



RĀRANGI TAKE AGENDA

Hui Te Komiti Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee Meeting

I hereby give notice that a Meeting of the Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee will be held on:

Te Rā | Date: Thursday, 9 February 2023

Te Wā | Time: 9.30am

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

**Kris Pervan
Group Manager Strategy & Growth**

Kāpiti Coast District Council

Notice is hereby given that a meeting of the Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 9 February 2023, 9.30am.

Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee Members

Cr Sophie Handford	Chair
Cr Liz Koh	Deputy
Mayor Janet Holborow	Member
Cr Jocelyn Prvanov	Member
Cr Martin Halliday	Member
Deputy Mayor Lawrence Kirby	Member
Cr Rob Kofoed	Member
Cr Shelly Warwick	Member
Cr Nigel Wilson	Member
Cr Glen Cooper	Member
Cr Kathy Spiers	Member
Te Ātiawa ki Whakarongotai representative (Andre Baker or Janine Huxford or Christopher Gerretzen)	Member
Mr Huriwai Paki	Member
Ms Kim Tahiwī	Member

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1 NAU MAI | WELCOME

2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, 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.

“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.”

3 WHAKAPĀHA | APOLOGIES

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

Notification from Elected Members of:

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

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

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

6 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

(a) Leave of Absence

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

7 HE KŌRERO HOU | UPDATES

Nil

8 PŪRONGO | REPORTS

8.1 APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE ECONOMIC DEVELOPMENT KOTAHITANGA BOARD

Kaituhi | Author: **Anna Smith, Democracy Services Advisor**

Kaiwhakamana | Authoriser: **Sarah Wattie, Governance & Legal Services Manager**

TE PŪTAKE | PURPOSE

- 1 This report seeks the Strategy, Operations and Finance Committee approval for the appointment of a Council representative as an ex-officio member to the Economic Development Kotahitanga Board.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

An executive summary is not needed for this report.

TE TUKU HAE PAPA | DELEGATION

- 2 Council's Strategy, Operations and Finance Committee has authority to make this decision.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Strategy, Operations and Finance Committee confirms Councillor Liz Koh as Council representative on the Economic Development Kotahitanga Board.

TŪĀPAPA | BACKGROUND

- 3 The Kāpiti Coast Economic Development Strategy and Implementation Plan 2020-23 (the Strategy) was adopted on 30 July 2020 and the Economic Development Kotahitanga Board (EDKB) established to oversee the implementation and delivery of the plan. At the same time Council approved the appointment of Neil MacKay as the independent Chairperson of the EDKB for a 12-month term. Mr MacKay was re-appointed in May 2021, and again in June 2022.
- 4 The establishment of the independent governance board was a key priority for a number of partners and stakeholders. Continuity and support were considered important to gain momentum and create trust with partners, stakeholders and the wider community.
- 5 Council supported the establishment of the separate advisory board and the implementation of initial priority actions. Council also worked with board members and key partners and stakeholders to confirm a long-term operating approach. Following a workshop with elected members and incorporating feedback from iwi partners, council agreed upon a Terms of Reference with the EDKB. The EDKB Terms of Reference is attached as an appendix to this report.

HE KŌRERORERO | DISCUSSION

- 6 The EDKB is accountable and reports directly to the Strategy, Operations and Finance Committee. This includes written and verbal reports to the Committee from the Board Chair every six months outlining activities of the board and performance to date against agreed measures.
- 7 The EDKB consists of an independent chair and seven members. Membership includes:
 - a. Independent Chairperson – Neil MacKay
 - b. Three independent board members

- c. Ngāti Raukawa ki te Tonga Representative
- d. Ngāti Toa Rangatira Representative
- e. Te Āti Awa ki Whakarongotai Representative
- f. An elected councillor representative will be an ex-officio member of the EDKB.

He take | Issues

- 8 EDKB member appointments are for no less than one year, but no longer than three years depending on skill sets and key priorities of the Board.
- 9 The appointment of a Council representative to attend meetings as an ex-officio member of the Board is a decision of the Strategy, Operations and Finance Committee. Skills targeted for this role are to include:
 - Commercial acumen
 - Business acumen
 - Networked local and regional businesses/other agencies
 - Advocacy

Ngā kōwhiringa | Options

- 10 The EDKB Terms of Reference state that the Strategy Operations and Finance Committee can appoint a Council representative to attend meetings as an ex-officio member of the EDKB.

Tangata whenua

- 11 During the development of the Economic Development Strategy and Implementation Plan 2020-23 there were regular briefings with Te Whakaminenga o Kāpiti, and individual iwi workshop sessions offered. Feedback from mana whenua was incorporated into the development of the EDKB structure and Terms of Reference document.

Panonitanga āhuarangi | Climate change

- 12 There are no climate change considerations arising from this report.

Ahumoni me ngā rawa | Financial and resourcing

- 13 Members of the Board are remunerated for attendance at board meetings, however elected members are remunerated as per the Remuneration Authority's determination.

Ture me ngā Tūraru | Legal and risk

- 14 There are no legal considerations arising from this report.

Ngā pānga ki ngā kaupapa here | Policy impact

- 15 There are no policy considerations arising from this report.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 16 This matter has a low degree of significance under Council's significance and engagement policy.

Whakatairanga | Publicity

- 17 Information on the Council website will also be updated to reflect the current membership of the Economic Development Kotahitanga Board.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Terms of Reference - Economic Development Kotahitanga Board [↓](#)

Terms of Reference

Economic Development Kotahitanga Board (EDKB)

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Purpose

Establish an independent Economic Development Kotahitanga Board supported by Kāpiti Coast District Council (KCDC) for the purpose of:

- Building trust with our key partners and stakeholders in the district.
- Providing a unified strategic direction for economic activity for the district.
- Supporting the growth of a vibrant, diverse economy in order to provide increased opportunity, resilience and wellbeing for all.
- Oversee delivery and implementation of the Kāpiti Coast Economic Development Strategy and Implementation Plan 2020-23

This will be fundamental to our success, and the building of strong foundations with our communities and their wellbeing over the next three years as well as working towards our Economic Development Strategy and Implementation Plan 2020-2023 vision:

Through partnership, support the growth of a vibrant, diverse Kāpiti Coast economy that provides increased opportunity, resilience and well-being for all

There is recognition that governance needs to be consistent, continuous, and effective. It is the shared view of Council, our partners and stakeholders, that the governance of the Economic Development Strategy and Implementation Plan 2020-2023 should be independently led, and council supported with future transition to a more independent model. All partners and stakeholders are committed to governance principles based on:

- Transparency
- Accountability
- Stewardship
- Integrity
- Trust

Scope

The Economic Development Kotahitanga Board (EDKB) with support from KCDC will:

- Provide strategic leadership and professional input and advice on key actions to be delivered and any other economic development opportunities.
- Be ambassadors for the Kāpiti district.
- Work with Iwi representatives to establish tikanga Māori principles that will provide guidance to ensure the obligations of the Treaty of Waitangi are upheld;
 - The principles of partnership, participation, good faith and protection underpin the relationship between the Government and Māori under the Treaty of Waitangi
 - Tikanga are Māori customary practices. The concept is derived from the Māori word 'tika' which means 'right' or 'correct' so, in Māori terms, to act in accordance with tikanga is to behave in a way that is culturally proper or appropriate.
- Be accountable to the Strategy and Operations Committee of Council for the duration of the 3-year Economic Development Strategy and Implementation Plan

2020-2023, reporting and monitoring against responsibilities and outcomes outlined in this document.

Board Responsibilities

Initial responsibilities for the EDKB, include:

- Provide strategic leadership and input into the implementation and delivery of key priorities within the Kāpiti Coast Economic Development Strategy and Implementation Plan 2020-23 (the Strategy) and other economic development projects and initiatives that will enhance the wellbeing of our district.
- Advise on the reprioritisation or change in actions (if required) to be delivered in the Strategy. Any changes are to be discussed and agreed with Council and Delivery Partners as outlined in the Strategy.
- Oversee the implementation and delivery of the economic actions of the Kāpiti Coast Covid19 Recovery Plan in parallel to the implementation plan of the Strategy.
- Build strategic relationships, with a core focus on enhancing and progressing economic development and wellbeing opportunities and outcomes.
- Strategically support the Kāpiti Coast District Council Economic Development Unit and Strategy Delivery partners to achieve the Implementation plan agreed outcomes.
- Ensure a core focus on how we can work more strategically together, with our partners, other agencies and as a district to better enhance economic wellbeing outcomes in the community.
- Apply a consistent and integrated lens to Kāpiti's declared Climate Change emergency, natural environment, coastal management and land use across the priorities of the Strategy and any future projects. This means recognizing that a thriving economy must exist within socio-ecological limits and environmental boundaries.

Authority

Following establishment of the Economic Development Kotahitanga Board (EDKB):

- EDKB will be accountable to and report directly to the Strategy and Operations Committee of Council
- A performance agreement will be agreed between Council and the Economic Development Kotahitanga Board. This will set out the resources and performance measures required to deliver agreed outcomes.

Written and verbal reports to the Committee are to be provided by the Board Chair every six months outlining activities of the Board and performance to date against agreed measures.

In addition, six monthly updates are to be provided to the Te Whakaminenga o Kāpiti Committee.

Board Structure

Roles

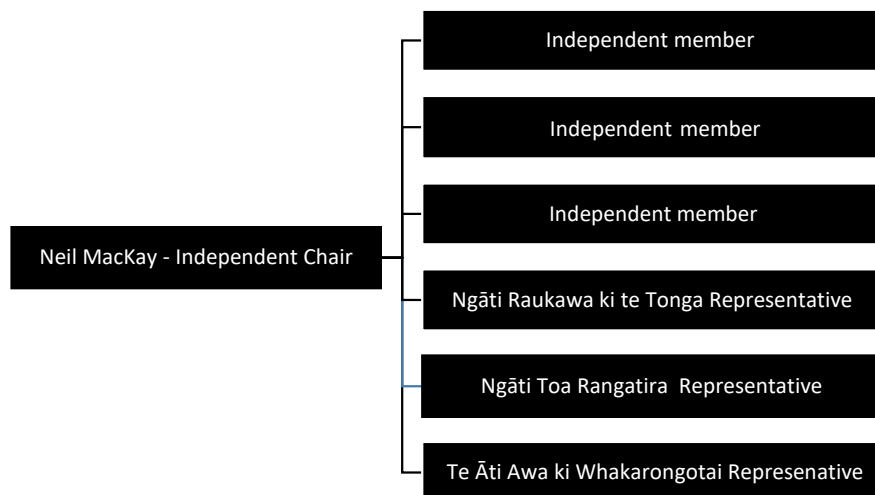
The EDKB will consist of seven members, of which three members will represent each local iwi (Ngāti Toa Rangatira, Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga). An independent chair will be appointed and supported by a secretariat. Sector specialists may be seconded to the EDKB as required.

Appointment of EDKB members:

- focus will be on skills / experience and connections
- local iwi (Ngāti Toa Rangatira, Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga) will each be represented
- an elected councillor representative will be an ex-officio member of the EDKB
- A role description for the member positions have been developed and is to be approved by the Strategy and Operations Committee.

EDKB Responsibilities

- the independent chair Neil MacKay (initial 1-year term) has been appointed by Council (30 July 2020) to build trust, pull together a strong Board membership and provide a unified strategic direction
- a transparent recruitment process of the EDKB members and secretariat will be adhered to by the selection panel.
- the EDKB member appointments will be for no less than one year, but no longer than three years depending on skill sets and key priorities of the Board.
- the EDKB needs to be able to work productively with multiple partners and stakeholders within and outside the district.
- the EDKB will assist in finalising and agreeing the monitoring and reporting framework for the Strategy.

Economic Development Kotahitanga Board Structure:**Recruitment****Process**

- The appointment of three iwi representatives will be formalised with Te Whakaminenga o Kāpiti or with iwi individually through their respective boards (working with Council's Iwi Partnerships team).
 - The appointment of independent members will be led by a selection panel made up of:
 - Independent Chair, Economic Development Kotahitanga Board
 - Chair, Strategy and Operations Committee
 - Third panel member to be nominated by Chair, Te Whakaminenga o Kāpiti
- This will be undertaken in co-ordination with Councils' Economic Development team.
- The appointment of a Council representative to attend meetings as an ex-officio member of the Board will be a decision of the Strategy and Operations Committee. Skills targeted for this role to include:
 - Commercial acumen
 - Business acumen
 - Networked local and regional businesses/other agencies
 - Advocacy
 - The appointment of a part-time secretariat role to support the Board will be undertaken by Council's Economic Development team in coordination with the Chair.

Meeting arrangements

The EDKB will meet for a minimum of six times per year. In addition, meetings of a sub group of directors may also be required for specific projects or sector/industry initiatives.

Monitoring and Reporting

Monitoring progress and making recommendations for the future is critical to a well-functioning Strategy and Implementation Plan. It helps us know what is working and what might need to be changed. These are important mechanisms for managing risk and holding each other to account if implementation does not happen as it should.

Reporting requirements

- A half yearly report will be prepared outlining progress to date against each of the actions, timeframes and issues and risks. This report will be published on the Council's website with immediacy after each meeting. Elements of the report may be withheld if there are reasons to do so, such as commercial-in-confidence information.
- The Chair will provide an in-person report to the Strategy and Operations and Te Whakaminenga o Kāpiti Committees at least every six months to detail progress against the Strategy and Implementation Plan.
- The Chair will oversee development of an annual report for publication at the end of Year 1 and Year 2 of operations, identifying progress, risks, and next steps. Council senior leadership and staff will make themselves available to work with the EDKB on actions and provide updates, as is deemed reasonable and fair.

Review

- The Chair will commission a short (six week) review mid-way through Year 2 to establish whether the Strategy and Implementation Plan is on track and the governance is working effectively. Recommendations will be provided to the Council and reported on publicly.
- The Chair will initiate planning for the next three years of the Economic Development Strategy and Implementation Plan (i.e. 2023-2026) from the beginning of Year 3. In addition, the annual reporting process will also serve as a mechanism for reviewing progress and establishing future year priorities.

Performance agreement

The performance agreement outlines what responsibilities and outcomes are expected to be delivered or met and identifies how they will be measured. This agreement is made between the Economic Development Kotahitanga Board (EDKB) and the Kāpiti Coast District Council.

It is proposed that the initial core responsibilities of the EDKB are as follows:

1. Oversee the delivery of the Economic Development Strategy and Implementation Plans' 2020-2023 key actions for Year 1 (refer [Table 6 from the ED Strategy](#)), Year 2 and Year 3.
2. Advocate for Kāpiti Coast and for economic development activities in the district
3. Be a relationship broker, with a focus on the establishment of strategic relationships to progress the outlined key priorities of this strategy.
4. The EDKB contribute to finalising and agreeing the monitoring and reporting framework for the Strategy. This recognises that given the Covid-19 pandemic, there is a need to understand more fully the economic, social, environment and cultural impacts on the local economy and community and; how these will affect our economic performance and growth.
5. Implementation and delivery of economic recovery initiatives/projects as outlined in the Kāpiti Coast District Councils Recovery Plan.
6. Build strong working relationships with our Economic Development Agency – WellingtonNZ; local, regional and central Government agencies and business leaders to enhance delivery of the Implementation Plan.

Priorities for year 1

The Economic Development Strategy and Implementation plan contains a number of actions that will be progressed by the EDKB, Council and its key partners over the coming years.

Our Year 1 priority actions are outlined in the table below and will form the primary strategic focus for the Board.

Year 1 – Priority Key Actions

Pillars / Ngā Pou	Year 1 Priority Action	Outcomes	Delivery Timeline
Positioning Kāpiti Coast / Whakapapa	Deliver the Kāpiti Coast Story	<ul style="list-style-type: none">• Kāpiti Coast's story is launched with the support of Council, Iwi and community with a marketing campaign supported by WellingtonNZ.	Ongoing
Open for Opportunity / Kaitiakitanga	Provide a coordinated approach for key investment and business opportunities	<ul style="list-style-type: none">• New businesses are successfully secured.• Key investment opportunities enable growth and diversification.	Aug 2020 – Ongoing

Pillars / Ngā Pou	Year 1 Priority Action	Outcomes	Delivery Timeline
Growing Skills & Capability / Whānau	Develop a Kāpiti Coast Workforce Plan, including youth initiative	<ul style="list-style-type: none"> Kāpiti Coast Workforce plan completed with key actions outlined. PGF funding secured for a 2-year Ōtaki youth initiative. 	Feb 20 – Jun 21 Sept 20
Supporting key sectors / Manaakitanga	Develop a Kāpiti Coast Destination Plan and a strategy for one other key sector	<ul style="list-style-type: none"> Kāpiti Coast Destination plan completed A key sector strategy is completed. 	Aug 20 - Jun 21 Jun 21
Strengthening Partnerships and Leadership / Kotahitanga	Establish an Economic Development Kotahitanga EDKB and finalise the monitoring and reporting framework and performance agreement and measures for the Strategy.	<ul style="list-style-type: none"> Economic Development Kotahitanga EDKB is established and profiled in the media. Monitoring and reporting framework finalised by EDKB. Terms of Reference including a performance agreement is signed by the Chair and Council. 	Aug-Sept 20 Sept 20 Aug 20

Measuring success

It is important that the Board is able to show the Council, Iwi, Business and the Community that it is adding value to the local economy and the delivery of the Kāpiti Coast Economic Development and Implementation plan 2020-23.

With the final impacts of the COVID 19 pandemic still unclear, putting in place targeted measures is difficult. It is therefore proposed that initial measures reported on by the Board are utilised to establish a benchmark, with growth then measured from these benchmark levels. It is acknowledged that growth and the impacts being measured cannot be fully attributed to the actions of the Board and the Strategy. However, it is important to ensure that trends are understood and responded to accordingly.

The key impacts to be measured are as follows:

1. Employment Growth – increase in local employment options and pathways
2. Mean Income Growth – increase in higher paying local employment and income generating opportunities
3. Business Unit Growth – increase in businesses establishing, expanding and moving to the district
4. GDP Growth – increased growth of the local economy and key sectors.

In addition to the above impacts, the following specific measures are to be reported against:

- Evidence that trust has been established through the establishment of strong working partnership with Council, iwi, business and community.
- The economic recovery plan is delivered in co-ordination with delivery partners.

- Evidence that strategic partnerships formed have enabled wider benefits contributing to economic wellbeing.
- Key priority actions outlined in the strategy are delivered in partnership with delivery partners.
- Māori businesses are supported, with future workforce needs identified.
- Rangatahi have access to greater employment pathway choices, with support for overall well-being.

Budget requirements

- Board members will be remunerated for attendance at Board meetings.
- Remuneration for the Board Members and Secretariat role, including incidentals will be met by Kāpiti Coast District Council.
- Budget has been allocated by Council internally to enable Year 1 Priority actions to be delivered.
- Any additional budget required for Year 2 and Year 3 deliverables as outlined in the Economic Development Strategy and Implementation Plan 2020-2023, will be sought through the Long Term Plan process.
- Any new projects or initiatives driven by the Board that require budget, will need to be sought through the Long Term Plan process.

Position Description

**BOARD MEMBER ROLE
September 2020**

Position Title:	Board member / Iwi representative
Authority:	The Board will be accountable to and report directly to the Strategy and Policy Committee of Council. A performance agreement between the Council and the Board sets out the resources and performance measures required to deliver agreed outcomes.
Meeting arrangements	The Board will meet a minimum of 6 times a year. In addition, meetings of a sub group of directors may also be required for specific projects or sector/industry initiatives.
Purpose of the Board:	<ul style="list-style-type: none">• Building trust with key partners and stakeholders in the district.• Providing a unified strategic direction for economic activity for the district.• Supporting the growth of a vibrant, diverse economy in order to provide increased opportunity, resilience and wellbeing for all.• Oversee delivery and implementation of the Kāpiti Coast Economic Development Strategy and Implementation Plan 2020-23 <p>This will be fundamental to our success, and the building of strong foundations with our communities and their well-being over the next three years as well as working towards Kāpiti Coasts Economic Development Strategy's vision:</p> <p>Through partnership, support the growth of a vibrant, diverse Kāpiti Coast economy that provides increased opportunity, resilience and well-being for all</p>

**Economic Development Kotahitanga Board –
KEY RESPONSIBILITIES AND OUTCOMES**

- Provide strategic economic leadership and input to the implementation and delivery of key priorities and other economic development projects and initiatives that will enhance the wellbeing of our district.
- Reprioritisation (if required) of actions (year 1, year 2, year 3) to be delivered within the Implementation Plan of the Economic Development Strategy (EDS) are discussed and agreed with the Economic Development team and action leads identified as outlined in the Implementation Plan.

- Oversee the implementation and delivery of economic actions of the Kapiti Coast Covid 19 Recovery Plan in parallel to the implementation plan of the Economic Development Strategy.
- Build strategic relationships, with a core focus on enhancing and progressing economic development and wellbeing opportunities.
- Strategically support the KCDC Economic Development team and partners to achieve the Implementation plan agreed outcomes.
- Core focus on how we can work more strategically together, with our partners, other agencies and as a district to better enhance wellbeing for all.
- Apply a consistent and integrated lens to Kāpiti's declared Climate Change emergency, natural environment, coastal management and land use across the priorities of the strategy and any future projects. This means recognizing that a thriving economy must exist within socio-ecological limits and environmental boundaries.

Essential Skills, Knowledge and Experience

A combination of the following core skills and experience as well as other skills and knowledge as outlined, are a prerequisite for all member roles.

- Proven core skills and experience to include:
 - governance
 - strategy
 - commercial and business acumen
 - networking
 - financial acumen
 - partnerships – private and/or public
- Other specific key skills and knowledge:
 - Environment / Climate Change
 - Economic Development
 - Community well-being
 - Digital technology
 - Marketing / Communications
- Skills or proven expertise relevant to the Year 1 priorities outlined in the Economic Development Strategy and Implementation Plan 2020–2023 would be advantageous.
 - Health care and social assistance
 - Construction and infrastructure
 - Training and education
 - Destination planning and developing Kāpiti's Story
 - Māori business and pathways for rangatahi

8.2 DRAFT SUBMISSION: RESOURCE MANAGEMENT REFORMS

Kaituhi | Author: **Angela Bell, Strategy Manager**

Kaiwhakamana | Authoriser: **Kris Pervan, Group Manager Strategy & Growth**

TE PŪTAKE | PURPOSE

- 1 This report seeks your approval of a draft submission to the Environment Select Committee on the Natural and Built Environment Bill and the Spatial Planning Bill.
- 2 These submissions are due with the Committee by 19 February 2023.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

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

TE TUKU HAEPAPA | DELEGATION

- 4 The Strategy, Operations and Finance Committee has delegated authority to consider this under section B.1. of the 2022-2025 Triennium Governance Structure and Delegations:
Signing off any submission to an external agency or body.

TAUNAKITANGA | RECOMMENDATIONS

- A. Accept the tabling of the draft submission on the Natural and Built Environment and Spatial Planning Bills, for your consideration.
- B. Note that the submission is due to the Environment Select Committee by 19 February 2023.
- C. Agree to either:
 - C.1 Approve the draft submission; OR
 - C.2 Provide further direction to staff, and agree that approval of the final submission be delegated to the Mayor, in consultation with the Chief Executive prior to submission to the Environment Select Committee.

TŪĀPAPA | BACKGROUND

- 5 The Resource Management Act (RMA) is the primary piece of legislation that is both expected to protect our environment and provide for land use and development for the benefit of our communities. Since its introduction in 1991, there have been almost annual amendments to the legislation to attempt to make it more efficient and effective.
- 6 In 2018, the Government commissioned a review of the resource management system. The review was an opportunity to design a new system for resource management that delivers better outcomes for our environment, society, economy, and culture.
- 7 This review was conducted by the independent Resource Management Review Panel chaired by retired Court of Appeal Judge, Hon Tony Randerson, QC. The resulting report, known as the Randerson Report, identified a large number of recommendations that will reorient the system to focus on delivery of specified outcomes, targets and limits in the natural and built environments.
- 8 The issues with the RMA, as identified and summarised by the Randerson Report, are:
 - 8.1 New Zealand's natural environment is under significant pressure;
 - 8.2 Urban areas are struggling to keep pace with population growth;
 - 8.3 An urgent need to reduce carbon emissions and adapt to climate change;

- 8.4 The need to ensure that Māori have an effective role in the system, consistent with the principles of Te Tiriti o Waitangi; and
- 8.5 The need to improve system efficiency and effectiveness.
- 9 The Randerson Report suggested that further amendments to the RMA could not solve the fundamental issues with the Act. It was recommended that the RMA be repealed and replaced with new legislation that was fit for purpose.
- 10 Three new Acts have been announced as part of the Resource Management reform. The Natural and Built Environment Bill (NBA) and Spatial Planning Bill (SPA) were recently introduced to Parliament. The third Act, the Climate Change Adaptation Act, is still in production and has not yet been introduced into Parliament.
- 11 Council has previously provided feedback to the Select Committee on an exposure draft, which included a small section of the NBA Bill in January 2022.

