



RĀRANGI TAKE AGENDA

Kaunihera | Council Meeting

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

Te Rā | Date: Thursday, 29 February 2024

Te Wā | Time: 9.30am

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

**Darren Edwards
Chief Executive**

Kāpiti Coast District Council

Notice is hereby given that a meeting of the Kāpiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 29 February 2024, 9.30am.

Kaunihera | Council Members

Mayor Janet Holborow	Chair
Deputy Mayor Lawrence Kirby	Deputy
Cr Glen Cooper	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Rob Kofoed	Member
Cr Liz Koh	Member
Cr Jocelyn Prvanov	Member
Cr Kathy Spiers	Member
Cr Shelly Warwick	Member
Cr Nigel Wilson	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 *As we deliberate on the issues before us,*

E pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. *We trust that we will reflect positively on the communities we serve.*

Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, *Let us all seek to be effective and just,*

Ā, mā te māia, te tiro whakamua me te hihiri *So that with courage, vision and energy,*

Ka taea te arahi i roto i te kotahitanga me te aroha. *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 TE WHAKATAKOTO PETIHANA | PRESENTATION OF PETITION

Nil

6 NGĀ WHAKAWĀ | HEARINGS

Nil

7 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

8 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)

9 TE PŪRONGO A TE KOROMATUA | MAYOR'S REPORT

Nil

10 PŪRONGO | REPORTS

10.1 AFFORDABLE HOUSING TRUST: TRUST ESTABLISHMENT

Kaituhi | Author: **Stephen Cross, Housing Programme Manager**

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

TE PŪTAKE | PURPOSE

- 1 This paper seeks Council approval to:
 - 1.1 Establish an independent housing trust (the preferred entity vehicle) for Kāpiti; and
 - 1.2 Progress required steps to establish the housing trust including a Trust Deed, Relationship Framework Agreement, and process to appoint trustees to the Board.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 Housing Affordability is one of seven focus areas in Kāpiti Coast District Council's Housing Strategy (2022). Council has progressed significant work in this space including engaging the community on the opportunity to form an independent housing entity for affordable housing. Feedback from submissions, reported in Council in 2023, indicates strong community support to do so.
- 3 In May 2022, Council confirmed an independent trust was the preferred option for establishing an entity focused on housing, and that it should be structured so that it can partner with iwi and other organisations to deliver social and affordable housing solutions and support existing providers to improve housing outcomes in Kāpiti.
- 4 This paper seeks Council's approval, in principle, of the following:
 - 4.1 The Trust Deed, which sets out the charitable purposes for which the Trust is being established, details of the legal status of the Trust to give effect to its purpose, and the details of the governance arrangements.
 - 4.2 The Relationship Framework Agreement (RFA), which describes the way the Trust and Council will work together to deliver the common objective of improving community housing outcomes in the Kāpiti Coast District. It includes key relationship principles and support services to be provided by Council to the Trust, reporting requirements of the Trust to Council, and puts limits on what Council contributions may be used for and how they would be returned if no longer required.
 - 4.3 The composition of the Trust Board and the process for appointing board members to the Trust. It is proposed that the Trust Board would be comprised as follows:
 - **Council-Appointed Trustee:** One Council-Appointed Trustee, to be appointed by Council in accordance with the Council's Recruitment and Selection Policy, in accordance with the requirement of the Local Government Act;
 - **Māori Trustee:** One Māori Trustee to be appointed by Te Whakaminenga o Kāpiti;
 - **Independent Trustees:** A minimum of three and a maximum of five Independent Trustees.
 - 4.4 Formation of the Board Appointment Panel to commence the appointment process in preparation for the Trust being settled. A Board Appointment Panel is proposed. This would be comprised of the Council-appointed Trustee and Māori Trustee, with support from a recruitment specialist, to make the Independent Trustee appointments. A skills-based approach to recruitment is recommended.

TE TUKU HAEPAPA | DELEGATION

- 5 The Council has authority to make this decision.

TAUNAKITANGA | RECOMMENDATIONS

That the Council:

- A. **Approve** in principle the Trust Deed attached at Appendix 1 for the establishment of an independent housing trust in Kāpiti, including:
 - A.1 Trust Board composition described at clause 2 of Schedule 2 of the Trust Deed
 - A.2 The appointment process for Trustees described at Schedule 2 of the Trust Deed.
- B. **Delegate** the power to finalise the Trust Deed, including any required non-substantive amendments, to the Chief Executive and Mayor
- C. **Approve** 'Kāpiti Coast Affordable Housing Trust' as the placeholder name for the Trust
- D. **Approve** in principle the draft Relationship Framework Agreement (RFA; attached at Appendix 3)
- E. **Delegate** the power to finalise the RFA, including any required non-substantive amendments, to the Chief Executive and Mayor
- F. **Note** the skills and experience required by Trustees set out at clause 4.3 of Schedule 2 of the Trust Deed
- G. **Approve** the appointment of an Independent Recruitment Consultant to assist Council to appoint the Council-appointed Trustee to assist the Panel to appoint independent trustees
- H. **Delegate** to the Chief Executive the power to appoint the Council-appointed Trustee
- I. **Note** the establishment plan for the Trust will proceed in three stages:
 - I.1 Stage 1: Council-led: February to June 2024
 - I.2 Stage 2: Joint Council and Trust-led: July to December 2024
 - I.3 Stage 3: Trust-led: January 2025 onwards.
- J. **Note** the next steps for the project including further decisions needed by Council to be discussed at the meeting of 2 May 2024.

TŪĀPAPA | BACKGROUND

- 6 Housing Affordability is identified as one of seven focus areas in Kāpiti Coast District Council's Housing Strategy, which was approved in May 2022 and includes an action to '*Explore how alternative tenure and ownership models could be incentivised or delivered in partnership with others (e.g., build to rent, community land trust or leaseholder arrangements)*'.
- 7 Elected Members were briefed on the background to establishing an Affordable Housing Entity on 20 February 2024 which is available in LGHub. A summary of key points includes:
 - 7.1 Housing affordability is an issue that is affecting communities across New Zealand, with a number of communities investigating or adopting different housing models to help improve affordability and to provide opportunities for members of their local community to move along the housing continuum.
 - 7.2 Traditionally, intervention in the part of the continuum from homeless to social housing has been the role of central government, however we are seeing increased community intervention through Community Housing Providers, Affordable Housing Trusts and other models. The newly formed National Government has signalled support for growing local solutions for housing through Community Housing Providers. Council is an existing provider of affordable rental housing via our older persons housing, with 118 units in the portfolio.
 - 7.3 To better understand alternative tenure options and how these could be implemented. Council officers commenced a process of desktop research and interviews with organisations from across New Zealand.

- 7.4 As there are a range of possible entities to assist with the delivery of affordable housing, it was important that Council was clear about its key objectives from this work and how this would affect the approach taken. The following objectives have been developed and confirmed by Council for any entity established:
- It can be established and/or operated in partnership with iwi and other partners.
 - It is able to qualify for government funding and support.
 - It is able to operate with a degree of independence and has access to necessary specialist skills and experience.
 - It can provide affordable rentals and affordable housing ownership options (e.g., a range of alternative tenure options) to the local community.
 - It is able to operate with financial sustainability over the long term.
 - Any returns are to be reinvested into affordable housing.
- 7.5 Based on the confirmed objectives, the following entity options were reviewed by Council to support the delivery of affordable housing:
- Option 1: Council Controlled Organisation
 - Option 2: Community Housing / Land Trust
 - Option 3: Support existing providers
 - Option 4: A hybrid approach, comprising a combination of options 2 and 3.
- 7.6 In May 2022, Council confirmed an independent trust was the preferred option for establishing an entity focused on housing, and that it should be structured so that it can partner with iwi and other organisations to deliver social and affordable housing solutions and support existing providers to improve housing outcomes in Kāpiti.
- 7.7 At the same meeting, Councillors approved consultation on the preferred option, which occurred over a four-week period from early June to early July 2022, 279 responses were received during the consultation process, 82.1% of respondents were supportive of the preferred option. Council received the verbal submissions from this consultation process on 30 March 2023.
- 7.8 In May 2023, officers provided elected members with a draft Trust Deed and Relationship Framework Agreement. Subsequent workshops with Council in May and October 2023 considered these documents as well as the composition of the Trust Board and how the Trust might work with and support existing providers.
- 7.9 In September 2023, an external workshop was held with service providers, social agencies, existing housing providers and Community Housing Aotearoa (the peak body for the community housing sector). The attendees at the workshop were supportive of the approach taken by Council and encouraged Council to continue to be a strong advocate for housing in the community. They also confirmed that there was strong support for a Kāpiti-focused housing trust and welcomed the opportunity for the trust to work alongside and support existing providers.

HE KŌRERORERO | DISCUSSION

- 8 The rationale for the creation of an Affordable Housing Trust is to create an entity focused on providing permanent affordable housing opportunities for families and communities in Kapiti Coast. The advantages of forming a housing trust include:
- 8.1 The ability to hold land, transferred to it by Council or acquired on its own, for the purpose of delivering affordable or social housing. The Trust can use this land to create affordable housing solutions in partnership with iwi, community housing providers and other organisations, and then develop houses on the land.

