



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, 6 March 2025

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 6 March 2025, 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 LAND INFORMATION MEMORANDA - UPDATED COASTAL EROSION AND INUNDATION HAZARD INFORMATION

Kaituhi | Author: **Steve Cody, Building Team Manager**

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

TE PŪTAKE | PURPOSE

- 1 This report responds to a resolution of the Strategy, Operations and Finance Committee on 13 February 2025 which “requested that the Chief Executive report to Council on whether the Kapiti Coast Risk Assessment Report, authored by Dr Willem De Lange (“the De Lange report”), should be directly referenced on Land Information Memoranda (LIMs) for properties on the Kāpiti Coast”.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required.

TE TUKU HAEPAPA | DELEGATION

- 3 Under section A.1 of the 2022-2025 Triennium Governance Structure and Delegations, Council has authority to consider this matter.

TAUNAKITANGA | RECOMMENDATIONS

That Council:

- A Notes the Council’s obligations set out in the paper regarding section 44A (2) of the Local Government Official Information and Meetings Act 1987, to include in LIMs information identifying natural hazards.
- B Notes that following assessment, Council officers have determined that the Kapiti Coast Risk Assessment Report, authored by Dr Willem De Lange (“the De Lange report”), should be directly referenced on Land Information Memoranda (LIMs) for properties on the Kāpiti Coast
- C Notes that officers have exercised existing delegated authority to update the LIM notation related to coastal hazards to reference the Kapiti Coast Risk Assessment Report, authored by Dr Willem De Lange.

TŪĀPAPA | BACKGROUND

The legal requirements that apply to LIMs

- 4 Section 44A of the Local Government Official Information and Meetings Act 1987 (“Act”) requires Councils to include on a LIM information identifying:
 - 4.1 Special features or characteristics of land that are known to the Council but are not apparent from the district plan under the Resource Management Act 1991.
 - 4.2 Features or characteristics include natural hazards like potential erosion, subsidence, inundation, and slippage.
- 5 Council also has discretion under section 44A(3) to include on the LIM other information concerning the land that it considers to be relevant.
- 6 The Courts have confirmed that Councils retain very broad discretion as to how the natural hazard information is noted on the LIM. As long as the information is stated fairly and does not mislead, the Courts largely leave it to councils to decide how to record the information.

HE KŌRERORERO | DISCUSSION

How council manages information on LIMs

- 7 Council has delegated to officers (the Chief Executive, Group Manager Strategy and Growth, and the Manager of the Building Team) responsibility for managing whether information is recorded on Council LIMs and how.
- 8 Adding information to LIMs is an everyday practice for officers. It regularly happens in both the building and resource consenting teams and is an important part of Council informing current and future property owners of property-related information.
- 9 Officers have guidance and well-established operational processes on whether and how to update information on LIMs. They help officers make analytically robust and consistent decisions.
- 10 The process to revise a LIM is triggered when Council receives information relating to a property. After understanding factors such as whether the report contains current information or has been superseded, whether it is accepted by professionals in the field, and whether the information is in dispute, Council assesses whether to alter the LIM in accordance with Council's legislative obligations. Where the application of the factors is not clear, officers seek legal advice to inform the approach.
- 11 Reflecting district-wide issues such as coastal hazards on LIMs is not new. Historically information commissioned by local or central government that reflected best practice guidance was most commonly added to LIMs. Recently entities and individuals outside the public service have submitted information for inclusion on LIMs. Regardless of the source, the Council applies the same fair and reasonable processes to assess whether the LIM should change.

Central government changes to LIM requirements - imminent

- 12 In the second half of this year, legislative requirements for LIMs will change. Parliament has enacted the Local Government Official Information and Meetings Amendment Act 2023, and Regulations giving effect to some of the changes are being prepared for Ministerial decision. The Act:
 - 13.1 amends current requirements to provide natural hazard information in a LIM, extending reporting to include climate change information;
 - 13.2 allows regulations to be made to prescribe how natural hazard information is recorded on LIMs;
 - 13.3 seeks to reduce council's liability for making available, in good faith, information on LIMs.
- 13 We expect more information will have to be included on LIMs as a result of these changes, and Council may want to re-look at its LIM amendment processes and practices once the new requirements are confirmed. Until then, Council will continue to apply its existing guidance and processes to update LIMs.

Decision on notifying de Lange Report on LIMs

- 14 On 20 February 2025, after applying Council guidance and processes, Council officers drafted an update for the LIMs of properties in Kāpiti Coast District Council to reference the De Lange report.
- 15 The revised wording for coastal erosion and inundation section of the LIMs is below:

Coastal Erosion and Inundation Hazards

Council holds a number of reports that assess the possibility that areas of the Kāpiti Coast District shoreline may be susceptible to current and future coastal erosion and inundation.

