



# **AGENDA**

## **Additional Council Meeting**

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

**Date: Tuesday, 7 June 2022**

**Time: 1.30pm**

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

**Sean Mallon  
Acting Chief Executive**

**Kapiti Coast District Council**

**Notice is hereby given that a meeting of the Kapiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Tuesday 7 June 2022, 1.30pm.**

**Council Members**

Mayor K Gurunathan	Chair
Deputy Mayor Janet Holborow	Deputy
Cr Angela Buswell	Member
Cr James Cootes	Member
Cr Jackie Elliott	Member
Cr Gwynn Compton	Member
Cr Jocelyn Prvanov	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Robert McCann	Member
Cr Bernie Randall	Member



## Order Of Business

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	Nil	



**1 WELCOME****2 COUNCIL BLESSING**

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

**3 APOLOGIES****4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

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

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

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA****6 MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

## 7 REPORTS

### 7.1 COUNCIL RESPONSE TO ĀTIAWA KI WHAKARONGOTAI CHARITABLE TRUST REVIEW

Kaituhi | Author: **Morag Taimalietane, Principal Advisor**

Kaiwhakamana | Authoriser: **Janice McDougall, Group Manager People and Partnerships**

#### TE PŪTAKE | PURPOSE

- 1 The purpose of this report is to formally table Ātiawa ki Whakarongotai Charitable Trust's review of its partnership with Kāpiti Coast District Council (the Council) and to seek approval of the recommended actions for Council in response to the review.
- 2 This report also seeks to outline wider matters with regard to Council reviewing its partnership with all three iwi mana whenua – Ātiawa ki Whakarongotai, Ngāti Raukawa (Ngā Hapū o Ōtaki) and Ngāti Toa Rangatira (Te Rūnanga o Toa Rangatira).

#### HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 3 In September 2017, Ātiawa ki Whakarongotai Charitable Trust (the Trust) commenced an independent review of its partnership with Council and on 24 November 2019 signalled its intention to withdraw from Te Whakaminenga o Kāpiti.
- 4 On 20 October 2020 the findings of the Trust's review were presented to a group of elected members and council staff at the Trust's offices in Waikanae.
- 5 Council officers have undertaken work in order to address some of the key findings and recommendations from the Trust's review, as well as progressing other work which more broadly enables Council to take some important steps towards improving our partnership with mana whenua. This report seeks Council's endorsement of actions in response to the review.
- 6 There is strong alignment between the Trust's recommendations and the Council's proposed actions, and council officers are committed to continuing to work with Ātiawa ki Whakarongotai Charitable Trust on a mechanism to enable better partnership around operational planning and delivery.

#### TE TUKU HAEPAHA | DELEGATION

- 7 The Council has the authority to consider this matter under Part A, section A.1 of the Governance Structure and Delegations 2019-2022 Triennium

#### TAUNAKITANGA | RECOMMENDATIONS

That the Council:

- A. formally receives the Ātiawa ki Whakarongotai Charitable Trust's review of its partnership with Kāpiti Coast District Council and in doing so notes its recommendations for strengthening the partnership, as set out in Appendix One.
- B. notes the responses of council officers to the findings of the review, and the six themes that guide them, as outlined in this report.
- C. notes the strong alignment between the Trust's recommendations and the Council's proposed actions, and council officers' commitment to continuing to work with Ātiawa ki Whakarongotai Charitable Trust on a mechanism to enable better partnership around operational planning and delivery.
- D. approves the proposed actions developed in response to the Ātiawa ki Whakarongotai Charitable Trust's partnership review findings, as set out in Appendix Two.

- E. notes that provision was made within budgets agreed through the Long Term Plan 2021-41 to deliver on the actions arising from the review.
- F. notes progress on implementing the proposed actions will be reported via the Tāngata Whenua section of the Council's quarterly performance report.
- G. notes funding for iwi capacity will be reviewed annually to ensure it keeps pace with the growing partnership between Council and its three mana whenua partners.

## TŪĀPAPA | BACKGROUND

### Council Partnership with Mana Whenua

- 8 The Council has long shared a partnership with the three iwi mana whenua of the Kāpiti Coast - Ngāti Raukawa, Ātiawa ki Whakarongotai, and Ngāti Toa Rangatira.
- 9 In 1994, a Memorandum of Partnership was signed between the Council and the three iwi to establish Te Whakaminenga o Kāpiti, a unique forum which was set up to enable Council to engage meaningfully with mana whenua in order to fulfil its legal and moral duties under legislation and Te Tiriti o Waitangi.
- 10 Under the Memorandum of Partnership, Council's goal is to forge a relationship of mutual benefit between the Council and our iwi partners that will develop into an effective and meaningful partnership.
- 11 Te Whakaminenga o Kāpiti has become one of the longest-standing partnerships between mana whenua and a council across the motu. There is a sense of pride attached to that for Council at both a governance and operational level, but this is accompanied by an acknowledgement that what has got us this far together won't necessarily be what's needed for us to continue to travel together for the next 25 years.
- 12 Ātiawa ki Whakarongotai Charitable Trust made the decision to withdraw from Te Whakaminenga o Kāpiti on 24 November 2019 due to concerns about the current state of the partnership. It had already begun a review of the partnership at that point.
- 13 It is clear that much work is needed to strengthen our partnerships to ensure mana whenua have a strong voice at all levels of decision making, planning and delivery within the Council.
- 14 As noted in the 2020 Martin Jenkins Independent Organisational Review (Appendix Three), Council and mana whenua have had different understandings of what 'partnership' means, and work needs to be done to explore aspirations for the partnership moving forward.

### Partnership Review by Ātiawa ki Whakarongotai Charitable Trust

- 15 In September 2017 a motion was moved at the Ātiawa ki Whakarongotai Charitable Trust's (ĀKW) Annual General Meeting to review the Trust's Memorandum of Partnership with the Council and to review the effectiveness of the Te Whakaminenga o Kāpiti forum. This review was conducted by the Trust's Taiao unit.
- 16 On 20 October 2020 the findings of the Trust's review were presented to a group of elected members and council staff at the Trust's offices in Waikanae.

## HE KŌRERORERO | DISCUSSION

### Review findings

- 17 The Review identified seven key findings and made 13 specific recommendations in relation to those findings.
- 18 The key findings and recommendations were:
  - 18.1 Key Finding One - Key kaupapa to support Ātiawa ki Whakarongotai Partnership Strategy.
    - 18.1.1 Nōu te rourou, Nāku te rourou; Clear designation of roles.

- 18.1.2 Mahi Ngaio; Ensuring the competence of ĀKW representation and work.
- 18.1.3 Kotahitanga; A cohesive approach to representing ĀKW's Interests
- 18.2 Key Finding Two - Critical partnership issues.
- 18.3 Key Finding Three – Reinstate a direct relationship between the governance of ĀKW and KCDC.
  - 18.3.1 KCDC provide for the resource for the chair or other appointed representative of ĀKW Board to attend and contribute to Council and enable the upholding of the partnership.
  - 18.3.2 Councillors attend a meeting once a year, or as required, with the Board, with the ability to meet at Whakarongotai marae.
  - 18.3.3 KCDC provide resourcing to enable operational support to governance representation at Council level.
  - 18.3.4 Adequately resource ĀKW succession to representative positions.
- 18.4 Key Finding Four – Consolidate Ātiawa ki Whakarongotai representation across other Standing Committees, Joint Committees and External Bodies of KCDC.
  - 18.4.1 ĀKW consolidate their representation on these other groups by way of as few resourced individuals as possible.
  - 18.4.2 That resourcing of this representation could be identified as a single budgetary item.
- 18.5 Key Finding Five – Shift the operational relationship from being reactive to delivering joint planning and implementation.
  - 18.5.1 Establish a District Services Partnership Group that provides for engagement between the partners.
  - 18.5.2 The function of the Group be supported by resource to engage in internal consultation with the Marae Reservation Trust, key hapū and Māori landowner groups.
- 18.6 Key Finding Six – Reinstate Te Whakaminenga o Kāpiti to its original role guiding Council consultation at the right level.
  - 18.6.1 Renew protocols for TWOK as set out in this finding.
- 18.7 Key Finding Seven – Implement mechanisms of accountability for the partnership.
  - 18.7.1 The presentation and discussion of 'Ko te mana, ko te maramatanga' to full Council once a year.
- 19 Overall, the review highlighted an overwhelming need for our council to work collectively with our iwi mana whenua partner to strengthen our Treaty-based partnership.

#### **Council officers' response to review findings and recommendations**

- 20 After receiving the Trust's report, council officers sought and consolidated feedback on the review findings from members of staff who regularly work with iwi. This informed a set of responses to the Trust's findings that was considered and agreed by the councils Senior Leadership Team.
- 21 The following is some of the general feedback received from council officers regarding the findings and recommendations of the Trust's Review:
  - 21.1 Acknowledgement of the difficulties arising from a lack of clarity around the timing and nature of engagement with iwi;
  - 21.2 Observed challenges with a lack of clarity about our iwi partner's governance role;

- 21.3 Recognition that Council needs to have in place consistently good practice for engagement and collaboration occurring at the right level in the best interests of both our iwi partners and Council;
- 21.4 Recognition of a need for better organisational approaches and frameworks to drive more visibility and understanding of mana whenua aspirations and a more consistent, joined up approach (while also recognising that the Iwi Partnership team has a key role to play in achieving that);
- 21.5 Agreement that Council providing better support for developing iwi capacity would have significant benefit for engagement and project delivery across the Council.
- 22 The significant challenges around organisational workload, particularly due to the ongoing pandemic, meant work on a response to the review findings progressed slowly. Council officers acknowledge this has been a frustration for the Trust. However, it is important to note that while a formal response was developed, the findings of the review were reflected in officer advice and council decision making, including through the development of the LTP 2021-41.
- 23 In considering the Trust's findings, Council has reflected on the degree to which they speak to our partnership with all three of our mana whenua partners – and as such, the proposed actions in response to the review are recommended with all three iwi, to whom we have equal obligation, in mind.

### Key themes

- 24 Six key themes guide the Council's response to the review findings. These themes have framed the Council's proposed actions developed by council officers in response to the Trust's review at Appendix Two.
- 25 These themes are outlined below:
  - 25.1 *Rangatiratanga*: That the three confederated iwi and their affiliated hāpu continue to express tino rangatiratanga as mana whenua, giving effect to the partnership with Council under Te Tiriti o Waitangi and embracing their expression of Kāwanatanga.
  - 25.2 *Whanaungatanga*: That Council's governance functions are guided by a partnership between elected members and the three iwi mana whenua of Kāpiti Coast.
  - 25.3 *Manaakitanga*: The importance of better support at an operational level to enable iwi and Council to better work together.
  - 25.4 *Ūkaipotanga*: The importance of supporting succession pathways within / for iwi.
  - 25.5 *Kaitiakitanga*: A commitment to improving Council's understanding of the significance of Te Ao Māori and our iwi partners' role as kaitiaki.
  - 25.6 *Kotahitanga*: That disagreements are common in partnerships, but focus should be on working through them in a mana enhancing way.
- 26 Council officers are proposing 12 actions in response to the findings and recommendations stated in the Review:
  - 26.1 Enhance pre-election information provided to candidates based on up-to-date detailed information provided from iwi around the role of our iwi partners, their governance structures and good governance.
  - 26.2 Encourage our iwi partners to be part of pre-election discussions with potential candidates about the importance of their role as iwi partners, their governance structures and histories.
  - 26.3 Establish opportunities for council officers, elected members and management to receive an induction around the role of our iwi partners, their governance structures and good governance.

- 26.4 Develop a 3-year capability programme to build staff members' understanding of Te Ao Māori and the Council's legislative and partnership obligations to our iwi partners. This programme would form part of the Council's ongoing core training programme.
- 26.5 Council has worked with our iwi partners to understand how to more appropriately resource iwi to participate in the work of Council. This is reflected in our 2021 Long Term Plan and will be an ongoing conversation.
- 26.6 Council wants to ensure strong direct partnership between Council and ĀKW, and our other two iwi partners. We are working with all three iwi partners to review partnership arrangements.
- 26.7 Councillors agree to attend a meeting once a year, or as required, with the ĀKW Board at Whakarongotai marae.
- 26.8 Increased funding is included in the Long-Term Plan 2021-41 to enable resourcing of operational support for ĀKW representatives on Council governance bodies. Further conversations needed regarding resourcing succession.
- 26.9 Increased mana whenua representation within Council's governance structure.
- 26.10 Officers will actively seek early and constructive collaboration with our iwi partners on operational planning and delivery.
- 26.11 Review Te Whakaminenga o Kāpiti. This forms part of our Iwi Partnership Team's work programme and will be developed and scoped in partnership with our iwi partners.
- 26.12 Council will work with ĀKW to agree on key performance indicators for the partnership, and how we can implement this mechanism to ensure accountability for the partnership.

### Progress to date

- 27 Since the Trust's Review, as well as the Council's Organisational Review, council officers have already undertaken some work in order to address some of the key findings and recommendations of both reviews.
- 28 At an operational level there has been a notable shift in the nature and timing of engagement with iwi – although there is much work left to do to make this consistent and natural part of our planning and delivery processes.
- 29 Additionally, the Long Term Plan 2021-41 was the foundation for enabling the Council at a governance level to take some important steps towards ensuring a stronger voice for mana whenua values, perspectives and priorities in establishing the strategic direction for the district.
- 30 The plan includes a community outcome highlighting the importance of the Mana whenua-Council relationship – *"Mana whenua and Council have a mutually mana-enhancing partnership"*.
- 31 Through the LTP the concept of the 'pā harakeke' was adopted to represent the enduring relationship between Mana-whenua and Council at the heart of our activities for the community. Council plans to contribute to this outcome by partnering with local iwi to identify and achieve Mana Whenua community wellbeing goals, strengthening capacity of iwi to work within government frameworks and adequately resourcing Mana Whenua to engage with Council as partners
- 32 Provisions were also made through the LTP for additional budget to support the implementation of the findings identified through the Trust's review and our response, as well as in response to our review of iwi representation more broadly.
- 33 In July 2021, council officers met with the Trust to discuss Council's proposed set of actions in response to the Review.



He take | Issues

**Alignment with the Trust's recommendations**

- 34 Broadly there is strong alignment between the Review's recommendations and the council officers' proposed actions in response.
- 35 There are three areas where the proposed actions for Council do not fully align with the Trust's recommendations.

*Chief Executive Performance and Employment Subcommittee*

- 36 This report recommends that Council does not appoint mana whenua representatives to the Chief Executive Performance and Employment Subcommittee. Under the Local Government Act 2002, Council is the employing body of the Chief Executive and this is delegated to a subcommittee to ensure the effective management of this employment relationship under the Employment Relations Act 2000. Given this subcommittee's sole purpose as an employer and the importance of maintaining clear lines of accountability within the employment relationship, Council officers do not recommend appointing mana whenua representatives to this subcommittee.
- 37 It should be noted that there are differing approaches to this matter amongst Councils across the motu. For example, last year Wellington City Council voted in favour of one representative from each iwi to sit on each Council committee and subcommittee with voting rights. The arrangement did not however extend to the Council's CEO Performance Review Committee. Council officers noted that as this committee represents the employing body, it is not seen as appropriate to include external members onto this committee, which may result in confusion to the lines of accountability.
- 38 There are other Councils who have decided differently on the matter. For example, Rotorua Lakes Council has one iwi representative on the Chief Executive Performance Review Committee. Porirua City Council has representation from Te Runanga o Toa Rangatira on its Chief Executive's Employment Committee.

*Audit and Risk Subcommittee*

- 39 Effective audit and risk management is an essential function of local government. The current composition of Council's Audit and Risk Subcommittee reflects best practice for the following reasons:
  - 39.1 as a subcommittee of Council, it comprises a smaller number of members (five elected members and two external appointees with voting rights) to enable Council to effectively and efficiently carry out the audit and risk function
  - 39.2 the appointment of an independent member as Chair, as well as an additional independent appointee, to ensure a degree of independence from Council and management and robust consideration of financial and non-financial risks
  - 39.3 elected members and appointees to the subcommittee have diverse and appropriate skills and experience relevant to the role
- 40 Council officers propose that one further independent representative be appointed to this Subcommittee on behalf of all three iwi partners. This would give mana whenua a stronger voice while at the same time maintaining a smaller subcommittee of Councillors complimented by appointees with relevant qualifications and experience that is able to effectively and efficiently carry out the audit and risk function.
- 41 This is not fully aligned with the recommendations of the Trust's review, which if carried through and applied to all three mana whenua iwi, would see the committee change in size and potentially function.

*District Services Partnership Group*

- 42 Officers recognise the need for better early and constructive collaboration with our iwi partners on operational planning and delivery. However, staff have some concerns that the District Services Model proposed by the Trust might not be the right mechanism to support working together across the full range of council activities and functions due to what appears to be a strong focus on infrastructure in its make up and focus. Staff also have concerns that its name could lead to a lack of clarity around its role. Council officers propose that officers, and the Trust workshop this idea further, alongside the discussions around increased capacity funding to support iwi resourcing and resourcing succession.
- 43 Council officers also note that the Trust's representation at the table of Council and Strategy and Operations committee, where direction is set for Council's key work programme and progress monitored, will also contribute to a better reflection of iwi values in our operational activity.

**Ngā kōwhiringa | Options**

- 44 Council officers' have not framed multiple options for Council consideration given the close alignment between the Review's finding and officer recommendations.
- 45 While officers' note that there are some areas where further work will be required for Council and Ātiawa ki Whakarongotai to develop an agreed outcome, we did not consider this to outweigh the significant areas where there was agreement on the way forward.
- 46 It should be noted that Council does have the option of choosing to accept the Ātiawa ki Whakarongotai review's recommendations in relation to the Chief Executive Performance and Employment Committee and Audit and Risk Subcommittee, which as outlined above have not been recommended by council staff.

**Tangata whenua**

- 47 While the Trust's review represents its own experience of partnerships, the key findings and recommendations contained within it speak to matters of partnership that directly affect all three of our iwi partners.
- 48 In addressing the Trust's review, Council's has sought to address and identify ways of strengthening our partnership with all three iwi partners. This is because we have equal obligation towards all three iwi mana whenua as our partners.
- 49 As noted previously, council officers met with representatives of the Trust in July 2021 to outline the officer recommendations in response to the report. Trust representatives welcomed the strong alignment between their recommendations and the staff position, but also noted their disappointment at the position taken by staff in relation to CEPEC and Audit and Risk Subcommittee in particular. It was agreed further conversation was needed to agree the right mechanism to enable greater partnership at an operational level.
- 50 For a range of reasons, there has been no further meaningful engagement with the Trust on these matters but council officers remain committed to creating opportunities for it in the near future.

**Panonitanga āhuarangi | Climate change**

- 51 The six key themes which guide the Council's response to the review findings clearly underpin the Council's commitment to improving our understanding of the significance of Te Ao Māori and our iwi partners' role as kaitiaki.
- 52 A mana-enhancing partnership with our iwi partners would enable Council to better support iwi aspirations for environmental improvements, as well as supporting Council to better consider mātāuranga Māori knowledge through our response to Climate Change.

### Ahumoni me ngā rawa | Financial and resourcing

- 53 Provision was made within the LTP 2021-41 for additional budget to support the implementation of actions proposed in response to the review.
- 54 There will be additional budget implications to be considered as our partnership approach with our iwi partnerships is further developed and refined. These budget implications will be presented to the Council through the relevant Annual or Long-Term Plan process.

### Ture me ngā Tūraru | Legal and risk

- 55 Legal advice has been sought wherever appropriate in preparing a response to the Trust's review.
- 56 Legal implications have been considered as part of the actions proposed, particularly those which relate to the proposed governance structure changes.

### Ngā pānga ki ngā kaupapa here | Policy impact

- 57 There are no specific policy considerations at this time, however the implementation of any of the proposed actions may create a need for new or amended policies, particularly in relation to governance arrangements.

## TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 58 This matter has a moderate degree of significance under Council's Significance and Engagement Policy given the importance of our partnerships with mana whenua, but does not trigger the consultation requirements of our Significance and Engagement Policy.

### Te mahere tūhono | Engagement planning

- 59 Engagement with our three iwi partners will be required to implement Council's proposed actions, as noted in Appendix Two.

### Whakatairanga | Publicity

- 60 There may be public interest in this report, and Council will use its established communications channels to inform the community of this decision and to explain the rationale for why it made this decision.

## NGĀ ĀPITI HANGA | ATTACHMENTS

1. ĀKW - KCDC Independent Partnership Review [↗](#)
2. Council Response to ĀKW Review [↗](#)
3. Martin Jenkins Organisational Review 2020 [↗](#)



## Ātiawa ki Whakarongotai Partnerships Review: Partnership with Kāpiti Coast District Council.

October 2020

## Executive Summary

Ātiawa ki Whakarongotai Charitable Trust (ĀKW) have conducted a review of their relationship with Kāpiti Coast District Council (KCDC) as triggered by a motion of an AGM in 2017. The review was undertaken by the Taiao Unit of ĀKW with oversight from the Taiao Committee over a two-year period. The key findings, recommendations, and any estimated costs associated with implementing them are set out in the summary below. The deliverables and costs noted here are separate to any existing contractual agreements that exist with KCDC

Key Findings	Pages of report	Recommendations	Estimated cost/year
One: Key kaupapa to support ĀKW Partnership Strategy	3-4	1. Nōu te rourou, Nāku te rourou; Clear designation of roles. 2. Mahi Ngaio; Ensuring the competence of ĀKW representation and work 3. Kotahitanga; A cohesive approach to representing ĀKW's Interests	
Two: Critical partnership issues.	4		
Three: Reinstate a direct relationship between the governance of ĀKW and KCDC.	5-6	4. That KCDC provide the ability and resource for the Chair or other appointed representative of ĀKW Board to attend and contribute to Council and enable the upholding of the partnership. 5. That Councillors attend a meeting once a year, or as required, with the Board, with the ability to meet at Whakarongotai marae. 6. That KCDC provide resourcing to enable operational support to governance representation at Council level. 7. Adequately resource ĀKW succession to representative positions.	\$19,000 <sup>1</sup>    \$44,800 <sup>2</sup>  \$30,000
Four:	7-8	8. ĀKW consolidate their	\$6890 <sup>3</sup>

<sup>1</sup> Estimate based on annual projections of 16 meetings of Council, 8 meetings of Standing Committees, 2 meetings of CE Performance Committee, 6 meetings of Grants Allocation meetings per year at a rate of \$600 fee per meeting for preparation, meeting and reporting time.

<sup>2</sup> See item 21 of the report which details the specific deliverables of this item being technical advisory support to Council meetings and secretariat support. Based on 32 meetings a year as broken down above, with 10 hours technical advisory support per meeting @\$115 and 5 hours secretariat support per meeting @\$50.

<sup>3</sup> Based on projection of 13 meetings of these groups a year, and resource for meeting fee and administration. Nature of these other groups is that they have much smaller agenda and their focus does not typically require technical advisory support.

Consolidate ĀKW representation across other Standing Committees, Joint Committees and External Bodies of KCDC.		representation on these other groups by way of as few resourced individuals as possible. 9. That resourcing of this representation could be identified as a single budgetary item	
Five: Shift the operational relationship from being reactive to delivering joint planning and implementation.	8-12	10. That a District Services Partnership Group be established that provides for engagement between the partners. 11. The function of the Group be supported by resource to engage in internal consultation with the Marae Reservation Trust, key hapū and Māori landowner groups	\$35,000 - \$45,000 <sup>4</sup>
Six: Reinstate Te Whakaminenga o Kāpiti to its original role guiding Council consultation at the right level.	12-14	12. Renewed protocols for TWOK as set out in this Finding.	\$16,000 <sup>5</sup>
Seven: Implement mechanisms of accountability for the partnership.	14-15	13. The presentation and discussion of 'Ko te mana, Ko te māramatanga' to full Council once a year.	
		<b>TOTAL:</b>	<b>\$147,290</b>

<sup>4</sup> Based on at least 20 hours per month to service Group.

<sup>5</sup> Includes ART Forum time as part of TWOK.

## Background

1. In September 2017, a motion was moved at an AGM of Ātiawa ki Whakarongotai Charitable Trust (**ĀKW**) that ĀKW 'review the Memorandum of Partnership (MOP) with Kāpiti Coast District Council (**KCDC**) and the effectiveness of Te Whakaminenga o Kāpiti (**TWOK**); in conjunction with our Ātiawa Raukawa Toa (**ART**) confederation iwi partners'.
2. In December 2017, the Board initiated a long-form review of their partnerships with both KCDC and Greater Wellington Regional Council (**GWRC**). This was done jointly so as to inform both a view on necessary partnership arrangements with KCDC, and to inform the development of the Trust's own governance and operational structure and functions that were necessary to best service local government partnerships.
3. Given that the Trust holds no internal budget to conduct this type of review, the pace of the progression of the review has been dependent on external resourcing being made available to proceed, and therefore has progressed in phases through the following work programmes:
  - a. GWRC Flood Protection resource consent response project
  - b. Iwi Kaitiakitanga Plan Project
  - c. KCDC Infrastructure resource consenting response work
4. This specific report will focus on the findings and recommendations of the review that relate to the relationship between ĀKW and KCDC, noting that there are additional outputs of the review process that relate to the relationship between ĀKW and GWRC.

## Methodology

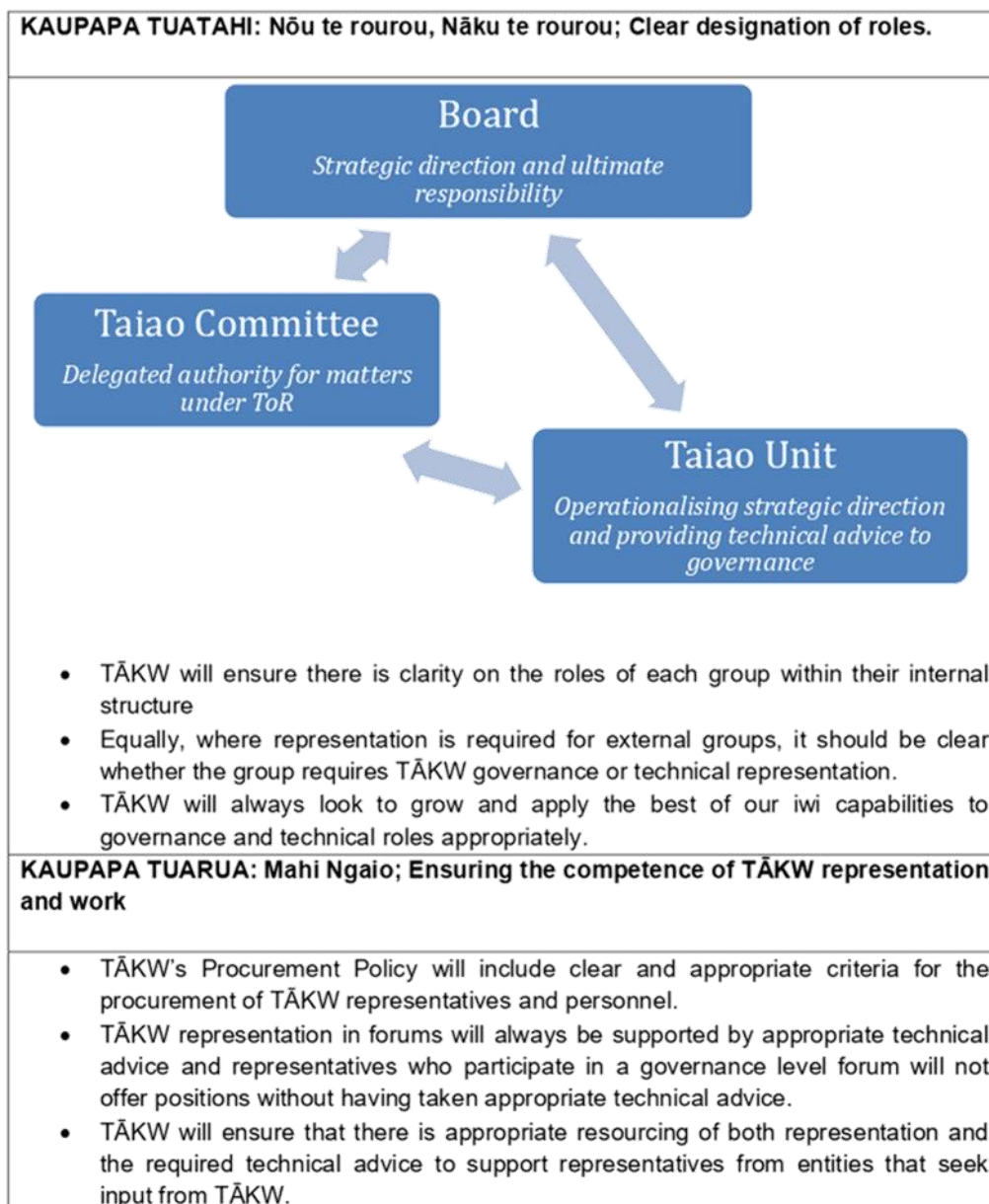
5. The review was undertaken by the Taiao Unit of ĀKW, who are responsible for the vast majority of activities carried out in partnership with KCDC. The review was therefore overseen by the Taiao Committee, who holds delegated authority from the Board to oversee the work of the Taiao Unit.
6. Through the two-year period of the review, input into the review was provided internally of ĀKW via various relevant channels:
  - a. Workshopped as a standing item of the Taiao Committee meeting agenda
  - b. Workshops in 2018 and 2019 with the Board of ĀKW
  - c. Report back sessions at hui-a-iwi as part of the 2018 and 2019 AGM
  - d. Two iwi workshops as part of the Iwi Kaitiakitanga Plan project
7. In-line with the original motion directing the review to be carried out in conjunction with ART confederation iwi partners, input into the review was provided externally of ĀKW via the following channels
  - a. Two meetings with ART Forum representatives in 2018
  - b. 2019 LTP workshops with TWOK representatives
  - c. 2019 Meeting with Mayor and TWOK Councillor James Cootes
  - d. 2020 meeting with Chair of TWOK
  - e. 2020 meeting with Iwi Partnerships Team
8. A detailed comparative analysis of the structure, functions and resourcing of the partners at both the Governance and Operational levels of the relationship was conducted to inform the review, and these can be found in Appendix A and B respectively.
9. Final recommendations of the review will be adopted by the Board for submission to KCDC and ART iwi partners.



# Finding One:

## Key kaupapa to support ĀKW Partnership Strategy

10. The first step in the review was for ĀKW to identify key kaupapa and tikanga that both guide their internal structure and functions and inform the types of partnership arrangements they seek. These were adopted by the Board and included in the ĀKW Iwi Kaitiakitanga Plan.



3

**KAUPAPA TUATORU: Kotahitanga; A cohesive approach to representing TĀKW's Interests**

- Reports are received from each committee that TĀKW has representation on and agenda are received to ensure enough time for TĀKW to seek advice.
- A Procurement Policy is developed which includes criteria for representatives and operational personnel being able to effectively report to either the Committee or the Board
- The Communication Strategy includes provisions for how TĀKW can work more collaboratively with kaitiaki, hapū and iwi landowners.

**Finding Two:**
**Critical partnership issues.**

11. The process of this review has found a range of critical partnership issues at the systemic level which are evident in many of the specific findings of this review. These are set out here to identify them all collectively and propose that if these can be addressed at the system and organisational level, the positive impacts would be felt across the various levels of the partnership.
12. There is a lack of recognition that the appropriate consultation and engagement with mana whenua is in the best interests of KCDC as well as mana whenua, specifically to reduce the financial and legal risk of KCDC, as will be evidenced with specific examples in this review.
13. Where there is good intention, engagement is often not occurring at the right level, as the existing consulting structures and processes don't enable this.
14. The model of engagement tends to favour engaging with individuals at one level, rather than seeing the need for partnership to be systemic.
15. The governance of TĀKW can struggle to elevate their focus to governance matters, as they are regularly engaged on operational matters, and are burdened with addressing matters that they lack the funds to have their operational units address.
16. There is not an organisational awareness on the part of KCDC as to the nature of the relationship or the key priorities of mana whenua. Successive Iwi Partnership Staff have repeatedly expressed they are not aware of some of the critical issues or projects KCDC is engaging mana whenua on.
17. Where staff are exemplary in partnership work, this is not identified as best practice or promoted as a model for the organisation.
18. There is chronic under-resourcing of the mana whenua side of the partnership, as well evidenced in the comparative analyses provided in Appendices A and B.

### Review Finding Three:

Reinstate a direct relationship between the governance of ĀKW and KCDC.

19. Figure 1 depicts the current governance structure of KCDC and its relationship to ĀKW. Currently, engagement between ĀKW and KCDC governance is either via pan-iwi advisory group Te Whakaminenga o Kāpiti (TWOK), or if selected by TWOK, via individual representatives on various Standing Committees or other External Bodies of KCDC. There is no direct relationship at the governance level.

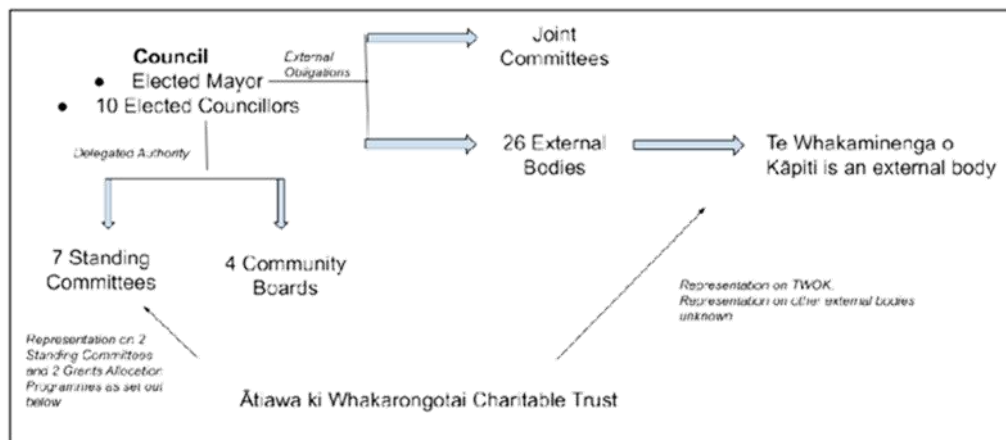


Figure 1: Governance Structure of KCDC and its relationship to ĀKW

20. A genuine and direct relationship between ĀKW and KCDC at the governance level should form the fundamental basis for the partnership between these two organisations.
21. In order to achieve this ĀKW **recommends** that KCDC provide the ability and resource for the Chair or other appointed representative of ĀKW Board to attend and contribute to Council, and enable the upholding of the partnership, including:
- Ability to attend meetings of Council and contribute to debate, no voting rights.
  - Membership on Strategy and Operations Committee with voting rights.
  - Membership on Audit and Risk Sub-committee with voting rights.
  - Membership on the Chief Executive Performance and Employment Committee with voting rights.
  - Membership on all Grants Allocation Sub-committees with voting rights.
22. ĀKW also **recommends** that Councillors attend a meeting once a year, or as required, with the Board, with the ability to meet at Whakarongotai marae.

*Estimated cost: \$19,000 per annum*

21. ĀKW **recommends** that KCDC provide resourcing to enable operational support to governance representation at Council level. Resource that oversaw the provision of this support would be responsible for providing:
- a. A key point of liaison between the various functions of ĀKW; Board and representatives, Taiao Committee, Taiao Unit and iwi members, in order to support governance representation at KCDC, including;
  - b. Preparing agenda items for Council meetings on behalf of ĀKW
  - c. Reviewing Council material to identify matters requiring response from AKM
  - d. Providing administrative support and secretariat to ĀKW representation (Including Taiao Committee in their capacity advising ĀKW) on all KCDC matters
  - e. Preparing reports to ĀKW governance representative where required on various KCDC matters
  - f. Working closely with Pou Takawaenga Taiao, and any future ĀKW Pou to identify key matters to take to Council via ĀKW representatives

*Estimated cost: \$44,080 per annum*

21. ĀKW also **recommends** that adequate resourcing be provided to support the succession of ĀKW representatives into their representative roles, including orientation to Council processes.

*Estimated cost: \$30,000*

#### Notes

22. The Board can delegate these responsibilities through their Delegation Policy to any Trustee, Taiao Committee member, or contractor until the ideal representative can make themselves available. Multiple representatives could fill this role, but one person is preferable, in order to develop an integrated response to Council matters.
23. An additional tier of resource for external consultation is likely to be required, but this will be identified in further recommendations.
24. The operational support could be provided by various means, from a highly-skilled contractor for approximately one/two days a week, or via a full-time employee.
25. The resourcing recommended here is specifically for the purpose of supporting representation to the governance of Council, and does not cover the operational work required by Council to support and engage in projects and initiatives led by Activity Managers in Councils, or specific Mana Whenua Assessments sought for the purpose of statutory requirements on Council.

### Review Finding Four:

### Consolidate ĀKW representation across other Standing Committees, Joint Committees and External Bodies of KCDC.

26. Figure 1 sets out the general governance structure of KCDC and how it relates to ĀKW. The review has identified (in addition to the key Standing Committees of Council identified in 21.b.- e. above) a significant number of Standing Committees, Joint Committees and External Bodies of KCDC which ĀKW has an interest in:<sup>6</sup>

#### Standing Committees

- Grants Allocation Committee: CCNZ programme
- Grants Allocation Committee: Community Grants
- Grants Allocation Committee: Waste Levy Programme
- Grants Allocation Committee: District wide Hall Hire Remission
- Grants Allocation Committee: Heritage Fund
- District Licencing Committee

#### Joint Committees (not including Te Whakaminenga o Kāpiti, see Finding Six)

- Wellington Regional Waste Management and Minimisation Joint Committee
- Wellington Regional Strategy Joint Committee
- Regional Transport Joint Committee
- Civil Defence Emergency Management Group Joint Committee

#### External Bodies

- Ātiawa ki Whakarongotai Town Centres Working Group (5 ĀKW members)
- Public Art Panel
- Mahara Gallery Trust Board
- Kāpiti Economic Development Leadership Group
- Cycleway, Walkway and Bridleway Advisory Group
- Another 17 groups with potential interests for ĀKW

27. To date, ĀKW representation has been by way of a range of different individuals, and in some cases via a 'pan-iwi' representative, making it difficult for ĀKW to uphold the kaupapa of 'Kotahitanga' and ensure there is integrated representation of interests, or clear communication between representatives and ĀKW as the body they represent.

<sup>6</sup> Information on this structure and details taken from a range of KCDC documents, mainly: *KCDC Governance Structure and Delegations 2016-2019 Triennium*, *KCDC Governance Statement January 2018*, *KCDC Website*.

28. ĀKW **recommends** that to better uphold the kaupapa of 'Kotahitanga' and make the representation of ĀKW more integrated and efficient, ĀKW consolidate their representation on these other committees and groups by way of as few resourced individuals as possible.
29. Ideally ĀKW would identify one or two governance representatives, or personnel with specific delegated authority to provide representation across these committees and groups, only seeking additional individuals if the specific nature of the committee or group absolutely requires it (e.g. specialist skills, or in the case of the Town Centre Working Group requiring multiple individuals as part of its Terms of Reference).
30. ĀKW **recommends** that resourcing of this representation could be identified as a single budgetary item. Resourcing of the representation would be provided at the standard KCDC meeting fee rate for, and resource for administering this representation would also be provided. Whilst input to these representative groups is not likely to require the same degree of technical advisory support, support for reporting and communication will be required.

*Estimate cost:*

- *Representation: \$3,250 per annum @\$250 (not including GWRC portion of resourcing for Joint Committees)*
- *Administration: \$3,640 per annum*

## Key Finding Five:

Shift the operational relationship from being reactive to delivering joint planning and implementation.

31. Much of the operational work between ĀKW and KCDC is triggered via Resource Management Act (RMA) and Local Government Act (LGA) requirements, in particular, the consultative requirements for the purpose of:
  - a. District Plan, Park or other Open Space Plan development and changes;
  - b. Gaining RMA resource consents sought by KCDC to undertake infrastructure activities;
  - c. The development of Bylaws, or;
  - d. The processing of RMA resource consents.
32. Operational work tends to be reactive, with input or response sought from ĀKW through consultative means, at times in a way that doesn't meet standards of consultation, or at the end of a process, where options for both parties become limited, and there can be significant cost if the outcome of consultation requires significant changes at a late stage.
33. The following two examples that have been identified via this review have highlighted the potentially significant implications of this approach for both ĀKW and KCDC.

#### 34. Engagement with mana whenua for the District Plan

KCDC have specific RMA and LGA responsibilities in terms of how mana whenua are to be engaged and consulted for the purpose of developing and proposing a District Plan, particularly in relation to the requirement to assess effects of a Proposed District in relation to Section 6(e), Section 7(a) and Section 8 of the RMA, and, the requirement to support Māori capacity to engage in decision-making under Section 81 of the LGA. In the case of the District Plan, staff convened a group of one representative of each iwi and provided a series of powerpoint presentations to them regarding matters included in the District Plan. Representatives were not aware that KCDC considered that they were participating in formal consultation of the Plan, and they were not encouraged to provide submissions to the Plan. None of the three mana whenua submitted on the District Plan, which is highly unusual from a national perspective. This meant that the Plan process proceeded without mana whenua having any legal right to participate in Plan hearings and successive appeals of the Plan, even where appeal points specifically related to matters of high significance to mana whenua such as waahi tapu or sacred sites, or the planning of confiscated Māori land. One example of the failings of this approach has been that areas of a significant sacred site and burial area, the Takamore precinct, has now been zoned for residential development via the District Plan. New landowners that seek to develop this land with no advice provided via the District Plan as to its history and value, are now finding issues as a result of the culture and heritage issues that they have to address via Heritage New Zealand processes. Working through these issues has required unnecessary cost, time and stress on the part landowners, KCDC staff having to process consents, and mana whenua attempting to protect sacred sites. This is one of two human burial sites that are not identified as such in the District Plan. These matters now form part of the Waitangi Tribunal Inquiry in the District. Many other issues have arisen from the District Plan not having sought appropriate engagement and technical assessment from mana whenua, and some of these matters continue to be addressed by the development community via legal channels, often with the support from mana whenua.

#### 35. Installation of the rising main in Takamore precinct

In 2016, a proposal was put to Council to enter into a Memorandum of Understanding with the Mackays to Peka Peka Expressway (M2PP) Alliance that would provide for certain infrastructure projects to be progressed as part of the M2PP construction. The paper that went to Council identified 'no Tangata Whenua considerations' with regards to the proposal, despite one of the key infrastructure projects being a duplicate rising main for the purpose of carrying wastewater, proposed to be laid within the Takamore urupā or burial grounds. The proposal was approved by Council, and it wasn't until M2PP iwi monitors observed the main being laid onsite that iwi became aware of this. Running human waste through an urupā is seen as a significant offense to local mana whenua. Further to this, it was later determined by way of two legal opinions conducted by both KCDC and the New Zealand Transport Agency that the works actually required resource consent meaning they can be considered illegal. ĀKW are working with the Māori landowners directly impacted by

this to see if a solution may be found, however the landowners are considering legal action against KCDC. Regardless, KCDC will require retrospective resource consent for the main if it is to ever be used. From the perspective of mana whenua, it seems unlikely that this will be granted. This also means that there is likely to be significant financial cost of a \$4 million piece of infrastructure being installed which may be unusable. The legal risk and financial cost to KCDC could have been avoided had they simply engaged with mana whenua at the stage of planning these works.

36. There are however, several examples of work between the partners, where KCDC has brought ĀKW on board at the early planning stage, which has provided for ĀKW to inform the direction of a project and the early identification of any risks or critical issues. In some cases, this approach has been so successful, it has been recognised independently as being a model example. Examples of these positive approaches include:
  - a. The River Recharge Project, where mana whenua were engaged collectively and early in the Project to co-design infrastructure that ensured the provision of drinking water to the community could be managed sustainably. This demonstrated that even in the case of contentious issues, such as the question as to whether to use groundwater to recharge the river, that mana whenua and KCDC can work together to find outcomes that satisfy the community as a whole.
  - b. Maclean Park Development Plan, where mana whenua were engaged collectively and early at the hapū and iwi level, and across different generations to co-design the Maclean Park Development Plan, as an area that is significant to both mana whenua and the community at large. This enabled mana whenua to take the proposal out the community as partners in support of KCDC, rather than as another party responding to a KCDC proposal. The Development Plan has been recognised nationally as a model approach to Plan development, and is referred to by other Councils as a model they wish to pursue.
37. From the perspective of mana whenua, these positive models have relied on unique individuals within KCDC whose own strategic view and skillset enables them to initiate engagement early and in the right way; this is not something that is driven at the organisational level. There is the need to scale up this approach to the organisational level and create structures and processes that enable KCDC staff to follow this approach
38. This also follows a lack of integration across Groups of KCDC where often the People and Partnership Group are not aware of the significant issues ĀKW are engaging with other groups of Council on, and the approaches that are or are not working well.
39. The funding of this review has been contributed to by the Infrastructure Group of KCDC, as recognition that in order for it to gain complex global resource consents for significant services such as the operation of the Wastewater Plant and the



maintenance of the Stormwater Network, and to limit legal and financial risk, there is the need to shift from an operational relationship that relies upon reactivity, to one that enables early engagement and co-planning of key infrastructure projects and an active partnership in asset management.