HE KŌRERORERO | DISCUSSION

- 12 A draft submission is to be tabled at the Strategy Operations and Finance Committee meeting on 9 February 2023. Unfortunately this has not been able to be provided with the agenda due to the significant amount of work required, and time constraints imposed by the Select Committee. You will receive additional information to support your discussion before the 7 February 2023.
- 13 This draft submission is expected to cover the following key messages:
 - 13.1 That Council is supportive of the overall objectives of the legislation to:
 - 13.1.1 Protect and restore the environment and its capacity to provide for the wellbeing of present and future generations.
 - 13.1.2 Better enable development within natural environmental limits.
 - 13.1.3 Give proper recognition to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori and mātauranga Māori.
 - 13.1.4 Better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change.
 - 13.1.5 Improve system efficiency and effectiveness and reduce complexity while retaining appropriate local democratic input.
 - 13.2 That Council does not believe that the legislation, as currently proposed, is likely to meet those objectives.
 - 13.3 That Council would also like to see appropriate support and funding for Councils and others within the system (including Iwi) to ensure that the reform programme is able to be implemented as intended
 - 13.4 That Council would like more guidance on the implementation and transitional arrangements, as the system is quite complex.
 - 13.5 That Council would like further consideration and guidance on the alignment and phasing of these reforms and their integration with the rest of the Government's reform programme, including 3 Waters and the Future for Local Government review.

He take | Issues

- 14 See draft submission.

Ngā kōwhiringa | Options

- 15 Not applicable.

Tangata whenua

- 16 Council has reached out to our Iwi partners to gauge their level of engagement with our submission on the resource management reforms. Given the time constraints, our Iwi partners have understandably chosen to focus on drafting their own submissions.
- 17 Te Atiawa have provided Council with their draft submission for our information.
- 18 Council has largely deferred to the views of our Iwi partners on matters of whether the reforms are likely to achieve objective 3: that the system gives proper recognition to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori and mātauranga Māori.
- 19 We have, however, included commentary on the importance of appropriately supporting and resourcing Iwi to allow them to undertake the broadened role envisaged by the new system. We have also sought guidance on how Councils (and the proposed Regional Planning Committee) will best be able to give effect to our obligations under this new system.

Panonitanga āhuarangi | Climate change

- 20 One of the objectives of the proposed legislation is that the system will better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change.
- 21 The yet to be introduced Climate Adaptation Act is going to provide the substance of the system that supports this objective. This is expected to be introduced later this year. It is therefore difficult to assess whether (or not) the proposed legislation will be able to achieve this objective.

Ahumoni me ngā rawa | Financial and resourcing

- 22 There will be financial and resourcing implications of the reform programme as it is implemented over the next decade. However there are no immediate financial and resourcing implications resulting from this submission.

Ture me ngā Tūraru | Legal and risk

- 23 There will likely be legal implications and risks resulting from the reform programme as it is implemented over the next decade. However there are no immediate legal implications or risks resulting from this submission.

Ngā pānga ki ngā kaupapa here | Policy impact

- 24 There will likely be significant impacts on Councils policies and plans resulting from the reform programme as it is implemented over the next decade (eg the replacement of District Plans with regional Natural and Built Environment Plans). However there are no immediate impacts resulting from this submission.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 25 Council has not engaged with the community on the drafting of this submission.

Te mahere tūhono | Engagement planning

- 26 Council does not intend to undertake any engagement relating to the legislative processes underway.

Whakatairanga | Publicity

- 27 Communications staff are preparing a press release relating to our submission on the reform package, to be signed out by the Mayor.

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

8.3 SUBMISSION ON THREE WATERS LEGISLATION

Kaituhi | Author: **Angela Bell, Strategy Manager**

Kaiwhakamana | Authoriser: **Kris Pervan, Group Manager Strategy & Growth**

TE PŪTAKE | PURPOSE

- 1 This report seeks your approval of a submission on the latest two pieces of Three Waters legislation to be introduced by the Government. These Bills are:
 - 1.1 The Water Services Legislation Bill
 - 1.2 The Water Services Economic Efficiency and Consumer Protection Bill

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

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

TE TUKU HAEPAPA | DELEGATION

- 3 The Strategy, Operations and Finance Committee has delegated authority to consider this under section B.1. of the 2022-2025 Triennium Governance Structure and Delegations 'Signing off any submission to an external agency or body'.

TAUNAKITANGA | RECOMMENDATIONS

- A. Accept the tabling of the draft submission on the Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill.
- B. Note that this submission is due with the Select Committee on 17 February 2023.
- C. Either
 - C.1 Approve the attached submission, or
 - C.2 Provide feedback on the draft submission and delegate final approval of the submission to the Mayor, in consultation with the Chief Executive.

TŪĀPAPA | BACKGROUND

- 4 The Government is implementing reform of water services through a suite of three pieces of legislation. They are:
 - 4.1 The Water Services Entities Act
 - 4.2 The Water Services Legislation Bill
 - 4.3 The Water Services Economic Efficiency and Consumer Protection Bill
- 5 The Water Services Entities Act establishes the new water services entities so they are ready to provide services from 1 July 2024. This Bill was passed on 14 December 2022.
- 6 The two remaining Bills are currently being considered by the Finance and Expenditure Select Committee. Submissions on these Bills are due by 17 February 2023.

HE KŌRERORERO | DISCUSSION

- 7 A draft submission is to be tabled at the Strategy Operations and Finance Committee meeting on 9 February 2023. Unfortunately this has not been able to be provided with the agenda due to the significant amount of work required, and time constraints imposed by the

Select Committee. You will be provided with further information to support discussion on the submission on the 7 February 2023.

- 8 This draft submission will largely support the submission of LGNZ, and emphasis the following key messages:
- 8.1 The council and water service entity (WSE) relationship will be a critical one for both parties. It needs to be set up in a way that will enable (rather than compromise) the ongoing role and functions of councils including for example emergency and flood response management. Further detail is required around how this relationship will function.
 - 8.2 Water Services Legislation Bill - we are concerned about the provisions relating to council potentially collecting water charges on behalf of WSEs. Council opposes being compelled to collect revenue for a service they will no longer control and deliver, partly because of the potential public confusion this will generate about who is accountable. Further detail is required around how this collection of charges will function.
 - 8.3 Water Services Economic Efficiency and Consumer Protection Bill – this Bill seems to view the water services sector as similar to existing monopolised utility industries. In particular, the Bill aims to limit WSEs' ability to extract excessive profits. We think this language is unnecessary given the proposed public ownership model. This language should be reviewed.

He take | Issues

- 9 NA

Ngā kōwhiringa | Options

- 10 NA

Tangata whenua

- 11 Council has reached out to our iwi partners to gauge their level of engagement with our submission on the three waters legislation. Given the significant time constraints, our iwi partners have understandably not been able to respond.
- 12 We have informed iwi that:
- 12.1 our submission is likely to be largely based on that of LGNZ (and provided a draft of LGNZ's submission).
 - 12.2 we could seek to support their submissions if they are intending to submit, or we could include a general comment regarding the limited capacity of iwi to engage across the breadth of the government's reform programme within the timeframes provided.
- 13 These options are still available to our iwi partners if they would like to indicate a preference at this meeting.

Panonitanga āhuarangi | Climate change

- 14 No specific impacts.

Ahumoni me ngā rawa | Financial and resourcing

- 15 There will be financial and resourcing implications of the reform programme as it is implemented. However, there are no immediate financial and resourcing implications resulting from this submission.

Ture me ngā Tūraru | Legal and risk

- 16 There may be legal implications and risks associated with the reform programme as it is implemented. However there are no immediate legal implications or risks resulting from this submission.

Ngā pānga ki ngā kaupapa here | Policy impact

- 17 There will be policy impacts resulting from the reform programme as it is implemented. However, there are no immediate policy impacts resulting from this submission.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 18 There is no planned engagement for this submission.

Te mahere tūhono | Engagement planning

- 19 Council is not undertaking any engagement processes for this submission.

Whakatairanga | Publicity

Communications staff are preparing a press release relating to our submission, to be signed out by the Mayor.

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

8.4 SUBMISSION TO THE SALE AND SUPPLY OF ALCOHOL (COMMUNITY PARTICIPATION) AMENDMENT ACT

Kaituhi | Author: **Chris Worth, Principal Policy Advisor**

Kaiwhakamana | Authoriser: **Kris Pervan, Group Manager Strategy & Growth**

TE PŪTAKE | PURPOSE

- 1 The Sale and Supply of Alcohol (Community Participation) Amendment Bill (Attachment 1) is a Government Bill before the Justice Select Committee. The purpose of this report is to provide background information to the principal Act, the Amendment Bill and a draft Submission for the Committee's consideration and approval.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 The Sale and Supply of Alcohol (Community Participation) Amendment Bill, amends the Sale and Supply of Alcohol Act 2012 is currently before the Justice Select Committee and open for submission.
- 3 The Amendment Bill aims to improve communities' ability to influence alcohol regulation in their area and, thereby, ensure that implementation of the Act better reflects the Act's object to ensure the sale, supply, and consumption of alcohol is undertaken safely and responsibly; and the harm caused by excessive or inappropriate consumption of alcohol is minimised.
- 4 The reforms would:
 - 4.1 Remove the appeals process for local alcohol policies (LAP),
 - 4.2 Remove questioning of parties by other parties and cross-examinations from licensing hearings,
 - 4.3 Allow anyone to object to an alcohol licence,
 - 4.4 Introduce the requirement for District Licensing Committee (DLC) to develop procedures for hearings and to allow the use of remote access technology for the conduct of meetings.
- 5 Attachment 2 outlines a draft submission from Council on these matters. The draft submission support removing the appeals process, improving consistency between a relevant Local Alcohol Policy (LAP) and a licence at its renewal, and that anyone can object to a licence application.
- 6 We do not recommend removing questioning and cross examination from the hearing process. Instead, we recommend that legal counsel be stopped from attending licence hearings, as is the case with Tenancy Tribunal and Disputes tribunal hearings.

TE TUKU HAEPAPA | DELEGATION

- 7 In accordance with the Governance Structure and Delegations, the Strategy, Operations and Finance Committee has the delegated responsibility to:
 - 7.1 Sign off any submission to an external agency or body.

TAUNAKITANGA | RECOMMENDATIONS

That the Strategy, Operations and Finance Committee:

- A. Approve the Submission on the Sale and Supply of Alcohol (Community Participation) Amendment Bill (Attachment 2 of this report), for submission to the Justice Select Committee. That Council agrees for the Mayor and Chief Executive to approve any further changes and the final submission.

- B. Appointand to speak on the submission to the Justice Select Committee.

TŪĀPAPA | BACKGROUND

Sale and Supply of Alcohol Act 2012

- 8 The Sale and Supply of Alcohol Act (Act) came into force in 2012 and has as its object:
- 8.1 The safe and responsible sale, supply, and consumption of alcohol; and
 - 8.2 The minimisation of harm caused by the excessive or inappropriate consumption of alcohol.
- 9 Under the Act harms caused by the excessive or inappropriate consumption of alcohol to individuals and communities is broadly defined and includes any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol.

Community participation

- 10 On its enactment the Act aimed to increase the ability of communities to have a say about alcohol licensing in their local areas, primarily through:
- 10.1 The development and implementation of an LAP,
 - 10.2 Community participation in alcohol licence applications through an ability to object and to be heard at licence hearings.
- 11 However, with its implementation, this has not readily occurred. Community preferences on the sale and supply of alcohol in local communities has been blocked through the ability of parties (predominantly alcohol industry interests) to appeal the provisions in proposed LAPs.
- 12 At licence hearings, an overly legalistic approach to who has “standing”, the need for physical attendance, and the right of cross-examination has significantly curtailed input from affected communities and the public in general.
- 13 The Government has recognised this, noting that “(w)hen the Act was introduced ... it aimed to ensure the safe and responsible sale and consumption of alcohol. But the Act hasn’t worked as intended, creating a system that leaves communities struggling and silenced in their fight against the powerful alcohol industry.”¹
- 14 In response, the Government is looking to amend the Act and has introduced the Sale and Supply of Alcohol (Community Participation) Amendment Bill. The Bill is now at Select Committee with submissions called and due 12 February 2023.

Local Alcohol Policy

- 15 The Act provides for Council, in conjunction with the Medical Officer of Health and Police, and in consultation with its communities, to develop a LAP. An LAP may only deal with the matters listed in section 77 of the Act (Attachment 3). It is strictly prohibited from including any other matters. Of note, it:
- 15.1 Provides for communities to input at the policy level into how licensing decisions are made in their locality,².
 - 15.2 Has the potential to reduce alcohol-related harms, particularly violence, road crashes, other injuries, and alcohol related disease, through reducing accessibility and

¹ Hon Kiritapu Allan, Media release 31 October 2022. <https://www.beehive.govt.nz/release/communities-given-greater-powers-reduce-alcohol-harm> (accessed 24 November 2022)

² Alcohol Reform Bill, Departmental Report, Part One says “Discretion is provided for DLCs or ARLA to depart from LAPs on density and location to allow for exceptional circumstances where it may be unreasonable or illogical to be bound by an LAP. However, while permissible, it is expected that departure from these provisions of an LAP in the case of a new licence would be rare.”

availability of alcohol by managing the location and density of outlets and secondary to this, through price as closely clustered outlets often compete on price,

- 15.3 Can also introduce maximum trading hours that may be less than the default hours in the Act.
- 16 Once a Council has adopted a proposed an LAP, any person who has submitted on the draft policy during the required Special Consultative Procedure has the right to appeal any element of the proposed policy to the ARLA.
- 17 If the Authority upholds the appeal, then Council must either withdraw that element, amend it to something acceptable, withdraw the proposed LAP altogether, or appeal the Authority's decision to the High Court. Once all appeals are settled on an LAP, Council can adopt the LAP and resolve for it to come into force.
- 18 Once in force, the LAP is one of 11 matters that ARLA or a DLC must have regard to in deciding to issue a new licence (s.105(1) of the Act). However, ARLA or a DLC must not take into account any inconsistency between renewing a licence and any relevant LAP. However, it may impose conditions (s. 133).
- 19 Note, the Amendment Bill looks to modify the weight to be given to location and density elements of a relevant LAP (further discussed below).

DLC and Alcohol Regulatory and Licensing Authority hearings

- 20 The DLC must consider and decide all application for an alcohol licence or a manager's licence in a District. If an objection is received from the Medical Officer of Health for the area, or from Police or from a member of the public, the DLC must hold a hearing. If the decision of the DLC is appealed to the Authority, the Authority must conduct a public hearing of the objection and licence application.
- 21 To have an objection considered by the DLC, or to appeal the DLC's decision to the Authority, an objector must establish "standing", that is, that they have a greater interest in the application than the public. The interpretation of standing, based in long-standing Common Law tenets, has been quite rigorously applied and has allowed industry interests to contest the legal rights of individuals and community organisations to object, often excluding communities from effective participation in licence applications.³
- 22 Currently, during hearings, parties, including objectors and witnesses, can be cross-examined, and often are, by experienced legal counsel. This practice can be difficult and intimidating for the average member of the public and dissuades their participation.

Council's roles in alcohol policy and regulation

- 23 Under the Act, Council has both policy and a regulatory powers and responsibilities.

Policy role

- 24 Council may take on a policy role with respect to the control of the sale, supply, and consumption of alcohol in its district. In this role the TA is acting under its local government purpose "to promote the social, economic, environmental, and cultural well-being of [its] communities in the present and for the future" (Local Government Act, s.10(1)(b)).
- 25 This policy role is primarily undertaken through the development and implementation of an LAP, which Council may put in place (s.75) but does not have to. Council may also regulate activities relating to the sale, supply, and consumption of alcohol under its District Plan, and with respect to consumption, through place-based bylaws (e.g., Public Places bylaws and Alcohol Ban bylaws).

Regulatory role

³ ['Community Participation' Bill Will Enable A Fairer Alcohol Licensing Process | Scoop News](#) (accessed 18 January 2023)
['We all pay': Waitangi Tribunal hears Crown failed to protect Māori from alcohol-related harm | Stuff.co.nz](#) (accessed 18 January 2023)

- 26 Every territorial authority must have at least one DLC. The DLC considers applications to sell and supply alcohol from operators within the Kāpiti district. It also considers applications for manager's licences.
- 27 Where there is an objection to a licence to sell alcohol or to an application for a manager's licence being issued, the DLC will hold a hearing. Any decision of the DLC may be appealed to the Authority.
- 28 Both Council policy and regulatory roles are potentially affected by the proposed amendments in the Bill.

Previous Council consideration of the Act and potential amendments

Developing an LAP

- 29 In 2016 Council looked at developing an LAP, but noting the difficulties being experienced by other councils in getting an LAP in place, did not continue due potential costs arising from opposition to a proposed LAPs from the alcohol industry.⁴
- 30 In March 2020, in response to community concerns, Council agreed to include scoping work on a potential LAP within the Policy Work Programme. In 2021 work began on collecting evidence and a community survey was carried out (reported to Council in March 2022). However, this work was paused in early 2022 due to our regional health partners focussing on supporting COVID response work.
- 31 Work has recently resumed. Council and Regional Health are now gathering the evidential information required to support a decision on whether or not to proceed with a LAP. We have reconnected with Police and our iwi partners on this work and are looking to brief councillors on research findings in March, with a decision to proceed or not to developing a draft LAP for consultation to be taken in April 2023.

Consideration of previous amendment Bill

- 32 In early 2022 Green MP, Chloe Swarbrick put forward a private members Bill (the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill) for which she sought local government support for its introduction to the House. A number of Councils⁵ moved resolutions of support, and in August 2021, the Mayor requested an item be put to Council to consider whether Council should also indicate its support for the private member's Bill.
- 33 The Bill sought to rectify two perceived implementation issues of the Sale and Supply of Alcohol Act 2012 by:
- 33.1 Removing the special appeal process through LAPs,
- 33.2 Winding down alcohol advertising and sponsorship of sports.
- 34 The item was considered at Council's 25 August 2022 meeting and the following resolution (CO2022/115) passed:
- 34.1 That Council:
- Endorse the private members' bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill currently before Parliament, the objects of which are to remove the special appeal process through LAPs; and wind down alcohol advertising and sponsorship of sports,
 - Direct staff to develop a submission to the Select Committee (should the Bill be referred) in support of the Bill's objects to better able communities to develop public

⁴ Other Councils that have withdrawn from the LAP process include Hamilton and Christchurch City Councils. Hamilton had expended around \$200,000 on the process before discontinuing. Auckland Council has spent seven years working to get their Proposed Policy through and have to date spent approximately \$1,000,000 on legal costs and as yet still do not have an LAP in place.

⁵ Auckland Council, Hamilton, Palmerston North and Christchurch City Councils, and Whanganui District Council.

health approaches to the provision of alcohol in their areas and better regulate the advertising of alcohol to further minimise the harm derived from its sale and supply.

- 35 The private member's Bill is still awaiting its first reading. However, one of the two issues it sought to remedy (to do with the ability to appeal elements of a proposed LAP) has been picked up in the Government's Amendment Bill now before Select committee.
- 36 It is understood that Government is intending to bring forward further amendments to the Act over the remainder of this Parliamentary term.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 37 Government's amendment bill, Sale and Supply of Alcohol (Community Participation) Amendment Bill, addresses the following matters:
- 37.1 The appeals process for LAPs,
- 37.2 Inconsistency between LAPs and the renewal of licences,
- 37.3 Who can object to an alcohol licence application,
- 37.4 The way in which DLC hearings are conducted:
- that questioning of parties at hearings and the use of cross-examination is removed
 - that DLCs develop procedures to ensure transparency and consistency for applicants and objectors
 - introduces the use of technology for hearing meetings.

Changes proposed by the Bill

The appeals process for local alcohol policies (LAPs)

- 38 The proposed law change seeks to remove the appeals process. This means that there will be no right of appeal to any new LAP that is developed after the law is implemented. The Judicial Review process will remain, ensuring natural justice.
- 38.1 Experience to date:
- 38.1.1 Over the 10 years that the Act has been in force alcohol retailers have appealed 95% of draft LAPs, making it difficult for Councils to uphold the wishes of their communities. Appeals were received from,
- supermarket chains on 86% of proposed policies,
 - bottle stores on 72% of proposed policies,
- 38.1.2 Outside of the alcohol retailers, 28% of appeals have been from the Police, health agencies, or community members,
- 38.1.3 In a 2016 survey of implemented LAPs, almost three-quarters (71%) of the changes arising from appeal resulted in less restrictive provisions in the policies than those notified in the provisional LAP,
- 38.1.4 Due to appeals, adopting an LAP can be a very long process. In 2017, the average length of time from the start of the appeals process to policy adoption was 790 days (i.e. >2 years).
- 38.2 What will removing the appeal process mean:
- 38.2.1 It will mean that those who make a submission on the draft LAP will no longer be able to appeal an element of the LAP that they feel does not meet the object of the Act (the only grounds for appeal). This also means that communities, Police, health authorities (such as a Medical Officer of Health), etc will also lose

the right of appeal if they feel the LAP does not go far enough. This places an increased responsibility on communities and Councils to develop LAPs that will effectively minimise alcohol harm through the safe sale and supply of alcohol (LAPs may only deal with licensing matters), and therefore meet the object of the Act,

38.2.2 Without the threat of legal action through the appeals process, it is likely that more councils will develop LAPs, and adopt with stronger controls, and better reflect the interests of their communities,

38.2.3 Strengthening community participation in policy setting and ensuring community preference finds its way through to LAPs will reduce the burden on individuals and community organisations to have to try to litigate the community's position at numerous licence hearings, which is often well beyond their resources,

38.2.4 The Judicial Review process will remain to ensure fair process and natural justice. While an LAP is under judicial review, it cannot be implemented. It is possible that the alcohol industry will attempt to use the Judicial Review process to continue to delay LAPs being enacted.

38.3 Draft Submission points:

Kapiti Coast District Council **supports** the amendment removing the ability of parties to appeal provisional Local Alcohol Policies.

Inconsistency between LAPs and the renewal of licences

39 The proposed law change would require licensing decisions made on the location and density (section 77(1)(a) to (d) matters) of licensed outlets of different licence types be consistent with any relevant LAP in place in the district. The amended section retains the ability of the DLC or ARLA to put in place conditions in order for the licence to be consistent with other licensing matters (e.g. trading hours) in a relevant LAP.

39.1 Experience to date:

39.1.1 Currently, DLCs must not take inconsistencies between a relevant LAP and a licence renewal application into account when determining renewal. This means that decisions are less likely to reflect the LAP and there is no ability to make licensing conditions consistent across the district over time.

39.2 What will changing these provisions mean:

39.2.1 The DLC or ARLA will be able to decline applications on the grounds that location and density is inconsistent with a relevant LAP. More generally, the amended section 133 provides a discretion to the DLC or ARLA to decline or impose conditions where a relevant LAP exists,

39.2.2 We think this discretion should remain but be more tightly held in its exercise. Any inconsistency should only be acceptable in exceptional circumstances – this includes inconsistency in licenced hours.

39.3 An alternative to the proposed law change: Taituarā (The Society of Local Government Managers) has proposed in its draft submission on the Amendment Bill that driving for consistency between relevant LAPs and an alcohol licence should be taken a step further, through amendment of section 105 of the Act, to make it mandatory for all new licences to align with a relevant LAP. We believe this is a step too far, as both the DLC and ARLA should have a discretion to vary from the LAP in exceptional circumstances.

39.4 Draft Submission points:

Kapiti Coast District Council **supports**:

- the amendment providing for the Alcohol Regulatory Authority or a DLC to be able to decline to renew a licence if the licence would be inconsistent with conditions on location or licence density (as specified in section 77(1)(a) to (d) of the principal Act) in the relevant LAP.

Council also **recommends** to the Select Committee that:

- the amendment to section 133 of the Act continues to provide for the Alcohol Regulatory Authority or a DLC to impose particular conditions (including licence hours) on any licence it renews if there is any relevant local alcohol policy; and if it considers that the renewal of the licence, or the consequences of the renewal of the licence, without those conditions imposed on it would be inconsistent with the policy,
- that conditions inconsistent with a relevant LAP should only be allowed in the most exceptional of circumstances.

Providing for anyone to be able to object to an alcohol licence

40 The proposed changes look to remove any restrictions on who can object to an alcohol licence (this is also known as establishing 'standing'). The change means that anyone will be able to object to an application for a new licence or renewal of an existing licence for premises selling alcohol.

40.1 Experience to date:

40.1.1 Currently, people with “a greater interest than the public generally” can object to licensing applications. Following common law precedent, in most cases this test of “standing” has been taken to mean a person can object only if they live, work, attend school or a community site (e.g. Marae) within one kilometre of the proposed licensed premises. This can mean that a community organisation whose spokesperson lives outside this one-kilometre radius is also excluded.

40.2 What will allowing anyone to object to an alcohol licence mean:

40.2.1 Removing barriers to community participation in decision-making processes is essential to effective community participation under the Act. Importantly, removing restrictions on who can object to an alcohol licence may increase Māori input into licence decision-making. As a result of increased participation, licensing decision-makers can hear and take into account evidence from a broader range of community members and community organisations,

40.2.2 This is particularly important for off-licence applications, as the alcohol is taken and consumed off-site, often at a greater distance than the one-kilometre Common Law setting used to confirm standing. Harms arising from the purchase of alcohol from off-licence outlets can be felt much further afield.

40.3 Trade competition has been singled out as a particular form of objection in the Amendment Bill with the Bill prohibiting objection on this ground. The proposed amendment may be intended to allow them to object on the grounds of suitability of the applicant, or amenity and good order. Clarification of this point, and clear guidance for decision-makers to support a tight interpretation as to what may be permissible would be useful.

40.4 Draft Submission points:

Kapiti Coast District Council **supports** amendment of the Act providing for any person (individual or organisation) to be able to object to an application for a licence or renewal of a licence.

Council also **supports** that objections to a licence cannot be made by a trade competitor on any ground related to trade competition.