- 8.2 Access to a wider range of funding sources, particularly if it is registered as, or partnered with, a Community Housing Provider; and ability to partner with iwi and other organisations to deliver housing solutions.
 - 8.3 Ability to offer a wider range of housing services and tenure models, such as affordable rentals, rent-to-own and leasehold options.
 - 8.4 A singular-focus and ability to attract assistance from suitable qualified trustees and staff, resource and expertise to develop and deliver housing projects.
- 9 Key steps for Council to establish an independent housing trust, which the Council is asked to consider and endorse today, are to:
- 9.1 Approve in principle the Trust Deed (attached in Appendix 1, with a Summary of Key Clauses in Appendix 2)
 - 9.2 Approve in principle the Relationship Framework Agreement (attached in Appendix 3, and a Summary of Key Clauses in Appendix 4)
 - 9.3 Agree the process for appointing board members to the Trust and the composition of the Trust Board.
 - 9.4 Approve the formation of the Board Appointment Panel to commence the appointment process in preparation for the Trust being settled.
- 10 The next section considers each of these steps, and the documents noted for which we seek your consideration and approval.

Trust Deed

Trust purpose

- 11 A Trust Deed is required to form a trust, which will become the Trust's core governing document. The Trust Deed sets out the charitable purposes for which the Trust is being established, details of the legal status of the Trust to give effect to its purpose, and the details of the governance arrangements. The purpose also provides limits within which Trustees must exercise their powers and discretions, and limits how the Trust's assets may be distributed if the Trust were to be wound up.
- 12 The Trust Deed document, in Appendix 1, aims to provide for sufficient flexibility while the Trust grows and develops, and to balance the need to provide certainty around factors important to the Council. Of note, the Trust Deed:
 - 12.1 Has been prepared with legal advice and is based on examples from Queenstown, Wellington and Christchurch. The draft was first shared with Council in May 2023 and has been amended to update the number of trustees and make-up of the trust board, as well as the trustee appointment process.
 - 12.2 Has specific reference to older persons' housing inserted into the charitable purposes to make it explicit that assistance or support of older persons' housing is a purpose of the trust. Pending the outcome of the review of older persons' housing, this would give Council the option to transfer ownership and management of portfolio to the Trust should this be the preferred approach for managing the portfolio.
 - 12.3 Includes specific reference to providing housing in the Kāpiti Coast District. If the Trust was to partner with an organisation with a broader geographic focus, an agreement could be prepared to ensure the focus of the joint effort is to remain within the Kāpiti Coast.
- 13 In order for the Trust to be registered as a charity (refer paragraphs 38-40), the purpose must align with a recognised charitable concept (e.g. benefits to the community). It is important the purpose be kept as broad as possible to avoid unintended limitations on the Trust's activities. The Trust Deed aims to enable the Trust to provide support and housing to a range of people in housing need, not just those who qualify for public housing. It outlines that the Trust is to be established for the following purpose:

13.1 to benefit the people of the Kāpiti Coast District by providing community housing, social housing, public housing, affordable housing, or any other similar housing in the Kāpiti Coast District, which may include the Trustees carrying out (without limitation) any of the following activities:

- acquiring, developing and leasing community housing, social housing, public housing, affordable housing, older person's housing or any other similar housing;
- providing associated housing services;
- carrying out any other activities that may assist or support community housing, social housing, public housing, affordable housing, older person's housing or any other similar housing schemes;
- engaging with local, and central government authorities and other social agencies to assist with the provision of housing in the Kāpiti Coast District;
- engaging and working with existing Community Housing Providers, iwi and other housing providers in the Kāpiti Coast District;
- advising, educating and supporting households facing housing stress through hosting seminars, workshops and any other means deemed appropriate by the Trustees that help households with their housing needs;
- becoming a Registered Community Housing Provider.

13.2 In carrying out the Charitable Purposes, the Trustees shall, to the extent deemed appropriate:

13.2.1 focus on benefitting those who qualify for community housing, social housing, public housing, affordable housing, older person's housing or any other similar housing due to their financial position and income;

13.2.2 have due regard to the following:

- (1) te Tiriti o Waitangi;
- (2) Tikanga Māori;
- (3) Te Ao Māori; and
- (4) principles, including (but not limited to):
 - (a) manaakitanga, inclusivity and collaboration with mana whenua;
 - (b) recognition and respect for sacred kinship networks that extend to our natural environment;
 - (c) balance during processes, engagements and interactions;
 - (d) honesty and transparency;
 - (e) solutions that bring success through aroha and kotahitanga; and
 - (f) humility and service to promote care and safety to others;
 - (g) engage with local whānau and iwi, where appropriate, to ensure their needs are understood and recognised, and housing for mana whenua is provided for through the Trust's housing development projects.

14 The Trust Deed may only be amended by unanimous decision. Any amendment must be consistent with the Charitable Purposes and not affect any registrations the Trust holds (refer s18 of the Trust Deed).

Registrations and restrictions

15 It is proposed that the Trust completes three forms of registration that will enable it to be most effective in delivering on its objectives and to maximise available financial benefits. The requirements of the Trust Board to achieve these registrations and take any necessary

steps to maintain these registrations over time are set out in the Trust Deed at 5.5. These registrations include:

- 15.1 Registration as a charity under the Charities Act 2005
 - 15.2 Registration as a charitable trust board under the Charitable Trusts Act 1957
 - 15.3 Registration as a donee organisation with Inland Revenue.
- 16 There are significant advantages in the Trust being registered as a charity under the Charities Act 2005. These include:
- 16.1 double income tax exemption, which means the Trust would be income tax exempt as a charity and also as a CHP (if it chose to become a CHP). This gives some protection in case one of the income tax exemptions is lost.
 - 16.2 reputational advantages in the community and confidence that the entity will operate with charitable intentions and community benefit in mind.
 - 16.3 increased ability to receive bequests from deceased estates (e.g., many wills have distribution clauses that are restricted to charitable organisations), and
 - 16.4 potential advantages in accessing grants or other sources of funding only available for registered charities.
- 17 The main disadvantage of being registered as a charity is that it adds an additional layer of administration and paperwork. Aside from the initial registration process, the primary obligation is to prepare a compliant annual return which is made available on the public register. However, given the Trust will need to prepare financial statements for audit and regulatory purposes, the amount of additional work to maintain charitable status is likely to be minor.
- 18 Registration as a charitable trust board under the Charitable Trusts Act 1957, which is separate from registration as a charity, would be made via the Companies Office and would incorporate the Trust as a separate legal entity so it can hold property and enter into contracts in its own name. This is a fairly straightforward process and is likely to be desirable for any Trust that intends to hold land or property assets – this is because the record of title of any property owned by the Trust would not need to change each time the trustees on the Board change. As with charities registration, the only disadvantage is that there are some additional layers of compliance and administration but, again, these are minor and mainly involve updating certain changes to the Companies Office (such as changes to the Trust Deed).
- 19 The third registration officers recommend is registering the Trust as a donee organisation recorded on the Inland Revenue register of donee organisations. This means any donations made to the Trust by individuals or organisations would qualify for tax deductions or tax credits. There are no ongoing filing or administrative requirements so there is no material disadvantage to having this status other than needing to make sure that valid donation receipts are provided for any donation. Donee status is usually granted automatically following the registration of an entity as a charity where the application form indicates that the entity may receive donations.
- 20 As previously indicated to the Council in May 2022, under the Public and Community Housing Management (Community Housing Provider) Regulations 2014, a Council Controlled Organisation (“CCO”) or CCO subsidiary is not permitted to register as a CHP. The Trust Deed includes a specific provision restricting the Trust from becoming a CCO or subsidiary and a requirement to maintain its independence from Council and any other third party.
- 21 While the Trust will not be a CCO or CCO subsidiary, it will be a Council Organisation as Council will have the right to appoint one of the Trustees who will have voting rights at Trust Board meetings. Council will need to ensure it appoints a Council-Appointed Trustee in line with Council’s Recruitment and Selection Policy and that it regularly undertakes monitoring of

the Trust, in accordance with the requirements of the Local Government Act. The reporting obligations of the Trust will be set out in the Relationship Framework Agreement.

- 22 The Trust would also have the potential to apply to become a Registered Community Housing Provider (CHP). A key advantage of an independent trust over options such as a CCO or Council-led delivery is the ability to obtain government funding support such as the Income-Related Rent Subsidy (IRRS) and Operating Subsidy (OS). Councils and CCOs are not able to access this funding which is important to help offset the difference between market and affordable rentals – and therefore assist with achieving financial sustainability.
- 23 To be able to access central government subsidies such as IRRS, the Trust would need to register as a Community Housing Provider through the Ministry of Housing and Urban Development’s Community Housing Regulatory Authority (“CHRA”).
- 24 The decision to apply for registration would need to be made by the trust, once established. The Trust Deed has been written to ensure there would be no impediment to the Trust registering as a CHP in accordance with the Public and Community Housing Management Act 1992 if it chose to.