40. Both the Infrastructure Group and Taiao Unit have identified a range of potential mechanisms for how that co-planning and engagement could be facilitated specifically in relation to KCDC Infrastructure work:
  - a. Regular (to determine if monthly/quarterly/annual) meetings are required
  - b. An annual walkover to observe stream networks
  - c. A shared platform for information sharing for monitoring and reporting
  - d. Agreed standard protocols for developing and approving consent applications
41. There are some other aspects of KCDC's work which are not subject to the same RMA, LGA, or other statutory requirements in relation to the Treaty of Waitangi and mana whenua participation and assessment, but that may however have implications for the partnership and benefit from a similar joint proactive approach, i.e. Libraries and Art, and Economic Development.
42. **ĀKW recommends** that a District Services Partnership Group be established that provides for engagement between the Group Managers of the key KCDC Services and responsible managers from **ĀKW**.<sup>7</sup> The Group will provide the opportunity for direct input into the planning and management of key KCDC Services, and identify and plan work programmes where there is a requirement for specific technical assessment or consultation with key **ĀKW** parties beyond what can be provided via the Group.
43. As demonstrated by the Rising Main example, and other examples of Māori land being zoned for development, **ĀKW** play a critical conduit role in engaging with the right hapū or landowner groups in the iwi, where there are considerations that are specific to them. **ĀKW** need to be better enabled to play this role and improve processes of consultation required by KCDC. **ĀKW** also **recommends** that the function of the District Services Partnership Group be supported by resource for **ĀKW** to engage in internal consultation with key hapū and Māori landowner groups where required.
44. The resourcing recommended here is specifically for the purpose of supporting the proposed District Services Partnership Group, which includes the identification and planning of work programmes and the internal consultation required to inform this. It does not cover the further technical work that may at times be identified as necessary from **ĀKW** to support these work programmes.

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<sup>7</sup> Currently with the operational work between KCDC being largely Environment, Taiao related, this would be the Pou Takawaenga Taiao. However, in the future when iwi operations expand, this could be expanded to provide for engagement, for example between KCDC Economic Development and **ĀKW** Economic and Social well-being managers.

45. It is difficult to estimate the cost of the function of such a group without more in depth assessment between KCDC and ĀKW as to the scale of work being delivered by KCDC in the life of this Long-Term Plan, however a range is identified below as a starting point for consideration.

*Estimated cost range \$35,000 - \$40,000*

### Key Finding Six:

Reinstate Te Whakaminenga o Kāpiti to its original role guiding Council consultation at the right level.

46. Originally in 1994, Te Whakaminenga o Kāpiti (TWOK) was established as a consultative group for 'The Confederation' or 'Te Whakaminenga'. Its intended purpose included guiding the Council relationship with iwi, in accordance with the Memorandum of Partnership protocols that identifies that for any issue requiring consultation the parties will agree whether the consultation should take place collectively or separately.
47. In the course of undertaking this review, it has been evident that TWOK is used as the primary partnership mechanism between KCDC and mana whenua, and TWOK is at times used as a proxy for direct engagement with the iwi. Recent examples include the process of developing and appointing new iwi partnerships roles, where staff have persisted to engage with TWOK representatives despite requests from iwi that they are engaged directly.
48. Other issues identified by TWOK members and iwi governance and operations in the course of the review include:
- a. A lack of recognition that TWOK sits at the governance level;
    - i. Total disjoint between matters that the governance of Council are addressing and matters brought to the attention of TWOK, which overlooks the need for TWOK to address matters on the Council agenda
    - ii. Utilising TWOK as a forum to consult on highly technical matters that require technical advice, which results in consultation at the wrong level and without the provision of necessary advice.
  - b. An agenda which is led by Council where the Chair evidently is not determining and managing the agenda
  - c. Significant under resourcing which results in poor participation and limitations on the ability for iwi to genuinely engage in matters brought the forum.
  - d. Similar to issues identified in Finding Five, a culture whereby the administering of TWOK functions to seek responses from TWOK to Council priorities, rather than developing and implementing a joint work-programme.

- e. Despite the advice TWOK typically require to inform decision-making being from a Māori perspective, papers being put to TWOK are typically authored by Council officials and seldom if ever authored by iwi, due to a lack of resource to enable this.
  - f. A default approach that matters brought to TWOK will be addressed by them, rather than a deliberative process to determine or enable iwi to address matters individually if required.
  - g. A lack of recognition that when iwi indicate they require direct engagement that this does not mean via TWOK representatives.
  - h. Funding and consultative arrangements that fail to identify instances where proportionality to spatial or demographic scale are appropriate.
49. These matters are significant enough that their impacts are felt into our communities, where the wider iwi members represented by ĀKW have identified these issues and given cause to trigger this review.
50. Ultimately these issues, in particular the avoidance of engaging with the iwi directly when requested, compounded to the point where membership of the group became a liability to ĀKW such that they could not guarantee their interests to be fairly addressed or recognised. As a result of this ĀKW felt forced to withdraw from TWOK to provide the opportunity that safer and more appropriate partnership arrangements could be refreshed and utilised.
51. It is our understanding that despite advising the Mayor and Chief Executive of Council of this withdrawal, this decision was not advised to Council and Council staff some six months later, and that staff at large continued to operate under an assumption that ĀKW were still parties to TWOK. This further increased the risks to KCDC that appropriate consultation as per their legislative obligations was being compromised, and also further entrenched the sense from ĀKW that KCDC are invested in TWOK to the extent that they avoid their primary partnership with ĀKW.
52. ĀKW also understands that their letter advising of their withdrawal was not tabled or minuted at the following TWOK meeting, which raises further underscores the concern for ĀKW about the dysfunction of the forum.
53. ĀKW notes their sadness at the steps they have had to take in relation to the forum to ensure they are upholding their responsibilities to their iwi, given they have always taken great pride in assisting to establish TWOK. It is their hope that this review can trigger a refreshing of the partnership and specifically the functioning of TWOK.
54. ĀKW also note that shift into working individually as iwi where required, is also seen as a step forward in the development and rangatiratanga of the iwi of the Confederation, reflecting the development of iwi capacity and capability since the inception of TWOK.
55. ĀKW **recommends** renewed protocols for TWOK that include provisions for:

- a. Recognising the primary relationship between iwi and Council as facilitated via the recommendations in Finding Three.
- b. Alignment between the agenda of Council and the agenda of TWOK.
- c. The Chair position to be a rotational role.
- d. The ART caucus meetings be reinstated between mana whenua and are resourced by KCDC
- e. At least three times per annum TWOK hui rotate around our iwi marae
- f. The Chair to determine and manage the agenda of TWOK with full engagement from TWOK ART representatives.
- g. ĀKW have three representatives on TWOK
- h. Appropriate resourcing of the forum, providing that;
  - i. All representatives of each iwi are resourced
  - ii. Resourcing reflects preparation time as well as meeting time
  - iii. Higher resourcing of the Chair to reflect their increased responsibilities
  - iv. There is the option to seek resourced technical or policy advice where appropriate (there is potential for this to be provided via the secretariat services identified in Finding Three or the work commissioned as a result of implementing Finding Five)
- i. A deliberative process to identify
  - i. Matters to be engaged with iwi directly
  - ii. Time and resources required for iwi to seek their own technical advice where required, whether for joint TWOK responses or individual iwi responses.
  - iii. Matters where funding or consultation across the Confederation need to be proportionate to spatial or demographic scale.

*Estimated cost for ĀKW based on eight meetings a year and not including the provision of technical or other policy advice: \$16,000 per annum*

## Key Finding Seven:

### Implement mechanisms of accountability for the partnership.

- 56. A common theme identified across the review was the challenge for mana whenua to ensure accountability of KCDC to mana whenua and the objectives and protocols set out in the Memorandum of Partnership.
- 57. In particular, there are very limited means for mana whenua to bring accountability issues to the attention of the governance of Council. There is no open channel of communication directly from the Board of ĀKW to full Council as set out in Finding Three. The current channels of communication with Council are via:
  - a. The Mayor and Councillor that sit on TWOK.
  - b. Pan-iwi representatives on various Committees of Council.

c. The Chief Executive of Council (CE).

58. In an example of the challenges mana whenua face in achieving accountability, ĀKW recently made a complaint to KCDC directly to the Mayor and CE. Where the Mayor and Councillors have responded quickly and directly, some six months after making this complaint, ĀKW have received no response from the CE. As far as ĀKW is aware, the CE has also not informed Council that there is an outstanding complaint to KCDC, which in their view creates significant risk to Council. ĀKW is concerned that important information that has risk implications for Council is potentially withheld from them.
59. Matters like this leave very few avenues of accountability for mana whenua to pursue. In the case above, the only real avenue for ĀKW to have their concerns addressed is via the Ombudsmen. This puts mana whenua in the unfair position where they often have to significantly escalate a matter beyond a level they would prefer to address it, just to have it addressed, despite being always open and available to address and resolve issues.
60. As previously mentioned, there are also limited opportunities provided to take an organisational view of the performance of the partnership across the various Groups of KCDC, limiting the opportunity to integrate engagement, and to learn from experience.
61. As part of the Iwi Kaitiakitanga Plan, ĀKW has developed their own 'Ko te mana, Ko te māramatanga' framework (see Appendix C) that they use to monitor their key partnerships, this monitoring is done annually. ĀKW believes that presentation and discussion of this annual monitoring could ensure a process of accountability in accordance with its Iwi Kaitiakitanga Plan.
62. ĀKW **recommends** the presentation and discussion of 'Ko te mana, Ko te māramatanga' to full Council once a year.

## COLLATED TABLE OF COUNCIL ACTIONS IN RESPONSE TO ĀKW KEY FINDINGS AND RECOMMENDATIONS

Key Finding	ĀKW specific recommendations	Council officers recommended response to ĀKW review	Key theme
Key kaupapa and tikanga that guide their internal structure and functions and inform the types of partnership arrangements they seek	<ol style="list-style-type: none"> <li>1. Nōu te rourou, Nāku te rourou; Clear designation of roles.</li> <li>2. Mahi Ngaio; Ensuring the competence of ĀKW representation and work</li> <li>3. Kotahitanga; A cohesive approach to representing ĀKW's Interests</li> </ol>	<ul style="list-style-type: none"> <li>• Action 1: Enhance pre-election information provided to candidates based on up-to-date detailed information provided from iwi around the role of our iwi partners, their governance structures and good governance.</li> <li>• Action 2: Encourage our iwi partners to be part of pre-election discussions with potential candidates about the importance of their role as iwi partners, their governance structures and histories.</li> <li>• Action 3: Establish opportunities for council officers, elected members and management to receive an induction around the role of our iwi partners, their governance structures and good governance.</li> <li>• Action 4: A procurement process is underway to enable the development of a three-year capability programme to build staff members' understanding of Te Ao Māori and the Council's legislative and partnership obligations to our iwi partners. This programme would form part of the Council's ongoing core training programme.</li> </ul>	<ul style="list-style-type: none"> <li>• Kaitiakitanga</li> <li>• Kaitiakitanga</li> <li>• Ūkaipotanga</li> <li>• Ūkaipotanga</li> </ul>
Critical partnership issues		<ul style="list-style-type: none"> <li>• Action 5: Council has worked with our iwi partners to understand how to more appropriately resource iwi to participate in the work of Council. This is reflected in our 2021 Long Term Plan and will be an ongoing conversation.</li> </ul>	<ul style="list-style-type: none"> <li>• Manaakitanga</li> </ul>

Reinstate a direct relationship between the governance of ĀKW and KCDC as there is currently no direct relationship at a governance level	<p>4. That KCDC provide the ability and the resource for the chair or other appointed representative of ĀKW Board to attend and contribute to Council and enable the upholding of the partnership</p> <p>5. That Councillors attend a meeting once a year, or as required, with the Board, with the ability to meet at Whakarongotai marae.</p> <p>6. That KCDC provide resourcing to enable operational support to governance representation at Council level</p> <p>7. Adequately resource ĀKW succession to representative positions</p>	<ul style="list-style-type: none"> <li>• Action 6: <i>Link to Action 5.</i> Council wants to ensure strong direct partnership between Council an ĀKW, and our other two iwi partners. We are working with all three iwi partners to review partnership arrangements.</li> <li>• Action 7: <i>Link to Action 6.</i> Councillors agree to attend a meeting once a year, or as required, with the ĀKW Board at Whakarongotai marae.</li> <li>• Action 8: Increased funding is included in the Long Term Plan 2021-41 to enable resourcing of operational support for ĀKW representatives on Council governance bodies. Further conversations needed regarding resourcing succession.</li> </ul>	<ul style="list-style-type: none"> <li>• Rangatiratanga &amp; Whanaungatanga</li> <li>• Whanaungatanga</li> <li>• Manaakitanga</li> </ul>
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Consolidate ĀKW representation across other Standing Committees, Joint Committees and External Bodies of KCDC	<p>8. ĀKW consolidate their representation on these other groups by way of as few resourced individuals as possible</p> <p>9. That resourcing of this representation could be identified as a singlet budgetary item</p>	<ul style="list-style-type: none"> <li>Action 9: Officers propose that: -One representative from each iwi be appointed for the remainder of the triennium (total of three representatives) to: <ul style="list-style-type: none"> <li>Strategy and Operations Committee, Appeals Hearing Committee and the Grants Allocation Subcommittee with full voting rights</li> <li>attend all Council meetings and receive all papers, with ability to contribute to the debate but not vote.</li> </ul> </li> <li>-One iwi representative total appointed to Audit and Risk Subcommittee via a recruitment and selection process based on relevant qualifications and experience.</li> <li>-No iwi representatives proposed for CEPEC due to central role of committee as an employer and good faith obligations that arise.</li> </ul>	<ul style="list-style-type: none"> <li>Rangatiratanga &amp; Whanaungatanga</li> </ul>
Shift the operational relationship from being reactive to delivering joint planning and implementation	<p>10. That a District Services Partnership Group be established that provides for engagement between the partners</p> <p>11. The function of the Group be supported by resource to engage in internal consultation with the Marae Reservation Trust, key hapu and Maori landowner groups</p>	<ul style="list-style-type: none"> <li>Action 10: <i>Link to Action 9.</i> Officers will actively seek early and constructive collaboration with our iwi partners on operational planning and delivery.</li> </ul> <p>We propose that Council and ĀKW workshop what an effective and appropriate working partnership at an operational level looks like, and to identify required resourcing and mechanisms required to implement this.</p>	<ul style="list-style-type: none"> <li>Rangatiratanga, Manaakitanga &amp; Kotahitanga</li> </ul>
Reinstate TWOK to its original role guiding Council consultation at the right level	<p>12. Renew protocols for TWOK as set out in this finding</p>	<ul style="list-style-type: none"> <li>Action 11: Council will review our Te Whakaminenga o Kāpiti forum. This forms part of our Iwi Partnership Team's work programme and will be developed and scoped alongside our iwi partners.</li> </ul>	<ul style="list-style-type: none"> <li>Rangatiratanga</li> </ul>



Implement mechanisms of accountability for the partnership – currently there are very limited means for mana whenua to bring accountability issues to the attention of the governance of Council	13. The presentation and discussion of 'Ko te mana, ko te maramatanga' to full Council once a year	<ul style="list-style-type: none"><li>Action 12: <i>Links to Action 6.</i> Council will work with ĀKW to agree on key performance indicators for the partnership, and how we can implement this mechanism to ensure accountability for the partnership.</li></ul>	<ul style="list-style-type: none"><li>Whanaungatanga</li></ul>
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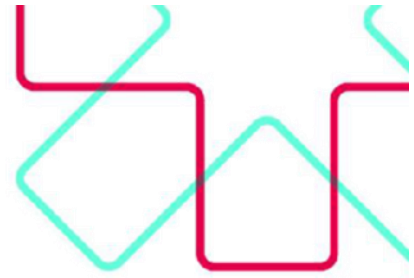
# INDEPENDENT ORGANISATIONAL REVIEW

Kāpiti Coast District Council

29 June 2020







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## PREFACE

This report has been prepared for Kāpiti Coast District Council by MartinJenkins (Martin, Jenkins & Associates Limited).

MartinJenkins advises clients in the public, private and not-for-profit sectors. Our work in the public sector spans a wide range of central and local government agencies. We provide advice and support to clients in the following areas:

- public policy
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MartinJenkins is a privately owned New Zealand limited liability company. We have offices in Wellington and Auckland. The company was established in 1993 and is governed by a Board made up of executive directors Kevin Jenkins, Michael Mills, Nick Davis, Allana Coulon and Richard Tait, plus independent director Sophia Gunn and chair David Prentice.



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## HE MIHI

We would like to thank everyone who has contributed to this Review. We have been overwhelmed by the willingness with which people engaged with it, from participating in interviews, to providing documentation, written submissions, and responses to follow-up questions.

We are encouraged by the level of passion and dedication of Council leaders, staff and the community, and their willingness to be open and honest to support Council to be a more effective organisation.

We are grateful to you for your contribution.





# KEY FINDINGS AND RECOMMENDATIONS

MartinJenkins has been engaged to undertake an independent organisation review of Kāpiti Coast District Council (KCDC, or Council). The intention of the Review is to look forward – to identify what works well and what can be improved – rather than to look backwards to apportion blame.

This report sets out our findings and recommendations and rationale for these.

## Findings

### Services and achievements

#### **Kāpiti Coast District Council is generally seen as delivering its services well to the community**

In the recent Residents Opinion Survey (second quarter of 2019/20), 85% of respondents were satisfied with services.

When asked which of the Council's operations are working well, those we spoke with through the Review process mentioned:

- **The call centre and front counter** – These were highlighted by many external stakeholders as delivering a positive experience when they were interacting with the Council.
- **General staff responsiveness** – external stakeholders and elected members commented favourably on the willingness of staff to 'go the extra mile'.
- **Libraries** – External stakeholders mentioned the services provided by library staff as good, and recognised the physical constraints relating to the closure of the Waikanae Library. This was echoed in the 2019 Customer Satisfaction Survey (Library), with 98% of respondents indicating they are 'Very satisfied' or 'Satisfied' with their library's services.
- **Community Services** – External stakeholders told the Review that the Connected Communities Team is providing a good service. This is echoed in the 2019 Social Wellbeing Survey, where 59% of respondents 'Agree' or 'Strongly agree' that 'Council support has enabled your group to influence projects that are important to you and the wider community'.
- **Parks and reserves** – The general maintenance of parks and reserves was mentioned as something the Council delivers well. External stakeholders cited their positive experiences engaging with the Parks and Recreation Team, particularly in relation to the design of spaces.
- **Housing** – Housing provided by the Council was seen as operating well at the moment, but external stakeholders noted that there aren't enough properties<sup>1</sup>. We heard that older people's homes are being managed well, and that the Council will need to focus in the future on bringing

<sup>1</sup> The Council owns and rents out 6 houses and 118 older persons units.



these into line with healthy homes standards – as is the case for much of New Zealand's older housing stock.

- **Communication with Community Boards** – Community Boards have appreciated the briefings received from parts of the Council organisation, which enable them to communicate back to their communities on Council activity.
- **Roading team** – Feedback from the NZTA audit on the roading team was also positive, and the audit found that changes to the speed limits for particular roads has increased the sense of safety in the community.

### **There have been a number of noteworthy achievements for the Kāpiti Coast District Council**

- **Financial management** – The Council's credit rating outlook was recently revised upwards from A+ to AA by the financial rating agency Standard and Poor's (S&P).<sup>2</sup> Other successes include the OAG's endorsement of KCDC's financial strategy. The efforts to reduce current debt are critical for enabling access to less expensive future borrowing to fund necessary future infrastructure investment.
- **Water management** – KCDC has introduced water meters and taken action to repair leaks in the system. This has also resulted in savings for members of the community.
- **Regulatory services provision** – The review and retention of KCDC's accreditation as a Building Consent Authority included positive feedback from International Accreditation New Zealand (IANZ).
- **Climate action** – KCDC was awarded an Excellence in Climate Action award by Enviro-Mark.<sup>3</sup>
- **Less litigation against Council** – Overall there has been less litigation against the Council, which reflects staff working well with the community and quality service provision.
- **Stakeholder support for Council's advocacy on behalf of the community** – External stakeholders support the Council's recent efforts to advocate on behalf of the community to central government and health boards. This aligns with the Council's 10-year outcome of having 'a community that is more resilient through Council's advocacy'.

### **The Council's achievements are not as well-known as they might be**

While Council does communicate with the community through a number of forums, there is opportunity for the Council to communicate its achievements more to the local community. This was recognised as a 'gap' to address in interviews with both internal Council personnel and external stakeholders.

<sup>2</sup> Kāpiti Coast District Council, 'Our Kāpiti Story: Where we're at and where we're headed'. 2019. Retrieved from <https://www.kapiticoast.govt.nz/media/3584/1/kcdc-2019-pre-election-report-web-final.pdf>

<sup>3</sup> Kāpiti Coast District Council, 'Kāpiti Coast District Council wins Excellence in Climate Action award'. 2019. Retrieved from <https://www.kapiticoast.govt.nz/whats-on/news/2019/k%C4%81piti-coast-district-council-wins-excellence-in-climate-action-award/>



### **The cost of services compares favourably with other provincial Councils**

In the 2019 Ratepayers Report, which offers comparison statistics across many of New Zealand's local authorities, the Council organisation's operating expenditure per household was lower than the average for other provincial councils by around 38%.

In the same report, the Council's staff costs per household were lower than the average for other provincial councils by around 5%.

In the 2018 Ratepayers Report, operating expenditure per ratepayer was the second lowest among all New Zealand Councils.

## **Strategy and planning**

### **Council's strategy documents are clear and engaging**

Council's strategy documents are clear, consistent, and easy to read. The Long-Term Plan and Annual Plan are visually engaging, and it is relatively easy to find information. However, the length of the documents may put people off from engaging with the content (due to legislative requirements on the content they are both relatively long documents), and the format limits the accessibility of the content. The summary Plan on a Page is a succinct, high level summary that complements the more detailed documentation.

### **High level documents are not always easy to operationalise**

The high-level nature of the plans can present difficulties for staff as they seek to prioritise work, manage their workload, understand how different initiatives and priorities fit together, and respond to the ever present pressures to respond to a range of requests from central government, the community, elected members, and changes in the physical environment.

What seems to be missing is a bridge between the higher level strategy and its execution that enables people to make informed and confident choices on what they can and cannot do, will and will not do, and who they need to be connected with to get the work done more efficiently and effectively.

This bridge is sometimes referred to as an operating model for the organisation, which spells out an agreed view within the organisation for what the organisational focus is, how decisions and work will be approached and enables transparency for why things will be done in particular ways.

## **Governance and Leadership**

### **Allocating portfolio responsibilities to Councillors in the 2019-2022 Triennium provides opportunity for increased governance engagement from Councillors with Council strategy**

The councillor portfolio roles cover key issues for the Kāpiti District ranging from social wellbeing and housing to transport, waste and water. Councillors have been allocated one (or more) of twelve portfolios. This provides an opportunity for Councillors to develop an in-depth understanding of key areas of importance for the district in terms of current and future requirements which they can bring to Council discussions on strategy.

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**There is a range of possibilities available for growing and supporting the governance contribution of Councillors**

The Council provides many opportunities for Councillors to grow into their governance roles, including comprehensive induction, allocation of portfolios and associated responsibilities (for the 2019-2022 Triennium), opportunities for roles on committees and Community Boards, external advisory bodies and Te Whakameninga o Kāpiti, the advisory group designed to guide the Council's relationship with Iwi.

**The line between governance and management has become blurred at times**

Councillors have sometimes found it challenging to negotiate the line between governance and management. Governance has responsibilities for direction and strategy and managing the performance of the Chief Executive. Management has the responsibility for delivering on the strategy through managing staff and operational activity.

The Review heard from both elected members and staff that, at times in the last triennium, some elected members were very operationally focused, and would approach staff below the Chief Executive and Senior Management on issues of operational and staff management. Council management recognise the value of engaging with Councillors to support their increased understanding of Council plans and activity. However, stepping into the area of staff management is outside the preserve of the governing body.

**Relationships between Councillors and Council staff have sometimes faced challenges**

At times in the past the relationships between some Councillors and Council staff have been strained. On the one hand, some Councillors we spoke with believed they were not being given all the information they needed in order to make informed decisions and participate in strategic discussions. In the words of one Councillor: 'There was a communications disconnect between Council and elected members.'

On the other hand, some staff we spoke with mentioned cases of providing information to Councillors that Councillors then used, in their view, inappropriately through public criticism of Council's work or even of individuals.

Building and maintaining a level of trust is important for both Councillors and staff to perform their roles effectively.

**Community Boards provide an opportunity for increasing the connection of the Council with the local community**

The Community Board members we spoke to indicated a strong interest in clarifying for the community (and for Councillors) their role in building an understanding of community needs and aspirations and bringing community perspectives to the Council. They saw the connection between the Community Board and the local community as an asset that could work more positively in the interests of both the Council and the community. Community Board members recognised that they can play a key role in communicating updates on current or future Council activities to their community.





Some frustrations with current arrangements were expressed, and there were perceptions that the Community Boards were not able to make the contribution they otherwise might. In particular, some Board members felt the Council did not provide enough or timely information to Community Boards when the Council was asking for their input on an initiative.

### **There is a developing leadership team that wants to make a difference at the Council**

Discussions with members of the Senior Leadership Team indicated a lot of energy and commitment among leaders to working together to make a positive difference for the Council and community.

Managers spoke positively of their staff's passion for their work at the Council. However, they also recognised that sometimes staff felt frustrated with issues of capacity and work pressures. People at the Council work hard, and resourcing is a common challenge across all the groups.

The Review heard that this culture of 'busy', 'overworked' staff contributed to some people just putting their heads down and working in their silos in order to cope. Despite the will to work in more coordinated ways, there were always pressures to just get things done in their area.

### **There is some room for improvement of management practices towards a culture of more openness and support**

During the course of the Review we did hear some staff views that were not so positive from both existing and former staff members. There were instances where staff didn't feel supported, and didn't 'always feel comfortable voicing concerns'. Some people felt frustrated by work pressures and others had issues with attitudes and behaviours in the workplace. These comments were in the minority, but they do suggest that leadership and management need to be open to staff concerns, and foster a culture of openness and support.

So while some progress has been made, there is some room for management within Council to improve in ensuring that all staff feel valued and supported.

## **Relationship with mana whenua**

### **There is a formal partnership between mana whenua and the Kāpiti Coast District Council**

The Treaty of Waitangi and Te Whakaminenga o Kāpiti create a partnership between mana whenua and Kāpiti Coast District Council. Te Whakaminenga o Kāpiti is one of the longest lasting partnerships between tāngata whenua and local government in New Zealand. The partners are KCDC and the mana whenua on the Kāpiti Coast: Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toarangatira.

This takes the relationship between parties well beyond that of a typical stakeholder relationship as reflected in the Memorandum of Partnership which has objectives for developing candid and open information sharing, and opportunities that enable tāngata whenua to share in the decision-making of the district. The intended ethos is one of an equal partnership at all levels of interaction.

In the 2010–2013 Triennium, the Council Governance Structure and Delegations documentation referred to the Chair of Te Whakaminenga o Kāpiti or their nominated alternate being able to attend meetings of Council and / or Committees, able to contribute to debate but not to vote.



In addition to attendance of the Chair of Te Whakamenga o Kāpiti or nominated representative at Council meetings, in the 2013-2016 Triennium Council also approved appointment of Māori representatives with voting rights to the major Standing Committees. These arrangements have continued to be approved over the years to the present 2019-2022 Triennium.

### **There are challenges for the Council's partnership and engagement with Iwi**

The Review notes from our discussions with Iwi and the Council staff that they have different understandings of the notion of 'partnership'.

In our discussions with Council staff and Iwi representatives it became clear there have been some problems with the Council's engagement with Iwi, at the levels of elected members, Council management, and staff. The Review heard it has been challenging to achieve an orientation that takes account of Te Ao Māori. We heard a perception that the Council's leadership team, including Councillors, have only a limited understanding of Te Ao Māori. We also heard that the Council frequently expects Iwi to engage in Council spaces, and that engagements are often in a 'western way'.

From interviews we heard that representatives of Iwi who come to Te Whakamenga o Kāpiti meetings cannot always make decisions on behalf of their Iwi. This presents difficulty for Te Whakamenga o Kāpiti acting as the vehicle for a partnership approach in decision-making.

### **The Council organisation has taken steps to improve its understanding and capability for working with Iwi**

For the current triennium, work has been done to build awareness of the importance of Te Ao Māori for Council attitudes and behaviours. This has been reflected in the induction process for elected members, a number of initiatives for increasing the awareness of Te Ao Māori amongst staff and elected members, and in the refocusing and resourcing of the Iwi Relationships Team as the Iwi Partnerships Team, with the manager having a direct line of communication with the Mayor and Chief Executive.

### **Iwi are not always adequately resourced to respond**

The Review also heard that members of Te Whakamenga o Kāpiti are not adequately resourced to prepare for meetings. While the Council remunerates them for the meeting time, people we spoke with said they were not always able to 'access the technical expertise quickly, to provide informed advice', because of resource constraints. Iwi representatives sometimes need to do a lot of background work on technical matters, even though they are already very busy responding to other demands. This limits Iwi representatives' ability to contribute to discussions in depth.

Given more resources, Iwi would be better placed to respond as they feel they should be able to.



## External relationships, engagement and communication

### **The Council's internal policy for guiding engagement reflects good practice**

The Council has developed and implemented a 'Significance and Engagement Policy', which relates to issues, proposals, decisions or other matters that concern the Council as a local authority. The policy exists to help the Council and the community to 'identify the degree of significance attached to particular issues, proposals, assets, decisions and activities' and to 'provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters'.

### **Connecting with the community is a priority for the Council, and there is a range of means and channels for this.**

Local government exists to serve the needs of the local community, and connecting with a diverse community can be a challenge. Kāpiti Coast District Council uses a range of means and channels to foster connections with its own diverse community, and to draw on their expertise. The Council has used Taskforces at different times to gain community and subject-matter expertise in order to address specific issues.

### **There are varying perceptions of the Council's external engagement activities across positive and negative views**

The Review heard a range of views expressed about Council's external engagement activities. There were many positive views expressed on the experience of engagement with the Council. There were also a number of stakeholders who had more criticisms to make of the Council's approaches to engagement, particularly where people felt that the engagement process was less consultative and more briefings on Council decisions.

People we interviewed would appreciate more communication around Council decisions, the reasons for them, and the challenges that exist for resolving issues. Some Council staff commented that more transparent communication would be an opportunity for the Council to help the community to understand better the Council's role and what it can or cannot achieve. We also heard that this requires buy-in and support from Councillors too, as they play an important role helping the community understand the limits of what Council can do.

In these situations it is important that the Council communicate well about the processes they are using, the constraints they are operating within, and the reasons for their decisions.

### **The Council is now focussing on communicating more proactively with stakeholders**

The Review notes that recently the Council organisation has consciously taken steps to improve how it responds to issues. In particular, with the support of the Communications team managers have proactively fronted up to explain issues to the community. The Council's improvement work has also included providing its middle managers with communications and engagement training, and getting the Communications team to help Council staff with their own communications efforts, rather than solely relying on the Communications team for this.



### **The Council website continues to improve**

In late 2019 KCDC began a programme of continuous improvement to the website, taking a staged approach as resources and timings allow. Already some early results are visible, with a cleaner, more visible user interface and easier navigation around the web site.

### **There needs to be more sharing of lessons learned in internal communications to support opportunities for continuous improvement**

Despite multiple internal channels for communications, there was a strong message from staff to the Review that a lot more information could be shared within the Council, particularly when things had not quite worked out.

It is natural to share the good news and celebrate successes. However, there is merit in being upfront about negative experiences. Staff noted that there were valuable lessons to be learned from those experiences, and felt these can get lost when communications tend to focus only on the positives.

## **Ways of working**

### **There are challenges for meeting the Council organisation's intention of a more strategic focus in day to day working**

There is no shortage of commitments by the Council organisation to adopting a more strategic and proactive focus to guide the organisation's business. We have noted the Council taking a more strategic approach to financial management. The Council organisation is currently adopting a more strategic approach to property management.

At times the workload and capacity at Council means that it can be a challenge for Council managers and staff to find the time to think ahead, and to be as proactive and strategic about their day-to-day work as they would like.

### **Current systems and workloads contribute to siloed ways of working**

The Review heard that due to time pressures and workload demands, often staff tend to focus on delivering their own work, and don't always think about who else might need to know or be involved. People are often 'swamped with work' and as a result focus on what is 'in their area'.

Some Council teams work in separate buildings, and this physical distancing can make collaboration difficult, as there are fewer opportunities to work in shared spaces during the day. Historical systems and processes present challenges for efficient information sharing and more joined-up approaches.

### **The values of caring, dynamic and effective behind Open for Business are valid and should remain as a part of the way the Council organisation works, but the name of the initiative is ambiguous and needs to change**

The Council's desire to be highly customer-centric in providing its services continues to be strong. The values 'Caring', 'Dynamic' and 'Effective' are strong and highly customer-centric in their intent. Even without elaboration each of these words connotes a positive service ethos. In our view, the issue is





their association with the name Open for Business, which connotes a quite different meaning, one that some interpret as an 'open to all suggestions' and highly permissive orientation.

The name appears to present real challenges for interpretation. The term 'Open for Business' without any additional explanation seems to raise expectations that the Council is open to permitting the desired business with as few constraints as possible. It does not connote the full meaning of the initiative, which is about service excellence aligned with ensuring the wider public good.

The Council should continue its programme for putting the customer at the centre (including the future customer who might be affected by decisions of today), but should retire the name of the initiative.

### **The Council leadership recognise the need to address legacy system and process issues to better support service delivery**

Similar to many organisations, the Council has many systems in place to support its delivery of services. A number of these systems are still manual and paper-based. There is a general recognition that some systems need upgrading, and that transitioning from manual systems is important. In recent times the Council has taken steps to reduce the amount of paper-based working.

The issues with disconnected and ageing technology and information management mean that there are challenges for getting insights on business performance to support management decisions on resource allocation, more strategic approaches to activity, and performance improvement.

At the time of the current Review work was in progress on a strategy for Information Technology to address these sorts of issues and to better position the Council for improved information management, planning and service delivery.

## **People: Culture, Capability and Capacity**

### **Staff are passionate about the Kāpiti community and show care for each other**

The Review team heard from many interviewees that, in general, Kāpiti Coast District Council has passionate staff who care about the community and each other. People work for the Council because they want to live in the community and help make a difference.

Staff are often willing to go 'above and beyond' to deliver for the community, and are motivated to deliver positive results.

### **The Council generally has a culture of people who enjoy their work**

The Review heard a range of views and experiences from current and former staff, reflecting both positive and some negative feelings about the Council culture. However, our overall conclusion is that there is a culture of committed, albeit at times fatigued, staff and management at the Council who want to make a difference.

The main internal challenges to this are unmanageable workloads, a lack of connection across teams for planning and completing work and historical issues with managing poor performing staff.

It is important that the new leadership team and managers recognise the critical role that they play in fostering and supporting a positive culture within the organisation.



It is our understanding that this is a key focus of the leadership team. We heard that there is a conscious focus on staff well-being and collaboration. The efforts being made to increase internal communication, manage poor performance, and develop an increasingly customer-centric, more connected organisation support this.

It is also important that the organisation support leaders and managers in their roles through ensuring appropriate leadership and management development training and mentoring.

### **Attracting and maintaining the right capability to deliver is an ongoing activity**

In a district that is close to Wellington, where the commute by both private and public transport is not onerous, and where there are potentially more lucrative job and career prospects in the larger centre, it is becoming more of a challenge to attract and retain staff.

Councils will always find there are certain areas they need to focus on when it comes to attracting, retaining and developing the capability needed to ensure the organisation is a high-performing entity for its community.

In this context, there is a need for KCDC to adopt a strategic approach to workforce planning to enable it to understand and plan the best ways and means to fulfil its capability and capacity requirements. This will have implications for recruitment, talent development, resilience and the mix of permanent and non-permanent resource to achieve desired outcomes.

This will potentially require more resource to support the Organisational Development Team who are extremely busy in supporting the day-to-day requirements of the organisation.

### **There is a need for increased focus on training and development of managers and staff**

Workload pressures on both staff and management, including the Organisation Development Team has meant a decreased focus on training and development in recent times. Some training has been deferred, other training is in development but not yet in place.

Additional resource was recruited at the end of 2019 to support the work of the Organisational Development Team. This role has an opportunity to apply a renewed focus on training and development for staff through updating an assessment of training needs, and identifying programmes for meeting these.

## **Recommendations**

### **A: Support Council managers and staff in their decision-making, setting of priorities and managing the workload through ...**

- 1 Developing an agreed operating model for the Council organisation that can act as a bridge between the current high level strategy of the Long Term Plan and the execution of that strategy through the Annual Plan and operational activity.
  - The operating model would define 'the way we work around here' for the Council to achieve strategy, including such things as organisational focus and priorities, collaborative joined up



working, service delivery focus, key relationships and the leadership styles and practices required for success.

- It would provide a mandate for prioritizing certain activity over others, a rationale for gaining approval for not doing some things which might impact delivery of previously agreed strategy for the community.
  - This will make a significant contribution to enabling managers and staff to better manage their workloads, reduce workload fatigue, and improve communication within and without the organisation.
  - A collaborative process for developing the operating model will itself foster increased connection within the organisation, and help people to understand how they can better work together to achieve Council outcomes.
  - The operating model would also articulate the Council's customer service orientation, and define clearly both the immediate customer who is requiring a service, and the wider customer of the community whose public good also needs to be served.
- 2 Communicating the operating model internally and externally so that people know what to expect from the Council this and the rationale for this.

**B: Ensure that the community understands why the Council is planning and doing what it does through ...**

- 3 Explaining the rationale behind its plans and decisions, including where appropriate the rationale for not progressing with particular suggestions from the community.
- 4 Ensuring that all submitters receive explanation as to why their submission was not included in final decisions and plans.
- 5 Presenting its operational plans up front to provide the opportunity for transparency in the community.
- 6 Continuing and strengthening the approach of front footing issues and proactive communications with the community on issues and plans to foster a constructive and more trusting relationship.

**C: Clarify and enable the respective roles between Councillors, Chief Executive, Council management and staff through ...**

- 7 Providing governance training opportunities for new Councillors following their induction into the roles as Councillors. This might include membership of the Institute of Directors, providing access to the range of training and mentoring opportunities offered.
- 8 Looking for mentoring opportunities for people new to governance roles to provide ongoing support for the roles.
- 9 Ensuring that staff fully appreciate the importance of enabling Councillors to receive information in a timely manner to enable them to more fully contribute to discussions on the direction of the Council.
- 10 Bringing in external advisors, subject matter experts (in addition to Council staff) to advise Councillors on aspects of the area they are considering at the time. This would assist Councillors in the current Triennium with their portfolio responsibilities.

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**D: Foster a constructive relationship between Councillors and Council management and staff through ...**

- 11 Increasing the understanding that each has of the role and activity of the other through opportunities to discuss this outside of the formal Council Chamber.
- 12 Exploring the needs of each role and ways to meet these for mutual benefit.
- 13 Ensuring that Councillors feel that they have enough opportunity to engage with issues and peruse material before the point of final discussion and decision.
- 14 Reviewing the current arrangements for all meetings on a Thursday, and considering timings that would allow Councillors and staff more time for considering issues.

**E: Leverage the opportunities that the Community Boards present through ...**

- 15 Reviewing the levels of technological and other support that Community Boards might need to enable them to receive and share information more readily and in a timely manner.
- 16 Extending the current approach to briefing Community Boards on Council activity to more proactive engagement with community boards on the rationale for Council strategic and operational decisions.
- 17 While they are an advocacy group from the community to the Council, there is opportunity to see how the Community Boards can also be utilized more to communicate on Council plans and activity back to the community.

**F: Strengthen the partnership relationship with mana whenua through ...**

- 18 Strengthening the 'one house' concept by taking this to levels below the Mayor, so that there is a perceived and actual working together in partnership on planning and operational activity.
- 19 Engaging with iwi directly and earlier more often than at present on operational planning and activity while maintaining the role for Te Whakameninga o Kāpiti as a useful forum for higher level, more strategic discussions between Council representatives and iwi.
- 20 Allocating more funding to enable iwi to contribute as needed in terms of time and resources to working with Council management and staff through Te Whakameninga o Kāpiti and in direct communications with the Council.
- 21 Continuing to build and strengthen the Council's understanding of Te Ao Māori and the value that these perspectives bring to the relationship with iwi.

**G: Continue with fostering the values behind Council's Open for Business initiative to guide staff attitudes to service quality and customer focus, but change the name ...**

- 22 Continuing to foster the values of caring, dynamic and effective but change the umbrella name for this initiative from Open for Business.
- 23 Integrating this work with the recommendation for developing an operating model that will articulate the ways things are done in Council.





**H: Adopt a more strategic approach to workforce planning within the organization (managers supported by Organisational Development) through ...**

- 24 Formally analysing, forecasting and planning workforce supply and demand for the Council to fulfill its mandate and strategic objectives.
- This means assessing the rationale behind decisions to employ people in fixed term, casual contract and permanent positions, and ensuring that there is the right balance of talent within the organization.
  - It also means looking at talent development and career path planning for staff.

**I: Ensure that the organisation is resourced to support workforce planning and staff training and development through ...**

- 25 Providing additional resource to the Organisational Development Team to enable it to step beyond servicing the day-to-day needs of the Council, and adopt a more strategic approach to workforce planning. This could be a contract resource in the short term to free up people for planning.
- 26 Ensuring that the new resource has the opportunity to focus on staff training and development, including completion of a training needs analysis which would include induction and training for use of technology and systems.
- 27 Increasing where needed the resourcing available to support training needs identified.

**J: Lift leaders' and managers' staff management skills where needed by**

...

- 28 Providing leadership and management training to managers to support their efforts to communicate, motivate and generally support their staff in managing workloads and work activity.
- 29 Providing mentoring and coaching in performance management to leaders and managers to support their ability to develop their staff, and successfully manage poor performance where this is needed.



## **PART A. INTRODUCTION AND CONTEXT**



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# 1 SCOPE OF THE REVIEW

## Scope

- 1 MartinJenkins was engaged to carry out an independent organisational review of Kāpiti Coast District Council (KCDC). The intention of the Review is to look forward – to identify what works well and what can be improved – rather than to look backwards to apportion blame.
- 2 The Review is broad in scope, and seeks to identify:
  - a where the Council is already performing well and what needs to be improved
  - b how the Council can effectively identify, evaluate and respond to new information, risks or issues
  - c whether the Council has the resources and/or capability needed to meet deliverables set out in the Annual Plan and Long-Term Plan
  - d how the Council can add greater value for Kāpiti residents by being more responsive and effective
  - e how the Council can ensure there is a good relationship between elected members and staff
  - f how the Council can ensure a living, vibrant and healthy partnership with mana whenua.
- 3 Insights about individuals' competence, performance or employment arrangements are out of scope for this Review.
- 4 Specific topics of inquiry for the Review were developed by the Council, with additional questions added by the Review team. The topics of inquiry and key questions can be found in Appendix 1.

## Our approach

- 5 We developed our understanding of how KCDC operates through interviews and group discussions with staff, leaders and a range of stakeholders. Stakeholders included KCDC's current Councillors, Community Board members, representatives from two of the three iwi in the Kāpiti Coast district, and representatives from external organisations, community groups and residents' associations.
- 6 We also set up a dedicated email address for the Review, from which we received 16 submissions from staff, former staff who worked at KCDC in the previous triennium (2016-2019), and proactive members of the community who wanted to provide their views. The Council set up boxes in staffrooms where staff could provide written feedback for the Review, from which we received 26 submissions.
- 7 In addition to the discussions and written feedback, we also reviewed information and documents provided to us by the Council, as well as information on the Council's website.

### No attribution to individuals

- 8 Interviews and group discussions that were part of the Review were conducted in confidence. In this report we have included a number of quotes from our discussions, but we have deliberately



not attributed these comments to specific individuals. These quotes are used to demonstrate the types of comments the Review team heard in relation to a particular topic.

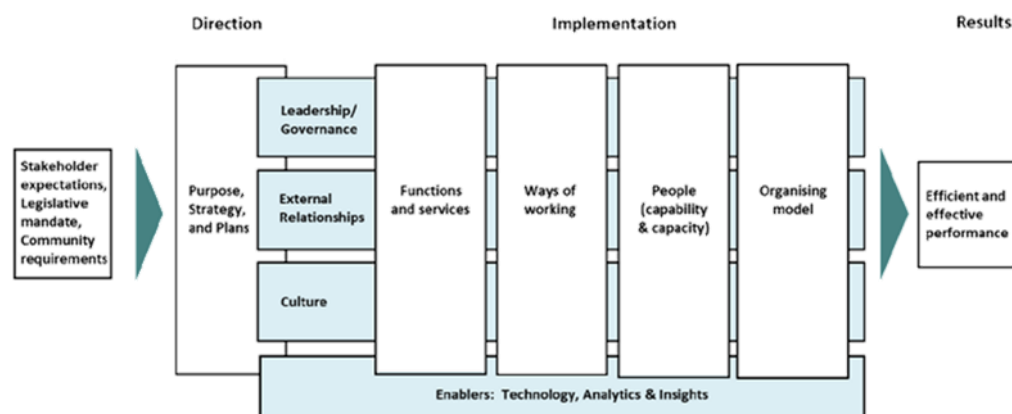
### Reporting

- 9 The Council requested two briefings from the Reviewer prior to the publication of the report. The briefings provided an opportunity for the Mayor, Councillors, the Chief Executive and management to understand the content of the report and to identify any points requiring factual correction. As a result some minor points of factual correction such as dates, and some naming conventions, have been incorporated into the report. These have had no influence on the conclusions and recommendations which remained unchanged throughout the briefing process.

