



RĀRANGI TAKE AGENDA

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, 8 June 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 8 June 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
Deputy Mayor Lawrence Kirby	Member
Cr Glen Cooper	Member
Cr Martin Halliday	Member
Cr Rob Kofoed	Member
Cr Jocelyn Prvanov	Member
Cr Shelly Warwick	Member
Cr Nigel Wilson	Member
Cr Kathy Spiers	Member
Huriwai Paki	Member
Kim Tahiwī	Member
Ātiawa ki Whakarongotai (André Baker or Janine Huxford or Christopher Gerretzen)	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

7.1 UPDATE ON TAKUTAI KĀPITI FROM COASTAL ADVISORY PANEL CHAIR THE RT HON JIM BOLGER

TE PŪTAKE | PURPOSE

The Rt Hon Jim Bolger, Chair of Coastal Advisory Panel (CAP) for Takutai Kāpiti, will be providing an update on the CAP's work for Phase 2 of the project.

8 PŪRONGO | REPORTS

8.1 DRAFT EASTER SUNDAY TRADING POLICY 2023 - SEEKING APPROVAL FOR PUBLIC CONSULTATION

Kaituhi | Author: **Aston Mitchell, Policy Advisor**

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

TE PŪTAKE | PURPOSE

- 1 This report presents the draft Kapiti Coast District Council Easter Sunday Shop Trading Policy 2023 (hereafter referred to as 'the draft Policy') and seeks Council approval to undertake public consultation on the draft Policy.
- 2 This report is intended to be read in conjunction with the attached information:
 - Statement of Proposal for public consultation (Appendix 1),
 - Submission Form (Appendix 2), and
 - The draft Easter Sunday Trading Policy 2023 (Appendix 3).

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 3 This report presents the draft Kapiti Coast District Council Easter Sunday Shop Trading Policy 2023 and seeks Council approval to undertake public consultation on the draft Policy. It includes three options for consideration, which includes a recommendation to consult on option 1 – the re-adoption of the current 2017 Policy, for the renewed 2023 Policy.

TE TUKU HAEPAPA | DELEGATION

- 4 Section 5A of the Shop Trading Hours Act 1990 gives the Council the power to make a policy on shop trading on Easter Sunday.
- 5 Under section B1 of the Governance Structure and Delegations for the 2022-2025 Triennium the Strategy, Operations, and Finance Committee is responsible for the development and/or review of strategies, plans, policies, and bylaws.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Committee receives and notes this report, including Appendices 1 – 3.
- B. That the Committee approves the Statement of Proposal and the Draft Kāpiti Coast District Council Easter Sunday Shop Trading Policy 2023 for public consultation in accordance with the Special Consultative Procedure as set out by the Local Government Act 2020.
- C. That the Committee delegates authority to the Chair of the Strategy, Operations and Finance Committee and the Chief Executive to approve minor and technical changes required (if any) to the consultation documents before they are publicly released on 26 June 2023.

TŪĀPAPA | BACKGROUND

- 6 Following an amendment in 2016 to the Shop Trading Hours Act 1990, territorial authorities were given the opportunity to develop a local Easter Sunday Shop Trading Policy. This legislation enabled Councils to adopt a local policy which provided an opportunity for more shops to trade on Easter Sunday in their area if they chose to. The Ministry of Business, Innovation and Employment (MBIE) has responsibility for implementation of the Act.
- 7 There is no legal requirement to have an Easter Sunday Shop Trading Policy, and what can be achieved with a policy is tightly defined. The policy can only enable trading. The Act does not allow a policy to:

- permit shops to open only for some purposes; or
 - permit only some types of shop to open; or
 - specify times at which shops may or may not open; or
 - include any other conditions as the circumstances in which shops in the area may open.
- 8 The Council can decide to have a policy which enables Easter Sunday shop trading for the whole or part(s) of the District. The shop trading policy must include a map of the area to which the policy applies and a clear description of the boundaries of the area so that they are easily identifiable in practice.
- 9 The Council does not have an enforcement role for Easter Sunday trading; this role remains with the Ministry of Business Innovation and Employment (MBIE).
- 10 The Council adopted the Easter Sunday Shop Trading Policy 2017 (the Easter Sunday Trading Policy) on 7 December 2017, following the use of a special consultative procedure (detailed under section 83 of the Local Government Act 2002) as required by section 5B of the Shop Trading Hours Act 1990.
- 11 In accordance with section 5C of the Shop Trading Hours Act 1990 an Easter Sunday Shop Trading Policy must be under review within 5 years of adoption. If the policy is not under review by that time, it will be automatically revoked two years after the date that the review was due. Accordingly, the 2017 Policy was due for review by 7 December 2022 (5 years from the date it was adopted) and the final date for completion of the review is 7 December 2024 (2 years from the date the review is due).

HE KŌRERORERO | DISCUSSION

REVIEW PROGRESS

- 12 Section 5A of the Shop Trading Hours Act 1990 permits a territorial authority to create a local Easter Sunday shop trading policy to permit shops to open on Easter Sunday in an area comprising of:
- The whole of its district (allowing trading throughout Kāpiti); or
 - Any part or parts of its district (limit shop trading to part(s) of Kāpiti).
- 13 Data collection and initial analysis for the first phase of the review for the Easter Sunday Trading Policy 2017 commenced in 2022, with our early engagement starting in early 2023. This is now completed, with key work involving Council Officers:
- requesting feedback from key stakeholders, including Retail NZ, and First Union, to seek their views and input,
 - requesting feedback from our iwi partners Ngā Hapū o Ōtaki, Te Rūnanga o Ngāti Toa Rangatira, and Āti Awa ki Whakarongotai, to seek their views and input,
 - analysing all Easter Sunday-related service requests, emails, and other correspondence received by Council from December 2017 to December 2022,
 - analysing District-wide in-person electronic card transactions on Easter Sunday versus other Sundays between 2017-2022,
 - conducting a short survey of local businesses to determine whether they had opened to trade on Easter Sunday in 2022, and whether they would do so in 2023,
 - reviewing all other Council's Easter Trading policies, and
 - assessing the Policy rules against other legislation to check for any ambiguities or inconsistencies that required amendment.

- 14 The early engagement, data collection and analysis phase did not identify any significant issues relating to this policy, however it did identify that there may be a range of views relating to this policy across the District.
- 15 The current phase involves the development of a draft Policy and public consultation, in accordance with section 5B of the Shop Trading Hours Act 1990 and section 156 of the LGA 2002, through a special consultative procedure.
- 16 Subject to the Committee's approval, Council Officers will:
 - 16.1 Release the draft Policy for public consultation between 26 June to 26 July 2023.
 - 16.2 Following this, on 22 August 2023, Council will hear submitters and receive a summary report of submissions.
- 17 The final draft Policy is planned to be presented to full Council (in accordance with Council delegations) for consideration and adoption in October 2023.

He take | Issues

- 18 The Statement of Proposal provides the community with more information on the different rules under the Shop Trading Hours Act 1990 and other related legislation, alongside the responsibilities of government agencies involved in Easter Sunday related legislation within the District.
- 19 The rules of Easter Sunday Trading in the Statement of Proposal (Appendix 1) explains a number of key considerations when thinking about Easter Sunday Trading. In addition, a number of specific issue items are discussed in the Statement of Proposal which include:
 - 19.1 confusion on who can open,
 - 19.2 historic exemptions,
 - 19.3 limiting the policy to part or part(s) of the District, and
 - 19.4 religion.
- 20 People won't necessarily see their own preference reflected in the draft Policy, as we considered a range of factors in determining how best to respond to issues raised and meet our legislative requirements. These factors include the size and impact of the issue, practicality of a response, appropriateness of using the Policy, ability to monitor or enforce, and the associated cost, and whether an issue is in scope of the Policy.

Ngā kōwhiringa | Options

- 21 Council has three options available to consider following this review:
 - A. Option one: District-wide Local Easter Sunday Shop Trading – readopt the current 2017 policy as is, which allows trading through the Kāpiti District;
 - B. Option two: Limited Local Easter Sunday Shop Trading – an amended policy could limit shop trading to part(s) of Kāpiti;
 - C. Option three: Revoke the Policy – trading on Easter Sunday is limited to the specific businesses listed under section 4 and 4A of the Shop Trading Hours Act 1990.
- 22 Option one is recommended and included in the draft policy which is part of the Statement of Proposal (Appendix 1).
- 23 These options are outlined further in Table 1 below.

24 Table 1: Options for the Easter Sunday Trading Policy

Kōwhiringa Options	Hua Benefits	Tūraru Risks
<p>Option A (recommended)</p> <p>District-wide Local Easter Sunday Shop Trading – readopt the current 2017 policy as is, which allows trading through the Kāpiti District;</p>	<p>Gives certainty to businesses and the public throughout the District.</p> <p>Provides choice to businesses on whether to open or not; and an even playing field across the District for businesses.</p> <p>Provides choice to individuals on whether to work or not if they wish (as it is not a Public Holiday and they may otherwise be short on pay for that week).</p> <p>Allows Kapiti businesses to receive economic benefit if they choose to open.</p> <p>Prevents businesses in other Districts with policies allowing trade from having an economic competitive advantage over businesses in the Kapiti District.</p> <p>There will be no breaches to report/enforce (for MBIE).</p>	<p>Some members of the community may not agree that all shops should have the choice on whether to open – usually due to religious beliefs.</p> <p>Employees lose an extra day off work during the year (unless their business chooses to remain closed).</p> <p>Some employees may not be comfortable in informing their employer that they do not wish to work.</p>
<p>Option B (not preferred)</p> <p>Limited Local Easter Sunday Shop Trading – an amended policy could limit shop trading to part(s) of Kāpiti;</p>	<p>Allows some Kapiti businesses to receive economic benefit if they are permitted to and choose to open.</p> <p>Provides choice to businesses on whether to open or not (if they are within the ‘permitted to trade’ area(s) in Kapiti).</p> <p>Prevents businesses in other Districts with policies allowing trade from having an economic competitive advantage over the Kapiti District (only applies to those businesses who would be within the permitted to trade area(s) in Kapiti).</p> <p>Allows individuals in permitted to open businesses to work on this day if they wish (as it is not a Public Holiday and they may otherwise be short on pay for that week).</p> <p>Employees (unless their business is exempt or operates</p>	<p>The Kapiti District is not large and limiting Easter Sunday Shop Trading to a part or parts of the District could cause confusion.</p> <p>Visitors to the District may be left without sufficient supplies if they are not aware that shops are not permitted to trade.</p> <p>Removal of choice for some business owners on whether to open or not.</p> <p>Provides an economic advantage to some businesses in part(s) of the District over others.</p> <p>Easter Sunday is not a public holiday. Employees in areas unable to trade would not receive pay for that day which could cause financial distress and have an overall negative economic impact on the District.</p> <p>Some employees may not be comfortable in informing their employer that they do not wish to</p>

	<p>under a local policy area exemption) are guaranteed an extra day off work during the year.</p> <p>There will be less breaches to report/enforce (for MBIE) than if we did not have a policy.</p>	<p>work (in permitted to open businesses).</p> <p>MBIE will need to deploy resource to the District to enforce breaches. Alternatively, if they do not, there is likely to be upset amongst the community that legislation is not being enforced.</p> <p>MBIE have limited powers of enforcement (maximum of \$1000 fine upon conviction), which may not be a deterrent in breaching the law for some businesses.</p> <p>Council staff time and resource will be taken up responding to complaints when Council is unable to take action in response to breaches.</p> <p>Some members of the community may not agree that shops should have the choice on whether to open – usually due to religious beliefs.</p>
<p>Option C (not preferred)</p> <p>Revoke the Policy – trading on Easter Sunday is limited to the specific businesses listed under section 4 and 4A of the Shop Trading Hours Act 1990.</p>	<p>Employees (unless their business is exempt) are guaranteed an extra day off work during the year.</p> <p>Some members of the community may agree that shops should not have the choice on whether to open – usually due to religious beliefs.</p>	<p>Does not give certainty to businesses and the public, as business owners must still determine whether they meet the criteria under the legislation to operate.</p> <p>Visitors to the District may be left without sufficient supplies if they are not aware that shops are not permitted to trade.</p> <p>Considerable amounts of Council governance and staff time may be taken up responding to random requests for Easter Sunday Trading policies.</p> <p>Removal of choice for business owners on whether to open or not.</p> <p>Provides an economic advantage to those businesses who are permitted to trade under the legislation over those who are not permitted.</p> <p>Easter Sunday is not a public holiday. Employees in areas unable to trade would not receive pay for that day which could cause financial distress and have an</p>

		<p>overall negative economic impact on the District.</p> <p>MBIE will need to deploy resource to the District to enforce breaches. Alternatively, if they do not, there is likely to be upset amongst the community that legislation is not being enforced.</p> <p>MBIE have limited powers of enforcement (maximum of \$1000 fine upon conviction), which may not be a deterrent in breaching the law for some businesses.</p> <p>Council staff time and resource likely to be taken up responding to complaints when Council is unable to act in response to breaches.</p>
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- 25 Based on feedback and analysis, Council Officers consider that the current rules (allowing District-wide trading) under the Easter Sunday Trading Policy 2017 remain appropriate and fit-for-purpose and could be re-adopted without issue.

Tangata whenua

- 26 Council Officers have requested iwi input on this policy, and will continue to support iwi to engage with the content of the draft Policy and submit on the Statement of Proposal. Nga Hapu o Ōtaki provided direct feedback via the Council workshop.

Panonitanga āhuarangi | Climate change

- 27 There are no climate change considerations.

Ahumoni me ngā rawa | Financial and resourcing

- 28 This policy review is being carried out within existing budgets.

Ture me ngā Tūraru | Legal and risk

- 29 The adoption of the 2023 Easter Sunday Trading Policy must be completed by 7 December 2024 or the 2017 Easter Sunday Trading Policy will be automatically revoked.
- 30 Section 5C of the Shop Trading Hours Act 1990 requires the use of a special consultative procedure for the amendment, revocation, replacement, or continuance of the Policy, as outlined under section 83 of the Local Government Act 2002.

Ngā pānga ki ngā kaupapa here | Policy impact

- 31 There are no policy considerations in addition to those outlined in this report and the Statement of Proposal, attached as Appendix 1 to this report.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 32 A communications and engagement plan has been developed to support the public consultation process through a range of channels. These include our regular digital channels (including Facebook, the Easter Sunday Trading web page on kapiticoast.govt.nz, e-

newsletter Everything Kāpiti), newspaper advertising, direct emails to stakeholders, and media advisories.

- 33 The information available to the public for consultation on the draft Policy has been produced in accordance with LGA 2002 requirements and Council's Significance and Engagement Policy.

Whakatairanga | Publicity

- 34 Publicity and other communications have been included in the communications and engagement plan which has been developed to support community and stakeholder understanding and will drive engagement through the consultation process.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Statement of Proposal [↓](#)
2. Submission Form [↓](#)
3. Draft Easter Sunday Trading Policy 2023 [↓](#)



STATEMENT OF PROPOSAL

**DRAFT KAPITI COAST DISTRICT COUNCIL
EASTER SUNDAY TRADING POLICY 2023**

8 June 2023

Statement of Proposal: draft Kapiti Coast District Council Easter Sunday Trading Policy 2023

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HAVE YOUR SAY

The Council invites your views on the draft Kapiti Coast District Council Easter Sunday Trading Policy 2023.

The formal consultative period will last for four weeks, from 26 June 2023 to 26 July 2023.

Submissions must be made either in writing or online.

You can complete the submission form attached to this document and either:

- email it to haveyoursay@kapiticoast.govt.nz,
- drop it off at the Council offices or a Council Service Centre, or
- post it to 'Kāpiti Coast District Council, Private Bag 60601, Paraparaumu 5254'.

You can also make your submission online via Council's online submission portal at <https://haveyoursay.kapiticoast.govt.nz/easter-sunday-shop-trading>

Hard copies of the submission forms are also available from District libraries and service centres.

Submissions will be heard on 22 August 2023.

Persons who wish to be heard by Council will be given the opportunity to do so. If you wish to make an oral submission to Councillors, please indicate YES on the submission form and ensure you have included your contact details. We will contact you to arrange a time for you to speak.

What happens to your feedback?

Your submission, and those of other submitters, will help inform Councillors as we finalise the new Kapiti Coast District Council Easter Sunday Trading Policy 2023.