Trust Board composition and appointments

- 25 The Council needs to make five key decisions on the composition of the Trust Board (included in the Trust Deed):
 - 25.1 The total number of Trustees
 - 25.2 The composition of the Board (i.e., number of Council-appointed Trustees, Māori Trustee and Independent Trustees)
 - 25.3 The appointment process for Independent Trustees
 - 25.4 The considerations relevant to the appointment of Independent Trustees
 - 25.5 The process for appointing the Council-appointed Trustee.

Number of Trustees

- 26 The proposed size and composition of the Board and the processes for appointment are based on regulatory standards set by CHRA and on our understanding of the way CHRA applies those standards in their consideration of applications, as well as on the experiences of other CHPs, particularly Ōtautahi Community Housing Trust. It is useful to use the standards created by CHRA as they represent best practice.
- 27 Decisions about the size and composition of the Board need to consider how the Trust may change and grow over time, and therefore how its governance may need to adapt to ensure it is fit-for-purpose and that the entity is well-run. For example, if the Trust was expanding in terms of its housing development and/or delivery of new services, the size and/or skill mix of the Board may need to change to ensure the right skills were on the Board to successfully manage this expansion.
- 28 It is useful to note CHRA generally prefers a board size no greater than nine, with a preference for slightly smaller (i.e. seven), but at least four. Most registered CHPs have between five and eight board members, with seven being the most common. Larger boards (above 10 members) are most usually associated with Iwi-affiliated organisations.
- 29 The Trust Deed allows for a range in the number of Trustees, rather than a fixed number, to provide maximum flexibility. It is proposed that the Trust Board is comprised of a minimum of five Trustees at all times and a maximum of seven Trustees in order to provide capacity to bring in extra expertise on the Board if required, and to ensure all the required skill-sets are covered. A Trust Board consisting of four trustees or less would likely mean that the financial accounts of the trust would need to be consolidated with Council, which could impact Council’s financial ratios for auditing and compliance purposes.
- 30 It is proposed that the Trust Board would be comprised as follows:

- 30.1 **Council-Appointed Trustee:** One Council-Appointed Trustee, to be appointed by Council in accordance with the Council's Recruitment and Selection Policy, in accordance with the requirement of the Local Government Act
- 30.2 **Māori Trustee:** One Māori Trustee to be appointed by Te Whakaminenga o Kāpiti.
- 30.3 **Independent Trustees:** A minimum of three and a maximum of five Independent Trustees.

Consideration of Relevant Skills and Experience

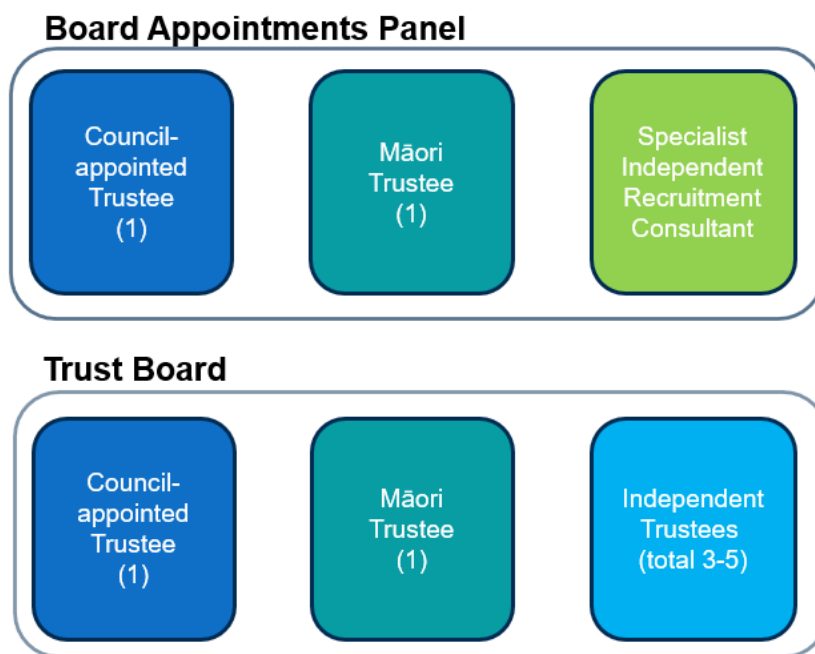
- 31 Experience of other councils has strongly supported the use of skills-based recruitment for all Trustees. This is to help ensure the board is comprised of suitably-skilled people with the range of skills, expertise and experience required for the good governance of a housing trust.
- 32 The Trust Deed lists in section 4.3 (b) of Schedule 2 the skills and experience that need to be represented on the Board at all times: social tenancy management, property development, strategy development and business planning, financial management and literacy, and legal and risk management. These also cover the key areas of expertise that CHRA requires in a CHP Board.
- 33 Alongside these skills, the following expertise would be beneficial to have represented on the Trust's Board. These are listed at 1.1 *Interpretation* in the Trust Deed:
- experience in community, social or affordable housing;
 - experience in management or governance in any or all of tenancy management, property development, asset management and social services;
 - experience in the operation and implementation of government funding programmes;
 - an empathy with the communities in the locations where the Trust intends to provide community, social and/or affordable housing;
 - an understanding of the Charitable Purposes;
 - financial management experience;
 - governance experience in either not-for-profit or business organisations;
 - legal experience in either not-for-profit or business organisations;
 - experience in strategy development, policy development, risk management or organisational change;
 - experience in operations or service delivery;
 - knowledge and understanding of Te Tiriti o Waitangi, Te Ao Māori and tikanga Māori;
 - financial literacy relevant to the financial and economic issues related to the Trust.
- 34 Officers will prepare a recruitment pack to assist with identifying suitable candidates if Council approves the establishment of the Trust.

Appointment Process

- 35 To ensure the Trust is independent (and eligible for potential CHP registration and associated subsidies), the Trust must be governed at arm's length of and cannot be controlled by Council.
- 36 The Trust Deed specifies the appointment process for the Independent Trustees and the Chair. For the Council-Appointed Trustee, the Council will have discretion as to who it appoints having regard to the specified skills and experience in the Trust Deed (see paragraphs 55-56), and this appointment will be made in accordance with the Council Recruitment and Selection Policy (as required by the Local Government Act). The appointment could be an elected member, staff, or other suitably qualified person that the Council chooses to appoint (subject to the requirements of the Local Government Act – e.g.,

that the Council considers the relevant appointee will contribute to the objectives of the Trust).

- 37 The appointment process is summarised in the diagram below and described in Schedule 2 of the Trust Deed. This has initial appointment of a Council-appointed Trustee and Māori Trustee who form a panel, with support from a recruitment specialist, to make the Independent Trustee appointments.



- 38 The Trust Deed also ensures that each appointing party (i.e. Council, Board Appointment Panel and Te Whakaminenga o Kāpiti) has the right to remove their appointed Trustees at any point. The Trust Deed also provides other ways in which a Trustee may be removed from being a Trustee (including, for example, if they resign or fail to fulfil their Trustee duties).

Trust Name

- 39 The Trust Deed requires there to be a name for the Trust, and it is proposed to use 'Kāpiti Coast Affordable Housing Trust' as the placeholder name for the Trust.

Finalising the Trust Deed

- 40 This report includes a recommendation for Council to approve the Trust Deed in principle. Officers recommend delegating to the Chief Executive the power to finalise the Trust Deed (in substantially the form presented to Council). The Chief Executive would then be able to include final details such as the name of the Trust and the name of Original Trustees, make any minor amendments and settle the Deed.

Relationship Framework Agreement (RFA)

- 41 The RFA, in Appendix 3, describes the way the Trust and Council will work together to deliver the common objective of improving community housing outcomes in the Kāpiti Coast District. It includes:
- 41.1 Key relationship principles and support services to be provided by Council to the Trust.
- 41.2 Reporting requirements of the Trust to Council and puts limits on what Council contributions may be used for and how they would be returned if no longer required. Council will provide initial support to the Trust on a transitional basis, but the Trust must become independent over time. Both parties will participate in regular relationship and coordination meetings.

- 41.3 An outline of the process under which new funding proposals from the Trust will be made to Council, as well as the option for Council to approach the Trust with a new housing proposal. Neither party is obligated to agree to any new proposals.
- 41.4 Provision for periodic review of the operation of the agreement by both parties and requires an initial review within the first two years' from the date the agreement is in place. The Trust Board are required to report to Council every three months.

Next steps

- 42 The establishment of the Trust will proceed in three stages, with an overall plan to have the Trust operational in the first quarter of the 2024/25 year.

Table: Summary of Trust establishment stages

Establishment stage	Timeframes	Milestones	Working structure
Stage 1: Council-led	February-June 2024	Approve Trust Deed and RFA in principle Appoint Council-appointed Trustee Independent Trustee appointments completed by Board Appointments Panel Settle the Trust	Council governance through relevant committees
Stage 2: Jointly managed	July-December 2024	Finalise RFA Complete charitable registration	Governance through a joint arrangement with details to be confirmed Some decisions will still sit with Council
Stage 3: Trust-led	February 2025 onwards	Complete remaining setup	Trust Board Council oversight to be confirmed once RFA finalised.

He take | Issues

Governance structure

- 43 A Trust Board of five to seven members including a Council-appointed trustee, Māori trustee, and independent trustees is recommended for the Affordable Housing Trust. The aim of this structure is to provide opportunities for input from Council and Māori appointees along with advice from independent trustees. Skills-based selection is recommended for all trustees. The structure proposed has been selected based on legal advice, the experience of other councils, and central government requirements for community housing providers.