## Framework for the Review

- 10 We have applied our Organisation Performance and Capability framework (shown in Figure 1) to guide our assessment of areas of focus explored through this Independent Organisational Review.

**Figure 1: Organisation Performance and Capability Framework**



- 11 The framework represents the dynamic nature of organisational endeavour. It moves from left to right, where the organisation responds to stakeholder expectations, its legislative mandate and community requirements (on the left), through to putting in place key elements of capability and their interdependencies to deliver efficient and effective performance (on the right).
- 12 Elements of strategy, plans, governance and leadership, culture and relationships underpin capabilities for driving and guiding organisational activity and performance. Analytics and insights, supported by technology, are key enablers and fundamental for effective decision-making in the organisation.





- 13 These are the fundamental elements that determine what the organisation does (its functions and services), how it goes about doing it (its ways of working, or organising model) and the people capability and capacity needed to do the work.

## Disclaimer

- 14 This Report has been prepared solely for the purposes stated herein and should not be relied upon for any other purpose. To the fullest extent permitted by law, we accept no duty of care to any third party in connection with the provision of this Report. We accept no liability of any kind to any third party and disclaim all responsibility for the consequences of any third party acting or refraining to act in reliance on the Report.
- 15 We have not been required, or sought, to independently verify the accuracy of information provided to us. Accordingly, we express no opinion on the reliability, accuracy, or completeness of the information provided to us and upon which we have relied.
- 16 The statements and opinions expressed herein have been made in good faith, and on the basis that all information relied upon is true and accurate in all material respects, and not misleading by reason of omission or otherwise. We reserve the right, but will be under no obligation, to review or amend this Report if any additional information, which was in existence on the date of this Report, was not brought to our attention, or subsequently comes to light.



## 2 LOCAL GOVERNMENT IN NEW ZEALAND

- 17 Local authorities have a specific mandate, scope and legislation that shapes **what** functions and services should be delivered, and provides guidance on **how** they should be delivered. This section sets out the legislation that determines the purpose and scope of local authorities, as well as how they should be governed. It provides useful background context for the analysis in the current Review.

### Legislation shapes the role of local authorities

- 18 Local authorities operate under several pieces of legislation, including (but not limited to):
- a the Local Government Act 2002, which establishes the framework under which local authorities operate
  - b the Local Government (Rating) Act 2002, which provides local authorities with flexible powers to set, assess and collect rates to fund local government activities
  - c the Local Government Official Information and Meetings Act 1987 (LGOIMA), which sets out formal meeting requirements and procedures
  - d the Local Electoral Act 2001, which sets rules for the conduct and timing of local elections
  - e the Building Act 2004
  - f the Resource Management Act 1991 (RMA), the purpose of which is to promote the sustainable management of natural and physical resources. It defines the functions and responsibilities of various authorities and persons on resource management issues
  - g the Land Transport Act 1998
  - h the Health Act 1956.<sup>4</sup>

### Purpose of local government

- 19 The purpose of local authorities is to 'enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future'.<sup>5</sup>

<sup>4</sup> Greater Wellington Regional Council, 'Key local government legislation'. 16 October 2019. Retrieved from <https://www.gw.govt.nz/key-local-government-legislation/>

<sup>5</sup> Local Government Act 2002, Subpart 1 – Purpose of Local Government



## Principles relating to local authorities

20 The Local Government Act specifies that in delivering its role and services, 'a local authority must act in accordance with the following principles:

(a) a local authority should—

- (i) conduct its business in an open, transparent, and democratically accountable manner; and
- (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner;

(b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and

(c) when making a decision, a local authority should take account of—

- (i) the diversity of the community, and the community's interests, within its district or region; and
- (ii) the interests of future as well as current communities; and
- (iii) the likely impact of any decision on each aspect of well-being referred to in section 10:

(d) a local authority should provide opportunities for Māori to contribute to its decision-making processes;

(e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and

(f) a local authority should undertake any commercial transactions in accordance with sound business practices; and

(fa) a local authority should periodically—

- (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
- (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and

(g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and

(h) in taking a sustainable development approach, a local authority should take into account—

- (i) the social, economic, and cultural well-being of people and communities; and
- (ii) the need to maintain and enhance the quality of the environment; and
- (iii) the reasonably foreseeable needs of future generations.<sup>6</sup>

<sup>6</sup> Local Government Act 2002, section 14.



## Governance and representation

- 21 The governing body of a local authority is 'responsible and democratically accountable for decision-making of the local authority'.<sup>7</sup>
- 22 Governance positions are filled by local elections every three years. For electoral purposes, a district can be divided into wards, and governance positions can represent specific wards or the whole district.<sup>8</sup>
- 23 There are specific governance roles that local authorities are required to have:
  - a **Mayor** – The Mayor must be chosen by 'the electors of the district as a whole', and the election of the mayor must be held at the same time as the general election of other members of the territorial authority<sup>9</sup>
  - b **Councillors** – Councillors are elected by the community. Governing bodies can consist of between six and 30 members, including the Mayor.<sup>10</sup>
- 24 Local authorities also have the option of establishing Community Boards, and Māori wards or Māori constituencies, for increased representation of community and Māori interests.
  - a **Community Boards** – If the local authority chooses to have them, Community Boards must consist of between four and 12 members. At least four of these members must be elected by the community, and others may be appointed directly by the local authority<sup>11</sup>
  - b **Māori wards and Māori constituencies** – For electoral purposes territorial authorities may establish Māori wards and regional councils may establish Māori constituencies.<sup>12</sup> These ensure that a Māori representative is elected as part of the governing body.

## Services delivered by local authorities

- 25 The scope of activities delivered by local authorities arises from reforms in 1989, when the Local Government Commission amalgamated approximately 700 councils and single-purpose bodies into 86 multi-purpose bodies. In 2010, a further amalgamation saw Auckland's regional council and seven territorial authorities merge into what is now known as Auckland Council.
- 26 Services specified in the Local Government Act include those that 'meet the needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions'.<sup>13</sup>
- 27 In practice, local authorities provide a range of services for the community, including:
  - a developing and delivering infrastructure (for example, roads, public transport and water supplies)

<sup>7</sup> Local Government Act 2002, section 41.

<sup>8</sup> Local Electoral Act 2001, section 19C.

<sup>9</sup> Local Electoral Act 2001, section 19B.

<sup>10</sup> Local Electoral Act 2001, Part 1A.

<sup>11</sup> Local Electoral Act 2001, section 19F.

<sup>12</sup> Local Electoral Act 2001, section 19Z.

<sup>13</sup> Local Government Act 2002, section 17A.



- b managing water systems and waste (for example, water supply, wastewater, and solid waste)
  - c undertaking planning and regulatory activities (for example, long term and annual planning, resource planning and building consents, local policies, animal control, and food safety)
  - d providing recreational facilities (for example, parks, playgrounds, and swimming pools)
  - e providing property for community use (for example, social housing, community halls and multi-use spaces)
  - f supporting cultural activities (for example, festivals, libraries, museums, and community events)
  - g working to protect the environment (for example, air and water quality, land and soil management, and flood protection)
  - h planning for civil emergencies.<sup>14</sup>
- 28 Governance, delivery and funding of services can either be delivered by the local authority, a council-controlled organisation of the local authority, another local authority, or another person or agency.
- 29 Local authorities also work with central government and private-sector organisations to deliver projects for the community, such as roading transformation and social sector initiatives.

## Funding

- 30 Local authorities fund the services they deliver through a number of sources:
- a rates, which are set by the Council in accordance with the Local Government (Rating) Act
  - b user fees and charges - for example, building consent fees, resource management fees, animal management fees, and alcohol licensing fees
  - c interest and dividends – for example, through investment portfolios
  - d grants from central government.

<sup>14</sup> LGNZ, 'Local Government Funding Review Discussion Paper', February 2015. Retrieved from <https://www.lgnz.co.nz/assets/Uploads/Our-work/dd9ca9321d/Local-Government-Funding-Review.pdf>



### 3 KCDC'S OPERATING CONTEXT

- 31 This section describes some of the unique characteristics of Kāpiti Coast district and the community the Council serves. These characteristics need to be considered in relation to what is expected from the Council, and how it operates.

#### The Kāpiti Coast has different, and diverse communities

- 32 Kāpiti Coast District Council covers a conglomeration of a number of smaller communities. Each community has its own unique profile, dynamics and needs. As a result of this, the Council receives differing views from different parts of the district on what functions and services are needed.
- 33 There are approximately 53,200 residents in the Kāpiti Coast district, but they are not all concentrated in one area. As shown in Table 1, levels of concentration in different locations range from 39% of residents based in Paraparaumu, to 17% of residents based in Ōtaki.

**Table 1: Number of residents in Kāpiti**

Community	Population (June 2018 estimate)
Paraparaumu	20,700
Waikanae	12,850
Paekākāriki-Raumati	10,750
Ōtaki	8,890
<b>Total</b>	<b>53,200</b>

Source: Figures are from Stats NZ estimates as at 30 June 2018, obtained from the Kāpiti Coast District Council Candidates Information Handbook 2019.

- 34 There are three iwi within the district, each with interests in differing tribal areas. These are iwi and hapū of Te Āti Awa ki Whakarongatai, Ngā Hapū o Ōtaki (Ngāti Raukawa), and Ngāti Toa Rangatira.

*"Kāpiti has become a number of 'villages' with each having its unique character" –  
External stakeholder*

#### The age profile of the Kāpiti Coast district adds to the diversity

- 35 According to the 2018 Census, more than 17,000 people living in the district are over the age of 60 (32%).<sup>15</sup> There is also a large proportion of younger people in the district, with approximately

<sup>15</sup> .idcommunity. 'Kāpiti Coast District Community Profile'. 2018. Retrieved from <https://profile.idnz.co.nz/kapiti/service-age-groups?WebID=10>





7,350 aged under 11 (14%).<sup>16</sup> This plays a part in adding to the diversity of the needs and interests within the district.

## The Council has a broad role

- 36 KCDC's purpose is to promote the social, economic, environmental and cultural wellbeing of the Kāpiti Coast.<sup>17</sup> To achieve this, the Council carries out a number of activities, including:
- a facilitating solutions to local needs
  - b advocating on behalf of the local community with central government, other local authorities and other agencies
  - c developing local resources
  - d managing local infrastructure including network infrastructure (for example, roads, sewage disposal, water, and stormwater) and community infrastructure (libraries, parks and recreational facilities)
  - e environmental management
  - f planning for the district's future needs.<sup>18</sup>
- 37 Almost all services provided by KCDC are delivered directly. The two exceptions are roading maintenance and kerbside rubbish and recycling collection (which is outsourced to third-party providers). Delivering services in-house is a choice made by the Council to deliver services efficiently and more cost-effectively.<sup>19</sup> Bringing these services in-house would have required a multi-million dollar capital investment and a significant increase in rates.

## Governance and representation

- 38 Governance and representation structures for the Kāpiti Coast District Council include the following:

### Governance

- 39 The Kāpiti Coast District Council consists of a Mayor, who is Chairperson of the Council, and 10 Councillors. This comprises the decision-making governance group for the Council.

### Representation

- 40 The Mayor and Councillors also have a role as community representatives on the Council.

<sup>16</sup> 'Kāpiti Coast District Community Profile'

<sup>17</sup> Kāpiti Coast District Council, 'The Role of Council'. Retrieved from <https://www.kapiticoast.govt.nz/your-council/the-role-of-council/>

<sup>18</sup> KCDC, 'The Role of Council'.

<sup>19</sup> Kāpiti Coast District Council, 'Our Kāpiti Story: Pre-election report'. 2019. Retrieved from <https://www.kapiticoast.govt.nz/media/35641/kcdc-2019-pre-election-report-web-final.pdf>



### Wards

- 41 The Kāpiti Coast district is divided into four wards for electoral purposes. Five of the 10 Councillors represent the entire district and five of them represent the following four wards (Ward Councillors):
- a Ōtaki, Waikanae, Paekākāriki-Raumati Wards – with one Councillor in each, and
  - b two Councillors in the Paraparaumu Ward.

### Community Boards

- 42 The Kāpiti Coast District has four Community Boards to provide grass-roots representation for the community. A Board representative can sit at Council meetings and contribute to the debate. This helps ensure that, in looking after the interests of the whole district, the Council also takes account of what each local community wants.
- 43 A Board's role is mainly advocacy, but it can also make some decisions about issues within its boundaries. Boards make submissions to the Council and other statutory agencies. They control local funds for making grants to individuals and groups for community purposes.<sup>20</sup>
- 44 The composition of each is as follows:
- a Ōtaki Community Board – four members elected by the community plus the Ōtaki Ward Councillor appointed by the Council
  - b Paraparaumu/Raumati Community Board – four members elected by the community, plus the two Paraparaumu Ward Councillors appointed by the Council
  - c Paekākāriki Community Board – four members elected by the community plus the Paekākāriki-Raumati Ward Councillor appointed by the Council, and
  - d Waikanae Community Board – four members elected by the community plus the Waikanae Ward Councillor appointed by the Council.

### Partnership with Mana Whenua

- 45 Te Whakaminenga o Kāpiti is a body formed in 1994 to guide KCDC's relationship with iwi, although where appropriate the Council also consults directly with iwi.
- 46 The partners are the Kāpiti Coast District Council and the mana whenua (people with 'authority over the land') on the Kāpiti Coast: Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira. This was formalised in a Memorandum of Partnership signed on 9 February 1994. Since then that Memorandum has been reviewed and re-signed a number of times, most recently on 5 December 2017.
- 47 In the 2010–2013 Triennium, the Council Governance Structure and Delegations documentation referred to the Chair of Te Whakaminenga o Kāpiti or their nominated alternate being able to attend meetings of Council and / or Committees, able to contribute to debate but not to vote.
- 48 In September 2010 the Council also signed a Memorandum of Understanding with Te Āti Awa ki Whakarongotai, confirming a commitment by the Council and iwi to work in partnership on water and management of water for the district.

<sup>20</sup> Retrieved from: <https://www.kapiticoast.govt.nz/your-council/elected-members/community-board-members/>



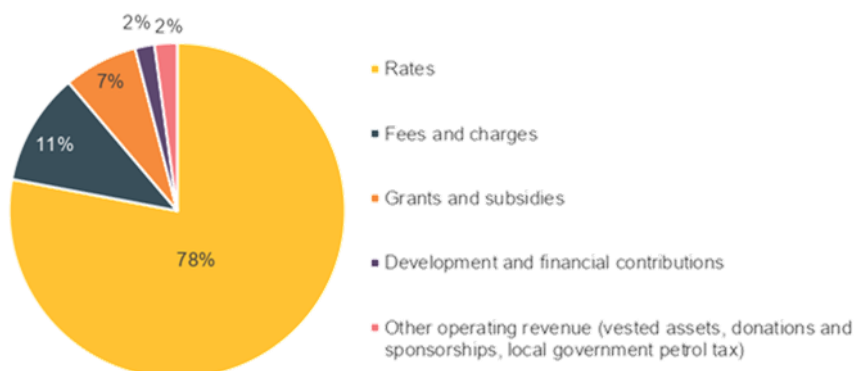


- 49 In addition to attendance of the Chair of Te Whakameninga o Kāpiti or nominated representative at Council meetings, in the 2013-2016 Triennium Council also approved appointment of Māori representatives with voting rights to the major Standing Committees. These arrangements have continued to be approved over the years to the present 2019-2022 Triennium.

## KCDC relies heavily on rates

- 50 Council's main source of income is rates, as shown in Figure 2 below. For 2019 rates represented 78% of revenue, with the other revenue from user fees, grants and subsidies, development and financial contributions, and other sources. In previous years the Council has been reluctant to increase the cost of rates to cover additional operating activities, particularly as the average residential rates in Kāpiti are above the median for New Zealand.<sup>21</sup> The Council strongly emphasises operating as efficiently as possible.

**Figure 2: Sources of revenue, 2018/19 actual**



Source: KCDC Annual Report 2018/19

- 51 KCDC's financial strategy has three points of focus: delivering affordable rates; minimising borrowings by limiting capital spending; and paying back what has already been borrowed so that it can re-finance when it needs to replace assets. The Council recognises that some major infrastructure in the district needs replacing and that more borrowing will be needed to deal to this.
- 52 The Council has applied its so-called 'green-line strategy' to deliver on the financial strategy, which has meant a programme of reduced capital expenditure over the past five years that 'prioritises infrastructure for resilience and growth and frees up funds to enable us to pay back debt earlier than previously forecast.'<sup>22</sup>

<sup>21</sup> Our Kāpiti Story; NZ Taxpayers' Union 2018 Ratepayers' Report

<sup>22</sup> Kāpiti Coast District Council, 'Our Kāpiti Story: Pre-election report'. 2019. Retrieved from <https://www.kapiticoast.govt.nz/media/35641/kcdc-2019-pre-election-report-web-final.pdf>



- 53 The strategy has paid off to the extent that the financial rating agency Standard and Poor's (S&P) recently revised the Council's credit outlook up two grades from A+ to AA.
- 54 A major benefit of this AA rating is the enhanced credit rating and the increased attractiveness of the Council to lenders; and all future necessary borrowing will potentially be at lower rates than otherwise.



## **PART B. DETAILED FINDINGS AND CONCLUSIONS**



## 4 STRATEGY AND PLANNING

### Good practice

- 55 To fulfil their obligation to meet the needs of their communities, local authorities are required to operate within a planning framework that has a long-term horizon (the 'Long Term Plan'), and a more immediate focus (the 'Annual Plan'). These plans articulate the goals and outcomes each authority is seeking to achieve over each of these planning timeframes.
- 56 In addition, areas of council activity will be guided by more specific business and activity management plans.
- 57 Effective organisational decision-making and activity to deliver on strategic plans is best underpinned by a clearly articulated organisational strategy and approach. This assists with planning, prioritisation of initiatives, the allocation of resources, and operational focus.

### The Long-Term Plan

- 58 The Local Government Act requires local authorities to develop a Long-Term Plan. This must describe the authority's activities and the community outcomes it seeks to achieve, and provide a long-term focus for the authority's decisions and activities.<sup>23</sup> The Long-Term Plan provides a basis for the local authority to be accountable to the community, as measures are used to indicate how the Council is performing. The Long-Term Plan is reviewed every three years.
- 59 Councils should engage as broadly as possible to develop the Long-Term Plan, with input from the community, businesses, and partner organisations at each three-yearly review.
- 60 The Long-Term Plan should also be presented in a way that is engaging, and easily accessible for members of the community.

### The Annual Plan

- 61 Local authorities are required by the Local Government Act to prepare and adopt an annual plan for each financial year. The Annual Plan sets out the proposed annual budget and funding impact statement for the year, and includes any variations in priority or activities from the Long-Term Plan.<sup>24</sup>
- 62 The Annual Plan is adopted before the start of the financial year in July, following a submission process.
- 63 Good practice is for Annual Plans to be clear, and easy to engage with, and to show a clear link between the Council's vision and its overall strategy (the Long-Term Plan), as well as priorities for the coming year.

### Operational Plans

- 64 To support the delivery of operational activities, local authorities develop their own internal operational plans. These connect the objectives in the Annual Plan with day-to-day work. Good

<sup>23</sup> Local Government Act 2002, section 93.

<sup>24</sup> Local Government Act 2002, section 93.



practice operational plans provide focus and guidance for staff, articulating what is a priority (and sometimes what isn't) and what level of service or outcomes are expected to be achieved.

## Insights on KCDC's current approach

### KCDC's Long-Term Plan and Annual Plan clearly set out the vision for the future and key initiatives

#### The 2018–2038 Long-Term Plan

- 65 Kāpiti Coast District Council adopted the 2018–2038 Long-Term Plan for *'Building a Stronger Kāpiti Together'* on 28 June 2018.<sup>25</sup> The Long-Term Plan sets out the Council's 'roadmap for the future', including planned activities and initiatives in the first three years and the broader direction the Council is working towards.<sup>26</sup>
- 66 The Long-Term Plan sets out a vision for Kāpiti: a thriving environment, a vibrant economy, and strong communities. Long-term goals that Council has articulated to achieve this vision include:
- a wise management of public resources and sustainable funding of Council services
  - b the Council is a trusted partner with tāngata whenua and strongly engaged with the community
  - c a high-quality natural environment enjoyed by all
  - d a resilient community that has support for basic needs and feels safe and connected
  - e an attractive and distinctive Kāpiti identity and sense of place that make people proud to live, work and play here
  - f a strong economy with more jobs and higher average incomes.<sup>27</sup>
- 67 The work programme to support delivery of the plan has been organised into four clusters:
- a Infrastructure
  - b Community Services
  - c Planning and Regulatory Services
  - d Governance and Tāngata Whenua.

#### Plan on a page

- 68 The Council has also developed a 'plan on a page', which provides a clearly expressed summary of the outcomes and goals in the Long-Term Plan. It is displayed within some Council offices and buildings, such as Council Chambers and in the offices of KCDC's leadership. The plan on a page provides a reference point to elected members, leaders and staff on the short-term

<sup>25</sup> Kāpiti Coast District Council, 'Annual and Long Term Plans'. Retrieved from <https://www.kapiticoast.govt.nz/your-council/planning/annual-and-long-term-plans/>

<sup>26</sup> The Local Government Act Amendment of 2014 requires councils to adopt a 30-year infrastructure strategy for inclusion in Long Term Plans

<sup>27</sup> Kāpiti Coast District Council, 'Our plan on a page'. 2018. Retrieved from [https://www.kapiticoast.govt.nz/media/27768/6919\\_kapiti\\_pop2018\\_8-0-a4.pdf](https://www.kapiticoast.govt.nz/media/27768/6919_kapiti_pop2018_8-0-a4.pdf)



outcomes the Council seeks to achieve, and the long-term goals for the district. It is also accessible to the public through the Council's website, through service centres, and as a section of the Long-Term Plan and the Annual Plan.

### 2019/20 Annual Plan (Toitū Kāpiti)

- 69 The Council's Annual Plan for 2019/20 sets out activities that it plans to deliver across the district in the coming year. In 2019/20, these activities repeat what is set out in the Long-Term Plan. For those within Council who are focused on delivering the capital works programme or infrastructure services, the Annual Plan provides clear guidance on what is expected to be delivered. Other activities are not as clear on what is required on a day-to-day basis, such as the focus to 'work to ensure our neighbourhoods and communities are safe places' or 'continue managing and developing resilience and community-building events'.<sup>28</sup>
- 70 The Council's planning documents, while relatively long documents, are clear and visually engaging. They are readily available in hard or soft copy, and can be readily accessed through the KCDC website and service centres, either in their entirety or in individual sections.

### Below the strategic documents there are a number of supporting strategies, policies and plans that the Council uses to plan for and guide activity

- 71 There is no shortage of next-level plans and strategies at the Council's disposal to support the delivery of initiatives in the Long-Term and Annual Plans. Some of the key strategies and policies are presented in the Long-Term Plan itself. These include the Council's financial strategy, infrastructure strategy, revenue and financing policy, development contributions policy, rates remissions policy, and significance and engagement policy.
- 72 There are also a number of plans and strategies that guide decision-making and implementation for achieving the outcomes of the Long-Term and Annual Plans. These include a range of focused stand-alone strategies for such things as coastal management, support for community facilities, cycleways, walkways and bridleways, development management, economic development, infrastructure management, community strategies for positive ageing, open spaces, and supporting the arts.<sup>29</sup>
- 73 There is also a suite of operational plans (Activity Plans and Asset Management Plans) that are aimed at linking the Council's activities and associated levels of service to achieving the Council's outcomes for the community as expressed in the Long-Term Plan. These provide guidance for KCDC Activity Managers and staff for planning and delivery of initiatives and business as usual activity.

<sup>28</sup> Kāpiti Coast District Council, Annual Plan 2019/20, page 29.

<sup>29</sup> See Kāpiti Coast District Council website at <https://www.kapiticoast.govt.nz/your-council/forms-documents/policy-and-strategy/council-strategies/>





### High-level plans are not always easy to operationalise

- 74 Conversations with KCDC staff and managers indicate that there are some challenges for translating the vision of the Long-Term and Annual Plans into day-to-day work across the Council.
- 75 The high-level nature of the plans can present difficulties for staff as they seek to prioritise work, manage their workload, and understand how different initiatives and priorities fit together.
- 76 The default position when faced with heavy workloads is to focus on the work that is in the immediate activity plans with little time for connecting this with the work of others.
- 77 The local government environment can be fast-changing and fluid. Things can change on an almost daily basis as a result of unpredictable central government requirements, community pressures, requests from elected members, and changes in the physical environment. These factors are at play in all local government situations, and are not unique to KCDC's situation.
- 78 This further exacerbates the workload and the challenges for focus on the planned work.

### A mechanism is needed to assist people to navigate immediate workload demands and the requirements of strategic plans

- 79 A recurring theme in a number of interviews with managers and staff was the lack of guidance or 'steer' to assist them to somehow navigate their way through the complexity of the work demands and to achieve some balance between responding to immediate needs while not undermining the integrity of the higher level plans – a means for prioritising activity.
- 80 What seems to be missing is a bridge between the higher level strategy and its execution that enables people to make informed and confident choices on what they can and cannot do, will and will not do, and who they need to be connected with to get the work done more efficiently and effectively.
- 81 This bridge is sometimes referred to as an operating model for the organisation, which spells out an agreed view within the organisation for what the organisational focus is, how decisions and work will be approached and enables transparency for why things will be done in particular ways.
- 82 This acts as an organisationally supported mandate for empowering managers and staff to make choices, prioritise activity and provide a logical rationale for the decision that can be communicated to interested and affected parties.
- 83 The notion of an operating model is explored further in the section on 'Ways of Working' in this report.
- 84 There is a need for the Council to provide the community with an update on progress that has been made in this area.



## Mixed views on the communication and engagement around planning

- 85 The Terms of Reference for this Review included communication and engagement as specific areas for assessment. This report covers these two areas later in sections on 'External Relations and Engagement' and 'Communications'.
- 86 However, it is worth making a comment on communication and engagement in this section on strategy and planning, particularly given the role that communication and engagement play in the development, understanding and execution of strategy and plans.
- 87 Among external stakeholders there were mixed views on the engagement and communication processes used for developing strategy and plans. Some thought engagement was superficial at times, consisting mainly of briefings on decisions already made. Other external stakeholders reported high levels of satisfaction with the degree of engagement and opportunities for consultation.<sup>30</sup>
- 88 As we note later in this report, the communication and engagement processes around the development of the Long-Term Plan were quite extensive and provided a range of opportunities for input and submissions.

## Perceptions that the rationale for plans and decisions was not always transparent

- 89 The one area where there was more consistency of views among stakeholders was the perceived lack of explanation by the Council of the rationale behind strategy and plans. People felt there needed to be more transparency and explanation of why something was planned to be done or being done already. In this same vein, the Review also heard that the Council did not always provide a rationale for not acting on submissions made to the planning process. In some situations, community stakeholders had made considerable efforts to contribute to the planning process.
- 90 From comments made to the Review in interviews, this lack of explanation contributes to people feeling that their voices are perhaps not listened to or not considered important, and undermines the Councils' good intent in consulting with community.

*"Because no-one explains why things are, people draw their own conclusions"*  
– External stakeholder interview

- 91 This was particularly apparent with the Council's approach to spending. A number of people we interviewed felt strongly that the Council was too focused on not spending in order to reduce costs, as opposed to investing for the future. However, the Council has a well-articulated financial strategy, endorsed by the Office of the Auditor General that, in addition to prudent expenditure management, gives high priority to investing in resilience and growth.

<sup>30</sup> Interviews with external stakeholders.





- 92 We also note that there are a number of documents that explain KCDC strategies and the Council's position, the most recent being *Our Kāpiti Story: Where we're at and where we're headed*, which provide a clear rationale for the Council's position across the spectrum of its activities.



## 5 GOVERNANCE AND LEADERSHIP

### Good practice

#### Role of the Mayor and Councillors (Governance body)

93 The governing body of KCDC consists of the Mayor and all Councillors. It not only employs the Chief Executive, and through the CE all the local authority's staff, it also has a representative and governance function. Drawing on the requirements of the Local Government Act 2002 and an extensive survey of elected members and chief executives, the Office of the Auditor General summarised the role as being to:

- a represent residents and other members of the local community
- b set the strategic direction for the local authority and determine policies consistent with that strategic direction
- c delegate the management and administration of the local authority to the chief executive; and
- d monitor and evaluate the performance of the local authority against council policies and plans.<sup>31</sup>

94 This is echoed in the LGNZ 2019 *Mayor's Guide*, 2019.

'As a democratically elected forum it [the governance group] is designed to provide a voice for citizens and mechanism for making decisions on behalf of current and future citizens. In terms of its governance function it is responsible for setting the direction of the organisation, exercising stewardship and holding the organisation to account (through the CE).'<sup>32</sup>

95 Elected members are expected to make important decisions about the governance of the local authority – dealing with a wide range of policy matters that are often complex, subjective, or unfamiliar, and therefore requiring careful judgement. These tasks pose a significant challenge for individual members and for Councils as governing bodies, for two reasons:

- a First, there is a natural tension between representing residents of the local community (which might be specific to the small part of the community that elected the member) and making governance judgement calls for the good of the whole region or district.
- b Second, an information asymmetry naturally exists for members, when they just do not have the breadth and depth of knowledge to support judgements and decisions that are fair and fully informed, particularly at the start of their terms. The elected members need to draw on significant support from Council management and staff to bridge the information gap, and they need to be able to trust the information provided to them.

<sup>31</sup> See Managing the Relationship between a Local Authority's Elected Members and its Chief Executive retrieved from <https://oag.parliament.nz/2002/chief-execs/part4.htm>

<sup>32</sup> LGNZ, The 2019 Mayor's Guide, page 15.



### Role of the Chief Executive

- 96 Drawing on the same insights as for the elected members' role, the Office of the Auditor General has summarised the role of the Chief Executive as being to:
- a provide leadership to the administration of the local authority's affairs
  - b act as the link between the elected members in their governance capacity and the executive and administrative staff
  - c discharge their specific responsibilities under the local government legislation (see below), and
  - d discharge whatever other responsibilities have been delegated to the CE by the Council.<sup>33</sup>

### The Chief Executive's statutory responsibilities

- 97 The CE's responsibilities are specified in the local government legislation as:
- a implementing the Council's decisions
  - b providing advice to members of the Council and any Community Boards
  - c ensuring that all the functions, duties and powers delegated to the CE or other Council employees, or imposed or conferred by any Act, regulations or bylaws, are properly performed or exercised
  - d ensuring the effective and efficient management of the Council's activities
  - e facilitating and fostering representative and substantial elector participation in local elections and polls
  - f providing leadership for Council staff
  - g maintaining systems to enable effective planning and accurate reporting of the Council's financial and service performance
  - h on the Council's behalf, employing the Council's staff and negotiating their terms of employment.<sup>34</sup>
- 98 An important feature of the relationships between elected members and the Chief Executive is distinguishing the Council's governance role and the CE's management role. Sometimes, the two roles are not easily separated, and it is up to the Council and the Chief Executive to develop an understanding of their separate responsibilities.<sup>35</sup>
- 99 The LGNZ 2019 Mayor's Guide sums up the difference in the roles:
- 'In general terms, the CE is responsible for the administration of the local authority while councillors and mayors are responsible for its governance. To use a simple maritime analogy, it is the CE's role to row the ship while it is the elected members' role to do the steering, however in practice the distinction can never be that clear.'<sup>36</sup>

<sup>33</sup> Office of the Auditor-General, 'Managing the Relationship between a Local Authority's Elected Members and its Chief Executive' – retrieved from <https://oag.parliament.nz/2002/chief-execs/part4.htm>

<sup>34</sup> Local Government Act 2002, section 42(2).

<sup>35</sup> OAG, Managing the Relationship between a Local Authority's Elected Members and its Chief Executive.

<sup>36</sup> LGNZ, The 2019 Mayor's Guide



- 100 A large contributor to lack of clarity in the distinction between the roles is the democratic process itself, whereby individuals are elected to governance roles when in fact their competency may lie more in representing community interests than in governance. As a result, there needs to be opportunity for elected members to develop governance skills through training and experience. They also need to be able to rely on the Council leadership for strategy and policy advice to inform governance decision-making.
- 101 Successful relationships are based on trust, open communication, and a spirit of problem solving.

### **Local Governance Statements**

- 102 Following each three-yearly local government election, all local authorities are required to prepare a Local Governance Statement.<sup>37</sup> This is a collection of information on the authority's functions, responsibilities and activities, the roles and conduct of elected members, governance structures and processes, membership, and delegations. It also contains information about roles and processes for engaging with the community, about how the local authority makes decisions, and about how citizens can influence these processes.
- 103 The Local Governance Statement helps clarify the respective roles and responsibilities for elected members. However, the Review notes that these documents do seem to focus more on process than on the orientation and specifics of the roles.
- 104 To provide more clarity on roles and responsibilities, the following section presents eight key elements of effective governance and also provides insights on the relationship between governance and management.

### **Elements of effective governance**

- 105 The Office of the Auditor-General has identified eight elements that need to be in place for effective governance. These elements and how they apply in the local government context are set out in Table 2 below.

<sup>37</sup> Local Government Act 2002, section 40(1).



**Table 2: Elements of effective governance**

Element	Application to Councils
<b>1 Set a clear purpose and stay focused on it</b>	<ul style="list-style-type: none"> <li>Councillors lead, contribute to and challenge (where appropriate), strategic planning processes, based on their own understanding of community expectations and the wider context that the Council operates in.</li> <li>Strategic direction setting includes setting realistic medium- and long-term outcomes and short-term priorities, and expenditure/investment choices and budgets.</li> <li>Once a strategy is finalised and endorsed by Council, Councillors communicate the strategy and initiatives to the community to build awareness, understanding and support.</li> </ul>
<b>2 Have clear roles and responsibilities that separate governance and management</b>	<ul style="list-style-type: none"> <li>The roles and responsibilities of governance and management are clearly articulated.</li> <li>Councillors and staff have a clear view on what matters should be decided by Councillors (eg. matters which relate to the strategic direction of Council), and what can be decided by staff (eg. decisions to operationalise strategic decisions made by Councillors).</li> <li>Clear roles and responsibilities make any differing interests transparent, and foster effective decision-making.</li> </ul>
<b>3 Lead by setting a constructive tone</b>	<ul style="list-style-type: none"> <li>The leadership role of the Mayor and Councillors sets the right tone 'from the top' that shapes the culture and demonstrates the desired values and ethics of the Council.</li> <li>Councillors achieve this through establishing or approving policies and making decisions, and the approach and behaviour the Council takes to its work (with management, members of the community and external stakeholders).</li> </ul>
<b>4 Involve the right people</b>	<ul style="list-style-type: none"> <li>For governance to be effective, it is critical that the right people are involved in informing or making decisions. The level of trust between people – between Councillors, management, and stakeholders – affects the effectiveness of the governance arrangements.</li> <li>Members bring multiple perspectives, debate issues robustly, and then speak with unity of voice and message about the decisions made.</li> <li>As Councillors are elected by the Community, Council should recognise when discussions or decisions require input from different or diverse voices, and invite members of the community to contribute (where relevant).</li> <li>Once a decision is made by Council, Councillors support activities to implement the decision. This includes sharing the outcome of decision-making with the community, even if individual Councillors were opposed at the time of making the decision.</li> </ul>
<b>5 Invest in effective relationships built on trust and respect</b>	<ul style="list-style-type: none"> <li>Strong relationships between Councillors and the community are important. Effective community engagement is of particular value in understanding views when making important decisions, forming strategies, and identifying funding.</li> <li>Good practice involves preparing community engagement plans or relationship protocols with key partners (such as iwi).</li> </ul>

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Commercial In Confidence





Element	Application to Councils
6 Be clear about accountabilities and transparent about performance against them	<ul style="list-style-type: none"> <li>Governance practices need to support accountability. Governance structures should include a clear accountability framework that shapes how an organisation's financial and operational performance will be monitored and reported. The framework should also cover how the governing body will be accountable for future-focused decisions, such as maintaining and enhancing the capability of the organisation.</li> <li>Effective governance relies on governing bodies receiving regular reports that provide a clear and objective view of an organisation's (or project's) performance.</li> <li>Governing bodies need to be provided with enough detail to support performance management and decision-making, while avoiding unnecessary details about operational matters.</li> </ul>
7 Manage risks effectively	<ul style="list-style-type: none"> <li>Governing bodies have a leading role in establishing an organisation's overall understanding of risk, including the potential effect of its strategic, financial, operational, and reputational risks.</li> <li>Effective risk management by public organisations involves identifying, analysing, mitigating, monitoring, and communicating risks.</li> <li>Good practice includes articulation of a risk management framework and register that is formally defined, widely understood, and aligned to the organisational strategy, risk appetite, objectives, business plan, and community expectations.</li> </ul>
8 Ensure that you have good information, systems, and controls	<ul style="list-style-type: none"> <li>Governors are accountable for the decisions they take. Therefore, they need relevant, accurate, and up-to-date information to make good decisions.</li> <li>The governing body has a role to review whether Council's systems and controls to ensure that they remain fit-for-purpose. Systems and controls can be organisational (terms of reference, independence, and separation of duties), operational (planning and budgeting) and about personnel (policies relating to recruitment, training, and development).</li> </ul>

Source: Office of the Auditor-General, 'Elements of effective governance'. Retrieved from <https://www.oag.govt.nz/good-practice/governance/organisation>

### Leading by example

106 In addition to **what** Councillors do to deliver their governance role, it is also important to consider **how** governors behave in delivering their role. The importance of this in building a positive and cohesive organisation is discussed by LGNZ:

*'[M]eetings which are orderly and in which members treat each other with respect not only improve the community's confidence in the quality of governance but also the morale of staff.'*<sup>38</sup>

107 There are a number of ways to support elected members as they settle into their governance role. Regarding the interests of representation, every elected member on taking office must sign a declaration that they will put the interests of the local authority ahead of any special interests they may represent within their district.

<sup>38</sup> LGNZ, 'The 2019 Mayor's Guide', 2019. Retrieved from <https://www.lgnz.co.nz/assets/5222c03b72/LGNZ-2019-Mayors-Guide-v2.docx>



- 108 For the governance role, there are a variety of 'good practice' guides and development opportunities for assisting newly elected members at the point of their induction and then throughout their tenure. These include:
- a LGNZ Elected Members Governance Handbook 2019
  - b LGNZ Online Learning Modules Governance
  - c LGNZ, 'The 2019 Mayor's Guide'
  - d Office of the Auditor-General, 'Elements of effective governance' (see the summary provided above).

### **Collective positions on Council decisions**

- 109 Collective Cabinet responsibility is one of New Zealand's key constitutional conventions for Parliamentary behaviour. It refers to the collective power of Cabinet to direct individual ministers, all of whom must publicly support Cabinet's decisions. No such convention holds for local authorities; however, there are still some responsibilities for presenting a collective position on Council decisions and agreed policies.
- 110 The Auditor-General's good practice guide states as a principle that 'Council should speak with one voice'. This means that communications from elected members and from management and staff should present a collective position on Council policies and positions.
- 111 It is not unusual to find statements in the media by Councillors dissenting from a majority Council decision. Good practice principles do support communications by elected members of their personal views, as opposed to communication of Council matters in an official capacity. However, these personal statements 'should be clearly identified as such, and be confined to matters that are relevant to the role of local authorities'. A dissenting view does not invalidate the Council's majority decision.

### **Role of leaders and managers**

- 112 Leaders and managers are critical to the effective operation of any organisation. Their role is to lead the business – articulating areas of focus and organisational priorities, and ensuring that staff have the right tools and equipment to do their job effectively. They take direction from the Council, and ensure that operational activity aligns with and implements Councillors' strategic decisions.
- 113 Leaders and managers are also operational decision-makers. They understand their authority, the possible range of decisions, and the statutory or regulatory basis and justification for the decision.
- 114 Effective decision-makers understand the context of a decision and the bigger picture, use intelligence to inform their work, can deal with the level of complexity of the decisions they make, and remain open-minded. They are also able to think through the consequences of the decision and the relevance of those consequences for achieving the Council's purpose and objectives.

### **Managers build capability and they support ongoing development**

- 115 Effective managers build capability within their teams and they support the ongoing development of staff to enable good decision-making. They create an environment of continuous improvement, where decisions are discussed and there are opportunities to question and learn.





## Insights on KCDC's current approach

### Governance

#### Suitable arrangements are in place to support governance of Council

- 116 Every three years, members of the community elect a Mayor and 10 Councillors to govern the Council. The composition of Councillors includes five district-wide Councillors (those who represent community interests across Kāpiti), and Ward Councillors for Ōtaki (1 councillor), Paraparaumu (2), Waikanae (1), and Paekākāriki-Raumati (1).
- 117 There are also four Community Boards. These support governance through playing an advocacy role for the community to inform the decisions of the governing body.
- 118 In the current triennium (2019–2021), the Mayor has established five subcommittees to support Council governance of Council:
- a the Strategy and Operations Committee (the Mayor and all Councillors are members, and there is also a Māori member with voting rights)
  - b the Audit and Risk Subcommittee
  - c the Grants Allocation Subcommittee
  - d the Appeals Hearing Subcommittee
  - e the Chief Executive Performance and Employment Subcommittee (of which the Mayor and all Councillors are members).
- 119 Councillors are responsible for setting the Council's strategic direction, for developing and adopting policy, and for stewarding Council resources prudently. The Mayor and Councillors also employ the Chief Executive, who in turn is responsible for appointing and managing all Council staff and for implementing Council decisions.<sup>39</sup>
- 120 In the current Triennium, the Mayor has established a number of specific portfolios which have been allocated to Councillors as a means to increase opportunity for Councillors to develop their understanding of the work of Council and insights for informing the longer term direction of the Council. These portfolios cover key areas of interest for the district, including social, cultural, economic, business, transport, housing, waste and water. The full list can be found on the Council website.<sup>40</sup>

#### KCDC Councillors' understanding of their role

- 121 The KCDC Candidates Information Handbook 2019 describes how 'elected members, acting as the council, are responsible for governance, including:
- a the development and adoption of council policy
  - b monitoring the performance of the council against its stated objectives and policies

<sup>39</sup> KCDC Code of Conduct for Elected Members 2019–2020.

<sup>40</sup> For portfolios and Councillors responsible see <https://www.kapiti.coast.govt.nz/whats-on/news/2019/council-committees-and-governance-structure-announced-for-k%C4%81piti/>



- c prudent stewardship of council resources
  - d employment of the chief executive.<sup>41</sup>
- 122 Elected members are also responsible for 'representing the interests of the residents and ratepayers of the district.'<sup>42</sup> This provides a broad view of a Councillor's governance role, but does not explicitly state expectations around behaviour, or the separation between governance, strategy, and operational activities. These are explained in more detail in presentations to Councillors in their Induction Programme and induction materials.<sup>43</sup>
- 123 The KCDC Code of Conduct for Elected Members 2019–2020 sums up the separation of roles in this way:
- 'While the Council is ultimately accountable, its function is not to make detailed decisions on operational matters which are the responsibility of the Chief Executive.'<sup>44</sup>
- 124 Interviews for this Review indicated that generally Councillors are well aware of their governance role – that is, as one expressed it, their role of 'setting the strategic direction of the Council.' Another Councillor presented their clear understanding that 'we shouldn't be telling staff how to do their job, but we do need a high level of input and decision-making under our mandated position to control the direction of the organisation.'
- 125 Several Councillors shared that they perceive their role as a Councillor to be 'questioning Council' about what was happening, and ensuring that the Council was acting in the community's best interests.
- 126 The expected way to achieve this is to make a strong contribution to the direction of the Council through the governance role for strategic decision-making and evaluating the performance of the Chief Executive.

### **Governance support is in place for elected members**

- 127 Elected members come into their governance roles with a range of skills and experiences, and bring the interests of the specific communities they represent. Working as one Council requires new modes of working as a team, making decisions that benefit the wider district as a whole, contributing to the ongoing strategic development of the district, and maintaining a governance oversight role over the Council's performance.

### **A range of possibilities for growing governance skills**

- 128 KCDC provides a range of opportunities for supporting elected members to grow in their governance roles:
- a **Induction** – The KCDC Candidates Information Handbook 2019, the 2019–2022 Triennium Councillor induction material, and the Elected Members Induction Programme provide guidance for candidates on what the role of a Councillor involves. This includes presentations on elected member responsibilities that spell out the different roles of elected members and management in a way conforms with the good practice described above in this

<sup>41</sup> Kāpiti Coast District Council, 'Candidates Information Handbook 2019'. 2019. Retrieved from <https://www.kapiti.coast.govt.nz/media/35259/candidates-information-handbook-2019.pdf>

<sup>42</sup> KCDC, 'Candidates Information Handbook 2019'.

<sup>43</sup> See December 3 2019 Inductions Simpson Griers Elected Member Responsibilities.

<sup>44</sup> KCDC Code of Conduct for Elected Members 2019–2020.



report. In each triennium Council staff have made enhancements to the elected member induction process: a number of elected members told this Review that the induction programme, staff presentations and material are 'really good now'.<sup>45</sup> Elected members also enjoyed the bus tours and associated briefings in the field.

