

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 28 AUGUST 2023** commencing at **9.30am**.

*Information and recommendations are included in the reports to assist the Committee in the decision making process and may not constitute Council's decision or policy until considered by the Committee.*

*The meeting will be opened with a karakia.*

## **1. APOLOGIES AND LEAVE OF ABSENCE**

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GJ Ion  
**CHIEF EXECUTIVE**

## TERMS OF REFERENCE

### COUNCIL

<b>Chairperson:</b>	Her Worship the Mayor
<b>Deputy Chairperson:</b>	Deputy Mayor
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six weekly – or as required
<b>Quorum:</b>	Half of the members (including vacancies)

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### Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

### Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
  - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
  - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body and appoint elected members as representatives on such committees or bodies.
12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.

14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
  - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
  - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
  - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve funding requests not allowed for within budgets, in accordance with Significance & Engagement Policy parameters.
11. To approve any additional funding decisions required for the Watercare Services contract.
12. To approve development agreements as recommended by the Development Agreements Subcommittee where infrastructure is not allowed for within the Long Term Plan.
13. To receive six-monthly reports from each Community Board on its activities and projects.

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Confirmation of Minutes</b>
Date:	17 August 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To confirm the minutes for a meeting of the Waikato District Council held on Monday, 17 July 2023.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Waikato District Council confirms the minutes for a meeting held on Monday, 17 July 2023 be confirmed as a true and correct record.**

## **3. Attachments**

### **Ngaa taapirihanga**

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Attachment 4A – CCL Minutes – 17 July 2023

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Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **MONDAY, 17 JULY 2023** commencing at **9.30am**.

**Present:**

Her Worship the Mayor, Mrs JA Church (Chairperson)  
Cr C Beavis (*from 9.35am, Item 3*)  
Cr C Eyre (Deputy Mayor)  
Cr J Gibb  
Cr M Keir  
Cr P Matatahi-Poutapu (*from 9.34am, Item 2*)  
Cr K Ngataki  
Cr M Raumati  
Cr V Reeve  
Cr P Thomson  
Cr T Turner  
Cr D Whyte

**Attending:**

Mr P Stubbs (Chairperson, Audit & Risk Committee)

Mr GJ Ion (Chief Executive)  
Mr TG Whittaker (Chief Operating Officer)  
Mr R MacCulloch (General Manager Service Delivery)  
Ms A Diaz (Chief Financial Officer)  
Mr L Shirley (Zero Harm Manager)  
Ms R Neil (Zero Harm Coordinator)  
Mr N Johnston (Advocacy & Investment Advisor)  
Mrs GJ Kanawa (Democracy Manager)

The Council and staff opened the meeting with a joint karakia.

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Crs Ngataki/Raumati)**

**THAT the Waikato District Council:**

- a. accepts the apologies from Cr Patterson and Cr L Thomson for non-attendance.**

**CARRIED**

**WDC2307/05**

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Agenda Item 2

**Resolved: (Crs Gibb/Raumati)****THAT** the agenda and supplementary agenda for a meeting of the Waikato District Council held on Monday, 17 July 2023 be confirmed:

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 8, which shall be considered with the public excluded; and
- b. all reports be received.

**CARRIED****WDC2307/06***Cr Matatathi-Poutapu arrived at 9.34am during the above item.***DISCLOSURES OF INTEREST**

Agenda Item 3

There were no declarations of interest.

*Cr Beavis arrived at 9.35am during the above item.***CONFIRMATION OF MINUTES**

Agenda Item 4

The report was received [*WDC2307/06 refers*] with no further discussion held.**Resolved: (Crs Gibb/Whyte)****THAT** the Waikato District Council confirms:

- a. the minutes for an ordinary meeting held on **Wednesday, 28 June 2023** be confirmed as a true and correct record, and
- b. the minutes for an extraordinary meeting held on **Tuesday, 11 July 2023** be confirmed as a true and correct record.

**CARRIED****WDC2307/07****ACTIONS REGISTER**The report was received [*WDC2307/06 refers*] and no further discussion was held.

## **COMMITTEE REPORTS**

### *Audit & Risk Committee Recommendation – 12 June 2023*

Agenda Item 6.1

The report was received [*WDC2307/06 refers*] and no further discussion was held.

**Resolved: (Crs Eyre/P Thomson)**

**THAT the Waikato District Council:**

- a. agrees to change the name of the Audit and Risk Committee to the Risk and Assurance Committee.**

**CARRIED**

**WDC2307/08**

### *Infrastructure Committee Recommendations – 5 July 2023*

Agenda Item 6.2

*Huntly West Domain – Proposal to grant a lease to Friendship House (Huntly) Community Charitable Trust (INF2307/05)*

The report was received [*WDC2307/06 refers*] and no further discussion was held.

**Resolved: (Crs Whyte/P Thomson)**

**THAT the Waikato District Council:**

- a. gives approval to notifying the public of the proposal to grant a ground lease of part of the Huntly West Domain to Friendship House (Huntly) Community Charitable Trust in accordance with Section 54 of the Reserves Act 1977;**
- b. notes that the land area affected by the proposed lease for Friendship House (Huntly) Community Charitable Trust is described as part of Part Lot 9 DPS 316. The lease area is shown in Attachment I – Plan of Proposed Lease Area – Friendship House of the report; and**
- c. gives approval to the cancellation of the lease to Friendship House (Huntly) Community Charitable Trust for 43 Harris Street when a new ground lease at the Huntly West Domain is granted.**

**CARRIED**

**WDC2307/09**



*Hakanoa Domain - Huntly Scout Building and proposal to grant a lease on reserve land to Friendship House Huntly Community Charitable Trust (INF2307/06)*

The report was received [WDC2307/06 refers] and no further discussion was held.

**Resolved: (Crs Whyte/Keir)**

**THAT the Waikato District Council:**

- a. **accepts the gift of the Huntly Scout Building at Hakanoa Domain from Scouts New Zealand as a Council asset;**
- b. **approves notifying the public of the proposal to grant a lease of the Huntly Scout Building at Hakanoa Domain to Friendship House (Huntly) Community Charitable Trust in accordance with Section 54 of the Reserves Act 1977; and**
- c. **notes that the land area affected by the proposed lease for Friendship House (Huntly) Community Charitable Trust is described as part of Part Allot 540 Taupiri PSH and part of Allot 776 Taupiri PSH. The lease area is shown in Attachment 2 of the report.**

**CARRIED**

**WDC2307/10**

*Alfred Main Drive – Land Review (INF2307/07)*

The report was received [WDC2307/06 refers] and no further discussion was held.

**Resolved: (Crs Whyte/Beavis)**

**THAT the Waikato District Council:**

- a. **that Section 3 SO 574401 at Alfred Main Drive, Tamahere is not required in connection with the roading project, and be declared surplus to requirement;**
- b. **further that when declared surplus to requirement, Section 3 SO 574401 be disposed of in accordance with the requirements of the Public Works Act 1981 and the sale proceeds be applied to the Property Proceeds Reserve;**
- c. **that should the former owner not accept the offer to purchase, that Section 3 SO 574401 be available for sale on the open market in accordance with the Council's Strategic Land Acquisition and Disposal Policy; and**
- d. **delegates to the Chief Executive the authority to execute all relevant documentation to give effect to these resolutions.**

**CARRIED**

**WDC2307/11**

*Adoption of General Policies Reserves Management Plan (INF2307/08)*

The report was received [WDC2307/06 refers] and no further discussion was held.

**Resolved: (Crs Whyte/Gibb)**

**THAT the Waikato District Council:**

- a. adopts the General Policies Reserve Management Plan, with amendments as recommended by the Hearings Panel.**

**CARRIED**

**WDC2307/12**

**REPORTS**

Approval of the Strategic Risk Register and Adoption of the Risk Appetite Statements  
Agenda Item 7.1

The report was received [WDC2307/06 refers] and the following discussion was held:

- Other Committees and Council would oversee risks where the responsibility for the activity falls under their delegations, however the Risk & Assurance Committee would oversee all risks in less detail via the higher level graphs throughout the year and deep dive reports on ten risks would be clustered for efficiency where there were linkages.
- This review would enable Council to move forward and implement action plans, then commence the deep dive programme.
- It was noted there was an annual review of risks and the list was seen as the priority strategic risks for this year, i.e. not all risks that Council are subjected to are included within this list. These are the significant ones.
- Concern was raised that the project delivery risk had dropped off the deep dive list. However, it was noted that this risk would be viewed by the Infrastructure Committee with regular reporting.
- Concern was raised that the meeting cycle was driving which Committee deep dive reports were being considered, perhaps the Risk & Assurance Committee needed to meet more often. General feedback was that strong assurance would continue to be provided via other means and the Risk & Assurance Committee would get oversight through residual risk graph reporting.
- Te Tiriti o Waitangi had been identified as a risk but the wording was requested to be amended for both the risk and risk appetite statements. The question of why this was a new risk was raised. Staff noted this was more a matter of elevating the importance of this risk rather than it being new. It is an area we want to increase our focus and priority across the council.

- There was a preference for the word “relationships” rather than “partnerships” as this made it clear this was about developing relationships with Iwi, mana whenua and Maaori living in the district.

**ACTION:** Chief Operating Officer to work with the five (5) Maaori Councillors to refine wording in regard to the Treaty of Waitangi priorities and action plan.

- Affordability statements/risks were further clarified by staff. Council needed to be clear around managing expectations in this area, as Council may decide to accept some risk to ensure rates remain affordable.
- Affordable services – disparity around funding and cost, whereas inflation was an issue that we could not mitigate risk around. In future deep dives would be clustered to look at all impacting risks.

**Resolved: (Crs Gibb/P Thomson)**

**THAT the Waikato District Council:**

- notes that the Chief Operating Officer would continue to work with the five (5) Maaori Councillors to further refine the risks and mitigations around the Te Tiriti o Waitangi prior to the next Risk & Assurance Committee meeting;**
- approves the amended Strategic Risk Register; and**
- approves the proposed Risk Appetite Statements with amendments.**

**CARRIED**

**WDC2307/13**

Zero Harm

Agenda Item 7.2

The report was received [WDC2306/02 refers] and the following discussion was held:

- It was noted that near misses were escalated in the report as research has proven that this ensures a safety culture if it is a lead measure, i.e. we do not wait for something to happen before it is reported.
- Clarification sought around implementation of zero harm assurance calendar. It was noted that this was an operational piece of work that provided the Zero Harm team with an oversight of our assurance activities, i.e. programming trial evacuation of all sites every six months etc.
- It was queried how many years of statistical data did we have and whether we were analysing this for benchmarking against other Councils? It was noted that staff would explore this analysis further now there was a full team engaged to finalise KPIs for future years.

**ACTION:** Explanation to be provided on Zero Harm tables and quarters, noting consideration be given to the quarters being on a three yearly cycle basis as opposed to one year.

- Clarification sought around incident on Wainui farm and what responsibility Council had in this regard – it was noted that it was a Council employee responsible for running Wainui farm.
- Zero Harm staff were clarifying, as part of the investigations, what level of risk Council would be comfortable with, noting that contracting out does not remove the risk and it is more about managing those risks.

**ACTION:** Request for the Zero Harm team to investigate clear pedestrian access through the Councillors carpark.

## **EXCLUSION OF THE PUBLIC**

Agenda Item 8

**Resolved: (Cr Beavis/Ngataki)**

- a. **THAT** the public be excluded from the following parts of the proceedings of this meeting:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 2 – Confirmation of Minutes for a meeting held on Wednesday, 28 June 2023	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3 – Actions Register		
Item PEX 4.1 – Infrastructure Committee Recommendations – 5 July 2023		
Item PEX 5 – Chief Executive Issues		
Item PEX 6 – Mayoral Issues		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

<b>Item No.</b>	<b>Section</b>	<b>Interest</b>
<b>Item PEX 2 – Confirmation of Minutes for a meeting held on Wednesday, 28 June 2023</b>	<b>Refer previous minutes for reasons for exclusion.</b>	
<b>Item PEX 3 – Actions Register</b>	<b>7(2)(a)</b>	<b>To protect the privacy of natural persons.</b>
<b>Item PEX 4.1 – Infrastructure Committee Recommendations – 5 July 2023</b>	<b>Refer to Waters Governance Board agenda for reasons for exclusion.</b>	
<b>Item PEX 5 Chief Executive Issues</b>	<b>7(2)(c)(i)</b>	<b>To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.</b>
<b>Item PEX 6 Mayoral Issues</b>		

**CARRIED**

**WDC2307/14**

*Resolutions WDC2307/15-WDC2307/18 are contained in the public excluded section of these minutes.*

There being no further business the meeting was declared closed at 11.58am.