INTRODUCTION AND BACKGROUND

1. The Kapiti Coast District Council (the Council) is undertaking a statutory review of the Kapiti Coast District Council Easter Sunday Trading Policy 2017 (the '2017 Policy'). This Statement of Proposal presents the draft Kapiti Coast District Council Easter Sunday Trading Policy 2023 (the 'draft 2023 Policy'), being proposed for adoption this year.
2. We have undertaken a range of targeted activities (input from the community and key stakeholders, a review of other Councils' Easter Sunday Trading policies, and a review of service requests, emails, and other correspondence) to identify and better understand the issues surrounding Easter Sunday trading.
3. With the release of this Statement of Proposal, Council is inviting feedback on the draft 2023 Policy.
4. This Statement of Proposal:
 - helps the community understand the Council's responsibilities and the review process to date,
 - explains the challenges we have identified, and
 - invites the community to make submissions on the draft 2023 Policy.

The Current Easter Sunday Trading Policy 2017

5. Council adopted the 2017 Policy in December 2017 (<https://www.kapiticoast.govt.nz/media/0chedwll/easter-sunday-shop-trading-policy.pdf>). The purpose of the Policy is to enable shops to trade on Easter Sunday if they wish.
6. There is only one key matter covered in the 2017 Policy:
 - Allowing shops to trade on Easter Sunday if they wish within the whole of the Kapiti Coast District.
7. Some matters are explained further later in the document; however, they are excluded from the Policy rules as they are outside the scope of the Policy. They include:
 - Individual retailers choosing whether to open on Easter Sunday;
 - Employees right of refusal to work on Easter Sunday under the Shop Trading Hours Act; and,
 - Alcohol regulation which is covered by the Sale and Supply of Alcohol Act 2012 and is not impacted by the Policy.

Legislative Requirements

8. In accordance with section 5A of the Shop Trading Hours Act 1990 (STH Act) the Council may create a shop trading policy to permit shops to open on Easter Sunday in either the whole of its district, or any part or parts of its district.
9. The STH Act (section 5B) requires the Council to use a special consultative procedure (as outlined in s83 of the Local Government Act 2002) when deciding whether to adopt, amend, or revoke an Easter Sunday shop trading policy.
10. The STH Act requires that Easter Sunday Trading policies:

- are under review within 5 years of their adoption, and
 - are revoked two years after the review date if no review is undertaken.
11. Accordingly, a review of the 2017 Policy was due to commence by 7 December 2022 (5 years from the date it was adopted), and the final date for completion of the review is 7 December 2024 (2 years from the date the review is due). Failure to complete a review within this timeframe will result in the policy being revoked.
12. Section 5C requires that the Council uses a special consultative procedure when deciding whether to amend, revoke, replace, or continue with the policy without amendment; and must make the new policy publicly available along with the date of revocation for the previous policy.
13. To enable public understanding of the policy review process and the proposed amendments, the Local Government Act 2002 requires Council to present this Statement of Proposal (section 83).

UNDERSTANDING THE RULES OF EASTER SUNDAY TRADING

14. There are some different roles and responsibilities involved in managing Easter Sunday trading. As a result, it can be confusing to understand the rules for trading on Easter Sunday. The following section helps highlight some of the specific areas of responsibility that operate alongside this Policy.
15. The STH Act sets out a short list of days where shops must be closed unless they are specifically exempted. These days are: Christmas Day, Good Friday, ANZAC Day (until 1pm), and Easter Sunday. All of these, except for Easter Sunday, are public holidays.
16. The STH can be found here:
<https://www.legislation.govt.nz/act/public/1990/0057/latest/DLM212351.html>

Exemptions

17. Under the STH Act (sections 4, 4A & 4B) there are three types of shops which can open on restricted trading days (as defined by the STH Act Part 1):
- Shops that can open with conditions and provided they meet certain conditions.
 - Shops that can open because of an area exemption.
 - Shops that can open on Easter Sunday because the local territorial authority (Council) has adopted a local Easter Sunday shop trading policy. This doesn't mean a shop can open on Christmas Day, Good Friday, or Anzac Day before 1pm.
18. Shop owners are responsible for determining whether they meet the criteria.
19. A limited number of geographical areas are covered by exemptions to the shop trading restrictions. These are generally tourist resort areas such as Taupo and Queenstown, and generally are limited to specific streets or small areas. These exemptions are historical, and new exemptions cannot be granted.
20. The full list of exemptions can be found here:
<https://www.employment.govt.nz/assets/Uploads/tools-and-resources/documents/b2d747be86/employment-nz-valid-exemptions-granted.pdf>

21. The Kapiti Coast District does not have any area exemptions.

Employee Protections

22. Easter Sunday is not a public holiday, and therefore employees are not required to be paid if their employers do not open for business. Public holidays are defined under the Holidays Act 2003 (section 44). This legislation can be viewed here:
<https://www.legislation.govt.nz/act/public/2003/0129/latest/DLM237120.html>
23. There are requirements associated with the right to refuse to work on Easter Sunday for both employers and employees under the STH Act (section 5I & 5J), including yearly written notice on the employee's right to refuse to work, and with written refusal to work where the employee wishes not to work. As the right to refuse to work on Easter Sunday is a protected right, the employer may not treat the employee adversely for choosing not to work (as per the Employment Relations Act 2000)¹.

Alcohol

24. The sale of alcohol is regulated by the Sale and Supply of Alcohol Act 2012 (SSA Act), with NZ Police and District Licensing Inspectors as the enforcers of the SSA Act.
25. The sale and supply of alcohol is largely prohibited on Easter Sunday², regardless of whether there is a Policy in place. An Easter Sunday Policy cannot contradict the SSA Act by more widely permitting the sale of alcohol on Easter Sunday beyond that specified in the SSA Act.

Enforcement

26. The Council is not responsible for any enforcement relating to Easter Sunday trading under the STH Act 1990.
27. The Ministry of Business, Innovation, and Employment is the administrator and enforcer of the STH Act 1990.
28. A local policy in place allowing district-wide trade on Easter Sunday means that no enforcement is required, as there is no restriction on stores opening for trade.
29. Having rules in place creates an expectation that they will be enforced. It can be very frustrating for our community when Council, or other enforcement agent, is unable to take any substantial action to enforce a rule³.
30. The sale and supply of alcohol (with a few exemptions) is not permitted on Easter Sunday, regardless of whether a policy is in place or not. It is regulated by the Sale and Supply of Alcohol Act 2012 and not by the STH Act. NZ Police and District Licensing Inspectors have responsibility for enforcement under the SSA Act.

¹ It was considered that there may be a power imbalance with an employee's right to refuse to work, however it is considered that the protections under the Employment Relations Act 2000 are sufficient with personal grievances detailed under the Act.

² Sales are only permitted on Easter Sunday under the SSA Act in a few unique circumstances, including dining in a restaurant with a meal; residing on the premise; purchasing via remote (online) sales, though they cannot be delivered on Easter Sunday; and if it is sold from an off-license holder who makes and sells grape wine or fruit or vegetable wine on their premises.

³ It was well-publicised prior to 2001 that some garden centres would continue to trade on Easter Sunday despite it being prohibited under the STH Act. The maximum fine of \$1,000 (on conviction) was not a deterrent as they found Easter Sunday to provide significant financial return that more than covered the fine. In 2001, an amendment permitting garden centres to trade was added to the STH Act due to a continued lack of enforcement ability.

Other Legislation or Bylaws

31. There is also other legislation or Bylaws that manage or make rules affecting Easter trading activities that sit alongside the Policy. This includes:
- KCDC District Plan (which determines where trading businesses can be located)
 - KCDC Public Places Bylaw 2017 (requirement of licensing for trading in public places)
 - KCDC Trading in Public Places Policy 2017 (management of trading in public places)

PURPOSE AND SCOPE OF AN EASTER SUNDAY TRADING POLICY

The Purpose and Scope of an Easter Sunday Trading Policy

32. A local Easter Sunday Trading policy allows a Council to provide for local Easter Sunday Trading based on specific community values and needs. Trading on Easter Sunday remains an issue that results in a range of views across the community:
- It may be viewed as an inconvenience by people who would like to be able to undertake retail activities over a long weekend;
 - Some business owners and some employees would prefer the option to engage in trading and paid employment;
 - Some prefer that trading is strictly limited for religious reasons and/or to provide an opportunity for rest and reflection.
33. If Council do not have a policy allowing trade in place, many shops in the District will be unable to trade under the legislation. Only those covered by an exemption provision in the STH Act will be able to trade, which includes service stations, cafes, and garden centres.
34. A Council can choose to apply an Easter Sunday Trading Policy to all or part of their district, allowing the policy to be more nuanced if there is a specific community or area that has different values or needs.
35. An Easter Sunday Trading policy cannot:
- Provide for more liberal alcohol sales than stipulated in the Sale and Supply of Alcohol Act.
 - Specify that only specific types of businesses may trade on Easter Sunday (the provisions must apply to all retail businesses).
 - Set more stringent regulations than those in the STH Act (i.e. to attempt to prevent trade among businesses who are covered by an exemption in the STH Act).

ISSUES CONSIDERED

36. Easter Sunday trading across the District affects our community, making it important to seek the views of our community as part of this Policy review.
37. To develop the draft 2023 Policy and this Statement of Proposal, Council gathered and analysed information and talked with numerous stakeholders to assess whether the

current 2017 Policy remained appropriate. In this early review and engagement work, Council:

- requested feedback from key stakeholders, including Retail NZ, and First Union,
- requested feedback from our iwi partners Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga (Ngā Hapū o Ōtaki), and Ngāti Toa Rangatira to seek their views and input,
- analysed all Easter Sunday-related service requests⁴, emails, and other correspondence received by Council from December 2017 to December 2022,
- analysed District-wide in-person electronic card transactions on Easter Sunday versus other Sunday's between 2017-2022⁵,
- conducted a short survey of local businesses to determine whether they had opened to trade on Easter Sunday in 2022, and whether they intended to do so in 2023,
- reviewed all other Council's Easter Trading policies⁶, and
- assessed the Policy rules against other legislation to check for any ambiguities or inconsistencies that required amendment.

38. This early engagement and review work identified the following issues for consideration as part of the policy review:

- Confusion on Who Can Open
- Unequal Economic Disadvantage
- Limiting the Policy to Part(s) of the District
- Religion

39. Proposed responses to identified issues are explained further below.

40. We also identified some minor and/or technical changes to improve clarity and understanding of the Policy.

Confusion on Who Can Open

41. During our early engagement process, we identified that under the STH Act 1990 there can be confusion in determining who is allowed to trade and who is prohibited.

Our considerations

42. Shop owners are responsible for determining if they are legally able to trade on Easter Sunday. They may have difficulty navigating the STH Act to determine if they meet the criteria or not.

43. Generally, the following stores may trade on Easter Sunday under the STH Act:

- small grocery shops (such as dairies or superettes)
- service stations

⁴ Service requests are requests from customers related to Easter Sunday. Of the service requests analysed, of which there were only 11 located: 63.6% were related to regulation information (what are the rules?); 36.4% were related to the organisation of the Waikanae Easter Market (which is not run by Council).

⁵ Spending levels (via Worldline) are less on Easter Sunday than on any other Sunday, however, remain quite strong with an average of 44% of spending occurring.

⁶ 63.2% of Council's have a policy in place, all of which allow shops to trade across their districts.

- restaurants and cafes
 - duty free stores
 - shops providing services
 - real estate agencies
 - pharmacies
 - garden centres
 - shops at any public transport terminal or station
 - shops at a premise where an exhibition or show is taking place (including markets and crafts)
 - shops primarily selling only souvenirs.
44. However, in all cases except for pharmacies, strict conditions apply which limit the trading abilities of these businesses. For example, a service could provide a service such as hair cutting but cannot sell any products such as shampoos.
45. All other shops are not permitted to open under the STH Act (unless a local policy is in place). This includes a wide range of retail activities, including supermarkets, clothing retailers, homeware shops, appliance or electronics shops, and sporting goods stores.
46. There can be severe consequences for a business and/or individual if they wrongly interpret the provisions of the STH Act:
- If they wrongly understand they are prohibited from opening:
 - The business will miss out on a legal opportunity to trade as well as income from that opportunity
 - Employees who would have worked that day would lose income as they are not paid
 - The community will not have access to a shop they may have wanted to access that day
 - If a business or individual opens for trade when this has not been permitted by the STH Act (or a local Policy) it may result in enforcement action.
47. There is also potential for confusion if a local Easter Sunday Trading policy is applied to only certain parts of the District. This would likely be confusing for shoppers (who could, for example, be able to go to the supermarket in one part of the District but not others. It would also mean that some businesses (and their employees) would be able to gain economic benefits from operating on that day, while this would be denied to other parts of the District. This could incentivise non-compliance as it could be seen as unfair to allow trade in some areas and not others.

What we propose

48. We agree that the current Policy allowing trade across the District is appropriate and fit-for-purpose, as it eliminates any confusion by removing all restrictions on Easter Sunday trading implemented under the Shop Trading Act 1990.

Proposal:

- i. Retain the Policy as is.*

Unequal Economic Advantage

49. During our early engagement process, we identified that economic disadvantages can impact businesses who are unable to trade when other similar businesses are able to trade under either Easter Sunday Trading Policies or historic STH Act exemptions.

Our considerations

50. There were several exemptions made under the repealed Shop Trading Hours Act 1977 which allows shops in certain areas to trade on Easter Sunday, however, further exemptions cannot be created under the current Shop Trading Hours Act (1990). Existing exemptions are still considered valid under the STH Act. Kapiti has no historic exemptions.
51. Unfair economic advantages are created because those who benefit from an exemption (or a Policy) can access economic benefits by trading on Easter Sunday, while those who are not covered by either tool must remain closed. These exemptions have largely been superseded by local Easter Sunday Trading policies, as Councils are now able to allow trading which effectively provides equal access to the economic benefits of trading on that day. However, should Council choose to either apply the Easter Sunday Trading policy to only part of the District, or choose to revoke the 2017 Policy, this would again result in economic disadvantage for those parts of the community that were unable to trade, as customers are likely to instead access those goods and services from nearby areas where such restrictions do not apply.

What we propose

52. We consider that the current Policy settings of having an Easter Trading Policy that applies across the District as a whole eliminates any unfair economic disadvantage by providing shop owners with the opportunity to open in our District if they choose to.

Proposal:

- ii. *Retain the Policy as is.*

Limiting the Policy to Part(s) of the District

53. Councils have the option to apply an Easter Sunday Trading policy to part(s) of the District, rather than the whole District.

Our considerations

54. As noted in the discussions above, applying an Easter Sunday Trading policy to part(s) of the District may:
- Create confusion among businesses and the general public about in determining who can trade on Easter Sunday across the District.
 - Create unequal economic disadvantage, with similar business in different parts of the District being subjected to different rules around Easter Sunday Trading.
55. There would also likely be issues around enforcement. Council is not the enforcement body for the STH Act which is unlikely to be fully understood across the District and is likely to take up resource and staff time in responding to complaints when made with no actions able to be undertaken in response.

56. Limited powers of enforcement exist for the Ministry of Business, Innovation, and Employment, who are the enforcers of the Act, in preventing shops from trading. The only enforcement power is a fine which is applied, on conviction, to the offender (generally considered to be the manager of the shop) up to a maximum of \$1,000. Historically⁷ these enforcement provisions have not been enough to dissuade some businesses from operating. It is therefore likely that a policy that applied to only part/s of the District may suffer from a lack of enforcement.
57. Despite these negative implications, there may be other local factors that support the application of a policy to part(s) of the District. However, Council does not consider that any of our Communities has sufficiently different values that would justify considering applying a policy to part of the District only. Analysis of service requests and other community correspondence on Easter Sunday Trading issues did not provide any indication that there were location-specific issues that would support the exclusion of any one part of the District from coverage by the Easter Sunday Trading Policy.

What we propose

58. We agree that the current Policy allowing trade across the whole District rather than part(s) of the District is appropriate and fit-for-purpose, as it prevents the creation of issues that otherwise would exist (such as determining legality of opening) and enforcement issues.

Proposal:

- iii. Retain the Policy as is.*

Religion

59. During our early engagement process, we identified that there are some members of our community who believe that shops should not be trading on Easter Sunday due to the religious associations of Easter Sunday.

Our considerations

60. Easter is the principal festival of the Christian Church. Some of our Kapiti community associate Easter Sunday with a religious day and believe it should be a day spent observing their religion and spending time with family and friends.
61. In the 2018 Census, 35.8% of Kapiti residents identified as Christian (with 52.9% identifying as no religion). This is down from 44.7% identifying as Christian in the 2013 Census (with 48.9% identifying as no religion)⁸.
62. New Zealand is largely considered a secular society and has no state religion. A few examples of this include the previously mentioned religious identification data, the NZ Bill of Rights Act which confirms our 'freedoms of thought, conscience, religion, and

⁷ Garden Centres were not permitted to trade on Easter Sunday under the STH Act (prior to a 2001 amendment permitting their operation). It was well-publicised that some continued to operate regardless, simply accepting their fine as the significant financial returns for trading on this day more than covered it. This remains a potential problem for enforcers in any area where shops are not permitted to trade on Easter Sunday if a shop were to choose to open.