*"We had a good governance session at induction and we need to do this ongoing"*  
– Councillor interview

- b **Portfolios** – For the 2019–2022 Triennium, Councillors were appointed as **portfolio holders** with responsibilities for a specific policy area, ranging from social wellbeing and housing to transport, waste and water. There are 12 portfolios, providing all elected members with opportunity for portfolio involvement. Portfolio holders' responsibilities are not prescribed and vary between Councils – this ranges from being the public spokesperson for issues affecting their portfolio, to leading policy discussions.
- c **Committees and Community Boards** – Councillors have the opportunity to be members and to be appointed the Chair or Deputy Chair of one of the Council Committees and Subcommittees that the Mayor establishes for the triennium. There is also the opportunity for representative roles on Community Boards (Ward Councillors) and other community groups. Those different roles should also keep elected members connected with the wider Council strategy and policy for the district because, in exercising their delegated authority, Committees and Community Boards 'must operate within the constraints imposed by the Council's Long Term Plan/Annual Plan, and any existing Council policy'.<sup>46</sup>
- d **External advisory bodies** – There are also roles for Councillors on a range of advisory groups and taskforces established by LGNZ or central or regional government.<sup>47</sup>
- e **Te Whakaminenga o Kāpiti** – The Mayor and one Councillor also participate in Te Whakaminenga o Kāpiti, the advisory group that guides KCDC's relationship with iwi.

### Understanding of the behaviours and contributions required from elected members and Council staff

129 As well as having clarity about roles, understanding what are appropriate attitudes and behaviours is also important in order for elected members (Councillors and Community Board members) to be effective in their roles. The KCDC Code of Conduct for Elected Members provides guidance on standards of behaviour in dealing with each other and with the Chief Executive, staff, the media, and the community. The Code sets out these fundamental principles: respect, integrity, trust, honesty, openness, and respect for the confidentiality of commercial sensitive information or information that is personal to a particular individual or organisation.<sup>48</sup>

<sup>45</sup> Interviews with Councillors.

<sup>46</sup> KCDC Governance Statement 2020, retrieved from: <https://www.kapiti.coast.govt.nz/media/37221/governance-statement-january-2020-final-following-council-meeting-30-january-2020.pdf>

<sup>47</sup> See KCDC website for information on each Councillor's roles: <https://www.kapiti.coast.govt.nz/your-council/elected-members/councillors/>

<sup>48</sup> KCDC Governance Statement 2020.



### Relationships between elected members and staff have sometimes faced challenges

- 130 At times in the past the relationships between some Councillors and Council staff have been strained. On the one hand, some Councillors we spoke with believed they were not being given all the information they needed in order to make informed decisions and participate in strategic discussions. In the words of one Councillor: 'There was a communications disconnect between Council and elected members.'
- 131 On the other hand, some staff we spoke with mentioned cases of providing information to Councillors that Councillors then used, in their view, inappropriately through public criticism of Council's work or even of individuals. One staff member said: 'It's demoralising.'
- 132 In interviews with elected members and staff the Review heard that historically there had been instances among elected members of poor behaviour and poor communication with staff, and also of them publicly releasing confidential information. This appears to have materially affected the approach of some staff to engaging and sharing information with them.

*"I think some staff became gun shy due to a history of being hassled and mistreated by some elected members" – Councillor interview*

- 133 The Review heard of a number of occasions where an elected member was either less than supportive publicly of a collectively made Council decision, or publicly back-tracked on a Council decision they no longer wanted to support. This resulted in communications that were at variance with the Council's position, and that sometimes presented difficulties for the staff responsible for implementing the Council decisions.

### Building and maintaining trust is important

- 134 A lack of trust, particularly in the last triennium, appears to have led to staff being more careful about sharing information with elected members. Ideally, as decision-makers, Councillors need to be as informed as possible, and be able to contribute constructively to discussions, including identifying issues at the front end and contributing to solutions.
- 135 This means there needs to be early sharing of information, and opportunities for workshoping issues and solutions ahead of time, including bringing in different views before the Council makes strategic decisions. The Review heard that these sorts of strategic discussions had occurred in the past, but for various reasons had not been occurring as frequently in recent times. Reasons include sometimes the pressure of work on staff, and at other times Councillors being unavailable.<sup>49</sup>
- 136 The Review notes a recognition by the Senior Leadership Team of the importance of building trust with all elected members and of a commitment to increasing the degree of transparency and engagement with them.<sup>50</sup>
- 137 Several elected members mentioned that the consolidating of all meetings into one day of the week (Thursday) had meant a lot of pressure on that day. They said this affected people's ability to become familiar with all the relevant information, and potentially reduced opportunities for

<sup>49</sup> Interviews with Councillors and staff members.

<sup>50</sup> Interviews with the Chief Executive and Senior Managers.





some briefings beforehand.<sup>51</sup> This arrangement has now changed with Council meeting on Tuesdays and Thursdays.

- 138 The Review understands that the newly elected Council for the 2019–2022 Triennium is keen to ensure there is as much transparency as possible, both in terms of what information is shared and how Council comes to the decisions that it makes.<sup>52</sup>

### **The line between governance and management has become blurred at times**

- 139 KCDC elected members have sometimes found it challenging to negotiate the line between governance and management. The Review heard from both elected members and staff that, at times in the last triennium, some elected members were very operationally focused, and would approach staff below the Chief Executive and Senior Management on issues of operational management and activity.
- 140 It is not unreasonable for Councillors to approach a Group Manager or third-tier manager for insights to assist the Councillor with their governance role. Elected members will be dealing with a wide range of policy matters that are often complex, subjective, or unfamiliar, and insights from management are important. We heard that Council management is happy to engage with elected members in this way, and that management sometimes approached Councillors ahead of time on some operational decisions, in the spirit of no surprises.<sup>53</sup>
- 141 However, we also heard that at times some elected members had become involved in staffing matters, which are the preserve of the management team. The Chief Executive has responsibility for staff selection and management (and its delegation to other managers within the organisation). This becomes undermined where Councillors attempt to give orders to staff, or publicly criticise or express concerns about staff or management.
- 142 Some Councillors expressed a perception that at times in meetings they had been presented with briefings from Council staff that were intended more to direct them along a particular route than to provide information and opportunity for debate. Such an impression can be created when there is not enough time available for discussion and debate. In the absence of opportunity for strategic debate, discussion among Councillors and management on a particular topic can also become more operational in focus.
- 143 The Review also heard that there were times when Councillors, for various reasons, did not attend briefings, and that this added to the communication challenges involved with distinguishing appropriately between governance and management.<sup>54</sup>
- 144 It is too early in the new triennium to determine whether the dynamic will be similar for the newly elected group of Councillors.

*"We shouldn't be telling them how to do their job, but we do need a high level of input and decision-making under our mandated positions to control the direction of the organisation"*  
– Councillor interview

<sup>51</sup> The compression into Thursday was to accommodate Councillors who worked full-time and had limited available time elsewhere.

<sup>52</sup> Interviews with the Chief Executive and Senior Managers.

<sup>53</sup> Interviews with KCDC management.

<sup>54</sup> Interviews with Councillors.



- 145 We note that these challenges and tensions between Councillors and management are not unique to the Kāpiti Coast District Council. The Auditor-General's Review of the relationship between elected members and Chief Executives, although not recent, discusses similar challenges between governance and management for communication, role clarity and the boundary between each of the roles.<sup>55</sup>

### **Community Boards provide grass roots representation for the community at the governance table**

- 146 The role of Community Boards is to provide grassroots representation for the community. Community Board Chairs can sit at Council meetings and contribute to the debate from an advocacy perspective. They also participate in standing committees, where they are able to influence the discussion. In this way the Community Board is able to provide local community insights to inform the Councillors' strategic thinking process. Community Boards also have some responsibilities for such things as distributing grants funding to achieve social outcomes. All meetings are publicly notified in the newspaper and the agendas are available on the Council website.

### **Community Board perceptions of their role**

- 147 When asked how they would describe their role, current KCDC Community Board members mentioned engaging with the community, advocating for community needs and bringing community concerns to the Council's attention, and managing community expectations on the Council's behalf. This showed the Community Boards' recognition of their key role of representing the interests of their community to the Council.
- 148 The Community Board members we spoke to indicated a strong interest in clarifying for the community (and for Councillors) their role in building an understanding of community needs and aspirations and bringing community perspectives to the Council. They saw the connection between the Community Board and the local community as an asset that could work more positively in the interests of both the Council and the community. Community Board members recognised that they can play a key role in communicating updates on current or future Council activities to their community.
- 149 As well as being a group to be consulted when the Council is engaging on an initiative, some members suggested that the Community Board could assist the Council more proactively in facilitating its consultation process.

### **Some challenges and frustrations**

- 150 Some frustrations with current arrangements were expressed, and there were perceptions that the Community Boards were not able to make the contribution they otherwise might. In particular, some Board members felt the Council did not provide enough or timely information to Community Boards when the Council was asking for their input on an initiative.
- 151 Some Community Board members we spoke with also said they are not always included in Council Chambers, with Board members being asked to leave sessions that excluded the public.

<sup>55</sup> See 'Managing the Relationship between a Local Authority's Elected Members and its Chief Executive', retrieved from <https://oag.parliament.nz/2002/chief-execs/part4.htm>



Under the legislation, local authorities have the right to exclude members of the public from meetings or parts of meetings if the proceedings would result in disclosing information that there would be good reason for withholding.<sup>56</sup> The legislation also requires the local authority to issue a 'Resolution to exclude the public', detailing the reasons for this.

- 152 Those resolutions are standard procedure for the Kāpiti Coast District Council.<sup>57</sup> However, some Community Board members felt there was not a clear rationale for those decisions applying to them as well as the general public, and created for them a perception of a lack of trust that their role was not as valued as it should be.
- 153 Community Board members several times referred to the Local Government New Zealand commitment to 'localism', for strengthening self-government at the local level,<sup>58</sup> as signalling an opportunity for the role that Community Boards might play.

*"We need greater alignment and better understanding"*  
– Community Board member

- 154 KCDC provides some administrative support to Community Board meetings, with a Group Manager oversight of this. The Review also heard that, in order for them to be effective, Community Board members would appreciate more technology support from the Council, to help them access information and communications. Currently, Chairs are supplied with tablets but other Board members must provide their own technology, and this can create difficulties with document and information sharing.

## Leadership

### A developing leadership team that wants to make a difference at the Council

- 155 KCDC's current Chief Executive was appointed in late 2017. In late 2018 the Council confirmed the current configuration of six groupings reporting to the Chief Executive: namely, Organisational Development, Corporate Services, Infrastructure Services, People & Partnerships, Place & Space, and Regulatory Services. Some appointments were made in early 2019.

#### Aiming to make a positive difference

- 156 Discussions with members of the Senior Leadership Team indicated a lot of energy and commitment among leaders to working together to make a positive difference for the Council and community.<sup>59</sup>

<sup>56</sup> Local Government Official Information and Meetings Act 1987, section 48.

<sup>57</sup> Specified in Council Standing Orders: see <https://www.kapiti.coast.govt.nz/media/36936/standing-orders-as-approved-by-council-7-november-2019.pdf> (section 17).

<sup>58</sup> LGNZ, 'Local government position statement on localism': 15 July 2018, <https://www.lgnz.co.nz/our-work/publications/local-government-position-statement-on-localism/>

<sup>59</sup> Interviews with KCDC senior management





157 We understand that the aim of the restructure in 2018 was to focus appropriately on key areas of Council activity, to enhance particular ways of working, and to strengthen capability in areas where this was needed.

158 The **People & Partnerships** group aimed to reframe KCDC's partnership approaches with community groups and key stakeholders. It aimed to address the challenges that exist in this area through fostering a more visible community presence and reclaiming the community's trust, and rejuvenating the Council's customer focus across all its functions. To this end the Council has refocused its approach to providing communications support, and has adopted new capability and approaches to better support the Council's partnership with mana whenua.

159 The **Organisational Development** group has focused on: supporting capability development through recruitment for new roles; supporting learning and development and career pathways for staff within Council; providing better support for performance management; and fostering a culture of wellbeing within the Council. These are challenges for a small team in an environment where the requirements for business-as-usual support for recruitment and other management support can be quite preoccupying.

160 The **Corporate Services** group provides a range of corporate support services to the organisation across corporate planning and reporting, financial management, policy and research, legal services, business improvement, and information management and technology. The group is currently focusing on completing a refreshment of the Information and Communications Technology (ICT) strategy for KCDC, as well as addressing the best configuration of resourcing to provide fit-for-purpose information technology solutions within the Council's current resource constraints.

161 The groups **Infrastructure Services**, **Place & Space**, and **Regulatory Services** maintained their focus on core operational activity. Some new responsibilities and roles were established in these groups with the intention of strengthening their capability and capacity.

162 One area of challenge has been that of strategy and planning. The appointment of an Economic Development Manager in the Place and Space group has helped with addressing issues with the refresh of the Economic Development Strategy. A strategic planning advisor was appointed in early 2020 to support the Senior Leadership Team with strategy.

#### **Positive belief in staff capability and attitudes at the Council**

163 Managers spoke positively of their staff's passion for their work at KCDC. However, they also recognised that sometimes staff felt frustrated with issues of capacity and work pressures. People at KCDC work hard, and resourcing is a common challenge across all the groups.

164 The Review heard that this culture of 'busy', 'overworked' staff contributed to some people just putting their heads down and working in their silos in order to cope. Despite the will to work in more coordinated ways, there were always pressures to just get things done in their area.

165 Some managers commented that the culture was more fatigued than anything else, and there was a strong belief in staff for their contribution to the Council achieving its outcomes.



## Staff perspectives on leadership

### Positive comments on leadership

- 166 The Review heard different perspectives from staff on KCDC's leadership practices and styles. Some staff said their line manager has a positive leadership style, putting people before work and encouraging staff input. There are a number of systems in place to encourage staff to raise issues and opportunities for improvement, including Continuous Improvements and Your Voice.
- 167 The process established for this current Review reflects a willingness among Council managers to be open to staff views. Council management provided a range of opportunities for people to engage with the Review team, including interviews, workshops, and confidential email and submission boxes. The Review was widely communicated internally and externally by Council management.
- 168 The Review heard of managers who provide positive and constructive feedback to staff, and encourage staff to raise issues or concerns. For example, of the staff who provided written feedback for this Review, 32% made unprompted commentary on positive leadership or positive management practices as something they believe works well.
- 169 In the recent staff engagement survey, in response to the question: *'My manager, or someone at work, seems to care about me as a person'*, 79% of staff responded as being 'Satisfied' or 'Extremely satisfied'. And in response to the question: *'In the last seven days, I have received recognition or praise for doing good work'*, 53% of staff responded as Satisfied or Extremely satisfied.<sup>60</sup>

### There is some room for improvement

- 170 During the course of the Review we did hear some staff views that were not so positive from both existing and former staff members. There were instances where staff didn't feel supported, and didn't 'always feel comfortable voicing concerns'. Some people felt frustrated by work pressures and others had issues with attitudes and behaviours in the workplace. These comments were in the minority, but they do suggest that leadership and management need to be open to staff concerns, and foster a culture of openness and support.
- 171 So while some progress has been made, there is some room for management within Council to improve in ensuring that all staff feel valued and supported.

### Some improvements have been made for performance management of staff

- 172 The Review heard through discussions with staff that some managers at the Council have been seen as not appropriately managing staff who were underperforming. This is also reflected in comments in the 2018 Staff Pulse Survey, where staff noted that poorly performing staff members in their team are not dealt with or are ignored by managers.<sup>61</sup> This has a potentially significant impact on morale in a situation where capable staff are tired and overworked.
- 173 Staff attitudes in the 2019 Staff Engagement Survey indicate that some progress has been made in recent times. In response to the question *'My colleagues are committed to doing quality work'*, 78% of staff responded as 'Satisfied' or 'Extremely satisfied'.<sup>62</sup>

<sup>60</sup> Kapiti Coast District Council Staff Engagement Survey 2019.

<sup>61</sup> Staff Pulse Survey 2018.

<sup>62</sup> Kapiti Coast District Council Staff Engagement Survey 2019.



- 174 The Organisation Development Group has adopted a focus on improving performance management across the organisation. Recent additional resource in this team will assist with this.



## 6 RELATIONSHIP WITH MANA WHENUA

### Good practice

175 Te Arawhiti (the Office for Māori Crown Relations) has developed good practice guidelines for government organisations engaging with Māori. The guidelines acknowledge that there are statutory and Treaty obligations in this area, but that good practice requires organisations to not limit themselves to only meeting their formal obligations.

#### What does genuine engagement look like?

176 According to Te Arawhiti, genuine engagement with government involves:

- 'an acknowledgement of their rangatiratanga and status as Treaty partners
- an acknowledgement that mātauranga Māori makes an important contribution to solving policy and practical problems
- an acknowledgement that Māori have the resources and capability to contribute
- an acknowledgement that some issues affect Māori disproportionately and they are therefore better placed to develop the solutions.'<sup>63</sup>

177 Kāpiti Coast District Council has pioneered engagement with Māori through creating Te Whakaminenga o Kāpiti – a partnership between mana whenua and the Council, guided by Whakahoatanga Manatū, a Memorandum of Partnership that sets out objectives and protocols for the partnership.

178 Some other local authorities have developed their own Māori Engagement Frameworks, to guide their staff in engaging effectively with Māori.<sup>64</sup> These frameworks provide guidance on determining when and how to engage with iwi, on planning engagements, and on the remuneration needed to enable iwi to participate effectively.

#### Principles for building a close partnership with Māori

179 Te Arawhiti sets out six principles for building closer partnerships with Māori. These are:

1. Build the relationship before focusing on the work
2. Plan together from the start
3. Value each party's contribution and knowledge
4. Ensure outcomes are meaningful to all parties
5. Be open and flexible and accept risk

<sup>63</sup> Te Arawhiti, 'Guidelines for engagement with Māori', 1 October 2018. Retrieved from <https://tearawhiti.govt.nz/assets/Maori-Crown-Relations-Roopu/6b46d994f8/Engagement-Guidelines-1-Oct-18.pdf>

<sup>64</sup> Waikato Regional Council, 'Māori Engagement Framework: A guide for Waikato Regional Council staff'. Retrieved from <https://www.waikatoregion.govt.nz/assets/WRC/Council/Policy-and-Plans/11340016-Maori-Engagement-Framework-Guide.pdf>



6. Share decision-making.<sup>65</sup>

### **Te Ao Māori perspectives in Council chambers and at the leadership table**

- 180 Under the Local Government Act, a local authority must 'provide opportunities for Māori to contribute to its decision-making processes'.
- 181 Emerging good practice approaches involve governance and leadership groups bringing a Te Ao Māori perspective to Council Chambers and at the executive table. This can range from including an elected member via a Māori Ward or Māori Constituency, to the leadership team seeking advice and guidance from mana whenua.

### **The role of the Mayor and leadership team**

- 182 Mayors play a key role in leading Councils' relationship with mana whenua, and can influence the quality of the relationship between the Council and iwi. As LGNZ comments, 'whatever the nature of the relationship, it is the Mayor's public endorsement that creates legitimacy in the eyes of many in the district and sets the tone for engagement at an officials' level.'<sup>66</sup> The Mayor, and Councillors, play a vital role in establishing relationships and ensuring they are meaningful and ongoing.

## **Insights on KCDC's current approach**

### **KCDC has a formal partnership with mana whenua**

- 183 The Treaty of Waitangi and Te Whakaminenga o Kāpiti create a partnership between mana whenua and Kāpiti Coast District Council. Te Whakaminenga o Kāpiti is one of the longest lasting partnerships between tāngata whenua and local government in New Zealand. The partners are KCDC and the mana whenua (people with 'authority over the land') on the Kāpiti Coast: Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toarangatira.
- 184 Te Whakaminenga o Kāpiti first met on 8 March 1994, and that year Whakahoatanga Manatū, a Memorandum of Partnership between Council and iwi in Kāpiti, established objectives for the partnership. These include (among others):
- a to develop consultation between the Council and tāngata whenua on issues that impact the social, environmental, economic and cultural interests and development of each partner
  - b to develop candid and open sharing of information between Council and tāngata whenua
  - c to develop opportunities that enable tāngata whenua to share in the decision-making of the district.
- 185 The Kāpiti Coast District Council expresses a deep commitment to its partnership with Te Āti Awa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira and the Memorandum of Partnership

<sup>65</sup> Te Arawhiti, 'Building closer partnerships with Māori'. Retrieved from <https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/Building-closer-partnerships-with-Maori-Principles.pdf>

<sup>66</sup> LGNZ, 'The 2019 Mayor's Guide', 2019. Retrieved from <https://www.lgnz.co.nz/assets/5222c03b72/LGNZ-2019-Mayors-Guide-v2.docx>





it holds with them. This includes a commitment to working through Te Whakaminenga o Kāpiti, the partnership mechanism for advancing matters of mutual interest.

186 The Council is committed to working directly with each iwi and relevant hapū on matters relevant to their role as kaitiaki and of specific interest within their rohe.<sup>67</sup> The Council's Significance and Engagement Policy acknowledges the unique perspective of Māori, 'who are more than an interest group'. The policy underlines the role of Te Whakaminenga o Kāpiti in 'advis[ing] on how best to manage the consultation process and to facilitate the relationships between Council and iwi exercising mana whenua'.<sup>68</sup>

187 Iwi have been able to contribute to Council business over successive Triennia. For the 2010-2013 Triennium, the Governance Structure and Delegations document referred to the Chair of Te Whakaminenga o Kāpiti or their nominated alternate being able to attend meetings of Council and / or Committees, able to contribute to debate but not to vote. In this Triennium Council also approved appointment of Māori representatives with voting rights to the major Standing Committees. The same arrangements have been incorporated in the Governance Structure and Delegations documents for the 2016-2019 and 2019-2022 Triennia.<sup>69</sup>

### Positive engagement initiatives with Iwi

188 Recently Council management has made some positive moves towards increasing the awareness of Te Ao Māori among staff and elected members to support improved engagement. These include a cultural toolkit, Te Kete Mātauranga, on the intranet (HubKap). Since June 1996 Te waka – a voluntary group of Council staff interested in applying Māori culture in the workplace – has existed to provide cultural opportunities to work with staff on projects and, where possible, provide tikanga support for events. The induction of elected members also includes an introduction to Te Ao Māori.

### Some areas of Council engage with iwi regularly and early

189 The Review also heard that there has been some proactive early engagement with iwi from some parts of KCDC as part of their planning and operations. When this early input was sought from iwi, the general feeling was that iwi were able to provide better input at this point and that outcomes were better.<sup>70</sup>

190 The Review also heard that some teams at the Council engage with iwi regularly as part of their work. This appears to have been mainly because of legislative requirements and the goodwill and intent of particular individuals within the Council.

### A newly resourced Iwi Partnerships Team in the Council organisation presents an opportunity for improved relationships

191 Most recently the Iwi Relationships Team was newly resourced and refocused as the 'Iwi Partnerships Team'. A new Manager was appointed with strong local relationships and mana

<sup>67</sup> Quoted from KCDC website: <https://www.kapiticoast.govt.nz/our-district/tangata-whenua/te-whakaminenga-o-kapiti-iwi-and-council-partnership-committee/whakahoatanga-manatu-memorandum-of-partnership/>

<sup>68</sup> See Nov 2017 Significance and Engagement Policy 505789.

<sup>69</sup> See Kāpiti Coast District Council Governance Statement 2020, retrieved from: <https://www.kapiticoast.govt.nz/media/37221/governance-statement-january-2020-final-following-council-meeting-30-january-2020.pdf>

<sup>70</sup> Interview with an iwi representative.



(solid standing) in the local Māori community, supported by two staff who have Māori backgrounds and are fluent in te reo. We understand that a key future focus for this team is to build better understandings, both on the Council side and among iwi, in order to improve their partnerships and work together.

- 192 The focus is also on being 'progressive' in approach, and ensuring that the team proactively contributes Māori perspectives to the wider work of the Council.
- 193 The Manager of the new Iwi Partnerships Team nominally reports to a Tier 2 level within KCDC management, but the role now has a direct line of access to the Chief Executive and the Mayor. This fundamental change from past structures enables the internal Māori perspective to be heard at the highest levels.
- 194 This presents a positive opportunity for KCDC to make real progress in embedding Te Ao Māori and the interests of mana whenua in everyday governance and operational decision-making and activity.

## There are still challenges for the Council's partnership and engagement with iwi

### Differing understandings of what 'partnership' means

- 195 The Review notes from our discussions with iwi and the Council staff that they have different understandings of the notion of 'partnership'.
- 196 We heard that iwi representatives perceive the Council as not fully understanding the interests of each iwi in Kāpiti, what iwi should be involved with, and when and how best to engage with them. The Review also heard that iwi do not fully understand the breadth of the work the Council does, and don't always have a say in what the Council is – or should be – involved in.
- 197 Iwi representatives and some Council staff both mentioned that at times the Council seemed to treat iwi as being 'like any other stakeholder', or didn't engage at all. Senior managers acknowledged there have been different understandings of what 'partnership' means, and they indicated a need for change.<sup>71</sup>
- 198 We also heard that the Council usually asks iwi to respond at the end of a process, rather than involving iwi from the start.

*"We are responding to resource consents at the end of the process. Our role should be at the beginning of the resource process so that we can signal issues early" – Iwi representative*

- 199 One new orientation in the Council is to treat both Council and iwi as two partners living in the 'one house', where there is an ethos of true equality amongst parties, and the spirit of the Memorandum of Partnership is fully observed.

<sup>71</sup> Discussions with senior leadership.





### Issues with engagement with iwi

- 200 In our discussions with Council staff and iwi representatives it became clear there have been some problems with the Council's engagement with iwi, at the levels of elected members, Council management, and staff. The Review heard it has been challenging to achieve an orientation that takes account of Te Ao Māori. We heard a perception that the Council's leadership team, including Councillors, have only a limited understanding of Te Ao Māori. We also heard that the Council frequently expects iwi to engage in Council spaces, and that engagements are often in a 'western way'.
- 201 Council management has recognised these issues and, as discussed above, steps have been taken to increase the awareness of Te Ao Māori at Council, both among staff and elected members.
- 202 For the current triennium, work has been done to build awareness of the importance of Te Ao Māori for Council attitudes and behaviours. This has been reflected in the induction process for elected members, and in the refocusing and resourcing of the Iwi Relationships Team as the Māori Partnerships Team, with a direct line of communication with the Mayor and Chief Executive.

### Challenges with the role of Te Whakaminenga o Kāpiti

- 203 Te Whakaminenga o Kāpiti incorporates representatives from Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira. As stated on the Council's website, the purpose of Te Whakaminenga o Kāpiti is broad:
- Te Whakaminenga o Kāpiti has primarily been involved with issues to do with resource management, it has also worked, particularly in more recent years, to ensure that the Māori World view is better represented and understood in the broader community. From the beginning Te Whakaminenga o Kāpiti has focused on harmonising different cultural attitudes to resources and solve local issues according to national legislation.<sup>72</sup>*
- 204 From interviews we heard that representatives of iwi who come to Te Whakaminenga o Kāpiti meetings cannot always make decisions on behalf of their iwi. This presents difficulty for Te Whakaminenga o Kāpiti acting as the vehicle for a partnership approach in decision-making.
- 205 One iwi representative said: 'Council needs to better understand the roles and obligations that we have to this part of the rohe [district], and that it can't assume one engagement is equal to all.'

### Iwi aren't always adequately resourced to respond

- 206 The Review also heard that members of Te Whakaminenga o Kāpiti are not adequately resourced to prepare for meetings. While the Council remunerates them for the meeting time, people we spoke with said they were not always able to 'access the technical expertise quickly, to provide informed advice', because of resource constraints. Iwi representatives sometimes need to do a lot of background work on technical matters, even though they are already very busy responding to other demands. This limits iwi representatives' ability to contribute to discussions in depth.

<sup>72</sup> Kāpiti Coast District Council, 'Te Whakaminenga o Kāpiti'. 2019. Retrieved from <https://www.kapiticoast.govt.nz/our-district/tangata-whenua/te-whakaminenga-o-kapiti-iwi-and-council-partnership-committee/>



207 Beyond Te Whakameninga o Kāpiti, the Review heard that iwi need more resourcing support so they can respond to requests for input and contribute effectively to the partnership. We heard that iwi are involved in the resource consent application process, but don't have visibility of when they will be asked to contribute or how long the application review would take. This makes it harder for iwi to ensure they have people who can respond and contribute.

*"Council expects us to engage, but we aren't always resourced to respond"*  
– Iwi representative

- 208 The Review notes that the Memorandum of Partnership recognises that mana whenua will need to be adequately resourced to contribute to consultations or decision-making.
- 209 Iwi representatives we spoke to emphasised that their knowledge and expertise can be used to benefit the Council and the community and guide future planning decisions, by ensuring that areas that are taonga to mana whenua are recognised as sites of significance and treated respectfully.
- 210 The 2019/20 Annual Plan says the Council is 'committed to meeting our obligations under the Resource Management Act 1991 and the Local Government Act 2002 in relation to the Treaty of Waitangi and to providing resources that build capacity and service provision focused on tāngata whenua priorities.'<sup>73</sup> The Review notes that the Council has forecasted spending \$4,889,000 in 'other operating expenditure' on governance and tāngata whenua activities in 2019/20.

<sup>73</sup> Kāpiti Coast District Council, 'Annual Plan 2019/20'.



## 7 EXTERNAL RELATIONSHIPS AND ENGAGEMENT

### Good practice

211 A guiding principle for local government is to engage with the community to ensure each Council is made aware of the views of all its communities so that it is able to take these views into account. For Councils to perform their role effectively, they need to have open, productive and effective relationships with the community – this includes with individual ratepayers, community groups, local businesses, other councils, and central government. High-performing Councils have a constructive two-way relationship with external groups that provide information and support, and are built on trust.

### Understanding community needs, and when to engage

212 Local authorities are expected to be able to identify and understand the significance of issues or changes in the community. Where there are significant issues, local authorities are expected to consult with the community to seek their views on problems and potential solutions.

213 Under the Local Government Act, local authorities must adopt a policy that sets out how they will 'respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and engage with communities on other matters'.<sup>74</sup>

### Ways to engage

214 Good practice approaches to engagement with the community include:<sup>75</sup>

- a Co-designing and co-producing services, where Councils and communities work with each other in partnership, rather than a 'principal-client' relationship, resulting in greater inclusivity.
- b Making community participation in local governance more accessible, inclusive and effective, including by shifting participation from a 'point in time' activity to an ongoing dialogue between Councils and communities. This requires Councils to build the community's capability and capacity to engage, and make better use of formal and informal groupings within communities as conduits between community and Council.
- c Ensuring that opportunities for engagement and effective communications become a regular and ongoing component of the process.
- d Encouraging the development and uptake of innovative engagement methods and communication information tools or community participation in local governance, such as open source or digital place-making.<sup>76</sup>

<sup>74</sup> Local Government Act 2002, section 76AA.

<sup>75</sup> LGNZ, 'The 2019 Mayor's Guide'. 2019. Retrieved from <https://www.lgnz.co.nz/assets/5222c03b72/LGNZ-2019-Mayors-Guide-v2.docx>

<sup>76</sup> Open source place-making: A collective approach to the development of cities and sites through the integration of social media into Placemaking practices, which are community-centred, encouraging public participation, collaboration, and transparency.



- 215 Council staff and elected members have an important community engagement role to play. Staff deliver formal consultation activities, and Councillors and Community Board members lead conversations with the community.
- 216 Elected members are expected to engage with the community regularly, and bring community perspectives to decision-making.

## Insights on KCDC's current approach

### Formal and informal groupings exist in the Kāpiti district for community engagement with the Council

#### Connection through a range of groups

- 217 The Kāpiti Coast region includes a wide diversity of communities and local interests. Elected members, as either Councillors or Community Board members, represent community interests through their respective roles. Business interests are represented through bodies like the Chamber of Commerce and the Kāpiti Economic Development Agency (KEDA). Specific social and community interests are represented by groups such as Kāpiti Coast Grey Power, the Older Persons Council, the Disability Advisory Group, and the Kāpiti Equestrian Advocacy Group. Local community interests are represented by groups such as Coastal Ratepayers United and a number of residents associations.
- 218 These groups and others provide KCDC with a range of opportunities to connect with the community and gain insights on the community's priorities and concerns, as a means of informing the Council's planning and delivery of services.

#### A range of channels for communication and engagement

- 219 As well as engaging through representative groups, Kāpiti Coast District Council uses several other channels to engage with the community. During the consultation on the 2018–2038 Long-Term Plan, these included the KCDC website, mail-outs (on proposed rates), a 'Telling our story' video, Facebook promotions, local newspapers, radio, community notice boards, and Stuff on the internet. The Council also used Facebook to promote pop-up events in Waikanae, Ōtaki, Paraparaumu, Paekākāriki and Raumati, and had a morning commuter presence at four railway stations in the district.
- 220 Submissions on the Long-Term Plan came in by letter, other hard copy messages, email, and the Council website.

### KCDC's internal policy to guide engagement reflects good practice

- 221 The Council has developed and implemented a 'Significance and Engagement Policy', which relates to issues, proposals, decisions or other matters that concern the Council as a local authority. The policy exists to help the Council and the community to 'identify the degree of significance attached to particular issues, proposals, assets, decisions and activities' and to





'provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters'.<sup>77</sup>

222 As stated in the policy, 'Council is committed to engaging with communities on issues of concern to them, and especially when they are directly affected by an issue, matter or proposal'.<sup>78</sup>

223 Alongside a commitment to engagement, the policy sets out principles and practices for engagement that reflect good practice. These include that the Council will engage with communities in different ways because of the diversity of the district's communities and the increasing number of ways that people communicate. The Council will use the special consultative procedure when required to do so by legislation.<sup>79</sup>

224 The Significance and Engagement Policy does give the Council some discretion in deciding how far to involve the community in decision-making. For example:

'Council may choose to limit its engagement when –

- a it already has a good understanding of the views and preferences of those who are affected; or
- b personal information and commercially sensitive information are protected under various statutes; or
- c the matter has already been addressed in a Council policy or plan; or
- d an immediate or speedy decision is required for public health or safety; or
- e emergency works are required; or
- f the matter relates to the operation and maintenance of a Council asset and responsible management requires the work to take place, or
- g costs are expected to outweigh the benefits.'<sup>80</sup>

225 The policy also provides guidance on what the Council should do in explaining its reasons when it makes a decision 'that is not consistent with the bulk of public submissions.'<sup>81</sup>

## Connecting with the community is always a priority for a local authority

226 Local government exists to serve the needs of the local community, and connecting with a diverse community can be a challenge. We have noted the range of means that Kāpiti Coast District Council uses to foster connections with its own diverse community.

227 The 2018/19 Residents Opinion Survey states that '47% [of residents] are very satisfied with the interaction which is comparable to last year [2018].' However, the survey adds that 'the proportion of people who are very satisfied is declining.' The survey also states that 'while residents value

<sup>77</sup> Kāpiti Coast District Council, Significance and Engagement Policy, <https://www.kapiticoast.govt.nz/media/22311/nov-2017-significance-and-engagement-policy-505789.pdf>

<sup>78</sup> KCDC, Significance and Engagement Policy.

<sup>79</sup> For example, an engagement process that may be required under the Resource Management Act 1991.

<sup>80</sup> <https://www.kapiticoast.govt.nz/media/22311/nov-2017-significance-and-engagement-policy-505789.pdf>

<sup>81</sup> <https://www.kapiticoast.govt.nz/media/22311/nov-2017-significance-and-engagement-policy-505789.pdf>



the information and help provided by the staff, the pain areas point to problem resolution, being kept informed, and the overall outcome.<sup>82</sup>

228 This reinforces our earlier observation that people would appreciate more communication around Council decisions, the reasons for them, and the challenges for resolving issues. Some Council staff commented that more transparent communication would be an opportunity for the Council to help the community to understand better the Council's role and what it can or cannot achieve. We also heard that this requires buy-in and support from Councillors too, as they play an important role helping the community understand the limits of what Council can do.<sup>83</sup>

229 Some external groups we spoke with commented on the substantial experience and expertise that resides in the local community. They indicated a willingness to work with Council, even providing insights and expertise pro bono to assist the Council where expertise might be appreciated or where there were resource constraints. One way this occurs already is through community participation in Council Taskforces on particular issues.

### Taskforces have been established to enable community engagement for resolving specific issues in the Kāpiti district

230 The Council has used Taskforces at different times to gain community and subject-matter expertise in order to address specific issues.

231 Taskforces have been established over the years to develop solutions that take into account a range of important community perspectives, with representatives from iwi, business interests, and relevant community groups. There have been Taskforces for things such as housing (Kāpiti Coast Communities Housing Taskforce), waste minimisation (Waste Minimisation Taskforce), and charging structure for water (Charging Regime Advisory Group).

232 Members of Taskforces are often volunteers from the community who are passionate about outcomes for Kāpiti. They are willing to donate considerable time and energy to the work as the Taskforces provide an opportunity for the community to contribute to material solutions for community benefit. Some external stakeholders were highly complimentary of the opportunities the Taskforces present, while others felt the Council could give more recognition to the time and effort they have spent.

### There are varying perceptions of the Council's external engagement activities

#### The Review heard many positive experiences

233 Positive engagement experiences we heard include the engagement around the Long-Term Plan, the efforts of the Parks and Recreation Team to engage the community in the design of playgrounds and recreational spaces, and the establishing of the Charging Regime Advisory Group in relation to water charges.<sup>84</sup>

<sup>82</sup> Residents Opinion Survey 2018/19.

<sup>83</sup> From staff workshops.

<sup>84</sup> Interviews with external stakeholders.



- 234 Several external stakeholders said that Council staff are approachable and willing to help out. Representatives from a number of external groups said they have good relationships with senior leaders at the Council, and feel they can contact them at any time.

*"[On this initiative there was] genuine and sincere engagement. They listened to people's ideas. They consulted through 4 years regularly" – External stakeholder*

### **There were also negative views about the Council's engagement with external stakeholders**

- 235 In a diverse community with many different interests, and with the Council having limited resources, there will always be compromises and some parties who do not get all that they might wish for. This is common in local government throughout New Zealand. The Council has to balance the different stakeholder views against each other, and take into account community-agreed priorities in the Long-Term Plan, its statutory obligations, and any financial or other constraints.
- 236 In this context, the Review also heard concern from some that community engagement is not always used as expected to inform decision-making. In some cases, Council engagement was seen more as presentation than as engagement with the community to gain their input before decisions were made. In other cases there had apparently been extensive engagement with community, but this input was seen as then not being used to inform the Council's decision-making.

*"... genuine consultation about solutions and priorities were not undertaken or given lip service at best" – External stakeholder*

- 237 In these situations it is important that the Council communicate well about the processes they are using, the constraints they are operating within, and the reasons for their decisions.





## 8 FUNCTIONS AND SERVICES

### Good practice

#### Councils deliver a broad range of services

238 There are no 'standardised' or 'best practice' approaches to what services are delivered by local authorities, as Councils need to operate differently according to the needs and demands of their community.

#### Delivering services efficiently

239 What needs to be considered, however, is how Councils can deliver services most efficiently. Efficient delivery means 'operating in a cost-effective manner, reducing waste while maintaining quality and service'.<sup>85</sup>

240 This can involve small changes such as reallocating costs or reducing unnecessary spending, or larger changes such as investing in processes or technologies to reduce the time spent on unnecessary manual activities. Services may be delivered by the Council itself, or by third parties contracted to deliver the service. Decisions on the cost-effectiveness of any choice depend on the specific circumstances. In some cases, it may cost considerably more for a Council to maintain and sustain internal capability, and in others be more cost-effective to do this.

#### Delivering services that are effective for achieving community outcomes

241 Council has responsibility for meeting community needs, and also ensuring that the future needs of the community are taken into account. These will span such aspects as growth, environmental health, health and safety, social outcomes and well-being of the community it serves. Getting the right balance between efficiency and effectiveness is important.

### Insights on KCDC's current approach

#### KCDC has been successful on a number of fronts

#### Community stakeholders commented favourably on services and outcomes

242 When asked which of the Council's operations are working well, those we spoke with through the Review process mentioned:

- a **The call centre and front counter** – These were highlighted by several external stakeholders as delivering a positive experience when they were interacting with the Council.

<sup>85</sup> Business.govt.nz, 'Efficiency and innovation'. 2019. Retrieved from <https://www.business.govt.nz/business-performance/operations-strategy/operational-efficiency-and-innovation/>



- b **Libraries** – External stakeholders mentioned the services provided by library staff as good, and recognised the physical constraints relating to the closure of the Waikanae Library. This was echoed in the 2019 Customer Satisfaction Survey (Library), with 98% of respondents indicating they are 'Very satisfied' or 'Satisfied' with their library's services. This mostly related to the helpfulness of library staff, as well as the collection and internet access.
- c **Community Services** – External stakeholders told the Review that the Connected Communities Team is providing a good service. This is echoed in the 2019 Social Wellbeing Survey, where 59% of respondents 'Agree' or 'Strongly agree' that 'Council support has enabled your group to influence projects that are important to you and the wider community'.
- d **Parks and reserves** – The general maintenance of parks and reserves was mentioned as something the Council delivers well. External stakeholders cited their positive experiences engaging with the Parks and Recreation Team, particularly in relation to the design of spaces.
- e **Housing** – Housing provided by the Council was seen as operating well at the moment, but external stakeholders noted that there aren't enough properties.<sup>86</sup> They suggested the Council should be tapping more into central government initiatives such as KiwiBuild, to build smaller (for example, two bedroom) properties in the area for current residents to downsize into. We heard that older people's homes are being managed well, and that the Council will need to focus in the future on bringing these into line with healthy homes standards – as is the case for much of New Zealand's older housing stock.
- f **Communication with Community Boards** – We heard that Council teams keep Community Boards informed of their plans and developments. This was seen as useful as Community Board members could then relay this information to the community.
- g **Roading team** – Community Board members specifically mentioned the usefulness of the roading team presentations at Community Board meetings to let them know what actions are planned in the coming months. Feedback from the NZTA audit on the roading team was also positive, and changes to the speed limits for particular roads has increased the sense of safety in the community.<sup>87</sup>

### There have been a number of noteworthy achievements

243 Noteworthy achievements include:

- a **The finance team** – The Council's credit rating outlook was recently revised upwards from A+ to AA by the financial rating agency Standard and Poor's (S&P).<sup>88</sup> Other successes include the OAG's endorsement of KCDC's financial strategy. The efforts to reduce current debt are important for potentially enabling access to less expensive future borrowing to fund necessary future infrastructure investment through an improved credit rating for the Council.
- b **Water management** – KCDC has introduced water meters and taken action to repair leaks in the system. This has also resulted in savings for members of the community,

<sup>86</sup> The Council owns and rents out 6 houses and 118 older persons units.

<sup>87</sup> New Zealand Transport Agency Audit

<sup>88</sup> Kāpiti Coast District Council, 'Our Kāpiti Story: Where we're at and where we're headed'. 2019. Retrieved from <https://www.kapiticoast.govt.nz/media/35641/kcdc-2019-pre-election-report-web-final.pdf>



- c **Regulatory services** – The review and retention of KCDC's accreditation as a Building Consent Authority included positive feedback from International Accreditation New Zealand (IANZ).
  - d **Climate action** – KCDC was awarded an Excellence in Climate Action award by Enviro-Mark.<sup>89</sup>
  - e **Less litigation** – Overall there has been less litigation against the Council, which reflects staff working well with the community and positive attitudes towards the Council.
- 244 External stakeholders support the Council's efforts to invest in the future of Kāpiti, and in particular, recent efforts from the Council to advocate on behalf of the community to central government and health boards. This aligns with the Council's 10-year outcome of having 'a community that is more resilient through Council's advocacy'.

### Cost of services compares favourably with other Councils

- 245 Similar to other local authorities, Kāpiti Coast District Council delivers a wide range of services for the community. These range from building consents and alcohol licensing, to community grants, parks and recreation, and housing. As a result, the Council manages multiple roles, as both an enabler and a regulator. Most services are managed directly by the Council, rather than being contracted out: this includes pools and parks, and maintenance of water supply, stormwater and wastewater infrastructure. Roading maintenance and kerbside waste and recycling collection are outsourced.
- 246 Council receives approximately 23,000 to 25,000 requests for service each year, via call centres, service centres, the website, the Council's email address and digital channels.<sup>90</sup>
- 247 KCDC is managing total assets per household of \$69,101, which is similar to the average total assets per household of other provincial councils of \$69,595.<sup>91</sup>
- 248 A detailed cost-effectiveness review of the delivery options for Council services is beyond the scope of the current Review. Not surprisingly, direct delivery of services means increased staff numbers. However, we note that KCDC's expenditure compares favourably with other Councils in New Zealand.
- 249 In the 2019 Ratepayers Report, KCDC's operating expenditure per household was lower than the average for other provincial councils by around 38% (KCDC @ \$3,239; Other Councils average @ \$4,457).<sup>92</sup> In the 2018 Ratepayers Report, operating expenditure per ratepayer was the second lowest among all New Zealand Councils.<sup>93</sup>
- 250 In the 2019 Ratepayers Report, KCDC staff costs per household were lower than the average for other provincial councils by around 5% (KCDC @ \$967; Other Councils Average @ \$1,012).<sup>94</sup>

<sup>89</sup> Kāpiti Coast District Council, 'Kāpiti Coast District Council wins Excellence in Climate Action award', 2019. Retrieved from <https://www.kapiticoast.govt.nz/whats-on/news/2019/8/4/kapiti-coast-district-council-wins-excellence-in-climate-action-award/>

<sup>90</sup> Kāpiti Coast District Council, Councilor Induction Briefing, 'Engaging with community', November 2019.

<sup>91</sup> See NZ Taxpayers' Union, 2019 Ratepayers' Report.