Minutes approved and confirmed this                                 day                                 2023.

JA Church  
**CHAIRPERSON**

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Actions Register – August 2023</b>
Date:	28 August 2023
Report Author:	Kaye Whitfield, Executive Assistant to Chief Executive
Authorised By:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To update the Council on actions arising from the previous Council meeting.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**That the Council receives the Actions Register for August 2023.**

## **3. Attachments**

### **Ngaa taapirihanga**

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Attachment 1 – Actions Register

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**Waikato District Council - Actions Register**  
**August 2023**

Meeting Date	Item and Action	Person/Team Responsible	Status Update
7 June 2023	Zero Harm Manager & Chief Executive to meet with Cr Whyte to discuss the proposed graphs prior to the next Council meeting.	Gavin Ion/ Cr Whyte	<ul style="list-style-type: none"> <li>Zero Harm Manager, Lynn Shirley and Gavin Ion met with Cr Whyte to discuss the graphs. A further discussion is required on this topic.</li> </ul>
17 July 2023	Chief Operating Officer to work with the five (5) Maaori Councillors to refine wording in regard to the Treaty of Waitangi priorities and action plan.	Tony Whittaker/ Councillors	<ul style="list-style-type: none"> <li>The recommendation is to revisit describing this risk and risk appetite once the new Executive Manager Maaori Partnerships role is on board. In the interim we will continue with the existing work programme.</li> </ul>
17 July 2023	Explanation to be provided on Zero Harm tables and quarters, noting consideration be given to the quarters being on a three yearly cycle basis as opposed to one year.	Lynn Shirley	<ul style="list-style-type: none"> <li>The Councillors feedback will be included in the new draft Zero Harm Strategic Plan for Financial Year (FY) 23/24. After the FY24 year we will look to move to a three-year planning cycle instead of annual.</li> </ul>
17 July 2023	Request for the Zero Harm team to investigate clear pedestrian access through the Councillors carpark.	Lynn Shirley	<ul style="list-style-type: none"> <li>An action has been logged in Bware to investigate options.</li> </ul>

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Infrastructure Committee Recommendations – 16 August 2023</b>
Date:	Friday, 18 August 2023
Report Author:	Elizabeth Saunders, Senior Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

## **1. Executive summary**

### **Whakaraapopotanga matua**

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The purpose of this report is to seek the Council's approval of the recommendation from the Infrastructure Committee meeting held on Wednesday, 16 August 2023.

The Infrastructure Committee Open agenda and attachments from the meeting on Wednesday, 16 August 2023 can be found on the Council website via the following link:

[https://www.waikatodistrict.govt.nz/docs/default-source/about-this-site/inf-open-agenda-230816.pdf?sfvrsn=a9e26bc8\\_1](https://www.waikatodistrict.govt.nz/docs/default-source/about-this-site/inf-open-agenda-230816.pdf?sfvrsn=a9e26bc8_1)

The Infrastructure Committee Supplementary Open agenda and attachments from the meeting on Wednesday, 16 August 2023 can be found on the Council website via the following link:

[https://www.waikatodistrict.govt.nz/docs/default-source/agenda-2023/inf-open-supplementary-agenda---230816.pdf?sfvrsn=37e16bc8\\_1](https://www.waikatodistrict.govt.nz/docs/default-source/agenda-2023/inf-open-supplementary-agenda---230816.pdf?sfvrsn=37e16bc8_1)

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## 2. Staff recommendations Tuutohu-aa-kaimahi

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Road Services Review – Recommendation of preferred option (INF2308/05)

**THAT the Waikato District Council:**

- a. **approves the option of 4c and 5b/d of the Waikato District Council Road Services Review Report (refer Attachment 1) – to bring asset management and contract management inhouse and to design physical works contracts to deliver general maintenance and renewals through appropriately sized and scoped NZS3917 forms of service delivery contracts; and**
- b. **note that the team will proceed to design the detail of this model to deliver on the critical success factors through the following steps:**
  - i. **identify the boundaries for the general maintenance contracts,**
  - ii. **identify areas of specialty activities that would provide better Public Value to tender and manage separately,**
  - iii. **design the team structure required to resource the asset management, programming and contract management tasks inhouse;**
  - iv. **develop the detailed business case to recommend a decision on the best value delivery model for procurement, and**
  - v. **develop the procurement plan to identify contract and tendering details such as tenure of the contracts, supplier selection methodology etc; and**
- c. **note that an enhanced Alliance model will be assessed against a new model to test benefits and efficiencies of any change.**

Endorsement – Upper Northern Waikato Railway Station Indicative Business Case (INF2308/06)

**THAT the Waikato District Council:**

- a. **endorses the Upper Northern Waikato Railway Station Indicative Business Case (IBC);**
  - b. **notes that endorsing the IBC does not mean making any funding commitment to the construction of a railway station or railway stations;**
  - c. **notes that the recommended option which has emerged from the IBC is that a railway station is provided at Tūākau in the short term (3-5 years) to serve Te Huia in the short term (within 3-5 years) but that there is also a good case for a second station at Pōkeno in the short term;**
  - d. **notes that for a two-station solution (i.e., Tūākau and Pōkeno) to be provided in the short term, it would be necessary to consider some time saving measures for Te Huia which will need to be investigated further in a Detailed Business Case (DBC);**
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- e. notes that the findings of the IBC do not preclude the opening of a station at Te Kauwhata in the medium to longer term (6 years+), particularly if additional Te Huia services are introduced which provide opportunities for commuter travel to/from Hamilton;
  - f. notes that the case for funding and the confirmation of the costs and benefits of having more than one station in the northern Waikato are examined in further detail in a DBC together with their respective platform layout and the staging of delivery;
  - g. notes that the preliminary P95 cost estimates for the preferred station options at Tūākau, Pōkeno and Te Kauwhata are as follows:
    - Tūākau - \$6,390,000
    - Pōkeno - \$9,230,000
    - Te Kauwhata - \$7,420,000;
  - h. notes that the DBC is expected to cost \$500,000 and that this figure (made up of an assumed 51% Waka Kotahi Financial Assistance Rate) be put forward for consideration in both Council's LTP 2024-2034 and the Regional Land Transport Plan;
  - i. notes that any funding allocation in the LTP and RLTP for the DBC and, after this, for station construction is subject to a decision on Te Huia continuing beyond June 2024;
  - j. agrees that the IBC P95 cost estimates for a railway station Tūākau (\$6,390,000) and Pōkeno (\$9,230,000) be considered for inclusion post year 4 in Council's 2024-2034 Long Term Plan and the Regional Land Transport Plan subject to a decision on Te Huia continuing beyond June 2024, the completion of a DBC and a proviso of government subsidy for station construction;
  - k. requests staff work with the Waikato Regional Council on a review of bus transport in the northern Waikato which would also include investigating a service which connects Te Kauwhata and Pōkeno to the Papakura Railway Station in the short-term and the Drury Railway Station in the medium term;
  - l. confirms that a communications plan be developed to clearly articulate the business case process and the key decision-making and funding dependencies so that our communities understand what still needs to be done before any railway station can be constructed.
-

**THAT the Waikato District Council:**

- a. receives the report titled “Budget Amendments for projects funded by the Infrastructure Acceleration Fund, Ngaaruawaahia” dated 16 August 2023;
- b. approves the following budget adjustments:
  - i. replace the local share funding of \$953,449 in the subsidised Roding project with external funding from Kainga Ora (IAF);
  - ii. establish an unsubsidised Roding gross budget of \$6,223,139 due to the increased Roding budget requirement. This is to be funded by \$2,896,171 from Kainga Ora (IAF) and local share funding of \$3,326,968 from the Ngaaruawaahia Structure Plan Reserve.
  - iii. establish a Stormwater, Wastewater and Water gross budget of \$2,627,206. This is to be funded by \$1,470,380 from Kainga Ora (IAF) and local share funding of \$1,156,826 from the Ngaaruawaahia Structure Plan Reserve.

### **3. Attachments**

#### **Nгаа тааpирihanga**

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There are no attachments.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Zero Harm Update</b>
Date:	14 August 2023
Report Author:	Lynn Shirley, Zero Harm Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To provide Council with an update on the delivery of activities detailed in the Zero Harm Strategic Improvement Plan and overview current health and safety performance.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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- We have developed our draft strategic improvement plan for FY23/24 following receipt of the finalised Zero Harm Safety Management System (ZHSMS) audit report.
- We have commenced the development of a safety critical control effectiveness audit programme for risk of working with animals.

## **3. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**That the Council receives the Zero Harm report for August 2023 and Zero Harm Dashboard for July 2023.**

## **4. Background**

### **Koorero whaimaarama**

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Councils' zero harm culture is supported by a health and safety management system of policies, standards, requirements, and guidelines that are designed to support the elimination or management of risk and enable good practice.

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## 5. Discussion Matapaki

### **Zero Harm Strategic Improvement Plan FY22/23 Progress**

We have reviewed the delivery of activities detailed in the FY22/23 Zero Harm Strategic Improvement Plan. Completion of the activities detailed in the FY22/23 was affected by the resignation of a Zero Harm Advisor in March and other work taking priority. Activities that have not yet been completed have been transitioned to the FY23/24 plan.

Key inputs into the planning process have included the ZHSMS external audit report, FY22/23 performance data, engagement survey results and feedback from the ELT and SAT. The draft FY23/24 plan (illustrated in the infographic) is currently with the ELT and SAT for final review.



### **Our People**

#### ***Worker Engagement, Participation and Consultation***

At the July Safety Action Team (SAT) meeting, the outcomes of the recent external audit were discussed including the recommendation that a SAT working group is formed to determine what activities the SAT representatives would like to be involved with, and to determine minimum requirements around meetings with workers and managers and the sharing of meeting minutes. Several SAT representatives have volunteered to be part of this group.

Over the last two months, 17 SAT representatives have attended two days of external health and safety training.

Training course delivered	Number of workers trained
Health & Safety Rep Stage 1: Introduction to the HSR role	10
Health & Safety Rep Stage 2: Risk Assessment and Incident Investigation	6
Incident Causation Analysis Method (ICAM) Investigation Techniques	1

Very positive feedback has been received from several course participants on the content and delivery of their training.

## **Effective Systems**

### ***Auditing and Assurance***

We have received the finalised report from the external audit of our Zero Harm Safety Management System (ZHSMS) against the International Standard (ISO) 45001 framework. The audit report has been shared with ELT in preparation for a close out meeting with the auditor that is scheduled for late August.

The audit identified 25 non-conformances or findings, that are illustrated in the below table.

<b>Nonconformance</b>	<b>The non-fulfilment of a specified requirement of the ISO standard</b>			
<b>Classification</b>	<b>Major</b>	<b>Minor</b>	<b>Observation</b>	<b>Opportunity for Improvement</b>
Explanation	Significant nonconformity against the requirements of the standard and/or Failure of a complete system and/or Significant quantity of minor nonconformities	Isolated witnessed incident of failure to comply with a procedure or management system requirement and/or Minor problem that warrants attention	Suggestion, usually meant to help the auditee improve some aspect of their area, system, or process	All requirements fulfilled. Situation which while complying with the audit criteria, exists and to which attention should be given to reduce the potential of failure or improve the process
<b>Council 2023 ZHSMS Audit Results</b>	<b>13</b>	<b>3</b>	<b>4</b>	<b>5</b>

It is important to note that eight of the 16 major or minor non-conformances are related to documentation only. A corrective action plan has been developed to address the audit non-conformances and findings and where relevant these have been linked to the FY23/24 Zero Harm Strategic Improvement Plan.