⁸ Religious data breakdown obtained from: <https://peopleandplaces.nz/kapiti-coast/people/ethnicity/religion/?entity=2289>

Statement of Proposal: draft Kapiti Coast District Council Easter Sunday Trading Policy 2023

- belief' (section 13), and the Education Act 1964 which sets out the secular character of primary schooling (section 78).
63. The rights of those who wish not to work on Easter Sunday as they are observing the day from a religious perspective remain protected by both the STH Act and the Employment Relations Act 2000 (as discussed under *Employee Protections* sections 22-23 of this paper).

What we propose

64. We agree that the current Policy allowing trade across the District is appropriate and fit-for-purpose, as it provides sufficient protections for those who wish to observe Easter Sunday from a Christian perspective to abstain from engaging in paid employment if they so desire while also providing opportunity for others to engage in paid employment and/or general retail activities.

Proposal:

- iv. Retain the Policy as is.*

OTHER MINOR OR TECHNICAL AMENDMENTS

65. The draft 2023 Easter Sunday Trading Policy includes minor changes only as the Policy remains fit for purpose. The changes include updated references from the 2017 Policy to a 2023 Policy, and an updated map.
66. For more information, see the summary of proposed changes below.

SUMMARY OF PROPOSED CHANGES

67. Following analysis, we concluded that the current rules remain appropriate and fit-for-purpose.
68. While engagement has identified a range of views, people will not necessarily see their individual preference reflected in the draft 2023 Policy. We consider a range of factors in determining how to respond to issues and meet our legislative requirements. These considerations include but are not limited to, the:
- size and impact of issue,
 - usefulness or appropriateness of using the Policy to address it,
 - practicality of response,
 - Council's ability to monitor or enforce,
 - financial impact in terms of capital expenditure or staff costs, and
 - existing rules in legislation.
69. A summary of all proposed changes in the draft 2023 Policy can be found in the table below. A full copy of the draft 2023 Policy can be found here: <https://haveyoursay.kapiticoast.govt.nz/easter-sunday-shop-trading>

Draft 2023 Easter Sunday Trading Policy			Key differences between draft 2023 Policy and 2017 Policy
1	Title	2023	Minor amendments to reflect 2023 Policy.
2	Contents; Revision History		Carried over from the 2017 Policy; Added a second revision history to reflect 2023 Policy. Minor amendment of page numbers amended for clarity while reading document.
3	Introduction; Policy Objectives and Scope; Strategic Alignment		Carried over from the 2017 Policy.
4	Definitions		Carried over from the 2017 Policy.
5	Policy		Carried over from the 2017 Policy.
6 - 8	Monitoring; Review; References		References – addition of the Sale and Supply of Alcohol Act 2012 to reflect the alcohol legislation governing sales on Easter Sunday.
9	Schedule 1		Minor amendments with map updated.

SCENARIOS – HOW DOES THIS IMPACT PEOPLE?

DISTRICT-WIDE POLICY	NO POLICY
<p>Matt's Hardware Store has a large garden centre attached. Matt is pleased he is able to offer his staff the opportunity to work on Easter Sunday if they want to, as he knows some of his staff have big financial commitments and want as much work as possible.</p> <p>Matt always found it unfair that the garden centre up the road was able to open on Easter Sunday but his hardware store and garden centre combination wasn't.</p> <p>Matt is happy his store is able to provide products to customers on a long weekend, when many customers are undertaking DIY projects.</p>	<p>Samantha started her employment recently after taking time off to have two children. She does not yet have annual leave. Samantha is a newly single solo parent and the sole income earner in her household. Samantha's employer is required to be shut on Easter Sunday as it does not qualify for any exemptions under legislation.</p> <p>Samantha is worried. Finances are tight in her household. She would normally work Sundays as her children are with their father, and not working on Sunday without pay means she won't be able to afford all of her groceries this week. Samantha decides to go without some food this week so that her children don't go without.</p>
<p>Steve owns a hair dressing business in Waikanae. In 2016, he opened his store under the legislation as a business providing a service and cut hair on Easter Sunday, along with selling some shampoo and conditioner products to clients.</p> <p>Steve was reported for selling products on Easter Sunday and received a \$1,000 fine which put him in a tough spot financially. He had not understood he wasn't allowed to sell products alongside his service.</p> <p>Steve is pleased the 2017 District-wide policy allows him to open his store and be fully operational on Easter Sunday.</p>	<p>Rob and his family decided to take a holiday in Kapiti for the Easter break. As they are only here for a short time, they were buying the food they needed each day so they wouldn't have to worry about taking it home with them.</p> <p>Rob did not realise that many Kapiti shops would be shut on Easter Sunday, and his family had to make-do with buying food from the corner shop and local cafes for that day. They found this quite time consuming and stressful, as one of Rob's three children has a severe dairy allergy with many products not being suitable for consumption, and many cafes weren't able to guarantee a non-contaminated meal.</p> <p>Rob decided he wouldn't come back to visit Kapiti after this experience.</p>
<p>Raquel works for a small business that only has a few employees. Her colleague who usually works Sundays declined to work, so Raquel was able to pick up the shift.</p> <p>Raquel is pleased as the extra shift this week means that Raquel will be able to put</p>	<p>Isabella's Clothing Boutique in Raumati does not qualify as a business who can open under the legislation on Easter Sunday.</p> <p>Isabella is upset as she is struggling to keep the lights on in the business while</p>

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<p>a little extra towards her daughter's fifth birthday party coming up soon.</p>	<p>staying open 7 days a week. On other holiday weekends, she normally notices an increase in trade as tourists visit her shop. Isabella will be forced to remain closed and miss out on the income from Easter Sunday.</p> <p>Isabella decides she will need to have a discussion with staff about the possibility of permanent closure.</p>
<p>James owns a store in Paekākāriki and pays his staff well. He discussed the possibility of opening on Easter Sunday with his staff and reminded them that as it is not a public holiday, if they were to remain closed then they would not receive pay for that day. His staff decided they would rather have the extra day off this year.</p> <p>James kept his store closed on Easter Sunday and they all enjoyed the extra day off.</p>	<p>Amelia's store is not permitted to be open on Easter Sunday, but Amelia chooses to open the store regardless knowing she risks receiving a \$1,000 fine.</p> <p>Amelia decided to open anyway as when she opened last year, her store did incredibly well and earned \$3,000 profit.</p>



Review of the Kapiti Coast District Council Easter Sunday Trading Policy 2017 Form

See the Statement of Proposal to adopt the 2023 Kāpiti Coast District Council Easter Sunday Trading Policy. Find out more about Easter Sunday Trading including timeframes at <https://haveyoursay.kapiticoast.govt.nz/easter-sunday-shop-trading>

Submissions Close 12.00pm, Wednesday 26 July 2023

1. How to Lodge your Submission:

Online: Go to https://haveyoursay.kapiticoast.govt.nz/easter-sunday-shop-trading and click Have Your Say	
You can also email, post or deliver your submission as follows:	Email: haveyoursay@kapiticoast.govt.nz
	Post: Kāpiti Coast District Council Private Bag 60-601, PARAPARAUMU 5254
	Deliver: Paraparaumu Service Centre, 175 Rimu Road Waikanae Service Centre, Mahara Place Ōtaki Service Centre, 81-83 Main Street

2. Your Details:

Submitter Details						
Is this an individual submission?			Yes		No	
Organisation (if applicable):						
Title (tick one)	Mr.		Mrs.		Other (please specify)	

First Name:			
Last Name:			
Address:			
Email:			
Phone number:		Mobile:	

Do you want to speak to the Council about your submission at the consultation hearing to be held on Tuesday 22 August 2023?	Yes	No
---	-----	----

3. Review of the Kapiti Coast District Council Easter Sunday Trading Policy 2017

Please refer to the Statement of Proposal to adopt the Kapiti Coast District Council Easter Sunday Trading Policy 2023

Question 1: Do you support having a District-wide Policy allowing all shops to have the option to open on Easter Sunday in the Kapiti Coast District?		
Please indicate	Yes	No
<p>Comments:</p>		
<p>Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.</p>		

Question 2: Do you have any other comments related to the review of the Easter Sunday Trading Policy?		
Please indicate	Yes	No

Comments

Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

4. Privacy

The Council has a Privacy Officer whom you can contact if you have any concerns regarding privacy issues.

Personal information provided to the Kāpiti Coast District Council ("the Council"), may be held, used and disclosed by the Council:

- to enable the Council to communicate with you for any purpose
- to enable the Council to provide you, or have provided to you, advice and information concerning products and services that the Council believes may be of interest to you
- to enable the Council to administer and maintain its records and carry out its required functions.

Personal information may be collected by the Council and will be held by the Council, whose address is Private Bag 60601, Paraparaumu.

You have the right under the Privacy Act 2020 to obtain access to and to request correction of any personal information held by the Council concerning you.

- ☐ I understand and agree that as this is a public award, the nominee may be contacted by Council to seek their consent to share the information in this nomination which may be used in council publications, on the website and other council communications or marketing material. Personal information will not be shared without their consent.

Name:

Signature: (of submitter or person authorised to sign on behalf of the submitter)

.....

Date:2023

(Note: A signature is not required if you make your submission online or by email)

If you have any questions about the Kapiti Coast District Council Easter Sunday Trading Policy, check out the information on our website at

<https://haveyoursay.kapiticoast.govt.nz/easter-sunday-shop-trading> before submitting.

Kāpiti Easter Sunday Trading Policy Submission form | Page 3 of 3

Kāpiti Local Easter Shop Trading Policy 2023
XX MONTH 2023



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REVISION HISTORY Revision	Policy Sponsor	Approval date and date of next scheduled review	Decision
1	Group Manager, Strategy & Planning	17 December 2017 Review before December 2022	Council
2	Group Manager, Strategy & Growth	DD MMMMM 2023 Review before MMMMM 2028	Council



1. INTRODUCTION

The purpose of this policy is to enable shops to trade on Easter Sunday if they wish. This policy is made under Part 2 (subpart 1) of the Shop Trading Hours Act 1990 (the Act). Easter Sunday is a significant day in the religious calendar for many New Zealanders. Some businesses will choose not to open and some workers will choose not to work on this day.

2. POLICY OBJECTIVES AND SCOPE

The objective of this policy is to enable Easter Sunday Trading and support a vibrant, diverse, and thriving Kāpiti.

This policy applies to the whole of the Kāpiti Coast District (see Schedule 1 Map) and does not apply to the sale and supply of alcohol, which is regulated under the Sale and Supply of Alcohol Act 2012.

3. STRATEGIC ALIGNMENT

This policy supports the vision for the Kāpiti Coast as vibrant, diverse and thriving and contributes to the following Council Outcomes:

- Thriving economy – support the unique character of the various geographic communities and communities of interest while encouraging greater district integration.
- Democracy through community participation – create easy opportunities throughout the council decision making process for the community to contribute.

4. DEFINITIONS

4.1 In this Policy, unless the context requires otherwise:

Shop	Is defined in the Shop Trading Hours Act 1990: ‘a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include: (a) a private home where the owner or occupier’s effects are being sold (by auction or otherwise); or (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again’
Council	means the Kapiti Coast District Council



District	means the jurisdiction of the Kapiti Coast District Council (see Schedule 1 for a map)
The Act	means the Shop Trading Hours Act 1990

5. POLICY

5.1 Shop trading is permitted on Easter Sundays throughout the whole of the Kāpiti Coast District as defined by the map in Schedule 1.

5.2 Individual retailers will choose whether to open on Easter Sunday. This policy does not require shops to open on Easter Sunday, nor does it require individuals to shop on Easter Sunday or require employees to work on Easter Sunday. The workers choice provision in Part 2 (subpart 2) of the Shop Trading Hours Act 1990 that outlines a shop employee's right to refuse to work on Easter Sunday supports this right.

6. MONITORING

6.1 The Ministry of Business, Innovation and Employment is responsible for enforcement of breaches of shop trading hours on Easter Sundays and the imposition of penalties.

7. REVIEW

This policy is required to be reviewed at least every five years from the date of adoption.

8. REFERENCES

- Shop Trading Hours Act 1990
- Sale and Supply of Alcohol Act 2012

9. SCHEDULE 1 – KAPITI COAST DISTRICT



8.2 ASSET MANAGEMENT PLAN PUBLIC TOILETS

Kaituhi | Author: **Claire Winter, Contractor to Kāpiti Coast District Council**

Kaiwhakamana | Authoriser: **Mike Mendonça, Acting Group Manager Place and Space**

TE PŪTAKE | PURPOSE

- 1 To seek the Committee's approval of the Public Toilets Asset Management Plan in order to inform discussions around the Long-Term Plan 2024.

HE WHAKARĀPOOTO | EXECUTIVE SUMMARY

TE TUKU HAEPAPA | DELEGATION

TAUNAKITANGA | RECOMMENDATIONS

That the Committee:

- A. Notes the Asset Management Plan Public Toilets (at Enclosure 1).
- B. Approves in principle the Asset Management Plan as the basis for long term planning.
- C. Notes that funding options will be presented as part of the process for the Long-Term Plan 2024.

TŪĀPAPA | BACKGROUND

- 2 Asset management planning is critical for the delivery of sustainable outcomes for our communities. Nationally, one of the major drivers of the Government's three waters reform is asset management failure. While the Council's own asset management for horizontal infrastructure is generally sound, there is a need to improve asset management planning for our vertical and green infrastructure.
- 3 A series of asset management plans for Council assets is scheduled to be presented to the Committee in the coming months.
- 4 The Asset Management Plan (AMP) for public toilets is the first of these. A summary of the draft AMP for public toilets was presented to the Social Sustainability Sub-Committee on 16th March 2023.
- 5 This AMP sets out to describe:
 - The asset and it's condition.
 - Current and future levels of service.
 - Demand management, particularly around growth and changing expectations.
 - Lifecycle analysis including capital and operating costs.
 - The financial implications of owning and operating this asset class

HE KŌRERORERO | DISCUSSION

- 6 The draft AMP Plan is enclosed.
- 7 Some key considerations for the committee include:

- In general, the assets are aging and there is deferred investment. While this is not critical, if not addressed, it will eventually lead to asset failure and reputational damage. In order to address this deferred investment, officers propose to present investment options via the Long-Term Plan 2024.
- While key areas for investment have been identified, this asset class is dynamic and from time to time unplanned opportunities and risks occur. For example:
 - The toilet attached to the building at the Waikanae Boating Club needs urgent investment in order to accommodate the increased demand from freedom campers, and the expansion plans of the Club itself.
 - The toilet known as Otaihangā Domain West is at constant risk of flooding and likely needs to be decommissioned.
 - The toilet at Otaki Bridge, also known as 'Otaki Petaloo' or 'Southbank' has recently been demolished and officers are exploring options for future assets in the general vicinity.

He take | Issues

Ngā kōwhiringa | Options

Tangata whenua

- 8 Public toilets are of significant cultural significance. Each toilet has its own characteristics and features. It is proposed to engage with Tangata Whenua on a granular, case by case basis, rather than as an asset class of its own.

Panonitanga āhuarangi | Climate change

- 9 Adaptation. Where toilets are in flood zones there are obvious consequences for asset planning - these are covered in the AMP. The AMP also identifies that low water usage is increasingly an expectation of residents and this needs to be built into planning.
- 10 Mitigation. The Council is sensitive to the carbon demand of owning and operating all its buildings. Carbon is a consideration prior to upgrade or renewal, and also the ongoing operations of public toilets.

Ahumoni me ngā rawa | Financial and resourcing

- 11 All financial decisions are channelled through the Long-Term Plan.

Ture me ngā Tūraru | Legal and risk

- 12 Good asset management is a control for risks identified in the Council's risk framework.

Ngā pānga ki ngā kaupapa here | Policy impact

- 13 There are no policy impacts.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 14 There is no specific communications engagement planned for this Asset Management Plan. The Long-Term Plan is the appropriate vehicle for this to occur.

Te mahere tūhono | Engagement planning

- 15 See item 16.