<sup>92</sup> See NZ Taxpayers' Union, 2019 Ratepayers' Report.

<sup>93</sup> See NZ Taxpayers' Union, 2018 Ratepayers' Report.

<sup>94</sup> See NZ Taxpayers' Union, 2019 Ratepayers' Report.



251 Council is also a principal shareholding local authority in the Local Government Funding Agency (LGFA), a council-controlled organisation that was established to 'raise debt on behalf of local authorities on terms that are more favourable to them than if they raised the debt directly'.<sup>95</sup> KCDC holds 200,000 shares and has a 0.44% interest.<sup>96</sup> Reducing the cost of debt to pay for necessary future infrastructure is a key part of the Council's financial strategy.

### Strong focus on financial strategy

252 KCDC has faced some significant financial issues over the recent (and also the more distant) past where spending had increased debt levels significantly and revenue opportunities were restricted mainly to rates levied on the community. There are also some big infrastructure replacement and maintenance decisions to be made in the not-too-distant future that will need to be funded. There is a significant renewals programme of approximately \$150 million around 2045 when a large proportion of water and wastewater assets, built between 1975 and 1981, will need to be replaced.

253 Accordingly a key point of focus has been on the financial strategy to address these issues – the so-called 'green line strategy'. In a nutshell, the objective has been to spend less (but on priority infrastructure for resilience and growth), pay back more debt, and reduce the depreciation gap. This strategy has made some significant gains through reducing debt levels, improving the Council's credit rating (and thereby increasing the opportunity for less expensive future borrowing to fund future necessary infrastructure), and preventing significant increases in rates.

254 Renewing and upgrading the district's infrastructure to build and maintain community resilience is a key priority for the Council, and this drives the capital expenditure programme.

### KCDC is planning for the future

255 The Review notes that the Council has done thorough planning and forecasting for key service demands in the future. Briefing documents for Councillors indicate that Council staff are thinking about the future and keeping an eye on population and demographic trends in the district. These trends will be important for informing the content of the Long-Term Plan refresh in 2020.

256 The Council has developed plans and timeframes for upgrading infrastructure assets to support an anticipated growth in population. It has also forecasted potential future demands on Council services based on financial trends in the area. For example, the Council has estimated that the need for affordable housing will increase as average rent costs in the area increase and housing availability decreases.

### Resident survey data suggests the Council is seen as becoming more responsive to the community

#### The community appears to be generally happy with services provided

257 Insights from resident survey data over the past few years indicate that the level of residents' satisfaction with Council services has moved up and down over the past two years but within a

<sup>95</sup> LGFA, 'About LGFA'. Retrieved from <https://www.lgfa.co.nz/about-lgfa>

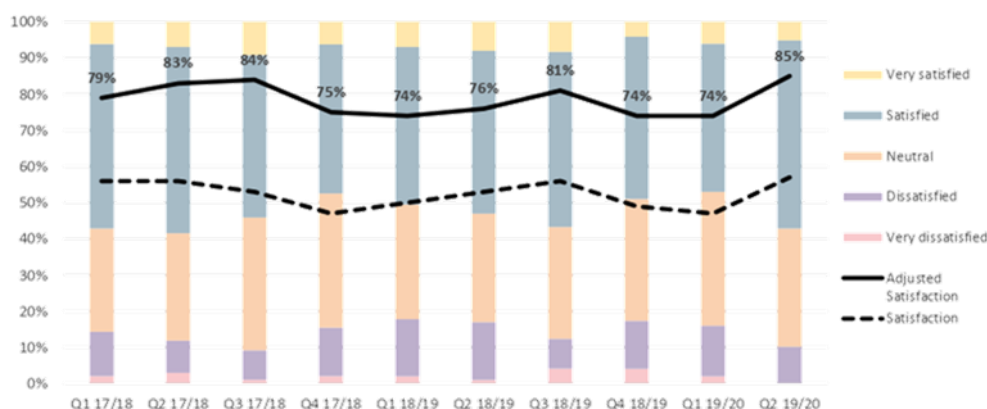
<sup>96</sup> Kāpiti Coast District Council, Long-Term Plan 2018-38.





generally positive range (79% – 84%). We note an upswing in the second quarter of 2019/20 to 85% (see Figure 3).

**Figure 3: Overall satisfaction with services provided by Council**



Source: KCDC Resident's Opinion Survey Results

258 According to the recent survey results, 99% of residents agree that Kāpiti Coast is a great place to live, 88% are clear about the services the Council provides, and 76% are confident that Kāpiti Coast is going in the right direction. Those who are satisfied with the Council mentioned several reasons, including prompt responses to information requests, the Council informing residents when things are coming up, and the regular consultation for people to submit their opinions.

259 Those who are dissatisfied mentioned a lack of follow-up on queries; a 'lack of transparency', with the effect that residents 'don't know what they [the Council] are doing'; and frustration 'because they don't listen to the public enough'. However, as discussed already, inevitably some people will not be happy with Council decisions, as people will have differing views shaped by their personal situations. For example, one resident disagreed with the installation of traffic lights on Kāpiti Road, whereas another thought the traffic lights were a positive choice by the Council.<sup>97</sup>

260 The Council itself recognises that it is capable of doing better. It has taken steps to improve the interactions people have with Council, including through providing people with more and better information and letting them know what progress has been made with their enquiries.<sup>98</sup>

261 Feedback from the resident survey and stakeholder remarks in interviews with the Review indicate that some residents believe the Council should recognize the diversity of the Kāpiti community more and take the specifics of their local area into even greater account than currently is the case when considering investment decisions.

262 The new People & Partnerships group was created recently with the intention of enabling the Council to better understand its customers and communities.<sup>99</sup>

<sup>97</sup> Residents Opinion Survey, Q1 2019/20.

<sup>98</sup> Our Kāpiti Story, Pre-election Report 2019, page 16.

<sup>99</sup> Our Kāpiti Story, Pre-election Report 2019, page 16.



### The Council's achievements are not as well-known as they might be

263 Much has been achieved by the Council, and much of its work continues to be delivered well, but this is not necessarily well understood by the community. The Council does take opportunities to demonstrate its achievements, such as through its annual reports and Pre-Election Reports. It also uses local media and the Council's website for this to some extent, and it is increasingly using social media to communicate more with the community. However, despite these efforts, indications are that the positives in the Council's service delivery are not as widely appreciated as they might be.

*"Council does lots of things well, but it is taken for granted" – Elected member*

*"Our community doesn't realise how well our Council works" – External stakeholder*

264 There is an opportunity for the Council to engage with the community on what has been achieved. This could be done more through the media and social media, and by engaging more with the network of community groups in the Kāpiti district.

### Providing regulatory services is a challenge for any local authority

265 Regulatory services in the form of consents, licences and permits is a significant area of the Council's activity. It is also the area of most day-to-day interaction between the Council and the commercial and residential communities. The challenge here is for the Council to discharge its obligation to apply the rules fairly, while also helping people to navigate the rules to enable a pragmatic solution to be found.

266 In its regulatory work the Council's objective is to be fair and consistent, and to make legally robust decisions. From discussions with staff we note that the Council at times invests considerable thought into implementing regulations, including for staff to exercise judgement to make pragmatic decisions in cases of low risk and generally to help customers navigate the law. This also includes providing customers with opportunities for pre-meetings to discuss plans and help them complete applications. Sometimes decision-making can take significant time, particularly if an application is missing important information. The Council is bound to accept only complete applications, so incomplete applications can result in some toing and froing between parties.

267 The Review heard differing views from external stakeholders on KCDC's regulatory services. These ranged from extremely positive comments (in line with the Resident Opinion Survey results), to comments that processes seemed to take a long time, even where people eventually got what they wanted. It is not unexpected that it may take the Council some time to work through requests to vary the standard requirements and practice, in order to find solutions that are fair to developers, future landowners and the wider community.

268 There is an opportunity here for the Council to provide more information about the reasons behind its processes and decisions. This would ensure that people better appreciate the logic



behind decisions, and the frameworks often imposed by central government that Councils must implement.

- 269 The different interpretations applied by some stakeholders to the Council's Open for Business initiative has not helped with increasing the understanding of the role and work of the Council's regulatory services team. This initiative was originally introduced to support the delivery of quality regulatory services, but has been interpreted by some as an indication that the Council is prepared to relax the rules to allow their projects to proceed. There is some friction when it is realised that this is not the case. This report addresses the Open for Business initiative in more detail in the section 'Ways of Working'.





## 9 COMMUNICATIONS

### Good practice

270 Communicating with the community is a core part of a Council's activities. There are some communications activities that Council is legally required to deliver, such as notifying the public of Council meetings and upcoming elections and calling for nominations for candidates.<sup>100</sup> Other communications activities are not formally required but help the Council to relate to and deliver services effectively to the community.

#### Communications activities relate to governance and operational activity

271 Although the day-to-day mechanics of Councils' communications activities are operational, they are also influenced by and affect the role of elected members. As the Office of the Auditor-General (OAG) says:

*'Members are accountable to the community for the Council's decisions and actions. What the Council says in its communications is, therefore, ultimately the Members' responsibility.'*<sup>101</sup>

272 Local authorities, depending on their size, may have a dedicated communications team to manage the delivery of, and the associated risk from, communications activities. The managing of communications risk, quality of communications, and channels used is an operational activity and therefore within the remit and accountability of the Chief Executive.<sup>102</sup>

#### Good practice communications by local authorities

273 To help with managing the relationship between governance and operations, and to support good practice approaches for communications, the OAG has established a set of principles for Councils' communications activities. These principles, set out in Table 3, are applicable to both print and web-based communication channels.

**Table 3: Principles and practice for Council's communications activities**

	Principles
<b>Legitimacy and justification</b>	<ol style="list-style-type: none"> <li>1 A Council can lawfully, and should, spend money on communications to meet a community's (or a section of a community's) justifiable need for information about the Council's role and activities.</li> <li>2 Communications should be consistent with the purpose of local government and in the collective interests of the communities the Council serves.</li> <li>3 Communications should comply with any applicable Council policies and guidelines as to process (including authorisation) and content.</li> </ol>

<sup>100</sup> Local Electoral Act 2001, section 15.

<sup>101</sup> Office of the Auditor-General, 'Good Practice for Managing Public Communications by Local Authorities'. April 2004. Retrieved from <https://www.oag.govt.nz/2004/public-communications/docs/public-communications.pdf>

<sup>102</sup> OAG, 'Good Practice for Managing Public Communications by Local Authorities'.



	Principles
<b>Collective position</b>	<p>4 Communications on Council policies and decisions should reflect the collective position of the Council (Council should 'speak with one voice').</p> <p>5 Communications on Council business should always be clearly attributed to the Council as the publisher.</p>
<b>Standards of communication</b>	<p>6 Factual and explanatory information should be presented in a way that is accurate, complete, fairly expressed, and politically neutral.</p>
<b>Consultation and public debate</b>	<p>7 Communications about matters that are under consideration by the Council, or are otherwise a matter of public debate, should present the issues in an even handed and non-partisan way.</p> <p>8 If engaging in public debate with an interest group or a section of the community, a Council should use the news media (rather than a Council funded publication) and designated spokespersons (rather than professional communications advisers) unless there is a particular justification for not doing so.</p>
<b>Communications by members</b>	<p>9 If the Council's Communications Policy permits them, communications by Members of their personal perspective, views or opinions (as opposed to communication of Council matters in an official capacity) should be clearly identified as such, and be confined to matters that are relevant to the role of local authorities.</p> <p>10 Politically motivated criticism of another Member is unacceptable in any Council-funded communication by a Member.</p>
<b>Members' personal profile</b>	<p>11 Care should be exercised in the use of Council resources for communications that are presented in such a way that they raise, or could have the effect of raising, a Member's personal profile in the community (or a section of the community). In permitting the use of its resources for such communications, the Council should consider equitable treatment among all Members.</p>
<b>Communications in a pre-election period</b>	<p>12 A local authority must not promote, nor be perceived to promote, the re-election prospects of a sitting member. Therefore, the use of Council resources for re-election purposes is unacceptable and possibly unlawful.</p> <p>13 A Council's communications policy should also recognise the risk that communications by or about Members, in their capacities as spokespersons for Council, during a pre-election period could result in the Member achieving electoral advantage at ratepayers' expense. The chief executive officer (or his or her delegate) should actively manage the risk in accordance with the relevant electoral law.</p>

Source: Office of the Auditor-General, 'Good Practice for Managing Public Communications by Local Authorities'. April 2004. Retrieved from <https://www.oag.govt.nz/2004/public-communications/docs/public-communications.pdf>

## External communication channels

274 The choice of communication channel depends on the audience the Council wants to reach, the channels through which the audience expects to engage with the Council, and whether communication is intended to be one-way or two-way. Local authorities across New Zealand use a variety of channels for communication, including:

- a local newspapers and community notice boards
- b newsletters or information pamphlets mailed to residents
- c Councils' own websites, as well as community websites such as Neighbourly



- d media channels (such as radio) and social media (for example, Facebook, YouTube, Instagram and Twitter)
- e direct face-to-face communication with the public.

### Communicating with the media

275 Guidance from LGNZ suggests that Mayors should be open and available to the media, including through media briefings held regularly and/or after each Council meeting, to provide an opportunity for the media to ask questions about the Council and its policies and programmes.<sup>103</sup> LGNZ recommends that Councils be open about failures as well as successes, in order to maintain a good relationship with the media and build community confidence in Council activities.<sup>104</sup>

## Insights on KCDC's current approach

### Council is well placed for communicating with its diverse community

276 The 2019 Social Wellbeing Survey results indicate positive views on the Council's communication efforts, with 64% of respondents indicating they 'strongly agree' or 'agree' that 'there is a positive communication / support line between Council and my organisation'. Resident Survey results indicate that most people look to newspapers as their main source of information from the Council (55%), compared to only 12% who look at the website and 12% who look to social media for information.<sup>105</sup> When asked what their preferred method of communication is, 34% of respondents wanted to receive email newsletters, and 31% preferred to look in the newspaper.<sup>106</sup> We note that the Local Government Official Information and Meetings Act 1987 requires local authorities to publish meeting details in newspapers.

277 Because of the diverse demographic in the district, a range of communication channels need to be used. The Review notes that the Council uses various channels to update the community, including the website, social media, an App (Antenno), weekly e-newsletters, and notices in local papers. The summary of consultation activity on the recent refreshing of the Long-Term Plan illustrates a range of approaches used including website, Facebook, radio, local newspapers, videos, and written submissions.<sup>107</sup>

278 Not surprisingly, the Council has increasingly focused on social media as a communication channel, while also maintaining more traditional ways of communicating. Certainly, social media channels are being used more and more within the community for communicating and sharing views.

279 This all means that the organisation is well set up for communicating with its diverse community.

<sup>103</sup> LGNZ, 'The 2019 Mayor's Guide', 2019. Retrieved from <https://www.lgnz.co.nz/assets/5222c03b72/LGNZ-2019-Mayors-Guide-v2.docx>

<sup>104</sup> LGNZ, 'The 2019 Mayor's Guide'.

<sup>105</sup> Resident Opinion Survey 2019/20, Q2 results

<sup>106</sup> Resident Opinion Survey 2019/20, Q2 results.

<sup>107</sup> See KCDC website, [https://www.kapiti-coast.govt.nz/media/31450/2018-ltp\\_consultationdoc.pdf](https://www.kapiti-coast.govt.nz/media/31450/2018-ltp_consultationdoc.pdf)



## The Council website continues to improve

280 The Council's goal is to create a 'digitally sophisticated, customer centric website that makes it easy for people to engage, interact and understand the role of our Council and the services and facilities we provide.'<sup>108</sup> Since January 2019, changes to Council's website have seen it improve from #46 to #30 in the rankings maintained by the Association of Local Government Information Management website rankings. These measure the accessibility, usability functionality of a Council's website and online services, as well as assessing the website's content and presentation against best practice.

281 In late 2019 KCDC began a programme of continuous improvement to the website, taking a staged approach as resources and timings allow. Already some early results are visible, with a cleaner, more visible user interface and easier navigation. This addresses comments to the Review from some external stakeholders that the Council's website has not been user-friendly, and that it was difficult to find documents and other information using the site's search function.

## The Council is focussing on communicating more proactively with stakeholders

282 Some community stakeholders mentioned they would rather hear that something is planned, or has been delayed for a particular reason, rather than hear nothing at all from the Council. One stakeholder said: 'Council needs to get smaller bits of information out, and build the impression that they are doing things.'

### Orientation towards more proactive communication

283 The Review notes that recently the Council organisation has consciously taken steps to improve how it responds to issues. In particular, with the support of the Communications team managers have proactively fronted up to explain issues to the community. The Council's improvement work has also included providing its middle managers with communications and engagement training, and getting the Communications team to help Council staff with their own communications efforts, rather than solely relying on the Communications team for this.

284 We note that when staff are heavily preoccupied with busy day-to-day work it is sometimes a challenge for them to find time for proactive communication.

## Internal communications connect staff and management

### There are a number of communication channels with staff

285 Staff mentioned several channels for internal communications, ranging from all-staff emails, weekly video messages from the Chief Executive, 'HubKap' and the 'Your Voice' platform, to the intranet and all-staff forums (in person with the CE and Senior Leadership Team). The Chief Executive also hosts morning teas to welcome new staff to the organisation.

286 Communications channels are valuable for sharing staff achievements. Staff we spoke with mentioned the 'Your Voice' platform as a way for Council staff to share positive messages about what their colleagues have achieved, and also to share improvement ideas. The opportunity to

<sup>108</sup> KCDC Councillor Briefing Information, 'Engaging with community'. November 2019.





have two-way communication and to contribute ideas is something that staff view positively. Traditional writing pads are also available for staff who might not have access to HubKap or who might want to suggest improvements anonymously.

- 287 Despite all these avenues for communication, messages can still be missed. Some staff mentioned they don't have time to check various channels for messages, whereas others shared that they only tend to look at one or two sources of information.<sup>109</sup>

### **More opportunity to share lessons learned in communications**

- 288 Despite multiple channels for communications, there was a strong message from staff to the Review that a lot more information could be shared within the Council, particularly when things had not quite worked out.
- 289 It is natural to share the good news and celebrate successes. However, there is merit in being upfront about negative experiences. Staff noted that there were valuable lessons to be learned from those experiences, and felt these can get lost when communications tend to focus only on the positives.
- 290 In the local authority context where all activity is under a spotlight, a Council can become quite risk averse in its activities and communications. The Review heard from some staff that at KCDC this dynamic can lead to a perception that the Council is deliberately withholding information and consciously trying to manipulate messages, which might not in fact be the case.

<sup>109</sup> Interviews and submissions from staff.



## 10 WAYS OF WORKING

### Good practice

291 How an organisation operates will depend on its particular context, functions and services. However, there are several aspects of how people work within an organisation that contribute to success, irrespective of what work they are doing.

#### Clear priorities, accountabilities and shared operating model

292 Management and staff need to have a clear understanding of what the organisation's priorities are and what it is accountable for delivering, so that they can get on with the job and make informed decisions that align with the organisation's direction. An effective way to achieve this is through developing an organisational strategy or operating model to act as a bridge between the longer-term strategic direction (the Long-Term Plan and Annual Plan in the Council's case) and implementation of the strategy. The operating model should be developed through a collaborative process and shared with everyone in the organisation.

293 The operating model guides decision-makers' choices in allocating resources, making investments, and planning and delivering operational activity. The benefit of an operating model is that it explains the rationale for ways of working, and so makes it transparent for staff why things are done in particular ways.

294 An operating model is also a useful tool for helping managers understand how changes to one part of the organisation might impact the value that other parts are tasked with delivering. It encourages more collaborative, connected planning and working.

295 The operating model will also clearly communicate appropriate attitudes and behaviours at both leadership and frontline levels, and signal the capabilities needed to execute the higher strategy effectively, including for monitoring performance results.

#### Empowered decision-making

296 For a large and multi-faceted organisation like Council to function efficiently, there has to be a level of judgement and decision making that is delegated to front-line operational staff. Delegation on its own is never enough; staff must be supported and enabled to make decisions (appropriate to their role), and there must be a culture of trust. Alongside formal delegations, a clearly communicated operating model provides staff with the mandate and confidence for making decisions that will be supported.

#### Connections across groups

297 Teams will only rarely be able to work effectively in isolation of other groups, even in a local authority that delivers a variety of functions and services. As the Council's activities relate to and impact the public, connections across groups should be actively encouraged and enabled so that staff can identify effective solutions to issues that may span multiple groups. This ensures an integrated and joined-up Council for the public. It also means that decision-making for establishing priorities for resourcing and activities can stretch across functional areas, and so optimise organisational efficiency and effectiveness.





### Systems and processes

- 298 Having good systems in place, and clear processes and guidelines around them, supports the effective and efficient delivery of functions and services.
- 299 Organisations that are operating efficiently and effectively have databases that: are current in data capture; exhibit data integrity; are integrated to provide a single source of truth; provide ease of access; and maintain appropriate security levels.
- 300 Data is then used to inform decision-makers of key trends, of opportunities for change or improvement, and whether there are any problems with current practice.
- 301 Systems and processes should be maintained and updated regularly to ensure they are fit-for-purpose to support staff to do their work. Many organisations incorporate business and continuous improvement functions to work alongside the business; these both prompt for and assist with improvement initiatives when appropriate.

## Insights on KCDC's current approach

### Teams within the Council have a positive dynamic

- 302 Many staff who provided written feedback for our Review cited the way that people work together within teams as something that works well at Council. Staff mentioned as positives their 'team dynamic', 'team work within staff' and the 'willingness of team members to "muck in" and go above and beyond when short staffed'.<sup>110</sup>
- 303 Former staff members echoed these comments, mentioning that in their experience staff worked well and supported each other.<sup>111</sup>

### Challenges for meeting the Council's intention of a more strategic focus in day-to-day working

- 304 There is no shortage of commitments by the Council organisation to adopting a more strategic and proactive focus to guide the organisation's business.<sup>112</sup> We have noted the Council taking a more strategic approach to financial management, and this has had a significant impact for managing debt and positioning the Council for meeting future infrastructure expenditure. The Council organisation is currently adopting a more strategic approach to property management. The property team is currently completing a land audit to provide evidence to inform strategic discussions with management and Councillors on land and property decisions and plans.
- 305 At times, however, the workload and capacity at Council means that it can be a challenge for Council managers and staff to find the time to think ahead, and to be as proactive and strategic about their work as they would like.
- 306 We have observed the willingness of staff to meet requests from members of the community, Councillors and media. This readiness to react can have an effect on people's ability to find time

<sup>110</sup> Feedback provided via confidential suggestion boxes, email and staff workshops.

<sup>111</sup> Feedback provided via confidential email.

<sup>112</sup> See 'Our Kāpiti Story' 2019.



to think more strategically, or to finesse communications around projects when work has been completed.

- 307 The Council's reactive focus adds to staff workloads, as staff have to balance meeting external needs and demands as well as delivering ongoing, planned work. This was also mentioned in the 2018 Staff Pulse Survey, where a respondent commented that 'we are too sensitive / reactive to "here and now" issues, to the detriment of planned projects and work streams'. People become deflected by an issue that needs resolving, a demand to provide a particular service, or another ad hoc request for a response.

*"We can't plan our days because we react to community need and plans go out the window." – Staff member*

## Work can happen in silos, but there is an appetite for collaboration

### Customers may sometimes not have a joined-up service experience from Council staff

- 308 The Council recognises that from a customer point of view that it is not as joined up as it could be. This view has come through from a variety of sources, such as the Resident Opinion Survey, social media comments, and staff interviews. Sometimes, when a customer may need to deal with a number of different Council areas and staff, they may be passed from team to team. Each team will be trying hard to discharge its responsibilities, but will not always be working proactively across the organisation with their colleagues to benefit the end-user – who can become frustrated at being passed around the organisation.

### Plans for placing the customer at the centre

- 309 The Council is aware of this problem and has begun a programme to make its services more customer-centric. This will address a number of areas and a number of different customer groups, putting customers at the centre whether they are individuals paying rates, or community groups, developers, or businesses. Efforts will be made to better understand customers and their needs, leading to improvements in processes, systems, and ways of engaging, through designing products and services their delivery to better meet customer needs.

### The current systems and workloads contribute to siloed working

- 310 The Review heard that due to time pressures and workload demands, often staff tend to focus on delivering their own work, and don't always think about who else might need to know or be involved. People are often 'swamped with work' and as a result focus on what is 'in their area'.
- 311 Some Council teams work in separate buildings, and this physical distancing can make collaboration difficult, as there are fewer opportunities to work in shared spaces during the day. Historical systems and processes present challenges for efficient information sharing and more joined-up approaches.



- 312 Siloed working can lead to unintentional duplication of effort and can therefore increase workload pressures. It can also mean missed opportunities either for more proactive activity or for timely resolution of issues.

*"People are willing to work together, but we have workload and time pressure"*  
– Staff member

### There are opportunities and some mechanisms for connecting

- 313 There is appetite among staff for more connection between groups. We observed instances of collaboration, where groups mentioned that they work well with other teams towards a shared outcome. Other staff said their most successful collaborations are with stakeholders outside the Council.
- 314 There are some mechanisms for enabling the sharing of plans and perspectives – for example, the Chief Executive's weekly email communications, video logs, and the Activity Managers' Forum.
- 315 Progress on improving processes and systems to deliver a better, more joined-up customer experience will support the efforts for greater connection across the organisation.

### Open for Business has sound underpinnings, but different interpretations influence its effectiveness

- 316 The Council introduced the 'Open for Business' concept in 2014 as a way of shaping how the Council delivers regulatory services, which is the area of most significant customer contact. The meaning of 'Open for Business' for the Council focused on the way that services would be delivered – an orientation to 'giving excellent service, every time, to all our internal and external customers.'<sup>113</sup>

### Fundamental values of Open for Business are sound

- 317 Open for Business is underpinned by three fundamental values or cultural orientations:
- a **Caring** – 'we understand our customers' needs, share information and work as one team'
  - b **Dynamic** – 'we bring a can-do attitude to make it happen'; 'we navigate the way for our customers'
  - c **Effective** – 'we get it right and deliver consistent, value for money services'.
- 318 The Regulatory Services Group has worked hard to implement Open for Business in all of its regulatory activity, in order to achieve excellent customer service and efficient service delivery.<sup>114</sup> There have been a series of staff workshops, so that staff understand what is expected, and to facilitate a discussion with staff about what they could stop, start or continue doing to implement the philosophy behind the initiative. In 2017 early steps were taken to extend the Open for Business approach across all functions of Council.

<sup>113</sup> From an internal communication summarising Open for Business.

<sup>114</sup> This has been a focus area for the Group Manager over time.



319 In 2018 there was a refresh of the Open for Business culture in Regulatory Services, with a focus on three things:

- a Making it simple for customers
- b Keeping in touch with customers, with a personalised service
- c Supporting the rest of the business to be more 'Open for Business'.

320 The Open for Business initiative has helped articulate internal expectations for how work is delivered externally. However, we heard different interpretations of what 'open for business' means and how it shapes behaviour.

### Understanding who is the customer

321 From the Council perspective, the Open for Business approach is about helping the customer navigate the law, and about providing excellent customer service with as little bureaucracy as possible, while making sure the Council fulfils its statutory functions and obligations to its community.

322 Open for Business is not about saying 'Yes' to everything.<sup>115</sup> It is about recognising that the ultimate customer is the community, and not necessarily the person applying for the permit or consent. The Council has a duty towards the wider public good and to those in the community who might be adversely affected by a decision that results in future environmental, health or safety failure. At the same time there is also a duty to act with care and respect towards those making the application.

### There are differing interpretations of Open for Business

323 The Review heard from staff that many external stakeholders had a different interpretation of 'Open for Business', one that was less about the service process and more about the expectation that the Council would now expedite the business they wished to engage in. This led to tensions when some people found that Council was unable to support or permit their activity, for regulatory or other reasons.<sup>116</sup>

324 We also heard concerns directly from some external stakeholders about the Open for Business initiative. Some said they weren't sure what it meant. Others highlighted the juxtaposition between the Council being open and supportive for organisations and businesses and the Council also maintaining its regulatory position. For some, 'Open for Business' was interpreted to mean the Council would relax the rules to permit their activity as planned, leading to frustrations and negative reactions when this didn't happen.

325 The Council's desire to be highly customer-centric in providing its services continues to be strong. The values 'Caring', 'Dynamic' and 'Effective' are strong and highly customer-centric in their intent. Even without elaboration each of these words connotes a positive service ethos. In our view, the issue is their association with the name Open for Business, which connotes a quite different meaning, one that some interpret as an 'open to all suggestions' orientation.

326 The Council should continue its programme for putting the customer at the centre, but should retire the name of the initiative.

<sup>115</sup> From Council documentation.

<sup>116</sup> From interviews with staff.





### The Council is addressing system issues to better support service delivery

- 327 Similar to many organisations, KCDC has many systems in place to support its delivery of services. A number of these systems are still manual and paper-based. There is a general recognition that some systems need upgrading, and that transitioning from manual systems is important. Staff manage within a mix of manual systems, but there are efficiency challenges in working in this way. In recent times the Council has taken steps to reduce the amount of paper-based working.
- 328 There are also challenges with the integration of data across systems to support more efficient ways of working. For example, the MagiQ system, which stores information on service requests, is not connected to the RAMM system, which stores information about the work done in relation to the request.<sup>117</sup>

### Challenges for analysing business performance

- 329 The issues with disconnected and ageing technology and information management mean that there are challenges for getting insights on business performance to support management decisions on resource allocation, more strategic approaches to activity, and performance improvement.<sup>118</sup>
- 330 The lack of timely and accurate data also increases the likelihood of duplication of work, confusion from staff, or a lack of visibility of how effective and efficient service delivery is.
- 331 At the time of the current Review work was in progress on refreshing the strategy for Information Technology to address these sorts of issues and to better position KCDC for improved information management, planning and service delivery.

### A Business Improvement Team to progress system and process improvements

- 332 Within the Corporate Services Group the Council organisation has a team dedicated to supporting the organisation with business improvements. This team works alongside Council management and staff to both facilitate and deliver on business improvement projects.
- 333 One area that might be looked at is the way staff use technology, systems and processes. Some staff indicated to the Review that, while there are needs for system and process improvement, there is also a need to ensure that staff are adequately trained in these areas. Where workloads are high, there is potentially just not enough time allocated to ensuring people are up to speed on systems.
- 334 The Council organisation is addressing this, with plans for developing online training to support the use of systems. Beyond this, however, it will be important to ensure that people are given the attention they need to feel fully enabled in using systems.

<sup>117</sup> EY, Kāpiti Coast District Council: Report on control findings, September 2019.

<sup>118</sup> From discussions with managers.



# 11 PEOPLE: CULTURE, CAPABILITY AND CAPACITY

## Good practice

### Culture

- 335 'Culture' reflects a combination of collective beliefs, values and norms which shape how people think, feel and act in an organisation. Establishing and maintaining the right culture within an organisation is important, as culture can have a disproportionate impact on the outcomes the local authority seeks to achieve.
- 336 In a local authority we would expect to see a collaborative, supportive and community-focussed culture. You would see teams working together to achieve collective outcomes for the community.
- 337 The local authority would have a culture of trust where staff would be empowered to make decisions that are within their capability and technical expertise. Staff would feel comfortable making judgement calls relating to their work, based on guidance from leaders and insights from engagement with the community. Decision-making would be guided by the organisational strategy, management and practices.
- 338 The environment would foster continuous learning and improvement. Staff would be empowered to take on greater responsibilities where appropriate. The culture would recognise that people can make mistakes, and they would then be provided with additional guidance and support as appropriate.
- 339 The wider organisational culture would be positive, and the parts would feel connected to each other and part of the overall organisation and mission of Council.
- 340 Culture is a concept which can be influenced by multiple factors – strategy and direction, leadership, people in the team, ways of working, communications, the physical environment, and reward and recognition practices.

### Capability (knowledge, skills and attitudes)

- 341 Staff should have the technical knowledge required in their area of work. In addition to this, broad capabilities required to be successful in local government are shown in Table 4.

**Table 4: Capabilities required in local government**

Capabilities	Includes...
<b>Personal attributes</b>	<ul style="list-style-type: none"> <li>• <i>Manage self</i> – show drive and motivation, awareness of strengths and weaknesses, and a commitment to learning</li> <li>• <i>Display resilience and adaptability</i> - express own views, persevere through challenges, and be flexible and willing to change</li> <li>• <i>Act with integrity</i> - be honest, ethical and professional, and prepared to speak up for what is right</li> </ul>





Capabilities	Includes...
	<ul style="list-style-type: none"> <li><i>Demonstrate accountability</i> - Take responsibility for own actions, commit to safety, and act in line with legislation and policy</li> </ul>
<b>Relationships</b>	<ul style="list-style-type: none"> <li><i>Communicate and engage</i> - Communicate clearly and respectfully, listen, and encourage input from others</li> <li><i>Community and customer focus</i> - Commit to delivering customer and community focused services in line with strategic objectives</li> <li><i>Work collaboratively</i> - Be a respectful, inclusive and reliable team member, collaborate with others, and value diversity</li> <li><i>Influence and negotiate</i> - Persuade and gain commitment from others, and resolve issues and conflicts</li> </ul>
<b>Results</b>	<ul style="list-style-type: none"> <li><i>Plan and prioritise</i> - plan and organise work in line with organisational goals, and adjust to changing priorities</li> <li><i>Think and solve problems</i> - Think, analyse and consider the broader context to develop practical solutions</li> <li><i>Create and innovate</i> - encourage and suggest new ideas and show commitment to improving services and ways of working</li> <li><i>Deliver results</i> - Achieve results through efficient use of resources and a commitment to quality outcomes</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li><i>Finance</i> - Be a responsible custodian of council funds and apply processes in line with legislation and policy</li> <li><i>Assets and tools</i> - Use, allocate and maintain work tools appropriately and manage community assets responsibly</li> <li><i>Technology and information</i> - Use technology and information to maximise efficiency and effectiveness</li> <li><i>Procurement and contracts</i> - Understand and apply procurement processes to ensure effective purchasing and contract performance</li> </ul>

Source: Local Government NSW, 'Local Government Capability Framework'. Retrieved from <http://capability.lgns.w.org.au/?staff-member/personal-attributes/act-with-integrity>

342 At a managerial level, the essential competence is the ability to lead and manage staff. We would expect to see managers who have a base of technical knowledge or expertise, and understand how local government operates.

### Capacity

343 Good practice approaches to ensuring Council has the right amount of capacity will depend on the amount of work to be delivered, when it needs to be delivered by, the quality of work that is required for immediate delivery and ongoing sustainability, and what level of effort is required to deliver.

344 There are two main ways that organisations address the question of capacity: either maintaining capacity (and capability) in-house, or outsourcing work to third parties. There are pros and cons for each of these. In a nutshell, the arguments for and against often boil down consideration of two things:



- a the balance between efficiency and effectiveness
- b the balance between retaining direct control over a core or strategic asset, function or service, and outsourcing something that might be more transactional in nature.

345 The process of outsourcing business functions is also called contracting out.

### Use of external consultants

346 Typically external consultants are used by organisations when they want an independent view on things, or they have a lack of capability or capacity to do something, and when there is a short term piece of work requiring external expertise that it is not feasible to maintain in house expertise for.

347 The table below summarises some of the advantages and disadvantages of outsourcing to gain capacity for getting work done.

**Table 5: Outsourcing: advantages and disadvantages**

Advantages	Disadvantages
1. Reducing operating, labour, and overhead costs	1. Loss of management control and the inability to control operations of activities or processes that are outsourced
2. Focusing more on the company's core competencies, and thus improving its competitive advantages by outsourcing time-consuming processes to external companies	2. Risk of losing sensitive data and the loss of confidentiality by outsourcing activities or processes to external parties
3. Freeing up internal resources and using the resources for other purposes	3. Outsourcing companies may impose hidden or unexpected costs by creating lengthy contractual agreements with lots of fine print
4. Mitigating risk by sharing risks with external parties and building meaningful partnerships	4. Lack of quality control, as outsourcing companies are often profit-driven rather than focused on doing a good job
5. Improving flexibility and efficiency by delegating responsibilities that are difficult to manage and control to external companies	

348 As the factors above indicate, it is by no means a given that outsourcing functions will necessarily lead to a reduction in costs. A short-term efficiency gain from outsourcing can result in later hidden costs surfacing, or costs to the organisation in dealing with poor quality performance and reduction in effectiveness for achieving desired outcomes. The decision to outsource must be considered and will be influenced by risks and factors at play with the organisation at the time.

### Workforce planning

349 Workforce Planning is the process of analyzing, forecasting, and planning workforce supply and demand, assessing gaps, and determining target talent management interventions to ensure that

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Commercial In Confidence



an organization has the right people - with the right skills in the right places at the right time - to fulfil its mandate and strategic objectives.

- 350 Workforce planning means adopting a strategic orientation to the capability and capacity required to deliver on required outcomes. This will include assessing the 'right' mix of in-house permanent employees, fixed term employees and other contractors, approaches to attracting and developing talent, and career pathway development.

## Insights on KCDC's current approach

### Culture

#### Staff are passionate about the community in Kāpiti, and show care for each other

- 351 The Review team heard from many interviewees that, in general, Kapiti Coast District Council has passionate staff who care about the community and each other. People work for the Council because they want to live in the community and help make a difference.
- 352 Staff are often willing to go 'above and beyond' to deliver for the community, and are motivated to deliver positive results. An historical example of this provided by an external stakeholder was staff visiting members of the community following the Kaikōura earthquake in 2016 to check if they were okay. During work to inform plans for increasing customer centricity in mid-2019, the Council also heard many stories of staff going out of their way to service customers because it was 'the right thing to do'.<sup>119</sup>
- 353 The Review heard of other examples of staff looking out for and supporting each other in the workplace. There is a culture among staff of genuine concern for each other.

*"Council is like a family. If things go wrong, we will band together" – Staff member*

#### KCDC generally has a culture of people who enjoy their work

- 354 By and large the comments to the Review from current staff on the culture at the Council were positive. People enjoyed working at the Council and felt supported in their efforts. These sentiments were echoed in the Staff Pulse Survey from 2018, where staff generally expressed positive attitudes for working at KCDC.<sup>120</sup>
- 355 The results of the recent Staff Engagement Survey reflect this: of 320 staff respondents, only 11% indicated they were dissatisfied with the organisation as a place to work.<sup>121</sup>

<sup>119</sup> Project Customer Centricity, Discovery Kete July 2019.

<sup>120</sup> Staff Pulse Survey 2018.

<sup>121</sup> Kāpiti Coast District Council Staff Engagement Survey, Oct–Nov 2019.



### Leadership and management practices influence staff culture

- 356 Findings from this Review indicate that leadership style and management practices have a strong influence on culture at KCDC, as they do in any organisation.
- 357 Where staff we spoke to viewed the Council's culture positively, the Review heard positive comments about their manager's leadership style and approach, including that the staff felt there was a clear direction, performance expectations were clear, recognition was given for success, and poor performance was managed.
- 358 Where there were negative comments about the culture, staff members cited high workloads and work pressures, lack of clear direction from the manager, inadequate recognition of good performance and successes, and issues with managing poorly performing staff.
- 359 When issues were raised there was a perception by some staff that some managers were not open to listening to views expressed by staff. In these cases, people even felt sometimes that they were not encouraged or unable to voice their concerns for fear of retribution. While strongly held, these views were in the minority amongst feedback from staff and management.
- 360 The recent restructure in 2018 under the new Chief Executive, to strengthen the Council's capability in a number of areas, resulted in a number of changes to staff positions and an associated increase in staff turnover.
- 361 The effects of this are still being felt, as the new leadership team has taken some time to find its collective focus at Council.

### Other factors influencing staff attitudes and culture

- 362 Two other factors that contribute to staff attitudes came up in feedback from staff: a lack of connection across teams for planning and completing work; and external criticism of the Council organisation, which at times these staff took personally.
- 363 On the positive side, the Review observed a definite willingness of staff to be part of a high-performing Council that recognised their efforts.

*"Most staff enjoy working for Council, are proud of the job they and their team do and want to be part of a high performing, strongly led team/organisation" – Discovery Kete: Customer-centric KCDC, 2019.*

### Importance of recognising and celebrating success

- 364 Staff did comment to us that there could be more recognition and celebration of instances of 'going the extra mile', and more staff recognition for jobs well done, especially in those jobs where good customer service is achieved everyday.<sup>122</sup> These are not always easy to capture, as they occur in the normal course of business.
- 365 Earlier in this report we recognised the belief that the Chief Executive and Senior Leadership Team have in their people, and their recognition of the work pressures their people face. It was

<sup>122</sup> Verbatim comment in the Staff Pulse Survey Results 2018.





important for us to hear from the leadership team that they believed in the importance of maintaining a supportive culture in the organisation, and the high regard they have for their staff.

366 This is reflected in the staff forums where successes are recognised, the regular communications from the Chief Executive, and the regular social gatherings to bring staff together.

367 However, there is an opportunity to look at ways to capture more of the 'BAU gold'<sup>123</sup> that happens in KCDC on a regular basis, and to communicate and celebrate this more often.

### A culture of committed leadership and staff who want to make a difference

368 In summary, the Review heard a range of views and experiences from current and former staff, reflecting both positive and some negative feelings about the Council culture. However, our overall conclusion is that there is a culture of committed, albeit at times fatigued, staff and management at the Council who want to make a difference.

369 It is important that the new leadership team and managers recognise the critical role that they play in fostering and supporting a positive culture at KCDC.

370 It is our understanding that this is a key focus of the leadership team. We heard that there is a conscious focus on staff well-being and collaboration. The efforts being made to increase internal communication, manage poor performance, and develop an increasingly customer-centric, more connected organisation support this.

371 It is also important that the organisation support leaders and managers in their roles through ensuring appropriate leadership and management development training.

## Capability

### Attracting and maintaining the right capability to deliver is an ongoing activity

372 As we observed in the discussion on Functions and Services, Kāpiti Coast District Council delivers services consistently and to a generally good standard, as reflected in comments from external stakeholders and in satisfaction surveys.<sup>124</sup> This is largely a function of the capability of the Council's staff. We heard from the leadership that the Council generally has been able to attract high-quality applicants for advertised positions.

373 Some staff mentioned the opportunity for lifestyle choices that living and working in the Kāpiti district offers as something that attracted them to working for the Council.

374 However, in a district that is close to Wellington, where the commute by both private and public transport is not onerous, and where there are potentially more lucrative job and career prospects in the larger centre, it is becoming more of a challenge to attract and retain staff.

<sup>123</sup> Verbatim comment in the Staff Pulse Survey Results 2018.

<sup>124</sup> See the section Functions and Services.



- 375 Councils will always find there are certain areas they need to focus on when it comes to attracting, retaining and developing the capability needed to ensure the organisation is a high-performing entity for its community.
- 376 In this context, there is a need for KCDC to adopt a strategic approach to workforce planning to enable it to assess the best ways and means to fulfil its capability and capacity requirements. This will have implications for recruitment, talent development, resilience and the mix of permanent and non-permanent resource to achieve desired outcomes.
- 377 This will potentially require more resource to support the Organisational Development Team who are extremely busy in supporting the day-to-day requirements of the organisation.

**There is a need for an increased focus on training and development in the Council**

- 378 Workload pressures on both staff and management, including the Organisation Development Team has meant a decreased focus on training and development in recent times. Some training has been deferred, other training is in development but not yet in place.
- 379 From comments made in a number of interviews and workshops with staff, there appeared to be some uncertainty around training and development opportunities, in relation to either the awareness of training possibilities, the availability of training, or the relevance of training to their needs.
- 380 We note, however, that some training has been scaled back due to the workload demands of staff themselves.

**Organisational Development has taken steps to address the training needs of the organisation**

- 381 The Council has training programmes across three areas: Corporate (for example, confident conversations, resilience); Group (for example, team focus, managing performance for people leaders); and Individual (for example, credits for professional qualification, learning new skills). In some areas, staff get opportunities to develop their capability through secondments, opportunities to act in positions, and other on-the-job development opportunities.
- 382 A new resource was recruited at the end of 2019 to support the work of the Organisational Development Team. This role has an opportunity to apply a renewed focus on training and development for staff through updating an assessment of training needs, and identifying programmes for meeting these.
- 383 To strengthen induction training, a series of online modules are being developed that staff can experience at their own pace, and these will supplement the contribution of managers to induction.





## Capacity

### The Review heard concerns about the Council's capacity to deliver an increasing work programme

#### The current workload is seen as unmanageable

384 We heard from many staff (including managers) that 'people are busy' and that the overall workload at Council is 'unmanageable'. The Staff Pulse Survey 2018 also raised unmanageable workloads as an issue.<sup>125</sup> Written feedback from staff for this Review echoed this sentiment, with 29% of responses mentioning that lack of staff or limited capacity is one of the main things they would change (alongside improved technology, more training opportunities, and more recognition of the contributions made by staff).

385 When asked what was impacting the workload, staff said they are managing a combination of:

- a delivering their own 'business as usual work'
- b delivering work for others in the team, particularly if there are vacancies or people are ill
- c responding to requests from the community
- d responding to questions or requests from Councillors
- e actioning new ideas that come from Councillors and/or the Senior Leadership team.

386 Staff mentioned that despite new work coming in, there are no adequate prioritisation processes to determine what won't be delivered as a result of a shift in focus. The result is people often working long hours and/or over the weekend to get things done.

387 The high workloads and 'busyness' takes its toll on people. The Review heard that staff are not taking leave as they don't want to further burden their colleagues, and are working late or working over the weekends to keep abreast of things. It also means that staff don't take time for training and development activities, or don't have space for strategic thinking and forward planning.