### **Performance Reporting and Event Management**

Council's zero harm performance across several health and safety metrics for July 2023 is shown below. The results for the period July 2022 to June 2023 are included for comparison.

Measures	July 22 to June 23	July 23 <i>(Annualised)</i>	Commentary
Events reported in BWare Safety Manager <i>(Lead)</i>	218	13 (192)	A decreased level of incident reporting has been noticed by the Zero Harm Team. This has been communicated to both People Leaders and the SAT to promote and encouraging the reporting of any incident into BWare, regardless of how minor it may appear.
Total Recordable Injuries (TRIs) e.g., Lost Time Injury, Restricted Work Injury or Medical Treatment Injury <i>(Lag)</i>	4	0	
WorkSafe NZ Notifiable Events <i>(Lag)</i>	0	0	
First Aid Injury events <i>(Lag)</i>	18	3 (36)	
Serious Near Miss events <i>(Lead)</i>	3	0	
Near Miss events <i>(Lead)</i>	77	7 (84)	
New Hazards <i>(Lead)</i>	81	5 (60)	
Zero Harm Engagement Conversations <i>(Lead)</i> KPI is >162 conversations per month or 1944 annually	2066	194 (2328)	

Two of the three first aid incidents were associated with the use of chemicals for cleaning the Pound. Both incidents were investigated by the Zero Harm team and opportunities for improvement were identified.

The attached Zero Harm Dashboard (Attachment 1) illustrates safety performance for July 2023.

### **Critical Safety Risk Management**

The recent external ZHSMS audit also focused on the identification, assessment, control and monitoring of two of our critical safety risks. A key focus of the FY23/24 Zero Harm Strategic Improvement Plan will be the further refinement of our critical risk management framework including the development and implementation of a process for measuring and monitoring safety critical control effectiveness. This process is currently being developed and tested on the Working with Animal critical risk.

### Working on the Road or Roadside

Over the last month we have progressed the implementation and review of controls to manage the risk of working on the road or roadside with the Animal Control Team. This work has included:

- The development and approval of a specialised Traffic Management Plan (TMP) for Animal Control and standard operating procedure for working on the road or roadside
- Delivery of TTM Inspector training

#### Safety Controls for Working on the Road or Roadside



To support workers in keeping the controls for managing this risk front of mind when working in a dynamic environment the following infographic has also been created. This has also been included in all relevant standard operating procedures that involve work on the road or roadside.

### Workplace Violence

In July the first of five front counter safety refresher training courses was delivered by CERT Ltd. This course builds on the full one-day front counter safety training that all our Customer Delivery Officers attended two years ago.

The training includes a refresh of theory and techniques and then the opportunity for workers to discuss the response to several incidents based on the layout of their workplace. Extremely positive feedback was received from the Tuakau Office and Library staff who attended the first training course.



In conjunction with the delivery of this training we have also reviewed our documented emergency response procedures for the following types of incidents:

- Armed offender
- Aggressive person
- Brawl or mass gathering

The procedures have been revised based on worker feedback and the following three steps are now included in all responses for consistency. The following visual reminder has also been developed in the form of wallet size cards and posters that will be discretely displayed in the workplace for worker reference.

#### If your safety is at risk



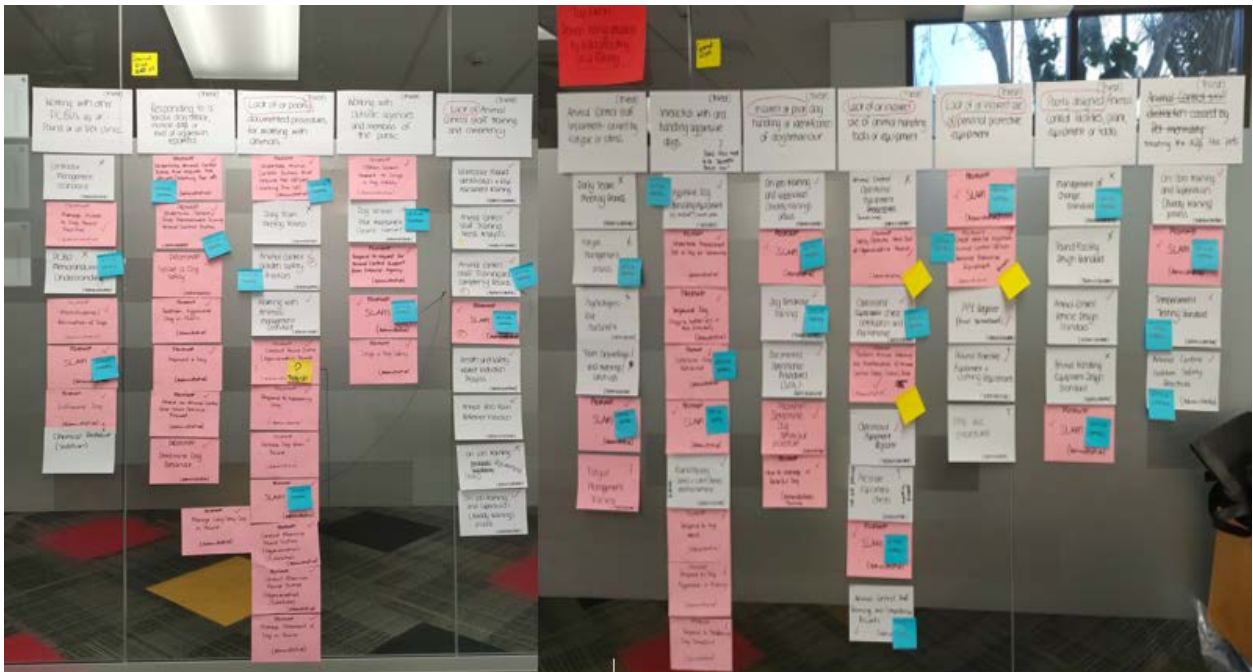


## Working with Animals

In July an external health and safety consultant was engaged to undertake an independent review of the implementation of the control plan for managing the critical risk of working with animals (particularly dogs). The review included:

- Sampling of infield controls and where possible identifying opportunities for improvement
- Assessing the safety critical controls for the risk and identifying performance requirements and verification criteria to monitor safety critical controls between full risk reviews.

As part of the review of the existing risk control plan, the critical controls were reconfirmed and where relevant the standard operating procedures associated with managing the risk clearly identified (these are illustrated in pink in the below photo).



## Mental Wellbeing at Work

Work continues in conjunction with the People and Capability Team to develop the risk control plan for Mental Wellbeing at Work. Following the learnings gained from the Working with Animals risk review, a deep dive on the current Mental Wellbeing risk control plan is scheduled for late August. This will provide a clearer picture of the safety critical controls and assist with the development of the verification criteria to measure control effectiveness going forward.

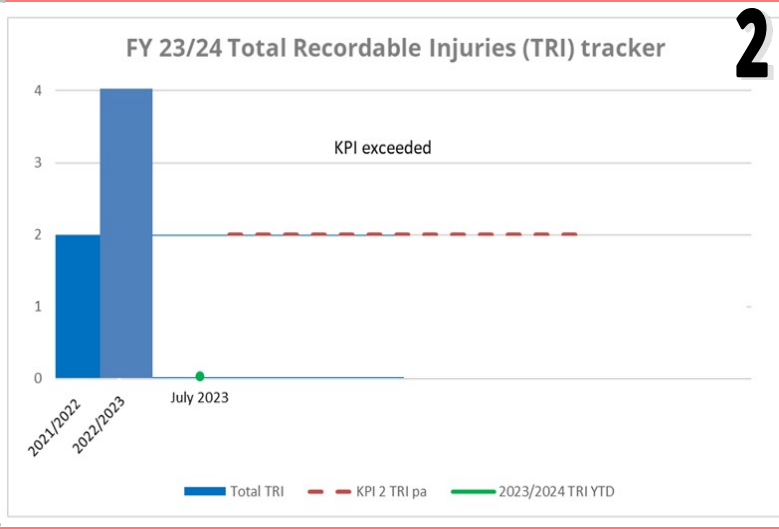
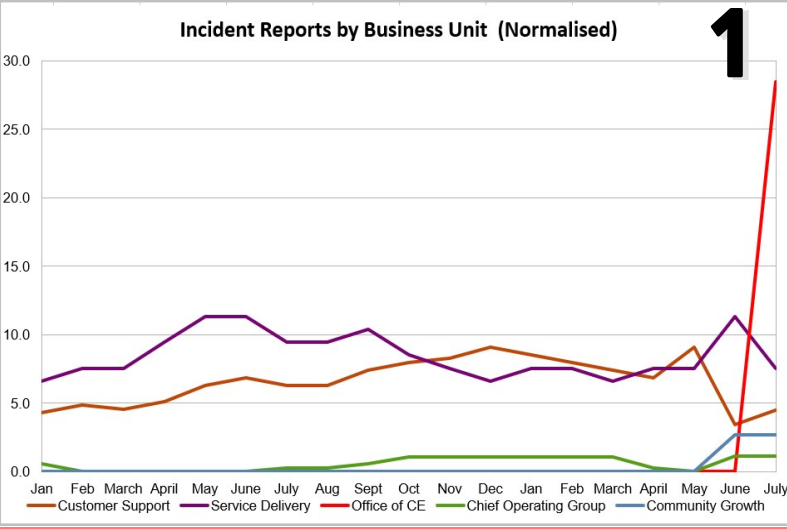
The Zero Harm team is also supporting the development of a programme of activities for Mental Health Awareness week (18<sup>th</sup> to 24<sup>th</sup> September).

## 6. Attachments Ngaa taapirihanga

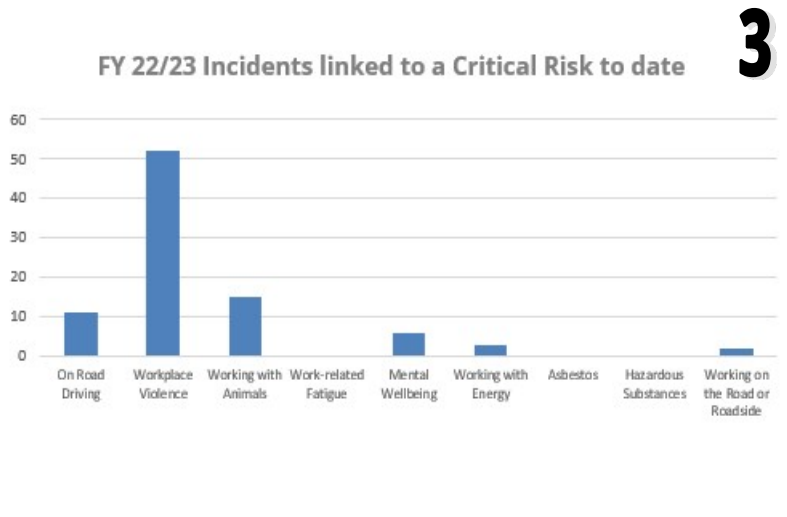
Attachment 1 – Zero Harm Dashboard July 2023