Connection to Review of Older Persons' Housing

- 44 Alongside work to establish an Affordable Housing Trust, Council is also undertaking a review of its Older Persons' Housing portfolio. The review has been conducted without reference to the potential establishment of a Trust to ensure the outcome of the review was not predetermined. As both projects progress, particularly following the outcome of formal consultation as part of the development of the Long-Term Plan 2024-34, there may be advantages in the projects combining, i.e. pending the outcome of the review of older persons' housing, the Trust Deed would allow Council the option to transfer ownership and

management of portfolio to the Trust, should this be the preferred approach for managing the portfolio.

Independence and Council influence

- 45 Ensuring the Trust is truly independent is important to ensure potential funding opportunities are not jeopardised. However, Council will be able to influence the focus and conduct of the Trust through selection of the Council-appointed trustee and mechanisms within the Relationship Framework Agreement, including regular reporting and meetings.

Ngā kōwhiringa | Options

- 46 Options including benefits, risks and implications are summarised in the table below:

Kōwhiringa Options	Hua Benefits	Tūraru Risks
Option A: Proceed with the establishment of the Trust as proposed in this paper	Enable officers to proceed with next steps to get the Trust established	Community may perceive that the move to establish a Trust is a way of Council absolving itself of responsibility in responding to growing housing need.
Option B: Proceed with the establishment of the Trust but with changes to what is proposed in this paper	More time may allow for a more thorough process	Potential impact on timeframes for trust establishment Changes to Board composition or appointment process may put at risk the trust's independence, and potential to qualify as a CHP
Option C: Do not proceed with the establishment of the Trust	Cost savings – funds set aside for establishment costs could be redirected	Reputational risk – the outcome of public consultation was very strong support for the formation of an Affordable Housing Trust

Mana whenua

- 47 To support the implementation of the Housing Strategy Te Urunga Whakakāinga, a Kapiti Place-Based Housing Steering Group, with representation from Te Rūnanga O Toa Rangātira, Ngā Hapū o Ōtaki and Āti Awa ki Whakarongotai Charitable Trust and central government (including the Ministry for Housing and Urban Development, Kāinga Ora, and Te Puni Kokiri) has been formed.
- 48 Council staff have also proactively worked with Ngā Hapū o Ōtaki, Ngāti Toa Rangātira, and Te Ātiawa ki Whakarongotai to understand their aspirations and current activity to support provision of housing in their communities. These discussions confirmed that there was a strong willingness to partner and that iwi and hapu were already well advanced in their thinking about the delivery of social and affordable housing.
- 49 The inclusion of specific principles, an objective and actions related to Māori housing within the Housing Strategy illustrate that Council recognises it needs to take a supportive role in helping to deliver Māori housing solutions.
- 50 Initial feedback on the preferred option for an affordable housing entity was sought from our Ngā Hapū o Ōtaki, Te Ātiawa ki Whakarongotai, and Ngāti Toa Rangitira and the establishment of a trust has continued to be supported.

- 51 The importance of Māori representation at a governance level within the Trust is recognised by the Te Whakaminenga o Kāpiti appointed Trustee.
- 52 One of the key objectives for the affordable housing entity is to be able to partner with iwi for delivery. This is aligned with the above key guiding principle from the Housing Strategy and enables ongoing partnership.
- 53 Engagement and discussion to date has confirmed a strong interest in housing across the district and available capacity to appoint a representative to the proposed Housing Trust. Further engagement with iwi will occur throughout the trust establishment period.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 54 Minimising climate impact can be achieved through having compact and well-designed and planned urban areas.
- 55 Climate impact will be considered through greater housing options, a variety of transport connections, and ensuring that development considers natural hazard constraints.
- 56 The resilience and sustainability objective within the Housing Strategy considers that new homes meet or exceed Climate/Carbon measurements and Healthy Homes benchmarks. This will be built into the affordable housing trust approach when delivery of housing is considered.

Ahumoni me ngā rawa | Financial and resourcing

- 57 The RFA outlines support services that Council will provide to the Trust. These include an annual operating grant, and in-kind support such IT and administrative services on a transitional basis. More information on costs will be provided to Council at the meeting scheduled for 9 May 2024.
- 58 There is sufficient funding in Council's Housing budget to support the establishment of the Trust.
- 59 Council would also provide in-kind support for the Trust on a transitional basis.
- 60 Should additional funding / support be required from the Trust, Council would consider this in accordance with the requirements of the RFA.
- 61 The property at 254 Rangiuuru Road, Ōtaki, was purchased by Council for affordable housing. As part of Trust establishment steps, Council officers will provide options for initial capital investment for Council consideration in mid-2024. No decisions are proposed at this stage.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 62 Legal advice was sought for the preparation of the Trust Deed and Relationship Framework Agreement.
- 63 Further legal advice will be sought if Council considers transferring further assets / funding to the trust following trust establishment.
- 64 Organisational risk includes reputational risk to Council if the Trust fails to deliver the intended housing outcomes. The Relationship Framework Agreement provides mechanisms for Council to monitor and review the trust's performance.

Ngā pānga ki ngā kaupapa here | Policy impact

- 65 The community outcome '*our people have access to suitable quality housing in Kāpiti so that they can live and thrive*' was included in the Long-Term Plan 2021-41 due to the strong concern about the growing local housing issues and to guide Council's response to the district's challenges and opportunities.
- 66 The Kāpiti District Council Housing Strategy was approved by the Strategy and Operations Committee on 12 May 2022.

- 67 Housing Affordability is identified as a key focus area in the Housing Strategy with a response to *‘explore how alternative tenure and ownership models could be incentivised or delivered in partnership with others (e.g., build to rent, community land trust or leaseholder arrangements)’* (the Housing Strategy, page 28).

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 68 Clear communication of the drivers and intent of establishing an Affordable Housing Trust is important. There may be a perception in the community that the move to establish a Trust could be a way of Council of absolving itself of responsibility in responding to growing housing need. The communication plan that has been developed as part of this project emphasises the establishment of a Trust is part of Council’s mandate to become more active in addressing housing issues and creates opportunities for more innovation and focus along with potential funding avenues.
- 69 A Communications Plan has been developed to support communications with the community and key stakeholders about the establishment of the housing trust.

Whakatairanga | Publicity

- 70 Council will use its established communications channels to inform the community of the key stages of the establishment of the Trust and the rationale for the decision to establish the Trust.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Appendix 1: Trust Deed [↓](#)
2. Appendix 2: Summary of key clauses in Trust Deed [↓](#)
3. Appendix 3: Relationship Framework Agreement [↓](#)
4. Appendix 4: Summary of key clauses in RFA [↓](#)

Dated

2024

**TRUST DEED FOR THE [INSERT NAME
OF TRUST]**

BETWEEN

KĀPITI COAST DISTRICT COUNCIL
Settlor

AND

[NAMES OF TRUSTEES]
Trustees

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TRUST DEED dated the _____ day of _____ 2023

PARTIES

- (1) **KĀPITI COAST DISTRICT COUNCIL** (the **Settlor**)
- (2) **NAME OF COUNCIL-APPOINTED TRUSTEE**, [Title], of [Location]
NAME OF MĀORI TRUSTEE, [Title], of [Location]
NAME OF INDEPENDENT TRUSTEE, [Title], of [Location]
NAME OF INDEPENDENT TRUSTEE, [Title], of [Location]
NAME OF INDEPENDENT TRUSTEE, [Title], of [Location] (**Original Trustees**)

INTRODUCTION

- A. The Settlor wishes to establish a charitable trust to be known as the **[name]** for the Charitable Purposes set out in this Trust Deed.
- B. The Settlor gifts \$10.00 (**Initial Gift**) to the Trustees to settle the Trust. It is anticipated that further money, property, and investments may, from time to time, be paid or transferred to the Trust.
- D. The Settlor and the Original Trustees have agreed to enter into this Trust Deed specifying the terms of the Trust.