Council **recommends** that the grounds for objection by trade competitors is clearly and tightly defined and clear and precise guidance is provided to District Licensing Committees on this matter.

The way in which DLC hearings are conducted

That questioning of parties at hearings and the use of cross-examination is removed

41 The proposed law changes seek to remove the ability of all parties to question other parties to the proceedings, and to remove the right to cross-examine. This means that objectors, applicants, lawyers, and reporting agencies (licensing inspectors, medical officer of health and Police) can't ask questions of each other. The DLC will still be able to ask questions of all parties.

41.1 Experience to date:

41.1.1 Currently parties can question each other on their evidence, including through cross-examination. This can be daunting for the party being questioned and intimidating to such a degree as to inhibit lay people making objections to licence applications.

41.2 What will removing the right to question, and cross-examination mean:

41.2.1 Removing the right to question and cross-examine will likely make the hearing process feel less formal and threatening for the community. It may also empower communities to present evidence at hearings and increase community participation, particularly among community members with lower levels of education. It would also be fairer for those who cannot afford lawyers,

41.2.2 However, it will mean that only DLCs will be able to ask questions of parties. This increases the importance of the DLC Chair and members being well-trained in an inquisitorial approach.

41.2.3 While the DLC can ask questions to anyone at any time, questioning of parties / cross-examination is the only time objectors, the applicant, and/or reporting agencies can ask questions to someone who has given evidence. Cross-examination questions must be phrased as a question (cannot be statements) and can only be about the person's statement or evidence. Questions may be asked so that the evidence can be understood in more detail, or to undermine the evidence presented. Questions are typically asked to help the person win their case / point of view,

41.2.4 Cross-examination can be scary and makes the hearing feel overly legalistic. Even for those who have been to many hearings before, cross-examination can feel threatening. It is a practice that takes a high level of skill and experience to carry out or respond to effectively.

41.3 Alternatives to the proposed law change:

41.3.1 Keep cross-examination but remove the right for any party to have legal representation (like proceedings at a Tenancy Tribunal and Disputes Tribunal).

DLCs to develop procedures to ensure transparency and consistency for applicants and objectors; and the use of technology for hearing meetings

42 These proposed reforms will require DLCs to develop clear procedures for hearings.

42.1 Experience to date:

42.1.1 Currently DLC hearings are held as meetings with the applicant, objectors, and representatives of reporting agencies required to be physically present before the committee. This makes the meetings relatively inflexible and can inhibit participation, particular of members of the public.

42.7 What these changes would mean:

42.2.1 Requiring DLCs to develop clear procedures for hearings would support greater transparency and consistency for applicants and objectors. This could include set timeframes for provision of briefs, expert evidence, and that all such documents are provided to all parties prior to the hearing,

42.2.2 The Bill also allows for virtual attendance to District Licencing Hearings, including through platforms such as Zoom,

42.2.3 Any changes to process that enable easier and greater participation and allow less formality will better support the ability of community groups and members of the public to participate. Allowing the use of technology enabling remote access would also facilitate this.

42.8 Draft Submission points:

Kapiti Coast District Council **does not support** the amendments that would no longer permit those who appear at hearings to question any party or witness, and for cross-examination to not be permitted at hearings.

Council **recommends** instead, an amendment to section 204 (3) and (4) to exclude the attendance of legal counsel at ARLA and DLC meetings.

1 Council **supports** the amendments:

- requiring DLCs to develop procedures to reduce formality of hearings and to include timeframes for provision of briefs, and expert evidence, and that all such documents are provided to all parties prior to the hearing,
- providing for a hearing to be conducted and/or attended using technology enabling remote access.

Additional point for recommendations

43 There are some further points that could be recommended to the Select Committee for inclusion in this Amendment Bill as they play to the heart of increasing effective community participation and good decision-making.

44 Te Tiriti o Waitangi / Treaty of Waitangi:

44.1 Māori did not make or consume alcohol (waipiro - in te reo Māori, means stinking water) until colonisation. Alcohol and its concomitant harms have a disproportionate effect on Māori, and there is now significant evidence of this unequal burden of harm. Until recently, Māori were significantly less likely than non-Māori to drink alcohol. The 1996/97 New Zealand Health Survey found that 27.4% of Māori adults reported no alcohol use in the past year, compared to 12.9% of European/Other adults. By 2006, this gap had substantially reduced to 15.7% of Māori compared to 12.1% of European/Other adults. By 2020/2021 the gap had reversed,

44.2 Research in 2022⁶ found that Māori connection to a local area, their whakapapa, kaumatua status or māngai kōrero (authoritative spokesperson) were not accepted as reasons to give evidence,

⁶ New Research shows how institutional racism impacts alcohol licensing decisions.

<https://www.massey.ac.nz/about/news/new-research-shows-how-institutional-racism-impacts-alcohol-licensing-decisions/>

- 44.3 The Crown has a duty to uphold and honour its obligations to Te Tiriti o Waitangi by addressing this disproportionate exposure to risk and impact of alcohol on Māori. Māori advocacy groups have been active in objecting to licence applications where there is alcohol related harm affecting their communities. The Ōtaki community has faced these difficulties in recent licence applications,
- 44.4 It is recommended that additional to opening up who can object to a licence application, the Act include Te Tiriti o Waitangi as a fundamental consideration for decision-makers and that the evidence iwi and hapu can give to their connection and identity with an area be accepted as a valid interest in the impact of alcohol on their communities.
- 45 DLC – Skills and training:
- 45.1 Alcohol law, policy and decision-making is complex and multi-faceted. It often requires the careful balancing of competing social, economic, and cultural considerations within an explicit legal framework. As with resource management law and decision-making, we believe it would be advantages for members of DLC to be trained by a nationally approved provider to a consistent level of expertise (exempt only if a member has formal legal training). This training to include inquisitorial approaches to undertaking hearings.
- 46 Draft Submission points:

Kapiti Coast District Council **recommends:**

- That the Act include Te Tiriti o Waitangi as a fundamental consideration for decision-makers and the connection of Māori, iwi and hapu, to their whakapapa, rohe and places of significance become a fundamental consideration to decision-making,
- For all DLC members to be trained via a nationally approved provider as is currently required for RMA Commissioner, the training to include inquisitorial approaches to undertaking hearings.

Additional amendments to the Sale and Supply of Alcohol Act 2012:

- 47 Government has signalled its intention to bring forward further amendments to the Act to address alcohol supply, advertising, and pricing. This work is indicated to start in March 2023.
- 48 Alcohol related harm can be minimised by the regulation of availability, advertising, and pricing. The Sale and Supply of Alcohol (Community Participation) Amendment Bill only effectively impacts the availability of alcohol (through making LAPs easier to adopt and providing communities a stronger say in licensing decisions). It does not address the other underlying controls that can reduce alcohol related harm.
- 49 Advertising is addressed under the “Harm Minimisation” Bill put forward as a Private Members’ Bill by MP Chloe Swarbrick. It is currently before Parliament, waiting for its first reading. It is recommended that Council support Government picking up the advertising and sponsorship matters covered by the Private Members’ Bill. Additionally, neither Bill addresses the following amendments which we would also recommend:
- 50 Draft Submission points:

Kapiti Coast District Council **recommends** that in future amendments to the Sale and Supply of Alcohol Act 2012, to be undertaken by Government in this Parliamentary term, the following matters be considered for reform:

- controls on alcohol advertising and sponsorship of sport and other community and recreational activities,
- the introduction of minimum unit pricing (proven successful in other countries e.g. Scotland),
- strengthening control to ensure that alcohol purchased online is delivered to a person aged 18 years or over.

Ngā kōwhiringa | Options

51 Options have been discussed in the Issues section above.

Tangata whenua

- 52 Due to time constraints, the call for submission was published on 22 December 2022 and closes on 12 February 2023, we have not been able to engage with our iwi partners on the submission due to the Christmas close down period. However, Mana whenua from across Kāpiti have previously raised concerns on the impact of alcohol and alcohol-related harm on iwi and hapu, expressing particular concern for the granting of additional off-licences, particularly in Ōtaki, and on their right to be heard at hearings considering these applications.
- 53 Under the partnership relationship Council has with the district's iwi, their views, concerns, and aspirations should be a central interest in Council's advocacy on community wellbeing. The recommendations of support for the reform amendments to the Act support the previously expressed interests of our iwi partners in this policy area.

Panonitanga āhuarangi | Climate change

54 There are no climate change considerations relevant to this report

Ahumoni me ngā rawa | Financial and resourcing

55 There are no financial and resourcing considerations relevant to this report. Any changes and impacts from the Sale and Supply of Alcohol Act 2012 amendments will be reported in further detail when the Amendment Bill progresses to enactment.

Ture me ngā Tūraru | Legal and risk

- 56 The Bill supports objectives for communities to better manage the impacts of alcohol using LAPs. While work is underway to scope and develop a potential LAP, the risk in supporting the Bill and its changes to the Act are considered low, and do not predetermine future decisions Council may need to make around the need, scope, and scale of a future LAP.
- 57 The Amendment Bill also provides for fairer access by members of the public and communities to alcohol licence hearings. This may necessitate the DLC reviewing the conduct of its hearings, particularly of matters before it at the time of the Amendment Bill's enactment.

Ngā pānga ki ngā kaupapa here | Policy impact

58 Progression of the Bill through its stages in Parliament will need to be closely monitored because its finalised provisions may affect how Council continues to develop its LAP (should it decide to proceed with doing so) and with the timing of that work.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 59 The DLC has been consulted on the Amendment and Council's submission.
- 60 Due to time constraints, no wider engagement is planned with respect to the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

Whakatairanga | Publicity

- 61 Council's final submission on the Bill will be published on Council's *Submissions We've Made* webpage.

NGĀ ĀPITI HANGA | ATTACHMENTS

- 1. Sale and Supply of Alcohol (Community Participation) Amendment Bill [↓](#)
- 2. Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill [↓](#)
- 3. Content of Local Alcohol Policies [↓](#)

Attachment One

Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The objective of the Sale and Supply of Alcohol Act 2012 (**the Act**) includes that “the harm caused by the excessive or inappropriate consumption of alcohol should be minimised”. Unfortunately a number of aspects of the Act do not meet this harm minimisation or public health approach and this Bill does two things to fix this.

Part 1 of the Bill abolishes appeals on local alcohol policies in order to provide proper local control over alcohol regulation. Territorial authorities can try to develop local alcohol policies to enhance community wellbeing. However, this part of the Act has failed because large companies have used their appeal rights in the Act to largely block the development of local alcohol policies. And those that have been adopted have only rarely included regulations over the location and density of stores selling alcohol. This means that communities have not been able to develop public health approaches to the provision of alcohol in their areas.

The Health Promotion Agency, a Crown agent, recommends that the appeal process should be abolished because the appeals process is “expensive and time-consuming”, for community members it is “unfamiliar, stressful and intimidating”, and the Act already requires territorial authorities to go through a special consultative process before adopting a local alcohol policy.

Part 2 of the Bill implements a number of the recommendations of the 2014 Ministerial Forum on Alcohol Advertising and Sponsorship. The Forum’s recommendations focus on reducing young people’s exposure to messages that encourage them to drink alcohol and removing the link between sport and alcohol. The Bill implements their recommendations by banning alcohol sponsorship and advertising of all streamed and live sports and banning alcohol sponsorship at all sporting venues.

2	Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill	Explanatory note
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The cultural connection between sport and alcohol needs to be broken, particularly given the large number of young people who attend and watch sports games. Similar restrictions on tobacco advertising and sponsorship have contributed to reduced harm from tobacco use and falling rates of youth consumption.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for:

- *Part 1* of the Bill to come into force on the day after Royal assent; and
- *Part 2* of the Bill to come into force 6 months after Royal assent.

Clause 3 identifies the Sale and Supply of Alcohol Act 2012 as the Act being amended by the Bill (the **principal Act**).

Part 1

Amendments relating to local alcohol policies

Clause 4 amends section 79 of the principal Act to replace references to a provisional local alcohol policy with references to a final local alcohol policy.

Clause 5 replaces section 80 of the principal Act, to reflect both the removal of the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

Clause 6 repeals section 81 to 86 of the principal Act, to remove both the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

Clause 7 amends section 87 of the principal Act, to reflect both the removal of the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

Clauses 8 to 10 make consequential amendments to sections 88 to 90 of the principal Act.

Clause 11 amends section 105 of the principal Act to specify two further criteria that the licensing authority or the licensing committee must have regard to in deciding whether to issue a licence.

Clause 12 amends section 131 of the principal Act to require the licensing authority or the licensing committee to have regard to all the matters set out in section 105(1) in deciding whether to renew a licence.

Clause 13 replaces section 133 of the principal Act, which relates to the renewal of licences where a relevant local alcohol policy exists.

Clause 14 amends section 135 of the principal Act, which relates to decisions on renewal of licences.

Clause 15 makes a consequential amendment to section 170 of the principal Act.

Explanatory note	Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill	3
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Clause 16 makes a consequential amendment to section 205 of the principal Act.

Part 2

Amendments relating to alcohol advertising and sponsorship

Clause 17 inserts a new *Part 4* into the principal Act. *New Part 4* inserts new sections 396A to 396K, which impose prohibitions on alcohol advertising and sponsorship:

- *new section 396A* is the interpretation section for *new Part 4*;
- *new section 396B* prohibits alcohol advertising during a broadcast sports activity;
- *new section 396C* prohibits alcohol advertising in or on a sporting venue during a broadcast sports activity;
- *new section 396D* prohibits alcohol sponsorship of a broadcast sports activity;
- *new section 396E* prohibits alcohol sponsorship of the name of a sports team or a player in a broadcast sports activity;
- *new section 396F* prohibits alcohol sponsorship of sports merchandise, uniforms, and equipment in a broadcast sports activity;
- *new section 396G* prohibits alcohol sponsorship of a sporting venue;
- *new section 396H* exempts certain international events from *new sections 396B to 396G* and authorises the Minister to grant exemptions in respect of certain international events;
- *new section 396I* authorises the Minister to grant exemptions from *new sections 396B to 396G* for certain multinational sporting events;
- *new section 396J* provides for the treatment of notices made under *new sections 396H and 396I*;
- *new section 396K* creates an offence of contravening *new sections 396B to 396G*.

Clause 18 makes a consequential amendment to the heading in Part 3, subpart 3, of the principal Act.

*Chlöe Swarbrick***Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill**

Member's Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Sale and Supply of Alcohol (Harm Minimisation) Amendment Act **2022**.

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 1 cl 7

2 Commencement

- (1) **Part 1** of this Act comes into force on the day after the date on which this Act receives the Royal assent.
- (2) **Part 2** of this Act comes into force on the day that is 6 months after the date on which this Act receives the Royal assent. 5

3 Principal Act

This Act amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

Part 1**Amendments relating to local alcohol policies****4 Section 79 amended (Territorial authority must produce provisional policy by consulting on draft policy using special consultative procedure) 10**

- (1) In the heading to section 79, replace “provisional” with “final”.
- (2) In section 79(1) and (2), replace “provisional” with “final”.
- (3) After section 79(2), insert:
- (3) Once a territorial authority has produced a final policy, the authority must consider whether to adopt the policy. 15

5 Section 80 replaced (Territorial authority wishing to adopt provisional policy must give public notice)

Replace section 80 with:

80 Territorial authority wishing to adopt final policy must give public notice 20

- (1) If, after producing a final policy under section 79, a territorial authority continues to wish to have a local alcohol policy, it must then give public notice of the final policy.
- (2) The public notice must be given in accordance with regulations made under this Act. 25

6 Sections 81 to 86 repealed

Repeal sections 81 to 86.

7 Section 87 amended (When local alcohol policy adopted)

- (1) Replace section 87(1) with:
 - (1) A final local alcohol policy is adopted 30 days after its public notification. 30
- (2) Delete section 87(2) to (5).

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 1 cl 8

- 8 Section 88 amended (Territorial authority may discontinue development of local alcohol policy)**
Repeal section 88(2).
- 9 Section 89 amended (Disallowance of local alcohol policy)**
In section 89(1), replace “Once a provisional local alcohol policy has been adopted and ceased to be provisional” with “Once a final local alcohol policy has been adopted”. 5
- 10 Section 90 amended (When local alcohol policy is in force)**
In section 90(1), replace “Once a provisional local alcohol policy has been adopted and ceased to be provisional” with “Once a final local alcohol policy has been adopted”. 10
- 11 Section 105 amended (Criteria for issue of licences)**
After section 105(1)(g), insert:
(ga) whether (in its opinion) the current availability of alcohol for sale and supply in the locality is inadequate or insufficient: 15
(gb) whether (in its opinion) the issue of the licence will benefit the community and not contribute to alcohol-related harm:
- 12 Section 131 amended (Criteria for renewal)**
In section 131(1)(a), delete “paragraphs (a) to (g), (j), and (k) of”.
- 13 Section 133 replaced (Renewal of licences where relevant local alcohol policy exists)** 20
Replace section 133 with:
- 133 Renewal of licences where relevant local alcohol policy exists**
- (1) A licensing authority or licensing committee may refuse to renew a licence if, in its opinion, the renewal of the licence or the consequences of its renewal would be inconsistent with policies, on any or all of the matters set out in paragraphs (a) to (d) of section 77(1), that are contained in any relevant local alcohol policy. 25
- (2) A licensing authority or licensing committee may impose particular conditions on any licence it renews if, in its opinion, the renewal of the licence or the consequences of its renewal without those conditions would be inconsistent with policies, on any or all of the matters set out in paragraphs (e) to (g) of section 77(1), that are contained in any relevant local alcohol policy. 30
- 14 Section 135 amended (Decision on renewal)**
In section 135(1), delete “, subject to section 133,”. 35

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

15 Section 170 amended (Functions of licensing authority)

Repeal section 170(c).

16 Section 205 repealed (Right of persons to appear in relation to appeal under section 81)

Repeal section 205.

5

Part 2**Amendments relating to alcohol advertising and sponsorship****17 New Part 4 inserted**

After section 396, insert:

Part 4

10

Prohibitions on alcohol advertising and sponsorship**396A Interpretation****(1) In this Part,—**

alcohol product advertisement means any words, whether written, printed, or spoken, including on film, video recording, or other medium, broadcast or telecast, and any pictorial representation, design, or device, used to encourage the use or notify the availability or promote the sale of any alcohol product or to promote the consumption of alcohol; and includes—

15

(a) any depiction, in a film, video recording, telecast, or other visual medium, of an alcohol product or an alcohol product trade mark, where in return for that depiction any money is paid, or any valuable thing is given, whether to the maker or producer of that film, video recording, telecast, or visual medium or to any other person; and

20

(b) the use in any advertisement or promotion to the public of an alcohol product manufacturer's company name where that name or any part of that name is used as, or is included in, an alcohol product trade mark

25

broadcast means any transmission of programmes, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus and includes—

(a) any delayed transmission of programmes; and

30

(b) any transmission of programmes streamed on the internet by a broadcaster; and

(c) any transmission of programmes made on the demand of a particular person for reception only by that person

broadcaster means, subject to **subsection (2)**, a person who broadcasts programmes

35

5

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

craft means—

- (a) an aircraft;
- (b) a ship (as defined in section 2(1) of the Maritime Transport Act 1994)

large retailer, in relation to a person that is alleged to have committed an offence in a certain accounting period, means a retailer whose total turnover in the prior accounting period exceeded \$50 million (as accounting period and turnover are defined by section 2(1) of the Commerce Act 1986, except that in those definitions body corporate is to be read as any retailer) 5

organised sports activity means an organised sports activity that is—

- (a) to take place, is taking place, or has taken place, in whole or in part, in New Zealand; and 10
- (b) to be broadcast

programme—

- (a) means sounds or visual images, or a combination of sounds and visual images, intended— 15
 - (i) to inform, enlighten, or entertain; or
 - (ii) to promote the interests of any person; or
 - (iii) to promote any product or service; but
- (b) does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text 20

publish means—

- (a) insert in any newspaper or other periodical publication printed, published, or distributed in New Zealand; or
- (b) send to any person, by post or otherwise; or
- (c) deliver to any person or leave upon premises in the occupation of any person; or 25
- (d) broadcast; or
- (e) include in any film or video recording; or
- (f) include in any disk for use with a computer; or
- (g) disseminate by means of any other electronic medium; or 30
- (h) distribute by any means; or
- (i) display by way of a sign, notice, poster, or other means; or
- (j) bring to the notice of the public in New Zealand in any other manner

sporting venue includes a multi-purpose venue used for sports and for other activities 35

streamed means transmitted over the Internet as a continuous flow of data

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

trade mark includes any trade mark whether or not it is registered or registrable as such under the Trade Marks Act 2002; and also includes—	
(a) any brand name:	
(b) any company name, where that name is used for advertising or promotional purposes:	5
(c) any name, word, or mark that so resembles any trade mark that it is likely to be taken as, or confused with, that trade mark.	
(2) For the purposes of this Part, a person who supplies transmission services to a person who broadcasts programmes is not, by reason only of the provision of those services, a broadcaster within the meaning of this Act unless the person who provides the transmission services is, where the person who broadcasts programmes is a company, in a position to exercise control, either alone or in association with any other person, of—	10
(a) the operations of that company; or	
(b) the management of any broadcasting station operated by that company; or	15
(c) the management of programmes broadcast by that company; or	
(d) the selection or provision of programmes to be broadcast by that company.	
<i>Prohibitions on alcohol advertising</i>	20
396B Alcohol advertising during broadcast sports activity prohibited	
No person may publish in New Zealand, or arrange for any other person to publish in New Zealand, an alcohol product advertisement intended to be broadcast during an organised sports activity.	
396C Alcohol advertising at sporting venue during broadcast sports activity prohibited	25
No person may publish an alcohol product advertisement in, at, or upon a sporting venue during an organised sports activity.	
<i>Prohibitions on alcohol sponsorship</i>	
396D Alcohol sponsorship of broadcast sports activities prohibited	30
(1) No person who is a manufacturer, importer, distributor, or retailer of alcohol may sponsor (within the meaning of subsection (2)) an organised sports activity that involves the use, in the name of that activity, or on or through any thing other than an alcohol product, of all or any of the following:	
(a) an alcohol trade mark:	35
(b) all or any part of a company name included in an alcohol trade mark:	

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

- (c) 1 or more words, logos, colours, shapes, sounds, smells, or other elements of an alcohol product trade mark that, as those 1 or more elements are used in the name, or on or through the thing, are likely to cause a person exposed to the name or thing to believe that the 1 or more elements are used in, on, or through it only or mainly for the purpose of advertising the product. 5
- (2) A person sponsors an activity for the purposes of **subsection (1)** if, and only if, the person does all or any of the following:
- (a) organises or promotes, before the activity is to take place, or during the time that it takes place, some or all of the activity: 10
- (b) makes, before the activity is to take place, or during or after the time that it takes place, any financial or non-financial contribution towards some or all of the activity:
- (c) makes, before the activity is to take place, or during or after the time that it takes place, any financial or non-financial contribution to any other person in respect of the organisation or promotion, by that other person, of, or the participation, by that other person, in, some or all of the activity. 15
- 396E Alcohol sponsorship of team or player in broadcast sports activity prohibited** 20
- (1) No person may use an alcohol trade mark for the purpose of advertising or identifying to the public—
- (a) any sports team participating in an organised sports activity; or
- (b) any person playing as a member of a sports team that is participating in an organised sports activity; or 25
- (c) any person participating in an organised sports activity.
- (2) **Subsection (1)** applies despite a person being licensed to use the alcohol trade mark in question for that purpose.
- 396F Alcohol sponsorship of sports merchandise, uniforms, and equipment in broadcast sports activity prohibited** 30
- (1) No person may use an alcohol trade mark on a non-alcohol article that is—
- (a) offered for sale or otherwise supplied; and
- (b) associated with—
- (i) any sports team participating in an organised sports activity; or
- (ii) any person playing as a member of a sports team that is participating in an organised sports activity; or 35
- (iii) any person participating in an organised sports activity.
- (2) No person may use an alcohol trade mark on a non-alcohol article that is—

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

(a)	part of a uniform associated with—	
(i)	any sports team participating in an organised sports activity; or	
(ii)	any person playing as a member of a sports team that is participating in an organised sports activity; or	
(iii)	any person participating in an organised sports activity; or	5
(b)	an item of sports equipment used by or associated with—	
(i)	any sports team participating in an organised sports activity; or	
(ii)	any person playing as a member of a sports team that is participating in an organised sports activity; or	
(iii)	any person participating in an organised sports activity.	10
(3)	For the purposes of this section, non-alcohol article means an article that is not—	
(a)	an alcohol product; or	
(b)	a package or container in which an alcohol product is sold or shipped.	
396G	Alcohol sponsorship of sporting venue prohibited	15
	No person may permit the official name of a sporting venue to include all or any of the following:	
(a)	an alcohol trade mark:	
(b)	all or any part of a company name included in an alcohol trade mark:	
(c)	1 or more words, logos, colours, shapes, sounds, smells, or other elements of an alcohol product trade mark that, as those 1 or more elements are used in the name, or on or through the thing, are likely to cause a person exposed to the name or thing to believe that the 1 or more elements are used in, on, or through it only or mainly for the purpose of advertising the product.	20 25
	<i>Exemptions</i>	
396H	Exemptions for participants in certain events	
(1)	Sections 396B to 396G do not apply to the display, on any craft, of any alcohol product trade mark or the company name of any alcohol product manufacturer, where—	30
(a)	that craft is participating in an international race; and	
(b)	the alcohol product manufacturer who manufactures that alcohol product, or whose company name is so displayed, is sponsoring, in whole or in part, the participation of that craft in that race; and	
(c)	New Zealand is a port of call for that race.	35

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Amendment Bill

Part 2 cl 17

- (2) The Minister may, by notice in writing, grant an exemption from any or all of **sections 396B to 396G** in respect of the promotion of any international craft race where New Zealand is a port of call for that race.
- (3) The Minister may, by notice in writing, grant an exemption from any or all of **sections 396B to 396G** in respect of any participant in an organised sports activity (not being a participant who is a New Zealand resident) for the purpose of allowing that participant to fulfil any obligation imposed on that participant to acknowledge any sponsor (being an obligation incurred before that participant submitted that person's entry for that activity), provided that—
- (a) the Minister is satisfied that the organised sports activity is of international significance; and
- (b) any part of that activity is to take place in New Zealand.
- (4) The Minister may grant an exemption under **subsection (2) or subsection (3)** either unconditionally or subject to such conditions as the Minister thinks fit.
- (5) The Minister may from time to time, by notice in writing to the person to whom any exemption is granted under **subsection (2) or subsection (3)**, amend or revoke that exemption.
- 396I Exemption for multinational sporting events**
- (1) In this section, **multinational sporting event** means any sporting event, or any series of sporting events,—
- (a) in which 3 or more countries are, or will be, represented; and
- (b) that is being held, or will be held, in 2 or more countries, including New Zealand.
- (2) The Minister may, by notice in writing, grant an exemption from any or all of **sections 396B to 396G** in respect of—
- (a) the use, in the name of a multinational sporting event, of—
- (i) an alcohol product trade mark; or
- (ii) a company name, or any part of a company name, of any manufacturer, importer, or distributor of alcohol products; or
- (b) the advertisement of—
- (i) a multinational sporting event; or
- (ii) the fact that a multinational sporting event is organised or promoted or sponsored, in whole or in part, by any manufacturer, importer, or distributor of alcohol products; or
- (c) the use, on any article, of—
- (i) an alcohol product trade mark; or

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 18

- (ii) a company name, or any part of a company name, of any manufacturer, importer, or distributor of alcohol products—
for the purpose of advertising or promoting or identifying to the public—
- (iii) a multinational sporting event; or
- (iv) the fact that a multinational sporting event is organised or promoted or sponsored, in whole or in part, by any manufacturer, importer, or distributor of alcohol products.
- (3) The Minister may grant an exemption under **subsection (2)** either unconditionally or subject to such conditions as the Minister thinks fit.
- 396J Treatment of notices under sections 396H and 396I**
- A notice given under **section 396H or 396I** must, as soon as practicable after it is given, be—
- (a) published on an Internet site administered by or on behalf of the Ministry of Justice; and
- (b) notified in the *Gazette*.
- Offences*
- 396K Offence in respect of alcohol advertising and sponsorship**
- Every person who contravenes any or all of **sections 396B to 396G** commits an offence and is liable on conviction to,—
- (a) in the case of a manufacturer, an importer, or a distributor, to a fine not exceeding \$600,000; or
- (b) in the case of a large retailer, to a fine not exceeding \$200,000; or
- (c) in any other case, to a fine not exceeding \$50,000.
- 18 New part heading inserted**
- Replace the subpart heading and cross-heading above section 397 with:

Part 5
Other matters*Regulations*

Wellington, New Zealand:

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Attachment Two

10 February 2023

Committee Secretariat
Justice Committee
Parliament Buildings
Wellington

Email:

Kapiti Coast District Council's Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill

Thank you for the opportunity to submit on the Sale and Supply of Alcohol (Community Participation) Amendment Bill. Council would like to / does not wish to speak to its submission.