## Incident Management



## Incident Management

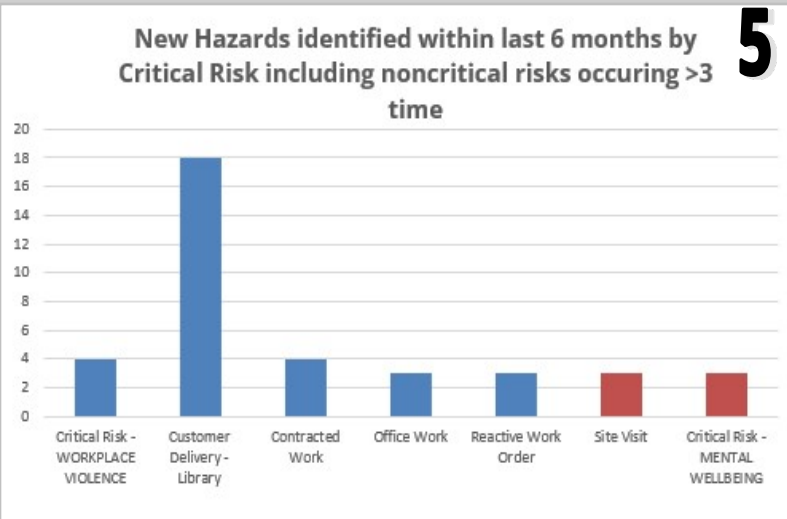


### 4

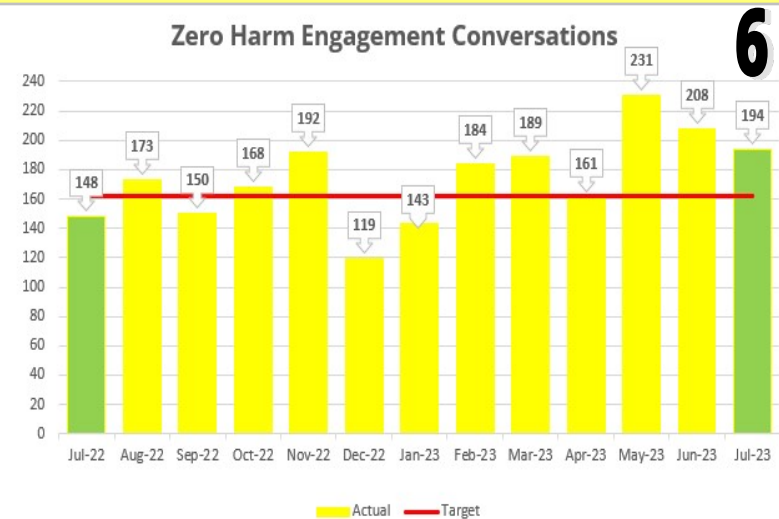
**Top Nature of Injury - Year to date**  
- Burn/scald/irritation

**Top Mechanisms of harm - Year to date**  
- Chemicals or other substances  
- Mental stress

## Hazard & Risk Management



## Safety Leadership & Culture



## Commentary

Graph 1 shows the volume of incidents (normalized) being reported in Bware Safety Manager by each business unit each month. Two incidents were reported by the Office of the Chief Executive in July

Graph 5 shows an increase in hazards being identified during site visits or associated with the critical risk of mental wellbeing.

Graph 6 shows a positive trend in the number of Zero Harm Engagement Conversations. These are being analyzed each month in conjunction with the People and Capability Team to identify any trends

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Electoral System for the 2025 Local Government Elections</b>
Date:	13 August 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

---

The purpose of this report is to seek a Council decision on the electoral system to be used for the 2022 local authority elections.

To inform the Council there is no requirement to undertake a representation review or review of Maaori wards.

## **2. Executive summary**

### **Whakaraapopotanga matua**

---

The Local Electoral Act 2001 sets out the process for the Council to consider the electoral system that is to be used for the next local authority elections. The Council can decide to:

- Retain the First Past the Post (FPP) electoral system; or
- Change to the Single Transferable Voting (STV) electoral system; or
- Undertake a poll of voters on the electoral system to be used for the next two triennial elections; or

Any decision by the Council in relation to the electoral system must be completed by 12 September 2023 and a public notice must be made no later than 19 September 2023 setting out the Council's decision (if applicable) and the right for 5% of voters to demand a poll on the matter.

A detailed summary of the two electoral systems, and their respective advantages and disadvantages, is attached to the report.

---

Further advising Council that a review of Maaori Wards is not required to be determined during this triennium due to the Maaori Wards being resolved by Council in 2021 for the 2022 and 2025 elections.

A representation review is also not recommended during this triennium due to the robust review undertaken in 2021. These matters would need to be reviewed by September 2026, however work will be programmed in to start these reviews by July 2026.

### **3. Staff recommendations**

#### **Tuutohu-aa-kaimahi**

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**That the Waikato District Council:**

- a. pursuant to section 27 of the Local Electoral Act 2001, the Council resolves to:**

**EITHER**

- i. retain the First Past the Post electoral system;**

**OR**

- ii. change to the Single Transferable Voting electoral system;**

**OR**

- iii. undertake a poll of electors on the electoral system to be used for the 2025 and 2028 elections, under section 31 of the Local Electoral Act 2001.**

- b. public notice be given as soon as practicable (and no later than 19 September 2023) of the Council's resolution and (if option (i) or (ii) above is selected) of the right of electors to demand a poll on the electoral system to be used;**

- c. notes that a review of Maaori Wards is not required during this triennium due to the decision being made in May 2021 to include Maaori Wards for the 2022 and 2025 elections.**

- d. confirms that a representation review is not required in this triennium due to the robust review process undertaken in the 2021 Representation Review.**

### **4. Background**

#### **Koorero whaimaarama**

---

The Local Electoral Act 2001 (LEA) enables councils to select from two electoral systems for use in local authority elections and polls – First Past the Post (FPP) and Single Transferable Voting (STV).

---

Waikato District Council currently uses the FPP system. In 2020, the Council resolved that there be no change to the electoral system and that the FPP system continue to be used.

The key points from the LEA are:

- A Council resolution is optional, but recommended, if the same system as used at the last local authority elections is to be retained. However, a public notice is still required prior to 19 September 2023 to advise the public of the right to demand a poll on the electoral system to be used.
- Any Council decision on the electoral system must be made before 12 September 2023. The Council resolution must be included in the public notice.
- A decision to change to STV would be binding for the 2025 and 2028 Council elections, unless overturned by a public poll.
- 5% of voters can demand a poll on the electoral system (i.e. to overturn the Council decision). If a valid demand for a poll is received by 21 February 2024, a poll must be held by 21 May 2024 with the outcome effective for the 2022 and 2025 Council elections.
- The chosen electoral system applies to both the Council and Community Boards.

## 5. Discussion and analysis Taataritanga me ngaa tohutohu

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### 5.1 Options Ngaa koowhiringa

This part of the report provides a summary of how FPP and STV work, and the respective advantages and disadvantages of each system. The Council has the following options:

- a. Resolve to retain the First Past the Post electoral system.** The public would then be given the opportunity to demand a poll on the electoral system should they not agree with the Council's decision. The resolution would be binding for the 2025 Council election, unless overturned by a public poll.
  - b. Resolve to change to the Single Transferable Voting electoral system.** The public would then be given the opportunity to demand a poll on the electoral system should they not agree with the Council's decision. The resolution would be binding for the 2025 and 2028 Council elections, unless overturned by a public poll.
  - c. Resolve to undertake a public poll on the electoral system.** Such a resolution would need to be made no later than 21 February 2024, with a poll date no later than 21 May 2024. The outcome of the poll would determine the electoral system for the 2025 and 2028 Council elections with no change possible until the 2031 Council election.
-

## **First Past the Post (FPP)**

FPP is a plurality voting system.

### *How it works*

Voters chose the candidates up to the number of vacancies available and candidates with the most votes are elected. This is a very simple method of electing candidates and is used in New Zealand by the majority (63) of councils.

FPP is more suitable than STV for single-member wards.

### *Advantages*

- Simple system to understand and use by voters.
- First Past the Post is generally considered to work best for single member wards.
- Results using the FPP system are usually released earlier than those using the STV system.
- There would be a small cost saving due to the reduced time spent calculating the result.

### *Disadvantages*

- FPP is not a form of proportional representation. This means that elected members (as a group) may not necessarily reflect the range of opinions in proportion to the voters of the district holding those opinions. In particular, FPP has been considered to have a negative impact on minority sectors of the community.
- Elected members can get elected with small amounts of public support (which can be much lower than 50%).
- Votes can be “wasted” as those above the number needed for a candidate to win the election are not necessary. In comparison, under the STV system, once a candidate reaches the quota and is elected, part of their vote can be transferred to the voter’s next preferred candidate to assist other candidates to be elected.

More information on FPP, including a worked example, can be found here: [https://www.dia.govt.nz/diawebsite.nsf/wpg\\_URL/Resource-material-STV-Information-More-about-FPP?OpenDocument](https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-STV-Information-More-about-FPP?OpenDocument)

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## Single Transferable Voting (STV)

STV is a proportional voting system.

### *How it works*

To get elected, a candidate must obtain a proportion of the total vote (the quota). Under STV, voters have one vote and rank candidates in their order of preference: "1" next to the name of the most preferred candidate, "2" next to second preferred candidate and so on. This is the voting system currently used to elect DHB members and best suits multi-seat constituencies.

When the most preferred candidate(s) reach the quota, part of a voter's vote can be transferred to other candidates who have not directly reached the quota after the first count.

The advantages of STV are more noticeable in multi-member wards.

### *Advantages*

- STV is a proportional electoral system. It potentially better reflects diverse community views and is considered more equitable for minority representation.
- Each vote is of equal value at any given point in the count, and very few votes are 'wasted' by not being able to help elect at least one candidate.
- Previously utilised by DHBs nationally, so voters were familiar with it in a local election. However, since the establishment of the National Health Authority (Te Whatu Ora) DHBs no longer undertake local elections.

### *Disadvantages*

- STV is sometimes perceived as a more complex system by electors. However, there was minimal change in voter turnout for two councils that changed to STV in the 2022 local authority elections.
- There may be a delay in the release of results. This is due to a higher likelihood of change between progress, preliminary and final results.
- When there are a large number of candidates, the voting documents can be longer and potentially confusing.

In the 2022 local authority elections, 15 territorial authorities used STV.

More information on STV can be found here: <http://www.stv.govt.nz/stv/index.htm>

A more detailed summary of the two electoral systems, from Taituara, is attached in Attachment 1.

A list of the electoral system used by each council in the 2022 local authority elections can be accessed [here](#).

---

Staff recommend option (a)(i), which is in line with Council's submission on the Local Elections Enquiry. However, it is noted that the Enquiry panel has recommended two noticeable changes to the Electoral Act, being:

- The Electoral Commission manage Local Authority elections; and
- There be one form of voting system utilised (this was recommended as STV), however there is a significant amount of pushback to these recommendations from the Electoral Officers working group.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

The review of the electoral system falls within the budget for the representation review project. The only material cost would be if a poll was required as a result of the Council deciding to undertake such a poll, or the public demanding a poll.

The cost of a public poll would be dependent on the voter turnout; however the estimated cost of a stand-alone electoral poll is up to \$150,000 + GST. There is currently no budget allocated to undertake a poll on the electoral system.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the preferred option complies with the Council's legal and policy requirements. The LEA details the process and timeframes for the Council to consider and, if it chooses, determines the electoral system to apply for local authority elections. A summary of the key provisions in the LEA are set out above.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

As it is not recommended to undertake a representation review due to Maaori ward seats already being implemented in the 2021 Representation Review there is no impact on Maaori.

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

---



## 5.7 Risks

### Tuuraru

Changing Council's voting system could result in confusion for ratepayers and a further drop in voting turnout if STV was to be utilised.

The other risk would be if Council received the 5% threshold to trigger a poll of electors which has not been factored into the budget.

## 6. Significance and engagement assessment

### Aromatawai paahekoheko

### 6.1 Significance

#### Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

### 6.2 Engagement

#### Te Whakatuutakitaki

Highest level of engagement	Inform ✓	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<i>Council are required to advise the public of the form of voting it has resolved to utilise through an advertisement by 19 September 2023. If 5% of the public object to the voting system utilised (which has not occurred to date), the Council must undertake a poll to gauge the entire electoral population on the voting system they prefer.</i>				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
✓	<input type="checkbox"/>	<input type="checkbox"/>	Internal
✓	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
✓	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities (via advertisement – entire district will be advised of the decision made by Council)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

## 7. Next steps Ahu whakamua

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A public notice setting out the Council's resolution and advising of the public's right to demand a poll on the electoral system must be made prior to 19 September 2023.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
The report considers impact on Maaori ( <i>Section 5.5</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments Ngaa taapirihanga

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Attachment 1 – Taituara summary of electoral systems for local authorities.