The available information on coastal hazards that are specific to the District are available on the following link: www.kapiticoast.govt.nz/coastal-science.

The science of coastal erosion and inundation continues to develop as national and international best practice changes, and new information is released. The information received by Council will therefore outline different perspectives. Currently, information specific to the Kapiti Coast District includes:

- Council-commissioned assessments by Jacobs NZ Ltd, including coastal area-specific risk assessments, a hazard and susceptibility assessment, and the coastal hazards GIS map viewer allowing you to assess how any particular property may be affected.
- A community commissioned coastal hazard risk assessment report by Dr Willem de Lange.
- Advice from the Ministry for the Environment and the Department of Conservation on coastal hazard risk identification and management of coastal risks.

Council will consider the information and its possible impact on Kāpiti properties, as part of its review of coastal provisions in the Council's Operative District Plan. On 30 January 2025 Council resolved that this work is a priority to progress.

- 16 All LIMs requested from 4 March 2025 will reflect the updated wording.

He take | Issues

- 17 Not relevant.

Ngā kōwhiringa | Options

- 18 Not relevant.

Mana whenua

- 19 There are no specific mana whenua implications relevant to this report.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 20 Not relevant.

Ahumoni me ngā rawa | Financial and resourcing

- 21 Not relevant.

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

- 22 Council's decisions to include natural hazard information on LIMs have sometimes been contentious. There is a history of litigation of Council decisions on this topic, and Council is currently the respondent in court proceedings that seek judicial review of Council's natural hazard LIM wording. Therefore, the legal team has provided advice to support the officer's decision outlined in this report.

Ngā pānga ki ngā kaupapa here | Policy impact

- 23 Not relevant.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

24 Council does not intend to publicise this decision beyond the information included in this report.

Te mahere tūhono | Engagement planning

25 Not relevant.

Whakatairanga | Publicity

26 Not relevant.

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

10.2 LOCAL WATER DONE WELL - CONSULTATION DOCUMENT

Kaituhi | Author: **Sean Mallon, Group Manager Infrastructure and Asset Management**

Kaiwhakamana | Authoriser: **Darren Edwards, Chief Executive**

TE PŪTAKE | PURPOSE

- 1 This paper seeks a decision by the Council to adopt a Consultation Document and to consult with the community on the options for the future delivery model for Kāpiti Coast District Council's three water services as required by the Local Government (Water Services Preliminary Arrangements) Act 2004.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 Council officers have explored a range of potential options and have narrowed this down to two using assessment criteria and in consultation with Councillors. The consultation document sets out the two water service delivery model options. Refer attachment 1 for the proposed Consultation Document.
- 3 The two water services delivery models taken forward for consultation are the in-house business unit and an alternative four-council-owned water organisation with Horowhenua, Manawatu Districts, and Palmerston North City Councils.
- 4 The Council has expressed a preference for retaining water as an in-house business based on an assessment of the advantages and disadvantages of the options, and this has been communicated in the consultation document.
- 5 The design of the Consultation Document and supporting engagement plan is estimated to cost around \$65,000 plus GST and require administrative resourcing support. Funding and resourcing are currently being sourced from within existing budgets but this is unlikely to cover the full costs.
- 6 The consultation document acknowledges standing order 9.16 and outlines the options available to Council should Council decide to progress with joint water services organisation following consultation process. These options are also set out in this report.
- 7 Given the significance of the decision being consulted on and its impact on most, if not all, of the community, an extensive consultation plan with broad publicity has been put in place.
- 8 Consultation is proposed to start on 10 March 2025 and close on 13 April 2025, with hearings scheduled for early May for those who wish to speak to their submissions. Council is expected to meet to consider the findings from this consultation process and make a decision on 22 May.

TE TUKU HAEPAPA | DELEGATION

- 9 Under section A.1 of the 2022-2025 Triennium Governance Structure and Delegations, Council has authority to consider this matter.