#### Managing the workload pressures with fixed-term staff

388 In order to manage workload pressures and apply additional resources to projects, Council management have used fixed-term roles as a mechanism for supplementing their permanent resource. This has relieved the pressure towards increasing the ongoing staff complement and associated costs over the longer term, and enabled short-term resource and expertise to be brought to bear when needed.

389 There are risks associated with the ongoing deployment of fixed-term staff over a longer period. There is the risk of losing a talented fixed-term person who might be lured away to more permanent employment elsewhere before they have completed the required work for Council, taking with them their institutional knowledge.

390 There are also additional costs (including time and effort) in recruiting fixed term staff to positions, as this will occur more frequently than that for permanent staff.

<sup>125</sup> Staff Pulse Survey Results, 2018.



391 There are also challenges with fixed-term employees or contractors not being treated the same as permanent staff insofar as they were not always included in staff gatherings and events. The Review heard that this can affect their perception of belonging and the way that they might interact with permanent staff on work projects.

392 In this regard, the Review heard that the Council could adopt a more inclusive orientation to its fixed-term staff to mitigate these risks.

### Use of external consultants

393 As noted earlier in this Report, KCDC tends to rely on in-house resources to deliver services rather than outsource delivery to external parties. The Council uses external resources less than other Councils where many services can be outsourced. As indicated above, there are pros and cons with outsourcing services.

394 Some external stakeholders we spoke with were concerned about the degree to which the Council organisation seems to have relied on external consultants. According to the Annual Report, the Council has engaged consultants to identify risks relating to drinking water safety and resilience, to implement the consenting works programme, to conduct a study to optimise land treatment and wastewater disposal, to investigate causes for the Waikanae Library closure, and for building assessments.<sup>126</sup>

395 In our view, the Council appears to have used external consultants where specific and independent expertise has been needed. The objective has been to complement and inform organisational activity and achieve outcomes for the community.

396 While there have been costs associated with this, as noted above Council's overall operating expenditure compares favourably with other provincial Councils.

### Perceptions about the Council's turnover rates

397 A number of people we spoke with during the Review – both internal staff and external stakeholders – voiced perceptions of 'high turnover' and loss of institutional knowledge with key people leaving.

398 Numbers provided by the Council for the 2016-2019 triennium indicate that quite a bit of this movement over the period can be attributed to people completing fixed-term or casual contracts, people retiring, people leaving as 'managed exits' or redundant positions following the restructure in 2018. This movement is sometimes referred to as 'planned exits' which are generally not taken into account in calculating turnover rates.

399 During the same period there was an average 'unplanned' staff turnover of around 14% per year.<sup>127</sup> These rates are slightly but not significantly higher than the public sector staff turnover rate for 2018 of 12.1%.<sup>128</sup> In our experience, average turnover rates can generally hover around 10 – 12%, and are quite dependent on the industry and type of work. For example, a call centre can have an unplanned turnover rate of up to 60% due to the nature of the work.

<sup>126</sup> Annual Report 2018-2019

<sup>127</sup> Calculated from information provided by Council to the Review team.

<sup>128</sup> State Services Commission: Our People – Public Service Workforce Data 2018



- 400 The same State Services Commission report observes that turnover increases when departments are restructuring or merging or when significant change is occurring in the wider labour market. As noted earlier, the Council's recent restructure under the new Chief Executive in 2018 resulted in a number of changes to staff positions and had an impact on staff turnover.
- 401 Feedback from managers indicates that staff leave for personal reasons, for professional development opportunities elsewhere, or for higher salaries elsewhere.
- 402 It would be in the Council's interest to analyse in more detail the rationale behind staff recruitment decisions (for permanent, fixed term or contract roles) to enable it to more fully understand the implications of choices made. This would mean more of a strategic approach to workforce planning with the organisation.



## RECOMMENDATIONS

The Review has identified a number of recommendations for assisting with lifting collective performance across Council, improving how Council operates and the experience of staff and the community.

### **A: Support Council managers and staff in their decision-making, setting of priorities and managing the workload through ...**

- 1 Developing an agreed operating model for the Council organisation that can act as a bridge between the current high level strategy of the Long Term Plan and the execution of that strategy through the Annual Plan and operational activity.
  - The operating model would define 'the way we work around here' for the Council to achieve strategy, including such things as organisational focus and priorities, collaborative joined up working, service delivery focus, key relationships and the leadership styles and practices required for success.
  - It would provide a mandate for prioritizing certain activity over others, a rationale for gaining approval for not doing some things which might impact delivery of previously agreed strategy for the community.
  - This will make a significant contribution to enabling managers and staff to better manage their workloads, reduce workload fatigue, and improve communication within and without the organisation.
  - A collaborative process for developing the operating model will itself foster increased connection within the organisation, and help people to understand how they can better work together to achieve Council outcomes.
  - The operating model would also articulate the Council's customer service orientation, and define clearly both the immediate customer who is requiring a service, and the wider customer of the community whose public good also needs to be served.
- 2 Communicating the operating model internally and externally so that people know what to expect from the Council this and the rationale for this.

### **B: Ensure that the community understands why the Council is planning and doing what it does through ...**

- 3 Explaining the rationale behind its plans and decisions, including where appropriate the rationale for not progressing with particular suggestions from the community.
- 4 Ensuring that all submitters receive explanation as to why their submission was not included in final decisions and plans.
- 5 Presenting its operational plans up front to provide the opportunity for transparency in the community.
- 6 Continuing and strengthening the approach of front footing issues and proactive communications with the community on issues and plans to foster a constructive and more trusting relationship.



**C: Clarify and enable the respective roles between Councillors, Chief Executive, Council management and staff through ...**

- 7 Providing governance training opportunities for new Councillors following their induction into the roles as Councillors.
  - This might include membership of the Institute of Directors, providing access to the range of training and mentoring opportunities offered.
- 8 Looking for mentoring opportunities for people new to governance roles to provide ongoing support for the roles.
- 9 Ensuring that staff fully appreciate the importance of enabling Councillors to receive information in a timely manner to enable them to more fully contribute to discussions on the direction of the Council.
- 10 Bringing in external advisors, subject matter experts (in addition to Council staff) to advise Councillors on aspects of the area they are considering at the time. This would assist Councillors in the current Triennium with their portfolio responsibilities.

**D: Foster a constructive relationship between Councillors and Council management and staff through ...**

- 11 Increasing the understanding that each has of the role and activity of the other through opportunities to discuss this outside of the formal Council Chamber.
- 12 Exploring the needs of each role and ways to meet these for mutual benefit.
- 13 Ensuring that Councillors feel that they have enough opportunity to engage with issues and peruse material before the point of final discussion and decision.
- 14 Reviewing the current arrangements for all meetings on a Thursday, and considering timings that would allow Councillors and staff more time for considering issues.

**E: Leverage the opportunities that the Community Boards present through ...**

- 15 Reviewing the levels of technological and other support that community boards might need to enable them to receive and share information more readily and in a timely manner.
- 16 Extending the current approach to briefing community boards on Council activity to more proactive engagement with community boards on the rationale for Council strategic and operational decisions.
- 17 While they are an advocacy group from the community to the Council, there is opportunity to see how the Community Boards can also be utilized more to communicate on Council plans and activity back to the community.

**F: Strengthen the partnership relationship with mana whenua through ...**

- 18 Strengthening the 'one house' concept by taking this to levels below the Mayor, so that there is a perceived and actual working together in partnership on planning and operational activity.





- 19 Engaging with iwi directly and earlier more often than at present on operational planning and activity while maintaining the role for Te Whakameninga o Kāpiti as a useful forum for higher level, more strategic discussions between Council representatives and iwi.
- 20 Allocating more funding to enable iwi to contribute as needed in terms of time and resources to working with Council management and staff through Te Whakameninga o Kāpiti and in direct communications with the Council.
- 21 Continuing to build and strengthen the Council's understanding of Te Ao Māori and the value that these perspectives bring to the relationship with iwi.

**G: Continue with fostering the values behind Council's Open for Business initiative to guide staff attitudes to service quality and customer focus, but change the name ...**

- 22 Continuing to foster the values of caring, dynamic and effective but change the umbrella name for this initiative from Open for Business.
- 23 Integrating this work with the recommendation for developing an operating model that will articulate the ways things are done in Council.

**H: Adopt a more strategic approach to workforce planning within the organization (managers supported by Organisational Development) through ...**

- 24 Formally analysing, forecasting and planning workforce supply and demand for the Council to fulfill its mandate and strategic objectives.
  - This means assessing the rationale behind decisions to employ people in fixed term, casual contract and permanent positions, and ensuring that there is the right balance of talent within the organization.
  - It also means looking at talent development and career path planning for staff.

**I: Ensure that the organisation is resourced to support workforce planning and staff training and development through ...**

- 25 Providing additional resource to the Organisational Development Team to enable it to step beyond servicing the day-to-day needs of the Council, and adopt a more strategic approach to workforce planning. This could be a contract resource in the short term to free up people for planning.
- 26 Ensuring that the new resource has the opportunity to focus on staff training and development, including completion of a training needs analysis which would include induction and training for use of technology and systems.
- 27 Increasing where needed the resourcing available to support training needs identified.

**J: Lift leaders' and managers' staff management skills where needed by ...**

- 28 Providing leadership and management training to managers to support their efforts to communicate, motivate and generally support their staff in managing workloads and work activity.





- 29 Providing mentoring and coaching in performance management to leaders and managers to support their ability to develop their staff, and successfully manage poor performance where this is needed.



## APPENDIX 1: TOPICS OF ENQUIRY

The following topics of enquiry were used to support the focus of the Review:

**Table 6: Topics of enquiry**

Category	Topics of enquiry
<b>Purpose, strategy and plans</b>	<ul style="list-style-type: none"> <li>What is the Council's strategy as described in the Long-Term Plan and other strategic documents?</li> <li>What are the planned workstreams in the Long-Term Plan and Annual Plan?</li> </ul>
<b>Leadership/ Governance</b>	<ul style="list-style-type: none"> <li>What aspects of the relationship between KCDC (Elected Members) and KCDC (Senior Management) is working well and what needs improvement?</li> <li>Do members of KCDC (EM) consider they are receiving sufficient information in a way and in sufficient detail to perform their role?</li> <li>What do KCDC (SM) consider are the strengths and weaknesses of the interactions and relationship and how these may be improved?</li> </ul>
<b>External relationships – sectors, interest groups, customers, Kāpiti Coast community</b>	<ul style="list-style-type: none"> <li>What issues are the Council facing with key stakeholders &amp; partners?</li> <li>What are the areas of satisfaction and dissatisfaction in the community's interactions with the Council?</li> <li>How adequate are the Council's communications with the general public?</li> <li>Are we proactive enough when dealing with the media (as distinct from general community engagement)?</li> </ul>



Category	Topics of enquiry
<b>External relationships – mana whenua</b>	<ul style="list-style-type: none"> <li>• What are the levels of satisfaction concerning the strength of the relationship between KCDC(EM) and KCDC(SM) and mana whenua?</li> <li>• Are mana whenua adequately resourced to contribute to decision-making?</li> <li>• Are the committee appointments of iwi representatives appropriate?</li> <li>• Is there a clear understanding of the respective functions and roles of KCDC(EM) and KCDC(SM) in achieving a living vibrant partnership?</li> <li>• How well does KCDC(SM) understand the role of actively protecting mana whenua interests and values?</li> <li>• Mana whenua personnel are expertly qualified, resourced for specific activities that are required under the legislative framework, and hold a comprehensive understanding of resource management values important from mana whenua's perspective. Are mana whenua's experience and skill adequately utilised to assess risk in KCDC operations?</li> <li>• Does preparation of KCDC agenda items adequately identify and give notice to mana whenua of matters of interest to mana whenua and Te Whakaminenga o Kāpiti?</li> </ul>



Category	Topics of enquiry
<b>Culture</b>	<ul style="list-style-type: none"> <li>• Are staff confident they can express their views safely and in utmost confidence in this review process?</li> <li>• Do staff have the confidence that they can identify risks to KCDC performance and if risks are identified that the concerns will be acted upon appropriately?</li> <li>• Do staff recognise that KCDC(EM) is open to receiving information concerning risks to its operational performance even if matters are not planned for or budgeted for?</li> <li>• What are the areas of dissatisfaction among the staff? What causes their frustration?</li> <li>• What are the areas of job satisfaction?</li> <li>• Are staff satisfaction surveys informative and appropriate?</li> <li>• What is the staff's view of the support they receive from KCDC?</li> <li>• Does the levels of staff turnover impact on KCDC through the loss of operational knowledge and efficiency?</li> <li>• Does KCDC have an adequate understanding of why staff are leaving?</li> </ul>
<b>Functions and services – general</b>	<ul style="list-style-type: none"> <li>• Does the Council provide all the functions and services it is mandated to deliver based on its statutory obligations? If not, what are the reasons for any gaps in the delivery of services?</li> <li>• What are our stakeholders' expectations and levels of satisfaction with respect to the functions and services the Council provides?</li> </ul>
<b>Functions and services – 'Open for business programme'</b>	<ul style="list-style-type: none"> <li>• What are our stakeholders' views of Council's 'open for business' programme?</li> <li>• What is the staff's attitude to, and understanding of, the 'open for business' programme?</li> <li>• How is this being led and directed by senior management?</li> <li>• Do stakeholder/business/community surveys fully reflect user's opinions and experience? (Do reports to KCDC(EM) just reflect average outcomes against KPIs without elaborating on those few that might be especially negative?)</li> </ul>



Category	Topics of enquiry
<b>Ways of working</b>	<ul style="list-style-type: none"> <li>• In terms of the Council's ways of working, what is working well and what can be improved?</li> <li>• What is the Council's current ability to identify, evaluate the significance of, and effectively respond to, new information, risks or issues that could prevent it from meeting its goals? If there are issues with the current ability, what could be the root causes of those issues?</li> <li>• How might Council be able to add greater value to Kāpiti residents by being more responsive and effective?</li> <li>• Do the problems that Council has encountered with the effective management of its property assets extend to other areas of its operations?</li> </ul>
<b>People (capability and capacity)</b>	<ul style="list-style-type: none"> <li>• Are levels of experience and management skills in KCDC(SM) adequate? (Recommend action to up-skill where required?)</li> <li>• Are there any current or expected future issues in terms of delivering on the planned workstreams (Long Term Plan) based on inadequate resources and/or capability?</li> <li>• More in general, are there any gaps in KCDC's capability and capacity to deliver its services and achieve the long-term interests of the community?</li> <li>• Are there gaps in the Council's capability and capacity which may create significant risks to the optimal performance of Council?</li> </ul>
<b>Organising model</b>	<ul style="list-style-type: none"> <li>• Are there any critical issues with the current structure and/or roles and accountabilities?</li> </ul>
<b>Enablers</b>	<ul style="list-style-type: none"> <li>• Are there any key issues with the Council's tools and resources required to support the work? (Tools and resources include business systems, technology infrastructure, and processes)</li> <li>• Are there any gaps with respect to the enablers which may create significant risks to the optimal performance of Council?</li> </ul>



## 7.2 MANA WHENUA REPRESENTATION WITHIN COUNCIL'S GOVERNANCE STRUCTURE

Kaituhi | Author: **Sarah Wattie, Governance & Legal Services Manager**

Kaiwhakamana | Authoriser: **Janice McDougall, Group Manager People and Partnerships**

### TE PŪTAKE | PURPOSE

- 1 The purpose of this report is to present options to Council to enhance mana whenua representation on Council committees and subcommittees.

### HE WHAKARĀPOOTO | EXECUTIVE SUMMARY

- 2 Not required.

### TE TUKU HAE PAPA | DELEGATION

- 3 Council holds the delegation for this decision under section A.2 of the Governance Structure and Delegations 2019-2022.

### TAUNAKITANGA | RECOMMENDATIONS

That the Council:

- A. Adopts the recommended option to enhance mana whenua representation within Council's Governance Structure by:
  - A.1 appointing one representative from Ngāti Toa Rangātira, Ngā Hapū o Ōtaki and Ātiawa ki Whakarongotai Charitable Trust to:
    - A.1.1 the Strategy and Operations Committee, Appeals Hearing Committee and the Grants Allocation Subcommittee with full voting rights from 1 July 2021.
    - A.1.2 attend all Council meetings and receive all papers, with the ability to contribute to the debate but not vote.
  - A.2 appointing one iwi representative to the Audit and Risk Subcommittee through a formal recruitment and selection process based on relevant qualifications and experience.
- B. Agrees to reimburse each Ngāti Toa Rangātira, Ngā Hapū o Ōtaki and Ātiawa ki Whakarongotai Charitable Trust for the contribution of their representatives as set out in recommendation A above, by paying each iwi an annual fee, equivalent to the remuneration of a full-time elected member (Portfolio B) which is currently \$45,156.
- C. Agrees to reimburse the iwi representative appointed to the Audit and Risk Subcommittee in accordance with Council's non-elected member remuneration and expense policy.
- D. Notes that while one person will be appointed to each committee and subcommittee from each of Ngāti Toa Rangātira, Ngā Hapū o Ōtaki and Ātiawa ki Whakarongotai Charitable Trust, the relevant person nominated by iwi may be different for each committee or subcommittee.
- E. Notes that a number of actions will be undertaken by staff to implement the above resolutions including a letter of appointment to be signed between the Council (via Common Seal) and each iwi representative.
- F. Notes that the representatives nominated by mana whenua for each committee and subcommittee will be brought to Council for formal appointment to the relevant committee(s) as required by the Local Government Act 2022.



- G. Agrees to amend Council's Governance Structure and Delegations 2019-2022 document as follows:
- G.1 Amend the membership so that one representative from Ngāti Toa Rangātira, Ngā Hapū o Ōtaki and Ātiawa ki Whakarongotai Charitable Trust is appointed to:
    - G.1.1 the Strategy and Operations Committee, Appeals Hearing Committee and the Grants Allocation Subcommittee with full voting rights.
    - G.1.2 attend all Council meetings and receive all papers, with the ability to contribute to the debate but not vote.
  - G.2 Amend the membership of the Audit and Risk Subcommittee so that one iwi representative may be appointed through a formal recruitment and selection process.
  - G.3 Part A Section A.1 Partnership Model – paragraph 7 and 8 be replaced with:
 

“Appointed mana whenua representatives are members of the Strategy and Operations Committee, Appeals Hearing Committee and Grants Allocation Subcommittee. They are full members to these committees and subcommittees with the rights to participate, debate and vote.

Appointed mana whenua representatives have the right to attend all Council meetings and contribute to the debate but not vote. Iwi are to receive all papers relating to Council as well the committees and subcommittees for which they are appointed. Where an iwi has submitted to Council on an issue, or has spoken during public speaking time, the Council iwi representative shall not participate in discussion or debate on that matter.

The Kāpiti Coast District Council Code of Conduct for Elected Members will apply to all members during meetings.”
  - G.4 The quorum for meetings be updated as set out in Attachment 1.

## TŪĀPAPA | BACKGROUND

- 4 In recognition of the Crown's responsibility under Te Tiriti o Waitangi, the Local Government Act 2002 sets out principles and requirements for Council to facilitate Māori participation in all decision-making processes, which includes appropriate consultation with Māori on different issues (refer section 4, Parts 2 and 6 of the Local Government Act 2022).
- 5 Kāpiti Coast District Council has a history of Māori representation and input into matters of local governance.
- 6 Since 1994, Council has been party to a Memorandum of Partnership with the three local iwi and hapū on the Kāpiti Coast District represented by Te Rūnanga O Toa Rangātira (Ngāti Toa Rangātira), Ngā Hapū o Ōtaki and Ātiawa ki Whakarongotai Charitable Trust. The Memorandum of Partnership sets out principles and objectives to ensure an effective and meaningful partnership between Council and iwi. The partnership is reflected in Council's Governance Structure and Delegation at A.1.
- 7 Te Whakaminenga o Kāpiti was established as the independent advisory forum for the partnership consisting of a representative of each of Council's iwi partners. The forum was intended to strengthen iwi capacity to manage and maintain mana whenua interests in the district, providing an opportunity to exchange views on issues that impact on the social, environmental, economic and cultural wellbeing of tangata whenua.
- 8 In September 2017, Ātiawa ki Whakarongotai Charitable Trust commenced an independent review of their partnership with Council and signalled their intention to withdraw from Te Whakaminenga o Kāpiti. On 24 November 2019, Ātiawa ki Whakarongotai Charitable Trust formally withdrew from Te Whakaminenga o Kāpiti with the result that the forum is not currently representative of all mana whenua in the district.
- 9 The MartinJenkins independent organisational review dated June 2020, identified Council's deep commitment its partnership with iwi, along with challenges in Council's partnership and

engagement with iwi including through Te Whakaminenga o Kāpiti. The review found iwi are not always adequately resourced to participate and engage with Council and recommended that more funding be allocated to facilitate iwi contribution at different levels of Council. As an outcome of the review, Council agreed to a focus area of “strong and effective partnerships between elected members, iwi and management” along with specific actions to realise this, including:

- 9.1 initiating a conversation with iwi partners on aspirations of partnership and opportunities to strengthen this
  - 9.2 initiating a formal review of Te Whakaminenga o Kāpiti
  - 9.3 working with iwi partners to develop an approach to more appropriately resource iwi to participate in the work of Council.
- 10 Council recently considered whether to provide for Māori representation within its representation model. On 29 October 2020 and 6 May 2021, Council considered whether to establish a Māori ward under section 19Z and Schedule 1A of the Local Electoral Act 2001. Council, guided by the advice of all three iwi partners, resolved not to establish a Māori ward ahead of the upcoming 2022 local body elections. Iwi expressed their desire to continue discussions on the matter in the next triennium, and to focus on strengthening their partnership with the Council in the meantime.
- 11 Māori wards are just one way to provide for Māori representation in governance. Council's current governance structure allows for the appointment of a Māori representative to the Strategy and Operations Committee. Consistent with the approach taken by other local authorities in New Zealand, there are different ways that Council can strengthen Māori participation in Council's decision-making processes. One of these is through Council's governance structure. This paper explores the possibilities available to Council in this respect.

## HE KŌRERORERO | DISCUSSION

### He take | Issues

- 12 Council's Memorandum of Partnership between Council and mana whenua states: “the Council and the tangata whenua believe the Treaty of Waitangi to be a solemn compact between the Crown and the Māori people. The Treaty signifies a partnership and its principles require the Treaty partners to act towards each other reasonably and with the utmost good faith”. The agreement establishes the goal “to forge a relationship of mutual benefit between the Kāpiti Coast District Council and the tangata whenua that will develop into an effective partnership,” and a number of objectives and principles to this effect.
- 13 Council has been engaging with each of its iwi partners around actions and measures that each see as critical to give effect to the partnership between Council and iwi, and strengthening the voice for mana whenua at a governance level has been a particular focus for the Mayor and Councillors this triennium. This is particularly evident in the much stronger reflection of mana whenua values, perspectives and priorities in the strategic direction set by Council through the Long-term Plan 2021-41, as well as a significant increase to the iwi capacity funding budget. One of the five community outcomes sought from the activities included in the plan is: Mana Whenua and Council have a mutually mana-enhancing partnership.
- 14 More recently the Mayor and Councillors have been committed to creating space for mana whenua within the Council Chamber, with a number of invitations for iwi representatives to join them for meetings, briefings and workshops. But in the absence of a clearly defined role within the governance structure and adequate resourcing to enable iwi participation, these opportunities remain largely adhoc.
- 15 Ātiawa ki Whakarongotai Charitable Trust, in its review of its partnership with Council, identified the following findings relevant to Council's governance arrangements:

- 15.1 reinstate a direct relationship between the governance of Ātiawa ki Whakarongotai Charitable Trust and Council
- 15.2 consolidate Ātiawa ki Whakarongotai Charitable Trust representation across Council standing committees, joint committees and other external bodies
- 15.3 reinstate Te Whakaminenga o Kāpiti to its original role guiding Council consultation at the right level.
- 16 To give effect to these findings, the Ātiawa ki Whakarongotai Charitable Trust review made the following recommendations:
  - 16.1 that KCDC provide the ability and resource for the Chair or other appointed representative of Ātiawa ki Whakarongotai Charitable Trust Board to attend and contribute to Council and enable the upholding of the partnership.
  - 16.2 that KCDC provide resourcing to enable operational support to governance representation at Council level
  - 16.3 Ātiawa ki Whakarongotai Charitable Trust consolidate their representation on these other groups by way of as few resourced individuals as possible.
- 17 Council's Iwi Partnerships team have engaged with Ngā Hapū o Ōtaki and Ngāti Toa Rangatira on these findings and proposed measures to strengthen iwi participation at a governance level, who have provided indicative support for enhanced representation at this level.

### Legislative provisions

#### *Elected members to Council*

- 18 Under sections 5 and 41(2) of the Local Government Act 2002, the membership of Council is restricted to members who are elected in accordance with the Local Electoral Act 2001. Māori representation at Council is possible through the election of candidates to one or more Māori wards or indeed through the election of Māori candidates to general wards. While non-elected members cannot be appointed to Council with full voting rights, they are able to attend Council meetings and participate.

#### *Community Board members*

- 19 The membership of Community Boards is also limited under the Local Electoral Act 2002 and while there is provision for appointments (section 19F), these must comprise Councillors elected from the relevant ward.

#### *Council's committees and subcommittees*

- 20 Council is able to appoint mana whenua representatives to its committees and subcommittees with full voting rights.
- 21 Under clause 32 of Schedule 7 the Local Government Act 2022, Council may delegate its functions to committees and subcommittees except those expressly prohibited by the Act. In addition, under clause 31 of Schedule 7, Council may appoint non-elected members to its delegated committees and subcommittees, provided those members have "the skills, attributes or knowledge [to] assist the work of the committee or subcommittee". In considering any appointment, consideration should be given to the purpose of the particular committee or subcommittee to ensure the effectiveness and efficiency of the particular decision-making body.

### Ngā kōwhiringa | Options

- 22 The inclusion of mana whenua representatives within Council's governance structure provides mana whenua representatives with a direct voice within Council governance processes. It is therefore one way to provide for Māori participation in Council decision-

making processes, as required under the Local Government Act 2022, and to strengthen the partnership between Council and mana whenua.

- 23 This report proposes changes to Council's governance framework for the remainder of this triennium to increase mana whenua representation across Council's governance functions, to achieve the following objectives:
- representation for each of Council's three iwi partners on Council and its committees where practical
  - voting rights for iwi representatives where possible (noting legislative restrictions)
  - remuneration for iwi representatives on comparable terms to current councillors
- 24 When the new Council is elected in October 2022, they will need to consider this matter afresh.
- 25 A summary of the proposal is set out in the table below, with further detail on the recommendations set out in the subheadings that follow.

**Table 1: Summary Proposal**

Kōwhiringa   Options	Tūāhua   Description	Hua & Tūraru   Benefits & Risks
<b>Option 1 (recommended)</b> <ul style="list-style-type: none"> <li>Iwi representatives participate at Council and appointed to key committees and subcommittees - Strategy and Operations Committee, Appeals Hearing Committee and Grants Allocation Subcommittee with full voting rights (excepting Chief Executive Performance and Employment)</li> </ul>	<p><b>Council representation:</b></p> <p>1 representative from each iwi to participate at Council meetings, contribute to debate and receive all papers (no voting rights)</p> <p><b>Committee representation:</b></p> <p>1 representative from each iwi on Strategy and Operations, Appeals Hearing Committee, Grants Allocation Subcommittee (and relevant grants programmes depending in iwi interest)</p> <p>1 iwi appointee selected through an independent recruitment process to Audit and Risk Subcommittee</p> <p><b>Rights:</b> full voting rights (except Council); contribute to debate; receive all papers relating to Council, committees and subcommittees representatives are appointed to</p> <p><b>Remuneration:</b> 100% of salary of elected member (Portfolio B) paid to iwi to distribute to one or more representatives</p> <p><b>Time:</b> Full-time equivalent basis</p> <p><b>Accountability:</b> Representatives accountable to iwi authority and Council</p>	<p>Benefit – gives effect to the Memorandum of Partnership and contributes to the LTP outcome. In addition, directly responds to feedback from Ātiawa ki Whakarongotai Charitable Trust review (noting some recommendations not addressed in full)</p> <p>Benefit – appropriately resources iwi participation in governance on comparable terms to elected members</p> <p>Risk – increased number of members may impact decision-making processes</p> <p>Risk – new members to be adequately inducted into Council processes including standing orders, confidentiality etc</p>

<p><b>Option 2 - Status quo</b></p>	<p><b>Council representation:</b> Chair of Te Whakaminenga o Kāpiti or their nominated alternative may attend Council meetings and contribute to the debate, but not vote</p> <p><b>Committee representation:</b> 1 Māori representative to be appointed to Strategy and Operations 1 representative from each iwi appointed to the Grants Allocation Subcommittee – CCNZ programme membership 1 tāngata whenua representative appointed to the Grants Allocation Subcommittee – Community Grants</p> <p><b>Rights:</b> full voting rights on relevant subcommittees</p> <p><b>Remuneration:</b> Meeting fees payable per non-elected member remuneration policy</p> <p><b>Time:</b> Per meeting basis</p> <p><b>Accountability:</b> Via iwi and Memorandum of Partnership</p>	<p>Benefit – minimal disruption to governance structure at the end of the triennium</p> <p>Risk – missed opportunity for Council to strengthen partnership with mana whenua.</p> <p>Risk – doesn't enable representation from each iwi</p> <p>Risk – funding currently not commensurate with time commitment with the risk that iwi representatives not appointed to positions or unable to carry out role (as per current representative to Strategy and Operations and Grants Allocation Subcommittees)</p> <p>Risk - at present Te Whakaminenga o Kāpiti forum is not currently represented by all iwi partners and as such, is not able to effectively represent all iwi interests</p> <p>Risk - risk to relationship with Ātiawa ki Whakarongotai Charitable Trust and other iwi partners in not responding to review recommendations</p>
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**Objective 1: Representation for each of Council's three iwi partners on Council and its committees**

*Council*

- 26 In relation to Council, it is proposed that the governance structure is amended so that a representative from each iwi may attend all Council meetings and contribute to the debate but not vote. At present, the Local Electoral Act 2001 restricts voting to democratically elected members of Council.

*Strategy and Operations, Grants Allocation and Appeals Hearing Committees*

- 27 It is further recommended that the governance structure be amended so that a representative from each iwi is appointed to the Strategy and Operations Committee, Appeals Hearing Committee and Grants Allocation Subcommittee (all relevant grants programmes for which iwi are interested) with full voting rights.
- 28 Effective iwi representation on Strategy and Operations Committee is significant because this committee of the whole has the delegations to deal with much of Council's business – with the exception of decision-making specifically reserved for Council under Schedule 7, clause 32 of the Local Government Act 2022 (power to make a rate, power to make a bylaw, power to borrow money etc).
- 29 Iwi representation on the Grants Allocation Subcommittee is also important as it enables mana whenua to contribute to decision-making on important grants across the district. It is proposed that representatives are appointed to the various Council grant subcommittees (Community Grants, Waste Levy Programme, Districtwide Facility Hire Remission, Heritage Fund), as well as external grants programmes where this falls within their terms of reference (CCNZ programme – allows for three iwi representatives).

*Audit and Risk Subcommittee*

- 30 Iwi representation on the Audit and Risk Subcommittee provides mana whenua with the opportunity to contribute to effective audit and risk management which is an essential function of local government.
- 31 The current composition of Council's Audit and Risk Subcommittee reflects best practice for the following reasons:<sup>1</sup>
  - 31.1 as a subcommittee of Council, it comprises a smaller number of members (five elected members and two external appointees with voting rights) to enable Council to effectively and efficiently carry out the audit and risk function
  - 31.2 the appointment of an independent member as Chair, as well as an additional independent appointee, with specific audit and risk capability, to ensure a degree of independence from Council and management and robust consideration of financial and non-financial risks
  - 31.3 elected members and appointees to the subcommittee have diverse and appropriate skills and experience relevant to the role.
- 32 It is proposed that only one iwi representative be appointed to the Audit and Risk Subcommittee, through a formal recruitment and selection process based on relevant qualifications and experience. The rationale for this is to maintain a smaller subcommittee of Councillors complimented by appointees with relevant qualifications and experience, able to efficiently and effectively carry out the audit and risk function.

*Chief Executive Performance and Employment Subcommittee*

- 33 This report recommends that Council does not appoint mana whenua representatives to the Chief Executive Performance and Employment Subcommittee. Under the Local Government Act 2002, Council is the employing body of the Chief Executive and this is delegated to a subcommittee to ensure the effective management of this employment relationship under the Employment Relations Act 2000. Given this subcommittee's sole purpose as an employer and the importance of maintaining clear lines of accountability within the employment relationship, Council officers do not recommend appointing mana whenua representatives to this subcommittee.

*Other committees and subcommittees*

- 34 There are other Council committees and subcommittees for which iwi representation is not possible for the reasons set out below:

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<sup>1</sup> Designing decision-making structures: A guide for councils, Local Government New Zealand (November 2019).



- 34.1 Campe Estate Subcommittee – membership of this subcommittee is set by the will of the late Sydney George Campe.
- 34.2 Joint Committees – there are restrictions on the number of representatives for each territorial authority to be appointed to each joint committee

**Objective 2: Voting rights for iwi representatives where possible (noting legislative restrictions)**

- 35 Ensuring that mana whenua representatives have full voting rights on the committees and subcommittees they are appointed, to the extent this is permitted by legislation, helps ensure there is a genuine role for each representative at the table to make a meaningful contribution to decision-making processes. It is recommended therefore that iwi representatives are provided voting rights on the committees to which they are appointed.

**Objective 3: Remuneration for iwi representatives on comparable terms to current councillors**

- 36 Findings from the MartinJenkins organisation review and the Ātiawa ki Whakarongotai Charitable Trust independent review illustrate that if iwi are to have a meaningful role at Council they must be appropriately resourced to do so.
- 37 There are significant demands on Māori entities from a range of government and other entities. Factoring in commitments relevant to Council's partnership with each iwi, including representation at Te Whakaminenga o Kāpiti (or equivalent) and on operational projects, it is anticipated that the workload of each representative will be similar to that of an elected member, notwithstanding the fact that the current proposal does not envisage mana whenua representation on every committee and subcommittee.
- 38 It is recommended therefore, that the remuneration paid to each iwi is equivalent to that of a Portfolio B elected member, which is currently \$45,156. If an iwi decides to appoint different representatives to the different roles at Council and its committees and subcommittees, the iwi will be responsible for apportioning the remuneration to its representatives in accordance with their role (for instance, on a pro-rata basis). It is proposed that the remuneration for the Audit and Risk Subcommittee iwi representative will be paid to the individual on the basis of the non-elected member remuneration and expenses policy, given this individual is proposed to be appointed through a recruitment and selection process.

**Implementation & next steps**

*Nomination and appointment*

- 39 If Council adopts this proposal and relevant changes to the Governance Structure and Delegations 2019-2022 triennium, Council will liaise with each iwi around iwi representatives for the remainder of the triennium.
- 40 Mana whenua may wish to nominate one representative to sit on all relevant committees and subcommittees, or various representatives, accounting for individual skillsets and the needs of different committees. This would not affect the total remuneration paid to each iwi. Mana whenua would be free to determine how to allocate the total remuneration to their representatives.
- 41 Once nominated, Council will need to formally appoint the nominated iwi representatives in line with the requirements of the Local Government Act 2002.
- 42 Mana whenua appointees will be asked to sign a letter of appointment to cover off on key aspects to ensure the effectiveness of Council's decision-making bodies. This includes:
  - 42.1 the obligations of non-elected members to comply with relevant local government legislation, good governance principles, the Code of Conduct for Elected Members and Standing Orders
  - 42.2 obligations relating to confidentiality.

*Changes to governance arrangements*

- 43 If this proposal is adopted, changes to the Governance Structure and Delegations 2019-2022 document will be required as set out in the proposed Recommendations.
- 44 The quorum for meetings be updated as set out in Attachment 1.
- 45 Changes adopted at this point in time will take effect for the remainder of the triennium. The new Council will need to determine its governance structure and whether to continue the partnership model adopted by this Council.
- 46 Decisions made at this meeting will not limit Council's ability to make further changes to its governance structure or external appointments.

*Te Whakaminenga o Kāpiti*

- 47 Council has already committed to working with iwi to carry out a formal review of Te Whakaminenga o Kāpiti. If the proposed changes to the governance structure are adopted, any implications for Te Whakaminenga o Kāpiti as a partnership body will be explored as part of that review.
- 48 It is proposed that Te Whakaminenga o Kāpiti continue to meet in its current form while a review is undertaken.

*Cultural safety of mana whenua representatives*

- 49 The inclusion of mana whenua representatives within Council's governance structure is likely to stimulate public discussion and debate from different parts of our community.
- 50 If the recommendations in this report are adopted, Council staff will work with elected members and iwi to determine appropriate measures to assist in ensuring the cultural safety of those involved in Council and committee meetings.
- 51 An interim measure will include staff working with iwi to develop a session on cultural safety for all iwi and elected members, which would include a clear communication of protocols by the Mayor and Chief Executive for behaviours that may breach cultural safety.
- 52 Moving forward, cultural safety can be reinforced within a review of Council's Code of Conduct for the new triennium, induction and ongoing training opportunities for staff and elected members.

**Tangata whenua**

- 53 Council has engaged with its iwi partners, Te Rūnanga O Toa Rangātira, Ngā Hapū o Ōtaki and Āti Awa ki Whakarongotai Charitable Trust, on the recommendations in this report.
- 54 This proposal will assist in giving effect to Council's Memorandum of Partnership with mana whenua and Long-term plan outcomes, providing mana whenua with the opportunity to contribute to Council decision-making and provide leadership at a governance level within Council.
- 55 Council has also committed to other actions to further its partnership with iwi, further to Āti Awa ki Whakarongotai Charitable Trust's review of its partnership with Council. These are considered in a separate report to Council at the same meeting on 7 June 2022.

**Panonitanga āhuarangi | Climate change**

- 56 This proposal will provide iwi representatives with greater capacity to engage across Council operations including on the impact of climate change.

**Ahumoni me ngā rawa | Financial and resourcing**

Funding for this proposal has been allowed for within the governance budget as part of the draft Annual Plan 2022-23. The total cost of remuneration for 3 appointed iwi representatives, each at a current 1 FTE elected member (Portfolio B) salary is \$135,168. This together with support costs relating to professional development (i.e. induction) and the reimbursement of other expenses will be funded from the governance budget.

**Ture me ngā Tūraru | Legal and risk**

- 57 This proposal will assist Council in fulfilling its legislative obligations to enable democratic local decision-making, to promote the social economic, environmental and cultural wellbeing of communities in the present and for the future, and to provide opportunities to foster the capacity of Māori to contribute to decision-making processes.
- 58 Council's legal team have assisted in drafting a letter of appointment for mana whenua representatives to cover off on key aspects such as the Code of Conduct for Elected Members, Standing Orders and confidentiality. It is intended that other key aspects relevant to the relationship with iwi such as accountability for funding and expectations around attendance will be captured through annual capacity funding agreements entered into between Council and iwi.

**Ngā pānga ki ngā kaupapa here | Policy impact**

- 59 Council's Governance Structure and Delegation document will be updated to reflect decisions made further to this report as outlined in the recommendations and discussion section of this report.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**

**Te mahere tūhono | Engagement planning**

- 60 This proposal is significant as it further the partnership between Council and iwi. Council has consulted with Ngāti Toa Rangātira, Ngā Hapū o Ōtaki and Ātiawa ki Whakarongotai Charitable Trust on the recommendations in this report. Further engagement with Māori and the community at large is not required under the Local Government Act 2002 or Council's Significance and Engagement Policy.

**Whakatairanga | Publicity**

- 61 This decision will be communicated through Council's standard publicity channels with input from mana whenua.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

- 1. Updates to Quorums [📄](#)

**ATTACHMENT 1**

**UPDATES TO QUORUMS**

Quorums are set out in section 23 of the Local Government Act and Council Standing Orders.

Committee/subcommittee	Current members with voting rights	Proposed members with voting rights	Current quorum	Change to quorum?	Reason
Council	11	11	Section 10.1 Council Standing Orders	N/A	Per section 23 LGA
Strategy and operations committee	12	14	Half the members	N/A	Council free to determine
Audit and Risk Committee	8	9	Majority of members	N/A	Council free to determine - maintain majority to facilitate decision
Appeals hearing Committee	4	7	Majority of members	N/A	Council free to determine - maintain majority to facilitate decision
Grants Allocation Subcommittee – CCNZ programme (NB: already has 3 mana whenua representatives)	13	13	A majority of members	N/A	Council free to determine
Grants Allocation Subcommittee – Community grants (NB: already has 1 mana whenua representative)	9	11	A majority of members	N/A	Council free to determine

Grants Allocation Subcommittee – Waste Levy programme	6	9	Half the members	Majority of members	Council free to determine
Grants Allocation Subcommittee – Districtwide Facility Hire Remission	4	7	Half the members	Majority of members	Council free to determine
Grants Allocation Subcommittee – Heritage Fund	4	7	Half the members	Majority of members	Council free to determine

### 7.3 ROAD STOPPING AND EASEMENT AGREEMENT – LEGAL ROAD ADJOINING COASTLANDS, OLD STATE HIGHWAY 1

Kaituhi | Author: **Lynda Edwardson, Senior Property Advisor**

Kaiwhakamana | Authoriser: **Glen O'Connor, Access and Transport Manager**

#### TE PŪTAKE | PURPOSE

- 1 This report seeks Council's:
  - 1.1 approval of the terms of the Road Stopping and Easement Agreement, Coastlands, Paraparaumu - refer **Attachment 1** for a copy of the agreement; and
  - 1.2 authorisation of the Road Stopping procedures under the Public Works Act 1981.

#### HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 Not required.

#### TE TUKU HAE PAPA | DELEGATION

- 3 The Council and the Mayor has the delegation to consider, approve and authorise this matter.
- 4 This matter also relates to delegation to dispose of an asset under Section A.2 of the Governance Structure.

#### TAUNAKITANGA | RECOMMENDATIONS

That Council:

- A. Approve the terms of the agreement between Council and Sheffield Properties Limited set out in **Attachment 1** of this 'Road Stopping and Easement Agreement – Legal Road Adjoining Coastlands, Old State Highway 1' report dated 7 June 2022.
- B. Note that the area of road proposed to be stopped is approximately 528 m<sup>2</sup> of land adjoining the Coastlands Shopping Precinct and is shown in red on the map included as **Attachment 2** ('Stopped Road Land').
- C. Agree to seek consent from the Minister for Land Information to stop the area of road described at B under section 116 of the Public Works Act 1981, when that road formally becomes a local road as part of the Old State Highway 1 Revocation.
- D. Should the Minister for Land Information not agree to stop the area of road under the Public Works Act 1981:
  - D.1 Note that Council and the applicant Sheffield Properties Limited, proceed with the road stopping under section 342 of the Local Government Act 1974.
  - D.2 Agree to initiate the road stopping procedures under the Local Government Act 1974, should both Council and Sheffield Properties Limited agree to proceed under that Act.
- E. Note that upon completion of the road stopping:
  - E.1 The stopped road land will be amalgamated with Sheffield Property Limited's adjoining property title.
  - E.2 Sheffield Properties Limited will grant a relocatable easement to Council for the purpose of providing a public right of way to and from Coastlands Parade, for the benefit of Council, properties located on Coastlands Parade, and the public (see area shown green **Attachment 2**).



- E.3 The Easement Area will be subject to change by mutual agreement to an equivalent location.
- F. Note that interim measures have been agreed to provide appropriate access in the period following the transition of Old State Highway 1 to local road, but prior to completion of the Road Stopping Process. These measures include:
  - F.1 the issuing of a licence between Council and Sheffield Properties Ltd to allow Sheffield Properties Limited to have continued use of the area of Stopped Road.
  - F.2 Sheffield Properties Limited granting, and Council accepting, a 'non-exclusive licence' for the Council and the public to pass and repass over Sheffield Properties Limited's land on a mutually agreed route to gain access to and from Coastlands Parade, for the same duration as the licence noted at F.1.
- G. Note that
  - G.1 the granting of the public right of way easement is conditional upon the successful completion of the road stopping and amalgamation of the Stopped Road land into Sheffield Properties Limited's adjoining property title.
  - G.2 if the road stopping is unsuccessful, the licence granted under F.1 and non-exclusive licence under F.2, will continue for the term set out in Schedule 1 of the agreement included as **Attachment 1**.

## TŪĀPAPA | BACKGROUND

- 5 The proposed road stopping and easement will enable aspects of the Paraparaumu Transport Hub (The Hub) development. The Hub is a project within the Town Centres and Connectors programme and is a key component of the Paraparaumu Town Centre Masterplan. The Hub includes significant improvements of the public spaces directly west of the Paraparaumu Train Station on either side of Amohia Street and Old State Highway 1.
- 6 The Hub will create a unified urban centre and includes a larger and safer bus interchange, as well as attractive and safe open spaces, connected by a signalised level crossing. It will improve the public transport experience for residents and visitors through better connections to the Coastlands and Kapiti Lights retail areas and beyond.
- 7 While the Old State Highway 1 is not formally vested in Council at the date of this report, it will be managed and controlled by Council once Waka Kotahi have completed the legal revocation process. This is expected to be completed early 2023.
- 8 The overall project (and therefore attached agreement) aligns with the following community outcomes in the Long-term Plan:
  - 8.1 Mana whenua and Council have a mutually mana-enhancing partnership.
  - 8.2 Our communities are resilient, safe, healthy, thriving and connected. Everyone has a sense of belonging and can access the resources and services they need.
  - 8.3 Our local economy is prosperous with ample opportunities for people to work and learn in Kāpiti.
- 9 Sheffield Properties Limited:
  - 9.1 is the owner of the land (commonly known as 'Coastlands') adjoining the proposed road stopping (Stopped Road Land) which is currently part of Old State Highway 1;
  - 9.2 currently occupies and uses the Stopped Road Land for carparking purposes associated with the operation of Coastlands Shopping Mall; and
  - 9.3 has occupied the Stopped Road Land under various leases and licences granted by Waka Kotahi, most recently being a licence to occupy dated 18 July 2017, which is still current.