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## Part 4: Electoral systems

Code of good practice for the management of local authority elections and polls 2025



## OBJECTIVE OF PART

All electoral officers and policy advisers are familiar with the statutory requirements and recommended procedural practices relating to electoral systems in order to advise their local authority and notify the community of its rights and to assist achievement of the Local Electoral Act principle of fair and effective representation for individuals and communities.

---

## KEY MESSAGES

Electoral officers and policy advisers need to:

- be aware of the options for changing electoral systems and the legal requirements associated with each option as they apply to their local authority for the next triennial election
- report to their local authority in a timely fashion on the available options to enable an informed decision to be made
- ensure all information provided on the advantages and disadvantages of each electoral system is provided in a neutral manner.

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## INTRODUCTION

- 4.1 In line with the purpose to “allow diversity (through local decision-making) in relation to the particular electoral system to be used for local elections and polls”, the Local Electoral Act 2001 (LEA) provides local authorities and communities with a choice between first past the post (FPP) or single transferable voting (STV) for local elections and polls. The choice of electoral system is also designed to help achieve the LEA principle of “fair and effective representation for individuals and communities”.
- 4.2 This Part of the Code sets out the requirements of the LEA, Local Electoral Regulations 2001 (LER) and other relevant legislation along with recommended good practices in relation to the following issues:
- (a) changing electoral system
  - (b) demand for a poll
  - (c) timetable and conduct of poll
  - (d) information on electoral systems.

## LEGISLATION

- 4.3 The key legislative provisions relating to electoral systems are:

### **Local Electoral Act 2001**

<i>Section 4</i>	<i>Principles</i>
<i>Section 5</i>	<i>Interpretation</i>
<i>Section 5A</i>	<i>General description of First Past the Post electoral system</i>
<i>Section 5B</i>	<i>General description of Single Transferable Voting electoral system</i>
<i>Section 27</i>	<i>Local authority may resolve to change electoral systems</i>
<i>Section 28</i>	<i>Public notice of right to demand poll on electoral system</i>
<i>Section 29</i>	<i>Electors may demand poll</i>
<i>Section 30</i>	<i>Requirements for valid demand</i>
<i>Section 31</i>	<i>Local authority may resolve to hold poll</i>
<i>Section 32</i>	<i>Limitation on change to electoral systems</i>
<i>Section 33</i>	<i>Poll of electors</i>
<i>Section 34</i>	<i>Effect of poll</i>
<i>Section 35</i>	<i>Electoral systems for polls</i>
<i>Section 36</i>	<i>Voting method for elections and polls</i>
<i>Section 37</i>	<i>Consultation</i>
<i>Section 52</i>	<i>Notice of election or poll</i>
<i>Section 54</i>	<i>Additional material to be included in notice in respect of poll</i>
<i>Section 65</i>	<i>Further notice to electors of election or poll</i>

- Section 76 What voting documents for polls must contain  
 Section 77 Approval of voting documents for use at elections and polls  
 Section 138A Special provision in relation to ... certain polls

### **Local Electoral Regulations 2001**

- Regulation 4 Interpretation  
 Regulation 8 Authorised electoral systems  
 Regulation 46 Neutral information on polls

### **Sale and Supply of Alcohol Act 2012**

- Section 194 Conduct of elections  
 Section 314 Electoral Roll

Also see Code of Good Practice for the Management of Local Authority Elections and Polls 2025, Part 3 – Electoral Officers and Electoral Staff for guidance on electoral officer responsibilities under provisions within the Sale and Supply of Alcohol Act 2012 for the conduct of elections for licensing trusts.

## REQUIREMENTS AND RECOMMENDED PRACTICES

### **(a) Changing the electoral system**

- 4.4 The LEA provides the option of either the FPP or STV electoral system for use in local elections and polls, and mechanisms for changing the system currently used by a local authority. *Sections 5A and 5B* provide general descriptions of both systems. The Appendix provides further descriptions and information about the two electoral systems.
- 4.5 Any body whose election is governed by the LEA is also required to follow the requirements of the LEA to change electoral systems.
- 4.6 A change to the electoral system may be initiated in one of two ways:
- (a) local authority may resolve to change its electoral system (*section 27*), or
  - (b) a poll of electors may be held to determine a proposal that a specified electoral system be used in the local authority area concerned.  
 A poll can arise from a public demand from a minimum of 5% of electors (*section 29 and 30*) or as a result of a local authority resolution (*section 31*).
- 4.7 *Section 28* provides that a local authority must give public notice of the right for electors to demand a poll on the electoral system whether or not the local authority has resolved to change the electoral system. The notice must be given not later than 19 September in the year that is two years before the year in which the next triennial general election is to be held. However, this provision does not apply if the local authority has resolved to conduct a poll on whether to change the electoral

system in time for the next triennial election (as defined in that section), or a previous poll took effect at the last triennial election or takes effect at the next triennial election.

- 4.8 A poll must be held not later than 21 May in the year immediately before the year in which the next triennial election is to be held. Whether the result of the poll supports the retention of the existing electoral system, or changes the electoral system, the chosen system must continue to be used for at least the next two triennial elections, and any associated elections.<sup>1</sup> The electoral system decided on by the poll continues in effect for all subsequent elections (following the required two triennial elections) until a resolution of the local authority or a further poll of electors takes effect, whichever occurs first.
- 4.9 If the electoral system changes as a result of a local authority resolution (which must be made not later than 12 September in the year that is two years before the year in which the next triennial general election is to be held), the new electoral system takes effect. However, it is subject to a further resolution under *section 27* or a poll of electors held under *section 33* taking effect, for the next two triennial elections and any associated election. This means a further resolution changing the electoral system under *section 27* can be made following the first triennial general election. Public notice of the right to demand a poll on the electoral system must then be given under *section 28* not later than 19 September in the year that is two years before the year in which the next triennial general election is to be held.
- 4.10 Generally a change to the electoral system may be initiated at any time. However, the LEA sets constraints which determine when a change can take place and when it becomes effective. The following table shows the change options, requirements and time constraints in relation to the 2025 triennial elections.

OPTIONS AND REQUIREMENTS FOR CHANGING THE ELECTORAL SYSTEM			
No.	Option/requirement	Time constraint	Statutory ref.
1.	A local authority may resolve that a specified electoral system be used for the next two triennial elections.	The resolution must be made not later than 12 September 2023 relating to the 2025 triennial elections.	s27, s32
	A resolution will not apply if a poll on the electoral system took effect at the 2022 triennial	Unless a poll of electors is demanded, the resolution takes effect for two triennial elections and any associated elections (i.e. by-	

<sup>1</sup> An associated election in this context means any election to fill an extraordinary vacancy in the membership of the local authority that is held between the two successive triennial elections or after the second of those elections but before the subsequent triennial election.



	election or takes effect at the 2025 triennial election.	elections). The resolution continues in effect until either: <ul style="list-style-type: none"> <li>• a further resolution is passed, or</li> <li>• a poll of electors is held.</li> </ul>	
2.	<p>A local authority must publicly notify the right for electors to demand a poll on the electoral system to be used for the election of the local authority, whether or not a resolution under <i>section 27</i> has been passed.</p> <p>If a resolution has been passed under <i>section 27</i>, the public notice must include notice of the resolution of the electoral system to be used and that a poll will be required to countermand the local authority's resolution.</p> <p>Public notice is not necessary if:</p> <p>(a) a resolution has already been passed under <i>section 31</i>, including a poll date on or before 21 May 2024; or</p> <p>(b) the result of an earlier poll took effect at the 2022 triennial election or takes effect at the 2025 triennial election</p>	The notice must be given not later than 19 September 2023.	s28, s32
3.	<p>5% or more of electors may demand that a poll be held on a proposal to use a specified electoral system for the election of the local authority. In relation to a local authority, means a number of electors equal to or greater than 5%.</p> <p>A demand may arise at any time, whether or not a resolution has been passed by the local authority under <i>section 27</i>.</p> <p>However, electors may not demand a poll if the result of an earlier poll took effect at the 2022 triennial election or takes effect at the 2025 triennial election.</p>	<p>If a valid poll demand is received prior to 21 February 2024, the poll must be held not later than 89 days after the date on which the notice is received. The result of the poll is effective for at least the next two triennial elections (i.e. 2025 and 2028) and any associated elections.</p> <p>If a valid poll demand is received after 21 February 2024, the poll must be held after 21 May 2024.</p> <p>The result of the poll is effective for the next but one triennial election and at least the following triennial election (i.e. 2028 and 2031) and any associated elections.</p>	s29, s30, s32, s33

4.	<p>A local authority may resolve to hold a poll on a proposal to use a specified electoral system for the election of the local authority.</p> <p>The local authority may not hold a poll if the result of an earlier poll took effect at the 2022 triennial election or takes effect at the 2025 triennial election.</p> <p>If a resolution has been made for the 2022/2025 triennial elections a public notice is still required.</p>	<p>The resolution must be made no later than 21 February 2024 to apply for the 2025 triennial election and the poll must be held not later than 89 days after the date on which notice under <i>section 31(3)</i>, or the last notice in cases under <i>section 31(2)</i> where more than one notice is received by the electoral officer.</p> <p>If a poll was held in conjunction with the 2022 triennial election or is held at any time not later than 21 May 2024, the result of the poll is effective for the next two triennial elections (i.e. 2025 and 2028) and any associated election.</p> <p>If a poll is held after 21 May 2024 the result of the poll is effective for the next but one triennial election and the following triennial election (i.e. 2028 and 2031) and any associated election.</p>	s31, s32, s33
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**1. Recommended good practice** on the options and requirements for changing electoral system is that electoral officers and policy advisers:

- (i) be aware of the options for changing electoral system and the legal requirements associated with each option as they apply to their local authority for the 2025 triennial election
- (ii) report to their local authority on the implications of the various options and requirements within a timeframe that takes into account the statutory deadlines relating to the electoral system, the impact of decision options on other deadlines in the LEA (e.g. on representation reviews) and the local authority's own meeting cycle.

**(b) Demand for a poll**

4.11 To be valid, a demand by electors must satisfy all the following criteria (*section 30 LEA*):

- it must be made by notice in writing
- it must be made by people qualified as electors of the local authority concerned: either enrolled on the local authority roll (residential or ratepayer) or the most recently published parliamentary roll at an address within the district of the local authority concerned, or the elector's address

is confirmed by the Electoral Commission and the address is within the district of the local authority (refer *section 30(2)*)

- it must be signed by 5% or more of the number of electors enrolled as eligible to vote at the previous triennial election of the local authority
- it must be delivered to the principal office of the local authority
- in addition to each elector's signature, it must state the elector's name and the address for which the person is qualified as an elector of the local authority
- it must be received on or by 21 February in the year before the next triennial election if the result of the poll is to take effect at the next triennial election (i.e. by 21 February 2024 to take effect for the 2025 triennial election).

4.12 Experience has shown that the checking of poll demands can be a slow process. Should the outcome of the poll demand scrutiny process be challenged, the electoral officer will need to demonstrate that the checking process was undertaken carefully and systematically. Electoral officers will need to be aware, for example, that poll demands will include instances where invalid signatures have been included from people:

- who are resident outside the district and are not qualified ratepayer electors
- who are resident within the district, but are not on the current local authority or parliamentary electoral roll
- who have given fictitious names and/or addresses
- who have not included all the relevant details for checking (e.g. no address given)
- who have signed the demand more than once
- whose signature/other details are illegible (if the electoral officer is unable to decipher the details, it is suggested they have someone else review them – a different pair of eyes often bears results).

4.13 Electoral officers should note that some of the signatories may be eligible ratepayer electors, or eligible residential electors whose names are held on the unpublished roll. Electoral officers will be able to check for eligible ratepayer electors (from local authority records) but will need to liaise with the Electoral Commission and ask them to check for any names that may be on the unpublished roll.

4.14 It should also be noted that the percentage of valid signatures on poll demands will vary. Where possible, persons organising poll demands should be alerted to the fact that they will need to obtain substantially more signatures than the bare 5% minimum, to allow for the fact that many signatures may be invalid.