The Kapiti Coast District Council supports enabling stronger community participation in the regulation of alcohol sale, supply and consumption to better ensure minimising alcohol related harms in our communities.

We note that the Purpose of the substantive Act was to put in place a new system of control over the sale and supply of alcohol to meet the Act's object. The Act's object is to ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly and to minimise alcohol-related harm arising from excessive or inappropriate consumption of alcohol. These objectives are to be achieved for the benefit of the community as a whole.

To date, we do not believe the Act's implementation has supported the achievement of this purpose for the benefit of all in our communities. This failure is due to the voice of our communities being effectively silenced by actions taken by the well-resourced alcohol industry. This has occurred through the alcohol industry:

- appealing Local Alcohol Policies (LAPs), which has deterred territorial authorities from developing an LAP, and where developed, slowed down its adoption and/or seen the LAP's adopted policy elements watered down.

- pursuing an overtly legalistic strategy supported by established common law principles around “standing” to challenge the right of communities and individuals to object to the issuing of alcohol licences or their renewal; and,
- vigorously challenging lay witnesses through cross-examination of their position and evidence at hearings.

The ability for the alcohol industry to do this so effectively has occurred due to the overly legalistic framework in which LAP policies are developed and licence hearings are carried out.

Council believes that the provisions of the Amendment Bill go a long way to redress this imbalance in influence in the implementation of the Act and that the reforms will provide our communities with a more effective voice in the regulatory control of the sale and supply of alcohol in their local areas.

Our communities and alcohol

As with other communities across Aotearoa New Zealand, our district experiences the broad impacts arising from alcohol-related harm – including that to our more vulnerable communities. This impact can be severe. Research literature¹ has identified that more deprived communities, young people, and the elderly as particularly vulnerable to alcohol-related harm. Alcohol has also become a particular burden for Māori over the last 30 years.²

Kāpiti district has two communities with evidence of higher socio-economic deprivation, one in Ōtaki, and the other in parts of Paraparaumu. Ōtaki also has a high Māori population. The ongoing impact of a significant number of alcohol outlets (particularly off-licences) within the Ōtaki community has raised ongoing concerns for rangatahi in this community.

The Ōtaki community has raised frustration in being able to influence the availability of alcohol in the area through objection to new licences, where community groups representative of health, education and Māori communities have struggled to attain standing. The community is very supportive of Council’s current work in developing a Local Alcohol Policy that could include policy elements to restrict alcohol availability in the Ōtaki area.

Our district also has a higher-than-average older population³ (those 65 years and over). This group is particularly susceptible to alcohol-related harm due to a higher physiological sensitivity to alcohol (such as poorer metabolism of alcohol and higher blood alcohol concentration). This means that older adults are more likely to develop problems at relatively low levels of alcohol consumption. Older adults also have more co-morbidities and often have higher use of medications that alcohol can interact with. Alcohol has been linked with a number of physical and mental health consequences for the elderly, such as increased risks of heart disease, cancer, dementia, depression and higher anxiety. For the

¹ Alcohol Healthwatch, (2020). *Evidence-based alcohol policies: Building a fairer and healthier future for Aotearoa New Zealand*. Auckland: Alcohol Healthwatch

² Ibid

elderly, alcohol can also lead to a greater susceptibility to life threatening accidents such as falls.

The Bill reforms

The proposed reforms in the Bill address:

1. The appeals process for local alcohol policies (LAPs)
2. Inconsistency between LAPs and the renewal of licences
3. Who can object to an alcohol licence application
4. The way in which DLC hearings are conducted
 - a. that DLCs develop procedures to ensure transparency and consistency for applicants and objectors
 - b. that questioning of parties at hearings and the use of cross-examination is removed
 - c. the use of technology for hearing meetings.

Submission points:

1. The appeals process for local alcohol policies (LAPs)

Commentary

Currently, the Act provides for parties to appeal provisional LAPs to the Alcohol Regulatory and Licensing Authority (ARLA). This process is not working as intended as it has allowed alcohol retailers (supermarkets and bottle store chains) to use the process to delay, and add significant costs, to the process. This has impeded territorial authorities from adopting LAPs in a timely manner, or at all, or lead to them adopting watered down policies to avoid or answer legal challenge. This appeals process is inconsistent with other Council social policy and bylaw processes and causes councils and communities to be held hostage to alcohol industry interests. This does not support the Act being implemented, as stated in its Purpose, for the benefit of the community as a whole.

Strengthening community participation in policy setting and ensuring community preference finds its way through to LAPs will reduce the burden on individuals and community organisations to have to try to litigate the community's position at numerous licence hearings, which is often well beyond their resources.

This reform will also remove the ability for reporting agencies such as the Medical Officer of Health and Police, and community groups and individuals, to also appeal an LAP. Council's position is that policy matters should be explored and resolved through policy development and consultation processes, not through litigation after the fact.

If the appeals process is removed, Judicial Review will remain to ensure councils follow due process. The Courts, however, will need to be vigilant on the misuse of Judicial Review to slow down the adoption of an LAP.

Kapiti Coast District Council **supports** the amendment removing the ability of parties to appeal provisional Local Alcohol Policies.

2. Inconsistency between LAPs and the renewal of licences

Commentary

A LAP states a community's expectations regarding alcohol licensing matters.

Currently, DLCs must not take inconsistencies between a relevant LAP and a licence renewal application into account when determining renewal. This means that decisions are less likely to reflect the LAP and there is no ability to make licensing conditions consistent across the district over time.

Council supports the reform provision allowing the DLC or ARLA to decline renewing a licence if it considers renewing the licence would be inconsistent with the location or licence density elements (as specified in section 77(1(a) to (d) of the principal Act) of a relevant LAP.

Council notes that the amended section 133 continues to include that the DLC may impose conditions on any licence it renews if it considers that the renewal of the licence, or the consequences of the renewal of the licence, without those conditions would be inconsistent with the relevant local alcohol policy. This would include licence hours conditions. However, Council believes that while this section provides discretion to ARLA or a DLC to apply the other policy element conditions, this should be strengthened to require it to do so, except in exceptional circumstances.

Council also notes that other local government parties are recommending that this proposal be extended through amendment to section 105 of the principal Act, making it mandatory for all new licences to align with a relevant LAP. Council believes this extension is not necessary and would remove sensible discretion from ARLA or a DLC.

Kapiti Coast District Council **supports**:

- the amendment providing for the Alcohol Regulatory Authority or a District Licensing Committee to be able to decline to renew a licence if the licence would be inconsistent with conditions on location or licence density (as specified in section 77(1(a) to (d) of the principal Act) in the relevant LAP of a matter.

Council also **recommends** to the Select Committee that:

- the amendment to section 133 of the Act continues to provide for the Alcohol Regulatory Authority or a District Licensing Committee to impose particular conditions (including licence hours) on any licence it renews if there is any relevant local alcohol policy; and it considers that the renewal

of the licence, or the consequences of the renewal of the licence, without those conditions imposed on it would be inconsistent with the policy.

- conditions inconsistent with a relevant LAP should only be allowed for in the most exceptional of circumstances.

3. Who can object to an alcohol licence application

Commentary

Who may object:

Currently, people with “a greater interest than the public generally” can object to licensing applications. Following common law precedent, in most cases this test of “standing” has been taken to mean a person can object only if they live, work, attend school or a community site (eg Marae) within one kilometre the proposed licensed premises. This can mean that a community organisation whose spokesperson lives outside this one-kilometre radius is also excluded.

In the case of bottle stores and supermarkets, the alcohol is taken and consumed off-site resulting in alcohol related harm potentially being experienced much further than one kilometre from the location of the premises it was purchased from. A community that is impacted by a licence may therefore be geographically extensive or may have social and/or cultural interests within the local community area.

Trade competition:

Council is unsure of any way that trade competitors will be directly affected other than in relation to trade competition. The proposed amendment may be intended to allow them to object on the grounds of suitability of the applicant, or amenity and good order. We urge clarification of this point, and clear guidance for decision-makers and would support a tight interpretation as to what may be permissible.

While the result of these proposed amendments could be an increase in the volume of objections and participation in DLC and ARLA hearings, Council believes this would be advantageous to the regulation of alcohol sale and supply within communities and the minimisation of alcohol-related harm. Council also believes that any such impact will be mitigated by the other proposed amendments which will encourage the adoption of LAPs, reducing the need for objections to applications, and requirement for DLCs to have procedures to administer hearings. These procedures must ensure that hearings avoid unnecessary formality. Both DLCs and ARLA already have powers to restrict unnecessary vexatious and repetitious objections. (Comment on questioning and cross-examination in this amended section will be addressed below).

Kapiti Coast District Council **supports** amendment of the Act providing for any person (individual or organisation) to be able to object to an application for a licence or renewal of a licence.

Council also **supports** that objections to a licence cannot be made by a trade competitor on any ground related to trade competition.

Council **recommends** that the grounds for objection by trade competitors is clearly and tightly defined and clear and precise guidance is provided to District Licensing Committees on this matter.

4. The way in which DLC hearings are conducted

Commentary

- a. that questioning of parties at hearings and the use of cross-examination is removed*

Council understands that questioning of parties by other parties at a hearing, particularly when it is legal counsel cross-examining a member of the public, can be daunting for the party being questioned and intimidating to such a degree as to inhibit the general public making objections to a licence application. However, protecting members of the public from intimidating questioning should not be at the expense of the ability to generally get to important points of clarification of evidence.

As an alternative, Council would recommend to the Select Committee that parties be allowed to continue to question other parties at hearings, but that no party (including the applicant) be allowed to be represented at the hearing by legal counsel. This would ensure that experienced legal counsel cannot be there to “coach” a party in its questioning. Removing the words “...by counsel” from the amended text of section 204 (3) and (4) would achieve this. It would level the field for all participants and would be as provided for in Tenancy Tribunal and Disputes Tribunal hearings.

The Chair would need to take responsibility to monitor the tenor of questioning, and its appropriateness to a point of evidence raised. The Committee could also take a stronger inquisitorial approach to managing the hearing.

Council would also recommend that this restriction is extended to ARLA hearings as well.

- b. that DLCs develop procedures to ensure transparency and consistency for applicants and objectors:*
c. the use of technology for hearing meetings

Requiring DLCs to develop clear procedures for hearings would support greater transparency and consistency for applicants and objectors. This could include set timeframes for provision of briefs, expert evidence, and that all such documents are provided to all parties prior to the hearing.

Council considers that any change to process that enables easier and greater participation and is less formal will better support the ability of community groups and

members of the public to participate. Allowing the use of technology enabling remote access would facilitate this.

Kapiti Coast District Council **does not support** the amendments that would no longer permit those who appear at hearings to question any party or witness, and for cross-examination to not be permitted at hearings.

Council **recommends** instead, an amendment to section 204 (3) and (4) to exclude the attendance of legal counsel at Alcohol Regulatory and Licensing Authority and District Licensing Committee meetings.

Council **supports** the amendments:

- requiring District Licensing Committees to develop procedures to reduce formality of hearings and to include timeframes for provision of briefs, and expert evidence, and that all such documents are provided to all parties prior to the hearing.
- providing for a hearing to be conducted and/or attended using technology enabling remote access

Areas for further amendment

There are some further amendments that Council believes should be included in this Amendment Bill as they play to the heart of increasing effective community participation and good decision-making.

Te Tiriti o Waitangi

Māori did not make or consume alcohol (waipiro, in te reo Māori, meaning stinking water) until colonisation. Alcohol and its concomitant harms have a disproportionate effect on Māori, and there is now significant evidence of this unequal burden of harm. Until recently, Māori were significantly less likely than non-Māori to drink alcohol. The 1996/97 New Zealand Health Survey found that 27.4% of Māori adults reported no alcohol use in the past year, compared to 12.9% of European/Other adults. By 2006, this gap had substantially reduced to 15.7% of Māori compared to 12.1% of European/Other adults. By 2020/2021 the gap had reversed.

The Crown has a duty to uphold and honour its obligations to Te Tiriti o Waitangi by addressing this disproportionate exposure to risk and impact of alcohol on Māori. Māori advocacy groups have been active in objecting to licence applications where there is alcohol related harm affecting their communities. Notable cases before the courts have been the Ka Pai Kaiti Trust in Gisborne, and Communities Against Alcohol Harm Inc. in South Auckland. In both cases the courts ruled they did not meet the criteria to be able to object because their representatives lived more than one kilometre from the premises. Kapiti's own Ōtaki

community has faced the same difficulties. Research in 2022⁴ found that Māori connection to a local area, their whakapapa, kaumatua status or māngai kōrero (authoritative spokesperson) were not accepted as reasons to give evidence.

Council believes that additionally to opening up who can object, the evidence iwi and hapu can give to their connection and identity with an area be accepted as valid interest in the impact of alcohol on their communities.

District Licensing Committee – Skills and training

Alcohol law, policy and decision-making is complex and multi-faceted. It often requires the careful balancing of competing social, economic, and cultural considerations within an explicit legal framework. As with resource management law and decision-making, Council believes that members of district licensing committees should be trained by a nationally approved provider to a consistent level of expertise (exempt only if a member has formal legal training). This training to include inquisitorial approaches to undertaking hearings.

Kapiti Coast District Council **recommends:**

- That the Act include Te Tiriti o Waitangi as a fundamental consideration for decision-makers and the connection of Maori, iwi and hapu, to their rohe and places of significance become a fundamental consideration to decision-making.
- For all District Licensing Committee members to be trained via a nationally approved provider as is currently required for RMA Commissioners, the training to include inquisitorial approaches to undertaking hearings. .

Additional amendments to the Sale and Supply of Alcohol Act 2012:

Council understands that the provisions for reform in this Amendment Act are the first of a number of reforms of the Act that the Government is looking at. Council would strongly support further review and amendment of the Act.

Alcohol related harm can be minimised by the regulation of availability, advertising, and pricing. The Sale and Supply of Alcohol (Community Participation) Amendment Bill only effectively impacts the availability of alcohol (through making LAPs easier to adopt and providing communities a stronger say in licensing decisions). It does not address the other underlying controls that can reduce alcohol related harm.

Advertising is addressed under the “Harm Minimisation” Bill put forward as a Private Members’ Bill by MP Chloe Swarbrick. It is currently before Parliament, waiting for its first reading. We would support Government picking up the advertising and sponsorship matters

⁴ New Research shows how institutional racism impacts alcohol licensing decisions.
<https://www.massey.ac.nz/about/news/new-research-shows-how-institutional-racism-impacts-alcohol-licensing-decisions/>

covered by the Private Members' Bill. Additionally, neither Bill addresses the following amendments which we would also recommend:

Kapiti Coast District Council recommends that in future amendments to the Sale and Supply of Alcohol Act 2012, to be undertaken by Government in this Parliamentary term, the following matters be considered for reform:

- controls on alcohol advertising and sponsorship of sport and other community and recreational activities
- the introduction of minimum unit pricing (proven successful in other countries eg Scotland)
- strengthening control to ensure that alcohol purchased online is delivered to a person aged 18 years or over.

Yours sincerely

Darren Edwards
Chief Executive
Te Tumuaki Rangatira

Attachment Three

Sale and Supply of Alcohol Act 2012

Section 77: Contents of (Local Alcohol) policies

1. A local alcohol policy may include policies on any or all of the following matters relating to licensing (and no others):
 - a. location of licensed premises by reference to broad areas:
 - b. location of licensed premises by reference to proximity to premises of a particular kind or kinds:
 - c. location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
 - d. whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:
 - e. maximum trading hours:
 - f. the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions:
 - g. one-way door restrictions.
2. Paragraphs (a) to (d) of subsection (1) do not apply to special licences, or premises for which a special licence is held or has been applied for.
3. A local alcohol policy must not include policies on any matter not relating to licensing.

8.5 HALF-YEAR PERFORMANCE REPORT

Kaituhi | Author: **Marece Wenhold, Senior Advisor Corporate Planning and Reporting**

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

TE PŪTAKE | PURPOSE

- 1 This report provides the Committee with a detailed account of Council's financial and non-financial performance and residents opinion survey results for the half-year ended 31 December 2022.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An Executive Summary is not required for this report.

TE TUKU HAEPAPA | DELEGATION

- 3 The Strategy, Operations and Finance Committee has delegated authority to consider this under section B.1. of the 2022-2025 Triennium Governance Structure and Delegations including 'overseeing strategic programmes' and 'financial management including risk mitigation'.

TAUNAKITANGA | RECOMMENDATIONS

It is recommended that the Strategy, Operations and Finance Committee:

- A. Receives this report, including Appendix 1 to this report, and.
- B. Notes the Council's performance for the half-year ended 31 December 2022, as detailed in Appendix 1 to this report.

TŪĀPAPA | BACKGROUND

- 4 The Council's Performance Report, attached as Appendix 1 to this report, now combines three previously separate reports (the Activity Report, the Finance Report, and the Residents Opinion Survey results).
- 5 The next report will showcase the Council's quarter three results (1 January to 31 March 2022), as well as year-to-date results.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 6 The Council has performed well across the first half of 2022/23. This is briefly summarised below. Further information is provided in Appendix 1 to this report.

Performance measure progress

- 7 We have achieved 74 percent of our performance measures that are applicable to this reporting period.

Key project delivery

- 8 81 percent of the Council's 2021- 41 Long Term Plan (LTP) key projects and initiatives are on track for the reporting period.

Financial management

- 9 Mainstream revenue (mainly rates, user fees and charges) totalled \$46.7 million, \$0.2 million below budget for the reporting period. Total operating expenses for the six months were \$51.6 million, \$0.7 million below budget. The net surplus for the half year was \$8.2 million. This was mainly due to grants and capital contributions received for the capital works programme. This is not a permanent cash surplus.
- 10 Capex spend was \$28.6 million for the period and is in line with budget.
- 11 Council maintained a strong financial position. As at 31 December, total assets were \$1.97 billion and net debt was \$185.1 million, being 180% of total operating revenue (well below the 250% upper limit).

Residents' opinion

- 12 The overall adjusted satisfaction score for surveyed residents in quarter two of 2022-23 was 53 percent. Compared to Q1 2022/23, overall adjusted satisfaction has decreased by 8 percent. This drop in satisfaction was largely due to the shift of satisfied residents to neutral.
- 13 Value for money perceptions remained consistent since Q1 and is trending higher than national satisfaction results.
- 14 Overall satisfaction, opportunities for residents to have their say, and providing more information to residents on decisions that affect their area will continue to be a focus for the Council over the next six months.

Ngā kōwhiringa | Options

- 15 There are no options to consider with this report.

Tangata whenua

- 16 There are no tāngata whenua matters in addition to those already outlined in this report.

Panonitanga āhuarangi | Climate change

- 17 There are no climate change matters in addition to those already outlined in this report.

Ahumoni me ngā rawa | Financial and resourcing

- 18 There are no financial and resourcing matters in addition to those already outlined in this report.

Ture me ngā Tūraru | Legal and risk

- 19 There are no legal and risk matters in addition to those already outlined in this report.

Ngā pānga ki ngā kaupapa here | Policy impact

- 20 There are no policy impacts arising directly from this report.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

21 There is no engagement planning required for this report.

Whakatairanga | Publicity

22 Appendix 1 to this report will be made publicly available on the Council's website.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Council Performance Report for the Half Year Ended 31 December 2022 [↓](#)



Council Performance Report

For the half-year ended 31 December 2022


Kāpiti Coast
DISTRICT COUNCIL
Me Huri Whakamuri, Ka Tītiro Whakamuri

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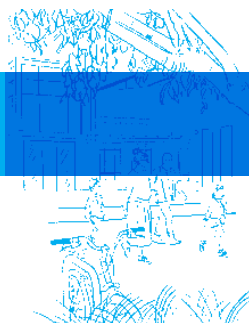
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Performance Summary



Mayor of the Kāpiti Coast District, Janet Holborow (left) and Chief Executive of the Kāpiti Coast District Council, Darren Edwards (right).

Nau mai haere mai

Welcome to the Kāpiti Coast District Council's *Council Performance Report* for the first half of the 2022–23 year.

Purpose

This report outlines how we performed against outcomes, performance measures, projects and budgets from the *Long-term Plan 2021–41* (LTP). It also describes how our most essential stakeholders – our ratepayers – view us and how satisfied they are with the services we provide.

Peka Peka to Ōtaki Expressway opens

Kāpiti Coast residents welcomed the opening of the Peka Peka to Ōtaki Expressway in December.

The milestone completes a major arterial roading upgrade through the district – comprising Kāpiti Expressway, Transmission Gully (Te Ara Nui o Te Rangihaeata) and now Peka Peka to Ōtaki (Te Ara Tuku a Te Rauparaha).

Now fully operational, the network of expressways improves safety, increases transport resilience and is anticipated to drive significant economic opportunities across the district and the Greater Wellington region.

The expressway's official name, Te Ara Tuku a Te Rauparaha, which translates to the Gifted Road of Te Rauparaha, was given to the project by Ngā Hapū o Ōtaki.



Opening ceremony for the Peka Peka to Ōtaki Expressway. From left: Associate Transport Minister, Hon. Kieran McAnulty, MP for Ōtaki, Terisa Ngobi, Mayor of the Kāpiti District Council, Janet Holborow, kaumatua Ngāti Raukawa, Rupene Waaka, and MP for Mana, Barbara Edmonds.

Performance measures

Council has performed well across the reporting period.

Seventy-four percent of performance measures were achieved in the half of the year. For each activity, there several performance measures that have annual targets only and so we need to wait until 30 June 2023 to determine how Council has performed against all 84 performance measures.

Projects and initiatives

Overall, major projects and initiatives in the LTP are on track.

We have 81 percent of projects and initiatives on track, 17 percent off track and 2 percent completed in this reporting period.

Some projects suffered minor delays due to weather impacts and COVID-19, which caused supply chain disruption (including shipping delays) and staffing shortages. These impacts also increased the price and reduced the availability of materials, adding to expected costs.

This has been the case for projects nearing completion, such as the Mahara Gallery, as much as it has been for projects that are in the early stages of construction, like the Paraparaumu Transport Hub, and those that are reaching the end of the design and consenting phases.