Whakatairanga | Publicity

16 See item 16.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Asset Management Plan Public Toilet [↓](#)

Figure 1 Paekakariki Campbell Park (On Hill)



Asset Management Plan

Public Toilets

Te Kaiwhakahaere Tiakitanga

Version No.	Date	Review Date
4	23 March 2023	June 2024

	Name
Author	Claire Winter
Reviewed by	Mike Mendonca, Kelvin Irvine
Approved for Issue by	Mike Mendonca

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1 About this Activity

1.1 Strategic alignment

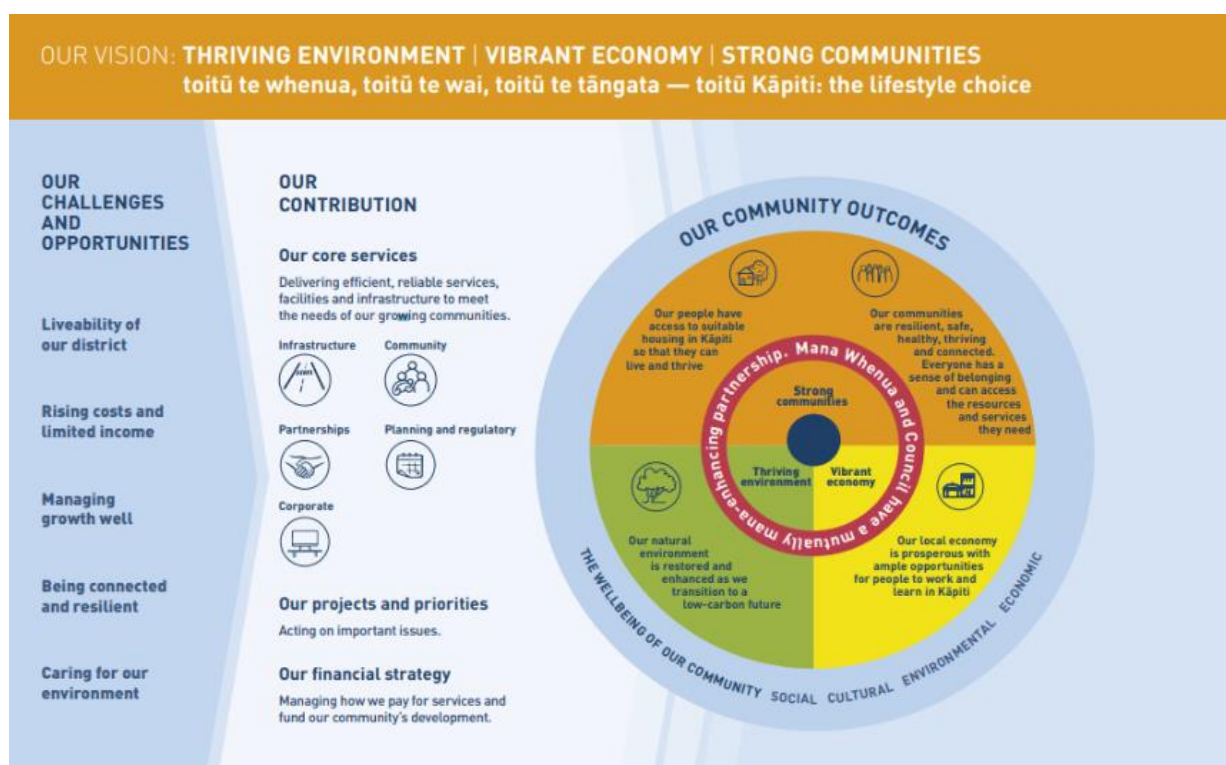
Of all the inventions of modern humanity, perhaps the toilet is the most ubiquitous. Everyone uses one of these devices at least once a day and, while they are inevitably the butt of jokes, in truth the consequences of not having access to toilets can have devastating health, social, reputational, and personal consequences.

Most of us have a story about that.

Our vision for our community is a Kāpiti with a thriving environment, vibrant economy, and strong communities. Toitū te whenua, toitū te wai, toitū te tāngata – toitū Kāpiti: the lifestyle choice.

We cannot achieve this lofty goal without the humble toilet.

Figure 2 Our Vision



The vast majority of toilets are privately owned. *Public* toilets exist for the convenience of people who are away from their usual place of living or working. While they are not generally designed for the purpose, homeless people make extensive use of public toilets.

The Council is not the only provider of public toilets. For example, the Greater Wellington Regional Council, Kiwirail and the Department of Conservation own and operate public toilets, and many hospitality business owners provide them, usually for the convenience of customers but sometimes the general public (in Coastlands mall for example, during opening hours). Often the provision of private toilet facilities is a condition of a resource consent. The Council public toilets provide a convenient service to residents and visitors to open spaces, playgrounds, and other attractions such as Mahara Gallery. This aligns with the strategic framework for a connected, vibrant, and

sustainable coastal community rich in culture, lifestyle opportunities and natural beauty. Our activity ensures the public have access to clean, safe and accessible (where possible) public toilet facilities.

Good public toilets are gratefully utilised by locals and visitors. However, if a user experience is anything other than satisfactory, it reflects badly on the district. There is an insatiable demand for convenience, and our challenge is to balance this demand with affordability (public toilets are very expensive) and practicality (no-one wants a public loo outside their house).

1.2 What we do

The Council currently owns and manages 41 public conveniences see Figure 3 Asset List. This does not include toilets within public halls. A map of these assets is at Appendix 1 – A3 Map.

This asset management plan details information about the public toilet assets including actions required to provide an agreed level of service in the most cost-effective manner while addressing associated risks. The plan defines the services to be provided, how the services are provided and what funds are required to provide the services generally over a 30-year planning period.

1.3 How we fund it

Usually, public toilets are funded 100% by District-wide general rates. From time-to-time other sources of capital (such as the Government's Tourism Infrastructure Fund) may provide a capital injection, however operating costs remain funded through rates.

Currently in the Long-Term Plan over the next 20 years there is provision for:

- Districtwide renewals \$230k
- Ōtaki Pavilion renewals \$1,600k (underway)
- Paraparaumu/Raumati renewals \$217k
- Waikanae renewals \$440k
- Waikanae new toilets \$445k (completed)
- Operating expenditure \$556,344 on average per year. On average, currently each toilet costs \$18,100 opex per annum. This must be considered when building new assets or disposing assets beyond their economic life.

In addition, there is \$635,000 capital funding earmarked from the Government's Better Off Fund and the Tourism Infrastructure Fund for three specific CWB sites.

2 Our assets

Our public toilets reflect the history of our District. In general, they have been inherited from various communities in a variety of states and they now form an eclectic asset class of varying ages (see table below) that does not necessarily make logical sense when superimposed on growth areas, playgrounds, open spaces or other relevant asset data. They also have a range of designs, which makes it logistically challenging to efficiently repair and maintain bespoke assets.

This is not something that can be addressed in one fell swoop, however it can be addressed over time as assets are renewed and upgraded, and as new assets are constructed, by standardising basic design wherever possible, while accommodating local variations and aspects such as public art.

The Council has good asset condition data, forming a solid basis for asset management. However, there is not currently good usage data, there are some obvious challenges with counting the number of toilet users. The Council intends to install people counters to further assist with demand and usage data. We also are looking to capture data

which identifies if there are factors which influence usage of a facility, such as season, weather, special events, location, accessibility, and level of usage. These details will assist with decision making around need and where proactive maintenance and renewal needs should be focused.

Figure 3 Asset List

Toilet Site	Construction Date
Awa Tapu Cemetery Toilet	2016
Otaki Cemetery Toilet	2016
The Pots Reserve Public Toilet - BD	2015
Waikanae Cemetery Toilet	2017
Otaihanga Domain (East side) Toilet	1974
Otaihanga Domain (West side) Toilet	1974
Otaki Beach Pavilion Toilet	1938
Otaki Domain Toilet (Netball/Tennis Courts)	2017
Otaki Lower Haruatai Park Permaloo Toilet	2010
Otaki Main Road Centennial Park Toilet	1998
Otaki Main Street Toilet	1990
Otaki Petaloo Toilet	2017
Otaki River Mouth Toilet	2020
Otaki SH1 Opposite New World Toilet	2008
Otaki Skate Park Toilet	2009
Otaki Tasman Road Toilet	2009
Otaki Upper Haruatai Park Permaloo Toilet	2012
Paekakariki Beach Road Toilet	2017
Paekakariki Campbell Park Exeloo Toilet	2009
Paekakariki Campbell Park Toilet (on hill)	1945
Paekakariki Memorial Hall Toilet (External, Public)	1952
Paraparaumu Kaitawa Reserve Toilet	2009
Paraparaumu Kapiti (Lights) Road Toilet	1977
Paraparaumu Maclean Park Toilet	1999
Paraparaumu Te Atiawa Toilets Toilet	2010
Raumati Exeloo Township Toilet	2009
Raumati Exeloo Waterfront	1998
Raumati Old Toilet Block Toilets	1955
Raumati South Memorial Hall Toilet	1952
Te Horo Beach Toilet	2017
Waikanae Mahara Place Toilet	2022
Waikanae Edgewater Park Exeloo Toilet	2009
Waikanae Equestrian Permaloo Toilets	2010
Waikanae Field Way Toilet	1960
Waikanae Jim Cooke Park Toilet	1980
Waikanae Park Avenue Toilet	2017
Waikanae Pharazyn Reserve Toilet	2017
Waikanae Queens Road Toilet	2012
Waikanae Tutere (Waimeha Domain) Street Toilet	2017
Waikanae Waimanu Lagoon Toilet	2006
Waikanae Waimea Road Toilet	1995

Figure 4 Toilets per 1,000 by Ward below shows that Paekakariki and Otaki are the locations which the most Council-owned toilets per 1,000 residents. This is not the only benchmark to consider but it is helpful for context and planning.

Figure 4 Toilets per 1,000 by Ward

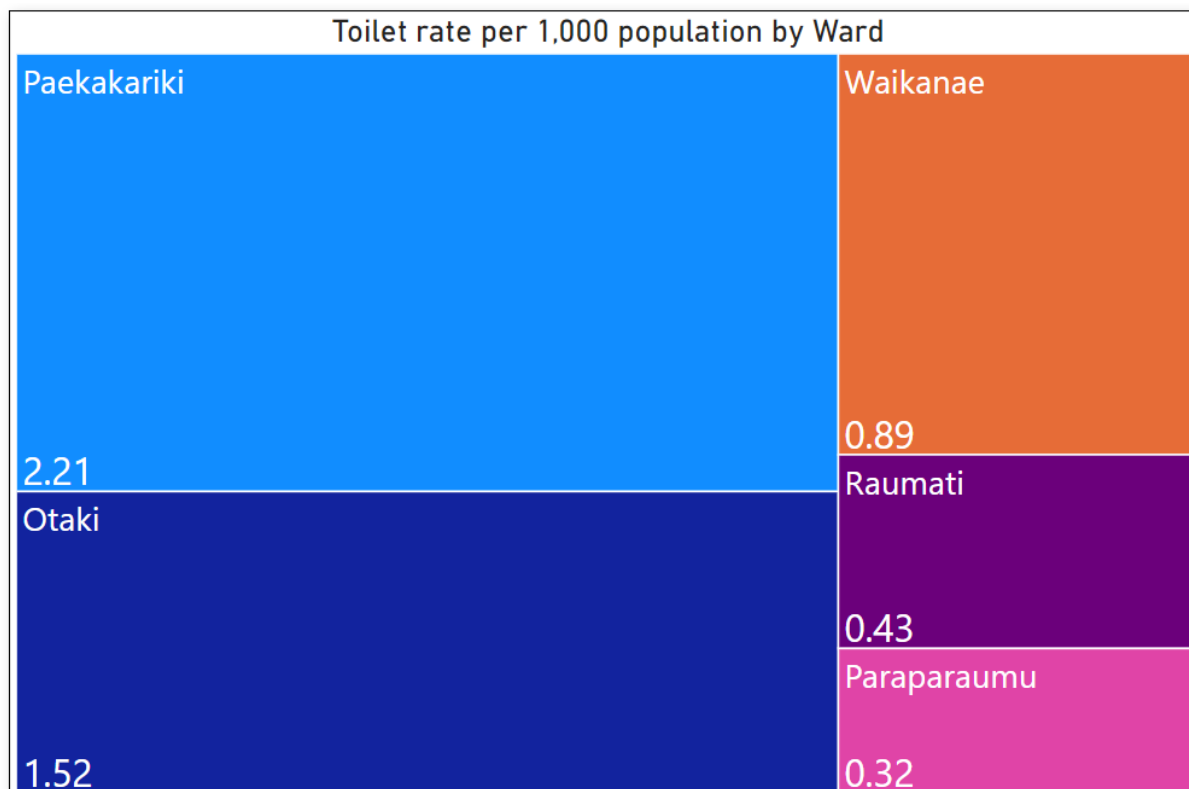


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2.1 Asset Condition

Every three years assets are condition assessed and given a condition grading, which will give an indication of what remaining life is left for the asset or component. Condition ranges from C1 to C5, with C1 considered superior condition, meaning it is assumed to have a significant percentage of its life left. Under this model:

Grading	Assumed % of asset life remaining
C1	100-55%
C2	54-37%
C3	36-25%
C4	24-11%
C5	10-0%

2.1.1 Deterioration Curve

Figure 4 Deterioration curve

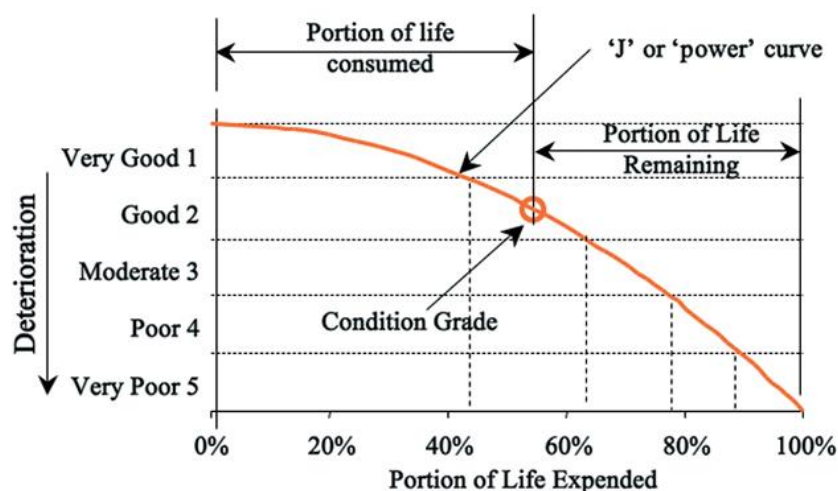


Figure 4 Figure 4 Deterioration curve shows the deterioration curve of an asset. Condition declines slowly in the early stages of an asset's life, but as it ages, deterioration happens faster, especially after 50% of the asset life has been consumed.

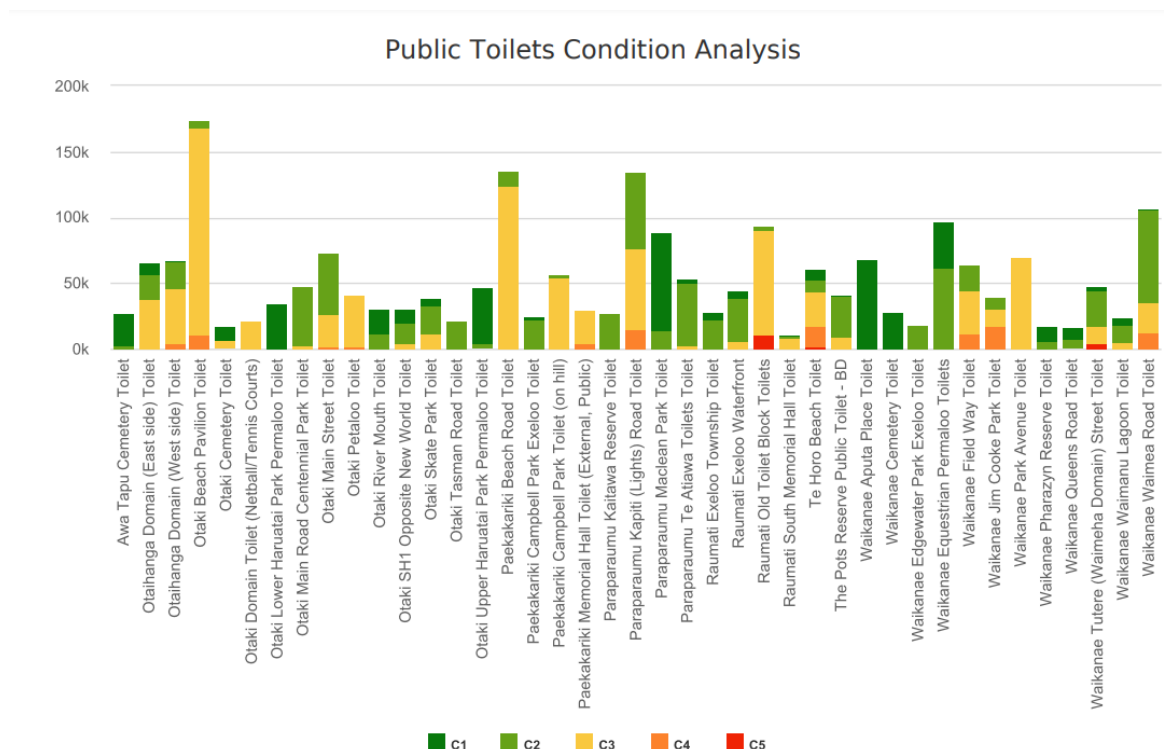
Toilets are not just one simple asset. They are a series of components such as plumbing, pans, cisterns, and buildings. Each of these will have a different life expectancy and a different management requirement. We aggregate these components to give an overall grading for each site. This is shown in figure 5 below. Broadly speaking, two thirds of our toilets have a third or less of their lives remaining. It is something of an aging portfolio with historically deferred renewals work.