**2. Recommended good practice** on poll demands is that electoral officers:

- (i) when checking poll demands, obtain a fresh listing of electors for their local authority from the Electoral Commission, at a time as close as possible to the actual date of the lodging of the demand
- (ii) encourage the persons organising the poll demand to lodge the petition earlier than 21 February 2024 if at all possible
- (iii) have appropriate arrangements in place at all times to receive and to acknowledge receipt of poll demands with particular attention being paid to those received on or close to 21 February 2024
- (iv) carefully check the demand for a poll to verify that each person signing is eligible to sign the demand
- (v) commence the checking and verification of elector details as soon as possible
- (vi) allow adequate time to check the poll demand when received
- (vii) include the papers associated with a demand for a poll with the voting material lodged with the District Court immediately following the poll.

**(c) Timetable and conduct of poll**

4.15 Following the passing of a *section 31* resolution by a local authority or validation of a demand for a poll under *section 30*, the chief executive under *section 30(4)* or *section 31(3)*, must, as soon as practicable (or at an appropriate time that enables the poll to be conducted if a date for holding a poll is specified in the *section 31* resolution), give notice of the resolution or the valid poll demand to the electoral officer.

4.16 The chief executive's notice is important because it is the trigger point for compliance with the timetable requirements of the LEA. If a resolution or valid demand for a poll is made/received by 21 February 2024, then the poll must be held on or before 21 May 2024 (i.e. not later than 89 days after the electoral officer receives the chief executive's notice as required by *section 33*). Difficulties in complying with the LEA requirements may arise if chief executives are slow to notify electoral officers.

4.17 If a valid demand for a poll is received after 21 February 2024 then the poll must be conducted after 21 May 2024. The result of the poll (to either change to a new system or to continue with the existing one) will not take effect until the next but one triennial election and at least the triennial election following that one (i.e. 2028 and 2031) and any associated election. In these circumstances the local authority may wish to consider conducting the poll at the same time as the triennial election. This is likely to save costs for the local authority and may result in a higher turnout for the poll. However, this will require liaison between the electoral officer, chief executive of the local authority and the organiser of the poll demand on the

proposed timing. This is because the electoral officer must, as soon as practicable after receiving notice of a valid poll demand, give public notice of the poll and the poll process then commences.

- 4.18 *Section 33* is subject to *section 138A*. *Section 138A* places timetable constraints over the Christmas/New Year period. This is to ensure that the public is not disadvantaged by the timing of the period for important public processes such as inspection of the electoral roll. The critical dates for such polls are shown in the following table.

CRITICAL DATES RELATING TO ELECTORAL SYSTEM POLLS UNDER SECTION 138A OF LEA		
Date of valid poll demand notice	Poll held <u>not earlier</u> than ( <i>section 138A</i> )	Poll held <u>not later</u> than ( <i>section 33</i> )
Between 28 September and 20 November 2023	17 February 2024	17 February 2024
Between 21 November and 15 December 2023 (s30(3A))	14 March 2024	14 March 2024
Between 16 December 2023 and 12 January 2024	11 April 2024	15 March to 11 April 2024
Between 13 January and 21 February 2024		12 April to 21 May 2024
After 21 February 2024		Outcome becomes applicable to 2028 triennial election

- 4.19 An important point to note in respect of the three relevant periods referred to in *section 138A* is that the “poll held not earlier than” date is 89 days after the valid demand notice date. The notice is deemed to have been received by the electoral officer on the last day of the specified period, i.e. 20 November or, 15 December or 12 January. This means that in order to comply with *section 33*, the poll must be held on the “poll held not earlier later than” date i.e. 17 February or 14 March or 11 April. These dates are not always Saturdays, which may require polling day to be on a week day.<sup>2</sup> However, *section 138A* does not apply if the chief executive’s notice of a valid demand for a poll is received by the electoral officer after 12 January 2024 (and before 28 September 2023).

<sup>2</sup> Note that under these dates, if polling day is not a working day, then section 55 of the Legislation Act 2019 may be applied to move polling day to the next working day [Note s55 applies to all aspects of the LEA].

4.20 The following table shows key poll dates for the three relevant periods referred to in *section 138A* and one further scenario based upon the full 89 days (referred to in *section 33*) between the chief executive's notice and polling day and, where applicable, in relation to *section 138A*.

	Scenario 1 (CE notice between 28 September 2023 and 20 November 2023)	Scenario 2 (CE notice between 21 November 2023 and 15 December 2024)	Scenario 3 (CE notice between 16 December 2023 and 12 January 2024)	Scenario 4 (CE notice 22 February 2024)
Roll open for inspection	Not later than 24 November 2023	Not later than 21 December 2023	Not later than 18 January 2024	Not later than 25 February 2024
Roll closes	22 December 2023	18 January 2024	18 January 2024	25 March 2024
Voting documents posted	26 January 2024	22 February 2024	22 March 2024	29 April 2024
Polling days	17 February 2024	15 March 2024	12 April 2024	21 May 2024

4.21 Electoral officers should note the following points in relation to timing of polling day:

- polling day is not restricted to a Saturday and can be a weekday
- it is recommended that Easter weekend is avoided for polling day
- where a public holiday, such as Waitangi Day, Easter holidays or ANZAC day, falls on a Friday or a Monday it is recommended that weekend be avoided for polling day.

4.22 The above examples are given as guidance only. Electoral officers must select a scenario or alternative date that best suits their local authority's situation and complies with the legislative requirements.

4.23 *Sections 35 and 36 LEA* provide that polls must be conducted using an electoral system and voting method adopted by resolution of the local authority either for the purpose of the particular poll or for two or more polls conducted at the same time. In the absence of a resolution, the FPP system and postal voting must be used.

4.24 Where a poll is to be held in conjunction with the election of one or more territorial authorities, the voting method to be used is the one to be used for the territorial authority election. There are particular consultation requirements on local

authorities, set out in *section 37 LEA*, in relation to the voting method for polls in certain circumstances.

**3. Recommended good practice** on polling periods is that electoral officers:

- (i) be familiar with the various timetable requirements relating to polls including over the Christmas/New Year period and note that polling day can be a weekday
- (ii) avoid holiday weekends such as Easter and Anzac Day when setting polling day
- (iii) maintain close liaison with their chief executive to avoid any delays and consequential difficulties relating to notices
- (iv) in the case where an anticipated poll demand is not received by 21 February 2024, discuss with the poll demand organiser timing options for the poll with a view to the demand being received by the electoral officer at a time that allows the poll to be held at the same time as the next triennial election
- (v) be familiar with the requirements relating to the electoral system and voting method to be used for the conduct of polls.

**(d) Information on electoral systems**

4.25 It is important that local authorities firstly and then communities are provided with sufficient information to enable them to make informed decisions on options for the electoral system for the area. The LEA principles include that electors have a reasonable and equal opportunity to cast an informed vote in polls.

4.26 *Sections 52, 54 and 65 and regulation 30* set out requirements relating to public notices on polls. *Regulation 46* requires any information on polls provided to electors by the electoral officer to be neutral on the matter in question. In this case the advantages and disadvantages of the two electoral systems must be presented in a neutral manner.

4.27 To assist electoral officers and policy advisers in advising their local authority and the community on the options for the electoral system for the 2010 elections, the Department of Internal Affairs, Local Government New Zealand and Taituarā arranged for the preparation of information on the two electoral systems. This information, entitled *The Local Government Electoral System Option*, prepared by Associate Professor Janine Hayward, Senior Lecturer at Otago University, has been updated by her for the 2025 triennial elections, and is attached as an Appendix to this guidance.

4.28 Other sources of information relating to local electoral systems include the Local Government Commission's *Review of the Local Government Act 2002 and Local*

*Electoral Act 2001, post-election surveys* by Local Government New Zealand and the STV website [www.stv.govt.nz](http://www.stv.govt.nz)

4. **Recommended good practice** on electoral system information is that electoral officers and policy advisers:
- (i) carefully consider the appropriate information to be provided to their local authority on the nature of the two electoral systems that are available and the relative advantages and disadvantages of both systems and this be provided in a neutral manner
  - (ii) in the event of a poll on the electoral system, carefully consider the appropriate information to be provided to electors on the relative advantages and disadvantages of both electoral systems and this be provided in a neutral manner
  - (iii) for the purposes of (i) and (ii), consider using The Local Government Electoral System Option paper prepared by Professor Janine Hayward of Otago University in the *Appendix* attached to this guidance.



# Appendix: The local government electoral option 2023

Code of good practice for the management of local authority elections and polls 2025



## APPENDIX: THE LOCAL GOVERNMENT ELECTORAL OPTION 2023

This guide was prepared for Taituarā by Professor Janine Hayward, Politics/ Tōrakapū, University of Otago.

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## Introduction

The Local Electoral Act 2001 offers the choice between two electoral systems for local government elections: first past the post (FPP) and single transferable voting (STV).

Councils now have the option to decide, by 12 September 2023, whether to stay with their current electoral system (either FPP or STV), or whether to change to the alternative system for the 2025 elections.

Whether or not a council passes a resolution by 12 September 2023, it must give public notice by 19 September 2023 of the right for 5% of electors to demand a poll on the electoral system to be used at the 2025 local elections. Note that in certain cases the requirement to give public notice does not apply.

The option was first offered for the 2004 local government elections. As a result of that option, 10 city/district councils used STV at the 2004 elections (Kaipara, Papakura, Matamata-Piako, Thames-Coromandel, Kāpiti Coast, Porirua, Wellington, Marlborough, Dunedin and the Chatham Islands). After the 2004 election, two councils (Papakura and Matamata-Piako) resolved to change back to FPP. The remaining eight councils used STV at the 2007 elections. For the 2010 council elections, Chatham Islands and Thames-Coromandel councils resolved to change back to FPP. Waitakere City Council resolved to change to STV, although the council was subsequently absorbed into the Auckland Council. Six councils used STV in 2010 (Kaipara, Kāpiti Coast, Porirua, Wellington, Marlborough, Dunedin). For the 2013 elections, five of these councils used STV again (Kaipara was governed by a commission so no election was held), Palmerston North City Council resolved to change to STV and Greater Wellington Regional Council became the first regional council to change to STV. In 2016, eight councils used STV (Dunedin, Kaipara, Kāpiti Coast, Marlborough, Porirua, Wellington, Palmerston North and Greater Wellington Regional Council). For the 2019 elections, Ruapehu, Tauranga and New Plymouth also changed to STV, bringing the total to 11 councils. A further four councils moved to STV for the 2022 elections which were Far North, Gisborne, Hamilton and Nelson bringing the total to 15 councils, although Tauranga did not have elections in 2022 being under commissioners.

This guide has been developed to help councils reach their decision. It is also intended to provide a basis for information to help local communities understand the issues. Communities have an important role to play in the decision. They must be consulted by way of public notice and may be polled on their preferred electoral system or demand a poll themselves.

The guide includes:

1. a brief description of the two electoral systems including important differences
2. some commonly identified advantages and disadvantages of each electoral system
3. responses to common concerns and questions councils and the public have raised about each electoral system and the electoral option.

This guide does not intend to influence councils either way in their decision-making. It presents arguments for and against both systems and encourages councils and communities to make an informed choice.

## 1. The Choice: First Past the Post (FPP) or Single Transferable Voting (STV) ?

### (a) How do the two electoral systems work?

FPP	STV
<p><b>FPP: casting a vote</b> You place ticks equal to the number of vacancies next to the candidate(s) you wish to vote for.</p> <p>In multi-member wards/constituencies you cast one vote for each vacancy to be filled, as above.</p> <p>In single-member wards/constituencies you cast one vote.</p>	<p><b>STV: casting a vote</b> You cast a single vote regardless of the number of vacancies. You cast this single vote by consecutively "ranking" your preferred candidates beginning with your most preferred candidate ('1') your next preferred candidate ('2') and so on.</p> <p>In multi-member wards/ constituencies you cast a single vote by ranking as few or as many candidates as you wish, as above.</p> <p>In single-member wards/constituencies you cast a single vote by ranking as few or as many candidates as you wish.</p>
<p><b>FPP: counting votes</b> The candidate(s) with the most votes win(s). A winning candidate might not have a majority of votes, just the largest number of votes cast.</p>	<p><b>STV: counting votes</b> The candidate(s) are elected by reaching the "quota" (the number of votes required to be elected).<sup>3</sup> Vote counting is carried out by computer.<sup>4</sup> First preference votes ('1s') are counted. Candidates who reach the quota are "elected". The "surplus" votes for elected candidates are transferred according to voters' second preferences. Candidates who reach the quota by including second preferences are "elected". This process repeats until the required number of candidates is elected.<sup>5</sup></p>
	<p>In multi-member constituencies, despite voters casting only a single vote, a voter may influence the election of more than one representative (if part of their vote is transferred to another candidate according to the voter's preferences).</p>

<sup>3</sup> The quota is calculated by dividing the total number of valid votes cast by the number of vacancies to be filled plus one

<sup>4</sup> The New Zealand method of STV uses the 'Meek method' of counting votes. Because this method transfers proportions of votes between candidates, it requires a computer program (the STV calculator).