Despite these challenges most projects are progressing well, although some will need staging (such as the Otara Park Stage 2 upgrade), to allow them to remain within current budgets, while some are facing more significant reassessments of scope (such as the Otaki Pool Stage 2 upgrade).



Trieste Way townhouse development in Paraparaumu.

Managing finances

The Council has performed well in financial terms for the first half of the year.

Total revenue for the half year was \$59.8 million. Main stream revenue (mainly rates, user fees and charges) totalled \$46.7 million, \$0.2 million below budget for the period.

Total operating expenses for six months were \$51.6 million, \$0.7m lower than budget. The net surplus for the half year was \$8.2 million. This was mainly due to grants and capital contributions received for the capital works programme. This is not a permanent cash surplus.

Capex spend was \$28.6 million for the period and is forecast to be \$80.8m for the full year, \$3.9 million below budget.

Net debt at 31 December 2022 was \$185.1 million, equating to 180 percent of total operating revenue (well within the Long-term Plan limit of 280 percent).

Total assets at 31 December 2022 were \$1.97 billion – the majority of this being property plant and equipment (\$1.86 billion).

Residents' opinion

Residents' overall satisfaction score in quarter two of 2022–23 was 53%. Compared to quarter one, overall satisfaction decreased by 8%.

This drop in satisfaction was largely due to the shift of satisfied residents to neutral.

Kāpiti residents' satisfaction with value for money is trending higher than national satisfaction results.

Overall satisfaction, opportunities for residents to have their say, and providing more information to residents on decisions that affect their area will be a focus for the Council over the next six months.

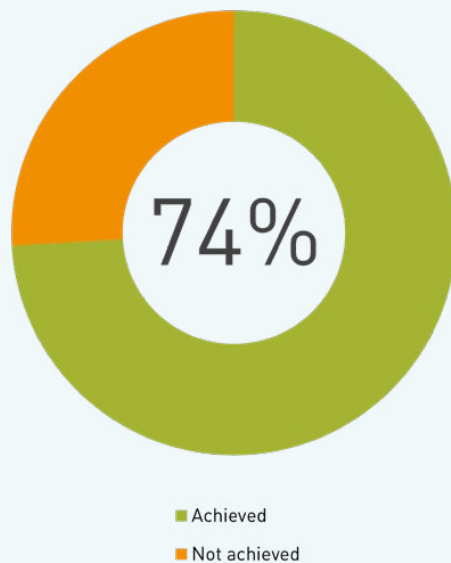


Wairarapa District Council
Performance Report
2022/23

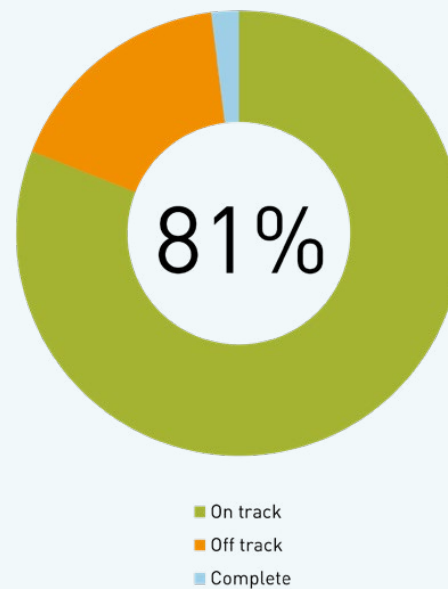
Snapshot of the Council's performance for the half-year to 31 December 2022

What we delivered

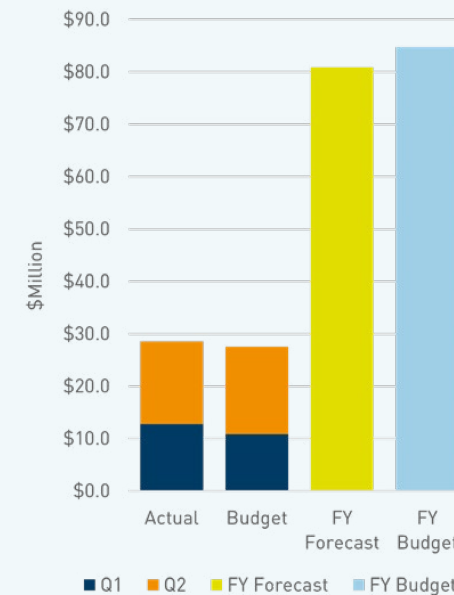
Performance measures

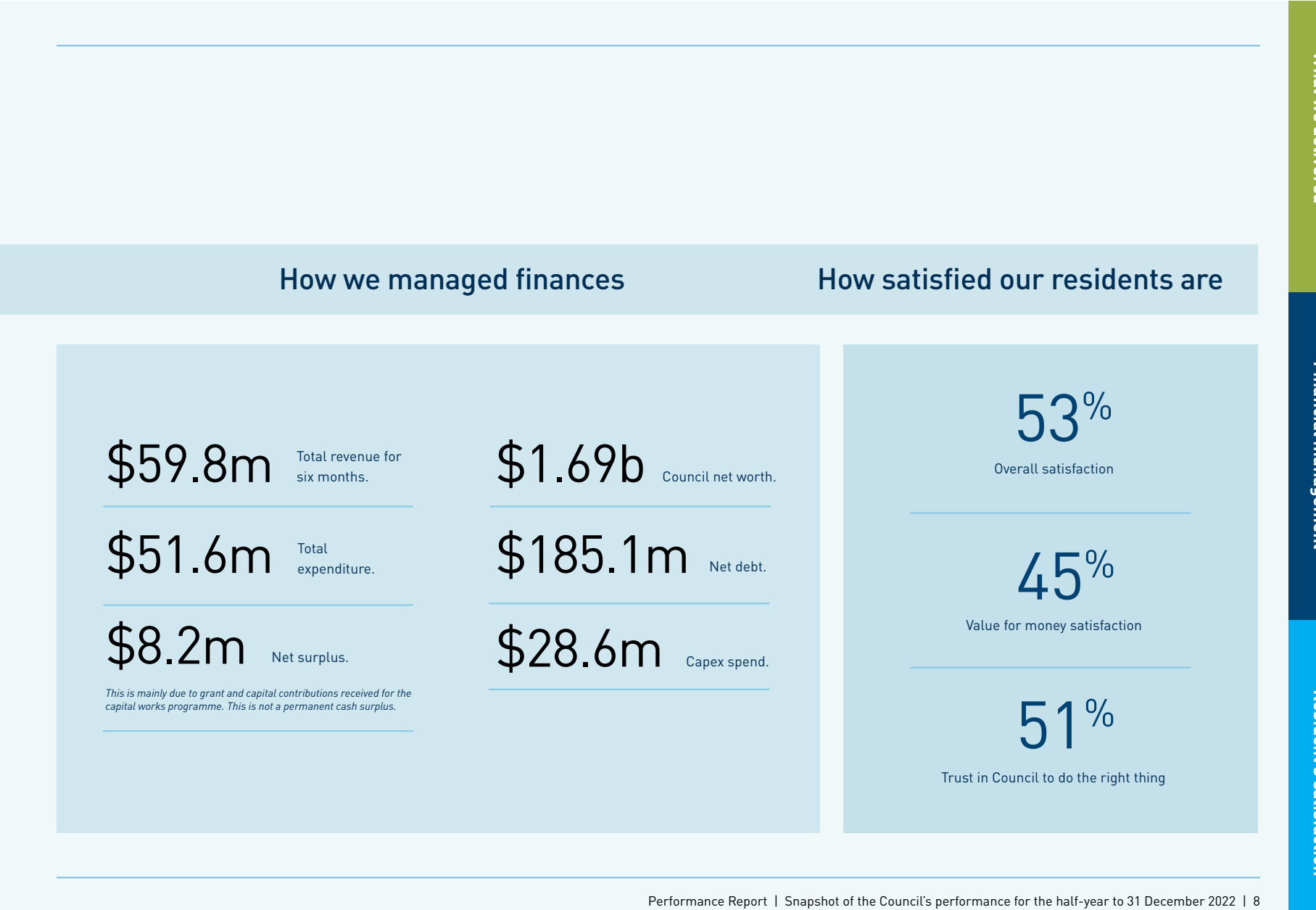


Projects and initiatives



Total capital projects spend





Section 1: What we delivered

What's this section about?

An overview of what the Council does and the activities it carries out to achieve community outcomes.

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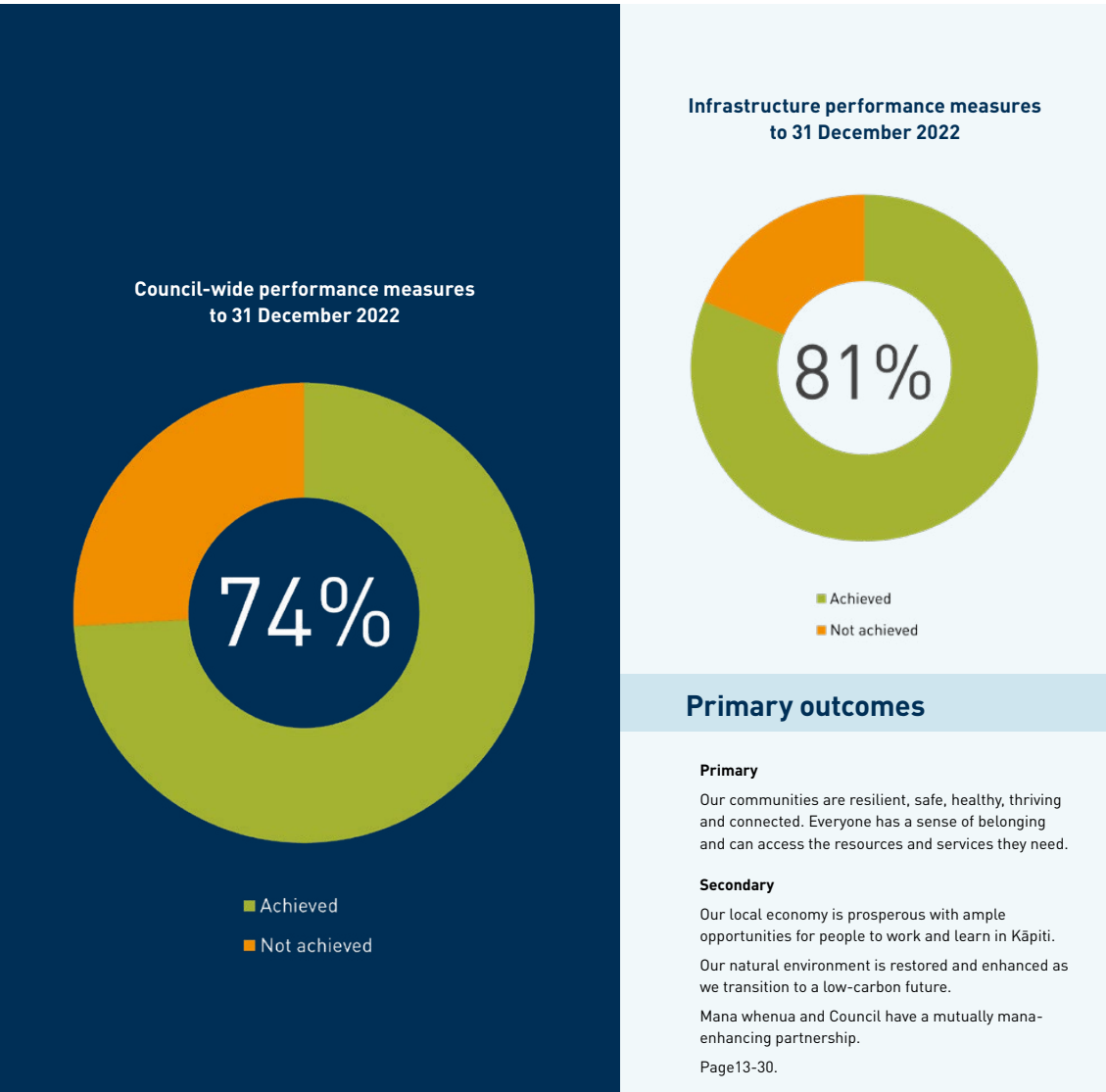


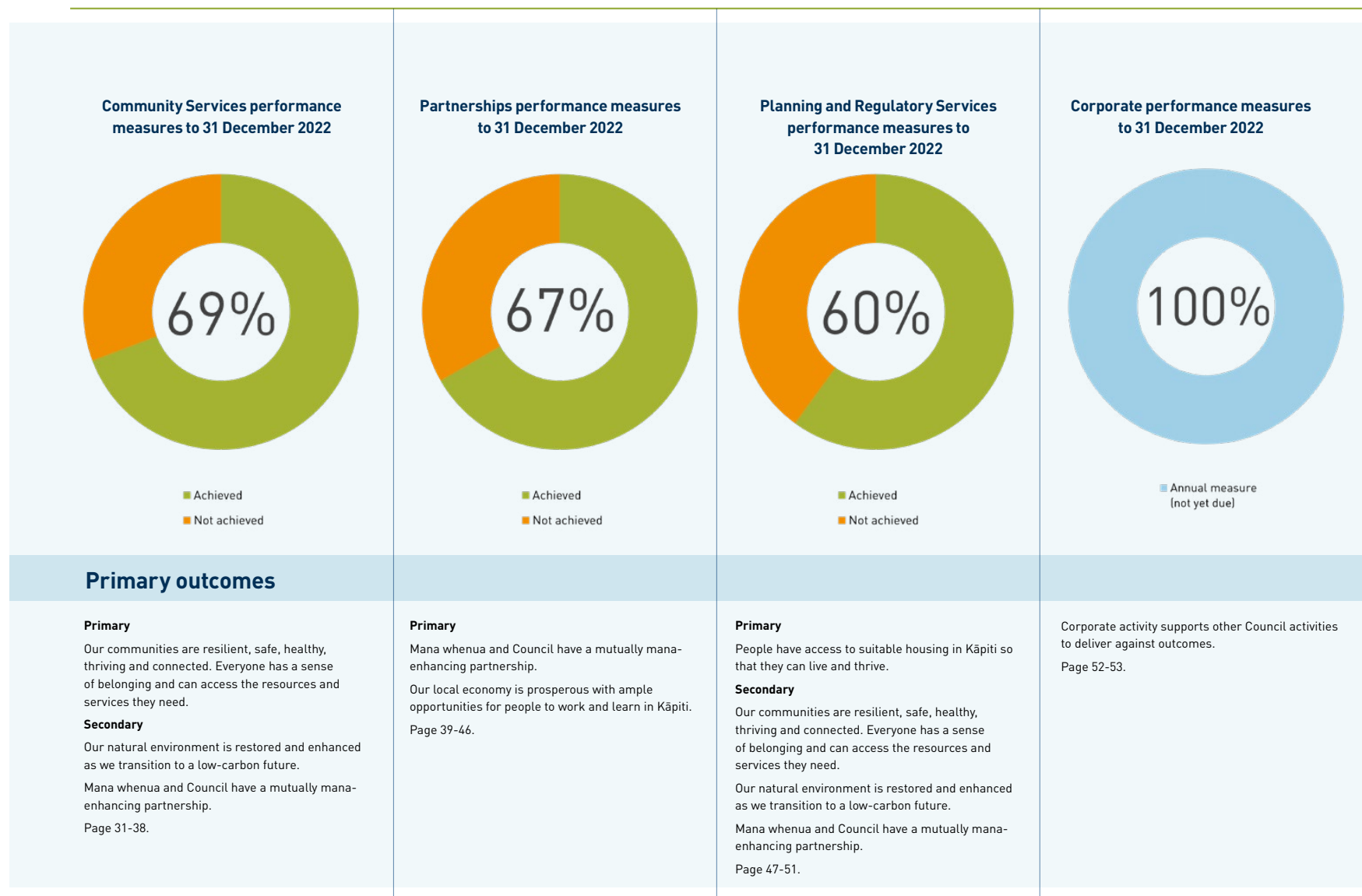
1.1 Activities



1.2 Our performance measures

The LTP provides 84 performance measures for the Council’s levels of service. The Council achieved 74% of these measures by 31 December 2022 and did not achieve 26% of measures.





1.3 Our service delivery by activity

Infrastructure

Access and transport – putanga me te waka



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to community resilience and connectedness by developing and maintaining a roading network that allows for the safe and efficient movement of people and goods to work, home, school, essential services, shops, and recreation activities throughout the district.

What we delivered

The following projects/initiatives are **on track**:

- **East-West connection in Paraparaumu (Arawhata Road to Ihakara Street link):**
 - Draft Single Stage Business Case (required for funding) was supplied to Waka Kotahi for review.
 - Traffic model development progressing now old SH1 revocation works completed by Waka Kotahi.
 - The wetlands assessment report has been received and is being considered.
- **SH1 Revocation (M2PP/PP20):**
 - Waka Kotahi completed road re-alignment/modified layout on the main road between the Waikanae bridge and the Ngaio Road intersection. Traffic lights yet to be commissioned.
 - Waka Kotahi commenced construction of an extension to Waikanae bridge to provide pedestrian access across the river.
 - Commenced planning for PP20 Revocation which includes Te Horo straights and Otaki township.
- **Footpaths:**
 - Seasonal work programme commenced. Approximately 30% complete.
 - The final 30% of footpath condition survey has been completed to enable better justification for future investments
- **Road maintenance and surfacing:**
 - Chip-sealing programme has commenced with 29 sites scheduled during the summer months .
 - Asphalt sites on Kapiti Road, Paraparaumu and Elizabeth Street, Waikanae are programmed this financial year.
- Significant winter/spring rainfall damaged road pavements requiring six weeks of unplanned repair work.
- **Town centres – Paraparaumu Transport Hub:** Construction commenced in September and is expected to take 8-10 months. Works include:
 - constructing a new bus loading and unloading area
 - developing new accessible plaza spaces including, cultural art features, landscaping, and lighting
 - installing new seating, paving and bus and pedestrian shelters
 - improving the footpath and area around Kāpiti Lights.
- **Bridges and retaining walls:**
 - Kapiti Road and Marine Parade Culvert replacement planning underway with work scheduled in 2024.
 - Four new retaining walls have been constructed due to storm damage.
 - Emergency river protection installed on



Maungakotukutuku Road.

- Bridge piles protection installed on Mangaone South Road.

Other progress included:

- **Resource consents:** Received 61 resource consent and 19 temporary event applications. In addition provided advice at a number of pre-application meetings, dealt with resource consent further information responses, provided conditions on consents, and dealt with a number of service requests.
- **Strategy and Policy:** Made a submission to the Parliamentary Transport and Infrastructure Select Committee in relation to the Inquiry into the future of inter-regional passenger rail in New Zealand.
- **Blue Bluff:** Progressing options for consideration by the Council. Ongoing weekly inspections and live monitoring continues.

Plans to open a walking track over the Ōtaki Gorge Rd slips currently blocking access to

Ōtaki Forks and the Tararua Forest Park are on hold pending further geotechnical and other expert assessment.

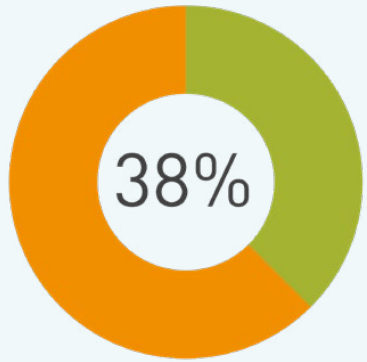
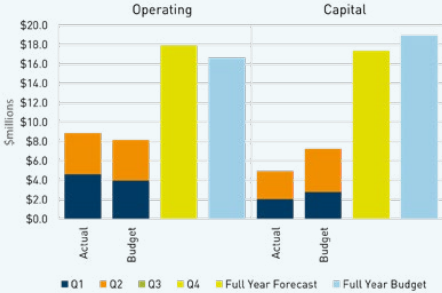
Challenges

- A level of uncertainty resulting from regulatory and legislative changes, particularly in relation to RMA, impacting on planning.
- Weather events causing damage to roads and pavements reducing the expected lifespan of the asset, requiring urgent remedial work, and impacting on scheduled physical works.
- Continued impacts on supply, costs, resources, and capacity.



The Peke Peka to Ōtaki Expressway. Photo by Waka Kotahi.

Access and transport performance measures

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>38%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p>  <p>Year to date capex spend is below budget mainly due to temporary timing differences regards SH1 revocation work and road resurfacing.</p>	Residents who agree the existing transport network allows easy movement around the district.	80 percent	53 percent	Ongoing rebuild of old SH1 in Paraparaumu and Waikanae, and the incomplete PP20 project, has caused delays to our residents. We expect this to ease in the next quarter with completion of these projects. Congestion on Kapiti Road relating to high traffic volumes and additional traffic lights around the network will remain as frustrations.	Not achieved
	The change from the previous financial year in the number of serious and fatal crashes on the local road network, expressed as a number.	5-year rolling average reduces each year	-		Annual measure
	Residents who are satisfied with street lighting.	85 percent	84 percent		Not achieved
	Percentage of sealed local road network that is resurfaced.	5 percent	-		Annual measure
	Roads that meet smooth roads standards.	Overall smooth travel exposure is above 85%	-		Annual measure
	Percentage of footpaths that fall within the service standard for the condition of footpaths as set out in the activity management plan.	60 percent	-		Annual measure

15 | Kāpiti Coast District Council Performance Report for the half-year ended 31 December 2022

	Performance Measures	Target	Result	Comment	Status
	Residents who are satisfied with the condition of roads.	70 percent	49 percent	Condition data surveys show the network is stable. Council continues to invest in maintenance and renewals across our network. The impact of ongoing upgrade project sites may be a contributing factor in the lower result. Media throughout New Zealand have continued the pothole campaign, which may also influence opinion on the condition of roads.	Not achieved
	Residents who are satisfied with the condition of footpaths.	65 percent	66 percent		Achieved
	Average cost of local roading per kilometre is comparable with similar councils.	Achieve	-		Annual measure
	Service requests relating to roads responded to within 3-5 hours (urgent).	85 percent	56 percent	We are addressing staff shortages and providing staff development initiatives internally and with suppliers to improve the responses to the level required.	Not achieved
	Service requests relating to footpaths responded to within 3-5 hours (urgent).	85 percent	39 percent		Not achieved
	Service requests relating to roads responded to within 15 days (non-urgent).	85 percent	94 percent		Achieved
	Service requests relating to footpaths responded to within 15 days (non-urgent).	85 percent	86 percent		Achieved

Section 1: What we delivered | 1.3 Our service delivery by activity | Infrastructure | 16



Coastal management - whakahaere takutai



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to community resilience and safety by identifying coastal hazards and providing and maintaining coastal assets to protect public infrastructure such as roads, wastewater assets, stormwater assets, walkways, and beach accessways; and providing hazard management.

What we delivered


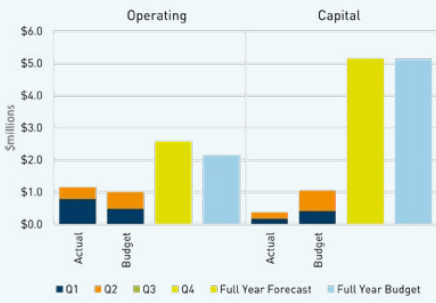
The following projects/initiatives are **on track**:

- **Paekākāriki seawall:** Construction work for Stage 1 (accessway 4 - main access at Campbell Park) tendered, and tender submissions are currently being evaluated. Designs associated with other stages of the project are progressing.
- **Raumati Seawall:** Preliminary design completed and evaluation under way. Progressing to detailed designs.
- **Takutai Kāpiti:**
 - The Council's Coastal adaptation project group held a free Kāpiti-wide coastal hazards public information event at the Ocean Road Community Centre in Paraparaumu Beach in July.
 - Started developing a "long-list" of adaptation options relating to specific coastal locations.
 - Engaging with communities through information displays and workshops, detailing the findings from the Jacobs report (including maps) and the potential impacts and opportunities zone by zone.

Challenges

- Continued supply, resource, and capacity constraints have resulted in significant increases in project costs. Therefore, current budget allocations for the construction of Paekākāriki seawall and Raumati seawall need to be reviewed and increased during 2024 LTP process.
- Significant repair to Paekākāriki seawall was undertaken during this period. Further delays in wall replacement could cause a catastrophic wall failure.

Coastal management - whakahaere takutai

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>Operating and capital expenditure at 31 Dec 2022</p> 	Final recommendations are developed to inform an implementation plan to address coastal hazards.	2022-23	–		Annual measure
	Respond within 48 hours to urgent requests to repair seawalls or rock revetments.	90 percent	100 percent		Achieved



Stormwater - wai āwhā



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to community resilience and safety by minimising risks to human life and health from flooding through responding efficiently and effectively to flooding issues and maintaining, repairing, and renewing major flood protection and control works.

What we delivered

Construction work of the following projects are **complete**:

- Stormwater upgrades Riwai Street (Stage 2)
- Completed 22.5km of open drain/stream cleaning (gravel extraction, machine, and hand cleaning). Construction work at Paraparaumu catchment 4, Paraparaumu catchment 3, Matene Matai, and Rauparaha Street is progressing. Construction contracts for 2 projects were awarded with work on site commencing in January 2023.

- Construction contracts for a further 2 projects were in preparation for Tender in January/February 2023.