TAUNAKITANGA | RECOMMENDATIONS

- A. **Receives** this report and associated attachments.
- B. **Notes** the legislative changes enacted under the Government's, Local Water Done Well policy through the Local Government (Water Services Preliminary Arrangements) Act 2024, to address long-standing water infrastructure challenges which includes: new economic, environmental and water quality regulations
 - B.1.1 a new planning, reporting and accountability framework

- B.1.2 financial sustainability requirements
 - B.1.3 new statutory objectives consistent for all water providers
 - B.1.4 restrictions against privatisation and.
 - B.1.5 the requirement for Councils to produce a Water Services Delivery Plan and accompanying implementation plan by 3 September 2025.
- C. **Notes** that the Government introduced further water services legislation bill in December 2024 to be enacted in mid-2025 that will establish the enduring settings for economic and regulatory oversight and statutory objectives for water services.
- D. **Notes** that the Council is required to consult on a minimum of two water services delivery model options under the streamlined arrangements in the Local Government (Water Services Preliminary Arrangements) Act 2024, being an internal business unit and at least one alternative.
- E. **Resolves** to consult on the two water services delivery model options set out in the attached consultation document being, retaining services within an internal business unit (in-house) and establishing a joint council-owned water organisation with Horowhenua, Manawatu Districts and Palmerston North City Councils as recommended as option A.
- F. **Resolves** to adopt the in-house business unit as the preferred future delivery model for Kāpiti Coast District water service as recommended as option B.
- G. **Resolves** to adopt the attached Consultation Document and release it for public consultation starting 10 March 2025 as recommended as option C.

TŪĀPAPA | BACKGROUND

- 10 The Local Government (Water Services Preliminary Arrangements) Act 2004, the second part of legislation delivering the government Local Water Done Well policy, came into effect in early September 2024.
- 11 The legislation will set minimum requirements for service delivery models that include;
- 11.1 new economic, environmental and water quality regulations
 - 11.2 a new planning, reporting and accountability framework
 - 11.3 financial sustainability requirements
 - 11.4 new statutory objectives consistent for all water providers
 - 11.5 restrictions against privatisation.
- 12 The Act also requires all councils to prepare a Water Services Delivery Plan (WSDP) and submit the plan to the Department of Internal Affairs (DIA) for approval no later than 3 September 2025. Councils must also give effect to approved WSDPs.
- 13 Under the Act a key decision required of councils when preparing a WSDP is whether to continue delivering services through existing arrangements (colloquially known as the 'status quo') or enter a joint arrangement with other councils. The council can also decide to change the operating model and create a stand-alone or joint Water Services Council Owned Organisation or another suitable model such as consumer trust or shared services.
- 14 The Act also provides a streamlined consultation process for Water Services Delivery Models as an alternative to the Local Government Act. This allows councils to consult on at least two delivery models rather than all practicable options required by the Local Government Act. The process must identify the existing arrangement and at least one other, such as a joint-owned water organisation or other joint arrangement.

- 15 In all cases the revenues, assets, expenses and debt of water services must be separated or ringfenced from all other Council services.
- 16 In December 2024, the Government introduced further detailed legislation, the Local Government (Water Services) Bill, "Bill 3", which is expected to be enacted by mid-2025. This establishes the enduring settings for the new water system including the economic and regulatory oversight functions.
- 17 The Department of Internal Affairs provided an overview factsheet of service delivery models and updated its guidance on the water services models in conjunction with this release. These provide an overview of the various delivery models and associated arrangements under the proposed bill. Refer to attachments 3 and 4, respectively.

Discounted Water Services Delivery options

- 18 In May 2024, the Council signed a Memorandum of Understanding (MoU) with the eight territorial authorities in the greater Wellington region, Greater Wellington Regional Council, and Horowhenua District Council to work in a collaborative, non-binding project to recommend a "best for region" water services delivery model for the Wellington Region councils and Horowhenua District Council.
- 19 Phase one of the project was completed in October 2024, recommending a joint council-owned company with vested ownership of all regional water assets, revenues and liabilities as the best model for the future delivery of water services.
- 20 In December 2024, Council resolved to exit the joint Wellington Region Water Services Delivery Plan project and any further development of this option for Kāpiti. At that time Council also resolved to exclude several other options from further consideration including advice and service-only water organisation options, a single Kāpiti District-only water organisation and consumer trust models.
- 21 Subsequently, Council has been examining two options to establish a joint council-owned water organisation: one with Horowhenua District Council and another with Horowhenua, Manawatu District Councils and Palmerston North City Council, as potential alternatives to the in-house business unit.
- 22 In February, Council agreed to remove the Horowhenua District Council joint water organisation option from further consideration as it didn't provide the benefits of scale available from the four-council organisation option and presented higher initial average costs than both the in-house business unit and the four council option with Horowhenua, Manawatu Districts and Palmerston North City Councils.
- 23 Independent consultancy firm Morrison Low Ltd has assisted the council with investigating and modelling the various service delivery models outside of the Wellington regional project. Refer to attachment 2 for a copy of the Morrison Low report on the four council option.