Figure 5

C1	C2	C3	C4	C5
9	6	12	8	6
21%	15%	29%	20%	15%

There is not complete certainty with this data. While we have established an improved assessment of component condition, the condition of all the unseen assets at each toilet is unknown, such as pipework to the building and wall cavities – this cannot be achieved without invasive testing. We could make assumptions based on age, however this is not ideal as age does not always directly correlate with condition. To manage this risk, it is proposed to allow for contingency funds at each toilet that is older than 10 years. It is recommended including this as an option for consideration in future plans and will add this to the [improvement plan](#). Further, it is proposed to manage the asset by aggregating small capital expenditure into a larger budget line so that agile decisions can be taken based on the greatest need.

Figure 6 – Condition Analysis Public Toilets



Three toilets (Kapiti Lights, Raumati Pools Old Toilet Block and Te Horo Beach) are known to contain asbestos. These are managed through our Asbestos Management process.

One toilets (the Ōtaki Pavilion) is a listed heritage building.

Currently the approach to maintenance is largely reactive; through better asset management planning it is anticipated that most future maintenance will become preventive in nature.

2.1.2 Condition Grade Index

To help inform investment decisions, the individual components of the asset are assessed alongside replacement cost. This drives priorities for decision makers around asset renewal, upgrade and replacement. See Figure 7 Condition Grade Index for more detail.

Figure 7 Condition Grade Index

Site	CGI	Condition
Waikanae Jim Cooke Park Toilet	3.22	Very Poor
Raumati Old Toilet Block Toilets	3.2	
Paekakariki Memorial Hall Toilet (External, Public)	3.1	
Otaki Petaloo Toilet	3.05	
Otaki Beach Pavilion Toilet	3.03	
Otaki Domain Toilet (Netball/Tennis Courts)	3	
Waikanae Park Avenue Toilet	3	
Paekakariki Campbell Park Toilet (on hill)	2.97	Poor
Paekakariki Beach Road Toilet	2.91	
Te Horo Beach Toilet	2.9	
Waikanae Field Way Toilet	2.89	
Raumati South Memorial Hall Toilet	2.74	
Otaihanga Domain (West side) Toilet	2.72	
Paraparaumu Kapiti (Lights) Road Toilet	2.69	
Waikanae Tutere (Waimeha Domain) Street Toilet	2.51	Moderate
Otaihanga Domain (East side) Toilet	2.47	
Waikanae Waimea Road Toilet	2.45	
Otaki Main Street Toilet	2.39	
Otaki Skate Park Toilet	2.37	
The Pots Reserve Public Toilet - BD	2.21	
Waikanae Waimanu Lagoon Toilet	2.07	
Otaki Main Road Centennial Park Toilet	2.06	
Raumati Exeloo Waterfront	2.03	
Paraparaumu Te Atiawa Toilets Toilet	2.01	
Paraparaumu Kaitawa Reserve Toilet	2	Good
Waikanae Edgewater Park Exeloo Toilet	2	
Paekakariki Campbell Park Exeloo Toilet	1.94	
Otaki Cemetery Toilet	1.87	
Otaki SH1 Opposite New World Toilet	1.81	
Raumati Exeloo Township Toilet	1.8	
Otaki Tasman Road Toilet	1.76	
Waikanae Equestrian Permaloo Toilets	1.65	Very Good
Waikanae Queens Road Toilet	1.5	
Otaki River Mouth Toilet	1.39	
Waikanae Pharazyn Reserve Toilet	1.35	
Paraparaumu Maclean Park Toilet	1.16	
Awa Tapu Cemetery Toilet	1.11	
Otaki Upper Haruatai Park Permaloo Toilet	1.1	
Otaki Lower Haruatai Park Permaloo Toilet	1.05	
Waikanae Aputa Place Toilet	1	
Waikanae Cemetery Toilet	1	

Based on this assessment, the top five toilets needing renewal (and upgrade) are:

Toilet	2021 LTP Funding Available
Jim Cooke Park	\$25,000
Raumati Pools Upgrade (Old Toilet Block)	\$36,000
Paekakariki Memorial Hall Toilet	\$22,000
Ōtaki Petaloo Toilet (recently demolished)	
Beach Pavilion	Fully funded

LTP funding is inadequate to meet community expectations. This is because the current LTP reflects component renewals required, and not the complete asset. In reality, renewing the existing components of public toilets will not meet changing demand in areas such privacy, accessibility, security, hygiene and functionality (such as change tables). Most of the older toilets do not require renewal – they actually require upgrade if assets are to deliver a quality service.

In order to achieve this it is proposed to switch to modular Exeloo or Permaloo type toilets rather than designing in house. This newer toilet type is more resistant to vandalism, is easier to keep clean and allows for more efficient removal of graffiti. Further, individual cubicle design is safer, provides more privacy, and accommodates the full range of gender identities. Advice will be provided around the additional funding required to support this aspiration in the 2024 LTP.

The most recent condition surveys support this plan to upgrade the toilets. This will improve the long term outlook of the asset in regards to resilience and longevity, and will support customer expectations and service levels around accessibility, change tables, safety, privacy and demand.

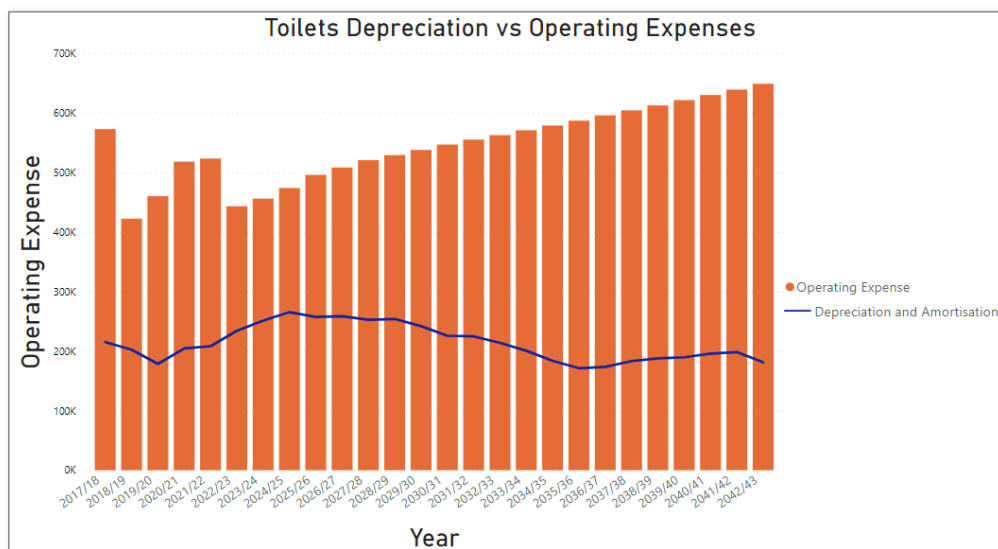
This advice will also include toilets that need to be prioritised for reasons other than asset upgrades; for example toilets at the Waikanae Boat Club, Otaihangā Domain and Ōtaki South Bank are not prioritised for upgrade but need investment for other reasons.

2.2 Renewals and maintenance

Typically, as assets age, they are depreciated, and funding is set aside to replace them at the end of their economic life. However, as the assets age, the cost to maintain them increases, and typically reactive maintenance items such vandalism, graffiti, and blockages increase.

Because of this, when assessing the cost of public toilets, it is important to consider the total expenditure on the asset rather than just the capital cost. Taking these total costs into consideration, has driven our recommendation for a better and different design of toilet asset such as Exelooos and Petaloos.

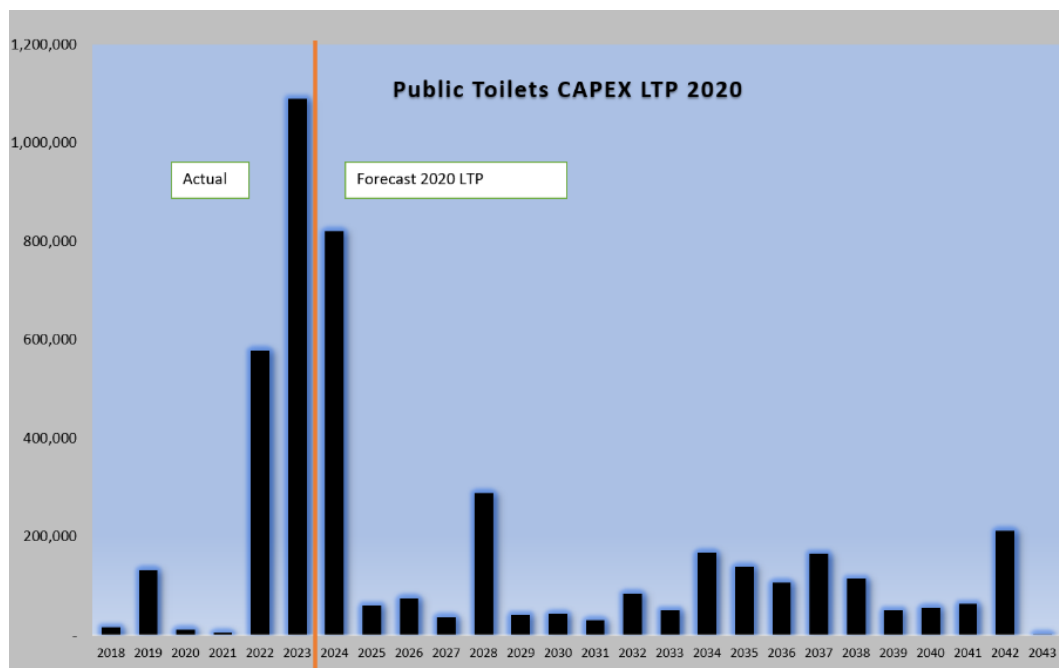
Figure 8 Depreciation to Operating Expense



Capital spending has been low (See Fig 8), and the aging assets are showing signs of wear, particularly the toilets built based on traditional construction methods.

Figure 9 CAPEX Toilets LTP 2021 below demonstrates the low level of capital expenditure across the toilet portfolio. It is proposed to address this following the completion of the condition assessments which indicate a need for renewals. [See 6.3 for more details.](#)

Figure 9 CAPEX Toilets LTP 2021




3 Levels of Service

3.1 Level of service framework and key performance indicator

The level of service framework is based on the [Council's vision](#) and resulting levels of service targeted at specific activities. The service is provided from dawn to dusk. We have determined that the risk and cost of vandalism (and other antisocial behaviour) by opening toilets in the hours of darkness greatly outweighs the service benefits.

3.1.1 Current Levels of Service

Levels of Service	Area	Performance Measure	Performance Metric	Type	Performance Target
Customer Satisfaction – Toilets		Users are satisfied with the standard of the public toilets provided.	% of user who are satisfied with the public toilets provided.	Customer	75%

3.2 Key performance indicators (KPIs) – Public Toilets

Figure 10 - Q2 2022-2023 Resident Opinion Survey





A quarterly residents opinion survey is conducted. The result above of 82% satisfaction is for Q2 2022-2023.

Residents are asked to respond to the following statement:

“Residents who are satisfied public toilets are clean, well-maintained and safe”

The target is 75% and is measured quarterly. We expect performance against this target to reduce as the assets age.

This KPI is designed to align with council’s objectives of providing valued and safe facilities in a cost-effective manner to the community.

Area	KPI	2022/23 Target	2022/23 Results		2023/24 Target	2024/25 Target	2025/26 Target
	Customer Satisfaction - Toilets	75%	Q2 82%		75%	75%	75%

3.2.1 New Level of Service

With Te Tupu Pai, [the Council's Growth Strategy](#), there is likely to be an increased demand for toilets that are within easy walking or public transport distance. Apart from three toilets along cycling trials, there are no new toilets planned to meet this demand. To that end, we intend to work through a study of the locations of toilets to parks and transport hubs with a view to potential future service provision at these locations. See [Improvement Plan](#). It is intended to address this via the LTP 2024.

In our view the current level of service does not match community expectations. We propose to increase the customer satisfaction to 85% which is a benchmark for the nexus between cost and service quality. While we may not achieve this measure, we expect this will drive investment and provide a more accurate picture of the state of the asset and service.

3.3 Customers and stakeholders

Good knowledge of stakeholders' values and drivers are essential for an effective, valued, and supported activity. The table below details the key customers and stakeholder for the Public Toilets.

Group	Area of Interest
The local community and visitors to the area	<ul style="list-style-type: none">Clean and safe environmentally sound toilets in convenient locations
Parents of young children	<ul style="list-style-type: none">Change tables available
People with accessibility needs	<ul style="list-style-type: none">Accessible toilets

3.4 User expectations and Customer Values

Expectations from customers around the various KCDC facilities can be grouped into the areas shown in the image below Figure 11 User Expectations Figure 11 User Expectations. These values form part of the annual survey questions.

Figure 11 User Expectations



More specifically, we know that users increasingly expect:

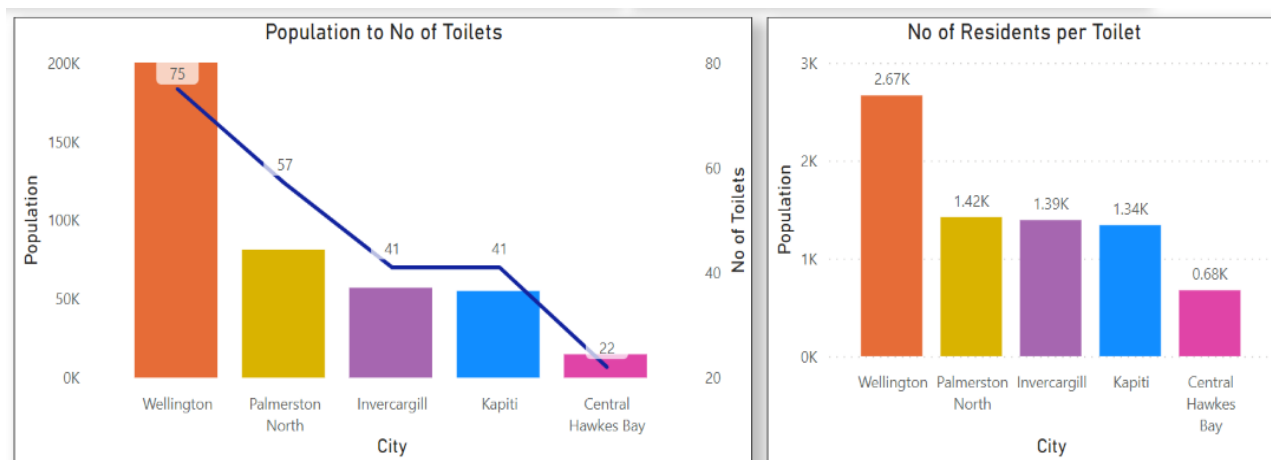
- Accessible toilets. This is now an expectation that is incorporated in all upgrades and new assets.
- Baby change tables. As above, this is now incorporated whenever possible.
- Low water use. This is standard feature of all designs. The Council does not support public composting toilets.
- Crime prevention through environmental design.
- Privacy through individual cubicle designs.
- Change rooms and showers.
- Freedom camping locations with sufficient facilities.

This Asset Management aspires to reflect these values and expectations over the life of the assets.

3.5 Benchmarking

There is little published information for KCDC to benchmark itself against other Council Community Facilities departments. KCDC first needs to start to capture this information to be able to then look at benchmarking and trends to help guide its future direction. However, the number of toilets to the population sizes of some other Councils is in the image below:

Figure 12 – Comparing Toilet Numbers to other Councils by Population



The challenge for Kapiti is that the district is spread out over a large land area.