- 10 Officers have worked with Sheffield Properties Limited to draft an agreement which is acceptable to both parties. The Conditional Agreement as set out in **Attachment 1**, signed by Sheffield Properties Limited and Council's Chief Executive dated 29 March 2022, is conditional upon Council approving the term of the agreement within sixty (60) working days of the date of signing (i.e. by 27 June 2022). Approval may be given or withheld at the elected Council's entire discretion.

#### Terms of Agreement: Road Stopping and Interim Access

- 11 To facilitate The Hub project, Council will need to:
  - 11.1 complete a road stopping of the 'Stopped Road Land' being an area of approximately 528 m<sup>2</sup> adjoining Coastlands Shopping Precinct shown red in **Attachment 2**, under the relevant legislation; and
  - 11.2 grant a licence to Sheffield Properties Limited (the owners of Coastlands), to allow them to have continued use of the area of 'Stopped Road Land', until the successful completion of the road stopping process.
- 12 To facilitate the project, Sheffield Properties Limited will need to:
  - 12.1 grant a relocatable public right of way easement to Council on the terms set out in Schedule 3 of the agreement included as **Attachment 1**; and
  - 12.2 grant a non-exclusive licence for Council and the public to pass and repass over Sheffield Properties Limited land on a mutually agreed route to gain access to and from Coastlands Parade, until the successful registration of the public right of way easement.

#### Disposal of the Stopped Road Land

- 13 Given its long-standing occupation of the Stopped Road Land (since at least the early 1980's), Sheffield Properties Limited wishes to acquire the Stopped Road Land and amalgamate it with its estate.
- 14 Council does not require the Stopped Road Land for roading purposes or any other public work and is prepared to facilitate the stopping and vesting of the Stopped Road Land in Sheffield Properties Limited, as soon as practical after the Old State Highway 1 is vested in Council as a local road through the revocation process, subject to completion of all necessary statutory processes.
- 15 Council and Sheffield Properties Limited have agreed that once the Stopped Road Land is vested in Council as a local road, Council will grant a licence for use of the Stopped Road Land to Sheffield Properties Limited for consideration of \$1, until the road stopping process under the relevant legislation is complete.

#### Terms of Agreement: Retention of Access to Coastlands Parade

- 16 As part of the design for of The Hub, Council wishes to remove the left turn vehicular exit from Coastlands Parade (see area shown light blue on **Attachment 2**) to the Old State Highway 1, which would result in a loss of the most direct vehicular access to and from Coastlands Parade to the wider roading network.
- 17 To ensure that the public and properties located on Coastlands Parade retain legal access to and from the Old State Highway 1, Sheffield Properties Limited has agreed to grant a relocatable public right of way easement to Council on the terms set out in the agreement.
- 18 The licence and easement to compensate for the Stopped Road Land is for consideration of \$1. This is considered appropriate compensation in return for Sheffield Properties Limited's agreement to grant Council a public right of way easement enabling the public and business owners adjoining Coastlands Parade to have legal access rights from the Old State Highway 1, across Sheffield Properties Limited's land, to and from Coastlands Parade.

## HE KŌRERORERO | DISCUSSION

### He take | Issues

- 19 The Hub will provide an improved and safer public transport experience. By closing the left-hand exit from Coastlands Parade to the Old State Highway 1, a safer pedestrian route to the train and bus station is achieved.
- 20 If the road stopping and easement agreement is not approved, the left hand turn from Coastlands Parade to the Old State Highway 1, would not be able to be closed; resulting in The Hub being redesigned and the outcome of a safer route not being achieved.
- 21 This matter has a low degree of significance; however, it is of strategic importance to Council's relationship with local business owners in the vicinity whose direct access from Coastlands Parade to the Old State Highway 1 has been closed in order to provide a safer vehicular and pedestrian environment in and around the Paraparaumu Town Centre and the public transport hub.

### Ngā kōwhiringa | Options

**Table 1: Table Name**

Kōwhiringa   Options	Hua   Benefits	Tūraru   Risks
<p>Option A (recommended)</p> <ul style="list-style-type: none"> <li>To stop the area of road, currently used by Sheffield Properties Limited for Coastlands car parking, under the PWA or LGA.</li> <li>Amalgamate the 'Stopped Road Land' into Sheffield Properties Limited adjoining land title; and</li> <li>In lieu of the Stopped Road Land, Sheffield Properties Limited will grant a public easement to Council to provide for alternative legal public access from Coastlands Parade to Old State Highway 1.</li> <li>The alternative public access is required due to the closure of the left-hand exit from Coastlands Parade to the Old State Highway 1.</li> </ul>	<p>The benefits of this option are:</p> <ul style="list-style-type: none"> <li>the Hub as designed will be able to progress.</li> <li>a safer pedestrian route to the bus and train station will be achieved; and</li> <li>Alternative legal access via the relocatable easement to the Old State Highway 1 will be achieved.</li> </ul>	<p>The key risk to this option is:</p> <ul style="list-style-type: none"> <li>the road stopping requires the consent of the Minister for Land Information.</li> </ul>
<p>Option B</p> <ul style="list-style-type: none"> <li>Once the area of road becomes a local road, negotiation of an exclusive licence / lease to Sheffield Properties Limited over the land, so they can continue</li> </ul>	<p>The benefits of this option are:</p> <ul style="list-style-type: none"> <li>The Public may have continual access to and from Coastlands Parade.</li> <li>Sheffield Properties Limited will continue to utilise the car parking area located on</li> </ul>	<p>The key risk to this option is:</p> <ul style="list-style-type: none"> <li>The left hand turn from Coastlands Parade to the Old State Highway 1, may not be able to be 'closed' as proposed in The Hub design. This would result in the need</li> </ul>

<p>to occupy the area of road for car parking purposes.</p> <ul style="list-style-type: none"> <li>The licence / lease agreement will be subject to Sheffield Properties Limited granting to Council and members of the public alternative access from Coastlands Parade over their land to and from Old State Highway 1.</li> </ul>	<p>the area of Old State Highway 1.</p>	<p>to redesign The Hub and the outcome of a safer route not being achieved.</p> <ul style="list-style-type: none"> <li>Long term certainty is unknown when the licence term is required to be renewed/negotiated.</li> </ul>
<p>Option C</p> <ul style="list-style-type: none"> <li>Continue with the Status Quo which is Council having no formal agreements in place for access over Coastlands' carpark to and from Coastlands Parade.</li> <li>When Old State Highway 1 is transferred to Council it is done free of any licences so Coastlands will not have legal rights to the existing carparks that are on the legal road.</li> </ul>	<p>The benefits of this option are:</p> <ul style="list-style-type: none"> <li>Nil</li> </ul>	<p>The key risk to this option is:</p> <ul style="list-style-type: none"> <li>The Hub will have to be redesigned as access to and from Coastlands Parade will not be guaranteed.</li> <li>Long term access to Coastlands Parade is uncertain through Coastlands' carpark.</li> <li>Uncertainty over negotiation potential for a long-term licence over either area.</li> </ul>

- 22 The desired outcome is to stop the road currently held under a licence to occupy, in lieu of a public right of way easement to provide legal enduring access to and from Coastlands Parade to Old State Highway 1. This will enable The Hub to proceed as designed therefore proving a safer pedestrian route to and from the train, bus station and Coastlands Shopping Precinct. This is officers preferred option (A).

### Tangata whenua

- 23 The Transport Hub project has support from Te Ātiawa Town Centres Iwi Working Group which was established in 2015 to ensure that Te Ātiawa ki Whakarongotai maintained a voice in the design of each town centre project.
- 24 The Council has partnered with the Working Group on the design of the Transport Hub.

### Panonitanga āhuarangi | Climate change

- 25 There are no Climate change implications specific to the road stopping and easement agreements sought in this report. However, these agreements will provide for the creation of a safer and more efficient public transport experience through the development of The Hub. This is expected to encourage greater public transport use in the district, which could result in a positive effect on transport emissions.
- 26 A greenhouse gas assessment and carbon inventory will be completed for The Hub project to estimate emissions produced during construction and over the life of the assets.

### Ahumoni me ngā rawa | Financial and resourcing

- 27 The overall project budget that has been approved by Council includes the cost associated with setting up of this agreement. **Ture me ngā Tūraru | Legal and risk**
- 28 Legal advice from Council's solicitors Simpson Grierson has been sought to inform the options set out above. They also prepared the legal agreement in **Attachment 1** of this report, and have confirmed that it is in order for approval by the Council.
- 29 The road stopping process will be undertaken in accordance with legislative and Council requirements.
- 30 The key risk arising from this proposal is that enduring vehicular access to Coastlands Parade is not guaranteed if the road stopping is not successfully completed. Under the terms of the agreement, if the road stopping is unsuccessful, the following agreements will retain status quo access for the agreed term (currently 5 years):
- 30.1 a licence for Sheffield Properties Limited to have continued use of the Road Stopped Land for carparking purposes, and
  - 30.2 a 'non-exclusive licence' for the Council and the public to pass and repass over Sheffield Properties Limited's land on a mutually agreed route to gain access to and from Coastlands Parade.
- 31 In this scenario, further legal advice will be sought in relation to a new agreement for a longer-term solution to ensure ongoing access.

### Ngā pānga ki ngā kaupapa here | Policy impact

- 32 There are no policy impacts.

## TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 33 Consultation as required under the relevant legislation will take place. For the preferred process under the Public Works Act 1981, this will include obtaining consent from the Minister for Land Information for the road stopping, and consultation and consent from the adjoining landowners and utility providers.
- 34 Note that there is only one adjoining owner which is Sheffield Properties Limited, and they have agreed to the terms of the agreement which is dependent on the successful completion of the road stopping.
- 35 Property owners adjoining Coastlands Parade have been advised of the proposed change which will provide secure and enduring legal access for these properties. They will be advised following the agreement being put in place.
- 36 In the unlikely event that the Public Works Act process is unsuccessful, the road stopping would be undertaken by agreement under the Local Government Act 1974 and full public consultation will be required.

### Te mahere tūhono | Engagement planning

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

### Whakatairanga | Publicity

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

## NGĀ ĀPITI HANGA | ATTACHMENTS

1. Road Stopping and Easement Agreement, Coastlands, Paraparaumu [↓](#)
2. Location of Stopped Road Land, Easement Area and Coastlands Parade [↓](#)





## **ROAD STOPPING AND EASEMENT AGREEMENT COASTLANDS, PARAPARAUMU**

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between

Kāpiti Coast District Council (Council)

And

Sheffield Properties Limited (SPL)

 **Simpson Grierson**  
Barristers & Solicitors  
Auckland, Wellington & Christchurch  
New Zealand  
[www.simpsongrierson.com](http://www.simpsongrierson.com)

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THIS AGREEMENT dated the 29<sup>th</sup> day of March 2022

BETWEEN KĀPITI COAST DISTRICT COUNCIL (Council)

AND SHEFFIELD PROPERTIES LIMITED (SPL)

#### BACKGROUND

- A. While it is not formally vested in the Council at the date of this agreement, on the Commencement Date, the Road will be managed and controlled by the Council under the LGA. The Road is currently vested in the Crown and managed and controlled by Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**).
- B. SPL is the registered owner of the Adjoining Land from which it operates Coastlands Shopping Mall.
- C. The Adjoining Land adjoins the Stopped Road Land, and SPL currently occupies and uses the Stopped Road Land for carparking purposes associated with the operation of Coastlands Shopping Mall on the Adjoining Land.
- D. SPL (or one of its associated companies) has occupied the Stopped Road Land under various leases and licences granted by Waka Kotahi, most recently pursuant to a licence to occupy dated 18 July 2017 granted by Waka Kotahi (by its agent Colliers International) to Coastlands Shoppingtown Limited, which is still current as at the date of this agreement (**Waka Kotahi Licence**).
- E. Given its long standing occupation of the Stopped Road Land, SPL wishes to acquire the Stopped Road Land and amalgamate it with the Adjoining Land.
- F. The Council does not require the Stopped Road Land for roading purposes or any other public work and subject to completion of all necessary statutory processes is prepared to facilitate the stopping and vesting of the Stopped Road Land in SPL.
- G. Pending completion of the road stopping process, the Council and SPL have agreed that once the Stopped Road Land is vested in the Council the Council will grant a licence of the Stopped Road Land to SPL, and SPL will accept a licence of the Stopped Road Land.
- H. Pursuant to section 357 of the LGA and any other enabling powers, from the Commencement Date the Council has authority to grant the licence to SPL.
- I. As part of a series of proposed changes to enhance the local road network in the vicinity of the Adjoining Land, the Council wishes to remove the left turn from Coastlands Parade to the Road, which would result in a loss of the most direct vehicular access to and from Coastlands Parade to the wider roading network.
- J. To ensure that properties located on Coastlands Parade retain legal access to and from their properties, and in consideration of the vesting of the Stopped Road Land in SPL, SPL has agreed to grant, and the Council accepts, a public right of way easement across the Adjoining Land on the terms set out in this agreement.

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**THIS AGREEMENT RECORDS THAT:**

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Definitions:** In this agreement, unless the context indicates otherwise:

**Adjoining Land** means 3.6221 hectares more or less being part Lot 4 Deposited Plan 30757 being all of the land comprised and described in part-cancelled Record of Title WN7C/1304 (Wellington Land Registration District);

**Commencement Date** means the latter of:

- (a) the date the condition in clause 2A.1 is satisfied; and
- (b) the date that the Road formally becomes a local road and the Council takes over the control of the Road for the purposes of section 317 of the LGA;

**Council** means Kāpiti Coast District Council and includes where appropriate its successors and its officers and agents;

**Easement** means the public right of way easement to be granted over the Easement Area as an easement in gross in favour of the Council in the form set out in Schedule 3;

**Easement Area** means subject to clause 5.4, that part of the Adjoining Land as shown highlighted in green on the plan attached in Schedule 2, being approximately 1258 square metres.

**LGA** means the Local Government Act 1974;

**LINZ** means Toitū Te Whenua Land Information New Zealand;

**Minister** means the Minister for Land Information;

**PWA** means the Public Works Act 1981;

**Road** means the road in Kapiti Coast District referred to as Main Road (formerly State Highway 1) Paraparaumu;

**Settlement Date** means as applicable:

- (a) ten (10) Working Days from the date that the Council receives notification that the Stopped Road Land has been stopped under the LGA and a new record of title has issued for the Stopped Road Land; or
- (b) the date of publication of a notice in the New Zealand Gazette vesting the Stopped Road Land in SPL pursuant to section 120(3) of the PWA;

**SPL** means Sheffield Properties Limited and includes its successors and assigns being the registered owner of the Adjoining Land;

**Stopped Road Land** means that part of the Road adjoining the Adjoining Land as shown highlighted in red on the plan attached in Schedule 2, being approximately 528 square metres; and

**Working Day** has the meaning given to it in the Property Law Act 2007.

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**1.2 Interpretation:** In this agreement, unless the context indicates otherwise:

- (a) **Schedule 1 Terms:** terms which are defined in Schedule 1 have the meanings given to those terms in Schedule 1;
- (b) **Defined Expressions:** expressions defined in the main body of this agreement have the defined meaning in the whole of this agreement including the background;
- (c) **Gender:** words importing one gender include the other genders;
- (d) **Headings:** clause and other headings are for ease of reference only and will not affect this agreement's interpretation;
- (e) **Joint and Several Obligations:** where two or more persons are bound by a provision in this agreement, that provision will bind those persons jointly and each of them severally;
- (f) **Negative Obligations:** any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done;
- (g) **Parties:** references to any party include that party's executors, administrators, successors and permitted assigns;
- (h) **Plural and Singular:** references to the singular number include the plural and vice versa;
- (i) **Persons:** references to a person include an individual, company, corporation, partnership, firm, joint venture, association, trust, unincorporated body of persons, governmental or other regulatory body, authority or entity, in each case whether or not having separate legal identity;
- (j) **Schedules:** the schedules to this agreement and the provisions and conditions contained in these schedules will have the same effect as if set out in the body of this agreement;
- (k) **Clauses/Schedules/Attachments:** references to clauses, schedules and attachments are references to clauses, schedules and attachments in this agreement; and
- (l) **Statutory Provisions:** references to any statutory provision are to statutory provisions in force in New Zealand and include any statutory provision which amends or replaces it, and any by-law, regulation, order, statutory instrument, determination or subordinate legislation made under it.

**2. TRANSFER OF STOPPED ROAD LAND**

- 2.1** Subject to the successful completion of the stopping of the Stopped Road Land as road in clause 3 and in consideration of the sum of \$1.00 including goods and services tax receipt of which is acknowledged, the Council agrees to transfer the Stopped Road Land to SPL, and SPL accepts the transfer of the Stopped Road Land, on the terms and conditions set out in this agreement.

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**2A CONDITION**

**2A.1** This agreement is conditional on the elected Council approving the terms of this agreement within sixty (60) Working Days of the date of signing of this agreement by both parties, which approval may be given or withheld at the elected Council's entire discretion.

**2A.2** The condition in clause 2A.1 is inserted for the sole benefit of the Council and may be confirmed or waived by the Council at its sole discretion.

**3. ROAD STOPPING**

*PWA Road Stopping*

**3.1** The Council will initiate road stopping procedures for the Stopped Road Land under section 116 of the PWA within one month of the later of:

- (a) the date the condition in clause 2A.1 is satisfied; and
- (b) the date that the Road formally becomes a local road and the Council takes over control of the Road for the purposes of section 317 of the LGA. (**Trigger Date**).

**3.2** SPL will provide such information and assistance as may be reasonably required to give effect to the road stopping.

**3.3** SPL consents to the stopping of the Stopped Road Land as road pursuant to section 116(2)(b) of the PWA and its amalgamation with the Adjoining Land pursuant to section 120(3) of the PWA.

**3.4** The Council consents to the stopping of the Stopped Road Land as road pursuant to section 116(2)(d) of the PWA and its amalgamation with the Adjoining Land pursuant to section 120(3) of the PWA.

**3.5** Within one month of the Trigger Date, the Council will request that the Minister issues a declaration for publication in the *New Zealand Gazette* that:

- (a) declares the Stopped Road Land to be stopped as road pursuant to section 116 of the PWA;
- (b) vests the Stopped Road Land in SPL pursuant to section 117(3)(b) of the PWA; and
- (c) amalgamates the Stopped Road Land with the Adjoining Land pursuant to section 120(3) of the PWA.

*LGA Road Stopping*

**3.6** If the Minister declines to stop the Stopped Road Land under section 116 of the PWA or the road stopping application has for any other reason not been approved by the Minister within one (1) year of the Trigger Date, the following clauses will apply:

- (a) A meeting will be held between the Council and SPL to discuss whether the parties wish to proceed with road stopping under section 342 and the Tenth Schedule of the LGA. There is no obligation on either party to agree to road stopping under the LGA.

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- (b) If, following the meeting referred to in clause 3.6(a), either party decides not to proceed with road stopping under the LGA, that party will, within ten (10) Working Days of the date of the meeting referred to in clause 3.6(a) provide the other party with written notice of their decision. They shall not be obliged to provide any reason for their decision and the road stopping process will be at an end.
- (c) If the parties specifically agree to proceed with road stopping under the LGA, or neither party serves notice under clause 3.6(b), the Council will, within thirty (30) Working Days of the decision to proceed, or expiry of the notice period under clause 3.6(b) (whichever applies) initiate road stopping procedures under the LGA.

3.7 In complying with its obligations to initiate road stopping under clause 3.6(c) the Council will (at the Council's cost):

- (a) prepare a plan of the Stopped Road Land together with an explanation as to why the road is to be stopped and the purpose or purposes to which the Stopped Road Land will be put, and lodge the plan with the Chief Surveyor as required by clause 1 of the Tenth Schedule to the LGA;
- (b) open the plan for public inspection at the office of the Council and give notice of the proposal as required by clause 2 of the Tenth Schedule to the LGA; and
- (c) affix a notice of the proposed stoppage at the Stopped Road Land as required by clause 3 of the Tenth Schedule to the LGA.

3.8 Notwithstanding clause 3.6(c) and 3.7 the parties acknowledge and agree that:

- (a) there is no mandatory obligation on the Council to complete the stopping of the Stopped Road Land under clause 4 of the Tenth Schedule to the LGA, or to disallow any objections to the road stopping; and
- (b) while the Council will initiate the road stopping procedures and comply with clause 3.7, the outcome of those procedures is entirely dependent on due compliance with section 342 and the Tenth Schedule of the LGA, and the due exercise of the Council's regulatory functions and those of the Environment Court in relation to the stopping of the Stopped Road Land may result in a decision by either the Council or the Environment Court not to stop the Stopped Road Land.

3.9 If:

- (a) the Council decides to allow any objection or objections to the road stopping in accordance with the Tenth Schedule to the LGA; or
- (b) the road stopping is referred to the Environment Court or is not otherwise successfully completed; or
- (c) the Environment Court reverses any decision of the Council to stop the Stopped Road Land;

the Licence granted under clause 4 will continue on the terms set out in Schedule 1.

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**3.10** To avoid doubt the parties acknowledge and agree that the grant of the Easement is conditional upon the successful completion of the road stopping and the vesting of the Stopped Road Land in SPL.

**3.11** If either party decides not to proceed with the road stopping through the Environment Court under clauses 3.8 or 6.2, the Licence granted under clause 4 will continue on the terms set out in Schedule 1.

#### **4. GRANT OF LICENCE**

**4.1** In consideration of the sum of \$1.00 including goods and services tax, receipt of which is acknowledged Council grants and SPL accepts a licence for the use of the Stopped Road Land for the Term (as defined in Schedule 1) for the purpose of using and maintaining the Stopped Road Land for the Permitted Use, on the terms set out in Schedule 1.

**4.2** If the Council permits SPL to remain in occupation of the Stopped Road Land after the expiry or earlier termination of the licence granted pursuant to this clause, SPL's occupation will be on the same terms except that Coastland's occupation will be terminable by either party giving one month's notice in writing.

**4.3** The Council has the ability to manage the Road in an unfettered manner at all times during the term of the licence.

#### **5. EASEMENT**

**5.1** Subject to and conditional upon the successful completion of the road stopping, in consideration of the sum of \$1.00 including goods and services tax, receipt of which is acknowledged, SPL grants to the Council and the Council accepts, with effect from the Settlement Date, the Easement from the Commencement Date, for the purpose of providing a public right of way easement from Coastlands Parade, across the Adjoining Land.

**5.2** Upon successful completion of the road stopping, the Council will arrange for the Easement Area to be surveyed and for:

- (a) the survey plan to be submitted to SPL for its approval (not to be unreasonably or arbitrarily withheld or delayed);
- (b) the approved survey plan to be submitted to Land Information New Zealand for approval; and
- (c) a certificate to be obtained from Kāpiti Coast District Council (acting in its regulatory capacity) under section 348 of the Local Government Act 1974.

**5.3** Upon completion of the steps in clause 5.2, the Council's solicitor will prepare the Easement and the Council and SPL will take all steps necessary to register it against the Adjoining Land as an electronic instrument in accordance with the practices and procedures set out in the New Zealand Law Society E-dealing Guidelines for Electronic Registration.

**5.4** The Council acknowledges that SPL wishes to retain flexibility regarding the final location of the Easement Area to enable it to further develop the Adjoining Land. On that basis the Council agrees that, at the election of SPL, the Easement Area at the date of this agreement may be subject to change to an equivalent location

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agreed by the parties and the process set out in clause 6 of the Easement will apply to the relocation.

- 5.5 To avoid doubt the parties acknowledge and agree that the grant of the Easement is conditional upon the successful completion of the road stopping and the vesting of the Stopped Road Land in SPL. However, prior to completion of the road stopping and the vesting of the Stopped Road Land in the Council, and for the Term of the licence granted in accordance with clause 4 and Schedule 1, SPL grants, and the Council accepts, a non-exclusive licence for the Council and the public to pass and repass over and along the Adjoining Land on a mutually agreed route.

## 6. COSTS

- 6.1 The Council will pay all reasonable costs related to:

- (a) the negotiation and preparation of this agreement;
- (b) preparation and approval of survey plans to give effect to this agreement;
- (c) obtaining the Minister's declaration, publication of Gazette Notices and all LINZ registration costs required to give effect to this agreement; and
- (d) the road stopping process under the PWA and the LGA including any Environment Court costs.

## 7. REGULATORY POSITION

- 7.1 The Council has signed this agreement as manager and controller of the Road and in its non-regulatory capacity. This agreement does not bind the Council, in its regulatory capacity, in any way and any consent or agreement the Council gives as Council under this agreement is not an agreement or consent in its regulatory capacity and vice versa. When acting in its regulatory capacity, the Council is entitled to consider all applications to it without regard to this agreement. The Council will not be liable to SPL or any other party if, in its regulatory capacity, the Council declines or imposes conditions on any consent or permission that SPL or any other party seeks for any purpose associated with this agreement.

- 7.2 Nothing in this agreement will require the Council to process and deal with any application to the Council for consents, or approvals or to initiate road stopping procedures except in accordance with its normal procedures and timeframes or determine any such application (where a determination by Council is required) except in accordance with normal principles and standard criteria for such applications.

## 8. NO CAVEAT AND DEED OF COVENANT

- 8.1 The Council agrees that it will not register a caveat against the Adjoining Land to secure its conditional right to an easement under clause 5.
- 8.2 Prior to the registration of the Easement, SPL must notify any potential purchaser of the Adjoining Land of the terms and conditions of this agreement and SPL will not transfer the Adjoining Land, or part of the Adjoining Land, unless the party acquiring the Adjoining Land enters into a deed of covenant, prepared by the Council's lawyers (at SPL's cost) where that party undertakes and agrees:

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- (a) that it will be bound by and comply with the terms of this agreement;
- (b) that it will not assign or transfer the Adjoining Land without first obtaining a like deed of covenant from the party acquiring the Adjoining Land;
- (c) to execute all plans and documents and do all things necessary to enable the Council to effect the terms of this agreement; and
- (d) that it is not entitled to any payment from the Council.

## 9. DISPUTE RESOLUTION

- 9.1 The parties will first endeavour to resolve any dispute or difference by agreement and if they agree by mediation.
- 9.2 Unless any dispute or difference is resolved by mediation or other agreement within twenty (20) Working Days of the dispute or difference arising, this will be submitted to the arbitration of one arbitrator who will conduct the arbitral proceedings in accordance with the Arbitration Act 1996 or any other statutory provision then relating to arbitration.
- 9.3 If the parties are unable to agree on the arbitrator, an arbitrator will be appointed, on request of any party, by the president or vice president of the New Zealand Law Society. That appointment will be binding on all parties to the arbitration and will be subject to no appeal. The provisions of Article 11 of the First Schedule of the Arbitration Act 1996 are to be read subject to this and varied accordingly.

## 10. SETTLEMENT AND AMALGAMATION PROCESS

### PWA

- 10.1 In the event that the Stopped Road Land is stopped under the PWA, the Stopped Road Land will be transferred to SPL pursuant to section 120(3) of the PWA which will have the effect of stopping the Stopped Road Land as road and amalgamating it with the Adjoining Land (subject to any existing mortgage affecting the Adjoining Land) so that it will not be capable of being disposed of individually, or being held under a separate record of title.

### LGA

- 10.2 In the event that the Stopped Road Land is stopped under the LGA, it will be amalgamated with the Adjoining Land under section 345(2) of the LGA (subject to any existing mortgage affecting the Adjoining Land). To facilitate this, the Council will, prior to the Settlement Date, in accordance with clauses 9 and 10 of the Tenth Schedule to the LGA, take all steps necessary to ensure that a new record of title is issued for the Stopped Road Land. SPL will then, as a term of settlement, apply for an amalgamated record of title as part of the e-dealing to complete registration of the transfer of the Stopped Road Land to SPL with the following text (or words to the same effect) to be added to the edealing transfer instrument:

*"Pursuant to section 345(2) of the Local Government Act 1974, the Transfer requires section [x] SO Plan [xxxxxxx] to be amalgamated with the Transferee's adjoining land in Record of Title WN7C/1304."*

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**11. SPL ACKNOWLEDGEMENT**

**11.1** SPL acknowledges that, in all respects, in acquiring the Stopped Road Land SPL:

- (a) is entering into this agreement to acquire the Stopped Road Land on the terms set forth in this agreement at arm's length and on a willing buyer/willing seller basis; and
- (b) is acting solely in reliance on its own investigations and judgments; and
- (c) has not acted in reliance on any representation or warranty made by the Council, employees, agents or any other person or persons directly or indirectly associated with the Council other than the warranties expressly set out in this agreement; and
- (d) has carried out all inspections to the Stopped Road Land which SPL considers necessary to satisfy itself as to the condition of the Stopped Road Land and purchases the Stopped Road Land on an "as is, where is" basis.

**12. REPRESENTATIONS OR WARRANTIES BY THE COUNCIL**

**12.1** SPL accepts that the Council has made no representations or warranties of any nature in respect of the Stopped Road Land other than the warranties expressly set out in this agreement. Without limitation, the Council does not warrant:

- (a) that the Stopped Road Land is, or will remain, suitable for SPL's use; or
- (b) the suitability, bearing capacity or potential of SPL for any uses that SPL may contemplate; or
- (c) that the Stopped Road Land complies with all or any statutory, territorial authority or any other legal requirements affecting or relevant to the Stopped Road Land.

**13. WAIVER**

**13.1** No waiver or failure to act by the Council in respect of any breach by SPL will operate as a waiver of another breach.

**14. SEVERABILITY**

**14.1** If any part of this agreement is held by any Court or administrative body of competent jurisdiction to be illegal, void or unenforceable, such determination will not impair the enforceability of the remaining parts of this agreement.

**15. PARTIAL INVALIDITY**

**15.1** The invalidity of any part or provision of this agreement will not affect the enforceability of any other part or provision of this agreement.

**16. NON-MERGER**

**16.1** The parties acknowledge and agree that certain covenants set out in this agreement will continue beyond the expiry or sooner determination of this agreement for the benefit of the parties notwithstanding expiry or sooner determination of the agreement.

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**17. AMENDMENT**

- 17.1** No amendments, variations or modifications to this agreement will be effective unless made in writing and signed by or on behalf of each of the parties.

**SIGNED** by **KAPITI COAST**  
**DISTRICT COUNCIL** by:

Wayne Robert Maxwell

Full name of authorised signatory

[Signature]  
Signature of authorised signatory

Witness:

[Signature]

Signature of witness

Amanda Jane Yonnetto

Full name of witness

Executive Assistant

Occupation of witness

175 Rimu Road, Paraparaumu

Address of witness

**SIGNED** by **SHEFFIELD**  
**PROPERTIES LIMITED** by:

Richard Paul Mansell

Full name of director

[Signature]  
Signature of director

Chairman John Mansell

Witness:  
(if other than two directors sign) name

[Signature]  
signature.

Signature of witness

Full name of witness

Occupation of witness

Address of witness



**SCHEDULE 1****LICENCE TERMS****1. DEFINITIONS AND INTERPRETATION****1.1 Definitions:** In this licence, unless the context indicates otherwise:

**Code of Practice** means the *National Code of Practice for Utility Operators Access to Transport Corridors* as published on the Council website, as may be updated or revised from time to time;

**Improvements** means any signs, structures, improvements, chattels, stock, equipment, machinery, fixtures or other items;

**Permitted Use** means operation of 28 carparks for parking associated with the operation of the Coastlands Shopping Mall on the Adjoining Land; and

**Term** means (as applicable depending on the success or otherwise of the stopping of the Stopped Road Land as road):

(a) from the Commencement Date to the Settlement Date; or

(b) five (5) years less one day from the Commencement Date.

**1.2** To avoid doubt, terms defined in the primary agreement will have the same effect in this licence.**2. LICENCE FEE****2.1** The annual licence fee for the Stopped Road Land will be \$1.00 including goods and services tax.**2.2** SPL must pay the Licence Fee to the Council on demand.**3. INDEMNITY****3.1** SPL will indemnify the Council from and against all legal liability for actions, proceedings, costs, claims, demands, loss and liability that may be made against the Council for loss or damage caused by, or arising out of, or in connection with any act or omission of SPL, its staff or contractors in respect of this licence.**4. CONSENT OF THE COUNCIL****4.1** SPL must, before commencing any work of construction, maintenance or repair of the Stopped Road Land for the Permitted Use, obtain on each occasion, written consent from the Council as road controlling authority in addition to any other regulatory consents that may be required. Such consent may be granted or withheld at the Council's discretion.**5. OTHER CONSENTS****5.1** SPL must also obtain and fully comply with all other necessary statutory and other consents and the requirements of the following parties for work on the Stopped Road Land during the term of this licence, including, but not limited to:

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- (a) all network utility operators, including but not limited to electricity, gas, telecommunications, water, wastewater and stormwater providers;
- (b) all owners of private property affected;
- (c) all consents which may be required under the Resource Management Act 1991 and the Building Act 2004; and
- (d) all engineering approvals.

**6. CONDUCT OF WORK**

- 6.1** Before commencing any work in the Road, SPL must ensure that its contractor has obtained and carries adequate public liability insurance cover (being at least \$5,000,000.00) to indemnify the contractor(s), SPL and the Council against public liability. SPL must produce to the Council reasonable evidence of the existence and currency of that cover before the commencement of construction or maintenance of the Stopped Road Land and whenever the Council requires.
- 6.2** SPL must not, without the prior written consent of the Council, do anything or allow anything to be done, which causes interruption to the passage of vehicular and pedestrian traffic using the Road. All work must be carried out continuously at times reasonably approved by the Council, and is to be completed as soon as is reasonably possible.
- 6.3** SPL must reinstate those parts of the Road not occupied by the Stopped Road Land to the Council's standard specification immediately after completion of any works. No materials, plant or equipment should be abandoned or left in the Road but must be removed as soon as possible after the completion of the work.
- 6.4** The Council may at all reasonable times inspect any construction, maintenance or repair of the Stopped Road Land. SPL will pay all reasonable expenses incurred by the Council in supervision or inspection of that construction, maintenance or repair.
- 6.5** SPL must pay the cost of any alteration to or interference with power, gas, water, telephone, drainage or other services necessitated by the construction, repair, maintenance or use of the Stopped Road Land and must make good all damage done by SPL to property belonging to or controlled by any person, firm, company, local authority, public body, or Government Department and must pay full compensation to all parties for any loss or damage caused by any interference by SPL with that property or with those services.

**7. MAINTENANCE AND REPAIR OF STOPPED ROAD LAND**

- 7.1** SPL must at all times maintain the Stopped Road Land, and take all reasonable steps to protect the Stopped Road Land, including any Improvements, structures, buildings, fixtures or fittings, installations, fences, hedges, trees (including shelter belts), gates and any sealed areas or other property of the Council, free from any damage by SPL, Coastland's employees, agents or invitees.
- 7.2** SPL will not bring about the cause of any waste on the Stopped Road Land or any contamination to the Stopped Road Land, and will not disturb the surface of the Stopped Road Land, apart from such disturbance as is necessary for the structures referred to in the Permitted Use.

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7.3 SPL will regularly remove all rubbish from the Stopped Road Land and maintain the Stopped Road Land in a clean and tidy condition to the satisfaction of the Council.

7.4 If SPL defaults in any of its obligations to maintain or repair under this agreement, the Council may arrange for such repair or maintenance to be undertaken at the cost of SPL, but without prejudice to the Council's other rights and remedies under this agreement. SPL must immediately reimburse the Council for such expense.

7.5 SPL will not require, under the Fencing Act 1978 or otherwise, the Council to fence any boundary between the Stopped Road Land and any Adjoining Land owned or occupied by SPL, or to contribute to the cost of any such fence or any work on it.

#### 8. NO ALTERATIONS BY SPL

8.1 SPL must not carry out any work not provided for as part of the Permitted Use.

#### 9. TERMINATION BY COUNCIL

9.1 Subject to clause 9.5, if at any time during the Term:

- (a) the Permitted Use gives rise to a public or private nuisance;
- (b) the Permitted Use unreasonably interferes with any other lawful work;  
or
- (c) the Council reasonably considers removal or alteration of the Permitted Use necessary for safety reasons,

the Council may on reasonable notice (being at least six (6) months) terminate the licence over the Stopped Road Land and require SPL to restore the Road in accordance with clause 12.

9.2 Subject to clause 9.5, if at any time during the Term the Council reasonably considers removal or alteration of the Permitted Use necessary for widening, realignment or reconstruction of the Road or to accommodate any other public work the Council may on reasonable notice (being at least five (5) years) terminate the licence over the Stopped Road Land and require SPL to restore the Road in accordance with clause 12.

9.3 If SPL fails to comply with the Council's notice under clause 9.1 or 9.2, then the Council may carry out the alterations or removal at the cost of SPL.

9.4 Any termination of this agreement under this clause 9 is without prejudice to the right of the parties arising prior to the date of termination.

9.5 The Council will not be entitled to exercise its rights of termination under clauses 9.1 or 9.2 prior to completion of the road stopping processes in clause 3 of the main body of the agreement.

#### 10. HOLDING TOGETHER OF INTERESTS AND ASSIGNMENT

10.1 SPL may not assign this licence or sublet or otherwise part with possession or dispose of the Stopped Road Land, other than by way of assignment to a person who is the transferee of the freehold estate in the Adjoining Land.

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- 10.2** If SPL is a company that is not listed on the main board of a public stock exchange in New Zealand or Australia then any change in the legal or beneficial ownership of its shares or the shares of its shareholder or issue of new capital in the company or its shareholder where in any case there is a change in the effective management or control of the company will be deemed an assignment and clause 10.1 will apply.
- 10.3** It will be a condition of any assignment of this licence that the assignee or assignees executes a form of covenant, prepared by the Council's solicitors at Coastland's cost, covenanting to observe and perform the covenants and conditions of SPL expressed or implied in this licence.
- 10.4** Any breach of this clause will be deemed to be the breach of an essential term of this agreement entitling the Council to terminate this agreement immediately on notice in writing to SPL.
- 11. NO WARRANTY AND SPL ACKNOWLEDGEMENT OF RISK**
- 11.1** The Council does not warrant that:
- (a) the Stopped Road Land is or will remain suitable or adequate for the Permitted Use or any of Coastland's purposes; or
  - (b) the Permitted Use, or any other use, is a permitted activity under the relevant Regional or District Plans.
- 11.2** SPL accepts the Stopped Road Land as being satisfactory in all respects and with full knowledge of, and subject to, any prohibitions or restrictions on the use of the Stopped Road Land. SPL acknowledges that it has entered into this licence completely in reliance on its own skill and knowledge, and not in reliance on any warranty or representation made by or on behalf of the Council.
- 11.3** SPL agrees to occupy and use the Stopped Road Land and any structures at SPL risk.
- 12. SPL OBLIGATIONS ON EXPIRY OR TERMINATION**
- 12.1** SPL may at any time before and will if required by the Council no later than the end or earlier termination of the Term of the licence over the Stopped Road Land remove any of SPL alterations or additions to the Stopped Road Land and reinstate the Stopped Road Land. Ownership of the alterations or additions that are not removed by the end or earlier termination of the agreement may at the Council's election pass to the Council without compensation payable to SPL.
- 12.2** In addition to SPL obligation to reinstate the Stopped Road Land pursuant to subclause 12.1, SPL will make good at SPL own expense all resulting damage and if any of the alterations or additions are not removed by the end or earlier termination of the Term, ownership of the additions or alterations may at the Council's election pass to the Council or the Council may remove them.
- 12.3** The cost of making good the resulting damage and the cost of removal of any of the alterations or additions will be recoverable from SPL and the Council will not be liable to pay any compensation nor be liable for any loss suffered by SPL.

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**12.4** Termination of the licence of the Stopped Road Land under this licence will be without prejudice to the rights and remedies of either party against the other in respect of any antecedent claim or breach.

**12.5** To avoid doubt, SPL will not be required to comply with the obligations of this clause 12 if this licence is terminated because the Stopped Road Land is stopped as road and vested in SPL.

**13. COMPLIANCE WITH STATUTORY REQUIREMENTS**

**13.1** SPL must at its own expense comply with all Acts, Bylaws and regulations including requisitions by any competent authority, in respect of the Stopped Road Land, to the extent that they relate to the Stopped Road Land and Coastland's use of it. In particular, but without limitation, SPL must take all practicable steps to ensure that any person in or on the Road or in the vicinity of the Road is not harmed by any hazard arising from the Stopped Road Land or SPL use of it.

**14. HEALTH AND SAFETY AT WORK ACT 2015**

**14.1** SPL must, in carrying out any work in respect of the Authorised Work, comply with:

- (a) all the requirements of the Health and Safety at Work Act 2015 (HSWA), including any regulations, codes or guidance made under the HSWA; and
- (b) any health and safety policies, standards or procedures notified to it by the Council.

**14.2** Without limiting clause 14.1, SPL must ensure so far as is reasonably practicable:

- (a) the health and safety of its workers and the health and safety of any workers whose activities in carrying out work are influenced or directed by SPL;
- (b) that the health and safety of other persons is not put at risk from work carried out by SPL; and
- (c) it does not do anything that will or is likely to give rise to the issue of an improvement or prohibition notice, enforcement proceedings or a prosecution under the HSWA against the Council, SPL or their contractors or subcontractors.

**14.3** Prior to carrying out any work in respect of the Authorised Work, SPL must obtain the Council's approval (such approval not to be unreasonably withheld) to SPL' site-specific safety management plan.

**14.4** If the Council is not satisfied that the requirements of this clause 14 are being complied with, it may issue SPL with a written notice specifying the health and safety requirement it considers SPL is not meeting, and may require SPL to suspend work until it is satisfied that the matter has been remedied.

**14.5** Following the notification of any notifiable event (as defined in the HSWA) to WorkSafe NZ or any other regulatory agency in relation to the Permitted Use, SPL will as soon as practicable notify the Council of the facts and circumstances of the notifiable event, including promptly communicating to the Council any indication from WorkSafe NZ or any other regulatory agency of an intention to

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prosecute or take any action against SPL, the Council or any of their contractors or subcontractors.

**15. PUBLIC RISK INSURANCE**

- 15.1** SPL must during the continuation of this licence and until any remediation works are completed, at its own expense effect and maintain adequate public risk insurance cover (being at least \$5,000,000.00) to indemnify both SPL and the Council against public risk. The insurance must be with a reputable New Zealand insurer. SPL will produce reasonable proof to the Council of the existence of that insurance before it commences any works on the Stopped Road Land including any removal or decommissioning.

**16. NO COMPENSATION ON TERMINATION**

- 16.1** Nothing contained or implied in this licence will be deemed to impose on the Council any liability to pay compensation or damages to SPL or any other person if the licence of the Stopped Road Land granted under this licence is determined in accordance with clause 9 or any other term of this licence.

**17. DEFAULT**

**Cancellation**

- 17.1** The Council may (in addition to the Council's right to apply to the Court for an order for possession) and subject to section 245(2) of the Property Law Act 2007 cancel this licence by re-entering the Stopped Road Land at the time or at any time after that:

- (a) in case of breach by SPL of any covenant or agreement on Coastland's part expressed or implied in this licence (other than the covenant to pay the Licence Fee) after SPL has failed to remedy that breach within the period specified in a notice served on SPL in accordance with section 246 of the Property Law Act 2007;
- (b) if SPL makes or enters into or endeavours to make or enter into any composition assignment or other arrangement with or for the benefit of SPL creditors;
- (c) in the event of the insolvency, bankruptcy, statutory management, voluntary administration, receivership or liquidation of SPL; or
- (d) if SPL suffers execution to issue against SPL property goods or effects under any judgement against SPL in any Court for a sum in excess of five thousand dollars (\$5,000).

- 17.2** The Term will terminate on the cancellation and clause 12.4 will apply.

**Repudiation**

- 17.3** SPL must compensate the Council and the Council will be entitled to recover damages for any loss or damage suffered by reason of any acts or omissions of SPL constituting a repudiation of the licence or SPL obligations under the agreement. Such entitlement will subsist notwithstanding any determination of the agreement and will be in addition to any other right or remedy which the Council may have.

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**18. STATUTORY AUTHORITY**

- 18.1** This licence is granted pursuant to section 357 of the Local Government Act 1974 and any other enabling powers.

**19. SERVICE OF NOTICES**

- 19.1** All notices must be in writing and must be served by one of the following means:

- (a) in the case of a notice under sections 245 or 246 of the Property Law Act 2007 in the manner prescribed by section 353 of that Act; and
- (b) in all other cases, unless otherwise required by sections 352 and 361 of the Property Law Act 2007:
  - (i) in the manner authorised by sections 354 to 361 of the Property Law Act 2007; or
  - (ii) by personal delivery, or by posting by registered or ordinary mail, or by email.

- 19.2** In respect of the means of service specified in clause 19.1, a notice is deemed to have been served:

- (a) in the case of personal delivery, when received by the addressee.
- (b) in the case of posting by mail, on the second Working Day following the date of posting to the addressee's last known address in New Zealand.
- (a) in the case of email, when acknowledged by the addressee orally or by return email or otherwise in writing except that return emails generated automatically will not constitute an acknowledgement.