Outline of the consultation document

- 24 The consultation document provides background information about the history of the drivers for water reforms and new legislative requirements to consider and consult on future water service delivery models by water service providers in New Zealand. The document outlines Kāpiti Coast's current water services situation, what is considered a priority for future water service models, and the challenges that we will face in the future.
- 25 It acknowledges the significance of water as a Taonga to mana whenua, iwi and hapu and the importance the Council place on its relationship with Iwi and their participation in future water services delivery models.
- 26 The two water services delivery options taken forward for consultation are the in-house business unit and an alternative four council-owned water organisation.
- 27 The two options have been qualitatively evaluated against the agreed priorities to provide an overview of their attributes to meet Kāpiti's expectations for its future water services. The

advantages and disadvantages of each model have been explained, and the financial performance has been set out at 10 and 30 years.

HE KŌRERORERO | DISCUSSION

Assessment of the two options.

- 28 The Council has expressed a preference for retaining water as an in-house business, and this has been communicated in the consultation document. The Council identified six priorities for water services including:
- public ownership,
 - Safe and reliable water services,
 - Mana whenua involvement,
 - financially sound,
 - local priorities
 - resilience.
- 29 Overall, the in-house business unit meets five of the six priorities, while the four council-owned water organisation option meets just three.
- 30 The consultation document explains each option's advantages and disadvantages.
- 30.1 The in-house business model has many advantages, including retaining local control of priorities, the efficiencies of being part of Council and the corporate services support, and financial sustainability within the Council's borrowing limits of 280% of total council revenue.
- 30.2 There are risks related to the resilience of a smaller water-focused unit, both operationally and financially.
- 30.3 The four council-owned organisations present opportunities for economies of scale. They will have access to higher debt capacity of 500% revenue to debt ratio and likely more favourably funding arrangements with lower interest charges.
- 30.4 A separate water organisation requires independent governance, which means a further layer of administration, monitoring, compliance, and reporting costs. Additionally, the projected costs of a joint organisation remain higher than an in-house model until 2047.

He take | Issues

Price harmonisation

- 31 One of the significant challenges with progressing a joint water organisation for Kāpiti is the additional costs a new entity would incur and how these might be recovered from customers.
- 32 A joint council-owned organisation might maintain each district's different water charges for a period or look to charge everyone the same amount in the future.
- 33 If pricing were harmonised from day one, the average cost to Kāpiti customers would have to increase over the early period of the new organisation to meet the establishment costs, additional costs for governance and management, and the level of revenue required to support debt.
- 34 While there have been no pricing or price harmonisation decisions, it is possible to model a scenario where no council is worse off. This, however, would require higher-cost councils to pay higher costs until 2047. In any option short of this, Kāpiti customers would be paying more than they would otherwise be projected to under an in-house model.

What if not all councils want to be part of a four-council COO?

- 35 Going into consultation, Horowhenua District and Palmerston North City Councils’ preferred option is option 2, the joint council-owned organisation (‘The Four’: Horowhenua, Manawatū, and Kāpiti Coast District and Palmerston North City Councils). Manawatū District Council’s preferred option is to go it alone.
- 36 There's a risk that we may pursue the joint arrangement with the other four councils, but they haven't included Kāpiti. All councils face this risk, and we may end up having to review an alternative configuration of councils to form a joint water organisation, although this is not the preferred option.

The standing orders relating to water services ownership and management and a referendum

- 37 Should the consultation identify a strong community desire to pursue a joint water services organisation, the matter of the standing order 9.16 provisions relating to any significant changes to water services delivery would need to be considered.
- 38 The Consultation Document sets out three options Council may consider at that time should it decide to progress option 2 (a joint council-owned water services entity). These are:
 - 38.1 Hold a referendum, which we estimate will require four months and \$150,000 to complete. While it may be a duplication of consultation on the decision, this would provide you the opportunity to participate in a non-binding referendum to further inform the decision. This approach risks Council missing the Government’s mandated deadline for submitting a water services delivery plan by 3 September 2025. It may also mean being excluded from joint arrangements with other councils who must press on with other partners.
 - 38.2 Update SO 9.16 to remove the referendum requirement. This would retain the need for a 75% majority around the Council table. It resolves the timing issue and accepts this consultation as sufficient for gauging your views on transferring water assets to the new organisation without duplicating the process through a referendum.
 - 38.3 Remove SO 9.16 altogether. This would acknowledge the new legislation contains existing protections against privatisation and this consultation has provided an adequate opportunity for you to express your views.

Ngā kōwhiringa | Options

- 39 The decision before the Council is to adopt the consultation document and initiate consultation on this significant decision.

Table 1: Recommended actions for initiating the Consultation on future water services.

