral purposes.

## **GENERAL COMMENTS**

- 34 The Commission encourages territorial authorities that have community boards constituted within their areas to review the functions delegated to community boards. To maximise the effectiveness of the contribution of community boards to local governance the Commission is of the view that territorial authorities should consider providing the boards with a comprehensive set of delegated functions. The Commission considers that three current examples of effective community board delegations are:
- The delegations for the Otago Peninsula Community Board, as detailed in the Commission's determination of 11 October 2001, and
  - The delegations issued by the Thames-Coromandel District Council and Christchurch City Council for the community boards constituted in their districts.

## **DETERMINATION**

- 35 Under section 19R of the Act, the Commission determines that for the general election of the Council to be held on 9 October 2004 -
- (1) Kapiti District as delineated on S.O. Plan 35973 deposited with Land Information New Zealand, shall be divided into four wards;
  - (2) Those four wards shall be -

- (a) The Otaki Ward, comprising the area delineated on S.O. Plan No. 335001 deposited with Land Information New Zealand:
  - (b) The Waikanae Ward, comprising the area delineated on S.O. Plan No. 35977 deposited with Land Information New Zealand:
  - (c) The Paraparaumu Ward, comprising the area delineated on S.O. Plan No. 35976 deposited with Land Information New Zealand:
  - (d) The Paekakariki-Raumati Ward, comprising the area delineated on S.O. Plan No. 37410 deposited with Land Information New Zealand;
- (3) The Council shall comprise the Mayor and 10 members; five of whom shall be elected at large, and the remaining five as follows -
- (a) one member shall be elected by the electors of the Otaki Ward;
  - (b) one member shall be elected by the electors of the Waikanae Ward;
  - (c) two members shall be elected by the electors of the Paraparaumu Ward; and
  - (d) one member shall be elected by the electors of the Paekakariki-Raumati Ward.
- (4) There shall be four communities as follows:
- (a) The Otaki Community, comprising the area of the Otaki Ward;
  - (b) The Waikanae Community, comprising the area of the Waikanae Ward;
  - (c) The Paraparaumu-Raumati Community, comprising the area delineated on S.O. Plan No. 335002 deposited with Land Information New Zealand; and
  - (d) The Paekakariki Community, comprising the area delineated on S.O. Plan No. 36762 deposited with Land Information New Zealand.
- (5) The membership of the community board for each community shall be as follows:
- (a) The Otaki Community Board shall comprise four elected members and one member of Council representing the Otaki Ward and appointed to the community board by the Council;
  - (b) The Waikanae Community Board shall comprise four elected members and one member of Council representing the Waikanae Ward and appointed to the community board by the Council;
  - (c) The Paraparaumu-Raumati Community Board shall comprise four elected members and one member of Council representing the Paraparaumu Ward and appointed to the community board by the Council; and

- (d) The Paekakariki Community Board shall comprise four elected members and one member of Council representing the Paekakariki-Raumati Ward and appointed to the community board by the Council.

36 As required by sections 19T(b) and 19W(c) of the Act, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

## **THE LOCAL GOVERNMENT COMMISSION**

Grant Kirby (Chairman)  
Linda Constable (Commissioner)  
Kerry Marshall (Commissioner)

7 April 2004