1. INTERPRETATION

- 1.1 **Defined Terms:** In this Trust Deed, unless the context otherwise requires:

Act means the Trusts Act 2019;

Associated Person means a person who is an associated person of any Trustee for the purposes of the exemptions from income tax for a tax charity as set out in the Income Tax Act 2007;

Board means the board of Trustees of the Trust;

Board Appointments Panel means the panel of persons specified in clause 3.3 of Schedule 2;

Charitable Purposes means the purposes of the Trust as set out in clause 4.1;

Community Housing Provider means a “community housing provider” as defined in section 2 of the Public and Community Housing Management Act 1992;

Conflict Transaction has the meaning given in clause 17.1;

Council-Appointed Trustee means a Trustee that is appointed by the Settlor in accordance with clause 4.1(a) of Schedule 2;

Council-Controlled Organisation means an entity that is a “council-controlled organisation” pursuant to section 6 of the Local Government Act 2002;

Council Organisation means an entity that is a “council organisation pursuant to section 6 of the Local Government Act 2002;

Council Officer means an employee of, or contractor to, the Settlor;

Elected Member means a person elected as a councillor of the Settlor;

Financial Year means each 12-month period ending on 30 June;

Income Related Rent Subsidy or **IRRS** means the subsidy paid by the Ministry of Housing and Urban Development to Registered Community Housing Providers pursuant to a reimbursement agreement or tailored agreement under the Public and Community Housing Management Act 1992 to cover the difference between rent paid by public housing tenants and the market rent for the property;

Independent Trustee means a Trustee that is not associated with the Settlor (including as an Elected Member or Council Officer) or any of the Māori Trustee Appointing Parties and is appointed by the Board Appointments Panel in accordance with clause 4.1(c) of Schedule 2;

Kapiti Coast District means the district of the Kapiti Coast District Council as constituted by the Local Government (Wellington Region) Reorganisation Order 1989, Gazette 1989, page 2491

Local Authority means “local authority” as defined in section 5 of the Local Government Act 2002;

Māori Trustee means a Trustee that is appointed by Te Whakaminenga o Kāpiti in accordance with clause 4.1(b) of Schedule 2;

Registered Community Housing Provider means a “registered community housing provider” as defined in section 2 of the Public and Community Housing Management Act 1992;

Settlor Representatives means persons, who are not Trustees, that are chosen by the Settlor to attend Board meetings;

Special Majority means a majority of 75% of the votes of Trustees entitled to vote and voting on a decision of the Trust;

Subsidies means any subsidies, payments or financial accommodation provided by the Crown to Registered Community Housing Providers or community housing providers to assist such providers with the provision of public, social or community housing, including the payment of IRRS;

Te Whakaminenga o Kāpiti means the independent advisory forum for the partnership between mana whenua and Kapiti Coast District Council, where mana whenua means each of:

- (a) Ngāti Raukawa ki te Tonga;
- (b) Ngāti Toarangatira; and
- (c) Te Ātiawa ki Whakarongotai;.

Trust means the trust evidenced by this Trust Deed;

Trust Deed means this Trust Deed and any deed of variation or replacement;

Trust Fund means the Initial Gift, all money, investments or other property paid or given to or acquired or agreed to be acquired by the Trustees, and additions and accretions to the Trust Fund and any part of the Trust Fund after this Trust Deed has been signed with the intention that it be held by the Trustees subject to the trusts and other provisions set out in this Trust Deed;

Trustee Skills and Experience means the following:

- (a) experience in community, social or affordable housing;

- (b) experience in management or governance in any or all of tenancy management, property development, asset management and social services;
- (c) experience in the operation and implementation of government funding programmes;
- (d) an empathy with the communities in the locations where the Trust intends to provide community, social and/or affordable housing;
- (e) an understanding of the Charitable Purposes;
- (f) financial management experience;
- (g) governance experience in either not-for-profit or business organisations;
- (h) legal experience in either not-for-profit or business organisations;
- (i) experience in strategy development, policy development, risk management or organisational change;
- (j) experience in operations or service delivery;
- (k) knowledge and understanding of Te Tiriti o Waitangi, Te Ao Māori and tikanga Māori;
- (l) financial literacy relevant to the financial and economic issues related to the Trust; and
- (m) any other attributes deemed necessary or desirable; and

Trustees means the trustees for the time being of the Trust.

1.2 **Construction:** In this Trust Deed, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) a reference to parties is a reference to the parties to this Trust Deed, including their successors, permitted assignees and permitted transferees;
- (c) a reference to persons includes a reference to human beings and any form of legal personality, incorporated or unincorporated;
- (d) whenever the words includes or including (or any similar expression) are used, they are deemed to be followed by the words “without limitation”;
- (e) headings are included for the purpose of ease of reference only and are not to have any effect on construction and interpretation;
- (f) a clause is a reference to the clauses of this Trust Deed;
- (g) a schedule is a reference to a schedule of this Trust Deed;
- (h) a reference to documentation includes:
 - (i) a reference to that document as varied, supplemented, novated or substituted from time to time; and
 - (ii) a reference to that documentation in any form, whether paper based or in electronic form encoded on or as part of any form of media; and
- (i) legislation includes amendments to and re-enactments of that legislation.

10.2 AMENDMENTS TO COUNCIL DELEGATIONS TO STAFF

Kaituhi | Author: **Sarah Wattie, Governance & Legal Services Manager**

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

TE PŪTAKE | PURPOSE

- 1 This report seeks Council's consideration and approval of amendments to Council delegations to the Chief Executive and Staff, including changes to the Resource Management Act 1991 delegations.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required.

TE TUKU HAEPAPA | DELEGATION

Council has the authority to consider this matter. Clause 32, Schedule 7 of the Local Government Act 2002 empowers the Council to delegate its responsibilities, duties and powers in accordance with the restrictions set out in this provision.→

TAUNAKITANGA | RECOMMENDATIONS

That the Council:

- A. **Adopts** the revised *Council Delegations to Chief Executive and Staff* as shown in Attachment 1 to the report 'Amendments to Council Delegations to Staff'.
- B. **Adopts** the revised *Resource Management Act 1991 Delegations to Staff* as shown in Attachment 2 to the report 'Amendments to Council Delegations to Chief Executive and Staff'.

TŪĀPAPA | BACKGROUND

- 4 The purpose of local government under clause 10(1) of the Local Government Act 2002 is to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Legislative compliance with central Government's legislative and regulatory programme supports Council to do this in a fair and efficient manner.
- 5 Council has a range of legislative functions, duties and powers. It is not always efficient or practical for elected members to carry out all of these functions, duties and powers, which is reflected in various statutes that provide Council with the legal authority to delegate to Council staff. Delegated authority allows for administrative efficiency and ensures timeliness in the conduct of Council's daily business.
- 6 In particular, Council has the authority to delegate to officers under clause 32 of Schedule 7 of the Local Government Act 2002. Clause 32 of the Local Government Act 2002 also sets out certain powers that cannot be delegated as follows:

"32. Delegations– (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except–

- (a) the power to make a rate; or*
- (b) the power to make a bylaw; or*
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*

- (d) *the power to adopt a long-term plan, annual plan, or annual report; or*
- (e) *the power to appoint a chief executive; or*
- (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.*
- (h) *the power to adopt a remuneration and employment policy.”*

- 7 Most legislation provides the Chief Executive with the discretion to sub-delegate to Council staff. However, some Acts prescribe the way delegations must be made. For example, section 34A of the Resource Management Act 1991 (RMA) provides local authorities with the power to delegate to an employee any functions, powers, or duties under these Acts however, they prohibit the power to sub-delegate and therefore these delegations must be approved by Council.
- 8 The Council’s delegations to Chief Executive and staff are monitored on a regular basis and reported back to Council for amendment as required, in response to changes in either staff or legislation.

HE KŌRERORERO | DISCUSSION

- 9 This report proposes amendments to Council delegations to the Chief Executive and Staff and Resource Management Act 1991 delegations to give effect to recommendations from staff.

He take | Issues

PREPARING FOR THE FUTURE – ORGANISATIONAL CHANGES

- 10 As of 26 February 2024, certain staff roles and titles have changed as part of the *Preparing for the Future* organisational structure change. As such, amendments are required to the *Council Delegations to Chief Executive to Staff*.
- 11 These changes are effective immediately, noting that titles and their associated delegations that are listed as replaced or ‘no longer required’ will stay in effect until contracts have been signed for the new or replacement roles.

MACHINERY ACT 1950

- 12 Clarification has been added to the *Council Delegations to Chief Executive and Staff Delegations* regarding the Machinery Act 1950 that was repealed, on 4 April 2016 by section 231(2) of the Health and Safety at Work Act 2015. Despite the revocation of the Machinery Act 1950, section 21A of that Act will continue to remain in force until the Amusement Devices Regulations 1978 are revoked at a later date. The delegation is required to issue permits and monitor amusement devices.

NATURAL AND BUILT ENVIRONMENT ACT 2023

- 13 The Natural and Built Environment Act was repealed on 24 December 2023 and consequently will be removed from the *Council Delegations to Chief Executive and Staff*. Provisions have been put in place to ensure that any actions taken under that Act will be considered as taken under the Resource Management Act 1991.
- 14 The above amended delegations to the *Council Delegations to Chief Executive and Staff* are highlighted in Attachment 1.

RESOURCE MANAGEMENT ACT 1991 (RMA) DELEGATIONS

- 15 Amendments are required to Council’s delegations to staff under the RMA, which are set out in the table overleaf. These changes relate to roles that have been affected as part of a *Preparing for the Future* reorganisation. The amended RMA delegations and glossary are set out in Attachment 2.