Kōwhiringa Options	Hua Benefits	Tūraru Risks
Option A (recommended) Consult on two potential options for future water service delivery for Kāpiti included in the Consultation Document, being an internal business unit (in-house) and establishing a joint council-owned water organisation with Horowhenua,	Providing two options, including the existing in-house business unit, “Status Quo”, meets the requirement of the Local Government (Water Services Preliminary Arrangements) Act 2004. Provides the community with a viable alternative to retaining services in-house.	There may be options that ratepayers would like to see considered that aren't included in the consultation document.

Manawatu Districts and Palmerston North City Councils		
Option B (recommended) Adopt the in-house business unit as the preferred future delivery model for Kāpiti Coast District water service.	The option meets five of the six priorities and presents the lowest cost option until 2047 when costs for the four-council option are projected to be similar. The option doesn't require significant investment or disruption to the organisation during setup.	Price harmonisation options present an opportunity for Kāpiti to join a larger joint organisation with minimal or negligible impact on costs which may make it more attractive option.
Option C (recommended) Adopt the attached Consultation Document and release it for public consultation starting 10 March 2025	Instigates consultation with the community in line with the programme to meet the government's deadlines for water services plan delivery.	Delays in instigating consultation could delay the decision about water services and the delivery of the water services plan in time. There may be a community expectation for a referendum upfront, even before the decision on the option is made.

Mana whenua

- 40 The consultation document acknowledges the significance of water as a Taonga to mana whenua, iwi and hapu and the importance the Council places on its relationship with Iwi and their participation in future water services delivery models.
- 41 In addition to the Council briefings Te Whakaminenga o Kāpiti was briefed on Local Water Done Well matters on 18 February, and ongoing korero is planned directly with Iwi partners to support Te Whakaminenga o Kāpiti to express a position on the options back to Council before making a decision on the future delivery model.
- 42 The two options present potentially different engagement arrangements for Iwi, including:
 - 42.1 If the existing in-house model is retained, the existing long-standing partnership agreements with Ngāti Toa Rangatira, Āti Awa ki Whakarongotai, and Ngāti Raukawa ki te Tonga are likely to be retained as the appropriate avenues for meaningful engagement.
 - 42.2 If a joint council-owned water service organisation is chosen, work would be needed to determine iwi aspirations, cultural outcomes, and governance arrangements. We believe this would be part of the establishment work of any future organisation and be expressed in the Statement of Expectation process that would outline expectations on behalf of all councils' communities.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 43 All future water services providers will be required to account for mitigating or adapting to climate change effects as part of the long-term planning and development of any water services strategy.
- 44 Therefore the decision on a preferred future delivery model doesn't impact climate change planning positively or negatively.

Ahumoni me ngā rawa | Financial and resourcing

- 45 Work to prepare and design the Consultation Document and develop the supporting communications required to make this feedback opportunity accessible to our community, and feedback analysis is estimated to cost around \$65,000 plus GST.
- 46 Administrative resources are also required to log submissions, enter hard copy responses into our Have Your Say engagement platform for analysis and manage the hearing process for those who wish to speak to their submissions.
- 47 Due to timing of the government's new direction and requirements under "Local Water Done Well" legislation no budget was provided for in the current annual plan. Also previous government support for 3 waters changes was not provided for with this current round of additional works. Currently funding and resourcing is being provided within existing budgets and resources but this is unlikely to be able to cover the full extent of costs.

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

- 48 Legal advice was sought while developing the water services delivery model options, the approach to the standing orders, the consultation document and the consultation approach.
- 49 There were no significant risks identified in the approach or consultation material.

Ngā pānga ki ngā kaupapa here | Policy impact

- 50 The Council is consulting on future water service delivery options, one of which is to establish a joint council-owned water organisation and transfer the strategic water supply, wastewater, and/or stormwater system assets to it.
- 51 While this is not the preferred option, it is an option that could eventuate and any decision to transfer strategic water assets is significant under the 2024 Significance & Engagement Policy and requires consultation.
- 52 Should the Council ultimately decide to establish a joint council-owned water organisation, it would also need to review all the policies and bylaws associated with water, wastewater, and stormwater management to determine whether they should be retained.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 53 Council is required to consult on the decision about future water services delivery model options under the Local Government (Water Services Preliminary Arrangements) Act 2004.

Te mahere tūhono | Engagement planning

- 54 A comprehensive consultation plan has been prepared to make it easy for people to access clear and accurate information and have their say. This includes a range of communication activities via established Council channels, paid advertising, and local level engagement opportunities for members of the public to share their views with elected members.
- 55 Submitters will have the option to speak to their submissions in early May.
- 56 A third-party provider will analyse submissions received during the consultation period and will prepare a consultation report to support Council's decision on what option to progress.
- 57 As set out in the respective section of this report, a separate discussion is being held with our Mana Whenua, iwi, and hapu partners.