<sup>5</sup> If at any point there are no surplus votes left to transfer, the candidate with the lowest number of votes is excluded and their votes redistributed according to voters' next preferences. For further information on the details of vote counting, see, for example, STV Taskforce, 'Choosing Electoral Systems in Local Government in New Zealand: A Resource Document', (May 2002).

FPP	STV
<p><b>FPP: announcing results</b> FPP preliminary results can usually be announced soon after voting ends.</p> <p>Official results are announced and published showing the total votes received by each candidate.</p>	<p><b>STV: announcing results</b> Because all votes must be processed before counting can begin, STV results might take longer to announce.</p> <p>Official results are announced and published showing elected candidates in the order they reached the quota and unsuccessful candidates in the order they were excluded.</p>

## (b) What is the difference between the two electoral systems?

FPP is a "plurality" electoral system; this means that to get elected a candidate must win the most votes, but not necessarily a majority of the votes. FPP is a simple system for voters to use. In multi-member constituencies, like local government elections, voters cast multiple votes. As a plurality system, FPP is not designed to produce proportional results; that is, the election results do not necessarily reflect the preferences of the broad community of voters.

STV is a "proportional" electoral system; this means that to get elected a candidate must win a proportion of the overall votes cast (or "meet the quota"). In multi-member constituencies like local government elections, a voter casts a single vote by ranking his/her preferred candidates. As a proportional system, STV is designed to produce proportional results that reflect the preferences of the broad community of voters.

## 2. What are the Advantages and Disadvantages of Each System?

No electoral system is perfect, and different people will have different views on what is 'fair'. Both FPP and STV have advantages and disadvantages.

The advantages of FPP relate to its characteristics as a plurality voting system: the simplicity of the voting process including the ways votes are cast, counted and announced.

The disadvantages of FPP relate to:

- disproportional election results, including the generally 'less representative' nature of FPP councils
- the obstacles to minority candidate election that do not help to elect a candidate
- the number of "wasted votes" (that is, votes that do not help to elect a candidate).

The advantages of STV, on the other hand, relate to its characteristics as a proportional voting system: a potential reduction in the number of "wasted votes" and majority outcomes

in single-member elections.<sup>6</sup> Research shows that STV increases the chances for women to get elected.<sup>7</sup>

The disadvantages of STV relate to:

- the public might be less familiar with the system and voter education might be required
- matters of process such as the way votes are cast and counted (for example perceived complexity may discourage some voters)
- the way election results are sometimes communicated.

Deciding which electoral system is best for your community may come down to deciding which is more important: process, or outcome. Unfortunately, neither electoral system can claim to achieve well in both.

### (a) More detailed advantages and disadvantages

FPP	STV
<p><b>FPP: casting votes</b> FPP is a straightforward system of voting. FPP is familiar to most people.</p> <p>"Tactical" voting is possible; votes can be used with a view to preventing a candidate from winning in certain circumstances.</p>	<p><b>STV: casting votes</b> STV is a less straightforward system of voting. There is a need for more information for people to understand the STV ranking system of candidates.</p> <p>It is virtually impossible to cast a "tactical" vote under STV. As a result, voters are encouraged to express their true preferences.</p>
<p><b>FPP: counting votes</b> FPP is a straightforward system for counting votes. Votes can be counted in different locations and then aggregated. Election results are usually announced soon after voting ends.</p>	<p><b>STV: counting votes</b> STV vote counting requires a computer program (the STV calculator). Votes must be aggregated first and then counted in one location. Election results will usually take a little longer to produce.</p>

<sup>6</sup> For further discussion, see Graham Bush, 'STV and local body elections – a mission probable?' in J. Drage (ed), *Empowering Communities? Representation and Participation in New Zealand's Local Government*, pp 45–64 (Wellington: Victoria University Press, 2002).

<sup>7</sup> Jack Vowles & Janine Hayward (2021) "Ballot structure, district magnitude and descriptive representation: the case of New Zealand local council elections", *Australian Journal of Political Science*, 56:3, 225-244, DOI: [10.1080/10361146.2021.1935449](https://doi.org/10.1080/10361146.2021.1935449)

FPP	STV
<p><b>FPP: election results</b> Official results show exactly how many people voted for which candidates.</p> <p>Results are easy to understand.</p> <p>A “block” of like-minded voters can determine the election of multiple candidates in multi-member wards/ constituencies, without having a majority of the votes, thereby ‘over-representing’ themselves.</p> <p>The overall election results might not be proportional to voters’ wishes, and might not reflect the electoral wishes of the majority of voters, only the largest group of voters who may not be the majority.</p> <p>In single-member elections, the winner does not need to have the majority of votes, just the largest group of votes.</p> <p>There might be more “wasted” votes (votes that do not contribute to the election of a candidate).</p>	<p><b>STV: election results</b> Official results will identify which candidates have been elected and which have not and in which order. They do not show how many votes candidates got overall, as all successful candidates will have the same proportion of the vote (the quota). This information, at stages of the count, can still be requested.</p> <p>Results can be easy to understand if presented appropriately.</p> <p>STV moderates “block” voting as each voter casts only one single vote, even in multi-member wards/constituencies.</p> <p>The overall election results are likely to reflect the wishes of the majority of voters in proportion to their support for a variety of candidates.</p> <p>In single-member wards/constituencies, the winner will have the majority of votes (preferences).</p> <p>Every vote is as effective as possible (depending on the number of preferences indicated) meaning there are likely to be fewer “wasted” votes (votes that do not contribute to the election of a candidate).</p>

### 3. Common Questions and Concerns

#### (a) FPP ain't broke: so why fix it?

For councils that are used to voting with FPP, it can appear that there is nothing wrong with this system and there is no need for change. But the Local Electoral Act 2001 requires councils to engage in this process in good faith, and encourages councils to consult with their communities about the electoral system they prefer.

#### (b) FPP is easy to understand. I can't trust a complicated system like STV.

It is often said that FPP is easy and STV is complex. A post-election survey has found, however, that most people have found it easy to fill in the STV voting document and rank

their preferred candidates.<sup>8</sup> The way STV votes are counted is complicated. That is why it requires a computer program (STV calculator). The STV calculator has been independently certified and voters can trust that it only transfers a vote according to a voter's preferences ranked on his/her voting documents. Nothing (and no person) can influence the transfer of votes set out on voting documents.

**(c) Won't voters be put off if the voting system is too complicated?**

Voter turnout (the number of people voting) in STV local body elections has been mixed. Some councils' turnout was higher than the national average, and some lower.<sup>9</sup> Turnout for District Health Board (DHB) elections (which had to use STV) was seen to be influenced by a range of factors including elections being at large for seven vacancies, the number of candidates (who are often less well-known than council candidates) and the fact this issue is usually at the end of the voting document.

Overall, voter turnout has been on the decline for many years. It is possible that more voters would turn out to local elections in the future if they feel with STV they have a better chance of electing a representative who better represents them than FPP has in the past.

**(d) Won't there be more blank and informal votes under STV, which is not good for democracy?**

Despite voters saying in the Local Government Commission survey that they generally found STV an easy way to vote, some voters did cast an invalid vote in STV elections (including DHB elections). A small proportion of these voters seemed confused by the voting system. But most blank and informal votes are thought to be due to two different voting systems (FPP and STV) appearing on the same voting document and to other factors, rather than being due to the way STV votes are cast.<sup>10</sup>

**(e) STV won't work for our council because of our ward/at large system.**

There is no 'rule' about the need or otherwise for wards or constituencies, but STV can be seen to provide the greatest benefit in wards or constituencies electing between three and nine candidates. If there are fewer than three candidates, the benefits of the transferable vote in terms of proportionality are not likely to be evident. In single member constituencies (mayoral elections) STV ensures that the winning candidate has a majority of the votes. If voters have a very large number of candidates to choose from when ranking their preferences, they may find it a more difficult task (although there is no need to rank all candidates).

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<sup>8</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), p 14

<sup>9</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), p 13

<sup>10</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), pp 13–18



**(f) STV hasn't made any difference to the diversity of representation in STV councils**

Until a greater variety of people stand for local body election and a wide diversity of people vote, no representation system will be able to improve the diversity of representatives elected. There has been some change in the gender, ethnicity and age of some members elected by STV.<sup>11</sup> Recent research shows that STV increases the chances for women to get elected.<sup>12</sup> But it will take some time for a diversity of candidates to see the opportunities of standing in an STV election and more voters to see the potential benefits of voting under a proportional representation system.

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<sup>11</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), pp 18–1

<sup>12</sup> Jack Vowles & Janine Hayward (2021) "Ballot structure, district magnitude and descriptive representation: the case of New Zealand local council elections", *Australian Journal of Political Science*, 56:3, 225-244, DOI: [10.1080/10361146.2021.1935449](https://doi.org/10.1080/10361146.2021.1935449)

## USEFUL RESOURCES

Jack Vowles & Janine Hayward (2021) "Ballot structure, district magnitude and descriptive representation: the case of New Zealand local council elections", *Australian Journal of Political Science*, 56:3, 225-244, DOI: [10.1080/10361146.2021.1935449](https://doi.org/10.1080/10361146.2021.1935449)

Graham Bush, "STV and local body elections -- a mission probable?" in J. Drage (ed), *Empowering Communities? Representation and Participation in New Zealand's Local Government*, pp 45-64 (Wellington: Victoria University Press, 2002).

Christine Cheyne and Margie Comrie, "Empowerment for Encumbrance? Exercising the STV Options for Local Authority Elections in New Zealand, *Local Government Studies*, 31(2), April 2005: pp 185-204.

Justice and Electoral Committee, "Inquiry into the 2004 local authority elections" reported to Parliament in August 2005.

Local Government Commission, "Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation" (February 2008)

(Note: this paper has now been withdrawn from the Commission's website but its contents may be found in the Commission's main report on its review of the above legislation which will be posted on its website in the near future at [www.lgc.govt.nz](http://www.lgc.govt.nz).)

STV Taskforce (The Department of Internal Affairs, Ministry of Health, SOLGM, Electoral Commission and Local Government New Zealand), "Choosing Electoral Systems in Local Government in New Zealand: A Resource Document", (May 2002).  
[\[http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/\\$file/STV.pdf\]](http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/$file/STV.pdf)

Jack Vowles, "STV and the 2004 local elections: Disaster or success?", *Public Sector*, 28(3), 2005: 17





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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Additional Meetings for Annual Schedule of Meetings 2023</b>
Date:	17 August 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To inform Council that additional meetings are required to be added to the 2023 schedule of meetings for the Annual Report and Bylaw Reviews.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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In November 2022 Council adopted a meeting schedule for 2023. This schedule enables Council to advertise monthly meetings in newspapers as well as on the website. At times extraordinary meetings are called but these need to have the decisions from those meetings advertised in the local paper.

To avoid this additional cost to the ratepayers as we are aware that changes need to be made to the schedule staff will prepare a report to add additional meetings to the adopted meeting schedule.

The Annual Report this year requires two additional meetings to be added as follows:

1. Performance & Strategy Committee meeting to recommend to Council adoption of the annual report, with amendments as decided at the meeting. This meeting is proposed to be held on Monday, 9 October 2023 at 12noon (following the October Council meeting).
2. Council meeting to adopt the final annual report on 24 October 2023 at 12noon (following the October Performance & Strategy meeting).