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Roles affected as part of the <i>Preparing for the Future</i> reorganisation	
New Positions	Amendments to RMA delegations
Group Managers	
Group Manager Customer and Community	A new Group Manager role. Position to include sections 35, 35A, 311, 314-321, 330, 332, 333, 338, 343B, 343C and Note 2 .
Group Manager Infrastructure and Asset Management	A new Group Manager title replacing Group Manager Infrastructure Services . Position to include sections 35, 35A, 311, 314-321, 330, 332, 333, 338, 343B, 343C and Note 2 .
Group Manager People and Capability	A new Group Manager role. Position to include sections 35, 35A, 311, 314-321, 338, 343B, 343C and Note 2 .
Group Manager People and Partnerships	Role no longer required.
Group Manager Place and Space	Role no longer required.
Group Manager Regulatory and Environment	A new Group Manager title replacing Group Manager Regulatory Services . Position to include sections 10, 10B, 22, 32, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37, 37A, 41B, 42, 42A, 44A, 55, 58L-U, 80, 86D, 87AAD, 87BA-BB, 87E, 87F, 87G, 88, 89A, 91, 91F, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A, 124B, 124C, 125, 126, 127, 128, 129, 132, 133A, 134, 138, 139, 139A, 149B, 149G, 149W, 149 ZD, 168, 168A, 169, 171, 173, 174, 175, 176, 176A, 178, 181(3), 184, 189A, 190, 193, 194, 195A, 198 A-M, 220, 221, 222, 223, 224, 226(1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(2), 267(1A)(b), 268A(3)(b), 311, 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B, 343C and Sch1 cl1A, cl3, cl3A, cl3B, cl4, cl4A, cl5, cl5A, cl6, cl7, cl8, cl8AA, cl8B, cl8C, cl10A, cl11, cl16, cl16B, cl20, cl20A, cl23, cl24, cl29(2), cl34 and cl35 and Sch12 cl 39, 39(3), cl40(1)(b) and Note 1 and Note 2 .
Other staff	
Manager Access and Transport	A new title replacing Access and Transport Manager . Position to include sections 35, 35A, 330, 332 and 333 .
Advisor Biodiversity and Landscapes	A new title replacing Biodiversity and Landscapes Advisor . Position to include sections 35, 35A, 330 and 333 .
Team Leader Building Inspections	A new title replacing Building Inspections Team Leader . Position to include sections 35, 35A and 332 .
Manager Building Team	A new title replacing Building Team Manager . Position to include sections 35, 35A and 332 .
Manager Customer and Business Support	A new title replacing Customer and Business Support Manager . Position to include sections 35, 35A, 37A, 87G, 92A, 92B, 98, 99, 101, 113 and 114 .

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Roles affected as part of the <i>Preparing for the Future</i> reorganisation	
New Positions	Amendments to RMA delegations
Supervisor Customer and Business Support	A new title replacing Customer and Business Support Supervisor . Position to include sections 35, 35A, 37A, 87G, 92A, 92B, 98, 99, 101, 113 and 114 .
Manager District Planning	A new title replacing District Planning Manager . Position to include sections 10, 10B, 22, 32, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37, 37A, 41B, 42A, 44A, 55, 58I, 58L-U, 80, 86D, 87E, 87F, 87G, 88, 89A, 91, 91F, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A, 124B, 124C, 125, 126, 127, 128, 129, 132, 133A, 138, 139, 139A, 149B, 149G, 149W, 149 ZD, 168, 168A, 169, 171, 173, 174, 175, 176A, 181(3), 184, 189A, 190, 195A, 198 A-M, 220, 221, 222, 223, 224, 226(1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(2), 267(1A)(b), 268A(3)(b), 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B, 343C and Sch1 cl1A, cl3, cl3A, cl3B, cl4, cl4A, cl5, cl6, cl7, cl8, cl8AA, cl8B, cl8C, cl10A, cl11, cl16, cl16B, cl20, cl20A, cl23, cl24, cl29(2), cl34 and cl35 and Note 1 .
Manager Environmental Standards	A new title replacing Environmental Standards Manager . Position to include sections 22, 35, 35A, 128, 129, 222, 223, 224, 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B and 343C .
Manager Governance and Legal Services	A new title replacing Governance and Legal Services Manager . Position to include sections 35, 35A and 38(5) .
Manager Operations	A new title replacing Operations Manager . Position to include sections 35, 35A, 322-324, 330 and 332 .
Advisor Parks and Environment Planning	A new title replacing Parks and Environment Planning Advisor . Position to include sections 35, 35A, 330 and 333 .
Senior Advisor Parks and Environment	A new title replacing Parks and Environment Senior Advisor . Position to include sections 35, 35A, 330 and 333 .
Advisor Parks and Outdoor Recreation	A new title replacing Parks and Outdoor Recreation Advisor . Position to include sections 35, 35A, 330 and 333 .
Manager Parks, Open Space and Environment	A new title replacing Parks, Open Space and Environment Manager . Position to include sections 35, 35A, 330 and 333 .
Team Leader Planning Projects	A new title replacing Planning Projects Team Leader . Position to include sections 10, 10B, 22, 32, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37, 37A, 41B, 42, 42A, 44A, 55, 86D, 87AAD, 87BA-BB, 87E, 87F, 87G, 88, 89A, 91, 91F, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A, 124B, 124C, 125, 126, 127, 128, 129, 132, 133A, 134, 138, 139, 139A, 149B, 149G, 149W, 149 ZD, 168, 168A, 169, 171, 173, 174, 175, 176A, 181(3), 184, 189A, 190, 195A, 198 A-M, 220, 221, 222, 223, 224, 226(1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(1A)(b), 268A(3)(b), 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B, 343C and Sch1 cl3, cl3A, cl3B, cl4, cl6, cl7, cl8,

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Roles affected as part of the <i>Preparing for the Future</i> reorganisation	
New Positions	Amendments to RMA delegations
	cl8AA, cl8B, cl8C, cl11, cl16, cl16B, cl20, cl20A, cl23, cl24, cl29(2), cl34 and cl35.
Principal Advisor Regulatory and Environment	A new title replacing Principal Advisor Regulatory Services . Position to include sections 10, 10B, 22, 32, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37, 37A, 41B, 42, 42A, 44A, 55, 58L-U, 86D, 87AAD, 87BA-BB, 87E, 87F, 87G, 88, 89A, 91, 91F, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A, 124B, 124C, 125, 126, 127, 128, 129, 132, 133A, 134, 138, 139, 139A, 149B, 149G, 149W, 149 ZD, 168, 168A, 169, 171, 173, 174, 175, 176, 176A, 178, 181(3), 184, 189A, 190, 193, 194, 195A, 198 A-M, 220, 221, 222, 223, 224, 226(1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(2), 267(1A)(b), 268A(3)(b), 311, 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B, 343C and Sch1 cl1A, cl3, cl3A, cl3B, cl4, cl6, cl7, cl8, cl8AA, cl8B, cl8C, cl11, cl16, cl16B, cl20, cl20A, cl23, cl24, cl29(2), cl34 and cl35 and Sch12 cl 39, 39(3), cl40(1)(b) and Note 1 and Note 2.
Manager Property and Facilities Maintenance	A new title replacing Property and Facilities Maintenance Manager . Position to include sections 35, 35A, 330, 332 and 333 .
Senior Advisor Property and Facilities Maintenance	A new title replacing Property and Facilities Maintenance Senior Advisor . Position to include sections 35, 35A, 330, 332 and 333 .
Manager Resource Consents and Compliance	A new title replacing Resource Consents and Compliance Manager . Position to include sections 10, 10B, 22, 32, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37, 37A, 41B, 42, 42A, 44A, 55, 58L-U, 86D, 87AAD, 87BA-BB, 87E, 87F, 87G, 88, 89A, 91, 91F, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A, 124B, 124C, 125, 126, 127, 128, 129, 132, 133A, 134, 138, 139, 139A, 149B, 149G, 149W, 149 ZD, 168, 168A, 169, 171, 173, 174, 175, 176A, 181(3), 184, 189A, 190, 195A, 198 A-M, 220, 221, 222, 223, 224, 226(1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(1A)(b), 268A(3)(b), 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B, 343C and Sch1 cl3, cl3A, cl3B, cl4, cl6, cl7, cl8, cl8AA, cl8B, cl8C, cl11, cl16, cl16B, cl20, cl20A, cl23, cl24, cl29(2), cl34 and cl35 and Sch12 cl 39, 39(3), cl40(1)(b) and Note 1.
Manager Stormwater and Coastal Asset	A new title replacing Stormwater and Coastal Asset Manager . Position to include sections 35, 35A, 332 and 333 .
Projects Manager Stormwater and Coastal Assets	A new title replacing Stormwater and Coastal Asset Projects Manager . Position to include sections 35, 35A, 332 and 333 .
Manager Utilities Infrastructure	A new title replacing Utilities Infrastructure Manager . Position to include sections 35, 35A, 322-324, 330 and 332 .

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Roles affected as part of the <i>Preparing for the Future</i> reorganisation	
New Positions	Amendments to RMA delegations
Manager Water and Wastewater Services	A new title replacing Water and Wastewater Services Manager . Position to include sections 35, 35A, 332 and 333 .
Principal Advisor Customer and Community	A new position in the Customer and Community group. Position to include sections 35, 35A, 330 and 333 .

- 16 Further RMA amendments relate to changes in roles or titles outside the organisational structure change as clarified in the table below. These can also be found in Attachment 2.