Whakatairanga | Publicity

- 58 Given the significance of the decision being consulted on and the requirement to consider the views and preferences of persons likely to be affected by or to have an interest in the matter, involves most, if not all, of the community, an extensive consultation plan with broad publicity has been put in place.

NGĀ ĀPITIHANGA | ATTACHMENTS

1. Attachment 1 - Local Water Done Well Proposed Consultation Document and Submission Form (under separate cover) [⇒](#)
2. Attachment 2 - Morrison Low Four LWDW financial modelling report – V1 issued January 2025 (under separate cover) [⇒](#)
3. Attachment 3 - LWDW - Bill 3 factsheet water service delivery arrangements (under separate cover) [⇒](#)
4. Attachment 4 - LWDW guidance water services delivery models (updated December 2024) (under separate cover) [⇒](#)

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

Author: Evan Dubisky, Advisor Governance

Authoriser: Darren Edwards, Chief Executive

Taunakitanga | Recommendations

That the minutes of the Council meeting of 30 January 2025 be accepted as a true and correct record.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Unconfirmed Minutes of the 30 January 2025 Council Meeting [↓](#)

COUNCIL MEETING MINUTES

30 JANUARY 2025

**MINUTES OF THE KĀPITI COAST DISTRICT COUNCIL
COUNCIL MEETING
HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, 175 RIMU ROAD, PARAPARAUMU
ON THURSDAY, 30 JANUARY 2025 AT 9.31AM**

PRESENT: Mayor Janet Holborow, Deputy Mayor Lawrence Kirby, Cr Glen Cooper, Cr Martin Halliday, Cr Sophie Handford, Cr Rob Kofoed, Cr Liz Koh, Cr Jocelyn Prvanov, Cr Kathy Spiers, Cr Shelly Warwick, Cr Nigel Wilson

IN ATTENDANCE: Ms Kim Tahiwai, Mr Frank Hippolite, Mr Huriwai Paki (via Zoom), Mr Bede Laracy, Mr Glen Olsen, Mr Cam Butler, Mr Michael Moore, Mr Darren Edwards, Mr Mark de Haast, Mr Sean Mallon, Mr Brendan Owens, Ms Kris Pervan, Ms Hara Adams, Ms Rach Wells, Ms Kate Coutts, Ms Steffi Haefeli, Ms Anna Smith, Mr Evan Dubisky, Mr Jason Holland, Ms Sarah Wattie

1 NAU MAI | WELCOME

The Mayor welcomed everyone to the meeting.

2 KARAKIA | COUNCIL BLESSING

At the invitation of the Mayor, Cr Sophie Handford read the Council blessing.

The Mayor acknowledged the recent passing of Kaumātua Karl Farrell of Ngāti Haumia ki Paekākāriki, and Karl's contribution to the Paekākāriki community. A minute's silence was observed by those present at the meeting.

The Mayor noted that, alongside Cr Sophie Handford, she would be leaving partway through the hui (meeting) to attend Karl Farrell's tangi in Paekākāriki; at which point the Deputy Mayor would chair the hui.

3 WHAKAPĀHA | APOLOGIES

There were no apologies received.

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

Cr Shelly Warwick noted that while she had submitted to the Environmental Protection Authority regarding the Fast Track Consenting application for 33 Main Highway, Ōtaki detailed in Item 10.2 *Dedicating Local Purpose (Road) Reserve as Road*, she intended to participate with an open mind.

5 TE WHAKATAKOTO PETIHANA | PRESENTATION OF PETITION

There were no petitions presented at the meeting.

6 NGĀ WHAKAWĀ | HEARINGS

There were no hearings scheduled at the meeting.

**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**

Harriet Fraser spoke to Item 10.2 *Dedicating Local Purpose (Road) Reserve as Road*.

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Monique Leith spoke to Item 10.2 Dedicating Local Purpose (Road) Reserve as Road.

James Unwin spoke to Item 10.2 Dedicating Local Purpose (Road) Reserve as Road.

Lyall Payne spoke to Item 10.2 Dedicating Local Purpose (Road) Reserve as Road.

Margaret Turnbull spoke to Item 10.2 Dedicating Local Purpose (Road) Reserve as Road.

Philip McIntyre spoke to Item 10.2 Dedicating Local Purpose (Road) Reserve as Road

Tanya Lees, on behalf of Calm Alarmist Law Madness, spoke to Item 10.1 Review of Coastal Provisions in the District Plan.

Salima Padamsey, on behalf of Coastal Ratepayers United, spoke to Item 10.1 Review of Coastal Provisions in the District Plan and answered members' questions.