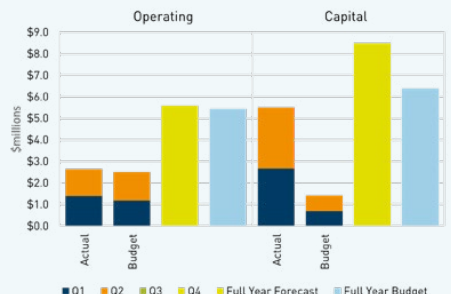
Other progress included

- 20 major projects in design phase
- District-wide Flood modelling
- Stormwater Management Framework adopted
- Kena Kena project resource consent application was assessed by Greater Wellington Regional Council (GWRC) District-wide water quality monitoring
- Applied for global open waterway maintenance consent to GWRC
- District-wide Inflow Infiltration Control project (jointly with the Water/ Wastewater team)
- District-wide stormwater assets data gathering, and condition assessments.

Challenges

- Continued supply, resource, and capacity constraints have resulted in significant increases in project costs, and rescheduling of works across multiple years.
- Consenting requirements from GWRC impacting on our ability to proceed with necessary works.
- Flooding requiring emergency (unplanned) works to clear out streams and drains/ culverts, and resulting in elevated groundwater levels impacting on physical works.

Stormwater - wai āwhā

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>100%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p>  <p>Year to date capex spend is over budget mainly due to unplanned emergency works required in Paraparaumu.</p>	Median response times to attend a flooding event from notification to attendance on site.	Urgent = less than or equal to 24 hours	4.15 hours		Achieved
	Median response times to attend a flooding event from notification to attendance on site.	Non-urgent = less than or equal to 5 days	1 day		Achieved
	Percentage of all buildings that have been inundated due to minor flooding that are visited within 4 weeks.	90 percent	100 percent		Achieved
	Number of complaints received about the performance of the district's stormwater system.	Fewer than 30 per 1,000 properties connected to the Council's stormwater system	7 per 1,000 connections		Achieved
	Major flood protection and control works are maintained, repaired, and renewed to the key standards as defined in the Council's activity management plan.	Achieve	Achieved		Achieved

	Performance Measures	Target	Result	Comment	Status
	Number of buildings (habitable floors) reported to be flooded as a result of a less than 1 in 50-year rain event.	Fewer than 3 per 1,000 properties connected to the Council's stormwater system	0.04 per 1,000 connections		Achieved
	<p>Compliance with Council's resource consents for discharge from its stormwater system measured by the number of:</p> <ul style="list-style-type: none"> a) abatement notices b) infringement notices c) enforcement orders, and d) convictions, <p>received by Council in relation to those resource consents.</p>	No notices, orders, or convictions	No notices, orders, or convictions		Achieved



Water management – wai



Community Outcomes – Strong Community

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contribute to community health and safety by providing high-quality drinking water across the district, and ensuring there is enough water to fight fires when needed, protecting the health and wellbeing of our communities.

What we delivered

The following projects/initiatives are **on track**:

- **Progress drinking water safety and resilience**
 - **Hautere Water Treatment Plant:** The new bores are producing good quality water.
 - The design of the generator and filter shed is complete with build expected during the first half of 2023.

- **Tasman Road Water Treatment Plant:** The design for disposing the water created during the bore construction works has been completed. The drilling of new bores is expected to start in April /May 2023, subject iwi approval.
- **Waikanae Water Treatment Plant:** The enabling works were completed with the relocation of the bore main and GWRC weather station. The civil works on clarifier upgrades are expected to begin in May 2023.
- **Upgrade our water network**
 - Published a tender for Ōtaki fire main installation at Riverbank Road, Aotaki St, and Mill Road (approximately 2000m).
 - **Water mains renewals:** contracts awarded for Te Moana Rd (Waikanae), and Tilley Road and Aperahama St, Paekākāriki (length 1150m). The work starts in January 2023.
 - **New Ōtaki water reservoir:** the preliminary investigation works have been completed and the design is in progress. Council approved the resource consent for earthworks.


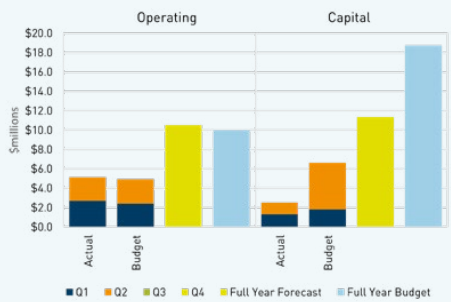
Other initiatives

- Made a submission to the Parliamentary Finance and Expenditure Select Committee on the *Water Services Entities Bill*.
- Submitted 14 projects totalling \$5.26 million to Te Tari Taiwhenua – Department of Internal Affairs for funding under tranche 1 through the Three-Waters Better Off Funding package. The projects are new initiatives, or requests to accelerate, scale up, or enhance projects already consulted on and planned for in Council's Long-term Plan (LTP) 2021–41.

Challenges

- **Progress drinking water safety and resilience**
 - **Tasman Road (Ōtaki) Water Treatment Plant:** Land access negotiations with iwi are delaying the commencement to drill new production bores.

Water management – wai

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>Operating and capital expenditure at 31 Dec 2022</p>  <p><small>Year to date capex spend is below budget mainly due to temporary timing differences and delays to the Ōtaki Water Treatment Plant, as discussed.</small></p>	Median response times to a fault or unplanned interruption to our water network measured by attendance time (from the time Council receives notification to the time that staff are on site).	Urgent = less than or equal to 1 hour	9 minutes YTD		Achieved
	Median response times to fault or unplanned interruption to our water network measured by attendance time (from the time Council receives notification to the time that staff are on site).	Non-urgent = 3 days or less	5 hours 35 minutes YTD		Achieved
	Median response times to fault or unplanned interruption to our water network measured by resolution time (from the time Council receives notification to the time that staff are on site).	Urgent = 5 hours or less	55 minutes YTD		Achieved
	Median response times to fault or unplanned interruption to our water network measured by resolution time (from the time Council receives notification to the time that staff are on site).	Non-urgent = 4 days or less	1 day 58 minutes YTD		Achieved
	Compliance of the district's drinking water supply with: a) Part 4 of the drinking water standards (bacteria compliance criteria).	Achieve 100 percent	100 percent		Achieved

	Performance Measures	Target	Result	Comment	Status
	Compliance of the district's drinking water supply with: b) Part 5 of the drinking water standards (protozoal compliance criteria).	Achieve 100 percent	100 percent		Achieved
	Residents who are satisfied with the quality of Council's water supply (taste, odour, clarity).	80 percent	88 percent		Achieved

	Performance Measures	Target	Result	Comment	Status
	Total number of complaints received by Council, per 1,000 connections to Council's networked reticulation system, about any of the following: a) drinking water clarity b) drinking water taste c) drinking water odour d) drinking water pressure or flow e) continuity of supply, and Council's response to any of these issues.	At or below 6.2 complaints per 1,000 connections	1.99 complaints per 1,000 connections		Achieved
	Peak water consumption in litres per person per day.	At or below 490 litres per person per day	364 l/p/d districtwide on 29 Dec 2022	Note: Data incomplete due to Scada issues at Tasman from 13 Dec to 31 Dec.	Achieved
	Average water consumption in litres per person per day (L/p/d).	At or below 325 litres per person per day.	285 l/p/d		Achieved
	Percentage of real water loss from the Council's networked reticulation system calculated per the Water Loss Guidelines using WaterNZ's BenchLoss NZ software.	At or below 23.6%.	–		Annual measure



Wastewater management – wai para



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to community resilience and safety by minimising risks to human life and health from contamination resulting from sewage overflows through wastewater management practices that ensure we respond efficiently and effectively to system blockages, faults, and overflow issues.

What we delivered

The following projects/initiatives are **on track**:


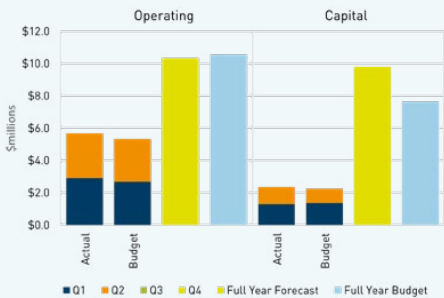
- **Paraparaumu and Ōtaki Wastewater Treatment Plant (WWTP):** These are multi-year projects.
 - Submitted application for consent for the stormwater pond capacity upgrade, liners, and rerouting pipelines for discharges. The tender for pond upgrade will be released when the consent is received in Jan / Feb 2023.
 - Awarded the contract for the clarifier upgrade.
 - Awarded the contract for Structural Strengthening Work (seismic upgrade) for wood fuel and boiler house at Paraparaumu WWTP.
 - The electro-mechanical and process improvements design work for both the Ōtaki and Paraparaumu WWTP is progressing.
 - Dredging of the Ōtaki oxidation pond is complete.
- **Wastewater network upgrade.**
 - The Waikanae duplicate rising main work is 75 percent complete. Consultation with iwi and affected landowners is progressing.

- Ōtaki sewer pump station No.2 upgrade, and gravity main design is in progress.
- A feasibility study is completed to enable growth for a new trunk main along Mill Road and Aotaki Street (length 2.7Km).
- Smoke-testing and CCTV work is in progress to identify potential inflow and infiltration issues.

Challenges

- **Paraparaumu and Ōtaki Wastewater Treatment Plant (WWTP):**
 - Understanding what Te Mana o te Wai means for our wastewater consent applications, and finalising partnership agreement charter with iwi.
 - Capacity limitations constraining Mana Whenua's ability to partner with Council to establish a process for identifying the best practical options for works required by 2028.

Wastewater management – wai para

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>100%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p> 	Median response times to sewage overflows resulting from a blockage or other fault measured by attendance time (from the time Council receives notification to the time that staff are on site).	1 hour or less	20 minutes		Achieved
	Median response times to sewage overflows resulting from a blockage or other fault measured by resolution time (from the time Council receives notification to the time that staff are on site).	5 hours or less	54 minutes		Achieved
	<p>Number of complaints received by Council about any of the following:</p> <ul style="list-style-type: none"> a) sewage colour b) sewerage system faults c) sewerage blockages d) Council's response to issues with the sewerage system expressed per 1,000 connections. 	Fewer than 7.2 complaints per 1,000 connections to Council's sewerage system	1.89 per 1,000 connections		Achieved

	Performance Measures	Target	Result	Comment	Status
	Number of dry-weather sewage overflows from the Council's sewerage system expressed per 1,000 network connections.	At or below 2 per 1,000 connections to Council's sewerage system	0.48 per 1,000 connections		Achieved
	<p>Compliance with Council's resource consents for discharge from its sewerage system measured by the number of:</p> <ul style="list-style-type: none"> a) abatement notices b) infringement notices c) enforcement orders, and d) convictions, <p>received by Council in relation to those resource consents.</p>	No notices, orders, or convictions	–		Annual measure



Sustainability and resilience - toiūtanga me te manawaroatanga



Community Outcomes – Thriving Environment

Our natural environment is restored and enhanced as we transition to a low carbon future.

Purpose

Contributing to preserving, restoring, and enhancing our natural environment to improve resilience by ensuring accessible, effective, and efficient waste management options; facilitating waste minimisation and carbon reduction initiatives in Council and the community; and improving community resilience through emergency management preparedness.

What we delivered

The following projects/initiatives are **on track**:

- **Climate Emergency Action Framework:**
 - Released “Climate Emergency action: Delivering on our climate commitments” report.
 - Conducted a survey as to whether the District should set a districtwide emissions reduction target.
 - Developed methodology for the Regional Climate Change Impact Assessment (RCCIA), and held workshops with subject matter experts.

- Launched Pakihi Toitū o Kāpiti, a new business sustainability network.

- **Emissions reduction programme within Council:**

- Toitū Envirocare performed the annual carbon emissions audit for Council’s corporate emissions. Emissions over the 2021/22 year were down 277 tCO2-e from the previous year.
- A feasibility report was delivered for a solar civic hub and solar farm.
- Council approved installation of two double EV chargers at the Coastlands Aquatic Centre.

- **Waste Minimisation and resource recovery:**

- Completed the Regional Waste Assessment, and Council resolved to review the Wellington Region Waste Management and Minimisation Plan 2017.
- Awarded Community Waste Levy Grants of \$32,824 to eight projects.
- Awarded a business waste levy grant of \$150,000 per year for three years for the development and operation of a Zero Waste hub at Otaihanga.
- Delivered the waste minimisation education programme into three education institutions.
- Made a submission against a Ministry for the Environment proposal requiring all councils

to provide kerbside food scraps collections for urban households.

Other initiatives

- **Love your Compost programme:**

- Conducted 7 workshops and 1 market day stall reaching 122 resident. Issued another 125 composting vouchers bringing the programme total to 727.

- **Waste minimisation and education:**

- Conducted 18 workshops, talks, or market visits reaching 243 individuals.
- Supported 13 community events, 12 with waste management resources.
- approved 7 event waste plans.

Challenges

- **Emissions reduction programme within Council:**

- Council will need to review its current target of carbon neutrality by 2025 as it’s unlikely this can be achieved. In November Toitū Envirocare released its new requirements for certification under the Toitū CarbonReduce certification programme, which also impacts on Council’s ability to review and meet a new target.

Sustainability and resilience - toiūtanga me te manawaroatanga

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p> <p>67%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p> <p>Operating Capital</p> <p>\$millions</p> <p>Actual Budget Actual Budget</p> <p>■ Q1 ■ Q2 ■ Q3 ■ Q4 ■ Full Year Forecast ■ Full Year Budget</p>	Residents who are satisfied with the standard of kerbside collections.	85 percent	88 percent	Kerbside collections are not delivered by the council but by private collectors who are contracted by residents direct. The Council monitors performance in the public space under a licensing system.	Achieved
	Council delivers a waste minimisation education programme in schools.	Minimum of 4 schools each year	–		Annual measure
	Households that have an emergency plan and kit sufficient for seven days following an emergency event.	70 percent	62 percent	Since the centrally led COVID response, preparedness on household level has decreased from the target. Council has now appointed a Emergency Management Advisor to increase community resilience and preparedness. The advisor will work with WREMO who deliver resilience advice and education in the community.	Not achieved
	Illegally dumped waste is removed within two working days.	85 percent	93 percent		Achieved
	The number of Council's total fleet that are low-emission vehicles (i.e. EV's, plug-in hybrids or conventional hybrids).	2022–23: 10 vehicles	–		Annual measure



Community services

Parks and open spaces - ngā papa rēhia me ngā papa



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to people's safety, health, connectedness, and sense of belonging through providing access to and maintaining open public spaces, including sports facilities, playgrounds, cycleways, walkways, bridleways, parks and reserves, and cemeteries.

What we delivered

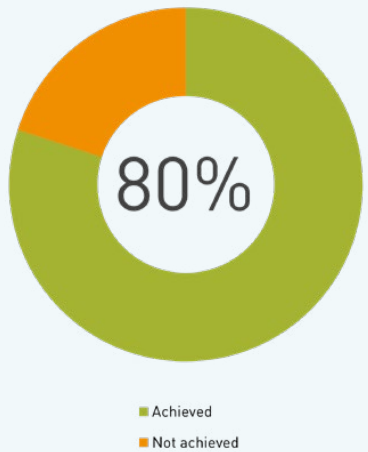
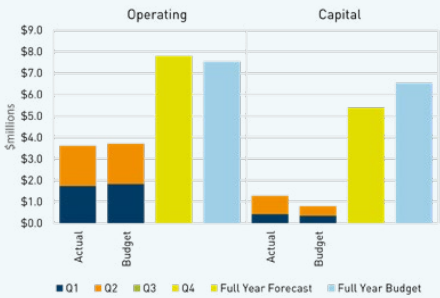
The following projects/initiatives are **on track**:

- **Maclean Park renewal:**
 - RICH landscapes completed a concept design for the skatepark. Community engagement on the concept will be complete early February 2023. Planning is underway for the new amenity block.
- **Developing Otaraua Park (stage 2):**
 - Detailed design received for proposed amenity block and sports pavilion at Otaraua Park. Landscape designs received and surveyed. Detailed design complete for the proposed amenity block and sports pavilion. Work is underway to confirm the associated landscape design, cost and staging options.

Challenges

Storm damage to tracks continue to affect the work programme. At some future stage sections of the Waikanae River track will require realignment.

Parks and open spaces - ngā papa rēhia me ngā papa

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>Operating and capital expenditure at 31 Dec 2022</p> 	Residential dwellings in urban areas are within 400 metres of a publicly owned space.	85 percent	99 percent		Achieved
	Sports grounds are open when scheduled.	85 percent	100 percent		Achieved
	Residents who are satisfied with the current availability of facilities.	85 percent	–		Annual Measure
	Residents who are satisfied with the quality of Council's parks and open spaces.	85 percent	–		Annual Measure
	Residents who are satisfied with quality of recreation and sporting facilities.	85 percent	–		Annual Measure
	Residents who are satisfied with the quality of playgrounds.	85 percent	–		Annual Measure

	Performance Measures	Target	Result	Comment	Status
	Residents who are satisfied with the appearance of, and accessibility to, cemeteries.	85 percent	–		Annual Measure
	At least a 10-year burial capacity is maintained across the district.	Achieve	Achieved		Achieved
	Users who are satisfied with Council cycleways, walkways and bridleways.	85 percent	80 percent	Unexpected damaging weather events, insufficient budget for repairs or maintenance, and staff shortages.	Not achieved



Recreation and leisure – ruhanui



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to people's safety, health, connectedness, and sense of belonging through providing access to community swimming pools and libraries; public arts, culture, and heritage facilities; and managing grant funding for arts, museums, and maintenance of heritage sites.

What we delivered

The following projects/initiatives are **on track**:

- **Develop a new multi-use space for the Waikanae Library and Community Service Centre:**
 - The functions and locations work has progressed considerably. Te Atiawa are very interested in partnering with Council on this project. The Waikanae Community Board is keen to see demonstrable progress as soon as possible.
- **Increase digital library services and resources, and support across Council's libraries:**
 - This is an ongoing project and encompasses many work streams. Focus for Q3 – developing digital programmes for the community and planning for new maker-space at Paraparaumu Library.
- **Stage two of Otaki Pool improvements:**
 - An initial concept design was received from Architecture HDT. The concept includes upgraded changing rooms, plant room and heat/energy efficiency. Work is under way to better understand affordable staging options.

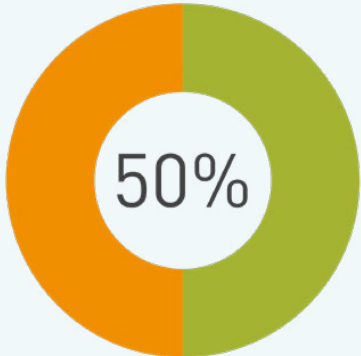
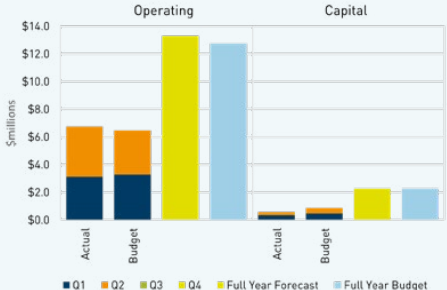
Challenges

The cost of capital works has escalated substantially, and the work programme is being revisited in light of this increase. The price of chemicals has almost doubled, placing further pressure on budgets.



Pop-up Waikanae library. Photo by Mark Coote.

Recreation and leisure – ruhanui

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p> 	Users who are satisfied with the pools' services and facilities.	85 percent	–		Annual measure
	Visits to swimming pools in the district.	≥290,000 each year	–		Annual measure
	Learn-to-swim registrations.	≥ 3,200 each year	–		Annual measure
	Users who are satisfied with the library services.	85 percent	95 percent		Achieved
	Visits to libraries.	≥ 300,000 each year	–		Annual measure
	Collections are refreshed in accordance with the New Zealand public library standards.	350 new items (including renewals) per 1,000 population	–		Not achieved
	Items borrowed and renewed per annum (including physical, digital, SMART libraries).	520,000 each year	–		Annual measure



Community facilities – whare tapere hapori

Community Outcomes – Strong Community

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to people’s safety, health, connectedness, and sense of belonging by providing access to the facilities, resources, and services they need, and ensuring civic buildings are well maintained and safe.

What we delivered

The following projects/initiatives are **on track**:

- **Reshape community facilities in Otaki**
On track with no comments.
- **Mahara Gallery upgrade**
 - The Mahara Gallery upgrade is progressing well with construction expected to be complete by early April. The landscaping and construction of the outside plaza area will commence in February.
- **Replace Te Newhanga Kapiti Community Centre**
 - In early 2023, we will take a fresh look at all possibilities. Centre users and the wider community will be central in the development of the future community centre.
- **Otaki Pavilion toilet:**
 - This project has not started yet, and it is in the planning and design stage. This is due to the heritage status of the building and the limited availability of specialist heritage architects.

Challenges

None to report.



Mahara Gallery rebuild, Waikanae. Photo by Mark Coote.

Community facilities – Whare tapere hapori

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p> <p>Operating Capital</p> <p>Actual Budget Actual Budget</p> <p>Q1 Q2 Q3 Q4 Full Year Forecast Full Year Budget</p>	Users who are satisfied with the standard of the library building facilities.	85 percent	90 percent		Achieved
	Residents who are satisfied public toilets are clean, well-maintained and safe.	75 percent	82 percent		Achieved
	Urgent requests relating to public toilet facilities that are responded to within four hours.	98 percent	87 percent	Contractors did not get the correct information in time and our contractor's staff were affected by COVID.	Not achieved
	Users who are satisfied with Community halls.	85 percent	–		Annual Measure
	Occupancy rate of the total number of units available for older persons.	97 percent	96 percent	Occupancy negatively affected by COVID-related material supply issues (national gib shortage) and contractor staff illness subsequently impacting delivery of the unit refurbishment programme.	Not achieved
	Tenants of housing for older persons who rate services and facilities as good value for money.	85 percent	–		Annual Measure
	Tenants of housing for older persons who are satisfied with services and facilities.	85 percent	–		Annual Measure

Partnerships

Tangata whenua



Community Outcomes – Partnership

Mana Whenua and Council have a mutually mana-enhancing partnership.

Purpose

Contributing to tangata whenua's and the wider community's resilience, connectedness, and sense of belonging through tikanga, engagement, capacity building, and knowledge sharing.

What we delivered

• Iwi Capacity Building:

- Council confirmed remuneration for Mana Whenua representatives on Council, committees, and subcommittees in the formally adopted Governance Structure and Delegations 2022-2025 agreed by Council on 24 November 2022.
- Council appointed Huriwai Park as the Ngāti Toa Rangatira representative to attend meetings of Council; the Strategy, Operations and Finance Committee; the Social Sustainability

Subcommittee; and the Climate and Environment Subcommittee, in line with the formally adopted Governance Structure and Delegations 2022-2025.

- Council appointed Kim Tahiwī for Ngā Hapu o Ōtaki to attend the Strategy, Operations and Finance Committee meetings in line with the formally adopted Governance Structure and Delegations 2022-2025.
- **Council capacity and knowledge building:**
 - Contracted external provider to create and deliver a six-month on-line programme covering Te Ao Māori and Te Reo Māori for professionals to 160 Council personnel over 3 cohorts (102 enrolled to date).
 - Organised and facilitated delivery of Upane a Ngāti Toa induction course for 50+ inductees (including 8 elected members, senior leadership, and staff).
 - Organised and facilitated establishment of Te Waka group involving 43 staff, who represent Council performing at Council functions and events.



- Liaised with/between Mana Whenua and Council, to facilitate Mana Whenua contribution and input into plans, policies, and strategies.
- Commenced planning for a Te Tiriti-specific programme for elected members and staff.

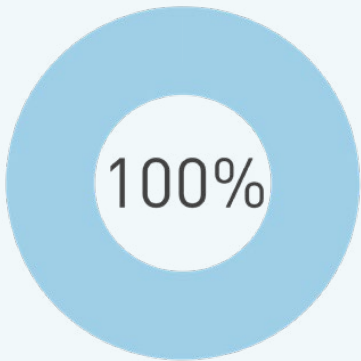
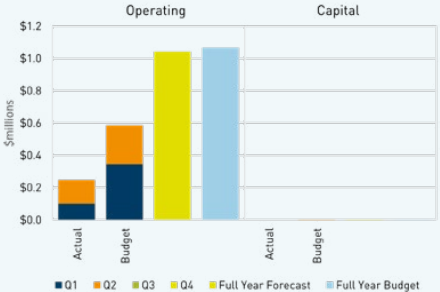
Challenges

• Council capacity and knowledge building:

- Mātauranga Māori capacity within Council. Lack of resources, and availability of active iwi members in Council's iwi group.



Tangata whenua

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>100%</p> <p>■ Annual measure (not yet due)</p> <p>Operating and capital expenditure at 31 Dec 2022</p>  <p>Operating Capital</p> <p>\$millions</p> <p>Actual Budget Actual Budget</p> <p>■ Q1 ■ Q2 ■ Q3 ■ Q4 ■ Full Year Forecast ■ Full Year Budget</p>	Partnership agreements are in place with each of our iwi partners, and they are reviewed annually.	Achieve	–		Annual measure
	Iwi partners are satisfied with their partnership with Council.	Achieve	–		Annual measure
	Iwi have the opportunity for representation on standing committees of Council, and Mana Whenua have opportunities to contribute to Council work programmes	Achieve	–		Annual measure



Community support – ngā hāpai hāpori



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.



Our local economy is prosperous with ample opportunities for people to work and learn in Kāpiti.

Purpose

Contributing to communities' resilience, safety, health, and connectedness so that they may thrive by providing resources and services to the community for capacity building and opportunities to influence Council social strategies, policies, and programmes to address community priorities.