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Other amendments	
New Positions	Amendments to RMA delegations
Compliance and Monitoring Officer	Additional RMA required to assist Resource Consent Planners. Position to include sections 22, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37, 37A, 109, 128, 129, 221, 222, 223, 224, 237 B-H, 240, 241, 243, 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B and 343C .
Senior Clerk of Works Development Management	Additional title to allow for movement in team. Position to include sections 22, 32, 35, 35A, 36(5), 36AA(1), 36AAB(1), 109, 110, 113, 114, 126, 220, 240, 243, 314-321, 330, 332, 333, 343B and 343C .
Senior Compliance and Monitoring Officer	Additional title to allow for movement in team. Position to include sections 22, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37, 37A, 109, 128, 129, 221, 222, 223, 224, 237 B-H, 240, 241, 243, 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B and 343C .

Ngā kōwhiringa | Options

- 17 The proposed options are set in paragraphs 10 through 17 of this paper.

Mana whenua

- 18 Where responsibilities and powers are delegated to staff, staff will be required to seek early input from Council's Iwi Partnerships Group on matters that are likely to impact on mana whenua or mana whenua interests. What is appropriate in view of Council's partnership with mana whenua and legislative provisions will depend on the nature of the delegated responsibility, duty or power. This report does not have direct implications on Council's partnership with mana whenua.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 19 There are no climate change considerations triggered by this report.

Ahumoni me ngā rawa | Financial and resourcing

- 20 There is no direct financial impact from these changes to delegations.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 21 This paper has been reviewed by the Council's Governance and Legal Services Manager.
- 22 The exercise of powers and functions by staff must adhere to legislative requirements. Managers are responsible for ensuring legislative compliance in the exercise of statutory powers in their area and are able to seek legal advice where required.

Ngā pānga ki ngā kaupapa here | Policy impact

- 23 Appropriate delegations facilitate efficiency and effectiveness in the conduct of Council business and assist staff to deliver on Council outcomes.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 24 This decision has a low level of significance under the Council's Significance and Engagement policy.

Te mahere tūhono | Engagement planning

- 25 No consultation or engagement is required relating to the process of making these amendments.

Whakatairanga | Publicity

No publicity is required for these minor amendments.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Draft Council to CE and Staff Delegations [↓](#)
2. Draft Council to Staff RMA Delegations [↓](#)

10.3 GOVERNANCE STRUCTURE AND DELEGATIONS REVIEW

Kaituhi | Author: **Steffi Haefeli, Manager Democracy Services**

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

TE PŪTAKE | PURPOSE

- 1 This report asks Council to approve amendments to Governance Structure and Delegations 2022 – 2025 document, in particular to the membership and delegations of committees and subcommittees as outlined in the report.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 It is good practice for Councils to regularly review their governance structure and decision-making delegation arrangements and make amendments where necessary to ensure the arrangements remain fit for purpose and work as intended.
- 3 Council adopted its current governance structure on 24 November 2022 and over the past calendar year opportunities for minor amendments have been identified. This report outlines these minor amendments to the governance structure and decision-making delegations suggested and asks Council to consider and approve the amendments.

TE TUKU HAEPAPA | DELEGATION

- 4 Council has the delegation to adopt and amend its governance structure and delegate certain decisions to subcommittees and community boards as required and appropriate.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Council, as appended in Appendix 1, adopts the amended membership of the Strategy, Operations and Finance Committee, the Social Sustainability Subcommittee and the Climate and Environment Committee as a result of Chris Gerretzen's resignation from Te Ātiawa ki Whakarongotai Charitable Trust.
- B. That Council, as appended in Appendix 1, adopts the amended delegations for the Social Sustainability Subcommittee and the Climate and Environment Subcommittee to include:
 - a. the authority to approve criteria for and disbursement of grant funding as approved through the Long-term Plan or Annual Plan.
- C. That Council, as appended in Appendix 1, adopts the amended delegations for the Social Sustainability Subcommittee to include the authority to receive and consider regular updates in relation to regional transport matters.
- D. That Council, as appended in Appendix 1, adopts the amended delegations for the Risk and Assurance Committee to include:
 - a. the authority to review the Annual Plan and Long-term Plan reports and consultation documents, including any audit reports, and make recommendations ahead of the plans being approved by Council.
 - b. the authority to receive six-monthly updates on Council's emergency management, resilience and recovery, and make recommendations to Council on opportunities for improvement.
- E. That Council, as appended in Appendix 1, adopts the amended appointment of Councillor Martin Halliday as an alternate representative to the Regional Transport Committee.

TŪĀPAPA | BACKGROUND

- 5 The governance and management of local authorities is provided for in Part 4 of the Local Government Act 2002 (LGA). Establishing and maintaining the right kind of governance structure in terms of decision-making is critical to a Council effectively discharging its governance role.
- 6 The LGA provides the following guidance:
- council can appoint committees, subcommittees and other decision-making bodies
 - committees can appoint subcommittees
 - a decision made under delegated authority cannot be overturned by the body that gave the delegation
 - for the purposes of efficiency and effectiveness a council can delegate any of its powers or responsibilities except certain specified exemptions.
- 7 In line with these powers, on 24 November 2022, Council established the following committees and subcommittees for the 2022-2025 triennium:

Strategy, Operations and Finance Committee
Social Sustainability Subcommittee
Climate and Environment Subcommittee
Risk and Assurance Committee
Grants Allocation Committee
Appeals Hearing Committee
Chief Executive Performance and Employment Committee

HE KŌRERORERO | DISCUSSION

He take | Issues

- 8 Since the adoption of the governance structure in November 2022, potential amendments to the membership and delegations of committees and subcommittees have been identified. As a result, a number of amendments are proposed to the current Governance Structure and Delegations as set out in Appendix 1.

Amended Membership of Committees and Subcommittees

- 9 In January 2023, Chris Gerretzen was confirmed as representative for Te Ātiawa ki Whakarongotai to the Strategy, Operations and Finance Committee, the Social Sustainability Subcommittee and the Climate and Environment Subcommittee with full voting rights.
- 10 He was further confirmed as a mana whenua representative to Te Whakaminenga o Kapiti.
- 11 On 23 June 2023, the Chair of Te Whakaminenga o Kāpiti acknowledged the retirement of Chris Gerretzen from Te Ātiawa ki Whakarongotai Charitable Trust and recognised his contribution to Te Whakaminenga o Kāpiti. As a result, he will no longer act as a representative of the iwi on any of the committees and subcommittees he was appointed to in January 2023, including Te Whakaminenga o Kapiti.
- 12 It is therefore proposed that Council confirm removing him from the membership of these committees/subcommittees to reflect the iwi's current representation requirements. Te Ātiawa ki Whakarongotai will continue to be represented by André Baker and Janine Huxford on the above-mentioned committee and subcommittees including on Te Whakaminenga o Kapiti.

Amended Delegations of Subcommittees and Committees

- 13 On 24 November 2022, Council adopted its governance structure for the 2022-2025 triennium with the following delegations:
- 13.1 For the Social Sustainability Subcommittee and the Climate and Environment Subcommittee, it included delegations to provide oversight for grant funding, including the opportunity to review and comment on draft grant criteria, and to make recommendations to the Strategy, Operations and Finance Committee with regards to decisions about grant approvals.
- 13.2 For the Risk and Assurance Committee, it included various delegations to monitor the Council's financial management, financial reporting mechanisms and framework, and risk and assurance function, ensuring the existence of sound internal systems.

Social Sustainability Subcommittee and Climate and Environment Subcommittee

- 14 Through the process of adopting the grant criteria and later dispersing the funds for the Climate Action Grant in 2023, members of the Climate and Environment Subcommittee and the Strategy, Operations and Finance Committee observed the delegations adopted for the subcommittees did not promote best practice in administering grants and suggested amendments. An amendment would streamline the grants process and as a result improve the grant applicants experience. Due to the wording of the delegation in its current form, grant criteria and grant applications must first be endorsed by the Climate and Environment Subcommittee and then approved by the Strategy, Operations and Finance Committee. For grant applicants this process is confusing and complicated as it is unclear which committee to present applications to – or whether to present it to both committees which is time-consuming.
- 15 Community Boards are currently delegated the authority to set grant criteria and disperse grants as approved through the Long-term Plan and the Annual Plan and it is therefore proposed that the delegations of the subcommittees be aligned accordingly.
- 16 For the Social Sustainability Subcommittee, it is further proposed that the subcommittee be delegated the authority to receive and consider regular updates in relation to regional transport matters. Members of the subcommittee have raised discussion points on transport matters intermittently and consider these matters to align with the purpose of the subcommittee.

Risk and Assurance Committee

- 17 At a meeting of the Risk and Assurance committee on 9 November 2023, the Chair raised that the committee had been in place for a year, and that the delegations of the committee did not specifically include reviewing the Annual Plan and the Long-term Plan, nor did it include oversight over emergency management activities.
- 18 The inclusion of additional delegations for the committee was noted and supported by the Risk and Assurance Committee through resolution at a meeting held on 15 February 2024.
- 19 It is therefore proposed that two new delegations in relation to reviewing the Annual Plan and Long-term Plan documents, including consultation documents, audit plans and audit reports, as well as receiving six-monthly updates on emergency management is to be added to the committee's delegations.

Amended Appointment of Alternate Delegate to the Regional Transport Committee

- 20 On 24 November 2022, Council appointed Mayor Janet Holborow and as an alternate Councillor Lawrence Kirby as the representative to the Regional Transport Committee.
- 21 As a result of the addition of the delegated authority to receive and consider updates in relation to regional transport matters to the Social Sustainability Subcommittee, it is proposed that the alternate representative for the Regional Transport Committee be amended to the Chair of the Social Sustainability Subcommittee, Councillor Martin Halliday.