- 19.3** In the case of a notice to be served on SPL, if the Council is unaware of SPL last known address in New Zealand, any notice placed conspicuously on any part of the Adjoining Land shall be deemed to have been served on the Council in the day on which it is affixed.

- 19.4** A notice shall be valid if given by any director, general manager, lawyer or other authorised representative of the party giving the notice.

- 19.5** Where two or more notices are deemed to have been served at the same time, they will take effect in the order in which they would have been served.

- 19.6** Any period of notice required to be given under this agreement will be computed by excluding the date of service.

**20. PERMITTED USE**

- 20.1** SPL must not in any circumstances:

- (a) use the Stopped Road Land:
  - (i) for any purpose other than the Permitted Use;
  - (ii) in any noisy, noxious, offensive or illegal manner;

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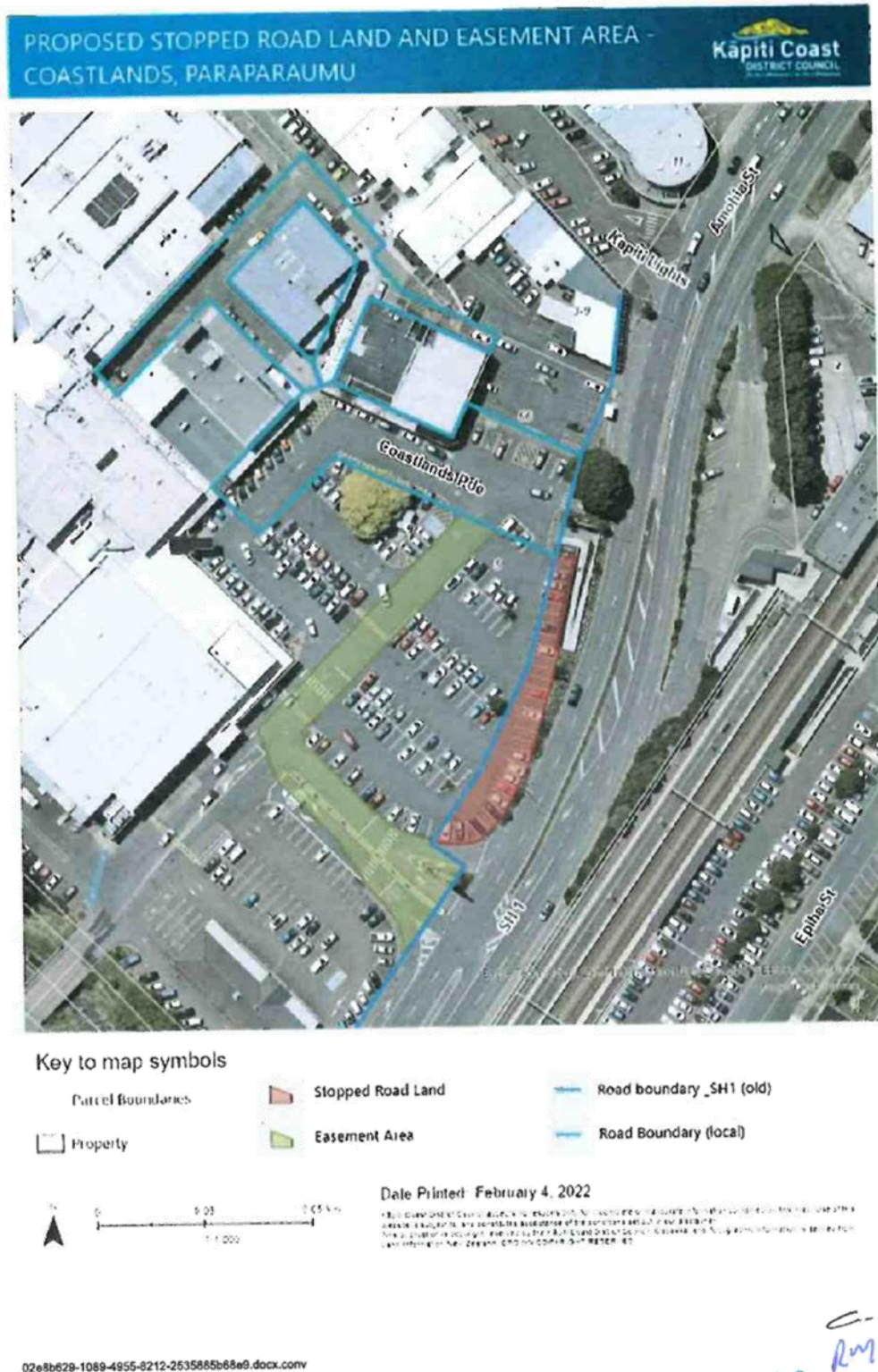
- (iii) for any illegal purpose; or
    - (iv) in any manner that restricts the rights of public passage (over road);
  - (b) use the Stopped Road Land other than for its designed purpose;
  - (c) store or use inflammable or dangerous substances upon the Stopped Road Land; or
  - (d) do anything which in the opinion of the Council may become a nuisance, disturbance or obstruction, or cause damage, whether to the Council or to neighbouring owners or occupants.
- 20.2** If the Permitted Use is permissible only with the consent, permit or permission of any authority, or under or in pursuant to any statute, Regional and District Plans, regulation, other enactment or order of Court, SPL must obtain:
- (a) such consent, permit, permission or order at the sole cost and expense of SPL including, but not limited to, any costs or financial contributions involved in complying with any conditions of such consent, permit, permission or order obtained; and
  - (b) the approval of the Council to the conditions of that consent, permit, permission or order.
- 20.3** SPL will regularly inspect the Stopped Road Land to ensure that such Improvements continue to comply with all relevant statutes, regulations or consents and with this licence, and that no damage or graffiti has occurred.
- 20.4** If the Permitted Use does not comply with all relevant statutes, regulations or consents, or with this agreement, or the Stopped Road Land has been damaged or graffitied SPL will do all things necessary to put the Stopped Road Land into the condition required to make it comply with the relevant statutes, regulations or consents, or with this licence and will repair damage or will remove graffiti immediately upon the non-compliance being made known to SPL.
- 21. COUNCILS RIGHT TO ENTER AND USE THE STOPPED ROAD LAND**
- 21.1** This licence in no way limits the Council's free use of the Stopped Road Land and the Council, and all other persons authorised by the Council, may enter onto any part of the Stopped Road Land at any time, and for any purpose. In exercising this right of entry, the Council will use reasonable endeavours to ensure that no disturbance or inconvenience is caused to SPL and Coastland's property on the Stopped Road Land.
- 22. SURRENDER OF LICENCE**
- 22.1** To avoid doubt, this licence will be deemed to be surrendered from the Settlement Date, upon the stopping of the Stopped Road Land as road and its vesting in SPL.

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**SCHEDULE 2**

**Plan Showing the Stopped Road Land**



## SCHEDULE 3

## Easement

## Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

## Grantor

SHEFFIELD PROPERTIES LIMITED

## Grantee

KĀPITI COAST DISTRICT COUNCIL

Grant of Easement or *Profit à prendre*

The Grantor being the registered proprietor of the Burdened Land(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

## Schedule A

Continue in additional Annexure

Schedule, if required

Purpose of easement or profit	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of way	[xx] on SO [xx]	Part Lot4 DP 30757 (RT WN7C/1304) (Part-cancelled)	In Gross

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**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby **[varied] [negatived] [added to] or [substituted]** by:

~~[Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017]~~

the provisions set out in the Annexure Schedule

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## Annexure Schedule

Page 3 of 4 Pages

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## Easement Instrument

Continue in additional Annexure Schedule, if required

**Interpretation**

- 1 The provisions of clauses 1, 6 and 10-14 of Schedule 5 of the Land Transfer Regulations 2018 are implied into this Easement Instrument except to the extent expressly provided to the contrary in this Easement Instrument.
- 2 This Easement Instrument relates to the right of the Grantee and the public to pass and repass over the route detailed in the plans and specifications annexed to this Easement Instrument located at the Burdened Land by the Grantee (**Easement Facility**) to obtain pedestrian and vehicular access to and from Coastlands Parade.

**Maintenance**

- 3 The Grantor will be responsible for all repair and maintenance of the Easement Facility. The Grantor may require a reasonable contribution from the Grantee towards the costs of maintenance and repair of the Easement Facility in proportion to the use of the Easement Facility by the Grantee and persons using the Easement Facility as access to and from Coastlands Parade. The contribution will be agreed between the parties and in the event that they are unable to agree the dispute process set out in clause 14 of Schedule 5 of the Land Transfer Regulations 2018 will apply.

**Grantee's Rights**

- 4 The Grantee, and all persons using the Easement Facility shall have the right to pass and repass at all times on foot and with or without vehicles over and along the Easement Facility.
- 5 The Grantee may not erect or display any signage on the Easement Facility save for signage relating to the use of the road.

**Relocation of Easement Facility**

- 6 If the Grantor wishes, as part of a redevelopment of the whole or any part or parts of the Burdened Land, to relocate the Easement Facility to an alternative location on the Burdened Land, then:
  - a The Grantor shall initiate the relocation process by giving notice to the Grantee (**Grantor's Preliminary Notice**):
    - i identifying the alternative location that the Grantor proposes for the relocated Easement Facility; and
    - ii setting out the timing of the Grantor's intended physical works programme to achieve the relocation and meet the requirements of clause 6ciii;
  - b The Grantee shall, within 30 working days of receiving the Grantor's Preliminary Notice, provide to the Grantor any feedback from the Grantee as to the content of the Grantor's Preliminary Notice (**Grantee's Notice**);
  - c The Grantor must:
    - i give genuine consideration in good faith to accommodating the content of

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## Annexure Schedule

Page 4 of 4 Pages

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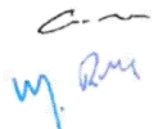
Easement Instrument

Continue in additional Annexure Schedule, if required

the Grantee's Notice;

- ii give notice to the Grantee of the Grantor's final decision (which decision shall be at the sole and absolute discretion of the Grantor) on the matters set out in clause 6a (**Grantor's Final Notice**); and
  - iii ensure that the Grantor's Final Notice includes provisions that ensure that the design of the relocated Easement Facility preserves the operational functionality of the existing Easement Facility.
  - d The Grantee will be solely responsible, at the Grantor's cost in all things relating to the relocation of the Easement Facility.
  - e The parties will co-operate and sign all documents (including Authority & Instruction Forms) and obtain all consents necessary to surrender this Easement Instrument and register a new Easement Instrument (which shall be on materially the same terms as this Easement Instrument).
  - f For the purposes of clause 6b **working day** means any day that is not a Saturday, Sunday, day between 23 December in one year to 10 January in the next year (both days inclusive) or statutory holiday in the area where the Burdened Land is located.
- 7 The Grantor will discuss the matters in clauses 6 and 6ciii with the Grantee at the earliest opportunity and endeavour to identify at the outset issues that are likely to be of concern to the Grantee.

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# PROPOSED STOPPED ROAD LAND AND EASEMENT AREA - COASTLANDS, PARAPARAUMU



## Key to map symbols

Parcel Boundaries

Property



Stopped Road Land

Easement Area

Coastlands Parade

Road boundary\_SH1 (old)

Road Boundary (local)



0 0.03 0.05 km  
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Date Printed: February 4, 2022

Kāpiti Coast District Council accepts no responsibility for incomplete or inaccurate information contained on this map. Use of this website is subject to, and constitutes acceptance of the conditions set out in our disclaimer. This publication is copyright reserved by the Kāpiti Coast District Council. Cadastral and Topographic information is derived from Land Information New Zealand, CROWN COPYRIGHT RESERVED.

**7.4 OMICRON BUSINESS ASSISTANCE PACKAGE FOR KAPITI COAST BUSINESSES**

Kaituhi | Author: **Eva George, Economic Development Advisor**

Kaiwhakamana | Authoriser: **Angela Bell, Strategy Manager**

**TE PŪTAKE | PURPOSE**

- 1 This paper seeks approval from Council for an Omicron Business Assistance Package for Kāpiti Coast businesses.

**HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY**

- 2 This paper provides a summary of the impact that the Omicron outbreak has had on our local economy and business sector. It includes an overview of previous Council intervention and makes recommendations for relief measures that could be implemented to support businesses in the current Omicron outbreak.

**TE TUKU HAEPAHA | DELEGATION**

- 3 Council has the delegation to consider this matter.

**TAUNAKITANGA | RECOMMENDATIONS**

That Council:

- A. approve additional funding of \$50,000 in the 2022/ 23 FY to undertake targeted marketing support to help promote local hospitality and retail businesses.
- B. approve the waiver of food licence fees for 12 months, retrospectively from 1 March, affecting 347 businesses (total expense \$45,474).

**TŪĀPAPA | BACKGROUND**

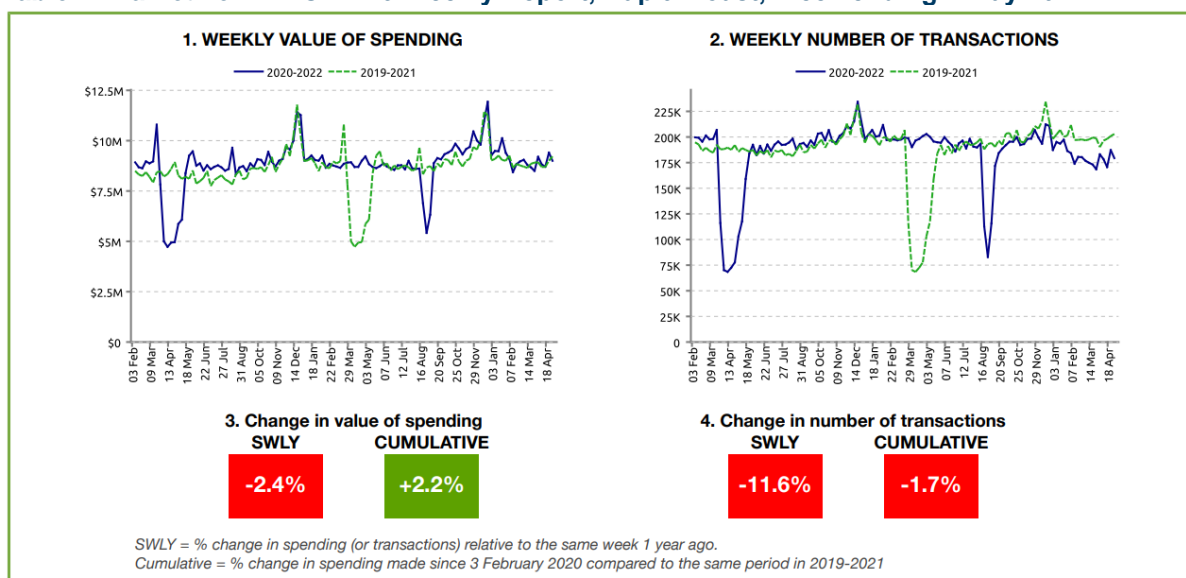
- 4 Council approved the Kāpiti Covid Recovery Plan in October 2020. The Plan looked ahead at how Council would be able to support its community and help the economy recover.
- 5 COVID19 has affected us, and has continued to do so, in many different ways. The outbreak has had a large impact on the New Zealand economy and although the Kāpiti Coast business sector came out of 2021 comparatively well, since late February 2022, data is showing a steep decrease in local spending (see Attachment 1 for further detail).
- 6 The Long Term Plan (LTP) identified COVID19 as 'a challenge affecting economic development and wellbeing'. Council's Economic Development (ED) Team contributes supporting business resilience through activities such as:
  - 6.1 visitor attraction;
  - 6.2 business support and facilitation; and
  - 6.3 workforce and skills development.
- 7 The ED Team has been working with the Economic Development Kotahitanga Board (EDKB) to implement the Economic Development Strategy (EDS) and the COVID Recovery Plan and engaging with local industries to understand the challenges and opportunities they face. The workplan is guided by Destination Management Plan and the Workforce Plan that have recently been adopted by Council.
- 8 In addition to the above workplan, together with the Finance and the Environmental Health, Licensing & Compliance teams, staff have designed a package to support those businesses that were heavily impacted by the Omicron outbreak.



# HE KŌRERORERO | DISCUSSION

- 9 Early March 2022, the ED Team undertook research which indicated that retailers were finding the economic climate challenging. A variety of factors were coming to a head:
  - 9.1 Ongoing labour shortages are being compounded by Covid-related staff absences;
  - 9.2 Rising inflation and interest rates, supply chain issues, rising fuel costs, and the minimum wage rise on 1 April;
  - 9.3 A drop in card transactions in the Kāpiti Coast Region in 2022. Note that the value of the transactions had increased slightly, due to price inflation in food and fuel, masking the drop in value of all other categories; and
  - 9.4 The peak of Covid infections was expected to occur later in March and in April, making this a critical time for businesses with many possibly needing to close partially / temporarily.
- 10 Early May, data provided by Marketview confirmed declining Card transactions was a national trend that was also affecting our local economy, as seen in the graph below (Table 1). Additionally, targeted data displayed that the hospitality and retail sectors were the hardest hit (Table 2).

**Table 1: Marketview – COVID19 Weekly Report, Kāpiti Coast, Week ending 1 May 2022**



**Table 2: Marketview – COVID19 Weekly Spending Change by Category\*, Kāpiti Coast, Week ending 1 May 2022**

	SWLY		Cumulative	
	\$	#	\$	#
Food, liquor & pharmacies	-1.5%	-8.3%	+6.5%	-0.2%
Hospitality & Accommodation	-12.5%	-20.7%	-3.1%	-4.8%
Fuel & Automotive	+26.7%	+1.1%	+6.2%	+2.1%
Clothing, Footwear & Dept. Stores	-21.8%	-21.5%	-13.1%	-12.1%
Home & Recreational Retailing	-13.1%	-15.3%	+0.5%	-0.5%
All other	-1.6%	-14.6%	-10.0%	-6.3%
<b>TOTAL</b>	<b>-2.4%</b>	<b>-11.6%</b>	<b>+2.2%</b>	<b>-1.7%</b>

*\* This table shows a comparison of the value of spending and volume of credit and eftpos transactions for each week since 3 February 2020 with the Same Week in 2019-2021 (SWLY). Cumulative figures are based on a running total of spending/transactions since 3 February 2020.*

11 In summary:

- 11.1 On 1 May, the number of eftpos card transactions had dropped by 11.6% compared to the same week a year ago.
- 11.2 The value of transactions across all sectors had dropped by 2.4% compared to the same week a year ago, however inflation in food and fuel prices masked the drop in value of transactions in all other categories.
- 11.3 Overall spend has been decreasing since early February, in time with the onset of Omicron in our community.

12 The Marketview data is reflected in the results from a survey undertaken by the ED Team. Businesses were asked for their views on the local economy and the main challenges they faced (9 March 2022). The outcome showed the following main challenges facing our businesses, in order of concern:

- 12.1 Labour shortages;
- 12.2 Cashflow issues resulting from business disruption/temporary closures; and
- 12.3 Government COVID19 Leave support is insufficient – it only provides 40% of minimum wage, and some don't qualify.

13 Furthermore, businesses were keen to see how Council could assist through this period, in addition to Central Government support. In February this year, Central Government increased its support through:

- 13.1 COVID-19 Support Payment – for businesses or organisations which experienced a 40% or more drop in revenue due to COVID-19.
- 13.2 Small Business Cashflow Scheme:
  - 13.2.1 On 21 March the Small Business Cashflow Scheme loan amount increased to \$20,000 (from \$10,000), plus \$1,800 per full-time equivalent employee.
  - 13.2.2 A top-up loan is also available for businesses and organisations that currently have a loan under the original amount.
- 13.3 Flexibility from IRD on due dates for tax returns, payments, disclosures, and elections.

## He take | Issues

- 14 Through direct engagement with our local business sector, Council staff have become aware of the challenges that our businesses continue to face. Guided by the COVID19 Recovery Plan, actions provided by our Council during the initial COVID19 pandemic (2020/21) included:
  - 14.1 Keeping the business sector informed about COVID19 support for workers and employers by Central Government;
  - 14.2 Love Local marketing campaign by Kapiti Coast District Council;
  - 14.3 Additionally, Council provided a variety of 'Financial assistance for Kāpiti community and business' measures<sup>2</sup>. This included:
    - 14.3.1 Rates Package Covid 2020/21 - removed rates late payment penalties for April, May and June 2020, and provided a June 2020 rates payment holiday for those impacted by COVID19; and
    - 14.3.2 2020 Business Interruption Credit - credited a quarter of fees for food, alcohol and outdoor dining licenses paid in FY 2020/21 to reflect the period when businesses were unable to operate.
    - 14.3.3 Waiving rent payments for three months for major tenants.

## Ngā kōwhiringa | Options

- 15 The Omicron outbreak began in early 2022 and its effects on our local economy have led to a quick review of previous measures and their appropriateness to be reintroduced to support our business community during the current Omicron wave

### Food Registration Fee Waiver

- 16 Given the particular pressures on the food and beverage sector noted above, Council staff propose to waive the registration and annual renewal fees for all food businesses registered by KCDC. These fees relate to businesses that require either a Food Control Plan (FCP) or a National Programme (NP) - the two types of risk management tools for food businesses. The fees for these registrations under the Food Act 2014 are set by Council through the Fees and Charges Schedule in the Long Term Plan, and are as follows:
  - 16.1 FCP – \$159 for annual registration
  - 16.2 NP – \$159 for two-year registration.
- 17 As the fees for NP businesses are for a two-year registration, the proposed waiver is for 50% of the renewal fee - \$79.50.
- 18 Council recommends the credit to be applied to all food businesses registered with KCDC. This was the approach taken in 2020 and provides the most efficient way of administering the waiver and providing relief to the sector as a whole.
- 19 Anticipated costs of the proposed fee waiver are set out in the table below.

**Table 3: Number of businesses affected by the food registration fee waiver**

Food registration	Number of businesses	Fee	Total
FCP	225	\$159.00	\$35,775
NP	122	\$79.50	\$9,699
<b>Total</b>	<b>347</b>		<b>\$45,474</b>

<sup>2</sup> Financial assistance for Kāpiti community and business - Kāpiti Coast District Council ([kapiticoast.govt.nz](https://www.kapiticoast.govt.nz)).



### Additional Marketing Support

- 20 A Love Local marketing campaign was undertaken during March and April 2021 lockdown to encourage local support for businesses. An analysis of the work undertaken (Attachment 2) indicated the campaign was successful at encouraging the community to support local retail and hospitality business in particular.
- 21 Given the ongoing impacts on the hospitality and retail sector as a result of Omicron, we recommend Council provides increased marketing and promotion to support the local Hospitality and Retail sectors at an additional cost of \$50,000. The Economic Development (ED) Team will draft a marketing plan to achieve maximum reach based on learnings from previous campaigns.

### Other Options Considered

- 22 **Rates relief.** As noted at 14.3.1 above, rates relief was made available to all ratepayers experiencing hardship in 2020. This relief involved waivers of penalties and a payment holiday. Our review of these measures found that these measures are not well targeted to the businesses currently under pressure (as they apply to all ratepayers) and would be unlikely to substantially assist those businesses most affected by Omicron.
- 23 It is not recommended to include a rates discount in the proposed Omicron Business Assistance Package.
- 24 **Waiver of rent payments for major tenants.** Rent relief was offered to major Council tenants in 2020 in response to the initial Covid lockdown when businesses were unable to operate. Given that these businesses are currently able to operate under the orange traffic light setting, it is not considered to be an appropriate measure for the current package of business support.
- 25 **No additional business support.** The pressures on the retail and hospitality sector have continued to increase even following the easing of restrictions to an orange traffic light setting. In this context, Council has a role to support the local business sector and promote economic wellbeing more broadly. Therefore, it is considered appropriate for Council to provide some additional support as proposed above.

### Tangata whenua

- 26 There are no specific impacts on tangata whenua as a result of this proposal. The relief package is expected to benefit all food businesses that are part of the Kāpiti Coast business sector.

### Panonitanga āhuarangi | Climate change

- 27 The suggested package does have any specific climate change implications. However, the ED Team continues to encourage and support local businesses to work in environmentally conscious ways through our ongoing engagements with them.

### Ahumoni me ngā rawa | Financial and resourcing

- 28 The proposed relief package will incur an additional cost to Council of \$95,474, made up of:
- 28.1 \$50,000 marketing package over 6 months.
- 28.2 \$45,474 for the food registration fee waiver over 12 months, from March 2022.

### Ture me ngā Tūraru | Legal and risk

- 29 There are no specific legal implications of this proposal.

**Ngā pānga ki ngā kaupapa here | Policy impact**

- 30 Registration and annual renewal fees for food businesses are set by Council through the Schedule of Fees and Charges in the Long Term Plan and relate to the registration of businesses under the Food Act 2014.
- 31 The proposed fee waiver will not impact on the registration of businesses and their compliance with the Food Act 2014.
- 32 Due to the waiver being processed as a credit on accounts, the proposal also remains consistent with agreed Schedule of Fees and Charges in the Long Term Plan.

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

- 33 This matter has a low level of a significance under Council's Significance and Engagement Policy. An engagement plan is not needed for this report to be considered.

**Whakatairanga | Publicity**

- 34 Council will use its established communications channels to inform food businesses of the waiver of the food registration annual renewal fee and advise the community and key stakeholders of the Omicron Business Assistance Package.

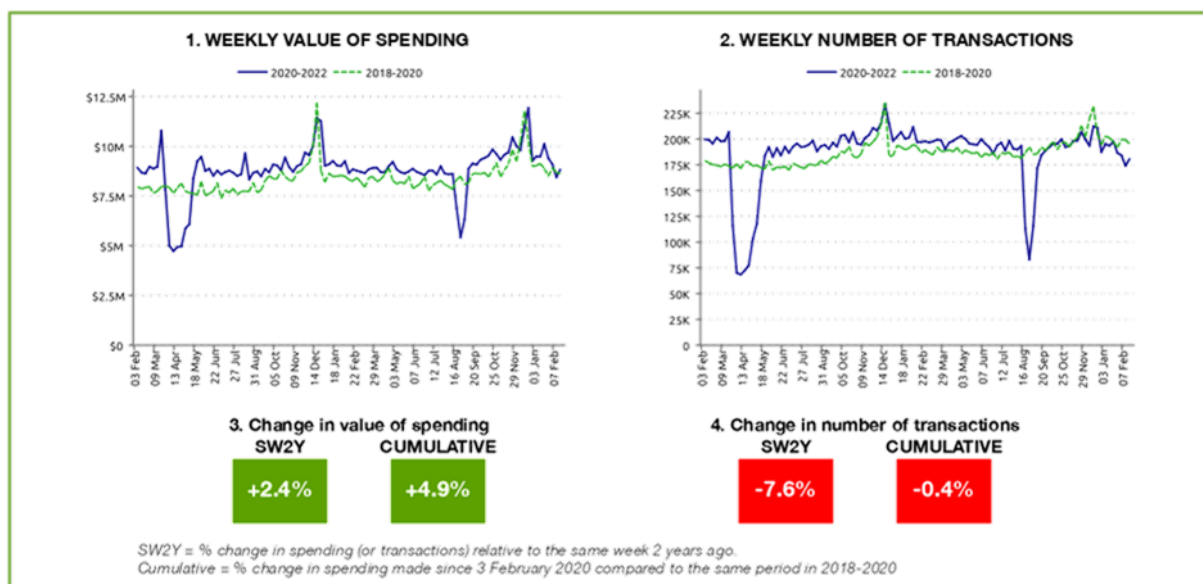
**NGĀ ĀPITI HANGA | ATTACHMENTS**

- 1. Weekly Card Transaction Measure [↓](#)
- 2. Business Support Analysis & Data 2021 [↓](#)

# WEEKLY CARD TRANSACTION MEASURE

Kapiti Coast District

Week ending 20 February 2022



### 5. WEEKLY SPENDING CHANGE BY CATEGORY

	SW2Y		Cumulative	
	\$	#	\$	#
Food, liquor & pharmacies	+10.1%	-4.4%	+17.0%	+2.9%
Hospitality & Accommodation	-17.9%	-21.6%	+0.8%	-2.5%
Fuel & Automotive	+32.5%	+16.6%	-3.4%	-3.4%
Clothing, Footwear & Dept. Stores	-34.4%	-31.5%	-20.7%	-18.4%
Home & Recreational Retailing	+2.3%	-1.5%	+0.4%	+1.7%
All other	-26.8%	-19.5%	-18.2%	-9.7%
<b>TOTAL</b>	<b>+2.4%</b>	<b>-7.6%</b>	<b>+4.9%</b>	<b>-0.4%</b>

### 7. CHANGE BY ORIGIN OF CARDHOLDER

	SW2Y		Cumulative	
	\$	#	\$	#
NZ CARDS	+4.0%	-6.8%	+5.4%	-0.0%
INTERNATIONAL	-61.8%	-59.7%	-31.6%	-35.5%

### 8. WEEKLY VALUE OF SPENDING - ALL OF NZ

	SW2Y		Cumulative	
	\$	#	\$	#
New Zealand	-5.1%	-16.0%	-3.6%	-10.4%

### 6. WEEKLY SPEND AND TRANSACTION CHANGES

Week Ending	SW2Y		Cumulative	
	\$	#	\$	#
07-Nov	+10.4%	+0.4%	+5.0%	+0.4%
14-Nov	+8.9%	+0.2%	+5.0%	+0.4%
21-Nov	+6.4%	-1.5%	+5.0%	+0.3%
28-Nov	+6.3%	-3.0%	+5.0%	+0.3%
05-Dec	+8.3%	-1.3%	+5.1%	+0.3%
12-Dec	-4.3%	-11.8%	+5.0%	+0.1%
19-Dec	-7.0%	-8.3%	+4.8%	+0.0%
26-Dec	+16.3%	+3.1%	+4.9%	+0.1%
02-Jan	+3.1%	-3.7%	+4.9%	+0.0%
09-Jan	+5.2%	-3.7%	+4.9%	+0.0%
16-Jan	+3.7%	-3.9%	+4.9%	-0.1%
23-Jan	+14.0%	+0.1%	+5.0%	-0.1%
30-Jan	+10.8%	-2.8%	+5.1%	-0.1%
06-Feb	+2.0%	-7.8%	+5.0%	-0.2%
13-Feb	-2.8%	-12.7%	+4.9%	-0.3%
20-Feb	+2.4%	-7.6%	+4.9%	-0.4%

## About

Marketview has compiled a sample of over 25,000 New Zealand retail and consumer services businesses we know to have been operating continuously on the Worldline network over the last two years.

Each merchant has been put into the summary categories shown in Table five. We have compared the value of spending and volume of credit and eftpos transactions for each week since 3 February 2020 with the Same Week in 2018-2020 (SW2Y). Cumulative figures are based on a running total of spending/transactions since 3 February 2020.

NB: Weeks run Monday to Sunday, spending figures include GST, no allowance is made for non-card purchases. International figures are based on spending on credit cards issued by non-NZ financial institutions. Does not include online transactions. No adjustments are made for inflation.

## Reading this Report

Charts One and Two – plots the weekly value of spending/volume of transactions at merchants in Kapiti Coast District for the seven days ending on the date shown

Tables Three and Four – highlights the percentage change in total spending / transactions compared to the Same Week Last Year and the Cumulative total spending / transactions since 3 February 2020

Table Five – provides a change spending / transactions breakdown by key category within Kapiti Coast District

Table Six – provides both a week by week and the cumulative change in spending / transactions from 3 February 2020

Table Seven – provides the change in spending / transactions within Kapiti Coast District, by origin of cardholder

Table Eight – provides the change in spending / transactions for our national sample.

## Contact Us

For all enquiries, please contact us at [info@marketview.co.nz](mailto:info@marketview.co.nz) or 04 472 1991.



## Summary

The Kāpiti Recovery Plan identified six objectives to be achieved through multiple actions. The Economic Development Team (EDT) mainly focussed on three objectives during the August/September lockdown:

- Supporting resilience in our economy and non-government organisations. We did this through:
  - o the promotion and raising of awareness of available business support on the [KapiticoastNZ.com/Business Hub](https://www.kapiticoastnz.com/Business-Hub) pages
  - o Raising of awareness of the latest COVID19 support and information for workers and employers.
  - o Single source of truth for employers via a link to the [Central Government website for COVID19 updates](https://www.govt.nz/covid19)).
  - o identified support requirements not available at the time → [online promotion of our local businesses during level 3](#).
- Loving local. We did this through:
  - o The creation of a dedicated 'Love Local' area on the KapiticoastNZ.com website and through promoting the existing '[love local](#)' Facebook group.
  - o Visitor attraction through the creation and promotion of the '[that's new campaign!](#)'.
  - o Developing the 'Family Fun' page to support family wellbeing: '[Family Fun](#)'.
- Encouraging connections, communication and kindness. We did this through:
  - o Our Facebook promotions on the Love Local Group and Kapiti Coast Facebook pages.
  - o Our team engaged with the business community on a regular basis through email, e-News, and phone calls asking for feedback.

We reached out to key members of the tourism sector early in Week 1 of level 4, to hear their concerns and ideas for what support would be valuable to them. From this it was determined that hospitality was being hardest hit, and support for those businesses who were planning to operate at Level 3 was prioritised, followed by Click and Collect retail. This work and the outcomes achieved are detailed below.

During the second phase we updated F&B details for level 2, undertook a campaign to support the accommodation and activity operators' businesses through '[Visit Kapiti](#)', and we worked on a '[That's New!](#)' site promoting visitors to travel to the Kapiti Coast during level 2.

## Data, Anecdotes and Analytics from the Economic Development Team during the business outreach programme in lock down

### WEBSITE ACTIVITY

[Kapiticoast.govt.nz](http://Kapiticoast.govt.nz) does not provide a dedicated area for Kapiti residents to go to for information to support local businesses. Therefore, after the lock down in 2020, the Economic Development team started to develop a 'Business Hub' as part of its [kapiticoastNZ.com](http://kapiticoastNZ.com) website. We also initiated the 'Love Local' campaign for the Kapiti Coast.

During the lockdown in 2021, the team fully dedicated the 'Business Hub' to communicate information about COVID19, including rules and regulations that affected our local business community. In addition, we created a new area, namely 'Love local Kapiti Coast'.

Initially, six new web pages were created under the menu line "[Love Local Kāpiti Coast](#)":

- [Home deliveries](#) (16 businesses listed)
- Father's Day gift ideas (8 businesses listed – now hidden from the site)
- [Contactless shopping](#) (31 local retailers listed)
- [Eat Out At Home](#) (41 eateries listed)
- [Time for Coffee](#) (28 cafes listed)
- Online Exercise classes (5 exercise providers listed– now hidden from the site)

Later we added '[where to eat at Alert level 2](#)'.

We also added [links to the Love Local Kāpiti Coast Facebook group](#) and [SOS](#). The latter allows the purchase of vouchers to support local businesses.

A Covid-19 response "panel" was added to the home page, with links to the pages above

Once the campaign went live, a further 56 businesses completed the "Opt-in" form, requesting to have their business' details added to the website. These forms are still available, and we keep the listings updated as requests come in.

While there will be some overlap, the team has engaged with every single one of those businesses in some way. A tourism operator database has been expanded and developed by the team and will be a legacy benefit of this activity, as will the website 'listicles' (content blocks) created for many of the businesses. For example, we now have current contact information from nearly 100 cafes, restaurants and bakeries.

### FACEBOOK ACTIVITY – KĀPITI COAST NZ – during the lockdown

#### [Eat Out At Home](#) post boost

- \$125.00 spent
- 34,225 people reached (16,674 organic, 22,533 paid)
- 5,370 post engagements including 45 shares and 5,128 clicks

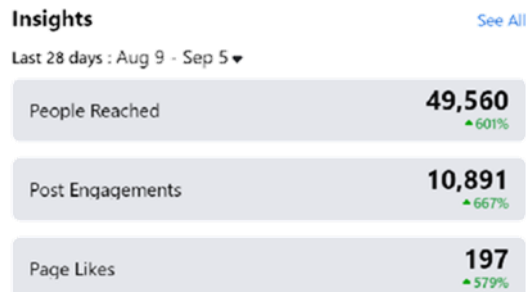
#### [Coffee Time](#) post boost

- \$131.35 spent
- 27,141 people reached (13,189 organic, 17,349 paid)
- 3,335 post engagements including 28 shares and 2,671 clicks



Page 'likes' have increased by 197 since August 17 (lockdown date) - from 4942 to 5138

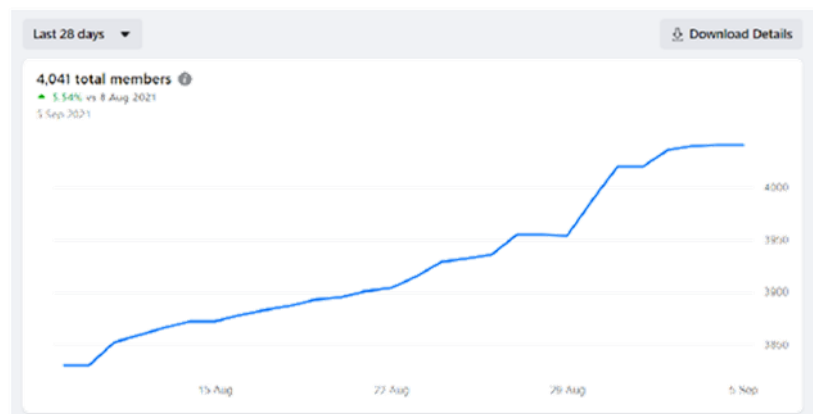
The number of engaged users on August 31st was 2132, well above the average of 117 for the previous 7 days.



### FACEBOOK ACTIVITY - LOVE LOCAL KĀPITI COAST GROUP

The number of members has increased by 157 since August 17 (lockdown date) - from 3883 to 4040  
Since 17 August there have been 2852 active members vs 1621 in the 3 weeks prior

Visit [Love Local – Kāpiti Coast](#).



### BUSINESS NEWS EMAIL

Over the period of the lockdown the team sent out four editions of the e-newsletter Kāpiti Business News, providing advice on operating under level 2 and 3 conditions, promoting business activity and other business support.

### SOME GENERIC ISSUES IDENTIFIED BY BUSINESSES:

**HR and workforce** - People working from home do not always have the resources they need resulting in loss of productivity.

**Supply chain issues** - Due to the nature of Covid-19 disruptions many firms encountering some form of supply chain issue, whether this is not being able to order stock or a delay in deliveries from suppliers or a delay to goods delivered to customers – so, across the supply chain.

#### Customers

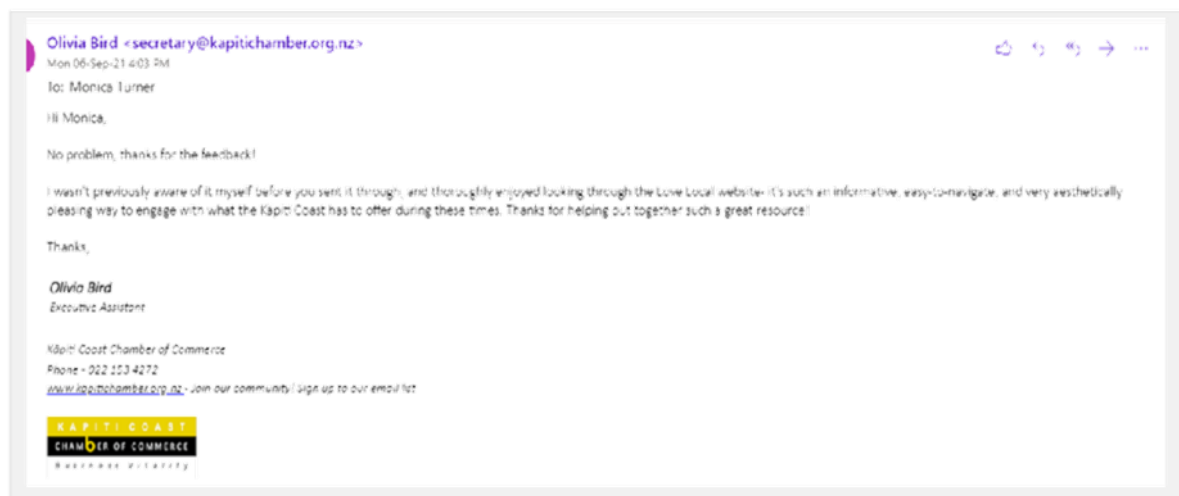
- With the level 2 spacing requirements Hospitality businesses may have to cut capacity in line with reducing in store customers.
- Longer-term as the economy recovers, firms will be competing harder for customers' attention and money with almost everyone establishing their profiles online.

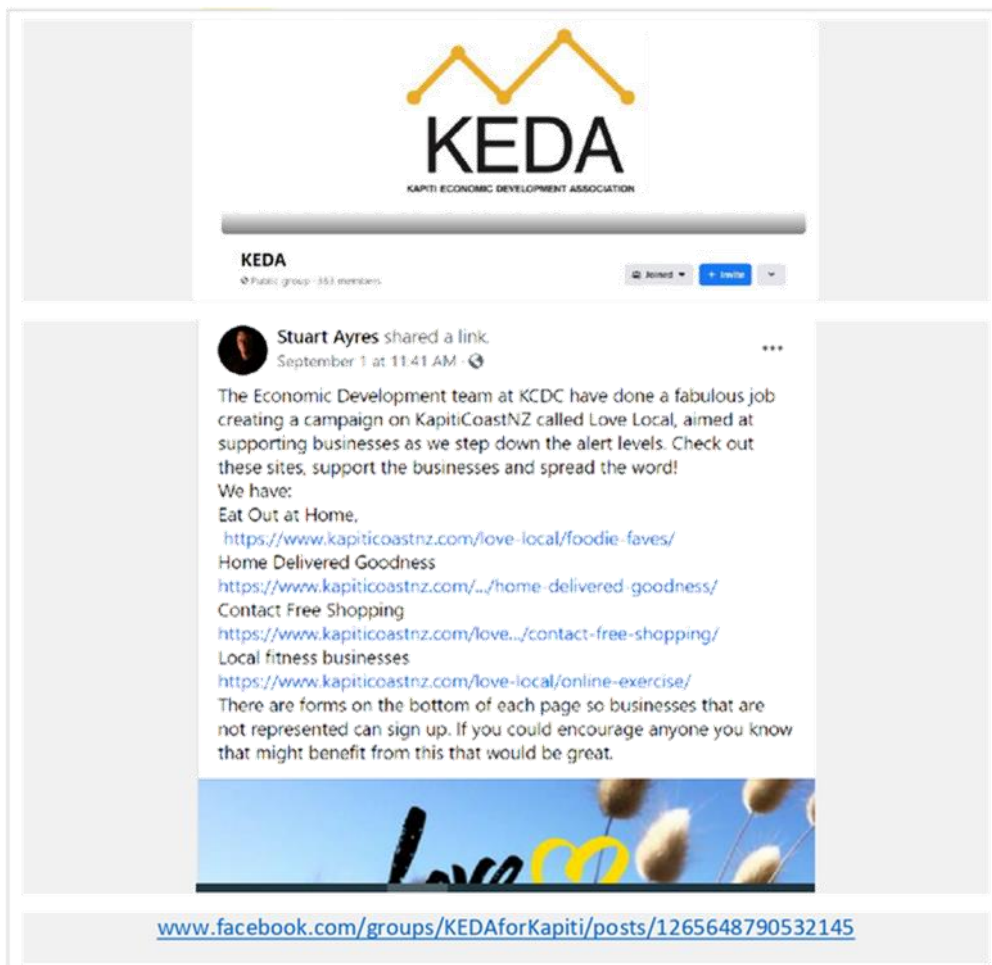
**Finance and liquidity** - As business activities slowed down significantly, some companies were seeing much reduced revenue (>50%) resulting in less positive cash flow, and in the higher fixed cost businesses, negative cash-flows for the next few weeks are challenging.

**Tax and Regulatory statutes** - Due to cash-flow issues more firms are concerned about taxes they are currently paying but the Government relief in this aspect has been helpful.

**Strategy and planning** - Having come through the previous lock downs, more firms have switched from the immediate response phase to recovery mode, shifting their strategy and mind-set towards long-term recovery and growth, e.g greater online presence as the new norm.

#### INDUSTRY RESPONSE TO ED TEAM ENGAGEMENT - sample





Hello Janice,

Many thanks for your email. Atahuri would be delighted to be included. Very happy to provide a selection of photos which I will forward by way of a Dropbox.

Please don't hesitate in coming back to me should you require anything further from me. Busy trying to whitebait at the moment in preparation for guests breakfasts not having much luck!!!!

Robyn Renouf, Owner, Atahuri

Hi Janice

Thanks for the opportunity to be involved and I can confirm we would like to be included. Imagery attached. Let me know if you require anything else and I have loved seeing the response to your campaigns last week. Really well messaged and couched.

Thanks

Leo Barber, Manager PBGC

This is such a great initiative for small local business.

Thanks!

Serena, Raumati Coffee Company

Gorge Café - Thanks for checking in and good luck, we all need help in this industry right now so its great to have Council support!

The Perching Parrot – thank you for asking

China Beach - Thanks to you and your team for making a great contribution for the local people and businesses!

Hi Janice,

Fantastic and YES YES YES we would love to be included. Thanks so much for thinking of us!

Kindly,

Rachael, Commercial Manager, Nga Manu

**8 PUBLIC SPEAKING TIME**

- Public Speaking Time responses

**9 CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

Nil