As such, a review of what good looks like for Kapiti Coast District Council is planned to mitigate the lack of benchmarking data – see the [improvement plan](#) Appendix 3.

4 Demand Management

For some people, there can never be enough public toilets, however the Council cannot provide toilets willy-nilly. The Council needs to balance an affordable and practical number of public toilets against the funding available, other providers of toilets and future population growth. Three key planning documents inform where future asset investment might occur:

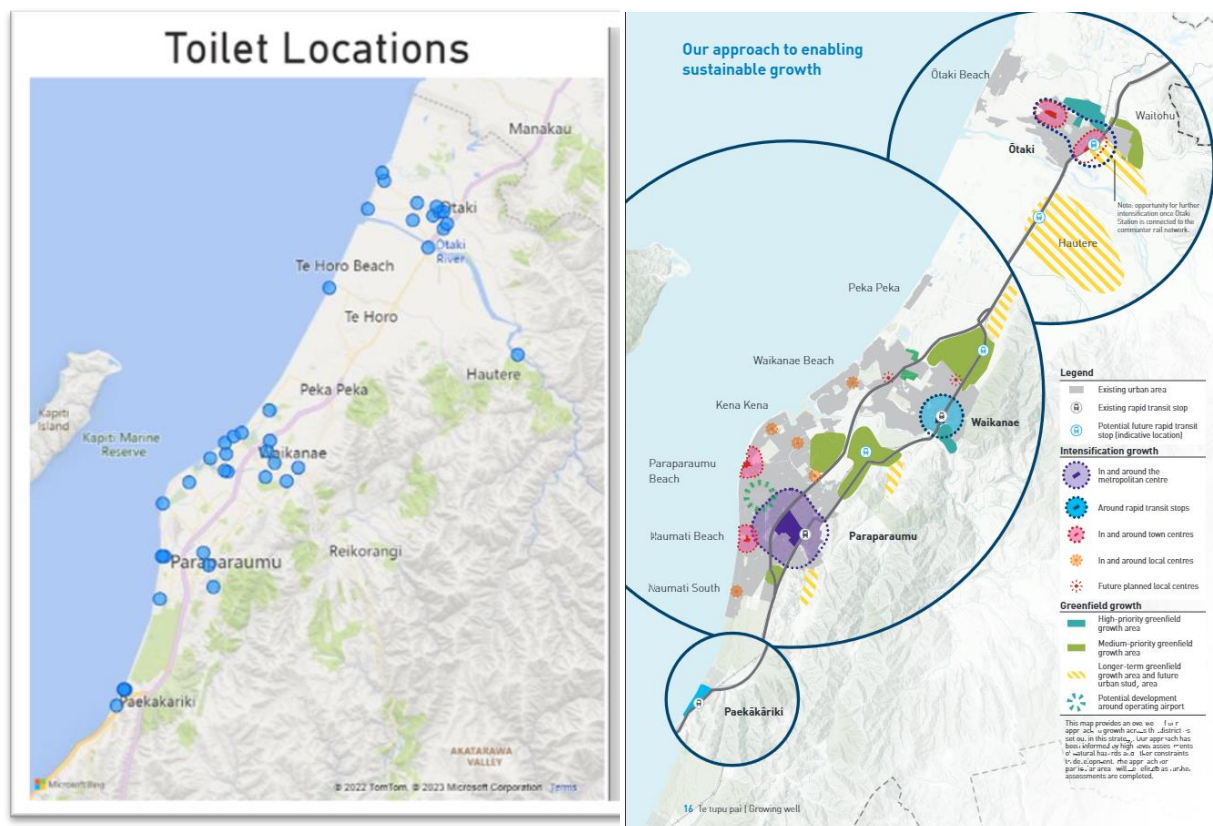
- Te Tupu Pai the Council's Growth Strategy outlines how intensification will occur around Central Paraparaumu, railways stations and town centres. These areas must be adequately serviced.
- Toitū Kāpiti the Open Spaces Strategy outlines an aspirational action to provide accessible public toilets in or near open spaces.
- The Kāpiti Coast Economic Development Strategy makes the case for Kāpiti becoming a destination for domestic and overseas tourism.

4.1 Growth

The Kāpiti Coast District population forecast for 2020 was 55,503 and is now forecast to grow to 85,658 by 2050. Population growth is projected to be higher in Paraparaumu, Waikanae and Otaki compared to other wards in the district with negative growth anticipated in Paekakariki.

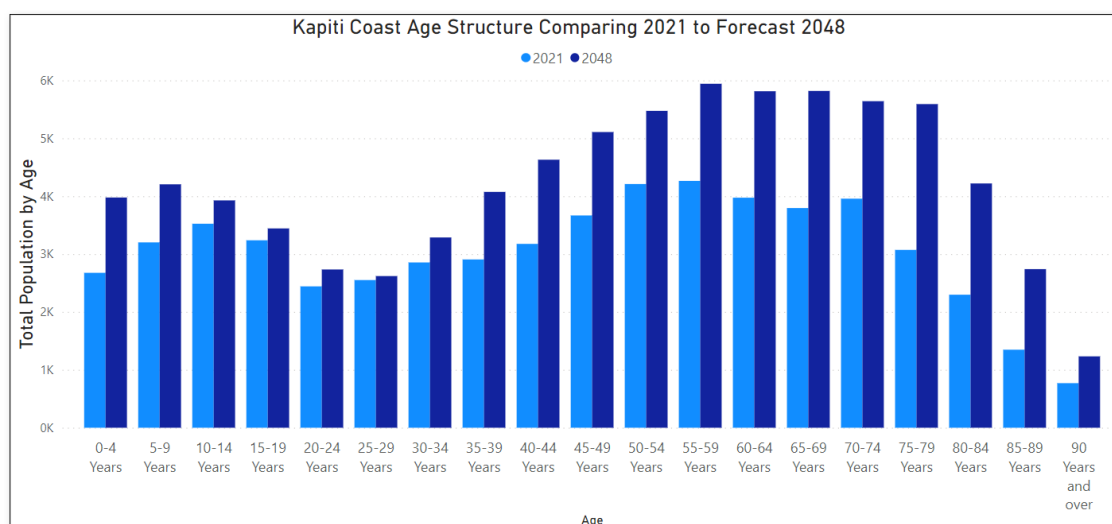
The figure below reflects the location of public toilets in relation to areas earmarked for intensification. This shows that the public toilets are generally in the right places, however there are areas that could be improved. These include new toilets in areas of growth, such as Pekapeka and Raumati South, as well as additional blocks at Waimea Lagoon, Raumati Township and Otaki SH59 (opposite New World).

INTENSIFICATION LOCATIONS



Importantly, the profile of the growth shows that more under 5s and elderly people will feature in future Kāpiti. This underscores that future toilets will need to feature change tables and accessibility.

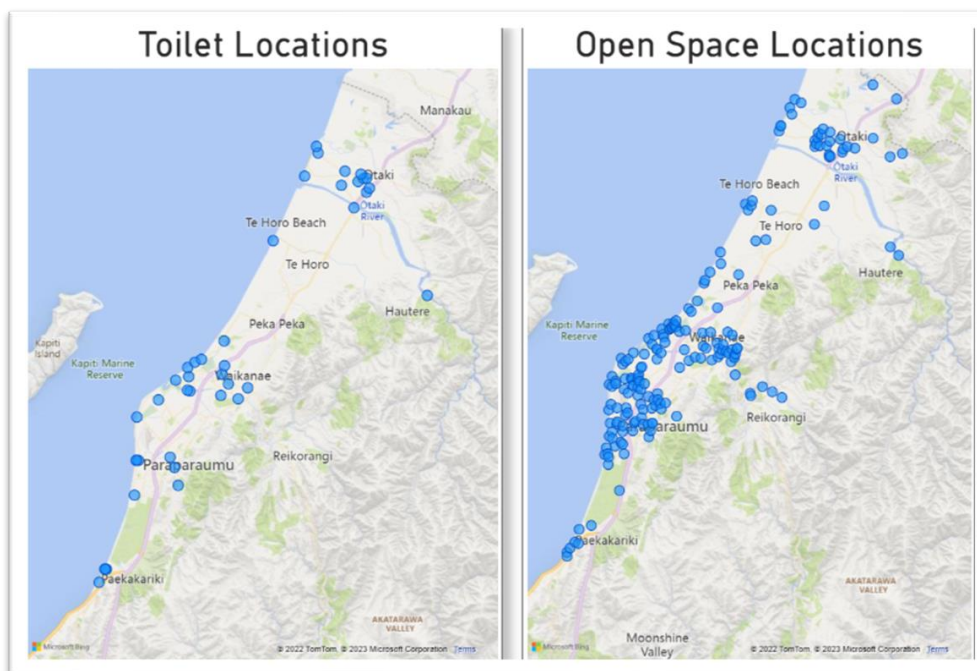
Figure 13 Forecast Population Growth by Age



4.2 Open Spaces Compared to Toilet Locations

The figure below reflects the location of public toilets in relation to most open spaces. This shows that the public toilets are well represented purely at a high level, however there is room to consider where additional toilets would benefit the community, such as Awatea Lakes, Peka Peka and Raumati Boat Launch.

Figure 14 Toilet Locations in respect to Open Spaces

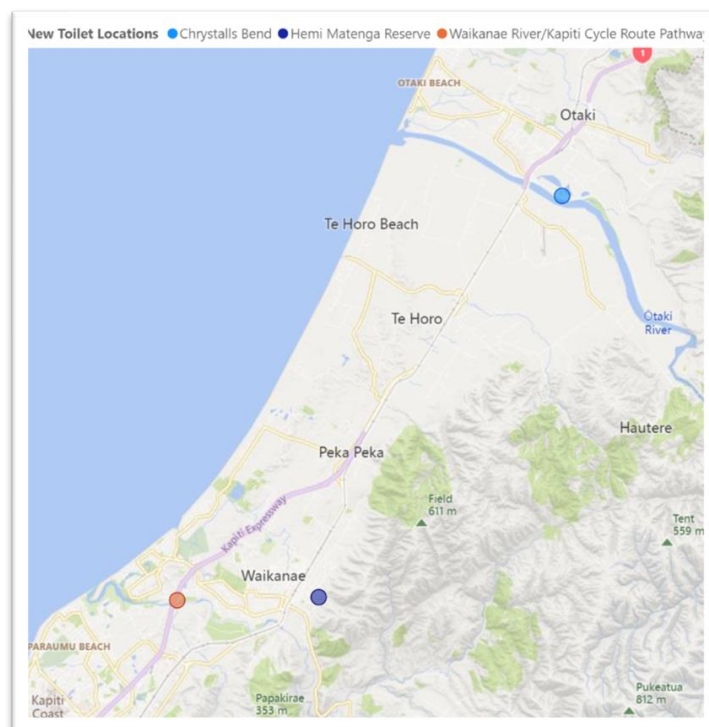


4.3 Economic Development

The focus in this area has been the attraction to the cycleway network, which is now one of the most extensive in Aotearoa New Zealand. This has attracted Government capital funding of around \$635km for the construction of three new public toilets planned for the locations shown in Figure 15 – Tourism Infrastructure Fund Toilet Locations. The Government supported these assets because the Kapiti Coast Destination Management Plan identifies that there is "significant potential for the Kapiti Coast to see strong growth in the visitor economy".

Each of these toilets will add around \$18,100 per annum to operating costs. It is expected that this will increase in the coming years due to labour shortages, adoption of the living wage and supply chain costs for consumables.

Figure 15 – Tourism Infrastructure Fund Toilet Locations



4.4 Improvement Plan

As part of our [improvement plan](#), we propose to consider the data from the people counters to be installed. This will help to inform future planning for renewals and upgrades.

5 Risk Management

5.1 Climate change

5.1.1 Otaihanga Domain West Flooding

The Otaihanga Domain site, which is situated alongside the Waikanae River, experiences regular flooding. The toilet on the west side is inundated when this flooding occurs. The toilet is also surrounded by large trees which is also a potential hazard to the building. The recurring flooding means the asset needs additional cleaning post flooding and there is recurring damage to the building components causing them to fail faster. There is also a risk to the plumbing and concern of sewage during flooding. Because of this, it is proposed to demolish the toilets on the east side and upgrade the toilets on the east side which does not experience the same level of flooding. This is not currently in the Long-term Plan.

Figure 16 Otaihanga East



Figure 17 Otaihanga West (Flooding)



5.1.2 Te Horo Toilets – Beach front Location

The Te Horo toilets are located right on the beach and need significant renewals. The proximity to the ocean means it is exposed to all weather-related risks. In time, this asset needs to be considered for relocation to a less vulnerable site.

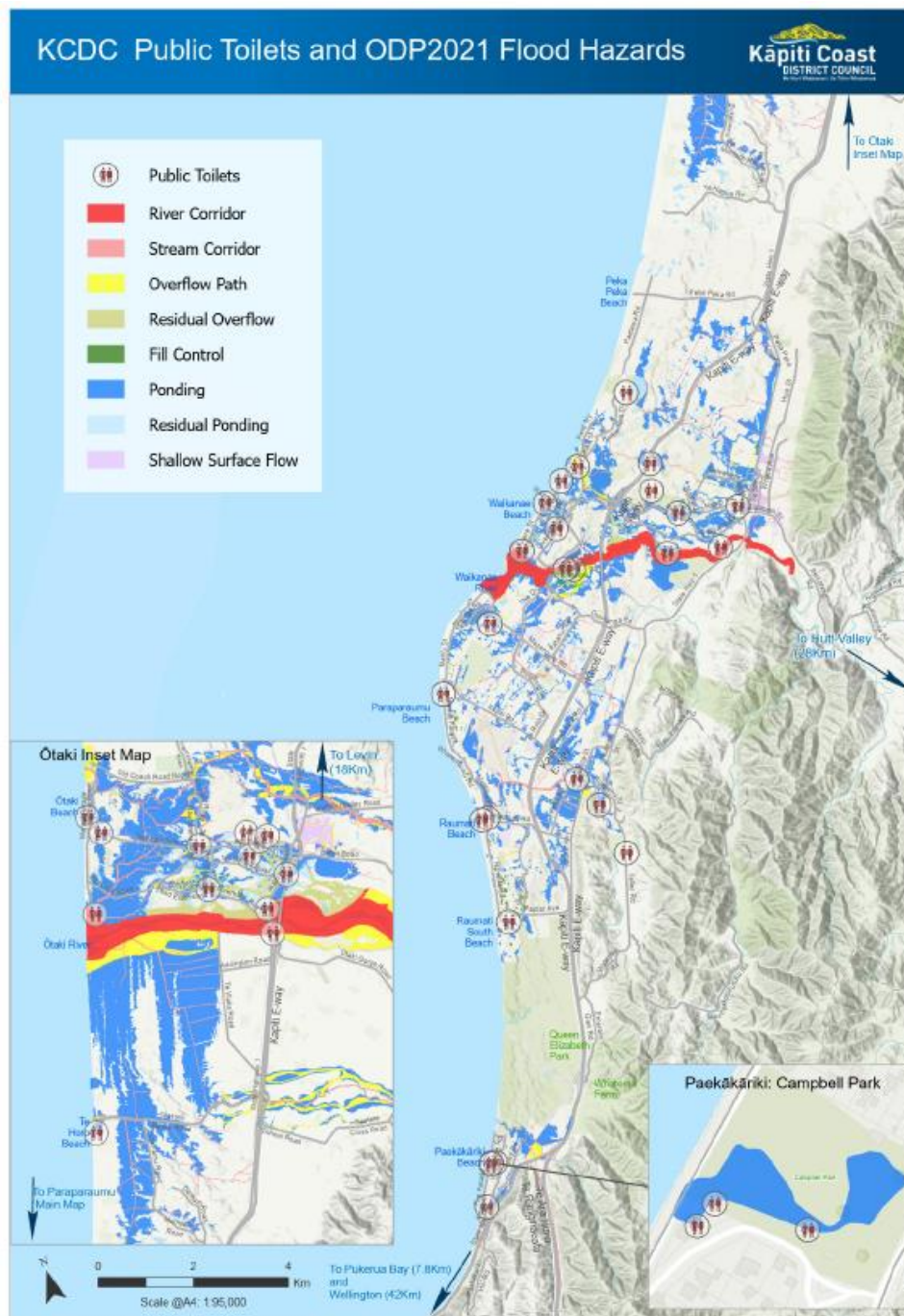
Figure 18 Te Horo Beach Toilets



5.1.3 Flood Risk

Our plan is to investigate the best response for the toilet buildings which are located on sites which have significant risk of flooding such as sites along Waikanae River. This is included in the [improvement plan](#).