The Water Supply Bylaw 2023 requires the adoption of a statement of proposal for consultation, hearings, deliberations and adoption following the deliberations.

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The proposed timeline for this is set out below:

1. Waters Governance Board – brief report requesting any feedback for inclusion in the new Bylaw.
2. Policy & Regulatory Committee – adopt draft Bylaw and statement of proposal for release from 5 October to 5 November 2023.
3. Policy & Regulatory Committee (hearings and deliberations to be added to schedule (Wednesday, 22 November 2023 9.30am – 4.00pm). This meeting would recommend feedback on the proposed Bylaw based on the hearings and deliberations with an adoption report going directly to Council on Monday, 18 December 2023.
4. Council meeting – receives full adoption report following hearings and deliberations for adoption and in effect from December 2023.

### **3. Staff recommendations** **Tuutohu-aa-kaimahi**

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**THAT the Waikato District Council confirms the following meetings be added to the schedule of meetings for 2023:**

- a. **Performance & Strategy Committee meeting to be held on Monday, 9 October 2023 at 12noon; and**
- b. **Waikato District Council meeting to be held on Monday, 24 October 2023 at 12noon; and**
- c. **Policy & Regulatory Committee (hearings and deliberations to consider the draft Water Supply Bylaw 2023) on Wednesday, 22 November 2023 at 9.30am.**

### **4. Attachments** **Ngaa taapirihanga**

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There are no attachments to this report.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Appointment to funding distributions committee</b>
Date:	22 August 2023
Report Author:	Nick Johnston – Advocacy and Investment Advisor
Authorised by:	Clive Morgan, General Manager Community Growth

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To seek approval of an appointment to the Waikato District Community Wellbeing Trust's funding deliberations committee.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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In the previous triennium, the Council resolved to transition the Waikato District Community Wellbeing Trust from a Council-controlled organisation (CCO) to a protected fund under the guardianship of Momentum Waikato Community Foundation. The fund's purpose is to support the social, environmental and cultural wellbeing of the Waikato District and its communities.

At the 22 June 2022 Strategy and Finance Committee meeting, the Committee approved a Memorandum of Understanding (MOU) between Momentum Waikato and Waikato District Council, which details how the fund would be managed and how distributions would be made. The Deed of Gift was signed on 7 October 2022 for the gifting of assets from Council to Momentum Waikato, in accordance with the agreed terms and conditions.

In the Deed of Gift, Waikato District Council can appoint a Council representative to the Wellbeing Trust's distributions committee. Several viable options are presented by Council's consideration. Council may also provide feedback or expectations to Momentum Waikato regarding the other appointments to the distributions committee, including matters such as skills, experience and representation that Council would like to see in the overall committee composition.

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### 3. Recommendation

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**That the Waikato District Council:**

- a. approves the appointment of Mayor Jacqui Church to the Waikato District Community Wellbeing Trust distributions committee,**
- b. provides feedback to Momentum Waikato Community Foundation regarding expectations for skills, experience and representation in the overall committee composition.**

### 4. Background

#### Koorero whaimaarama

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#### 4.1 Waikato District Community Wellbeing Trust

A Funding Review Steering Group was established in 2020 to review all Long-Term Plan (LTP) funded discretionary funding and the Waikato District Community Wellbeing Trust (the Wellbeing Trust). Throughout the development of the 2021-31 LTP, Council adopted a series of funding principles to guide decision making on any changes to fund processes and outcomes.

Several workshops were held throughout 2021 to discuss the future of the Wellbeing Trust, including a discussion about the potential role of the Wellbeing Trust in attracting additional philanthropic donations. In March 2021, the steering group recommended to Council that the Wellbeing Trust operates independently of Council rather than operating as a council-controlled organisation (CCO) to ensure that the Wellbeing Trust becomes a protected and enduring fund for the community in perpetuity.

A workshop was held on 28 October 2021 with a proposal for the Wellbeing Trust to transition from a CCO to a fund that is managed by Momentum Waikato Community Foundation. Momentum Waikato is an independently established community foundation operating across the Waikato Region. The place-based philanthropy model for community foundations differs from other forms of philanthropy which may focus on specific issues or causes.

Following the Council workshop, staff assessed three viable options for Council to consider, including the transfer of the Wellbeing Trust from a CCO to a protected and enduring funding under the guardianship of Momentum Waikato, transition the Wellbeing Trust to operate as an independent charitable trust, and retaining the Wellbeing Trust as a CCO of Waikato District Council.

Staff recommended that the Wellbeing Trust was transferred under the guardianship of Momentum Waikato as it was the option that best addressed Council's funding principles, and it provided the best opportunity for encouraging philanthropy for future fund growth on top of the Fund's ROI.

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This option was also recommended so that the Trust's funds were protected and enduring, to the benefits of all communities in Waikato District (as defined at the time of the Council decision in 2022). This detail was important to ensure that any future local government boundary changes do not change the scope of where the funds will be invested.

It was noted in the report, and discussed at the Committee meeting, that Momentum Waikato would be the guardians of the fund but not the decision-making on allocations of funding, which would be the responsibility of a distributions committee of the fund.

The composition of this distributions committee, defined in the Terms of Reference, will comprise:

- Two representatives appointed by Waikato District Council, including one staff representative being appointed by the Executive Leadership Team,
- Two representatives from Momentum Waikato Community Foundation,
- One representative from the community appointed by majority resolution of the representatives referred to above.

The Committee resolved to approve the proposed Memorandum of Understanding between Waikato District Council and Momentum Waikato, which enabled the transition of the Wellbeing Trust from a CCO to a protected and enduring fund under the guardianship of Momentum Waikato, as well as the approval to wind up the Wellbeing Trust and the transfer of the Trust's assets in accordance with the Deed of Gift. Delegation was granted to the Chief Operating Officer to finalise the legal arrangements.

In the unlikely event that Moment Waikato winds up, there are appropriate provisions for the funds to be redirected back to Council or the Council's nominee for a fund manager. If Waikato District Council ceases to exist at that time as well, the funds will be redirected back to the local government entity /entities covering the land area of Waikato District as of 2022.

A full breakdown of the recommendations and MOU approved by the Committee are included in the [22 June 2022 Strategy and Finance Committee report](#), and [previous agendas and reports to the Wellbeing Trust](#) are available on the Council website for further background information – including previous fund management and performance, as well as previous funding decisions.

## **5. Discussion and analysis**

### **Taataritanga me ngaa tohutohu**

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#### **5.1 Wellbeing Trust distributions committee appointment**

In accordance with the Deed of Gift between Council and Momentum Waikato, options are presented below for a Council appointee to the Wellbeing Trust distributions committee.

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### **5.1.1 Options**

#### ***Ngaa koowhiringa***

Staff have assessed that there are three reasonable and viable options for Council to consider regarding the appointment process to the Wellbeing Trust's distributions committee:

1. Appointment of Mayor Jacqui Church (staff recommendation)
2. Appointment of a councillor or community board member,
3. Appointment of a community representative,
4. Appointment of an additional staff representative, to be appointed by ELT.

Staff recommend Option 1, the appointment of Mayor Jacqui Church, for the following reasons:

- Continuity between the previous and current governance structures – in the previous triennium, then Cr Jacqui Church was the Chairperson of the Waikato District Community Wellbeing Trust,
- Importance of having elected member familiarity and oversight in the distribution decision-making process,
- The Deed of Gift between Council and Momentum Waikato allows for an additional community representative, that will be appointed by the four initial members of the distributions committee.

Option 2 is a viable option, although there may not be the same level of continuity with the previous governance structure, when the Wellbeing Trust operated as a CCO.

Option 3 is also a viable option and there are no concerns about this approach to appoint a community representative instead of an elected member representative – clause 7.1 in the Deed of Gift allows Council to appoint at its own discretion. If the Council was to support Option 3, a public excluded report would need to be prepared for Council with community representatives to be considered for appointment. This report would need to be public excluded to protect the privacy of natural persons (such as CVs of prospective community representatives).

### **5.2 Financial considerations**

#### ***Whaiwhakaaro puutea***

There are no material financial considerations associated with the recommendations of this report that have not previously been reported on and addressed by Council.

### **5.3 Legal considerations**

#### ***Whaiwhakaaro-aa-ture***

There are no legal considerations associated with the recommendations of this report that have not previously been reported on and addressed by Council.

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#### **5.4 Strategy and policy considerations** **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with Council's policies, plans and prior decisions.

#### **5.5 Maaori and cultural considerations** **Whaiwhakaaro Maaori me oona tikanga**

There are no specific cultural issues or impact on Maaori, as a result of the options presented in this report. The Deed of Gift between Council and Momentum Waikato has an appointment process for the deliberations panel that does not specifically require Maaori or mana whenua representation. However, the committee may wish to consider this in the decision-making for the appointment recommendations in this report.

While the Council can appoint one member to the distributions committee, Council may wish to provide feedback and expectations to Momentum Waikato regarding the overall composition of the distributions committee, including feedback or expectations regarding Maaori or mana whenua representation.

#### **5.6 Climate response and resilience considerations** **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

#### **5.7 Risks** **Tuuraru**

The specific recommendations in this report are deemed to be low risk, and all previous risk considerations are noted in previous reports to Council and Council committees in the previous triennium.

## **6. Significance and engagement assessment** **Aromatawai paahekoheko**

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### **6.1 Significance** **Te Hiranga**

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

### **6.2 Engagement** **Te Whakatuutakitaki**

The assessment of low significance will not require further consideration, in addition to the previous consultation through the 2021-2031 LTP consultation document.

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## 7. Next steps Ahu whakamua

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If the recommendations are approved by the Committee, Council will notify Momentum Waikato of appointments to the Wellbeing Trust distributions committee.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
The report considers impact on Maaori ( <i>Section 5.5</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments Ngaa taapirihanga

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1. Section 7 (Disbursements) of the Deed of Gift between Waikato District Council, Momentum Waikato Community Foundation and Waikato District Community Wellbeing Trust.

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## Deed of Gift - Section 7 (Disbursements)

- 7.1 The Fund will be invested by Momentum in accordance with its Statement of Investment Policy. Momentum will establish a distributions committee for the Fund, comprising:
- two representatives appointed by the Waikato District Council, including one staff representative being appointed by the Executive Leadership Team;
  - two representatives from Momentum Waikato Community Foundation; and
  - one representative from the community appointed by majority resolution of the representatives referred to above. The membership of the distributions committee will be reviewed every two years.
- 7.1 The distribution strategy is to use 30% of annual income generated from the Fund's endowment for reinvestment back into the Fund to protect against inflation and provide growth of the corpus. The remaining balance of 70% of the annual income will be available for distribution. There is no requirement for full distribution to be used in any one given year.
- 7.3 Momentum Waikato Community Foundation will keep a separate accounting record of the Fund and will report to the distributions committee annually. Distributions from the Fund (other than the Fee) will be approved by majority resolution of the distributions committee.

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Exclusion of the Public</b>
Date:	21 August 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. Staff recommendations Tuutohu-aa-kaimahi

a. **THAT the public be excluded from the following parts of the proceedings of this meeting:**  
 The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 17 July 2023	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3 – Actions Register		
Item PEX 4.1 – Waters Governance Board Recommendations – 25 July 2023		
Item 5.1 - Approval of Initial Waka Kotahi Funding Bid		
Item PEX 6 – Chief Executive Issues		
Item PEX 7 – Mayoral Issues		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 17 July 2023	Refer previous minutes for reasons for exclusion.	
Item PEX 3 – Actions Register	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.
Item PEX 4.1 – Waters Governance Board Recommendations – 25 July 2023	Refer to Waters Governance Board agenda for reasons for exclusion.	
Item 5.1 - Approval of Initial Waka Kotahi Funding Bid	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
Item PEX 6 Chief Executive Issues	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.
Item PEX 7 Mayoral Issues		

## 2. Attachments Ngaa taapirihanga

There are no attachments for this report.