What we delivered

The following projects/initiatives are **on track**:


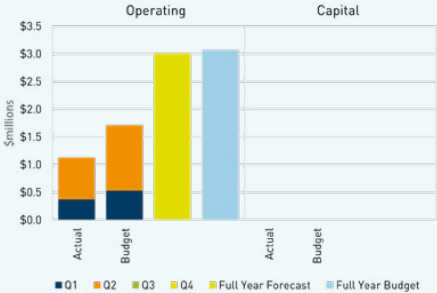
- **Implemented our social investment and support programme for the community sector to support our district's recovery and rebuilding from COVID-19 impacts:**

- In September 2022, the Council finalised contracts allocating funding to several organisations.
 - Social Investment Fund – Provide \$943,360 over three years (2022–25) to seven organisations for full amounts requested:
 - Energise Ōtaki Charitable Trust \$150,000 for their Bright Futures 2022–25 programme.
 - Kāpiti Youth Support \$150,000 for Project Youth.
 - Manaaki Kāpiti \$149,760 for a Kai Hu.
 - Paekākāriki Pride Inc. \$21,000 for the Pride Festival.
 - Te Puna Oranga o Ōtaki \$75,000 to provide a safe, warm and accessible space for the community.
 - Greater Wellington Neighbourhood Support \$157,600 to re-establish their presence in Kāpiti.
 - Volunteer Kāpiti/ Kāpiti Impact Trust \$240,000 to move into phase two of the Capable Sector project.
- Social Investment Fund – Council allocated the remaining funding equally between the two organisations which the Panel recommended not to fund – Birthright Levin and He Tāngata Village Trust. Each was allocated \$45,820 over the three years.
- **Develop and implement an age-friendly approach to meet the needs of our “seniors” population:**
 - The Age Friendly Strategy is on track to be presented to Council in March 2023.
- **Work with our community to develop spaces - community centre/hubs - that enhance access to resources and services:**
 - We continue to engage with the community in several ways including through activities such as My Mothers Apron - Stories from the kitchen table, and Te Wiki Kaumātua, Senior's week.
- **Other progress:**
 - ZEAL Education Trust Kāpiti Update.
 - Report on ZEAL's activities for Years 6 to 9 student.

Challenges

None to report.

Community support – ngā hāpai hapori

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>100%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p>  <p>Operating Capital</p> <p>\$millions</p> <p>Actual Budget Actual Budget</p> <p>■ Q1 ■ Q2 ■ Q3 ■ Q4 ■ Full Year Forecast ■ Full Year Budget</p>	Formal Council-mandated and supported advisory groups are satisfied or very satisfied with opportunities to influence the content of Council strategies, policies and project planning.	Satisfied			Annual measure
	Youth development programme deliverables are achieved.	Achieve			Annual measure
	Resident's who are satisfied with the Council's community support services.	85 percent	87 percent		Achieved
	Council's social investment programme enables services to deliver on community priorities.	Achieve			Annual measure



Governance – mana whakahaere



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to communities' resilience, connectedness, and sense of belonging through providing access to Council and managing democratic services.

What we delivered

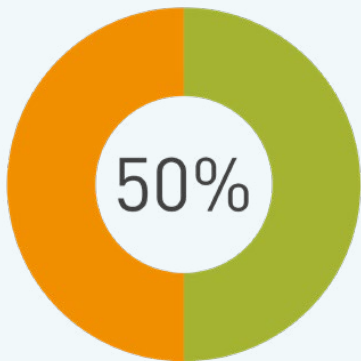
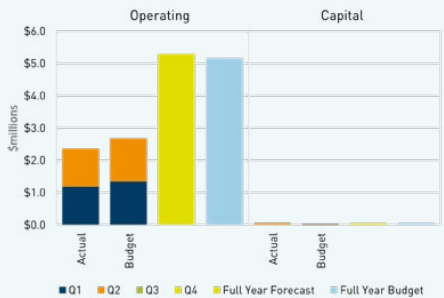
The following project/initiative is **complete**:

- **Continue to explore opportunities to enhance participation of Māori in the governance framework:**
 - On 24 November 2022, the new Council agreed to a formal role for mana whenua within its governance structure, including non-voting participation at Council and voting rights on some of Council's committees and subcommittees.

Challenges

None to report.

Governance – mana whakahaere

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>50%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p> 	Council meeting agendas are available in hard copy in Council service centres and/ or district libraries within two working days prior to the meeting.	100 percent	100 percent		Achieved
	Official information requests that are responded to within 20 working days.	100 percent	98 percent	Mostly due to staff shortages	Not achieved



Economic development – whakawhanake umanga



Community Outcomes – Vibrant Economy

Our local economy is prosperous with ample opportunities for people to work and learn in Kāpiti.

Purpose

Contributing to providing opportunities for people to work and learn in Kāpiti and increasing prosperity in the local economy by delivering the Kāpiti Coast Economic Development Strategy and Implementation Plan through partnerships.

What we delivered

The following projects/initiatives are **on track**:

- **Work with iwi and the business community to implement the Kapiti Coast Economic Development Strategy and develop a destination management plan and developing a workforce plan:**

- Implementation of the Economic Development Strategy remains on track, with the Economic Development Kotahitanga Board providing a six-month update to the Council on 8 December 2022. The Destination Management Plan and Workforce Plan have been completed and approved by Council.

- **Set up a CCO (Council Controlled Organisation) that could be used in the future:**

- Council continues to assess CCO options as appropriate. Options currently assessed include the establishment of a housing entity with further discussion to occur with Council. Work will commence on assessing options for supporting Economic Development activity in Q3.

- **Explore whether Council may be able to have a role in the Kapiti Coast Airport:**

- Council is in the process of reviewing the findings from the Waitangi Tribunal's Waikanae: Report on
- Te Ātiawa/Ngāti Awa Claims and is awaiting a response from central government to the report, which includes the land currently utilised for Kapiti Airport.

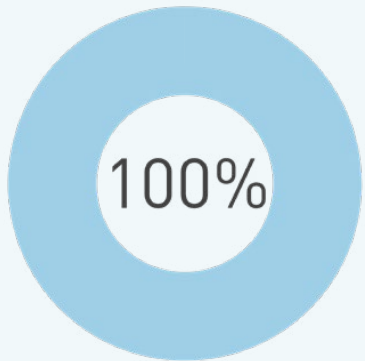
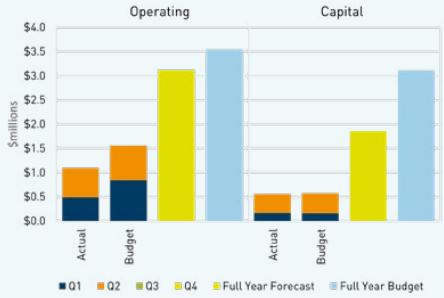
Challenges

The following projects/initiatives are **off track**:

- **Kapiti Gateway (Te Uruhi) with co-funding from Government:**

- Resource Consent was granted in December 2022. The Council will make a decision in early 2023 as to whether Te Uruhi will proceed.

Economic development – whakawhanake umanga

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>100%</p> <p>■ Annual measure (not yet due)</p> <p>Operating and capital expenditure at 31 Dec 2022</p>  <p>Operating Capital</p> <p>\$millions</p> <p>Actual Budget Actual Budget</p> <p>■ Q1 ■ Q2 ■ Q3 ■ Q4 ■ Full Year Forecast ■ Full Year Budget</p>	<p>The actions in the Kapiti Coast Economic Development Strategy and Implementation Plan 2020-23 are delivered.</p>	<p>Achieve [as reported annually in the Economic Development Kotahitanga Board report]</p>			<p>Annual measure</p>



Planning and regulatory services

Districtwide planning – mahere ā-rohe



Community Outcomes – Strong Communities

Our people have access to suitable housing in Kāpiti so that they can live and thrive.

Purpose

Contributing to providing access to suitable housing through efficient and effective development of policies and plans to encourage development and preserve the district's unique character and natural environment.

What we delivered

The following projects/initiatives are **on track**:

- **The Support and enable increased supply and development of housing including land acquisition:**
 - Implementation of the Kapiti Coast Housing Strategy continues, with Council officers working with iwi, central government, developers and community housing providers to increase housing options across the housing continuum. Officers also continue to progress due diligence on the proposed housing site in Rangiora Road, Otaki and look for other possible acquisition opportunities to supporting housing outcomes.

- **Develop and implement our district growth strategy:**

- Following the adoption of Te Tupu Pai in February 2022, work is underway to develop a monitoring framework that will support implementation of the strategy.

- **Review our District Plan particularly to reflect National Policy Statement on Urban Development and medium density residential standards:**

- Plan Change 2 (Council's intensification planning instrument) was publicly notified on 18 August.
- All submissions have now been completed, and the independent hearings panel appointed. A hearing of submissions has been scheduled for late March.

- **Rolling review of the District Plan, including notification of changes to: Omnibus plan changes:**

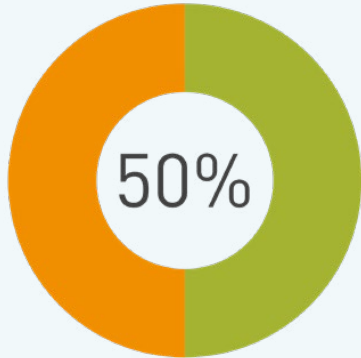
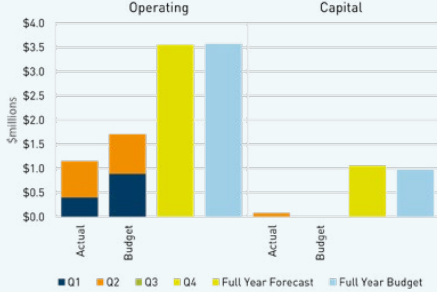
- The omnibus package of 13 plan change topics are at various stages of development.
- Eight omnibus plan change topics have now progressed past the public notification stage. Of those, seven will either progress directly to Council for a decision or will proceed to a hearing by the end of 2022/2023, while the other (Plan Change 1B, Managing Liquefaction Risk) was made operative 31 October 2022.

- Council will also receive advice by the end of 2022/23 about whether a plan change is needed to address overlaps with bylaws (Plan Change 1M).
- Draft Plan Change 1E (Rural Indigenous Biodiversity Incentives) has reached the draft consultation stage and is likely to progress to public notification by the end of 2022/2023.
- Discussions are ongoing with iwi about three waahi tapu-related omnibus plan change topics, including whether to proceed with these plan changes separately or as part of a wider review of the Sites and Areas of Significance to Māori chapter of the District Plan. Council will receive advice on this by the end of 2022/2023.

Challenges

None to report.

Districtwide planning – mahere ā-rohe

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>50%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p> 	<p>A forward programme of District Plan changes (dependent on timely completion of founding policies, strategies, and technical work) is developed and monitored.</p> <ul style="list-style-type: none"> - Omnibus plan change. - Urban development plan. - Flood risk plan change. - Coastal Plan change. - Urban development plan change. - Mana Whenua Plan Change. 				Annual measure
	All policies and bylaws are reviewed according to their statutory timeframes.	100 percent	100 percent		Achieved
	We efficiently and effectively develop policies and plans to encourage economic development in Kapiti and preserve our district's unique character and natural environment.	75 percent	68 percent	This result is based on a public opinion survey which occurred after public notification of Council's Plan Change 2. This change responds to government direction for more dense housing in urban areas, and includes new design guides and protections for trees, ecological sites, and sites of historic and cultural significance. Despite these measures, the result may be connected to concerns about urban intensification changing the "look and feel" of Kāpiti's urban areas.	Not achieved

Section 1: What we delivered | 1.3 Our service delivery by activity | Planning and regulatory services | 48



Regulatory services – ratonga whakaritenga



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to communities' safety and health through consenting, permitting, and enforcement of policies, regulations, and bylaws.

What we delivered

The following projects/initiatives are **on track**:

- **Working with our customers, operators, and partner groups, we will continue our programme of education, encouragement, and monitoring to support compliance and address non-compliance:**
 - With the recruitment of a customer experience coordinator, several workstreams have been initiated with the objective of improving the customer experience in the regulatory area. This includes reviewing and renewing regulatory information on the Council website, the initiation of regular customer experience surveys, and analysis of staff training and development needs. We are also updating our internal Ask Me Anything site to improve the information used by the call centre.
 - Building inspectors are proactively working to educate builders onsite and improve compliance rates, and to help reduce inspection failure rates.
 - The development control team are working to enable collaborative meetings onsite with customers to discuss technical outcomes for each site.

Proactive prevention-based activities

This half-year the Environmental Standards Group worked with the Communication and Engagement Team and Parks and Open Spaces Team on a proactive educational campaign "Don't be an egg, stay off our dunes." The intent of the campaign was to change behaviours to reduce the number of people on motor bikes and other motor vehicles who continue to drive in prohibited area in the dunes which is impacting these sensitive sites. The campaign received a lot of media coverage.

Responsible Camping Ambassadors

This quarter the Council were successful in a funding application to MBIE to employ Responsible Camping Ambassadors to undertake educational and information gathering activities in relation to Freedom Camping across our District. The Ambassadors started on 4 January 2023.

Challenges

The quality of applications for both Building and Resource consents remain our biggest challenge as 'out of town' developers and consultants come to develop in Kāpiti. Staff often are providing a quality assurance and free consultancy service to development professionals resulting in huge amounts of rework and requests for further information.

Given the oftenchallenging ground conditions in the Kāpiti District, we are having to actively encourage developers to lift the standard of engineering design, to ensure we 'grow well' and provide some consideration of future conditions within the frameworks that are currently available to us.



Section 1: What we delivered | 1.3 Our service delivery by activity | Planning and regulatory services | 50

Regulatory services – ratonga whakaritenga

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p> <p>67%</p> <p>■ Achieved ■ Not achieved</p> <p>Operating and capital expenditure at 31 Dec 2022</p> <p>Operating Capital</p> <p>\$12.0 \$10.0 \$8.0 \$6.0 \$4.0 \$2.0 \$0.0</p> <p>Actual Budget Actual Budget</p> <p>■ Q1 ■ Q2 ■ Q3 ■ Q4 ■ Full Year Forecast ■ Full Year Budget</p>	All dog attack and threatening behaviour requests for service [classified as urgent] are responded to within one hour of notification.	100 percent	100 percent		Achieved
	Average working days to process building consents will not exceed 17 days.	Not exceed 17 days	Didn't exceed 17 days		Achieved
	Average working days to process non-notified resource consents will not exceed 17 days, [excluding Resource Management Act s.37 extensions].	Achieve	29-day average time to issue	The team received 74 applications and issued 69 decision this quarter. For the year the team received 390 applications and issued 268 decisions. The average working days to issue a decision on a resource consent has slightly increased from 26 average working days to 28 average working days this quarter. The average timeframe for a non-notified consent for the year was 25 working days. This exceeds the teams internal KPI's and the RMA Statutory timeframe, however this average is similar to other Council's within the Wellington region.	Not achieved



Corporate



Community Outcomes – Strong Communities

Our communities are resilient, safe, healthy, thriving, and connected. Everyone has a sense of belonging and can access the resources and services they need.

Purpose

Contributing to our communities' resilience, safety, health, and connectedness by enabling operational delivery of support functions to both internal and external customers and stakeholders to satisfy their resource and service needs.

What we delivered

The following projects/initiatives are **on track**:

Financial management: serving our customers, improving our performance, and supporting our people. Kāpiti Coast District Council has maintained its AA/A-1+ S&P Global credit rating. In its latest report the independent ratings agency S&P Global has affirmed Council's AA/A-1+ credit rating for the next 12 months. It also revised its long-term rating outlook to stable from negative. S&P Global cited improving economic growth prospects for Kāpiti, driven by population growth, hybrid working and improved access to Wellington, and robust financial management for the continued good rating and stable outlook.

Procurement: we provide smart and effective frameworks and systems. We promote and enable sound practices. We improve capability and capacity to ensure we're well positioned to meet future challenges.

Planning and reporting: planning that supports our strategic direction. Reporting that is transparent, simple and outcome focused. Making it easier to use and update data. Council published a Pre-election Report to help locals decide whether they want to stand as a candidate and voters make informed voting decisions. The report provides an overview of big issues facing the district, major projects that Council either has under way or planned to happen, as well as its financial position.

Digital solutions: digital enablement for our community by means of online payments and digitised application forms.

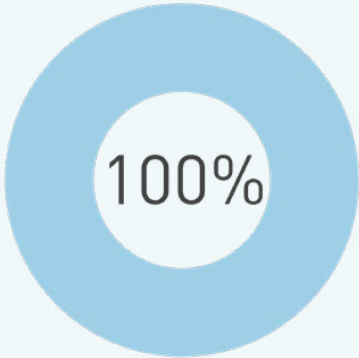
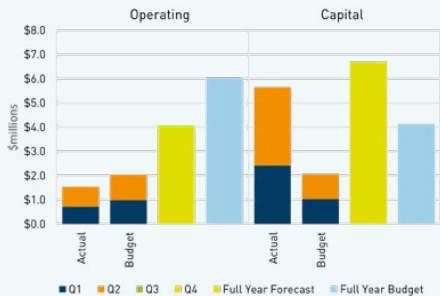
Risk assurance and business improvement: 100% of internal controls built into core business processes. Management of self-checking/compliance monitoring.

Strategic land purchase: The Council approved unplanned strategic land purchases in the district during the reporting period.

Challenges

None to report.

Corporate

	Performance Measures	Target	Result	Comment	Status
<p>Performance from 1 July to 31 December 2022</p>  <p>100%</p> <p>■ Annual measure (not yet due)</p> <p>Operating and capital expenditure at 31 Dec 2022</p>  <p>Year to date capex spend is over budget due to unplanned Council approval of strategic land purchases.</p>	<p>Staff have the materials and equipment they need to do their work right.</p>	<p>Improved result from previous engagement survey</p>			<p>Annual measure</p>

Section 2: Financial management

What is this section about?

This section explains how we have managed our finances over the reporting period.

This section has two subsections:

2.1 Financial overview	55
2.2 Financial statements	59



2.1 Financial overview

Revenue for the six months was

\$59.8 million

- Main stream revenue (mainly rates, user fees and charges) to fund operating expenses totalled \$46.7 million, \$0.2 million below budget for the period.
- Revenue also included capital subsidies of \$1.4 million and development contributions of \$8.9 million, both of which contribute towards funding of capital projects.

Revenue for the full year is forecast to be

\$170.5 million

Revenue for the full year is forecast to be \$170.5 million, made up of main stream revenue of \$93.3 million (\$0.2 million less than budget), capital subsidies \$11.5 million (\$1.8 million more than budget), development contributions of \$9.1 million (\$5.1m above budget) and old SH1 vested assets \$49.4 million.

Total operating expenditure for the six months was

\$51.6 million

Total operating expenses for the six months was \$51.6 million, \$0.7m lower than budget. Operating expenses for the full year are forecast to be \$109.2 million, \$1.6 million more than budget. This is mainly due to higher than expected personnel and finance costs.

Unrealised gains of \$4.8m for six months relate to the revaluation of our portfolio of interest rate swap contracts during the year. These contracts fix the rate of interest we pay, and at the end of December 2022 council held \$199 million of swap contracts covering 78% of the value of our debt. The revaluation gain reflects the fact that market interest rates have been rising and interest payable under our swaps contracts is lower than today's market rates.

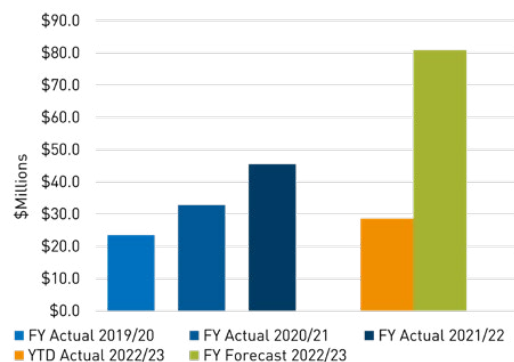
Capital spending

Capex spend for six months was

\$28.6 million

Capex was \$28.6 million for six months and is forecast to be \$80.8 million for the full year, \$3.9 million below budget.

Capital expenditure year on year



Capital project expenditure by activity	Year to date 31 Dec 2022			Full Year 2022/23		
Project	Actual \$'000	Budget \$'000	Variance \$'000	Forecast \$'000	Budget \$'000	Variance \$'000
Access and Transport	4,934	7,244	2,310	17,402	18,955	1,554
Transport hub	2,080	1,627	(453)	6,258	3,434	(2,823)
Ihakara-Arawhata Link Rd	354	572	218	751	3,409	2,659
Other capex	2,500	5,045	2,545	10,393	12,112	1,719
Coastal Management	364	1,046	682	5,146	5,132	(14)
Paekakariki Seawall replacement	167	349	182	3,260	3,260	-
Other capex	197	697	500	1,887	1,873	(14)
Community Facilities	4,648	4,312	(336)	10,567	10,118	(449)
Mahara Gallery	2,549	2,951	402	4,479	2,955	(1,524)
Waikanae Library project	187	171	(16)	446	2,041	1,594
Other capex	1,913	1,191	(722)	5,642	5,123	(519)
Corporate	5,653	2,068	(3,585)	6,709	4,136	(2,573)
Strategic land purchase	2,248	-	(2,248)	2,236	-	(2,236)
Strategic property upgrades	2,851	-	(2,851)	-	-	-
Other capex	554	2,068	1,513	4,473	4,136	(337)
Economic Development	550	571	21	1,858	3,111	1,254
Te Uruhi (Kapiti Gateway)	550	571	21	1,858	3,111	1,254
Parks and Open Spaces	1,273	791	(483)	5,392	6,532	1,140
Otarua Park Stage 2	395	350	(44)	2,269	2,843	574
Maclean Park	124	146	22	843	1,370	527
Other capex	755	295	(460)	2,280	2,319	40
Stormwater Management	5,505	1,422	(4,083)	8,500	6,379	(2,121)
Major stormwater projects	5,252	1,287	(3,965)	8,016	6,016	(2,000)
Other capex	253	135	(118)	484	363	(121)
Wastewater Management	2,355	2,254	(101)	9,786	7,645	(2,141)
Paraparaumu Wastewater Treatment Plant	1,016	1,149	133	5,807	3,649	(2,158)
Other capex	1,340	1,105	(234)	3,979	3,996	17
Water Management	2,523	6,637	4,113	11,337	18,746	7,409
Waikanae Water Treatment Plant upgrade	1,333	2,604	1,271	6,143	9,605	3,462
Otaki Water supply upgrade	197	1,872	1,675	572	4,928	4,356
Other capex	993	2,161	1,168	4,622	4,213	(409)
Other Activities capex	751	1,211	460	4,139	3,945	(194)
TOTAL CAPEX	28,557	27,555	(1,002)	80,836	84,700	3,864

Rates funded position

The YTD rates funded surplus of
\$1.3 million

The YTD rates funded surplus of \$1.3 million mainly reflects underspend in operating costs. This is primarily timing in nature, with expenditure expected to catch up in the second half of the year.

The full year forecast rates deficit of \$5.2 million reflects higher than planned personnel and finance costs.

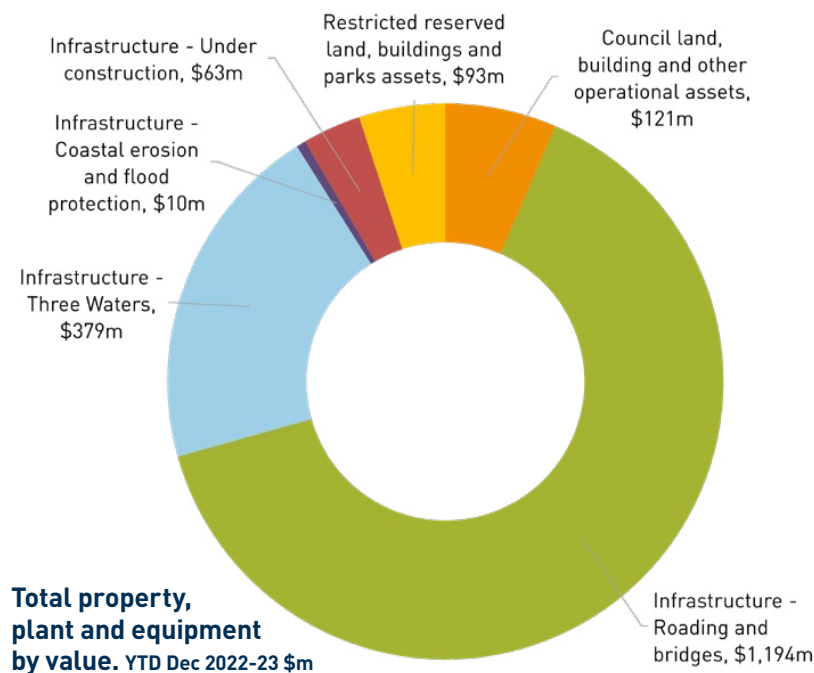
Rates funded position	Year to date 31 Dec 2022			Full Year 2022/23		
Summary of rates funding	Actual \$000	Budget \$000	Variance \$000	Forecast \$000	Budget \$000	Variance \$000
Operating (deficit)/surplus	8,221	907	7,314	61,286	58,652	2,634
Adjusted by income and expenditure not funded by rates:						
Add: Unfunded Depreciation	3,095	3,095	0	3,095	3,095	-
Add: Expenditure funded by reserves and special funds	259	211	47	445	268	177
Add: (Gain)/Loss on Sale of Assets	(9)	-	(9)	-	-	-
Add: Revaluation of Forestry Asset movement	-	-	-	-	-	-
Less: Capital subsidies not funded by rates	(1,353)	(856)	(497)	(11,550)	(9,772)	(1,778)
Less: Development and Financial Contributions	(8,945)	(1,975)	(6,970)	(9,087)	(3,949)	(5,137)
Less: Vested Assets	-	-	-	(49,425)	(49,425)	-
Underlying net rates surplus/(deficit)	1,268	1,382	(115)	(5,236)	(1,132)	(4,104)
Represented by:						
Water account surplus/(deficit)	308	323	(15)	(208)	16	(224)
Net underspend/(overspend) across the organisation	960	1,059	(100)	(5,028)	(1,148)	(3,880)
Underlying rates surplus/(deficit)	1,268	1,382	(115)	(5,236)	(1,132)	(4,104)

Financial position

Value of the Council assets

\$1.97 billion

The value of Council assets was \$1.97 billion at 31 December 2022.