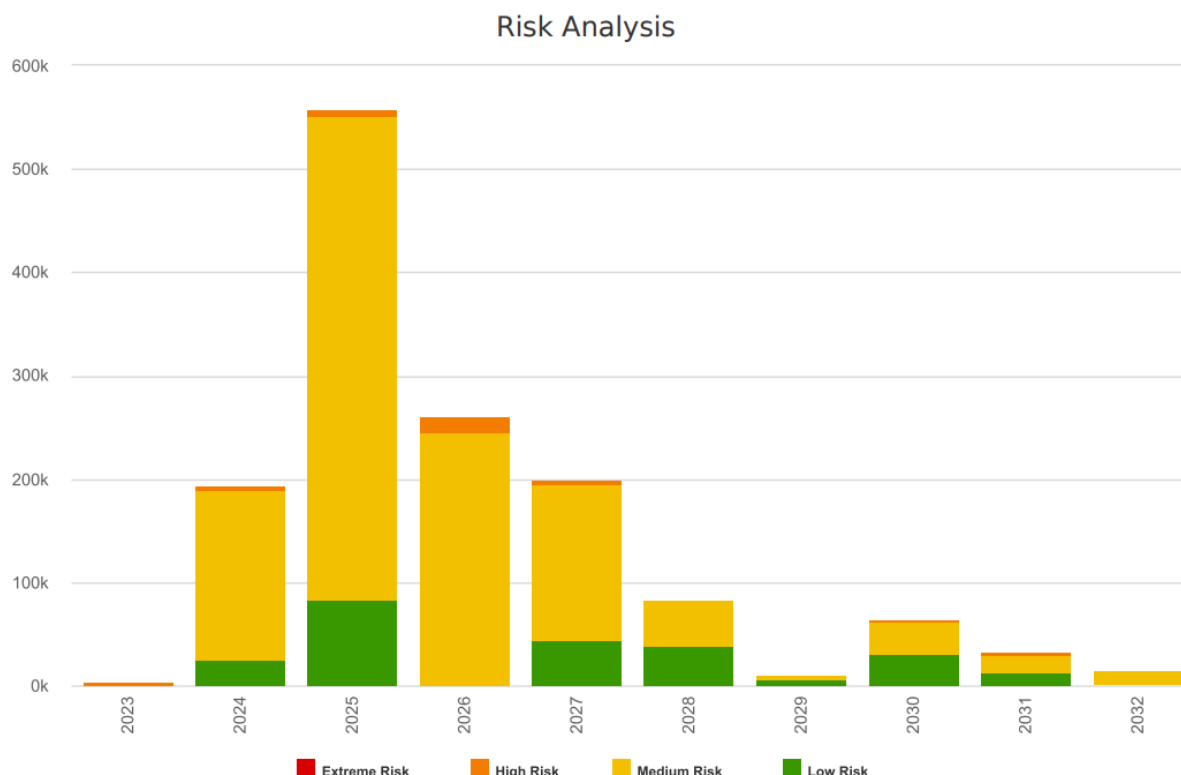
Figure 19 Flood and Ponding Risk



5.2 Component Risk Analysis

Below is demonstrated the anticipated cost of component failure. This is important planning information for asset renewal and upgrades. This does not include project costs or staff costs, however it demonstrates an elevated risk of failure over the next 5 years.

Figure 20 Component Risk Analysis



6 Lifecycle Analysis

6.1 Overview

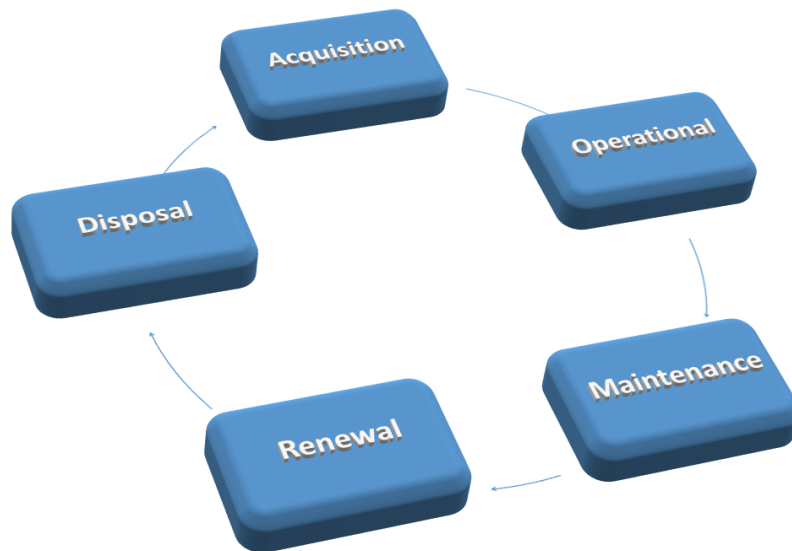
KCDC takes a whole of life approach to managing toilets. The asset life cycle is described in Figure 21 Asset life cycle below. Lifecycle asset management identifies that there are costs that occur at all stages of an asset's life. When acquiring a new asset, it is important to track the anticipated costs for the full life of the asset including acquisition, maintenance and operational costs, administrative costs, depreciation, renewal, and disposal costs.

The asset, once created, will always be in a state of decline, and regular maintenance and condition assessments ensure that an appropriate level of service is provided. The useful life of an asset is impacted by several factors such as:

1. Physical properties – what it is made of, how it was built, different components that make up the asset, operational and maintenance needs.

2. The environment in which the asset resides – climate, socio-economic influencers.
3. Customer requirements – willingness to pay, expectations, demands, level of use.

Figure 21 Asset life cycle



A recent renewal at Waikanae features an Exeloo toilet which is a stand alone individual cubicle type. Exelooos and Permalooos are low maintenance, modular assets that are all-gender, aesthetically adequate, turnkey operations with low maintenance and high technology. This style of asset has been adopted as the standard basic unit for Kāpiti Coast new builds and renewals. See below an example of a stand-alone unit (Waikanae)



6.2 Operations and Maintenance

Maintenance strategies cover the practices that we employ to operate and maintain the toilets to achieve the optimum use of the asset and the agreed service levels. Maintenance of an asset does not increase the asset's service potential or keep it in its original condition. It slows down deterioration and delays the need for rehabilitation or replacement. There are three main types of toilet maintenance activity:

- Routine – The regular ongoing day-to-day work that is necessary to keep assets at their required standard, such as regular cleaning.
- Cyclic – Planned and preventative maintenance such as Backflow Preventer tests
- Reactive – such as minor repairs to damage buildings such as vandalism and emergency repairs.

As much as possible, the council strives to focus on routine and cyclic maintenance rather than more expensive reactive maintenance.

6.3 Renewals, Upgrades and New Assets

The decision-making processes listed below are followed to set the 10-year renewals programme:

- Visual condition assessments
- Prioritisation of works
- Smoothing of budget expenditure

Over the 20-year programme there are renewals and capital expenditure planned for assets that are reaching end of life or that are no longer fit for purpose. These are not fully represented in the existing Long-Term Plan due to a historical focus which has been on reactive maintenance for public toilets. As outlined earlier, straight renewals of existing componentry will not deliver public toilets that are commensurate with strategic aspirations.

On most cases it is intended to focus on upgrades rather than renewals.

Options to address this will be presented for consideration under the 2024 Long Term Plan. One of these is the installation of backflow preventors to all public toilets. Given this is a building compliance requirement it is an unavoidable CAPEX expense.

Figure 22 – Proposed Renewals

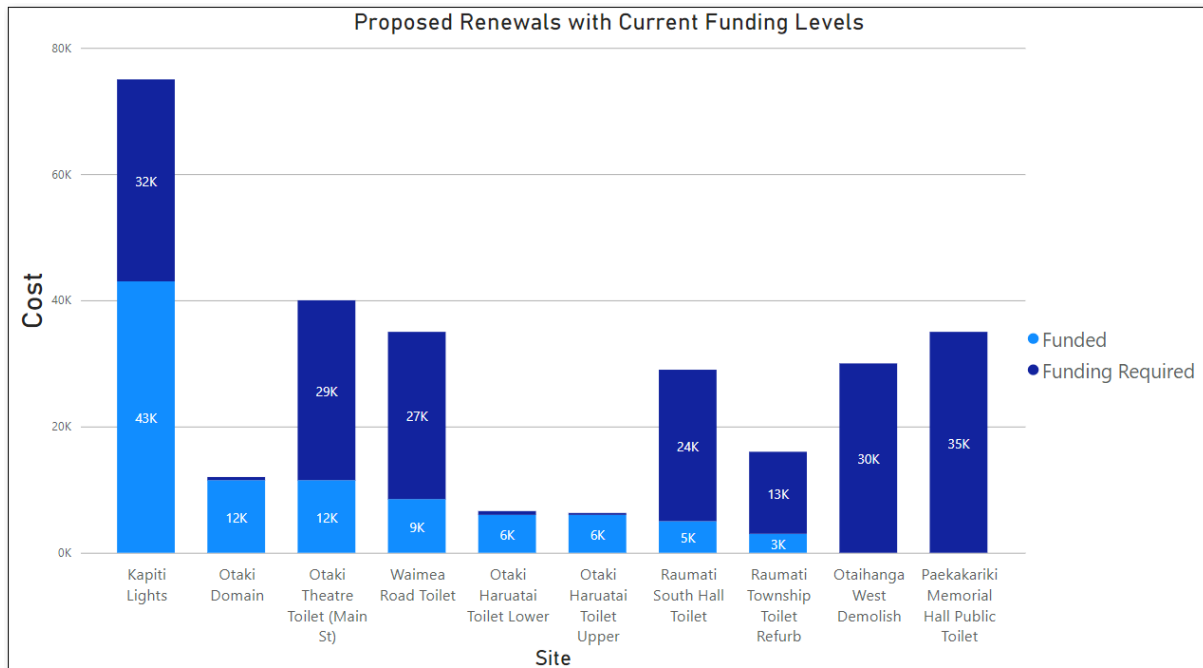


Figure 23 Proposed Upgrades

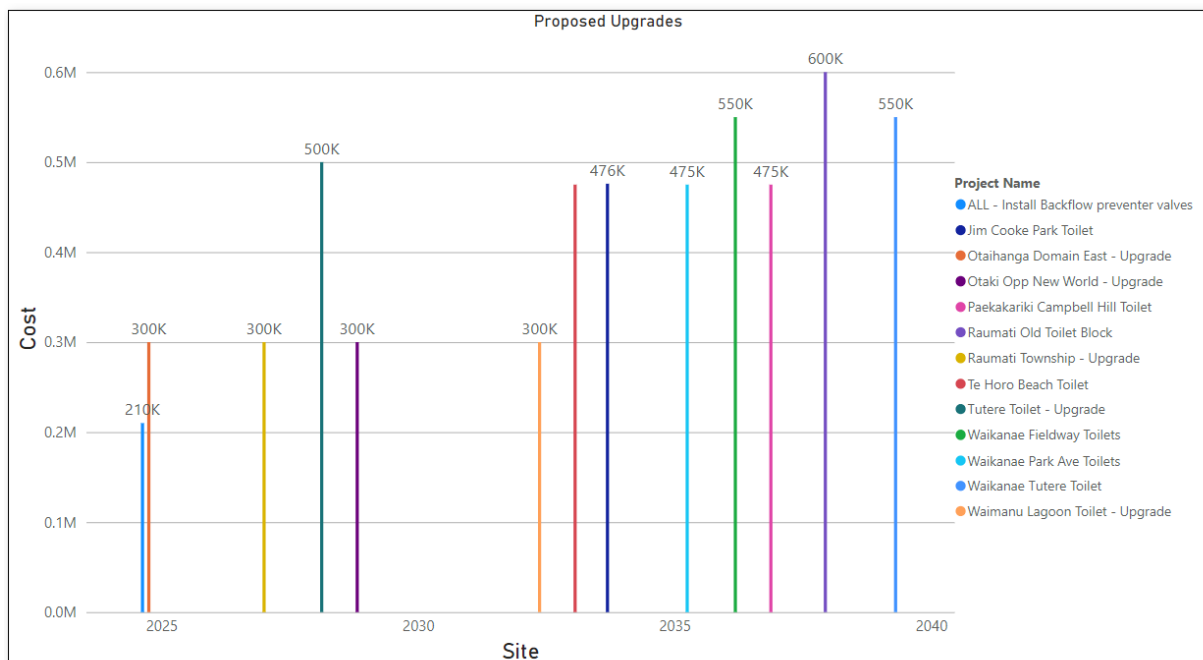
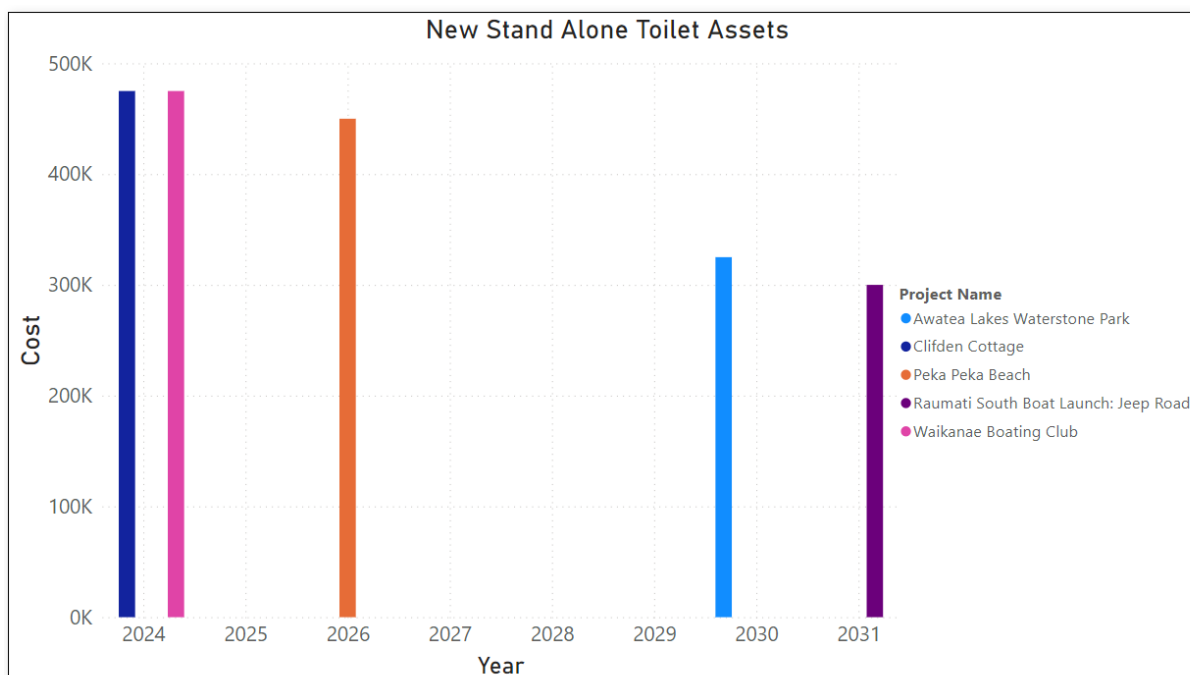


Figure 24 Proposed New Assets



6.4 Disposals

Disposals is any activity associated with disposal of a decommissioned asset, including sale, demolition, or relocation. Asset disposal requires making the site safe, removing surplus structures, and covering the costs of any environmental remediation. These costs are generally included as part of the capital project.

The **Otaihanga Domain West** toilet is identified for disposal during the period of this AMP.

Properties that are surplus to Council's needs in both the short term and reasonably near future may be disposed. Currently Council has no formal property disposal policy as such, this should be a future improvement project.