APPENDICES – PUBLIC SPEAKING SUBMISSIONS**Appendices**

- 1 Monique Leith
- 2 Tanya Lees (on behalf of Calm Alarmist Law Madness)
- 3 Salima Padamsey (on behalf of Coastal Ratepayers United)

8 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

- (a) There were no requests for a leave of absence at the meeting.
- (b) There were no matters of an urgent nature raised.

9 TE PŪRONGO A TE KOROMATUA | MAYOR'S REPORT

The Mayor did not table a report at the meeting.

10 PŪRONGO | REPORTS

The Mayor brought Item 10.2 *Dedicating Local Purpose (Road) Reserve as Road* forward in the meeting.

10.2 DEDICATING LOCAL PURPOSE (ROAD) RESERVE AS ROAD

Kris Pervan, Group Manager Strategy and Growth, Sean Mallon, Group Manager Infrastructure and Asset Management and the Mayor spoke to the report. The Mayor noted that, under the provisions of Standing Order 24.6, she had requested Item 10.2 *Dedicating Local Purpose (Road) Reserve as Road* be brought to Council for reconsideration due to receiving new information regarding the matter.

Ms Pervan, Mr Mallon, the Mayor, Darren Edwards, Chief Executive, and Sarah Wattie, General Counsel, answered members' questions.

PROCEDURAL MOTION

Moved: Cr Glen Cooper
 Seconder: Cr Rob Kofoed

That the item of business, Item 10.2 *Dedicating Local Purpose (Road) Reserve as Road*, being discussed should lie on the table and not be discussed further at this meeting until the outcome of the judicial review is known.

For: Crs Glen Cooper, Rob Kofoed, Jocelyn Prvanov and Shelly Warwick

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Against: Mayor Janet Holborow, Crs Martin Halliday, Sophie Handford, Liz Koh, Kathy Spiers and Nigel Wilson

Abstained: Deputy Mayor Lawrence Kirby

LOST 4/6

Cr Rob Kofoed left the meeting at 11.04am and returned to the meeting at 11.06am.

Cr Kathy Spiers left the meeting at 11.09am and returned to the meeting at 11.10am.

Deputy Mayor Lawrence Kirby left the meeting at 11.11am and returned to the meeting at 11.12am.

Staff recommendation *F* within Item 8.3 on the agenda was amended by the Council to be a noting recommendation.

RESOLUTION CO2025/1

Moved: Mayor Janet Holborow

Seconder: Cr Liz Koh

That Council:

- A. **Notes** that Council considered on 28 November 2024 whether to dedicate Lot 72 DP 4000543 as legal road. The motion to move the officer recommendation to approve the dedication of Lot 72 DP 400543 (held as local purpose reserve (road)) as legal road under section 111 of the Reserves Act 1977, was lost (with 5 votes in favour and 6 against).
- B. **Notes** that, notwithstanding the failed motion on 28 November 2024, it remains open to Council to further consider whether to approve the dedication of Lot 72 DP 400543, held as local purpose reserve (road), as legal road pursuant to section 111 of the Reserves Act 1977.
- C. **Notes** the legal action lodged with the High Court on 12 December 2024 by the developer, Wakefield Group Holdings Limited, in relation to Council's consideration of Item 11.2 of the Council agenda on 28 November 2024 on whether to dedicate Lot 72 DP 400543 as legal road.
- D. **Notes** the previous information provided by Council officers to support Council's consideration of whether to approve the dedication of Lot 72 DP 400543, held as local purpose reserve (road), as legal road pursuant to section 111 of the Reserves Act 1977, is attached to this report and continues to be relevant.
- E. **Considers** the information in this report dated 30 January 2025 regarding the status of Lot 72 DP 400543, including clarified information on the number of lots considered by traffic modelling advice, and the possibility of a dual access alternative option raised by the developer in recent communication with Council.
- F. **Notes** the failed motion of Council pursuant to Item 11.2 of the Council meeting on 28 November 2024 where the motion to move the officer recommendation to approve the dedication of Lot 72 DP 400543 (held as local purpose reserve (road)) as legal road under section 111 of the Reserves Act 1977, was lost (with 5 votes in favour and 6 against).
- G. **Notes** the legislative requirements for a decision either to decline to approve (recommendation H) or approve (recommendation I) have been met under the Reserves Act 1977 and through the engagement approach undertaken pursuant to the Local Government Act 2002 requirements.