Property, plant and equipment of \$1.86 billion made up 95% of the total asset value.

Our liabilities at December were \$279 million of which \$255 million was medium to long term borrowings from the Local Government Funding Agency, and the remainder mainly trade creditors.

Ratepayer's equity, being the difference between total assets and liabilities, was \$1.7 billion.

Cash and debt management

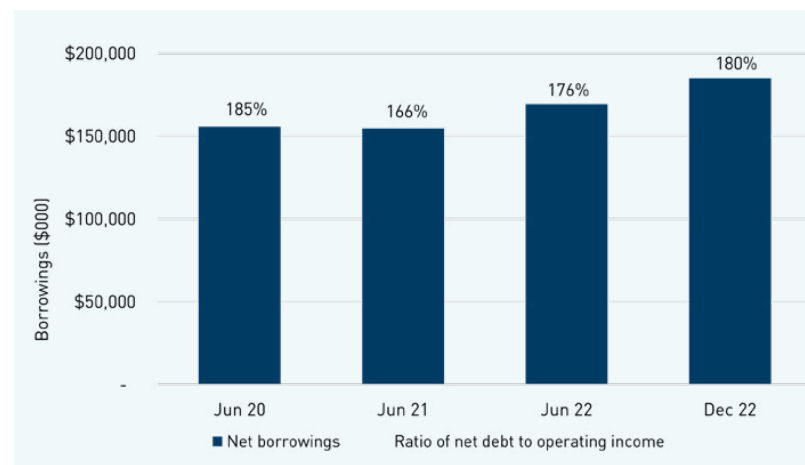
Net debt was

\$185.1 million

equating to 180% of operating income

Our net debt (total borrowings less term deposits, borrower notes and cash) at December was \$185.1m, equating to 180% of operating income - well below the maximum of 280% and preferred limit of 250% set out in the LTP.

Net debt as a percentage of operating income



2.2 Financial statements

Statement of financial performance						
	Year to date 31 Dec 2022			Full Year 2022/23		
	Actual \$000	Budget \$000	Variance \$000	Forecast \$000	Budget \$000	Variance \$000
<i>Revenue</i>						
Rates	40,767	40,840	(73)	81,877	81,736	141
Fees and Charges	5,933	6,140	(207)	11,386	11,862	(476)
Grants and Subsidies	3,680	4,001	(321)	17,397	16,837	560
Development and Financial Contributions Revenue	8,945	1,975	6,970	9,087	3,949	5,137
Other Operating Revenue	492	248	244	50,731	51,879	(1,148)
Total revenue excluding gains	59,816	53,202	6,614	170,477	166,263	4,215
<i>Expenses</i>						
Operating expenses	34,954	35,902	947	75,160	74,355	(804)
Depreciation and amortisation	13,037	12,837	(199)	25,788	25,773	(15)
Total expenses	47,991	48,739	748	100,948	100,129	(819)
<i>Interest</i>						
Interest income	1,153	700	453	2,063	1,500	563
Finance expense	4,757	4,256	(501)	10,307	8,983	(1,325)
Total interest expense	3,604	3,556	(48)	8,244	7,483	(762)
OPERATING SURPLUS/(DEFICIT)	8,221	907	7,314	61,286	58,652	2,634
Unrealised gains/(losses)						
Unrealised gain/(loss) on revaluation of financial derivatives	4,776	1,367	3,409	2,735	2,735	-
Total unrealised gains/(losses)	4,776	1,367	3,409	2,735	2,735	-
TOTAL COMPREHENSIVE REVENUE AND EXPENSE	12,997	2,274	10,723	64,020	61,386	2,634

Statement of financial position

	2022/23 YTD Actual \$'000	2022/23 Full Budget \$'000
Assets		
Cash and cash equivalents	14,513	15,596
Trade and other receivables	16,433	14,552
Inventories	184	157
Non-current assets held for sale	-	-
Property Plant and Equipment	1,860,377	1,912,796
Forestry assets	28	29
Intangible assets	2,890	5,089
Other financial assets	55,565	81,870
Loans	737	764
Derivative financial instruments	14,433	16,253
Total assets	1,965,160	2,047,106
Liabilities		
Trade and other payables	15,398	34,345
Employee Benefit	3,851	2,901
Deposits	2,484	1,568
Borrowings	255,000	300,000
Provisions	2,196	3,702
Derivative financial instruments	-	273
Total liabilities	278,929	342,789
Public equity		
Accumulated funds	637,590	688,847
Reserves and special funds	9,631	8,306
Revaluation reserve	1,039,009	1,007,164
Total equity	1,686,231	1,704,317
Total liabilities and equity	1,965,160	2,047,106

Statement of cashflows		
	2022/23 YTD Actual \$'000	2022/23 Full Budget \$'000
Cash flows from operating activities		
<i>Cash was provided from:</i>		
Kapiti Coast District Council rates	40,391	80,800
Greater Wellington Regional Council Rates	8,982	15,887
Grants and subsidies - operating	1,531	2,854
Interest received	569	1,487
Charges and fees	13,833	17,968
GST (net)	(651)	977
	64,655	119,973
<i>Cash was applied to:</i>		
Payments to employees and suppliers	40,576	62,539
Rates paid to Greater Wellington Regional Council	8,982	15,887
	49,558	78,426
Net cash flows from operating activities	15,097	41,547
Cash flows from investing activities		
<i>Cash was provided from:</i>		
Loan repayment/Term deposit maturities	20,346	45,823
Proceeds from sale of property, plant and equipment	9	-
Proceeds from development/financial contributions	-	-
Proceeds from capital grants	2,149	13,346
	22,504	59,169
<i>Cash was applied to:</i>		
Construction and purchase of property, plant and equipment and intangibles	28,557	79,889
Purchase of investments	5,500	57,292
	34,057	137,181
Net cash flows from investing activities	(11,553)	(78,012)
Cash flows from financing activities		
<i>Cash was provided from:</i>		
Long-term borrowings	20,000	90,000
	20,000	90,000
<i>Cash was applied to:</i>		
Interest on borrowings	4,305	8,968
Long-term borrowings	20,000	45,000
	24,305	53,968
Net cash flows from financing activities	(4,305)	36,032
Net increase/(decrease) in cash and cash equivalents	(761)	(433)
Add total cash and cash equivalents at 1 July 2022	15,274	16,029
Total cash and cash equivalents	14,513	15,596

Section 3: Residents' satisfaction survey results

What's this section about?

The residents' opinion survey results tell us how satisfied residents are with Council services and the perceptions they have about progress towards outcomes and service delivery. Actual service delivery results may vary from perceptions.

3.1 Overall satisfaction, trends and drivers	63
3.2 Satisfaction with progress toward outcomes	65
3.3 Satisfaction with service delivery	66
3.4 National comparisons	70



3.1 Overall satisfaction, trends and drivers

Overall satisfaction

The overall satisfaction score in quarter two of 2022–23 was 53%. Compared to quarter one, overall satisfaction decreased by 8%.

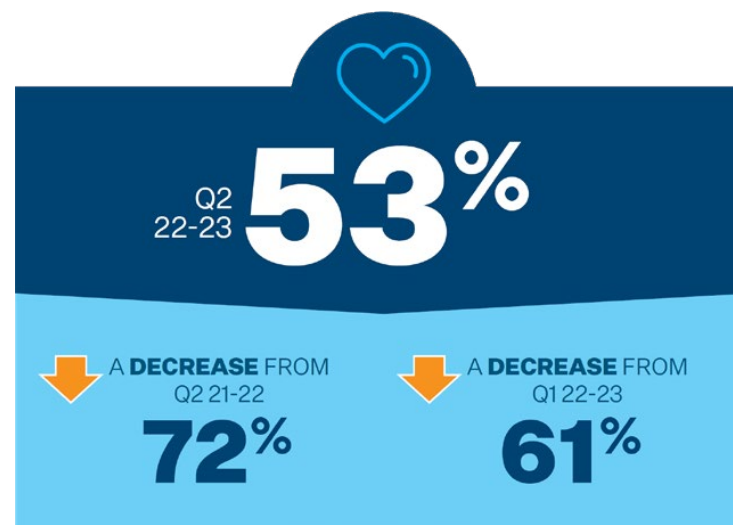
Drivers of change

This drop in satisfaction was largely due to the shift of satisfied residents stating they are neutral. Since quarter one 2022/23, the percentage of dissatisfied residents has remained equal at 27%, while satisfied residents decreased by 13% (to 30%), and neutral residents increased by 13% (to 43%).

However, significant differences can be seen when comparing to the same period last year. There has been an 11% increase in dissatisfied residents and a 15% decrease in satisfied residents since quarter two 2021–22.

The key drivers on residents' overall satisfaction were:

- the satisfaction with decisions made by the Council
- the belief that the Council is going in the right direction
- perceived value for money.



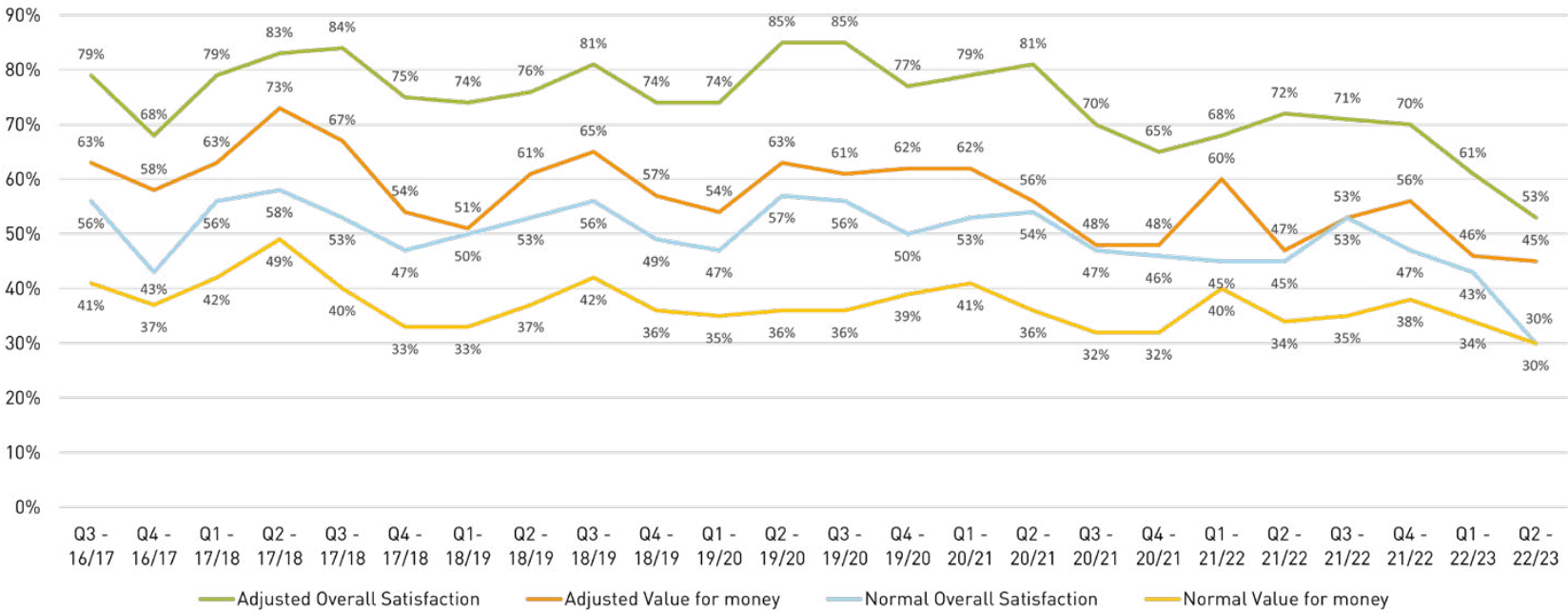
Overall satisfaction response breakdown

	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23
Very dissatisfied / Dissatisfied	21%	18%	22%	21%	27%	27%
Neutral	34%	38%	26%	32%	30%	43%
Very satisfied / Satisfied	45%	45%	53%	47%	43%	30%
Adjusted satisfaction	132	125	148	135	139	114

Trends

Residents continue to believe that Kāpiti is a great place to live (98%).

Overall satisfaction with Council services and perceived value for money trend analysis.



3.2 Satisfaction with progress toward outcomes

These results are perceptions of progress only, not an indication of actual progress.

Quarter two monitoring against the 2021–41 Long-term Plan outcomes shows that community, economic, and environmental outcomes continue to be perceived highly, all scoring from 68–84% satisfaction. At 33%, housing outcomes rated slightly higher than the same time last year.

Three out of five infrastructure services and three out of nine service delivery aspects failed to meet the targets set in place for quarter two 2022/23.



Note: The outcome called "Mana Whenua and Council have a mutually mana-enhancing partnership" does not have a specific Residents' Opinion Survey question to determine progress. Instead, a narrative explanation of progress will be provided in the Annual Report.

3.3 Satisfaction with service delivery

The key infrastructure issues for quarter two of 2022/23 were a perceived lack of street lighting, poor traffic flow, and a lack of maintenance on footpaths and roads.

Last year's report identified similar issues, although satisfaction with street lighting and footpaths both increased slightly during the year. Ease of movement and traffic flow, however, dropped a further 6% since this time last year.



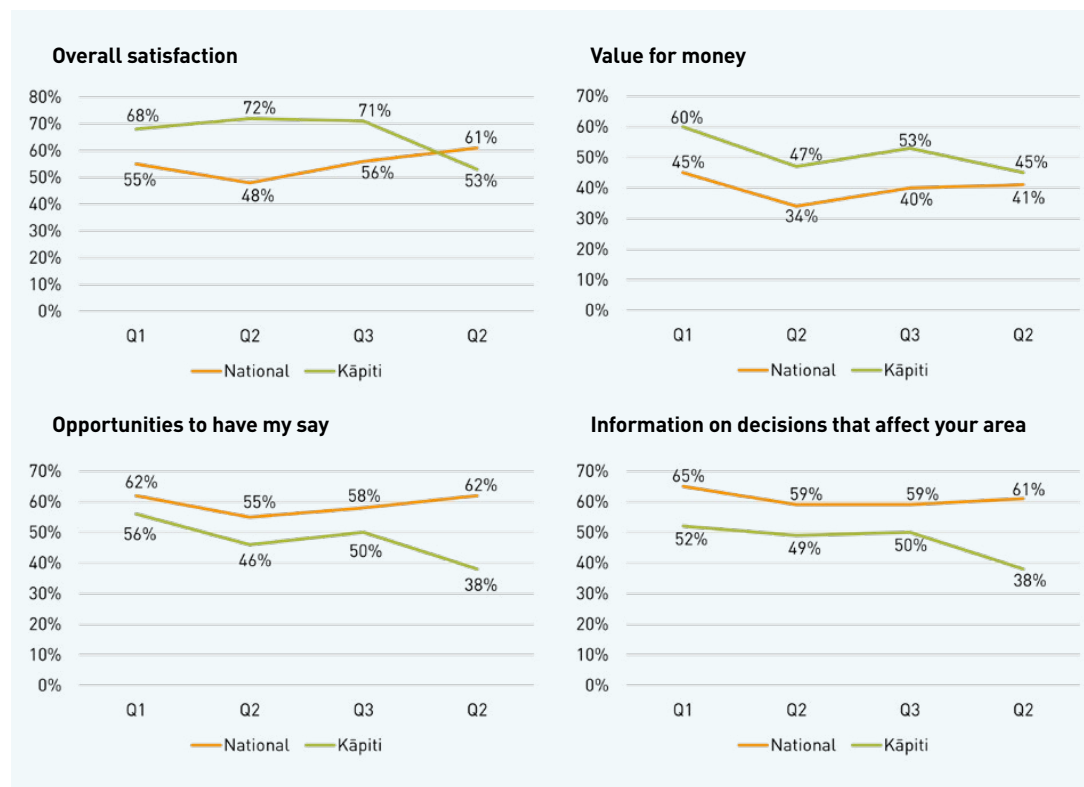


3.4 National comparisons¹

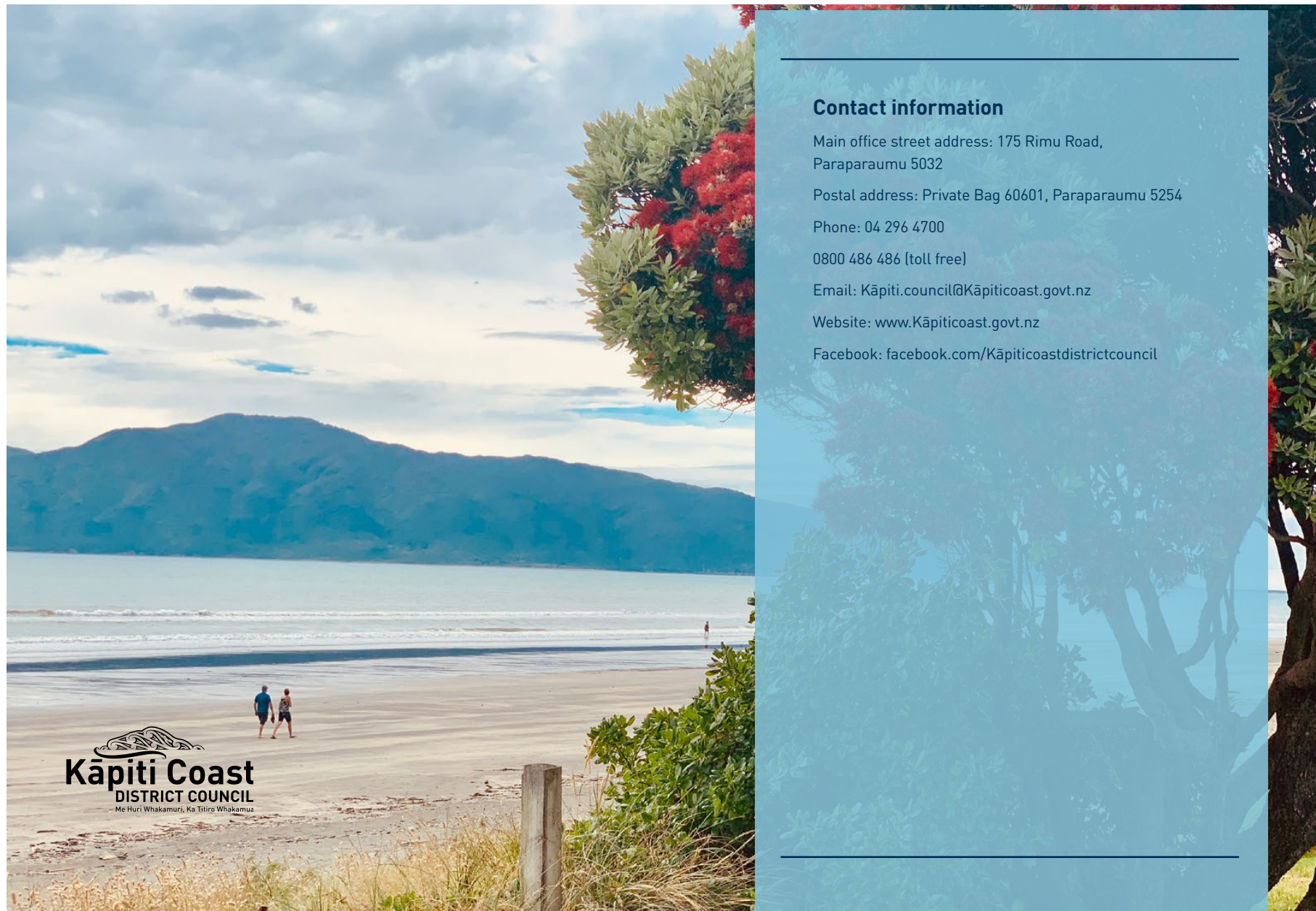
Kāpiti residents' satisfaction with value for money is trending higher than national satisfaction results.

However, we are trending below national overall satisfaction, opportunities to have my say, and information on decisions that may affect my area.

These will be focus areas for the Council over the remaining six months of the year.



¹ Source: *What is driving perceptions of Local Government?*, Research First, 2023



9 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF MINUTES

Author: Anna Smith, Democracy Services Advisor

Authoriser: Janice McDougall, Group Manager People and Partnerships

Taunakitanga | Recommendations

That the minutes of the Strategy, Operations and Finance Committee meeting of 8 December 2022 be accepted as a true and correct record.

APPENDICES

1. Confirmation of Minutes - 8 December 2022 [↓](#)

STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
MINUTES

8 DECEMBER 2022

MINUTES OF KĀPITI COAST DISTRICT COUNCIL
STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, GROUND FLOOR, 175 RIMU ROAD, PARAPARAUMU
ON THURSDAY, 8 DECEMBER 2022 AT 1:30PM

PRESENT: Cr Sophie Handford (chair), Mayor Janet Holborow, Cr Martin Halliday, Cr Jocelyn Prvanov, Mana whenua representative Kim Tahiwai, Mana whenua representative Huriwai Paki (via zoom), Cr Lawrence Kirby, Cr Rob Kofoed, Cr Liz Koh, Cr Nigel Wilson, Cr Glen Cooper, Cr Kathy Spiers

IN ATTENDANCE: Richard Mansell, Bede Laracy, Janice McDougall, Kris Pervan, Angela Bell, Jo Bryan, Steffi Haefeli, Fiona Story, Anna Smith

APOLOGIES: Cr Shelly Warwick

LEAVE OF ABSENCE: None

1 WELCOME

Councillor Handford welcomed everyone to the meeting and adjourned the meeting until 2:00pm, or within half an hour of that time. The meeting was adjourned at 1:32pm.

Councillor Handford opened the meeting at 2:29pm. The meeting was adjourned until 3:00pm.

Councillor Handford re-opened the meeting at 3:28pm. The meeting was adjourned until 3:40pm.

Councillor Handford re-opened the meeting at 3:39pm.

2 COUNCIL BLESSING

Councillor Kirby read the council blessing.

3 APOLOGIES

Cr Warwick and the Ōtaki Community Board sent their apologies. It was noted that the Mayor needed to leave shortly before 4pm.

4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA

There were none.

5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA

There were none.

6 MEMBERS' BUSINESS

(a) No leaves of absence were requested, nor matters of an urgent nature raised.

STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
MINUTES

8 DECEMBER 2022

7 HE KŌRERO HOU | UPDATES

7.1 STRATEGY, OPERATIONS AND FINANCE WORK PROGRAMME

Kris Pervan, Group Manager Strategy and Growth presented an update on the Strategy, Operations and Finance Work Programme for the next year, and answered questions from members.

7.2 POSITIONING OURSELVES FOR REFORMS (FFLG AND RMA)

Kris Pervan, Group Manager Strategy and Growth introduced Jo Bryan, Strategy Manager, and Angela Bell, Chief Advisor Strategy and Growth and introduced the update on the upcoming reforms.

Kris Pervan updated members advice from the Minister for Local Government on the range of central government reforms underway.

Jo Bryan updated members on the Future for Local Government Review, the contents of the draft report, and the date when submissions are due on the panel's draft report.

Kris Pervan updated members on thoughts from the review panel.

Angela Bell updated members on the Resource Management Reforms, the Natural and Built Environment Bill, and the Spatial Planning Bill.

Kris Pervan updated members on the process for preparing council's submission.

Kris, Angela and Jo answered questions from members.

Mayor Janet Holborow left the meeting at 3:57pm.

Huriwai Paki joined the meeting via zoom at 3:59pm.

Cr Nigel Wilson left the meeting at 4:04 pm.

Cr Nigel Wilson returned to the meeting at 4:09 pm.

8 PŪRONGO | REPORTS

**8.1 FORMAL DECISION TO REVIEW WASTE MANAGEMENT AND MINIMISATION
PLAN 2017**

Robbie Stillwell, Waste Projects Manager, and Nienke Itjeshorst, Sustainability and Resilience Manager spoke to the report.

COMMITTEE RESOLUTION SAOCC2022/53

Moved: Cr Martin Halliday

Seconder: Cr Jocelyn Prvanov

That Council agrees to proceed with the development of a new Wellington Region Waste Management and Minimisation Plan (2023-2029).

CARRIED

STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
MINUTES

8 DECEMBER 2022

9 PUBLIC SPEAKING TIME

There were no public speakers.

10 CONFIRMATION OF PUBLIC EXCLUDED MINUTES

There were none.

The Strategy, Operations and Finance Committee meeting closed at 4:41pm.

.....
CHAIRPERSON

**10 TE WHAKAŪNGA O NGĀ ĀMIKI KĀORE E WĀTEA KI TE MAREA |
CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

Nil

11 CLOSING KARAKIA