Ngā kōwhiringa | Options

- 22 The following amendments to the membership and delegations in the Governance Structure and Delegations 2022 – 2025 are proposed:
- 22.1 Changes to the membership of the Strategy, Operations and Finance Committee, the Social Sustainability Subcommittee and the Climate and Environment Subcommittee by removing Chris Gerretzen as one of the mana whenua representatives with voting rights for Te Ātiawa ki Whakarongotai due to his retirement from the Trust in 2023.
- 22.2 Amending the delegations for the Social Sustainability Subcommittee to include the following delegated authorities:
- Authority to approve criteria for and disbursement of grant funding as approved through the Long-term Plan or Annual Plan.
 - Authority to receive and consider regular updates in relation to regional transport matters.
- 22.3 Amending the delegations for the Climate and Environment Subcommittee to include the following delegated authority:
- Authority to approve criteria for and disbursement of grant funding as approved through the Long-term Plan or Annual Plan.
- 22.4 Amending the delegations for the Risk and Assurance Committee to include the following delegations:
- Reviewing the Annual Plan and the Long-term Plan consultation documents and reports, including any audit reports, and making recommendations ahead of the plans being approved by Council.
 - Receiving six-monthly updates on Council's emergency management, resilience and recovery, and making recommendations to Council on opportunities for improvement.
- 22.5 Amending the appointed alternate delegate to the Regional Transport Committee to Councillor Martin Halliday.

Mana whenua

- 23 In addition to the specific matters already discussed in this report, mana whenua and tangata whenua have not been consulted wider in relation to this report.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 24 There are no climate change considerations for this report.

Ahumoni me ngā rawa | Financial and resourcing

- 25 Budget to cover remuneration for each elected position has been provided through the Remuneration Authority Determination 2023–2024 and decisions made as a result of this report do not impact on remuneration and positions of responsibility.
- 26 External appointments to committees are remunerated under a separate policy for non-elected members which was adopted by Council in January 2023. Decisions made as a result of this report will not impact on remuneration of externally appointed members and will not have any budgetary implications.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 27 There are no additional legal and or organisational risks arising from this report. This report has been reviewed by in-house counsel.

Ngā pānga ki ngā kaupapa here | Policy impact

- 28 This report is assessed to have a low level of significance under Council's significance and engagement policy.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**Te mahere tūhono | Engagement planning**

- 29 An engagement plan is not needed to implement this decision. Council will communicate this decision through the established communication channels.

Whakatairanga | Publicity

- 30 Council will use its established communication channels to inform the community of its decision. The Governance Structure and Delegations document will be uploaded to the Council website.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Draft Governance Structure and Delegations 2022-2025 [↓](#)

10.4 REPORTS AND RECOMMENDATIONS FROM COMMUNITY BOARDS

Kaituhi | Author: **Evan Dubisky, Democracy Services Advisor**

Kaiwhakamana | Authoriser: **Hara Adams, Group Manager Iwi Partnerships**

TE PŪTAKE | PURPOSE

- 1 This report presents any reports up and recommendations to Council made by Community Boards from 16 November 2023 to 16 February 2024.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

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

TE TUKU HAEPAPA | DELEGATION

- 3 The Council has the authority to consider recommendations made from Community Boards to the Council.

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council receives this report.
- B. That Council notes the three recommendations from the Paraparaumu Community Board meeting on 5 December 2023:
- B.1 That Council considers renaming the path alongside Wharemauku Stream to Dianne Ammundsen Path, as this decision was previously deferred in 2017.
- B.2 That Council considers alternative concepts from local artists for the proposed artworks at the skate park and adjoining areas in Maclean Park.
- B.3 That Council considers prioritising local artists for future procurement processes across Kapiti Coast district.
- C. That Council requests council staff to investigate renaming the path alongside Wharemauku Stream to Dianne Ammundsen Path, and that a report is brought to Council or the community board(s) with relevant delegations to consider.
- D. That Council notes that the recommendations relating to the Maclean Park project regarding the procurement of local artists has been responded to by council staff and the matter has been resolved.

TŪĀPAPA | BACKGROUND

- 4 During the period of 17 November 2023 to 16 February 2024, Community Board meetings took place on the following dates:

Paekākāriki Community Board	Tuesday, 21 November 2023
Raumati Community Board	Tuesday, 28 November 2023
Paraparaumu Community Board	Tuesday, 5 December 2023
Waikanae Community Board	Tuesday, 12 December 2023
Ōtaki Community Board	Tuesday, 12 December 2023

Paraparaumu Community Board	Tuesday, 13 February 2024
Paekākāriki Community Board	Tuesday, 13 February 2024

5 Items discussed at each of the meetings listed in paragraph 4 are noted below:

- 5.1 On Tuesday, 21 November 2023 the Paekākāriki Community Board met to discuss:
- Draft Calendar of Meetings 2024
 - Consideration of Funding Applications
- 5.2 On Tuesday, 28 November 2023 the Raumati Community Board met to receive an update from Board member Tim Sutton on the Takutai Kāpiti process.
- 5.3 On Tuesday, 5 December 2023 the Paraparaumu Community Board met to discuss:
- Update on Maclean Park Skate Park
 - Considerations of Applications for Funding
 - 15 Seaview Road, Paraparaumu Beach Loading Zone
 - 33 Marine Parade, Paraparaumu Beach Loading Zone
 - Paraparaumu Bus Stop Improvements
- 5.4 On Tuesday, 12 December 2023 the Waikanae Community Board met to discuss:
- Adoption of new Code of Conduct 2022-2025 Triennium
 - Draft Calendar of Meetings 2024
- 5.5 On Tuesday, 12 December 2023 the Ōtaki Community Board met to discuss:
- Ōtaki Reservoir Update
 - Adoption of new Code of Conduct 2022-2025 Triennium
 - Draft Calendar of Meetings 2024
 - Consideration of Applications for Funding
- 5.6 On Tuesday, 13 February 2024 the Paekākāriki Community Board met to discuss:
- Update on Transmission Gully Project – SH59 extension and stream restoration process
 - Paekākāriki Seawall Update
 - Election of Community Board Chair and Deputy Chair for 2022-2025 Triennium
 - Consideration of Funding Applications
 - Consideration of Funding Applications for the Campe Estate
- 5.7 On Tuesday, 13 February 2024 the Paraparaumu Community Board met to discuss:
- Update: Presentation from Ian Cassels, The Wellington Company
 - Consideration of Applications for Funding

HE KŌRERORERO | DISCUSSION

He take | Issues

- 6 Within the reports and recommendations considered by Community Boards from 16 November 2023 to 16 February 2024, there were two recommendations made to Council.
- 7 Three recommendations to Council were made at the Paraparaumu Community Board meeting on 5 December 2023:
 - 7.1 Bernie Randall tabled a document (attached as Appendix 1) to support a motion relating to renaming the path alongside Wharemaku Stream. The resolution resulting from the motion was that Council considers renaming the path alongside Wharemaku Stream to Dianne Ammundsen Path, as this decision was previously deferred in 2017.
 - 7.2 During discussion on an update to Maclean Park Skate Park the Officer's recommendation in the report was amended to recommend to Council to consider:
 - A. alternative concepts from local artists for the proposed artworks at the skate park and adjoining areas in Maclean Park.
 - B. prioritising local artists for future procurement processes across Kapiti Coast district.
 - 7.2.1 Mike Mendonça, Acting Group Manager Place & Space responded to the recommendations on 21 December 2023, as the matter was operational.

Ngā kōwhiringa | Options

- 8 Options are not required for this report.

Tangata whenua

- 9 Mana whenua were not specifically consulted for this report.

Panonitanga āhuarangi | Climate change

- 10 There are no climate change considerations relevant to this report.

Ahumoni me ngā rawa | Financial and resourcing

- 11 There are no direct financial and resourcing considerations relevant to this report.

Ture me ngā Tūraru | Legal and risk

- 12 There are no legal considerations relevant to this report.

Ngā pānga ki ngā kaupapa here | Policy impact

- 13 This report has no current or future impact on Council policies.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 14 An engagement plan is not required for this report.

Whakatairanga | Publicity

- 15 No publicity is required with regards to this report.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Dianne Ammundsen Path Tabled Newspaper Clipping [↓](#)

11 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES**11.1 CONFIRMATION OF MINUTES**

Author: Evan Dubisky, Democracy Services Advisor

Authoriser: Darren Edwards, Chief Executive

Taunakitanga | Recommendations

That the minutes of the Council meeting of 14 December 2023 be accepted as a true and correct record.

APPENDICES

1. Confirmation of Minutes - 14 December 2023 [↓](#)

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

13 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
12.1 – Confirmation of Public Excluded Minutes	Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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
13.1 - Reappointment of District Licensing Committee List Member	Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	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
13.2 - Acquisition of Land	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

	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
13.3 – Property Acquisition	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
13.4 - Disposal Update	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 7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	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
13.5 – Property Update	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
13.6 – Verbal Property and Strategic Development Update	Section 7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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

14 CLOSING KARAKIA