CARRIED

MOTION

COUNCIL MEETING MINUTES

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Moved:	Mayor Janet Holborow
Seconder:	Cr Liz Koh
I.	Approves the dedication of Lot 72 DP 400543 as legal road (currently held as Local Purpose Reserve (Road)). The location of the road reserve is shown in an attachment to the previous Council report which is provided as Attachment 1.
J.	Authorises the Chief Executive to take all necessary steps to give effect to this resolution.
<u>For:</u>	Mayor Janet Holborow, Crs Martin Halliday, Sophie Handford, Liz Koh and Kathy Spiers
<u>Against:</u>	Deputy Mayor Lawrence Kirby, Crs Glen Cooper, Rob Kofoed, Jocelyn Prvanov, Shelly Warwick and Nigel Wilson
LOST 5/6	

The meeting adjourned at 11.36am and reconvened at 11.56am.

Deputy Mayor Kirby took the Chair, and noted the Mayor and Cr Sophie Handford had left during the adjournment to attend Kaumātua Karl Farrell's (Ngāti Haumia ki Paekākāriki) tangi.

10.1 REVIEW OF COASTAL PROVISIONS IN THE DISTRICT PLAN

Kris Pervan, Group Manager Strategy and Growth and Jason Holland, Manager District Planning spoke to the report and answered members' questions.

RESOLUTION CO2025/2

Moved: Cr Martin Halliday

Seconder: Cr Liz Koh

That Council:

- A. **Approve** commencement of a review of the coastal provisions in the Operative Kapiti Coast District Plan.
- B. **Note** that staff will provide further advice to Council in April 2025 on the likely scope and timing of the review and subsequent coastal plan change.

CARRIED

Item 10.2 *Dedicating Local Purpose (Road) Reserve as Road* was moved to another part of the minutes.

11 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES

11.1 CONFIRMATION OF MINUTES

RESOLUTION CO2025/3

Moved: Cr Nigel Wilson

Seconder: Cr Shelly Warwick

That the minutes of the Council meeting of 12 December 2024 be accepted as a true and correct record.

CARRIED

COUNCIL MEETING MINUTES

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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 CO2025/4

Moved: Cr Shelly Warwick
 Seconder: Cr Rob Kofoed

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
<p>12.1 - Confirmation of Minutes</p>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>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</p> <p>Section 7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	<p>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</p>

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<p>13.1 - Gallup Engagement Survey - Insights and Update</p>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>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</p>
<p>13.2 - Senior Leadership Team - Leadership Development Feedback and Insights</p>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>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</p>
<p>13.3 - Appointment of District Licensing Committee list member</p>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>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</p>
<p>CARRIED</p>		

The Kaunihera | Council meeting went into public excluded session at 12.25pm.

<p>RESOLUTION CO2025/9 Moved: Cr Rob Kofoed Seconder: Cr Shelly Warwick That the Kaunihera Council moves out of a public excluded meeting. CARRIED</p>
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The Kaunihera | Council came out of public excluded session at 1.04pm.

The following resolution was passed during the public excluded section of the meeting to release the *Appointment of District Licensing Committee list member* report (excluding appendices) and the resolutions from public excluded business:

13.3 APPOINTMENT OF DISTRICT LICENSING COMMITTEE LIST MEMBER

<p>RESOLUTION CO2025/8 Moved: Cr Martin Halliday</p>
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COUNCIL MEETING MINUTES

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Seconder: Cr Liz Koh

- A. That the Council appoint Julia Palmer to the District Licensing Committee as list member effective from 30 January 2025 for a term of 5 years ending on 30 January 2030.
- B. That the Council approves the release of this report 'Appointment of District Licensing Committee List member' (excluding appendices) and the resolutions from public excluded business.

CARRIED

Cr Nigel Wilson had declared an interest in the item, and did not participate in discussion or vote on the matter.

Appendices

- 1 Appointment of District Licensing Committee list member report

The Deputy Mayor closed the Kaunihera | Council meeting with karakia whakamutunga at 1.05pm.

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HEAMANA | CHAIRPERSON

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
<p>12.1 - 2024-C575 Road Maintenance Contract</p>	<p>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</p>	<p>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</p>

13 KARAKIA WHAKAMUTUNGA | CLOSING KARAKIA

Kia tau ngā manaakitanga ki runga i a tātou katoa,	<i>May blessings be upon us all,</i>
Kia hua ai te mākihikihi, e kī ana	<i>And our business be successful.</i>
Kia toi te kupu	<i>So that our words endure,</i>
Kia toi te reo	<i>And our language endures,</i>
Kia toi te wairua	<i>May the spirit be strong,</i>
Kia tau te mauri	<i>May mauri be settled and in balance,</i>
Ki roto i a mātou mahi katoa i tēnei rā	<i>Among the activities we will do today</i>
Haumi e! Hui e! Taiki e!	<i>Join, gather, and unite! Forward together!</i>