7 Financial Summary

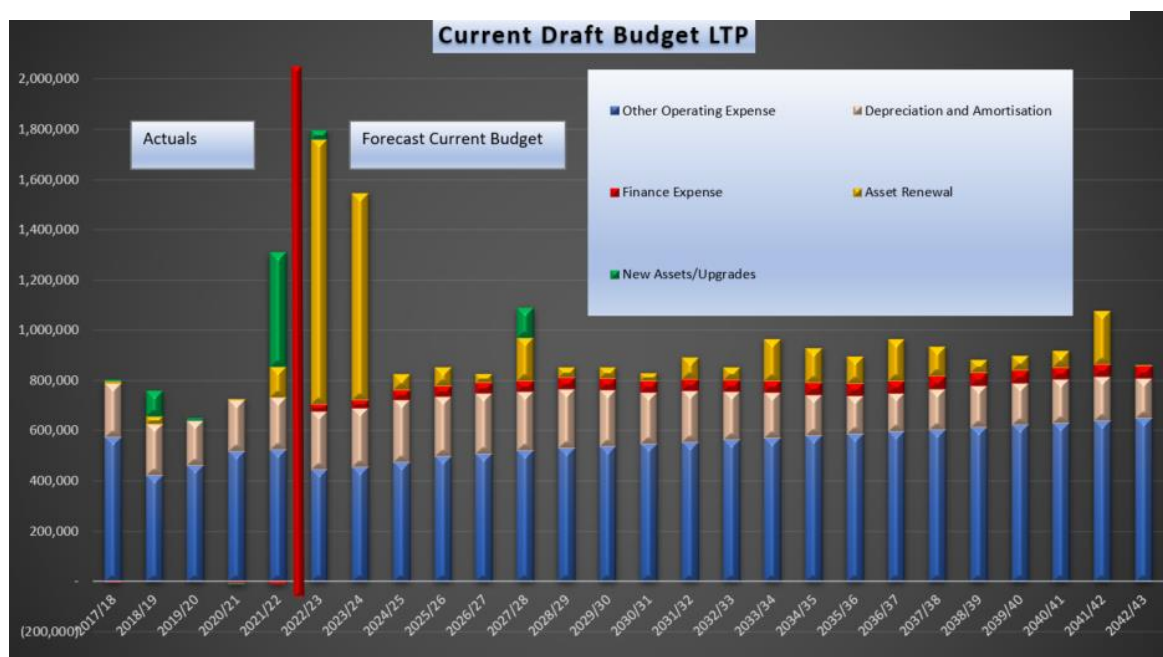
This section contains the financial requirements resulting from the information presented in the previous sections of this Activity Management Plan. The financial projections will be improved as the discussion on desired levels of service and asset performance matures.

7.1 Financial overview

The financial overview is a summary of all CAPEX and OPEX for the Public Toilets, and includes all costs for staffing, recoveries, projects, and renewals.

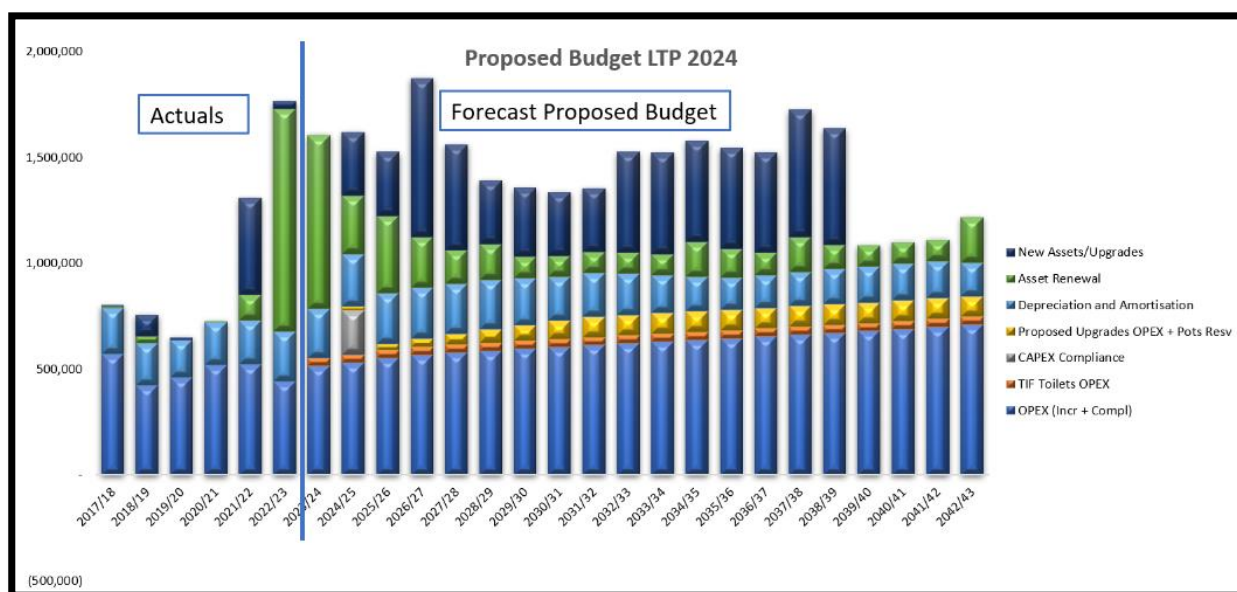
The current state of play is indicated Figure 25 Current Draft Budget Public Toilets 2020 LTP below which reflects the current draft budget. This does not provide for any new assets apart from those funded through the TIF.

Figure 25 Current Draft Budget Public Toilets 2020 LTP



In Figure 26 Proposed Forecast below we demonstrate our recommended plan moving forward to ensure resilience in the assets we own and build. Furthermore, there is a need to respond to demand increases which have been experienced at popular locations. This would be accomplished by installing additional toilet blocks and building new assets in new locations to support the intensification plans, directly or in proximity.

Figure 26 Proposed Forecast



8 Appendix 1 – A3 Map



9 Appendix 2 – Relevant statutes and policies

9.1 Legal requirements

In managing the Public Conveniences assets, Council must comply with the following legislation:

- Local Government Act 2002
- Resource Management Act 1991
- Building Act 2004
- Health and Safety in Employment Act 2016
- Reserves Act 1977
- Property Law Act 2007
- Public Works Act 1981
- Heritage New Zealand Pouhere Taonga Act 2014

Relevant standards

Standards relevant to Activity	
Standard	Description/Impact
Building Code	The Building Code fits in with the Building Act and lays down a range of requirements relating to built assets which the Community Facilities team consider in managing the portfolio of the group. All new building work must comply with the Building Code, which sets out performance standards that buildings must meet. It covers aspects such as structural stability, fire safety, access, moisture control, durability and services and facilities.
AS/NZS 4360:2000 Risk Management for Local Government	Guidelines for assessing risks and developing risk management strategies
AS/NZS 3500.2:2003 Plumbing and Drainage – Sanitary Plumbing and Drainage	This standard specifies the requirements for the design and installation of sanitary plumbing and drainage from the fixtures to a sewer, common effluent system, or an on-site wastewater management system, as appropriate. The Standard applies to new installations as well as alterations, additions, or repairs to existing installations
AS/NZS 3000:2007 Electrical Installations (Australian/New Zealand Wiring Rules)	Provides requirements for the selection and installation of electrical equipment, and design and testing of electrical installations, especially regarding the essential requirements for safety of persons and livestock from physical injury, fire, or electrical shock
NZS 4512:2003 Fire Detection and Alarm Systems in Buildings	Provides specifies, users, manufacturers, suppliers, installers, and maintenance persons with requirements to enable a fire warning from a fire alarm system in a building to operate at the

	earliest practicable moment to facilitate appropriate emergency measures
NZS 4241: 1991 Public Toilet Facilities	Provides for the provision of safe convenient-to-use public toilet facilities of appropriate design and quality, using self-contained toilet units and gives guidance on the basic care and maintenance of the facilities and units.
International Infrastructure Management Manual 2015 & IIMM55000	Provides for strong governance and accountability, more effective and sustainable decisions, enhanced customer service, effective risk management and improved financial efficiency.

10 Appendix 3 – Improvement Plan

No.	Improvement Area	AMP Ref. No.	Action	Priority	Indicative Timeframe		
					2023/24	2024/25	2025/26
2	Asset Condition	2.1	Review contingency funds for toilets	M			
		2.2	Aggregate small capital expenditure into larger budget lines for agile decision making	M			
3	Levels of Service	3.2.1	Investigate LoS for toilet locations to be within 15 minutes of destinations parks, transport arteries	M			
		3.5	Benchmarking - establish what good looks like for KCDC	M			
4	Demand Management	4.4	People Counters review data	H			
5	Risk Management	5.1	Climate Change – Flooding review for toilets located along Waikanae River	H			

9 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF MINUTES

Author: Jessica Mackman, Senior Advisor, Democracy Services

Authoriser: Janice McDougall, Group Manager People and Partnerships

Taunakitanga | Recommendations

That the minutes of the Strategy, Operations and Finance Committee meeting of 18 May 2023 be accepted as a true and correct record.

APPENDICES

1. Minutes of the Strategy, Operations and Finance Committee Meeting 18 May 2023 [↓](#)

STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
MINUTES

18 MAY 2023

MINUTES OF THE KĀPITI COAST DISTRICT COUNCIL
STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, 175 RIMU ROAD, PARAPARAUMU
ON THURSDAY, 18 MAY 2023 AT 9.41AM

PRESENT: Cr Sophie Handford, Mayor Janet Holborow, Deputy Mayor Lawrence Kirby, Cr Glen Cooper (via Zoom), Cr Martin Halliday, Cr Jocelyn Prvanov, Cr Shelly Warwick, Cr Nigel Wilson, Cr Kathy Spiers, Ms Kim Tahiwī (Ngā Hapū o Ōtaki)(via Zoom)

IN ATTENDANCE: Mr Darren Edwards, Mr Sean Mallon, Mrs Janice McDougall, Mr Mike Mendonça, Ms Kris Pervan, Mr James Jefferson, Mr Simon Black, Mr Bede Laracy, Mr Michael Moore, Ms Steffi Haefeli, Ms Kate Coutts, Ms Anna Smith, Ms Sheryl Gavin, Mr Hamish McGillivray, Ms Jing Zhou, Ms Jo Bryan, Ms Aston Mitchell, Ms Susan Owens
Via Zoom: Mr Mark de Haast, Ms Jessica Mackman

WHAKAPĀHA | Cr Rob Kofoed, Mr Christopher Gerretzen (Ātiawa ki Whakarongotai), Mr André Baker (Ātiawa ki Whakarongotai), Glen Olsen (Chair of the Paraparaumu Community Board)

APOLOGIES:

LEAVE OF ABSENCE: Cr Liz Koh

1 NAU MAI | WELCOME

The Chair welcomed everyone to the meeting.

2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING

The Chair opened the meeting with karakia.

3 WHAKAPĀHA | APOLOGIES

APOLOGY

COMMITTEE RESOLUTION SOF2023/21

Moved: Deputy Mayor Lawrence Kirby

Seconder: Cr Jocelyn Prvanov

That the apology received from Cr Rob Kofoed, Mr Christopher Gerretzen, Mr André Baker, and Mr Glen Olsen be accepted.

CARRIED

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

There were none.

STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
MINUTES

18 MAY 2023

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

There were none.

6 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

(a) Leave of Absence

There were none.

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

MATTER OF AN URGENT NATURE – LGNZ KIWISAVER REMIT

A matter of an urgent nature on proposing a remit to LGNZ to lobby for Government to enable all Local Government Elected Members to be eligible for KiwiSaver benefits was notified to the Chair. This matter cannot be delayed until the next meeting as remits are due with LGNZ by next 24 May 2023.

Cr Martin Halliday spoke to this matter and members' discussed the remit. It was noted that the remit would be amended to specify the age range of 18-65.

COMMITTEE RESOLUTION SOF2023/22

Moved: Cr Martin Halliday

Seconded: Cr Sophie Handford

That the Council propose a remit to Local Government New Zealand (LGNZ) for the upcoming Annual General Meeting to be held in July 2023, and seeks five other Councils to sign in support. The remit asks LGNZ, Local Government NZ to lobby on our behalf for Government to enable all Local Government elected members in Aotearoa NZ to be eligible for KiwiSaver benefits included with their remuneration.

CARRIED

7 HE KŌRERO HOU | UPDATES

There were none.

8 PŪRONGO | REPORTS

8.1 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT – QUARTER 3 REPORT

Hamish McGillivray, Manager Research and Policy, and Aston Mitchell, Policy Advisor, spoke to the report and alongside Kris Pervan, Group Manager Strategy and Growth, answered members' questions.

COMMITTEE RESOLUTION SOF2023/23

Moved: Cr Nigel Wilson

Seconded: Cr Martin Halliday

A. That the Committee notes the findings of the NPS-UD monitoring report for Quarter 3 as

STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
MINUTES

18 MAY 2023

attached as Attachment 1 of this report.

- B. That the Committee agrees that future quarterly reporting be published to Elected Members via the Elected Member Bulletin (rather than through tabling at the Social Sustainability Committee and this Committee), alongside publishing on the Council's urban development capacity webpage.
- C. That the Committee notes that the Quarter 4 NPS-UD monitoring report, setting out more meaningful annual results, will be tabled in September 2023.

CARRIED

8.2 VISION KAPITI PROGRESS AND NEXT STEPS

Kris Pervan, Group Manager Strategy and Growth, and Jo Bryan, Strategy Manager spoke to the report and answered members' questions.

COMMITTEE RESOLUTION SOF2023/24

Moved: Cr Shelly Warwick

Seconder: Cr Jocelyn Pervanov

That the Strategy, Operations and Finance Committee:

- A. **Endorse** the community engagement approach for developing Vision Kāpiti (Attachment 1) and outlined in paragraphs 12 to 16, including that:
 - Community engagement at local and district level is led by Elected Members, supported by staff.
 - Monthly feedback sessions will be used to incorporate feedback into our evolving thinking on Vision Kāpiti.
- B. **Agree** to refer to work on the vision and blueprint as 'Vision Kapiti', and for local area vision work to be referred to as 'Vision [local area name]'
- C. **Note** that on 23 May 2023 we will discuss the refresh of the District outcomes and performance framework, and finalise local area and district information packs for upcoming engagements, along with media and communications that will support this work.

CARRIED

The meeting adjourned at 10:54 am and resumed at 11:07am.

8.3 PERFORMANCE REPORT FOR THE PERIOD ENDING 31 MARCH 2023

Mark de Haast, Group Manager Corporate Services and Sheryl Gavin, Manager Corporate Planning and Reporting spoke to the report and alongside Kris Pervan, Group Manager Strategy and Growth, and Sean Mallon, Group Manager Infrastructure Services, answered members' questions.

COMMITTEE RESOLUTION SOF2023/25

Moved: Deputy Mayor Lawrence Kirby

Seconder: Cr Nigel Wilson

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

- A. Receives this report, and
- B. Notes the Council's financial and non-financial performance for the nine months ended 31

STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
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18 MAY 2023

March 2023, as attached in Appendix 1 to this report.

CARRIED

8.4 MAHARA GALLERY OPEX RESOLUTION - REPORT BACK

Mike Mendonça, Acting Group Manager Place and Space spoke to the report and alongside Sean Mallon, Group Manager Infrastructure Services, answered members' questions.

COMMITTEE RESOLUTION SOF2023/26

Moved: Cr Nigel Wilson

Seconder: Deputy Mayor Lawrence Kirby

That the Committee notes the report 'Internal Review Mahara Gallery Opex' (as appended at Attachment 1).

CARRIED

9 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION SOF2023/27

Moved: Cr Nigel Wilson

Seconder: Cr Shelly Warwick

That the minutes of the Strategy, Operations and Finance meeting of 6 April 2023 be accepted as a true and correct record.

CARRIED

Cr Kathy Spiers left the meeting at 12:04pm.

**10 PURONGO KĀORE E WĀTEA KI TE MAREA | PUBLIC EXCLUDED REPORTS
RESOLUTION TO EXCLUDE THE PUBLIC**

PUBLIC EXCLUDED RESOLUTION SOF2023/28

Moved: Mayor Janet Holborow

Seconder: Deputy Mayor Lawrence Kirby

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to	Ground(s) under section 48 for the passing of this
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STRATEGY, OPERATIONS AND FINANCE COMMITTEE MEETING
MINUTES

18 MAY 2023

	each matter	resolution
10.1 - Confirmation of Minutes	Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

Te Komiti Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee meeting went into public excluded session at 12:04pm.

COMMITTEE RESOLUTION SOF2023/30

Moved: Cr Shelly Warwick

Seconder: Cr Nigel Wilson

That the Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee moves out of a public excluded meeting.

CARRIED

Te Komiti Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee came out of public excluded session at 12:06pm.

The Chair closed Te Komiti Rautaki, Whakahaere, me te Ahumoni | Strategy, Operations and Finance Committee meeting with karakia at 12:07pm.

.....
HEAMANA | CHAIRPERSON

10 PURONGO KĀORE E WĀTEA KI TE MAREA | PUBLIC EXCLUDED REPORTS**RESOLUTION TO EXCLUDE THE PUBLIC****PUBLIC EXCLUDED RESOLUTION**

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - 2023-24 Major Event Fund Allocation Recommendation and 2023 Closeout report	Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

11 CLOSING KARAKIA